

State of Alaska

**DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

DIVISION OF WATER



18 AAC 72

Wastewater Disposal

Public Comment Version

April 2016

18 AAC 72.440 is amended to read:

18 AAC 72.440. Fees. (a) A person who seeks to be certified or recertified under 18 AAC 72.400 - 18 AAC 72.440 must pay to the department

(1) a training course fee of \$100; and

(2) if that person successfully passes the examination, a certification fee of ~~\$625~~ \$850.

(b) The certification fee under (a)(2) of this section may be paid in two annual installments of ~~\$460~~ \$340. However, if the certified installer fails to pay the second installment when it is due, certification automatically expires on the date that payment is due, without further notice from the department.

(c) A homeowner who seeks to be approved under 18 AAC 72.410 shall pay to the department a training course fee in accordance with the table below ~~of \$80~~.

	<u>Fee (in dollars) beginning with the effective date of regulations through December 31, 2017</u>	<u>Fee (in dollars) effective between January 1, 2018 through December 31, 2018</u>	<u>Fee (in dollars) effective January 1, 2019</u>
<u>Homeowner installer</u>	<u>120</u>	<u>198</u>	<u>275</u>

(Eff. 4/1/99, Register 149; am 12/23/2009, Register 192; am / / , Register)

Authority: AS 37.10.052 AS 46.03.020 ~~AS 46.03.080~~
AS 44.46.020 AS 46.03.050 AS 46.03.100
AS 44.46.025 ~~AS 46.03.070~~ ~~AS 46.03.720~~

18 AAC 72.955 is repealed and readopted to read:

18 AAC 72.955. Plan review and related fees. (a) In order to obtain a plan review under 18 AAC 72.220 or 18 AAC 72.600, or to obtain review of a stormwater pollution prevention plan submitted in accordance with a permit issued under 33 U.S.C. 1342(p) (Clean Water Act, sec 402(p)) or 18 AAC 83.205, an applicant must pay the fees listed in Table D of this subsection with the submittal of the plans:

TABLE D. PLAN REVIEW AND RELATED FEES

(1) Domestic wastewater system with a daily peak capacity measurement, in <u>gallons per day</u> , ¹ of	<u>Fee (in dollars)</u>	<u>Fee (in dollars) beginning with the effective date of regulations through December 31, 2017</u>	<u>Fee (in dollars) effective between January 1, 2018 through December 31, 2018</u>	<u>Fee (in dollars) effective January 1, 2019</u>
(A) 0- <u>1,500</u>	<u>-270</u>	<u>405</u>	<u>530</u>	<u>655</u>
(B) 501-1,500	-340			
(B <u>C</u>) 1,501-2,500	<u>-360</u>	<u>540</u>	<u>790</u>	<u>1,040</u>
(C <u>D</u>) 2,501 - 15,000	<u>-730</u>	<u>1,095</u>	<u>1,533</u>	<u>1,970</u>
(D <u>E</u>) 15,001 -50,000	<u>1,200</u>	<u>1,800</u>	<u>2,560</u>	<u>3,320</u>
(E <u>F</u>) 50,001 - 100,000	<u>2,370</u>	<u>3,555</u>	<u>4,765</u>	<u>5,975</u>
(F <u>G</u>) 100,001 - 250,000	<u>2,960</u>	<u>4,440</u>	<u>5,503</u>	<u>6,565</u>
(G <u>H</u>) 250,001 and over	<u>3,510</u>	<u>Fee (G) = fee (F) + ({flow in millions of gallons per day} X fee (F))/10</u>	<u>Fee (G) = fee (F) + ({flow in millions of gallons per day} X fee (F))/10</u>	<u>Fee (G) = fee (F) + ({flow in millions of gallons per day} X fee (F))/10</u>
(2) Modification to an existing or approved domestic wastewater system that increases daily peak capacity by				
(A) less than 20%	20% of the fee applicable to the pre-modification daily peak capacity measurement			
(B) at least 20% but less than 50%	a percentage of the fee applicable to the pre-modification daily peak capacity measurement, with the amount of that percentage to be equal to the			

