CITY OF NORTH POLE
Alaska

REGULAR CITY COUNCIL MEETING
Monday, April 2, 2012

Committee of the Whole – 6:30 p.m.
Regular City Council Meeting – 7:00 p.m.

COUNCIL MEMBERS

Richard Holm	488-1776
Sharron Hunter- *Alt Dep Mayor Pro Tem*	488-4282
Ronald Jones- *Mayor Pro Tem*	488-3579
Thomas McGhee	455-0010
Derrick Nelson	490-2446
Bryce Ward- *Deputy Mayor Pro Tem*	488-7314

MAYOR

Douglas Isaacson 488-8584

CITY CLERK

Kathy Weber, MMC 488-8583

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance to the US Flag –**
3. **Invocation**
4. **Approval of the Agenda**
5. **Approval of the Minutes**
6. **Communications from the Mayor**
7. **Council Member Questions of the Mayor**
8. **Communications from Department Heads, Borough Representative and the City Clerk**
9. **Ongoing Projects Report**
10. **Citizens Comments (Limited to Five (5) minutes per Citizen)**
11. **Old Business**

12. New Business

a. Ordinance 12-15, An Ordinance Of The City Of North Pole To Amend Title 13 Public Services; Chapter 13.20 Sewer Services, And Chapter 13.24 Utility Rates To Satisfy The Requirements Of The City Of North Pole's Alaska Pollutant Discharge Elimination System Permit #AK-002139-3 Mandating Implementation Of An Industrial Pretreatment Program

b. Resolution 12-06, A Resolution of the City of North Pole Supporting North Pole Economic Development Corporation's Bid To Host The 2013 International Federation Of Sleddog Sports Winter World Championships In North Pole, Alaska

c. Resolution 12-07, A Resolution In Support Of Development Of An Unmanned Aerial Systems Range And Support Infrastucture As A New Mission For Eielson Air Force Base And To Consider The Use Of Facilities In The City Of North Pole Or Surrounding Area Consistent With That Or Associated Systems

13. Council Comments

14. Adjournment

The City of North Pole will provide an interpreter at City Council meetings for hearing impaired individuals. The City does require at least 48 hours notice to arrange for this service. All such requests are subject to the availability of an interpreter. All City Council meetings are recorded on CD. These CD's are available for listening or duplication at the City Clerk's Office during regular business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. or can be purchased for $5.00 per CD. The City Clerk's Office is located in City Hall, 125 Snowman Lane, North Pole, Alaska.

Committee of the Whole – 6:30 P.M.
Regular City Council Meeting – 7:00 P.M.

A regular meeting of the North Pole City Council was held on Monday, March 19, 2012 in the Council Chambers of City Hall, 125 Snowman Lane, North Pole, Alaska.

CALL TO ORDER/ROLL CALL
Mayor Isaacson called the regular City Council meeting of Monday, March 19, 2012 to order at 7:00 p.m.

There were present: ***Absent/Excused***
Mr. Holm
Ms. Hunter
Mr. Jones
Mr. McGhee
Mr. Nelson
Mr. Ward
Mayor Isaacson

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG
Led by Mayor Isaacson

INVOCATION
Invocation was given *by* **Bryce Ward**

APPROVAL OF AGENDA
Mr. McGhee *moved to* **Approve the Agenda of March 19, 2012**

Seconded *by* **Mr. Jones**

Discussion
None

Mr. McGhee *moved to* **Amend the agenda to consider items a - i under Old Business as one unit and to consent item c under New Business**

Seconded *by* **Mr. Ward**

Discussion
None

Formatted: Underline

On the amendment

PASSED
YES –7– Holm, Nelson, Ward, Jones, Jones, Hunter, McGhee, Isaacson Holm,
NO – 0 -

Abstained- 0

On the main motion as amended

PASSED

YES –7– Holm, Nelson, Ward, Jones, Jones, Hunter, McGhee, Isaacson Holm,
NO – 0 -
Abstained- 0

APPROVAL OF MINUTES

Mr. McGhee *moved to* **Approve the minutes of March 5, 2012**

Seconded *by* **Mr. Jones**

Discussion
None

PASSED
YES –7– Holm, Nelson, Ward, Jones, Jones, Hunter, McGhee, Isaacson Holm,
NO – 0 -
Abstained- 0

COMMUNICATIONS FROM THE MAYOR
Communication Highlights from the Mayor for the period ending Mar 19, 2012
GENERAL:

• The Status of Eielson: The status is constantly in re-definition as to how many military and civilian personnel may be affected, the timetable being considered and what the State and community's interaction will be. Here is a list of some of the actions taken since our last meeting:

- multiple meetings with the other two mayors, congressional staff and community leaders
- met with Congressman Young and Mayor Hopkins
- published "Community Perspective" piece last Thursday, prior to FNSB Assembly Special meeting (attached)
- various conversations with legislators—the Governor has put the RFP on the street, pending final legislative appropriation
- I have scheduled time with State officials, Department of Military & Veterans Affairs, McHugh Pierre
- The FNSB Assembly passed the expenditure to hire a private consultant (see FNSB Report, below)

- The push is to get a community member on the Site Analysis (or Activation/Alteration) Task Force/SATAF (Congressman Young), the Senators are pushing to have the Government Accounting Office (GAO) exercise oversight, and the FNSB Mayor's team is working on ensuring the data needed for discussion with the SATAF

• Energy, and Production Tax on oil have been major themes these past couple weeks.

- Met with Rep Thompson regarding natural gas distribution for North Pole area businesses and residents

• The Status of Energy Relief and Projects: Here's a list of current legislative initiatives for Energy Relief for the Interior:

Description	Bill Number	Sponsor	Status	Comments
Gas Storage Tax Credit	SB 153/ HB 289	Thomas/Thompson	Both versions held in Finance Committees 3/13 & 14	I sent letter of support for HB289
Conversion Loan	SB 154 HB 312	Thomas/T. Wilson	Both versions sit in Finance cmte	No movement in either body
Energy Efficiency Grant	HB 323	T. Wilson	Hearing in Energy Cmte 3/22 at 3 pm	I sent a letter of support
Energy Cost Buy Down	SB 99	Paskvan	No current activity, sits in Senate Finance	Intro'd last March, it's to provide heating fuel price relief
Energy Rebate	SB 133	Thomas	No current activity, sits in Sen. Resources	Intro'd last April to authorize energy rebate for PFD recipients
Energy Voucher	SB 203/ HB 336	Thomas / Thompson	Heard/Held in Sen Finance; Held in House Energy 3/13	Voucher for 250 gals of heating oil or energy equivalent
Beluga to FBKS pipeline study	HB 308	Miller	Sits in House Energy, added co-sponsors,	may be surpassed by SB 215.
Cook Inlet to FBKS pipeline	SB 215	Thomas, Paskvan	Hearing today in Senate Resources	
Production Tax Credit – Nenana	SB 145/ HB 276	Coghill / Thompson	Sits in Senate Resources, Cmte Substitute passed House Resources and referred to Finance Mar 15	
Gas Distribution	Capital		Permitting, rights of way,	Request $32.9

PESR	Request		and engineering study	million. 3 mayors, FEDC letter of support

If you would like to be a part of the discussion, an Energy Task Force meets EVERY Tuesday morning at 8 a.m. at FEDC's office, corner of Cushman & 3rd St, 3rd floor.

• Various Meetings in addition to those mentioned above, included:

- weekly at NPMS giving "Words of Wisdom" and interaction with students and staff
- have continued efforts on several events, including North Pole Choose Respect Rally-March 29 @ Hotel North Pole, Nancy Uptgraft is Event Coordinator; North Pole Seniors Appreciation Luncheon-Mar 30, City Clerk Kathy Weber is Event Coordinator; North Pole Mayor's Art Show-April 10 @ City Hall, NPMS Art Teacher Scott Hanson is Event Coordinator—*for 10th year in a row!* North Pole Open House (in coordination with Cruis'n with Sana)-May 19, Engineer Kyle Green and Nichole Blizinski are Event Coordinators.
- Gave the Welcome Address to 15 new citizens and their families at the March 16 Naturalization Ceremony in the District Court of the Honorable Scott Oravec.
- Gave congratulatory comments to the World Ice Art Multi Block Competition Award recipients March 10 (the Ice park is open until March 25, weather permitting)
- Gave Welcome speech with the other mayors to the Tanana Chiefs Conference Annual Convention on March 12, as well as participated in the Community Reception on March 11
- Spoke with Jamie Bodenstadt of the Racing Lions about their plans to build a racing facility and attract associated businesses to the northwest corner of the City of North Pole
- Participated in the ADMA Award Ceremony with the other mayors on March 18

MEDIA:

Mar 10, 17: Mayor Isaacson was on KJNP (1170 AM, 100.3 FM) 8 – 9 a.m. "Over the Coffee Cup."

UPCOMING ***(see above for other events, dates, and times)***

• **Mar 23, 6 pm:** Mayor Pro Tem Ron Jones will represent the City at the Interior Mayors Awards for the Arts @ Centennial Hall Performing Arts Theater (Pioneer Park)

• **Mar 27, 6 pm:** Itadori Sister City Meets @ NPCH .

• **Mar 30, 11:30:** North Pole Seniors Appreciation Luncheon @ Hotel North Pole, sponsored by Wells Fargo

COUNCIL MEMBER QUESTIONS OF THE MAYOR

Mr. McGhee asked if the Mayor had done anything about the complaints that were given at the last council meeting in the Doughchee area concerning snow removal.

Mayor Isaacson said that he and Mr. Butler had driven through the city to take a look at it and it seemed to look fine.

COMMUNICATIONS FROM DEPARTMENT HEADS, BOROUGH REPRESENTATIVE AND THE CITY CLERK

Fire Dept

- None

Police Department, Lt. Dutra

- Annual Dept Head meeting was held on Friday, March 16, 2012. It was a very successful meeting and he encouraged the council to interact with the police officers and meet them.
- Letters of appreciation went to Det. Stewart, Terri Nelson, Officer Stevenson, and Officer Binkley. Officer Binkley was also awarded Officer of the Year in 2011.
- Last night was the first night that the department was fully staffed in the past 4 years.
- Tuesday the ARIDE program will start and there will be over 20 officers attending.
- Officer Stevenson is off of light duty and he is on patrol.
- Impound lot is moving forward and they are putting policies in place and amending the code.
- 2 officers attended Interview & Interrogation class and 1 attended the advanced class.
- 3 officers are now radar certified.
- Started new scheduling program which is posted online and officers can look at it anytime. Dispatch can also look at it and see who is on duty. It also has report functions and can be given to council to see what the staffing level is doing.
- Planning is continuing for the Open House on May 19th. The NPPD will be at the Santa Claus House and they plan on having many officers working there that day as it will take a lot of resources. They will be talking about drugs, car seat safety, and fingerprinting children.
- Thanked PW for putting motion sensors in the police dept. to save on energy.

Mr. McGhee asked if there is any task force in place to write tickets for vehicles that do not pull over for emergency vehicles. He felt that it was something that maybe the NPPD could do to educate the community on emergency vehicles and safety.

Lt. Dutra said that he didn't know of any task force that was being brought together but would ask officers to respond to those locations and that PSA's have been done on Emergency Vehicle Pull Over's.

Accountant, Lisa Vaughn

- Ms. Vaughn gave copies of the Financial Statement to the council.
- Auditors had no complaints.
- Bank reconciliation has not been done yet for the month of February 2012. All insurance has been booked to Professional Services and she will break it out at a later date.
- Mayor, Clerk Weber, and Ms. Vaughn had teleconference with Bond Bank and they are waiting to see if the city may get a better return on the bonds.

▪ **FNSB Representative**

Formatted: Normal, No bullets or numbering, No widow/orphan control, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

FNSB ASSEMBLY MEETING:

- The FNSB Assembly met on Thursday, March 8 and for a special meeting on March 15. Due to my being ill, Mayor Pro Tem Ron Jones represented the City on March 8 (and I listened at home on 89.9 FM). On March 8, the Assembly passed ORDINANCE NO. 2011-20-2S. An Ordinance Amending The FY2011-12 Budget By Appropriating $98,580 From The General Fund Balance To The Multi-Year General Sub-fund For The Purpose Of Funding The Fairbanks North Star Borough Efforts To Respond To The Department Of Defense Announcement Of Significant Reductions At Eielson Air Force Base And Waiving Title 16 Requirements For All Expenditures Of Those Funds. This action was up for reconsideration during the Special meeting on March 15 questioning whether Title 16 should be waived. The reconsideration was voted down and the mayor has engaged the firm of Public Private Solutions Group (PPSG), Inc who were very influential in providing consulting services during the 2005 BRAC, overturning the BRAC decision because of their ability to engage DOD in the math.

- The next regular FNSB Assembly meeting is scheduled for March 22 at 6 pm. The following Agenda item will be of interest to North Pole: Resolution NO. 2012-17. A Resolution In Support Of An Instate Gas Pipeline Project That Is Economically Regulated To Ensure That Fairbanks Receives Gas At A Fair, Just And Reasonable Rate

- For a list of meeting times and agendas, go to http://co.fairbanks.ak.us/meetings/Assembly.

