



CITY OF NORTH POLE
Regular Meeting February 3, 2020
North Pole Council Chambers
125 Snowman Lane, North Pole, Alaska
www.northpolealaska.com

Monday, February 3, 2020
Committee of the Whole: 6:30 p.m.
Regular City Council Meeting: 7:00 p.m.

MAYOR

Michael Welch
488-8584

CITY CLERK

Vacant

COUNCIL MEMBERS

Perry Walley – Mayor Pro Tem	347-0135
Santa Claus – Deputy Mayor Pro Tem	388-3836
Aino Welch – Alt. Deputy Mayor Pro Tem	488-5834
DeJohn Cromer	347-2808
David Skipps	750-5106
Thomas McGhee	455-0010

- 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**
 - a. January 21, 2020 Council Meeting
- 6. Communications from the Mayor**
 - a. Alaska Municipal League Joint Insurance Agreement Site Visit Kelly Isham-Amira Goldstein.
- 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

- a. 20-01 Ordinance, An Ordinance of the City of North Pole, Alaska to Amend Title 13, Public Services, Chapter 13-20 Sewer Service to Add Local Limits for Per- and Polyfluoroalkyl Substances (PFAS)
- b. 20-02 Ordinance, An Ordinance of the City of North Pole, Alaska To Amend Title 13, Public Services, Chapter 13.16.030 Multiple Water Accounts for a Single Structure.
- c. Request to Approve North Pole Police Department's 2020 Internet Crimes Against Children Memorandum of Agreement between the North Pole Police Department and the Anchorage Police Department.

12. New Business

- a. 20-04 Ordinance, An Ordinance of the City of North Pole, Alaska to Accept Funding from the North Pole Water System Expansion Project to Support the Utility Departments Preparation for the Expiration of the Project Warranties.
- b. 20-05 Ordinance, An Ordinance of the City of North Pole, Alaska to Approve the Amended Cooperative Agreement W911KB-19-2-5200 with the US Army Corps of Engineers for the Moose Creek Water System Expansion Project in Support of Obtaining Environmental Covenants.
- c. 20-06 Ordinance, An Ordinance of the City of North Pole, Alaska to Amend Title 13, Public Services, Chapter 13-20 Sewer Service to Include Environmental Protection Agency Mandated "Dental Rule" Regulations.
- d. Request to Purchase 2 City of North Pole Police Department 2020 Ford Explorers.
- e. 20-03 Resolution A Resolution of the North Pole City Council Establishing the 2020 Legislative Priorities for the 2nd Session of the 31st Alaska State Legislature.

13. Council Comments

14. Adjournment

Detailed information and copies of agenda documents may be obtained at the Office of the City Clerk, 125 Snowman Lane or on the City website www.northpolealaska.com. Notice of Council Action is available at City Hall and on the City website following the meeting. Council Meetings are aired live via audio streaming from the City's website. Inquiries concerning ADA compliance or accommodations should be directed to the City Clerk.



NORTH POLE CITY COUNCIL
REGULAR MEETING MINUTES, JANUARY 21, 2020
NORTH POLE CITY COUNCIL CHAMBERS
125 SNOWMAN LANE, NORTH POLE, ALASKA

Mayor Welch called the regular City Council meeting of Tuesday, January 21, 2020 to order at 7:00 p.m. with the following Council Members in attendance:

Council Members Present: Mayor Welch
Santa Claus
Thomas McGhee
David Skipps
Perry Walley
Aino Welch

Excused: DeJohn Cromer

Also Present: William Butler, Director of City Services
Tricia Fogarty, Chief Financial Officer
Geoff Coon, Fire Chief
Chad Heineken, Deputy Fire Chief
Steve Dutra, Police Chief

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Welch asked everyone to join him in the Pledge of Allegiance.

INVOCATION

The Invocation was given by City Council Member Aino Welch.

APPROVAL OF AGENDA

Mr. Walley *moved to* approve the agenda of January 21, 2020.

Seconded by Mrs. Welch.

Discussion

None

MOTION TO AMEND THE AGENDA

Mr. Walley *moved to* amend the agenda and

Old Business:

New Business:

A, C, F, G

Postpone Item E to February 3, 2020 Council Meeting

Discussion

None

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE AGENDA OF JANUARY 21, 2020 AS FOLLOWS:

YES: 6 – McGhee, Skipps, Walley, Claus, Mrs. Welch, Mayor Welch

NO: 0

ABSTAIN:

Mayor Welch declared the MOTION CARRIED

Discussion on the agenda as amended

None

APPROVAL OF AMMENDED AGENDA

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE AMENDED AGENDA OF JANUARY 6, 2020 AS FOLLOWS:

YES: 6 – McGhee, Skipps, Walley, Claus, Mrs. Welch, Mayor Welch

NO: 0

ABSTAIN:

Mayor Welch declared the MOTION CARRIED

APPROVAL OF MINUTES

Mr. Walley *moved to approve the Minutes of January 6, 2020.*

Seconded by Mr. Skipps.

Discussion

Mr. Claus please correct spelling of my last name. There is an E at the end of Claus.

Mrs. Welch end of meeting time on January 6, 2020 not noted in the minutes of meeting ending 9:59PM. Should be noted.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE AMENDED MINUTES OF JANUARY 6, 2020 AS FOLLOWS:

YES: 6 – McGhee, Skipps, Walley, Claus, Mrs. Welch, Mayor Welch

NO: 0

ABSTAIN:

Mayor Welch declared the AMENDED MOTION CARRIED

COMMUNICATIONS FROM THE MAYOR

- a. Proclamation: Student of the Month for January Naya Moss.
- b. Eielson Air Force Base numbers of inbound Airman are going to be 603 Airman coming with those Airman are 365 dependents. 968 inbound citizens. There will be 155 Airman outbound and 104 dependents. 709 Airman net effect.
- c. Legislative Session and Priorities will be put in a Resolution in the Feb 3, 2020 Council meeting. These will be done in conjunction with the Borough and Fairbanks Mayors. They will be Law Enforcement Firing Range, PERS Contributions, School Funding, Air Quality Tax Credits and New Construction Energy Credit. Article discussed from the Economist about citizen tax burden
- d. Soliciting Council Members who will go to Juneau with the Mayor for Legislative Session. Come on Feb 18-20, 2020.

COUNCIL MEMBER QUESTIONS OF THE MAYOR

- Mr. McGhee We need to come up with a date to discuss position and discuss applicants. We need as a Council review as a Committee this job description because it needs to be corrected. I would like to do the correction in a meeting.
- Mayor responds and indicates that the job description is the same as the 2007 and 2017 except 2017 was missing the Clerk is the chief parliamentarian and that has been added back. The other is that the Clerk is the Public Information Officer (PIO). Don't know why it was missing.
- Mr. McGhee We need to pick a date to meet and discuss job description and who we are going to interview.
- Mr. Walley suggested Friday 24, of January at 5:30pm?
- Mr. McGhee Friday January 28, 2020?
- Mr. Walley recommended the Council meet on January 28, 2020 at 5:30pm.
- Mr. McGhee restated we will hold a meeting to discuss the job description and then go into executive session to discuss the applications and we will publicize it.

- Mayor Welch can we then schedule the interviews to take place on Feb 1, 2020 starting at 10:00AM. Each will be interviewed at their appointed time we have scheduled them.

COMMUNICATIONS FROM DEPARTMENT HEADS, BOROUGH REPRESENTATIVE AND THE CITY CLERK

Fire Department, Chief Coon

- Fire on Barbara Lee resident lost everything. Fire from woodstove.
- Met with North Star Borough to discuss EMS Contract for 2020/2021. Turned in report that showed significant increase in ambulance transports to the tune of 85 more than the previous year. We met with Mayor Ward and he asked for help coming up with solutions and I emailed him my list. Contract was provided to City 24 hours in advance.
- Training 4 Volunteers enrolled into EMT I and 1 Volunteer enrolled into EMT II.
- Maintenance on Fire trucks working on air leaks.

Police Department, Steve Dutra

- Officer involved in shooting from January 7, 2020. Investigation is ongoing.
- Large Methamphetamine bust 48 grams of Methamphetamine and ½ gram of Heroin.
- New Detective in our Drug Enforcement Unit and Detective Lockwood has been promoted to our Major Crimes Detective.
- Hiring Wage discussion continues and should be considered by the Council.
- Arrests, Assaults, DUIs, and Citations are creeping up.
- Heating problems in the PD.
- RFP for the Firing Range complete.
- New Vehicle complete and ready to ship.
- 9 Officers on Staff. Authorized for 13 Officers.

Building Department, Bill Butler

- No new permits. IGU Project estimated at \$11 million.
- One of the Christmas Tree in a turnabout was taken out by a Semi Truck.
- Utilities Dept had a heater fail in the emergency fire well. Could have been catastrophic.
- North Pole Expansion Project received a \$20,000.00 Grant.
- 40% in Zones 3 and 4 have signed up for water utility services.
- HC Contractors was the lowest bidder for the Moose Creek Expansion Project. PDC going through the bids to be sure they are fully complaint.

Finance, Tricia Fogarty

- Provided Delinquent reports for utility customers.
- Email Financials later in the week.

- New Wages are being inputted for the 2020 wage increases.
- New Hire paperwork has several old forms and needs updating.

Borough Representative

Mrs. Welch attended a meeting on January 16, 2020 at the North Star Borough. Lots of testimony related to Capital Projects. Major Projects discussed are State of the SS Nenana, Baseball Fields, Grants for Schools, Supplemental Emergency Medical Transportation Program, etc.

City Clerk

None

ONGOING PROJECTS

None

CITIZEN'S COMMENTS – (Limited to Five (5) minutes per Citizen)

None

OLD BUSINESS

Mayor Welch introduced the ordinance

ORDINANCE 19-23, AN ORDINANCE AMENDING THE SALES TAX CODE 4.08.020 IMPOSITION OF RATE AND 4.08.020 SECTION C.

Reconsideration on Ordinance 19-23 effective date

Mrs. Welch *moved to* reconsider effective date of Ordinance 19-23 to February 3, 2020.

Seconded by Mr. Walley

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO RECONSIDER THE EFFECTIVE DATE OF ORDINANCE 19-23 FROM MARCH 2, 2020 AND CHANGING IT TO FEBRUARY 3, 2020 AS FOLLOWS:

YES: 6 – McGhee, Skipps, Walley, Claus, Mrs. Welch, Mayor Welch

NO: 0

ABSTAIN:

Mayor Welch declared the MOTION CARRIED

CITIZEN'S COMMENTS – (Limited to Five (5) minutes per Citizen)

Paul Brown proposed to amend language to say 1.055% not 1.05% on line 48. I would recommend giving businesses adequate notice and preferably not in the middle of day. I still have a question on the letter that went out on the legality of the letter and what to do with the funds collected between then and now. Mr. Brown thinks that the businesses are not entitled to those funds but neither is the City of North Pole. That letter was based on a whereas clause. Mr. Brown referenced several court cases. There is still a question of the legality of Ordinance 19-23 and I would like to see the opinion of the City Attorney to be sure that it meets the legal requirements.

Mr. McGhee moved to introduce then adopt ORDINANCE 19-23, AN ORDINANCE AMENDING THE SALES TAX CODE 4.08.020 IMPOSITION OF RATE AND 4.08.020 SECTION C. ORDINANCE 19-23, AN ORDINANCE AMENDING THE SALES TAX CODE 4.08.020 IMPOSITION OF RATE AND 4.08.020 SECTION C.

Seconded by Mrs. Welch

Mr. McGhee moved to amend Line 48 to represent the 5.5% and amend line 51 to represent effective date to be February 3, 2020.

Seconded by Mr. Skipps

Discussion

Mrs. Welch wanted to be sure it was February 3, 2020 not February 2, 2020. February 3, 2020 was the confirmed date.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE 19-23 AS FOLLOWS:

YES: 6 – McGhee, Skipps, Walley, Claus, Mrs. Welch, Mayor Welch

NO: 0

ABSTAIN: 0

Mayor Welch declared the MOTION CARRIED

Mayor Welch moved to have the Ordinance approved as amended

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE 19-23 AS FOLLOWS:

YES: 6 – McGhee, Skipps, Walley, Claus, Mrs. Welch, Mayor Welch

NO: 0

ABSTAIN: 0

Mayor Welch declared the MOTION CARRIED

NEW BUSINESS

20-02 ORDINANCE AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA TO AMEND TITLE 13, PUBLIC SERVICES, CHAPTER 13.16.030 MULTIPLE ACCOUNTS FOR A SINGLE STRUCTURE

Mayor Welch introduced the resolution

Discussion

Community Comments

Mr. McGhee moved to introduce 20-02 Ordinance, Amending to allow for backflow preventers to be place on all master meters and inspection yearly of all master meters.

Seconded by Mr. Walley

Mr. McGhee moved to **amend Line 36 Section a.** to change from periodically to annually and **amend line 18 Section D:II** to change from periodically to annually.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE 20-20 AS FOLLOWS:

YES: 6 – McGhee, Skipps, Walley, Claus, Mrs. Welch, Mayor Welch

NO: 0

ABSTAIN: 0

Mayor Welch declared the MOTION CARRIED

Mr. McGhee moved to **adjourn the meeting at p.m.**

Seconded by Mrs. Walley.

The regular meeting of Monday, January 6, 2020 adjourned at 8:30 p.m.

Michael W. Welch, Mayor

ATTEST:

Tricia Fogarty Acting City Clerk

**CITY OF NORTH POLE
ORDINANCE NO. 20-01**

**AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA TO AMEND TITLE 13,
PUBLIC SERVICES, CHAPTER 13-20 SEWER SERVICE TO ADD LOCAL LIMITS
FOR PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)**

WHEREAS, changes to the public services practices and policies is a continually changing requirement; and

WHEREAS, the City of North Pole Municipal Code should be amended to conform to the requirements of the City; and

WHEREAS, the Environmental Protection Agency (EPA) has not yet established maximum contaminant levels (MCLs) for PFAS; however, in 2009 the EPA published Provisional Health Advisory Levels (PHA) of 0.4 µg/L perfluorooctanoic acid (PFOA) and 0.2 µg/L perfluorooctane sulfonate (PFOS), and recommended people not drink water containing higher levels of these compounds; and

WHEREAS, in 2012, EPA published the third Unregulated Contaminant Monitoring Rule (UCMR3) under the Safe Drinking Water Act (SDWA). The rule required a subset of public drinking water systems to monitor for thirty unregulated contaminants including six PFAS compounds [PFOS, PFOA, perfluorohexane sulfonate (PFHxS), perfluorononanoic acid (PFNA), perfluorohepatanoic acid (PFHpA) and perfluorobutane sulfonate (PFBS)] between 2013 and 2015. PFAS have since been found in many public and private water supplies across the country; and

WHEREAS, in 2016, EPA published lifetime health advisories (LHAs) under the SDWA for two PFAS compounds, specifically PFOS and PFOA. These LHAs were created to assist state and local officials and drinking water system operators, in evaluating risks from these contaminants in drinking water, so they can take appropriate action to protect residents. The EPA recommends people not drink water containing a total concentration of PFOS+PFOA above 0.07 µg/L (70 parts per trillion); and

WHEREAS, in 2016, the Alaska Department of Environmental Conservation (ADEC) incorporated the published EPA LHA reference dose (RfD) into its determination of risk-based groundwater cleanup levels at contaminated sites for two of the UCMR3 compounds -- PFOS and PFOA; and

WHEREAS, in June 2018, the Agency for Toxic Substances and Disease Registry (ATSDR) issued a draft Toxicological Profile for Perfluoroalkyls for public review and comment. The

42 document provides a compilation of information from available studies on the toxicologic
43 properties and adverse health effects associated with PFAS compounds and identifies numerous
44 on-going studies; and

45

46 **WHEREAS**, the City has an Alaska Pollutant Discharge Elimination System Permit that
47 regulates the Utility’s discharge of treated wastewater to the Tanana River; and

48

49 **WHEREAS**, PFAS compounds have been found to accumulate in the bodies of vertebrates,
50 including people, the Alaska Department of Health and Social Services issued an advisory in
51 February 2019 that stated:

52 *...given the levels of PFAS found in the three fish tested from Kimberly Lake (North Pole) and the*
53 *fish consumption advice issued by other states, restrictions on consumption of fish from Kimberly*
54 *Lake are warranted until more data are available. Therefore, out of an abundance of caution,*
55 *the State of Alaska advises the following until further notice:*

- 56 • *Do not consume fish from Kimberly Lake*
- 57 • *Do not consume lake water from Kimberly Lake*
- 58 • *Do not provide water from Kimberly Lake to your pets.¹*

59

60 **WHEREAS**, the City wishes to be proactive to protect the Tanana River as a recreational and
61 natural resource, the City is committed to preventing its publicly operated treatment works
62 (PTOW) from being a pass-through for PFAS compounds to the Tanana River, it wishes to add
63 PFAS compounds to its Local Limits.

