

Register \_\_\_\_, \_\_\_\_\_ 2005 ENVIRONMENTAL CONSERVATION

18 AAC 50.225(b)(7) - (9) are amended to read:

(7) a statement that the owner or operator of the stationary source will be able to comply with the limit; **and**

(8) a certification, bearing the signature of the person requesting the limit, that states: "Based on information and belief formed after reasonable inquiry, I certify that the statements and information in this request are true, accurate, and complete." [; AND

(9) A RETAINER OF \$300 TO COVER THE DEPARTMENT'S PRE-APPLICATION ASSISTANCE, BILLABLE AT \$78 PER HOUR.]

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

Authority:	[AS 44.46.025]	AS 46.14.020	AS 46.14.120
	AS 46.03.020	AS 46.14.030	AS 46.14.140

18 AAC 50.230(c)(1)(I) is amended to read:

(I) **the administration** [A PROCESSING] fee **in 18 AAC 50.400(k)(2);**  
**and** [OF \$100.]

18 AAC 50.230(d)(1)(E) is amended to read:

(E) **the administration** [A PROCESSING] fee **in 18 AAC 50.400(k)(3)**  
[OF \$100]; and

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

Authority:	AS 44.46.025	AS 46.14.030	<u>AS 46.14.170</u>
	AS 46.03.020	AS 46.14.120	<u>AS 46.14.180</u>
	<u>AS 46.14.010</u>	<u>AS 46.14.130</u>	<u>AS 46.14.240</u>
	AS 46.14.020		

18 AAC 50.400 is repealed and readopted to read:

**18 AAC 50.400. Permit administration fees.** (a) The permittee, owner, or operator of a Title V source described under 18 AAC 50.326 shall pay to the department the annual permit administration fees listed in this subsection. Permittees will be invoiced in July for each period from July 1 through the following June 30. Each annual permit fee is one-fifth of the total original permit cost or total cost of permit renewal. An annual permit fee listed in this subsection for an original permit is applicable for five years following the date of the application for the original permit. An annual permit fee listed in this subsection for renewal of a permit is collected in subsequent years after the fee for an original permit is paid in full. If a Title V source has been issued a Title V permit before {*effective date of regulations*}, the permittee, owner, or operator shall pay the applicable annual fee for permit renewal. The following permit administration fees apply to Title V sources:

- (1) for renewal of a permit for an oil-and-gas source with the potential to emit more than 250 tons per year of any one pollutant, the
  - (A) annual permit fee is \$1,633; and
  - (B) annual compliance review fee is \$2,915;
- (2) for renewal of a permit for a large power plant with the potential to emit more

than 250 tons per year of any one pollutant, the

(A) annual permit fee is \$1,485; and

(B) annual compliance review fee is \$1,700;

(3) for renewal of a permit for a small power plant with the potential to emit more than 250 tons per year of any one pollutant, the

(A) annual permit fee is \$1,315; and

(B) annual compliance review fee is \$1,460;

(4) for an original permit for a Title V source, with the potential to emit more than 100 and less than 250 tons per year of any one pollutant, and that is an oil-and-gas source or thermal soil remediation unit, the

(A) annual permit fee is \$2,020; and

(B) annual compliance review fee is \$2,070;

(5) for renewal of a permit for a Title V source, with the potential to emit more than 100 and less than 250 tons per year of any one pollutant, and that is an oil-and-gas source or thermal soil remediation unit, the

(A) annual permit fee is \$1,347; and

(B) annual compliance review fee is \$2,070;

(6) for an original permit for a small power plant with the potential to emit more than 100 and less than 250 tons per year of any one pollutant, the

(A) annual permit fee is \$1,989; and

(B) annual compliance review fee is \$1,540;

(7) for renewal of a permit for a small power plant with the potential to emit

Register \_\_\_\_, \_\_\_\_\_ 2005 ENVIRONMENTAL CONSERVATION

more than 100 and less than 250 tons per year of any one pollutant, the

(A) annual permit fee is \$1,326; and

(B) annual compliance review fee is \$1,540;

(8) for a Title V source that is operating under the department's general operating permit for diesel engines, the annual compliance review fee is \$160;

(9) for renewal of a permit for a Title V source, other than one described in (1) - (8) of this subsection, and that has the potential to emit less than 250 tons per year of any one pollutant, the

(A) annual permit fee is \$1,326; and

(B) annual compliance review fee is \$1,540.

