



CITY OF NORTH POLE
Regular Meeting February 18, 2020
North Pole Council Chambers
125 Snowman Lane, North Pole, Alaska
www.northpolealaska.com

Tuesday, February 18, 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. February 3, 2020 Council Meeting
- 6. Communications from the Mayor**
 - a. Paige Stapp Student of the Month
- 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. 20-04 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.

12. New Business

- a. Request to approve a modification to the Phase 1 Moose Creek Construction Cooperative Agreement to incorporate the Phase 2 Moose Creek Cooperative Agreement.
- b. Request for Tuition Assistance of up to \$1,200.00 for Melanie Swanson’s Associate’s Degree in Applied Science in Business
- c. Request to write off \$182.93 delinquent utility account for Nikki’s Little Angles Child Care Management, Account #5891.04

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, FEBRUARY 3, 2020
NORTH POLE CITY COUNCIL CHAMBERS
125 SNOWMAN LANE, NORTH POLE, ALASKA

Mayor Welch called the regular City Council meeting of Monday, February 3, 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
DeJohn Cromer
Perry Walley
Aino Welch

Excused:

Also Present: William Butler, Director of City Services
Tricia Fogarty, Chief Financial Officer
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 Mayor Welch.

APPROVAL OF AGENDA

Mr. Walley *moved to approve the agenda of February 3, 2020.*

Seconded by Mrs. Welch.

Discussion

None

MOTION TO ACCEPT THE AGENDA

Mr. Walley moved to accept the agenda with the following changes

Seconded by Mrs. Welch

Old Business:

A, B, C Consented

New Business:

A, B, C, Consented

Remove items D, E

Discussion

None

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE AGENDA OF FEBRUARY 3, 2020 AS FOLLOWS:

YES: 7 – McGhee, Skipps, Cromer, Walley, Claus, Mrs. Welch, Mayor Welch

NO: 0

ABSTAIN:

Mayor Welch declared the MOTION CARRIED

Discussion on the agenda as amended

None

APPROVAL OF AGENDA AS AMENDED

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE AMENDED AGENDA FEBRUARY 3, 2020 AS FOLLOWS:

YES: 7 – McGhee, Skipps, Cromer, 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 21, 2020.*

Seconded by Mr. Skipps.

Discussion

None

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE AMDENDED MINUTES OF JANUARY 21, 2020 AS FOLLOWS:

YES: 7 – McGhee, Skipps, Cromer, Walley, Claus, Mrs. Welch, Mayor Welch

NO: 0

ABSTAIN:

Mayor Welch declared the MOTION CARRIED

COMMUNICATIONS FROM THE MAYOR

- a. Alaska Municipal League Joint Insurance Agreement Site Visit Kelly Isham-Amira Goldstein. They are the Risk Control Specialists and they will be inspecting the City facilities. They have a loss control incentive program for members and a \$250 allowance for safety related items like cleats and eye protection. Biggest hazards are slips, trips and fall.
- b. Last week the Council met to discuss the Clerk/HR position job description. We spent Saturday interviewing 4 candidates for the position.
- c. Due to health issues, Mayor Welch will not be attending the AML/ACOM during Legislative Week Feb 18-20 in Juneau Mayor will not be attending the 31st Alaska State Legislature.

COUNCIL MEMBER QUESTIONS OF THE MAYOR

None

COMMUNICATIONS FROM DEPARTMENT HEADS, BOROUGH REPRESENTATIVE AND THE CITY CLERK

Building Department, Bill Butler

- No building permits have been issued since January 6, 2020.
- Arctic Slope Regional Corporation did call and ask some questions about building a fuel tank farm in North Pole. Asking permitting questions, etc.
- Focus will be on clearing the sidewalks of snow.
- Snow Contractor will be working on clearing up the hard pack tomorrow. Some State roads build up snow berms and we do our best to remove them.
- Generator building will be equipped with emergency notification system. Still waiting on parts for the emergency generator.
- 2 inch waterline that serves out utility department froze up. 1 inch still work but in the Spring we will have to dig up and repair any breaks in the 2 inch line.

- Dept. Labor is the final holdout on the Water Expansion Project. They are waiting on responses from out of State contractors that worked the project. Once the Dept. of Labor has that the project can be closed out.
- Moose Creek Expansion Project issued notice of award today. HC is working on getting their paperwork in place. A Pre-Construction meeting will be scheduled for Feb 18, 2020 at 2:00pm – 5:00pm in the Council Chambers.

Police Department, Steve Dutra

- Recruitment 244 applicants in last 2 years, 76 Normal, 168 Electronic. In the end we ended up with 1 hire out of all of the applicants. We had 5 laterals and lost one to APD. If it wasn't for those laterals we would be in a very bad situation.
- There are 4-6 Officers in the next two years that will be eligible for retirements.
- Asking Council to form a Committee to consider the challenges ahead.

Fire Department, Deputy Chief Heineken

Nothing to Report

Finance, Tricia Fogarty

- Sent out Sales Tax Ordinance in the mail and have received no questions.
- Thomas McGhee volunteered to sign for payroll.

Borough Representative

No Report

City Clerk

None

ONGOING PROJECTS

- The North Star Borough will be accepting the \$10,500 set aside and raised to update the hockey rink at North Pole Middle School. It will be used to update the rink at North Pole High School instead.