Director of City Services, Bill Butler

Building Department

- Building Department code amendments are before Council this evening for second reading

Public Works

- Received verbal notification North Pole was awarded a Block Grant for renovations at the Santa Seniors Center for commercial grade kitchen range hood and ventilation system and commercial grade gas range. If there are sufficient funds, will also replace the building boiler.

- Total project cost estimated at $103,000 (approx. $73,000 award; $24,000 Senior Center cash match from another grant; and $6,000 in-kind City match)

- Public Works projects funded by FMATS tentatively scheduled for spring/summer 2012
  - Resurfacing parts of Kit, Beaver and Holiday roads
  - Resurfacing East 5th Avenue
  - Pedestrian/bicycle path construction and/or shoulder widening Park Way, Santa Claus Lane, East 3rd, Snowman Lane, Davis and 5th Avenue.
  - LED streetlight installation for majority of remaining incandescent streetlights

Utility Department

- Utility Garage Project will hold its first construction conference on Tuesday to coordinate work of contractor and City
  - Goal is to begin excavation work as soon as weather permits
- A balance of approximately $190,000 unexpended in Municipal Matching Grant for lift station project
  - After the few remaining construction activities are complete, will request state permit the City to apply these funds to additional lift station rehabilitation work
- Water Treatment Plant Engineering Analysis and Design Project will be pilot testing a new filtration method for City water supply
  - The pilot test will NOT be producing water for distribution to water customers

The pilot test is to see if a different water filter medium can increase the capacity of our current system and reduce the need for future plant expansion

City Clerk

March 19, 2012
Council Report by Kathy Weber, City Clerk

Here are some of the things that are coming up in the city. If you have any questions on any items below, please feel free to contact me at 488-8583 or email at Kathy@northpolealaska.com.

- Auditors were here this past week and kudo's go out to Admin personnel who worked hard this past year to make this a smooth process.
- Invitations were sent out this past week for the Mayor's Senior Appreciation luncheon that will be held at Hotel North Pole on Friday, March 30, 2012. Wells Fargo Bank will be sponsoring the event this year.
- Information has been sent out to the area schools for participation in the Mayor's Art Show on Tuesday, April 10, 2012. North Pole Elementary, Middle, & High School, Badger Rd Elementary, Ticasuk/Brown, and Two Rivers Elementary all participate in this event. Please mark your calendars and plan to attend and celebrate our school artists.
- The next Finance Committee meeting will be held on April 2, 2012 at 5:30 p.m. in the council chambers.
- The first 2012 Beautification committee meeting will be held on Monday, April 9, 2012

at Wendy's Restaurant at 6:00 p.m.

- Last but not least, congratulations to Paul Lindhag. He has reached the point that we all strive for and will retire on May 1, 2012. His last day will be April 30, 2012.

ONGOING PROJECTS

Buzz Otis, NPEDC

- North Pole Sled Dog race had 28 teams participating.
- Date will be changed for next year so not to be in competition with Fur Rondezvous.
- Salmon Slalom was held as a fundraiser for Itadori Sister City.
- Mayor Isaacson Mc'd the dog race event and encouraged the mushers on.
- NPEDC has been asked if North Pole would consider putting in a bid for the World Sled Dog races.
- Approached Tanana Clinic on coming to North Pole.
- Working on landscaping across the street from the 5th Ave exit.

CITIZENS COMMENTS – 5 Minutes

John Poirrier, North Pole Grange

- Gardening workshop, Saturday, March 24th.
- Art show will be held on April 20 & 21 and is dedicated to a fundraising effort for the new North Pole Library. A silent auction and outcry auction will be held along with a spaghetti feed at the Historic North Pole Grange.

- None

Formatted: No bullets or numbering

OLD BUSINESS

a) Ordinance 12-06, An Ordinance of the City of North Pole Amending Title 15, Building & Construction, Chapter 15.04, Administrative Code

b) Ordinance 12-07, An Ordinance of the City of North Pole Amending Title 15, Building & Construction, Chapter 15.12, Building Code

c) Ordinance 12-08, An Ordinance of the City of North Pole Amending Title 15, Building & Construction, Chapter 15.20, Residential Code

d) Ordinance 12-09, An Ordinance of the City of North Pole Amending Title 15, Building & Construction, Chapter 15.28, Mechanical Code

e) Ordinance 12-10, An Ordinance of the City of North Pole Amending Title 15, Building & Construction, Chapter 15.36, Electrical Code

f) Ordinance 12-11, An Ordinance of the City of North Pole Amending Title 15, Building & Construction, Chapter 15.42, Plumbing Code

g) Ordinance 12-12, An Ordinance of the City of North Pole Amending Title 15, Building & Construction, Chapter 15.50, Fire Code

h) Ordinance 12-13, An Ordinance of the City of North Pole Amending Title 15, Building & Construction, Chapter 15.82, Fuel Gas Code

i) Ordinance 12-14, An Ordinance of the City of North Pole Amending Title 15, Building & Construction, Chapter 15.90, Energy Code

Mr. Butler informed council as to why the City of North Pole has implemented the Building Codes and that they help to protect the home buyer.

Public Comment
John Poirrier, 1001 Black Bear Turnaround
Mr. Poirrier spoke against the Building Code adoption for the City of North Pole. He has 20 years with the Corps of Engineers and 20 years as an architect. He stated that codes protect the public and property values but he is concerned and not comfortable with what was being considered tonight because the City of Fairbanks is different than the City of North Pole as they have staff to cover this. He asked council to not approve this tonight. Mr. Poirrier did state that he had not read through the packet and had only seen it tonight as he walked in.

Mr. McGhee *moved to* **Approve Ordinances 12-06 through 12-14**

Seconded *by* **Mr. Jones**

Discussion
None

Mr. McGhee *moved to* **Amend Ordinance 12-09 on page 80, Section 502.20 Nail Salons, to remove the percentage signs in the grid and replace it with ½" in both boxes.**

Seconded *by* **Mr. Jones**

Discussion
Mr. Holm felt that the council was moving too quickly.

Mr. Jones called point of order.

PASSED
YES – 7 – Holm, Ward, Jones, Hunter, Nelson, McGhee, Isaacson
NO – 0
Abstained –

On the main motion as amended

Discussion
Mr. Holm wanted to wait and look through the ordinances more. He wanted to give more time to resident like John Poirrier, to have some time to look into it and report back to council.

Mr. Ward said that when the city increases the code it costs more for the builders and then costs the homeowners more. He understands the building codes but wants to avoid making this something that is very difficult. He agrees with Mr. Holm and would like to postpone and make a baseline code for the city and graded scale like what AHFC has.

Mr. Jones thanked Mr. Poirrier for his testimony. He said that the City has had a lot of struggles with contractors and that Santa Claus house is having difficulty with getting a contractor because of the codes and the way they are written. He said that some of the problems that St. Nicholas Catholic church had was due to the fact that there wasn't any cohesiveness to the building codes. He said that to update the City building codes is a good thing and that we can amend it at any time.

Mr. Jones *moved to* **postpone until April 16, 2012.**

Seconded *by* **Mr. Ward**

Discussion
Mayor asked if this would affect any building permits if the City postponed until April 16th.

Mr. Butler stated that there would not be.

Ms. Hunter asked for clarification.

Mr. McGhee said he was speaking against postponing this. He asked if three of the council members are going to set up and form a committee to go over the building codes amendments. He felt the only reason the council was postponing it was because someone from the public, who didn't have time to read it, was asking council to postpone. He hoped the council members had read it and that they accept what the Dept Head has researched and put before them. He stated that the only exception is the fuel gas and energy code that is being included. He felt this is housekeeping and is only protecting the city's interests. He said he doesn't need another meeting or open house to redo the code.

Mr. Ward said that if we need to have an open house and if we need a meeting then he would be happy to have it. When the city adopts them then there are subsections that change. He doesn't see the benefit. There are issues that he is hesitant to make to this code.

Mayor asked if he would have an open house to go over the code.

Ms. Hunter said she agrees with councilman McGhee and is against postponing it and is open to the revisions. She wondered if being knowledgeable on all the codes helps when it is computerized and if it solves the problem.

Mr. Butler said the cost per document is about the same whether it's an electronic file or paper. It is easier to search electronically.

Mr. Ward said that they build on each other and it is outlined in 2009. There have been several changes.

Mr. Holm said he wanted to postpone it.

Mr. McGhee asked if they were against the changes in terminology that Mr. Butler brought forward or that the code needs to be changed. He is confused and felt that council is not addressing what is before them.

Mayor Isaacson said this is near and dear to everyone's heart and that we have an opportunity to review this. The City is covered and we have no pending permits to worry about. He felt it is worth taking 30 days to review it and make everyone comfortable.

Mr. McGhee called the question.

FAILED
YES – 1
NO – 6
Abstained - 0

Mr. Ward said they currently have adopted the 2006 edition except for fuel and energy and he wants to review what is before them.

Mr. Jones said as a collective whole, your vote counts and if you feel that this is clerical stuff then vote the way you feel.

Mr. McGhee said as a councilmember there is a lot of City business, ordinance, codes, in the police, fire, utility, and will not read word for word as he does not have the expertise. He does believe in the employees and the education and ability of each department heads to give best rendition of correction in codes to keep us up to date. He commended Mr. Ward and would like to see Mr. Holm join the committee and review the building codes to see that the city is up to date and not overzealous. He supports Mr. Butler 100% in his ability to bring information to council.

Mr. Isaacson said that he recognized that there are several folks in the trade and that he wants to give everyone limited amount of time to review this.

Mr. Nelson said there are a lot of codes to keep up with and we have a paid employee to keep us up to date. He believes that if there are confused council members and that he will vote to give them more time to review it.

Ms. Hunter said she is concerned that anyone starting tomorrow is not going to understand this new code. She will vote against it.

FAILED
YES – 4 – Holm, Ward, Nelson, Isaacson
NO – 3 – Jones, Hunter, McGhee
Abstained - 0

ORDINANCE 11-06, AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA AMENDING TITLE 4, CHAPTER 4.10.010, USER FEES

NEW BUSINESS

REQUEST FROM FAIRBANKS CONVENTION & VISITORS BUREAU FOR 3RD & 4TH QUARTER 2011 BED TAX

Dawn Murphy of FCVB informed council of the works that they are doing along with the Bed Tax YTD dollar change through December 2011. She stated that Karen Lane has left FCVB and has taken a job with AWG. These are some of the events that are happening this spring.

- March 21st luncheon has been canceled.
- South Denali Visitors Center Complex presentation at Alpine Lodge
- April 21, FCVB Annual Banquet
- May 11th is the 10th annual Visitor Industry Walk for Charity

Ms. Murphy stated that the City of North Pole had mistakenly paid 3rd quarter bed tax and not 2nd quarter bed tax. Therefore this time the City would pay 2nd & 4th quarter.

Ms. Vaughn verified that she had made a mistake and said that the amount owed for 2nd and 4th quarter was $1,311.54.

Public Comment

Paul Brown, 1807 Christine Dr., North Pole, AK
Mr. Brown stated that he is board member and wanted to highlight something in the FCVB letter. He said that they had just received the formal audit for FCVB from Kohler, Schmitt & Hutchison and came back with a completely clean audit.
He also wanted to make aware that the March 27th Complex presentation at Alpine Lodge on south end is something that he encouraged everyone to attend and be informed.

Mr. McGhee *moved to* **Approve the 3rd & 4th Quarter Bed Tax Request from Fairbanks Convention and Visitors Bureau in the amount of $1,311.54**

Seconded *by* **Mr. Ward**

Discussion
Mayor Isaacson said they will actually be dispersing 2nd and 4th quarter bed tax.

PASSED
YES – 7 – Holm, Ward, Jones, Hunter, Nelson, McGhee, Isaacson
NO – 0
Abstained – 0

REQUEST FROM NORTH POLE ECONOMIC DEVELOPMENT CORPORATION FOR 4TH QUARTER 2011 BED TAX
Paul Brown glossed over the letter that they gave to council. He stated they helped Christmas in Ice to raise funds. The North Pole Championship Sled Dog races are a 3-4 month process and they put in 23 miles of trail and had issues with the snowfall. NPEDC was excited to bring on Mt. McKinley bank as a sponsor and are looking at bringing this back next year in March. They are also look to identify potential funding on what the effects will be in the North Pole community if military personnel from Eielson move to Anchorage.

NPEDC is looking forward to a bigger and better Christmas in Ice next year. There are rumors of a multi block exhibit.

Public Comment
None

Mr. Jones *moved to* **Approve the 3rd & 4th Quarter Bed Tax Request from North Pole Economic Development Corporation in the amount of $6,682.15**

Seconded *by* **Mr. Ward**

Discussion
Ms. Hunter asked about the Community profile packet.

Mr. Brown said are in the process of wrapping it up and was waiting for the census to complete the radius study and will be putting the total packet together which profiles social, quality of life and education.

Mr. Ward asked about a tentative date for the community profile.

Mr. Brown said it will potentially be available on April 1st.

PASSED
YES – 7 – Holm, Ward, Jones, Hunter, Nelson, McGhee, Isaacson
NO – 0
Abstained – 0

COUNCIL COMMENTS

Ms. Hunter –said she was glad to be here as she had been ill and didn't know if she would make the meeting tonight. She had a citizen comment on Lt. Dutra who helped a distressed car in the roundabout and use his vehicle to push that person out of the roundabout.

