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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Gary Mendivil, Department of Environmental Conservation
FROM: Scott Meriwether, Office of the Lieutenant Governor - 465.4081 
DATE: September 26, 2016
RE: Filed Permanent Regulations: Department of Environmental Conservation

Regulations re: fees related to wastewater discharge systems and related fees under the Alaska Pollutant Discharge Elimination System (18 AAC 72.440; 18 AAC 72.955 - 18 AAC 72.959; 18 AAC 83.905(c))

Attorney General File:	JU2016200105
Regulation Filed:	September 22, 2016
Effective Date:	October 22, 2016
Print:	220, January 2017

cc with enclosures: Linda Miller, Department of Law
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached 17 pages of regulations, dealing with wastewater disposal fees, are adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation adopts under the authority of AS 46.03.020, AS 46.03.050, AS 46.03.100, and AS 46.03.710 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Environmental Conservation paid special attention to the cost to private persons of the regulatory action being taken. The Department of Environmental Conservation also gave special attention to alternate practical methods in this regulatory action as required by AS 46.03.024.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: August 26th 2016



Larry Hartig, Commissioner

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

September 22, 2016, at 1057^A m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective: October 22, 2016

Register: 220 January 2017

18 AAC 72.440 is amended to read:

18 AAC 72.440. Fees. (a) A person who seeks to be certified or recertified under 18 AAC 72.400 - 18 AAC 72.440 must pay to the department

(1) a training course fee of \$100; and

(2) if that person successfully passes the examination, a certification fee of ~~\$850~~

[\$625].

(b) The certification fee under (a)(2) of this section may be paid in two annual installments of ~~\$460~~ [\$340]. However, if the certified installer fails to pay the second installment when it is due, certification automatically expires on the date that payment is due, without further notice from the department.

(c) A homeowner who seeks to be approved under 18 AAC 72.410 shall pay to the department a training course fee in accordance with the table below [OF \$80].

	<u>Fee (in dollars)</u> <u>beginning with the</u> <u>effective date of the</u> <u>regulations through</u> <u>December 31, 2017</u>	<u>Fee (in dollars)</u> <u>effective between</u> <u>January 1, 2018</u> <u>through December</u> <u>31, 2018</u>	<u>Fee (in dollars)</u> <u>effective January 1,</u> <u>2019</u>
<u>Homeowner</u> <u>installer</u>	<u>120</u>	<u>200</u>	<u>275</u>

(Eff. 4/1/99, Register 149; am 12/23/2009, Register 192; am 10/22/2016, Register 220)

Authority: AS 37.10.052

AS 46.03.020

[AS 46.03.080]

AS 44.46.020

AS 46.03.050

AS 46.03.100

AS 44.46.025

[AS 46.03.070]

[AS 46.03.720]

18 AAC 72.955 is repealed and readopted to read:

18 AAC 72.955. Plan review and related fees. (a) In order to obtain a plan review under 18 AAC 72.220 or 18 AAC 72.600, or to obtain review of a stormwater pollution prevention plan submitted in accordance with a permit issued under 33 U.S.C. 1342(p) (Clean Water Act, sec 402(p)) or 18 AAC 83.205, an applicant must pay the fees listed in Table C of this subsection with the submittal of the plans:

TABLE C. PLAN REVIEW AND RELATED FEES¹

(1) Domestic wastewater system with a daily peak capacity measurement, in gallons per day, of	Fee (in dollars) <u>on or before</u> beginning with the effective date of the regulations through December 31, 2017	Fee (in dollars) <u>not earlier than</u> effective between January 1, 2018 <u>and not later than</u> through December 31, 2018	Fee (in dollars) <u>on or after</u> effective January 1, 2019
(A) 0-1,500 # #	405	530	655
(B) 1,501-2,500 # #	540	790	1,040
(C) 2,501 - 15,000	1,095	1,535	1,970
(D) 15,001 # -50,000	1,800	2,560	3,320
(E) 50,001 and over	Hourly fee in accordance with 18 AAC 72.959	Hourly fee in accordance with 18 AAC 72.959	Hourly fee in accordance with 18 AAC 72.959
(2) Waivers or modifications under 18 AAC 72.060 ²	295	295	295