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

- Lisa Lewis from Petro Star. She is concerned about Ordinance 20-01 regarding the PFAS requirement being placed on Petro Star as an industrial water user because the City is not able to process the contaminated discharge from Petro Star. Treating water to a drinking

water standard. Petro Star does not have the facilities to do this and the only place in the State of Alaska that does is in Anchorage. If this requirement is put in place it will cost \$500,000.00 to process each batch of water from the Petro Star facilities in North Pole and then this will be passed direct to the customer. Asking Council to postpone the official vote until a solution can be identified that would be beneficial to the whole community.

OLD BUSINESS

None

Mr. McGhee *moved to adjourn the meeting at 7:30p.m.*

Seconded by Mr. Walley.

The regular meeting of Monday, February 3, 2020 adjourned at 7:30 p.m.

Michael W. Welch, Mayor

ATTEST:

Tricia Fogarty Acting City Clerk

WHEREAS, Paige Stapp is a senior at North Pole High School and is the daughter of Gary and Brenda Stapp.

WHEREAS, Paige is a member of the NPHS Tennis Team where she was captain for 2 years, NPHS Prom Committee, National Honor Society and the NPHS Spanish and Key club. Paige earned the extra service award, most supportive choir award and her young women's medallion which her church awards and is the equivalent of an eagle scout award.

WHEREAS, Paige volunteers her time helping the pet shelter, babysitting, church service activities, chopping wood and cleanup day. Paige says she loves North Pole and it's the best place to live.

WHEREAS, the City of North Pole desires to recognize the outstanding students in the community.

NOW, THEREFORE, I, Michael W. Welch, Mayor of the City of North Pole, do hereby proclaim Paige Stapp the:

*North Pole City Council
High School Student of the Month
For January 2020*

*Michael W. Welch,
Mayor*

ATTEST:

*Tricia Fogarty
North Pole City Clerk Pro-tem*

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.

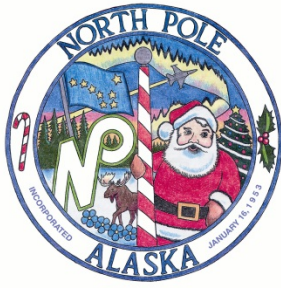
Introduced and Advanced by a duly constituted quorum of the North Pole City Council this 3rd day of February 2020.

Michael W. Welch, Mayor

ATTEST:

Tricia Fogarty Acting, North Pole City Clerk





City of North Pole, Alaska

Fiscal Note Year:

Accompanying : Ordinance 20-04

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.

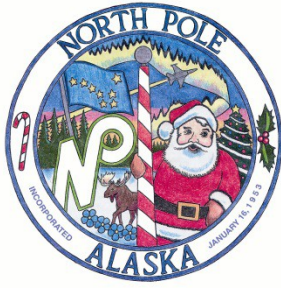
5
6 **Introduced and Advanced** by a duly constituted quorum of the North Pole City Council this 3rd
7 day of February 2020.

8
9
10 _____
Michael W. Welch, Mayor

11 ATTEST:

12
13
14 _____
15 Tricia Fogarty Acting, North Pole City
16 Clerk
17





City of North Pole, Alaska

Fiscal Note Year: 2020

Accompanying Ordinance: Ordinance 20-05, Moose Creek Water System

Originator / sponsor: Bill Butler

Date: 1/29/2020

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

FUND	Account Description	Account #	Debit	Credit
44	Revenue	44-00-3-311		\$1,638,350
44	Contracting	44-01-2-203	\$11,000.00	
44	Engineer	44-01-2-206	\$248,655.00	
44	Legal fees	44-01-2-225	\$5,000.00	
44	Administration	44-01-2-201	\$1,373,695.00	

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).

Amends cooperative agreement W911KB-19-2-5200 with the USACE to provide funding to obtain environmental covenants required as part of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) which provides the legal basis for the Moose Creek Water System Expansion Project. PDC Engineers will conduct the work on behalf of the City to obtain the environmental covenants.

Prepared By: Bill Butler **Date:** 1/29/2020

Finance Approval: Tricia Fogarty **Date:** 1/29/2020

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
ADA	<i>American Dental Association</i>
ADEC	Alaska Department of Environmental Conservation
ANSI	<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

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

1. “Act” or “the Act” means the Federal Water Pollution Control Act, also known as the “Clean Water Act,” as amended, 33 USC Section 1251 et seq.
2. *“Amalgam process wastewater” means any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain dental amalgam.*
3. *“Amalgam separator” means a collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility.*

81
82 4. 2. “Approval authority” means, ~~until October 31, 2009, EPA Region 10 Regional~~
83 ~~Administrator; after October 31, 2009,~~ the Commissioner of the ADEC.

84
85 5. 3. Authorized or Duly Authorized Representative of the User.

86
87 a. If the user is a corporation:

88
89 i. The president, secretary, treasurer, or a vice president of the corporation in charge
90 of a principal business function, or any other person who performs similar policy
91 or decision making functions for the corporation; or

92
93 ii. The manager of one or more manufacturing, production, or operating facilities,
94 provided the manager is authorized to make management decisions that govern
95 the operation of the regulated facility including having the explicit or implicit
96 duty of making major capital investment recommendations, and initiate and direct
97 other comprehensive measures to assure long-term environmental compliance
98 with environmental laws and regulations; can ensure that the necessary systems
99 are established or actions taken to gather complete and accurate information for
100 individual wastewater discharge permit requirements; and where authority to sign
101 documents has been assigned or delegated to the manager in accordance with
102 corporate procedures.