64

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

66

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

68

69 **Section 2.** Title 13 is amended in the North Pole Code of Ordinances as follows:

70

71 **13.20.010 General provisions.**

72

73 C. Abbreviations. The following abbreviations, when used in this chapter, shall have the
74 designated meanings:

75

76 AAC	Alaska Administrative Code
77 ADEC	Alaska Department of Environmental Conservation
78 APDES	Alaska Pollutant Discharge Elimination System
79 ASPP	Accidental spill prevention plan

¹ Alaska Department of Health and Social Services, *Perfluoroalkyl Substances Found in Fish from Kimberly Lake*
Updated February 27 2019.

80	BOD	Biochemical oxygen demand
81	BMP	Best management practice
82	BMR	Baseline monitoring report
83	CFR	Code of Federal Regulations
84	CIU	Categorical industrial user
85	COD	Chemical oxygen demand
86	EPA	U.S. Environmental Protection Agency
87	gpd	gallons per day
88	HSS	High strength surcharge
89	IU	Industrial user
90	l	Liter
91	mg	milligrams
92	mg/l	milligrams per liter
93	NPDES	National Pollutant Discharge Elimination System
94	NSCIU	Nonsignificant categorical industrial user
95	O&M	Operations and maintenance
96	<i>PFAS</i>	<i>Per- and Polyfluoroalkyl Substances</i>
97	POTW	Publicly owned treatment works
98	RCRA	Resource Conservation and Recovery Act
99	SIU	Significant industrial user
100	SNC	Significant noncompliance
101	SWDA	Solid Waste Disposal Act
102	TSS	Total suspended solids
103	UPC	Uniform Plumbing Code
104	USC	United States Code

105
106 D. Definitions. For the purposes of this chapter the following terms shall be defined to mean:

107
108 *40* “PFAS” per- and polyfluoroalkyl substances are a subgroup, the fluorosurfactants or
109 fluorinated surfactants, have a fluorinated “tail” and a hydrophilic “head” and are thus
110 surfactants. They are more effective at lowering the surface tension of water than comparable
111 hydrocarbon surfactants. They include the perfluorosulfonic acids such as the
112 perfluorooctanesulfonic acid (PFOS) and the perfluorocarboxylic acids such as the
113 perfluorooctanoic acid (PFOA). PFOS and PFOA are persistent organic pollutants and are
114 detected in humans and wildlife.

115
116 *41* 40. “pH” means a measure of the acidity or alkalinity of a solution, expressed in standard
117 units.

118

119 42 41. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash,
120 sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological
121 materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt,
122 municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH,
123 temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

124
125 43 42. "Pretreatment" means the reduction of the amount of pollutants, the elimination of
126 pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu
127 of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by
128 physical, chemical, or biological processes; by process changes; or by other means, except by
129 diluting the concentration of the pollutants unless allowed by an applicable pretreatment
130 standard.

131
132 44 43. "Pretreatment requirements" means any substantive or procedural requirement related to
133 pretreatment imposed on a user, other than a pretreatment standard.

134
135 45 44. "Pretreatment standards" or "standards" shall mean prohibited discharge standards,
136 categorical pretreatment standards, and local limits.

137
138 46 45. "Prohibited discharge standards" or "prohibited discharges" means absolute prohibitions
139 against the discharge of certain substances; these prohibitions appear in NPMC 13.20.020.

140
141 47 46. "Properly shredded garbage" means the wastes from the preparation, cooking and
142 dispensing of food that have been shredded into such degree that all particles will be carried
143 freely under the flow conditions normally prevailing in public sewers, with no particle greater
144 than one half inch in any dimension.

145
146 48 47. "Public sewer" means a common sewer controlled by a governmental agency or public
147 utility.

148
149 49 48. "Publicly owned treatment works" or "POTW" means a treatment works, as defined by
150 Section 212 of the Act (33 USC Section 1292), which is owned by the City. This definition
151 includes any devices or systems used in the collection, storage, treatment, recycling, and
152 reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey
153 wastewater to a treatment plant.

154
155 50 49. "Receiving waters" means those waters into which wastes are discharged.

156
157 51 50. "Residential or domestic user" means a dwelling unit or person which discharges
158 wastewater to the sewers that closely matches domestic sewage as to its volume and strength.

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52 ~~51~~. “Sanitary interceptor sewer” means 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.

53 ~~52~~. “Sanitary lateral sewer” means 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.

54 ~~53~~. “Sanitary trunk sewer” means a sanitary sewer maintained by or proposed for installation by the City of an internal diameter larger than eight inches.

55 ~~54~~. “Septic tank waste” or “septage” means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

56 ~~55~~. “Service connection” means the pipe and appurtenances required to connect an individual property or facility to the sanitary lateral sewer.

57 ~~56~~. “Service line” means the pipe and appurtenances from the lateral sanitary sewer connection and into the private property.

58 ~~57~~. “Sewage” means human excrement and gray water (household showers, dishwashing operations, etc.).

59 ~~58~~. “Sewer” means a pipe or conduit that carries wastewater.

60 ~~59~~. “Sewer collection system” means the sewer and appurtenances required to collect and carry away wastewater from the service connection.

61 ~~60~~. Significant Industrial User (SIU). Except as provided in subsections (D)(60)(c) and (d) of this definition, 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 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 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.

199 c. The City may determine that an industrial user subject to categorical pretreatment
200 standards is a nonsignificant categorical industrial user rather than a significant industrial
201 user on a finding that the industrial user never discharges more than one hundred gallons per
202 day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler
203 blowdown wastewater, unless specifically included in the pretreatment standard) and the
204 following conditions are met:

- 205 i. The industrial user, prior to City’s finding, has consistently complied with all
206 applicable categorical pretreatment standards and requirements;
- 207 ii. The industrial user annually submits the certification statement required in Section
208 J.14 B (see 40 CFR 403.12(q)), together with any additional information necessary to
209 support the certification statement; and
- 210 iii. The industrial user never discharges any untreated concentrated wastewater.

211 d. Upon a finding that a user meeting the criteria in subsection (D)(60)(b) of this section has
212 no reasonable potential for adversely affecting the POTW’s operation or for violating any
213 pretreatment standard or requirement, the City may at any time, on its own initiative or in
214 response to a petition received from an industrial user, and in accordance with procedures in
215 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial
216 user.

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218 ~~61~~ 61. “Slug load” or “slug discharge” means any discharge at a flow rate or concentration that
219 could cause a violation of the prohibited discharge standards in NPMC 13.20.020(B) and (C). A
220 slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an
221 accidental spill or a non-customary batch discharge, which has a reasonable potential to cause
222 interference or pass through, or in any other way violate the POTW’s regulations, local limits or
223 permit conditions.

224
225 ~~62~~ 62. “State” means the State of Alaska.

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227 ~~63~~ 63. “Storm water” means any flow occurring during or following any form of natural
228 precipitation, and resulting from such precipitation, including snowmelt.

229
230 ~~64~~ 64. “Total suspended solids” or “suspended solids” means the total suspended matter that
231 floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is
232 removable by laboratory filtering.

233
234 ~~65~~ 65. “Toxic pollutants” means those pollutants or combination of pollutants listed as toxic in
235 regulations promulgated by the administrator of the Environmental Protection Agency under
236 Section 307 of the Clean Water Act.

237

238 67 66. “Upset” means an exceptional incident in which an industrial user unintentionally and
239 temporarily is in a state of noncompliance with the discharge limitations set forth hereto due to
240 factors beyond the reasonable control of the industrial user, and excluding noncompliance to the
241 extent caused by operational error, improperly designed treatment facilities, inadequate treatment
242 facilities, lack of preventive maintenance, or careless or improper operation thereof.

243
244 68 67. “User” or “industrial user” means a source of indirect discharge.

245
246 69 68. “Wastewater” means liquid and water carried industrial wastes and sewage from
247 residential dwellings, commercial buildings, industrial and manufacturing facilities, and
248 institutions, whether treated or untreated, which are contributed to the POTW.

249
250 70 69. “Wastewater treatment plant” or “treatment plant” means that portion of the POTW that
251 is designed to provide treatment of municipal sewage and industrial waste. (Ord. 12-15 § 2,
252 2012; Ord. 00-16 § 2, 2000; Ord. 88-1 § 2, 1988; Ord. 87-12 § 3, 1987)

253
254 **13.20.020 Policies and conditions of service.**

255 F. Local Limits.

- 256 1. The City is authorized to establish local limits pursuant to 40 CFR 403.5(c).
257 2. The following pollutant limits are established to protect against pass through and
258 interference. No person shall discharge wastewater containing in excess of the following
259 daily maximum concentration limits:

260

Parameter	mg/l
Arsenic	0.100
BOD	250
Cadmium	0.0345
Chromium	0.165
COD	500
Copper	0.159
Cyanide	0.9
Lead	0.034
Mercury	0.004
Molybdenum	0.015
Nickel	3.72

Parameter	mg/l
Oil and/or grease (total)	100
Oil and/or grease (total petroleum hydrocarbons)	25
Per- and Polyfluoroalkyl Substances (PFAS) ⁶	0.0007
Selenium	0.043
Silver	0.13
Sulfolane	50
Zinc	0.285

261
262 The above limits apply at the point where the wastewater is discharged to the POTW. All
263 concentrations for metallic substances are for total metal unless indicated otherwise. The City
264 may impose mass limitations in addition to or in lieu of the concentration-based limitations
265 above.

266 3. The City may develop best management practices (BMPs), by ordinance or in individual
267 wastewater discharge permits, to implement local limits and the requirements of subsections
268 (B) and (C) of this section.

269 4. The City reserves the right to establish, by ordinance or in individual wastewater discharge
270 permits, more stringent standards or requirements on discharges to the POTW consistent with
271 the purpose of this chapter.

272 5. No user shall ever increase the use of process water, or in any way attempt to dilute a
273 discharge, as a partial or complete substitute for adequate treatment to achieve compliance
274 with a discharge limitation unless expressly authorized by an applicable pretreatment
275 standard or requirement. The City may impose mass limitations on users who are using
276 dilution to meet applicable pretreatment standards or requirements, or in other cases when the
277 imposition of mass limitations is appropriate.

278 6 Where one or more of the 12 PFAS compounds listed below are detected in a wastewater
279 sample analytical result, the sum of the concentrations for all detected compounds shall not
280 exceed the local limit of 0.00007 mg/l (70 nanograms/liter).

- 281 Perfluorobutanesulfonic acid (PFBS)
- 282 Perfluorodecanoic acid (PFDA)
- 283 Perfluoroheptanoic acid (PFHpA)
- 284 Perfluorohexanesulfonic acid (PFHxS)
- 285 Perfluorohexanoic acid (PFHxA)
- 286 Perfluorododecanoic acid (PFDoA)
- 287 Perfluorotetradecanoic acid (PFTeDA)
- 288 Perfluorononanoic acid (PFNA)
- 289 Perfluorooctanesulfonic acid (PFOS)
- 290 Perfluorooctanoic acid (PFOA)
- 291 Perfluorotridecanoic acid (PFTrDA)

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Perfluoroundecanoic acid (PFUnA)

Section 3. Effective date. This ordinance shall become effective July 1, 2020.

PASSED by a duly constituted quorum of the North Pole City Council this ____ day of _____, 2020.

Michael W. Welch, Mayor

ATTEST:

Tricia Fogarty Acting, North Pole City
Clerk



**CITY OF NORTH POLE
ORDINANCE NO. 20-02**

**AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA TO AMEND TITLE 13,
PUBLIC SERVICES, CHAPTER 13.16.030 MULTIPLE WATER ACCOUNTS FOR A
SINGLE STRUCTURE**

WHEREAS, changes to the public services practices and policies is a continually changing requirement; and

WHEREAS, the City of North Pole Municipal Code should be amended to conform to the requirements of the City; and

WHEREAS, the North Pole Utility’s goal is to provide you with a safe and dependable supply of drinking water to its customers; and

WHEREAS, the North Pole Utility is regulated by the Department of Conservation (DEC) which requires water utilities to implement backflow prevention policies to protect the safety of the water system.

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. Title 13 is amended in the North Pole Code of Ordinances as follows:

13.16.030 Multiple water accounts for a single structure.

A. Definition of service connection and service line as according to the Alaska Department of Environmental Conservation (ADEC):

1. According to 18 AAC 80.1990 (133) “service connection” means a single building or structure that receives water for human consumption from a public water system; “service connection” includes a residence, school, hospital, clinic, office, restaurant, gas station, hotel, motel, washeteria, or watering point; “service connection” does not include mobile facilities; for purposes of this subsection, “mobile facilities” includes planes, boats, recreational vehicles, and tents.
2. According to 18 AAC 80.1990 (134) “service line” means the pipe works that extend from a water distribution main line to a single service connection.

- 41 3. A single customer connection serving multiple separate properties is classified as a water
42 main and is regulated by the ADEC and is considered a water main extension by the
43 North Pole Utility. ADEC requires a permit application; conducts a plan review before
44 issuing an approval to construct such a facility. The North Pole Utility requires a written
45 agreement approved by the City Council to construct such an extension to the utility
46 system. While ADEC approval is required, approval by ADEC does not guarantee or
47 constitute any approval of the City Council or North Pole Utility.
48

49 B. In buildings occupied by two or more ~~independent~~ *independently billed* water customers,
50 *other than multifamily residential dwellings, are classified as commercial water services and*
51 *each service account is billed as such.* The water service to each customer must be individually
52 metered and adequately valved to permit disconnection of any customer without interrupting
53 service to the other customers in the building. Existing services that do not meet these
54 requirements will be disconnected, unless the owner of the building has done one of the
55 following:
56

- 57 1. ~~Entered into a written contract with~~ *The property owner shall have* a mechanical
58 administrator or plumber licensed by the State *of Alaska* ~~to~~ modify the water service to
59 meet the ~~following~~ requirements *described in sections a through h below as necessary.*
60 *These plumbing modifications require a Utility Tie-in Permit from the Utility.*
61
- 62 2. Has contracted to be the sole customer for the water service and has had a master water
63 meter installed to meter all water used in the building; or
64
- 65 3. Has entered into an agreement with the North Pole Utility to guarantee payment of all
66 water service into the building. (Ord. 18-30 § 2, 2018; Ord. 17-15 § 2, 2017; Ord. 16-16 §
67 2, 2016; Ord. 12-03 § 2, 2012; Ord. 82-8 § 3.C, 1982)
68
- 69 a. All *commercial* plumbing connections installed to provide multiple metering from a
70 single master service line must comply with the City of North Pole *Service Line*
71 *Requirements for Water and Wastewater Commercial and Residential Structures* and
72 the provisions of the latest version of the Uniform Plumbing Code and amendments
73 adopted by the City. *Whenever there is a conflict between the City standards and*
74 *Uniform Plumbing Code and City-adopted amendments, the most conservative*
75 *requirements shall apply. Commercial water services require a double check valve*
76 *assembly that is annually inspected and certified by a professional licensed by the*
77 *State of Alaska. The periodic inspection is at the owner's expense and the inspection*
78 *report must be filed with the North Pole Utility.*
79

- 80 b. The property owner must submit a scaled drawing with a scale of no less than one-
81 half inch equals one foot in the drawing of the water meter installation *with the Utility*
82 *Tie In Application*.
83
- 84 c. The property owner must install plumbing such that each dwelling unit receiving
85 water services is plumbed separately.
86
- 87 *d. For each individual customer service—residential and commercial—in a multi-*
88 *metered installations, an appropriate backflow prevention device must be installed*
89 *after the water meter as indicated in the Service Line Requirements for Water and*
90 *Wastewater Commercial and Residential Structures.*
- 91 *1. Individual customer services in multi-metered installations that serve residential*
92 *customers typically only require a dual check valve after the water meter unless*
93 *the Utility at its sole discretion determines that a different backflow prevention*
94 *technology is necessary.*
- 95 *2. Individual customer services in multi-metered installations that serve commercial,*
96 *institutional or industrial customers require a double check valve assembly after*
97 *the water meter that is annually inspected and certified by a professional licensed*
98 *by the State of Alaska. The periodic inspection is at the owner’s expense and the*
99 *inspection report must be filed with the North Pole Utility.*
- 100 *3. The North Pole Utility shall review the Utility Tie-In and/or Utility Account*
101 *Application and at its sole discretion shall make the determination of the*
102 *connection type and the required backflow prevention technology.*
103
- 104 *e. d.* Adequate space must be provided between individual water meters such that they
105 can be manually read by the North Pole Utility and there is adequate space to repair
106 or replace a meter.
107
- 108 *f. e.* The water meters must be in a heated secure location readily accessible by the
109 North Pole Utility.
110
- 111 *g. f.* The North Pole Utility shall inspect any multi-metered dwelling’s utility
112 connections before authorizing the installation of water meters and before providing
113 water service to the dwelling.
114
- 115 *h. g.* Tampering with water meters is a violation of North Pole Municipal Code and
116 violation of these provisions may result in termination of individuals’ water service or
117 termination of water service to the entire dwelling at the sole discretion of the North
118 Pole Utility. See NPMC 13.08.070(A) and (B); 13.12.060; 13.12.150; and
119 13.16.060(A).