(b) If the permittee, owner, or operator of a Title V source is subject to an annual permit fee listed in (a) of this section for renewal of a Title V permit, and does not apply to renew the Title V permit for that source, the department will refund any annual permit fees that had been paid for that renewal. Annual compliance review fees and annual permit fees for original permits are not refundable.

(c) Before the department takes action on any permit application received, and unless the minor permit is to be issued using the fast-track procedures in 18 AAC 50.542(b) - (c), the permittee, owner, or operator of a stationary source described in 18 AAC 50.502(b) who requests a minor permit must pay a nonrefundable one-time permit fee listed in this subsection. The following one-time permit fees apply to stationary sources listed in 18 AAC 50.502(b):

(1) for an asphalt plant described in 18 AAC 50.502(b)(1), a permit fee of \$3,975;

(2) for a thermal soil remediation unit described in 18 AAC 50.502(b)(2), a permit fee of \$5,300;

(3) for a rock crusher described in 18 AAC 50.502(b)(3), a permit fee of \$2,650;

(4) for an incinerator described in 18 AAC 50.502(b)(4), a permit fee of \$7,950;

(5) for a Port of Anchorage stationary source, a permit fee of \$7,950;

(6) for a coal preparation plant, a permit fee of \$6,360.

(d) Before the department takes action on any permit application received, and if the minor permit is to be issued using the fast-track procedures in 18 AAC 50.542(b) - (c), the permittee, owner, or operator of a stationary source described in 18 AAC 50.326 or 18 AAC 50.502 not subject to (c) of this section who requests a minor permit must pay a nonrefundable one-time permit fee of \$3,975. However, if fast-track procedures are not available under 18 AAC 50.542(b)(1), the permittee, owner, or operator must pay, for a stationary source other than one described in 18 AAC 50.502(b), an additional nonrefundable permit fee of \$2,650.

(e) Before the department takes action on an application received for a permit under 18 AAC 50.508(2) - (3), the permittee, owner, or operator of a stationary source must pay a nonrefundable one-time permit fee as follows:

(1) for a minor permit establishing or revising a plantwide applicability limitation (PAL) without an ambient air quality analysis, a permit fee of \$3,975;

(2) for a minor permit establishing or revising a plantwide applicability limitation (PAL) with an ambient air quality analysis, a permit fee of \$7,950;

(3) for a minor permit approving a pollution control project (PCP) exclusion, a permit fee of \$4,770, except as provided in (f) of this section.

(f) With a notice submitted under 18 AAC 50.509 for a pollution control project (PCP) listed in 40 C.F.R. 52.21(b)(32)(i) - (vi), adopted by reference in 18 AAC 50.040, the owner or operator must submit a nonrefundable one-time fee of \$795.

(g) If the department prepares a new general operating permit or a new general minor permit, the department will determine the cost of that permit by multiplying the number of hours the department spent to develop the permit by the hourly rate of salary and benefits of the department employees who developed the permit. This cost will be divided by the number of permittees who receive or are expected to receive the permit to determine the permit administration fee.

(h) The permittee, owner, or operator of a stationary source shall pay an annual compliance review fee of \$530, to be paid for each period from July 1 through the following June 30, for a stationary source that is not classified as needing a Title V permit and that is

(1) subject to a minor permit under 18 AAC 50.502; the compliance review fee must be paid in addition to the one-time permit fees in (c) - (f) of this section or a general minor permit fee in (g) of this section; or

(2) required to have a minor permit under 18 AAC 50.502(b), that is operating under an operating or general operating permit issued before October 1, 2004.

(i) Before the department takes action on any request or application received, the permittee, owner, or operator of a stationary source who requests a minor permit, review, action, or activity described in this subsection must pay a nonrefundable one-time permit fee as follows:

(1) to change a Title I permit by administrative amendment under AS 46.14.285, a permit fee of \$110;

(2) to change a Title V permit by administrative amendment under 18 AAC 50.326, or to add a minor permit to a Title V permit by administrative amendment under 18 AAC 50.542(e), a permit fee of \$110, except as provided in (3) of this subsection;

(3) to change a Title V permit by administrative amendment to incorporate, in accordance with 40 C.F.R. 71.7(d)(1)(v), adopted by reference in 18 AAC 50.040, the requirements from a construction permit issued under 18 AAC 50.316, a permit fee of \$795;

(4) for department approval of a modeling protocol, a fee of \$1,170.