103
104 b. If the user is a partnership or sole proprietorship: a general partner or proprietor,
105 respectively.

106
107 c. If the user is a Federal, State, or local governmental facility: a director or highest
108 official appointed or designated to oversee the operation and performance of the
109 activities of the government facility, or their designee.

110
111 d. The individuals described in subsections (D)(3)(a) and (b) of this definition may
112 designate a duly authorized representative if the authorization is in writing, the
113 authorization specifies the individual or position responsible for the overall operation
114 of the facility from which the discharge originates or having overall responsibility for
115 environmental matters for the company, and the written authorization is submitted to
116 the City.

117
118 6 4. “Biochemical oxygen demand” or “BOD” means the quantity of oxygen utilized
119 in the biochemical oxidation of organic matter under standard laboratory procedures for
120 five days at twenty degrees centigrade, usually expressed as a concentration (e.g., mg/l).

- 121
- 122 **7. 5.** “Best management practices” or “BMPs” means schedules of activities,
- 123 prohibitions of practices, maintenance procedures, and other management practices to
- 124 implement the prohibitions listed in Sections 2.1 A and B (40 CFR 403.5(a)(1) and (b)).
- 125 BMPs include treatment requirements, operating procedures, and practices to control
- 126 plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw
- 127 materials storage.
- 128
- 129 **8 6.** “Building sewer” means the pipe and appurtenances from the building to the
- 130 public lateral sanitary sewer or other place of disposal, also called house connection,
- 131 service connection or service line.
- 132
- 133 **9 7.** “Categorical pretreatment standard” or “categorical standard” means any
- 134 regulation containing pollutant discharge limits promulgated by EPA in accordance with
- 135 Sections 307(b) and (c) of the Act (33 USC Section 1317) that apply to a specific
- 136 category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405 – 471.
- 137
- 138 **10 8.** “Categorical industrial user” means an industrial user subject to a categorical
- 139 pretreatment standard or categorical standard. If an industrial user qualifies as a CIU, it is
- 140 also a significant industrial user.
- 141
- 142 **11 9.** “Chemical oxygen demand” or “COD” means a measure of the oxygen required
- 143 to oxidize all compounds, both organic and inorganic, in water.
- 144
- 145 **12 10.** “City” means the City of North Pole.
- 146
- 147 **13 11.** “Clean Water Act” (33 USC Section 1251 et seq.), also noted herein as “CWA,”
- 148 means the Federal Water Pollution Control Act as amended.
- 149
- 150 **14 12.** “Commercial user or contributor” means a premises, or customer, who discharges
- 151 industrial wastes that are similar to domestic wastes in nature and do not exceed those
- 152 parameters which define normal sewage as described in context.
- 153
- 154 **15 13.** “Control authority” means the City of North Pole.
- 155
- 156 **16 14.** “Customer” means an individual, firm, corporation, LLC, partnership, institution
- 157 or association receiving sanitary sewer service or wastewater treatment service from the
- 158 City.
- 159

160 17 15. “Daily maximum” means the arithmetic average of all effluent samples for a
161 pollutant collected during a calendar day.

162
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.

169
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.*

175
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.

179
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.

183
184 23 20. “Existing source” means any source of discharge that is not a new source.

185
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

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

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

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

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

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

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

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

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

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

13.20.020 Policies and Conditions of Service

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

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

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

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

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

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

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

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

Perfluorobutanesulfonic acid (PFBS)

Perfluorodecanoic acid (PFDA)

Perfluoroheptanoic acid (PFHpA)

Perfluorohexanesulfonic acid (PFHxS)

Perfluorohexanoic acid (PFHxA)

Perfluorododecanoic acid (PFDoA)

Perfluorotetradecanoic acid (PFTeDA)

Perfluorononanoic acid (PFNA)

Perfluorooctanesulfonic acid (PFOS)

Perfluorooctanoic acid (PFOA)

Perfluorotridecanoic acid (PFTrDA)

Perfluoroundecanoic acid (PFUnA)

H G. Pretreatment of Wastewater.

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

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

2. Additional Pretreatment Measures.

- a. Whenever deemed necessary, the City may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.
- b. The City may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- c. Grease, oil, and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the City, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the user at their expense.
- d. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

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

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

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

4. Hauled Wastewater.

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

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

I H. Individual Wastewater Discharge Permits.

1. Wastewater Analysis. When requested by the City, a user must submit information on the nature and characteristics of its wastewater within sixty days of the request. The City is authorized to prepare a form for this purpose and may periodically require users to update this information.
2. Individual Wastewater Discharge Permit Requirement.
 - a. No significant industrial user or categorical industrial user shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the City, except that a significant industrial user or categorical industrial user that has filed a timely application pursuant to subsection (H)(3) of this section may continue to discharge for the time period specified therein.
 - b. The City may require other users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this chapter.
 - c. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in subsections (N) through (O) of this section. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.
3. Individual Wastewater Discharge Permitting – Existing Connections. Any user required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of the ordinance codified in this chapter and who wishes to continue such discharges in the future shall, within sixty days after said date, apply to the City for an individual wastewater discharge permit in accordance with subsection (H)(5) of this section.
4. Individual Wastewater Discharge Permitting – New Connections. Any user required to obtain an individual wastewater discharge permit that proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge

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.

