

**HOUSE BILL NO. 336**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GARDNER, Crawford, Weyhrauch

Introduced: 1/9/06

Referred: Resources, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to adoption and use of a unified permit application form by the natural**  
2 **resource agencies; and providing for online permit applications."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 03.05.075(f) is amended to read:

5 (f) In this section,

6 **(1)** "elk" means an animal of a subspecies of *Cervus elaphus* that is  
7 indigenous to North America; "elk" does not include red deer or a red deer hybrid;

8 **(2)** **"form provided by the commissioner" means the unified**  
9 **permit application form adopted under AS 46.35.400, unless the department**  
10 **finds under AS 46.35.490 that the provisions of AS 46.35.400 - 46.35.499 do not**  
11 **apply.**

12 \* **Sec. 2.** AS 16.10.400(b) is amended to read:

13 (b) The application for a permit under this section shall be on a form  
14 prescribed by the department and be accompanied by an application fee of \$100. The

1 commissioner may waive the submission of an application for a permit to operate a  
 2 hatchery under AS 16.10.480. **In this subsection, "form prescribed by the**  
 3 **department" means the unified permit application form adopted under**  
 4 **AS 46.35.400, unless the department finds under AS 46.35.490 that the provisions**  
 5 **of AS 46.35.400 - 46.35.499 do not apply.**

6 \* **Sec. 3.** AS 16.40.110(a) is amended to read:

7 (a) An applicant for an aquatic farming or hatchery permit required under  
 8 AS 16.40.100 shall apply on a form prescribed by the commissioner. An application  
 9 for a permit must include a plan for the development and operation of the aquatic farm  
 10 or hatchery, which must be approved by the commissioner before the permit is issued.  
 11 **In this subsection, "form prescribed by the commissioner" means the unified**  
 12 **permit application form adopted under AS 46.35.400, unless the department**  
 13 **finds under AS 46.35.490 that the provisions of AS 46.35.400 - 46.35.499 do not**  
 14 **apply.**

15 \* **Sec. 4.** AS 16.43.260(b) is amended to read:

16 (b) The commission shall establish the opening and closing dates, places, and  
 17 form of application for entry permits for each fishery. The commission may require  
 18 the submission of specific verified evidence establishing the applicant's qualifications  
 19 under the regulations adopted under AS 16.43.250. **In this subsection, "form of**  
 20 **application" means the unified permit application form adopted under**  
 21 **AS 46.35.400, unless the department finds under AS 46.35.490 that the provisions**  
 22 **of AS 46.35.400 - 46.35.499 do not apply.**

23 \* **Sec. 5.** AS 27.21.060(a) is amended to read:

24 (a) Beginning eight months after May 2, 1983, a person may not conduct a  
 25 surface coal mining and reclamation operation in the state without a permit for that  
 26 operation. To receive a permit, a person must apply to the commissioner **using the**  
 27 **unified permit application form adopted under AS 46.35.400, unless the**  
 28 **department finds under AS 46.35.490 that the provisions of AS 46.35.400 -**  
 29 **46.35.499 do not apply.** The commissioner shall process applications according to  
 30 this chapter and regulations adopted under it.

31 \* **Sec. 6.** AS 46.03.110(a) is amended to read:

1 (a) An application for a permit under AS 46.03.100(b)(1) or (2) or an  
 2 authorization under AS 46.03.100(d) shall be made on forms prescribed by the  
 3 department. Forms must contain the name and address of the applicant, a description  
 4 of the applicant's operations, the quantity and type of waste material sought to be  
 5 disposed of, the proposed method of disposal, and any other information considered  
 6 necessary by the department. The applicant may request that a general permit be  
 7 issued, or the department may, on its own initiative, propose that an applicant be  
 8 authorized under a general permit. **In this subsection, "forms prescribed by the**  
 9 **department" means the unified permit application form adopted under**  
 10 **AS 46.35.400, unless the department finds under AS 46.35.490 that the provisions**  
 11 **of AS 46.35.400 - 46.35.499 do not apply.**

12 \* **Sec. 7.** AS 46.14.140(a) is amended to read:

13 (a) The department shall adopt regulations to address substantive and  
 14 procedural elements of the emission control permit program established under this  
 15 chapter that are not addressed in statute, except elements that relate only to the internal  
 16 management of the department and do not affect the public or govern the way the  
 17 department deals with the public. The regulations must be reasonable and adequate,  
 18 and provide flexibility in the operation of a stationary source consistent with 42 U.S.C.  
 19 7401 - 7671q (Clean Air Act), as amended, and applicable federal regulations. Except  
 20 for regulations concerning minor permits required under AS 46.14.130(c), the  
 21 regulations must include

22 (1) **a requirement to use the unified permit** [A STANDARD  
 23 PERMIT] application form **adopted under AS 46.35.400** that meets the requirements  
 24 of federal regulations adopted under 42 U.S.C. 7661a(b) (Clean Air Act, sec. 502(b)),  
 25 **unless the department finds under AS 46.35.490 that the provisions of**  
 26 **AS 46.35.400 - 46.35.499 do not apply;**