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i. h. The service line from the water main to the water meters is the sole responsibility of the property owner. (See NPMC 13.16.020(D).)

Section 3. Effective date. This ordinance shall become effective immediately upon passage.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this ___ day of _____, 2020.

Michael W. Welch, Mayor

ATTEST:

Tricia Fogarty, Acting City Clerk

PASSED/FAILED Yes No: Absent:
--



North Pole Police Department

Chief Steve Dutra
125 Snowman Ln.
North Pole, AK 99705
907-488-6902
Northpolepolice.org



January 8, 2020

To: Honorable Mayor Welch
North Pole Council Members

Re: Council approval to accept 2020 ICAC Agreement

I would like the council to approve the Internet Crimes Against Children Agreement for 2020. This is a joint agreement with the Anchorage Police Department to assist with investigations surrounding internet crimes against our most vulnerable population. We have participated in this agreement for many years and is a beneficial relationship.

The City Attorney has already reviewed the agreement and has given it a green light.

Thank you for your time.

Chief Steve Dutra

**MEMORANDUM OF AGREEMENT
BETWEEN THE NORTH POLE POLICE DEPARTMENT
AND THE ANCHORAGE POLICE DEPARTMENT**

1. Parties. This Memorandum of Agreement (hereinafter referred to as “Agreement”) is made and entered into by and between the **North Pole Police Department** hereinafter referred to as Member Agency, whose address is **125 Snowman Lane, North Pole, Alaska, 99705** and the **Anchorage Police Department**, whose address is **716 West 4th Avenue, Anchorage, Alaska, 99501**.

2. Purpose. The purpose of this Agreement is to establish the terms and conditions under which law enforcement investigative entities in the State of Alaska will participate as member agencies in the Alaska Internet Crimes Against Children Task Force (AKICTF).

3. Term of Agreement. This agreement is effective upon the day and date last signed and executed by the duly authorized representatives of the parties to this Agreement and/or the governing bodies of the parties’ respective boroughs or municipalities and shall remain in full force and effect until September 30, 2020, unless extended by the Department of Justice. This Agreement may be extended for a period of up to one year, commensurate with any extension of the federal grant program end date, and upon mutual consent of both parties by written amendment. This Agreement may be terminated, without cause, by either party upon 30 days written notice, which notice shall be delivered by hand or by certified mail to the address listed above.

4. Investigative Responsibility. Member Agency shall make every reasonable effort to comply with ICAC OPERATIONAL AND INVESTIGATIVE STANDARDS (revised 10/01/2018). Only sworn law enforcement personnel will conduct undercover Internet Crimes Against Children (ICAC) investigations. All investigators involved with ICAC undercover operations must receive appropriate training prior to initiating proactive investigations. Member Agency shall make investigators designated to AKICTF operations available for specialized training provided through the national ICAC and other applicable training programs.

Conduct reactive investigations where subjects are associated with Member Agency’s jurisdiction, including investigations of child pornography, CYBERTIP referrals from the National Center for Missing and Exploited Children (NCMEC), Internet Service Provider and other law enforcement referrals, and other Internet Crimes Against Children related investigations. Cases may also be initiated due to documented public sources, direct observations of suspicious behavior, subject of interviews, public complaints, etc.

Conduct education and prevention programs to foster awareness and provide practical, relevant guidance to children, parents, educators, librarians, business and law enforcement communities and other individuals concerned with internet child safety issues. Presenters shall not discuss active investigative techniques and undercover

operations utilized by the AKICTF. Confidential information pertaining to investigations will be held in the strictest confidence and will only be disseminated among the AKICTF members or other law enforcement agencies where necessary or permitted by state or federal law.

The Member Agency will be responsible for operational supervision, administrative control and the professional conduct of its officers and agents assigned to the AKICTF.

Provide investigators assigned to the AKICTF a secured work area with controlled, restricted access to all equipment, software and investigative files. Allow assigned investigators access to all ICAC investigative files in order to ensure compliance with all national ICAC standards.

5. **Deconfliction** Member Agency shall deconflict all cases prior to investigative action using GridCop and ICACCOPS (Internet Crimes Against Children Child Online Protective Services) to prevent duplicating investigative efforts.

6. **Investigative Records and Statistical Reporting.** Member Agency shall record and document all undercover investigative and online activity in relevant case file and submit to the Anchorage Police Department.

Utilizing a link provided by the Anchorage Police Department, Member Agency shall update monthly statistics to the SmartSheet document assigned to the Member Agency on all ICAC investigations or other investigative operations pertaining to the sexual exploitation of children via the internet. These statistics shall be submitted in the appropriate format by no later than the 5th day of each month and shall include data on all investigations opened or closed, forensic investigations performed, subpoenas and court orders issued, training hours attended or taught, technical and investigative assistance provided to other agencies and community outreach provided in the reporting month.

Anchorage Police Department will compile monthly Member Agency reports and submit information directly to the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

7. **Reimbursement.** Member Agency may seek reimbursement for equipment, supplies, travel and training that increase computer forensic capabilities and enhances the ability to investigate internet related cases. **All expenditures for which reimbursement will be sought must be approved in advance, in writing** by the AKICTF Commander. To be eligible for FY2019 grant year funding, all **pre-approved reimbursement receipts** must be received by the Anchorage Police Department by no later than **30 days after the purchase or completion of travel, and no later than July 31, 2020.** Failure to meet deadlines may result in lack of reimbursement.

The **North Pole Police Department** will be eligible for reimbursement at the discretion of the AKICTF Commander. The AKICTF Commander will take into account the

following factors before granting approval: past performance, monthly statistics, and task force involvement. Reimbursement will only be granted for approved activities as outlined in the **FY2019 Internet Crimes Against Children Task Force Grant**.

7. General Provisions.

A. Amendments. Either party may request changes to this Agreement. Any changes, modifications, revisions, or amendments to this Agreement which are mutually agreed upon by and between the parties to this Agreement shall be incorporated by written instrument, and effective when executed and signed by all parties to this Agreement.

B. Applicable Law. The construction, interpretation and enforcement of this Agreement shall be governed by the laws of the State of Alaska. The courts of the State of Alaska shall have jurisdiction over any action arising out of this agreement and over the parties, and the venue shall be the State of Alaska's Third Judicial District.

C. Entirety of Agreement. This Agreement, consisting of four (4) pages, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations and Agreements, whether written or oral.

D. Severability. Should any portion of this Agreement be judicially determined to be illegal or unenforceable, the remainder of the Agreement shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.

E. Contractual Rights and Defenses. The **North Pole Police Department** and the **Anchorage Police Department** shall each fully retain all immunities and defenses provided by law with respect to any action based on or occurring as a result of this Agreement.

F. Third Party Beneficiary Rights. The parties do not intend to create in any other individual or entity the status of a third party beneficiary, and this Agreement shall not be construed so as to create such status. The rights, duties and obligations contained in this Agreement shall operate only between the parties to this Agreement, and shall inure solely to the benefit of the parties to this Agreement. The provisions of this Agreement are intended only to assist the parties in determining and performing their obligations under this Agreement. The parties to this Agreement intend and expressly agree that only parties signatory to this Agreement shall have any legal or equitable right to seek to enforce this Agreement, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this Agreement, or to bring an action for the breach of this Agreement.

8. Signatures. In witness whereof, the parties to this Agreement through their duly authorized representatives have executed this Agreement on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this Agreement as set forth herein.

The effective date of this Agreement is the date of the signature last affixed to this page.

NORTH POLE POLICE DEPARTMENT

Signature: _____

Printed Name: _____

Title: _____ Date: _____

ANCHORAGE POLICE DEPARTMENT

Captain Joshua Nolder
Alaska ICAC Task Force, Commander Date: _____

Justin Doll, Chief of Police Date: _____

William D. Falsey, Municipal Manager Date: _____

**CITY OF NORTH POLE
ORDINANCE NO. 20-04**

AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA TO ACCEPT FUNDING FROM THE NORTH POLE WATER SYSTEM EXPANSION PROJECT TO SUPPORT THE UTILITY DEPARTMENT'S PREPARATION FOR THE EXPIRATION OF PROJECT WARRANTIES

WHEREAS, changes to the public services practices and policies is a continually changing requirement; and

WHEREAS, the City of North Pole Municipal Code should be amended to conform to the requirements of the City; and

WHEREAS, the North Pole Utility's goal is to provide its customers with a safe and dependable supply of drinking water; and

WHEREAS, the North Pole Utility will experience the expiration of North Pole Water System Expansion Project warranties and it has sought the assistance of Stantec Consulting to assist the Utility to assess the condition of warranty covered equipment prior to their expiration.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole to accept \$20,000 from the North Pole Water System Expansion Project for warranty support services and approves Stantec Consulting providing these services.

Section 1. Effective date. This ordinance shall become effective immediately upon passage.

Introduced and Advanced by a duly constituted quorum of the North Pole City Council this 3rd day of February 2020.

Michael W. Welch, Mayor

ATTEST:

Tricia Fogarty Acting, North Pole City
Clerk





City of North Pole, Alaska

Fiscal Note Year:

Accompanying Ordinance/Resolution:

Originator / sponsor:

Date:

Does the Ordinance or Resolution have a fiscal impact? **yes** **no**

FUND	Account Description	Account #	Debit	Credit

Summary: (Brief description of proposed alterations as defined by accompanying ordinance or resolution. Where did the money come from and how will it be used).

Prepared By: _____ **Date:** _____

Finance Approval: _____ **Date:** _____

NOTE- Fiscal notes attached to an ordinance are considered amendments to the budget and do not require an additional approval for insertion into the budget document.

**CITY OF NORTH POLE
ORDINANCE NO. 20-05**

**AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA
TO APPROVE THE AMENDED COOPERATIVE
AGREEMENT W911KB-19-2-5200 WITH THE US ARMY
CORPS OF ENGINEERS FOR THE MOOSE CREEK WATER
SYSTEM EXPANSION PROJECT IN SUPPORT OF
OBTAINING ENVIRONMENTAL COVENANTS**

WHEREAS, changes to the public service practices and policies is a continually changing requirement; and,

WHEREAS, the City of North Pole budget should be amended to conform to the requirements of the City; and,

WHEREAS, adjustment in the budget are necessary to remain compliant with council approved authorizations and budget management rules, and

WHEREAS, fiscal notes are the method prescribed by the code to amend a budget; and,

WHEREAS, in Ordinance 19-01 the Council approved accepting funding of the Moose Creek Water System Expansion Project, Cooperative Agreement W911KB-19-2-5200 to conduct the initial design study for the extension; and,

WHEREAS, in Ordinance 19-08 the Council approved an amendment to Cooperative Agreement W911KB-19-2-5200 that provided the balance of funding to complete the engineering and design of the water system extension; and,

WHEREAS, the City and US Army Corps of Engineers negotiated a mutually agreeable amended Cooperative Agreement W911KB-19-2-5200 for the City to manage obtaining environmental covenants within the community of Moose Creek. Environmental covenants are required as part of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) which is providing the legal basis for the Moose Creek Water System Expansion Project; and,

WHEREAS, the funding contained in the amendment will fund management of obtaining environmental covenants that includes the City's expenses, professional services fees for PDC Engineers to obtain the covenants on behalf of the City and payment of the associated compensation payments to property owners for environmental covenants.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole that it approves the amended Cooperative Agreement W911KB-19-2-5200 with the US Army Corps of Engineers and associated funding to manage acquisition of environmental covenants within the community of Moose Creek in support of the water system expansion Project.

1 **Section 1.** This ordinance is of a general nature and shall not be codified.

2

3 **Section 2.** Effective date.

4 This ordinance shall become effective immediately upon passage.

5

6 **Introduced and Advanced** by a duly constituted quorum of the North Pole City Council this 3rd
7 day of February 2020.

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Michael W. Welch, Mayor

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ATTEST:

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Tricia Fogarty Acting, North Pole City

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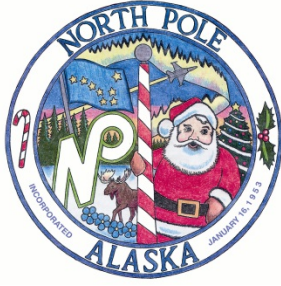
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Clerk

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DRAFT



City of North Pole, Alaska

Fiscal Note Year:

Accompanying Ordinance/Resolution:

Originator / sponsor:

Date:

Does the Ordinance or Resolution have a fiscal impact? **yes** **no**

FUND	Account Description	Account #	Debit	Credit

Summary: (Brief description of proposed alterations as defined by accompanying ordinance or resolution. Where did the money come from and how will it be used).

Prepared By: _____ **Date:** _____

Finance Approval: _____ **Date:** _____

NOTE- Fiscal notes attached to an ordinance are considered amendments to the budget and do not require an additional approval for insertion into the budget document.

**CITY OF NORTH POLE
ORDINANCE NO. 20-06**

**AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA TO AMEND TITLE 13,
PUBLIC SERVICES, CHAPTER 13-20 SEWER SERVICE TO INCLUDE
ENVIRONMENTAL PROTECTION AGENCY MANDATED “DENTAL RULE”
REGULATIONS**

WHEREAS, changes to the public services practices and policies is a continually changing requirement; and

WHEREAS, the City of North Pole Municipal Code should be amended to conform to the requirements of the City; and

WHEREAS, because the North Pole Utility accepts wastewater from industrial dischargers, the Utility’s wastewater discharge permit mandates the Utility issue Industrial Pretreatment Permits to regulated dischargers that reflect limits mandated in the Federal Water Pollution Control Act, also known as the “Clean Water Act,” as amended, 33 USC Section 1251 et seq; and

WHEREAS; pursuant to 40 CFR 403.5(c) the City is authorized to establish local limits that are more stringent but not more lenient than the federal standards; and,

WHEREAS; because the Utility accepts wastewater from dental practices, CFR 40, Chapter 1, Subchapter N, § 441 – “Dental Office Point Source Category” requires the Utility regulate discharges from these facilities; and,

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. Title 13 is amended in the North Pole Code of Ordinances as follows:

13.20.010 General provisions.

13.20-010 Abbreviations. The following abbreviations, when used in this chapter, shall have the designated meanings:

ACC	Alaska Administrative Code
<i>ADA</i>	<i>American Dental Association</i>
ADEC	Alaska Department of Environmental Conservation
<i>ANSI</i>	<i>American National Standard Institute</i>

41	APDES	Alaska Pollutant Discharge Elimination System
42	ASPP	Accidental spill prevention plan
43	BOD	Biochemical oxygen demand
44	BMP	Best management practice
45	BMR	Baseline monitoring report
46	CFR	Code of Federal Regulations
47	CIU	Categorical industrial user
48	COD	Chemical oxygen demand
49	EPA	U.S. Environmental Protection Agency
50	gpd	gallons per day
51	HSS	High strength surcharge
52	<i>ISO</i>	<i>International Organization of Standards</i>
53	IU	Industrial user
54	l	Liter
55	mg	milligrams
56	mg/l	milligrams per liter
57	NPDES	National Pollutant Discharge Elimination System
58	NSCIU	Nonsignificant categorical industrial user
59	O&M	Operations and maintenance
60	POTW	Publicly owned treatment works
61	<i>PSES</i>	<i>Pretreatment Standards for Existing Sources</i>
62	<i>PSNS</i>	<i>Pretreatment Standards for New Sources</i>
63	RCRA	Resource Conservation and Recovery Act
64	SIU	Significant industrial user
65	SNC	Significant noncompliance
66	SWDA	Solid Waste Disposal Act
67	TSS	Total suspended solids
68	UPC	Uniform Plumbing Code
69	USC	United States Code

70

71 D. Definitions. For the purposes of this chapter the following terms shall be defined to mean:

72

73 1. “Act” or “the Act” means the Federal Water Pollution Control Act, also known as the
74 “Clean Water Act,” as amended, 33 USC Section 1251 et seq.

