

State of Alaska

**DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**

**DIVISION OF WATER**



**18 AAC 72**

Wastewater Disposal

**18 AAC 83**

Alaska Pollutant Discharge Elimination System

*Frequently Asked Questions*

*April 2016*

## Frequently Asked Questions

How were the fees calculated?

- In accordance with AS 37.10.052, the Division of Water (Division) initiated a fee study. The fee study was completed in December 2015. The fee study examined the costs of permitting wastewater discharges, plan review work, and compliance and enforcement activities performed by the Division for the period from July 1, 2011 through June 30, 2015 for the purposes of calculating future fees for these services. The fee for each type of service was divided by the relevant permit, compliance, or plan review activity count to derive an average fee for each service.

Does the fee study assume that the number of permit applications will remain the same? Increase? Decrease?

- The fee study is based on past permit, compliance, or plan review activity. The statute requiring the fee study doesn't provide for future projections.

Were general administrative costs included in the cost estimates?

- General administrative costs (clerical staff) were not included in the cost estimates. Clerical costs directly associated with processing a permit were included.

What less burdensome alternatives were considered?

- The Division is sensitive to increasing program fees and proposes to phase-in the fee increases for fees that increased by more than 50% above the current fee. For the fees that are being phased-in, the first year fee is 50% more than the current fee so that the increase is minimal and gives affected permittees time to adjust to the new fees. The second year fee increase is 50% of the remaining balance of the new fee. In some cases, the percent increase in the second year fee will be higher than the percent increase in the first year's fee. The Division decided to minimize the impact the first year of the fee increase to give permittees more time to adjust to the fee increases. The third year will be the new full fee.
- The Division is also making general permits available when they make sense and streamlining steps in the individual permit process.

Is the Division of Water increasing fees to make up for expected general fund reductions?

- No. AS 37.10.052 requires the Division to evaluate fees every four years and to revise the fees if needed. The fee study completed in December 2015 documents the costs the Division incurred for activities related to permitting a wastewater discharge, determining compliance with permits, and conducting engineering plan review activities.

Why haven't the fees increased since 2009?

- Authority to administer the Alaska Pollutant Discharge Elimination System (APDES) program transferred to the state in phases. The last phase was transferred in October 2012. The fees haven't increased since 2009 to allow the program time to track the actual time and costs of conducting permitting, compliance, and plan reviews during a time of full APDES program operation. The current fee study covers time and expenses from July 1, 2011 through June 30, 2015.

Does the fee include time spent on appeals?

- No.

Why are there new categories of permit fees?

- As the APDES program has matured, categories of permits, or "sectors," become obvious as distinct economic sectors as defined by AS 37.10.058(4).

Why are permit reissuances the same fee as a new permit?

- The same amount of work goes into permit reissuance. Permits are written for a five-year period. Over those five years, changes can occur in regulations, water quality standards, and technologies. The reissued permit must be evaluated against the regulations and standards that are in place at the time of reissuance so that permit conditions can be modified as necessary.