27 (2) monitoring, record keeping, and reporting requirements for  
 28 facilities that are subject to AS 46.14.130(b), which must comply with the  
 29 requirements established for state operating permit programs in 40 C.F.R. 70.6, but  
 30 which may be modified to take into account this state's unique conditions;

31 (3) procedures for preparation and submission of a monitoring,

1 reporting, and quality assurance plan and, if required, a compliance schedule  
2 describing how a permitted stationary source will comply with the applicable  
3 requirements of this chapter;

4 (4) procedures for

5 (A) specifying when permit applications and renewal requests  
6 are to be submitted;

7 (B) specifying the time duration for department review of  
8 permit applications;

9 (C) processing and reviewing an application;

10 (D) providing public notice, including opportunity for public  
11 comment and hearing; and

12 (E) issuing permits, including procedures for issuing permits  
13 for temporary operations or open burn activities;

14 (5) reasonable standard permit conditions, including conditions for

15 (A) emission standards and limitations;

16 (B) monitoring, record keeping, and reporting for facilities  
17 subject to AS 46.14.130;

18 (C) inspection and entry;

19 (D) certification of corporate or other business organization  
20 reports;

21 (E) annual certification of compliance;

22 (F) excess emission or process deviation reporting; and

23 (G) equipment malfunctions and emergencies;

24 (6) fees and procedures for collecting fees;

25 (7) provisions addressing late payment or nonpayment of fees, which  
26 may include assessment of penalties and interest or refusal to issue, amend, modify, or  
27 renew an air quality control permit;

28 (8) the duration of permits;

29 (9) procedures for modifying or amending a permit that provide  
30 flexibility in the operation of the stationary source, including procedures to allow  
31 changes to a permitted stationary source without requiring a permit modification,

1 consistent with the purposes of this chapter and with 42 U.S.C. 7401 - 7671q (Clean  
2 Air Act);

3 (10) reasonable provisions for renewing, reopening, revoking and  
4 reissuing, and terminating a permit consistent with the purposes of this chapter and 42  
5 U.S.C. 7401 - 7671q (Clean Air Act);

6 (11) provisions allowing for physical or operational limitations that  
7 will reduce a stationary source's emissions to levels below those that would make the  
8 stationary source subject to part or all of AS 46.14.120 and 46.14.130;

9 (12) provisions authorizing stationary source operation while a permit  
10 application is pending, consistent with 42 U.S.C. 7661b(d) (Clean Air Act, sec.  
11 503(d));

12 (13) provisions for ensuring that compliance with an operating permit  
13 issued under this chapter will be considered to be compliance with 42 U.S.C. 7661a  
14 (Clean Air Act, sec. 502) and other provisions of state or federal law specifically  
15 provided for by the department consistent with 42 U.S.C. 7401 - 7671q (Clean Air  
16 Act) and regulations adopted under state and federal law;

17 (14) provisions allowing for certification of inspectors who evaluate  
18 compliance with the terms and conditions of a permit, order, regulation, or other  
19 provision of law authorized under this chapter; and

20 (15) definitions of terms incorporating applicable definitions in 42  
21 U.S.C. 7401 - 7671q (Clean Air Act), as amended, and applicable federal regulations,  
22 to the extent that those definitions are not inconsistent with this chapter.

23 \* **Sec. 8.** AS 46.14.160(a) is amended to read:

24 (a) The department shall review every application submitted under this chapter  
25 for completeness. To be determined complete, an application must provide the  
26 information identified by the department in regulations adopted under AS 46.14.140  
27 and in standard application forms provided by the department under  
28 AS 46.14.140(a)(1) and must be certified true and correct by the owner and operator.  
29 **In this subsection, "standard application forms" means the unified permit**  
30 **application form adopted under AS 46.35.400, unless the department finds under**  
31 **AS 46.35.490 that the provisions of AS 46.35.400 - 46.35.499 do not apply.**

1 \* **Sec. 9.** AS 46.15.040(b) is amended to read:

2 (b) A right to appropriate water shall be obtained by first making application  
3 to the commissioner for a permit to appropriate. The commissioner shall by regulation  
4 prescribe the **contents and** form [AND CONTENTS] of the application and the  
5 procedure for filing the application. If a permit is granted and the means of  
6 appropriation is constructed, a certificate of appropriation may be obtained. **In this**  
7 **subsection, "form of application" means the unified permit application from**  
8 **adopted under AS 46.35.400, unless the department finds under AS 46.35.490**  
9 **that the provisions of AS 46.35.400 - 46.35.499 do not apply.**

10 \* **Sec. 10.** AS 46.35 is amended by adding new sections to read:

11 **Article 3. Unified Permit Applications.**

12 **Sec. 46.35.400. Unified permit application form.** (a) By July 1, 2007, the  
13 resource agencies shall adopt a unified permit application form. The application form  
14 must require the applicant to provide the information necessary to meet the statutory  
15 and regulatory permit requirements of each resource agency.

16 (b) Following adoption of the unified permit application form by the resource  
17 agencies, the unified permit application shall be the only application required for any  
18 permitting action by the resource agencies when a project requires permits from two or  
19 more resource agencies.

