

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520 465.5400 Fax
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460 269.0263
LT.GOVERNOR@ALASKA.GOV

**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: October 19, 2016

RE: Filed Permanent Regulations: Department of Environmental Conservation
Regulations re: Alaska Food Code (18 AAC 31)

Attorney General File:	JU2015200976
Regulation Filed:	October 17, 2016
Effective Date:	November 16, 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 THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached 6 pages of regulations, dealing with fees charged to retail food establishments, 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 17.20.005, AS 17.20.180, AS 44.46.020, and AS 44.46.025, 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 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: October 13, 2016


Larry Hartig
Commissioner

FILING CERTIFICATION

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

October 16 17, 2016, at 5:50 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


Byron Mallott, Lieutenant Governor

Effective: November 16, 2016

Register: 220, January 2017

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
P.O. BOX 111800
JUNEAU, ALASKA 99801-1800

**LIMITED DELEGATION OF AUTHORITY
FOR ADOPTING REGULATIONS**

IN ACCORDANCE WITH AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR
ADOPTING REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION UNDER THE ALASKA ADMINISTRATIVE PROCEDURE ACT
DURING THE PERIOD SEPTEMBER 27, 2016 THROUGH OCTOBER 20, 2016, ARE
DELEGATED TO ALICE L. EDWARDS, DEPUTY COMMISSIONER.

SIGNED:


Larry Hartig, Commissioner

Date



MEMORANDUM

State of Alaska

Department of Environmental Conservation
Office of the Commissioner

TO: Alice Edwards
Deputy Commissioner

DATE: September 26, 2016

PHONE NO: 465-5065

FROM: Larry Hartig
Commissioner

SUBJECT: Delegation of Authority

In accordance with AS 44.17.010 I delegate the authority and responsibility for the functions vested in the department to Alice Edwards, Deputy Commissioner. As provided in 18 AAC 15.235, this delegation includes authority and responsibility for adjudicatory hearing requests. This delegation is effective Tuesday September 27th through Thursday October 20th, 2016.

18 AAC 31.050(a) is amended to read:

(a) Except as otherwise provided in this section, at the time of application for a new permit under 18 AAC 31.030 or within 30 days after receiving the first notice that a fee is due for a permit renewal, the operator of a food establishment subject to the permit requirements of 18 AAC 31.020 shall pay to the department an annual permit fee for each separate type of operation at the food establishment as follows:

(1) for a food service that

(A) except for a food service listed in (B) – (F) and (J) of this paragraph,

has

(i) 0 - 25 seats: \$400 [\$325];

(ii) 26 – 100 seats: \$490 [\$400]; or

(iii) more than 100 seats: \$580 [\$475];

(B) is a limited food service: \$190 [\$150];

(C) is a mobile food unit, other than a self-contained mobile food unit:

\$215 [\$175];

(D) is a self-contained mobile food unit: \$215 [\$175];

(E) is a caterer: \$430 [\$350];

(F) is a beverage-dispensing portion of a bar or tavern

(i) without an additional food service or limited food service at the bar or tavern: \$280 [\$225];

(ii) with a limited food service at the bar or tavern: \$430 [\$350];

or

(iii) with an additional food service at the bar or tavern: \$430

[\$350];

(G) also acidifies, cures, dehydrates, or thermal processes low acid food, or that reduced oxygen packages under 18 AAC 31.760(c): \$125 [\$100] in addition to the applicable fee required under (A) of this paragraph;

(H) operates as a caterer outside the establishment and is permitted under this chapter for a different operation: \$245 [\$200] in addition to the applicable fee required under (A) of this paragraph;

(I) also processes food for wholesale distribution: \$125 [\$100] in addition to the applicable fee required under this paragraph;

(J) is a camp: \$250 [\$200];

(2) for a food processing establishment that

(A) is a bakery: \$310 [\$250];

(B) bottles drinking water or other beverages: \$310 [\$250];

(C) manufactures ice: \$310 [\$250];

(D) processes jam, jelly, syrup, or confections: \$250 [\$200];

(E) smokes, cures, acidifies, dehydrates, or reduced oxygen packages food: \$400 [\$325];

