

DENALI BOROUGH, ALASKA
ORDINANCE 07-14

AN ORDINANCE TO AMEND CHAPTER 6.15 OF THE DENALI BOROUGH
CODE OF ORDINANCE, TITLED SOLID WASTE

INTRODUCED BY: MAYOR DAVID TALERICO

BE IT ENACTED by the Assembly of the Denali Borough, Alaska.

Section 1. Classification. The ordinance is of a permanent nature.

Section 2. Purpose. The purpose of this ordinance is to amend DBC Chapter 6.15 as follows:

**Chapter 6.15
SOLID WASTE**

Sections:

6.15.005 Definitions

6.15.010 Establishment and purpose.

6.15.020 Organization.

6.15.030 Solid waste disposal fee schedule.

6.15.040 Users restricted.

6.15.050 Public solid waste collection and transport.

[6.15.060 Definitions.] (Moved to 6.15.005)

6.15.005 Definitions.

A. *ADEC* means the Alaska Department of Environmental Conservation, the state agency which regulates environmental quality and which authorizes solid waste disposal. ADEC issued Denali Borough the solid waste disposal permit under which it operates the borough landfill.

B. *APUC* means the Alaska Public Utilities Commission, the state agency which regulates public utilities; particularly, the collection, transportation, storage, and/or disposal of solid waste.

C. *Construction and demolition waste* is characteristically inert and includes construction debris, old pipe, lumber, insulation, concrete and asphalt, burned building and ash, and plastic waste.

D. *Daily cover* means a minimum six-inch-thick layer of earthen or other acceptable (ash) cover material placed over compacted MSW on a daily basis.

E. *Drained junk vehicle* means a junk vehicle wherein all fluids (including crankcase oil, transmission fluid, steering fluid, hydraulic fluid, and/or coolant) have been drained and the engine oil pan, transmission pan, differential cover(s), lead acid battery, and gas tank have been removed.

F. *Final cover* means an 18-inch layer of silt loam (free of roots and other vegetative matter) applied above 12 inches of intermediate cover and seeded with a hardy grass mix. Application of final cover is part of the landfill unit closure.

G. *Freon-containing white wastes* means refrigerators and freezers which use freon as a refrigerant.

H. *Groundwater* means water beneath the ground surface which wholly saturates a permeable formation and forms a distinct water surface or table.

I. *Household hazardous waste (HHW)* is hazardous waste generated by private persons and residents for noncommercial ends.

J. *Intermediate cover* means a 12-inch-thick layer of earthen material applied between lifts of MSW in the landfill disposal unit and before application of final cover.

K. *Junk vehicle* means a waste automobile, motorcycle, snowmobile, or diesel vehicle with more or less salvage value.

L. *Landfill disposal* means solid waste disposal by burial at an approved solid waste disposal facility.

M. *Landfill disposal unit* means a borough landfill cell constructed and dedicated to receive MSW or construction and demolition waste, with an estimated life of three to four years. The borough landfill is designed with 10 landfill disposal units; eight are dedicated to MSW disposal and two are dedicated to construction and demolition wastes disposal.

N. *Landfill operations plan* means the Denali Borough landfill operations plan, the document detailing borough landfill operations procedures.

O. *Municipal solid waste (MSW)* is all waste from residential and commercial sources including food wastes, rubbish, demolition and construction debris, ashes and residues.

P. *Public solid waste collection service* means a solid waste collection service provider which serves 10 or more solid waste collection customers.

Q. *Solid waste collection services* means the collection and transportation of MSW from residential or commercial customers to temporary storage or disposal.

R. *Solid waste disposal area* means the area stipulated by borough ordinance from which the borough landfill or transfer stations shall receive solid waste for disposal.

S. *Solid waste disposal area exception waste* means solid waste from outside the borough solid waste disposal area.

T. *Solid waste disposal permit* means the permit issued by ADEC allowing solid waste disposal at the borough landfill. The permit stipulates how and what waste may be disposed of, groundwater monitoring requirements, record keeping, etc.

U. *Unacceptable waste* is indicated in Table 1 of the landfill operations plan, including but not limited to asbestos, liquid chemical wastes, hazardous and PCB wastes, sewage, and explosives.

6.15.010 Establishment and purpose.

This chapter establishes solid waste powers within the Denali Borough. The purpose of this chapter is:

- A. To [balance the solid waste disposal operating budget and] establish user fees;
- B. To operate the landfill in an environmentally sound manner and comply with the ADEC permit requirements;
- C. To effectively operate the landfill.

6.15.020 Organization.

- A. The mayor or his designee shall administer borough solid waste powers.
- B. Borough solid waste powers include but are not limited to:
 - 1. Operation of the landfill and transfer station(s);
 - 2. Oversight of any landfill or transfer station contract(s);
 - 3. Compliance with the ADEC solid waste disposal permit;
 - 4. Responding to the public and the borough assembly;
 - 5. Oversight of public solid waste collection and transfer.
- [C. Members of the public or private sector (for example, a landfill contractor, a solid waste collection enterprise, etc.) may appeal decisions to the borough assembly.]

6.15.030 Solid waste disposal fee schedule.

A. Fee Policy. The fee schedule or "tipping fee" shall be established. [so that operations or activities pertaining to solid waste disposal in the borough are self-supporting. This includes landfill operation, transfer station operation, the transfer of solid waste within the borough, and the recovery of financial assurance costs.]