75

76 2. *“Amalgam process wastewater” means any wastewater generated and discharged by a*
77 *dental discharger through the practice of dentistry that may contain dental amalgam.*

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79 3. *“Amalgam separator” means a collection device designed to capture and remove dental*
80 *amalgam from the amalgam process wastewater of a dental facility.*

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4. 2. “Approval authority” means, ~~until October 31, 2009, EPA Region 10 Regional Administrator; after October 31, 2009,~~ the Commissioner of the ADEC.

5. 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 subsections (D)(3)(a) and (b) of this definition 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.

6 4. “Biochemical oxygen demand” or “BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at twenty degrees centigrade, usually expressed as a concentration (e.g., mg/l).

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7. 5. “Best management practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sections 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.

8 6. “Building sewer” means 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.

9 7. “Categorical pretreatment standard” or “categorical standard” means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 USC Section 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405 – 471.

10 8. “Categorical industrial user” means an industrial user subject to a categorical pretreatment standard or categorical standard. If an industrial user qualifies as a CIU, it is also a significant industrial user.

11 9. “Chemical oxygen demand” or “COD” means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

12 10. “City” means the City of North Pole.

13 11. “Clean Water Act” (33 USC Section 1251 et seq.), also noted herein as “CWA,” means the Federal Water Pollution Control Act as amended.

14 12. “Commercial user or contributor” means 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.

15 13. “Control authority” means the City of North Pole.

16 14. “Customer” means an individual, firm, corporation, LLC, partnership, institution or association receiving sanitary sewer service or wastewater treatment service from the City.

- 160 17 15. “Daily maximum” means the arithmetic average of all effluent samples for a
161 pollutant collected during a calendar day.
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- 163 18 16. “Daily maximum limit” means the maximum allowable discharge limit of a
164 pollutant during a calendar day. Where daily maximum limits are expressed in units of
165 mass, the daily discharge is the total mass discharged over the course of the day. Where
166 daily maximum limits are expressed in terms of a concentration, the daily discharge is the
167 arithmetic average measurement of the pollutant concentration derived from all
168 measurements taken that day.
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- 170 19 17. “DEC” or “ADEC” means the State of Alaska Department of Environmental
171 Conservation.
172
- 173 20 *“Dental amalgam” means an alloy of elemental mercury and other metal(s) that is used*
174 *in the practice of dentistry.*
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- 176 21 18. “Domestic sewage” means water carried wastes generated in normal household
177 type activities, with minor quantities of ground, storm and surface waters that are not
178 admitted intentionally without permit.
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- 180 22 19. “Environmental Protection Agency” or “EPA” means the U.S. Environmental
181 Protection Agency or, where appropriate, the Regional Water Management Division
182 Director, the Regional Administrator, or other duly authorized official of said agency.
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- 184 23 20. “Existing source” means any source of discharge that is not a new source.
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- 186 24 21. “Flow equalizing units” means those devices or structures constructed to evenly
187 regulate either or both the strength and volume of wastes.
188
- 189 25 22. “Garbage” means the animal and vegetable waste resulting from the handling,
190 preparing, cooking or serving of foods; and putrescible wastes.
191
- 192 26 23. “Grab sample” means a sample that is taken from a wastestream without regard to
193 the flow in the wastestream and over a period of time not to exceed fifteen minutes.
194
- 195 27 24. “High-strength surcharge (HSS) industries” means industrial users that discharge
196 high-strength wastewater to the wastewater treatment plant and may be charged high-
197 strength fees or rates to recover the cost of treatment.
198

- 199 28 ~~25~~. “Indirect discharge” or “discharge” means the introduction of pollutants into the
200 POTW from any nondomestic source.
201
- 202 29 ~~26~~. “Industrial user or contributor” means an industry or commercial establishment
203 that discharges wastewater having the characteristics of industrial wastes.
204
- 205 30 ~~27~~. “Industrial wastes” means solid, liquid or gaseous waste resulting from any
206 industrial, manufacturing, trade, or business process or from the development, recovery
207 or processing of natural resources.
208
- 209 31 ~~28~~. “Instantaneous limit” means the maximum concentration of a pollutant allowed to
210 be discharged at any time, determined from the analysis of any discrete or composited
211 sample collected, independent of the industrial flow rate and the duration of the sampling
212 event.
213
- 214 32 ~~29~~. “Interference” means a discharge that, alone or in conjunction with a discharge or
215 discharges from other sources, inhibits or disrupts the POTW, its treatment processes or
216 operations or its sludge processes, use or disposal; and therefore, is a cause of a violation
217 of the City’s APDES permit or of the prevention of sewage sludge use or disposal in
218 compliance with any of the following statutory/regulatory provisions or permits issued
219 thereunder, or any more stringent State or local regulations: Section 405 of the Act; the
220 Solid Waste Disposal Act, including Title II commonly referred to as the Resource
221 Conservation and Recovery Act (RCRA); any State regulations contained in any State
222 sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal
223 Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection,
224 Research, and Sanctuaries Act.
225
- 226 33 ~~30~~. “Local limit” means specific discharge limits developed and enforced by the City
227 upon industrial or commercial facilities to implement the general and specific discharge
228 prohibitions listed in 40 CFR 403.5(a)(1) and (b).
229
- 230 34 ~~31~~. “Medical waste” means isolation wastes, infectious agents, human blood and
231 blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical
232 wastes, potentially contaminated laboratory wastes, and dialysis wastes.
233
- 234 35 ~~32~~. “Monthly average” means the sum of all daily discharges measured during a
235 calendar month divided by the number of daily discharges measured during that month.
236

237 36 33. “Monthly average limit” means the highest allowable average of daily discharges
238 over a calendar month, calculated as the sum of all daily discharges measured during a
239 calendar month divided by the number of daily discharges measured during that month.
240

241 37 34. “Natural outlet” means any outlet, including storm sewers and combined sewer
242 overflows, into a water course, pond, ditch, lake or other body of surface or ground water.
243

244 38 35. New Source.
245

246 a. Any building, structure, facility, or installation from which there is (or may be) a
247 discharge of pollutants, the construction of which commenced after the publication of
248 proposed pretreatment standards under Section 307(c) of the Act that will be
249 applicable to such source if such standards are thereafter promulgated in accordance
250 with that section; provided, that:
251

252 i. The building, structure, facility, or installation is constructed at a site at which no
253 other source is located; or
254

255 ii. The building, structure, facility, or installation totally replaces the process or
256 production equipment that causes the discharge of pollutants at an existing source;
257 or
258

259 iii. The production or wastewater generating processes of the building, structure,
260 facility, or installation are substantially independent of an existing source at the
261 same site. In determining whether these are substantially independent, factors
262 such as the extent to which the new facility is integrated with the existing plant,
263 and the extent to which the new facility is engaged in the same general type of
264 activity as the existing source, should be considered.
265

266 b. Construction on a site at which an existing source is located results in a modification
267 rather than a new source if the construction does not create a new building, structure,
268 facility, or installation meeting the criteria of subsection (D)(35)(a)(ii) or (iii) of this
269 definition but otherwise alters, replaces, or adds to existing process or production
270 equipment.
271

272 c. Construction of a new source as defined in this subsection has commenced if the
273 owner or operator has:
274

275 i. Begun, or caused to begin, as part of a continuous on-site construction program,
276 (1) any placement, assembly, or installation of facilities or equipment; or (2)

277 significant site preparation work including clearing, excavation, or removal of
278 existing buildings, structures, or facilities which is necessary for the placement,
279 assembly, or installation of new source facilities or equipment; or
280

281 ii. Entered into a binding contractual obligation for the purchase of facilities or
282 equipment that is intended to be used in its operation within a reasonable time.
283 Options to purchase or contracts that can be terminated or modified without
284 substantial loss, and contracts for feasibility, engineering, and design studies do
285 not constitute a contractual obligation under this subsection.
286

287 ~~39~~ **36.** “Noncontact cooling water” means water used for cooling that does not come into
288 direct contact with any raw material, intermediate product, waste product, or finished
289 product.
290

291 ~~40~~ **37.** “Nondomestic sewage or source” means any liquid, solid or gaseous substances,
292 or combination thereof, resulting from any process of industry, manufacturing, trade or
293 research, including but not limited to the development, recovering or processing of
294 natural resources and leachate from landfills or other disposal sites.
295

296 ~~41~~ **38.** “Pass through” means a discharge which exits the POTW into waters of the
297 United States in quantities or concentrations which, alone or in conjunction with a
298 discharge or discharges from other sources, is a cause of a violation of any requirement of
299 the City’s APDES permit, including an increase in the magnitude or duration of a
300 violation.
301

302 ~~42~~ **39.** “Person” means any individual, partnership, copartnership, firm, company,
303 corporation, association, joint stock company, LLC, trust, estate, governmental entity, or
304 any other legal entity; or their legal representatives, agents, or assigns. This definition
305 includes all Federal, State, and local governmental entities.
306

307 ~~43~~ **40** “PFAS” per- and polyfluoroalkyl substances are a subgroup, the fluorosurfactants
308 or fluorinated surfactants, have a fluorinated “tail” and a hydrophilic “head” and are thus
309 surfactants. They are more effective at lowering the surface tension of water than
310 comparable hydrocarbon surfactants. They include the perfluorosulfonic acids such as the
311 perfluorooctanesulfonic acid (PFOS) and the perfluorocarboxylic acids such as the
312 perfluorooctanoic acid (PFOA). PFOS and PFOA are persistent organic pollutants and
313 are detected in humans and wildlife.

314 ~~44~~ **41.** “pH” means a measure of the acidity or alkalinity of a solution, expressed in
315 standard units.
316

317 45 42. “Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash,
318 sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological
319 materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar
320 dirt, municipal, agricultural and industrial wastes, and certain characteristics of
321 wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

322
323 46 43. “Pretreatment” means the reduction of the amount of pollutants, the elimination of
324 pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or
325 in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be
326 obtained by physical, chemical, or biological processes; by process changes; or by other
327 means, except by diluting the concentration of the pollutants unless allowed by an
328 applicable pretreatment standard.

329
330 47 44. “Pretreatment requirements” means any substantive or procedural requirement
331 related to pretreatment imposed on a user, other than a pretreatment standard.

332
333 48 45. “Pretreatment standards” or “standards” shall mean prohibited discharge
334 standards, categorical pretreatment standards, and local limits.

335
336 49 46. “Prohibited discharge standards” or “prohibited discharges” means absolute
337 prohibitions against the discharge of certain substances; these prohibitions appear in
338 NPMC 13.20.020.

339
340 50 47. “Properly shredded garbage” means the wastes from the preparation, cooking and
341 dispensing of food that have been shredded into such degree that all particles will be
342 carried freely under the flow conditions normally prevailing in public sewers, with no
343 particle greater than one half inch in any dimension.

344
345 51 48. “Public sewer” means a common sewer controlled by a governmental agency or
346 public utility.

347
348 52 49. “Publicly owned treatment works” or “POTW” means a treatment works, as
349 defined by Section 212 of the Act (33 USC Section 1292), which is owned by the City.
350 This definition includes any devices or systems used in the collection, storage, treatment,
351 recycling, and reclamation of sewage or industrial wastes of a liquid nature and any
352 conveyances, which convey wastewater to a treatment plant.

353
354 53 50. “Receiving waters” means those waters into which wastes are discharged.

355

356 54 51. “Residential or domestic user” means a dwelling unit or person which discharges
357 wastewater to the sewers that closely matches domestic sewage as to its volume and
358 strength.
359

360 55 52. “Sanitary interceptor sewer” means a sewer which receives the flow from a
361 number of collector sewers (lateral and trunk sewers) and transports it to a treatment plant
362 and other points of disposal.
363

364 56 53. “Sanitary lateral sewer” means a sanitary sewer of eight-inch diameter which may
365 be from time to time required to extend a sanitary trunk sewer system into a general area
366 for service.
367

368 57 54. “Sanitary trunk sewer” means a sanitary sewer maintained by or proposed for
369 installation by the City of an internal diameter larger than eight inches.
370

371 58 55. “Septic tank waste” or “septage” means any sewage from holding tanks such as
372 vessels, chemical toilets, campers, trailers, and septic tanks.
373

374 59 56. “Service connection” means the pipe and appurtenances required to connect an
375 individual property or facility to the sanitary lateral sewer.
376

377 60 57. “Service line” means the pipe and appurtenances from the lateral sanitary sewer
378 connection and into the private property.
379

380 61 58. “Sewage” means human excrement and gray water (household showers,
381 dishwashing operations, etc.).
382

383 62 59. “Sewer” means a pipe or conduit that carries wastewater.
384

385 63 60. “Sewer collection system” means the sewer and appurtenances required to collect
386 and carry away wastewater from the service connection.
387

388 64 61. Significant Industrial User (SIU). Except as provided in subsections (D)(60)(c)
389 and (d) of this definition, a significant industrial user is:
390

391 a. An industrial user subject to categorical pretreatment standards; or
392

393 b. An industrial user that:
394

- 395 i. Discharges a monthly average of twenty-five thousand gpd or more of process
396 wastewater to the POTW (excluding sanitary, noncontact cooling and boiler
397 blowdown wastewater);
398
- 399 ii. Contributes a process wastestream which makes up five percent or more of the
400 average dry weather hydraulic or organic capacity of the POTW treatment plant;
401 or
402
- 403 iii. Is designated as such by the City on the basis that it has a reasonable potential for
404 adversely affecting the POTW's operation or for violating any pretreatment
405 standard or requirement.
406
- 407 c. The City may determine that an industrial user subject to categorical pretreatment
408 standards is a nonsignificant categorical industrial user rather than a significant
409 industrial user on a finding that the industrial user never discharges more than one
410 hundred gallons per day (gpd) of total categorical wastewater (excluding sanitary,
411 noncontact cooling and boiler blowdown wastewater, unless specifically included in
412 the pretreatment standard) and the following conditions are met:
413
- 414 i. The industrial user, prior to City's finding, has consistently complied with all
415 applicable categorical pretreatment standards and requirements;
416
- 417 ii. The industrial user annually submits the certification statement required in
418 Section J.14 B (see 40 CFR 403.12(q)), together with any additional information
419 necessary to support the certification statement; and
420
- 421 iii. The industrial user never discharges any untreated concentrated wastewater.
422
- 423 d. Upon a finding that a user meeting the criteria in subsection (D)(60)(b) of this section
424 has no reasonable potential for adversely affecting the POTW's operation or for
425 violating any pretreatment standard or requirement, the City may at any time, on its
426 own initiative or in response to a petition received from an industrial user, and in
427 accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should
428 not be considered a significant industrial user.
429

430 ~~65~~ ~~62.~~ "Slug load" or "slug discharge" means any discharge at a flow rate or
431 concentration that could cause a violation of the prohibited discharge standards in NPMC
432 13.20.020(B) and (C). A slug discharge is any discharge of a nonroutine, episodic nature,
433 including but not limited to an accidental spill or a noncustomary batch discharge, which

434 has a reasonable potential to cause interference or pass through, or in any other way
435 violate the POTW's regulations, local limits or permit conditions.