(F) is a thermal processor of low-acid food: \$400 [\$325];

(G) processes other food: \$250 [\$200];

(3) for a market that

(A) is a convenience store: \$125 [\$100];

- (B) is a grocery: **\$310** [\$250];
- (C) is a grocery portion of a supermarket: **\$310** [\$250];
- (D) is a retail bakery: **\$310** [\$250];
- (E) is a retail meat market: **\$310** [\$250];
- (F) is a retail seafood market: **\$310** [\$250];
- (G) is a warehouse: **\$250** [\$200];
- (H) is a food bank or food salvager: **\$250** [\$200];
- (I) is a mobile retail vendor: **\$190** [\$150];
- (J) also acidifies, cures, dehydrates, or thermal processes low acid food,
or that reduced oxygen packages under 18 AAC 31.760(c): **\$125** [\$100] in addition to the
applicable fee required under (A) – (I) of this paragraph;
- (4) other food establishments: **\$400** [\$325].

18 AAC 31.050(c) is amended to read:

(c) **Subject to (r) of this section, in** [IN] addition to the fees set out in (a) of this section,
the operator of a food establishment who is required to submit plans to the department for review
and approval under 18 AAC 31.040 shall pay to the department at the time of submission a plan
review fee for each separate type of operation **in an amount equal to the annual permit fee for**
that operation set out in (a) of this section. ^{no hold out period} [AT THE FOOD ESTABLISHMENT AS

FOLLOWS:

- (1) FOR A FOOD SERVICE THAT
 - (A) EXCEPT FOR A FOOD SERVICE LISTED IN (B) – (F) OF THIS
PARAGRAPH, HAS

(i) 0 – 25 SEATS: \$175;

(ii) 26 – 100 SEATS: \$200;

(iii) MORE THAN 100 SEATS: \$275;

(B) IS A LIMITED FOOD SERVICE: \$125;

(C) IS A MOBILE FOOD UNIT, OTHER THAN A SELF-CONTAINED
MOBILE FOOD UNIT: \$200;

(D) IS A SELF-CONTAINED MOBILE FOOD UNIT: \$200;

(E) IS A CATERER: \$275;

(F) IS A BEVERAGE-DISPENSING PORTION OF A BAR OR
TAVERN:

(i) WITHOUT AN ADDITIONAL FOOD SERVICE OR
LIMITED FOOD SERVICE AT THE BAR OR TAVERN: \$125;

(ii) WITH A LIMITED FOOD SERVICE AT THE BAR OR
TAVERN: \$275;

(iii) WITH AN ADDITIONAL FOOD SERVICE AT THE BAR
OR TAVERN: \$300;

(2) FOR A FOOD PROCESSING ESTABLISHMENT THAT

(A) IS A BAKERY: \$200;

(B) BOTTLES DRINKING WATER OR OTHER BEVERAGES: \$200;

(C) MANUFACTURERS ICE: \$175;

(D) PROCESSES JAM, JELLY, SYRUP, OR CONFECTIONS: \$175;

(E) SMOKES, CURES, ACIDIFIES, DEHYDRATES, OR REDUCED-OXYGEN PACKAGES FOOD: \$275;

(F) IS A THERMAL PROCESSOR OF LOW-ACID FOOD: \$275;

(G) PROCESSES OTHER FOOD: \$200;

(3) FOR A MARKET THAT IS A

(A) CONVENIENCE STORE: \$125;

(B) GROCERY: \$200;

(C) GROCERY PORTION OF A SUPERMARKET: \$200;

(D) RETAIL BAKERY: \$200;

(E) RETAIL MEAT MARKET: \$200;

(F) RETAIL SEAFOOD MARKET: \$200;

(G) WAREHOUSE: \$125;

(H) FOOD BANK OR FOOD SALVAGER: \$200;

(I) MOBILE RETAIL VENDOR: \$125;

(4) OTHER FOOD ESTABLISHMENTS: \$200].

18 AAC 31.050(d) is repealed:

(d) Repealed 11 / 16 / 2016.

