

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau Ben Haight, Chair

April 26, 2016
Assembly Chambers
7:00 PM

I. ROLL CALL

II. APPROVAL OF MINUTES

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

IV. PLANNING COMMISSION LIAISON REPORT

V. RECONSIDERATION OF THE FOLLOWING ITEMS

VI. CONSENT AGENDA

- A. CSP2016 0005, A State Project Review for extension and replacement of the sidewalk on the uphill side of Douglas Highway from Lawson Creek Road to Gastineau Elementary School.
- B. USE2016 0008, The amendment of an existing Conditional Use Permit for expansion of the Fred Meyer Fuel Center.
- C. USE2016 0009, A Conditional Use Permit to continue the manufacturing of asphalt and concrete, rock crushing, and storage.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

VIII. UNFINISHED BUSINESS

- A. USE2016 0003, A Conditional Use Permit for an asphalt plant at the Alaska Marine Lines Yard.

IX. REGULAR AGENDA

- A. USE2016 0004, A Conditional Use Permit to extract/mine gravel from patent lands in Hidden Valley, Lemon Creek.
- B. SMP2016 0001, Preliminary plat for 24 commonwall lots; the remaining land will be subdivided into two larger lots located at 7400 Glacier Highway and zoned D-18.

X. BOARD OF ADJUSTMENT

- A. VAR2016 0002 and VAR2016 0005, Variance Requests to D-15 side and rear yard setback requirements for two existing sheds
- B. VAR2016 0003, A Variance Request to the D-5 zoning district lot depth requirement

XI. OTHER BUSINESS

XII. DIRECTOR'S REPORT

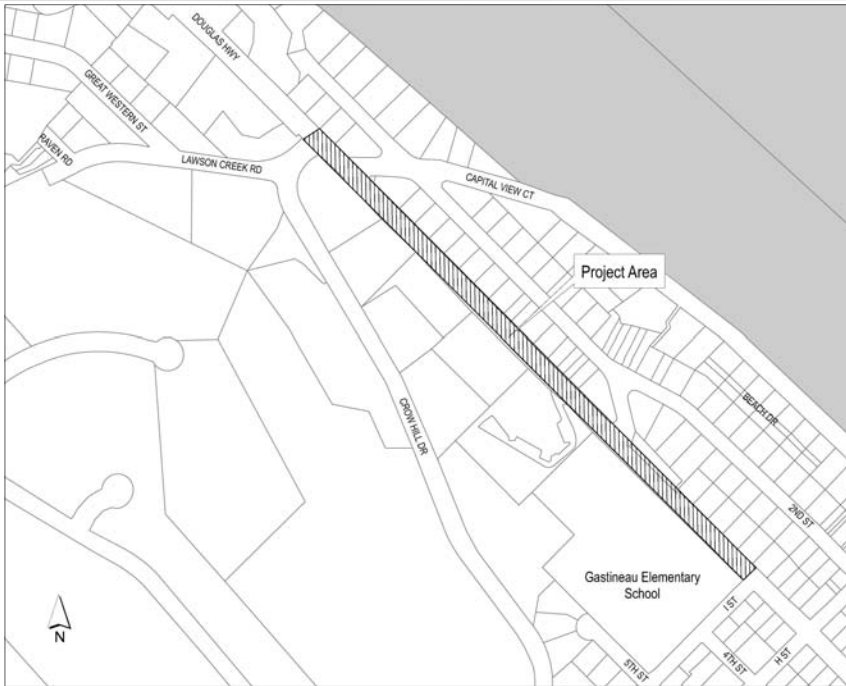
XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: A State Project Review for extension and replacement of the sidewalk on the uphill side of Douglas Highway from Lawson Creek Road to Gastineau Elementary School.

File No:	CSP2016 0005	Applicant:	State of Alaska
To:	Adjacent Property Owners	Project Area:	Douglas Highway (3rd Street) from Lawson Creek Road to I Street
Hearing Date:	April 26, 2016	Owner:	State of Alaska
Hearing Time:	7:00 PM	Project Length:	Approximately 2,000 feet
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	D-18
		Site Address:	Douglas Highway (3rd Street)

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Jonathan Lange at Jonathan.Lange@juneau.org or 586-0218.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: April 14, 2016

TO: Planning Commission

FROM: Jonathan Lange, Planner
Community Development Department

FILE NO.: CSP2016 0005

PROPOSAL: A State Project Review for extension and replacement of the sidewalk on the uphill side of Douglas Highway from Lawson Creek Road to Gastineau Elementary School.

GENERAL INFORMATION

Applicant: State of Alaska

Property Owner: State of Alaska Right-Of-Way

Address: 3rd Street (Douglas Highway) from Lawson Creek Road to I Street

Project Length: Approximately 2,000 feet

Comprehensive Plan Future Land Use Designation: MDR – Medium Density Residential; IPU – Institutional and Public Use

Zoning: D-18

Surrounding Land Use: North - D-18; Residential
South - D-18; Multi-Family Residential; Gastineau Elementary School; Single-Family Residential

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VICINITY MAP



ATTACHMENTS

Attachment A – State Project Review Application and Narrative
Attachment B – AKDOT&PF Scoping Letter and CDD Review
Attachment C – Agency and Public Comments
Attachment D – Human Remains Discovery Guide
Attachment E – Public Notice
Attachment F – Pictures

PROPOSAL

The applicant, the State of Alaska Department of Transportation and Public Facilities (AKDOT&PF), is requesting a State Project Review of a proposed sidewalk extension and replacement project on the uphill (west) side of Douglas Highway/3rd Street, from Crow Hill

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Road/ Lawson Creek Road to I Street on Douglas Island, for approximately 2,000 feet. The project will include new sidewalk installation, approximately 907 feet, on the uphill side of Douglas Highway from Crow Hill Road to the end of the existing sidewalk at Gastineau Elementary. Replacement of the existing sidewalk is also proposed adjacent to Gastineau Elementary. The proposal would also upgrade the cross walk ramps at the intersection of 3rd Street and I Street to make them comply with ADA, the Americans with Disabilities Act, regulations. School zone signage along Douglas Highway will also be upgraded to meet the Alaska Traffic Manual Supplement requirements (see Attachment A for applicant's narrative). Roadside appurtenances, such as storm drainage, will be replaced and relocated as necessary to complete the proposed project.

Local review and concurrence is required for State projects through the City and Borough of Juneau (CBJ) Land Use Code Title 49, CBJ 49.15.580 which states:

(b) *State project review*: The commission shall review proposed Alaska State capital improvement projects for consistency with this title pursuant to AS 35.30.010 and may impose conditions on and modifications to such projects. If the commission approves or approves with conditions or modifications, a notice of decision shall be issued. A notice of decision becomes final 90 days from the date the project was submitted unless modified or disapproved, a notice of recommendation and draft resolution shall be forwarded to the assembly for further action.

BACKGROUND

The sidewalk renovation and extension project is located in a D-18, multi-family, zoning district. Adjacent to the subject area are multi-family affordable housing complexes; condos, and townhouses; and the Gastineau Elementary School; on the west or uphill side of Douglas Highway.

In November 2015 AKDOT&PF sent a request for agency review comments for the proposed Douglas Sidewalk Extension project. Community Development Department (CDD) staff provided comments to AKDOT&PF (see Attachment B).

ANALYSIS

AGENCY COMMENTS

CBJ *General Engineer, Building Division, and Police Department*, have no comments.

The Douglas Indian Association (DIA) supports the project and drafted a resolution in support of the project in 2014. The project is in a sensitive area within DIA's traditional territory (see Attachment C for resolution).

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The Historic Resources Advisory Committee (HRAC) discussed the proposed project at their December 2nd, 2015 regular meeting. The HRAC approved the project unanimously, and made a recommendation that there may be a “possibility of cultural and other sensitive finds. They recommend a qualified cultural specialist observer. HRAC concurs with the project APE. If cultural finds contact Juneau Douglas City Museum.”

A condition shall be recommended for the proposed project, that if during development activities any historic, prehistoric, or archeological sites, locations, or objects; or if human remains are discovered; the applicant shall contact the proper authorities. Please see the below condition and Attachment D.

TITLE 49 – LAND USE CODE

49.35.610 - Pedestrian and bicycle access in the roaded service area.

(b) Sidewalks. The subdivider shall construct sidewalks according to table [49.35.240](#) in any residential subdivision, in all streets furnished with curbs and gutters, and in any commercial subdivision within the urban service area.

(1) Minimum width. The minimum width of sidewalks is five feet.

The application, Attachment A, typical sections plan indicates that the proposed sidewalks will be 5 feet wide.

CONFORMITY WITH ADOPTED PLANS

CDD staff addresses conformity with the following adopted plans in Attachment B, CDD staff review letter:

- CBJ Comprehensive Plan 2013
- Juneau Safe Routes to Schools Plan 2012
- Juneau Non-Motorized Transportation Plan 2009, and;
- CBJ Area Wide Transportation Plan 2001

AKDOT&PF representatives responded to the CDD staff review letter on the following issues and staff confirms that the proposed project is outside of the recommendations mentioned from the Juneau Safe Routes to Schools Plan (2012) and Juneau Non-Motorized Transportation Plan (2009).

The **Juneau Safe Routes to Schools Plan** outlines recommended improvements to pedestrian infrastructure around Gastineau Elementary.

1. **Add pedestrian crossing improvements at intersection of Douglas Highway and I Street.** Options include a pedestrian activated signalized crossing, overhead crosswalk sign, reflective sign post covers, curb bulb-outs or installing median pedestrian refuge islands to shorten crossing distance. Douglas Highway/3rd Street here has a speed limit of 30 mph and 20 mph in the school zone. It is an Urban Collector road with the AADT of 6,036. There were four pedestrian/bike and vehicle accidents on Douglas Highway between H Street and Crow Hill Drive between 1999 and 2011. Several parents raised concerns regarding crossing rush hour traffic on Douglas Highway to get to school. According to Alaska Traffic Manual Supplement to MUTCD, Table 7A-101, this crossing qualifies for a pedestrian signal, refuge, or grad separation if other criteria are met.

As stated in AKDOT&PF's email, Attachment B, the pedestrian crossing at Douglas Highway/3rd Street and I Street does not qualify for the suggested intersection improvements, per the Alaska Traffic Manual Supplement. The existing infrastructure, i.e. the flashing school zone signage and marked crosswalk, and Gastineau Elementary School crossing guards, are what the manual recommends.

3. **Add a sidewalk on the school-side of Douglas Highway, from Lawson Creek (or Vista Drive) to Gastineau Elementary School (approx. 2,000-3,000 ft.).** There are many children living in this area, which is close enough to the school that it does not receive school bus service (closer than ½ mile), yet there is no sidewalk for children to walk to school without crossing Douglas Highway.

Juneau Non-Motorized Transportation Plan (2009):

7.2 Safe Crosswalks, Bridges and Intersections

86. Douglas Highway and Crow Hill Drive

- Add pedestrian activated signal, signs and continental style crosswalk

The project does not include a crosswalk at Douglas Highway and Crow Hill Drive/Lawson Creek Road because there is no sidewalk on the north side of the road.

HABITAT

Staff finds no habitat issues with the proposed project.

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FINDINGS

The proposed sidewalk extension and replacement project on Douglas Highway from Lawson Creek Road to I Street is intended to implement the recommendations of the above mentioned plans and policies and to provide for the safe non-motorized access along Douglas Highway in this area and especially from housing to the Gastineau Elementary School. Staff finds that the proposal is consistent with the 2013 Comprehensive Plan, Title 49 and other associated plans mentioned herein and in Attachment B.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the Assembly that CSP2016 0005, a State Project Review for extension and replacement of the sidewalk on the uphill side of Douglas Highway from Lawson Creek Road to Gastineau Elementary School is consistent with Title 49, the 2001 CBJ Area Wide Transportation Plan, the 2009 Juneau Non-Motorized Transportation Plan, the 2012 Juneau Safe Routes to Schools Plan, and the 2013 Comprehensive Plan; with the following condition:

1. If any historic, prehistoric, or archeological sites, locations, or objects are discovered within intact soils in a subsurface context during development activity, all work in the area should cease, and the applicant, AKDOT&PF, should immediately notify the State Historic Preservation Officer at the Department of Natural Resources. Given the fill nature of the project area and prior grave removal outside the APE any human remains that are discovered "in situ", in their original place or position, with an associated feature context, all work should cease until work is authorized by the agency with jurisdiction. See Attachment D – Human Remains Discovery Guide for further guidelines.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 3/9/16
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description See attached cover letter.		
	PROPERTY LOCATION		
	Street Address 3rd Street: Lawson Creek Road to I Street		City/Zip Juneau/ 99801
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) North Douglas Hwy Lawson Creek Road to I Street		
	Assessor's Parcel Number(s) N/A		
	LANDOWNER/ LESSEE		
	Property Owner's Name State of Alaska		Contact Person: Christopher Goins
	Mailing Address P.O. Box 112506, Juneau, AK 99811-2506		Work Phone: 907-465-4443
	E-mail Address christopher.goins@alaska.gov		Home Phone: -
			Fax Number: -
Other Contact Phone Number(s): -			
LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits; not needed on Building/ Engineering Permits****			
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X _____ Landowner/Lessee Signature Date _____			
X _____ Landowner/Lessee Signature Date _____			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name Same		Contact Person:	
Mailing Address		Work Phone:	
E-mail Address		Home Phone:	
		Fax Number:	
		Other Contact Phone Number(s):	
X _____ Applicant's Signature Date of Application _____			

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type	***SIGN	Date Received
	☒	Building/Grading Permit		
	☒	City/State Project Review and City Land Action		3/9/16
	☐	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		CSP 20160005
	☐	Mining Case (Small, Large, Rural, Extraction, Exploration)		
	☐	Sign Approval (If more than one, fill in all applicable permit #'s)		
	☐	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
	☐	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		
	☐	Variance Case (De Minimis and all other Variance case types)		
	☐	Wetlands Permits		
	☐	Zone Change Application		
	☐	Other (Describe)		
	***Public Notice Sign Form filled out and in the file.			
	Comments:			Permit Intake Initials ANE

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

1: FORMS 2010 Applications Revised November 2009

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters)	Case Number CSP 20160005	Date Received 3/9/16
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TYPE OF PROJECT REVIEW:

☐ City Project Review
 ☐ City Land Acquisition /Disposal
 ☒ State Project Review

DESCRIPTION OF PROJECT

See attached cover letter and mapping.

Please attach a cover letter to fully explain the project if there is not adequate space on this form.

CURRENT USE OF LAND OR BUILDING(S):

Land use is currently highway right-of-way that is used for the transportation of people and goods.

PROPOSED USE OF LAND OR BUILDING(S):

The proposed project as described in the cover letter will provide sidewalk access where there is none and update sidewalk to ADA standards where they are not in compliance.

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits? ☒ No ☐ Yes Case No.: _____

Capital Improvement Program # (CIP) _____

Local Improvement District # (LID) _____

State Project # 250100002

ESTIMATED PROJECT COST: \$ 415,000.00

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	CITY/STATE PROJECT FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ <u>415,000.00</u>	_____	_____	_____
Total Fee	\$ <u>415,000.00</u>	_____	_____	_____	

**NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM
&
EVEN IF THE PROPOSED PROJECT IS ASSOCIATE WITH OTHER LAND USE PERMITS, THIS
APPLICATION MUST BE FILLED OUT**

CITY/STATE PROJECT REVIEW REQUIREMENTS

Each application for a City/State Project is reviewed by the Planning Commission at a public hearing. The permit procedure is intended to provide the Commission the flexibility necessary to make recommendations tailored to individual applications.

Application: An application for a City/State Project Review will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

Forms: A completed City/State Project Review Application form and Development Permit Application form. The "land owner or lessee consent" signature is mandatory for all landowners on the Development Permit Application form.

Fees: No fee required for projects that cost less than \$2.5 million. For projects costing more than this amount, the fee is \$1,600.00. All fees are subject to change.

Project Description: A detailed letter or narrative describing the project.

Plans: All plans are to be drawn to scale and clearly show the items listed below:

- A. Plat, site plan, floor plan and elevation views of existing and proposed structures and land;
- B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances;
- C. Proposed traffic circulation within the site including access/egress points and traffic control devices;
- D. Existing and proposed lighting (including cut sheets for each type of lighting);
- E. Existing and proposed vegetation with location, area, height and type of plantings; and,
- F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

Document Format: All information that is submitted as part of an application shall be submitted in either of the following formats:

- A. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf or other formats pre-approved by the Community Development Department.
- B. Paper copies may not be larger than 11" X 17" (Unless a larger paper size is preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All City/State Project Review Permit Applications must be reviewed by the Planning Commission. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting. The Planning Commission will make a recommendation based on staff's analysis and forward it to the Assembly for final approval/denial.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



THE STATE
of ALASKA
GOVERNOR BILL WALKER

Department of Transportation and Public Facilities

SOUTHCOAST REGION

6860 Glacier Highway
PO Box 112506
Juneau, Alaska 99801-2506
Main: (907) 465-1799
Toll free: (800) 575-4540
Fax: (907) 465-2030
TTY-TDD: (800) 770-8973
dot.state.ak.us

February 5, 2016

City/Borough of Juneau
155 S. Seward St.
Juneau, AK 99801

RE: Program #SRMBS000024 - State Project No. 2501000002
JNU: Douglas Highway Sidewalk Extension: Gastineau School to Lawson Creek Road

To whom it may concern:

We are submitting the enclosed project and land action review application, development permit application, and the preliminary project ground disturbance map for your review and comment. In addition to a general review, please specifically review for compliance in accordance with AS 35.30.020.

Under AS 35.30.020, the Department must comply with local planning and zoning ordinances and other regulations in the same manner and to the same extent as other landowners. If you believe that the Department's construction of this project would result in a violation of planning, zoning, or other regulations generally applicable to landowners, please identify the portions of the project that would be in violation, and the specific planning, zoning, or other regulations that you believe would be violated.

The Douglas Highway Sidewalk Extension: Gastineau School to Lawson Creek Road
Project submitted for your review includes new sidewalk installation on the uphill side of 3rd Street starting at Crow Hill Road/Lawson Creek Road extending to the end of the existing sidewalk at Gastineau Elementary, replacement of existing sidewalk on the uphill side of 3rd Street adjacent to Gastineau Elementary and upgrading the cross walk ramps at the intersection of 3rd and I Streets to make them ADA compliant. Additionally school zone signage along 3rd Street will be updated to meet the Alaska Traffic Manual Supplement requirements. Replacement and relocation of roadside appurtenances such as storm drainage will be completed as necessary to accomplish the work. Please see the attached ground disturbance map and typical section drawing.

If we have not received comments regarding the project's compliance with planning and zoning ordinances within 90 days after submittal of these plans, the Department will proceed with the

"Keep Alaska Moving through service and infrastructure."

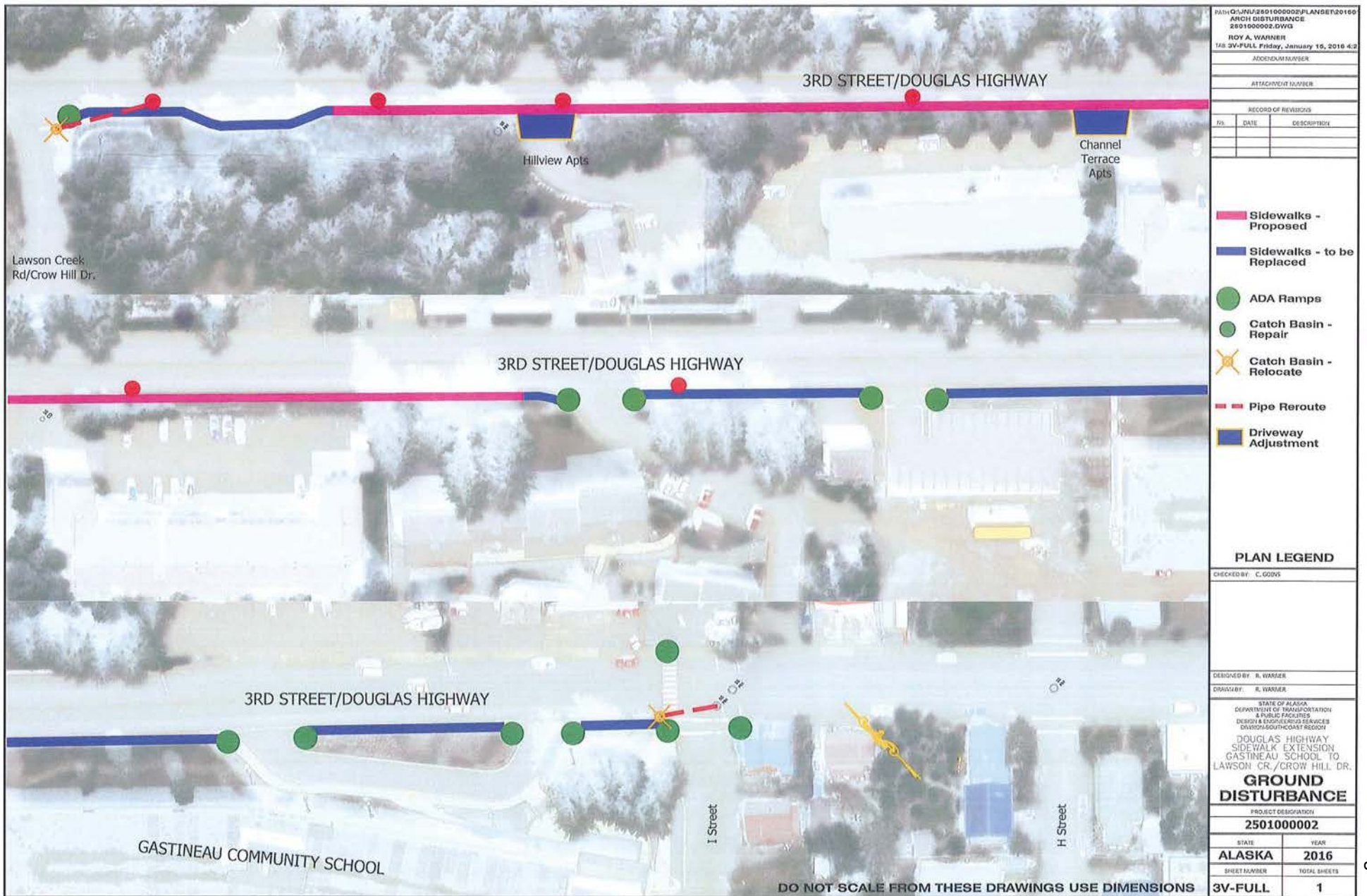
project as planned. If you have any questions, I can be reached by phone at: (907) 465-4443, or by e-mail at: christopher.goins@alaska.gov.

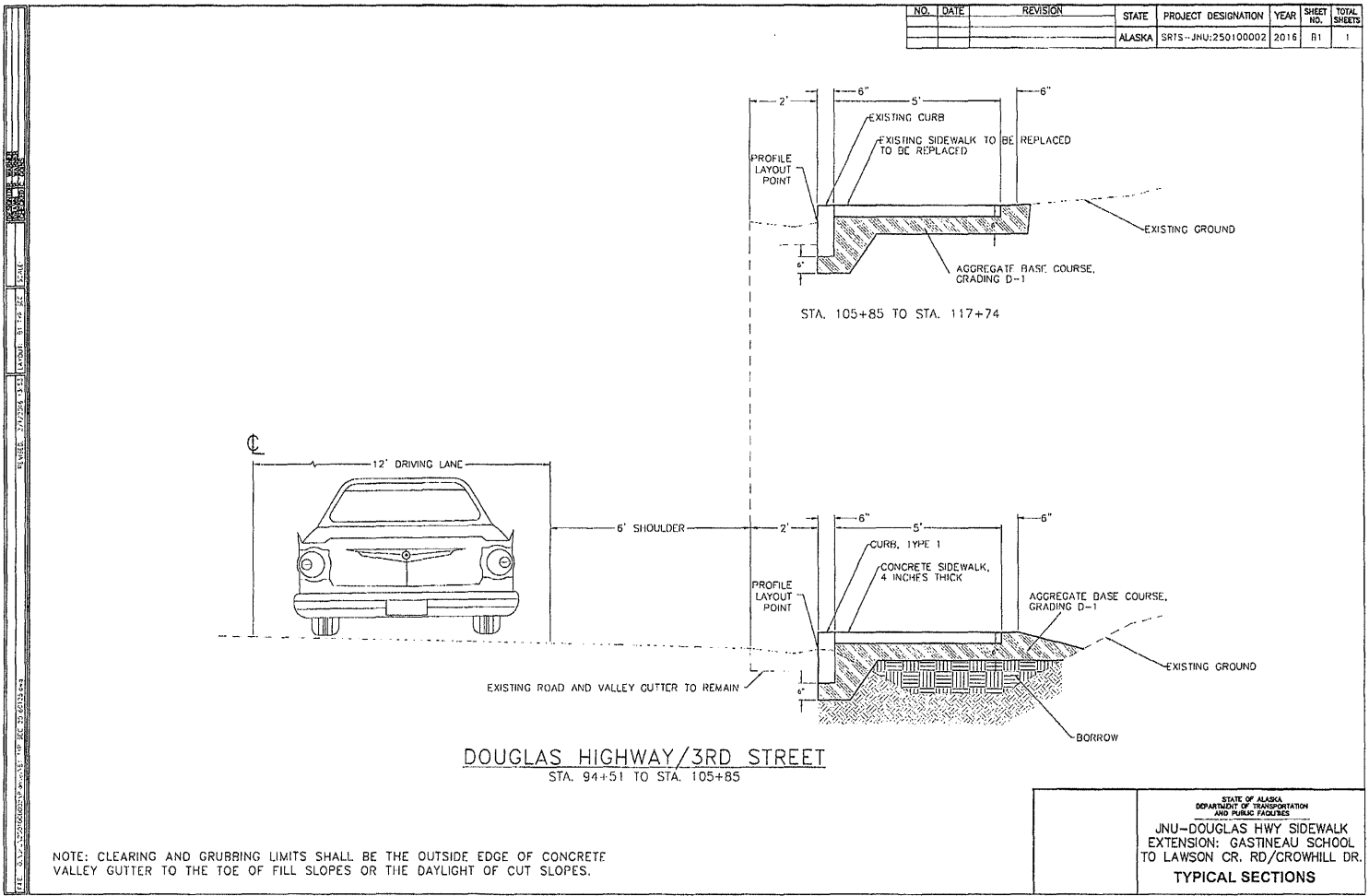
Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Goins', with a long horizontal flourish extending to the right.

Christopher Goins, P.E.
DOT&PF Engineering Manager

Enc: Project and Land Action Review Application, Development Permit Application, Ground Disturbance Map and Typical Sections







THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation and Public Facilities

SOUTHCOST REGION
DESIGN & ENGINEERING SERVICES
Preconstruction

6860 Glacier Highway
PO Box 112506
Juneau, Alaska 99801-2506
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Toll free: (800) 575-4540
Fax: (907) 465-2030
TTY-TDD: (800) 770-8973
dot.state.ak.us

November 3, 2015

Re: Project 2501000002

Douglas Sidewalk Extension: Gastineau School to Crow Hill Drive/Lawson Creek Road in Douglas, Alaska.

Subject: Agency Request for Comments

Dear Agency Representative,

The Alaska Department of Transportation and Public Facilities (DOT&PF) has assumed the responsibilities of the Federal Highway Administration (FHWA) under 23 U.S.C. 326, and with funding from both FHWA and the City and Borough of Juneau (CBJ), proposes to make sidewalk and crosswalk improvements on Douglas Highway (also known as 3rd Street) in the vicinity of Gastineau Elementary. We are requesting your comments on this project. The project is located in Douglas in the City and Borough of Juneau in Section 26, Township 41 South, Range 67 East, Copper River Meridian, in the USGS Juneau B-2 Quadrangle Map. Refer to the attached Key and Vicinity Map, Project Location Map, Project Aerial Map, and Typical Section, Sheets 1 through 4 of 4.

Under the Safe Routes to School Program, the project proposes to extend sidewalk, curb, and gutter from the terminus of the existing sidewalk at Gastineau Elementary to the Crow Hill Drive/Lawson Creek Road intersection with 3rd Street. This location is the beginning of the project (BOP) and will be referred to as the BOP. The proposed project would also upgrade the existing sidewalk, and two existing marked crosswalks at the intersection of 3rd and I Streets. Additionally, advanced school zone signage near the intersection of 3rd and H Street may also require upgrading.

Comments on the proposed projects from resource and regulatory agencies and the interested public would assist us in preparing the project's environmental documentation.

Purpose and Need

The purpose of the project is to provide safe routes and road crossings for pedestrians near Gastineau Elementary on 3rd Street in Douglas, Alaska. The project would make safety improvements to a major collector route (3rd Street) that serves as a school route to a 382 unit high density neighborhood. Because this neighborhood is too close to the school to receive bus service there is a need to extend the sidewalk from its terminus at Gastineau Elementary to the BOP. The proposed work would also remove the direct conflict between pedestrians, bicyclists and drivers on the uphill side of the highway and would eliminate the need for pedestrians to cross the highway at the BOP to access the existing sidewalk on the water side of 3rd Street. Currently, there is no crosswalk to cross 3rd Street at the BOP and crossing here presents safety concerns since there is limited sight distance due to the vertical curvature of the road just NW of Crow Hill Drive/Lawson Creek Road.

"Keep Alaska Moving through service and infrastructure."

Project Description

The proposed project would install new sidewalk, curb, and gutter on the uphill side of 3rd Street from the BOP for approximately ¼ mile to the terminus of the existing sidewalk. The project would continue on the uphill side of 3rd Street through the area of existing sidewalk adjacent to Gastineau Elementary replacing sections of sidewalk that are not in compliance with Americans with Disabilities Act (ADA) standards. The project would include upgrades to the two existing marked crosswalks at the intersection of 3rd and I Streets for compliance with the manual on Uniform Traffic Control Devices (MUTCD) and the ADA. Additionally, advanced school zone signage near the intersection of 3rd and H Street may also require upgrading. This would be the End of the Project (EOP). Attached Sheets 1 and 2 and 3 show the BOP and EOP.

Identified Resources & Potential Impacts

Below, DOT&PF provides the results of preliminary analyses of the potential impacts that could occur from this project.

ROW – No ROW would need to be acquired as the proposed project is within existing DOT&PF ROW.

In-water Work – No in-water work would be required.

Fish Habitat – There would not be an impact to fish habitat.

Eagles – US Fish and Wildlife Service (USFWS) and DOT&PF conducted an aerial survey for eagle nests in May of 2014. Eagle nests were found within ½ mile of the proposed construction areas of the project. DOT&PF will work with permitting agencies to obtain any required permits.

Historic/Cultural Resources – The Alaska Historical Resource Survey (AHRS) database indicates there are known sites in the vicinity of the proposed work. DOT&PF is conducting Section 106 consultation with the State Historic Preservation Office (SHPO), tribes, and other consulting parties as well.

Temporary Impacts - The proposed project may result in some temporary traffic impacts during construction. Short delays in traffic and frequent single lane controls would be expected. Temporary construction related noise and air quality degradation are expected to be minor.

Request for Comments

We request your comments on the proposed action, particularly in regard to potential impacts to resources under your jurisdiction. DOT&PF must also determine to what extent this project would impact cultural or historic properties. If you have information that would assist in these determinations, please provide it.

To comply with certain interagency agreements, we also request the views of applicable agencies on potential effects on bald eagles and threatened and endangered species. Your comments will be included in the project's environmental document. We would appreciate your response by **December 4, 2015**.

Thank you for your consideration of this request for comments. If you have questions or require clarification on any elements of the proposal, please contact me at 907-465-1826, or by e-mail at cheryl.benson@alaska.gov.

Sincerely,



Project Environmental Analyst

Cheryl A. Benson

Enclosures:

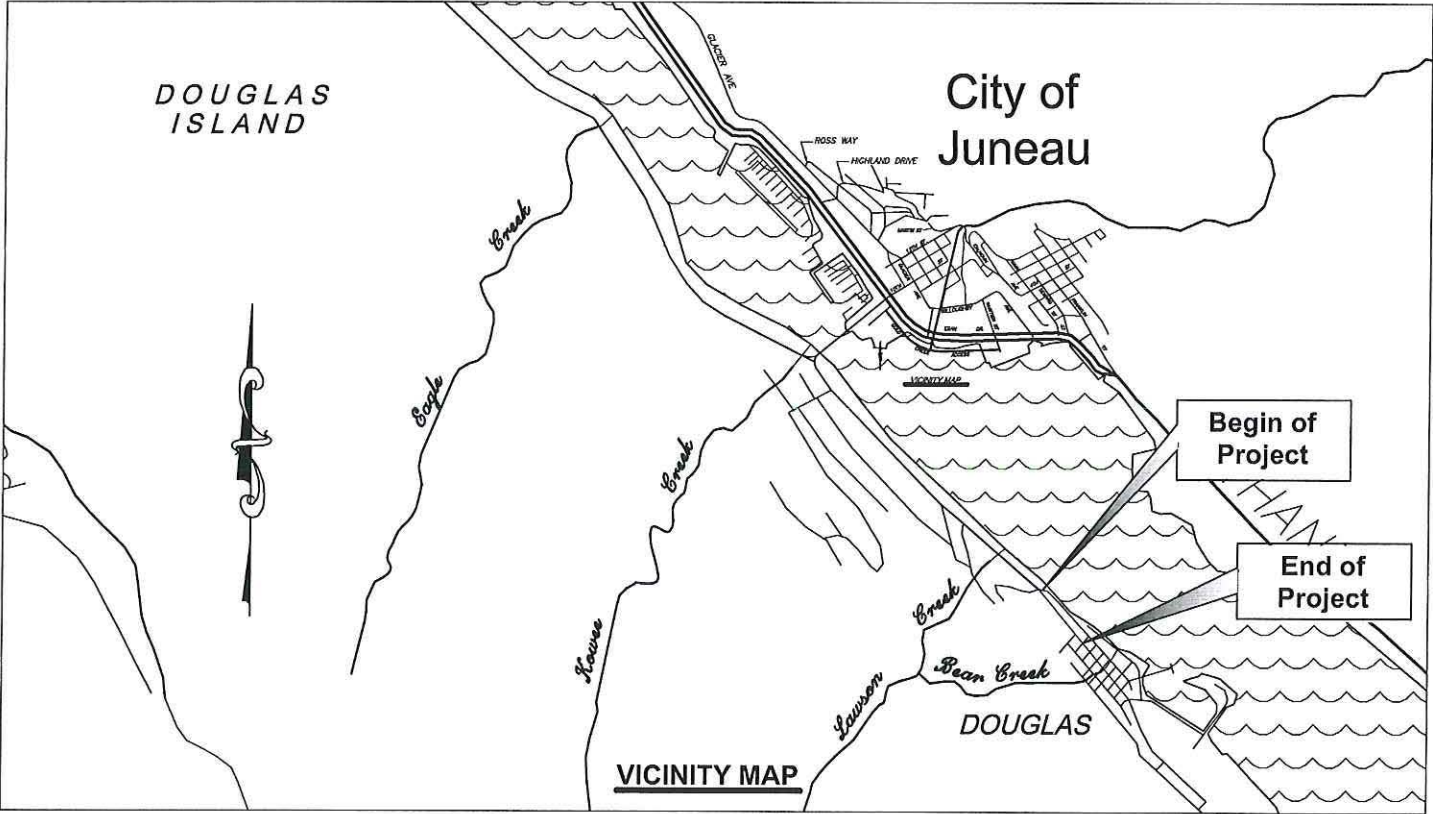
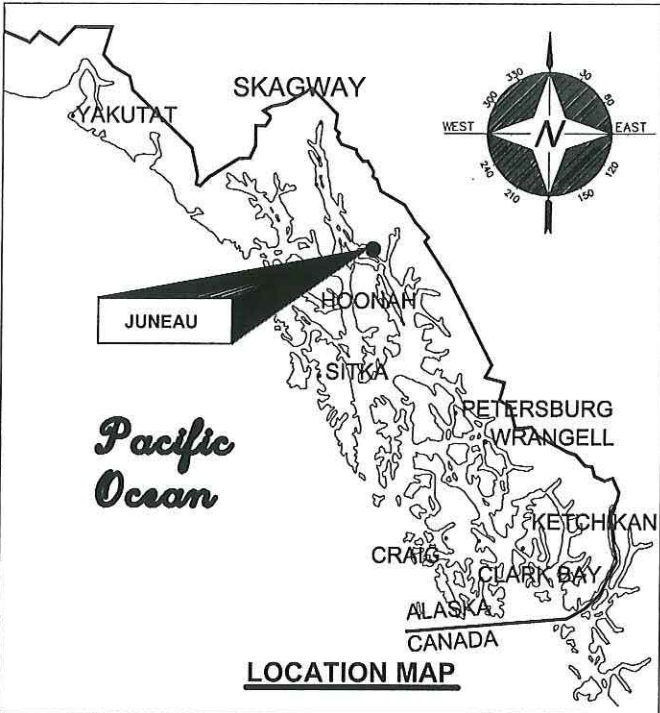
Key and Vicinity Maps, Sheet 1 of 4
Project Location Map, Sheet 2 of 4
Project Aerial Map, Sheet 3 of 4
Typical Section, Sheet 4 of 4

cc:

Chris Goins, P.E., DOT&PF Southcoast Region Project Manager
Keith Karpstein, P.E., DOT&PF Southcoast Region Design Group Chief
Hillary Lindh, DOT&PF Southcoast Region Environmental Manager

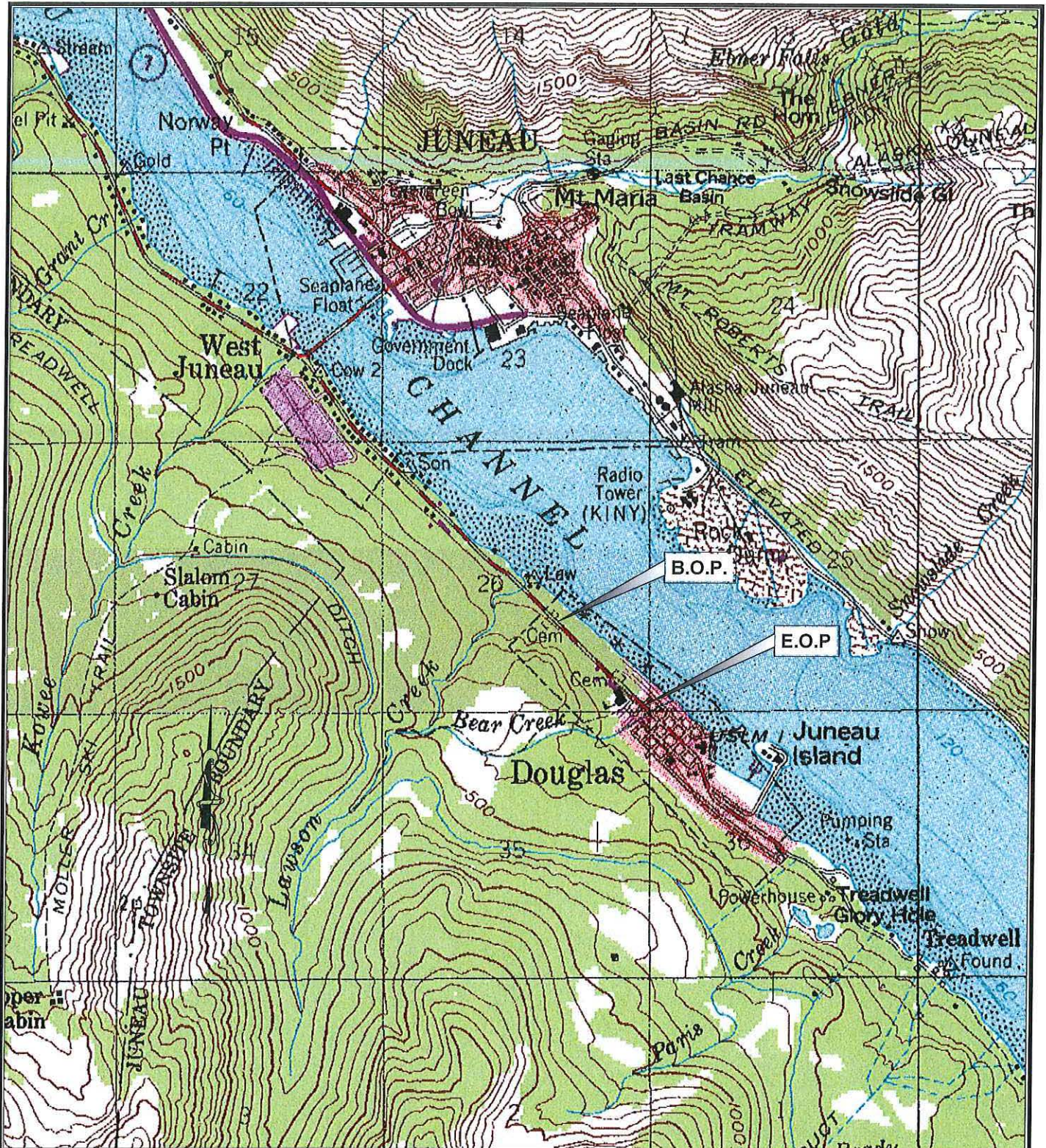
Distribution List:

Rorie Watt, P.E., Director of Public Works/Engineering, City and Borough of Juneau
Rob Steedle, Deputy City Manager, City and Borough of Juneau
Dr. Mark Miller, Superintendent, Juneau School District
Steve Brockmann, USFWS, Juneau
Jackie Timothy, ADF&G, Juneau
Judith Bittner, SHPO



JUNEAU B-2 QUADRANGLE MAP SECTION 26, T41S, R67E COPPER RIVER MERIDIAN	KEY AND REGIONAL MAPS APPLICATION BY: ALASKA STATE DEPT. OF TRANSPORTATION AND PUBLIC FACILITIES SOUTHCOST REGION DESIGN & ENGINEERING SERVICES	JNU: DOUGLAS HWY SIDEWALK EXTENSION PROJECT NO. 2501000002 AT: JUNEAU, ALASKA DATE: Sept, 2015 SHEET <u>1</u> OF <u>4</u>
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JUNEAU B-2 QUADRANGLE MAP
SECTION 26, T41S, R67E
COPPER RIVER MERIDIAN

PROJECT LOCATION MAP

APPLICATION BY:
ALASKA STATE DEPT. OF TRANSPORTATION
AND PUBLIC FACILITIES
SOUTHCOST REGION
DESIGN & ENGINEERING SERVICES

JNU: DOUGLAS HWY
SIDEWALK EXTENSION
PROJECT NO. 2501000002

AT: JUNEAU, ALASKA

DATE: Oct. 8, 2015 SHEET 2 OF 4



JUNEAU B-2 QUADRANGLE MAP
SECTION 26, T41S, R67E
COPPER RIVER MERIDIAN

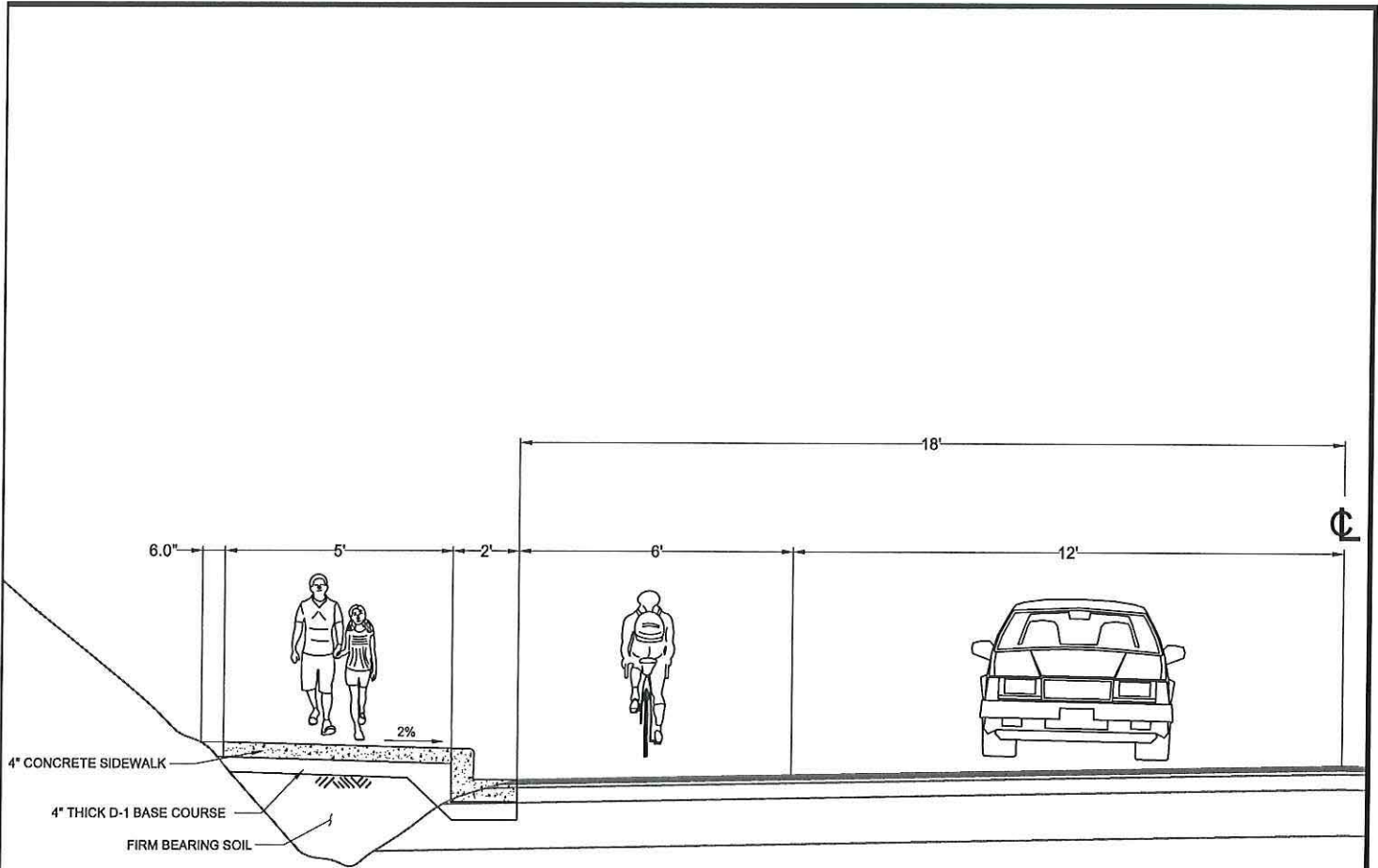
PROJECT AERIAL MAP

APPLICATION BY:
ALASKA STATE DEPT. OF TRANSPORTATION
AND PUBLIC FACILITIES
SOUTHCOST REGION
DESIGN & ENGINEERING SERVICES

JNU: DOUGLAS HWY
SIDEWALK EXTENSION
PROJECT NO. 2501000002

AT: JUNEAU, ALASKA

DATE: Oct. 8, 2015 SHEET 3 OF 4



DOUGLAS HIGHWAY

JUNEAU B-2 QUADRANGLE MAP
SECTION 26, T41S, R87E
COPPER RIVER MERIDIAN

TYPICAL SECTION

APPLICATION BY:
ALASKA STATE DEPT. OF TRANSPORTATION
AND PUBLIC FACILITIES
SOUTHCOST REGION
DESIGN & ENGINEERING SERVICES

JNU: DOUGLAS HWY
SIDEWALK EXTENSION
PROJECT NO. 2501000002

AT: JUNEAU, ALASKA

DATE: Sept, 2015 SHEET 4 OF 4



November 19, 2015
 Community Development Department
 City & Borough of Juneau

Cheryl A. Benson
 Environmental Analyst
 ADOT&PF Southeast Region - Design
 P.O. Box 112506
 Juneau, AK 99811-2506
Cheryl.benson@alaska.gov

RE: Douglas Sidewalk Extension: Gastineau Elementary School to Crow Hill Drive/Lawson Creek Road, Project 2501000002
 City & Borough of Juneau, Community Development Department Comments

Ms. Benson,

Thank you for sending us the request for comments on the proposed project. The extension of the sidewalk on the uphill side of 3rd Street in Douglas is a desired improvement and is encouraged by City and Borough of Juneau (CBJ) plans and policies (see below for plan references).

We would concur with your findings that there are no impacts to fish habitat and that there are no nearby eagles' nests.

Historic/Cultural Resources – Two homes at the intersection of H Street and 3rd Street were identified as having a historical significance. 1401 3rd Street has been identified as the 1910 built “Alfred Bonnett House”; and 1315 3rd Street has been identified as the 1930 built “Kirkham House”. The Juneau Historic Resources Advisory Committee should be contacted for their recommendation concerning Historic Resources.

The area of the proposal has cultural significance for the Alaskan Native community. The Douglas Indian Association and other Alaskan Native groups should be contacted for their recommendations concerning Cultural Resources in the area.

CBJ Plans and Policies - Outlined below are citations from the City and Borough of Juneau Comprehensive Plan, Juneau Safe Routes to Schools Plan, Non-Motorized Transportation Plan, and Area Wide Transportation Plan that are in relation to the proposed Douglas Sidewalk Extension project.

CBJ Comprehensive Plan (2013):

POLICY 8.5. TO PROMOTE A BALANCED, WELL-INTEGRATED LOCAL MULTI-MODAL SURFACE TRANSPORTATION SYSTEM THAT PROVIDES SAFE, CONVENIENT AND ENERGY-EFFICIENT ACCESS AND TRANSPORT FOR PEOPLE AND COMMODITIES.

Providing a new sidewalk for safe connection between a residential neighborhood and a near-by school helps to achieve the above policy.

POLICY 18.5. TO FACILITATE INTERGOVERNMENTAL COORDINATION SO THAT DECISIONS AFFECTING LOCAL PLANNING AND DEVELOPMENT ARE RENDERED IN AN EFFICIENT AND CONSISTENT MANNER.

The open comment period helps to facilitate the intergovernmental coordination that is a goal and policy for the CBJ.

Juneau Safe Routes to Schools Plan (2012):

The Juneau Safe Routes to Schools Plan outlines recommended improvements to pedestrian infrastructure around Gastineau Elementary.

1. **Add pedestrian crossing improvements at intersection of Douglas Highway and I Street.** Options include a pedestrian activated signalized crossing, overhead crosswalk sign, reflective sign post covers, curb bulb-outs or installing median pedestrian refuge islands to shorten crossing distance. Douglas Highway/3rd Street here has a speed limit of 30 mph and 20 mph in the school zone. It is an Urban Collector road with the AADT of 6,036. There were four pedestrian/bike and vehicle accidents on Douglas Highway between H Street and Crow Hill Drive between 1999 and 2011. Several parents raised concerns regarding crossing rush hour traffic on Douglas Highway to get to school. According to Alaska Traffic Manual Supplement to MUTCD, Table 7A-101, this crossing qualifies for a pedestrian signal, refuge, or grad separation if other criteria are met.
3. **Add a sidewalk on the school-side of Douglas Highway, from Lawson Creek (or Vista Drive) to Gastineau Elementary School (approx. 2,000-3,000 ft.).** There are many children living in this area, which is close enough to the school that it does not receive school bus service (closer than ½ mile), yet there is no sidewalk for children to walk to school without crossing Douglas Highway.

The Project Description in the Request for Scoping Comments addresses the installation of the new sidewalk from Crow Hill Drive/Lawson Creek Road. Please provide further explanation and a possible plan for upgrades to the crosswalks at 3rd and I Streets.

Juneau Non-Motorized Transportation Plan (2009):

7.1 Highest Priority Non-Motorized Infrastructure Improvements

17. Intersections on Douglas Highway - ...Crow Hill Drive (#86),... This is the main route through the area and several accidents involving pedestrians and bicycles have taken place at each intersection.

7.2 Safe Crosswalks, Bridges and Intersections

86. Douglas Highway and Crow Hill Drive

- Add pedestrian activated signal, signs and continental style crosswalk
- Curb extensions to decrease crossing distance

7.3 Sidewalk and Streetscape Improvements

85. Douglas Highway (Cordova Street to Savikko Road)

- Complete sidewalks on both sides of the street
- Initiate safe routes to schools program and follow recommendations

CBJ Area Wide Transportation Plan (2001):

Public safety is of paramount concern.

Measures that enhance safety for users of the transportation system will be carefully reviewed, evaluated, selected, and recommended.

The community's transportation system must provide people with more transportation choices.

The transportation plan must recognize that transportation is more than just vehicles and pavement, and must encourage diversity in travel options.

Travel by foot needs to be safe and convenient.

The addition of pedestrian facilities at many locations is needed to provide for all travelers, including children, the elderly and the disabled.

Douglas Island Priority Solution List

34. Douglas Highway Pedestrian Improvement

Install crosswalk signing and striping at major collector street connections, sidewalk on uphill side, bus pullouts/shelters and adequate winter lighting.

Again, thank you for the opportunity to provide preliminary comments on the sidewalk extension proposal. State projects proposed in the Alaska State capital improvement projects are required to have a consistency review through the Planning Commission, as per the CBJ Land Use Code Title 49, CBJ 49.15.580 which states:

(b) *State project review*: The commission shall review proposed Alaska State capital improvement projects for consistency with this title pursuant to AS 35.30.010 and may impose conditions on and modifications to such projects. If the commission approves or approves with conditions or modifications, a notice of decision shall be issued. A notice of decision becomes final 90 days from the date the project was submitted unless modified or disapproved, a notice of recommendation and draft resolution shall be forwarded to the assembly for further action.

Please let me know if you have any questions on the above mentioned requests, recommendations, and CBJ plans and policies.

Respectfully,



Jonathan Lange, CFM
 Planner II, Community Development Dept.
 City & Borough of Juneau, Alaska
 155 S. Seward St. Juneau, AK 99801
 Ph (907)586-0218
Jonathan.Lange@juneau.org



Jonathan Lange

From: Benson, Cheryl A (DOT) <cheryl.benson@alaska.gov>
Sent: Monday, November 30, 2015 4:20 PM
To: Jonathan Lange
Cc: Barnett, John C (DOT); Goins, Christopher B (DOT); Karpstein, Keith D (DOT)
Subject: RE: Douglas Sidewalk Extension: Gastineau Elementary School, Project 2501000002

Dear Mr. Lange,

Thank you for your response to the scoping letter for the Douglas Sidewalk Extension Project. Please note that Douglas Highway will be referenced as 3rd Street in this email.

I met with the project team to discuss your comments. My meeting included David Epstein, Traffic Engineer for ADOT&PF, Chris Goins, Project Manager, and Keith Karpstein, Design Group Chief. The following responses are based on my conversations with the project team:

- Under the “**Juneau Safe Routes to Schools Plan (2012)**” section of your comments, you address the 3rd and I Street crossing that is part of the current scope of this project. Your comment indicates this intersection qualifies for a pedestrian signal, refuge, or grade separation. However, in meeting with Mr. Epstein, a pedestrian-activated signal at the 3rd and I Street intersection is not required. The interpretation of Table 7A-101 of the Alaska Traffic Manual Supplement that this intersection qualifies for a pedestrian signal is not a mandate for DOT&PF to provide any of these features. The four referenced pedestrian crashes did not occur near the 3rd and I Street intersection. In the case of the 3rd and I Street crossing, the existing equipment (i.e., flashing school zone assembly, signage, and marked crosswalk) and crossing guard are what the Supplement recommends. Gastineau School is to be commended for the steps taken to ensure its crossing guards are trained.
- Under the “**Juneau Non-Motorized Transportation Plan (2009): 86. Douglas Highway and Crow Hill Drive**” section of your comments:

The scope of the project does not include a cross walk at 3rd Street and Crow Hill Drive/Lawson Creek Road since there is no sidewalk on the uphill side of 3rd Street (heading toward the roundabout). An accessible ramp on the town (roundabout) side of 3rd Street and Crow Hill Drive/Lawson Creek Road is therefore not indicated due to lack of a receiving facility on the north side of Crow Hill Drive/Lawson Creek Road. It is outside the scope of this project to provide one. Similarly, the existing sidewalk on the water side of 3rd Street across from Crow Hill Drive/Lawson Creek Road would need to be modified to include an ADA ramp in conjunction with establishing a crosswalk and like facility on the uphill side. That, too, is outside of the project scope.

Additionally, I will be sending out an addendum to all who received the scoping letter that we need to add one additional item to the scope. **Replacement of inlets and pipes.** It looks as though we have an inlet that will need to be addressed in order to accommodate the ADA crossing requirements. Pipes connected to this inlet would also need to be addressed.

Please let me know if you have any questions.

Cheryl

Cheryl A. Benson

Environmental Analyst
DOT&PF, Southcoast Region - Design
P.O. Box 112506
Juneau, Alaska USA 99811-2506
Phone (907) 465-1826
Fax: (907) 465-4414
cheryl.benson@alaska.gov

Keep Alaska Moving through service and infrastructure.



From: Jonathan Lange [mailto:Jonathan.Lange@juneau.org]
Sent: Thursday, November 19, 2015 2:50 PM
To: Benson, Cheryl A (DOT)
Cc: Beth McKibben; Rob Steedle
Subject: RE: Douglas Sidewalk Extension: Gastineau Elementary School to Crow Hill Drive/Lawson Creek Road, Project 2501000002

Ms. Benson,
Please find attached the City and Borough of Juneau Community Development Department comments on the Douglas Sidewalk Extension Project.
Let me know if you have any questions.
Have a good rest of your day.

Jonathan Lange, CFM
Planner II, Community Development Dept.
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
Ph (907)586-0218
Jonathan.Lange@juneau.org



From: Beth McKibben
Sent: Tuesday, November 03, 2015 1:17 PM
To: Jonathan Lange
Subject: FW: Douglas Sidewalk Extension: Gastineau Elementary School to Crow Hill Drive/Lawson Creek Road, Project 2501000002

Jonathan

Will you please review the project w/our plans and provide written comments from CDD.

Thanks

Beth McKibben, AICP
Planning Manager, CDD
City & Borough of Juneau
907.586.0465



Please consider the environment before printing this email.

From: Rob Steedle
Sent: Tuesday, November 03, 2015 12:25 PM
To: Beth McKibben
Subject: FW: Douglas Sidewalk Extension: Gastineau Elementary School to Crow Hill Drive/Lawson Creek Road, Project 2501000002

From: Benson, Cheryl A (DOT) [<mailto:cheryl.benson@alaska.gov>]
Sent: Tuesday, November 3, 2015 12:23 PM
To: Steve Brockmann (steve_brockmann@fws.gov); Timothy, Jackie L (DFG); Bittner, Judith E (DNR); Rorie Watt; Rob Steedle; mark.miller@juneauschools.org
Cc: Goins, Christopher B (DOT); Karpstein, Keith D (DOT); Lindh, Hilary K (DOT); Sumner, Amy L (DOT)
Subject: Douglas Sidewalk Extension: Gastineau Elementary School to Crow Hill Drive/Lawson Creek Road, Project 2501000002

Dear Agency Representatives,

The Alaska Department of Transportation and Public Facilities (DOT&PF) requests comments on the Douglas Sidewalk Extension: Gastineau Elementary School to Crow Hill Drive/Lawson Creek Road, project 2501000002 in Douglas, Alaska. Please refer to the attached .pdf of the scoping letter and figures for details.

We request comments from you about the proposed action, particularly in regard to resources under your agency jurisdiction.

We could appreciate your response by **December 4, 2015**.

Please address questions and comments to:

Cheryl Benson, Project Environmental Analyst
Phone: 907-465-1826
Email: Cheryl.benson@alaska.gov

Thank you,

Cheryl A. Benson
Environmental Analyst
DOT&PF, Southcoast Region - Design
P.O. Box 112506
Juneau, Alaska USA 99811-2506
Phone (907) 465-1826

Jonathan Lange

From: Linda Snow <lsnow-dia@gci.net>
Sent: Wednesday, March 30, 2016 1:09 PM
To: Jonathan Lange
Subject: CSP2016 0005 - Douglas Sidewalk Extension
Attachments: Douglas Hwy Sidewalk Resolution.pdf

Hi Jonathan,

Douglas Indian Association (DIA) is very supportive of the above project. I am attaching a DIA resolution from April 2014 expressing that support. Thank you.

Linda Snow
Transportation Planner
Douglas Indian Association
364-2916

This email has been checked for viruses by Avast antivirus software.

<https://www.avast.com/antivirus>



Douglas Indian Association Tribal Government

811 West 12th Street
Juneau, Alaska 99801-1802
Phone: (907) 364-2916 Fax: (907) 364-2917

Resolution No. 2014-04-01

Support for Building a Sidewalk between Gastineau School and Crow Hill Drive on Douglas Highway

WHEREAS, The Douglas Indian Association (DIA) is a Federally-recognized Indian tribe organized pursuant to the Indian Reorganization Act of June 18, 1934; and

WHEREAS, DIA's Base Roll Tribal members originate from the T'aaku Kwáan and A'akw Kwáan clans which have inhabited the Anax̄ Yaa Andagan Yé (Douglas) and Dzantik'i Héeni (Juneau) region since time immemorial; and

WHEREAS, DIA's traditional and historical territory encompasses the areas now known as the City and Borough of Juneau, and Douglas Island is of special significance to the Tribe; and

WHEREAS, Pedestrian routes along Douglas Highway can be dangerous, especially in snow and adverse weather conditions; and

WHEREAS, DIA is greatly concerned about public safety along the Douglas Highway and is in process of developing a Tribal Transportation Safety Plan that will address those safety concerns; and

WHEREAS, No continuous sidewalk exists on the west (uphill) side of Douglas Highway between Cordova Street and Gastineau School, sometimes causing pedestrians to cross the busy highway to gain better walking conditions; and

WHEREAS, Many young children live within a half mile of the Gastineau School, and routinely walk this dangerous route to school; and

WHEREAS, The Alaska Department of Transportation and Public Facilities Safe Routes to Schools (SRTS) program has a plan to build a continuous sidewalk along the west (uphill) side of Douglas Highway between Crow Hill Drive and the Gastineau School, creating a safer walking route to school for children.

NOW THEREFORE, BE IT RESOLVED that the Douglas Indian Association, hereby, strongly supports the SRTS program's plan to build this sidewalk in order to increase pedestrian safety along Douglas Highway, especially the safety of school children.

Certification

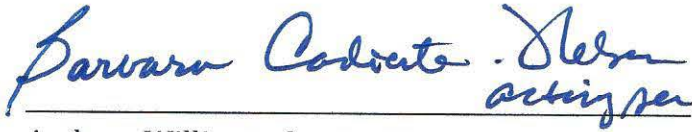
Adopted this 7th day of April, 2014 by the Tribal Council by a vote of 8 yeas, 0 nays, 0 abstentions, and 1 absent.



Clarence Laiti, President

4-7-14

Date



Andrew Williams, Secretary

4/7/14

Date

Jonathan Lange

From: Ron King
Sent: Tuesday, March 15, 2016 1:10 PM
To: Jonathan Lange
Subject: RE: Request for Review Comments CSP2016 0005 -

It is a great addition to the pedestrian unfriendly Douglas Highway ... No issues for GE.

Ron King PLS

General Engineering
907-586-0881

From: Jonathan Lange
Sent: Tuesday, March 15, 2016 1:03 PM
To: Charlie Ford; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Ron King
Subject: Request for Review Comments CSP2016 0005 -

Subject: Please review attached documents related to a State Project Review for extension and replacement of the sidewalk on the southwest side of Douglas Highway from Lawson Creek Road to Gastineau Elementary School.
File: CSP2016 0005
Location: Douglas Highway from Lawson Creek Road to 3rd and I Street (Gastineau Elementary School)



Red line is extent of project.

Please see the attached application and proposed plan narrative.

I look forward to receiving your comments. Please comment by March 30, 2016 or as soon as possible.

Let me know if you require any additional information for this project or have any questions.

Thank you and have a great day.

Jonathan Lange, CFM
 Planner II, Community Development Dept.
 City & Borough of Juneau, Alaska
 155 S. Seward St. Juneau, AK 99801
 Ph (907)586-0218
Jonathan.Lange@juneau.org



Jonathan Lange

From: Charlie Ford
Sent: Tuesday, March 15, 2016 1:51 PM
To: Jonathan Lange; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Ron King
Subject: RE: Request for Review Comments CSP2016 0005 -

Buildings has no issues Jonathan.
Thanks,

Charlie Ford, Building Official
Community Development Dept.
City and Borough of Juneau
Tel (907)586-0767 Fax(907)586-4529
email Charlie.Ford@juneau.org
Web page www.juneau.org/permits

From: Jonathan Lange
Sent: Tuesday, March 15, 2016 1:03 PM
To: Charlie Ford; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Ron King
Subject: Request for Review Comments CSP2016 0005 -

Subject: Please review attached documents related to a State Project Review for extension and replacement of the sidewalk on the southwest side of Douglas Highway from Lawson Creek Road to Gastineau Elementary School.
File: CSP2016 0005
Location: Douglas Highway from Lawson Creek Road to 3rd and I Street (Gastineau Elementary School)

Jonathan Lange

From: Ed Mercer
Sent: Wednesday, March 16, 2016 10:58 AM
To: Jonathan Lange
Subject: RE: Request for Review Comments CSP2016 0005 -

Hi Jonathan,

JPD does not have any issues with this project.

Thanks, Ed

From: Jonathan Lange
Sent: Tuesday, March 15, 2016 1:03 PM
To: Charlie Ford; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Ron King
Subject: Request for Review Comments CSP2016 0005 -

Subject: Please review attached documents related to a State Project Review for extension and replacement of the sidewalk on the southwest side of Douglas Highway from Lawson Creek Road to Gastineau Elementary School.
File: CSP2016 0005
Location: Douglas Highway from Lawson Creek Road to 3rd and I Street (Gastineau Elementary School)

Minutes of the
City and Borough of Juneau
Historic Resources Committee Advisory Committee

Wednesday, December 2, 2015 City Hall Room 224 5:00 p.m. to 6:30 p.m.

Members:

<u>Abs</u> Zane Jones (Chair)	_____ Don Harris (Vice-Chair)	___Shauna McMahon (Recorder)
___ Karenza Bott	<u>Abs</u> Myra Gilliam	___ Gerald Gotschall
_____ Vacant Seat	_____ Daryl Miller	_____ Michael Tripp

Staff: ___ Laura Boyce (CBJ Community Development)
 ___ Allison Eddins (CBJ Community Development)
 ___ Megan Daniels (CBJ Community Development)

Guests:

- I. Call to Order: 5:07 pm,
- II. Approval of Agenda: Approved unanimously
- III. Approval of Minutes: Approved unanimously but with correction to spelling of Gotschall.
- IV. Public Testimony on Non-agenda Items: None
- V. New Business

1. Front and Franklin Streets Project Update- Michele Elfers

Ms. Elfers provided overview. She noted the two public meetings with about 90-100 people participating. Lighting and art had big public feedback. A summary report is now available online. Shattuck Way concept development is a more recent effort and developing phasing proposals. It was noted that project planning was now 35% complete.

There was a brief dialog about funding plans. Daryl Miller asked if local government-private partnerships could have a role. Ms. Elfers responded that sales tax is the most common source of funding for street redevelopment projects.

Ms. Elfers discussed an inventory of canopies. Currently city-owned under-mounted LED lights for canopies are being considered to support better lighting downtown. It might spur owners to update with better canopies. The city would pay the electrical cost of the LED light use. This is part of the larger effort to reconsider street lighting. Different lampposts would be narrower and less of a sidewalk barrier to pedestrians.

Two additional inventories were summarized. This included a sign inventory and public restroom inventory. The restroom inventory provided both daytime and evening availability.

Ms. Elfers noted the next project event is a public meeting about phasing on 12/9/15 at the Baranof Hotel from 6-8 pm. HRAC members were invited and encouraged to attend.

2. State Road Project Section 106 Revisions

a. Industrial Blvd & Glacier Hwy Improvements

Gerald Gotschall noted that most of the historic dairy structures had been moved or reconstructed. Shauna McMahon noted that Myra Gilliam should be made aware so she can check were archaeology records.

-MOTION- Concur with preliminary APE, HRAC does not have knowledge of any cultural resources or artifacts, but if found during project notify Juneau-Douglas City Museum. (motion by Gerald Gotschall, approved unanimously)

b. Douglas Sidewalk Extension – Gastineau School – Lawson Creek

It was noted that much of the area was previously disturbed but also there is a high number of known historic sites including a cemetery outside the APE. This raises the potential for a significant cultural find.

-MOTION- possibility of cultural and other sensitive finds. Recommend qualified cultural specialist observer. HRAC concurs with project APE. If cultural finds contact Juneau Douglas City Museum.

c. Cell Tower Review

In the discussion it was noted there was discrepancy in project location. CDD staff will contact for better location detail.

3. CBJ FY2016 Capital Improvements Projects (CIP)

Currently there are preparations for additions to CIP list and Laura Boyce requested HRAC members let her know if they have suggestions for additions. Some examples could be entry way feature to historic district, physical changes to marine park shelter to improve viewscape. It was suggested that it may be good to have engineering staff present overview about CIP additions and listings at meeting or retreat.

V1. Old Business

1. Vacant HRAC seat

Laura noted that there is currently a vacant HRAC seat with the departure of Sorrel Goodwin. HRAC members can help by encouraging candidates to apply.

2. Gastineau Apartments details

Discussion for how to be better prepared for public engagement regarding proposals like the Gastineau Apartments. It was suggested that HRAC could improve public awareness of goals of downtown historic district standards- i.e., doesn't have to be Victorian in style to meet standards. There was also an inquiry by HRAC members as how the Gunakadeit Park signs and panels might be used in the future after their removal in the Gastineau Apartment preparations.

VII. Committee Member Comments – no comments.

VII. Next Regular Meeting – January 8, 2015 5:00 p.m. City Hall Room 224

IX Adjournment 7:00

Jonathan Lange

From: Emily Breidenbach <emily@gmddev.net>
Sent: Tuesday, April 05, 2016 1:03 PM
To: Jonathan Lange
Subject: Public Notice for file #CSP2016 0005

Jonathan,

Please accept the below written comments for the Planning Commission meeting packet on April 26th, regarding public notice for file #CSP2016 0005:

As a neighboring property owner of the Channel Terrace Apartments at 1717 Douglas Highway, we support the extension of the sidewalk on the uphill side of Douglas Highway past our property. Many children walk from our property to the elementary school, and at the moment they are forced to walk on the shoulder of the street, creating a dangerous situation. A sidewalk will help ensure the children's safety.

Regards,

Emily Breidenbach

Emily Breidenbach
GMD Development
520 Pike Street Suite 1010
Seattle WA 98101
O. 206-745-3698
C. 206-399-7526

GUIDELINES

Laws and Protocols Pertaining to the Discovery of Human Remains in Alaska

The treatment of human remains following inadvertent discovery is governed by state and federal laws, land status, postmortem interval (time since death), and biological/cultural affiliation. First and foremost, the site of discovered remains should be regarded a potential “crime scene” until a person with appropriate expertise and authority determines otherwise.

State Laws:

Several State laws are applicable to the discovery of human remains in Alaska. The State Medical Examiner (SME) has jurisdiction over all human remains in the state (with rare exceptions, such as military aircraft deaths), regardless of age.

AS 12.65.5 requires immediate notification of a peace officer of the state (police, Village Public Safety Officer, or Alaska State Trooper [AST]) and the State Medical Examiner when death has “been caused by unknown or criminal means, during the commission of a crime, or by suicide, accident, or poisoning.”

In this regard, contact the Alaska State Trooper/Missing Persons Bureau first. (See list of contacts on following page.) The AST has interpreted notification procedures as applicable to all remains, including ancient remains.

AS 11.46.482(a)(3), which applies to all lands in Alaska, makes the “intentional and unauthorized destruction or removal of any human remains or the intentional disturbance of a grave” a class C felony.

AS 41.35.200, which applies only to State lands, makes the disturbance of "historic, prehistoric and archeological resources" (including graves, per definition) a class A misdemeanor.

AS 18.50.250, which applies to all lands in Alaska, requires permits for the disinterment, transport, and reinterment of human remains. Guidance and permits are available from the Bureau of Vital Statistics (see attached list of contacts).

Federal Laws:

On Federal lands and Federal trust lands, the unauthorized destruction or removal of archaeological human remains (i.e., more than 100 years old) is a violation of **16 USC 470ee** (Archeological Resources Protection Act). If human remains on federal or federal trust lands are determined to be Native American, their treatment and disposition are also governed by the Native American Graves and Repatriation Act (NAGPRA) of 1990 (**PL 101-601; 25 USC 3001-30013**; 104 Stat. 3048-3058; 43 CFR 10). NAGPRA also applies to Native American human remains from any lands if the remains are curated in any institution that receives federal funds.

General Guidance:

Your first contacts should be the AST/Missing Persons Bureau, the Alaska State Medical Examiner’s Office, local law enforcement, the Alaska Office of History and Archaeology, and the landowner.

In many instances, the field archaeologist must make a judgement call regarding the age of the remains, his/her level of confidence in the evaluation, and whether further investigation by a specialist is warranted. While notification under State Law is required, peace officers and the SME generally regard archaeologists competent to make these type determinations and welcome input that may assist with the investigation. With regard to ancient remains (> 100 years old), the SME and AST will generally defer to the opinion of the field archaeologist and require no further criminal investigation. However, the remains and a surrounding buffer area should not be disturbed until appropriate reporting and consultation have occurred.

Dr. Richard VanderHoek, State Archaeologist
Alaska Office of History and Archaeology
550 W. 7th Avenue, Suite 1310
Anchorage, AK 99501
(907) 269-8728 or richard.vanderhoek@alaska.gov

CONTACT INFORMATION FOR STATE OFFICIALS INVOLVED WITH HUMAN REMAINS ISSUES IN ALASKA

**Denotes suggested contact person in list below.*

1.) Alaska State Troopers, Missing Persons Bureau:

Phone: (907) 269-5477

Fax: (907) 338-7243

Sgt. Kid Chan

Phone: (907) 269-5058

e-mail: choong.chan@alaska.gov

*Stephanie Johnson

Phone: (907) 269-5497

e-mail: steph.johnson@alaska.gov

*After contact by phone, send e-mail with relevant information and photos to Sgt. Chan and Stephanie Johnson.

2.) Alaska State Medical Examiner's Office:

* Reporting Hotline (Death Hotline) to speak with on-duty investigator.

Phone: (907) 334-2356

1-888-332-3273 (Outside Anchorage)

Stephen Hoage, Operations Administrator

Phone: (907) 334-2202

Fax: (907) 334-2216

e-mail: stephen.hoage@alaska.gov

Dr. Gary Zientek, Chief Medical Examiner

Phone: (907) 334-2200

Fax: (907) 334-2216

e-mail: gary.zientek@alaska.gov

3.) Alaska Office of History and Archaeology (State Historic Preservation Office):

Judith E. Bittner, Chief / State Historic Preservation Officer (SHPO)

Phone: (907) 269-8721

Fax: (907) 269-8908

E-mail: judy.bittner@alaska.gov

*Dr. Richard VanderHoek, State Archaeologist / Deputy SHPO

Phone: (907) 269-8728

Fax: (907) 269-8908

E-mail: richard.vanderhoek@alaska.gov

Alaska Bureau of Vital Statistics

Heidi Lengdorfer, Chief

Phone: (907) 465-8643

e-mail: heidi.lengdorfer@alaska.gov

For questions regarding burial transit permits:

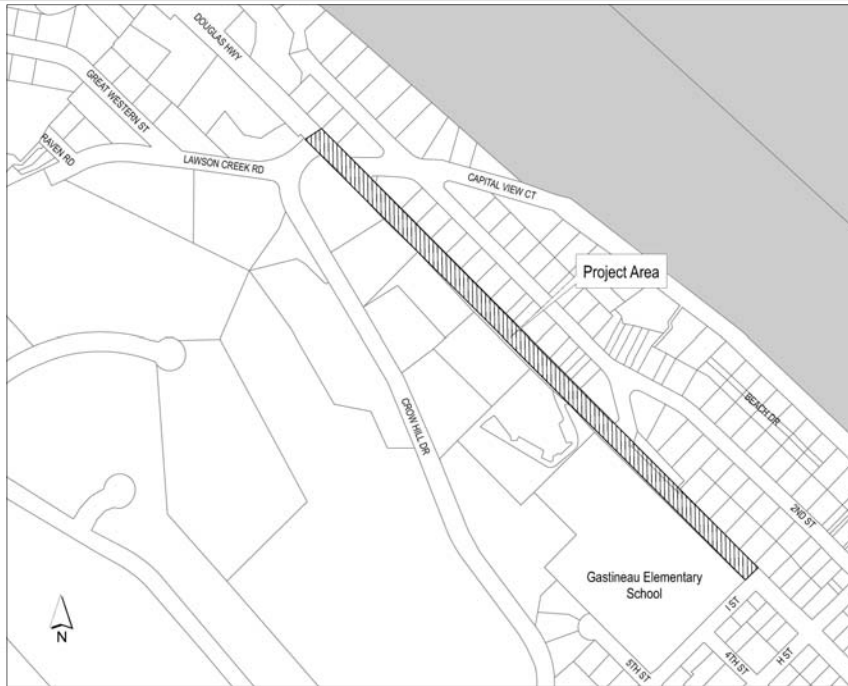
Margo Meyer

Phone: (907) 465-8610

e-mail: margo.meyer@alaska.gov



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: A State Project Review for extension and replacement of the sidewalk on the uphill side of Douglas Highway from Lawson Creek Road to Gastineau Elementary School.

File No:	CSP2016 0005	Applicant:	State of Alaska
To:	Adjacent Property Owners	Project Area:	Douglas Highway (3rd Street) from Lawson Creek Road to I Street
Hearing Date:	April 26, 2016	Owner:	State of Alaska
Hearing Time:	7:00 PM	Project Length:	Approximately 2,000 feet
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	D-18
		Site Address:	Douglas Highway (3rd Street)

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Jonathan Lange at Jonathan.Lange@juneau.org or 586-0218.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>



Douglas Highway and I Street



Looking north by Gastineau Elementary



Sidewalk ends north past Alaska Housing driveway





No sidewalk in front of Channel Terrace



Sidewalk begins again at bus stop near Crow Hill Road/ Lawson Creek Road





Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

PLANNING COMMISSION NOTICE OF DECISION

Date: April 27, 2016
File No.: CSP2016 0005

Christopher Goins
State of Alaska
PO Box 112506
Juneau, AK 99811-2506

Application For: State Project Review for extension and replacement of the sidewalk on the uphill side of Douglas Highway from Lawson Creek Road to Gastineau Elementary School.

ROW Name: 3rd Street (Douglas Highway) from Lawson Creek Road to I Street

Hearing Date: April 26, 2016

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 14, 2016, and approved the sidewalk extension and replacement on 3rd Street (Douglas Highway), if conducted as described in the project description and drawings submitted with the application. The project is consistent with Title 49, the 2001 CBJ Area Wide Transportation Plan, the 2009 Juneau Non-Motorized Transportation Plan, the 2012 Juneau Safe Routes to Schools Plan, and the 2013 Comprehensive Plan; with the following condition:

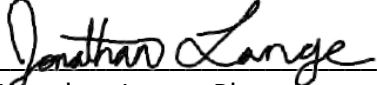
1. If any historic, prehistoric, or archeological sites, locations, or objects are discovered within intact soils in a subsurface context during development activity, all work in the area should cease, and the applicant, AKDOT&PF, should immediately notify the State Historic Preservation Officer at the Department of Natural Resources. Given the fill nature of the project area and prior grave removal outside the APE any human remains that are discovered “in situ”, in their original place or position, with an associated feature context, all work should cease until work is authorized by the agency with jurisdiction. See Attachment D – Human Remains Discovery Guide for further guidelines.

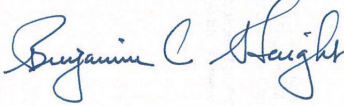
Attachments: April 14, 2016 memorandum from Jonathan Lange, Community Development, to the CBJ Planning Commission regarding CSP2016 0005.

Effective Date: The permit is effective upon approval by the Commission, April 26, 2016.

Applicant
File No.: CSP2016 0005
May 6, 2016
Page 2 of 2

This Notice of Decision does not authorize construction. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

Project Planner: 
Jonathan Lange, Planner
Community Development Department


Ben Haight, Chair
Planning Commission



May 23, 2016

Filed With City Clerk

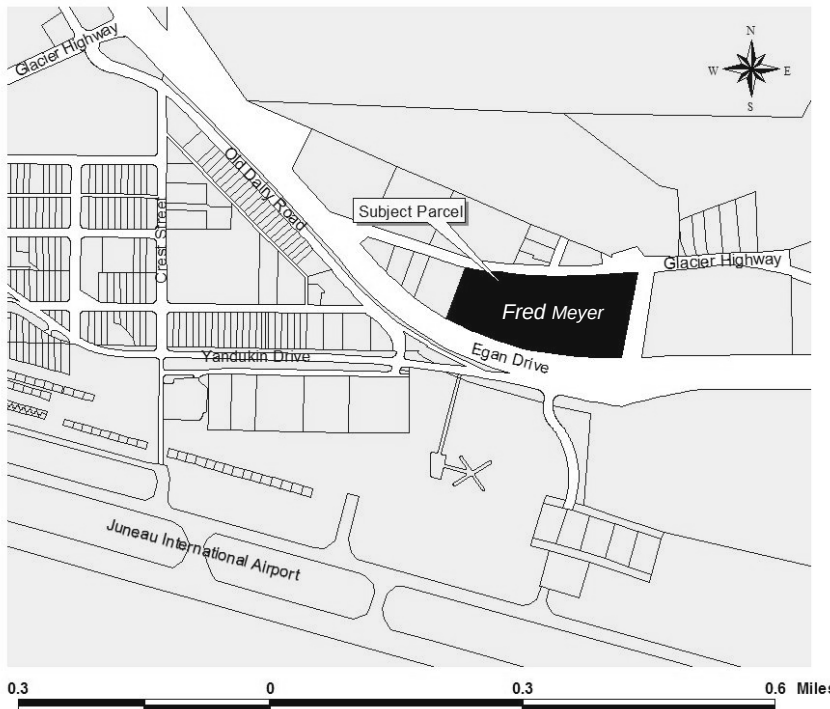
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. The State Government and project designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



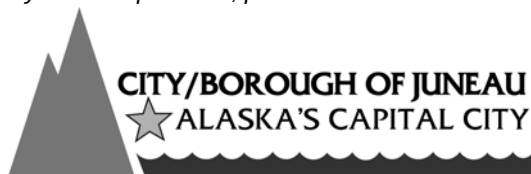
PROPOSAL: The amendment of an existing Conditional Use Permit for expansion of the Fred Meyer Fuel Center.

File No:	USE2016 0008	Applicant:	Barghausen Consulting Engineers
To:	Adjacent Property Owners	Property PCN:	5-B15-0-100-002-0
Hearing Date:	April 26, 2016	Owner:	Fred Meyer Stores, Inc.
Hearing Time:	7:00 PM	Size:	1,462 sq. ft. (area of proposed expansion)
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	LC - Light Commercial
		Site Address:	8181 Glacier Highway
		Accessed Via:	Old Dairy Road

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Tim Felstead at Tim.Felstead@juneau.org or 586-0466.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: April 14, 2016

TO: Planning Commission

FROM: Tim Felstead, Planner 
Community Development Department

FILE NO.: USE2016 0008

PROPOSAL: Amendment of existing Conditional Use Permit for expansion of Fred Meyer Fuel Center.

GENERAL INFORMATION

Applicant: Barghausen Consulting Engineers, Inc.

Property Owner: Fred Meyer Stores, Inc.

Property Address: 8181 Glacier Highway

Legal Description: USS 1195 Tract 1

Parcel Code Number: 5-B15-0-100-002-0

Site Size: 496,111 square feet (10.93 acres),
Proposed expansion area – 1,492 square feet

Comprehensive Plan Future Land Use Designation: Commercial

Zoning: Light Commercial (LC)

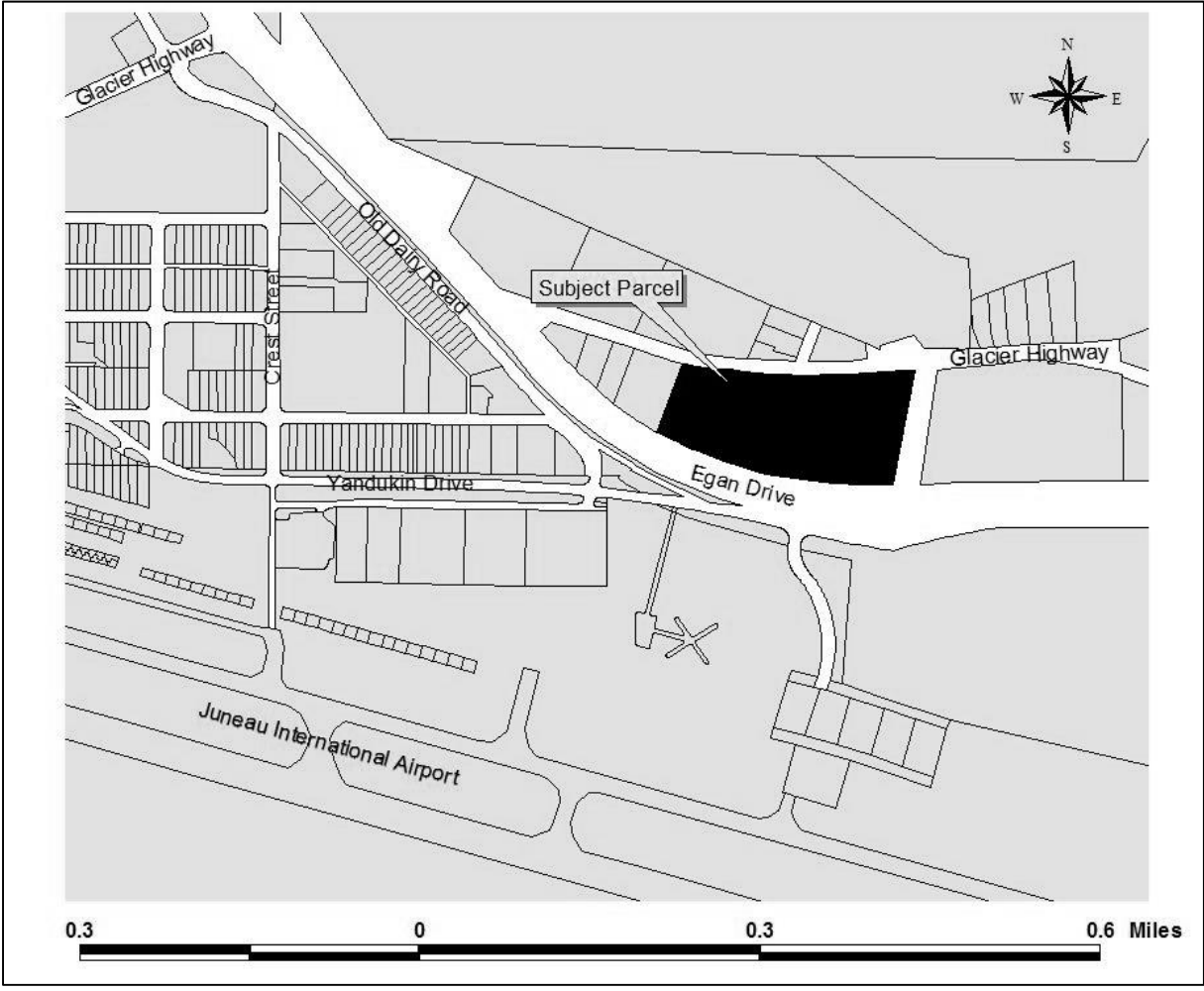
Utilities: Public Water/Public Sewer

Access: Old Dairy Road and Glacier Highway

Existing Land Use: Commercial Retail

Surrounding Land Use:	North	-	Glacier Highway, D15 (Vacant)
	South	-	Egan Drive, Industrial (I) (Vacant), Rural Reserve (RR) (Vacant),
	East	-	Old Dairy Road, D5, (Church)
	West	-	Light Commercial (LC) (Parking lot)

VICINITY MAP



Planning Commission
File No.: USE2016 0008
April 14, 2016
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ATTACHMENTS

Attachment A – Application including narrative and proposed construction plans
Attachment B – Notice of public hearing

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the enlargement of an existing fuel center at Fred Meyer. The expansion would increase the number of multi-product fuel pumps from five to seven (fourteen fueling positions in total). The additional pumps would be covered by an extension of the existing canopy. The proposal will see a slight reduction in parking spaces and reconfiguration of vegetative planters to improve circulation at the site. The minimum parking requirement for the site will still be achieved.

BACKGROUND

The Fred Meyer site was first developed in 1983 and has been expanded in phases since then. The existing Fred Meyer Fuel Center was approved in 2002 (USE 2001-00048). The primary access to the fuel center is via the store parking lot which is primarily accessed from Old Dairy Road.

The USE2001-00048 was subject to 9 conditions (**see Attachment A(ii) – USE2001-00048 Notice of Decision**). Whilst not routinely checked, CBJ has not had reason to enforce on any of these conditions. Since the operation of the fuel center has already been approved, only impacts from the expansion of the fuel center will be considered in this staff report. For clarity, the applicable design and operational conditions from the original approval will be repeated, and in some cases modified, as part of any approval of this application.

ANALYSIS

The Planning Commission is required to review uses that are identified as a Conditional Use for a particular zoning district as determined by the Table of Permissible Uses (CBJ 49.25.300). Automotive fuel stations in the Light Commercial zoning district require a Conditional Use permit. Although this is an expansion of an existing automotive fuel station, the Land Use Code does not distinguish between major and minor developments. The Land Use Code does not have a provision for minor changes to existing Conditional Use permits to be made by the Director. Since this is a change to an existing Conditional Use permit, a new Conditional Use permit is required.

The purpose of Conditional Use permits is as follows:

Planning Commission
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April 14, 2016
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49.15.330 - Conditional use permit.

(a) Purpose. A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

Project Site – The current fuel center is located in the southeast corner of the Fred Meyer site. The existing fueling area is covered by a 43 foot x 92 foot canopy (3,956 square feet) and includes a payment kiosk. Fuel is delivered and stored in two underground tanks that are to the east of the fueling area, outside of the canopy cover. The existing drainage moves all fluids in the covered fueling area to a single drain which flows through an oil/water separator basin. Water exiting this separator then flows to a grassy ditch (bio-swales) that surrounds the perimeter of this corner of the Fred Meyer site.

Access to the fuel center is via the internal parking lot circulation with the majority of traffic entering the Fred Meyer site from Old Dairy Road on the east side of the lot. It should be noted that road is known by numerous different names (Lemon Road, Glacier Highway, Yandukin Drive and Old Dairy Road) – it will be referred to as Old Dairy Road. The internal circulation allows vehicles to access the fuel center directly from the main internal access lane from Old Dairy Road or along an access lane that runs parallel to Egan Drive (**see Attachment A(iv) – Preliminary Demolition Plan and Erosion Control Plan**). The immediate area around the fuel center currently provides parking spaces for the Fred Meyer site.

Project Design – The proposed expansion would see an additional two multi product fuel pumps (providing four fueling positions) to the west of the existing fuel center. The existing canopy would be extended to cover these new fuel pumps. (**see Attachment A(iii) – Preliminary Site Plan**)

The expansion would see 26 parking spaces and two existing vegetative planters removed. A new single vegetative planter will be installed to provide better separation between vehicles using the parking stalls and those accessing the fuel center. A further 13 parking spaces will be removed along the southern perimeter of the Fred Meyer site in the vicinity of the Fuel Center due to parking stalls being moved from 90 degrees to Egan Drive to parallel to Egan Drive. This is to allow wider access lanes around the southern side of the fuel center. The minimum parking requirement for the site will still be achieved.

Traffic - The applicant has provided an estimate of additional traffic generated by the expansion of the fuel center (**see Attachment A(i) – Narrative Page 5**). The additional pumps will reduce wait times for existing users of the Fred Meyer site (i.e. those already shopping at the Fred Meyer store). This reduced wait time may also attract additional users that are not currently using the Fred Meyer site for other shopping activities. The forecast traffic increase is considered to be very minor compared to existing traffic levels entering and leaving the site. No reduction in the current Level of Service (LOS) is anticipated as a result of the proposal.

Alaska DOT&PF have jurisdiction over the stretch of Old Dairy Road. They have no concerns over the expansion of the Fuel Center. CBJ Streets Division also confirmed they have no issues with the proposal.

Lighting – The existing light pole on the west of the fuel center will be relocated to the new planting strip. It is uncertain what changes or upgrades to the canopy lighting will be made. It is recommended a lighting plan be submitted before approval of a building permit.

Parking and Circulation – The gross square footage of buildings on the Fred Meyer site is estimated to be 176,000 square feet. The parking requirement for the site is 1 space per 300 square feet of gross floor area. This results in a requirement of 586 spaces of which 12 must be dedicated ADA stalls (one must be van accessible). The existing parking design provides 725 parking spaces (including 18 ADA stalls) – this excess parking is due to a revision of the parking requirements of the CBJ Land Use Code since the store was expanded. The proposal will see a reduction of 39 spaces leaving a total of 686 spaces. The number of ADA stalls will not be reduced.

Circulation around the fuel center is expected to improve as a result of the new circulation/landscaping plan in this proposal. In the review of USE2001-00048, it was recommended that the parking area to the west of the fuel center be completely separated from the fuel center using a line of wheel stops. The intention was to provide predictability in the locations vehicles could access the fuel center by preventing access via the parking stalls. This design was never implemented but the applicant sees this current proposal as an opportunity to provide this improvement. The new vegetative planter will provide clearer separation of the general parking area for the store from the traffic circulating around the fuel center.

The proposed construction plans show a painted ‘pork chop’ island separating exiting vehicles turning left or right on to Old Dairy Road. This marking is not currently provided which can

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sometimes lead to vehicles taking up inconsistent positions when exiting the Fred Meyer site. This sometimes causes issues for vehicles attempting to enter the site (particularly those turning left from Old Dairy Road). To improve flow of vehicles at this access, this exit design should be included as part of a restriping plan and routinely maintained (at least yearly or as needed).

Pedestrian access to, and circulation within, the Fred Meyer site will not be affected by the proposed expansion.

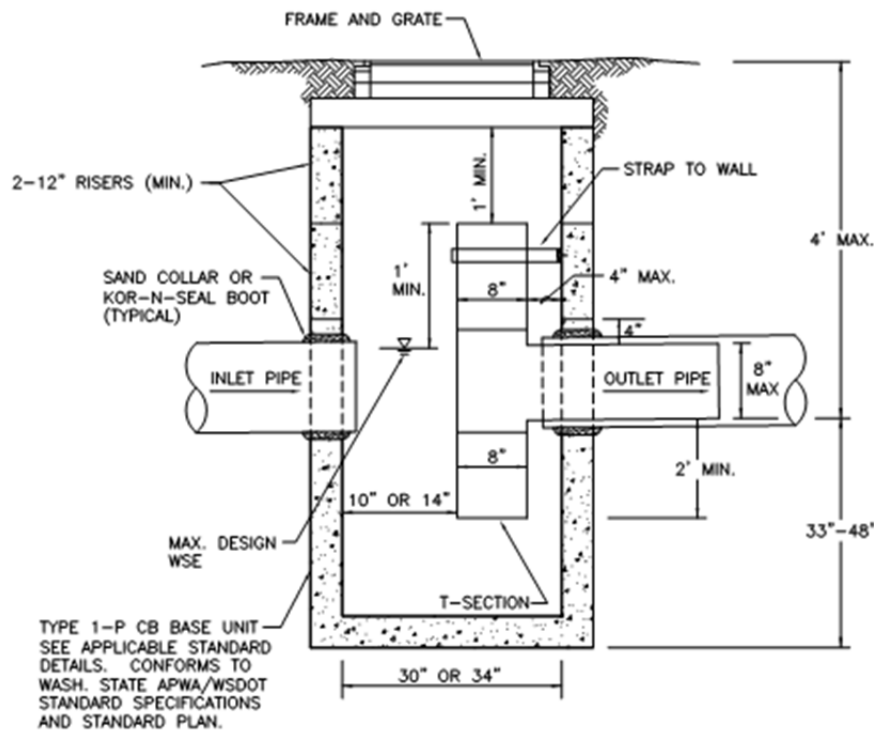
Noise - Noise for the current facility comes from vehicles using the fuel center and fuel delivery vehicles. These activities are in keeping with the Light Commercial zoning of the area. No perceivable noise impacts are anticipated due to the expansion.

Public Health or Safety – Beyond impacts addressed in other sections of this report there are no anticipated negative impacts to public health or safety that result from the expansion. Issues related to construction etc. will be addressed during the review of the plans prior to issuance of a Building Permit. At this stage the Building Division has no issues with the proposal. Capital City Fire and Rescue has no issues with the proposal.

Habitat – No habitat regulated by the CBJ Land Use Code will be adversely affected by this proposal. CBJ Engineering has noted that the existing drainage immediately surrounding the fuel center does not meet the latest requirements for parking lots as detailed in the *CBJ Manual for Stormwater Best Management Practices*. Best management practices are used to ensure stormwater runoff does not pollute watercourses and groundwater.

There is currently stormwater runoff that is not processed via a Spill Control device (also termed an Oil Separator Catch Basin in the *CBJ Standard Details*). This untreated surface water is currently being collected into a stormwater system which drains directly to the bio-swale along Egan Drive. Spill Control devices provide a chamber in which oils and other floatable pollutants are detained in the basin. This is accomplished by constructing a still water environment in which pollutants float to the surface. When the still water reaches a certain level it discharges from the chamber leaving separated oils on the surface of the water remaining in the chamber.

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 April 14, 2016
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Example of Spill Control device

CBJ Engineering require that stormwater runoff in the immediate vicinity of the fuel center (but outside of the fueling area) is collected and directed flows through a Spill Control device. The design of these improvements would be reviewed as part of the building permit review. A maintenance schedule consistent with the *CBJ Manual for Stormwater Best Management Practices* is required by this condition and includes a log of maintenance activities. Where possible the applicant has proposed to alter the existing catch basins to act as Spill Control devices although new Spill Control devices may also be required for approval of a building permit.

The existing fueling area underneath the canopy drains to an Oil/Water Separator which is a more sophisticated version of a Spill Control device. This was required to follow a different maintenance schedule than is required for a Spill Control device. The recommended maintenance for the Oil/Water separator will be carried over to the conditions of approval for this latest permit. The requirement for a maintenance log of activities is recommended. The expanded fueling area will also drain to the Oil/Water separator and not to the parking lot – this is included as a recommendation of approval.

Property Value or Neighborhood Harmony – The area of the Fred Meyer site where the fuel center is located is surrounded by right-of-way. There is no evidence that property values or

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neighborhood harmony would be negatively impacted by this proposal.

Appropriate sign permits will be requested as necessary by the applicant.

Conformity with Adopted Plans – The area is designated as ‘Commercial’ land use in the Comprehensive Plan. This designation includes shopping centers. The impacts of the proposed fuel center expansion are consistent with those expected from shopping centers.

The improved stormwater treatment is consistent with requirements in the Comprehensive Plan to improve surface water and groundwater quality (Policy 7.7).

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

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 File No.: USE2012 0008
 April 14, 2016
 Page 9 of 11

1. Is the application for the requested conditional use permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 9.200 for the Light Commercial (LC) zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the April 15, 2016 and April 25, 2016 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

4. Will the proposed development materially endanger the public health or safety?

No. With implementation of proposed conditions there are no anticipated negative impacts to public health or safety that result from the expansion of the fuel center. Issues related to construction etc. will be addressed during the review of the plans prior to issuance of a Building Permit.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. The area of the Fred Meyer site where the fuel center is located is surrounded by right-of-way. There is no evidence that property values or neighborhood harmony would be negatively impacted by this proposal.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. The area is designated as a 'Commercial' land use in the Comprehensive Plan. This designation includes shopping centers. The impacts of the proposed fuel center expansion are consistent with those expected from shopping centers.

The improved stormwater treatment is consistent with requirements in the Comprehensive Plan to improve surface water and groundwater quality (Policy 7.7).

Planning Commission
File No.: USE2016 0008
April 14, 2016
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Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

Yes. Based on the preceding analysis and conditions of approval related to storm water management, the proposed development is consistent with the requirements of the Juneau Coastal Management Plan.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use permit. The permit would allow the expansion of an existing gasoline dispensing facility by adding two multi-product fuel pumps (4 fueling positions) and extending the existing canopy.

The approval is subject to the following conditions:

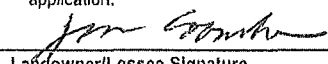
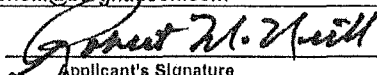
1. Prior to issuance of a building permit a drainage plan should be submitted. Runoff from the fueling area directly under the canopy should be directed towards the existing Oil/Water Separator. Remediation of existing catch basins surrounding the fuel center should be undertaken with additional Spill Control devices used to treat surface water runoff from the area surrounding the fuel center as necessary.
2. The Spill Control devices should be regularly maintained with an inspection and maintenance log kept by the site operator. Inspections should be done monthly to ensure proper operation, and during and immediately after a large storm event of ≥ 2 inches per 24 hours (based on official National Weather Service figures for Juneau Airport). Oils should be removed when thickness exceeds 1 inch and sediment should be removed when thickness exceeds 6 inches. Inlets and outlets should be kept free from debris and blockages. During maintenance inspections, all oily waste collected shall be removed and disposed of in accordance with applicable regulations. The basin should be structurally maintained to ensure continued operation.
3. The vegetation in the new planter should match existing vegetation elsewhere in the parking lot.

Planning Commission
 File No.: USE2016 0008
 April 14, 2016
 Page 11 of 11

4. "Spill buckets" located on underground fuel tank fill pipes shall be cleaned at least once a month. All oily waste collected must be disposed of in accordance with applicable regulations. *(Repeated from USE2001-00048)*
5. The Oil/Water Separator units shall be regularly maintained with an inspection and maintenance log kept by the site operator. It should be cleaned at least once a month or if rainfall exceeds 1" in a 24 hour period (based on official National Weather Service figures for Juneau Airport). Inlets and outlets should be kept free from debris and blockages. During maintenance inspections, all oily waste collected shall be removed and disposed of in accordance with applicable regulations. The basin should be structurally maintained to ensure continued operation. *(Modified from USE2001-00048).*
6. Prior to issuance of a building permit a circulation plan, to be evaluated by Community Development staff, showing signage, striping and directional arrows should be submitted.
7. Prior to issuance of a Certificate of Occupancy (or Temporary Certificate of Occupancy) for the fuel station facility, directional signage must be placed in the parking lot as agreed to in the circulation plan. *(Modified from USE2001-00048)*
8. Prior to issuance of a Certificate of Occupancy (or Temporary Certificate of Occupancy) for the fuel station facility, striping and directional arrows at the main entrance on the east side of the lot shall be repainted in order to clarify traffic lanes. The striping at the entrance shall clearly separate vehicles turning left or right at the exit. *(Modified from USE2001-00048)*
9. Directional signage, striping and painted directional arrows shall be maintained in good condition for the fuel station's operational life at least yearly, or more often as needed. *(Modified from USE2001-00048)*
10. Prior to issuance of a building permit, the applicant shall submit a lighting plan, to be evaluated by Community Development Department staff. Where lighting used is different from that already present, a lighting specification should be provided in order to demonstrate that lighting will be shielded and directed away from surrounding properties and rights-of-way. *(Modified from USE2001-00048)*
11. The owner of the fire hydrants on the applicant's property shall maintain the fire hydrants on the applicant's property. *(Repeated from USE2001-00048)*

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 3/3/16
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT	Project Description Expansion of existing Fred Meyer Fuel Center. Expanding fuel canopy with a 43'x34' (1,462 SF) addition; allowing for the addition of two (2) dispensers and creating four (4) additional fueling positions. New canopy dimensions of 43'x126' (4,520 SF). Parking stalls (26) will be demolished to allow for expanded canopy; 2 landscape planters at row ends will be replaced with landscape island. See narrative.		
	PROPERTY LOCATION		
	Street Address 8181 Old Glacier Highway	City/Zip Juneau AK 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) 5B1501000020 USS 1195 Tract 1 ... a portion of the SE corner of the existing Fred Meyer property		
	Assessor's Parcel Number(s) 5B1501000020		
	LANDOWNER/ LESSEE		
	Property Owner's Name Fred Meyer Stores, Inc.	Contact Person: James Coombes	Work Phone: (503) 797-5617
	Mailing Address 3800 S.E. 22nd Avenue, Portland OR 97202	Home Phone:	Fax Number: (503) 797-3539
	E-mail Address james.coombes@fredmeyer.com	Other Contact Phone Number(s): Cell ... (503) 702-1873	
	LANDOWNER/ LESSEE CONSENT ***Required for Planning Permits, not needed on Building/ Engineering Permits***		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X	 Landowner/Lessee Signature	<u>2-18-16</u> Date	
X	_____ Landowner/Lessee Signature	_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name Barghausen Consulting Engineers, Inc.	Contact Person: Robert McNeill	Work Phone: (425) 656-1061 (Direct)	
Mailing Address 18215 72nd Avenue S, Kent WA 98032	Home Phone:	Fax Number: (425) 251-8782	
E-mail Address bmcneill@barghausen.com	Other Contact Phone Number(s): Cell ... (206) 396-8598 Corporate ... (425) 251-6222		
X	 Applicant's Signature	<u>2-26-16</u> Date of Application	

OFFICE USE ONLY BELOW THIS LINE					
STAFF APPROVALS	☒	Permit Type Building/Grading Permit	***SIGN	Date Received	Application Number(s)
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	X	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		3/3/16	USE 20160008
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
		Zone Change Application			
		Other (Describe)			
	***Public Notice Sign Form filled out and in the file.				
	Comments:				Permit Intake Initials

Attachment A - Application including narrative, details for USE2001-00048 and construction plans

TO BE COMPLETED BY THE APPLICANT

Page 1 of 2



CIVIL ENGINEERING, LAND PLANNING, SURVEYING

LETTER OF TRANSMITTAL

TO: Ms. Allison Eddins
 City of Juneau
 155 S Seward Street, Juneau AK 99801
 (907) 586-0758

DATE: March 1, 2016
 SENT VIA: Priority Federal Express
 OUR JOB: 10049.8

RE: Transmittal of Application Fee and Sign Deposit and Fee

Quantity	Date	Description
1	03-01-16	Barghausen Check No. 87878, Payable to the City of Juneau (\$500)
1	03-01-16	Barghausen Check No. 87879, Payable to the City of Juneau (\$150)
1	03-01-16	Cover Letter ... describing the submittal package submitted electronically

Allison...

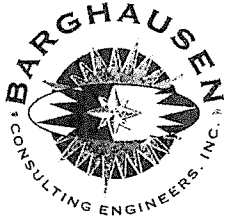
Attached please find the checks necessary for your department to initiate the review and hearing processes associated with the conditional use process in the City/Borough of Juneau. Please advise if you need anything else. Thanks.

Signed:

Robert McNeill
 Senior Planner

CC: Chris Ferko, Barghausen Consulting Engineers, Inc.
 File

RECEIVED
 MAR 03 2016
 PERMIT CENTER/CDD



March 1, 2016
Email: Allison.Eddins@juneau.org

Allison Eddins
Planner I
City of Juneau
Community Development Department
155 South Seward Street
Juneau, AK 99801

Re: Submittal of Application for Amendment to a Conditional Use Permit
Fred Meyer Fuel Center - Canopy Expansion
8181 Old Glacier Highway, Juneau Alaska
City of Juneau Case No. PAC 16-07
Fred Meyer Store No. 158 / Our Job No. 10049.8

Dear Allison:

On behalf of our client Fred Meyer Stores, Inc., Barghausen Consulting Engineers, Inc. is pleased to submit the attached applications, narrative, plans, and documentation in support of our application for an Amendment to a Conditional Use Permit for the above-referenced property.

Scope of Project

Our proposal would expand the existing fuel canopy with a 43- by 34-foot addition (1,462 square feet) to allow for the addition of two (2) additional multi-product dispensers (MPDs), creating an additional four (4) vehicle fueling positions (VFPs) and the requisite stacking lanes beneath the expanded canopy. The expanded fuel canopy would measure approximately 43 by 126 feet (4,520 square feet) with a total of seven (7) MPDs and fourteen (14) VFPs. Currently expansion plans call for no changes to the existing underground storage tanks and/or fuel distribution equipment (aside from connections to the additional dispensers), nor will there be any expansion of the existing cashier's kiosk. A complete description of the project can be found in the attached narrative.

Submittal Package

In support of our application we are submitting one (1) electronic copy (PDF format) of the following:

1. A completed City/Borough of Juneau Development Permit Application form signed and dated
2. A completed City/Borough of Juneau Conditional Use Permit Application form signed and dated
3. A Compliance Narrative containing a complete description of the project showing that project complies with criteria for the issuance or amendment of a Conditional Use Permit
4. Copies of each of the following preliminary plans:
 - Sheet C1, Site Improvement Plan
 - Sheet C2, Demolition and Erosion Control Plan

Allison Eddins
Planner I
City of Juneau
Community Development Department

- 2 -

March 1, 2016

- Sheet C3, Grading and Utility Plan
 - Sheet A1, Architectural Canopy Floor Plan
 - Sheet A2, Architectural Canopy Elevation
 - Sheet L1, Landscape Planting Plan
 - Sheet L2, Landscape Notes, Materials and Details
5. PAC16-07 Pre-Application Meeting Summary dated February 10, 2016
 6. Notice of Decision USE2001-00048 dated February 15, 2002
 7. Staff Report USE2001-00048 dated February 5, 2002
 8. Letter of Agency by Fred Meyer Stores, Inc. dated February 3, 2016 allowing Barghausen staff to represent Fred Meyer in any entitlement and permitting applications related to this project

Application Fees

Please note that two (2) checks, each payable to the City of Juneau, are being forwarded to your attention under separate cover. Check No. 87878 in the amount of five hundred dollars (\$500) is to cover the application fees associated with the Conditional Use Permit Application. Check No. 87879 in the amount of one hundred fifty dollars (\$150) is to cover the fee and deposit associated with the public notice sign which is to be posted on the property as soon as staff has determined the application to be complete and scheduled a public hearing on the case.

Thank you in advance for your prompt attention to this submittal and please advise us as to its completeness at your earliest convenience. Should you have questions or need further information, please do not hesitate to contact me directly via email at bmcneill@barghausen.com or via telephone, at (425) 656-1061. Thank you for assistance with our project.

Sincerely



Robert P. McNeill
Senior Planner

RPM/dm
10049c.050.doc
enc: As Noted
cc: Chris Taylor, Fred Meyer Stores, Inc. (w/enc)
James Coombes, Fred Meyer Stores, Inc. (w/enc)
Dorothy M. Johnson, The Kroger Co.
Jay S. Grubb, Barghausen Consulting Engineers, Inc.
Chris Ferko, Barghausen Consulting Engineers, Inc.
Jason Hubbell, Barghausen Consulting Engineers, Inc.



What's on your list today?.

FRED MEYER STORES · P.O. Box 42121 · Portland, OR 97242-0121 · 3800 SE 22nd Ave. · Portland, OR 97202-2999 · 503 232-8844 · <http://www.fredmeyer.com>

February 3, 2016

Letter of Agency

RE: Fred Meyer Fuel Center #158 – Canopy Expansion, 8181 Old Glacier Highway, Juneau, AK

To Whom It May Concern:

Fred Meyer Stores, Inc. hereby grants permission to the following businesses and/or individuals to represent Fred Meyer in activities related to the development of the project referenced above:

- Barghausen Consulting Engineers, Inc. (BCE)
- Hal P. Grubb, Director of Engineering Services, BCE
- Robert McNeill, Senior Planner, BCE
- Chris Ferko, Senior Planner, BCE

Said activities shall include, but not be limited to, attendance at meetings with staff at the local, state and/or Federal level, presentations before local commissions, preparation and/or submittals of applications, plans, reports and supporting documentation, and coordination with contractors, inspectional staff and local officials throughout the construction process.

Questions regarding representation or agency afforded by this letter should be addressed to:

- Chris Taylor, Project Manager, Kroger NW Facility Engineering
(503) 797-3708 or by e-mail to, chris.taylor@kroger.com.

If you have any questions, please do not hesitate to contact Chris Taylor.

Regards,

A handwritten signature in cursive script, appearing to read "Pam Knuth".

Pam Knuth,
Real Estate Development Manager
Fred Meyer Stores, Inc.

Edward Quinto

From: Allison Eddins
Sent: Tuesday, March 01, 2016 4:33 PM
To: Edward Quinto
Subject: FW: Submittal Package / CUP Amendment / PAC 16-07 ... Fred Meyer Fuel #158 / Canopy Expansion / Juneau AK ... BCE #10049.8
Attachments: 00-10049.8-CO-PERM-APPL-CUP COVER LETTER-Juneau-2016-03-01.pdf; 01-10049.8-F-PERM-APPL-SIGNED DEV PERMIT-Juneau-2016-03-01.pdf; 02-10049.8-F-PERM-APPL-CONDITIONAL USE-Juneau-2016-03-01.pdf; 03-10049.8-M-EXH-CUP COMPLIANCE NARRATIVE-Juneau-2016-03-01.pdf; 04-10049.8-D-PRLM-CIVIL-SITE PLAN-Sheet C1-2016-03-01.pdf; 05-10049.8-D-PRLM-CIVIL-DEMO & EROSION-Sheet C2-2016-03-01.pdf; 06-10049.8-D-PRLM-CIVIL-GRADING & UTILITY-Sheet C3-2016-03-01.pdf; 07-10049.8-D-PRLM-ARCH-ELEVATION-Sheet A2-2016-03-01.pdf; 08-10049.8-D-PRLM-ARCH-CANOPY FLOOR PLAN-Sheet A1-2016-03-01.pdf; 09-10049.8-D-PRLM-LAND-PLANTING PLAN-Sheets L1&L2-2016-03-01.pdf; 10-10049.8-CI-MTNG-PRE APP SUMMARY-CBJ-PAC16-07.pdf; 11-10049-P-PERM-NOT of DECISION-CUP-USE200100048-2002-02-15.pdf; 12-10049-R-STAFF REPORT-NOT of DECISION-CUP-USE200100048-2002-02-05.pdf; 13-10049.8-CI-CLIENT-LETTER of AGENCY-Juneau-2016-02-03.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Here it is.

From: Bob McNeill [<mailto:bmcneill@barghausen.com>]
Sent: Tuesday, March 01, 2016 2:13 PM
To: Allison Eddins
Cc: Chris Taylor; James Coombes; Dorothy Johnson; Chris Ferko; Jason Hubbell; Dan Lamotte; Allen Sipe; Scanning
Subject: Submittal Package / CUP Amendment / PAC 16-07 ... Fred Meyer Fuel #158 / Canopy Expansion / Juneau AK ... BCE #10049.8

Allison ...

Attached please individual electronic copies (PDF format) of the submittal package prepared by Barghausen, seeking approval of an Amendment to the Conditional Use Permit; covering the proposed expansion of the Fred Meyer Fuel Center at 8181 Old Glacier Highway.

While remaining substantially the same, there have been some minor changes in site design from the plan presented for the pre-application meeting. Thus our proposal contains not only the materials requested for the CUP application, but additional plans which will provide Juneau staff and the Planning Commission, a better understanding of the project's components and design features.

Checks for the fees associated with the CUP application process and the public notice sign (fee + deposit) are being forwarded to your attention, this afternoon, via Priority Federal Express. Please advise when they are received.

As we discussed, Fred Meyer is pursuing an aggressive construction schedule with the goal of completing the project this year, with available capital funds; anything Juneau staff can do to help expedite this process, will be appreciated. Please review this submittal and contact me directly, if you need additional materials or simply have questions regarding the expansion proposal.

Robert McNeill

Senior Planner

Barghausen Consulting Engineers, Inc.

18215 72nd Avenue South Kent WA 98032

Tumwater WA | Roseville CA | Long Beach CA | San Diego CA

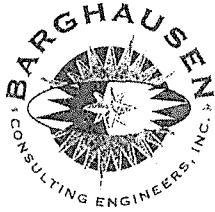
Direct | 425.656.1061 Corporate | 425.251.6222 Mobile | 206.396.8598 Fax | 425.251.8782

Website | <http://www.barghausen.com> E-Mail | bmcneill@barghausen.com



Please consider the environment before printing this email.

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CIVIL ENGINEERING, LAND PLANNING, SURVEYING

March 1, 2016
Email: Allison.Eddins@juneau.org

Allison Eddins
Planner I
City of Juneau
Community Development Department
155 South Seward Street
Juneau, AK 99801

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Allison Eddins
Planner I
City of Juneau
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- 2 -

March 1, 2016

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Sincerely



Robert P. McNeill
Senior Planner

RPM/dm

10049c.050.doc

enc: As Noted

cc: Chris Taylor, Fred Meyer Stores, Inc. (w/enc)
James Coombes, Fred Meyer Stores, Inc. (w/enc)
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Chris Ferko, Barghausen Consulting Engineers, Inc.
Jason Hubbell, Barghausen Consulting Engineers, Inc.

PROJECT NARRATIVE

AMENDMENT to a CONDITIONAL USE PERMIT

Fred Meyer Fuel #158 - Canopy Expansion 8181 Old Glacier Highway, Juneau AK

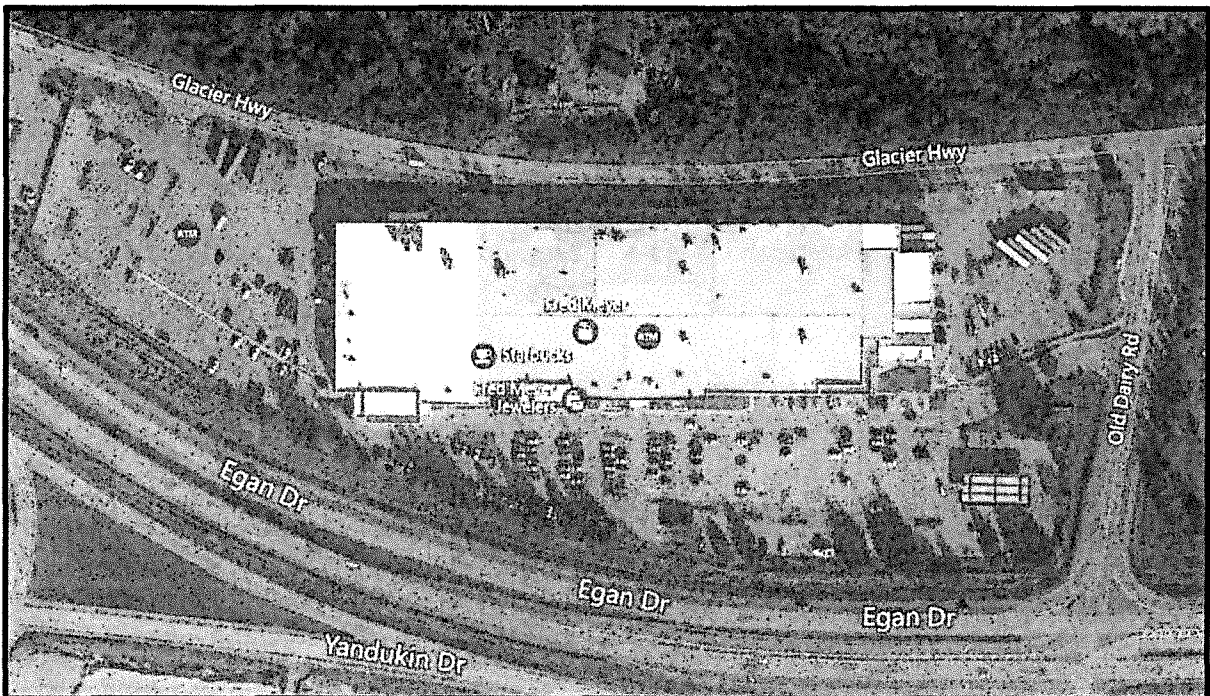
Fred Meyer Stores, Inc.
3800 S.E. 22nd Avenue
Portland OR 97202

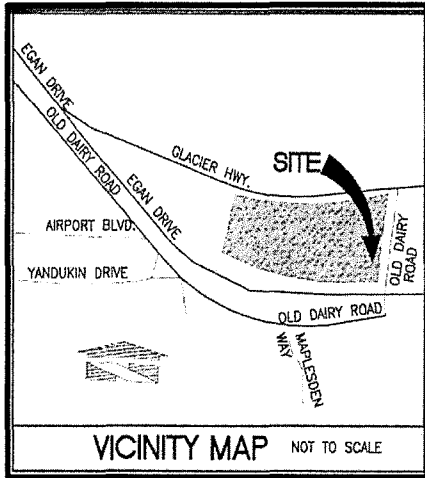
March 2016

Prepared by
Robert McNeill, Senior Planner
Barghausen Consulting Engineers, Inc.
18215 72nd Avenue S, Kent WA 98032

LOCATION OF PROJECT AND EXISTING CONDITIONS

The Fred Meyer Fuel Center is located at the northwest corner of the intersection of Egan Drive and Old Dairy Road; within the parking field of the Fred Meyer Retail Store located at 8181 Old Glacier Highway. The property is currently zoned LC - Light Commercial.





The development of Juneau's Fred Meyer retail complex began in 1983 with the construction of the retail store. In 1992, Fred Meyer pursued the use of outdoor storage onsite (5,250 SF); approved and permitted through a conditional use process (USE-CU92-13).

Fred Meyer Stores' commitment to the City/Borough of Juneau (C/BJ) has been ongoing. In 2002, the existing fuel center was approved and constructed under the provisions of a conditional use permit (USE2001-00048), along with a parking variance of an approximately 7% parking reduction (VAR2001-00033).

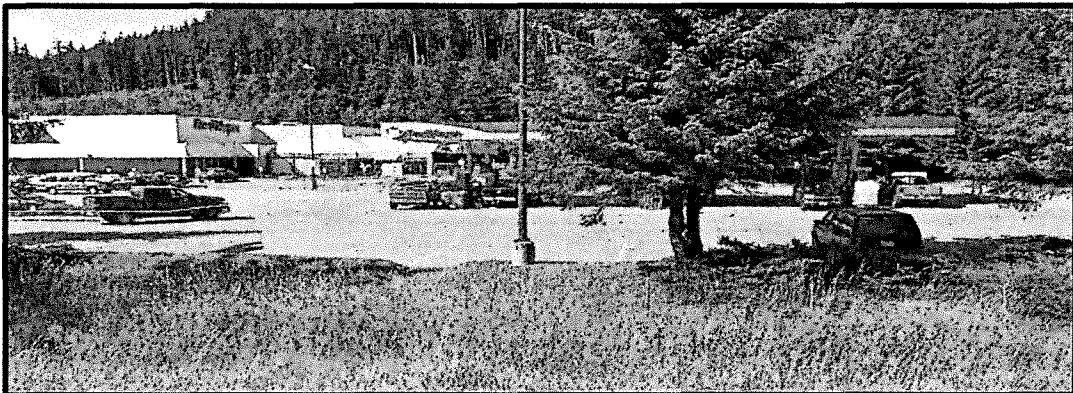
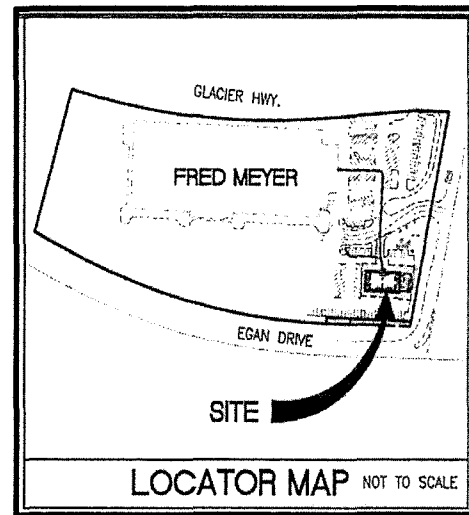
In 2005, the retail store received a 56,532 square foot expansion, as originally processed by the C/BJ Planning Commission through a conditional use permit (USE2005-00009) and by the C/BJ Board of Adjustment, as a parking variance (VAR2005-00010); reducing the parking requirement to 4/1,000 SF.

A thorough review of previous entitlement applications shows each request was **approved with conditions**; the resulting improvements were designed, permitted and constructed by Fred Meyer Stores in full compliance with said conditions.

THE EXISTING FUEL CENTER

Originally constructed in 2002 and located at the southeast corner of the parking field, today's Fred Meyer Fuel Center consists of a 43- by 92-foot fuel canopy (3,956 SF); covering a modular 8- by 14-foot cashier's kiosk (112 SF), sheltering five (5) multi-product dispensers (MPDs), with ten (12) vehicle fueling positions (VFPs).

Two (2) underground storage tanks (USTs), canopy signage, landscaping, asphalt paving and related site improvements - including utilities, grading and stormwater facilities - were part of the Fuel Center's original construction.



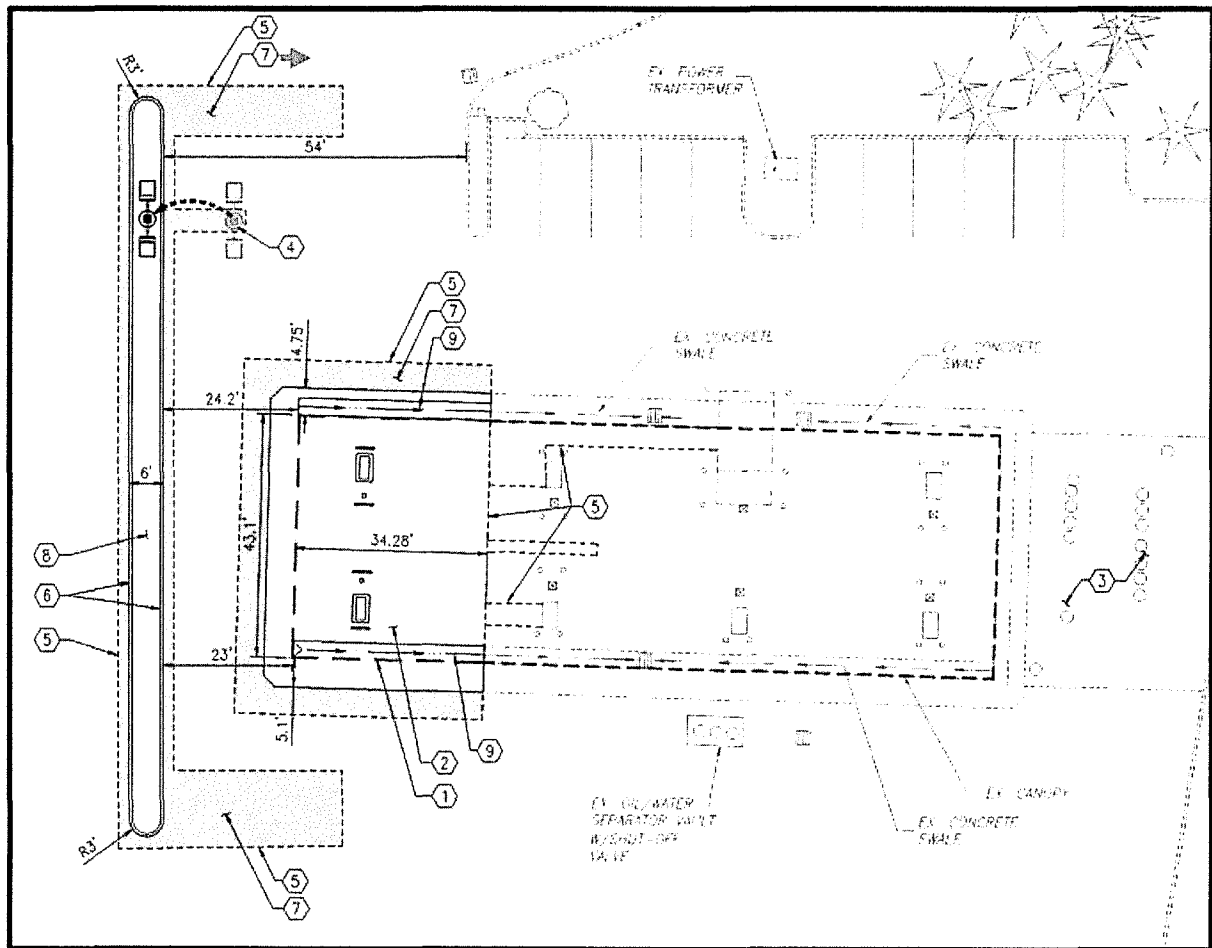
City of Juneau, Alaska
Conditional Use Permit Amendment
Project Narrative

3

March 2016

SCOPE OF FUEL CENTER EXPANSION

The proposed expansion is illustrated on Sheet C3, the Site Improvement Plan, a portion of which is shown below.



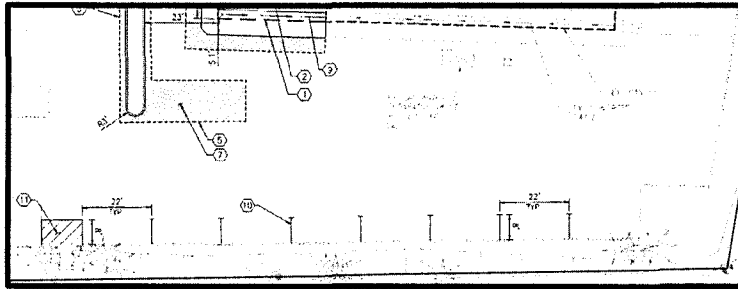
CONSTRUCTION CALL OUTS

- | | |
|--|-------------------------------------|
| ① PUMP ISLAND CANOPY ADDITION WITH 2 NEW MULTI-PRODUCT DISPENSERS. | ⑥ CONCRETE BARRIER CURB |
| ② REINFORCED CONCRETE DRIVE SLAB BENEATH CANOPY | ⑦ ASPHALT PAVEMENT |
| ③ (E) UNDERGROUND GASOLINE STORAGE TANKS | ⑧ LANDSCAPING |
| ④ RELOCATE (E) LOT LIGHT ON NEW CONCRETE FOOTING. | ⑨ CONCRETE SWALE |
| ⑤ MEET AND MATCH PAVEMENT AT SAWCUT. CONCRETE SHALL BE DOWELLED INTO EXISTING SLAB | ⑩ YELLOW PAINTED PARKING STALL |
| | ⑪ YELLOW PAINTED "NO PARKING" HATCH |

Our proposal would expand the existing fuel canopy with a 43- by 34-foot addition (1,462 SF), to allow for the addition of two (2) additional MPDs, creating an additional four (4) VFPs and the requisite stacking lanes beneath the expanded canopy. The expanded fuel canopy would measure approximately 43- by 126-feet (4,520 SF), with a total of seven (7) MPDs and fourteen (14) VFPs. Currently, expansion plans call for no changes to the existing USTs and/or fuel distribution equipment (aside from connections to the additional dispensers and related equipment upgrades), nor will there be any expansion of the existing cashier's kiosk.

PARKING STALL CONVERSION

Given the site's current parking status (see Parking Requirements section, below), Fred Meyer is seizing an opportunity to reduce parking to provide an improved level of vehicular circulation for fuel deliveries; converting twenty-one (21) 90° parking stalls along the Egan Expressway perimeter, to eight (8) parallel parking stalls.



While minor, this change will improve circulation by reducing conflicts between fuel delivery trucks and customer vehicles exiting the fuel station; providing additional maneuvering area - while easily exceeding C/BJ's current parking requirements..

PARKING REQUIREMENTS

Since Fred Meyer's most recent expansion in 2005, the C/BJ has revised their parking code; reducing the amount of required parking for this type of use; requiring one standard parking stall be provided for every 300 square feet.

Calculating compliance using the revised requirements, the overall

Fred Meyer retail complex is now over-parked; providing 725 stalls (including 18 accessible stalls) or 123% of the required parking. To accommodate the proposed expansion, the existing parking configuration must be modified; requiring the removal of a row of twenty-six (26) standard parking stalls, located immediately west of the expanded fuel canopy, and the reconfiguration of parking directly south of the fuel canopy (see Parking Stall Conversion, above). However, even after removal and reconfiguration of parking stalls, with 686 stalls, the available parking still easily exceeds the requirement (116.8%) under current code (see Table 1 above).

Fred Meyer Fuel #158 - Canopy Expansion						
Table 1 - Impacts on Current Parking Inventory						
Required			Existing	Added	Deleted	Proposed
Total Stalls	176,151 SF @ 1/300 SF	587	725	8	47	686
ADA Stalls	N/A	12	18	0	0	18
PARKING COMPLIANCE		587 100%	725 123.5%	8	47	686 116.8%

TRIP GENERATION AND TRAFFIC & VEHICULAR CIRCULATION

Fred Meyer's investment in expanding a fuel center is typically driven by a desire to improve the refueling experience for their customers. Providing additional dispensers and fueling positions to reduce queues, decreasing dwell time at the pump and improving traffic and vehicular circulation are Fred Meyer's three main goals; through the proposed improvements, the expansion of Juneau's Fred Meyer Fuel Center will address each of these goals.

TRIP GENERATION

Trip generation methodology projects estimated traffic volumes using standard calculations, based on the number of fueling positions and an appropriate land use classification (944 Gasoline Service Station) as defined and categorized by the **Institute of Transportation Engineers' (ITE) Trip Generation Manual**. Analysis projects figures for both peak hour (6:00-9:00 AM and 4:00-7:00 PM) and daily site totals; providing insight into the relationship between vehicle trips and land use characteristics.

Fred Meyer Fuel #158 - Canopy Expansion						
Table 2 - Trip Generation Projections - Two Additional Dispensers*						
ITE Trip Generation Manual 9th Edition	Weekday AM Peak Hour			Weekday PM Peak Hour		
	Ingress	Egress	Total	Ingress	Egress	Total
Gasoline Service Station (944)	21	20	41	28	27	55
Internal Capture (20%)	4.2	4	8	6	5	11
Total External Trips	17	16	33	22	22	44
Pass-By Trips (58% AM / 52% PM) ... survey-based; fixed percentage of external trips	9.86	9.28	19	11.44	11.44	23
Diverted Link Trips (21% AM / 35% PM) ... survey-based; fixed percentage of external trips	3.57	3.36	7	7.7	7.7	16
Primary Trips Generated	3	4	7	3	3	6

*Extrapolated from Fred Meyer Sandy Fuel Expansion, Trip Generation Letter, prepared by Mackenzie, Portland, OR, November, 2014, Project No. 2140507.00

Using recent studies of expansion projects, based on the ITE manual, Fred Meyer projects minimal trip generation attributable to the Juneau expansion, based on the additional two dispensers and four fueling positions, as presented in Table 2 (above). A total of thirteen (13) primary trips will likely be generated by the expansion; seven (7) during the AM peak hours and six (6) trips during the PM peak hours. A description of each trip classification is provided in the box at right.

TRAFFIC & VEHICULAR CIRCULATION

No changes of any kind are proposed to either ingress or egress related to the Fuel Center. Primary access to the expanded facility will continue to utilize the parking field's main entrance, accessed from Old Dairy Road. Entrances from Glacier Highway to the Fred Meyer complex remain some distance away from the Fuel Center and are projected to provide only secondary access to the facility.

Safety concerns with previous projects focused on the capacity of the Old Dairy Road entrance to handle any increased traffic related to the facility. Independent reviews of traffic counts, turning movements, and trip generation, conducted in 2002 by staff from the Alaska Department of Transportation (ADOT), concluded this entrance had sufficient capacity to handle the increased traffic load without modification - a conclusion utilizing a seasonal factor increase of 25% in adjusted turning movement data - considered a relatively high factor, which did not adversely impact the level of service at the intersection (C/BJ Staff Report, 02-05-2002).

Trip Generation Categories

Internal Trips ... also known as shared trips, these are single trips which visit multiple locations within the Fred Meyer retail complex

External Trips ... trips which are not shared between land uses in the same development site; typically a summary of pass-by trips, diverted link trips and primary trips

Pass-By Trips ... trips presumed to be already driving by the Fred Meyer Fuel Center on an adjacent roadway; typically these trips do not increase traffic volume, but will add to the turning movements at site access points

Diverted Link Trips ... trips which are on roadways in the general vicinity, not including adjacent roads, which change their direction of travel to visit the Fuel Center

Primary Trips ... trips which stop only at the Fred Meyer Fuel Center and then immediately return to their point-of-origin; typically calculated as the sum of external trips, minus pass-by and diverted link trips

Given the limited number of primary trips generated by the Fuel Center expansion, Fred Meyer believes the capacity and level of service of the Old Dairy Road entrance will experience virtually no significant impacts related to the expansion.

The Fuel Center's location was originally viewed as problematic in terms of traffic flow entering the facility. An exit lane was proposed for vehicles leaving the facility and heading east towards Old Dairy Road. A landscaped barrier was also installed to help direct traffic flow through the facility, towards the exit lane.

Fred Meyer proposes to further reinforce the concepts dictated by the original improvements, through the addition of a landscaped planter to the west of the proposed expansion; not only channeling traffic flow throughout the facility, but also to separate fuel customer traffic from those customers seeking to park in adjacent parking rows, as well as reconfigured parking directly south of the expanded fuel canopy. This planter will also provide a home for a relocated exterior lot light and support water quality and drainage through the choice of plantings and ground cover proposed for the planter.

LANDSCAPING MODIFICATIONS

The provisions of Title IV, Chapter 60, Landscaping, will dictate the design of landscaping provided in conjunction with the proposed expansion. No significant changes are proposed to the perimeter buffers already in place along Old Dairy Road and the Egan Expressway.

Interior parking lot landscaping is projected to see a slight increase in square footage; realized through the replacement of two landscape planters at the end of the parking rows, with a larger landscape planter separating the expanded fuel center from the parking area.

ENVIRONMENTAL ISSUES

Fred Meyer fully believes the proposed expansion of the Fred Meyer Fuel Center will remain fully compliant with the policies, protocols, and practices of the Juneau Coastal Management Program (JCMP) as codified under Article IX, Coastal Management, of the C/BJ Municipal Code.

All Fred Meyer fuel facilities are connected to a state-of-the-art fuel distribution monitoring system which electronically monitors the system for leaks; notifying trained personnel to coordinate a response linked to the nature of leak or spill detected.

At Fred Meyer's Juneau location, portions of the adjacent parking field drain towards Jordan Creek - a listed anadromous stream. The revised grading plan will continue to assure that runoff from beneath the expanded fuel canopy will drain through an oil/water separator and eventually to a ditch or bio-swale system immediately adjacent to the Fuel Center; keeping runoff from potentially reaching Jordan Creek.

Monthly maintenance protocols for the oil/water separator, as implemented regularly by Fred Meyer personnel, reinforce their commitment towards protecting local watersheds from contamination. Similar "best management practices (BMPs)" and maintenance protocols are in place for equipment outside the fuel canopy; such as monthly cleaning of the "spill buckets" located at the underground storage tanks.

Fred Meyer Stores believes the combination of these design factors, monitoring systems, equipment and maintenance protocols will continue to fully comply with the purpose and intent of the JCMP

EQUIPMENT UPGRADES

Typical expansion projects include a site visit by Fred Meyer's construction team, to conduct a facility upgrade evaluation; taking advantage of the opportunity afforded by the expansion project to assess the condition of all equipment onsite and to include the upgrade of equipment as part of the construction permitting process.

This "scope of work" evaluation may include the replacement of lot lighting or canopy lighting with energy-efficient LED fixtures, replacing outdated dispensers, upgrades to fuel distribution and monitoring equipment - including upgraded tank turbines to accommodate increased demand on the fuel distribution system - and a signage evaluation. If existing signage is determined to meet current corporate standards, and is in good condition, the canopy signage would simply be relocated to a similar position on the newly expanded canopy.

In all cases where lighting fixtures are replaced, replacements will be recessed within the fuel canopy and/or shielded in a manner to prevent glare and spillover onto adjacent properties and/or rights-of-way.

CONSTRUCTION TIMETABLE

Upon completion of the facility upgrade evaluation, a construction timetable would be prepared; outlining the duration and extent of any facility closures related to the expansion. Fred Meyer's design team works diligently to minimize downtime and inconvenience experienced by our customers. A typical expansion project is usually completed within forty-five (45) working days (weather permitting).

Fred Meyer is well aware of the relatively short construction season in Alaska. To expedite construction of this expansion project within the calendar year, our experience projects a need to complete the entitlement and permitting processes expeditiously, so as to allow for a construction start no later than July 1, 2016.

To the degree possible, Fred Meyer would greatly appreciate any consideration afforded by the City/Borough of Juneau which would enable our team to meet this ambitious schedule; including, but not limited to, the concurrent submittal of permit plans while the entitlement process is underway, based on the understanding and acceptance of full responsibility for costs incurred to incorporate entitlement conditions of approval into plans approved for permitting.

Parcel Information				
<i>(per CBJ Assessor)</i>	Street Address	Legal Description	GLA	Lot Size
Zoning: LC Light Commercial	8181 Glacier Highway	5B1501000020 USS 1195 TR 1	180,632 SF	435,600 SF
	8201 Glacier Highway	5B1501000030 USS 1195 TR 2B	21,003 SF	93,171 SF
	0 Glacier Highway	5B1501000033 USS 1195 TR 2A LT 3	0 SF	33,878 SF

City of Juneau, Alaska
 Conditional Use Permit Amendment
 Project Narrative

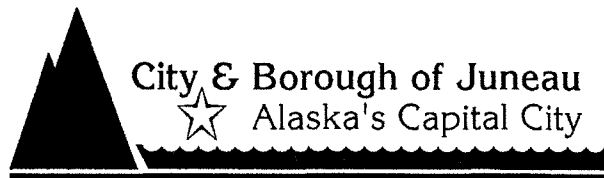
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March 2016

COMPLIANCE MATRIX

Juneau's published conditional use guidelines indicate a need to document compliance with a series of establish criteria; the tabular narrative provided below lists said criteria and our response to each. The project's design team believes this matrix, combined with the presentation outlined throughout this narrative, will provide adequate justification for the approval of this application.

COMPLIANCE MATRIX Fred Meyer Fuel #158 - Canopy Expansion Approval Criteria for an Amended Conditional Use Permit City/Borough of Juneau, Alaska		
#	Approval Criteria	Applicant Response
1	The effect on public health and safety...	The proposed use is listed as a conditional use (CU) in the underlying LC base zone; indicating a greatly diminished risk of any impairment of either the health or safety of the general public through the expansion of an existing fuel facility. Small, but significant changes in the fuel center design are proposed to enhance not only the customer experience, but also to preserve or enhance the health, safety and welfare of the general public.
2	The effect on property values ...	As a previously approved conditional use with a substantial history, the zoning classification and an inventory of the surrounding uses indicate no negative impacts on property values as said inventory indicates a number of complementary uses in the immediate vicinity.
3	The degree of harmony the proposed project/use demonstrates with the surrounding neighborhood ...	No aspect of the fuel center's expansion will alter either the character of surrounding uses, or adversely impact the use of surrounding properties. Changes to the parking configuration are minimal and the effects will be limited to Fred Meyer customers. The refueling experience should actually be greatly improved as additional fueling positions will decrease dwell time at the pump, while design improvements minimizing traffic congestion and improving circulation onsite are being proposed.
4	Conformity with Comprehensive Plan and other land use and transportation plans ...	As an enabling tool of the Comprehensive Plan, substantive compliance with the provisions of the Juneau code indicates support for the goals and policies of the Comprehensive Plan The proposed use is not only consistent with existing plans, but will not significantly alter the character of the surrounding area in any way which precludes use of the surrounding properties consistent with the provisions of the underlying zone and/or plan guidelines.
5	Compliance with the habitat sections of the Land Use Code ...	The characteristics of the site (size, shape, location, topography and location of improvements and natural features) are suitable for the proposed use and do not demonstrate or support the likelihood of any negative impacts on any form of native habitat.



**City and Borough of Juneau
Community Development Department**

155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-0715 Facsimile: 586-3365

Project Name:

Case Number: PAC2016-0007

Project Description: Fred Meyer fuel center expansion

Applicant: Fred Meyer of Alaska, Inc.

Property Owner: Fred Meyer of Alaska, Inc. / The Kroger Co.

Property Address: 8181 Glacier Highway

Parcel Code Number: 5B1501000020

Site Size: 10.93 acres / 476,111 square feet

Zoning: Light Commercial (LC)

Existing Land Use: Commercial/ Retail

Conference Date: February 10, 2016

Report Issued: February 12, 2016

List of attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Robert McNeill (425) 656-1061 Barghausen Consulting Engineers	Senior Project Planner / Manager	bmcneill@barghausen.com
Dan Lamotte (425) 656-7492 Barghausen Consulting Engineers	Project Engineer	dlamotte@barghausen.com
Chris Taylor (503) 797-3708 The Kroger Co. / NW Facility Engineering	Project Manager	chris.taylor@kroger.com
Dorothy M Johnson The Kroger Co. / NW Facility Engineering	Senior Project Manager	dorothy.johnson@kroger.com
James Coombes Fred Meyer Stores, Inc.	Real Estate Entitlements Manager	james.coombes@fredmeyer.com
Jeff Varley (425) 251-6222 Barghausen Consulting Engineers	Senior Landscape Architect	jvarley@barghausen.com
Allen Sipe (425) 251-6222 Barghausen Consulting Engineers	Senior Project Architect	asipe@barghausen.com

Neighborhood Association/Contact:

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that were not already identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

1. Zoning – The property at 8181 Glacier Highway is currently zoned Light Commercial (LC). The property was previously zoned General Commercial (GC).
2. Setbacks – Setback requirements for lots zoned Light Commercial are as follows: 25 feet for the front lot line setback, 10 feet for the rear lot line, 10 feet for the side lot line and 17 feet for the street side lot line. However, this lot is bordered by three rights-of-way. For lots like this Juneau's Land Use Code does not require a rear setback. Therefore, the actual required setbacks for this lot are 25 feet for the front lot line to the east, 0 feet for the rear lot line to the west, and 17 feet for the street side lot lines to the north and south.
3. Height – The fueling station is considered to be an accessory use to the retail store. The maximum height for accessory uses on a LC lot is 35 feet.
4. Parking – Juneau's Land Use Code requires that for every 300 square feet of gross floor space, 1 parking space shall be provided. Fred Meyer's retail store is approximately 176,000 square feet and is required to provide 587 parking spaces and 12 ADA parking spaces. Fred Meyer's is currently providing 725 parking spaces and 18 ADA parking spaces.

The expansion of the fuel station will result in the loss of 26 parking spaces. No ADA parking spaces will be lost.
5. Landscaping – Developments in LC districts are required to provide a minimum of 15% vegetative coverage. The fuel station expansion will result in the loss of two planters, roughly 280 square feet each. These will be replaced by one large landscaped median that will act as traffic separation between the fuel station and the retail parking lot.
6. Building – Fred Meyer will submit full building plans at a later date.
7. Fire District – CBJ Fire Marshall has no concerns at this time. Fire will provide comments during the Conditional Use application process and the building permit process.
8. Lighting – The fuel station canopy recessed light fixtures will be upgraded to LED.
9. Habitat Issues – There are currently no habitat issues associated with this lot.
10. Lot Coverage – There is no maximum lot coverage in Light Commercial districts.
11. Traffic – Traffic ingress/egress into the fuel station area will be re-routed to the west. The change in traffic flow will be shown on a site plan. There is no expected increase in the number of vehicles visiting the fuel station on a daily basis. The expansion of the fuel station is expected to decrease wait time and vehicle idle time.
12. Engineering – Fred Meyer will submit full engineering plans at a later date.
13. Noise – There are currently no noise issues associated with this proposed development.
14. Drainage – There are currently no drainage issues associated with this proposed development.
15. Utilities – There are currently no utility issues associated with this proposed development.
16. Wetlands – There are currently no wetlands issues associated with this proposed development.
17. Hazard/Avalanche/Hillside Endorsement – There are currently no hazard/avalanche/hillside issues associated with this proposed development.
18. Flood – 8181 Glacier Highway is located in a floodzone X with a 0.2% annual flood chance, according to FEMA's FIRM panel 1531D.

Pre-Application Conference Final Report

19. Other Agency Reviews – Planning, Building, Engineering and Fire will review all further submittals associated with this project.

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit Application
2. Conditional Use Permit Application

Additional submittal requirements:

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.
2. The project narrative
3. A site plan that shows all current and proposed development, all current and proposed parking, and all current and proposed landscaping.
4. A site plan that shows how traffic into the fuel station will be re-routed.

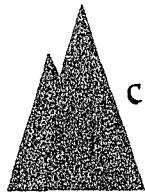
For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org.

Submit your completed application

You must submit your application(s) in person with payment to:

City/Borough of Juneau
Permit Center
230 S. Franklin Street,
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Fax: (907) 586-3365
Web: www.Juneau.org



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION

Date: February 15, 2002

File No.: USE2001-00048

Barghausen Consulting Engineers, Inc.

Attn: Joel Howitt

18215 72nd Avenue South

Kent, WA 98032

and

Fred Meyer of Alaska, Inc.

3800 S. E. 22nd Avenue

Portland, OR 97242

Application For: Construction of new retail gasoline facility comprised of 43' x 92' fueling island canopy over 5 multi-product dispensers (10-vehicle fueling positions), 8'x19.5' cashier's kiosk and two underground gasoline storage tanks.

Legal Description: USS 1195, TR 1

Parcel Code No.: 5-B15-0-100-002-0

Hearing Date: February 12, 2002

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated February 5, 2001 (date on staff report was printed in error, report was completed in 2002) and approved the construction of a gas station facility to be conducted as described in the project description and project drawing submitted with the application and with the following conditions:

1. Prior to issuance of a Certificate of Occupancy (or Temporary Certificate of Occupancy) for the fuel station facility, an improved pedestrian pathway at least 4 feet wide must be constructed from the bus stop to the Fred Meyer storefront. Care shall be taken to preserve existing plantings as much as possible during design and construction.
2. "Spill buckets" located on underground fuel tank fill pipes shall be cleaned at least once a month. All oily waste collected must be disposed of in accordance with applicable regulations.

Barghausen Consulting Engineers, Inc. &
 Fred Meyer of Alaska, Inc.
 File No.: USE2001-00048
 February 15, 2002
 Page 2 of 3

3. The oil/water separator unit shall be maintained at least once a month or if rainfall exceeds 1" in a 24 hour period. During maintenance inspections, all oily waste collected shall be removed and disposed of in accordance with applicable regulations.
4. Prior to issuance of a Certificate of Occupancy (or Temporary Certificate of Occupancy) for the fuel station facility, striping and arrows shall be installed to indicate traffic flow around the fuel station facility.
5. Prior to issuance of a Certificate of Occupancy (or Temporary Certificate of Occupancy) for the fuel station facility, directional signage must be placed in the parking lot, as shown on Attachment 2.
6. Prior to issuance of a Certificate of Occupancy (or Temporary Certificate of Occupancy) for the fuel station facility, striping and directional arrows at the main entrance on the east side of the lot shall be repainted in order to clarify traffic lanes.
7. Directional signage, striping and painted directional arrows shall be maintained in good condition for the fuel station's operational life.
8. Prior to issuance of a building permit, the applicant shall submit a lighting plan, to be evaluated by Community Development staff, which demonstrates that lighting will be shielded and directed away from surrounding properties and rights-of-way.
9. The owner of the fire hydrants on the applicant's property shall maintain the fire hydrants on the applicant's property.

Attachments: February 5, 2001 (date on staff report was printed in error, report was completed in 2002) memorandum from Greg Chaney, Community Development to the CBJ Planning Commission regarding USE2001-00048.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c).

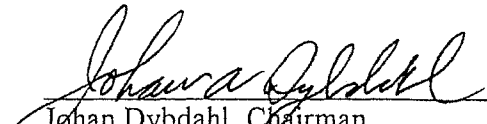
Effective Date: The permit is effective upon approval by the Commission
 February 12, 2002.

Expiration Date: The permit will expire 18 months after the effective date, or August 12 2003, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Barghausen Consulting Engineers, Inc. &
Fred Meyer of Alaska, Inc.
File No.: USE2001-00048
February 15, 2002
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Project Planner:


Greg Chaney, Planner


Johan Dybdahl, Chairman
Planning Commission

Filed With City Clerk


2/15/02

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center 1 (800) 949-4232, or fax (360) 438-3208.

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: February 5, 2001 - *ERROR 2002 IS CORRECT*

TO: Planning Commission

FROM: Greg Chaney, Planner *Greg Chaney*
Community Development Department

FILE NO.: USE2001-00048 Conditional Use

PROPOSAL: Construction of new retail gasoline facility comprised of 43' x 92' fueling island canopy over 5 multi-product dispensers (10 vehicle fueling positions), 8' x 19.5' cashier's kiosk and two underground gasoline storage tanks.

GENERAL INFORMATION

Applicant: Barghausen Consulting Engineers, Inc

Property Owner: Fred Meyer of Alaska, Inc.

Property Address: 8181 Glacier Highway

Legal Description: USS 1195 TR 1

Parcel Code Number: 5-B15-0-100-002-0

Site Size: 10.93 Acres

Zoning: General Commercial (GC)

Utilities: CBJ Water and Sewer

Access: Old Dairy Road, Glacier Highway

Existing Land Use: Fred Meyer and Juneau Electronics Parking Lot

Surrounding Land Use: North - Glacier Highway, D-15 (Vacant)
South - Egan Drive, Industrial (I), Rural Reserve (RR)
East - Old Dairy Road, D-5, Juneau Christian Center
West - Light Commercial (LC), Credit Union

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PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a new retail gasoline facility comprised of a 43' x 92' fueling island canopy over 5 multi-product dispensers (10 vehicle fueling positions), an 8' x 19.5' cashier's kiosk and two underground gasoline storage tanks. This station will be located in the southeast corner of Fred Meyer's existing parking lot (Attachments 1a, 1b, 2 & 3).

BACKGROUND

Fred Meyer opened its store on the site in 1983 and has been in continuous operation since that time. The store has undergone minor remodeling but the basic footprint has remained substantially the same. Juneau Electronics also occupies the northeast corner of the site. In May of 1992 a Conditional Use permit was granted for the Fred Meyer to utilize a portion of its parking lot for outdoor merchandising. At that time the parking lot was reconfigured to maintain the required number of parking spaces while allowing for some of the lot to be converted to merchandise display areas. Outdoor sales have not been significant, and store managers have decided to reduce the area dedicated to sales outside the building.

At the current time, the parking lot's southeast corner is underutilized. For several years a container has been placed in this section of the lot for newspaper recycling (Attachment 4). RV's occasionally parked overnight in this section of the lot in the past, however this practice is no longer allowed. If this portion of the lot did not host the newspaper recycling facility, vehicles would rarely visit the area.

Primary access to the lot is via a short segment of road, which runs north/south between Glacier Highway and Egan Expressway. This section of right-of-way has been referred to by several names including: Old Dairy Road, Glacier Highway, Yandukin Drive and Lemon Road. Prior to the construction of Egan Express, this right-of-way segment was originally where the beginning of Old Dairy Road branched off of Glacier Highway. Although it is currently isolated from the main body of Old Dairy Road, this section of right-of-way has never been renamed, therefore it will be referred to as Old Dairy Road in this staff report.

ANALYSIS

Project Site – A gas station facility will be located in the extreme southeast corner of the existing Fred Meyer parking lot. Due to its distance from the main store, the region is usually vacant. Egan Expressway borders the lot's southern boundary. No direct access to Egan Express is currently available from the parking lot. Along the lot's east side is the parking lot's main entrance which is accessed from Old Dairy Road. Grass lined ditches, also referred to as "bio-swales", separate the lot from these constructed roads. North of the lot is Glacier Highway. This section of road is lightly

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traveled when compared to Old Dairy Road and Egan Expressway. Two entrances are provided to the Fred Meyer site along Old Glacier Highway but these access points are rarely utilized. If a significant increase in customer volume is experienced in the future, traffic flow could be redirected to utilize these access points to reduce congestion at the Old Dairy Road entrance. Along the east property line is a separate lot which is currently occupied by Alaska USA Federal Credit Union.

Project Design – The applicant proposes to construct a 24-hour retail gas station on the southeast corner of the Fred Meyer parking lot. The proposed facility will include a canopy over five multi-product dispensers for a total of ten vehicle fueling stations and a cashier's kiosk. The 43 x 92 foot canopy will include Fred Meyer's colors and signage (Attachment 3). Proposed signs will be reviewed under a separate sign permitting procedure. Gasoline and diesel fuel dispensers will offer a "pay at the pump" option. The kiosk will be staffed by an attendant during the hours of 7 am to 11 pm. At night between 11pm and 7am, the fuel facility will be fully automated with the dispensers activated by customers using automated credit or debit cards.

Traffic – Fuel stations associated with a primary retail store, attract traffic differently than "stand alone" facilities. The applicant has provided a trip generation study conducted by Group MacKenzie Traffic Engineers for a similar gas station located within a retail center along a major commuter route (Attachment 5). The survey concluded that the fuel station did not generate additional peak hour trips along adjacent roads. Gas station customers were already driving by and decided to purchase gasoline and did not come to the area for the sole purpose of buying fuel. Some customers were already going to the associated major retail store and the rest were people who were already driving by and decided to stop in. Therefore, no additional traffic is anticipated to be attracted to adjacent roads as a result of the facility's construction. On the other hand, traffic already travelling on these roads will be diverted and turn into the main entrance. Several CBJ staff members and a member of the public expressed concern about the safety of the existing intersection and wondered if it could handle the increased traffic load (Attachments 18, 19, 20 & 21). Due to concerns about the possibility of over taxing the entrance's capacity, staff requested a traffic study be conducted to specifically address this issue.

R&M Engineering conducted traffic counts at Fred Meyer's main entrance on a Tuesday and Wednesday, January 8th and 9th, 2002. Analysis of these turning movement counts concluded that the existing intersection could handle the increased volume anticipated from the addition of a gas station. Additionally, the traffic count was increased by 25% to adjust for seasonal highs. The report concluded that the existing intersection could handle anticipated increased seasonal traffic without modification (Attachment 6).

Based on staff's experience (having conducted multiple independent site visits) and an interview with Drew Norman, Acting Store Manager, it was determined that the largest customer volume often occurs on weekends. In order to measure weekend traffic volume, CDD staff visited the site and counted turning movements between 2:30 and 3:30 on Saturday, January 12, 2002 (Attachment 7).

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Traffic volumes measured during this period were generally similar to the highest volume measured during R & M's weekday observations. The only exception was the number of left turn movements exiting the site. Left turns exiting the site to the north were measured at 103 on Saturday, while during the week 65 left turns exiting the site was the highest number measured in one hour. This difference reflects the change in traffic flow between weekday and weekend drivers. It is likely that on weekends more shopping trips to the store originate from Lemon Creek, Downtown and Douglas while during the week, a larger percentage of trips are generated by people driving home from work to the Mendenhall Valley.

For an independent review of these results both the applicant's traffic study and staff's observations were forwarded to Rick Purves, Alaska Department of Transportation, Senior Traffic and Safety Engineer. He reviewed the materials, including CDD staff's traffic measurements, and concluded that the existing entrance was sufficient to handle the anticipated increased traffic load without modification (Attachment 8).

Two bus stops are present near the site's main entrance (Attachments 9 & 10). No designated pedestrian pathway is available for pedestrians leaving the bus stops to access the store. Although the entrance is sufficient to handle the anticipated additional vehicles, currently pedestrians are required to walk either in the street or on dirt/muddy paths in landscaped areas (Attachments 11 & 12). The current pedestrian situation is substandard and by adding traffic, pedestrian/vehicle conflicts are anticipated to increase. In order to reduce these conflicts, staff has recommended a condition that prior to operation of the fuel station facility, an improved pedestrian pathway must be constructed from the bus stops to the store.

Lighting – The proposal to have a canopy over the fuel pumps has the potential to impact surrounding properties and motorists by shedding glare beyond the property lines. It is critical that lighting be shielded and directed away from the surrounding properties and rights-of-way. Therefore, staff has included a recommended condition that a lighting plan, which meets these objectives, be submitted prior to issuance of a building permit.

Parking and Circulation – Forty four parking spaces will be removed from the existing parking lot in order to accommodate the facility. Parking space reduction will bring the total parking lot capacity for the existing store below the minimum of 596 parking spaces required for the Fred Meyer store established under CU-13-92, Juneau Electronics' parking requirement plus one new space required for the fuel station. Based on several years of operational experience at this location, the applicant does not anticipate that the loss of parking capacity will cause a parking short fall on the site. Therefore, the applicant has applied for parking variance VAR2001-00033 concurrently with this Conditional Use application.

Internal parking lot circulation has caused concern since the lot is not currently laid out to accommodate traffic flow to the proposed facility. In order to enhance exiting from the fuel station, a new exit only lane has been proposed to feed into the main exit from the parking lot to Old Dairy

Planning Commission
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Road (See Attachment 13).

After reviewing the proposed parking lot layout, staff has concluded that traffic flow entering the gas station appears problematic. As shown on Attachment 13, staff recommends that traffic be restricted near the northwest entrance to the gas station. By placing a barrier as shown, traffic will tend to flow through the facility in an orderly manner, reducing the potential for vehicle conflicts. Since this is a public safety consideration, staff is recommending a condition which would require the installation of this traffic barrier prior to issuance of a Certificate Of Occupancy for the facility.

Noise – The facility is located in an active commercial area. Noise from the fuel station is likely to be restricted to vehicles traversing the site. This type of noise is already common in the area and is not likely to cause off site conflicts.

Public Health or Safety – Several public safety concerns were considered in relation to this proposal. Several members of the public express concern that the existing main entrance on the lot's east side was near maximum capacity. In order to evaluate the impact of additional traffic on the entrance, a traffic analysis was requested.

As mentioned above, the applicant retained R&M Engineering to study existing and potential traffic impacts (Attachment 6). Existing traffic volume was measured on January 8, 2002 from 11:45 am to 7:00 pm and on January 9, 2002 from 7:00 am to 11:30 am. The anticipated traffic volume for the proposed fuel facility was estimated using the ITE Trip Generation Report. Barghausen Consulting Engineers furnished the data to R&M Engineering. The ITE data indicates the fuel stop may generate 1,686 daily trips and 146 new pm peak trips. Barghausen Consulting Engineers recommended using an increase of 25% of the ITE traffic volume in anticipation that the remainder of the fuel station's customers would already be going to Fred Meyer. A seasonal factor increase of 25% was used to adjust the turning movement data. This was considered a relatively high factor, but the adjustment did not result in a change to the Level of Service. The report concluded that the existing entrance could handle the anticipated traffic increase without compromising public safety.

Staff discussed the timing of peak customer volume with Acting Store Director, Drew Norman. His observations concluded that peak customer demand was experienced on Saturday and Sunday afternoons roughly between 1 and 4pm. Staff visited the site on Saturday, January 12 2002 and conducted turning movement counts from 2:30 to 3:30pm (Attachment 7). Traffic volumes were higher than measured during the weekdays sampled by R&M. The most extreme difference was for vehicles exiting the site heading north. R&M observed a maximum of 65 vehicles per hour while CDD staff observed 103 vehicles executing the same movement in one hour.

As mentioned above, both the R&M traffic study and CDD staff's observations were submitted to the Alaska Department of Transportation (DOT) for independent review. Rick Purves, Alaska Department of Transportation, Senior Traffic and Safety Engineer determined that even with the anticipated increase in traffic volume, the intersection could handle the predicted traffic demand without modification.

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As already noted, certain aspects of the project will have public safety implications. Currently there are two bus stops at the intersection. No improved path leads from the bus stops to the store (Attachment 9 and 10). This forces many pedestrians to walk in the road, causing potential pedestrian/vehicular conflicts (Attachment 11). Alternatively pedestrians may walk in the adjacent landscaping strip but due to muddy conditions this is often not desirable (Attachment 12). Currently the situation is substandard but adding more vehicular traffic to the intersection will make the situation worse. In order to mitigate this impact, the applicant has proposed to add a four-foot wide pedestrian path from the bus stop to the store as shown on Attachment 1b. In order to ensure that this path is constructed, staff is recommending a condition that construction of the pedestrian path be complete prior to issuance of a Certificate of Occupancy for the new fuel station.

Property Value or Neighborhood Harmony – This site is surrounded on three sides by right-of-way and the fourth side has a commercial use. Staff is not aware of any evidence that the proposed gas station would negatively impact adjacent properties or act out of harmony with the surrounding neighborhood.

Conformity With Adopted Plans – The Comprehensive Plan has designated this location as “General Commercial”. Locating a fuel station in this region is consistent with the Comprehensive Plan and with current zoning (with approval of a Conditional Use permit).

Juneau Coastal Management Program – Some of the runoff from the existing parking lot drains toward Jordan Creek which is a listed anadromous stream. In order to ensure that this facility is does not introduce petroleum contaminants into the creek, the applicant has submitted a detailed drainage plan for the proposed gas station site (Attachment 14). All run-off from under the canopy (including all fuel pump locations) will be collected in a drain which will run through an oil/water separator (Attachment 15). Once in the ditch, run-off will drain eastward, in the existing ditch system, away from Jordan Creek.

The applicant has proposed that the oil/water separator be maintained monthly from November to April and once in late summer (Attachment 16). Due to Juneau’s high level of precipitation in the summer, staff is recommending a condition that maintenance be conducted once a month, year round, or at any time when rainfall exceeds one inch in 24 hours.

Fill pipes for the main fuel tanks are not located in the area which drains to the oil/water separator. Although automatic shut-off devices are required for these systems, residual oil often drains from fill nozzles after filling the main tanks. “Spill Buckets” are required to catch this incidental spillage however if these buckets fill with water or oil, they are no longer effective. Therefore, staff is recommending a condition that the “spill buckets” on the main tank fill pipes be cleaned at least once a month.

In the worst case scenario of a large spill from the site, run off will flow to the adjacent ditch.

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Outlets from this ditch are only available through culverts. These culverts can be blocked with sandbags to allow oil recovery crews to collect spilled oil from this containment area.

The proposed gas station application was reviewed for compliance with CBJ§49.70.900, the Juneau Coastal Management Program (JCMP). The analysis revealed that the following provision of the JCMP applies: CBJ§49.70.950 (C)(7)

Rivers, streams and lakes shall be managed so as to protect natural vegetation, water quality, important fish or wildlife habitat and natural waterflow.

The combination of the above prevention measures should be sufficient to protect adjacent wetlands and Jordan Creek from potential petroleum contamination.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the director's report to consider:

1. Whether the application is complete; and,
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
3. Whether the development as proposed will comply with the other requirements of this chapter.

The commission shall adopt the director's determination on the three items above unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the commission adopts the director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area;
or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.300 (e)(1)(A thru C), Review of Director's Determinations, the director makes the following findings on the proposed development:

Planning Commission
 File No.: USE2001-00048
 February 5, 2002
 Page 8 of 9

1. *Is the application for the requested conditional use permit complete?*

Yes. We find the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. *Is the proposed use appropriate according to the Table of Permissible Uses?*

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 9.200 for the Light Commercial (LC) zoning district.

3. *Will the proposed development comply with the other requirements of this chapter?*

Yes. The proposed development complies with the other requirements of this chapter. An advertising notice was provided in the Juneau Empire under "Your Municipality", which ran on Friday, February 1, 2002. A public notice sign was posted on site at least 14 days prior to the meeting.

As required by CBJ§49.15.330(d)(4), relevant portions of this application were mailed to interested agencies (Attachment 17).

4. *Will the proposed development materially endanger the public health or safety?*

No. Based on the preceding staff analysis, this proposal will not endanger public health or safety as long as the conditions proposed are met.

5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?*

No. Based on the preceding staff analysis, no evidence was found to indicate that the proposed development will substantially decrease the value of, or be out of harmony with, property in the neighboring area.

6. *Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?*

Yes. Because of the Comprehensive Plan and subsequent zoning designations for this parcel, it is found that the proposed development complies with the other requirements of this chapter and is in conformance with the Comprehensive Plan.

7. *Will the proposed development comply with the Juneau Coastal Management Program?*

Yes. Based on the preceding analysis and the proposed conditions of approval dealing with water quality, we find that the proposed development will comply with the Juneau Coastal Management Program.

Planning Commission
File No.: USE2001-00048
February 5, 2002
Page 9 of 9

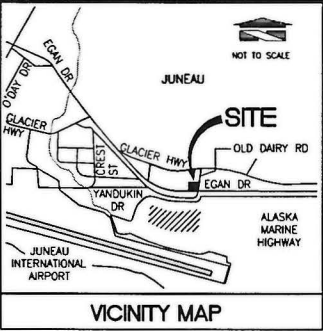
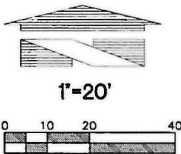
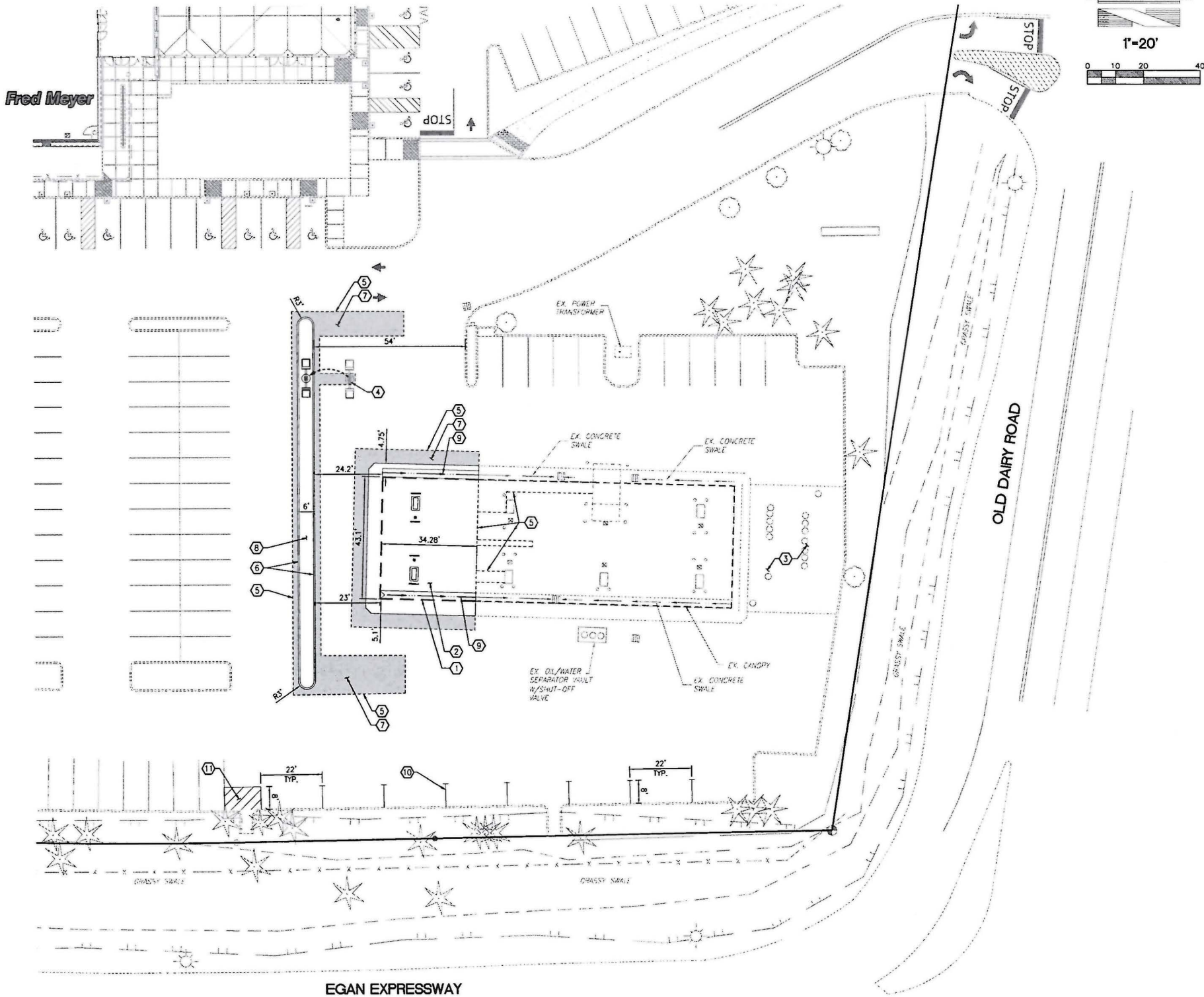
RECOMMENDATION

It is recommended that the Planning Commission adopt the director's analysis and findings and grant the requested conditional use permit. The permit would allow the development of a gasoline facility comprised of 43' x 92' fueling island canopy over 5 multi-product dispensers (10 vehicle fueling positions), 8' x 19.5' cashier's kiosk and two underground gasoline storage tanks. The approval is subject to the following conditions:

1. Prior to issuance of a Certificate of Occupancy (or Temporary Certificate of Occupancy) for the fuel station facility, an improved pedestrian pathway at least 4 feet wide must be constructed from the bus stop to the Fred Meyer storefront. Care shall be taken to preserve existing plantings as much as possible during design and construction.
2. "Spill buckets" located on underground fuel tank fill pipes shall be cleaned at least once a month. All oily waste collected must be disposed of in accordance with applicable regulations.
3. The oil/water separator unit shall be maintained at least once a month or if rainfall exceeds 1" in a 24 hour period. During maintenance inspections, all oily waste collected shall be removed and disposed of in accordance with applicable regulations.
4. Prior to issuance of a Certificate of Occupancy (or Temporary Certificate of Occupancy) for the fuel station facility, traffic barriers, such as wheel stops, must be placed in the parking lot as shown on Attachment 13.
5. Prior to issuance of a Certificate of Occupancy (or Temporary Certificate of Occupancy) for the fuel station facility, directional signage must be placed in the parking lot, shown on Attachment 2.
6. Prior to issuance of a Certificate of Occupancy (or Temporary Certificate of Occupancy) for the fuel station facility, striping and directional arrows at the main entrance on the east side of the lot shall be repainted in order to clarify traffic lanes.
7. Directional signage, striping and painted directional arrows shall be maintained in good condition for the fuel station's operational life.
8. Prior to issuance of a building permit, the applicant shall submit a lighting plan, to be evaluated by Community Development staff, which demonstrates that lighting will be shielded and directed away from surrounding properties and rights-of-way.

PRELIMINARY SITE PLAN

8181 Old Glacier Highway
Juneau, Alaska 99803



INDEX OF SHEETS:

- C1 PRELIMINARY SITE PLAN
- C2 PRELIMINARY DEMOLITION AND EROSION CONTROL PLAN
- C3 PRELIMINARY GRADING, DRAINAGE, AND UTILITY PLAN

LEGEND

PROPOSED ASPHALT PAVEMENT	
EXISTING CONCRETE PAVEMENT	
PROPOSED CONCRETE PAVEMENT	
EXISTING CONCRETE CURB	
NEW CONCRETE CURB	
EXISTING SAN. SEWER	
EXISTING WATER	
EXISTING UNDERGROUND POWER	

CONSTRUCTION CALL OUTS

- 1 PUMP ISLAND CANOPY ADDITION WITH 2 NEW MULTI-PRODUCT DISPENSERS.
- 2 REINFORCED CONCRETE DRIVE SLAB BENEATH CANOPY
- 3 (E) UNDERGROUND GASOLINE STORAGE TANKS
- 4 RELOCATE (E) LOT LIGHT ON NEW CONCRETE FOOTING.
- 5 MEET AND MATCH PAVEMENT AT SAWCUT. CONCRETE SHALL BE DOWELLED INTO EXISTING SLAB
- 6 CONCRETE BARRIER CURB
- 7 ASPHALT PAVEMENT
- 8 LANDSCAPING
- 9 CONCRETE SWALE
- 10 YELLOW PAINTED PARKING STALL
- 11 YELLOW PAINTED "NO PARKING" HATCH

BASIS OF MAPPING

THIS SITE PLAN IS BASED ON ORIGINAL FUEL STATION PLANS PROVIDED BY FRED MEYER, DATED 2002, LOCALIZED SURVEY INFORMATION FROM THE STORE EXPANSION OF 2005, AND AVAILABLE RECORD DRAWINGS OF SITE UTILITIES.

BARGHAUSEN CONSULTING ENGINEERS, INC. DOES NOT WARRANT THAT THE TOPOGRAPHY SHOWN ON THESE DRAWINGS IS REPRESENTATIVE OF WHAT IS CONSTRUCTED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE WITH THE OWNER TO HAVE ALL IMPROVEMENTS FIELD VERIFIED PRIOR TO CONSTRUCTION. DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF BARGHAUSEN CONSULTING ENGINEERS, INC. PRIOR TO WORK.

RECEIVED
MAR 03 2016
PERMIT CENTER/CDD

USE 2016 0008



18215 72ND AVENUE SOUTH
KENT, WA 98032
(425)251-6222
(425)251-8782 FAX
CIVIL, ENGINEERING, LAND PLANNING,
SURVEYING, ENVIRONMENTAL SERVICES



Fred Meyer



The Kroger Company
10000 S. State Street, Suite A
Denver, CO 80231
Phone (303) 715-5917

REVISIONS

No.	DESCRIPTION	DES. BY	DRAWN BY	DATE
	PERMIT SET	DL	DL	02--2016

Project #: 10049 Store #00158
Designed By: DL
Drawn By: DL
Checked By: JSO
Date: 02--2016
Scale:
Disk File:
Model:

Address:
8181 OLD GLACIER HIGHWAY
JUNEAU, ALASKA

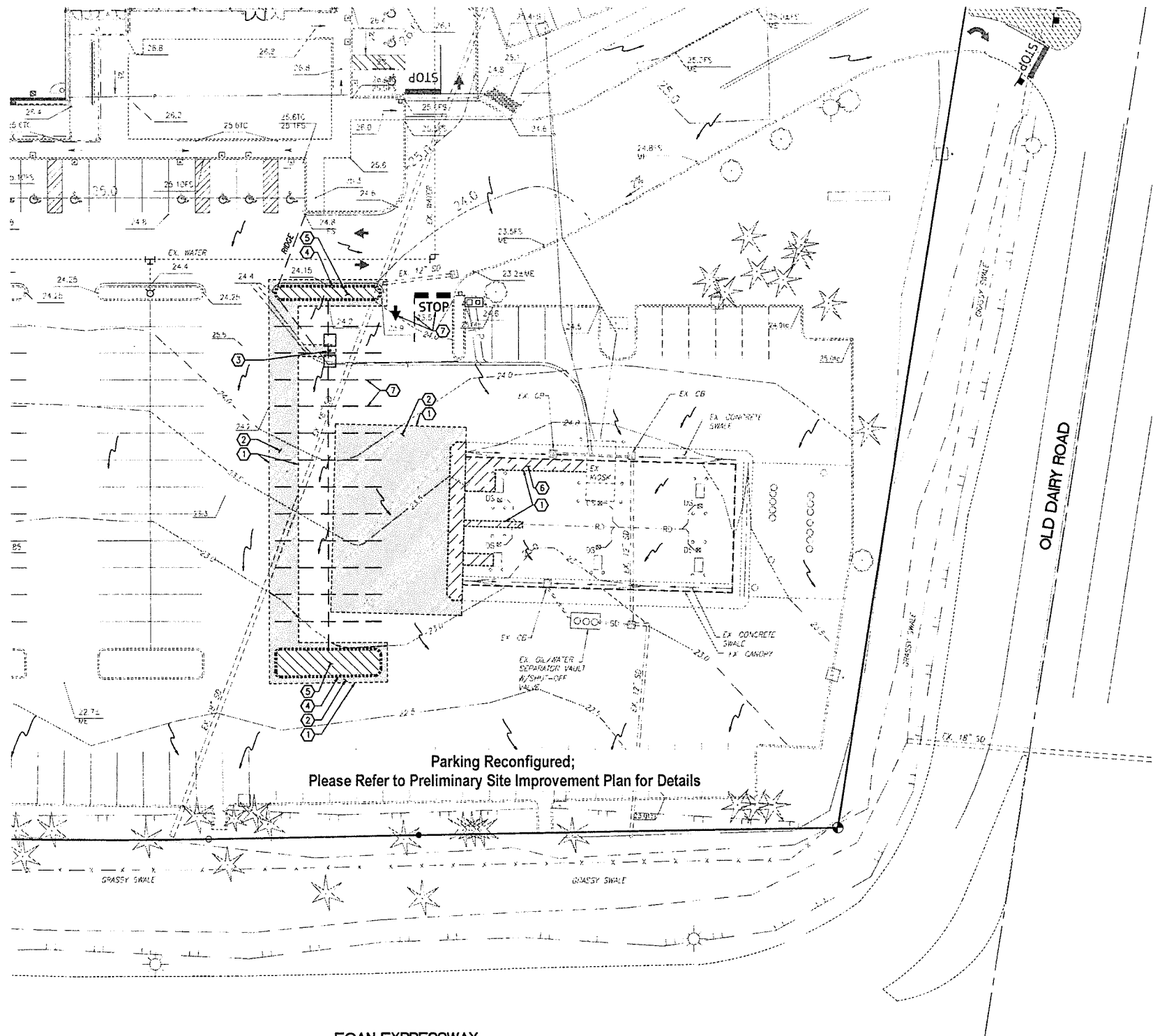
PRELIMINARY
SITE PLAN

Drawing No.:

1 of 3

Attachment A(iii) - Preliminary Site Plan

PRELIMINARY DEMOLITION AND EROSION CONTROL PLAN



Parking Reconfigured;
Please Refer to Preliminary Site Improvement Plan for Details

LEGEND

- EXISTING POWER
EXISTING SAN. SEWER
EXISTING COMMUNICATION CONDUIT
EXISTING LOT LIGHT/BOX
EXISTING CLEANOUT
EXISTING CATCH BASIN
EXISTING STORM PIPE
EXISTING GRADE CONTOUR
DEMOLISH ASPHALT PAVEMENT
TEMPORARY BMP - CATCH BASIN INLET PROTECTION
SURFACE FLOW DIRECTION
LANDSCAPING/IRRIGATION TO BE REMOVED
CONCRETE SLAB TO BE REMOVED
SAWCUT LIMIT

SITE/DEMOLITION CALL OUTS

- ① SAWCUT PAVEMENT IN SMOOTH, CONTINUOUS LINE FOR NEW WORK.
② DEMOLISH EXISTING ASPHALT PAVEMENT
③ RELOCATE EXISTING LOT LIGHT AND POWER SERVICE.
④ DEMO CURB
⑤ DEMO LANDSCAPING
⑥ REMOVE PORTION OF CONCRETE SLAB FOR NEW PIPING CONNECTIONS. REPLACE TO MATCH EXISTING.
⑦ SANDBLAST EXISTING PAVEMENT MARKINGS

EROSION CONTROL CALL OUTS

- Ⓐ CATCH BASIN INLET PROTECTION



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KENT, WA 98032
(425)251-6222
(425)251-8782 FAX
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SURVEYING, ENVIRONMENTAL SERVICES



Fred Meyer



The Kroger Company
1225 E 80th Street, Suite A
Burien, WA 98148
Phone: (206) 835-5917

REVISIONS

NO.	DESCRIPTION	DES. SET	DRAWN BY	DATE
1	PERMIT SET	DL	DL	02--2016

Project #: 10049 Store #0015

Designed By: DL

Drawn By: DL

Checked By: JSG

Date: 02--2016

Scale:

Disk File:

Model:

Address:
8181 OLD GLACIER HIGHWAY
JUNEAU, ALASKA

PRELIMINARY GRADING,
DRAINAGE, AND UTILITY
PLAN

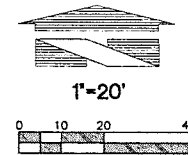
Drawing No.:

2 of 3

Attachment A(iv) - Preliminary Demolition Plan and Erosion Control Plan



	GRADE SPOT ELEVATION
	GRADE CONTOUR
	(E) CATCH BASIN
	(E) STORM PIPE
	(E) SEWER PIPE
	ASPHALT PAVEMENT
	CEMENT CONCRETE
	PAVEMENT RIDGE
	PAVEMENT SWALE
	MATCH EXISTING
	FLOW LINE
	DOWNSPOUT
	FLOW DIRECTION



UTILITY SCHEDULE

- ① CONCRETE TRENCH DRAIN. MATCH EXISTING TRENCH DRAIN FLOWLINE.
② ROOF DRAIN. CONNECTS TO EXISTING ROOF DRAIN SYSTEM.
③ RELOCATED LOT LIGHT.

WORK AREA CALCULATIONS

DISTURBED AREA = 4,600 S.F.
LANDSCAPING REMOVED = 438 S.F.
LANDSCAPING REPLACED = 650 S.F.
NET CHANGE IMPERVIOUS = -112 S.F

REVISIONS			
No.	DESCRIPTION	DRAWN BY	DATE
	PERMIT SET	DL	02 -- -- 2016

Project #:	10049	Store #	00158
------------	-------	---------	-------

Designed By: DL

Drawn By: DL

Checked By: JSG

Date: 02--2016

Scale: _____

Disk File: _____
Model: _____

MODEL:

Address:

8181 OLD GLACIER HIGHWAY
JUNEAU, ALASKA

JONES, ADRIAN

PRELIMINARY GRADING,
DRAINAGE AND EROSION CONTROLDRAINAGE, AND UTILITY
PLAN

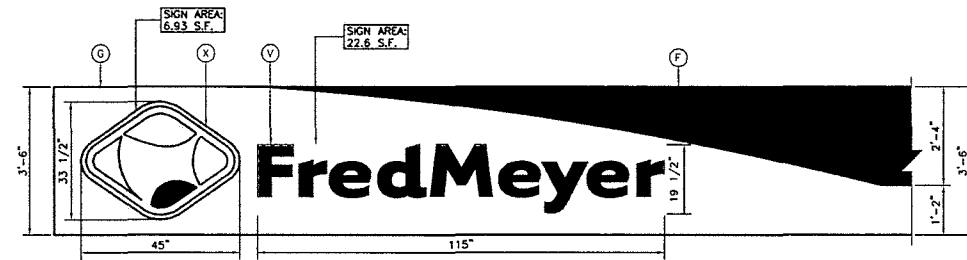
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Drawing No.:

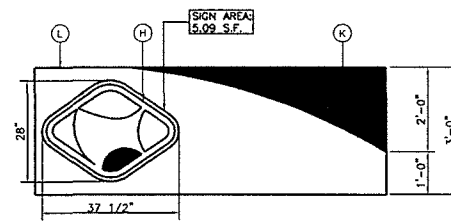
Growing No.:

3 of 3

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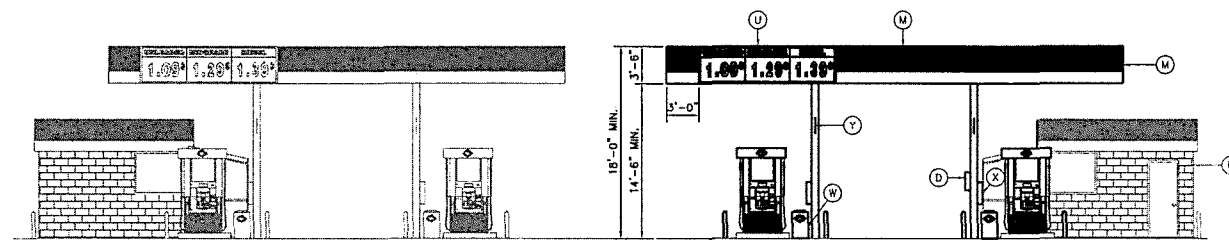


1 CANOPY GRAPHICS
SCALE: 1/2"=1'-0"



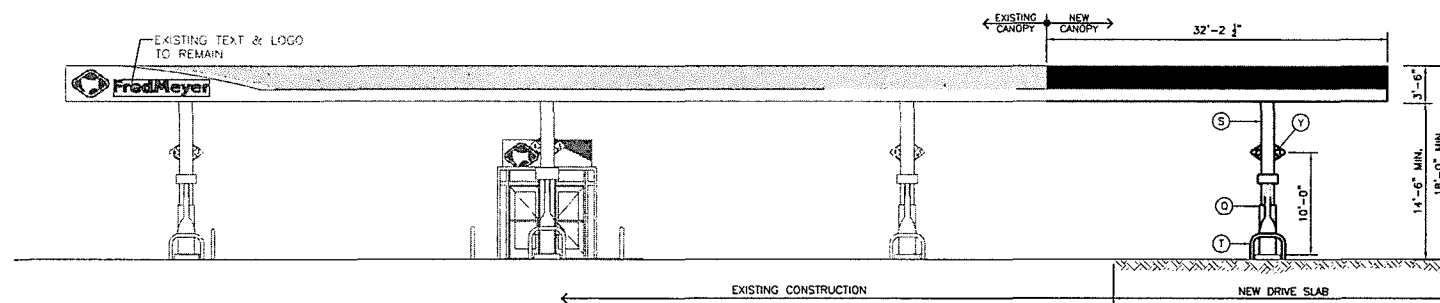
2 KIOSK GRAPHICS
SCALE: 1/2" = 1'-0"

SCHEDULE O						
ITEM	DESCRIPTION	COLOR	MANUFACTURER	-	SIGN AREA (EACH)	-
A	NEW LOGO ON EX. INTERNALLY ILLUMINATED IDENTIFICATION SIGN				5.0 S.F.	
B	EX. INTERNALLY ILLUMINATED REMOTE CONTROL PRICE SIGN				36.5 S.F.	
F	NEW FASCIA (CANOPY)	RED				
G	NEW FASCIA (CANOPY)	PLATINUM				
H	NEW LOGO - NON-ILLUMINATED (28" H x 37 1/2" W)				5.0 S.F.	
I	PRE-CUT BLACK VINYL ADDRESS DECALS PER LOCAL AUTHORITY SPECIFICATIONS, IF REQUIRED					
J	NEW DISPENSER DOOR GRAPHICS & VALENCE W/ KROGER LOGO	RED WITH WHITE LETTERS				
K	NEW KIOSK FASCIA (REPLACE EXISTING)	RED				
L	NEW KIOSK FASCIA (REPLACE EXISTING)	PLATINUM				
M	CANOPY (EXISTING TO REMAIN) REPLACE FASCIA					
P	KIOSK (EXISTING TO REMAIN) REPLACE FASCIA	ESSENTIAL GRAY SW6002				
U	EXISTING PRICE SIGN, SEE DETAIL B, THIS SHEET				45.5 S.F.	
V	NEW ILLUMINATED CHANNEL LETTERS				15.6 S.F.	
X	NEW ILLUMINATED LOGO SIGN				6.8 S.F.	
Y	NEW FLAG SIGNS				0.63 S.F.	

