

DEC

User Fees

Hrg. 1-27-92

N E W S R E L E A S E

Alaska Department of Environmental Conservation
410 Willoughby Ave. Juneau, Alaska 99801-1795
Phone: (907) 465-5060 Fax: 465-5070



March 10, 1992
465-5061

Contact: Billie Wilson

DEC ANNOUNCES PUBLIC HEARINGS ON "USER FEES"

Juneau... Twenty-nine public hearings will be held across Alaska to accept public comments on regulations recently proposed to levy user fees for DEC permits, plan reviews, and inspections. Since the draft regulations were published, the department has received many contacts from the public requesting the opportunity to comment. DEC also recently announced an extension of the formal comment period on the regulations to April 30, 1992.

"We have had many constructive suggestions for changes so far, and it's clear that the final regulations will be different than initially proposed," said Janice Adair, DEC Special Assistant to the Commissioner. "This makes it all the more important that those concerned have ample opportunity to comment, and that they use these opportunities to provide constructive input," she said.

The department is also taking comments in writing, in addition to, or instead of, testimony provided at one of the public hearings. Written comments should be sent to Janice Adair, Office of the Commissioner, Alaska Department of Environmental Conservation, 410 Willoughby Avenue, Suite 301, Juneau, AK 99801. Comments will be included in the record if they are received on or before April 30.

Copies of the draft regulations will be available at the hearings or may be obtained from the department.

DATE	TIME	COMMUNITY	LOCATION	TYPE OF HEARING
3/23/92	7-9 pm	CORDOVA	City Council Chambers Centennial Hall 622 First Street	Public Hearing
3/23/92	7-9 pm	KING SALMON	ComSerFac Building FAA Housing Complex	Public Hearing
3/23/92	7:30-9:30 pm	KODIAK	Adult Learning Center Studio 117 Benny Eenson Drive	Public Hearing

1.

3/23/92 7-9 pm	SOLDOTNA	Borough Assembly Meeting Rm 144 N.Binkley	Public Hearing
3/24/92 7-9 pm	ANCHORAGE	Loussac Library Wilda Marston Theater 3600 Denali	Public Hearing
3/24/92 7-9 pm	BETHEL	KVNA Building Conference Rm 841 River Street	Public Hearing
3/24/92 7-9 pm	VALDEZ	City Council Chambers 212 Chenega	Public Hearing
3/25/92 7-9 pm	DUTCH HARBOR	High School Auditorium	Public Hearing
3/25/92 7-9 pm	FAIRBANKS	Noel Wien Library Auditorium 1215 Cowles Street	Public Hearing
3/25/92 7-9 pm	JUNEAU	Centennial Hall, Ballroom 101 Egan Drive	Public Hearing
3/25/92 7-9 pm	SITKA	Centennial Building 330 Harbor Drive	Public Hearing
3/25/92 7-9 pm	WASILLA	City Council Chambers 290 E. Herning	Public Hearing
3/26/92 7-9 pm	KETCHIKAN	High School, Multi-service Rm 2610 Fourth Avenue	Public Hearing
3/26/92 7-9	NOME	City Council Chambers 61 Hunter Way	Public Hearing
3/26/92 7-9 pm	TOK	Tok Community Center	Public Hearing
3/26/92 7-10 pm	BARROW	Legislative Information Office	Teleconference
3/26/92 7-10 pm	CHITINA	Legislative Information Office	Teleconference
3/26/92 7-10 pm	DELTA JUNCTION	Legislative Information Office	Teleconference
3/26/92 7-10 pm	DILLINGHAM	Legislative Information Office	Teleconference
3/26/92 7-10 pm	GLENNALLEN	Legislative Information Office	Teleconference
3/26/92 7-10 pm	HOMER	Legislative Information Office	Teleconference
3/26/92 7-10 pm	KOTZEBUE	Legislative Information Office	Teleconference
3/26/92 7-10 pm	PALMER	Legislative Information Office	Teleconference
3/26/92 7-10 pm	PAXSON	Meier's Lake Roadhouse	Teleconference
3/26/92 7-10 pm	PETERSBURG	Legislative Information Office	Teleconference

3/26/92 7-10 pm	SEWARD	Community Library	Teleconference
3/26/92 7-10 pm	SLANA	Duffy's Roadhouse	Teleccnference
3/26/92 7-10 pm	WRANGELL	Legislative Information Office	Teleconference
4/20/92 7-9 pm	ANCHORAGE	Loussac Library Wilda Marston Theater 3600 Denali	Public Hearing

For further information, please contact Billie Wilson, DEC Juneau, 465-5061.
#

STATE OF ALASKA
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION



PROPOSED PERMIT, APPROVAL, AND
INSPECTION FEE REGULATIONS

PUBLIC COMMENT DRAFT

January 30, 1992

Walter J. Hickel
Governor

John A. Sandor
Commissioner

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Notice is given that the Alaska Department of Environmental Conservation, under authority vested by AS 03.05.011, 03.05.020, AS 17.20.050, 17.20.060, 17.20.180, AS 44.46.020, 44.46.025, AS 46.03.020, 46.03.050, 46.03.080, 46.03.090, 46.03.100, 46.03.140, 46.03.150, 46.03.160, 46.03.170, 46.03.190, 46.03.299, 46.03.302, 46.03.710, 46.03.720, AS 46.04.030, 46.04.050, and 46.04.070, proposes to amend regulations in Title 18, Chapters 15, 30, 31, 34, 36, 50, 52, 62, 72, 75, and 80 of the Alaska Administrative Code, dealing with user fees for various department programs, to implement AS 44.46.025 as follows:

In response to a statement of legislative intent made by the 1991 Legislature, that a portion of the department's operating budget be funded through the imposition of "user fees," for the purpose of putting state government on a more self-supporting basis, the department is proposing to impose permit, approval, and inspection fees for various department programs, including: **18 AAC 15, Administrative Procedures for Permit Approvals** (for public notices of permit applications); **18 AAC 30, Environmental Sanitation** (food stores and markets, food processing establishments and storage facilities); **18 AAC 31, Food Service** (restaurants, bars, and mobile food service establishments); **18 AAC 34, Fish Inspection** (harvesters, shellfish shippers, repackers, shellfish packers, vessels, landbased operations, canneries, shellfish certification); **18 AAC 36, Animal Health** (EIA testing); **18 AAC 50, Air Quality Control** (plan review and permit fees, open burning, incinerators, asphalt plants, soil remediation units, electric utilities, and other facilities subject to 18 AAC 50); **18 AAC 52, Emissions Inspection and Maintenance Requirements for Motor Vehicles**; **18 AAC 62, Hazardous Waste** (for burners and marketers of used oil, generators, and hazardous waste treatment, storage, or disposal facilities); **18 AAC 72, Wastewater Disposal** (permits and renewals, plan reviews and certifications, and EIS reviews, but excluding subdivision plan reviews); **18 AAC 75, Oil and Hazardous Substances Pollution Control** (proof of financial responsibility, and plan approvals for oil terminal facilities and for oil tank vessels and barges); and **18 AAC 80, Drinking Water** (plan approvals for Class A, Class B, and Class C public water systems).

NOTICE IS GIVEN that any person interested may present written statements or arguments relevant to the proposed action by writing to Ms. Janice Adair, Special Assistant to the Commissioner, Alaska Department of Environmental Conservation, 410 Willoughby Avenue, Suite 301, Juneau, AK 99801. Comments will be included in the record if they are received on or before March 16, 1992.


NOTICE IS ALSO GIVEN that the department will, in its discretion, hold a public hearing in one or more major population centers if requests for public hearing are received on or before February 14, 1992, and if good cause is shown for holding a hearing.

This action is not expected to require an increased appropriation.

A copy of the proposed regulations may be picked up at 410 Willoughby Avenue, Suite 301, Juneau, or at any regional office of the department. A copy may also be obtained by writing to Office of the Commissioner, Alaska Department of Environmental Conservation, 410 Willoughby Avenue, Suite 301, Juneau, AK 99801. To expedite getting a copy to you, please write the word "Regulations" in the bottom, left-hand corner of the envelope.

The department, after the deadline stated above, will either adopt these or other proposals dealing with the same subject, without further notice. Based upon public comments, the department may decide to include fees for permits, approvals, or inspections in addition to those included in the proposed regulations, and may increase or lower proposed fees. Alternatively, the department may decide to take no action on the proposals.

Dated at Juneau, Alaska, this 23 day of January, 1992


for John A. Sandor, Commissioner
Department of Environmental
Conservation

Title 18, Chapters 15, 30, 31, 34, 36, 50, 52, 62, 72, 75, and 80, and the respective contents lists, are amended to read:

18 AAC 15. ADMINISTRATIVE PROCEDURES

18 AAC 15.050 is amended to read:

18 AAC 15.050. PUBLIC NOTICE. (a) Immediately after submitting [THE SERVICE OF] a complete application for a public pesticide project permit, a solid waste permit, a short-term variance from water quality standards, an oil discharge prevention and contingency plan approval, or a wastewater disposal permit, the applicant shall [CENTRAL OFFICE WILL] publish at least two consecutive notices of the application in at least one [A] newspaper of general circulation in the area that would be affected by the operation, and in other media the department [CENTRAL OFFICE] considers appropriate.

(b) The contents of a p[P]ublic notice required under this section must be approved by the department before publication. After a finding by the department that an application is complete, the department will advise the applicant of

- (1) any changes that must be made to the public notice;
- (2) the number of times the notice must be published; and
- (3) the number of newspapers in which the notice must appear.

(c) A public notice required under this section must [WILL] include

(1) the name and address of the applicant, and the location of the facility, operation, or activity;

(2) a brief [SUMMARY] description of the proposed facility, operation, or activity, including its type, size, and manner of operation;

(3) a description of the likely discharges, emissions, prevention and response capability, if applicable, or other environmental impacts that will be caused by the operation;

(4) a statement that a person who wants to express an opinion to the department in regard to the application may do so by submitting [FILING] written comments to [WITH] the department within 30 days after [THE SECOND] publication of notice; [AND]

(5) a statement that copies of the application, and any accompanying plans, are available for review at the appropriate regional office, or at another location chosen by the department, and that any [THE] person will be sent a copy of the application upon request; and

(6) a statement that the department will hold a public hearing on the application if 50 or more residents in the affected area, or the governing body of an affected municipality, make a request to the department for a hearing within 30 days after publication of the notice.

(d)[(c)] The applicant is responsible [HAS THE RESPONSIBILITY] for publishing the public notice as required in (a) of this section, including cost of publication [OF APPLICATION FOR A PUBLIC PESTICIDE PROJECT PERMIT]. A[N] publisher's affidavit of publication of a notice that meets [IN CONFORMITY WITH] the requirements of (b) of this section must be submitted to the department before a permit will be issued [INCLUDED WITH THE APPLICATION. THE PUBLIC NOTICE MUST INCLUDE A STATEMENT THAT THE DEPARTMENT WILL HOLD A PUBLIC HEARING ON THE APPLICATION IF 50 OR MORE RESIDENTS IN THE AFFECTED AREA, OR THE GOVERNING BODY OF AN AFFECTED MUNICIPALITY, MAKE A REQUEST TO THE CENTRAL OFFICE FOR A HEARING WITHIN 30 DAYS AFTER PUBLICATION OF THE SECOND NOTICE]. (Eff. 11/25/66, Register 64; am 1/7/87, Register 100; am / /92, Register)

Authority:	<u>AS 44.46.025</u>	<u>AS 46.03.320</u>
	AS 46.03.020(10)	AS 46.03.330
	AS 46.03.090	AS 46.03.720
	AS 46.03.100	<u>AS 46.03.740</u>
	AS 46.03.110	<u>AS 46.04.030</u>

18 AAC 30 - ENVIRONMENTAL SANITATION

ARTICLE 1. FOOD STORES AND MARKETS

Section

- 100. Applicability
- 110. Buildings
- 120. Sanitary installations
- 130. Refrigeration
- 140. Sanitary practices
- 150. Food protection
- 160. Employee hygiene
- 165. Inspection fees
- 170. Definitions

18 AAC 30.165. INSPECTION FEES. (a) On or before July 1, the owner or operator of an establishment subject to the requirements of 18 AAC 30.100 -- 18 AAC 30.170 shall pay the following applicable annual fee for department inspections made to ensure compliance with the applicable provisions of this chapter:

- (1) for a convenience store: \$50; and
- (2) for a market: \$150.

(b) For purposes of this section, "convenience store" means a small retail store with a limited inventory of mainly prepackaged items. (Eff. / /92, Register)

Authority:	AS 17.20.180
	AS 44.46.020
	AS 44.46.025

ARTICLE 2. FOOD PROCESSING AND STORAGE FACILITIES

Section

- 200. Applicability
- 210. Building design
- 220. Building construction and maintenance
- 230. Equipment, utensils, and food-contact surfaces
- 240. Sanitary installations
- 250. Employee hygiene
- 260. Processes and controls
- 270. Refrigeration
- 280. Labeling
- 285. Inspection fees
- 290. Definitions

18 AAC 30.285. INSPECTION FEES. On or before July 1, the owner or operator of an establishment listed in this section shall pay an annual fee of \$100 for department inspections made to ensure compliance with the applicable provisions of this chapter:

- (1) a food processing establishment; or
- (2) a warehouse where food intended for human consumption is stored.

(Eff. / /92, Register)

Authority: AS 17.20.180
AS 44.46.020
AS 44.46.025

18 AAC 31 - FOOD SERVICE

ARTICLE 9. COMPLIANCE PROCEDURES

Section

- 440. Permits
- 450. Inspections
- 460. Plan review
- 470. Examination and condemnation of food
- 480. Inspection fees
- 490. Waiver of requirements

18 AAC 31.460 is amended by adding a new subsection to read:

(c) The owner or operator of a food service establishment shall pay a \$25 fee for a plan review conducted by the department under this section. The fee must accompany the plans and specifications submitted under (a) of this section. (Eff. 5/27/83, Register 86; am / /92, Register)

Authority: AS 03.05.010(c) AS 44.46.020
AS 03.05.020 AS 44.46.025

18 AAC 31.480. INSPECTION FEES. On or before July 1, the owner or operator of an establishment that is subject to this chapter shall pay the following applicable annual fee for department inspections made to ensure compliance with the applicable provisions of this chapter:

- (1) for a food service establishment with 0 - 25 seats: \$50;
- (2) for a food service establishment with 26 - 50 seats: \$100;
- (3) for a food service establishment with more than 50 seats: \$200;
- (4) for a mobile food service establishment: \$50;
- (5) for a temporary food service establishment: \$10;
- (6) for a bar: \$150;
- (7) for a change of ownership: \$50; and
- (8) for each reinspection made after a finding of noncompliance: \$50.