(3) Nondomestic wastewater systems for discharges that include stormwater runoff for engineering plans required by 18 AAC 72.600(a) for projects			
(A) of less than one acre	150	365	580
(B) that are at least one acre but less than five acres	450	785	1,115
(C) that are at least five acres but less than 20 acres	900	1,490	2,080
(D) that are 20 acres or more	1,500	2,065	2,630
(4) Domestic and nondomestic sewer main extensions or replacements			
(A) up to 1,000 feet	465	625	785
(B) for each additional 1,000 feet, or fraction of that amount, over the first 1,000 feet	240	315	385
(5) Registration fee for documentation of construction forms	115	115	115

Notes to Table C:

¹The fees in Table C are for of a single plan per plan review. Once a determination is issued, the process is considered complete.

²The fee is applicable only to conventional onsite systems submitted to the department 18 AAC 72.005 - 18 AAC 72.070. for a requested a single under the terms of Article 1 of 18 AAC 72. The fee listed is per waiver required for each.

Register 220, January 2016, ⑦

ENVIRONMENTAL CONSERVATION

under 18 AAC 72.005 - 18 AAC 72.070

prescribed standard) (for instance, horizontal separation to surface water and horizontal separation

to a water system are two separate standards) in Article 1.②

(b) Unless ~~considered~~ ^{is} confidential by law, a copy of a wastewater discharge system property record filed with the department ~~will be~~ ^{is} available during regular business hours upon request.

(c) ~~The department shall charge fees estimated to be the cost to the department of searching, retrieving, and copying the document or record of a wastewater discharge system filed by property legal description.~~ ^{The document or record of a wastewater discharge system filed by} The fee for searching, retrieving, and copying ~~wastewater~~ ^{system filed by} documents per property legal description is \$25.

(d) A fee required under (a) of this section is not refundable. (Eff. 1/17/2002, Register 161; am 7/29/2006, Register 179; am 12/23/2009, Register 192; am 5/12/2016, Register 218; am 10/22/2016, Register 220)

Authority: AS 37.10.052 AS 44.46.025 AS 46.03.100

AS 40.25.110 AS 46.03.020

AS 44.46.020 AS 46.03.050

^{((lowercase))}
Editor's Note: As of Register 218 (July 2016), the regulations attorney made technical corrections under AS 44.62.125(b)(6), to 18 AAC 72.955(a), changing the table header from "Table D" to "Table C", to reflect the agency's deletion of former Table B from 18 AAC 72.035(d) as part of amendments that took effect May 12, 2016, Register 218.

18 AAC 72.956 is repealed and readopted to read:

18 AAC 72.956. General permit authorization fees. (a) An applicant must pay the appropriate fee as listed in Table D of this subsection for authorization to operate under an existing general permit issued under 18 AAC 72.900, 18 AAC 83.205, or authorization to operate under a general permit issued under 33 U.S.C. 1342 (Clean Water Act, sec. 402) that has been certified by the department under 33 U.S.C. 1341 (Clean Water Act, sec 401):

TABLE D. GENERAL PERMIT AUTHORIZATION FEES

(1) Annual fee for a domestic wastewater system covered under a general permit, with a daily maximum permitted flow, in gallon per day, of ¹	Fee (in dollars) beginning <u>on or before</u> with the effective date of <u>the regulations through</u> December 31, 2017	Fee (in dollars) effective <u>not earlier than</u> between January 1, 2018 <u>and not later than</u> through December 31, 2018	Fee (in dollars) effective <u>on or after</u> January 1, 2019
(A) 0 - 1,500	405	535	665
(B) 1,501 - 15,000	765	765	765
(C) 15,001 and over	1,280	1,280	1,280
(2) One-time fee for ¹ a construction activity that consists of excavation dewatering <u>delete one (excess) space</u>	950	950	950
(3) Annual fee for fish hatcheries and aquaculture facilities	765	1,240	1,715
(4) Annual fee for seafood processing covered under a general permit	615	1,165	1,715
(5) Annual fee for log transfer facilities	435	435	435
(6) One-time fee for hydrostatic test water	525	835	1,145