(j) After the department completes a review, action, or activity described in this subsection, and sought by the permittee, owner, or operator of a stationary source described in 18 AAC 50.326 or 18 AAC 50.502, the permittee, owner, or operator will be invoiced for and shall pay a nonrefundable one-time fee as follows:

(1) for department review under 18 AAC 50.345(m) of a source test plan, a fee of \$400;

(2) for department review under 18 AAC 50.345(o) of the results of a source test, a fee of \$400;

(3) for department review and processing of an excess emission report or permit deviation report submitted in accordance with a stationary source's permit, a fee of \$26.50;

(4) for a fee review under 18 AAC 15.190, a fee of \$110; the department will waive the fee charged under this paragraph if the outcome of the fee review is a reduction of 50 percent or more in the amount of the disputed fee.

(k) The permittee, owner, or operator of a stationary source who requests an owner requested limit (ORL) under 18 AAC 50.225 or 18 AAC 50.508(5) or a preapproved emission

limit under 18 AAC 50.230 must pay the following fees:

(1) for an ORL,

(A) a one-time administrative fee of \$1,990, to be paid before the department takes action on any request received; and

(B) an annual compliance review fee of \$110, unless the permittee, owner, or operator is required to pay an annual compliance review fee under (a) or (h) of this section;

(2) for a preapproved emission limit for diesel engines under 18 AAC 50.230(c),

(A) a one-time administrative fee of \$110, to be paid before the limit takes effect; and

(B) an annual compliance review fee of \$110;

(3) for a preapproved emission limit for a gasoline distribution facility considered under 18 AAC 50.230(d) to be a bulk gasoline plant,

(A) a one-time administrative fee of \$110, to be paid before the limit takes effect; and

(B) an annual compliance review fee of \$110.

(l) Except as provided in (m)(10) of this section, the fee for department approval of open burning under 18 AAC 50.065 is \$200.

(m) Unless the designated regulatory service is subject to a fixed fee set out in (a) - (l) of this section, or to the terms of a negotiated service agreement under AS 37.10.052(b) and 18 AAC 50.405, the permittee, owner, or operator shall pay an hourly permit administration fee for a designated regulatory service. The department will calculate the total amount due under



this subsection by multiplying the number of hours the department spent to provide the designated regulatory service by the hourly rate of salary and benefits of the department employees who provided the designated regulatory service, and by adding to the resulting amount any other direct costs. Designated regulatory services subject to this subsection include regulatory services for

- (1) a minor permit under 18 AAC 50.502(c)(1), if a construction permit is not required under AS 46.14.130(a) for that stationary source;
- (2) a minor permit under 18 AAC 50.502(c)(3);
- (3) an adjudicatory hearing under 18 AAC 15.195 - 18 AAC 15.340, if requested under 18 AAC 50.306(e), 18 AAC 50.326(k), or 18 AAC 50.542(d) by the permit applicant; at the request of the permittee, and if the permittee is current on all other billings in the department, the department will hold in abeyance a fee charged under this paragraph during the course of the adjudicatory hearing;
- (4) a minor modification to a Title V permit under 40 C.F.R. 71.7(e)(1), adopted by reference in 18 AAC 50.040;
- (5) a significant modification to a Title V permit under 40 C.F.R. 71.7(e)(3), adopted by reference in 18 AAC 50.040;
- (6) a clean unit designation in accordance with 40 C.F.R. 52.21(y), adopted by reference in 18 AAC 50.040;
- (7) revision or rescission of terms or conditions of a Title I permit;
- (8) observation of a source test;
- (9) pre-application assistance;

(10) department approval of open burning under 18 AAC 50.065, if the department determines that smoke incursion into a public place, into an airport, into a Class I area, into a nonattainment area for carbon monoxide or PM-10, or into a maintenance area for carbon monoxide or PM-10 is likely;

(11) compliance and enforcement activities, including preparation of a notice of violation, compliance order by consent, settlement agreement, or consent decree; however, for purposes of this paragraph, compliance and enforcement activities do not include activities after the filing of a complaint in court;

(12) completion of a permitting action that was requested before {*effective date of regulations*}, except as provided in 18 AAC 50.405;

(13) the reopening of permit terms or conditions at the request of the permittee, owner, or operator before issuance of a permit.