(Eff. 1/1/92, Register 1992)

Authority: AS 03.05.011 AS 44.46.020
AS 03.05.020 AS 44.46.025

18 AAC 34 - FISH INSPECTION

18 AAC 34.020(a) is amended to read:

(a) An establishment or vessel that processes fisheries products may not operate without a current annual permit issued by the department, and subject to the applicable fee set out at 18 AAC 34.905. The department will issue a permit if the establishment or vessel demonstrates that it can operate in compliance with this chapter. An establishment or vessel shall comply with the terms of its permit. (Eff. 6/24/79, Register 70; am 9/1/82, Register 83; am 3/1/84, Register 89; am 8/26/89, Register 111; am 1/1/92, Register 1992)

Authority: AS 03.05.011 AS 17.20.060
AS 03.05.020(a) AS 17.20.180
AS 03.05.025 AS 44.46.020
AS 03.05.040 AS 44.46.025
AS 17.20.050 AS 46.03.100
AS 46.03.110

ARTICLE 9. GENERAL PROVISIONS

Section

900. Waiver requirements

905. Permit fees

910. Definitions

18 AAC 34.905. PERMIT FEES. (a) On or before July 1, person who is subject to the requirements of this chapter shall pay the following applicable annual permit fee:

- (1) harvester: \$25;
- (2) shellfish shipper: \$25;
- (3) re-packer: \$50;
- (4) shellfish packer: \$100;
- (5) vessel, less than 65 feet: \$100;
- (6) vessel, 65 feet or larger: \$325;
- (7) small landbased operation: \$125;
- (8) large landbased operation: \$325;
- (9) cannery processing less than 5,000 pounds per day: \$175;
- (10) cannery processing 5,000 pounds per day or more: \$325; and

(11) shellfish certification:

- (A) initial, five-day certification: \$750; and
- (B) recertification, one day: \$325.

(b) For purposes of this section,

(1) "large landbased operation" means an operation that processes 5,000 or more pounds per day of incoming product; and

(2) "small landbased operation" means an operation that processes up to 5,000 pounds per day of incoming product. (Eff. / /92, Register)

Authority:	AS 03.05.011	AS 44.46.025
	AS 03.05.020	AS 44.46.020

18 AAC 36 - ANIMAL HEALTH

18 AAC 36.035 is amended by adding a new subsection to read:

(b) A person who submits a blood sample for an EIA test shall pay the following applicable fee:

- (1) EIA testing performed during normal working hours: \$10; or
- (2) EIA testing performed outside normal working hours: \$50 per hour, with a one-hour minimum. (Eff. 9/1/82, Register 83; am / /92, Register)

Authority:	AS 03.05.020
	AS 44.46.025

18 AAC 50 - AIR QUALITY CONTROL

ARTICLE 3. PERMIT REVIEW CRITERIA

Section

400. Application review and issuance of permit to operate

410. (Repealed)

415. Plan review and permit fees

18 AAC 50.415 PLAN REVIEW AND PERMIT FEES. (a) The owner or operator of a facility that is subject to the requirements of this chapter shall pay the following applicable fee before the department will issue a permit to that facility:

- (1) for a preliminary review and analysis of an application: \$25;
- (2) open burning approval under
 - (A) 18 AAC 50.030(b)(2): \$500;
 - (B) 18 AAC 50.030(c): \$500; and
 - (C) 18 AAC 50.030(e), for a project greater than 40 acres: \$500.

(b) The owner or operator of a new or modified facility that is subject to the requirements of 18 AAC 50.300(a)(5) or 18 AAC 50.300(a)(6) shall pay a fee of \$5,000 before the department will process the completed application for the facility.

(c) On or before July 1, the owner or operator of a facility with a current Air Quality Control Permit to Operate shall pay the following applicable annual fee:

- (1) for a facility that is composed only of one or more incinerators:
\$3,000;
- (2) for an asphalt plant: \$3,000;
- (3) for a soil remediation unit: \$6,000;
- (4) for an electric utility with allowable emissions of a regulated air contaminant in an amount that is
- (A) less than 500 tons per year: \$3,000;
 - (B) between 500 and 2,000 tons per year: \$8,000;
 - (C) between 2,000 and 4,000 tons per year: \$25,000;
 - (D) more than 4,000 tons per year: \$50,000;
- (5) for a facility that is not described in (1), (2), (3), or (4) of this subsection, with allowable emissions of a regulated air contaminant in an amount that is
- (A) less than 500 tons per year: \$3,000;
 - (B) between 500 and 2,000 tons per year: \$9,000;
 - (C) between 2,000 and 4,000 tons per year: \$30,000;
 - (D) more than 4,000 tons per year: \$60,000. (Eff. / /92,

Register)

Authority:	AS 44.46.025	AS 46.03.150
	AS 46.03.010	AS 46.03.160
	AS 46.03.020	AS 46.03.170
	AS 46.03.140	

NOTE: The federal Clean Air Act Amendments of 1990 require the states to set permit fees "sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the permit program requirements of this title . . .". The federal criteria for the fee structure will likely require the future adoption of fees substantially higher than set out above for operations subject to the federal amendments.

18 AAC 52 - EMISSIONS INSPECTION AND MAINTENANCE REQUIREMENTS FOR MOTOR VEHICLES

Section

- 10. Purpose and general requirements
- 20. Vehicles subject to this chapter
- 30. Maintenance practices
- 40. Emissions inspection programs
- 50. Emissions standards
- 60. Alternative standards
- 70. Waivers
- 80. Certificate of inspection fees
- 900. Definitions

18 AAC 52.080. CERTIFICATE OF INSPECTION FEES. In an area where a vehicle emissions inspection program is implemented, and if the department is the implementing agency, a person subject to this chapter shall pay the following applicable fee for a certificate of inspection required under this chapter:

- (1) for an area in which the vehicle registration is less than 20,000 vehicles: \$25; or

(2) for an area in which the vehicle registration is 20,000 or more vehicles: \$10. (Eff. / /92, Register)

Authority: AS 44.46.025 AS 46.03.140
AS 46.03.020 AS 46.03.190

18 AAC 62 - HAZARDOUS WASTE

18 AAC 62 is amended by adding a new section to read:

ARTICLE 6. GENERAL PROVISIONS

Section

900. Rulemaking petitions

905. Hazardous waste activity fees

910. Required testing

920. Waste delisting

980. Definitions for regulations adopted by reference

990. Additional definitions

18 AAC 62.905. HAZARDOUS WASTE ACTIVITY FEES. (a) The owner or operator of a facility that is subject to the requirements of this chapter shall submit with the annual report required under 18 AAC 62.220, 18 AAC 62.320, or 18 AAC 62.420, the following applicable annual hazardous waste activity fee, based on the type and amount of hazardous waste activity in the year covered by the report:

- (1) for no activity: \$10;
- (2) for a burner or marketer of used oil: \$10;
- (3) for a conditionally exempt small quantity generator: \$15;
- (4) for a transporter: \$50;
- (5) for a small quantity generator: \$100;
- (6) for a large quantity generator: \$1,000; and
- (7) for a hazardous waste treatment, storage, or disposal facility: \$1,000.

(b) The generator category is determined, based on the highest generator category in a calendar year. For purposes of this section,

(1) "conditionally exempt small quantity generator" means a generator who generates no more than 100 kilograms of hazardous waste in a calendar month;

(2) "large quantity generator" means a generator who generates 1,000 kilograms or more in a calendar month; and

(3) "small quantity generator" means a generator who generates more than 100 kilograms, but less than 1,000 kilograms of hazardous waste in a calendar month. (Eff. / /92, Register)

Authority: AS 44.46.025 AS 46.03.299
AS 46.03.020 AS 46.03.302

18 AAC 72 - WASTEWATER DISPOSAL

ARTICLE 1. DOMESTIC WASTEWATER

18 AAC 72.010(a) is amended to read:

(a) A person who disposes of domestic wastewater into or onto land, surface water, or groundwater in Alaska must have a permit issued by the department for that disposal, and must pay the permit fee set out in (d) of this section, unless the discharge

[No changes to balance of this subsection]

18 AAC 72.010 is amended by adding a new subsection to read:

(d) For a wastewater disposal permit required under (a) of this section, and for any subsequent permit renewal, the applicant shall submit a fee of \$200 with the application required under 18 AAC 15.020. (Eff. 6/30/90, Register 114; am / /92, Register)

Authority:	AS 44.46.020	AS 46.03.080
	<u>AS 44.46.025</u>	AS 46.03.100
	AS 46.03.020	AS 46.03.720
	AS 46.03.050	

ARTICLE 2. DOMESTIC WASTEWATER SYSTEM PLAN REVIEW

Section

- 210. Application for department approval
- 212. Plan review and certification fees
- 215. Preapplication conference
- 220. Submittal requirements
- 225. Design review
- 230. Approval to construct
- 235. Revisions to approved plans
- 245. Construction certification
- 250. Approval to operate
- 255. Treatment plants
- 260. Stabilization ponds (lagoons)
- 265. Community soil absorption systems
- 270. Soils analysis and report for community soil absorption systems
- 275. Collection and pumping systems

18 AAC 72.212. PLAN REVIEW AND CERTIFICATION FEES. A person seeking department approval under 18 AAC 72.210 -- 18 AAC 72.275, or certification of adequacy of an on-site wastewater disposal system shall submit the following applicable fee

(1) for system plan review under 18 AAC 72.225, not including a project constructed under AS 46.03.030 or AS 46.07: \$200; and

(2) for an on-site certification if, under extraordinary circumstances, the department performs such a certification: \$200. (Eff. / /92, Register)

Authority:	AS 44.46.020	AS 46.03.050
	AS 44.46.025	AS 46.03.090
	AS 46.03.020	AS 46.03.720

ARTICLE 6. NONDOMESTIC WASTEWATER SYSTEM PLAN REVIEW

Section

600. Application for department approval

610. Fees

18 AAC 72.610. FEES. A person seeking department approval under 18 AAC 72.600 shall pay the applicable fee set out in Table H of this section.

TABLE H
FEES FOR PERMITS, CERTIFICATIONS, AND EIS REVIEWS

Discharge Category	Plan Review	State Permit	NPDES Certification	EIS Review	Permit Amendments and Renewals		Annual Fee
					State	NPDES	
Minor	\$200	\$600	--	--	\$100	--	\$300
Intermediate	\$500	\$1,200	\$4,000	\$8,000	\$600	\$4,000	\$2,000
Major	\$1,600	\$12,000	\$20,000	\$40,000	\$1800	\$20,000	\$5,000

(Eff. / /92, Register)

Authority: AS 44.46.020 AS 46.03.090
AS 44.46.025 AS 46.03.710
AS 46.03.020 AS 46.03.720
AS 46.03.050

ARTICLE 9. GENERAL PROVISIONS

18 AAC 72.910(a) is amended to read:

(a) Application for a general permit must be made in accordance with AS 46.03.110 and 18 AAC 15, and the application must be accompanied by a permit fee in the amount of \$50. (Eff. 6/30/90, Register 114; am / /92, Register)

Authority: AS 44.46.020 AS 46.03.090
AS 44.46.025 AS 46.03.100
AS 46.03.020 AS 46.03.110
AS 46.03.050 AS 46.03.710
AS 46.03.070 AS 46.03.720
AS 46.03.080

18 AAC 75 - OIL AND HAZARDOUS SUBSTANCES
POLLUTION CONTROL

ARTICLE 2. FINANCIAL RESPONSIBILITY

Section

200. Application for approval

205. Applications submitted by facsimile

210. Renewals

215. Amount and evidence of financial responsibility

220. Certificate of proof of financial responsibility

225. Self-insurance

- 230. Insurance
- 235. Surety
- 240. Guaranty
- 245. Letters of credit
- 250. Other proof of financial responsibility
- 255. Service of process
- 260. Classification as an oil terminal facility
- 265. Liquid bulk oil cargo and exempt containers used to carry liquid bulk oil
- 270. Oil terminal facilities
- 275. Enforcement
- 280. Fees

18 AAC 75.280. FEES. A person seeking department approval of proof of financial responsibility under this chapter shall submit the following applicable fee

- (1) for approval of a new application: \$150; or
- (2) for each additional certificate of approval: \$50. (Eff. / /92,

Register)

Authority:	AS 44.46.025	AS 46.04.050
	AS 46.03.020	AS 46.04.070
	AS 46.04.040	

ARTICLE 4. OIL DISCHARGE PREVENTION AND CONTINGENCY PLANS

Section

- 400. Applicability
- 405. Pre-application notification and consultation
- 410. Application for approval
- 415. Application for amendment
- 420. Application for renewal
- 425. Oil discharge prevention and contingency plan contents
- 430. Response planning standards
- 432. Response planning standards for oil terminal facilities
- 434. Response planning standards for exploration or production facilities
- 436. Response planning standards for pipelines
- 438. Response planning standards for crude oil tank vessels and barges
- 440. Response planning standards for noncrude oil tank vessels and barges
- 442. Response planning standards for multiple operations
- 445. Approval criteria
- 450. Training requirements
- 460. Department decision
- 462. Plan approval fees
- 465. Proof of approved prevention and contingency plan
- 470. Transfers between plan holders
- 475. Notification of nonreadiness
- 480. Inspections
- 485. Discharge exercises
- 490. Failure to comply
- 495. Regional master discharge prevention and contingency plan boundaries

18 AAC 75.462. PLAN APPROVAL FEES. Subject to the provisions of AS 46.04.050, a person seeking approval of an oil discharge prevention and contingency plan under this chapter for an oil terminal facility, or for an oil tank vessel or barge, shall submit the following applicable fee:

	CRUDE	NONCRUDE
Initial application	\$1,000	\$500
Renewal	\$1,000	\$500
Amendments other than a routine plan update	\$750	\$375

(Eff. / /92, Register)

Authority: AS 44.46.025 AS 46.04.030
AS 46.03.020 AS 46.04.070

18 AAC 80 - DRINKING WATER

ARTICLE 3. PLAN REVIEW AND APPROVAL

Section

- 300. Plan approval
- 310. Engineering plans
- 340. Review standards; design criteria
- 350. Department review; post-approval procedures
- 355. Plan approval fees
- 360. Revocation of approval
- 370. Vehicle or vessel used to distribute potable water

18 AAC 80.355. PLAN APPROVAL FEES. (a) The owner or operator of a public water system subject to the requirements of this chapter, not including a project constructed under AS 46.03.030 or AS 46.07, shall submit the following applicable fee

- (1) for a Class A public water system plan approval : \$1,000;
- (2) for a Class B public water system plan approval: \$500; or
- (3) for a Class C public water system plan approval: \$100.