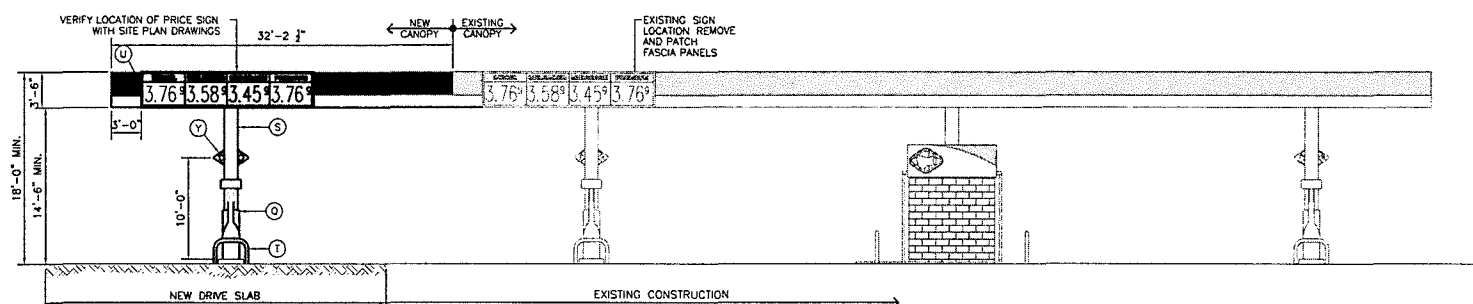


3 EAST ELEVATION
SCALE: 1/8"=1'-0"

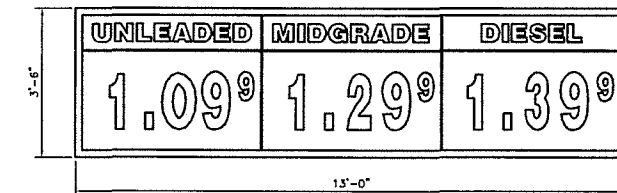
4 WEST ELEVATION
SCALE: 1/8"=1'-0"



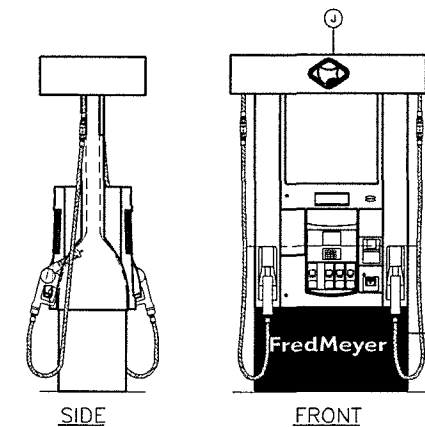
5 NORTH ELEVATION
SCALE: 1/8"=1'-0"



6 SOUTH ELEVATION
SCALE: 1/8"=1'-0"



CANOPY PRICE SIGN GRAPHICS



7 OVATION DISPENSER
SCALE: 3/8"=1'-0"

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WRITTEN PERMISSION OF THE KROGER COMPANY IS PROHIBITED.
(NOT PUBLISHED: ALL RIGHTS RESERVED)

NOTE TO CONTRACTOR:

THIS SET OF DRAWINGS AND DOCUMENTS IS INTENDED AS A SET OF GUIDELINES FOR THE PROJECT AND ARE INTENDED TO BE USED IN CONJUNCTION WITH A SET OF CONSTRUCTION SPECIFICATIONS TO BE SUPPLIED BY OWNER. THEY MUST BE READ TO INCORPORATE ALL APPLICABLE FEDERAL, STATE, AND LOCAL CODES INCLUDING FEDERAL A.D.A. REQUIREMENTS. THIS SET ASSUMES THAT THERE ARE NO UNUSUAL SOIL CONDITIONS OR WIND LOADS. THE FAILURE OF THIS CONDITION MAY REQUIRE SIGNIFICANT CHANGES TO THESE DOCUMENTS.

IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO CONFORM TO ALL APPLICABLE CODES AND TO INFORM THE OWNERS/ARCHITECTS OF ANY QUESTIONS OR CLARIFICATIONS WHICH ARE DESIRED. CONTRACTORS SHALL ALSO VISIT THE SITE BEFORE BIDDING. CONTRACTORS ARE REQUIRED TO KNOW ALL OBSERVABLE CONDITIONS AND APPLICABLE CODES.



18215 72nd Avenue South
KENT, WA 98032
t 425.251.6222 | f 425.251.8782
"ENGINEERING, LAND PLANNING,
SURVEYING, ENVIRONMENTAL SERVICES"
Barghausen.com

FRED MEYER
FUELING
FACILITY
EXPANSION

8181 OLD GLACIER HWY
JUNEAU, AK

HAL P. GRUBB, P.E.

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Engineers, Inc.

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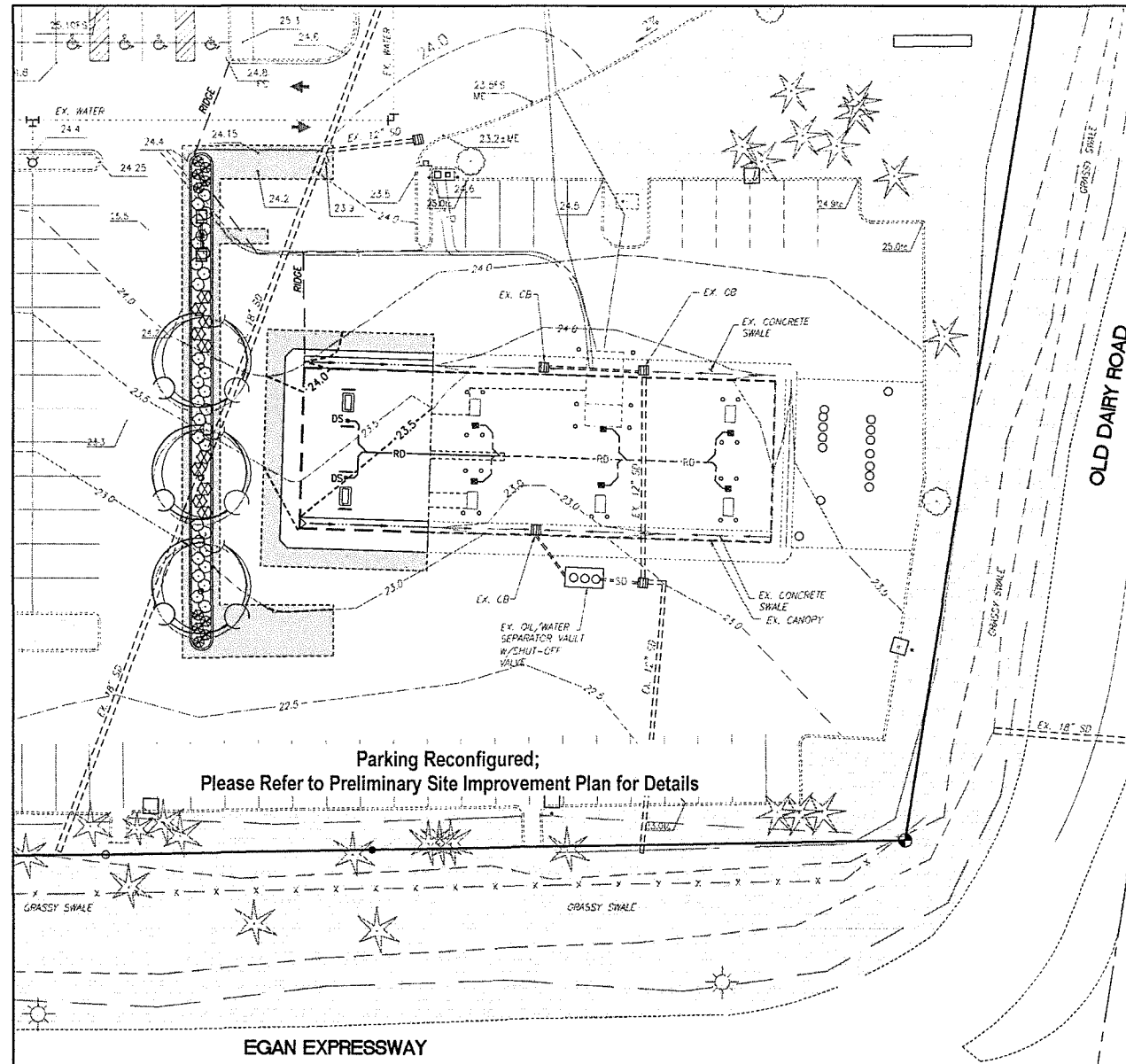
BCE # 10049.1
PM: BOB McNEILL
DRAWN: FAS
DATE: 2/22/2016

EXTERIOR
ELEVATIONS
AND SIGNAGE

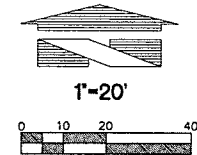
A2



PRELIMINARY LANDSCAPE PLAN



PLANT SCHEDULE					
SYMBOL	BOTANICAL/COMMON NAMES	SIZE CONDITION	SPACING	QUANTITY	REMARKS
	TREES: ACER GINNALA "FLAME" / AMUR MAPLE	2" CAL. B & B	AS SHOWN	3	STAKE & GUY ONE GROWING SEASON, NURSERY GROWN FOR STREET TREE USE, BRANCHED AT 6'
	SHRUBS: EUONYMUS ALATA "COMPACTA" / DWARF BURNING BUSH	2-GALLON CONTAINER	AS SHOWN	10	FULL AND BUSHY, MATCHING HEIGHT AND FORM
	SPIRAEA JAPONICA "LITTLE PRINCESS" LITTLE PRINCESS SPIRAEA	2-GALLON CONTAINER	AS SHOWN	30	FULL AND BUSHY, MATCHING HEIGHT AND FORM
	POTENTILLA FRUTICOSA "GOLDFINGER" POTENTILLA	2-GALLON CONTAINER	AS SHOWN	10	FULL AND BUSHY, MATCHING HEIGHT AND FORM
	EXISTING LANDSCAPING TO REMAIN				



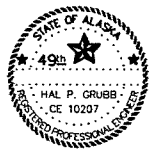
18215 72ND AVENUE SOUTH
KENT, WA 98032
(425)251-6222
(425)251-8782 FAX
CIVIL ENGINEERING, LAND PLANNING,
SURVEYING, ENVIRONMENTAL SERVICES



FredMeyer



The Kroger Company
10251 East 51st Street, Suite A
Denver, CO 80239
Phone (303) 715-5917
Fax (303) 715-5905

[illegible]

Project #: 10049 Store #00158

Designed By: JMV

Drawn By: JMV

Checked By: JSG

Date: 02--2016

Scale:

Disk File:

Model:

Address:
8181 OLD GLACIER HIGHWAY
JUNEAU, ALASKA

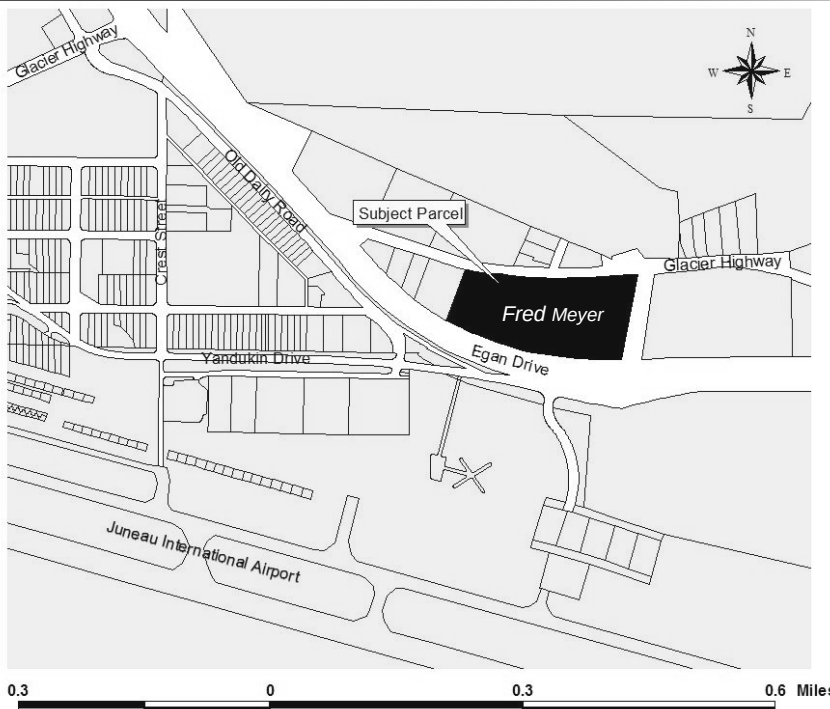
PRELIMINARY GRADING,
DRAINAGE, AND UTILITY
PLAN

Drawing No.:

1 of 2



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: The amendment of an existing Conditional Use Permit for expansion of the Fred Meyer Fuel Center.

File No:	USE2016 0008	Applicant:	Barghausen Consulting Engineers
To:	Adjacent Property Owners	Property PCN:	5-B15-0-100-002-0
Hearing Date:	April 26, 2016	Owner:	Fred Meyer Stores, Inc.
Hearing Time:	7:00 PM	Size:	1,462 sq. ft. (area of proposed expansion)
Place:	Assembly Chambers	Zoned:	LC - Light Commercial
	Municipal Building	Site Address:	8181 Glacier Highway
	155 South Seward Street	Accessed Via:	Old Dairy Road
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Tim Felstead at Tim.Felstead@juneau.org or 586-0466.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at
<http://www.juneau.org/assembly/novus.php>

Attachment B - Notice of public hearing



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

PLANNING COMMISSION

NOTICE OF DECISION

Date: April 27, 2016

File No.: USE2016 0008

Barghausen Consulting Engineers, Inc.
18215 72nd Avenue S
Kent, WA 98032

Application For: The amendment of existing Conditional Use Permit for expansion of the Fred Meyer Fuel Center.

Legal Description: USS 1195 TR 1

Property Address: 8181 Glacier Highway

Parcel Code No.: 5-B15-0-100-002-0

Hearing Date: April 26, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 14, 2016 and **APPROVED** the expansion of an existing automotive fuelling station, increasing the number of multi-product fuel pumps from five to seven (fourteen fueling positions in total) and extending the existing canopy, to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to issuance of a building permit a drainage plan shall be submitted. Runoff from the fueling area directly under the canopy should be directed towards the existing Oil/Water Separator. Remediation of existing catch basins surrounding the fuel center should be undertaken with additional Spill Control devices used to treat surface water runoff from the area surrounding the fuel center as necessary.
2. The Spill Control devices shall be regularly maintained with an inspection and maintenance log kept by the site operator. Inspections should be done monthly to ensure proper operation, and during and immediately after a large storm event of ≥ 2 inches per 24 hours (based on official National Weather Service figures for Juneau Airport). Oils should be removed when thickness exceeds 1 inch and sediment should be removed when thickness exceeds 6 inches. Inlets and outlets should be kept free from debris and blockages. During maintenance inspections, all oily waste collected shall be removed

and disposed of in accordance with applicable regulations. The basin should be structurally maintained to ensure continued operation.

3. All vegetation in the fuel station shall match vegetation elsewhere in the parking lot.
4. "Spill buckets" located on underground fuel tank fill pipes shall be cleaned at least once a month. All oily waste collected must be disposed of in accordance with applicable regulations. (Repeated from USE2001-00048)
5. The Oil/Water Separator units shall be regularly maintained with an inspection and maintenance log kept by the site operator. It should be cleaned at least once a month or if rainfall exceeds 1" in a 24 hour period (based on official National Weather Service figures for Juneau Airport). Inlets and outlets should be kept free from debris and blockages. During maintenance inspections, all oily waste collected shall be removed and disposed of in accordance with applicable regulations. The basin should be structurally maintained to ensure continued operation. (Modified from USE2001-00048).
6. Prior to issuance of a building permit a circulation plan, to be evaluated by Community Development staff, showing signage, striping and directional arrows shall be submitted.
7. Prior to issuance of a Certificate of Occupancy (or Temporary Certificate of Occupancy) for the fuel station facility, directional signage must be placed in the parking lot as agreed to in the circulation plan. (Modified from USE2001-00048)
8. Prior to issuance of a Certificate of Occupancy (or Temporary Certificate of Occupancy) for the fuel station facility, striping and directional arrows at the main entrance on the east side of the lot shall be repainted in order to clarify traffic lanes. The striping at the entrance shall clearly separate vehicles turning left or right at the exit. (Modified from USE2001-00048)
9. Directional signage, striping and painted directional arrows shall be maintained in good condition for the fuel station's operational life at least yearly, or more often as needed. (Modified from USE2001-00048)
10. Prior to issuance of a building permit, the applicant shall submit a lighting plan, to be evaluated by Community Development Department staff. Where lighting used is different from that already present, a lighting specification should be provided in order to demonstrate that lighting will be shielded and directed away from surrounding properties and rights-of-way. (Modified from USE2001-00048)
11. The owner of the fire hydrants on the applicant's property shall maintain the fire hydrants on the applicant's property. (Repeated from USE2001-00048)

Attachments: April 14, 2016, memorandum from Tim Felstead, Community Development, to the CBJ Planning Commission regarding USE2016 0008.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

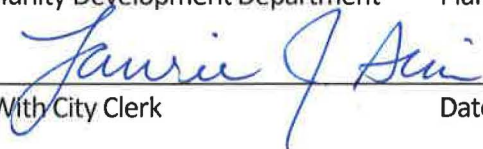
Effective Date: The permit is effective upon approval by the Commission, April 26, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or October 26, 2017, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


 Tim Felstead, Planner
 Community Development Department


 Paul Voelckers, Vice Chair
 Planning Commission

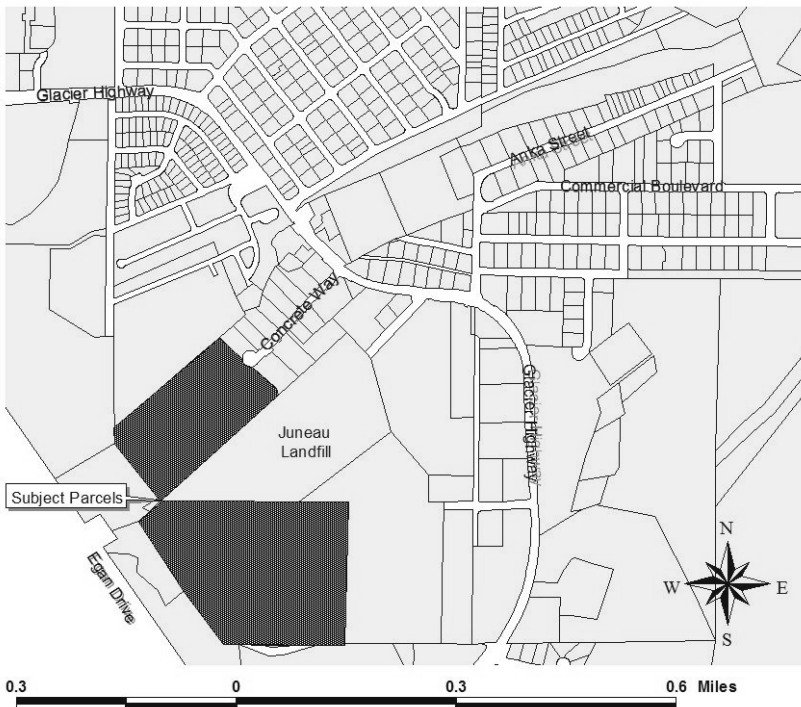
 5/3/16
 Filed With City Clerk Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



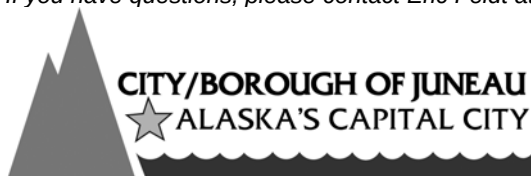
PROPOSAL: A Conditional Use Permit to continue the manufacturing of asphalt and concrete, rock crushing, and storage.

File No:	USE2016 0009	Applicant:	SECON, Inc.
To:	Adjacent Property Owners	Property PCNs:	5-B12-0-106-018-1 5-B13-0-107-006-0
Hearing Date:	April 26, 2016	Owners:	Glacier Contractors, Inc.; Nowell Avenue Development
Hearing Time:	7:00 PM	Size:	43.19 Acres total
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	I - Industrial; RR - Rural Reserve
		Site Address:	5771 Concrete Way
		Accessed Via:	Concrete Way

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Eric Feldt at Eric.Feldt@juneau.org or 586-0764.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at
<http://www.juneau.org/assembly/novus.php>



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: April 14, 2016

TO: Planning Commission

FROM: Eric Feldt, Planner, AICP, CFM 
Community Development Department

FILE NO.: USE2016 0009

PROPOSAL: A Conditional Use permit to allow the continued use of an asphalt and concrete batch plant in Lemon Creek.

GENERAL INFORMATION

Applicant: SECON

Property Owners: Glacier Contractors, Inc. and Nowell Avenue Development

Property Address: 5771 Concrete Way

Legal Descriptions: Lot 8A of JRM Subdivision; Horecny Industrial Park

Parcel Code Number: 5-B12-0-106-018-1 and 5-B13-0-107-006-0

Combined Sites Size: 28.63 acres + 14.56 acres = 43.19 Acres Total

Comprehensive Plan Future Land Use Designation: Heavy Industrial and Institutional & Public Use

Zoning: Industrial and Rural Reserve

Utilities: CBJ Water & Sewer

Access: Concrete Way

Existing Land Use: Asphalt and concrete batch plants and rock aggregate

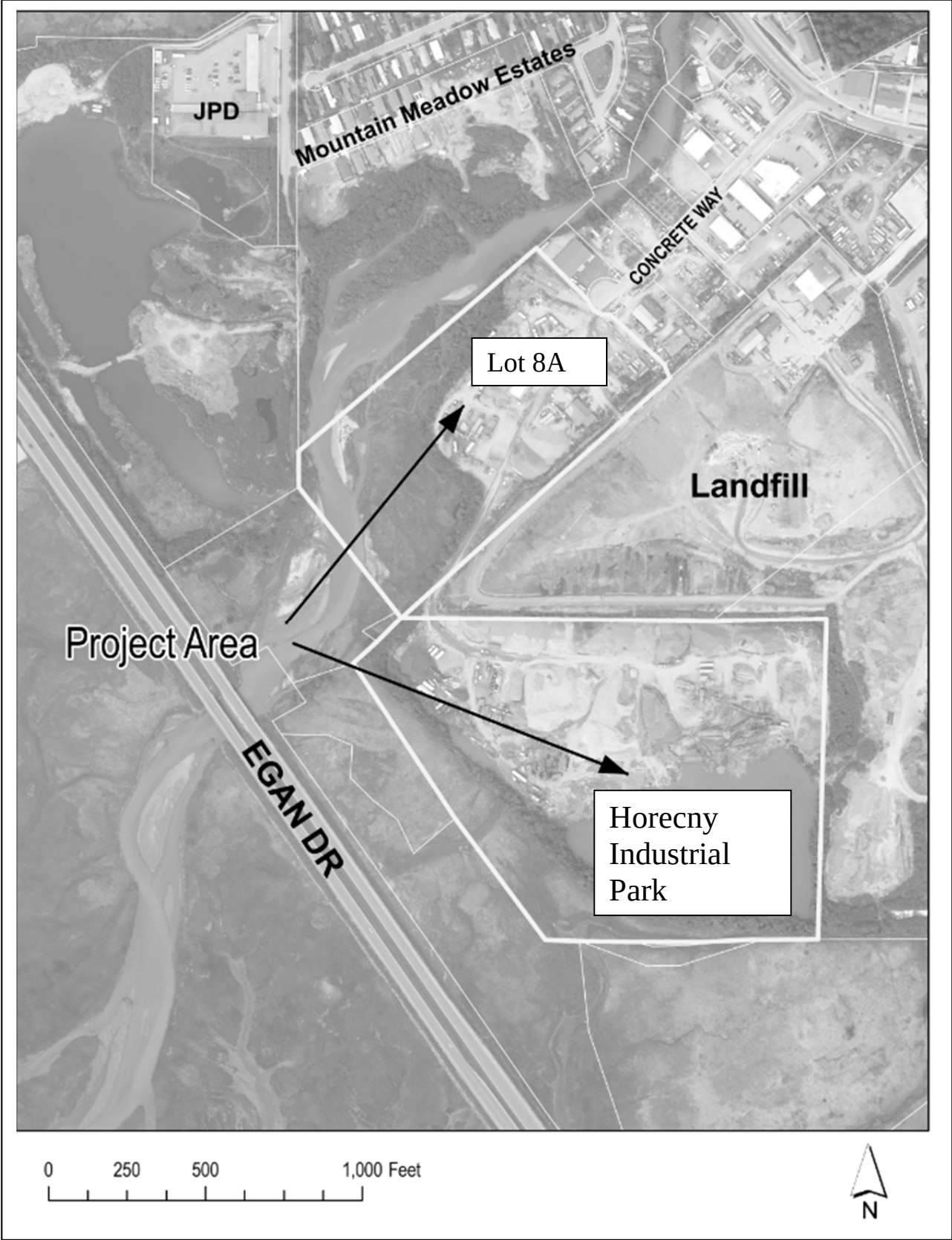
Surrounding Land Use:

North	- I; Storage & Concrete Forms Processing;
South	- RR; Egan Drive
East	- I; CBJ Landfill; Tonsgard Ct
West	- RR/ D-15; Residential; Alaway Ave

Concrete way

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Vicinity Map



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ATTACHMENTS

Attachment	A	Project Narrative
Attachment	B	Site Map
Attachment	C	Site Plats
Attachment	D	ADEC Storm water Letter
Attachment	E	Flood Emergency Response

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit to continue the use of an existing asphalt and concrete batch plant at the end of Concrete Way in Lemon Creek. Site operations also include rock crushing, rock storage, and selling rock aggregate. This use has existed on the site over 30 years with approved permits from the City & Borough of Juneau (CBJ). The applicant has submitted a narrative explaining the project operations (Attachment A).

BACKGROUND

Asphalt manufacturing began at the site in 1973 at the end of what is now Concrete Way with an approved Conditional Use permit (CU73-12). This is site Lot 8A – see Vicinity Map. Subsequent permits were renewed in 1985 (CU-08-85), in 1996 (CU-39-95), and in 2006 (USE2006-00011). A separate project nearby (Horecny Industrial Park) had a permit for a borrow pit (Conditional Use permit # CU-86-03) and then later an asphalt plant (USE2004-00045) and rock crusher (USE2004-00046). This lot is directly behind the CBJ landfill. The 2006 permit (USE2006-00011) combined the operations of these two sites into one project. Asphalt and concrete manufacturing still continue today and access between the two sites is through a driveway linking the two sites. Currently, Lot 8A contains the asphalt and concrete plants, while the Horecny lot contains a rock crusher and rock storage piles. These sites make up the project area for this Conditional Use permit.

Below is a list of the past Conditional Use permits and associated conditions. See list below.

Conditional Use permit No. CU73-12: “A Conditional Use permit to establish an asphalt hot plant for the primary paving of the Glacier Expressway project”. *This was located on what is now Lot 8A.*

- Condition
 - The use comply fully with the rules and regulations of the FAA regarding the safety of the airport operation.

Conditional Use Permit No. CU-08-85: “A Conditional Use permit to place a hot asphalt batch plant on the subject property.” *This was located on what is now Lot 8A.*

1. That the development and operation of the batch plant occur in a manner consistent with the performance standards regulating industrial uses as set forth in CBJ 49.25.412(e). *This*

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section of code has since been repealed—the performance standards regulating industrial use are now set forth in 04 CBJAC 050.020

2. That the batch plant development and operation comply with applicable standards as set forth by the Alaska Departments of Environmental Conservation and Fish & Game.
3. That a containment device complying with federal, state, and local standards shall be constructed around the oil storage area.
4. That the hours of plant operations shall be from 6:00 am to 10:00 pm, Monday through Sunday. The hauling of off-site materials necessary for processing shall be from 7:00 am to 8:00 pm, Monday through Sunday.
5. That if the currently undeveloped adjacent residential land is developed for residential use, a berm shall be constructed by the applicant to mitigate adverse impacts from the batch plant operation. *Staff notes that a berm is in place.*
6. That the conditional use permit be valid for a period of ten (10) years.

Conditional Use Permit No. CU-39-95: “A Conditional Use permit to allow the continued operation of an asphalt manufacturing facility on a Fraction of US Survey 204.” *This was located on what is now Lot 8A.*

1. The facility operation shall be limited to the hours of 6:00 am to 10:00 pm, Monday through Sunday.
2. The operation of the asphalt manufacturing facility shall occur in a manner consistent with the performance standards for industrial uses set forth in CBJ 49.25.412(e). *This section of code has since been repealed—the performance standards regulating industrial use are now set forth in 04 CBJAC 050.020*
3. The conditional use permit is valid for ten years.

Conditional Use Permit No. USE2004-00045: “A Conditional Use permit to locate a concrete batch plant on a fraction of US Survey 204 (Horecny stump dump).” *This was located on what is now Horecny Industrial Park.*

1. The applicant shall operate the concrete batch plant in conformance with all provisions of Chapter 50 of Title 4, CBJ Administrative code.
2. All runoff from the site should be directed away from Lemon Creek and into an approved receiving water body.
3. Wash down water from the mixing trucks and the batch may need to be treated prior to disposal, and all discharges into a receiving water body must comply with state and federal regulations.
4. The term of the permit shall be for 10 years.
5. The applicant shall call for an inspection from the CBJ Fire Marshall to insure all equipment will meet the requirements of the Uniform Fire Code, prior to start-up.
6. The asphalt plant shall be developed and operated in accordance with all applicable federal, state and local environmental, health and safety standards including spill prevention, notification, and clean up.

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7. The applicant shall operate the asphalt plant in conformance with all provisions of Chapter 50 of Title 4, CBJ Administrative code.
8. The site plan should be modified and developed such that the asphalt plant and its ancillary equipment are not located within a 50-foot radius of the 2.4-acre pond required by the previous permit modification. *This has been met.*
9. All runoff from the site should be directed away from Lemon Creek and into an approved receiving water body.

Conditional Use permit No. USE2004-00046: “A Conditional Use permit to locate on asphalt batch plant and rock crusher on a fraction of US Survey 204 (Horecny stump dump).” *This was located on what is now Horecny Industrial Park.*

1. The term of the permit shall be for 10 years.
2. The applicant shall call for an inspection from the CBJ Fire Marshal to insure all equipment will meet the requirements of the Uniform Fire Code, prior to start-up.
3. Advisory Condition: The asphalt plant shall be developed and operated in accordance with all applicable federal, state and local environmental, health and safety standards including spill prevention, notification, and clean up.
4. The applicant shall operate the asphalt plant in conformance with all provisions of Chapter 50 of Title 4, CBJ Administrative code.
5. The site plan should be modified and developed such that the asphalt plant and its ancillary equipment are not located within a 50-foot radius of the 2.4-acre pond required by the previous permit modification. *This has been met.*
6. All runoff from the site should be directed away from Lemon Creek and into an approved receiving water body.

Conditional Use Permit No. USE2006-0011: “A Conditional Use permit for an asphalt and concrete plant and related material storage.” *Staff notes that this permit combined the separate operations on Lot 8A and Horecny Industrial Park into one project site.*

1. The Conditional Use permit is valid for ten years.
2. Advisory Condition: Building permits for all structures requiring building permits that are presently on the site or proposed for the future site must be obtained.
3. Advisory Condition: The applicant shall operate the facility in conformance with all provisions of Chapter 50 of Title 4, CBJ Administrative Code.
4. All runoff from the site shall be directed away from Lemon Creek and into an approved receiving water body.
5. Advisory Condition: Wash down water from the mixing trucks and the batch may need to be treated prior to disposal, and all discharges into a receiving water body must comply with state and federal regulations.
6. Advisory Condition: That a containment device complying with federal, state, and local standards shall be constructed and maintained around the oil storage area.

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ANALYSIS

Project Site

The project is located on two sites: (1) Lot 8A JRM Subdivision at the end of Concrete Way, and (2) Horecny Industrial Park behind the City landfill in Lemon Creek. See Vicinity Map. Lot 8A is accessible through Concrete Way. While the Horecny Industrial Park site can only be reached by driving through Lot 8A; it does not have frontage along Concrete Way. These two sites are connected by a private driveway on the landfill site.

Both lots used to have concrete and asphalt plants. Although, currently only Lot 8A has asphalt and concrete plants (see Figures 1 & 2), the applicant wants to ensure the flexibility move any plant on the Horecny lot again, if needed. The Horecny lot currently has a rock crusher and various rock processing equipment. See Figure 3. Both lots have various rock storage piles. Attachment C shows each site's property layout, dimension, and acreage.

Project Design

The applicant applied for the Conditional Use permit because the 2006 Conditional Permit (USE2006-00011) expires this year, and the applicant seeks to continue using both sites for manufacturing concrete and asphalt, crushing and storing rock, and selling aggregate. Bulk or unprocessed material is trucked in for processing and then trucked out for various construction needs around town. Asphalt and concrete is also transported from the site to various construction projects around town. Various rock types and sizes are staged on site for general public sale and on-site processing needs. Rock crushing also occurs on the site.

Lot 8A contains a public sales office and truck scale, asphalt and concrete plants (see Figures 1 & 2), processing equipment, and rock storage. Horecny lot contains the rock crusher (see Figure 3), processing equipment, and rock storage. As stated earlier, asphalt and concrete plants used to exist on the Horecny lot and the applicant wishes to continue to be able to use this lot for this type of operation in the future. Due to the heavy industrial nature of the operation, public access is limited to the front of Lot 8A, where the sales office, rock storage, and truck scale are located.



Figure 1: Asphalt Plant on Lot 8A. Picture taken by CDD staff on 4/6/16

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Figure 2: Concrete Plant on Lot 8A. Picture taken by CDD staff on 4/6/16.



Figure 3: Rock crusher on Horecny Industrial Park site. Picture taken by CDD staff on 4/6/16

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Hours of Operation

The applicant indicates that the operation is in use from 6:00 am – 5:00pm and as late as 10:00pm. Late night operations are sometimes needed to make asphalt for nighttime street paving done during low traffic times. Past Conditional Use permits restricted hours of operation from 6:00 am – 10:00 pm, Monday thru Sunday to limit industrial impacts to the neighborhood. These restrictions were lifted with the 2006 Conditional Use permit to allow late-evening asphalt manufacturing to coincide with street paving when traffic levels are low at night. Lifting the restriction did not relieve the need to address industrial impacts. A condition was carried over from previous permits to the 2006 permit that limits noise levels, odors, and other industrial elements typical of a heavy industrial use. This condition is shown below.

Condition

- The applicant shall operate the facility in conformance with all provisions of Chapter 50 of Title 4, CBJ Administrative Code.

Balancing the continued need for late evening operations and neighborhood impact controls, staff recommends this condition be continued with this Conditional Use permit. This will lessen impacts to the newly constructed residences across Lemon Creek, west of the site. This residential area is shown on the vicinity map.

Length of Permit

Past Conditional Use permits from 1985, 1996, and 2006, had a condition that limited each permit to a 10-year operating period. Staff could not find why this 10-year restriction was put in place. None of the previous staff reports or planning commission minutes discuss this restriction. The applicant seeks to remove this condition. The applicant indicates that the use has existed at this location for over 40 years and that the CBJ has no expiration other manufacturing or retail businesses. Staff notes that the Land Use Code only provides the requirement to place expiry dates of operation on certain uses, such as temporary uses and sand and gravel operations. If no expiration is stipulated on the subject permit, the use would exist on the land indefinitely until it is abandoned or replaced. Staff supports the request to remove the 10 year time limit.

Traffic

The applicant states that contractors and the general public reach the site from Concrete Way off of Glacier Highway. Concrete Way is maintained by the City & Borough of Juneau and can accommodate large hauling trucks, such as those used at the subject site. No traffic will access nearby residential roads to reach either site. The applicant does not expect any new uses or buildings on either site at this time. Therefore, existing traffic levels are expected to continue without any increase.

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Parking and Circulation

The Land Use Code does not have a specific parking requirement for asphalt or concrete manufacturing businesses. As mentioned earlier, there is a small office building on Lot 8A. The parking code requires three parking spaces for the office. There are six parking spaces in front of the office. Therefore, the parking requirement is met. No new uses are expected at this time to require more parking than what currently exists.

Noise

The noise levels of the operation are similar to other heavy industrial operations in the Lemon Creek industrial area. There are many operational needs that create high noise levels, such as rock crushing, loading of rocks, and driving of large trucks and loaders around the site. Noise levels are not expected to be out of harmony with adjacent lots zoned industrial. Complying with the noise levels stated in Chapter 50 of Title 04 will lessen noise impacts to adjacent residences. Noise levels in Chapter 50, Title 04 are shown below.

04 CBJ 050.020

(a) The noise emanating from premises used for industrial activities shall be muffled so as to not become objectionable due to rhythm, intensity, pitch, or timbre, and where a use adjoins a residential district, the volume measured at the boundary line shall not exceed 55 dba's between the hours of 11:30 p.m. and 6:00 a.m., and 70 dba's at other hours.

Public Health or Safety

The public's health and safety will be preserved by continuing past Conditional Use permit conditions and the applicant's compliance with applicable state and federal regulations pertaining to the manufacturing of asphalt and concrete, and rock crushing.

Noise, odor, light, and water run-off impacts have been and will continue to be addressed through past permit conditions (see bulleted conditions below) and the operator's Storm water Pollution Prevention Plan (SWPPP). The Alaska Department of Environmental Conservation (DEC) requires the operator to have SWPPP to ensure any water run-off is not harmful to nearby waterbodies. The SWPPP addresses elements such as spills and leaks, erosion and sediment controls, managing run-off, dust controls, and potential pollutant sources to name a few. Due to the length of the +350 page SWPPP document, staff did not attach it in the subject report. However, it is available for review if requested.

The past permit conditions relating to pollution concerns are provided below.

Conditions

- All runoff from the site shall be directed away from Lemon Creek and into an approved receiving water body. *Staff notes that this is addressed.*

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- Wash down water from the mixing trucks and the batch may need to be treated prior to disposal, and all discharges into a receiving water body must comply with state and federal regulations. *Staff notes that the applicant addresses this in the SWPPP.*
- That a containment device complying with federal, state, and local standards shall be constructed and maintained around the oil storage area. *Staff notes that the applicant addresses this in the SWPPP.*
- The applicant shall operate the facility in conformance with all provisions of Chapter 50 of Title 4, CBJ Administrative Code. *Staff notes this places a decibel cap on noise levels, requires downward lighting, prohibits the emitting of toxic gases, etc.*

Staff recommends these conditions be continued with the approval of the subject Conditional Use permit. DEC requires the SWPPP as part of site operations. The applicant also has a flood emergency response plan to ensure proper management of any toxic fluids and equipment during flooding events. See attachment E.

For air quality control measures pertaining to public health, DEC requires asphalt plants be setback at least 800 feet from the nearest occupied structure if it is operating more than two consecutive seasons. The subject asphalt plant is approximately 500 feet away from a building along Concrete Way; therefore, the plant currently does not meet this setback. Staff contacted DEC about this, and they acknowledged the longevity of this operation but didn't indicate whether or not the setback would be enforced at this time. Nevertheless, this is a state requirement and the applicant could comply with the setback by relocating the asphalt plant from Lot 8A to the Horecny lot.

DEC has a similar air quality control measure for rock crushers. The applicable setback for this type of operation is 450 feet. The existing rock crusher located on the Horecny lot does comply with that setback.

Habitat

The two sites are located near Lemon Creek. According to CBJ 49.70.310, the limits of the project may not occur within 50 feet of Lemon Creek. This setback is being adhered to. The conditions addressed above under *Pollution* are also relevant to marine habitat protection. The project's SWPPP addresses those conditions. There are no other mapped habitats regulated under Title 49 that would be affected by the project.

Property Value or Neighborhood Harmony

As stated earlier, the project area has been used for asphalt and concrete manufacturing for over 30 years in an industrial zoned area. The nearest residence is more than 500 feet away from site operations. There is a vegetated berm buffering the views and noise of the operation from the residences. With the recommended conditions, continuing the use will not negatively

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impact those residences. Therefore, property value or neighborhood harmony will be preserved with the approval of the subject permit.

Conformity with Adopted Plans

Comprehensive Plan

The site is designated as Heavy Industrial land in the Comprehensive Plan. This area is designated for intensive industrial uses, such as rock crushing facilities, cement batch plants, asphalt plants, landfills, and similar uses. Continuing the operation is consistent with the land use designation.

The following policies of the Comprehensive Plan are relevant to the project:

POLICY 5.11. TO ENCOURAGE THE LOCATION AND GROWTH OF LOCALLY-BASED BASIC SECTOR INDUSTRIES THAT PROVIDE YEAR-ROUND, FULL-TIME EMPLOYMENT AND PROVIDE TAX REVENUES THAT SUPPORT PUBLIC SERVICES.

POLICY 5.13. TO SUPPORT THE EXTRACTION AND PROCESSING OF MINERAL RESOURCES IN AN ENVIRONMENTALLY-SOUND MANNER, GIVING PROPER RECOGNITION TO THE UNIQUE VALUES OF THIS COMMUNITY.

POLICY 7.7. TO PROTECT, MAINTAIN AND IMPROVE SURFACE WATER, GROUNDWATER AND MARINE WATER QUALITY IN ITS JURISDICTION SO THAT ALL WATERS ARE IN COMPLIANCE WITH FEDERAL AND STATE WATER QUALITY STANDARDS AND CONTINUE TO ALLOW AQUATIC LIFE TO THRIVE.

POLICY 7.10 TO MINIMIZE THE EXPOSURE OF RESIDENTS TO THE HARMFUL EFFECTS OF EXCESSIVE AND/OR OBTRUSIVE NOISE, AND TO CONTROL THE LEVEL OF NOISE POLLUTION IN A MANNER THAT WILL BE COMPATIBLE WITH COMMERCE AND PUBLIC SAFETY, THE USE, VALUE, AND ENJOYMENT OF PROPERTY, SLEEP AND REPOSE, AND THE QUALITY OF THE ENVIRONMENT.

POLICY 10.11 TO FACILITATE THE CAREFUL DEVELOPMENT OF ECONOMICALLY-VALUABLE NATURAL RESOURCES WHILE AVOIDING, MINIMIZING, AND/OR MITIGATING ADVERSE ENVIRONMENTAL AND/OR ECONOMIC IMPACTS TO OTHER LOCAL OR REGIONAL BUSINESS SECTORS.

POLICY 10.4 TO MINIMIZE CONFLICTS BETWEEN RESIDENTIAL AREAS AND NEARBY RECREATIONAL, COMMERCIAL, OR INDUSTRIAL USES THAT WOULD GENERATE ADVERSE IMPACTS TO EXISTING RESIDENTIAL AREAS THROUGH APPROPRIATE LAND USE LOCATIONAL DECISIONS AND REGULATORY MEASURES.

With recommended conditions and the operator's required SWPPP by DEC, the proposal conforms with the Comprehensive Plan.

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FINDINGS

CBJ 49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ 49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 4.100 for the Industrial zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the April 15 and 25, 2016 issues of the Juneau Empire's

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"Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

4. Will the proposed development materially endanger the public health or safety?

No. With staff's recommended conditions, continuing the operations will not materially endanger the public health or safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. With the conformance of Chapter 50, Title 04, the project will not decrease the value of or be out of harmony with property in the neighboring area.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. With staff's recommended conditions, the project conforms with CBJ adopted plans.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

Not Applicable. The site operations meet the 50-foot streamside yard setback from Lemon Creek. Stormwater control measures are in place through the required SWPPP.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit will allow the continuation of an asphalt and concrete manufacturing, rock crushing, selling of rock, and general rock storage on Lot 8A and Horecny Industrial Park.

The approval is subject to the following conditions:

1. The applicant will operate the asphalt plant in conformance with all provisions of Chapter 50 of Title 4, CBJ Administrative code.
2. All runoff from the site will be directed away from Lemon Creek and into an approved

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receiving water body.

3. Wash down water from the mixing trucks and the batch may need to be treated prior to disposal, and all discharges into a receiving water body must comply with state and federal regulations.
4. That a containment device complying with federal, state, and local standards shall be constructed and maintained around the oil storage area.
5. Advisory. The asphalt plant shall operate in accordance with all applicable federal, state and local environmental, health and safety standards including spill prevention, notification, and clean up.
6. Operations will comply with applicable standards as set forth by the Alaska Departments of Environmental Conservation and Fish & Game.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 5-9-16
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description Application for a Conditional Use Permit to continue operations. USE2006-00011 expires April 2016. The site currently is use for manufacturing asphalt and concrete. It is also used for crushing, screening and washing of rock into aggregates and sands.		
	PROPERTY LOCATION		
	Street Address 5771 Concrete Way	City/Zip Juneau, 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) JRM Lt 8; Horecny Industrial Park		
	Assessor's Parcel Number(s) 5-B12-0-106-018-0; 5-B13-0-107-006-0		
	LANDOWNER/ LESSEE		
	Property Owner's Name Glacier Contractors, Inc.	Contact Person: Tim Dudley	Work Phone: (907) 780-5145
	Mailing Address P.O. Box 32159, Juneau AK 99803	Home Phone:	Fax Number:
	E-mail Address	Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits**** I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application. X  _____ Date 2/25/16 Landowner/Lessee Signature X _____ Date Landowner/Lessee Signature NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.		
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name Secon	Contact Person: Michael Short	Work Phone: (907) 780-5145	
Mailing Address P.O. Box 32159, Juneau AK 99803	Home Phone:	Fax Number:	
E-mail Address MShort@colaska.com	Other Contact Phone Number(s):		
X  _____ Date of Application 3/9/16 Applicant's Signature			

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS	☒	Permit Type	SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	✓	Use Approval (Allowable, Conditional) Cottage Housing, Mobile Home Parks, Accessory Apartment	X	3-9-16	USE20160009
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
	Zone Change Application				
	Other (Describe)				
***Public Notice Sign Form filled out and in the file.					
Comments:					Permit Intake Initials JKL

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>USE20160009</u>	Date Received <u>3-9-16</u>
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TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)
☒ Use Listed in §49.25.300 (USE)
 (Table of Permissible Uses)

Please list the Table of Permissible Uses Category: 4.100 & 4.150

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

Application for an Conditional Use Permit to continue operations. USE2006-00011 is set to expire in April 2016.

Manufacturing of Asphalt and Concrete along with the storage of aggregate for manufacturing. Crushing, screening and washing of rock into sands and aggregates.

IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES – Case # _____

CURRENT USE OF LAND OR BUILDING(S): Manufacturing of Asphalt and Concrete along with the storage of aggregate for manufacturing.
 Crushing, screening and washing of rock into sands and aggregates.

PROPOSED USE OF LAND OR BUILDING(S): Same as current use of property.

UTILITIES PROPOSED: **WATER:** ☐ Public ☐ On Site **SEWER:** ☐ Public ☐ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 1,866,681.6 square feet Total Area of Existing Structure(s) _____ square feet
 Total Area of Proposed Structure(s) _____ square feet

EXTERNAL LIGHTING:

Existing to remain ☐ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
 Proposed ☒ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

☒ Site Plan ☐ Floor Plan of proposed buildings ☐ Elevation view of existing and proposed buildings ☐ Proposed Vegetative Cover	☒ Existing and proposed parking areas (including dimensions) and proposed traffic circulation ☒ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)
--	---

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	ALLOWABLE/CONDITIONAL USE FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ <u>1600</u>	_____	_____	_____
	Admin. of Guarantee	\$ _____	_____	_____	_____
	Adjustment	\$ _____	_____	_____	_____
	Pub. Not. Sign Fee	\$ <u>50</u>	_____	_____	_____
Pub. Not. Sign Deposit	\$ <u>100</u>	_____	_____	_____	
Total Fee	\$ <u>1750</u>	_____	<u>CDD742</u>	<u>3-9-16</u>	

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

RECEIVED

MAR 09 2016

PERMIT CENTER/CDD



Aggpro

CBJ Conditional Use Application



Michael Short

2/26/2016

The current conditional use permit is expiring April 2016. Secon is applying for a conditional use permit to continue operations at this site.

Flood
M/SGP



Aggpro Yard

Proposal

SECON is applying for a conditional use permit for Aggpro, to continue using the site for another ten year period. Aggpro is a concrete and asphalt manufacturing site that also crushes rock into aggregate. The site is also used for equipment staging and stockpiling of aggregates for manufacturing and/or resale.

Aggpro is currently operating with the CBJ Permit USE2004-00011.

OWNERSHIP, LOCATION AND LEGAL DESCRIPTION

COLASKA Inc. dba SECON is leasing JRM Lt 8A parcel on a long-term agreement. This the property that Aggpro's office is located on along with the concrete batch plant and asphalt plant.

Lot 8A of JRM Subdivision within U.S. Survey No. 204 and M.S. No. 609, Plat 2009-29.

5771 Concrete Way, Juneau AK 99801

COLASKA Inc. dba Secon owns the entity Glacier Contractors Incorporated. Glacier Contractors owns Horecny Industrial Park.

A fraction of U.S. Survey 204 and Tracts B, C, D & E A.S.L.S. 86-141, Plat 2004-41.

ZONING

The assessor's Parcel Number is 5-B12-0-106-018-0 for JRM Lt 8A and Parcel Number 5-B13-0-107-006-0 for Horecny Industrial Park, both are zone I.

CURRENT USE

Secon is currently using these sites for a concrete batch plant, asphalt plant and a rock crusher. This site is also use to stockpile rock, aggregate and sands for manufacturing or resale. Equipment are staged on the site.



AGGPRO OFFICE

Aggpro has a small office with city water and sewer. The yard has paved and gravel surfaces. There are storm water controls installed along with a MSGP issued from Department of Environmental Conservation.

A small shop sets off to one side of the property. This offers storage and a dry bay to do repairs.

This site has yard lighting already installed. It is not anticipated of needing additional lighting. If a need arises, Secon has portable light plants with downward pointing light fixtures.

The usable area of the site is 42.85 acres in size.

TRUCK ROUTE

The truck route will be from Aggpro Yard entering the cul-de-sac on Concrete way and proceeding to the intersection of Concrete Way and Glacier Highway. The majority of the commercial trucks turn right onto Glacier Drive. The trucks proceed on Glacier Drive either turning onto Anka Drive or on out to Egan Drive. Of the trucks that turn left from Concrete Way onto Glacier Highway have business in that vicinity or are private sanding contractors during the winter.

HOURS OF OPERATION

The hours of operation will be a daytime shift, starting at 6:00 AM and ending anywhere from 5:00 PM to 10:00 PM. Due to the complexities of the many projects there may be some night shifts required.

Noise from the plant operation is not unreasonably loud. What will be most notable are the backup alarms required by OSHA.

ENVIRONMENTAL

Storm water will be managed by the Best Method Practice (BMP). BMP's of berms, silt fences, wattles and witches hats or socks will be employed to manage any runoff.

Secon has a Hazmat program and has an agreement with Emerald Alaska Inc. for response services as needed.



The Asphalt Oil and MFO tanks are ISO double wall pressure vessel shipping tanks. To my knowledge Secon is the only company in Southeast Alaska to use these tanks.

The asphalt plant has a spill response kit.

STOCKPILES

The aggregates will be stockpiled on-site for manufacturing. These stockpiles are segregated into classes of material. The aggregates will be acquired and stockpiled on-site as need for the use and production needs of the projects.

ATTACHMENTS:

- Location of Aggpro – JRM Subdivision and Horecny Industrial Park.
- JRM Subdivision with features.
- Horecny Industrial Park with features.
- Plat 2009-29, JRM Subdivision.
- Plat 2004-41, Horecny Industrial Park.





SECON
SOUTHEAST ALASKA

P.O. Box 32159
Juneau, AK 99803
(907) 780-5145

1836 Anka Street
Juneau, AK 99801

Aggpro

Map		
DRAWN	DATE	
APPROVED	DATE	
SCALE	SHEET M1	PROJECT NO.





SECON
SOUTHEAST ALASKA

P.O. Box 32159
Juneau, AK 99803
(907) 780-5145

1836 Anka Street
Juneau, AK 99801

Aggpro

Horeony Industrial Park		
DRAWN	DATE	
APPROVED	DATE	
SCALE	SHEET 3	PROJECT NO.





SECON

SOUTHEAST ALASKA

P.O. Box 32159
Juneau, AK 99803
(907) 780-5145

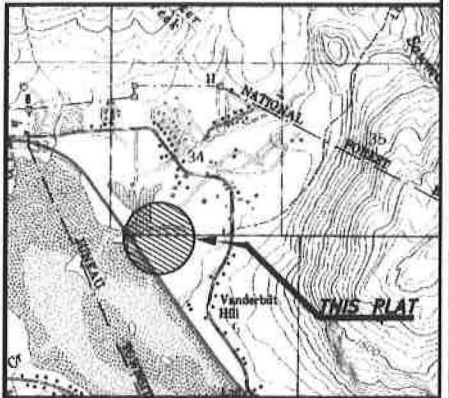
1836 Anka Street
Juneau, AK 99801

Aggpro

JRM Subdivision Lot 8A		
DRAWN	DATE	
APPROVED	DATE	
SCALE	SHEET 2	PROJECT NO.

Attachment C

R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS



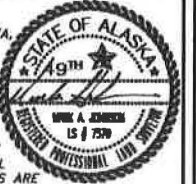
VICINITY MAP
SOURCE: U.S.G.S. QUADRANGLE JUNEAU (8-2), ALASKA
SCALE: 1" = .5 MILE
DATE: 1949 REV: 1978

SYMBOLS

- ⊗ BLM PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- ⊕ 1410-S PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- ⊙ PRIMARY MONUMENT BY OTHERS (RECOVERED THIS SURVEY)
- ⊗ SECONDARY MONUMENT BY OTHERS (RECOVERED THIS SURVEY)
- ⊕ 7570-S PRIMARY MONUMENT (ESTABLISHED THIS SURVEY)
- NO MONUMENT RECOVERED OR ESTABLISHED
- PROPERTY/BOUNDARY LINE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.



JUNEAU RECORDING DISTRICT
A PLAT DENOTING
A LOT CONSOLIDATION
OF
A FRACTION OF U.S. SURVEY 204
AND TRACTS B, C, D & E
A.S.L.S. 86-141
INTO
HORECNY INDUSTRIAL PARK
WITHIN
SECTION 5, T.41S., R.67E., C.R.M.
CITY & BOROUGH OF JUNEAU, ALASKA

2004-41
Juneau, REC DIST
DATE 10/29/2004
TIME 10:30 A.M.
Requested by CBJ
Address:

CLIENT: RSH COMPANY, 1800 ANKA ST., JUNEAU, AK 99801
SURVEYOR: R & M ENGINEERING, INC., 9905 GLACIER HIGHWAY, JUNEAU, AK 99801
DATE: October 26, 2004 SHEET 1 OF 1
Attachment C

CERTIFICATE OF PLAT APPROVAL

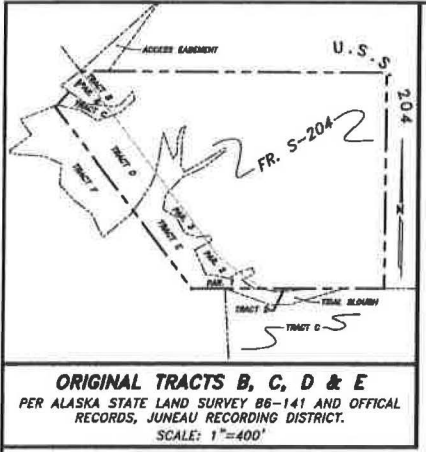
I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DATED: Oct 27, 2004
DALE PERNULA, DIRECTOR
COMMUNITY DEPARTMENT DEVELOPMENT
CITY AND BOROUGH OF JUNEAU
ATTEST: Laurie J. Allen
CLERK, CITY AND BOROUGH OF JUNEAU



GENERAL NOTES

- AUTHORIZATION TO CONDUCT THIS SURVEY WAS BY RALPH HORECNY OF RSH COMPANY, 1800 ANKA ST., JUNEAU ALASKA, 99801
- THE BASIS OF BEARING UTILIZED TO CONDUCT THIS SURVEY WAS BETWEEN RECOVERED ORIGINAL G.L.O./B.L.M. MONUMENTS FOR CORNER 11 AND A W.C.M.C. FOR CORNER 1, U.S. SURVEY, NO. 204 HAVING A RECORD BEARING OF WEST.



OWNERSHIP CERTIFICATE
I (WE) HEREBY CERTIFY THAT I AM (WE ARE) OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE 10/27, 2004
WITNESS: [Signature] OWNER: Ralph S. Horecny
WITNESS: [Signature] OWNER:

NOTARY ACKNOWLEDGMENT

UNITED STATES OF AMERICA } ss.
STATE OF ALASKA }
THIS IS TO CERTIFY THAT ON THIS 27 DAY OF October, 2004 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED [Signature] and acknowledged to me that he is the person described in and who executed the above and foregoing instrument, and acknowledged to me that he signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

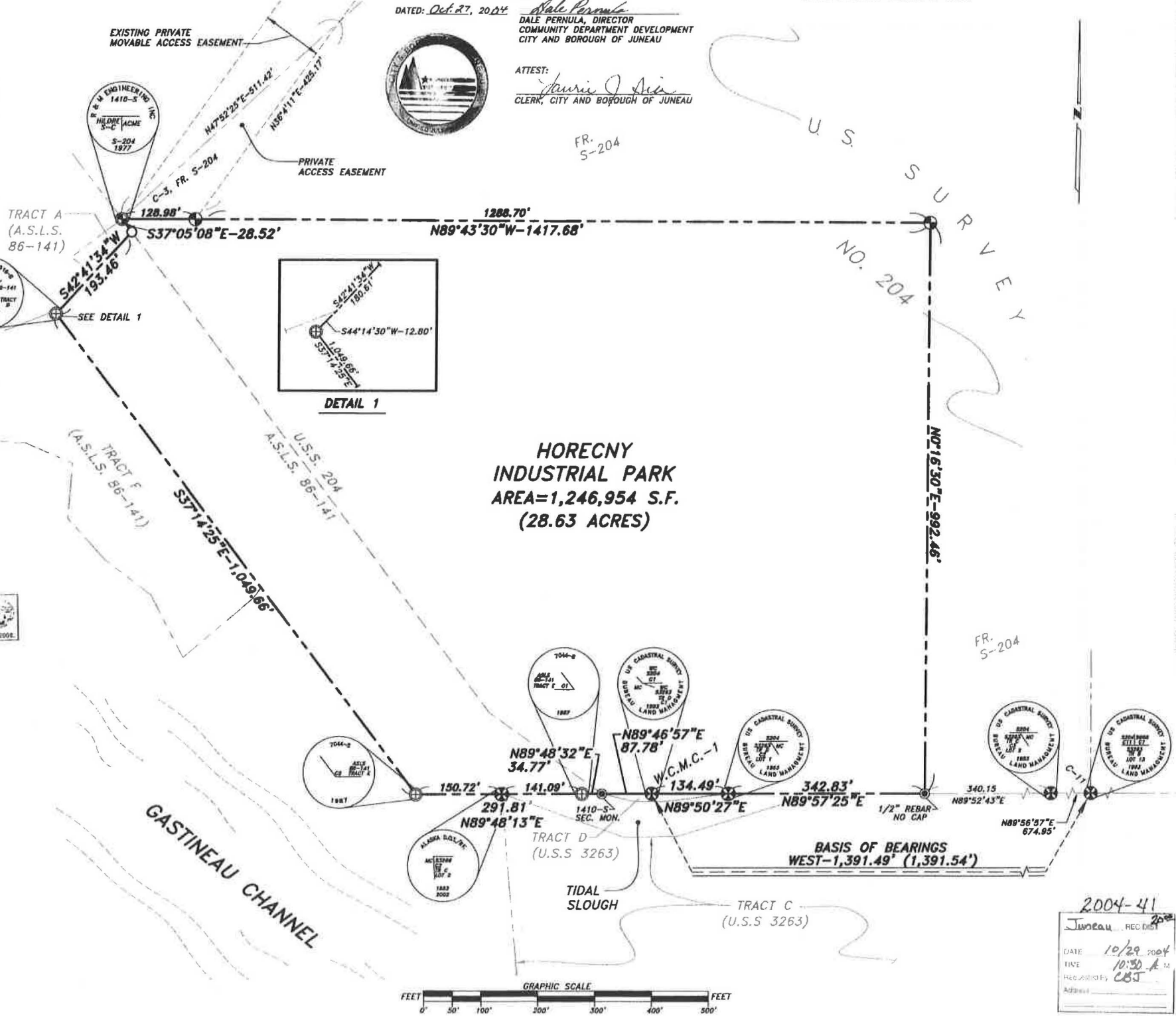
WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.
[Signature] Notary Public for Alaska
MY COMMISSION EXPIRES: 2/18/2008



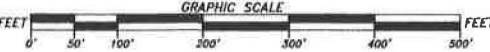
TYPICAL MONUMENT
(ESTABLISHED THIS SURVEY)



PRIMARY MONUMENT
3" DIA. ALUMINUM BERNSTEIN FEDERAL
A-1 MAGNETIZED CAP ON 2-1/2" DIA.
SHANK SET 24" IN GROUND



HORECNY INDUSTRIAL PARK
AREA=1,246,954 S.F.
(28.63 ACRES)





THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

**Department of Environmental
Conservation**

DIVISION OF WATER
Wastewater Discharge Authorization Program

555 Cordova St
Anchorage, Alaska 99501-2617
Main: 907.269.6285
Fax: 907.334.2415

6/24/2015

Company: Aggpro
ATTN: Tim Dudley
P.O. Box 32159
Juneau

AK 99803

Facility:
Aggpro Site
5760 Concrete Way
Juneau

AK 99801

Permit Number: AKR06AA89

This email/letter acknowledges that you have submitted a complete Notice of Intent form to be covered under the APDES General Permit for Stormwater Discharges for Multi-Sector General Permit Activity (Multi-Sector General Permit). The Permittee is authorized to discharge storm water under the terms and conditions of this permit seven (7) calendar days after acknowledgement of receipt of the permittee's completed NOI is posted on ADEC's Storm Water Permit Search website: (<http://www.dec.state.ak.us/Applications/Water/WaterPermitSearch/Search.aspx>). Coverage under this permit begins seven-days from the "Date Issued" on the Water Permit Search website.

As stated above, this letter acknowledges receipt of a complete Notice of Intent. However, it is not an ADEC determination of the validity of the information you provided. Your eligibility for coverage under the Permit is based on the validity of the certification you provided. Your signature on the Notice of Intent certifies that you have read, understood, and are implementing all of the applicable requirements. An important aspect of this certification requires that you correctly determine whether you are eligible for coverage under this permit.

As you know, the Multi-Sector General Permit requires you to have developed and begun implementing a Stormwater Pollution Prevention Plan (SWPPP) and outlines important inspection and record keeping requirements. You must also comply with any additional location-specific requirements applicable to your state or tribal area. A copy of the Multi-Sector General Permit must be kept with your SWPPP. An electronic copy of the Permit and additional guidance materials can be viewed and downloaded at <http://www.dec.state.ak.us/water/wnpspc/stormwater/index.htm>.

For tracking purposes, the following number has been assigned to your Notice of Intent Form:
AKR06AA89

If you have general questions regarding the stormwater program or your responsibilities under the Multi-Sector General Permit, please call William Ashton (907) 269-6283

Thank you for using the ADEC eNOI system.



Attachment D

For Agency Use
Permit #: AKR06AA89



Notice of Intent (NOI) For Storm Water Discharges Associated With Industrial Activity Under the APDES Multi-Sector General Permit

Submission of this completed Notice of Intent (NOI) constitutes notice that the operator identified in Section I of this form requests authorization to discharge pollutants to waters of the United States from the facility or site identified in Section III under Alaska's APDES Multi-Sector General Permit (MSGP) for industrial storm water. Submission of this NOI constitutes your notice to DEC that the facility identified in Section III of this form meets the eligibility conditions of Part 1.1 of the MSGP. Please read and make sure you comply with all eligibility requirements, including the requirement to prepare a storm water pollution prevention plan. Refer to the instructions at the end of this form to complete your NOI.

Section I. Operator Information			
Organization:		Contact Person:	
Aggpro		Bob Lupro	
Mailing Address:	Street (PO Box):		
	5760 Concrete Way		
	City:	State:	Zip:
	Juneau	AK	99801
Phone:	Fax (optional):	Email:	
	(907) 780-3566		
Section II. Billing Contact Information			
Organization:		Contact Person:	
Secon Inc.		Michael Short	
Mailing Address:	Street (PO Box):		
	P.O. Box 32159		
	City:	State:	Zip:
	Juneau	AK	99803
Phone:	Fax (optional):	Email:	
	(907) 780-5145	MShort@colaska.com	
Section III. Facility Information			
Facility Name: Aggpro Site			
Have storm water discharges from your site been covered previously under an APDES or NPDES Permit? ☒ Yes ☐ No			
a. If Yes, provide the Tracking Number. AKR05CC36			
b. If Yes, have you paid a Multi-Sector General Permit (MSGP) authorization fee for this calendar year? ☒ Yes ☐ No ☐ N/A			
c. If No, was your facility in operation and discharging storm water prior to September 29, 2013? ☐ Yes ☐ No ☐ N/A			
d. If No to "c", did your facility commence discharging after September 29, 2013 and before the effective date of this permit? ☐ Yes ☐ No ☐ N/A			
Location Address:	Street:		
	5760 Concrete Way		
	City:	State:	Zip:
	Juneau	AK	99801
Latitude:	Longitude:	Determined By:	
58.353056	-134.503333	☐ GPS ☐ USGS Topographic Map ☒ Other	
If you used a USGS Topographic map, what was the scale?			
Estimated area of industrial activity at your site exposed to storm water: 31 (acres)			
Is this a federal facility? ☐ Yes ☒ No			

For Agency Use
Permit #: **AKR06AA89**

Section IV. Discharge Information

Does your facility discharge into a Municipal Separate Storm Sewer System (MS4)? ☐ Yes ☒ No

If yes, name of the MS4 Operator:

Receiving Water and Wetlands Information: (If additional space is needed for this question, fill out Attachment 1.)

a. What is the name(s) of your receiving water(s) that receive storm water directly and/or through a MS4? If your receiving water is impaired, then identify the name of the impaired segment, if applicable, in parenthesis following the receiving water name.	b. Are any of your discharges directly into any segment of an "impaired" water?		c. If you answered yes to question b, then answer the following three questions: i. What pollutant(s) are causing the impairment?	ii. Are the pollutant(s) causing the impairment present in your discharge?		iii. Has the TMDL been completed for the pollutant(s) causing the impairment?	
	Yes	No		Yes	No	Yes	No
Lemon Creek	☒	☐	Turbidity and sediment	☒	☐	☒	☐
	☐	☐		☐	☐	☐	☐
	☐	☐		☐	☐	☐	☐
	☐	☐		☐	☐	☐	☐
	☐	☐		☐	☐	☐	☐

Federal Effluent Limitation Guidelines and Sector-Specific Requirements

a. Are you requesting permit coverage for any storm water discharges subject to effluent limitation guidelines? ☒ Yes ☐ No

b. If yes, which effluent limitation guidelines apply to your storm water discharge?

40 CFR Part/Subpart	Eligible Discharges	Affected MSGP Sector	Check If applicable
Part 411, Subpart C	Runoff from material storage piles at cement manufacturing facilities.	E	☒
Part 418, Subpart A	Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished products, by-products, or waste products (SIC 2874).	C	☐
Part 423	Coal pile runoff at steam electric generating facilities.	O	☐
Part 429, Subpart I	Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas.	A	☐
Part 436, Subpart B, C, or D	Mine dewatering discharges at crushed stone mines, construction sand and gravel mines, or industrial sand mines.	J	☐
Part 443, Subpart A	Runoff from asphalt emulsion facilities.	D	☒
Part 445, Subparts A & B	Runoff from hazardous waste and non-hazardous waste landfills.	K, L	☐
Part 449, Subpart A	Runoff from Air Transportation	S	☐

If you are a Sector S (Air Transportation) facility, do you anticipate using more than 100,000 gallons of glycol-based deicing/anti-icing chemicals and/or 100 tons or more of urea on an average annual basis? ☐ Yes ☐ No

Identify the 4-digit Standard Industrial Classification (SIC) that best represents the products produced or services rendered for which your facility is primarily engaged, as defined in MSGP: **2951**

Identify the applicable sector(s) and subsector(s) of industrial activity, including co-located industrial activity, for which you are requesting permit coverage:

Sector	Subsector	Sector	Subsector	Sector	Subsector
D	D1	E	E1	E	E3

Is your site presently inactive or unstaffed? ☐ Yes ☒ No

a. If Yes, is your site expected to be inactive and unstaffed for the entire permit term? ☐ Yes ☐ No

b. If No to "a", then indicate the length of time that you expect your facility to be inactive and unstaffed:

Section V. Storm Water Pollution Prevention Plan (SWPPP) Contact Information

SWPPP Contact Name: **Michael Short**
 Email: **MShort@colaska.com**
 Phone: **(907) 780-5145**
 URL of SWPPP (if applicable):

For Agency Use
Permit #: AKR06AA89

Section VIII. Certification Information

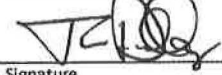
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage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

Tim Dudley

Printed Name

General Manager

Title



Signature

Date

4/23/15

Aggpro Inc.

Organization

Email

Section IX. NOI Preparer (Complete if NOI was prepared by someone other than the certifier.)

Michael Short

Printed Name

Engineering Manager

Title

Secon Inc.

Organization

(907) 780-5145

Phone

MShort@colaska.com

Email

Section X. Document Attachments

Documents attached with this application:

SWPPP2015-Aggrpo-ConcreteWay-JNU-1.pdf

Attachment 1. (Fill in as necessary if more space is required for Receiving water and Wetlands Information.)

a. What is the name(s) of your receiving water(s) that receive storm water directly and/or through a MS4? If your receiving water is impaired, then identify the name of the impaired segment, if applicable, in parenthesis following the receiving water name.	b. Are any of your discharges directly into any segment of an "impaired" water?		c. If you answered yes to question b, then answer the following three questions: i. What pollutant(s) are causing the impairment?	ii. Are the pollutant(s) causing the impairment present in your discharge?		iii. Has the TMDL been completed for the pollutant(s) causing the impairment?	
	Yes	No		Yes	No	Yes	No
	☐	☐		☐	☐	☐	☐
	☐	☐		☐	☐	☐	☐
	☐	☐		☐	☐	☐	☐
	☐	☐		☐	☐	☐	☐
	☐	☐		☐	☐	☐	☐
	☐	☐		☐	☐	☐	☐
	☐	☐		☐	☐	☐	☐
	☐	☐		☐	☐	☐	☐
	☐	☐		☐	☐	☐	☐
	☐	☐		☐	☐	☐	☐
	☐	☐		☐	☐	☐	☐

Storm Water Pollution Prevention Plan

Aggpro Site

Colaska Inc. DBA Secon, Inc.
5760 Concrete Way
Juneau, Alaska 99801
Phone: 907-780-5145

SWPPP Contact:
Mike Short
Colaska Inc. DBA Secon, Inc
1836 Anka Street
Juneau, Alaska 99801
Phone: 907-378-4767

SWPPP Preparation Date:
July 25, 2015

APDES Permit Tracking Number: AKR06AA89



FLOOD EMERGENCY RESPONSE PLAN (FERP)

For 5771 Concrete Way - Juneau, Alaska



EMERGENCY CONTACT INFORMATION:

General Manager	Tim Dudley	907-250-9429
Site Manager	Robert Lupro	907-321-6880
Emergency Site Coordinator	Tyson Lupro	907-321-0690
Backup Site Coordinator	Brandon Lovejoy	907-723-5216

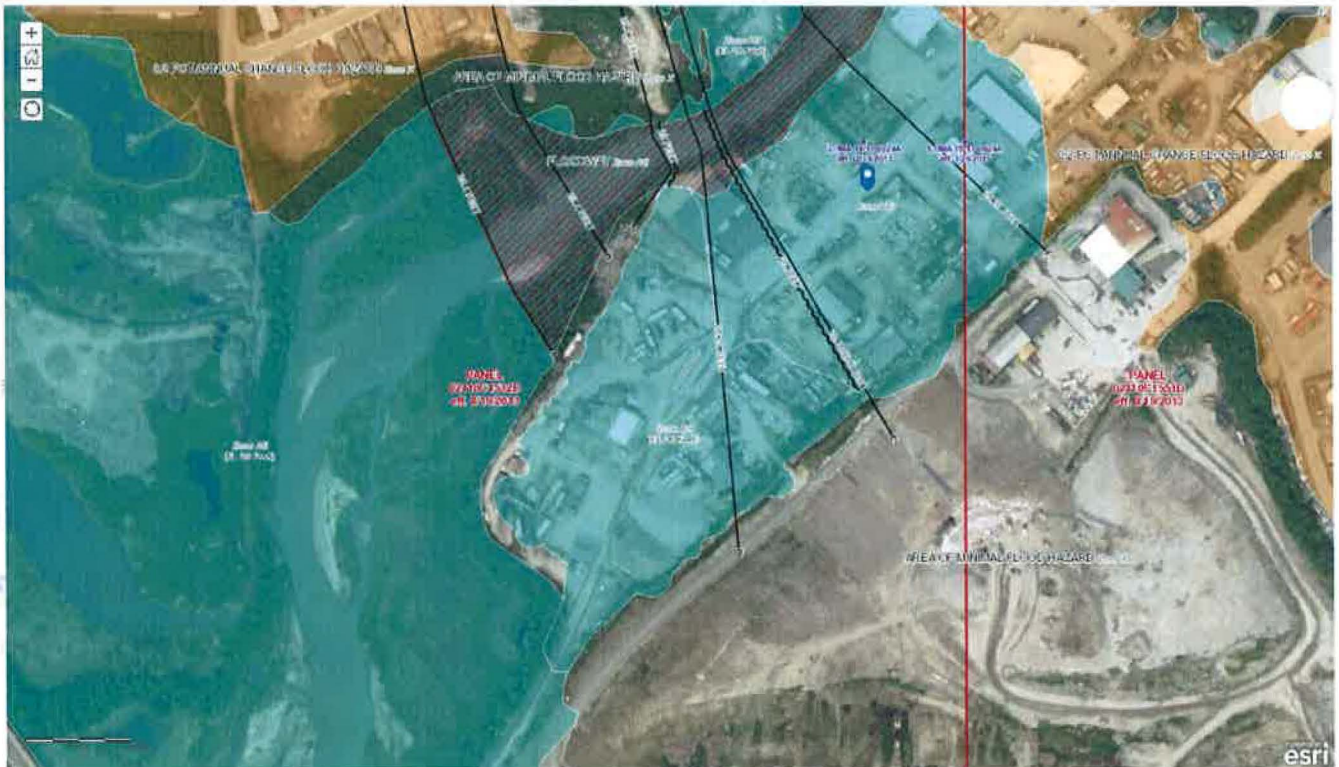


Introduction, Scope & Objective

Floods are a natural and inevitable occurrence in Alaska, especially during the spring and fall when rainfall and runoff are at a peak. Development in and around floodplains has increased the potential for property damage and loss of lives. Floods and flash floods usually occur during or after a period of heavy precipitation when the natural drainage system may become overloaded. Flash floods are particularly deadly because they can occur swiftly and without warning. Seconds may make the difference between life and death. Swiftly moving water can damage or destroy buildings and structures, and cause injuries and drowning. If the site is in or near an area that is susceptible to flash flooding, be aware of the possible danger and take adequate precautions to protect persons' onsite. Slowly developing floods can interrupt power, damage buildings, and make roads impassable. People may be stranded at the site if a precautionary evacuation is not undertaken. Impassable roads and loss of power may disrupt or halt essential operations at the site until flood waters recede and utilities are restored. If the site becomes inundated, significant damage to equipment, supplies, and vital records may occur if proper measures are not taken. Structural damage is possible from the pressure of the water and from debris floating in the current, although this can be lessened somewhat under certain circumstances with sandbagging or similar flood abatement measures.

Risk Assessment

The facility is located at 5771 Concrete Way, Juneau, Alaska in a 100 year flood zone per the FEMA maps with exposure to flooding from Lemon Creek. The Zone is designated as AH, areas of local flooding with an elevation of 28 ft. while the site is generally at 20 ft. The site is a combination gravel quarry, concrete ready mix plant and mixing plant for Cationic and Anionic Emulsions. The facility is seasonally operated, typically from April through November with an average of 7 employees working daytime hours.



FEMA Panel number 02110C1532D, effective 08/19/2013

Prevention, Protection & Preparation

1. Due to site conditions, there is no way to prevent water from entering the site.
2. Existing portable storage tanks will be secured in place to prevent uncontrolled movement during floods.
3. All personnel who work daily on the site will be made aware of this plan and trained accordingly. Training shall be documented in applicable Health & Safety records.
4. Utility lines and systems that might present a flood hazard are mapped below for ease of shutdown. As a minimum, these utilities shall include:
 - a. **Electric** **Alaska Electric Light & Power (AEL&P)** **907-586-9765**
 - b. **Water** **Juneau Water Department** **907-586-2165**
5. Procedures for safely shutting down, securing equipment and isolating utilities are as follows:
 - a. Contact Juneau Water Department at above emergency number to shut off water main.
 - b. Shut off electricity at main breaker shown below. Notify AEL&P of shutdown.
 - c. Confirm that all tanks are secured and valves are closed.



Electric
shut-off
located on
side of shop
building

On site water shut-off
About 12' deep



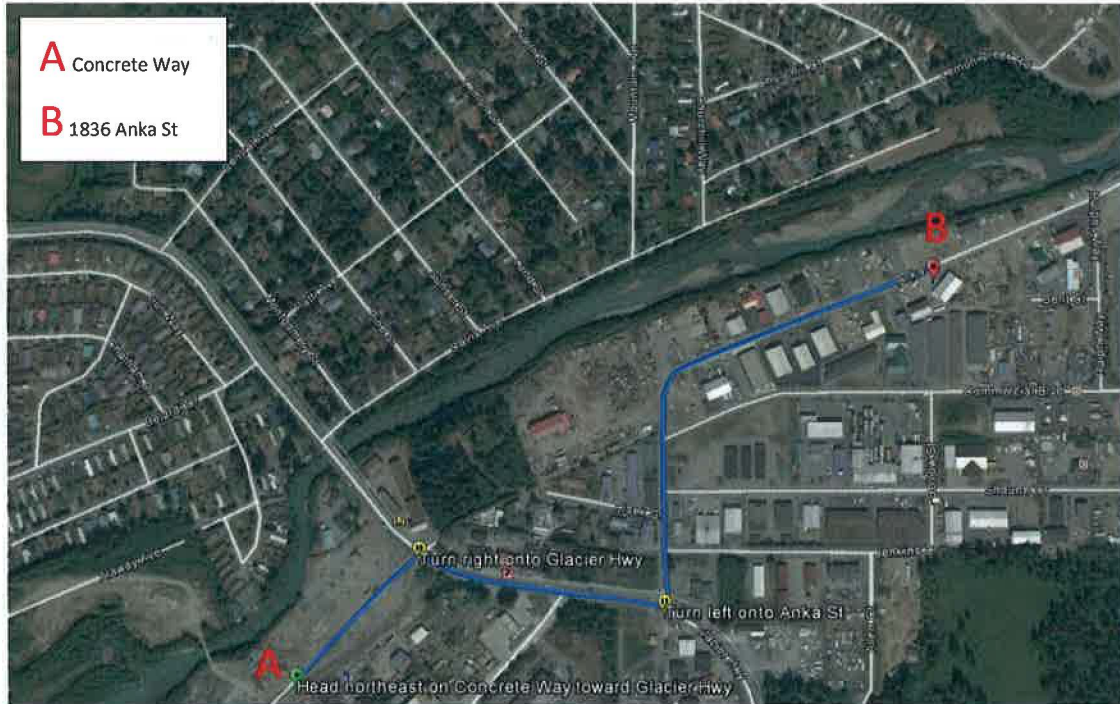
Water valve located
approximately here.

Notification and Warning

1. Notification of a flood watch or warning will be received by radio or television from the National Weather Service. Additionally, the Site Manger will monitor a NOAA Weather Radio during times of susceptibility to flooding.
2. If a flood warning is issued, evacuation information will be disseminated to site personnel via radio or individual contact.

General Response

1. When a flood watch is issued, or when conditions exist which may cause flooding, the Site Manager will monitor weather and flood conditions.
2. A precautionary evacuation may be initiated if flooding appears imminent.
3. If a precautionary evacuation is recommended by local government officials, the Site Manager will decide if personnel should evacuate to the offsite assembly area or be released early.
4. The Site Manager will ensure that evacuation instructions are disseminated to personnel as issued by local government officials.
5. The offsite assembly area is located at 1836 Anka St. Juneau, Alaska. See the Evacuation Route and Offsite Assembly Area below. The offsite assembly area will also function as the Emergency Control Center (ECC)



6. The Site Emergency Coordinator will:
 - a. Check work areas to ensure that all persons have taken the appropriate action and report this information to the Site Manager.
 - b. Coordinate with maintenance personnel and utility companies in shutting down utility lines or systems that might present flood hazards.
 - c. Augment personnel and resources as necessary to safely evacuate the site.

Site Reoccupation

Prior to re-entry to the site, the Site Manager will:

- a. Dispatch personnel to the site to inspect the site for damage and provide re-entry recommendations.
- b. Coordinate utility start up procedures (as necessary) with maintenance personnel and utility companies.
- c. Recall evacuated personnel when conditions permit safe re-entry into the site.
- d. Document information about flood damage.
- e. At the direction of the General Manager, supervise emergency repairs and replace damaged emergency equipment as necessary.
- f. ***Electrical panel/s was identified as the only critical replacement item. They can be purchased from Ever Electric Inc., 907-780-2280. Panels are configured in Seattle and can be priority shipped. Plan on minimum of one week from order to delivery.***



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

PLANNING COMMISSION NOTICE OF DECISION

Date: April 27, 2016
File No.: USE2016 0009

SECON
PO Box 032159
Juneau, AK 99803

Application For: A Conditional Use permit to allow the continued use of an asphalt and concrete batch plant in Lemon Creek.

Legal Description: JRM LT 8A; Horecny Industrial Park

Property Address: 5771 Concrete Way

Parcel Code No.: 5-B12-0-106-018-1; 5-B13-0-107-006-0

Hearing Date: April 26, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 14, 2016, and approved the continued use of an asphalt and concrete batch plant in Lemon Creek to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The applicant will operate the asphalt plant in conformance with all provisions of Chapter 50 of Title 4, CBJ Administrative code.
2. All runoff from the site will be directed away from Lemon Creek and into an approved receiving water body.
3. Wash down water from the mixing trucks and the batch may need to be treated prior to disposal, and all discharges into a receiving water body must comply with state and federal regulations.
4. That a containment device complying with federal, state, and local standards shall be constructed and maintained around the oil storage area.

SECON

File No.: USE2016 0009

April 27, 2016

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5. Advisory. The asphalt plant shall operate in accordance with all applicable federal, state and local environmental, health and safety standards including spill prevention, notification, and clean up.
6. Operations will comply with applicable standards as set forth by the Alaska Departments of Environmental Conservation and Fish & Game.

Attachments: April 14, 2016, memorandum from Eric Feldt, Community Development, to the CBJ Planning Commission regarding USE2016 0009.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Commission, April 26, 2016.

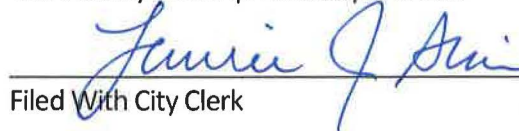
Project Planner:



Eric Feldt, Planner
Community Development Department



Paul Voelckers, Vice Chair
Planning Commission



Filed With City Clerk

5/3/16

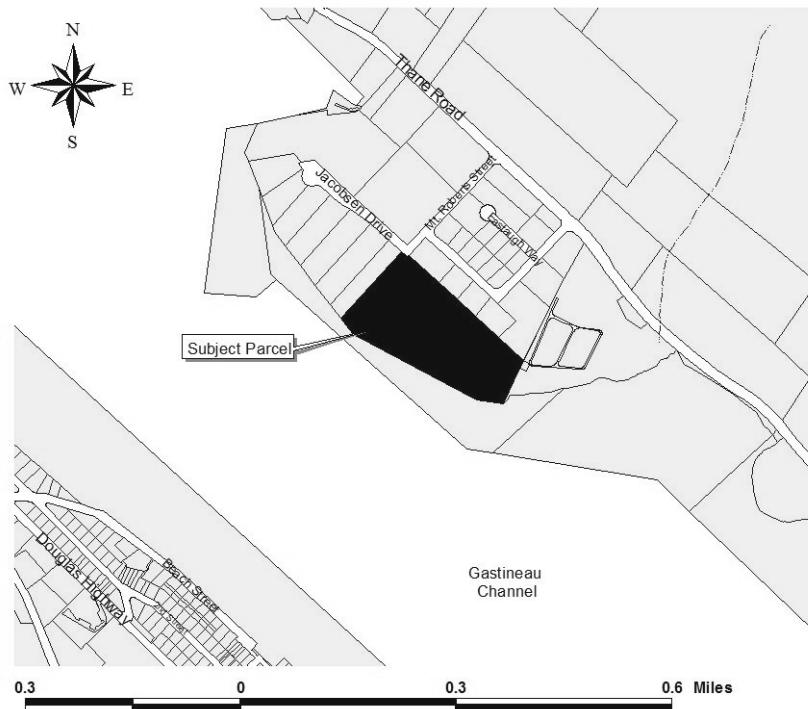
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



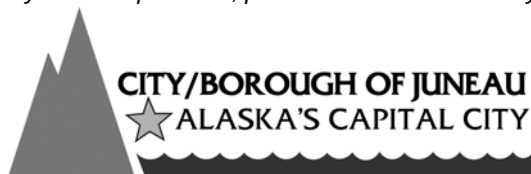
PROPOSAL: A Conditional Use Permit for an asphalt plant at the Alaska Marine Lines Yard.

File No:	USE2016 0003	Applicant:	Knik Construction Co., Inc.
To:	Adjacent Property Owners	Property PCN:	1-C11-0-K15-008-0
Hearing Date:	April 12, 2016	Owner:	0 Jacobsen Drive, Juneau, LLC.
Hearing Time:	7:00 PM	Size:	Total - 429,328 sq. ft. For Use - 36,590 sq. ft.
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	I - Industrial
		Site Address:	0 Jacobsen Drive
		Accessed Via:	Jacobsen Drive

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Teri Camery at Teri.Camery@juneau.org or 586-0755.

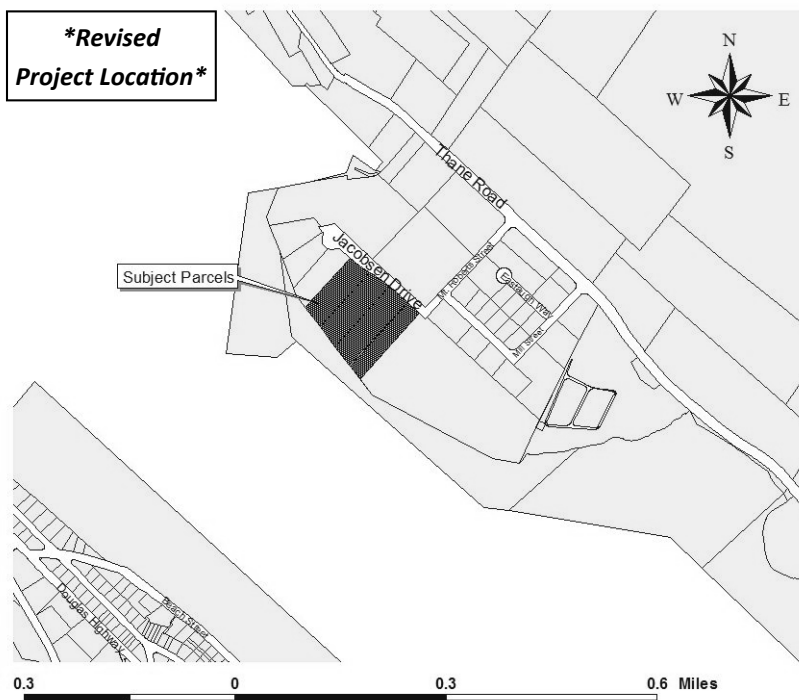


Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at
<http://www.juneau.org/assembly/novus.php>



NOTICE OF PUBLIC HEARING

***Revised
Project Location***



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



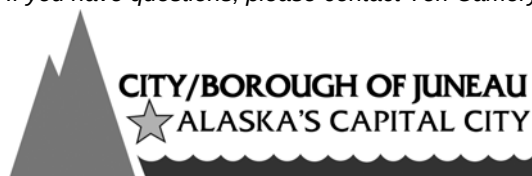
PROPOSAL: A Conditional Use Permit for an asphalt plant at the Alaska Marine Lines Yard.

File No:	USE2016 0003	Applicant:	Knik Construction Co., Inc.
To:	Adjacent Property Owners	Property PCN:	*1-C11-0-K11-001-0; *1-C11-0-K100-004-0; -005-0; -006-0
Hearing Date:	April 12, 2016	Owner:	0 Jacobsen Drive, Juneau, LLC.
Hearing Time:	7:00 PM	Size:	Total - 429,328 sq. ft. For Use - 36,590 sq. ft.
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	I - Industrial
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If you have questions, please contact Teri Camery at Teri.Camery@juneau.org or 586-0755.



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Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: March 29, 2016

TO: Planning Commission

FROM: Teri Camery, Senior Planner 
Community Development Department

FILE NO.: USE2016 0003

PROPOSAL: A Conditional Use Permit for an asphalt plant at the Alaska Marine Lines Yard

GENERAL INFORMATION

Applicant: Knik Construction Co., Inc.

Property Owner: O Jacobsen Drive Juneau LLC
(this has been verified as the correct owner title)

Property Address: O Jacobsen Drive

Parcel Code Numbers: 1C110K110010; 1C110K100060; 1C110K100050;
1C110K100040

Site Size: Approximately two acres

Comprehensive Plan Future Land Use Designation: Heavy Industrial; Waterfront Commercial Industrial

Zoning: Industrial

Utilities: city water and sewer

Access: Jacobsen Drive

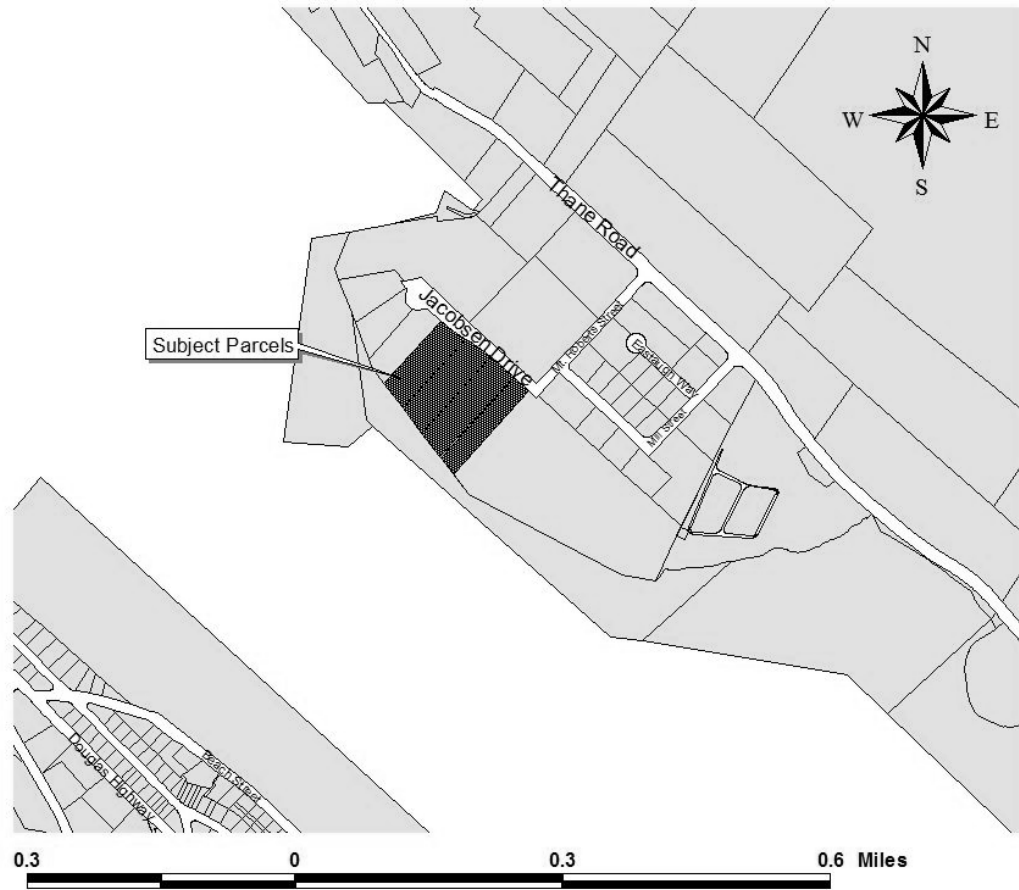
Existing Land Use: industrial storage yard

Surrounding Land Use:

North	-	cruise ship dock
South	-	active area of Alaska Marine Lines yard; Gastineau Channel

East - Delta Western
West - Gastineau Channel

Vicinity Map



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 File No.: USE2016 0003
 March 29, 2016
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ATTACHMENTS

Attachment A - Application

- Section One: Overview
- Section Two: Pre-application conference report
- Section Three: Development Permit Application
- Section Four: Conditional Use Permit Application
- Section Five: Sub-lease Agreement with Alaska Marine Lines
- Section Six: Master lease agreement between 0 Jacobsen Drive, Juneau, LLC and Alaska Marine Lines LLC
- Section Seven: State of Alaska Approved Asphalt Plant Permits
- Section Eight: Fugitive Dust Control Plan
- Section Nine: Stormwater Plan and Hazardous Material Control Plan
- Section Ten: Astec Plant layout and process flow diagram

Attachment B - CBJ Code 49.20.095 Disturbing the Peace and 04 CBJ AC 050.020 Performance Standards

Attachment C - Revised Project Overview

Attachment D - Revised site plan

Attachment E - ADEC email regarding site distances from asphalt plants

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for an asphalt plant, with assorted stockpiling, at the Alaska Marine Lines yard at the Rock Dump. The plant would be used on a project-by-project basis according to contracts from the city and state. The applicant states that they do not plan on setting up for commercial sales other than times when the plant is operating for other contracts.

The plant will typically operate from March through September depending on contract demands. In full production, the potential operating days and hours would be Monday through Friday, 7 am until 10 pm, and Saturday and Sunday from 9 am until 10 pm. These hours conform with the CBJ noise ordinance (Attachment B) as discussed in following review.

BACKGROUND

An agency review period was conducted from February 18, 2016 through March 4, 2016. The CBJ Building Division, CBJ Fire Department, CBJ Streets Division, CBJ General Engineering, and the Alaska Department of Environmental Conservation (ADEC) Division of Water, Non-Point Source section responded with statements that they had no concerns or no comment.

The Alaska Department of Transportation and Public Facilities (ADOT&PF) responded that they

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had no objection to the proposal. However, ADOT/PF noted that “the increased traffic could lead to further congestion of the route; may be a slow route for the asphalt trucks since they will often be stuck in traffic. Still, this does not result in an objection from ADOT&PF.”

The ADEC Division of Water, Wastewater Discharge Authorization Program, commented that the plant could be covered by ADEC’s Construction General Permit, and noted that the site needs Best Management Practices that are described in an approved ADEC Stormwater Pollution Prevention Plan (SWPPP). The applicant has prepared a draft SWPPP, as discussed in the Habitat section of this report. Staff recommends a condition to require a final SWPP prior to issuance of a building permit.

ANALYSIS

Project Site and Design –

The project will be located in the northwest corner of the Alaska Marine Lines yard, which is currently being used for truck trailer storage and other miscellaneous items. The site is surrounded by industrial-zoned properties, with Gastineau Channel to the south and west. The Princess cruise ship dock is adjacent to the project site to the north, while Delta Western is located to the east. The Delta Western property includes a large parking lot occupied by buses and large fuel tanks, while the building is located in the far eastern corner. The Delta Western building, the closest occupied structure to the asphalt plant, is 500 feet from the plant.

The application explains that Knik Construction ships asphalt cement in a cooled state and reheats it for use. The company uses specially-designed shipping containers with built-in heating systems, so it is possible to transfer the hot asphalt plant from the tank to the plant without hitting the ground. (Attachment C, Project Narrative)

Aggregate will be stockpiled on site. The aggregate will either be imported via barge direct to Alaska Marine Lines, or trucked in from a local material source. Front-end loaders will be used to construct the stockpiles. No rock crushing operations will be established on site. Attachment D shows the layout of the operation.

Traffic, Parking, and Circulation -

Parking requirements for commercial and industrial developments, established in CBJ Code 49.40.210(a) are based on gross floor area, which is not applicable to the proposed development. The code does not have an established parking requirement for asphalt plants or similar uses that utilize large outdoor plants and outdoor storage areas.

The development includes parking for up to ten employees, as noted on the revised site plan, Attachment D. Portable restrooms will be placed on site during operations. Trucks used for

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asphalt hauling will be parked in an equipment staging area when not in use.

The amount of truck traffic will be variable depending on the project, the size of trucks being used, and the location of the project. A typical project requires material to be supplied at a rate of 100-500 tons per hour. Assuming a legal load of 25 tons, this would result in a range of 4-20 truckloads per hour. Since the applicant's operations will be on an on-demand basis and subject to weather, there will be gaps when no trucking will take place. Truck traffic will be routed through the existing industrial area on Mt. Roberts Street, then to Thane Road, Marine Way, and on to Egan Drive as needed for projects.

CBJ Code 49.40.300 establishes the standards for a traffic impact analysis (TIA). The applicant's estimate of a maximum of 20 trucks per hour, for a maximum of 15 hours per day, equates to 300 truck trips per day. This estimate falls under CBJ Code 49.40.300(3), which states:

A development projected to generate more than 250 ADT (average daily trips) but fewer than 500 ADT shall be required to have a traffic impact analysis if the Community Development Department Director determines that an analysis is necessary based on the type of development, its location, the likelihood of future expansion, and other factors found relevant by the director.

The Community Development Department Director has determined that a traffic impact analysis is not needed. This determination is based on the following reasons: 1) the truck traffic pattern is within an established industrial route that already experiences truck traffic from the Alaska Marine Lines Yard and other industrial developments in the vicinity; 2) the truck route does not go through residential areas and has no evidence of public safety concerns; 3) the maximum traffic estimates for the project, which will occur rarely, fall at 300 ADT, just above the 250 ADT where no traffic impact analysis is required, and 4) though ADOT/PF notes that the traffic route may be slow and congested at times, ADOT/PF has no objection to the development.

Noise -

The plant will be powered by generators, including one main generator (1000 kw) and one standby generator (125 kw). A standard electricity hook-up from shorepower may be available and will be pursued if feasible.

The applicant states that noise from the project will be primarily from back-up alarms from operating trucks, from truck traffic, and from asphalt plant operation. The applicant's proposed hours of operation, described in the Project Description section, meet the requirements of the CBJ Noise Ordinance, CBJ Code 49.20.095. This standard, as well as CBJ Performance Standards, 04CBJ AC 050.20, has been included in Attachment B for reference.

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The applicant notes that if noise becomes a concern in the area, they have the ability to construct a noise barrier by stacking shipping containers. The noise barrier would typically be three containers high, for a total height of 24 feet, and would be placed to best block noise from carrying across the channel. (See revised project overview, Attachment C)

Public Health or Safety -

The applicant's site plan shows that two fire hydrants are located in close proximity to the project area. The CBJ Fire Department was notified of the project during the agency review period (see Background section) and had no concerns.

The applicant has authorized permits from the Alaska Department of Environmental Conservation (ADEC) for three different asphalt plants. The asphalt plant permit requirements state that the plant may not be operated within 330 feet of the nearest residential or occupied structure for more than two construction seasons. According to the email message from ADEC dated January 20, 2016, DEC's definition of "occupied" would include office buildings or any other structure with people routinely in and around it. This email has been included in Attachment E.

The plant will be further than 330 feet from the nearest residential or occupied structure, as verified in the revised site plan, Attachment D. The three nearest structures are 500-520 feet away, in conformance with ADEC's requirement.

In the revised Project Overview, Attachment C, the applicant has explained that after more than two construction seasons, the ADEC distance requirement increases to 800 feet from the nearest residential or occupied structure. However, if Knik Construction returns to the same plant location at the AML yard for a different project, the ADEC clock "re-sets" and the distance requirement goes back to 330 feet. This interpretation has been verified in the ADEC email, Attachment E, and also in CDD staff conversations with ADEC staff. The applicant notes in the Project Overview that is not Knik Construction's intention to operate on a continuous basis.

Lastly, the development is in an established industrial area with security fencing and a single gated entry point. Section One of the application describes site security measures. Staff is unaware of any other public health or safety issues.

Habitat -

The proposed operation does not affect the conservation area established in a previous U.S. Army Corps of Engineers permit, as shown on the revised site plan, Attachment D. The site is not adjacent to any salmon streams, eagle nests, wetlands, or other sensitive habitat.

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The applicant has prepared a draft Stormwater Pollution Prevention Plan (SWPPP) for ADEC, provided in Section Nine of the application. The SWPPP addresses stormwater management, spill prevention and response, erosion and sediment controls, and more. The SWPPP requires that erodible material be covered if not in use for an extended period. CBJ Engineering has reviewed the applicant's proposed drainage plan and noted that all concerns have been addressed.

Staff recommends a condition to require a final SWPPP before commencement of the activity, as follows:

Prior to the issuance of a building permit, the applicant shall provide the final Stormwater Pollution Prevention Plan, in conformance with ADEC requirements, to ensure protection of adjacent waters.

Dust Control

The applicant explains that primary source of dust will be from dry stockpiles and dry road surfaces where loaders and trucks are running. Other potential areas include the screening, conveyors, and baghouse components of the asphalt plant. The applicant will monitor these areas and will use water from a metered city water hydrant as needed. The application includes a detailed dust control plan in Section Eight of Attachment A. Water needed for dust control will be from a metered city water hydrant.

Lighting

The applicant has shown the general location of lighting on the site plan, and lighting is mentioned in the project narrative, in application Section One. Staff recommends a standard project condition on lighting as follows:

Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare.

Property Value or Neighborhood Harmony -

The site is zoned Industrial and is surrounded by other industrial-zoned properties, including the Alaska Marine Lines yard and Delta Western fuel. The Princess cruise ship dock is immediately north of the property, also on industrial-zoned property.

The primary impact of the development is likely to be noise, which may carry across the

Planning Commission
File No.: USE2016 0003
March 29, 2016
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channel to residential neighborhoods on Douglas Island. These neighborhoods are already affected by the Alaska Marine Lines operations, which may operate at all hours through the day and night.

The applicant's proposed hours of operation comply with the CBJ Noise Ordinance, as noted in the previous section. The plant will operate on a contract basis only and will not be continuous. The applicant has explained that they have the ability to construct a 24-foot noise barrier from containers if necessary. However staff notes that this measure may or may not be effective; this method has not been used before, and at least some of the noise impact to Douglas residents probably comes from noise bouncing off the mountains on both sides of the channel. Because of these limitations, staff is not recommending any additional conditions to address noise impacts.

Conformity with Adopted Plans -

2013 Juneau Comprehensive Plan

Map N of the 2013 Juneau Comprehensive Plan designates the subject parcels as Heavy Industrial and Waterfront Commercial Industrial, which are both appropriate for heavy industry such as the proposed asphalt plant.

Policy 5.11 of the Comprehensive Plan states:

To encourage the location and growth of locally-based basic sector industries that provide year-round, full-time employment and provide tax revenues that support public services.

Implementing action 5.11-1A4 states:

Create heavy industrial zoning areas appropriate for the basic industry sector, including fisheries, mining support services, forest products, and others.

The proposed development substantially conforms to these designations and policies.

2004 Long Range Waterfront Plan

The 2004 Long Range Waterfront Plan shows the Rock Dump as Area E. The plan states that "Area E remains an industrial zone for the region with cruise pier and related accessway improvements slated for the AJ Dock."

The plan calls for the Rock Dump "to continue as an important economic engine and logistics point for the community of Juneau by preserving and encouraging a continuation of waterfront dependent and industrial uses at this location."

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The proposed development substantially conforms with this plan.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 4.100, Heavy Manufacturing, for the Industrial zoning district.

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3. *Will the proposed development comply with the other requirements of this chapter?*

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the April 1, 2016 and April 11, 2016 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

4. *Will the proposed development materially endanger the public health or safety?*

No. No evidence indicates that the proposed development will materially endanger the public health or safety. The development meets ADEC distance requirements from the asphalt plant to occupied structures, and includes adequate security fencing.

5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?*

No. No evidence indicates that the proposed development will substantially decrease the value of or be out of harmony with property in the neighboring area. The property is surrounded by industrial uses. The primary noise impacts may be to Douglas residents across the channel, however these impacts have been addressed through compliance with the CBJ Noise Ordinance.

6. *Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?*

Yes. The proposed development is in general conformity with adopted plans including the 2004 Long Range Waterfront Plan and the 2013 Juneau Comprehensive Plan. The development specifically conforms with Comprehensive Plan policy 5.11 regarding industrial uses.

7. *Will the proposed development comply with the Juneau Coastal Management Program?*

Not applicable. The project does not affect any sensitive habitat. Stormwater management and spill prevention controls are in place to preserve water quality in the adjacent Gastineau Channel.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of an asphalt plant and related stockpiling at the Alaska Marine Lines yard. The approval is subject

Planning Commission
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March 29, 2016
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to the following conditions:

- 1) *Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare.*
- 2) *Prior to the issuance of a building permit, the applicant shall provide the final Stormwater Pollution Prevention Plan, in conformance with ADEC requirements, to ensure protection of adjacent waters.*

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4. CONDITIONAL USE PERMIT APPLICATION
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DRIVE, JUNEAU, LLC AND ALASKA MARINE LINES, INC.
7. STATE OF ALASKA APPROVED ASPHALT PLANT PERMITS
8. FUGITIVE DUST CONTROL PLAN
9. STORM WASTE WATER PLAN AND HAZARDOUS MATERIAL
CONTROL PLAN
10. ASTEC PLANT LAYOUT & PROCESS FLOW DIAGRAM



Development Permit Application – February 2016
City and Borough of Juneau
Knik Construction Additional Information

Project Description: Knik would like to operate an asphalt plant on the property that is owned by our sister company, Alaska Marine Lines. The site would be used for the setup and operation of a portable asphalt plant which would include stockpiling of aggregates as needed for the operations. The asphalt plant operations would be on a project by project basis, i.e. projects for the City and/or State procured on a contract basis. We do not plan on setting up for commercial sales other than during times when we are operating the plant in support of any of the above type projects in the Juneau area. Knik has been operating asphalt plants in Alaska for over 30 years; we understand all of the environmental and regulatory requirements that are apart of these operations and how to comply with these requirements.

We currently have permits (copies attached) for 3 different Astec asphalt plants with the State of Alaska:

- Astec II – AQ1322MG301.1 – Rated 400 TPH
- Astec III – AQ1217MG301.1 – Rated 400 TPH
- Astec V – AQ1439MG301.2 – Rated 300 TPH

The attached copies of the permits show the type of equipment for each plant.

Utilities Proposed: Knik asphalt plants are powered by generators. Typically configuration is one main generator (1000 kw) and one standby generator (125kw). Shore power may be available and will be pursued if feasible. Water needed for dust control will be from a metered city water hydrant. We have spoken to Mark Millay with CBJ Engineering to discuss best approaches. Our water needs will be temporary on an as needed basis, so using meters will be required.

Lighting Plan: Lights will be non-glare, facing down at approximately a 45° angle from 38 feet above ground mounted to the silo. Portable light towers (non-glare) will be available to be used as needed in addition to the silo mounted lights. See attached site map for locations

Site Plan: See attached Site Plan. Parking typically will be for up to 10 employees. Sanicans will be brought in for restrooms. Trucks used for hauling of asphalt will be parked in an equipment staging area when not in use. Knik will set up the asphalt plant taking into consideration all set-backs in the Industrial zoning district, making sure to have the minimum of 10 feet in the front and rear of the area. Actual acreage of plant location is appx .84 acres.



Knik Construction's MG3 asphalt plant permits specify that we can't operate within 330 feet of the nearest residential or occupied structure or within 800 feet of the nearest residential or occupied residential or occupied structure for *more than two construction seasons*. Our plant will be further than 330 feet of the nearest residential or occupied structure. The clock on two construction seasons would reset if we move our plant to a different project and then need to move it back to work on a project unrelated to the original construction project. Because Knik's plants are mobile, we will be relocating the plants to other locations when not needed in Juneau.

Site Security: Alaska Marine Lines is an MTSA regulated facility, with an approved facility security plan. The area that Knik Construction will be operating is in a fenced area that has one main entry control point, which is gated. The gate is open during normal business hours and when barge operations take place after hours. TWIC cards are required for all workers in this area.

Hours of Operation to include hours, days and months of operation – With the successful bid for Knik Construction, we would operate typically from March until September, depending on the amount of asphalt that is needed for the project. While in full production, potential operating days/hours would be Monday thru Friday from 7:00 a.m. until 10:00 p.m.; Saturday and Sunday from 9:00 a.m. until 10:00 p.m.

Noise Concerns: Anticipated noise from the project will be mainly from backup alarms from operating trucks, truck traffic, and asphalt plant operation. Knik will observe CBJ Noise Ordinance found in section **42.20.095** and will not operate outside of the approved times of Monday through Friday, 7:00 a.m. – 10 p.m. and Saturday and Sunday, 9:00 a.m. – 10:00 p.m. If noise becomes an issue in the area or across the Channel, Knik will have the ability to construct a noise barrier by stacking shipping containers.

Truck Traffic – Truck Traffic will vary depending on the project Knik is working on, the size of trucks being used and the location of the project. Typically a job will require material to be supplied at between 100 tons per hour (TPH) and 500 TPH. Using those rates and assuming the use of belly dump trailers hauling a legal load of 25 tons; this would result in a low of four truck loads per hour to a high of twenty truck loads per hour. Since Knik's operations will be on an on-demand basis and subject to weather, there will be gaps where no trucking will take place. Truck drivers will be trained and knowledgeable in laws and regulations as well as local traffic patterns. As Knik procures work, Traffic Control Plans specific to the new work will be established to ensure the safety of the public and Knik employees.

Asphalt Cement – Knik ships asphalt cement in a cooled state and reheated for use. Knik has the unique ability to ship asphalt cement in specially designed shipping containers constructed



with built-in heating systems. These containers make it possible to transfer asphalt cement in a way that is less harmful to the environment. Not only are the containers reusable but they transfer the hot asphalt from tank to plant without a drop hitting the ground.

Dust Control Plan and Narrative: Knik Construction Co., Inc. personnel will take all reasonable precautions to prevent particulate matter from becoming airborne. In Juneau, the primary source of dust will be from dry stockpiles and any dry road surfaces where loaders and trucks are running. Other potential areas include the Asphalt Plant operations of screening, conveyors, and baghouse. These areas will be monitored and should conditions warrant, Knik personnel will apply water to the road surfaces or other effected areas to prevent the generation of Fugitive Dust. Stockpile erosion will be addressed in the site storm water plan. Water will be from a metered city fire hydrant.

A copy of our typical fugitive dust control is attached for your review.

Stockpile details – Aggregate will be stockpiled on site; see the attached Site Plan for location of stockpiles. The aggregate will be either imported via barge direct to the AML facility or trucked in from a local Juneau material source. Front end loaders will be used to construct the stockpiles. No crushing operations will be established on site. Knik's Storm Water Pollution Prevention Plan (SWPPP) requires that erodible material be covered if not in use for an extended period. Fines would need to be covered to prevent erosion and runoff. Please see the attached SWPPP for complete details.

Grading and Drainage Plan: Area has crushed rock graded to drain to the settlement pond and infiltration point (see Figure #2 BMP Site Map located in the draft SWPPP)

Spill Containment – All measures will be taken to ensure that a spill will not occur. Should a spill occur the first action in spill response is to stop the source of the spill. Once the source of the spill has been stopped, personnel shall begin containing the spill with sorbent pads, booms, or granular sorbent, depending on the site conditions. The primary focus of containment is to keep the spill from reaching wetlands, drains, ditches, or other waterbodies and to limit the extent of contamination. Once the limits of a spill have been contained, the spill area shall be cleaned up using spill kit supplies and/or other materials. Emergency response numbers for environmental cleanup will be posted on site. Waste materials generated in the containment and cleanup of a spill shall be placed in disposal bags and stored in the overpack drum until waste can be disposed of properly at a facility approved to accept the type of waste generated.

SWPPP: We have attached a draft Storm Water Pollution Prevention Plan. Once work is secured, we are prepared to submit this to the ADEC for their review. This plan follows several guidelines we use for other Knik construction projects and facilities.



Haul Route

Asphalt Plant

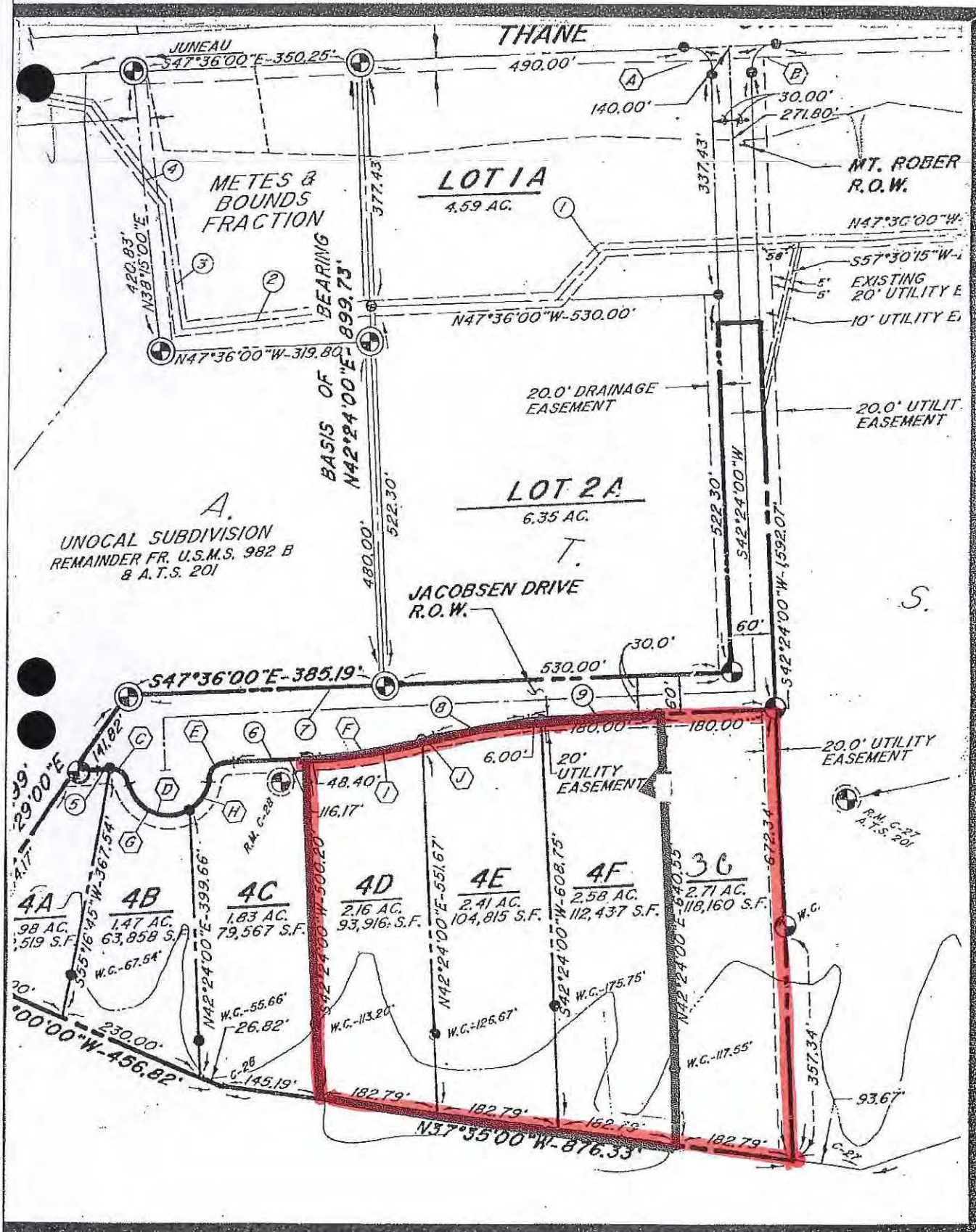
Lighting

Shows fire hydrant locations

Aggregate Stockpiles

© 2015 Google
Image © 2015 DigitalGlobe

Google earth Attachment A



SITE LOCATION MAP (PARCEL 2)



**City and Borough of Juneau
Community Development Department**

155 South Seward Street
Juneau, Alaska 99801

Telephone: 586-0715 Facsimile: 586-3365

Project Name: Asphalt Plant

Case Number: not given yet
 Project Description: Development of a mobile asphalt plant at the AML yard
 Applicant: Knik Construction
 Property Owner: Alaska Marine Lines
 Property Address: 209 Mount Roberts Street
 Parcel Code Number: 1-C11-0-K15-0080
 Zoning: Industrial
 Existing Land Use: vacant marine yard

Conference Date: August 19, 2015, 10:30 a.m.

Report Issued: August 19, 2015

List of attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Ron King	Chief Regulatory Engineer ; CBJ Engineering	ron.king@juneau.org
Teri Camery	Senior Planner, CBJ Community Development Department	teri.camery@juneau.org
Linda Sheehan	Contract Administrator, Knik Construction	lindag@lynden.com

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that were not already identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Applicant:

- Development includes two generators
- Tanks are double-walled
- SWPPP is being prepared
- Development will have 5-10 trucks per hour at peak times
- Three different plants are available, each with its own air quality permit; not sure which ones will be used at this site

CBJ Engineering:

- Need grading and drainage plan to coordinate with state SWPPP; needs to include contours and elevations; needs to conform with CBJ Manual of Stormwater Best Management Practices, which is similar to the SWPPP but is better defined for individual lots. CBJ will send the link to this plan.
- Check Corps of Engineers permit requirements for the area—a vegetative buffer may be required
- Note locations of closest fire hydrants on site plan
- Note water sources, on-site restrooms
- Project narrative should address spill containment
- Include lease agreement from AML for use of the area

CBJ Community Development/Planning:

- A lighting plan which utilizes downward-facing, non-glare lighting will be required prior to issuance of a Certificate of Occupancy. The final SWPPP will also be required prior to issuance of a Certificate of Occupancy.
- Include information on all three types of asphalt plants with copies of the three accompanying air quality permits, if all three types might be used during the course of the development. Confirm conformance with site distance requirements from adjacent buildings, and describe this in the project narrative.
- Site plan should include any parking needed on site for trucks and employees
- Project narrative should list hours, days, and months of operations.
- Project narrative should describe site security, gates etc.
- Project narrative should list the anticipated daily and weekly truck traffic, in a range from a typical week to the busiest week. Describe the operation as on-demand, with potential gaps of weeks without any use.
- Project narrative should address anticipated noise from the project and measures to minimize noise—buffering, etc. Noise is a significant concern for neighborhoods across the channel from AML and the project may be challenged on these grounds.
- Provide more detail on stockpiling and processing of aggregate. Note whether rock will be crushed on site.
- Dust control plan looks excellent. Provide an explanation of this plan in the project narrative.
- The Conditional Use Permit review process requires a mandatory 15-day agency review period. CDD will then address any questions and requests for additional information, and then proceed with scheduling before the Planning Commission. Projects typically require 8-10 weeks for approval.
- Setbacks in the Industrial zoning district are 10 feet in the front and rear and zero on the sides. I'm sure you have plenty of room, but please note this on your site plan.
- Please note the site size for the asphalt plant (not the whole acreage for the AML yard). This is what our fees are based on. The permit fee for this project is likely to be the range of \$1000-\$1600. \$1600 would be the maximum.
-

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit Application

Pre-Application Conference Final Report

2. Conditional Use Permit Application**Additional submittal requirements:**

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org.

Submit your completed application

You must submit your application(s) in person with payment to:

City/Borough of Juneau
Permit Center
230 S. Franklin Street,
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Fax: (907) 586-3365
Web: www.Juneau.org

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description Knik Construction to locate and operate an asphalt plant in Juneau as jobs become available and as successful in the bidding process		
	PROPERTY LOCATION		
	Street Address 0 Jacobsen Drive		City/Zip Juneau, AK 99801
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Alaska Juneau Subdivision II & III-A, according to the official plat thereof, recorded under Plant No. 96-17		
	Assessor's Parcel Number(s) Lots 4D, 4E, 4F, & 3C,		
	LANDOWNER/LESSEE		
	Property Owner's Name 0 Jacobsen Drive, Juneau, LLC		Contact Person: Rod Dewalt
	Mailing Address 18000 International Blvd., Ste 800		Work Phone: 206-439-5663
	E-mail Address dewalt@lynden.com		Home Phone: 425-243-2074
			Fax Number: 206-243-8415
LANDOWNER/LESSEE CONSENT ***Required for Planning Permits, not needed on Building/Engineering Permits***			
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>Bill Hopley, Secretary, AMG, Prime Tent</u>		<u>2-10-16</u>	
Landowner/Lessee Signature		Date	
X <u>Bill Hopley, Manager, 0 Jacobsen Drive, Owner</u>		<u>2-10-16</u>	
Landowner/Lessee Signature		Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name Knik Construction Co., Inc.		Contact Person: Linda Sheehan	
Mailing Address 18000 International Blvd., Ste 800		Work Phone: 206-439-5521	
E-mail Address lindag@lynden.com		Home Phone: 206-790-9416	
		Fax Number: 206-243-8415	
X <u>[Signature]</u>		<u>2-10-16</u>	
Applicant's Signature		Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type	MISSION	Date Received
		Building/Grading Permit		
		City/State Project Review and City Land Action		
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
		Mining Case (Small, Large, Rural, Extraction, Exploration)		
		Sign Approval (If more than one, fill in all applicable permit #'s)		
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		
		Variance Case (Do Minimis and all other Variance case types)		
		Wetlands Permits		
		Zone Change Application		
		Other (Describe)		
	Comments: ***Public Notice Sign Form filled out and in the file.			
				Permit/Intake Initials

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS
 I:\FORMS\2010 Applications

Revised November 2009

Attachment A

Allowable/Conditional Use Permit Application Instructions

Pre-Application Conference: A pre-application conference is required prior to submitting an application. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at Permits@ci.juneau.ak.us.

Application: An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

Forms: A completed Allowable/Conditional Use Permit Application and Development Permit Application form. The "land owner or lessee consent" signature and initials are mandatory on the Development Permit Application form.

Fees: The fee is dependent upon the class of the proposed use. Land Use fees generally range from \$300 to \$1,350. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.

Project Description: A detailed letter or narrative describing the project.

Plans: All plans are to be drawn to scale and clearly show the items listed below:

- A. Site plan, floor plan and elevation views of existing and proposed structures
- B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
- C. Proposed traffic circulation within the site including access/egress points and traffic control devices
- D. Existing and proposed lighting (including cut sheets for each type of lighting)
- E. Existing and proposed vegetation with location, area, height and type of plantings
- F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

Document Format: All information that is submitted as part of an application shall be submitted in either of the following formats:

- A. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xml, .rtf or other formats pre-approved by the Community Development Department.
- B. Paper copies may not be larger than 11" X 17" (Unless a larger paper size is preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: As part of the Allowable/Conditional Use permitting process, all permit requests must be given proper public notice, which consists of the following:

Community Development Department: Will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the department will mail abutters notices to all property owners within 500-feet of the project site.

Applicant: Will post a sign on the site at least 14-days prior to the meeting. The sign shall be visible from a public right-of-way or where determined to be appropriate by the Department. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned by 4:30 p.m. on the Monday following the scheduled hearing date. If the sign is returned later than the Monday after the Planning Commission meeting, but within two weeks of the meeting, \$50.00 may be refunded. The applicant may make and erect their own sign. Please speak with the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI 3 ^N	I 3
4.100	Asphalt and concrete plants, chemical refining, manufacture, storage or sale, explosives and ammunition, manufacture, lumber, plywood and paper mills, I petroleum or flammable liquid production, refining or storage, foundries and all uses determined by the Community Development Director to be similar to the foregoing	3 ^Q	3 ^Q													
4.150	Rock crusher	1 ^Q	1 ^Q	1 ^Q											3 ^N	3
4.200	Storage of explosives and ammunition	3													3 ^N	3
4.220	Seafood processing													3	3	
4.300	All remaining category 4.000 uses														1 ^N , 2 ^N	1, 2
5.000	EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES															
5.100	Schools															
	5.110 Elementary and secondary schools including associated grounds and other facilities		3	3	3	3	3	3	3	3	3	3	3			
	5.120 Trade and vocational schools and other commercial schools									2	2	2	2	3 ^N		3
	5.130 Colleges, universities, community colleges		3	3	3	3	3	3	3	3	3	3	3	3 ^N		
5.200	Churches, synagogues, and temples		3	3	3	3	3	3	3	3	3	1, 2	1, 2			
5.300	Libraries, museums, art galleries, and similar uses		3	3	3	3	3	3	3	2	2	1, 2	1, 2	3 ^N		
5.400	Social, fraternal clubs and lodges, union halls, yacht clubs, and similar uses									1, 2	1, 2	1, 2	1, 2	3 ^N		3
6.000	RECREATION, AMUSEMENT, ENTERTAINMENT															
6.100	Activity conducted entirely within building or substantial structure															
	6.110 Bowling alleys, billiard and pool halls									3	1, 2	1, 2	1, 2			3
	6.120 Indoor tennis and racquetball/squash courts, skating rinks, exercise facilities, and similar uses				3	3	3	3	3	1, 2	1, 2	1, 2	1, 2			3
	6.130 Theaters							3	3	3	1, 2	1, 2	1, 2	3 ^N		3



5615 West Marginal Way SW

Seattle, WA 98106

206-764-8346

January 25, 2016

Ms. Teri Camery, Senior Planner
City and Borough of Juneau
155 South Seward Street
Juneau, AK 99801

Subject: Asphalt Plant Operations

Dear Ms. Camery:

Alaska Marine Lines has agreed to sub-lease a portion of our dock facility (Lot 3c, 4D, 4E, & 4F of attached map) to Knik Construction for their asphalt plant to be located in Juneau. We understand that they will be bidding on potential projects, and once awarded will need to locate one of their asphalt plants to this site for the duration of the project. We have attached a draft lease agreement that we are willing to put into place once the need arises.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Everett Billingslea', is written over a faint, larger signature.

Everett Billingslea
Secretary

Enclosures

SUBLEASE

THIS SUBLEASE is entered into and executed as of _____, by and among Alaska Marine Lines, Inc. ("Sublessor"), and Knik Construction Co., Inc. ("Sublessee"):

Sublessor is the tenant under that certain Lease dated December 1, 2010 (a copy of which is attached hereto as Exhibit A) (the "Master Lease") by and between Sublessor, as lessee, and O Jacobsen Drive, Juneau, LLC, as lessor (the "Landlord") pursuant to which Sublessor leases from Landlord approximately 429,328 square feet of space within Landlord's Juneau Waterfront Lot and Lot 3C Rock Dump (the "Rock Dump") in Juneau, Alaska, as further described in the Master Lease (the "Premises"). Sublessor desires to sublease to Sublessee, and Sublessee desires to sublease from Sublessor, the portion described as "Rock Dump" of the said Premises, upon the terms, covenants and conditions set forth in this Sublease.

For good and valuable consideration, Sublessor and Sublessee agree as follows:

1. Sublease. Sublessor hereby subleases to Sublessee, and Sublessee hereby takes and subleases from Sublessor, the Rock Dump portion of the Premises, subject to the terms, covenants and conditions of this Sublease. Sublessee accepts the Premises in its AS IS condition as of the commencement date, subject to all applicable laws, ordinances, regulations, covenants and restrictions. Sublessee agrees that neither Sublessor nor Landlord has made (and Sublessee hereby waives), any representation or warranty of any kind or nature, whether express or implied, as to the condition, fitness or suitability of the Premises for the conduct of Sublessee's business or otherwise. As used herein, the Premises include certain coolers, fixtures and other tenant improvements located therein and thereon that are owned by Sublessor ("Sublessor's tenant improvements").

2. Conditions Precedent. This Sublease and the obligations of the parties hereunder shall be contingent upon: (a) the successful securing of work requiring the need for an asphalt plant; and (b) Sublessor's receipt of Landlord's written consent to this Sublease.

3. Initial Fixed Term; Month to Month Tenancy. This Sublease shall have an initial fixed term commencing on _____ and ending on _____ (the "Fixed Term"), and thereafter shall continue on a month-to-month basis. After expiration of the Fixed Term, this Sublease may be terminated by either Sublessor or Sublessee upon at least thirty (30) days prior written notice to the other party.

4. Permitted Use. Sublessee may use the Premises for the permitted uses set forth in the Master Lease as well as the location of an asphalt plant, equipment, and aggregate needs, and Sublessee shall not use the Premises for any other use or purpose. In addition to its use of the Premises, Sublessee may use the parking and exterior areas adjacent to the Rock Dump allocated to Sublessor, as lessee, in accordance with and subject to the terms of the Master Lease.

5. Compliance with Master Lease. Sublessee acknowledges that it has received and reviewed a copy of the Master Lease. Every term and condition of this Sublease is subject to the Master Lease and, subject to the terms of this Sublease, all terms and conditions of the Master Lease are incorporated herein as if between Sublessee and Sublessor. Sublessee agrees to comply with and be subject to the terms and conditions of the Master Lease and not to act in any manner that would constitute a default or breach under the Master Lease. In the event of a conflict, ambiguity or inconsistency between the provisions of this Sublease and the provisions of the Master Lease then, as between Sublessor and Sublessee, the terms of this Sublease shall prevail. Sublessee acknowledges that Sublessor is not in a position to render any of the services or to perform any of the obligations required by Landlord under the Master Lease. Therefore, notwithstanding anything to the contrary contained in this Sublease, Sublessee agrees that performance by Sublessor of any obligations hereunder are conditional upon due performance by the Landlord of its corresponding obligations under the Master Lease.

6. Rent.

a. Sublessee shall pay Sublessor monthly rent for the Premises in the amount of \$_____ (consisting of _____), plus applicable City and Borough of Juneau sales tax ("Base Rent"). Sublessee shall pay all Base Rent, in advance, commencing on _____, and on or before the first (1st) day of each calendar month thereafter, at 18000 International Blvd., Suite 800, Seattle, Washington 98188, or at such other address a Sublessor shall from time to time advise in writing. Amounts shall become past due after the fifth (5th) day of the month.

b. In addition to Base Rent, Sublessee shall pay Sublessor all additional amounts Sublessor is charged by Landlord pursuant to the first paragraph in Section 8 of the Master Lease with respect to adjustments due to increases in real property taxes assessed with respect to the Rock Dump and associated land and increases to Landlord's property insurance costs, plus applicable City and Borough of Juneau sales tax. Sublessor shall invoice Sublessee for such adjustment amounts on an annualized basis, and Sublessee shall pay such amount in full within thirty (30) days following the date of Sublessor's invoice.

c. In addition to Base Rent and the adjustments set forth in paragraph 6.b. above, all other sums that Sublessee is required to pay to Sublessor pursuant to the terms of this Sublease shall be additional rent, payable by Sublessee, and all amounts due under this Sublease shall be due and payable without offset of any kind. All sums which are past due and unpaid by Sublessee hereunder shall be assessed and accrue a service charge in the amount of 1-1/2% per month, 18% per annum. The minimum service charge for handling late payment is \$25.00.

7. Required Insurance. Sublessee shall obtain and maintain in full force and effect throughout the Fixed Term and month-to-month tenancy of this Sublease, at its sole cost and expense (including the cost deductibles), the same insurances, under the same conditions and to the same requirements, deductibles and limits as are required of Sublessor, as lessee, under the Master Lease, and shall name Sublessor and Landlord as additional insured on all policies except workers' compensation and USL&H coverage, for which Sublessee shall waive subrogation as to Sublessor and Landlord. Without limiting the foregoing, Sublessee's property insurance, as required hereunder, shall be extended to cover Sublessor's tenant improvements located on / in the Premises, and shall further be endorsed to name Sublessor as sole loss payee with respect thereto. Sublessee shall provide Sublessor with a certificate of insurance and copies of endorsements evidencing its compliance with this Section 7. Sublessor shall not be obligated to provide any insurances in connection with the Sublease.

8. Property Taxes. Sublessee shall pay before delinquency all personal property taxes and assessments, if any, on all of Sublessor's tenant improvements on / in the Premises as of the commencement date hereof, as well as personal property taxes and assessments on cargoes, inventory, tenant improvements and other property which Sublessee maintains on or around or attaches to the Premises.

9. Utilities. Sublessee shall pay when due all telephone service, electrical services, fuel, oil, water, garbage removal, and alarm services and other utilities furnished to, charged against or consumed on the Premises during the Fixed Term and month-to-month tenancy hereof. Pursuant to the Master Lease, Sublessee shall be entitled to bill Landlord for the amount of electricity used by the adjoining space in the Rock Dump, which shall have a separate meter.

10. Repair and Maintenance. Sublessee shall, at its own expense, perform all maintenance, repairs and restoration of the Premises as required by Sublessor, as lessee, under the Master Lease. Without limiting the foregoing, Sublessee shall, at its own expense and at all times keep the Premises neat, clean and in a sanitary condition, and keep and use the Premises in accordance with applicable laws, ordinances, rules, regulations and requirements of governmental authorities, and Sublessee shall permit no waste, damage or injury to the Premises and shall keep it cleared of dirt, dunnage and debris.

11. Alterations. Sublessee shall make no alterations to the Premises absent the prior written consent of Sublessor, which consent Sublessor may withhold in its absolute discretion. Sublessor shall have no obligation to make any alterations or improvements to the Premises.

12. Liens and Insolvency. Sublessee shall keep the Premises free from any liens or encumbrances arising out of any work performed for, materials furnished to, or obligations incurred by Sublessee, and shall immediately cause any such liens or encumbrances to be immediately released and removed of record. Sublessee shall indemnify and hold harmless Sublessor and Landlord (including legal fees and costs) from and against any costs, expenses, claims or damages incurred by Landlord or the Premises in connection with any such liens or their discharge.

13. Environmental Matters. Tenant shall not cause or permit any Hazardous Substance to be treated, spilled, leaked, disposed of, or otherwise released on or under the Premises. Tenant may locate, store, use or sell on the Premises only those Hazardous Substances typically stored, transported, used and sold in the prudent and safe operation of the use permitted above. Tenant may store such Hazardous Substances on the Premises, but only in quantities necessary to satisfy Tenant's reasonably anticipated needs, and in the ordinary course of its business. Tenant may not use or store on the Premises any Hazardous Substance that is inherently or potentially radioactive, explosive, ignitable, corrosive or reactive, other than petroleum fuels, without Landlord's written approval, which Landlord may withhold in Landlord's sole discretion if the quantities used or stored are greater than de minimis quantities. Tenant shall comply with all environmental laws and exercise the highest degree of care in the use, handling, and storage of Hazardous Substances, and shall take all practical measures to minimize the quantity and toxicity of Hazardous Substances used, handled or stored on the Premises.

14. Sublessor Notification. Sublessee shall immediately furnish Sublessor with a copy of each notice received from the Landlord and from all courts, attorneys, governmental agencies and others with respect to the Premises.

15. No Assignment or Sublease. Sublessee shall not have a right to assign this Sublease or enter into a sublease for any portion of the Premises without Sublessor's prior written consent, given in Sublessor's sole discretion.

16. Damage or Destruction. In the event the Premises are damaged or destroyed as addressed in Section 19 of the Master Lease during the Fixed Term of this Sublease, and such damage or destruction is not repaired within sixty (60) days, either Sublessor or Sublessee may terminate this Sublease upon thirty (30) days prior written notice to the other party. If such damage or destruction occurs following expiration of the Fixed Term, then Sublessor and Sublessee shall each be entitled to terminate this Sublease in accordance with Section 3 above. If neither Sublessor nor Sublessee elects to cancel this Sublease, then Sublessee shall be entitled to abatement of rent, but only to the extent rent abatement is available to Sublessor under the terms of the Master Lease. In no event shall Sublessor have any duty or obligation to rebuild or restore the Premises in the event of such damage or destruction, whether or not Landlord elects to rebuild or restore pursuant to the terms of the Master Lease.

17. Indemnification. Sublessee agrees to indemnify, defend and hold Sublessor and Landlord harmless (including legal fees and costs) from and against: (a) any and all losses, damages, claims, suits, actions, judgments, liabilities and expenses arising out of, or with respect to any injury to, or death of, persons and/or any damage to, or destruction or loss of, property on or about the Premises arising from and/or attributable to the negligence or misconduct of Sublessee, or its officers, employees, agents, contractors, customers or invitees, except to the extent caused by the negligence or misconduct of Sublessor or Landlord, or any of their respective officers, employees, agents, contractors or invitees; and (b) any and all claims or liabilities which may at any time be asserted against Sublessor by Landlord (i) for failure of Sublessee to perform any of the covenants, terms, provisions or conditions contained in the

Master Lease which by reason of the provisions of this Sublease Sublessee is obligated to perform and/or (ii) otherwise arising from Sublessee's possession or occupancy of the Premises.

18. Default and Remedies. Time is of the essence hereof. If Sublessee fails to keep or perform any term or condition of this Sublease or any obligation that Sublessee is required to perform pursuant to the terms of this Sublease, including causing or allowing any event of default under the Master Lease to occur, within five (5) days after notice in writing thereof given by the Landlord or Sublessor to Sublessee specifying the matter claimed to be in default, Sublessor, at its option, may immediately declare Sublessee's rights under this Sublease terminated, or re-enter and attempt to relet, without terminating this Sublease, and remove all persons and property from the Premises, and otherwise proceed as allowed by law. In addition, if Sublessor elects to cure any default on Sublessee's behalf, it shall be permitted to do so on Sublessee's behalf and as its agent, and Sublessee shall immediately reimburse Sublessor for the cost thereof, plus interest at the maximum rate permitted by law from date incurred.

19. Quiet Enjoyment. So long as Sublessee pays all rent and performs all of its obligations in this Sublease, Sublessee's possession and enjoyment of the Premises will not be disturbed or hindered by Sublessor or any other part claiming through (including, without limitation, any vendors or other tenants of) Sublessor, its successors and assigns.

20. No Consequential Damages. Sublessor shall not be responsible for any indirect, consequential or special damages whatsoever, including, without limitation, business interruption, extra expense, loss of profits or income, loss of use of property, delay or damages consequential upon delay and/or loss of use, whether resulting from negligence, breach hereof or otherwise, and even if the possibility of such is or was foreseeable by Sublessee, Sublessor, or any person or entity.

21. Master Lease Extension Options. Sublessee acknowledges that Sublessor may or may not exercise any option to extend under the terms of the Master Lease, which options may be exercised by Sublessor, or not, in its absolute sole discretion.

22. Non-Waiver. No failures of Sublessor to insist upon the strict performance of any provision of this Sublease will be construed as depriving Sublessor of the right to insist on strict performances of any such provision or any other provision in the future. No waiver by Sublessor of any provision of this Sublease will be deemed to have been made unless expressed in writing and signed by Sublessor. Consent by Sublessor in one instance will not dispense with the necessity of consent by Sublessor in any other instance.

23. Survival. Sublessee's obligations to indemnify Sublessor hereunder shall survive expiration or termination of the Fixed Term or month-to-month tenancy of this Sublease.

24. Notices. Any notices required herein shall be sent by commercial express courier service, registered or certified mail, return receipt requested, or hand delivered to the attention of the party's corporate secretary. For notice delivered by mail or courier, notice from Sublessee to Sublessor shall be addressed to: Alaska Marine Lines, Inc., 18000 International Blvd, Suite 800, Seattle, WA 98188 (ATTN: Everett Billingslea); if from Sublessor to Sublessee, notice shall be addressed to: Knik Construction Co., Inc., 18000 International Blvd., Suite 800 (ATTN: Steve Jansen).

25. Legal Costs. Should either party to this Sublease commence any action or proceeding related to this Sublease, the prevailing party shall be entitled to recover from the other party all of its costs incurred therein, including reasonable legal fees and costs.

26. Execution. This Sublease may be executed in counterparts and/or by facsimile or other electronic exchange of signatures, with all such counterparts deemed the same single agreement and signatures exchanged by electronic means deemed equivalent to originals and binding.

27. Construction and Integration. The headings used herein are for convenience of reference only. This Sublease shall be construed neutrally, and as the commemoration of the mutual assent of both parties, rather than for or against a party. This Sublease constitutes the entire agreement between the parties and expressly supersedes all prior and contemporaneous agreements or understandings, written and oral. This agreement may not be modified except through a writing signed by both parties.

SUBLESSOR:
ALASKA MARINE LINES, INC.

SUBLESSEE:
KNIK CONSTRUCTION CO., INC.

By _____
Its _____

By _____
Its _____

DRAFT

CONSENT TO SUBLEASE

0 Jacobsen Drive, Juneau, LLC, ("Landlord") in that certain Operating Lease (AML Juneau Waterfront Lot, Upland Lot, Dock Lot 8 and Lot 3C) ("Master Lease") dated December 1, 2010, hereby acknowledges and consents to a Sublease dated _____, 2016, between Alaska Marine Lines, Inc. ("Sublessor") and KNIK Construction Co., Inc. ("Sublessee") for:

The use of a portion of the Juneau Waterfront Lot and Lot 3C Rock Dump for the purpose of securing work requiring the need for an asphalt plant.

The Landlord consents to the Sublease provided that:

(i) The Sublessor submits any renewal of the Sublease to the Landlord for approval.

(ii) Nothing within this consent shall be considered as an approval to extend the Sublease.

(iii) The Sublessor shall remain responsible to the Landlord for compliance with all the terms of the Master Lease

Dated this _____ day of _____, 2016.

0 JACOBSEN DRIVE, JUNEAU, LLC

By: _____
Its: Manager

0 Jacobsen Drive, Juneau, LLC

18000 International Blvd., Suite 800

Seattle, WA 98188

206-241-8778

January 25, 2016

Ms. Teri Camery, Senior Planner
City and Borough of Juneau
155 South Seward Street
Juneau, AK 99801

Subject: Asphalt Plant Operations

Dear Ms. Camery:

0 Jacobsen Drive, Juneau, LLC, Gives permission to Alaska Marine Lines, Inc. to sub-lease property owned by 0 Jacobsen Drive, Juneau, LLC, described as has agreed Lot 3c, 4D, 4E, & 4F, Alaska Juneau Subdivision II & III, Plat No. 91-67 of attached map to Knik Construction for their asphalt plant to be located in Juneau. We understand that they will be bidding on potential projects, and once awarded will need to locate one of their asphalt plants to this site for the duration of the project. We have attached a draft lease agreement that we are willing to put into place once the need arises.

Sincerely,



Everett Billingslea

~~Secretary~~ *Manager*

Enclosures

OPERATING LEASE
(AML JUNEAU WATERFRONT LOT, UPLAND LOT, DOCK LOT 8 & LOT 3C)

Date: December 1, 2010

Between: 0 Jacobsen Drive, Juneau, LLC, an Alaska limited liability company
("Landlord")
18000 International Blvd., Suite 800
Seattle, WA 98188

And: Alaska Marine Lines, Inc., a Washington corporation ("Tenant")
5615 W. Marginal Way S.W.
Seattle, WA 98106

Landlord leases to Tenant and Tenant leases from Landlord the following described property (the "Premises") on the terms and conditions stated below: the premises located in the Juneau Recording District, First District of Alaska, and more particularly described on Exhibits A thru D attached hereto.

1. OCCUPANCY

- 1.1. **Original Term.** The term of this lease shall be for a period of approximately seven (7) years commencing December 1, 2009, for the portion of the Premises described on Exhibits A, B and D, and commencing January 1, 2010, for the portion of the Premises described on Exhibit C, and terminating on December 31, 2016, unless sooner terminated or renewed as hereinafter provided.
- 1.2. **Possession.** Tenant's right to possession and obligations under this lease shall commence on the first day of the term, or on such later date as the Premises are available for possession by Tenant if possession is not given on the first day of the term. Landlord shall have no liability for delays in delivery of possession, other than abatement of rent, and Tenant will not have the right to terminate this lease because of delay in delivery of possession except as hereinafter provided.
- 1.3. **Renewal Option.** So long as there have been no material defaults, and if this lease is not in default at the time each option is exercised or at the time the renewal term is to commence, Tenant shall have the option to renew this lease for three (3) additional terms of seven (7) years each, as follows:
 - 1.3.1. The renewal terms shall commence on the day following expiration of the preceding term.
 - 1.3.2. The option may be exercised by written notice to Landlord given not less than 120 days prior to the last day of the expiring term. The giving of such notice shall be sufficient to make this lease binding for the renewal term without further act of the parties. Landlord and Tenant shall then be bound to take the steps required in connection with the determination of rent as specified below.

- 1.3.3. The terms and conditions of this lease for the renewal term shall be the same as for the original term, except for rent and except that Tenant will no longer have any option to renew this lease that has been exercised. Base rent at the commencement of a renewal term shall be reasonable fair market rent for the first year of the renewal term, subsequently escalated pursuant to sections 2.3 and 2.4 below.
- 1.3.4. If do not agree on the fair market rent within 90 days after notice of election to renew, the rent shall be determined by a qualified, independent real property appraiser familiar with commercial rental values in the area. The appraiser shall be chosen by Tenant from a list of not fewer than five such individuals submitted by Landlord. If Tenant does not make the choice within five days after submission of the list, Landlord may do so. If Landlord does not submit such a list within 10 days after written request from Tenant to do so, Tenant may name as an arbitrator any individual with such qualifications. Within 30 days after his/her appointment, the appraiser shall return his/her decision, which shall be final and binding upon both parties. The cost of the appraisal shall be borne equally by both parties.

2. RENT

- 2.1. **Base Rent.** During the first year, Tenant shall pay to Landlord as base rent the sum of **\$123,308.33 per month**. Rent shall be payable on the first day of each month in advance at such place and to such property manager or other agent as may be designated by Landlord from time to time, except that rent for the first month has been paid upon the execution of this lease. Initially, Landlord designates that rent be made payable to Alagnak Holdings, LLC for the benefit of Landlord, delivered in care of its property manager, Douglas Management Company, at 18000 International Blvd., Suite 800 Seattle, WA 98188.
- 2.2. **Additional Rent.** All personal property taxes, insurance costs and utility charges that Tenant may be required to pay by the terms of this lease, as well as any other sum that Tenant is required to pay to Landlord or any third parties shall be additional rent. Tenant shall also pay to Landlord as additional rent all rental and other payments of Landlord under any master ground lease, associated tidelands area lease, right-of-way lease or other obligation of Landlord for which Tenant receives benefit under this lease, increased by a management fee or other reasonable mark-up.
- 2.3. **Escalation.** The base rent shall be increased on January 1 of each year (except for 2010) by 50% of any increase in the Consumer Price Index for All Urban Consumers (CPI-U) (1982-84 = 100) for Western Cities with Populations Over 1,500,000 (the "Index"), but not decreased. The "*Base Index*" shall mean the Index in effect for the month in which the original term commenced, and the "*New Index*" shall mean the current Index in each successive December during the term or any renewal thereof. The increased base rent shall be the original base rent (as adjusted upon each renewal pursuant to Section 2.4 below) multiplied by a fraction, the numerator of which is the New Index and the denominator of which is the Base Index, divided by two.
- 2.4. **FMV Adjustment.** The base rent shall be adjusted upon every renewal, effective on the first January 1 of the given renewal term, to then-current local market rates. If the parties do not agree on the fair market base rent for the renewal term within 90

days after notice of election to renew, each party shall select a qualified, independent real estate professional familiar with commercial rental values in the area to provide a determination the fair market renewal base rent. Formal appraisals are not necessary so long as the professionals' work includes reasonable bases for their conclusions such as fair market value and capitalization rate assumptions. The two renewal base rent determinations shall be averaged to determine the renewal base rent; *provided however*, that if the lower of the two renewal base rent determinations is less than 90% of the higher of the two, then the two real estate professionals shall select a third qualified, independent real estate professional familiar with commercial rental values in the area to provide a determination of the fair market renewal base rent within thirty (30) days. This determination of the fair market renewal base rent shall not be more than the higher or less than the lower of the determinations of the two prior professionals. The cost of the third professional shall be shared equally by Landlord and Tenant.

3. USE OF THE PREMISES

- 3.1. **Permitted Use.** The Premises shall be used for the purposes of a trucking, marine, aircraft, or freight forwarding terminal and related operations or offices, and for no other purpose without the prior written consent of Landlord, which shall not be unreasonably withheld.
- 3.2. **Restrictions on Use.** In connection with the use of the Premises, Tenant shall:
 - 3.2.1. Conform to all applicable laws and regulations of any public authority affecting the Premises and the use, and correct at Tenant's own expense any failure of compliance created through Tenant's fault or by reason of Tenant's use.
 - 3.2.2. Refrain from any activity that would make it impractical or impossible to insure the Premises against casualty, or would increase the insurance rate, unless Tenant pays the additional cost of the insurance.
 - 3.2.3. Refrain from any use that would be reasonably offensive to other tenants or owners or users of neighboring premises or that would tend to create a nuisance or damage the reputation of the Premises.
 - 3.2.4. Refrain from loading the electrical system or floors beyond the point considered safe by a competent engineer or architect selected by Landlord.

4. FIRST REFUSAL

- 4.1. If, at any time during the term of this lease, or any renewal thereof, Landlord chooses to accept any bona fide offer to purchase the Premises or any portion thereof, Tenant shall have the right to purchase the Premises, as described below. Landlord may, in its sole discretion, refuse any such bona fide purchase offer received, without further obligation to Tenant.
 - 4.1.1. Landlord shall immediately notify Tenant of Landlord's receipt of, and intent to accept, a bona fide offer to purchase the Premises and shall immediately provide Tenant with a copy of such offer signed by the offeror, together with

a signed irrevocable written offer of the Landlord to sell the Premises to Tenant upon the same terms and conditions as contained in the offer received by Landlord, except as to the date of closing, which shall be no earlier than sixty (60) days after Tenant's acceptance of Landlord's offer.

- 4.1.2. Tenant shall notify Landlord in writing within thirty (30) days of Tenant's receipt of the documents specified above of its intent to exercise the right to purchase the Premises. Landlord and Tenant shall then immediately execute an agreement of purchase and sale. If Tenant fails to timely notify Landlord of its intent to exercise its right to purchase, Tenant's purchase right shall expire as to the offer to purchase then under consideration only.

5. ENVIRONMENTAL

- 5.1. The term *Environmental Law* shall mean any federal, state, or local statute, regulation, or ordinance or any judicial or other governmental order pertaining to the protection of health, safety or the environment or in anyway regulating or controlling the handling, use, transportation, storage, possession, treatment or disposal of Hazardous Substances. The term *Hazardous Substance* shall mean any hazardous, toxic, ignitable, explosive, corrosive, reactive, carcinogenic, infectious or radioactive substance, waste, and material as defined or listed by any Environmental Law and shall include, without limitation, petroleum oil and its fractions.
- 5.2. Tenant shall not cause or permit any Hazardous Substance to be treated, spilled, leaked, disposed of, or otherwise released on or under the Premises. Tenant may locate, store, use or sell on the Premises only those Hazardous Substances typically stored, transported, used and sold in the prudent and safe operation of the use permitted above. Tenant may store such Hazardous Substances on the Premises, but only in quantities necessary to satisfy Tenant's reasonably anticipated needs, and in the ordinary course of its transportation and warehousing business. Tenant may not use or store on the Premises any Hazardous Substance that is inherently or potentially radioactive, explosive, ignitable, corrosive or reactive, other than petroleum fuels, and that being moved or stored as commercial cargoes, without Landlord's written approval, which Landlord may withhold in Landlord's sole discretion if the quantities used or stored are greater than *de minimis* quantities. Tenant shall comply with all environmental laws and exercise the highest degree of care in the use, handling, and storage of Hazardous Substances, and shall take all practical measures to minimize the quantity and toxicity of Hazardous Substances used, handled or stored on the Premises.
- 5.3. Tenant shall immediately notify Landlord upon becoming aware of the following: (a) any spill, leak, disposal or other release of a Hazardous Substance on, under or adjacent to the Premises; (b) any notice or communication from a governmental agency or any other person relating to any Hazardous Substance on, under or adjacent to the Premises; or (c) any violation of any Environmental Law with respect to the Premises or Tenant's activities on or in connection with the Premises.
- 5.4. In the event of a spill, leak, disposal or other release of a Hazardous Substance on or under the Premises caused by Tenant or any of its contractors, agents or employees or invitees, or the suspicion or threat of the same, Tenant shall: (a) immediately undertake all emergency response necessary to contain, clean up and remove the

released Hazardous Substance; (b) promptly undertake investigatory, remedial removal and other response action necessary or appropriate to insure that any Hazardous Substances contamination is eliminated to Landlord's reasonable satisfaction; and (c) provide Landlord copies of all correspondence with any governmental agency regarding the release (or threatened or suspected release) or the response action, a detailed report documenting all such response action and a certification that any contamination has been eliminated. All such response action shall be performed, all such reports shall be prepared and all such certifications shall be made by an environmental consultant reasonably acceptable to Landlord.

- 5.5. Upon expiration or sooner termination of this lease for any reason, unless otherwise agreed by Landlord, Tenant shall remove all Hazardous Substances and, if requested by Landlord, facilities used for the storage or handling of Hazardous Substances from the Premise and shall restore the affected areas by repairing any damage caused by the installation or removal of the facilities. Following such removal, Tenant shall certify, in writing to Landlord, that all such removal is complete.
- 5.6. Notwithstanding any provision to the contrary, it shall not be unreasonable for Landlord to withhold its consent to any assignment, sublease or other transfer of the Tenant's interest in this lease if a proposed transferee's anticipated use of the Premises involves the generation, storage, use, sale, treatment, release or disposal of any Hazardous Substance.
- 5.7. Tenant shall indemnify, defend and hold harmless Landlord, its employees and agents and the respective successors and assigns of each of them from and against all claims, demands, liabilities, damages, fines, losses, costs (including without limitation the cost of any investigation, remedial, removal or other response action required by Environmental Law) and expenses (including without limitation attorney fees and expert fees in connection with any trial, appeal, petition for review or administrative proceeding) arising out of or in any way relating to the use, treatment, storage, generation, transport, release, leak, spill, disposal or other handling of Hazardous Substances on the Premises by Tenant during the original and any renewal terms of this lease. Tenant's obligations under this section shall survive the expiration or termination of this lease for any reason. Landlord's rights under this section are in addition to and not in lieu of any other rights or remedies to which Landlord may be entitled under this Agreement or otherwise.

6. REPAIRS AND MAINTENANCE

- 6.1. **Landlord's Obligations.** Landlord shall ensure that the following are in good condition on the first day of the term. Thereafter, all repair and maintenance of the following shall be Tenant's responsibility:
 - 6.1.1. Roof and gutters, exterior walls (including painting), bearing walls, structural members, floor slabs, and foundation.
 - 6.1.2. Sidewalks, driveways, curbs, parking areas, and areas used in common by Tenant and Landlord or tenants of other portions of the same building.

6.1.3. Exterior water, sewage, gas, and electrical services up to the point of entry to the leased Premises.

6.1.4. Heating and air conditioning systems.

6.2. **Tenant's Obligations.** The following shall be the responsibility of Tenant:

6.2.1. Repair of interior walls, ceilings, doors, windows, and related hardware, light fixtures, switches, and wiring and plumbing from the point of entry to the Premises.

6.2.2. Any repairs necessitated by the negligence of Tenant, its agents, employees, and invitees.

6.2.3. Any repairs or alterations required to comply with laws and regulations.

6.3. **Reimbursement for Repairs Assumed.** If Tenant fails or refuses to make repairs that are required, Landlord may make the repairs and charge the actual costs of repairs to Tenant. Such expenditures by Landlord shall be reimbursed by Tenant on demand together with interest at the rate of 12% per annum from the date of expenditure by Landlord. Tenant shall have neither right to an abatement of rent nor any claim against Landlord for any inconvenience or disturbance resulting from Landlord's activities.

6.4. **Inspection of Premises.** Landlord shall have the right to inspect the Premises at any reasonable time or times.

7. ALTERATIONS

7.1. **Alterations Prohibited.** Tenant shall make no improvements or alterations on the Premises of any kind without first obtaining Landlord's written consent, which consent shall not be unreasonably withheld. All alterations shall be made in a good and workmanlike manner and in compliance with applicable laws and building codes.

7.2. **Ownership and Removal of Alterations.** All improvements and alterations performed on the Premises by either Landlord or Tenant shall be the property of Landlord when installed unless Landlord specifically provides otherwise. Improvements and alterations installed by Tenant shall, at Landlord's option, be removed by Tenant and the Premises restored.

8. LIABILITY AND INDEMNITY

8.1. **Liens.** Tenant shall pay as due all claims for work done on and for services rendered or material furnished to the Premises, and shall keep the Premises free from any liens. If Tenant fails to pay any such claims or to discharge any lien, Landlord may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of 12% per annum from the date expended by Landlord and shall be payable on demand. Such action by Landlord shall not constitute a waiver of any right or remedy which Landlord may have on account of Tenant's default.

- 8.2. **Indemnification.** Tenant shall indemnify and defend Landlord from any claim, loss, or liability arising out of or related to any activity of Tenant on the Premises or any condition of the Premises in the possession or under the control of Tenant. Landlord shall have no liability to Tenant for any injury, loss, or damage caused by third parties, or by any condition of the Premises.

9. INSURANCE

During the term of this lease Tenant shall carry, at Tenant's cost, (i) comprehensive general liability insurance with limits of not less than \$5,000,000 per occurrence covering all risks arising directly or indirectly out of Tenant's activities on or any condition of the Premises whether or not related to an occurrence caused or contributed to by Landlord's negligence, and protecting Tenant against the claims of Landlord under the indemnity obligations assumed by Tenant in this lease, and naming Landlord and its affiliates as additional insureds; (ii) property damage and fire insurance for the replacement value of the buildings on the Premises and on Tenant's personal property located on the Premises, including flood and earthquake coverage if requested by Landlord, all naming Landlord as an additional insured; (iii) worker's compensation insurance in accordance with applicable law as well as employer's liability coverage of not less than \$1,000,000, and, if applicable, long shore and harbor workers' coverage, and including a waiver of subrogation in favor of Landlord and its affiliates; and (iv) such other insurance or endorsements as Landlord or its lender may require. Any of the required insurances shall name Landlord's lender and affiliates as additional insureds and waive subrogation in favor of Landlord's lender and affiliates, upon Landlord's request. Certificates evidencing such insurance and bearing endorsements requiring 30 days' written notice to Landlord prior to any decrease in limits or cancellation shall be furnished to Landlord upon request. All references to Landlord's affiliates shall include Landlord's property manager.

10. TAXES AND UTILITIES

- 10.1. **Property Taxes.** Tenant shall pay as due all taxes on its personal property located on the Premises. Tenant shall pay as additional rent all real property taxes and special assessments levied against the Premises. As used herein, real property taxes include any fee or charge relating to the ownership, use, or rental of the Premises, other than taxes on the net income of Landlord or Tenant.
- 10.2. **Special Assessments.** If an assessment for a public improvement is made against the Premises, Landlord may elect to cause such assessment to be paid in installments, in which case all of the installments payable with respect to the lease term shall be treated the same as general real property taxes.
- 10.3. **Contest of Taxes.** Tenant shall be permitted to contest the amount of any tax or assessment as long as such contest is conducted in a manner that does not cause any risk that Landlord's interest in the Premises will be foreclosed for nonpayment.
- 10.4. **Payment of Utilities Charges.** Tenant shall pay when due all charges for services and utilities incurred in connection with the use, occupancy, operation, and maintenance of the Premises, including, but not limited to, charges for fuel, water, gas, electricity, sewage disposal, power, refrigeration, air conditioning, telephone, and janitorial services. If any utility services are provided by or through Landlord, charges to Tenant shall be comparable with prevailing rates for comparable services.

If the charges are not separately metered or stated, Landlord shall apportion the charges on an equitable basis, and Tenant shall pay its apportioned share on demand.

11. DAMAGE AND DESTRUCTION

- 11.1. **Partial Damage.** If the Premises are partly damaged and the subsection immediately below does not apply, the Premises shall be repaired by Tenant at Tenant's expense. Repairs shall be accomplished with all reasonable dispatch.
- 11.2. **Destruction.** If the Premises are destroyed or damaged such that the cost of repair exceeds 50% of the value of the structure before the damage, Landlord may elect to terminate this lease as of the date of the damage or destruction by notice given to Tenant in writing not more than 45 days following the date of damage. In such event all rights and obligations of the parties shall cease as of the date of termination, and Tenant shall be entitled to the reimbursement of any prepaid amounts paid by Tenant and attributable to the anticipated term. If Landlord elects not to terminate, Tenant shall proceed at Tenant's expense to restore the Premises to substantially the same form as prior to the damage or destruction. Work shall be commenced as soon as reasonably possible and thereafter shall proceed without interruption except for work stoppages on account of labor disputes and matters beyond Tenant's reasonable control.
- 11.3. **Rent Abatement.** Rent shall be abated during the repair of any damage to the extent the Premises are untenantable, except that there shall be no rent abatement where the damage occurred as the result of the fault of Tenant.

12. EMINENT DOMAIN

- 12.1. **Partial Taking.** If a portion of the Premises is condemned and Section 12.2 does not apply, this lease shall continue on the following terms:
 - 12.1.1. Landlord shall be entitled to all of the proceeds of condemnation; Tenant shall have no claim against Landlord as a result of the condemnation.
 - 12.1.2. Landlord shall proceed as soon as reasonably possible to make such repairs and alterations to the Premises as are necessary to restore the remaining Premises to a condition as comparable as reasonably practicable to that existing at the time of the condemnation.
 - 12.1.3. After the date on which title vests in the condemning authority or an earlier date on which alterations or repairs are commenced by Landlord to restore the balance of the Premises in anticipation of taking, the rent shall be reduced in proportion to the reduction in value of the Premises as an economic unit on account of the partial taking. If the parties are unable to agree on the amount of the reduction of rent, the amount shall be determined by arbitration in the manner provided below.
- 12.2. **Total Taking.** If a condemning authority takes all of the Premises or a portion sufficient to render the remaining Premises reasonably unsuitable for the use that Tenant was then making of the Premises, this lease shall terminate as of the date the title vests in the condemning authorities. Such termination shall have the same effect

as termination by Landlord under Section 11.2. Landlord shall be entitled to all of the proceeds of condemnation, and Tenant shall have no claim against Landlord as a result of the condemnation.

- 12.3. **Sale in Lieu of Condemnation.** Sale of all or part of the Premises to a purchaser with the power of eminent domain in the face of a threat or probability of the exercise of the power shall be treated as a taking by condemnation.

13. ASSIGNMENT AND SUBLETTING

No part of the Premises may be assigned, mortgaged, or subleased, nor may a right of use of any portion of the Premises be conferred on any third person by any other means, without the prior written consent of Landlord. In the event Landlord consents to an assignment at any time during this lease, Tenant shall continue to remain liable to Landlord under the terms of this lease, unless otherwise agreed in writing. This provision shall apply to all transfers by operation of law. If Tenant is a corporation, LLC, or partnership, this provision shall apply to any transfer of a majority voting interest in stock or ownership interest of Tenant. No consent in one instance shall prevent the provision from applying to a subsequent instance. Landlord may withhold or condition such consent in its sole and arbitrary discretion.

14. DEFAULT

The following shall be events of default:

- 14.1. **Default in Rent.** Failure of Tenant to pay any rent or other charge within ten (10) days after it is due.
- 14.2. **Default in Other Covenants.** Failure of Tenant to comply with any term or condition or fulfill any obligation of this lease (other than the payment of rent or other charges) within twenty (20) days after written notice by Landlord specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied within the 20-day period, Tenant shall be in compliance with this provision if Tenant begins correction of the default within the 20-day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable.
- 14.3. **Insolvency.** Insolvency of Tenant; an assignment by Tenant for the benefit of creditors; the filing by Tenant of a voluntary petition in bankruptcy; an adjudication that Tenant is bankrupt or the appointment of a receiver of the properties of Tenant; the filing of any involuntary petition of bankruptcy and failure of Tenant to secure a dismissal of the petition within 30 days after filing; attachment of or the levying of execution on the leasehold interest and failure of Tenant to secure discharge of the attachment or release of the levy of execution within 10 days shall each constitute a default. If Tenant consists of two or more individuals or business entities, the events of default specified in this subsection shall apply to each individual unless within 10 days after an event of default occurs, the remaining individuals produce evidence satisfactory to Landlord that they have unconditionally acquired the interest of the one causing the default. If this lease has been assigned, the events of default specified shall apply only with respect to the entity then exercising the rights of Tenant under this lease.

- 14.4. **Abandonment.** Failure of Tenant for thirty (30) days or more to occupy the Premises for one or more of the purposes permitted under this lease, unless such failure is excused under other provisions of this lease, shall constitute abandonment.

15. REMEDIES OF DEFAULT

- 15.1. **Termination.** In the event of a default this lease may be terminated at the option of Landlord by written notice to Tenant. Whether or not this lease is terminated by the election of Landlord or otherwise, Landlord shall be entitled to recover damages from Tenant for the default, and Landlord may reenter, take possession of the Premises, and remove any persons or property by legal action or by self-help with the use of reasonable force and without liability for damages and without having accepted a surrender.

- 15.2. **Reletting.** Following reentry or abandonment, Landlord may relet the Premises and in that connection may make any suitable alterations or refurbish the Premises, or both, or change the character or use of the Premises, but Landlord shall not be required to relet for any use or purpose other than that specified in this lease or which Landlord may reasonably consider injurious to the Premises, or to any tenant that Landlord may reasonably consider objectionable. Landlord may relet all or part of the Premises, alone or in conjunction with other properties, for a term longer or shorter than the term of this lease, upon any reasonable terms and conditions, including the granting of some rent-free occupancy or other rent concessions.

- 15.3. **Damages.** In the event of termination or retaking of possession following default, Landlord shall be entitled to recover immediately, without waiting until the due date of any future rent or until the date fixed for expiration of the lease term, the following amounts as damages:

15.3.1. The loss of rental from the date of default until a new tenant is, or with the exercise of reasonable efforts could have been, secured and paying rent.

15.3.2. The reasonable costs of reentry and reletting including without limitation the cost of any cleanup, refurbishing, removal of Tenant's property and fixtures, costs incurred under Section 15.5, or any other expense occasioned by Tenant's default including but not limited to, any remodeling or repair costs, attorney fees, court costs, broker commissions, and advertising costs.

15.3.3. Any excess of the value of the rent and all of Tenant's other obligations under this lease over the reasonable expected return from the Premises for the period commencing on the date the Premises are relet, and continuing through the end of the term. The present value of future amounts will be computed using a discount rate equal to the prime loan rate of major Washington banks in effect on the date the Premises are relet.

- 15.4. **Right to Sue More than Once.** Landlord may sue periodically to recover damages during the period corresponding to the remainder of the lease term, and no action for damages shall bar a later action for damages subsequently.

- 15.5. **Landlord's Right to Cure Defaults.** If Tenant fails to perform any obligation under this lease, Landlord shall have the option to do so after ten (10) days' written notice

to Tenant. All of Landlord's expenditures to correct the default shall be reimbursed by Tenant on demand with interest at the rate of twelve percent (12%) per annum from the date of expenditure by Landlord. Such action by Landlord shall not waive any other remedies available to Landlord because of the default.

- 15.6. **Remedies Cumulative.** The foregoing remedies shall be in addition to and shall not exclude any other remedy available to Landlord under applicable law.

16. SURRENDER AT EXPIRATION

- 16.1. **Condition of Premises.** Upon expiration of the lease term or earlier termination, Tenant shall deliver all keys to Landlord and surrender the Premises in first-class condition and broom clean. Alterations constructed by Tenant with permission from Landlord shall not be removed or restored to the original condition unless the terms of the permission for the alteration so require. Depreciation and wear from ordinary use for the purpose for which the Premises are leased shall be excepted, but repairs for which Tenant is responsible shall be completed to the latest practical date prior to such surrender. Tenant's obligations under this section shall be subordinate to the provisions of Section 11 relating to destruction.

16.2. Fixtures

- 16.2.1. All fixtures placed upon the Premises during the term, other than Tenant's trade fixtures, shall, at Landlord's option, become the property of Landlord. If Landlord so elects, Tenant shall remove any or all fixtures that would otherwise remain the property of Landlord, and shall repair any physical damage resulting from the removal. If Tenant fails to remove such fixtures, Landlord may do so and charge the cost to Tenant with interest at the rate of twelve percent (12%) per annum from the date of expenditure.
- 16.2.2. Prior to expiration or other termination of the lease term Tenant shall remove all furnishings, furniture, and trade fixtures that remain its property. If Tenant fails to do so, this shall be an abandonment of the property, and Landlord may retain the property and all rights of Tenant with respect to it shall cease or, by notice in writing given to Tenant within twenty (20) days after removal was required, Landlord may elect to hold Tenant to its obligation of removal. If Landlord elects to require Tenant to remove, Landlord may effect a removal and place the property in public storage for Tenant's account. Tenant shall be liable to Landlord for the cost of removal, transportation to storage, and storage, with interest at the rate of twelve percent (12%) per annum on all such expenses from the date of expenditure by Landlord.

16.3. Holdover

- 16.3.1. If Tenant does not vacate the Premises at the time required, Landlord shall have the option to treat Tenant as a tenant from month to month, subject to all of the provisions of this lease except the provisions for term and renewal subject to a rental rate equal to one hundred fifty percent (150%) of the rent last paid by Tenant during the original term, or to eject Tenant from the Premises and recover damages caused by wrongful holdover. Failure of Tenant to remove fixtures, furniture, furnishings, or trade fixtures that Tenant

is required to remove under this lease shall constitute a failure to vacate to which this section shall apply, if the property not removed will substantially interfere with occupancy of the Premises by another tenant or with occupancy by Landlord for any purpose including preparation for a new tenant.

- 16.3.2. If a month-to-month tenancy results from a holdover by Tenant, the tenancy shall be terminable at the end of any monthly rental period on written notice from Landlord given not less than ten (10) days prior to the termination date which shall be specified in the notice. Tenant waives any notice that would otherwise be provided by law with respect to a month-to-month tenancy.

17. QUIET ENJOYMENT AND MORTGAGE PRIORITY

- 17.1. This lease is and shall be prior to any mortgage or deed of trust ("*Encumbrance*") recorded after the date of this lease and affecting the Premises. However, if any Lender holding such an Encumbrance requires that this lease be subordinate to the Encumbrance, then Tenant agrees to execute the written agreement and any other documents required by the holder of the Encumbrance. If the Premises are sold as a result of foreclosure of any Encumbrance thereon or otherwise transferred by Landlord any successor, Tenant agrees to attorn to the purchaser or transferee.
- 17.2. **Estoppel Certificate.** Either party will, within twenty (20) days after notice from the other, execute and deliver to the other party a certificate stating whether or not this lease has been modified and is in full force and effect and specifying any modifications or alleged breaches by the other party. The certificate shall also state the amount of monthly base rent, the dates to which rent has been paid in advance, and the amount of any security deposit or prepaid rent. Failure to deliver the certificate within the specified time shall be conclusive upon the party from whom the certificate was requested that this lease was in full force and effect and has not been modified except as represented in the notice requesting the certificate.

18. MISCELLANEOUS

- 18.1. **Nonwaiver.** Waiver by either party of strict performance of any provision of this lease shall not be a waiver of or prejudice the party's right to require strict performance of the same or any other provision in the future.
- 18.2. **Attorney Fees.** If arbitration, suit or action is instituted in connection with any controversy arising out of this lease, the prevailing party shall be entitled to recover, in addition to costs, such sum as the court may adjudge reasonable as attorney fees at trial, arbitration, on petition for review, and on appeal.
- 18.3. **Notices.** Any notice required or permitted under this lease shall be given when actually delivered or forty-eight (48) hours after deposited in United States mail as certified mail, by overnight courier, or hand delivery addressed to the address first given in this lease or to such other address as may be specified from time to time by either of the parties in writing.

- 18.4. **Succession.** Subject to the above-stated limitations on transfer of Tenant's interest, this lease shall be binding on and inure to the benefit of the parties and their respective successors and assigns.
- 18.5. **Recordation.** Neither this lease nor a memorandum hereof shall be recorded without the written consent of Landlord.
- 18.6. **Entry for Inspection.** Landlord shall have the right to enter upon the Premises at any time to determine Tenant's compliance with this lease, to make necessary repairs to the building or to the Premises, or to show the Premises to any prospective tenant or purchaser, and in addition shall have the right, at any time during the last two months of the term of this lease, to place and maintain upon the Premises notices for leasing or selling of the Premises.
- 18.7. **Interest on Rent and Other Charges.** Any rent or other payment required of Tenant by this lease shall, if not paid within ten (10) days after it is due, bear interest at the rate of twelve percent (12%) per annum (but not in any event at a rate greater than the maximum rate of interest permitted by law) from the due date until paid, as additional rent. In addition, if Tenant fails to make any rent or other payment required by this lease to be paid to Landlord within five days after it is due, Landlord may elect to impose a late charge of five cents per dollar of the overdue payment to reimburse Landlord for the costs of collecting the overdue payment. Tenant shall pay the late charge upon demand by Landlord as additional rent. Landlord may levy and collect such late charge in addition to all other remedies available for Tenant's default, and collection of a late charge shall not waive the breach caused by the late payment.
- 18.8. **Proration of Rent.** In the event of commencement or termination of this lease at a time other than the beginning or end of one of the specified rental periods, then the rent shall be prorated as of the date of commencement or termination and in the event of termination for reasons other than default, all prepaid rent shall be refunded to Tenant or paid on its account.
- 18.9. **Time of Essence.** Time is of the essence of the performance of each of Tenant's obligations under this lease.
- 18.10. **Authority to Convey Fee Title.** Landlord retains the absolute and unconditional right to convey fee title in the Premises, or an interest or estate therein, subject to this lease and the interest of any subtenant under this lease.

19. ARBITRATION

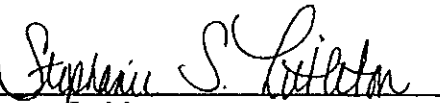
- 19.1. **Disputes to Be Arbitrated.** If any dispute arises between the parties either party may request arbitration. If the parties cannot agree on a single arbitrator within ten (10) days, then either party can appoint as an arbitrator a lawyer familiar with real estate and landlord/tenant law in the state where the Premises are located; provided, however, that such lawyer cannot be associated with a firm that is then performing services for either party or has performed services for either party within two (2) years of the date of arbitration. The other party shall also choose an arbitrator with such qualifications, and the two arbitrators shall choose a third. If the choice of the second or third arbitrator is not made within 10 days of the choosing of the prior

arbitrator, then either party may apply to the presiding judge of the judicial district where the Premises are located to appoint the required arbitrator.

19.2. Procedure for Arbitration. The arbitration shall proceed according to the statutes governing arbitration in the state where the Premises are located, with the rights to discovery as provided in the Rules of Civil Procedure of such state, and the award of the arbitrator shall have the effect therein provided. The arbitration shall take place in King County, Washington, unless the parties agree upon another location.

IN WITNESS WHEREOF, the parties hereto have executed this lease the date and year first above written.

Landlord:
0 JACOBSEN DRIVE, JUNEAU, LLC

By 
Its Manager

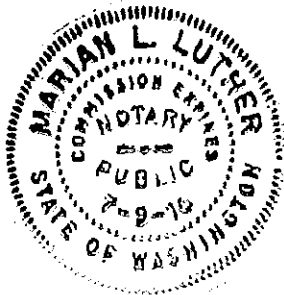
Tenant:
ALASKA MARINE LINES, INC.

By 
Its Secretary

STATE OF WASHINGTON)
) ss.
 COUNTY OF KING)

On this 1st day of December, 2009, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Stephanie Littleton to me known to be the Manager of 0 Jacobsen Drive, Juneau, LLC, the company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.



Notary Public in and for the State
 of Washington, residing at Kirkland, WA

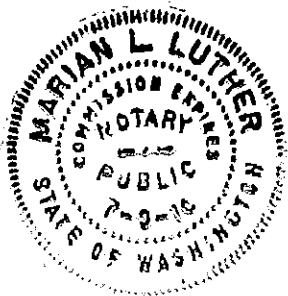
Marian L. Luther

My commission expires: 7-9-10

STATE OF WASHINGTON)
) ss.
 COUNTY OF KING)

On this 1st day of January, 2009, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Everett H. Billingslea to me known to be the Secretary of Alaska Marine Lines, Inc., the company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.



Notary Public in and for the State
 of Washington, residing at Kirkland, WA

Marian L. Luther

My commission expires: 7-9-10

**EXHIBIT A
TO
OPERATING LEASE**

(AML JUNEAU WATERFRONT LOT)

Lots 4D, 4E and 4F, Alaska Juneau Subdivision II, Plat No. 91-67 a re-subdivision of Lot 4, Alaska Juneau Subdivision, Plat No. 90-62, Records of the Juneau Recording District, First Judicial District, State of Alaska.

...Including the buildings, in-ground truck scales, foundations, fill material, underground storage tanks, pavement, docks, ramps, conveyors, railroad tracks, and other fixtures that may be located thereon.

**EXHIBIT B
TO
OPERATING LEASE**

(AML JUNEAU UPLAND LOT)

Lot 4A, Block A, Resubdivision of Lots 3 & 4, Block A, ALASKA JUNEAU Subdivision V, according to the official plat thereof, filed under Plat Number 2000-6, Records of the JUNEAU Recording District, FIRST District, State of ALASKA.

Lot 5, Block A, ALASKA JUNEAU Subdivision V, according to the official plat thereof, filed under Plat Number 99-46, Records of the JUNEAU Recording District, FIRST District, State of ALASKA.

Lot 6, Block A, ALASKA JUNEAU Subdivision V, according to the official plat thereof, filed under Plat Number 99-46, Records of the JUNEAU Recording District, FIRST District, State of ALASKA.

Lot 7, Block A, ALASKA JUNEAU Subdivision V, according to the official plat thereof, filed under Plat Number 99-46, Records of the JUNEAU Recording District, FIRST District, State of ALASKA.

...Including the buildings, in-ground truck scales, foundations, fill material, underground storage tanks, pavement, docks, ramps, conveyors, railroad tracks, and other fixtures that may be located thereon.

**EXHIBIT C
TO
OPERATING LEASE**

.(AML JUNEAU DOCK LOT 8)

Lot 8, Block A, Alaska Juneau Subdivision V, a subdivision of Lots 3A-1A & 3B-1, Alaska Juneau Subdivision IV, according to the official Plat thereof, recorded under Plat No. 99-46, Juneau Recording District, First Judicial District, State of Alaska.

...Including the buildings, in-ground truck scales, foundations, fill material, underground storage tanks, pavement, docks, ramps, conveyors, railroad tracks, and other fixtures that may be located thereon.

**EXHIBIT D
TO
OPERATING LEASE**

. (AML JUNEAU LOT 3C)

Lot 3C, Alaska Junenu Subdivision III-A, according to the official Plat thereof, recorded under Plat No. 96-17, Juneau Recording District, First Judicial District, State of Alaska.

...Including the buildings, in-ground truck scales, foundations, fill material, underground storage tanks, pavement, docks, ramps, conveyors, railroad tracks, and other fixtures that may be located thereon.

Example of typical dust control plan - proposed Juneau operation

MG3 – Asphalt Plant Minor General Permit – Final Revision 1

Appendix B: Fugitive Dust Control Plan

Please note, it is the responsibility of the Permittee to ensure that no part of their fugitive dust control plan violates any local, state, or federal law.

Section 1 – General Information

1-A Facility Information	
Company Name:	Knik Constuction Co. - plant rented to Alaska Interstate Construcion
Plant Name:	Knik Astec Mobile Plant II
Permit No.:	AQ1322MG301.1
1-B Contacts	
Report the names, address, and phone numbers of persons and owners or operators responsible for the implementation of the Dust Control Plan and responsible for the dust generating operation and dust control applications.	
<i>Responsible Official</i> (authorized under 18 AAC 50.990(93))	
Name:	Parry Rekers, Vice President
Phone Number:	206-439-5560
<i>On-site Manager/Operator or Point of Contact</i> (if different from above)	
Name:	Dan Meng
Phone Number:	907-545-1232
1-C Recordkeeping and Reporting	
Keep copy of Fugitive Dust Control Plan on-site at all times.	
Keep records of deviations from dust plan, reasons for the deviation, and corrective actions taken for at least five years.	

Section 2 – Fugitive Emission Points

2-A Fugitive Emission Points	
Identify the relative locations of actual and potential sources of fugitive dust emissions.	
☒ Bulk material handling and storage areas. ☒ Paved and unpaved access roads, haul roads, traffic areas, and equipment storage yards. ☒ Exit points where carryout and trackout onto paved public roads may occur. ☒ Water supply locations if water application will be used for controlling visible dust emissions. ☐ Rock crushing operations. ☐ Screening ☐ Conveyors ☐ Fines Screening ☒ Asphalt plant operations ☒ Screening ☒ Conveyors ☒ Baghouse Catch ☐ Drum Mixer Discharge ☐ Hot mix storage silo receiving point	
2-B Comments – Fugitive Emission Points	

Section 3 – Control of Fugitive Dust Sources

3-A Control of Fugitive Dust Sources

Check any boxes that apply. Checked boxes represent methods that will be used *as needed*.

Active Operations

- ☒ Water will be applied to dry areas during leveling, grading, trenching, and earthmoving activities.
- ☐ Wind barriers will be constructed and maintained, and water or dust suppressants will be applied to the disturbed surface areas.

Inactive Operations, including after work hours, weekends, and holidays

- ☐ Not applicable for this project (Please explain why in Section 3-C).
- ☐ Water or dust suppressants will be applied on disturbed surface areas to form a visible crust, and vehicle access will be restricted to maintain the visible crust.

Sites Inactive for Seven or More Days

- ☐ Not applicable for this project (Please explain why in Section 3-C).
- ☒ Vehicle access will be restricted and water/dust suppressants will be applied at all un-vegetated areas.
- ☐ Vegetation will be established on all previously disturbed areas.
- ☐ Gravel will be applied and maintained at all previously disturbed areas.
- ☐ Previously disturbed areas will be paved.

Unpaved Access and Haul Roads, Traffic and Equipment Storage Areas

- ☐ Not applicable for this project (Please explain why in Section 3-C).
- ☒ Apply water or dust suppressants to unpaved haul and access roads.
- ☐ Post speed limit signs of not more than 15 mph at each entrance, and again every 500 ft.
- ☒ Water or dust suppressants will be applied to vehicle traffic and equipment storage areas.

Wind Events

- ☒ Water application equipment will apply water to control fugitive dust during wind events, unless unsafe to do so. Outdoor construction activities that disturb the soil will cease whenever visible dust emissions cannot be effectively controlled.

3-B Bulk Materials

Check any boxes that apply. Checked boxes represent methods that will be used *as needed*.

Outdoor Handling of Bulk Materials

- ☒ Water or dust suppressants will be applied when handling bulk materials.
- ☐ Wind barriers with less than 50 percent porosity will be installed and maintained, and water or dust suppressants will be applied.

Outdoor Storage of Bulk Materials

- ☒ Water or dust suppressants will be applied to storage piles.
- ☐ Storage piles will be covered with tarps, plastic, or other suitable material and anchored in such a manner that prevents the cover from being removed by wind actions.
- ☐ Wind barriers with less than 50 percent porosity will be installed and maintained around the storage piles and water or dust suppressants will be applied.
- ☐ A three-sided structure (< 50% porosity) will be used that is at least as high as the storage piles.

On-Site Transporting of Bulk Materials

- ☒ Vehicle speed will be limited on the work site.
- ☒ All haul trucks will be loaded such that the freeboard is not less than six inches when transported across any paved public access road.
- ☐ A sufficient amount of water will be applied to the top of the load to limit visible dust emissions.
- ☐ Haul trucks will be covered with a tarp or other suitable cover.

Section 3 – Control of Fugitive Dust Sources (cont.)

3-B Bulk Materials - continued

Off-Site Transporting of Bulk Materials

- ☐ No bulk materials will be transported to or from the project site.
- ☒ Materials for transport will be wetted as needed.
- ☐ Covers will be used, as needed. Some or all of the following will be used as necessary:
- The interior of emptied truck cargo compartments will be cleaned or covered before leaving the site.
 - Spillage or loss of bulk materials from holes or other openings in the cargo compartment's floor, sides, and tailgates will be prevented.
 - Haul trucks will be covered with a tarp or other suitable cover or will be loaded such that the freeboard is not less than six inches when transported on any paved public access road to or from the project site.

Outdoor Transport using a Chute or Conveyor

- ☐ No chutes or conveyors will be used.
- ☐ Chute or conveyor will be fully enclosed.
- ☒ Water spray equipment will be used to sufficiently wet the materials.
- ☐ Transported materials will be washed or screened to remove fines (PM-10 or smaller).

3-C Comments – Control of Fugitive Dust Sources

Section 4 – Dust Control Methods

4-A Water Application

Complete this section if water application will be used as a control method for limiting visible dust emissions and stabilizing surface areas. Check and answer everything that applies. Checked boxes represent methods that will be used *as needed*.

Water Application Equipment:

☐ Sprinklers:

Describe the activities that will utilize sprinklers: _____

☒ Water Truck, ☐ Water Trailer, ☐ Water Wagon, ☐ Other: _____

Describe the activities that will utilize this equipment: _____

Water application equipment is available to operate after normal working hours, on weekends, and holiday.

After-hours contact: Dan Meng Phone number: 907-454-1232

Water Supply (as needed):

☐ Fire hydrants. Obtain necessary approval to use specific hydrants.

☐ Storage tanks Number and capacity: _____

☐ Wells Number and flow rate: _____

☒ Canal, River, Pond, Lake, etc. Describe: Klawock Lake

Approval granted by the owner or public agency to use their water source for this project.

Owner or Agency: _____

Contact: _____ Phone number: _____

☒ Other: City Hydrant

Section 4 – Dust Control Methods (cont.)

4-B Dust Suppressant Products

Suppressant materials include, but are not limited to: hygroscopic suppressants (road salts), adhesives, petroleum emulsions, polymer emulsions, and bituminous material (road oils).

Copy this section if more than one dust suppressant product will be used.

☐ Not applicable. Only water application will be the control method used.

☐ Applicable.

Product Name: _____

Application Equipment: _____

Number of Application Equipment Available: _____

Attach each of the following information that fully describes this product. Use the checklist below to make sure all information is submitted with this plan.

☐ Product Specifications (MSDS, Product Safety Data Sheet, etc.).

☐ Manufacturer's Usage Instructions (method, frequency, and intensity of application).

☐ Environmental impacts and approvals or certifications related to the appropriate and safe use for ground application.

4-C Other Dust Control Methods

Check the other types of dust control methods that will be implemented at the construction site.

☐ Physical barriers for restricting unauthorized vehicle access:

☐ Fences

☐ Gates

☐ Posts

☐ Berms

☐ Concrete Barriers

☐ Other: _____

☐ Wind barriers – Describe: _____

☐ Posted speed limit signs meet state and Federal Department of Transportation standards.

☐ Posted at 15 miles per hour, ☐ Posted at _____ miles per hour (less than 15 mph)...

☐ Re-establish vegetation for temporarily stabilizing previously disturbed surfaces.

Explain: _____

☐ Apply and maintain gravel:

☐ On haul roads

☐ On access roads

☐ At equipment storage yards

☐ At vehicle traffic areas

☐ For temporarily stabilizing previously disturbed areas.

Explain: _____

☐ Apply pavement – Explain: _____

☐ Other: _____

4-D Comments – Dust Control Methods

Section 5 – Carryout and Trackout

5-A Treatments for Preventing Trackout

Trackout is any material that adheres to vehicle tires and is deposited onto a paved public road or the paved shoulder of a paved public road. Check one or a combination that will apply.

☐ *Grizzly*: Rails, pipes, or grates used to dislodge debris off of vehicles before exiting the site. Extends from the intersection with the paved public road surface for the full width of the unpaved exit surface for the distance of at least 25 feet.

Describe: _____

☒ *Gravel Pad*: A layer of washed gravel at least one inch or larger in diameter, three inches deep, and extends from the intersection with the public paved road surface for the full width of the unpaved exit surface for a distance of at least 50 feet.

Describe: _____

☐ *Paved Surface*: Extends from the intersection with the paved public road surface for the full width of the unpaved access road for at least 100 feet to allow mud and dirt to drop off of vehicles before exiting the site.

Describe: _____

Mud and dirt deposits accumulating on paved interior roads will be removed with sufficient frequency, but not less frequently than once per workday.

Clean-up Frequency: _____

☐ *Wheel Washer*: Uses water to dislodge debris from tires and vehicle undercarriage.

Describe: _____

☐ *Other*: _____

5-B Treatments for Preventing Carryout

Carryout occurs when materials from emptied or loaded haul trucks, vehicles, or trailers falls onto a paved public road or paved shoulder of a paved public road. Check all methods that apply.

☐ No haul trucks will be routinely entering or leaving the project site.

Emptied Haul Trucks:

☐ Interior cargo compartments will be cleaned before leaving the project site.

☐ Cargo compartment will be covered with a tarp or suitable cover before leaving the project site.

Loaded Haul Trucks: Spillage or loss of materials from holes or other opening in the cargo compartment will be prevented when material is transported onto any paved public access road.

☒ Haul trucks will be loaded such that the freeboard is not less than six inches with water applied to the top of the load before leaving the project site.

☐ Cargo compartment and load will be covered with a tarp or suitable cover before leaving the project site.

☐ *Other*: _____

5-C Cleaning up Carryout and Trackout

Clean up Method: Check the method(s) below that will be used for cleaning carryout and trackout.

☒ Manually sweeping and picking up.

☒ Mechanical sweeping with a rotary brush or broom accompanied or preceded by water.

Describe the types of equipment that will be used: _____

☐ Operating a PM10-efficient street sweeper.

