

State of Alaska

**DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

DIVISION OF WATER



18 AAC 72

Wastewater Disposal

Public Comment Version

April 2016

18 AAC 72.440 is amended to read:

18 AAC 72.440. Fees. (a) A person who seeks to be certified or recertified under 18 AAC 72.400 - 18 AAC 72.440 must pay to the department

(1) a training course fee of \$100; and

(2) if that person successfully passes the examination, a certification fee of **\$850**

[625].

(b) The certification fee under (a)(2) of this section may be paid in two annual installments of **\$460** [340]. However, if the certified installer fails to pay the second installment when it is due, certification automatically expires on the date that payment is due, without further notice from the department.

(c) A homeowner who seeks to be approved under 18 AAC 72.410 shall pay to the department a training course fee **in accordance with the table below** [OF \$80].

	<u>Fee (in dollars)</u> <u>beginning with the</u> <u>effective date of the</u> <u>regulations through</u> <u>December 31, 2017</u>	<u>Fee (in dollars)</u> <u>effective between</u> <u>January 1, 2018</u> <u>through December</u> <u>31, 2018</u>	<u>Fee (in dollars)</u> <u>effective January 1,</u> <u>2019</u>
<u>Homeowner</u> <u>installer</u>	<u>120</u>	<u>198</u>	<u>275</u>

(Eff.4/1/99, Register 149; am 12/23/2009, Register 192; am __/__/____, Register____)

Authority: **AS 37.10.052** AS 46.03.020 [AS 46.03.080]

AS 44.46.020 AS 46.03.050 AS 46.03.100

AS 44.46.025 [AS 46.03.070] [AS 46.03.720]

18 AAC 72.955 is repealed and readopted to read:

18 AAC 72.955. Plan review and related fees. (a) In order to obtain a plan review under 18 AAC 72.220 or 18 AAC 72.600, or to obtain review of a stormwater pollution prevention plan submitted in accordance with a permit issued under 33 U.S.C. 1342(p) (Clean Water Act, sec 402(p)) or 18 AAC 83.205, an applicant must pay the fees listed in Table D of this subsection with the submittal of the plans:

TABLE D. PLAN REVIEW AND RELATED FEES

(1) Domestic wastewater system with a daily peak capacity measurement, in gallons per day, of	Fee (in dollars) beginning with the effective date of the regulations through December 31, 2017	Fee (in dollars) effective between January 1, 2018 through December 31, 2018	Fee (in dollars) effective January 1, 2019
(A) 0-1,500	405	530	655
(B) 1,501-2,500	540	790	1,040
(C) 2,501 - 15,000	1,095	1,533	1,970
(D) 15,001 -50,000	1,800	2,560	3,320
(E) 50,001 - 100,000	3,555	4,765	5,975
(F) 100,001 - 250,000	4,440	5,503	6,565
(G) 250,001 and over	Fee (G) = fee (F) + ({flow in millions of gallons per day} X fee (F))/10	Fee (G) = fee (F) + ({flow in millions of gallons per day} X fee (F))/10	Fee (G) = fee (F) + ({flow in millions of gallons per day} X fee (F))/10
(2) Waivers or modifications under 18 AAC 72.060	295	295	295

(3) Nondomestic wastewater systems for discharges that include stormwater runoff for engineering plans required by 18 AAC 72.600(a) for projects			
(A) of less than one acre	150	365	580
(B) that are at least one acre but less than five acres	450	783	1,115
(C) that are at least five acres but less than 20 acres	900	1,490	2,080
(D) that are 20 acres or more	1,500	2,065	2,630
(4) Domestic and nondomestic sewer main extensions or replacements			
(A) up to 1,000 feet	465	625	785
(B) for each additional 1,000 feet, or fraction of that amount, over the first 1,000 feet	240	313	385
(5) Registration fee for documentation of construction forms	115	115	115

(b) Unless considered confidential by law, a copy of a wastewater discharge system property record filed with the department will be available during regular business hours upon request.

(c) The department shall charge fees estimated to be the cost to the department of searching, retrieving, and copying the document or record of a wastewater discharge system filed by property legal description. The fee for searching, retrieving, and copying wastewater documents per property legal description is \$25.