18 AAC 31.050(e) is repealed:

(e) Repealed 11 / 16 / 2016.

18 AAC 31.050(f) is repealed:

(f) Repealed 11 / 16 / 2016.

Register ~~229~~ January 20 17

ENVIRONMENTAL CONSERVATION

18 AAC 31.050(i) is repealed:

(i) Repealed 11 / 16 / 2016.

18 AAC 31.050(r) is amended to read:

(r) If an organization is exempt from taxation under 26 U.S.C. 501(c)(4), (c)(10), or (c)(19), the department will reduce the annual permit fee required in (a) of this section by 50 percent, **however the plan review fee required under (c) of this section will not be reduced by 50 percent.**

(Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 12/23/99, Register 152; am 12/31/2000, Register 156; am 6/28/2001, Register 158; am 7/11/2002, Register 163; am 12/1/2004, Register 172; am 12/28/2006, Register 180; am 11 / 16 / 2016, Register 220)

Authority: AS 17.20.005 AS 44.46.020 AS 44.46.025

AS 17.20.180

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor

Date: October 17, 2016

File No.: JU2015200976

Tel. No.: 465-3600

From: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Department of Environmental
Conservation Regulation re: 18 AAC
31: Alaska Food Code

We have reviewed the attached Department of Environmental Conservation changes to regulations on fees charged to food establishments for annual permits and plan review permits.

In addition to increasing fees for annual permits for food establishments, the proposed changes would update the plan review fees charged by the department. One aspect of the regulations may appear to be a change, but it is a continuation of the current process. Specifically, certain qualified organizations receive a 50 percent discount in the annual permit fee; however, under the former regulations, these same qualified organizations were not entitled to a discount from the fee required for a plan review under 18 AAC 31.050(c).¹ The attached regulations maintain that policy, but required minor revisions to 18 AAC 31.050(r) to make clear that the current policy is retained.

The Department of Law has reviewed the attached regulations against the statutory standards of the Administrative Procedure Act. Based upon our review, 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 regulations were adopted by the Department of Environmental Conservation after the close of the public comment period. The public notice and the 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.

¹ Currently, 18 AAC 31.050(r) provides: "If an organization is exempt from taxation under 26 U.S.C. 501(c)(4), (c)(10), or (c)(19), the department will reduce the annual permit fee required in (a) of this section by 50 percent."

We have made one minor technical correction in accordance with AS 44.62.125 as shown on the attached copy.

SRP:srp

cc w/encl (via email):

Honorable Larry Hartig, Commissioner
Department of Environmental Conservation

Gary Mendivil, Regulations Contact
Department of Environmental Conservation

Dorothy Melambianakis, Program Coordinator
Department of Environmental Conservation

Jennifer A. Currie, Assistant Attorney General
Environmental Section

FEES FOR RETAIL FOOD ESTABLISHMENTS:
NOTICE OF PROPOSED CHANGES TO THE REGULATIONS OF THE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Department of Environmental Conservation (DEC) is proposing to revise fees in the Food Safety and Sanitation program regulations. DEC proposes to increase annual permit and plan review fees across all permit types and to eliminate certain discounts so that fees represent the direct cost of those regulatory services.

The Department of Environmental Conservation (DEC), Division of Environmental Health (EH), proposes to adopt regulation changes in 18 AAC 31 (Alaska Food Code) of the Alaska Administrative Code, dealing with fees for retail food establishments, including the following:

- (1) Amend 18 AAC 31.050(a) to increase the amount of annual permit fees for each separate type of food establishment.
- (2) Amend 18 AAC 31.050(c) to increase the amount of plan review fees for each separate type of food establishment.
- (3) Amend 18 AAC 31.050(d) to eliminate the discount for plan review fees for three or more operations within a single establishment.
- (4) Amend 18 AAC 31.050(e) to eliminate the discount for annual permit fees for a facility that serves food and includes a beverage-dispensing portion of a bar or tavern that are located within the same establishment.
- (5) Amend 18 AAC 31.050(f) to eliminate the discount for annual permit fees for facilities that only sell hot beverages, nonpotentially hazardous beverages, and prepackaged, nonpotentially hazardous food.
- (6) Amend 18 AAC 31.050(i) to eliminate the discount for annual permit fees when there is a change in operator.