Make and Model: _____

☐ Flushing with water – allowed if:

- No curbs or gutters are present.
- Using water will not result as a source of trackout and carryout.
- Using water will not result in adverse impacts on storm water drainage systems.
- Using water will not violate any National Pollutant Discharge Elimination System permit program or Alaska Department of Environmental Conservation, Division of Water Permit.

5-D Comments - Carryout and Trackout

**MULTI-SECTOR GENERAL PERMIT
STORM WATER POLLUTION PREVENTION PLAN**

Prepared for:
**Knik Construction
Juneau Asphalt Plant
Juneau, AK
Location: 58.287917° N, 134.394417° W**



KNIK CONSTRUCTION
6400 South Airpark Place, Suite 1
Anchorage, Alaska 99503
(907) 265-0285

MSGP Tracking Number:	
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SWPPP Preparation Date:
1/11/2016

REVISION LOG

[illegible]

SWPPP PURPOSE AND CONTENTS

This Storm Water Pollution Prevention Plan (SWPPP) for the Knik Construction Juneau Asphalt Plant Facility was developed in accordance with the Alaska Department of Environmental Conservation (ADEC), Wastewater Discharge Authorization Program, Multi-Sector General Permit for Storm Water Discharge Associated with Industrial Activity (MSGP) permit number AKR060000. This general permit covers waters of the United States located in the State of Alaska, except for the Indian Reservation of Metlakatla and the Denali National Park & Preserve. MSGP AKR060000 became effective April 1, 2015 under Alaska Statute 46.03.

The ADEC was granted primacy by the United States Environmental Protection Agency (EPA) and assumed authority of the permit in accordance with 18 AAC 83 on October 31, 2009. This permit complies with the Clean Water Act, 33 U.S.C. 1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4 (CWA).

A SWPPP includes the following elements:

- An assessment and description of existing and potential pollutant sources;
- A site map showing storm water drainage and drainage areas, discharge structures, paved areas and buildings, and areas where storm water could potentially contact pollutants and surface water bodies;
- A list of pollutants that are or have a reasonable potential to be present in storm water discharges in significant amounts; and
- A description of the BMPs that have been or may be implemented to reduce the potential for discharge of significant amounts of pollutants, including operational control and source control BMPs.

BMPs are the physical, structural, operational, or administrative means of providing the appropriate controls. Operational BMPs consist of company policies, operating and maintenance procedures, personnel training, good housekeeping, prohibitions of undesirable practices, and other administrative practices to prevent or reduce pollution of waters of the United States. Source control BMPs are physical, structural, or mechanical devices or structures that are intended to prevent pollutants from entering storm water.

The ADEC administers the Alaska Pollutant Discharge Elimination System (APDES) program in Alaska. This SWPPP was developed in accordance with the requirements of 40 CFR Part 419 and the goals of the EPA guidance manual. The SWPPP outlines the BMPs that will be employed to prevent pollution if storm water is discharged from the site. Appendix A includes the General Location Map. Appendix B contains Site Maps and Best Management Practice Specification. Appendix C contains the 2015 MSGP and Notice of Intent (NOI). Appendix D includes Monitoring and Inspection Forms and will contain monitoring and inspection reports as they are completed. Appendix E contains records of all spills and releases for the past three years.

The SWPPP will be amended whenever there is a change in design, construction, operation, or maintenance at the facility that could have an effect on the discharge of pollutants to waters of the United States. All changes that occur to the plan or the figures will be recorded in the Revisions Log on Page ii of this SWPPP.

A copy of this SWPPP and all appendices will be retained at the facility. It will be available for the ADEC or appropriate regulating agencies. If a member of the public makes a request in writing, the SWPPP will be made available for review. Confidential Business Information (CBI) may not be withheld from regulatory agencies, but may be withheld from the public. All portions of the SWPPP not considered CBI must be provided to the public when requested.

If this SWPPP is considered to be inadequate by the ADEC, it will be modified within 7 calendar days of ADEC inspection or notification by the owner or document preparer.

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1.0 FACILITY DESCRIPTION AND CONTACT INFORMATION

The Knik Construction Juneau Facility is located at 0 Jacobsen Drive in Juneau Alaska (Appendix A). The facility encompasses approximately 10 acres along the Gastineau Channel at the end of Mount Roberts Street.

The primary business at the Knik Construction Juneau Asphalt Plant Facility is asphalt production.

1.1 FACILITY INFORMATION

Facility Information

Name of Facility: Knik Construction Juneau Asphalt Plant

Street: 0 Jacobsen Drive

City: Juneau State: AK ZIP Code: 99801

County or Similar Subdivision: Juneau

Permit Tracking Number: _____ (if covered under a previous permit)

Latitude/Longitude (Use **one** format, and specify method): Decimal Degrees

Latitude: 58.287917° North Latitude Longitude: 132.3994° W Longitude

Method for determining latitude/longitude (check one):

☐ USGS topographic map (specify scale: _____) ☐ EPA Web site ☐ GPS

☒ Other (please specify): Google Earth

Is the facility located in Indian Country? ☐ Yes ☒ No

If yes, name of Reservation, or if not part of a Reservation, indicate "not applicable (NA)." NA

Is this facility considered a Federal Facility? ☐ Yes ☒ No

Estimated area of industrial activity at site exposed to storm water: 10 (acres)

Discharge Information

Does this facility discharge storm water into an MS4? ☐ Yes ☒ No

If yes, name of MS4 operator: _____

Name(s) of water(s) that receive storm water from your facility Gastineau Channel

Are any of your discharges directly into any segment of an "impaired" water?

☐ Yes ☒ No

If Yes, identify name of the impaired water (and segment, if applicable): NA

Identify the pollutant(s) causing the impairment: _____

For pollutants identified, which do you have reason to believe will be present in your discharge? _____

For pollutants identified, which have a completed TMDL? _____

Do you discharge into a receiving water designated as a Tier 2 (or Tier 2.5) water?

☐ Yes ☒ No

Are any of your storm water discharges subject to effluent guidelines? ☒ Yes ☐ No

If Yes, which guidelines apply? Sectors D

Primary SIC Code or 2-letter Activity Code: 2951

(refer to Appendix D of the 2015 MSGP)

Identify your applicable sector and subsector: Sector D – Subsector D1,

Within the asphalt production area, water drains towards the property boundaries toward the south to the Gastineau Channel. There is a water settlement pond that is the discharge location for all storm water. See Appendix B for Maps.

1.2 CONTACT INFORMATION/RESPONSIBLE PARTIES

Facility Owner:

Name: 0 Jacobsen Drive, Juneau, LLC
Address: 209 Mount Roberts Street
City, State, Zip Code: Juneau, AK 99801
Telephone Number: 907-265-0285

Facility Operator:

Name: Knik Construction
Address: 6400 South Airpark
City, State, Zip Code: Anchorage, AK 99502
Telephone Number: 907-543-2969

SWPPP Contact:

Name: Eryn Jones, Environmental Technician
Telephone number: 907-265-0285
Email address: erynk@lynden.com

1.3 STORM WATER POLLUTION PREVENTION TEAM

The pollution prevention team, as outline below, must develop, implement, maintain, revise, and ensure compliance with the facility's SWPPP.

Staff Names	Individual Responsibilities
Facility Manager TBD	Responsible for oversight operations, staff, the SWPPP and permit compliance.
Staff Names	Individual Responsibilities
Eryn Jones Environmental Technician (907)304-9005	Responsible for undertaking routine, monthly visual and annual comprehensive facility inspections and monitoring oversight to ensure SWPPP and permit compliance, storm water runoff management, hazardous material control, spill response and taking corrective action where required.

Inspections will be performed by the Environmental Technician or designated Knik Construction personnel. Inspections are a critical aspect of maintaining and implementing any changes on site in regard to storm water compliance with the ADEC. Routine inspections are the only means of ensuring the reliability and integrity of onsite storm water controls. The Facility Manager will be responsible for ensuring inspections are performed as outlined in Section 5.0 of this SWPPP. A current and easily accessible paper copy of the SWPPP will be maintained by the Environmental

Technician on site.

1.4 ACTIVITIES AT THE FACILITY

The industrial activities performed at the Knik Construction Juneau Asphalt plant include asphalt production and sales. Support activities for the aforementioned industrial activities include heavy equipment storage and maintenance and administrative office support operations.

1.5 GENERAL LOCATION MAP

A general location and vicinity map for this facility is provided in Appendix A.

1.6 SITE MAP(S)

The site map(s) for this facility are included in Appendix B and include the following:

- The size of the property in acres;
- The location and extent of significant structures;
- Directions of storm water flow (arrows);
- Locations of all existing structural control measures;
- Locations of all receiving waters in the immediate vicinity of your facility, indicating if any of the waters are impaired;
- Locations of all storm water conveyances including ditches, pipes, and swales;
- Locations of potential pollutant sources identified under MSGP, Part 5.2.4.2;
- Locations where significant spills or leaks identified under MSGP, Part 5.2.4.3 have occurred;
- Locations of all storm water monitoring points;
- Locations of storm water inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 1, No. 2, etc), indicating if one or more outfalls are to be treated as “substantially identical” under MSGP, Parts 6.2.3, 5.2.6.2, and 7.1.1, and an approximate outline of the areas draining to each outfall;
- Municipal separate storm sewer systems, where your storm water discharges to them;
- Locations and descriptions of all non-storm water discharges identified under MSGP, Part 4.2.10;
- Locations of the following activities where such activities are exposed to precipitation:
 - Fueling stations;
 - Vehicle and equipment maintenance and/or cleaning areas;
 - Liquid storage tanks;
 - Processing and storage areas;
 - Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
 - Transfer areas for substances in bulk;
 - Machinery; and
- Locations and sources of run-on to the site from adjacent property that contains significant quantities of pollutants.

2.0 POTENTIAL POLLUTANT SOURCES

Section 2.1 through 2.5 describe the areas of the facility where industrial materials or activities are exposed to storm water or from which allowable non-storm water discharges are released.

2.1 INDUSTRIAL ACTIVITY AND ASSOCIATED POLLUTANTS

The following is a list of industrial activities exposed to storm water and the pollutants associated with these activities. All significant materials that have been handled, treated, stored, or disposed and exposed to storm water in the three years prior to SWPPP preparation are included below.

Industrial Activity	Associated Pollutants
Asphalt Paving and Roofing Materials	
Outdoor stockpiling of materials	Total suspended solids (TSS), total dissolved solids (TDS) biochemical oxygen demand (BOD5), chemical oxygen demand (COD), oil and grease (O&G), benzene, methylene blue active substances (MBAS), metals, pH
Storage of materials in above ground tanks	TSS, TDS, BOD5, COD, O&G, benzene, MBAS, metals, pH
Transport of materials by a conveyor or front-end loader	TSS, TDS, BOD5, COD, O&G, benzene, MBAS, metals, pH
Support Activities	
Vehicle/Equipment washing and maintenance	Oil, heavy metals, chlorinated solvents, acid/alkaline wastes, ethylene glycol
Outdoor vehicle and equipment storage and parking	Oil, hydraulic fluids, arsenic, heavy metals, organics, fuel
Vehicle and equipment fueling	Gas/diesel fuel, fuel additives, oil, lubricants, heavy metals

2.2 SPILLS AND LEAKS

Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602.

The ADEC Spill Prevention and Response website indicates that there have been no significant spills reported at the facility within the last three years.

Areas of Site Where Potential Spills/Leaks Could Occur

Location	Outfalls
Asphalt plant	Outfall 1

2.3 NON-STORM WATER DISCHARGES DOCUMENTATION

The following pertains to the evaluation of non-storm water discharges and the elimination of any unauthorized non-storm water discharges in accordance with 2015 MSGP Part 5.2.4.4. Each inspection will record the following:

- Date of any evaluation;
- A description of the evaluation criteria used;
- A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
- The different types of non-storm water discharge(s) and source locations;
- The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an APDES permit application was submitted for an unauthorized cooling water discharge.

Section 5.0 of this SWPPP describes the frequency and methodology for all inspections. All completed inspections are stored in Appendix D of this plan.

Allowable Non-Storm Water Discharges

Discharges of non-storm water from certain sources are allowed under this permit. The SWPPP must describe discharge locations and appropriate BMPs for each allowable non-storm water source except firefighting discharges. These locations must be outlined on the site plan drawings on a consistent basis. The Facility Manager must document all allowable non-storm water discharges to meet administrative requirements. Upon discharge, the Facility Manager must note the location of the activity on the site plan drawings and sign and date the note. These locations and drawings may be amended to the SWPPP to suit on site demands.

2.4 SALT STORAGE

There are no storage piles containing salt used for deicing or other commercial or industrial purposes at the Knik Construction Juneau Asphalt Plant.

2.5 SAMPLING DATA SUMMARY

There are no previous storm water discharge sampling data for the Knik Construction Juneau Asphalt Plant. Any available data are to be included in Appendix D.

The MSGP requires quarterly storm water discharge monitoring unless weather conditions, such as dry or frozen conditions, preclude storm water flow. If discharge monitoring is not possible

due to adverse weather, those conditions must be documented on the monitoring report. Quarters are defined as three-month intervals beginning on the first day of January, April, July, and October. If permit coverage begins with less than one month left in a quarter, monitoring shall begin at the start of the next quarter. Discharge monitoring samples will be collected from all outfalls if available.

3.0 STORM WATER CONTROL MEASURES

Sections 3.1 through 3.12 describe storm water control measures installed to meet each of the MSGP's "non-numeric effluent limits" as described in Part 4.2 in the MSGP. Sector specific "non-numeric effluent limits" are discussed in Section 3.7 of this SWPPP.

The development of the housekeeping measures and BMPs explained in the following sections were developed in accordance with EPA's Storm Water Management for Industrial Sites: Developing Pollution Prevention Plans and Best Management Practices. Storm water control measures are identified on the site maps in Appendix B. BMP specifications are also included in Appendix B.

3.1 MINIMIZE EXPOSURE

Areas and activities with pollution potential are listed in sections 2.1 and 2.2 of this SWPPP. These areas and activities have been located to minimize exposure to storm water and precipitation to the extent practical. Listed materials will be protected with storm-resistant coverings to prevent exposure to rain, snow, snowmelt, and runoff.

- Equipment containing coolants, petroleum, oil, and lubricants are staged appropriately;
- Materials that are highly erodible shall be covered when not in use for extended periods of time;
- Fueling operations are conducted by trained staff;
- Fuel storage area is contained;
- Solid waste is collected and disposed off site; and
- Spill response equipment is readily available and stored in specific areas.

3.2 GOOD HOUSEKEEPING

The intent of good housekeeping is to maintain a clean and orderly work environment, which in turn reduces the probability of accidental spills caused by mishandling of equipment and materials. Good housekeeping, therefore, is considered an effective first step in preventing the pollution of storm water. Examples of good housekeeping practices employed at the facility include:

- Maintain a neat and orderly work place;
- Do not let scrap accumulate around work areas;
- Sweep up after each shift;
- Clean up drips and spills promptly;
- Keep containers closed tightly;

- Keep lids and covers on all containers unless you are actively using them;
- Make sure all containers are properly labeled;
- Use drip pans when making product transfers;
- Place drip pans under small leaks until they can be permanently repaired; and
- Protect drip pans from overflowing.

The facility management requires proper material storage in order to prevent the release of substances that may cause storm water pollution. Good housekeeping practices for material storage include the following:

- Store materials out of the weather;
- Do not let industrial materials remain exposed to storm water or snow melt;
- Place materials indoors, under a shelter or roof overhang if possible;
- Do not store materials near a down spout or storm drain;
- Place temporary covers over exposed materials;
- Place a waterproof tarp or other waterproof cover over a material until it can be moved to a more suitable location;
- Check the covered materials regularly to insure the cover is in place;
- Load and unload out of the weather (if possible);
- Use skirts at loading docks; and
- Insure that storm drains in the area are protected from potential spills by placing a mat over them or using absorbent boom around them.

Waste management BMPs at the facility are designed to reduce or eliminate waste coming into contact with storm water. Specific waste management practices include:

- Never using ditches for waste disposal;
- Insuring that all containers are covered;
- Closing dumpster lids;
- Draining fuel storage secondary containment only with approval; and
- Never releasing water if there is sheen on the water or other possible contaminants are observed.

Material inventory practices can reduce the waste that results from overstocking and the disposal of outdated materials. Careful tracking of material inventories can also result in more efficient use of materials. The following material inventory BMPs will be employed at the facility:

- A Safety Data Sheet (SDS) shall be maintained for each product used at the facility;
- Containers will be clearly labeled with the name and type of the contained materials; and
- When appropriate or when otherwise required, containers will be labeled with the contained materials, expiration date, and suggestions for handling, cleanup, and first aid information.

3.3 MAINTENANCE

Preventive maintenance involves the inspection and maintenance of equipment and systems to uncover conditions that could cause breakdowns, and correction of these conditions by adjustment,

repair, or replacement of worn parts before the equipment or systems fail. One goal of a preventive maintenance program is to discover conditions that could result in discharge of pollutants to storm water. The preventive maintenance program at the facility includes inspection and maintenance of the storm water drainage system. The preventive maintenance program involves:

- Identifying equipment and systems which could potentially fail and release hazardous substances;
- Ensuring slopes are graded to drain;
- Adjusting, repairing and replacing parts and equipment where necessary; and
- Cleaning and routine maintenance of storm water systems.

Since inspection records can permit early detection of potential problems, personnel will document inspections in field notebooks as a good preventive maintenance technique. Records are also kept which document spills, leaks, and other discharges, including discharges of reportable quantities of hazardous substances. Copies of completed records and forms will be kept on file at the facility.

All BMPs will be properly maintained. Performing the inspections will ensure that all BMPs are intact and are in fact providing environmental protection from sediment entering into Waters of the United States. All maintenance and repairs will be recorded with dates, deficiencies noted, and the repairs needed.

3.4 SPILL PREVENTION AND RESPONSE

Spill prevention and response provisions include at a minimum:

- Procedures for plainly labeling containers (e.g., “Used Oil,” “Spent Solvents,” etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
- Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases; and
- Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.

Spill prevention and response procedures will be discussed periodically during employee safety meetings to ensure that all personnel understand the procedures. The following specific guidance for spill prevention and response will be provided to all personnel:

- Never hose down a spill;
- Do not wash a spill into a ditch;
- Clean up all leaks, spills, and drips immediately;
- Use absorbents to pick up liquid materials;
- Ensure that all material is picked up;
- Do not leave any residues that storm water runoff might wash away;
- Protect ditches by utilizing absorbent boom or geotextiles; and

- Dispose of all cleanup waste properly by placing it in an appropriate container, covering, labeling, and taking it to the designated storage area.

3.5 EROSION AND SEDIMENT CONTROLS

General erosion and sediment controls required by the APDES MSGP require the facility operator to.

- Stabilize exposed areas;
- Contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation and the resulting discharge of pollutants; and
- Place flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants.

The erosion and sediment controls or BMPs that will be implemented as part of this MSGP may include topographic controls, vegetation buffer/vegetative berms, earthen berms, stabilized construction entrance/exits points, dust controls, stockpile stabilization, and street cleaning. The BMP specifications are included in Appendix B of this SWPPP.

3.6 MANAGEMENT OF RUNOFF

General runoff management procedures specified in the APDES MSGP require the facility operator to divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff, to minimize pollutants in their discharges.

The erosion and sediment controls or BMPs that will be implemented as part of this MSGP are topographic controls, vegetated buffers/vegetated berms, earthen berms, dust control, and street cleaning. The BMP specifications are included in Appendix B of this SWPPP.

3.7 SALT STORAGE PILES OR PILES CONTAINING SALT

There are no storage piles containing salt used for deicing or other commercial or industrial purposes at the Knik Construction Juneau Asphalt Plant.

3.8 MSGP SECTOR-SPECIFIC NON-NUMERIC EFFLUENT LIMITS

Sector D

There are no non-numeric effluent limits specific to Sector D.

3.9 EMPLOYEE TRAINING

An employee storm water training program will be implemented at the facility. All employees who work in areas where industrial material or activities are exposed to storm water will attend training meetings. Training will cover the components of this MSGP SWPPP and will include the following topics:

- Spill response;

- Good housekeeping;
- Material management practices; and
- BMP operations and maintenance.

Employee training will be documented and records will be located at the facility and made available upon request.

3.10 NON-STORM WATER DISCHARGES

Unauthorized

Non-storm water discharges to waters of the United States that are not authorized by an NPDES permit are unlawful and must be eliminated. If inspection or monitoring indicates that unauthorized discharges are occurring, the facility operator shall:

1. Immediately stop the unauthorized discharge if possible;
2. Identify measures to prevent the unauthorized discharge from comingling with storm water or permissible discharges under the APDES MSGP; and
3. Either eliminate the discharge or permit the unauthorized discharge under the appropriate APDES permit for the unauthorized discharge.

See Section 2.3 of this SWPPP for documentation of unauthorized non-storm water discharges and actions taken to eliminate them.

Sector D

There are no Sector D specific unauthorized non-storm water discharges that apply to the Knik Construction Juneau Asphalt Plant.

Authorized

The following non-storm water discharges are authorized under the 2015 MSGP permit (Section 1.2.3, 2015 MSGP) and may occur on the facility:

1. Discharges from fire-fighting activities;
2. Fire hydrant flushing;
3. Potable water, including water line flushing;
4. Uncontaminated air conditioner or compressor condensate;
5. Irrigation drainage;
6. Landscape watering if all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's instructions;
7. Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
8. Routine external building wash down that does not use detergents;
9. Uncontaminated ground water or spring water;
10. Foundation or footing drains where flows are not contaminated with process materials; and
11. Incidental windblown mist from cooling tower that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower.

For each allowable non-storm water source except fire fighting discharges, the SWPPP must include the discharge locations and descriptions of appropriate BMPs for each source. These locations need to be outlined on the site plan drawings on a consistent basis. All allowable non-storm water discharges must be documented to meet administrative requirements. Upon discharge, note the location of the activity on the site plan drawings, date, and sign. These locations and drawings can always be amended to the SWPPP to suit onsite demands.

3.11 WASTE, GARBAGE AND FLOATABLE DEBRIS

Waste, garbage, and floatable debris will be eliminated from storm water discharge by storing garbage in covered dumpsters and other wastes in appropriate storm-proof containers or sealed drums. This includes covering/sealing all drums of waste fluids (e.g. used motor oil). Waste accumulation will be minimized through the regular disposal of accumulated wastes. Litter will be picked up on a regular basis during the operational season. A dumpster is located on the subject property for trash and refuse. A garbage service empties the dumpster on a weekly basis.

3.12 DUST GENERATION AND VEHICLE TRACKING OF INDUSTRIAL MATERIALS

The access road into the facility is Mount Roberts Street, a paved access Road. Gravel stabilized construction entrance/exits will be at the facility access point. Vehicle tracking of industrial materials will be minimized with street cleaning.

Dust control practices within the active mine and material storage areas are accomplished by the following:

- a. Limiting access to the material areas to authorized personnel and equipment;
- b. Adhering to posted vehicle traffic speed of 15 mph throughout the site;
- c. Ensuring that the loader is close to the hauling vehicle during loading operations; and
- d. Instructing operators to slowly tip the loader bucket while loading vehicles.
- e. Covering non-active erodible stockpiles

4.0 SCHEDULES AND PROCEDURES FOR MONITORING

Most precipitation infiltrates before runoff can accumulate on site. It is not expected that runoff will occur except perhaps the most extreme conditions. Any runoff would likely drain into the Gastineau outfalls noted on Figure 2. BMP's will be in place to limit runoff. However, the facility will keep monitoring equipment on site, in preparation for possible sampling opportunities.

The 2015 MSGP requires regular monitoring of storm water discharges. Monitoring includes visual assessment/qualitative monitoring of discharges; indicator/benchmark sampling, and compliance sampling.

Indicator/benchmark sampling and compliance sampling are analytical monitoring. There are five types of analytical monitoring that a facility may have to perform to comply with the 2015 MSGP.

Depending on a facility's specific characteristics, one or more of the following types of monitoring will be required:

1. Quarterly benchmark monitoring
2. Annual effluent limitations guidelines monitoring
3. State specific monitoring

In addition to visual assessment monitoring, the analytical monitoring types required for the facility are quarterly benchmark monitoring, annual effluent limitations guidelines monitoring, and state specific requirements.

The Facility Manager will be trained to sample the storm water by a Qualified Sampler (in accordance with ADEC standards).

In addition the sampling personnel will review and follow the EPA procedures manual NPDES Storm Water Sampling Guidance Document (EPA Office of Water, July 1992). All sampling will be conducted in accordance with 40 CFR 136 as well as 18 AAC 70. The analytical laboratory will conduct analyses in accordance with methods dictated in 10 CFR 136. The following details the necessary sampling required by the general permit.

Any monitoring would be conducted in accordance with Section 7 of the 2015 MSGP. Each outfall must be monitored unless any outfalls are deemed to be substantially identical to another outfall.

4.1 VISUAL ASSESSMENT/QUALITATIVE MONITORING

For every quarter of the permit term, in accordance with Part 6.2 of the 2015 MSGP, the facility must visually assess storm water samples from each outfall for the following parameters:

- Color; example: - milky, brown
- Odor; example: -none, sulfur, decay
- Clarity; example: -clear, opaque
- Floating Solids; example: -present or none
- Settled Solids
- Suspended Solids; example: -present, none, or few
- Foam; example: -present or absent
- Oil Sheen; example: - present or absent
- Other obvious indicators of storm water pollution.

The visual examination will be made during daylight hours. If no storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, or if no runoff is observed during or after the storm event, it will be documented that no runoff occurred.

The examination will be conducted in a well-lit area. When possible, the same individual will carry out the collection and examination of discharges for the entire permit term. Staff will maintain visual examination reports (Appendix D) on site with the SWPPP.

Quarters are defined as follows:

- January 1 – March 31;
- April 1 – June 30;
- July 1 – September 30; and
- October 1 – December 31.

All visual samples required for quarterly visual assessment will be performed during a “measurable storm event,” that results in an actual discharge from the facility or, in the case of snow melt, when a measurable discharge occurs at the facility. In accordance with Part 7.1.3 of the 2015 MSGP, at least one of the quarterly samples will capture snow melt discharge. Grab samples should be collected within the first 30 minutes of the measurable storm event, or if that is not possible, as soon as practicable and provide an explanation why the sample could not be collected in the first 30 minutes. The event from which samples will be collected must be at least 72 hours after the preceding discrete event.

Applicable exceptions to quarterly visual assessments include:

Adverse weather conditions- if adverse weather conditions prevent the collection of samples during the quarter, a substitute sample must be collected during the following storm event. Documentation of rationale for no visual assessment must be included in the SWPPP. Adverse weather conditions include local flooding, high winds, electrical storms, or situations that otherwise make sampling impractical such as drought or extended frozen conditions.

4.1.1 QUARTERLY VISUAL ASSESSMENT DOCUMENTATION

Quarterly visual assessment monitoring must be documented in accordance to Part 6.2.2 of the 2015 MSGP. Documentation must be kept on site with the SWPPP. The Inspection Reports are available in Appendix D. Documentation must include the following information:

- Sample location(s);
- Sample collection date and time, and visual assessment date and time for each sample;
- Personnel collecting the sample and performing visual assessment, and their signatures;
- Nature of the discharge (i.e., runoff or snow melt);
- Results of observations of the storm water discharge- for rainfall record the date of the event, the number of hours in duration, the number of days since the previous measurable storm event; for snow melt identify the date of monitoring;
- Probable sources of any observed storm water contamination;
- If applicable, why it was not possible to take samples within the first 30 minutes.
- Corrective action, if any necessary.

4.2 EFFLUENT LIMITATIONS GUIDELINES MONITORING

A description of the sampling locations, pollutant parameters to be sampled, monitoring schedule and numeric limitations for each applicable sector is outlined in the following tables.

Benchmark Monitoring Requirements

Location	Pollutant Parameters	Monitoring Schedule	Numeric Limitations
Specific Benchmarks - Sector D			
Outfall #1	Total Suspended Solids	Quarterly	100 mg/L
Specific Benchmarks - Sector J			
Outfall #1	Nitrate plus Nitrite Nitrogen	Quarterly	0.68 mg/L
	Total Suspended Solids		100 mg/L

mg/L – milligrams per liter

Effluent Limitations

Location	Pollutant Parameters	Monitoring Schedule	Numeric Limitations
Sector D			
Discharges from asphalt emulsion facilities	Total Suspended Solids	Annually	23.0 mg/L daily maximum 15.0 mg/L 30-day average
	pH		6.5-8.5
	Oil and Grease		15.0 mg/L daily maximum 10 mg/L 30 day average

mg/L – milligrams per liter

Pursuant to part 7.1.7 of the APDES MSGP benchmark monitoring is to be conducted quarterly, however, liquid water is typically not available during the winter. Pursuant to the provisions of §7.1.6 one monitoring event will occur during the April-May-June quarter and one will occur during the July-August-September quarter. An additional monitoring event will occur during snow melt.

4.3 STATE PROVISIONS

The facility is not subject to state monitoring requirements in accordance with the 2015 MSGP part 7.2.5.

Inactive and Unstaffed sites exception (if applicable)

If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring, include information to support this claim.

Monitoring forms and completed monitoring reports are available in Appendix D.

5.0 INSPECTIONS

The 2015 MSGP requires three types of inspections. Routine facility inspections (conducted monthly or quarterly), quarterly visual assessment of storm water discharges as described in Section 4.1, and annual comprehensive site inspections. Records of all inspections will be compiled in Attachment D of this SWPPP. Inspection forms are included in Attachment D.

Routine Facility Inspections

Routine facility inspections must be conducted at least quarterly, though monthly inspections are recommended. In accordance with section 4.1.1 of the MSGP, the inspection schedule must be included in this SWPPP. Routine inspections will be conducted on the first Monday of each month. At least once each calendar year, the routine facility inspection must be conducted during a period when storm water discharge is occurring. To accommodate this requirement, a routine facility inspection will be conducted during the first significant rain event of the summer. If an inspection has already been completed for the month at the time of this storm event inspection, then this inspection will be in addition to the normally scheduled inspection. If the regularly scheduled inspection has not yet been completed, this inspection will replace the normally scheduled inspection.

Routine facility inspections must include the documentation of:

- The inspection time and date;
- The name(s) and signature(s) of the inspector(s);
- Weather information and a description of any discharges occurring at the time of the inspection;
- Any previously unidentified discharges of pollutants from the site;
- Any control measures needing maintenance or repairs;
- Any failed control measures that need replacement;
- Any incidents of noncompliance observed; and
- Any additional control measures needed to comply with permit requirements.

Routine facility inspections must be conducted by qualified personnel. Exceptions to routine facility inspections are included in section 6.1.3 of the MSGP.

Comprehensive Site Inspections

In accordance with section 6.3 of the MSGP, a comprehensive site inspection must be conducted once per year by a qualified person with at least one member of the storm water pollution prevention team. For simplicity and thoroughness, each routine facility site inspection will include all of the requirements of the comprehensive site inspection. At least one of the summer comprehensive site inspections will be conducted by a qualified person along with a member of the storm water pollution prevention team.

The following must be inspected during a comprehensive site inspection:

- Industrial materials, residue, or trash that may have or could come into contact with storm water;
- Leaks or spills from industrial equipment, drums, tanks, or other containers;
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;

- Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas; and
- Control measures needing replacement, maintenance, or repair.

The following documentation of each comprehensive site inspection must be maintained onsite with the SWPPP and submitted with the annual report required in part 9.2 of the MSGP:

- The date of the inspection;
- The name(s) and title(s) of the personnel making the inspection;
- Findings from the examination of items listed above;
- All observations relating to the implementation of control measures including:
 - previously unidentified discharges from the site;
 - previously unidentified pollutants in existing discharges;
 - evidence of, or the potential for, pollutants entering the drainage system;
 - evidence of pollutants discharging to receiving waters at all facility outfall(s), and the condition of and around the outfall, including flow dissipation measures to prevent scouring, and
 - additional control measures needed to address any conditions requiring corrective action identified during the inspection.
- Any required revisions to the SWPPP resulting from the inspection;
- Any incidents of noncompliance observed or a certification stating the facility is in compliance with this permit (if there is no noncompliance); and
- A statement, signed and certified in accordance with Appendix A, subsection 1.12 of the 2015 MSGP.

6.0 SWPPP CERTIFICATION

I certify under penalty of law that I have read the terms and conditions of the general Alaska Pollutant Discharge Elimination System (APDES) permit that authorizes the storm water discharges associated with industrial activity identified as part of this certification. This document and all attachments were prepared in accordance with reasonable business standards. The information contained in this document and all attachments are, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Eryn Jones
Safety and Environmental Manager
Knik Construction Co., Inc.

Date: _____

7.0 SWPPP MODIFICATIONS

This SWPPP is a “living” document and is required to be modified and updated, as necessary, in response to corrective actions. See Part 8.4 of the 2015 MSGP.

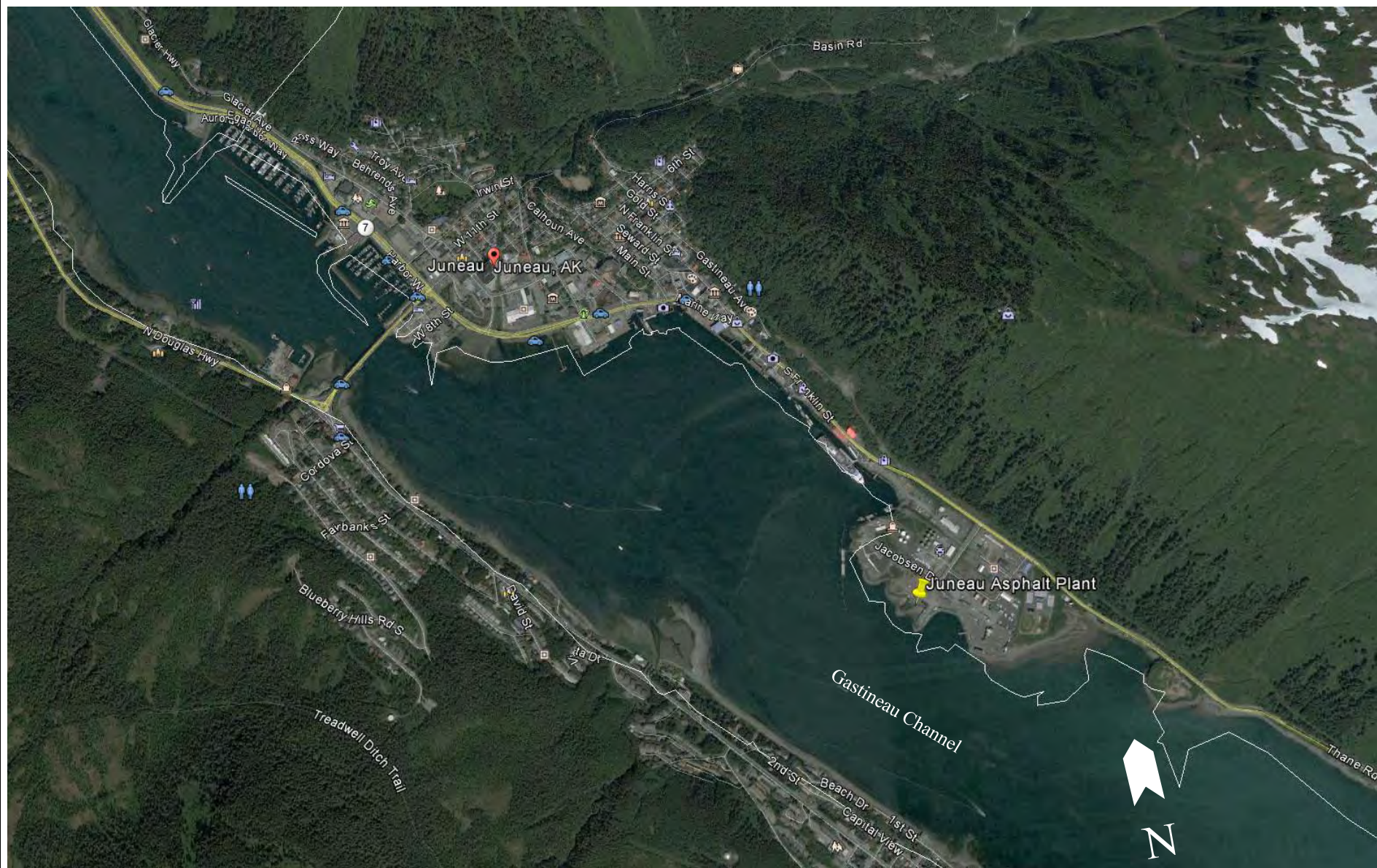
- If SWPPP modification is required in response to any of the following corrective actions required by Part 8.1 of the 2015 MSGP, then the certification statement in section 7.0 of this SWPPP must be re-signed in accordance with 2015 MSGP Appendix A, Subsection 1.12.5.
 - A discharge violates a numeric effluent limit;
 - The permittee becomes aware, or DEC determines, that the permittee’s control measures are not stringent enough for the discharge to meet a WQS in the receiving water;
 - An inspection or evaluation of the permittees facility by an DEC or EPA official determines that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; or
 - The permittee finds in their routine facility inspection, quarterly visual assessment, or comprehensive site inspection that their control measures are not being properly operated and maintained.
- For any other SWPPP modification, Knik Construction Juneau Asphalt Plant must keep a log with a description of the modification, the name of the person making it, and the date and signature of that person. See 2015 MSGP Appendix A, Subsection 1.12.

SWPPP modifications are to be recorded in the Revision Log included on page ii of this SWPPP.

LIST OF APPENDICES

- Appendix A – General Location Map*
- Appendix B – Site Map and BMP Specifications*
- Appendix C – 2015 MSGP and NOI*
- Appendix D – Monitoring and Inspection Forms and Reports*
- Appendix E – Environmental Documentation*
- Appendix F – Personnel Training Records*
- Appendix G – Spill Documentation*
- Appendix H – SWPPP Record of Review*

Appendix A
General Location Map



Juneau Asphalt Plant
 Knik Construction Co., Inc
 6400 South Airpark
 Anchorage AK 99502

Figure #1
General Location Map
Multi-Sector General Permit

Attachment A

Appendix B
Site Maps
BMP Specifications

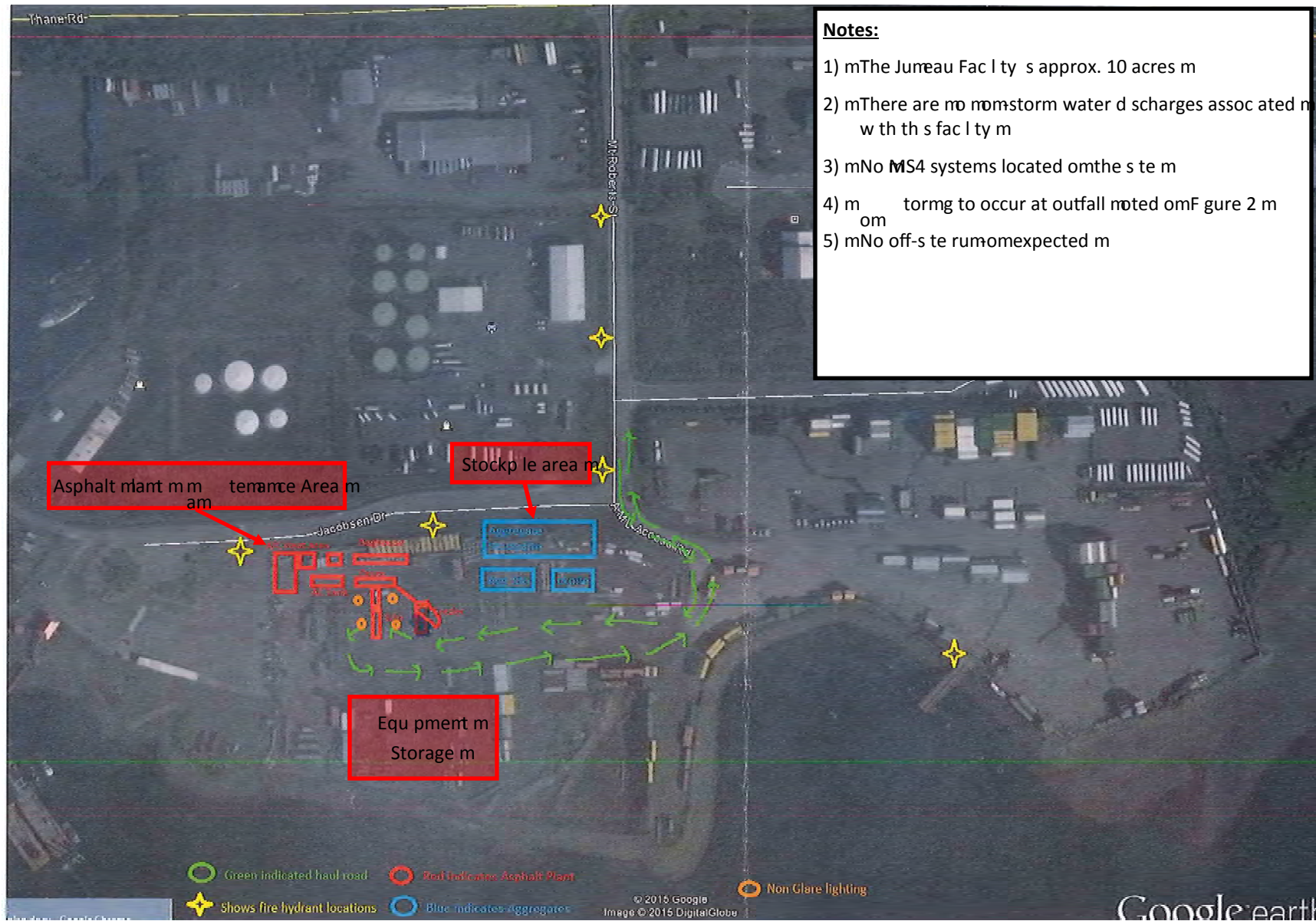


- Facility Boundary
- Vehicle Entrance
- Settlement Pond and Infiltration Point
- Outfall #1
- Sediment Barrier

Juneau Asphalt Plant
Knik Construction Co., Inc
6400 South Airpark

Figure #2
BMP Site Map
Multi-Sector General Permit

m



Juneau Asphalt Plant
Knik Construction Co., Inc
6400 South Airpark
Anchorage AK 99502

Figure #3
Site Map
Multi-Sector General Permit

Earth Dike

BMP 41

Description	An earth dike is a temporary berm or ridge (or ridge-and-channel combination) of compacted soil located in a manner to channel water to a desired location. Earth dikes are used to protect work areas from upslope runoff and to divert sediment-laden water to appropriate traps or stable outlets. The channel portion (if used) generally has a lining of stone, riprap, or vegetation for stabilization.								
Applications	Earth dikes are used in construction areas to control erosion, sedimentation, or flood damage. Earth dikes can be used in the following situations: ▪ Across unprotected slopes, as slope breaks, to reduce length. ▪ Below slopes to divert excess runoff to stabilized outlets. ▪ At or near the perimeter of the construction area to keep sediment-laden runoff from leaving the site. ▪ To protect cut or fill slopes by diverting upslope flows away from disturbed areas to a stabilized outlet. ▪ To direct any sediment-laden runoff to a sediment-trapping device. ▪ To direct clean water away from disturbed areas								
Limitations	<table border="0"> <tr> <td>Drainage area – 10 ac.</td><td>Maximum slope – 10%</td></tr> <tr> <td>Minimum bedrock depth – 5 ft</td><td>Minimum water table – 5 ft</td></tr> <tr> <td>NRCS soil type - ABC</td><td>Freeze/thaw – fair</td></tr> <tr> <td>Drainage/flood control – yes</td><td></td></tr> </table> ▪ Despite an earth dike's simplicity, improper design can limit its effectiveness. ▪ Frequent inspection and maintenance are essential to the proper performance of this BMP. ▪ When the drainage area above the earth dike is greater than 10 ac., consult the NRCS standards and specifications for diversions.	Drainage area – 10 ac.	Maximum slope – 10%	Minimum bedrock depth – 5 ft	Minimum water table – 5 ft	NRCS soil type - ABC	Freeze/thaw – fair	Drainage/flood control – yes	
Drainage area – 10 ac.	Maximum slope – 10%								
Minimum bedrock depth – 5 ft	Minimum water table – 5 ft								
NRCS soil type - ABC	Freeze/thaw – fair								
Drainage/flood control – yes									
Targeted Pollutants	Sediment Trace metals								
Design Parameters	The earth dike should be constructed of compacted soil or coarse aggregate according to the criteria in Table 41-1 below. The channel formed behind the dike should have a positive grade to a stabilized outlet. The channel should be stabilized with vegetation or other stabilization measures. Grades over 10% may require site-specific design developed or approved by a registered engineer.								
Construction Guidelines	▪ Some general considerations include proper compaction of the earth dike, appropriate location to divert the intercepted runoff, and proper ridge height and thickness. Earth dikes should be constructed along a positive grade. Other than the discharge point, there should be no dips or low points where stormwater will collect.								

- Runoff intercepted from disturbed areas should be diverted to a sediment-trapping device. Runoff from undisturbed areas can be channeled to an existing swale or to a level spreader. Stabilization for the dike and flow channel (or drainage swale) should be stabilized as soon as possible. Stabilization materials can include vegetation, stone, or riprap.
- Construct the dike where it will not interfere with major areas of construction traffic so that vehicle damage to the dike will be kept to the minimum.
- Install the dike prior to the majority of soil disturbing activity. The dike may be removed when stabilization of the drainage area and outlet are complete.
- Clear the area of all trees, brush, stumps, or other obstructions.
- Construct the dike to the designed cross-section, line and grade making sure that there are no irregularities or bank projections to impede the flow. Construct the connecting portion to any stream channel last.
- The dike should be compacted using earth-moving equipment (to prevent failure of the dike).
- The dike should be stabilized at least 10 days after installation. The flow channel should be stabilized according to the criteria in Table 41-2 below. In highly erodible soils, as defined by NRCS Soil Survey of the project's county, refer to the next higher slope grade for type of stabilization.
- Earth dikes should have an outlet that function with a minimum of erosion. Runoff should be conveyed to a sediment-trapping device until the drainage area above the dike is adequately stabilized. The on-site location may need to be adjusted to meet field conditions in order to utilize the most suitable outlet.

Maintenance

- Inspect diversion dikes regularly and after every storm. Make any repairs necessary to ensure they are in good working order.
- Inspect the dike, flow channel and outlet for deficiencies or signs of erosion.
- If material should be added to the dike, be sure it is properly compacted.
- Reseed/stabilize the dike as needed to maintain its stability regardless if there has been a storm event or not.

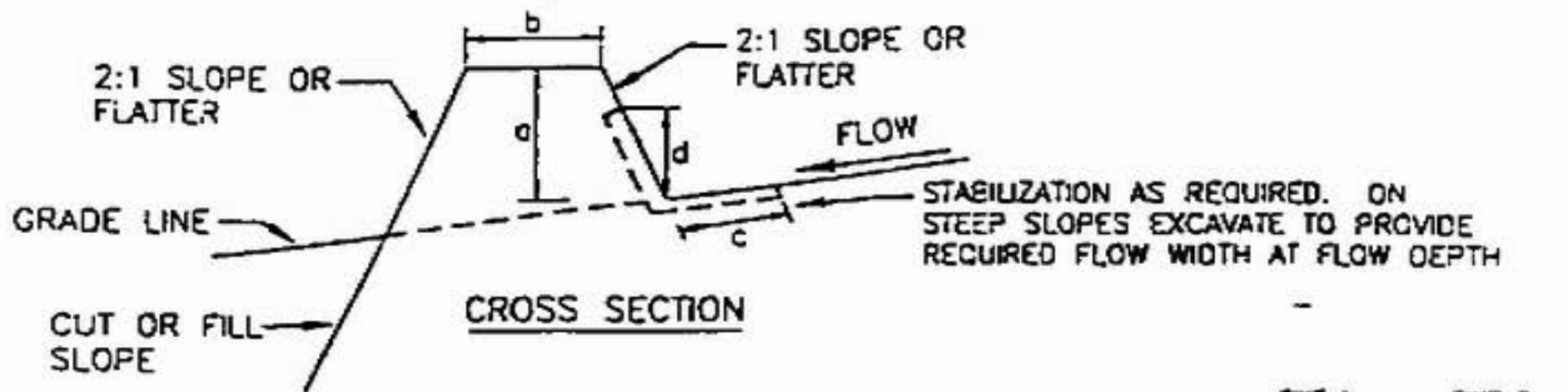
Table 41-1. Suggested Dike Design Criteria

Criteria	Drainage area < 5 acres	Drainage area between 5 to 10 acres
Dike Height	18 in.	3 ft
Dike Width	2 ft	3 ft
Flow Width	4 ft	6 ft
Flow Depth in channel	8 in.	15 in.
Side Slopes	2:1 or flatter	2:1 or flatter
Grade	0.5% - 20%	0.5% - 20%

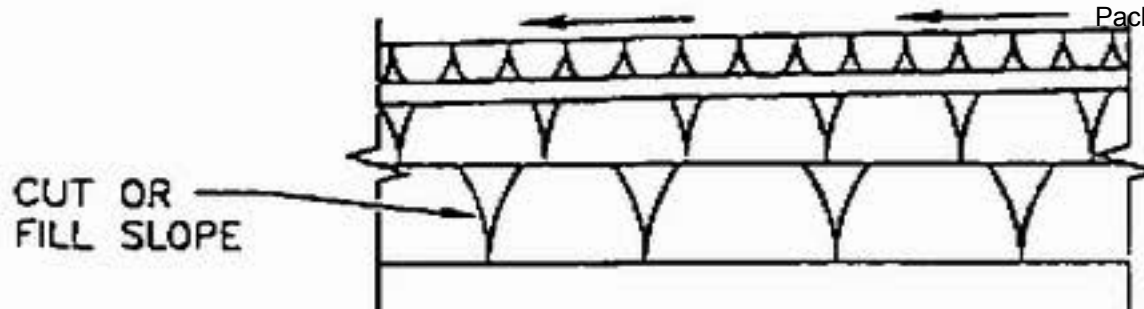
Table 41-2. Criteria for Earth Dike Construction

Type of treatment	Channel grade (percent)	Flow channel A (less than 5 acres)	Flow channel B (5-10 acres)
1	0.5-3.0	Seed and Straw Mulch	Seed and Straw Mulch
2	3.1-5.0	Seed and Straw Mulch	Seed and cover with Jute or Excelsior; Sod, or line with 2 in. stone
3	5.1-8.0	Seed and cover with Jute or Excelsior; Sod, or line with 2 in. stone	Line with 4-8 in. stone or Recycled Concrete Equivalent
4	8.1-20	Line with 4-8 in. stone or Recycled Concrete Equivalent	Engineering Design

^a Recycled Concrete Equivalent should be concrete broken into the required size, and should contain no steel reinforcement.



POSITIVE DRAINAGE—GRADE
SUFFICIENT TO DRAIN



DIKE A
(3 ac. or less)

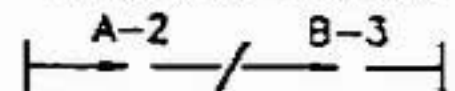
DIKE B
(5-10 ac.)

a—DIKE HEIGHT
b—DIKE WIDTH
c—FLOW WIDTH
d—FLOW DEPTH

18"
24"
4"
8"

36"
36"
6"
15"

STANDARD SYMBOL



CONSTRUCTION SPECIFICATIONS

- 1 ALL DIKES SHALL BE COMPACTED BY EARTH-MOVING EQUIPMENT.
- 2 ALL DIKES SHALL HAVE POSITIVE DRAINAGE TO AN OUTLET.
- 3 TOP WIDTH MAY BE WIDER AND SIDE SLOPES MAY BE FLATTER IF DESIRED TO FACILITATE CROSSING BY CONSTRUCTION TRAFFIC.
- 4 FIELD LOCATION SHOULD BE ADJUSTED AS NEEDED TO UTILIZE A STABILIZED SAFE OUTLET.
- 5 EARTH DIKES SHALL HAVE AN OUTLET THAT FUNCTIONS WITH A MINIMUM OF EROSION. RUNOFF SHALL BE CONVEYED TO A SEDIMENT TRAPPING DEVICE SUCH AS A SEDIMENT TRAP OR SEDIMENT BASIN WHERE EITHER THE DIKE CHANNEL OR THE DRAINAGE AREA ABOVE THE DIKE ARE NOT ADEQUATELY STABILIZED.
- 6 STABILIZATION SHALL BE: (A) IN ACCORDANCE WITH STANDARD SPECIFICATIONS FOR SEED AND STRAW MULCH OR STRAW MULCH IF NOT IN SEEDING SEASON, (B) FLOW CHANNEL AS PER THE CHART BELOW.

FLOW CHANNEL STABILIZATION

TYPE OF TREATMENT	CHANNEL GRADE	DIKE A	DIKE B
1	0.5-3.0%	SEED AND STRAW MULCH	SEED AND STRAW MULCH
2	3.1-5.0%	SEED AND STRAW MULCH	SEED USING JUTE OR EXCELSIOR; 500; 2" STONE
3	5.1-8.0%	SEED WITH JUTE OR 500; 2" STONE.	LINED RIP-RAP 4"-8"
4	8.1-20%	LINED RIP-RAP 4"-8"	ENGINEERING DESIGN
A. STONE TO BE 2 INCH STONE, OR RECYCLED CONCRETE EQUIVALENT, IN A LAYER AT LEAST 3 INCHES IN THICKNESS AND BE PRESSED INTO THE SOIL WITH CONSTRUCTION EQUIPMENT. B. RIP-RAP TO BE 4-8 INCHES IN A LAYER AT LEAST 8 INCHES IN THICKNESS AND PRESSED INTO THE SOIL. C. APPROVED EQUIVALANTS CAN BE SUBSTITUTED FOR ANY OF THE ABOVE MATERIALS.			
7	PERIODIC INSPECTION AND REQUIRED MAINTENANCE MUST BE PROVIDED AFTER EACH RAIN EVENT.		

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

TOOTHMAN-ORTON ENGINEERING COMPANY
BOISE, IDAHO McCALL, IDAHO

EARTH DIKE

STANDARD
DRAWING

Attachment A1

Dust Control

BMP 7

Description	This BMP describes products or measures used for reducing or preventing wind erosion by protecting the soil surface, roughening the surface, and reducing the surface wind velocity. Several dust control treatments are described below. Other methods are also available. Vegetative Cover: For disturbed areas not subject to traffic, vegetation provides the most practical method of dust control (see BMP 21-Seeding and BMP 22-Sodding). Mulch (including gravel mulch): When properly applied, mulch offers a fast, effective means of controlling dust (see BMP 15-Mulching). Spray-On Adhesive: Asphalt emulsions, latex emulsions, or resin in water can be sprayed onto mineral soil to control dust (see BMP 16-Hydromulching). Sprinkling: The site may be sprinkled with water until the surface is wet. Sprinkling is especially effective for dust control on haul roads and other traffic routes. Stone: Stone or gravel used to stabilize construction roads and disturbed soils can also be effective for dust control and reduce soil losses from those areas by up to 80% . Surface Roughening: Tilling or discing the surface of disturbed soils to produce a rough surface or ridges which when perpendicular to prevailing winds can reduce soil losses due to wind by 80% (see BMP 25-Slope Roughening). Barriers: A board fence, wind fence, sediment fence, or similar barrier can control air currents and blowing soil. All of these fences are normally constructed of wood. Perennial grass and stands of existing trees may also serve as wind barriers. Barriers prevent erosion by obstructing the wind near the ground and preventing the soil from blowing off site.
Applications	The above measures for dust control should be used when open, dry areas of soil are anticipated on the site. Clearing and grading activities create the opportunity for large amounts of dust to become airborne. Therefore, one or several dust control measures should be considered prior to clearing and grading. In many cases, water erosion control measures incorporated into the project will indirectly prevent wind erosion. As a standard practice, any exposed area should be stabilized using vegetation to prevent both wind and water erosion. When rainfall is insufficient to establish vegetative cover, mulching is an effective way of conserving moisture, preventing surface crusting, reducing

runoff and erosion, and helping to establish vegetation. It is a critical treatment on sites with erosive slopes.

Limitations

Drainage area – N/A	Maximum slope – 5%
Minimum bedrock depth – N/A	Minimum water table - N/A
NRCS soil type – N/A	Freeze/thaw – N/A
Drainage/flood control – no	

Vegetative measures may not be practical during dry periods unless a reliable supply of establishment water is available. Other methods should be stipulated in the project contract to ensure that dust control is not overlooked.

Barriers (such as walls or fences) can be part of the long-term dust control strategy in arid and semiarid areas, but they are not a substitute for permanent stabilization.

Targeted Pollutants

Sediment
Trace Metals
Hydrocarbons

Design Parameters

Dust Prevention: The best method of controlling dust is to prevent dust production. This can best be accomplished by limiting the amount of bare soil exposed at one time. In project design, identify all areas where ground disturbance will not be allowed. Design and locate haul roads, detours, and staging areas to avoid unnecessary exposure of bare ground and avoid using areas that are the most susceptible to wind erosion.

In the stormwater site plan, specify staging or work sequencing techniques that minimize the risk of wind erosion from bare soil. In most cases, this will require a change from traditional construction techniques that allow large areas to be disturbed at the outset of construction and to remain exposed for long periods of time.

Vegetative Cover: Follow recommended seeding and planting specifications. If site conditions are favorable, use an extended seeding season to ensure that seeding becomes established over as much of the project as possible before winter shutdown or substantial completion. Specify the use of establishment water to accelerate vegetative stabilization if other means of long-term slope protection are not feasible.

Mulch: Apply according to the design parameter for BMP 16-Hydromulching.

Sprinkling: Apply at a rate of 3 gallons per acre so that the soil is wet but not saturated or muddy and so that no dust is being generated.

Stone: At ingress/egress to public highways, apply as indicated in BMP 5-Stabilization of Construction Entrance. For detours, haul roads, or temporary traffic routes through the construction site, provide a layer of fractured stone 2

to 4 in. thick and 1 to 2 in. in diameter.

Surface Roughening: Tilling or discing should leave 6 in. (minimum) furrows, preferably perpendicular to the prevailing wind direction, to gain the greatest reduction in wind erosion. If the surface cannot be furrowed perpendicular to the prevailing wind direction, roughening the surface by using a ripper/scarifier (grader) or a ripper (cat) will produce the desired result of a 6 in. irregular surface.

Barriers: A wind barrier generally protects soil downwind for a distance of 10 times the height of the barrier. If additional protection is needed, use other methods in conjunction with the barrier.

Construction Guidelines

Site Assessment: Assess the potential problem of wind erosion and dust generation at the project site. Consider the soil type, prevailing wind direction, and the effect of other prescribed erosion control measures.

Use Preventive Strategies Wherever Possible:

- Minimize amount of bare ground exposed at one time.
- Minimize amount of ground disturbance occurring when wind erosion is highest.

Implement Dust Control Measures as Needed:

- Provide stabilized roadway to minimize amount of dust generated by construction vehicles and highway traffic (gravel, pave, or moisten the bare areas of the highway or detour route).
- Apply protective materials to exposed areas (e.g., stone, mulch, adhesive/emulsions).
- Install barriers to prevent dust from blowing off site.
- Establish vegetation at the earliest possible opportunity (using establishment water if necessary to ensure viability).
- Keep haul roads, detours, and other bare areas moist by sprinkling them with water.
- Perform street sweeping, as needed.

Maintenance

- Dust control requires constant attention: it is not a one-time or once-in-awhile activity. Dust control sprinkling may have to be done several times a day during hot, dry weather.
- Areas protected by mulch, adhesive emulsions, or barriers need to be checked at regular intervals according to the inspection schedule set forth in the stormwater plan. Remove sediments that accumulate behind any sediment fence or barrier when the accumulation reaches one half the height of the barrier. Dispose of the sediments only in an approved location (not in wetlands or where they will contribute to pollution at the disposal site).

Apply chemical controls (emulsions and resins) at the manufacturer's specified rates and in accordance with all federal, state, and local regulations governing their use. Chemical products should be stored, handled, and disposed of in accordance with all applicable regulations and department policies.

Cover for Materials and Equipment

BMP 8

Description	This BMP includes partial or total physical enclosure of materials, equipment, process operations, or activities. Covering prevents stormwater from coming into contact with potential pollutants and reduces material loss from wind blowing. Tarpaulins, plastic sheeting, roofs, buildings, and other enclosures are examples of covering that are effective in preventing stormwater pollution. Covering can be temporary or permanent.
Applications	Covering is a simple, effective, and usually inexpensive way of reducing or preventing pollution. It is appropriate for outdoor material storage piles, such as stockpiles of dry materials, topsoil, spoils piles, gravel, sand, compost, sawdust, wood chips, and building materials. It is also effective where containers of liquids or solids are stored or transferred. Although it may be too expensive to cover or enclose all construction activities, the high-risk parts of a site can often be separated and covered. For example, chemical preparation areas, vehicle maintenance and washing areas, storage areas for chemically treated products and toxic wastes (e.g., used oils).
Limitations	Drainage area – N/A Minimum bedrock depth – N/A NRCS soil type – N/A Drainage/flood control – no Maximum slope – N/A Minimum water table – N/A Freeze/thaw – N/A ▪ Covering alone may not protect exposed materials from contact with stormwater runoff/run-on. ▪ Requires frequent inspections. Consider curbing or an elevated platform to prevent pollution from run-on water.
Targeted Pollutants	Sediment Trace Metals Hydrocarbons
Design Parameters	▪ In selecting an appropriate covering, evaluate the strength and longevity of the covering, as well as its compatibility with the materials or items being enclosed. Cost, aesthetics, weather conditions, drainage patterns, and size of the stockpiles or storage area are other factors affecting the choice of covering. ▪ In designing a covering for materials, remember to provide adequate access for loading, handling, and transfer. Cost considerations may justify a less-than-optimum access arrangement in some cases. For instance, tarpaulins and plastic sheeting have to be removed or rearranged to allow continued access as materials are depleted, but they are less expensive than a permanent structure such as a roof or shed. ▪ Climate or weather conditions also influence the choice or design of a covering. Tarpaulins and sheeting may be difficult to keep secured in

Waste Management

BMP 12

Description	This BMP entails meeting the regulatory requirements of hazardous waste management that includes hazardous waste determination; acquiring an EPA identification number; accumulation; record keeping reporting; and transportation manifesting. Good housekeeping will minimize the contribution of pollutants to stormwater discharges by handling and storing hazardous materials on site in a clean and orderly manner.		
Applications	Compliance with applicable regulations will protect human health and the environment from hazardous waste generated by construction activities, reduce liability, and prevent unnecessary interruptions to schedules (i.e., project shut down due to environmental investigations/enforcement actions). The first step in preventing pollution of stormwater runoff is to maintain a clean and orderly work environment. This will reduce the possibility of accidental spills. Common sense is the simplest and most inexpensive method to utilize. Improving the operation and maintenance of industrial machinery, material storage practices, material inventory controls, routine and regular clean-up, maintenance activities in work areas, and providing educational programs for employees regarding these practices will assist in reaching these goals.		
Limitations	<table border="0"> <tr> <td data-bbox="467 1003 836 1136"> Drainage area - N/A Minimum bedrock depth - N/A NRCS soil type - N/A Drainage/flood control – no </td><td data-bbox="943 1003 1395 1100"> Maximum slope – N/A Minimum water table - N/A Freeze/thaw – N/A </td></tr> </table> Carelessness and poor judgment often result in problems associated with the disposal of hazardous materials. Not being fully aware of all the hazards at the site could increase the potential for mishandling of such wastes, resulting in stormwater contamination.	Drainage area - N/A Minimum bedrock depth - N/A NRCS soil type - N/A Drainage/flood control – no	Maximum slope – N/A Minimum water table - N/A Freeze/thaw – N/A
Drainage area - N/A Minimum bedrock depth - N/A NRCS soil type - N/A Drainage/flood control – no	Maximum slope – N/A Minimum water table - N/A Freeze/thaw – N/A		
Targeted Pollutants	Sediment Trace Metals		
Design Parameters	Select a designated waste collection area on site. Secure an adequate number of containers with lids or covers. If possible, provide a covered area or spill containment pallets. Arrange for waste collection before containers overflow (additional containers and more frequent pick-ups will be needed during the demolition phase). Provide immediate cleanup in case of a spill. Assure that waste is transported and disposed of at an approved facility. A liner, concrete pad, berm, etc., should be utilized to keep waste separated and to contain accidental spills so that stormwater runoff is not polluted. Provide labels and signs for the area to educate contractors about proper storage and handling and to comply with regulatory requirements.		

Construction Guidelines

The best way to avoid polluting runoff from outside material storage areas is to prevent stormwater run-on or rain from coming in contact with the materials.

These are some of the methods that can be utilized to accomplish this:

- Identify, control, and enforce storage and disposal/stockpile areas
- Provide a barrier such as a liner, concrete pad or berm
- Protect the storage area by:
 - ✓ Storing the material indoors
 - ✓ Covering the area with a roof
 - ✓ Covering the material with a temporary covering
- Engineer safeguards such as:
 - ✓ Overflow protection devices
 - ✓ Protective guards around tanks, storage area, etc.

Maintenance

- Regularly pick up and dispose of all garbage and waste material.
- Make sure equipment is working properly.
- Routinely inspect for leaks or conditions that could lead to discharges of chemicals and contact with stormwater:
 - ✓ External corrosion and structural failure
 - ✓ Installation problems
 - ✓ Evidence of spills or overfills
- Locate storage areas away from direct traffic routes.
- Stack according to directions to avoid damage due to improper weight distribution.
- Store likes together, separate incompatible wastes.
- Assign hazardous material inventory to a limited number of people.
- Keep up-to-date inventory of all hazardous materials and wastes.
- Identify all chemical substances present at the work site.
- Label all containers with name, hazards, handling, and first-aid information.
- Mark those that require special instructions.
- Cleanup of liquid or dry material spills.
- Provide initial and annual training for employees on the hazards and the proper handling procedures.
- Do not mix products together unless specifically recommended.
- Use the entire product before disposing of container.
- Do not remove original product label from container.

Vehicle/Equipment Washing & Maintenance

BMP 11

Description	A typical vehicle/equipment washing and maintenance system is a lined, depressed area that collects the water used in washing off the trucks, cars, or other construction vehicles/equipment, and drains the wastewater into a collection or treatment system.	
Applications	A wash-down area is used on projects where the soil is silty or heavy in clay, and has the likelihood of transporting dirt and mud off site. Projects that will take place over the course of the rainy season and areas where water is expected to be encountered (high ground water table) in the normal course of the project should be considered as candidates.	
Limitations	Drainage area - N/A Minimum bedrock depth – N/A NRCS soil type - N/A Drainage/flood control – no	Maximum slope – 5% Minimum water table - N/A Freeze/thaw – N/A
	Washing vehicles generates liquid, semi-solid, and solid wastes. These wastes should be contained on-site or treated to prevent pollution of surface and ground water. Off-site: Treatment is required for all discharges to waters of the state since it could be contaminated with degreasers, hydrofluoric acid, hydrochloric acid, nitric acid, phosphoric acid, oil, hydraulic fluids, lubrication, and engine cleaning solvents. Waters of the state include all surface waters (canals, rivers, ponds, streams and lakes), and all ground water. Contact the local permitting authority to determine proper treatment and disposal methods. On-site: If wash-water discharge to a sediment pond is the system of choice, sufficient acreage is required for the operation.	
Targeted Pollutants	Sediment Phosphorus Trace Metals Hydrocarbons	
Design Parameters	▪ Detergents used on site in Idaho for vehicle washing should not contain phosphates. Phosphates are a plant nutrient that can cause excessive growth of aquatic plants when discharged into a stream or lake. ▪ A stabilized construction entrance (BMP 5), used to reduce off-site tracking of mud, dirt and rocks, should be installed at the vehicle wash/maintenance area. Washing and maintenance should be conducted in disturbed areas (staging areas) but should not be conducted in a cut or fill area until grading has been performed or where there will be a high volume of construction traffic. Highly erodible soils or frequently wet areas should be avoided.	

Off-site discharge options:

- Lagoon: Pond-like structure that works on the principle of evaporation is easy to install and requires low maintenance. There is a need to be aware of safety issues (fencing the area from the public).
- Land application system: Large land area is required. This alternative is the lowest in out-of-pocket cost.
- Filtering and recycling of wash water: A good option for conservation measures. Initially, expense would be high. Monitoring of the operation would be more intensive.
- Municipal wastewater treatment plant: This option is available only in areas where a municipal wastewater treatment plant exists and the operation is capable of handling the load. This is the best option for limiting liability for larger construction projects.

Construction Guidelines

Designate an area that can be graded and bermed. The design should collect wastewater for evaporation or direct it to an off-site containment or treatment system. A lined pond should be used where pollutants such as oil, grease, fuels, etc., may reach the high-ground water table.

Maintenance

Check that the system controls are working as designed. Clean up sediments that have been tracked by vehicles onto nearby roadways.

Vegetative Buffer Strip

BMP 37

Description	A vegetative buffer strip is a gently sloping area of vegetative cover that runoff water flows through before entering a stream, storm sewer, or other conveyance. The buffer strip may be an undisturbed strip of natural vegetation or it can be a graded and planted area. Vegetative buffer strips act as living sediment filters that intercept and detain stormwater runoff. They reduce the flow and velocity of surface runoff, promote infiltration, and reduce pollutant discharge by capturing and holding sediments and other pollutants carried in the runoff water. Vegetative buffer strips function much like vegetated or grassed swales. Buffer strips, however, are fairly level and treat sheet flow across them, whereas grassed swales are indentations that treat concentrated flows running along them (see BMP 40-Temporary Swale).	
Applications	▪ Used for temporary or permanent control, usually in conjunction with other sediment collection and slope protection practices. Consider use with level spreaders or diversion measures such as earth dikes (BMP 41) and slope drains (BMP 24). Also, silt fences (BMP 36) installed upgradient can prevent overloading of the buffer strip. ▪ May be placed at many locations between the source of sediment (road surface, side slopes) and a natural or constructed waterway. They are inexpensive and easily constructed, and can be put into place at any time if climatic conditions allow for planting. ▪ May be used at almost any site that can support vegetation, but is best suited for areas where the soils are well drained or moderately well drained and where the bedrock and the water table are well below the surface. ▪ Provides low to moderate treatment of pollutants in stormwater while providing a natural look to a site. ▪ Can provide habitat for wildlife. ▪ Can screen noise and views if trees or high shrubs are planted on the filter strips.	
Limitations	Drainage area - unlimited Minimum bedrock depth – 5 ft NRCS soil type – ABCD Drainage/flood control – no	Maximum slope – 20% Minimum water table – 3 ft Freeze/thaw – fair
	▪ Not effective for filtering high velocity flows from large paved areas, steep slopes, or hilly areas. Consider other measures if slopes exceed 15%. ▪ Requires significant land space. ▪ May have a short useful life due to clogging by sediments and oil and grease. ▪ Do not use planted or seeded ground as a buffer strip for sediment trapping until the vegetation is well established.	

Targeted Pollutants	Sediment
Design Parameters	▪ A buffer strip should be at least 20 ft wide to function well. Along live streams or above wetlands, the minimum width should be 100 ft. The length of the strip should be approximately 50 to 82 ft. Where slopes become steeper, increase the length of the strip. ▪ Tall, dense stands of grass form good sediment traps, as do willows and alder. The willows and alder can be native or planted. A combination of grasses with willows or alder is also effective. Any planted species should be deep rooted and able to adjust to low oxygen levels. Vegetative cover should be at least 75% to assure adequate removal of sediments. Forested strips are always preferred to vegetated strips, and existing vegetation is preferred to planted vegetation. In planning for vegetated strips, consider climatic conditions, since vegetation may not take hold in especially dry and/or cold regions. ▪ In many cases, a vegetative buffer strip will not effectively control runoff and retain sediments unless employed in conjunction with other control measures. Where heavy runoff or large volumes of sediment are expected, provide diversion measures or other filtering measures above or below the buffer strip.
Construction Guidelines	▪ Try to direct sediment-laden water onto naturally vegetated or stabilized planted ground. ▪ Fertilizing seeded or planted ground may enhance growth (and improve its effectiveness as a buffer strip). ▪ Do not place any equipment, construction debris, or extra soil in the buffer strip (or the strip will be damaged).
Maintenance	▪ Inspect the buffer strip at regular intervals to ensure proper functioning. Check for damage by equipment and vehicles. In newly planted areas, check the progress of germination and plant growth, and arrange for fertilizing, if needed, to enhance growth and establishment. (Planted ground should not be used for a sediment trap until the vegetation is well established.) Make sure that water flowing through the buffer strip is not causing additional erosion nearby and not forming ponds due to erosion within the buffer strip. ▪ Buffer strips in natural vegetation do not generally require maintenance; however, on some sites it may be necessary to remove sediments and replant on a regular basis. Promptly repair any damage from equipment, vehicles, or erosion.

7.5.5.8 Street Cleaning

Description and Purpose

Street cleaning is a temporary, procedural BMP designed to collect and remove sediment other pollutants that have escaped the perimeter of the construction site. It is also a post construction, procedural BMP for storm water management to help prevent road grit and other pollutants from entering the storm drain system.

Objectives

- Sediment Control
- Good Housekeeping/Materials Management

Targeted Pollutants

- Sediment
- Nutrients (N, P, K)
- Trash/Debris
- Metals

SECTION SEVEN

Best Management Practices

- Organics
- Petroleum Products

Applications

- Where off-site tracking sediment and other pollutants are encountered
- Where sediment and other pollutants from construction is on the street
- Where sediment and other pollutants have defeated installed BMPs and entered the street
- Where dirt or stone have escaped a stabilized construction entrance
- Where storage piles have migrated onto roadways
- To be used as storm water treatment or pretreatment
 - Where during winter weather sand/cinders/salt are used
 - Where dust from tires, brakes, etc. accumulate
 - Limitations
- Street sweeping will be difficult and inefficient when the dirt located in the roadway is wet or caked
- May be a safety hazard
- Parked vehicles along roadway may limit effects of sweeping

Implementation Considerations

- When roadway dirt is wet or caked, hand tools or road grading equipment may be required to loosen the dirt before sweeping efforts may be initiated
- Some street sweeping equipment may tend to redistribute the dirt in the roadway rather than collect it. Use equipment that will collect the sediment and other pollutants so that it may be disposed of appropriately
- Sediment not fouled by other pollutants may be incorporated back onto the site
- Schedule and timing in order to have streets clear of vehicles

Inspection

- Inspect according to regulatory timetables
- Proper collection and disposal of collected sediment and other pollutants
- Determine at point the street needs cleaning
- Verify scheduled cleaning if shown on the Plan

Maintenance

- Sweep when sediment or other pollutants accumulations warrant such action
- Sweep according to Plan schedule

Stabilization of Construction Entrance/Exit

BMP 5

Description	A temporary sediment removal device--normally a pad of crushed rock or stone--can be installed at the approach from a construction site to a public roadway to stabilize the road. This BMP is used to limit sediment tracking from vehicles and equipment leaving the construction site onto public rights-of-way and streets.	
Applications	A stabilized construction entrance is appropriate in the following locations: ▪ Wherever vehicles are entering or leaving a construction site to or from a public right-of-way, street, alley, sidewalk or parking area. ▪ At any unpaved entrance/exit location where there is risk of transporting mud or sediment onto paved roads.	
Limitations	Drainage area - unlimited Minimum bedrock depth – 3 ft NRCS soil type - ABCD Drainage/flood control – no	Maximum slope – 15% Minimum water table – N/A Freeze/thaw – good
Targeted Pollutants	▪ Sediment ▪ Phosphorus ▪ Trace Metals ▪ Hydrocarbons	
Design Parameters	Width: The width should be at least 10 ft but not less than the full width of points where ingress or egress occurs. At sites where traffic volume is high, the entrance should be wide enough for two vehicles to pass safely. Flare the entrance where it meets the existing road to provide a sufficient turning radius. Length: The minimum length should be 50 ft except on a single-residence lot where a 30 ft minimum would apply. Depth: Total depth of rock should be at least 6 in. Aggregate: Fractured stone 2 to 8 in. diameter (for the base layer) and crushed stone 2 in. diameter or reclaimed or recycled concrete equivalent (for the top layer). Geotextile (filter fabric): Most installations will include geotextile (filter fabric) with the products placed over the entire area to be covered with aggregate. Work on single residential lots will generally not need geotextile unless there is potential for excessive erosion, a high water table, or other risk factor. The geotextile should be a woven or	

nonwoven fabric consisting only of continuous chain polymeric filaments or yarns of polyester. The geotextile should be inert to commonly encountered chemicals, hydrocarbons, mildew, and rot resistant.

Drainage: Runoff from a stabilized construction entrance should drain to a sediment trap or a sediment basin. Piping of surface water under the entrance should be provided as needed. If piping is impossible, install a mountable berm with 5:1 slopes.

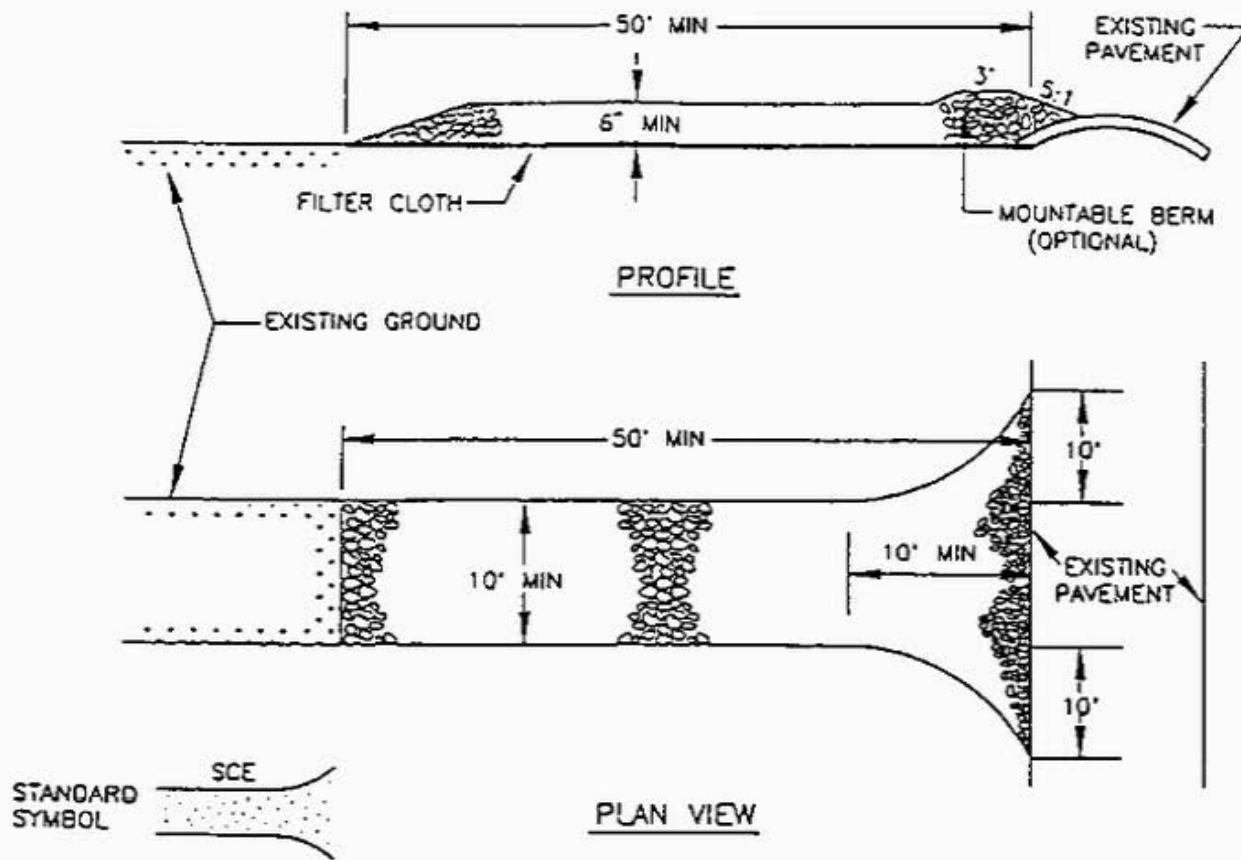
Dust Control: Dust control should be provided at all times (see BMP 7-Dust Control).

Construction Guidelines

- Clear all vegetation, roots, and all other obstructions in preparation for grading.
- Prior to placing geotextile (filter fabric), make sure that the entrance is properly graded and compacted.
- To reduce maintenance and loss of aggregate, place geotextile over the existing ground before placing the stone for the entrance.
- Place a 1 ft layer of fractured stone over the entire width and length of the entrance.
- Place a 4 in. layer of 2 in. crushed stone over the base layer.

Maintenance

- The entrance should be maintained in a condition that will prevent tracking or flow of mud onto public rights-of-way. This may require periodic top dressing with additional 2 in. stone (as conditions demand) and repair or cleaning of any structures used to trap sediment.
- All materials spilled, dropped, washed, or tracked from vehicles onto roadways or into storm drains should be removed immediately. When necessary, vehicle wheels should be cleaned to remove sediment prior to entrance onto public rights-of-way. When washing is required, it should be done on an area stabilized with aggregate that drains into an approved sediment trap.
- Trapped sediment should be removed from the site or stabilized on site and prevented from entering storm drains, ditches, or waterways. Disturbed soil areas resulting from removal should be permanently stabilized.
- The stabilized construction entrance may be removed after final site stabilization is achieved or after the temporary BMPs are no longer needed.



CONSTRUCTION SPECIFICATIONS

- 1 STONE SIZE—USE 2" STONE OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
- 2 LENGTH—AS REQUIRED, BUT NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
- 3 THICKNESS—NOT LESS THAN 6 INCHES.
- 4 WIDTH—10 FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.
- 5 FILTER CLOTH—WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE. FILTER WILL NOT BE REQUIRED ON A SINGLE FAMILY RESIDENCE LOT.
- 6 SURFACE WATER—ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
- 7 MAINTENANCE—THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
- 8 WASHING—WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHTS-OF-WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
- 9 PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

TOOTHMAN-ORTON ENGINEERING COMPANY
SCISE, IDAHO McCALL, IDAHO

STABILIZED CONSTRUCTION ENTRANCE

STANDARD
DRAWING

SCE-1

Spill Prevention and Control

BMP 10

Description This BMP describes methods of minimizing exposure of pollutants to stormwater runoff by enclosing any drips, overflows, leaks, and other liquid material releases or by isolating pollutant spills from stormwater runoff. There are numerous spill containment methods, ranging from large structural barriers to simple, small drip pans. The benefits vary based on cost, maintenance requirements, and the size of spill control. Three possible options are discussed below:

Containment Diking: Temporary or permanent polyurethane or plastic berms, concrete berms, or retaining walls designed to hold spills. Diking is one of the best protective measures against stormwater pollution because it surrounds the area of concern and holds the spill, keeping spill materials separated from the stormwater outside of the diked area. Diking is one of the most common types of spill containment. Also see BMP 41-Earth Dike and BMP 43-Temporary Berms.

Curbing: Like containment diking, curbing is a barrier that surrounds an area of concern. It prevents spills or leaks from being released to the environment by routing runoff to treatment or control areas. The terms "curbing" and "diking" are sometimes used interchangeably, but curbing is usually small scale and cannot contain large spills like diking can. As with diking, common materials for curbing include earth, concrete, synthetic materials, metal, or other impenetrable materials. Asphalt is also a common material used in curbing.

Drip Pans: Pans used to contain very small volumes of leaks, drips, and spills. Drip pans can be depressions in concrete, asphalt, or other impenetrable materials, or they can be made of metals, plastic, or any material that does not react with the dripped chemicals. Empty or discarded containers may be used as drip pans. Catch drips so that the materials or chemicals can be cleaned up easily or recycled before they can contact stormwater. Drip pans can be a temporary or permanent measure.

Applications **Containment Diking:** Diking can be used at any construction site, but it is most commonly used for controlling large spills or releases from liquid storage areas and liquid transfer areas. It is an effective containment method around tank truck loading and unloading areas. Proper diking contains spills, leaks, and other releases and prevents them from flowing into runoff conveyances, nearby streams, or infiltration into groundwater. It also allows for proper disposal and/or recycling of materials captured within the dike.

Curbing: Curbing is usually small scale; it cannot contain large spills like diking can. However, many facilities use curbing to contain small areas used for handling and transferring liquid materials.

Curbing is already a common practice. It is inexpensive, easy to install, and

provides excellent control of run-on. As with diking, materials spilled within a curbed area can be collected for proper disposal and/or recycling.

Drip Pans: Drip pans can be used at any site where valves and piping are present and the potential for small-volume leakage and dripping exist. Although leaks and drips should be repaired and eliminated as part of preventive maintenance programs, drip pans can provide a temporary solution where repair or replacement should be delayed. In addition, drip pans can be an added safeguard when they are positioned beneath areas where leaks and drips may occur.

Drip pans are inexpensive, easy to install, and simple to operate. They allow for reuse or recycling of the collected material.

Limitations

Drainage area - N/A	Maximum slope – N/A
Minimum bedrock depth – N/A	Minimum water table – N/A
NRCS soil type - N/A	Freeze/thaw – N/A
Drainage/flood control – no	

Containment Diking:

- May be too expensive for some smaller facilities.
- Requires maintenance.
- Could collect polluted stormwater, with possible infiltration to ground water.

Curbing:

- Not effective for holding large spills.
- May require more maintenance than diking.

Drip Pans:

- Suitable only for small volumes.
- Should be inspected and cleaned frequently.
- Should be secured during poor weather conditions.
- Requires that personnel be trained in proper disposal methods so that contents are not disposed of improperly.

Targeted Pollutants

Trace Metals
Hydrocarbons

Design Parameters

Containment Diking:

Size: For tank truck loading and unloading operations, the diked area should be capable of holding an amount equal to any single tank truck compartment.

Materials: Materials used to construct the dike should be strong enough to safely hold spilled materials. The materials used usually depend on what is available on-site and the substance to be contained. Dikes may be made of earth (i.e., soil or clay), concrete, synthetic materials (liners), metal, or other impervious materials. Containment dikes may need to be designed with impervious materials to prevent leaking or pollution of stormwater, surface

water, and ground water supplies.

In general, strong acids and bases may react with metal containers, concrete, and some plastics. So where spills may consist of these substances, other alternatives should be considered. Some of the more reactive organic chemicals may also need to be contained with special liners. If uncertain about the suitability of certain dike construction materials, refer to the *Material Safety Data Sheet (MSDS)* for the chemical being contained.

Curbing: When using curbing for runoff control, protect the berm by limiting traffic and installing reinforced berms in areas of concern. Materials spilled within a curbed area can be tracked outside of that area when personnel and equipment leave the area. This tracking can be minimized by grading within the curbing to direct the spilled materials to a downslope side of the curbed area. This will keep the materials away from personnel and equipment that pass through the area. It will also allow the materials to accumulate in one area, making cleanup much easier. Manual or mechanical methods, such as those provided by sump systems, can be used to remove accumulated material from a curbed area.

Drip Pans: When using drip pans, consider local weather conditions, the location of the drip pans, materials used for the drip pans, and how the pans will be cleaned. The location of the drip pan is important. Because drip pans should be inspected and cleaned frequently, they should be easy to reach and remove. Take special care to avoid placing drip pans in precarious positions such as next to walkways or on an uneven surface. Drip pans in these locations are easily overturned and may present a safety or environmental hazard. Weather is also an important factor. Heavy winds and rainfall can move or damage drip pans because the pans are small and lightweight. To prevent this, secure the pans by installing or anchoring them. Drip pans may be placed on platforms or behind wind blocks or may be tied down.

Maintenance Cleaning guidelines should be included in the maintenance plan for all methods of spill prevention and control.

Containment Diking: Inspect containment dikes during or after significant storms or spills to check for washouts or overflows. In addition, regular testing to ensure that dikes are capable of holding spills is recommended. Soil dikes may need to be inspected on a more frequent basis.

Changes in vegetation, inability of the structure to retain stormwater, dike erosion, or soggy areas indicate problems with the dike's structure. Damaged areas should be patched and stabilized immediately, where necessary. Earthen dikes may require special maintenance of vegetation, such as mowing and irrigation.

When evaluating the performance of the containment system, pay special attention to the overflow system, since it is often the source of uncontrolled leaks. If overflow systems do not exist, accumulated stormwater should be

released periodically. Polluted stormwater should be treated prior to release. Mechanical parts (such as pumps) or manual systems (slide gates, stopcock valves) may require regular cleaning and maintenance.

Curbing: Since curbing is sized to contain small spill volumes, frequent maintenance is needed to prevent overflow of any spilled materials. Inspect all curbed areas regularly and clean clogging debris. Repair the curb by patching or replacing it as needed to ensure effective functioning. Inspections should be conducted before forecasted rainfall events and immediately after storm events. If spilled or leaked materials are observed, cleanup should start immediately to allow space for future spills. In addition, prompt cleanup of spilled materials will prevent dilution by rainwater, which can adversely affect recycling opportunities.

Drip Pans: For drip pans to be effective, site operators should pay attention to the pans and empty them when they are nearly full. Because of their small holding capacities, drip pans will easily overflow if not emptied. Also, recycling efforts can be affected if stormwater accumulates in drip pans and dilutes the spilled material. It is important to have clearly specified and easily followed practices of reuse, recycle and/or disposal, especially the disposal of hazardous materials. Consider dumping the drip pan contents into a nearby larger-volume storage container and periodically recycling the contents of the storage container.

Frequent inspection of the drip pans is necessary due to the possibility of leaks in the pan itself. Also check for random leaking of piping or valves and for irregular, slow drips that may increase in volume. Conduct inspections before forecasted rainfall events to remove accumulated materials. Empty accumulations immediately after each storm event.

extremely windy areas.

- Where a permanent structure is indicated for a particular area or activity, consider building a roof instead of a complete enclosure. This will reduce costs and may also eliminate the need for ventilation and lighting systems that could be needed in a building.
- Consider the nature of the materials being enclosed, especially if they pose environmental or safety dangers. Materials that are biological, flammable, explosive, or chemically reactive require special ventilation and temperature control measures.
- Covering alone may not protect exposed materials from stormwater contact. Where stormwater run-on is a potential problem, place the material on an elevated, impermeable surface or build curbing around the outside of the materials to prevent pollution of stormwater from adjacent areas.

Construction Guidelines

Tarpaulins and Plastic Sheeting: Obtain enough fabric or sheeting to cover the indicated volume or area. Anchor the edges of the covering with stakes, tie-down ropes, large rocks, tires, or other readily available, heavy objects. Maintain an overlap of 3 ft along the borders and securely anchor the overlap area so that it does not separate (through wind or other causes).

Roofs, Sheds, and Buildings: Construct according to plans or drawings in accordance with existing building codes and departmental standards for such construction.

Maintenance

Frequently inspect coverings for damage and general wear. Repair or replace them immediately, as needed.

Appendix C
2015 MSGP
NOI

General Permit No: AKR060000

**ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM****MULTI-SECTOR GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY (MSGP)**

Permit Number: AKR060000

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, AK 99501

In compliance with the provisions of the Clean Water Act (CWA), 33 U.S.C. §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, this permit is issued under provisions of Alaska Statutes (AS) 46.03; the Alaska Administrative Code (AAC) as amended; and other applicable State laws and regulations. Operators of storm water discharges associated with industrial activity located in an area identified in Part 1.1 where the Alaska Department of Environmental Conservation (DEC) is the permitting authority are authorized to discharge to waters of the United States in accordance with the eligibility and Notice of Intent (NOI) requirements, effluent limitations, inspection requirements, and other conditions set forth in this permit. This permit is structured as follows:

- General requirements that apply to all facilities are found in Parts 1 through 10, and
- Industry sector-specific requirements are found in Part 11.

The Appendices (A through F) contain additional permit conditions that apply to all operators covered under this permit.

This permit becomes effective on April 1, 2015.

This permit and the authorization to discharge expire at midnight, March 31, 2020.

The applicant shall reapply for a permit reissuance on or before October 3, 2019, 180 days before the expiration of this permit.

Signature

February 19, 2015

Date

Wade Strickland

Printed Name

Program Manager

Title

**APDES MULTI-SECTOR GENERAL PERMITS FOR STORM WATER
DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY**

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Appendices

Appendix A – Standard Conditions

Appendix B – Abbreviations and Acronyms

Appendix C – Definitions

Appendix D – Facilities and Activities Covered

Appendix E – Calculating Hardness in Receiving Waters for Hardness Dependent Metals

Appendix F – MSGP Forms

Notice of Intent (NOI) Form

Notice of Termination (NOT) Form

Annual Report Form

Corrective Action Form

NOI Modification Form

MSGP Industrial Discharge Monitoring Report (MDMR)

No Exposure Certification Form

Noncompliance Notification Form

SCHEDULE OF SUBMISSIONS

The Schedule of Submissions summarizes some of the required submissions and activities the permittee must complete and/or submit to the Alaska Department of Environmental Conservation (DEC) during the term of this permit. The permittee is responsible for all submissions and activities even if they are not summarized below.

Table: Schedule of Submissions				
Permit Part	Submittal or Completion	Frequency	Due Date	Submit to ^a
1.3	No Exposure Certification	Once, depending on facility status	Once every five years	Permitting Program
2.1.3, 5.2	Storm Water Pollution Prevention Plan (SWPPP)	Once at beginning of coverage, updated as needed	At filing of NOI	Permitting Program
2.1.5, 2.2	Notice of Intent (NOI)	Once at beginning of coverage	Once per permit cycle	Permitting Program
2.7	NOI Modification	As needed	As needed	Permitting Program
7.2.1.2, 7.2.2.1	Monitoring	Quarterly during first year	30 days after receipt of lab results	Compliance Program
9.3	Noncompliance Notification Form	Upon exceedance of effluent limit	30 days after receipt of lab results	Compliance Program
8.4	Corrective Action Report	Upon exceedance (See Part 8.1 and 8.2)	Submit with Annual Report	Compliance Program
9.2	Annual Report	Annually	45 days after conducting comprehensive inspection	Compliance Program
9.4	Additional Reporting	See Section for details	See Section for details	Compliance Program
10.1	Notice of Termination	Once	At end of permit coverage	Permitting Program
Notes:				
a. See Part 9.6 Addresses for Reports				

Summary of Permit Required On-Site Documentation

Permit Part	Document Name or Title	Frequency	Purpose of Document
1.3	No Exposure Certification	Once every five years	To demonstrate facility has reviewed the permit and facility to determine they do not need to file for permit coverage
2.1.3, 5.2	SWPPP	Developed prior to submitting the NOI. Updated as necessary	To describe the project and the control measures to minimize the discharge of pollutants into waters of the U.S. Documents installation, maintenance, inspections, corrective actions, and reporting.
2.1.5, 2.2	NOI	Once at start of coverage	Applicant request for authorization to discharge under permit coverage
	DEC NOI Reply Letter	Once at start of coverage	To provide permittee with DEC permit tracking number indicating project is covered by MSGP
2.7	NOI Modification	As needed	To modify the original NOI if facility conditions or lead personnel change
5.8.3	Copy of Permit Part 1-10 and Sector specific section	Include in SWPPP	To provide reference during permit period
6.1, 6.3.2	Inspection Reports	Conducted at frequency specified in MSGP and SWPPP	To monitor compliance with SWPPP and MSGP
7.2, 7.2.2.1, 7.2.1.2	Monitoring Reports	Conducted at frequency specified in MSGP	To monitor compliance with MSGP
7.2.2.3, 9.3	Noncompliance Notification	As needed	To report any exceedances found during monitoring
8.4	Corrective Action Report	As needed	To report the corrective actions taken at the facility
9.2	Annual Report	Annually	To report annual results of inspections
9.4	Additional Reporting	As required	To provide additional information
10.1	Notice of Termination	Once	To close coverage by the permit.

1. Coverage under this Permit.

1.1 Permit Area.

This general permit covers waters of the United States (U.S.) located in the State of Alaska, except the Indian Reservation of Metlakatla and the Denali National Park and Preserve.

1.2 Eligibility.

- 1.2.1 **Facilities Covered.** To be eligible to discharge under this permit, a permittee must (1) have a storm water discharge associated with industrial activity from the permittee's primary industrial activity, as defined in Appendix C, provided their primary industrial activity is included in Appendix D, or (2) be notified by DEC that the permittee is eligible for coverage under Sector AD of this permit.
- 1.2.2 **Allowable Storm Water Discharges.** Unless otherwise made ineligible under Part 1.2.4, the following discharges are eligible for coverage under this permit:
- 1.2.2.1 Storm water discharges associated with industrial activity for any primary industrial activities and co-located industrial activities, as defined in Appendix C;
 - 1.2.2.2 Discharges designated by DEC as needing a storm water permit as provided in Sector AD;
 - 1.2.2.3 Discharges that are not otherwise required to obtain APDES permit authorization but are commingled with discharges that are authorized under this permit; and
 - 1.2.2.4 Discharges subject to any of the national storm water-specific effluent limitations guidelines listed in Table 1-1.

*(Table 1-1: Storm Water-Specific Effluent Limitations Guidelines
located on following page.)*

Table 1-1: Storm Water-Specific Effluent Limitations Guidelines

Regulated Discharge	40 CFR Section	MSGP Sector	New Source Performance Standard (NSPS)	New Source Date
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	A	Yes	1/26/81
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	C	Yes	4/8/74
Runoff from asphalt emulsion facilities	Part 443, Subpart A	D	Yes	7/28/75
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	E	Yes	2/20/74
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	J	No	N/A
Runoff from hazardous waste and non-hazardous waste landfills	Part 445, Subparts A and B	K, L	Yes	2/2/00
Runoff from coal storage piles at steam electric generating facilities	Part 423	O	Yes	11/19/82 (10/8/74) ¹
Existing and new primary airports with 1,000 or more annual jet departures that discharge wastewater associated with airfield pavement deicing that contains urea commingled with stormwater	Part 449, Subpart A	S	Yes	6/15/12

1.2.3 Allowable Non-Storm Water Discharges. The following are the non-storm water discharges authorized under this permit, provided the non-storm water component of the permittees discharge is in compliance with Part 4.2.10:

- Discharges from fire-fighting activities;
- Fire hydrant flushings;
- Potable water, including water line flushings;
- Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
- Irrigation drainage;
- Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;

¹ NSPS promulgated in 1974 were not removed via the 1982 regulation; therefore wastewaters generated by Part 423-applicable sources that were New Sources under the 1974 regulations are subject to the 1974 NSPS.

- Pavement wash waters where no detergents or hazardous cleaning products are used (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits or any other toxic or hazardous materials (unless cleaned up using dry clean-up methods). The permittee is prohibited from directing any authorized pavement wash waters directly into any surface water or storm drain inlet unless the permittee has implemented appropriate control measures that meet the non-numeric effluent limits in Part 4.2. Where appropriate control measures are not in place, wash water runoff must first undergo treatment prior to discharge such as filtration, detention, or settlement;
- Wheel wash water that does not use detergents;
- Routine external building washdown / power washwater that does not use detergents or hazardous cleaning products, (such as those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols);
- Uncontaminated ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials;
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., “piped” cooling tower blowdown or drains);
- Discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage (applicable only to Sector A facilities provided the non-stormwater component of the discharge is in compliance with the non-numeric effluent limits requirements in Part 4.2).

1.2.3.1 Also allowed are discharges of storm water listed above in Parts 1.2.2 or authorized non-storm water discharges in Part 1.2.3, commingled with a discharge authorized by a different APDES permit and/or a discharge that does not require APDES permit authorization.

1.2.4 Limitations on Coverage.

1.2.4.1 **Discharges Mixed with Non-Storm Water.** Storm water discharges that are mixed with non-storm water, other than those non-storm water discharges listed in Part 1.2.3, are not eligible for coverage under this permit.

- 1.2.4.2 **Discharges Associated with Construction Activity.** Storm water discharges associated with construction activity disturbing one acre or more, or that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more, are not eligible for coverage under this permit, unless in conjunction with mining activities or certain oil and gas extraction activities as specified in Sectors G, H, I, and J of this permit.
- 1.2.4.3 **Discharges Currently or Previously Covered by another Permit.** Unless the permittee received written notification from DEC specifically allowing these discharges to be covered under this permit, the permittee is not eligible for coverage under this permit for any of the following:
- Storm water discharges associated with industrial activity that are currently covered under an individual APDES permit or an alternative APDES general permit;
 - Discharges covered within five years prior to the effective date of this permit by an individual permit or alternative general permit where that permit established site-specific numeric water quality-based limitations developed for the storm water component of the discharge; or
 - Discharges from facilities where any APDES permit has been or is in the process of being denied, terminated, or revoked by EPA (this does not apply to the routine reissuance of permits every five years).
- 1.2.4.4 **Discharges Subject to Effluent Limitations Guidelines.** For discharges subject to storm water effluent limitation guidelines under 40 CFR, Subchapter N, only those storm water discharges identified in Table 1-1 are eligible for coverage under this permit.
- 1.2.4.5 **Eligibility for New Dischargers: Based on Water Quality Standards.** A new discharger (as defined in Appendix C), is not eligible for coverage under this permit for discharges that DEC, prior to authorization under this permit, determines will not meet any WQS. Where such a determination is made prior to authorization, DEC may notify the applicant that an individual or other general permit APDES application is necessary in accordance with Part 2.8. However, DEC may authorize coverage under this permit after the applicant has included appropriate controls and implementation procedures designed to ensure the discharge meets WQS. In the absence of information demonstrating otherwise, DEC expects that compliance with the storm water control requirements of this permit, including the requirements applicable to such discharges in Part 4, will meet WQS.

1.2.4.6 **New Discharges to Water Quality Impaired Waters.**² If the permittee is a new discharger they are not eligible for coverage under this permit to discharge to an “impaired water”, as defined in Appendix C unless they:

- Prevent all exposure to storm water of the pollutant(s) for which the waterbody is impaired, and retain documentation of procedures taken to prevent exposure onsite with the SWPPP; or
- Prior to submitting the permittee’s NOI, provide to the Department technical information or other documentation that the pollutant(s) for which the waterbody is impaired is not present at the site, and retain documentation of this finding with their SWPPP; or
- Prior to submitting the permittee’s NOI, provide to the Department data or other technical documentation to support a conclusion that the discharge is not expected to cause or contribute to an exceedance of a water quality standard (WQS), and retain such data onsite with the SWPPP. To do this, the permittee must provide data and other technical information to the Department sufficient to demonstrate:
 - For discharges to waters without an EPA approved or established Total Maximum Daily Load (TMDL), that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody; or
 - For discharges to waters with an EPA approved or established TMDL, that there are sufficient remaining wasteload allocations in an EPA approved or established TMDL to allow the permittees discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with WQS. The permittee must also evaluate the recommendations in the Implementation Section of the EPA approved or established TMDL and incorporate applicable measures into their operations.

A permittee is eligible under Part 1.2.4.6 if they receive an affirmative determination from the Department that their discharge will not contribute to the existing impairment, in which case the permittee must maintain such determination onsite with the SWPPP, or if the Department fails to respond within 30 days of submission of data to the Department.

² The project will be considered to discharge to an impaired water if the first water of the U.S. to which the discharge enters is identified by the Department pursuant to Section 303(d) of the CWA as not meeting a WQS, or is included in an EPA-approved or established total maximum daily load (TMDL). For discharges that enter a storm sewer system prior to discharge, the first water of the U.S. to which the discharge is the waterbody that receives the stormwater discharge from the storm sewer system.

1.3 Conditional Exclusion for No Exposure.

If the permittee is covered by this permit, and becomes eligible for a no exposure exclusion from permitting under 40 CFR 122.26(g), the permittee may file a No Exposure Certification. The permittee is no longer required to have a permit upon submission of a complete and accurate no exposure certification to DEC. If the permittee is no longer required to have permit coverage because of a no exposure exclusion and has submitted a No Exposure Certification form to DEC, they are not required to submit a Notice of Termination (NOT). The permittee must submit a No Exposure Certification to DEC once every five years from the initial date of filing.

Facilities which have multiple industrial sectors covered under one permit can not use the No Exposure Certification form to remove those individual sectors from permit coverage. Upon a thorough evaluation to determine some sectors have no exposure to storm water, those areas must be noted in the facility wide SWPPP and inspected annually during the comprehensive site inspections to ensure no exposure exists. If inspections reveal those individual sectors eligible for coverage under this permit have exposure, the SWPPP must be updated to include those sectors and all permit requirements applied to those areas. The No Exposure Certification for Exclusion applies to an entire facility and not individual outfalls or areas located within the facility covered under a single permit.

2. Authorization under this Permit.

2.1 How to Obtain Authorization.

To obtain authorization under this permit, the permittee must:

- 2.1.1 Be located in the area where DEC is the permitting authority;
- 2.1.2 Meet the Part 1.2 eligibility requirements;
- 2.1.3 Develop a SWPPP according to the requirements in Part 5 of this permit. The permittee must submit a copy of the SWPPP to DEC as specified in Part 9.6;
- 2.1.4 Select, design, install, and implement control measures in accordance with Part 4.2 to meet numeric and non-numeric effluent limits;
- 2.1.5 Submit a complete and accurate Notice of Intent (NOI) either using DEC's electronic Notice of Intent (eNOI) system (accessible at <http://dec.alaska.gov/water/wnpspc/stormwater/APDESeNOI.html>) or using a paper form (included in Appendix F of this permit) and then submitting that paper form to the address listed in Part 2.2.2; and
- 2.1.6 Pay the general permit authorization fee in accordance with 18 AAC 72. Existing permittees when renewing permit coverage do not need to pay two permit authorization fees in one calendar year;

- 2.1.7 DEC will post on the Internet, at <http://dec.alaska.gov/Applications/Water/WaterPermitSearch/Search.aspx>, all authorizations issued. Late NOIs will be accepted but authorization to discharge will not be retroactive.
- 2.1.8 If the information on the NOI is incorrect or is missing, the NOI will be deemed incomplete and permit authorization will not be granted. A complete NOI shall include the following information, at a minimum:
- 2.1.8.1 The operator information includes: Organization name, contact person, complete mailing address, telephone number and fax number and email address if available;
 - 2.1.8.2 The billing contact information includes: organization name, contact person, complete mailing address, telephone number and fax number and email address if available. If the billing contact information is the same as the operator information, check the box on the NOI indicating that it is the same;
 - 2.1.8.3 The industrial facility information includes: facility name, physical location, the city and zip code, the borough, latitude and longitude, how the latitude and longitude were determined, an estimate of the area of industrial activity exposed to storm water, if the facility storm water discharges have been previously permitted under an APDES permit, and if this is a federal facility;
 - 2.1.8.4 The discharge information includes: does the facility discharge to a municipal separate storm sewer system (MS4), and if so the name of the MS4 operator, the name(s) of the water bodies to which the facility discharges, does the facility discharge to a water body that is impaired or have a TMDL, if it does then is the discharge consistent with the assumptions and requirements of the TMDL, if a new discharge is the discharge to a tier 2 or tier 3 waterbody, and is any storm water discharge subject to federal effluent limitation guideline and sector-specific requirements, and if so which affected MSGP Sector;
 - 2.1.8.5 The additional information includes: the four-digit Standard Industrial Classification (SIC) code or two-letter Activity Code that best represents the products or services rendered by the facility in which it is primarily engaged in and applicable sector and subsectors of industry activity, including co-located industrial activity for which coverage is requested, and is the facility presently inactive or unstaffed and if so for how long;
 - 2.1.8.6 The SWPPP information includes: SWPPP contact name, phone, email, and URL for SWPPP (if applicable) (the SWPPP does not need to be reposted on the internet each time it is updated);
 - 2.1.8.7 The signatory information in compliance with Appendix A, Part 1.12

2.2 How to Submit an NOI.

- 2.2.1 Electronically (strongly encouraged) at <http://dec.alaska.gov/water/wnpspc/stormwater/APDESeNOI.html>. Operators who submit an eNOI must pay the general permit authorization fee during a step in the eNOI process where payment is required.
- 2.2.2 Through use of a paper form (available at the above web site) and then submit that paper form to address in Appendix A, Part 1.1.1.
- 2.2.3 Each operator submitting the NOI via paper form³ must include a check payable to the “State of Alaska” for the amount of the General Permit Authorization Fee, in accordance with 18 AAC 72.

(Submission Deadlines continued on next page.)

³ Note: Electronic submittal of an NOI will likely be processed more quickly and result in faster receipt of an authorization to discharge.

2.3 Submission Deadlines.

Timeframes for discharge authorization are contained in Table 2-1.

Table 2-1: NOI Submittal Deadlines/Discharge Authorization Dates

Category	NOI Submission Deadline	Discharge Authorization Date ¹	Fee
<u>Existing Dischargers</u> – in operation as of September 29, 2013 and authorized for coverage under 2008 MSGP.	Existing Dischargers must submit new NOI and SWPPP no later than one hundred twenty (120) calendar days after the effective date of this permit.	Seven (7) calendar days after DEC posts the NOI. The permittees authorization under the 2008 MSGP is automatically continued until they have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated.	Existing Dischargers pay annual fee based on invoice from DEC
<u>New Dischargers or New Sources</u> - who commence discharging between September 29, 2013 and one hundred twenty (120) days after the effective date of this permit.	As soon as possible but no later than one hundred twenty (120) calendar days after the effective date of this permit.	Seven (7) calendar days after DEC posts the NOI.	New Discharges pay fee at time of submitting NOI
<u>New Dischargers or New Sources</u> - who commence discharging one hundred twenty (120) calendar days after the effective date of this permit.	A minimum of thirty (30) calendar days prior to commencing discharge.	Seven (7) calendar days after DEC posts the NOI.	New Discharges pay fee at time of submitting NOI
<u>New Owner/Operator of Existing Discharger</u> - transfer of ownership and/or operation of a facility whose discharge is authorized under this permit	New Owner shall submit a new NOI no later than thirty (30) calendar days after the date that the transfer will take place to the new owner/operator.	Seven (7) calendar days after DEC posts the NOI.	New Owner pays fee upon receipt of invoice from DEC
<u>Other Eligible Dischargers</u> - in operation prior to September 29, 2013, but not covered under the 2008 MSGP or another APDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.	Seven (7) calendar days after DEC posts the NOI.	
Note: - Based on a review of the permittees NOI or other information, DEC may delay their authorization for further review, notify the permittee that additional effluent limitations or control measures are necessary, or may deny coverage under this permit and require submission of an application for an individual or other APDES general permit, as detailed in Part 2.8. In these instances, DEC will notify the permittee in writing of the delay, of the need for additional effluent limits or control measures, or of the request for submission of an individual APDES permit application. - If the permittee has missed the deadline to submit the NOI, any and all discharges from the industrial activities will continue to be unauthorized under the CWA until they are covered by this or a different APDES permit. DEC may take enforcement action for any unpermitted discharges that occur between the commencement of discharging and discharge authorization. - Discharges are not authorized if the NOI is incomplete or inaccurate or if the permittee was never eligible for permit coverage.			

2.4 Date of Authorization to Begin Discharge.

An operator is authorized to discharge industrial storm water under the terms and conditions of this permit seven (7) calendar days after DEC's acknowledgment of receipt of the operators complete and paid for NOI is posted on DEC's APDES website (<http://dec.alaska.gov/water/wnpssc/stormwater/stormwater.htm>), unless DEC notifies the operator that the authorization is delayed. Once the authorization is granted by the Department the applicant is then considered a permittee covered by this permit.

2.5 Continuation of Expired General Permit.

- 2.5.1 If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 18 AAC 83.155 and remain in force and effect for discharges that were covered prior to expiration. The permittee is required to abide by all limitations, monitoring, and reporting included herein if the permit enters administrative extension until such time a permit is reissued authorizing the discharge or an NOT is submitted by the permittee. If a permittee is authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:
- 2.5.1.1 Authorization for coverage under a reissued permit or a replacement of this permit following a permittee's timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirements of the new permit;
 - 2.5.1.2 Submittal of a NOT;
 - 2.5.1.3 Issuance or denial of an individual permit for the facility's discharges; or
 - 2.5.1.4 A formal decision by DEC not to reissue this general permit or not cover a particular discharger previously covered by the general permit, at which time DEC will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.
- 2.5.2 Any permittee with a discharge covered under the 2008 MSGP that the Department determines shall transition to a different APDES permit for that discharge that filed a timely and complete NOI and was granted administrative extension of the 2008 MSGP, the administrative extension (i.e., continued permit coverage) from the 2008 MSGP survives the effective date of the 2015 MSGP until the facility receives coverage under the new APDES permit.

2.6 Permit Compliance.

Any noncompliance with any of the requirements of this permit constitutes a violation of the CWA. As detailed in Part 8 (Corrective Actions) of this permit, failure to take any required corrective actions constitute an independent, additional violation of this permit and the CWA. Any actions and time periods specified for remedying noncompliance do not absolve parties of the initial underlying noncompliance. Where corrective action is triggered by an event that does not itself constitute permit noncompliance, such as an exceedance of an applicable benchmark, there is no permit violation provided the permittee takes the required corrective action within the relevant deadlines established in Part 8.3.

2.7 Submittal of Modification to Original NOI.

- 2.7.1 For an existing permittee, if any of the information supplied on the NOI form changes such as name of receiving waterbody, acreage of industrial area exposed to storm water, addition or deletion of industrial sectors, and facility contact information, the permittee must submit an NOI Modification form within thirty (30) calendar days after the change. See Appendix F for the modification form.
- 2.7.2 At facilities where there is a transfer of ownership and/or a new operator takes over operational control at an existing facility the new operator shall submit an NOI no later than thirty (30) calendar days after a change in owner/operator. The previous owner/operator must submit a NOT no later than thirty (30) calendar days after DEC authorization of the new operator. The new operator does not need to pay a permit authorization fee if the facility has paid for the year in which the transfer occurs.

2.8 Alternative Permits.

2.8.1 DEC Requiring Coverage under an Alternative Permit.

DEC may require a permittee to apply for and/or obtain authorization to discharge under an alternative permit, i.e., either an individual APDES permit or an alternative APDES general permit in accordance with 40 CFR 122.64 and 124.5. Any interested person may petition DEC to take action under this paragraph. If DEC requires the permittee to apply for an alternative APDES permit, DEC will notify the permittee in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and will contain alternative permit application requirements, including deadlines for completing the application.

In addition, if the permittee is an existing discharger authorized to discharge under this permit, the notice will set a deadline to file the permit application, and will include a statement that on the effective date of the individual APDES permit, or the alternative general permit as it applies to the permittee, coverage under this general permit will terminate. DEC may grant additional time to submit the application if the permittee requests it. If the permittee is covered under this permit and fails to submit an alternative APDES permit

application as required by DEC, then the applicability of this permit to the permittee is terminated at the end of the day specified by DEC as the deadline for application submittal. DEC may take appropriate enforcement action for any unpermitted discharge.

2.8.2 Permittee Requesting Coverage under an Alternative Permit.

A permittee may request to be excluded from coverage under this general permit by applying for an individual permit. In such a case, the permittee must submit an individual permit application in accordance with the requirements of 18 AAC 83.305 – 83.385 with reasons supporting the request, to DEC at the address listed in Part 9.6 of this permit. The request may be granted by issuance of an individual permit or authorization of coverage under an alternative general permit if the permittees reasons are adequate to support the request.

When an individual APDES permit is issued to a permittee or a permittee is authorized to discharge under an alternative APDES general permit, the permittees authorization to discharge under this permit is terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit.

3. Compliance with Standards and Limits.

3.1 Requirements for all Facilities.

- 3.1.1 A permittee must select, install, implement and maintain control measures (described in Part 4) at the facility that minimize pollutants in the discharge as necessary to meet WQS (18 AAC 70). A permittee must comply with all permit conditions with respect to installation and maintenance of control measures, inspections, monitoring, corrective actions, reporting and recordkeeping.
- 3.1.2 In general, except in situations explained in part 3.1.3, the storm water controls planned, developed, implemented, maintained, and updated by the permittee that are consistent with the provisions of Parts 3 through 9 and Part 11 are considered to meet the requirements of this permit to ensure that the discharges do not cause or contribute to an excursion above any WQS (18 AAC 70).
- 3.1.3 At any time after authorization, upon a DEC determination that the permittee's storm water discharges will cause, have a reasonable potential to cause, or contribute to an excursion above any WQS, DEC may require the permittee to:
 - 3.1.3.1 Take corrective actions and modify storm water controls in accordance with Part 8 to adequately address the identified water quality concerns;
 - 3.1.3.2 Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining WQS; or

3.1.3.3 Minimize discharges of storm water from the facility or activity, implement corrective actions, and submit an individual permit application in accordance with Part 2.8.

3.1.4 All written responses required under Part 3.1 must include a signed certification consistent with Appendix A, Part 1.12.

3.2 Water Quality-Based Effluent Limitations.

3.2.1 Water Quality Standards (WQS).

A permittees discharge must be controlled as necessary to meet a WQS (18 AAC 70) in relation to the pollutants of concern.

DEC expects that compliance with the other conditions in this permit will control discharges as necessary to meet a WQS. If at any time the permittee becomes aware, or DEC determines, that the permittees discharge causes or contributes to an exceedance of a WQS in the receiving water, the permittee must take corrective action as required in Part 8.1, document the corrective actions as required in Parts 8.4 and 5.8, and report the corrective actions to DEC as required in Part 9.2.

Additionally, DEC may impose additional permit stipulations on a site-specific basis, or require the permittee to obtain coverage under an individual permit, if information in a permittees NOI, required reports, or from other sources indicates that their discharges are not controlled as necessary to meet a WQS in the receiving water.

3.2.2 Discharges to Water Quality Impaired Waters.⁴

3.2.2.1 ***Existing Discharge to an Impaired Water with an EPA Approved or Established TMDL.*** If the permittee discharges to an impaired water with an EPA approved or established TMDL, DEC will inform the permittee if any additional limits or controls are necessary for their discharge to be consistent with the assumptions of any available wasteload allocation in the TMDL, or if coverage under an individual permit is necessary in accordance with Part 2.8.1.

⁴ The project will be considered to discharge to an impaired water if the first water of the U.S. to which the discharge enters is identified by the Department pursuant to Section 303(d) of the CWA as not meeting an WQS, or is included in an EPA-approved or established total maximum daily load (TMDL). For discharges that enter a storm sewer system prior to discharge, the first water of the U.S. to which the discharge is the waterbody that receives the stormwater discharge from the storm sewer system.

- 3.2.2.2 **Existing Discharge to an Impaired Water without an EPA Approved or Established TMDL.** If the permittee discharges to an impaired water without an EPA approved or established TMDL, they are required to comply with Part 3.2.1 and the monitoring requirement of Part 7.2.3. Note that this provision also applies to situations where DEC determines that the permittees discharge is not controlled as necessary to meet WQS in a downstream water segment, even if their discharge is to a receiving water that is not specifically identified on a Section 303(d) list.
- 3.2.2.3 **New Discharge to an Impaired Water.** If a permittees authorization to discharge under this permit relied on Part 1.2.4.6 for a new discharge to an impaired water, the permittee must implement and maintain any control measures or conditions at the facility that enabled the permittee to become eligible under Part 1.2.4.6, and modify such measures or conditions as necessary pursuant to any Part 5 corrective actions. The permittee is also required to comply with Part 3.2.1 and the monitoring requirements of Parts 7.2.3.

4. Control Measures.

A permittee must select, design, install, and implement control measures (including best management practices) to address the selection and design considerations in Part 4.1, meet the non-numeric effluent limits in Part 4.2, and meet limits contained in applicable effluent limitations guidelines in Part 4.3. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications. Note that the permittee may deviate from such manufacturer's specifications where the permittee provides justification for such deviation and includes documentation of their rationale in the part of the SWPPP that describes the permittees control measures, consistent with Part 5.2.5. If the permittee finds that their control measures are not achieving their intended effect of minimizing pollutant discharges, the permittee must modify these control measures in accordance with the corrective action requirements set forth in Part 8. Regulated storm water discharges from the permittees facility include storm water run-on that commingles with storm water discharges associated with industrial activity at the permittees facility.

In the technology-based limits included in Part 4.2 and in Part 11, the term "minimize" means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

4.1 Control Measure Selection and Design Considerations.

A permittee must use the following considerations when selecting and designing control measures:

- Preventing storm water from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from storm water;
- Using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in the storm water discharge;

- Using technologically available and economically practicable and achievable in light of best industry practice;
- Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
- Minimizing impervious areas at the permittees facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve groundwater recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;
- Attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
- Conserving and/or restoring of riparian buffers will help protect streams from storm water runoff and improve water quality; and
- Using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

4.2 Non-Numeric Technology-Based Effluent Limits.

In addition to complying with the non-numeric technology-based effluent limits in Part 11, the permittee must also:

4.2.1 Minimize Exposure.

A permittee must evaluate the facility regarding exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff and minimize exposure by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended). In minimizing exposure, the permittee should pay particular attention to the following:

- Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- Locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
- Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;

- Use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
- Use spill/overflow protection equipment;
- Drain fluids from equipment and vehicles that will be decommissioned or will remain unused for extended periods of time;
- Perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- Ensure that all washwater, with the exception of discharges from pavement wash water and routine building washdown described in Part 1.2.3 drains to a sanitary sewer, sump, or other proper collection system (i.e., not the storm water drainage system).

The discharge of vehicle and equipment washwater, including tank cleaning operations, is not authorized by this permit. These wastewaters must be covered under a separate APDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

- 4.2.2 **Good Housekeeping.** A permittee must keep clean all exposed areas that are potential sources of pollutants, including but not limited to: using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers.
- 4.2.3 **Maintenance.** A permittee must regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in storm water discharged to receiving waters. The permittee must maintain all control measures that are used to achieve the effluent limits required by this permit in effective operating condition. Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained). If the permittee finds that their control measures need to be replaced or repaired, the permittee must make the necessary repairs or modifications within 14 days or as expeditiously as practicable.
- 4.2.4 **Spill Prevention and Response Procedures.** A permittee must minimize the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur. At a minimum, the permittee must implement:
- 4.2.4.1 Procedures for plainly labeling containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides,” etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;

- 4.2.4.2 Procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas;
- 4.2.4.3 Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of the permittees storm water pollution prevention team (see Part 5.1.1); and
- 4.2.4.4 Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, 40 CFR Part 302, AS 75.300 and 18 AAC 75 Article 3 occurs, the permittee must notify the National Response Center (NRC) at (800) 424-8802. During normal business hours call the nearest DEC Area Response Team Office – Southeast (Juneau) 465-5340; Central (Anchorage) 269-3063; or Northern (Fairbanks) 451-2121. Outside of normal business hours, the permittee must call (800) 478-9300 as soon as the permittee has knowledge of the discharge. State or local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be posted, where practicable, in locations that are readily accessible and available.
- 4.2.4.5 The permittee must provide a description of the release, the circumstances leading to the release, and the date of the release to the nearest DEC Area Response Team Office, in accordance to AS 75.300 (See Part 4.2.4.4). The permittee must also implement measures to prevent the reoccurrence of such releases and to respond to such releases.
- 4.2.5 **Erosion and Sediment Controls.** A permittee must stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants. Among other actions the permittee must take to meet this limit, the permittee must place flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants. In selecting, designing, installing, and implementing appropriate control measures, the permittee is encouraged to consult with EPA's internet-based resources relating to BMPs for erosion and sedimentation, including the sector-specific Industrial Stormwater Fact Sheet Series, (www.epa.gov/npdes/stormwater/msgp), National Menu of Stormwater BMPs (www.epa.gov/npdes/stormwater/menuofbmps), and National Management Measures to Control Nonpoint Source Pollution from Urban Areas (www.epa.gov/owow/nps/urbanmm/index.html), and any similar State or Tribal publications such as the Alaska Storm Water guide (<http://dec.alaska.gov/water/wnpspc/stormwater/Guidance.html>.) and the Best Management Practices Manual for Gravel Quarries found at http://dec.alaska.gov/water/wnpspc/protection_restoration/bestmgmtpractices/Docs/ADECflyer3.pdf.

- 4.2.6 **Management of Runoff.** A permittee must divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff, to minimize pollutants in their discharges. In selecting, designing, installing, and implementing appropriate control measures, permittees are encouraged to consult with EPA's internet-based resources relating to runoff management, including the sector-specific Industrial Storm Water Fact Sheet Series, (www.epa.gov/npdes/stormwater/msgp), National Menu of Storm Water BMPs (www.epa.gov/npdes/stormwater/menuofbmps), and National Management Measures to Control Nonpoint Source Pollution from Urban Areas (www.epa.gov/owow/nps/urbanmm/index.html), and any similar State or Tribal publications.
- 4.2.7 **Salt Storage Piles or Piles Containing Salt.** A permittee must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. A permittee must also implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile.
- 4.2.8 **Sector Specific Technology-Based Effluent Limits.** A permittee must achieve any additional non-numeric limits stipulated in the relevant sector-specific section(s) of Part 11.
- 4.2.9 **Employee Training.** A permittee must train all employees who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of the permittee's Pollution Prevention Team. Training must cover both the specific control measures used to achieve the effluent limits in this Part, and monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit. Training shall be conducted at least annually (or more often if employee turnover is high) and documented in the SWPPP.
- 4.2.10 **Non-Storm Water Discharges.** A permittee must eliminate non-storm water discharges not authorized by an APDES permit. See Part 1.2.3 for a list of non-storm water discharges authorized by this permit.
- 4.2.11 **Waste, Garbage and Floatable Debris.** A permittee must ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.
- 4.2.12 **Dust Generation and Vehicle Tracking of Industrial Materials.** A permittee must minimize generation of dust and off-site tracking of raw, final, or waste materials. Appropriate BMPs to minimize tracking include the establishment of stabilized access and exit points.

4.3 Numeric Effluent Limitations Based on Effluent Limitations Guidelines.

If the permittee is in an industrial category subject to one of the effluent limitations guidelines identified in Table 7-1 (see Part 7.2.2.1), the permittee must meet the effluent limits referenced in Table 4-1 below:

Table 4-1: Applicable Effluent Limitations Guidelines

Regulated Activity	40 CFR Part/Subpart	Effluent Limit
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	See Part 11.A.7
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	See Part 11.C.4
Runoff from asphalt emulsion facilities	Part 443, Subpart A	See Part 11.D.4
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	See Part 11.E.5
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, or D	See Part 11.J.9
Runoff from hazardous waste landfills	Part 445, Subpart A	See Part 11.K.6
Runoff from non-hazardous waste landfills	Part 445, Subpart B	See Part 11.L.10
Runoff from coal storage piles at steam electric generating facilities	Part 423	See Part 11.O.8
Existing and new primary airports with 1,000 or more annual jet departures that discharge wastewater associated with airfield pavement deicing that contains urea commingled with stormwater	Part 449	See Part 11.S.9

4.4 Plan Approval for Nondomestic Wastewater Treatment Works.

For all new facilities operators who construct, install or operate any part of a nondomestic wastewater treatment works shall submit a copy of the engineering plans to DEC for review at the address in Part 9.6, and pay an engineering plan review fee (see 18 AAC 72.600 and 18 AAC 72.955). Engineering plan approval must be obtained from DEC prior to construction.

Nondomestic wastewater includes storm water runoff. All permanent storm water treatment devices shall receive engineering plan approval per 18 AAC 72.600. (For the purposes of Part 4.4 “permanent storm water treatment device” means a treatment device with a design life longer than two years.)

5. Storm Water Pollution Prevention Plan (SWPPP).

A permittee must prepare a SWPPP for their facility before submitting their Notice of Intent (NOI) for permit coverage. If a permittee prepared a SWPPP for coverage under a previous APDES permit, the permittee must review and update the SWPPP to implement all provisions of this permit prior to submitting their NOI. The SWPPP does not contain effluent limitations; the limitations are contained in Part 4 of the permit, and for some sectors, Parts 11 of the permit. The SWPPP is intended to document the selection, design, and installation of control measures. As distinct from the SWPPP, the additional

documentation requirements (see Part 5.8) are intended to document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

5.1 Storm Water Pollution Prevention Plan (SWPPP).

For coverage under this permit, the SWPPP must contain all of the following elements:

- 5.1.1 Storm water pollution prevention team (see Part 5.2.2);
- 5.1.2 Site description (see Part 5.2.3);
- 5.1.3 Summary of potential pollutant sources (see Part 5.2.4);
- 5.1.4 Description of control measures (see Part 5.2.5);
- 5.1.5 Schedules and procedures (see Part 5.2.6); and
- 5.1.6 Signature requirements (see Part 5.2.7).

Where the SWPPP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan or an Environmental Management System (EMS) developed for a National Environmental Performance Track facility, copies of the relevant portions of those documents must be kept with the SWPPP.

5.2 Contents of the SWPPP.

5.2.1 Permittee.

Identify the permittee for the facility.

5.2.2 Storm Water Pollution Prevention Team.

Identify the staff members (by name or title) that comprise the facility's storm water pollution prevention team as well as their individual responsibilities. The storm water pollution prevention team is responsible for assisting the facility manager in developing and revising the facility's SWPPP as well as maintaining control measures and taking corrective actions where required. Each member of the storm water pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit and the SWPPP.

5.2.3 Site Description.

The SWPPP must include the following:

- 5.2.3.1 **Activities at the Facility.** Provide a description of the nature of the industrial activities at the facility.

5.2.3.2 **General location map.** Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of the facility and all receiving waters for the storm water discharges.

5.2.3.3 **Site map.** Provide a map showing:

- the size of the property in acres;
- the location and extent of significant structures and impervious surfaces;
- directions of storm water flow (use arrows);
- locations of all existing structural control measures;
- locations of all receiving waters in the immediate vicinity of the permittees facility, indicating if any of the waters are impaired and, if so, whether the waters have TMDLs established for them;
- locations of all storm water conveyances including ditches, pipes, and swales;
- locations of potential pollutant sources identified under Part 5.2.4.2;
- locations where significant spills or leaks identified under Part 5.2.4.3 have occurred;
- locations of all storm water monitoring points;
- locations of storm water inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 1, No. 2, etc), indicating if permittees are treating one or more outfalls as “substantially identical” under Parts 6.2.3, 5.2.6.2, and 7.1.1, and an approximate outline of the areas draining to each outfall;
- municipal separate storm sewer systems, where the facilities storm water discharges to them;
- locations and descriptions of all non-storm water discharges identified under Part 4.2.10;
- Identify the location of existing public water system (PWS) drinking water protection areas for PWS (e.g. springs, wells, or surface water intakes) that intersect the boundary of the facility;
- locations of the following activities where such activities are exposed to precipitation:
 - fueling stations;
 - vehicle and equipment maintenance and/or cleaning areas;
 - loading/unloading areas;
 - locations used for the treatment, storage, or disposal of wastes;
 - liquid storage tanks;
 - processing and storage areas;
 - immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
 - transfer areas for substances in bulk; and

- machinery; and
- locations and sources of run-on to the facility from adjacent property that contains significant quantities of pollutants.

5.2.4 Summary of Potential Pollutant Sources.

A permittee must document areas at their facility where industrial materials or activities are exposed to storm water and from which allowable non-storm water discharges are released. Industrial materials or activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each area identified, the description must include:

- 5.2.4.1 Activities in the Area.** A list of the industrial activities exposed to storm water (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).
- 5.2.4.2 Pollutants.** A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, and cleaning solvents) associated with each identified activity. The pollutant list must include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to storm water in the three years prior to the date the permittee prepared or amended the SWPPP.
- 5.2.4.3 Spills and Leaks.** A permittee must document where potential spills and leaks could occur that could contribute pollutants to storm water discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. The permittee must document all significant spills and leaks⁵ of oil or toxic or hazardous pollutants that occurred in the three years prior to the date the permittee prepared the SWPPP for this permit term. Specifically, include spills or leaks that occurred in areas exposed to storm water or that drained to a storm water conveyance. The spill or leak history must be maintained in the SWPPP throughout this permit term. The permit term goes from the permit effective date to the permit expiration date.
- 5.2.4.4 Non-Storm Water Discharges.** A permittee must document that they have evaluated for the presence of non-storm water discharges and that all unauthorized discharges have been eliminated. Documentation of the evaluation must include:

- The date of any evaluation;

⁵ Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117, 40 CFR 302, Alaska Statute 46.04 and Section 18 AAC Chapter 75 (i.e. 18 AAC 75.300) relating to spills or other releases of oils or hazardous substances. (See 4.2.4)

- A description of the evaluation criteria used;
- A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
- The different types of non-storm water discharge(s) and source locations; and
- The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an APDES permit application was submitted for an unauthorized cooling water discharge.

5.2.4.5 ***Salt Storage.*** A permittee must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

5.2.4.6 ***Sampling Data.*** A permittee must summarize all storm water discharge sampling data collected at their facility during the previous permit term.

5.2.5 Description of Control Measures.

5.2.5.1 ***Control Measures to Meet Technology-Based and Water Quality-Based Effluent Limits.*** A permittee must document the location and type of control measures installed and implemented at the facility to achieve the non-numeric effluent limits in Part 4.2, and where applicable in Part 11, the effluent limitations guidelines-based limits in Part 4.3, the water quality-based effluent limits in Part 3.2, and describe how the permittee addressed the control measure selection and design considerations in Part 4.1. This documentation must describe how the control measures at the facility address both the pollutant sources identified in Part 5.2.4, and any storm water run-on that commingles with any discharges covered under this permit.

5.2.6 Schedules and Procedures.

5.2.6.1 ***Pertaining to Control Measures Used to Comply with the Effluent Limits in Part 4.*** The following must be documented in the SWPPP:

- *Good Housekeeping* (See Part 4.2.2) – A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers;
- *Maintenance* (See Part 4.2.3) – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line;
- *Spill Prevention and Response Procedures* (See Part 4.2.4) – Procedures for preventing and responding to spills and leaks. The permittee may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC)

developed for the facility under Section 311 of the CWA or BMP programs otherwise required by an APDES permit for the facility, provided that the permittee keeps a copy of that other plan onsite and makes it available for review consistent with Part 5.7; and

- *Employee Training* (Part 4.2.9) – A schedule for all types of necessary training.

5.2.6.2 ***Pertaining to Monitoring and Inspection.*** A permittee must document in the SWPPP procedures for conducting the four types of analytical monitoring specified by this permit, where applicable to the facility, including:

- Benchmark monitoring (see Part 7.2.1);
- Effluent limitations guidelines monitoring (see Part 7.2.2);
- Impaired waters monitoring (see Part 7.2.3); and
- Other monitoring as required by DEC (see Part 7.2.4).

For each type of monitoring, the SWPPP must document:

- Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
- Parameters for sampling and the frequency of sampling for each parameter;
- Schedules for monitoring at the facility, including schedule for alternate monitoring periods for climates with irregular storm water runoff (see Part 7.1.6);
- Any numeric control values (benchmarks, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to discharges from each outfall; and
- Procedures (e.g., responsible staff, logistics, laboratory to be used, etc.) for gathering storm event data, as specified in Part 7.1.
- If a permittee is invoking the exception for inactive and unstaffed sites for benchmark monitoring, the permittee must include in the SWPPP the information to support this claim as required by Part 7.2.1.6.

A permittee must document the following in the SWPPP if they plan to use the substantially identical outfall exception for quarterly visual assessment requirements in Part 6.2 or benchmark monitoring requirements in Part 7.2.1:

- Location of each of the substantially identical outfalls;

- Description of the general industrial activities conducted in the drainage area of each outfall;
- Description of the control measures implemented in the drainage area of each outfall;
- Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to storm water discharges;
- An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%); and
- Why the outfalls are expected to discharge substantially identical effluents.

A permittee must document in the SWPPP their procedures for performing, as appropriate, the three types of inspections specified by this permit, including:

- Routine facility inspections (see Part 6.1);
- Quarterly visual assessment of storm water discharges (see Part 6.2); and
- Comprehensive site inspections (see Part 6.3).

For each type of inspection performed, the SWPPP must identify:

- Person(s) or positions of person(s) responsible for inspection;
- Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular storm water runoff discharges (see Part 6.2.3); and
- Specific items to be covered by the inspection, including schedules for specific outfalls.

If the permittee is invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, the permittee must include in the SWPPP the information to support this claim as required by Parts 6.1.3 and 6.2.3.

5.2.7 Signature Requirements.

A permittee must sign and date the SWPPP in accordance with Appendix A, Subsection 1.12, including the date of signature.

5.3 Inspections.

- 5.3.1 The SWPPP must document the procedures for performing facility inspections specified by this permit in Part 6, and where necessary, taking corrective actions, in accordance with Part 8. At a minimum the SWPPP must document the following:
 - 5.3.1.1 Person(s) or position of person(s) responsible for conducting facility inspections;
 - 5.3.1.2 Schedules to be followed for conducting inspections;
 - 5.3.1.3 Any inspection checklist or form that will be used; and
 - 5.3.1.4 How conditions that require corrective action will be addressed.
- 5.3.2 A record of each inspection and of any corrective actions taken in accordance with Parts 6 and 8 must be retained with the SWPPP for at least three (3) years from the date permit coverage expires or is terminated.
- 5.3.3 If a permittee is invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, the permittee must include in the SWPPP the information to support this claim as required by Parts 6.1.3 and 6.2.3.

5.4 Monitoring.

- 5.4.1 The SWPPP must document the procedures for performing facility monitoring specified by this permit in Part 7, and where necessary, taking corrective actions, in accordance with Part 8. At a minimum, the SWPPP must document the following:
 - 5.4.1.1 Person(s) or position of person(s) responsible for conducting facility monitoring;
 - 5.4.1.2 Schedules to be followed for conducting monitoring;
 - 5.4.1.3 Any monitoring checklist or form that will be used; and
 - 5.4.1.4 How conditions that require corrective action will be addressed.
- 5.4.2 A record of each monitoring event and of any corrective actions taken in accordance with Parts 7 and 8 must be retained with the SWPPP for at least three (3) years from the date permit coverage expires or is terminated.

5.5 Documentation of Permit Eligibility Related to a Total Maximum Daily Load.

The SWPPP must include documentation supporting determination of permit eligibility with regards to waters that have an EPA-established or approved TMDL. See Part 3.2.2 for additional information to determine permit eligibility related to a TMDL. The SWPPP must include the following:

- 5.5.1 Identification of whether the discharge is identified, either specifically or generally, in an EPA – established or approved TMDL and any associated allocations, requirements, and assumptions identified for the discharge;
- 5.5.2 Summaries of consultation with state or federal TMDL authorities on consistency of SWPPP conditions with the approved TMDL; and
- 5.5.3 Measures taken by the permittee to ensure that the discharge of pollutants from the facility is consistent with the assumptions and requirements of the EPA – established or approved TMDL, including any specific wasteload or load allocation that has been established that would apply to the discharge.

5.6 Maintaining and Updated SWPPP.

- 5.6.1 A permittee must modify the SWPPP whenever necessary to address any of the triggering conditions for corrective action in Part 8.1 and to ensure that they do not reoccur, or to reflect changes implemented when a review following the triggering conditions in Part 8.2 indicates that changes to the control measures are necessary to meet the effluent limits in this permit. Changes to the SWPPP document must be made in accordance with the corrective action deadlines in Parts 8.3 and 8.4, and must be signed and dated in accordance with Appendix A, Subsection 1.12.
- 5.6.2 A permittee must modify the SWPPP if inspections or investigations by facility staff or by state, federal, local or tribal officials determine that SWPPP modifications are necessary for compliance with this permit.
- 5.6.3 A permittee must modify the SWPPP to reflect any revisions to applicable state, federal, local or tribal law or regulations that affect the control measures implemented at the facility.
- 5.6.4 A permittee must keep a log showing dates, name of person authorizing the change, and a brief summary of changes for all significant SWPPP modifications (e.g. adding a new control measure, changes in facility layout or design, or significant storm events that cause for replacement of control measures).
- 5.6.5 A permittee must amend the SWPPP within thirty (30) calendar days whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to waters of the U.S., or if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified in the SWPPP, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. The SWPPP must be updated at least annually.

5.7 SWPPP Availability.

A permittee must retain a copy of the current SWPPP required by this permit at the facility, and it must be immediately available to DEC or EPA at the time of an onsite inspection or upon request. If the facility is inactive the SWPPP must be retained at a readily available location or the office of the operator. DEC may provide access to portions of the SWPPP to a member of the public upon request. Confidential Business Information (CBI) may be withheld from the public, but may not be withheld from those staff cleared for CBI review within DEC, EPA, USFWS, or NMFS.

DEC encourages permittees to post their SWPPP online and provide the website address on the NOI (the SWPPP does not need to be reposted on the internet each time it is updated).

5.8 Additional Documentation Requirements.

A permittee is required to keep up-to-date copies of the following inspection, monitoring, corrective action, additional documentation, and certification records with the SWPPP:

- 5.8.1 A copy of the NOI submitted to DEC along with any correspondence exchanged between the permittee and DEC specific to coverage under this permit;
- 5.8.2 A copy of the acknowledgment letter the permittee receives from DEC or eNOI system assigning the permittees permit tracking number;
- 5.8.3 A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- 5.8.4 Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants to waters of the U.S., through storm water or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent the recurrence of such releases (see Part 4.2.4);
- 5.8.5 Records of employee training, including date training received (see Part 4.2.9);
- 5.8.6 Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part 4.2.3);
- 5.8.7 Log of SWPPP modifications;
- 5.8.8 All inspection reports, including the Routine Facility Inspection Reports (see Part 6.1), the Quarterly Visual Assessment Reports (see Part 6.2), and the Comprehensive Site Inspection Reports (see Part 6.3);

- 5.8.9 Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of discharge from a measurable storm event) (see Parts 6.2.1, 7.1.4, and 7.2.1.2);
- 5.8.10 Description of any corrective action taken at the permittees site shall be listed in a corrective action log, including triggering event and dates when problems were discovered and modifications occurred (see Part 8.4);
- 5.8.11 Documentation of any benchmark exceedances and how they were responded to, including either (1) corrective action taken, (2) a finding that the exceedence was due to natural background pollutant levels, or (3) a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice consistent with Part 7.2.1.2;
- 5.8.12 Documentation of any effluent limitation exceedances and how they were responded to, including any corrective action;
- 5.8.13 Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if the permittee discharges directly to impaired waters, and that such pollutants were not detected in their discharge or were solely attributable to natural background sources (see Part 7.2.3.2); and
- 5.8.14 Documentation to support the permittees claim that the permittees facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections (see Part 6.1.3), quarterly visual assessments (see Part 6.2.3), and/or benchmark monitoring (see Part 7.2.1.6).

6. Inspections.

A permittee must conduct the inspections in Parts 6.1, 6.2, and 6.3 at their facility.

6.1 Routine Facility Inspections.

6.1.1 Routine Facility Inspection Procedures.

During normal facility operating hours, the permittee must conduct inspections of areas of the facility covered by the requirements in this permit, including the following:

- Areas where industrial materials or activities are exposed to storm water.
- Areas identified in the SWPPP and those that are potential pollutant sources (see Part 5.1.3).
- Areas where spills and leaks have occurred in the past 3 years.
- Discharge points.
- Control measures used to comply with the effluent limits contained in this permit.

Inspections must be conducted at least quarterly (i.e., once each permit quarter), or in some instances more frequently (e.g., monthly), as appropriate. Increased frequency may be appropriate for some types of equipment, processes and stormwater control measures, or areas of the facility with significant activities and materials exposed to stormwater. At least one of the routine inspections must be conducted during a period when a stormwater discharge is occurring (in arid areas of the state this requirement is to be met as practicable). The permittee must specify the relevant inspection schedules in their SWPPP document as required in Part 5.2.6.

Inspections must be performed by qualified personnel (as defined in Appendix C) with at least one member of the permittee's stormwater pollution prevention team participating. Inspector(s) must consider the results of visual and analytical monitoring (if any) for the past year when planning and conducting inspections.

During the inspection the inspectors must examine or look out for the following:

- Industrial materials, residue or trash that may have or could come into contact with stormwater.
- Leaks or spills from industrial equipment, drums, tanks and other containers.
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site.
- Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas.
- Control measures needing replacement, maintenance or repair.

During an inspection occurring during a stormwater discharge, control measures implemented to comply with effluent limits must be observed to ensure they are functioning correctly. Discharge points, as defined in Appendix C, must also be observed during this inspection. If such discharge locations are inaccessible, nearby downstream locations must be inspected.

6.1.2 Routine Facility Inspection Documentation.

A permittee must document the findings of each routine facility inspection performed and maintain this documentation onsite with the SWPPP as required in Part 5.8. The permittee is not required to submit their routine facility inspection findings to DEC, unless specifically requested to do so. At a minimum, the permittees documentation of each routine facility inspection must include:

- The inspection date and time;
- The name(s) and signature(s) of the inspector(s);
- Weather information;
- All observations relating to the implementation of control measures at the facility, including:
 - A description of any discharges occurring at the time of the inspection;

- Any previously unidentified discharges of pollutants from the site;
- Any evidence of, or the potential for, pollutants entering the drainage system;
- Observations regarding the physical condition of and around all outfalls including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water;
- Any control measures needing maintenance, repairs; or replacement;
- Any additional control measures needed to comply with the permit requirements; and
- Any incidents of noncompliance observed.

The inspection report must be signed and certified in accordance with Appendix A, Subsection 1.12 of the permit.

Any corrective action required as a result of a routine facility inspection must be performed consistent with Part 8 of this permit.

6.1.3 Exceptions to Routine Facility Inspections.

Inactive and Unstaffed Sites: The requirement to conduct routine facility inspections on a quarterly basis does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. Such a facility is only required to conduct an annual comprehensive site inspection in accordance with the requirements of Part 6.3. To invoke this exception, the permittee must maintain a statement in the SWPPP pursuant to Part 5.2.6.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Appendix A, Subsection 1.12. If circumstances change and industrial materials or activities become exposed to storm water or the facility becomes active and/or staffed, this exception no longer applies and the permittee must immediately resume quarterly facility inspections. If the permittee is not qualified for this exception at the time of authorization under this permit, but during the permit term becomes qualified because their facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then the permittee must include the same signed and certified statement as above and retain it with the facility records pursuant to Part 5.8.

Inactive and unstaffed facilities or those undergoing winter shutdown covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the “no industrial materials or activities exposed to storm water” standard to be eligible for this exception from routine inspections, consistent with the requirements established in Parts 11.G.8.4, 11.H.8.1, and 11.J.8.1.

6.2 Quarterly Visual Assessment of Storm Water Discharges.

6.2.1 Quarterly Visual Assessment Procedures.

Once each calendar quarter for the entire permit term, the permittee must collect a storm water sample from each outfall (except as noted in Part 6.2.3) and conduct a visual assessment of each of these samples. These samples are not required to be collected consistent with 40 CFR Part 136 procedures but should be collected in such a manner that the samples are representative of the storm water discharge. If no discharge occurs during the quarterly visual assessment period, the permittee must still report no discharge for this monitoring period and follow the requirements of Part 7.1.6.

The visual assessment must be made:

- Of a sample in a clean, clear glass, or plastic container, and examined in a well-lit area;
- On samples collected within the first 30 minutes of an actual discharge from a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and the permittee must document why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge from the permittees site; and
- For storm events, on discharges that occur at least 72 hours (3 days) from the previous discharge. The 72-hour (3-day) storm interval does not apply if the permittee documents that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period.

A permittee must visually inspect the sample for the following water quality characteristics:

- Color;
- Odor;
- Clarity (diminished);
- Floating solids;
- Settled solids;
- Suspended solids;
- Foam;
- Oil sheen; and
- Other obvious indicators of storm water pollution.

6.2.2 Quarterly Visual Assessment Documentation.

A permittee must document the results of their visual assessments and maintain this documentation onsite with the SWPPP as required in Part 6.2.3. The permittee is not required

to submit their visual assessment findings to DEC, unless specifically requested to do so. At a minimum, the permittees documentation of the visual assessment must include:

- Sample location(s)
- Sample collection date and time, and visual assessment date and time for each sample;
- Personnel collecting the sample and performing visual assessment, and their signatures;
- Nature of the discharge (i.e., runoff or snowmelt);
- Results of observations of the storm water discharge;
- Probable sources of any observed storm water contamination, and
- If applicable, why it was not possible to take samples within the first 30 minutes.
- Quarterly Visual Assessment Documentation must be signed and certified in accordance with Appendix A, Subsection 1.12 of the permit.

Any corrective action required as a result of a quarterly visual assessment must be performed consistent with Part 8 of this permit.

6.2.3 Exceptions to Quarterly Visual Assessments.

Adverse Weather Conditions: When adverse weather conditions prevent the collection of samples during the quarter, the permittee must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with the SWPPP records as described in Part 5.8. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical, such as drought or extended frozen conditions.

Climates with Irregular Storm Water Runoff: If the facility is located in an area where limited rainfall occurs during many parts of the year (e.g., arid or semi-arid climate) or in an area where freezing conditions exist that prevent runoff from occurring for extended periods, then the samples for the quarterly visual assessments may be distributed during seasons when precipitation runoff occurs. (See Part 7.1.6)

Areas Subject to Snow: In areas subject to snow, at least one quarterly visual assessment must capture snowmelt discharge, as described in Part 7.1.3, taking into account the exception described above for climates with irregular storm water runoff.

Inactive and Unstaffed Sites: The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. To invoke this exception, the permittee must maintain a statement in the SWPPP as required in Part 5.2.6.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Appendix A, Subsection 1.12. If circumstances

change and industrial materials or activities become exposed to storm water or the facility becomes active and/or staffed, this exception no longer applies and the permittee must immediately resume quarterly visual assessments. If the permittee is not qualified for this exception at the time they are authorized under this permit, but during the permit term they become qualified because their facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then the permittee must include the same signed and certified statement as above and retain it with their records pursuant to Part 5.8.

Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the “no industrial materials or activities exposed to storm water” standard to be eligible for this exception from quarterly visual assessment, consistent with the requirements established in Parts 11.G.8.4, 11.H.8.1, and 11.J.8.1.

Substantially Identical Outfalls: If a permittees facility has two or more outfalls that discharge substantially identical effluents, as documented in Part 5.2.6.2, the permittee may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that the permittee performs visual assessments on a rotating basis of each substantially identical outfall throughout the period of coverage under this permit.

If storm water contamination is identified through visual assessment performed at a substantially identical outfall, the permittee must assess and modify their control measures as appropriate for each outfall represented by the monitored outfall.

6.3 Comprehensive Site Inspections.

6.3.1 Comprehensive Site Inspection Procedures.

A permittee must conduct annual comprehensive site inspections while covered under this permit. Annual, as defined in this Part, means once during each of the following inspection periods beginning with the period the permittee is authorized to discharge under this permit:

Year 1:	Permit Effective Date	–	December 31, 2015
Year 2:	January 1, 2016	–	December 31, 2016
Year 3:	January 1, 2017	–	December 31, 2017
Year 4:	January 1, 2018	–	December 31, 2018
Year 5:	January 1, 2019	–	Permit Expiration Date ¹
Note:			
1. Unless the permit is extended to or past December 31, 2019, in which case, December 31, 2019.			

A permittee is waived from having to perform a comprehensive site inspection for an inspection period, as defined above, if authorization to discharge is obtained less than three months before the end of that inspection period.

Should a permittees coverage be administratively continued after the expiration date of this permit, the permittee must continue to perform these inspections annually until they are no longer covered.

Comprehensive site inspections must be conducted by qualified personnel with at least one member of the storm water pollution prevention team participating in the comprehensive site inspections.

The comprehensive site inspections must cover all areas of the facility affected by the requirements in this permit, including the areas identified in the SWPPP as potential pollutant sources (see Part 5.2.4) where industrial materials or activities are exposed to storm water, any areas where control measures are used to comply with the effluent limits in Part 3, and areas where spills and leaks have occurred in the past 3 years. If the permittee has documented in the SWPPP that some industrial sector sites within the facility have no exposure to storm water the comprehensive site inspection should include those sector areas as well to verify no exposure still exists. The inspections must also include a review of monitoring data collected in accordance with Part 7.2. Inspectors must use the results of the past year's visual and analytical monitoring when planning and conducting inspections. Inspectors must examine the following:

- Industrial materials, residue, or trash that may have or could come into contact with storm water;
- Leaks or spills from industrial equipment, drums, tanks, and other containers;
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
- Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas; and
- Control measures needing replacement, maintenance, or repair.

Storm water control measures required by this permit must be observed to ensure that they are functioning correctly. If discharge locations are inaccessible, nearby downstream locations must be inspected.

The annual comprehensive site inspection may also be used as one of the routine inspections, as long as all components of both types of inspections are included.

6.3.2 Comprehensive Site Inspection Documentation.

A permittee must document the findings of each comprehensive site inspection and maintain this documentation onsite with the SWPPP as required in Part 5.8. In addition, the permittee must submit this documentation in an annual report as required in Part 9.2. At a minimum, the

permittees documentation of the comprehensive site inspection must include (see the Annual Reporting Form included as Appendix F):

- The date of the inspection;
- The name(s) and title(s) of the personnel making the inspection;
- Findings from the examination of areas of the facility identified in Part 6.3.1 including inspections of the individual industrial sectors within a facility under a single permit which have been noted as having no exposure in the SWPPP;
- All observations relating to the implementation of the permittees control measures including:
 - previously unidentified discharges from the site,
 - previously unidentified pollutants in existing discharges,
 - evidence of, or the potential for, pollutants entering the drainage system;
 - evidence of pollutants discharging to receiving waters at all facility outfall(s), and the condition of and around the outfall, including flow dissipation measures to prevent scouring, and
 - additional control measures needed to address any conditions requiring corrective action identified during the inspection.
- Any required revisions to the SWPPP resulting from the inspection;
- Any incidents of noncompliance observed or a certification stating the facility is in compliance with this permit (if there is no noncompliance); and
- A statement, signed and certified in accordance with Appendix A, Subsection 1.12 of the permit.

Any corrective action required as a result of the comprehensive site inspection must be performed consistent with Part 8 of this permit.

7. Monitoring.

A permittee must collect and analyze storm water samples and document monitoring activities consistent with the procedures described in Part 7 and Appendix A, Subsections 3.0, and any additional sector-specific requirements in Part 11. Refer to Part 9 for reporting and recordkeeping requirements.

7.1 Monitoring Procedures.

7.1.1 Monitored Outfalls.

Applicable monitoring requirements apply to each outfall authorized by this permit, except as otherwise exempt from monitoring as a “substantially identical outfall.” If the permittees facility has two or more outfalls that they believe discharge substantially identical effluents, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to storm water, and runoff coefficients of their drainage areas, they may monitor the effluent of just one of the outfalls and report that the results also apply to the substantially identical outfall(s). As required in Part 5.2.6.2, the SWPPP must identify each outfall authorized by this permit and describe the rationale for any substantially identical outfall determinations. The allowance for monitoring only one of the substantially identical outfalls is not applicable to any outfalls with numeric effluent limitations. The permittee is required to monitor each outfall covered by a numeric effluent limit as identified in Part 7.2.2.

7.1.2 Commingled Discharges.

If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable.

7.1.3 Measurable Storm Events.

All required monitoring must be performed on a storm event that results in an actual discharge from the facility (“measurable storm event”) that follows the preceding measurable storm event by at least 72 hours (three days). The 72-hour (three-day) storm interval does not apply if the permittee is able to document that less than a 72-hour (three-day) interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at the facility.

For each monitoring event, except snowmelt monitoring, the permittee must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event. For snowmelt monitoring, the permittee must identify the date of the sampling event.

7.1.4 Sample Type.

A permittee must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part 7.1.3. Samples must be collected within the first 30 minutes of a discharge produced from a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge.

7.1.5 Adverse Weather Conditions.

When adverse weather conditions as described in Part 6.2.3 prevent the collection of samples according to the relevant monitoring schedule, the permittee must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt a permittee from having to file a benchmark monitoring report in accordance with their sampling schedule. The permittee must report any failure to monitor as specified in Part 9.1 indicating the basis for not sampling during the usual reporting period.

7.1.6 Climates with Irregular Storm Water Runoff.

If a permittees facility is located in areas where limited rainfall occurs during parts of the year (e.g., arid or semi-arid climates) or in areas where freezing conditions exist that prevent runoff from occurring for extended periods, required monitoring events may be distributed during seasons when precipitation occurs, or when snowmelt results in a measurable discharge from the facility. The permittee must still collect the required number of samples.

7.1.7 Monitoring Periods.

Monitoring requirements in this permit begin in the first full quarter following either January 1, 2015 or the permittees date of discharge authorization, whichever date comes later. If the permittees monitoring is required on a quarterly basis (e.g., benchmark monitoring), the permittee must monitor at least once in each of the following three-month intervals:

- **Quarter 1:** January 1 - March 31;
- **Quarter 2:** April 1 – June 30;
- **Quarter 3:** July 1 – September 30;
- **Quarter 4:** October 1 – December 31.

For example, if permit coverage was obtained on June 2, 2015, then the permittees first monitoring quarter is July 1 - September 30, 2015. This monitoring schedule may be modified in accordance with Part 7.1.6 if the revised schedule is documented with the SWPPP and provided to DEC with the first monitoring report.

7.1.8 Monitoring for Allowable Non-Storm Water Discharges.

The permittee is only required to monitor allowable non-storm water discharges (as delineated in Part 1.2.3) when they are commingled with storm water discharges associated with industrial activity.

7.2 Required Monitoring.

This permit includes four types of required analytical monitoring, one or more of which may apply to the permittees discharge:

- Quarterly benchmark monitoring (see Part 7.2.1)
- Annual effluent limitations guidelines monitoring (see Part 7.2.2);

- Impaired waters monitoring (see Part 7.2.3); and
- Other monitoring as required by DEC (see Part 7.2.4).

When more than one type of monitoring for the same parameter at the same outfall applies (e.g., total suspended solids once per year for an effluent limit and once per quarter for benchmark monitoring at a given outfall), the permittee may use a single sample to satisfy both monitoring requirements (i.e., one sample satisfying both the annual effluent limit sample and one of the four quarterly benchmark monitoring samples).

All required monitoring must be conducted in accordance with the procedures described in Appendix A, Subsection 3.0.

7.2.1 **Benchmark Monitoring.**

This permit stipulates pollutant benchmark concentrations that may be applicable to certain sectors / subsectors. Benchmark monitoring data are primarily for the permittees use to determine the overall effectiveness of the permittees control measures and to assist the permittee in knowing when additional corrective action(s) may be necessary to comply with the effluent limitations in Part 4.

The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. However, if corrective action is required as a result of a benchmark exceedance, failure to conduct required corrective action is a permit violation.

At the permittee's discretion, more than four samples may be taken during separate runoff events and used to determine the average benchmark parameter concentration for facility discharges. These extra samples may be taken in any quarter of the permittees' choice.

- 7.2.1.1 ***Applicability of Benchmark Monitoring.*** A permittee must monitor for any benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to the permittees discharge. The industry-specific benchmark concentrations are listed in the sector-specific sections of Part 11. If the facility is in one of the industrial sectors subject to benchmark concentrations that are hardness-dependent, the permittee is required to submit to DEC with their first benchmark report a hardness value, established consistent with the procedures in Appendix E, which is representative of the receiving water.

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which the permittee is required to sample.

- 7.2.1.2 ***Benchmark Monitoring Schedule.*** Benchmark monitoring must be conducted quarterly, as identified in Part 7.1.7, for the permittees first four full quarters of permit coverage commencing no earlier than March 1, 2015. Facilities in climates with irregular storm water runoff, as described in Part 7.1.6, may modify this quarterly schedule provided that

this revised schedule is reported to DEC when the first benchmark sample is collected and reported, and that this revised schedule is kept with the facility's SWPPP as specified in Part 5.2.6. When conditions prevent the obtaining of four samples in four consecutive quarters, continue monitoring until achieving the four samples required for calculating the benchmark monitoring average.

7.2.1.3 Data Not Exceeding Benchmarks. After collection of four quarterly samples, if the average of the four monitoring values for any parameter does not exceed the benchmark, the permittee has fulfilled their monitoring requirements for that parameter for the permit term. For averaging purposes, use a value of zero for any individual sample parameter, analyzed using procedures consistent with Part 7.2.1.1, which is determined to be less than the method detection limit. For sample values that fall between the method detection level and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit.

7.2.1.4 Data Exceeding Benchmarks. After collection of four quarterly samples, if the average of the four monitoring values for any parameter exceeds the benchmark, the permittee must, in accordance with Part 8.2, review the selection, design, installation, and implementation of their control measures to determine if modifications are necessary to meet the benchmarks in this permit, and either:

- Make the necessary modifications and continue quarterly monitoring until the permittee has completed four additional quarters of monitoring for which the average does not exceed the benchmark; or
- Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limits or are necessary to meet the water-quality-based effluent limitations in Part 3 of this permit, in which case the permittee must continue monitoring once per year. The permittee must also document their rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with their SWPPP. The permittee must also notify DEC of this determination in their next benchmark monitoring report.

In accordance with Part 8.2, the permittee must review its control measures and perform any required corrective action immediately (or document why no corrective action is required), without waiting for the full four quarters of monitoring data, if an exceedance of the four quarter average is mathematically certain. If after modifying the permittees control measures and conducting four additional quarters of monitoring, their average still exceeds the benchmark (or if an exceedance of the benchmark by the four quarter average is mathematically certain prior to conducting the full four additional quarters of monitoring), the permittee must again review its control measures and take one of the two actions above.

7.2.1.5 **Natural Background Pollutant Levels.** Following the first four quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than four quarters of data, see above), if the average concentration of a pollutant exceeds a benchmark value, and the permittee determines that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, the permittee is not required to perform corrective action or additional benchmark monitoring provided that:

- The average concentration of the permittees benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background;
- The permittee must document and maintain with the SWPPP, as required in Part 5.8, the supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. The permittee must include in their supporting rationale any data previously collected by the permittee or others (including literature studies) that describe the levels of natural background pollutants in their storm water discharge; and
- The permittee must notify DEC on their final quarterly benchmark monitoring report that the benchmark exceedances are attributable solely to natural background pollutant levels.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity at the facility, or pollutants in run-on from neighboring sources which are not naturally occurring.

7.2.1.6 **Exception for Inactive and Unstaffed Sites⁶.** The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. To invoke this exception, the permittee must do the following:

- Maintain a statement onsite with the SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Appendix A, Subsection 1.12; and
- If circumstances change and industrial materials or activities become exposed to storm water or the facility becomes active and/or staffed, this exception no longer applies and the permittee must immediately begin complying with the applicable benchmark monitoring requirements under Part 7.2 as if they were in their first year of permit coverage. The permittee must indicate in their first benchmark

⁶ This exception has different requirements for Sectors G, H, and J (see Part 11).

monitoring report that their facility has materials or activities exposed to storm water or has become active and/or staffed.

- If the permittee is not qualified for this exception at the time they are authorized under this permit, but during the permit term they become qualified because their facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then the permittee must notify DEC of this change in their next benchmark monitoring report. A permittee may discontinue benchmark monitoring once they have notified DEC, and prepared and signed the certification statement described above concerning their facility's qualification for this special exception.

7.2.2 Effluent Limitations Monitoring.

7.2.2.1 **Monitoring Based on Effluent Limitations Guidelines.** Table 7-1 identifies the storm water discharges subject to effluent limitation guidelines that are authorized for coverage under this permit. Beginning in the first full quarter following January 1, 2015 or the permittees date of discharge authorization, whichever date comes later, the permittee must monitor once per year at each outfall containing the discharges identified in Table 7-1 for the parameters specified in the sector-specific section of Part 11.

Table 7-1: Required Monitoring for Effluent Limits Based on Effluent Limitations Guidelines

Regulated Activity	Effluent Limit	Monitoring Frequency	Sample Type
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	See Part 11.A.7	1/year	Grab
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	See Part 11.C.4	1/year	Grab
Runoff from asphalt emulsion facilities	See Part 11.D.4	1/year	Grab
Runoff from material storage piles at cement manufacturing facilities	See Part 11.E.5	1/year	Grab
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	See Part 11.J.9	1/year	Grab
Runoff from hazardous waste landfills	See Part 11.K.6	1/year	Grab
Runoff from non-hazardous waste landfills	See Part 11.L.10	1/year	Grab
Runoff from coal storage piles at steam electric generating facilities	See Part 11.O.8	1/year	Grab
Existing and new primary airports with 1,000 or more annual jet departures that discharge wastewater associated with airfield pavement deicing that contains urea commingled with stormwater	See Part 11.S.8	1/year	Grab

7.2.2.2 **Substantially Identical Outfalls.** A permittee must monitor each outfall discharging runoff from any regulated activity identified in Table 7-1. The substantially identical outfall monitoring provisions are not available for numeric effluent limits monitoring.

7.2.2.3 Follow-up Actions if Discharge Exceeds Numeric Effluent Limit. The permittee must follow-up monitoring within 30 calendar days (or during the next qualifying runoff event, should none occur within 30 days) of implementing corrective action(s) taken pursuant to Part 4 in response to exceedance of a numeric effluent limit contained in this permit. Monitoring must be performed for any pollutant(s) that exceeds the effluent limit. If this follow-up monitoring exceeds the applicable effluent limitation, you must:

- **Submit a Noncompliance Notification Form:** You must submit a Noncompliance Notification Form no later than 30 days after you have received the lab result; and
- **Continue to Monitor:** the permittee must monitor, at least quarterly, until the discharge is in compliance with the effluent limit or until DEC waives the requirement for additional monitoring.

7.2.3 Discharges to Impaired Waters Monitoring.

7.2.3.1 Permittees Required to Monitor Discharges to Impaired Waters. If a permittee discharges to an impaired water, the permittee must monitor for all pollutants for which the waterbody is impaired and for which a standard analytical method exists (see 40 CFR Part 136).

If the pollutant for which the waterbody is impaired is suspended solids, turbidity or sediment/sedimentation, the permittee must monitor for Total Suspended Solids (TSS) and turbidity. If the pollutant for which the waterbody is impaired is expressed in the form of an indicator or surrogate pollutant, the permittee must monitor for that indicator or surrogate pollutant. No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or other pollutant.

7.2.3.2 Impaired Waters Monitoring Schedule.

Discharges to impaired waters without an EPA approved or established TMDL:

Beginning in the first full calendar quarter following January 1, 2015 or the permittees date of discharge authorization, whichever date comes later, the permittee must monitor once per year at each outfall (except substantially identical outfalls) discharging storm water to impaired waters without an EPA approved or established TMDL. This monitoring requirement does not apply after one year if the pollutant for which the waterbody is impaired is not detected above natural background levels in their storm water discharge, and the permittee must document, as required in Part 5.8 (Additional Documentation Requirements), that this pollutant is not expected to be present above natural background levels in the permittees discharge.

If the pollutant for which the water is impaired is not present and not expected to be present in the permittee's discharge, or it is present but the permittee has determined that

its presence is caused solely by natural background sources, they should include a notification to this effect in their first monitoring report, after which they may discontinue annual monitoring. To support a determination that the pollutant's presence is caused solely by natural background sources, the permittee must keep the following documentation with their SWPPP records:

- An explanation of why the permittee believes that the presence of the pollutant causing the impairment in their discharge is not related to the activities at their facility; and
- Data and/or studies that tie the presence of the pollutant causing the impairment in their discharge to natural background sources in the watershed.

Natural background pollutants include those substances that are naturally occurring as a result of native soils, vegetation, wildlife, or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on the site, or pollutants in run-on from neighboring sources which are not naturally occurring.

Discharges to impaired waters with an EPA approved or established TMDL WLA: For storm water discharges to waters for which there is an EPA approved or established TMDL waste load allocation (WLA), the permittee is not required to monitor for the pollutant for which the TMDL was written unless DEC informs the permittee, upon examination of the applicable TMDL and/or WLA, that they are subject to such a requirement consistent with the assumptions of the applicable TMDL and/or WLA. DEC's notice will include specifications on which pollutant to monitor and the required monitoring frequency during the first year of permit coverage. Following the first year of monitoring:

- If the TMDL pollutant is not detected in any of the permittees first year samples, they may discontinue further sampling, unless the TMDL has specific instructions to the contrary, in which case the permittee must follow those instructions. The permittee must keep records of this finding onsite with their SWPPP.
- If the permittee detects the presence of the pollutant causing the impairment in their storm water discharge for any of the samples collected in the first year, the permittee must continue monitoring annually throughout the term of this permit, unless the TMDL specifies more frequent monitoring, in which case the permittee must follow the TMDL requirements.

7.2.4 Additional Monitoring Required by DEC.

DEC may notify the permittee of additional discharge monitoring requirements. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

8. Corrective Actions.

8.1 Conditions Requiring Review and Revision to Eliminate Problem.

If any of the following conditions occur, the permittee must review and revise the selection, design, installation, and implementation of their control measures to ensure that the condition is eliminated and will not be repeated in the future:

- 8.1.1 An unauthorized release or discharge (e.g., spill, leak, or discharge of non-storm water not authorized by this or another APDES permit) occurs at the permittees facility;
- 8.1.2 A discharge violates a numeric effluent limit;
- 8.1.3 The permittee becomes aware, or DEC determines, that the permittee's control measures are not stringent enough for the discharge to meet a WQS in the receiving water;
- 8.1.4 An inspection or evaluation of the permittees facility by an DEC or EPA official determines that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; or
- 8.1.5 The permittee finds in their routine facility inspection, quarterly visual assessment, or comprehensive site inspection that their control measures are not being properly operated and maintained.

8.2 Conditions Requiring Review to Determine if Modifications Are Necessary.

If any of the following conditions occur, the permittee must review the selection, design, installation, and implementation of their control measures to determine if modifications are necessary to meet the effluent limits in this permit:

- 8.2.1 Construction or a change in design, operation, or maintenance at a permittees facility significantly changes the nature of pollutants discharged in storm water from their facility, or significantly increases the quantity of pollutants discharged; or
- 8.2.2 The average of four quarterly sampling results exceeds an applicable benchmark. If less than four benchmark samples have been taken, but the results are such that an exceedence of the four quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than four times the benchmark level) this is considered a benchmark exceedence, triggering this review.

8.3 Corrective Action Deadlines.

A permittee must document their discovery of any of the conditions listed in Parts 8.1 and 8.2 within 24 hours of making such discovery. Subsequently, within 14 days of such discovery, the permittee must document any corrective action(s) to be taken to eliminate or further investigate the deficiency, or if no corrective action is needed, the basis for that determination. Specific documentation required within 24 hours and 14 days is detailed in Part 8.4. If a permittee determines that changes are necessary following

their review, any modifications to their control measures must be made before the next storm event if possible, or as soon as practicable following that storm event. These time intervals are not grace periods, but are schedules considered reasonable for documenting a permittees findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements are not allowed to persist indefinitely.

8.4 Corrective Action Report.

- 8.4.1 Within 24 hours of discovery of any condition listed in Parts 8.1 and 8.2, the permittee must document the following information (i.e., questions 3-5 of the Corrective Actions section in the Annual Reporting Form, provided in Appendix F):
 - 8.4.1.1 Identification of the condition triggering the need for corrective action review;
 - 8.4.1.2 Description of the problem identified; and
 - 8.4.1.3 Date the problem was identified.
- 8.4.2 Within 14 days of discovery of any condition listed in Parts 8.1 and 8.2, the permittee must document the following information (i.e., questions 7-11 of the Corrective Actions section in the Annual Reporting Form, provided in Appendix F):
 - 8.4.2.1 Summary of corrective action taken or to be taken (or, for triggering events identified in Part 8.2 where the permittee determines that corrective action is not necessary, the basis for this determination);
 - 8.4.2.2 Notice of whether SWPPP modifications are required as a result of this discovery or corrective action;
 - 8.4.2.3 Date corrective action initiated; and
 - 8.4.2.4 Date corrective action completed or expected to be completed.
- 8.4.3 A permittee must submit this documentation in an annual report as required in Part 9.2 and retain a copy onsite with the SWPPP as required in Part 5.8.

8.5 Effect of Corrective Action.

If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), it must be documented using the Noncompliance Notification Form (see <http://dec.alaska.gov/water/Compliance/permittee.html>). Furthermore, correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation.

8.6 Substantially Identical Outfalls.

If the event triggering corrective action is linked to an outfall that represents other substantially identical outfalls, the permittees review must assess the need for corrective action for each outfall represented by the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event.

9. Reporting and Recordkeeping.

9.1 Reporting Monitoring Data to DEC.

All monitoring data collected pursuant to Parts 7.2 and 7.2.2.3 must be submitted to DEC no later than 30 days (email date or postmark date) after the permittee has received the complete laboratory results for all monitored outfalls for the reporting period. Paper reporting forms must be submitted by the deadline to the appropriate address identified in Part 9.6. DEC requires the use of the MSGP discharge monitoring report (MDMR) as provided in Appendix F.

For benchmark monitoring, note that the permittee is required to submit sampling results to DEC no later than 30 days after receiving laboratory results for each quarter that are required to collect benchmark samples, in accordance with Part 7.2.1.2. If a permittee collects multiple samples in a single quarter (e.g., due to adverse weather conditions, climates with irregular storm water runoff, or areas subject to snow), they are required to submit all sampling results to DEC within 30 days of receiving the laboratory results. If no discharge occurs during the benchmark monitoring period, the permittee must still report no discharge for this monitoring period.

9.2 Annual Report.

A permittee must submit an annual report to DEC that includes the findings from their Part 6.3 comprehensive site inspection and any corrective action documentation as required in Part 8.4. If corrective action is not yet completed at the time of submission of this annual report, the permittee must describe the status of any outstanding corrective action(s). In addition to the information required in Parts 8.4 (Corrective Action Report) and 6.3.2 (Comprehensive Site Inspection Documentation), the permittee must include the following information with their annual report:

- Facility name;
- APDES permit tracking number;
- Facility physical address; and
- Contact person name, title, and phone number.

DEC requires the permittee submit this report using the Annual Report provided as Appendix F. The Annual Report may be submitted electronically through the DEC Online Application System (OASys) located at <http://www.dec.alaska.gov/water/oasys/index.html>. By February 15th of the year following the

reporting year, the permittee must submit the annual report to DEC to the address identified in Part 9.6 or via OASys.

9.3 Noncompliance Notification for Numeric Effluent Limits.

If follow-up monitoring pursuant to Part 7.2.2.3 exceeds a numeric effluent limit, the permittee must submit a Noncompliance Notification Form (see <http://dec.alaska.gov/water/Compliance/permittee.html>) to DEC no later than 30 days after they have received their lab results. The permittees report must include the following:

- APDES permit tracking number;
- Facility name, physical address and location;
- Name of receiving water;
- Monitoring data from this and the preceding monitoring event(s);
- An explanation of the situation; what the permittee has done and intend to do (should their corrective actions not yet be complete) to correct the violation; and
- An appropriate contact name and phone number.

9.4 Additional Reporting.

9.4.1 A permittee is subject to the standard permit reporting provisions of Appendix A, Subsection 3.0.

9.4.2 Where applicable, the permittee must submit, and DEC must receive, the following reports at the appropriate address in Part 9.6. If the facility discharges through an MS4, the permittee must also submit these reports to the MS4 operator (identified pursuant to Part 5.2.3).

9.4.2.1 24-hour reporting (see Appendix A, Subsection 3.4) - A permittee must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time the permittee becomes aware of the circumstances;

9.4.2.2 Five (5)-day follow-up reporting to the 24 hour reporting (see Appendix A, Subsection 3.4) - A written submission must also be provided within five days of the time the permittee becomes aware of the circumstances;

9.4.2.3 Reportable quantity spills (see Part 4.2.4) - A permittee must provide notification, as required under Part 4.2.4, as soon as they have knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity.

9.4.3 Where applicable, the permittee must submit, and DEC must receive, the following reports at the appropriate address in Part 9.6:

- 9.4.3.1 Planned changes (see Appendix A, Subsection 2.1) – A Permittee must give notice to DEC as soon as possible of any planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged;
- 9.4.3.2 Anticipated noncompliance (see Appendix A, Subsection 2.2) – A Permittee must give advance notice to DEC of any planned changes in the permitted facility or activity which they anticipate will result in noncompliance with permit requirements;
- 9.4.3.3 Transfer of ownership and/or operation – The new permittee must submit a complete and accurate NOI in accordance with the requirements of Appendix F of this permit and by the deadlines specified in Table 2-1;
- 9.4.3.4 Compliance schedules (see Appendix A, Subsection 2.4) – Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date;
- 9.4.3.5 Other noncompliance (see Appendix A, Subsection 3.5) - A permittee must report all instances of noncompliance not reported in their monitoring report (pursuant to Part 9.1), compliance schedule report, or 24-hour report at the time monitoring reports are submitted; and
- 9.4.3.6 Other information (see Appendix A, Subsection 2.5) – A permittee must promptly submit facts or information if they become aware that they failed to submit relevant facts in their NOI, or that they submitted incorrect information in their NOI or in any report.

9.5 Recordkeeping.

A permittee must retain copies of their SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part 5.8 (including documentation related to corrective actions taken pursuant to Part 5), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least 3 years from the date that the permittees coverage under this permit expires or is terminated.

9.6 Addresses for Reports.

Notice of Intent, Notice of Intent modification, Notice of Termination, No Exposure Certificate, and SWPPP's should be submitted using DEC's eNOI system (<http://dec.alaska.gov/water/wnpspc/stormwater/APDESeNOI.html>) or sent to the address in Appendix A, Part 1.1.1.

Paper copies of any reports required in Parts 7 through 9, not otherwise submitted electronically via DEC's eNOI system (<http://dec.alaska.gov/water/wnpspc/stormwater/APDESeNOI.html>) must be sent to the address in Appendix A, Part 1.1.2.

9.7 Request for Submittal of Records.

The Department may request copies of all or a portion of the information collected and maintained in the SWPPP. A permittee must provide a response to written request for records to the Department within thirty (30) calendar days of receipt of a written request.

10. Terminating Coverage.

10.1 Submitting a Notice of Termination (NOT).

To terminate permit coverage, a permittee must submit a complete and accurate NOT using the paper NOT form included in Appendix F of this permit, to the address listed in Part 9.6. A permittees authorization to discharge under this permit terminates at midnight of the day that a valid NOT is signed *(If a permittee submits a NOT without meeting one or more of the conditions identified in Part 10.2, then a permittees NOT is not valid.)* The permittee is responsible for meeting the terms of this permit until their authorization is terminated.

10.2 When to Submit a NOT.

A permittee must submit a NOT within 30 calendar days after one or more of the following conditions have been met:

- 10.2.1 A new owner or operator has taken over responsibility for the facility;
- 10.2.2 The permittee has ceased operations at the facility, there are not or no longer will be discharges of storm water associated with industrial activity from the facility, and has already implemented necessary sediment and erosion controls as required by Part 4.2.5;
- 10.2.3 The permittee is a Sector G, H, or J facility and has met the applicable termination requirements; or
- 10.2.4 The permittee has obtained coverage under an individual or alternative general permit for all discharges required to be covered by an APDES permit, unless DEC has required that they obtain such coverage under authority of Part 2.8.1, in which case coverage under this permit will terminate automatically.

11. Sector-Specific Requirements for Industrial Activity.

11. Subpart A – Sector A – Timber Products.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.A.1 Covered Storm Water Discharges.

The requirements in Subpart A apply to storm water discharges associated with industrial activity from Timber Products facilities as identified by the SIC Codes specified under Sector A in Table D-1 of Appendix D of the permit.

11.A.2 Limitation on Coverage.

- 11.A.2.1 Prohibition of Discharges.* (See also Part 1.2.4) Not covered by this permit: storm water discharges from areas where there may be contact with the chemical formulations sprayed to provide surface protection. These discharges must be covered by a separate APDES permit.
- 11.A.2.2 Authorized Non-Storm Water Discharges.* (See also Part 1.2.3) Also authorized by this permit, provided the non-storm water component of the discharge is in compliance with the requirements in Part 4.2 (Non-Numeric Effluent Limits): discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage.

11.A.3 Additional Technology-Based Effluent Limits.

- 11.A.3.1 Good Housekeeping.* (See also Part 4.2.2) In areas where storage, loading and unloading, and material handling occur, perform good housekeeping to limit the discharge of wood debris, minimize the leachate generated from decaying wood materials, and minimize the generation of dust.

11.A.4 Additional SWPPP Requirements.

- 11.A.4.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in their SWPPP where any of the following may be exposed to precipitation or surface runoff: processing areas, treatment chemical storage areas, treated wood and residue storage areas, wet decking areas, dry decking areas, untreated wood and residue storage areas, and treatment equipment storage areas.

11.A.4.2 Inventory of Exposed Materials. (See also Part 5.2.4.2) Where such information exists, if the facility has used chlorophenolic, creosote, or chromium-copper-arsenic formulations for wood surface protection or preserving, document in the SWPPP the following: areas where contaminated soils, treatment equipment, and stored materials still remain and the management practices employed to minimize the contact of these materials with storm water runoff.

11.A.4.3 Description of Storm Water Management Controls. (See also Part 5.2.5) Document measures implemented to address the following activities and sources: log, lumber, and wood product storage areas; residue storage areas; loading and unloading areas; material handling areas; chemical storage areas; and equipment and vehicle maintenance, storage, and repair areas. If the permittees facility performs wood surface protection and preservation activities, address the specific control measures, including any BMPs, for these activities.

11.A.5 Additional Inspection Requirements.

See also Part 6.1. If the permittees facility performs wood surface protection and preservation activities, inspect processing areas, transport areas, and treated wood storage areas monthly to assess the usefulness of practices to minimize the deposit of treatment chemicals on unprotected soils and in areas that will come in contact with storm water discharges.

11.A.6 Sector-Specific Benchmarks.

Table 11.A.6-1 identifies benchmarks that apply to the specific subsectors of Sector A. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities.

*(Table 11.A.6-1: Sector – Specific Benchmarks – Sector A
located on following page.)*

Table 11.A.6-1: Sector – Specific Benchmarks – Sector A

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector A1. General Sawmills and Planing Mills (SIC 2421)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Zinc (saltwater) ¹	0.09 mg/L
	Total Zinc (freshwater) ²	Hardness Dependent
Subsector A2. Wood Preserving (SIC 2491)	Total Arsenic (saltwater) ¹	0.069mg/L
	Total Arsenic (freshwater) ²	0.15 mg/L
	Total Copper (saltwater) ¹	0.0048 mg/L
	Total Copper (freshwater) ²	Hardness Dependent
Subsector A3. Log Storage and Handling (SIC 2411)	Total Suspended Solids (TSS)	100 mg/L
Subsector A4. Hardwood Dimension and Flooring Mills; Special Products Sawmills, not elsewhere classified; Millwork, Veneer, Plywood, and Structural Wood; Wood Pallets and Skids; Wood Containers, not elsewhere classified; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities not elsewhere classified (SIC 2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493, and 2499)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100.0 mg/L

Note:

1. Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
2. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 7.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Copper (mg/L)	Zinc (mg/L)
0 – < 25 mg/L	0.0038	0.04
25 – < 50 mg/L	0.0056	0.05
50 – < 75 mg/L	0.0090	0.08
75 – < 100 mg/L	0.0123	0.11
100 – < 125 mg/L	0.0156	0.13
125 – < 150 mg/L	0.0189	0.16
150 – < 175 mg/L	0.0221	0.18
175 – < 200 mg/L	0.0253	0.20
200 – < 225 mg/L	0.0285	0.23
225 – < 250 mg/L	0.0316	0.25
250+ mg/L	0.0332	0.26

11.A.7 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit.)

Table 11.A.7-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

Table 11.A.7-1: Effluent Limitations Based on Effluent Limitations Guidelines¹

Industrial Activity	Parameter	Effluent Limit
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	pH	6.5 - 8.5 standard pH (s.u.)
	Debris (woody material such as bark, twigs, branches, heartwood, or sapwood)	No discharge of debris that will not pass through a 2.54-cm (1-in.) diameter round opening
Note: 1. Monitor annually.		

11. Subpart B – Sector B – Paper and Allied Products.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.B.1 Covered Storm Water Discharges.

The requirements in Subpart B apply to storm water discharges associated with industrial activity from Paper and Allied Products Manufacturing facilities, as identified by the SIC Codes specified under Sector B in Table D-1 of Appendix D of the permit.

11.B.2 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

Table 11.B.2-1: Sector – Specific Benchmarks – Sector B

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector B1. Paperboard Mills (SIC Code 2631)	Chemical Oxygen Demand (COD)	120 mg/L

11. Subpart C – Sector C – Chemical and Allied Products Manufacturing, and Refining.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.C.1 Covered Storm Water Discharges.

The requirements in Subpart C apply to storm water discharges associated with industrial activity from Chemical and Allied Products Manufacturing, and Refining facilities, as identified by the SIC Codes specified under Sector C in Table D-1 of Appendix D of the permit.

11.C.2 Limitations on Coverage.

11.C.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) The following are not covered by this permit: non-storm water discharges containing inks, paints, or substances (hazardous, nonhazardous, etc.) resulting from an onsite spill, including materials collected in drip pans; washwater from material handling and processing areas; and washwater from drum, tank, or container rinsing and cleaning.

11.C.3 Sector-Specific Benchmarks.

Table 11.C.3-1 identifies benchmarks that apply to the specific subsectors of Sector C. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities.

*(Table 11.C.3-1: Sector – Specific Benchmarks – Sector C
located on following page.)*

Table 11.C.3-1: Sector – Specific Benchmarks – Sector C																																						
Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration																																				
Subsector C1. Agricultural Chemicals (SIC 2873-2879)	Nitrate plus Nitrite Nitrogen	0.68 mg/L																																				
	Total Lead (saltwater) ¹	0.21 mg/L																																				
	Total Lead (freshwater) ²	Hardness Dependent																																				
	Total Iron	1.0 mg/L																																				
	Total Zinc (saltwater) ¹	0.09 mg/L																																				
	Total Zinc (freshwater) ²	Hardness Dependent																																				
Subsector C2. Industrial Inorganic Chemicals (SIC 2812-2819)	Phosphorus	2.0 mg/L																																				
	Total Aluminum	0.75 mg/L																																				
	Total Iron	1.0 mg/L																																				
Subsector C3. Soaps, Detergents, Cosmetics, and Perfumes (SIC 2841-2844)	Nitrate plus Nitrite Nitrogen	0.68 mg/L																																				
	Total Zinc (saltwater) ¹	0.09 mg/L																																				
	Total Zinc (freshwater) ²	Hardness Dependent																																				
Subsector C4. Plastics, Synthetics, and Resins (SIC 2821-2824)	Total Zinc (saltwater) ¹	0.09 mg/L																																				
	Total Zinc (freshwater) ²	Hardness Dependent																																				
Notes:																																						
1. Saltwater benchmark values apply to storm water discharges into saline waters where indicated. 2. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 7.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:																																						
<table border="1"> <thead> <tr> <th>Water Hardness Range</th><th>Lead (mg/L)</th><th>Zinc (mg/L)</th></tr> </thead> <tbody> <tr><td>0 – < 25 mg/L</td><td>0.014</td><td>0.04</td></tr> <tr><td>25 – < 50 mg/L</td><td>0.023</td><td>0.05</td></tr> <tr><td>50 – < 75 mg/L</td><td>0.045</td><td>0.08</td></tr> <tr><td>75 – < 100 mg/L</td><td>0.069</td><td>0.11</td></tr> <tr><td>100 – < 125 mg/L</td><td>0.095</td><td>0.13</td></tr> <tr><td>125 – < 150 mg/L</td><td>0.122</td><td>0.16</td></tr> <tr><td>150 – < 175 mg/L</td><td>0.151</td><td>0.18</td></tr> <tr><td>175 – < 200 mg/L</td><td>0.182</td><td>0.20</td></tr> <tr><td>200 – < 225 mg/L</td><td>0.213</td><td>0.23</td></tr> <tr><td>225 – < 250 mg/L</td><td>0.246</td><td>0.25</td></tr> <tr><td>250+ mg/L</td><td>0.262</td><td>0.26</td></tr> </tbody> </table>			Water Hardness Range	Lead (mg/L)	Zinc (mg/L)	0 – < 25 mg/L	0.014	0.04	25 – < 50 mg/L	0.023	0.05	50 – < 75 mg/L	0.045	0.08	75 – < 100 mg/L	0.069	0.11	100 – < 125 mg/L	0.095	0.13	125 – < 150 mg/L	0.122	0.16	150 – < 175 mg/L	0.151	0.18	175 – < 200 mg/L	0.182	0.20	200 – < 225 mg/L	0.213	0.23	225 – < 250 mg/L	0.246	0.25	250+ mg/L	0.262	0.26
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11.C.4 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit.)

Table 11.C.4-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

Table 11.C.4-1: Effluent Limitations Based on Effluent Limitations Guidelines¹

Industrial Activity	Parameter	Effluent Limit
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Total Phosphorus (as P)	105.0 mg/L, daily maximum
		35 mg/L, 30-day avg.
	Fluoride	75.0 mg/L, daily maximum
		25.0 mg/L, 30-day avg.
1 Monitor annually.		

11. Subpart D – Sector D – Asphalt Paving and Roofing Materials and Lubricant Manufacturing.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.D.1 Covered Storm Water Discharges.

The requirements in Subpart D apply to storm water discharges associated with industrial activity from Asphalt Paving and Roofing Materials and Lubricant Manufacturing facilities, as identified by the SIC Codes specified under Sector D in Table D-1 of Appendix D of the permit.

11.D.2 Limitations on Coverage.

The following storm water discharges associated with industrial activity are not authorized by this permit (See also Part 1.2.4)

11.D.2.1 Discharges from petroleum refining facilities, including those that manufacture asphalt or asphalt products, that are subject to nationally established effluent limitation guidelines found in 40 CFR Part 419 (Petroleum Refining); or

11.D.2.2 Discharges from oil recycling facilities; or

11.D.2.3 Discharges associated with fats and oils rendering.

11.D.3 Sector-Specific Benchmarks.

Table 11.D.3-1 identifies benchmarks that apply to the specific subsectors of Sector D. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities, which describe their facility activities.

Table 11.D.3-1: Sector – Specific Benchmarks – Sector D		
Subsector	Parameter	Benchmark Monitoring Concentration
Subsector D1. Asphalt Paving and Roofing Materials (SIC 2951, 2952)	Total Suspended Solids (TSS)	100 mg/L

11.D.4 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit.)

Table 11.D.4-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

Table 11.D.4-1: Effluent Limitations Based on Effluent Limitations Guidelines¹

Industrial Activity	Parameter	Effluent Limit
Discharges from asphalt emulsion facilities.	Total Suspended Solids (TSS)	23.0 mg/L, daily maximum 15.0 mg/L, 30-day avg.
	pH	6.5 - 8.5 s.u.
	Oil and Grease	15.0 mg/L, daily maximum
		10 mg/L, 30-day avg.
1. Monitor annually.		