(d) A fee required under (a) of this section is not refundable. (Eff. 1/17/2002, Register 161; am 7/29/2006, Register 179; am 12/23/2009, Register 192; am __/__/____, Register____)

Authority:	AS 37.10.052	AS 44.46.025	AS 46.03.100
	AS 40.25.110	AS 46.03.020	
	AS 44.46.020	AS 46.03.050	

18 AAC 72.956 is repealed and readopted to read:

18 AAC 72.956. General permit authorization fees. (a) An applicant must pay the appropriate fee as listed in Table E of this subsection for authorization to operate under an existing general permit issued under 18 AAC 72.900, 18 AAC 83.205, or authorization to operate under a general permit issued under 33 U.S.C. 1342 (Clean Water Act, sec. 402) that has been certified by the department under 33 U.S.C. 1341 (Clean Water Act, sec 401):

TABLE E. GENERAL PERMIT AUTHORIZATION FEES

(1) Annual fee for a domestic wastewater system covered under a general permit, with a daily maximum permitted flow, in gallon per day, of¹	Fee (in dollars) beginning with the effective date of the regulations through December 31, 2017	Fee (in dollars) effective between January 1, 2018 through December 31, 2018	Fee (in dollars) effective January 1, 2019
(A) 0 - 1,500	405	535	665
(B) 1,501 - 15,000	855	855	855
(C) 15,001 and over	1,355	1,355	1,355
(2) One-time fee for a construction activity that consists of excavation dewatering	950	950	950
(3) Annual fee for fish hatcheries and aquaculture facilities	765	1,240	1,715
(4) Annual fee for seafood processing covered under a general permit	615	1,165	1,715
(5) Annual fee for log transfer facilities	500	500	500
(6) One-time fee for hydrostatic test water	525	835	1,145

(7) One-time fee for aquifer pump testing (in support of mineral mining development and exploration)	525	835	1,145
(8) Wastewater discharges from drinking water filter backwash	1,635	1,635	1,635
(9) Cooling water general permit	2,050	2,050	2,050
(10) One-time fee for construction general permit (CGP) for stormwater runoff	580	580	580
(11) Annual fee for multi-sector general permit (MSGP) for stormwater	735	735	735
(12) Annual fee for mechanical placer mining with a mixing zone authorized under 18 AAC 70.240²	225	270	315
(13) WQ placer small suction general permit	25	25	25
(14) WQ placer medium suction general permit	90	90	90
(15) WQ placer mechanical without mixing zone	225	225	225

(16) WQ placer Norton Sound general permit	790	790	790
(17) Annual fee for each general permit authorization for oil and gas exploration and development			
(A) North Slope oil and gas general permit	700	700	700
(B) Cook Inlet oil and gas general permit	2,220	3,295	4,370
(C) Arctic oil and gas general permit	2,220	2,295	2,370
(D) Underground Injection Control Class I well general permit	413	681	950
(18) Arctic geotechnical general permit	5,990	5,990	5,990

Notes to Table E:

¹If the applicant is a business with fewer than 20 employees, the fee is reduced by a travel cost of \$85.

²If the applicant is a business with fewer than 20 employees, the fee is reduced by a travel cost of \$25.

(b) For one-time fees, an applicant for an authorization shall pay the fee for the authorization upon application.

(c) For annual fees, an applicant for or recipient of an authorization shall pay the fee for the authorization upon application and annually afterwards within 30 days after issuance of the billing.

(d) If a new application is received between October 1 and December 31, the applicant shall pay one-half of the annual fee required under (a) of this section for that year.

(e) For any annual fee received more than 30 days after issuance of the billing, a late fee of \$20 is charged for each month that the payment is late.

(f) A fee required under (a) of this section is not refundable.

(g) If an authorization to operate under a general permit is transferred from an existing owner or operator to a new owner or operator, the new owner or operator shall pay the applicable fees described in (a) of this section during the next annual billing cycle.

(h) An owner or operator may request in writing to terminate an existing authorization to operate under a general permit if a discharge is not occurring. If an authorization is terminated at the request of the owner or operator, the owner or operator must file a new application and pay a new application fee for a new authorization before resuming the wastewater discharge. (Eff.

