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Lieutenant Governor  
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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Gary Mendivil  
Department of Environmental Conservation

**FROM:** April Simpson, Office of the Lieutenant Governor  
465.4081 

**DATE:** August 30, 2019

**RE:** Filed Permanent Regulations: Department of Environmental Conservation  
  
Department of Environmental Conservation Regulation re: Underground Storage Tanks:  
Update Fees for Renewals of Certification (18 AAC 78)

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Attorney General File:	2019200561
Regulation Filed:	8/30/2019
Effective Date:	9/29/2019
Print:	231, October 2019

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO  
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached one page of regulations, amending the fees in 18 AAC 78 for certification of underground storage tank workers and inspectors, 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.

In considering public comments, the Department of Environmental Conservation paid special attention to the cost to private persons of the regulatory action being taken. No public comments were received. 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 30 days after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: August 22, 2019

  
\_\_\_\_\_  
Jason W. Brune, Commissioner  
Department of Environmental Conservation

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on August 30, 2019, at 9:07 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

  
\_\_\_\_\_  
Kevin Meyer, Lieutenant Governor

Effective: September 29, 2019

Register: 231, October 2019

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,  
designate the following state employees to perform the Administrative Procedures Act  
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



A handwritten signature in blue ink, appearing to read "K. Meyer", is written over a horizontal dotted line.

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

*repealed and redopted*

18 AAC 78.495(a) is ~~amended~~ to read:

(a) The following fees are established for purposes of this chapter:

(1) application fee, \$100 <sup>*no bold/ul*</sup> ~~[\$75]~~;

<sup>*no bold/ul*</sup> (2) certification fee for each category for which an applicant seeks certification, \$60 ~~[\$130]~~;

(3) certification fee for each category for which an applicant seeks renewal, \$60 <sup>*no bold/ul*</sup> ~~[\$130]~~;

~~[(4) DUPLICATE CERTIFICATE FEE, \$5;]~~ and

<sup>*no bold/ul*</sup> (4) ~~[(5)]~~ reciprocity certification fee for each category for which an applicant seeks certification through reciprocity, \$60 <sup>*no bold/ul*</sup> ~~[\$130]~~. (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; am 9/29/2019, Register 231)

**Authority:** AS 46.03.375

# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Date:** August 27, 2019

**File No.:** 2019200561

**Tel. No.:** 465-3600

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

**Re:** Department of Environmental  
Conservation Regulation re: 18 AAC  
78: Underground Storage Tanks:  
Update Fees for Renewals of  
Certification

The Department of Law has reviewed the attached regulations of the Department of Environmental Conservation 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 after the close of the public comment period. The regulations concern fees for certification of underground storage tank workers and inspectors to reflect the costs necessary for the Department of Commerce, Community, and Economic Development to administer the certification program. The Department of Environmental Conservation wishes to alert you of an urgency: To prepare for the renewal of underground storage tank worker certifications that begins October 1, 2019, the department requests that these regulations have an effective date of *not later than September 30, 2019*.

The public notice and the August 22, 2019 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 conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SRP:nlw

The Hon. Kevin Meyer, Lieutenant Governor  
RE: 2019200561; Underground Storage Tank Certifications

August 27, 2019

cc: Honorable Jason W. Brune, Commissioner  
Department of Environmental Conservation  
Gary Mendivil, Regulations Contact  
Department of Environmental Conservation  
Denise Koch, Director  
Division of Spill Prevention and Response  
Department of Environmental Conservation  
Sara Chambers, Director  
Division of Business and Professional Licensing  
Department of Commerce, Community and Economic Development  
Jun Maiquis, Regulations Specialist  
Department of Commerce, Community and Economic Development  
Sher Zinn, Regulations Specialist  
Department of Commerce, Community and Economic Development  
Nathan Haynes, Assistant Attorney General  
Department of Law, Environmental Section

CONTAMINATED SITES: NOTICE OF PROPOSED CHANGES  
IN THE REGULATIONS OF ALASKA DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation proposes to amend the fees for certification of underground storage tank workers and inspectors to reflect the costs necessary for the Division of Corporations, Business and Professional Licensing of the Department of Commerce, Community, and Economic Development to administer the certification program.

The Alaska Department of Environmental Conservation (ADEC) proposes to adopt regulation changes in 18 AAC 78 of the Alaska Administrative Code dealing with certification of underground storage tank workers and inspectors, including the following:

- (1) 18 AAC 78.495 is amended to update fees for applications, certifications, renewal certifications, duplicate certificates, and reciprocity certifications.

**Posting**

The above description of proposed changes to the regulations only provides a summary of the subject matter. Copies of the proposed regulation changes are available on the Alaska Online Public Notice System or at <http://dec.alaska.gov/spar/regulation-projects> and by contacting Sally Schlichting at [sally.schlichting@alaska.gov](mailto:sally.schlichting@alaska.gov) or by phone at (907) 465-5076.

**Questions**

You may submit written questions relevant to the proposed action to Sally Schlichting by electronic mail to [sally.schlichting@alaska.gov](mailto:sally.schlichting@alaska.gov) or by mail to P.O. Box 111800, Juneau, Alaska 99811-1800. 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 <http://dec.alaska.gov/spar/regulation-projects>. The questions must be received at least 10 days before the end of the public comment period. 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.