750
751 6. Application Signatories and Certifications.
752

- 753 a. All wastewater discharge permit applications, user reports and certification statements
754 must be signed by an authorized representative of the user and contain the
755 certification statement in subsection (J)(14)(a) of this section.
756
- 757 b. If the designation of an authorized representative is no longer accurate because a
758 different individual or position has responsibility for the overall operation of the
759 facility or overall responsibility for environmental matters for the company, a new
760 written authorization satisfying the requirements of this section must be submitted to
761 the City prior to or together with any reports to be signed by an authorized
762 representative.
763
- 764 c. A facility determined to be a nonsignificant categorical industrial user by the City
765 pursuant to NPMC 13.20.010(D)(60)(c) must annually submit the signed certification
766 statement in subsection (J)(14)(b) of this section.
767

768 7. Individual Wastewater Discharge Permit Decisions. The City will evaluate the data
769 furnished by the user and may require additional information. Within sixty days of receipt
770 of a complete permit application, the City will determine whether to issue an individual
771 wastewater discharge permit. The City may deny any application for an individual
772 wastewater discharge permit.
773

774 **J I.** Individual Wastewater Discharge Permit Issuance.
775

- 776 1. Individual Wastewater Discharge Permit Duration. An individual wastewater discharge
777 permit shall be issued for a specified time period, not to exceed five years from the
778 effective date of the permit. An individual wastewater discharge permit may be issued for
779 a period less than five years, at the discretion of the City. Each individual wastewater
780 discharge permit will indicate a specific date upon which it will expire.
781
- 782 2. Individual Wastewater Discharge Permit Contents. An individual wastewater discharge
783 permit shall include such conditions as are deemed reasonably necessary by the City to
784 prevent pass through or interference, protect the quality of the water body receiving the
785 treatment plant's effluent, protect worker health and safety, facilitate sludge management
786 and disposal, and protect against damage to the POTW.
787
- 788 a. Individual wastewater discharge permits must contain:
789

- i. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 - ii. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with subsection (I)(5) of this section, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - iii. Effluent limits, including best management practices, based on applicable pretreatment standards;
 - iv. Self monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
 - v. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;
 - vi. Requirements to control slug discharge, if determined by the City to be necessary.
- b. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:
- i. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - ii. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - iii. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

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

3. Permit Issuance Process.

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

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;
941
 - 942 i. Failure to pay sewer charges;
943
 - 944 j. Failure to meet compliance schedules;
945
 - 946 k. Failure to complete a wastewater survey or the wastewater discharge permit
947 application;

- 948
- 949 1. Failure to provide advance notice of the transfer of business ownership of a permitted
- 950 facility; or
- 951
- 952 m. Violation of any pretreatment standard or requirement, or any terms of the wastewater
- 953 discharge permit or this chapter.
- 954

955 Individual wastewater discharge permits shall be voidable upon cessation of operations or

956 transfer of business ownership. All individual wastewater discharge permits issued to a

957 user are void upon the issuance of a new individual wastewater discharge permit to that

958 user.

959

- 960 7. Individual Wastewater Discharge Permit Reissuance. A user with an expiring individual
- 961 wastewater discharge permit shall apply for individual wastewater discharge permit
- 962 reissuance by submitting a complete permit application, in accordance with subsection
- 963 (H)(5) of this section, a minimum of ninety days prior to the expiration of the user's
- 964 existing individual wastewater discharge permit.
- 965
- 966 8. Regulation of Waste Received from Other Jurisdictions. All users, including those
- 967 located outside the City limits, are required to obtain a wastewater discharge permit, and
- 968 shall submit a wastewater discharge permit application as outlined in subsection (H) of
- 969 this section.
- 970

971 **K J.** Reporting Requirements.

972

- 973 1. Baseline Monitoring Reports.
- 974

- 975 a. Within either one hundred eighty days after the effective date of a categorical
- 976 pretreatment standard, or the final administrative decision on a category
- 977 determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical
- 978 industrial users currently discharging to or scheduled to discharge to the POTW shall
- 979 submit to the City a report which contains the information listed in subsection
- 980 (J)(1)(b) of this section. At least ninety days prior to commencement of their
- 981 discharge, new sources, and sources that become categorical industrial users
- 982 subsequent to the promulgation of an applicable categorical standard, shall submit to
- 983 the City a report which contains the information listed in subsection (J)(1)(b) of this
- 984 section. A new source shall report the method of pretreatment it intends to use to meet
- 985 applicable categorical standards. A new source also shall give estimates of its
- 986 anticipated flow and quantity of pollutants to be discharged.
- 987

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

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

4. Periodic Compliance Reports.

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

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

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

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

6. Reports of Potential Problems.

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

- 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.

1226
1227 14. Certification Statements.
1228

1229 a. Certification of Permit Applications, User Reports and Initial Monitoring Waiver.