1/17/2002, Register 161; am 12/23/2009, Register 192; am __/__/____, Register____)

Authority:	AS 37.10.052	AS 46.03.020	AS 46.03.110
	AS 44.46.020	AS 46.03.050	AS 46.03.710
	AS 44.46.025	AS 46.03.100	

18 AAC 72.957 is repealed and readopted to read:

18 AAC 72.957. Individual permit fees. (a) An applicant must pay the appropriate fee as listed in Table F of this subsection for a permit issued under 18 AAC 72.215, 18 AAC 72.500, or 18 AAC 83.215 or for certification of a permit required by 33 U.S.C. 1341 (Clean Water Act, sec. 401):

TABLE F. INDIVIDUAL PERMIT FEES

(1) Annual fee for a domestic wastewater system with a daily maximum permitted flow, in gallons per day, of¹	Fee (in dollars) beginning with the effective date of the regulations through December 31, 2017	Fee (in dollars) effective between January 1, 2018 through December 31, 2018	Fee (in dollars) effective January 1, 2019
(A) 0 - 100,000	655	655	655
(B) 100,001 and over	2,520	5,298	8,075
(2) Annual fee for power generation cooling water discharge by a facility¹	3,195	5,480	7,765
(3) Annual fee for seafood processing that is not covered under the general permit	5,340	6,428	7,515
(4) One-time fee for seafood processor modifications within the same year	325	325	325
(5) Application fee for certification under 33 U.S.C. 1341 of a “dredge-or-fill” permit issued under 33 U.S.C. 1344 (Clean Water Act, sec. 404), for²			

(A) Airport project	320	320	320
(B) Other projects or department activities as follows:			
(i) waiver of certification under 33 U.S.C. 1341	130	130	130
(ii) project disturbing less than one acre	300	450	600
(iii) project disturbing 1 - 5 acres	735	750	765
(iv) project disturbing 5.01 to 20 acres	1,160	1,160	1,160
(v) project disturbing greater than 20 acres	2,375	2,375	2,375
(6) Harbor dredge projects	1,080	1,080	1,080
(7) Individual permit MS4	9,115	9,115	9,115
(8) Bulk fuel and small oil terminals	7,690	7,690	7,690

Notes to Table F:

¹If the applicant is a business with fewer than 20 employees, the fee is reduced by a travel cost of \$85.

²Mine projects and pipelines eight inches or greater in diameter are subjected to a fee as described in 18 AAC 72.959.

(b) For one-time fees, an applicant for a permit shall pay the fee within 30 days after issuance of the billing.

(c) For annual fees, fees are billed annually and must be paid within 30 days after issuance of the billing.

(d) If a new permit application is received between October 1 and December 31, the applicant shall pay one-half of the annual fee required under (a) of this section for that year.

(e) For any annual fee received more than 30 days after issuance of the billing, a late fee of \$20 is charged for each month that the payment is late.

(f) A fee required under (a) of this section is not refundable.

(g) If a permit is transferred from an existing owner or operator to a new owner or operator, the new owner or operator shall pay the applicable fees described in (a) of this section during the next annual billing cycle.

(h) An owner or operator may request in writing to terminate an existing permit if a discharge is not occurring. If a permit is terminated at the request of the owner or operator, the owner or operator must file a new application and pay a new application fee for a new permit before resuming wastewater discharge. (Eff. 1/17/2002, Register 161; am 12/23/2009, Register 192; am __/__/____, Register____)

Authority:	AS 37.10.052	AS 46.03.020	AS 46.03.110
	AS 44.46.020	AS 46.03.050	AS 46.03.710
	AS 44.46.025	AS 46.03.100	

18 AAC 72.959 is amended to read:

18 AAC 72.959. Hourly and negotiated fees. (a) The department will calculate [APPLY] a fee in compliance with [DESCRIBED IN] (b) of this section for activities or authorizations related to

(1) a discharge that is not listed or for which a fee is not listed in 18 AAC 72.955, 18 AAC 72.956, or 18 AAC 72.957; and

(2) permit issuance costs for mining activity not covered under a general permit.

(b) For a wastewater discharge [PERMIT] from a facility or activity that is described in (a) of this section, the department

(1) will assess a fee based on direct department costs, including

(A) salaries and benefits of department employees directly involved in providing the standard designated regulatory service; and

(B) goods and third-party services, including travel if the facility is owned by a business that has more than 20 employees; or

(2) may, if the applicant requests, agree to a negotiated fee...

(Eff. 1/17/2002, Register 161; am 12/23/2009; am __/__/____, Register____)

Authority:	AS 37.10.052	AS 44.46.025	AS 46.03.100
	AS 37.10.054	AS 46.03.020	AS 46.03.110
	AS 44.46.020	AS 46.03.050	AS 46.03.710