

Explanation for the Repeal of 18 AAC 50.225(b)(7)
Effective October 6, 2013

Under 18 AAC 50.225(a), regulations specify that an ORL under this regulation is to avoid all permitting obligations under AS 46.14.130. This statute covers both Title I and Title V permits.

Under 18 AAC 50.225(b)(7), the regulations stated that if all permitting classifications were not avoided, an application was necessary for the remaining permit classifications. This was in direct contradiction to 18 AAC 50.225(a) which requires that all permitting obligations be avoided. If an applicant wants an ORL to avoid a permit classification but is still subject to another permit classification they can obtain a minor permit under 18 AAC 50.508(5).

An ORL under 18 AAC 50.225(a) must avoid all permitting classifications, while an ORL under 18 AAC 50.508(5) allows the applicant to avoid a permit classification while still being subject to another permit classification. Therefore, there is no relaxation of the regulations, as the two types of ORLs allow the applicant to avoid permitting classifications depending on their particular situation.