(7) One-time fee for aquifer pump testing in support of mineral mining development and exploration	525	835	1,145
(8) Annual fee for wastewater discharges from drinking water filter backwash	820	1,230	1,635
(9) Annual fee for cooling water general permit	1,025	1,540	2,050
(10) One-time fee for construction general permit (CGP) for stormwater runoff	580	580	580
(11) Annual fee for multi-sector general permit (MSGP) for stormwater	735	735	735
(12) Annual fee for mechanical placer mining with a mixing zone authorized under 18 AAC 70.240 ²	225	270	315
(13) Annual fee for placer small suction general permit	25	25	25
(14) Annual fee for placer medium suction	90	90	90

general permit			
(15) Annual fee for placer mechanical without mixing zone <i>authorized under placer mining 18 AAC 70.240</i>	225	225	225
(16) Annual fee for placer Norton Sound general permit	360	540	715
(17) Annual fee for each general permit authorization for oil and gas exploration and development			
(A) North Slope oil and gas general permit	700	700	700
(B) Cook Inlet oil and gas general permit	2,220	2,910	3,600
(C) Arctic oil and gas general permit	2,220	2,295	2,370
(D) Underground Injection Control Class I well general permit	415	685	950
(18) Annual fee for arctic geotechnical general permit	2,290	3,435	4,575

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Notes to Table D:

¹If the applicant is a business with fewer than 20 employees, the fee is reduced by a travel cost of \$85.

²If the applicant is a business with fewer than 20 employees, the fee is reduced by a travel cost of \$25.

(b) For one-time fees, an applicant for an authorization shall pay the fee for the authorization upon application.

(c) For annual fees, an applicant for or recipient of an authorization shall pay the fee for the authorization upon application and annually afterwards within 30 days after issuance of the billing.

not earlier than

not later than

(d) If a new application is received ~~between~~ October 1 and December 31, the applicant shall pay one-half of the annual fee required under (a) of this section for that year.

(e) For any annual fee received more than 30 days after issuance of the billing, a late fee of \$20 is charged for each month that the payment is late.

(f) A fee required under (a) of this section is not refundable.

(g) If an authorization to operate under a general permit is transferred from an existing owner or operator to a new owner or operator, the new owner or operator shall pay the applicable fees described in (a) of this section during the next annual billing cycle.

(h) An owner or operator may request in writing to terminate an existing authorization to operate under a general permit if a discharge is not occurring. If an authorization is terminated at the request of the owner or operator, the owner or operator must file a new application and pay a new application fee for a new authorization before resuming the wastewater discharge. (Eff.

1/17/2002, Register 161; am 12/23/2009, Register 192; am 10/22/2016, Register 220.)

Authority: AS 37.10.052 AS 46.03.020 AS 46.03.110

AS 44.46.020 AS 46.03.050 AS 46.03.710

(lowercase) AS 44.46.025 AS 46.03.100 [AS 46.03.720]

Table source ↓ **Editor's Note:** As of Register 218 (July 2016), the regulations attorney made technical corrections under AS 44.62.125(b)(6), to 18 AAC 72.956(a), changing the table header from

“Table E” to “Table D”, to reflect the agency’s deletion of former Table B from

18 AAC 72.035(d) as part of amendments that took effect May 12, 2016, Register 218.

18 AAC 72.957 is repealed and readopted to read:

18 AAC 72.957. Individual permit fees. (a) An applicant must pay the appropriate fee as listed in Table E of this subsection for a permit issued under 18 AAC 72.215, 18 AAC 72.500, or 18 AAC 83.110 ~~83.215~~ or for certification of a permit required by 33 U.S.C. 1341 (Clean Water Act, sec. 401):