B. Fee Schedule. The borough shall establish the tipping fee, herein included as Schedule B. In establishing or modifying Schedule B, the assembly shall stipulate the (1) quantity, (2) type, and (3) fee to dispose of acceptable waste.

C. All borough tipping fees shall automatically be increased annually, on July 1st, based on the Consumer Price Index (CPI), as determined by the Anchorage CPI for the preceding year ending December.

D.. Any tipping fee adjustments will be pursuant to any contractual agreements between the borough and others. New tipping fees will become affective on renewal of any and all contracts.

Schedule B (Tipping Fees)	
MSW and C&D waste	[\$60.00] <u>\$95/ton</u>
Pick-up load (1 yard 3' x 3' x 3') residential waste only	[\$10.00/load] <u>\$15/load</u>
Junk car, fluids drained, fuel tank and battery removed	[\$10.00/each] <u>\$15/each</u>
Junk car, fluids not drained, nor fuel tank and battery removed	[\$50.00/each] <u>\$75/each</u>
Freon type refrigerator or freezer ¹	[\$20.00/each] <u>\$30/each</u>
Non-freon type white waste (washers, dryers, etc.)	[\$10.00/each] <u>\$15/each</u>
Other [white] wastes:	
Mattresses	[\$5.00/each] <u>\$7/each</u>
Tires [12" – 16"] <u>up to 16"</u>	[\$1.00/each] <u>\$2/each</u>
Tires [16" and up] <u>16.5" and larger</u>	[\$5.00/each] <u>\$7/each</u>
Batteries	[\$2.00/each] <u>\$3/each</u>
Bag	[\$1.00/each] <u>\$2/each</u>
55-gallon drum/barrel	[\$3.00/each] <u>\$5/each</u>
[Ferrous/nonferrous metals 1 yard pick-up load]	[\$15.00/each]
1. Same cost whether Freon system intact or not (note condition in any case).	

[C.] D. Fee Schedule Modification. Schedule B shall be changed by ordinance. [The mayor or his designee shall periodically review and recommend changes to Schedule B.]

[D.] E. Fee Schedule Review. The mayor or his designee shall periodically review and recommend changes to Schedule B.

[Schedule B shall be reviewed by the borough assembly after the first year of landfill operation and revised if necessary.]

6.15.040 Users restricted.

A. The borough landfill and transfer stations shall accept solid waste from within the solid waste disposal area.

B. The solid waste disposal area includes the following:

1. Denali Borough;
2. City of Nenana;
3. Land contiguous to the Parks Highway between the Denali Borough and the Fairbanks North Star Borough.

C. The borough shall not accept or dispose of solid waste from outside the solid waste disposal area except when approved by the assembly.

D. Any request of the borough to accept and dispose of waste from outside the solid waste disposal area shall include the following information:

1. Source and type of solid waste;
2. Estimated quantity of solid waste;
3. Term or duration of waste disposal.

E. No solid waste disposal area exception shall be considered if it jeopardizes the landfill permit conditions; for example, causes the average annual tons of solid waste to exceed 20 tons per day.

F. The borough may, by a motion of the assembly, temporarily approve acceptance and disposal of waste from outside the solid waste disposal area. Said approval shall necessarily include the following conditions:

1. Source and type of waste;
2. Term of temporary approval;
3. Disposal fee schedule.

The borough may, at its discretion, establish other special conditions.

6.15.050 Public solid waste collection and transport.

A. Collection and transportation of solid waste for the public*, intended for disposal at the borough landfill, shall require a permit from the borough.

B. The borough shall issue a solid waste collection and transportation permit when the applicant provides the following:

1. Alaska business license;
2. Denali Borough business license [Proof of General Liability for \$1,000,000 and workmen's compensation];
3. Proof of Insurance in/accordance with all applicable statues of the State of Alaska and requirements of the Denali Borough. [APUC certification];
4. A current APUC (Alaska Public Utilities Corporation) certification; [A \$10.00 handling fee];
5. A [\$10.00] one hundred (\$100) dollar handling fee [A signed agreement to provide solid waste disposal logs and billing records upon request of the Denali Borough within no less than five working days.];
6. A signed agreement to provide solid waste disposal logs and billing records upon request of the Denali Borough within no less than five working days.

C. The solid waste collection and transportation permit applicant [will] shall sign an agreement not to knowingly dispose, or cause to be disposed, unacceptable waste at or within the borough landfill.

D. The borough shall revoke a solid waste collection and transportation permit if the borough determines that the permittee:

1. Fails to maintain and keep current the items listed under DBC 6.15.050.B[an Alaska business license, general liability for \$1,000,000, workmen's compensation insurance, or APUC certification].
2. Violates Alaska solid waste disposal or littering statutes.
3. Disposes of unacceptable waste at the borough landfill through negligence or intent.

* "Public": a group of 10 or more customers that purchase the service or commodity furnished... AS 42.05.990(3)(A).

Section 3. Effective Date. This ordinance becomes effective on JANUARY 1, 2008 by the Denali Borough Assembly and signature of the Denali Borough Mayor.

DATE INTRODUCED: APRIL 11, 2007
FIRST READING: MAY 9, 2007
PUBLIC HEARING: MAY 9, 2007

PASSED and APPROVED by the DENALI BOROUGH ASSEMBLY this 8th day of August, 2007.


David M. Talerico, Borough Mayor

ATTEST: 
Gail Pieknik, Borough Clerk



PASSED UNANIMOUSLY: HOCKIN, HALL, POLLOCK, EVANS, BULARD, KOHLSDORF, WALKER, MERCER, HOLMES