1230 The following certification statement is required to be signed and submitted by users
1231 submitting permit applications in accordance with subsection (H)(6) of this section;
1232 users submitting baseline monitoring reports under subsection (J)(1)(b)(v) of this
1233 section; users submitting reports on compliance with the categorical pretreatment
1234 standard deadlines under subsection (J)(3) of this section; and users submitting
1235 periodic compliance reports required by subsections (J)(4)(a) through (c) of this
1236 section. The following certification statement must be signed by an authorized
1237 representative as defined in NPMC 13.20.010(D)(3):
1238

1239 I certify under penalty of law that this document and all attachments were prepared
1240 under my direction or supervision in accordance with a system designed to assure that
1241 qualified personnel properly gather and evaluate the information submitted. Based on
1242 my inquiry of the person or persons who manage the system, or those persons directly
1243 responsible for gathering the information, the information submitted is, to the best of
1244 my knowledge and belief, true, accurate, and complete. I am aware that there are
1245 significant penalties for submitting false information, including the possibility of fine
1246 and imprisonment for knowing violations.
1247

1248 b. Annual Certification for Nonsignificant Categorical Industrial Users. A facility
1249 determined to be a nonsignificant categorical industrial user by the City pursuant to
1250 NPMC 13.20.010(D)(60)(c) and subsection (H)(6) of this section must annually
1251 submit the following certification statement signed in accordance with the signatory
1252 requirements in NPMC 13.20.010(D)(3). This certification must accompany an
1253 alternative report required by the City:
1254

1255 Based on my inquiry of the person or persons directly responsible for managing compliance with
1256 the categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my
1257 knowledge and belief that during the period from _____, _____ to _____,
1258 _____ [months, days, year]:
1259

1260 (a) The facility described as _____
1261

1262 [facility name] met the definition of a Non-Significant Categorical Industrial User as described
1263 in Section 13.20.010(D)(60)(c);
1264

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

This compliance certification is based on the following information.

L K. Compliance Monitoring.

1. Right of Entry – Inspection and Sampling. The City shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any individual wastewater discharge permit or order issued hereunder. Users shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
 - a. Where a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City shall be permitted to enter without delay for the purposes of performing specific responsibilities.
 - b. The City shall have the right to set up on the user’s property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user’s operations.
 - c. The City may require the user to install monitoring equipment as necessary. The facility’s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
 - d. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be born by the user.

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

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

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

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

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

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

~~O N~~ Administrative Enforcement Remedies.

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

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

2. Consent Orders. The City may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subsections (N)(4) and (5) of this section and shall be judicially enforceable.
3. Show Cause Hearing. The City may order a user which has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the City and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least twenty days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in NPMC 13.20.010(D)(3) and required by subsection (H)(6)(a) of this section. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
4. Compliance Orders. When the City finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.
5. Cease and Desist Orders. When the City finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued

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

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

6. Administrative Fines.

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

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

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

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

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

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

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

a. Violation of individual wastewater discharge permit conditions;

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

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

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

e. Violation of the pretreatment standards in this section.

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

P Θ. Judicial Enforcement Remedies.

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

2. Civil Penalties.

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

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

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

3. Criminal Prosecution.

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

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

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

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

R Q. Affirmative Defenses to Discharge Violations.

1. Upset.

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

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

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

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

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

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

(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:

- 1663
- 1664 i. “Bypass” means the intentional diversion of wastestreams from any portion of a
- 1665 user’s treatment facility.
- 1666
- 1667 ii. “Severe property damage” means substantial physical damage to property,
- 1668 damage to the treatment facilities which causes them to become inoperable, or
- 1669 substantial and permanent loss of natural resources which can reasonably be
- 1670 expected to occur in the absence of a bypass. “Severe property damage” does not
- 1671 mean economic loss caused by delays in production.
- 1672

- 1673 b. A user may allow any bypass to occur which does not cause pretreatment standards or
- 1674 requirements to be violated, but only if it also is for essential maintenance to assure
- 1675 efficient operation. These bypasses are not subject to the provisions of subsections
- 1676 (Q)(3)(c) and (d) of this section.
- 1677

1678 c. Bypass Notifications.

1679

- 1680 i. If a user knows in advance of the need for a bypass, it shall submit prior notice to
- 1681 the City, at least ten days before the date of the bypass, if possible.
- 1682
- 1683 ii. A user shall submit oral notice to the City of an unanticipated bypass that exceeds
- 1684 applicable pretreatment standards within twenty-four hours from the time it
- 1685 becomes aware of the bypass. A written submission shall also be provided within
- 1686 five days of the time the user becomes aware of the bypass. The written
- 1687 submission shall contain a description of the bypass and its cause; the duration of
- 1688 the bypass, including exact dates and times, and, if the bypass has not been
- 1689 corrected, the anticipated time it is expected to continue; and steps taken or
- 1690 planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City
- 1691 may waive the written report on a case-by-case basis if the oral report has been
- 1692 received within twenty-four hours.
- 1693

1694 d. Bypass.

1695

- 1696 i. Bypass is prohibited, and the City may take an enforcement action against a user
- 1697 for a bypass, unless:
- 1698
- 1699 (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe
- 1700 property damage;
- 1701

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

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

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

S R. Private Wastewater Disposal.