(Eff. / /92, Register)

Authority: AS 44.46.025 AS 46.03.070
AS 46.03.020 AS 46.03.710
AS 46.03.050 AS 46.03.720

1		ALLOCATIONS	APPROPRIATION ITEMS	APPROPRIATION GENERAL FUND	FUND SOURCES OTHER FUNDS	1	
2						2	
3	*****		*****			3	
4	***** DEPARTMENT OF ENVIRONMENTAL CONSERVATION		*****			4	
5	*****		*****			5	
6	ADMINISTRATION		486,600 495,100	2,614,000 2,622,500	2,089,800 2,098,300	529,200	6
7	OFFICE OF THE COMMISSIONER (6 POSITIONS)						7
8	IT IS THE INTENT OF THE LEGISLATURE THAT THE DEPARTMENT						8
9	IDENTIFY OPPORTUNITIES TO ESTABLISH AND COLLECT FEES FOR						9
10	PERMITS AND SERVICES RENDERED BY THE DEPARTMENT AS						10
11	AUTHORIZED BY LAW AND REPORT BACK TO THE LEGISLATURE BY						11
12	JANUARY 15, 1992 WITH AN IMPLEMENTATION PLAN FOR THE						12
13	COLLECTION OF PROGRAM RECEIPTS.						13
14	IT IS THE INTENT OF THE LEGISLATURE THAT EACH BOARD OR						14
15	COMMISSION THAT DISTRIBUTES GRANT FUNDS OR CONTRACTUAL						15
16	FUNDS FOR A SPECIFIC PURPOSE SHALL USE THESE FUNDS ONLY						16
17	FOR THE PURPOSES DESIGNATED IN THE BUDGET. ANY						17
18	SHORTFALLS IN PERSONAL SERVICE FUNDING SHALL BE HANDLED						18
19	BY REDUCING STAFF TIME OR SALARY LEVELS.						19
20	IT IS THE INTENT OF THE LEGISLATURE THAT THE DEPARTMENT						20
21	ASSIST THE ARCTIC MARINE RESOURCES COMMISSION IN						21
22	OBTAINING RECOGNITION AS A REGIONAL CITIZENS ADVISORY						22
23	COUNCIL, AND IN OBTAINING OPERATIONAL FUNDS FROM						23
24	INDUSTRY (WHICH IS THE FUNDING MECHANISM FOR THE OTHER						24
25	RCACS IN THE STATE).						25

STATE OF ALASKA
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION



PROPOSED PERMIT, APPROVAL, AND
INSPECTION FEE REGULATIONS

REVISED PUBLIC COMMENT DRAFT

March 6, 1992

Walter J. Hickel
Governor

John A. Sandor
Commissioner

IMPORTANT NOTE

ALL PROGRAMS FOR WHICH DEC IS PROPOSING TO CHARGE A FEE ARE THOSE REQUIRED BY LAW.

DEC ENCOURAGES COMMENTS REGARDING WHICH OF THESE PROGRAMS SHOULD BE THE RESPONSIBILITY OF LOCAL GOVERNMENT, RATHER THAN THE STATE.

IF A LOCAL GOVERNMENT WERE TO ASSUME RESPONSIBILITY FOR SOME OF THESE PROGRAMS (WHERE SUCH ASSUMPTION WOULD BE IN ACCORDANCE WITH APPLICABLE LAW), FEES FOR PROVIDING THOSE SERVICES COULD BE RETAINED IN EACH COMMUNITY.

DEC ENCOURAGES LOCAL GOVERNMENTS TO CONSIDER ADMINISTERING SOME OF THESE PROGRAMS, TO PRESCRIBE THE LEVEL OF FEES NECESSARY, AND TO COLLECT AND USE THOSE FEES TO COVER THE COSTS OF ADMINISTERING THE PROGRAMS IN EACH COMMUNITY.

IF A COMMUNITY ELECTS NOT TO ADMINISTER A PROGRAM PRESCRIBED BY STATE OR FEDERAL LAW, DEC PROPOSES TO ADMINISTER THAT PROGRAM IN A PARTNERSHIP AGREEMENT WITH THAT COMMUNITY, SO THAT THE PROGRAM CAN BETTER MEET THE NEEDS OF THAT COMMUNITY.

PLEASE LET US HEAR FROM YOU REGARDING THIS PROPOSAL.

John A. Jandor

PROPOSED "USER FEE" REGULATIONS

SUMMARY OF MAJOR CHANGES MADE TO 1/30/92 DRAFT REGULATIONS

ALL PROGRAMS (except some air quality permits subject to 1990 Clean Air Act amendments): nonprofits will be exempt from fee requirement; local, state, and federal agencies will be eligible for a fee waiver, in the department's discretion. This will be added to each regulation before adoption, but does not appear in the current draft.

18 AAC 15 - PERMIT PROCEDURES: The requirement for a public hearing on a permit application has been changed to a showing of good cause, rather than requiring 50 people in the affected area to sign the hearing request.

18 AAC 30 - SANITATION: Will carry over annual inspection fee if ADEC fails to inspect;

18 AAC 31 - FOOD SERVICE: Will carry over annual inspection fee if ADEC fails to inspect; bar inspection fee reduced if in same facility with restaurant; plan review fee withdrawn;

18 AAC 34 - FISH INSPECTION: Clarifying that fees apply to processing vessels and operations, not to commercial fishermen who are not processors.

18 AAC 50 - AIR QUALITY: Reduced fee (\$1,500 rather than \$3,000) for asphalt plants processing less than 10,000 tons per year; clarification that equipment associated with incinerators is not subject to a separate fee; clarification that "allowable emissions" is for all air contaminants, not for each air contaminant.

18 AAC 52 - AUTO EMISSIONS INSPECTION: Changed vehicle registration limits to 30,000 vehicles in an area where an inspection program is implemented and where the department is responsible for the inspections.

18 AAC 72 - WASTEWATER DISPOSAL: Clarified that fee does not apply to discharges of less than 500 gallons per day if the discharge meets minimum treatment requirements; established categories of fees for domestic wastewater permits, based upon amount of discharge; clarified meaning of nondomestic wastewater categories in former "Table H" to show that the proposed fees were sliding fees, and setting out a system to determine each applicant's fee based on factors such as type and amount of discharge, sensitivity of receiving environment, magnitude of public concern, EPA designations, etc.; clarifying that -- for placer miners -- only NPDES certifications are subject to a fee; provided for reduced renewal fee under certain circumstances.

18 AAC 75 - OIL AND HAZARDOUS SUBSTANCE POLLUTION CONTROL: The proposed fee for C-plan reviews has been dropped because AS 43.55.220 provides that the per-barrel surcharge paid by oil producers may be appropriated by the legislature to the oil and hazardous substance release response fund (470 Fund) -- and because AS 46.08.040 provides that the 470 Fund may be used to cover the cost of reviewing contingency plans. The fee for financial responsibility applications and certificates and the responsibility for publishing public notice remain in the proposal.

18 AAC 80 - DRINKING WATER: Established categories of fees based upon number of persons served by each public water system; added fees for surface water sources, separation distance waivers, modifications, repair, replacements, or extensions.

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
PROPOSED "USER FEE" REGULATIONS

*
ANSWERS TO MOST FREQUENTLY-ASKED QUESTIONS
*

1. IF I DON'T NEED A DEC PERMIT, APPROVAL, OR INSPECTION NOW, DO I STILL PAY A FEE FOR ONE OF THE CATEGORIES IN THE PROPOSAL?

Only those persons who now have (or if they opened a new business would be required to obtain) a DEC permit or approval, and only those businesses that are now inspected, are covered by the proposed user fee regulations. If you are not sure whether the business or activity you are engaged in -- or planning to engage in -- requires a permit, approval, or inspection, please call your local DEC office.

2. ARE COMMERCIAL FISHERMEN SUBJECT TO A FEE?

Only processing vessels and operations or shellfish harvesters or processors are subject to these requirements.

3. DO I HAVE TO PAY A FEE FOR MY POWER GENERATOR AT MY CABIN OR LODGE?

No. A "hazardous waste generator" is not a piece of equipment, but is a person or business who must notify EPA of a hazardous waste activity and obtain an active EPA identification number.

4. WILL NONPROFIT ORGANIZATIONS BE ELIGIBLE FOR A FEE WAIVER?

Yes.

5. WILL LOCAL, STATE, AND FEDERAL OPERATIONS BE ELIGIBLE FOR A FEE WAIVER?

Yes, in the department's discretion, although such a waiver may not be possible for some air quality control permits because of the 1990 amendments to the Clean Air Act. Appropriate language will be added to each applicable chapter in the final draft.

6. MY BUSINESS MAY BE SUBJECT TO MORE THAN ONE FEE CATEGORY. WILL YOU BE CONSIDERING AN "UMBRELLA" FEE IN CERTAIN CASES?

In some, related programs, where one business might fit several categories (for example, a business that harvests, packs, re-packs, and ships shellfish), we will require only one fee--the highest of the applicable categories. For other program fees which are unrelated to each other, such as a business that needs a wastewater disposal permit and an air quality control permit, we are considering an "umbrella" fee that would continue to support each of those separate program categories, while taking into account the economic impact of separate fees for one business.

7. ALL DOMESTIC WASTEWATER FEES ARE SET AT \$200, YET ALL REVIEWS ARE NOT IDENTICAL.

We have now created a graduated structure, with fees ranging from \$100 to \$3,200.

8. I DON'T UNDERSTAND TABLE H IN THE WASTEWATER PERMIT SECTION. IT IS IMPOSSIBLE TO DETERMINE WHICH CATEGORY I BELONG IN.

This section has been completely rewritten to explain the way the department will determine the fee for each applicant. The department's intention to determine a separate fee, rather than a flat fee for each facility type, was not clear in the first draft. A proposed point system, based upon certain unique factors at each site such as pollutant potential, flow volume, wastewater type, sensitive receiving environment, and public involvement, should result in a fee structure that is more fair than a flat fee. Copies of the rewritten regulations will be available at each public hearing or teleconference site.

9. THE FEE FOR NPDES REVIEWS ARE NOT JUSTIFIED BECAUSE ALASKA DOES NOT HAVE AUTHORITY FOR THIS PROGRAM.

The fee is based upon the actual staff time spent on certifications of the federal permits. It is not related to whether or not Alaska has primacy for this program.

10. INDUSTRIAL WASTEWATER FEES ARE TOO HIGH.

The proposed fees are based upon time spent on prior projects by staff. On some large or complex projects, in excess of one-man-year may be spent.

11. FEES FOR PUBLIC WATER SYSTEMS SHOULD BE ELIMINATED OR CUT IN HALF.

The fees have been amended to a graduated structure, ranging from \$250 to \$4,000 for class A and B systems, based on population served.

12. THE FEE SYSTEM SHOULD NOT BE A REVENUE PROGRAM OR CREATE FUNDING FOR TRAINING PROGRAMS.

The fee amounts are based solely upon past experience and the amount of time spent by staff on actual permitting, review, etc. tasks. Training will not come from these charges.

13. THE AIR QUALITY FEES ARE TOO HIGH, ESPECIALLY FOR ASPHALT PLANTS.

We are re-evaluating these fees, and will continue to evaluate all comments during the review period. The current fee structure represents an \$8/ton average charge. As for asphalt plants, we are proposing a lower fee for sources that process less than 10,000 tons per year.

14. IT SEEMS DEC COULD PERFORM MULTIPLE INSPECTIONS JUST TO GENERATE FEES.

The inspection fees are annual fees, and the single fee applies whether the department performs one or a dozen inspections during each year. The only exception to this would be an additional fee for any re-inspection that was necessary because the facility failed the initial inspection. If the facility remains in compliance with the applicable regulations, there would be no need for a follow-up re-inspection for noncompliance.

**NOTICE OF PUBLIC HEARINGS,
EXTENSION OF COMMENT PERIOD, AND
AMENDED NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE
ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
REGARDING FEES FOR PERMITS, APPROVALS, AND INSPECTIONS**

NOTICE IS GIVEN that the Alaska Department of Environmental Conservation, proposes to amend regulations in Title 18, Chapters 15, 30, 31, 34, 36, 50, 52, 62, 72, 75, and 80 of the Alaska Administrative Code, dealing with user fees for various department permit, approval, and inspection programs, to implement AS 44.46.025 as follows:

In response to a statement of legislative intent made by the 1991 Legislature, that a portion of the department's operating budget be funded through the imposition of "user fees," for the purpose of putting state government on a more self-supporting basis, the department proposes to impose permit, approval, and inspection fees for certain department programs, including: 18 AAC 15, Permit Approvals (for public notices of permit applications); 18 AAC 30, Environmental Sanitation (food stores and markets, food processing establishments and storage facilities); 18 AAC 31, Food Service (restaurants, bars, limited and mobile food service establishments); 18 AAC 34, Fish Inspection (shellfish harvesters, shellfish shippers, shellfish repackers, shellfish packers, processing vessels, landbased processing operations, canneries, shellfish certification); 18 AAC 36, Animal Health (EIA testing for equines); 18 AAC 50, Air Quality Control (plan review and permit fees, open burning, incinerators, asphalt plants, soil remediation units, electric utilities, and other facilities subject to 18 AAC 50); 18 AAC 52, Emissions Inspection and Maintenance Requirements for Motor Vehicles; 18 AAC 62, Hazardous Waste (for burners and marketers of used oil, generators, and hazardous waste treatment, storage, or disposal facilities); 18 AAC 72, Wastewater Disposal (permits and renewals, plan reviews and certifications, and EIS reviews, but excluding subdivision plan reviews); 18 AAC 75, Oil and Hazardous Substances Pollution Control (proof of financial responsibility, and plan approvals for oil terminal facilities, oil tank vessels and barges, pipeline facilities, exploration facilities, and production facilities); and 18 AAC 80, Drinking Water (plan approvals for Class A, Class B, and Class C public water systems).