(n) In this section,

(1) "airport" has the meaning given in AS 02.25.100;

(2) "large power plant"

(A) means a Title V source

(i) that contains a coal-fired boiler;

(ii) the purpose of which is to generate electricity, and that contains a combustion turbine electric generator or natural gas-fired steam plant;

or

(iii) that has a potential to emit a total greater than or equal to 500 tons per year of regulated air pollutants in the aggregate, and that contains

emission units used to provide power to a mine or military base; and

(B) does not include a Title V source that operates under the department's general permit for diesel engines;

(3) "oil-and-gas source" means a Title V source not described in (2)(A) of this subsection, the purpose of which is the exploration for, extraction of, processing of, transportation of, or storage of crude oil, natural gas, or other petroleum products, or related activities; "oil-and-gas source" does not include a petroleum refinery or liquefied natural gas (LNG) plant;

(4) "public place" has the meaning given in AS 46.06.150;

(5) "small power plant"

(A) means a Title V source not described in (2)(A) or (3) of this subsection

(i) the purpose of which is to generate electricity, and that contains one or more diesel-fired internal combustion engines to generate power

(ii) the purpose of which is seafood processing; or

(iii) that has a potential to emit a total less than 500 tons per year of regulated air pollutants in the aggregate, and that contains emission units used to provide power to a mine or military base; and

(B) does not include a Title V source that operates under the department's general permit for diesel engines. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 12/1/2004, Register 172; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

Register \_\_\_\_, \_\_\_\_\_ 2005 ENVIRONMENTAL CONSERVATION

Authority:    AS 37.10.050           AS 44.46.025           AS 46.14.140  
                  AS 37.10.052           AS 46.03.020           AS 46.14.240  
                  AS 37.10.058

18 AAC 50.401 is repealed:

**18 AAC 50.401. Fees for a notice of MACT approval.** Repealed. (Eff. 10/1/2004, Register 171; repealed \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

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

**18 AAC 50.403. Negotiated service agreements.** If a fixed permit administration fee has not been set under 18 AAC 50.400(a) - (l) for a designated regulatory service, the permittee, owner, or operator of a stationary source may request a negotiated service agreement under AS 37.10.052(b) for that designated regulatory service. If requesting a negotiated service agreement for one or more of the following designated regulatory services, the permittee, owner, or operator must submit a retainer payment of \$5,300 per designated regulatory service before the department begins negotiations:

- (1) a minor permit under 18 AAC 50.502(c)(2);
- (2) a PSD permit under 18 AAC 50.306 for a new major stationary source;
- (3) a major modification of a major stationary source;
- (4) a construction permit under 18 AAC 50.302 for a new stationary source or modification subject to the construction permitting requirements of 42 U.S.C. 7412(i) (Clean Air Act sec. 112(i));

(5) a permit for the construction of a new stationary source or addition of an emission unit at a stationary source, if the stationary source is

(A) in a sulfur dioxide special protection area established under 18 AAC 50.025(c);

(B) in the Nikiski Industrial Area; or

(C) on an offshore platform;

(6) a major modification of a major stationary source, for which a limit is requested specifically to avoid review under 18 AAC 50.306;

(7) a minor permit under 18 AAC 50.508(4);

(8) the renewal of a Title V permit for a Title V source for which fees are not established under 18 AAC 50.400(a);

(9) a notice of MACT approval under 18 AAC 50.321. (Eff. \_\_\_/\_\_\_/\_\_\_,

Register \_\_\_\_)

Authority:	AS 37.10.050	AS 44.46.025	AS 46.14.140
	AS 37.10.052	AS 46.03.020	AS 46.14.240
	AS 37.10.058		

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

**18 AAC 50.405. Transition process for permit fees.** For a permit issued under this chapter, if the applicant has submitted an application before {*effective date of the regulations*} and the department has not yet worked on that permit application, at the request of the applicant, the department will process the permit under the provisions of 18 AAC 50.400 - 18 AAC 50.499

Register \_\_\_\_, \_\_\_\_\_ 2005 ENVIRONMENTAL CONSERVATION

in effect on {*effective date of the regulations*}. Any retainer submitted before {*effective date of the regulations*} will be applied to any fees effective after {*effective date of the regulations*}.

(Eff. \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 37.10.050 AS 46.03.020 AS 46.14.240  
AS 44.46.025 AS 46.14.140

18 AAC 50.410(a) and (b) are amended to read:

**18 AAC 50.410. Emission fees.** (a) On or after **July 1, 2005** [OCTOBER 1, 2004], for each period from July 1 through the following June 30, the permittee, owner, or operator shall pay to the department an annual emission fee based on the stationary source's assessable emissions for that year for each stationary source that is **subject to a** [REQUIRED TO SUBMIT AN OPERATING] permit **under this chapter** [APPLICATION].

(b) **Except as provided in (c) of this section, the** [THE] rate is \$12.52 per ton for emissions of each air pollutant if a stationary source emits more than 10 tons of that air pollutant for that year, except that the emission fee for reduced sulfur compounds or ammonia is limited to the first 4,000 tons of emissions in the year.