Mr. Nelson – no comment

Mr. McGhee – wanted to re-emphasize that council members need to come to the Student Art Appreciation on April 10th at 6 p.m. and encourage the students with their art. He said that is the first step to show their art at the grange. He also encourages council to recognize the seniors on the 30th and the Open House on May 19th. It is good to hear that employees are recognized in NPPD and is great to know that departments do that. He emphasized that any form of education for motorist on the correct way to respond to emergency vehicles is good. He is appalled with the general public's driving habits which are very scary. He encouraged everyone to take part in the fundraiser for the Grange and in all our city affairs. Mr. McGhee said he was discouraged about tonight and the building code ordinances. He is looking forward to the committee and the report to council on the 7 ordinances and specific changes. He read them and can't tell the council he understands them but he didn't go to school for this and trusts the employees that work for them. He had the opportunity to call and get more information and would hope that all council members would do that prior to the meeting. He stated that many times when council members picked up packets in previous years, how many council members he saw before the meeting and hadn't read a single word. He said there have been huge documents of municipal code that have been amended and committees formed to reviewed them and have had advisors explain it to them with the necessary changes. He expects a report from the committee on the ordinances that they didn't understand.

Mr. Ward – emphasized that they are having another finance meeting on April 2, 2012 AT 5:30 and would be curious to hear what the auditors had to say but will be looking forward to seeing a report from them. He will schedule a time with the clerk to set up a committee to go over the building codes. He said it will be fine for another month until we have time to review the codes. He will be in contact with the council and let them know when the meeting is set up for.

Mr. Holm – stated that he is not a builder and could read them over many times and still wouldn't understand them. He said that his concern is that these things were not properly vetted and even Bill Butler said that they weren't reviewed by contractors and may not change a thing but needs to be vetted by proper authority. He felt that it is much better to pass this through in clean order and that the City may be too onerous for other people. Mr. Holm also said that the City is covered with the 2006 edition, and it won't hurt to let this go for another month. He thanked Chief Lindhag for his service to the community. He said that as a council they need to be actively looking for restructuring the NPPD and reduce the cost of the police and fire for our size of community and it is certainly easier to reduce a force through attrition than to have to lose

jobs.

Mr. Jones – thanked council members for being here and doing what we have to do. He said we are much kinder and gentler than the FNSB. He thanked Paul Brown for coming out and everything he does for Christmas in Ice. He thanked John Poirrier for coming out and giving his advice. Mr. Jones said he understands where Mr. McGhee is coming from and that we all need to by edified by Roberts Rules and we all need to know how to do procedures. He said he will not comply and then vote your conscience. He appreciates the Chief and all he's done. He is surprised there are not more accidents in the roundabouts. People do not want to yield by the sign at McDonald's. He looks forward to the meeting on the 2nd and if you have anything for the finance committee let him know and submit it to him by email. He has heard about the audit and would like to hear more.

Mayor Isaacson – reminded council on the right of citizens to comment regardless of how we feel about their comments and we shall not be abridged and must remain civil. He wanted to comment down the line and if there are any issues in the Police Department that now is the time to be addresses those because he is looking at a reorganization of the force when looking for a new chief. The Mayor said he will be talking with the Police Chief tomorrow. The Beautification committee will be meeting and looking at the park on 5th and Davis. He said to be sure to keep him posted on what the committees are doing.

ADJOURNMENT

Mr. Holm Jones *moved to* **adjourn the meeting of August 15March 19, 2012**

Seconded *by* **Mr. JonesMr. Ward**

No Objection

The regular meeting of August 15March 19, 2012 adjourned at 8:53 9:49 p.m.

These minutes passed and approved by a duly constituted quorum of the North Pole City Council on Tuesday, SeptemberMonday, April 2, 2012.

_____
DOUGLAS W. ISAACSON, Mayor

ATTEST:

_____
KATHRYN M. WEBER, MMC, City Clerk

GREATER FAIRBANKS CHAMBER OF COMMERCE

Interior Alaska – The "Place" To Do Business

100 Cushman St., Suite 102 | Fairbanks, Alaska 99701-4665
ph (907) 452-1105 | fax (907) 456-6968 | www.FairbanksChamber.org

March 26, 2012

The Alaska State Legislature
Alaska State Capital
Juneau, Alaska 99801

RE: Public Employee and Teacher's Retirement Systems (PERS & TRS)

Dear Honorable Legislators,

The Greater Fairbanks Chamber of Commerce is a business advocacy organization that represents 700 businesses and organizations throughout the Interior and works to ensure Fairbanks is a great place for business and community.

Recently, the City of Fairbanks and the City of North Pole transmitted resolutions urging the Legislature to refrain from enacting legislation that would increase the State's pension liability which currently totals 11 billion dollars. The Fairbanks Chamber endorses both city resolutions because further increasing the liability would limit the State's ability to properly fund other deserving programs and would further increase the portion paid by municipal employers.

With the astonishing liability of 11 billion dollars for PERS & TRS, local communities face future threats of remaining an attractive place to live and do business. As Interior and rural Alaska continue to face high energy and living costs, additional financial burdens or the loss of critical programming funds could devastate already struggling communities. Our local municipalities must be able to focus their resources and time on addressing the important issues at hand and not focus on the potential of increased costs from the unfunded retirement liability.

While the Chamber cannot offer a simple and perfect solution to the PERS & TRS problem, we would like to echo the concerns of the Cities of Fairbanks & North Pole. We applaud the members of the Alaska Legislature in their efforts and willingness to find solutions to solve the unfunded liability issue and respectfully request that consideration of the above mentioned resolutions and this letter be taken while making decisions on PERS & TRS.

Sincerely,

THE GREATER FAIRBANKS CHAMBER OF COMMERCE

Lorna Shaw
Board of Directors, Chair

Lisa Herbert
Executive Director

Brian Newton
Government Relations, Chair

cc: Governor Sean Parnell
Fairbanks North Star Borough Assembly
Fairbanks City Council
North Pole City Council
Alaska State Chamber of Commerce
Greater Fairbanks Chamber of Commerce membership

GREATER FAIRBANKS CHAMBER OF COMMERCE

Interior Alaska – The "Place" To Do Business

100 Cushman St., Suite 102 | Fairbanks, Alaska 99701-4665
ph (907) 452-1105 | fax (907) 456-6968 | www.FairbanksChamber.org

March 26, 2012

Representative Mia Costello
Representative Anna Fairclough
Representative David Guttenberg
Alaska House of Representatives
Alaska State Capitol
Juneau, Alaska 99801

RE: Letter of Support for Senate Bill 23 – Film Production Tax Credits

Dear Honorable Representatives:

The Greater Fairbanks Chamber of Commerce represents our members by advocating for a healthy economic environment and by building partnerships that promote the greater Fairbanks area as an attractive place for both business and community. Currently the Chamber represents over 700 businesses and organization throughout the Interior.

The Chamber supports Senate Bill 23 which extends the Film Production Tax Incentive Program. The film industry in Alaska supports the local development of jobs, encourages economic development and diversity, promotes high level educational program opportunities and impacts the tourism industry. The Chamber values the economic impact of the Arts and has worked to promote a thriving community by building beneficial Business-Arts relationships through the Chamber's Business and the Arts committee.

Several dozen Chamber member companies have benefited directly and indirectly from current and past film projects set in Alaska, from food and beverage to hair and make-up, from lighting, sound and production to lodging and from clothing to equipment rental. With rising energy costs already causing financial hardships for many businesses throughout Interior and rural Alaska, discouraging film investors from committing to projects within the State will only further burden the business community. Senate Bill 23 will encourage private sector investment throughout all of Alaska.

The Business and the Arts Committee also seeks to provide and support educational opportunities for the Arts. The University of Alaska Fairbanks (UAF) is experiencing benefits from the original film incentive program passed in 2008 and within the past few years, UAF has continued to develop their Department of Film Studies and currently enrolls over 40 students. Students in the program are recruited for internships and employment on professional film projects.

Film production is expensive and investors rely on confidence to amortize their investments. The industry has a market that is competitive, global and relies on revenue forecasting in their business decisions. Tax incentives, such as those proposed in Senate Bill 23, have changed the way producers select their project locations. In the

past, producers have simulated filming in Alaska in other regions, such as British Columbia, because tax incentives encouraged industry investment and in turn benefited their local economies. Alaska must remain competitive with successful tax incentive programs implemented by other states and countries if the State wants to attract the film industry.

We urge the Alaska State Legislature to pass Senate Bill 23 to support economic growth and development to not only the Interior, but to the entire State of Alaska.

Sincerely,

GREATER FAIRBANKS CHAMBER OF COMMERCE

Lorna Shaw
Board of Directors, Chair

Lisa Herbert
Executive Director

Brian Newton
Government Relations, Chair

June Rogers
Business and the Arts, Chair

cc: Governor Sean Parnell
House Finance Committee
Senator Johnny Ellis
Speaker Mike Chenault
Representative Mike Hawker
Representative Craig Johnson
Fairbanks North Star Borough Assembly
Fairbanks City Council
North Pole City Council
Alaska State Chamber of Commerce
Greater Fairbanks Chamber of Commerce Membership
University of Alaska Fairbanks Department of Film Studies

GREATER FAIRBANKS CHAMBER OF COMMERCE

Interior Alaska – The "Place" To Do Business

100 Cushman St., Suite 102 | Fairbanks, Alaska 99701-4665
ph (907) 452-1105 | fax (907) 456-6968 | www.FairbanksChamber.org

March 19, 2012

Members of the Alaska Interior Delegation
Alaska State Capitol
Juneau, Alaska 99801

RE: High Cost of Energy

Dear Members of the Interior Delegation,

The Board of Directors of the Greater Fairbanks Chamber of Commerce appreciates the work that you are doing to address the high cost of energy in the Interior, the Chamber's number one priority this legislative session. Our bi-weekly teleconferences have ensured that the Chamber is informed and engaged regarding the multiple and occasionally conflicting legislative activities taking place in Juneau that impact our community.

The purpose of this letter is to **emphasize and clarify the collective priorities** of the Chamber in reducing the high cost of energy that is severely impacting our residential and business communities. After thorough review of the bills and appropriations currently being addressed this session, the Chamber provides the following recommendations for your consideration.

For the near term (less than 5 years) gas trucking project(s) from the North Slope and gas storage tax credits are the quickest approaches to bring affordable natural gas to the Interior. Immediate actions for longer term solutions include House Bill 9 and exploration tax credits. The top recommendations are summarized below:

1. Capital funding for liquefaction and vaporization facilities that are necessary to supply natural gas to the Interior of Alaska.

2. Legislation providing gas storage tax credits are critical components of supplying gas to the Interior. This methodology has been used in the South-central region to meet storage needs. The same approach and parity should be used for Interior storage needs.

3. The new version of House Bill 9 aligns with the Chamber's ongoing priority for getting reasonably priced gas to the Interior. We strongly support the work being done on a gas pipeline and will work diligently to ensure the issues, such as fair tariffs, will be addressed without preventing passage of the bill.

4. Legislation that provides tax credits for oil and gas exploration in frontier basins is an important piece of the long term energy picture for the Interior.

5. The expansion of a distribution system, as well as low cost energy conversion loans, will prove to be valuable once movement has occurred addressing the supply of natural gas.

In addition to the above recommendations, the Chamber continues to support forward movement on the Susitna/Watana Dam project and the re-start of the Healy Clean Coal Plant (HCCP). Specifically, the hydroelectric energy project is a valuable investment for the state to ensure stable electric rates for the next 100 years. The scope of the project however, should be designed for maximum benefit for the ratepayers of the Interior. Both the Susitna/Watana Dam project and HCCP would provide significant energy relief for the Interior.

We respectfully urge the Interior Delegation to act collectively in support of our recommendations.