1. Where a public sewer is not available under the provisions of the Uniform Plumbing Code (UPC), the building sewer shall be connected to a private wastewater disposal system complying with the same provisions and applicable City, State and Federal requirements.
2. Upon completion of construction of a sewer system extension in an area, the City shall publish a notice that sewer service is available to serve the property owners of that area.
 - a. The owner of a property located within the corporate City limits of the City of North Pole as defined in subsection (A)(4) of this section and served by a private wastewater disposal system shall have installed or cause to be installed, at his expense, a connection to the public sewer within no less than two years from the date such sewer service is declared to be available, or any other timetable as prescribed by City Council or City code. Prior to the sale of a property served by a wastewater service system, hookup to the wastewater service is required. The connection shall be of a type and installed in a manner consistent with this chapter. Monthly wastewater fees as established by City code shall begin at time of such connection.
 - b. The owner of a property located outside of the corporate City limits of the City of North Pole may connect to a sewer system extension in an area. Connection to the sewer system shall be at their expense. The connection shall be of a type and installed in a manner consistent with this chapter. Monthly wastewater fees as established by City code shall begin at time of such connection.

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 T.** 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;

1782
1783 d. The commitment of the owner for payment of assessments;
1784

1785 e. The commitment of the owner to comply with all provisions of this code.
1786

1787 Unacceptability of any item above shall be sufficient grounds for denying the application.
1788 The applicant, if required by the City, shall provide such data as is necessary for the
1789 above determination.
1790

1791 5. Every service line shall contain cleanouts outside the building as required by the Uniform
1792 Plumbing Code.
1793

1794 6. All structures shall contain a backwater valve to prevent sewer backup inside the confines
1795 of the structure as required by the most current edition of the Uniform Plumbing Code
1796 adopted by the City.
1797

1798 7. Individual Sewer Services. Independent and separate sewer services shall be provided on
1799 each lot for all buildings within the City or that are to be ultimately connected to the
1800 municipal sewer system. Common sewer services are expressly prohibited in zero lot line
1801 and townhouse developments. Condominiums or planned unit developments with specific
1802 association agreements subject to the City's review and satisfaction may be allowed as
1803 exceptions. The customer provides and pays for all expenses required to install the
1804 necessary sewer pipe, fittings, cleanouts, manholes and pump stations required to connect
1805 the property to the City sewer at the point of connection designated by the Utility
1806 Supervisor or his designated representative.
1807

1808 a. Exceptions where the Utility has approved a single customer service line to serve
1809 multiple utility customers at a single property, as in duplex or multiplex properties,
1810 the property owner shall be responsible for the customer sewer line from the sewer
1811 main to the property. (See subsection (U) of this section.)
1812

1813 8. Sampling and Observation Station. When required by the Utility, any commercial or
1814 industrial user shall install a suitable sampling station on his property to facilitate
1815 observation, sampling and measurement of wastes. Such station, when required by the
1816 North Pole Utility, shall be accessible and safely located and shall be constructed in
1817 accordance with plans approved by the North Pole Utility. Installation and maintenance
1818 expense shall be the responsibility of the property owner.
1819

1820 9. All commercial kitchens and other food processing facilities shall furnish, install and
1821 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 i. Contractor's license (State of Alaska);
1834
1835 ii. Proof of workman's compensation insurance, if required by law;
1836
1837 iii. A bond in the amount of \$5,000 (five thousand dollars);
1838
1839 iv. Other proof of capability to perform such work as required by the Director of City
1840 Services.
1841
- 1842 b. The party or parties installing the building sewer line portion outside the street right-
1843 of-way need not meet the requirements of a bonded contractor as outlined above, but
1844 they shall make the City aware of their capabilities to perform such work. Those
1845 installing this portion of the sewer service line will, however, be required to meet the
1846 same material and workmanship qualifications outlined in the City of North Pole
1847 standard of construction specifications.
1848
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

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

2. If it is determined that a backup problem stems from a blockage or other malfunction existing within a sewer interceptor or lateral located within the City easement, and if it is determined that such interceptor or lateral was installed by a person, corporation or other entity who, at the time of such installation, was not under contract with the City to install such improvements, then and in such event, the property owner shall have the burden of showing that the person, corporation, or other entity responsible for such installation complied with the provisions of this code prior to connection to the municipal sewer system. If such compliance cannot be established, the customer shall not be eligible for reimbursement of the costs of cleaning and/or thawing, or repairing such broken connection or other obstruction.
 3. The City will reimburse the customer for steam thawing when performed by a licensed bonded contractor if:
 - a. It is determined that the total cost has been paid to the vendor; and
 - b. An original copy of the vendor's invoice, marked paid, is submitted to the City within one hundred twenty days of the date the work was performed; and
 - c. When it has been determined that the backup and/or freezing was caused by a main line plug.
 4. Liability resulting from blockages shall be limited in any event to reimbursement for correction of the blockage.
- X W.** Liability for Damages Due to Failure of Service. The sewer utility will exercise reasonable diligence in furnishing utility service in compliance with applicable laws and regulations but will not be liable for damage caused by interruptions to service, irregularity of services, or failure of service which occurs as a result of failure of utility facilities, accidents, acts by third persons, or circumstances beyond the Utility's reasonable control.
- Y X.** Service Interruptions. The sewer utility reserves the right to temporarily suspend services when necessary for the purpose of new installations, repairs, testing, modification, expansion, correction or replacement of the system. The Utility will attempt to notify affected utility users of impending service interruptions where possible and where not precluded by emergency conditions. The Utility will exercise reasonable diligence in avoiding inconvenience which may arise out of necessary service interruptions.