**Comments**

You may comment on the regulation changes, including the potential costs to private persons of complying with the changes, by submitting written comments to Sally Schlichting, Alaska Department of Environmental Conservation, P.O. Box 111800, Juneau, AK 99811-1800, by facsimile at: (907) 465-5245, or by e-mail to [sally.schlichting@alaska.gov](mailto:sally.schlichting@alaska.gov). Comments also may 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 p.m. on August 16, 2019.

## ADDITIONAL REGULATIONS NOTICE INFORMATION

(AS 44.62.190(d))

1. Adopting agency: Alaska Department of Environmental Conservation
2. General subject of regulation: Underground Storage Tanks
3. Citation of regulation (may be grouped): 18 AAC 78
4. Department of Law file number, if any: 2019200561
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): modify fees to align with reduced cost to administer the program
6. Appropriation/Allocation: The Alaska Division of Corporations, Business and Professional Licensing of the Department of Commerce, Community, and Economic Development
7. Estimated annual costs in the aggregate to comply with the proposed action:

Private Persons, including private businesses: Initial application fees will increase from \$75 to \$100 resulting in an additional cost of \$25 for an anticipated 14 new applicants. However, the fees for initial, renewal and reciprocity certifications will decrease from \$130 to \$60 and the \$5 fee for duplicate certificates will no longer be charged. As a result, both new applicants and individuals seeking renewal or reciprocity certifications, will experience a decrease in the cost to be certified. The amount of the decrease per person depends on the number of certifications each individual carries, but will be \$70 less per certification. As of July 2019, 120 certifications are held by 59 individuals, and each certification is valid for a 2-year period. Total annual fee revenue will decrease from \$21,633 to \$10,993.

Pass through costs to private businesses and other entities that are considered responsible parties (RPs) may decrease slightly as a result of the change in fees. Should there be concern about compliance costs due to these proposed changes the department encourages the submission of public comments which reference costs and provide specific cost information.

Other State Agencies: The Alaska Division of Corporations, Business and Professional Licensing of the Department of Commerce, Community, and Economic Development, administers the UST inspector and worker certification program. The Division will receive less fee revenue as a result of this change, but based on an analysis of the cost to administer the program, the revenue from the current fees has resulted in surplus that is greater than what is necessary to operate the program.



AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION


I, Sally Schlichting, Environmental Program Manager, 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 Underground Storage Tanks amending fees for underground storage tank workers and inspectors has been given by being

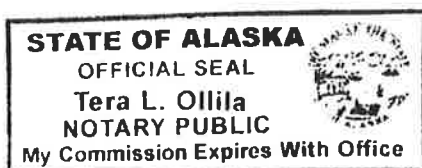
- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (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).


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 (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

DATE: 8/22/19  
Juneau, Alaska

  
Sally Schlichting, Environmental Program Manager

SUBSCRIBED AND SWORN TO before me this 22 day of August, 2019.



  
Notary Public in and for the  
State of Alaska  
My commission expires: with office

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 391615

Order #: W0010708

Cost: \$463.18

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Joleesa Stepetin being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily 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 new

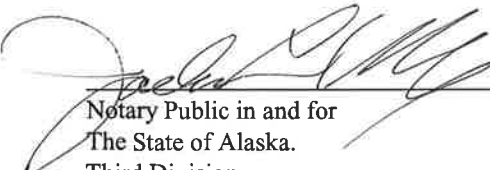
07/14/2019 - 07/14/2019

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 17th day of July 2019.

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

MY COMMISSION EXPIRES

7/14/2020

STATE OF ALASKA  
NOTARY  
PUBLIC  
Jada L. Nowling

CONTAMINATED SITES: NOTICE OF PROPOSED CHANGES  
IN THE REGULATIONS OF ALASKA DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

### BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation proposes to amend the fees for certification of underground storage tank workers and inspectors to reflect the costs necessary for the Division of Corporations, Business and Professional Licensing of the Department of Commerce, Community, and Economic Development to administer the certification program.

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If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Theresa Zimmerman at (907) 465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than August 6, 2019 (10 days prior to the end of the comment period) to ensure that any necessary accommodations can be provided.

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 46.03.010, AS 46.03.020, 46.03.365

**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.

ADEC's Contaminated Sites Program keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Program's notices of proposed regulations changes. To be added to or removed from the list, you may sign up by contacting [sally.schlichting@alaska.gov](mailto:sally.schlichting@alaska.gov).

Date: July 11, 2019

/s/ Jason W. Brune, Commissioner

Published: July 14, 2019

STATE OF ALASKA )  
 ) ss.  
FIRST JUDICIAL DISTRICT )

## AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

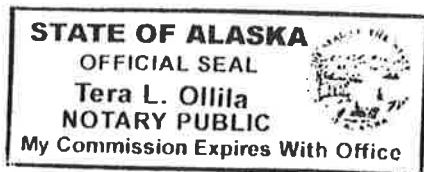
I, Sally Schlichting, Environmental Program Manager for the Department of Environmental Conservation being duly sworn, state the following:


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 regulations at 18 AAC 78 amending fees for underground storage tank workers and inspectors.

Date: 8/22/19  
Juneau, Alaska

  
Sally Schlichting, Environmental Program Manager

SUBSCRIBED AND SWORN TO before me this 22 day of August, 2019



  
Notary Public in and for the  
State of Alaska  
My commission expires: with office