	percentage increase in capacity			
(C) 50% or more	100% of the fee applicable to the pre-modification daily peak capacity measurement			
(23) Waivers or modifications under 18 AAC 72.060		<u>295</u>	<u>295</u>	<u>295</u>
(A) Any number of waivers or modifications that the department considers under one plan review under this chapter for a single family home or a duplex	300, regardless of number of waivers or modifications			
(B) Each waiver or modification that the department considers under one plan review under this chapter for a project other than a single family home or duplex	250 per waiver or modification			
(4) Nondomestic wastewater systems for discharges that do not include stormwater runoff				
(A) Passive treatment²				
(i) for one or two treatment methods	440			
(ii) for each additional passive treatment method above two	90			
(B) Complex treatment³				
(i) for one or two treatment methods	940			
(ii) for each additional treatment method above two	190			
(35) Nondomestic wastewater systems for discharges that include stormwater runoff for engineering plans required by 18 AAC 72.600(a) for projects				
(A) of less than one acre	100	<u>150</u>	<u>365</u>	<u>580</u>
(B) that are at least one acre but less than five acres	300	<u>450</u>	<u>783</u>	<u>1,115</u>
(C) that are at least five acres but less than 20 acres	600	<u>900</u>	<u>1,490</u>	<u>2,080</u>
(D) that are 20 acres or more	1,000	<u>1,500</u>	<u>2,065</u>	<u>2,630</u>
(46) Domestic and nondomestic sewer main extensions or replacements				
(A) up to 1,000 feet	310	<u>465</u>	<u>625</u>	<u>785</u>

(B) for each additional 1,000 feet, or fraction of that amount, over the first 1,000 feet	160	<u>240</u>	<u>313</u>	<u>385</u>
<u>(5) Registration fee for documentation of construction forms</u>		<u>115</u>	<u>115</u>	<u>115</u>

Notes to Table D:

¹ ~~If the domestic wastewater system is a waste stabilization pond that discharges seasonally, the department will consider the gpd measurement, for purposes of determining the amount of the fee, to be the total discharge into the stabilization pond in a calendar year, divided by 365.~~

² ~~“Passive treatment” means physical treatment with no chemical additions; “passive treatment” includes check dams, sediment lagoons, ion-exchange water softeners, cartridge filters, and ultraviolet disinfection.~~

³ ~~“Complex treatment” means biological, chemical, or physical treatment with chemical additives.~~

~~(b) Unless considered confidential by law, a copy of a wastewater discharge system property record filed with the department will be available during regular business hours upon request. A fee required under (a) of this section is not refundable.~~

~~(c) The department shall charge fees estimated to be the cost to the department of searching, retrieving, and copying the document or record of a wastewater discharge system filed by property legal description. The fee for searching, retrieving, and copying wastewater documents per property legal description is \$25. Except for fee requirements listed in (a)(5) of this section for stormwater runoff the fee requirements of this section do not apply to a charitable organization that is exempt from taxation under 26 U.S.C. 501(c)(3).~~

~~(d) A fee required under (a) of this section is not refundable. (Eff. 1/17/2002, Register 161; am 7/29/2006, Register 179; am 12/23/2009, Register 192; am ____/____/____, Register ____)~~

Authority: AS 37.10.052 AS 44.46.025 AS 46.03.100
 AS 40.25.110 AS 46.03.020 ~~AS 46.03.720~~
 AS 44.46.020 AS 46.03.050

18 AAC 72.956 is repealed and readopted to read:

18 AAC 72.956. General permit authorization fees. (a) An applicant must pay the appropriate fee as listed in Table E of this subsection for authorization to operate under an existing general permit issued under 18 AAC 72.900, 18 AAC 83.205 or authorization to operate under a general permit issued under 33 U.S.C. 1342 (Clean Water Act, sec. 402) that has been certified by the department under 33 U.S.C. 1341 (Clean Water Act, sec 401):

TABLE E. GENERAL PERMIT AUTHORIZATION FEES¹

(1) Annual fee for a domestic wastewater system covered under a general permit, with a daily maximum permitted flow, in <u>gallon per day</u>, of ^{1,2}	<u>Fee (in dollars)</u>	<u>Fee (in dollars)</u> <u>beginning with the</u> <u>effective date of</u> <u>regulations through</u> <u>December 31, 2017</u>	<u>Fee (in dollars)</u> <u>effective between</u> <u>January 1, 2018</u> <u>through December</u> <u>31, 2018</u>	<u>Fee (in dollars)</u> <u>effective January 1,</u> <u>2019</u>
(A) 0 - 1,500	<u>270</u>	<u>405</u>	<u>535</u>	<u>665</u>
(B) 1,501 - 15,000	<u>610</u>	<u>855</u>	<u>855</u>	<u>855</u>
(C) 15,001 and over	<u>940</u>	<u>1,355</u>	<u>1,355</u>	<u>1,355</u>
(2) One-time fee for a construction activity that consists of excavation dewatering	<u>830</u>	<u>950</u>	<u>950</u>	<u>950</u>
(3) Annual fee for fish hatcheries <u>and aquaculture facilities with a food budget more than 30,000 pounds per year</u>	<u>510</u>	<u>765</u>	<u>1,240</u>	<u>1,715</u>
<u>(4) Annual fee for seafood processing covered under a general permit</u>		<u>615</u>	<u>1,165</u>	<u>1,715</u>
<u>(54) Annual fee for log transfer facilities</u>		<u>500</u>	<u>500</u>	<u>500</u>
— (A) New site, and existing log transfer facility with more than one acre of continuous bark coverage on the ocean floor	<u>900</u>			
— (B) Existing site, with one acre or less of continuous bark coverage on the ocean floor	<u>570</u>			
<u>(68) One-time fee for contained water including hydrostatic test water or chlorinated water from tanks, pipelines, swimming pools, and other</u>	<u>350</u>	<u>525</u>	<u>835</u>	<u>1,145</u>