This notice also clarifies certain programs that are affected, and includes fee requirements for pipeline facilities, exploration and production facilities subject to 18 AAC 75 which were inadvertently not included in the original public notice.

NOTICE IS ALSO GIVEN that any person interested may present oral or written statements or arguments relevant to the proposed action at a public hearing or teleconference to be held as indicated below. The hearings might be extended beyond the time indicated to accommodate those persons present before 8:30 p.m. who have not had an opportunity to testify.

DATE	TIME	COMMUNITY	LOCATION	TYPE OF HEARING
3/23/92	7-9 pm	CORDOVA	City Council Chambers Centennial Hall 622 First Street	Public Hearing
3/23/92	7-9 pm	KING SALMON	ComSerFac Building FAA Housing Complex	Public Hearing
3/23/92	7:30-9:30 pm	KODIAK	Adult Learning Center Studio 117 Benny Benson Drive	Public Hearing
3/23/92	7-9 pm	SOLDOTNA	Borough Assembly Meeting Rm 144 N. Binkley	Public Hearing
3/24/92	7-9 pm	ANCHORAGE	Loussac Library Wilda Marston Theater 3600 Denali	Public Hearing
3/24/92	7-9 pm	BETHEL	KVNA Building Conference Rm 841 River Street	Public Hearing
3/24/92	7-9 pm	VALDEZ	City Council Chambers 212 Chenega	Public Hearing
3/25/92	7-9 pm	DUTCH HARBOR	High School Auditorium	Public Hearing
3/25/92	7-9 pm	FAIRBANKS	Noel Wien Library Auditorium 1215 Cowles Street	Public Hearing
3/25/92	7-9 pm	JUNEAU	Centennial Hall, Ballroom 101 Egan Drive	Public Hearing

3/25/92	7-9 pm	SITKA	Centennial Building 330 Harbor Drive	Public Hearing
3/25/92	7-9 pm	WASILLA	City Council Chambers 290 E. Herning	Public Hearing
3/26/92	7-9 pm	KETCHIKAN	High School, Multi-service Rm 2610 Fourth Avenue	Public Hearing
3/26/92	7-9	NOME	City Council Chambers 61 Hunter Way	Public Hearing
3/26/92	7-9 pm	TOK	Tok Community Center	Public Hearing
3/26/92	7-10 pm	BARROW	Legislative Information Office	Teleconference
3/26/92	7-10 pm	CHITINA	Legislative Information Office	Teleconference
3/26/92	7-10 pm	DELTA JUNCTION	Legislative Information Office	Teleconference
3/26/92	7-10 pm	DILLINGHAM	Legislative Information Office	Teleconference
3/26/92	7-10 pm	GLENNALLEN	Legislative Information Office	Teleconference
3/26/92	7-10 pm	HOMER	Legislative Information Office	Teleconference
3/26/92	7-10 pm	KOTZEBUE	Legislative Information Office	Teleconference
3/26/92	7-10 pm	PALMER	Legislative Information Office	Teleconference
3/26/92	7-10 pm	PAXSON	Meier's Lake Roadhouse	Teleconference
3/26/92	7-10 pm	PETERSBURG	Legislative Information Office	Teleconference
3/26/92	7-10 pm	SEWARD	Seward Community Library	Teleconference
3/26/92	7-10 pm	SLANA	Duffy's Roadhouse	Teleconference
3/26/92	7-10 pm	WRANGELL	Legislative Information Office	Teleconference
4/20/92	7-9 pm	ANCHORAGE	Loussac Library Wilda Marston Theater 3600 Denali	Public Hearing

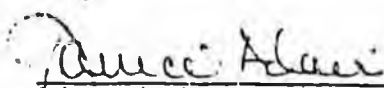
In addition, written statements or arguments relevant to the proposed action may be sent to Ms. Janice Adair, Special Assistant to the Commissioner, Alaska Department of Environmental Conservation, 410 Willoughby Avenue, Suite 301, Juneau, AK 99801. Comments will be included in the record if they are received on or before April 30, 1992.

This action is not expected to require an increased appropriation.

A copy of the proposed regulations may be picked up at each public hearing or teleconference, at 410 Willoughby Avenue, Suite 301, Juneau, or at any regional office of the department. A copy may also be obtained by writing to Office of the Commissioner, Alaska Department of Environmental Conservation, 410 Willoughby Avenue, Suite 301, Juneau, AK 99801. To expedite getting a copy to you, please write the word "Regulations" in the bottom, left-hand corner of the envelope. Questions about the proposal may be referred to Billie Wilson at 465-5061.

The department, after the deadline stated above, will either adopt these or other proposals dealing with the same subject, without further notice. Based upon public comments, the department may decide to increase or lower proposed fees. Alternatively, the department may decide to take no action on the proposals.

Dated at Juneau, Alaska, this 6th day of March, 1992.

for 
John A. Sandor, Commissioner
Department of Environmental
Conservation

Title 18, Chapters 15, 30, 31, 34, 36, 50, 52, 62, 72, 75, and 80, and the respective contents lists, are amended to read:

18 AAC 15. ADMINISTRATIVE PROCEDURES

18 AAC 15.050 is amended to read:

18 AAC 15.050. PUBLIC NOTICE. (a) Immediately after submitting [THE SERVICE OF] a complete application for a public pesticide project permit, a solid waste permit, a short-term variance from water quality standards, an oil discharge prevention and contingency plan approval, or a wastewater disposal permit, the applicant shall [CENTRAL OFFICE WILL] publish at least two consecutive notices of the application in at least one [A] newspaper of general circulation in the area that would be affected by the operation, and in other media the department [CENTRAL OFFICE] considers appropriate.

(b) The contents of a p[P]ublic notice required under this section must be approved by the department before publication. After a finding by the department that an application is complete, the department will advise the applicant of

(1) any changes that must be made to the public notice;

(2) the number of times the notice must be published; and

(3) the number of newspapers in which the notice must appear.

(c) A public notice required under this section must [WILL] include

(1) the name and address of the applicant, and the location of the facility, operation, or activity;

(2) a brief [SUMMARY] description of the proposed facility, operation, or activity, including its type, size, and manner of operation;

(3) a description of the likely discharges, emissions, prevention and response capability, if applicable, or other environmental impacts that will be caused by the operation;

(4) a statement that a person who wants to express an opinion to the department in regard to the application may do so by submitting [FILING] written comments to [WITH] the department within 30 days after [THE SECOND] publication of notice; [AND]

(5) a statement that copies of the application, and any accompanying plans, are available for review at the appropriate regional office, or at another location chosen by the department, and that any [THE] person will be sent a copy of the application upon request; and

(6) a statement that the department will hold public hearing on the application if a written request for a hearing is received within 30 days after publication of the notice, and if good cause is shown for holding a hearing.

(d)[(c)] The applicant is responsible [HAS THE RESPONSIBILITY] for publishing the public notice as required in (a) of this section. including cost of publication [OF APPLICATION FOR A PUBLIC PESTICIDE PROJECT PERMIT]. A[N] publisher's affidavit of publication of a notice that meets [IN CONFORMITY WITH] the requirements of (b) of this section must be submitted to the department before a permit will be issued [INCLUDED WITH THE APPLICATION. THE PUBLIC NOTICE MUST INCLUDE A STATEMENT THAT THE DEPARTMENT WILL HOLD A PUBLIC HEARING ON THE APPLICATION IF 50 OR MORE RESIDENTS IN THE AFFECTED AREA, OR THE GOVERNING BODY OF AN AFFECTED MUNICIPALITY, MAKE A REQUEST TO THE CENTRAL OFFICE FOR A HEARING WITHIN 30 DAYS AFTER PUBLICATION OF THE SECOND NOTICE]. (Eff. 11/25/66, Register 64; am 1/7/87, Register 100; am / /92, Register)

Authority:	<u>AS 44.46.025</u>	<u>AS 46.03.320</u>
	AS 46.03.020(10)	AS 46.03.330
	AS 46.03.090	AS 46.03.720
	AS 46.03.100	<u>AS 46.03.740</u>
	AS 46.03.110	<u>AS 46.04.030</u>

18 AAC 30 - ENVIRONMENTAL SANITATION

ARTICLE 1. FOOD STORES AND MARKETS

18 AAC 30 is amended by adding new sections to read:

Section

- 100. Applicability
- 110. Buildings
- 120. Sanitary installations
- 130. Refrigeration
- 140. Sanitary practices
- 150. Food protection
- 160. Employee hygiene
- 165. Inspection fees
- 170. Definitions

18 AAC 30.165. INSPECTION FEES. (a) The owner or operator of an establishment subject to the requirements of 18 AAC 30.100 -- 18 AAC 30.170 shall pay the following applicable annual fee for department inspections made to ensure compliance with the applicable provisions of this chapter:

- (1) for a convenience store: \$50; and
- (2) for a market: \$150.

(b) For purposes of this section, "convenience store" means a small retail store with a limited inventory of mainly ~~pre~~packaged items.

(c) If the department is unable to conduct one or more inspections during the year for which the annual fee was paid, no fee will be due for the following year.
(Eff. / /92, Register)

Authority: AS 17.20.180

AS 44.46.020

AS 44.46.025

ARTICLE 2. FOOD PROCESSING AND STORAGE FACILITIES

Section

- 200. Applicability
- 210. Building design
- 220. Building construction and maintenance
- 230. Equipment, utensils, and food-contact surfaces
- 240. Sanitary installations
- 250. Employee hygiene
- 260. Processes and controls
- 270. Refrigeration
- 280. Labeling
- 285. Inspection fees
- 290. Definitions

18 AAC 30.285. INSPECTION FEES. (a) The owner or operator of an establishment listed in this section shall pay an annual fee of \$100 for department inspections made to ensure compliance with the applicable provisions of this chapter:

- (1) a food processing establishment; or
- (2) a warehouse where food intended for human consumption is stored.

(b) If the department is unable to conduct one or more inspections during the year for which the annual fee was paid, no fee will be due for the following year.
(Eff. / /92, Register)

Authority: AS 17.20.180
AS 44.46.020
AS 44.46.025

18 AAC 31 - FOOD SERVICE

ARTICLE 9. COMPLIANCE PROCEDURES

18 AAC 31 is amended by adding a new section to read:

Section

- 440. Permits
- 450. Inspections
- 460. Plan review
- 470. Examination and condemnation of food
- 480. Inspection fees
- 490. Waiver of requirements

18 AAC 31.480. INSPECTION FEES. (a) Except for a nonprofit establishment, the owner or operator of an establishment that is subject to this chapter shall pay the following applicable annual fee for department inspections made to ensure compliance with the applicable provisions of this chapter:

- (1) for a food service establishment with 0 - 25 seats: \$50;
- (2) for a food service establishment with 26 - 50 seats: \$100;
- (3) for a food service establishment with more than 50 seats: \$200;
- (4) for a mobile food service establishment: \$50;
- (5) for a temporary food service establishment: \$10;
- (6) for a bar

(A) that is not included with a restaurant inspection in the same establishment: \$150; or

(B) that is included with a restaurant inspection in the same establishment: \$50;

(7) for a change of ownership: \$50; and

(8) for each reinspection made after a finding of noncompliance: \$50.

(b) If the department is unable to conduct one or more inspections during the year for which the annual fee was paid, no fee will be due for the following year.

(c) The department will, in its discretion, waive the inspection fee for an establishment operated by a federal, state, or local government agency. (Eff. / /92, Register)

Authority: AS 03.05.011 AS 44.46.020
AS 03.05.020 AS 44.46.025

18 AAC 34 - FISH INSPECTION

18 AAC 34.020(a) is amended to read:

(a) An establishment or vessel that processes fisheries products may not operate without a current annual permit issued by the department, and subject to the applicable fee set out at 18 AAC 34.905. The department will issue a permit if the establishment or vessel demonstrates that it can operate in compliance with this chapter. An establishment or vessel shall comply with the terms of its permit. (Eff. 6/24/79, Register 70; am 9/1/82, Register 83; am 3/1/84, Register 89; am 8/26/89, Register 111; am / /92, Register)

Authority: AS 03.05.011 AS 17.20.060
AS 03.05.020(a) AS 17.20.180
AS 03.05.025 AS 44.46.020
AS 03.05.040 AS 44.46.025
AS 17.20.050 AS 46.03.100
AS 46.03.110

ARTICLE 9. GENERAL PROVISIONS

18 AAC 34 is amended by adding a new section to read:

Section

900. Waiver requirements

905. Permit fees

910. Definitions

18 AAC 34.905. PERMIT FEES. (a) A person who is subject to the requirements of this chapter shall pay the following applicable annual permit fee:

- (1) shellfish harvester: \$25;
- (2) shellfish shipper: \$25;
- (3) shellfish re-packer: \$50;
- (4) shellfish packer: \$100;
- (5) processing vessel, less than 65 feet: \$100;
- (6) processing vessel, 65 feet or larger: \$325;
- (7) small landbased processing operation: \$125;
- (8) large landbased processing operation: \$325;
- (9) cannery processing less than 5,000 pounds per day: \$175;
- (10) cannery processing 5,000 pounds per day or more: \$325; and
- (11) shellfish certification:
 - (A) initial, five-day certification: \$750; and
 - (B) recertification, one day: \$325.

(b) A person whose operation includes more than one of the categories listed in (a) of this section shall pay only one fee, representing the highest applicable category.

(c) For purposes of this section,

(1) "large landbased processing operation" means an operation that processes 5,000 or more pounds per day of incoming product; and

(2) "small landbased processing operation" means an operation that processes up to 5,000 pounds per day of incoming product. (Eff. / /92, Register)

Authority: AS 03.05.011 AS 44.46.025
AS 03.05.020 AS 44.46.020

18 AAC 36 - ANIMAL HEALTH

18 AAC 36.035 is amended by adding a new subsection to read:

(b) A person who submits a blood sample for an EIA test shall pay the following applicable fee:

- (1) EIA testing performed during normal working hours: \$10; or

(2) EIA testing performed outside normal working hours: \$50 per hour, with a one-hour minimum. (Eff. 9/1/82, Register 83; am / /92, Register)

Authority: AS 03.05.020
AS 44.46.025

18 AAC 50 - AIR QUALITY CONTROL

ARTICLE 3. PERMIT REVIEW CRITERIA

18 AAC 50 is amended by adding a new section to read:

Section

400. Application review and issuance of permit to operate

410. (Repealed)

415. Plan review and permit fees

18 AAC 50.415 PLAN REVIEW AND PERMIT FEES. (a) The owner or operator of a facility that is subject to the requirements of this chapter shall pay the following applicable fee before the department will issue a permit to that facility:

- (1) for a preliminary review and analysis of an application: \$25; or
- (2) open burning approval under

- (A) 18 AAC 50.030(b)(2): \$500;
- (B) 18 AAC 50.030(c): \$500; or
- (C) 18 AAC 50.030(e), for a project greater than 40 acres: \$500.

