

CONTAMINATED SITES: NOTICE OF PROPOSED CHANGES
IN THE REGULATIONS OF ALASKA DEPARTMENT OF ENVIRONMENTAL
CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation proposes to amend the fees for certification of underground storage tank workers and inspectors to reflect the costs necessary for the Division of Corporations, Business and Professional Licensing of the Department of Commerce, Community, and Economic Development to administer the certification program.

The Alaska Department of Environmental Conservation (ADEC) proposes to adopt regulation changes in 18 AAC 78 of the Alaska Administrative Code dealing with certification of underground storage tank workers and inspectors, including the following:

- (1) 18 AAC 78.495 is amended to update fees for applications, certifications, renewal certifications, duplicate certificates, and reciprocity certifications.

Posting

The above description of proposed changes to the regulations only provides a summary of the subject matter. Copies of the proposed regulation changes are available on the Alaska Online Public Notice System or at <http://dec.alaska.gov/spar/regulation-projects> and by contacting Sally Schlichting at sally.schlichting@alaska.gov or by phone at (907) 465-5076.

Questions

You may submit written questions relevant to the proposed action to Sally Schlichting by electronic mail to sally.schlichting@alaska.gov or by mail to P.O. Box 111800, Juneau, Alaska 99811-1800. The Department of Environmental Conservation will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and <http://dec.alaska.gov/spar/regulation-projects>. The questions must be received at least 10 days before the end of the public comment period. The Department of Environmental Conservation may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

Comments

You may comment on the regulation changes, including the potential costs to private persons of complying with the changes, by submitting written comments to Sally Schlichting, Alaska Department of Environmental Conservation, P.O. Box 111800, Juneau, AK 99811-1800, by facsimile at: (907) 465-5245, or by e-mail to sally.schlichting@alaska.gov. Comments also may 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 p.m. on August 16, 2019.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Theresa Zimmerman at (907) 465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than August 6, 2019 (10 days prior to the end of the comment period) to ensure that any necessary accommodations can be provided.

After the public comment period ends, the Department of Environmental Conservation 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 46.03.010, AS 46.03.020, 46.03.365

Statutes being implemented, interpreted, or made specific: AS 46.03.375

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

ADEC's Contaminated Sites Program keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Program's notices of proposed regulations changes. To be added to or removed from the list, you may sign up by contacting sally.schlichting@alaska.gov.

Date: July 11, 2019



Jason W. Brune, Commissioner

ADDITIONAL REGULATIONS NOTICE INFORMATION

(AS 44.62.190(d))

1. Adopting agency: Alaska Department of Environmental Conservation
2. General subject of regulation: Underground Storage Tanks
3. Citation of regulation (may be grouped): 18 AAC 78
4. Department of Law file number, if any: 2019200561
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): modify fees to align with reduced cost to administer the program
6. Appropriation/Allocation: The Alaska Division of Corporations, Business and Professional Licensing of the Department of Commerce, Community, and Economic Development
7. Estimated annual costs in the aggregate to comply with the proposed action:

Private Persons, including private businesses: Initial application fees will increase from \$75 to \$100 resulting in an additional cost of \$25 for an anticipated 14 new applicants. However, the fees for initial, renewal and reciprocity certifications will decrease from \$130 to \$60 and the \$5 fee for duplicate certificates will no longer be charged. As a result, both new applicants and individuals seeking renewal or reciprocity certifications, will experience a decrease in the cost to be certified. The amount of the decrease per person depends on the number of certifications each individual carries, but will be \$70 less per certification. As of July 2019, 120 certifications are held by 59 individuals, and each certification is valid for a 2-year period. Total annual fee revenue will decrease from \$21,633 to \$10,993.

Pass through costs to private businesses and other entities that are considered responsible parties (RPs) may decrease slightly as a result of the change in fees. Should there be concern about compliance costs due to these proposed changes the department encourages the submission of public comments which reference costs and provide specific cost information.

Other State Agencies: The Alaska Division of Corporations, Business and Professional Licensing of the Department of Commerce, Community, and Economic Development, administers the UST inspector and worker certification program. The Division will receive less fee revenue as a result of this change, but based on an analysis of the cost to administer the program, the revenue from the current fees has resulted in surplus that is greater than what is necessary to operate the program.

Municipalities: Pass through costs to municipalities which may require the services of certified inspectors and workers may decrease slightly as a result of the change in fees.

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

	Initial Year FY 2019	Subsequent 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/ program	\$ <u>0</u>	\$ <u>0</u>
1037 General fund/mental health	\$ <u>0</u>	\$ <u>0</u>
Other (Response Fund)	\$ <u>0</u>	\$ <u>0</u>

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

Name: Sally Schlichting

Title: Unit Manager for Technical Services, Policy and Regulations

Address: ADEC, Contaminated Sites Program

410 Willoughby Ave. Suite 303, P.O. Box 111800, Juneau, AK 99811-1800

Telephone: (907) 465-5076

E-mail address sally.schlichting@alaska.gov

10. The origin of the proposed action:

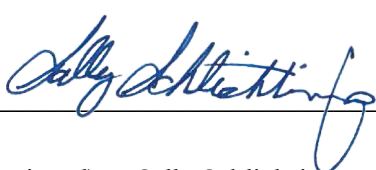
☒ Staff of state agency

☐ Federal government

☐ General public

☐ Petition for regulation change

☐ Other (identify)

11. Date: July 11, 2019 Prepared by: 

Name (printed): Sally Schlichting

Title (printed): Unit Manager for Technical Services, Policy and Regulations

Telephone: (907) 465-5076