Thank you again for your hard work,

Lorna Shaw
Board of Directors, Chair

Lisa Herbert
Executive Director

Brian Newton
Government Relations Committee, Chair

Bob Shefchik
Energy Committee, Chair

cc:
The Honorable Governor Parnell
Senator Gary Stevens, Senate President
Senator Kevin Meyer, Majority Leader
Senator Lyman Hoffman, Co-Chair Finance
Senator Bert Stedman, Co-Chair Finance
Representative Mike Chenault, Speaker
Representative Alan Austerman, Majority Leader
Representative Beth Kerttula, Minority Leader
Representative Bill Stoltze, Co-Chair Finance
Representative Bill Thomas, Co-Chair Finance
Fairbanks North Star Borough Assembly
Fairbanks City Council
North Pole City Council
Membership of the Greater Fairbanks Chamber of Commerce
Alaska State Chamber of Commerce
Anchorage Chamber of Commerce
Consumer Energy Alliance – Alaska
Alaska Support Industry Alliance
Alaska Oil & Gas Association

HC Contractors
FAIRBANKS ALASKA

PO Box 80688
Fairbanks, AK. 99708

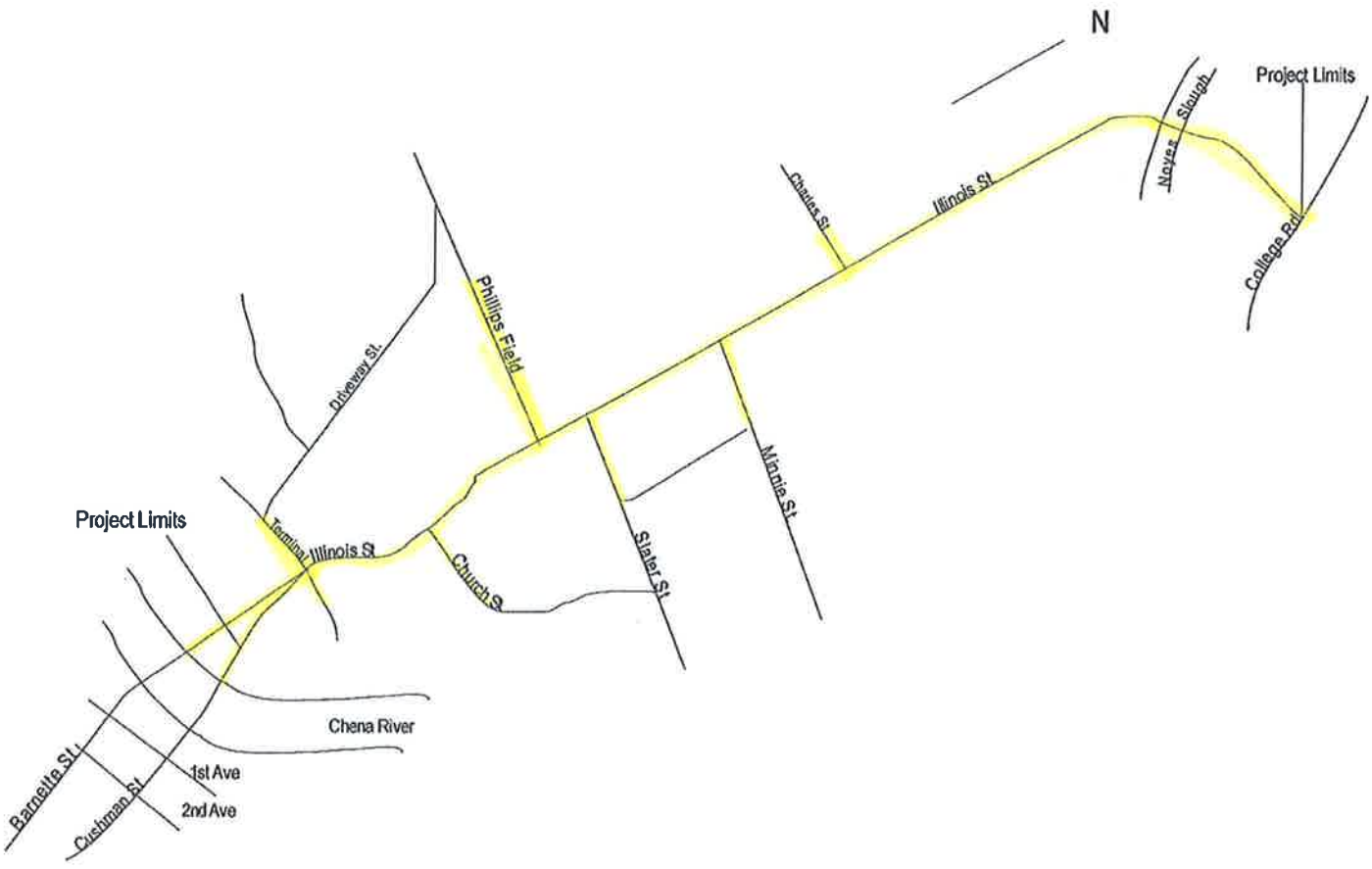
Telephone (907) 488-5983
Fax (907) 488-9830

Public Notice for Illinois Street Reconstruction

Monday March 26, 2012, work will begin on the Illinois Street Reconstruction.
Summer of 2012 work will include:

- **Realignment of Illinois Street**
- **Storm Drain system**
- **Water and Sewer Improvements**
- **Utilities Improvements**
- **New Pavement**
- **Sidewalk and curb Improvements**
- **Street Light Improvements**

Work will be completed in the summer of 2013



For more information please contact:
HC Contractors, INC (907) 488-5983 or
DOT & PF Project office (907) 457-2682

If you would like to be added to the email list for updates please send a request to tracy@hccontractors.net

JOIN YOUR FAVORITE HARLEM GLOBETROTTERS AND MASCOT GLOBIE TO GET THE FUN STARTED BEFORE THE GAME!

Magic Pass is a half hour of basketball fun and excitement only the Harlem Globetrotters can deliver. You'll experience special tricks, magical fun and have a chance to be part of the action with your favorite Globetrotter players. And to top it off, your Magic Pass gives you exclusive access to get autographs when you meet Globie and the players in person.

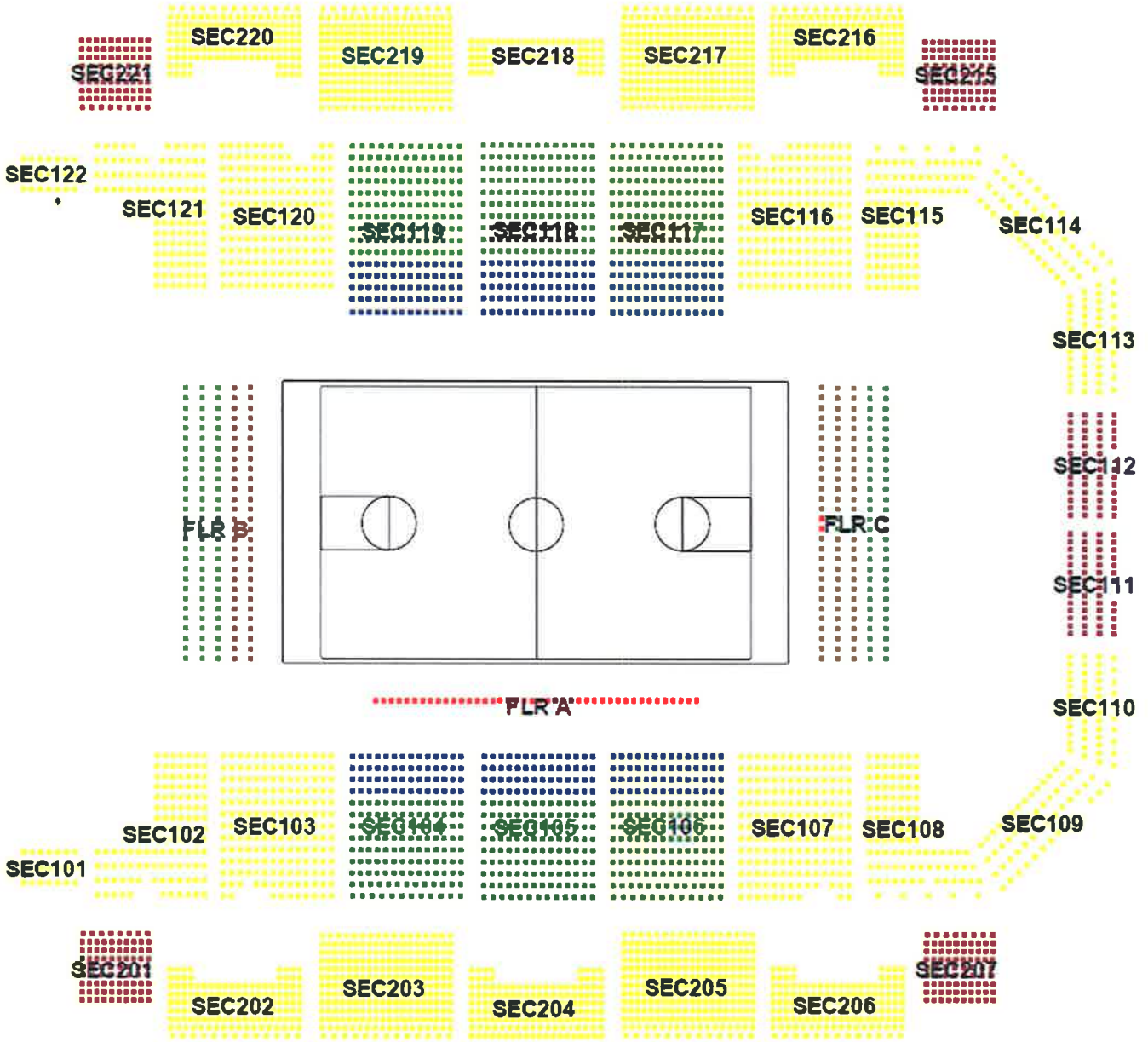
HARLEM GLOBETROTTERS®

MAGIC PASS

Fairbanks, AK. Carlson Center. 4/23 & 24/12 @ 7pm

Courtside – $93.25
VIP – $53.25
P3 – $33.25
P4 – $23.25
P5 – $18.25

- All prices listed are full price
- Group, scouts and military discounts available.



CARLSON CENTER

FAIRBANKS, AK

EXCLUSIVE DISCOUNT OFFER

SAVE UP TO $7 PER TICKET!

THE HARLEM GLOBETROTTERS 2012 WORLD TOUR
MONDAY, APRIL 23rd, 2012 @ 7PM
TUESDAY, APRIL 24th, 2012 @ 7PM

Don't miss out on high-flying action and non-stop excitement. With blazing ball-handling wizardry, mesmerizing gravity-defying dunks, side-splitting comedy and crowd interaction, the Globetrotters captivate both the young and the young at heart. Treat your group to a wholesome family entertainment experience that will create lifelong memories and always leaves fans smiling and cheering for **more....the World Famous Harlem Globetrotters!**

GROUP PRICES — No minimum ticket purchase required (prices include all ticket and building fees)

Location	Regular Prices	Your Prices	Quantity	Subtotal
Courtside	$93.25	no discount	x _____	$ _____
Sides/lower rows	$53.25	no discount	x _____	$ _____
Sides/higher rows	$33.25	$26.25	x _____	$ _____
Sides/Corners	$23.25	$18.25	x _____	$ _____
MAGIC PASS	$15.00	$12.00	x _____	$ _____

Magic Pass is a separate Pre Show Event from 530-6pm

HANDLING FEE **$ 5.00**

TOTAL $ _____

Select one of the following shows:

☐ Monday, April 23rd, 2012 @ 7pm

☐ Tuesday, April 24th, 2012 @ 7pm

(1) Once in a Lifetime VIP Bench Experience Package also available. Call for pricing & details.

DEADLINE TO ORDER: Wednesday, April 18th, 2012

☐ Accessible seating requested ♿

Contact Name _____ Group Name _____ **CITY OF NORTH POLE** _____

Address _____ City _____ State _____ Zip _____

Phone _____ Email _____

METHOD OF PAYMENT

PAYMENT: Visa MC

(No personal **checks accepted. Money orders or cashier's checks only payable to: CARLSON CENTER)**

Card # _____ Expires _____

Signature _____

To order tickets contact Jasper Joyce:

Toll Free: 800-641-4667 x118
Direct : 602-707-7020
Fax : 602-258-5925
Or email your order to:
joyce@harlemglobetrotters.com

Mail or Will Call (circle one) Name for will-call if different from above _____

All tickets ordered after Friday, April 13th, 2012 will be left in will-call

All tickets and seat locations are subject to availability. Tickets must be purchased in advance by mail, phone, email or fax. Orders will be filled on a first come, **first serve basis. No refunds or exchanges. Children under 2 do not require a ticket provided they sit on adult's lap.**

6th Annual

www.CruisnwithSanta.com

Cruis'n w/Santa
Car Show & Street Fair

Lions Fund Raiser

Help Give the Gift of Sight

SATURDAY

May 19th 2012

10 am – 7 pm

(Staging: 9 am)

- Car Show
- Burn Outs
- Street Vendors
- Entertainment
- Cruis'n North Pole

Santa Claus HOUSE

Proceeds Benefit Lions Eyeglass Recycling & Vision Center

Location: Santa Claus House

STATE OF ALASKA

Executive Proclamation
by
Governor Sean Parnell

WHEREAS, every child is entitled to be loved, cared for, secure, and protected from verbal, sexual, emotional, and physical abuse, exploitation, and neglect. It is the responsibility of our society to protect every child's inalienable right to life and liberty; and

WHEREAS, child abuse continues to be one of our nation's most serious public health problems. Studies have shown that victims of childhood abuse are more likely to suffer from obesity, heart disease, and engage in destructive behaviors with drugs, alcohol, and others; and

WHEREAS, social acceptance of myths about child abuse silences victims and encourages public denial about the true nature of this tragic epidemic; and

WHEREAS, 70 percent of all reported sexual crimes in the United States involve children. One in four girls and one in six boys are sexually abused before the age of 18, and one in five children is solicited sexually while on the internet; and

WHEREAS, child abuse and neglect can be reduced by making sure every family is safe, secure, and has the support needed to raise their children in a healthy environment. By providing a safe and nurturing environment for our children, free of domestic violence, abuse, and neglect, we can ensure that Alaska's children grow to their full potential as leaders, helping to secure the future of this great state and nation; and

WHEREAS, this month, we emphasize the importance of understanding the devastating problem of child abuse and neglect, and commit to learn more about the behavioral and physical signs of possible abuse.

NOW, THEREFORE, I, Sean Parnell, Governor of the State of Alaska, do hereby proclaim April 2012 as:

Child Abuse Prevention and Awareness Month

in Alaska, and call upon all Alaskans to join me in dedicating their energies to cherishing and protecting Alaska's children and supporting our families, ultimately strengthening the communities in which we live.