(b) The owner or operator of a new or modified facility that is subject to the requirements of 18 AAC 50.300(a)(5) or 18 AAC 50.300(a)(6) shall pay a fee of \$5,000 before the department will process the completed application for the facility.

(c) The owner or operator of a facility with a current Air Quality Control Permit to Operate shall pay the following applicable annual fee:

(1) for a facility that is composed only of one or more incinerators and associated equipment: \$3,000;

(2) for an asphalt plant

- (A) that processes up to 10,000 tons per year: \$1,500; or
- (B) that processes 10,000 or more tons per year: \$3,000;

(3) for a soil remediation unit: \$6,000;

(4) for an electric utility with allowable emissions of regulated air contaminants in an amount that is

- (A) less than 500 tons per year: \$3,000;
- (B) between 500 and 2,000 tons per year: \$8,000;
- (C) between 2,000 and 4,000 tons per year: \$25,000;

(D) more than 4,000 tons per year: \$50,000;

(5) for a facility that is not described in (1), (2), (3), or (4) of this subsection, with allowable emissions of regulated air contaminants in an amount that is

(A) less than 500 tons per year: \$3,000;

(B) between 500 and 2,000 tons per year: \$9,000;

(C) between 2,000 and 4,000 tons per year: \$30,000;

(D) more than 4,000 tons per year: \$60,000. (Eff. / /92,

Register)

Authority:	AS 44.46.025	AS 46.03.150
	AS 46.03.010	AS 46.03.160
	AS 46.03.020	AS 46.03.170
	AS 46.03.140	

NOTE: The federal Clean Air Act Amendments of 1990 require the states to set permit fees "sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the permit program requirements of this title . . .". The federal criteria for the fee structure will likely require the future adoption of fees substantially higher than set out above for operations subject to the federal amendments.

18 AAC 52 - EMISSIONS INSPECTION AND MAINTENANCE REQUIREMENTS FOR MOTOR VEHICLES

18 AAC 52 is amended by adding a new section to read:

Section

- 10. Purpose and general requirements
- 20. Vehicles subject to this chapter
- 30. Maintenance practices
- 40. Emissions inspection programs
- 50. Emissions standards
- 60. Alternative standards
- 70. Waivers
- 80. Certificate of inspection fees
- 900. Definitions

18 AAC 52.080. CERTIFICATE OF INSPECTION FEES. In an area where a vehicle emissions inspection program is implemented, and if the department is the implementing agency, a person subject to this chapter shall pay the following applicable fee for a certificate of inspection required under this chapter:

(1) for an area in which the vehicle registration is less than 30,000 vehicles: \$25; or

(2) for an area in which the vehicle registration is 30,000 or more vehicles: \$10. (Eff. / /92, Register)

Authority:	AS 44.46.025	AS 46.03.140
	AS 46.03.020	AS 46.03.190

18 AAC 62 - HAZARDOUS WASTE

ARTICLE 6. GENERAL PROVISIONS

18 AAC 62 is amended by adding a new section to read:

Section

900. Rulemaking petitions

905. Hazardous waste activity fees

910. Required testing

920. Waste delisting

980. Definitions for regulations adopted by reference

990. Additional definitions

18 AAC 62.905. HAZARDOUS WASTE ACTIVITY FEES. (a) The owner or operator of a facility that is subject to the requirements of this chapter shall submit with the annual report required under 18 AAC 62.220, 18 AAC 62.320, or 18 AAC 62.420, the following applicable annual hazardous waste activity fee, based on the type and amount of hazardous waste activity in the year covered by the report:

- (1) for no activity: \$10;
- (2) for a burner or marketer of used oil: \$10;
- (3) for a conditionally exempt small quantity generator: \$15;
- (4) for a transporter: \$50;
- (5) for a small quantity generator: \$100;
- (6) for a large quantity generator: \$1,000; and
- (7) for a hazardous waste treatment, storage, or disposal facility: \$1,000.

(b) The generator category is determined, based on the highest generator category in a calendar year. For purposes of this section,

(1) "conditionally exempt small quantity generator" means a generator who generates no more than 100 kilograms of hazardous waste in a calendar month;

(2) "large quantity generator" means a generator who generates 1,000 kilograms or more in a calendar month; and

(3) "small quantity generator" means a generator who generates more than 100 kilograms, but less than 1,000 kilograms of hazardous waste in a calendar month. (Eff. / /92, Register)

Authority: AS 44.46.025
AS 46.03.020

AS 46.03.299
AS 46.03.302

18 AAC 72 - WASTEWATER DISPOSAL

ARTICLE 1. DOMESTIC WASTEWATER

18 AAC 72.010(a) is amended to read:

(a) A person who disposes of domestic wastewater into or onto land, surface water, or groundwater in Alaska must have a permit issued by the department for that disposal, and must pay the permit fee set out in (d) of this section, unless the discharge

(1) is from a soil absorption system and meets the applicable requirements of this chapter; or

(2) is no more than 500 gallons per day of wastewater that

(A) meets the requirements of 18 AAC 72.040 [regarding minimum treatment]; and

(B) is from a [domestic wastewater] system that meets the requirements of 18 AAC 72.210 -- 18 AAC 72.285.

18 AAC 72.010 is amended by adding a new subsection to read:

(d) For a wastewater disposal permit required under (a) of this section, and for any subsequent permit renewal, the applicant shall submit with the application required under 18 AAC 15.020, the following applicable fee:

(1) 0 -- 500 gallons per day (gpd): \$100;

(2) 501 -- 2,500 gpd: \$200;

(3) 2,501 -- 20,000 gpd: \$400;

(4) 20,001 -- 50,000 gpd: \$1000;

(5) 50,001 -- 250,000 gpd: \$1600;

(6) 250,001 -- 750,000 gpd: \$2400;

(7) more than 750,000 gpd: \$3200;

(8) mixing zones:

(A) 0 -- 1,500 gpd: \$200;

(B) 1,501 -- 20,000 gpd: \$500;

(C) 20,001 -- 500,000 gpd: \$750;

(D) more than 500,000 gpd: \$1000;

(9) renewal fee: the renewal fee is

(A) the same as the initial permit fee if the application for renewal is received after the deadline set in (B) of this paragraph; or

(B) 40 percent of the initial fee if the application for renewal is received at least 30 days before the permit expires; and

(10) minor modification: 20 percent of the initial fee, with a \$100 minimum. (Eff. 6/30/90, Register 114; am / /92, Register)

Authority:	AS 44.46.020	AS 46.03.080
	<u>AS 44.46.025</u>	AS 46.03.100
	AS 46.03.020	AS 46.03.720
	AS 46.03.050	

ARTICLE 2. DOMESTIC WASTEWATER SYSTEM PLAN REVIEW

18 AAC 72 is amended by adding new sections to read:

Section

- 210. Application for department approval
- 212. Plan review and certification fees
- 215. Pre-application conference
- 220. Submittal requirements
- 225. Design review
- 230. Approval to construct
- 235. Revisions to approved plans
- 245. Construction certification
- 250. Approval to operate
- 255. Treatment plants
- 260. Stabilization ponds (lagoons)
- 265. Community soil absorption systems
- 270. Soils analysis and report for community soil absorption systems
- 275. Collection and pumping systems

18 AAC 72.212. PLAN REVIEW AND CERTIFICATION FEES. For a system plan review under 18 AAC 72.225 that does not involve a bank loan certification and that does not include a project constructed under AS 46.03.030 or AS 46.07, the applicant shall submit the following applicable fee:

- (1) 0 -- 500 gpd: \$100;
- (2) 501 -- 2,500 gpd: \$150;
- (3) 2,501 -- 20,000 gpd: \$450;
- (4) 20,001 -- 50,000 gpd: \$700;
- (5) 50,001 -- 250,000 gpd: \$1,000;
- (6) 250,001 -- 750,000 gpd: \$1,400;
- (7) more than 750,000 gpd: \$1,800;
- (8) bank loan certification: \$200;
- (9) minor modification: 20 percent of initial fee, with a \$100 minimum;

or

(10) for sewer repair, replacement, or extension of

(A) less than 200 feet: \$200;

(B) 200 -- 1,000 feet: \$500; or

(C) more than 1,000 feet: \$1,000. (Eff. / /92, Register)

(Eff. / /92, Register)

Authority:	AS 44.46.020	AS 46.03.050
	AS 44.46.025	AS 46.03.090
	AS 46.03.020	AS 46.03.720

ARTICLE 6. NONDOMESTIC WASTEWATER SYSTEM PLAN REVIEW

Section

600. Application for department approval

610. Plan review and permit fees

18 AAC 72.610. PLAN REVIEW AND PERMIT FEES. (a) A person seeking department approval under 18 AAC 72.600 shall pay a permit application, modification, or renewal fee based upon a point system, with points allocated for a facility and calculated on an application form provided by the department, as determined by

(1) EPA's Standard Industrial Classification (SIC) code, as modified by the department's group class identified on the application form [a copy is provided at the end of this subsection for purposes of the public comment period only; the table will not appear in the published Code, but will be included with the application form];

(2) the average daily flow in millions of gallons per day;

(3) the complexity, toxicity, and concentration of pollutants;

(4) the EPA Major/Minor designation;

(5) the sensitivity of the receiving environment;

(6) the magnitude of public concern and interaction in the permitting process; and

(7) monitoring requirements.

SIC CODE CLASSIFICATIONS

Note: Classification ranges from I to VI, minor pollutants with little potential to damage environment to toxic pollutants with considerable potential to damage environment.

"NEC" means not elsewhere classified.

SIC CODE	DESCRIPTION	INDUSTRY SUBCATEGORY	CLASSIFICATION
241	Dairy farms		II
291	General farms, primarily animal		II
851	Forestry services		III
912	Finfish		V
921	Fish hatcheries and preserves		V
1031	Lead and zinc ores		V
1041	Gold ores	Hard rock mining	V
1041	Gold ores	Placer mining	III
1044	Silver ores		IV
1061	Ferroalloy ores, except vanadium		V
1081	Metal mining services		II
1099	Metal ores, nec		IV
1221	Bituminous coal and lignite-surface		IV
1311	Crude petroleum and natural gas		IV
1321	Natural gas liquids		IV
1381	Drilling oil and gas wells		IV
1382	Oil and gas exploration services		III
1389	Oil and gas field services, nec		III
1429	Crushed and broken stone, nec		III
1442	Construction sand and gravel		III
1521	Single family housing construction		II
1522	Residential construction, nec		II
1541	Industrial buildings and warehouses		II
1611	Highway and street construction		II
1623	Water, sewer, and utility lines		III
1629	Heavy construction, nec		II
1794	Excavation work		III
1799	Special trade contractors, nec		II
2077	Animal and marine fats and oils		III
2092	Fresh or frozen prepared fish		III
2099	Food preparations, nec		IV
2411	Logging		III
2421	Sawmills and planing mills general		II
2611	Pulp mills		III
2873	Nitrogenous fertilizers		III
2911	Petroleum refining	Mineral oil & sulfonated hydrocarbons	III
2911	Petroleum refining	Ballast water only	III

2911	Petroleum refining	Topping subcategory (40 CFR 419)	IV
2911	Petroleum refining	Cracking subcategory < 120,000 BBL (40 CFR 419)	V
2911	Petroleum refining	Cracking subcategory > = 120,000 BBL (40 CFR 419)	VI
2911	Petroleum refining	Petrochemical, lube & integrated subcategories	VI
2951	Asphalt paving and mixtures and blocks		III
3531	Construction machinery		II
4011	Railroads, line-haul operating		II
4491	Marine cargo handling	Crude oil	V
4491	Marine cargo handling	Barge cleaning	IV
4491	Marine cargo handling	Petroleum storage, canning, vessel loading	IV
4931	Electric and other services combined	Cooling tower blowdown	IV
4931	Electric and other services combined	Once through cooling water	IV
4941	Water supply		I
4953	Refuse systems	Landfill	III
4953	Refuse systems	Process primary sludge	III
4953	Refuse systems	Wastes from grease traps	III
4953	Refuse systems	Clean up inactive waste treatment system	III
4953	Refuse systems	Industrial waste treatment system	V
4953	Refuse systems	Industrial centralized wastewater treatment facility	IV
4959	Sanitary services NEC		III
4961	Steam and air-conditioning supply		II
5171	Petroleum bulk stations & terminals	Petroleum products	III
5171	Petroleum bulk stations & terminals	Bulk liquids	IV
5171	Petroleum bulk stations & terminals	Crude oil	III
5171	Petroleum bulk stations & terminals	Crude oil storage in salt caverns	IV
5812	Eating places		IV
6513	Apartment building operators		II
6514	Dwelling operators, exc. apartments		II
6515	Mobile home site operators		II
6552	Subdividers and developers, nec		II
6732	Educational, religious, exc. trusts		II
7011	Hotels and motels		II
7021	Rooming and boarding houses		II
7033	Trailer parks and campsites		II
7384	Photofinishing laboratories		III
7519	Utility trailer rental		II
7542	Carwashes	Car wash	II
7542	Carwashes	Truck & heavy equipment wash	II
8062	General medical & surgical hospitals		IV
8211	Elementary and secondary schools		II
8733	Noncommercial research organizations		III
9223	Correctional institutions		II
9512	Land, mineral, wildlife conservation		I
9631	Regulation, admin. of utilities		I
9999	Nonclassifiable establishments		III

(b) The applicant shall determine estimated points on the application form. A final point category will be determined by the department during the permit review process for purposes of establishing the permit or approval fee.

(c) The applicant shall submit the initial estimate of the permit fee amount, and pay a deposit equal to 50 percent of the estimated fee upon application for a permit. If the applicant cancels the application, or if the department denies the permit, the unused balance of the deposit will be returned to the applicant. That portion of the deposit used will be determined by the department, and a copy of the justification for the amount will be provided to the applicant.