containers that meets state water quality standards in 18 AAC 70 and the effluent limitations in Section 1.2.2 of the contained water permit				
(9) Annual fee for car wash facilities	850			
(10) Annual fee for a fire training facility	1,370			
(7) One-time fee for aquifer pump testing (in support of mineral mining development and exploration)	350	525	835	1,145
(8) Wastewater discharges from drinking water filter backwash		1,635	1,635	1,635
(9) Cooling water general permit		2,050	2,050	2,050
(1011) One time fee for construction general permit (CGP) for stormwater runoff	490	580	580	580
(1112) Annual fee for multi-sector general permit (MSGP) for stormwater	530	735	735	735
(125) Annual fee for mechanical placer mining with a mixing zone authorized under 18 AAC 70.240 ²³	150	225	270	315
(13) WQ placer small suction general permit		25	25	25
(14) WQ placer medium suction general permit		90	90	90
(15) WQ placer mechanical without mixing zone		225	225	225
(16) WQ placer Norton Sound general permit		790	790	790
(176) Annual fee for each general permit authorization for oil and gas exploration and development				
(A) North Slope oil and gas general permit	570	700	700	700
(B) Cook Inlet oil and gas general permit	1,480	2,220	3,295	4,370
(C) Arctic oil and gas general permit	1,480	2,220	2,295	2,370
(D) Underground Injection Control Class I well general permit	275	413	681	950

(7) Annual fee for seafood processing covered under a general permit	410			
(18) Arctic geotechnical general permit		<u>5,990</u>	<u>5,990</u>	<u>5,990</u>

Notes to Table E:

~~_____ ¹If the domestic wastewater system is a waste stabilization pond, an annual fee of \$100 is assessed for each authorization, regardless of the size of the discharge, if the waste stabilization pond is~~

~~(A) not designed for a routine discharge to surface water; and~~

~~(B) permitted under a general permit.~~

¹² If the applicant is a business with fewer than 20 employees, the fee is reduced by a travel cost of \$85.

²³ If the applicant is a business with fewer than 20 employees, the fee is reduced by a travel cost of \$25.

(b) For one-time fees, an applicant for ~~an permit or~~ authorization shall pay the fee for the ~~permit or~~ authorization upon application.

(c) For annual fees, an applicant for or recipient of ~~an permit or~~ authorization shall pay the fee for the ~~permit or~~ authorization upon application, and annually afterwards within 30 days after issuance of the billing.

(d) If a new application is received between October 1 and December 31, the applicant shall pay one-half of the annual fee required under (a) of this section for that year.

(~~ee~~) For any annual fee received more than 30 days after issuance of the billing, a late fee of \$~~2012~~ is charged for each month that the payment is late.

(~~fd~~) A fee required under (a) of this section is not refundable.

(~~ge~~) If an authorization to operate under a general permit is transferred from an existing owner or operator to a new owner or operator, the new owner or operator shall pay the applicable fees described in (a) of this section during the next annual billing cycle.

(~~hf~~) An owner or operator may request in writing to terminate an existing authorization to operate under a general permit if a discharge is not occurring. If an authorization is terminated at the request of the owner or operator, the owner or operator must file a new application and pay a new application fee for a new authorization before resuming the wastewater discharge. (Eff. 1/17/2002, Register 161; am 12/23/2009, Register 192; am / / , Register)

Authority:	AS 37.10.052	AS 46.03.020	AS 46.03.110
	AS 44.46.020	AS 46.03.050	AS 46.03.710
	AS 44.46.025	AS 46.03.100	AS 46.03.720

18 AAC 72.957 is repealed and readopted to read:

18 AAC 72.957. Individual permit fees. (a) An applicant must pay the appropriate fee as listed in Table F of this subsection for a permit issued under 18 AAC 72.215, ~~or~~ 18 AAC 72.500, or 18 AAC 83.215 or for certification of a permit required by 33 U.S.C. 1341 (Clean Water Act, sec. 401):