TABLE E. INDIVIDUAL PERMIT FEES¹

(1) Annual fee for a domestic wastewater system with a daily maximum permitted flow, in gallons per day, of	Fee (in dollars) beginning <u>on or before</u> with the effective date of the regulations through December 31, 2017	Fee (in dollars) effective <u>not earlier than</u> between January 1, 2018 <u>and not later than</u> through December 31, 2018	Fee (in dollars) effective <u>on or after</u> January 1, 2019
(A) 0 - 100,000	655	655	655
(B) 100,001 and over	2,520	5,220	7,920
(2) Annual fee for power generation cooling water discharge by a facility	3,195	4,860	6,520
(3) Annual fee for seafood processing that is not covered under the general permit	5,340	6,190	7,040
(4) One-time fee for seafood processor modifications within the same year	325	325	325
(5) <u>One-time application fee for certification under 33 U.S.C. 1341 of a "dredge-or-fill" permit issued under 33 U.S.C. 1344 (Clean Water Act, sec. 404), for²</u>			

(A) Airport project	320	320	320
(B) Other projects or department activities as follows:			
(i) waiver of certification under 33 U.S.C. 1341	130	130	130
(ii) project disturbing less than one acre	300	450	600
(iii) project disturbing 1 - 5 acres	735	750	765
(iv) project disturbing 5.01 to 20 acres	1,160	1,160	1,160
(v) project disturbing greater than 20 acres	2,375	2,375	2,375
(6) Annual fee for harbor dredge projects	540	810	1,080
(7) Annual fee for individual permit (MS4)	4,560	6,840	9,115
(8) Annual fee for bulk fuel and small oil terminals	3,245	4,870	6,490

Notes to Table E:

¹If the applicant is a business with fewer than 20 employees, the fee is reduced by a travel cost of \$85.

²Mine projects and pipelines eight inches or greater in diameter are subjected to a fee as described in 18 AAC 72.959.

for a municipal separate storm sewer system

with only a few low-volume discharges

(b) For one-time fees, an applicant for a permit shall pay the fee within 30 days after issuance of the billing.

(c) For annual fees, fees are billed annually and must be paid within 30 days after issuance of the billing.

(d) If a new permit application is received not earlier than ~~between~~ October 1 and not later than December 31, the applicant shall pay one-half of the annual fee required under (a) of this section for that year.

(e) For any annual fee received more than 30 days after issuance of the billing, a late fee of \$20 is charged for each month that the payment is late.

(f) A fee required under (a) of this section is not refundable.

(g) If a permit is transferred from an existing owner or operator to a new owner or operator, the new owner or operator shall pay the applicable fees described in (a) of this section during the next annual billing cycle.

(h) An owner or operator may request in writing to terminate an existing permit if a discharge is not occurring. If a permit is terminated at the request of the owner or operator, the owner or operator must file a new application and pay a new application fee for a new permit before resuming the wastewater discharge. (Eff. 1/17/2002, Register 161; am 12/23/2009, Register 192; am 10/22/2016, Register 220)

Authority:	AS 37.10.052	AS 46.03.020	AS 46.03.110
	AS 44.46.020	AS 46.03.050	AS 46.03.710
	AS 44.46.025	AS 46.03.100	<u>[AS 46.03.720]</u>

one 0.5" tail lowercase ↓
Editor's Note: As of Register 218 (July 2016), the regulations attorney made technical corrections under AS 44.62.125(b)(6), to 18 AAC 72.957(a), changing the table header from

"Table F" to "Table E", to reflect the agency's deletion of former Table B from

18 AAC 72.035(d) as part of amendments that took effect May 12, 2016, Register 218.

The introductory language of

2(a)

18 AAC 72.959 is amended to read:

18 AAC 72.959. Hourly and negotiated fees. (a) The department will calculate

[APPLY] a fee in compliance with [DESCRIBED IN] (b) of this section for activities or

authorizations related to

...