(d) The final fee amount due must be paid before the department will issue a permit under this section.

(e) Except for state certification of a federal NPDES permit, no fee will be required for department review and certification of any other federal permit. Except for the fee for a placer mining NPDES permit, no fee will be required for review of the Annual Placer Mining Application. (Eff. / /92, Register)

Authority: AS 44.46.020 AS 46.03.090
 AS 44.46.025 AS 46.03.710
 AS 46.03.020 AS 46.03.720
 AS 46.03.050

[The following information will not appear in the published Code. It will be contained on the application form. It is set out here for purposes of the public comment period on these proposed regulations.] Points will be calculated as follows:

1. POLLUTANT POTENTIAL

Primary SIC Code

Group _____	I	(0 points)
_____	II	(10 points)
_____	III	(15 points)
_____	IV	(20 points)
_____	V	(30 points)
_____	VI	(40 points)

Points Assigned = _____

2. FLOW VOLUME

Wastewater Type

Type I - Requires a mixing zone

Flow = _____

<u>Flow</u>	<u>Points</u>
<.05 mgd	3 points
>.05 but <.25	5 points
>.25 but <2.0	10 points
>2.0 but <4.0	20 points
>4.0 but <6.0	30 points
>6.0 but <8.0	40 points
>8.0 but <10.0	50 points
>10.0 mgd	60 points

Type II - Does not require a mixing zone	< 1.0 mgd	3 points
Flow = _____	> 1.0 but < 5	10 points
	> 5.0 but < 10	20 points
	> 10 but < 50	30 points
	> 50 but < 500	40 points
	> 500 mgd	50 points

Points Assigned = _____ (Maximum 60 points)

3. TRADITIONAL POLLUTANTS

(a) OXYGEN DEMAND (*)

Daily Average Load = _____ (BOD, COD, or TOC Value)	< 50 lb/day	1 point
	> 50 but < 100	5 points
	> 100 but < 250	10 points
	> 250 but < 500	20 points
	> 500 but < 750	30 points
	> 750 but < 1000	40 points
	> 1000 but < 3000	60 points
	> 3000 lb/day	80 points

Points Assigned = _____

(* COD and TOC limits are converted to BOD values and the higher value is used.)

(b) TSS

Daily Average Load = _____	< 50 lb/day	1 point
	> 50 but < 100	5 points
	> 100 but < 250	10 points
	> 250 but < 500	20 points
	> 500 but < 750	30 points
	> 750 but < 1000	40 points
	> 1000 but < 3000	60 points
	> 3000 lb/day	80 points

Points Assigned = _____

(c) AMMONIA

Daily Average Load = _____	< 250 lb/day	0 points
	> 250 but < 500	10 points
	> 500 but < 1000	20 points
	> 1000 but < 3000	30 points
	> 3000 lb/day	40 points

Points Assigned = _____

4. MAJOR/MINOR DESIGNATION

If facility is rated as EPA minor facility	0 points
If facility is rated as EPA major facility	10 points

Points Assigned = _____

5. **SENSITIVE RECEIVING ENVIRONMENT (as defined at 18 AAC 72.990)**
 Discharge not to a sensitive receiving environment 0 points
 Discharge to a sensitive receiving environment 40 points

Points Assigned = _____

6. **PUBLIC CONCERN/INVOLVEMENT/SENSITIVITY.**
 Little or no public involvement / no public hearings 0 points
 Some public involvement / one public hearing 20 points
 Considerable public involvement / more than one public hearing 40 points

Points Assigned = _____

7. **MONITORING REQUIREMENTS**
 Field, physical or laboratory analysis 0 points
 Above tests plus basic receiving water monitoring 20 points
 Above tests plus sediment, seawater, whole effluent toxicity, biomonitoring, or other complex tests 40 points

Points Assigned = _____

TOTAL POINTS ASSIGNED = _____

RATE = _____ /POINT

TOTAL FEE ASSESSED = \$ _____

NOTES:

(1) NPDES certification, single review of a group of NPDES permits: \$100 per permit; and

(2) Renewals: the renewal fee will be the same as the initial fee unless

(A) adjusted by the department, in its discretion, based on point reductions set out on the renewal application form; or

(B) the renewal application is received at least 30 days before the permit expires, with the adjusted fee to be 20 percent of the initial permit fee.

RENEWAL FEE POINT ADJUSTMENTS:

(1) If Discharge Monitoring Reports were submitted in a timely fashion, and no violations occurred during life of permit: deduct 20 points;

(2) If Discharge Monitoring Reports were submitted in a timely fashion during life of permit: deduct 10 points;

(3) If monitoring plan with QA/QC program, data quality objectives, operates according to Best Management Practices or practices pollution prevention in construction and operation of the facility results in improved effluent discharge to the prior year: deduct 5 points for each practice;

- (4) If there was a discharge violation within the year before renewal: add 10 points;
- (5) If there was a discharge violation within the year before renewal, plus two or more DMR's were not submitted: add 20 points.

CALCULATING FEE:

- (1) Point rates are:

	Permits or Reviews	Permit modifications and renewals
State	\$20 per point	\$4 per point
NPDES	\$50 per point	\$50 per point
EIS	\$100 per point	
EA	\$20 per point	

Plan Review: \$4 per point

- (2) For purposes of fee calculation, COD and TOC are converted to BOD values and the higher converted value is assessed points. The conversion for TOC is: three pounds of TOC is equal to one pound of BOD (3:1). The conversion for COD is eight pounds of COD is equal to one pound of BOD (8:1).
- (3) If a permit is not a general permit and is for a short-term discharge, the points for flow fee assessment will be the same as the points rating determined under the "Sensitivity of receiving environment" category.
- (4) EIS review fees specified in 18 AAC 72.610 are those fees applicable to aspects affecting the department's wastewater discharge review program only. If other department programs are involved, such as air quality, the project may be subject to another review fee.
- (5) Sensitivity of the Receiving Environment shall be determined in accordance with the definition in 18 AAC 72.990.

DEFINITIONS: For purposes of this application,

- (1) "BOD" means five-day Biochemical Oxygen Demand;
- (2) "COD" means Chemical Oxygen Demand;
- (3) "EPA Major classification" means, for a municipal treatment plant, discharging more than one million gallons per day, or a controversial discharge; for an industrial facility, a controversial discharge, or more than 80 points on the EPA rating system;
- (4) "EPA Minor classification" means a discharge that is not a major classification;
- (5) "TOC" means Total Organic Carbon; and
- (6) "TSS" means Total Suspended Solids.

ARTICLE 9. GENERAL PROVISIONS

18 AAC 72.910(a) is amended to read:

(a) Application for a general permit must be made in accordance with AS 46.03.110 and 18 AAC 15, and the application must be accompanied by the applicable permit fee set out in (e) of this section.

18 AAC 72.910 is amended by adding a new subsection to read:

(e) If the department has granted a general permit, an applicant for coverage under a general permit shall submit the following applicable fee:

(1) \$100 per discharge for a domestic wastewater application;

(2) \$200 per discharge for a nondomestic wastewater application; or

(3) \$100 per discharge application for a one-time nondomestic wastewater activity discharging for less than one year. (Eff. 6/30/90, Register 114; am / /92, Register)

Authority:	AS 44.46.020	AS 46.03.090
	<u>AS 44.46.025</u>	AS 46.03.100
	AS 46.03.020	AS 46.03.110
	AS 46.03.050	AS 46.03.710
	AS 46.03.070	AS 46.03.720
	AS 46.03.080	

NOTE: The following proposed amendments to 18 AAC 75 are based on an adopted, but not yet effective, version of that chapter rather than the version of that chapter which is currently published in the Alaska Administrative Code and which will be state law until replaced by the adopted version that is now being reviewed by the Attorney General.

**18 AAC 75 - OIL AND HAZARDOUS SUBSTANCES
POLLUTION CONTROL**

ARTICLE 2. FINANCIAL RESPONSIBILITY

18 AAC 75 is amended by adding a new section to read:

Section

- 200. Application for approval
- 205. Applications submitted by facsimile
- 210. Renewals
- 215. Amount and evidence of financial responsibility
- 220. Certificate of proof of financial responsibility
- 225. Self-insurance
- 230. Insurance
- 235. Surety
- 240. Guaranty
- 245. Letters of credit
- 250. Other proof of financial responsibility
- 255. Service of process
- 260. Classification as an oil terminal facility
- 265. Liquid bulk oil cargo and exempt containers used to carry liquid bulk oil
- 270. Oil terminal facilities
- 275. Enforcement
- 280. Fees

18 AAC 75.280. FEES. A person seeking department approval of proof of financial responsibility under this chapter shall submit the following applicable fee

(1) for review of each application, including renewals: \$150; and

(2) for each certificate of approval issued, including additional copies of each certificate: \$50. (Eff. / /92, Register)

Authority: AS 44.46.025 AS 46.04.050
 AS 46.03.020 AS 46.04.070
 AS 46.04.040

18 AAC 80 - DRINKING WATER

ARTICLE 3. PLAN REVIEW AND APPROVAL

18 AAC 80 is amended by adding a new section to read:

Section

- 300. Plan approval
- 310. Engineering plans
- 340. Review standards; design criteria
- 350. Department review; post-approval procedures
- 355. Plan approval fees
- 360. Revocation of approval
- 370. Vehicle or vessel used to distribute potable water

18 AAC 80.355. PLAN APPROVAL FEES. The owner or operator of a public water system subject to the requirements of this chapter, not including a project constructed under AS 46.03.030 or AS 46.07, shall submit the following applicable plan review fee

(1) for a Class A public water system serving

- (A) 25 -- 50 people: \$500;
- (B) 51 -- 150 people: \$1,000;
- (C) 151 -- 2,000 people: \$1,500;
- (D) 2,001 -- 20,000 people: \$2,500; or
- (E) more than 20,000 people: \$4,000;

(2) for a Class B public water system, the fee is 50 percent of that set for a Class A system;

(3) for a Class C public water system: \$200;

(4) for a surface water source, add \$500;

(5) for a waiver of the separation distance

- (A) at a well: \$1,000; or
- (B) at all other locations: \$300;

(6) for a minor modification to a treatment plant or water source: 20 percent of the applicable fee set in (1), (2), or (3) of this section; or

(7) for distribution main repair, replacement, or extension of

- (A) less than 200 feet: \$200;
- (B) 200 -- 1,000 feet: \$500; or
- (C) more than 1,000 feet: \$1,000. (Eff. / /92, Register)

Authority: AS 44.46.025 AS 46.03.070
 AS 46.03.020 AS 46.03.710
 AS 46.03.050 AS 46.03.720

STATE OF ALASKA
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

PROPOSED
"USER FEE" REGULATIONS

BACKGROUND, EXPLANATION, AND JUSTIFICATION

Basis for fee:	
Personal Services Costs	\$50.00
Administration (Permitting, Certification, Training)	<u>25.00</u>

HOURLY TOTAL **\$75.00**

Average Time per Task (in hours)

Food Service: Routine Inspection (2X/YR)	1.5 hrs
Food Service: Followup (As needed)	1.0
Food Service: Spot Check (As needed)	.5
Food Processing: Routine (1X/YR)	1.5
Food Processing: Followup (As needed)	1.0
Food Processing: Spot Check (As needed)	.5
Food Store: Routine (1X/Yr)	1.5
Food Store: Followup (As needed)	1.0
Food Store: Spot Check (As needed)	.5

Examples of annual inspection costs for food service inspection

2 Routine inspections at 1.5 hr each	\$225.00
1 Followup inspection at 1.0 hr	<u>50.00</u>

TOTAL COST **\$300.00**

18 AAC 34 - SEAFOOD INSPECTION

(Permit fee)

TYPE OF ESTABLISHMENT	NO.	PROPOSED FEE*	ANTICIPATED REVENUE	
			FY92	FY93
Shellfish				
Harvester	150	25.00	\$0.00	\$ 3,750.00
Shipper	70	25.00	0.00	1,750.00
Re-packer	0	50.00	0.00	0.00
Packer	4	100.00	0.00	400.00
Vessel < 65 feet	100	100.00	0.00	10,000.00
Vessel > 65 feet	200	325.00	0.00	65,000.00
Landbased - small	75	125.00	0.00	9,375.00
Landbased - large	75	325.00	0.00	24,375.00
Cannery < 5000 #/day	12	175.00	0.00	2,100.00
Cannery > 5000 #/day	32	325.00	0.00	10,400.00
Shellfish certification				
Initial (5 day)	10	750.00	0.00	7,500.00
Recertification (1 day)	20	325.00	0.00	6,500.00
TOTAL			\$0.00	\$140,650.00**

Basis for fee: Initially fees were established at a rate that would permit the inspection program to be fully funded through assessment of user fees. Fees were based on volume, size and complexity of the processing operation. Shellfish certification fees were based on the actual cost of to the department. Fees were then adjusted to amounts which would not be prohibitively expensive.

Type of permit	Original fee	Adjusted Proposed Fee
Harvester	\$ 100.00	\$ 25.00
Shellfish shipper	200.00	25.00
Repacker	300.00	50.00
Shellfish packer	500.00	100.00
Vessel < 65'	500.00	100.00
Vessel > 65'	4500.00	325.00
Small landbased	1500.00	125.00
Large landbased	4500.00	325.00
Cannery < 5000#/day	2000.00	175.00
Cannery > 5000#/day	4500.00	325.00
Shellfish certification Initial (5 day)	\$2300.00	\$ 750.00

* To be collected on/or after 7-1-92.

** To be collected with annual permit on/or after 1-1-93.

18 AAC 36 - ANIMAL HEALTH
Equine Infectious Anemia (EIA) testing

Rate: Normal working hours \$10.00/analysis

Outside normal working hours \$50.00/hr

TOTAL \$0.00 \$ 20,000.00***

Basis for fee: Fee represents actual personal services and commodities costs required to perform the analysis.

***To be collected upon receipt of samples on/or after 7-1-92.

18 AAC 50 -- AIR QUALITY CONTROL

PURPOSE OF PROPOSED FEES: Provide service to the public as required by existing statutory law in recognition of the mandates of the Alaska Legislature (AS 44.46.025(2)) and the 1990 Clean Air Act to fund these services through fees obtained by those receiving the service.