Dated: February 14, 2012

Sean Parnell, Governor
who has also authorized the
seal of the State of Alaska to
be affixed to this proclamation.

STATE OF ALASKA

Executive Proclamation
by
Governor Sean Parnell

WHEREAS, sexual assault is a devastating crime that affects children, women, and men of all racial, cultural, and economic backgrounds in every community throughout Alaska; and

WHEREAS, the crime of sexual assault violates an individual's humanity, dignity, security, and privacy. Victims and survivors too often develop feelings of shame, lack trust in the criminal justice system, or suffer in silence for fear of further injury; and

WHEREAS, no man, woman, or minor has the right to force, coerce, threaten, or manipulate anyone into sexual activity; and

WHEREAS, Alaska has an unacceptable rate of sexual violence against women, with 37 percent of Alaskan women having experienced sexual violence in their lifetime; and

WHEREAS, with personal responsibility, education, courage, and encouragement we can be successful in preventing and reducing sexual violence in Alaska; and

WHEREAS, together, united in this effort, we can continue to make a difference and bring forth an Alaska free from sexual violence.

NOW, THEREFORE, I, Sean Parnell, Governor of the State of Alaska, do hereby proclaim April 2012 as:

Sexual Assault Awareness Month

in Alaska, and ask that all Alaskans join with me in standing up against sexual assault in our homes and communities. Together, we can end the cycle of violence, offer support and compassion to victims and survivors, and bring hope, security, and opportunity to all Alaskans.

Dated: February 14, 2012

Sean Parnell

Sean Parnell, Governor
who has also authorized the
seal of the State of Alaska to
be affixed to this proclamation.

Sponsored by: Mayor Douglas Isaacson
Introduced and Advanced: April 2, 2012
Possible Adoption: April 16, 2012

CITY OF NORTH POLE

ORDINANCE 12-15

AN ORDINANCE AMENDING TITLE 13 PUBLIC SERVICES, CHAPTER 13.24 SECTION 13.24.080 SIGNIFICNAT INDUSTRIAL USER CHARGES IN SUPPORT OF THE CITY OF NORTH POLE'S ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT #AK002139-3

WHEREAS, changes to the North Pole Municipal Code is a continually changing requirement; and

WHEREAS, the City of North Pole has an Alaska Pollutant Discharge Elimination System (APDES) permit number AK002139-3 issued by the Alaska Department of Environmental Conservation (ADEC), and

WHEREAS, the City's APDES permit requires that the City establish an Industrial Pretreatment Program (IPP) to enforce the regulations of the federal Clean Water Act as administered by the Environmental Protection Agency (EPA) pertaining to the discharge of industrial pollutants to publicly operated treatment works (POTW) by Significant Industrial Dischargers (SIU), and

WHEREAS, the City's APDES permit requires that the City adopt a sewer use ordinance that details the requirements for regulating the discharges of SIUs to the POTW to ensure compliance with the Clean Water Act, protect the health and safety of the utility staff, and protect the POTW facilities and treatment process, and

WHEREAS, creation and management of a IPP program places a financial burden upon the City's utility system beyond those associated with the provision of routine utility service, and

WHEREAS, the intention of the EPA and ADEC is for municipalities mandated to implement an IPP program to recuperate costs associated with implementing and managing an IPP program through fees levied upon SIUs.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified.

Section 2. Delete Chapter 13.20 in its entirety and replace with the attached revised Chapter 13.20.

Section 3. Amend Chapter 13.24 Utility Rates, Section 13.24.080 Significant industrial discharger charges, by deleting section B. Additional Treatment Cost and section C. Monitoring:

~~B. Additional Treatment Cost. In order to maintain a high quality of treatment and effluent discharge to the public waterways, it is the intention of the city to require any SID to pretreat their sewage to meet the regulating parameters set forth in this section. If the SID's discharge~~

~~into the city's system exceeds these parameters due to an accidental discharge, the SID shall in addition to the requirements in other sections and any fines and penalties, be subject to the following additional treatment charge (ATC):~~

$$\text{~~ATC =~~} \frac{\text{~~BODsid (excess)~~}}{\text{~~200 mg/l~~}} \text{~~x~~ R ~~+~~} \frac{\text{~~SSsid (excess)~~}}{\text{~~166 mg/l~~}} \text{~~x~~ R ~~+~~} \frac{\text{~~°Tsid(deficit)~~}}{\text{~~36°F~~}} \text{~~x~~ R}$$

~~where:~~

~~BODsid (excess) = BODs of significant industrial discharger's flow based on city's sampling, minus 200 mg/l.~~
~~SSsid (excess) = Total suspended solids of significant industrial discharger based on city's sampling, minus 166 mg/l.~~
~~Tsid (deficit) = 50°F minus temperature of significant industrial dischargers' sewage at point of connection.~~
~~R = The commercial rate cited in Section 13.24.30.~~

~~Duration of ATC shall be from last normal sample to the succeeding normal one as taken by the city. All sampling shall be by daily composite (daily average).~~
~~This charge applies only when the SID discharge into the city's system exceeds 200 mg/l BODs, and/or 166 mg/l total suspended solids and/or temperature goes below 50°F. (Ord. 01-16 §2(part), 2001), (ord. 08-05 §2 (part), 2008)~~

~~C. Monitoring. In addition to all other charges under this chapter, each SID shall pay a monthly monitoring and administration charge per each calendar month based on the city's additional costs to ensure compliance with this section. The charge shall be set out in the SID agreement. (Ord. 97-18 §3(part), 1997: Ord. 96-19 §2(part), 1996: Ord. 95-21 §2(part), 1995: Ord. 93-6 §2(part), 1993; Ord. 88-1 §2(part), 1988; Ord. 87-12 §3(part), 1987)~~

and replace with the following:

B. High Strength Surcharge. In order to maintain a high quality of treatment and effluent discharge to the public waterways, it is the intention of the city to require any SIU to pretreat their sewage to meet the regulating parameters set forth in this section. If the SIU's discharge into the city's system exceeds these parameters due to an accidental discharge, the SIU shall in addition to the requirements in other sections and any fines and penalties, be subject to the following high strength surcharge (HSS):

$$HSS = \frac{BODsiu\ (excess)}{200\ mg/l} \times R + \frac{TSSsiu\ (excess)}{200\ mg/l} \times R + \frac{CODsiu\ (excess)}{500\ mg/l} \times R + \frac{Tsid(deficit)}{36°F} \times R$$

where:

BODsiu (excess) = BODs of significant industrial user's discharge, minus 200 mg/l.

TSSsiu (excess) = Total suspended solids of significant industrial user's discharge,

minus 200 mg/l.

CODsiu (excess) = COD of significant industrial user's discharge, minus 500 mg/l.

Tsiu (deficit) = 45°F minus temperature of significant industrial user's discharge at the point of connection.

R = The commercial rate cited in Section 13.24.30.

The duration of HSS shall be from last permit compliant sample to the succeeding permit compliant sample measured by either the city or the SIU.

This charge applies only when the SIU discharge into the city's system exceeds 200 mg/l BOD_5, and/or 200 mg/l total suspended solids, and/or 500 mg/L chemical oxygen demand, and/or the temperature is less than 40°F. (Ord. 01-16 §2(part), 2001), (ord. 08-05 §2 (part), 2008)

C. SIU-Specific IPP Fees. In addition to all other charges under this chapter, each SIU shall pay for any services specifically associated with that SIU for the administration, monitoring, or enforcement of the IPP. SIU-specific IPP services shall include, but are not limited to, IPP development costs, permit application and renewal, plan review, IPP compliance monitoring laboratory and inspection work, and spill or permit violation response work. The charges for such services will include the city's direct costs including charges from subcontractors, plus an administrative overhead fee from the city, and will be charged directly to the SIU. (Ord. 97-18 §3(part), 1997: Ord. 96-19 §2(part), 1996: Ord. 95-21 §2(part), 1995: Ord. 93-6 §2(part), 1993; Ord. 88-1 §2(part), 1988; Ord. 87-12 §3(part), 1987)

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this 16th day of April, 2012.

_____
Douglas W. Isaacson, Mayor

ATTEST:

_____
Kathryn M. Weber, MMC
North Pole City Clerk

Chapter 13.20

SEWER SERVICE

Sections:

13.20.010 General provisions.

A. Purpose and Policy

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the City of North Pole and enables the city to comply with all applicable State and

Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.), the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403), and the Alaska Pollutant Discharge Elimination System Program (State of Alaska 18 AAC 83.050 - 83.990). The objectives of this ordinance are:

1. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

2. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

3. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

4. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

5. To enable city to comply with its Alaska Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires user reporting.

B. Adoption and Amendment of Rules and Regulations -- Resolution of conflicts.

1. These rules and regulations have been adopted by the council, a municipal corporation of the state of Alaska, and are in compliance with the laws of the state of Alaska. No individual employee of the city has the authority to waiver, alter or amend these rules and regulations, notwithstanding the authority of the city mayor to resolve any conflict between this chapter and other provisions of this code. (Ord. 00-16 §2(part), 2000)

2. The current ADEC-approved Industrial Pretreatment Program for the city shall constitute the laws of the city relating to industrial pretreatment programs.

3. Rates for the installation of a sewer connection and monthly user charges are set forth in Chapter 13.24, which has been adopted and approved by the city council.

4. Except as otherwise provided herein, the city shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the city may be delegated by the city to a duly authorized city employee or designee.

C. Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

AAC – Alaska Administrative Code
ADEC – Alaska Department of Environmental Conservation
APDES – Alaska Pollutant Discharge Elimination System
ASPP – Accidental Spill Prevention Plan
BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
HSS – High Strength Surcharge
IU – Industrial User
l – Liter
mg – milligrams
mg/l – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
NSCIU – Non-Significant Categorical Industrial User
O&M – Operations and Maintenance
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
SWDA – Solid Waste Disposal Act
TSS – Total Suspended Solids
U.P.C. – Uniform Plumbing Code
U.S.C. – United States Code

D. Definitions

For the purposes of this chapter the following terms shall be defined to mean:

1. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

2. Approval Authority. Until October 31, 2009: USEPA Region 10 Regional Administrator. After October 31, 2009: The Commissioner of the ADEC**.**

3. Authorized or Duly Authorized Representative of the User.

a. If the User is a corporation:

(i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

c. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

d. The individuals described in paragraphs a through b, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

4. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

5. Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

6. Building sewer. The pipe and appurtenances from the building to the public lateral sanitary sewer or other place of disposal, also called house connection, service

connection or service line.

7. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

8. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard. If an Industrial User qualifies as a CIU, it also a Significant Industrial User.

9. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

10. City. The City of North Pole.

11. Clean Water Act (33 U.S.C. 1251 et seq.),
also noted herein as CWA. The Federal Water Pollution Control Act as amended.

12. Commercial user or contributor. A premises, or customer, who discharges industrial wastes that are similar to domestic wastes in nature and do not exceed those parameters which define normal sewage as described in context.

13. Control Authority. The City of North Pole.

14. Customer. An individual, firm, corporation, LLC, partnership, institution or association receiving sanitary sewer service or wastewater treatment service from the city.

15. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

16. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

17. DEC or ADEC. The state of Alaska Department of Environmental Conservation.

18. Domestic sewage. Water-carried wastes generated in normal household type activities, with minor quantities of ground, storm and surface waters that are not admitted intentionally without permit.

19. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

20. Existing Source. Any source of discharge that is not a "New Source."

21. Flow-equalizing units. Those devices or structures constructed to evenly regulate either or both the strength and volume of wastes.

22. Garbage. The animal and vegetable waste resulting from the handling, preparing, cooking or serving of foods; and putrescible wastes.

23. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

24. High Strength Surcharge (HSS) Industries. Industrial Users that discharge high-strength wastewater to the wastewater treatment plant and may be charged "high-strength" fees or rates to recover the cost of treatment.

25. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.

26. Industrial user or contributor. An industry or commercial establishment that discharges wastewater having the characteristics of industrial wastes.

27. Industrial wastes. Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade, or business process or from the development, recovery or processing of natural resources.

28. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

29. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city's APDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

30. Local Limit. Specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

31. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

32. Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

33. Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

34. Natural outlet. Any outlet, including storm sewers and combined sewer overflows, into a water-course, pond, ditch, lake or other body of surface or ground water.

35. New Source.

a. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(i) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

(iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

b. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a)(ii) or (iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

c. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(i) Begun, or caused to begin, as part of a continuous onsite construction program

(1) any placement, assembly, or installation of facilities or equipment; or

(2) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

36. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

37. Nondomestic Sewage or Source. Any liquid, solid or gaseous substances, or combination thereof, resulting from any process of industry, manufacturing, trade or research, including but not limited to the development, recovering or processing of natural resources and leachate from landfills or other disposal sites.

38. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's APDES permit, including an increase in the magnitude or duration of a violation.

39. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, LLC, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

40. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

41. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

42. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

43. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

44. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

45. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 13.20.020 of this ordinance.

46. Properly shredded garbage. The wastes from the preparation, cooking and dispensing of food that have been shredded into such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

47. Public sewer. A common sewer controlled by a governmental agency or public utility.

48. Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

49. Receiving waters. Those waters into which wastes are discharged.

50. Residential or domestic user. A dwelling unit or person which discharges wastewater to the sewers that closely matches domestic sewage as to its volume and strength.