~~1) a discharge that is not listed or for which a fee is not listed in 18 AAC 72.955,~~

~~18 AAC 72.956, or 18 AAC 72.957; and~~

"Publisher: Existing 18 AAC 72.959(a)(1) and (2) are unchanged."

~~2) permit issuance costs for mining activity not covered under a general permit.~~

The introductory language of 18 AAC 72.959(b) is amended to read:

(b) For a wastewater discharge [PERMIT] from a facility or activity that is described in

(a) of this section, the department

...

~~1) will assess a fee based on direct department costs, including~~

(A) salaries and benefits of department employees directly involved in providing the standard designated regulatory service; and

"Publisher: Existing 18 AAC 72.959(b)(1) and (2) are unchanged."

(B) goods and third-party services, including travel if the facility is owned

by a business that has more than 20 employees; or

~~(2) may, if the applicant requests, agree to a negotiated fee.~~

(Eff. 1/17/2002, Register 161; am 12/23/2009; am 10/22/2016, Register 220)

Authority: AS 37.10.052

AS 37.10.054

AS 44.46.020

AS 44.46.025

AS 46.03.020

AS 46.03.050

AS 46.03.100

AS 46.03.110

AS 46.03.710

[AS 46.03.720]

18 AAC 83.905(c) is amended to read:

(c) **Hourly and negotiated fees.** The department will calculate a [PERMIT] fee in compliance with 18 AAC 72.959(b) and payable under 18 AAC 72.959(c) for activities or authorizations related to [A PERMIT FOR] a discharge that is

- (1) not listed or for which a fee is not listed in (a) or (b) of this section; and
- (2) associated with a facility described in 18 AAC 72.959(a)(2). 9/

(Eff. 7/29/2006, Register 179; am 10/22/2016, Register 220)

Authority: AS 44.46.020 AS 46.03.020 AS 46.03.100
AS 44.46.025 AS 46.03.050 AS 46.03.110
AS 46.03.010

MEMORANDUM


State of Alaska Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: September 19, 2016

File No.: JU2016200105

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Regulations re: fees related to
wastewater discharge systems and
related fees under the Alaska Pollutant
Discharge Elimination System
Program (APDES) (18 AAC 72.440;
18 AAC 72.955 - 18 AAC 72.959;
18 AAC 83.905(c))

We have reviewed the attached regulations from the Department of Environmental Conservation against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated September 16, 2016 from the Regulations Attorney. The regulations update fees related to wastewater discharge systems and related fees under the Alaska Pollutant Discharge Elimination System Program (APDES).

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The April 18, 2016 public notice and the August 26, 2016 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SCW

cc w/enc: (via email)

Hon. Larry Hartig, Commissioner
Department of Environmental Conservation

MEMORANDUM


State of Alaska
Department of Law

To: Hon. Larry Hartig, Commissioner
Department of Environmental
Conservation

Date: September 19, 2016

File No.: JU2016200105

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Regulations re: fees related to
wastewater discharge systems and
related fees under the Alaska Pollutant
Discharge Elimination System
Program (APDES) (18 AAC 72.440;
18 AAC 72.955 - 18 AAC 72.959;
18 AAC 83.905(c))

Under AS 44.62.060, we have reviewed the attached 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 16, 2016 from the Regulations Attorney.

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

The April 18, 2016 public notice and the August 26, 2016 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Hon. Larry Hartig, Commissioner
Department of Environmental Conservation
Our file: JU2016200105

September 19, 2016
Page 2

We have made some technical corrections to the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SCW

cc w/enc: (via email)

Gary Mendivil, Regulations Contact
Department of Environmental Conservation

Michelle Hale, Director
Division of Water
Department of Environmental Conservation

Wade Strickland, Wastewater Program Manager
Division of Water
Department of Environmental Conservation

Gina Shirey
Division of Water
Department of Environmental Conservation

Chris Peloso, Assistant Attorney General
Environmental Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: September 16, 2016

FILE NO.: JU2016200105

TELEPHONE NO.: 465-3600

FROM: Susan R. Pollard *JRP*
Chief Assistant Attorney General
& Regulations Attorney
Legislation/Regulations Section—Juneau