BACKGROUND

Legislative change: As a result of the enactment of Alaska Statute AS 44.46.025 in 1990, and the complementary restrictions on DEC's budget by the 1991 Legislature, DEC has been directed to propose regulations to collect fees for the program activities under AS 46.03.140 and AS 46.03.160. AS 44.46.025 states that DEC "...adopt regulations that prescribe reasonable fees, and establish procedures for the collection of fees, to cover the direct costs of the following services provided by the department:.....(2) air quality permits under AS 46.03.140 and 46.03.160...".

The Air Quality Management Section conducted a thorough investigation of the direct costs associated with review of permit applications, ambient air impact assessments, and applications under the Prevention of Significant Deterioration program; public notice and comment opportunities, conducting public hearings, administrative costs of permits; issuance, inspections, and review of reports to establish compliance with the permit. Permit costs are also a function of the amount of allowable emissions from a facility, and the potential toxicity of those emissions.

Changes in Federal Law: 1990 Clean Air Act: Another compelling reason for the assessment of fees is the mandate of the 1990 Clean Air Act (the Act). The Act mandates that each state establish a comprehensive operating permit program, or lose federal highway funds and federal air quality grants. In Alaska, the amount of annual highway grants exceeds \$200 million. If a state fails to implement the permit program, the Act directs EPA to take over the operating permit program for that state.

Regardless of whether DEC or EPA is the issuing authority, a fee must be imposed for all operating permits. There are many benefits for DEC to continue to administer the program. The first is to avoid the loss of federal highway funds, federal grants for air programs, and other supplemental federal funds available to Alaskans. The loss of these funds would have a significant impact on the Alaskan economy and the state's operating budget.

The second reason is to retain primacy for managing air quality in Alaska. As most owners or operators will attest, DEC has always been more flexible and more understanding of the specific problems encountered in Alaska than has EPA. In retaining primacy, DEC can develop regulations that meet the mandates of the Act but also respond to the specific needs of Alaskan industry. Although the Act leaves little room for altering the major scope of the permit program, there are many electable features that would enable DEC to streamline the permit to a large degree, thereby improving agency efficiency and reducing overall program cost.

The third reason for DEC to implement the program is to keep the fees in Alaska. All permits, whether issued by DEC or EPA, will require a fee. If EPA collects the fees, the funds will be deposited into the US Treasury, and appropriated by Congress, not necessarily to benefit Alaskans. If administered by DEC, the fees would be retained for use by the state, in the state -- and the fees would be lower than the "presumptive minimum" fee that EPA would charge, and should reflect a more equitable and flexible fee in recognition of the economic realities of doing business in Alaska.

There are cost effective measures that DEC can employ which would be unavailable to EPA, such as the concept of a general permit that could be issued to a number of similar facilities, rather than individual permits to each facility. This not only reduces the amount of time and money required by the facility to comply with the new program, it would also substantially reduce the costs to administer the permits.

Even though fees appear to be substantial in some cases, it should be noted that these fees will not offset the true direct and reasonable costs incurred by DEC in administering the current program, or in developing the new operating permit program. If all the direct costs were transferred to current permittees, the fees would be much higher. The fees proposed are only for the interim period between the current program, and the new program mandated by the Act. As each current permit is converted to a new operating permit, the interim fees will lapse, and the facility with a new permit will be assessed fees consistent with the Act. It is expected that the new program will initiate issuing operating permits in 1995, and that all permits will be converted by 1997.

FEE DETERMINATION METHOD The fees were developed by evaluating three major areas: facilities affected, reasonable direct costs associated with administering the permit program for these facilities, and the projected impact of the Clean Air Act requirements. Facilities were categorized by industrial source code, and by the quantity and toxicity of air emissions. The specific breakdown of facilities is:

<u>Category</u>	<u>Number of Facilities</u>	<u>Average Allowable tpy</u>
Incinerators	8	413
Asphalt Plants	27	397
Soil Remediation units	14	679
Electric Utilities:		
0-500 tpy	14	397
500-2000 tpy	5	1047
2000-4000 tpy	2	3098
4000+ tpy	1	6425
Fuel Burning Facilities		
0-500 tpy	24	445
500-2000 tpy	22	1157
2000-4000 tpy	12	3668
4000+ tpy	9	7809

Cost of issuing permits and amendments, annual inspections or semi-annual surveillances, and review of facilities to assure compliance indicated a correlation to quantity and toxicity of emissions. EPA's "presumptive minimum" fee was examined to determine if it was a reasonable indicator of direct costs to execute the program in Alaska. The difference between the two methods was smaller than originally anticipated.

Based on projected costs of maintaining the permit program, it was determined that the interim fees need to offset one-third of the actual direct costs incurred during the next two to three years if DEC is to be capable of the development and restructuring required by the Clean Air Act. Failure to responsibly address the mandates of the Act would potentially jeopardize a much larger portion of the Alaska economy.

As one of the final considerations to evaluate equity for the proposed fee rates, the selected facility categories and proposed fees were examined to determine if a fee rate in dollars per ton of air emission would hold true across the spectrum of facilities and categories. In general, the rate of \$8 per ton per year was found to be evident on average for all source categories as indicated in the following table. The proposed rate realizes slightly less than one-third of the direct costs, and about one-third of the EPA "presumptive minimum" specified in the Act.

<u>Category</u>	<u>Number</u>	<u>Average Allowable tpy</u>	<u>Computed Fee @ \$8/tpy</u>	<u>Proposed Fee</u>
Incinerators	8	413	\$ 3,304	\$ 3,000
Asphalt Plants	27	397	\$ 3,176	\$ 3,000
Soil Remediation units	14	679	\$ 5,432*	\$ 6,000
Electric Utilities:				
0-500 tpy	14	397	\$ 3,176	\$ 3,000
500-2000 tpy	5	1047	\$ 8,376	\$ 8,000
2000-4000 tpy	2	3098	\$ 24,784	\$ 25,000
4000+ tpy	1	6425	\$ 51,400	\$ 50,000
Fuel Burning Facilities				
0-500 tpy	24	445	\$ 3,560	\$ 3,000
500-2000 tpy	22	1157	\$ 9,256	\$ 9,000
2000-4000 tpy	12	3668	\$ 29,344	\$ 30,000
4000+ tpy	9	7809	\$ 62,472	\$ 60,000

* Note that the fee for soil remediation units was set slightly higher than the \$8 per ton per year. This difference is due to the increased permitting, inspection, and reporting requirements associated with evaluation of continuous emissions compliance.

SOME EXAMPLES OF CATEGORIES:

SOUTHEAST REGION:

Incinerators: Channel Sanitation, City of Sitka

Asphalt Plants: Associated Sand & Gravel; Summit Paving, CMI

Soil Remediation: South Coast, Inc. (AEDCO)

Electric utilities (0-500 tpy): AEL&P, Auke Bay and Lemon Creek; Haines Light & Power; Tlingit & Haida Regional Elec. Authority

Electric utilities (500-4000 tpy): (none in Southeast)

Fuel Burning Facilities (0-500 tpy): Kennecott Greens Creek Mine; Klawock Timber Alaska

Fuel Burning Facilities (500-4000 tpy): (none in Southeast)

Fuel Burning Facilities (above 4000): Alaska Pulp Corp., Sitka; LPK Ketchikan Pulp

SOUTHCENTRAL REGION:

Incinerators: Sureway Incinerator

Asphalt Plants: Alaska Roadbuilders; Quality Asphalt Paving

Soil Remediation: Anchorage Sand & Gravel

Electric utilities (0-500 tpy): Anchorage Light & Power, Ship Creek and Pt. Woronzof

Electric utilities (500-2000 tpy): Alaska Electric Generation & Transmission

Electric utilities (2000-4000 tpy): Anchorage Light & Power, Sullivan; Chugach Electric, Bernice Lake

Electric utilities (4000 plus): Chugach Electric, Beluga

Fuel Burning Facilities (0-500 tpy): USAF, Shemya

Fuel Burning Facilities (500-2000 tpy): Marathon Oil Steelhead P/F; Tesoro Petroleum Refinery

Fuel Burning Facilities (2000-4000): Unisea, Inc.

Fuel Burning Facilities (4000 plus): Phillips, Kenai LNG; UNOCAL NH₃-Urea Plant

NORTHERN REGION:

Incinerators: North Slope Deadhorse Incinerator

Asphalt Plants: Fairbanks Sand & Gravel; H & H Contractors

Soil Remediation: Cold Weather Contracting; Environmental Systems, Inc.

Electric utilities (0-500 tpy): Deep Sea Fisheries

Electric utilities (500-2000 tpy): Golden Valley Electric, Healy

Electric utilities (2000-4000 tpy): Fairbanks Municipal Utility System, Chena; Golden Valley Electric, North Pole

Electric utilities (4000 plus): None in Northern Region

Fuel Burning Facilities (0-500 tpy): Alaska Railroad; PetroStar, Inc.; USAF, Eieleon

Fuel Burning Facilities (500-2000 tpy): MAPCO North Pole Refinery

Fuel Burning Facilities (2000-4000): Cominco Red Dog

Fuel Burning Facilities (4000 plus): US Army, Ft. Wainwright

Commonly asked questions about the interim permit fees, Air Quality

Q. Who pays this fee?

A. Anyone who currently has an Air Quality Control Permit to Operate from DEC.

Q. What if I don't have a permit now, but need one for the new Operating Permit Program mandated by the Clean Air Act of 1990?

A. You won't be paying a fee now. When the new Operating Permit Program is effective, a permit fee must be assessed.

Q. If I have a permitted facility that has an incinerator with a diesel electric generator which supplies power only to the incinerator, will I have to pay two fees (one for the incinerator, one for the generator)?

A. No. Each facility pays only one fee. In the case of a facility which only consists of an incinerator and associated equipment, the fee would be that for an incinerator. In all cases where multiple equipment sources exist at a facility, the applicable fee is that which governs the equipment causing the greatest quantity or toxicity of air emissions.

Q. If I have a facility which is an asphalt plant, and also does soil remediation, do I pay two fees even if I have two permits from DEC?

A. No. In this case, the facility would still only pay one fee, the fee for a soil remediation unit.

Q. I have a facility which is an asphalt plant, but it may not even operate this year. Why should I pay a fee?

A. Even though the facility does not operate, the requirements for an annual inspection and the associated permitting and reporting requirements do not change. However, in order to assess a reasonable fee for these sources and others which only operate to complete small jobs, the department will amend the proposed regulations to provide a lower fee for plants which process less than 10,000 tons annually. This lower fee will not fully cover the costs associated with inspections, surveillances, and reporting, however, the proposed change to reflect actual operating conditions was determined to be appropriate for facilities which operate on a limited basis.

Q. If I have a permitted facility which consists of fuel burning equipment, how do I know what the allowable emissions are?

A. If you have a permit that was recently issued by DEC, the allowable emissions are noted in the permit. If you have an older permit, then the allowable emission estimates may not be explicitly noted in the permit, but the state's emissions database would probably have this information (contact your respective regional air engineer). If the information is still unknown, we will contact the facility operator to evaluate the current allowable emission rate.

Q. Is it possible to lower the allowable emissions estimate to move down to the next level of permit fees?

A. Yes. This can be done by requesting limitations to the number of hours of operation, the amount of fuel burned, or the process rate. These limitations will be incorporated into a permit amendment so that they are enforceable limitations. Exceeding these enforceable limitations carries the same consequences as any other permit violation.

Q. How were the interim fees determined for each source category?

A. Each permitted facility was categorized as to type and class. Then each class was evaluated for the average allowable emissions for the class. Then, a base fee for each category type was determined from the expected number of annual inspections and surveillances, permitting activity per class, and average facility review costs. In addition, fees also reflect the net amount of air pollution emitted from a subject facility. The categories and class breakdown, as well as some examples for this region, is set out above.

18 AAC 52 - AUTO EMISSIONS INSPECTION

The municipalities of Anchorage and Fairbanks are now the implementing agencies for this program in their areas of the state (determined to be "nonattainment" areas by EPA for failure to meet the air quality requirements for carbon monoxide). The proposed fees would partially reimburse DEC should it become necessary for DEC to act as implementing agency.

18 AAC 62 - HAZARDOUS WASTE

General Philosophy: Hazardous waste user fees are structured to encourage waste minimization and pollution prevention. A large quantity generator who is able to make changes in their process or substitute nonhazardous products may be able to save \$900 a year or more in user fees. Fees are currently set at a level less than that needed to fully cover the costs of administering the program.

In our federal grant workplan, we budget 11 days per facility for inspections and paperwork required for hazardous waste treatment, storage, or disposal facilities (TSD). For hazardous waste generators, 5 to 7 days are budgeted per facility. Using a cost of \$300 per day for personnel and overhead, this equates to \$3300 per year for a TSD, and \$1500 to \$2100 per year for hazardous waste generators.

While our costs are significantly less for transporters and small quantity generators, a considerable amount of staff time is still required to track manifests and process generator reports. The nominal fees of \$10 proposed for generators with no activity or for burners and marketers of used oil, and \$15 for Conditionally Exempt Small Quantity Generators do not even cover the cost of mailing out generator report packages and answering questions from generators.

1. WHO DO THESE FEES APPLY TO? The hazardous waste user fees apply to anyone who has notified the U.S. Environmental Protection Agency (EPA) of their hazardous waste activity, and has an active EPA identification number. This includes: generators, transporters, used oil burners and marketers, and Treatment, Storage and Disposal facilities (TSDs). The fees also apply to facilities that have an active ID number but do not generate any waste in a given year. For the purposes of these regulations:

Generator means any person, by site, whose act or process produces hazardous waste identified or listed in 40 Code of Federal Regulations (CFR) Part 261.

There are three categories of generators;

Conditionally Exempt Small Quantity Generators (CESQG), generate less than 220 pounds of hazardous waste and no more than 2.2 pounds of acutely hazardous waste in any calendar month and accumulate less than 2,200 pounds of hazardous waste on site;

Small Quantity Generators (SQG), generate greater than 220 pounds but less than 2,200 pounds of hazardous waste and no more than 2.2 pounds of acutely hazardous waste in any calendar month and accumulate less than 13,200 pounds of hazardous waste on site.

Large Quantity Generators (LQG), generate greater than 2,200 pounds of hazardous waste or more than 2.2 pounds of acutely hazardous waste in any calendar month.

* Note a facility's generator status can fluctuate from month to month. For the purposes of these fees the highest category of generator you achieve during the calendar year is what you must base your fee on.