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

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

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 City Clerk

PASSED/FAILED

Yes

No:

Absent:

125 Snowman Lane
North Pole, Alaska 99705
(907) 488-8593
(907) 488-3002 (fax)
bill.butler@northpolealaska.org

City of North Pole
Director of City Services

Memo

To: North Pole City Council
From: Bill Butler
Date: February 12, 2020
Subject: Combine the Moose Creek Water System Construction Cooperative Agreements Phases 1 & 2 into a single cooperative agreement

Recommendation: Approve the combination of the Moose Creek Water System Construction Cooperative Agreements Phases 1 & 2 into a single cooperative agreement, a no-cost modification.

On July 15, 2019, the City Council approved two separate cooperative agreements to construct the water system extension to Moose Creek. (See attached Ordinance 19-11.) The USAF was concerned that there was going to be inadequate funds at the end of the 2019 federal fiscal year to fund a single comprehensive cooperative agreement. The USAF, through the US Army Corps of Engineers (USACE), divided the construction project into two phases spread over two years. Phase 1 was to begin in spring 2020 constructing the modifications to the Utility's water treatment plant; the transmission main from the City to Moose Creek; the pump house and water storage tank in Moose Creek, water mains in the northern section of Moose Creek (north of the Old Richardson Highway); service line connections and decommissioning private wells. Phase 2 was to begin construction in spring 2021 by installing the water mains in the southern section of Moose Creek (south of the Old Richardson Highway); service line connections; and decommissioning private wells.

The budget approved by the Council for the two phases was \$55,239,973. The award ceiling for Phase 1 is \$41,380,821 and the ceiling for Phase 2 is \$13,859,152. The USACE and USAF only authorized the funds for Phase 1 with the intention of awarding the balance of funds for Phase 2 after the submission of bids. The USAF had to be cautious because any award over \$50 million requires extensive approvals and greater bureaucratic oversight that would have delayed the project going to construction in 2020.

The City issued an invitation to bid on December 4, 2019 with a closing date of January 21, 2020 for the Moose Creek Water System Extension Project. The low-cost responsive bidder was HC Contractors, Inc. for \$29,898,937. With HC's bid, there are adequate funds in the Phase 1 award to finance both phases of construction. Ordinance 19-11 approved the tasks contained in Phases 1 and 2. Combining the two phases into a single agreement brings cost savings to the project and the potential to expedite the delivery of City water service to Moose Creek residents. As an example, there are

thousands of feet of water mains from Phase 1 and Phase 2 that could be buried in the same trench. Having two separate projects could result in the contractor having to bury water mains in a trench in 2020 and then in 2021, re-excavating the same trench to bury Phase 2 pipes in 2021. Also, if Phase 1 work proceeds ahead of schedule with the two phases combined, the contractor can begin Phase 2 work in 2020 and not have to wait until 2021 to start that work. This can get water to residents faster and can reduce the contractor's mobilization expenses. Related to the City's project compliance responsibilities, the City, through its engineer PDC, would have had to provide duplicate reports and submissions first for Phase 1 and then for Phase 2. Combining the two phases into a single project will eliminate the need for duplication of work.

HC's bid encompasses all of the Phases 1 and 2 required work. Even with HC's bid, PDC's charges, City costs and the City purchased pipe, there is adequate funding to meet the work requirements and have funds available should there be change orders.

Below is a summary of the project funding.

Item	Cost: Phase 1	Cost: Phase 2	Total
Task 1. Project management	\$109,860.00	\$112,005.00	\$221,865.00
Task 2. Planning documents	\$79,080.00	\$56,214.00	\$135,294.00
Task 3a. Construction management PDC	\$1,505,681.00	\$917,973.00	\$2,423,654.00
Task 3b Construction--HC	\$23,422,442.00	\$6,476,495.00	\$29,898,937.00
Task 3b Construction--Pipe	\$1,502,415.74	\$0.00	\$1,502,415.74
Task 4. Reporting	\$51,000.00	\$35,260.00	\$86,260.00
Total	\$26,670,478.74	\$7,597,947.00	\$34,268,425.74
Phase 1 award	\$41,380,821.00		
Phase 2 award	\$0.00		
Available funds	\$41,380,821.00		
Construction costs	\$34,268,425.74		
Award balance	\$7,112,395.26		

**CITY OF NORTH POLE
ORDINANCE 19-11**

**AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA
TO APPROVE PHASES 1 AND 2 REMEDIAL ACTION
CONSTRUCTION COOPERATIVE AGREEMENTS WITH
THE US ARMY CORPS OF ENGINEERS**

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 Resolution 17-5 the Council stated its willingness to extend its water system to the community of Moose Creek; in Ordinance 19-01 the Council approved a cooperative agreement and fiscal note supporting generation of a concept design of the project; in Ordinance 19-08 the Council approved an amendment to the original cooperative agreement and fiscal note to complete the engineering and design of the extension of the City's water system to the community of Moose Creek; and,