SUBJECT: Specific delegation of authority
regarding regulations review on
Department of Environmental
Conservation regulations re: fees
related to wastewater discharge
systems and related fees under
the Alaska Pollutant Discharge
Elimination System Program
(APDES) (18 AAC 72.440;
18 AAC 72.955 - 18 AAC
72.959; 18 AAC 83.905(c))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General &
Assistant Regulations Attorney
Legislation/Regulations Section—Juneau

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Gina Shirey, Environmental Program Specialist IV, for the Department of Environmental Conservation, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to the wastewater fee regulation at 18 AAC 72 and 18 AAC 83 has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Resources Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 8/29/2016

Gina Shirey
Gina Shirey, Environmental Program Specialist IV

Subscribed and sworn to before me at DEC-DOW, 410 Willoughby Ave. on
8/29/2016
(date)



D. Douglas
Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Gina Shirey, Environmental Program Specialist IV for the Department of Environmental Conservation, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Environmental Conservation has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Environmental Conservation regulation on wastewater disposal fees.

Date: 8/29/2016

Gina Shirey
Gina Shirey, Environmental Program Specialist IV

Subscribed and sworn to before me at DEC-DOW, 410 Willoughby Ave. on
8/29/16
(date)

D. Douglas
Notary Public in and for the State of Alaska

[NOTARY SEAL]



AFFIDAVIT OF CANCELLATION OF ORAL HEARING

I, Gina Shirey, Environmental Program Specialist IV, of the Department of Environmental Conservation, being sworn, state the following:

The Department of Environmental Conservation tentatively scheduled an oral hearing, available upon request as stated in the notice of proposed regulation, for May 25, 2016, from 12:00 to 1:30 pm, at the ADEC Building, 410 Willoughby Ave., Second Floor Main Conference Room, Juneau, AK 99811 No member of the public requested an oral hearing, and the public hearing was cancelled and noticed as stated in the notice of proposed regulation.

Date: 8/31/2016

Gina Shirey
Gina Shirey, Environmental Program Specialist IV

Subscribed and sworn to before me in SOA/DEC, 410 Willoughby Ave. on 8/31/2016.

D. Douglas
Notary Public in and for the State of Alaska



WASTEWATER DISPOSAL FEES: NOTICE OF PROPOSED CHANGES
IN THE REGULATIONS OF DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation is proposing to revise fees in the Wastewater Disposal and Alaska Pollutant Discharge Elimination System regulations.

The Alaska Department of Environmental Conservation (ADEC) proposes to adopt regulation changes in 18 AAC 72 Wastewater Disposal and 18 AAC 83 Alaska Pollutant Discharge Elimination System of the Alaska Administrative Code, dealing with fees for wastewater discharges, including the following:

- (1) 18 AAC 72.440 is proposed to be changed as follows: increase the certified installer and homeowner installer certification fee.
- (2) 18 AAC 72.955 is proposed to be changed as follows: repeal and readopt the plan review and related fees table; change some fees to negotiated fees; establish new fees; remove the exemption for charitable organizations; and add language to establish a fee for searching, retrieving, and copying wastewater documents.
- (3) 18 AAC 72.956 is proposed to be changed as follows: repeal and readopt the general permit authorization fees, establish news fees, change some fees to negotiated fees, and add language to prorate application fees for applications received late in the year.
- (4) 18 AAC 72.957 is proposed to be changed as follows: repeal and readopt the individual permit authorization fees, establish news fees, change some fees to negotiated fees, and add language to prorate application fees for applications received late in the year.
- (5) 18 AAC 72.959 is proposed to be changed as follows: add language to address hourly and negotiated fees for an activity necessary to authorize a discharge.
- (6) 18 AAC 83.905 is proposed to be changed as follows: add language to address hourly and negotiated fees for an activity necessary to authorize a discharge.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Gina Shirey at ADEC Division of Water, 410 Willoughby Avenue, Suite 303, Juneau, AK 99811. Additionally, ADEC will accept comments by facsimile at 907-465-5177 and by electronic mail at dec.water.2016.regulations@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00 pm on June 3, 2016.