436

437 ~~66~~ ~~63~~. "State" means the State of Alaska.

438

439 ~~67~~ ~~64~~. "Storm water" means any flow occurring during or following any form of natural
440 precipitation, and resulting from such precipitation, including snowmelt.

441

442 ~~68~~ ~~65~~. "Total suspended solids" or "suspended solids" means the total suspended matter
443 that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and
444 that is removable by laboratory filtering.

445

446 ~~69~~ ~~66~~. "Toxic pollutants" means those pollutants or combination of pollutants listed as
447 toxic in regulations promulgated by the administrator of the Environmental Protection
448 Agency under Section 307 of the Clean Water Act.

449

450 ~~70~~ ~~67~~. "Upset" means an exceptional incident in which an industrial user unintentionally
451 and temporarily is in a state of noncompliance with the discharge limitations set forth
452 hereto due to factors beyond the reasonable control of the industrial user, and excluding
453 noncompliance to the extent caused by operational error, improperly designed treatment
454 facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or
455 improper operation thereof.

456

457 ~~71~~ ~~68~~. "User" or "industrial user" means a source of indirect discharge.

458

459 ~~72~~ ~~69~~. "Wastewater" means liquid and water carried industrial wastes and sewage from
460 residential dwellings, commercial buildings, industrial and manufacturing facilities, and
461 institutions, whether treated or untreated, which are contributed to the POTW.

462

463 ~~73~~ ~~70~~. "Wastewater treatment plant" or "treatment plant" means that portion of the
464 POTW that is designed to provide treatment of municipal sewage and industrial waste.
465 (Ord. 12-15 § 2, 2012; Ord. 00-16 § 2, 2000; Ord. 88-1 § 2, 1988; Ord. 87-12 § 3, 1987)

466

467 **13.20.020 Policies and Conditions of Service**

468

469 C. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the
470 following pollutants, substances, or wastewater:

471

472 14. Medical *or dental* wastes, except as specifically authorized by the City in an individual
473 wastewater discharge permit;

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E. Dental Office Point Source Category Adopted by Reference. CFR40, Chapter 1, Subchapter N, § 441 – “Dental Office Point Source Category” is adopted in its entirety by reference.

F E. State Pretreatment Standards. 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.

G 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	0.0345
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
Per- and Polyfluoroalkyl Substances (PFAS)	0.0007
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

513 may impose mass limitations in addition to or in lieu of the concentration-based limitations
514 above.

515
516 3. The City may develop best management practices (BMPs), by ordinance or in individual
517 wastewater discharge permits, to implement local limits and the requirements of
518 subsections (B) and (C) of this section.

519
520 4. The City reserves the right to establish, by ordinance or in individual wastewater
521 discharge permits, more stringent standards or requirements on discharges to the POTW
522 consistent with the purpose of this chapter.

523
524 5. No user shall ever increase the use of process water, or in any way attempt to dilute a
525 discharge, as a partial or complete substitute for adequate treatment to achieve
526 compliance with a discharge limitation unless expressly authorized by an applicable
527 pretreatment standard or requirement. The City may impose mass limitations on users
528 who are using dilution to meet applicable pretreatment standards or requirements, or in
529 other cases when the imposition of mass limitations is appropriate.

530
531 6 Where one or more of the 12 PFAS compounds listed below are detected in a
532 wastewater sample analytical result, the sum of the concentrations for all detected
533 compounds shall not exceed the local limit of 0.00007 mg/l (70 nanograms/liter).

- 534
535 Perfluorobutanesulfonic acid (PFBS)
536 Perfluorodecanoic acid (PFDA)
537 Perfluoroheptanoic acid (PFHpA)
538 Perfluorohexanesulfonic acid (PFHxS)
539 Perfluorohexanoic acid (PFHxA)
540 Perfluorododecanoic acid (PFDoA)
541 Perfluorotetradecanoic acid (PFTeDA)
542 Perfluorononanoic acid (PFNA)
543 Perfluorooctanesulfonic acid (PFOS)
544 Perfluorooctanoic acid (PFOA)
545 Perfluorotridecanoic acid (PFTrDA)
546 Perfluoroundecanoic acid (PFUnA)

547
548 **H G.** Pretreatment of Wastewater.

549
550 1. Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply
551 with this chapter and shall achieve compliance with all categorical pretreatment
552 standards, local limits, and the prohibitions set out in subsections (B) and (C) of this

553 section within the time limitations specified by EPA, the State, or the City, whichever is
554 more stringent. Any facilities necessary for compliance shall be provided, operated, and
555 maintained at the user's expense. Such facilities are subject to the City building codes
556 outlined in NPMC Title 15. Detailed plans describing such facilities and operating
557 procedures shall be submitted to the City for review, and shall be acceptable to the City
558 before such facilities are constructed. The review of such plans and operating procedures
559 shall in no way relieve the user from the responsibility of modifying such facilities as
560 necessary to produce a discharge acceptable to the City under the provisions of this
561 chapter.

562
563 2. Additional Pretreatment Measures.

564
565 a. Whenever deemed necessary, the City may require users to restrict their discharge
566 during peak flow periods, designate that certain wastewater be discharged only into
567 specific sewers, relocate and/or consolidate points of discharge, separate sewage
568 wastestreams from industrial wastestreams, and such other conditions as may be
569 necessary to protect the POTW and determine the user's compliance with the
570 requirements of this chapter.

571
572 b. The City may require any person discharging into the POTW to install and maintain,
573 on their property and at their expense, a suitable storage and flow control facility to
574 ensure equalization of flow. An individual wastewater discharge permit may be
575 issued solely for flow equalization.

576
577 c. Grease, oil, and sand interceptors shall be provided when, in the opinion of the City,
578 they are necessary for the proper handling of wastewater containing excessive
579 amounts of grease and oil, or sand; except that such interceptors shall not be required
580 for residential users. All interception units shall be of a type and capacity approved by
581 the City, and shall be so located to be easily accessible for cleaning and inspection.
582 Such interceptors shall be inspected, cleaned, and repaired by the user at their
583 expense.

584
585 d. Users with the potential to discharge flammable substances may be required to install
586 and maintain an approved combustible gas detection meter.

587
588 3. Accidental Discharge/Slug Discharge Control Plans. The City shall evaluate whether
589 each SIU needs an accidental discharge/slug discharge control plan or other action to
590 control slug discharges. The City may require any user to develop, submit for approval,
591 and implement such a plan or take such other action that may be necessary to control slug

592 discharges. Alternatively, the City may develop such a plan for any user. An accidental
593 discharge/slug discharge control plan shall address, at a minimum, the following:

- 594
- 595 a. Description of discharge practices, including nonroutine batch discharges;
- 596
- 597 b. Description of stored chemicals;
- 598
- 599 c. Procedures for immediately notifying the City of any accidental or slug discharge, as
600 required by subsection (J)(6) of this section; and
601
- 602 d. Procedures to prevent adverse impact from any accidental or slug discharge. Such
603 procedures include, but are not limited to, inspection and maintenance of storage
604 areas, handling and transfer of materials, loading and unloading operations, control of
605 plant site runoff, worker training, building of containment structures or equipment,
606 measures for containing toxic organic pollutants, including solvents, and/or measures
607 and equipment for emergency response.
- 608

609 4. Hauled Wastewater.

- 610
- 611 a. Septic tank waste may be introduced into the POTW only at locations designated by
612 the City, and at such times as are established by the City. Such waste shall not violate
613 subsections (A) through (F) of this section or any other requirements established by
614 the City. The City may require septic tank waste haulers to obtain individual
615 wastewater discharge permits.
616
- 617 b. The City may require haulers of industrial waste to obtain individual wastewater
618 discharge permits. The City may require generators of hauled industrial waste to
619 obtain individual wastewater discharge permits. The City also may prohibit the
620 disposal of hauled industrial waste. The discharge of hauled industrial waste is
621 subject to all other requirements of this chapter.
622
- 623 c. Industrial waste haulers may discharge loads only at locations designated by the City.
624 No load may be discharged without prior consent of the City. The City may collect
625 samples of each hauled load to ensure compliance with applicable standards. The City
626 may require the industrial waste hauler to provide a waste analysis of any load prior
627 to discharge.
628
- 629 d. Industrial waste haulers must document every load on a waste tracking form provided
630 by the City. This form shall include, at a minimum, the name and address of the
631 industrial waste hauler, permit number, truck identification, names and addresses of

632 sources of waste, and volume and characteristics of waste. The form shall identify the
633 type of industry, known or suspected waste constituents, and whether any wastes are
634 RCRA hazardous wastes.

635

636 **I H.** Individual Wastewater Discharge Permits.

637

638 1. Wastewater Analysis. When requested by the City, a user must submit information on the
639 nature and characteristics of its wastewater within sixty days of the request. The City is
640 authorized to prepare a form for this purpose and may periodically require users to update
641 this information.

642

643 2. Individual Wastewater Discharge Permit Requirement.

644

645 a. No significant industrial user or categorical industrial user shall discharge wastewater
646 into the POTW without first obtaining an individual wastewater discharge permit
647 from the City, except that a significant industrial user or categorical industrial user
648 that has filed a timely application pursuant to subsection (H)(3) of this section may
649 continue to discharge for the time period specified therein.

650

651 b. The City may require other users to obtain individual wastewater discharge permits as
652 necessary to carry out the purposes of this chapter.

653

654 c. Any violation of the terms and conditions of an individual wastewater discharge
655 permit shall be deemed a violation of this chapter and subjects the wastewater
656 discharge permittee to the sanctions set out in subsections (N) through (O) of this
657 section. Obtaining an individual wastewater discharge permit does not relieve a
658 permittee of its obligation to comply with all Federal and State pretreatment standards
659 or requirements or with any other requirements of Federal, State, and local law.

660

661 3. Individual Wastewater Discharge Permitting – Existing Connections. Any user required
662 to obtain an individual wastewater discharge permit who was discharging wastewater into
663 the POTW prior to the effective date of the ordinance codified in this chapter and who
664 wishes to continue such discharges in the future shall, within sixty days after said date,
665 apply to the City for an individual wastewater discharge permit in accordance with
666 subsection (H)(5) of this section.

667

668 4. Individual Wastewater Discharge Permitting – New Connections. Any user required to
669 obtain an individual wastewater discharge permit that proposes to begin or recommence
670 discharging into the POTW must obtain such permit prior to the beginning or
671 recommencing of such discharge. An application for this individual wastewater discharge

672 permit in accordance with subsection (H)(5) of this section must be filed at least ninety
673 days prior to the date upon which any discharge will begin or recommence.

674
675 5. Individual Wastewater Discharge Permit Application Contents.

676
677 a. All users required to obtain an individual wastewater discharge permit must submit a
678 permit application. The City may require users to submit all or some of the following
679 information as part of a permit application on a form that will be provided by the
680 City:

681
682 i. Identifying Information.

683
684 (A) The name and address of the facility, including the name of the operator and
685 owner.

686
687 (B) Contact information, description of activities, facilities, and plant production
688 processes on the premises.

689
690 ii. Environmental Permits. A list of any environmental control permits held by or for
691 the facility.

692
693 iii. Description of Operations.

694
695 (A) A brief description of the nature, average rate of production (including each
696 product produced by type, amount, processes, and rate of production), and
697 standard industrial classifications of the operation(s) carried out by such user.
698 This description should include a schematic process diagram, which indicates
699 points of discharge to the POTW from the regulated processes.

700
701 (B) Types of wastes generated and a list of all raw materials and chemicals used
702 or stored at the facility which are, or could accidentally or intentionally be,
703 discharged to the POTW.

704
705 (C) Number and type of employees, hours of operation, and proposed or actual
706 hours of operation.

707
708 (D) Type and amount of raw materials processed (average and maximum per day).
709

710 (E) Site plans, floor plans, mechanical and plumbing plans, and details to show all
711 sewers, floor drains, and appurtenances by size, location, and elevation, and
712 all points of discharge.

713
714 iv. Time and duration of discharges.

715
716 v. The location for monitoring all wastes covered by the permit.

717
718 vi. Flow Measurement. Information showing the measured average daily and
719 maximum daily flow, in gallons per day, to the POTW from regulated process
720 streams and other streams, as necessary, to allow use of the combined
721 wastestream formula set out in subsection (D)(3) of this section (40 CFR
722 403.6(e)).

723
724 vii. Measurement of Pollutants.

725
726 (A) The categorical pretreatment standards applicable to each regulated process
727 and any new categorically regulated processes for existing sources.

728
729 (B) The results of sampling and analysis identifying the nature and concentration,
730 and/or mass, where required by the standard or by the City, of regulated
731 pollutants in the discharge from each regulated process.

732
733 (C) Instantaneous, daily maximum, and long-term average concentrations, or
734 mass, where required, shall be reported.

735
736 (D) The sample shall be representative of daily operations and shall be analyzed in
737 accordance with procedures set out in subsection (J)(10) of this section.
738 Where the standard requires compliance with a BMP or pollution prevention
739 alternative, the user shall submit documentation as required by the City or the
740 applicable standards to determine compliance with the standard.

741
742 (E) Sampling must be performed in accordance with procedures set out in
743 subsection (J)(11) of this section.

744
745 viii. Any other information as may be deemed necessary by the City to
746 evaluate the permit application.

747
748 b. Incomplete or inaccurate applications will not be processed and will be returned to
749 the user for revision.

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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 subsection (J)(14)(a) of this section.
- 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 nonsignificant categorical industrial user by the City pursuant to NPMC 13.20.010(D)(60)(c) must annually submit the signed certification statement in subsection (J)(14)(b) of this section.

7. Individual Wastewater Discharge Permit Decisions. The City will evaluate the data furnished by the user and may require additional information. Within sixty 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.

J 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 years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five 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:

- 790 i. A statement that indicates the wastewater discharge permit issuance date,
791 expiration date and effective date;
792
- 793 ii. A statement that the wastewater discharge permit is nontransferable without prior
794 notification to the City in accordance with subsection (I)(5) of this section, and
795 provisions for furnishing the new owner or operator with a copy of the existing
796 wastewater discharge permit;
797
- 798 iii. Effluent limits, including best management practices, based on applicable
799 pretreatment standards;
800
- 801 iv. Self monitoring, sampling, reporting, notification, and recordkeeping
802 requirements. These requirements shall include an identification of pollutants (or
803 best management practice) to be monitored, sampling location, sampling
804 frequency, and sample type based on Federal, State, and local law;
805
- 806 v. A statement of applicable civil and criminal penalties for violation of
807 pretreatment standards and requirements, and any applicable compliance
808 schedule. Such schedule may not extend the time for compliance beyond that
809 required by applicable Federal, State, or local law;
810
- 811 vi. Requirements to control slug discharge, if determined by the City to be
812 necessary.
813
- 814 b. Individual wastewater discharge permits may contain, but need not be limited to,
815 the following conditions:
816
- 817 i. Limits on the average and/or maximum rate of discharge, time of discharge,
818 and/or requirements for flow regulation and equalization;
819
- 820 ii. Requirements for the installation of pretreatment technology, pollution
821 control, or construction of appropriate containment devices, designed to
822 reduce, eliminate, or prevent the introduction of pollutants into the treatment
823 works;
824
- 825 iii. Requirements for the development and implementation of spill control plans
826 or other special conditions including management practices necessary to
827 adequately prevent accidental, unanticipated, or nonroutine discharges;
828

- 829 iv. Development and implementation of waste minimization plans to reduce the
830 amount of pollutants discharged to the POTW;
831
832 v. Requirements for installation and maintenance of inspection and sampling
833 facilities and equipment, including flow measurement devices;
834
835 vi. A statement that compliance with the individual wastewater discharge permit
836 does not relieve the permittee of responsibility for compliance with all
837 applicable Federal and State pretreatment standards, including those which
838 become effective during the term of the individual wastewater discharge
839 permit; and
840
841 vii. Other conditions as deemed appropriate by the City to ensure compliance with
842 this chapter, and State and Federal laws, rules, and regulations.
843

844 3. Permit Issuance Process.

