

WASTEWATER DISPOSAL FEES: NOTICE OF PROPOSED CHANGES  
IN THE REGULATIONS OF DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation is proposing to revise fees in the Wastewater Disposal and Alaska Pollutant Discharge Elimination System regulations.

The Alaska Department of Environmental Conservation (ADEC) proposes to adopt regulation changes in 18 AAC 72 Wastewater Disposal and 18 AAC 83 Alaska Pollutant Discharge Elimination System of the Alaska Administrative Code, dealing with fees for wastewater discharges, including the following:

- (1) 18 AAC 72.440 is proposed to be changed as follows: increase the certified installer and homeowner installer certification fee.
- (2) 18 AAC 72.955 is proposed to be changed as follows: repeal and readopt the plan review and related fees table; change some fees to negotiated fees; establish new fees; remove the exemption for charitable organizations; and add language to establish a fee for searching, retrieving, and copying wastewater documents.
- (3) 18 AAC 72.956 is proposed to be changed as follows: repeal and readopt the general permit authorization fees, establish news fees, change some fees to negotiated fees, and add language to prorate application fees for applications received late in the year.
- (4) 18 AAC 72.957 is proposed to be changed as follows: repeal and readopt the individual permit authorization fees, establish news fees, change some fees to negotiated fees, and add language to prorate application fees for applications received late in the year.
- (5) 18 AAC 72.959 is proposed to be changed as follows: add language to address hourly and negotiated fees for an activity necessary to authorize a discharge.
- (6) 18 AAC 83.905 is proposed to be changed as follows: add language to address hourly and negotiated fees for an activity necessary to authorize a discharge.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Gina Shirey at ADEC Division of Water, 410 Willoughby Avenue, Suite 303, Juneau, AK 99811. Additionally, ADEC will accept comments by facsimile at 907-465-5177 and by electronic mail at [dec.water.2016.regulations@alaska.gov](mailto:dec.water.2016.regulations@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00 pm on June 3, 2016.

ADEC has tentatively scheduled a public hearing for these proposed regulations on May 25, 2016 from 12:00 pm to 1:30 pm at the ADEC Building, 410 Willoughby Avenue, Second Floor Main Conference Room, Juneau, AK 99811. The public hearing will be held only if a request to hold a public hearing is received by ADEC by 5:00 pm on Wednesday, May 18, 2016. You may request a public hearing by calling Gina Shirey at 907-465-5272 between 7:30 am and 4:00 pm, Monday through Friday or by emailing the request to [dec.water.2016.regulations@alaska.gov](mailto:dec.water.2016.regulations@alaska.gov). If no request for a public hearing is received, the public hearing will be cancelled. ADEC will announce the cancellation of the public

hearing by publishing a public notice by 5:00 pm on May 19, 2016 on this website:  
<http://dec.alaska.gov/water>.

Oral or written comments may be submitted at the hearing if a public hearing is conducted. If the public hearing occurs, there will be a call-in number if you are not able to attend the meeting in person. The call-in number will be 1-800-315-6338, and the Meet Me Code will be 78594. If held, the hearing may be extended if necessary to accommodate those present before 1:00 pm who did not have an opportunity to comment.

You may submit written questions relevant to the proposed action to Gina Shirey by e-mail to [dec.water.2016.regulations@alaska.gov](mailto:dec.water.2016.regulations@alaska.gov) and by mail to 410 Willoughby Avenue, Suite 303, Juneau, AK 99811. The questions must be received at least 10 days before the end of the public comment period. The ADEC will aggregate its response to substantially similar questions and make the questions and responses available on the Division of Water's homepage at <http://dec.alaska.gov/water>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 seven days prior the public hearing to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Gina Shirey at [dec.water.2016.regulations@alaska.gov](mailto:dec.water.2016.regulations@alaska.gov) or (907) 465-5272.

After the public comment period ends, the ADEC will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.** Written comments received are public records and are subject to public inspection.

**Statutory authority:** AS 37.10.052; AS 37.10.054; AS 40.25.110; AS 44.46.020; AS 46.03.020; AS 46.03.050; AS 46.03.100; AS 46.03.710

**Statutes being implemented, interpreted, or made specific:** AS 44.46.025; AS 46.03.010; AS 46.03.020; AS 46.03.050; AS 46.03.100; AS 46.03.110

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

Date: April 15, 2016

  
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Larry, Hartig, ADEC Commissioner

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))<sup>1</sup>

1. Adopting agency: Department of Environmental Conservation
2. General subject of regulation: Wastewater Disposal Fees
3. Citation of regulation (may be grouped): 18 AAC 72 and 18 AAC 83
4. Department of Law file number, if any: JU2016200105

