

Byron Mallott
Lieutenant Governor
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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: November 6, 2016

RE: Filed Permanent Regulations: Department of Environmental Conservation
Regulations re: fees for certification of underground storage tanks (UST) workers (18 AAC 78.495(a))

Attorney General File:	JU2016200656
Regulation Filed:	November 03, 2016
Effective Date:	December 03, 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 one page of regulations, dealing with underground storage tank worker fees under 18 AAC 78 (Underground Storage Tanks), 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 and AS 46.04 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.

Although no public comments were received, the Department of Environmental Conservation paid special attention to the cost to private persons of the regulatory action being taken. In addition, 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.

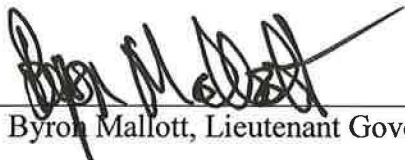
DATE: October 19, 2016



Larry Hartig, Commissioner
Department of Environmental Conservation

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on November 3 2016, at 9 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: December 3, 2016

Register: 220, January 2017

18 AAC 78.495(a) is amended to read:

18 AAC 78.495. Fees. (a) The following fees are established for purposes of this chapter:

- (1) application fee, \$75 [: \$50];
- (2) certification fee for each category for which an applicant seeks certification, \$130 [: \$105];
- (3) certification fee for each category for which an applicant seeks renewal, \$130 [: \$105];
- (4) duplicate certificate fee, [:] \$5; and
- (5) reciprocity certification fee for each category for which an applicant seeks certification through reciprocity, \$130 [: \$105].

← (Eff. 3/25/91, Register 118; am 8/21/91, Register 119; am 8/4/94, Register 131; am 11/3/95, Register 136; am 10/19/97, Register 144; am 12/3/2016 Register 220)

Authority: AS 46.03.375

MEMORANDUM


State of Alaska
Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: October 27, 2016

File No.: JU2016200656

Tel. No.: 465-3600

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

Re: Regulations re: fees for certification of
underground storage tank (UST)
workers (18 AAC 78.495(a))

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 October 26, 2016 from the Regulations Attorney. The regulations update fees regarding the certification of underground storage tank (UST) workers. Alaska Statute 46.03.375 directs the Department of Environmental Conservation to adopt regulations regarding certification, and directs the Department of Commerce, Community, and Economic Development to administer the certification program.

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 September 7, 2016 public notice and the October 19, 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 a style change to the position of the history note in accordance with AS 44.62.125. The correction is shown on the attached copy of the regulations.

SCW

cc w/enc: (via email)

Hon. Larry Hartig, Commissioner
Department of Environmental Conservation

Gary Mendivil, Regulations Contact
Department of Environmental Conservation

Kristin Ryan, Director
Division of Spill Prevention and Response
Department of Environmental Conservation

Dennis Hartwick
Division of Spill Prevention and Response
Department of Environmental Conservation

Micaela Fowler, Regulations Contact
Department of Commerce, Community, and Economic Development

Janey Hovenden, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Chris Peloso, Assistant Attorney General
Environmental Section

Harriet Dinegar Milks, Assistant Attorney General
Commercial and Fair Business Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: October 26, 2016

FILE NO.: JU2016200656

TELEPHONE NO.: 465-3600

FROM: Susan R. Pollard *SRP*
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 for certification of
underground storage tank (UST)
workers (18 AAC 78.495(a))

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

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



AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Dennis Hartwick, Environmental Program Specialist, 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 78 to increase application and certification fees for UST workers and inspectors 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.

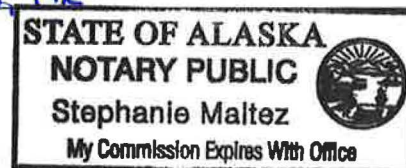
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the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

Date: 10/12/2016



Dennis Hartwick, Environmental Program Specialist

Subscribed and sworn to before me at Fairbanks, Ak on
10/12/2016
(date)



Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Dennis Hartwick, Environmental Program Specialist for the Department of Environmental Conservation, being duly sworn, state the following:

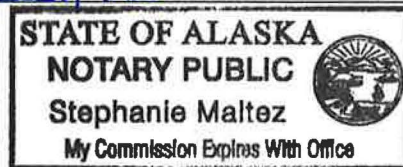
The Department of Environmental Conservation did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Environmental Conservation's regulation on application and certification fees for underground storage tank workers and inspectors.