- 845
846 a. Any person, including the user, may petition the City to reconsider the terms of an
847 individual wastewater discharge permit within thirty days of notice of its issuance.
848
849 i. Failure to submit a timely petition for review shall be deemed to be a waiver of
850 the administrative appeal.
851
852 ii. In its petition, the appealing party must indicate the individual wastewater
853 discharge permit provisions objected to, the reasons for this objection, and the
854 alternative condition, if any, it seeks to place in the individual wastewater
855 discharge permit.
856
857 iii. The effectiveness of the individual wastewater discharge permit shall not be
858 stayed pending the appeal.
859
860 iv. If the City fails to act within thirty days, a request for reconsideration shall be
861 deemed to be denied. Decisions not to reconsider an individual wastewater
862 discharge permit, not to issue an individual wastewater discharge permit, or not to
863 modify an individual wastewater discharge permit shall be considered final
864 administrative actions for purposes of judicial review.
865
866 v. Aggrieved parties seeking judicial review of the final administrative individual
867 wastewater discharge permit decision must do so by filing a complaint with the

868 Superior Court for the Fourth Judicial District of the State of Alaska within the
869 time provided in Alaska Rules of Court, Rules of Appellate Procedure, Rule 602.

- 870
- 871 4. Permit Modification. The City may modify an individual wastewater discharge permit for
872 good cause, including, but not limited to, the following reasons:
- 873
- 874 a. To incorporate any new or revised Federal, State, or local pretreatment standards or
875 requirements;
- 876
- 877 b. To address significant alterations or additions to the user's operation, processes, or
878 wastewater volume or character since the time of the individual wastewater discharge
879 permit issuance;
- 880
- 881 c. A change in the POTW that requires either a temporary or permanent reduction or
882 elimination of the authorized discharge;
- 883
- 884 d. Information indicating that the permitted discharge poses a threat to the City's
885 POTW, City personnel, the receiving waters, or the beneficial reuse of sludge from
886 the POTW;
- 887
- 888 e. Violation of any terms or conditions of the individual wastewater discharge permit;
- 889
- 890 f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater
891 discharge permit application or in any required reporting;
- 892
- 893 g. Revision of or a grant of variance from categorical pretreatment standards pursuant to
894 40 CFR 403.13;
- 895
- 896 h. To correct typographical or other errors in the individual wastewater discharge
897 permit; or
- 898
- 899 i. To reflect a transfer of the facility ownership or operation to a new owner or operator
900 where requested in accordance with subsection (I)(5) of this section.
- 901
- 902 5. Individual Wastewater Discharge Permit Transfer. Individual wastewater discharge
903 permits may be transferred to a new owner or operator only if the permittee gives at least
904 sixty days advance notice to the City and the City approves the individual wastewater
905 discharge permit transfer. The notice to the City must include a written certification by
906 the new owner or operator which:
- 907

- 908 a. States that the new owner and/or operator has no immediate intent to change the
909 facility's operations and processes;
910
911 b. Identifies the specific date on which the transfer is to occur; and
912
913 c. Acknowledges full responsibility for complying with the existing individual
914 wastewater discharge permit.
915

916 Failure to provide advance notice of a transfer renders the individual wastewater
917 discharge permit void as of the date of facility transfer.
918

- 919 6. Individual Wastewater Discharge Permit Revocation. The City may revoke an individual
920 wastewater discharge permit for good cause, including, but not limited to, the following
921 reasons:
922
- 923 a. Failure to notify the City of significant changes to the wastewater prior to the changed
924 discharge;
925
 - 926 b. Failure to provide prior notification to the City of changed conditions pursuant to
927 subsection (J)(5) of this section;
928
 - 929 c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater
930 discharge permit application;
931
 - 932 d. Falsifying self-monitoring reports and certification statements;
933
 - 934 e. Tampering with monitoring equipment;
935
 - 936 f. Refusing to allow the City timely access to the facility premises and records;
937
 - 938 g. Failure to meet effluent limitations;
939
 - 940 h. Failure to pay fines;
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 - 942 i. Failure to pay sewer charges;
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 - 944 j. Failure to meet compliance schedules;
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 - 946 k. Failure to complete a wastewater survey or the wastewater discharge permit
947 application;

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- 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 chapter.

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 subsection (H)(5) of this section, a minimum of ninety 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 subsection (H) of this section.

K J. Reporting Requirements.

- 1. Baseline Monitoring Reports.
 - a. Within either one hundred eighty 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 subsection (J)(1)(b) of this section. At least ninety 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 subsection (J)(1)(b) of this section. 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.

- 988 b. Users described above shall submit the information set forth below:
989
- 990 i. All information required in subsections (H)(5)(a)(i)(A), (ii), (iii)(A), and (vi) of
991 this section.
992
- 993 ii. Measurement of Pollutants.
994
- 995 (A) The user shall provide the information required in subsections
996 (H)(5)(a)(vii)(A) through (D) of this section.
997
- 998 (B) The user shall take a minimum of one representative sample to compile that
999 data necessary to comply with the requirements of this subsection.
1000
- 1001 (C) Samples should be taken immediately downstream from pretreatment facilities
1002 if such exist or immediately downstream from the regulated process if no
1003 pretreatment exists. If other wastewaters are mixed with the regulated
1004 wastewater prior to pretreatment the user should measure the flows and
1005 concentrations necessary to allow use of the combined wastestream formula in
1006 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards.
1007 Where an alternate concentration or mass limit has been calculated in
1008 accordance with 40 CFR 403.6(e) this adjusted limit along with supporting
1009 data shall be submitted to the control authority.
1010
- 1011 (D) Sampling and analysis shall be performed in accordance with subsections
1012 (J)(10) and (11) of this section.
1013
- 1014 (E) The City may allow the submission of a baseline report which utilizes only
1015 historical data so long as the data is representative of current discharge quality
1016 and quantity conditions and provides information sufficient to determine the
1017 need for industrial pretreatment measures.
1018
- 1019 (F) The baseline report shall indicate the time, date and place of sampling and
1020 methods of analysis, and shall certify that such sampling and analysis is
1021 representative of normal work cycles and expected pollutant discharges to the
1022 POTW.
1023
- 1024 iii. Compliance Certification. A statement, reviewed by the user's authorized
1025 representative as defined in NPMC 13.20.010(D)(3) and certified by a qualified
1026 professional, indicating whether pretreatment standards are being met on a
1027 consistent basis and, if not, whether additional operation and maintenance (O&M)

1028 and/or additional pretreatment is required to meet the pretreatment standards and
1029 requirements.

1030
1031 iv. Compliance Schedule. If additional pretreatment and/or O&M will be required to
1032 meet the pretreatment standards, the shortest schedule by which the user will
1033 provide such additional pretreatment and/or O&M must be provided. The
1034 completion date in this schedule shall not be later than the compliance date
1035 established for the applicable pretreatment standard. A compliance schedule
1036 pursuant to this subsection must meet the requirements set out in subsection (J)(2)
1037 of this section.

1038
1039 v. Signature and Report Certification. All baseline monitoring reports must be
1040 certified in accordance with subsection (J)(14)(a) of this section and signed by an
1041 authorized representative as defined in NPMC 13.20.010(D)(3).
1042

1043 2. Compliance Schedule Progress Reports. The following conditions shall apply to the
1044 compliance schedule required by subsection (J)(1)(b)(iv) of this section:

1045
1046 a. The schedule shall contain progress increments in the form of dates for the
1047 commencement and completion of major events leading to the construction and
1048 operation of additional pretreatment required for the user to meet the applicable
1049 pretreatment standards (such events include, but are not limited to, hiring an engineer,
1050 completing preliminary and final plans, executing contracts for major components,
1051 commencing and completing construction, and beginning and conducting routine
1052 operation);

1053
1054 b. No increment referred to above shall exceed nine months;
1055

1056 c. The user shall submit a progress report to the City no later than fourteen days
1057 following each date in the schedule and the final date of compliance including, as a
1058 minimum, whether or not it complied with the increment of progress, the reason for
1059 any delay, and, if appropriate, the steps being taken by the user to return to the
1060 established schedule; and

1061
1062 d. In no event shall more than nine months elapse between such progress reports to the
1063 City.
1064

1065 3. Reports on Compliance with Categorical Pretreatment Standard Deadline. Within ninety
1066 days following the date for final compliance with applicable categorical pretreatment
1067 standards or, in the case of a new source, following commencement of the introduction of

1068 wastewater into the POTW, any user subject to such pretreatment standards and
1069 requirements shall submit to the City a report containing the information described in
1070 subsections (H)(5)(a)(vi) and (vii) and (J)(1)(b)(ii) of this section. For users subject to
1071 equivalent mass or concentration limits established in accordance with the procedures in
1072 subsection (D) of this section, this report shall contain a reasonable measure of the user's
1073 long-term production rate. For all other users subject to categorical pretreatment
1074 standards expressed in terms of allowable pollutant discharge per unit of production (or
1075 other measure of operation), this report shall include the user's actual production during
1076 the appropriate sampling period. All compliance reports must be signed and certified in
1077 accordance with subsection (J)(14)(a) of this section. All sampling will be done in
1078 conformance with subsection (J)(11) of this section.

1079
1080 4. Periodic Compliance Reports.

- 1081
- 1082 a. Any user that is required to have an industrial waste discharge permit and performs
1083 self-monitoring must submit a periodic compliance report by the end of June and
1084 December, or on dates specified by the City, indicating the nature, concentration of
1085 pollutants in the discharge which are limited by pretreatment standards and the
1086 measured or estimated average and maximum daily flows for the reporting period. In
1087 cases where the pretreatment standard requires compliance with a best management
1088 practice (BMP) or pollution prevention alternative, the user must submit
1089 documentation required by the City or the pretreatment standard necessary to
1090 determine the compliance status of the user.
 - 1091
 - 1092 b. All periodic compliance reports must be signed and certified in accordance with
1093 subsection (J)(14)(a) of this section.
 - 1094
 - 1095 c. All wastewater samples must be representative of the user's discharge. Wastewater
1096 monitoring and flow measurement facilities shall be properly operated, kept clean,
1097 and maintained in good working order at all times. The failure of a user to keep its
1098 monitoring facility in good working order shall not be grounds for the user to claim
1099 that sample results are unrepresentative of its discharge.
 - 1100
 - 1101 d. If a user subject to the reporting requirement in this section monitors any regulated
1102 pollutant at the appropriate sampling location more frequently than required by the
1103 City, using the procedures prescribed in subsection (J)(11) of this section, the results
1104 of this monitoring shall be included in the report.
 - 1105

1106 5. Reports of Changed Conditions. Each user must notify the City of any significant
1107 production process or pretreatment process changes to the user's operations or system

1108 that might alter the nature, quality, or volume of its wastewater at least sixty days before
1109 the change occurs.

- 1110
- 1111 a. The City may require the user to submit such information as may be deemed
1112 necessary to evaluate the changed condition, including the submission of a
1113 wastewater discharge permit application under subsection (H)(5) of this section.
1114
 - 1115 b. The City may issue an individual wastewater discharge permit under subsection (I)(7)
1116 of this section or modify an existing wastewater discharge permit under subsection
1117 (I)(4) of this section in response to changed conditions or anticipated changed
1118 conditions.

1119

1120 6. Reports of Potential Problems.

- 1121
- 1122 a. In the case of any discharge, including, but not limited to, accidental discharges,
1123 discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug
1124 discharge or slug load that might cause potential problems for the POTW, the user
1125 shall immediately notify the City of the incident by telephone. This notification shall
1126 include the location of the discharge, type of waste, concentration and volume, if
1127 known, and corrective actions taken by the user.
1128
 - 1129 b. Within five days following such discharge, the user shall submit a detailed written
1130 report describing the cause(s) of the discharge and the measures to be taken by the
1131 user to prevent similar future occurrences. Such notification shall not relieve the user
1132 of any expense, loss, damage, or other liability, which might be incurred as a result of
1133 damage to the POTW, natural resources, or any other damage to person or property;
1134 nor shall such notification relieve the user of any fines, penalties, or other liability
1135 that may be imposed pursuant to this chapter.
1136
 - 1137 c. A notice shall be permanently posted on the user's bulletin board or other prominent
1138 place advising employees who to call in the event of a discharge described in
1139 subsection (J)(6)(a) of this section. Employers shall ensure that all employees who
1140 could cause such a discharge to occur are advised of the emergency notification
1141 procedure.
1142
 - 1143 d. Significant industrial users are required to notify the City immediately of any changes
1144 at its facility affecting the potential for a slug discharge.
- 1145

- 1146 7. Reports from Unpermitted Users. All users not required to obtain an individual
1147 wastewater discharge permit shall provide appropriate reports to the City as the City may
1148 require.
1149
- 1150 8. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user
1151 indicates a violation, the user must notify the City within twenty-four hours of becoming
1152 aware of the violation. The user shall also repeat the sampling and analysis and submit
1153 the results of the repeat analysis to the City within thirty days after becoming aware of
1154 the violation. Resampling by the industrial user is not required if the City performs
1155 sampling at the user's facility at least once a month, or if the City performs sampling at
1156 the user between the time when the initial sampling was conducted and the time when the
1157 user or the City receives the results of this sampling, or if the City has performed the
1158 sampling and analysis in lieu of the industrial user.
1159
- 1160 9. Hazardous Waste. The discharge of hazardous wastes to the City wastewater collection
1161 system is not allowed. Should a discharge occur, the City must be notified immediately
1162 following the procedures described in subsection (J)(6) of this section, in addition to all
1163 other reporting, response and remediation requirements stipulated by City, State, or
1164 Federal laws or regulations.
1165
- 1166 10. Analytical Requirements. All pollutant analyses, including sampling techniques, to be
1167 submitted as part of a wastewater discharge permit application or report shall be
1168 performed in accordance with the techniques prescribed in 40 CFR Part 136 and
1169 amendments thereto, unless otherwise specified in an applicable categorical pretreatment
1170 standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the
1171 pollutant in question, or where the EPA determines that the Part 136 sampling and
1172 analytical techniques are inappropriate for the pollutant in question, sampling and
1173 analyses shall be performed by using validated analytical methods or any other applicable
1174 sampling and analytical procedures approved by EPA and the State of Alaska.
1175
- 1176 11. Sample Collection. Samples collected to satisfy reporting requirements must be based on
1177 data obtained through appropriate sampling and analysis performed during the period
1178 covered by the report, based on data that is representative of conditions occurring during
1179 the reporting period.
1180
- 1181 a. Except as indicated in subsections (J)(11)(b) and (c) of this section, the user must
1182 collect wastewater samples using twenty-four-hour flow proportional composite
1183 sampling techniques, unless time proportional composite sampling or grab sampling
1184 is authorized by the City. Where time proportional composite sampling or grab
1185 sampling is authorized by the City, the samples must be representative of the

1186 discharge. Using protocols (including appropriate preservation) specified in 40 CFR
1187 Part 136 and appropriate EPA guidance, multiple grab samples collected during a
1188 twenty-four-hour period may be composited prior to the analysis as follows: for
1189 cyanide, total phenols, and sulfides the samples may be composited in the laboratory
1190 or in the field; for volatile organics and oil and grease, the samples may be
1191 composited in the laboratory. Composite samples for other parameters unaffected by
1192 the compositing procedures as documented in approved EPA methodologies may be
1193 authorized by the City, as appropriate. In addition, grab samples may be required to
1194 show compliance with instantaneous limits.

- 1195
- 1196 b. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and
1197 volatile organic compounds must be obtained using grab collection techniques.
- 1198
- 1199 c. For sampling required in support of baseline monitoring and ninety-day compliance
1200 reports required in subsections (J)(1) and (3) of this section (40 CFR 403.12(b) and
1201 (d)), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil
1202 and grease, sulfide and volatile organic compounds for facilities for which historical
1203 sampling data do not exist; for facilities for which historical sampling data are
1204 available, the City may authorize a lower minimum. For the reports required by
1205 subsection (J)(4) of this section (40 CFR 403.12(e) and 403.12(h)), the industrial user
1206 is required to collect the number of grab samples necessary to assess and assure
1207 compliance by with applicable pretreatment standards and requirements.