11. Subpart E – Sector E – Glass, Clay, Cement, Concrete, and Gypsum Products.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.E.1 Covered Storm Water Discharges.

The requirements in Subpart E apply to storm water discharges associated with industrial activity from Glass, Clay, Cement, Concrete, and Gypsum Products facilities, as identified by the SIC Codes specified under Sector E in Table D-1 of Appendix D of the permit.

11.E.2 Additional Technology-Based Effluent Limits.

11.E.2.1 Good Housekeeping Measures. (See also Part 4.2.2) With good housekeeping, prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, settled dust, or other significant material in storm water from paved portions of the site that are exposed to storm water. Sweep regularly or use other equivalent measures to minimize the presence of these materials. Indicate in the SWPPP the frequency of sweeping or equivalent measures. Determine the frequency based on the amount of industrial activity occurring in the area and the frequency of precipitation, but it must be performed at least once a week if cement, aggregate, kiln dust, fly ash, or settled dust are being handled or processed. Permittee must also prevent the exposure of fine granular solids (cement, fly ash, kiln dust, etc.) to storm water, where practicable, by storing these materials in enclosed silos, hoppers, buildings, or under other covering.

11.E.3 Additional SWPPP Requirements.

11.E.3.1 Drainage Area Site Map. (See also Part 5.2.3) Document in the SWPPP the locations of the following, as applicable: bag house or other dust control device; recycle/sedimentation pond, clarifier, or other device used for the treatment of process wastewater; and the areas that drain to the treatment device.

11.E.3.2 Certification. (See also Part 5.2.4.4) For facilities producing ready-mix concrete, concrete block, brick, or similar products, include in the non-storm water discharge certification a description of measures that ensure that process waste waters resulting from washing trucks, mixers, transport buckets, forms, or other equipment are discharged in accordance with APDES requirements or are recycled.

11.E.4 Sector-Specific Benchmarks.

Table 11.E.4-1 identifies benchmarks that apply to the specific subsectors of Sector E. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities, which describe their facility activities.

Table 11.E.4-1: Sector – Specific Benchmarks – Sector E

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Cutoff Concentration
Subsector E1. Clay Product Manufacturers (SIC 3251-3259, 3261-3269)	Total Aluminum	0.75 mg/L
Subsector E2. Concrete and Gypsum Product Manufacturers (SIC 3271-3275)	Total Suspended Solids (TSS)	100 mg/L
	Total Iron	1.0 mg/L

11.E.5 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit.)

Table 11.E.5-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

Table 11.E.5-1: Effluent Limitations Based on Effluent Limitations Guidelines¹

Industrial Activity	Parameter	Effluent Limit
Discharges from material storage piles at cement manufacturing facilities	Total Suspended Solids (TSS)	50 mg/L, daily maximum
	pH	6.5 - 8.5 s.u.
1. Monitor annually.		

11. Subpart F – Sector F – Primary Metals.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.F.1 Covered Storm Water Discharges.

The requirements in Subpart F apply to storm water discharges associated with industrial activity from Primary Metals facilities, as identified by the SIC Codes specified under Sector F in Table D-1 of Appendix D of the permit.

11.F.2 Additional Technology-Based Effluent Limits.

11.F.2.1 Good Housekeeping Measures. (See also Part 4.2.2) As part of the permittees good housekeeping program, include a cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust, or debris may accumulate, especially areas where material loading and unloading, storage, handling, and processing occur; and, where practicable, the paving of areas where vehicle traffic or material storage occur but where vegetative or other stabilization methods are not practicable (institute a sweeping program in these areas too). For unstabilized areas where sweeping is not practicable, use storm water management devices such as sediment traps, vegetative buffer strips, filter fabric fence, sediment filtering boom, gravel outlet protection, or other equivalent measures that effectively trap or remove sediment and debris.

11.F.3 Additional SWPPP Requirements.

11.F.3.1 Drainage Area Site Map. (See also Part 5.2.3) Identify in the SWPPP where any of the following activities may be exposed to precipitation or surface runoff: storage or disposal of wastes such as spent solvents and baths, sand, slag and dross; liquid storage tanks and drums; processing areas including pollution control equipment (e.g., baghouses); and storage areas of raw material such as coal, coke, scrap, sand, fluxes, refractories, or metal in any form. In addition, indicate where an accumulation of significant amounts of particulate matter could occur from such sources as furnace or oven emissions, pollution control devices, losses from coal and coke handling operations, etc., and could result in a discharge of pollutants to waters of the United States.

11.F.3.2 Inventory of Exposed Material. (See also Part 5.2.4.2) Include in the inventory of materials handled at the site that potentially may be exposed to precipitation or runoff, areas where deposition of particulate matter from process air emissions or losses during material-handling activities are possible

11.F.4 Additional Inspection Requirements. (See also Part 6.1) As part of conducting the permittees quarterly routine facility inspections (Part 6.1), address all potential sources of pollutants, including (if applicable) air pollution control equipment (e.g., baghouses, electrostatic precipitators, scrubbers, and cyclones), for any signs of degradation (e.g., leaks, corrosion, or improper operation) that could limit their efficiency and lead to excessive emissions. Monitor air flow at inlets and outlets (or use equivalent measures) to check for leaks (e.g., particulate deposition) or blockage in ducts. Also inspect all process and material handling equipment (e.g., conveyors, cranes, and vehicles) for leaks, drips, or the potential loss of material; and material storage areas (e.g., piles, bins, or hoppers for storing coke, coal, scrap, or slag, as well as chemicals stored in tanks and drums) for signs of material losses due to wind or storm water runoff.

11.F.5 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

*(Table 11.F.5-1: Sector – Specific Benchmarks –Sector F
located on following page.)*

Table 11.F.5-1: Sector – Specific Benchmarks –Sector F

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector F1. Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC 3312-3317)	Total Aluminum	0.75 mg/L
	Total Zinc (saltwater) ¹	0.09 mg/L
	Total Zinc (freshwater) ²	Hardness Dependent
Subsector F2. Iron and Steel Foundries (SIC 3321-3325)	Total Aluminum	0.75 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Copper (saltwater) ¹	0.0048 Mg/L
	Total Copper (freshwater) ²	Hardness Dependent
	Total Iron	1.0 mg/L
	Total Zinc (saltwater) ¹ Total Zinc (freshwater) ²	0.09 mg/L Hardness Dependent
Subsector F3. Rolling, Drawing, and Extruding of Nonferrous Metals (SIC 3351-3357)	Total Copper (saltwater) ¹ Total Copper (freshwater) ²	0.0048 mg/L Hardness Dependent
	Total Zinc (saltwater) ¹ Total Zinc (freshwater) ²	0.09 mg/L Hardness Dependent
	Total Copper (saltwater) ¹ Total Copper (freshwater) ²	0.0048 mg/L Hardness Dependent
Subsector F4. Nonferrous Foundries (SIC 3363-3369)	Total Copper (saltwater) ¹ Total Copper (freshwater) ²	0.0048 mg/L Hardness Dependent
	Total Zinc (saltwater) ¹ Total Zinc (freshwater) ²	0.09 mg/L Hardness Dependent

Notes:

1. Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
2. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 7.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Copper (mg/L)	Zinc (mg/L)
0 – < 25 mg/L	0.0038	0.04
25 – < 50 mg/L	0.0056	0.05
50 – < 75 mg/L	0.0090	0.08
75 – < 100 mg/L	0.0123	0.11
100 – < 125 mg/L	0.0156	0.13
125 – < 150 mg/L	0.0189	0.16
150 – < 175 mg/L	0.0221	0.18
175 – < 200 mg/L	0.0253	0.20
200 – < 225 mg/L	0.0285	0.23
225 – < 250 mg/L	0.0316	0.25
250+ mg/L	0.0332	0.26

11. Subpart G – Sector G – Metal Mining.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.G.1 Covered Storm Water Discharges.

The requirements in Subpart G apply to storm water discharges associated with industrial activity from Metal Mining facilities, including mines abandoned on Federal lands, as identified by the SIC Codes specified under Sector G in Table D-1 of Appendix D. Coverage is required for metal mining facilities that discharge storm water contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation.

11.G.1.1 Covered Discharges from Inactive Facilities. All storm water discharges.

11.G.1.2 Covered Discharges from Active and Temporarily Inactive Facilities. Only the storm water discharges from the following areas are covered:

- Waste rock and overburden piles if composed entirely of storm water and not combining with mine drainage;
- Topsoil piles;
- Offsite haul and access roads;
- Onsite haul and access roads constructed of waste rock, overburden, or spent ore if composed entirely of storm water and not combining with mine drainage;
- Onsite haul and access roads not constructed of waste rock, overburden, or spent ore except if mine drainage is used for dust control;
- Runoff from tailings dams or dikes when not constructed of waste rock or tailings and no process fluids are present;
- Runoff from tailings dams or dikes when constructed of waste rock or tailings and no process fluids are present, if composed entirely of storm water and not combining with mine drainage;
- Concentration building if no contact with material piles;
- Mill site if no contact with material piles;

- Office or administrative building and housing if mixed with storm water from industrial area;
- Chemical storage area;
- Docking facility if no excessive contact with waste product that would otherwise constitute mine drainage;
- Explosive storage;
- Fuel storage;
- Vehicle and equipment maintenance area and building;
- Parking areas if mixed with industrial areas;
- Power plant;
- Truck wash areas if no excessive contact with waste product that would otherwise constitute mine drainage;
- Unreclaimed, disturbed areas outside of active mining area;
- Reclaimed areas released from reclamation requirements prior to December 17, 1990; and
- Partially or inadequately reclaimed areas or areas not released from reclamation requirements.

11.G.1.3 Covered Discharges from Exploration and Construction of Metal Mining and/or Ore Dressing Facilities. All storm water discharges.

11.G.1.4 Covered Discharges from Facilities Undergoing Reclamation. All storm water discharges.

11.G.2 Limitations on Coverage.

11.G.2.1 Prohibition of Storm Water Discharges. Storm water discharges not authorized by this permit include discharges from active metal mining facilities that are subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

Note: Storm water runoff from these sources are subject to 40 CFR Part 440 if they are mixed with other discharges subject to Part 440. In this case, they are not eligible for coverage under this permit.

Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless they:

- (1) drain naturally (or are intentionally diverted) to a point source; and*
- (2) combine with "mine drainage" that is otherwise regulated under the Part 440 regulations.*

For such sources, coverage under this permit would be available if the discharge composed entirely of storm water does not combine with other sources of mine drainage that are not subject to 40 CFR Part 440, and meets the other eligibility criteria contained in Part 1.2 of the permit.

Permit applicants bear the initial responsibility for determining if they are eligible for coverage under this permit, or must seek coverage under another APDES permit. DEC recommends that permit applicants contact the DEC for assistance to determine the nature and scope of the "active mining area" on a mine-by-mine basis, as well as to determine the appropriate permitting mechanism for authorizing such discharges.

- 11.G.2.2 Prohibition of Non-Storm Water Discharges.** Not authorized by this permit: adit drainage, and contaminated springs or seeps discharging from waste rock dumps that do not directly result from precipitation events (see also the standard Limitations on Coverage in Part 1.2.4).

11.G.3 Definitions.

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

- 11.G.3.1 Mining Operation** - Consists of the active and temporarily inactive phases, and the reclamation phase, but excludes the exploration and construction phases.
- 11.G.3.2 Exploration Phase** - Entails exploration and land disturbance activities to determine the financial viability of a site. The exploration phase is not considered part of "mining operations."
- 11.G.3.3 Construction Phase** - Includes the building of site access roads, facilities, and removal of overburden and waste rock to expose mineable minerals. The construction phase is not considered part of "mining operations."
- 11.G.3.4 Active Phase** - Activities including the extraction, removal or recovery of metal ore. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a). The active phase is considered part of "mining operations."

- 11.G.3.5 Reclamation Phase* - Activities undertaken, in compliance with applicable mined land reclamation requirements, following the cessation of the “active phase”, intended to return the land to an appropriate post-mining land use in order to meet applicable Federal and State reclamation requirements. The reclamation phase is considered part of "mining operations."
- 11.G.3.6 Active Metal Mining Facility* - A place where work or other activity related to the extraction, removal, or recovery of metal ore is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR 440.132(a).
- 11.G.3.7 Inactive Metal Mining Facility* - A site or portion of a site where metal mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable State or Federal agency. An inactive metal mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an APDES industrial storm water permit.
- 11.G.3.8 Temporarily Inactive Metal Mining Facility* - A site or portion of a site where metal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable State or Federal agency.

11.G.4 Technology-Based Effluent Limits for Clearing, Grading, and Excavation Activities.

Clearing, grading, and excavation activities being conducted as part of the exploration and construction phase of mining activities are covered under this permit.

- 11.G.4.1 Erosion Control Measures.* A permittee must comply with the erosion control measures in this Part to minimize soil exposure on the site during construction.
- 11.G.4.1.1 Delineation of Site.* A permittee must generally delineate (e.g., with flagging, stakes, signs, silt fence, etc.) the location of specific areas that will be left undisturbed such as trees, boundaries of sensitive areas, or buffers established under Part 11.G.4.1.3.

11.G.4.1.2 Minimize the Amount of Soil Exposed during Construction Activity. A permittee must include the following considerations in the selection of control measures and the sequence of project construction as they apply to the project site:

- Preserve areas of native topsoil on the site, unless infeasible; and
- Sequence or phase construction activities to minimize the extent and duration of exposed soils to the extent practicable.

11.G.4.1.3 Maintain Natural Buffer Areas.

The permittee must maintain natural buffer areas at stream crossings and around the edge of any waters of the U.S. that are located within or immediately adjacent to the property where the construction activity will take place in accordance with the following:

- The buffer must be a minimum of twenty-five (25) feet wide, unless infeasible based on site dimensions, or the width as required by local ordinance.
- Exceptions are allowed for water dependent activities, specific water access activities, or necessary water crossings.
- A permittee should, to the extent practicable, use perimeter controls adjacent to buffers, and direct storm water sheet flow to buffer areas to increase sediment removal and maximize storm water infiltration, unless infeasible.

11.G.4.1.4 Control Storm Water Discharges and Flow Rates. A permittee must include the following control measures to handle storm water and total storm water volume discharges as they apply to the site:

- Divert storm water around the site so that it does not flow onto the project site and cause erosion of exposed soils;
- Slow down or contain storm water that may collect and concentrate within a site and cause erosion of exposed soils;
- Avoid placement of structural control measures in active floodplains to the degree technologically and economically practicable and achievable;
- Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters; and

- Install permanent storm water management controls, if present at a site and where practical, so that they must be functional prior to construction of site improvements (e.g., impervious surfaces).

11.G.4.1.5 Protect Steep Slopes. A permittee must include the following considerations in the selection of control measures as they apply to the project site:

- Design and construct cut-and-fill slopes in a manner that will minimize erosion. Applicable practices include, but are not limited to, reducing continuous length of slope with terracing and diversions, reducing slope steepness, and roughening slope surfaces (e.g., track walking);
- Divert concentrated flows of storm water away from and around the disturbed portion of the slope. Applicable practices include, but are not limited to, interceptor dikes and swales, grass-lined channels, pipe slope drains, subsurface drains, check dams; and
- Stabilize exposed areas of the slope in accordance with Part 11.G.4.4.

11.G.4.2 Sediment Control Measures. Sediment control measures (e.g. sediment ponds, traps, filters, etc.) must be constructed as one of the first steps in grading. These control measures must be functional before other land disturbing activities take place. A permittee must install, establish and use any of the following control measures that apply to the project site.

11.G.4.2.1 Storm Drain Inlet Protection Measures. A permittee must install appropriate protection measures (e.g. filter berms, perimeter controls, temporary diversion dikes, etc.) to minimize the discharge of sediment prior to entry into the inlet for storm drain inlets located on site or immediately downstream of the site. Inlet protection measures must be cleaned or removed and replaced when sediment has filled one-third of the available storage.

11.G.4.2.2 Water Body Protection Measures. A permittee must install appropriate protection measures (Part 11.G.4.1.4) to minimize the discharge of sediment prior to entry into the water body for water bodies located on site or immediately downstream of the site. Protection measures must be cleaned or removed and replaced when sediment has filled one-third of the available storage.

11.G.4.2.3 Down-Slope Sediment Controls. A permittee must establish and use down-slope sediment controls (e.g., silt fence, temporary diversion dike, etc.) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.

11.G.4.2.4 Stabilized Construction Vehicle Access and Exit Points. A permittee must establish construction vehicle access and exit points which must be stabilized. Access and exit points should be limited to one route, if possible. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.

11.G.4.2.5 Dust Generation and Track-Out from Vehicles. A permittee must minimize the generation of dust through the application of water or other dust suppression techniques and prior to vehicle exit. A permittee must provide an effective way of minimizing off-site vehicle tracking of sediment from wheels to prevent track-out onto paved surfaces.

11.G.4.2.6 Soil Stockpiles. A permittee must stabilize or cover soil stockpiles, protect with sediment trapping measures, and where possible, locate soil stockpiles away from storm drain inlets, water bodies, and conveyance channels.

11.G.4.2.7 Authorized Non-Storm Water Discharges. A permittee must minimize any non-storm water authorized by this permit.

11.G.4.2.8 Sediment Basins, where applicable:

- For common drainage locations that serve an area with ten (10) or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from the drainage area from a 2-year, 24-hour storm, or equivalent sediment control measures, must be installed, maintained, and used where practicable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent sediment control measures, must be installed and used where practicable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is practicable, the permittee may consider factors such as site soils, slope, available area on-site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin, and alternative sediment control measures must be used where site limitations would preclude a safe design.
- For drainage locations which serve ten (10) or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not practicable, smaller sediment basins and/or sediment traps should be used. Silt fences, vegetative buffer strips, or equivalent sediment control measures are

required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions).

- For drainage locations serving less than ten (10) acres, smaller sediment basins and/or sediment traps should be used. Silt fences, vegetative buffer strips, or equivalent sediment control measures are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm event or 3,600 cubic feet of storage per acre drained is provided.
- When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface where practicable.
- Note: installing sediment basins in the presence of permafrost is challenging and might not be practicable in some instances because permafrost creates poor surface drainage that hinders the infiltration of runoff. Also, the excavation of permafrost in summer can trigger thawing and instability.

11.G.4.3 Dewatering.

11.G.4.3.1 If a construction activity includes excavation dewatering and has a discharge that could adversely impact a local drinking water well, an DEC-identified contaminated site, or a waters of the U.S., the permittee must review the DEC Excavation Dewatering General Permit (AKG002000, or most current version) for specific requirements the permittee may have to comply with in addition to the conditions of this permit.

11.G.4.3.2 A discharge from eligible dewatering activities, including discharges from dewatering of trenches and excavations are prohibited unless treated by appropriate control measures. Appropriate control measures include, but are not limited to, sediment basins or traps, dewatering tanks, weir tanks, or filtration systems designed to remove sediment.

11.G.4.4 Soil Stabilization.

11.G.4.4.1 *Minimum Requirements for Soil Stabilization.* A permittee must stabilize all disturbed areas of the site to minimize on-site erosion and sedimentation and the resulting discharge of pollutants according to the requirements of this Part. A permittee must ensure that existing vegetation is preserved wherever possible and that disturbed portions of the site are stabilized. Applicable stabilization control measures include, but are not limited to: temporary and permanent seeding, sodding, mulching, rolled erosion control product, compost blanket, soil application

of polyacrylamide (PAM), the early application of gravel base on areas to be paved, and dust control. A permittee should avoid using impervious surfaces for stabilization. See the Alaska Plant Materials Center's A Revegetation Manual for Alaska at <http://plants.alaska.gov> for help in efforts to select appropriate seed mixes and some information on methods for revegetation. Also see the manual for coastal Alaska, Coastal Revegetation & Erosion Control Guide at <http://plants.alaska.gov>.

11.G.4.5 Treatment Chemicals. The use of treatment chemicals to reduce erosion from the land or sediment in a storm water discharge is allowed provided that all of the requirements of this Part are met.

11.G.4.5.1 Treatment Chemicals. Documentation of treatment chemicals selected for use at a site must include, at a minimum, the following information:

- Manufacturer and/or supplier provided Material Safety Data Sheets, specifications, and instructions for the transport, handling, storage, application, and disposal of the treatment chemical;
- Approval by EPA for potable water use;
- Approval by EPA or the states of California, Minnesota, Oregon, Washington, or Wisconsin for use in controlling erosion or sediment runoff from agricultural land or construction projects;
- Manufacturer and/or supplier provided test results recognized by EPA or the states of California, Minnesota, Oregon, Washington, or Wisconsin that demonstrate that the treatment chemical is non-toxic to aquatic organisms when applied following the manufacturer or supplier recommended method of use and rate of application;
- A permittee is prohibited from using cationic polymers, except for the use of chitosan as part of an Active Treatment System in compliance with Part 11.G.4.5.4 or as approved by the Department in writing; and
- The names and titles of person(s) who handle and apply treatment chemicals at the construction site, the title of relevant training and date(s) the person(s) who apply the chemicals received training in the proper handling and application of treatment chemicals.

11.G.4.5.2 Treatment Chemical Use.

- A permittee must train employees who handle treatment chemicals to comply with the information required by Part 11.G.4.5.1; and

- A permittee must handle, store and dispose of treatment chemicals, waste chemicals, or flocculants in appropriate leak proof containers under a storm-resistant cover or surrounded by secondary containment structures so as to prevent their discharge to the waters of the U.S.

11.G.4.5.3 Project Site Conditions. Treatment chemicals are typically developed, tested, and approved in regions of the country that may have soils, soil and water temperatures, and other site conditions significantly different from Alaska. These differences must be considered in the selection of the treatment chemicals for use at the Alaskan site.

- A permittee must make certain the selected treatment chemical is appropriate for soils at the site through project-specific tests of the chemical with local soils or product use data on projects with similar soils.
- A permittee must ensure the selected treatment chemical is appropriate for the site topography, amount of precipitation expected at the site, and type of use.

11.G.4.5.4 Application of Treatment Chemicals. The application of treatment chemicals shall be in combination with appropriate physical control measures (e.g., rolled erosion control products, ditch check dams, sediment basins, sediment bags, filtration, etc.) to ensure effectiveness of the treatment chemical. The use of treatment chemicals is not considered a substitute for appropriate physical control measures and does not preclude any other requirement of this permit.

- *Land Application.*
 - A permittee shall comply with all Material Safety Data Sheet requirements and follow the manufacturer and/or suppliers written recommended application rate, including site-specific considerations.
 - A permittee shall use an application method that provides uniform coverage of the target area and avoids drift to non-target areas.
 - The application must always be a sufficient distance upgradient or upstream to allow adequate mixing and reaction prior to reaching a pre-constructed sediment trap, basin inflow structure, or filtering device of sufficient width to ensure adequate removal of sediments laden with treatment chemicals before discharges reach waters of the U.S.
- *Water Application.* (including conveyance channel)
 - A permittee shall follow the manufacturer and/or suppliers written recommended application rate, including site-specific considerations.

- The application shall always be upstream from a pre-constructed sediment trap, basin inflow structure, vegetated swale, filtering device or a vegetated buffer of sufficient width to ensure adequate removal of sediments laden with treatment chemicals before discharges reach waters of the U.S.
- Treatment chemicals shall not be applied directly to a water of the U.S.
- Application through the use of manufactured products (e.g. gel bars, gel logs, floc blocks, etc.) shall be used in combination with adequate ditch check dams, settling basins, or other physical control measures designed to settle out chemically treated soils and minimize the presence of treatment chemicals before discharges reach waters of the U.S.. At a minimum there must be at least 100 feet of ditch length downstream of the last manufactured product prior to reaching a water of the U.S. to provide a place for sedimentation to occur.
- *Active Treatment Systems.* A permittee who uses an Active Treatment System as a control measure must submit information required by the Department for review at least fourteen (14) days prior to start of operation of the active treatment system at the project and comply with Part 4.4. At a minimum, the information must provide details on the following: relevant information required by Part 11.G.4.5.1, engineering plans, description of treatment process, site conditions (including soil types), treatment chemicals, dose rates, monitoring to be conducted, expected residual chemical, proper operator training, methods for storage, procedures for spill prevention and containment, operation and maintenance, and record keeping and reporting.

11.G.4.6 Prohibited Discharge. A permittee is prohibited from discharging the following from the site:

- 11.G.4.6.1 Wastewater from concrete washout, unless managed by an appropriate control measure;
- 11.G.4.6.2 Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
- 11.G.4.6.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
- 11.G.4.6.4 Soaps or solvents used in vehicle and equipment washing.

11.G.4.7 Good Housekeeping Measures. A permittee must design, install, implement, and maintain effective good housekeeping measures to prevent and/or minimize the discharge of pollutants. A permittee must include appropriate measures for any of the following activities that are used at the site.

11.G.4.7.1 Washing of Equipment and Vehicles and Wheel Wash-Down. If a permittee conducts washing of equipment or vehicles and/or wheel wash-down at the site the permittee must comply with the following requirements:

- Designate areas to be used for washing of equipment and vehicles and/or wheel wash-down and conduct such activities only in these areas;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Treat all wash water in a sediment basin or use alternative control measures that provide equivalent or better treatment prior to discharge; and
- To comply with the prohibition in Part 11.G.4.6.4, the discharge of soaps and solvents used in equipment and vehicle washing and/or wheel wash-down is strictly prohibited.

11.G.4.7.2 Fueling and Maintenance Areas. If a permittee conducts fueling and/or maintenance activities for equipment and vehicles at the site the permittee must comply with the following requirements:

- Designate areas to be used for fueling and/or maintenance of equipment and vehicles and conduct such activities only in these areas (the designated area may move from one location to another on linear projects);
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets and waters of the U.S.;
- Minimize the exposure to precipitation and storm water or use secondary containment structures designed to eliminate the potential for spills or leaked chemicals; and
- To comply with the prohibition in Part 11.G.4.6.3, a permittee must:
 - Clean up spills or contaminated surfaces immediately;
 - Ensure adequate clean up supplies are available at all times to handle spills, leaks, and disposal of used liquids;
 - Use drip pans or absorbents under or around leaky equipment and vehicles; and

- Dispose of liquid wastes or materials used for fueling and maintenance in accordance with Part 11.G.4.11.

11.G.4.8 Staging and Material Storage Areas. If a permittee maintains staging and material storage areas at the site the permittee must comply with the following requirements:

- Designate areas to be used for staging and material storage areas;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S; and
- Minimize the exposure to precipitation and storm water and vandalism for all chemicals, treatment chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment.

11.G.4.9 Washout of Applicators/Containers used for Paint, Concrete, and Other Materials. If a permittee conducts washing of applicators and/or containers used for paint, concrete, and other materials at the site, the permittee must comply with the following requirements:

- Designate areas to be used for washout;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Direct all concrete, paint, and other material washout activities into a lined, water-tight container or pit to ensure there is no discharge into the underlying soil and onto the surrounding areas;
- Dispose of liquid wastes in accordance with Part 11.G.4.11; and
- For concrete washout areas, remove hardened concrete waste when it has reached one-half ($\frac{1}{2}$) the height of the container or pit and dispose of in accordance with Part 11.G.4.11.

11.G.4.10 Fertilizer or Pesticide Use. If a permittee uses fertilizers or pesticides the permittee must comply with the following requirements:

- Application of fertilizers and pesticides in a manner and at application rates that will minimize the loss of chemical to storm water runoff. Manufacturers' label requirements for application rates and disposal requirements must be followed; and
- Use pesticides in compliance with federal, state and local requirements.

11.G.4.11 Storage, Handling, and Disposal of Construction Waste. If a permittee stores, handles and/or disposes of construction waste at the site, the permittee must comply with the following requirements:

- Locate areas dedicated for management or disposal of construction waste, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Dispose of all collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other domestic wastes according to federal, state and local requirements;
- Store hazardous or toxic waste in appropriate sealed containers and dispose of these wastes in accordance with manufactures recommended method of disposal or federal, state or local requirements; and
- Provide containment of sanitation facilities (e.g., portable toilets) to prevent discharges of pollutants to the storm water drainage system or receiving water. Clean or replace sanitation facilities and inspect them regularly for leaks and spills.

11.G.4.12 Winter Considerations.

11.G.4.12.1 Winter Shutdown. A permittee who temporarily ceases construction for the winter and plans to resume construction the next summer must plan for winter shutdown. The permittee must identify the anticipated dates of fall freeze-up and spring thaw (see Appendix C) for their site and use these dates to plan for winter shutdown. For the purpose of planning ahead frozen ground by itself is not considered an acceptable control measure for stabilization. A permittee must provide for the following prior to, during, and at the conclusion of winter shutdown:

- Temporary or permanent stabilization for conveyance channels;
- Temporary or permanent stabilization for disturbed slopes, disturbed soils, and soil stockpiles; and
- Erosion and sediment control measures in anticipation of spring thaw.

11.G.4.12.2 Winter Construction. In several areas of Alaska, winter construction provides opportunities for construction not available during summer months. Permit coverage is not required for the construction of ice roads or the placement of sand or gravel on frozen tundra with no excavation or potential to pollute waters of the U.S. This permit does address those construction activities that have the potential for erosion or sediment runoff during spring thaw and summer rainfall. A permittee operating winter construction activities must plan for using appropriate control measures to minimize erosion or sediment runoff during spring thaw and summer rainfall. The Alaska Storm Water Guide, Chapters 3 and 4, provide guidance on the selection, design, and installation of winter construction practices and controls.

11.G.4.12.3 Late Winter Clearing. Cutting of trees and brush while the ground is frozen, without disturbing the vegetative mat, for the purpose of clearing in accordance with the U.S. Fish & Wildlife Service “Recommended Time Periods for Avoiding Vegetation Clearing” is allowed prior to the submittal of a project NOI. If the cutting occurs after the onset of spring thaw (as defined in Appendix C), conditions that consist of above freezing temperatures that cause melting of snow, then the permittee must develop a SWPPP and file an NOI, and receive authorization for coverage under this permit from DEC, and otherwise comply with the terms of this permit prior to such clearing.

11.G.4.13 Maintenance of Control Measures. A permittee must maintain all control measures, good housekeeping measures, and other protective measures in effective operating condition. If site inspections required by Part 6 identify control measures, good housekeeping measures, or other protective measures that are not operating effectively, the permittee must implement corrective actions in accordance with Part 8.

If existing control measures need to be modified or if additional control measures are necessary for any reason, the permittee must complete any corrective action in accordance with Part 8.3.

A permittee must remove sediment from silt fences, check dams, berms or other controls before the accumulated sediment reaches one-half ($\frac{1}{2}$) the distance up the above-ground height (or it reaches a lower height based on manufacturer’s specifications) of the control measure. For sediment traps or sediment ponds, the permittee must remove accumulated sediment when the design capacity has been reduced by fifty (50%) percent.

11.G.4.14 Inspection of Clearing, Grading, and Excavation Activities. (See also Part 6)

11.G.4.14.1 Inspection Frequency. Inspections must be conducted either at least once every 7 calendar days, or at least once every 14 calendar days and within 24 hours of the end of a measurable storm event (see Part 7.1.3). If the entire site is temporarily stabilized, inspection frequency may be reduced to at least once every month and within two business days of the end of a measurable storm event at actively staffed sites which resulted in a discharge from the site (pursuant to Part 11.G.4.15.2). Once active mining has begun, those areas comply with inspections according to 11.G.7.

11.G.4.14.2 Winter Shutdown. If the exploration and construction phase is undergoing winter shutdown the permittee may stop inspections fourteen (14) calendar days after the anticipated fall freeze-up and must resume inspections at least twenty-one (21) calendar days prior to the anticipated spring thaw. The permittee shall identify the winter shutdown period in their SWPPP based upon the definitions of fall freeze-up and spring thaw.

11.G.4.14.3 Location of Inspections. Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

11.G.4.14.4 Inspection Reports. (See also Part 6.1) For each inspection required above, the permittee must complete an inspection report. At a minimum, the inspection report must include the information required in Part 6.1.

11.G.4.15 Requirements for Cessation of Clearing, Grading, and Excavation Activities.

11.G.4.15.1 Inspections and Maintenance. Inspections and maintenance of control measures, including BMPs, associated with clearing, grading, and/or excavation activities being conducted as part of the exploration and construction phase of a mining operation must continue until final stabilization has been achieved on all portions of the disturbed area, or until the commencement of the active mining phase for those areas that have been temporarily stabilized as a precursor to mining.

11.G.4.15.2 Temporary Stabilization of Disturbed Areas. Stabilization measures should be initiated immediately in portions of the site where clearing, grading and/or excavation activities have temporarily ceased, but in no case more than 14 days after the clearing, grading and/or excavation activities in that portion of the site have temporarily ceased. In arid, semiarid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after exploration, and/or construction activity has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable.

The permittee must identify the anticipated dates of fall freeze-up and spring thaw (see Appendix C) for the site and use those dates to plan for winter shutdown. For the purpose of planning ahead frozen ground by itself is not considered an acceptable control measure for stabilization. Where temporary stabilization by the 14th day is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable following the actual spring thaw.

Until temporary vegetative stabilization is achieved, interim measures (e.g., surface roughening or a surface cover, including but not limited to, establishment of ground vegetation, application of mulch, or surface tackifiers with an appropriate seed base) must be employed. In areas of the site, where exploration and/or construction has permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until such time as the active mining phase commences.

11.G.4.15.3 Final Stabilization of Disturbed Areas. Stabilization measures should be initiated immediately in portions of the site where mining, exploration, and/or construction activities have permanently ceased, but in no case more than 14 days after the exploration and/or construction activity in that portion of the site has permanently ceased. In arid, semiarid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures must be used.

11.G.5 Additional Technology-Based Effluent Limits.

11.G.5.1 Employee Training. (See also Part 4.2.9) Conduct employee training at least annually at active and temporarily inactive sites.

- 11.G.5.2 Good Housekeeping Measures.* (See also Part 4.2.2) As part of the permittees good housekeeping program, implement the following, as practicable: use sweepers and covered storage, watering haul roads to minimize dust generation, and conserving vegetation (where possible) to minimize erosion.
- 11.G.5.3 Preventive Maintenance.* (See also Part 4.2.3) Perform inspections or other equivalent measures of storage tanks and pressure lines of fuels, lubricants, hydraulic fluid, and slurry to prevent leaks due to deterioration or faulty connections.
- 11.G.5.4 Storm Water Controls.* Apart from the control measures implemented to meet the Part 4 control measures, implement the following control measures at the facility, as practicable. The potential pollutants identified in Part 11.G.6.3 shall determine the priority and appropriateness of the control measures selected. If the permittee selects or develops a storm water control other than one described below, the permittee shall describe it in the SWPPP.
- 11.G.5.4.1 Storm Water Diversions.* Divert storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.
- 11.G.5.4.2 Velocity Dissipation Devices.* Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) as practicable, along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.
- 11.G.5.4.3 Down-Slope Sediment Controls.* Establish and use down-slope sediment controls (e.g., silt fence or temporary diversion dike) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.
- 11.G.5.4.4 Stabilized Construction Vehicle Access and Exit Points.* Establish stabilized vehicle access and exit points. Off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.
- 11.G.5.4.5 Capping.* When capping is necessary to minimize pollutant discharges in storm water, identify the source being capped and the material used to construct the cap.

11.G.5.4.6 Treatment. If treatment of storm water (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. All permanent storm water treatment devices shall receive engineering plan approval per 18 AAC 72.600. Passive and/or active treatment of storm water runoff is encouraged where practicable. Treated runoff may be discharged as a storm water source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

11.G.5.5 Certification of Discharge Testing. (See also Part 5.2.4.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-storm water discharges such as seeps or adit discharges, or discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 440), such as mine drainage or process water. Alternatively (if applicable), the permittee may keep a certification with the SWPPP consistent with Part 11.G.6.6.

11.G.5.6 Overburden, Waste Rock, and Raw Material Piles. Overburden, topsoil, and waste rock, as well as raw material and intermediate and final product stockpiles, shall be located a minimum of 25 feet away from surface water, other sources of water, and from geologically unstable areas as practicable.

11.G.6 Additional SWPPP Requirements.

11.G.6.1 Nature of Industrial Activities. (See also Part 5.2.3) Document in the SWPPP the mining and associated activities that can potentially affect the storm water discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.

11.G.6.2 Site Map. (See also Part 5.2.3) The permittee must document in the SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each storm water outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual APDES permit, outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage (where water leaves mine) or other process water; tailings piles and ponds (including proposed ones); heap leach pads; off-site points of discharge for mine drainage and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.

- 11.G.6.3 Potential Pollutant Sources.* (See also Part 5.2.4) For each area of the mine or mill site where storm water discharges associated with industrial activities occur, identify the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. Monitor these factors, as relevant: the mineralogy of the ore and waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing ore or waste rock or overburden characterization data and test results for potential generation of acid rock. If any new data is acquired due to changes in ore type being mined, update the SWPPP with this information.
- 11.G.6.4 Documentation of Control Measures.* Document all control measures that the permittee implements consistent with Part 11.G.5.4. If control measures are implemented or planned but are not listed in Part 11.G.5.4 (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in the SWPPP.
- 11.G.6.5 Employee Training.* To the extent practical, all supervisory personnel involved in directing the maintenance of storm water control measures shall be trained and qualified in the principles and practices of erosion and sediment control. All employee training(s) must be documented in the SWPPP.
- 11.G.6.6 Certification of Permit Coverage for Commingled Non-Storm Water Discharges.* If a permittee determines that they are able to certify, consistent with Part 11.G.5.5, that a particular discharge composed of commingled storm water and non-storm water is covered under a separate APDES permit, and that permit subjects the non-storm water portion to effluent limitations prior to any commingling, retain such certification with the SWPPP. This certification must identify the non-storm water discharges, the applicable APDES permit(s), the effluent limitations placed on the non-storm water discharge by the permit(s), and the points at which the limitations are applied.
- 11.G.6.7 SWPPP Submittal.* At least 45 calendar days prior to the start of initial construction of a new facility the permittee shall submit the construction phase SWPPP to DEC.
- 11.G.6.8 SWPPP Meeting.* At least 20 calendar days before the start of initial construction for a new facility, representatives of the permittee and the prime site construction contractor shall meet with DEC in a pre-construction conference to discuss the details of storm water management during construction.

11.G.7 Additional Inspection Requirements.

(See also Part 6.1 and 11.G.4.14.) Except for areas of the site subject to clearing, grading, and/or excavation activities conducted as part of the exploration and construction phase, which are subject to Part 11.G.4.14.1, the permittee must inspect sites at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to waters designated as outstanding waters or waters

which are impaired for sediment or nitrogen must be inspected monthly. See Part 11.G.8.4 for inspection requirements for inactive and unstaffed sites.

11.G.8 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

Note: There are no Part 11.G.8 monitoring and reporting requirements for inactive and unstaffed sites.

11.G.8.1 Benchmark Monitoring for Active Copper Ore Mining and Dressing Facilities. Active copper ore mining and dressing facilities, the permittee must sample and analyze storm water discharges for the pollutants listed in Table 11.G.8-1.

Table 11.G.8-1: Benchmark Monitoring for Active Copper Ore Mining and Dressing Facilities

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector G1. Active Copper Ore Mining and Dressing Facilities (SIC 1021)	Total Suspended Solids (TSS)	100 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L

11.G.8.2 Benchmark Monitoring Requirements for Discharges from Waste Rock and Overburden Piles at Active Metal Mining Facilities. For discharges from waste rock and overburden piles, perform benchmark monitoring once in the first year for the parameters listed in Table 11.G.8-2, and twice annually in all subsequent years of coverage under this permit for any parameters for which the benchmark has been exceeded. The permittee is also required to conduct analytic monitoring for the parameters listed in Table 11.G.8-3 in accordance with the requirements in Part 11.G.8.3. The Department may also notify the permittee that the permittee must perform additional monitoring to accurately characterize the quality and quantity of pollutants discharged from their waste rock and overburden piles.

(Table 11.G.8-2: Benchmark Monitoring Requirements for Discharges from Waste Rock and Overburden Piles at Active Metal Mining Facilities located on following page.)

Table 11.G.8-2: Benchmark Monitoring Requirements for Discharges from Waste Rock and Overburden Piles at Active Metal Mining Facilities

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector G2. Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; and Miscellaneous Metal Ores (SIC Codes 1011, 1021, 1031, 1041, 1044, 1061, 1081, 1094, 1099) (Note: when analyzing hardness for a suite of metals, it is more cost effective to add analysis of calcium and magnesium, and have hardness calculated than to require hardness analysis separately)	Total Suspended Solids (TSS)	100 mg/L
	Turbidity	See Note 1
	pH	6.5 - 8.5 s.u.
	Hardness (as CaCO ₃ ; calc. from Ca, Mg) ²	no benchmark value
	Total Antimony	0.64 mg/L
	Total Arsenic (saltwater) ²	0.069 mg/L
	Total Arsenic (freshwater)	0.15 mg/L
	Total Beryllium	0.13 mg/L
	Total Cadmium (saltwater) ²	0.04 mg/L
	Total Cadmium (freshwater) ³	Hardness Dependent
	Total Copper (saltwater) ²	0.0048 mg/L
	Total Copper (freshwater) ³	Hardness Dependent
	Total Iron	1.0 mg/L
	Total Lead (saltwater) ²	0.21 mg/L
	Total Lead (freshwater) ³	Hardness Dependent
	Total Mercury (saltwater) ²	0.0018 mg/L
	Total Mercury (freshwater) ³	0.0014 mg/L
	Total Nickel (saltwater) ²	0.074 mg/L
	Total Nickel (freshwater) ³	Hardness Dependent
	Total Selenium	0.005 mg/L
	Total Silver (saltwater) ²	0.0019 mg/L
	Total Silver (freshwater) ³	Hardness Dependent
	Total Zinc (saltwater) ²	0.09 mg/L
	Total Zinc (freshwater) ³	Hardness Dependent

Note:

1. Turbidity in fresh water may not exceed 5 nephelometric turbidity units (NTU) above natural conditions when the natural turbidity is 50 NTU or less, and may not have more than 10% increase in turbidity when the natural turbidity is more than 50 NTU, not to exceed a maximum increase of 25 NTU. See 18 AAC 70.020(b)(12)(A)(i).
2. Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
3. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 7.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Cadmium (mg/L)	Copper (mg/L)	Lead (mg/L)	Nickel (mg/L)	Silver (mg/L)	Zinc (mg/L)
0 – < 25 mg/L	0.0005	0.0038	0.014	0.15	0.0007	0.04
25 – < 50 mg/L	0.0008	0.0056	0.023	0.20	0.0007	0.05
50 – < 75 mg/L	0.0013	0.0090	0.045	0.32	0.0017	0.08
75 – < 100 mg/L	0.0018	0.0123	0.069	0.42	0.0030	0.11
100 – < 125 mg/L	0.0023	0.0156	0.095	0.52	0.0046	0.13
125 – < 150 mg/L	0.0029	0.0189	0.122	0.61	0.0065	0.16
150 – < 175 mg/L	0.0034	0.0221	0.151	0.71	0.0087	0.18
175 – < 200 mg/L	0.0039	0.0253	0.182	0.80	0.0112	0.20
200 – < 225 mg/L	0.0045	0.0285	0.213	0.89	0.0138	0.23
225 – < 250 mg/L	0.0050	0.0316	0.246	0.98	0.0168	0.25
250+ mg/L	0.0053	0.0332	0.262	1.02	0.0183	0.26

11.G.8.3 Additional Analytic Monitoring Requirements for Discharges from Waste Rock and Overburden Piles at Active Metal Mining Facilities. In addition to the monitoring required in Part 11.G.8.2 for discharges from waste rock and overburden piles, the permittee must also conduct monitoring for additional parameters based on the type of ore they mine at their facility. Where a parameter in Table 11.G.8-3 is the same as a pollutant the permittee is required to monitor for in Table 11.G.8-2 (i.e., for all of the metals, the permittee must use the corresponding benchmark in Table 11.G.8-2 and they may use any monitoring results conducted for Part 11.G.8.2 to satisfy the monitoring requirement for that parameter for Part 11.G.6.3. For radium and uranium, which do not have corresponding benchmarks in Table 11.G.8-2, there are no applicable benchmarks.) The frequency and schedule for monitoring for these additional parameters is the same as that specified in Part 7.2.1.2.

Table 11.G.8-3: Additional Monitoring Requirements for Discharges from Waste Rock and Overburden Piles

Type of Ore Mined	Supplemental Requirements		
	Pollutants of Concern		
	Total Suspended Solids (TSS)	pH	Metals, Total
Tungsten Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)
Nickel Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)
Aluminum Ore	X	X	Iron
Mercury Ore	X	X	Nickel (H)
Iron Ore	X	X	Iron (Dissolved)
Platinum Ore			Cadmium (H), Copper (H), Mercury, Lead (H), Zinc (H)
Titanium Ore	X	X	Iron, Nickel (H), Zinc (H)
Vanadium Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)
Molybdenum	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Mercury, Zinc (H)
Uranium, Radium, and Vanadium Ore	X	X	Chemical Oxygen Demand, Arsenic, Radium (Dissolved and Total), Uranium, Zinc (H)
Note: An "X" indicated for TSS and/or pH means that permittees are required to monitor for those parameters. (H) indicates that hardness must also be measured when this pollutant is measured.			

11.G.8.4 Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirements for Quarterly Visual Assessments and Routine Facility Inspections. As a Sector G facility, if the permittee is seeking to exercise a waiver from the quarterly visual assessment and routine facility inspection requirements for inactive and unstaffed sites (including temporarily inactive sites), they are conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to storm water” in Part 6.2.3 and 7.2.1.6, respectively. Additionally, if the permittee is seeking to reduce their required quarterly routine inspection frequency to a once annual comprehensive inspection, as is allowed under Part 6.1.3, the permittee is also conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to storm water.” This exemption is conditioned on the following:

- If circumstances change and the permittees facility becomes active and/or staffed, this exception no longer applies and the permittee must immediately begin complying with the quarterly visual assessment requirements; and
- DEC retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above a WQS, including designated uses.

Subject to the two conditions above, if the permittees facility is inactive and unstaffed, they are waived from the requirement to conduct quarterly visual assessments and routine facility inspections. The permittee is not waived from conducting the Part 6.3 comprehensive site inspection. They are encouraged to inspect their site more frequently where they have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

(Table 11.G.8-4: Applicability of the Multi-Sector General Permit to Storm Water Runoff from Active Mining and Dressing Sites, Temporarily Inactive Sites, and Sites Undergoing Reclamation located on the following page.)

Table 11.G.8-4: Applicability of the Multi-Sector General Permit to Storm Water Runoff from Active Mining and Dressing Sites, Temporarily Inactive Sites, and Sites Undergoing Reclamation

Discharge/Source of Discharge	Note/Comment
Piles	
Waste rock/overburden	If composed entirely of storm water and not combining with mine drainage. See note below.
Topsoil	—
Roads Constructed of Waste Rock or Spent Ore	
Onsite haul roads	If composed entirely of storm water and not combining with mine drainage. See note below.
Offsite haul and access roads	—
Roads Not Constructed of Waste Rock or Spent Ore	
Onsite haul roads	Except if mine drainage is used for dust control
Offsite haul and access roads	—
Milling/Concentrating	
Runoff from tailings dams and dikes when constructed of waste rock/tailings	Except if process fluids are present and only if composed entirely of storm water and not combining with mine drainage. See Note below.
Runoff from tailings dams/dikes when not constructed of waste rock and tailings	Except if process fluids are present
Concentration building	If storm water only and no contact with piles
Mill site	If storm water only and no contact with piles
Ancillary Areas	
Office and administrative building and housing	If mixed with storm water from the industrial area
Chemical storage area	—
Docking facility	Except if excessive contact with waste product that would otherwise constitute mine drainage
Explosive storage	—
Fuel storage (oil tanks/coal piles)	—
Vehicle and equipment maintenance area/building	—
Parking areas	But coverage unnecessary if only employee and visitor-type parking
Power Plant	
Truck wash area	Except when excessive contact with waste product that would otherwise constitute mine drainage
Reclamation-Related Areas	
Any disturbed area (unreclaimed)	Only if not in active mining area
Reclaimed areas released from reclamation requirements prior to Dec. 17, 1990	—
Partially/inadequately reclaimed areas or areas not released from reclamation requirements	—

Note: Storm water runoff from these sources are subject to the APDES program for storm water unless mixed with discharges subject to 40 CFR Part 440 that are regulated by another permit prior to mixing. Non-storm water discharges from these sources are subject to APDES permitting and may be subject to the effluent limitation guidelines under 40 CFR Part 440. Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless:

- (1) it drains naturally (or is intentionally diverted) to a point source; and
- (2) combines with "mine drainage" that is otherwise regulated under the Part 440 regulations. For such sources, coverage under this permit would be available if the discharge composed entirely of storm water does not combine with other sources of mine drainage that are not subject to 40 CFR Part 440, as well as meeting other eligibility criteria contained in Part 1.2 of the permit. Permit applicants bear the initial responsibility for determining the applicable technology-based standard for such discharges. DEC recommends that permit applicants contact the Department for assistance to determine the nature and scope of the "active mining area" on a mine-by-mine basis, as well as to determine the appropriate permitting mechanism for authorizing such discharges.

11.G.9 Termination of Permit Coverage.

11.G.9.1 Termination of Permit Coverage for Sites Reclaimed After December 17, 1990. A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 11.G.3.5.

11.G.9.2 Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990. A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state WQS, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

11. Subpart H – Sector H – Coal Mines and Coal Mining-Related Facilities.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.H.1 Covered Storm Water Discharges.

The requirements in Subpart H apply to storm water discharges associated with industrial activity from Coal Mines and Coal Mining-Related facilities as identified by the SIC Codes specified under Sector H in Table D-1 of Appendix D.

11.H.2 Limitations on Coverage.

11.H.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) Not covered by this permit: discharges from pollutant seeps or underground drainage from inactive coal mines, adit discharges and refuse disposal areas that do not result from precipitation events, and discharges from floor drains in maintenance buildings and other similar drains in mining and preparation plant areas. These unauthorized discharges should be covered under a separate APDES discharge permit.

11.H.2.2 Discharges Subject to Storm Water Effluent Guidelines. (See also Part 1.2.4.4) Not authorized by this permit: storm water discharges subject to an existing effluent limitation guideline at 40 CFR Part 434.

11.H.3 Definitions.

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

11.H.3.1 Mining Operation - Consists of the active and temporarily inactive phases, and the reclamation phase, but excludes the exploration and construction phases.

11.H.3.2 Exploration Phase - Entails exploration and land disturbance activities to determine the financial viability of a site. The exploration phase is not considered part of “mining operations.”

11.H.3.3 Construction Phase - Includes the building of site access roads, facilities, and removal of overburden and waste rock to expose mineable coal. The construction phase is not considered part of “mining operations.”

- 11.H.3.4 Active Phase* - Activities including the extraction, removal or recovery of coal. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR 434.11(b). The active phase is considered part of “mining operations.”
- 11.H.3.5 Reclamation Phase* - Activities undertaken, in compliance with applicable mined land reclamation requirements, following the cessation of the “active phase”, intended to return the land to an appropriate post-mining land use. The reclamation phase is considered part of "mining operations."
- 11.H.3.6 Active Coal Mining Facility* - A place where work or other activity related to the extraction, removal, or recovery of coal is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR 434.11(b).
- 11.H.3.7 Inactive Coal Mining Facility* - A site or portion of a site where coal mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable State or Federal agency. An inactive coal mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an APDES industrial storm water permit.
- 11.H.3.8 Temporarily Inactive Coal Mining Facility* - A site or portion of a site where coal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable State or Federal agency.

11.H.4 Technology-Based Effluent Limits for Clearing, Grading, and Excavation Activities.

Clearing, grading, and excavation activities being conducted as part of the exploration and construction phase of mining activities are covered under this permit.

- 11.H.4.1 Erosion Control Measures.* A permittee must comply with the erosion control measures in this Part to minimize soil exposure on the site during construction.

- 11.H.4.1.1 Delineation of Site.* A permittee must generally delineate (e.g., with flagging, stakes, signs, silt fence, etc.) the location of specific areas that will be left undisturbed such as trees, boundaries of sensitive areas, or buffers established under Part 11.H.4.1.3.

11.H.4.1.2 Minimize the Amount of Soil Exposed during Construction Activity. A permittee must include the following considerations in the selection of control measures and the sequence of project construction as they apply to the project site:

- Preserve areas of native topsoil on the site, unless infeasible; and
- Sequence or phase construction activities to minimize the extent and duration of exposed soils to the extent practicable.

11.H.4.1.3 Maintain Natural Buffer Areas.

The permittee must maintain natural buffer areas at stream crossings and around the edge of any waters of the U.S. that are located within or immediately adjacent to the property where the construction activity will take place in accordance with the following:

- The buffer must be a minimum of twenty-five (25) feet wide, unless infeasible based on site dimensions, or the width as required by local ordinance.
- Exceptions are allowed for water dependent activities, specific water access activities, or necessary water crossings.
- A permittee should, to the extent practicable, use perimeter controls adjacent to buffers, and direct storm water sheet flow to buffer areas to increase sediment removal and maximize storm water infiltration, unless infeasible.

11.H.4.1.4 Control Storm Water Discharges and Flow Rates. A permittee must include the following control measures to handle storm water and total storm water volume discharges as they apply to the site:

- Divert storm water around the site so that it does not flow onto the project site and cause erosion of exposed soils;
- Slow down or contain storm water that may collect and concentrate within a site and cause erosion of exposed soils;
- Avoid placement of structural control measures in active floodplains to the degree technologically and economically practicable and achievable;
- Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters; and

- Install permanent storm water management controls, if present at a site and where practical, so that they must be functional prior to construction of site improvements (e.g., impervious surfaces).

11.H.4.1.5 Protect Steep Slopes. A permittee must include the following considerations in the selection of control measures as they apply to the project site:

- Design and construct cut-and-fill slopes in a manner that will minimize erosion. Applicable practices include, but are not limited to, reducing continuous length of slope with terracing and diversions, reducing slope steepness, and roughening slope surfaces (e.g., track walking);
- Divert concentrated flows of storm water away from and around the disturbed portion of the slope. Applicable practices include, but are not limited to, interceptor dikes and swales, grass-lined channels, pipe slope drains, subsurface drains, check dams; and
- Stabilize exposed areas of the slope in accordance with Part 11.H.4.4.

11.H.4.2 Sediment Control Measures. Sediment control measures (e.g. sediment ponds, traps, filters, etc.) must be constructed as one of the first steps in grading. These control measures must be functional before other land disturbing activities take place. A permittee must install, establish and use any of the following control measures that apply to the project site.

11.H.4.2.1 Storm Drain Inlet Protection Measures. A permittee must install appropriate protection measures (e.g. filter berms, perimeter controls, temporary diversion dikes, etc.) to minimize the discharge of sediment prior to entry into the inlet for storm drain inlets located on site or immediately downstream of the site. Inlet protection measures must be cleaned or removed and replaced when sediment has filled one-third of the available storage.

11.H.4.2.2 Water Body Protection Measures. A permittee must install appropriate protection measures (Part 11.H.4.1.4) to minimize the discharge of sediment prior to entry into the water body for water bodies located on site or immediately downstream of the site. Protection measures must be cleaned or removed and replaced when sediment has filled one-third of the available storage.

11.H.4.2.3 Down-Slope Sediment Controls. A permittee must establish and use down-slope sediment controls (e.g., silt fence, temporary diversion dike, etc.) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.

11.H.4.2.4 Stabilized Construction Vehicle Access and Exit Points. A permittee must establish construction vehicle access and exit points which must be stabilized. Access and exit points should be limited to one route, if possible. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.

11.H.4.2.5 Dust Generation and Track-Out from Vehicles. A permittee must minimize the generation of dust through the application of water or other dust suppression techniques and prior to vehicle exit. A permittee must provide an effective way of minimizing off-site vehicle tracking of sediment from wheels to prevent track-out onto paved surfaces.

11.H.4.2.6 Soil Stockpiles. A permittee must stabilize or cover soil stockpiles, protect with sediment trapping measures, and where possible, locate soil stockpiles away from storm drain inlets, water bodies, and conveyance channels.

11.H.4.2.7 Authorized Non-Storm Water Discharges. A permittee must minimize any non-storm water authorized by this permit.

11.H.4.2.8 Sediment Basins, where applicable:

- For common drainage locations that serve an area with ten (10) or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from the drainage area from a 2-year, 24-hour storm, or equivalent sediment control measures, must be installed, maintained, and used where practicable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent sediment control measures, must be installed and used where practicable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is practicable, the permittee may consider factors such as site soils, slope, available area on-site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin, and alternative sediment control measures must be used where site limitations would preclude a safe design.
- For drainage locations which serve ten (10) or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not practicable, smaller sediment basins and/or sediment traps should be used. Silt fences, vegetative buffer strips, or equivalent sediment control measures are

required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions).

- For drainage locations serving less than ten (10) acres, smaller sediment basins and/or sediment traps should be used. Silt fences, vegetative buffer strips, or equivalent sediment control measures are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm event or 3,600 cubic feet of storage per acre drained is provided.
- When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface where practicable.
- Note: installing sediment basins in the presence of permafrost is challenging and might not be practicable in some instances because permafrost creates poor surface drainage that hinders the infiltration of runoff. Also, the excavation of permafrost in summer can trigger thawing and instability.

11.H.4.3 Dewatering.

11.H.4.3.1 If a construction activity includes excavation dewatering and has a discharge that could adversely impact a local drinking water well, an DEC-identified contaminated site, or a waters of the U.S., the permittee must review the DEC Excavation Dewatering General Permit (AKG002000, or most current version) for specific requirements the permittee may have to comply with in addition to the conditions of this permit.

11.H.4.3.2 A discharge from eligible dewatering activities, including discharges from dewatering of trenches and excavations are prohibited unless treated by appropriate control measures. Appropriate control measures include, but are not limited to, sediment basins or traps, dewatering tanks, weir tanks, or filtration systems designed to remove sediment.

11.H.4.4 Soil Stabilization.

11.H.4.4.1 *Minimum Requirements for Soil Stabilization.* A permittee must stabilize all disturbed areas of the site to minimize on-site erosion and sedimentation and the resulting discharge of pollutants according to the requirements of this Part. A permittee must ensure that existing vegetation is preserved wherever possible and that disturbed portions of the site are stabilized. Applicable stabilization control measures include, but are not limited to: temporary and permanent seeding, sodding, mulching, rolled erosion control product, compost blanket, soil application

of polyacrylamide (PAM), the early application of gravel base on areas to be paved, and dust control. A permittee should avoid using impervious surfaces for stabilization. See the Alaska Plant Materials Center's A Revegetation Manual for Alaska at <http://plants.alaska.gov> for help in efforts to select appropriate seed mixes and some information on methods for revegetation. Also see the manual for coastal Alaska, Coastal Revegetation & Erosion Control Guide at <http://plants.alaska.gov>.

11.H.4.5 Treatment Chemicals. The use of treatment chemicals to reduce erosion from the land or sediment in a storm water discharge is allowed provided that all of the requirements of this Part are met.

11.H.4.5.1 Treatment Chemicals. Documentation of treatment chemicals selected for use at a site must include, at a minimum, the following information:

- Manufacturer and/or supplier provided Material Safety Data Sheets, specifications, and instructions for the transport, handling, storage, application, and disposal of the treatment chemical;
- Approval by EPA for potable water use;
- Approval by EPA or the states of California, Minnesota, Oregon, Washington, or Wisconsin for use in controlling erosion or sediment runoff from agricultural land or construction projects;
- Manufacturer and/or supplier provided test results recognized by EPA or the states of California, Minnesota, Oregon, Washington, or Wisconsin that demonstrate that the treatment chemical is non-toxic to aquatic organisms when applied following the manufacturer or supplier recommended method of use and rate of application;
- A permittee is prohibited from using cationic polymers, except for the use of chitosan as part of an Active Treatment System in compliance with Part 11.H.4.5.4 or as approved by the Department in writing; and
- The names and titles of person(s) who handle and apply treatment chemicals at the construction site, the title of relevant training and date(s) the person(s) who apply the chemicals received training in the proper handling and application of treatment chemicals.

11.H.4.5.2 Treatment Chemical Use.

- A permittee must train employees who handle treatment chemicals to comply with the information required by Part 11.H.4.5.1; and

- A permittee must handle, store and dispose of treatment chemicals, waste chemicals, or flocculants in appropriate leak proof containers under a storm-resistant cover or surrounded by secondary containment structures so as to prevent their discharge to the waters of the U.S.

11.H.4.5.3 Project Site Conditions. Treatment chemicals are typically developed, tested, and approved in regions of the country that may have soils, soil and water temperatures, and other site conditions significantly different from Alaska. These differences must be considered in the selection of the treatment chemicals for use at the Alaskan site.

- A permittee must make certain the selected treatment chemical is appropriate for soils at the site through project-specific tests of the chemical with local soils or product use data on projects with similar soils.
- A permittee must ensure the selected treatment chemical is appropriate for the site topography, amount of precipitation expected at the site, and type of use.

11.H.4.5.4 Application of Treatment Chemicals. The application of treatment chemicals shall be in combination with appropriate physical control measures (e.g., rolled erosion control products, ditch check dams, sediment basins, sediment bags, filtration, etc.) to ensure effectiveness of the treatment chemical. The use of treatment chemicals is not considered a substitute for appropriate physical control measures and does not preclude any other requirement of this permit.

- *Land Application.*
 - A permittee shall comply with all Material Safety Data Sheet requirements and follow the manufacturer and/or suppliers written recommended application rate, including site-specific considerations.
 - A permittee shall use an application method that provides uniform coverage of the target area and avoids drift to non-target areas.
 - The application must always be a sufficient distance upgradient or upstream to allow adequate mixing and reaction prior to reaching a pre-constructed sediment trap, basin inflow structure, or filtering device of sufficient width to ensure adequate removal of sediments laden with treatment chemicals before discharges reach waters of the U.S.
- *Water Application* (including conveyance channel).
 - A permittee shall follow the manufacturer and/or suppliers written recommended application rate, including site-specific considerations.

- The application shall always be upstream from a pre-constructed sediment trap, basin inflow structure, vegetated swale, filtering device or a vegetated buffer of sufficient width to ensure adequate removal of sediments laden with treatment chemicals before discharges reach waters of the U.S.
- Treatment chemicals shall not be applied directly to a water of the U.S.
- Application through the use of manufactured products (e.g. gel bars, gel logs, floc blocks, etc.) shall be used in combination with adequate ditch check dams, settling basins, or other physical control measures designed to settle out chemically treated soils and minimize the presence of treatment chemicals before discharges reach waters of the U.S.. At a minimum there must be at least 100 feet of ditch length downstream of the last manufactured product prior to reaching a water of the U.S. to provide a place for sedimentation to occur.
- *Active Treatment Systems.* A permittee who uses an Active Treatment System as a control measure must submit information required by the Department for review at least fourteen (14) days prior to start of operation of the active treatment system at the project and comply with Part 4.4. At a minimum, the information must provide details on the following: relevant information required by Part 11.H.4.5.1, engineering plans, description of treatment process, site conditions (including soil types), treatment chemicals, dose rates, monitoring to be conducted, expected residual chemical, proper operator training, methods for storage, procedures for spill prevention and containment, operation and maintenance, and record keeping and reporting.

11.H.4.6 Prohibited Discharge. A permittee is prohibited from discharging the following from the site:

- 11.H.4.6.1 Wastewater from concrete washout, unless managed by an appropriate control measure;
- 11.H.4.6.2 Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
- 11.H.4.6.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
- 11.H.4.6.4 Soaps or solvents used in vehicle and equipment washing.

11.H.4.7 Good Housekeeping Measures. A permittee must design, install, implement, and maintain effective good housekeeping measures to prevent and/or minimize the discharge of pollutants. A permittee must include appropriate measures for any of the following activities that are used at the site.

11.H.4.7.1 Washing of Equipment and Vehicles and Wheel Wash-Down. If a permittee conducts washing of equipment or vehicles and/or wheel wash-down at the site the permittee must comply with the following requirements:

- Designate areas to be used for washing of equipment and vehicles and/or wheel wash-down and conduct such activities only in these areas;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Treat all wash water in a sediment basin or use alternative control measures that provide equivalent or better treatment prior to discharge; and
- To comply with the prohibition in Part 11.H.4.6.4, the discharge of soaps and solvents used in equipment and vehicle washing and/or wheel wash-down is strictly prohibited.

11.H.4.7.2 Fueling and Maintenance Areas. If a permittee conducts fueling and/or maintenance activities for equipment and vehicles at the site the permittee must comply with the following requirements:

- Designate areas to be used for fueling and/or maintenance of equipment and vehicles and conduct such activities only in these areas (the designated area may move from one location to another on linear projects);
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets and waters of the U.S.;
- Minimize the exposure to precipitation and storm water or use secondary containment structures designed to eliminate the potential for spills or leaked chemicals; and
- To comply with the prohibition in Part 11.H.4.6.3, a permittee must:
 - Clean up spills or contaminated surfaces immediately;
 - Ensure adequate clean up supplies are available at all times to handle spills, leaks, and disposal of used liquids;
 - Use drip pans or absorbents under or around leaky equipment and vehicles; and

- Dispose of liquid wastes or materials used for fueling and maintenance in accordance with Part 11.H.4.11.

11.H.4.8 Staging and Material Storage Areas. If a permittee maintains staging and material storage areas at the site the permittee must comply with the following requirements:

- Designate areas to be used for staging and material storage areas;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.; and
- Minimize the exposure to precipitation and storm water and vandalism for all chemicals, treatment chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment.

11.H.4.9 Washout of Applicators/Containers used for Paint, Concrete, and Other Materials. If a permittee conducts washing of applicators and/or containers used for paint, concrete, and other materials at the site, the permittee must comply with the following requirements:

- Designate areas to be used for washout;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Direct all concrete, paint, and other material washout activities into a lined, water-tight container or pit to ensure there is no discharge into the underlying soil and onto the surrounding areas;
- Dispose of liquid wastes in accordance with Part 11.H.4.11; and
- For concrete washout areas, remove hardened concrete waste when it has reached one-half ($\frac{1}{2}$) the height of the container or pit and dispose of in accordance with Part 11.H.4.11.

11.H.4.10 Fertilizer or Pesticide Use. If a permittee uses fertilizers or pesticides the permittee must comply with the following requirements:

- Application of fertilizers and pesticides in a manner and at application rates that will minimize the loss of chemical to storm water runoff. Manufacturers' label requirements for application rates and disposal requirements must be followed; and
- Use pesticides in compliance with federal, state and local requirements.

11.H.4.11 Storage, Handling, and Disposal of Construction Waste. If a permittee stores, handles and/or disposes of construction waste at the site, the permittee must comply with the following requirements:

- Locate areas dedicated for management or disposal of construction waste, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Dispose of all collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other domestic wastes according to federal, state and local requirements;
- Store hazardous or toxic waste in appropriate sealed containers and dispose of these wastes in accordance with manufactures recommended method of disposal or federal, state or local requirements; and
- Provide containment of sanitation facilities (e.g., portable toilets) to prevent discharges of pollutants to the storm water drainage system or receiving water. Clean or replace sanitation facilities and inspect them regularly for leaks and spills.

11.H.4.12 Winter Considerations.

11.H.4.12.1 Winter Shutdown. A permittee who temporarily ceases construction for the winter and plans to resume construction the next summer must plan for winter shutdown. The permittee must identify the anticipated dates of fall freeze-up and spring thaw (see Appendix C) for their site and use these dates to plan for winter shutdown. For the purpose of planning ahead frozen ground by itself is not considered an acceptable control measure for stabilization. A permittee must provide for the following prior to, during, and at the conclusion of winter shutdown:

- Temporary or permanent stabilization for conveyance channels;
- Temporary or permanent stabilization for disturbed slopes, disturbed soils, and soil stockpiles; and
- Erosion and sediment control measures in anticipation of spring thaw.

11.H.4.12.2 Winter Construction. In several areas of Alaska, winter construction provides opportunities for construction not available during summer months. Permit coverage is not required for the construction of ice roads or the placement of sand or gravel on frozen tundra with no excavation or potential to pollute waters of the U.S. This permit does address those construction activities that have the potential for erosion or sediment runoff during spring thaw and summer rainfall. A permittee operating winter construction activities must plan for using appropriate control measures to minimize erosion or sediment runoff during spring thaw and summer rainfall. The Alaska Storm Water Guide, Chapters 3 and 4, provide guidance on the selection, design, and installation of winter construction practices and controls.

11.H.4.12.3 Late Winter Clearing. Cutting of trees and brush while the ground is frozen, without disturbing the vegetative mat, for the purpose of clearing in accordance with the U.S. Fish & Wildlife Service “Recommended Time Periods for Avoiding Vegetation Clearing” is allowed prior to the submittal of a project NOI. If the cutting occurs after the onset of spring thaw (as defined in Appendix C), conditions that consist of above freezing temperatures that cause melting of snow, then the permittee must develop a SWPPP and file an NOI, and receive authorization for coverage under this permit from DEC, and otherwise comply with the terms of this permit prior to such clearing.

11.H.4.13 Maintenance of Control Measures. A permittee must maintain all control measures, good housekeeping measures, and other protective measures in effective operating condition. If site inspections required by Part 6 identify control measures, good housekeeping measures, or other protective measures that are not operating effectively, the permittee must implement corrective actions in accordance with Part 8.

If existing control measures need to be modified or if additional control measures are necessary for any reason, the permittee must complete any corrective action in accordance with Part 8.3.

A permittee must remove sediment from silt fences, check dams, berms or other controls before the accumulated sediment reaches one-half ($\frac{1}{2}$) the distance up the above-ground height (or it reaches a lower height based on manufacturer’s specifications) of the control measure. For sediment traps or sediment ponds, the permittee must remove accumulated sediment when the design capacity has been reduced by fifty (50%) percent.

11.H.4.14 Inspection of Clearing, Grading, and Excavation Activities. (See also Part 6)

11.H.4.14.1 Inspection Frequency. Inspections must be conducted either at least once every 7 calendar days, or at least once every 14 calendar days and within 24 hours of the end of a measurable storm event (see Part 7.1.3). If the entire site is temporarily stabilized, inspection frequency may be reduced to at least once every month and within two business days of the end of a measurable storm event at actively staffed sites which resulted in a discharge from the site (pursuant to Part 11.H.4.15.2). Once active mining has begun, those areas comply with inspections according to 11.H.7.

11.H.4.14.2 Winter Shutdown. If the exploration and construction phase is undergoing winter shutdown the permittee may stop inspections fourteen (14) calendar days after the anticipated fall freeze-up and must resume inspections at least twenty-one (21) calendar days prior to the anticipated spring thaw. The permittee shall identify the winter shutdown period in their SWPPP based upon the definitions of fall freeze-up and spring thaw.

11.H.4.14.3 Location of Inspections. Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

11.H.4.14.4 Inspection Reports. (See also Part 6.1) For each inspection required above, the permittee must complete an inspection report. At a minimum, the inspection report must include the information required in Part 6.1.

11.H.4.15 Requirements for Cessation of Clearing, Grading, and Excavation Activities.

11.H.4.15.1 Inspections and Maintenance. Inspections and maintenance of control measures, including BMPs, associated with clearing, grading, and/or excavation activities being conducted as part of the exploration and construction phase of a mining operation must continue until final stabilization has been achieved on all portions of the disturbed area or until the commencement of the active mining phase for those areas that have been temporarily stabilized as a precursor to mining.

11.H.4.15.2 Temporary Stabilization of Disturbed Areas. Stabilization measures should be initiated immediately in portions of the site where clearing, grading and/or excavation activities have temporarily ceased, but in no case more than 14 days after the clearing, grading and/or excavation activities in that portion of the site have temporarily ceased. In arid, semiarid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after exploration, and/or construction activity has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable.

The permittee must identify the anticipated dates of fall freeze-up and spring thaw (see Appendix C) for the site and use those dates to plan for winter shutdown. For the purpose of planning ahead frozen ground by itself is not considered an acceptable control measure for stabilization. Where temporary stabilization by the 14th day is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable following the actual spring thaw.

Until temporary vegetative stabilization is achieved, interim measures (e.g., surface roughening or a surface cover, including but not limited to, establishment of ground vegetation, application of mulch, or surface tackifiers with an appropriate seed base) must be employed. In areas of the site, where exploration and/or construction has permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until such time as the active mining phase commences.

11.H.4.15.3 Final Stabilization of Disturbed Areas. Stabilization measures should be initiated immediately in portions of the site where mining, exploration, and/or construction activities have permanently ceased, but in no case more than 14 days after the exploration and/or construction activity in that portion of the site has permanently ceased. In arid, semiarid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures must be used.

11.H.5 Additional Technology-Based Effluent Limits.

11.H.5.1 Employee Training. (See also Part 4.2.9) Conduct employee training at least annually at active and temporarily inactive sites.

- 11.H.5.2 Good Housekeeping Measures.* (See also Part 4.2.2) As part of the permittees good housekeeping program, implement the following, as practicable: use sweepers and covered storage, watering haul roads to minimize dust generation, and conserving vegetation (where possible) to minimize erosion.
- 11.H.5.3 Preventive Maintenance.* (See also Part 4.2.3) Perform inspections or other equivalent measures of storage tanks and pressure lines of fuels, lubricants, hydraulic fluid, and slurry to prevent leaks due to deterioration or faulty connections.
- 11.H.5.4 Storm Water Controls.* Apart from the control measures implemented to meet the Part 4 control measures, implement the following control measures at the facility, as practicable. The potential pollutants identified in Part 11.H.6.3 shall determine the priority and appropriateness of the control measures selected. If the permittee selects or develops a storm water control other than one described below, the permittee shall describe it in the SWPPP.
- 11.H.5.4.1 Storm Water Diversions.* Diverting storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.
- 11.H.5.4.2 Velocity Dissipation Devices.* Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) as practicable, along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.
- 11.H.5.4.3 Down-Slope Sediment Controls.* Establish and use down-slope sediment controls (e.g., silt fence or temporary diversion dike) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.
- 11.H.5.4.4 Stabilized Construction Vehicle Access and Exit Points.* Establish stabilized vehicle access and exit points. Off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.
- 11.H.5.4.5 Capping.* When capping is necessary to minimize pollutant discharges in storm water, identify the source being capped and the material used to construct the cap.

11.H.5.4.6 Treatment. If treatment of storm water (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. All permanent storm water treatment devices shall receive engineering plan approval per 18 AAC 72.600. Passive and/or active treatment of storm water runoff is encouraged where practicable. Treated runoff may be discharged as a storm water source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Coal Mining Point Source Category (40 CFR Part 434).

11.H.5.5 Certification of Discharge Testing. (See also Part 5.2.4.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-storm water discharges such as discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 434). Alternatively (if applicable), the permittee may keep a certification with the SWPPP consistent with Part 11.H.6.6.

11.H.5.6 Overburden, Waste Rock, and Raw Material Piles. Overburden, topsoil, and waste rock, as well as raw material and intermediate and final product stockpiles, should be located a minimum of 25 feet away from surface water, other sources of water, and from geologically unstable areas as practicable.

11.H.6 Additional SWPPP Requirements.

11.H.6.1 Other Applicable Regulations. Most active coal mining-related areas (SIC Codes 1221-1241) are subject to sediment and erosion control regulations of the U.S. Office of Surface Mining (OSM) that enforces the Surface Mining Control and Reclamation Act (SMCRA). OSM has granted authority to most coal-producing states to implement SMCRA through State SMCRA regulations. All SMCRA requirements regarding control of storm water-related pollutant discharges must be addressed and then documented with the SWPPP (directly or by reference).

11.H.6.2 Site Map. (See also Part 5.2.3) The permittee must document in their SWPPP where any of the following may be exposed to precipitation or surface runoff: haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings, areas, and structures; and inactive mines and related areas; acidic spoil, refuse, or unreclaimed disturbed areas; and liquid storage tanks containing pollutants such as caustics, hydraulic fluids, and lubricants.

11.H.6.3 Potential Pollutant Sources. (See also Part 5.2.4) The permittee must document in their SWPPP the following sources and activities that have potential pollutants associated with them: truck traffic on haul roads and resulting generation of sediment subject to runoff and dust generation; fuel or other liquid storage; pressure lines containing slurry, hydraulic fluid, or other potential harmful liquids; and loading or temporary storage of acidic refuse or spoil.

- 11.H.6.4 Employee Training.* To the extent practical, all supervisory personnel involved in directing the maintenance of storm water control measures shall be trained and qualified in the principles and practices of erosion and sediment control. All employee training(s) must be documented in the SWPPP.
- 11.H.6.5 Certification of Permit Coverage for Commingled Non-Storm Water Discharges.* If a permittee determines that they are able to certify, consistent with Part 11.G.5.5, that a particular discharge composed of commingled storm water and non-storm water is covered under a separate APDES permit, and that permit subjects the non-storm water portion to effluent limitations prior to any commingling, retain such certification with the SWPPP. This certification must identify the non-storm water discharges, the applicable APDES permit(s), the effluent limitations placed on the non-storm water discharge by the permit(s), and the points at which the limitations are applied.
- 11.H.6.6 SWPPP Submittal.* At least 45 calendar days prior to the start of initial construction of a new facility the permittee shall submit the construction phase SWPPP to DEC for review.
- 11.H.6.7 SWPPP Meeting.* At least 20 calendar days before the start of initial construction for a new facility, representatives of the permittee and the prime site construction contractor shall meet with DEC in a pre-construction conference to discuss the details of storm water management during construction.

11.H.7 Active Mining Additional Inspection Requirements.

- 11.H.7.1 Inspections of Active Mining-Related Areas.* (See also Part 6) Except for areas of the site subject to clearing, grading, and/or excavation activities conducted as part of the exploration and construction phase, which are subject to Part 11.H.4.14.1 perform quarterly inspections of active mining areas covered by this permit, corresponding with the inspections as performed by SMCRA inspectors, of all mining-related areas required by SMCRA. Also maintain the records of the SMCRA authority representative. See Part 11.H.8.1 for inspection requirements for inactive and unstaffed sties.
- 11.H.7.2 Sediment and Erosion Control.* (See also Part 4.2.5) As indicated in Part 11.H.6.1, SMCRA requirements regarding sediment and erosion control measures must be complied with for those areas subject to SMCRA authority, including inspection requirements.
- 11.H.7.3 Comprehensive Site Inspections.* (See also Part 6.3) The permittees inspection program must include inspections for pollutants entering the drainage system from activities located on or near coal mining-related areas. Among the areas to be inspected are haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings, areas, and structures; and inactive mines and related areas.

11.H.8 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

Table 11.H.8-1: Sector – Specific Benchmarks – Sector H		
Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector H1. Coal Mines and Related Areas (SIC 1221-1241)	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Suspended Solids (TSS)	100 mg/L

11.H.8.1 Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Benchmark Monitoring. As a Sector H facility, if the permittee is seeking to exercise a waiver from either the quarterly visual assessment or the benchmark monitoring requirements for inactive and unstaffed sites (including temporarily inactive sites), they are conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to storm water” in Parts 6.2.3 and 7.2.1.6, respectively. Additionally, if the permittee is seeking to reduce their required quarterly routine inspection frequency to a once annual comprehensive inspection, as is allowed under Part 6.1.3, the permittee is also conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to storm water.” These conditional exemptions are based on the following requirements:

- If circumstances change and the permittees facility becomes active and/or staffed, this exception no longer applies and the permittee must immediately begin complying with the applicable benchmark monitoring requirements as if the permittee was in their first year of permit coverage, and the quarterly visual assessment requirements; and
- DEC retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause or contribute to an instream excursion above a WQS, including designated uses.

Subject to the two conditions above, if the permittees facility is inactive and unstaffed, they are waived from the requirement to conduct quarterly visual assessments and routine facility inspections. The permittee is not waived from conducting the Part 6.3 comprehensive site inspection. The permittee is encouraged to inspect their site more frequently where they have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

11.H.9 Termination of Permit Coverage.

11.H.9.1 Termination of Permit Coverage for Sites Reclaimed After December 17, 1990. A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 11.H.3.5.

11.H.9.2 Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990. A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state WQS, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

11. Subpart I – Sector I – Oil and Gas Extraction.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.I.1 Covered Storm Water Discharges.

The requirements in Subpart I apply to storm water discharges associated with industrial activity from Oil and Gas Extraction facilities as identified by the SIC Codes specified under Sector I in Table D-1 of Appendix D of the permit.

Discharges of storm water runoff from field activities or operations associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities are exempt from APDES permit coverage unless, in accordance with 40 CFR 122.26(c)(1)(iii), the facility:

- Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at anytime since November 16, 1987; or
- Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or
- Contributes to a violation of a WQS.

Any storm water discharges that require permit coverage as a result of meeting one of the conditions of 40 CFR 122.26(c)(1)(iii) may be covered under this permit unless otherwise required to obtain coverage under an alternative APDES general permit or an individual APDES permit as specified in Part 2.8.1

Oil and Gas Facilities in the North Slope Borough with industrial storm water discharges to waters of the U.S. or directly to the tundra must file under APDES permit AKG331000 rather than this permit.

11.I.2 Limitations on Coverage.

- 11.I.2.1 Storm Water Discharges Subject to Effluent Limitation Guidelines.* (See also Part 1.2.4.4)
This permit does not authorize storm water discharges from petroleum drilling operations that are subject to nationally established effluent limitation guidelines found at 40 CFR Part 435, respectively.

11.I.2.2 Non-Storm Water Discharges. Discharges of vehicle and equipment washwater, including tank cleaning operations, are not authorized by this permit. Alternatively, washwater discharges must be authorized under a separate APDES permit, or be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements.

11.I.3 Additional Technology-Based Effluent Limits.

11.I.3.1 Storm Water Controls. Apart from the control measures implemented to meet Part 4 control measures, implement the following control measures at the facility, as practicable. The potential pollutants identified in Part 11.I.4.2 shall determine the priority and appropriateness of the control measures selected. If the permittee selects or develops a storm water control other than one described below, the permittee shall describe it in the SWPPP.

11.I.3.1.1 Vegetative Controls. Implement vegetative practices designed to preserve existing vegetation, where attainable, and revegetate open areas as soon as practicable after grade drilling. Use one or more of the following (or equivalent measures), as practicable: temporary or permanent seeding, mulching, sod stabilization, vegetative buffer strips, and tree protection practices. Begin implementing appropriate vegetative practices on all disturbed areas within 14 days following the last activity in that area.

11.I.3.1.2 Storm Water Diversions. Divert storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

11.I.3.1.3 Velocity Dissipation Devices. (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.

11.I.3.1.4 Down-Slope Sediment Controls.

Establish and use down-slope sediment controls (e.g., silt fence or temporary diversion dike) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.

11.I.3.1.5 Stabilized Vehicle Access and Exit Points. Establish stabilized vehicle access and exit points. Off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.

11.I.4 Additional SWPPP Requirements.

- 11.I.4.1 Drainage Area Site Map.* (See also Part 5.2.3) Document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: Reportable Quantity (RQ) releases; locations used for the treatment, storage, or disposal of wastes; processing areas and storage areas; chemical mixing areas; construction and drilling areas; all areas subject to the effluent guidelines requirements for “No Discharge” in accordance with 40 CFR 435.32; and the structural controls to achieve compliance with the “No Discharge” requirements.
- 11.I.4.2 Potential Pollutant Sources.* (See also Part 5.2.4) Also document in the SWPPP the following sources and activities that have potential pollutants associated with them: chemical, cement, mud, or gel mixing activities; drilling or mining activities; and equipment cleaning and rehabilitation activities. In addition, include information about the reportable quantity (RQ) release that triggered the permit application requirements: the nature of the release (e.g., spill of oil from a drum storage area), amount of oil or hazardous substance released, amount of substance recovered, date of the release, cause of the release (e.g., poor handling techniques and lack of containment in the area), areas affected by the release (i.e., land and water), procedure to clean up release, actions or procedures implemented to prevent or improve response to a release, and remaining potential contamination of storm water from release (taking into account human health risks, the control of drinking water intakes, and the designated uses of the receiving water).
- 11.I.4.3 Erosion and Sedimentation Control.* (See also Part 4.2.5) The additional documentation requirements for sediment and erosion controls for well drillings and sand/shale mining areas include the following:
- 11.I.4.3.1 Site Description.* Also include a description in the SWPPP of the nature of the exploration activity, estimates of the total area of site and area disturbed due to exploration activity, an estimate of runoff coefficient of the site, a site drainage map, including approximate slopes, and the names of all receiving waters.
- 11.I.4.3.2 Vegetative Controls.* Document vegetative practices used consistent with Part 11.I.3.1 in the SWPPP.

11.I.5 Additional Inspection Requirements.

- 11.I.5.1* All erosion and sedimentation control measures must be inspected either: 1) every 7 days; or 2) once every 14 calendar days and within 24 hours of a storm event.

11. Subpart J – Sector J – Non-Metallic Mineral Mining and Dressing.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.J.1 Covered Storm Water Discharges.

The requirements in Subpart J apply to storm water discharges associated with industrial activity from Active, Inactive, or Non-Traditional Non-Metallic Mineral Mining and Dressing facilities as identified by the SIC Codes specified under Sector J in Table D-1 of Appendix D of the permit.

11.J.1.1 Covered Discharges from Inactive Facilities. All storm water discharges.

11.J.1.2 Covered Discharges from Active and Temporarily Inactive Facilities. All storm water discharges, except for most storm water discharges subject to the existing effluent limitation guideline at 40 CFR Part 436. Mine dewatering discharges composed entirely of storm water or uncontaminated ground water seepage from: construction sand and gravel, industrial sand, and crushed stone mining facilities is covered by this permit.

11.J.1.3 Covered Discharges from Exploration and Construction of Non-Metallic Mineral Mining Facilities. All storm water discharges.

11.J.1.4 Covered Discharges from Sites Undergoing Reclamation. All storm water discharges.

11.J.2 Limitations on Coverage.

Most storm water discharges subject to an existing effluent limitation guideline at 40 CFR Part 436 are not authorized by this permit. The exceptions to this limitation, which are covered by this permit, are mine dewatering discharges composed entirely of storm water or uncontaminated ground water seepage from construction sand and gravel, industrial sand, and crushed stone mining facilities.

11.J.3 Definitions.

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

11.J.3.1 Mining Operations - Consists of the active and temporarily inactive phases, and the reclamation phase, but excludes the exploration and construction phases.

11.J.3.2 Exploration Phase - Entails exploration and land disturbance activities to determine the financial viability of a site. The exploration phase is not considered part of “mining operations.”

- 11.J.3.3 Construction Phase* - Includes the building of site access roads, facilities, and removal of overburden and waste rock to expose mineable minerals. The construction phase is not considered part of “mining operations”.
- 11.J.3.4 Active Phase* - Activities including the extraction, removal or recovery of minerals. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR 440.132(a). The active phase is considered part of “mining operations.”
- 11.J.3.5 Reclamation Phase* - Activities undertaken, in compliance with applicable mined land reclamation requirements, following the cessation of the “active phase”, intended to return the land to an appropriate post-mining land use. The reclamation phase is considered part of “mining operations”.
- 11.J.3.6 Non-Traditional Non-Metallic Mineral Mining Facility* - Consists of non-metallic mineral mining facilities which conduct mineral mining and dressing for the sale or distribution of aggregate materials from a non-commercial establishment to be used on multiple unrelated projects. These facilities consist of operations without any permanent sales offices, scales, or other facilities being operated by a commercial establishment that would otherwise clearly fit within one of the Standard Industrial Classification (SIC) codes found in Sector J of [Appendix D](#) of the permit. These non-traditional facilities are managed by an operator, who oversees the removal of aggregate from the site, with either written contracts for specified aggregate quantities or an informal notice approving the distribution of material. The operator of these facilities who executes the contracts or provides the authority for individuals or parties to remove aggregate would meet the definition of an operator under this permit and be the sole party responsible to obtain permit coverage, maintain a SWPPP, maintain BMPs, conduct inspections and monitoring, and submit reports.

NOTE: The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

- 11.J.3.7 Active Mineral Mining Facility* - A place where work or other activity related to the extraction, removal, or recovery of minerals is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR 440.132(a).

11.J.3.8 Inactive Mineral Mining Facility - A site or portion of a site where mineral mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable State or Federal agency. An inactive mineral mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an APDES industrial storm water permit.

11.J.3.9 Temporarily Inactive Mineral Mining Facility - A site or portion of a site where mineral mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable State or Federal agency. A temporarily inactive facility includes sites that are temporarily stabilized and have small stockpiles of non-metallic mineral mining material (less than 250 cubic yards/year) for local use or road maintenance during the temporarily inactive phase.

11.J.4 Technology-Based Effluent Limits for Clearing, Grading, and Excavation Activities.

Clearing, grading, and excavation activities being conducted as part of the exploration and construction phase of mining activities are covered under this permit.

11.J.4.1 Erosion Control Measures. A permittee must comply with the erosion control measures in this Part to minimize soil exposure on the site during construction.

11.J.4.1.1 Delineation of Site. A permittee must generally delineate (e.g., with flagging, stakes, signs, silt fence, etc.) the location of specific areas that will be left undisturbed such as trees, boundaries of sensitive areas, or buffers established under Part 11.J.4.1.3.

11.J.4.1.2 Minimize the Amount of Soil Exposed during Construction Activity. A permittee must include the following considerations in the selection of control measures and the sequence of project construction as they apply to the project site:

- Preserve areas of native topsoil on the site, unless infeasible; and
- Sequence or phase construction activities to minimize the extent and duration of exposed soils to the extent practicable.

11.J.4.1.3 Maintain Natural Buffer Areas.

The permittee must maintain natural buffer areas at stream crossings and around the edge of any waters of the U.S. that are located within or immediately adjacent to the property where the construction activity will take place in accordance with the following:

- The buffer must be a minimum of twenty-five (25) feet wide, unless infeasible based on site dimensions, or the width as required by local ordinance.
- Exceptions are allowed for water dependent activities, specific water access activities, or necessary water crossings.
- A permittee should, to the extent practicable, use perimeter controls adjacent to buffers, and direct storm water sheet flow to buffer areas to increase sediment removal and maximize storm water infiltration, unless infeasible.

11.J.4.1.4 Control Storm Water Discharges and Flow Rates. A permittee must include the following control measures to handle storm water and total storm water volume discharges as they apply to the site:

- Divert storm water around the site so that it does not flow onto the project site and cause erosion of exposed soils;
- Slow down or contain storm water that may collect and concentrate within a site and cause erosion of exposed soils;
- Avoid placement of structural control measures in active floodplains to the degree technologically and economically practicable and achievable;
- Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters; and
- Install permanent storm water management controls, if present at a site and where practical, so that they must be functional prior to construction of site improvements (e.g., impervious surfaces).

11.J.4.1.5 Protect Steep Slopes. A permittee must include the following considerations in the selection of control measures as they apply to the project site:

- Design and construct cut-and-fill slopes in a manner that will minimize erosion. Applicable practices include, but are not limited to, reducing continuous length of slope with terracing and diversions, reducing slope steepness, and roughening slope surfaces (e.g., track walking);
- Divert concentrated flows of storm water away from and around the disturbed portion of the slope. Applicable practices include, but are not limited to

interceptor dikes and swales, grass-lined channels, pipe slope drains, subsurface drains, check dams; and

- Stabilize exposed areas of the slope in accordance with Part 11.J.4.4.

11.J.4.2 *Sediment Control Measures.* Sediment control measures (e.g. sediment ponds, traps, filters, etc.) must be constructed as one of the first steps in grading. These control measures must be functional before other land disturbing activities take place. A permittee must install, establish and use any of the following control measures that apply to the project site.

11.J.4.2.1 *Storm Drain Inlet Protection Measures.* A permittee must install appropriate protection measures (e.g. filter berms, perimeter controls, temporary diversion dikes, etc.) to minimize the discharge of sediment prior to entry into the inlet for storm drain inlets located on site or immediately downstream of the site. Inlet protection measures must be cleaned or removed and replaced when sediment has filled one-third of the available storage.

11.J.4.2.2 *Water Body Protection Measures.* A permittee must install appropriate protection measures (Part 11.J.4.1.4) to minimize the discharge of sediment prior to entry into the water body for water bodies located on site or immediately downstream of the site. Protection measures must be cleaned or removed and replaced when sediment has filled one-third of the available storage.

11.J.4.2.3 *Down-Slope Sediment Controls.* A permittee must establish and use down-slope sediment controls (e.g., silt fence, temporary diversion dike, etc.) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.

11.J.4.2.4 *Stabilized Construction Vehicle Access and Exit Points.* A permittee must establish construction vehicle access and exit points which must be stabilized. Access and exit points should be limited to one route, if possible. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.

11.J.4.2.5 *Dust Generation and Track-Out from Vehicles.* A permittee must minimize the generation of dust through the application of water or other dust suppression techniques and prior to vehicle exit. A permittee must provide an effective way of minimizing off-site vehicle tracking of sediment from wheels to prevent track-out onto paved surfaces.

11.J.4.2.6 *Soil Stockpiles.* A permittee must stabilize or cover soil stockpiles, protect with sediment trapping measures, and where possible, locate soil stockpiles away from storm drain inlets, water bodies, and conveyance channels.

11.J.4.2.7 Authorized Non-Storm Water Discharges. A permittee must minimize any non-storm water authorized by this permit.

11.J.4.2.8 Sediment Basins, where applicable:

- For common drainage locations that serve an area with ten (10) or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from the drainage area from a 2-year, 24-hour storm, or equivalent sediment control measures, must be installed, maintained, and used where practicable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent sediment control measures, must be installed and used where practicable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is practicable, the permittee may consider factors such as site soils, slope, available area on-site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin, and alternative sediment control measures must be used where site limitations would preclude a safe design.
- For drainage locations which serve ten (10) or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not practicable, smaller sediment basins and/or sediment traps should be used. Silt fences, vegetative buffer strips, or equivalent sediment control measures are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions).
- For drainage locations serving less than ten (10) acres, smaller sediment basins and/or sediment traps should be used. Silt fences, vegetative buffer strips, or equivalent sediment control measures are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm event or 3,600 cubic feet of storage per acre drained is provided.
- When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface where practicable.

- Note: installing sediment basins in the presence of permafrost is challenging and might not be practicable in some instances because permafrost creates poor surface drainage that hinders the infiltration of runoff. Also, the excavation of permafrost in summer can trigger thawing and instability.

11.J.4.3 *Dewatering.*

- 11.J.4.3.1 If a construction activity includes excavation dewatering and has a discharge that could adversely impact a local drinking water well, an DEC-identified contaminated site, or a waters of the U.S., the permittee must review the DEC Excavation Dewatering General Permit (AKG002000, or most current version) for specific requirements the permittee may have to comply with in addition to the conditions of this permit.
- 11.J.4.3.2 A discharge from eligible dewatering activities, including discharges from dewatering of trenches and excavations are prohibited unless treated by appropriate control measures. Appropriate control measures include, but are not limited to, sediment basins or traps, dewatering tanks, weir tanks, or filtration systems designed to remove sediment.

11.J.4.4 *Soil Stabilization.*

- 11.J.4.4.1 *Minimum Requirements for Soil Stabilization.* A permittee must stabilize all disturbed areas of the site to minimize on-site erosion and sedimentation and the resulting discharge of pollutants according to the requirements of this Part. A permittee must ensure that existing vegetation is preserved wherever possible and that disturbed portions of the site are stabilized. Applicable stabilization control measures include, but are not limited to: temporary and permanent seeding, sodding, mulching, rolled erosion control product, compost blanket, soil application of polyacrylamide (PAM), the early application of gravel base on areas to be paved, and dust control. A permittee should avoid using impervious surfaces for stabilization. See the Alaska Plant Materials Center's *A Revegetation Manual for Alaska* at <http://plants.alaska.gov> for help in efforts to select appropriate seed mixes and some information on methods for revegetation. Also see the manual for *Coastal Alaska, Coastal Revegetation & Erosion Control Guide* at <http://plants.alaska.gov>.

- 11.J.4.5 *Treatment Chemicals.* The use of treatment chemicals to reduce erosion from the land or sediment in a storm water discharge is allowed provided that all of the requirements of this Part are met.

- 11.J.4.5.1 *Treatment Chemicals.* Documentation of treatment chemicals selected for use at a site must include, at a minimum, the following information:

- Manufacturer and/or supplier provided Material Safety Data Sheets, specifications, and instructions for the transport, handling, storage, application, and disposal of the treatment chemical;
- Approval by EPA for potable water use;
- Approval by EPA or the states of California, Minnesota, Oregon, Washington, or Wisconsin for use in controlling erosion or sediment runoff from agricultural land or construction projects;
- Manufacturer and/or supplier provided test results recognized by EPA or the states of California, Minnesota, Oregon, Washington, or Wisconsin that demonstrate that the treatment chemical is non-toxic to aquatic organisms when applied following the manufacturer or supplier recommended method of use and rate of application;
- A permittee is prohibited from using cationic polymers, except for the use of chitosan as part of an Active Treatment System in compliance with Part 11.J.4.5.4 or as approved by the Department in writing; and
- The names and titles of person(s) who handle and apply treatment chemicals at the construction site, the title of relevant training and date(s) the person(s) who apply the chemicals received training in the proper handling and application of treatment chemicals.

11.J.4.5.2 Treatment Chemical Use.

- A permittee must train employees who handle treatment chemicals to comply with the information required by Part 11.J.4.5.1; and
- A permittee must handle, store and dispose of treatment chemicals, waste chemicals, or flocculants in appropriate leak proof containers under a storm-resistant cover or surrounded by secondary containment structures so as to prevent their discharge to the waters of the U.S.

11.J.4.5.3 Project Site Conditions. Treatment chemicals are typically developed, tested, and approved in regions of the country that may have soils, soil and water temperatures, and other site conditions significantly different from Alaska. These differences must be considered in the selection of the treatment chemicals for use at the Alaskan site.

- A permittee must make certain the selected treatment chemical is appropriate for soils at the site through project-specific tests of the chemical with local soils or product use data on projects with similar soils.

- A permittee must ensure the selected treatment chemical is appropriate for the site topography, amount of precipitation expected at the site, and type of use.

11.J.4.5.4 Application of Treatment Chemicals. The application of treatment chemicals shall be in combination with appropriate physical control measures (e.g., rolled erosion control products, ditch check dams, sediment basins, sediment bags, filtration, etc.) to ensure effectiveness of the treatment chemical. The use of treatment chemicals is not considered a substitute for appropriate physical control measures and does not preclude any other requirement of this permit.

- *Land Application.*
 - A permittee shall comply with all Material Safety Data Sheet requirements and follow the manufacturer and/or suppliers written recommended application rate, including site-specific considerations.
 - A permittee shall use an application method that provides uniform coverage of the target area and avoids drift to non-target areas.
 - The application must always be a sufficient distance upgradient or upstream to allow adequate mixing and reaction prior to reaching a pre-constructed sediment trap, basin inflow structure, or filtering device of sufficient width to ensure adequate removal of sediments laden with treatment chemicals before discharges reach waters of the U.S.
- *Water Application (including conveyance channel).*
 - A permittee shall follow the manufacturer and/or suppliers written recommended application rate, including site-specific considerations.
 - The application shall always be upstream from a pre-constructed sediment trap, basin inflow structure, vegetated swale, filtering device or a vegetated buffer of sufficient width to ensure adequate removal of sediments laden with treatment chemicals before discharges reach waters of the U.S.
 - Treatment chemicals shall not be applied directly to a water of the U.S.
 - Application through the use of manufactured products (e.g. gel bars, gel logs, floc blocks, etc.) shall be used in combination with adequate ditch check dams, settling basins, or other physical control measures designed to settle out chemically treated soils and minimize the presence of treatment chemicals before discharges reach waters of the U.S.. At a minimum there must be at least 100 feet of ditch length

downstream of the last manufactured product prior to reaching a water of the U.S. to provide a place for sedimentation to occur.

- *Active Treatment Systems.* A permittee who uses an Active Treatment System as a control measure must submit information required by the Department for review at least fourteen (14) days prior to start of operation of the active treatment system at the project and comply with Part 4.4. At a minimum, the information must provide details on the following: relevant information required by Part 11.J.4.5.1, engineering plans, description of treatment process, site conditions (including soil types), treatment chemicals, dose rates, monitoring to be conducted, expected residual chemical, proper operator training, methods for storage, procedures for spill prevention and containment, operation and maintenance, and record keeping and reporting.

11.J.4.6 Prohibited Discharge. A permittee is prohibited from discharging the following from the site:

- 11.J.4.6.1 Wastewater from concrete washout, unless managed by an appropriate control measure;
- 11.J.4.6.2 Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
- 11.J.4.6.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
- 11.J.4.6.4 Soaps or solvents used in vehicle and equipment washing.

11.J.4.7 Good Housekeeping Measures. A permittee must design, install, implement, and maintain effective good housekeeping measures to prevent and/or minimize the discharge of pollutants. A permittee must include appropriate measures for any of the following activities that are used at the site.

11.J.4.7.1 Washing of Equipment and Vehicles and Wheel Wash-Down. If a permittee conducts washing of equipment or vehicles and/or wheel wash-down at the site the permittee must comply with the following requirements:

- Designate areas to be used for washing of equipment and vehicles and/or wheel wash-down and conduct such activities only in these areas;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Treat all wash water in a sediment basin or use alternative control measures that provide equivalent or better treatment prior to discharge; and

- To comply with the prohibition in Part 11.J.4.6.4, the discharge of soaps and solvents used in equipment and vehicle washing and/or wheel wash-down is strictly prohibited.

11.J.4.7.2 Fueling and Maintenance Areas. If a permittee conducts fueling and/or maintenance activities for equipment and vehicles at the site the permittee must comply with the following requirements:

- Designate areas to be used for fueling and/or maintenance of equipment and vehicles and conduct such activities only in these areas (the designated area may move from one location to another on linear projects);
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets and waters of the U.S.;
- Minimize the exposure to precipitation and storm water or use secondary containment structures designed to eliminate the potential for spills or leaked chemicals; and
- To comply with the prohibition in Part 11.J.4.6.3, a permittee must:
 - Clean up spills or contaminated surfaces immediately;
 - Ensure adequate clean up supplies are available at all times to handle spills, leaks, and disposal of used liquids;
 - Use drip pans or absorbents under or around leaky equipment and vehicles; and
 - Dispose of liquid wastes or materials used for fueling and maintenance in accordance with Part 11.J.4.11.

11.J.4.8 Staging and Material Storage Areas. If a permittee maintains staging and material storage areas at the site the permittee must comply with the following requirements:

- Designate areas to be used for staging and material storage areas;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S; and
- Minimize the exposure to precipitation and storm water and vandalism for all chemicals, treatment chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment.

11.J.4.9 Washout of Applicators/Containers used for Paint, Concrete, and Other Materials. If a permittee conducts washing of applicators and/or containers used for paint, concrete, and other materials at the site, the permittee must comply with the following requirements:

- Designate areas to be used for washout;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Direct all concrete, paint, and other material washout activities into a lined, water-tight container or pit to ensure there is no discharge into the underlying soil and onto the surrounding areas;
- Dispose of liquid wastes in accordance with Part 11.J.4.11; and
- For concrete washout areas, remove hardened concrete waste when it has reached one-half ($\frac{1}{2}$) the height of the container or pit and dispose of in accordance with Part 11.J.4.11.

11.J.4.10 Fertilizer or Pesticide Use. If a permittee uses fertilizers or pesticides the permittee must comply with the following requirements:

- Application of fertilizers and pesticides in a manner and at application rates that will minimize the loss of chemical to storm water runoff. Manufacturers' label requirements for application rates and disposal requirements must be followed; and
- Use pesticides in compliance with federal, state and local requirements.

11.J.4.11 Storage, Handling, and Disposal of Construction Waste. If a permittee stores, handles and/or disposes of construction waste at the site, the permittee must comply with the following requirements:

- Locate areas dedicated for management or disposal of construction waste, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Dispose of all collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other domestic wastes according to federal, state and local requirements;
- Store hazardous or toxic waste in appropriate sealed containers and dispose of these wastes in accordance with manufactures recommended method of disposal or federal, state or local requirements; and

- Provide containment of sanitation facilities (e.g., portable toilets) to prevent discharges of pollutants to the storm water drainage system or receiving water. Clean or replace sanitation facilities and inspect them regularly for leaks and spills.

11.J.4.12 Winter Considerations.

11.J.4.12.1 Winter Shutdown. A permittee who temporarily ceases construction for the winter and plans to resume construction the next summer must plan for winter shutdown. The permittee must identify the anticipated dates of fall freeze-up and spring thaw (see Appendix C) for their site and use these dates to plan for winter shutdown. For the purpose of planning ahead frozen ground by itself is not considered an acceptable control measure for stabilization. A permittee must provide for the following prior to, during, and at the conclusion of winter shutdown:

- Temporary or permanent stabilization for conveyance channels;
- Temporary or permanent stabilization for disturbed slopes, disturbed soils, and soil stockpiles; and
- Erosion and sediment control measures in anticipation of spring thaw.

11.J.4.12.2 Winter Construction. In several areas of Alaska, winter construction provides opportunities for construction not available during summer months. Permit coverage is not required for the construction of ice roads or the placement of sand or gravel on frozen tundra with no excavation or potential to pollute waters of the U.S. This permit does address those construction activities that have the potential for erosion or sediment runoff during spring thaw and summer rainfall. A permittee operating winter construction activities must plan for using appropriate control measures to minimize erosion or sediment runoff during spring thaw and summer rainfall. The Alaska Storm Water Guide, Chapters 3 and 4, provide guidance on the selection, design, and installation of winter construction practices and controls.

11.J.4.12.3 Late Winter Clearing. Cutting of trees and brush while the ground is frozen, without disturbing the vegetative mat, for the purpose of clearing in accordance with the U.S. Fish & Wildlife Service “Recommended Time Periods for Avoiding Vegetation Clearing” is allowed prior to the submittal of a project NOI. If the cutting occurs after the onset of spring thaw (as defined in Appendix C), conditions that consist of above freezing temperatures that cause melting of snow, then the permittee must develop a SWPPP and file an NOI, and receive authorization for coverage under this permit from DEC, and otherwise comply with the terms of this permit prior to such clearing.

11.J.4.13 Maintenance of Control Measures. A permittee must maintain all control measures, good housekeeping measures, and other protective measures in effective operating condition. If site inspections required by Part 6 identify control measures, good housekeeping measures, or other protective measures that are not operating effectively, the permittee must implement corrective actions in accordance with Part 8.

If existing control measures need to be modified or if additional control measures are necessary for any reason, the permittee must complete any corrective action in accordance with Part 8.3.

A permittee must remove sediment from silt fences, check dams, berms or other controls before the accumulated sediment reaches one-half ($\frac{1}{2}$) the distance up the above-ground height (or it reaches a lower height based on manufacturer's specifications) of the control measure. For sediment traps or sediment ponds, the permittee must remove accumulated sediment when the design capacity has been reduced by fifty (50%) percent.

11.J.4.14 Inspection of Clearing, Grading, and Excavation Activities. (See also Part 6)

11.J.4.14.1 Inspection Frequency. Inspections must be conducted either at least once every 7 calendar days or at least once every 14 calendar days and within 24 hours of the end of a measurable storm event (see Part 7.1.3). If the entire site is temporarily stabilized, inspection frequency may be reduced to at least once every month and within two business days of the end of a measurable storm event at actively staffed sites which resulted in a discharge from the site (pursuant to 11.J.4.15.2). Once active mining has begun, those areas comply with inspections according to 11.J.7.

11.J.4.14.2 Winter Shutdown. If the exploration and construction phase is undergoing winter shutdown the permittee may stop inspections fourteen (14) calendar days after the anticipated fall freeze-up and must resume inspections at least twenty-one (21) calendar days prior to the anticipated spring thaw. The permittee shall identify the winter shutdown period in their SWPPP based upon the definitions of fall freeze-up and spring thaw.

11.J.4.14.3 Location of Inspections. Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

11.J.4.14.4 Inspection Reports. (See also Part 6.1) For each inspection required above, the permittee must complete an inspection report. At a minimum, the inspection report must include the information required in Part 6.1.

11.J.4.15 Requirements for Cessation of Clearing, Grading, and Excavation Activities.

11.J.4.15.1 Inspections and Maintenance. Inspections and maintenance of control measures, including any BMPs, associated with clearing, grading, and/or excavation activities being conducted as part of the exploration and construction phase of a mining operation must continue until final stabilization has been achieved on all portions of the disturbed area or until the commencement of the active mining phase for those areas that have been temporarily stabilized as a precursor to mining.

11.J.4.15.2 Temporary Stabilization of Disturbed Areas. Stabilization measures should be initiated immediately in portions of the site where clearing, grading and/or excavation activities have temporarily ceased, but in no case more than 14 days after the clearing, grading and/or excavation activities in that portion of the site have temporarily ceased. In arid, semiarid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after exploration and/or construction activity has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable.

The permittee must identify the anticipated dates of fall freeze-up and spring thaw (see Appendix C) for the site and use those dates to plan for winter shutdown. For the purpose of planning ahead frozen ground by itself is not considered an acceptable control measure for stabilization. Where temporary stabilization by the 14th day is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable following the actual spring thaw.

Until temporary vegetative stabilization is achieved, interim measures (e.g., surface roughening or a surface cover, including but not limited to, establishment of ground vegetation, application of mulch, or surface tackifiers with an appropriate seed base) must be employed. In areas of the site, where exploration and/or construction has permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until such time as the active mining phase commences.

11.J.4.15.3 Final Stabilization of Disturbed Areas. Stabilization measures should be initiated immediately in portions of the site where mining, exploration, and/or construction activities have permanently ceased, but in no case more than 14 days after the exploration and/or construction activity in that portion of the site has permanently ceased. In arid, semiarid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures must be used.

11.J.5 Additional Technology-Based Effluent Limits.

11.J.5.1 Employee Training. (See also Part 4.2.9) Conduct employee training at least annually at active and temporarily inactive sites.

11.J.5.2 Good Housekeeping Measures. (See also Part 4.2.2) As part of the permittees good housekeeping program, implement the following, as practicable: use sweepers and covered storage, watering haul roads to minimize dust generation, and conserving vegetation (where possible) to minimize erosion.

11.J.5.3 Preventive Maintenance. (See also Part 4.2.3) Perform inspections or other equivalent measures of storage tanks and pressure lines of fuels, lubricants, and hydraulic fluid to prevent leaks due to deterioration or faulty connections.

11.J.5.4 Storm Water Controls. Apart from the control measures implemented to meet the Part 4 control measures, implement the following control measures at the facility as practicable. The potential pollutants identified in Part 11.J.5.5 shall determine the priority and appropriateness of the control measures selected. . If the permittee selects or develops a storm water control other than one described below, the permittee shall describe it in the SWPPP.

11.J.5.4.1 Storm Water Diversions. Divert storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

- 11.J.5.4.2 Velocity Dissipation Devices.* Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) as practicable, along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.
- 11.J.5.4.3 Down-Slope Sediment Controls.* Establish and use down-slope sediment controls (e.g., silt fence or temporary diversion dike) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.
- 11.J.5.4.4 Stabilized Construction Vehicle Access and Exit Points.* Establish stabilized vehicle access and exit points. Off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.
- 11.J.5.4.5 Capping.* When capping is necessary to minimize pollutant discharges in storm water, identify the source being capped and the material used to construct the cap.
- 11.J.5.4.6 Treatment.* If treatment of storm water (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. All permanent storm water treatment devices shall receive engineering plan approval per 18 AAC 72.600. Passive and/or active treatment of storm water runoff is encouraged where practicable. Treated runoff may be discharged as a storm water source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Mineral Mining and Processing Point Source Category (40 CFR Part 436).
- 11.J.5.5 Certification of Discharge Testing.* (See also Part 5.2.4.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-storm water discharges such as discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 436). Alternatively (if applicable), the permittee may keep a certification with the SWPPP consistent with 11.J.6.5.
- 11.J.5.6 Overburden, Waste Rock, and Raw Material Piles.* Overburden, topsoil, and waste rock, as well as raw material and intermediate and final product stockpiles, should be located a minimum of 25 feet away from surface water, other sources of water, and from geologically unstable areas as practicable.

11.J.6 Additional SWPPP Requirements.

The requirements in Part 11.J.6 are applicable for sites undergoing exploration and construction, active mineral mining facilities, temporarily inactive mineral mining facilities, and sites undergoing reclamation. The requirements in Part 11.J.6 are not applicable to inactive mineral mining facilities.

- 11.J.6.1 Nature of Industrial Activities.* (See also Part 5.2.3) Document in the SWPPP the mining and associated activities that can potentially affect the storm water discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.
- 11.J.6.2 Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each storm water outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual APDES permit, outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage dewatering or other process water; heap leach pads; off-site points of discharge for mine dewatering and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.
- 11.J.6.3 Potential Pollutant Sources.* (See also Part 5.2.4) For each area of the mine or mill site where storm water discharges associated with industrial activities occur, document in the SWPPP the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. For example, phosphate mining facilities will likely need to document pollutants such as selenium, which can be present in significant amounts in their discharges. Consider these factors: the mineralogy of the waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing waste rock or overburden characterization data and test results for potential generation of acid rock drainage.
- 11.J.6.4 Storm Water Controls.* To the extent that a permittee uses any of the control measures in Part 11.J.5.4, document them in the SWPPP pursuant to Part 5.2.5. If control measures are implemented or planned but are not listed here (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in the SWPPP.
- 11.J.6.5 Certification of Permit Coverage for Commingled Non-Storm Water Discharges.* If a permittee determines that they are able to certify, consistent with Part 11.J.5.5, that a particular discharge composed of commingled storm water and non-storm water is covered under a separate APDES permit, and that permit subjects the non-storm water portion to effluent limitations prior to any commingling, the permittee must retain such certification with their SWPPP. This certification must identify the non-storm water discharges, the applicable APDES permit(s), the effluent limitations placed on the non-storm water discharge by the permit(s), and the points at which the limitations are applied.

11.J.6.6 Dewatering. Mine dewatering discharges composed entirely of storm water or ground water seepage from mines located within fifteen hundred feet of a DEC-identified contaminated site are required to have additional discharge authorization under the DEC Excavation Dewatering General Permit (AKG002000), or most current version. The Notice of Intent, NOI, application for authorization to discharge mine dewatering which may influence a contaminated area can be completed through the DEC's online application system at <http://www.dec.alaska.gov/water/oasys/index.html>.

11.J.7 Additional Inspection Requirements.

Except for areas of the site subject to clearing, grading, and/or excavation activities conducted as part of the exploration and construction phase, which are subject to Part 11.J.4.14.1, the permittee must inspect sites at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to waters which are designated as outstanding waters or waters which are impaired for sediment or nitrogen must be inspected monthly. See Part 11.J.8.1 for inspection requirements for inactive and unstaffed sites. (See also Part 6.1 and 11.J.4.14.)

11.J.8 Sector-Specific Benchmarks.

Table 11.J.8-1 identifies benchmarks that apply to the specific subsectors of Sector J. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities, which describe their site activities.

Table 11.J.8-1: Sector – Specific Benchmarks – Sector J

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector J1. Sand and Gravel Mining (SIC 1442, 1446)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Suspended Solids (TSS)	100 mg/L
Subsector J2. Dimension and Crushed Stone and Nonmetallic Minerals (except fuels) (SIC 1411, 1422-1429, 1481, 1499)	Total Suspended Solids (TSS)	100 mg/L

11.J.8.1 Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Benchmark Monitoring. As a Sector J facility, if the permittee is seeking to exercise a waiver from either the routine inspection, quarterly visual assessment or the benchmark monitoring requirements for inactive and unstaffed sites (including temporarily inactive sites), they are conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to storm water” in Parts 6.2.3 and 7.2.1.6, respectively. Additionally, if the permittee is seeking to reduce their required quarterly routine inspection frequency to a once annual comprehensive inspection, as is allowed under Part 6.1.3, the permittee is also conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to storm water.” This exemption is conditioned on the following:

- If circumstances change and the permittees facility becomes active and/or staffed, this exception no longer applies and the permittee must immediately begin complying with the applicable benchmark monitoring requirements as if they were in their first year of permit coverage, and the quarterly visual assessment requirements; and
- DEC retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above a WQS, including designated uses.

Subject to the two conditions above, if the permittees facility is inactive and unstaffed, they are waived from the requirement to conduct quarterly visual assessments and routine facility inspections. The permittee is not waived from conducting the Part 6.3 comprehensive site inspection. The permittee is encouraged to inspect their site more frequently where they have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

11.J.9 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit)

Table 11.J.9-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

Table 11.J.9-1: Effluent Limitations Based on Effluent Limitations Guidelines

Industrial Activity	Parameter	Effluent Limit ¹
Mine dewatering discharges at crushed stone mining facilities (SIC 1422 - 1429)	pH	6.5 – 8.5 ²
Mine dewatering discharges at construction sand and gravel mining facilities (SIC 1442)	pH	6.5 – 8.5 ²
Mine dewatering discharges at industrial sand mining facilities (SIC 1446)	Total Suspended Solids (TSS)	25 mg/L, monthly avg.
		45 mg/L, daily maximum
	pH	6.5 – 8.5 ²
Note: 1. Monitor annually. 2. pH shall be within the limits specified above.		

11.J.10 Termination of Permit Coverage.

11.J.10.1 Termination of Permit Coverage for Sites Reclaimed After December 17, 1990. A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 11.J.3.5.

11.J.10.2 Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990. A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state WQS, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

11. Subpart K – Sector K – Hazardous Waste Treatment, Storage, or Disposal Facilities.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.K.1 Covered Storm Water Discharges.

The requirements in Subpart K apply to storm water discharges associated with industrial activity from Hazardous Waste Treatment, Storage, or Disposal facilities (TSDFs) as identified by the Activity Code specified under Sector K in Table D-1 of Appendix D of the permit.

11.K.2 Industrial Activities Covered by Sector K.

This permit authorizes storm water discharges associated with industrial activity from facilities that treat, store, or dispose of hazardous wastes, including those that are operating under interim status or a permit under subtitle C of Resource Conservation and Recovery Act (RCRA).

Disposal facilities that have been properly closed and capped, and have no significant materials exposed to storm water, are considered inactive and do not require permits.

11.K.3 Limitations on Coverage.

11.K.3.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) The following are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory-derived wastewater, and contact washwater from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

11.K.4 Definitions.

11.K.4.1 Contaminated Storm Water - Storm water that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 11.K.4.5. Some specific areas of a landfill that may produce contaminated storm water include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

11.K.4.2 Drained Free Liquids - Aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.

11.K.4.3 Landfill - An area of land or an excavation in which wastes are placed for permanent disposal, but that is not a land application or land treatment unit, surface impoundment, underground injection well, waste pile, salt dome formation, salt bed formation, underground mine, or cave as these terms are defined in 40 CFR 257.2, 258.2, and 260.10.

11.K.4.4 Landfill Wastewater - As defined in 40 CFR Part 445 (Landfills Point Source Category), all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated groundwater, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated storm water, and contact washwater from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

11.K.4.5 Leachate - Liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

11.K.4.6 Non-Contaminated Storm Water - Storm water that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 11.K.4.4. Non-contaminated storm water includes storm water that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

11.K.5 Sector-Specific Benchmarks.

Table 11.K.5-1 identifies benchmarks that apply to the specific subsectors of Sector K. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities, which describe their site activities.

*(Table 11.K.5-1: Sector – Specific Benchmarks – Sector K
located on following page.)*

Table 11.K.5-1: Sector – Specific Benchmarks – Sector K

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector K1. ALL - Industrial Activity Code “HZ” (Note: permit coverage limited in some States). Benchmarks only applicable to discharges not subject to effluent limitations in 40 CFR Part 445 Subpart A (see below).	Ammonia	2.14 mg/L
	Total Magnesium	0.064 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L
	Total Arsenic (saltwater) ¹	0.069 mg/L
	Total Arsenic (freshwater) ²	0.15 mg/L
	Total Cadmium (saltwater) ¹	0.04 mg/L
	Total Cadmium (freshwater) ²	Hardness Dependent
	Total Cyanide (saltwater) ¹	0.001 mg/L
	Total Cyanide (freshwater) ²	0.022 mg/ L
	Total Lead (saltwater) ¹	0.21 mg/L
	Total Lead (freshwater) ²	Hardness Dependent
	Total Mercury (saltwater) ¹	0.0018
	Total Mercury (freshwater) ²	0.0014 mg/ L
	Total Selenium (saltwater) ¹	0.29 mg/L
	Total Selenium (freshwater) ²	0.005 mg/L
	Total Silver (saltwater) ¹	0.0019
	Total Silver (freshwater) ²	Hardness Dependent

Note:

1. Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
2. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 7.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Cadmium (mg/L)	Lead (mg/L)	Silver (mg/L)
0 – < 25 mg/L	0.0005	0.014	0.0007
25 – < 50 mg/L	0.0008	0.023	0.0007
50 – < 75 mg/L	0.0013	0.045	0.0017
75 – < 100 mg/L	0.0018	0.069	0.0030
100 – < 125 mg/L	0.0023	0.095	0.0046
125 – < 150 mg/L	0.0029	0.122	0.0065
150 – < 175 mg/L	0.0034	0.151	0.0087
175 – < 200 mg/L	0.0039	0.182	0.0112
200 – < 225 mg/L	0.0045	0.213	0.0138
225 – < 250 mg/L	0.0050	0.246	0.0168
250+ mg/L	0.0053	0.262	0.0183

11.K.6 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit.)

Table 11.K.6-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

Table 11.K.6-1: Effluent Limitations Based on Effluent Limitations Guidelines

Industrial Activity	Parameter	Effluent Limit
Discharges from hazardous waste landfills subject to effluent limitations in 40 CFR Part 445 Subpart A (see footnote).	Biochemical Oxygen Demand (BOD ₅)	220 mg/L, daily maximum
		56 mg/L, monthly avg. maximum
	Total Suspended Solids (TSS)	88 mg/L, daily maximum
		27 mg/L, monthly avg. maximum
	Ammonia	10 mg/L, daily maximum
		4.9 mg/L, monthly avg. maximum
	Alpha Terpineol	0.042 mg/L, daily maximum
		0.019 mg/L, monthly avg. maximum
	Aniline	0.024 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Benzoic Acid	0.119 mg/L, daily maximum
		0.073 mg/L, monthly avg. maximum
	Naphthalene	0.059 mg/L, daily maximum
		0.022 mg/L, monthly avg. maximum
	p-Cresol	0.024 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Phenol	0.048 mg/L, daily maximum
		0.029 mg/L, monthly avg. maximum
	Pyridine	0.072 mg/L, daily maximum
		0.025 mg/L, monthly avg. maximum
	Total Arsenic	1.1 mg/L, daily maximum
		0.54 mg/L, monthly avg. maximum
	Total Chromium	1.1 mg/L, daily maximum
		0.46 mg/L, monthly avg. maximum
	Total Zinc	0.535 mg/L, daily maximum
		0.296 mg/L, monthly avg. maximum
	pH	6.5 - 8.5 s.u. and within 0.5 s.u. of background level

Note:

1. Monitor annually. As set forth at 40 CFR Part 445 Subpart A, these numeric limitations apply to contaminated storm water discharges from hazardous waste landfills subject to the provisions of RCRA Subtitle C at 40 CFR Parts 264 (Subpart N) and 265 (Subpart N) except for any of the following facilities:
 - a. Landfills operated in conjunction with other industrial or commercial operations when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;
 - b. Landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
 - c. Landfills operated in conjunction with Centralized Waste Treatment (CWT) facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or
 - d. Landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

11. Subpart L – Sector L – Landfills, Land Application Sites, and Open Dumps.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.L.1 Covered Storm Water Discharges.

The requirements in Subpart L apply to storm water discharges associated with industrial activity from Landfills and Land Application Sites and Open Dumps as identified by the Activity Code specified under Sector L in Table D-1 of Appendix D of the permit.

11.L.2 Industrial Activities Covered by Sector L.

This permit may authorize storm water discharges for Sector L facilities associated with waste disposal at landfills, land application sites, and open dumps that receive or have received industrial waste, including sites subject to regulation under Subtitle D of Resource Conservation and Recovery Act (RCRA). This permit does not cover discharges from landfills that receive only municipal wastes.

11.L.3 Limitations on Coverage.

11.L.3.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) The following discharges are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory wastewater, and contact washwater from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility. Discharges from open dumps as defined under RCRA are also not authorized under this permit.

11.L.4 Definitions.

11.L.4.1 Contaminated Storm Water - Storm water that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some areas of a landfill that may produce contaminated storm water include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

11.L.4.2 Drained Free Liquids - Aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.

- 11.L.4.3 Landfill Wastewater* - As defined in 40 CFR Part 445 (Landfills Point Source Category) all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated groundwater, and wastewater from recovery pumping wells. Landfill process wastewater includes, but is not limited to, leachate; gas collection condensate; drained free liquids; laboratory-derived wastewater; contaminated storm water; and contact washwater from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.
- 11.L.4.4 Leachate* - Liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.
- 11.L.4.5 Non-Contaminated Storm Water* - Storm water that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Non-contaminated storm water includes storm water that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

11.L.5 Additional Technology-Based Effluent Limits.

- 11.L.5.1 Preventive Maintenance Program.* (See also Part 4.2.3) As part of a permittees preventive maintenance program, maintain the following: all elements of leachate collection and treatment systems, to prevent commingling of leachate with storm water; the integrity and effectiveness of any intermediate or final cover (including repairing the cover as necessary), to minimize the effects of settlement, sinking, and erosion.
- 11.L.5.2 Erosion and Sedimentation Control.* (See also Part 4.2.5) Provide temporary stabilization (e.g., temporary seeding, mulching, and placing geotextiles on the inactive portions of stockpiles) for the following: materials stockpiled for daily, intermediate, and final cover; inactive areas of the landfill or open dump; landfills or open dump areas that have gotten final covers but where vegetation has yet to establish itself; and land application sites where waste application has been completed but final vegetation has not yet been established.
- 11.L.5.3 Storm Water Diversions.* Divert storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.
- 11.L.5.4 Place Velocity Dissipation Devices:* (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.

11.L.5.5 Unauthorized Discharge Test Certification. (See also Part 5.2.4.4) The discharge test and certification must also be conducted for the presence of leachate and vehicle washwater.

11.L.6 Additional SWPPP Requirements.

11.L.6.1 Drainage Area Site Map. (See also Part 5.2.3) The permittee must document in their SWPPP where any of the following may be exposed to precipitation or surface runoff: active and closed landfill cells or trenches, active and closed land application areas, locations where open dumping is occurring or has occurred, locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff, and leachate collection and handling systems.

11.L.6.2 Summary of Potential Pollutant Sources. (See also Part 5.2.4) Document in the permittees SWPPP the following sources and activities that have potential pollutants associated with them: fertilizer, herbicide, and pesticide application; earth and soil moving; waste hauling and loading or unloading; outdoor storage of significant materials, including daily, interim, and final cover material stockpiles as well as temporary waste storage areas; exposure of active and inactive landfill and land application areas; uncontrolled leachate flows; and failure or leaks from leachate collection and treatment systems.

11.L.7 Additional Inspection Requirements. (See also Part 6)

11.L.7.1 Inspections of Active Sites. Except in arid and semi-arid climates, inspect operating landfills, open dumps, and land application sites at least once every seven (7) days. Focus on areas of landfills that have not yet been finally stabilized; active land application areas, areas used for storage of material and wastes that are exposed to precipitation, stabilization, and structural control measures; leachate collection and treatment systems; and locations where equipment and waste trucks enter and exit the site. Ensure that sediment and erosion control measures are operating properly. For stabilized sites and areas where land application has been completed, or where the climate is arid or semi-arid, conduct inspections at least once every month.

11.L.7.2 Inspections of Inactive Sites. Inspect inactive landfills, open dumps, and land application sites at least quarterly. Qualified personnel must inspect landfill (or open dump) stabilization and structural erosion control measures, leachate collection and treatment systems, and all closed land application areas.

11.L.8 Additional Post-Authorization Documentation Requirements.

11.L.8.1 Recordkeeping and Internal Reporting. Keep records with the SWPPP of the types of wastes disposed of in each cell or trench of a landfill or open dump. For land application sites, track the types and quantities of wastes applied in specific areas.

11.L.9 Sector-Specific Benchmarks.

Table 11.L.9-1 identifies benchmarks that apply to the specific subsectors of Sector L. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities, which describe their site activities.

Table 11.L.9-1: Sector – Specific Benchmarks – Sector L

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration ¹
Subsector L1. All Landfill, Land Application Sites and Open Dumps (Industrial Activity Code “LF”)	Total Suspended Solids (TSS)	100 mg/L
Subsector L2. All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60 (Industrial Activity Code “LF”)	Total Iron	1.0 mg/L
Note: 1. Benchmark monitoring required only for discharges not subject to effluent limitations in 40 CFR Part 445 Subpart B (see Table L-2).		

11.L.10 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit.)

Table 11.L.10-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

(Table 11.L.10-1: Effluent Limitations Based on Effluent Limitations Guidelines located on following page.)

Table 11.L.10-1: Effluent Limitations Based on Effluent Limitations Guidelines¹

Industrial Activity	Parameter	Effluent Limit
Discharges from non-hazardous waste landfills subject to effluent limitations in 40 CFR Part 445 Subpart B.	Biochemical Oxygen Demand (BOD ₅)	140 mg/L, daily maximum
		37 mg/L, monthly avg. maximum
	Total Suspended Solids (TSS)	88 mg/L, daily maximum
		27 mg/L, monthly avg. maximum
	Ammonia	10 mg/L, daily maximum
		4.9 mg/L, monthly avg. maximum
	Alpha Terpineol	0.033 mg/L, daily maximum
		0.016 mg/L monthly avg. maximum
	Benzoic Acid	0.12 mg/L, daily maximum
		0.071 mg/L, monthly avg. maximum
	p-Cresol	0.025 mg/L, daily maximum
		0.014 mg/L, monthly avg. maximum
	Phenol	0.026 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Total Zinc	0.20 mg/L, daily maximum
		0.11 mg/L, monthly avg. maximum
	pH	6.5 - 8.5 s.u.

Note:

1. Monitor annually. As set forth at 40 CFR Part 445 Subpart B, these numeric limitations apply to contaminated storm water discharges from MSWLFs that have not been closed in accordance with 40 CFR 258.60, and to contaminated storm water discharges from those landfills that are subject to the provisions of 40 CFR Part 257 except for discharges from any of the following facilities:
 - a. Landfills operated in conjunction with other industrial or commercial operations, when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;
 - b. Landfills operated in conjunction with other industrial or commercial operations, when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation, or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
 - c. Landfills operated in conjunction with CWT facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or
 - d. Landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

11. Subpart M – Sector M – Automobile Salvage Yards.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.M.1 Covered Storm Water Discharges.

The requirements in Subpart M apply to storm water discharges associated with industrial activity from Automobile Salvage Yards as identified by the SIC Code specified under Sector M in Table D-1 of Appendix D of this permit.

11.M.2 Additional Technology-Based Effluent Limits.

- 11.M.2.1 Spill and Leak Prevention Procedures.* (See also Part 4.2.4) Drain vehicles intended to be dismantled of all fluids upon arrival at the site (or as soon thereafter as feasible), or employ some other equivalent means to prevent spills and leaks. Collected automotive fluids should be containerized, labeled, and stored to minimize exposure to storm water. Salvage yard operators should develop and implement a mercury switch removal and disposal procedure to remove mercury as a potential pollutant source. All facilities should be provided with a nearby spill containment kit and fluids managed in accordance with all applicable state and federal regulations.
- 11.M.2.2 Employee Training.* (See also Part 4.2.9) If applicable to the facility, address the following areas (at a minimum) in the permittees employee training program: proper handling (collection, storage, and disposal) of oil, used mineral spirits, anti-freeze, mercury switches, and solvents.
- 11.M.2.3 Management of Runoff.* (See also Part 4.2.6) Use the following management practices, as practicable: berms or drainage ditches on the property line (to help prevent run-on from neighboring properties); berms for uncovered outdoor storage of oily parts, engine blocks, and above-ground liquid storage; installation of detention ponds; and installation of filtering devices and oil and water separators.
- 11.M.2.4 Vehicle Crushing Activities.* If a crusher is used on-site provide timely maintenance and inspection of the crusher to prevent any fluid leaks and document in the SWPPP. The crusher should be provided with a device to capture any automotive fluids generated during crushing.

11.M.3 Additional SWPPP Requirements.

11.M.3.1 Drainage Area Site Map. (See also Part 5.2.3) Identify locations used for dismantling, storage, and maintenance of used motor vehicle parts. Also identify where any of the following may be exposed to precipitation or surface runoff: dismantling areas, parts (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers) storage areas, and liquid storage tanks and drums for fuel and other fluids.

11.M.3.2 Potential Pollutant Sources. (See also Part 5.2.4) Assess the potential for the following to contribute pollutants to storm water discharges: vehicle storage areas, dismantling areas, parts storage areas (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers), and fueling stations.

11.M.4 Additional Inspection Requirements. (See also Part 6.1) Immediately (or as soon thereafter as feasible) inspect vehicles arriving at the site for leaks and inspect area designated for the draining and collecting of automotive fluids. Inspect quarterly for signs of leakage of all equipment containing oily parts, hydraulic fluids, any other types of fluids, or mercury switches. Also, inspect quarterly for signs of leakage of all vessels and areas where hazardous materials and general automotive fluids are stored, including, but not limited to, mercury switches, brake fluid, transmission fluid, radiator water, and antifreeze.

(Table 11.M.5-1: Sector – Specific Benchmarks – Sector M located on the following page.)

11.M.5 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

Table 11.M.5-1: Sector – Specific Benchmarks – Sector M

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector M1. Automobile Salvage Yards (SIC 5015)	Total Suspended Solids (TSS)	100 mg/L
	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Lead (saltwater) ¹	0.21 mg/L
	Total Lead (freshwater) ²	Hardness Dependent

Note:

1. Saltwater benchmark values apply to storm water discharges into saline waters where indicated.

2. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 7.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Lead (mg/L)
0 – < 25 mg/L	0.014
25 – < 50 mg/L	0.023
50 – < 75 mg/L	0.045
75 – < 100 mg/L	0.069
100 – < 125 mg/L	0.095
125 – < 150 mg/L	0.122
150 – < 175 mg/L	0.151
175 – < 200 mg/L	0.182
200 – < 225 mg/L	0.213
225 – < 250 mg/L	0.246
250+ mg/L	0.262

11. Subpart N – Sector N – Scrap Recycling and Waste Recycling Facilities.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.N.1 Covered Storm Water Discharges.

The requirements in Subpart N apply to storm water discharges associated with industrial activity from Scrap Recycling and Waste Recycling facilities as identified by the SIC Code specified under Sector N in Table D-1 of Appendix D of the permit.

11.N.2 Limitation on Coverage.

Separate permit requirements have been established for recycling facilities that only receive source-separated recyclable materials primarily from non-industrial and residential sources (i.e., common consumer products including paper, newspaper, glass, cardboard, plastic containers, and aluminum and tin cans). This includes recycling facilities commonly referred to as material recovery facilities (MRF). See Part 11.N.3.3

11.N.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) Non-storm water discharges from turnings containment areas are not covered by this permit (see also Part 11.N.3.2.3). Discharges from containment areas as well as all others in the absence of a storm event are prohibited unless covered by a separate APDES permit.

11.N.3 Additional Technology-Based Effluent Limits.

11.N.3.1 Scrap and Waste Recycling Facilities (Non-Source Separated, Nonliquid Recyclable Materials). Requirements for facilities that receive, process, and do wholesale distribution of nonliquid recyclable wastes (e.g., ferrous and nonferrous metals, plastics, glass, cardboard, and paper). These facilities may receive both nonrecyclable and recyclable materials. This section is not intended for those facilities that accept recyclables only from primarily non-industrial and residential sources.

- 11.N.3.1.1 Inbound Recyclable and Waste Material Control Program.* Minimize the chance of accepting materials that could be significant sources of pollutants by conducting inspections of inbound recyclables and waste materials. Following are some control measure options: (a) provide information and education to suppliers of scrap and recyclable waste materials on draining and properly disposing of residual fluids (e.g., from vehicles and equipment engines, radiators and transmissions, oil filled transformers, and individual containers or drums) and removal of mercury switches from vehicles before delivery to the facility; (b) establish procedures to minimize the potential of any residual fluids from coming into contact with precipitation or runoff; (c) establish procedures for accepting scrap lead-acid batteries (additional requirements for the handling, storage, and disposal or recycling of batteries are contained in the scrap lead-acid battery program provisions in Part 11.N.3.1.6); (d) provide training targeted for those personnel engaged in the inspection and acceptance of inbound recyclable materials; and (e) establish procedures to ensure that liquid wastes, including used oil, are stored in materially compatible and non-leaking containers and are disposed of or recycled in accordance with the Resource Conservation and Recovery Act (RCRA).
- 11.N.3.1.2 Scrap and Waste Material Stockpiles and Storage (Outdoor).* Minimize contact of storm water runoff with stockpiled materials, processed materials, and nonrecyclable wastes. Following are some control measure options: (a) permanent or semi-permanent covers; (b) sediment traps, vegetated swales and strips, catch basin filters, and sand filters to facilitate settling or filtering of pollutants; (c) dikes, berms, containment trenches, culverts, and surface grading to divert runoff from storage areas; (d) silt fencing; and (e) oil and water separators, sumps, and dry absorbents for areas where potential sources of residual fluids are stockpiled (e.g., automobile engine storage areas).
- 11.N.3.1.3 Stockpiling of Turnings Exposed to Cutting Fluids (Outdoor Storage).* Minimize contact of surface runoff with residual cutting fluids by: (a) storing all turnings exposed to cutting fluids under some form of permanent or semi-permanent cover, or (b) establishing dedicated containment areas for all turnings that have been exposed to cutting fluids. Any containment areas must be constructed of concrete, asphalt, or other equivalent types of impermeable material and include a barrier (e.g., berms, curbing, elevated pads) to prevent contact with storm water run-on. Storm Water runoff from these areas can be discharged, provided that any runoff is first collected and treated by an oil and water separator or its equivalent. The permittee must regularly maintain the oil and water separator (or its equivalent) and properly dispose of or recycle collected residual fluids.

11.N.3.1.4 Scrap and Waste Material Stockpiles and Storage (Covered or Indoor Storage).

Minimize contact of residual liquids and particulate matter from materials stored indoors or under cover with surface runoff. Following are some control measure options: (a) good housekeeping measures, including the use of dry absorbents or wet vacuuming to contain, dispose of, or recycle residual liquids originating from recyclable containers, or mercury spill kits for spills from storage of mercury switches; (b) not allowing washwater from tipping floors or other processing areas to discharge to the storm sewer system; and (c) disconnecting or sealing off all floor drains connected to the storm sewer system.

11.N.3.1.5 Scrap and Recyclable Waste Processing Areas. Minimize surface runoff from coming in contact with scrap processing equipment. Pay attention to operations that generate visible amounts of particulate residue (e.g., shredding) to minimize the contact of accumulated particulate matter and residual fluids with runoff (i.e., through good housekeeping, preventive maintenance, etc.). Following are some control measure options: (a) regularly inspect equipment for spills or leaks and malfunctioning, worn, or corroded parts or equipment; (b) establish a preventive maintenance program for processing equipment; (c) use dry-absorbents or other cleanup practices to collect and dispose of or recycle spilled or leaking fluids or use mercury spill kits for spills from storage of mercury switches; (d) on unattended hydraulic reservoirs over 150 gallons in capacity, install protection devices such as low-level alarms or equivalent devices, or secondary containment that can hold the entire volume of the reservoir; (e) containment or diversion structures such as dikes, berms, culverts, trenches, elevated concrete pads, and grading to minimize contact of storm water runoff with outdoor processing equipment or stored materials; (f) oil and water separators or sumps; (g) permanent or semi-permanent covers in processing areas where there are residual fluids and grease; (h) retention or detention ponds or basins; sediment traps, and vegetated swales or strips (for pollutant settling and filtration); (i) catch basin filters or sand filters.

11.N.3.1.6 Scrap Lead-Acid Battery Program. Properly handle, store, and dispose of scrap lead-acid batteries. Following are some control measure options (a) segregate scrap lead-acid batteries from other scrap materials; (b) properly handle, store, and dispose of cracked or broken batteries; (c) collect and dispose of leaking lead-acid battery fluid; (d) minimize or eliminate (if possible) exposure of scrap lead-acid batteries to precipitation or runoff; and (e) provide employee training for the management of scrap batteries.

11.N.3.1.7 Spill Prevention and Response Procedures. (See also Part 4.2.4) Install alarms and/or pump shutoff systems on outdoor equipment with hydraulic reservoirs exceeding 150 gallons in the event of a line break. Alternatively, a secondary containment system capable of holding the entire contents of the reservoir plus room for precipitation can be used. Use a mercury spill kit for any release of mercury from switches, anti-lock brake systems, and switch storage areas.

11.N.3.1.8 Supplier Notification Program. As appropriate, notify major suppliers which scrap materials will not be accepted at the facility or will be accepted only under certain conditions.

11.N.3.2 Waste Recycling Facilities (Liquid Recyclable Materials).

11.N.3.2.1 Waste Material Storage (Indoor). Minimize or eliminate contact between residual liquids from waste materials stored indoors and from surface runoff. The plan may refer to applicable portions of other existing plans, such as Spill Prevention, Control, and Countermeasure (SPCC) plans required under 40 CFR Part 112. Following are some control measure options (a) procedures for material handling (including labeling and marking); (b) clean up spills and leaks with dry absorbent materials, a wet vacuum system; (c) appropriate containment structures (trenching, curbing, gutters, etc.); and (d) a drainage system, including appurtenances (e.g., pumps or ejectors, manually operated valves), to handle discharges from diked or bermed areas. Drainage should be discharged to an appropriate treatment facility or sanitary sewer system, or otherwise disposed of properly. These discharges may require coverage under a separate APDES wastewater permit or industrial user permit under the pretreatment program.

11.N.3.2.2 Waste Material Storage (Outdoor). Minimize contact between stored residual liquids and precipitation or runoff. The plan may refer to applicable portions of other existing plans, such as SPCC plans required under 40 CFR Part 112. Discharges of precipitation from containment areas containing used oil must also be in accordance with applicable sections of 40 CFR Part 112. Following are some control measure options (a) appropriate containment structures (e.g., dikes, berms, curbing, pits) to store the volume of the largest tank, with sufficient extra capacity for precipitation; (b) drainage control and other diversionary structures; (c) corrosion protection and/or leak detection systems for storage tanks; and (d) dry-absorbent materials or a wet vacuum system to collect spills.

11.N.3.2.3 Trucks and Rail Car Waste Transfer Areas. Minimize pollutants in discharges from truck and rail car loading and unloading areas. Include measures to clean up minor spills and leaks resulting from the transfer of liquid wastes. Following are two control measure options: (a) containment and diversionary structures to minimize contact with precipitation or runoff, and (b) dry clean-up methods, wet vacuuming, roof coverings, or runoff controls.

11.N.3.3 Recycling Facilities (Source-Separated Materials). The following identifies considerations for facilities that receive only source-separated recyclables, primarily from non-industrial and residential sources.

11.N.3.3.1 Inbound Recyclable Material Control. Minimize the chance of accepting nonrecyclables (e.g., hazardous materials) that could be a significant source of pollutants by conducting inspections of inbound materials. Following are some control measure options: (a) providing information and education measures to inform suppliers of recyclables about acceptable and non-acceptable materials, (b) training drivers responsible for pickup of recycled material, (c) clearly marking public drop-off containers regarding which materials can be accepted, (d) rejecting nonrecyclable wastes or household hazardous wastes at the source, and (e) establishing procedures for handling and disposal of nonrecyclable material.

11.N.3.3.2 Outdoor Storage. Minimize exposure of recyclables to precipitation and runoff. Use good housekeeping measures to prevent accumulation of particulate matter and fluids, particularly in high traffic areas. Following are some control measure options (a) provide totally enclosed drop-off containers for the public; (b) install a sump and pump with each container pit and treat or discharge collected fluids to a sanitary sewer system; (c) provide dikes and curbs for secondary containment (e.g., around bales of recyclable waste paper); (d) divert surface water runoff away from outside material storage areas; (e) provide covers over containment bins, dumpsters, and roll-off boxes; and (f) store the equivalent of one day's volume of recyclable material indoors.

11.N.3.3.3 Indoor Storage and Material Processing. Minimize the release of pollutants from indoor storage and processing areas. Following are some control measure options (a) schedule routine good housekeeping measures for all storage and processing areas, (b) prohibit tipping floor washwater from draining to the storm sewer system, and (c) provide employee training on pollution prevention practices.

11.N.3.3.4 Vehicle and Equipment Maintenance. Following are some control measure options for areas where vehicle and equipment maintenance occur outdoors (a) prohibit vehicle and equipment washwater from discharging to the storm sewer system, (b) minimize or eliminate outdoor maintenance areas whenever practicable, (c) establish spill prevention and clean-up procedures in fueling areas, (d) avoid topping off fuel tanks, (e) divert runoff from fueling areas, (f) store lubricants and hydraulic fluids indoors, and (g) provide employee training on proper handling and storage of hydraulic fluids and lubricants.

11.N.4 Additional SWPPP Requirements.

11.N.4.1 Drainage Area Site Map. (See also Part 5.2.3) The permittee must document in the SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: scrap and waste material storage, outdoor scrap and waste processing equipment; and containment areas for turnings exposed to cutting fluids.

11.N.4.2 Maintenance Schedules/Procedures for Collection, Handling, and Disposal or Recycling of Residual Fluids at Scrap and Waste Recycling Facilities. If the permittee is subject to Part 11.N.3.1.3, the SWPPP must identify any applicable maintenance schedule and the procedures to collect, handle, and dispose of or recycle residual fluids.

11.N.5 Additional Inspection Requirements.

11.N.5.1 Inspections for Waste Recycling Facilities. The inspections must be performed quarterly, pursuant to Part 6.1, and include, at a minimum, all areas where waste is generated, received, stored, treated, or disposed of and that are exposed to either precipitation or storm water runoff.

11.N.6 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

(Table 11.N.6-1: Sector – Specific Benchmarks – Sector N located on following page.)

Table 11.N.6-1: Sector – Specific Benchmarks – Sector N

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector N1. Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling (SIC 5093)	Chemical Oxygen Demand (COD)	120 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Recoverable Aluminum	0.75 mg/L
	Total Copper (saltwater) ¹	0.0048 mg/L
	Total Copper (freshwater) ²	Hardness Dependent
	Total Recoverable Iron	1.0 mg/L
	Total Lead (saltwater) ¹	0.21 mg/L
	Total Lead (freshwater) ²	Hardness Dependent
	Total Zinc (saltwater) ¹	0.09 mg/L
	Total Zinc (freshwater) ²	Hardness Dependent

Note:

1. Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
2. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 7.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Copper (mg/L)	Lead (mg/L)	Zinc (mg/L)
0 – < 25 mg/L	0.0038	0.014	0.04
25 – < 50 mg/L	0.0056	0.023	0.05
50 – < 75 mg/L	0.0090	0.045	0.08
75 – < 100 mg/L	0.0123	0.069	0.11
100 – < 125 mg/L	0.0156	0.095	0.13
125 – < 150 mg/L	0.0189	0.122	0.16
150 – < 175 mg/L	0.0221	0.151	0.18
175 – < 200 mg/L	0.0253	0.182	0.20
200 – < 225 mg/L	0.0285	0.213	0.23
225 – < 250 mg/L	0.0316	0.246	0.25
250+ mg/L	0.0332	0.262	0.26

11. Subpart O – Sector O – Steam Electric Generating Facilities.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.O.1 Covered Storm Water Discharges.

The requirements in Subpart O apply to storm water discharges associated with industrial activity from Steam Electric Power Generating Facilities as identified by the Activity Code specified under Sector O in Table D-1 of Appendix D.

11.O.2 Industrial Activities Covered by Sector O.

This permit authorizes storm water discharges from the following industrial activities at Sector O facilities:

- 11.O.2.1 Steam electric power generation using coal, natural gas, oil, nuclear energy, etc., to produce a steam source, including coal handling areas;
- 11.O.2.2 Coal pile runoff, including effluent limitations established by 40 CFR Part 423; and
- 11.O.2.3 Dual fuel facilities that could employ a steam boiler.

11.O.3 Limitations on Coverage.

11.O.3.1 Prohibition of Non-Storm Water Discharges. Non-storm water discharges subject to effluent limitations guidelines are not covered by this permit.

11.O.3.2 Prohibition of Storm Water Discharges. Storm water discharges from the following are not covered by this permit:

11.O.3.2.1 Ancillary Facilities (e.g., fleet centers and substations) that are not contiguous to a steam electric power generating facility;

11.O.3.2.2 Gas Turbine Facilities (providing the facility is not a dual-fuel facility that includes a steam boiler), and combined-cycle facilities where no supplemental fuel oil is burned (and the facility is not a dual-fuel facility that includes a steam boiler); and

11.O.3.2.3 Cogeneration (combined heat and power) facilities utilizing a gas turbine.

11.O.4 Additional Technology-Based Effluent Limits. The following good housekeeping measures are required in addition to Part 4.2.2:

- 11.O.4.1 Fugitive Dust Emissions.* Minimize fugitive dust emissions from coal handling areas. To minimize the tracking of coal dust offsite, adopt, as practicable, procedures such as installing specially designed tires or washing vehicles in a designated area before they leave the site and controlling the wash water.
- 11.O.4.2 Delivery Vehicles.* Minimize contamination of storm water runoff from delivery vehicles arriving at the plant site. Adopt procedures to inspect delivery vehicles arriving at the plant site and ensure overall integrity of the body or container and procedures to deal with leakage or spillage from vehicles or containers.
- 11.O.4.3 Fuel Oil Unloading Areas.* Minimize contamination of precipitation or surface runoff from fuel oil unloading areas. Use containment curbs in unloading areas, have personnel familiar with spill prevention and response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and use spill and overflow protection devices (e.g., drip pans, drip diapers, or other containment devices placed beneath fuel oil connectors to contain potential spillage during deliveries or from leaks at the connectors).
- 11.O.4.4 Chemical Loading and Unloading.* Minimize contamination of precipitation or surface runoff from chemical loading and unloading areas. Use containment curbs at chemical loading and unloading areas to contain spills, have personnel familiar with spill prevention and response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and loading and unloading in covered areas and storing chemicals indoors.
- 11.O.4.5 Miscellaneous Loading and Unloading Areas.* Minimize contamination of precipitation or surface runoff from loading and unloading areas. Use the following, as practicable, cover the loading area; grade, berm, or curb around the loading area to divert run-on; locate the loading and unloading equipment and vehicles so that leaks are contained in existing containment and flow diversion systems; or equivalent procedures.
- 11.O.4.6 Liquid Storage Tanks.* Minimize contamination of surface runoff from above-ground liquid storage tanks. Use the following, as practicable, protective guards around tanks, containment curbs, spill and overflow protection, dry cleanup methods, or equivalent measures.
- 11.O.4.7 Large Bulk Fuel Storage Tanks.* Minimize contamination of surface runoff from large bulk fuel storage tanks. Use containment berms (or their equivalent) as required by applicable State and Federal Laws. The permittee must also comply with applicable State and Federal laws, including Spill Prevention, Control and Countermeasure (SPCC) Plan requirements.

- 11.O.4.8 Spill Reduction Measures.* Minimize the potential for an oil or chemical spill, or reference the appropriate part of the permittees SPCC plan. Visually inspect as part of the routine facility inspection the structural integrity of all above-ground tanks, pipelines, pumps, and related equipment that may be exposed to storm water, and make any necessary repairs immediately.
- 11.O.4.9 Oil-Bearing Equipment in Switchyards.* Minimize contamination of surface runoff from oil-bearing equipment in switchyard areas. Use level grades and gravel surfaces to retard flows and limit the spread of spills, or collect runoff in perimeter ditches.
- 11.O.4.10 Residue-Hauling Vehicles.* Inspect all residue-hauling vehicles for proper covering over the load, adequate gate sealing, and overall integrity of the container body. Repair vehicles without load covering or adequate gate sealing, or with leaking containers or beds.
- 11.O.4.11 Ash Loading Areas.* Reduce or control the tracking of ash and residue from ash loading areas. Clear the ash building floor and immediately adjacent roadways of spillage, debris, and excess water before departure of each loaded vehicle.
- 11.O.4.12 Areas Adjacent to Disposal Ponds or Landfills.* Minimize contamination of surface runoff from areas adjacent to disposal ponds or landfills. Reduce ash residue that may be tracked on to access roads traveled by residue handling vehicles, and reduce ash residue on exit roads leading into and out of residue handling areas.
- 11.O.4.13 Landfills, Scrap yards, Surface Impoundments, Open Dumps, General Refuse Sites.* Minimize the potential for contamination of runoff from these areas.

11.O.5 Additional SWPPP Requirements.

- 11.O.5.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: storage tanks, scrap yards, and general refuse areas; short- and long-term storage of general materials (including but not limited to supplies, construction materials, paint equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizer, and pesticides); landfills and construction sites; and stock pile areas (e.g., coal or limestone piles).
- 11.O.5.2 Documentation of Good Housekeeping Measures.* The permittee must document in the SWPPP the good housekeeping measures implemented to meet the effluent limits in Part 11.O.4.

11.O.6 Additional Inspection Requirements.

11.O.6.1 Comprehensive Site Compliance Inspection. (See also Part 6.3) As part of the permittees inspection, inspect the following areas monthly: coal handling areas, loading or unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, areas adjacent to disposal ponds and landfills, maintenance areas, liquid storage tanks, and long term and short term material storage areas.

11.O.7 Sector-Specific Benchmarks

Table 11.O.7-1 identifies benchmarks that apply to the specific subsectors of Sector O. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities, which describe their facility activities.

Table 11.O.7-1: Sector – Specific Benchmarks – Sector O

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector O1. Steam Electric Generating Facilities (Industrial Activity Code “SE”)	Total Iron	1.0 mg/L

11.O.8 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit.)

Table 11.O.8-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

Table 11.O.8-1: Effluent Limitations Based on Effluent Limitations Guidelines¹

Industrial Activity	Parameter	Effluent Limit
Discharges from coal storage piles at Steam Electric Generating Facilities	TSS	50 mg/l ²
	pH	6.5 - 8.5 s.u.
Notes:		
1. Monitor annually.		
2. If the permittees facility is designed, constructed, and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event, any untreated overflow of coal pile runoff from the treatment unit is not subject to the 50 mg/L limitation for total suspended solids.		

11. Subpart P – Sector P – Land Transportation and Warehousing.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.P.1 Covered Storm Water Discharges.

The requirements in Subpart P apply to storm water discharges associated with industrial activity from Land Transportation and Warehousing facilities as identified by the SIC Codes specified under Sector P in Table D-1 of Appendix D of the permit.

11.P.2 Limitation on Coverage.

11.P.2.1 Prohibited Discharges. (See also Part 1.2.4) This permit does not authorize the discharge of vehicle/equipment/surface washwater, including tank cleaning operations. Such discharges must be authorized under a separate APDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or recycled on-site.

11.P.3 Additional Technology-Based Effluent Limits.

11.P.3.1 Good Housekeeping Measures. (See also Part 4.2.2) In addition to the Good Housekeeping requirements in Part 4.2.2, the permittee must do the following. Recommended control measures are discussed as indicated:

11.P.3.1.1 Vehicle and Equipment Storage Areas. Minimize the potential for storm water exposure to leaky or leak-prone vehicles/equipment awaiting maintenance. Implement the following (or other equivalent measures), as practicable: use of drip pans under vehicles/equipment, indoor storage of vehicles and equipment, installation of berms or dikes, use of absorbents, roofing or covering storage areas, and cleaning pavement surfaces to remove oil and grease.

11.P.3.1.2 Fueling Areas. Minimize contamination of storm water runoff from fueling areas. Implement the following (or other equivalent measures), as practicable: Covering the fueling area; using spill/overflow protection and cleanup equipment; minimizing storm water run-on/runoff to the fueling area; using dry cleanup methods; and treating and/or recycling collected storm water runoff.

11.P.3.1.3 Material Storage Areas. Maintain all material storage vessels (e.g., for used oil/oil filters, spent solvents, paint wastes, hydraulic fluids) to prevent contamination of storm water and plainly label them (e.g., “Used Oil,” “Spent Solvents,” etc.). Implement the following (or other equivalent measures), as practicable: storing the materials indoors; installing berms/dikes around the areas; minimizing runoff of storm water to the areas; using dry cleanup methods; and treating and/or recycling collected storm water runoff.

11.P.3.1.4 Vehicle and Equipment Cleaning Areas. Minimize contamination of storm water runoff from all areas used for vehicle/equipment cleaning. Implement the following (or other equivalent measures), as practicable: performing all cleaning operations indoors; covering the cleaning operation, ensuring that all washwater drains to a proper collection system (i.e., not the storm water drainage system); treating and/or recycling collected washwater, or other equivalent measures.

11.P.3.1.5 Vehicle and Equipment Maintenance Areas. Minimize contamination of storm water runoff from all areas used for vehicle/equipment maintenance. Implement the following (or other equivalent measures), as practicable: performing maintenance activities indoors; using drip pans; keeping an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting wet clean up practices if these practices would result in the discharge of pollutants to storm water drainage systems; using dry cleanup methods; treating and/or recycling collected storm water runoff, minimizing run on/runoff of storm water to maintenance areas.

11.P.3.1.6 Locomotive Sanding (Loading Sand for Traction) Areas. Implement the following (or other equivalent measures), as practicable: covering sanding areas; minimizing storm water run on/runoff; or appropriate sediment removal practices to minimize the offsite transport of sanding material by storm water.

11.P.3.2 Employee Training. (See also Part 4.2.9) Train personnel at least once a year and address the following activities, as applicable: used oil and spent solvent management; fueling procedures; general good housekeeping practices; proper painting procedures; and used battery management.

11.P.4 Additional SWPPP Requirements.

11.P.4.1 Drainage Area Site Map. (See also Part 5.2.3) The permittee must document in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: Fueling stations; vehicle/equipment maintenance or cleaning areas; storage areas for vehicle/equipment with actual or potential fluid leaks; loading/unloading areas; areas where treatment, storage or disposal of wastes occur; liquid storage tanks; processing areas; and storage areas.

- 11.P.4.2 Potential Pollutant Sources.* (See also Part 5.2.4) Assess the potential for the following activities and facility areas to contribute pollutants to storm water discharges: Onsite waste storage or disposal; dirt/gravel parking areas for vehicles awaiting maintenance; illicit plumbing connections between shop floor drains and the storm water conveyance system(s); and fueling areas. Describe these activities in the SWPPP.
- 11.P.4.3 Description of Good Housekeeping Measures.* The permittee must document in the SWPPP the good housekeeping measures they implement consistent with Part 11.P.3.
- 11.P.4.4 Vehicle and Equipment Washwater Requirements.* If applicable, attach to or reference in the SWPPP, a copy of the APDES permit issued for vehicle/ equipment washwater; if an APDES permit has not been issued, a copy of the pending application. If an industrial user permit is issued under a local pretreatment program, attach a copy to the SWPPP. In any case, implement all non-storm water discharge permit conditions or pretreatment conditions in the SWPPP. If washwater is handled in another manner (e.g., hauled offsite), describe the disposal method and attach all pertinent documentation/ information (e.g., frequency, volume, destination, etc.) in the plan.

11.P.5 Additional Inspection Requirements. (See also Part 6.1) Inspect all the following areas/activities: storage areas for vehicles/equipment awaiting maintenance, fueling areas, indoor and outdoor vehicle/equipment maintenance areas, material storage areas, vehicle/equipment cleaning areas, loading/unloading areas, and any petroleum bulk fuel storage areas. Quarterly visual assessment of the bulk fuel storage areas should focus on identifying any potential leaks in tanks, pipelines, valves, etc. and implementing temporary spill containment measures until permanent corrective actions can be made.

11. Subpart Q – Sector Q – Water Transportation.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.Q.1 Covered Storm Water Discharges.

The requirements in Subpart Q apply to storm water discharges associated with industrial activity from Water Transportation facilities as identified by the SIC Codes specified under Sector Q in Table D-1 of Appendix D of the permit.

11.Q.2 Limitations on Coverage.

11.Q.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) Not covered by this permit: bilge and ballast water, sanitary wastes, pressure wash water, and cooling water originating from vessels.

11.Q.3 Additional Technology-Based Effluent Limits.

11.Q.3.1 Good Housekeeping Measures. A permittee must implement the following good housekeeping measures in addition to the requirements of Part 4.2.2:

11.Q.3.1.1 Pressure Washing Area. If pressure washing is used to remove marine growth from vessels, the discharge water must be permitted by a separate APDES permit. Collect or contain the discharges from the pressure washing areas so that they are not co-mingled with storm water discharges authorized by this permit.

11.Q.3.1.2 Blasting and Painting Area. Minimize the potential for spent abrasives, paint chips, and overspray to discharge into receiving waters or the storm sewer systems. Contain all blasting and painting activities or use other measures to minimize the discharge of contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean storm water conveyances of deposits of abrasive blasting debris and paint chips.

11.Q.3.1.3 Material Storage Areas. Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. Specify which materials are stored indoors, and consider containment or enclosure for those stored outdoors. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite.

- 11.Q.3.1.4 Engine Maintenance and Repair Areas.* Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair. Implement the following (or their equivalents), as practicable: performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluid prior to disposal, prohibiting the practice of hosing down the shop floor, using dry cleanup methods, and treating and/or recycling storm water runoff collected from the maintenance area.
- 11.Q.3.1.5 Material Handling Area.* Minimize the contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). Implement the following (or their equivalents), as practicable: covering fueling areas, using spill and overflow protection, mixing paints and solvents in a designated area (preferably indoors or under a shed), and minimizing runoff of storm water to material handling areas.
- 11.Q.3.1.6 Drydock Activities.* Routinely maintain and clean the drydock to minimize pollutants in storm water runoff. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock. Implement the following (or their equivalents), as practicable: sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding and making absorbent materials and oil containment booms readily available to clean up or contain any spills.
- 11.Q.3.2 Storm Water Diversions.* Divert storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.
- 11.Q.3.3 Velocity Dissipation Devices.* (e.g., check dams, sediment traps, or riprap) Place velocity dissipation devices, as practicable, along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.
- 11.Q.3.4 Employee Training.* (See also Part 4.2.9) As part of the permittees employee training program, address, at a minimum, the following activities (as practicable): used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.

11.Q.3.5 Preventive Maintenance. (See also Part 4.2.3) As part of the permittees preventive maintenance program, perform timely inspection and maintenance of storm water management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

11.Q.4 Additional SWPPP Requirements.

11.Q.4.1 Drainage Area Site Map. (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

11.Q.4.2 Summary of Potential Pollutant Sources. (See also Part 5.2.4) The permittee must document in the SWPPP the following additional sources and activities that have potential pollutants associated with them: outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting.)

11.Q.5 Additional Inspection Requirements. (See also Part 6.1) Include the following in all quarterly routine facility inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

11.Q.6 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

*(Table 11.N.6-1: Sector – Specific Benchmarks – Sector N
located on following page.)*

Table 11.Q.6-1: Sector – Specific Benchmarks – Sector Q

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration																																				
Subsector Q1. Water Transportation Facilities (SIC 4412-4499)	Total Aluminum	0.75 mg/L																																				
	Total Iron	1.0 mg/L																																				
	Total Lead (saltwater) ¹	0.21 mg/L																																				
	Total Lead (freshwater) ²	Hardness Dependent																																				
	Total Zinc (saltwater) ¹	0.09 mg/L																																				
	Total Zinc (freshwater) ²	Hardness Dependent																																				
Note: 1. Saltwater benchmark values apply to storm water discharges into saline waters where indicated. 2. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 7.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below: <table border="1"> <thead> <tr> <th>Water Hardness Range</th><th>Lead (mg/L)</th><th>Zinc (mg/L)</th></tr> </thead> <tbody> <tr><td>0 – < 25 mg/L</td><td>0.014</td><td>0.04</td></tr> <tr><td>25 – < 50 mg/L</td><td>0.023</td><td>0.05</td></tr> <tr><td>50 – < 75 mg/L</td><td>0.045</td><td>0.08</td></tr> <tr><td>75 – < 100 mg/L</td><td>0.069</td><td>0.11</td></tr> <tr><td>100 – < 125 mg/L</td><td>0.095</td><td>0.13</td></tr> <tr><td>125 – < 150 mg/L</td><td>0.122</td><td>0.16</td></tr> <tr><td>150 – < 175 mg/L</td><td>0.151</td><td>0.18</td></tr> <tr><td>175 – < 200 mg/L</td><td>0.182</td><td>0.20</td></tr> <tr><td>200 – < 225 mg/L</td><td>0.213</td><td>0.23</td></tr> <tr><td>225 – < 250 mg/L</td><td>0.246</td><td>0.25</td></tr> <tr><td>250+ mg/L</td><td>0.262</td><td>0.26</td></tr> </tbody> </table>			Water Hardness Range	Lead (mg/L)	Zinc (mg/L)	0 – < 25 mg/L	0.014	0.04	25 – < 50 mg/L	0.023	0.05	50 – < 75 mg/L	0.045	0.08	75 – < 100 mg/L	0.069	0.11	100 – < 125 mg/L	0.095	0.13	125 – < 150 mg/L	0.122	0.16	150 – < 175 mg/L	0.151	0.18	175 – < 200 mg/L	0.182	0.20	200 – < 225 mg/L	0.213	0.23	225 – < 250 mg/L	0.246	0.25	250+ mg/L	0.262	0.26
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11. Subpart R – Sector R – Ship and Boat Building and Repair Yards.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.R.1 Covered Storm Water Discharges.

The requirements in Subpart R apply to storm water discharges associated with industrial activity from Ship and Boat Building and Repair Yards as identified by the SIC Codes specified under Sector R in Table D-1 of Appendix D of the permit.

11.R.2 Limitations on Coverage.

11.R.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) Discharges containing bilge and ballast water, sanitary wastes, pressure wash water, and cooling water originating from vessels are not covered by this permit.

11.R.3 Additional Technology-Based Effluent Limits.

11.R.3.1 Good Housekeeping Measures. (See also Part 4.2.2)

11.R.3.1.1 Pressure Washing Area. If pressure washing is used to remove marine growth from vessels, the discharged water must be permitted as a process wastewater by a separate APDES permit.

11.R.3.1.2 Blasting and Painting Area. Minimize the potential for spent abrasives, paint chips, and overspray to discharging into the receiving water or the storm sewer systems. To the extent practicable contain all blasting and painting activities, or use other measures to prevent the discharge of the contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean storm water conveyances of deposits of abrasive blasting debris and paint chips.

11.R.3.1.3 Material Storage Areas. Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite.

- 11.R.3.1.4 Engine Maintenance and Repair Areas.* Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair. Implement the following (or their equivalents), as practicable: perform all maintenance activities indoors, maintain an organized inventory of materials used in the shop, drain all parts of fluid prior to disposal, prohibit the practice of hosing down the shop floor, use dry cleanup methods, and treat and/or recycle storm water runoff collected from the maintenance area.
- 11.R.3.1.5 Material Handling Area.* Minimize the contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). Implement the following (or their equivalents), as practicable: cover fueling areas, use spill and overflow protection, mix paints and solvents in a designated area (preferably indoors or under a shed), and minimize storm water run-on to material handling areas.
- 11.R.3.1.6 Drydock Activities.* Routinely maintain and clean the drydock to minimize pollutants in storm water runoff. Clean accessible areas of the drydock prior to flooding and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, or fuel spills occurring on the drydock. Implement the following (or their equivalents), as practicable: sweep rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding, and have absorbent materials and oil containment booms readily available to clean up and contain any spills.
- 11.R.3.2 Storm Water Diversions.* Divert storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.
- 11.R.3.3 Velocity Dissipation Devices.* (e.g., check dams, sediment traps, or riprap) Place along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.
- 11.R.3.4 Employee Training.* (See also Part 4.2.9) As part of the permittees employee training program, address, at a minimum, the following activities (as applicable): used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.

11.R.3.5 Preventive Maintenance. (See also Part 4.2.3) As part of the permittees preventive maintenance program, perform timely inspection and maintenance of storm water management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

11.R.4 Additional SWPPP Requirements.

11.R.4.1 Drainage Area Site Map. (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance or repair; vessel maintenance or repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; treatment, storage, and waste disposal areas; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

11.R.4.2 Potential Pollutant Sources. (See also Part 5.2.4) The Permittee must document in the SWPPP the following additional sources and activities that have potential pollutants associated with them (if applicable): outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting).

11.R.4.3 Documentation of Good Housekeeping Measures. The permittee must document in the SWPPP any good housekeeping measures implemented to meet the effluent limits in Part 11.R.3.

11.R.4.3.1 Blasting and Painting Areas. The permittee must document in the SWPPP any standard operating practices relating to blasting and painting (e.g., prohibiting uncontained blasting and painting over open water or prohibiting blasting and painting during windy conditions, which can render containment ineffective).

11.R.4.3.2 Storage Areas. Specify in the permittees SWPPP which materials are stored indoors, and describe containment or enclosure practices for those stored outdoors.

11.R.5 Additional Inspection Requirements.

(See also Part 6.1) Include the following in all quarterly routine facility inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

11. Subpart S – Sector S – Air Transportation.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.S.1 Covered Storm Water Discharges.

The requirements in Subpart S apply to storm water discharges associated with industrial activity from Air Transportation facilities identified by the SIC Codes specified under Sector S in Table D-1 of Appendix D of the permit at primary airports.

11.S.2 Limitation on Coverage.

11.S.2.1 Limitations on Coverage. This permit authorizes storm water discharges from only those portions of the air transportation facility that are involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations or deicing operations.

Note: “deicing” will generally be used to imply both deicing (removing frost, snow or ice) and anti-icing (preventing accumulation of frost, snow or ice) activities, unless specific mention is made regarding anti-icing and/or deicing activities.

11.S.2.2 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4 and Part 11.S.3) This permit does not authorize the discharge of aircraft, ground vehicle, runway and equipment washwaters; nor the dry weather discharge of deicing chemicals. Such discharges must be covered by separate APDES permit(s). Note that a discharge resulting from snowmelt is not a dry weather discharge.

11.S.3 Multiple Operators at Air Transportation Facilities

Air transportation facilities often have more than one operator who could discharge stormwater associated with industrial activity. Operators include the airport authority and airport tenants, including air passenger or cargo companies, fixed based operators, and other parties who routinely perform industrial activities on airport property.

11.S.3.1 Permit Coverage/Submittal of NOIs. Where an airport transportation facility has multiple industrial operators that discharge stormwater, each individual operator must obtain coverage under an APDES stormwater permit. To obtain coverage under the MSGP, all such operators must meet the eligibility requirements in Part 1.2 and must submit an NOI, per Part 2.2 (or, if appropriate, a no exposure certification per Part 1.3).

11.S.3.2 *MSGP Implementation Responsibilities for Airport Authority and Tenants.* The airport authority, in collaboration with its tenants, may choose to implement certain MSGP requirements on behalf of its tenants in order to increase efficiency and eliminate redundancy or duplication of effort. Options available to the airport authority and its tenants for implementation of MSGP requirements include:

- 11.S.3.2.1 The airport authority performs certain activities on behalf of itself and its tenants and reports on its activities;
- 11.S.3.2.2 Tenants provide the airport authority with relevant inputs about tenants' activities, including deicing chemical usage*, and the airport authority compiles and reports on tenants' and its own activities; or
- 11.S.3.2.3 Tenants independently perform, document and submit required information on their activities.

**Tenants who report their deicing chemical usage to the airport authority and rely on the airport authority to perform monitoring should not check the glycol and urea use box on their NOI forms.*

11.S.3.3 *SWPPP Requirements.* A SWPPP must be developed for all stormwater discharges associated with industrial activity at the airport before submittal of any NOIs. The airport authority, in collaboration with its tenants, may choose to develop a single comprehensive SWPPP, or they may choose to develop individual SWPPP. The comprehensive SWPPP should be developed collaboratively by the airport authority and tenants. If any operator develops a SWPPP for discharges from its own areas of the airport, that SWPPP must be coordinated and integrated with the comprehensive SWPPP. All operators and their separate SWPPP contributions and compliance responsibilities must be clearly identified in the comprehensive SWPPP, which all operators must sign and certify per Part 5.2.7. As applicable, the comprehensive SWPPP must clearly specify the MSGP requirements to be complied with by:

- The airport authority for itself;
- The airport authority on behalf of its tenants;
- Tenants for themselves.

For each activity that an operator (e.g., the airport authority) conducts on behalf of another operator (e.g., a tenant), the comprehensive SWPPP must describe a process for reporting results to the latter operator and for ensuring appropriate follow-up, if necessary, by all affected operators. This is to ensure all actions are taken to correct any potential deficiencies or permit violations. For example, where the airport authority is conducting monitoring for itself and its tenants, the comprehensive SWPPP must identify how the airport authority will share the monitoring results with its tenants, and then follow-up with its tenants where there are any exceedances of benchmarks, effluent limits, or water quality standards. In turn, the comprehensive SWPPP must describe how the tenants will also follow-up to ensure permit compliance. If the airport authority and its tenants choose to use a comprehensive SWPPP, they have one hundred eighty (180) days after the effective date of this permit to develop a comprehensive SWPPP and file the NOI according to Part 2.1.

11.S.3.4 Duty to Comply. All individual operators are responsible for implementing their assigned portion of the comprehensive SWPPP, and operators must ensure that their individual activities do not render another operator's stormwater controls ineffective. In addition, the standard permit conditions found in Appendix A apply to each individual operator, including 1.2 Duty to Comply (which states, in part, "A permittee [each individual operator] shall comply with all conditions of the permittee's APDES permit."). For multiple operators at an airport this means that each individual operator remains responsible for ensuring all requirements of its own MSGP are met regardless of whether the comprehensive SWPPP allocates the actual implementation of any of those responsibilities to another entity. That is, the failure of the entity allocated responsibility in the SWPPP to implement an MSGP requirement on behalf of other operators does not negate the other operators' ultimate liability.

11.S.4 Additional Technology-Based Effluent Limits.

11.S.4.1 Good Housekeeping Measures. (See also Part 4.2.2) Implement control measures (as described in 11.S.4.1.1 through 11.S.4.1.7—each list is not exclusive) where determined to be practicable and that accommodate considerations of safety, space, operational constraints, and flight considerations.

11.S.4.1.1 Aircraft, Ground Vehicle and Equipment Maintenance Areas. Minimize the contamination of storm water runoff from all areas used for aircraft, ground vehicle and equipment maintenance (including the maintenance conducted on the terminal apron and in dedicated hangers). Consider the following control measures: performing maintenance activities indoors; maintaining an organized inventory of material used in the maintenance areas; draining all parts of fluids prior to disposal; prohibiting the practice of hosing down the apron or hanger floor; using dry cleanup methods; and collecting the storm water runoff from the maintenance area and providing treatment or recycling.

- 11.S.4.1.2 Aircraft, Ground Vehicle and Equipment Cleaning Areas.* Clearly demarcate these areas on the ground using signage or other appropriate means. Minimize the contamination of storm water runoff from cleaning areas.
- 11.S.4.1.3 Aircraft, Ground Vehicle and Equipment Storage Areas.* Store all aircraft, ground vehicles and equipment awaiting maintenance in designated areas only and minimize the contamination of storm water runoff from these storage areas. Consider the following control measures, including any BMPs: store aircraft and ground vehicles indoors; use drip pans for the collection of fluid leaks; and perimeter drains, dikes or berms surrounding the storage areas.
- 11.S.4.1.4 Material Storage Areas.* Maintain the vessels of stored materials (e.g., used oils, hydraulic fluids, spent solvents, and waste aircraft fuel) in good condition, to prevent or minimize contamination of storm water. Also plainly label the vessels (e.g., “used oil,” “Contaminated Jet A,” etc.). Minimize contamination of precipitation/runoff from these areas. Consider the following control measures: store materials indoors; store waste materials in a centralized location; and install berms/dikes around storage areas.
- 11.S.4.1.5 Airport Fuel System and Fueling Areas.* Minimize the discharge of fuel to the storm sewer/surface waters resulting from fuel servicing activities or other operations conducted in support of the airport fuel system. Consider the following control measures: implement spill and overflow practices; use only dry cleanup methods; and collect storm water runoff.
- 11.S.4.1.6 Source Reduction.* Minimize, and where practicable, eliminate the use of urea and glycol-based deicing chemicals, in order to reduce the aggregate amount of deicing chemicals used and/or lessen the environmental impact. Chemical options to replace ethylene glycol, propylene glycol and urea include: potassium acetate; magnesium acetate; calcium acetate; and anhydrous sodium acetate.
- *Runway Deicing Operation:* Minimize contamination of storm water runoff from runways as a result of deicing operations. Evaluate whether over-application of deicing chemicals occurs by analyzing application rates, and adjust as necessary, consistent with considerations of flight safety. Consider these control measure options: metered application of chemicals; pre-wetting dry chemical constituents prior to application; install a runway ice detection system; implement anti-icing operations as a preventive measure against ice buildup.
 - *Aircraft Deicing Operations.* Minimize contamination of storm water runoff from aircraft deicing operations. Determine whether excessive application of deicing chemicals occurs and adjust as necessary, consistent with considerations of flight safety. Evaluate using alternative deicing/anti-icing

agents as well as containment measures for all applied chemicals. Consider these control measure options for reducing deicing fluid use: forced-air deicing systems, computer-controlled fixed-gantry systems, infrared technology, hot water, varying glycol content to air temperature, enclosed-basket deicing trucks, mechanical methods, solar radiation, hangar storage, aircraft covers, and thermal blankets for MD-80s and DC-9s. Also consider using ice-detection systems and airport traffic flow strategies and departure slot allocation systems. The evaluations and determinations required by this Part should be carried out by the personnel most familiar with the particular aircraft and flight operations and related systems in question (versus an outside entity such as the airport authority).

11.S.4.1.7 Management of Runoff.

(See also 4.2.6) Where deicing operations occur, implement a program to control or manage contaminated runoff to minimize the amount of pollutants being discharged from the site. Consider these control measure options: a dedicated deicing facility with a runoff collection/recovery system; using vacuum/collection trucks; storing contaminated storm water/deicing fluids in tanks and releasing controlled amounts to a publicly owned treatment works; collecting contaminated runoff in a wet pond for biochemical decomposition (be aware of attracting wildlife that may prove hazardous to flight operations); or directing runoff into vegetative swales or other infiltration measures. Also consider recovering deicing materials when these materials are applied during non-precipitation events (e.g., covering storm sewer inlets, using booms, installing absorptive interceptors in the drains, etc.) to prevent these materials from later becoming a source of storm water contamination. Deicing operations should be developed with an emphasis on using a combination of the BMPs listed above to contain, capture, and reuse deicing materials. Used deicing fluid should be recycled whenever practicable.

11.S.4.2 Deicing Season. (See also Part 11.S.7.) The permittee must determine the seasonal timeframe (e.g., December- February, October - March, etc.) during which deicing activities typically occur at the facility. Implementation of control measures, including any BMPs, facility inspections and monitoring must be conducted with particular emphasis throughout the defined deicing season. If the permittee meets the deicing chemical usage thresholds of 100,000 gallons glycol and/or 100 tons of urea, the deicing season they identified is the timeframe during which the permittee must obtain the four required benchmark monitoring event results for deicing-related parameters, i.e., BOD, COD, ammonia and pH.

11.S.5 Additional SWPPP Requirements.

An airport authority and tenants of the airport are encouraged to work in partnership in the development of a SWPPP. If an airport tenant obtains authorization under this permit and develops a SWPPP for discharges from his or her own areas of the airport, prior to authorization, that SWPPP must be coordinated and integrated with the SWPPP for the entire airport. Tenants of the airport facility include air passenger or cargo companies, fixed based operators and other parties who have contracts with the airport authority to conduct business operations on airport property and whose operations result in storm water discharges associated with industrial activity.

- 11.S.5.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: aircraft and runway deicing operations; fueling stations; aircraft, ground vehicle and equipment maintenance/cleaning areas; storage areas for aircraft, ground vehicles and equipment awaiting maintenance.
- 11.S.5.2 Potential Pollutant Sources.* (See also Part 5.2.4) In the permittees inventory of exposed materials, describe in the SWPPP the potential for the following activities and facility areas to contribute pollutants to storm water discharges: aircraft, runway, ground vehicle and equipment maintenance and cleaning; aircraft and runway deicing operations (including apron and centralized aircraft deicing stations, runways, taxiways and ramps). If the permittee uses deicing chemicals, they must maintain a record of the types (including the Material Safety Data Sheets [MSDS]) used and the monthly quantities, either as measured or, in the absence of metering, as estimated to the best of the permittees knowledge. This includes all deicing chemicals, not just glycols and urea (e.g., potassium acetate), because large quantities of these other chemicals can still have an adverse impact on receiving waters. Tenants or other fixed-based operations that conduct deicing operations must provide the above information to the airport authority for inclusion with any comprehensive airport SWPPPs.
- 11.S.5.3 Vehicle and Equipment Washwater Requirements.* Attach to or reference in the SWPPP, a copy of the APDES permit issued for vehicle/equipment washwater or, if an APDES permit has not been issued, a copy of the pending application. If an industrial user permit is issued under a local pretreatment program, include a copy in the SWPPP. In any case, if the permittee is subject to another permit, describe the control measures for implementing all non-storm water discharge permit conditions or pretreatment requirements in the SWPPP. If washwater is handled in another manner (e.g., hauled offsite, retained onsite), describe the disposal method and attach all pertinent documentation/information (e.g., frequency, volume, destination, etc.) in the SWPPP.
- 11.S.5.4 Documentation of Control Measures Used for Management of Runoff.* Document in the SWPPP the control measures used for collecting or containing contaminated melt water from collection areas used for disposal of contaminated snow.

11.S.6 Additional Inspection Requirements.

11.S.6.1 Inspections. (See also Part 6.1) At a minimum, conduct routine facility inspections at least monthly during the deicing season (e.g., October through April for most airports). If a permittees facility needs to deice before or after this period, expand the monthly inspections to include all months during which deicing chemicals may be used. The Department may specifically require the permittee to increase inspection frequencies.

11.S.6.2 Comprehensive Site Inspections. (See also Part 6.3) Using only qualified personnel, conduct the annual site inspection during periods of actual deicing operations, if possible. If not practicable during active deicing because of weather, conduct the inspection during the season when deicing operations occur and the materials and equipment for deicing are in place.

11.S.7 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

Monitor per the requirements in Table 11.S.7-1.

Table 11.S.7-1: Sector – Specific Benchmarks – Sector S

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
For airports where a single permittee, or a combination of permitted facilities use more than 100,000 gallons of pure glycol in glycol-based deicing fluids and/or 100 tons or more of urea on an average annual basis, monitor the first four parameters in ONLY those outfalls that collect runoff from areas where deicing activities occur (SIC 4512-4581).	Biochemical Oxygen Demand (BOD ₅) ¹	30 mg/L
	Chemical Oxygen Demand (COD) ¹	120 mg/L
	Ammonia ^{1, 2}	2.14 mg/L
	pH ¹	6.5 – 8.5 s.u.
Note: 1. These are deicing-related parameters. Collect the four benchmark samples, and any required follow-up benchmark samples, during the timeframe defined in Part 11.S.4.2 when deicing activities are occurring. 2. If a permittee certifies annually that it does not use airfield deicing products that contain urea, then the permittee does not need to sample for ammonia.		

11.S.8 Sector-Specific Effluent Limitation Guideline.

There shall be no discharge of airfield pavement deicers containing urea, unless there is monitoring. To comply with this limitation, any existing point source must certify annually that it does not use airfield deicing products that contain urea or alternatively, airfield pavement discharges at every discharge point must achieve the numeric limitations for ammonia in Table 11.S.8-1, prior to any dilution or commingling with any non-deicing discharge. The certification statement shall be maintained in the SWPPP and signed in accordance with Appendix A, Part 1.12. Monitor per the requirements in Table 11.S.8-1.

Table 11.S.8-1: Effluent Limitations Based on 40 CFR Part 449 BAT Limitations

Wastestream	Parameter	Daily Maximum
Runoff containing urea from airfield pavement deicing at existing primary airports with 1,000 or more annual non-propeller aircraft ¹ departures.	Ammonia as Nitrogen ²	14.7 mg/l
Note: 1. Annual non-propeller aircraft is the average annual aircraft departures of commercial turbine-engine aircraft that are propelled by jet, i.e., turbojet or turbofan as tabulated by the Federal Aviation Administration. 2. Monitor twice a deicing season during the timeframe defined in Part 11.S.4.2 when deicing activities are occurring.		

11.S.9 Technology Based – Effluent Limits for New Sources with At Least 1,000 Annual Non-Propeller Aircraft Departures.

A new airport with at least 1,000 annual non-propeller aircraft departures must apply for an individual APDES permit.

11. Subpart T – Sector T – Treatment Works.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.T.1 Covered Storm Water Discharges.

The requirements in Subpart T apply to storm water discharges associated with industrial activity from Treatment Works as identified by the Activity Code specified under Sector T in Table D-1 of Appendix D of the permit.

11.T.2 Industrial Activities Covered by Sector T.

The requirements listed under this part apply to all existing point source storm water discharges associated with the following activities:

11.T.2.1 Treatment works treating domestic sewage, or any other sewage sludge or wastewater treatment device or system used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge; that are located within the confines of a facility with a design flow of 1.0 million gallons per day (MGD) or more; or are required to have an approved pretreatment program under 40 CFR Part 403.

11.T.2.2 The following are not required to have permit coverage: farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located within the facility, or areas that are in compliance with Section 405 of the CWA.

11.T.3 Limitations on Coverage.

11.T.3.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) Sanitary and industrial wastewater and equipment and vehicle washwater are not authorized by this permit.

11.T.4 Additional Technology-Based Effluent Limits.

11.T.4.1 Control Measures. (See also the non-numeric effluent limits in Part 4.2) In addition to the other control measures, implement the following, as practicable: routing storm water to the treatment works; or covering exposed materials (i.e., from the following areas: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station).

11.T.4.2 Employee Training. (See also Part 4.2.9) At a minimum, training must address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and controls; fueling procedures; general good housekeeping practices; and proper procedures for using fertilizer, herbicides, and pesticides.

11.T.5 Additional SWPPP Requirements.

11.T.5.1 Site Map. (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and storage areas for process chemicals, petroleum products, solvents, fertilizers, herbicides, and pesticides.

11.T.5.2 Potential Pollutant Sources. (See also Part 5.2.4) Document in the SWPPP the following additional sources and activities that have potential pollutants associated with them, as applicable: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and access roads and rail lines.

11.T.5.3 Wastewater and Washwater Requirements. Keep a copy of all the permittees current APDES permits issued for wastewater and industrial, vehicle and equipment washwater discharges or, if an APDES permit has not yet been issued, a copy of the pending application(s) with the SWPPP. If the washwater is handled in another manner, the disposal method must be described and all pertinent documentation must be retained onsite.

11.T.6 Additional Inspection Requirements.

(See also Part 6.1) Include the following areas in all inspections: access roads and rail lines; grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station.

11. Subpart U – Sector U – Food and Kindred Products.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.U.1 Covered Storm Water Discharges.

The requirements in Subpart U apply to storm water discharges associated with industrial activity from Food and Kindred Products facilities as identified by the SIC Codes specified in Table D-1 of Appendix D of the permit.

11.U.2 Limitations on Coverage.

11.U.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) The following discharges are not authorized by this permit: discharges containing boiler blowdown, cooling tower overflow and blowdown, ammonia refrigeration purging, and vehicle washing and clean-out operations.

11.U.3 Additional Technology-Based Limitations.

11.U.3.1 Employee Training. (See also Part 4.2.9) Address pest control in the permittees employee training program.

11.U.4 Additional SWPPP Requirements.

11.U.4.1 Drainage Area Site Map. (See also Part 5.2.3) The permittee must document in the SWPPP the locations of the following activities if they are exposed to precipitation or runoff: vents and stacks from cooking, drying, and similar operations; dry product vacuum transfer lines; animal holding pens; spoiled product; and broken product container storage areas.

11.U.4.2 Potential Pollutant Sources. (See also Part 5.2.4) The permittee must document in the SWPPP, in addition to food and kindred products processing-related industrial activities, application and storage of pest control chemicals (e.g., rodenticides, insecticides, fungicides) used on plant grounds.

11.U.5 Additional Inspection Requirements.

(See also Part 6.1) Inspect on a quarterly basis, at a minimum, the following areas where the potential for exposure to storm water exists: loading and unloading areas for all significant materials; storage areas, including associated containment areas; waste management units; vents and stacks emanating from industrial activities; spoiled product and broken product container holding areas; animal holding pens; staging areas; and air pollution control equipment.

11.U.6 Sector-Specific Benchmarks. (See also Part 7 of the permit.)**Table 11.U.6-1: Sector – Specific Benchmarks – Sector U**

Subsector (Permittees may be subject to requirements for more than one Sector / Subsector)	Parameter	Benchmark Monitoring Concentration
Subsector U1. Grain Mill Products (SIC 2041-2048)	Total Suspended Solids (TSS)	100 mg/L
Subsector U2. Fats and Oils Products (SIC 2074-2079)	Biochemical Oxygen Demand (BOD ₅)	30 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Suspended Solids (TSS)	100 mg/L

11. Subpart V – Sector V – Textile Mills, Apparel, and Other Fabric Products.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.V.1 Covered Storm Water Discharges.

The requirements in Subpart V apply to storm water discharges associated with industrial activity from Textile Mills, Apparel, and Other Fabric Product manufacturing as identified by the SIC Codes specified under Sector V in Table D-1 of Appendix D of the permit.

11.V.2 Limitations on Coverage.

11.V.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) The following are not authorized by this permit: discharges of wastewater (e.g., wastewater resulting from wet processing or from any processes relating to the production process), reused or recycled water, and waters used in cooling towers. If the permittee has these types of discharges from the facility, the permittee must cover them under a separate APDES permit.

11.V.3 Additional Technology-Based Limitations.

11.V.3.1 Good Housekeeping Measures. (See also Part 4.2.2)

11.V.3.1.1 Material Storage Areas. Plainly label and store all containerized materials (e.g., fuels, petroleum products, solvents, and dyes) in a protected area, away from drains. Minimize contamination of the storm water runoff from such storage areas. Implement an inventory control plan to prevent excessive purchasing of potentially hazardous substances. For storing empty chemical drums or containers, ensure that the drums and containers are clean (consider triple-rinsing) and that there is no contact of residuals with precipitation or runoff. Collect and dispose of washwater from these cleanings properly.

