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Dept. of Environmental Quality
Director's Office

W. ALLEN FREEMAN
1127 W EDWARDS AVE
NAMPA, ID 83686
208 466 4234
(petitioner's name, mailing address, and phone number)

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DEQ Hearings Coordinator
DOCKET NO. 0101-11-04

BEFORE THE BOARD OF ENVIRONMENTAL QUALITY
STATE OF IDAHO

<u>W. ALLEN FREEMAN</u>)	
Petitioner,)	
)	
v.)	Docket No. _____
)	
IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY,)	PETITION INITIATING A
Respondent.)	CONTESTED CASE
)	
)	

W. ALLEN FREEMAN petitions the Idaho Board of Environmental Quality (Board)
(name of petitioner)

for a contested case proceeding pursuant to Idaho Code § 39-107(5) and IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality. Petitioner seeks review of the Department of Environmental Quality's decision that petitioner's motor vehicle registration may be revoked by the Idaho Transportation Department pursuant to Idaho Code § 39-116B.

In a notice dated 4-20-2011, the Department of Environmental Quality notified petitioner that registration for the vehicle (described below) will be revoked by the Idaho Transportation Department without further notice unless petitioner complies with the emission testing requirements or files a petition for contested case within 35 days of the date of the notice.

The vehicle is description is as follows:
Year/Make 2003/TOYI
License 2C EE 845
Vehicle ID ATLBE30K5311059371

IDAPA 58.01.01, Rules for the Control of Air Pollution in Idaho, Subsection 517.05, lists the types of vehicles exempt from the emission testing requirements. Petitioner requests that the Board enter an order exempting petitioner from emission testing requirements on the grounds that the vehicle is (choose one):

- Electric or hybrid motor vehicle (IDAPA 58.01.01.517.05.a).
- Motor vehicle with a model year less than five (5) years old (IDAPA 58.01.01.517.05.b).
- Motor vehicle with a model year older than 1981 (IDAPA 58.01.01.517.05.c).
- Classic automobile as defined by Idaho Code § 49-406A (IDAPA 58.01.01.517.05.d).
- Motor vehicle with a maximum vehicle gross weight of less than fifteen hundred (1500) pounds (IDAPA 58.01.01.517.05.e).
- Motor vehicle registered as motor home as defined by Idaho Code § 49-114 (IDAPA 58.01.01.517.05.f).
- Motorized farm equipment (IDAPA 58.01.01.517.05.g).
- Registered motor vehicle engaged solely in the business of agriculture (IDAPA 58.01.01.517.05.h).
- Other (describe) DEQ USED 1999 DEQ DATA IN LEGISLATIVE TESTIMONY TO GET 39-1103 PASSED AND DID NOT COMPLY WITH THE REQUIRED RULE MAKING PROVISIONS OF 39-107D PARAGRAPHS 1, 2, 2a AND 2b MAKING IDAPA 58.01.01, PARAGRAPHS 517-520 INVALID, ILLEGAL, NULL AND VOID.

Petitioner has legal standing to initiate this contested case because he/she is the owner of the motor vehicle that is the subject of the contested case.

Dated this 12th day of MAY, 2011.

W. Allen Freeman
Petitioner