

**Description of the Proposed Changes to 18 AAC 50  
Fee Study Regulations  
May 2015**

<b>Section</b>	<b>Discussion</b>	<b>Reason for Change</b>
18 AAC 50.230(c)(1)(I), 18 AAC 50.230(d)(1)(E)	Amending 18 AAC 50.230(c)(1)(I) and 18 AAC 50.230(d)(1)(E) to update cross-references to the updated fee reference in 18 AAC 50.400.	ADEC is amending the regulation to include an updated cross-reference to the correct updated fee reference.
18 AAC 50.260(p)	Amending 18 AAC 50.260(p) to update cross-reference to the updated fee reference in 18 AAC 50.400.	ADEC is amending the regulation to include an updated cross-reference to the correct updated fee reference.
18 AAC 50.400	Adjusting fees throughout 18 AAC 50.400(a) – (g) based on the FY10 – FY13 Fee Study Report. Additionally, the subsections are being re-lettered as 18 AAC 50.400(c) and 18 AAC 50.400(f) of the existing regulations are being repealed.	New fees are being set based on the FY10 – FY13 Fee Report. Significant changes are being made to this section. Dept. of Law drafting manual recommends repeal and re-adoption of the whole section.
18 AAC 50.400(a)(2)	Clarifying that the fees in this subsection do not apply to sources described under 18 AAC 50.400(a)(3).	The FY10 – FY13 Fee Report recommend that this subsection should not include coal-fired plants.
18 AAC 50.400(a)(3)	Establishing a new subsection for fees for coal-fired plants.	The FY10 – FY13 Fee Report showed that a separate category for coal-fired plants was warranted.
18 AAC 50.400(a)(8)	Establishing a new subsection for compliance fees for general operating permits for asphalt plants (GP3s).	The FY10 – FY13 Fee Report showed that a new compliance fee for GP3s was necessary, as they are Title V permits.
18 AAC 50.400(b)	Amending the language in 18 AAC 50.400(b) to indicate that a request for a refund of annual permit fees in this section must be requested <u>in writing</u> .	ADEC is amending the section to make it clear that refund requests must be in writing to reduce administrative burden.

18 AAC 50.400(c)	Repealing this subsection in readopted section.	The FY10 – FY13 Fee Report showed service work for permits under this subsection is more accurately billed on a time-and-expense basis.
18 AAC 50.400(d) *was 18 AAC 50.400(e)	Amending the language to clarify that the compliance review fee in 18 AAC 50.400(e)(1) is an <u>annual</u> compliance review fee.	ADEC is amending the language to maintain consistency of terms throughout the section.
18 AAC 50.400(f)	Repealing this subsection in readopted section.	The fees under this subsection are more accurately billed within other fees depending on their permit type.
18 AAC 50.400(e) *was 18 AAC 50.400(g)	Repealing the current 18 AAC 50.400(g)(1) – (2) and renumbering the remaining paragraphs.	As recommended in the FY10 – FY13 Fee Report, the fees under 18 AAC 50.400(g)(1) – (2) are now included in the annual compliance review fees found in 18 AAC 50.400(a).
18 AAC 50.400(f) *was 18 AAC 50.400(h)	Combining the fees in current 18 AAC 50.400(h)(2) and (3) into one set of fees in new 18 AAC 50.400(f)(2).	The FY10 – FY13 Fee Report recommended that the administrative and compliance fees for the two types of permits were substantially the same and could be combined.
18 AAC 50.400(h) *was 18 AAC 50.400(j)	Removing “designated regulatory services subject to this subsection include regulatory services for” list.	The list was originally developed to facilitate the possible development of additional fixed fees. The FY10 – FY13 Fee Report does not support the development of fixed fees for these services, so the list is being removed from the regulations to reduce administrative costs for tracking fees.
18 AAC 50.400(i)(2) *was 18 AAC 50.400(k)(2)	Amending the definition to repeal language including coal-fired boilers in the definition of a large power plant.	As a result of the FY10 – FY13 Fee Report, coal-fired plants are being categorized separately from large power plants.

18 AAC 50.400(i)(6) – (9) *new definitions	Adding new definitions for 18 AAC 50.400 for “annual permit fee”, “annual compliance review fee”, “coal-fired plant”, and “routine compliance services”.	ADEC needs to add definitions to clarify additional terms used in this section.
18 AAC 50.403	Amending the language in 18 AAC 50.403 to remove the retainer and list of permits for which a negotiated service agreement would be available and to indicate that all work done before a negotiated service agreement is in effect will be billed on a time-and-expense basis.	The FY10 – FY13 Fee Report indicated that negotiated service agreements (NSA) are more accurately billed on a time-and-expense basis for work done to develop and implement the NSA and reduce the administrative tracking costs.
18 AAC 50.405	Repealing this section.	There are no longer any outstanding permit applications that would qualify under this section, so it is not necessary to retain it.
18 AAC 50.410(b) and (g)	Revising emission fee rates in 18 AAC 50.410(b) and (g).	The FY10 – FY13 Fee Report indicated that emission fee rates needed to be adjusted.
18 AAC 50.410(f)	Repealing this section.	ADEC is repealing this section to reduce the administrative tracking costs.
18 AAC 50.420(a)	Amending the language in 18 AAC 50.420(a) to include language on supplemental billing procedures for permit administration and emission fees to account for the difference between billed fees which occurs for FY16 based on current regulations and the updated fees which will be in effect for FY16 after the effective date of the new regulations.	ADEC will need to bill or credit for the revised fees that will come into effect when the new regulations become effective. This language is needed to explain how the additional billing will occur.

18 AAC 50.420(b)	<p>Amending the language in 18 AAC 50.420(b) to update cross-reference to the updated fee reference in 18 AAC 50.400.</p> <p>Amending the language in 18 AAC 50.420(b) to remove the option for semiannual billing of excess emission reports.</p>	<p>ADEC is amending the regulation to include an updated cross-reference to the correct updated fee reference.</p> <p>ADEC is repealing this section to reduce the administrative tracking costs.</p>
18 AAC 50.420(f)(2)	Amending the language of 18 AAC 50.420(f)(2) to indicate that a request for a refund or credit due to a decrease in emission fees in this section must be done <u>in writing</u> .	ADEC is amending the section to make it clear that refund or credit requests must be in writing and to reduce administrative costs.
18 AAC 50.420(g)	Amending the language of 18 AAC 50.430(g) to indicate that a request for a refund in the case of a terminated or lapsed permit must be made <u>in writing</u> and that the refund will only be for emission fees for the current fiscal year.	ADEC is amending the language to make the language regarding requests for refunds consistent throughout the regulations.
18 AAC 50.420(h)	Amending the language in the lead in language to 18 AAC 50.420(h) and in 18 AAC 50.420(h)(3) to update cross-references to the updated fee reference section in 18 AAC 50.400.	ADEC is amending the regulation to include an updated cross-reference to the correct updated fee section.

Please see the Report for further explanation of proposed changes.