51. Sanitary interceptor sewer. A sewer which receives the flow from a number of collector sewers (lateral and trunk sewers) and transports it to a treatment plant and other points of disposal.

52. Sanitary lateral sewer. A sanitary sewer of eight-inch diameter which may be from time to time required to extend a sanitary trunk sewer system into a general area for service.

53. Sanitary trunk sewer. A sanitary sewer maintained by or proposed for installation by the city of an internal diameter larger than eight inches.

54. Septic Tank Waste or Septage. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

55. Service connection. The pipe and appurtenances required to connect an individual property or facility to the sanitary lateral sewer.

56. Service line. The pipe and appurtenances from the lateral sanitary sewer connection and into the private property.

57. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

58. Sewer. A pipe or conduit that carries wastewater.

59. Sewer collection system. The sewer and appurtenances required to collect and carry away wastewater from the service connection.

60. Significant Industrial User (SIU).

Except as provided in paragraphs (c) and (d) of this Section, a Significant

Industrial User is:

a. An Industrial User subject to categorical Pretreatment Standards; or

b. An Industrial User that:

(i) Discharges a monthly average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(ii) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(iii) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

c. The city may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater

(excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(i) The Industrial User, prior to city's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(ii) The Industrial User annually submits the certification statement required in Section J.14 B [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and

(iii) The Industrial User never discharges any untreated concentrated wastewater.

d. Upon a finding that a User meeting the criteria in Subsection (b) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the city may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

61. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 13.20.020.B and C of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

62. State. The state of Alaska.

63. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

64. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

65. Toxic pollutants. Those pollutants or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under Section 307 of the Clean Water Act.

66. Upset. An exceptional incident in which an industrial user unintentionally and temporarily is in a state of noncompliance with the discharge limitations set forth hereto due to factors beyond the reasonable control of the industrial user, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or

improper operation thereof.

67. User or Industrial User. A source of indirect discharge.

68. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

69. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW that is designed to provide treatment of municipal sewage and industrial waste.(Ord. 88-1 §2(part), 1988; Ord. 87-12 §3(part), 1987)

13.20.020 Policies and conditions of service

A. Use of Public Sewer Required

1. It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any pollutant, sewage, septage, or industrial waste that is normally introduced into a sanitary sewer.

2. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any pollutant, sewage, septage, or industrial waste, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, septic tank, cesspool or other facility intended or used for the disposal of sewage.

4. The owner of all houses, buildings or structures used for human occupancy, employment, recreation or other purposes, situated within the city, and abutting on any street, easement or right-of-way in which there is now located a public sanitary sewer of the city, is required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this chapter, within two years after date of official notice to do so, provided that the sewer is within two hundred feet of the above-described structures. (Ord. 01-03, §2 (part), 2003.

B. General Discharge Prohibitions

No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

C. Specific Prohibitions

No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;

2. Wastewater having a pH less than 6.0 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment;

3. Solid or viscous substances, including fats, oils, or greases of animal or vegetable origin, in amounts which will cause obstruction of the flow to and/or within the POTW resulting in Interference;

4. Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;

5. Wastewater having a temperature that will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C) or that will not maintain a nonfreezing heat balance in the wastewater collection system; but in no case shall it be less than 36 degrees F (2 degrees C);

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

8. Trucked or hauled pollutants, except at discharge points designated by the city in accordance with Section 13.20.020.G.4 of this ordinance;

9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

10. Wastewater that imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions that consequently impart color to the treatment plant's effluent, thereby violating the city's APDES permit;

11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

12. Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the city;

13. Sludge, screenings, or other residues from the pretreatment of industrial wastes;

14. Medical Wastes, except as specifically authorized by the city in an individual wastewater discharge permit;

15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

16. Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

17. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5 %) or any single reading over ten percent (10 %) of the Lower Explosive Limit of the meter.

18. Any substance that will cause the utility to violate its APDES permit.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

D. National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

1. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the city may impose equivalent concentration or mass limits in accordance with this section.

2. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the city may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

3. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the city shall impose an alternate limit in accordance with 40 CFR 403.6(e).

4. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the city convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits

is within the discretion of the city. The city may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections D.4.a (i) through D.4.a (v) below.

a. To be eligible for equivalent mass limits, the Industrial User must:

(i) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

(ii) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

(iii) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

(iv) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

(v) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

b. An Industrial User subject to equivalent mass limits must:

(i) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(ii) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(iii) Continue to record the facility's production rates and notify the city whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph D.4(a)(iii) of this Section. Upon notification of a revised production rate, the city will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(iv) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph D.4(a)(i) of this Section so long as it discharges under an equivalent mass limit.

c. When developing equivalent mass limits, the city:

(i) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

(ii) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(iii) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 13.20.020.F.6. The Industrial User must also be in compliance with Section 13.20.020.Q.3 regarding the prohibition of bypass.

5. The city may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the city.

6. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (D) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

7. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

8. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the city within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the [Superintendent] of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

E. State Pretreatment Standards

1. State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this chapter or any other applicable ordinance.

F. Local Limits

1. The city is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

2. The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following Daily Maximum Concentration Limits.

PARAMETER	**mg/L**
Arsenic	0.100
BOD	250
Cadmium	0.345
Chromium	0.165
COD	500
Copper	0.159
Cyanide	0.9
Lead	0.034
Mercury	0.004
Molybdenum	0.015
Nickel	3.72
Oil and/or Grease (Total)	100
Oil and/or Grease (Total Petroleum Hydrocarbons)	25
Selenium	0.043
Silver	0.13
Sulfolane	50
Zinc	0.285

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The city may impose mass limitations in addition to or in lieu of the concentration-based limitations above.

3. The city may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Sections 13.20.020.B and C.

4. The city reserves the right to establish, by ordinance or in individual wastewater

discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

5. No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The city may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

G. Pretreatment of Wastewater

1. Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Sections 13.20.020.B and C of this ordinance within the time limitations specified by EPA, the State, or the city, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Such facilities are subject to the city building codes outlined in Title 15 of the city ordinances. Detailed plans describing such facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this ordinance.

2. Additional Pretreatment Measures

a. Whenever deemed necessary, the city may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.

b. The city may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit be issued solely for flow equalization.

c. Grease, oil, and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the city, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.

d. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3. Accidental Discharge/Slug Discharge Control Plans

The city shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The city may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the city may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

a. Description of discharge practices, including nonroutine batch discharges;

b. Description of stored chemicals;

c. Procedures for immediately notifying the city of any accidental or Slug Discharge, as required by Section 13.20.020.J.6 of this ordinance; and

d. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

4. Hauled Wastewater

a. Septic tank waste may be introduced into the POTW only at locations designated by the city, and at such times as are established by the city. Such waste shall not violate Section 13.20.020.A through F of this ordinance or any other requirements established by the city. The city may require septic tank waste haulers to obtain individual wastewater discharge permits.

b. The city may require haulers of industrial waste to obtain individual wastewater discharge permits. The city may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The city also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

c. Industrial waste haulers may discharge loads only at locations designated by the city. No load may be discharged without prior consent of the city. The city may collect samples of each hauled load to ensure compliance with applicable Standards. The city may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

d. Industrial waste haulers must document every load on a waste-tracking form provided by the city. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

H. Individual Wastewater Discharge Permits

1. Wastewater Analysis

When requested by the city, a User must submit information on the nature and characteristics of its wastewater within sixty (60) days of the request. The city is authorized to prepare a form for this purpose and may periodically require Users to update this information.

2. Individual Wastewater Discharge Permit Requirement

a. No Significant Industrial User or Categorical Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the city, except that a Significant Industrial User or Categorical Industrial User that has filed a timely application pursuant to Section 13.20.020.H.3 of this ordinance may continue to discharge for the time period specified therein.

b. The city may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.

c. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 13.20.020.N through O of this ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

3. Individual Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the city for an individual wastewater discharge permit in accordance with Section 13.20.020.H.5 of this ordinance.

4. Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit that proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit

in accordance with Section 13.20.020.H.5 of this ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

5. Individual Wastewater Discharge Permit Application Contents

a. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The city may require Users to submit all or some of the following information as part of a permit application on a form that will be provided by the city:

(i) Identifying Information.

(1) The name and address of the facility, including the name of the operator and owner.

(2) Contact information, description of activities, facilities, and plant production processes on the premises;

(ii) Environmental Permits. A list of any environmental control permits held by or for the facility.

(iii) Description of Operations.

(1) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

(2) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(3) Number and type of employees, hours of operation, and proposed or actual hours of operation;

(4) Type and amount of raw materials processed (average and maximum per day);

(5) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(iv) Time and duration of discharges;

(v) The location for monitoring all wastes covered by the permit;

(vi) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 13.20.020.D.3 (40 CFR 403.6(e)).

(vii) Measurement of Pollutants.

(1) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

(2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the city, of regulated pollutants in the discharge from each regulated process.

(3) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

(4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 13.20.020.J.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the city or the applicable Standards to determine compliance with the Standard.

(5) Sampling must be performed in accordance with procedures set out in Section 13.20.020.J.11 of this ordinance.

(viii) Any other information as may be deemed necessary by the city to evaluate the permit application.

b. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

6. Application Signatories and Certifications

a. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 13.20.020.J.14.a.

b. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written

authorization satisfying the requirements of this Section must be submitted to the city prior to or together with any reports to be signed by an Authorized Representative.

C. A facility determined to be a Non-Significant Categorical Industrial User by the city pursuant to Section 13.20.010.C.60.c must annually submit the signed certification statement in Section 13.20.020.J.14.b.

7. Individual Wastewater Discharge Permit Decisions

The city will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete permit application, the city will determine whether to issue an individual wastewater discharge permit. The city may deny any application for an individual wastewater discharge permit.

I. Individual Wastewater Discharge Permit Issuance

1. Individual Wastewater Discharge Permit Duration

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the city. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

2. Individual Wastewater Discharge Permit Contents

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the city to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

a. Individual wastewater discharge permits must contain:

(i) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

(ii) A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with Section 13.20.020.I.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(iii) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

(iv) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or

best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

(v) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(vi) Requirements to control Slug Discharge, if determined by the city to be necessary.

b. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

(i) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(ii) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(iii) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(iv) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(v) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(vi) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and

(vii) Other conditions as deemed appropriate by the city to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

3. Permit Issuance Process

a. Any person, including the User, may petition the city to reconsider the terms of an individual wastewater discharge permit within thirty (30) days of notice of its issuance.

(i) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(ii) In its petition, the appealing party must indicate the individual wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit.

(iii) The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.

(iv) If the city fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(v) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing a complaint with the Superior Court for the Fourth Judicial District of the State of Alaska within the time provided in Alaska Rules of Court, Rules of Appellate Procedure, rule 602.

4. Permit Modification

a. The city may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(i) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

(ii) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(iii) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(iv) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, the receiving waters, or the beneficial reuse of sludge from the POTW;

(v) Violation of any terms or conditions of the individual wastewater discharge permit;

(vi) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(vii) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;

(viii) To correct typographical or other errors in the individual wastewater discharge permit; or

(ix) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 13.20.020.I.5.

5. Individual Wastewater Discharge Permit Transfer

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60**)** days advance notice to the city and the city approves the individual wastewater discharge permit transfer. The notice to the city must include a written certification by the new owner or operator which:

a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

b. Identifies the specific date on which the transfer is to occur; and

c. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

6. Individual Wastewater Discharge Permit Revocation

The city may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

a. Failure to notify the city of significant changes to the wastewater prior to the changed discharge;

b. Failure to provide prior notification to the city of changed conditions pursuant to Section 13.20.020.J.5 of this ordinance;

c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

d. Falsifying self-monitoring reports and certification statements;

e. Tampering with monitoring equipment;

f. Refusing to allow the city timely access to the facility premises and records;

g. Failure to meet effluent limitations;

h. Failure to pay fines;

i. Failure to pay sewer charges;

j. Failure to meet compliance schedules;

k. Failure to complete a wastewater survey or the wastewater discharge permit application;

l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

m. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

7. Individual Wastewater Discharge Permit Reissuance

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 13.20.020.H.5 of this ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing individual wastewater discharge permit.

8. Regulation of Waste Received from Other Jurisdictions

All users, including those located outside the city limits are required to obtain a wastewater discharge permit, and shall submit a wastewater discharge permit application as outlined in Section 13.20.020.H.

J. Reporting Requirements

1. Baseline Monitoring Reports

a. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the city a

report which contains the information listed in paragraph b, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the city a report which contains the information listed in paragraph b, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

b. Users described above shall submit the information set forth below.

(i) All information required in 13.20.020.H.5.a (i) (1), Section 13.20.020.H.5a (ii), Section 13.20.020.H.5.a (iii) (1), and Section 13.20.020.H.5.a (vi).

(ii) Measurement of pollutants.

(1) The User shall provide the information required in Section 13.20.020.H.5.a (vii) (1) through (4).

