

# AIR QUALITY FEES: NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (ADEC) is proposing changes to its air quality regulations to revise the air quality permit administration and compliance fees, air quality emission fees, add definitions, and update cross references.

### Title: 18 AAC 50 Air Permits Administration and Emission Fees

The Department of Environmental Conservation (DEC) proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with air quality permitting and emission fees. In accordance with AS 46.14.240(b) and AS 37.10.052(a), DEC is required to evaluate fixed permit administration fees every four years and provide the results of the study in a report under AS 37.10.050(c). In accordance with AS 46.14.250(g), DEC is required to evaluate emission fee rates every four years and provide the results of the study in a report. The proposed regulation changes in this notice are based on the results of the study on permit administration fees and emission fee rates conducted for the 2014 Fee Study Report.

The regulation changes are as follows:

- Amend **18 AAC 50.230** to correct cross references to provisions of 18 AAC 50.400.
- Amend **18 AAC 50.260** to correct cross references to provisions of 18 AAC 50.400.
- Repeal and readopt **18 AAC 50.400** to revise permit administration and compliance fees in accordance with the fee study results and add definitions. The analysis of the fee study resulted in a proposed reduction of the number of fee categories from 66 to 24, which will reduce administrative costs and fee complexity.
- Amend **18 AAC 50.403** to clarify negotiated settlement agreement fees.
- Repeal **18 AAC 50.405** which addressed a transition process for permit fees before 2005.
- Amend **18 AAC 50.410** to revise emission fees in accordance with the fee study results.
- Amend **18 AAC 50.420** to revise language addressing billing procedures.

### Posting

The above list of proposed changes to the regulations only provides a summary of their subject matter. For a copy of the proposed regulation changes and the 2014 Fee Study Report, please contact Rebecca Smith at 907-465-5121 between 8:00 a.m. and 4:30 p.m., Monday through Friday, or refer to this DEC webpage:

<http://dec.alaska.gov/Applications/Air/airtoolsweb/AirPermitsApprovalsAndPublicNotices/> or

<http://dec.alaska.gov/air/ap/regulati.htm>. The proposed regulations are intended to meet the requirements of Section 110 (Title 42 U.S.C. Chapter 85 §7410) of the Clean Air Act and, once adopted, will be submitted to the U.S. Environmental Protection Agency for approval and eventual inclusion in Alaska's State Air Quality Control Plan.

### Questions

You may submit written questions relevant to the proposed action to DEC using the electronic question form at <http://decjnuwebt/Air/ap/feesFY14QuestionsAndAnswers.htm> or by electronic mail to [dec.aq.airdocket@alaska.gov](mailto:dec.aq.airdocket@alaska.gov) or by sending the questions to Rebecca Smith, Division of Air Quality, DEC, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, Alaska 99811-1800. The written questions must be received at least 10 days before the end of the public comment period; question deadline is June 19, 2015, and comment deadline is June 30, 2015. The department will aggregate its response to substantially similar questions and make the questions and response available on <http://decjnuwebt/Air/ap/feesFY14QuestionsAndAnswers.htm>. The department may, but is not required to, answer written questions received after the June 19, 2015, deadline for submitting questions.

## Comments

You may comment on the proposed regulation changes, including the potential costs to private persons of complying and alternative practical methods of complying with the proposed changes, by submitting written comments to: Rebecca Smith, Division of Air Quality, Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, Alaska 99811-1800; by e-mail to [rebecca.smith@alaska.gov](mailto:rebecca.smith@alaska.gov); through the Air Quality Division's electronic comment submission web page at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalComments>; by e-mail to the Air Quality Comments Docket at [dec.aq.airdocket@alaska.gov](mailto:dec.aq.airdocket@alaska.gov), or by facsimile at (907) 465-5129. Comments must be received by 5:00 p.m. on June 30, 2015. Comments received after this date and time will not be considered in final action on these rules and the air quality plan.

## Hearings

DEC has tentatively scheduled a public hearing for these proposed regulations, on June 24, 2015, from 12:00 p.m. to 1:30 p.m. at the Department of Environmental Conservation Building, 619 E. Ship Creek Ave., Ste. 249, Conference Room A, Anchorage, AK 99501. The public hearing will be held only if a request to hold a public hearing is received by DEC by 5:00 p.m. on Friday, June 19, 2015. You may request a public hearing by calling Rebecca Smith at 907-465-5121 between 9:00 a.m. and 5:00 p.m., Monday through Friday or by e-mailing a request to [rebecca.smith@alaska.gov](mailto:rebecca.smith@alaska.gov). If no request for a public hearing is received, the public hearing will be cancelled. DEC will announce the cancellation of the public hearing by publishing a public notice, by 5:00 p.m. on June 22, 2015, on these websites: <http://dec.alaska.gov/air/ap/regulati.htm> and [http://dec.alaska.gov/commish/public\\_notices.htm](http://dec.alaska.gov/commish/public_notices.htm). 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 8123#. If held, the hearing may be extended if necessary to accommodate those present before 1:00 p.m. who did not have an opportunity to comment.

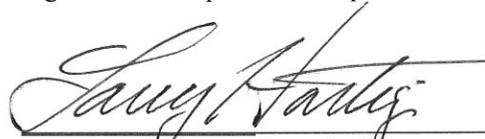
If you are a person with a disability who may need a special accommodation in order to participate in this public process, please contact Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 seven days prior to any open house or a public hearing to ensure that any necessary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

After the public comment period ends on June 30, 2015, DEC will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **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 37.10.050, AS 37.10.052, AS 37.10.058, AS 44.46.025, AS 46.03.020, AS 46.14.140, AS 46.14.240, AS 46.14.250, AS 46.14.255

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 46.14.010, AS 46.14.020, AS 46.14.030, AS 46.14.120, AS 46.14.140, AS 46.14.240, AS 46.14.250, AS 46.14.255

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

  
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Larry Hartig, DEC Commissioner

Dated: May 21, 2015