1208

1209 12. Date of Receipt of Reports. Written reports will be deemed to have been submitted on the
1210 date postmarked. For reports which are not mailed, postage prepaid, into a mail facility
1211 serviced by the United States Postal Service, the date of receipt of the report shall govern.

1212

1213 13. Recordkeeping. Users subject to the reporting requirements of this chapter shall retain,
1214 and make available for inspection and copying, all records of information obtained
1215 pursuant to any monitoring activities required by this chapter, any additional records of
1216 information obtained pursuant to monitoring activities undertaken by the user
1217 independent of such requirements, and documentation associated with best management
1218 practices established under subsection (F)(3) of this section. Records shall include the
1219 date, exact place, method, and time of sampling, and the name of the person(s) taking the
1220 samples; the dates analyses were performed; who performed the analyses; the analytical
1221 techniques or methods used; and the results of such analyses. These records shall remain
1222 available for a period of at least three years, or the duration of the user's waste discharge
1223 permit, whichever is longer. This period shall be automatically extended for the duration
1224 of any litigation concerning the user or the City, or where the user has been specifically
1225 notified of a longer retention period by the City.

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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 subsection (H)(6) of this section; users submitting baseline monitoring reports under subsection (J)(1)(b)(v) of this section; users submitting reports on compliance with the categorical pretreatment standard deadlines under subsection (J)(3) of this section; and users submitting periodic compliance reports required by subsections (J)(4)(a) through (c) of this section. The following certification statement must be signed by an authorized representative as defined in NPMC 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 Nonsignificant Categorical Industrial Users. A facility determined to be a nonsignificant categorical industrial user by the City pursuant to NPMC 13.20.010(D)(60)(c) and subsection (H)(6) of this section must annually submit the following certification statement signed in accordance with the signatory requirements in NPMC 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);

1265 (b) The facility complied with all applicable Pretreatment Standards and requirements during this
1266 reporting period; and (c) the facility never discharged more than 100 gallons of total categorical
1267 wastewater on any given day during this reporting period.

1268

1269 This compliance certification is based on the following information.

1270

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1275 **L K.** Compliance Monitoring.

1276

1277 1. Right of Entry – Inspection and Sampling. The City shall have the right to enter the
1278 premises of any user to determine whether the user is complying with all requirements of
1279 this chapter and any individual wastewater discharge permit or order issued hereunder.

1280 Users shall allow the City ready access to all parts of the premises for the purposes of
1281 inspection, sampling, records examination and copying, and the performance of any
1282 additional duties.

1283

1284 a. Where a user has security measures in force that require proper identification and
1285 clearance before entry into its premises, the user shall make necessary arrangements
1286 with its security guards so that, upon presentation of suitable identification, the City
1287 shall be permitted to enter without delay for the purposes of performing specific
1288 responsibilities.

1289

1290 b. The City shall have the right to set up on the user’s property, or require installation of,
1291 such devices as are necessary to conduct sampling and/or metering of the user’s
1292 operations.

1293

1294 c. The City may require the user to install monitoring equipment as necessary. The
1295 facility’s sampling and monitoring equipment shall be maintained at all times in a
1296 safe and proper operating condition by the user at its own expense. All devices used
1297 to measure wastewater flow and quality shall be calibrated annually to ensure their
1298 accuracy.

1299

1300 d. Any temporary or permanent obstruction to safe and easy access to the facility to be
1301 inspected and/or sampled shall be promptly removed by the user at the written or
1302 verbal request of the City and shall not be replaced. The costs of clearing such access
1303 shall be born by the user.

1304

1305 e. Unreasonable delays in allowing the City access to the user’s premises shall be a
1306 violation of this chapter.

1307
1308 2. Search Warrants. If the City has been refused access to a building, structure, or property,
1309 or any part thereof, and is able to demonstrate probable cause to believe that there may be
1310 a violation of this chapter, or that there is a need to inspect and/or sample as part of a
1311 routine inspection and sampling program of the City designed to verify compliance with
1312 this chapter or any permit or order issued hereunder, or to protect the overall public
1313 health, safety and welfare of the community, the City may seek issuance of a search
1314 warrant from the Superior Court of the Fourth Judicial District of the State of Alaska.
1315 Such warrant shall be served by the City in the company of a uniformed police officer.
1316

1317 **M L.** Confidential Information. Information and data on a user obtained from reports, surveys,
1318 wastewater discharge permit applications, individual wastewater discharge permits, and
1319 monitoring programs, and from the City’s inspection and sampling activities, shall be
1320 available to the public without restriction, unless the user specifically requests, and is able to
1321 demonstrate to the satisfaction of the City, that the release of such information would divulge
1322 information, processes, or methods of production entitled to protection as trade secrets under
1323 applicable State law. Any such request must be asserted at the time of submission of the
1324 information or data. When requested and demonstrated by the user furnishing a report that
1325 such information should be held confidential, the portions of a report which might disclose
1326 trade secrets or secret processes shall not be made available for inspection by the public, but
1327 shall be made available immediately upon request to governmental agencies for uses related
1328 to the APDES program or pretreatment program, and in enforcement proceedings involving
1329 the person furnishing the report. Wastewater constituents and characteristics and other
1330 effluent data, as defined at 40 CFR 2.302, shall not be recognized as confidential information
1331 and shall be available to the public without restriction.
1332

1333 **N M.** Publication of Users in Significant Noncompliance. The City shall publish annually, in
1334 the City’s newspaper of record, a list of the users which, at any time during the previous
1335 twelve months, were in significant noncompliance with applicable pretreatment standards
1336 and requirements. The term “significant noncompliance” shall be applicable to all significant
1337 industrial users (or any other industrial user that violates subsection (M)(3), (4) or (8) of this
1338 section) and shall mean:

1339
1340 1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-
1341 six percent or more of all the measurements taken for the same pollutant parameter taken
1342 during a six-month period exceed (by any magnitude) a numeric pretreatment standard or
1343 requirement, including instantaneous limits as defined in NPMC 13.20.010(D);
1344

- 1345 2. Technical review criteria (TRC) violations, defined here as those in which thirty-three
1346 percent or more of wastewater measurements taken for each pollutant parameter during a
1347 six-month period equals or exceeds the product of the numeric pretreatment standard or
1348 requirement, including instantaneous limits, as defined by NPMC 13.20.010(D),
1349 multiplied by the applicable criteria (1.4 for BOD, COD, TSS, fats, oils and grease, and
1350 1.2 for all other pollutants except pH);
1351
- 1352 3. Any other violation of a pretreatment standard or requirement as defined by NPMC
1353 13.20.010(D) (daily maximum, long-term average, instantaneous limit, or narrative
1354 standard) that the City determines has caused, alone or in combination with other
1355 discharges, interference or pass through, including endangering the health of POTW
1356 personnel or the general public;
1357
- 1358 4. Any discharge of a pollutant that has caused imminent endangerment to the public or to
1359 the environment, or has resulted in the City's exercise of its emergency authority to halt
1360 or prevent such a discharge;
1361
- 1362 5. Failure to meet, within ninety days of the scheduled date, a compliance schedule
1363 milestone contained in an individual wastewater discharge permit or enforcement order
1364 for starting construction, completing construction, or attaining final compliance;
1365
- 1366 6. Failure to provide within forty-five days after the due date any required reports, including
1367 baseline monitoring reports, reports on compliance with categorical pretreatment standard
1368 deadlines, periodic self-monitoring reports, and reports on compliance with compliance
1369 schedules;
1370
- 1371 7. Failure to accurately report noncompliance; or
1372
- 1373 8. Any other violation(s), which may include a violation of best management practices,
1374 which the City determines will adversely affect the operation or implementation of the
1375 local pretreatment program.
1376

1377 ~~O N~~. Administrative Enforcement Remedies.

- 1378
- 1379 1. Notification of Violation. When the City finds that a user has violated, or continues to
1380 violate, any provision of this chapter, an individual wastewater discharge permit, or order
1381 issued hereunder, or any other pretreatment standard or requirement, the City may serve upon
1382 that user a written notice of violation. Within fifteen days of the receipt of such notice, an
1383 explanation of the violation, and a plan for the satisfactory correction and prevention thereof,
1384 to include specific required actions, shall be submitted by the user to the City. Submission of

1385 such a plan in no way relieves the user of liability for any violations occurring before or after
1386 receipt of the notice of violation. Nothing in this section shall limit the authority of the City
1387 to take any action, including emergency actions or any other enforcement action, without
1388 first issuing a notice of violation.

1389

1390 2. Consent Orders. The City may enter into consent orders, assurances of compliance, or other
1391 similar documents establishing an agreement with any user responsible for noncompliance.
1392 Such documents shall include specific action to be taken by the user to correct the
1393 noncompliance within a time period specified by the document. Such documents shall have
1394 the same force and effect as the administrative orders issued pursuant to subsections (N)(4)
1395 and (5) of this section and shall be judicially enforceable.

1396

1397 3. Show Cause Hearing. The City may order a user which has violated, or continues to violate,
1398 any provision of this chapter, an individual wastewater discharge permit, or order issued
1399 hereunder, or any other pretreatment standard or requirement, to appear before the City and
1400 show cause why the proposed enforcement action should not be taken. Notice shall be served
1401 on the user specifying the time and place for the meeting, the proposed enforcement action,
1402 the reasons for such action, and a request that the user show cause why the proposed
1403 enforcement action should not be taken. The notice of the meeting shall be served personally
1404 or by registered or certified mail (return receipt requested) at least twenty days prior to the
1405 hearing. Such notice may be served on any authorized representative of the user as defined in
1406 NPMC 13.20.010(D)(3) and required by subsection (H)(6)(a) of this section. A show cause
1407 hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

1408

1409 4. Compliance Orders. When the City finds that a user has violated, or continues to violate, any
1410 provision of this chapter, an individual wastewater discharge permit, or order issued
1411 hereunder, or any other pretreatment standard or requirement, the City may issue an order to
1412 the user responsible for the discharge directing that the user come into compliance within a
1413 specified time. If the user does not come into compliance within the time provided, sewer
1414 service may be discontinued unless adequate treatment facilities, devices, or other related
1415 appurtenances are installed and properly operated. Compliance orders also may contain other
1416 requirements to address the noncompliance, including additional self monitoring and
1417 management practices designed to minimize the amount of pollutants discharged to the
1418 sewer. A compliance order may not extend the deadline for compliance established for a
1419 pretreatment standard or requirement, nor does a compliance order relieve the user of liability
1420 for any violation, including any continuing violation. Issuance of a compliance order shall
1421 not be a bar against, or a prerequisite for, taking any other action against the user.

1422

1423 5. Cease and Desist Orders. When the City finds that a user has violated, or continues to violate,
1424 any provision of this chapter, an individual wastewater discharge permit, or order issued

1425 hereunder, or any other pretreatment standard or requirement, or that the user's past
1426 violations are likely to recur, the City may issue an order to the user directing it to cease and
1427 desist all such violations and directing the user to:

- 1428
- 1429 a. Immediately comply with all requirements; and
 - 1430
 - 1431 b. Take such appropriate remedial or preventive action as may be needed to properly
1432 address a continuing or threatened violation, including halting operations and/or
1433 terminating the discharge. Issuance of a cease and desist order shall not be a bar against,
1434 or a prerequisite for, taking any other action against the user.
 - 1435

1436 6. Administrative Fines.

- 1437
- 1438 a. When the City finds that a user has violated, or continues to violate, any provision of this
1439 chapter, an individual wastewater discharge permit, or order issued hereunder, or any
1440 other pretreatment standard or requirement, the City may fine such user in an amount not
1441 to exceed \$1,000 (one thousand dollars). Such fines shall be assessed on a per-violation,
1442 per-day basis. In the case of monthly or other long-term average discharge limits, fines
1443 shall be assessed for each day during the period of violation.
 - 1444
 - 1445 b. Unpaid charges, fines, and penalties shall, after thirty calendar days, be assessed an
1446 additional penalty of ten percent of the unpaid balance, and interest shall accrue thereafter
1447 at a rate of ten and one-half percent per month. A lien against the user's property shall be
1448 sought for unpaid charges, fines, and penalties.
 - 1449
 - 1450 c. Users desiring to dispute such fines must file a written request for the City to reconsider
1451 the fine along with full payment of the fine amount within twenty days of being notified
1452 of the fine. Where a request has merit, the City may convene a hearing on the matter. In
1453 the event the user's appeal is successful, the payment, together with any interest accruing
1454 thereto, shall be returned to the user. The City may add the costs of preparing
1455 administrative enforcement actions such as notices and orders, and any additional legal
1456 expenses, to the fine.
 - 1457
 - 1458 d. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking
1459 any other action against the user.

- 1460
- 1461 7. Emergency Suspensions. The City may immediately suspend a user's discharge, after
1462 informal notice to the user, whenever such suspension is necessary to stop an actual or
1463 threatened discharge, which reasonably appears to present or cause an imminent or
1464 substantial endangerment to the health or welfare of persons. The City may also immediately

1465 suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere
1466 with the operation of the POTW, or which presents, or may present, an endangerment to the
1467 environment.

1468
1469 a. Any user notified of a suspension of its discharge shall immediately stop or eliminate its
1470 contribution. In the event of a user's failure to immediately comply voluntarily with the
1471 suspension order, the City may take such steps as deemed necessary, including immediate
1472 severance of the sewer connection, to prevent or minimize damage to the POTW, its
1473 receiving stream, or endangerment to any individuals. The City may allow the user to
1474 recommence its discharge when the user has demonstrated to the satisfaction of the City
1475 that the period of endangerment has passed, unless the termination proceedings in
1476 subsection (N)(8) of this section are initiated against the user.

1477
1478 b. A user that is responsible, in whole or in part, for any discharge presenting imminent
1479 endangerment shall submit a detailed written statement, describing the causes of the
1480 harmful contribution and the measures taken to prevent any future occurrence, to the City
1481 prior to the date of any show cause or termination hearing under subsection (N)(3) or (8)
1482 of this section.

1483
1484 Nothing in this section shall be interpreted as requiring a hearing prior to any emergency
1485 suspension under this section.

1486
1487 8. Termination of Discharge. In addition to the provisions in subsection (I)(6) of this
1488 section, any user who violates the following conditions is subject to discharge
1489 termination:

1490
1491 a. Violation of individual wastewater discharge permit conditions;

1492
1493 b. Failure to accurately report the wastewater constituents and characteristics of its
1494 discharge;

1495
1496 c. Failure to report significant changes in operations or wastewater volume, constituents,
1497 and characteristics prior to discharge;

1498
1499 d. Refusal of reasonable access to the user's premises for the purpose of inspection,
1500 monitoring, or sampling; or

1501
1502 e. Violation of the pretreatment standards in this section.

1503

1504 Such user will be notified of the proposed termination of its discharge and be offered
1505 an opportunity to show cause under subsection (N)(3) of this section why the
1506 proposed action should not be taken. Exercise of this option by the City shall not be a
1507 bar to, or a prerequisite for, taking any other action against the user.
1508

1509 **P Θ.** Judicial Enforcement Remedies.
1510

1511 1. Injunctive Relief. When the City finds that a user has violated, or continues to violate,
1512 any provision of this chapter, an individual wastewater discharge permit, or order issued
1513 hereunder, or any other pretreatment standard or requirement, the City may petition the
1514 Superior Court of the Fourth Judicial District of the State of Alaska through the City's
1515 Attorney for the issuance of a temporary or permanent injunction, as appropriate, which
1516 restrains or compels the specific performance of the individual wastewater discharge
1517 permit, order, or other requirement imposed by this chapter on activities of the user. The
1518 City may also seek such other action as is appropriate for legal and/or equitable relief,
1519 including a requirement for the user to conduct environmental remediation. A petition for
1520 injunctive relief shall not be a bar against, or a prerequisite for, taking any other action
1521 against a user.
1522

1523 2. Civil Penalties.
1524

1525 a. A user who has violated, or continues to violate, any provision of this chapter, an
1526 individual wastewater discharge permit, or order issued hereunder, or any other
1527 pretreatment standard or requirement shall be liable to the City for a maximum civil
1528 penalty of \$1,000 (one thousand dollars) per violation, per day. In the case of a
1529 monthly or other long-term average discharge limit, penalties shall accrue for each
1530 day during the period of the violation.
1531

1532 b. The City may recover reasonable attorneys' fees, court costs, and other expenses
1533 associated with enforcement activities, including sampling and monitoring expenses,
1534 and the cost of any actual damages incurred by the City.
1535

1536 c. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking
1537 any other action against a user.
1538

1539 3. Criminal Prosecution.
1540

1541 a. A user who willfully or negligently violates any provision of this chapter, an individual
1542 wastewater discharge permit, or order issued hereunder, or any other pretreatment
1543 standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable

1544 by a fine of not more than \$1,000 (one thousand dollars) per violation, per day, or
1545 imprisonment for not more than six months, or both.