Transporter means any person engaged in the offsite transportation of hazardous waste by air, rail, highway, or water.

Burner/Blenders refers to any person actively engaged in the marketing or burning of used oil for energy recovery requiring them to notify EPA of this activity pursuant to 40 CFR 266 Subpart E.

Treatment, Storage or Disposal facility (TSD), refers to any facility that treats, stores and/or disposes of a hazardous waste requiring a permit under the Resource Conservation and Recovery Act (RCRA). The definitions for each of these distinct RCRA activities is defined in 40 CFR 260.10.

2. WHAT SERVICES WILL THESE FEES COVER? The fees are structured to encourage waste minimization and pollution prevention. A large quantity generator who makes changes in the process or substitutes nonhazardous products may be able to save \$900 a year or more in fees. Fees are less than that needed to cover the costs of administering the program. The services the fees will cover include:

Cost of inspections: DEC inspects, pursuant to the EPA RCRA Implementation Plan (RIP), every TSD at least once a year. In our federal grant workplan, we budget 11 days per facility for inspections and paperwork required for TSD facilities. For generators, 5 to 7 days are budgeted per facility. Using a cost of \$300 per day for personnel and overhead, this equates to \$3300 per year for a TSD, and \$1500 to \$2100 per year for hazardous waste generators.

Program Administration: While our costs are significantly less for transporters and small quantity generators, a considerable amount of time is still required to track manifests and process generator reports. The nominal fees of \$10 proposed for generators with no activity or for burners and marketers of used oil, and \$15 for Conditionally Exempt Small Quantity Generators do not even cover the cost of mailing report packages and answering questions from generators.

Technical Assistance: Program staff spend hours each day assisting the regulated community in trying to better understand the complex hazardous waste regulations. Generators, transporters and TSD's can obtain immediate answers to their regulatory questions by calling our offices, thereby reducing their chances of being exposed to large fines for noncompliance.

Annual Reporting Requirements: DEC is required by AS 46.03.305 to collect information from all facilities that have an EPA identification number for their hazardous waste activity. To prepare the reports (typeset, print and bind) costs about \$1500 per year. The reports are then sent out via certified mail to over 700 notifiers of hazardous waste activity throughout the state. This is why we charge \$10 even if no waste is generated.

Training: Each year the hazardous waste program has provided training to the regulated community to assist them in better understanding the regulations and keep them abreast of any changes. This training has been conducted by both DEC contractors and DEC program staff.

Information Outreach: The hazardous waste program conducts at least two major mailouts per year to the regulated community informing them of regulatory changes or requesting their comments on hazardous waste issues.

3. HOW DID YOU DEVELOP THE FEE STRUCTURE?

\$10 for used oil marketers and burners and for other facilities who have notified EPA but have had no activity, including transporters and generators: This nominal fee is for our administrative mailing costs, and recordkeeping costs. Just the postage to mail these facilities their annual report certified return receipt costs approximately half of this fee.

\$15 for Conditionally Exempt Small Quantity Generators of hazardous waste who have notified EPA: This nominal fee is for the cost of mailing out the annual report, maintaining records, and data entry. Further, the fee is for the inspections that may be conducted at these sites, the information provided these generators, and the manifest tracking required when they occasionally send waste off-site.

\$50 for Hazardous Waste Transporters who have notified EPA: This fee is to cover the legislative mandate (AS 46.03.308) to track manifested hazardous waste shipments, and the cost for data entry of the transporters annual reports. One-half of a fulltime position (\$30,000) is required to track manifests, and approximately 30 working days (\$9,000) is required to manage the transporter annual report.

\$100 for Small Quantity Generators of hazardous waste who have notified EPA: This fee covers inspection, recordkeeping, technical assistance, and reporting costs. The fee, while relatively small, creates the opportunity for these generators to save \$85 a year by reducing the volume of waste to achieve Conditionally Exempt Small Quantity Generator status.

\$1000 for Large Quantity Generators (LQG) of hazardous waste who have notified EPA: This fee covers part of the inspection costs for these generators. LQGs are inspected, when possible, at least once a year, and the cost to conduct these inspections is about \$2,000. Other costs include recordkeeping, management of the hazardous waste annual report, technical assistance, manifest tracking, and training.

\$1000 for facilities that Treat, Store and Dispose (TSD) of hazardous waste and have notified EPA: This fee covers part of the cost of inspections, as well as the extensive time required to review, write and evaluate Part A and B permit applications. The fee also covers extensive technical assistance, recordkeeping, annual report data entry, manifest tracking and training. Inspection costs exceed \$3,000 per TSD facility.

4. HOW MUCH MONEY WILL BE COLLECTED? The estimated annual fees total approximately \$100,000, representing about 6% of the total program budget.

No Activity	\$10	
Transporters	\$100	- \$ 1,000
Generators	\$250	- \$ 2,500

Burner Blenders	\$10
Active	\$94 - \$ 940
Conditionally Exempt Generator	\$15
Active	\$300 - \$ 4,500
Small Quantity Generators	\$100
Active	\$155 - \$15,500
Large Quantity Generators	\$1,000
Active	\$57 - \$57,000
Transporters	\$50
Active	\$40 - \$ 2,000
TSD Facilities	\$1,000
Active	
Federal Storage	\$6 - \$ 6,000
Commercial Storage	\$3 - \$ 3,000
Land Disposal facility	\$2 - \$ 2,000
Commercial Storage/Treatment	\$2 - \$ 2,000

These fees will be collected as part of the annual reporting requirement. A facility may be subject to more than one fee. For example, a facility that is a storage facility, a burner blender and a large quantity generator (total fee \$2,010). Further, it should be known that the fees were established to promote pollution prevention and encourage facilities to reduce their volume of waste thereby reducing the fee amount.

Questions that may be asked regarding the hazardous waste user fees:

Q: If I generate small quantities of hazardous waste at my house, am I subject to these regulations?

A: No, household waste is exempt from RCRA [reference to 40 CFR 261.4(b)(1)], and therefore would not be subject to the user fees.

Q: I generate a lot of used oil. Is used oil a hazardous waste?

A: No, used oil, if it is to be reclaimed, or burned for energy recovery pursuant to 40 CFR 266 Subpart E, is not a hazardous waste [(reference 40 CFR 261.6(a)(2)(iii)]. However, if the use of the used oil constitutes disposal (applied to the ground, or burned without meeting the 40 CFR 266 Subpart E requirements for energy recovery), then used oil may be a hazardous waste.

Q: I generate lead acid batteries. Are they hazardous waste?

A: Lead-acid batteries would be considered hazardous waste, if they were to be disposed of in a landfill. However, if they are recycled pursuant to 40 CFR 261.6(a)(2)(v) they are exempt from the hazardous waste regulations.

Q: If I did not generate hazardous waste in a year do these fees apply to me?

A: If you have an active EPA number and receive an annual report, the fees apply to you, regardless of whether you generated hazardous waste during that year. The nominal fee of \$10 is all you will pay if you did not generate any waste in a calendar year. Fees are higher for active facilities. The same applies for transporters who notified EPA but did not transport hazardous waste during the calendar year.

Q: I understand that the oil industry's waste and mining wastes are exempt from RCRA. Will they have to pay user fees?

A: Yes, not all wastes are exempt from RCRA. The oil industry and the mining industry is subject to these fees if they generate wastes that are not exempt from RCRA.

Q: I run a small business that generates less than 220 pounds of hazardous waste per month, and I use transfer facilities for the collection of hazardous waste (Eagle River facility or DEC's hazardous waste collection program). Am I subject to the fees?

A: No, as long as you do not have an active EPA identification number, and have a legal way of disposing of your conditionally exempt small quantities of hazardous waste, you would not be subject to the user fee regulations.

Q: I generate medical waste, or asbestos, or PCBs, or anti-freeze. Am I subject to the hazardous waste user fees?

A: No, these wastes are not regulated under 18 AAC 62, and therefore would not be subject to the user fee requirements.

If you other questions pertaining to the hazardous waste user fees please contact Jeff Ingalls at (907)465-5154.

18 AAC 72 - WASTEWATER DISPOSAL

1. To whom are fees applicable? They apply to persons who apply for a wastewater disposal permit or a plan review under 18 AAC 72. They also apply to persons who have a project that requires DEC to review and comment on Environmental Impact Statements or Environmental Assessments involving wastewater discharges, or to certify federal National Pollution Discharge Elimination System (NPDES) permits.

2. **What are the fees for?** The fees are to partially cover the costs of staff time on reviews, comments, certifications or issuances of permits.

3. **How did you arrive at the fee amounts?** The domestic wastewater and nondomestic (industrial) wastewater programs require varying amounts of time and effort for review, comment, certification and permit issuance purposes. The time can vary from a few hours to many months. Accordingly, a flexible fee structure, based on a point system, was developed, a far more equitable approach than a limited number of fixed fees.

The domestic wastewater fixed fees for classes or ranges of facilities or activities were derived from discussions with regional personnel. Staff cost was based upon a daily cost of \$200. The actual cost to the state may be more than this. The fees are based upon the amount of wastewater discharged from a facility and whether or not studies must be carried out on the effects of the discharge to receiving waters. The minimum fee is \$100 and the maximum fee is \$3200, however with a receiving water review this would increase to \$4200.

For the nondomestic wastewater program, the fees are based on a point system used in Texas. Louisiana has a similar system. The points system includes the following categories:

- Standard Industrial Code (SIC) Classification.
- Average daily flow, millions of gallons per day.
- Complexity, toxicity and concentration of pollutants.
- EPA Major/Minor designation.
- Sensitivity of the receiving environment.
- Magnitude of public involvement/public hearings.
- Monitoring requirements.

Minimum fees are \$100, and under the points system, a typical large discharger to a sensitive environment, with several public hearings and extensive monitoring, the fee may be \$30,000 or more.

4. **How much will the fees generate annually?** The amount of program receipts for wastewater permits and plan reviews in the FY 93 budget is based on flat fees applied to an estimated number of permits and plan reviews.

The flat fee results in too high a charge for simple plan reviews and too low a fee for more time consuming permits and plan reviews. Therefore, most of the fees proposed for plan review and wastewater permits vary with the size/complexity of the project.

DEC does not have comparable statistics on the size and complexity of past permitting and plan reviews upon which to base an estimate of the revenue from a variable fee structure.

An approximate estimate of the amount to be collected by fees will be 20% of the domestic and industrial wastewater programs for costs of staff time on reviews, comments, certifications or issuances of permits.

The fees were derived based on the amount of time spent by staff on permits or reviews. Past experience on projects provided approximate times spent on these duties, and information was also incorporated from fee systems used in other states.

Typical questions and answers:

Q. Will the department be generating excess income from the fees to pay for training and other duties not directly related to the permit or review process?

A. No. In fact the department will be recouping only a small percentage of the overall program cost, and often will not cover direct costs for some of the larger review processes.

Q. Will the small operator have to pay large fees?

A. There will be some cost involved with all reviews or permitting. The graduated scale and point systems for the fees will keep fees to small users relatively minor.

Q. Will placer miners have to pay large or graduated fees?

A. No. Placer mine NPDES certifications are reviewed as a group and have been assigned a \$100 per permit fee. There will be no charge for placer mine APMA reviews.

Q. What will be the fee for some of the larger dischargers?

A. For domestic wastewater the maximum fee is \$3200, although with a mixing zone this would increase to \$4200. For nondomestic wastewater, under the points system, a typical large discharger to a sensitive environment, with several public hearings and extensive monitoring, the fee may be \$30,000 or more. For drinking water plan reviews the maximum is \$4000 or \$4500 with a surface water source.

Q. Will nonprofits, municipalities, and other government agencies be required to pay fees?

A. Projected fee income was based upon all permittees paying fees, however this requirement will be waived for nonprofits, and might be waived in the department's discretion, for government agencies, in which case fee income would be reduced accordingly resulting in funding a smaller percentage of the permit and review process.

**18 AAC 75--OIL & HAZARDOUS SUBSTANCE POLLUTION
(Financial Responsibility)**

1. **Who pays user fees?** Under the new rules, operators of oil terminal facilities, pipelines, exploration and production facilities, tankships and barges will pay fees when they submit annual Financial Responsibility applications. These operators are required, under AS 46.04.040, to annually demonstrate that they have the financial ability to respond to oil spills.

2. **What does the fee pay for?** The proposed application fee for Financial Responsibility will be used to pay for processing applications, maintaining a data base of approved operators, providing technical assistance to operators, reviewing applications, providing certificates, and evaluating methods of proving Financial Responsibility.

3. **How were the amounts of the proposed fees selected?** Fee amounts were chosen with the objective of paying for a significant portion of the cost of providing the service. At the proposed amounts, application fees will fund approximately 50% of the personnel cost associated with reviewing applications and issuing Certificates of Financial Responsibility.

4. **How much revenue will the fees generate?** Each year the Department reviews approximately 125 applications covering approximately 400 vessels and facilities. Each vessel or facility is required to have a Certificate of Financial Responsibility. Based on the proposed amounts (\$150 per application plus \$50 per certificate), the proposed fees are expected to generate approximately \$38,750 annually.

18 AAC 80 -- DRINKING WATER

For the Drinking Water program, the fees are based upon the class of public water system, the number of people served, the type of source and such things as separation distances or length of main to be repaired. For plan reviews the minimum fee is \$200 and the maximum is \$4000, or \$4500 if there is a surface water source.

The fees were derived based on the amount of time spent by staff on permits or reviews. Past experience on projects provided approximate times spent on these duties, and information was also incorporated from fee systems used in other states. Following are approximate actual staff time for each type of review:

- | | |
|--|----------|
| (1) for a Class A public water system plan review: | |
| (i) 25 to 50 people \$500 | 2.5 days |
| (ii) 50 to 150 people \$1000 | 5 days |
| (iii) 150 to 2000 people \$1500 | 7.5 days |
| (iv) 2000 to 20,000 people \$2000 | 10 days |
| (v) more than 20,000 people \$4000 | 20 days |

(2) a Class B plan review: 50% of that specified for a Class A system.

(3) for a class C plan approval: 1 day

(4) for a surface water source 2.5 days

(5) for a waiver to separation distance 1.5 days

(6) for distribution main repair, replacement or extension:

(i) less than 200 feet \$200 1 day

(ii) 200 to 1000 feet \$500 2.5 days

(iii) more than 1000 feet \$1000 5 days