

**EXECUTIVE SUMMARY**  
**4 Pa. Code Chapter 311**  
**Alternative Fuels Incentive Grant Fund Regulation**

This final rulemaking repeals the regulations adopted under the authority of 75 Pa. C.S. §§ 7201-7204 which created the Alternative Fuels Incentive Grant (AFIG) Fund in December 1992. This is accomplished by use of the final-omit process authorized under 45 P.S. §1204. (2006). Omission of notice of proposed rule making is appropriate because the notice of proposed rulemaking procedure specified in sections 201 and 202 of the CDL (45 P.S. §§1201 and 1202) is, in this instance it is impracticable, unnecessary and contrary to the public interest because amendments to the Act supercede and negate these regulations. The AFIG program can be adequately and effectively administered utilizing the instructions contained in the Act as amended.

The current AFIG regulations which were promulgated in September 1994 under the authority of 75 Pa. C.S. §§ 7201-7204 established a detailed procedure for the administration of the Alternative Fuels Incentive Grant Fund. The revisions to the AFIG statute in the Alternative Fuels Incentive Act of 2004, P.L. 1376 essentially repealed the existing regulation to the extent that they are inconsistent with Alternative Fuels Incentive Act. However, because a few minor provisions in the current AFIG regulations are consistent with the Alternative Fuels Incentive Act of 2004, the Department's Office of Energy and Technology Deployment (OETD) has been impeded with the efficient administration of the AFIG program.

The repeal of the current regulations will eliminate conflicting requirements in the out-dated regulations and will allow OETD to use only the amended statute so the program will be effectively administered and reduce confusion to the public.