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 Christina Carpenter, Director, Division of Environmental Health, at 555 Cordova Street, Anchorage, AK 99501. Additionally, the Department of Environmental Conservation will accept comments by facsimile at (907) 269-7510 and by electronic mail at DEC.EHfeeregulations@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 5:00pm on Friday, August 26, 2016.

You may submit written questions relevant to the proposed action to Christina Carpenter, Division Director, by email at DEC.EHfeeregulations@alaska.gov or at 555 Cordova Street,

Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Department of Environmental Conservation will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and at www.dec.alaska.gov/eh/fss/index.htm.

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 natalie.wolfe@alaska.gov or (907) 269-0291 not later than Friday, August 12, 2016 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Dorothy Melambianakis, Program Coordinator, by email at dorothy.melambianakis@alaska.gov or by phone at (907) 269-6066.

After the public comment period ends, the Department of Environmental Conservation 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 17.20.005; AS 44.46.020; AS 44.46.025; AS 17.20.180

Statutes being implemented, interpreted, or made specific: AS 44.46.025

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

Date:

July 21st 2016

Larry Hartig

Larry Hartig
Commissioner

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

1. Adopting agency: Department of Environmental Conservation
2. General subject of regulation: Fees for Retail Food Establishments
3. Citation of regulation (may be grouped): 18 AAC 31
4. Department of Law file number, if any: JU2015200976
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
 - (x) Other (identify): Align program receipts with actual program costs.
6. Appropriation/Allocation: Environmental Health/Food Safety and Sanitation Program
7. Estimated annual cost to comply with the proposed action: The Department of Environmental Conservation, Division of Environmental Health, Food Safety and Sanitation program's fees for retail food establishments are being increased to cover the direct costs of permitting, technical assistance, inspections, compliance enforcement, and plan review activities. Affected parties should review the proposed regulation revisions to find the relevant permit fee/s pertaining to their food establishment operation/s.
 - a.) A private person: Persons that operate retail food establishments, including food services, markets, and food processors, will be affected. Retail food establishments will experience a cost increase for each permit renewal ranging from \$25-\$155 depending on the type of permit (average increase is \$76 per year per permit). For new retail food establishments, and those with significant changes to their operations, there is also an increase in plan review fees ranging from \$15-\$430 depending on the type of operation (average increase is \$190 per plan review). Additional costs will also be imposed on establishments that currently receive discounts set forth in 18 AAC 31.050(d), 18 AAC 31.050(e), 18 AAC 31.050(f), and 18 AAC 31.050(i), as these discounts are proposed to be repealed.
 - b.) Another state agency: Limited cost impact. There will be additional costs to state agencies that pay annual permit fees for contracted food establishment services, including: Dept. of Corrections, Dept. of Transportation and Public Facilities (Alaska Marine Highway System), Alaska Railroad Corporation, Dept. of Health and Social Services, Dept. of Labor and Workforce Development, Dept. of Natural Resources, and

the Alaska Legislature. The increase for annual permit renewal fees for state agencies range from \$40-\$105 per permit depending on the type of permit.

c.) A municipality: Limited cost impacts. Municipalities and local governments that purchase permits for retail food establishments will be affected. See part a.) above for the range of potential fee increases.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2017	Subsequent Years
Operating Cost	\$0	\$0
Capital Cost	\$0	\$0
1002 Federal receipts	\$0	\$0
1003 General fund match	\$0	\$0
1004 General fund	\$0	\$0
1005 General fund/ program	\$0	\$0
Other (identify)	\$0	\$0

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

Name: Christina Carpenter

Title: Division Director

Address: 555 Cordova Street, Anchorage, AK 99501

Telephone: (907) 269-7501

E-mail address: christina.carpenter@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: 7/21/16 Prepared by: 

Name: Dorothy Melambianakis

Title: Program Coordinator II

Telephone: (907) 269-6066

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Dorothy Melambianakis, Program Coordinator II, of the Department of Environmental Conservation, being sworn, state the following:

