

# MEMORANDUM

**State of Alaska**  
**Department of Law**

**TO:** Hon. Larry Hartig  
Commissioner

**DATE:** September 29, 2009

Department of Environmental Conservation **FILE NO.:** 993-08-0144

**TELEPHONE NO.:** 465-3600

**FROM:** Steven C. Weaver   
Assistant Attorney General  
Legislation/Regulations Section--Juneau

**SUBJECT:** Regulations re: state air quality control plan and Anchorage vehicle emission inspection and maintenance (I/M) program (18 AAC 50.030; 18 AAC 52.005(c), (f); 18 AAC 52.060(d); 18 AAC 52.990(78))

Under AS 44.62.060, we have reviewed the attached regulations changes by the Department of Environmental Conservation, and approve the changes for filing by the lieutenant governor. I have reviewed this project under a specific delegation dated September 21, 2009 from the Regulations Attorney. A duplicate original of this memorandum is being furnished to the lieutenant governor, along with the three pages of regulations and the related documents.

You might wish to contact the lieutenant governor's office to confirm the filing date and effective date of the attached regulation changes.

The June 10, 2009 public notice, the June 14, 2009 supplemental public notice, and the September 25, 2009 adoption order all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW

cc w/cnc: Gary Mendivil, Regulations Contact  
Department of Environmental Conservation

Scott Sloane  
Division of Air Quality  
Department of Environmental Conservation

Jennifer L. Schorr  
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Register \_\_, \_\_\_\_ 2010 ENVIRONMENTAL CONSERVATION

The lead-in language of 18 AAC 50.030 is amended to read:

**18 AAC 50.030. State air quality control plan.** Volumes II and III of the *State Air Quality Control Plan* for implementing and enforcing the provisions of AS 46.14 and this chapter, as amended through August 5, 2009 [FEBRUARY 20, 2009], are adopted by reference.

The plan includes the following documents which are also adopted by reference:

...

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 9/4/98, Register 147; am 1/1/2000, Register 152; am 12/30/2000, Register 156; am 9/21/2001, Register 159; am 1/27/2002, Register 161; am 3/27/2002, Register 161; am 5/3/2002, Register 162; am 2/20/2004, Register 169; am 6/24/2004, Register 170; am 10/1/2004, Register 171; am 12/14/2006, Register 180; am 12/30/2007, Register 184; am 5/17/2008, Register 186; am 7/25/2008, Register 187; am 11/9/2008, Register 188; am 5/6/2009, Register 190; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 46.03.020            AS 46.14.030            Sec. 30, ch. 74, SLA 1993  
                 AS 46.14.020            AS 46.14.140

18 AAC 52.005(c)(1)(A)(ii) is amended to read:

(ii) the vehicle is a model year (MY) 2006 [2004] or newer; if the vehicle is a model year 2006 [2004] or newer, the vehicle's first inspection is due when the current calendar year equals the vehicle model year plus six [FOUR] years; subsequent inspections are due every two years after the year the vehicle's first inspection is due;



Register \_\_, \_\_\_\_ 2010 ENVIRONMENTAL CONSERVATION

18 AAC 52.005(f) is amended by adding new paragraphs to read:

(9) a motor vehicle for which the division of motor vehicles in the Department of Administration has issued, under AS 28.10.181(b) and 13 AAC 40.010, a current, valid special registration and registration plates for a historic vehicle; or

(10) a motor vehicle for which the division of motor vehicles in the Department of Administration has issued, under AS 28.10.181(r) and AS 28.90.990, a current, valid special registration and registration plates for a custom collector vehicle.

(Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/4/95, Register 133; am 1/1/97, Register 140; am 1/1/98, Register 144; 1/1/2000, Register 152; am 3/27/2002, Register 161; am 2/18/2006, Register 177; am 5/17/2008, Register 186; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 46.03.010 AS 46.14.030 AS 46.14.510  
AS 46.03.020

18 AAC 52.060(d)(1)(A) is amended to read:

(A) the motorist's adjusted gross income, as computed for the preceding year and reported to the United States Department of the Treasury, Internal Revenue Service (IRS), is at or below the poverty level as determined under the United States Department of Health and Human Services poverty guidelines for this state published at **74 Fed. Reg. 4199 - 4201 (January 23, 2009)** [73 FED. REG. 3971 - 3972 (JANUARY 23, 2008)], adopted by reference in this chapter; for a time extension under this subparagraph, the motorist must submit a copy of the motorist's federal income tax return filed for the year preceding the extension request; or



Register \_\_\_\_, \_\_\_\_\_ 2010 ENVIRONMENTAL CONSERVATION

(Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/4/95, Register 133; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 3/27/2002, Register 161; am 2/18/2006, Register 177; am 5/17/2008, Register 186; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.990(78) is amended to read:

(78) "new vehicle" means a vehicle

(A) that is a model year 2006 [2004] or newer; and

(B) with a model year number that is no lower than the number of the current calendar year minus six [FOUR]. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 12/30/2000, Register 156; am 3/27/2002, Register 161; am 2/18/2006, Register 177; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.010 AS 46.14.030 AS 46.14.510  
AS 46.03.020

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