11.V.3.1.2 Material Handling Areas. Minimize contamination of storm water runoff from material handling operations and areas. Implement the following (or their equivalents), as practicable: use of spill and overflow protection; cover fueling areas; and cover or enclose areas where the transfer of material may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals, dyes, or wastewater.

11.V.3.1.3 Fueling Areas. Minimize contamination of storm water runoff from fueling areas. Implement the following (or their equivalents), as practicable: cover the fueling area, use of spill and overflow protection, minimize run-on of storm water to the fueling areas, use of dry cleanup methods, and treating and/or recycling storm water runoff collected from the fueling area.

11.V.3.1.4 Above-Ground Storage Tank Area. Minimize contamination of the storm water runoff from above-ground storage tank areas, including the associated piping and valves. Implement the following (or their equivalents), as practicable: regular cleanup of these areas; include measures for tanks, piping and valves explicitly in the permittees SPCC program; minimize runoff of storm water from adjacent areas; restrict access to the area; insert filters in adjacent catch basins; provide absorbent booms in unbermed fueling areas; use dry cleanup methods; and permanently sealing drains within critical areas that may discharge to a storm drain.

11.V.3.2 Employee Training. (See also Part 4.2.9) As part of the permittees employee training program, address, at a minimum, the following activities (as applicable): use of reused and recycled waters, solvents management, proper disposal of dyes, proper disposal of petroleum products and spent lubricants, spill prevention and control, fueling procedures, and general good housekeeping practices.

11.V.4 Additional SWPPP Requirements.

11.V.4.1 Potential Pollutant Sources. (See also Part 5.2.4) The permittee must document in the SWPPP the following additional sources and activities that have potential pollutants associated with them: industry-specific significant materials and industrial activities (e.g., backwinding, beaming, bleaching, backing bonding, carbonizing, carding, cut and sew operations, desizing, drawing, dyeing locking, fulling, knitting, mercerizing, opening, packing, plying, scouring, slashing, spinning, synthetic-felt processing, textile waste processing, tufting, turning, weaving, web forming, winging, yarn spinning, and yarn texturing).

11.V.4.2 Description of Good Housekeeping Measures for Material Storage Areas. The permittee must document in the SWPPP the containment area or enclosure for materials stored outdoors in connection with Part 11.V.3.1.1 above.

11.V.5 Additional Inspection Requirements.

(See also Part 6.1) Inspect, at least monthly, the following activities and areas (at a minimum): transfer and transmission lines, spill prevention, good housekeeping practices, management of process waste products, and all structural and nonstructural management practices.

11. Subpart W – Sector W – Furniture and Fixtures.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of a permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.W.1 Covered Storm Water Discharges.

The requirements in Subpart W apply to storm water discharges associated with industrial activity from Furniture and Fixtures facilities as identified by the SIC Codes specified under Sector W in Table D-1 of Appendix D of the permit.

11.W.2 Additional SWPPP Requirements.

11.W.2.1 Drainage Area Site Map. (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: material storage (including tanks or other vessels used for liquid or waste storage) areas; outdoor material processing areas; areas where wastes are treated, stored, or disposed of; access roads; and rail spurs.

11. Subpart X – Sector X – Printing and Publishing.

The permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.X.1 Covered Storm Water Discharges.

The requirements in Subpart X apply to storm water discharges associated with industrial activity from Printing and Publishing facilities as identified by the SIC Codes specified under Sector X in Table D-1 of Appendix D of the permit.

11.X.2 Additional Technology-Based Effluent Limits.

11.X.2.1 Good Housekeeping Measures. (See also Part 4.2.2)

11.X.2.1.1 Material Storage Areas. Plainly label and store all containerized materials (e.g., skids, pallets, solvents, bulk inks, hazardous waste, empty drums, portable and mobile containers of plant debris, wood crates, steel racks, and fuel oil) in a protected area, away from drains. Minimize contamination of the storm water runoff from such storage areas. Implement an inventory control plan to prevent excessive purchasing of potentially hazardous substances. In order to minimize storm water exposure materials should be stored indoors or under cover.

11.X.2.1.2 Material Handling Area. Minimize contamination of storm water runoff from material handling operations and areas (e.g., blanket wash, mixing solvents, loading and unloading materials). Implement the following (or their equivalents), as practicable: use spill and overflow protection, cover fueling areas, and cover or enclose areas where the transfer of materials may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals or wastewater.

11.X.2.1.3 Fueling Areas. Minimize contamination of storm water runoff from fueling areas. Implement the following (or their equivalents), as practicable: cover the fueling area, use spill and overflow protection, minimize runoff of storm water to the fueling areas, use dry cleanup methods, and treat or recycle storm water runoff collected from the fueling area.

11.X.2.1.4 Above Ground Storage Tank Area. Minimize contamination of the storm water runoff from above-ground storage tank areas, including the associated piping and valves. Implement the following (or their equivalents), as practicable: regularly clean these areas, explicitly address tanks, piping and valves in the SPCC program, minimize storm water runoff from adjacent areas, restrict access to the area, insert filters in adjacent catch basins, provide absorbent booms in unbermed fueling areas, use dry cleanup methods, and permanently seal drains within critical areas that may discharge to a storm drain.

11.X.2.2 Employee Training. (See also Part 4.2.9) As part of the permittees employee training program, address, at a minimum, the following activities (as applicable): spent solvent management, spill prevention and control, used oil management, fueling procedures, and general good housekeeping practices.

11.X.3 Additional SWPPP Requirements.

11.X.3.1 Description of Good Housekeeping Measures for Material Storage Areas. In connection with Part 11.X.2.1.1, describe in the SWPPP the containment area or enclosure for materials stored outdoors.

11. Subpart Y – Sector Y – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.Y.1 Covered Storm Water Discharges.

The requirements in Subpart Y apply to storm water discharges associated with industrial activity from Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries facilities as identified by the SIC Codes specified under Sector Y in Table D-1 of Appendix D of the permit.

11.Y.2 Additional Technology-Based Effluent Limits.

11.Y.2.1 Controls for Rubber Manufacturers. (See also Part 4.2) Minimize the discharge of zinc in a permittees storm water discharges. Parts 11.Y.2.1.1 to 11.Y.2.1.5 give possible sources of zinc to be reviewed and list some specific control measures to be considered for implementation (or their equivalents). Following are some general control measure options to consider: using chemicals purchased in pre-weighed, sealed polyethylene bags; storing in-use materials in sealable containers, ensuring an airspace between the container and the cover to minimize “puffing” losses when the container is opened, and using automatic dispensing and weighing equipment.

11.Y.2.1.1 Zinc Bags. Ensure proper handling and storage of zinc bags at the permittees facility. Following are some control measure options: employee training on the handling and storage of zinc bags, indoor storage of zinc bags, cleanup of zinc spills without washing the zinc into the storm drain, and the use of 2,500-pound sacks of zinc rather than 50- to 100-pound sacks.

11.Y.2.1.2 Dumpsters. Minimize discharges of zinc from dumpsters. Following are some control measure options: covering the dumpster, moving the dumpster indoors, or providing a lining for the dumpster.

11.Y.2.1.3 Dust Collectors and Baghouses. Minimize contributions of zinc to storm water from dust collectors and baghouses. Replace or repair, as appropriate, improperly operating dust collectors and baghouses.

11.Y.2.1.4 Grinding Operations. Minimize contamination of storm water as a result of dust generation from rubber grinding operations. One control measure option is to install a dust collection system.

11.Y.2.1.5 Zinc Stearate Coating Operations. Minimize the potential for storm water contamination from drips and spills of zinc stearate slurry that may be released to the storm drain. One control measure option is to use alternative compounds to zinc stearate.

11.Y.2.2 Controls for Plastic Products Manufacturers. Minimize the discharge of plastic resin pellets in the storm water discharges. Control measures to be considered for implementation (or their equivalents) include minimizing spills, cleaning up of spills promptly and thoroughly, sweeping thoroughly, pellet capturing, employee education, and disposal precautions.

11.Y.3 Additional SWPPP Requirements.

11.Y.3.1 Potential Pollutant Sources for Rubber Manufacturers. (See also Part 5.2.4) The permittee must document in the SWPPP the use of zinc at their facility and the possible pathways through which zinc may be discharged in storm water runoff.

11.Y.4 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

Table 11.Y.4-1: Sector – Specific Benchmarks – Sector Y

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector Y1. Rubber Products Manufacturing (SIC 3011, 3021, 3052, 3053, 3061, 3069)	Total Zinc (saltwater) ¹ Total Zinc (freshwater) ²	0.09 mg/L Hardness Dependent

Note:

- Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
- The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 7.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Zinc (mg/L)
0 – < 25 mg/L	0.04
25 – < 50 mg/L	0.05
50 – < 75 mg/L	0.08
75 – < 100 mg/L	0.11
100 – < 125 mg/L	0.13
125 – < 150 mg/L	0.16
150 – < 175 mg/L	0.18
175 – < 200 mg/L	0.20
200 – < 225 mg/L	0.23
225 – < 250 mg/L	0.25
250+ mg/L	0.26

11. Subpart Z – Sector Z – Leather Tanning and Finishing.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.Z.1 Covered Storm Water Discharges.

The requirements in Subpart Z apply to storm water discharges associated with industrial activity from Leather Tanning and Finishing facilities as identified by the SIC Code specified under Sector Z in Table D-1 of Appendix D of the permit.

11.Z.2 Additional Technology-Based Effluent Limits.

11.Z.2.1 *Good Housekeeping Measures.* (See also Part 4.2.2)

11.Z.2.1.1 Storage Areas for Raw, Semiprocessed, or Finished Tannery By-products. Minimize contamination of storm water runoff from pallets and bales of raw, semiprocessed, or finished tannery by-products (e.g., splits, trimmings, shavings). Use indoor storage or protection with polyethylene wrapping, tarpaulins, roofed storage, etc. Place materials on an impermeable surface and enclose or put berms (or equivalent measures) around the area to prevent storm water run-on and runoff.

11.Z.2.1.2 Material Storage Areas. Label storage containers of all materials (e.g., specific chemicals, hazardous materials, spent solvents, waste materials) minimize contact of such materials with storm water.

11.Z.2.1.3 Buffing and Shaving Areas. Minimize contamination of storm water runoff with leather dust from buffing and shaving areas. Use dust collection enclosures, preventive inspection and maintenance programs, or other appropriate preventive measures.

11.Z.2.1.4 Receiving, Unloading, and Storage Areas. Minimize contamination of storm water runoff from receiving, unloading, and storage areas. If these areas are exposed, use the following (or their equivalents): covering all hides and chemical supplies, diverting drainage to the process sewer, or grade berming or curbing the area to prevent storm water runoff.

11.Z.2.1.5 Outdoor Storage of Contaminated Equipment. Minimize contact of storm water with contaminated equipment. Use the following (or their equivalents): covering equipment, diverting drainage to the process sewer, or cleaning thoroughly prior to storage.

11.Z.2.1.6 Waste Management. Minimize contamination of storm water runoff from waste storage areas. Use the following (or their equivalents): covering dumpsters, moving waste management activities indoors, covering waste piles with temporary covering material such as tarpaulins or polyethylene, or minimizing storm water runoff by enclosing the area or building berms around the area.

11.Z.3 Additional SWPPP Requirements.

11.Z.3.1 Drainage Area Site Map. (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: processing and storage areas of the beamhouse, tanyard, and re-tan wet finishing and dry finishing operations.

11.Z.3.2 Potential Pollutant Sources. (See also Part 5.2.4) The permittee must document in the SWPPP the following sources and activities that have potential pollutants associated with them (as appropriate): temporary or permanent storage of fresh and brine-cured hides; extraneous hide substances and hair; leather dust, scraps, trimmings, and shavings.

11. Subpart AA – Sector AA – Fabricated Metal Products.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.AA.1 Covered Storm Water Discharges.

The requirements in Subpart AA apply to storm water discharges associated with industrial activity from Fabricated Metal Products facilities as identified by the SIC Codes specified under Sector AA in Table D-1 of Appendix D of the permit.

11.AA.2 Additional Technology-Based Effluent Limits.

11.AA.2.1 Good Housekeeping Measures. (See also Part 4.2.2)

11.AA.2.1.1 Raw Steel Handling Storage. Minimize the generation of and/or recover and properly manage scrap metals, fines, and iron dust. Include measures for containing materials within storage handling areas.

11.AA.2.1.2 Paints and Painting Equipment. Minimize exposure of paint and painting equipment to storm water.

11.AA.2.2 Spill Prevention and Response Procedures. (See also Part 4.2.4) Ensure that the necessary equipment to implement a cleanup is available to personnel. The following areas should be addressed:

11.AA.2.2.1 Metal Fabricating Areas. Maintain clean, dry, orderly conditions in these areas. Use dry clean-up techniques.

11.AA.2.2.2 Storage Areas for Raw Metal. Keep these areas free of conditions that could cause, or impede appropriate and timely response to, spills or leakage of materials. Implement the following (or their equivalents): maintaining storage areas so that there is easy access in the event of a spill, and labeling stored materials to aid in identifying spill contents.

11.AA.2.2.3 Metal Working Fluid Storage Areas. Minimize the potential for storm water contamination from storage areas for metal working fluids.

11.AA.2.2.4 Cleaners and Rinse Water. Control and clean up spills of solvents and other liquid cleaners, control sand buildup and disbursement from sand-blasting operations, and prevent exposure of recyclable wastes. Substitute environmentally benign cleaners when possible.

11.AA.2.2.5 Lubricating Oil and Hydraulic Fluid Operations. Minimize the potential for storm water contamination from lubricating oil and hydraulic fluid operations. Use appropriate monitoring methods or equipment or other devices to detect and control leaks and overflows. Install perimeter controls such as dikes, curbs, grass filter strips, or equivalent measures, as practicable.

11.AA.2.2.6 Chemical Storage Areas. Minimize storm water contamination and accidental spillage in chemical storage areas. Include a program to inspect containers and identify proper disposal methods.

11.AA.2.3 Spills and Leaks. (See also Part 5.2.4.3) In the permittees spill prevention and response procedures, required by Part 4.2.4, pay attention to the following materials (at a minimum): chromium, toluene, pickle liquor, sulfuric acid, zinc and other water priority chemicals, and hazardous chemicals and wastes.

11.AA.3 Additional SWPPP Requirements.

11.AA.3.1 Drainage Area Site Map. (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: raw metal storage areas; finished metal storage areas; scrap disposal collection sites; equipment storage areas; retention and detention basins; temporary and permanent diversion dikes or berms; right-of-way or perimeter diversion devices; sediment traps and barriers; processing areas, including outside painting areas; wood preparation; recycling; and raw material storage.

11.AA.3.2 Potential Pollutant Sources. (See also Part 5.2.4) The permittee must document in the SWPPP the following additional sources and activities that have potential pollutants associated with them: loading and unloading operations for paints, chemicals, and raw materials; outdoor storage activities for raw materials, paints, empty containers, corn cobs, chemicals, and scrap metals; outdoor manufacturing or processing activities such as grinding, cutting, degreasing, buffing, and brazing; onsite waste disposal practices for spent solvents, sludge, pickling baths, shavings, ingot pieces, and refuse and waste piles.

11.AA.4 Additional Inspection Requirements.

11.AA.4.1 Inspections. (See also Part 6) At a minimum, include the following areas in all inspections: raw metal storage areas, finished product storage areas, material and chemical storage areas, recycling areas, loading and unloading areas, equipment storage areas, paint areas, and vehicle fueling and maintenance areas.

11.AA.4.2 Comprehensive Site Inspections. (See also Part 6.3) As part of the permittees inspections, also inspect areas associated with the storage of raw metals, spent solvents and chemicals storage areas, outdoor paint areas, and drainage from roof. Potential pollutants include chromium, zinc, lubricating oil, solvents, aluminum, oil and grease, methyl ethyl ketone, steel, and related materials.

11.AA.5 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

Table 11.AA.5-1: Sector – Specific Benchmarks – Sector AA

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector AA1. Fabricated Metal Products, except Coating (SIC 3411-3499; 3911-3915)	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Zinc (saltwater) ¹	0.09 mg/L
	Total Zinc (freshwater) ²	Hardness Dependent
Subsector AA2. Fabricated Metal Coating and Engraving (SIC 3479)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Zinc (saltwater) ¹	0.09 mg/L
	Total Zinc (freshwater) ²	Hardness Dependent
	Nitrate plus Nitrite Nitrogen	0.68 mg/L

Note:

1. Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
2. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 7.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Zinc (mg/L)
0 – < 25 mg/L	0.04
25 – < 50 mg/L	0.05
50 – < 75 mg/L	0.08
75 – < 100 mg/L	0.11
100 – < 125 mg/L	0.13
125 – < 150 mg/L	0.16
150 – < 175 mg/L	0.18
175 – < 200 mg/L	0.20
200 – < 225 mg/L	0.23
225 – < 250 mg/L	0.25
250+ mg/L	0.26

11. Subpart AB – Sector AB — Transportation Equipment, Industrial or Commercial Machinery Facilities.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.AB.1 Covered Storm Water Discharges.

The requirements in Subpart AB apply to storm water discharges associated with industrial activity from Transportation Equipment, Industrial or Commercial Machinery facilities as identified by the SIC Codes specified under Sector AB in Table D-1 of Appendix D of the permit.

11.AB.2 Additional SWPPP Requirements.

11.AB.2.1 Drainage Area Site Map. (See also Part 5.2.3) Identify in the permittees SWPPP where any of the following may be exposed to precipitation or surface runoff: vents and stacks from metal processing and similar operations.

11. Subpart AC– Sector AC –Electronic and Electrical Equipment and Components, Photographic and Optical Goods.

A Permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.AC.1 Covered Storm Water Discharges.

The requirements in Subpart AC apply to storm water discharges associated with industrial activity from facilities that manufacture Electronic and Electrical Equipment and Components, Photographic and Optical goods as identified by the SIC Codes specified in Table D-1 of Appendix D of the permit.

11.AC.2 Additional Requirements.

No additional sector-specific requirements apply.

11. Subpart AD – Sector AD – Discharges Designated by the Director as Requiring Permits.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

11.AD.1 Covered Discharges.

Sector AD is used to provide permit coverage for facilities designated by the Department.

11.AD.1.1 Eligibility for Permit Coverage. Because this sector is primarily intended for use by discharges designated by the Department as needing a permit (which is an atypical circumstance), the permittee must obtain the Department's written permission to use this permit prior to submitting an NOI. If a permittee is authorized to use this permit, they will still be required to ensure that their discharges meet the basic eligibility provisions of this permit at Part 1.2.

11.AD.3 Sector-Specific Benchmarks and Effluent Limits. (See also Part 7 of the permit.)

The Department will establish any additional monitoring and reporting requirements for the permittees facility prior to authorizing the permittee to be covered by this permit. Additional monitoring requirements would be based on the nature of activities at the facility and the storm water discharges.

APPENDIX A

STANDARD CONDITIONS

APDES PERMIT

NONDOMESTIC DISCHARGES

September 2011

Attachment A

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Appendix A of the permit contains standard regulatory language that must be included in all APDES permits. These requirements are based on the regulations and cannot be challenged in the context of an individual APDES permit action. The standard regulatory language covers requirements such as monitoring, recording, reporting requirements, compliance responsibilities, and other general requirements. Appendix A, Standard Conditions is an integral and enforceable part of the permit. Failure to comply with a Standard Condition in this Appendix constitutes a violation of the permit and is subject to enforcement.

1.0 Standard Conditions Applicable to All Permits

1.1 Contact Information and Addresses

1.1.1 Permitting Program

Documents, reports, and plans required under the permit and Appendix A are to be sent to the following address:

State of Alaska
Department of Environmental Conservation
Division of Water
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, Alaska 99501
Telephone (907) 269-6285
Fax (907) 269-3487
Email: DEC.WQPermit@alaska.gov

1.1.2 Compliance and Enforcement Program

Documents and reports required under the permit and Appendix A relating to compliance are to be sent to the following address:

State of Alaska
Department of Environmental Conservation
Division of Water
Compliance and Enforcement Program
555 Cordova Street
Anchorage, Alaska 99501
Telephone Nationwide (877) 569-4114
Anchorage Area / International (907) 269-4114
Fax (907) 269-4604
Email: dec-wqreporting@alaska.gov

1.2 Duty to Comply

A permittee shall comply with all conditions of the permittee's APDES permit. Any permit noncompliance constitutes a violation of 33 U.S.C 1251-1387 (Clean Water Act) and state law and is grounds for enforcement action including termination, revocation and reissuance, or modification of a permit, or denial of a permit renewal application. A permittee shall comply with effluent standards or prohibitions established under 33 U.S.C. 1317(a) for toxic pollutants within the time provided in the regulations that establish those effluent standards or prohibitions even if the permit has not yet been modified to incorporate the requirement.

1.3 Duty to Reapply

If a permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain a new permit. In accordance with 18 AAC 83.105(b), a permittee with a currently effective permit shall reapply by submitting a new application at least 180 days before the existing permit expires, unless the Department has granted the permittee permission to submit an application on a later date. However, the Department will not grant permission for an application to be submitted after the expiration date of the existing permit.

1.4 Need to Halt or Reduce Activity Not a Defense

In an enforcement action, a permittee may not assert as a defense that compliance with the conditions of the permit would have made it necessary for the permittee to halt or reduce the permitted activity.

1.5 Duty to Mitigate

A permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

1.6 Proper Operation and Maintenance

1.6.1 A permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances that the permittee installs or uses to achieve compliance with the conditions of the permit. The permittee's duty to operate and maintain properly includes using adequate laboratory controls and appropriate quality assurance procedures. However, a permittee is not required to operate back-up or auxiliary facilities or similar systems that a permittee installs unless operation of those facilities is necessary to achieve compliance with the conditions of the permit.

1.6.2 Operation and maintenance records shall be retained and made available at the site.

1.7 Permit Actions

A permit may be modified, revoked and reissued, or terminated for cause as provided in 18 AAC 83.130. If a permittee files a request to modify, revoke and reissue, or terminate a permit, or gives notice of planned changes or anticipated noncompliance, the filing or notice does not stay any permit condition.

1.8 Property Rights

A permit does not convey any property rights or exclusive privilege.

1.9 Duty to Provide Information

A permittee shall, within a reasonable time, provide to the Department any information that the Department requests to determine whether a permittee is in compliance with the permit, or whether cause exists to modify, revoke and reissue, or terminate the permit. A permittee shall also provide to the Department, upon request, copies of any records the permittee is required to keep under the permit.

1.10 Inspection and Entry

A permittee shall allow the Department, or an authorized representative, including a contractor acting as a representative of the Department, at reasonable times and on presentation of credentials establishing authority and any other documents required by law, to:

- 1.10.1 Enter the premises where a permittee's regulated facility or activity is located or conducted, or where permit conditions require records to be kept;
- 1.10.2 Have access to and copy any records that permit conditions require the permittee to keep;
- 1.10.3 Inspect any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under a permit; and
- 1.10.4 Sample or monitor any substances or parameters at any location for the purpose of assuring permit compliance or as otherwise authorized by 33 U.S.C. 1251-1387 (Clean Water Act).

1.11 Monitoring and Records

A permittee must comply with the following monitoring and recordkeeping conditions:

- 1.11.1 Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.
- 1.11.2 The permittee shall retain records in Alaska of all monitoring information for at least three years, or longer at the Department's request at any time, from the date of the sample, measurement, report, or application. Monitoring records required to be kept include:
 - 1.11.2.1 All calibration and maintenance records,
 - 1.11.2.2 All original strip chart recordings or other forms of data approved by the Department for continuous monitoring instrumentation,
 - 1.11.2.3 All reports required by a permit,
 - 1.11.2.4 Records of all data used to complete the application for a permit,
 - 1.11.2.5 Field logbooks or visual monitoring logbooks,
 - 1.11.2.6 Quality assurance chain of custody forms,
 - 1.11.2.7 Copies of discharge monitoring reports, and
 - 1.11.2.8 A copy of this APDES permit.
- 1.11.3 Records of monitoring information must include:
 - 1.11.3.1 The date, exact place, and time of any sampling or measurement;
 - 1.11.3.2 The name(s) of any individual(s) who performed the sampling or measurement(s);
 - 1.11.3.3 The date(s) and time any analysis was performed;
 - 1.11.3.4 The name(s) of any individual(s) who performed any analysis;
 - 1.11.3.5 Any analytical technique or method used; and
 - 1.11.3.6 The results of the analysis.

1.11.4 Monitoring Procedures

Analyses of pollutants must be conducted using test procedures approved under 40 CFR Part 136, adopted by reference at 18 AAC 83.010, for pollutants with approved test procedures, and using test procedures specified in the permit for pollutants without approved methods.

1.12 Signature Requirement and Penalties

- 1.12.1 Any application, report, or information submitted to the Department in compliance with a permit requirement must be signed and certified in accordance with 18 AAC 83.385. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, or other document filed or required to be maintained under a permit, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be subject to penalties under 33 U.S.C. 1319(c)(4), AS 12.55.035(c)(1)(B), (c)(2) and (c)(3), and AS 46.03.790(g).
- 1.12.2 In accordance with 18 AAC 83.385, an APDES permit application must be signed as follows:
 - 1.12.2.1 For a corporation, a responsible corporate officer shall sign the application; in this subsection, a responsible corporate officer means:
 - 1.12.2.1.1 A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
 - 1.12.2.1.2 The manager of one of more manufacturing, production, or operating facilities, if
 - 1.12.2.1.2.1 The manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations;
 - 1.12.2.1.2.2 The manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and
 - 1.12.2.1.2.3 Authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - 1.12.2.2 For a partnership or sole proprietorship, by the general partner or the proprietor, respectively, shall sign the application.
 - 1.12.2.3 For a municipality, state, federal, or other public agency, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means:
 - 1.12.2.3.1 The chief executive officer of the agency; or
 - 1.12.2.3.2 A senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.
- 1.12.3 Any report required by an APDES permit, and a submittal with any other information requested by the Department, must be signed by a person described in Appendix A, Part 1.12.2, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1.12.3.1 The authorization is made in writing by a person described in Appendix A, Part 1.12.2;

- 1.12.3.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, including the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility; or an individual or position having overall responsibility for environmental matters for the company; and
- 1.12.3.3 The written authorization is submitted to the Department to the Permitting Program address in Appendix A, Part 1.1.1.
- 1.12.4 If an authorization under Appendix A, Part 1.12.3 is no longer effective because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Appendix A, Part 1.12.3 must be submitted to the Department before or together with any report, information, or application to be signed by an authorized representative.
- 1.12.5 Any person signing a document under Appendix A, Part 1.12.2 or Part 1.12.3 shall certify as follows:

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

1.13 Proprietary or Confidential Information

- 1.13.1 A permit applicant or permittee may assert a claim of confidentiality for proprietary or confidential business information by stamping the words "confidential business information" on each page of a submission containing proprietary or confidential business information. The Department will treat the stamped submissions as confidential if the information satisfies the test in 40 CFR §2.208, adopted by reference at 18 AAC 83.010, and is not otherwise required to be made public by state law.
- 1.13.2 A claim of confidentiality under Appendix A, Part 1.13.1 may not be asserted for the name and address of any permit applicant or permittee, a permit application, a permit, effluent data, sewage sludge data, and information required by APDES or NPDES application forms provided by the Department, whether submitted on the forms themselves or in any attachments used to supply information required by the forms.
- 1.13.3 A permittee's claim of confidentiality authorized under Appendix A, Part 1.13.1 is not waived if the Department provides the proprietary or confidential business information to the EPA or to other agencies participating in the permitting process. The Department will supply any information obtained or used in the administration of the state APDES program to the EPA upon request under 40 CFR §123.41, as revised as of July 1, 2005. When providing information submitted to the Department with a claim of confidentiality to the EPA, the Department will notify the EPA of the confidentiality claim. If the Department provides the EPA information that is not claimed to be confidential, the EPA may make the information available to the public without further notice.

1.14 Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any action or relieve a permittee

from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under state laws addressing oil and hazardous substances.

1.15 Cultural and Paleontological Resources

If cultural or paleontological resources are discovered because of this disposal activity, work that would disturb such resources is to be stopped, and the Office of History and Archaeology, a Division of Parks and Outdoor Recreation of the Alaska Department of Natural Resources (<http://www.dnr.state.ak.us/parks/oha/>), is to be notified immediately at (907) 269-8721.

1.16 Fee

A permittee must pay the appropriate permit fee described in 18 AAC 72.

1.17 Other Legal Obligations

This permit does not relieve the permittee from the duty to obtain any other necessary permits from the Department or from other local, state, or federal agencies and to comply with the requirements contained in any such permits. All activities conducted and all plan approvals implemented by the permittee pursuant to the terms of this permit shall comply with all applicable local, state, and federal laws and regulations.

2.0 Special Reporting Obligations

2.1 Planned Changes

- 2.1.1 The permittee shall give notice to the Department as soon as possible of any planned physical alteration or addition to the permitted facility if:
 - 2.1.1.1 The alteration or addition may make the facility a “new source” under one or more of the criteria in 18 AAC 83.990(44); or
 - 2.1.1.2 The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged if those pollutants are not subject to effluent limitations in the permit or to notification requirements under 18 AAC 83.610.
- 2.1.2 If the proposed changes are subject to plan review, then the plans must be submitted at least 30 days before implementation of changes (see 18 AAC 15.020 and 18 AAC 72 for plan review requirements). Written approval is not required for an emergency repair or routine maintenance.
- 2.1.3 Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

2.2 Anticipated Noncompliance

- 2.2.1 A permittee shall give seven days’ notice to the Department before commencing any planned change in the permitted facility or activity that may result in noncompliance with permit requirements.
- 2.2.2 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

2.3 Transfers

- 2.3.1 A permittee may not transfer a permit for a facility or activity to any person except after notice to the Department in accordance with 18 AAC 83.150. The Department may modify or revoke and reissue the permit to change the name of the permittee and incorporate such other requirements under 33 U.S.C. 1251-1387 (Clean Water Act) or state law.
- 2.3.2 Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

2.4 Compliance Schedules

- 2.4.1 A permittee must submit progress or compliance reports on interim and final requirements in any compliance schedule of a permit no later than 14 days following the scheduled date of each requirement.
- 2.4.2 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

2.5 Corrective Information

- 2.5.1 If a permittee becomes aware that it failed to submit a relevant fact in a permit application or submitted incorrect information in a permit application or in any report to the Department, the permittee shall promptly submit the relevant fact or the correct information.
- 2.5.2 Information must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

2.6 Bypass of Treatment Facilities

2.6.1 Prohibition of Bypass

Bypass is prohibited. The Department may take enforcement action against a permittee for any bypass, unless:

- 2.6.1.1 The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- 2.6.1.2 There were no feasible alternatives to the bypass, including use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. However, this condition is not satisfied if the permittee, in the exercise of reasonable engineering judgment, should have installed adequate back-up equipment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
- 2.6.1.3 The permittee provides notice to the Department of a bypass event in the manner, as appropriate, under Appendix A, Part 2.6.2.

2.6.2 Notice of bypass

- 2.6.2.1 For an anticipated bypass, the permittee submits notice at least 10 days before the date of the bypass. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the conditions of Appendix A, Parts 2.6.1.1 and 2.6.1.2.
- 2.6.2.2 For an unanticipated bypass, the permittee submits 24-hour notice, as required in 18 AAC 83.410(f) and Appendix A, Part 3.4, Twenty-four Hour Reporting.
- 2.6.2.3 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

- 2.6.3 Notwithstanding Appendix A, Part 2.6.1, a permittee may allow a bypass that:

- 2.6.3.1 Does not cause an effluent limitation to be exceeded, and
- 2.6.3.2 Is for essential maintenance to assure efficient operation.

2.7 Upset Conditions

- 2.7.1 In any enforcement action for noncompliance with technology-based permit effluent limitations, a permittee may claim upset as an affirmative defense. A permittee seeking to establish the occurrence of an upset has the burden of proof to show that the requirements of Appendix A, Part 2.7.2 are met.
- 2.7.2 To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
 - 2.7.2.1 An upset occurred and the permittee can identify the cause or causes of the upset;
 - 2.7.2.2 The permitted facility was at the time being properly operated;
 - 2.7.2.3 The permittee submitted 24-hour notice of the upset, as required in 18 AAC 83.410(f) and Appendix A, Part 3.4, Twenty-four Hour Reporting; and
 - 2.7.2.4 The permittee complied with any mitigation measures required under 18 AAC 83.405(e) and Appendix A, Part 1.5, Duty to Mitigate.
- 2.7.3 Any determination made in administrative review of a claim that noncompliance was caused by upset, before an action for noncompliance is commenced, is not final administrative action subject to judicial review.

2.8 Existing Manufacturing, Commercial, Mining, and Silvicultural Discharges

- 2.8.1 In addition to the reporting requirements under 18 AAC 83.410, an existing manufacturing, commercial, mining, and silvicultural discharger shall notify the Department as soon as that discharger knows or has reason to believe that any activity has occurred or will occur that would result in:
 - 2.8.1.1 The discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - 2.8.1.1.1 One hundred micrograms per liter (100 µg/L);
 - 2.8.1.1.2 Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile, 500 micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol, and one milligram per liter (1 mg/L) for antimony;
 - 2.8.1.1.3 Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 18 AAC 83.310(c)-(g); or
 - 2.8.1.1.4 The level established by the Department in accordance with 18 AAC 83.445.
 - 2.8.1.2 Any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - 2.8.1.2.1 Five hundred micrograms per liter (500 µg/L);
 - 2.8.1.2.2 One milligram per liter (1 mg/L) for antimony;

- 2.8.1.2.3 Ten times the maximum concentration value reported for that pollutant in the permit application in accordance with 18 AAC 83.310(c)-(g); or
- 2.8.1.2.4 The level established by the Department in accordance with 18 AAC 83.445.

3.0 Monitoring, Recording, and Reporting Requirements

3.1 Representative Sampling

A permittee must collect effluent samples from the effluent stream after the last treatment unit before discharge into the receiving waters. Samples and measurements must be representative of the volume and nature of the monitored activity or discharge.

3.2 Reporting of Monitoring Results

The permittee shall summarize monitoring results on the annual report form or approved equivalent. The permittee shall submit its annual report at the interval specified in the permit. The permittee shall sign and certify all annual reports and other reports in accordance with the requirements of Appendix A, Part 1.12, Signatory Requirement and Penalties. The permittee shall submit the legible originals of these documents to the ADEC Compliance and Enforcement Program at the address in Appendix A, Part 1.1.2.

3.3 Additional Monitoring by Permittee

If the permittee monitors any pollutant more frequently than the permit requires using test procedures approved in 40 CFR Part 136, adopted by reference at 18 AAC 83.010, or as specified in this permit, the results of that additional monitoring must be included in the calculation and reporting of the data submitted in the DMR or annual report required by Appendix A, Part 3.2. All limitations that require averaging of measurements must be calculated using an arithmetic means unless the Department specifies another method in the permit. Upon request by the Department, the permittee must submit the results of any other sampling and monitoring regardless of the test method used.

3.4 Twenty-four Hour Reporting

A permittee shall report any noncompliance event that may endanger health or the environment as follows:

- 3.4.1 A report must be made:
 - 3.4.1.1 Orally within 24 hours after the permittee becomes aware of the circumstances, and
 - 3.4.1.2 In writing within five days after the permittee becomes aware of the circumstances.
- 3.4.2 A report must include the following information:
 - 3.4.2.1 A description of the noncompliance and its causes, including the estimated volume or weight and specific details of the noncompliance;
 - 3.4.2.2 The period of noncompliance, including exact dates and times;
 - 3.4.2.3 If the noncompliance has not been corrected, a statement regarding the anticipated time the noncompliance is expected to continue; and
 - 3.4.2.4 Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- 3.4.3 An event that must be reported within 24 hours includes:
- 3.4.3.1 An unanticipated bypass that exceeds any effluent limitation in the permit (see Appendix A, Part 2.6, Bypass of Treatment Facilities).
 - 3.4.3.2 An upset that exceeds any effluent limitation in the permit (see Appendix A, Part 2.7, Upset Conditions).
 - 3.4.3.3 A violation of a maximum daily discharge limitation for any of the pollutants listed in the permit as requiring 24-hour reporting.
- 3.4.4 The Department may waive the written report on a case-by-case basis for reports under Appendix A, Part 3.4 if the oral report has been received within 24 hours of the permittee becoming aware of the noncompliance event.
- 3.4.5 The permittee may satisfy the written reporting submission requirements of Appendix A, Part 3.4 by submitting the written report via e-mail, if the following conditions are met:
- 3.4.5.1 The Noncompliance Notification Form or equivalent form is used to report the noncompliance;
 - 3.4.5.2 The written report includes all the information required under Appendix A, Part 3.4.2;
 - 3.4.5.3 The written report is properly certified and signed in accordance with Appendix A, Parts 1.12.3 and 1.12.5.;
 - 3.4.5.4 The written report is scanned as a PDF (portable document format) document and transmitted to the Department as an attachment to the e-mail; and
 - 3.4.5.5 The permittee retains in the facility file the original signed and certified written report and a printed copy of the conveying email.
- 3.4.6 The e-mail and PDF written report will satisfy the written report submission requirements of this permit provided the e-mail is received by the Department within five days after the time the permittee becomes aware of the noncompliance event and the e-mail and written report satisfy the criteria of Part 3.4.5. The e-mail address to report noncompliance is:
dec-wqreporting@alaska.gov

3.5 Other Noncompliance Reporting

A permittee shall report all instances of noncompliance not required to be reported under Appendix A, Parts 2.4 (Compliance Schedules), 3.3 (Additional Monitoring by Permittee), and 3.4 (Twenty-four Hour Reporting) at the time the permittee submits monitoring reports under Appendix A, Part 3.2. (Reporting of Monitoring Results). A report of noncompliance under this part must contain the information listed in Appendix A, Part 3.4.2 and be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

4.0 Penalties for Violations of Permit Conditions

Alaska laws allow the State to pursue both civil and criminal actions concurrently. The following is a summary of Alaska law. Permittees should read the applicable statutes for further substantive and procedural details.

4.1 Civil Action

Under AS 46.03.760(e), a person who violates or causes or permits to be violated a regulation, a lawful

order of the Department, or a permit, approval, or acceptance, or term or condition of a permit, approval or acceptance issued under the program authorized by AS 46.03.020 (12) is liable, in a civil action, to the State for a sum to be assessed by the court of not less than \$500 nor more than \$100,000 for the initial violation, nor more than \$10,000 for each day after that on which the violation continues, and that shall reflect, when applicable:

- 4.1.1 Reasonable compensation in the nature of liquated damages for any adverse environmental effects caused by the violation, that shall be determined by the court according to the toxicity, degradability, and dispersal characteristics of the substance discharged, the sensitivity of the receiving environment, and the degree to which the discharge degrades existing environmental quality;
- 4.1.2 Reasonable costs incurred by the State in detection, investigation, and attempted correction of the violation;
- 4.1.3 The economic savings realized by the person in not complying with the requirements for which a violation is charged; and
- 4.1.4 The need for an enhanced civil penalty to deter future noncompliance.

4.2 Injunctive Relief

- 4.2.1 Under AS 46.03.820, the Department can order an activity presenting an imminent or present danger to public health or that would be likely to result in irreversible damage to the environment be discontinued. Upon receipt of such an order, the activity must be immediately discontinued.
- 4.2.2 Under AS 46.03.765, the Department can bring an action in Alaska Superior Court seeking to enjoin ongoing or threatened violations for Department-issued permits and Department statutes and regulations.

4.3 Criminal Action

Under AS 46.03.790(h), a person is guilty of a Class A misdemeanor if the person negligently:

- 4.3.1 Violates a regulation adopted by the Department under AS 46.03.020(12);
- 4.3.2 Violates a permit issued under the program authorized by AS 46.03.020(12);
- 4.3.3 Fails to provide information or provides false information required by a regulation adopted under AS 46.03.020(12);
- 4.3.4 Makes a false statement, representation, or certification in an application, notice, record, report, permit, or other document filed, maintained, or used for purposes of compliance with a permit issued under or a regulation adopted under AS 46.03.020(12); or
- 4.3.5 Renders inaccurate a monitoring device or method required to be maintained by a permit issued or under a regulation adopted under AS 46.03.020(12).

4.4 Other Fines

Upon conviction of a violation of a regulation adopted under AS 46.03.020(12), a defendant who is not an organization may be sentenced to pay a fine of not more than \$10,000 for each separate violation (AS 46.03.790(g)). A defendant that is an organization may be sentenced to pay a fine not exceeding the greater of: (1) \$200,00; (2) three times the pecuniary gain realized by the defendant as a result of the offense; or (3) three times the pecuniary damage or loss caused by the defendant to another, or the property of another, as a result of the offense (AS 12.55.035(c)(B), (c)(2), and (c)(3)).

APPENDIX B

ABBREVIATIONS AND ACRONYMS

Appendix B – Abbreviations and Acronyms

BOD₅ – Biochemical Oxygen Demand (5-day test)

BMP – Best Management Practice

CERCLA – Comprehensive Environmental Response, Compensation and Liability Act

CGP – Construction General Permit

COD – Chemical Oxygen Demand

CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)

CWT – Centralized Waste Treatment

DMR – Discharge Monitoring Report

EPA – U. S. Environmental Protection Agency

ESA – Endangered Species Act

FWS – U. S. Fish and Wildlife Service

LA – Load Allocations

MDMR – MSGP Discharge Monitoring Report

MGD – Million Gallons per Day

MOS – Margin of Safety

MS4 – Municipal Separate Storm Sewer System

MSDS – Material Safety Data Sheet

MSGP – Multi-Sector General Permit

NAICS – North American Industry Classification System

NEPA – National Environmental Policy Act

NHPA – National Historic Preservation Act

NMFS – U. S. National Marine Fisheries Service

NOI – Notice of Intent

NOT – Notice of Termination

NPDES – National Pollutant Discharge Elimination System

NRC – National Response Center

NRHP – National Register of Historic Places

NSPS – New Source Performance Standard

NTU – Nephelometric Turbidity Unit

OMB – U. S. Office of Management and Budget

ORW – Outstanding Resource Water

OSM – U. S. Office of Surface Mining

POTW – Publicly Owned Treatment Works

RCRA – Resource Conservation and Recovery Act

RQ – Reportable Quantity

SARA – Superfund Amendments and Reauthorization Act

SHPO – State Historic Preservation Officer

SIC – Standard Industrial Classification

SMCRA – Surface Mining Control and Reclamation Act

SPCC – Spill Prevention, Control, and Countermeasures

SWPPP – Stormwater Pollution Prevention Plan

THPO – Tribal Historic Preservation Officer

TMDL – Total Maximum Daily Load

TSDf – Treatment, Storage, or Disposal Facility

TSS – Total Suspended Solids

USGS – United States Geological Survey

WLA – Wasteload Allocation

WQS – Water Quality Standard

APPENDIX C DEFINITIONS

Appendix C – Definitions (for the purposes of this permit).

Action Area – all areas to be affected directly or indirectly by the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities, and not merely the immediate area involved in these discharges and activities.

Arid Climate – areas where annual rainfall averages from 0 to 10 inches.

Best Management Practices (BMPs) – schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. See 40 CFR 122.2.

Co-Located Industrial Activities – Any industrial activities, excluding your primary industrial activity(ies), located on-site that are defined by the storm water regulations at 122.26(b)(14)(i)-(ix) and (xi). An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the storm water regulations or identified by the SIC code list in Appendix D.

Control Measure – refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

Director – a Director of the Division of Water within the Department of Environmental Conservation.

Discharge – when used without qualification, means the "discharge of a pollutant." See 40 CFR 122.2.

Discharge of a Pollutant – any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source,” or any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

Discharge-Related Activities – activities that cause, contribute to, or result in storm water and allowable non-storm water point source discharges, and measures such as the siting, construction and operation of BMPs to control, reduce, or prevent pollution in the discharges.

Drought-Stricken Area – a period of below average water content in streams, reservoirs, ground-water aquifers, lakes and soils.

EPA Approved or Established Total Maximum Daily Loads (TMDLs) – “EPA Approved TMDLs” are those that are developed by a State and approved by EPA. “EPA Established TMDLs” are those that are developed by EPA.

Existing Discharger – an operator applying for coverage under this permit for discharges authorized previously under an NPDES general or individual permit.

Facility or Activity – any NPDES “point source” (including land or appurtenances thereto) that is subject to regulation under the NPDES program. See 40 CFR 122.2.

Fall Freeze-up –For the purposes of this permit, means for planning purposes in the development of the SWPPP and initial planning of the control measure maintenance the date in the fall that air temperatures will be predominately below freezing. It is the date in the fall that has an 80% probability that a minimum temperature below a threshold of 32.5 degrees Fahrenheit will occur on or after the given date. This date can be found by looking up the “Fall ‘Freeze’ Probabilities” for the weather station closest to the facility on the website www.wrcc.dri.edu/summary/Climsmak.html. NOTE: This estimation of “Fall Freeze-up” is for planning purposes only. During construction and operation the permittee will need to maintain control measures based on actual conditions.

Federal Facility – any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the federal government.

Final Stabilization - For the purposes of this permit, means that:

1. All soil disturbing activities at the site have been completed and either of the two following criteria shall be met:
 - a. a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
 - b. equivalent non vegetative permanent stabilization measures have been employed (such as the use of riprap, gabions, porous backfill (ADOT&PF Specification 703-2.10), railroad ballast or subballast, ditch lining (ADOT&PF Specification 610-2.01 with <3% smaller than #200 sieve), geotextiles, or fill material with low erodibility as determined by an engineer familiar with the site and documented in the SWPPP).
2. When background native vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, then 70 percent of 50 percent ($0.70 \times 0.50 = 0.35$) would require 35 percent total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.

3. In arid and semi-arid areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:
 - a. Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the permittee;
 - b. The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.

Impaired Water (or “Water Quality Impaired Water” or “Water Quality Limited Segment”) – A water is impaired for purposes of this permit if it has been identified by a State or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards (these waters are called “water quality limited segments” under 40 CFR 30.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

Indian Country – (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe. (18 U.S.C. 1151)

Industrial Activity – the 10 categories of industrial activities included in the definition of “storm water discharges associated with industrial activity” as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

Industrial Storm Water – storm water runoff from industrial activity.

Measurable Storm Event - a storm event that results in an actual discharge from the facility that follows the preceding measurable storm event by at least 72 hours (3 days). No specific storm magnitude (i.e., 0.1 inches or greater) is specified, only an event which results in a discharge. For snowmelt, an event which some point in time produces a measurable discharge from the facility.

Minimize – To reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

Municipal Separate Storm Sewer – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- a. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage,

industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;

- b. Designed or used for collecting or conveying storm water;
- c. Which is not a combined sewer; and
- d. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. See 40 CFR 122.26(b)(4) and (b)(7).

New Discharger – a facility from which there is a discharge, that did not commence the discharge at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective NPDES permit for discharges at that site. See 40 CFR 122.2.

New Source – any building, structure, facility, or installation from which there is or may be a “discharge of pollutants,” the construction of which commenced:

- after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or
- after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal. See 40 CFR 122.2.

New Source Performance Standards (NSPS) – technology-based standards for facilities that qualify as new sources under 40 CFR 122.2 and 40 CFR 122.29.

No exposure – all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. See 40 CFR 122.26(g).

Operator – any entity with a storm water discharge associated with industrial activity that meets either of the following two criteria:

- a. The entity has operational control over industrial activities, including the ability to modify those activities;
- b. The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit); or
- c. The entity is either the owner or leasee of a parcel of land which is being used as a Non-Traditional Non-Metallic Mineral Mining facility.

Permittee – Is a person who is authorized to discharge pollutants to waters of the United States in accordance with the conditions and requirements of this permit.

Person – an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof. See 40 CFR 122.2.

Point Source – any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff. See 40 CFR 122.2.

Pollutant – dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water. See 40 CFR 122.2.

Pollutant of Concern – A pollutant which causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in a state's 303(d) list.

Practicable – For the purposes of this permit, means capable of being done after taking into consideration costs, existing technology, standards of construction practice, impacts to water quality, site conditions, and logistics in light of the overall project purpose.

Primary Airport – are publicly owned airports that receive scheduled passenger service and have more than 10,000 passengers boarding each year.

Primary Industrial Activity – includes any activities performed on-site which are (1) identified by the facility's primary SIC code; or (2) included in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), or (vii), and (ix). [For co-located activities covered by multiple SIC codes, it is recommended that the primary industrial determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary industrial activity.] Narrative descriptions in 40 CFR 122.26(b)(14) identified above include: (i) activities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (iv) hazardous waste treatment storage, or disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (v) landfills, land application sites and open dumps that receive or have received industrial wastes; (vii) steam electric power generating facilities; and (ix) sewage treatment works with a design flow of 1.0 mgd or more.

Qualified Personnel – Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at your facility, and who can also evaluate the effectiveness of control measures.

Reportable Quantity Release – a release of a hazardous substance at or above the established legal threshold that requires emergency notification. Refer to 40 CFR Parts 110, 117, and 302 for complete definitions and reportable quantities for which notification is required.

Runoff Coefficient – the fraction of total rainfall that will appear at the conveyance as runoff. See 40 CFR 122.26(b)(11).

Saline Water – salinity equal or exceed 0.5 parts per thousand (by mass).

Semi-Arid Climate – areas where annual rainfall averages from 10 to 20 inches.

Significant Materials – includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges. See 40 CFR 122.26(b)(12).

Special Aquatic Sites – sites identified in 40 CFR 230 Subpart E. These are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region.

Spring Thaw – For the purposes of this permit, means for planning purposes in the development of the SWPPP and initial planning of the control measure maintenance the date in the spring that air temperatures will be predominately above freezing. It is the date in the spring that has a 20% probability that a minimum temperature below a threshold of 32.5 degrees Fahrenheit will occur on or after the given date. This date can be found by looking up the “Spring ‘Freeze’ Probabilities” for the weather station closest to the facility on the website www.wrcc.dri.edu/summary/Climsmak.html NOTE: This estimation of “Spring Thaw” is for planning purposes only. During construction and operation the permittee will need to maintain control measures based on actual conditions.

Storm Water – storm water runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13).

Storm Water Discharges Associated with Construction Activity – a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

Storm Water Discharges Associated with Industrial Activity – the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges

from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities include those that are federally, State, or municipally owned or operated that meet the description of the facilities listed in 40 CFR 122.26(b)(14). The term also includes those facilities designated under the provisions of 40 CFR 122.26(a)(1)(v). See 40 CFR 122.26(b)(14).

Temporary Stabilization – measures taken to protect soils from erosion by rainfall, snow melt, runoff, or wind, with surface roughening or a surface cover, including, but not limited to, establishment of ground vegetation, application of mulch, surface tackifiers, rolled erosion control products, gravel or paving.

Total Maximum Daily Loads (TMDLs) – A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See Section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

Uncontaminated – Free from the presence of pollutants attributable to industrial activity.

Water Quality Impaired – See ‘Impaired Water’.

Water Quality Standards – For the purposes of this permit, means the Alaska Water Quality Standards (18 AAC 70) as approved by U.S. EPA. As defined in 40 CFR § 131.3 water quality standards are provisions of State or Federal law which consist of a designated use or uses for the waters of the United States and water quality criteria for such waters based upon such uses. Water quality standards are to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act.

Winter Shutdown – The cessation of soil disturbing or soil stabilizing construction activity for the winter. Typically this period is from October/November to April/May and is approximately from fall freeze-up to spring thaw.

“You” and “Your” – as used in this permit are intended to refer to the permittee, the operator, or the discharger as the context indicates and that party’s facility or responsibilities. The use of “you” and “your” refers to a particular facility and not to all facilities operated by a particular entity. For example, “you must submit” means the permittee must submit something for that particular facility. Likewise, “all your discharges” would refer only to discharges at that one facility.

APPENDIX D

ACTIVITIES COVERED

Appendix D – Facilities and Activities Covered

Your permit eligibility is limited to discharges from facilities in the “sectors” of industrial activity summarized in Table D-1. These sector descriptions are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes. References to “sectors” in this permit (e.g., sector-specific monitoring requirements) refer to these groupings.

Table D-1. Sectors of Industrial Activity Covered by This Permit

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
SECTOR A: TIMBER PRODUCTS		
A1	2421	General Sawmills and Planing Mills
A2	2491	Wood Preserving
A3	2411	Log Storage and Handling
A4	2426	Hardwood Dimension and Flooring Mills
	2429	Special Product Sawmills, Not Elsewhere Classified
	2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood (see Sector W)
	2448	Wood Pallets and Skids
	2449	Wood Containers, Not Elsewhere Classified
	2451, 2452	Wood Buildings and Mobile Homes
	2493	Reconstituted Wood Products
	2499	Wood Products, Not Elsewhere Classified
A5	2441	Nailed and Lock Corner Wood Boxes and Shook
SECTOR B: PAPER AND ALLIED PRODUCTS		
B1	2631	Paperboard Mills
B2	2611	Pulp Mills
	2621	Paper Mills
	2652-2657	Paperboard Containers and Boxes
	2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes
SECTOR C: CHEMICALS AND ALLIED PRODUCTS		
C1	2873-2879	Agricultural Chemicals
C2	2812-2819	Industrial Inorganic Chemicals
C3	2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations
C4	2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass
C5	2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; in vitro and in vivo Diagnostic Substances; and Biological Products, Except Diagnostic Substances
	2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
	2861-2869	Industrial Organic Chemicals
	2891-2899	Miscellaneous Chemical Products
C5	3952 (limited to list of inks and paints)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors
	2911	Petroleum Refining

Table D-1. Sectors of Industrial Activity Covered by This Permit

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS		
D1	2951, 2952	Asphalt Paving and Roofing Materials
D2	2992, 2999	Miscellaneous Products of Petroleum and Coal
SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS		
E1	3251-3259	Structural Clay Products
	3261-3269	Pottery and Related Products
E2	3271-3275	Concrete, Gypsum, and Plaster Products
E3	3211	Flat Glass
	3221, 3229	Glass and Glassware, Pressed or Blown
	3231	Glass Products Made of Purchased Glass
	3241	Hydraulic Cement
	3281	Cut Stone and Stone Products
	3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products
SECTOR F: PRIMARY METALS		
F1	3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
F2	3321-3325	Iron and Steel Foundries
F3	3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals
F4	3363-3369	Nonferrous Foundries (Castings)
F5	3331-3339	Primary Smelting and Refining of Nonferrous Metals
	3341	Secondary Smelting and Refining of Nonferrous Metals
	3398, 3399	Miscellaneous Primary Metal Products
SECTOR G: METAL MINING (ORE MINING AND DRESSING)		
G1	1021	Copper Ore and Mining Dressing Facilities
G2	1011	Iron Ores
	1021	Copper Ores
	1031	Lead and Zinc Ores
	1041, 1044	Gold and Silver Ores
	1061	Ferroalloy Ores, Except Vanadium
	1081	Metal Mining Services
	1094, 1099	Miscellaneous Metal Ores
SECTOR H: COAL MINES AND COAL MINING-RELATED FACILITIES		
H1	1221-1241	Coal Mines and Coal Mining-Related Facilities
SECTOR I: OIL AND GAS EXTRACTION AND REFINING		
I1	1311	Crude Petroleum and Natural Gas
	1321	Natural Gas Liquids
	1381-1389	Oil and Gas Field Services
SECTOR J: MINERAL MINING AND DRESSING		
J1	1442	Construction Sand and Gravel
	1446	Industrial Sand
J2	1411	Dimension Stone
	1422-1429	Crushed and Broken Stone, Including Rip Rap
	1481	Nonmetallic Minerals Services, Except Fuels
	1499	Miscellaneous Nonmetallic Minerals, Except Fuels
J3	1455, 1459	Clay, Ceramic, and Refractory Materials
	1474-1479	Chemical and Fertilizer Mineral Mining

Table D-1. Sectors of Industrial Activity Covered by This Permit

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES		
K1	HZ	Hazardous Waste Treatment, Storage, or Disposal Facilities, including those that are operating under interim status or a permit under subtitle C of RCRA
SECTOR L: LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS		
L1	LF	All Landfill, Land Application Sites and Open Dumps
L2	LF	All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60
SECTOR M: AUTOMOBILE SALVAGE YARDS		
M1	5015	Automobile Salvage Yards
SECTOR N: SCRAP RECYCLING FACILITIES		
N1	5093	Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling
N2	5093	Source-separated Recycling Facility
SECTOR O: STEAM ELECTRIC GENERATING FACILITIES		
O1	SE	Steam Electric Generating Facilities, including coal handling sites
SECTOR P: LAND TRANSPORTATION AND WAREHOUSING		
P1	4011, 4013	Railroad Transportation
	4111-4173	Local and Highway Passenger Transportation
	4212-4231	Motor Freight Transportation and Warehousing
	4311	United States Postal Service
	5171	Petroleum Bulk Stations and Terminals
SECTOR Q: WATER TRANSPORTATION		
Q1	4412-4499	Water Transportation Facilities
SECTOR R: SHIP AND BOAT BUILDING AND REPAIRING YARDS		
R1	3731, 3732	Ship and Boat Building or Repairing Yards
SECTOR S: AIR TRANSPORTATION FACILITIES		
S1	4512-4581	Air Transportation Facilities
SECTOR T: TREATMENT WORKS		
T1	TW	Treatment Works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA
SECTOR U: FOOD AND KINDRED PRODUCTS		
U1	2041-2048	Grain Mill Products
U2	2074-2079	Fats and Oils Products
U3	2011-2015	Meat Products
	2021-2026	Dairy Products

Table D-1. Sectors of Industrial Activity Covered by This Permit

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
U3	2032-2038	Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties
	2051-2053	Bakery Products
	2061-2068	Sugar and Confectionery Products
	2082-2087	Beverages
	2091-2099	Miscellaneous Food Preparations and Kindred Products
	2111-2141	Tobacco Products
SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING; LEATHER AND LEATHER PRODUCTS		
V1	2211-2299	Textile Mill Products
	2311-2399	Apparel and Other Finished Products Made from Fabrics and Similar Materials
	3131-3199	Leather and Leather Products (note: see Sector Z1 for Leather Tanning and Finishing)
SECTOR W: FURNITURE AND FIXTURES		
W1	2434	Wood Kitchen Cabinets
	2511-2599	Furniture and Fixtures
SECTOR X: PRINTING AND PUBLISHING		
X1	2711-2796	Printing, Publishing, and Allied Industries
SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING INDUSTRIES		
Y1	3011	Tires and Inner Tubes
	3021	Rubber and Plastics Footwear
	3052, 3053	Gaskets, Packing and Sealing Devices, and Rubber and Plastic Hoses and Belting
	3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified
Y2	3081-3089	Miscellaneous Plastics Products
	3931	Musical Instruments
	3942-3949	Dolls, Toys, Games, and Sporting and Athletic Goods
	3951-3955 (except 3952 – see Sector C)	Pens, Pencils, and Other Artists' Materials
	3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
	3991-3999	Miscellaneous Manufacturing Industries
SECTOR Z: LEATHER TANNING AND FINISHING		
Z1	3111	Leather Tanning and Finishing
SECTOR AA: FABRICATED METAL PRODUCTS		
AA1	3411-3499 (except 3479)	Fabricated Metal Products, Except Machinery and Transportation Equipment, and Coating, Engraving, and Allied Services.
	3911-3915	Jewelry, Silverware, and Plated Ware
AA2	3479	Fabricated Metal Coating and Engraving
SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY		
AB1	3511-3599 (except 3571-3579)	Industrial and Commercial Machinery, Except Computer and Office Equipment (see Sector AC)

Table D-1. Sectors of Industrial Activity Covered by This Permit

Table 2. A. Sectors of Industrial Activity Covered by This Form

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code ¹	Activity Represented
AB1	3711-3799 (except 3731, 3732)	Transportation Equipment Except Ship and Boat Building and Repairing (see Sector R)
SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS		
AC1	3571-3579	Computer and Office Equipment
	3812-3873	Measuring, Analyzing, and Controlling Instruments; Photographic and Optical Goods, Watches, and Clocks
	3612-3699	Electronic and Electrical Equipment and Components, Except Computer Equipment
SECTOR AD: NON-CLASSIFIED FACILITIES		
AD1	Other stormwater discharges designated by the Director as needing a permit (see 40 CFR 122.26(a)(9)(i)(C) & (D)) or any facility discharging stormwater associated with industrial activity not described by any of Sectors A-AC. NOTE: Facilities may not elect to be covered under Sector AD. Only the Director may assign a facility to Sector AD.	

¹ A complete list of SIC Codes (and conversions from the newer North American Industry Classification System” (NAICS)) can be obtained from the Internet at www.census.gov/epcd/www/naics.html or in paper form from various locations in the document titled *Handbook of Standard Industrial Classifications*, Office of Management and Budget, 1987.

Appendix E

Calculating Hardness in Receiving Waters for Hardness Dependent Metals

Appendix E – Calculating Hardness in Receiving Waters for Hardness Dependent Metals

E.1 Overview

EPA adjusted the benchmarks for six hardness-dependent metals (i.e., cadmium, copper, lead, nickel, silver, and zinc) to further ensure compliance with water quality standards and provide additional protection for endangered species and their critical habitat. For any sectors required to conduct benchmark samples for a hardness-dependent metal, DEC includes ‘hardness ranges’ from which benchmark values are determined. To determine which hardness range to use, you must collect data on the hardness of your receiving water(s). Once the site-specific hardness data have been collected, the corresponding benchmark value for each metal is determined by comparing where the hardness data fall within 25 mg/L ranges, as shown in Table E.1.

Table E.1: Hardness Ranges to Be Used to Determine Benchmark Values for Cadmium, Copper, Lead, Nickel, Silver, and Zinc.

All Units mg/L	Benchmark Values (mg/L, total)					
	Cadmium	Copper	Lead	Nickel	Silver	Zinc
0-25 mg/L	0.0005	0.0038	0.014	0.15	0.0007	0.04
25-50 mg/L	0.0008	0.0056	0.023	0.20	0.0007	0.05
50-75 mg/L	0.0013	0.0090	0.045	0.32	0.0017	0.08
75-100 mg/L	0.0018	0.0123	0.069	0.42	0.0030	0.11
100-125 mg/L	0.0023	0.0156	0.095	0.52	0.0046	0.13
125-150 mg/L	0.0029	0.0189	0.122	0.61	0.0065	0.16
150-175 mg/L	0.0034	0.0221	0.151	0.71	0.0087	0.18
175-200 mg/L	0.0039	0.0253	0.182	0.80	0.0112	0.20
200-225 mg/L	0.0045	0.0285	0.213	0.89	0.0138	0.23
225-250 mg/L	0.0050	0.0316	0.246	0.98	0.0168	0.25
250+ mg/L	0.0053	0.0332	0.262	1.02	0.0183	0.26

E.2 How to Determine Hardness for Hardness-Dependent Parameters.

You may select one of three methods to determine hardness, including; individual grab sampling, grab sampling by a group of operators which discharge to the same receiving water, or using third-party data. Regardless of the method used, you are responsible for documenting the procedures used for determining hardness values. Once the hardness value is established, you are required to include this information in your first benchmark report submitted to DEC so that the Department can make appropriate comparisons between your benchmark monitoring results and the corresponding benchmark. You must retain all report and monitoring data in accordance with Part 9.5 of the permit. The three method options for determining hardness are detailed in the following sections.

(1) Permittee Samples for Receiving Stream Hardness

This method involves collecting samples in the receiving water and submitting these to a laboratory for analysis. If you elect to sample your receiving water(s) and submit samples for analysis, hardness must be determined from the closest intermittent or perennial stream downstream of your point of discharge.

The sample can be collected during either dry or wet weather. Collection of the sample during wet weather is more representative of conditions during stormwater discharges; however, collection of in-stream samples during wet weather events may be impracticable or present safety issues.

Hardness must be sampled and analyzed using approved methods as described in 40 CFR Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants).

(2) Group Monitoring for Receiving Stream Hardness

You can be part of a group of permittees discharging to the same receiving waters and collect samples that are representative of the hardness values for all members of the group. In this scenario, hardness of the receiving water must be determined using 40 CFR Part 136 procedures and the results shared by group members. To use the same results, hardness measurements must be taken on a stream reach within a reasonable distance of the discharge points of each of the group members.

(3) Collection of Third-Party Hardness Data

You can submit receiving stream hardness data collected by a third party provided the results are collected consistent with the approved 40 CFR Part 136 methods. These data may come from a local water utility, previously conducted stream reports, TMDLs, peer reviewed literature, other government publications, or data previously collected by the permittee. Data should be less than 10 years old.

Water quality data for many of the nation's surface waters are available on-line or by contacting EPA or a state environmental agency. EPA's data system STORET, short for STORage and RETrieval, is a repository for receiving water quality, biological, and physical data and is used by state environmental agencies, EPA and other federal agencies, universities, private citizens, and many others. Similarly, state environmental agencies and the U.S. Geological Service (USGS) also have water quality data available that, in some instances, can be accessed online. "Legacy STORET" codes for hardness include: 259 hardness, carbonate; 260 hardness, noncarbonated; and 261 calcium + magnesium, while more recent, "Modern STORET" data codes include: 00900 hardness, 00901 carbonate hardness, and 00902 noncarbonate hardness; or the discrete measurements of calcium (00915) and magnesium (00925) can be used to calculate hardness. Hardness data historically has been reported as "carbonate," "noncarbonate," or "Ca + Mg." If these are unavailable, then individual results for calcium (Ca) and magnesium (Mg) may be used to calculate hardness using the following equation:

$$\frac{mg}{L} CaO_3 = 2.497 \left(Ca \frac{mg}{L} \right) + 4.118 \left(Mg \frac{mg}{L} \right)$$

When interpreting the data for carbonate and non-carbonate hardness, note that total hardness is equivalent to the sum of carbonate and noncarbonate hardness if both forms are reported. If only carbonate hardness is reported, it is more than likely that noncarbonate hardness is absent and the total hardness is equivalent to the available carbonate hardness.

Appendix F – MSGP Forms

Notice of Intent (NOI) Form

To obtain coverage under this permit, you must submit a Notice of Intent (NOI). You must submit an NOI using either:

- (1) DEC's Electronic Notice of Intent (eNOI) system, available at <http://dec.alaska.gov/water/wnpspc/stormwater/APDESeNOI.html>, or
- (2) file a paper copy of the NOI available at: <http://dec.alaska.gov/water/wnpspc/stormwater/Forms.htm>.

Notice of Termination (NOT) Form

To terminate coverage under this permit, you must submit a Notice of Termination (NOT). You must either

- (1) terminate coverage using EPA's online eNOI system, available at <http://dec.alaska.gov/water/wnpspc/stormwater/APDESeNOI.html> or
- (2) file a paper copy of the NOT, available at: <http://dec.alaska.gov/water/wnpspc/stormwater/Forms.htm>.

Annual Report Form

Available at: <http://dec.alaska.gov/water/wnpspc/stormwater/Forms.htm>.

Corrective Action Form

Available at: <http://dec.alaska.gov/water/wnpspc/stormwater/Forms.htm>.

NOI Modification Form

Available at: <http://dec.alaska.gov/water/wnpspc/stormwater/Forms.htm>.

MSGP Industrial Discharge Monitoring Report (MDMR)

Available at: <http://dec.alaska.gov/water/wnpspc/stormwater/Forms.htm>.

No Exposure Certification Form

Available at: <http://dec.alaska.gov/water/wnpspc/stormwater/Forms.htm>.

Noncompliance Notification Form

Available at <http://dec.alaska.gov/water/wnpspc/stormwater/Forms.htm>.

Appendix D
Monitoring and Inspection Forms and Reports

SWPPP MSGP 2015 Inspection Report

General Information			
Project Name			
NOI Tracking No.		Location	
Date of Inspection		Start/End Time	
Inspector's Name(s)	Contractor:	Owner (if joint):	
Inspector's Title(s)			
Inspector's Contact Information			
Describe present phase of construction			
Type of Inspection ☐ Monthly ☐ Pre-storm event ☐ During storm event ☐ Post-storm event ☐ Other (describe): ☐ Quarterly			
Weather Information			
Has it rained since the last inspection? ☐ Yes ☐ No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Rainfall (in):			
Weather at time of this inspection?			
Is there evidence that erosion discharges have left the project site since the last inspection? ☐ Yes ☐ No			
Are there any erosion discharges leaving the project site at the time of inspection? ☐ Yes ☐ No			

Site-specific BMPs

Number the structural and non-structural BMPs identified in your SWPPP on your plan sheets and list them below (add as many BMPs as necessary). Carry a copy of this numbered site map with you during your inspections. This list will help ensure that you are inspecting all required BMPs at your site. Customize this section as needed.

	BMP Description / Location	BMP Installed and Operating Properly?	Corrective Action Needed	Date for corrective action/responsible person
1		☐ Yes ☐ No		
2		☐ Yes ☐ No		
3		☐ Yes ☐ No		
4		☐ Yes ☐ No		
5		☐ Yes ☐ No		

	BMP Description / Location	BMP Installed and Operating Properly?	Corrective Action Needed	Date for corrective action/responsible person
6		☐ Yes ☐ No		
7		☐ Yes ☐ No		
8		☐ Yes ☐ No		
9		☐ Yes ☐ No		
10		☐ Yes ☐ No		
11		☐ Yes ☐ No		
12		☐ Yes ☐ No		
13		☐ Yes ☐ No		
14		☐ Yes ☐ No		
15		☐ Yes ☐ No		
16		☐ Yes ☐ No		
17		☐ Yes ☐ No		
18		☐ Yes ☐ No		
19		☐ Yes ☐ No		
20	Are any additional BMPs needed?	☐ Yes ☐ No		

Use Continuation Sheet if necessary

Overall Site Issues

	BMP/activity	Implemented?	Maintained?	Corrective Action	Date for corrective action/responsible person
1A	Have stabilization measures been initiated on slopes and disturbed areas not actively being worked?	☐ Yes ☐ No	☐ Yes ☐ No		
1B	If no, will the disturbed areas be worked in 14 days?	☐ Yes ☐ No	☐ Yes ☐ No		
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	☐ Yes ☐ No	☐ Yes ☐ No		

	BMP/activity	Implemented?	Maintained?	Corrective Action	Date for corrective action/responsible person
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	☐ Yes ☐ No	☐ Yes ☐ No		
4	Are discharge points and receiving waters free of sediment deposits?	☐ Yes ☐ No	☐ Yes ☐ No		
5	Are storm drain inlets properly protected?	☐ Yes ☐ No	☐ Yes ☐ No		
6A	Is there evidence of sediment being tracked into paved surfaces?	☐ Yes ☐ No	☐ Yes ☐ No		
6B	Are the BMPs to avoid tracking being maintained?	☐ Yes ☐ No	☐ Yes ☐ No		
7	Is trash/litter from work areas collected and placed in covered dumpsters?	☐ Yes ☐ No	☐ Yes ☐ No		
8	Are equipment washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	☐ Yes ☐ No	☐ Yes ☐ No		
9A	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	☐ Yes ☐ No	☐ Yes ☐ No		
9B	If applicable, are fueling restrictions near water bodies being followed?	☐ Yes ☐ No	☐ Yes ☐ No		
10	Has Spill Response kit been used since the last inspection? If yes, has stock been maintained?	☐ Yes ☐ No	☐ Yes ☐ No		
11	Are materials that are potential storm water contaminants stored	☐ Yes ☐ No	☐ Yes ☐ No		

	BMP/activity	Implemented?	Maintained?	Corrective Action	Date for corrective action/responsible person
	inside or under cover?				
12	Are non-storm water discharges (e.g., wash water, dewatering) properly controlled?	☐ Yes ☐ No	☐ Yes ☐ No		
13	Is/Are the ESCP and Site maps: Up to date? Available on site? Being implemented?	 ☐ Yes ☐ No ☐ Yes ☐ No	 ☐ Yes ☐ No		
14	Inspection performed: Monthly (30) calendar days After 0.5 in/24 hr. storm	 ☐ Yes ☐ No ☐ Yes ☐ No			
15.	Are Inspections being performed by qualified individuals?	☐ Yes ☐ No			
16.	Are inspectors qualifications appended to SWPPP?	☐ Yes ☐ No			
17.	Are written inspection forms onsite?		☐ Yes ☐ No		
18.	Materials stored in accordance with manufacturers recommendations	☐ Yes ☐ No	☐ Yes ☐ No		
19.	Waste materials collected and removed from site	☐ Yes ☐ No	☐ Yes ☐ No		
20.	Porta potties require emptying	☐ Yes ☐ No			
21	Discharge point inspected	☐ Yes ☐ No			

	BMP/activity	Implemented?	Maintained?	Corrective Action	Date for corrective action/responsible person
22.	Flowing water at discharge point.	☐ Yes ☐ No If yes complete 22 a - c			
22.a	Water sample collected?	☐ Yes ☐ No If No complete 22.d			
22.b	Samples analyzed for: Total settleable solids Total suspended solids Nitrate/Nitrite Visual Assessment pH Total Iron	☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No			
22.c	Sample analysis results attached	☐ Yes ☐ No			
22.d	Was sediment/sheen visible in flowing water at discharge point	☐ Yes ☐ No			

Visual Assessment Sample

Collection Date/Time:

Collected by:

Signature of Collector:

Visual Assessment Date/Time:

Visually Assessed by:

Signature of Assessor:

Nature of Discharge (runoff, snowmelt, etc.):

Assessment Results

Color:

Odor:

Clarity:

Floating Solids:

Settled Solids:

Settled Solids:

Suspended Solids:

Foam:

Oil Sheen:

Other indicators of pollution:

If contamination was observed, what are probable sources of that contamination?

If sample was not taken within the first 30 minutes of discharge, why was that not possible?

Benchmark Sampling Sample

Collection Date/Time:

Collected by:

Signature of Collector:

Analysis conducted by (lab name):

Were any previously unidentified discharges found (describe below)?	☐ Yes	☐ No
Were any previously unidentified pollutants found in existing discharges (describe below)?	☐ Yes	☐ No

Previously unidentified discharges or pollutants:

Additional notes (evidence of or potential for pollutants entering drainage system or receiving waters):

Is the site in compliance with the approved SWPPP and the permit requirements?	☐ Yes	☐ No
If no, should the approved SWPPP be modified?	☐ Yes	☐ No

If no, indicate tasks necessary to bring site into compliance in the "Corrective Action Needed" columns of this report and include the dates each task will be completed in the "Date for Corrective Action/Responsible Person" columns of this report.

Contractor's Inspector

Name:

Title:

Signature: _____

Signature:

Date: _____

Date:

Certification statement:

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

Contractor's Duly Authorized Representative

Owners Duly Authorized Representative

Name:

Name:

Title:

Title:

Region:

Signature: _____
Date: _____

Signature: _____
Date: _____

MSGP Quarterly Visual Assessment Form (Complete a separate form for each outfall you assess)			
Name of Facility:		APDES Tracking No.	
Outfall Name: "Substantially Identical Outfall"? ☐ No ☐ Yes (identify substantially identical outfalls):			
Person(s)/Title(s) collecting sample:			
Person(s)/Title(s) examining sample:			
Date & Time Discharge Began:		Date & Time Sample Collected:	
Date & Time Sample Examined:			
Discharge Information:			
Identify Monitoring Period:		Check here if proposing alternative monitoring periods due to irregular storm water runoff. Identify alternative monitoring schedule and indicate which alternative period you are assessing.	
Quarter 1 (Jan 1 – March 31)		Quarter 1: From _____ To _____	
Quarter 1 (Apr 1 – June 30)		Quarter 2: From _____ To _____	
Quarter 1 (July 1 – Sept 30)		Quarter 3: From _____ To _____	
Quarter 1 (Oct 31 – Dec 31)		Quarter 4: From _____ To _____	
Substitute Sample? ☐ No ☐ Yes (identify quarter/year when sample was originally scheduled to be collected):			
Nature of Discharge: ☐ Rainfall ☐ Snowmelt			
If rainfall: Rainfall Amount (inches): _		Previous Storm Ended > 72 hours ☐ Yes ☐ No* (explain):	
Before Start of This Storm?			
Monitoring Information			
Duration of Rainfall Event (hours):			
Outfall Name	Quality (good, poor, no runoff)	Volume	Results Description
<i>Example:</i> Outfall #1	Good	1 Liter	Clean with no sheen
Visual Assessment Parameter			
Color ☐ None ☐ Other (describe):			
Odor ☐ None ☐ Musty ☐ Sewage ☐ Sulfur ☐ Sour ☐ Petroleum/Gas _____ ☐ Solvents ☐ Other (describe):			
Clarity ☐ Clear ☐ Slightly Cloudy ☐ Cloudy ☐ Opaque ☐ Other			
Floating Solids ☐ No ☐ Yes (describe):			
Settled Solids** ☐ No ☐ Yes (describe):			
Suspended Solids ☐ No ☐ Yes (describe):			
Foam (gently shake sample) ☐ No ☐ Yes (describe):			
Oil Sheen ☐ None ☐ Flecks ☐ Globs ☐ Sheen ☐ Slick ☐ Other (describe):			
Other Obvious ☐ No ☐ Yes (describe):			
Indicators of Storm Water Pollution			
* The 72-hour interval can be waived when the previous storm did not yield a measurable discharge or if you are able to document (attach applicable documentation) that less than a 72-hour interval is representative of local storm events during the			

Name of Facility:
 APDES Tracking Number:

sampling period.	
** Observe for settled solids after allowing the sample to sit for approximately one-half hour.	
Detail any concerns, additional comments, descriptions of pictures taken, and any corrective actions taken below (attach additional sheets as necessary). Insert details	
Certification I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	
Authorized Person (Print Name):	Title:
Signature:	Date:



Alaska Department of Environmental Conservation

MSGP Industrial Discharge Monitoring Report (MDMR)

Reason(s) for Submission (Check all that apply):

- ☐ Submitting monitoring data (fill in all Sections).
- ☐ Reporting no discharge for all outfalls for this monitoring period (fill in Sections I, II, III, IV, and VI).
- ☐ Reporting that your site status has changed to inactive and unstaffed (fill in Sections I, II, VI and include date of status change in comments field in Section V).
- ☐ Reporting that your site status has changed to active (fill in all sections and include date of status change in comments field in Section V).
- ☐ Reporting that no further pollutant reductions are achievable for all outfalls and for all pollutants via Part 7.2.1.4 of the MSGP (fill in Sections I, II, and VI).

Section I. Permit Information

Permit Tracking Number:

Section II. Facility Information

Facility Name:

Facility Physical Address

Street:

City:

State: Alaska

Zip:

Contact Name:

Email:

MDMR Preparer (Complete if MDMR was prepared by someone other than the person signing the certification in Section VI):

Prepared By:

Organization:

Email:

Phone:

Section III. Discharge Information

Identify Monitoring Period:

Check here if proposing alternative monitoring periods due to irregular storm water runoff. Identify alternative monitoring schedule and indicate for which alternative period you are reporting monitoring data.

Quarter 1 (January 1- March 31)

Quarter 1: From

To

Quarter 2 (April 1- June 30)

Quarter 2: From

To

Quarter 3 (July 1- September 30)

Quarter 3: From

To

Quarter 4 (October 31- December 31)

Quarter 4: From

To

Are you required to monitor for cadmium, copper, chromium, lead, nickel, silver, or zinc? ☐ Yes ☐ No (Skip to Section IV)

What is the hardness level of the receiving water? _____ mg/L

Section IV. Outfall Information

How many outfalls are identified in your SWPPP?

List names of outfalls required to be monitored in the table below.

Do any of your outfalls discharge substantially identical effluents? ☐ Yes ☐ No

If YES, for each monitored outfall, indicate outfall names that are substantially identical in the table below.

a. Monitored Outfall Name*	b. Substantially Identical Outfalls [List name(s) of outfall(s) that are substantially identical to outfall in a.]	c. No Discharge?
----------------------------	--	------------------

*Reference attachment if additional space is needed to complete the table.

Attachment A

Who Must Submit A Discharge Monitoring Report to DEC?

An operator or owner of a facility covered under the Multi-Sector General Permit (MSGP or permit) that are required to monitor pursuant to Parts 7.2.1, 7.2.2, 7.2.3, and 7.2.4 of the permit must submit the MSGP Discharge Monitoring Report (MDMR) consistent with the reporting requirements specified in Part 9.1 of the permit.

Completing the Form

Type or print, in the appropriate areas only. "NA" can be entered in areas that are not applicable. If you have any questions about how or when to use this form, contact the DEC Storm Water Program at (907) 269-6285 or online at <http://dec.alaska.gov/water/wnpspc/stormwater/stormwater.htm>.

Reasons for Submission

Indicate your reason(s) for submitting this MDMR by checking all boxes that apply. The reasons for submission are defined as follows:

- *Submitting monitoring data:* For each storm event sampled, submit one MDMR form with data for all outfalls sampled. Select this reason even if you only have monitoring data for some of your outfalls (i.e., some outfalls did not discharge). If you select this reason, you are required to complete all Sections of the form.
- *Reporting no discharge for all outfalls for this monitoring period:* Indicates that there were no discharges from all outfalls during this monitoring period. If you select this reason, you are only required to complete Sections I, II, III, IV, and VI.
- *Reporting that your site status has changed to inactive and unstaffed:* Indicates that your facility is currently inactive and unstaffed (See Part 7.2.1.6 of the permit for more information). If you select this reason, you are only required to complete Sections I, II, and VI and include date of status change in the comment field in Section V.
- *Reporting that your site status has changed from inactive to active:* Indicates that your facility is currently active (See Part 7.2.1.6 of the permit for more information). If you select this reason, you are required to complete all Sections of the form and include date of status change in the comment field in Section V.
- *Reporting that no further reductions are achievable for all outfalls and for all effluent monitoring pollutants via Part 7.2.1.4 and Parts 4 of the permit:* Indicates that your facility has determined that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limitations or are necessary to meet the water-quality-based effluent limitations in Parts 4 of the permit (See Part 7.2.1.4 of the permit for more information). If you select this reason, you are required to complete Sections I, II and VI. However, if you can make this finding for some outfalls and pollutants, but not for others, you cannot select this reason; you will instead be able to identify which outfalls and which pollutants you can make this finding for in Section V.

Section I. Permit Tracking Number

Enter the APDES tracking number assigned by DEC to the facility. If you do not know the tracking number, you can find the tracking number assigned to your facility on DEC's Water Permit Search dec.alaska.gov/water/WaterPermitSearch/Search.aspx.

Section II. Facility Information

- Enter the facility's official or legal name. Unless the name of your facility has changed, please use the same name provided on your NOI. You can use ADEC's Water Permit Search, www.dec.alaska.gov/water/WaterPermitSearch/Search.aspx to view your NOI.
- Enter the street address, including city, state, and zip code of the actual physical location of the facility. Do not use a P.O. Box.
- Identify the name, telephone number, and email address of the person who will serve as a contact for DEC on issues related to monitoring at your facility. This person should be able to answer questions related to storm water discharges and monitoring or have immediate access to individuals with that knowledge. This person does not have to be the facility operator but should have intimate knowledge of monitoring activities at the facility.
- If the form was prepared by someone other than the person who is signing the certification statement in Section VI (for example, if the MDMR was prepared by a member of the facility's storm water pollution prevention team or a consultant for the certifier's signature), include the name, organization, telephone number, and email address of the MDMR preparer.

Section III. Discharge Information

- Indicate the appropriate monitoring period (Quarter 1, 2, 3, or 4) covered by the MDMR. "Alternative" monitoring periods can apply to facilities located in arid and semi-arid climates or in areas subject to snow or prolonged freezing. To use alternative monitoring periods, you must provide a revised monitoring schedule here in the first monitoring report submitted and indicate for which alternative monitoring period you are reporting monitoring data. If using alternative monitoring periods, identify the first day of the monitoring period through the last day of the monitoring period for each of the four periods. The dates should be displayed as month (Mo) / day (Day). See Part 7.2.1.2 of the permit for more information.
- If you are submitting benchmark monitoring data, identify if your facility is required to collect benchmark samples for one or more hardness-dependent metals (i.e., cadmium, copper, lead, nickel, silver, and zinc). If you select "yes" to this question you must also complete the table in Section III., and if you select "no" to this question, you may skip to Section IV.
- If you selected "yes" for the previous question, then you are required to submit to DEC with your first benchmark report a hardness level established consistent with the procedures in Appendix E of the permit, which is representative of your receiving water. If your outfalls discharge to more than one receiving water, as reported in your NOI form, you should report hardness for the receiving water with the lowest hardness values. Hardness values must be reported in milligrams per liter (mg/L).

Section IV. Outfall Information

- Enter the total number of outfalls identified in your SWPPP. Outfalls are locations where storm water exits the facility, including pipes, ditches, swales, and other structures used to remove storm water from the facility.
- Indicate if your facility has two or more outfalls that you believe discharge substantially identical effluents (i.e., storm water), based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to storm water, and runoff coefficients of their drainage areas. See Parts 5.2.6.2 and 6.2.3 of the permit for more information on substantially identical outfalls.
- If you selected "yes" for the previous question, then you must list the outfall name(s) in Column b that you expect to be substantially identical to the corresponding outfall in Column a.
 - Monitored Outfall Name:* List name(s) of outfall(s) you are required to monitor.
 - Substantially Identical Outfalls:* List name(s) of outfall(s) substantially identical to "Monitored Outfall" in Column a. (if applicable)].
 - No Discharge:* Check box if you are reporting "No Discharge" for the monitored outfall for the reporting period identified in Section III.

Example:

a. Monitored Outfall Name	b. Substantially Identical Outfall	c. No Discharge
Outfall A	Outfall B; Outfall C	☐
Outfall D		☒

Reference attachments if additional space is needed to complete the table in Section IV.

Section V. Monitoring Information

- Enter the APDES tracking number assigned to the facility reported in Section I.
- For the reported monitoring event, indicate whether the discharge was from a rainfall or snowmelt event. If you select "rainfall", then indicate:
 - the duration (in hours) of the rainfall event;
 - rainfall total (in inches) for that rainfall event; and
 - time (in days) since the previous measurable storm event.
- If the discharge occurs during a period of both rainfall and snowmelt, check both the rainfall and snowmelt boxes and report the appropriate rainfall information in items a-c. To report multiple monitoring events in the same reporting period, copy Page 2 of this Form and enter each monitoring event separately with data for all outfalls sampled.

- For each pollutant monitored at an outfall, you must complete one row in the Table as follows:
 - *Outfall Name*: Provide the outfall name for which you monitored (e.g., Outfall 1, Outfall 2, Outfall 3).
 - *Monitoring Type*: Provide the type of monitoring using the specified codes below:
 - QBM – Quarterly benchmark monitoring;
 - ELG – Annual effluent limitations guidelines monitoring;
 - S – State specific monitoring;
 - I – Impaired waters monitoring; or
 - O – Other monitoring as required by DEC.
 - *Parameter(s)*: Enter each “Parameter” (or “pollutant”) monitored. For QBM and ELG monitoring, use the same parameter name as in Part 11 of the permit.
 - *Quality or Concentration*: Enter sample measurement value for each parameter analyzed and required to be reported. Enter “ND” (i.e., not detected) for any sample results below the method detection limit or “BQL” (i.e., below quantitation limit) for sample results above the detection limit but below the quantitation limit.
 - *Units*: Enter the units for sample measurement values (e.g., “mg/L” for milligrams per liter) for each parameter analyzed and required to be reported. For monitoring results reported as ND or BQL, this space will be left blank and the units will be reported under *Results Description*.
 - *Results Description*: This section must be completed for any monitoring results reported as ND or BQL in the “Quality or Concentration” column. For ND, report the laboratory detection level and units in this column. For BQL, report the laboratory quantitation limit and units in this column.
 - *Collection Date*: Identify the sampling date for each parameter monitoring result reported on this form.
 - *Exceedance due to natural background pollutant levels*: Check box if following the first 4 quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than 4 quarters of data) you have determined that the exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background for that outfall and any substantially identical outfalls. See Part 7.2.1.5 of the permit for more information. Attach supporting rationale for your determination to the submitted MDMR and reference attachment in comments portion of Section V.
 - *No further pollutant reductions achievable*: Check box if after collection of 4 quarterly samples (or sooner if the exceedance is triggered by less than 4 quarters of data), the average of the 4 monitoring values for any parameter exceeds the benchmark and you have made the determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limitations or are necessary to meet the water-quality-based effluent limitations in Parts 4 of the permit (See Part 7.2.1.4 of the permit for more information) for that outfall and any substantially identical outfalls. Attach supporting rationale for your determination to the submitted MDMR and reference attachment in comments portion of Section V.
- Where violations of the permit requirements are reported, include a brief explanation to describe the cause and corrective actions taken and reference each violation by date. Also, this section should include any additional comments such as are required when changing site status from inactive and unstaffed to active or vice versa. Attach additional pages if you need more space.

Attach additional copies of Section V as necessary to address all outfalls and parameters.

Section VI. Certification

Enter *Printed Name and Title of Principal Executive Officer or Authorized Agent* with *Signature of Principal Executive Officer or Authorized Agent*, and the *Date* this form was signed and the email address of the “*Principal Executive Officer or Authorized Agent*.” If you submit multiple pages of Section V monitoring data, each page must be appropriately signed and certified as described below.

The MDMRs must be signed as follows:

- (1) For a corporation, a responsible corporate officer shall sign the MDMR, a responsible corporate officer means:

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

(B) the manager of one or more manufacturing, production, or operating facilities, if

(i) the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations;

(ii) the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and

(iii) authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) For a partnership or sole proprietorship, the general partner or the proprietor, respectively; or

- (3) for a municipality, state, or other public agency, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means

(A) the chief executive officer of the agency; or

(B) a senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.

Include the name, title, and email address of the person signing the form and the date of signing. An unsigned or undated MDMR will not be considered valid.

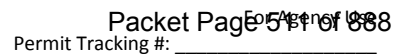
Where to File the MDMR Form

Monitoring data collected pursuant to Part 7.2 of the permit must be reported on the paper MDMR form and sent to the following address:

If you file by mail, please submit the original form with a signature in ink. DEC will not accept a photocopied signature. Remember to retain a copy for your records.

MSMRs sent by mail:

Alaska Dept. of Environmental Conservation
 Wastewater Discharge Authorization Program
 Office of Compliance
 555 Cordova Street
 Anchorage, AK 99501
 Phone: (907) 269-6285



Section I. General Information

Facility Name				APDES Permit Tracking Number			
Facility Physical Address							
Street			City			State	Zip Code
						Alaska	
Contact Person		Title		Phone		Email	
Lead Inspector's Name		Additional Inspector's Name		Additional Inspector's Name		Inspection Date	

1. As part of this comprehensive site inspection, did you inspect all potential pollutant sources, including areas where industrial activity may be exposed to storm water? ☐ Yes ☐ No

If NO, describe why not:

Note: Complete Section III of this form for each industrial activity area inspected and included in your SWPPP or as newly defined, in Section II parts 2 and 3 below, where pollutants may be exposed to storm water.

2. Did this inspection identify any storm water or non-storm water outfalls not previously identified in your SWPPP? ☐ Yes ☐ No

If YES, for each location, describe the sources of those storm water and non-storm water discharges and any associated control measures in place:

3. Did this inspection identify any sources of storm water or non-storm water discharges not previously identified in your SWPPP? If YES, describe these sources of storm water or non-storm water pollutants expected to be present in these discharges, and any control measures in place:	☐ Yes ☐ No
4. Did you review storm water monitoring data as part of this inspection to identify potential pollutant hotspots? If YES, summarize the findings of that review and describe any additional inspection activities resulting from this review:	☐ Yes ☐ No ☐ NA, no monitoring performed
5. Describe any evidence of pollutants entering the drainage system or discharging to surface waters, and the condition of and around outfalls, including flow dissipation measure to prevent scouring:	
6. Have you taken or do you plan to take corrective actions, as specified in Part 8 of the permit, since your last annual report submission (or since you received authorization to discharge under this permit if this is your first annual report), including any corrective actions identified as a result of this annual comprehensive site inspection? If YES, how many conditions requiring review for corrective action as specified in Parts 8.1 and 8.2 of the MSGP were addressed by these corrective actions?	☐ Yes ☐ No
Note: Complete the attached Corrective Action Form (Section IV) for each condition identified, including any conditions identified as a result of this comprehensive storm water inspection.	

Section III. Industrial Activity Area Specific Findings

Complete one block for each industrial activity area where pollutants may be exposed to storm water. Copy this page for additional industrial activity areas.

In reviewing each area, you should consider:

- Industrial materials, residue, or trash that may have or could come into contact with storm water;
- Leaks or spills from industrial equipment, drums, tanks, and other containers;
- Offsite tracking of industrial or waste materials from areas of no exposure to exposed areas; and
- Tracking or blowing of raw, final, or waste material from areas of no exposure to exposed areas.

Industrial Activity Area:

1. Brief Description:

2. Are any control measures in need of maintenance or repair? ☐ Yes ☐ No

3. Have any control measures failed and require replacement? ☐ Yes ☐ No

4. Are any additional/revised control measures necessary in this area? ☐ Yes ☐ No

If YES, to any of these three questions, provide a description of the problem: *(Any necessary corrective actions should be described on the attached Corrective Action Form.)*

Industrial Activity Area:

1. Brief Description:

2. Are any control measures in need of maintenance or repair? ☐ Yes ☐ No

3. Have any control measures failed and require replacement? ☐ Yes ☐ No

4. Are any additional/revised control measures necessary in this area? ☐ Yes ☐ No

If YES, to any of these three questions, provide a description of the problem: *(Any necessary corrective actions should be described on the attached Corrective Action Form.)*

Industrial Activity Area: 1. Brief Description:				
2. Are any control measures in need of maintenance or repair?	☐	Yes	☐	No
3. Have any control measures failed and require replacement?	☐	Yes	☐	No
4. Are any additional/revised control measures necessary in this area?	☐	Yes	☐	No
If YES, to any of these three questions, provide a description of the problem: <i>(Any necessary corrective actions should be described on the attached Corrective Action Form.)</i>				

Industrial Activity Area: 1. Brief Description:				
2. Are any control measures in need of maintenance or repair?	☐	Yes	☐	No
3. Have any control measures failed and require replacement?	☐	Yes	☐	No
4. Are any additional/revised control measures necessary in this area?	☐	Yes	☐	No
If YES, to any of these three questions, provide a description of the problem: <i>(Any necessary corrective actions should be described on the attached Corrective Action Form.)</i>				

Section IV. Corrective Actions

Complete this page for each specific condition requiring a corrective action or a review determining that no corrective action is needed. Copy this page for additional corrective actions or reviews.

Include both corrective actions that have been initiated or completed since the last annual report, and future corrective actions needed to address problems identified in the comprehensive storm water inspection. Include an update on any outstanding corrective actions that had not been completed at the time of your previous annual report.

1. Corrective Action # _____ of _____ for this reporting period.

2. Is this corrective action:

☐

An update on a corrective action from a previous annual report; or

☐

A new corrective action?

3. Identify the condition(s) triggering the need for this review:

☐

Unauthorized release of discharge

☐

Numeric effluent limitation exceedance

☐

Control measures inadequate to meet applicable water quality standards

☐

Control measures inadequate to meet non-numeric effluent limitations

☐

Control measures not properly operated or maintained

☐

Change in facility operations necessitated change in control measures

☐

Average benchmark value exceedance

☐

Other (describe):

4. Briefly describe the nature of the problem identified:

5. Date problem identified:

6. How problem was identified:

☐

Comprehensive site inspection

☐

Quarterly visual assessment

☐

Routine facility inspection

☐

Notification by EPA or DEC

☐

Other (describe):

7. Description of corrective action(s) taken or to be taken to eliminate or further investigate the problem (e.g., describe modifications or repairs to control measures, analysis to be conducted, etc.) or if no modification is needed, basis for that determination.

8. Did/will this corrective action require modification of your SWPPP?

☐

Yes

☐

No

9. Date corrective action initiated:

10. Date corrective action completed:

Or expected to be completed:

11. If corrective action not yet completed, provide the status of the corrective action as the time of the comprehensive site inspections and describe any remaining steps (including timeframes associated with each step) necessary to complete the corrective action:

Section V. Annual Report Certification

Compliance Certification

Do you certify that your annual inspection has met the requirements of Part 6.3 of the permit, and that, based upon the results of this inspection, to the best of your knowledge, you are in compliance with the permit?

☐

Yes

☐

No

If NO, summarize why you are not in compliance with the permit:

Annual Report Certification

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

 Name of Authorized Representative

 Title

 Email

 Signature

 Date Signed

Section IV. Discharge Information

Does your facility discharge into a Municipal Separate Storm Sewer System (MS4)? ☐ Yes ☐ No

If yes, name of the MS4 Operator:

Receiving Water and Wetlands Information: (if additional space is needed for this question, fill out Attachment 1.)

a. What is the name(s) of your receiving water(s) that receive storm water directly and/or through a MS4? If your receiving water is impaired, then identify the name of the impaired segment, if applicable, in parenthesis following the receiving water name.	b. Are any of your discharges directly into any segment of an "impaired" water?	c. If you answered yes to question b, then answer the following three questions: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; vertical-align: top;"> i. What pollutant(s) are causing the impairment? </td> <td style="width: 33%; vertical-align: top;"> ii. Are the pollutant(s) causing the impairment present in your discharge? </td> <td style="width: 33%; vertical-align: top;"> iii. Has the TMDL been completed for the pollutant(s) causing the impairment? </td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> <td></td> </tr> <tr> <td style="text-align: center;">☐</td> <td style="text-align: center;">☐</td> <td></td> </tr> <tr> <td style="text-align: center;">☐</td> <td style="text-align: center;">☐</td> <td></td> </tr> <tr> <td style="text-align: center;">☐</td> <td style="text-align: center;">☐</td> <td></td> </tr> <tr> <td style="text-align: center;">☐</td> <td style="text-align: center;">☐</td> <td></td> </tr> <tr> <td style="text-align: center;">☐</td> <td style="text-align: center;">☐</td> <td></td> </tr> </table>				i. What pollutant(s) are causing the impairment?	ii. Are the pollutant(s) causing the impairment present in your discharge?	iii. Has the TMDL been completed for the pollutant(s) causing the impairment?				Yes	No		☐	☐		☐	☐		☐	☐		☐	☐		☐	☐	
i. What pollutant(s) are causing the impairment?	ii. Are the pollutant(s) causing the impairment present in your discharge?	iii. Has the TMDL been completed for the pollutant(s) causing the impairment?																											
Yes	No																												
☐	☐																												
☐	☐																												
☐	☐																												
☐	☐																												
☐	☐																												

Federal Effluent Limitation Guidelines and Sector-Specific Requirements

a. Are you requesting permit coverage for any storm water discharges subject to effluent limitation guidelines? ☐ Yes ☐ No

b. If yes, which effluent limitation guidelines apply to your storm water discharge?

40 CFR Part/Subpart	Eligible Discharges	Affected MSGP Sector	Check if applicable
Part 411, Subpart C	Runoff from material storage piles at cement manufacturing facilities.	E	☐
Part 418, Subpart A	Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished products, by-products, or waste products (SIC 2874).	C	☐
Part 423	Coal pile runoff at steam electric generating facilities.	O	☐
Part 429, Subpart I	Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas.	A	☐
Part 436, Subpart B, C, or D	Mine dewatering discharges at crushed stone mines, construction sand and gravel mines, or industrial sand mines.	J	☐
Part 443, Subpart A	Runoff from asphalt emulsion facilities.	D	☐
Part 445, Subparts A & B	Runoff from hazardous waste and non-hazardous waste landfills.	K, L	☐
Part 449, Subpart A	Runoff from Air Transportation	S	☐

If you are a Sector S (Air Transportation) facility, do you anticipate using more than 100,000 gallons of glycol-based deicing/anti-icing chemicals and/or 100 tons or more of urea on an average annual basis? ☐ Yes ☐ No

Identify the 4-digit Standard Industrial Classification (SIC) code or 2-letter Activity Code that best represents the products produced or services rendered for which your facility is primarily engaged, as defined in MSGP: Primary SIC Code: _____ or
Primary Activity Code: _____

Identify the applicable sector(s) and subsector(s) of industrial activity, including co-located industrial activity, for which you are requesting permit coverage:

Sector	Subsector

Sector	Subsector

Sector	Subsector

Is your site presently inactive or unstaffed? ☐ Yes ☐ No

a. If Yes, is your site expected to be inactive and unstaffed for the entire permit term? ☐ Yes ☐ No

b. If No to "a", then indicate the length of time that you expect your facility to be inactive and unstaffed.

Section V. Storm Water Pollution Prevention Plan (SWPPP) Contact Information

SWPPP Contact Name:

Phone:

Email:

URL of SWPPP (if applicable):

Appendix E
Environmental Documentation



Species Reports

Environmental Conservation Online System

(<http://www.fws.gov>)

How many listed species currently occur in and are listed in Alaska?

Notes:

- This report shows the species listed in this state that also occur in this state.
- This list does not include experimental populations and similarity of appearance listings.
- This list includes non-nesting sea turtles and whales in State/Territory coastal waters.
- This list includes species or populations under the sole jurisdiction of the National Marine Fisheries Service.
- Click on the highlighted scientific names below to view a Species Profile for each listing.

Species listed in this state and that occur in this state -- 15 listings

Animals -- 14

Status (javascript:launch ('/tess_public/html/db-status.html'))	Species/Listing Name
E	Albatross, short-tailed (Phoebastria (=Diomedea) albatrus (/speciesProfile/profile/speciesProfile.action?scode=B00Y))
T	Bear, polar (Ursus maritimus (/speciesProfile/profile/speciesProfile.action?scode=A0IJ))
E	Curlew, Eskimo (Numenius borealis (/speciesProfile/profile/speciesProfile.action?scode=B01A))
T	Eider, spectacled (Somateria fischeri (/speciesProfile/profile/speciesProfile.action?scode=B08Z))
T	Eider, Steller's AK breeding pop. (Polysticta stelleri (/speciesProfile/profile/speciesProfile.action?scode=B090))
T	Otter, Northern Sea southwest Alaska DPS (Enhydra lutris kenyoni (/speciesProfile/profile/speciesProfile.action?scode=A0HK))
E	Sea turtle, leatherback (Dermochelys coriacea (/speciesProfile/profile/speciesProfile.action?scode=C00F))
T	Sea-lion, Steller eastern pop. (Eumetopias jubatus (/speciesProfile/profile/speciesProfile.action?scode=A0FS))
E	Sea-lion, Steller western pop. (Eumetopias jubatus (/speciesProfile/profile/speciesProfile.action?scode=A0FS))
E	Whale, blue (Balaenoptera musculus (/speciesProfile/profile/speciesProfile.action?scode=A02M))

Attachment A

E	Whale, finback (Balaenoptera physalus (/speciesProfile/profile/speciesProfile.action?scode=A02O))
E	Whale, humpback (Megaptera novaeangliae (/speciesProfile/profile/speciesProfile.action?scode=A02O))
E	Whale, sperm (Physeter catodon (=macrocephalus) (/speciesProfile/profile/speciesProfile.action?scode=A02T))

Plants -- 1

Status (javascript:launch ('/tess_public/html/db-status.html'))	Species/Listing Name
E	Fern, Aleutian shield (Polystichum aleuticum (/speciesProfile/profile/speciesProfile.action?scode=S00V))

Last updated: December 13, 2010[ECOS Home \(/ecos/indexPublic.do\)](#) | [Contact Us \(/ecos/helpdesk.do?version=TESS_PUBLIC-1_0_106\)](#)

NOAA Atlas 14, Volume 7, Version 2 JUNEAU INTL
AP

Station ID: 50-4100
Location name: Juneau, Alaska, US*
Latitude: 58.3500°, Longitude: -134.5833°
Elevation:
Elevation (station metadata): 12 ft*
* source: Google Maps



POINT PRECIPITATION FREQUENCY ESTIMATES

Sanja Perica, Douglas Kane, Sarah Dietz, Kazungu Maitaria, Deborah Martin, Sandra Pavlovic,
Ishani Roy, Svetlana Stuefer, Amy Tidwell, Carl Trypaluk, Dale Unruh, Michael Yekta, Erica Betts,
Geoffrey Bonnin, Sarah Heim, Lillian Hiner, Elizabeth Lilly, Jayashree Narayanan, Fenglin Yan,
Tan Zhao

NOAA, National Weather Service, Silver Spring, Maryland
and
University of Alaska Fairbanks, Water and Environmental Research Center

[PF_tabular](#) | [PF_graphical](#) | [Maps_&_aerials](#)

PF tabular

PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches) ¹										
Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	0.113 (0.089-0.146)	0.132 (0.103-0.172)	0.162 (0.124-0.215)	0.187 (0.142-0.252)	0.221 (0.164-0.304)	0.246 (0.180-0.344)	0.273 (0.196-0.387)	0.308 (0.218-0.444)	0.354 (0.246-0.520)	0.389 (0.266-0.580)
10-min	0.152 (0.120-0.196)	0.178 (0.139-0.232)	0.218 (0.167-0.290)	0.251 (0.190-0.339)	0.296 (0.220-0.407)	0.331 (0.242-0.463)	0.366 (0.263-0.519)	0.413 (0.293-0.595)	0.475 (0.330-0.698)	0.522 (0.357-0.778)
15-min	0.178 (0.141-0.230)	0.208 (0.163-0.271)	0.255 (0.196-0.339)	0.293 (0.222-0.395)	0.347 (0.257-0.478)	0.387 (0.283-0.541)	0.428 (0.308-0.607)	0.483 (0.342-0.696)	0.556 (0.386-0.817)	0.611 (0.418-0.911)
30-min	0.236 (0.187-0.304)	0.276 (0.216-0.360)	0.338 (0.260-0.449)	0.389 (0.294-0.525)	0.460 (0.341-0.633)	0.514 (0.375-0.718)	0.569 (0.409-0.807)	0.642 (0.455-0.925)	0.737 (0.512-1.08)	0.810 (0.555-1.21)
60-min	0.323 (0.256-0.417)	0.378 (0.296-0.493)	0.463 (0.356-0.615)	0.533 (0.403-0.719)	0.630 (0.467-0.867)	0.704 (0.514-0.984)	0.779 (0.560-1.10)	0.879 (0.623-1.27)	1.01 (0.702-1.48)	1.11 (0.760-1.66)
2-hr	0.465 (0.368-0.600)	0.544 (0.426-0.710)	0.667 (0.512-0.886)	0.768 (0.581-1.04)	0.907 (0.673-1.25)	1.01 (0.741-1.42)	1.12 (0.806-1.59)	1.26 (0.896-1.82)	1.45 (1.01-2.14)	1.60 (1.09-2.38)
3-hr	0.605 (0.479-0.780)	0.708 (0.554-0.923)	0.868 (0.667-1.15)	1.00 (0.757-1.35)	1.18 (0.876-1.63)	1.32 (0.964-1.84)	1.46 (1.05-2.07)	1.64 (1.17-2.37)	1.89 (1.31-2.78)	2.08 (1.42-3.10)
6-hr	0.956 (0.757-1.23)	1.12 (0.876-1.46)	1.37 (1.05-1.82)	1.58 (1.19-2.13)	1.86 (1.38-2.56)	2.08 (1.52-2.91)	2.30 (1.66-3.27)	2.60 (1.84-3.74)	2.99 (2.08-4.39)	3.28 (2.25-4.89)
12-hr	1.43 (1.13-1.84)	1.67 (1.31-2.18)	2.03 (1.56-2.70)	2.33 (1.77-3.15)	2.76 (2.05-3.80)	3.10 (2.26-4.33)	3.45 (2.48-4.90)	3.90 (2.76-5.62)	4.49 (3.12-6.60)	4.94 (3.38-7.36)
24-hr	2.05 (1.88-2.26)	2.40 (2.17-2.68)	2.90 (2.57-3.31)	3.31 (2.88-3.85)	3.91 (3.33-4.65)	4.41 (3.68-5.33)	4.93 (4.05-6.07)	5.57 (4.49-6.97)	6.40 (5.05-8.19)	7.03 (5.46-9.15)
2-day	2.77 (2.54-3.05)	3.21 (2.90-3.58)	3.83 (3.40-4.37)	4.34 (3.78-5.04)	5.07 (4.31-6.02)	5.66 (4.73-6.85)	6.29 (5.17-7.74)	7.01 (5.66-8.78)	7.97 (6.29-10.2)	8.69 (6.75-11.3)
3-day	3.27 (3.00-3.60)	3.77 (3.41-4.21)	4.47 (3.96-5.10)	5.03 (4.38-5.84)	5.83 (4.96-6.92)	6.47 (5.41-7.82)	7.15 (5.87-8.79)	7.91 (6.39-9.90)	8.93 (7.04-11.4)	9.69 (7.52-12.6)
4-day	3.68 (3.37-4.05)	4.22 (3.82-4.71)	4.99 (4.42-5.69)	5.60 (4.87-6.50)	6.45 (5.49-7.67)	7.14 (5.97-8.64)	7.86 (6.46-9.67)	8.67 (7.00-10.9)	9.74 (7.68-12.5)	10.5 (8.19-13.7)
7-day	4.71 (4.32-5.19)	5.38 (4.87-6.00)	6.31 (5.59-7.20)	7.06 (6.15-8.19)	8.11 (6.90-9.63)	8.95 (7.48-10.8)	9.83 (8.08-12.1)	10.8 (8.74-13.6)	12.1 (9.58-15.5)	13.1 (10.2-17.1)
10-day	5.54 (5.08-6.11)	6.32 (5.71-7.05)	7.39 (6.55-8.43)	8.25 (7.18-9.58)	9.46 (8.04-11.2)	10.4 (8.71-12.6)	11.4 (9.39-14.1)	12.6 (10.1-15.7)	14.1 (11.1-18.0)	15.2 (11.8-19.8)
20-day	8.26 (7.58-9.10)	9.40 (8.51-10.5)	10.9 (9.70-12.5)	12.2 (10.6-14.1)	13.8 (11.7-16.4)	15.1 (12.6-18.2)	16.4 (13.5-20.2)	17.8 (14.4-22.3)	19.7 (15.5-25.2)	21.1 (16.4-27.5)
30-day	10.8 (9.94-11.9)	12.3 (11.2-13.8)	14.3 (12.7-16.4)	15.9 (13.8-18.4)	17.9 (15.2-21.3)	19.5 (16.3-23.6)	21.1 (17.3-25.9)	22.7 (18.3-28.4)	24.9 (19.6-31.9)	26.5 (20.6-34.6)
45-day	14.3 (13.1-15.8)	16.4 (14.8-18.3)	19.0 (16.8-21.7)	20.9 (18.2-24.3)	23.4 (19.9-27.8)	25.3 (21.1-30.6)	27.1 (22.3-33.4)	28.9 (23.4-36.2)	31.4 (24.7-40.1)	33.2 (25.7-43.2)
60-day	17.1 (15.7-18.9)	19.7 (17.8-22.0)	22.9 (20.3-26.1)	25.1 (21.8-29.1)	27.8 (23.7-33.1)	29.8 (24.9-36.0)	31.6 (26.0-38.9)	33.2 (26.8-41.6)	35.3 (27.9-45.3)	37.0 (28.7-48.1)

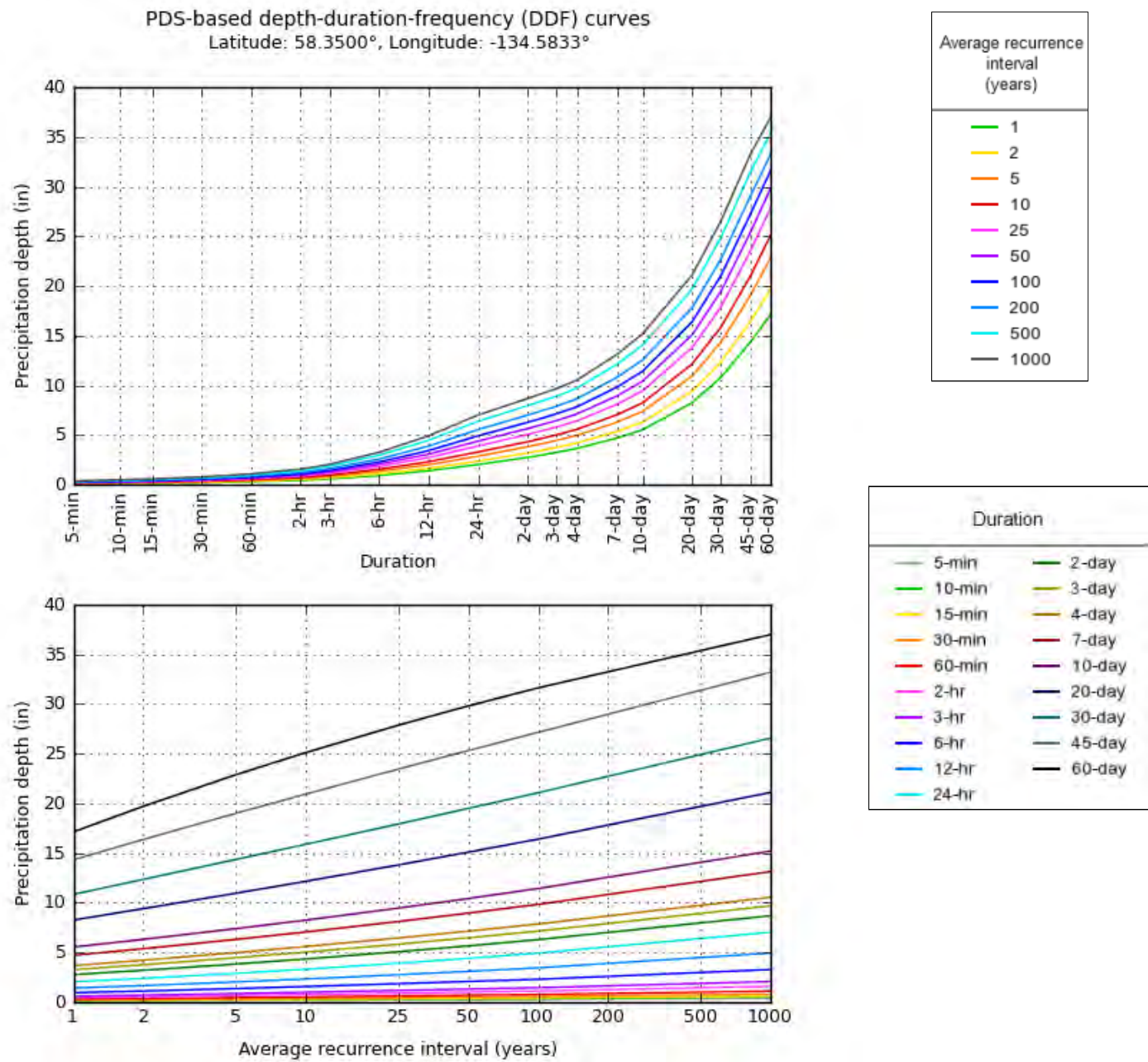
¹ Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS).

Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a

given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values. Please refer to NOAA Atlas 14 document for more information.

[Back to Top](#)

PF graphical



[Back to Top](#)

Maps & aerials

Small scale terrain





1325 East West Highway
Silver Spring, MD 20910
Questions?: HDSC.Questions@noaa.gov

[Disclaimer](#)

Spring 'Freeze' Probabilities (Jan 1 - Jul 31)

JUNEAU INTL AP, at (504100)

<u>Temp F</u>	<u>Earliest</u>	<u>90%</u>	<u>80%</u>	<u>70%</u>	<u>60%</u>	<u>50%</u>	<u>40%</u>	<u>30%</u>	<u>20%</u>	<u>10%</u>	<u>Latest</u>
36.5	04/29	05/11	05/16	05/18	05/22	05/27	05/31	06/06	06/09	06/20	07/08
32.5	04/18	04/24	05/02	05/06	05/10	05/12	05/15	05/18	05/19	05/27	06/13
28.5	02/10	04/08	04/13	04/16	04/20	04/23	04/25	04/29	05/03	05/07	05/19
24.5	02/09	03/15	03/21	03/25	03/30	04/03	04/05	04/10	04/13	04/19	04/30
20.5	01/02	02/27	03/09	03/15	03/18	03/21	03/24	03/27	04/05	04/12	04/29

[Graphic Output](#)

Fall 'Freeze' Probabilities (Jul. 31 - Dec. 31)

JUNEAU INTL AP, at (504100)

<u>Temp F</u>	<u>Earliest</u>	<u>10%</u>	<u>20%</u>	<u>30%</u>	<u>40%</u>	<u>50%</u>	<u>60%</u>	<u>70%</u>	<u>80%</u>	<u>90%</u>	<u>Latest</u>
36.5	08/16	08/28	09/02	09/06	09/09	09/12	09/18	09/22	09/28	09/30	10/15
32.5	08/24	09/09	09/14	09/21	09/26	09/29	10/01	10/04	10/13	10/22	11/07
28.5	09/11	09/27	10/01	10/03	10/08	10/11	10/17	10/26	10/30	11/05	11/26
24.5	09/24	10/10	10/19	10/26	10/29	11/04	11/06	11/09	11/15	11/28	12/16
20.5	10/10	10/26	10/30	11/06	11/09	11/12	11/17	11/21	11/30	12/10	12/31

[Graphic Output](#)

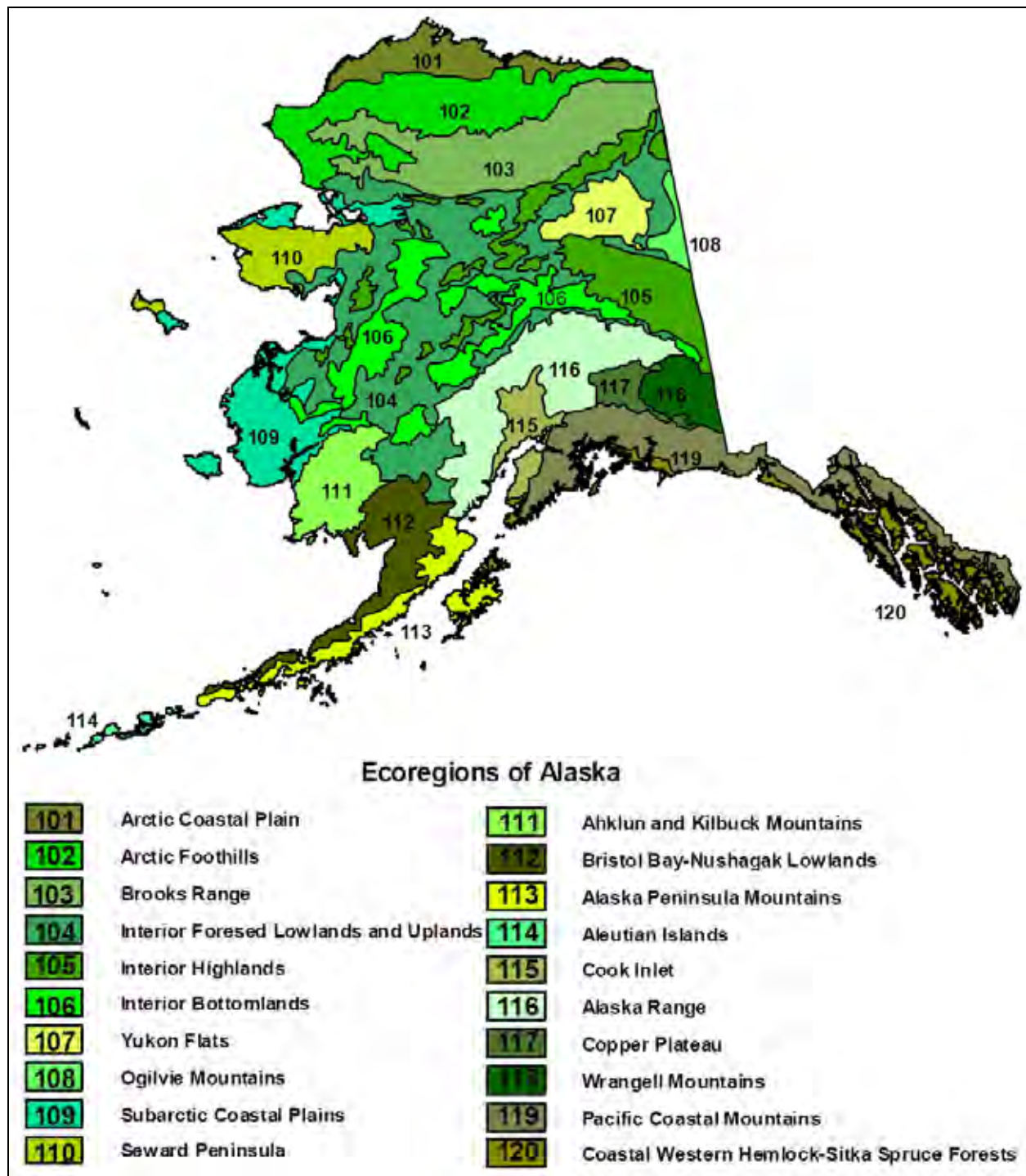


Figure 21. Ecoregions of Alaska, from Markon (2001).

Table 5. Median beginning and ending dates of the growing season for ecoregions in Alaska, derived from Markon (2001).

Ecoregion ¹	Beginning of Growing Season ('Minday')		End of Growing Season ('Lastday')	
	Julian Date	Calendar Date ²	Julian Date	Calendar Date ²
101 Arctic Coastal Plain	171	Jun 20	261	Sep 18
102 Arctic Foothills	158	Jun 7	264	Sep 21
103 Brooks Range	150	May 30	267	Sep 24
104 Interior Forested Lowlands and Uplands	123	May 3	276	Oct 3
105 Interior Highlands	124	May 4	275	Oct 2
106 Interior Bottomlands	122	May 2	277	Oct 4
107 Yukon Flats	110	Apr 20	276	Oct 3
108 Ogilvie Mountains	110	Apr 20	276	Oct 3
109 Subarctic Coastal Plains	143	May 23	276	Oct 3
110 Seward Peninsula	153	Jun 2	274	Oct 1
111 Ahklun and Kilbuck Mountains	136	May 16	275	Oct 2
112 Bristol Bay – Nushagak Lowlands	115	Apr 25	277	Oct 4
113 Alaska Peninsula Mountains	135	May 15	274	Oct 1
114 Aleutian Islands	--3	--3	--3	--3
115 Cook Inlet	128	May 8	278	Oct 5
116 Alaska Range	144	May 24	276	Oct 3
117 Copper Plateau	122	May 2	276	Oct 3
118 Wrangell Mountains	131	May 11	272	Sep 29
119 Pacific Coastal Mountains ⁴	149	May 29	270	Sep 27
120 Coastal Western Hemlock – Sitka Spruce Forests ⁴	119	Apr 29	271	Sep 28

¹ See Figure 21.

² Calendar dates shown are for non-leap years. For a leap year, subtract one day (e.g., for Ecoregion 101, the growing season would begin on June 19 in a leap year).

³ There were no data available for Ecoregion 114 – Aleutian Islands. Growing season dates for Ecoregion 112 may be substituted when onsite data are lacking.

⁴ Ecoregions 119 and 120 are intermingled in Southeast Alaska. Generally, 1,600 ft (500 m) in elevation separates the two ecoregions. Use growing season dates for Ecoregion 119 above 1,600 ft elevation and dates for Ecoregion 120 below 1,600 ft elevation. Annual variability may occur as the snow recedes from lower elevations at different rates.

Attachment F
Personnel Training Records

SWPPP Training Log

Storm Water Pollution Prevention Training Log

Project Name:

Project Location:

Instructor's Name(s):

Instructor's Title(s):

Course Location: _____ Date: _____

Course Length (hours): _____

Storm Water Training Topic: *(check as appropriate)*

- ☐ **Erosion Control BMPs** ☐ **Emergency Procedures**
☐ **Sediment Control BMPs** ☐ **Good Housekeeping BMPs**
☐ **Non-Storm Water BMPs**

Specific Training Objective: _____

Attendee Roster: *(attach additional pages as necessary)*

No.	Name of Attendee	Company
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Attachment G
Spill Documentation

Attachment H
SWPPP Record of Review

SWPPP Record of Review

Review by: _____ Date: _____

Notes: _____

Signature: _____

Review by: _____ Date: _____

Notes: _____

Signature: _____

Review by: _____ Date: _____

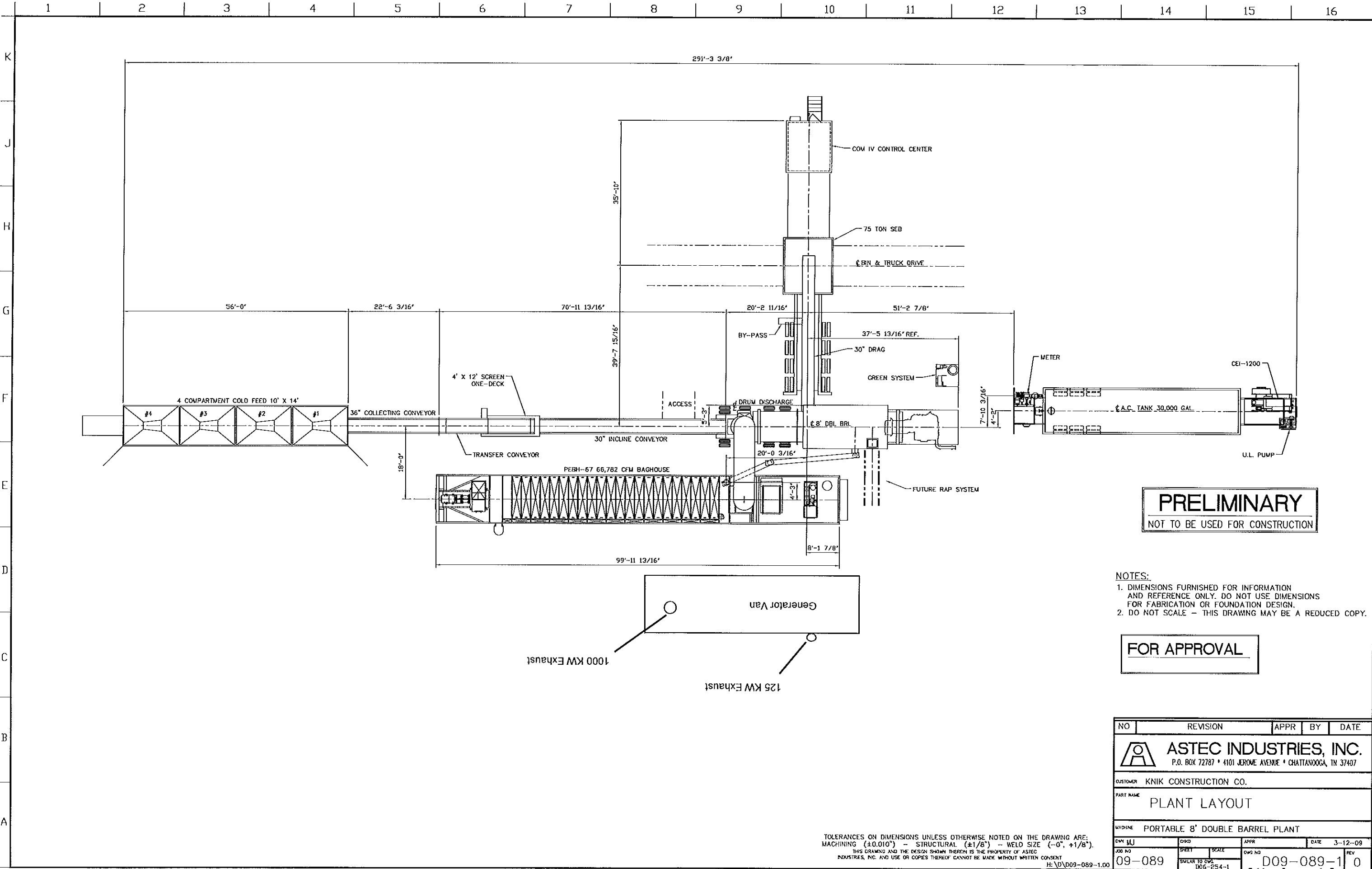
Notes: _____

Signature: _____

Review by: _____ Date: _____

Notes: _____

Signature: _____



PRELIMINARY
NOT TO BE USED FOR CONSTRUCTION

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 - 2. DO NOT SCALE - THIS DRAWING MAY BE A REDUCED COPY.

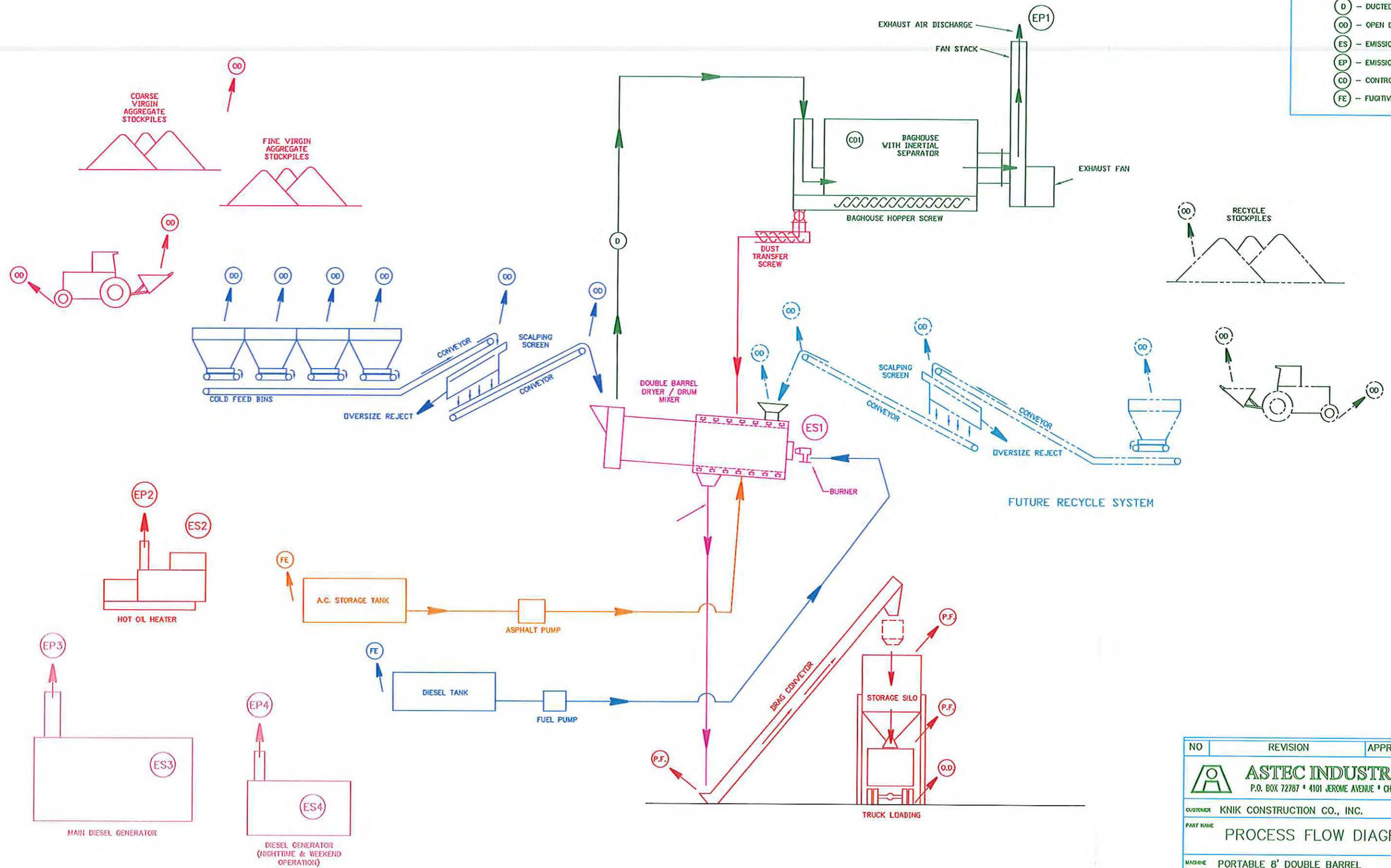
FOR APPROVAL

NO	REVISION	APPR	BY	DATE
ASTEC INDUSTRIES, INC. P.O. BOX 72787 • 4101 JEROME AVENUE • CHATTANOOGA, TN 37407				
CUSTOMER KNIK CONSTRUCTION CO.				
PART NAME PLANT LAYOUT				
W/DRINE PORTABLE 8' DOUBLE BARREL PLANT				
DWG NO	DWG	APPR	DATE	3-12-09
JOB NO	SHEET	SCALE	DWG NO	REV
09-089			D09-089-1	0

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H:\D\09-089-1.00

LEGEND EMISSION POINTS

- (D) - DUCTED EMISSIONS
- (OD) - OPEN DUST EMISSIONS
- (ES) - EMISSION SOURCE
- (EP) - EMISSION POINT
- (CD) - CONTROL DEVICE
- (FE) - FUGITIVE EMISSIONS



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PDB FACILITY

NO	REVISION	APPR	BY	DATE
ASTEC INDUSTRIES, INC. P.O. BOX 72787 • 4101 JEROME AVENUE • CHATTANOOGA, TN 37407				
CUSTOMER KNIK CONSTRUCTION CO., INC.				
PART NAME PROCESS FLOW DIAGRAM				
MACHINE PORTABLE 8' DOUBLE BARREL				
DATE 3/16/09	APPD	SCALE	DATE	3/16/09
JOB NO 09-089	SHEET	SCALE	DATE	3/16/09
SIMILAR TO DWS				0

Attachment A



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Environmental
Conservation

DIVISION OF AIR QUALITY
Air Permits Program

410 Willoughby Avenue, Suite 303
PO Box 111800
Juneau, Alaska 99811-1800
Main: 907-465-5100
Toll Free: 866-241-2805
Fax: 907-465-5129
www.dec.alaska.gov

CERTIFIED MAIL: 7014 0510 0001 9932 8712
Return Receipt Requested

April 7, 2015

Parry Rekers, Vice President
Knik Construction Co., Inc.
PO Box 3757
Seattle, WA 98124

Subject: Approval to Operate Knik Astec Mobile Asphalt Plant V under Minor General Permit 3 (MG3), Permit number AQ1439MG301 Revision 2.

Dear Mr. Rekers:

The Knik Construction Co., Inc. (Knik) asphalt plant listed above requires an air quality control minor permit under 18 AAC 50.502(b)(1). On March 23, 2015 the Alaska Department of Environmental Conservation (Department) received an MG3 application for this plant. The Department determined that Knik's application was complete. This letter is Knik's approval to operate under Permit AQ1439MG301 Revision 2; Knik may operate upon receipt of this letter. The responsibilities imposed by this permit may not be transferred to another owner or operator without the written consent of the Department. The transfer of ownership form is available at: <http://dec.alaska.gov/air/ap/docs/toof.pdf>

Potential to Emit (PTE) was calculated by Knik listed in the table below. The application stated that the diesel engine is a nonroad engine so the PTE for the engine is not included in the total PTE.

Pollutant	Asphalt Plant	Diesel Engine(s)	Total PTE
NO _x	30.1	N/A	30.1
CO	71.2	N/A	71.2
SO ₂	6.0	N/A	6.0
PM-10	12.6	N/A	12.6
VOC	16.1	N/A	16.1

If the engine remains in the same location for more than 12 consecutive months, then it is not a nonroad engine by definition in 40 CFR 89.2, and will be included in total potential and assessable emissions for the stationary source.

This permit remains in effect indefinitely, unless a) Knik asks us to rescind this letter; b) the Department takes an action under AS 46.14.280 to terminate, modify, reopen, or revoke and reissue this permit; or, c) Knik informs us that they permanently shut down this asphalt plant. If Knik wants to make changes that increase emissions to 100 tons per year (tpy) or more, then you can submit an application requesting approval to operate under a new General Permit 3 (GP3) before making these changes. Likewise, if Knik wants to make changes that do not conform to another exclusion in Section 1 of MG3, then you need a minor source-specific permit before starting construction or operations.

The MG3 application indicates an initial location for this plant is yet to be determined. Please note the Permittee obligations to protect air quality per Condition 18 and to submit relocation notifications per Condition 22 if the plant location changes.

Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195-18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Division Director, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, Alaska 99811-1800, within 15 days of the permit decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, Alaska 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived. If a hearing is granted, it will be limited to the issues related to this permit decision. It is emphasized that, even if a request for an adjudicatory hearing has been granted, all permit terms and conditions remain in full force and effect. More information on how to appeal a Department decision is available at <http://www.dec.state.ak.us/commish/ReviewGuidance.htm>.

Please note that Alaska's air quality statutes, regulations, and permit application information can be obtained from the department's web page at the following address:
<http://www.dec.state.ak.us/air/ap/mainair.htm>.

If you have any questions, please contact Linda Atley at (907)465-5122 or by email at linda.atley@alaska.gov.

Sincerely,



Jim Baumgartner
Compliance Section Manager

Enclosure: AQ1439MG301 Revision 2 Final Permit
MG3 Revision 2 TAR

cc: Jeremy Ptak, ADEC/APP, Anchorage
P. Moses Coss, ADEC/APP, Fairbanks
Maya Johnson, ADEC/APP, Anchorage

Jim Plosay, ADEC/APP, Juneau
Linda Atley, ADEC/APP, Juneau

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AIR QUALITY CONTROL MINOR GENERAL PERMIT**

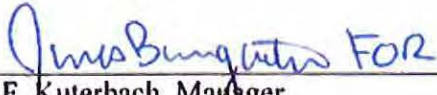
MINOR GENERAL PERMIT 3 FOR HOT-MIX ASPHALT PLANTS

PERMIT NO. AQ1439MG301 Revision 2

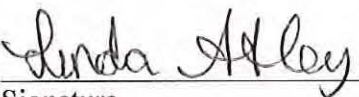
Final: April 1, 2015

This minor general permit is to be used for the construction, operation, or relocation of the asphalt plant described within, which has a rated capacity of at least five tons per hour of product, as described in 18 AAC 50.502(b)(1), and that is also classified as, or is part of, a minor stationary source, but is not a Title-V stationary source. This minor general permit satisfies the Permittee's obligation to obtain a permit under AS 46.14.120(g). Technical support for permit conditions and an explanation of revisions from the 2009 Minor General Permit 3 can be found in the Technical Analysis Report. This permit authorizes the Permittee to operate any emission unit identified in Table A. This permit is not valid at another source required to have an operating permit. The operator must comply with the applicable requirements at the location where the emission units operate.

This minor general permit does not expire and is valid until the Department terminates, modifies, reopens, or revokes and reissues the permit. The letter of authorization is in effect until withdrawn, modified, revoked and reissued, or if the source no longer qualifies for this permit.


John F. Kuterbach, Manager
Air Permits Program

Application determined complete by:


Signature

APRIL 6, 2015
Authorization Date

LINDA ATLEY
Printed Name

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

Table A Facility Information

Permittee:	Knik Construction Co., Inc	Plant Name:	ASTEC Mobile Asphalt Plant V
Emissions Unit	Make	Model/Description	Rating/ Capacity
Asphalt Plant:	ASTEC	PDB-8436/Serial # 15-056-278835-1-1	300 tph
Diesel Engines:	Caterpillar	3508B / Serial # 83Z09959	125 kW
Baghouse:	ASTEC	PEBH-52/Serial # 15-056-278835-2-1	
Control Equipment: ☒ Baghouse ☐ Wet Scrubber			

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Required Forms

Relocation Notification Form.....	Form 1
Excess Emissions and Permit Deviation Report Form.....	Form 2
Emission Fee Estimate Report Form.....	Form 3

Sample Forms*

Facility Operating Report Form.....	Form 4
Visible emissions (Method 9) Observations Form.....	Form 5
Smoke/No Smoke Log.....	Form 6
Complaint Log.....	Form 7
Non-road Engine Location Log.....	Form 8
Equipment Changes Report Form.....	Form 9
Asphalt Plant Daily Production Log.....	Form 10

* Online submission of reports may require use of standardized Sample Forms.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

MG3 OPERATING PERMIT CONDITIONS**Table B Emissions Limits**

Emission type	Limit
Opacity (Visible Emissions)	20% for asphalt plant and diesel generators with stack diameters 18 inches or greater 15% for diesel generators with stack diameters smaller than 18 inches
Particulate Matter	0.05 gr/dscf (for plants constructed on or before June 11, 1973) 0.04 gr/dscf (for plants constructed after June 11, 1973)
Sulfur Compounds	500 ppm

LOCATION RESTRICTIONS

1. Ambient Air Quality Protection. Give adequate consideration to siting issues when operating or changing locations of an asphalt plant (see *Note* in Technical Analysis Report).

1.1. Do not operate the Asphalt Plant or a diesel engine within 330 feet of the nearest occupied structure off the work site.

1.2. Do not operate for more than two construction seasons at the same site located:
a. within 800 feet of the nearest residence or other occupied structure off worksite; or
b. within 1,100 feet of the nearest residence or other occupied structure off worksite if the residence or structure is located on terrain that is more than 50 feet above any ground level of the Asphalt Plant aggregate drier or drum mixer.

1.3. Non-road engine location restrictions: A portable engine does not qualify as a non-road engine if it remains in place for 12 consecutive months or is located at a seasonal source and operates during the full annual operating period of the seasonal source.

1.4. *SO₂ Special Protection Area.* If operating in one of the Sulfur Dioxide Special Protection Areas described in 18 AAC 50.025(c) (Unalaska or St. Paul Island areas) you cannot operate diesel engines for electrical power generation unless burning only ULSD; the asphalt plant must use ULSD.

1.5. *Additional Restrictions for Bells Flats (Kodiak).* In any equipment operating at an asphalt plant in the Bells Flats area of Kodiak that burns liquid fuel, you must burn ULSD.

2. Relocation Reporting Requirements. Provide notice to the Department at least 10 days before installing or relocating the Asphalt Plant by using the Relocation Notification form (Form 1). If the location is within one mile of the nearest occupied off-site structure, you must attach a fugitive dust control plan as part of the relocation notice; see Condition 16.

MONITORING, RECORDKEEPING, AND REPORTING

3. General Recordkeeping. Keep copies of all monitoring, recordkeeping, reporting, and all other documents required in this permit for at least five years.

4. General Reporting.

4.1. *Submittals.* Unless otherwise directed by the Department, submit original reports, compliance certifications, or other required documents, by mail, to:

Alaska Department of Environmental Conservation
Air Permits Program
Attn: Compliance Technician
610 University Avenue
Fairbanks, AK 99709-3643

4.2. You may substitute mailed originals by submitting through Department approved electronic reporting methods, if electronic signing methods are available.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

4.3. Certification: Certify any permit application, report, affirmations, or compliance certification submitted to the Department and required under the permit by including the signature of a responsible official for the permitted stationary source following the statement: *"Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete."* Excess emission reports must be certified either upon submittal or with an operating report required for the same reporting period. All other reports and other documents must be certified upon submittal. See 18 AAC 50.990(93) for the definition of "Responsible Official."

4.4. Operating Reports. Submit operating reports as directed by either Condition 4.1 or 4.2, by the dates listed in Table C. The semi-annual Facility Operating Report (FOR) must include all information required by other conditions of this permit. If the facility does not operate during the winter season, you may submit a report early with your summer FOR.

Table C Operating Report Schedule

Report Type	Reporting Period	Due Date
FOR	April 1 – October 31	November 30
FOR	November 1 – March 31	April 30

4.5. Information Requests. Furnish to the Department, within a reasonable time, any information that the Department requests in writing to determine whether cause exists to modify, revoke and reissue, or terminate the permit or to determine compliance with the permit. Upon request, furnish to the Department copies of records required to be kept by the permit. The Department may require you to furnish copies of those records directly to the federal administrator.

5. Visible Emissions.

5.1. Asphalt Plant. Visible emissions limits are listed in Table B.

Monitor:	- Use EPA Method 9 to determine the opacity of emissions from the asphalt plant. All observations must be at least 18 consecutive minutes. - Identify fugitive emission points capable of producing fugitive emissions. Determine which point has the greatest continuous opacity and use this point for monitoring fugitive emissions. - Observe visible emissions with Method 9 at the baghouse stack or wet scrubber stack AND at the fugitive emission point identified above: - During regular operation loads (not on idle or reduced loads); - Within two days of startup at the beginning of the season or after relocation; - At least once every 30 operating days; and - Within two days of startup following a shutdown of more than 5 days.
Record:	- Keep all observation sheets and summaries for at least five years. - Calculate and record the greatest 6-consecutive-minute averages observed.
Report:	- Submit a list of emission points identified and which point was monitored. This list may be in the form of a simple list, picture with points circled and labeled, or a flow diagram with labeled emissions points. Submit copies of all Method 9 observations in the FOR. - Submit copies of all Method 9 training certificates for all observers in the reporting period. - Report any failure to monitor as a permit deviation according to Condition 9. - If six-minute average opacity is observed as greater than 20%, report as excess emissions under Condition 9 and refer to Condition 15 for Good Air Pollution Control Practices; take corrective actions as appropriate. - Report any excess emissions (If six-minute average opacity is observed as greater than 20%) according to Condition 9.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

5.2. *Diesel Engines*. Visible emissions limits are listed in Table B.

Monitor:	• Use the Smoke/No Smoke Plan or EPA Method 9 to observe emissions from the exhaust stack or port of each diesel engine. • <u>Smoke/No Smoke Plan</u>: Observe each stack for the presence or absence of smoke, excluding water vapor. ○ Initial Frequency: Conduct Smoke/No Smoke observations once every operating day. ○ After monitoring for 30 consecutive operating days, conduct Smoke/No Smoke observations at least once every 30 operating days. ○ If smoke is observed, follow the corrective actions in Condition 5.3. • <u>Method 9</u>: All observations must be at least 18 consecutive minutes. ○ First observation: within two days of the beginning of the operating season or after relocating the plant, or within three days after changing from the Smoke/No Smoke Plan. ○ After the first observation, conduct observations at least once every 30 operating days.
Record:	• Keep all observation sheets, logs, summaries, and Method 9 training certificates for at least five years. • Record date, time, production rate, observer name, and smoke observation in Smoke/No Smoke log.
Report:	• Report which method you used during the reporting period. • Include copies of all Method 9 observations and/or a complete Smoke/No Smoke log for the reporting period in the FOR. • Report if/when you change visible emissions observation methods. • Report any smoke observed under the Smoke/No Smoke Plan and a summary of any corrective actions taken. • If six-minute average opacity is observed as greater than 20%, refer to corrective actions in 5.3.e-5.3.f. • Report any failure to monitor in accordance with Condition 9.

5.3. *Corrective Actions for Smoke Observed in Condition 5.2*. If smoke is observed while conducting Smoke/No Smoke observations:

- a. Do an initial Method 9 observation. If six-minute average opacity is observed as greater than 20%, see corrective actions in Condition 5.3.e or 5.3.f. Continue using Method 9 to monitor visible emissions, following specifications in Condition 5.2. In order to return to Smoke/No Smoke Plan, follow Conditions 5.3.b through 5.3.d.
- b. Initiate actions to eliminate smoke from the engine within 24 hours of the observations;
- c. Keep a written record of the starting date, completion date, and a description of the actions taken to reduce smoke; and
- d. If seven consecutive observations are made of 0% opacity, you may return to the Smoke/No Smoke Plan beginning with initial frequency (Condition 5.2).
- e. If Method 9 observations result in 6-minute average opacity greater than 20%, either:
 - i. Conduct a Particulate Matter source test within 60 days, following the requirements of Condition 19; or
 - ii. Make repairs so that emissions no longer exceed 20% opacity averaged over 6 minutes.
- f. For diesel engines with stack diameter of less than 18 inches, conduct a Particulate Matter source test if Method 9 observations result in 6-minute average opacity greater than 15%.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

6. Particulate Matter Emissions from Asphalt Plant. Do not operate the asphalt plant at a production level greater than the maximum throughput measured during the most recent PM source test that showed compliance, except as provided under Condition 19.2. Particulate matter emissions limits are listed in **Table B**.

6.1. Required Testing and Frequency of Testing. Conduct source tests in accordance with Condition 19 and the following:

- a. If a PM source test has not been approved by the Department for your facility within the last five years, conduct a PM source test within the first 30 operating days after receiving your letter of authorization.
- b. If the source has conducted a PM source test approved by the Department in the last five years, conduct a source test no later than five years after that test or the first operation thereafter.
- c. Conduct a PM source test every five years.
 - i. If results of any PM source test exceed 0.045 gr/dscf for plants constructed on or before June 11, 1973 or 0.036 gr/dscf for plants constructed after June 11, 1973, you must conduct another source test within one year of the date of the most recent PM source test.
 - ii. If the plant does not operate in a calendar year, then the calendar year that the plant did not operate does not count toward the time required to conduct another PM source test in Condition 6.1.c.i.
 - iii. If the plant does not operate in a calendar year, the next source test due date is delayed by one calendar year.

Monitor:	Conduct at least one 18-consecutive-minute set of EPA Method 9 readings during each one hour run of the PM source test.
Record:	- Record the following during each PM source test: - Average asphalt production rate in tons per hour; - Method 9 readings; - Baghouse exit temperature and pressure drop (if applicable); - Wet scrubber pressure drop and water flow rate (if applicable).
Report:	Include records of all visible emissions monitoring, production, and pressure drop or flow rate with the source test report as required under Condition 19.8.

6.2. Asphalt Plant.

Record:	- Keep a daily log of the following: - Daily total asphalt production; - Peak hourly rate of production per day; - Startup and shutdown times with the date for each operating day; - Total hours operated per day; and - Total number of operating hours operated since the last source test. - If you have a baghouse, include the following in your daily log: - Pressure drop across baghouse at beginning and end of each production day; and - Outlet temperature of baghouse at the beginning and end of each production day. - If you have a wet scrubber, include the following in your daily log: - Pressure drop across the scrubber at beginning and end of each production day; - Inlet and outlet temperatures of the scrubber at beginning and end of each production day; and - Daily water flow rate of the scrubber.
Report:	- Include the daily production log for the reporting period in each FOR. - Include a summary of baghouse or scrubber inspections including the information listed in Conditions 15.1.f and 15.2.c.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

7. Sulfur Compound Emissions. Applies to fuel for all engines, including non-road engines. Emissions limits are listed in **Table B**.

Record:	• Keep fuel delivery receipts that specify fuel grade and amount. • If diesel delivery receipts do not show that the diesel is Ultra Low Sulfur Diesel (ULSD) or Low Sulfur Diesel (LSD) test delivered fuel for sulfur content, or get a certification statement or analysis from the supplier that shows fuel sulfur percent by weight. • For liquid fuel from a North Slope topping plant, obtain results of a monthly fuel analysis from the topping plant.
Report:	• If only ULSD or LSD was used for the entire reporting period, submit a statement from the fuel supplier stating only ULSD or LSD was supplied with your semi-annual operating report. • If anything other than ULSD or LSD was used (e.g. used oil fuels), submit a list of fuel deliveries with fuel grades, a certificate from the supplier verifying the sulfur content, or a fuel analysis showing sulfur content. • If natural gas was used during the reporting period, submit a statement certified by the Responsible Official for this time period. • If highline power was used during the reporting period, submit a statement certified by the Responsible Official for this time period. • Include a copy of the fuel analysis from a North Slope topping plant, if applicable. • Report the fuel type, including its sulfur content, used for the asphalt burner.

8. Pollution Control Equipment Breakdowns.

Record:	• Keep records of pollution control equipment breakdowns and corrective actions.
Report:	• Notify the Department within two days of a pollution control equipment breakdown as a Permit Deviation in accordance with Condition 9. • Include a summary of each breakdown in the FOR.

9. Excess Emissions and Permit Deviations.

Record:	• Keep records of excess emissions, permit deviations, and corrective actions.
Report:	• Report excess emissions that present a potential threat to human health or safety or that the owner, operator, or Permittee believes to be unavoidable as soon as possible. • Report unavoidable emergencies, malfunctions, or non-routine repairs that cause excess emissions within two working days after the event started or was discovered. • Report all other excess emissions or permit deviations, including failure to monitor, within 30 days of the end of the month in which the incident occurs. • Report using the online form at http://www.dec.state.ak.us/air/ap/site.htm or the Excess Emissions and Permit Deviation Form listed as Form 2. • Include a summary of excess emissions and permit deviations in each FOR

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

10. Air Pollution Prohibited.

Record:	- Record the date, time, and nature of all emissions complaints received. - Record the name of the person(s) that complained, if known. - Record a summary of any investigations including reasons you do or do not believe the emissions have caused a violation. - Record any corrective actions taken or planned for complaints
Report:	- Include in FOR for each reporting period: - Number of complaints received. - Number of times you or the Department found corrective action necessary. - Number of times action was taken on a complaint within 24 hours. - Status of corrective actions found necessary that were not taken within 24 hours.

11. Non-road Engines. Defined in 18 AAC 50.990(63) and 40 C.F.R. 89.2.

Record:	Keep a log of the following items for each non-road engine for at least five years: - Date and location of the engine each time it is relocated. - Make, model, serial number, and rated capacity of the engine.
Report:	Include the non-road engine location log in each FOR.

GENERAL CONDITIONS

12. Change of Ownership. If the ownership of the Asphalt Plant is changed, both the new and previous owners must complete a transfer of ownership form and receive authorization to operate from the Department before the plant is operated by the new owner. The Transfer of Ownership form is available from ADEC Air Permits Program staff or on the Department's website. The website address at the time of issuance of this permit is: <http://dec.alaska.gov/air/ap/operatingperapp.html>.

13. Administrative Fees. You are required pay to the Department all assessed permit administrations fees. Administration fee rates are set out in 18 AAC 50.400-405.

14. Assessable Emissions & Emission Fees. You are required to pay to the Department annual emission fees based on the stationary source's assessable emissions as determined by the Department under 18 AAC 50.410. The assessable emission fee rate is set out in 18 AAC 50.410(b). The Department will assess fees per ton of each air pollutant that the stationary source emits or has the potential to emit in quantities great than 10 tons per year. No later than March 31 of each year, you may submit an estimate of the stationary source's assessable emissions to the Department, using the Emission Reporting and Emission Fee Estimate form. Otherwise, emission fees for the next fiscal year will be based on the potential to emit. See Appendix A for calculation of assessable emissions and Form 3 for the Emission Fee Estimate report form.

15. Good Air Pollution Control Practice. For all emission units authorized by this permit, you should perform regular maintenance considering the manufacturer's or the operator's maintenance procedures, keep records of any maintenance that would have a significant effect on emissions, and keep a copy of either the manufacturer's or the operator's maintenance procedures on site.

15.1. If you operate an asphalt plant using a baghouse:

- Operate the baghouse per the manufacturer's recommended operating procedures;
- At the end of each run, operate the baghouse fans until the baghouse has been purged of exhaust gases per the manufacturer's recommendations;
- Ensure the pressure drop across the baghouse and outlet temperature remain within the manufacturer's recommendations or specifications;
- Perform inspections of equipment and complete necessary maintenance prior to startup in a new location, after shutdown of more than five days, and every 30 days of operation at the same location;
- Replace worn or damaged bags within 72 hours of discovery;
- Keep a record of the baghouse inspections showing the following:

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- i. Date of inspection and name of inspector;
- ii. Number of worn or damaged bags detected;
- iii. Number of bags replaced and date replaced;
- iv. Number of worn or damaged seals/gaskets detected; and
- v. Number of seal/gaskets replaced and the date replaced.

15.2. If you operate an asphalt plant using a wet scrubber:

- a. Inspect every component of the scrubber before beginning operation each season and repair or replace any component that shows signs of deterioration;
- b. Maintain pressure drop across the scrubber, water flow rate, inlet and outlet temperatures within limits recommended by the manufacturer;
- c. Keep a record of scrubber inspections showing the following:
 - i. Date of inspection and name of inspector;
 - ii. Number of components detected that are worn or damaged;
 - iii. Number of components replaced and date replaced.

16. Reasonable Precautions to Prevent Fugitive Dust. A person who causes or permits bulk materials to be handled, transported, or stored, or who engages in an industrial activity or construction project shall take reasonable precautions to prevent the release of airborne PM and fugitive dust from aggregate piles, conveyors and elevators, loading locations, the rotary drum, screens, baghouse ash discharge, vehicle traffic within the stationary source boundaries and other sources of fugitive dust into the ambient air.

16.1. Follow the Fugitive Dust Control Plan (Appendix B) that you included with your minor general permit application or a revised version if submitted to or requested by the Department. A revised or site-specific Fugitive Dust Control Plan must be submitted with each relocation notice if the new location is within one mile of the nearest occupied structure (see Condition 2).

16.2. Reasonable precautions to prevent fugitive dust may include the following:

- a. installation and use of hoods;
- b. fans and dust collectors to enclose and vent dusty materials;
- c. other covers and enclosures;
- d. cleanup of loose material on work surfaces;
- e. minimizing drop distances on the conveyor systems and lowering loader buckets to be in contact with the surface of the soil or ground before dumping;
- f. application of water or dust suppressants;
- g. stopping activity in windy conditions.; and
- h. measures to prevent carryout or tracking of dust or mud by trucks.

17. Equipment Changes. Submit changes in asphalt drums, dryers, baghouses or scrubbers, or diesel engine equipment, if capacity differs from original permitted equipment, to the Department within 30 days.

18. Terms to Make the Permit Enforceable.

18.1. Compliance with permit terms and conditions is considered to be in compliance with those requirements that are

- a. Included and specifically identified in the permit; or
- b. Determined in writing in the permit to be inapplicable.

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- 18.2. Comply with each permit term and condition. Noncompliance with a permit term or condition constitutes a violation of AS 46.14, 18 AAC 50.345, and, except for those terms or conditions designated in the permit as not federally enforceable, the Clean Air Act, and is grounds for
- a. An enforcement action; or
 - b. Permit termination, revocation and reissuance, or modification in accordance with AS 46.14.280.
- 18.3. It is not a defense in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with a permit term or condition.
- 18.4. Each permit term and condition is independent of the permit as a whole and remains valid regardless of a challenge to any other part of the permit.
- 18.5. The permit may be modified, reopened, revoked and reissued, or terminated for cause. A request by the Permittee for modification, revocation and reissuance, or termination or notification of planned changes or anticipated noncompliance does not stay any permit condition.
- 18.6. The permit does not convey any property rights of any sort, nor any exclusive privilege.
- 18.7. Allow the Department or an inspector authorized by the Department, upon presentation of credentials and at reasonable times with the consent of the owner or operator to
- a. Enter upon the premises where a source subject to the permit is located or where records required by the permit are kept;
 - b. Have access to and copy any records required by the permit;
 - c. Inspect any stationary source, equipment, practices, or operations regulated by or referenced in the permit; and
- 18.8. Sample or monitor substances or parameters to assure compliance with the permit or other applicable requirements.

SOURCE TESTING REQUIREMENTS

19. Source Testing Requirements.

- 19.1. **General Requirements.** In addition to any source testing explicitly required by the permit, conduct source testing as requested by the Department to determine compliance with applicable permit requirements.
- 19.2. **Operating Conditions.** Unless otherwise specified by an applicable requirement or test method, conduct source testing
- a. At a point or points that characterize the actual discharge into the ambient air; and
 - b. At the maximum rated burning or operating capacity of the emission unit or another rate determined by the Department to characterize the actual discharge into the ambient air.
- 19.3. **Reference Test Methods.** Refer to the Technical Analysis Report for approved reference test methods and details.
- 19.4. **Excess Air Requirements.** Standard exhaust gas volumes must include only the volume of gases formed from the theoretical combustion of the fuel, plus the excess air volume normal for the specific emission unit type, corrected to standard conditions (dry gas at 68°F and absolute pressure of 760 mm of mercury).
- 19.5. **Test Exemption.** You are not required to comply with Conditions 19.6-19.8 when the exhaust is observed for visible emissions by Method 9 Plan or Smoke/No Smoke Plan (Conditions 5.2 and 5.3, for diesel engines only). This does not apply to fugitive emission sources.
- 19.6. **Test Plans.** Before conducting any source tests, submit a plan to the Department. The plan must include the methods and procedures to be used for sampling, testing, and quality assurance, and must specify how the emission unit will operate during the test and how you will document that operation.

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Submit a complete plan within 60 days after receiving a request under Condition 5.3.e.i or 19.1 and at least 30 days before the scheduled date of any test unless the Department agrees in writing to some other time period. Retesting may be done without resubmitting the plan.

You may request an extension to a source test deadline established by the Department. You may delay a source test beyond the original deadline only if the extension is approved in writing by the Department's appropriate division director or designee.

19.7. *Test Notification.* At least 10 days before conducting a source test, give the Department written notice of the date and the time the source test will begin.

19.8. *Test Reports.* Within 60 days after completing a source test, submit a copy of the results in the format set out in the *Source Test Report Outline*, adopted by reference in 18 AAC 50.030. Certify the results in the manner set out in Condition 4.3. If requested in writing by the Department, provide preliminary results in a shorter period of time specified by the Department.

Appendix A: Assessable Emissions Calculation (MG3)

Assessable Emissions differ from a source's Potential to Emit (PTE). PTE is used in calculating a source's permit applicability and classification, i.e. minor or major source. While PTE does not include fugitive particulate emissions, assessable emissions do. A source can be classified as a minor source, yet have emission fees based on a criteria pollutant in excess of 100 tons. Likewise, a major source can have a PTE in excess of 100tpy of a criteria pollutant, yet pay emission fees for that pollutant at a rate far lower. Assessable Emissions use the same calculations as PTE, only operating hours are not based on a maximum potential of 3650 hours (assumed) but instead are based on actual operation for a calendar year. For examples and steps on completing this form to assist in submission of Assessable Emissions, please see the information below.

Equation:

$E = (EF \times (\text{asphalt produced or hours of operation in a given year} \times RC)) / \text{lbs per ton}$

Abbreviations:	
tpy	tons per year
tph	tons per hour
EF	emission factor (AP-42)
RC	rated capacity
lbs	pounds
E	emissions
ULSD	Ultra low sulfur diesel

Report using Form 3 Emission Estimates MG3 total emissions for each pollutant in a calendar year. Each emission unit listed in Table A will need a separate calculation using equations provided, where rated capacity is the horsepower for diesel engines.

Emission factors are pollutant/emission unit specific. Fuel assumes use of Ultra Low Sulfur Diesel (ULSD); please, contact the Department for assistance if you used alternative fuels. Please, see the worksheet on the next page for emission factors and further assistance.

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Asphalt Plants	CO	NO _x	SO ₂	VOC	PM-10 ¹	PM-10 ²
Batch Mix Asphalt Plant	0.4	0.12	0.088	0.0082	0.027	0.14
Drum Mix Asphalt Plant	0.13	0.055	0.011	0.032	0.023	0.04

Asphalt plant emission factors are given in lbs of pollutant per ton of asphalt produced.

¹: PM-10 EF for use with a baghouse

²: PM-10 EF for use with a wet-scrubber

Diesel Engines	CO	NO _x	SO ₂ ³	VOC	PM-10	
Greater than 600hp	0.0055	0.024	1.2x10 ⁻⁵	0.000705	0.0007	
Less than 600hp	0.00668	0.031	1.2x10 ⁻⁵	.0000247	0.0022	

Diesel engine emission factors are given in lbs of pollutant per horsepower-hour.

³: SO₂ EF for use with ULSD

Asphalt Plant Worksheet: $E = (EF \times \text{tons of asphalt produced}) / 2000$

CO	NO _x	SO ₂	VOC	PM-10

Diesel Engine Worksheet: $E = (EF \times \text{hours of operation} \times RC) / 2000$

CO	NO _x	SO ₂	VOC	PM-10

Total Emissions: add all rows above for listed emission units.

CO	NO _x	SO ₂	VOC	PM-10

Assessable Emissions: for any pollutant total greater than 10 (tons), round to nearest whole number, for any pollutant less than 10 tons, round down to 0. Enter these values on Form 3 and submit as required under Condition 14.

CO	NO _x	SO ₂	VOC	PM-10

Appendix B: Fugitive Dust Control Plan Guidelines

The Fugitive Dust Control Plan (Plan) has the purpose to control the fugitive dust emissions from asphalt plant and crusher related activities. The Plan is required for all Minor General Permit holders in order to ensure that reasonable precautions to prevent fugitive dust are taken (MG3 Condition 16, MG9 Condition 15).

A sample plan is on the following page in Appendix B. This plan may be filled out and used for any Minor General Permitted source. You are not required to use the sample form, but similar information contained in the sample form should be included in your plan. If you already have a plan developed or you wish to develop your own plan, the following items should be addressed:

- Points capable of producing fugitive emissions;
- Control of fugitive dust sources, such as:
 - Water application;
 - Dust suppressants;
 - Wind barriers;
 - Hoods, covers, or enclosures;
 - Cleanup of loose materials;
 - Minimizing drop distances and lowering loader buckets before dumping;
 - Fans;
 - Dust collectors;
- Methods to prevent trackout or carryout, such as:
 - Grizzlies or grates;
 - Gravel pads;
 - Paved surfaces;
 - Wheel washers;
 - Truck washing.

Appendix B: Fugitive Dust Control Plan

Please note, it is the responsibility of the Permittee to ensure that no part of their fugitive dust control plan violates any local, state, or federal law.

Section 1 – General Information

1-A Facility Information	
Company Name:	
Plant Name:	
Permit No.:	
1-B Contacts	
Report the names, address, and phone numbers of persons and owners or operators responsible for the implementation of the Dust Control Plan and responsible for the dust generating operation and dust control applications.	
<i>Responsible Official</i> (authorized under 18 AAC 50.990(93))	
Name:	
Phone Number:	
<i>On-site Manager/Operator or Point of Contact</i> (if different from above)	
Name:	
Phone Number:	
1-C Recordkeeping and Reporting	
Keep copy of Fugitive Dust Control Plan on-site at all times.	
Keep records of deviations from dust plan, reasons for the deviation, and corrective actions taken for at least five years.	

Section 2 – Fugitive Emission Points

2-A Fugitive Emission Points
Identify the relative locations of actual and potential sources of fugitive dust emissions.
☐ Bulk material handling and storage areas. ☐ Paved and unpaved access roads, haul roads, traffic areas, and equipment storage yards. ☐ Exit points where carryout and trackout onto paved public roads may occur. ☐ Water supply locations if water application will be used for controlling visible dust emissions. ☐ Rock crushing operations. ☐ Screening ☐ Conveyors ☐ Fines Screening ☐ Asphalt plant operations ☐ Screening ☐ Conveyors ☐ Baghouse Catch ☐ Drum Mixer Discharge ☐ Hot mix storage silo receiving point
2-B Comments – Fugitive Emission Points

Section 3 – Control of Fugitive Dust Sources

3-A Control of Fugitive Dust Sources Check any boxes that apply. Checked boxes represent methods that will be used <i>as needed</i>. <i>Active Operations</i> ☐ Water will be applied to dry areas during leveling, grading, trenching, and earthmoving activities. ☐ Wind barriers will be constructed and maintained, and water or dust suppressants will be applied to the disturbed surface areas. <i>Inactive Operations, including after work hours, weekends, and holidays</i> ☐ Not applicable for this project (Please explain why in Section 3-C). ☐ Water or dust suppressants will be applied on disturbed surface areas to form a visible crust, and vehicle access will be restricted to maintain the visible crust. <i>Sites Inactive for Seven or More Days</i> ☐ Not applicable for this project (Please explain why in Section 3-C). ☐ Vehicle access will be restricted and water/dust suppressants will be applied at all un-vegetated areas. ☐ Vegetation will be established on all previously disturbed areas. ☐ Gravel will be applied and maintained at all previously disturbed areas. ☐ Previously disturbed areas will be paved. <i>Unpaved Access and Haul Roads, Traffic and Equipment Storage Areas</i> ☐ Not applicable for this project (Please explain why in Section 3-C). ☐ Apply water or dust suppressants to unpaved haul and access roads. ☐ Post speed limit signs of not more than 15 mph at each entrance, and again every 500 ft. ☐ Water or dust suppressants will be applied to vehicle traffic and equipment storage areas. <i>Wind Events</i> ☐ Water application equipment will apply water to control fugitive dust during wind events, unless unsafe to do so. Outdoor construction activities that disturb the soil will cease whenever visible dust emissions cannot be effectively controlled.
3-B Bulk Materials Check any boxes that apply. Checked boxes represent methods that will be used <i>as needed</i>. <i>Outdoor Handling of Bulk Materials</i> ☐ Water or dust suppressants will be applied when handling bulk materials. ☐ Wind barriers with less than 50 percent porosity will be installed and maintained, and water or dust suppressants will be applied. <i>Outdoor Storage of Bulk Materials</i> ☐ Water or dust suppressants will be applied to storage piles. ☐ Storage piles will be covered with tarps, plastic, or other suitable material and anchored in such a manner that prevents the cover from being removed by wind actions. ☐ Wind barriers with less than 50 percent porosity will be installed and maintained around the storage piles and water or dust suppressants will be applied. ☐ A three-sided structure (< 50% porosity) will be used that is at least as high as the storage piles. <i>On-Site Transporting of Bulk Materials</i> ☐ Vehicle speed will be limited on the work site. ☐ All haul trucks will be loaded such that the freeboard is not less than six inches when transported across any paved public access road. ☐ A sufficient amount of water will be applied to the top of the load to limit visible dust emissions. ☐ Haul trucks will be covered with a tarp or other suitable cover.

Section 3 – Control of Fugitive Dust Sources (cont.)

3-B Bulk Materials - continued <i>Off-Site Transporting of Bulk Materials</i> ☐ No bulk materials will be transported to or from the project site. ☐ Materials for transport will be wetted as needed. ☐ Covers will be used, as needed. Some or all of the following will be used as necessary: - The interior of emptied truck cargo compartments will be cleaned or covered before leaving the site. - Spillage or loss of bulk materials from holes or other openings in the cargo compartment's floor, sides, and tailgates will be prevented. - Haul trucks will be covered with a tarp or other suitable cover or will be loaded such that the freeboard is not less than six inches when transported on any paved public access road to or from the project site.
<i>Outdoor Transport using a Chute or Conveyor</i> ☐ No chutes or conveyors will be used. ☐ Chute or conveyor will be fully enclosed. ☐ Water spray equipment will be used to sufficiently wet the materials. ☐ Transported materials will be washed or screened to remove fines (PM-10 or smaller).
3-C Comments – Control of Fugitive Dust Sources

Section 4 – Dust Control Methods

4-A Water Application Complete this section if water application will be used as a control method for limiting visible dust emissions and stabilizing surface areas. Check and answer everything that applies. Checked boxes represent methods that will be used <i>as needed</i> .
<i>Water Application Equipment:</i> ☐ Sprinklers: Describe the activities that will utilize sprinklers: _____ ☐ Water Truck, ☐ Water Trailer, ☐ Water Wagon, ☐ Other: _____ Describe the activities that will utilize this equipment: _____ Water application equipment is available to operate after normal working hours, on weekends, and holiday. After-hours contact: _____ Phone number: _____
<i>Water Supply (as needed):</i> ☐ Fire hydrants. Obtain necessary approval to use specific hydrants. ☐ Storage tanks Number and capacity: _____ ☐ Wells Number and flow rate: _____ ☐ Canal, River, Pond, Lake, etc. Describe: _____ Approval granted by the owner or public agency to use their water source for this project. Owner or Agency: _____ Contact: _____ Phone number: _____ ☐ Other: _____

Section 4 – Dust Control Methods (cont.)

4-B Dust Suppressant Products

Suppressant materials include, but are not limited to: hygroscopic suppressants (road salts), adhesives, petroleum emulsions, polymer emulsions, and bituminous material (road oils).

Copy this section if more than one dust suppressant product will be used.

☐ Not applicable. Only water application will be the control method used.

☐ Applicable.

Product Name: _____

Application Equipment: _____

Number of Application Equipment Available: _____

Attach each of the following information that fully describes this product. Use the checklist below to make sure all information is submitted with this plan.

☐ Product Specifications (MSDS, Product Safety Data Sheet, etc.).

☐ Manufacturer's Usage Instructions (method, frequency, and intensity of application).

☐ Environmental impacts and approvals or certifications related to the appropriate and safe use for ground application.

4-C Other Dust Control Methods

Check the other types of dust control methods that will be implemented at the construction site.

☐ Physical barriers for restricting unauthorized vehicle access:

☐ Fences ☐ Gates ☐ Posts ☐ Berms ☐ Concrete Barriers

☐ Other: _____

☐ Wind barriers – Describe: _____

☐ Posted speed limit signs meet state and Federal Department of Transportation standards.

☐ Posted at 15 miles per hour, ☐ Posted at _____ miles per hour (less than 15 mph)

☐ Re-establish vegetation for temporarily stabilizing previously disturbed surfaces.

Explain: _____

☐ Apply and maintain gravel:

☐ On haul roads ☐ On access roads ☐ At equipment storage yards

☐ At vehicle traffic areas ☐ For temporarily stabilizing previously disturbed areas.

Explain: _____

☐ Apply pavement – Explain: _____

☐ Other: _____

4-D Comments – Dust Control Methods

Section 5 – Carryout and Trackout

5-A Treatments for Preventing Trackout Trackout is any material that adheres to vehicle tires and is deposited onto a paved public road or the paved shoulder of a paved public road. Check one or a combination that will apply. ☐ <i>Grizzly</i>: Rails, pipes, or grates used to dislodge debris off of vehicles before exiting the site. Extends from the intersection with the paved public road surface for the full width of the unpaved exit surface for the distance of at least 25 feet. Describe: _____ ☐ <i>Gravel Pad</i>: A layer of washed gravel at least one inch or larger in diameter, three inches deep, and extends from the intersection with the public paved road surface for the full width of the unpaved exit surface for a distance of at least 50 feet. Describe: _____ ☐ <i>Paved Surface</i>: Extends from the intersection with the paved public road surface for the full width of the unpaved access road for at least 100 feet to allow mud and dirt to drop off of vehicles before exiting the site. Describe: _____ Mud and dirt deposits accumulating on paved interior roads will be removed with sufficient frequency, but not less frequently than once per workday. Clean-up Frequency: _____ ☐ <i>Wheel Washer</i>: Uses water to dislodge debris from tires and vehicle undercarriage. Describe: _____ ☐ <i>Other</i>: _____
5-B Treatments for Preventing Carryout Carryout occurs when materials from emptied or loaded haul trucks, vehicles, or trailers falls onto a paved public road or paved shoulder of a paved public road. Check all methods that apply. ☐ No haul trucks will be routinely entering or leaving the project site. <i>Emptied Haul Trucks</i>: ☐ Interior cargo compartments will be cleaned before leaving the project site. ☐ Cargo compartment will be covered with a tarp or suitable cover before leaving the project site. <i>Loaded Haul Trucks</i>: Spillage or loss of materials from holes or other opening in the cargo compartment will be prevented when material is transported onto any paved public access road. ☐ Haul trucks will be loaded such that the freeboard is not less than six inches with water applied to the top of the load before leaving the project site. ☐ Cargo compartment and load will be covered with a tarp or suitable cover before leaving the project site. ☐ Other: _____
5-C Cleaning up Carryout and Trackout Clean up Method: Check the method(s) below that will be used for cleaning carryout and trackout. ☐ Manually sweeping and picking up. ☐ Mechanical sweeping with a rotary brush or broom accompanied or preceded by water. Describe the types of equipment that will be used: _____ ☐ Operating a PM10-efficient street sweeper. Make and Model: _____ ☐ Flushing with water – allowed if: • No curbs or gutters are present. • Using water will not result as a source of trackout and carryout. • Using water will not result in adverse impacts on storm water drainage systems. • Using water will not violate any National Pollutant Discharge Elimination System permit program or Alaska Department of Environmental Conservation, Division of Water Permit.
5-D Comments - Carryout and Trackout

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Form 1: Relocation Notification (Application Addendum)

Submit to the Department at least *10 days before* moving the plant to any new location.

Facility Information:

Permittee Name: _____ Permit No.: AQ _____

Facility Name: _____

Contact Person: _____ Telephone: _____

Make & Model of the Equipment/Stationary Source to be relocated: _____

Attach a complete list of equipment to be operated at the new location.

Estimated Operating Dates:

Estimated start-up date: _____

Estimated shut-down date: _____

Location Information:

New Plant Location (street address, milepost number, etc. – Include site maps):

Latitude _____ Longitude _____ OR

UTM Coordinates: Zone _____ Northing _____ Easting _____ Datum _____

Distance from Plant boundary to nearest inhabited structure: _____ ft

Nearest inhabited structure(s) are on (check one): _____ flat terrain _____ elevated terrain

If this distance is within 2,000 ft (for rock crushers) or 1 mile (for asphalt plants), include with this addendum a dust control plan that is specific to this location and is adequate to prevent violations of Air Pollution Prohibited (MG3 Condition 10, MG9 Condition 9).

If the plant is to be located in a city or borough with zoning restrictions, please attach the location or siting approval documents from that city or borough to this form (optional).

Comments: _____

Certification:

Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.

Printed Name: _____ Title: _____ Date: _____

Signature: _____ Phone Number: _____

Send completed report to: Compliance Technician, ADEC Air Permits Program, 610 University Avenue, Fairbanks, AK 99709-3643.

ADEC Notification Form

Excess Emissions and Permit Deviation Reporting
State of Alaska Department of Environmental Conservation
Division of Air Quality

Stationary Source (Facility) Name _____

Air Quality Permit Number _____

Company Name _____

When did you discover the Excess Emissions/Permit Deviation?

Date: / / Time: :

When did the event/deviation?

Begin: Date: / / Time: : (please use 24hr clock)

End: Date: / / Time: : (please use 24hr clock)

What was the duration of the event/deviation: : (hrs:min) or days
(total # of hrs, min, or days, if intermittent then include only the duration of the actual emissions/deviation)

Reason for notification: (please check only 1 box and go to the corresponding section)

☐ Excess Emissions Complete Section 1 and Certify

☐ Deviation from Permit Conditions Complete Section 2 and Certify

☐ Deviation from COBC, CO, or Settlement Agreement Complete Section 2 and Certify

Section 1. Excess Emissions

(a) Was the exceedance ☐ Intermittent or ☐ Continuous

(b) Cause of Event (Check one that applies):

☐ Start Up/Shut Down ☐ Natural Cause (weather/earthquake/flood)

☐ Control Equipment Failure ☐ Scheduled Maintenance/Equipment Adjustments

☐ Bad fuel/coal/gas ☐ Upset Condition ☐ Other

(c) Description

Describe briefly what happened and the cause. Include the parameters/operating conditions exceeded, limits, monitoring data and exceedance.

(d) Emission Units Involved:

Identify the emission units involved in the event, using the same identification number and name as in the permit. Identify each emission standard potentially exceeded during the event and the exceedance.

<u>Unit ID</u>	<u>Emission Unit Name</u>	<u>Permit Condition Exceeded/Limit/Potential Exceedance</u>

(e) Type of Incident (please check only one):

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Form 3: Emission Reporting and Emission Fee Estimate

Submit the following information no later than March 31 of each year to:

ADEC Air Permits Program
 610 University Avenue
 Fairbanks, AK 99709-3643

Or

FAX to (907) 451-2187

Or

Email to: DEC.AQ.Airreports@alaska.gov*(If emailed, the report must be signed and certified in accordance with 18 AAC 50.345(j).)*

Or

Submit emissions online at the following website: <https://myalaska.state.ak.us/deca/air/airtoolsweb/>

Permittee Name: _____

Stationary Source Name: _____

Permit Number: _____ Date: _____

Emission Fee Estimate for: _____ (State fiscal year)

Table 1. Total Emissions & Assessable Emission Fee Estimate

Pollutant	Asphalt Plant	Diesel Generator	Assessable Emissions
NO _x			
CO			
SO ₂			
PM-10			
VOC			

Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.

Signature_____
Printed Name_____
Title

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Form 4: Minor General Permit (MG3) – Facility Operating Report Form

Facility Information

Permittee Name: _____ Permit No.: AQ _____

Facility Name: _____

Reporting Period: ☐ 11/1/____ to 3/31/____ ☐ 4/1/____ to 10/31/____

Did this plant operate during this reporting period?

☐ Yes (please complete form) ☐ No (complete the "Certification" section only)

Certification (Condition 4.3)

☐ Certification Statement Signed by a Responsible Official (at end of form)

Visible Emissions - Asphalt Plant (Condition 5.1)

Emissions Points observed: _____ (First point – baghouse or scrubber)
 _____ (Second point – please describe)

Method 9 Observations Summary:

Number of Observations	
Highest 6-consecutive-minute Average	
Number of Observations >20%	

☐ All Method 9 Observation forms attached

☐ Excess Emissions/Permit Deviation Forms attached for failure to monitor or for observations of six-minute average opacity observed as greater than 20%

Visible Emissions – Diesel Engines (Condition 5.2)

Method used: ☐ Smoke/No Smoke Plan ☐ Method 9 ☐ Both

Smoke/No Smoke Plan Summary:

Number of Observations	
Number of Days Smoke Observed	

☐ Complete Smoke/No Smoke Log attached

☐ Summary of Smoke/No Smoke corrective actions attached

Method 9 Observations Summary:

Number of Observations	
Highest 6-consecutive-minute Average	
Number of Observations >20%	

☐ All Method 9 Observation forms attached

☐ Excess Emissions/Permit Deviation Forms attached for failure to monitor or for observations of six-minute average opacity observed as greater than 20%

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Particulate Matter (PM) Emissions (Condition 6)

Date of most recent PM source test: _____

Control Equipment Used: ☐ Baghouse ☐ Scrubber

☐ Summary of baghouse inspections attached, if applicable (Conditions 6.2 & 15.1(f)).

☐ Summary of scrubber inspections attached, if applicable (Conditions 6.2 & 15.2(c)).

Sulfur Compound Emissions (Condition 7)

Was ULSD or LSD the ONLY fuel used for the entire reporting period?

☐ Yes, statement certified by Responsible Official attached.

☐ No, list of diesel deliveries and fuel analysis or certification from supplier showing fuel sulfur content attached.

☐ Highline power used. Statement certified by Responsible Official attached.

☐ Natural gas used. Statement certified by Responsible Official attached.

☐ North Slope topping plant fuel used. If checked, attach a copy of fuel analysis.

Asphalt Plant fuel type used: _____

Pollution Control Equipment Breakdowns (Condition 8)

Were there any control equipment breakdowns during this reporting period? ☐ Yes ☐ No

If Yes, ☐ Summary of breakdowns attached

Did any control equipment breakdowns during this reporting period require an Excess Emission or Permit Deviation report to be submitted to DEC? ☐ Yes ☐ No

Excess Emissions and Permit Deviations (EE/PD) (Condition 9)

Were there any EE/PDs during this reporting period? ☐ Yes ☐ No

If Yes, ☐ Summary of EE/PD reports sent to DEC during operating period attached

Please Note: Any EE/PD forms not previously sent to DEC should also be attached and included in the summary.

Complaint Summary (Condition 10)

Did you receive any public complaints about emissions during this reporting period? ☐ Yes ☐ No

If Yes, ☐ Complaint summary attached.

Nonroad Engines (Condition 11)

Are there engines classified as nonroad engines at this facility?

☐ Yes, Nonroad Engine Location Log attached. ☐ No.

Equipment Changes (Condition 17)

Was new equipment added or existing equipment removed? ☐ Yes, attach Form 10. ☐ No.

Source Testing (Condition 19)

PM source test conducted during this reporting period? ☐ Yes, on date: _____ ☐ No.

Certification (Condition 4.3)

Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.

Printed Name: _____ Title: _____ Date: _____

Signature: _____ Phone Number: _____

Send completed report to: Compliance Technician, ADEC Air Permits Program, 610 University Avenue, Fairbanks, AK 99709-3643.

EPA METHOD 9 (40 CFR 60 - Appendix A) VISIBLE EMISSION OBSERVATION FORM

COMPANY NAME	
LOCATION	
LOCATION	
CITY	STATE ZIP
PROCESS EQUIPMENT	OPERATING MODE
CONTROL EQUIPMENT	OPERATING MODE
DESCRIBE EMISSION POINT	
HEIGHT OF EMISSION POINT	
HEIGHT OF EMISSION POINT RELATIVE TO OBSERVER	
DISTANCE TO EMISSION POINT	
DIRECTION TO EMISSION PT. (DEGREES 0-360))	
START END	START END
VERTICAL ANGLE TO OBSERVATION POINT	
DIRECTION TO OBSERVATION POINT (DEGREES (0-360))	
START END	START END
DISTANCE & DIRECTION TO OBSERVATION POINT FROM EMISSION POINT	
START END	
DESCRIBE EMISSIONS	
START	END
EMISSION COLOR	WATER DROPLET PLUME
START END	ATTACHED ☐ DETACHED ☐ NONE ☐
DESCRIBE PLUME BACKGROUND	
START	END
BACKGROUND COLOR	SKY CONDITIONS
START END	START END
WIND SPEED	WIND DIRECTION
START END	START END
AMBIENT TEMP	WET BULB TEMP RH percent
START END	

Source Layout Sketch

Draw North Arrow

☐ TN
☐ MN

Observation Point

Observer's Position

140°

Sun Location Line

FT

FT

Side View

Stack with Plume

Sun

Wind

ADDITIONAL INFORMATION	
------------------------	--

OBSERVATION DATE	START TIME	END TIME
------------------	------------	----------

SEC MIN	0	15	30	45	COMMENTS
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					

OBSERVER'S NAME (PRINT)	
OBSERVER'S SIGNATURE	DATE
ORGANIZATION	
CERTIFIED BY	DATE

Form 6: Smoke/No Smoke Log – Diesel Engines Reporting Period: ☐ 11/1/___ to 3/31/___ ☐ 4/1/___ to 10/31/___

Permittee Name: _____ Permit No.: AQ _____

Facility Name: _____

Date	Engine ID	Throughput (TPH)	Smoke?		Location	Background Description	Name of Observer
			Yes	No			
Number of Days Smoke/No Smoke was Conducted:					Which Days (if any) Smoke Was Observed:		

Form 7: Complaint Summary Form

Reporting Period: ☐ 11/1/___ to 3/31/___ ☐ 4/1/___ to 10/31/___

Permittee Name: _____ Permit No.: AQ _____

Facility Name: _____

Number of Complaints Received:	
Number of Times Corrective Actions were Found Necessary:	
Number of Times Corrective Action was Taken Within 24 hours:	

Status of corrective actions deemed necessary that were not taken within 24 hours:

Comments:

Form 8: Nonroad Engine Location Log

Permittee Name: _____ Permit No.: AQ _____

Facility Name: _____

Company Equipment ID No.: _____

Engine Manufacturer: _____ Engine Model: _____

Engine Serial No.: _____ Engine Date of Manufacture: _____

Location	Initial Date at Location	Date Moved off Location

Form 9: Equipment Changes Form

Permittee Name: _____ Permit No.: AQ _____

Facility Name: _____

List in the table below the equipment that was installed or removed during the reporting period. Rated capacity must be included. Only list diesel engines, pollution control equipment, and asphalt drum or dryer. Screens, conveyors, and aggregate bins do not need to be listed.

Equipment ID/Name	Equipment Description	Rated Capacity	Date Installed	Date Removed	Comments

Form 10: Asphalt Plant Daily Production Log – For Plants Using Baghouses

Reporting Period: ☐ 11/1/___ to 3/31/___ ☐ 4/1/___ to 10/31/___

Permittee Name: _____ Permit No.: AQ _____

Facility Name: _____

Date	Start Time	Stop Time	Total Operating Hours	Peak Hourly Production (tph)	Total Production (tons)	Baghouse Pressure Drop		Baghouse Inlet Temperature		Baghouse Outlet Temperature		Initials
						AM	PM	AM	PM	AM	PM	

Form 10: Asphalt Plant Daily Production Log – For Plants Using Wet Scrubbers

Reporting Period: ☐ 11/1/___ to 3/31/___ ☐ 4/1/___ to 10/31/___

Permittee Name: _____ Permit No.: AQ _____

Facility Name: _____

Date	Start Time	Stop Time	Total Operating Hours	Peak Hourly Production (tph)	Total Production (tons)	Scrubber Pressure Drop		Scrubber Inlet Temperature		Scrubber Outlet Temperature		Scrubber Water Flow Rate	Initials
						AM	PM	AM	PM	AM	PM		

Alaska Department of Environmental Conservation
Air Permits Program

TECHNICAL ANALYSIS REPORT

for

Air Quality Control

Minor General Permit 3

for

Asphalt Plants

Prepared by: Jim Plosay, Jason Olds, and Amy Hemenway

Date Issued: December 10, 2013 Final

Revision 1: April 1, 2014

Revision 2 Prepared by Linda Atley

Supervisor Jim Plosay

Revision 2: April 1, 2015

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

INTRODUCTION

This permit is intended for asphalt plants that are required to have a permit because they are classified as needing a minor permit under 18 AAC 50.502(b)(1), i.e. they have a rated capacity of at least five tons per hour of hot-mix asphalt product.

Asphalt plants often include rock crushers to break down the oversize material to be fed into the process, or to recycle asphalt pavement. An applicant must apply for Minor General Permit 9 (MG9) for rock crushers to operate the rock crusher.

The Alaska Department of Environmental Conservation (Department) has restructured the conditions and appearance of this permit, the Minor General Permit 3, Version 3 (MG3 Rev. 1), from the previous Minor General Permit 3 (MG3) in order to improve user accessibility and compliance. Conditions in the MG3 Rev. 1 that have been modified from the MG3 are listed in Table 1.

Changes made to Section 1: Qualifying Criteria in the 2009 MG3 include moving the exclusions section to the Technical Analysis Report (TAR) and moving the Change of Ownership section to Condition 12 of the MG3 Rev. 1. All other information from Section 1 is included on the cover page of the MG3 Rev. 1 permit.

The Excluded Facilities section in the 2009 MG3 TAR was modified in the MG3 Rev. 1. References to federal regulations were removed because minor permits are not required to include New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAP). Equipment subject to federal regulations are still required to comply with any applicable rules.

Activities co-located with a major source of air pollution are not covered by this minor general permit because the underlying analysis to protect ambient air quality did not include impacts from nearby emitting activities not covered by this permit.

The Department removed the Alaska Coastal Management Plan (ACMP) provisions from Condition 23 of the 2009 MG3 because the ACMP is no longer in effect.

The MG3 permit does not authorize rock crushers to be located with the asphalt plant. The Permittee would need a separate minor permit or minor general permit for the rock crushing activities.

The Department included a public comment period from 2 June – 2 July 2008 for the 2009 MG3 permit, as required by 18 AAC 50.542(d). The Department received one comment for this permit from Charles Wilkes, Wilder Construction Company. The Department's response to this comment is in the Response to Comments document.