(2) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(3) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

(4) Sampling and analysis shall be performed in accordance with Section 13.20.020.J.10 and 11;

(5) The city may allow the submission of a baseline report which utilizes only historical data so long as the data is representative of current discharge quality and quantity conditions and provides information sufficient to determine the need for industrial pretreatment measures;

(6) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(iii) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 13.20.010.D.3 and certified by a qualified

professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(iv) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 13.20.020.J.2 of this ordinance.

(v) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 13.20.020.J.14.a of this ordinance and signed by an Authorized Representative as defined in 13.20.010.D.3.

2. Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 13.20.020.J.1.b (iv) of this ordinance:

a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

b. No increment referred to above shall exceed nine (9) months;

c. The User shall submit a progress report to the city no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

d. In no event shall more than nine (9) months elapse between such progress reports to the city.

3. Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the city a report containing the information described in Section

13.20.020.H.5.a (vi) and (vii) and 13.20.020.J.1.b (ii) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 13.20.020.D, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 13.20.020.J.14 A of this ordinance. All sampling will be done in conformance with Section 13.20.020.J.11.

4. Periodic Compliance Reports

a. Any user that is required to have an industrial waste discharge permit and performs self monitoring must submit a periodic compliance report by the end of June and December, or on dates specified by the city, indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the city or the Pretreatment Standard necessary to determine the compliance status of the User.

b. All periodic compliance reports must be signed and certified in accordance with Section 13.20.020.J.14.a of this ordinance.

c. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

d. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the city, using the procedures prescribed in Section 13.20.020.J.11 of this ordinance, the results of this monitoring shall be included in the report.

5. Reports of Changed Conditions

Each User must notify the city of any significant production process or pretreatment process changes to the User's operations or system that might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change occurs.

a. The city may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 13.20.020.H.5 of this ordinance.

b. The city may issue an individual wastewater discharge permit under Section 13.20.020.I.7 of this ordinance or modify an existing wastewater discharge permit under Section 13.20.020.I.4 of this ordinance in response to changed conditions or anticipated changed conditions.

6. Reports of Potential Problems

a. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately notify the city of the incident by telephone. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

b. Within five (5) days following such discharge, the User shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability, which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability that may be imposed pursuant to this ordinance**.**

c. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

d. Significant Industrial Users are required to notify the city immediately of any changes at its facility affecting the potential for a Slug Discharge.

7. Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the city as the city may require.

8. Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the city within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the city performs sampling at the User's facility at least once a month, or if the city performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the Industrial User.

9. Hazardous Waste

The discharge of hazardous wastes to the city wastewater collection system is not allowed. Should a discharge occur, the city must be notified immediately following the procedures described in Section 13.20.020.J.6 of this ordinance, in addition to all other reporting, response and remediation requirements stipulated by city, State, or Federal laws or regulations.

10. Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures approved by EPA and the State of Alaska.

11. Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

a. Except as indicated in Section b and c below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the city. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

b. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

c. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 13.20.020.J.1 and J.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the city may

authorize a lower minimum. For the reports required by paragraphs Section 13.20.020.J.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

12. Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

13. Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 13.20.020.F.3. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years, or the duration of the User's waste discharge permit, whichever is longer. This period shall be automatically extended for the duration of any litigation concerning the User or the city, or where the User has been specifically notified of a longer retention period by the city.

14. Certification Statements

a. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 13.20.020.H.6; Users submitting baseline monitoring reports under Section 13.20.020.J.1.b (v); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 13.20.020.J.3; and Users submitting periodic compliance reports required by Section 13.20.020.J.4.a through c. The following certification statement must be signed by an Authorized Representative as defined in Section 13.20.010.D.3:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

b. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the city pursuant to Section 13.20.010.D.60.c and 13.20.020.H.6 must annually submit the following certification statement signed in accordance with the signatory requirements in Section 13.20.010.D.3. This certification must accompany an alternative report required by the city:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 13.20.010.D.60.c;

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

_____

_____"

K. Compliance Monitoring

1. Right of Entry: Inspection and Sampling

The city shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge

permit or order issued hereunder. Users shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

a. Where a User has security measures in force that require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the city shall be permitted to enter without delay for the purposes of performing specific responsibilities.

b. The city shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

c. The city may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

d. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the city and shall not be replaced. The costs of clearing such access shall be born by the User.

e. Unreasonable delays in allowing the city access to the User's premises shall be a violation of this ordinance.

2. Search Warrants

If the city has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the city may seek issuance of a search warrant from the Superior Court of the Fourth Judicial District of the State of Alaska. Such warrant shall be served by the city in the company of a uniformed police officer.

L. Confidential Information

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the city's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the city, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request

must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the APDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

M. Publication of Users in Significant Noncompliance

The city shall publish annually, in the city's newspaper of record, a list of the Users, which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section) and shall mean:

a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 13.20.010.D;

b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 13.20.010.D multiplied by the applicable criteria (1.4 for BOD, COD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

c. Any other violation of a Pretreatment Standard or Requirement as defined by Section 13.20.010.D (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the city determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

d. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;

e. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

f. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical

Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance; or

h. Any other violation(s), which may include a violation of Best Management Practices, which the city determines will adversely affect the operation or implementation of the local pretreatment program.

N. Administrative Enforcement Remedies

1. Notification of Violation

When the city finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the city may serve upon that User a written Notice of Violation. Within fifteen (15) days of the receipt of such notice, an explanation of the violation, and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the city. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

2. Consent Orders

The city may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections N.4 and N.5 of this ordinance and shall be judicially enforceable.

3. Show Cause Hearing

The city may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the city and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least twenty (20) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 13.20.010.D.3 and required by Section 13.20.020.H.6.a. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

4. Compliance Orders

When the city finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the city may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

5. Cease and Desist Orders

When the city finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the city may issue an order to the User directing it to cease and desist all such violations and directing the User to:

a. Immediately comply with all requirements; and

b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

6. Administrative Fines

a. When the city finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the city may fine such User in an amount not to exceed $1,000.00. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

b. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of ten and one half percent (10.5%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

c. Users desiring to dispute such fines must file a written request for the city to reconsider the fine along with full payment of the fine amount within twenty (20) days of being notified of the fine. Where a request has merit, the city may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The city may add the costs of preparing administrative enforcement actions such as notices and orders, and any additional legal expenses, to the fine.

d. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

7. Emergency Suspensions

The city may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. the city may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

a. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the city may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. the city may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the city that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the User.

b. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the city prior to the date of any show cause or termination hearing under Sections N.3 or N.8 of this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

8. Termination of Discharge

In addition to the provisions in Section 13.20.020.I.6 of this ordinance, any User who violates the following conditions is subject to discharge termination:

a. Violation of individual wastewater discharge permit conditions;

b. Failure to accurately report the wastewater constituents and characteristics of its discharge;

c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

d. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

e. Violation of the Pretreatment Standards in Section 13.20.020 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section N.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the city shall not be a bar to, or a prerequisite for, taking any other action against the User.

O. Judicial Enforcement Remedies

1. Injunctive Relief

When the city finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the city may petition the Superior Court of the Fourth Judicial District of the State of Alaska through the city's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The city may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

2. Civil Penalties

a. A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the city for a maximum civil penalty of $1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

b. The city may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

c. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

3. Criminal Prosecution

a. A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $1,000.00 per violation, per day, or imprisonment for not more than six (6) months, or both.

b. A User who willfully or negligently introduces any substance into the POTW, which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least $1,000.00 per violation, per day, or be subject to imprisonment for not more than six (6) months or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

c. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than $1,000.00 per violation, per day, or imprisonment for not more than six (6) months, or both.

d. In the event of a second conviction, a User shall be punished by a fine of not more than $1,000.00 per violation, per day, or imprisonment for not more than six (6) months, or both.

4. Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. the city may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city may take other action against any User when the circumstances warrant. Further, the city is empowered to take more than one enforcement action against any noncompliant User.

P. Supplemental Enforcement Action

1. Penalties for Late Reports

A late fee of $100.00 shall be assessed to any User for each day that a report required by this ordinance, a permit or order issued hereunder is late, beginning five days after the date the report is due. For reports that are more than ten (10) calendar days late, a late fee of $500.00 per day shall be assessed beginning on the 11th day that the report is overdue. Actions taken by the city to collect late reporting penalties shall not limit the city's authority to initiate other enforcement actions that may include penalties for late reporting violations.

2. Water Supply Severance

Whenever a User has violated or continues to violate any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

3. Informant Rewards

The city may pay up to five thousand dollars ($5,000.00) for information leading to the discovery of noncompliance by a User. In the event that the information provided results in a civil penalty or an administrative fine levied against the User, the city may disperse up to twenty percent (20%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed five thousand dollars ($5,000.00).

Q. Affirmative Defenses to Discharge Violations

1. Upset

a. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical treatment standards if the requirements of paragraph (c), below, are met.

c. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and the User can identify the cause(s) of the upset;

(ii) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(iii) The User has submitted the following information to the city within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:

(1) A description of the indirect discharge and cause of noncompliance;

(2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

d. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

e. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

f. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

2. Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 13.20.020.B of this ordinance or the specific prohibitions in Sections 13.20.020.C (3) and (4) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

a. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

b. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

3. Bypass

a. For the purposes of this Section,

(i) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or

substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this Section.

c. Bypass Notifications

(i) If a User knows in advance of the need for a bypass, it shall submit prior notice to the city, at least ten (10) days before the date of the bypass, if possible.

(ii) A User shall submit oral notice to the city of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. the city may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

d. Bypass

(i) Bypass is prohibited, and the city may take an enforcement action against a User for a bypass, unless

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The User submitted notices as required under paragraph (c) of this section.

(ii) the city may approve an anticipated bypass, after considering its adverse effects, if the city determines that it will meet the three conditions listed in paragraph (d)(i) of this Section.

R. Private Wastewater Disposal

1. Where a public sewer is not available under the provisions of the Uniform Plumbing Code (UPC), the building sewer shall be connected to a private wastewater disposal system complying with the same provisions and applicable city, state and federal requirements.

2. Upon completion of construction of a sewer system extension in an area, the city shall publish a notice that sewer service is available to serve the property owners of that area. The owner of a property as defined in 13.20.020.A.4 and served by a private wastewater disposal system shall have installed or cause to be installed, at his expense, a connection to the public sewer within no less than two years from the date such sewer service is declared to be available, or any other timetable as prescribed by city council or city code. Prior to the sale of a property served by a wastewater service system, hook up to the wastewater service is required. The connection shall be of a type and installed in a manner consistent with this chapter. Monthly wastewater fees as established by city code shall begin at time of such connection. (Ord. 01-03, §2(part), 2003.

3. Tie in fees for new service areas are to be established by resolution of council. Tie in fees are due at time of connection, however arrangements may be made to amortize tie in fees over a twelve-month period.

4. Failure to connect to available sewer service within the two-year time period, shall be cause for the property owner to be billed and required to pay the applicable monthly wastewater fee on an ongoing month by month basis. In addition, the tie in fee becomes due and payable, however arrangements may be made to amortize tie in fees over a twelve-month period.

5. Failure to connect or pay applicable fees within three years of notice shall be cause for the city to file a lien against said property for outstanding tie in fees and/or wastewater fees. Such lien shall be reviewed annually and may be adjusted to reflect actual outstanding balances. (Ord. 98-16, §2 (part), 1998).

S. Building Sewers

All building sewers shall be installed in complete accordance with provisions of the Uniform Plumbing Code.

T. Service Connection

1. No unauthorized person(s) shall uncover, make any connections with or openings into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written sewer connection permit from the mayor or designated representative.

2. Where construction, repair, maintenance and excavation in public streets are involved, see North Pole Water and Sewer Standards of Construction.

3. The owner shall be responsible to the city for any loss or damage that may directly or indirectly be occasioned by the installation of the service connection.

4. All requested permit applications shall be screened and evaluated by the utility manager and the mayor or designated representative to determine the following:

a. The quantity and characteristics of the sewage to be introduced;

b. The availability of a public sewer;

c. The sufficiency of the public sewer capacity;

d. The commitment of the owner for payment of assessments;

e. The commitment of the owner to comply with all provisions of this code.

Unacceptability of any item above shall be sufficient grounds for denying the application. The applicant, if required by the city, shall provide such data as is necessary for the above determination.

5. Every service line shall contain cleanouts outside the building as required by the Uniform Plumbing Code.

6. All structures shall contain a backwater valve to prevent sewer backup inside the confines of the structure as required by Section 710.1 of the 1997 Uniform Plumbing Code. (Ord. 00-16 §2(part), 2000)

7. Individual Sewer Services. Independent and separate sewer services shall be provided on each lot for all buildings within the city or that are to be ultimately connected to the municipal sewer system. Common sewer services are expressly prohibited in zero lot line and townhouse developments. Condominiums or planned unit developments with specific association agreements subject to the city's review and satisfaction may be allowed as exceptions. The customer provides and pays for all expenses required to install the necessary sewer pipe, fittings, cleanouts, manholes and pump stations required to connect the property to the city sewer at the point of connection designated by the utility supervisor or his designated representative.

8. Sampling and Observation Station. When required by the utility, any commercial or industrial user shall install a suitable sampling station on his property to facilitate observation, sampling and measurement of wastes. Such station, when required by the North Pole Utility, shall be accessible and safely located and shall be constructed in accordance with plans approved by the North Pole Utility. Installation and maintenance expense shall be the responsibility of the property owner.

