

DENALI BOROUGH, ALASKA
ORDINANCE 07-24

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

INTRODUCED BY: MAYOR TALERICO

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

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

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

Chapter 6.15
SOLID WASTE

Sections:

6.15.005 Definitions

6.15.010 Purpose.

6.15.020 Organization.

6.15.030 Landfill/Transfer Station waste accepted.

6.15.040 Operations.

6.15.050 Waste Separation.

6.15.060 Disposal Area.

6.15.070 Tipping fees

6.15.080 Appeals.

6.15.090 Severability.

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. 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.

C. 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.

D. 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.

E. 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.

F. Freon-containing white wastes means refrigerators and freezers which use Freon as a refrigerant.

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

H. Household hazardous waste (HHW) is hazardous waste as defined in 6.1 of the Denali Borough Landfill Operations Plan.

I. 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.

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

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

L. 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.

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

N. Municipal solid waste (MSW) is all waste from residential and commercial sources including food wastes, rubbish, demolition and construction debris, ashes and residues as pertains to 6.15.050 (1) of the Denali Borough Landfill Operations Plan.

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

P. RCA means the Regulatory Commission of Alaska, the state agency which regulates public utilities; particularly, the collection, transportation, storage, and/or disposal of solid waste.

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 5.1 of the landfill operations plan, including but not limited to asbestos, liquid chemical wastes, hazardous and PCB wastes, sewage, and explosives.

6.15.010 Purpose.

The purpose of this chapter is to:

- A. Establish the administration of borough solid waste while complying with;
1. the Alaska Department of Environmental Permit requirements;

2. the Denali Borough Assembly approved Landfill Operations Plan:

a.) the approved Landfill Operations Plan will be written by a committee of at least three qualified people.

B. Set the appeal process.

C. Establish policy for setting the Tipping Fees.

6.15.020 Organization.

A. The mayor or his designee shall administer borough solid waste powers.

1. The administration of these powers will include following federal, state and borough ordinances.

2. The Denali Borough Solid Waste Plan permitted by ADEC; and

3. Denali Borough policy and procedures created by the mayor and/or his designee and approved by the Denali Borough Assembly.

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.

6.15.030 Landfill/Transfer Station waste accepted.

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

1. The borough landfill may accept MSW, separated Household Hazardous Waste, and Special Waste.

2. The borough transfer station may accept Residential MSW and separated Household Hazardous Waste.

6.15.040 Operations.

A. Summer operations are April 15th – October 15th.

B. Winter operations are October 16th – April 14th.

6.15.050 Waste separation

A. Separation of waste.

[1. Residential MSW and Commercial MSW must be separated during summer operations or it will be turned away.

2. Residential MSW and Commercial MSW can be combined during winter operations.]

[3.] 1. Residential MSW and small amounts (nothing more than will fit in a 32 gal. container) of Residential C&D waste may be combined anytime.

[4.] 2. Commercial MSW and Commercial C&D waste must be separated [all year] or it will be turned away, unless it qualifies under Section 1 above, or it can be separated onsite and removed by the customer.

[5.] 3. Special Waste must always be separated and declared upon arrival at the landfill.

B. All haulers, private, commercial and/or public are responsible for any and all material or items brought into the landfill or transfer station.

6.15.060 Disposal area.

A. 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.

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

C. No solid waste disposal area exception shall be considered if it jeopardizes the landfill permit conditions or volume constraints of the landfill.

6.15.070 Tipping fees.

[A. Annual CPI adjustment. All borough tipping fees shall automatically be adjusted annually on

July 1st based on the Consumer Price Index (CPI), as determined by the Anchorage CPI.]

[B.] A. Contractual Agreements. Any tipping fee adjustments will be pursuant to any contractual agreements between the borough and others. New tipping fees will become effective [on] only upon renewal of any and all contracts.

[C. Tipping Fee Modification. Any changes shall be by non-code ordinance, except for the automatic CPI increase, which will be an internal administrative adjustment.]

[D.] B. Tipping Fee Review. The mayor or his designee shall periodically review at least annually and recommend changes, if any, to the tipping fee schedule. Any changes shall be made by non-code ordinance[.] with RCA consideration and with a minimum effective date of six (6) months. The assembly shall take into consideration the escalation factor under advisement from the RCA.

6.15.080 Appeal.

A. A person aggrieved by the application or interpretation of any provision of this chapter shall present their complaint in writing to the mayor not later than 30 days after the grievant knew, or should have known, of his complaint. The mayor or his designee shall investigate the matter and respond in writing to the grievant within 30 days. The response shall be sent to the grievant by certified mail, return receipt requested, at the address contained in the grievance.

B. If the grievant is not satisfied with the mayor's response, the grievant may file an appeal with the Denali Borough's Board of Review as per DBC 5.20.120.

6.15.090 Severability.

In the event any portion, section, subsection, clause, sentence, or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

Section 3. Effective Date. This ordinance becomes effective upon adoption by the Denali Borough Assembly and signature of the Mayor.

DATE INTRODUCED: DECEMBER 12, 2007

FIRST READING: JANUARY 09, 2008

PUBLIC HEARING: JANUARY 09, 2008

PASSED and APPROVED by the DENALI BOROUGH ASSEMBLY this 13th day of August, 2008.



David M. Talerico, Borough Mayor

ATTEST:



Gail Pieknik, Borough Clerk



Ayes: USIBELLI, BULARD, WALKER, HOLMES, HOCKIN, MERCER

Noes: WINKLMANN

Absent: EVANS

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