The Department included a public comment period from 03 April – 03 May 2013 for this revision of the MG3 as required by 18 AAC 50.542(d). The comment period was extended to 24 May 2013 after requests were received by the Department from Permittees. The Department received 17

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comments from Colaska, Inc., three comments from Brad Quade at Anchorage Sand & Gravel Co., Inc., 14 comments from Shawn Crouse at Granite Construction Company, and 11 comments from other parties. The Department's response to this/these comment is available in the Response to Comments document.

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Table 1 Condition changes from MG3 to MG3 Rev. 1

MG3 Permit Condition No.	Description	MG3 Rev. 1 Permit Condition No.	Description of Change
1-4	Visible Emissions Standard Requirements for Asphalt Plants	5.1	Defined emission points to be monitored. Modified monitoring schedule.
5-7	Visible Emissions Standard Requirements for Diesel Engines	5.2-5.3	Modified monitoring schedule.
8-12	Particulate Matter (PM) Standard Requirements	6	Included reporting requirement from original Condition 27.
13-17	Sulfur Compound Emissions Standard Requirements	7	Reporting content changed. Nonroad engine recordkeeping and reporting required.
18-20	Ambient Air Quality Protection	1	Modified restrictions for SO ₂ protection areas.
21	Pollution Control Equipment Breakdown Reporting	8	No change.
22	Relocation and Reporting of Site Selection	2	No change.
23	Alaska Coastal Management Program (ACMP)	Removed	Removed from permit.
24	Administrative Fees	13	No change.
25-26	Assessable Emissions	14	No change.
27	Good Air Pollution Control Practice	15	Moved reporting requirement to Condition 7.
28	Reasonable Precautions to Prevent Fugitive Dust	16	Addition of sample fugitive dust control plan in Appendix B.
29-30	Air Pollution Prohibited	10	No change.
31-39	Source Testing and Monitoring Requirements	20	Reference methods not in permit; moved to TAR.
40	Recordkeeping Requirements	3	No change.
41	Information Requests	4.3	No change.
42	Submittals	4	No change.
43	Certification	4.1	No change.
44	Excess Emissions and Permit Deviation Reports	9	No change.
45	Operating Reports	4.2	Reporting periods changed to April 1-October 31, and November 1-March 31. Report due dates changed to November 30 and April 30.
46	Nonroad Engines	11	Reporting requirement added. Must submit nonroad engine location log with FORs.
47-53	Terms to Make Permit Enforceable	18-19	No change.
None	Transfer of Ownership	12	Moved from Introduction of 2009 MG3 to a permit condition.
None	Equipment Changes	17	New condition.

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Table 2: Condition changes from MG3 Rev.1 to MG3 Rev. 2

Condition Number	Change to Condition
Permit	
Condition 5.1 - Monitor	Monitor - Bullet 3 Part 3: Changed VE Method 9 observations to “at least once every 30 operating days”. See Comment 6 in Response to Comments.
	Monitor - Bullet 4: Relocated to the reporting requirement of this condition becoming Bullet 5 for Condition 5.1 Reporting.
Condition 5.1 - Report	Report - Bullet 1: Wording changed describing to match the Response to Comments. See Comment 19 in Response to Comments.
	Reporting - Bullet 5: Relocated from Monitor requirement of Condition 5.1. Reworded condition to clarify that the “six-minute average opacity observed” must be greater than 20% not the individual readings.
Condition 5.2 - Monitor	Monitor - Bullet 2 Smoke/No Smoke Part 2: Changed Smoke/No Smoke observations to “at least once every 30 operating days”. See Comment 7 in Response to Comments.
Condition 5.2 - Monitor	Monitor - Bullet 3 Method 9 Part 2: Changed VE Method 9 observations to “At least once every 30 operating days”. See Comment 7 in Response to Comments.
	Monitor - Bullet 3 Method 9 Part 3: Relocated to the reporting requirement of this condition becoming Bullet 5 for Condition 5.2 Reporting.
Condition 5.2 - Report	Reporting - Bullet 5: Relocated from Monitor requirement of Condition 5.2. Reworded condition to clarify that the “six-minute average opacity observed” must be greater than 20% not the individual readings.
Condition 5.3.a – Corrective Actions for Smoke/No Smoke	Reworded to clarify that the “six-minute average opacity observed must be greater than 20%” not the individual readings
Condition 17 – Equipment Changes	Changed equipment descriptions as described in the response to Comment 44 in RTC document.
All Forms	Added or changed all form headings to include Permittee Name:_____, Permit No.: AQ____ and Facility Name_____, for consistency.
Form 4 : Facility Operating Report re: Conditions 5.1 and 5.2	Reworded to clarify that the “six-minute average opacity observed” must be greater than 20% not the individual readings.

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Form 4 : Facility Operating Report re: Condition 7	The Department agreed with the commenter that ULSD or LSD could be used and still meet the sulfur requirements. Added “or LSD” to ULSD fuel as per response to Comment 11.
Form 4 : Facility Operating Report re: Conditions 8 - 9	Reorganized and reworded reporting of Conditions 8 and 9.
Technical Analysis Report	
TAR Introduction	Added Table 2 to show changes between MG3 Revision 1 and MG3 Revision 2
Condition 5 Factual Basis	Corrected monitoring requirements
Condition 7 Factual Basis	The Department agreed with the commenter that ULSD or LSD could be used and still meet the sulfur requirements. Added “or LSD” to ULSD fuel as per response to Comment 11.
Response To Comments	
Comment 12	The Department agreed with the commenter that ULSD or LSD could be used and still meet the sulfur requirements. Added “or LSD” to ULSD fuel as per response to Comment 11.
Comment 19	Grammar correction to emission points.
Comment 32	Typographical error correction--Added space between “and-objectively”
Comment 36	Added “If six-minute average opacity” is observed for clarity
Additional Changes made by ADEC – Draft TAR	The Department agreed with the commenter that ULSD or LSD could be used and still meet the sulfur requirements. Added “or LSD” to ULSD fuel as per response to Comment 11.

EXCLUDED FACILITIES

A stationary source is excluded from using this general minor permit if the following applies.

1. The stationary source is subject to a fuel consumption limit or other stationary source-specific requirement established in a construction permit, or air quality control permit under 18 AAC 50.400 (effective prior to 1/18/97).

This does not include a limit established because a source test was conducted at less than full rated capacity. This exclusion is not applicable if the owner or operator obtains an owner requested limit (ORL) under 18 AAC 50.225, or another general or source-specific permit that covers these requirements.

2. The stationary source is subject to any standard in 18 AAC 50.055(a)-(f) other than standards for fuel burning equipment in (a)(1), (a)(4), (b)(1), (b)(5), and (c).
3. The stationary source contains a gas turbine.

Gas turbines were not modeled or included in the assumptions for asphalt plant dispersion modeling. Therefore, the Department cannot provide a factual basis for assessable emissions or the protection of ambient air quality.

4. The stationary source contains open burning or an incinerator.

Open burning and the operation of incinerators have substantive particulate matter (PM) emissions and ambient impacts, which were not included in the modeling analysis for simplicity.

5. The stationary source emits more than 100 tons per year (tpy) of a regulated air pollutant or is collocated at a TV Major source, i.e. is subject to Title V permitting requirements.

If there is a Title V Major Permit (commonly General Permit 3) for the activities listed above, the stationary source may operate under both permits.

TECHNICAL ANALYSIS FOR THE PERMIT CONDITIONS

Condition 1 – Ambient Air Quality Protection

Legal Basis: This condition applies to all asphalt plants unless a stricter condition exists in this permit, State Statutes, or Federal Guidelines. 18 AAC 50.010 establishes the ambient air quality standards in the State of Alaska. The Permittee is required to comply with these requirements.

Condition 1.4 only applies to asphalt plants located in the SO₂ Special Protection Areas (Unalaska and Saint Paul Island areas) established in 18 AAC 50.025(c).

In Condition 1.5, 18 AAC 50.010 establishes the ambient air quality standards in the State of Alaska. This condition only applies to Asphalt Plants that operate at the Bells Flats area of Kodiak Island.

Factual Basis: The Department incorporated the same setback distance requirements detailed in the 2009 MG3. The Department established these distances based on a generic air quality modeling analysis (see Attachment 1).

The Department established the setback distances in Condition 1.1 in order to protect the three hour SO₂ ambient air quality standard.

The setback distances are based on the best information available to the Department as noted in the 2003 GP3. They do not guarantee that an operation cannot violate the ambient air quality standards or increments, or create a public air quality nuisance. Therefore, the Department previously included a note that all complaints attributed to an operation are subject to investigation. The following note lists some of the possible outcomes of an investigation.

Note: The setback distances in Condition 1 are minimum requirements. You should give adequate consideration to local siting issues which may exist within a given area. Poor siting can lead to public complaints regarding dust impacts and/or impacts from other air pollutants. The Department does investigate these types of public complaints. These investigations could result in:

- 1. Formal enforcement with punitive damages;*
- 2. A formal request under 18 AAC 50.201 that the Permittee demonstrate, by air quality dispersion modeling or other means, that the air quality impacts are not violating State air quality standards or increments; or creating a public nuisance (under 18 AAC 50.110);*
- 3. The requirement to reduce emissions or implement another control strategy to reduce the ambient impact of those emissions as necessary to ensure that the concentration of air pollutants does not exceed the State air quality standards or increments; or the concerns listed in 18 AAC 50.110;*
- 4. A requirement to install and operate air quality monitoring equipment; or*
- 5. The requirement to obtain a site specific permit with which would contain requirements tailored to that exact operation.*

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In Condition 1.4, the Department previously established the SO₂ Special Protection Areas due to past demonstrations that the ambient SO₂ air quality standards and increments are threatened. While developing the 2003 GP3, the Department conducted a modeling analysis to determine whether additional restrictions were needed to protect the standards and increments in these special protection areas. The analysis showed that the Asphalt Plant would need to operate with fuel-sulfur content not greater than 0.075 percent sulfur by weight and that the plant would need to operate on highline power rather than from its own diesel generator. It also showed that if diesel engines are used for another purpose other than electrical power generation then they could not burn fuel with sulfur content greater than 0.075 percent, by weight. The Department incorporated these restrictions into the 2009 MG3, and is now updating terms in the MG3 Rev. 1 to allow for more flexibility and simplicity. Rev. 1 removed exclusions on operation provided the Permittee certify that only Ultra Low Sulfur Diesel (ULSD) is used in all engines and in the asphalt plant. If a Permittee would like less stringent restrictions when operating in an SO₂ Special Protection Area, they would need to obtain a source-specific permit. The application for a source-specific permit would need to include a case-specific ambient air quality modeling demonstration.

Condition 1.5 represents additional restrictions for the protection of ambient air quality. In response to complaints received from the Bells Flat area of Kodiak in circa-2003, the Department conducted a modeling analysis under 18 AAC 50.201 of Asphalt Plant operations in this area. The analysis showed that Asphalt Plant emissions should not violate the State's air quality standards/increments as long as the sulfur content of the liquid fuel did not exceed 0.4 percent (by weight) and the plant operated no more than 13 hours per day. The Department incorporated these limits in the 2009 MG3, and is now updating terms in the MG3 Rev. 1 to allow for more flexibility and simplicity. Rev. 1 allows operation of liquid-fired equipment provided that the Permittee certify that only ULSD is used in all engines and in the asphalt plant. MR&R requirements are established under this condition.

Condition 2 - Relocation and Reporting Site Selection

Legal Basis: This relocation condition applies to all Asphalts Plants because Alaska Statute (AS) 46.14.210 authorizes the Department to issue a general minor permit that is valid for multiple locations within the state of Alaska. The permit also contains siting requirements that limit the asphalt plant from operating within specified distances to occupied structures, and has monitoring requirements based upon startups at new locations.

This site selection condition applies to all asphalts plants because 18 AAC 50.110 prohibits pollution that is injurious to human health or welfare, animal or plant life or property, or which would unreasonably interfere with the enjoyment of life or property. This condition applies unless a stricter condition exists in this permit, State Statutes, or Federal Guidelines.

Factual Basis: Based on the Department's 2003 modeling, new locations must comply with the setback distances in Condition 1 and provide notification to the Department within 10 days of startup at the new location. See ATTACHMENT 1 for a description of modeling performed.

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Condition 3 - General Recordkeeping

Legal Basis: The Permittee is required to keep records to demonstrate compliance with the terms and conditions of the permit and applicable regulations.

Factual Basis: The condition restates the regulatory requirements for recordkeeping and supplements the recordkeeping defined for specific conditions in the permit. The records being kept provide an evidence of compliance with this requirement.

Condition 4 – General Reporting

Legal Basis: Condition 4.1 requires the Permittee to comply with the standardized reporting requirements in 18 AAC 50.326(j) for all Department submittals. Condition 4.3 requires the Permittee to comply with the certification requirement in 18 AAC 50.205 and applies to all Permittees. Condition 4.4, adopted by the Department as Standard Permit Condition VII in 18 AAC 50.346(b)(6), ensures compliance with the applicable requirement in and applies to all permits. Condition 4.5 requires the Permittee to submit requested information to the Department and is a standard condition in 18 AAC 50.345(i).

Factual Basis: Condition 4.1 lists the appropriate submission address for reports and written notices. One original report, with certification in accordance with Condition 4.3, must be submitted by mail to the Department unless an approved electronic method has been implemented by the Department. Under Condition 4.2, the approved electronic method must include an electronic signature to replace the requirement of mailing a paper copy of the report. The Permittee may submit a paper copy and an electronic copy if the electronic version is compatible with Department software (e.g., Adobe PDF). Receipt of the submittal at the correct Department office provides sufficient monitoring for this condition. This condition supplements the standard reporting and notification requirements for the permit.

Condition 4.3 requires the Permittee to certify all reports submitted to the Department. This condition supplements the reporting requirements of this permit.

Condition 4.4 restates the requirements for reports listed in the regulations. This condition also supplements the specific reporting requirements included elsewhere in the permit. The reports themselves provide monitoring for compliance with this condition. The reporting period dates have been modified in the MG3 Rev. 1 to reflect the most common operating season length for rock crushers in Alaska. The former semi-annual operating period of April 1 through September 30 was extended to April 1 through October 31, with its report due a month later on November 30. The former semi-annual operating period of October 1 through March 31 was shortened to November 1 through March 31, with its operating report due a month later on April 30.

Condition 4.5 requires the Permittee to submit information requested by the Department. This condition allows the Department to request any records that the Permittee is required to keep by other permit conditions to be used for compliance determination or cause to modify, revoke and reissue, or terminate the permit. Monitoring consists of receipt of the requested information.

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Condition 5: Visible Emissions Requirements

Legal Basis: For a minor permit classified under 18 AAC 50.502(b), in accordance with 18 AAC 50.544(b), the Department will include terms and conditions as necessary to ensure the proposed stationary source will meet the requirements of AS 46.14 and 18 AAC 50. This includes terms and conditions for

- Installation, use, and maintenance of monitoring equipment;
- Sampling emissions according to the methods prescribed by the Department, and at locations, intervals and by procedure specified by the Department;
- Providing source test reports, monitoring data, emissions data, and information from analyses of any test samples;
- Keeping records; and
- Making periodic reports on process operations and emissions.

An asphalt plant¹ constructed or modified after June 11, 1973 may not reduce visibility through the exhaust effluent by 20 percent or greater averaged over any six consecutive minutes as specified in 18 AAC 50.055(a)(4). All other industrial processes and fuel burning equipment at this source may not reduce visibility through the exhaust effluent by more than 20 percent averaged over any six consecutive minutes, as specified in 18 AAC 50.055(a)(1). Asphalt plants are industrial processes while the asphalt drum/dryer and diesel engines are fuel-burning equipment. Therefore the same standard applies to the diesel engines used for power generation for an asphalt plant and to asphalt plants built on or before June 11, 1973.

Condition 5 requires the Permittee to comply with the visible emission standard for asphalt plants and diesel engines, including fugitive emissions from asphalt plants. Condition 5.1 and 5.2 address the visible emissions (VE) monitoring, recordkeeping, and reporting (MR&R) for asphalt plants and (liquid-fired) diesel engines, respectively.

Factual Basis: The VE monitoring, recordkeeping, and reporting (MR&R) requirements for the Asphalt Plant are different from those for diesel engines because asphalt plants may produce VE without smoke, which is typically associated with incomplete combustion. In the case of asphalt plants, VE may also result from loose particulate from the aggregate fed into the mixing drum.

Thus, the MR&R requirements for diesel engines includes the EPA Method 9 and the Smoke/No Smoke plans which are standard permit conditions required under 18 AAC 50.346(c). MR&R requirements for the asphalt plant deviate from those under 18 AAC 50.346(c) by excluding the possibility to monitor visible emissions using the Smoke/No Smoke plan because particulate matter emissions from the aggregate are not considered "smoke."

¹ In this permit, "asphalt plant" means all asphalt plant equipment (including the aggregate dryer and drum mixer), except the diesel engine and vehicles.

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The VE standard applies to stationary diesel engines and does not apply to non-road engines. A non-road engine has the meaning given in 40 C.F.R. 89.2. An engine will not be considered a non-road engine if it remains, or will remain, at a location for more than 12 consecutive months, i.e. an engine used at a specific location for 12 months or longer ceased to be a non-road engine at the time it was placed. Although the VE standard does not apply to non-road engines, the engines must still be monitored as specified under Condition 5.2 to determine compliance if the engine remains in the same location for more than 12 months, or in case there are public complaints issued about the stationary source.

Condition 5 was adopted from Standard Permit Condition IX -Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Sources. The conditions were modified to reflect the mobility of asphalt plants and the seasonal nature of their operations. The condition requires VE readings after startup from periods of shut down and after relocating the plant.

Condition 5.1 was modified from the 2009 MG3 to monitor the baghouse or scrubber stack and to choose one emission point to monitor that is capable of producing fugitive emissions. Instead of monitoring every possible fugitive emission point, because there may be many, the Permittee should identify all possible fugitive emission points and select the one that appears to have the greatest continuous fugitive emissions, based on initial observation. Example fugitive emissions points are at aggregate handling areas, conveyor drop points, baghouse catch, drum mixer discharge, and hot mix storage silo receiving points. The Permittee should observe each point and determine which point continuously creates the most fugitive dust. This emission point should be monitored in accordance with Condition 5.1.

Condition 5.2 MR&R condition for diesel engines is a standard condition adopted into regulation pursuant to AS 46.14.010(e).

Reoccurring monitoring for the diesel engine was preserved from the original MG3 permit after receiving comments during the public notice period. The required VE observations are to be taken within two days of start up at a new location, at least once per 30 operating days at the same location and within 24 hours of startup following a shutdown period of more than 5 days.

The Smoke/No Smoke requirement in Condition 5.2 was preserved from the original MG3 Permit. This requires the Permittee to begin Method 9 observations, or take corrective action, to eliminate smoke when observed. Corrective actions remain unchanged from the 2009 MG3 and are listed under Condition 5.3.

Condition 6.1 – Particulate Matter Emissions – Source Testing

Legal Basis: Under 18 AAC 50.055(b)(5), an asphalt plant constructed or modified after June 11, 1973 may not emit PM in excess of 0.04 grains per dry standard cubic foot of exhaust gas (gr/dscf). Under 18 AAC 50.055(b)(1), all other industrial processes and fuel burning equipment at the asphalt plant may not emit PM in excess of 0.05 gr/dscf. Asphalt plants are both industrial processes and fuel-burning equipment while diesel engines are fuel-burning equipment. Therefore the same standard applies to the diesel engines used for power generation for an asphalt plant and to asphalt plants built on or before June 11, 1973.

Asphalt plants are industrial processes while the asphalt drum/dryers are fuel-burning equipment. Table B of the permit establishes the applicable PM standard for asphalt plants, depending on the date it was constructed, reconstructed, or modified.

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Factual Basis: Condition 6.1 covers the source testing requirements to demonstrate compliance with the applicable PM standard for the asphalt drum/dryer.

The Department removed the condition that permitted the one-year PM source test requirement is delayed one year for each calendar year that the plant operated for less than 30 days. The Department replaced this with language consistent with the GP3 for simplicity. This change was made to the MG3 and GP3 to close a loophole allowing plants to operate in Alaska on a limited basis while avoiding testing indefinitely; the Department always had the authority to request a test regardless.

Condition 6.1 also covers the monitoring, recordkeeping, and reporting required during source tests to demonstrate compliance with the applicable PM standard for the asphalt drum/dryer.

Condition 6.2 - Particulate Matter Emissions – Asphalt Plant

Legal Basis: Under 18 AAC 50.544(b), for a minor permit classified under 18 AAC 50.502(b), the Department will include terms and conditions as necessary to ensure the proposed stationary source will meet the requirements of AS 46.14 and 18 AAC 50. This includes terms and conditions for

- installation, use and maintenance of monitoring equipment;
- sampling emissions according to the methods prescribed by the Department, and at locations, intervals and by procedure specified by the Department;
- providing source test reports, monitoring data, emissions data, and information from analyses of any test samples;
- keeping records; and
- making periodic reports on process operations and emissions.

Under 18 AAC 50.990(12), an "Asphalt Plant" means a stationary source that manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements; "Asphalt Plant" includes any combination of dryers, systems for screening, handling, storing, and weighing dried aggregate, systems for loading, transferring, and storing mineral filler, systems for mixing, transferring, and storing asphalt concrete, and emission control systems within the stationary source.

Under 18 AAC 50.055(b)(5), an asphalt plant constructed or modified after June 11, 1973 may not emit PM in excess of 0.04 grains per dry standard cubic foot of exhaust gas (gr/dscf). Under 18 AAC 50.055(b)(1), all other industrial processes and fuel burning equipment at the asphalt plant may not emit PM in excess of 0.05 gr/dscf. Asphalt plants are both industrial processes and fuel-burning equipment while diesel engines are fuel-burning equipment. Therefore the same standard applies to the diesel engines used for power generation for an asphalt plant and to asphalt plants built on or before June 11, 1973.

Asphalt plants are industrial processes while the asphalt drum/dryers are fuel-burning equipment. Table B of the permit establishes the applicable PM standard for asphalt plants, depending on the date it was constructed, reconstructed, or modified. This permit does not include MR&R to demonstrate compliance with this particulate matter standard for fugitive emissions since Reference Method 5 of 40 C.F.R. 60, which is used to determine compliance with this standard, is not applicable to fugitive emissions.

Diesel engines are fuel burning equipment. Condition 6 requires the Permittee to comply with the applicable PM standard(s) for diesel engines, including fugitive emissions from asphalt plants.

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Condition 6 establishes MR&R requirements to demonstrate compliance with the PM standard for (liquid-fired) diesel engines.

Factual Basis: The particulate matter standard applies to stationary diesel engines and does not apply to nonroad engines. A nonroad engine has the meaning given in 40 C.F.R. 89.2. An engine will not be considered a nonroad engine if it remains at or will remain at a location for more than 12 consecutive months. An engine used at a single specific location for 12 months or longer ceased to be a nonroad engine when it was placed in that location.

The requirement to report the diesel engine exhaust stack diameter to the Department within 180 days of the letter of authorization was removed because this information should be provided in the MG3 Rev. 1 application.

Recordkeeping and reporting requirements are combined from Conditions 8.4 and 27 of the 2009 MG3. The Permittee is required to keep a daily log of asphalt production parameters listed, as well as the parameters listed for baghouses and scrubbers. These are to be reported in each FOR.

The MR&R conditions are Standard Operating Permit Condition IX under 18 AAC 50.346(c), *Liquid-Fired Fuel Burning Equipment*, adopted into regulation pursuant to AS 46.14.010(e).

Condition 7 - Sulfur Compound Emissions Standard Requirements

Legal Basis: Under 18 AAC 50.544(b), for a minor permit classified under 18 AAC 50.502(b), the Department will include terms and conditions as necessary to ensure the proposed stationary source will meet the requirements of AS 46.14 and 18 AAC 50. This includes terms and conditions for

- installation, use and maintenance of monitoring equipment;
- sampling emissions according to the methods prescribed by the Department, and at locations, intervals and by procedure specified by the Department;
- providing source test reports, monitoring data, emissions data, and information from analyses of any test samples;
- keeping records; and
- making periodic reports on process operations and emissions.

Under 18 AAC 50.055(c) industrial processes and fuel burning equipment may not emit sulfur-compound emissions exceeding 500 parts per million (ppm) averaged over a period of three hours. Asphalt plants are industrial processes while the asphalt drum/dryer and diesel engines are fuel-burning equipment. Condition 7 requires the Permittee to comply with this standard for the asphalt drum/dryer and diesel engines. This does not apply to the other, nonfuel-burning parts of asphalt plants since they don't produce sulfur-compound emissions. Condition 7 establishes MR&R requirements to demonstrate compliance with this standard for (liquid and gas-fired) diesel engines.

Factual Basis: The sulfur-compound emissions standard applies to stationary diesel engines and fuel used in asphalt burners. Although sulfur compound emissions standards do not apply to nonroad engines, all nonroad engines must be monitored to ensure the protection of ambient air quality standards (18 AAC 50.010(2), 18 AAC 50.110).

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MR&R requirements were modified from the 2009 MG3 to simplify and reduce the amount of information to be reported by the Permittee and reviewed by the Department. Instead of attaching all fuel receipts with each FOR, the Permittee is to keep these records for at least five years and only report the fuel grade used during the reporting period. If only ULSD or LSD was used for the entire reporting period, the Permittee should submit a statement certified by the Responsible Official stating that only ULSD or LSD fuel was purchased. If a fuel type other than ULSD or LSD was used, the Permittee is to submit a list of fuel grades, including sulfur content for each fuel grade used.

The Permittee is also to report the fuel type and sulfur content of fuel used in the asphalt burner. Records of non-distillate fuel or used oil for asphalt burners are to be kept on-site for at least five years.

For liquid-fired fuel burning equipment the MR&R conditions are Standard Operating Permit Conditions XI and XII under 18 AAC 50.346(c), adopted into regulation pursuant to AS 46.14.010(e).

Gas-Fired Fuel Burning Equipment: If a source permitted under an MG3 Rev. 1 uses pipeline quality natural gas, no monitoring terms are needed and reporting should consist of submitting a statement certified by the Responsible Official stating that only natural gas was used.

Highline Power: If a source permitted under an MG3 Rev. 1 uses highline power, no monitoring terms are needed and reporting should consist of submitting a statement certified by the Responsible Official stating that only highline power was used.

Condition 8 - Pollution Control Equipment Breakdown Reporting

Legal Basis: This condition is intended to ensure all EUs operating at the stationary source are in compliance with 18 AAC 50.544(b)(2). These requirements are carried over from Condition 21 of the 2009 MG3.

Factual Basis: The Department included these reporting requirements to better ensure compliance with the permit conditions. Permittees can more effectively meet their compliance obligations by ensuring that all EUs are well maintained and that any pollution control equipment, if used, functions properly. These requirements are an extension of the Good Air Pollution Control Practices of Condition 15.

Condition 9 - Excess Emission and Permit Deviation Reports

Legal Basis: This condition requires the Permittee to comply with the applicable requirement in 18 AAC 50.235(a)(2) and 18 AAC 50.240(c). The Department adopted this condition from Standard Permit Condition III under 18 AAC 50.346(b)(2) pursuant to AS 46.14.010(e). The Department copied Form 2, *ADEC Notification Form* Standard Permit Condition IV under 18 AAC 50.346(b)(3).

Factual Basis: This condition satisfies two state regulations related to excess emissions – the technology-based emission standard regulation and the excess emission regulation. Although there are some differences between the regulations, the condition satisfies the requirements of each regulation.

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The Department adopted this condition as Standard Permit Condition III under 18 AAC 50.346(c) pursuant to AS 46.14.010(e). The Department has determined that the standard condition adequately meets the requirements of 40 C.F.R. 71.6(a)(3). No additional emission unit or stationary source operational or compliance factors indicate the unit-specific or stationary-source-specific conditions would better meet the requirements. Therefore, the Department concludes that the standard conditions as modified meets the requirements of 40 C.F.R. 71.6(a)(3).

Conditions 10 - Air Pollution Prohibited

Legal Basis: This condition ensures compliance with the applicable requirements in 18 AAC 50.110. The requirements prohibit the Permittee from causing any emission which is injurious to human health or welfare, animal or plant life, or property, or which would unreasonably interfere with the enjoyment of life or property. Air Pollution Prohibited requirements apply to the stationary source because rock crushers produce emissions and because activities at or associated with the stationary source may result in complaints from the public. The Department adopted these requirements as Standard Permit Condition II under 18 AAC 50.346(a) pursuant to AS 46.14.010(e).

Factual Basis: Unforeseen emission impacts can cause violations of the requirements under 18 AAC 50.110. These violations can go undetected in the absence of public complaints. Public complaints are an indication that a violation of 18 AAC 50.110 has occurred. The Permittee is required to investigate and report any complaints and must keep records that detail the date, time, and nature of all complaints received. The Permittee must maintain a record of the investigation and any corrective actions undertaken and submit copies of these records upon request of the Department. Therefore, the Permittee must monitor and respond to complaints to ensure compliance with 18 AAC 50.110

Condition 11 – Non-road Engine Requirements

Legal Basis: Non-road engines are not subject to the standards approved under the State Implementation Plan for the air pollution control for stationary sources. 18 AAC 50.100 states that the PTE from non-road engines does not count towards the classification of a newly constructed or modified stationary source in accordance with AS 46.14.130.

Factual Basis: This condition requires the Permittee to keep records detailing the location and specifications of non-road engine EUs at any location where they operate. The date and location log requested in this condition should be submitted with each Facility Operating Report (FOR). This differs from the 2009 MG3 in that the non-road engine log was to be made available to the Department upon request, and was not required to be submitted with each FOR. The change in the MG3 Rev. 1 condition is to simplify information requests for compliance evaluations. In addition, the Department needs to know if an engine no longer qualifies as a non-road engine so that the proper monitoring, recordkeeping, and reporting for stationary engines are met.

A non-road engine has the meaning given in 40 C.F.R. 89.2, presented as follows, and is adopted by reference in 18 AAC 50. This condition and other conditions in this permit regarding non-road engines only apply to portable non-road engines, not self-propelled non-road engines.

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Except as discussed in paragraph (2) of this definition, a nonroad engine is any internal combustion engine:

- *In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or*
- *In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or*
- *That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.*

An internal combustion engine is not a nonroad engine if:

- *The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Act; or*
- *The engine is regulated by a federal New Source Performance Standard promulgated under section 111 of the Act; or*
- *The engine otherwise included in paragraph (1)(iii) of this definition remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.*

This condition provides supplemental information for non-road engines monitored under Conditions 5.2 and 7 and is intended to help ensure the protection of ambient air quality in accordance with 18 AAC 50.010(2) and 18 AAC 50.

Condition 12 – Change of Ownership

Legal Basis: This condition requires new and previous owners of the permitted rock crusher plant to submit the transfer of ownership form and pay the administrative amendment fees in accordance with 18 AAC 50.400(f)(1)-(3) and 40 C.F.R. 71.7(d), adopted by reference in 18 AAC 50.040.

Factual Basis: If owner or operator of a stationary source transfers ownership of the stationary source, both new and previous owners must complete the transfer of ownership form. Once the form is received by the Department, the new owner will receive authorization to operate the stationary source.

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Condition 13 - Administration Fees Applicability

Legal Basis: This condition requires the Permittee, owner, or operator to pay administration fees as set out in regulation. Paying administration fees is required as part of obtaining and holding a permit with the Department or as a fee for a Department action.

Factual Basis: The owner or operator of a stationary source who is required to apply for a permit under AS 46.14.130 shall pay to the Department all assessed permit administration fees. The regulations in 18 AAC 50.400-405 specify the amount, payment period, and the frequency of fees applicable to a permit action.

Condition 14 - Emission Fees

Legal Basis: The regulations require all permits to include due dates for the payment of fees and any method the Permittee may use to re-compute assessable emissions. This is Standard Permit Condition I under 18 AAC 50.346(b)(1), adopted into regulation pursuant to AS 46.14.010(e).

Factual Basis: These standard conditions require the Permittee to pay fees in accordance with the Department's billing regulations. The billing regulations set the due dates for payment of fees based on the billing date.

The default assessable emissions are emissions of each air pollutant authorized by the permit (AS 46.14.250(h)(1)(A)). Air pollutant means any regulated air pollutant and any hazardous air pollutant. Therefore, assessable emissions under AS 46.14.250(h)(1)(A) means the potential to emit any air pollutant identified in the permit, including those not specifically limited by the permit.

The conditions also describe how the Permittee may calculate actual annual assessable emissions based on previous actual annual emissions. According to AS 46.14.250(h)(1)(B), assessable emissions are based on each air pollutant. Therefore, fees based on actual emissions must also be paid on any pollutant emitted whether or not the permit contains any limitation of that pollutant.

This standard condition specifies that, unless otherwise approved by the Department, calculations of assessable emission based on actual emissions use the most recent previous calendar year's emissions. Since each current year's assessable emission are based on the previous year, the Department will not give refunds or make additional billings at the end of the current year if the estimated emissions and current year actual emissions do not match. The Permittee will normally pay for actual emissions -just with a one-year time lag.

Projected actual emissions may differ from the previous year's actual emissions if there is a change at the stationary source, such as changes in equipment or an emission rate from existing equipment.

The emission factors in the Asphalt Plant Emission Calculation Guide are taken from US EPA publication AP-42 *Compilation of Air Pollutant Emission Factors. Volume I: Stationary Point and Area Sources. Fifth Edition* as adopted by reference in 18 AAC 50.035. The Permittee may use other emission factors as outlined in Asphalt Plant Emission Calculation Guide and Standard Permit Condition I provided those emission factors have been approved by the Department.

If the Permittee does not choose to annually calculate assessable emissions, emissions fees will be based on "potential to emit" (PTE).

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The PTE set forth in the condition is based on liquid fuel with a sulfur content of 0.5 percent by weight or fuel gas with a sulfur content of 60 ppm H₂S by volume. If the actual sulfur content of the fuel is greater than these assumptions, the assessable emissions calculations provided by the Permittee should reflect the actual sulfur content. The change in these values may result in SO₂ emissions that could trigger PSD.

The address to submit Emission Fee Estimates was changed from the Standard Permit Condition. This address was changed to reflect the processing center for Emission Fee Estimates.

Condition 15 - Good Air Pollution Control Practices

Legal Basis: This condition ensures compliance with the applicable requirements under 18 AAC 50.346(b)(5) *Standard Operating Permit Condition VI - Good Air Pollution Control Practices* and applies to all emission units, except those subject to federal emission standards. This condition replaces Condition 27 in the prior MG3. Also, under 18 AAC 50.544(b)(2), for a minor permit classified under 18 AAC 502(b), the Department will include a condition requiring the owner to

- perform regular maintenance considering the manufacturer's or the operator's maintenance procedures;
- keep records of any maintenance that would have a significant effect on emissions (the records may be kept in an electronic format); and
- keep a copy of either the manufacturer's or the operator's maintenance procedures.

Factual Basis: The condition requires the Permittee to comply with good air pollution control practices for all emission units. The permit contains the provision exactly as required by regulation. This is the same as 18 AAC 50.346(b)(5) and requires that all permits issued by the State of Alaska contain the provisions of *Standard Operating Permit Condition VI - Good Air Pollution Control Practices* unless more specific requirements adequately meet the requirements. In this case the Department has included in the permit more specific requirements as stated below for Condition 15.1 and 15.2.

Condition 15.1 - Facilities with a Baghouse

Legal Basis: This condition expands the requirements under 18 AAC 50.346(b)(5) *Standard Operating Permit Condition VI - Good Air Pollution Control Practices* to provide a condition that more adequately meets the requirements under 18 AAC 50.346(b)(5) when the control device is a baghouse. This condition is the same monitoring as Condition 27.2 of the prior MG3 permit, with some of the recordkeeping and reporting moved to Condition 6.2.

Factual Basis: The permit requires the Permittee to demonstrate compliance with the visible emissions and particulate matter standards in 18 AAC 50.055. Some Asphalt Plants may choose to control PM emission using a baghouse. This condition states the minimum frequencies for baghouse inspections, requires that the Permittee monitor the pressure drop across the baghouse, and baghouse outlet temperature, and maintain these parameters within limits recommended by the manufacturer.

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After a run is completed, the baghouse temperature will drop through the range where acid gasses will condense. Corrosion will be minimized if the temperature passes through this range as quickly as possible. Therefore this requirement is to maintain fan operation per the manufacturer's recommendation until the baghouse has been purged. Reducing corrosion will lengthen the life of the baghouse and maintain the integrity of the fabric filter clamps and fasteners.

Ongoing monitoring of the parameters mentioned in this condition such as the pressure drop across the baghouse enables the operators to determine how the baghouse is functioning. For example, a baghouse differential pressure (DP) higher than the manufacturer's maximum recommended values may indicate that the cleaning system is not functioning adequately or a blocked hopper. DP significantly below the manufacturer's specifications could indicate holes in the bags.

MR&R requirements were moved to Condition 6.2 for simplicity and to keep all MR&R requirements for the asphalt plant and control equipment in the same condition.

Condition 15.2 -Facilities with a Wet Scrubber

Legal Basis: This condition expands the requirements under 18 AAC 50.346(b)(5) *Standard Operating Permit Condition VI - Good Air Pollution Control Practices* to provide a condition that more adequately meets the requirements under 18 AAC 50.346(b)(5) when the control device used is a wet scrubber. This condition is the same monitoring as Condition 27.3 of the prior MG3 permit with some of the recordkeeping and reporting moved to Condition 6.2.

Factual Basis: The permit requires the Permittee to demonstrate compliance with the visible emissions and particulate matter standards in 18 AAC 50.055. Some Asphalt Plants may choose to control PM emission using a wet scrubber. This condition states the inspection requirements at the beginning of the operating season if the particulate matter control device is a scrubber.

The Permittee must maintain and operate the scrubber in accordance with the manufacturer's recommendations to include pressure drop, inlet and outlet water temperatures, water flow rate, and water pressure. These conditions are intended to support compliance with opacity and particulate standards by encouraging proper scrubber maintenance and operation. Scrubber efficiency is related to proper operation.

MR&R requirements were moved to Condition 6.2 for simplicity and to keep all MR&R requirements for the asphalt plant and control equipment in the same condition.

Condition 16 - Reasonable Precautions to Prevent Fugitive Dust

Legal Basis: This condition expands the requirements under 18 AAC 50.346(c) *Standard Operating Permit Condition X -Reasonable Precautions to Prevent Fugitive Dust* to provide a Condition that more adequately meets these requirements given the significant sources of fugitive dust that may be generated by the Stationary Source. This condition applies to all Asphalt Plants.

Factual Basis: The condition requires the Permittee to comply with 18 AAC 50.045(d), and take reasonable action to prevent particulate matter (PM) from being emitted into the ambient air. 18 AAC 50.045(d) requires an operator to take reasonable precautions to prevent fugitive dust when handling bulk materials. This condition lists examples of reasonable precautions.

This condition requires the Permittee to use reasonable precautions when handling, storing or transporting bulk materials or engineering in an industrial activity in accordance with the applicable

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requirement in 18 AAC 50.045(d). Bulk material handling requirements apply to the Permittee because the Permittee will engage in bulk material handling, transporting, or storing; or will engage in industrial activity at the stationary source.

If the Asphalt Plant is to be located within one mile of a business, residence or other occupied structure, the Permittee under this minor general permit must implement the plan under Condition 16 or get the Department's approval to implement a different plan. The plan must be specific to any location named in the application and must be attached to the relocation notice required in Condition 2.

The "one mile" distance requirement came from a circa-2003 dispersion modeling analysis conducted in support of the 2003 General Permit (GP3) for Asphalt Plants. Modeling predicted that during dry conditions, if precautions are not taken to control emissions from fugitive sources, the 24-hour PM-10 ambient air quality standard could be violated up to a mile away.

A sample fugitive dust control plan is provided as Appendix B with the MG3 Rev. 1. This sample plan may be used as is or modified to fit the needs of the Permittee.

Dust Control Plans:

- If a location listed in an application or in an application addendum (see Form 1) is within 2,000 feet of the nearest occupied off-site structure, the applicant or Permittee must attach a fugitive dust control plan as part of that application or addendum. The Permittee must also submit a fugitive dust control plan, or revision to the plan if requested by the Department. The operator must comply with a dust control plan approved by the Department.
- The plan must be specific to any location named in a permit application or application addendum, and must specify the measures that will be taken and under what circumstances the Permittee will use them. If necessary, the plan will identify the frequency with which the measures will be applied. A plan does not fulfill this requirement if it simply mentions the measures that can be taken to control fugitive dust for a particular emission unit.

Condition 17 - Equipment Changes

Legal Basis: This condition applies under 18 AAC 50.200 which allows the Department to request information from the Permittee to determine compliance. This condition also applies under 18 AAC 50.546 to revise a minor permit, either at the request of the permittee or on the Department's own initiative. The request for updated equipment information also applies under AS 46.14 and 18 AAC 50 to determine permit applicability; modification is covered by definition under 18 AAC 50.990(59), provisions not requiring an application are covered under 18 AAC 50.508(6).

Factual Basis: The condition requires the Permittee to notify the Department when equipment listed under the MG3 Rev. 1 permit is changed. This information will be used to aid in compliance determination and permit applicability. If the new equipment has a different PTE, the Department may request a new MG3 Rev. 1 application to reflect the changes in potential emissions or a Title V permit if PTE is greater than 100 tpy for any one regulated pollutant.

Condition 18 – Terms to Make the Permit Enforceable

Legal Basis: These are standard conditions required under 18 AAC 50.345(a)-(c)(2) and (d)-(h) for all minor permits.

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Factual Basis: These are standard conditions for compliance required for all minor permits.

Condition 19.1 – General Source Test Requirements

Legal Basis: Applies because this is a standard condition to be included in all permits in accordance with 18 AAC 50.345(k).

Factual Basis: This condition ensures compliance with the applicable requirement in 18 AAC 50.220(a) and applies because this is a standard condition to be included in all operating permits under 18 AAC 50.345(k). Monitoring consists of conducting the requested source test.

Condition 19.2, 19.3, & 19.4 - Operating Conditions, Reference Test Methods, Excess Air Requirements

Legal Basis: This condition applies because the Permittee is required to conduct source tests, and also ensures compliance with 18 AAC 50.220(b) - (c).

Factual Basis: This condition supplements the specific monitoring requirements stated elsewhere in this permit. Compliance monitoring with conditions 19.2-19.4 consists of the test reports required by Condition 19.8.

Reference Test Methods: You should use the following as reference test methods when conducting source testing for compliance with this permit:

- Source testing for the reduction in visibility through the exhaust effluent must be conducted in accordance with the procedures set out in Reference Method 9.
- Source testing for emissions of total particulate matter, sulfur compounds, and nitrogen compounds gases must be conducted in accordance with the methods and procedures specified in 40 C.F.R 60, Appendix A.
- Source testing for emissions of any pollutant may be determined using an alternative method approved by the Department in accordance with 40 C.F.R. 63 Appendix A, Method 301.

Condition 19.5 - Test Exemption

Legal Basis: This condition ensures compliance with the applicable requirement in 18 AAC 50.345(a) and applies when the source exhaust is observed for visible emissions.

Factual Basis: As provided in 18 AAC 50.345(a), the requirements for test plans, notifications and reports do not apply to visible emissions observations by smoke readers, except in connection with required particulate matter testing.

Condition 19.6, 19.7, & 19.8 - Test Plans, Notifications, and Reports

Legal Basis: This condition ensures compliance with the applicable requirement in 18 AAC 50.345(l)-(o) and applies because the Permittee is required to conduct source test by this permit.

Factual Basis: Standard conditions 18 AAC 50.345(l)-(o) are incorporated through this condition. These standard conditions supplement specific monitoring requirements stated elsewhere in this permit. The source test itself monitors compliance with this condition.

ATTACHMENT 1: ASPHALT PLANT DISPERSION MODELING SUMMARY

Alaska Department of Environmental Conservation Dispersion Modeling Summary for Asphalt Plants

Prepared by Bill Walker April 23, 2003

This summary is to support the renewal of general air quality operating permits for Asphalt Plants. The Department specifically requests comment on the assumptions used to characterize these facilities, and on how we should use the information produced by the modeling analysis.

Background

On May 1, 1998 the Department issued permits for transportable or stationary Asphalt Plants. The first round permits were issued under the authority of AS 46.14.215 which requires a demonstration that operations do not cause violations of ambient air quality standards or applicable increments. In support of that permit, the Department did air quality dispersion modeling using SCREEN3².

During the life of that permit, the Department has received a substantial number of complaints about emissions from some of the Asphalt Plants using the General Permit. The complaints involve the potential for adverse impacts on human health and welfare⁶. The complaints were about dust and odors, and specifically questioned whether the Department has evaluated the effects of neighbors being on elevated terrain, and the operation of more than one industrial facility at the same location.

The modeling for the 1998 permits did not look at either elevated terrain or multiple industrial operations at one location. At that time, the Department also did not have a way to estimate emissions from any sources other than the stack emissions from aggregate dryers, drum mixers, or diesel engines used to provide electrical power. Therefore, several important sources of particulate matter were not part of the analysis.

The Department is issuing the renewal permits under the authority of AS 46.14.210, but not AS 46.14.215. However, because of public health concerns that arose during the life of the original permits, I have done additional dispersion modeling as provided by 18 AAC 50.201. This modeling serves as the basis for proposed permit conditions.

Model and Methods Used

For this modeling analysis I used ISCST3. This allowed sources to be distributed over a three dimensional space. [SCREEN3 does not.] The modeling is intended to represent Asphalt Plants operating anywhere in the state. To make the modeling as representative as possible, I used emission rates and stack parameters from 28 Asphalt Plant source test reports. I estimated stack

² SCREEN3 AND ISCSD are EPA computer models for predicting concentrations of pollutants in the air to which the public has access. They use data on weather and on the emission sources to make the calculations.

⁶It is important to note that most plants operating under the general permits did so without public complaints to the Department.

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heights from photographs or visible emission inspection [Method 9] reports. Source test reports show operation at rates both above and below the standard of 0.04 gr/dscf. Emission rates for all stacks modeled were based on operation at that standard.

Fugitive particulate matter emissions were modeled as volume sources as this best approximates how they are released.

Meteorological Data

The meteorological data set was a screening data set similar to the one used in SCREEN3. It was applied to ISCST3 by Pat Hanrahan of the State of Oregon Department of Environmental Quality. The model predicted one hour ambient concentrations. To get 24 hour concentrations, I multiplied the results by 0.4, and for three hour concentrations multiplied by 0.9. This is consistent with EPA guidelines.

Background Concentrations

The background concentrations selected must be applied statewide. It would be far too unwieldy to develop separate conditions for each area of the state based on different background concentrations. I used the highest concentrations measured at Healy. The location of the Healy monitoring site intended to gather background concentrations, not to measure impacts from the Healy power plants. The background concentrations were:

SO₂ 24 hour – 26 µg/m³;
SO₂ three hour – 44 µg/m³;
PM-10 24 hour – 31 µg/m³.

Receptors

Receptors were placed using a polar grid from a few meters from the center of the operation to a maximum of 2000 meters. Receptors were modeled assuming flat terrain, and terrain heights of 10, 15, and 20 meters.

Downwash

Asphalt Plants have several structures that can cause downwash under some circumstances. The modeling used two structures common to any plant. The dryer or drum mixer was represented as a building 30 feet long and 12 feet high. Drum mix plants have a storage silo. Batch plants have a pug mill, and may also have a storage silo. To represent a silo or pug mill, I used a cylindrical structure 40 feet high and 14 feet in diameter.

Earlier modeling done before the public workshops held in January, 2003 relied on only one downwash structure -the drum mixer or dryer. A photograph the Department received of one Asphalt Plant in operation shows apparent downwash from larger structures. Based on that information adding the silo was more realistic and produced changes in the modeling results.

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PM-10

A recent EPA publication³ provided estimates of fugitive emissions for:

- Dust from vehicle traffic, including dump trucks and loaders;
- Receiving new aggregate;
- RAP crushing;
- Screening;
- Load out; and
- For drum mix plants, silo filling.

I combined all modeled sources in three scenarios -high and low moisture for fugitive emissions, and assuming fugitive emissions from mobile sources was controlled well enough that emissions are negligible. Asphalt plant stack emissions were modeled at the NSPS emission limit of 0.04 gr/dscf for each scenario.

The estimated emissions from vehicle traffic, RAP crushing, and screening depend on whether there are emission controls, such as water sprays, and for vehicle traffic, whether the ground is wet or dry and dusty and the soil silt content. Emissions from these sources also depend on the production rates and other source specific factors. I used the emission factors and assumptions in the following table.

³ Hot Mix Asphalt Plant Emission Assessment Report, EPA-454/R-00-019, December 2000.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

Table 1 Fugitive Particulate Matter Emission Factors and Assumptions			
Emission Source	PM-10 Emission Factor	Source of Emission Factor	Assumptions
All Sources			12 hours of operation per day 150 tons of HMA per hour
Loaders	$E = 2.6 (s/12)^{0.8} \times (W/3)^{0.4} \times 1/(M/0.2)^{0.3}$ where <i>s</i> is ground silt content <i>W</i> is vehicle weight <i>M</i> is soil moisture <i>E</i> is pounds of PM-10 /vehicle mile traveled	AP-42 Table 13.2.2	Caterpillar 928g Loader 12 ¾ tons 3 yard bucket capacity 20 feet from aggregate pile to inlet hopper Soil Moisture - Uncontrolled operation 0.7% - Controlled operation 20% 10% road silt ⁴
Trucks	Same as Loaders	Same as Loaders	10 ½ tons empty 12 ton capacity 200 meters from gravel source to dryer 50 meters to property boundary Soil Moisture - For uncontrolled operation – 0.7% - No emissions when wet 10% road silt ⁴
Screening	Controlled – 0.00084 Uncontrolled – 0.015 lb/ton	AP-42 11.19.2	
RAP Crushing	Controlled – 0.00059 Uncontrolled – 0.0024	AP-42 11.19.2	Factor for tertiary crushing

Results

The model predicted ambient air quality standards violations for each terrain height. For each model run I found the distance from the center of the operation to the nearest receptor with predicted compliance with the ambient standards. For conclusions based on particulate matter emissions, I subtracted 50 meters, which was the distance from the center to the outer edge of the volume sources representing fugitive emissions.

The distances to compliance were much greater for the model runs with fugitive emission sources uncontrolled. Distances were 1400 -1600 meters – about one mile.

[Modeling filenames: dwas00su, dwas30su]

⁴ Hot Mix Asphalt Plant Emission Assessment Report, EPA-454/R-00-019, December 2000, page 15.

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For controlled fugitive sources, the model predicts ambient standards violations only at smaller distances from the operation (see Table 2 below). With the same assumptions, the model also predicts violations of PSD increments at distances closer than 800 feet for flat terrain, and 1100 feet for terrain that is elevated 15 meters above the ground level of the stationary equipment.

[Modeling filenames: dwas00mc, dwas20mc]

Table 2 PM-10	
	Distance to Compliance with ambient standard – All asphalt plants modeled comply at rated capacity [distance in meters, measured between an offsite inhabited structure and a stationary source or material piles or borrow source that is being actively worked.]
Worst Case All sources – Fugitives uncontrolled, dry conditions 0 meters terrain height	1550 meters
Best Case Fugitive emissions negligible except for RAP crushing and load out emissions 0 meter terrain ht. 10 meter 15 meter 20 meter	26 49 64 84

SO₂

All sulfur emissions are assumed for this modeling to originate from sulfur in the fuel. I used the actual fuel combustion rate during the source test from which I obtained the stack parameters, and assumed the sulfur content of the fuel was 0.5% sulfur (the ASTM specification for number 2 diesel or fuel oil.) I assumed the simultaneous use of a stationary 500 hp diesel engine.

SO₂ standards were predicted to violate the three hour ambient standard close to the facility. The greatest distance for any plant modeled (flat terrain) to a location where compliance with the standard was always predicted was 100 meters, or 110 yards from the combustion sources. [Combustion sources were modeled as point sources emitted at a single location.] Modeling for most other plants predicted distances to compliance between 50 and 100 yards.

[Modeling filename: soadas00]

Multiple Industrial Facilities at One Location

I modeled the combined impacts of an asphalt plant and a crusher located 100 meters apart. I modeled all crusher sources using AP-42 emission factors for controlled sources, and an asphalt plant assuming that all fugitive emission sources except RAP crushing and load out emissions were controlled well enough to be negligible. Impacts did not exceed those when the same sources were modeled separately. Therefore no permit conditions are included in the proposed permit to address emissions from combined sources.

Conclusions and Recommendations

Because the modeling that was performed relies on estimates of what is a "typical" facility, the conditions in the permit based on this modeling of the results are not as rigorous as would be done for modeling which more accurately represents an individual facility. A General Permit is necessary because of the nature of asphalt production operations in Alaska. Asphalt Plants may have to frequently relocate to be near enough to road or runway paving jobs. By the time a contract is awarded and a location identified, there is typically not enough time to obtain a facility specific permit and still be able to satisfy the contract.

Based on results for SO₂ the permit prohibits locating fuel burning equipment at an asphalt plant within 110 yards of a residence.

The worst case modeling for uncontrolled particulate matter sources predicts violations of the 24 hour ambient PM-10 standard up to a mile away. The permit Condition to address this possibility relies on a fugitive dust control plan. It would not be possible to write conditions that adequately restrict emissions from all sources without being overly stringent in many cases.

Based on results for PSD increments, the permit allows up to two years of operation at a location that is closer than 800 feet to a residence or other occupied structure, or 1100 feet if the structure is on terrain higher than 10 meters above the ground level of the stationary equipment. Construction activities that are in one location for less than two years are considered temporary, and not subject to PSD increments.

Uncertainties

Each of the assumptions described contributes uncertainty to the results of this analysis. Since there is no one set of assumptions that will fit all operations, the intent was to describe a reasonable worst case-assumptions that would not unreasonably prevent the operation under this permit of asphalt plants that have been operating under the previous permit without problems or complaints.

Since the General Permits can be used anywhere in the state, there is no one set of meteorological data that would be appropriate for all operations. This is why I chose a "screening" data set that presents a wide variety of conditions to find the reasonable worst case one hour concentration. The predictions would be appropriate to the extent that these screening conditions fit any actual location for an extended number of hours, the wind direction is toward nearby structures such as businesses or residences, and operation occurs during these conditions for about 12 hours per day. These uncertainties must be considered when applying the modeling results to any applicability criteria or permit conditions for the General Permit.

Odor

The odor from asphalt plants is a common source of concern to nearby residents, especially those with special health problems. However, odor cannot be modeled, so it could not be included in this analysis.



THE STATE
of **ALASKA**

GOVERNOR SEAN PARNELL

Department of Environmental
Conservation

DIVISION OF AIR QUALITY
AIR PERMITS PROGRAM

410 Willoughby Avenue, Suite 303
PO Box 111800
Juneau, Alaska 99811-1800
Main: 907.465.5100
Toll free: 866.241.2805
Fax: 907.465.5129
<http://www.dec.state.ak.us>

CERTIFIED MAIL: 7013 2250 0002 0277 3757
Return Receipt Request

March 15, 2014

Parry Rekers, Vice President
Knik Construction
PO Box 3757
Seattle, WA 98124

Subject: **Permit Rescission and Reissuance:** Rescission of approval to operate under Minor General Permit 3 (MG3) AQ1217MG301 and Approval to Operate under Minor General Permit 3.1 (MG3.1) AQ1217MG301.1.

Dear Mr. Rekers,

The Alaska Department of Environmental Conservation (the Department) has improved the MG3 minor general permit for asphalt plants and the MG9 minor general permit for rock crushers to make the permits clearer, more user-friendly and relatable.

The new MG3.1 and MG9.1 permits become effective on April 1, 2014 and replace the current MG 3 and MG9 respectively. After April 1, 2014

1. All construction and operation authorized by the previous MG3/MG9 permit will now be authorized by the reissued MG3.1/MG9.1 permits.
2. All records collected under the previous permit must be kept for five years from date of collection.
3. For all required annual or periodic reporting, a final report must be submitted covering the period through the last day of operation of the MG3/MG9 permit.
4. All other compliance obligations imposed by the previous permit are now superseded by the new MG permits.

This letter is your approval to operate under Permit No. AQ1217MG301.1 for Knik Construction's Astec Mobile Asphalt Plant III beginning April 1, 2014. This letter also serves as notice that on April 1, 2014 Permit No. AQ1217MG301 is rescinded.

The responsibilities imposed by this permit may not be transferred to another owner or operator without the written consent of the Department. The transfer of ownership form is available at:

<http://www.dec.state.ak.us/air/ap/permit.htm>.

If you have any questions about this action or the new permits, please contact the Compliance Technician in Juneau at 907-465-5117, Anchorage at 907-269-6955 or Fairbanks at 907-451-2132.

Attachment A

An individual who has a private, substantive, legally protected interest under state law that may be adversely affected by the permit action, the owner and operator, or, if a public comment process is required or solicited, a person who participated in the public comment process may request an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Division Director at 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, Alaska 99811-1800, within 15 days of the permit decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, Alaska 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived. More information on how to appeal a Department decision is available at <http://www.dec.state.ak.us/commish/ReviewGuidance.htm>.

Sincerely,


John F. Kuterbach, Manager
Air Permits Program

Attachment: Air Quality Minor General Permit No. AQ1217MG301.1

cc: Zeena Siddeek, ADEC/APP/Juneau
Jim Baumgartner, ADEC/APP, Juneau
P. Moses Coss, ADEC/APP, Fairbanks
Tammy Walker, ADEC/APP, Anchorage
Amy Lange, Inspector ADEC/APP
Claire Fishwick, ADEC Commissioner's Office

Patrick Dunn, ADEC/APP/Anchorage
Jim Plosay, ADEC/APP/Juneau
Jeremy Ptak, ADEC/APP, Anchorage
Laurie Kral, EPA 10

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AIR QUALITY CONTROL MINOR GENERAL PERMIT**

MINOR GENERAL PERMIT 3 FOR HOT-MIX ASPHALT PLANTS

PERMIT NO. AQ1217MG301.1

Final: April 1, 2014

This minor general permit is to be used for the construction, operation, or relocation of the asphalt plant described within, which has a rated capacity of at least five tons per hour of product, as described in 18 AAC 50.502(b)(1), and that is also classified as, or is part of, a minor stationary source, but is not a Title-V stationary source. This minor general permit satisfies the Permittee's obligation to obtain a permit under AS 46.14.120(g). Technical support for permit conditions and an explanation of revisions from the 2009 Minor General Permit 3 can be found in the Technical Analysis Report. This permit authorizes the Permittee to operate any emission unit identified in Table A Facility Information. This permit is not valid at another source required to have an operating permit. The operator must comply with the applicable requirements at the location where the emission units operate.

This minor general permit does not expire and is valid until the Department terminates, modifies, reopens, or revokes and reissues the permit. The letter of authorization is in effect until withdrawn, modified, revoked and reissued, or if the source no longer qualifies for this permit.


John F. Kuterbach, Manager
Air Permits Program

Application determined complete by:

Signature

Authorization Date

Printed Name

MG3 – Asphalt Plant Minor General Permit – Final Revision 1

Table A Facility Information

Permittee:	Knik Construction	Plant Name:	Knik Astec Mobile Asphalt Plant III
Emissions Unit	Make	Model/Description	Rating/ Capacity
Asphalt Plant:	ASTEC III	Model 400 Six Pack Hot Mix	350 tph
Diesel Engines:	Caterpillar	C32 / Serial # SYC00714	1122 kW
	Volvo	TAD 722 GE / Serial # 09-089-3000	196.8 kW
Control Equipment: ☒ Baghouse ☐ Wet Scrubber			

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Asphalt Plant Daily Production Log.....	Form 10

* Online submission of reports may require use of standardized Sample Forms.

MG3 OPERATING PERMIT CONDITIONS**Table B Emissions Limits**

Emission type	Limit
Opacity (Visible Emissions)	20% for asphalt plant and diesel generators with stack diameters 18 inches or greater 15% for diesel generators with stack diameters smaller than 18 inches
Particulate Matter	0.05 gr/dscf (for plants constructed on or before June 11, 1973) 0.04 gr/dscf (for plants constructed after June 11, 1973)
Sulfur Compounds	500 ppm

LOCATION RESTRICTIONS

1. Ambient Air Quality Protection. Give adequate consideration to siting issues when operating or changing locations of an asphalt plant (see *Note* in Technical Analysis Report).

1.1. Do not operate the Asphalt Plant or a diesel engine within 330 feet of the nearest occupied structure off the work site.

1.2. Do not operate for more than two construction seasons at the same site located:

- a. within 800 feet of the nearest residence or other occupied structure off worksite; or
- b. within 1,100 feet of the nearest residence or other occupied structure off worksite if the residence or structure is located on terrain that is more than 50 feet above any ground level of the Asphalt Plant aggregate drier or drum mixer.

1.3. Non-road engine location restrictions: A portable engine does not qualify as a non-road engine if it remains in place for 12 consecutive months or is located at a seasonal source and operates during the full annual operating period of the seasonal source.

1.4. *SO₂ Special Protection Area.* If operating in one of the Sulfur Dioxide Special Protection Areas described in 18 AAC 50.025(c) (Unalaska or St. Paul Island areas) you cannot operate diesel engines for electrical power generation unless burning only ULSD; the asphalt plant must use ULSD.

1.5. *Additional Restrictions for Bells Flats (Kodiak).* In any equipment operating at an asphalt plant in the Bells Flats area of Kodiak that burns liquid fuel, you must burn ULSD.

2. Relocation Reporting Requirements. Provide notice to the Department at least 10 days before installing or relocating the Asphalt Plant by using the Relocation Notification form (Form 1). If the location is within one mile of the nearest occupied off-site structure, you must attach a fugitive dust control plan as part of the relocation notice; see Condition 16.

MONITORING, RECORDKEEPING, AND REPORTING

3. General Recordkeeping. Keep copies of all monitoring, recordkeeping, reporting, and all other documents required in this permit for at least five years.

4. General Reporting.

4.1. **Submittals.** Unless otherwise directed by the Department, submit original reports, compliance certifications, or other required documents, by mail, to:

Alaska Department of Environmental Conservation
Air Permits Program
Attn: Compliance Technician
610 University Avenue
Fairbanks, AK 99709-3643

4.2. You may substitute mailed originals by submitting through Department approved electronic reporting methods, if electronic signing methods are available.

4.3. Certification: Certify any permit application, report, affirmations, or compliance certification submitted to the Department and required under the permit by including the signature of a responsible official for the permitted stationary source following the statement: *"Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete."* Excess emission reports must be certified either upon submittal or with an operating report required for the same reporting period. All other reports and other documents must be certified upon submittal. See 18 AAC 50.990(93) for the definition of "Responsible Official."

4.4. Operating Reports. Submit operating reports as directed by either Condition 4.1 or 4.2, by the dates listed in Table C. The semi-annual Facility Operating Report (FOR) must include all information required by other conditions of this permit. If the facility does not operate during the winter season, you may submit a report early with your summer FOR.

Table C Operating Report Schedule

Report Type	Reporting Period	Due Date
FOR	April 1 – October 31	November 30
FOR	November 1 – March 31	April 30

4.5. Information Requests. Furnish to the Department, within a reasonable time, any information that the Department requests in writing to determine whether cause exists to modify, revoke and reissue, or terminate the permit or to determine compliance with the permit. Upon request, furnish to the Department copies of records required to be kept by the permit. The Department may require you to furnish copies of those records directly to the federal administrator.

5. Visible Emissions.

5.1. Asphalt Plant. Visible emissions limits are listed in Table B.

Monitor:	• Use EPA Method 9 to determine the opacity of emissions from the asphalt plant. All observations must be at least 18 consecutive minutes. • Identify fugitive emission points capable of producing fugitive emissions. Determine which point has the greatest continuous opacity and use this point for monitoring fugitive emissions. • Observe visible emissions with Method 9 at the baghouse stack or wet scrubber stack AND at the fugitive emission point identified above: ○ During regular operation loads (not on idle or reduced loads); ○ Within two days of startup at the beginning of the season or after relocation; ○ At least once every 14 operating days; and ○ Within two days of startup following a shutdown of more than 5 days. • If six-minute average opacity is observed as greater than 20%, report as excess emissions under Condition 9 and refer to Condition 15 for Good Air Pollution Control Practices; take corrective actions as appropriate.
Record:	• Keep all observation sheets and summaries for at least five years. • Calculate and record the greatest 6-consecutive-minute averages observed.
Report:	• Submit a list of emission points identified and which point was monitored. This list may be in the form of a simple list, picture with points circled and labeled, or a flow diagram with labeled emissions points. • Submit copies of all Method 9 observations in the FOR. • Submit copies of all Method 9 training certificates for all observers in the reporting period. • Report any failure to monitor as a permit deviation according to Condition 9. • Report any excess emissions (greater than 20% opacity) according to Condition 9.

5.2. *Diesel Engines*. Visible emissions limits are listed in Table B.

Monitor:	• Use the Smoke/No Smoke Plan or EPA Method 9 to observe emissions from the exhaust stack or port of each diesel engine. • <u>Smoke/No Smoke Plan</u>: Observe each stack for the presence or absence of smoke, excluding water vapor. ○ Initial Frequency: Conduct Smoke/No Smoke observations once every operating day. ○ After monitoring for 30 consecutive operating days, conduct Smoke/No Smoke observations at least once every 14 operating days. ○ If smoke is observed, follow the corrective actions in Condition 5.3. • <u>Method 9</u>: All observations must be at least 18 consecutive minutes. ○ First observation: within two days of the beginning of the operating season or after relocating the plant, or within three days after changing from the Smoke/No Smoke Plan. ○ After the first observation, conduct observations at least once every 14 operating days. ○ If opacity of greater than 20% is observed, refer to corrective actions in 5.3(e)-(f).
Record:	• Keep all observation sheets, logs, summaries, and Method 9 training certificates for at least five years. • Record date, time, production rate, observer name, and smoke observation in Smoke/No Smoke log.
Report:	• Report which method you used during the reporting period. • Include copies of all Method 9 observations and/or a complete Smoke/No Smoke log for the reporting period in the FOR. • Report if/when you change visible emissions observation methods. • Report any smoke observed under the Smoke/No Smoke Plan and a summary of any corrective actions taken. • Report any failure to monitor in accordance with Condition 9.

5.3. *Corrective Actions for Smoke Observed in Condition 5.2*. If smoke is observed while conducting Smoke/No Smoke observations:

- a. Do an initial Method 9 observation. If opacity is greater than 20%, see corrective actions in Condition 5.3.e or 5.3.f. Continue using Method 9 to monitor visible emissions, following specifications in Condition 5.2. In order to return to Smoke/No Smoke Plan, follow Conditions 5.3.b through 5.3.d.
- b. Initiate actions to eliminate smoke from the engine within 24 hours of the observations;
- c. Keep a written record of the starting date, completion date, and a description of the actions taken to reduce smoke; and
- d. If seven consecutive observations are made of 0% opacity, you may return to the Smoke/No Smoke Plan beginning with initial frequency (Condition 5.2).
- e. If Method 9 observations result in 6-minute average opacity greater than 20%, either:
 - i. Conduct a Particulate Matter source test within 60 days, following the requirements of Condition 19; or
 - ii. Make repairs so that emissions no longer exceed 20% opacity averaged over 6 minutes.
- f. For diesel engines with stack diameter of less than 18 inches, conduct a Particulate Matter source test if Method 9 observations result in 6-minute average opacity greater than 15%.

6. Particulate Matter Emissions from Asphalt Plant. Do not operate the asphalt plant at a production level greater than the maximum throughput measured during the most recent PM source test that showed compliance, except as provided under Condition 19.2. Particulate matter emissions limits are listed in **Table B**.

6.1. Required Testing and Frequency of Testing. Conduct source tests in accordance with Condition 19 and the following:

- a. If a PM source test has not been approved by the Department for your facility within the last five years, conduct a PM source test within the first 30 operating days after receiving your letter of authorization.
- b. If the source has conducted a PM source test approved by the Department in the last five years, conduct a source test no later than five years after that test or the first operation thereafter.
- c. Conduct a PM source test every five years.
 - i. If results of any PM source test exceed 0.045 gr/dscf for plants constructed on or before June 11, 1973 or 0.036 gr/dscf for plants constructed after June 11, 1973, you must conduct another source test within one year of the date of the most recent PM source test.
 - ii. If the plant does not operate in a calendar year, then the calendar year that the plant did not operate does not count toward the time required to conduct another PM source test in Condition 6.1.c.i.
 - iii. If the plant does not operate in a calendar year, the next source test due date is delayed by one calendar year.

Monitor:	Conduct at least one 18-consecutive-minute set of EPA Method 9 readings during each one hour run of the PM source test.
Record:	- Record the following during each PM source test: - Average asphalt production rate in tons per hour; - Method 9 readings; - Baghouse exit temperature and pressure drop (if applicable); - Wet scrubber pressure drop and water flow rate (if applicable).
Report:	Include records of all visible emissions monitoring, production, and pressure drop or flow rate with the source test report as required under Condition 19.8.

6.2. Asphalt Plant.

Record:	- Keep a daily log of the following: - Daily total asphalt production; - Peak hourly rate of production per day; - Startup and shutdown times with the date for each operating day; - Total hours operated per day; and - Total number of operating hours operated since the last source test. - If you have a baghouse, include the following in your daily log: - Pressure drop across baghouse at beginning and end of each production day; and - Outlet temperature of baghouse at the beginning and end of each production day. - If you have a wet scrubber, include the following in your daily log: - Pressure drop across the scrubber at beginning and end of each production day; - Inlet and outlet temperatures of the scrubber at beginning and end of each production day; and - Daily water flow rate of the scrubber.
Report:	- Include the daily production log for the reporting period in each FOR. - Include a summary of baghouse or scrubber inspections including the information listed in Conditions 15.1.f and 15.2.e.

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7. Sulfur Compound Emissions. Applies to fuel for all engines, including non-road engines. Emissions limits are listed in Table B.

Record:	• Keep fuel delivery receipts that specify fuel grade and amount. • If diesel delivery receipts do not show that the diesel is Ultra Low Sulfur Diesel (ULSD) or Low Sulfur Diesel (LSD) test delivered fuel for sulfur content, or get a certification statement or analysis from the supplier that shows fuel sulfur percent by weight. • For liquid fuel from a North Slope topping plant, obtain results of a monthly fuel analysis from the topping plant.
Report:	• If only ULSD or LSD was used for the entire reporting period, submit a statement from the fuel supplier stating only ULSD or LSD was supplied with your semi-annual operating report. • If anything other than ULSD or LSD was used (e.g. used oil fuels), submit a list of fuel deliveries with fuel grades, a certificate from the supplier verifying the sulfur content, or a fuel analysis showing sulfur content. • If natural gas was used during the reporting period, submit a statement certified by the Responsible Official for this time period. • If highline power was used during the reporting period, submit a statement certified by the Responsible Official for this time period. • Include a copy of the fuel analysis from a North Slope topping plant, if applicable. • Report the fuel type, including its sulfur content, used for the asphalt burner.

8. Pollution Control Equipment Breakdowns.

Record:	• Keep records of pollution control equipment breakdowns and corrective actions.
Report:	• Notify the Department within two days of a pollution control equipment breakdown as a Permit Deviation in accordance with Condition 9. • Include a summary of each breakdown in the FOR.

9. Excess Emissions and Permit Deviations.

Record:	• Keep records of excess emissions, permit deviations, and corrective actions.
Report:	• Report excess emissions that present a potential threat to human health or safety or that the owner, operator, or Permittee believes to be unavoidable as soon as possible. • Report unavoidable emergencies, malfunctions, or non-routine repairs that cause excess emissions within two working days after the event started or was discovered. • Report all other excess emissions or permit deviations, including failure to monitor, within 30 days of the end of the month in which the incident occurs. • Report using the online form at http://www.dec.state.ak.us/air/ap/site.htm or the Excess Emissions and Permit Deviation Form listed as Form 2. • Include a summary of excess emissions and permit deviations in each FOR

10. Air Pollution Prohibited.

Record:	- Record the date, time, and nature of all emissions complaints received. - Record the name of the person(s) that complained, if known. - Record a summary of any investigations including reasons you do or do not believe the emissions have caused a violation. - Record any corrective actions taken or planned for complaints
Report:	- Include in FOR for each reporting period: - Number of complaints received. - Number of times you or the Department found corrective action necessary. - Number of times action was taken on a complaint within 24 hours. - Status of corrective actions found necessary that were not taken within 24 hours.

11. Non-road Engines. Defined in 18 AAC 50.990(63) and 40 C.F.R. 89.2.

Record:	Keep a log of the following items for each non-road engine for at least five years: - Date and location of the engine each time it is relocated. - Make, model, serial number, and rated capacity of the engine.
Report:	Include the non-road engine location log in each FOR.

GENERAL CONDITIONS

12. Change of Ownership. If the ownership of the Asphalt Plant is changed, both the new and previous owners must complete a transfer of ownership form and receive authorization to operate from the Department before the plant is operated by the new owner. The Transfer of Ownership form is available from ADEC Air Permits Program staff or on the Department's website. The website address at the time of issuance of this permit is: <http://dec.alaska.gov/air/ap/operatingperapp.html>.

13. Administrative Fees. You are required pay to the Department all assessed permit administrations fees. Administration fee rates are set out in 18 AAC 50.400-405.

14. Assessable Emissions & Emission Fees. You are required to pay to the Department annual emission fees based on the stationary source's assessable emissions as determined by the Department under 18 AAC 50.410. The assessable emission fee rate is set out in 18 AAC 50.410(b). The Department will assess fees per ton of each air pollutant that the stationary source emits or has the potential to emit in quantities great than 10 tons per year. No later than March 31 of each year, you may submit an estimate of the stationary source's assessable emissions to the Department, using the Emission Reporting and Emission Fee Estimate form. Otherwise, emission fees for the next fiscal year will be based on the potential to emit. See Appendix A for calculation of assessable emissions and Form 3 for the Emission Fee Estimate report form.

15. Good Air Pollution Control Practice. For all emission units authorized by this permit, you should perform regular maintenance considering the manufacturer's or the operator's maintenance procedures, keep records of any maintenance that would have a significant effect on emissions, and keep a copy of either the manufacturer's or the operator's maintenance procedures on site.

- 15.1. If you operate an asphalt plant using a baghouse:
 - a. Operate the baghouse per the manufacturer's recommended operating procedures;
 - b. At the end of each run, operate the baghouse fans until the baghouse has been purged of exhaust gases per the manufacturer's recommendations;
 - c. Ensure the pressure drop across the baghouse and outlet temperature remain within the manufacturer's recommendations or specifications;
 - d. Perform inspections of equipment and complete necessary maintenance prior to startup in a new location, after shutdown of more than five days, and every 30 days of operation at the same location;
 - e. Replace worn or damaged bags within 72 hours of discovery;

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f. Keep a record of the baghouse inspections showing the following:

- i. Date of inspection and name of inspector;
- ii. Number of worn or damaged bags detected;
- iii. Number of bags replaced and date replaced;
- iv. Number of worn or damaged seals/gaskets detected; and
- v. Number of seal/gaskets replaced and the date replaced.

15.2. If you operate an asphalt plant using a wet scrubber:

- a. Inspect every component of the scrubber before beginning operation each season and repair or replace any component that shows signs of deterioration;
- b. Maintain pressure drop across the scrubber, water flow rate, inlet and outlet temperatures within limits recommended by the manufacturer;
- c. Keep a record of scrubber inspections showing the following:
 - i. Date of inspection and name of inspector;
 - ii. Number of components detected that are worn or damaged;
 - iii. Number of components replaced and date replaced.

16. Reasonable Precautions to Prevent Fugitive Dust. A person who causes or permits bulk materials to be handled, transported, or stored, or who engages in an industrial activity or construction project shall take reasonable precautions to prevent the release of airborne PM and fugitive dust from aggregate piles, conveyors and elevators, loading locations, the rotary drum, screens, baghouse ash discharge, vehicle traffic within the stationary source boundaries and other sources of fugitive dust into the ambient air.

16.1. Follow the Fugitive Dust Control Plan (Appendix B) that you included with your minor general permit application or a revised version if submitted to or requested by the Department. A revised or site-specific Fugitive Dust Control Plan must be submitted with each relocation notice if the new location is within one mile of the nearest occupied structure (see Condition 2).

16.2. Reasonable precautions to prevent fugitive dust may include the following:

- a. installation and use of hoods;
- b. fans and dust collectors to enclose and vent dusty materials;
- c. other covers and enclosures;
- d. cleanup of loose material on work surfaces;
- e. minimizing drop distances on the conveyor systems and lowering loader buckets to be in contact with the surface of the soil or ground before dumping;
- f. application of water or dust suppressants;
- g. stopping activity in windy conditions.; and
- h. measures to prevent carryout or tracking of dust or mud by trucks.

17. Equipment Changes. Submit changes in asphalt drum or batch mixer, dryer, control equipment, tertiary crushing, or diesel engine equipment, if capacity differs from original permitted equipment, to the Department within 30 days.

18. Terms to Make the Permit Enforceable.

18.1. Compliance with permit terms and conditions is considered to be in compliance with those requirements that are

- a. Included and specifically identified in the permit; or
- b. Determined in writing in the permit to be inapplicable.

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18.2. Comply with each permit term and condition. Noncompliance with a permit term or condition constitutes a violation of AS 46.14, 18 AAC 50.345, and, except for those terms or conditions designated in the permit as not federally enforceable, the Clean Air Act, and is grounds for

- a. An enforcement action; or
- b. Permit termination, revocation and reissuance, or modification in accordance with AS 46.14.280.

18.3. It is not a defense in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with a permit term or condition.

18.4. Each permit term and condition is independent of the permit as a whole and remains valid regardless of a challenge to any other part of the permit.

18.5. The permit may be modified, reopened, revoked and reissued, or terminated for cause. A request by the Permittee for modification, revocation and reissuance, or termination or notification of planned changes or anticipated noncompliance does not stay any permit condition.

18.6. The permit does not convey any property rights of any sort, nor any exclusive privilege.

18.7. Allow the Department or an inspector authorized by the Department, upon presentation of credentials and at reasonable times with the consent of the owner or operator to

- a. Enter upon the premises where a source subject to the permit is located or where records required by the permit are kept;
- b. Have access to and copy any records required by the permit;
- c. Inspect any stationary source, equipment, practices, or operations regulated by or referenced in the permit; and

18.8. Sample or monitor substances or parameters to assure compliance with the permit or other applicable requirements.

SOURCE TESTING REQUIREMENTS

19. Source Testing Requirements.

19.1. **General Requirements.** In addition to any source testing explicitly required by the permit, conduct source testing as requested by the Department to determine compliance with applicable permit requirements.

19.2. **Operating Conditions.** Unless otherwise specified by an applicable requirement or test method, conduct source testing

- a. At a point or points that characterize the actual discharge into the ambient air; and
- b. At the maximum rated burning or operating capacity of the emission unit or another rate determined by the Department to characterize the actual discharge into the ambient air.

19.3. **Reference Test Methods.** Refer to the Technical Analysis Report for approved reference test methods and details.

19.4. **Excess Air Requirements.** Standard exhaust gas volumes must include only the volume of gases formed from the theoretical combustion of the fuel, plus the excess air volume normal for the specific emission unit type, corrected to standard conditions (dry gas at 68°F and absolute pressure of 760 mm of mercury).

19.5. **Test Exemption.** You are not required to comply with Conditions 19.6-19.8 when the exhaust is observed for visible emissions by Method 9 Plan or Smoke/No Smoke Plan (Conditions 5.2 and 5.3, for diesel engines only). This does not apply to fugitive emission sources.

19.6. **Test Plans.** Before conducting any source tests, submit a plan to the Department. The plan must include the methods and procedures to be used for sampling, testing, and quality assurance, and must specify how the emission unit will operate during the test and how you will document that operation.

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Submit a complete plan within 60 days after receiving a request under Condition 5.3.e.i or 19.1 and at least 30 days before the scheduled date of any test unless the Department agrees in writing to some other time period. Retesting may be done without resubmitting the plan.

You may request an extension to a source test deadline established by the Department. You may delay a source test beyond the original deadline only if the extension is approved in writing by the Department's appropriate division director or designee.

19.7. Test Notification. At least 10 days before conducting a source test, give the Department written notice of the date and the time the source test will begin.

19.8. Test Reports. Within 60 days after completing a source test, submit a copy of the results in the format set out in the *Source Test Report Outline*, adopted by reference in 18 AAC 50.030. Certify the results in the manner set out in Condition 4.3. If requested in writing by the Department, provide preliminary results in a shorter period of time specified by the Department.

Appendix A: Assessable Emissions Calculation (MG3)

Assessable Emissions differ from a source's Potential to Emit (PTE). PTE is used in calculating a source's permit applicability and classification, i.e. minor or major source. While PTE does not include fugitive particulate emissions, assessable emissions do. A source can be classified as a minor source, yet have emission fees based on a criteria pollutant in excess of 100 tons. Likewise, a major source can have a PTE in excess of 100tpy of a criteria pollutant, yet pay emission fees for that pollutant at a rate far lower. Assessable Emissions use the same calculations as PTE, only operating hours are not based on a maximum potential of 3650 hours (assumed) but instead are based on actual operation for a calendar year. For examples and steps on completing this form to assist in submission of Assessable Emissions, please see the information below.

Equation:

$E = (EF \times (\text{asphalt produced or hours of operation in a given year} \times RC)) / \text{lbs per ton}$

Abbreviations:	
tpy	tons per year
tph	tons per hour
EF	emission factor (AP-42)
RC	rated capacity
lbs	pounds
E	emissions
ULSD	Ultra low sulfur diesel

Report using Form 3 Emission Estimates MG3 total emissions for each pollutant in a calendar year. Each emission unit listed in Table A will need a separate calculation using equations provided, where rated capacity is the horsepower for diesel engines.

Emission factors are pollutant/emission unit specific. Fuel assumes use of Ultra Low Sulfur Diesel (ULSD); please, contact the Department for assistance if you used alternative fuels. Please, see the worksheet on the next page for emission factors and further assistance.

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Asphalt Plants	CO	NO _x	SO ₂	VOC	PM-10 ¹	PM-10 ²
Batch Mix Asphalt Plant	0.4	0.12	0.088	0.0082	0.027	0.14
Drum Mix Asphalt Plant	0.13	0.055	0.011	0.032	0.023	0.04

Asphalt plant emission factors are given in lbs of pollutant per ton of asphalt produced.

¹: PM-10 EF for use with a baghouse

²: PM-10 EF for use with a wet-scrubber

Diesel Engines	CO	NO _x	SO ₂ ³	VOC	PM-10	
Greater than 600hp	0.0055	0.024	1.2x10 ⁻⁵	0.000705	0.0007	
Less than 600hp	0.00668	0.031	1.2x10 ⁻⁵	.0000247	0.0022	

Diesel engine emission factors are given in lbs of pollutant per horsepower-hour.

³: SO₂ EF for use with ULSD

Asphalt Plant Worksheet: $E = (EF \times \text{tons of asphalt produced}) / 2000$

CO	NO _x	SO ₂	VOC	PM-10

Diesel Engine Worksheet: $E = (EF \times \text{hours of operation} \times RC) / 2000$

CO	NO _x	SO ₂	VOC	PM-10

Total Emissions: add all rows above for listed emission units.

CO	NO _x	SO ₂	VOC	PM-10

Assessable Emissions: for any pollutant total greater than 10 (tons), round to nearest whole number, for any pollutant less than 10 tons, round down to 0. Enter these values on Form 3 and submit as required under Condition 14.

CO	NO _x	SO ₂	VOC	PM-10

Appendix B: Fugitive Dust Control Plan Guidelines

The Fugitive Dust Control Plan (Plan) has the purpose to control the fugitive dust emissions from asphalt plant and crusher related activities. The Plan is required for all Minor General Permit holders in order to ensure that reasonable precautions to prevent fugitive dust are taken (MG3 Condition 16, MG9 Condition 15).

A sample plan is on the following page in Appendix B. This plan may be filled out and used for any Minor General Permitted source. You are not required to use the sample form, but similar information contained in the sample form should be included in your plan. If you already have a plan developed or you wish to develop your own plan, the following items should be addressed:

- Points capable of producing fugitive emissions;
- Control of fugitive dust sources, such as:
 - Water application;
 - Dust suppressants;
 - Wind barriers;
 - Hoods, covers, or enclosures;
 - Cleanup of loose materials;
 - Minimizing drop distances and lowering loader buckets before dumping;
 - Fans;
 - Dust collectors;
- Methods to prevent trackout or carryout, such as:
 - Grizzlies or grates;
 - Gravel pads;
 - Paved surfaces;
 - Wheel washers;
 - Truck washing.

Appendix B: Fugitive Dust Control Plan

Please note, it is the responsibility of the Permittee to ensure that no part of their fugitive dust control plan violates any local, state, or federal law.

Section 1 – General Information

1-A Facility Information	
Company Name:	
Plant Name:	
Permit No.:	
1-B Contacts	
Report the names, address, and phone numbers of persons and owners or operators responsible for the implementation of the Dust Control Plan and responsible for the dust generating operation and dust control applications.	
<i>Responsible Official</i> (authorized under 18 AAC 50.990(93))	
Name:	
Phone Number:	
<i>On-site Manager/Operator or Point of Contact</i> (if different from above)	
Name:	
Phone Number:	
1-C Recordkeeping and Reporting	
Keep copy of Fugitive Dust Control Plan on-site at all times.	
Keep records of deviations from dust plan, reasons for the deviation, and corrective actions taken for at least five years.	

Section 2 – Fugitive Emission Points

2-A Fugitive Emission Points
Identify the relative locations of actual and potential sources of fugitive dust emissions.
☐ Bulk material handling and storage areas. ☐ Paved and unpaved access roads, haul roads, traffic areas, and equipment storage yards. ☐ Exit points where carryout and trackout onto paved public roads may occur. ☐ Water supply locations if water application will be used for controlling visible dust emissions. ☐ Rock crushing operations. ☐ Screening ☐ Conveyors ☐ Fines Screening ☐ Asphalt plant operations ☐ Screening ☐ Conveyors ☐ Baghouse Catch ☐ Drum Mixer Discharge ☐ Hot mix storage silo receiving point
2-B Comments – Fugitive Emission Points

Section 3 – Control of Fugitive Dust Sources

3-A Control of Fugitive Dust Sources

Check any boxes that apply. Checked boxes represent methods that will be used *as needed*.

Active Operations

- ☐ Water will be applied to dry areas during leveling, grading, trenching, and earthmoving activities.
- ☐ Wind barriers will be constructed and maintained, and water or dust suppressants will be applied to the disturbed surface areas.

Inactive Operations, including after work hours, weekends, and holidays

- ☐ Not applicable for this project (Please explain why in Section 3-C).
- ☐ Water or dust suppressants will be applied on disturbed surface areas to form a visible crust, and vehicle access will be restricted to maintain the visible crust.

Sites Inactive for Seven or More Days

- ☐ Not applicable for this project (Please explain why in Section 3-C).
- ☐ Vehicle access will be restricted and water/dust suppressants will be applied at all un-vegetated areas.
- ☐ Vegetation will be established on all previously disturbed areas.
- ☐ Gravel will be applied and maintained at all previously disturbed areas.
- ☐ Previously disturbed areas will be paved.

Unpaved Access and Haul Roads, Traffic and Equipment Storage Areas

- ☐ Not applicable for this project (Please explain why in Section 3-C).
- ☐ Apply water or dust suppressants to unpaved haul and access roads.
- ☐ Post speed limit signs of not more than 15 mph at each entrance, and again every 500 ft.
- ☐ Water or dust suppressants will be applied to vehicle traffic and equipment storage areas.

Wind Events

- ☐ Water application equipment will apply water to control fugitive dust during wind events, unless unsafe to do so. Outdoor construction activities that disturb the soil will cease whenever visible dust emissions cannot be effectively controlled.

3-B Bulk Materials

Check any boxes that apply. Checked boxes represent methods that will be used *as needed*.

Outdoor Handling of Bulk Materials

- ☐ Water or dust suppressants will be applied when handling bulk materials.
- ☐ Wind barriers with less than 50 percent porosity will be installed and maintained, and water or dust suppressants will be applied.

Outdoor Storage of Bulk Materials

- ☐ Water or dust suppressants will be applied to storage piles.
- ☐ Storage piles will be covered with tarps, plastic, or other suitable material and anchored in such a manner that prevents the cover from being removed by wind actions.
- ☐ Wind barriers with less than 50 percent porosity will be installed and maintained around the storage piles and water or dust suppressants will be applied.
- ☐ A three-sided structure (< 50% porosity) will be used that is at least as high as the storage piles.

On-Site Transporting of Bulk Materials

- ☐ Vehicle speed will be limited on the work site.
- ☐ All haul trucks will be loaded such that the freeboard is not less than six inches when transported across any paved public access road.
- ☐ A sufficient amount of water will be applied to the top of the load to limit visible dust emissions.
- ☐ Haul trucks will be covered with a tarp or other suitable cover.

Section 3 – Control of Fugitive Dust Sources (cont.)

3-B Bulk Materials - continued

Off-Site Transporting of Bulk Materials

- ☐ No bulk materials will be transported to or from the project site.
- ☐ Materials for transport will be wetted as needed.
- ☐ Covers will be used, as needed. Some or all of the following will be used as necessary:
- The interior of emptied truck cargo compartments will be cleaned or covered before leaving the site.
 - Spillage or loss of bulk materials from holes or other openings in the cargo compartment's floor, sides, and tailgates will be prevented.
 - Haul trucks will be covered with a tarp or other suitable cover or will be loaded such that the freeboard is not less than six inches when transported on any paved public access road to or from the project site.

Outdoor Transport using a Chute or Conveyor

- ☐ No chutes or conveyors will be used.
- ☐ Chute or conveyor will be fully enclosed.
- ☐ Water spray equipment will be used to sufficiently wet the materials.
- ☐ Transported materials will be washed or screened to remove fines (PM-10 or smaller).

3-C Comments – Control of Fugitive Dust Sources

Section 4 – Dust Control Methods

4-A Water Application

Complete this section if water application will be used as a control method for limiting visible dust emissions and stabilizing surface areas. Check and answer everything that applies. Checked boxes represent methods that will be used *as needed*.

Water Application Equipment:

- ☐ Sprinklers:
Describe the activities that will utilize sprinklers: _____
- ☐ Water Truck, ☐ Water Trailer, ☐ Water Wagon, ☐ Other: _____
Describe the activities that will utilize this equipment: _____

Water application equipment is available to operate after normal working hours, on weekends, and holiday.
After-hours contact: _____ Phone number: _____

Water Supply (as needed):

- ☐ Fire hydrants. Obtain necessary approval to use specific hydrants.
- ☐ Storage tanks Number and capacity: _____
- ☐ Wells Number and flow rate: _____
- ☐ Canal, River, Pond, Lake, etc. Describe: _____
- Approval granted by the owner or public agency to use their water source for this project.
Owner or Agency: _____
Contact: _____ Phone number: _____
- ☐ Other: _____

Section 4 – Dust Control Methods (cont.)

4-B Dust Suppressant Products

Suppressant materials include, but are not limited to: hygroscopic suppressants (road salts), adhesives, petroleum emulsions, polymer emulsions, and bituminous material (road oils).

Copy this section if more than one dust suppressant product will be used.

☐ Not applicable. Only water application will be the control method used.

☐ Applicable.

Product Name: _____

Application Equipment: _____

Number of Application Equipment Available: _____

Attach each of the following information that fully describes this product. Use the checklist below to make sure all information is submitted with this plan.

☐ Product Specifications (MSDS, Product Safety Data Sheet, etc.).

☐ Manufacturer's Usage Instructions (method, frequency, and intensity of application).

☐ Environmental impacts and approvals or certifications related to the appropriate and safe use for ground application.

4-C Other Dust Control Methods

Check the other types of dust control methods that will be implemented at the construction site.

☐ Physical barriers for restricting unauthorized vehicle access:

☐ Fences ☐ Gates ☐ Posts ☐ Berms ☐ Concrete Barriers

☐ Other: _____

☐ Wind barriers – Describe: _____

☐ Posted speed limit signs meet state and Federal Department of Transportation standards.

☐ Posted at 15 miles per hour, ☐ Posted at _____ miles per hour (less than 15 mph)

☐ Re-establish vegetation for temporarily stabilizing previously disturbed surfaces.

Explain: _____

☐ Apply and maintain gravel:

☐ On haul roads ☐ On access roads ☐ At equipment storage yards

☐ At vehicle traffic areas ☐ For temporarily stabilizing previously disturbed areas.

Explain: _____

☐ Apply pavement – Explain: _____

☐ Other: _____

4-D Comments – Dust Control Methods

Section 5 – Carryout and Trackout

5-A Treatments for Preventing Trackout
Trackout is any material that adheres to vehicle tires and is deposited onto a paved public road or the paved shoulder of a paved public road. Check one or a combination that will apply.
☐ <i>Grizzly</i> : Rails, pipes, or grates used to dislodge debris off of vehicles before exiting the site. Extends from the intersection with the paved public road surface for the full width of the unpaved exit surface for the distance of at least 25 feet. Describe: _____
☐ <i>Gravel Pad</i> : A layer of washed gravel at least one inch or larger in diameter, three inches deep, and extends from the intersection with the public paved road surface for the full width of the unpaved exit surface for a distance of at least 50 feet. Describe: _____
☐ <i>Paved Surface</i> : Extends from the intersection with the paved public road surface for the full width of the unpaved access road for at least 100 feet to allow mud and dirt to drop off of vehicles before exiting the site. Describe: _____
Mud and dirt deposits accumulating on paved interior roads will be removed with sufficient frequency, but not less frequently than once per workday.
Clean-up Frequency: _____
☐ <i>Wheel Washer</i> : Uses water to dislodge debris from tires and vehicle undercarriage. Describe: _____
☐ <i>Other</i> : _____
5-B Treatments for Preventing Carryout
Carryout occurs when materials from emptied or loaded haul trucks, vehicles, or trailers falls onto a paved public road or paved shoulder of a paved public road. Check all methods that apply.
☐ No haul trucks will be routinely entering or leaving the project site.
<i>Emptied Haul Trucks</i> : ☐ Interior cargo compartments will be cleaned before leaving the project site. ☐ Cargo compartment will be covered with a tarp or suitable cover before leaving the project site.
<i>Loaded Haul Trucks</i> : Spillage or loss of materials from holes or other opening in the cargo compartment will be prevented when material is transported onto any paved public access road. ☐ Haul trucks will be loaded such that the freeboard is not less than six inches with water applied to the top of the load before leaving the project site. ☐ Cargo compartment and load will be covered with a tarp or suitable cover before leaving the project site. ☐ Other: _____
5-C Cleaning up Carryout and Trackout
Clean up Method: Check the method(s) below that will be used for cleaning carryout and trackout.
☐ Manually sweeping and picking up. ☐ Mechanical sweeping with a rotary brush or broom accompanied or preceded by water. Describe the types of equipment that will be used: _____
☐ Operating a PM10-efficient street sweeper. Make and Model: _____
☐ Flushing with water – allowed if: • No curbs or gutters are present. • Using water will not result as a source of trackout and carryout. • Using water will not result in adverse impacts on storm water drainage systems. • Using water will not violate any National Pollutant Discharge Elimination System permit program or Alaska Department of Environmental Conservation, Division of Water Permit.
5-D Comments - Carryout and Trackout

MG3 – Asphalt Plant Minor General Permit – Final Revision 1

Form 1: Relocation Notification (Application Addendum)Submit to the Department at least *10 days before* moving the plant to any new location.**Facility Information:**

Permittee Name: _____ Permit No.: AQ _____

Plant Name: _____

Contact Person: _____ Telephone: _____

Make & Model of the Equipment/Stationary Source to be relocated: _____

Attach a complete list of equipment to be operated at the new location.

Estimated Operating Dates:

Estimated start-up date: _____

Estimated shut-down date: _____

Location Information:New Plant Location (street address, milepost number, etc. – Include site maps):

Latitude _____ Longitude _____ OR

UTM Coordinates: Zone _____ Northing _____ Easting _____ Datum _____

Distance from Plant boundary to nearest inhabited structure: _____ ft

Nearest inhabited structure(s) are on (check one): _____ flat terrain _____ elevated terrain

If this distance is within 2,000 ft (for rock crushers) or 1 mile (for asphalt plants), include with this addendum a dust control plan that is specific to this location and is adequate to prevent violations of Air Pollution Prohibited (MG3 Condition 10, MG9 Condition 9).

If the plant is to be located in a city or borough with zoning restrictions, please attach the location or siting approval documents from that city or borough to this form (optional).

Comments: _____

_____**Certification:**

Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.

Printed Name: _____ Title: _____ Date: _____

Signature: _____ Phone Number: _____

Send completed report to: Compliance Technician, ADEC Air Permits Program, 610 University Avenue, Fairbanks, AK 99709-3643.

MG3 – Asphalt Plant Minor General Permit – Final Revision 1

Form 2 EEPD - separate, to be included in .pdf. This page is to be replaced.

MG3 – Asphalt Plant Minor General Permit – Final Revision 1

Form 3: Emission Reporting and Emission Fee Estimate

Submit the following information no later than March 31 of each year to:

ADEC Air Permits Program
 610 University Avenue
 Fairbanks, AK 99709-3643

Or

FAX to (907) 451-2187

Or

Email to: DEC.AQ.Airreports@alaska.gov*(If emailed, the report must be signed and certified in accordance with 18 AAC 50.345(j).)*

Or

Submit emissions online at the following website: <https://myalaska.state.ak.us/deca/air/airtoolsweb/>

Stationary Source Name: _____

Permit Number: _____ Date: _____

Emission Fee Estimate for: _____ (State fiscal year)

Table 1. Total Emissions & Assessable Emission Fee Estimate

Pollutant	Asphalt Plant	Diesel Generator	Assessable Emissions
NO _x			
CO			
SO ₂			
PM-10			
VOC			

Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.

Signature_____
Printed Name_____
Title

MG3 – Asphalt Plant Minor General Permit – Final Revision 1

Form 4: Minor General Permit (MG3) – Facility Operating Report Form

Facility Information

Stationary Source: _____ Permit No.: AQ _____

Facility Name: _____

Reporting Period: ☐ 11/1/____ to 3/31/____ ☐ 4/1/____ to 10/31/____

Did this plant operate during this reporting period?

☐ Yes (please complete form) ☐ No (complete the "Certification" section only)

Certification (Condition 4.3)

☐ Certification Statement Signed by a Responsible Official (at end of form)

Visible Emissions - Asphalt Plant (Condition 5.1)

Emissions Points observed: _____ (First point – baghouse or scrubber)
 _____ (Second point – please describe)

Method 9 Observations Summary:

Number of Observations	
Highest 6-consecutive-minute Average	
Number of Observations >20%	

☐ All Method 9 Observation forms attached

☐ Excess Emissions/Permit Deviation Forms attached for failure to monitor or for observations of opacity >20%.

Visible Emissions – Diesel Engines (Condition 5.2)

Method used: ☐ Smoke/No Smoke Plan ☐ Method 9 ☐ Both

Smoke/No Smoke Plan Summary:

Number of Observations	
Number of Days Smoke Observed	

☐ Complete Smoke/No Smoke Log attached

☐ Summary of Smoke/No Smoke corrective actions attached

Method 9 Observations Summary:

Number of Observations	
Highest 6-consecutive-minute Average	
Number of Observations >20%	

☐ All Method 9 Observation forms attached

☐ Excess Emissions/Permit Deviation Forms attached for failure to monitor or for observations of opacity >20%.

Particulate Matter (PM) Emissions (Condition 6)

Date of most recent PM source test: _____

☐ Daily asphalt production log attached.Control Equipment Used: ☐ Baghouse ☐ Scrubber☐ Summary of baghouse inspections attached, if applicable (Conditions 6.2 & 15.1(f)).☐ Summary of scrubber inspections attached, if applicable (Conditions 6.2 & 15.2(c)).**Sulfur Compound Emissions (Condition 7)**

Was ULSD the ONLY fuel used for the entire reporting period?

☐ Yes, statement certified by Responsible Official attached.☐ No, list of diesel deliveries and fuel analysis or certification from supplier showing fuel sulfur content attached.☐ Highline power used. Statement certified by Responsible Official attached.☐ Natural gas used. Statement certified by Responsible Official attached.☐ North Slope topping plant fuel used. If checked, attach a copy of fuel analysis.

Asphalt Plant fuel type used: _____

Pollution Control Equipment Breakdowns (Condition 8)Where there any control equipment breakdowns during this reporting period? ☐ Yes ☐ NoIf Yes, ☐ Permit Deviation forms attached ☐ Summary of breakdowns attached**Excess Emissions and Permit Deviations (EE/PD) (Condition 9)**Where there any EE/PDs during this reporting period? ☐ Yes ☐ NoIf Yes, ☐ EE/PD forms attached**Complaint Summary (Condition 10)**Did you receive any public complaints about emissions during this reporting period? ☐ Yes ☐ NoIf Yes, ☐ Complaint summary attached.**Nonroad Engines (Condition 11)**

Are there engines classified as nonroad engines at this facility?

☐ Yes, Nonroad Engine Location Log attached.☐ No.**Equipment Changes (Condition 17)**Was new equipment added or existing equipment removed? ☐ Yes, attach Form 10. ☐ No.**Source Testing (Condition 19)**PM source test conducted during this reporting period? ☐ Yes, on date: _____ ☐ No.**Certification (Condition 4.3)***Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.*

Printed Name: _____ Title: _____ Date: _____

Signature: _____ Phone Number: _____

Send completed report to: Compliance Technician, ADEC Air Permits Program, 610 University Avenue, Fairbanks, AK 99709-3643.

MG3 – Asphalt Plant Minor General Permit – Final Revision 1

Form 5 Method 9 - separate, to be included in .pdf. This page is to be replaced.

Form 7: Complaint Summary Form

Reporting Period: ☐ 11/1/___ to 3/31/___ ☐ 4/1/___ to 10/31/___

Number of Complaints Received:	
Number of Times Corrective Actions were Found Necessary:	
Number of Times Corrective Action was Taken Within 24 hours:	

Status of corrective actions deemed necessary that were not taken within 24 hours:

Comments:

Form 8: Nonroad Engine Location Log

Company Name: _____

Air Quality Permit Number: _____ Company Equipment ID No.: _____

Engine Manufacturer: _____ Engine Model: _____

Engine Serial No.: _____ Engine Date of Manufacture: _____

Location	Initial Date at Location	Date Moved off Location

Form 9: Equipment Changes Form

Company Name: _____ Permit Number: _____

List in the table below the equipment that was installed or removed during the reporting period. Rated capacity must be included. Only list diesel engines, pollution control equipment, and asphalt drum or dryer. Screens, conveyors, and aggregate bins do not need to be listed.

Equipment ID/Name	Equipment Description	Rated Capacity	Date Installed	Date Removed	Comments

Form 10: Asphalt Plant Daily Production Log – For Plants Using Wet Scrubbers

Reporting Period: ☐ 11/1/ to 3/31/ ☐ 4/1/ to 10/31/

Date	Start Time	Stop Time	Total Operating Hours	Peak Hourly Production (tph)	Total Production (tons)	Scrubber Pressure Drop		Scrubber Inlet Temperature		Scrubber Outlet Temperature		Scrubber Water Flow Rate	Initials
						AM	PM	AM	PM	AM	PM		



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Environmental Conservation

DIVISION OF AIR QUALITY
AIR PERMITS PROGRAM

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Toll free: 866.241.2805
Fax: 907.465.5129
<http://www.dec.state.ak.us>

CERTIFIED MAIL: 7013 2250 0002 0277 3757
Return Receipt Request

March 15, 2014

Parry Rekers, Vice President
Knik Construction
PO Box 3757
Seattle, WA 98124

Subject: **Permit Rescission and Reissuance:** Rescission of approval to operate under Minor General Permit 3 (MG3) AQ1322MG301 and Approval to Operate under Minor General Permit 3.1 (MG3.1) AQ1322MG301.1.

Dear Mr. Rekers,

The Alaska Department of Environmental Conservation (the Department) has improved the MG3 minor general permit for asphalt plants and the MG9 minor general permit for rock crushers to make the permits clearer, more user-friendly and relatable.

The new MG3.1 and MG9.1 permits become effective on April 1, 2014 and replace the current MG 3 and MG9 respectively. After April 1, 2014

1. All construction and operation authorized by the previous MG3/MG9 permit will now be authorized by the reissued MG3.1/MG9.1 permits.
2. All records collected under the previous permit must be kept for five years from date of collection.
3. For all required annual or periodic reporting, a final report must be submitted covering the period through the last day of operation of the MG3/MG9 permit.
4. All other compliance obligations imposed by the previous permit are now superseded by the new MG permits.

This letter is your approval to operate under Permit No. AQ1322MG301.1 for Knik Construction's Knik Astec Mobile Plant II beginning April 1, 2014. This letter also serves as notice that on April 1, 2014 Permit No. AQ1322MG301 is rescinded.

The responsibilities imposed by this permit may not be transferred to another owner or operator without the written consent of the Department. The transfer of ownership form is available at:

<http://www.dec.state.ak.us/air/ap/permit.htm> .

If you have any questions about this action or the new permits, please contact the Compliance Technician in Juneau at 907-465-5117, Anchorage at 907-269-6955 or Fairbanks at 907-451-2132.

An individual who has a private, substantive, legally protected interest under state law that may be adversely affected by the permit action, the owner and operator, or, if a public comment process is required or solicited, a person who participated in the public comment process may request an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Division Director at 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, Alaska 99811-1800, within 15 days of the permit decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, Alaska 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived. More information on how to appeal a Department decision is available at <http://www.dec.state.ak.us/commish/ReviewGuidance.htm>.

Sincerely,


John F. Kuterbach, Manager
Air Permits Program

Attachment: Air Quality Minor General Permit No. AQ1322MG301.1

cc: Zeena Siddeck, ADEC/APP/Juneau
Jim Baumgartner, ADEC/APP, Juneau
P. Moses Coss, ADEC/APP, Fairbanks
Tammy Walker, ADEC/APP, Anchorage
Denise Wiltse, Inspector ADEC/APP
Claire Fishwick, ADEC Commissioner's Office

Patrick Dunn, ADEC/APP/Anchorage
Jim Plosay, ADEC/APP/Juneau
Jeremy Ptak, ADEC/APP, Anchorage
Laurie Kral, EPA 10

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AIR QUALITY CONTROL MINOR GENERAL PERMIT**

MINOR GENERAL PERMIT 3 FOR HOT-MIX ASPHALT PLANTS

PERMIT NO. AQ1322MG301.1

Final: April 1, 2014

This minor general permit is to be used for the construction, operation, or relocation of the asphalt plant described within, which has a rated capacity of at least five tons per hour of product, as described in 18 AAC 50.502(b)(1), and that is also classified as, or is part of, a minor stationary source, but is not a Title-V stationary source. This minor general permit satisfies the Permittee's obligation to obtain a permit under AS 46.14.120(g). Technical support for permit conditions and an explanation of revisions from the 2009 Minor General Permit 3 can be found in the Technical Analysis Report. This permit authorizes the Permittee to operate any emission unit identified in Table A Facility Information. This permit is not valid at another source required to have an operating permit. The operator must comply with the applicable requirements at the location where the emission units operate.

This minor general permit does not expire and is valid until the Department terminates, modifies, reopens, or revokes and reissues the permit. The letter of authorization is in effect until withdrawn, modified, revoked and reissued, or if the source no longer qualifies for this permit.



John F. Kuterbach, Manager
Air Permits Program

Application determined complete by:

Signature

Authorization Date

Printed Name

MG3 – Asphalt Plant Minor General Permit – Final Revision 1

Table A Facility Information

Permittee:	Knik Construction	Plant Name:	Knik Astec Mobile Plant II
Emissions Unit	Make	Model/Description	Rating/ Capacity
Asphalt Plant:	ASTEC II	PDB-9367 / Serial # 06542200	400 tph
Diesel Engines:	Caterpillar	SR4B	1000 kW
	Caterpillar	D-150-8	125 kW
Control Equipment: ☒ Baghouse ☐ Wet Scrubber			

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Required Forms

Relocation Notification Form.....	Form 1
Excess Emissions and Permit Deviation Report Form.....	Form 2
Emission Fee Estimate Report Form.....	Form 3

Sample Forms*

Facility Operating Report Form.....	Form 4
Visible emissions (Method 9) Observations Form.....	Form 5
Smoke/No Smoke Log.....	Form 6
Complaint Log.....	Form 7
Non-road Engine Location Log.....	Form 8
Equipment Changes Report Form.....	Form 9
Asphalt Plant Daily Production Log.....	Form 10

* Online submission of reports may require use of standardized Sample Forms.

MG3 OPERATING PERMIT CONDITIONS**Table B Emissions Limits**

Emission type	Limit
Opacity (Visible Emissions)	20% for asphalt plant and diesel generators with stack diameters 18 inches or greater 15% for diesel generators with stack diameters smaller than 18 inches
Particulate Matter	0.05 gr/dscf (for plants constructed on or before June 11, 1973) 0.04 gr/dscf (for plants constructed after June 11, 1973)
Sulfur Compounds	500 ppm

LOCATION RESTRICTIONS

1. Ambient Air Quality Protection. Give adequate consideration to siting issues when operating or changing locations of an asphalt plant (see *Note* in Technical Analysis Report).

1.1. Do not operate the Asphalt Plant or a diesel engine within 330 feet of the nearest occupied structure off the work site.

1.2. Do not operate for more than two construction seasons at the same site located:

- a. within 800 feet of the nearest residence or other occupied structure off worksite; or
- b. within 1,100 feet of the nearest residence or other occupied structure off worksite if the residence or structure is located on terrain that is more than 50 feet above any ground level of the Asphalt Plant aggregate drier or drum mixer.

1.3. Non-road engine location restrictions: A portable engine does not qualify as a non-road engine if it remains in place for 12 consecutive months or is located at a seasonal source and operates during the full annual operating period of the seasonal source.

1.4. *SO₂ Special Protection Area.* If operating in one of the Sulfur Dioxide Special Protection Areas described in 18 AAC 50.025(c) (Unalaska or St. Paul Island areas) you cannot operate diesel engines for electrical power generation unless burning only ULSD; the asphalt plant must use ULSD.

1.5. *Additional Restrictions for Bells Flats (Kodiak).* In any equipment operating at an asphalt plant in the Bells Flats area of Kodiak that burns liquid fuel, you must burn ULSD.

2. Relocation Reporting Requirements. Provide notice to the Department at least 10 days before installing or relocating the Asphalt Plant by using the Relocation Notification form (Form 1). If the location is within one mile of the nearest occupied off-site structure, you must attach a fugitive dust control plan as part of the relocation notice; see Condition 16.

MONITORING, RECORDKEEPING, AND REPORTING

3. General Recordkeeping. Keep copies of all monitoring, recordkeeping, reporting, and all other documents required in this permit for at least five years.

4. General Reporting.

4.1. *Submittals.* Unless otherwise directed by the Department, submit original reports, compliance certifications, or other required documents, by mail, to:

Alaska Department of Environmental Conservation
Air Permits Program
Attn: Compliance Technician
610 University Avenue
Fairbanks, AK 99709-3643

4.2. You may substitute mailed originals by submitting through Department approved electronic reporting methods, if electronic signing methods are available.

4.3. Certification: Certify any permit application, report, affirmations, or compliance certification submitted to the Department and required under the permit by including the signature of a responsible official for the permitted stationary source following the statement: *"Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete."* Excess emission reports must be certified either upon submittal or with an operating report required for the same reporting period. All other reports and other documents must be certified upon submittal. See 18 AAC 50.990(93) for the definition of "Responsible Official."

4.4. Operating Reports. Submit operating reports as directed by either Condition 4.1 or 4.2, by the dates listed in Table C. The semi-annual Facility Operating Report (FOR) must include all information required by other conditions of this permit. If the facility does not operate during the winter season, you may submit a report early with your summer FOR.

Table C Operating Report Schedule

Report Type	Reporting Period	Due Date
FOR	April 1 – October 31	November 30
FOR	November 1 – March 31	April 30

4.5. Information Requests. Furnish to the Department, within a reasonable time, any information that the Department requests in writing to determine whether cause exists to modify, revoke and reissue, or terminate the permit or to determine compliance with the permit. Upon request, furnish to the Department copies of records required to be kept by the permit. The Department may require you to furnish copies of those records directly to the federal administrator.

5. Visible Emissions.

5.1. Asphalt Plant. Visible emissions limits are listed in Table B.

Monitor:	• Use EPA Method 9 to determine the opacity of emissions from the asphalt plant. All observations must be at least 18 consecutive minutes. • Identify fugitive emission points capable of producing fugitive emissions. Determine which point has the greatest continuous opacity and use this point for monitoring fugitive emissions. • Observe visible emissions with Method 9 at the baghouse stack or wet scrubber stack AND at the fugitive emission point identified above: ○ During regular operation loads (not on idle or reduced loads); ○ Within two days of startup at the beginning of the season or after relocation; ○ At least once every 14 operating days; and ○ Within two days of startup following a shutdown of more than 5 days. • If six-minute average opacity is observed as greater than 20%, report as excess emissions under Condition 9 and refer to Condition 15 for Good Air Pollution Control Practices; take corrective actions as appropriate.
Record:	• Keep all observation sheets and summaries for at least five years. • Calculate and record the greatest 6-consecutive-minute averages observed.
Report:	• Submit a list of emission points identified and which point was monitored. This list may be in the form of a simple list, picture with points circled and labeled, or a flow diagram with labeled emissions points. • Submit copies of all Method 9 observations in the FOR. • Submit copies of all Method 9 training certificates for all observers in the reporting period. • Report any failure to monitor as a permit deviation according to Condition 9. • Report any excess emissions (greater than 20% opacity) according to Condition 9.

5.2. Diesel Engines. Visible emissions limits are listed in Table B.

Monitor:	• Use the Smoke/No Smoke Plan or EPA Method 9 to observe emissions from the exhaust stack or port of each diesel engine. • <u>Smoke/No Smoke Plan</u>: Observe each stack for the presence or absence of smoke, excluding water vapor. ○ Initial Frequency: Conduct Smoke/No Smoke observations once every operating day. ○ After monitoring for 30 consecutive operating days, conduct Smoke/No Smoke observations at least once every 14 operating days. ○ If smoke is observed, follow the corrective actions in Condition 5.3. • <u>Method 9</u>: All observations must be at least 18 consecutive minutes. ○ First observation: within two days of the beginning of the operating season or after relocating the plant, or within three days after changing from the Smoke/No Smoke Plan. ○ After the first observation, conduct observations at least once every 14 operating days. ○ If opacity of greater than 20% is observed, refer to corrective actions in 5.3(e)-(f).
Record:	• Keep all observation sheets, logs, summaries, and Method 9 training certificates for at least five years. • Record date, time, production rate, observer name, and smoke observation in Smoke/No Smoke log.
Report:	• Report which method you used during the reporting period. • Include copies of all Method 9 observations and/or a complete Smoke/No Smoke log for the reporting period in the FOR. • Report if/when you change visible emissions observation methods. • Report any smoke observed under the Smoke/No Smoke Plan and a summary of any corrective actions taken. • Report any failure to monitor in accordance with Condition 9.

5.3. Corrective Actions for Smoke Observed in Condition 5.2. If smoke is observed while conducting Smoke/No Smoke observations:

- a. Do an initial Method 9 observation. If opacity is greater than 20%, see corrective actions in Condition 5.3.e or 5.3.f. Continue using Method 9 to monitor visible emissions, following specifications in Condition 5.2. In order to return to Smoke/No Smoke Plan, follow Conditions 5.3.b through 5.3.d.
- b. Initiate actions to eliminate smoke from the engine within 24 hours of the observations;
- c. Keep a written record of the starting date, completion date, and a description of the actions taken to reduce smoke; and
- d. If seven consecutive observations are made of 0% opacity, you may return to the Smoke/No Smoke Plan beginning with initial frequency (Condition 5.2).
- e. If Method 9 observations result in 6-minute average opacity greater than 20%, either:
 - i. Conduct a Particulate Matter source test within 60 days, following the requirements of Condition 19; or
 - ii. Make repairs so that emissions no longer exceed 20% opacity averaged over 6 minutes.
- f. For diesel engines with stack diameter of less than 18 inches, conduct a Particulate Matter source test if Method 9 observations result in 6-minute average opacity greater than 15%.

6. Particulate Matter Emissions from Asphalt Plant. Do not operate the asphalt plant at a production level greater than the maximum throughput measured during the most recent PM source test that showed compliance, except as provided under Condition 19.2. Particulate matter emissions limits are listed in **Table B**.

6.1. Required Testing and Frequency of Testing. Conduct source tests in accordance with Condition 19 and the following:

- a. If a PM source test has not been approved by the Department for your facility within the last five years, conduct a PM source test within the first 30 operating days after receiving your letter of authorization.
- b. If the source has conducted a PM source test approved by the Department in the last five years, conduct a source test no later than five years after that test or the first operation thereafter.
- c. Conduct a PM source test every five years.
 - i. If results of any PM source test exceed 0.045 gr/dscf for plants constructed on or before June 11, 1973 or 0.036 gr/dscf for plants constructed after June 11, 1973, you must conduct another source test within one year of the date of the most recent PM source test.
 - ii. If the plant does not operate in a calendar year, then the calendar year that the plant did not operate does not count toward the time required to conduct another PM source test in Condition 6.1.c.i.
 - iii. If the plant does not operate in a calendar year, the next source test due date is delayed by one calendar year.

Monitor:	Conduct at least one 18-consecutive-minute set of EPA Method 9 readings during each one hour run of the PM source test.
Record:	- Record the following during each PM source test: - Average asphalt production rate in tons per hour; - Method 9 readings; - Baghouse exit temperature and pressure drop (if applicable); - Wet scrubber pressure drop and water flow rate (if applicable).
Report:	Include records of all visible emissions monitoring, production, and pressure drop or flow rate with the source test report as required under Condition 19.8.

6.2. Asphalt Plant.

Record:	- Keep a daily log of the following: - Daily total asphalt production; - Peak hourly rate of production per day; - Startup and shutdown times with the date for each operating day; - Total hours operated per day; and - Total number of operating hours operated since the last source test. - If you have a baghouse, include the following in your daily log: - Pressure drop across baghouse at beginning and end of each production day; and - Outlet temperature of baghouse at the beginning and end of each production day. - If you have a wet scrubber, include the following in your daily log: - Pressure drop across the scrubber at beginning and end of each production day; - Inlet and outlet temperatures of the scrubber at beginning and end of each production day; and - Daily water flow rate of the scrubber.
Report:	- Include the daily production log for the reporting period in each FOR. - Include a summary of baghouse or scrubber inspections including the information listed in Conditions 15.1.f and 15.2.c.

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7. Sulfur Compound Emissions. Applies to fuel for all engines, including non-road engines. Emissions limits are listed in **Table B**.

Record:	• Keep fuel delivery receipts that specify fuel grade and amount. • If diesel delivery receipts do not show that the diesel is Ultra Low Sulfur Diesel (ULSD) or Low Sulfur Diesel (LSD) test delivered fuel for sulfur content, or get a certification statement or analysis from the supplier that shows fuel sulfur percent by weight. • For liquid fuel from a North Slope topping plant, obtain results of a monthly fuel analysis from the topping plant.
Report:	• If only ULSD or LSD was used for the entire reporting period, submit a statement from the fuel supplier stating only ULSD or LSD was supplied with your semi-annual operating report. • If anything other than ULSD or LSD was used (e.g. used oil fuels), submit a list of fuel deliveries with fuel grades, a certificate from the supplier verifying the sulfur content, or a fuel analysis showing sulfur content. • If natural gas was used during the reporting period, submit a statement certified by the Responsible Official for this time period. • If highline power was used during the reporting period, submit a statement certified by the Responsible Official for this time period. • Include a copy of the fuel analysis from a North Slope topping plant, if applicable. • Report the fuel type, including its sulfur content, used for the asphalt burner.

8. Pollution Control Equipment Breakdowns.

Record:	• Keep records of pollution control equipment breakdowns and corrective actions.
Report:	• Notify the Department within two days of a pollution control equipment breakdown as a Permit Deviation in accordance with Condition 9. • Include a summary of each breakdown in the FOR.

9. Excess Emissions and Permit Deviations.

Record:	• Keep records of excess emissions, permit deviations, and corrective actions.
Report:	• Report excess emissions that present a potential threat to human health or safety or that the owner, operator, or Permittee believes to be unavoidable as soon as possible. • Report unavoidable emergencies, malfunctions, or non-routine repairs that cause excess emissions within two working days after the event started or was discovered. • Report all other excess emissions or permit deviations, including failure to monitor, within 30 days of the end of the month in which the incident occurs. • Report using the online form at http://www.dec.state.ak.us/air/ap/site.htm or the Excess Emissions and Permit Deviation Form listed as Form 2. • Include a summary of excess emissions and permit deviations in each FOR

10. Air Pollution Prohibited.

Record:	- Record the date, time, and nature of all emissions complaints received. - Record the name of the person(s) that complained, if known. - Record a summary of any investigations including reasons you do or do not believe the emissions have caused a violation. - Record any corrective actions taken or planned for complaints
Report:	- Include in FOR for each reporting period: - Number of complaints received. - Number of times you or the Department found corrective action necessary. - Number of times action was taken on a complaint within 24 hours. - Status of corrective actions found necessary that were not taken within 24 hours.

11. Non-road Engines. Defined in 18 AAC 50.990(63) and 40 C.F.R. 89.2.

Record:	Keep a log of the following items for each non-road engine for at least five years: - Date and location of the engine each time it is relocated. - Make, model, serial number, and rated capacity of the engine.
Report:	Include the non-road engine location log in each FOR.

GENERAL CONDITIONS

12. Change of Ownership. If the ownership of the Asphalt Plant is changed, both the new and previous owners must complete a transfer of ownership form and receive authorization to operate from the Department before the plant is operated by the new owner. The Transfer of Ownership form is available from ADEC Air Permits Program staff or on the Department's website. The website address at the time of issuance of this permit is: <http://dec.alaska.gov/air/ap/operatingperapp.html>.

13. Administrative Fees. You are required pay to the Department all assessed permit administrations fees. Administration fee rates are set out in 18 AAC 50.400-405.

14. Assessable Emissions & Emission Fees. You are required to pay to the Department annual emission fees based on the stationary source's assessable emissions as determined by the Department under 18 AAC 50.410. The assessable emission fee rate is set out in 18 AAC 50.410(b). The Department will assess fees per ton of each air pollutant that the stationary source emits or has the potential to emit in quantities great than 10 tons per year. No later than March 31 of each year, you may submit an estimate of the stationary source's assessable emissions to the Department, using the Emission Reporting and Emission Fee Estimate form. Otherwise, emission fees for the next fiscal year will be based on the potential to emit. See Appendix A for calculation of assessable emissions and Form 3 for the Emission Fee Estimate report form.

15. Good Air Pollution Control Practice. For all emission units authorized by this permit, you should perform regular maintenance considering the manufacturer's or the operator's maintenance procedures, keep records of any maintenance that would have a significant effect on emissions, and keep a copy of either the manufacturer's or the operator's maintenance procedures on site.

- 15.1. If you operate an asphalt plant using a baghouse:
 - a. Operate the baghouse per the manufacturer's recommended operating procedures;
 - b. At the end of each run, operate the baghouse fans until the baghouse has been purged of exhaust gases per the manufacturer's recommendations;
 - c. Ensure the pressure drop across the baghouse and outlet temperature remain within the manufacturer's recommendations or specifications;
 - d. Perform inspections of equipment and complete necessary maintenance prior to startup in a new location, after shutdown of more than five days, and every 30 days of operation at the same location;
 - e. Replace worn or damaged bags within 72 hours of discovery;

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f. Keep a record of the baghouse inspections showing the following:

- i. Date of inspection and name of inspector;
- ii. Number of worn or damaged bags detected;
- iii. Number of bags replaced and date replaced;
- iv. Number of worn or damaged seals/gaskets detected; and
- v. Number of seal/gaskets replaced and the date replaced.

15.2. If you operate an asphalt plant using a wet scrubber:

- a. Inspect every component of the scrubber before beginning operation each season and repair or replace any component that shows signs of deterioration;
- b. Maintain pressure drop across the scrubber, water flow rate, inlet and outlet temperatures within limits recommended by the manufacturer;
- c. Keep a record of scrubber inspections showing the following:
 - i. Date of inspection and name of inspector;
 - ii. Number of components detected that are worn or damaged;
 - iii. Number of components replaced and date replaced.

16. Reasonable Precautions to Prevent Fugitive Dust. A person who causes or permits bulk materials to be handled, transported, or stored, or who engages in an industrial activity or construction project shall take reasonable precautions to prevent the release of airborne PM and fugitive dust from aggregate piles, conveyors and elevators, loading locations, the rotary drum, screens, baghouse ash discharge, vehicle traffic within the stationary source boundaries and other sources of fugitive dust into the ambient air.

16.1. Follow the Fugitive Dust Control Plan (Appendix B) that you included with your minor general permit application or a revised version if submitted to or requested by the Department. A revised or site-specific Fugitive Dust Control Plan must be submitted with each relocation notice if the new location is within one mile of the nearest occupied structure (see Condition 2).

16.2. Reasonable precautions to prevent fugitive dust may include the following:

- a. installation and use of hoods;
- b. fans and dust collectors to enclose and vent dusty materials;
- c. other covers and enclosures;
- d. cleanup of loose material on work surfaces;
- e. minimizing drop distances on the conveyor systems and lowering loader buckets to be in contact with the surface of the soil or ground before dumping;
- f. application of water or dust suppressants;
- g. stopping activity in windy conditions; and
- h. measures to prevent carryout or tracking of dust or mud by trucks.

17. Equipment Changes. Submit changes in asphalt drum or batch mixer, dryer, control equipment, tertiary crushing, or diesel engine equipment, if capacity differs from original permitted equipment, to the Department within 30 days.

18. Terms to Make the Permit Enforceable.

18.1. Compliance with permit terms and conditions is considered to be in compliance with those requirements that are

- a. Included and specifically identified in the permit; or
- b. Determined in writing in the permit to be inapplicable.

18.2. Comply with each permit term and condition. Noncompliance with a permit term or condition constitutes a violation of AS 46.14, 18 AAC 50.345, and, except for those terms or conditions designated in the permit as not federally enforceable, the Clean Air Act, and is grounds for

- a. An enforcement action; or
- b. Permit termination, revocation and reissuance, or modification in accordance with AS 46.14.280.

18.3. It is not a defense in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with a permit term or condition.

18.4. Each permit term and condition is independent of the permit as a whole and remains valid regardless of a challenge to any other part of the permit.

18.5. The permit may be modified, reopened, revoked and reissued, or terminated for cause. A request by the Permittee for modification, revocation and reissuance, or termination or notification of planned changes or anticipated noncompliance does not stay any permit condition.

18.6. The permit does not convey any property rights of any sort, nor any exclusive privilege.

18.7. Allow the Department or an inspector authorized by the Department, upon presentation of credentials and at reasonable times with the consent of the owner or operator to

- a. Enter upon the premises where a source subject to the permit is located or where records required by the permit are kept;
- b. Have access to and copy any records required by the permit;
- c. Inspect any stationary source, equipment, practices, or operations regulated by or referenced in the permit; and

18.8. Sample or monitor substances or parameters to assure compliance with the permit or other applicable requirements.

SOURCE TESTING REQUIREMENTS

19. Source Testing Requirements.

19.1. **General Requirements.** In addition to any source testing explicitly required by the permit, conduct source testing as requested by the Department to determine compliance with applicable permit requirements.

19.2. **Operating Conditions.** Unless otherwise specified by an applicable requirement or test method, conduct source testing

- a. At a point or points that characterize the actual discharge into the ambient air; and
- b. At the maximum rated burning or operating capacity of the emission unit or another rate determined by the Department to characterize the actual discharge into the ambient air.

19.3. **Reference Test Methods.** Refer to the Technical Analysis Report for approved reference test methods and details.

19.4. **Excess Air Requirements.** Standard exhaust gas volumes must include only the volume of gases formed from the theoretical combustion of the fuel, plus the excess air volume normal for the specific emission unit type, corrected to standard conditions (dry gas at 68°F and absolute pressure of 760 mm of mercury).

19.5. **Test Exemption.** You are not required to comply with Conditions 19.6-19.8 when the exhaust is observed for visible emissions by Method 9 Plan or Smoke/No Smoke Plan (Conditions 5.2 and 5.3, for diesel engines only). This does not apply to fugitive emission sources.

19.6. **Test Plans.** Before conducting any source tests, submit a plan to the Department. The plan must include the methods and procedures to be used for sampling, testing, and quality assurance, and must specify how the emission unit will operate during the test and how you will document that operation.

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Submit a complete plan within 60 days after receiving a request under Condition 5.3.e.i or 19.1 and at least 30 days before the scheduled date of any test unless the Department agrees in writing to some other time period. Retesting may be done without resubmitting the plan.

You may request an extension to a source test deadline established by the Department. You may delay a source test beyond the original deadline only if the extension is approved in writing by the Department's appropriate division director or designee.

19.7. Test Notification. At least 10 days before conducting a source test, give the Department written notice of the date and the time the source test will begin.

19.8. Test Reports. Within 60 days after completing a source test, submit a copy of the results in the format set out in the *Source Test Report Outline*, adopted by reference in 18 AAC 50.030. Certify the results in the manner set out in Condition 4.3. If requested in writing by the Department, provide preliminary results in a shorter period of time specified by the Department.

Appendix A: Assessable Emissions Calculation (MG3)

Assessable Emissions differ from a source's Potential to Emit (PTE). PTE is used in calculating a source's permit applicability and classification, i.e. minor or major source. While PTE does not include fugitive particulate emissions, assessable emissions do. A source can be classified as a minor source, yet have emission fees based on a criteria pollutant in excess of 100 tons. Likewise, a major source can have a PTE in excess of 100tpy of a criteria pollutant, yet pay emission fees for that pollutant at a rate far lower. Assessable Emissions use the same calculations as PTE, only operating hours are not based on a maximum potential of 3650 hours (assumed) but instead are based on actual operation for a calendar year. For examples and steps on completing this form to assist in submission of Assessable Emissions, please see the information below.

Equation:

$$E = (EF \times (\text{asphalt produced or hours of operation in a given year} \times RC)) / \text{lbs per ton}$$

Abbreviations:	
tpy	tons per year
tph	tons per hour
EF	emission factor (AP-42)
RC	rated capacity
lbs	pounds
E	emissions
ULSD	Ultra low sulfur diesel

Report using Form 3 Emission Estimates MG3 total emissions for each pollutant in a calendar year. Each emission unit listed in Table A will need a separate calculation using equations provided, where rated capacity is the horsepower for diesel engines.

Emission factors are pollutant/emission unit specific. Fuel assumes use of Ultra Low Sulfur Diesel (ULSD); please, contact the Department for assistance if you used alternative fuels. Please, see the worksheet on the next page for emission factors and further assistance.

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Asphalt Plants	CO	NO _x	SO ₂	VOC	PM-10 ¹	PM-10 ²
Batch Mix Asphalt Plant	0.4	0.12	0.088	0.0082	0.027	0.14
Drum Mix Asphalt Plant	0.13	0.055	0.011	0.032	0.023	0.04

Asphalt plant emission factors are given in lbs of pollutant per ton of asphalt produced.

¹: PM-10 EF for use with a baghouse

²: PM-10 EF for use with a wet-scrubber

Diesel Engines	CO	NO _x	SO ₂ ³	VOC	PM-10	
Greater than 600hp	0.0055	0.024	1.2x10 ⁻⁵	0.000705	0.0007	
Less than 600hp	0.00668	0.031	1.2x10 ⁻⁵	.0000247	0.0022	

Diesel engine emission factors are given in lbs of pollutant per horsepower-hour.

³: SO₂ EF for use with ULSD

Asphalt Plant Worksheet: $E = (EF \times \text{tons of asphalt produced}) / 2000$

CO	NO _x	SO ₂	VOC	PM-10

Diesel Engine Worksheet: $E = (EF \times \text{hours of operation} \times RC) / 2000$

CO	NO _x	SO ₂	VOC	PM-10

Total Emissions: add all rows above for listed emission units.

CO	NO _x	SO ₂	VOC	PM-10

Assessable Emissions: for any pollutant total greater than 10 (tons), round to nearest whole number, for any pollutant less than 10 tons, round down to 0. Enter these values on Form 3 and submit as required under Condition 14.

CO	NO _x	SO ₂	VOC	PM-10

Appendix B: Fugitive Dust Control Plan Guidelines

The Fugitive Dust Control Plan (Plan) has the purpose to control the fugitive dust emissions from asphalt plant and crusher related activities. The Plan is required for all Minor General Permit holders in order to ensure that reasonable precautions to prevent fugitive dust are taken (MG3 Condition 16, MG9 Condition 15).

A sample plan is on the following page in Appendix B. This plan may be filled out and used for any Minor General Permitted source. You are not required to use the sample form, but similar information contained in the sample form should be included in your plan. If you already have a plan developed or you wish to develop your own plan, the following items should be addressed:

- Points capable of producing fugitive emissions;
- Control of fugitive dust sources, such as:
 - Water application;
 - Dust suppressants;
 - Wind barriers;
 - Hoods, covers, or enclosures;
 - Cleanup of loose materials;
 - Minimizing drop distances and lowering loader buckets before dumping;
 - Fans;
 - Dust collectors;
- Methods to prevent trackout or carryout, such as:
 - Grizzlies or grates;
 - Gravel pads;
 - Paved surfaces;
 - Wheel washers;
 - Truck washing.

Appendix B: Fugitive Dust Control Plan

Please note, it is the responsibility of the Permittee to ensure that no part of their fugitive dust control plan violates any local, state, or federal law.

Section 1 – General Information

1-A Facility Information	
Company Name:	
Plant Name:	
Permit No.:	
1-B Contacts	
Report the names, address, and phone numbers of persons and owners or operators responsible for the implementation of the Dust Control Plan and responsible for the dust generating operation and dust control applications.	
<i>Responsible Official</i> (authorized under 18 AAC 50.990(93))	
Name:	
Phone Number:	
<i>On-site Manager/Operator or Point of Contact</i> (if different from above)	
Name:	
Phone Number:	
1-C Recordkeeping and Reporting	
Keep copy of Fugitive Dust Control Plan on-site at all times.	
Keep records of deviations from dust plan, reasons for the deviation, and corrective actions taken for at least five years.	

Section 2 – Fugitive Emission Points

2-A Fugitive Emission Points Identify the relative locations of actual and potential sources of fugitive dust emissions. ☐ Bulk material handling and storage areas. ☐ Paved and unpaved access roads, haul roads, traffic areas, and equipment storage yards. ☐ Exit points where carryout and trackout onto paved public roads may occur. ☐ Water supply locations if water application will be used for controlling visible dust emissions. ☐ Rock crushing operations. ☐ Screening ☐ Conveyors ☐ Fines Screening ☐ Asphalt plant operations ☐ Screening ☐ Conveyors ☐ Baghouse Catch ☐ Drum Mixer Discharge ☐ Hot mix storage silo receiving point	
2-B Comments – Fugitive Emission Points 	

Section 3 – Control of Fugitive Dust Sources**3-A Control of Fugitive Dust Sources**

Check any boxes that apply. Checked boxes represent methods that will be used *as needed*.

Active Operations

- ☐ Water will be applied to dry areas during leveling, grading, trenching, and earthmoving activities.
- ☐ Wind barriers will be constructed and maintained, and water or dust suppressants will be applied to the disturbed surface areas.

Inactive Operations, including after work hours, weekends, and holidays

- ☐ Not applicable for this project (Please explain why in Section 3-C).
- ☐ Water or dust suppressants will be applied on disturbed surface areas to form a visible crust, and vehicle access will be restricted to maintain the visible crust.

Sites Inactive for Seven or More Days

- ☐ Not applicable for this project (Please explain why in Section 3-C).
- ☐ Vehicle access will be restricted and water/dust suppressants will be applied at all un-vegetated areas.
- ☐ Vegetation will be established on all previously disturbed areas.
- ☐ Gravel will be applied and maintained at all previously disturbed areas.
- ☐ Previously disturbed areas will be paved.

Unpaved Access and Haul Roads, Traffic and Equipment Storage Areas

- ☐ Not applicable for this project (Please explain why in Section 3-C).
- ☐ Apply water or dust suppressants to unpaved haul and access roads.
- ☐ Post speed limit signs of not more than 15 mph at each entrance, and again every 500 ft.
- ☐ Water or dust suppressants will be applied to vehicle traffic and equipment storage areas.

Wind Events

- ☐ Water application equipment will apply water to control fugitive dust during wind events, unless unsafe to do so. Outdoor construction activities that disturb the soil will cease whenever visible dust emissions cannot be effectively controlled.

3-B Bulk Materials

Check any boxes that apply. Checked boxes represent methods that will be used *as needed*.

Outdoor Handling of Bulk Materials

- ☐ Water or dust suppressants will be applied when handling bulk materials.
- ☐ Wind barriers with less than 50 percent porosity will be installed and maintained, and water or dust suppressants will be applied.

Outdoor Storage of Bulk Materials

- ☐ Water or dust suppressants will be applied to storage piles.
- ☐ Storage piles will be covered with tarps, plastic, or other suitable material and anchored in such a manner that prevents the cover from being removed by wind actions.
- ☐ Wind barriers with less than 50 percent porosity will be installed and maintained around the storage piles and water or dust suppressants will be applied.
- ☐ A three-sided structure (< 50% porosity) will be used that is at least as high as the storage piles.

On-Site Transporting of Bulk Materials

- ☐ Vehicle speed will be limited on the work site.
- ☐ All haul trucks will be loaded such that the freeboard is not less than six inches when transported across any paved public access road.
- ☐ A sufficient amount of water will be applied to the top of the load to limit visible dust emissions.
- ☐ Haul trucks will be covered with a tarp or other suitable cover.

Section 3 – Control of Fugitive Dust Sources (cont.)

3-B Bulk Materials - continued

Off-Site Transporting of Bulk Materials

- ☐ No bulk materials will be transported to or from the project site.
- ☐ Materials for transport will be wetted as needed.
- ☐ Covers will be used, as needed. Some or all of the following will be used as necessary:
- The interior of emptied truck cargo compartments will be cleaned or covered before leaving the site.
 - Spillage or loss of bulk materials from holes or other openings in the cargo compartment's floor, sides, and tailgates will be prevented.
 - Haul trucks will be covered with a tarp or other suitable cover or will be loaded such that the freeboard is not less than six inches when transported on any paved public access road to or from the project site.

Outdoor Transport using a Chute or Conveyor

- ☐ No chutes or conveyors will be used.
- ☐ Chute or conveyor will be fully enclosed.
- ☐ Water spray equipment will be used to sufficiently wet the materials.
- ☐ Transported materials will be washed or screened to remove fines (PM-10 or smaller).

3-C Comments – Control of Fugitive Dust Sources

Section 4 – Dust Control Methods

4-A Water Application

Complete this section if water application will be used as a control method for limiting visible dust emissions and stabilizing surface areas. Check and answer everything that applies. Checked boxes represent methods that will be used *as needed*.

Water Application Equipment:

- ☐ Sprinklers:
Describe the activities that will utilize sprinklers: _____
- ☐ Water Truck, ☐ Water Trailer, ☐ Water Wagon, ☐ Other: _____
Describe the activities that will utilize this equipment: _____

Water application equipment is available to operate after normal working hours, on weekends, and holiday.
After-hours contact: _____ Phone number: _____

Water Supply (as needed):

- ☐ Fire hydrants. Obtain necessary approval to use specific hydrants.
- ☐ Storage tanks Number and capacity: _____
- ☐ Wells Number and flow rate: _____
- ☐ Canal, River, Pond, Lake, etc. Describe: _____
- Approval granted by the owner or public agency to use their water source for this project.
Owner or Agency: _____
Contact: _____ Phone number: _____
- ☐ Other: _____

Section 4 – Dust Control Methods (cont.)

4-B Dust Suppressant Products

Suppressant materials include, but are not limited to: hygroscopic suppressants (road salts), adhesives, petroleum emulsions, polymer emulsions, and bituminous material (road oils).

Copy this section if more than one dust suppressant product will be used.

☐ Not applicable. Only water application will be the control method used.

☐ Applicable.

Product Name: _____

Application Equipment: _____

Number of Application Equipment Available: _____

Attach each of the following information that fully describes this product. Use the checklist below to make sure all information is submitted with this plan.

☐ Product Specifications (MSDS, Product Safety Data Sheet, etc.).

☐ Manufacturer's Usage Instructions (method, frequency, and intensity of application).

☐ Environmental impacts and approvals or certifications related to the appropriate and safe use for ground application.

4-C Other Dust Control Methods

Check the other types of dust control methods that will be implemented at the construction site.

☐ Physical barriers for restricting unauthorized vehicle access:

☐ Fences ☐ Gates ☐ Posts ☐ Berms ☐ Concrete Barriers

☐ Other: _____

☐ Wind barriers – Describe: _____

☐ Posted speed limit signs meet state and Federal Department of Transportation standards.

☐ Posted at 15 miles per hour, ☐ Posted at _____ miles per hour (less than 15 mph) ...

☐ Re-establish vegetation for temporarily stabilizing previously disturbed surfaces.

Explain: _____

☐ Apply and maintain gravel:

☐ On haul roads ☐ On access roads ☐ At equipment storage yards

☐ At vehicle traffic areas ☐ For temporarily stabilizing previously disturbed areas.

Explain: _____

☐ Apply pavement – Explain: _____

☐ Other: _____

4-D Comments – Dust Control Methods

Section 5 – Carryout and Trackout

5-A Treatments for Preventing Trackout

Trackout is any material that adheres to vehicle tires and is deposited onto a paved public road or the paved shoulder of a paved public road. Check one or a combination that will apply.

☐ *Grizzly*: Rails, pipes, or grates used to dislodge debris off of vehicles before exiting the site. Extends from the intersection with the paved public road surface for the full width of the unpaved exit surface for the distance of at least 25 feet.

Describe: _____

☐ *Gravel Pad*: A layer of washed gravel at least one inch or larger in diameter, three inches deep, and extends from the intersection with the public paved road surface for the full width of the unpaved exit surface for a distance of at least 50 feet.

Describe: _____

☐ *Paved Surface*: Extends from the intersection with the paved public road surface for the full width of the unpaved access road for at least 100 feet to allow mud and dirt to drop off of vehicles before exiting the site.

Describe: _____

Mud and dirt deposits accumulating on paved interior roads will be removed with sufficient frequency, but not less frequently than once per workday.

Clean-up Frequency: _____

☐ *Wheel Washer*: Uses water to dislodge debris from tires and vehicle undercarriage.

Describe: _____

☐ *Other*: _____

5-B Treatments for Preventing Carryout

Carryout occurs when materials from emptied or loaded haul trucks, vehicles, or trailers falls onto a paved public road or paved shoulder of a paved public road. Check all methods that apply.

☐ No haul trucks will be routinely entering or leaving the project site.

Emptied Haul Trucks:

☐ Interior cargo compartments will be cleaned before leaving the project site.

☐ Cargo compartment will be covered with a tarp or suitable cover before leaving the project site.

Loaded Haul Trucks: Spillage or loss of materials from holes or other opening in the cargo compartment will be prevented when material is transported onto any paved public access road.

☐ Haul trucks will be loaded such that the freeboard is not less than six inches with water applied to the top of the load before leaving the project site.

☐ Cargo compartment and load will be covered with a tarp or suitable cover before leaving the project site.

☐ Other: _____

5-C Cleaning up Carryout and Trackout

Clean up Method: Check the method(s) below that will be used for cleaning carryout and trackout.

☐ Manually sweeping and picking up.

☐ Mechanical sweeping with a rotary brush or broom accompanied or preceded by water.

Describe the types of equipment that will be used: _____

☐ Operating a PM10-efficient street sweeper.

Make and Model: _____

☐ Flushing with water – allowed if:

- No curbs or gutters are present.
- Using water will not result as a source of trackout and carryout.
- Using water will not result in adverse impacts on storm water drainage systems.
- Using water will not violate any National Pollutant Discharge Elimination System permit program or Alaska Department of Environmental Conservation, Division of Water Permit.

5-D Comments - Carryout and Trackout

Form 1: Relocation Notification (Application Addendum)

Submit to the Department at least *10 days before* moving the plant to any new location.

Facility Information:

Permittee Name: _____ Permit No.: AQ _____
 Plant Name: _____
 Contact Person: _____ Telephone: _____
 Make & Model of the Equipment/Stationary Source to be relocated: _____

Attach a complete list of equipment to be operated at the new location.

Estimated Operating Dates:

Estimated start-up date: _____
 Estimated shut-down date: _____

Location Information:

New Plant Location (street address, milepost number, etc. -- Include site maps):

Latitude _____ Longitude _____ OR
 UTM Coordinates: Zone _____ Northing _____ Easting _____ Datum _____
 Distance from Plant boundary to nearest inhabited structure: _____ ft
 Nearest inhabited structure(s) are on (check one): _____ flat terrain _____ elevated terrain

If this distance is within 2,000 ft (for rock crushers) or 1 mile (for asphalt plants), include with this addendum a dust control plan that is specific to this location and is adequate to prevent violations of Air Pollution Prohibited (MG3 Condition 10, MG9 Condition 9).

If the plant is to be located in a city or borough with zoning restrictions, please attach the location or siting approval documents from that city or borough to this form (optional).

Comments: _____

Certification:

Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.

Printed Name: _____ Title: _____ Date: _____
 Signature: _____ Phone Number: _____

Send completed report to: Compliance Technician, ADEC Air Permits Program, 610 University Avenue, Fairbanks, AK 99709-3643.

MG3 – Asphalt Plant Minor General Permit – Final Revision 1

Form 2 EEPD - separate, to be included in .pdf. This page is to be replaced.

Form 3: Emission Reporting and Emission Fee Estimate

Submit the following information no later than March 31 of each year to:

ADEC Air Permits Program
610 University Avenue
Fairbanks, AK 99709-3643

Or

FAX to (907) 451-2187

Or

Email to: DEC.AQ.Airreports@alaska.gov
(If emailed, the report must be signed and certified in accordance with 18 AAC 50.345(j).)

Or

Submit emissions online at the following website: <https://myalaska.state.ak.us/deca/air/airtoolsweb/>

Stationary Source Name: _____

Permit Number: _____ Date: _____

Emission Fee Estimate for: _____ (State fiscal year)

Table 1. Total Emissions & Assessable Emission Fee Estimate

Pollutant	Asphalt Plant	Diesel Generator	Assessable Emissions
NO _x			
CO			
SO ₂			
PM-10			
VOC			

Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.

Signature

Printed Name

Title

MG3 – Asphalt Plant Minor General Permit – Final Revision 1

Form 4: Minor General Permit (MG3) – Facility Operating Report Form

Facility Information

Stationary Source: _____ Permit No.: AQ _____

Facility Name: _____

Reporting Period: ☐ 11/1/____ to 3/31/____ ☐ 4/1/____ to 10/31/____

Did this plant operate during this reporting period?

☐ Yes (please complete form) ☐ No (complete the "Certification" section only)

Certification (Condition 4.3)

☐ Certification Statement Signed by a Responsible Official (at end of form)

Visible Emissions - Asphalt Plant (Condition 5.1)

Emissions Points observed: _____ (First point – baghouse or scrubber)
 _____ (Second point – please describe)

Method 9 Observations Summary:

Number of Observations	
Highest 6-consecutive-minute Average	
Number of Observations >20%	

☐ All Method 9 Observation forms attached

☐ Excess Emissions/Permit Deviation Forms attached for failure to monitor or for observations of opacity >20%.

Visible Emissions – Diesel Engines (Condition 5.2)

Method used: ☐ Smoke/No Smoke Plan ☐ Method 9 ☐ Both

Smoke/No Smoke Plan Summary:

Number of Observations	
Number of Days Smoke Observed	

☐ Complete Smoke/No Smoke Log attached

☐ Summary of Smoke/No Smoke corrective actions attached

Method 9 Observations Summary:

Number of Observations	
Highest 6-consecutive-minute Average	
Number of Observations >20%	

☐ All Method 9 Observation forms attached

☐ Excess Emissions/Permit Deviation Forms attached for failure to monitor or for observations of opacity >20%.

Particulate Matter (PM) Emissions (Condition 6)

Date of most recent PM source test: _____

☐ Daily asphalt production log attached.

Control Equipment Used: ☐ Baghouse ☐ Scrubber

☐ Summary of baghouse inspections attached, if applicable (Conditions 6.2 & 15.1(f)).

☐ Summary of scrubber inspections attached, if applicable (Conditions 6.2 & 15.2(c)).

Sulfur Compound Emissions (Condition 7)

Was ULSD the ONLY fuel used for the entire reporting period?

☐ Yes, statement certified by Responsible Official attached.

☐ No, list of diesel deliveries and fuel analysis or certification from supplier showing fuel sulfur content attached.

☐ Highline power used. Statement certified by Responsible Official attached.

☐ Natural gas used. Statement certified by Responsible Official attached.

☐ North Slope topping plant fuel used. If checked, attach a copy of fuel analysis.

Asphalt Plant fuel type used: _____

Pollution Control Equipment Breakdowns (Condition 8)

Where there any control equipment breakdowns during this reporting period? ☐ Yes ☐ No

If Yes, ☐ Permit Deviation forms attached ☐ Summary of breakdowns attached

Excess Emissions and Permit Deviations (EE/PD) (Condition 9)

Where there any EE/PDs during this reporting period? ☐ Yes ☐ No

If Yes, ☐ EE/PD forms attached

Complaint Summary (Condition 10)

Did you receive any public complaints about emissions during this reporting period? ☐ Yes ☐ No

If Yes, ☐ Complaint summary attached.

Nonroad Engines (Condition 11)

Are there engines classified as nonroad engines at this facility?

☐ Yes, Nonroad Engine Location Log attached. ☐ No.

Equipment Changes (Condition 17)

Was new equipment added or existing equipment removed? ☐ Yes, attach Form 10. ☐ No.

Source Testing (Condition 19)

PM source test conducted during this reporting period? ☐ Yes, on date: _____ ☐ No.

Certification (Condition 4.3)

Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.

Printed Name: _____ Title: _____ Date: _____

Signature: _____ Phone Number: _____

Send completed report to: Compliance Technician, ADEC Air Permits Program, 610 University Avenue, Fairbanks, AK 99709-3643.

MG3 – Asphalt Plant Minor General Permit – Final Revision 1

Form 5 Method 9 - separate, to be included in .pdf. This page is to be replaced.

Form 6: Smoke/No Smoke Log – Diesel Engines Reporting Period: ☐ 11/1/____ to 3/31/____ ☐ 4/1/____ to 10/31/____

[illegible]

Form 7: Complaint Summary Form

Reporting Period: ☐ 11/1/___ to 3/31/___ ☐ 4/1/___ to 10/31/___

Number of Complaints Received:	
Number of Times Corrective Actions were Found Necessary:	
Number of Times Corrective Action was Taken Within 24 hours:	

Status of corrective actions deemed necessary that were not taken within 24 hours:

Comments:

Form 8: Nonroad Engine Location Log

Company Name: _____

Air Quality Permit Number: _____ Company Equipment ID No.: _____

Engine Manufacturer: _____ Engine Model: _____

Engine Serial No.: _____ Engine Date of Manufacture: _____

Location	Initial Date at Location	Date Moved off Location

Form 9: Equipment Changes Form

Company Name: _____ Permit Number: _____

List in the table below the equipment that was installed or removed during the reporting period. Rated capacity must be included. Only list diesel engines, pollution control equipment, and asphalt drum or dryer. Screens, conveyors, and aggregate bins do not need to be listed.

Equipment ID/Name	Equipment Description	Rated Capacity	Date Installed	Date Removed	Comments

Form 10: Asphalt Plant Daily Production Log – For Plants Using Baghouses

Reporting Period: ☐ 11/1/ to 3/31/ ☐ 4/1/ to 10/31/

Date	Start Time	Stop Time	Total Operating Hours	Peak Hourly Production (tph)	Total Production (tons)	Baghouse Pressure Drop		Baghouse Inlet Temperature		Baghouse Outlet Temperature		Initials
						AM	PM	AM	PM	AM	PM	

Form 10: Asphalt Plant Daily Production Log – For Plants Using Wet Scrubbers

Reporting Period: ☐ 11/1/ to 3/31/ ☐ 4/1/ to 10/31/

Date	Start Time	Stop Time	Total Operating Hours	Peak Hourly Production (tph)	Total Production (tons)	Scrubber Pressure Drop		Scrubber Inlet Temperature		Scrubber Outlet Temperature		Scrubber Water Flow Rate	Initials
						AM	PM	AM	PM	AM	PM		

42.20.095 Disturbing the peace.

(a)

General.

(1)

It is unlawful for any person willfully to make or continue to make, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area. The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include the following:

(A)

The volume of noise;

(B)

The intensity of the noise;

(C)

Whether the nature of the noise is usual or unusual;

(D)

Whether the origin of the noise is natural or unnatural;

(E)

The volume and intensity of the background noise, if any;

(F)

The proximity of the noise to residential sleeping facilities;

(G)

The nature and zoning of the area within which the noise emanates;

(H)

The density of the inhabitation of the area within which the noise emanates;

(I)

The time of the day or night the noise occurs;

(J)

The duration of the noise;

(K)

Whether the noise is recurrent, intermittent or constant;

(L)

Whether the noise is produced by a commercial or noncommercial activity;

(M)

Whether the noise contains pure tones.

(2)

Liability. In a prosecution under this section, it shall be a rebuttable presumption that the owner, tenant, or person in charge of real property from which noise emanates in violation of this section has caused or allowed to be caused the noise which violates this section.

(b)

Construction of buildings and projects. It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment, before 7:00 a.m. or after 10:00 p.m., Monday through Friday, or before 9:00 a.m. or after 10:00 p.m., Saturday and Sunday, unless a permit shall first be obtained from the City and Borough building official. Such permit shall be issued by the building official only upon a determination that such operation during hours not otherwise permitted under this section is necessary and will not result in unreasonable disturbance to surrounding residents.

(c)

Noise emanating from vehicles.

(1)

Policy. It is unlawful for any person to play, continue to play, or allow to be played, any sound system from, within, or on any motor vehicle so that any sound, music, or vibration emanating therefrom can be heard at a distance of more than 30 feet between the hours of 10:00 p.m. and 9:00 a.m., unless the vehicle is a sound truck operating pursuant to a permit issued under [section 72.10.150](#)

(2)

Liability. In a prosecution under this section, it shall be rebuttable presumption that the registered owner of a vehicle from which emanates noise in violation of this section has played or allowed to be played the sound system causing the noise.

(d)

[Reserved.]

(e)

Defenses. It is an affirmative defense to a charge under subsection (a) of this section that the noise is a normal result of a kennel authorized in an industrial zone under [title 49](#) of this Code.

(f)

Disturbing the peace is an infraction.

(Serial No. 78-36, § 3, 1978; Serial No. 85-56, § 45, 1985; Serial No. 2000-44am, § 2, 1-22-2001; Serial No. 2006-18(b), § 3, 6-5-2006)

State law reference— *Disorderly conduct, AS 11.61.110.*

04 CBJAC 050.020 Performance standards.

- (a) The noise emanating from premises used for industrial activities shall be muffled so as to not become objectionable due to rhythm, intensity, pitch, or timbre, and where a use adjoins a residential district, the volume measured at the boundary line shall not exceed 55 dba's between the hours of 11:30 p.m. and 6:00 a.m., and 70 dba's at other hours.
- (b) Industrial and exterior lighting shall not be used in a manner that produces glare on public highways or neighboring property.
- (c) Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from outside of the property.
- (d) Provisions shall be made for necessary shielding or other preventive measures against interference caused by mechanical, electrical, electronic and nuclear equipment.
- (e) The emission of obnoxious odors or toxic or corrosive fumes or gases shall not be permitted. Dust or vapor created by an industrial operation shall not be exhausted directly into the atmosphere.
- (f) The storage of liquid or solid waste which attracts vermin or otherwise creates a health hazard is prohibited. No waste products shall be visible from eye level from any property line.
- (g) All open storage, excluding outside merchandising, shall conform to the front yard setback requirement of the zoning district in which it is located and shall be enclosed by a sight obscuring fence or planting at least six feet high.



Development Permit Application – February 2016
City and Borough of Juneau
Knik Construction Additional Information

Project Description: Knik would like to operate an asphalt plant on the property that is owned by our sister company, Alaska Marine Lines. The site would be used for the setup and operation of a portable asphalt plant which would include stockpiling of aggregates as needed for the operations. The asphalt plant operations would be on a project by project basis, i.e. projects for the City and/or State procured on a contract basis. We do not plan on setting up for commercial sales other than during times when we are operating the plant in support of any of the above type projects in the Juneau area. Knik has been operating asphalt plants in Alaska for over 30 years; we understand all of the environmental and regulatory requirements that are apart of these operations and how to comply with these requirements.

We currently have permits (copies attached) for 3 different Astec asphalt plants with the State of Alaska:

- Astec II – AQ1322MG301.1 – Rated 400 TPH
- Astec III – AQ1217MG301.1 – Rated 400 TPH
- Astec V – AQ1439MG301.2 – Rated 300 TPH

The attached copies of the permits show the type of equipment for each plant.

Utilities Proposed: Knik asphalt plants are powered by generators. Typically configuration is one main generator (1000 kw) and one standby generator (125kw). Shore power may be available and will be pursued if feasible. Water needed for dust control will be from a metered city water hydrant. We have spoken to Mark Millay with CBJ Engineering to discuss best approaches. Our water needs will be temporary on an as needed basis, so using meters will be required.

Lighting Plan: Lights will be non-glare, facing down at approximately a 45° angle from 38 feet above ground mounted to the silo. Portable light towers (non-glare) will be available to be used as needed in addition to the silo mounted lights. See attached site map for locations

Site Plan: See attached Site Plan. Parking typically will be for up to 10 employees. Sanicans will be brought in for restrooms. Trucks used for hauling of asphalt will be parked in an equipment staging area when not in use. Knik will set up the asphalt plant taking into consideration all set-backs in the Industrial zoning district, making sure to have the minimum of 10 feet in the front and rear of the area. Actual acreage of plant location is appx .84 acres.



Knik Construction's MG3 asphalt plant permits specify that we can't operate within 330 feet of the nearest residential or occupied structure. We can't operate for more than two construction seasons at the same site located within 800 feet of the nearest residence or other occupied structure. Our plant will be farther than 330 feet of the nearest residential or occupied structure but is less than the 800 feet required after two constructions seasons. Knik's Astec asphalt plants are mobile plants and we routinely move them from job site to job site state wide. We don't anticipate that our plant would be in the same location in Juneau for more than two years. Per the attached email from ADEC, once Knik completes a project and moves their plant to another project outside of Juneau, and then needs to return to work on a project not related to the original project, we would fall under the 330 foot guideline once again for the next two year period. It is not Knik's intention to have a plant operating in Juneau on a continuous basis.

Site Security: Alaska Marine Lines is an MTSA regulated facility, with an approved facility security plan. The area that Knik Construction will be operating is in a fenced area that has one main entry control point, which is gated. The gate is open during normal business hours and when barge operations take place after hours. TWIC cards are required for all workers in this area.

Hours of Operation to include hours, days and months of operation – With the successful bid for Knik Construction, we would operate typically from March until September, depending on the amount of asphalt that is needed for the project. While in full production, potential operating days/hours would be Monday thru Friday from 7:00 a.m. until 10:00 p.m.; Saturday and Sunday from 9:00 a.m. until 10:00 p.m.

Noise Concerns: Anticipated noise from the project will be mainly from backup alarms from operating trucks, truck traffic, and asphalt plant operation. Knik will observe CBJ Noise Ordinance found in section **42.20.095** and will not operate outside of the approved times of Monday through Friday, 7:00 a.m. – 10 p.m. and Saturday and Sunday, 9:00 a.m. – 10:00 p.m. If noise becomes an issue in the area or across the Channel, Knik will have the ability to construct a noise barrier by stacking shipping containers. The noise barrier would typically be 3 containers high (24 feet) and would be placed to best block noise from carrying across the channel.

Truck Traffic – Truck Traffic will vary depending on the project Knik is working on, the size of trucks being used and the location of the project. Typically a job will require material to be supplied at between 100 tons per hour (TPH) and 500 TPH. Using those rates and assuming the use of belly dump trailers hauling a legal load of 25 tons; this would result in a low of four truck loads per hour to a high of twenty truck loads per hour. Since Knik's operations will be on an on-demand basis and subject to weather, there will be gaps where no trucking will take place.



Truck drivers will be trained and knowledgeable in laws and regulations as well as local traffic patterns. As Knik procures work, Traffic Control Plans specific to the new work will be established to ensure the safety of the public and Knik employees.

Asphalt Cement – Knik ships asphalt cement in a cooled state and reheated for use. Knik has the unique ability to ship asphalt cement in specially designed shipping containers constructed with built-in heating systems. These containers make it possible to transfer asphalt cement in a way that is less harmful to the environment. Not only are the containers reusable but they transfer the hot asphalt from tank to plant without a drop hitting the ground.

Dust Control Plan and Narrative: Knik Construction Co., Inc. personnel will take all reasonable precautions to prevent particulate matter from becoming airborne. In Juneau, the primary source of dust will be from dry stockpiles and any dry road surfaces where loaders and trucks are running. Other potential areas include the Asphalt Plant operations of screening, conveyors, and baghouse. These areas will be monitored and should conditions warrant, Knik personnel will apply water to the road surfaces or other effected areas to prevent the generation of Fugitive Dust. Stockpile erosion will be addressed in the site storm water plan. Water will be from a metered city fire hydrant.

A copy of our typical fugitive dust control is attached for your review.

Stockpile details – Aggregate will be stockpiled on site; see the attached Site Plan for location of stockpiles. The aggregate will be either imported via barge direct to the AML facility or trucked in from a local Juneau material source. Front end loaders will be used to construct the stockpiles. No crushing operations will be established on site. Knik's Storm Water Pollution Prevention Plan (SWPPP) requires that erodible material be covered if not in use for an extended period. Fines would need to be covered to prevent erosion and runoff. Please see the attached SWPPP for complete details.

Grading and Drainage Plan: Area has crushed rock graded to drain to the settlement pond and infiltration point (see Figure #2 BMP Site Map located in the draft SWPPP)

Spill Containment – All measures will be taken to ensure that a spill will not occur. Should a spill occur the first action in spill response is to stop the source of the spill. Once the source of the spill has been stopped, personnel shall begin containing the spill with sorbent pads, booms, or granular sorbent, depending on the site conditions. The primary focus of containment is to keep the spill from reaching wetlands, drains, ditches, or other waterbodies and to limit the extent of contamination. Once the limits of a spill have been contained, the spill area shall be cleaned up using spill kit supplies and/or other materials. Emergency response numbers for environmental cleanup will be posted on site. Waste materials generated in the containment and cleanup of a spill shall be placed in disposal bags and stored in the overpack drum until waste can be disposed of properly at a facility approved to accept the type of waste generated.



SWPPP: We have attached a draft Storm Water Pollution Prevention Plan. Once work is secured, we are prepared to submit this to the ADEC for their review. This plan follows several guidelines we use for other Knik construction projects and facilities.

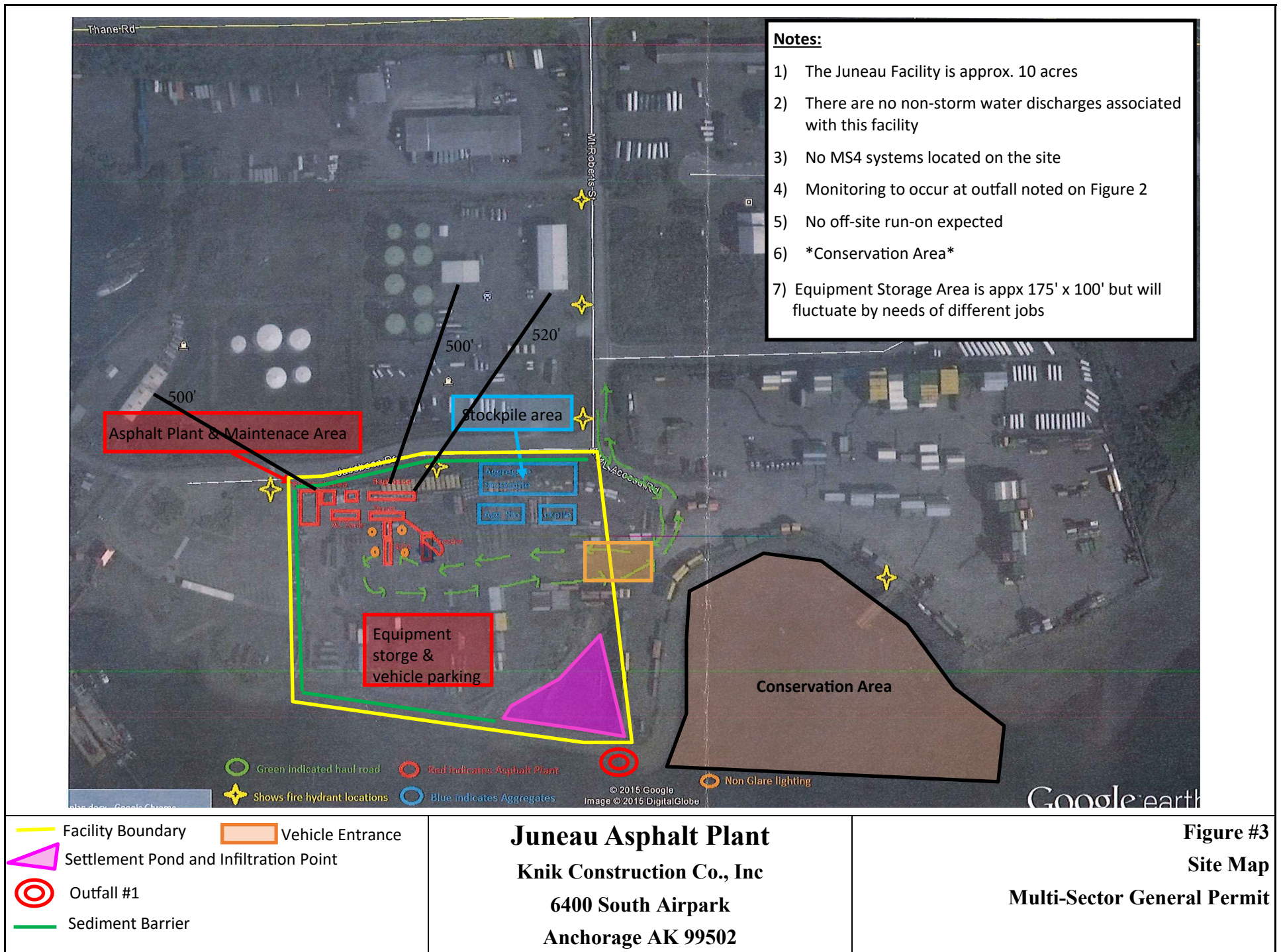


Figure #3

Site Map

Multi-Sector General Permit

Megan Daniels

From: Linda Sheehan <LINDAG@lynden.com>
Sent: Monday, March 21, 2016 7:46 AM
To: Teri Camery
Subject: FW: Asphalt Plant Site Distances

Teri, this email will hopefully explain the question you had on the clock resetting on the construction seasons.

Linda Sheehan

*Kwik Construction Co., Inc.
 Assistant Contract Administrator
 206-439-5521 direct
 206-790-9416 cell*

From: Dunn, Patrick E (DEC) [<mailto:patrick.dunn@alaska.gov>]
Sent: Wednesday, January 20, 2016 12:19 PM
To: Linda Sheehan
Cc: Siddeek, Fathima Z (DEC); Schuler, Alan E (DEC); Baumgartner, James R (DEC); Plosay, James R (DEC); Ptak, Jeremy M (DEC); Coss, Pablo M (DEC)
Subject: RE: Asphalt Plant Site Distances

Linda,

The term "occupied" would include office buildings, or any other structure with people routinely in and around it.

For the second question, the clock on two construction seasons would not reset if you are moving the asphalt plant back in order to continue working on the original construction project. However, the clock would reset if you move it back for a project unrelated to the original construction project.

Let me know if you have any further questions.

Patrick Dunn
 Alaska Department of Environmental Conservation
 Division of Air Quality
 619 E. Ship Creek Ave., Suite 249
 Anchorage, Alaska 99501
 907.269.7582

From: Linda Sheehan [<mailto:LINDAG@lynden.com>]
Sent: Tuesday, January 19, 2016 2:57 PM
To: Dunn, Patrick E (DEC) <patrick.dunn@alaska.gov>
Cc: Linda Sheehan <LINDAG@lynden.com>
Subject: Asphalt Plant Site Distances

Good afternoon Patrick, I'm not sure if you are the correct person to ask this, but perhaps you could forward if not. I have a question regarding our asphalt plant permits we currently have in place and the

Section 1. Ambient Air Quality Protection,

- 1.1 Do not operate the Asphalt Plant or a diesel engine within 330 feet of the nearest occupied structure of the work site.
- 1.2 Do not operate for more than two construction seasons at the same site located:
 - a. Within 800 feet of the nearest residence or other occupied structure off worksite; or
 - b. Within 1,100 feet of the nearest residence or other occupied structure off worksite if the residence or structure is located on terrain that is more than 50 feet above ground level of the asphalt plant aggregate drier or drum mixer.

Question 1) does "occupied structure" include any office type building, or what is the definition of occupied structure?

Question 2) If we operate for a construction season and depending what the definition of an occupied structure is, within the 800 feet, if we move our plant to another job for a season and then need to move it back to where we are within 800 feet, are we ok?

Thanks for your help.

Linda Sheehan

Kwik Construction Co., Inc.

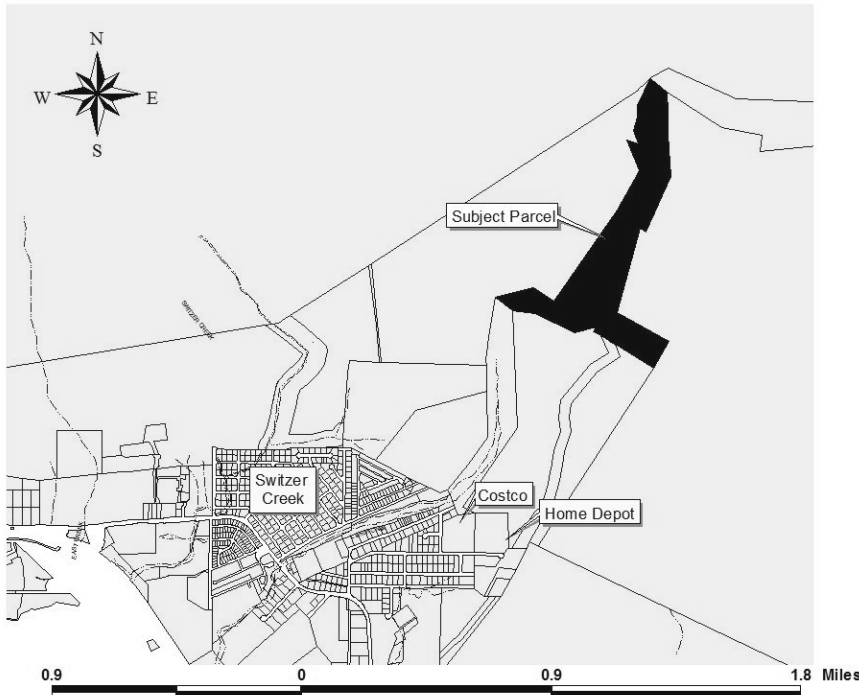
Assistant Contract Administrator

206-439-5521 direct

206-790-9416 cell



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



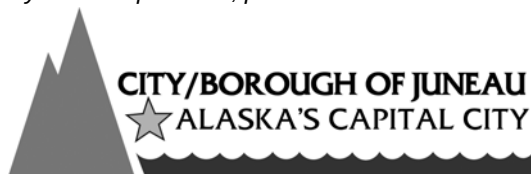
PROPOSAL: A Conditional Use Permit to extract/mine gravel from patent lands in Hidden Valley, Lemon Creek.

File No:	USE2016 0004	Applicant:	SECON, Inc.
To:	Adjacent Property Owners	Property PCN:	3-M00-0-LEM-CRK-2
Hearing Date:	April 26, 2016	Owner:	SECON, Inc.
Hearing Time:	7:00 PM	Size:	113.29 Acres
Place:	Assembly Chambers	Zoned:	RR - Rural Reserve
	Municipal Building	Site Address:	End of Anka Drive
	155 South Seward Street	Accessed Via:	Anka Drive
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Tim Felstead at Tim.Felstead@juneau.org or 586-0466.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: April 15, 2016

TO: Planning Commission

FROM: Tim Felstead, Planner *Tim Felstead*
Community Development Department

FILE NO.: USE2016 0004

PROPOSAL: A Conditional Use Permit to extract/mine gravel from patent lands in Hidden Valley, Lemon Creek.

GENERAL INFORMATION

Applicant: Secon, Inc.

Property Owner: Secon, Inc.

Property Address: End of Anka Drive

Legal Description: HIDDEN VALLEY Tract A

Parcel Code Number: 3-M00-0-LEM-CRK-2

Site Size: 4,934,912 square feet (113.29 acres)

Comprehensive Plan Future Land Use Designation: Resource Development (RD)

Zoning: Rural Reserve (RR)

Utilities: None

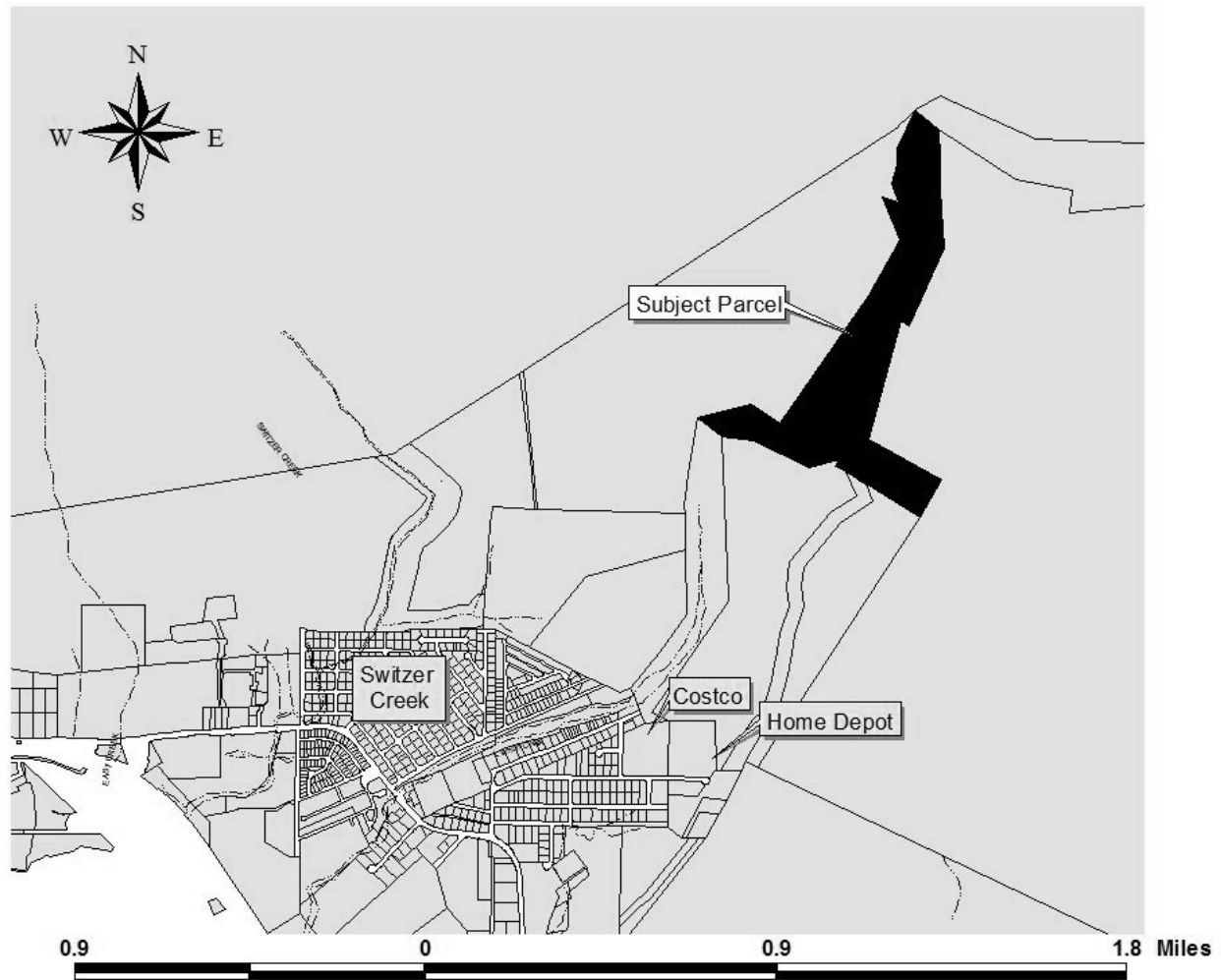
Access: Existing access road through easement over CBJ property connecting to Anka Street

Existing Land Use: Gravel extraction

Surrounding Land Use:

- North - RR (Vacant)
- South - RR (Vacant/Trail) and Industrial (former gravel pit)
- East - RR (Vacant/Trail)
- West - RR (Vacant)

Vicinity Map



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 File No.: USE2016 0004
 April 15, 2016
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ATTACHMENTS

- Attachment A – Application including narrative, Alaska Department of Fish and Game Permit and Army Corp of Engineer’s Permit
- Attachment B – Public Notice
- Attachment C – Alaska Department of Fish and Game field report on Severance Zone 1
- Attachment D – Memo from CBJ General Engineering regarding impacts on public streets and stormwater
- Attachment E – Email from CBJ General Engineering regarding guarantee amount for project.
- Attachment F – Email from CBJ Engineering regarding proposal
- Attachment G – Excerpt from 2004 *Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis report* (prepared by Interfluve, Inc. for CBJ Engineering)
- Attachment H – Notice of Decision for USE2012-0019 – Conditional Use permit to extract 240,000 cubic yards of gravel from the Lemon Creek streambed over the next six year period.

PROJECT DESCRIPTION

The applicant is requesting a Conditional Use Permit for the extraction of sand and gravel in stream bed of Lemon Creek in the Hidden Valley area. The extraction would be located in three areas within gravel bars in the Lemon Creek streambed, but outside of the active creek channel. The extraction will provide sands and gravels for local construction projects.

BACKGROUND

The Hidden Valley area of Lemon Creek has a history of placer mining and more recently logging and quarrying/gravel extraction. Conditional Use permits have been granted in the past for quarry and gravel extraction in upland areas towards the southern end of the subject parcel. Other Conditional Use permits are for two explosive stores (a lower store and an upper store). Active permits for the site are listed in the table below. The haul road that provides access to the parcel continues further north to provide access to a parcel under separate ownership to the northwest.

The general location of the area subject to this application and other relevant applications within the Lemon Creek catchment referenced in this report are shown on **Attachment G**.

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Permit #	Description	Valid until
USE2009-00004	Continuation of a rock and gravel extraction operation at applicant's Hidden Valley quarry.	No expiration
USE2009-00018	Continuation of explosive storage at upper powder magazine in Hidden Valley	2019
USE2009-00019	Continuation of explosive storage at lower powder magazine in Hidden Valley	2019

The active creek channel has shifted in recent years causing significant erosion of stream banks. According to the 2004 *Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis Report* (prepared by Interfluve, Inc. for CBJ Engineering) some of the sediment released by these erosion activities is deposited in the channel of the urbanized area of Lemon Creek further downstream. These depositions shallow the channel at this downstream location increasing the local flood risk. The Interfluve analysis recommends stabilization of exposed and eroding banks in the Hidden Valley area as one of three key flood mitigation strategies. This would reduce the sediment load from the Hidden Valley area of Lemon Creek. The other two measures are removal of the Juneau Redi-Mix bridge, which has been completed, and mining of the stretch of Lemon Creek running parallel to Anka Street which is an ongoing activity subject to a Conditional Use permit (USE2012-0019). A brief excerpt of the Interfluve report is provided in **Attachment G** to show the stretches where erosion, transport and deposition of sediment is generally occurring. The full report may be found online at <http://www.juneau.lib.ak.us/engineering/lemoncreek.php>.

As noted above, the applicant currently performs gravel extraction activities in the stretch of Lemon Creek running parallel to Anka Street. This is permitted by USE2012-0019. The associated set of conditions of approval for this permit is considered a model best practice for gravel extraction activities in streambeds (**see Attachment H**). Conditions of approval for this proposal are based on those conditions of USE2012-0019 with some conditions added, removed or modified to reflect site specific differences between the two gravel extraction locations.

Based on comments received from various CBJ departments, and external agencies consulted in this review, there is a consensus that extraction activities in this upper stretch is a more appropriate location compared to those further downstream along Anka Street. The potential impact in terms of habitat and local neighborhood will be less, although it should be noted that the Interfluve report suggests extraction activities in the lower reach of Lemon Creek does serve some benefits in terms of flood risk reduction to adjacent properties.

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ANALYSIS

This review requires an evaluation of conformance with the Conditional Use Permit requirements in CBJ Land Use Code 49.15.330, as well as the Land Use Code Sand and Gravel Section, 49.65.200.

The Planning Commission is required to review uses that are identified as a Conditional Use for a particular zoning district as determined by the Table of Permissible Uses (CBJ 49.25.300).

The Sand and Gravel section of the Land Use Code has been written to apply to upland sand and gravel mining, not streambed mining, so CBJ Engineering has concluded that most sections do not apply to the proposed development. It has been determined that all relevant requirements for the application and narrative, per CBJ49.65.210, have been met. Section 49.65.210, Contents of Sand and Gravel Application, is also addressed at the end of the report under Finding Number One, regarding whether the application is complete.

CBJ Engineering has reviewed the application and supports the proposal in part because of its potential to reduce sediment build up in the lower stretch of Lemon Creek (**see Attachment F**). Memorandums and emails from CBJ Engineering satisfy the requirement for a report on the proposal as per 49.65.215. To verify conformance and reduce redundancy, staff will briefly reference Sand and Gravel code sections in the context of the standard Conditional Use review.

It is recommended, as a condition of approval, that a yearly mining plan be submitted to CBJ by March 31 (or an alternative date agreed upon by CDD) to allow a review of specific details of the operation. CDD will then provide opportunity for comment and amendment from all relevant departments and external agencies. This plan would address site changes from year to year.

Project Site - The project site is a privately-owned streambed in the Hidden Valley stretch of Lemon Creek. In addition to a wide stream bed within steep banks, there is an adjoining upland area to the west of the stream. Access to the parcel is via a haul road which starts at Anka Street behind Costco/Home Depot and runs in an easement over CBJ land. The creek is normally contained in an 'active channel' for most of the year. Some or all of the wider stream bed will flood following periods of heavy rainfall or snowmelt.

The proposed site locations are a relatively far away from the nearest use although there is an explosives store along the potential access route to two of the severance zones (**see Sheet 2, Attachment 2 of Attachment A**).

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Project Design - The extraction will occur in three localized areas in the parcel. These areas are known as severance zones. These will be referred to as Severance Zones 1, 2 and 3 with 1 being further downstream and 3 being furthest upstream (**see Sheet 2, Attachment 2 of Attachment A**). The size of all of the zones is preliminary at this stage although the general location is fixed. The severance zones will be delineated in the field by Alaska Department of Fish and Game (ADFG) biologists each year. As part of their permit, ADFG has required a 30 foot buffer between the extraction areas and the existing stream channel (**see Attachment 3 in Attachment A** for permit and **Attachment C** for specific site visit for Zone 1). Berms will be created across existing dry channels running into the severance zones to provide additional protection from any flooding in event that water levels are higher than normal. Dry channels are channels in the flood plain that are filled at times of high water. *The ADFG permit requires the berms to be breached following extraction in the severance zones – this is recommended as a condition of approval*

The intention is that the severance zones will continue to replenish and fill in over time once gravel has been extracted. This replenishment action has already been observed in the gravel extraction activities alongside Anka Street associated with USE2012-00019. When water flows into these channels during high water events, it carries sediment that is then dropped as the speed of the water slows as it enters a relatively deep area of the normally dry channel. In this respect the proposal will provide some assistance in retaining sediment in the upper reaches of Lemon Creek and reducing deposition in the downstream, urbanized reaches, resulting in a potential flood risk reduction. CBJ Engineering agrees with the potential benefits of this approach, noting that it will also assist in reducing problematic sediment accumulation that is occurring in the lower Lemon Creek stretch where the Lemon Creek Correction Facility and Costco/Home Depot border the channel (**see Attachment F**). As discussed in the Habitat section of this report, Lemon Creek is also a recognized impaired water body which has issues with sediment load and turbidity. The capture of sediment in severance zones will assist in reducing these issues.

The applicant is proposing to start at Zone 1 (furthest downstream) and move upstream to the additional severance zones in sequence when gravel is exhausted. No test samples have been taken in the severance zones. Access improvements would be required to allow the necessary equipment to reach the zones.

The amount of gravel to be extracted in each zone, as provided by the applicant, is based on an assumed gravel depth of 15ft and estimates the size of the potential severance zone once buffers have been taken into account. Because the surface area is most important in terms of habitat impacts, the depth is not particularly relevant. While other gravel extraction permits have restricted the total volume to be extracted, CBJ and ADFG agree that no such restriction is necessary for this permit.

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Zone 1 is the easiest to access due to its proximity to the existing access road. The applicant's plans estimate that a volume of up to ~150,000 cubic yards could be extracted from this location. There is already a primitive access road from the haul road down to the streambed at this location.

Zone 2 would require the creek to be bridged. SECON has proposed two bridging options:

1. a temporary bridge (if operation is for a short period, (i.e. days) construction of temporary banks to support the structure); or
2. a seasonal bridge (remaining for the whole mining season) which would require a more substantial bank to be created with possible need for bank armoring.

It is noted that the bridge should be able to be removed in the event that water levels rise quickly. The applicant will have to explain in the annual mining report how the bridge would be removed for both options. The applicant's preferred location for this bridge is based on where an existing rip-rap bank exists on the western side of the creek. The applicant's plans indicate that up to ~120,000 cubic yards could be extracted from this location.

Zone 3 would be furthest upstream and two alternatives are proposed to access this area:

1. Use a second bridge placed across the creek with vehicles and machinery accessing via Severance Zone 2 and up the eastern side of the creek.
2. Use an old logging road used with a small stream either being bridged or culverted. There is a shared access easement along this road with surrounding property owners. Up to ~34,000 cubic yards could be removed from this location.

Additional fill to construct an access road to the three severance sites has been permitted by the Army Corp of Engineers (see **Attachment 4 of Attachment A**).

A gravel wash station will be used to remove small vegetative material from the extracted sand and gravel. To prevent release of wash water into Lemon Creek, the wash will be located above the seasonal high water elevation and sump will be used to collect wash water. The applicant has not yet obtained a water use permit from DNR for this operation. They do have a pond on their site which could potentially be used without a DNR permit. *Staff recommends that the annual mining plan reference and include copies of all necessary external agency permits.*

Vehicle fueling will take place above Ordinary High Water Mark (OHWM) to prevent petroleum products from directly entering the creek – this is recommended as a condition of approval.

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Traffic – Excavated gravels will be transported from the site via the existing haul road and then onto Anka St. The applicant indicates they will then be taken to Aggpro's (a division of SECON) premises on Concrete Way or to a project site via Vanderbilt Hill Road and then Egan Drive. These routes are already used by existing quarry/gravel extraction activities in the Lemon Creek area. CBJ General Engineering division has reviewed the proposal for potential impacts on public roads (**see Attachment D**). Any increase in vehicles carrying material through the Lemon Creek Industrial/Commercial area will not be a significant addition to existing movements of similar sized vehicles. The distance from the extraction location to public roads is expected to mitigate the chance of wet material running from vehicles on public roads. *However, it is recommended that conditions of approval require road cleaning and wheel cleaning equipment to be used in case problems are observed.* In addition to this permit, such spill from vehicles is enforceable by Juneau Police Department (JPD), per the Health and Sanitation Code CBJ36.30.070 *Truckloads causing litter*. This code section requires that truckloads be secured before taken on public roads with a variety of methods suggested. While not specified in the CBJ Codes in keeping with the Comprehensive Plan Development Guideline 7.16 – DG2 (see Conformity with Adopted Plans later in this report), the Planning Commission may wish to recommend as a condition of approval that all trucks beds be covered.

CBJ General Engineering notes that the use of best management practice for protection of drainages is a requirement of the Stormwater Pollution Prevention Plan (SWPPP) as required by Alaska Department of Conservation (ADEC). *It is recommended as a condition of approval that this SWPPP is submitted with the annual mining plan.*

Parking and Circulation – There are no parking requirements in the CBJ Land Use Code for quarrying/mining/gravel extraction activities. There is a large upland area that is already used for the storage of numerous containers that would provide sufficient space for parking for a large number of employee and visitor vehicles. *It is recommended that a dedicated area be created for employee and visitor parking to ensure that conflicts do not occur with site operations. This location should be shown in annual mining plan.*

Circulation of vehicles accessing the three severance zones is described under Project Design. *It is recommended, as a condition of approval, that the annual mining plan describe how access will be achieved to the severance zones to be mined.*

A gate is already in place that restricts access of vehicles to the site. This was a requirement of USE2009-00004.

One other property further upstream uses the access road located in an existing easement through the applicant's property. While this parcel is currently undeveloped, the owners of this

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upstream parcel have indicated in the past that they would like to develop a number of recreational cabins. Users of these cabins would presumably access the site via the access road in the easement on the applicant's parcel. *It is recommended as a condition of approval that the width of the easement should be staked at the site. Operations should be located outside this access easement to allow unobstructed access to this upstream parcel. This easement should be located on the site plan submitted with the annual mining plan.*

CBJ Engineering has confirmed the existing haul road is capable of carrying loaded trucks at the frequency associated with the scale of operation proposed (**see Attachment F**). Any required maintenance to the haul road will be agreed upon between CBJ Engineering and the applicant.

Noise - The project will generate a substantial volume of noise from hydraulic excavators and dump trucks operating within the streambed. The noise is likely to echo and possibly be amplified due to the topographic features of the Lemon Creek valley. However, there are no uses in the vicinity that will be affected by this noise.