9. All commercial kitchens and other food processing facilities shall furnish, install and maintain a grease trap/interceptor to trap animal and vegetable based greases and oils in accordance with the Uniform Plumbing Code and the local limits criteria listed in Section 13.20.020.F.2 of this ordinance. Final acceptance of such a device and the operation and maintenance plan to ensure its proper performance is subject to approval by North Pole Utility department. Further applicability and information on this requirement can be obtained from North Pole Utility. (Ord. 00-16 §2(part), 2000)

10. Installation of sewer stub line and sewer connections;

a. All sewer stub lines shall be installed and mains tapped by a contractor licensed by the state. As a prerequisite to commencing any work on the utility, the contractor shall furnish:

(i) Contractor's license (State of Alaska);

(ii) Proof of Workman's Compensation Insurance, if required by law;

(iii) A bond in the amount of five thousand dollars;

(iv) Other proof of capability to perform such work as required by the public works director.

b. The party or parties installing the building sewer line portion outside the street right of way need not meet the requirements of a bonded contractor as outlined above, but they shall make the city aware of their capabilities to perform such work. Those installing this portion of the water service line will, however, be required to meet the same material and workmanship qualifications outlined in the City of North Pole Standard of Construction Specifications. (Ord04-08 §2(part), 2004)

U. Maintenance and Repair

Users shall be responsible for all maintenance and repair of their service line, connection cleanouts, backwater valves, and shall further be responsible for the removal of soft plugs or debris which accumulate in their service line or connection as well as frozen service line and connections. Users shall insure that all-weather access is available to sewer system personnel for cleanouts, valves, control manholes and pretreatment facilities located on user property. (Ord. 00-16 §2(part), 2000)

V. Claim for Sewage Blockages

1. Subject to the provisions of subdivision 2 of this subsection, if it is determined that a backup problem stems from a blockage within a city sewer easement or a main line plug and the property owner notifies the sewer manager prior to incurring costs for cleaning and/or thawing, the customer is eligible for reimbursement of such costs. (Ord. 00-16 §2(part), 2000)

2. If it is determined that a backup problem stems from a blockage or other malfunction existing within a sewer interceptor or lateral located within the city easement, and if it is determined that such interceptor or lateral was installed by a person, corporation or other entity who, at the time of such installation, was not under contract with the city to install such improvements, then and in such event, the property owner shall have the burden of showing that the person, corporation, or other entity responsible for such installation complied with the provisions of this code prior to connection to the municipal sewer system. If such compliance cannot be established, the customer shall not be eligible for reimbursement of the costs of cleaning and/or thawing, or repairing such broken connection or other obstruction. (Ord. 00-16 §2(part), 2000)

3. The city will reimburse the customer for steam thawing when performed by a licensed bonded contractor if:

a. It is determined that the total cost has been paid to the vendor; and

b. An original copy of the vendors invoice, marked paid, is submitted to the city within one hundred twenty days of the date the work was performed; and

c. When it has been determined that the backup and/or freezing was caused by a main line plug.

4. Liability resulting from blockages shall be limited in any event to reimbursement for correction of the blockage.

W. Liability for Damages Due to Failure of Service

The sewer utility will exercise reasonable diligence in furnishing utility service in compliance with applicable laws and regulations but will not be liable for damage caused by interruptions to service, irregularity of services, or failure of service which occurs as a result of failure of utility facilities, accidents, acts by third persons, or circumstances beyond the utility's reasonable control.

X. Service Interruptions

The sewer utility reserves the right to temporarily suspend services when necessary for the purpose of new installations, repairs, testing, modification, expansion, correction or replacement of the system. The utility will attempt to notify affected utility users of impending service interruptions where possible and where not precluded by emergency conditions. The utility will exercise reasonable diligence in avoiding inconvenience which may arise out of necessary service interruptions.

Y. Disclaimer of Warranty

Any approval by the city of a type, kind or capacity of an installation shall not relieve a person of the responsibility of revamping, enlarging or otherwise modifying such installation to

accomplish an intended purpose. Nor shall any written or oral agreement as to limits of constituents of volume of waters or waste be considered as final approval for continuing operation. These limits will be subject to constant study and change as considered necessary to serve their intended purpose. The utility expressly disclaims warranty to facilities installed by users or by users' representatives.

Sponsored by: Mayor Isaacson
Introduced & Adopted: April 2, 2012

CITY OF NORTH POLE

RESOLUTION 12-06

A RESOLUTION OF THE CITY OF NORTH POLE SUPPORTING NORTH POLE ECONOMIC DEVELOPMENT CORPORATION'S BID TO HOST THE 2013 INTERNATIONAL FEDERATION OF SLEDDOG SPORTS WINTER WORLD CHAMPIONSHIPS IN NORTH POLE, ALASKA

WHEREAS, dog mushing is Alaska's official state sport and Interior Alaska has some of the best conditions in the world for racing; and

WHEREAS, North Pole Economic Development Corporation (NPEDC), in cooperation with the Alaska Dog Mushers Association, has successfully organized and hosted the North Pole Sled Dog Championships in North Pole during the winter of 2011 and 2012, which was recognized by the International Sled Dog Racing Association as the best 10-dog class race in North America; and

WHEREAS, the International Federation of Sleddog Sports (IFSS) holds the Winter World Championships every two years alternating between Europe and North America, and the 2013 event will once again be held in North America; and

WHEREAS, the IFSS Winter World Championships consists of limited class sled dog races in 4, 6, and 8 dog class; 2 dog skijoring class; 1 dog Nordic skijoring class; an open class race, and a mid-distance 200 to 300 mile event; and

WHEREAS, The IFSS Winter World Championships have attracted 400 to 500 competitors and their families, handlers, and sponsors for one to two weeks or more; the economic benefit of hosting an event of this size to the communities of North Pole, Fairbanks, Salcha, and the surrounding areas, and the associated international press coverage, will be significant and will have a major impact on tourism in the Interior;

NOW, THEREFORE BE IT RESOLVED, the North Pole City Council recognizes the importance of healthy winter activities in our community, and is willing to consider monetary and in-kind contributions to help North Pole Economic Development Corporation host the International Federation of Sleddog Sports Winter World Championships; and

BE IT FURTHER RESOLVED, the North Pole City Council fully supports and endorses North Pole Economic Development Corporation's bid to host the 2013 International Federation of Sleddog Sports Winter World Championships in North Pole, Alaska.

Sponsored by: Mayor Isaacson
Introduced & Adopted: April 2, 2012

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council on this 2nd day of April, 2012.

_____
Douglas W. Isaacson, Mayor

ATTEST:

_____
Kathryn M. Weber, MMC
North Pole City Clerk

International Federation of Sleddog Sports, Inc.

The World Governing Body of Sled Dog Sports

Member: SportAccord (former GAISF) • www.sleddogsport.net

Borlänge, Sweden
2012-03-26

To
Mayor Douglas W. Isaacson
Mayor Luke Hopkins

As President of the International Federation of Sleddog Sports I was very glad to hear that there is interest from North Pole, Alaska in hosting the IFSS World Championships 2013!

The World Championships are held every second year and alternates between North America and Europe. It was held in Daaquam, Quebec in 2009. The evaluation of this and the former WCh held both in North America and Europe show that the communities have benefitted greatly from the events.

For instance in Daaquam altogether some 4-500 competitors, leaders and handlers stayed one to two weeks in the area of the competitions. Many of the people that travel from Europe are sure to stay much longer outside the event. Alaska is greatly valued throughout the world as a famous and very strong sleddog area, but few mushers from Europe and the rest of the world have had the opportunity to go there. I am quite sure that a World Championship held in Alaska would attract many of the top athletes of the world!

The good-will for the area is of course also greatly influenced by the media coverage. The latest WCh was held in 2011 at the famous Skiing area of Holmenkollen in Oslo, Norway. These WCh were covered by Norwegian press and TV, but also by Eurosport (one of the largest European TV-channels for sports). This increased interest from European media can be hoped to be of benefit for the organizers of the upcoming WCh.

I and the IFSS Council look forward to the application from North Pole, Alaska for the World Championships 2013!

The decision is to be taken by the IFSS Council before the end of April. The organizers headed by Buzz Otis have more information concerning the practical and economic matters around the application.

With the best regards

/ Bengt Pontén
President of the International Federation of Sleddog Sports

Sponsored by: Mayor Isaacson
Introduced & Adopted: April 2, 2012

CITY OF NORTH POLE
RESOLUTION 12-07

A RESOLUTION IN SUPPORT OF DEVELOPMENT OF AN UNMANNED AERIAL SYSTEMS RANGE AND SUPPORT INFRASTUCTURE AS A NEW MISSION FOR EIELSON AIR FORCE BASE AND TO CONSIDER THE USE OF FACILITIES IN THE CITY OF NORTH POLE OR SURROUNDING AREA CONSISTENT WITH THAT OR ASSOCIATED SYSTEMS.

WHEREAS, the North Pole City Council is concerned about the economic impact of the military to the local economy; and

WHEREAS, the North Pole City Council is interested in diversifying the mission of Eielson Air Force Base to ensure the base is used to its optimal military value; and

WHEREAS, the 2012 FAA Authorization Act and the 2012 National Defense Authorization Act specifically directs one of the six mandated test ranges be located in an arctic environment and mandates the creation of an arctic test airspace; and

WHEREAS, the Alaska legislature is facilitating the creation of military facility zones, HB 316, in which will be enabled industrial or economic development, residential use, and workforce training or education benefits, which may provide additional support to the feasibility of the development of an unmanned aerial systems range and support infrastructure on Eielson Air Force Base; and

WHEREAS, the University of Alaska Fairbanks (UAF) is a national leader in operations of Unmanned Aircraft Systems (UAS) with well established credibility and expertise in UAS Arctic operations; and

WHEREAS, UAF has a well established partnership with the Department of Defense Joint Pacific Alaska Range Complex (JPARC) which offers a synergy with the military; and

WHEREAS, increased use of arctic shipping lanes, increased exploration of oil, gas and other resources in the Arctic will require significantly more support of these activities that can easily be achieved through use of UAS as demonstrated with UAS support of the recent shipment of fuel oil to Nome; and

WHEREAS, the FNSB, UAF, and the US Air Force all stand to benefit significantly from establishing a UAS range/test center at Eielson AFB/UAF as the range will naturally attract engineers, physicists, biologists, geologists, and military experts.

Sponsored by: Mayor Isaacson
Introduced & Adopted: April 2, 2012

NOW THEREFORE BE IT RESOLVED, that the North Pole City Council calls on the FAA and the Department of Defense to establish a Unmanned Aviation System range and support facility at Eielson Air Force Base that will partner with the University of Alaska Fairbanks Geophysical Institute UAS Development Center to serve as the Nation's Arctic UAS test range and to consider the use of facilities in the City of North Pole or surrounding area consistent with that or associated systems.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council on this 2nd day of April, 2012.

_____
Douglas W. Isaacson, Mayor

ATTEST:

_____
Kathryn M. Weber, MMC
North Pole City Clerk

EDC RESOLUTION NO. 2012-003: A RESOLUTION OF THE FAIRBANKS NORTH STAR BOROUGH ECONOMIC DEVELOPMENT COMMISSION URGING THE FAIRBANKS NORTH STAR BOROUGH ASSEMBLY TO CONSIDER A RESOLUTION IN SUPPORT OF DEVELOPMENT OF A UNMANNED AERIAL SYSTEMS RANGE AND SUPPORT INFRASTUCTURE AS A NEW MISSION FOR EIELSON AIR FORCE BASE.

WHEREAS, the Fairbanks North Star Borough (FNSB) Economic Development Commission (EDC) is responsible for recommending actions that will help develop and strengthen the FNSB economy; and

WHEREAS, the FNSB EDC is interested in diversifying the mission of Eielson Air Force Base to ensure the base is used to its optimal military value; and

WHEREAS, the 2012 FAA Authorization Act and the 2012 National Defense Authorization Act specifically directs one of the six mandated test ranges be located in an arctic environment and mandates the creation of an arctic test airspace; and

WHEREAS, the University of Alaska Fairbanks (UAF) is a national leader in operations of an Unmanned Aircraft Systems (UAS) with well established credibility and expertise in UAS Arctic operations; and

WHEREAS, UAF has a well established partnership with the Department of Defense Joint Pacific Alaska Range Complex (JPARC) which offers a synergy with the military; and

WHEREAS, increased use of arctic shipping lanes, increased exploration of oil, gas and other resources in the Arctic will require significantly more support of these activities that can easily be achieved through use of UAS as demonstrated with UAS support of the recent shipment of fuel oil to Nome; and

WHEREAS, the FNSB, UAF, and the US Air Force all stand to benefit significantly from establishing a UAS range/test center at Eielson AFB/UAF as the range will naturally attract engineers, physicists, biologists, geologists, and military experts.

NOW THEREFORE BE IT RESOLVED that the Fairbanks North Star Borough Economic Development Commission is calling on the Fairbanks North Star Borough Assembly to support a resolution calling on the FAA and the Department of Defense to establish a Unmanned Aviation System range and support facility at Eielson Air Force Base that will partner with the University of Alaska Fairbanks Geophysical Institute UAS Development Center to serve as the Nation's Arctic UAS test range.

Approved _____ **March 27, 2012**
Chair's Signature **(Date)**