ADEC has tentatively scheduled a public hearing for these proposed regulations on May 25, 2016 from 12:00 pm to 1:30 pm at the ADEC Building, 410 Willoughby Avenue, Second Floor Main Conference Room, Juneau, AK 99811. The public hearing will be held only if a request to hold a public hearing is received by ADEC by 5:00 pm on Wednesday, May 18, 2016. You may request a public hearing by calling Gina Shirey at 907-465-5272 between 7:30 am and 4:00 pm, Monday through Friday or by emailing the request to dec.water.2016.regulations@alaska.gov. If no request for a public hearing is received, the public hearing will be cancelled. ADEC will announce the cancellation of the public

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Department of Environmental Conservation
2. General subject of regulation: Wastewater Disposal Fees
3. Citation of regulation (may be grouped): 18 AAC 72 and 18 AAC 83
4. Department of Law file number, if any: JU2016200105

5. Reason for the proposed action:

- ☐ Compliance with federal law or action (identify): _____
- ☐ Compliance with new or changed state statute
- ☐ Compliance with federal or state court decision (identify): _____
- ☐ Development of program standards
- ☒ Other (identify): AS 37.10.052 requires a fee study every 4 years

6. Appropriation/Allocation: Department of Environmental Conservation/
Division of Water/ Wastewater Discharge

7. Estimated annual cost to comply with the proposed action to: The Department of Environmental Conservation, Division of Water, Wastewater Disposal fees for individual permits and general permit authorizations, as well as wastewater engineering plan review fees, have not changed since 2009. Current fees do not allow for sufficient cost recovery for the program to cover the direct costs of permitting, compliance, and plan review activities. The proposed revisions to fees are based on a fee study that evaluated the direct historical costs of permitting and compliance, in accordance with AS 37.10.052. Affected parties should review the fee tables in the proposed regulation revisions and find the relevant fee pertaining to their activity, discharge, or engineering plan review needs. Fees that increase more than 50% will be phased-in over a three-year period.


a. Private Persons: There will be a direct increase in costs due to increases in fees. Businesses and Private Persons with industrial facilities or projects that require an engineering plan review, an individual permit, or an authorization under a general permit for wastewater discharges will be affected. Activities or discharges include Mining Activities, Oil and Gas Extraction, Construction Activities, Seafood Processing, and Storm Water Discharges. The increase in fees ranges from \$40-\$6,395 depending on the type of activity. For example, Individuals and Small Businesses needing an engineering plan review for domestic wastewater systems that discharge less than 1,501 gallons per day will be have a fee increase of \$385. The proposed fee is \$655 and will be phased-in over three years. Other revisions to engineering plan review fees that result in an increase in costs is the removal of the exemption for 501(c)(3) charitable organizations under

9. The name of the contact person for the regulation:

Name: Gina Shirey
Title: Environmental Program Specialist IV
Address: 410 Willoughby Avenue, Suite 303, Juneau, AK 99811
Telephone: 907-465-5272
E-mail address: gina.shirey@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change
☐ Other (identify): _____

11. Date: 4/18/2016 Prepared by: 
[signature]

Name (printed): Gina Shirey
Title (printed): Environmental Program Specialist IV
Telephone: (907) 465-5272

312019
#1384173
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AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Emma Dunlap
being first duly sworn on oath
deposes and says that she is
a representative of the
Alaska Dispatch News, a
daily newspaper. That said
newspaper has been approved
by the Third Judicial Court,
Anchorage, Alaska, and it now
and has been published in the
English language continually as a
daily newspaper in Anchorage,
Alaska, and it is now and during
all said time was printed in an
office maintained at the aforesaid
place of publication of said
newspaper. That the annexed is
a copy of an advertisement as it
was published in regular issues
(and not in supplemental form)
of said newspaper on

April 18, 2016

and that such newspaper was
regularly distributed to its
subscribers during all of said
period. That the full amount of
the fee charged for the foregoing
publication is not in excess of
the rate charged private individuals.