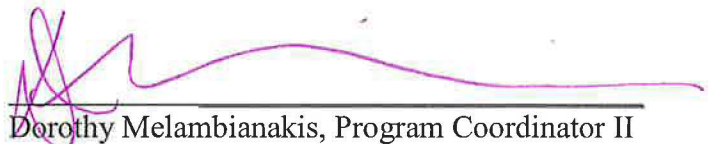
As required by AS 44.62.190, notice of the proposed adoption of changes to 18 AAC 31.050 relating to fees for retail food establishments has been given by being

- (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: _____

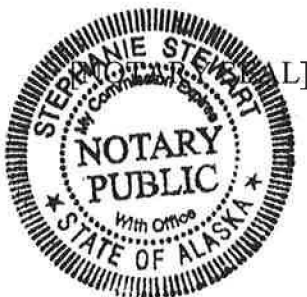
8/31/16


Dorothy Melambianakis, Program Coordinator II

Subscribed and sworn to before me at 555 Cordova Street, Anchorage, Ak on

August 31, 2016.
(date)


Notary Public in and for the State of Alaska



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Dorothy Melambianakis, Program Coordinator II 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 retail food establishment fees.

Date: 8/31/16

[Signature]
Dorothy Melambianakis, Program Coordinator II

Subscribed and sworn to before me at 555 Cordova Street Anchorage, Alaska
August 31, 2016
(date)

[Signature]
Notary Public in and for the State of Alaska

[NOTARY SEAL]



301992
#1389969
\$398.42

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

July 25, 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 29 day of Aug

20

Notary Public in and for
The State of Alaska.
Third Division

Anchorage, Alaska

MY COMMISSION EXPIRES

Notary Public
BRENEZ L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

FEES FOR RETAIL FOOD ESTABLISHMENTS: NOTICE OF PROPOSED CHANGES TO THE REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The Department of Environmental Conservation (DEC), Division of Environmental Health (EH), proposes to adopt regulation changes in 18 AAC 31 (Alaska Food Code) of the Alaska Administrative Code, dealing with fees for retail food establishments, including the following:

- (1) Amend 18 AAC 31.050(a) to increase the amount of annual permit fees for each separate type of food establishment.
- (2) Amend 18 AAC 31.050(c) to increase the amount of plan review fees for each separate type of food establishment.
- (3) Amend 18 AAC 31.050(d) to eliminate the discount for plan review fees for three or more operations within a single establishment.
- (4) Amend 18 AAC 31.050(e) to eliminate the discount for annual permit fees for a facility that serves food and includes a beverage-dispensing portion of a bar or tavern that are located within the same establishment.
- (5) Amend 18 AAC 31.050(f) to eliminate the discount for annual permit fees for facilities that only sell hot beverages, nonpotentially hazardous beverages, and prepackaged, nonpotentially hazardous food.
- (6) Amend 18 AAC 31.050(i) to eliminate the discount for annual permit fees when there is a change in operator.

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 Christina Carpenter, Director, Division of Environmental Health, at 555 Cordova Street, Anchorage, AK 99501. Additionally, the Department of Environmental Conservation will accept comments by facsimile at (907) 269-7510 and by electronic mail at DEC.EHfeeregulations@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 5:00pm on Friday, August 26, 2016.

You may submit written questions relevant to the proposed action to Christina Carpenter, Division Director, by email at DEC.EHfeeregulations@alaska.gov or at 555 Cordova Street, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Department of Environmental Conservation will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and at www.dec.alaska.gov/eh/fss/index.htm.

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 natalie.wolfe@alaska.gov or (907) 269-0291 not later than Friday, August 12, 2016 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Dorothy Melambianakis, Program Coordinator, by email at dorothy.melambianakis@alaska.gov or by phone at (907) 269-6066.

After the public comment period ends, the Department of Environmental Conservation 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 17.20.005; AS 44.46.020; AS 44.46.025; AS 17.20.180

Statutes being implemented, interpreted, or made specific: AS 44.46.025

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

Date: July 21, 2016

/s/ Larry Hartig
Commissioner

Published: July 25, 2016