(Eff. 1/18/97, Register 141; am 5/3/2002, Register 162; am 10/16/2003, Register 168; am 10/1/2004, Register 171; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 44.46.025 AS 46.14.140 AS 46.14.250  
AS 46.03.020

18 AAC 50.420 is repealed and readopted to read:

**18 AAC 50.420. Billing procedures.** (a) The department will bill emission fees assessed under 18 AAC 50.410(a) on or before July 1 of each year in a manner consistent with AS 46.14.250. The department will bill fixed permit administration fees under AS 46.14.240 and 18 AAC 50.400(a) - (l)

(1) on or before the 15th of July; however, for the period from {*effective date of regulations*} through June 30, 2005, the permit administration fees will be billed on or after {*effective date of regulations*} and prorated for that time period; or

(2) quarterly on or before January 15, April 15, July 15, and October 15 if requested in writing by the person required to pay the fee.

(b) On or before the 15th of each month, the department will bill permit administration fees for designated regulatory services rendered during the preceding month under 18 AAC 50.400(m). However, for reviews of excess emission reports, the department will bill on a semiannual basis if requested in writing by the person required to pay the fee.

(c) Fees assessed under this chapter are due within 60 days after the billing date. A payment that is past due accrues interest at the rate set in AS 46.14.255 unless the person required to pay the fee successfully disputes the fee or a portion of the fee under 18 AAC 50.430. Interest will be charged on the unpaid balance, beginning on the 61st day after the billing date.

(d) A person required to pay an emission fee under 18 AAC 50.410 may pay that fee in equal quarterly installments if

(1) the fee exceeds \$1,000; and

(2) a written request is submitted to the department with the first installment

before the due date described in (c) of this section.

(e) If installment payments are requested under (d) of this section, the remaining three installments, including interest accrued as described in (c) of this section, must be paid on or before October 15, January 15, and April 15 of each year.

(f) An owner, operator, or permittee who

(1) increases a stationary source's assessable emissions through a permit revision shall pay to the department an emission fee for the increase in assessable emissions; the fee is due within 60 days after the effective date of the permit revision; or

(2) decreases the stationary source's assessable emissions through a permit revision may request a prorated refund or credit to the stationary source's fee account toward future fees.

(g) The owner, operator, or permittee who terminates operations or whose permit has lapsed or is terminated by the department may request a refund calculated by the department for fees collected in excess of the amount due for the stationary sources' actual emissions.

(h) Unless the owner, operator, or permittee requests otherwise, an invoice for emission fees or permit administration fees will be sent to the last known address of the stationary source that is subject to the fee. In an invoice, the department will include an itemized list of charges and credits for the billing period and a calculation of total credit balance or amount due on the account. For permit administration fees for designated regulatory services under 18 AAC 50.400(m), the department will also include as part of the itemized list the

- (1) date on which the task was performed and a description of the task;
- (2) name of the individual who performed the task; and



Register \_\_\_\_, \_\_\_\_\_ 2005 ENVIRONMENTAL CONSERVATION

(3) the time spent on the task on that date and the charge for the task, determined under 18 AAC 50.400(m). (Eff. 1/18/97, Register 141; am 10/16/2003, Register 168; am 10/1/2004, [;] Register 171; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 44.46.025 AS 46.14.140 AS 46.14.250  
AS 46.03.020 AS 46.14.240 AS 46.14.255

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

**18 AAC 50.499. Definitions for user fee requirements.** In 18 AAC 50.400 - 18 AAC 50.499, unless the context requires otherwise,

- (1) "designated regulatory service" has the meaning given in AS 37.10.058;
- (2) "direct cost" has the meaning given in AS 37.10.058;
- (3) "hourly rate of salary and benefits" has the meaning given in AS 37.10.058.

(Eff. \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 37.10.050 AS 44.46.025 AS 46.14.140  
AS 37.10.052 AS 46.03.020 AS 46.14.240  
AS 37.10.058

18 AAC 50.544(a)(2) is amended to read:

(2) include the requirement to pay [PERMIT ADMINISTRATION] fees in accordance with **18 AAC 50.400 - 18 AAC 50.499** [18 AAC 50.400 AND 18 AAC 50.420]; (Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 46.03.020 AS 46.14.120 AS 46.14.170

Register \_\_\_\_, \_\_\_\_\_ 2005 ENVIRONMENTAL CONSERVATION

AS 46.14.010

AS 46.14.130

AS 46.14.180

AS 46.14.020

AS 46.14.140

AS 46.14.250