5. Reason for the proposed action:

- Compliance with federal law or action (identify): \_\_\_\_\_
- Compliance with new or changed state statute
- Compliance with federal or state court decision (identify): \_\_\_\_\_
- Development of program standards
- Other (identify): AS 37.10.052 requires a fee study every 4 years

6. Appropriation/Allocation: Department of Environmental Conservation/  
Division of Water/ Wastewater Discharge

7. Estimated annual cost to comply with the proposed action to: The Department of Environmental Conservation, Division of Water, Wastewater Disposal fees for individual permits and general permit authorizations, as well as wastewater engineering plan review fees, have not changed since 2009. Current fees do not allow for sufficient cost recovery for the program to cover the direct costs of permitting, compliance, and plan review activities. The proposed revisions to fees are based on a fee study that evaluated the direct historical costs of permitting and compliance, in accordance with AS 37.10.052. Affected parties should review the fee tables in the proposed regulation revisions and find the relevant fee pertaining to their activity, discharge, or engineering plan review needs. Fees that increase more than 50% will be phased-in over a three-year period.

a. Private Persons: There will be a direct increase in costs due to increases in fees. Businesses and Private Persons with industrial facilities or projects that require an engineering plan review, an individual permit, or an authorization under a general permit for wastewater discharges will be affected. Activities or discharges include Mining Activities, Oil and Gas Extraction, Construction Activities, Seafood Processing, and Storm Water Discharges. The increase in fees ranges from \$40-\$6,395 depending on the type of activity. For example, Individuals and Small Businesses needing an engineering plan review for domestic wastewater systems that discharge less than 1,501 gallons per day will be have a fee increase of \$385. The proposed fee is \$655 and will be phased-in over three years. Other revisions to engineering plan review fees that result in an increase in costs is the removal of the exemption for 501(c)(3) charitable organizations under

18 AAC 72.955(c) and the introduction of a new \$25 records provision fee (per property legal description) for the search, retrieval, and copying of wastewater discharge system property record files.

b. Another state agency: Limited. There is no expected effect to the majority of state agencies as they are not required to obtain wastewater discharge permits. However, there will be additional costs to state agencies that do obtain wastewater permits or authorizations, including: Alaska Department of Transportation and Public Facilities (Clean Water Act Section 404 Certificates increase by \$40-\$400; fees are tied to acres disturbed), University of Alaska Public Facilities, Alaska Department of Natural Resources, Alaska Department of Fish and Game (hatchery permit fees increase by \$1,205), Alaska Railroad Corporation, and the Alaska Marine Highway System (Multi-Sector General Storm Water permit fees for terminals increase by \$205). An example of a typical permit obtained by state agencies is the Construction Storm Water General Permit (CGP). The cost increase to obtain a CGP is \$90. The proposed fee is \$580.

c. Municipalities: There will be a direct increase in costs to local governments that require permits for wastewater discharge activities, such as construction, storm water discharge, operation of public utility systems, and landfill leachate. An example of a typical permit municipalities obtain is an authorization to discharge under the Domestic Wastewater System General Permit. For wastewater systems that discharge more than 15,000 gallons per day, the fee increase is \$415. The proposed fee is \$1,355. There may be the potential for utilities and local governments to pass the increased costs to individual rate payers, but there is not enough information to evaluate this potential effect.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

|                               | Initial Year<br>FY <u>17</u> | Subsequent<br>Years |
|-------------------------------|------------------------------|---------------------|
| Operating Cost                | \$ <u>0</u>                  | \$ <u>0</u>         |
| Capital Cost                  | \$ <u>0</u>                  | \$ <u>0</u>         |
| 1002 Federal receipts         | \$ <u>0</u>                  | \$ <u>0</u>         |
| 1003 General fund match       | \$ <u>0</u>                  | \$ <u>0</u>         |
| 1004 General fund             | \$ <u>0</u>                  | \$ <u>0</u>         |
| 1005 General fund/<br>program | \$ <u>0</u>                  | \$ <u>0</u>         |
| Other (identify)              | \$ <u>0</u>                  | \$ <u>0</u>         |

9. The name of the contact person for the regulation:

Name: Gina Shirey  
Title: Environmental Program Specialist IV  
Address: 410 Willoughby Avenue, Suite 303, Juneau, AK 99811  
Telephone: 907-465-5272  
E-mail address: gina.shirey@alaska.gov

10. The origin of the proposed action:

Staff of state agency  
 Federal government  
 General public  
 Petition for regulation change  
 Other (identify): \_\_\_\_\_

11. Date: 4/18/2016 Prepared by:   
[signature]

Name (printed): Gina Shirey  
Title (printed): Environmental Program Specialist IV  
Telephone: (907) 465-5272