1546
1547 b. A user who willfully or negligently introduces any substance into the POTW which
1548 causes personal injury or property damage shall, upon conviction, be guilty of a
1549 misdemeanor and be subject to a penalty of at least \$1,000 (one thousand dollars) per
1550 violation, per day, or be subject to imprisonment for not more than six months or both.
1551 This penalty shall be in addition to any other cause of action for personal injury or
1552 property damage available under State law.

1553
1554 c. A user who knowingly makes any false statements, representations, or certifications in
1555 any application, record, report, plan, or other documentation filed, or required to be
1556 maintained, pursuant to this chapter, individual wastewater discharge permit, or order
1557 issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any
1558 monitoring device or method required under this chapter shall, upon conviction, be
1559 punished by a fine of not more than \$1,000 (one thousand dollars) per violation, per
1560 day, or imprisonment for not more than six months, or both.

1561
1562 d. In the event of a second conviction, a user shall be punished by a fine of not more than
1563 \$1,000 (one thousand dollars) per violation, per day, or imprisonment for not more than
1564 six months, or both.

1565
1566 4. Remedies Nonexclusive. The remedies provided for in this chapter are not exclusive. the
1567 City may take any, all, or any combination of these actions against a noncompliant user.
1568 Enforcement of pretreatment violations will generally be in accordance with the City's
1569 enforcement response plan. However, the City may take other action against any user
1570 when the circumstances warrant. Further, the City is empowered to take more than one
1571 enforcement action against any noncompliant user.

1572
1573 **Q P.** Supplemental Enforcement Action.

1574
1575 1. Penalties for Late Reports. A late fee of \$100 (one hundred dollars) shall be assessed to
1576 any user for each day that a report required by this chapter or a permit or order issued
1577 hereunder is late, beginning five days after the date the report is due. For reports that are
1578 more than ten calendar days late, a late fee of \$500 (five hundred dollars) per day shall be
1579 assessed beginning on the eleventh day that the report is overdue. Actions taken by the
1580 City to collect late reporting penalties shall not limit the City's authority to initiate other
1581 enforcement actions that may include penalties for late reporting violations.

1582

1583 2. Water Supply Severance. Whenever a user has violated or continues to violate any
1584 provision of this chapter, an individual wastewater discharge permit, or order issued
1585 hereunder, or any other pretreatment standard or requirement, water service to the user
1586 may be severed. Service will recommence, at the user's expense, only after the user has
1587 satisfactorily demonstrated its ability to comply.

1588
1589 3. Informant Rewards. The City may pay up to \$5,000 (five thousand dollars) for
1590 information leading to the discovery of noncompliance by a user. In the event that the
1591 information provided results in a civil penalty or an administrative fine levied against the
1592 user, the City may disperse up to twenty percent of the collected fine or penalty to the
1593 informant. However, a single reward payment may not exceed \$5,000 (five thousand
1594 dollars).

1595
1596 **R Q.** Affirmative Defenses to Discharge Violations.

1597
1598 1. Upset.

1599
1600 a. For the purposes of this section, upset means an exceptional incident in which there is
1601 unintentional and temporary noncompliance with categorical pretreatment standards
1602 because of factors beyond the reasonable control of the user. An upset does not
1603 include noncompliance to the extent caused by operational error, improperly designed
1604 treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or
1605 careless or improper operation.

1606
1607 b. An upset shall constitute an affirmative defense to an action brought for
1608 noncompliance with categorical treatment standards if the requirements of subsection
1609 (Q)(1)(c) of this section are met.

1610
1611 c. A user who wishes to establish the affirmative defense of upset shall demonstrate,
1612 through properly signed, contemporaneous operating logs, or other relevant evidence
1613 that:

1614
1615 i. An upset occurred and the user can identify the cause(s) of the upset;

1616
1617 ii. The facility was at the time being operated in a prudent and workmanlike manner
1618 and in compliance with applicable operation and maintenance procedures; and

1619
1620 iii. The user has submitted the following information to the City within twenty-four
1621 hours of becoming aware of the upset (if this information is provided orally, a
1622 written submission must be provided within five days):

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

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

(C) 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 subsection (B) of this section or the specific prohibitions in subsections (C)(3) and (4) of this section 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:

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- 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 provisions of subsections (Q)(3)(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 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 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five 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 hours.
- d. Bypass.
- i. Bypass is prohibited, and the City may take an enforcement action against a user for a bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

1702 (B) There were no feasible alternatives to the bypass, such as the use of auxiliary
1703 treatment facilities, retention of untreated wastes, or maintenance during
1704 normal periods of equipment downtime. This condition is not satisfied if
1705 adequate backup equipment should have been installed in the exercise of
1706 reasonable engineering judgment to prevent a bypass which occurred during
1707 normal periods of equipment downtime or preventive maintenance; and
1708

1709 (C) The user submitted notices as required under subsection (Q)(3)(c) of this
1710 section.

1711
1712 ii. The City may approve an anticipated bypass, after considering its adverse effects,
1713 if the City determines that it will meet the three conditions listed in subsection
1714 (Q)(3)(d)(i) of this section.

1715

1716 **S R.** Private Wastewater Disposal.

1717

1718 1. Where a public sewer is not available under the provisions of the Uniform Plumbing
1719 Code (UPC), the building sewer shall be connected to a private wastewater disposal
1720 system complying with the same provisions and applicable City, State and Federal
1721 requirements.

1722

1723 2. Upon completion of construction of a sewer system extension in an area, the City shall
1724 publish a notice that sewer service is available to serve the property owners of that area.

1725

1726 a. The owner of a property located within the corporate City limits of the City of North Pole
1727 as defined in subsection (A)(4) of this section and served by a private wastewater
1728 disposal system shall have installed or cause to be installed, at his expense, a connection
1729 to the public sewer within no less than two years from the date such sewer service is
1730 declared to be available, or any other timetable as prescribed by City Council or City
1731 code. Prior to the sale of a property served by a wastewater service system, hookup to the
1732 wastewater service is required. The connection shall be of a type and installed in a
1733 manner consistent with this chapter. Monthly wastewater fees as established by City code
1734 shall begin at time of such connection.

1735

1736 b. The owner of a property located outside of the corporate City limits of the City of North
1737 Pole may connect to a sewer system extension in an area. Connection to the sewer system
1738 shall be at their expense. The connection shall be of a type and installed in a manner
1739 consistent with this chapter. Monthly wastewater fees as established by City code shall
1740 begin at time of such connection.

1741

1742 3. Tie-in fees for new service areas are to be established by resolution of the Council. Tie-in
1743 fees are due at time of connection; however, arrangements may be made to amortize tie-
1744 in fees over a twelve-month period.

1745
1746 4. Failure to connect to available sewer service within the two-year time period shall be
1747 cause for the property owner to be billed and required to pay the applicable monthly
1748 wastewater fee on an ongoing month-by-month basis. In addition, the tie-in fee becomes
1749 due and payable; however, arrangements may be made to amortize tie-in fees over a
1750 twelve-month period.

1751
1752 5. Failure to connect or pay applicable fees within three years of notice shall be cause for
1753 the City to file a lien against said property for outstanding tie-in fees and/or wastewater
1754 fees. Such lien shall be reviewed annually and may be adjusted to reflect actual
1755 outstanding balances.

1756
1757 **T S.** Building Sewers. All building sewers shall be installed in complete accordance with City
1758 of North Pole service line requirements for water and wastewater commercial and residential
1759 structures and provisions of the latest version of the Uniform Plumbing Code and
1760 amendments adopted by the City.

1761
1762 **U F.** Service Connection.

1763
1764 1. No unauthorized person(s) shall uncover, make any connections with or openings into,
1765 use, alter or disturb any public sewer or appurtenance thereof without first obtaining a
1766 written sewer connection permit from the Mayor or designated representative.

1767
1768 2. Where construction, repair, maintenance and excavation in public streets are involved,
1769 see North Pole water and sewer standards of construction.

1770
1771 3. The owner shall be responsible to the City for any loss or damage that may directly or
1772 indirectly be occasioned by the installation of the service connection.

1773
1774 4. All requested permit applications shall be screened and evaluated by the Director of City
1775 Services and the Mayor or designated representative to determine the following:

1776
1777 a. The quantity and characteristics of the sewage to be introduced;

1778
1779 b. The availability of a public sewer;

1780
1781 c. The sufficiency of the public sewer capacity;

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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 the most current edition of the Uniform Plumbing Code adopted by the City.

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.

a. Exceptions where the Utility has approved a single customer service line to serve multiple utility customers at a single property, as in duplex or multiplex properties, the property owner shall be responsible for the customer sewer line from the sewer main to the property. (See subsection (U) of this section.)

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

1822 accordance with the Uniform Plumbing Code and the local limits criteria listed in
1823 subsection (F)(2) of this section. Final acceptance of such a device and the operation and
1824 maintenance plan to ensure its proper performance is subject to approval by the North
1825 Pole Utility. Further applicability and information on this requirement can be obtained
1826 from the North Pole Utility.

1827

1828 10. Installation of sewer stub line and sewer connections:

1829

1830 a. All sewer stub lines shall be installed and mains tapped by a contractor licensed by
1831 the State. As a prerequisite to commencing any work on the Utility, the contractor
1832 shall furnish:

1833

1834 i. Contractor's license (State of Alaska);

1835

1836 ii. Proof of workman's compensation insurance, if required by law;

1837

1838 iii. A bond in the amount of \$5,000 (five thousand dollars);

1839

1840 iv. Other proof of capability to perform such work as required by the Director of City
1841 Services.

1842

1843 b. The party or parties installing the building sewer line portion outside the street right-
1844 of-way need not meet the requirements of a bonded contractor as outlined above, but
1845 they shall make the City aware of their capabilities to perform such work. Those
1846 installing this portion of the sewer service line will, however, be required to meet the
1847 same material and workmanship qualifications outlined in the City of North Pole
1848 standard of construction specifications.

1849

1850 **V U.** Maintenance and Repair. The property owner shall be responsible for all maintenance
1851 and repair of their service line, connection cleanouts, backwater valves, and shall further be
1852 responsible for the removal of soft plugs or debris which accumulate in their service line or
1853 connection as well as frozen service line and connections. The property owner shall ensure
1854 that all-weather access is available to sewer system personnel for cleanouts, valves, control
1855 manholes and pretreatment facilities located on user property.

1856

1857 **W V.** Claim for Sewage Blockages.

1858

1859 1. Subject to the provisions of subsection (V)(2) of this section, if it is determined that a
1860 backup problem stems from a blockage within a City sewer easement or a main line plug

1861 and the property owner notifies the sewer manager prior to incurring costs for cleaning
1862 and/or thawing, the customer is eligible for reimbursement of such costs.

1863
1864 2. If it is determined that a backup problem stems from a blockage or other malfunction
1865 existing within a sewer interceptor or lateral located within the City easement, and if it is
1866 determined that such interceptor or lateral was installed by a person, corporation or other
1867 entity who, at the time of such installation, was not under contract with the City to install
1868 such improvements, then and in such event, the property owner shall have the burden of
1869 showing that the person, corporation, or other entity responsible for such installation
1870 complied with the provisions of this code prior to connection to the municipal sewer
1871 system. If such compliance cannot be established, the customer shall not be eligible for
1872 reimbursement of the costs of cleaning and/or thawing, or repairing such broken
1873 connection or other obstruction.

1874
1875 3. The City will reimburse the customer for steam thawing when performed by a licensed
1876 bonded contractor if:

- 1877
- 1878 a. It is determined that the total cost has been paid to the vendor; and
 - 1879
 - 1880 b. An original copy of the vendor's invoice, marked paid, is submitted to the City within
1881 one hundred twenty days of the date the work was performed; and
 - 1882
 - 1883 c. When it has been determined that the backup and/or freezing was caused by a main
1884 line plug.

1885
1886 4. Liability resulting from blockages shall be limited in any event to reimbursement for
1887 correction of the blockage.

1888
1889 ~~X W~~. Liability for Damages Due to Failure of Service. The sewer utility will exercise
1890 reasonable diligence in furnishing utility service in compliance with applicable laws and
1891 regulations but will not be liable for damage caused by interruptions to service, irregularity
1892 of services, or failure of service which occurs as a result of failure of utility facilities,
1893 accidents, acts by third persons, or circumstances beyond the Utility's reasonable control.

1894
1895 ~~Y X~~. Service Interruptions. The sewer utility reserves the right to temporarily suspend services
1896 when necessary for the purpose of new installations, repairs, testing, modification, expansion,
1897 correction or replacement of the system. The Utility will attempt to notify affected utility
1898 users of impending service interruptions where possible and where not precluded by
1899 emergency conditions. The Utility will exercise reasonable diligence in avoiding
1900 inconvenience which may arise out of necessary service interruptions.

1901
1902 **Z** ~~Y~~. Disclaimer of Warranty. Any approval by the City of a type, kind or capacity of an
1903 installation shall not relieve a person of the responsibility of revamping, enlarging or
1904 otherwise modifying such installation to accomplish an intended purpose, nor shall any
1905 written or oral agreement as to limits of constituents of volume of waters or waste be
1906 considered as final approval for continuing operation. These limits will be subject to constant
1907 study and change as considered necessary to serve their intended purpose. The utility
1908 expressly disclaims warranty to facilities installed by users or by users' representatives. (Ord.
1909 17-15 § 2, 2017; Ord. 16-16 § 2, 2016; Ord. 15-05 § 2, 2015; Ord. 12-15 § 2, 2012; Ord. 04-
1910 08 § 2, 2004; Ord. 01-03 § 2, 2003; Ord. 00-16 § 2, 2000; Ord. 98-16 § 2, 1998; Ord. 88-1 §
1911 2, 1988; Ord. 87-12 § 3, 1987)

1912
1913 **Section 3.** Effective date. This ordinance shall become effective upon passage.
1914

1915 **ADVANCED** by a duly constituted quorum of the North Pole City Council this 3rd day of
1916 February 2020.

1917
1918
1919
1920
1921 _____
Michael W. Welch, Mayor

1922 ATTEST:

1923
1924
1925 _____
1926 Tricia Fogarty, Acting City Clerk

1927
1928
1929

PASSED/FAILED Yes No: Absent:
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CITY OF NORTH POLE

RESOLUTION 20-03

**A RESOLUTION OF THE NORTH POLE CITY COUNCIL ESTABLISHING
THE 2020 LEGISLATIVE PRIORITIES FOR THE 2ND SESSION OF THE 31ST
ALASKA STATE LEGISLATURE**

WHEREAS, the City of North Pole considers resolutions through the year to support legislative and policy actions of the State and other local governments; and,

WHEREAS, the City of North Pole is concerned with statewide and federal issues that affect the City and its residents; and,

WHEREAS, the following list is a list of issues that the City feels are important to residents of the City of North Pole, State of Alaska and citizens of the United States;

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-
-

NOW THEREFORE BE IT RESOLVED, that the North Pole City Council request the 31st State of Alaska Legislature consider timely and appropriate action on the issues mentioned.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this ____ day of February 2020.

Michael W. Welch, Mayor

ATTEST:

Tricia Fogarty Acting, North Pole City
Clerk