A recommended condition of approval is that operating hours shall be between 7:00 a.m. and 10:00 p.m., Monday through Friday, or between 9:00 a.m. and 10:00 p.m., Saturday and Sunday, unless a permit shall first be obtained from the City and Borough building official. These hours are the most allowed as per CBJ Penal Code 49.20.095(c).

It should be noted that these hours are broader than USE2009-00019 for the rock quarry stricter than the standard. Taking into account the requirements of CBJ49.20.095(c) the quarry operating hours would be limited to 7 am to 7 pm on weekdays and 9 a.m. to 7 p.m. on Saturdays (except on State, Federal, or Local Holidays). The Planning Commission may wish to make the operational hours of this permit more consistent with USE2009-00019.

Public Health or Safety – Capital City Fire and Rescue has commented that they have no issues with the application at this time.

Lemon Creek Trail: The Lemon Creek trail runs on the east side of the creek in the vicinity of this proposal. While the trail does not run through the severance zones, *it is recommended that signs be posted during extraction in Zone 2, and Zone 3 if accessed via Zone 2, that warn trail users not to approach the creek due to mining.*

Mandatory Conditions: There are two mandatory conditions required for sand and gravel extraction permits. These can be waived by the Planning Commission in the event that the condition would serve no useful purpose.

CBJ 49.65235 (1) requires a periphery strip of 15 feet wherever a site abuts a public way. Since

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there is no public way in the vicinity of the property this condition is redundant and should be waived.

CBJ 49.65.235 (2) also requires that extraction that causes ponding or retained water shall have a submerged working face of 3:1 from the edge of the usual water line to a water depth of 7 feet. This slope may not be exceeded during extraction operations unless a fence or natural barriers prevent casual or easy access to the site. The requirement is relevant to this application and is included as a recommended condition of approval.

Existing bank stability: In addition to the 30 foot buffer from the active stream channel specified by ADFG, it is recommended as a condition of approval that a 15 foot buffer be undisturbed at the toe of existing banks in the streambed to prevent their destabilization. A 10 foot buffer zone was recommended in USE2012-0019 to minimize the risk of bank destabilization. For this current proposal, given the additional height of the banks adjacent to the severance zones an additional five feet has been added. *A 15 foot buffer is also recommended for adjacent property lines. ADFG may recommend a greater buffer depending on habitat considerations (this may relate to preventing bank destabilization, mutually agreed with the applicant during the mine staking and planning site visit.*

In the interests of monitoring any bank destabilization, sediment releases or turbidity events that occur due to the gravel extraction it is recommended, as a condition of approval, that an annual inspection report be provided. The specific contents of that report are given in Condition 11. For USE2012-0019 a report was required for every 10,000 cubic yards of material extracted and one report annually. Given the required buffers and the fact that activities will be well within the applicant own land, it is recommended that only an annual inspection report be required. The inspection report will be circulated to all relevant agencies with any required operational changes incorporated in the next years mining plan.

Explosives magazine: that an explosive store is located alongside the access road that the applicant is proposing to use to access Zones 2 and 3. In addition to other conditions, the 10 year Conditional Use permit for the explosive storage (USE2009-00018) explains that the Bureau for Alcohol, Tobacco and Firearms and Explosives (ATF) performs annual reviews of all explosive stores. This review includes whether surrounding development is too close to the storage site. The owner of the explosive store (Austin Powder Company – not the present applicant) is required to send a copy of this annual report to the CBJ Community Development Department (CDD). Staff is not aware of any submission to this effect. *It is recommended as a condition of approval that the applicant submit evidence to CDD that activities from this proposal are allowed by State and/or Federal regulations within the vicinity of the explosives store.*

Guarantee: CBJ 49.65.240 requires that a guarantee be provided by the applicant for 'site

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restoration, completion of the project, and performance of other required work.' This guarantee is required before any permit can be issued. ADFG is not requiring any restoration of the site and it is the intention of the applicant to continue extraction activities as the gravel bars replenish. CDD and CBJ General Engineering have discussed what realistic events would need to be covered by such a guarantee. In terms of completion of the project, this is taken to mean the grading of slopes as required. There are also relevant conditions of approval relating to slopes where i) ponds are made through extraction and ii) slopes where cuts are made for access purposes. It is possible that CBJ could be required to grade these slopes as required if the applicant is unable to. There is also the possibility of vehicles and machinery leaking fluids that may require remediation. Finally it is possible that one or more of the bridges may have to be removed in the event of a flooding event. Previous gravel extraction permits for work in or near streambeds have required guarantees for repair of banks should erosion occur due to extraction activities. The buffers between the active stream channel and the edge of the severance zones, or between the OHWM and the edge of the severance zones, mean that the extraction activities themselves are unlikely to destabilize the existing banks. As illustrated by the loss of real estate in recent years due to natural shifts in the creek's meander pattern, the creek itself will have the greatest influence on the erosion of banks in project site. In recognition of this there is no guarantee required for repair of banks. CBJ Engineering has determined that the applicant shall provide a guarantee for \$30,000 (see **Attachment E**).

Habitat - The length of Lemon Creek in the project area is catalogued as an anadromous stream supporting Chum and Coho salmon, and Dolly Varden Char (**see Attachment C**). Development along the creek is subject to habitat buffers in CBJ Title 49.70.310(a) (4) and (b) (1), as well as at CBJ 49.70.950(f). However, 49.70.950(f) exempts gravel extraction from the 50ft setback requirement normally associated with anadromous streams.

*49.70.950 (f) All structures and foundations located adjacent to streams or lakes listed in Table VI-2 of Appendix C of the Juneau Coastal Management Plan, shall have a 50-foot setback from each side of the stream or lake measured from the ordinary high water mark, where feasible and prudent; provided, docks, bridges, culverts and public structures whose purpose is access to or across the stream or lake are not subject to this policy, and provided further, **uses which must be in or adjacent to the stream or lake in order to function, such as mining activities, fish culturing, water supply intakes and similar uses, are exempt from the setback requirement.** The setback shall be vegetated or revegetated, where feasible and prudent, and such vegetation or revegetation shall be kept or arranged to maximize shade on the stream.*

Bridges: The applicant proposes to build up to two temporary bridges which could potentially remain in place for the entire mining season. ADFG has approved the use of bridges to cross

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the creek with specific design requirements to be met. The location of these bridges could shift over the lifetime of the operation to respect newly formed habitat friendly ponds and channels. ADFG would take the lead on determining when and how bridges should be located during the yearly mining plan review.

Habitat buffer: As mentioned above, ADFG will stake out the areas available for excavation, taking into account existing habitat areas and a 30 foot buffer from the edge of the creek. Where ponds and channels are not filled and become useful habitat for anadromous fish, ADFG may recommend removing these areas from future extraction activities.

ADFG recently performed a site visit (**see Attachment C**) and identified the area suitable for extraction activities in Zone 1. Zones 2 and 3 will be reviewed in more detail by ADFG as the applicant exhausts gravels in Zone 1.

USE2012-0019 (gravel extraction alongside Anka Street) added *a condition for large woody debris to remain in the channel following extraction activities, as it encourages the formation of gravel bars that provide useful fish habitat. It is recommended that this be a condition of approval of this application.* This condition was supported by comments from the Wetland Review Board (WRB) and US Fish and Wildlife Service (USFWS).

Year round operation: ADFG are not requiring activities be restricted to particular times of year. The applicant has stated that in 'normal' years, winter conditions would prevent extraction operations. Staff notes that changing climate patterns may allow activities to occur year round in future. *It is recommended there be no limitation on when operations can occur throughout the year.*

Wetland Review board comments: The CBJ Wetlands Review Board was unable to provide comments on this project prior to completion of this staff report because a quorum was not met at the March 24 regular meeting. The Board is scheduled to review the application on April 21. Board comments will be provided to the Commission as a blue folder item at the April 28 hearing. As described above, comments made by the WRB regarding the previously approved Anka Street gravel extraction were reviewed for this report

Sediment and Turbidity: The Alaska Department of Environmental Conservation (ADEC) has no specific comments on the proposal but has noted that Lemon Creek is a recognized impaired water body which has issues with 'sediment load and turbidity. Sediment and high water turbidity impacts directly on organisms at all levels of the food chain directly by depressing rates of growth, reproduction and recruitment, and indirectly by limiting availability of food for the next level of the food chain. ADEC has asked to be notified of any sediment or turbidity issues resulting from the activities. A Total Maximum Daily Loads (TMDL) has been set for Lemon Creek. *It is recommended as a condition of approval to require the applicant to monitor*

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and record turbidity at the extraction sites. The applicant does this at its streambed gravel extraction site alongside Anka Street by comparing water samples upstream and downstream of the extraction site. A baseline is established by sampling prior to any extraction activities. The applicant has described in their narrative a method to retain turbid waters in the severance zones and a mitigation strategy should any turbid water begin to flow from the severance zone to the main channel (**see Attachment A, page 21**).

The SWPPP would almost certainly require a spill kit to be present should there be any leaking of fluids from vehicles and machinery but this is also explicitly recommended as a condition of approval.

Based on the WESPAK wetlands mapping layer a small area of wetlands appears to exist on the parcel but is outside of the proposed severance zones.

Property Value or Neighborhood Harmony - There is no evidence that there will be any negative impacts on property value or neighborhood harmony if all conditions of this permit are met. It is possible that property values at downstream locations may increase if the risk of flooding can be lowered. Surrounding properties have no uses that would be disrupted by the gravel extraction activities.

Conformity with Adopted Plans –

Comprehensive Plan

The project site is designated as a Resource Development area. These areas are:

'Land[s] to be managed primarily to identify and conserve natural resources until specific land uses are identified and developed. The area outside the study area of this Comprehensive Plan is considered to be designated Resource Development. As resources are identified or extracted from these lands, they should be re-designated and rezoned appropriately.'

The most appropriate designation for a gravel extraction operation would be Heavy Industrial. However, the description for Resource Development area clearly implies a flexibility in the uses possible and for resources to be extracted from these areas. The same parcel has been approved for similar uses in previous Conditional Use permits.

The benefits of gravel extractions activities are explicitly recognized in the Mining section of Chapter 5 of the Comprehensive Plan.

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'...smaller gravel extraction operations offer a critical resource to the community's private- and public-sector development and maintenance operations.'

POLICY 5.13. TO SUPPORT THE EXTRACTION AND PROCESSING OF MINERAL RESOURCES IN AN ENVIRONMENTALLY-SOUND MANNER, GIVING PROPER RECOGNITION TO THE UNIQUE VALUES OF THIS COMMUNITY.

Gravel resources are also specifically discussed in Chapter 7.

'As growth and development continue in the Mendenhall Valley and Lemon Creek areas, pressure for closing existing pits may grow, primarily because gravel extraction operations produce noise, dust, heavy truck traffic, run-off and other impacts that often conflict with surrounding land uses. As this resource is necessary for all types of development, and given the inherent conflict of this heavy industrial use to less intense neighboring uses, it is important to take steps to avoid or minimize land use conflicts.'

POLICY 7.16 IT IS THE POLICY OF THE CBJ TO CONSERVE KNOWN GRAVEL DEPOSITS AND TO PROTECT THEM FOR CONFLICTING LAND USES.

Regarding the operation of gravel extraction sites, Development Guideline 7.16-DG2 states:

7.16 - DG2 Companies that transport gravel and rock products should be required to travel on roads with adequate heavy load-carrying capacity. Vehicles carrying rock and gravel are required to cover their loads so that the material remains in the vehicle and does not escape to break windshields or harm pedestrians or bicyclists.

The parcel subject to this application has a low level of conflict with existing neighboring land uses. Benefits may even result for parcels lower downstream.

While not specified in the CBJ Codes in keeping with the Comprehensive Plan Development Guideline 7.16 – DG2 (see Conformity with Adopted Plans later in this report), the Planning Commission may wish to recommended as a condition of approval that all trucks beds be covered.

Many of the recommended conditions of approval developed in conjunction with other agencies, in particular ADFG, mean that any impact to fish habitat in the active Lemon Creek channel is minimized with respect to still allowing gravel extraction to occur. This is in keeping with Policy 7.2.

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POLICY 7.2. TO PRESERVE AND PROTECT FISH AND WILDLIFE HABITAT, SCENIC CORRIDORS AND PUBLIC ACCESS TO THE WATER, AS WELL AS WATER-DEPENDENT USES IN PLANNING FOR USE OF COASTAL AREAS.

Conditions have been recommended that protect Lemon Creek – which is an impaired waterbody – from excess sediment and turbidity from gravel extraction activities. This is in keeping with Policy 7.7.

POLICY 7.7. TO PROTECT, MAINTAIN AND IMPROVE SURFACE WATER, GROUNDWATER AND MARINE WATER QUALITY IN ITS JURISDICTION SO THAT ALL WATERS ARE IN COMPLIANCE WITH FEDERAL AND STATE WATER QUALITY STANDARDS AND CONTINUE TO ALLOW AQUATIC LIFE TO THRIVE.

While there are conflicting goals in goals in the Comprehensive Plan, which supports both gravel extraction and protection of stream habitat, the recommended conditions of approval minimize the impact on habitat while allowing this valuable local resource to be utilized.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other

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officially adopted plans.

Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15. Furthermore, the application, subsequent discussions and conditions requiring yearly mining plans meet all relevant requirements of CBJ Code 49.65.210, Contents of Sand and Gravel application, including the following: 1) a graphic and legal description of the property; 2-4) a topographic map and cross section with finished contours; 5) ingress and egress points for trucks and other equipment; 6) plan with buildings and structures; 7) a narrative describing the relevant operational aspects including a site drainage plan, method of securing the area, methods to minimize noise pollution and visual blight, hours and days operation, estimated amount of material present and to be removed, date the operation will be completed, schedule for completion of site restoration, operating procedures for particulates beyond site boundaries, identification of geophysical hazards, and dates of establishment of the operation and history of land development.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 14.500 for the Rural Reserve (RR) zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the April 15, 2016 and April 25, 2016 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

4. Will the proposed development materially endanger the public health or safety?

No. Based on the above analysis and adherence to the recommended conditions of approval there is no evidence that there will be any harm to public health or safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

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No. Based on the above analysis and with adherence to the recommended conditions of approval, there is no evidence that the proposal will decrease property values or that it out of harmony with the neighborhood.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. The impacts of the development are in keeping with those expected in a Resource Development as designated by the Comprehensive Plan. As described above analysis, the proposal, with the recommended conditions, is consistent with the Comprehensive Plan. While there are conflicting goals in goals in the Comprehensive Plan, which supports both gravel extraction and protection of stream habitat, the recommended conditions of approval minimize the impact on habitat.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

Yes. As described in the previous analysis, the proposed development complies with the Juneau Coastal Management Program because the mining method, with recommended conditions, minimizes the impact on the active channel, replaces large woody debris to create habitat, minimizes pollutants, and protects water quality.

8. Would the mandatory condition listed in CBJ Code 49.65.235(1) serve no useful purpose?

Yes. CBJ 49.65.235(1) states that a strip of land no less than 15 feet in width shall be retained at the periphery of the site wherever the site abuts a public way. The Code states that the commission may not waive or modify the requirement except up on a finding that the requirement would serve no useful purpose. The requirement would serve no useful purpose because the development is located in a streambed and because it does not abut a public way. However, CBJ Engineering has determined that a 15 foot buffer from adjacent property lines is appropriate.

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RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use permit. The permit would allow extraction of gravels from the Lemon Creek stream bed in the areas shown in the application for a 10 year period.

The approval is subject to the following conditions:

Annual Grading Permit and Bank Protection –

1. The operator shall maintain dry channel berms required by ADFG to prevent their breach.
2. Prior to issuance of the first year's grading permit and approval of the first year mining plan, the operator shall submit a bond of \$30,000, sufficient to perform any site remediation necessary to meet the conditions of this permit.
3. Prior to issuance of the first year's grading permit and approval of the first year mining plan, the operator shall submit evidence that the proposed activities under this permit would not invalidate use of the Upper Lemon Creek explosives storage as permitted by USE 2009-00018.
4. Each year, by February 28th, or other date agreed with CDD staff which takes into account the applicant's seasonal mining intentions, the applicant shall submit a draft mining plan. The plan shall be submitted to the CBJ Permit Center as a grading permit application. This is to enable BBJ and other external agencies to understand more specific aspects of the forthcoming operation that are not provided in this Conditional Use permit application although some of the documentation may be repeated. This plan will be reviewed by relevant CBJ departments and external agencies within 28 days of submission.

The mining plan shall take account of comments received regarding the annual inspection report. The mining plan shall be processed by the Engineering Department as an annual grading permit. The plan shall include:

- a. Estimation of material to be removed
- b. Map of area to be worked (showing property lines and buffers)
- c. Map showing location of proposed screening and gravel wash activities, on-site gravel storage locations, culverts, access roads, bridges, bank stabilizations, berm details (including height, location, material composition and removal plan) stream relocations and other proposed features.
- d. Map showing designated site parking location for employees and visitors,

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- and location of access easement for adjacent parcels.
 - e. Methods for protecting Lemon Creek from oil, fuel and hydraulic fluid (including leaks from heavy equipment) – This should include the project SWPPP documentation.
 - f. Methods for protecting Lemon Creek from sediment and turbidity both at the extraction site, and to Anka Street along access road. This should include the project SWPPP documentation.
 - g. Proposed inspection schedule by State of Alaska licensed Engineer and /or professionally recognized Hydrologist as per Conditions 10 and 11.
 - h. Copies of relevant permits from external agencies including, but not limited to, ADFG, ACOE, DNR and DEC.
5. To protect interests of neighboring property owners, prior to the commencement of mining, the applicant shall clearly delineate, in the field, the location of the access easement to adjacent properties. No work activities, except transportation of materials from the site and movement of vehicles/equipment, shall occur in the easement.
 6. For the purposes of habitat protection requirements in the CBJ Land Use code, as per the ADFG permit, the top of excavation slopes shall be prohibited within 30' of any active stream channels (or as required by the valid ADFG permit).
 7. To protect interests of neighboring property owners, the top of excavation slopes shall be prohibited 15 feet of the property lines. Prior to the commencement of mining, the applicant shall verify property line location and physically delineate buffer distance to the extraction area as required.
 8. For the purposes of habitat protection requirements in the CBJ Land Use code, as per the ADFG permit, prior to commencement of mining, an ADFG biologist should physically delineate the area allowed to be mined with respect to the valid ADFG permit.
 9. To ensure operations are consistent with the approved annual mining plan, the applicant shall directly hire, or pay permit inspection fees to provide for inspection of the mining area by State of Alaska licensed Engineer and/or appropriately licensed hydrologist.
 10. Periodic inspections shall be made as determined by the engineer and/or hydrologist, sufficient to monitor the operation to ensure operations are consistent with the approved annual mining plan. Such periodic inspections shall include visits during or after high water events.
 11. An Inspection report by a State of Alaska licensed Engineer and/or professionally

recognized Hydrologist shall be submitted annually. The report shall be submitted to the Engineering Department and to the Community Development Department by November 31st each year, or a date agreed with CDD staff, in order for comments to be incorporated into the next annual mining report. The Inspection reports shall include the following information:

- a. Volume of material removed
 - b. Map of area worked showing required buffers from active stream channel, property boundaries and stream banks
 - c. Verification of compliance with mining plan
 - d. Report of bank destabilizations
 - e. Results of sediment and turbidity monitoring
 - f. Opinion whether bank/property line setbacks are adequately protecting adjacent properties
 - g. Bank protection/stabilization measures if merited
12. The applicant/operator shall protect the structural integrity of existing stream banks and rip-rap banks. A no-disturbance zone of 15 feet horizontal distance from the toe of adjacent rip-rap and banks is required except as authorized for access points. (This condition is necessary because rip-rap boundaries may or may not correlate with property boundaries, as noted in the earlier requirement to mine 15 feet from property boundaries.)
13. The applicant shall protect all vegetated slopes outside of the severance zones and maintain a similar non-disturbance buffer identified in Condition 12, unless a site-specific engineering analysis indicates otherwise.
14. All cut-slopes on the creek bank shall be less than 2 horizontal to 1 vertical unless a site-specific engineering analysis proves that a steeper slope protects adjacent properties. This measure shall be integrated into the annual grading permit.
15. Excavated areas within the creek bed in Zone 2 must be clearly marked with warning signs to discourage users of Lemon Creek trail approaching the site.
16. If extraction operations cause ponding or retained water in the excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual water line to a water depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both. This measure shall be integrated into the annual grading permit.
17. Alterations to the proposed access to the stream will require approval by the

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Community Development Department and the CBJ Engineering Department.

Project Expiration and Dates and Times of Operation -

18. Gravel operations shall be permitted year round.
19. Operating hours are limited to 7 am to 7 pm on weekdays and 9 a.m. to 7 p.m. on Saturdays (except on State, Federal, or Local Holidays) unless otherwise authorized by a permit from the CBJ Building Official.
20. The permit shall expire after 10 years.

Truck Traffic and Street Maintenance -

21. Truck traffic from the development shall be routed only through the Anka Street/Glacier Highway intersection.
22. To prevent water or load spillage from trucks, prior to leaving the applicants property, the transport truck bed, with the tailgate locked, shall be raised for a period based on the project engineer's visual assessment and approval.
23. The applicant shall inspect the traveled route for escaped material from the haul a minimum of once daily on any day material is hauled from the site.
24. The applicant shall sweep and clean Anka Street at the end of each day if any water or material has escaped, or if a major spill occurs.
25. The applicant shall immediately respond to any reasonable clean-up and mitigation requests during the from the project engineer, CBJ or ADOT.

Habitat Protection -

26. No sediment migration from the trucks or ramps shall be allowed in the waterway. Best Management Practices to control sediment shall be employed and documented in the SWPPP.
27. A suitably sized spill response kit shall be present on site during operations.
28. The applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream or adjacent to the excavation area to

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encourage gravel bar formation and/or side channel creation. The woody material shall be partially buried to anchor the material during high flows.

29. There shall be no on-site fueling or equipment maintenance performed within 100 feet of the creek banks. This includes fueling or maintenance of portable equipment such as generators and pumps.
30. There shall be no on-site storage of fuel or other chemicals 100 feet of the Ordinary High Water Mark (as defined by the CBJ Land Use Code).

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>2/16/16</u>
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description <u>Extract gravels from patent lands in Hidden Valley</u>		
	PROPERTY LOCATION		
	Street Address end of road Anka Drive	City/Zip Juneau 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Tract A, U.S. Survey 5504, M.S.526		
	Assessor's Parcel Number(s) 3M000LEMCRK2		
	LANDOWNER/ LESSEE		
	Property Owner's Name Secon Inc.	Contact Person: Tim Dudley	Work Phone: 780-5145
	Mailing Address P.O. Box 32159, Juneau AK 99803	Home Phone:	Fax Number:
	E-mail Address	Other Contact Phone Number(s):	
	PROJECT / APPLICANT	LANDOWNER/ LESSEE CONSENT ***Required for Planning Permits; not needed on Building/ Engineering Permits***	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>[Signature]</u> Landowner/Lessee Signature		<u>2/16/16</u> Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name Secon Inc.		Contact Person: Michael Short	Work Phone: 780-5145
Mailing Address P.O. Box 32159, Juneau AK 99803		Home Phone:	Fax Number:
E-mail Address MShort@colaska.com		Other Contact Phone Number(s):	
X <u>[Signature]</u> Applicant's Signature		<u>2/16/16</u> Date of Application	

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS	☒	Permit Type	DATE	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	X	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		<u>2/16/16</u>	<u>USE 20160004</u>
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
		Zone Change Application			
		Other (Describe)			

***Public Notice Sign Form filled out and in the file.

Comments

Attachment A - Application and Narrative
(including ADFG permit and ACOE permit)

Initials

NOTE: DEVELOPME

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ATIONS

Revised November 2009

Allowable/Conditional Use Permit Application Instructions

Pre-Application Conference: A pre-application conference is required prior to submitting an application. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at permits@juneau.org.

Application: An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

Forms: A completed Allowable/Conditional Use Permit Application and Development Permit Application form. The "land owner or lessee consent" signature is mandatory for all landowners on the Development Permit Application form.

Fees: The fee is dependent upon the class of the proposed use. Land Use fees generally range from \$350 to \$1,600. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.

Project Description: A detailed letter or narrative describing the project.

Plans: All plans are to be drawn to scale and clearly show the items listed below:

- A. Site plan, floor plan and elevation views of existing and proposed structures
- B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
- C. Proposed traffic circulation within the site including access/egress points and traffic control devices
- D. Existing and proposed lighting (including cut sheets for each type of lighting)
- E. Existing and proposed vegetation with location, area, height and type of plantings
- F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

Document Format: All information that is submitted as part of an application shall be submitted in either of the following formats:

- A. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf or other formats pre-approved by the Community Development Department.
- B. Paper copies may not be larger than 11" X 17" (Unless a larger paper size is preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: As part of the Allowable/Conditional Use permitting process, all permit requests must be given proper public notice, which consists of the following:

Community Development Department: Will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the department will mail abutters notices to all property owners within 500-feet of the project site.

Applicant: Will post a sign on the site at least 14-days prior to the meeting. The sign shall be visible from a public right-of-way or where determined to be appropriate by the Department. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned by 4:30 p.m. on the Monday following the scheduled hearing date. If the sign is returned later than the Monday after the Planning Commission meeting, but within two weeks of the meeting, \$50.00 may be refunded. The applicant may make and erect their own sign. Please speak with the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



Hidden Valley Gravel Extraction

CBJ Conditional Use Application



Michael Short

2/5/2016

Proposal to extract gravels from Lemon Creek in Hidden Valley



Hidden Valley Gravel Extraction

Proposal

SECON is proposing to extract gravel from property owned in Hidden Valley, Hidden Valley Subdivision within Tract A, M.S. 526 which is 113.29 acres in size. This tract of land is located on the floor of the valley spanning its width and several thousands of feet in length.

Secon is requesting a USE Permit for this gravel severance for an interval of 10 years.

Hours of operation would be from 7:00 AM to 7:00 PM. With the season of operations being from March to November.

There is no way of knowing the quantity of gravels that will be severed from this site on an annual basis. The existing permitted operation in the Lower Lemon Creek streambed¹, has produced roughly 10,000 cubic yards per year. As the markets adjust to the supply of local gravels, the sales and interest in their use has increased. If the area is available as determined by AKDF&G and sales will support the volume, Secon could easily extract 50,000 Cubic Yards of material on an annual basis.

SECON would use excavators, scrapers, loaders and dozers to sever the sands and gravels from the alluvial reaches in Hidden Valley. The severed materials would be loaded into conveyance units of either end dumps or articulated trucks for transportation to a processing area out of the flood plain of Lemon Creek.

Goals to be achieved in gravel extraction.

1. Slow down the high rate of erosion throughout the Hidden Valley area.
 - a. In 2010 Lemon Creek eroded several new areas including developed Secon property.
 - b. Secon has previously requested permission to deposit Rip Rap on the stream banks to stop erosion of property.
2. Extract sand and gravel for local private and public improvements.

Benefits that may be achieved.

1. Stable stream channel.

¹ Lemon Creek Gravel Extraction is an active gravel extraction operation in Lemon Creek, which has been in operation since 2009. It is located between the Glacier Highway Bridge over Lemon Creek and State of Alaska Lemon Creek Correctional Center on patented private property spanning Lemon Creek. It is permitted by the following agencies:

- City and Borough of Juneau; PERMIT USE 2012 0019
- Department of the Army U.S. Army Engineer District, Alaska; PERMIT POA-1983-20-M4
- State of Alaska Department of Environmental Conservation; 401 Certificate of Reasonable Assurance
- State of Alaska Department of Fish and Game; Fish Habitat Permit FH14-I-0104



2. Vegetation can reclaim the stream banks.
3. Much slower erosion of banks.
4. Habitat for indigenous fish.
5. Attempt to keep eroded sands and gravels from transporting to the lower Lemon Creek reaches, which reduces flood potential.
6. With less active erosion, the turbidity may be less during high water events.

GEOLOGY

Alaska has formed over the millennia from the moving of tectonic plates. Southeast Alaska is the result of the North America plate scrapping up marine sediments and the collision with several tectonostratigraphic terranes. Tectonostratigraphic terranes are small landmasses of earth's crust material. Juneau sits upon the Taku Terrane with the Yukon-Tanana Terrane eastward and Gravina Belt westward. The Taku Terrane is made of sedimentary and volcanic rocks from the Permian-Cretaceous period. The Yukon-Tanana terrane is sedimentary rocks from the Devonian-Permian period. The Gravina Belt is sedimentary and volcanic rocks from the Jurassic-Cretaceous period. To the east of all three of these formations is the Coast Plutonic Complex made up of Cretaceous-Tertiary tonalite, Cretaceous-Tertiary plutonic rocks and gneiss rocks of an unknown age. To the west of the Gravina Belt is the Alexander Terrane².

Ice sheets from Pleistocene time period, in its last advance called the Wisconsin Glaciation, reached their maximum 25,000 years ago. The ices begin retreating from Southeast Alaska and Northern British Columbia about 16,000 years ago. The fjords around Juneau became ice-free about 13,000 years ago. Southeast Alaska has been rebounding from being ice-free. The rebound, along with the mountain building of the North America tectonic plate's subduction of the Pacific Plate, has changed where the tidal zone interacts with the continent. Since the retreat of the ice sheets the ocean level has changed where it has interacted with land in relation to current day Juneau. 13,000 years ago when the ice sheets retreated out of the fjords, the beaches around Juneau were 750 feet higher than they currently are³. In other words 13,000 years ago the beach was halfway up to the tram sitting on top of Mt Roberts. This gives an understanding of why there is gravel from the mountain valleys washing out to sea.

With the glacier melt and rains of Southeast Alaska, the gravels are in a relentless progression of being eroded and transported to lower elevations. The stream's bedload⁴ of gravel is deposited upon reaching valley floors with gentle slopes or the tidelands where the velocity is reduced to a minimal flow. Aggradation of the valley floors and tide zones with alluvium has been going on since the environment has changed from an ice age to a temperate rain forest.

² Roadside Geology of Alaska, Cathy Connor

³ Geology of Southeast Alaska: With Special Emphasis on the Last 30,000 Years, Cathy L. Connor, University of Alaska, Juneau, AK

⁴ Bedload: Geology. the sand, gravel, boulders, or other debris transported by rolling or sliding along the bottom of a stream.



Hidden Valley is filled with deposited gravels from either glaciation and/or erosion. Erosion simply means the movement of rocks, gravels, sands and soils by natural forces.

Lemon Creek exhibits the Rosgen Type C Stream classification⁵. Lemon Creek has a well-developed floodplain and is slightly entrenched with a slope of less than 2%. The bed-form is of the riffle-pool type and sinuosity of more than 1.2. Point bars are also developed in its channels. It has aggradation/degradation of cobbles/gravel where Lemon Creek enters Secon's property on the north side transitioning to gravel/sand in the lower part of the valley before it enters the gorge. Lemon Creek can also exhibit Type D Stream characteristics in that it will become a braided channel. This is generally in elevated flows. It will have many bar types and un-vegetative island with local bed scour and deposits.

Hidden Valley has features of several Rosgen valley types. Lemon Creek has alluvial fans from minor streams cascading down Thunder Mountain into the Northwest side of the basin. These alluvial fans are indicative of Type III valleys. Lemon Creek also fits the Type V moderately steep valley that is a U-shaped glacial trough valley. The valley floor is sloped less than 4%. It also fits the criteria of deep coarse deposition of glacial till. Type VIII and IX are also descriptive of Hidden Valley. Type VIII is a river of multiple terraces positioned laterally along the valley. Alluvial terraces and floodplains are the principal landforms which produce the large sediment supply. Valley Type IX has glacial outwash plains where soils are derived from glacial, alluvial, and/or eolian deposits.

Habitat

As the ice retreated from the last ice advance 20,000 years ago the bare ground and rock faces were able to support fauna. The re-vegetation of the ice-free landscape covered both gravel valleys and the rock mountainsides. The hardy pioneer species such as lichens and mosses found habitat in the ice-free landscape. As the ice retreated further, the pioneer species were replaced with new ecosystems. Over the eons, this has re-established the coastal ecosystems to the temperate rain forest of the Pacific coast. Today's dominant flora in the valleys of Southeast Alaska are the Western Hemlock and Sitka Spruce forests.

The riparian vegetation in Hidden Valley is in continual fluctuation. The seasonal floodwaters along with the scouring and deposition of the glacial debris in their lateral movement has limited the vegetative size and range of cover in the valley. The diversity of fauna in the riparian zone is limited to alders and other small plants that can grow in sandy soils. These plants readily re-establish in newly disturbed areas and are quick in growth. The larger evergreens are reserved to the slopes of the valley, only encroaching through the riparian zone to the streamside when the channel has been stable for long periods.

The fauna present in Hidden Valley is representative of Southeast Alaska. There are black bear, occasional deer and reports of wolf sightings. The Department of Fish and Game have trapped

⁵ Environmental Protection Agency (EPA), Fundamentals of Rosgen Stream Classification System.



juvenile Dolly Varden and juvenile Coho Salmon in various side channels of Lemon Creek in Hidden Valley⁶.

HIDDEN VALLEY

Hidden Valley is located about five miles North Northwest of Juneau Alaska and has a drainage basin area of approximately 15,730 acres. Lemon Creek's headwaters originate from two glaciers, Ptarmigan Glacier and Lemon Creek Glacier. Lemon Creek is roughly 8 miles in length and terminates 4.6 miles Northwest of Juneau into Gastineau Channel.

The terminus of Lemon Creek Glacier has an elevation of about 2,200 feet⁷. There are a series of falls from the glacier within the first mile dropping Lemon Creek to the valley floor at an elevation of 1,360 feet. To reach Gastineau Channel 7 miles away, Lemon Creek has an average slope of 3.68%. Which means that for every one hundred feet in distance-traveled Lemon Creek must lose 3.68 feet in elevation. For comparison, Lemon Creek from Glacier Highway bridge to Gastineau Channel has an average slope of 0.54%.

The glaciated alluvial gravels in Hidden Valley are continuing the natural erosion process that has been going on since the last ice age. The banks and streambed are continuing to erode during high water events. The eroded alluvial material is carried downward until the stream's velocity slows and can no longer transport the sediment load where it is then deposited. This area of deposition is lower Lemon Creek where the elevation drop of the stream lessens and the velocity of the water slows.

SECON has already lost several acres of real estate in Hidden Valley from Lemon Creek changing its channel during high water flows. The channel has changed yearly and is aggressively eroding the banks on both sides of the valley.

With lower Lemon Creek hemmed in with developed properties, the creek has only one restricted area to deposit its sediment load, in the confines of stream's armored banks. Once the streambed has filled in to the top of its armored banks it will return to a meandering braided stream, depositing at will in creating an alluvial fan of sedimentary sand and gravels.

The rate of erosion overall is not slowed in Lemon Creek. The volume of water flowing in Lemon Creek is a product of the rainfall, seasonal snowmelt and glacier melt. The velocity of Lemon Creek is the result of elevation change to reach Gastineau Channel. The composition of the sands and gravels are the results of continental building, namely erosion and glaciation. These sands and gravels will continue to erode and be transported to Gastineau.

⁶ Memorandum, Lemon Creek Investigation, Ben Brewster Habitat Biologist I, May 14, 2013

⁷ Google Earth 2005.

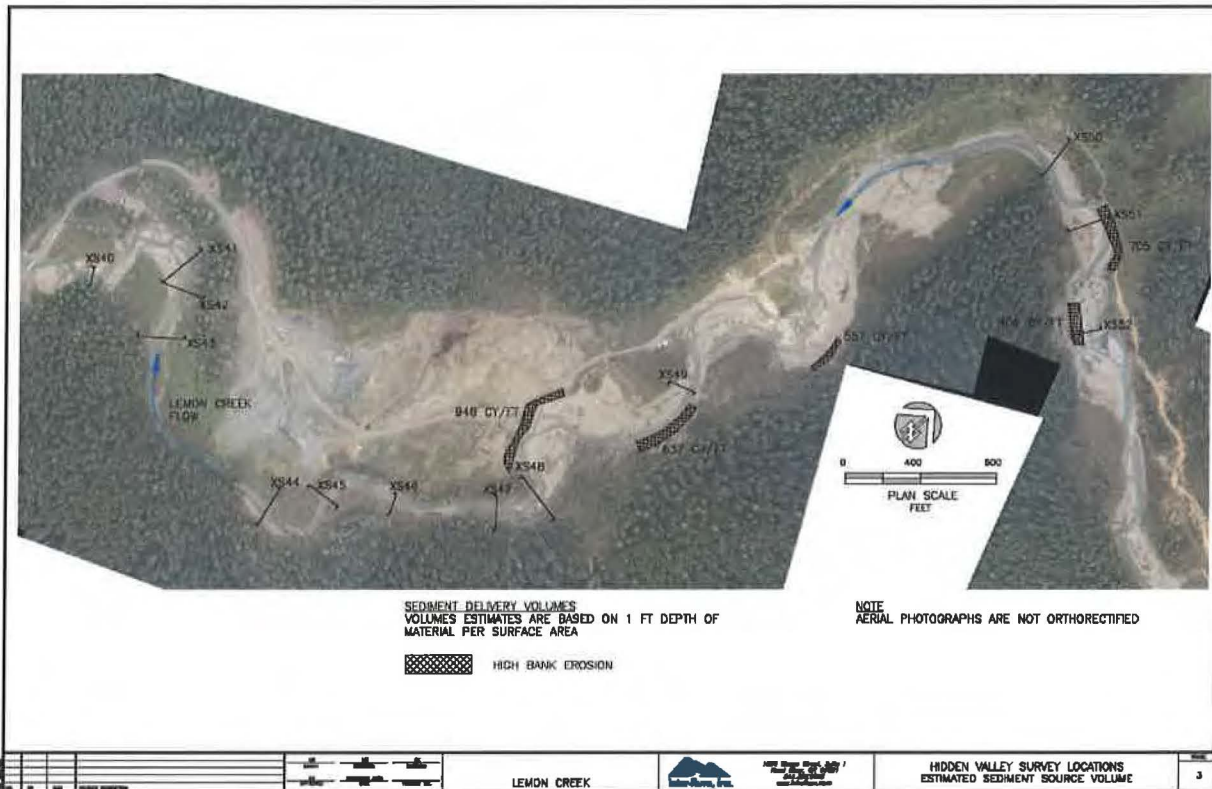


Image 1 - Inter-Fluve, Inc. Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis Figure 3

Some of the areas identified, on page 15, in CBJ's Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis Figure 3⁸ can be managed through extraction.

This basin has glacier and continental eroded gravel deposits throughout the valley. However, the Lemon Creek's bed load of alluvial gravels can be reduced below the extraction sites. The gravels can be captured in the severed voids from the gravel extraction thus removing the gravels from being carried farther downstream to be deposited in the lower reaches of Lemon Creek. As can be documented in the Lemon Creek Gravel Extraction the eroded alluvial gravels that are carried by Lemon Creek are deposited in the voids created from the severed gravels. The creek flows to the point of least resistance during flooding. When the velocity slows, due to the volume change from the increased depth of severed void, the bed load sediments are deposited. Once the void is filled the creek will return to a braided channel state. Gravel reaches will form in a braided channel where the velocity slows at the edges of the stream on the inside of curves.

⁸ City and Borough of Juneau's Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis, Prepared by: Inter-Fluve Inc., November 29, 2004



When Lemon Creek fills in the severed voids not all the area is equally filled. There are minor areas that are not returned to the elevation prior to the extraction. These areas at times can form either a minor stream or an eddy. If the minor streams are a stable environment, over time they can become viable habitat for fish. AKDF&G, through their issued Habitat Permit, will set back the gravel severance from that area in the form of a buffer zone. Thus, it becomes part of the ecological habitat of Lemon Creek.

OWNERSHIP AND LEGAL DESCRIPTION

The property where the severance will occur is owned by COLASKA Inc. dba SECON and is described as Hidden Valley Subdivision within Tract A, M.S. 526, FR. U.S. Survey 5504.

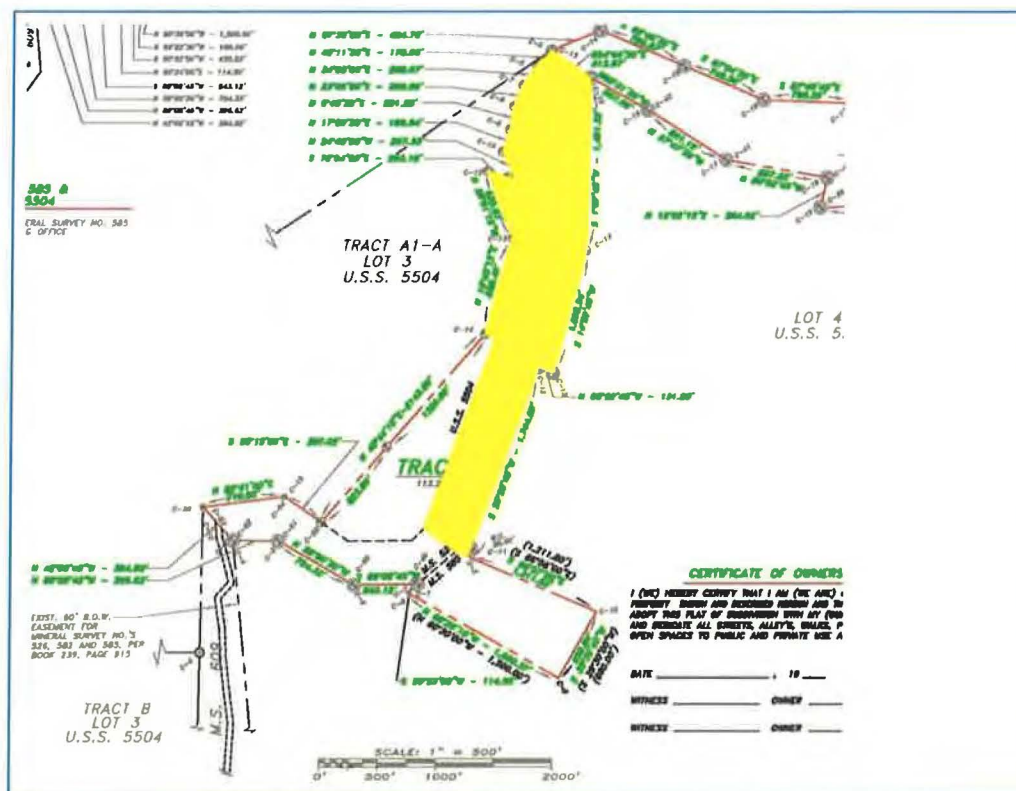


Image 2 - Plat of property with highlighted severance area

HISTORY OF LEMON CREEK

This area has a history of placer mining from the 1870's to the early 1900's. John Lemon prospected and placer mined this creek in the 1870's hence the naming of the creek. Placer claims were filed and recorded in the area starting in 1884. Mining continued for many years although it was not very productive.

Logging with a sawmill operation was active in the Lemon Creek area until the 1980's. Although logging in Hidden Valley did not occur until the mid-1980s.



Image 3 - Lemon Creek 1948

As can be seen in the photo above, in 1948 there was very little development in Lemon Creek. On the right side of image 3 the terraces eroded by Lemon Creek in Hidden Valley are visible. Most of the vegetation in the stream bottom is missing, giving it the light color in this black and white photo. On the left side of image 3, the aggradation of this alluvial material in the tide flats can be seen.



Image 4 - Lemon Creek 1962

By 1962 there was development occurring at Lemon Creek.



Image 5 - Lemon Creek 1984

Gravel extraction in Lower Lemon Creek for aggregate started during World War II. The mining of gravel occurred in several events until mid-1980. The method of gravel severance during this period was to divert Lemon Creek to one side of the creek bed. Then extract all the gravels across the width of the drainage, creating a long severance pit of where the streambeds used to be.



Image 6 - Lemon Creek 1988

Image 6 indicates that logging has occurred in Hidden Valley, refer to Image 3 – Lemon Creek 1948, from the tan area outlining Lemon Creek. In the picture, a bridge can be seen crossing Lemon Creek in Hidden Valley. The land that the logging occurred on are lands that are patented. The green trees that are left reside on governmental lands.



Image 7 - Lemon Creek Gravel Extraction 2015

In 2009, gravel extraction resumed between the Glacier Highway Bridge and the Lemon Creek Correctional Center in the lower reaches for flood control and aggregates for local use. This operation in the Lower Lemon Creek streambed is under permit USE 2012 0019.

These severance sites are accomplished in exposed reaches with an 11-foot setback from Lemon Creek. Bridges are put in to cross Lemon Creek, gaining access to the different severance sites. This has been a great benefit in keeping the streambed manageable, from flowing over its sides due to sedimentation.

The City and Borough of Juneau has three USE Permits in the Lemon Creek drainage that are above the ordinary high water of Lemon Creek. One is the old Lemon Creek Gravel Site by Costco and Home Depot, which is not being mined. The second is an active sand site known as North Lemon Creek Material Site USE2007-00015. North Lemon Creek Material Site is 65 acres and has approximately 3.5 to 4 million cubic yards of sand. The third is Lemon Creek in Hidden Valley USE2003-00045. This site is 30 acres in size with an estimated 1.64 million cubic yards of gravels, which has not been developed.



LOCATION; FEATURES; TOPOGRAPHY

The property is located at Township 40 South, Range 66 East, SE quadrant of Section 23 and Section 26. It is located in Hidden Valley which is 1.34 miles north of the intersection of Glacier Highway and Anka Street in the City and Borough of Juneau, Alaska.

The parcel containing the proposed severance site is 113.29 acres in size, is irregular in shape and is U.S.M.S. 526, a patented placer mining claim that straddles the streambed of Lemon Creek.



Image 8 - Distance form first severance area to nearest structure

The nearest habitable structure is the building at the gun range north of the Lemon Creek Correctional Center. It is roughly 4,250 feet southwest from the severance area.

The valley floor is roughly 500 feet wide on average east to west with glaciated banks of sand and gravel. Most of the banks have eroded faces and range from a few feet in height up to perhaps 50 feet in height. It is sloping from the north to the south and is about 3,200 feet in length before it narrows down through a gorge. The elevation at the north side of the property along the creek is roughly 175 feet. At the north property line of parcel M.S. 585 where it meets parcel M.S. 526 the creek has dropped in elevation to approximately 114 feet. The difference between the two elevations is 61 feet generating a 1.9% slope.



CBJ property Tract A1-A Lot 3 borders the northwest boundary. Currently CBJ has a Conditional USE2003 00045 permit for a borrow source of 1,640,000 cubic yards of sands and gravels to be extracted over 15 years. This is an average of 109,333 CY per year. The southwest area in Image 9 of the blue triangle is an elevated area of bedrock that is an existing quarry owned and operated by SECON. Bordering the triangle shaped area to the south is the start of the creek gorge. CBJs' property to the left of the blue triangle is the area for the Conditional USE permit of 1.6 million yards of sands and gravels.

MAP OF HIDDEN VALLEY WITH APPROXIMATE PROPERTY BOUNDARIES

Lemon Creek traverses Hidden Valley flats dividing the land into several areas. In the picture below the blue line is the western edge of Lemon Creek. This was "mapped" by walking along the creek with a handheld GPS in 2012. The picture image is dated about 2005. With the constraints of the property boundary, mountainsides and Lemon Creek the operation of gravel extraction is best designated as severance zones. Currently Lemon Creek has carved the valley into three severance zones that have areas large enough to support extraction of the dry gravel reaches.

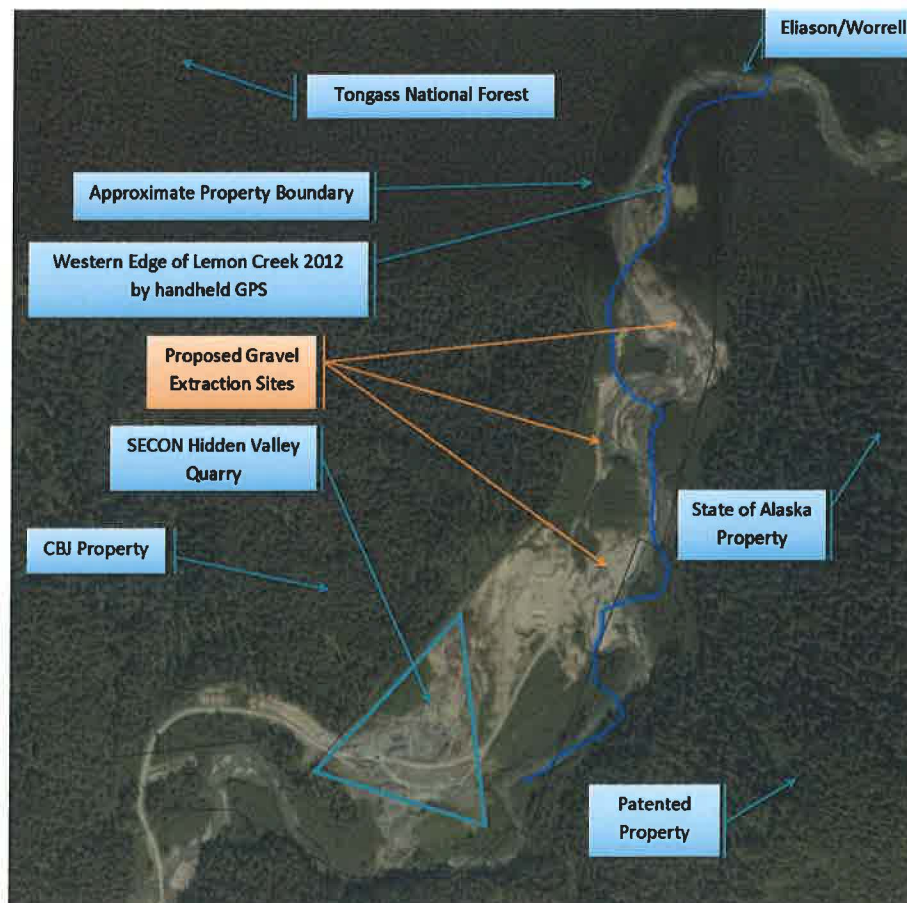


Image 9 - Location Map



Severance Zone 1

The first severance zone is located along the area where Secon stores equipment. The equipment storage area is elevated about 20 feet above Lemon Creek's flood plain. The storage area is irregular in shape yet follows the mountainside. This equipment storage area is bordered by a large flood plain of exposed gravel with Lemon Creek flowing to the opposite side of the valley. The area is about 8.2 acres in size after subtracting 30 feet for the habitat buffer zone⁹. This potentially has 198,000 cubic yards of gravel. The volume calculation is based on a continuous depth of 15 feet. The depth of 15 feet is not known but an estimate for calculation. Experience has shown that the subsurface stratum is neither uniform nor consistent in elevation. The actual cubic yards of gravel will be less if the estimated depth of 15 feet is accurate. This zone has an access to the flood plain in the form of a ramp from the equipment storage area.



Image 10 - Severance Zone 1

⁹ Alaska Department of Fish and Game in their permit reserves a 30-foot setback from the creek. This set back is to preserve the existing streambanks in the event of elevated stream flows, which occur throughout the season. It is also positionally dynamic as to the seasonally changing streambed location.



This severance zone would be Secon's first choice of gravel extraction. It has easy access and is close to our current quarry operations.

If Lemon Creek in Hidden Valley acts similar to lower Lemon Creek, the severance pits will refill annually during the spring flooding. Depending on how the severance pits replenish and what areas are viable for gravel severance, it may be possible to extract gravels from this first zone to satisfy the markets.

If the first severance zone becomes such that the gravels are not replenished but become fish habitat the second severance zone will become a viable option.



Image 11 - Access road and bridge location.

To reach this zone, Secon will be required to develop an access by building a bridge across Lemon Creek. At the north end of Secon's equipment storage area a ramp would be constructed to the flood plain. From there, a path bearing North Northeast would be cleared of Alders to reach Lemon Creek. At Lemon Creek, an embankment would be constructed to support a bridge.



Secon will decide whether to setup the bridge for short term or for the season. Short-term meaning of actual extraction duration in terms of days of actively mining and then removing the bridge once completed. This is the current protocol for accessing the different zones in Lemon Creek Gravel Extraction.

Installing the bridge for the season would be more involved however, it would be beneficial if the extraction process takes months to accomplish. It would require a higher embankment and possible armoring of the embankment with Rip Rap. This is to safeguard that the bridge is not threatened by elevated flow events from rains or glacier melts during the summer season.

Severance Zone 2

Once the access road is built and the bridge is installed the second severance zone can be staked with the Habitat Biologist¹⁰. This zone is more oval and can encompass roughly 4.8 acres in area. This has the potential of 116,000 cubic yards of material.



Image 12 - Severance Zone 2

¹⁰ The Habitat Permit issued by the Alaska Department of Fish and Game states their Habitat Biologist will evaluate and stake the site with Secon as to the severance zones.



At the north edge of this zone is the start of an eroding bank that was formed when the creek radically changed is streambed in 2010. From the big bend at the north end of Secons' property to this severance zone is a bank that is currently eroding during high water events. This is the east side of Lemon Creek, or looking downstream, the left bank. The bank is only about 5 feet high at the north side of the severance zone, however, it increases to over 30 feet high at Secons' north property line.

Severance Zone 3

Severance zone 3 is located at the north end of Secons' property. To access this site, there are two possibilities. One, developing an access path from Severance zone 2 along the eastern property line and then installing a bridge to cross Lemon Creek. The second option is to use the path along the western side of the valley on an old logging road. There is still one small stream to cross with either a culvert or small bridge.

This severance zone has an area of about 2.7 acres. Which access is used will determine the severance area along with the setbacks from Lemon Creek and a small stream along the western edge. Currently it is shown as two zones to accommodate the bridge.

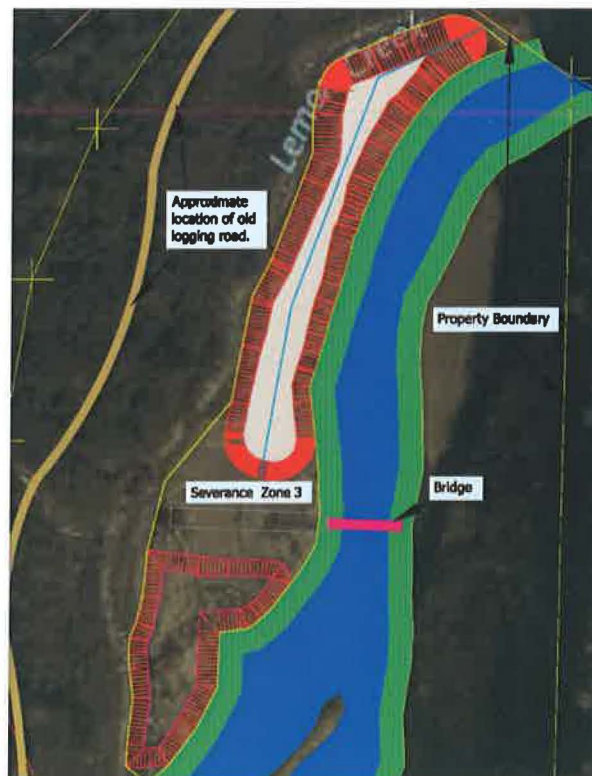


Image 13 - Severance Zone 3

This site would be the farthest from Secons' quarry operations but it also offers larger gravels and small boulders in its gravel bars.



Along the northwest side of this site, which is the left side in the image 14 photo, along the green trees is the old streambed for Lemon Creek. In winter of 2010/2011, the channel changed to its current location. In doing so, it moved roughly 180 feet to the southwest and scoured the current bed down into the gravels about 18 feet.

Image 14 shows the glacial terrace and moraines left from the last glaciers. Round cobbles and larger gravels are more resistive to the hydraulic erosion and now make up the bed of Lemon Creek. The smaller gravels, sands and silts have been conveyed downstream.

The cross hairs of image 14 is identified in Image 1 - Inter-Fluve, Inc. Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis Figure 3 as XS51. The bank on the rightside of the picture is XS50.



Image 14 - 2013 Lemon Creek Northside of Property.

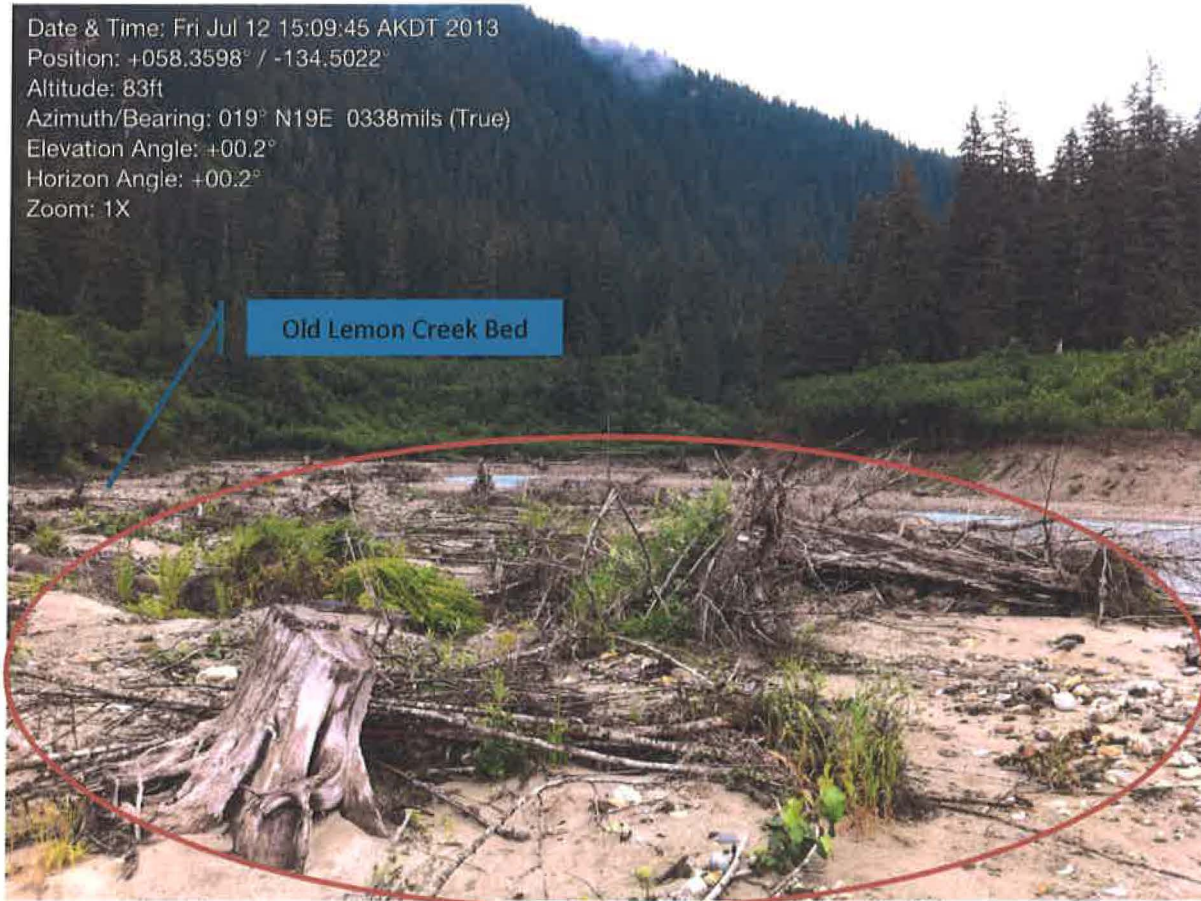


Image 15 - South end of Severance Zone 3 looking north

Image 15 shows the area is stripped of vegetation and topsoil. The remaining soils are sands with gravel and small cobbles.



As can be seen from the two images below the creek channel has changed a lot over the last several years. Image 16 is a google earth image of Lemon Creek from 2005 data. The blue line drawn on the photo is depicting the west side of Lemon Creek in 2012. The blue line was created by walking the creek bank with a Garmin GPS. The "bread crumbs" data was then uploaded to Google Earth. Tens of thousands cubic yards of sand and gravel have eroded from this valley and have been deposited in the lower reaches of Lemon Creek below the gorge out to the tide flats.



Image 16 - Hidden Valley 2005

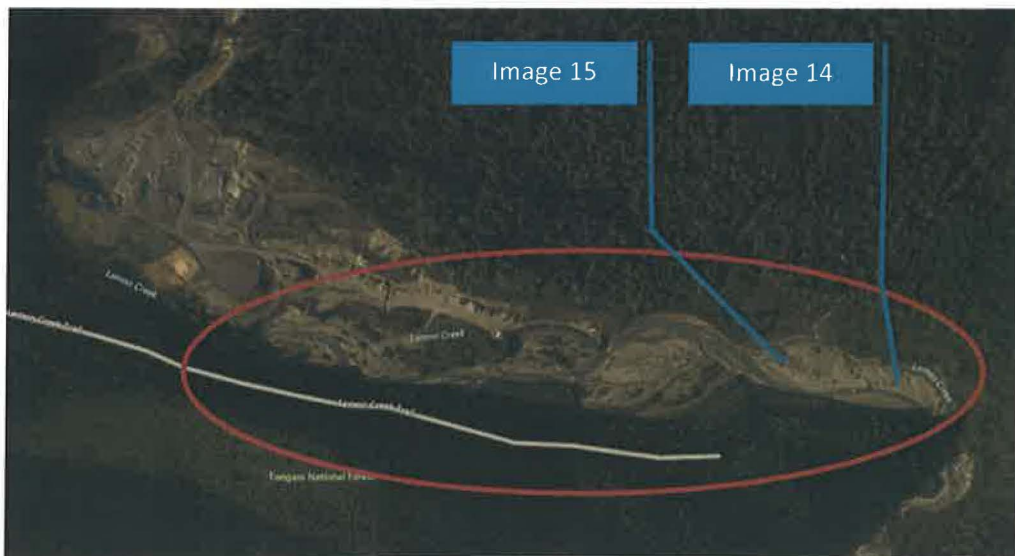


Image 17 - Hidden Valley 2011



ZONING

The areas where the severance will occur is zoned Rural Reserve, the same as the properties to the west, north or east. The property to the south, patented M.S. 609 owned by City and Borough of Juneau is zoned industrial.

CURRENT USE

The southwest portion of this property is an active quarry producing aggregate for local private and public projects.

The access road north of the quarry along the western side of Lemon Creek is used for equipment storage and has two areas that are leased to local businesses. These businesses have gated and/or fenced off areas for product storage.



Image 18 - Hidden Valley Equipment Storage



METHOD OF MINING

Prior to severance of materials ADF&G Habitat Division will be notified. The extraction site will be surveyed with a Habitat Biologist to determine what areas can be zoned for extraction. The site will be staked for property offset and buffer zone setback identified by the biologist.

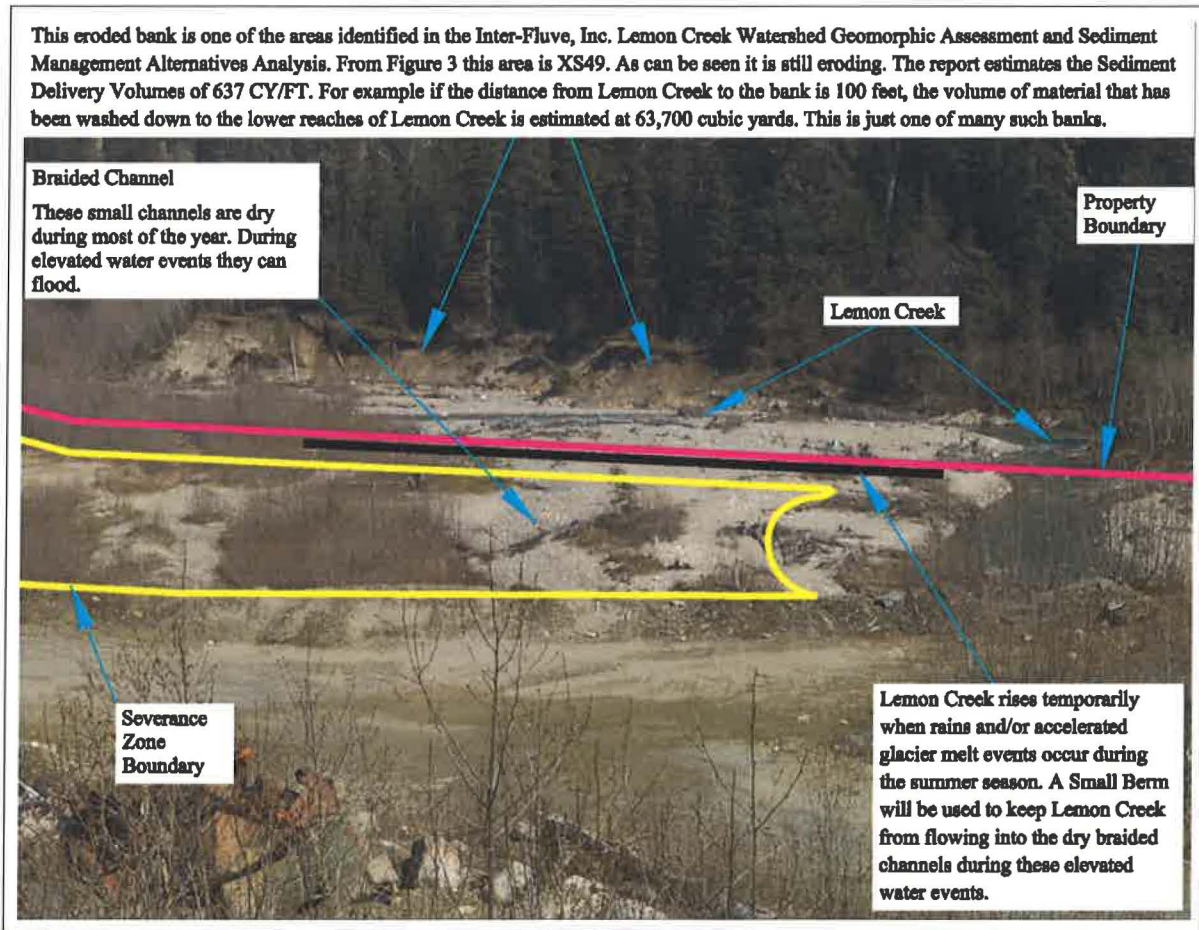


Image 19 - Severance Zone 1 diagram

These exposed gravel reaches are not fish habitat, even if the areas are submerged during spawning and the fish are able to lay eggs in the sands. They are dry for extended periods of time throughout the year and during the winter can freeze to several feet in depth.

Once the severance zone boundaries are staked the berms will be installed on the up-stream side of the excavation. This is to keep Lemon Creek from entering the severance area during elevated flows. The berm is temporary in nature and will be removed once the severance area is finished for the season. If Lemon Creek floods, the berm will be washed into the severance pit.



The mined gravels will be severed in one of two ways:

1. The gravels will be excavated and loaded into the conveyance unit in one operation.
2. Excavate the gravels into a surge stockpile next to the extraction pit. The stockpile is located next to the excavator. It is no more than two truckloads in size. The purpose of the surge pile is for gravels to have the opportunity to drain most of the water before being loaded into the conveyance unit. The gravels will be loaded and hauled to the wash plant site and stockpiled.

As can be seen in the photos to the right, the existing permitted operation in the Lower Lemon Creek streambed, USE 2012 0019 severance pit is full of water. This water is turbid and has suspended solids from all the extraction disturbance. It is critical to keep any inflow of water from the extraction pit. As long as the pit is excavated the water will stay in the severed site. If external inflows of water are allowed to enter the severance pond the turbid waters of the extraction pond will eventually escape and enter Lemon Creek. From Secons' experience in extracting gravels from Lemon Creek, if there is a problem with the turbid waters trying to leave the severance pond the answer is simply to setback 10 feet and start a new severance. The new severance will tend to create a hydraulic depression in the previous severance pit. This tends to keep the waters of the previous severance pond depressed and from overflowing to Lemon Creek. It also allows the water time to settle and clear if there continues to be a problem with the first severance pond.



Image 21 - Lemon Creek Gravel Extraction 2009



Image 20 - Lemon Creek Gravel Extraction 2013



Image 22 - Lemon Creek Gravel Extraction Pond May 2009

During the gravel extraction the severance zone pit is isolated from Lemon Creek. Once the severance zone is exhausted of gravels the berm will be removed. The severance pit suspended solids and turbidity will begin to settle. Historically Lemon Creek Gravel Extraction severance ponds have, after one to two months, been clearer than Lemon Creek as it breaches the severance ponds. There is a notable difference between Lemon Creek and the still quiet of the severance ponds as far as turbidity.

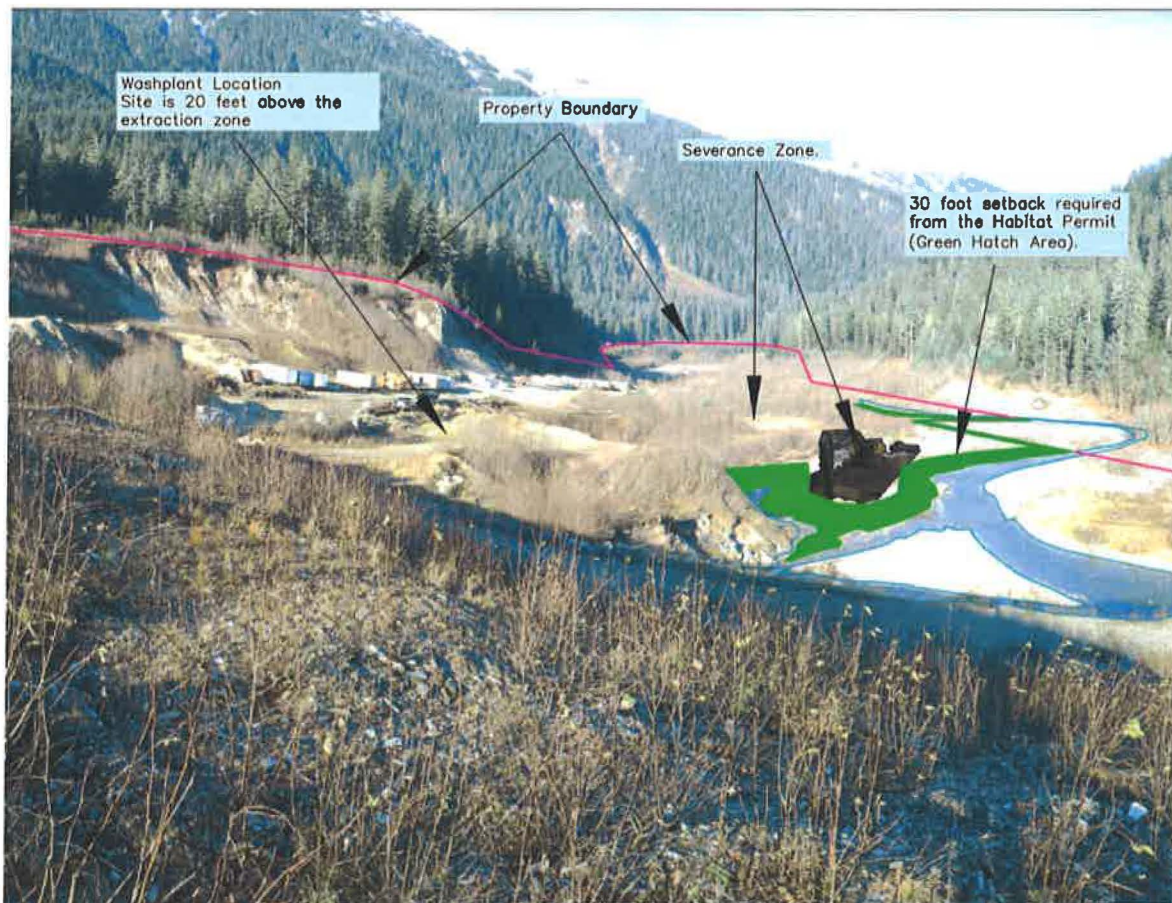


Image 23 - Layout of operations

As can be seen in Image 23, the severed gravels are loaded into dump trucks as the conveyance unit of choice. The gravels are transported to a stockpile up out of the Lemon Creek flood plain. Currently there is an elevated bench about 20 feet higher in elevation than the flood plain of Lemon Creek. This bench is from 80 to 250 feet in width and a 1,000 feet long.

Secon will setup a wash plant at the Hidden Valley property for processing the material. The washplant site will be on a bench elevated as shown in the drawing below. A second choice for the washplant site would be the rock quarry. The materials would be trucked to the quarry site for processing there.



The equipment used to extract gravels from the exposed reaches will be any combination of the following:

- Large Excavator
- Large Dozer
- Large Loader
- 10 cubic yard end dumps
- 20 cubic yard end dumps
- 20 cubic yard side dumps
- Articulated Trucks

The conveyance units will haul the severed gravels to a wash plant and then be processed through a screen plant into different products. These products will be temporarily stockpiled at this location before being conveyed either to Aggpro or to a public project. Aggpro will market and sell to public works/maintenance departments and/or to the private sector.

Products made from the mined gravels.

1. Concrete aggregate
2. Concrete Sand
3. Asphalt Blend Sand
4. Washed Rock
5. Sand
6. Chips for winter sanding

The wash plant will be setup above the seasonal high water elevation. A water collection sump would be created. The plant would be in operation starting in the spring when temperatures stay above freezing and shut down in the fall when the temperatures start freezing once again.

No fueling of equipment will take place below ordinary high water.

TRAFFIC

The transporting route of the gravel products will be from the Hidden Valley on Anka Street to the intersection at Glacier Highway. The routes from the intersection will one of two possibilities. The first is to turn right on Glacier Highway then turning left onto Concrete Way ending at Aggpro's site at 5771 Concrete Way. The second would be to turn left onto Glacier Highway and proceed to Vanderbilt Hill Road then to Egan Drive for delivery to a project. These routes are same as Secon's Hidden Valley Quarry and City & Borough of Juneau's North Lemon Creek Material Site.



RESTORATION

The bridge and abutments will be removed. Embanked berms and fills will be removed from Lemon Creek flood plain. Severance voids will be allowed to naturally be filled in by Lemon Creek.

CURRENT PERMITS HELD BY SECON

Fish Habitat Permit FH15-I-0141

US Army Corps of Engineers, Alaska District Permit: POA-2014-547

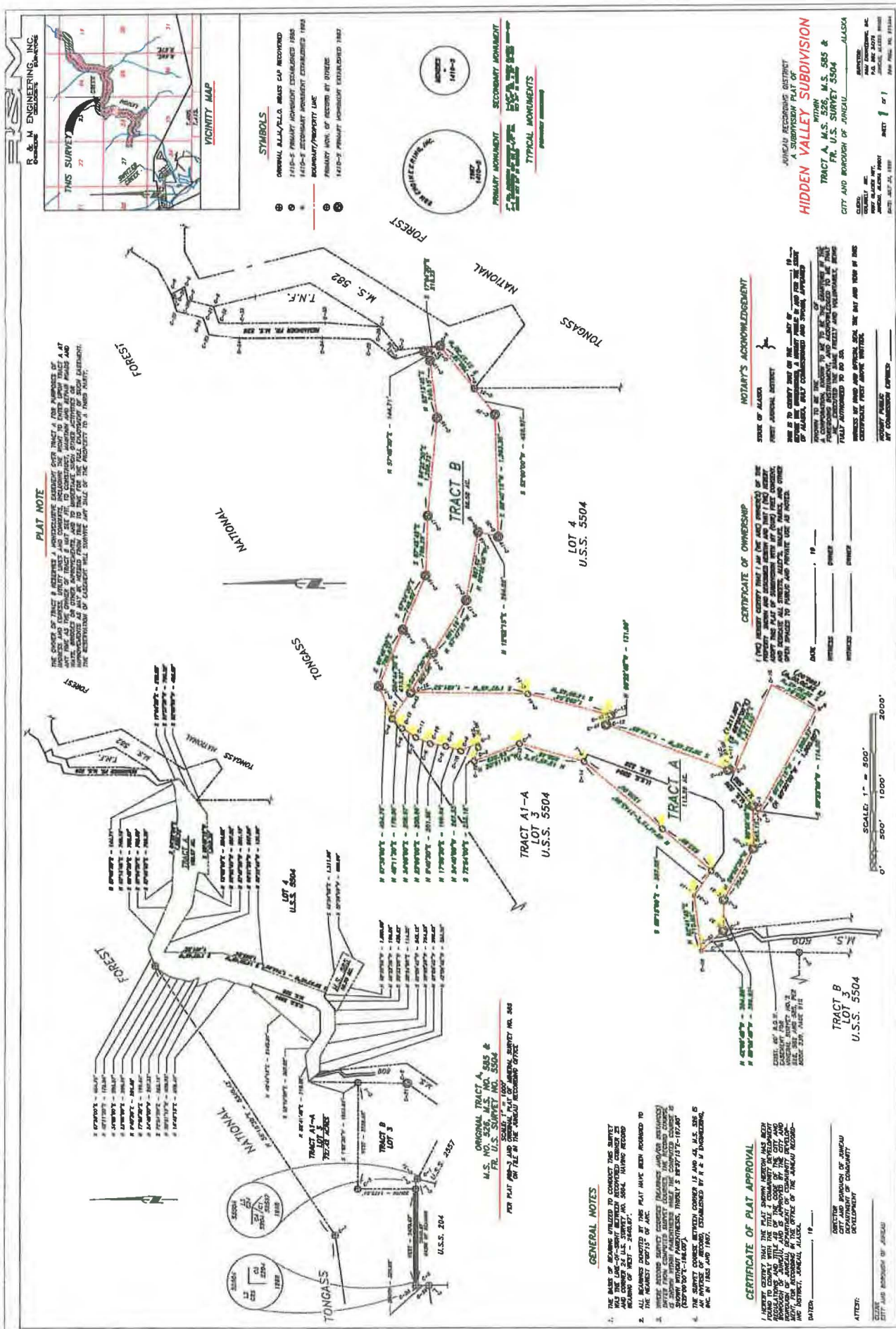
Alaska Department of Environmental Conservation - Division of Water - Wastewater Discharge Authorization Program, Section 401 Reasonable Assurance

ATTACHMENTS:

- Plat of Hidden Valley Subdivision
- Site Plans
- Fish Habitat Permit
- US Army Corps of Engineers Permit

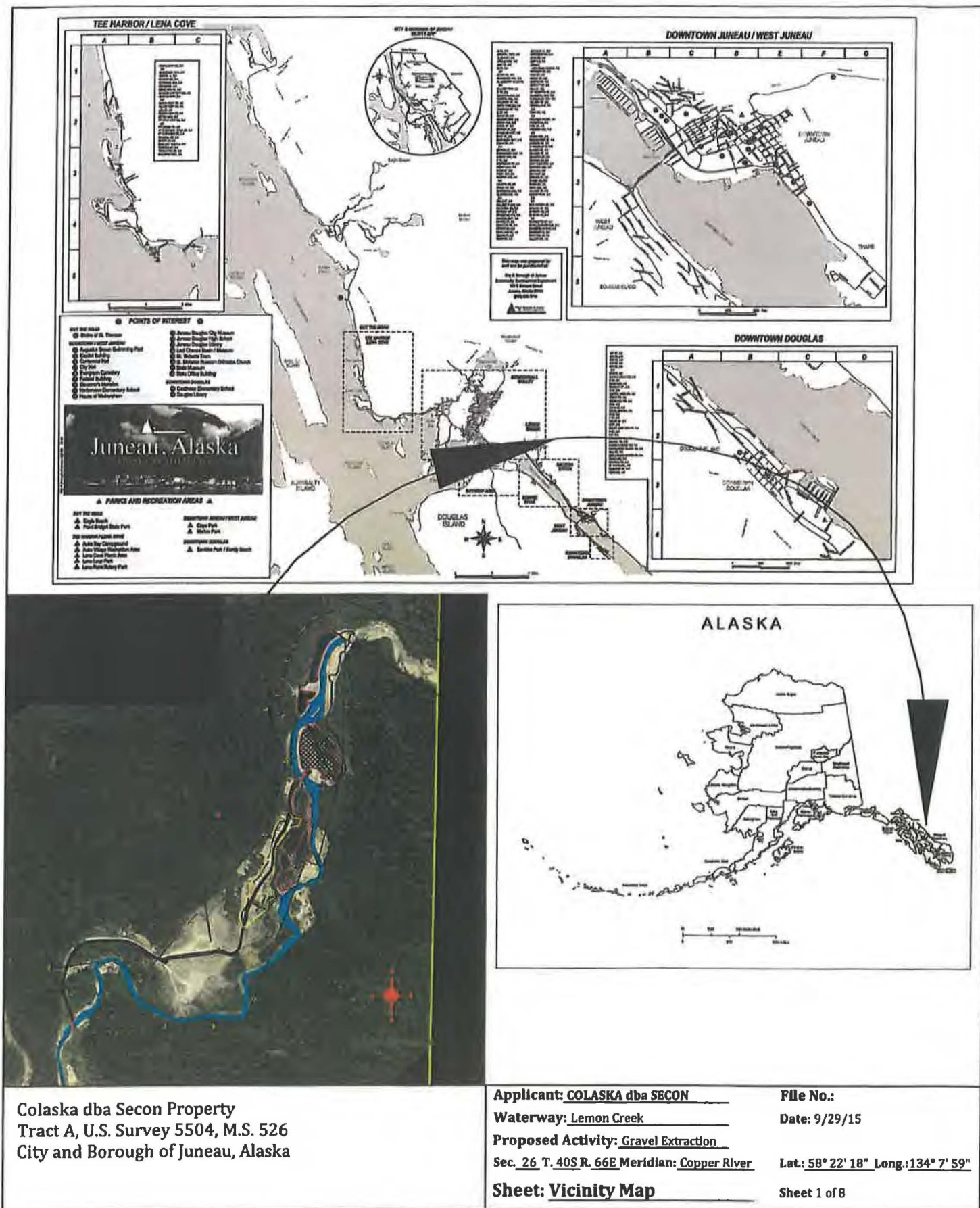
Attachment 1

Plat of Hidden Valley Subdivision



Attachment 2

Site Plans

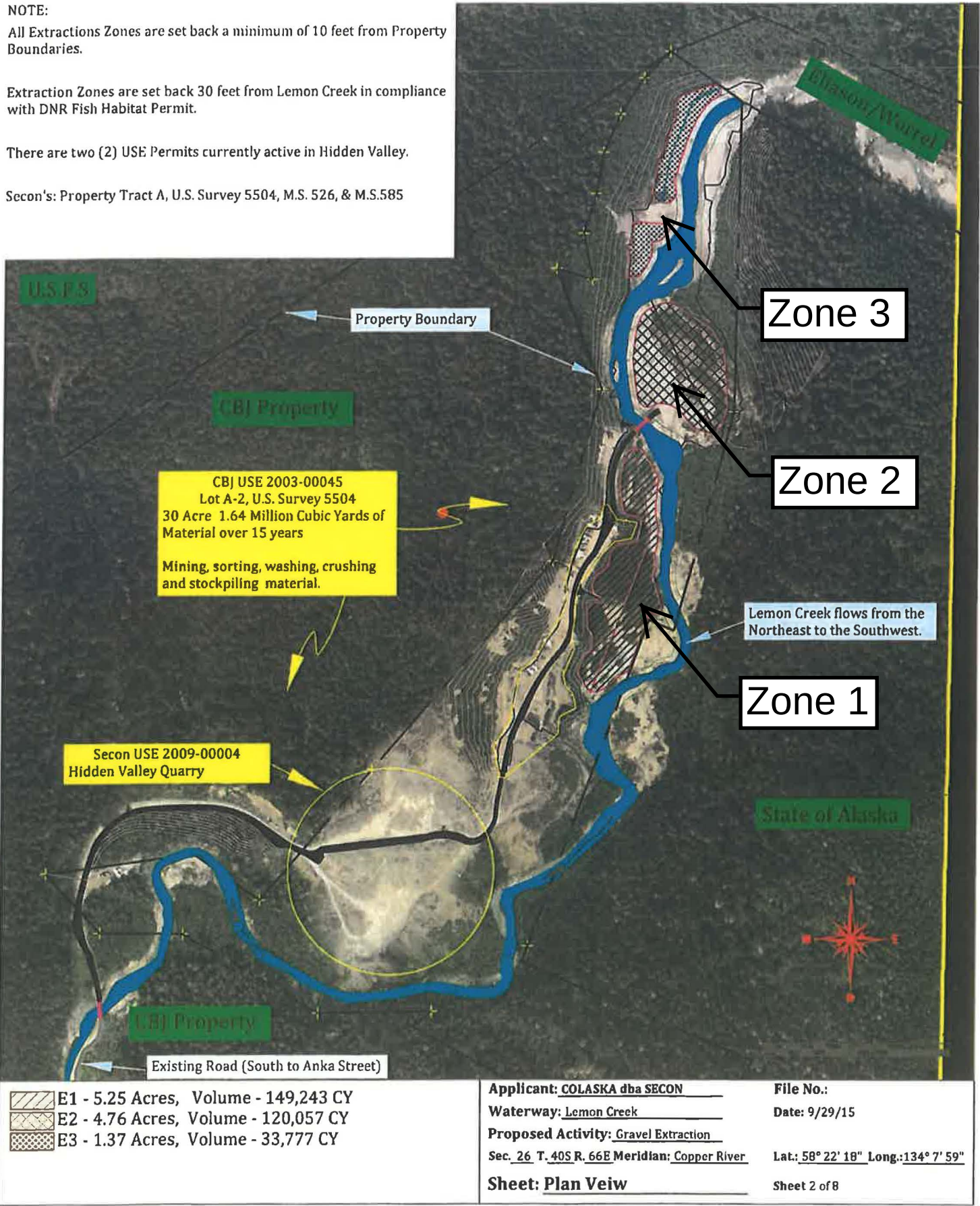


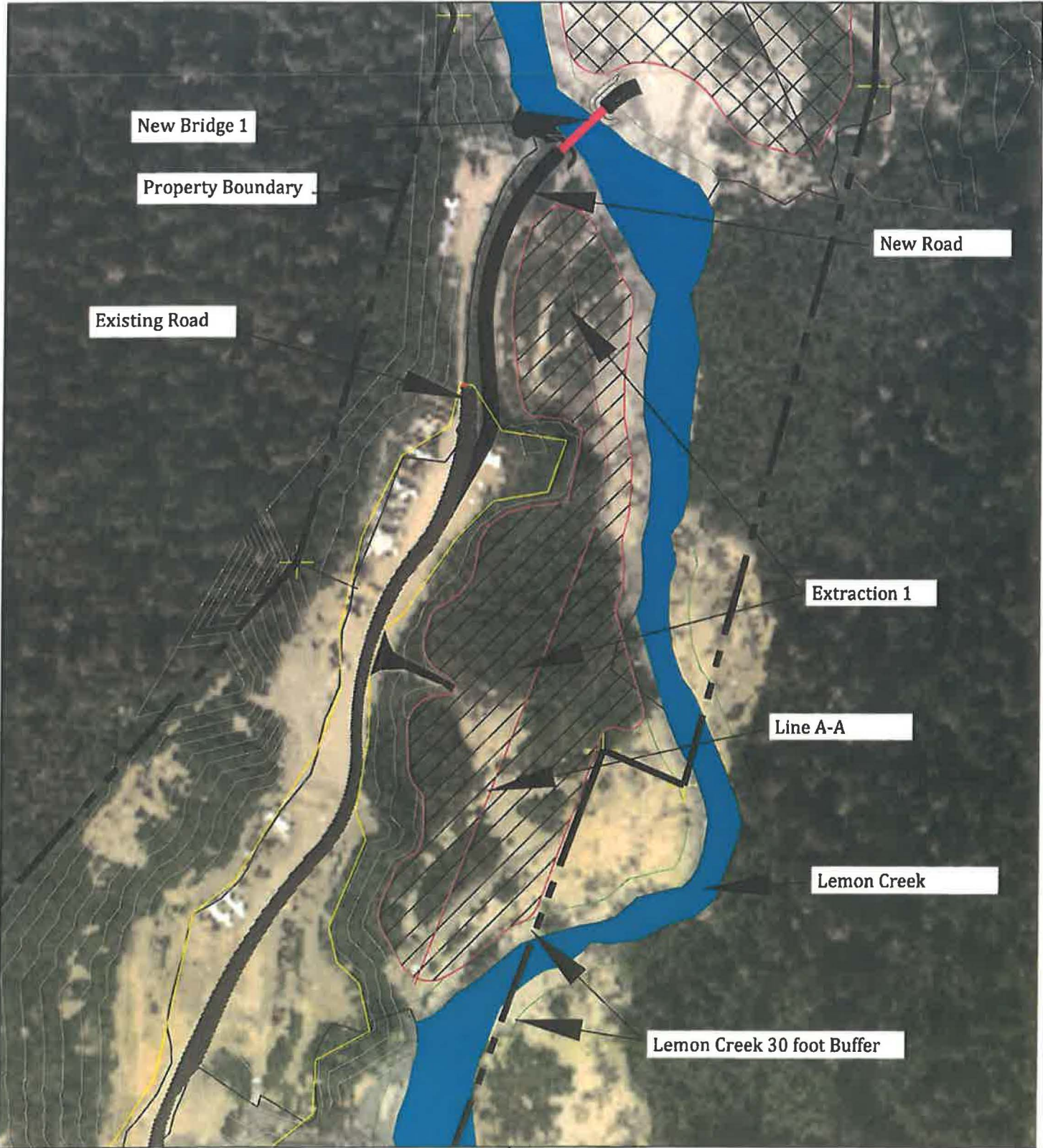
NOTE:
All Extractions Zones are set back a minimum of 10 feet from Property Boundaries.

Extraction Zones are set back 30 feet from Lemon Creek in compliance with DNR Fish Habitat Permit.

There are two (2) USE Permits currently active in Hidden Valley.

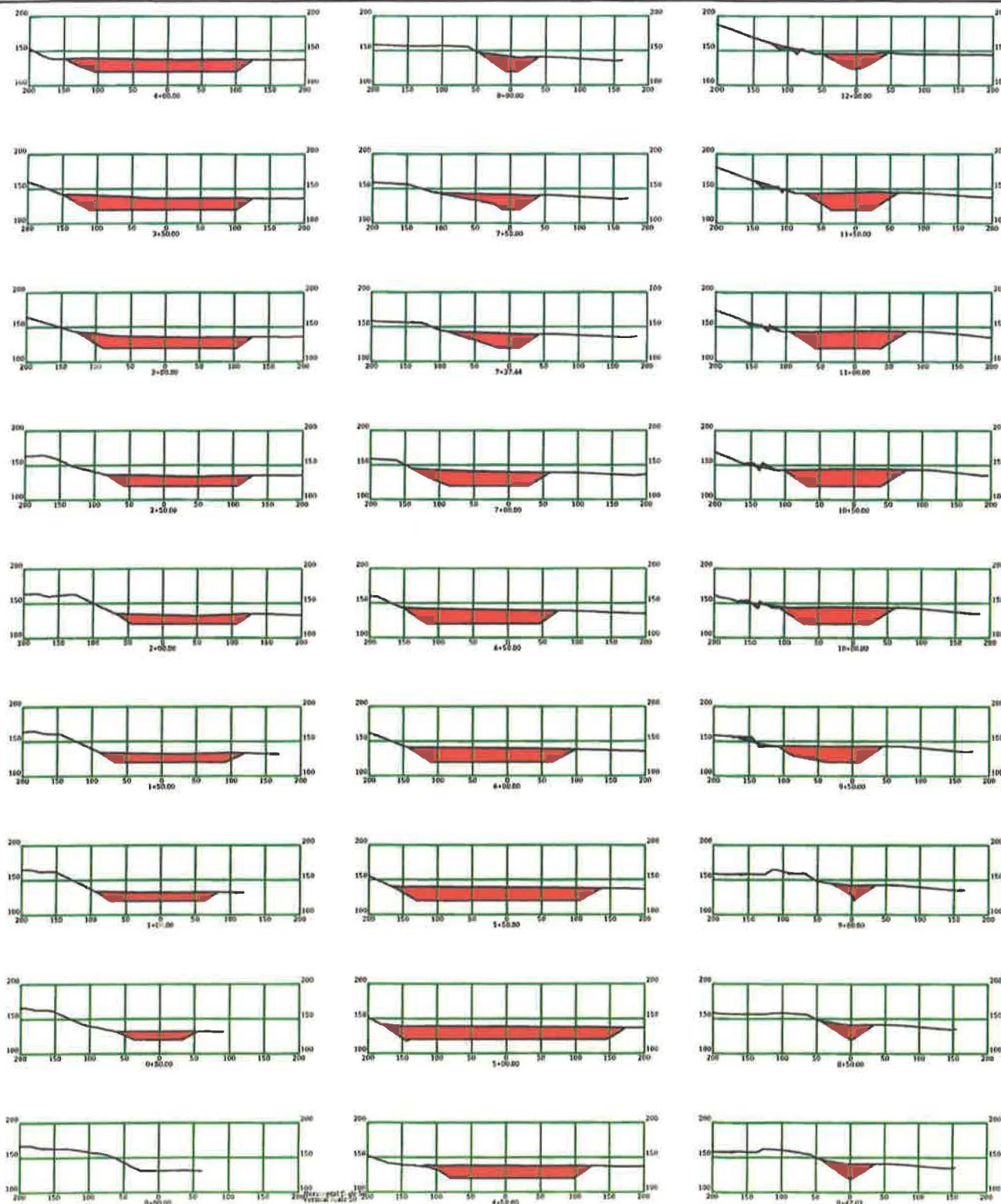
Secon's: Property Tract A, U.S. Survey 5504, M.S. 526, & M.S.585





Extraction Zone 1 (E1) Section Line

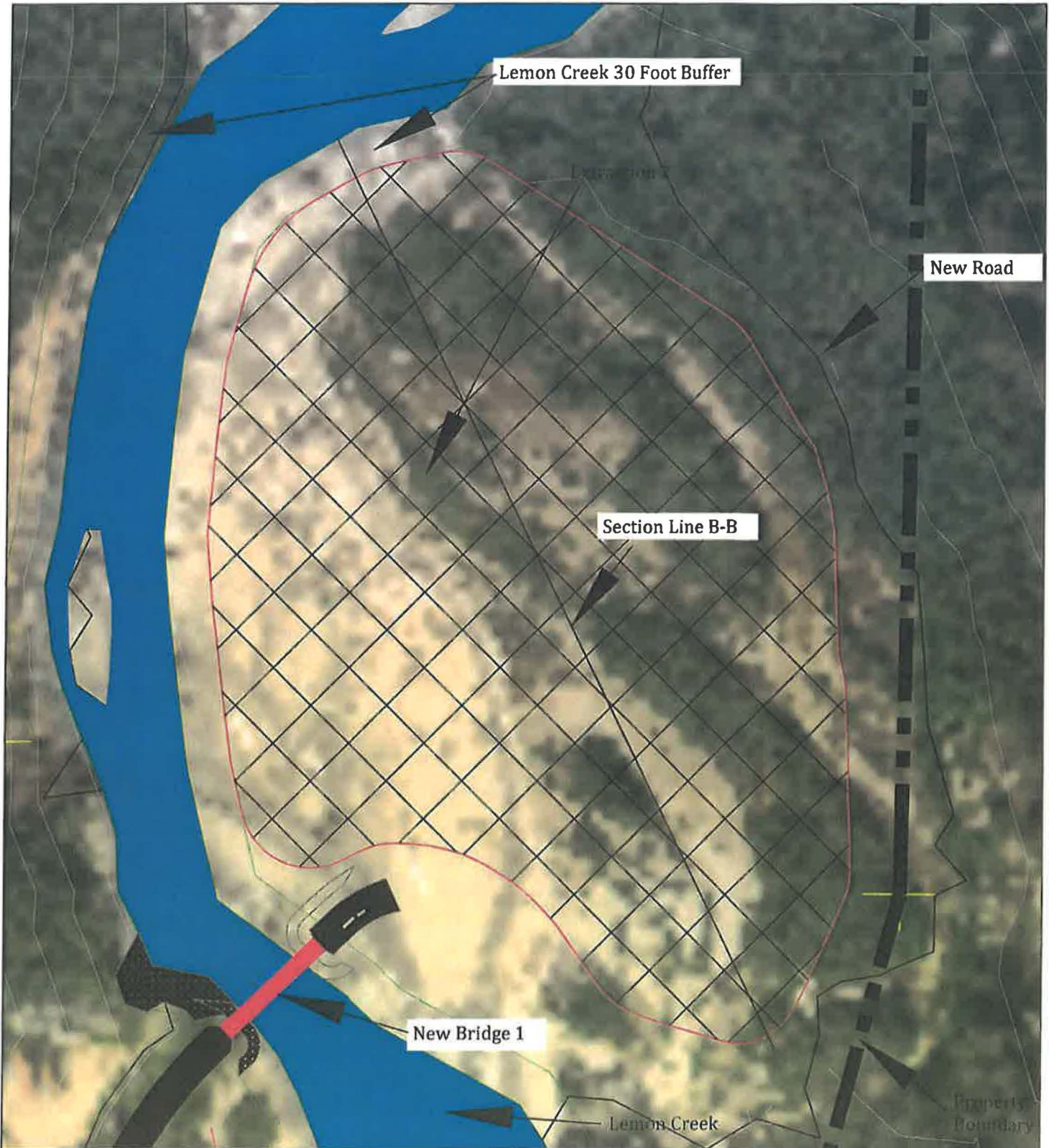
Applicant: COLASKA dba SECON	File No.:
Waterway: Lemon Creek	Date: 9/29/15
Proposed Activity: Gravel Extraction	
Sec. 26 T. 40S R. 66E Meridian: Copper River	Lat: 58° 22' 18" Long: 134° 7' 59"
Sheet: E1 Cross Section Map	Sheet 3 of 8



Extraction Zone 1 (E1)
Cross Sections of Line A-A

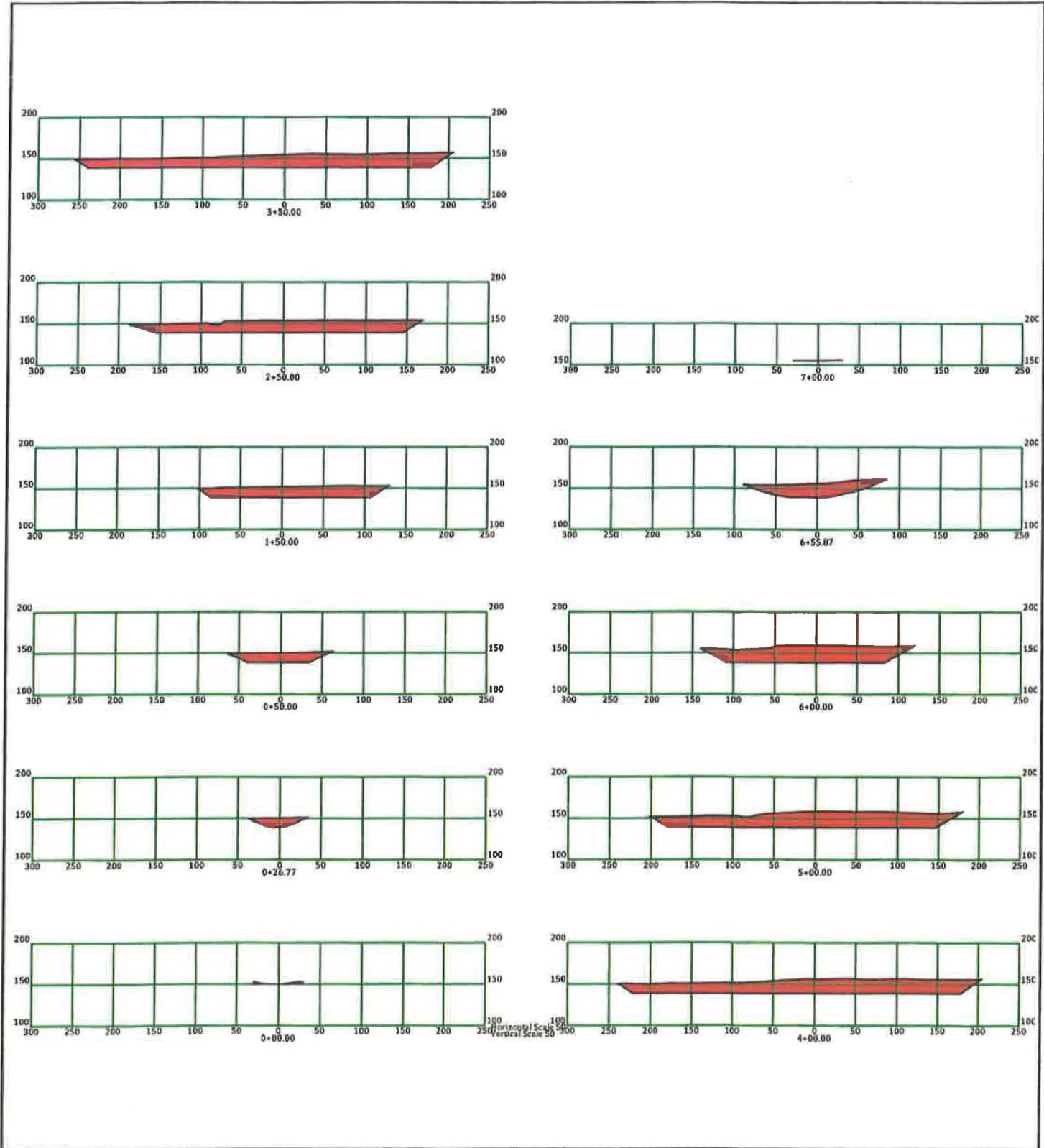
Applicant: COLASKA dba SECON
Waterway: Lemon Creek
Proposed Activity: Gravel Extraction
Sec. 26 T. 40S R. 66E Meridian: Copper River
Sheet: E1 Cross Sections

File No.: POA-XXXX-XXXX
Date: 9/29/15
Lat.: 58° 22' 18" Long.: 134° 7' 59"
Sheet 4 of 8



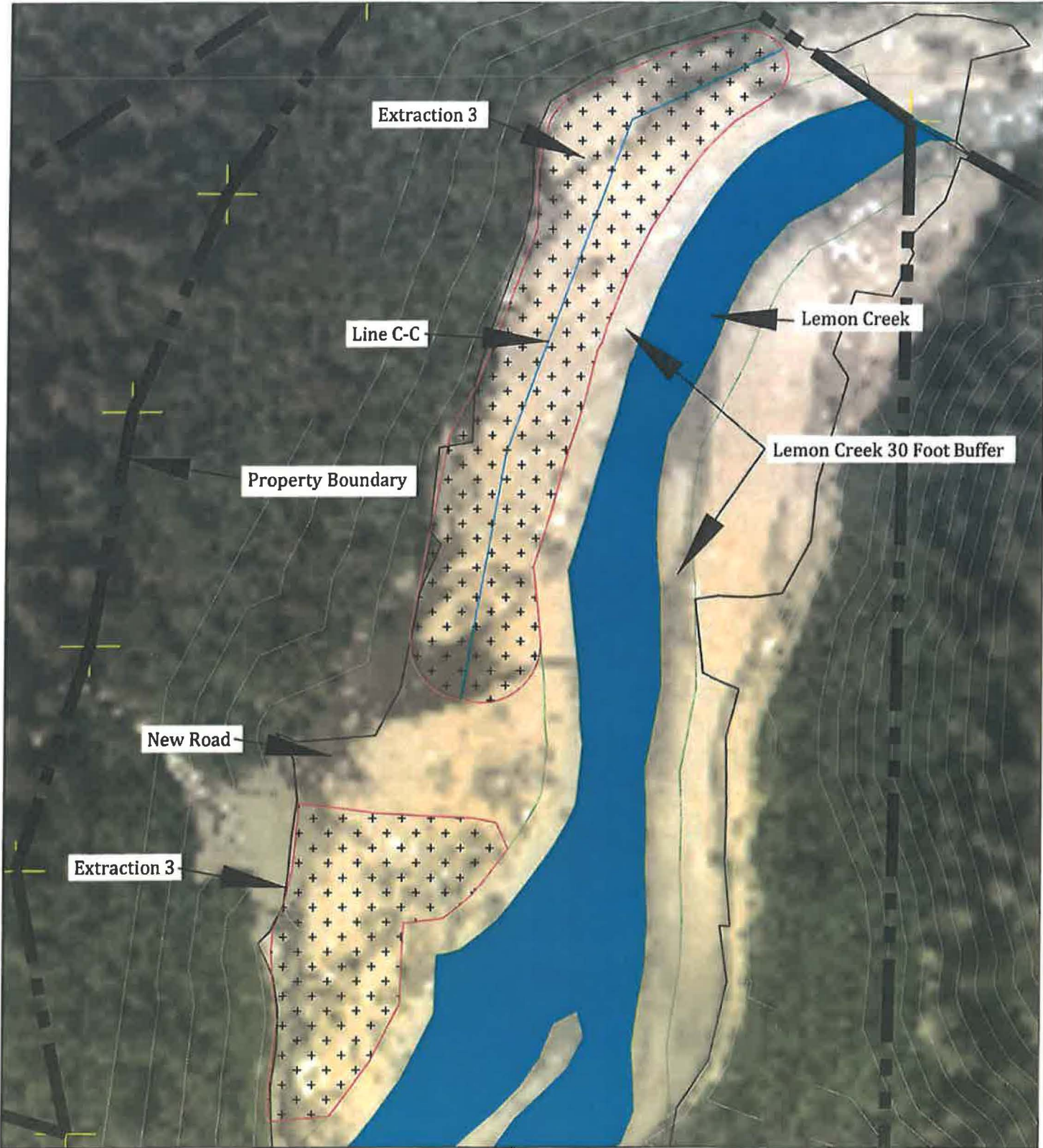
Extraction Zone 2 (E2) Section Line

Applicant: COLASKA dba SECON	File No.: POA-XXXX-XXXX
Waterway: Lemon Creek	Date: 9/29/15
Proposed Activity: Gravel Extraction	
Sec. 26 T. 40S R. 66E Meridian: Copper River	Lat.: 58° 22' 18" Long.: 134° 7' 59"
Sheet: E2 Cross Section Map	Sheet 5 of 8



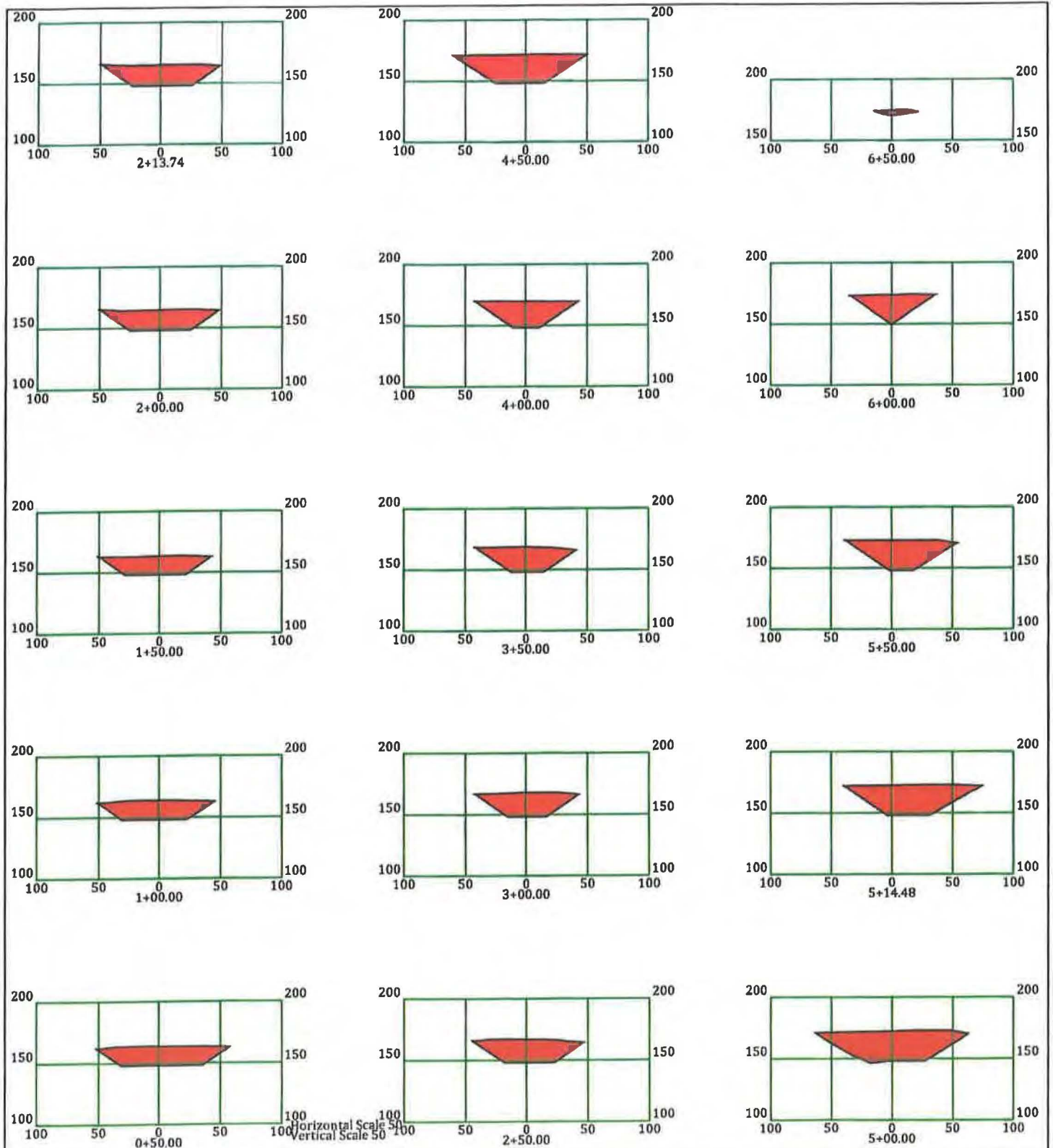
Extraction Zone 2 (E2)
Cross Sections of Line B-B

Applicant: <u>COLASKA dba SECON</u>	File No.: <u>POA-XXXX-XXXX</u>
Waterway: <u>Lemon Creek</u>	Date: <u>9/29/15</u>
Proposed Activity: <u>Gravel Extraction</u>	
Sec. 26 T. 40S R. 66E Meridian: <u>Copper River</u>	Lat: <u>58° 22' 18"</u> Long: <u>134° 7' 59"</u>
Sheet: <u>E2 Cross Sections</u>	Sheet <u>6 of 8</u>



Extraction Zone 3 (E3) Section Line

Applicant: COLASKA dba SECON	File No.: POA-XXXX-XXXX
Waterway: Lemon Creek	Date: 9/29/15
Proposed Activity: Gravel Extraction	
Sec. 26 T. 40S R. 66E Meridian: Copper River	Lat.: 58° 22' 18" Long.: 134° 7' 59"
Sheet: E3 Cross Section Map	Sheet 7 of 8



Extraction Zone 3 (E3) Cross Sections

Applicant: COLASKA dba SECON
 Waterway: Lemon Creek
 Proposed Activity: Gravel Extraction
 Sec. 26 T. 40S R. 66E Meridian: Copper River
 Sheet: E3 Cross Section

File No.: POA-XXXX-XXXX
 Date: 9/29/15
 Lat: 58° 22' 18" Long.: 134° 7' 59"
 Sheet 8 of 8

Attachment 3

Fish Habitat Permit



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

Department of Fish and Game

DIVISION OF HABITAT
Southeast Region Office

802 3rd Street
Douglas, AK 99824-5412
P.O. Box 110024
Juneau, Alaska 99811-0024
Main: 907.465.4105
Fax: 907.465.4739

FISH HABITAT PERMIT FH15-I-0141

ISSUED: September 21, 2015

Mr. Michael Short
SECON Engineering Manager
P.O. Box 32159
Juneau, AK 99801

RE: Hidden Valley Gravel Mine in Lemon Creek
Stream No. 111-40-10100
T. 40 S., R. 66 E., Section 26, C.R.M., Juneau B-2
58.3776° N, 134.4642° W

Dear Mr. Short:

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G) Division of Habitat reviewed your proposal to mine sand and gravel on SECON's patented property within the ordinary high water marks of Lemon Creek in Hidden Valley.

Project Description

You will use excavators and dump trucks to mine material each year from islands within upper Lemon Creek. You will begin mining at the downstream end of the gravel bars and move upstream, leaving 30 foot buffers between the mine and active Lemon Creek channels. You will construct temporary diversion berms in dry channels upstream to protect the mine site from rising water and breach the berms when mining is complete.

You will build bridges across active channels using flatcars supported by log and gravel abutments. You will leave mine site organics on the floodplain. If flow begins to erode bridge abutments, buffers, or berms, you will remove bridges and equipment from below the ordinary high water mark of Lemon Creek.

You will meet with a habitat biologist each year prior to mining to review the mining plan and stake mine site limits. You will accompany habitat biologists monitoring Lemon Creek during mining.

FH15-I-0141 / SECON

- 2 -

Issued: September 21, 2015

Anadromous Fish Act

Lemon Creek, Stream No. 111-40-10100, is important for the spawning, rearing, and migration of anadromous fish, pursuant to AS 16.05.871(a). Adult coho salmon spawn in this portion of Lemon Creek from August through November and juvenile coho salmon and resident Dolly Varden char rear in the area year-round.

In accordance with AS 16.05.871(d), gravel mining in Lemon Creek in Hidden Valley is approved subject to the project description and the terms of this permit.

You must maintain the habitat in Lemon Creek in accordance with the terms of this permit so that free passage of fish is assured. You must restore any obstruction to the free passage of fish to the satisfaction of ADF&G.

You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify the Division of Habitat and obtain written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the Division of Habitat. Therefore, it is recommended you consult the Division of Habitat immediately when a deviation from the approved plan is being considered.

For the purpose of inspecting or monitoring compliance with any condition of this permit, you shall give an authorized representative of the state free and unobstructed access, at safe and reasonable times, to the permit site. You shall furnish whatever assistance and information as the authorized representative reasonably requires for monitoring and inspection purposes.

This letter constitutes a permit issued under the authority of AS 16.05.871 and must be retained on site during project activities. Please be advised that this determination applies only to activities regulated by the Division of Habitat; other agencies also may have jurisdiction under their respective authorities. This determination does not relieve you of your responsibility to secure other permits; state, federal, or local. You are still required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which was a direct result of the failure to comply with this permit or any applicable law.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

FH15-I-0141 / SECON

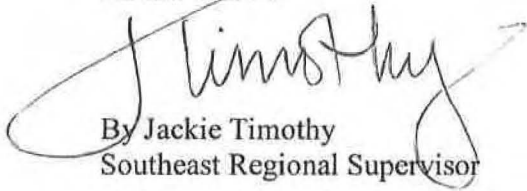
- 3 -

Issued: September 21, 2015

This permit decision may be appealed in accordance with the provisions of AS 44.62.330-630.

Any questions or concerns about this permit may be directed to Greg Albrecht at (907) 465-6384 or emailed to greg.albrecht@alaska.gov.

Sincerely,
Sam Cotten
Commissioner



By Jackie Timothy
Southeast Regional Supervisor

Email cc:

Al Ott, ADF&G Habitat, Fairbanks
ADF&G Habitat Staff, Juneau
Dan Teske, ADF&G/SF, Juneau
Dave Harris, ADF&G/CF, Juneau
Stephanie Sell, ADF&G/WC, Juneau
Steve Brockmann, USFWS, Juneau
Linda Speerstra, USACE, Sitka
Cindy Hartmann Moore, NMFS, Juneau
Teri Camery, CBJ, Juneau

Attachment 4

US Army Corps of Engineers Permit



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 22270
JUNEAU, ALASKA 99802

September 16, 2015

Regulatory Division
POA-2014-547

Mr. Tim Dudley
Colaska dba SECON
P.O. Box 32159
Juneau, Alaska 99803

Dear Mr. Dudley:

This is in response to your, application for a Department of the Army (DA) permit to discharge 2,800 cubic yards of dredged and fill material into 21,275-square feet of waters of the U.S. below the Ordinary High Water of Lemon Creek in order to construct gravel mining access roads. It has been assigned file number POA-2014-547, Lemon Creek which should be referred to in all future correspondence with this office. The project site is located within Section 26, T. 40 S., R. 66 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.37334° N., Longitude -134.46598° W.; located in Juneau, Alaska.

Based on our review of the information you furnished and available to us and our July 21, 2015 site visit, we have preliminarily determined the above project area contains waters of the United States (U.S.), under the Corps' regulatory jurisdiction (Please see the attached Preliminary Jurisdictional Determination Form).

DA permit authorization is necessary because your project involves the placement of dredged and fill material into waters of the U.S. under our regulatory jurisdiction.

Specifically the work includes the construction of two access ramps from uplands into Lemon Creek measuring 60 feet long by 30 feet wide, two berm areas measuring 530 linear feet to protect the mining site from flooding, construction and armoring of a primary access road, bridge, and bridge abutments measuring 600 linear feet. The work would result in the placement of 2,800 cubic yards of rock and rip rap into 21,275 square feet of waters of the U.S.

Based upon the information and plans you provided, we hereby verify that the work described above, which would be performed in accordance with the enclosed plan (sheets 1-4), dated August 2015, is authorized by Nationwide Permit (NWP) No. 14, Linear Transportation Projects. NWP No. 14 and its associated Regional and General

Conditions can be accessed at our website at:

www.poa.usace.army.mil/Missions/Regulatory/Permits.aspx. Regional Conditions F apply to your project. You must comply with all terms and conditions associated with NWP No. 14.

Further, please note General Condition 30 requires that you submit a signed certification to us once any work and required mitigation are completed. Enclosed is the form for you to complete and return to us.

The Nationwide Permits are due to expire on March 18, 2017, unless the NWP is modified, reissued, or revoked. It is incumbent upon you to remain informed of changes to the NWPs. Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me via email at Matthew.T.Brody@usace.army.mil, by mail at the address above, or by phone at (907) 790-4493, if you have questions or to request paper copies of the regional and/or general conditions. For more information about the Regulatory Program, please visit our website at <http://www.poa.usace.army.mil/Missions/Regulatory.aspx>.

Sincerely,

BRODY.MATTHEW.T.1383923111

Matthew Brody
Regulatory Specialist

Digitally signed by
BRODY.MATTHEW.T.1383923111
DN: c=US, o=U.S. Government, ou=DoD,
ou=PKI, ou=USA,
cn=BRODY.MATTHEW.T.1383923111
Date: 2015.09.16 14:25:15 -08'00'

Enclosures

CF:

South - Juneau

jackie.timothy@alaska.gov
sero@alaska.gov
oha.revcomp@alaska.gov
james.rypkema@alaska.gov
shannon.dewandel@alaska.gov
FW7_POANotices@fws.gov
john_hudson@fws.gov
hcd.juneau@noaa.gov
AOOARU.R10@epamail.epa.gov
city.clerk@juneau.org
teri.camery@juneau.org
christine.mcnally@juneau.org
dduncan@ccthita.org
klindoff-dia@gci.net
alaiti-dia@gci.net

ENCLOSURE



**US Army Corps of Engineers
Alaska District**

Permit Number: POA-2014-547

Name of Permittee: Mr. Tim Dudley - SECON

Date of Issuance: September 16, 2015

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to Mr. Matthew Brody at the following address:

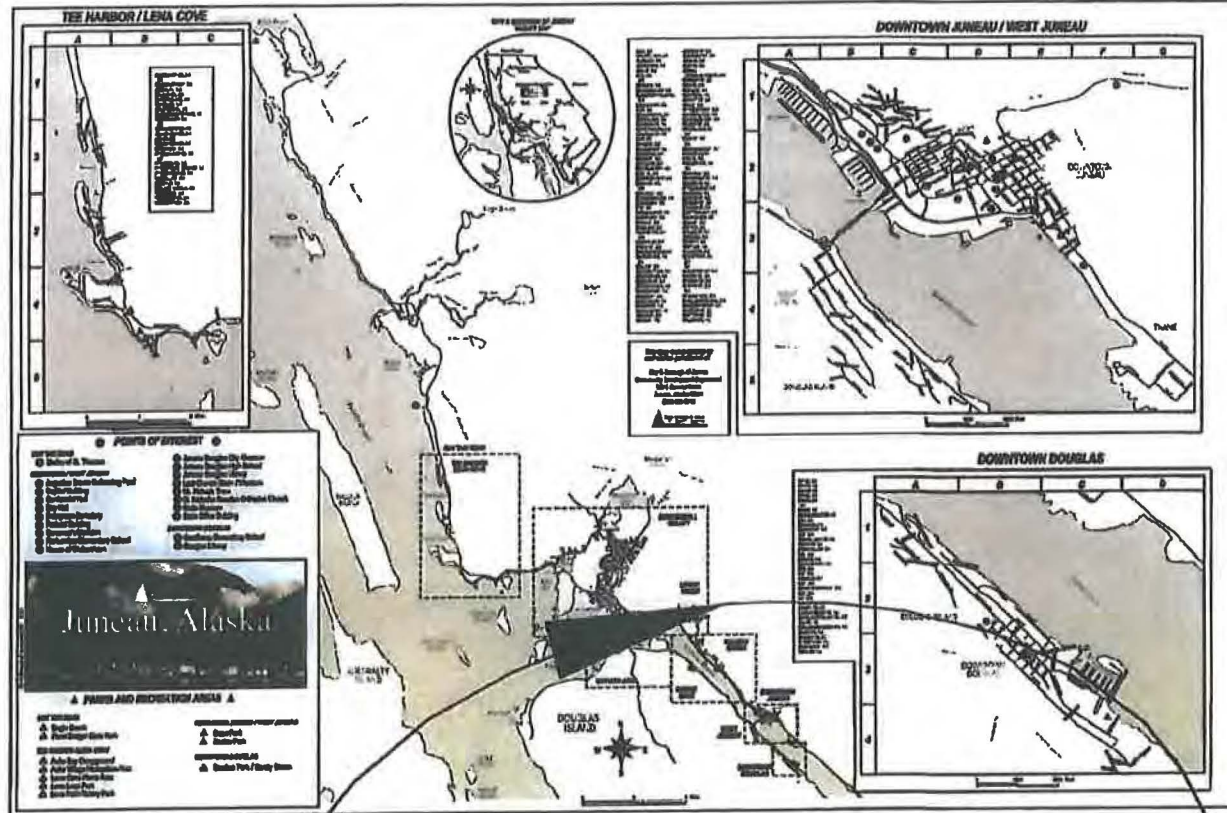
U.S. Army Corps of Engineers
Alaska District
Juneau Regulatory Field Office
P.O. Box 22270
Juneau, Alaska 99802

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date



POA-2014-547
August 2015
SECON
Lemon Creek Gravel Extraction
Sheet 1 of 4



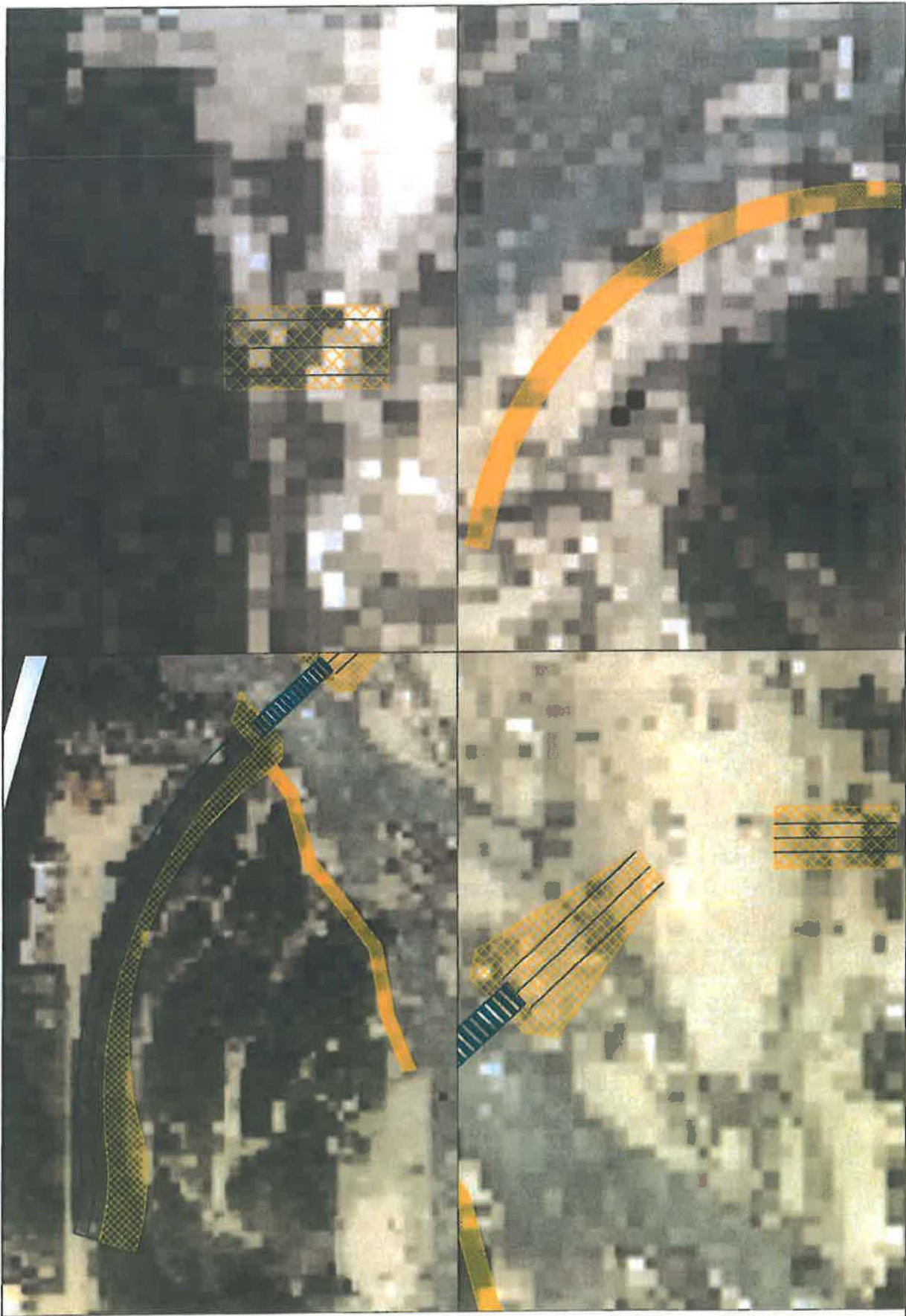
Fill Area 21,275 square feet.
Volume 2,800 cubic yards.



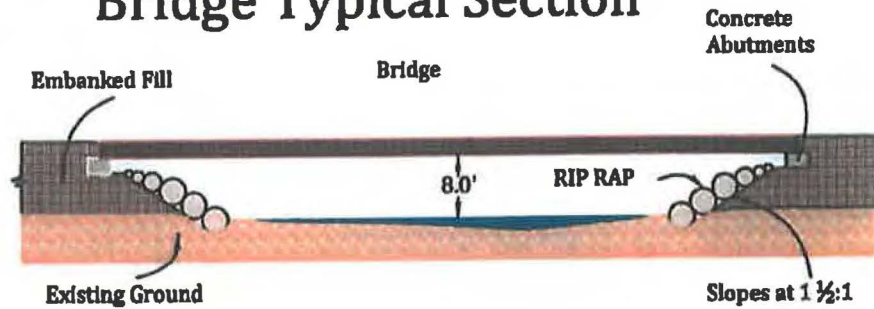
P.O. Box 32158
Juneau, AK 99803
907.586.5165

1836 Arka Street
Juneau, AK 99801

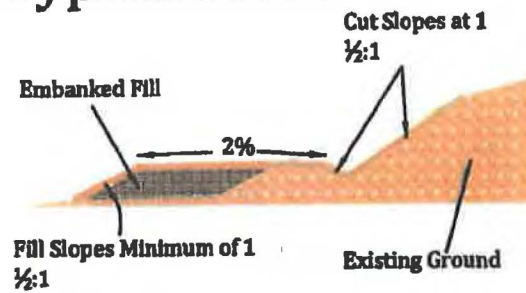
POA-2014-547
August 2015
SECON
Lemon Creek Gravel Extraction
Sheet 2 of 4



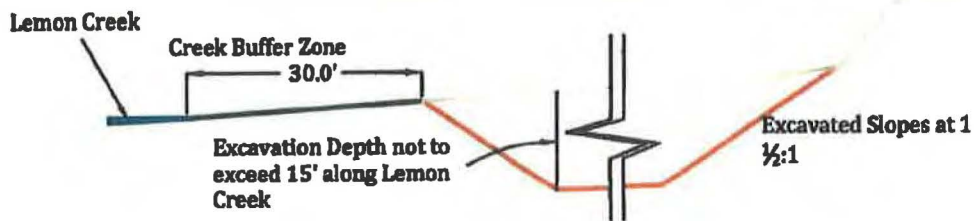
Bridge Typical Section



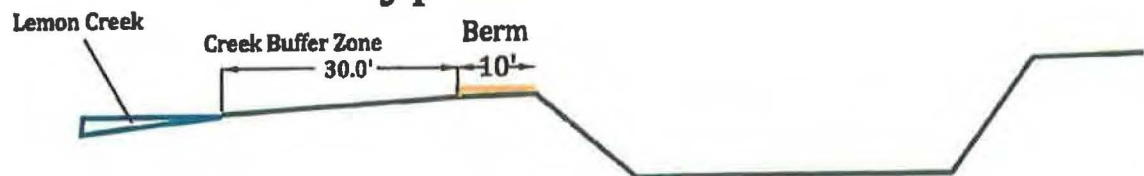
Road Typical Section



Extraction Typical Section

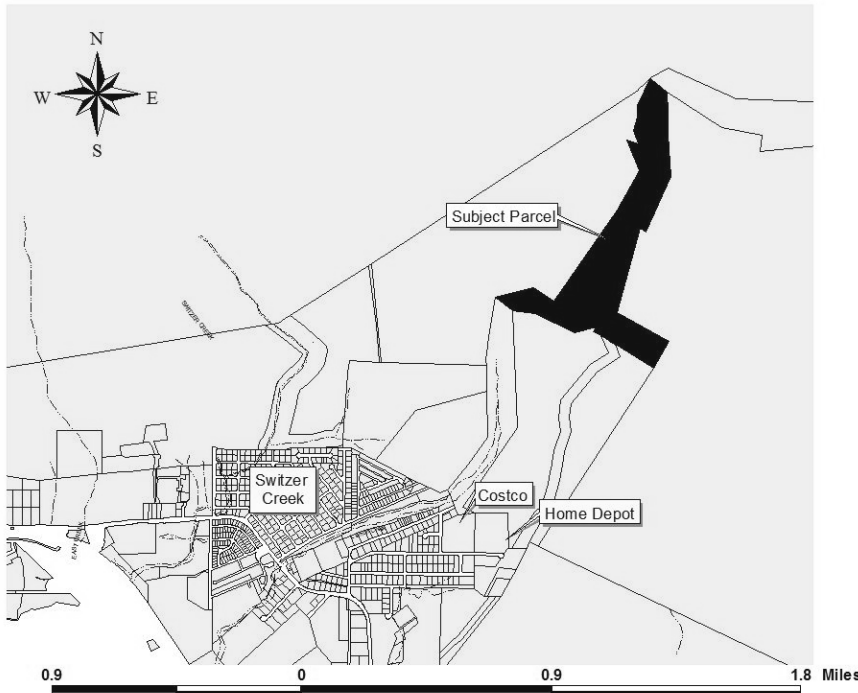


Berm Typical Section



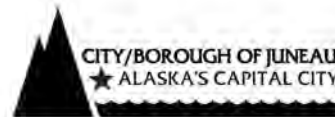


NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: A Conditional Use Permit to extract/mine gravel from patent lands in Hidden Valley, Lemon Creek.

File No:	USE2016 0004	Applicant:	SECON, Inc.
To:	Adjacent Property Owners	Property PCN:	3-M00-0-LEM-CRK-2
Hearing Date:	April 26, 2016	Owner:	SECON, Inc.
Hearing Time:	7:00 PM	Size:	113.29 Acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	RR - Rural Reserve
		Site Address:	End of Anka Drive
		Accessed Via:	Anka Drive

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Tim Felstead at Tim.Felstead@juneau.org or 586-0466.



CITY/BOROUGH OF JUNEAU
★ **ALASKA**

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at
<http://www.juneau.org/assembly/novus.php>

Attachment B: Public Hearing Notice

MEMORANDUM

State of Alaska

Department of Fish and Game
Division of Habitat

TO: Jackie Timothy
Southeast Regional Supervisor

DATE: September 16, 2015

FILE NO: FH13-I-0057

SUBJECT: Hidden Valley gravel
mine trip report
September 9, 2015

FROM: Greg Albrecht 
Habitat Biologist

PHONE NO: (907) 465-6384

On September 9th I visited Lemon Creek (ADFG Steam no. 111-40-10100; cataloged for chum and coho salmon and Dolly Varden char) adjacent to the SECON owned rock quarry where they plan to extract gravel on two bars (Figure 1). Mike Short (SECON) described their intent to begin at the downstream end of the lower bar and remove 10 to 50,000 cubic yards of material annually, depending on demand. In 2013, Habitat Division issued fish habitat permit FH13-I-0057 for the activity, but work did not occur and the authorization has expired.

I observed the lower gravel bar to be partially vegetated with alder, birch, and spruce trees. The bar is 1300 ft long by 200–450 ft wide, a 7.5 acre area (Figure 1). On my visit, gravel bar banks varied from 0–8 ft above the main channel (Figure 2). Water was springing up in a high flow channel about 200 ft from the downstream end of the bar and I encountered a 40 ft long isolated pond in an alder grove at the upstream end (Figures 3–6).

SECON does not intend to access the upstream gravel bar any time soon as the annual demand of material can be mined from the lower bar. Mining will occur during low water when the ground is not frozen. Temporary berms upstream in dry channels will protect the area in the event of rapid flow rise (Figure 6).

Mike and I agreed that a mine site at the downstream end of the bar in the dry channel could capture bed load during high flow and allow for repeat mining. The excavation would be connected to the main stem and possibly provide habitat for rearing fish. I will reissue FH13-I-0057 for mine operation and work with SECON to stake the mine location prior to extraction and monitor channel changes and fish use after.

Attachment C - ADFG field report regarding Zone 1



Figure 1.—Area map.



Figure 2.—Looking upstream with the gravel at left.



Figure 3.—Looking downstream from the lower end of the bar where flow emerged in a gravel bar channel.



Figure 4.—Looking upstream at the location where flow emerges in the channel.



Figure 5.—Area map showing possible outline of 1.5 acre mine site (orange), flow emerging in the dry channel (blue dashed), and potential temporary berm sites (red).



Figure 6.—Disconnected pond with no fish visible.

Email cc:

Al Ott, ADF&G Habitat, Fairbanks
ADF&G Habitat Staff, Douglas
Dan Teske, ADF&G/SF, Juneau
Dave Harris, ADF&G/CF, Juneau
Stephanie Sell, ADF&G/WC, Juneau
Cindy Hartmann Moore, NMFS, Juneau
Steve Brockmann, USFWS, Juneau
Linda Speerstra, USACE, Sitka
Teri Camery, CBJ, Juneau
Michael Short, SECON, Juneau

MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

TO: Tim Felstead, CDD

DATE: April 7, 2016

FROM: Ron King, General Engineering *RD King*

FILE: USE2016-04

GRAVEL EXTRACTION
HIDDEN VALLEY, LEMON CRK

Gravel extraction from Lemon Creek and the established CBJ gravel pits have been conducted for many years. During season there are multiple trips through Anka St to Glacier Highway by contractors purchasing materials from CBJ along with Secon and their subcontractors.

The new gravel source will not necessarily increase or decrease traffic to Anka St.; merely increase the travel time. It is anticipated that the Borough's yearly requirement for gravels will not increase past the point that the number of additional trips will negatively impact Anka St.

There will be a need to provide protection from the potentially wet material running into existing drainages along the route including Lemon Creek. Protection can be achieved by use of BMP's in those areas susceptible to water draining from trucks hauling wet materials.

The BMPs and protection of drainage along the route shall be a requirement of the SWPPP.

Secon and the CBJ Resource Manager have a program in place for Anka St that requires sweeping and cleaning during times that contractors are hauling. I would recommend CBJ condition the permit to continue the existing requirements for street cleaning.

If you have additional questions please let me know.

Attachment D - Memo from CBJ General Engineering
regarding impacts on public streets and stormwater

From: [Ron King](#)
To: [Rob Steedle](#); [Beth McKibben](#); [Robert Palmer](#)
Cc: [Tim Felstead](#)
Subject: Guarantee for quarry permit Hidden Valley
Date: Monday, April 11, 2016 2:59:45 PM
Attachments: [image001.png](#)

Tim and I were discussing an amount of a performance bond for Hidden Valley Quarry Permit. There will not be any required site restoration, mother nature will fill in the excavated areas. The project is ongoing and the only date will be the expiration of the permit. Finally there is no other required work.

If required, the bond amount for this project should be minimal and I would suggest using the same amount or less as required for the lower reach.

I do not remember calculating an amount for this bond???

Tags: See Parcel Tags | Parcel Code # 5B1201310041 (p_id:7119) | Bonds Application # BND2008-00038 (pm_id:36920) | MENDOTA PARK PARCEL 2

COLASKA INC PO BOX 32159 JUNEAU AK 99803-2159 (Name na_id:9368)

(1) Permit Center.Bonds

General | Names | Links | Summary | Forms | Inspections | Conditions | Events

☒ Master Parcel

Bond Type: ZZHIST-BND | C | M | R

Bond Description: Bond to repair any serious bank damage in connection with gravel extraction as required by USE2006-00054.

Start Date: | Expiration Date: |

Bond Type: Performance | Law Approval Date: |

Purpose: NOD Condition | Date Received: 1/21/2009 |

Amount: \$30,000.00 | Date Returned: |

Instrument Type: |

49.65.240 - Guarantee. No permit granted under this article shall become effective until there has been filed with the City and Borough a performance bond or other guarantee such as a cash deposit, royalty deposit, a primary security interest in real property or transfer of real property to the City and Borough, or other instrument approved as to form and type by the city attorney in an amount determined by the engineering department to be adequate to cover the cost of site restoration, completion of the project, and the performance of other required work. The amount of the guarantee shall be increased from time to time as determined by the engineering department to take into account inflation. A permit shall terminate if the permittee fails, within 90 days of permit issuance, to provide the guarantee required by this section or fails, within 30 days of notice thereof, to provide the increased coverage required by the engineering department. For good cause shown, the manager or the manager's designee may extend the 90-day period. The amount of a guarantee may be reduced to the extent the engineering department determines permit conditions have been performed.

Ron King PLS

General Engineering
907-586-0881

Attachment E - Memo from CBJ General Engineering regarding guarantee amount for project.

From: [Alan Steffert](#)
To: [Tim Felstead](#)
Subject: RE: USE20160004: Gravel Extraction in patent lands in Hidden Valley, Lemon Creek
Date: Monday, April 11, 2016 12:33:01 PM
Attachments: [image002.png](#)

From: Tim Felstead
Sent: Thursday, April 07, 2016 9:26 AM
To: Alan Steffert
Subject: RE: USE20160004: Gravel Extraction in patent lands in Hidden Valley, Lemon Creek

Thanks for replying Alan,

I needed a little more than that to satisfy the requirement for a report from Engineering on the proposal – but probably not much more.

If you can reply to my questions below I can incorporate it into a document for you. Just answer in a different colour text or italics if you can

I was reading the Interfluv report and the suggestion for Hidden Valley was for the toes of the banks to be hardened with rip rap to prevent further erosion at the edge of the existing flood plain. It didn't mention the use of mining of the stream bed to capture material being brought from further upstream.

Are you happy with the engineering science that the mined areas will refill and capture sediment that would otherwise be transported downstream to the problematic urbanized area?

Can you also provide a some comment on the following aspects of the proposal – it maybe that it is a 'NA' response.

Any impacts the extraction will have on:

The haul road leading to the SECON lot – is it able to handle additional traffic? **Yes** Do the existing easement agreements allow CBJ to require repairs to be made to the stretch on CBJ land if there are problems? **CBJ and SECON share maintenance responsibility for the Haul Road**

The water table – They will be extracting at or beneath the level of the water table so I'm not sure if there could be any impact. **All will be contained in-stream (bed)**

Water quality in Lemon Creek – I note Lemon Creek is identified as having issues with turbidity and high sediment loads. SECON have proposed a monitoring regime comparing water samples above and below the extraction site. Is this method sufficient? **Yes** Any thoughts on spill of fuel/oils into the water. **Clean up spills and leaks per ADEC** SECON have said there will be no refueling of vehicles when they are in the stream bed. **Good idea** Is this sufficient or do they need additional plans in place? **Clean up spills and leaks per ADEC, probably good idea to have spill kit on-hand, including absorbent booms. Ask DEC what they require?**

Drainage around the site – I'm thinking this is not applicable given it is in the creek bed and not in uplands **true**

Properties within the area of influence of the extraction – It seems from your comment below, the extraction is only going to help properties downstream in terms of channel infill and flood risk. **Correct**

I'll ask Ron to comment on impacts on City Roads especially extra traffic on Anka St and potential for spill of gravels and water from trucks when they hit public roads. SECON anticipate the gravels extracted in the first year will be quite dirty interms of small woody debris that will need washing on site. To reduce the potential of water/sediment spilling on to roads, do you think a condition that requires extracted gravels to sit for a 'X' number of days before they are transported from the site is reasonable, or is it unnecessary? **Water from gravels will drain as it is loaded and transported up the hill from the extraction site.**

Amount or volume of material extracted should be at sole discretion of the property owner and applicable regulatory agencies (ADEC, ADF&G?)

Attachment F - Email from CBJ Engineering regarding proposal
--

Appreciate the help

Thanks

Tim

recommendations relating to the effect the proposed extraction and expected traffic will have upon the streets and other improvements of the City and Borough, whether such streets and improvements are existing or projected; the water table, water quality, and drainage; and all properties within the area of influence of the proposed operation.

From: Alan Steffert
Sent: Wednesday, March 23, 2016 2:23 PM
To: Tim Felstead
Subject: RE: USE20160004: Gravel Extraction in patent lands in Hidden Valley, Lemon Creek

Tim,

The streambed adjacent to the CBJ scale at the end of Anka Street has been filling in and rising relative to the riprap banks. Anything that can be done to slow the erosion and transport of bed load from the upper reaches of Lemon Creek should be encouraged. For that reason alone Secon's plan has my full support.

Alan

From: Tim Felstead
Sent: Tuesday, March 08, 2016 1:39 PM
To: Dan Bleidorn; Greg Chaney; Rachel Friedlander; Kirk Duncan; Brent Fischer; 'Cole, Lee V (DNR)'; Ed Foster; Heidemann Marie - State (marie.heidemann@alaska.gov); Ron King; 'jackie.timothy@alaska.gov'; 'greg.albrecht@alaska.gov'; Alan Steffert; Dan Jager; Sven Pearson; 'neil_stichert@fws.gov'; Ed Grossman (egrossman@fs.fed.us); 'randal.p.vigil@usace.army.mil'; 'gretchen.pikul@alaska.gov'
Cc: Teri Camery
Subject: USE20160004: Gravel Extraction in patent lands in Hidden Valley, Lemon Creek

Dear all

Please find attached an application for a gravel extraction operation by SECON in the Hidden Valley area of Lemon Creek, Juneau. You have been included in this email because of your Agency's jurisdiction over certain aspects of the site, are responsible for adjacent lands and trails, or could be generally impacted by the proposal.

If you feel somebody else in your organization should be made aware of this application please forward it on to them.

Aerial photos showing the location of the SECON parcel and the location of three specific extraction sites are included below.

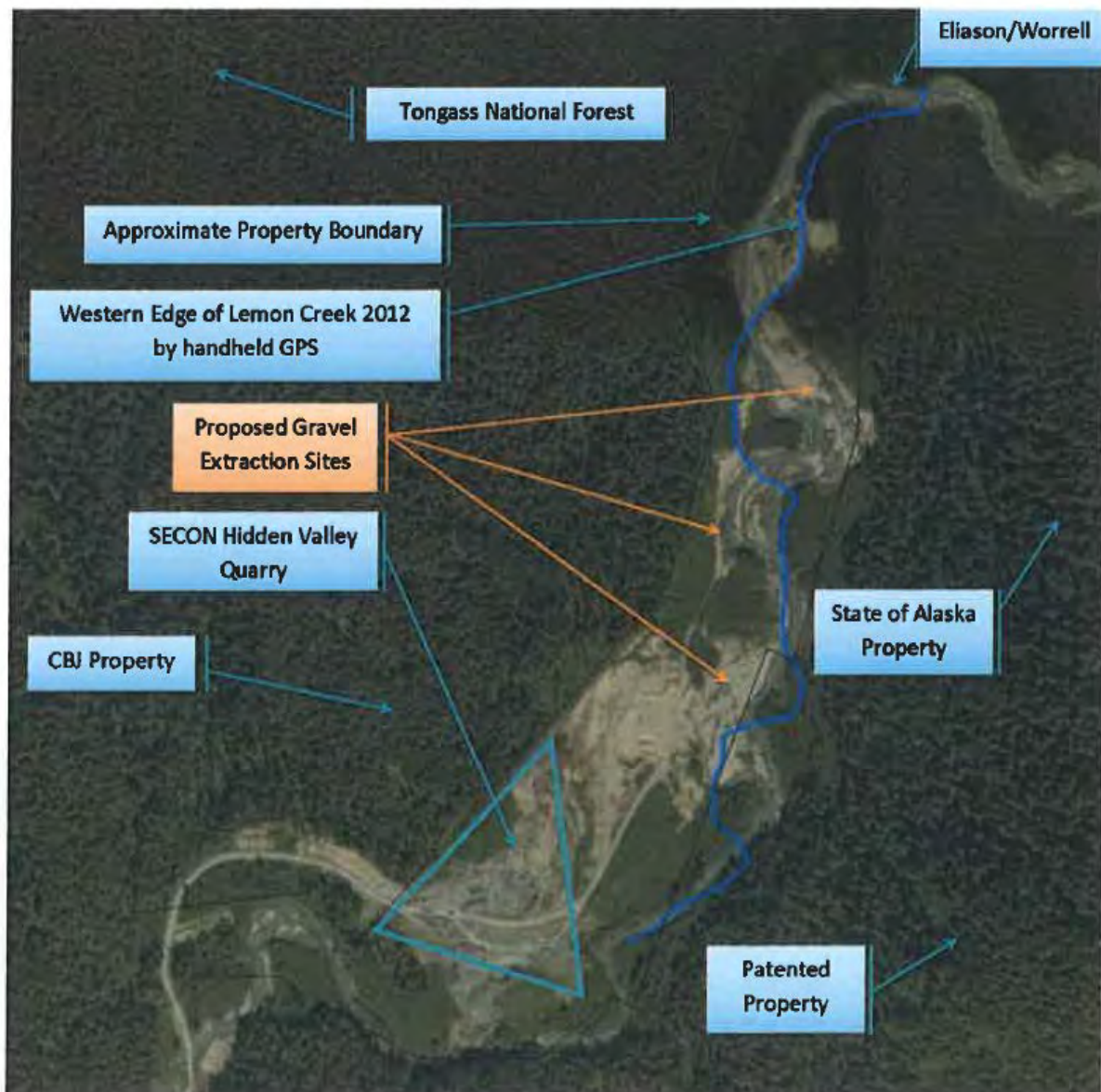
I would be grateful for any comments by March 17, 2016.

Please do not hesitate to contact me if you have any concerns or further questions.

Best regards

Tim





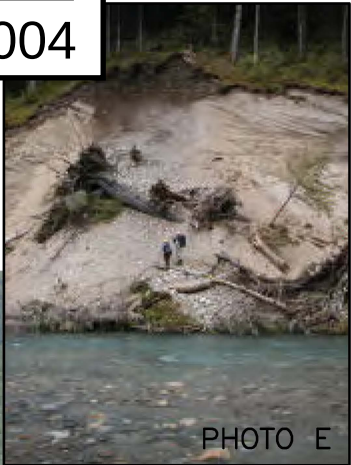
Tim Felstead
Community Planner
Community Development Department
City and Borough of Juneau
155 S. Seward
Juneau, AK 99801

Tel: (907) 586 0466
<http://www.juneau.org/cddftp/>

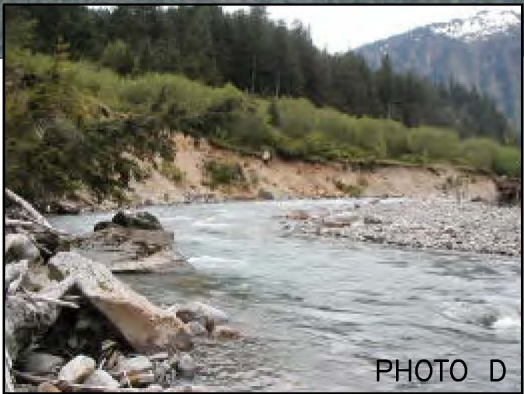
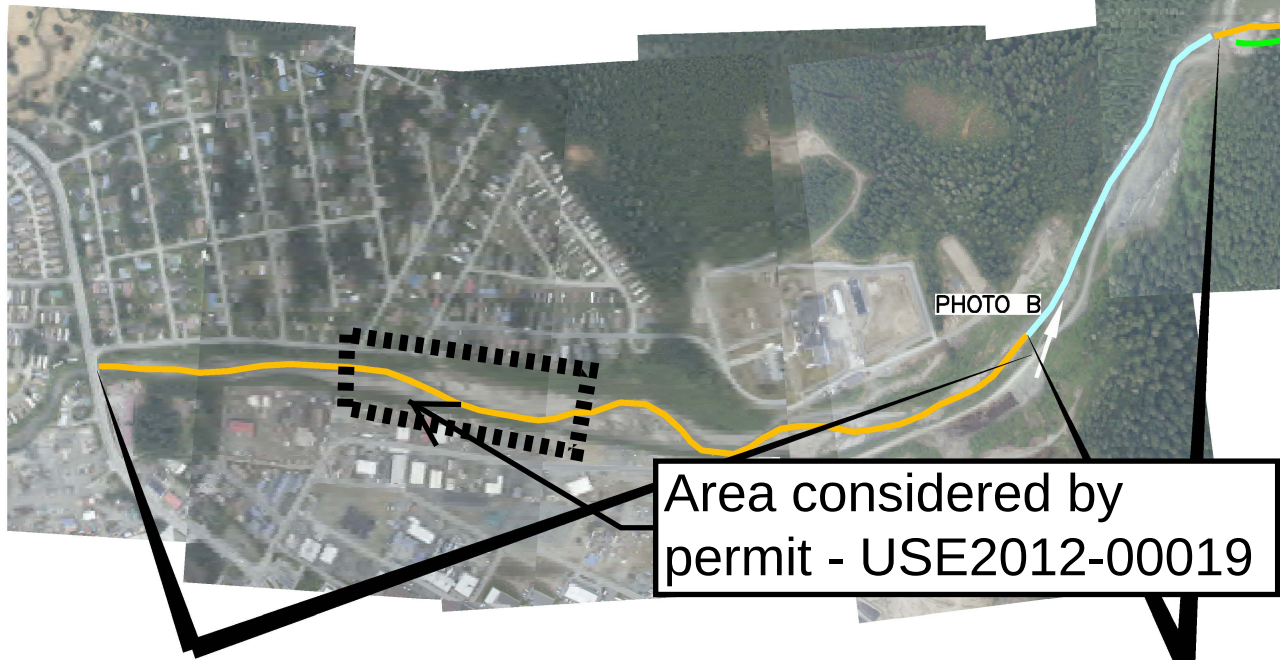


Location of explosive magazine - USE2009-00019

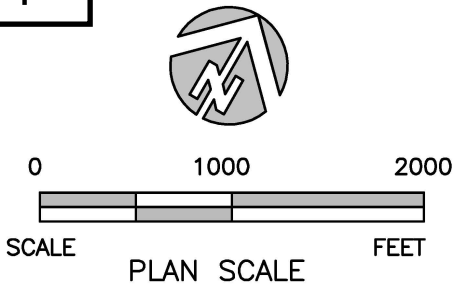
Area considered by this permit - USE2016-0004



- LEGEND**
- REACH SCALE SEDIMENT TRANSPORT
 - REACH SCALE SEDIMENT DEPOSITION AND STORAGE
 - LOW TERRACE EROSION
 - HIGH TERRACE EROSION



Area considered by permit USE2009-00004



Sediment Deposition

Depositional reaches are reaches that are showing evidence of aggradation and sediment storage. These reaches are transport limited and may or may not be in equilibrium with current sediment supply. Depositional reaches are depicted by the color brown in the drawing.

Channel braiding, active lateral erosion and reduced flood conveyance are common responses observed in Lemon Creek due to deposition of excess sediment relative to upstream reaches that are transporting it. Depositional reaches exist in both upper and lower lemon creek. **Photo A** is an example of sediment deposition and channel braiding occurring in Lemon Creek within Juneau. Deposition in **Photo A** has reduced flood capacity within the channel. Here, some stream banks have been armored with riprap to limit lateral erosion. Areas of streambank that are not armoured against existing flow impingement are eroding. By contrast, depositional areas in Hidden Valley have not been armored with riprap and are eroding laterally (depicted as orange and red in the drawing). Sediment derived from orange and red source areas has been delivered near **Photo A** over time and is the cause of reductions in flood capacity in this portion of Lemon Creek.

Sediment Transport

Stream reaches that transport sediment are naturally armored and relatively stable. The bed and banks are composed of larger percentages of cobble, boulders and bedrock than upstream eroding terraces. The color blue in the drawing depicts transport reaches.

The relative stability, confinement and steeper slope in transport reaches results in a tendency to transport sediment sourced from upstream eroding terraces to downstream depositional storage reaches. Transport reaches are in both upper and lower lemon Creek. **Photo B** is an example of a sediment transport reach below the Hidden Valley.

Sediment Supply/Sources

Major sources of sediment were identified within the Hidden Valley segment of Lemon Creek. They are depicted in this drawing as orange (lower terrace) and red (higher glacial terrace) source areas. Source areas are associated with eroding near vertical terrace banks between 5 and 50 feet in elevation. The material in most of these banks has a high silt and sand fraction that erodes rapidly and is easily transported by flows.

Large conifers that are undercut and fall into the channel tend to slow the erosion if they are large enough to stay on site. Eroding low elevation terraces appear to be abandoned former floodplains. Eroding high terraces appear to be relic glacial outwash and in three cases these high glacial terraces appear to be eroding by stream incision.

Photos C and **E** are examples of eroding glacial terraces. **Photo D** is an example of an eroding terrace that appears to be the eroding toe of a fan deposit slightly higher elevation than former floodplain surfaces.

Attachment G - Extract from CBJ report on Lemon Creek by Interfluve showing location of applicant gravel extraction permits

NO.	BY	DATE	REVISION	DESCRIPTION

FIGURE
9



**CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY**

**PLANNING COMMISSION
NOTICE OF DECISION**

Date: December 19, 2012

File No.: USE2012 0019

Colaska Inc.
PO Box 32159
Juneau, AK 99803

Application For: A Conditional Use Permit to extract 240,000 cubic yards of gravel from the Lemon Creek streambed over a six year period.

Legal Description: Mendota Park Parcel 2

Property Address: Lemon Creek Streambed, No Access

Parcel Code No.: 5-B12-0-131-004-1

Hearing Date: December 18, 2012

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 6, 2012, and approved the extraction of 210,000 cubic yards of gravel from the Lemon Creek streambed over a six year period to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

Annual Grading Permit, Bank Protection, and Seismic Monitoring –

1. The operator shall stockpile about 50 cubic yards of broken rap, equivalent to Class I rip-rap, near the project area to address emergencies if the flow becomes redirected towards the bank. If the rock is not used it may be sold when the project ends.
2. Prior to issuance of the first year's grading permit and approval of the first year mining plan, the operator shall submit a bond of \$30,000, sufficient to repair any serious bank damage.
3. One month before the commencement of each mining season, the applicant shall submit a mining plan. The mining plan shall be processed by the Engineering Department as an annual grading permit. Such plan shall include:
 - a. Estimation of material to be removed
 - b. Map of area to be worked (showing property lines)
 - c. Map showing proposed culverts, access roads, bank stabilizations, berm details (including height, location, material composition and removal plan) stream relocations and other proposed features
 - d. Methods for protecting Lemon Creek from oil, fuel and hydraulic fluid (including leaks from heavy equipment)
 - e. Prior to the commencement of mining, the applicant shall verify property line location and delineate offset distance to the extraction area.
4. The top of excavation slopes shall be prohibited within 10' of any banks or the property lines

Coalaska, Inc
File No.: USE2012 0019
December 19, 2012
Page 2 of 4

5. The applicant shall directly hire, or pay permit inspection fees to provide for periodic inspection of the mining area by an appropriately licensed engineer and/or hydrologist.
6. Periodic inspections shall be made as determined by the engineer and/or hydrologist, sufficient to monitor the operation. Such periodic inspections shall include visits during or after high water events.
7. Inspection reports shall be submitted to the Engineering Department for each 10,000 cubic yards of material removed from the stream, and those reports shall include the following information:
 - a. Volume of material removed
 - b. Map of area worked
 - c. Verification of compliance with mining plan
 - d. Report of bank destabilizations
 - e. Opinion whether bank/property line setbacks are adequately protecting adjacent properties
 - f. Bank protection/stabilization measures if merited
8. An inspection report shall be submitted at the end of the mining season which includes all items in numbers 4-7. The report shall be submitted to the Engineering Department and to the Community Development Department within one month of the end of the mining season, or April 15.
9. The applicant/operator shall confine all excavations to within existing rip-rap banks. Prior to proceeding with annual excavations, the applicant must find and stake adjacent rip-rap banks.
10. The applicant/operator shall protect the structural integrity of existing stream banks and rip-rap banks. A no-disturbance zone of at least 10 feet horizontal distance from adjacent rip-rap and banks is required. (This condition is necessary because rip-rap boundaries may or may not correlate with property boundaries, as noted in the earlier requirement to mine 10 feet from property boundaries.)
11. The applicant shall protect all vegetated slopes and maintain a similar non-disturbance zone identified above, unless a site-specific engineering analysis indicates otherwise.
12. All cut-slopes shall be less than 2 horizontal to 1 vertical unless a site-specific engineering analysis proves that a steeper slope protects adjacent properties.
13. Excavated areas within the creek bed must be clearly marked with warning signs. Excavated slopes must be graded to a gentle slope of 4 horizontal to 1 vertical before signs are removed. These measures shall be integrated into the annual grading permit.
14. The approved access points at 1721 Anka Street, 1791 Anka Street, and Ralph's Way shall be inspected each year to verify that no changes have been made to the embankment due to heavy creek flows during the previous year. Alterations to the proposed access will require approval by the Community Development Department and the CBJ Engineering Department.
15. Prior to the issuance of a grading permit, the applicant shall provide a vibration control plan that includes the maximum safe threshold for seismic activity at the nearest adjacent residential structure to the operation, as established by a licensed engineer.
16. During extraction activity, the site shall be monitored by the applicant for seismic activity at the nearest adjacent residential property or at a location agreed upon by the project engineer and adjacent property owners, during each day of operation.
17. The applicant shall submit seismic activity reports at the end of each month of mining activity to the CBJ Engineering Department.

Coalaska, Inc
 File No.: USE2012 0019
 December 19, 2012
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18. If seismic activity exceeds the threshold established in Condition #15, the applicant shall cease operations and notify the CBJ Engineering Department and CBJ Community Development Department. The applicant shall not continue with operations until alternative methods that do not exceed the threshold have been identified by the applicant and approved by CBJ Engineering.

Project Expiration and Dates and Times of Operation -

19. Gravel operations shall take place between December 1 and March 15. No in-water work shall be allowed between March 16 and November 30 with the following exception: In-stream work to connect the excavated sections of the creek shall be allowed for one 7 day period between May 15 and June 15. The applicant shall provide notice to CBJ Engineering and the Alaska Department of Fish and Game before work commences.
20. Operating hours shall be 7 a.m. to 6 p.m. on weekdays, and 9 a.m. to 6 p.m. on Saturdays. Operations shall not be allowed on Sundays.
21. Gravel extraction shall be limited to 40 days per year.
22. The permit shall expire after six years or extraction of 210,000 cubic yards of gravel, whichever comes first.
23. The extraction amount shall not exceed 35,000 cubic yards per year.

Truck Traffic and Street Maintenance -

24. Truck traffic from the development shall be routed only through the Anka Street/Glacier Highway intersection.
25. Truck traffic and heavy equipment operation associated with gravel extraction is strictly prohibited from the Davis Avenue side of the river.
26. Prior to leaving the excavation area, the transport truck bed, with the tailgate locked, shall be raised to a minimum twenty degree angle for a timed 5 minutes to allow excess water to escape. Tilt time may be reduced if water escapement occurs sooner based on the project engineer's visual assessment and approval.
27. The applicant shall protect catch basins along the route from sediment infiltration by use of manufactured Catch Basin filters.
28. The applicant shall inspect the traveled route a minimum of twice daily for escaped material from the haul.
29. The applicant shall sweep and clean the roadway at the end of each day if any water or material has escaped, or if a major spill occurs.
30. The applicant shall immediately respond to any additional clean-up requests during the operation from the project engineer, CBJ or ADOT.
31. The applicant shall construct a rockery lane for debris removal from truck tires prior to entering Anka Street.

Coalaska, Inc
File No.: USE2012 0019
December 19, 2012
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Habitat Protection -

32. No sediment migration from the truck or ramp shall be allowed in the waterway.
33. Prior to commencement of mining and prior to gravel bar coverage with snow and ice, the applicant shall field stake the exact excavation configuration and setbacks from flowing water.
34. The applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream or adjacent to the excavation area to encourage gravel bar formation and/or side channel creation. The woody material shall be partially buried to anchor the material during high flows.
35. There shall be no on-site fueling or equipment maintenance performed within 100 feet of the creek banks. This includes fueling or maintenance of portable equipment such as generators and pumps.
36. There shall be no on-site storage of fuel or other chemicals.

Attachments: December 6 2012, memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding USE2012 0019.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

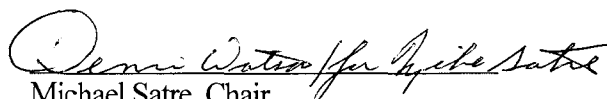
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

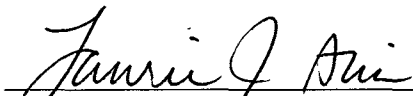
Effective Date: The permit is effective upon approval by the Commission, December 18, 2012.

Expiration Date: The permit will expire 18 months after the effective date, or June 18 2014, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Greg Chaney for Teri Camery, Planner
Community Development Department


Michael Satre, Chair
Planning Commission


Filed With City Clerk

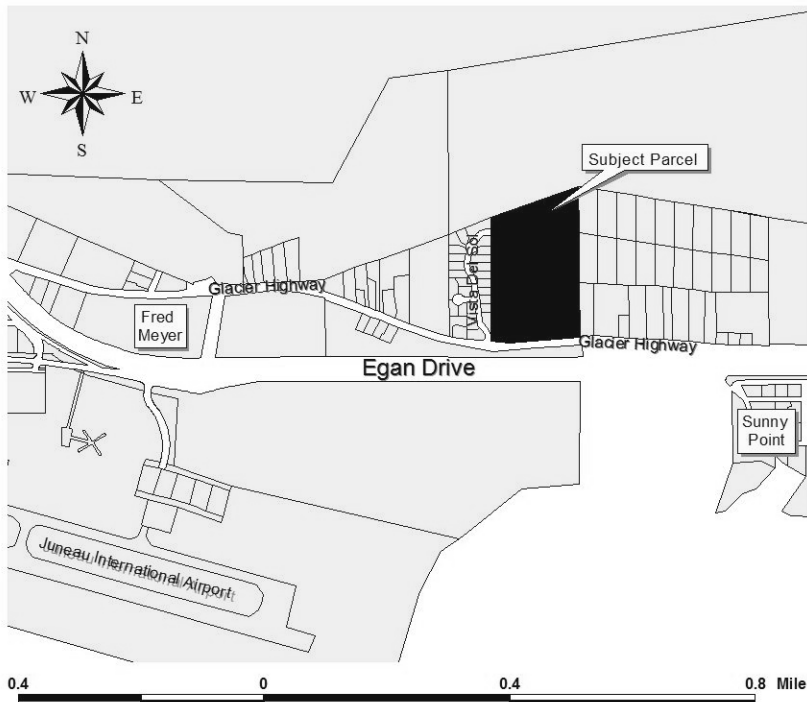
12/20/12
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Preliminary plat for 24 commonwall lots; the remaining land will be subdivided into two larger lots located at 7400 Glacier Highway and zoned D-18.

File No:	SMP2016 0001	Applicant:	Richard Harris
To:	Adjacent Property Owners	Property PCN:	5-B14-0-101-001-0
Hearing Date:	April 26, 2016	Owner:	Honsinger Family Limited Partnership
Hearing Time:	7:00 PM	Size:	19.71 Acres
Place:	Assembly Chambers	Zoned:	D-18
	Municipal Building	Site Address:	7400 Glacier Highway
	155 South Seward Street	Accessed Via:	Glacier Highway
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Jill Maclean at Jill.Maclean@juneau.org or 586-0756.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>



Community Development

City & Borough of Juneau • Community Development
 155 S. Seward Street • Juneau, AK 99801
 (907) 586-0715 Phone • (907) 586-4529 Fax

DATE: April 13, 2016

TO: Planning Commission

FROM: Jill Maclean, Senior Planner *Jill Maclean*
 Community Development Department

FILE NO.: SMP2016 0001

PROPOSAL: Preliminary plat for 24 commonwall lots; the remaining land will be subdivided into two larger lots located at 7400 Glacier Highway and zoned D18.

GENERAL INFORMATION

Applicant: Richard Harris

Property Owner: Honsinger Family Limited Partnership & TKP LLC

Legal Description: USS 1568 TR-B1

Parcel Code No.: 5B1401010010

Site Size: 19.71 acres (approximately)

Comprehensive Plan Future

Land Use Designation: Medium Density Residential (MDR - urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre)

Zoning: D18 (residential multi-family 18 units per acre)

Utilities: CBJ Water & Sewer

Access: Glacier Highway

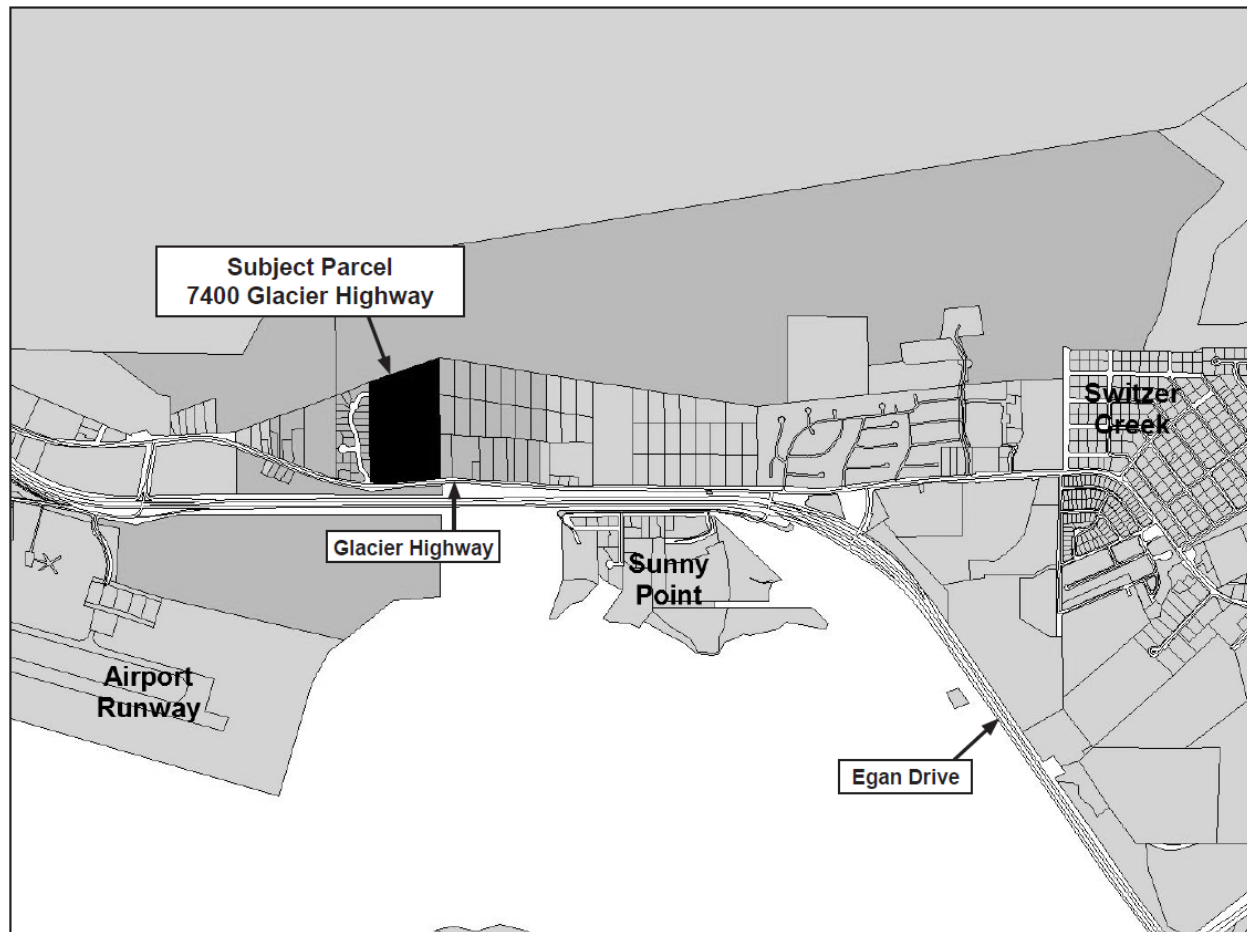
Existing Land Use: Vacant, Natural Forest/Wetlands

Surrounding Land Use: North – D5, CBJ-owned Vacant Land
 South – D5, Vacant Land, owned by L. & P. Miller

Planning Commission
File No.: SMP2016 0001
April 13, 2016
Page 2 of 13

East – D5, Vacant Land, Alaska Mental Health Trust
West – D5, Vista Del Sol Subdivision Single-Family Dwellings

Vicinity Map



ATTACHMENTS

- Attachment A: Ridgeview Subdivision Preliminary Plat Application
- Attachment B: Ridgeview Subdivision Revised Preliminary Plat
- Attachment C: Ridgeview Subdivision Drainage Calculations
- Attachment D: Pre-Application Conference Report
- Attachment E: Wetland Review Board Minutes
- Attachment F: Wetland Delineation Report
- Attachment G: Ridgeview Subdivision Army Corps Permit Application (POA-2016-12)
- Attachment H: Memo from CBJ General Engineering

Planning Commission
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April 13, 2016
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PROPOSAL

The applicant seeks to subdivide the Honsinger property located at 7400 Glacier Highway into 26 lots and has submitted a major subdivision application for approval of a preliminary plat. Included in the subdivision proposal is a 60 ft. right-of-way (ROW) off Glacier Highway for access into the site (proposed name "Seymour Way"), with a 50 ft. cul-de-sac (proposed name "Wildview Court") branching off to the west. Wildview Court will provide access for 24 commonwall lots; the lot off to the east of Seymour Way (Lot 13) and the remaining tract of land to the north (Tract B1A) are proposed to be developed at a later date (see Attachment B). The property contains wetlands, and the applicant has filed an application with the Army Corps of Engineers, and has presented to the Wetlands Review Board.

PERMITTING PROCEDURE

The proposal requires a Major Subdivision permit as the project exceeds 13 lots. This permit requires a two-step Planning Commission approval process: 1) Preliminary Plat approval, and 2) Final Plat approval. The project has been reviewed for compliance with CBJ 49.15.402 Major Subdivisions, 49.15.411 Preliminary plat requirements, and 49.65.700 Common Wall Residential Development.

Preliminary Plat – The Preliminary Plat is for 24 common wall lots (Lots 1-12), Lot 13, and Tract B1A totaling 26 lots; and that the Final Plat will be for Lots 1-12, Lot 13, and Tract B1A, totaling 14 lots. Upon construction of the commonwall units, each commonwall lot will need to be approved through the Minor Subdivision process. This is the platting process for common wall developments per CBJ 49.65.700 Common Wall Residential Development, as common wall lots cannot be subdivided until the structure is constructed.

BACKGROUND

The existing lot was created June 27, 1977, a fraction of U.S.S. No. 1568 Tract B, as Lot 3. The lot is in its natural forested state and has not been developed.

The applicant requested a zone change in 2015, from D5 to D18 and Light Commercial (LC). The Community Development staff recommended denial of the zone change, as the requested zoning (D18 and LC) was not consistent with the Land Use Maps of the Comprehensive Plan. The LC zoning district allows up to 30 units per acre; whereas the MDR Land Use Designation speaks to residential densities ranging from 5 to 20 units per acre. Staff recommended approval to the Planning Commission if the rezone of the subject parcel was from D5 to D18, and excluded LC. The Planning Commission found that D18 was not in keeping with the harmony of the neighborhood (zoned D5), and that the parcel should remain D5, regardless of D18 conforming to the Land Use Maps of the Comprehensive Plan. On April 15, 2015, the Planning Commission did not recommend the approval of the zone change to the Assembly. On June 29, 2015, the Assembly approved the rezone of this property from D5 to D18 by Ordinance 2015-35.

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On September 30, 2015, Community Development staff and the applicant met for a pre-application meeting on the proposed subdivision. At that time, the applicant was proposing a minor subdivision consisting of 13 lots. The applicant, upon further discussions with staff, revised the application from a 13-lot minor subdivision to a 26-lot major subdivision.

On November 20, 2015, the Planning Commission Subdivision Review Committee (SRC) met to review the subdivision proposal, specifically whether or not the applicant is required to provide street connectivity to adjacent properties. The SRC concurred that according to CBJ 49.35.210(a)(2) and CBJ 49.15.401(c)(4)(E)(ii), the developer of Tract B1A must provide street connectivity to the adjacent undeveloped properties.

On March 3, 2016, the Wetland Review Board (WRB) heard the preliminary plat for the major subdivision. The WRB generally supports the project, with the understanding that the CBJ Stormwater Manual of Best Management Practices will be strictly adhered to and appropriately enforced, and that a Stormwater Management Plan will be submitted and approved.

AGENCY REVIEW COMMENTS

Alaska Department of Transportation (AKDOT)

AKDOT reviewed the preliminary plat and submitted the following comments on February 8, 2016:

- If more than 100 trips are generated in a peak hour, a TIA will be needed. In this specific case, that is not likely. However the applicant should be made aware that for future development in the area, this current proposal's units will need to be factored into the estimated traffic generation. When/if the 100 trips are generated in a peak hour for the combined developments, a TIA will be required that identifies necessary mitigation measures (e.g., a left turn lane on Glacier Highway). It may be in the best interest of the applicant to move forward with a TIA at this time that considers this development and future plans, if known.
- An approach road permit will be needed; this process is underway as the applicant's consultant has already provided plans. A formal application will need to follow.
- There are five (5) 24" CMP culverts underneath Glacier Hwy directly adjacent to the proposed project area. DOT would need documentation that any proposed construction activity would not adversely impact these culverts. This can be in the form of an existing conditions hydrologic/hydraulic model, along with a proposed post-construction hydrologic/hydraulic model.
- The topographic mapping shows four (4) assumed perennial streams located on the project area, with one of the streams running through proposed structures on Lots 1 and 11.

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Additionally, Lots 5, 6, and 7 are directly adjacent to a perennial stream, and the proposed structures may lie within its banks. Construction of any structure in a streambed is not recommended.

- This area of Glacier Highway is susceptible to debris flows. Even if the relevant water features were sufficiently re-routed around the proposed project, the topography of the area would still route any debris flows through low points in the topography. We would encourage any reviewing agency to consider this before offering their approval.

U.S. Fish and Wildlife Services (USFWS)

USFWS reviewed the preliminary plat and submitted the following comments on March 14, 2016:

- The stormwater runoff from the proposed subdivision has the potential to negatively impact water quality and habitat in the downslope wetlands, which are part of the Mendenhall Wetlands State Game Refuge. The refuge has been recognized as a globally important bird habitat and also provides habitat for many species of mammals, fishes, and invertebrates.
- To protect water quality in the wetlands downslope of the proposed subdivision, the subdivision should be designed to prevent stormwater surface runoff from flowing out of the subdivision and into the downslope wetlands. The CBJ Manual of Stormwater Best Management Practices provides numerous examples of systems, structures, and practices that can eliminate or, if necessary, treat stormwater runoff. I strongly urge the CBJ to use the manual to permit new subdivisions and other types of large developments such that stormwater is retained, through infiltration, on site.

ANALYSIS

Zoning –

The site is located in a D18 zoning district. Common-wall dwelling units are permitted in the D18 zoning district per Table of Permissible Uses 49.25.300 Section 1.910 Common wall development – two dwelling units. The D18 residential zoning district is intended to allow primarily for multi-family development at a density of 18 dwelling units per acre. Therefore, the proposed subdivision parcel containing “Wildview Court” totaling approximately 2.21 acres may have a total of 38 units. The entire site, at 19.71 acres, has a total build-out of 355 dwelling units.

Per CBJ 49.25.400 Table of Dimensional Standards Note 3, any lots abutting another zoning district must comply with the greater of the two setbacks required. In this case, the lots directly abutting D5 zoning districts must provide 20 ft. setbacks, rather than the 10 ft. setbacks required by D18 zoning districts.

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Staff notes that future development of Tract B1A may require a Conditional Use Permit for Hillside Development (CBJ 49.70.200).

Drainage -

The project site has three large drainages that traverse the hillside from north to south (see Attachment C). CBJ General Engineering's finds that, generally topographic features should be taken into account when proposing a development on a slope of this nature; and cuts and fills are balanced; and drain-ways should be designed as open channels reducing infrastructure costs and enhancing runoff quality. General Engineering finds that even with the restrictions of the terrain and the substantial drainages on this site, this plat can be designed to CBJ Standards, including the future commonwall subdivisions proposed (see Attachment H).

At this time, General Engineering is unable to complete the preliminary review due to inadequate storm drain pipe sizing which will change drainages, catch basins and pipe clearances to other utilities. Although the submitted plans will require substantial changes before final approval, General Engineering supports this preliminary plat being approved, providing that all conditions and findings in their memo dated March 29, 2016 (Attachment H), are made conditions of this approval, and that a revised preliminary plat is submitted. A revised preliminary plat is needed, as it depicts the commonwall dwellings, which the final plat will not—the final plat will detail the 12 parent lots, plus Lot 13 and Tract B1A.

Wetlands -

Wetlands were delineated by Bosworth Botanical Consulting (see Attachment F dated July 27, 2015). The total amount of wetlands is 4.72 acres (approximately 24% of the site); seasonal streams measure 4,523 linear feet, and perennial streams measure 12,897 linear feet (totaling 17,420 linear feet).

The project area is located near the junction between a small patch of older deltaic deposits (silty sands and gravels) and the usual glacio-marine deposits (dense silt) that are found on the lower hillsides of the Gastineau Channel area. Both types generally create a restrictive layer that perches the water table and creates wetlands.

There are four small perennial streams that leave the project area at the lower edge of the property at the Glacier Highway edge. These streams have multiple tributaries that are likely seasonal or ephemeral streams. These seasonal or ephemeral streams arise in the lower, flatter part of the project area. The upper, steeper part of the project area has deep stream gullies that seem to dry the surrounding area (see Attachment F - Figure 2). The stream on the west edge of the project area has been captured on its lower part by a ditch dug to drain the Vista del Sol development on the west side of the project area. The streams of the project area are all collected in a ditch along the lower Glacier Highway edge and the ditch then drains in a culvert under Glacier

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Highway to another culvert under Egan Drive and out into the tidally-influenced Mendenhall Wetlands and into the ocean at Gastineau Channel.

Army Corps of Engineers

The application is currently under review by the Army Corps of Engineers (see Attachment G). The applicant is requesting authorization to discharge approximately 1,200 cubic yards of crushed rock and 4,000 cubic yards of shot-rock fill material into approximately 1.6 acres of waters of the United States consisting of forested wetlands and perennial streams in order to construct housing. The work would include the relocation of the lower reach of two streams to allow drainage off the property.

The public comment period for the project was January 21, 2016 to February 20, 2016. To staff's knowledge, no public comment was received by the Army Corps of Engineers.

Staff recommends a condition of approval requiring the applicant to install a silt fence to prevent soils from entering the wetlands during construction.

Habitat –

Besides wetlands, no known habitats that are protected by the Land Use Code exist on the site.

Access -

The applicant will construct two new ROWs (see Attachment A), with the intent that CBJ will adopt them once completed to CBJ standards. Seymour Way is a 60 ft. ROW entering off of Glacier Highway, east of the existing Vista Del Sol. Seymour Way, for this phase of the development, is 65 ft. in length and provides adequate frontage for Tract B1A and Lot 13.

Each proposed lot will have adequate frontage and access to a public maintained right-of-way.

CBJ 49.35.240(g) *cul-de-sacs*, requires cul-de-sacs to measure a minimum of 150 ft. in length, with a maximum allowed length of 600 ft. Wildview Court measures 275.88 feet in length.

Traffic Analysis –

Wildview Court

The first development phase, Wildview Court with 24 common wall dwelling lots/units, falls under the "Residential Condominium/Townhouse" Land Use in the Trip Generation Handbook. This handbook sets the standards for traffic impact analysis. Residential Condominium/Townhouses are defined as ownership units that have at least one other *owned unit within the same building structure*. Based upon this categorization, the Average Daily Trips (ADT) for this type of development is 5.81 trips per dwelling unit per weekday, resulting in the proposed project having an estimated 140 trips per weekday (5.81 x 24 dwelling units); and 5.67 trips per dwelling unit per

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Saturday, resulting in the proposed project having an estimated 137 trips per Saturday (5.67 x 24 dwelling units); and 4.84 trips per dwelling unit per Sunday, resulting in the proposed project having an estimated 117 trips per Sunday (5.67 x 24 dwelling units).

The ROW, and street designs and improvements are stipulated in CBJ 49.35.240 *Table of roadway construction standards*. The Table requires the installation of certain public ROW improvements based on the resulting average daily trip (ADT) of a project. Therefore, CBJ 49.35.240 would require the ROW for Wildview Court to be 60 ft. wide with a 22 ft. wide paved travel way width, and street light at the intersection of Seymour Way (no sidewalk is required).

As stated above, CBJ 49.35.240 requires a minimum 60 ft. wide ROW, and the applicant is proposing a 50 ft. wide ROW. Under CBJ 35.240(b)(2) *Right-of-way width reductions for streets with less than 500 Average Daily Trips (ADT)*, the ROW width may be reduced up to 25 ft. The proposed ROW is 50 ft., while meeting the other required street standards.

The applicant is requesting a reduction for the ROW width for Wildview Court. According to CBJ 35.240(b)(5), the Director must make the following findings to reduce the ROW width:

- CBJ 35.240(b)(5)(A) ROW provides adequate room for utilities – Yes;
- CBJ 35.240(b)(5)(B) ROW provides sufficient room for easements – Yes;
- CBJ 35.240(b)(5)(C) Driveways must be constructed to accommodate elevations of future sidewalks – Yes, the applicant is amenable to constructing a sidewalk on one side of the Wildview Court at the time of construction;
- CBJ 35.240(b)(5)(D) – No, additional ROW width is required in order to provide for sufficient access to abutting lands – Yes, applicant must provide street connectivity at the time that Tract B1A is developed or further subdivided;
- CBJ 35.240(b)(5)(E) ROW provides sufficient room for snow storage – Yes.

Finding that CBJ 35.240(b)(5)(A-E) are met, the Director approves the reduction of the ROW from 60 ft. to 50 ft. in width.

Seymour Way

Without a plan for the development for Lot Tract B1A and Lot 13, staff finds that the build-out potential of these parcels (18 units per acre x 17.46 acres = 324 potential units), requires that per CBJ 49.35.240, the ROW for Seymour Way must be 60 ft. wide, with 26 ft. wide travel way width, street lights at the intersection of Wildview Court and Glacier Highway, and sidewalks on both sides.

Tract B1A & Lot 13

Section 49.35.240 *Table of roadway construction standards* also requires a Traffic Impact Analysis (TIA) if the project has a forecasted ADT of 500 or more. According to staff's analysis above, the project's ADT will not require a TIA at this time. It is anticipated that the next phase of the

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development, (Lot 13 and/or Tract B1A), will trigger the need for a TIA, as also noted by DOT in their comments.

Pedestrian Access -

Per CBJ 49.35.240, Wildview Court will have a sidewalk on the southern side of the street, and Seymour Way will have sidewalks on both sides of the street, extending from Glacier Highway through the extent of Wildview Court, as shown on the preliminary plat. This new sidewalk will extend from Seymour Way thru the extent of Lot 3 on Wildview Court.

CONSISTENCY WITH ADOPTED PLANS

Comprehensive Plan (2013)

Area-Wide Transportation Plan (2001)

Juneau Non-Motorized Transportation Plan (2009)

2013 COMPREHENSIVE PLAN

Providing for infill development within the Urban Service Boundary on vacant, underutilized land, the proposed common wall subdivision conforms to the *2013 Comprehensive Plan* (Comp Plan).

POLICY 3.2. TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

POLICY 4.2. TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS.

Standard Operating Procedures

4.2 - *SOP3* The CBJ government should seek and facilitate new housing production, for all types, at an annual rate that mimics the growth rate of new households in Juneau, in order to maintain adequate choice of residence type, location, and cost.

POLICY 10.1. TO FACILITATE AVAILABILITY OF SUFFICIENT LAND WITH ADEQUATE PUBLIC FACILITIES AND SERVICES FOR A RANGE OF HOUSING TYPES AND DENSITIES TO ENABLE THE PUBLIC AND PRIVATE SECTORS TO PROVIDE AFFORDABLE HOUSING OPPORTUNITIES FOR ALL JUNEAU RESIDENTS.

POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.

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POLICY 10.4. TO MINIMIZE CONFLICTS BETWEEN RESIDENTIAL AREAS AND NEARBY RECREATIONAL, COMMERCIAL, OR INDUSTRIAL USES THAT WOULD GENERATE ADVERSE IMPACTS TO EXISTING RESIDENTIAL AREAS THROUGH APPROPRIATE LAND USE LOCATIONAL DECISIONS AND REGULATORY MEASURES.

Development Guidelines

10.4 - DG1 New development, particularly in-fill development on vacant land within established neighborhoods, should be designed in such a way as to promote compatibility in scale and massing as the adjacent or nearby built environment and should ensure privacy, light and air to adjacent homes. Density alone should not be considered as a criterion for determining neighborhood harmony within the Urban Service Area provided that:

- A. Light, air and privacy is assured to adjacent residential occupants;
- B. Parking for the subject project is screened or hidden from view from public streets and from adjacent residential neighbors; and,
- C. Project-serving roads and intersections are improved to a Level of Service D or better. When these criteria are met, higher density development is encouraged.

10.4 - DG2 When a developer extends public or private utilities and infrastructure, such as sewer service, roads or electrical lines, to a particular parcel or development, care should be taken to ensure that adjacent lands and infrastructure that would be affected by the new development are adequately improved by the developer to accommodate the proposed project's traffic as well as new traffic or use anticipated by the growth-inducing impacts of such services or infrastructure extensions. For example, when a water or sewer main or road is extended to a property, it should be sized to serve development at a similar scale and density on adjoining properties.

POLICY 10.5. THAT RESIDENTIAL DEVELOPMENT PROPOSALS, OTHER THAN SINGLE-FAMILY RESIDENCES, MUST BE LOCATED WITHIN THE URBAN SERVICE AREA BOUNDARY OR WITHIN A DESIGNATED NEW GROWTH AREA. APPROVAL OF NEW RESIDENTIAL DEVELOPMENT PERMITS DEPENDS ON THE PROVISION OR AVAILABILITY OF NECESSARY PUBLIC AMENITIES AND FACILITIES, SUCH AS ACCESS, SEWER, AND WATER.

Standard Operating Procedures

10.5 - SOP2 Maintain the provisions in the Land Use Code that require developers to provide for access, facilities, and services prior to final plat approval.

AREA-WIDE TRANSPORTATION PLAN

Providing for sidewalks on both sides of the proposed Seymour Way connecting to Glacier Highway, and providing one sidewalk on Wildview Court, the proposed subdivision conforms to the *Area-Wide Transportation Plan*.

Table 20: Lemon Creek And Twin Lakes Transportation System Improvements

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Pedestrian Connectivity

- Modify CBJ policy to construct sidewalks on one or both sides of the street (as practical) in all commercial or residential developments and as part of roadway improvement/reconstruction projects.

JUNEAU NON-MOTORIZED TRANSPORTATION PLAN

Providing for 5 ft. sidewalks on both sides of the proposed Seymour Way connecting to Glacier Highway, and providing one 5ft. sidewalk on Wildview Court, the proposed subdivision conforms to the *Juneau Non-Motorized Transportation Plan*.

FINDINGS

CBJ 49.15.402(4) Major Subdivisions, the Director shall prepare and submit a report to the Planning Commission noting any conditions of approval or plat notes recommended and addressing the following criteria:

- (A) Whether the preliminary plat complies with CBJ 49.15.411.
No, however, if the revisions listed below are completed, the plat would comply with CBJ 49.15.411:
- a. **(f)(2)(J) Setbacks must be shown on each lot;**
 - b. **(f)(5)(D, E, F) Easements must detail ownership;**
 - c. **(f)(5)(I) Site access, circulation, and utilities – as phasing is proposed, the preliminary plat must submit a sketch plat of the prospective street system of Lot 13 and Tract B1A; the applicant has submitted a plat to Army Corps of Engineers with a ROW and lots sketched for Lot 13);**
 - d. **(i)(4) Drainage report and calculations (drainage/grading plan sheet provided does not meet requirements);**
 - e. **(i)(6) Erosion control report must be submitted for approval prior to submittal of the final plat;**
 - f. **Revise Tract A to Track B1A in the plat notes.**
- (B) Whether the applicable subdivision development standards of this title are met, or can reasonably be met with conditions.
No. The applicable subdivision development standards have not met, but they could be met with the conditions listed above and under Recommendation.
- (C) Whether the proposed subdivision will provide building sites suitable for the zoning district.
Yes, providing all setbacks are met, the building sites are suitable for D18.