20 (c) Through a collaborative process, the resource agencies may, from time to  
21 time, revise the unified permit application form as necessary to conform to changes in  
22 applicable statutes and regulations.

23 (d) The resource agencies shall make the unified permit application available  
24 in both electronic and printed formats.

25 **Sec. 46.35.410. Permit application information on Internet.** (a) By July 1,  
26 2007, each resource agency shall publish on the Internet

27 (1) a list of the types of permits issued by the agency together with a  
28 description of each permit administered by the agency;

29 (2) an electronic version of the unified permit application form adopted  
30 under AS 46.35.400;

31 (3) instructions for an applicant to obtain a printed version of the

1 unified permit application form; and

2 (4) instructions for filing the unified permit application form with the  
3 agency.

4 (b) By July 1, 2008, each resource agency shall also publish on the Internet

5 (1) an interactive application or other means for an applicant to  
6 determine what permit or permits an applicant must obtain from each resource agency;  
7 and

8 (2) information concerning the procedure for each agency's review of a  
9 unified permit application.

10 **Sec. 46.35.420. Submission of a permit application on the Internet.** (a) By  
11 July 1, 2008, the resource agencies shall develop the process for an applicant to submit  
12 a unified permit application by the Internet to each of the agencies.

13 (b) The process developed in (a) of this section must include

14 (1) a secure registration system that allows an applicant to register with  
15 the resource agencies for the purpose of checking the status of a unified permit  
16 application and updating the application information;

17 (2) a means for notifying each applicable resource agency of the  
18 receipt of a unified permit application or changes in a unified permit application; and

19 (3) a means for each resource agency to electronically update or revise  
20 information for a unified permit application and to electronically import unified permit  
21 application information for the use by the agency.

22 (c) Notwithstanding the development of the unified permit application process  
23 under (a) of this section, the resource agencies shall continue to provide a paper  
24 version of the application for an applicant to submit to a resource agency.

25 (d) The fee for submitting a unified permit application using the process  
26 developed under (a) of this section shall be 20 percent less than the fee applicable to  
27 an application not submitted by the Internet.

28 **Sec. 46.35.430. Unified permit application.** (a) An applicant for a permit  
29 from a resource agency for a project that requires permits from two or more agencies  
30 shall complete a unified permit application on a form provided by the resource  
31 agencies and submit the application to the resource agencies that issue the permits. On

1 and after the date of adoption of the unified permit application form under  
 2 AS 46.35.400, the unified permit application is the only application required for a  
 3 permitting action by a resource agency when a project requires permits from two or  
 4 more resource agencies.

5 (b) An application is complete if the application

6 (1) contains the information required by the resource agencies on the  
 7 unified permit application; and

8 (2) is sufficient to begin a review under each applicable resource  
 9 agency's statutory and regulatory requirements.

10 (c) If a resource agency determines that the application is incomplete, the  
 11 agency shall notify the applicant and identify the information necessary to complete  
 12 the application. Once the agency has determined that an application is complete, it  
 13 shall immediately submit a copy of the application to each applicable resource agency  
 14 for review.

15 **Sec. 46.35.440. Unified permit application review.** (a) A resource agency  
 16 shall request from the applicant any additional information necessary to conduct the  
 17 agency's review of the application.

18 (b) After receiving additional information provided by the applicant, the  
 19 requesting agency shall notify the applicant whether the information is adequate. If the  
 20 information is not adequate, the requesting agency shall

21 (1) explain how the information submitted is inadequate; and

22 (2) identify

23 (A) the information needed to satisfy the original request; and

24 (B) any further information needed to analyze issues raised by  
 25 the response to the original request for additional information.

26 (c) Each resource agency reviewing an application shall review the unified  
 27 permit application in accordance with applicable statutes and regulations. Each  
 28 resource agency shall initiate public involvement in the application review process in  
 29 accordance with applicable statutes and regulations. Resource agencies shall  
 30 coordinate public involvement and conduct unified public hearings to the extent  
 31 possible.

1           **Sec. 46.35.490. Applicability.** The provisions of AS 46.35.400 - 46.35.499 do  
2 not apply to

3                   (1) licensing of sport fishing and hunting under AS 16.05.330 -  
4 16.05.430;

5                   (2) licensing of commercial fishing crewmembers and vessels under  
6 AS 16.05.440 - 16.05.723;

7                   (3) a permit for the use of a trapping cabin under AS 38.95.075;

8                   (4) the sale or lease of a remote recreational cabin site under  
9 AS 38.05.600;

10                  (5) fees for the use of state park system facilities under AS 41.21.026;

11 and

12                   (6) any permit or license issued by a resource agency that the agency  
13 finds is subject to fixed, objective eligibility standards, and that requires minimal  
14 discretion in determining qualification.

15           **Sec. 46.35.499. Definitions.** In AS 46.35.400 - 46.35.499,

16                   (1) "permit" means a permit, lease, authorization, license, or other  
17 determination necessary for completion of a project;

18                   (2) "resource agency" means

19                           (A) the Department of Environmental Conservation;

20                           (B) the Department of Fish and Game; or

21                           (C) the Department of Natural Resources.