TABLE F. INDIVIDUAL PERMIT FEES¹

(1) Annual fee for a domestic wastewater system with a daily maximum permitted flow, in <u>gallons per day</u> , of ¹	Fee (in dollars)	<u>Fee (in dollars)</u> <u>beginning with the</u> <u>effective date of</u> <u>regulations</u> <u>through December</u> <u>31, 2017</u>	<u>Fee (in dollars)</u> <u>effective between</u> <u>January 1, 2018</u> <u>through December</u> <u>31, 2018</u>	<u>Fee (in dollars)</u> <u>effective January</u> <u>1, 2019</u>
(A) 0 - 100,000	470	655	655	655
(B) 100,001 and over	1,680	2,520	5,298	8,075
(2) Annual fee for mining activities				
—(A) Permit renewals for hard-rock mineral mining with chemical concentration process	6,290			
—(B) Mineral mining using a suction dredge with a nozzle 10 inches or greater	1,040			
(3) Annual fee for seawater treatment	1,150			
(24) Annual fee for power generation cooling water discharge by a facility¹	2,130	3,195	5,480	7,765
(35) Annual fee for seafood processing that is not covered under the general permit	3,560	5,340	6,428	7,515
<u>(4) One-time fee for seafood processor modifications within the same year</u>		325	325	325

(56) Application fee for certification under 33 U.S.C. 1341 of a “dredge-or-fill” permit issued under 33 U.S.C. 1344 (Clean Water Act, sec. 404), for²				
—(A) Highway project	490			
(A B) Airport project	490	<u>320</u>	<u>320</u>	<u>320</u>
—(C) Pipeline project using less than eight-inch diameter pipe	490			
(B D) Other projects or department activities as follows:				
(i) waiver of certification under 33 U.S.C. 1341	0	<u>130</u>	<u>130</u>	<u>130</u>
(ii) project disturbing less than one acre	200	<u>300</u>	<u>450</u>	<u>600</u>
(iii) project disturbing 1 - 5 acres	490	<u>735</u>	<u>750</u>	<u>765</u>
(iv) project disturbing 5.01 to 20 acres	1,120	<u>1,160</u>	<u>1,160</u>	<u>1,160</u>
(v) project disturbing greater than 20 acres	2,300	<u>2,375</u>	<u>2,375</u>	<u>2,375</u>
<u>(6) Harbor dredge projects</u>		<u>1,080</u>	<u>1,080</u>	<u>1,080</u>
<u>(7) Individual permit MS4</u>		<u>9,115</u>	<u>9,115</u>	<u>9,115</u>
<u>(8) Bulk fuel and small oil terminals</u>		<u>7,690</u>	<u>7,690</u>	<u>7,690</u>

Notes to Table F:

¹If the applicant is a business with fewer than 20 employees, the fee is reduced by a travel cost of \$85.

²Mine projects and pipelines eight inches or greater in diameter are subject to a fee as described in 18 AAC 72.959.

(b) For one-time fees, an applicant for a permittee shall pay the fee within 30 days after issuance of the billing.

(c) For annual fees, fees are billed annually and must be paid within 30 days after issuance of the billing.

(d) If a new permit application is received between October 1 and December 31, the applicant shall pay one-half of the annual permit fee required under (a) of this section for that year.

(e) For any annual fee received more than 30thirty days after issuance of the billing, a late fee of \$20+2 is charged for each month that the payment is late.

(f) A fee required under (a) of this section is not refundable.

(g) If a permit is transferred from an existing owner or operator to a new owner or operator, the new owner or operator shall pay the applicable fees described in (a) of this section during the next annual billing cycle.

(h) An owner or operator may request in writing to terminate an existing permit if a discharge is not occurring. If a permit is terminated at the request ofBefore the owner or operator resumes discharging wastewater, the owner or operator must filesubmit a new application and pay a new application fee for a new permit before resuming wastewater discharge. (Eff. 1/17/2002, Register 161; am 12/23/2009, Register 192; am / / _____, Register _____)

Authority:	AS 37.10.052	AS 46.03.020	AS 46.03.110
	AS 44.46.020	AS 46.03.050	AS 46.03.710
	AS 44.46.025	AS 46.03.100	AS 46.03.720

18 AAC 72.959 is amended to read:

18 AAC 72.959. Hourly and negotiated fees. (a) The department will calculateapply a fee in compliance with~~described in~~ (b) of this section for activities or authorizations related to

(1) a discharge that is not listed or for which a fee is not listed in 18 AAC 72.955, 18 AAC 72.956, or 18 AAC 72.957; and

(2) permit issuance costs for mining activity not covered under a general permit.

(b) For a wastewater discharge permit from a facility or activity that is described in (a) of this section, the department

(1) will assess a fee based on direct department costs, including

(A) salaries and benefits of department employees directly involved in providing the standard designated regulatory service; and

(B) goods and third-party services, including travel if the facility is owned by a business that has more than 20 employees; or

(2) may, if the applicant requests, agree to a negotiated fee...

(Eff. 1/17/2002, Register 161; am 12/23/2009; am / / , Register)

Authority:	AS 37.10.052	AS 46.03.020	AS 46.03.110
	AS 37.10.054	AS 46.03.050	AS 46.03.710
	AS 44.46.020	AS 46.03.100	AS 46.03.720
	AS 44.46.025		