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- (D) Whether the proposed street names are unique in the City and Borough or are continuations of existing streets and are otherwise acceptable.
Yes. Seymour Way is distinct; Wildview Court is similar to Wildmeadow Court and Wildmeadow Lane.
- (E) Whether the director of engineering and public works has reviewed the application and determined that:
- (i) The subdivision can be constructed to conform to applicable drainage and water quality requirements;
 - (ii) The streets, pioneer paths, and pedestrian ways as proposed accommodate anticipated traffic, align, and, where appropriate, connect with streets and pedestrian ways serving adjacent properties;
 - (iii) Any proposed improvements conform to the requirements of this title and can feasibly be constructed in accordance with this title; and
 - (iv) Where public sewer is not required, the applicant has shown that soils are suitable for individual on-lot wastewater treatment and disposal or has shown the feasibility of alternative methods for wastewater treatment and disposal.

Yes, providing that the applicant demonstrates compliance with and addresses all the items listed in the memo from General Engineering dated March 29, 2016.

CBJ 49.15.402(5) Major Subdivisions, in issuing its notice of decision on a preliminary plat, the Commission may accept, amend, or reject the director's proposed recommendations. The decision of the commission approving or denying a preliminary plat application will be set forth in a notice of decision, and will specify any conditions or plat notes required for final plat approval. If the preliminary plat is denied, the applicant may submit a revised plat application, without paying additional application fees, within 180 days from the date of the notice of decision.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the Preliminary Plat for Ridgeview Subdivision. This approval would allow the applicant to submit for the Final Plat Application. We further recommend that the approval be subject to the following conditions:

1. The applicant must submit a revised preliminary plat with all required revisions for approval prior to the submittal of a final plat.
2. A Traffic Impact Analysis will be required at the development of Lot 13 and/or Track B1A to ensure adequate road capacity and design to meet forecasted use resulting from the proposed subdivision.
3. Per CBJ 49.35.210(a)(2), and CBJ 49.15.401(c)(4)(E)(ii), and the 2013 Comprehensive Plan

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 April 13, 2016
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Policy 10.4 Design Guidelines 1 and 2, the applicant must provide for street connectivity from Track B1A and Lot 13 to adjacent undeveloped properties.

4. The preliminary plat and final plat shall include the note that states that “A through connection to Vista del Sol Drive is required for the development of Tract B1A”.
5. Per the Director’s findings, the ROW for Wildview Court may be reduced from 60 ft. in width to 50 ft. in width, providing the applicant construct a sidewalk on the southern side of Wildview Court from Seymour Way through the extent of Lot 3.
6. The conditions and findings in the memo from General Engineering dated March 29, 2016 and found in Attachment H must be met prior to a final plat being accepted.
7. Per the Wetlands Review Board recommendation, the applicant must adhere to the CBJ Stormwater Manual of Best Management Practices, and that the applicant must submit a Stormwater Management Plan for approval prior to the submittal of the final plat.
8. Per CBJ 49.15.411, the preliminary plat requires the following revisions, in addition to those listed above:
 - a. (f)(2)(J) Setbacks must be shown on each lot;
 - b. (f)(5)(D, E, F) Easements must include ownership;
 - c. (f)(5)(I) Site access, circulation, and utilities – as phasing is proposed, the preliminary plat must submit a sketch plat of the prospective street system of Lot 13 and Tract B1A; the applicant has submitted a plat to Army Corps of Engineers with lots sketched for Lot 13);
 - d. (i)(4) Drainage report and calculations (drainage/grading plan sheet provided does not meet requirements);
 - e. (i)(6) Erosion control report must be submitted for approval prior to submittal of the final plat;
 - f. Revise Tract A to Track B1A in the plat notes.

MAJOR SUBDIVISION OR PLATTING APPLICATION

(CHANGING OR CREATING 5 OR MORE LOTS)

Project Number	Project Name (15 characters)	Case Number <i>sm 16-001</i>	Date Received <i>1/15/16</i>																																			
TYPE OF MAJOR SUBDIVISION OR PLATTING APPROVAL REQUESTED (please see submittal requirements on reverse)																																						
☒ Preliminary Plat (SMP)		☐ Final Plat (SMF)																																				
☐ Planned Unit Development- Preliminary Plan Approval (PDP)		☐ Planned Unit Development - Final Plan Approval (PDF)																																				
☐ Other _____																																						
Please attach a cover letter to fully explain the project if there is not adequate space on this form.																																						
LEGAL DESCRIPTION(S) OF PROPERTY TO BE SUBDIVIDED OR PLATTED: <i>USS 1568 TR B-1 Juneau Rec Dist.</i>																																						
Number of Existing Parcels <i>1</i> Total Land Area <i>194c.</i> Number of Resulting Lots or Parcels <i>14</i>																																						
EXISTING BUILDING(S) OR STRUCTURES ON THE LAND: ☐ YES ☒ NO																																						
CURRENT USE OF LAND OR BUILDING(S): <i>Vacant</i>																																						
PROPOSED USE OF LAND OR BUILDING(S): <i>Mixed Residential Housing</i>																																						
UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site																																						
UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): <i>-0</i>																																						
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.		<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">SUBDIVISION/PLATTING/PUD FEES</th> <th>Check No.</th> <th>Receipt</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td><i>2375</i> \$ <i>2860</i></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Admin. of Guarantee</td> <td>\$ _____</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adjustment</td> <td>\$ <i>500.</i></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td>\$ <i>50</i></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td>\$ <i>150</i></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fee</td> <td><i>LB</i> \$ <i>2510.00</i></td> <td><i>add 7534</i></td> <td><i>097886</i></td> <td><i>11-2-16</i></td> </tr> </tbody> </table>		SUBDIVISION/PLATTING/PUD FEES		Check No.	Receipt	Date	Application Fees	<i>2375</i> \$ <i>2860</i>				Admin. of Guarantee	\$ _____				Adjustment	\$ <i>500.</i>				Pub. Not. Sign Fee	\$ <i>50</i>				Pub. Not. Sign Deposit	\$ <i>150</i>				Total Fee	<i>LB</i> \$ <i>2510.00</i>	<i>add 7534</i>	<i>097886</i>	<i>11-2-16</i>
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NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

TO BE COMPLETED BY THE APPLICANT

DEVELOPMENT PERMIT APPLICATION

Project Number		CITY and BOROUGH of JUNEAU		Date Received: 1/15/16	
Project Name (City Staff to Assign Name)					

INFORMATION	Project Description 2 Subsequent Subdivision				
	PROPERTY LOCATION				
	Street Address 7400 Glacier Hwy.			City/Zip Juneau	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 1568 TR-B1 Juneau Recording Dist.				
	Assessor's Parcel Number(s) 5B1401010010				
	LANDOWNER/LESSEE				
	Property Owner's Name Honsinger Family Limited Partnership & TKP LLC			Contact Person: BUNNY MILLER	Work Phone: /
	Mailing Address PO BOX 20490 JUNEAU AK 99802			Home Phone: 789-6811	Fax Number: 790-7225
	E-mail Address N/A			Other Contact Phone Number(s): 321-4037	
	LANDOWNER/LESSEE CONSENT				
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application. X <u>Bunny Miller, General Partner</u> <u>1/23/15</u> Landowner/Lessee Signature Date X _____ Landowner/Lessee Signature Date NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.					
APPLICANT					
Applicant's Name Richard Harris			Contact Person: Rich	Work Phone: 907-723-4791	
Mailing Address P.O. Box 32403 Juneau AK, 99803			Home Phone:	Fax Number: 907-790-4147	
E-mail Address rhdevelopment@gci.net			Other Contact Phone Number(s):		
X <u>[Signature]</u> Applicant's Signature			<u>1/15/2016</u> Date of Application		

OFFICE USE ONLY BELOW THIS LINE					
STAFF APPROVALS	✓	Permit Type	Date Received	Application Number(s)	
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)	1/15/16	5mp16-001	
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
		Zone Change Application			
		Other (Describe)			
***Public Notice Sign Form filled out and in the file.					
Comments:					Permit Intake Initials LAB

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

1/FORMS/2010 Applications

Revised November 2009

Attachment A

Jan. 14, 16

CBJ Community Development Dept.

Applicant:

R.H. Development L.L.C. P.O. Box 32403 Juneau Ak. 99803

Ridgeview Housing Development 7400 Glacier Hwy.

Project Narrative:

To Whom It May Concern:

Our newly proposed Ridgeview Subdivision will provide much needed housing for the community of Juneau, starting with up to 24 housing units; we are planning the development of attached homes in order to maximize the amount of housing per acre while allowing an acceptable amount of privacy for home owners within our development, and the neighboring Vista Del Sol Development.

The project and lot size has been minimized as much as possible while maintaining reasonable home size and design, and allowing for all other code requirements.

Our project schedule is to begin work as soon as permitting allows. We would continue construction and development of the housing units as soon as street construction allows. We are excited to begin this development, as the developer of the project we will strive to build the most quality product possible for the Juneau market.

We hope that staff and the commission will be pleased with our proposal for this site.

Thank You,

Richard Harris

A handwritten signature in black ink, appearing to read 'Richard Harris', with a stylized, flowing script.

Closure Report

Set description: (No description)
 Area: 676,622.61
 15.53
 Perimeter: 3,509.33
 Closure: 0.00

TRACT A

RIDGEVIEW Subd.
 TRACT B1
 4.88 1568

Point #	Direction	Distance	Northing	Easting	Elevation	Station
518			20,644.9799	21,320.0434	252.42	0+00.00
	S0°00'00"W	749.87				
1,509			19,895.1099	21,320.0434	252.42	7+49.87
	N90°00'00"E	373.88				
1,488			19,895.1099	21,693.9234	-----	11+23.75
	S0°00'00"W	80.00				
1,539			19,815.1138	21,693.9234	-----	12+03.75
	N90°00'00"E	60.00				
1,524			19,815.1138	21,753.9234	-----	12+63.75
	N0°00'00"E	80.00				
1,487			19,895.1138	21,753.9234	-----	13+43.75
	N90°00'00"E	313.85				
1,508			19,895.1138	22,067.7717	252.42	16+57.59
	N0°00'00"E	1,047.10				
542			20,942.2138	22,067.7717	-----	27+04.69
	S68°19'17"W	804.64				
518			20,644.9799	21,320.0434	252.42	35+09.33

Set description: (No description)
 Area: 84,070.76
 1.93
 Perimeter: 1,151.55
 Closure: 0.00

LOT B PHASE 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,485			19,611.1422	21,780.4011	-----	0+00.00
	N83°15'29"E	289.37				
550			19,645.1138	22,067.7717	252.42	2+89.37
	N0°00'00"E	250.00				
1,508			19,895.1138	22,067.7717	252.42	5+39.37
	N90°00'00"W	313.85				
1,487			19,895.1138	21,753.9234	-----	8+53.22
	S0°00'00"W	260.44				
1,527			19,634.6742	21,753.9234	-----	11+13.66
	Radius:	30.00				
	Delta:	72°22'10"				
	Arc length:	37.89				
	Tangent:	21.94				
	Chord bearing:	S48°22'16"E				
1,485			19,611.1422	21,780.4011	-----	11+51.55

Set description: (No description)
 Area: 126,102.03
 2.89
 Perimeter: 1,500.03
 Closure: 0.00

LOTS 1-12 Phase 1
 TOTAL Area

RECEIVED
 JAN 22 2016
 PERMIT CENTER/CDU

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,485			19,611.1422	21,780.4011	-----	0+00.00
	S83°15'29"W	148.47				
915			19,593.7124	21,632.9593	252.42	1+48.47
	S89°05'02"W	312.96				
1,000			19,588.7087	21,320.0434	252.42	4+61.42
	N0°00'00"E	306.40				
1,509			19,895.1099	21,320.0434	252.42	7+67.83
	N90°00'00"E	373.88				
1,488			19,895.1099	21,693.9234	-----	11+41.71
	S0°00'00"W	80.00				
1,539			19,815.1138	21,693.9234	-----	12+21.70
	N90°00'00"E	60.00				

1,524			19,815.1138	21,753.9234	-----	12+81.70
	S0°00'00"W	180.44				
1,527			19,634.6742	21,753.9234	-----	14+62.14
	Radius:	30.00				
	Delta:	72°22'10"				
	Arc length:	37.89				
	Tangent:	21.94				
	Chord bearing:	S48°22'16"E				
1,485			19,611.1422	21,780.4011	-----	15+00.03

C-1

Set description: (No description)
 Area: 9,476.35
 Perimeter: 387.54
 Closure: 0.00

LOT 1
 PHASE 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
983			19,725.0199	21,617.9619	-----	0+00.00
	N90°00'00"E	50.96				
897			19,725.0199	21,668.9234	-----	0+50.96
	Radius:	25.00				
	Delta:	90°00'00"				
	Arc length:	39.27				
	Tangent:	25.00				
	Chord bearing:	S45°00'00"E				
902			19,700.0199	21,693.9234	-----	0+90.23
	S0°00'00"W	72.44				
905			19,627.5812	21,693.9234	-----	1+62.67
	Radius:	30.00				
	Delta:	83°15'23"				
	Arc length:	43.59				
	Tangent:	26.66				
	Chord bearing:	S41°37'45"W				
1,427			19,597.7892	21,667.4458	-----	2+06.26
	S83°15'29"W	34.73				
915			19,593.7124	21,632.9593	252.42	2+40.99
	S89°05'02"W	15.00				
1,119			19,593.4725	21,617.9619	-----	2+55.99
	N0°00'00"E	131.55				
983			19,725.0199	21,617.9619	-----	3+87.54

C-2

C-1

Set description: (No description)
 Area: 7,386.43
 Perimeter: 375.92
 Closure: 0.00

LOT 2
 PHASE 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,523			19,592.5777	21,562.0019	-----	0+00.00
	N89°05'02"E	55.97				
1,119			19,593.4725	21,617.9619	-----	0+55.97
	N0°00'00"E	131.55				
983			19,725.0199	21,617.9619	-----	1+87.51
	N90°00'00"W	55.96				
1,528			19,725.0199	21,562.0019	-----	2+43.47
	S0°00'00"W	132.44				
1,523			19,592.5777	21,562.0019	-----	3+75.92

Set description: (No description)
 Area: 7,436.50
 Perimeter: 377.71
 Closure: 0.00

LOT 3
 PHASE 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
961			19,591.6829	21,506.0419	-----	0+00.00
	N89°05'02"E	55.97				
1,523			19,592.5777	21,562.0019	-----	0+55.97
	N0°00'00"E	132.44				

1,528	N90°00'00"W	55.96	19,725.0199	21,562.0019	-----	1+88.41
894			19,725.0199	21,506.0419	-----	2+44.37
961	S0°00'00"W	133.34	19,591.6829	21,506.0419	-----	3+77.71

Set description: (~~No description~~) *LOT 4*
 Area: 7,116.11
 Perimeter: 368.69
 Closure: 0.00
Phase 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,533			19,700.0199	21,448.0434	-----	0+00.00
	Radius:	50.00				
	Delta:	37°39'18"				
	Arc length:	32.86				
	Tangent:	17.05				
	Chord bearing:	N71°10'21"E				
1,537			19,710.4347	21,478.5887	-----	0+32.86
	N62°01'10"E	31.09				
894			19,725.0199	21,506.0419	-----	0+63.95
	S0°00'00"W	133.34				
961			19,591.6829	21,506.0419	-----	1+97.28
	S89°05'02"W	62.01				
1,521			19,590.6915	21,444.0434	-----	2+59.29
	N2°05'43"E	109.40				
1,533			19,700.0199	21,448.0434	-----	3+68.69

Set description: (~~No description~~) *LOT 5*
 Area: 9,637.86
 Perimeter: 429.89
 Closure: 0.00
Phase 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
4,125			19,588.7087	21,320.0434	252.42	0+00.00
	N89°05'02"E	124.02				
1,521			19,590.6915	21,444.0434	-----	1+24.02
	N2°05'43"E	109.40				
1,533			19,700.0199	21,448.0434	-----	2+33.42
	Radius:	50.00				
	Delta:	45°50'11"				
	Arc length:	40.00				
	Tangent:	21.14				
	Chord bearing:	N67°04'55"W				
958			19,715.1844	21,412.1758	-----	2+73.42
	S36°04'18"W	156.48				
4,125			19,588.7087	21,320.0434	252.42	4+29.89

Set description: (~~No description~~) *LOT 6*
 Area: 8,753.88
 Perimeter: 435.82
 Closure: 0.00
Phase 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
892			19,750.0199	21,320.0434	-----	0+00.00
	S0°00'00"W	161.31				
4,125			19,588.7087	21,320.0434	252.42	1+61.31
	N36°04'18"E	156.48				
958			19,715.1844	21,412.1758	-----	3+17.79
	Radius:	50.00				
	Delta:	45°50'11"				
	Arc length:	40.00				
	Tangent:	21.14				
	Chord bearing:	N21°14'44"W				
1,531			19,751.4794	21,398.0647	-----	3+57.79
	S88°55'42"W	78.03				

Set description: ~~(No description)~~
 Area: 8,101.88
 0.19
 Perimeter: 406.62
 Closure: 0.00

LOT 7

Phase 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,509			19,895.1099	21,320.0434	252.42	0+00.00
	S0°00'00"W	145.09				
892			19,750.0199	21,320.0434	-----	1+45.09
	N88°55'42"E	78.03				
1,531			19,751.4794	21,398.0647	-----	2+23.12
	Radius:	50.00				
	Delta:	45°50'11"				
	Arc length:	40.00				
	Tangent:	21.14				
	Chord bearing:	N24°35'28"E				
959			19,786.8891	21,414.2698	-----	2+63.12
	N41°02'44"W	143.49				
1,509			19,895.1099	21,320.0434	252.42	4+06.62

Set description: ~~(No description)~~
 Area: 8,730.71
 0.20
 Perimeter: 409.67
 Closure: 0.00

LOT 8

Phase 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,509			19,895.1099	21,320.0434	252.42	0+00.00
	S41°02'44"E	143.49				
959			19,786.8891	21,414.2698	-----	1+43.49
	Radius:	50.00				
	Delta:	45°50'14"				
	Arc length:	40.00				
	Tangent:	21.14				
	Chord bearing:	N70°25'40"E				
1,534			19,799.9346	21,450.9620	-----	1+83.49
	N0°02'56"E	95.18				
1,511			19,895.1099	21,451.0434	252.42	2+78.67
	N90°00'00"W	131.00				
1,509			19,895.1099	21,320.0434	252.42	4+09.67

Set description: ~~(No description)~~
 Area: 5,821.08
 0.13
 Perimeter: 331.29
 Closure: 0.00

LOT 9

Phase 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,534			19,799.9346	21,450.9620	-----	0+00.00
	Radius:	50.00				
	Delta:	34°18'31"				
	Arc length:	29.94				
	Tangent:	15.43				
	Chord bearing:	S69°29'58"E				
1,536			19,789.6051	21,478.5887	-----	0+29.94
	S62°01'14"E	31.09				
893			19,775.0198	21,506.0434	-----	0+61.03
	N0°00'00"E	120.09				
963			19,895.1099	21,506.0434	252.42	1+81.12
	N90°00'00"W	55.00				
1,511			19,895.1099	21,451.0434	252.42	2+36.12
	S0°02'56"W	95.18				
1,534			19,799.9346	21,450.9620	-----	3+31.29

Set description: ~~(No description)~~

LOT 10

Area: 6,720.24
0.15
Perimeter: 352.10
Closure: 0.00

LOT 10
PHASE 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
893			19,775.0198	21,506.0434	-----	0+00.00
	N90°00'00"E	55.96				
1,532			19,775.0198	21,562.0034	-----	0+55.96
	N0°00'00"E	120.09				
1,518			19,895.1099	21,562.0034	-----	1+76.05
	N90°00'00"W	55.96				
963			19,895.1099	21,506.0434	252.42	2+32.01
	S0°00'00"W	120.09				
893			19,775.0198	21,506.0434	-----	3+52.10

Set description: (No description)
Area: 6,720.24
0.15
Perimeter: 352.10
Closure: 0.00

LOT 11
PHASE 1

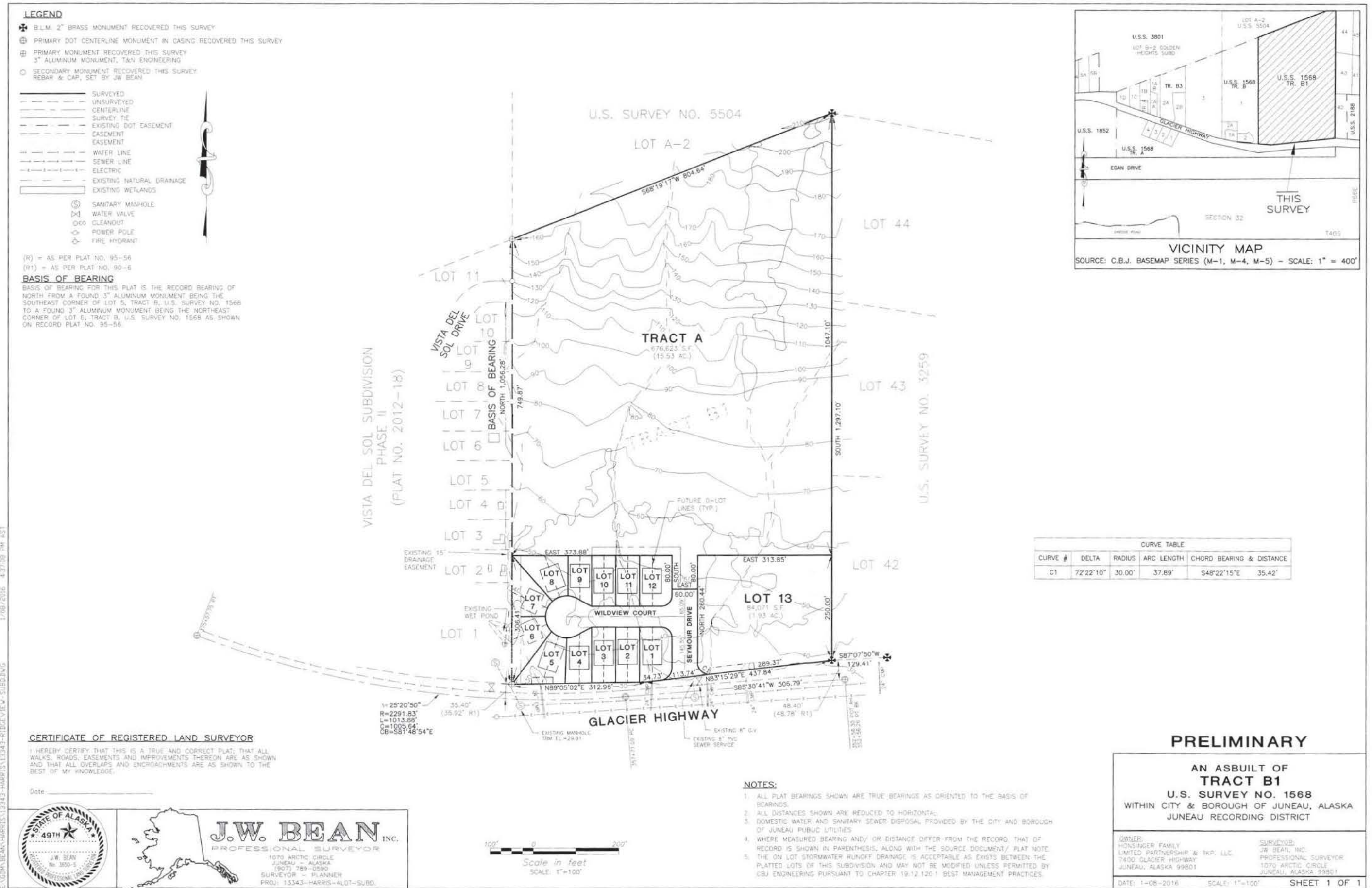
Point #	Direction	Distance	Northing	Easting	Elevation	Station
917			19,895.1099	21,617.9634	-----	0+00.00
	N90°00'00"W	55.96				
1,518			19,895.1099	21,562.0034	-----	0+55.96
	S0°00'00"W	120.09				
1,532			19,775.0198	21,562.0034	-----	1+76.05
	N90°00'00"E	55.96				
955			19,775.0198	21,617.9634	-----	2+32.01
	N0°00'00"E	120.09				
917			19,895.1099	21,617.9634	-----	3+52.10

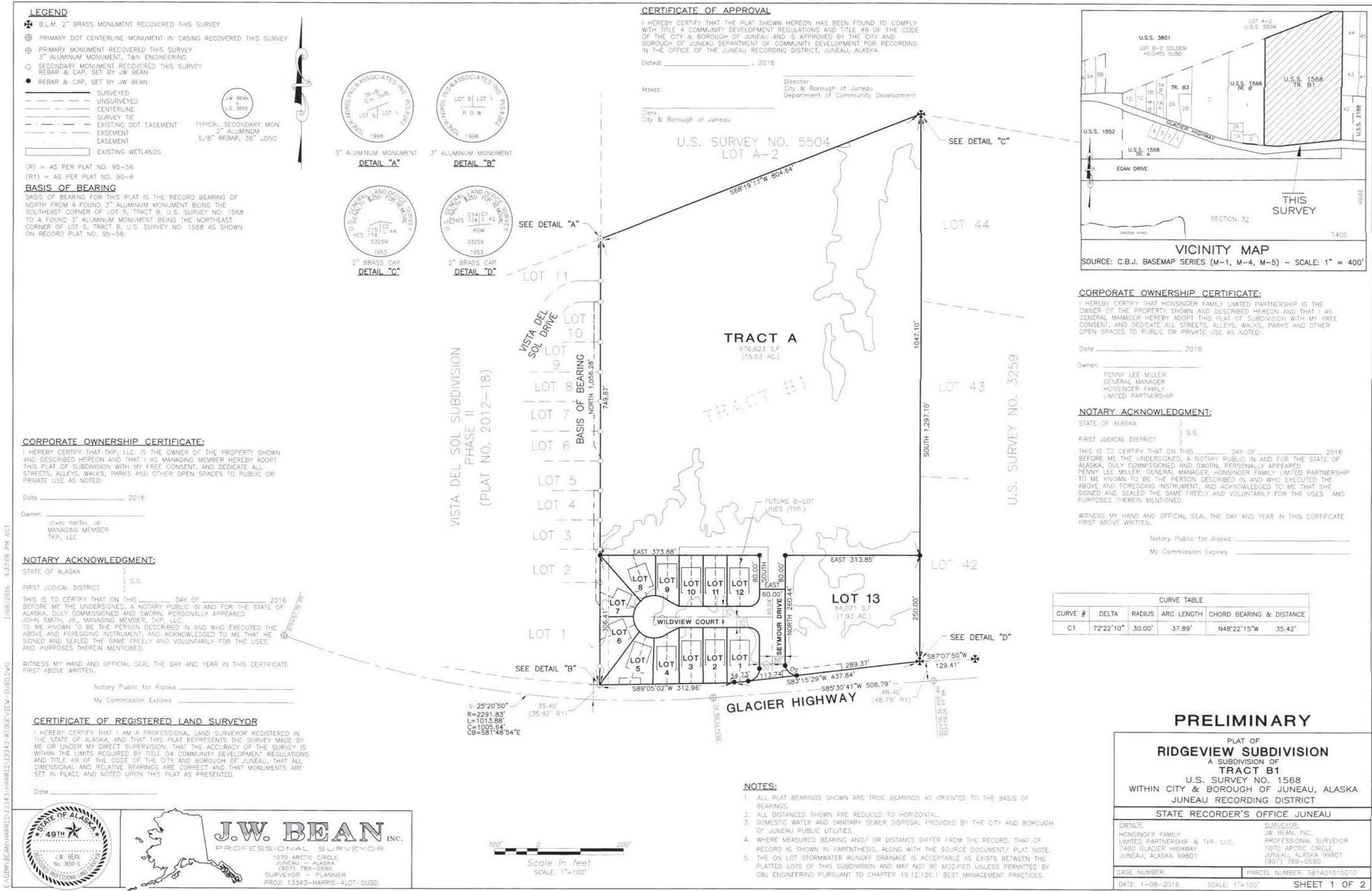
Set description: (No description)
Area: 8,987.92
0.21
Perimeter: 381.37
Closure: 0.00

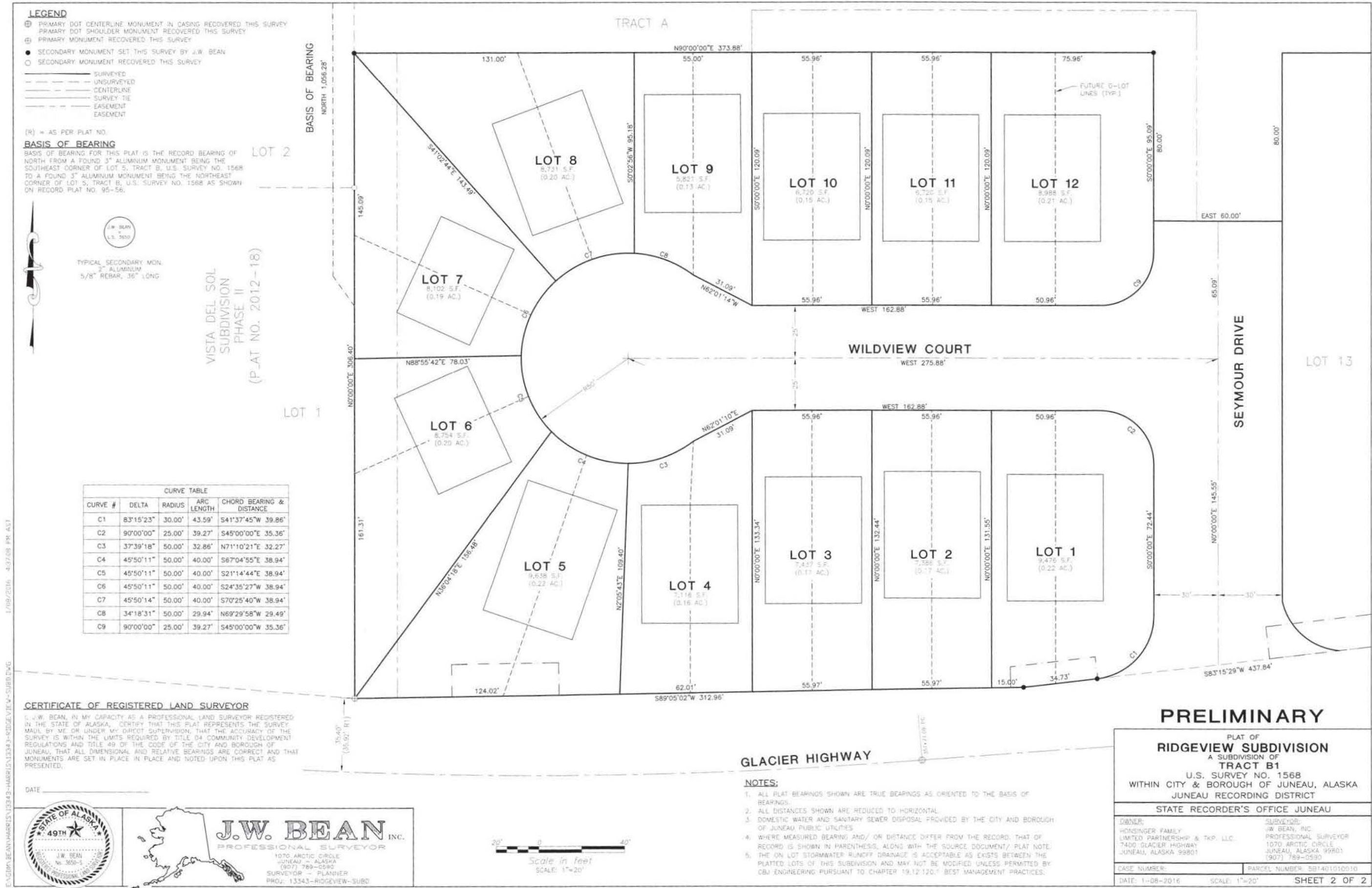
LOT 12
PHASE 1

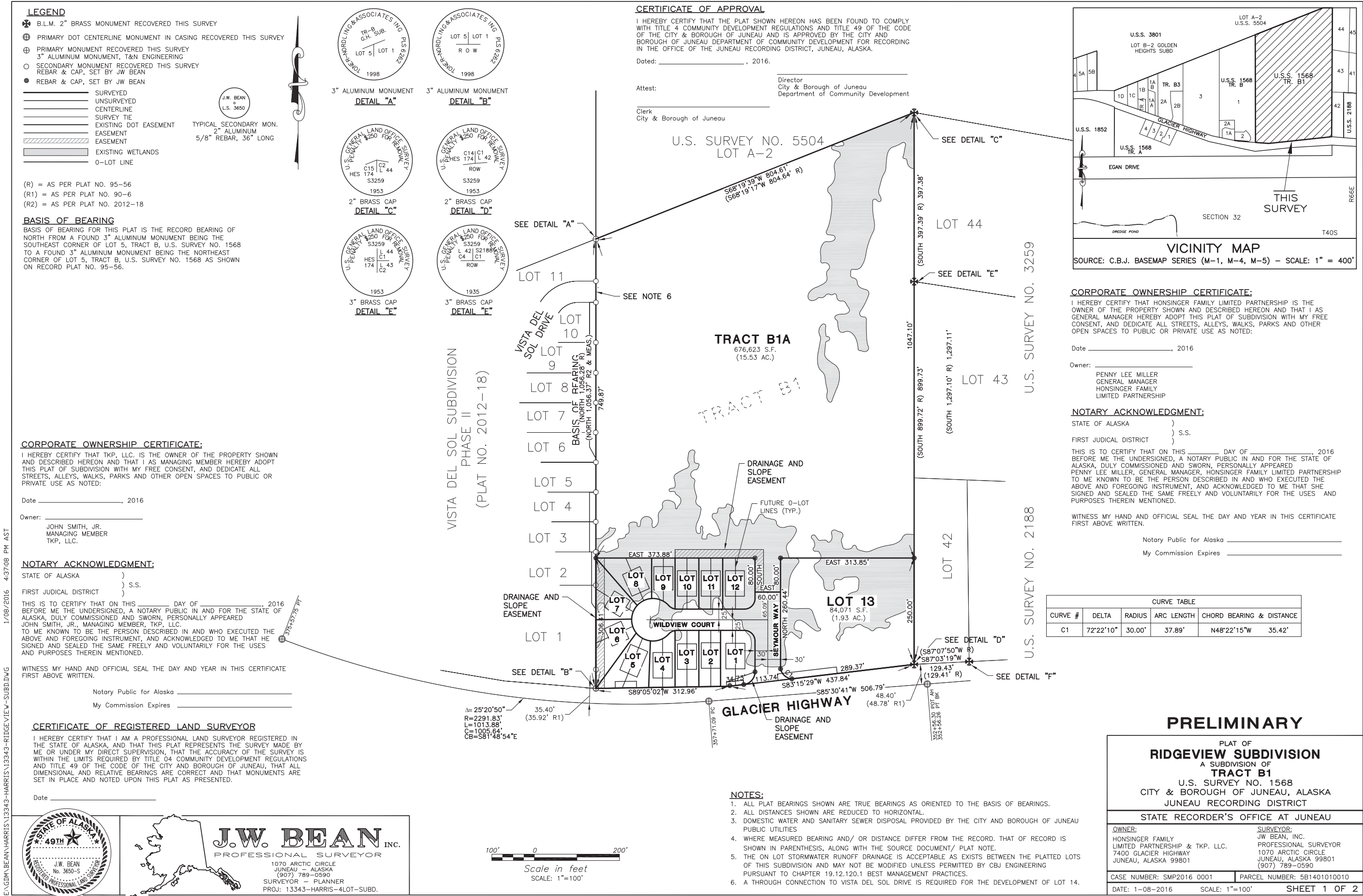
Point #	Direction	Distance	Northing	Easting	Elevation	Station
917			19,895.1099	21,617.9634	-----	0+00.00
	N90°00'00"E	75.96				
1,488			19,895.1099	21,693.9234	-----	0+75.96
	S0°00'00"W	95.09				
898			19,800.0198	21,693.9234	-----	1+71.05
	Radius:	25.00				
	Delta:	90°00'00"				
	Arc length:	39.27				
	Tangent:	25.00				
	Chord bearing:	S45°00'00"W				
896			19,775.0198	21,668.9234	-----	2+10.32
	N90°00'00"W	50.96				
955			19,775.0198	21,617.9634	-----	2+61.28
	N0°00'00"E	120.09				
917			19,895.1099	21,617.9634	-----	3+81.37

C-9









Ridgeview Sub. - drainage Comps. Sheet 1 of 3

- Rational Method -

Drainage Area "A"

2.53 Acres $C = 0.10$ $I = 0.8$

$Q = 0.2$ cfs (existing ground cover)

Full subdivision $C = 0.60$
development

$Q = 1.21$ cfs



Drainage Area "B"

9.18 Acres $C = 0.10$ $I = 0.8$

$Q = 0.7$ cfs (existing ground cover)

Full build-up $C = 0.60$

$Q = 4.40$ cfs

Drainage Area "C"

8.95 Acres $C = 0.10$ $I = 0.8$

$Q = 0.7$ cfs (exist. ground)

full build-up

$C = 0.60$

$Q = 4.31$ cfs

Total $Q = 9.92$ cfs

= total future runoff for
Areas A, B, & C.

SUBDIVISION (First Phase) Ridgeview Sub

2.96 Acres total - full build-up

1.65 Impervious = 56% = 0.90

USE $C = 0.60$

1.31 lawn = 44% = 0.25

$I = 0.8$ "/hr. $Q = 2.96 \times 0.60 \times 0.8 = 1.4$ cfs max. build-up

Original ground

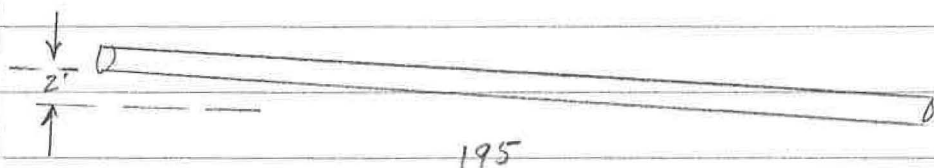
$Q = 2.96 \times 0.1 \times 0.8 = 0.24$ cfs

Total $Q = 11.3$ cfs

for entire area
fully developed

Sheet 2 of 3

24" Culvert Capacity



$$S = \frac{2}{195} = 0.01026$$

$$A = 1.6 \text{ sf}$$

$$R = \pi \times \frac{2}{2} = 3.14'$$

$$n = 0.009$$

$$Q(24) = \frac{1.486}{0.009} \times 1.6 \times 3.14^{\frac{2}{3}} \times \sqrt{0.01026} =$$

$$= 165.1 \times 1.6 \times 2.13 \times 0.10129$$

$$Q = 15.7 \text{ cfs. for 24" pipe @ 1\% slope}$$

$$\text{Max flow from sub. (21 Acres)} = 11.3 \text{ cfs}$$

(24" pipe is OK for 11.3 cfs.
(provided pipe is clean and free of debris)



1/13/16

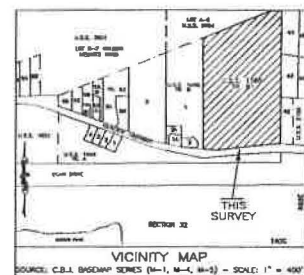
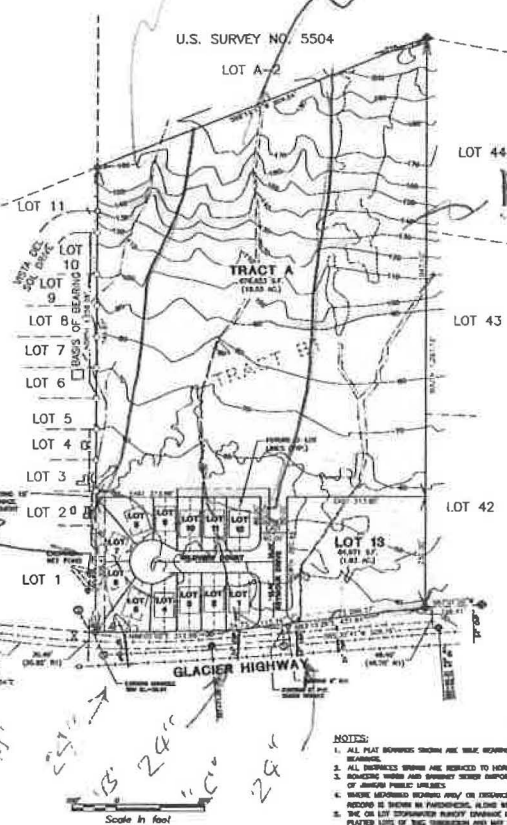
Sheet 3 of 3

Area "A"
Q = 1.21 cfs

Area "B"
Q = 4.40 cfs

Area "C"
Q = 4.31 cfs

Subdivision
Q = 1.4 cfs



CURVE TABLE				
CURVE #	SECTA	ARC LENGTH	CHORD BEARING & DISTANCE	
C1	77° 32' 18"	30.80'	27.80'	142° 27' 51"

PRELIMINARY

AN ASSULT OF
TRACT B1
U.S. SURVEY NO. 1568
WITHIN CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

- LEGEND**
- BLACK IRON MONUMENT RECOVERED THIS SURVEY
 - PRISMATIC CONCRETE MONUMENT IN EXISTING RECORDS THIS SURVEY
 - PRISMATIC MONUMENT RECOVERED THIS SURVEY
 - ALUMINUM MONUMENT, THIS SURVEY
 - SECONDARY MONUMENT RECOVERED THIS SURVEY
 - REBAR & CAP, SET BY JF BEAN
- UNDEVELOPED
 - CROWNLINE
 - SURVEY LINE
 - CHAINING BOY CHAINLINE
 - LINDEN
 - LINDEN
 - HAZEL LINE
 - BERRY LINE
 - FLYING
 - EXISTING NATIONAL HIGHWAY
 - EXISTING ROADWAY
- SURVEY MONUMENT
 - IRON WHIP
 - ON CROWNLINE
 - POWER POLE
 - FIRE HYDRANT
- (S) - AS PER PLAN NO. 80-54
(S1) - AS PER PLAN NO. 80-4
- BASIS OF BEARING**
BASIS OF BEARING FOR THIS PLAN IS THE BEARING BEARING OF NORTH FROM A FOUND 1" ALUMINUM MONUMENT BEING THE INTERSECTION POINT OF LOT 1, TRACT A, U.S. SURVEY NO. 1568 TO A FOUND 1" ALUMINUM MONUMENT BEING THE INTERSECTION POINT OF LOT 1, TRACT B, U.S. SURVEY NO. 1568 AS SHOWN ON PLAT NO. 80-54.

CERTIFICATE OF REGISTERED LAND SURVEYOR
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAN, THAT ALL MEASUREMENTS, CALCULATIONS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL MEASUREMENTS AND CALCULATIONS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.

JW BEAN, INC.
PROFESSIONAL SURVEYOR
JUNEAU, ALASKA
JANUARY 1, 1981
SURVEYOR - JUNEAU
PRINCE 15343, JUNEAU, ALASKA 99801

- NOTES:**
1. ALL PLAT BOUNDARIES SHOWN ARE BASED UPON THE BASIS OF BEARING.
 2. ALL BOUNDARIES SHOWN ARE BASED UPON THE BASIS OF BEARING.
 3. BOUNDARIES SHOWN ARE BASED UPON THE BASIS OF BEARING.
 4. BOUNDARIES SHOWN ARE BASED UPON THE BASIS OF BEARING.
 5. BOUNDARIES SHOWN ARE BASED UPON THE BASIS OF BEARING.

Q = 2rc for full developed areas



**City and Borough of Juneau
Community Development Department**

155 South Seward Street

Juneau, Alaska 99801

Telephone: 586-0715 Facsimile: 586-3365

Project Name:

Case Number: PAC 20150024

Project Description: Minor Subdivision for residential development

Applicant: Rich Harris, RH Development

Property Owner: RH Development

Property Address: 7400 Glacier Highway

Parcel Code Number: 5B1401010010

Site Size: 19.71

Zoning: D-18

Existing Land Use: Vacant

Conference Date: September 30, 2015

List of attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Rich Harris	Owner, RH Development	
Laura Boyce	Planner, CBJ	Laura.boyce@juneau.org
Allison Eddins	Planner, CBJ	Allison.eddins@juneau.org
Ron King	Chief Surveyor, CBJ	Ron.king@juneau.org
Eddie Quinto	Permit Specialist, CBJ	Edward.quinto@juneau.org

Neighborhood Association/Contact:

Conference Summary

Questions/issues/agreements identified at the conference that were not already identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

1. **Zoning** – D-18. CBJ Land Use Code requires all lots in a proposed subdivision inside the Urban Service Area to have at least 30 feet of frontage along a publicly maintained right-of-way. The current site plan shows a dead end road proposed off Glacier Highway that would provide access to Lots 1 & 2. CDD would recommend a “hammer head” street design that would provide the 30 feet of frontage required.
2. **Planned Unit Development option** – PUD information as emailed to you by Ms. Boyce on October 1, 2015. The PUD option provides design and use flexibility. The PUD option may let you incorporate commercial uses along with residential uses and may be closer to your original goal to rezone the land to Light Commercial (LC) and D-18. The PUD code section was included in the email. This property meets the minimum lot area requirement in case you’d like to pursue this option.
3. **Setbacks** – Front yard setbacks are 20 feet; rear yard setbacks are 10 feet; side yard setbacks are 5 feet; street side setbacks are 13 feet.
4. **Height** – Maximum height for permissible uses is 35 feet and 25 feet for accessory uses
5. **Parking** – Each single family home and duplex requires 2 parking spaces. For multi family dwelling units 1 parking space for a one bedroom, 1.5 parking spaces for a two bedroom and 2 parking spaces for three or four bedrooms.
6. **Access** – each lot must have its own access to the right-of-way; shared access is not allowed by Code unless a panhandle lot is being created. Currently, any proposed shared access requires variance approval unless it’s a panhandle subdivision.
7. **Street connectivity** – The Land Use Code (CBJ 49.35.210 Street system) states that subdivisions shall be designed to provide connectivity into adjacent lands to provide a system of street networks. The Vista Del Sol subdivision provides a stub out to this property and if that stub out will be utilized, it needs to provide connectivity within the proposed subdivision as well as to the adjacent properties to the southeast. Ms. Boyce left a detailed voice mail message to you about this on Thursday, October 1, 2015.

Additionally, in an October 2, 2015 email from Joe Buck at the Department of Transportation & Public Facilities, he states:

“CBJ laid out the access road to the new PW facility at 7-mile Old Glacier Highway with the intent of it being upgraded in the future to a public street to serve as access to the adjacent double tier of lots owned by Alaska Mental Health Trust (AMHT), US Survey 3259 Lots 33 through 53. Lot 42 of the AMHT lands is just to the east of the large Honsinger property that Mr. Harris is looking to subdivide. The old development plan was for there to be three roads coming off the mountainside onto Glacier Highway; one at approximately the Vista Del Sol location, one through Lot 42, and one at the CBJ PW facility access road. This access road arrangement would space out the major intersections along Old Glacier Highway and would facilitate development of both the private and public lands on the south facing slope of Heitzelman Ridge. Who knows how the development will actually work out, but that is what was discussed starting sometime in the mid-1980’s and continued through 2011 when I left the CBJ.

The upper terminus of the Vista Del Sol Street is perfectly aligned to provides the necessary cross slope road alignment through the upper portion of the Honsinger property and through the center of the AMHT properties to the CBJ PW Facility access road. At this point

Pre-Application Conference Final Report

I think it would be a mistake to consider vacation of the street between Lots 10 and 11 of Vista Del Sol because of this needed future access. I should think that Mr. Harris should approach AMHT about constructing a street up the hill through Lot 42 and then doing loops through the Honsinger property instead of cul-de-sacs; better street design for emergency response, snow plowing and maintenance, and for utility configurations.”

8. **Landscaping** – 30% of vegetative coverage is required in the D18 district
9. **Building** – The applicant is proposing to construct 3 and 4 plexes on each lot.
10. **Fire District** – Fire Marshall comments are coming soon.
11. **Lighting** – Street lights will be addressed with road requirements.
12. **Habitat Issues** – Habitat issues are not known at this time.
13. **Lot Coverage** – A maximum of 50% lot coverage is allowed in a D 18 district.
14. **Traffic** – A traffic impact analysis will be needed because proposed trips will exceed 500 ADT (average daily trips) since there are approximately 18 units per acre for a total of 19 acres. The Applicant will need to obtain a driveway permit from ADOT. Current road requirements call for a minimum of 60 feet for a dedicated right-of-way. Code allows for some reduction in right-of-way width as long as a 26 foot paved travel way is maintained along with sidewalks on both sides and street lighting at all intersections.
15. **Engineering** – See Ron King’s email
16. **Noise** – N/A at this time
17. **Drainage** – There will need to be drainage a 10 foot drainage easement along the western property line. The easement will be privately maintained.
18. **Utilities** – Putting in a 1” water service to Lots 1, 2, & 3 is all that is required at this point. However, installing a 6” pipe would be ideal.
19. **Wetlands** – Wetlands have been delineated and a permit from the Army Corp. of Engineers would be required for any fill activity. The proposed subdivision would go to the Wetlands Review Board for review and recommendations.
20. **Hazard/Avalanche/Hillside Endorsement** – There does not appear to be any hazards and hillside endorsements required for this project.
21. **Flood** – This property is located on FEMA Map 1531D and is not in a mapped flood zone.
22. **Other Agency Reviews** – ADOT, Fire, Wetland Review Board

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit Application
2. Minor Subdivision Application

Additional submittal requirements:

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.

Pre-Application Conference Final Report

2. 5 copies of preliminary plat that measure 24" x 36". (See section 49.15.420 for all submittal requirements)
3. Closure report
4. Army Corp. of Engineers Wetland Permit
5. ADOT Driveway Permit

Fee estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

The fees checked below apply to the subject proposal, and are based upon the fee schedule in effect at the time of the pre-application conference and for the project as submitted. The fees that are applicable to the subject proposal are subject to change if the proposed projects changes and/or if new or additional information is presented after the meeting.

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org.

Submit your completed application

You must submit your application(s) in person with payment to:

City/Borough of Juneau
Permit Center
230 S. Franklin Street,
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Fax: (907) 586-3365
Web: www.Juneau.org

DRAFT MINUTES
WETLANDS REVIEW BOARD
March 3, 2016, 5:15 p.m. Marine View 4th Floor Conference Room

Meeting Summary

Roll Call

Board Members Present: Amy Sumner, Brenda Wright, Lisa Hoferkamp, Percy Frisby, Irene Gallion, Nina Horne, Andrew Campbell

Board Members Absent: Hal Geiger, Ben Haight

A quorum was present.

Staff Members Present: Teri Camery, Senior Planner; Jonathan Lange, Planner II

Public Present: Alan Steffert, CBJ Engineering; Richard Harris; Art Dunn

Meeting called to order at 5:20 p.m.

II. January 21, 2016 minutes approved as written

III. Agenda approved

IV. Public Participation on Non-Agenda Items.
None

V. Board Comments.
None

VI. **Agenda Items**

1) SMP 2016 0001 Major Subdivision Review

Ms. Gallion explained that she had a conflict of interest due to her firm's interest in the proposal, and recused herself from the discussion and the vote.

Staff presentation

Ms. Camery explained that the Board was reviewing this major subdivision in its advisory role, and that comments would be incorporated into the planner's staff report to the Planning Commission. Mr. Lange provided an overview of the subdivision proposal for 26 lots, and explained that the proposal affects 1.6 acres of wetlands but no anadromous streams. He referred

to a letter from the U.S. Fish and Wildlife Service regarding stormwater, and explained the applicant's stormwater proposal.

Applicant presentation

Mr. Harris said he would answer any questions from the Board.

Board/staff discussion

Ms. Wright and Mr. Campbell asked Mr. Harris questions regarding the routing of stormwater and the effect on anadromous waters in the Mendenhall State Game Refuge across the road. Mr. Campbell said that a final stormwater management plan would be required from the CBJ at the final plat stage; the current plat review was for the preliminary plat when full details are not yet required.

Dr. Hoferkamp proposed the following motion:

The Wetlands Review Board supports the project with the understanding that the CBJ Stormwater Manual of Best Management Practices will be strictly adhered to and appropriately enforced.

The Board approved the motion unanimously.

2) CSP2016 0002 City Project Review for West Douglas Pioneer Road

Staff presentation

Ms. Camery said that she had strong personal views on the project and needed to recuse herself from the discussion for this reason. She said she would respond only to questions regarding the Board's role. She said that the board was again reviewing the project in its advisory role, and that Board comments and motions would be included in planner's staff report to the Planning Commission.

Ms. Gallion explained that she had a conflict of interest due to her firm's interest in the proposal, and recused herself from the discussion and the vote.

Mr. Lange provided an overview of the project, a 2 ¼ mile long single lane road equivalent to a driveway, which would not be platted as a city street at this time. He explained that the area is designated as a New Growth Area in the Comprehensive Plan. He said that the road corridor goes only through CBJ property; Goldbelt property is located along the coast. He said the project impacts 1.65 acres of wetlands, and referred to the Corps Permit in the packet. He also referred to comments from the U.S. Fish and Wildlife Service that address habitat impacts, specifically sediment impacts on downstream fish habitat and high quality deer habitat.

Ms. Wright expressed concerns that ADFG did not conduct their field work at the time of year when cutthroat trout would be found in the drainages there, therefore this resource was omitted

from their studies. Board members asked the applicant questions regarding the final alignment and the alternatives considered. Mr. Steffert reviewed the three alternatives that were considered and explained the process of comparing impacts between them. He explained that CBJ chose the upper alignment to stay within CBJ Land and to stay out of the fish zone. He said he had walked the route with the U.S. Fish and Wildlife Service and integrated their concerns into the design. He explained that Goldbelt Inc. supports the project for access to their property from city land, however Goldbelt is opposed to a road on their land.

Ms. Wright asked who would use the road, and Mr. Steffert explained that it's a policy decision that is up to the Assembly. Mr. Campbell inquired about whether the proposal would be the final right-of-way location, and Mr. Steffert said yes.

Ms. Horne asked about the public process. Mr. Steffert explained that the CBJ Assembly appropriated the funds for the development through a public process. Mr. Lange explained the CSP review process.

Mr. Campbell and Dr. Hoferkamp asked about ADFG permits, which Mr. Steffert reviewed with the Board.

Mr. Campbell said it was unfortunate that pristine habitat would be violated but he felt that options had been well-explored and he didn't see a better alternative. He suggested a recommendation to approve the project with Best Management Practices to ensure that the development is conducted in the least obtrusive fashion.

Ms. Wright proposed the following motion:

The Wetlands Review Board does not approve the building of this road. If the road is constructed, Best Management Practices and proper hydrological practices must be strictly adhered to

Dr. Hoferkamp seconded the motion.

Mr. Campbell said he could support the second half of the motion, but not the first half.

Roll Call vote:

Yes: Horne, Wright, Hoferkamp

No: Campbell, Frisby

Abstained: Sumner

Motion failed.

Ms. Hoferkamp proposed a new motion:

The Wetlands Review Board recommends that if the project is pursued that Best Management Practices be strongly adhered to with the goal of maintaining water quality and fish passage.

Ms. Wright second the motion:

Roll call vote:

Yes: Campbell, Frisby, Sumner, Hoferkamp

No: Wright

Abstained: Horne

Motion failed.

Ms. Wright said she is still opposed to the project. Mr. Steffert said that the Board's comments would be carefully noted.

3) Juneau Wetlands Management Plan Update

Ms. Camery said that she has received the second draft of the JWMP, which is undergoing internal review and comment. She said that the final draft of the JWMP from the consultants would be presented to the Board, Habitat Mapping Working Group, Planning Commission, and Assembly Lands Committee in a final series of meetings in April and May before the grant and contract expire on June 1. She said that the latest draft follows the board's guidance for a plan that can be adopted as is, to promote use of the information, with goals and policies that will lead to development of wetland categories in the future.

VII. Pending Permits and Updates

1) Lemon Creek Gravel Extraction

Ms. Camery said that CDD has received an application for mining in the Lemon Creek streambed farther upstream in Hidden Valley. This application will come to the board for their advisory review at the March 24 regular meeting.

2) Wetlands Review Board Wetland Methodology Workshops

Ms. Camery referred to the board meeting list and reviewed the agenda for the upcoming workshop, Saturday March 12, 8:30-5:30 in the Assembly Chambers.

3) Southeast Alaska Fish Habitat Partnership wetland methodology peer review

Ms. Camery explained that SEAKFHP would be undertaking a technical peer review of the WESPAK-SE wetland methodology, with the goal of establishing "confidence intervals" for various functions and values assessed by the methodology. She said that SEAKFTP partners

might be attending the Wetlands Review Board workshop to gain a better general understanding of the methodology. She said that Debbie Hart, SEAKFHP Coordinator, would be also be facilitating the Wetlands Review Board wetland methodology workshops.

VIII. Planning Commission Liaison Update.

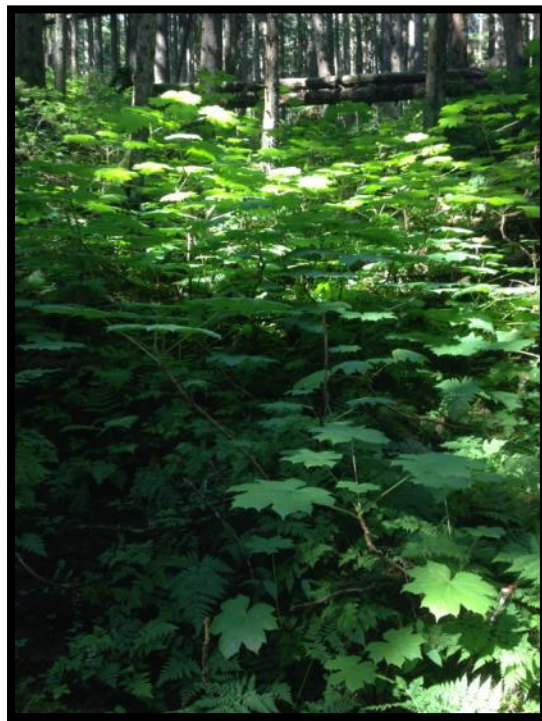
No update was given.

IX. Next meeting: Wetland Methodology Workshop, Saturday March 12, 8:30-5:30 pm
Assembly Chambers

The meeting was adjourned at approximately 7:20 p.m.

Wetland Delineation and Assessment Report

For Honsinger Family Trust - 4700 Glacier Highway
Juneau, Alaska - Rich Harris



7/27/2015

Bosworth Botanical Consulting
Koren Bosworth

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**US Army Corps of Engineers Wetland Delineation
and Assessment for: the Honsinger Family Trust Property at
7400 Glacier Hwy. Project- Juneau, AK.**

**Applicant: Rich Harris
907-723-4791**

**Agent: Koren Bosworth – Bosworth Botanical Consulting
165 Behrends Ave
Juneau, AK 99801
907-723-1931
korenbosworth@gmail.com**

Introduction

Rich Harris wants to develop a part of the rectangular 20.7 acre parcel at 7400 Glacier Hwy. The parcel is found on the north side of the old Glacier Highway, just east of Fred Meyers and west of the CBJ maintenance shop. The most distinct landmark is the new Vista del Sol development on the western boundary of the project area (Figure 1).

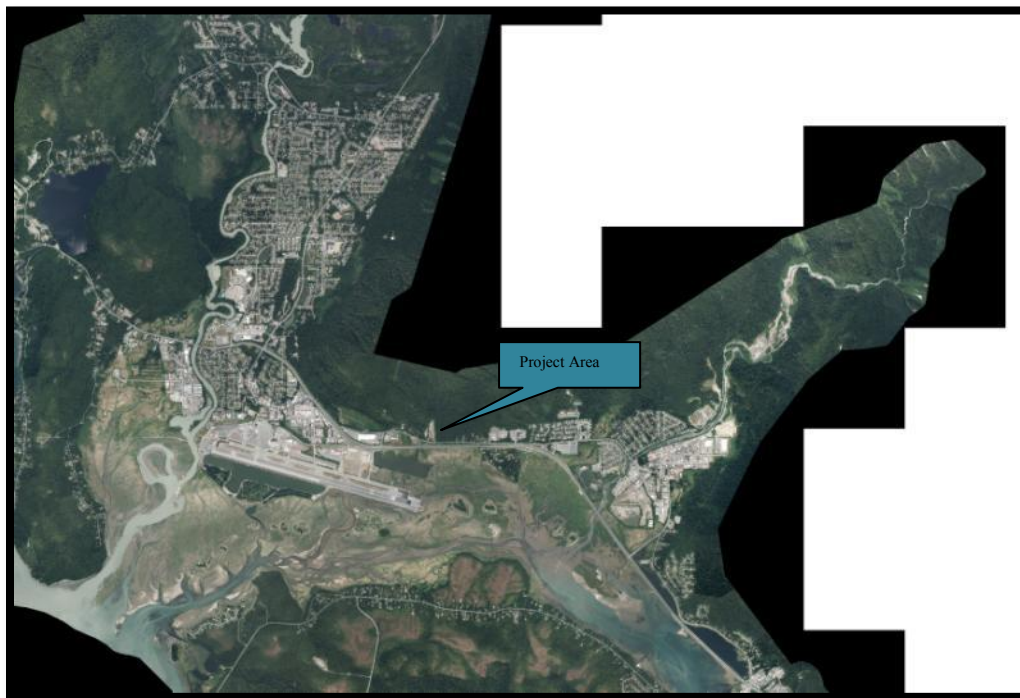


Figure 1 - Location map for the project.

Methods

The project area was visited first as part of the onsite wetland mapping and assessment phase of the Juneau Wetland Management Plan - Update in May 2015. At this time the wetland boundaries were mapped using a mapping grade Trimble GPS with sub-meter accuracy and a wetland assessment was done using WESPAK-SE (version 1.4) field and office forms.

The raw function scores, and the raw value scores obtained from the assessment were normalized by comparing the raw WESPAK-SE scores to the WESPAK-SE scores of all of the 143 field calibration wetland sites around SE Alaska, to see where it fits; the WESPAK-SE calculator spreadsheet does this automatically using commonly-used formulas.

On July 19, 2015 the site was seen again to revisit and document the wetland boundaries that were mapped earlier. The visit was after a very rainy July and many of the streams that hadn't been flowing in May were now flowing.

The Army COE delineation methodology was used, as outlined in the 1987 *Corps of Engineers Wetland Delineation Manual* - for Routine Determinations and supplemented by the, *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Alaska Region* – November, 2007.

Representative sample points were done at any significant change in vegetation, soils or hydrology. Sample points were recorded using a Garmin Rino 530HCx, WAAS-enabled, GPS receiver.

At each sampling point, the wetland status of that point was determined by observing indicators of hydrophytic vegetation, hydric soil, and wetland hydrology. Wetland and upland areas that were big enough to be mapped separately were delineated and flagged.

Vegetation was divided into three strata; tree, shrub and forb, and each layer was classified using the prevalence index (a weighted-average wetland indicator status of all plant species in the sample plot) and the dominance test (more than 50% of the dominant plant species across all strata are rated obligate, facultative wet or facultative). The 2012 U.S. Army Corps of Engineers *National Wetland Plant List –Alaska Region* was used to classify plants. Hydrology was determined using two methods: (1) visually, if the water table is at or above the surface, or (2) with a soil pit. The presence of standing water, depth to free water in the soil pit, and depth to saturated soils were recorded. Other primary and secondary hydrology indicators were recorded, such as presence of watermarks, sediment deposits, drift deposits, iron deposits, hydrogen sulfide odor, geomorphic position, and drainage patterns in wetlands. Soil pits were dug to a depth of 12-18 inches, or to bedrock or sediment refusal, to determine if indicators of hydric soils were present. Soil colors were determined from a moist sample with the Munsell Soil Color Chart. This information is all recorded on the Alaska Region Corps Routine Wetland Determination Data Form that is filled out for each sample point and included with this report.

The sample point data was added to the May JWMP map.

The basis for the stream's shown on the delineation map is a stream layer created by the CBJ GIS staff from the 2013 lidar. The intensity of the streams was adjusted to what we were seeing on the surface in the field. We ended up using stream orders five through eight. Orders five through six are seasonal streams and 7 through 8 are perennial streams. The larger modeled streams used on the map were field checked on both visits to the site.

Project Area

The project area is located near the junction between a small patch of older deltaic deposits (silty sands and gravels) and the usual glacio-marine deposits (dense silt) that are found on the lower hillsides of the Gastineau Channel area. Both types generally create a restrictive layer that perches the water table and creates wetlands.

There are four small perennial streams that leave the project area at the lower, south or Glacier Highway edge. These streams have multiple tributaries that are likely seasonal or ephemeral streams. These seasonal or ephemeral streams, arise in the lower, flatter part of the project area. The upper, steeper part of the project area has deep stream gullies that seem to dry the surrounding area (Figure 2). The stream on the west edge of the project area has been captured on its lower part by a ditch dug to drain the Vista del Sol development on the west side of the project area. The streams of the project area are all collected in a ditch along the lower Glacier Highway edge and the ditch then drains in a culvert under Glacier Highway to another culvert under Egan Drive and out into the tidally-influenced Mendenhall Wetlands and into the ocean at Gastineau Channel.



Figure 2 - Hillshade with 10 foot contours. Showing the deep stream gullies in the NW corner and the lack of deep gullies in the NE corner.

The wetland soils on the project are mostly versions of the Wadleigh Series with 4-16 inches of saturated organic matter over a dense silt loam with various amounts of sand and gravel depending on the slope and hillside position. (Photo 1) There is a strip of what seem to be now well drained wetland soils along the deep cut-bank just above Glacier Highway (Photo 2) (Figure 3). In some of the flatter areas the organic layer is over 16 inches deep. On the steeper, well-drained slopes the soils are Tolstoi Series soils with 3-5 inches of unsaturated OM over a rocky silt loam.



Photo 1- Wadleigh Series soil with 8 inches of saturated peat over a dense glaciomarine sediment of sandy silt loam at sample pt #2.



Photo 2 - Four inches of well-drained organic matter over a sandy silt loam at sample pt. #1.

The dominant vegetation on the wetlands of the project area is a western hemlock overstory with a shrub layer of early blueberry and an herb layer of skunk cabbage, oak fern, foamflower and goldthread. In some of the shallow broad stream gullies that are wetland, the shrub layer has more devils club and the herb layer has more yellow violet and enchanters nightshade. The upland vegetation differs mainly in the shrub and herb layer. There's a lot of devils club and more oak fern, spiny wood fern and dwarf dogwood.



Photo 3 - Wetland vegetation at sample pt. #2



Photo 4 - Wetland vegetation in a shallow, broad, stream gully.



Photo 5 - Wetland vegetation at sample pt. #6.



Photo 6 - Upland vegetation in NW corner of project area



Photo 7 - Upland vegetation in NE corner of the project area.

Project Area Plant List**Scientific name/ common name/ indicator status/ 4-letter plant code**

Alnus viridis/Sitka alder/FAC/ALCR
Athyrium filix-femina/ lady fern/FAC/ATFE
Circaea alpina/enchanted nightshade/FACW/CIAL
Cornus canadensis/dwarf dogwood/FACU/COCA
Coptis asplenifolia/liver-leafed goldthread/FAC/COAS
Dryopteris expansa/spiny wood fern/FACU/DREX
Equisetum arvense/horsetail/FAC/EQAR
Gymnocarpium dryopteris/oak fern /FACU/GYDR
Lysichiton americanum/skunk cabbage/OBL/LYAM
Menziesia ferruginea/false azalea/FACU/MEFE
Oplopanax horridus/devils club/FACU/OPHO
Picea sitchensis/Sitka spruce/FACU/PISI
Rubus pedatus/trailing raspberry/FAC/RUPE
Rubus spectabilis/salmonberry/FACU/RUSP
Sambucus racemosa/red elderberry/FACU/SARA
Streptopus amplexifolius/twisted stalk/FACU/STAM
Streptopus roseus/rosy twisted stalk/FACU/STRO
Tiarella trifoliata/foamflower/FAC/TITR
Tsuga heterophylla/western hemlock/FAC/TSHE
Viola adunca/yellow violet/FACW/VIAD

Results

	Dominance				
1	Sitka spruce/western hemlock forest with blueberry and rusty menziesia and oak fern.	Dry area above road cutbank.	Upland	No	
2	Western hemlock forest with blueberry and skunk cabbage understory.	Relatively flat, saturated organics over glaciomarine sediment	PFO4	Yes	RPW to ocean at Gastineau Channel.
3	Sitka spruce/western hemlock forest with devils club and oak fern.	Steep, well-drained ridgeline with unsaturated OM over dry silt loam.	Upland	No	
4	Western hemlock forest with blueberry and skunk cabbage understory.	Relatively flat, glaciomarine sediment underlay over saturated organics	PFO4	Yes	RPW to ocean at Gastineau Channel.
5	Sitka spruce/western hemlock forest with blueberry, devils club and dwarf dogwood.	Small island of upland within larger wetland. Steep, well-drained ridge with unsaturated OM over dry silt loam.	Small piece of upland within a larger wetland.	No	
6	Western hemlock forest with blueberry and skunk cabbage understory.	Relatively flat, saturated organics over glaciomarine sediment	PFO4	Yes	RPW to ocean at Gastineau Channel.

Conclusion

Wetland amount - Upper wetland - 1.26 acres

- Lower wetland - 3.46 acres

Total wetland - 4.72 acres

Total parcel acreage - 20.68

Waters of the US - stream orders 5-6 - seasonal - 4,523 ft.

stream orders 7-8 - perennial - 12,897 ft.

Total streams - 17,420 ft.

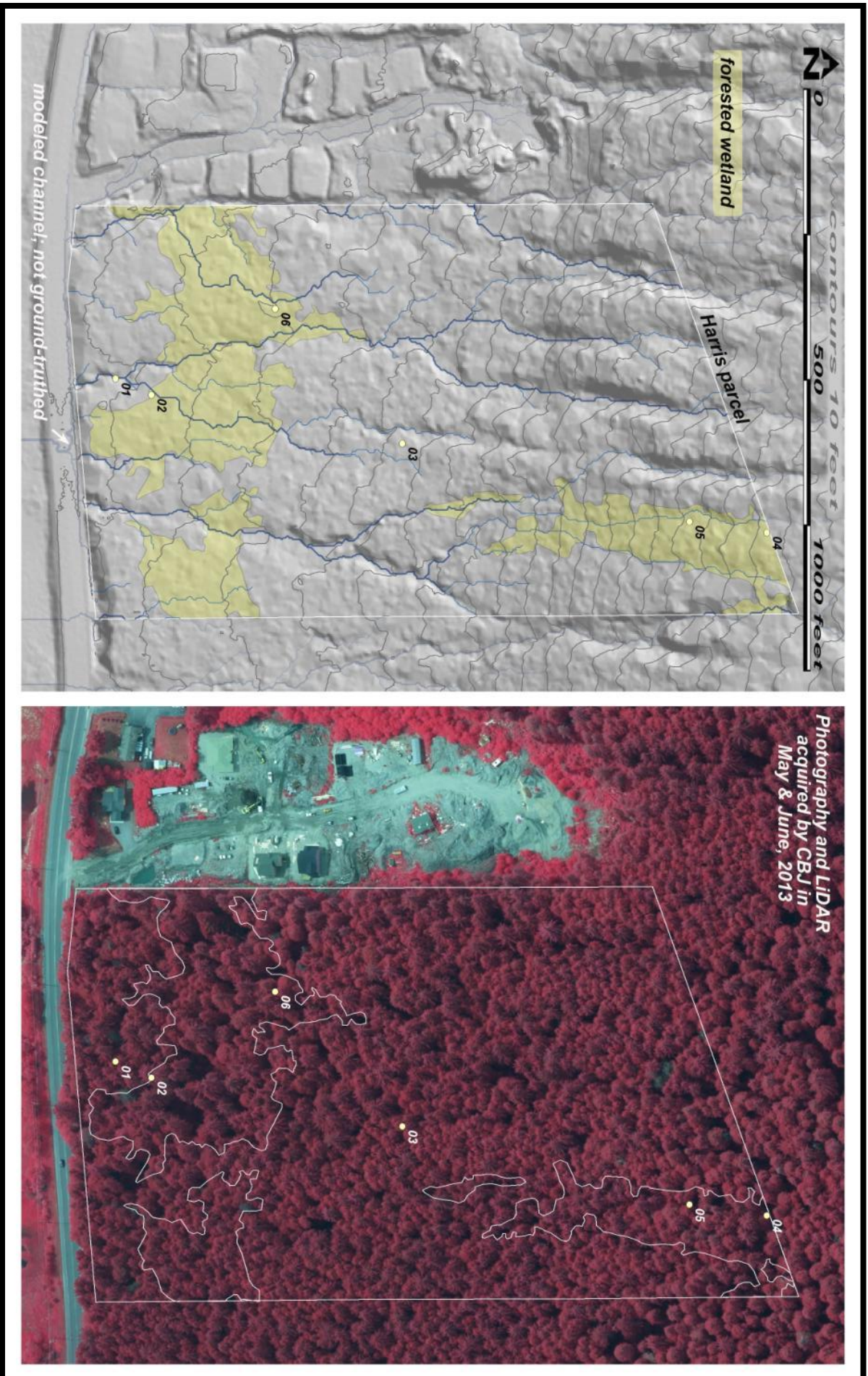


Figure 3 - Wetland Delineation Maps - Hillshade with modeled streams and color infrared aerial photo with wetlands and sample points.

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Appendix-A - WESPAK-SE (version 1.4) - Assessment Scores

Assessments of the impacts of development on wetlands, and the mitigation of those impacts, commonly focus on the “functions and values” of the wetlands as is required by the federal Clean Water Act. “Functions” are what a wetland can do naturally (such as store water). “Values” reflect the importance society usually places on a particular wetland as reflected partly by the functions that wetland provides relative to the locations of users of those functions.

Site	Function or Other Attribute	Function Score	Function Rating	Value Score	Value Rating
SV29	Invertebrate Habitat	5.71	Higher	0.18	Lower
SV29	Carbon Sequestration	6.65	Higher	N.A.	N.A.
SV29	Pollinator Habitat	6.28	Moderate	4.43	Moderate
SV29	Native Plant Habitat	3.68	Moderate	2.88	Moderate
SV29	Songbird, Raptor, & Mammal Habitat	5.45	Moderate	0.83	Lower
SV29	Water Cooling	4.60	Moderate	1.05	Lower
SV29	Organic Nutrient Export	6.30	Moderate	N.A.	N.A.
SV29	Sediment Retention & Stabilization	2.01	Lower	10.00	Higher
SV29	Stream Flow Support	2.02	Lower	2.37	Moderate
SV29	Nitrate Removal	1.60	Lower	3.64	Moderate
SV29	Amphibian Habitat	2.51	Lower	1.21	Lower
SV29	Phosphorus Retention	1.44	Lower	1.44	Lower
SV29	Water Storage	0.85	Lower	1.11	Lower
SV29	Anadromous Fish Habitat	0.00	Lower	0.00	Lower
SV29	Resident Fish Habitat	0.00	Lower	0.00	Lower
SV29	Water Warming	0.00	Lower	0.00	Lower
SV29	Waterbird Feeding Habitat	0.00	Lower	0.00	Lower
SV29	Waterbird Nesting Habitat	0.00	Lower	0.00	Lower
SV29	Wetland Stressors	N.A.	N.A.	9.33	Higher
SV29	Wetland Risk	N.A.	N.A.	8.25	Higher
SV29	Wetland Sensitivity	N.A.	N.A.	5.38	Moderate
SV29	Public Use & Recognition	N.A.	N.A.	2.48	Moderate
SV29	Wetland Ecological Condition	N.A.	N.A.	2.58	Lower
Site	Function or Other Attribute	Function Score	Function Rating	Value Score	Value Rating
SV30	Water Cooling	8.43	Higher	1.05	Lower
SV30	Water Warming	8.40	Higher	2.08	Lower
SV30	Invertebrate Habitat	7.11	Higher	0.37	Lower
SV30	Pollinator Habitat	6.14	Moderate	4.43	Moderate
SV30	Native Plant Habitat	4.51	Moderate	2.88	Moderate
SV30	Nitrate Removal	2.82	Moderate	3.54	Moderate
SV30	Songbird, Raptor, & Mammal Habitat	6.47	Moderate	1.67	Lower

SV30	Organic Nutrient Export	7.33	Moderate	N.A.	N.A.
SV30	Carbon Sequestration	5.14	Moderate	N.A.	N.A.
SV30	Sediment Retention & Stabilization	2.08	Lower	10.00	Higher
SV30	Stream Flow Support	3.16	Lower	2.65	Moderate
SV30	Amphibian Habitat	2.70	Lower	2.06	Lower
SV30	Phosphorus Retention	1.36	Lower	1.36	Lower
SV30	Water Storage	0.18	Lower	1.11	Lower
SV30	Anadromous Fish Habitat	0.00	Lower	0.00	Lower
SV30	Resident Fish Habitat	0.00	Lower	0.00	Lower
SV30	Waterbird Feeding Habitat	0.00	Lower	0.00	Lower
SV30	Waterbird Nesting Habitat	0.00	Lower	0.00	Lower
SV30	Wetland Sensitivity	N.A.	N.A.	9.68	Higher
SV30	Wetland Stressors	N.A.	N.A.	7.10	Moderate
SV30	Wetland Risk	N.A.	N.A.	5.75	Moderate
SV30	Wetland Ecological Condition	N.A.	N.A.	2.27	Lower
SV30	Public Use & Recognition	N.A.	N.A.	0.99	Lower

Appendix-B - COE Wetland Delineation Data Sheets - *Attached file*



US Army Corps
of Engineers
Alaska District

Juneau Field Office
Regulatory Division (1145)
CEPOA-RD
Post Office Box 22270
Juneau, Alaska 99802-2270

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	21-January-2016
EXPIRATION DATE:	20-February-2016
REFERENCE NUMBER:	POA-2016-12
WATERWAY:	Gastineau Channel

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Randal Vigil at (907) 790-4490 or by email at Randal.P.Vigil@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Richard Harris, R.H. Development LLC, PO Box 32403, Juneau, AK 99803.

LOCATION: The project site is located within Section 32, T. 40 S., R. 66 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.360434° N., Longitude 134.544145° W.; USS 1568, TR B1, 7400 Glacier Highway, in Juneau, Alaska.

PURPOSE: The applicant's stated purpose is to "to construct higher density housing to help alleviate the demand in Juneau."

PROPOSED WORK: The applicant requests authorization to discharge approximately 1,200 cubic yards of crushed rock and 4,000 cubic yards of shot-rock fill material into approximately 1.6 acres of waters of the United States consisting of forested wetlands and perennial streams in order to construct eight duplex housing units and six fourplex housing units. The work would include the relocation of the lower reach of two streams to allow drainage off the property. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated 12/18/2015.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

a. Avoidance: “We have searched for quality buildable land available in the Juneau area, which has the least amount of wetlands. In Juneau there is little to no land available that is not encompassed with wetlands, there is much less expensive lands that entail much more wetlands per acre than the site we have chosen.”

b. Minimization: “Our project team has avoided impacts to wetlands through a long and costly process of changing the housing density of our project site, allowing for many more housing units to be created on less acreage. Example: A housing development to the west of our site has used 10 acres of land to develop 24 housing units. Our Project will provide 24 housing units on 1.75 acres of land, minimizing the impacts to wetlands and the environment.”

c. Compensatory Mitigation: No compensatory mitigation is proposed.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service is required. However, any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). No EFH species are known to use the project area. We have determined the described activity would not adversely affect EFH in the project area.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authority:

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1795
PHONE: (907) 465-5321/FAX: (907) 465-5274

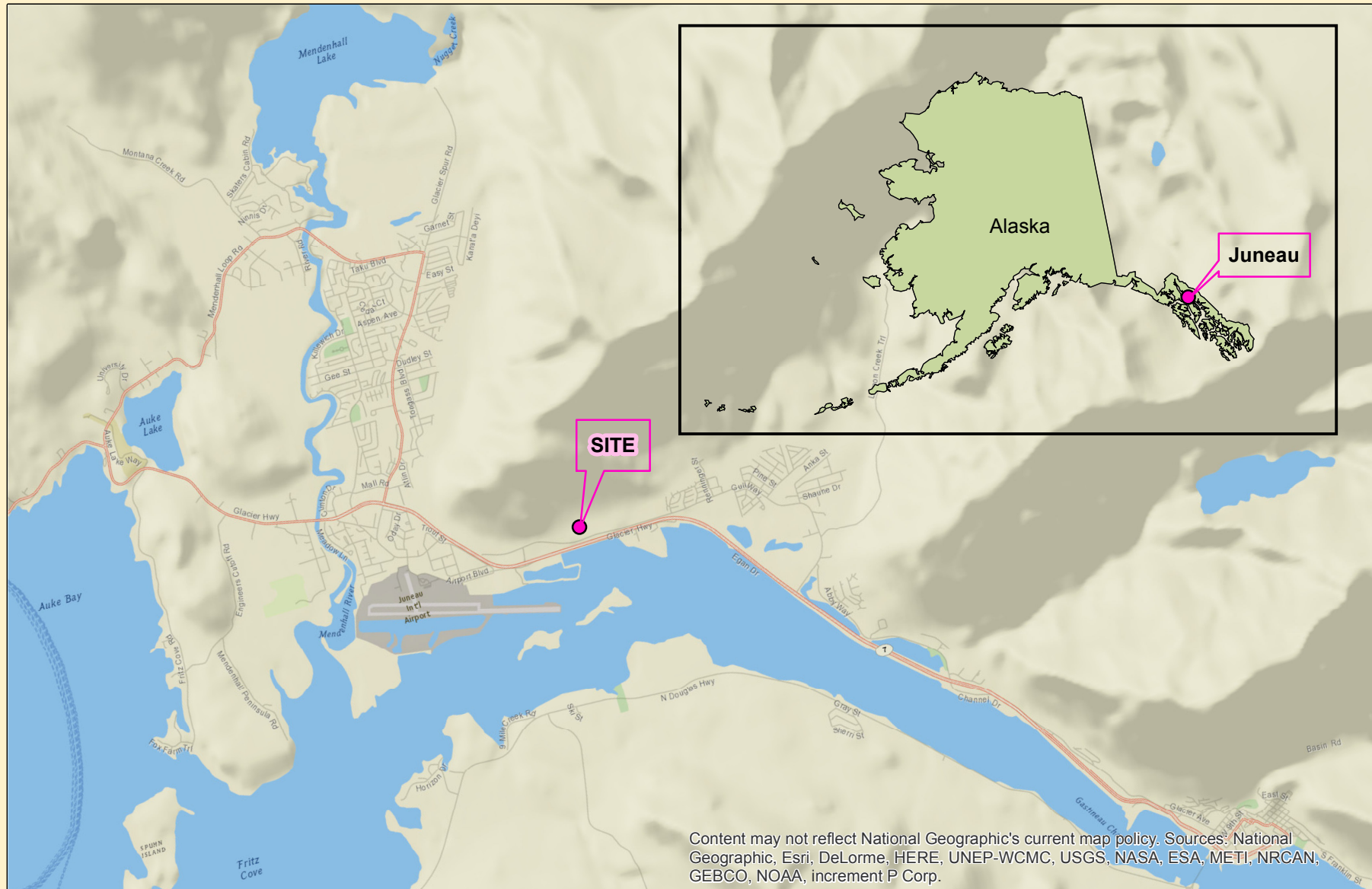
NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2016-12, Gastineau Channel**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

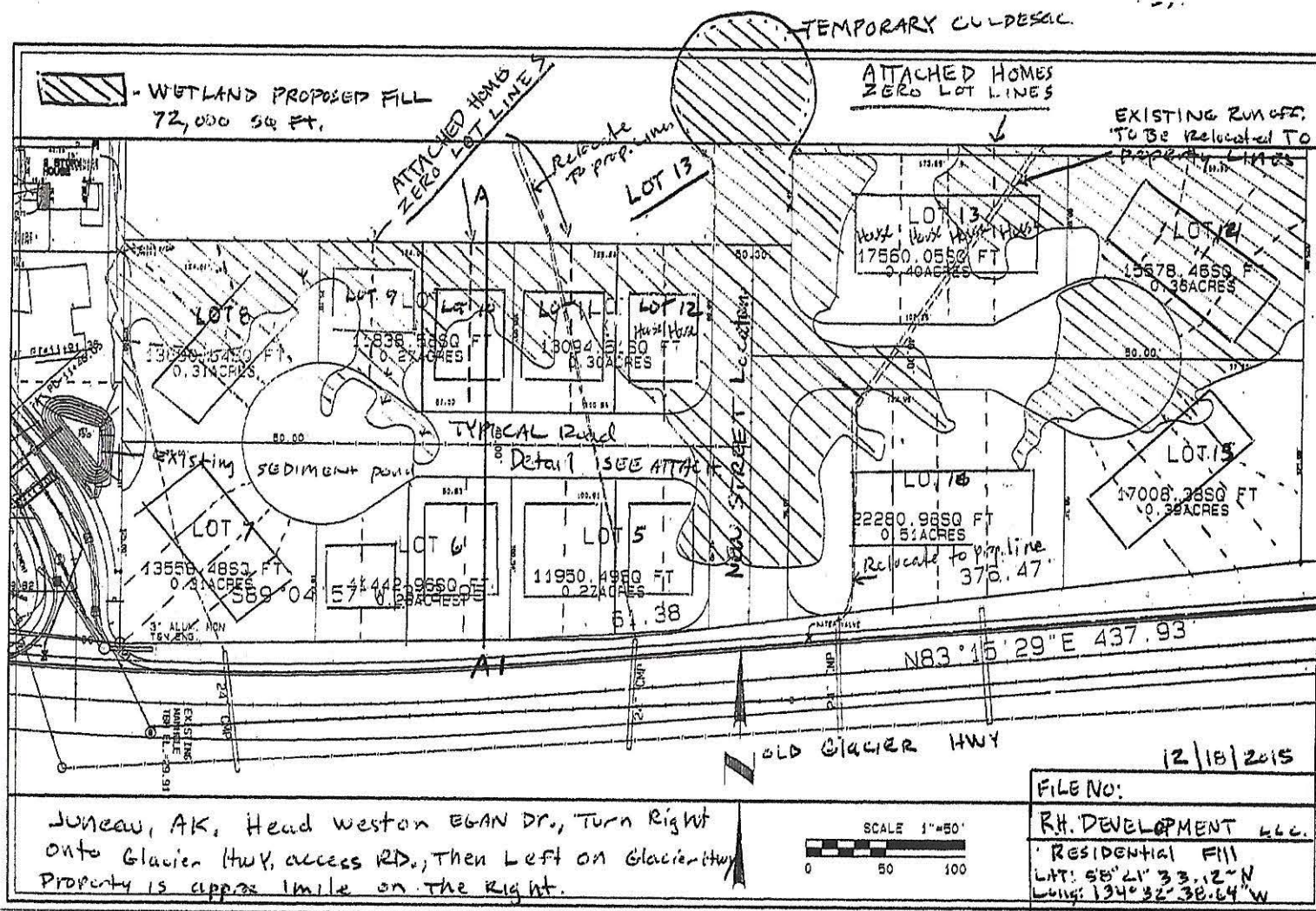
Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.



Project Location

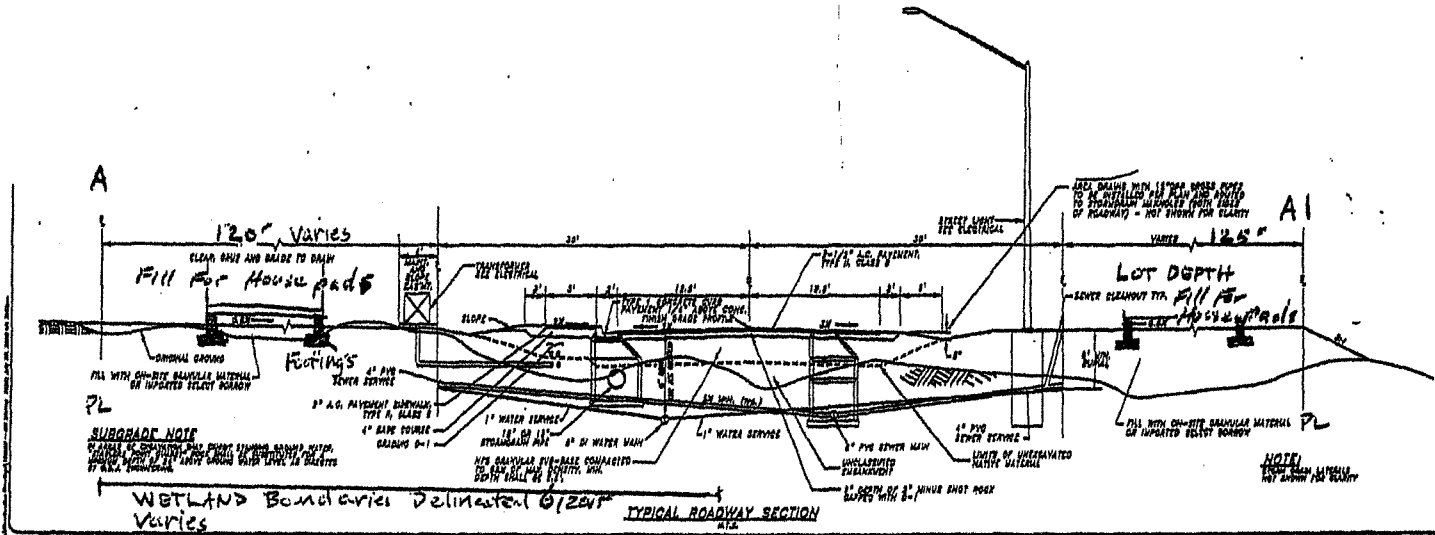
POA-2016-12, Gastineau Channel
Richard Harris
R.H. Development LLC
Housing Construction

WETLAND FILL - PLAN VIEW



7400 Glacier Hwy.
TR.B1 VSS NO. 1588
Juneau AK.

RESIDENTIAL WETLAND FILL
CROSS SECTION A-A1



Juneau Air. Head WEST on EGAN DR.
Turn right on Glacier Hwy. access RD. Then
left on Glacier Hwy. Property is located
approx 1 mile on the right side.

Pg 2 of 3

12/19/2015

FILE NO:

RH DEVELOPMENT

RESIDENTIAL FILL

LAT: 58° 21' 33.12" N

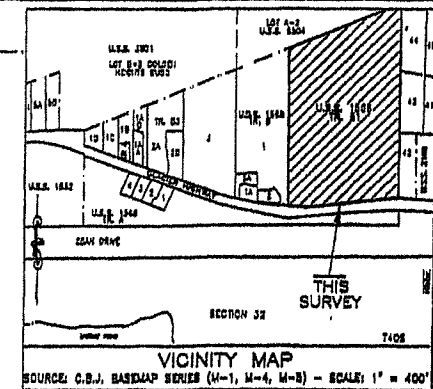
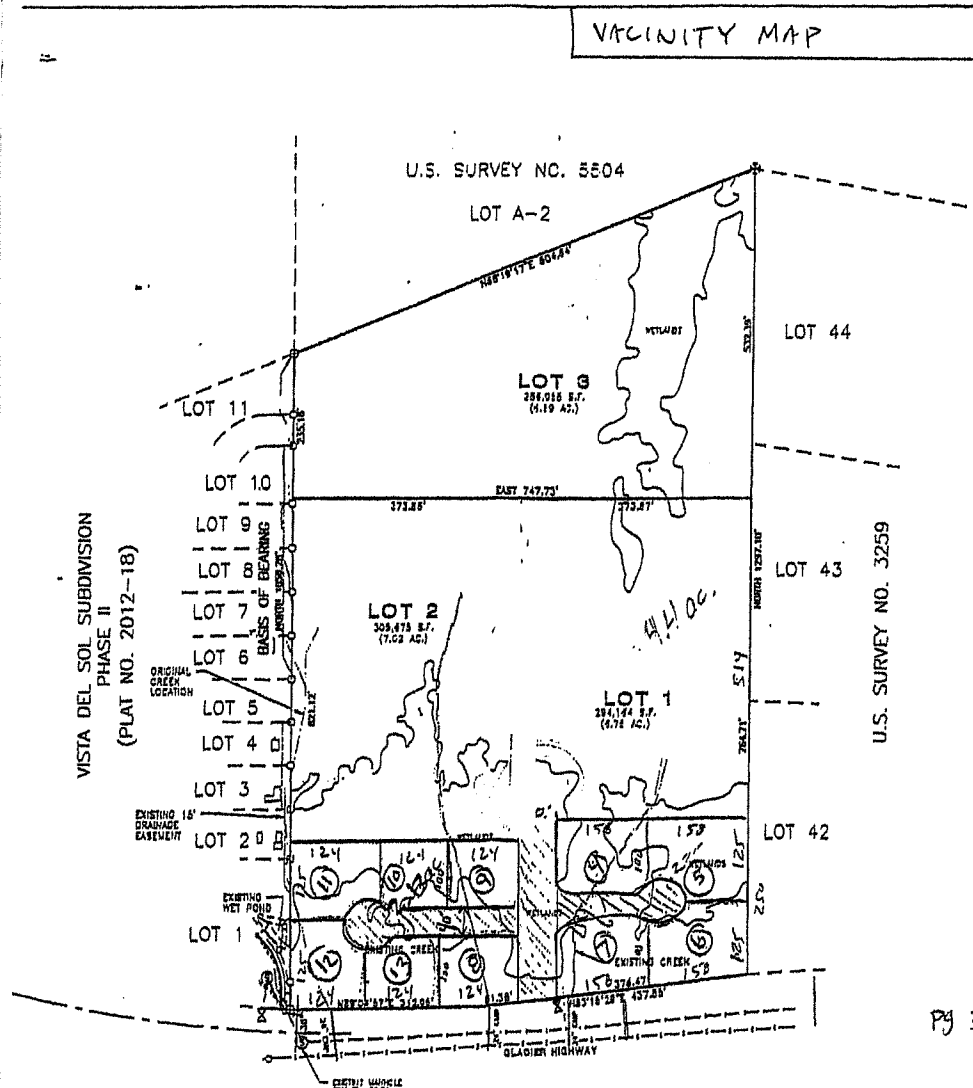
LONG. 134° 32' 38.61" W

7400 Glacier Hwy

TR B1 USS NO 1588

Juneau AK

VACINITY MAP



12/18/2015

FILE NO:
RH Development LLC.
Residential Fill
LAT: 58°21'33.12" N
LONG: 134°32'38.64" W
7400 Glacier HWY.
T2 B1 USS NO. 1588
JUNEAU AK.

MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

TO: Jill Maclean, CDD

DATE: March 29, 2016

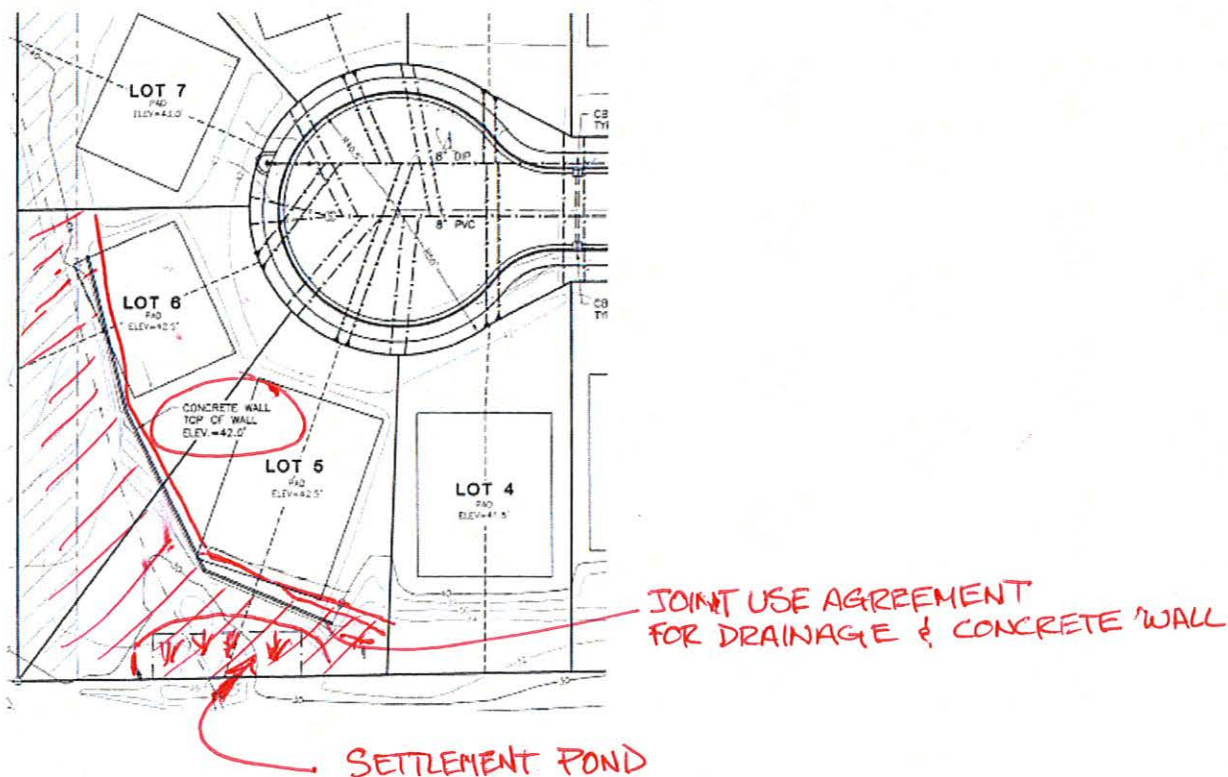
FROM: Ron King, General Engineering *RD King*

FILE: Ridgeview Subdivision
SMP2016-01(2)

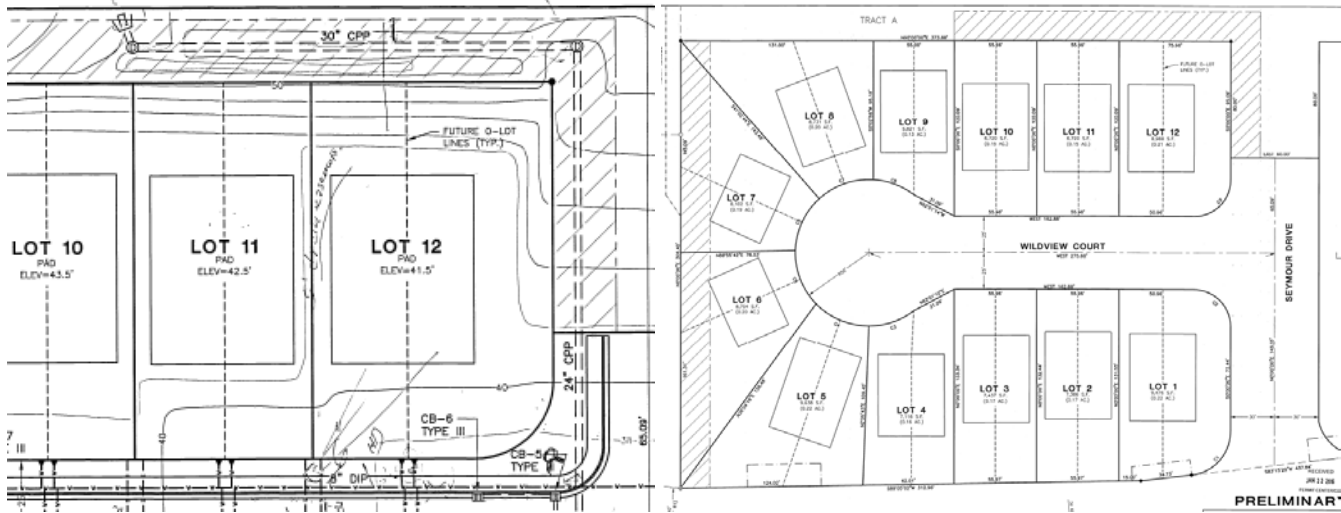
Ridgeview Subdivision is a rectangular subdivision most suitable for a flat piece of property not a hillside development. The property has 3 large drainages that traverse the hillside from north to south. Generally topographic features are taken into account when proposing a hillside development. Cuts and fills are balanced and drainways designed as open channels reducing infrastructure costs and enhancing runoff quality. However even with the restrictions of the terrain and the substantial drainages this plan can be designed to CBJ Standards including the future commonwall subdivisions proposed.

I have reviewed the plat and limited engineering submittals for the Ridgeview Subdivision. The submitted plans will require substantial changes before final approval. I am unable to complete the preliminary review due to inadequate storm drain pipe sizing which will change drainages, catch basins and pipe clearances to other utilities.

The plat delineates an unknown width easement for the existing drainway that runs along the west border of the property. The grading plan shows a common drainage and a joint retaining wall on Lots 5, 6 & 7. All of the drainage area and concrete wall within Lots 5, 6 & 7 requires an easement along with a joint use hold harmless agreement for maintenance and reconstruction of the wall. In addition the drainage below the wall will have to be reconstructed (Title 19.12) and a settlement basin installed at the cross culvert intake. All the drainage and concrete wall must be within a private drainage easement and maintained by the property owners.



Also the plat shows an easement (Tract A below) intended for a rerouted storm drainage through a 30"CPP into a 24" CPP. The plan includes an overflow berm and channel in case of catastrophic failure. The CBJ will not accept that drainage and it shall the responsibility of the property owners to provide maintenance and liability if there is a drainage failure.



One item that is missing from the preliminary plat submittal is phasing for the remainder of the property to be developed. If there is going to be future subdivisions it weights the issues relating to total runoff and traffic impact. In addition the stormwater calculations state that the plat as submitted is phase 1. Also, ADOT may have additional requirements to verify capacities of the existing cross culverts and total trip count for the new street intersection.

(f) A preliminary plat shall contain the following information:

(3) Boundary lines:

(D) If phasing is proposed, then the boundaries and number of each phase, sequential lot numbering, and a subdivision name consistent with previous phases shall be shown.

Heitzlman Ridge runs above this development and there have been several slides that occurred below the ridge, mainly above the 2000ft level. At present there is no data on this property that references the types and depth of existing soils. A soils report is required for preliminary plat approval. **“The soils report shall describe the nature of the subsurface soils and any soil conditions that would affect the design of the proposed development. The soils report shall state whether the proposed subdivision plan is feasible and provide general solutions for all known geotechnical conditions or problems.”**

With the exception of a phasing plat and soils report the submittals are adequate and will allow CBJ to move forward to preliminary approval once we receive the missing items.

It shall be noted that no subdivision infrastructure construction may begin without the appropriate permits, deposits, bond, complete construction plans, final approval and recording of the final plat.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

PLANNING COMMISSION

NOTICE OF DECISION

Date: April 27, 2016

File No.: SMP2016 0001

Richard Harris
PO Box 32403
Juneau, Alaska 99803

Application For: Preliminary plat for 24 commonwall lots; the remaining land will be subdivided into two larger lots located at 7400 Glacier Highway and zoned D-18.

Legal Description: USS 1568 TR B1

Property Address: 7400 Glacier Highway

Parcel Code No.: 5-B14-0-101-001-0

Hearing Date: April 26, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 13, 2016 and modified the preliminary plat to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The applicant must submit a revised preliminary plat with all required revisions for approval by staff prior to the submittal of a final plat.
2. A Traffic Impact Analysis may be required at the development of Lot 13 and/or Track B1A to ensure adequate road capacity and design to meet forecasted use resulting from the proposed subdivision per CBJ 49.40.300.
3. Per CBJ 49.35.210(a)(2), and CBJ 49.15.401(c)(4)(E)(ii), and the 2013 Comprehensive Plan Policy 10.4 Design Guidelines 1 and 2, the applicant must provide for street connectivity as development progresses from Track B1A and Lot 13 to adjacent undeveloped properties.
4. Per the Director's findings, the ROW for Wildview Court may be reduced from 60 ft. in width to 50 ft. in width, providing the applicant construct a sidewalk on the southern side of Wildview Court from Seymour Way through the extent of Lot 3.
5. The findings in the memo from General Engineering dated March 29, 2016 and found in Attachment H

will be addressed to meet the Code.

6. Per the Wetlands Review Board recommendation, the applicant must adhere to the CBJ Stormwater Manual of Best Management Practices, and that the applicant must submit a Stormwater Management Plan for approval by staff prior to the submittal of the final plat.
7. Per CBJ 49.15.411, the preliminary plat requires the following revisions, in addition to those listed above:
 - a. (f)(2)(J) Setbacks must be shown on each lot;
 - b. (f)(5)(D, E, F) Easements must include ownership;
 - c. (f)(5)(I) Site access, circulation, and utilities – as phasing is proposed, the preliminary plat must submit a sketch plat of the prospective street system of Lot 13 and Tract B1A;
 - d. (i)(4) Drainage report and calculations must be revised to meet the requirements of the Code;
 - e. (i)(6) Erosion control report must be submitted for approval prior to submittal of the final plat.

Attachment: April 13, 2016 memorandum from Jill Maclean, Community Development, to the CBJ Planning Commission regarding SMP2016 0001.

This Notice of Decision does not authorize any construction. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance to CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Commission, April 26, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or October 26, 2017, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the subdivision permit was authorized or no final plat has been approved. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Jill Maclean, Senior Planner
Community Development Department


Paul Voelckers, Vice Chair
Planning Commission


Filed With City Clerk


Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this subdivision. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



(907) 586-0757
Rob.Steedle@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

October 16, 2017

Richard Harris
PO Box 32403
Juneau, Alaska 99803

Application For: Preliminary plat for 24 commonwall lots; the remaining land will be subdivided into two larger lots located at 7400 Glacier Highway and zoned D-18.

Legal Description: USS 1568 TR B1

Property Address: 7400 Glacier Highway

Parcel Code No.: 5B1401010010

Case No.: SMP2016 0001

RE: Revision to the Notice of Decision – Expiration Date

Please find a Revised Notice of Decision enclosed regarding the approval of your Ridgeview Subdivision preliminary plat. The previous Notice of Decision stated an incorrect expiration date of 18 months from the date of approval. The enclosed revised Notice of Decision states the correct expiration date of five (5) years from the date of approval, which is April 26, 2021.

I apologize for any inconvenience this matter may have caused. If you have any comments or questions, please contact me directly at (907) 586-0756.

Sincerely,

A handwritten signature in black ink that reads 'Jill Maclean'. The signature is written in a cursive, flowing style.

Jill Maclean, AICP, Senior Planner
Community Development Department
City and Borough of Juneau



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION

NOTICE OF DECISION

REVISED DUE TO CLERICAL ERROR

Date: October 16, 2017

File No.: SMP2016 0001

Richard Harris
PO Box 32403
Juneau, Alaska 99803

Application For: Preliminary plat for 24 commonwall lots; the remaining land will be subdivided into two larger lots located at 7400 Glacier Highway and zoned D-18.

Legal Description: USS 1568 TR B1

Property Address: 7400 Glacier Highway

Parcel Code No.: 5-B14-0-101-001-0

Hearing Date: April 26, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 13, 2016 and modified the preliminary plat to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The applicant must submit a revised preliminary plat with all required revisions for approval by staff prior to the submittal of a final plat.
2. A Traffic Impact Analysis may be required at the development of Lot 13 and/or Track B1A to ensure adequate road capacity and design to meet forecasted use resulting from the proposed subdivision per CBJ 49.40.300.
3. Per CBJ 49.35.210(a)(2), and CBJ 49.15.401(c)(4)(E)(ii), and the 2013 Comprehensive Plan Policy 10.4 Design Guidelines 1 and 2, the applicant must provide for street connectivity as development progresses from Track B1A and Lot 13 to adjacent undeveloped properties.
4. Per the Director's findings, the ROW for Wildview Court may be reduced from 60 ft. in width to 50 ft. in width, providing the applicant construct a sidewalk on the southern side of Wildview Court from Seymour Way through the extent of Lot 3.
5. The findings in the memo from General Engineering dated March 29, 2016 and found in Attachment H will be addressed to meet the Code.
6. Per the Wetlands Review Board recommendation, the applicant must adhere to the CBJ Stormwater Manual of Best Management Practices, and that the applicant must submit a Stormwater Management Plan for approval by staff prior to the submittal of the final plat.
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 - a. (f)(2)(J) Setbacks must be shown on each lot;

Richard Harris
Case No.: SMP2016 0001
October 16, 2017
Page 2 of 2

- b. (f)(5)(D, E, F) Easements must include ownership;
- c. (f)(5)(I) Site access, circulation, and utilities – as phasing is proposed, the preliminary plat must submit a sketch plat of the prospective street system of Lot 13 and Tract B1A;
- d. (i)(4) Drainage report and calculations must be revised to meet the requirements of the Code;
- e. (i)(6) Erosion control report must be submitted for approval prior to submittal of the final plat.

Attachment: April 13, 2016 memorandum from Jill Maclean, Community Development, to the CBJ Planning Commission regarding SMP2016 0001.

This Notice of Decision does not authorize any construction. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

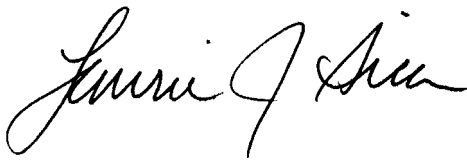
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance to CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Commission, April 26, 2016.

Expiration Date: The permit will expire five (5) years after the effective date, or April 26, 2021, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the subdivision permit was authorized or no final plat has been approved. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: 
Jill Maclean, Senior Planner
Community Development Department


Robert Steedle, Director
Community Development Department



Filed With City Clerk

October 19, 2017

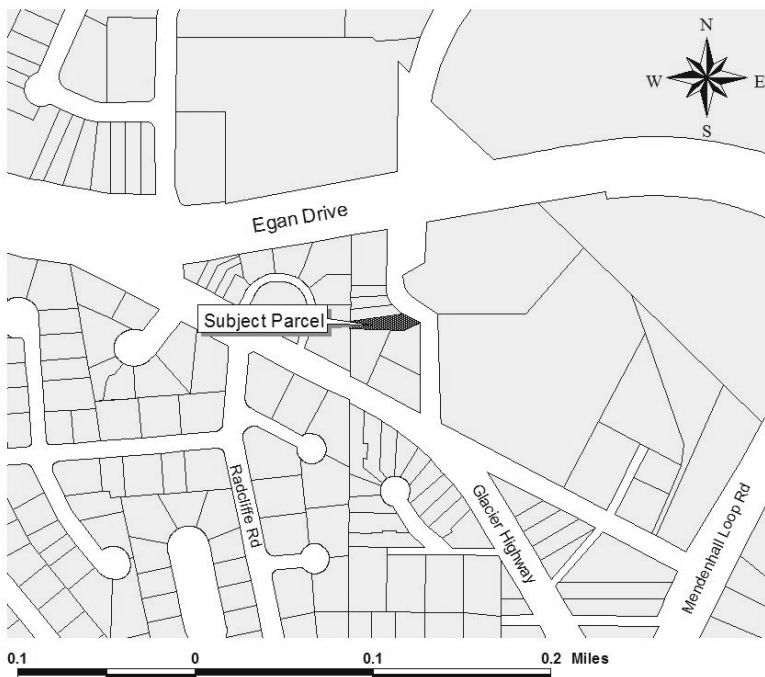
Date

cc: Plan Review

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NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Variance Requests to D-15 side and rear yard setback requirements for two existing sheds.

File No:	VAR2016 0002; VAR2016 0005	Applicant:	Joseph and Brenda Donohue
To:	Adjacent Property Owners	Property PCN:	5-B16-0-109-011-4
Hearing Date:	April 26, 2016	Owner:	Joseph and Brenda Donohue
Hearing Time:	7:00 PM	Size:	6,556 Sq. ft.
Place:	Assembly Chambers	Zoned:	D-15
	Municipal Building	Site Address:	2515 Sunset Drive
	155 South Seward Street	Accessed Via:	Sunset Drive
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Allison Eddins at Allison.Eddins@juneau.org or 586-0758.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Date notice was printed: April 11, 2016



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: April 15, 2016

TO: Board of Adjustment

FROM: Allison Eddins, Planner *JA Eddins*
Community Development Department

FILE NO.: VAR2016 0002; VAR2016 0005

PROPOSAL: Variance requests to reduce the rear yard setback from 15 feet to 0.81 feet and the side yard setback from 5 feet to 0.81 feet

GENERAL INFORMATION

Applicant: Joseph and Brenda Donohue

Property Owner: Joseph and Brenda Donohue

Property Address: 2515 Sunset Drive

Legal Description: SUNSET PARK LT 1A

Parcel Code Number: 5-B16-0-109-011-4

Site Size: 0.15 acres/6,556 square feet

Comprehensive Plan Future Land Use Designation: (MDR) Medium Density Residential

Zoning: (D15) Multi-family

Utilities: CBJ water and sewer

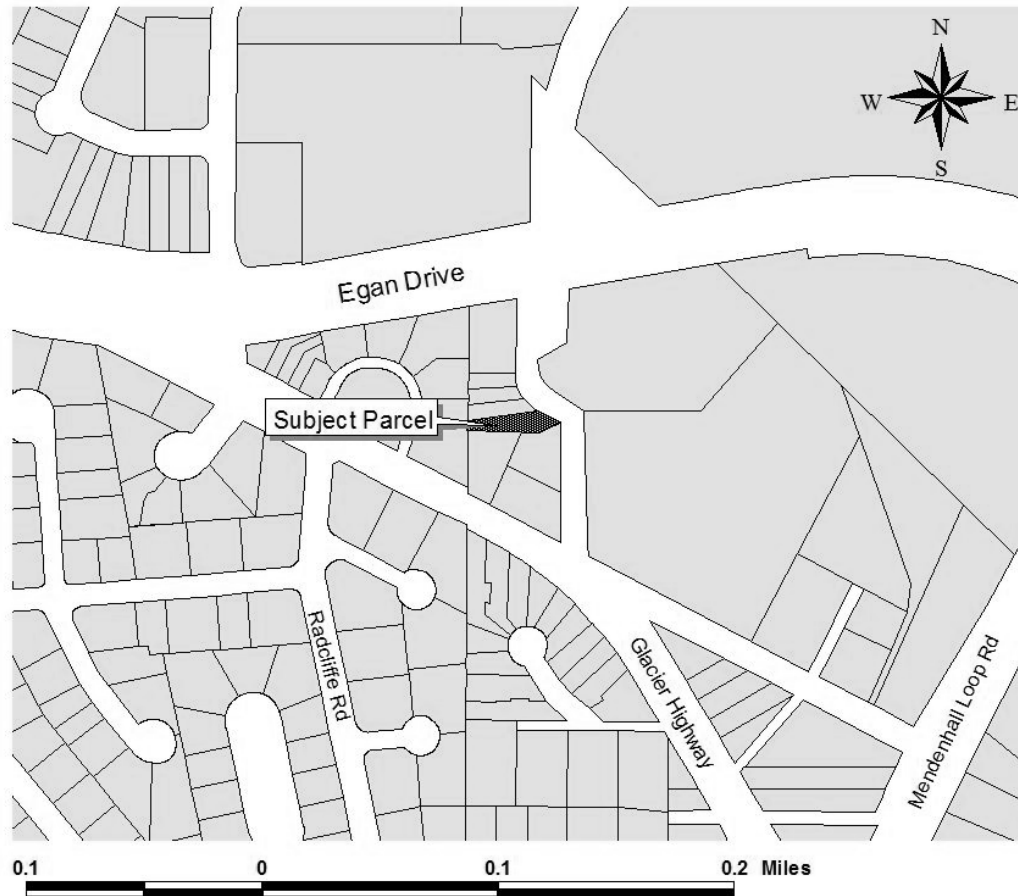
Access: Sunset Drive

Existing Land Use: Single-family common wall dwelling

Board of Adjustment
File No.: VAR2016 0002
April 15, 2016
Page 2 of 9

Surrounding Land Use:	North	- (D15) Multi-family
	South	- (D15) Multi-family
	East	- (LC) Light commercial
	West	- (D15) Multi-family

Insert Vicinity Map Here



ATTACHMENTS

Attachment A – Permit Applications
Attachment B – Project Narrative
Attachment C – As Built Survey
Attachment D – Building Inspection Report
Attachment E – Letters in Support of the Variance Requests
Attachment F – Public Notice

Board of Adjustment
File No.: VAR2016 0002 & 05
April 15, 2016
Page 3 of 9

PROJECT DESCRIPTION

The applicants are seeking Variances to reduce the 15 foot rear yard setback to 0.81 feet and to reduce the 5 foot side yard setback to 0.81 feet, in order to keep two previously constructed sheds and a backyard deck in their current locations. CBJ 49.25.430 (4) (C) (iii) does allow sheds and other unheated (non-electrified) structures to encroach into a rear or side yard setback, but the structure must be at least three feet away from any property line. CBJ 49.25.430 (4) (E) allows decks to encroach into any yard setback but must be at least five feet from any property line.

BACKGROUND

The subject lot is Lot 1A of the Sunset Park Subdivision. Prior to development, the area had many small ponds and natural water conveyances that flowed into Duck Creek and the Mendenhall River. The land was not suitable for development and fill had to be brought in to raise the grade above the water table. The home was constructed in 2005. Lot 1A was created when Lot 1 was subdivided in 2006 to allow a common wall lot split. A four foot concrete retaining wall was built along the western and southern property lines to keep the fill stable. The western property line is the rear lot line and the southern property line is a side lot line. When the applicants purchased the property in 2012 the sheds were already in place. One shed is located in the southwest corner and the second is located in the northwest corner. (See Attachment C) The applicants were unaware of any encroachment issues, at the time. There are no records of CBJ building permits being issued for either shed.

The applicants constructed a wooden deck after they purchased the home. The deck extends from the back of the home and encroaches into the southern side yard setback. (See Attachment C) Because the height of the deck is less than 30" above grade, it did not require a building permit.

The CBJ Permit Center took in an enforcement case (ENF2016 0002) concerning the two sheds being located within the setbacks and without building permits. A CBJ Building Inspector visited the property to determine if either shed required an after-the-fact building permit. One of the sheds measures 10' x 12' (120 square feet). The second measures 7' x 12' (84 square feet). The inspector noted that buildings that do not exceed 120 square feet do not require a building permit, per *CBJ Building Code 19.01.105.2.1 – Exempt building work*. The two sheds were separated by exterior walls but they shared a roof. As one structure, the sheds would require a building permit, as they were a total of 204 square feet. If the applicants agreed to separate the roof then the sheds would be considered two structures, and neither would require a building

Board of Adjustment
File No.: VAR2016 0002 & 05
April 15, 2016
Page 4 of 9

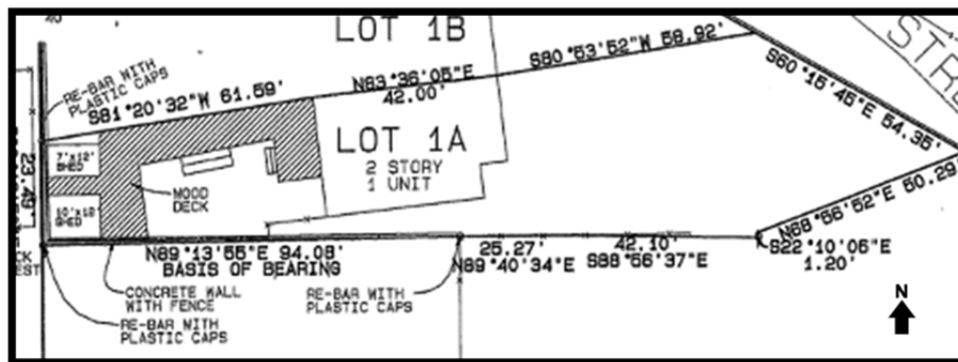
permit. There was also electricity in the larger of the two sheds. The Building Inspector informed the applicants that all structures that are wired for electricity require a building permit, no matter their size. If the wiring and the electrical panel were removed then the shed would not require a building permit.

On a second visit to the property, the Inspector noted that the shared roof had been separated and that the sheds are now considered separate structures. The Inspector also noted that the electrical panel and wiring had been removed from the larger shed. (See Attachment D)

ANALYSIS

Even when structures do not require building permits, they must still meet the setback requirements. The shed located in the southwest corner is 120 square feet, and encroaches into the side yard setback and the rear yard setback. The shed located in the northwest corner is 84 square feet, and only encroaches into the rear yard setback. Both sheds are anchored to the concrete retaining wall and use the wall as structural support.

As Built Survey



CBJ 49.25.430 (4) (C) Structures unheated. The following unheated structures are allowed in required yard setbacks, as provided below...

(iii) Enclosures for outdoor fuel tanks, detached storage sheds..... shall be no more than 40 square feet in a front yard, 65 square feet in a side yard, and 120 square feet in a rear. Where a structure is located in more than one setback, the more restrictive standards shall prevail. In no instance shall the enclosure be closer than three feet from any lot line. (Emphasis added)

This means that without an approved Variance the smaller shed, which is 84 square feet, must be moved at least three feet away from the rear property line. Because the larger shed, which

Board of Adjustment
File No.: VAR2016 0002 & 05
April 15, 2016
Page 5 of 9

is 120 square feet, is located in both the side and rear setbacks the more restrictive standard for side yard setback encroachment also applies to the rear yard. The more restrictive standard states that no more than 65 square feet of an unheated structure can encroach into a side yard setback. This means that without the approved Variances half of the shed (60 square feet) must be at least three feet from the side property line and half (60 square feet) must be at least three feet from the rear property line.

CBJ 49.25.430 (4) (E) allows first story decks that are less than 44" inches above grade to encroach a maximum of six feet into any yard setback as long as it is at least five feet from any property line. The deck is encroaching 4.19 feet into the five foot side yard setback requirement. This means that without the approved Variance to the side yard setback, 4.19 feet of the width of the deck would have to be removed. This would make the edge of the deck exactly five feet from the side property line.

Variance Requirements

Under CBJ §49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

- 1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.***

Approval of the requested Variances would provide relief to the property owners in that they would be spared the cost of removing the existing structures and relocating them to meet the required setbacks. There are other examples of structures in the neighborhood encroaching into setbacks. However, this relaxation is not more consistent with justice to other property owners since the majority of property owners in the area have structures that comply with the required yard setbacks.

No. This criterion has not been met.

- 2. That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.***

Board of Adjustment
File No.: VAR2016 0002 & 05
April 15, 2016
Page 6 of 9

The intent of Title 49 is established in Section 49.05.100 Purpose and Intent. Those sections, which are applicable to the requested variance, are as follows:

- 1) To achieve the goals and objectives and implement the policies of the Juneau Comprehensive Plan and the coastal management program;
- 2) To ensure that future growth and development in the city and borough is in accord with the values of its residents;
- 3) To identify and secure, for present and future residences, the beneficial impacts of growth while minimizing the negative impacts;
- 4) To ensure that future growth is of the appropriate type, design, and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;
- 5) To provide adequate open space for light and air; and
- 6) To recognize the economic value of land and encourage its proper and beneficial use.

The neighborhood is categorized as Medium Density Residential (MDR) in the 2013 Comprehensive Plan. These land use designations are meant to guide future development. MDR is characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. The existing sheds and deck are of an appropriate type and design for the surrounding neighborhood. No evidence has been presented indicating that the requested Variances will have a negative impact on public safety and welfare.

However, the approval of the Variance requests would violate the yard setback section of Title 49. The D15 zoning district establishes a 15 foot rear yard setback and a 5 foot side yard setback in order to provide adequate open space for light and air. Reducing these setbacks to 0.81 feet means the intent of Title 49 would not be observed.

No. This criterion has not been met.

3. *That the authorization of the Variance will not injure nearby property.*

The sheds and the deck have been in their current location for some time. Heavy vegetation along the rear and side property lines prevents the structures from being seen from two of the three neighboring lots. The sheds and the deck have been well maintained and the Building Inspector noted the sheds were in good condition. At the time that this staff report was written, CDD had received two letters from neighbors in support of granting the Variance requests. (See Attachment E) There is no evidence that the Variance will injure nearby property owners.

Board of Adjustment
File No.: VAR2016 0002 & 05
April 15, 2016
Page 7 of 9

Yes. This criterion has been met.

4. *That the Variance does not authorize uses not allowed in the district involved.*

The current use of the property is common-wall single-family residential and accessory structures such as sheds and decks are normally associated with this type of use. The use is allowed within this district, per CBJ 49.25.300 Table of Permissible Uses, 1.900.

Yes. This criterion has been met.

5. *That compliance with the existing standards would:*

(A) Unreasonably prevent the owner from using the property for a permissible principal use;

The principle use in a D15 neighborhood is residential development. Therefore, compliance with existing standards would not unreasonably prevent the owner from using the property for a permissible principle use.

No. This criterion has not been met.

(B) Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;

It is not uncommon in the neighborhood for accessory structures to encroach into setbacks; the majority of the development in the area complies with setback requirements. CBJ 49.25.430 (C) (iii) allows sheds that are no larger than 120 square feet to encroach into a rear yard setback and side yard setback as long as they are at least three feet away from the property line. If both sheds were moved three feet away from the side and rear lot lines, they would be in compliance and would be more consistent with the appearance of the neighborhood.

No. This criterion has not been met.

(C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;

Physical features of a lot are things like topography, wetlands, stream and creeks, etc. Lot shape and existing structures do not qualify as physical features of a lot. There are

Board of Adjustment
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Page 8 of 9

no unique physical features of the property that render compliance with the standards unreasonably expensive.

No. This criterion has not been met.

or

(D) *Because of preexisting nonconforming conditions on the subject parcel the grant of the Variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.*

CBJ 49.80.120 defines a nonconforming structure as *a structure, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Code, but which fails by reason of such adoption, revision, or amendment, to conform to present requirements.* At the time the deck and sheds were constructed the current setback requirements were in place. Therefore, there are no preexisting nonconformities on this lot and sub-criterion 5(D) is not applicable.

No. Staff finds that criterion 5 is not met because sub-criteria A, B and C are not met.

6. *That a grant of the Variance would result in more benefits than detriments to the neighborhood.*

No evidence has been presented indicating that allowing the sheds and the deck to remain in their existing locations, encroaching into the rear and side yard setbacks would result in detriments to the neighborhood. However, no benefits to the neighborhood have been identified.

No. This criterion is not met.

FINDINGS

1. *Is the application for the requested Variance complete?*

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

Board of Adjustment
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April 15, 2016
Page 9 of 9

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

2. *Will the proposed development comply with the Juneau Coastal Management Programs?*

Not applicable.

3. *Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?*

No. Based on the analysis above, staff finds that the Variances as requested do not meet the criteria of *Section 49.20.250, Grounds for Variance*, specifically criterion 1, 2, 5 and 6.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopts the Director's analysis and findings and **DENY** the requested Variance, VAR2016 0002 for the reduction of the rear yard setback.

Staff recommends that the Board of Adjustment adopts the Director's analysis and findings and **DENY** the requested Variance, VAR2016 0005, for the reduction of the side yard setback.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 2/29/16
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description <u>After-the-fact Building Permit for existing storage building behind townhouse @ 2515 Sunset Drive - for rear and side yard setbacks.</u>		
	PROPERTY LOCATION		
	Street Address <u>2515 Sunset Drive</u>	City/Zip <u>Juneau, AK 99801</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)		
	Assessor's Parcel Number(s)		
	LANDOWNER/ LESSEE		
	Property Owner's Name <u>Joseph & Brenda Donohue</u>	Contact Person: <u>Joseph</u>	Work Phone: <u>907.321.3326</u>
	Mailing Address <u>PO Box 20652, Juneau, AK 99802</u>	Home Phone: <u>907.321.3326</u>	Fax Number: <u>N/A</u>
	E-mail Address <u>joel.donohue99801@gmail.com</u>	Other Contact Phone Number(s): <u>Brenda - 907.321.2233</u>	
	PROJECT / APPLICANT	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>Joseph K Donohue</u>		<u>1.20.2016</u>	Date
X _____		_____	Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name <u>Same</u>		Contact Person:	Work Phone:
Mailing Address		Home Phone:	Fax Number:
E-mail Address		Other Contact Phone Number(s):	
X <u>Joseph K Donohue</u>		<u>1.20.2016</u>	Date of Application

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	Permit Type	***SIGN	Date Received	Application Number(s)
	☒ Building/Grading Permit			
	☒ City/State Project Review and City Land Action			
	☐ Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	☐ Mining Case (Small, Large, Rural, Extraction, Exploration)			
	☐ Sign Approval (If more than one, fill in all applicable permit #'s)			
	☐ Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	☐ Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	X Variance Case (De Minimis and all other Variance case types)		2/29/16	VAR20160002
Wetlands <u>Permits</u>		4/11/16	VAR20160005	
☐ Zone Change Application				
☐ Other (Describe)				
Comments:				Permit Intake Initials
				ANE

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>VAR 16-05</u>	Date Received <u>4/11/16</u>																				
TYPE OF VARIANCE REQUESTED: ☐ Variance to the Sign Standard (VSG) ☐ Variance to Dimensional Standards (VDS) ☒ Variance to Setback Requirements (VSB)																							
DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE: <u>Setback variance on West property line for storage shed on property located 2515 Sunset Drive. Please refer to original application.</u>																							
Previous Variance Applications? ☐ YES ☒ NO Date of Filing: _____ Previous Case Number(s): <u>N/A</u> Was the Variance Granted? ☐ YES ☐ NO																							
UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): <u>Please see attachment for original application.</u>																							
UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site																							
WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER? <u>To be in compliance with CBS codes</u>																							
WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED? <u>Please refer to original application attachment.</u>																							
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">VARIANCE FEES</th> <th style="text-align: center;">Fees</th> <th style="text-align: center;">Check No.</th> <th style="text-align: center;">Receipt</th> <th style="text-align: center;">Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td style="text-align: center;">\$ <u>400⁰⁰</u></td> <td style="text-align: center;"><u>7304</u></td> <td style="text-align: center;"><u>0007915</u></td> <td style="text-align: center;"><u>4/11/16</u></td> </tr> <tr> <td>Adjustment</td> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td>Total Fee</td> <td style="text-align: center;">\$ <u>400⁰⁰</u></td> <td style="text-align: center;"><u>/</u></td> <td style="text-align: center;"><u>/</u></td> <td style="text-align: center;"><u>4/11/16</u></td> </tr> </tbody> </table>			VARIANCE FEES	Fees	Check No.	Receipt	Date	Application Fees	\$ <u>400⁰⁰</u>	<u>7304</u>	<u>0007915</u>	<u>4/11/16</u>	Adjustment	\$ _____	_____	_____	_____	Total Fee	\$ <u>400⁰⁰</u>	<u>/</u>	<u>/</u>	<u>4/11/16</u>
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NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number VAR20160002	Date Received 2/29/16
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TYPE OF VARIANCE REQUESTED:

☐ Variance to the Sign Standard (VSG)
 ☐ Variance to Dimensional Standards (VDS)

☒ Variance to Setback Requirements (VSB)

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

Please refer to application attachments

Previous Variance Applications? ☐ YES ☒ NO Date of Filing: _____

Previous Case Number(s): _____

Was the Variance Granted? ☐ YES ☐ NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): _____

Please refer to application attachments.

UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?

To be in compliance with CBS codes.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

Please refer to application attachments

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	VARIANCE FEES				
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	Adjustment	\$ _____	_____	_____	_____
	Total Fee	\$ <u>400⁰⁰</u>	_____	_____	_____

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Variance Request Narrative

Background

Our personal property records show that the “Sunset Park Subdivision” was developed within USS 381 beginning in 2004 and 2005. Our piece of property is named “Lot 1A” of a resubdivision of Lot 1 within the original subdivision of USS 381. This lot is distinguished by a long asphalt driveway coming off Sunset Drive, a two-story townhouse in the center of the property, and a narrow, tapering rear yard that is bordered by a concrete retaining wall along the West and South property boundaries.

Pre-development photographs from the 1960s show the original undeveloped area as a series of shallow ponds and meadows with a high water table. This area was sparsely developed and stormwater drained through natural conveyances into both the Duck Creek and the Mendenhall River drainage areas. We were told by the seller of the property that the developing contractor apparently concluded that the watertable on Lots 1A and Lot 1B was too close to the surface for building a two-story townhouse, therefore additional fill was added to the property. This fill brought the grade up above the water table on Lots 1A and 1B to allow for dry concrete crawl spaces under both sides of the townhouse structure.

The added gravel and soil fill in the rear yard of the property within Lots 1A [and 1B] was contained by the 4-foot high concrete retaining wall. The tightly-layered substrate characteristic of the gravel fill slows the drainage of precipitation from the surface of the rear yard. The previous owners required additional enclosed storage area for their property and constructed raised, detached storage buildings for tools and yard equipment. Because of the damp surface conditions in the rear yard, the previous owners used the existing retaining wall to support the West and South walls of the detached storage buildings. The other two walls were supported by a standard system of vertical, spaced timbers.

We purchased the property at 2515 Sunset Drive in 2012. The detached storage buildings were in place in their current position at the time of purchase. We were not made aware of probable encroachment into CBJ property line setbacks. There is no CBJ record of an Application for a Building Permit for these storage buildings, otherwise it is unlikely that the previous owner would have been allowed to construct the storage buildings within the required setback margins.

Rationale For Applying for Variance

It was brought to our attention on January 14, 2016 that a neighbor had filed a complaint with the CBJ’s Community Development Department concerning the detached storage structures in the rear yard at 2515 Sunset Drive being constructed without a Building Permit. This neighbor did not bring this situation to our attention prior to informing the CBJ. The CBJ Building Inspector who delivered the CBJ’s

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Building Permit Reminder form was invited into the rear yard to examine the structures in question. Based on his comments on the two storage structures, it was decided that with some very minor alterations, the accessory structures would not require a CBJ Building Permit. On January 25, 2016, the same Building Inspector was invited to return to 2515 Sunset Drive and review the completion of the minor alterations. At this point the Building Inspector produced an "Inspection Report" [Permit No. ENF20160002] with the following written observations: *"No Power To Or Mechanical Connection Between Accessory Buildings". "No Building Permit Is Needed For Unpowered Accessory Buildings Less Than 120 Square Feet. Deck Is Stand Alone And Less Than 30" Above Grade Does Not Need A Permit."* *"Setback Issues Remain."*

Based on the determination by the Building Inspector that a Building Permit was not required for the structures in question (following minor modifications), we have decided to pursue a variance to the CBJ setback requirements to be able to leave the detached storage structures in their current position. We have personally contacted each neighboring property owner [with the exception of the Complainant], and have received no negative feedback against allowing the structures to remain in their current position. We have had a building contractor give us an estimate for physically moving the structures horizontally and find the cost to move the storage buildings off of the retaining wall supports to be cost-prohibitive (contractor estimate included in variance application packet).

Variance Approval Criteria

(Found on CBJ "Variance Application" form – Revised October 2015)

(1) The relaxation applied for or a lesser relaxation specified by the board of adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

A setback relaxation would give the current owner substantial relief to be able to use the rear yard as was the intent when the property was purchased. The detached buildings do not constitute a view obstacle to surrounding property owners.

(2) Relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare preserved.

We have lived on the property since early 2013 and have not been made aware of any instances where the detached buildings have constituted, [or will be] a future impedance to public safety and welfare in this neighborhood. The buildings are not encroaching on neighboring property and are entirely inside of the property lines of Lot 1A.

-3-

(3) The authorization of the variance will not injure nearby property.

We are not aware of any other complaints from neighbors, either made to the previous owner, or to ourselves. The storage buildings have been maintained to a high standard and reflect a continued desire by the owners of Lot 1A to keep the area tidy and secure and the storage buildings unobtrusive. The buildings are not situated in such a manner as to injure nearby property.

(4) The variance does not authorize uses not allowed in the district involved.

The current owner understands that the variance requested would not authorize uses that are not otherwise allowed in the district.

(5) Compliance with the existing standards would:

(A) Unreasonably prevent the owner from using the property for a permissible principle use.

Compliance with the 15-foot rear yard setback would unreasonably prevent the owners from using the full existing rear yard area for gardening, outdoor recreation, and socializing.

(B) Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property.

After taking walking tours of the neighborhood to get an idea of scale, amenities, appearance or features, the owners believe the detached storage buildings to be consistent with these conditions when compared to neighboring structures. We have taken pictures of similar structures on neighboring properties and feel that the detached storage structures are equivalent in scale and appearance (photographs of neighboring structures are available upon request).

(C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive; or

Because of the asymmetrical dimensions of the rear yard, and the wet soil surfaces of the rear yard caused by poor drainage of the existing fill material, the owners believe that moving the detached storage structures back into the property and away from the property line setbacks would be prohibitive in cost and would remove large sections of the rear yard currently set aside for decks, for gardening, outdoor recreation, and socializing. The owners also believe that moving the storage buildings from their current positions would significantly detract from the monetary value of the property as a whole. (See attached estimate for moving buildings.)

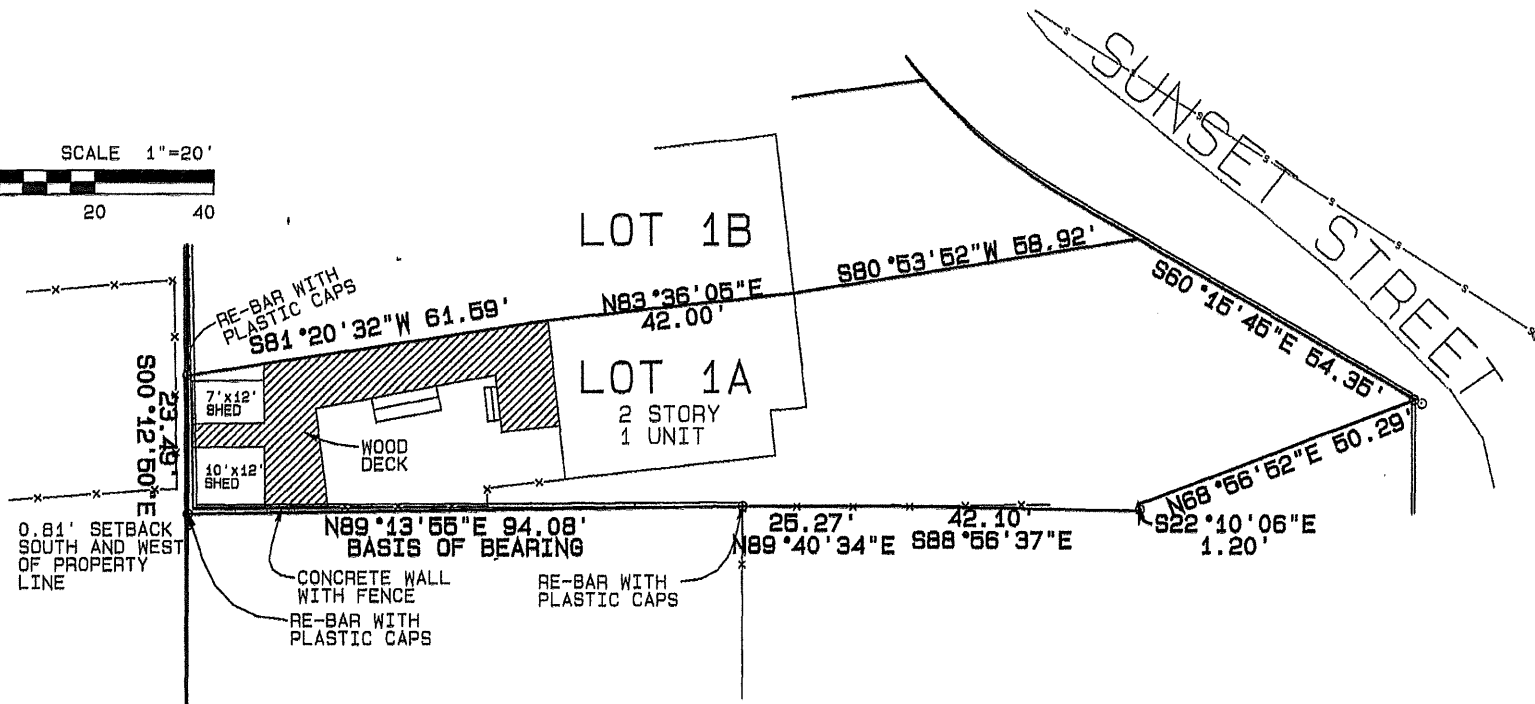
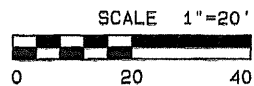
-4-

(D) Because of pre-existing nonconforming conditions on the subject parcel, the grant of the variance would not result in a net decrease in overall compliance with the land use code, title 49, or the building code, title 19, or both; and

The owners have given this point a lot of consideration and it is their feeling that the granting of this variance request to leave the detached buildings in the current position [within the property line setbacks] would not result in a decrease in overall compliance with the land use code, title 49, or the building code, title 19, or both.

(6) A grant of the variance would result in more benefits than detriments to the neighborhood.

Based on the lack of negative response to questions posed to neighbors by the owners of Lot 1A about whether the detached storage buildings are “. . .a detriment to the neighborhood” because they are situated within CBJ setback restrictions, we believe that the structures may not be have a true over-riding beneficial value to the neighborhood, but are not detrimental to the neighborhood either. A casual observation of the properties surrounding “2515 Sunset Drive” notes instances with varying degrees of clutter, inoperable vehicles and boats with expired licenses and permits, and permanent structures placed within CBJ setbacks. As the owners of a neighboring piece of property, we have no issue with what transpires on other people’s property, and at the same time respect the privacy of these landowners to use their property in whatever manner as they see fit.



I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT; THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.



JW BEAN
PROFESSIONAL SURVEYOR

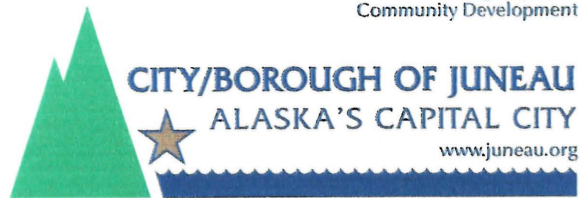
TDS10310
F.B. _____ JOB No 12830
SCALE AS-SHOWN
DATE 02-20-2016

AS-BUILT SURVEY OF

LOT 1A
BK. A
SUNNSET PARK SUBD.



BUILDING PERMIT REMINDER



Office: 230 S. Franklin St. • Fourth Floor - Marine View Center
Mail: 155 S. Seward St. • Juneau, Alaska 99801 907-586-0768
jeff.hedges@juneau.org Fax: 907-586-4529

AU
ITY



Juneau Permit Center
Community Development Department
City and Borough of Juneau
155 South Seward Street
Juneau, Alaska 99801

Physical location: 230 S. Franklin St., 4th Floor Marine View Center
Telephone: (907) 586-0770 Telefax: (907) 586-3365
Email: permits@ci.juneau.ak.us Web site: www.juneau.org/permits

To the Owner and/or Contractor of the building located at:

Address: 2515 SUNSET DR APN: 5B1601090114

In order to assure that this building meets the requirements of building codes and therefore is safe for current and future occupants, a valid Building Permit specifically for the work described below is required.

Please apply for a Building Permit by the time specified below to avoid a **Stop Work Order**. We suggest that you not proceed with construction until a building permit is issued and this matter is resolved.

WORK COVERED BY THIS REMINDER: ACCESSORY STRUCTURE LARGER
THAN 120 SQUARE FEET REQUIRES A PERMIT.
STRUCTURE BUILT IN REQUIRED SETBACKS

POSSIBLE ITEMS NEEDED FOR BUILDING PERMIT ISSUANCE:

- ☒ A completed Building Permit Application and Building Permit Fee

IF PLAN REVIEW IS NEEDED:

- ☒ Two sets of building plans
☒ A site survey stamped by an Alaska registered land surveyor
☒ Plan Review Fee
☐ Other _____

WHEN APPLICATION MUST BE SUBMITTED: by Date: 01/28/16 Time: 4:30 PM

FORM DELIVERED TO: _____

NOTICE BY: JEFF HEDGES Date: 01/14/16 Time: 10:30 AM

Please call 586-0770 if you have any questions about the requirements for a Building Permit Application.

PERMIT NO. ENF 2016 0002

APN NO. _____

Packet Page 860 of 888

INSPECTION REPORT

CITY AND BOROUGH OF JUNEAU BUILDING DIVISION

4TH FLOOR MARINE VIEW CENTER
MAIL: 155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

VOICE: 586-5230

FAX: 463-2606

INSPECTION REQUEST LINE: 586-1703

DATE: 01/25/16

TIME: 2:30 pm

TYPE OF INSPECTION:

- | | | | |
|---|-------------------------------------|---|--|
| ☐ FOOTING | ☐ FRAME | ☐ WOODSTOVE | ☐ SEWER |
| ☐ STEM WALLS | ☐ ELECTRICAL | ☐ SMOKE DETECTOR | ☐ GRADING/DRAINAGE |
| ☐ SLAB | ☐ PLUMBING | ☐ COURTESY | ☐ CROSS CONNECTION CONTROL |
| ☐ UNDERSLAB
(PLUMBING/ELECTRICAL) | ☐ INSULATION | ☐ DRIVEWAY | ☐ FINAL |
| ☐ TEMPORARY POWER | ☐ ACCESS | ☐ WATERLINE | ☒ <u>ENFORCEMENT CHECK</u> |

OWNER/CONTRACTOR JOE DONAHUE

ADDRESS 2515 SUNSET DR

PERMIT TYPE ENF INSPECTION CODE _____

NO POWER TO OR MECHANICAL CONNECTION BETWEEN ACCESSORY BUILDINGS

NO BUILDING PERMIT IS NEEDED FOR UNPOWERED ACCESSORY BUILDINGS LESS THAN 120 SQUARE FEET. DECK IS STAND ALONE AND LESS THAN 30" ABOVE GRADE DOES NOT NEED A PERMIT.

SETBACK ISSUES REMAIN

- ☐ CALL FOR REINSPECTION BEFORE CONCEALMENT
- ☐ CORRECTIONS OF ITEMS NOTED ABOVE WILL BE REINSPECTED AT TIME OF NEXT REQUESTED INSPECTION

INSPECTOR Jeff Hedges

P.O. Box 32053
Juneau, Alaska 99803
April 5, 2016

City & Borough of Juneau
Community Development Division
155 S. Seward Street
Juneau, Alaska 99801



Re: VAR2016 0002

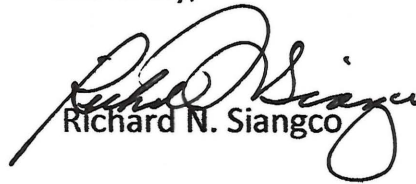
Planning Commission:

I received notice of Public Hearing requesting a variance to D-15 rear yard setback from owners Joseph and Brenda Donohue, property PCN: 5-B16-0-109-0114.

Brenda's parents bought and resided on this property prior to their passing several years ago. They also had the shed built in their back yard by professional Builders. The back yard is beautifully landscaped and the shed has been recently painted.

I have no objection to this variance request and urge the planning commission to accept this request from Joseph and Brenda Donohue. They are good neighbors and improved the surrounding area on this property.

Sincerely,


Richard N. Siangco

FAITH LUTHERAN CHURCH

**2500 SUNSET DRIVE
JUNEAU, ALASKA 99801**



**City & Borough of Juneau
Community Development Department
155 S. Seward Street
Juneau, Alaska 99801**

April 10, 2016

**RE: VAR2016 0002
Joseph and Brenda Donohue
2515 Sunset Drive**

Gentlemen:

Faith Lutheran offers no objections to the granting of the requested rear yard setback.

Your consideration is appreciated.

Respectfully Yours,

A handwritten signature in cursive script that reads "Lorinda Kassner".

Lorinda Kassner

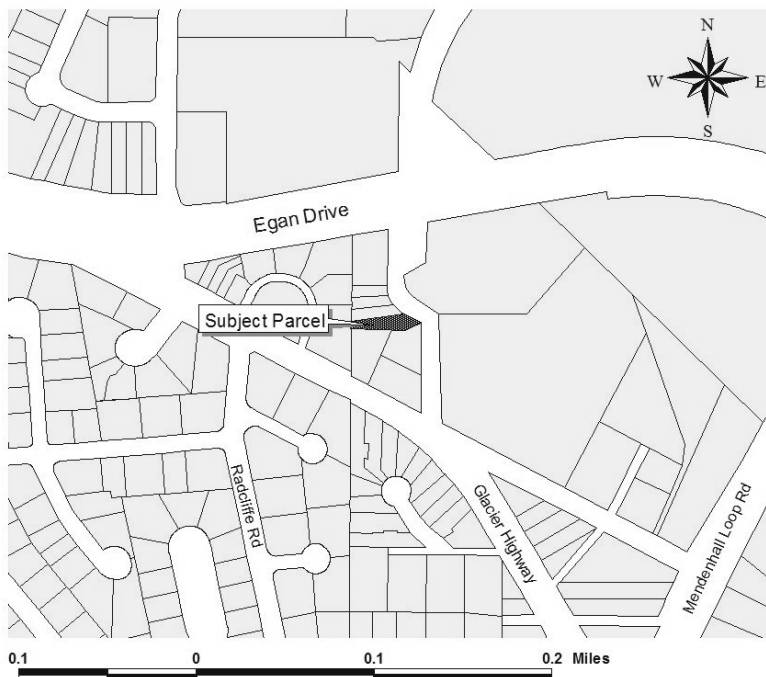
President

LK:kfm

CC: J./B. Donohue



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Variance Requests to D-15 side and rear yard setback requirements for two existing sheds.

File No:	VAR2016 0002; VAR2016 0005	Applicant:	Joseph and Brenda Donohue
To:	Adjacent Property Owners	Property PCN:	5-B16-0-109-011-4
Hearing Date:	April 26, 2016	Owner:	Joseph and Brenda Donohue
Hearing Time:	7:00 PM	Size:	6,556 Sq. ft.
Place:	Assembly Chambers	Zoned:	D-15
	Municipal Building	Site Address:	2515 Sunset Drive
	155 South Seward Street	Accessed Via:	Sunset Drive
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Allison Eddins at Allison.Eddins@juneau.org or 586-0758.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Date notice was printed: April 11, 2016



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: May 2, 2016
File No.: VAR2016 0002

Joseph and Brenda Donohue
PO Box 20652
Juneau, AK 99801

Application For: Variance request to reduce the rear yard setback requirement from 15 feet to 0.81 feet

Legal Description: Sunset Park Lot 1A

Property Address: 2515 Sunset Drive

Parcel Code No.: 5-B16-0-109-011-4
Hearing Date: April 26, 2016

The Board of Adjustment, at its regular public meeting, adopted the analysis and based on additional information provided at the hearing, modified criterions 1, 2, 5(C) and 6 as shown below:

CBJ 49.20.250 Grounds for Variance

1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 - The relaxation will give substantial relief to the property owners. There are other examples of accessory structures in the neighborhood that encroach into required yard setbacks and these encroachments do not appear to have harmed surrounding property owners. Yes; this criterion has been met.

2. That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.

- Some additional work on the part of the applicant to improve the storm water drainage on the lot would remove any issues to public safety and welfare. The Board of Adjustment finds that the inherited rear yard encroachment does not contravene the intent of Title 49. Yes; this criterion has been met.

That compliance with the existing standards would be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;

- Given the history of the property and the fact that the applicants inherited the existing structures and the setback encroachment, the Board finds that the existing structures are physical features of the lot, and removing them would be unnecessarily expensive. Yes; sub-criteria 5(C) has been met.

- The benefits to the neighborhood would be neighborhood harmony and a reasonable compromise. Yes; the criterion has been met.

The Commission approved the Variance to be conducted as described in the project description and with the following condition:

1. The roof eaves of the sheds must not extend beyond the allowed 0.81 foot rear yard setback.
2. The larger shed and the deck must be removed or relocated to conform with the required side yard setback.

Attachment: April 15, 2016, memorandum from Allison Eddins, Community Development, to the CBJ Board of Adjustment regarding VAR2016 0002.

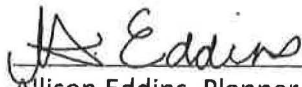
This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Board, April 26, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or October 26, 2017. If no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:



Allison Eddins, Planner
Community Development Department



Paul Voelckers, Vice Chair
Planning Commission



Filed With City Clerk

Date

5/3/16

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

BOARD OF ADJUSTMENT NOTICE OF DECISION

Date: May 2, 2016
File No.: VAR2016 0005

Joseph and Brenda Donohue
PO Box 20652
Juneau, AK 99801

Application For: Variance request for the reduction of the side yard setback requirement from 10 feet to 0.81 feet.
Legal Description: Sunset Park LT 1A
Property Address: 2515 Sunset Drive
Parcel Code No.: 5-B16-0-109-011-4
Hearing Date: April 26, 2016

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 15, 2016, and denied the requested Variance.

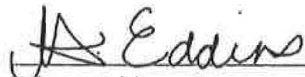
Attachment: April 15, 2016, memorandum from Allison Eddins, Community Development, to the CBJ Board of Adjustment regarding VAR2016 0005.

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Board, April 26, 2016

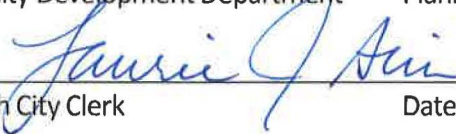
Project Planner:


Allison Eddins, Planner

Community Development Department


Paul Voelckers, Vice Chair

Planning Commission


Filed With City Clerk

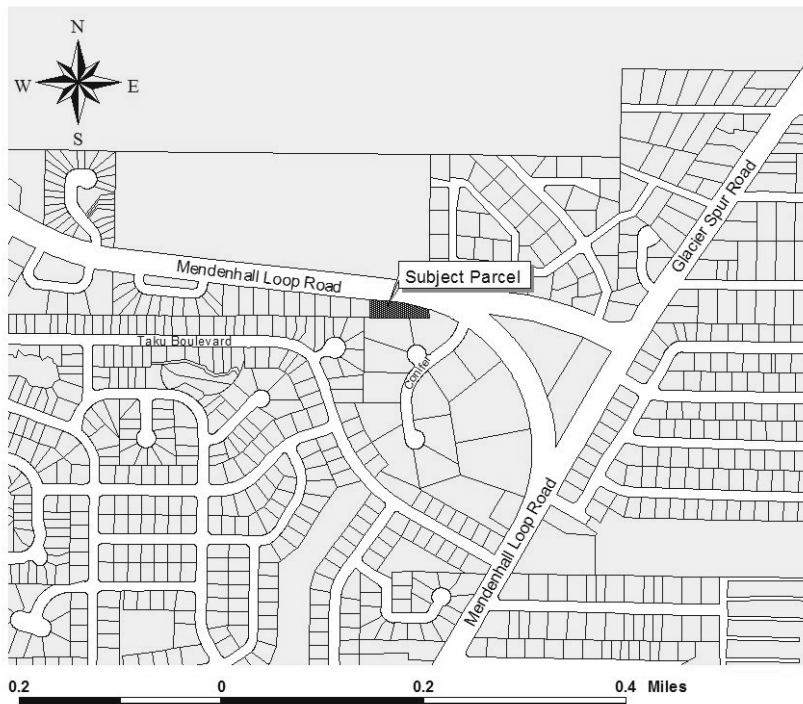
 5/3/16
Date

cc: Plan Review

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NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Variance Request to the D-5 zoning district lot depth requirement.

File No:	VAR2016 0003	Applicant:	Rand E. Thatcher
To:	Adjacent Property Owners	Property PCN:	5-B24-0-124-001-0
Hearing Date:	April 26, 2016	Owner:	Rand E. Thatcher
Hearing Time:	7:00 PM	Size:	0.5071 Acres
Place:	Assembly Chambers	Zoned:	D-5
	Municipal Building	Site Address:	8497 Mendenhall Loop Road
	155 South Seward Street	Accessed Via:	Mendenhall Loop Road
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Allison Eddins at Allison.Eddins@juneau.org or 586-0785.



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Date notice was printed: March 28, 2016



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: April 15, 2016

TO: Board of Adjustment

FROM: Allison Eddins, Planner *A Eddins*
Community Development Department

FILE NO.: VAR2016 0003

PROPOSAL: Variance request to reduce the lot depth requirement from 85 feet to 68.75 feet to allow a two lot subdivision.

GENERAL INFORMATION

Applicant: Rand E. Thatcher

Property Owner: Rand E. Thatcher

Property Address: 8479 Mendenhall Loop Road

Legal Description: NORTH LOOP 1 Lot 1

Parcel Code Number: 5-B24-0-124-001-0

Site Size: 0.5 acres/22,090 square feet

Comprehensive Plan Future Land Use Designation: Urban Low Density Residential (ULDR)

Zoning: (D5) Single family/duplex

Utilities: City water and sewer

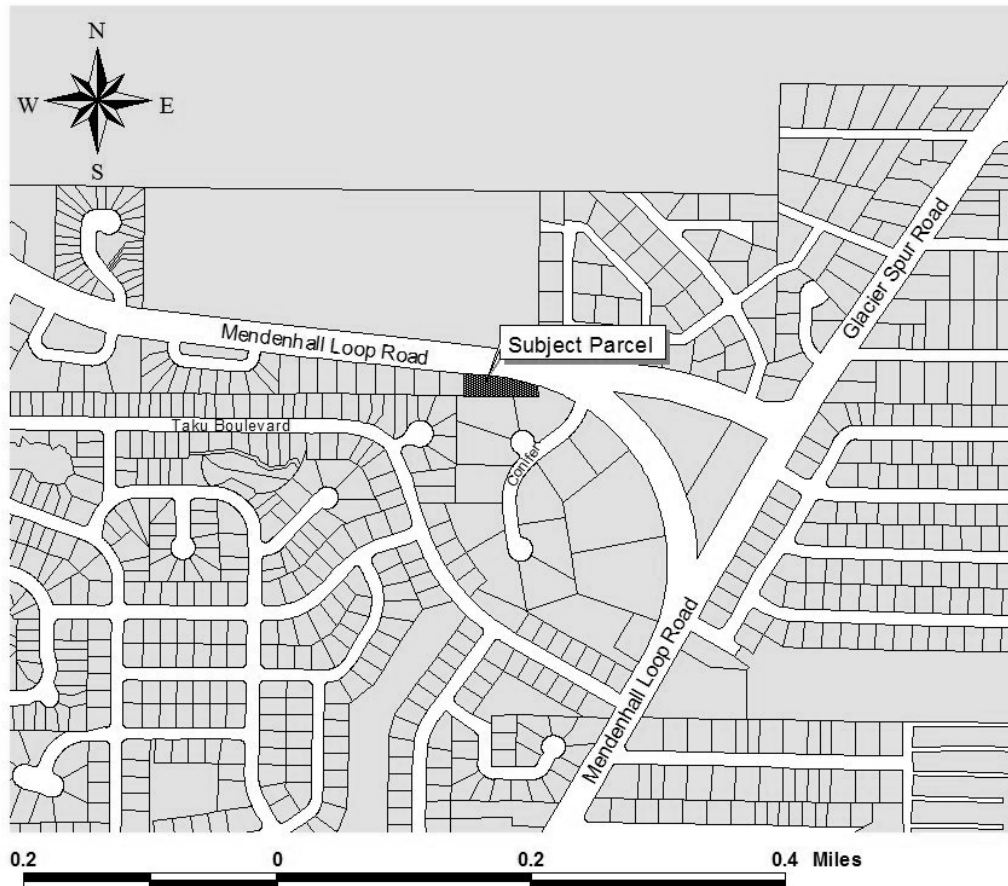
Access: Mendenhall Loop Road

Existing Land Use: Single Family/Residential

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April 15, 2016
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Surrounding Land Use:	North	- (D5) Single family/duplex; National Forest Service
	South	- (D5) Single family/duplex
	East	- (D5) Single family/duplex
	West	- (D5) Single family/duplex

Insert Vicinity Map Here



ATTACHMENTS

Attachment A – Permit Application
Attachment B – Proposed Subdivision
Attachment C – Project Narrative
Attachment D – Ordinance 72-33 and Pre- 1987 Platting Variance requirements
Attachment E – Public Notice

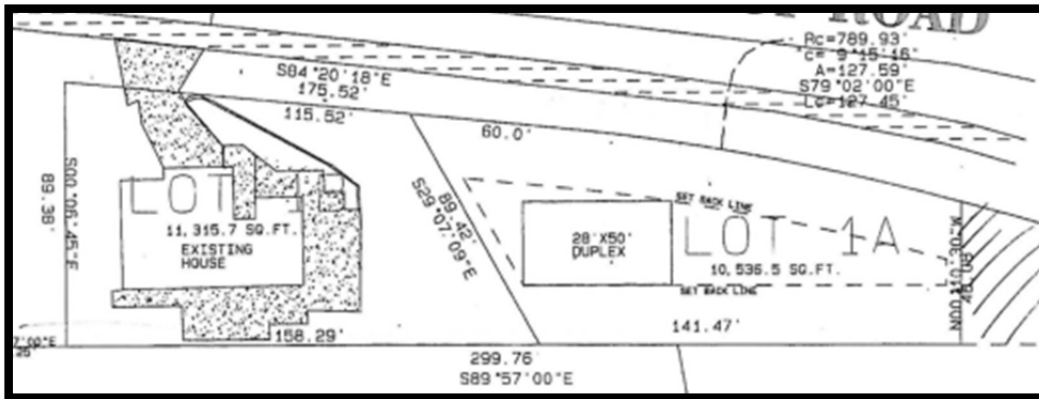
PROJECT DESCRIPTION

The property is located at 8497 Mendenhall Loop Road and is 22,090 square feet in size. The applicant wishes to subdivide the lot (Lot 1) into two lots; Lot 1A and Lot 1B. The applicant is

Board of Adjustment
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 April 15, 2016
 Page 3 of 8

seeking a variance to the D5 lot depth requirement for Lot 1A. CBJ 49.25.400 requires a minimum lot depth of 85 feet for lots in a D5 zoning district. Lot 1A would have an average depth of 68.75 feet, as shown below. This would be a reduction of 17.25 feet (See Attachment B).

Proposed Subdivision Layout



BACKGROUND

Lot 1 was created in 1977 as part of North Loop Subdivision No. 1 (Plat 77-69). The North Loop Subdivision was subdivided in phases. The first phase was recorded in 1977 and the second phase recorded in 1981. Prior to the subdivision, the legal description of the land was USS 3758 Tract A, Lot 1. The owner of USS 3758 Tract A, Lot 1 submitted a preliminary plat for eight lots to the Platting Board on August 23, 1976. The final plat was approved on January 10, 1977.

At the time the lot was zoned R7; a zoning district that required a minimum lot depth of 85 feet. In 1976, CBJ 49.35.340 defined lot depth as the average distance from the street right-of-way to the rear lot line, which is the most distant from said street right-of-way. Lot 1 did not meet the dimensional standards for lot depth. The unusual shape of the lot causes it to narrow from 89.38 feet on the western side to 48.08 feet on eastern side. The average of these two distances gives the lot a depth of 68.73 feet.

The City and Borough of Juneau first established platting regulations in 1973 with the adoption of Ordinance 72-33. This ordinance created separate requirements and application procedures for variances that were requested in conjunction with a proposed subdivision (See Attachment D). The regulations allowed the Platting Board to consider the lot's shape and size when deciding platting variance cases. Platting Variances were repealed when the new Land Use Code was adopted in 1987. Since 1987, all Variance requests are required to meet the criteria of CBJ 49.20.250 *Grounds for Variance*.

Unfortunately, staff was not able to find much information on this platting variance request. At

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the time, a full analysis of the impacts of a Platting Variance was not required. According to the Planning Commission minutes from August 23, 1976, a variance to reduce the R7 lot depth requirement from 85 feet to 68.73 feet was granted to the owner of North Loop Subdivision. No objections to the Variance were noted in the meeting minutes.

ANALYSIS

Variance Requirements

Under CBJ §49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

- 1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.***

The subject lot has sufficient area but could not be subdivided without a variance to the current lot width standards. The relaxation applied for would give relief to the property owner by allowing the existing lot to be subdivided. The owner could then sell the lot, or retain ownership and develop a single family residence or duplex on the lot. If the lot cannot be subdivided, an accessory apartment could be built on the property. The parcel is eligible for increased accessory apartment size of up to 50 percent of the net floor area of the primary dwelling unit because the lot is more than 125 percent of the minimum lot size for the zoning district.

The surrounding D5 lots that front onto Mendenhall Loop Road and Conifer Lane to the east meet the dimensional standards for lot depth. There are a few common wall lots to the south that front on Taku Boulevard that do not meet the dimensional standards. These lots were developed in the 1980s and received platting waivers to the dimensional standards. Staff does not find enough evidence that this variance would be more consistent with justice to other property owners.

No. This criterion has not been met.

- 2. That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.***

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April 15, 2016
Page 5 of 8

The intent of Title 49 is established in Section 49.05.100 Purpose and intent. Those sections which are applicable to the requested variance are as follows:

- 1) To achieve the goals and objectives and implement the policies of the Juneau Comprehensive Plan and the coastal management plan;
- 2) To ensure that growth and development is in accord with the values of Juneau's residents;
- 3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;
- 4) To ensure that future growth is of appropriate type, design, and location, and is served by a proper grange of public services and facilities such as water, sewer and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and welfare;
- 5) To provide adequate open space for light and air; and
- 6) To recognize the economic value of land and encourage its proper and beneficial use.

The neighborhood is categorized Urban Low Density Residential (ULDR) in the 2013 Comprehensive Plan. These land use designations are meant to guide future development. ULDR is characterized by urban or suburban residential lands with detached single-family units, duplex, cottage or bungalow housing, common-wall dwelling units and manufactured homes on permanent foundations at densities of one to six units per acre. The applicant is proposing to develop a duplex on the new lot. This type of use is appropriate for the neighborhood and would be similar in character to the surrounding development. The area is served by city water and sewer and other public amenities nearby, including Mendenhall River Elementary School and Mendenhall Glacier Visitor Center. While lot dimension and lot size requirements ensure that the character and density of a neighborhood are maintained, the setback and lot coverage requirements serve as a way to ensure that adequate open space for light and air are provided. The applicant provided an as-built survey that shows required setbacks and lot coverage requirements can be met with the proposed reduction in lot depth (See Attachment B). Granting the Variance would allow the applicant to subdivide the lot as shown in Attachment B. The subdivision would encourage the development of housing on the new lot.

The intent of the subdivision regulations in Title 49 are established in Section 49.15.400. Those sections that are applicable to the requested Variance are as follows:

- 1) Establish a process that facilitates the fair and predictable division of land;
- 2) Encourage the efficient and cost-effective provision of public services;
- 3) Address traffic and circulation to reduce congestion;
- 4) Provide for flexibility in the division and establishment of residential and commercial lots;
- 5) Establish procedures for subdividing land to accommodate a variety of housing types; and

Board of Adjustment
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 April 15, 2016
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- 6) Accomplish uniform monumentation for land subdivision and facilitate accurate legal descriptions for land conveyance

Granting of the variance would allow the existing lot to be subdivided. The neighborhood has city water and sewer. A utility permit and right-of-way permit would be required to connect the proposed lot to the existing city utilities. Although the applicant has not obtained a driveway permit from AKDOT&PF, the applicant and CDD staff have been in-touch with an AKDOT&PF Right-of-way Permitting Agent who has no initial concerns with granting permission for a new driveway that will access Mendenhall Loop Road. The proposed lot would have a maximum density of two dwelling units. The proposed development is minor and the impacts on existing traffic patterns will be minimal.

CBJ 49.20.250 Grounds for variances allows for the flexibility in dimensional standards that the applicant is requesting. Should the Variance be granted, the applicant must follow the proper procedures for subdividing the existing lot in order to accommodate a single family home or duplex, which will be in harmony with the character and density of the surrounding development.

Yes. This criterion is met.

3. *That the authorization of the Variance will not injure nearby property.*

The proposed residential development is consistent with the surrounding neighborhood. If the Variance to lot width is granted any development on the new lot would still be required to meet all applicable setback and other dimensional requirements. The applicant will be required to obtain a right-of-way permit from AKDOT&PF prior to plat recording. As part of the driveway permitting process, AKDOT&PF will evaluate the safety and impacts of the new driveway location. There is no evidence that the Variance will injure nearby property owners.

Yes. This criterion is met.

4. *That the Variance does not authorize uses not allowed in the district involved.*

The proposed use is single-family residential or duplex and is allowed in the D5 zoning district.

Yes. This criterion is met.

5. *That compliance with the existing standards would:*

- (A) *Unreasonably prevent the owner from using the property for a permissible principal use;***

Board of Adjustment
File No.: VAR2016 0003
April 15, 2016
Page 7 of 8

The existing lot is being used as a single-family residence with accessory storage units. Without the variance the owner can continue to use the lot in this manner.

No. This criterion has not been met.

(B) *Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;*

The proposed lot is consistent with Title 49 requirements for minimum lot size, road frontage, direct and practical access and public improvements. The proposed use on the lot is consistent with Title 49 Table of Permissible Uses and is consistent with the surrounding uses.

Yes. This criterion is met.

(C) *Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;*

The unique situation that makes compliance with the standards difficult is the shape of the lot. However, lot lines are not physical features of a property. There are no unique physical features of the property that render compliance with the standards unreasonably expensive.

No. This criterion has not been met.

or

(D) *Because of preexisting nonconforming conditions on the subject parcel the grant of the Variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.*

The variance would allow the applicant to subdivide the existing lot. As mentioned in the background portion of this report, the existing lot received a Variance to lot depth in 1976. The proposed subdivision would allow the existing lot to come into compliance with Title 49, while creating a new lot that will not be in compliance. The two lots cancel each other out and therefore the variance request will not result in a net decrease in overall compliance.

Yes. This criterion is met.

Board of Adjustment
File No.: VAR2016 0003
April 15, 2016
Page 8 of 8

Since sub-criteria 5(B) and 5(D) are met, criterion 5 is met.

6. *That a grant of the Variance would result in more benefits than detriments to the neighborhood.*

The variance would allow the applicant to create a new lot that would have an average depth of 68.75 feet. The required front and rear setbacks are 20 feet. This creates a small buildable area that will significantly constrain any future addition to a residential development. The proposed lot would have a maximum density of two dwelling units. This small increase in the number of housing units in the neighborhood will have a minimal impact. Staff does not find evidence that granting this variance would negatively impact the neighborhood.

Yes. This criterion is met.

FINDINGS

1. *Is the application for the requested Variance complete?*

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

2. *Will the proposed development comply with the Juneau Coastal Management Programs?*

Not applicable.

3. *Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?*

No. Since criterion 1 is not met the variance does not meet the criteria of Section 49.20.500, Grounds for Variance.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings, and **DENY** the requested Variance, VAR2016 0003.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>3/2/16</u>
Project Name (City Staff to Assign Name)		
INFORMATION	Project Description <u>VARIANCE APP. FOR N Loop Sub. NO 1, TRAC A Lot 1</u> <u>USS NO. 3758</u>	
	PROPERTY LOCATION	
	Street Address <u>8497 MEND LOOP RD.</u>	City/Zip <u>JNU, AK</u>
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)	
	Assessor's Parcel Number(s) <u>5132401240010</u>	
	LANDOWNER/ LESSEE	
	Property Owner's Name <u>RAND E. THATCHER</u>	Contact Person: <u>(907) 723-7571</u> Work Phone:
	Mailing Address <u>210145 ALEK BAY, AK 99831</u>	Home Phone: <u>(907) 789-7557</u> Fax Number:
	E-mail Address <u>IK THATCHER @ GCI . NET</u>	Other Contact Phone Number(s):
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application. X <u>[Signature]</u> Landowner/Lessee Signature <u>3/2/16</u> Date X _____ Landowner/Lessee Signature _____ Date NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date. APPLICANT If the same as OWNER, write "SAME" and sign and date at X below Applicant's Name _____ Contact Person: _____ Work Phone: _____ Mailing Address _____ Home Phone: _____ Fax Number: _____ E-mail Address _____ Other Contact Phone Number(s): _____ X _____ Applicant's Signature _____ Date of Application _____		

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS	☒	Permit Type	SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	☒	Variance Case (De Minimis and <u>all other Variance</u> case types)		<u>3/2/16</u>	<u>VAR 20160003</u>
		Wetlands Permits			
	Zone Change Application				
	Other (Describe)				
***Public Notice Sign Form filled out and in the file.					
Comments:				Permit Intake Initials <u>EJKL</u>	

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number VAR20160003	Date Received 3/2/16
----------------	------------------------------	-----------------------------------	--------------------------------

TYPE OF VARIANCE REQUESTED:

☐ Variance to the Sign Standard (VSG)
 ☒ Variance to Dimensional Standards (VDS)

☐ Variance to Setback Requirements (VSB)

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

NEW CONSTRUCTION DWELLING

LOT DEPTH APPROVAL FOR PROPOSED SUB DIVISION

Previous Variance Applications? ☐ YES ☒ NO Date of Filing: _____

Previous Case Number(s): _____

Was the Variance Granted? ☐ YES ☐ NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): **END LOT: PLAT 76-33 - IS A LOT THAT ENDS N. LOOP SUBDIVISION. THIS LOT SIZE IS TYPICALLY NARROW; DWELLING PROPOSED IS LIMITED IN SIZE TO CONFORM TO ALL SET BACKS, EVEN THOUGH LOT MIN. SQ. FT. IS EASILY OBTAINED.**

UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?

TO ASSURE PROPOSED NEW DWELLING IS POSITIONED IN A FASHION THAT MEETS CBS REQUIREMENTS

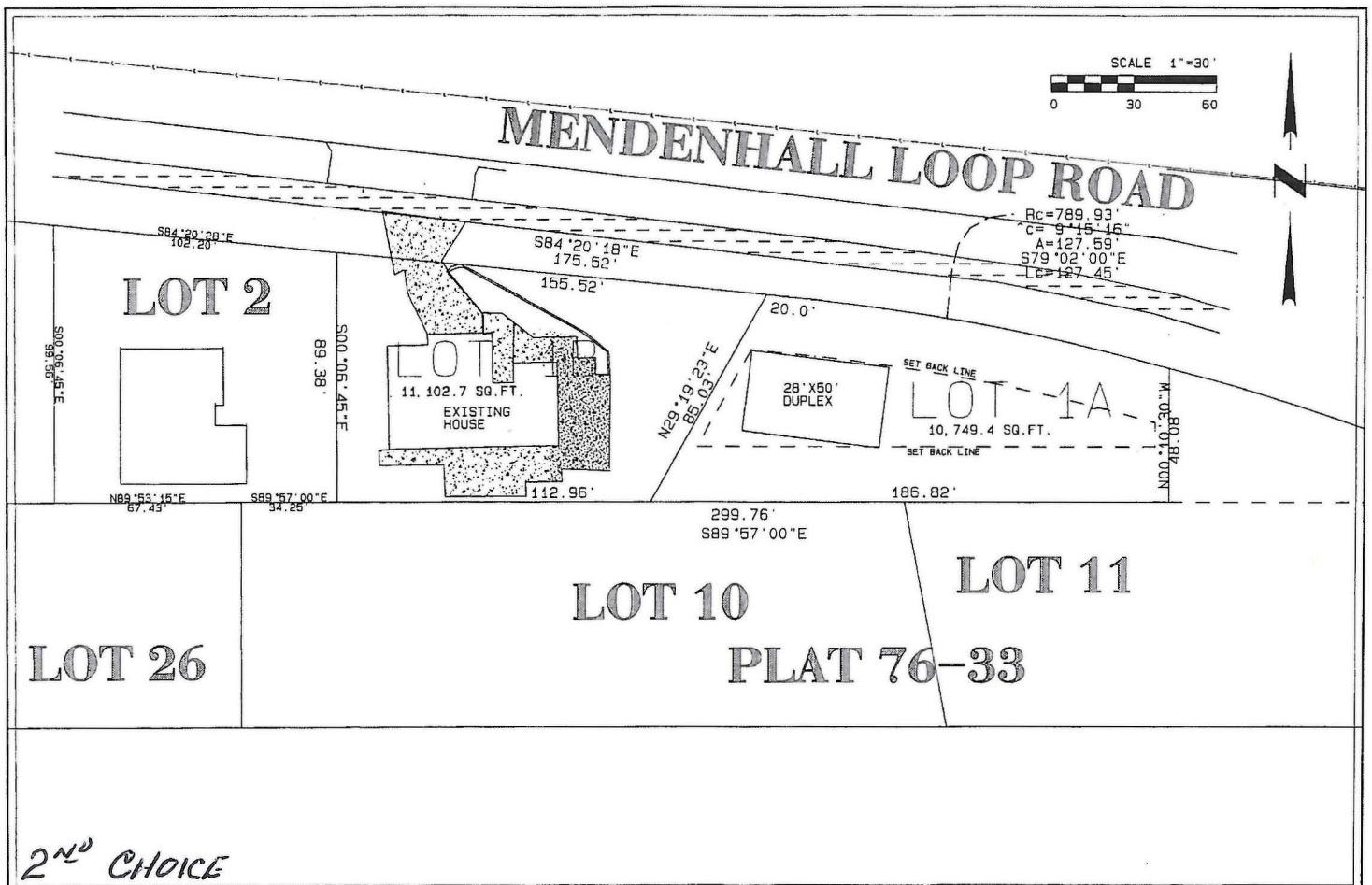
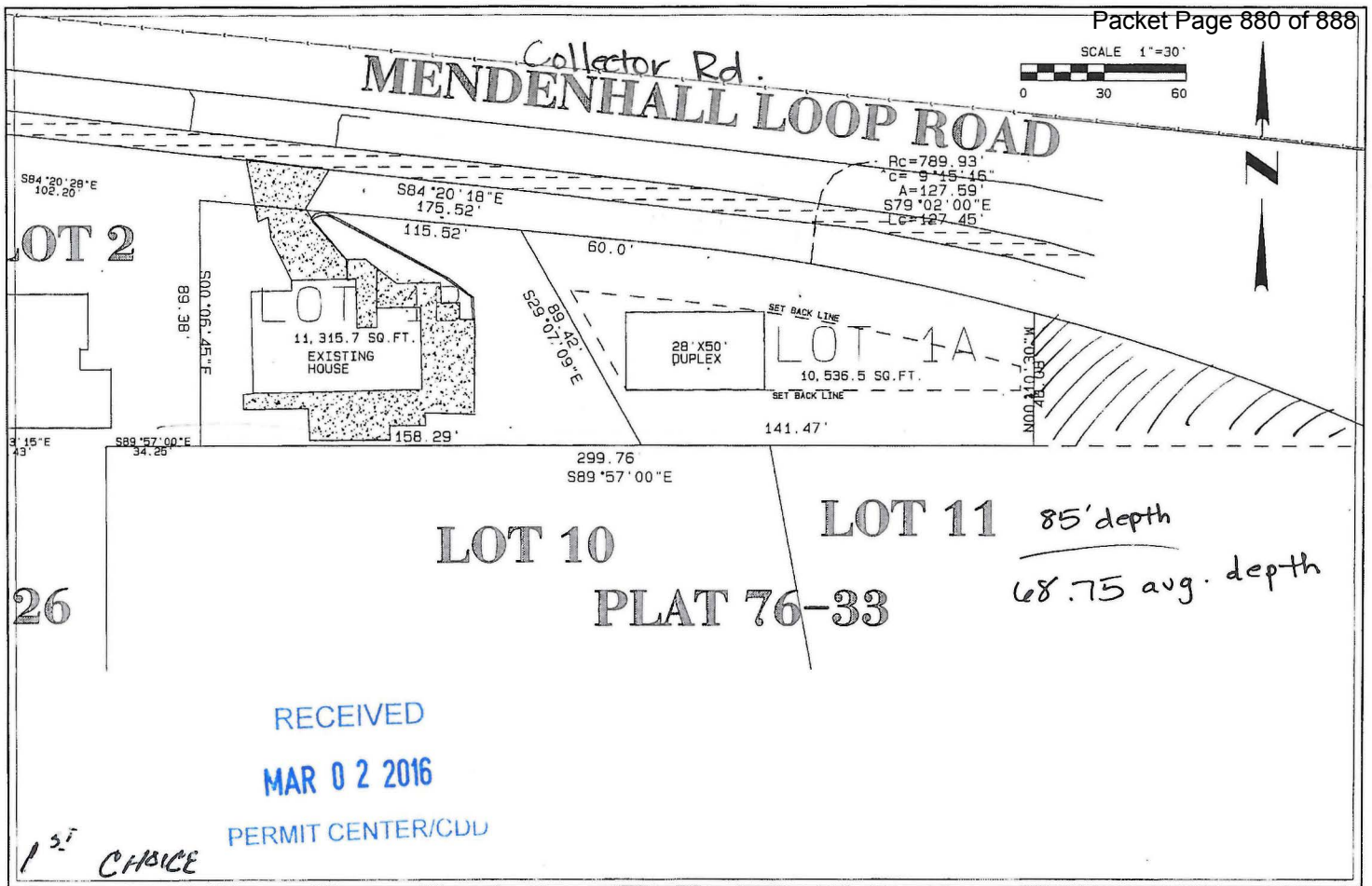
WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

LAND WOULD REMAIN AS VEHICLE STORAGE, PARKING INSTEAD OF HOUSING. IN A PRIME LOCATION CENTRALLY LOCATED WITH SCHOOLS AND SERVICES IN CLOSE PROXIMITY.

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	VARIANCE FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ 400	197	CDD7705	3/2/16
	Adjustment	\$ _____	_____	_____	_____
	Total Fee	\$ 400	_____	_____	_____

TO BE COMPLETED BY THE APPLICANT

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM



PROPOSED LOT 1A

ALASKA ELECTRIC LIGHT & POWER
WILL BE ABLE TO SUPPLY POWER TO
PROPOSED DWELLING



WATER & SEWER ARE EASILY OBTAINED
FOR THIS LOT.

APPLICATION FOR UTILITY PERMIT ON STATE RIGHTS-
OF-WAY TO BE ADDRESSED.

USS NO 3758
NORTH LOOP SUBDIVISION NO. 1
LOT #1
PROPOSED #1A

THIS LOT CURRENTLY HAS A COVERED DRY STORAGE TENT (COVER IT), IT HAS BEEN UP AND LOCATED TOWARDS EAST PORTION OF PROPOSED LOT 1A.

THIS DRY STORAGE STRUCTURE HAS BEEN UP AND IN PLACE SINCE "2007." IT MEASURES 18' X 62' WITH THE FABRIC LID BEING SLIGHTLY MORE BECAUSE OF PITCH. NO ISSUE OF DRAINAGE HAS EVER BEEN NOTICED, ATTRIBUTED TO THE GLACIAL MURINE, AND THE ABILITY TO LEACH.

J. BEAN SURVEY IS CURRENTLY ON BOARD WITH THIS PROPOSED PROJECT. AS THIS PROCESS MOVES FORWARD I WILL RELY ON EXPERIENCE TO HELP WORK THROUGH MY LOT OBSTACLE NEEDS SUCH AS SURVEY, ~~APPROACH~~ APPROACH RADIOS, APPROPRIATE DRAINAGE, ETC.

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 72-33

AN ORDINANCE ESTABLISHING PLATTING REGULATIONS FOR THE CITY AND BOROUGH OF JUNEAU, REPEALING AND RE-ENACTING CBJ 49.35 (PLATTING REGULATIONS).

Sec. 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough Code.

Sec. 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Sec. 3. Chapter Repealed. Chapter 35 of Title 49 of the Code of the City and Borough of Juneau, Alaska is hereby repealed. Nothing contained herein shall be construed as abating an action now pending under or by virtue of any ordinances or parts of ordinances herein repealed, or as discontinuing, abating, modifying or altering any penalties accrued or to accrue or abating any offense committed against such ordinances or parts of ordinances.

Sec. 4. Adoption of Sections. The following annexed sections, Sec. 49.35.010 through Sec. 49.35.340, all inclusive, are hereby adopted as a part of this ordinance and Title 49 of the Code of Ordinances of the City and Borough of Juneau, Alaska.

Adopted April 19, 1973.


Mayor

Attest:


Clerk

Dick Britt
Dept. of Environmental
Conservation

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 162

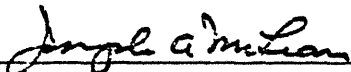
A RESOLUTION ESTABLISHING A FEE SCHEDULE
FOR THE SUBMISSION OF PLATS OR SUBDIVISIONS
TO THE CITY AND BOROUGH OF JUNEAU FOR
APPROVAL.

WHEREAS, it is necessary that a fee schedule for the submission
of plats or subdivisions be established.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY
OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

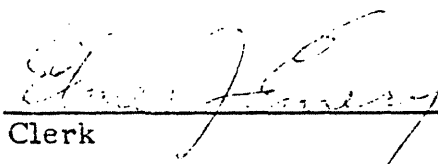
1. The filing fee for plats shall be five dollars (\$5.00) per lot
for the first ten lots, and one dollar (\$1.00) per lot for each lot in
excess of ten, provided that the minimum fee shall be fifty dollars (\$50.00).
2. The filing fee for resubdivisions and street vacations shall
be fifty dollars (\$50.00).
3. The filing fee for a platting variance shall be twenty-five
dollars (\$25.00).
4. The filing fee for waivers shall be twenty-five dollars (\$25.00).
5. Filing fees are not refundable regardless of the disposition
of the application.

Adopted April 19, 1973.



Mayor

Attest:



Clerk

CHAPTER X - PLATTING VARIANCE

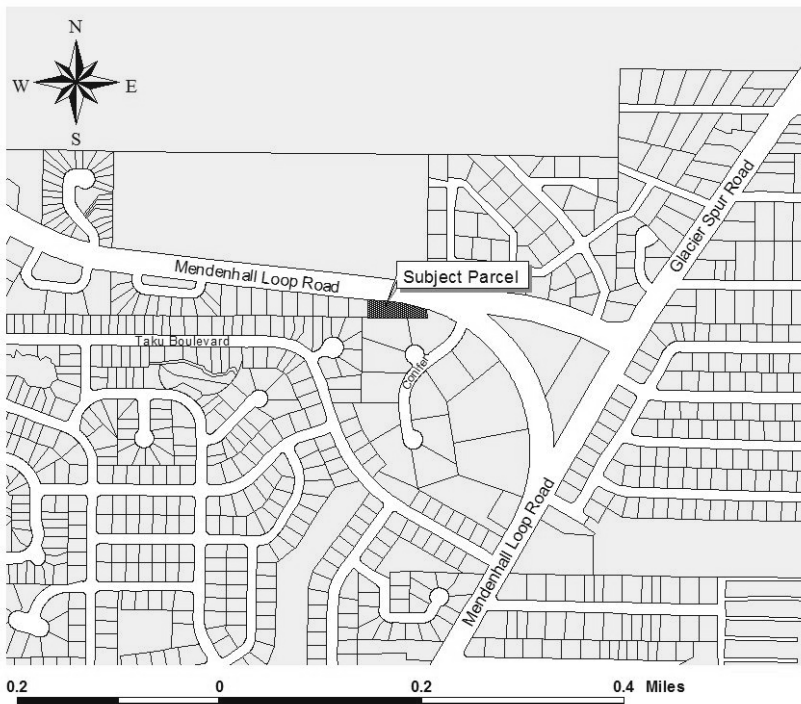
49.35.310. Platting Variances. Whenever the tract, parcel, or other land division to be subdivided is of such unusual size or shape or topography or is surrounded by such development or conditions that the strict application of the provisions of these regulations shall result in substantial undue hardships, the Board may vary or modify such requirements to the end that the subdivision may be developed consistent with public welfare and safety.

(a) Requirements:

1. All requests for a platting variance must be made in writing to the Board, stating the reasons applicable to the variance request at least fourteen (14) days prior to the meeting at which the subdivider wishes his variance to be heard, stating which requirement the variance is requested from.
2. Such written request shall be accompanied with additional data sufficient for the Board to determine the applicable facts. Examples of data, but not limited to, are: engineering studies, maps showing unusual land shape, soils study or other data pertinent to the request.
3. Where applicable, a plat or map of the affected area shall also accompany the variance request.



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Variance Request to the D-5 zoning district lot depth requirement.

File No:	VAR2016 0003	Applicant:	Rand E. Thatcher
To:	Adjacent Property Owners	Property PCN:	5-B24-0-124-001-0
Hearing Date:	April 26, 2016	Owner:	Rand E. Thatcher
Hearing Time:	7:00 PM	Size:	0.5071 Acres
Place:	Assembly Chambers	Zoned:	D-5
	Municipal Building	Site Address:	8497 Mendenhall Loop Road
	155 South Seward Street	Accessed Via:	Mendenhall Loop Road
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Allison Eddins at Allison.Eddins@juneau.org or 586-0785.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>.

Date notice was printed: March 28, 2016



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

BOARD OF ADJUSTMENT

NOTICE OF DECISION

Date: May 2, 2016

File No.: VAR2016 0003

Rand E Thatcher
PO Box 210145
Auke Bay, AK 99821

Application For: Variance request to reduce the lot depth requirement from 85 feet to 68.75 feet to allow a two lot subdivision.

Legal Description: North Loop 1 LT 1

Property Address: 8479 Mendenhall Loop Road

Parcel Code No.: 5-B24-0-124-001-0

Hearing Date: April 26, 2016

The Board of Adjustment, at its regular public meeting, adopted the analysis listed in the attached memorandum dated April 15, 2016 and based on additional information provided at the hearing modified criterion 1 as shown below:

CBJ 49.20.250 Grounds for Variance

1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 - A motion was made and passed to remove last sentence of staff's findings "Staff does not find enough evidence that this variance would be more consistent with justice to other property owners" and to change staff's findings to "Yes. This criterion has been met".
- The motion included the request to remove the following application description: "Variance request to reduce the lot depth requirement from 85 feet to 68.75 feet to allow for a two lot subdivision". The application description was changed to: "Variance request to reduce the lot depth requirement from 85 feet to allow for a two lot subdivision.

Rand E. Thatcher
 File No: VAR2016 0003
 May 2, 2016
 Page 2 of 2

Attachment: April 15, 2016, memorandum from Allison Eddins, Community Development, to the CBJ Board of Adjustment regarding VAR2016 0003.

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

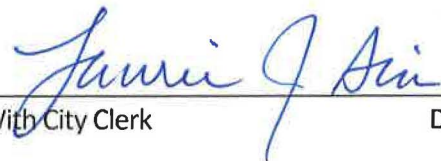
Effective Date: The permit is effective upon approval by the Board, April 26, 2016

Expiration Date: The permit will expire 18 months after the effective date, or October 26, 2017, if no Subdivision Permit has been issued and substantial progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


 Allison Eddins, Planner
 Community Development Department


 Paul Voelckers, Vice Chair
 Planning Commission

 5/3/16
 Filed With City Clerk Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.