Date: 10/12/2016

Ds Htlc
Dennis Hartwick, Environmental Program Specialist

Subscribed and sworn to before me at Fairbanks, Ak on

10/12/2016
(date)



Notary Public in and for the State of Alaska

UNDERGROUND STORAGE TANK WORKER FEES: NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation is proposing to increase the application and certification fees for underground storage tank workers and inspectors.

The Alaska Department of Environmental Conservation proposes to amend regulations in 18 AAC 78 dealing with application and certification fees for Underground Storage Tank (UST) workers and inspectors, including the following:

- (1) Amend 18 AAC 78.495 to increase application and certification fees for UST workers and inspectors.

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 Dennis Hartwick, Department of Environmental Conservation, 610 University Ave., Fairbanks, AK 99709, or by electronic mail at dec.cpr@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 no later than 5 p.m. on October 7, 2016.

You may submit written questions relevant to the proposed action to DEC by sending in questions by electronic mail at dec.cpr@alaska.gov or by sending the questions to Dennis Hartwick, Department of Environmental Conservation, 610 University Ave., Fairbanks, AK 99709. The written questions must be received by September 28, 2016 which is 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 response available at http://dec.alaska.gov/spar/regulation_projects/index.htm. The Department of Environmental Conservation may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

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 no later than September 26, 2016 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 Dennis Hartwick at the address or email above or by calling 907-451-2171.

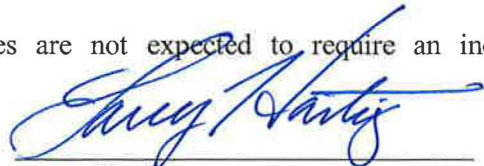
After the public comment period ends, the Department of Environmental Conservation will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **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 46.03.375

Statutes Being Implemented, Interpreted, or Made Specific: AS 46.03.375

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

DATE: September 1, 2016



Larry Hartig, Commissioner

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Environmental Conservation, Division of Spill Prevention and Response
2. General subject of regulation: Underground Storage Tank Worker Fees
3. Citation of regulation (may be grouped): 18 AAC 78 Article 4
4. Department of Law file number, if any: JU2016200656

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): Amend the UST workers' application and certification fees.

6. Appropriation/Allocation: Spill Prevention and Response Division, Underground Storage Tank Program

7. Estimated annual costs in the aggregate to comply with the proposed action to:

a. Private Persons: Persons seeking Underground Storage Tank Worker certification and/or certification renewal required for installation, testing and closure of Underground Storage Systems in the State of Alaska will experience an increase in the cost of existing certification fees. This increase is an additional \$25.00 to EACH of the following certification fees: Application Fee, Certification Fee(s) per Category, Renewal Certification Fee(s) per Category, and Reciprocity Certification Fee(s) per Category. Applicable fees are paid biennially on odd-numbered years to the Department of Commerce, Community, and Economic Development for occupational licensing functions and are established under AS 46.03.375(b). The number of certifications per individual ranges from 1-5 (meaning the additional certification costs per individual will range from \$25-\$125. Over the two-year fee period this results in a per-year increase ranging from \$12.50-\$62.50).

b. Other State Agencies: No identifiable costs.

c. Municipalities: No identifiable costs.

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

	Initial Year FY 17	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

1037 General fund/

mental health

\$ 0

\$ 0

Other

\$ 0

\$ 0

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

Name: Dennis Hartwick

Title: Guidance and Regulations Group Staff

Address: 610 University Ave., Fairbanks, AK 99709

Telephone: (907)451-2171

E-mail address: dec.cpr@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: September 1, 2016

Prepared by: _____



Name (printed): Dennis Hartwick

Title (printed): Environmental Program Specialist III

Telephone: (907)451-2171

270239*
0001392319
\$323.72

AFFIDAVIT OF PUBLICATION

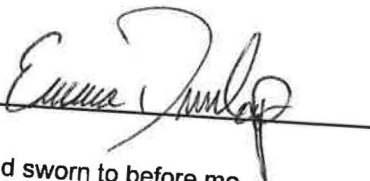
STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Emma Dunlap
being first duly sworn on oath deposes and
says that he/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

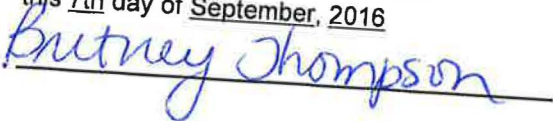
September 07, 2016

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 7th day of September, 2016



Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

2/23/2019

UNDERGROUND STORAGE TANK WORKER FEES: NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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Statutory Authority: AS 46.03.375

Statutes Being Implemented, Interpreted, or Made Specific: AS
46.03.375

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

DATE: September 1, 2016

/s/ Larry Hartig, Commissioner

Published: September 7, 2016

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