WHEREAS, the City and US Army Corps of Engineers negotiated mutually agreeable Phase 1 and Phase 2 Remedial Action Construction cooperative agreements to enable construction of the first and second phases of the Moose Creek Water System Expansion Project. All construction administration, construction and City expenses shall be funded by the US Air Forces with funding administered by the US Army Corps of Engineers.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole that it approves cooperative agreements with the US Army Corps of Engineers for Phase 1 Remedial Action Construction to make modifications to the City's well house and water treatment plant; construct a transmission water main from North Pole to the community of Moose Creek; construct a pump house and storage tank in Moose Creek and install distribution mains and service connections in the northern section of Moose Creek and the Phase 2 cooperative agreement to construct the distribution mains and service connection in the southern section of Moose Creek. And, the Council approves the fiscal note attached to this ordinance that shall be fully funded by the US Army Corps of Engineers to finance these activities.

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

Section 2. 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
15th day of July, 2019.



Michael W. Welch

Michael W. Welch, Mayor

ATTEST:

Judy L. Binkley

Judy L. Binkley, City Clerk

PASSED

Yes: 6 – Skipps, Thompson, Isaacson, Walley, Welch, Welch

No: 0

Absent: 1 - Cromer



City of North Pole, Alaska

Fiscal Note Year: 2019

Accompanying Ordinance/Resolution: Ordinance 19-11: Moose Creek Water System

Originator / sponsor: Bill Butler

Date: 06/25/2019

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

FUND	Account Description	Account #	Debit	Credit
43	Engineering	43-07-2-206	2,655,073	
43	Legal Fees	43-07-2-225	20,000	
43	Administration	43-07-2-201	60,976	
43	Wages - Full Time	43-07-1-001	95,209	
43	Benifits	43-07-1-003	2,127	
43	PERS	43-07-1-004	20,946	
43	Health Insurance	43-07-1-013	12,742	
43	Construction	43-07-2-203	52,372,900	
43	Revenue	43-00-3-311		55,239,973

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).

The fiscal note is for extension of the City's water system to the Community of Moose Creek with a projected construction schedule of August 2019 through December 2021. The project is to be fully funded by the US Air Force with the funding administered by the US Army Corps of Engineers. The funding encompasses the projected City expenses for two years; PDC Engineers' construction administration services and the construction costs.

Prepared By: Bill Butler **Date:** 6/25/2019

Finance Approval: Tricia Fogarty **Date:** 6/25/2019

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.

Memo

To: Bill Butler, Director of City Services
From: Melanie Swanson, Utilities Billing Clerk
Date: February 10, 2020
Re: Reimbursement Request Authorization

Bill, I am writing this request in consideration for tuition reimbursement of upcoming classes that I have starting next term. On February 26, 2020 I will begin Macroeconomics and Marketing. These are required studies for my Associates of Applied Science in Business Administration.

Macroeconomics is useful to help deal with economic issues that our state and city will face and will give me the tools to deal with customers and what issues they may face in paying their bills and to assist in forecasting issues that affect the city, particularly in those related to the Building Department. Marketing will provide me the knowledge in understanding how the marketing structure works, to assist with the growing customer base for the Utility, Public Works, and Building Departments for strategic growth.

Respectfully Submitted,



Melanie Swanson

Utility Billing Clerk

125 Snowman Lane
North Pole, Alaska 99705
(907) 488-8593
(907) 488-3002 (fax)
bill.butler@northpolealaska.org

City of North Pole
Director of City Services

Memo

To: North Pole City Council
From: Bill Butler
Date: February 12, 2020
Subject: Tuition reimbursement for Melanie Swanson

Melanie Swanson is pursuing an Associate's Degree in Applied Science in Business on-line from Purdue University. As the Utility Clerk, Ms. Swanson's position is divided across four departments—Utility, Building, Accounting and Clerk. Her Applied Science in Business has direct applications to utility billing, Building Department financial issues and the financial work supportive of the Clerk and Accounting Departments. For the semester starting In February 2020, she is requesting tuition support for Marketing and Macroeconomics. I am requesting that Ms. Swanson receive tuition support for these two courses not to exceed \$1,200. The exact cost of the two classes will not be determined by the institution until late February 2020 when she matriculates in the classes.

I propose dividing the expenses among the following accounts:

Sewer (42-12-5-510)	\$400
Building (04-10-5-510)	\$400
Administration (01-51-5-510)	\$200
Clerk (01-52-5-510)	\$200
Total	\$1,200

Memo

To: Bill Butler, Director of City Services
From: Melanie Swanson, Utilities Billing Clerk
Date: February 10, 2020
Re: Nikki's Little Angels Child Care Mgmt Inc. Account 5891.04

Bill, the above account has been thru collections process and we are now unable to reach the company or it's owners. They have had several of their properties foreclosed on here in the city and in the borough as well.

The balance on the account is \$182.93. I do not feel sending this to the attorney would warrant any possible collection on this balance, and the attorney fee would cost more than the balance due on this account.

I respectfully ask, that this balance be written off as past and any future collection attempts seem futile.

Respectfully Submitted,



Melanie Swanson

Utility Billing Clerk