Signed

Subscribed and sworn to before

me this 23 day of June

Notary Public in and for
The State of Alaska,
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

Notary Public
BRITNEY L. THOMPSON
State of Alaska

My Commission Expires Feb 23, 2019

WASTEWATER DISPOSAL FEES: NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The Alaska Department of Environmental Conservation (ADEC) proposes to adopt regulation changes in 18 AAC 72 Wastewater Disposal and 18 AAC 83 Alaska Pollutant Discharge Elimination System of the Alaska Administrative Code, dealing with fees for wastewater discharges, including the following:

- (1) 18 AAC 72.440 is proposed to be changed as follows: increase the certified installer and homeowner installer certification fee.
- (2) 18 AAC 72.955 is proposed to be changed as follows: repeal and readopt the plan review and related fees table; change some fees to negotiated fees; establish new fees; remove the exemption for charitable organizations; and add language to establish a fee for searching, retrieving, and copying wastewater documents.
- (3) 18 AAC 72.956 is proposed to be changed as follows: repeal and readopt the general permit authorization fees, establish news fees, change some fees to negotiated fees, and add language to prorate application fees for applications received late in the year.
- (4) 18 AAC 72.957 is proposed to be changed as follows: repeal and readopt the individual permit authorization fees, establish news fees, change some fees to negotiated fees, and add language to prorate application fees for applications received late in the year.
- (5) 18 AAC 72.959 is proposed to be changed as follows: add language to address hourly and negotiated fees for an activity necessary to authorize a discharge.
- (6) 18 AAC 83.905 is proposed to be changed as follows: add language to address hourly and negotiated fees for an activity necessary to authorize a discharge.

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ADEC has tentatively scheduled a public hearing for these proposed regulations on May 25, 2016 from 12:00 pm to 1:30 pm at the ADEC Building, 410 Willoughby Avenue, Second Floor Main Conference Room, Juneau, AK 99811. The public hearing will be held only if a request to hold a public hearing is received by ADEC by 5:00 pm on Wednesday, May 18, 2016. You may request a public hearing by calling Gina Shirey at 907-465-5272 between 7:30 am and 4:00 pm, Monday through Friday or by emailing the request to dec.water.2016.regulations@alaska.gov. If no request for a public hearing is received, the public hearing will be cancelled. ADEC will announce the cancellation of the public hearing by publishing a public notice by 5:00 pm on May 19, 2016 on this website: <http://dec.alaska.gov/water>.

Oral or written comments may be submitted at the hearing if a public hearing is conducted. If the public hearing occurs, there will be a call-in number if you are not able to attend the meeting in person. The call-in number will be 1-800-315-6338, and the Meet Me Code will be 78594. If held, the hearing may be extended if necessary to accommodate those present before 1:00 pm who did not have an opportunity to comment.

You may submit written questions relevant to the proposed action to Gina Shirey by e-mail to dec.water.2016.regulations@alaska.gov and by mail to 410 Willoughby Avenue, Suite 303, Juneau, AK 99811. The questions must be received at least 10 days before the end of the public comment period. The ADEC will aggregate its response to substantially similar questions and make the questions and responses available on the Division of Water's homepage at <http://dec.alaska.gov/water>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 seven days prior the public hearing to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Gina Shirey at dec.water.2016.regulations@alaska.gov or (907) 465-5272.

After the public comment period ends, the ADEC will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 37.10.052; AS 37.10.054; AS 40.25.110; AS 44.46.020; AS 46.03.020; AS 46.03.050; AS 46.03.100; AS 46.03.710

Statutes being implemented, interpreted, or made specific: AS 44.46.025; AS 46.03.010; AS 46.03.020; AS 46.03.050; AS 46.03.100; AS 46.03.110

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: April 18, 2016

/s/
Larry, Hartig, ADEC Commissioner

Published: April 18, 2016