

Agenda

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

April 12, 2016
Assembly Chambers
7:00 PM

I. ROLL CALL

II. APPROVAL OF MINUTES

- A. March 8, 2016 Regular Planning Commission Meeting
- B. March 22, 2016 Regular Planning Commission Meeting

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

IV. PLANNING COMMISSION LIAISON REPORT

V. RECONSIDERATION OF THE FOLLOWING ITEMS

VI. CONSENT AGENDA

- A. CSP2016 0003, City project to pave gravel streets within McGinnis Subdivision and construct sidewalks on one side of Wren and Steelhead Roads as part of an approved LID project. Project includes routine maintenance to existing ditches and culverts along the travel way and the installation of new LED street lighting.
- B. USE2016 0002, A Conditional Use Permit for a temporary asphalt plant in association with Egan Drive rehabilitation.
- C. USE2016 0003, A Conditional Use Permit for an asphalt plant at the Alaska Marine Lines Yard.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

VIII. UNFINISHED BUSINESS

- A. VAR2015 0030, A Variance request to the requirement for access on a publicly maintained right-of-way for a proposed minor subdivision. Proposed access is a private easement.

IX. REGULAR AGENDA

- A. AME2016 0008, A Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed Use.
- B. CSP2016 0002, A City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway
- C. USE2016 0005, A Conditional Use Permit for Marijuana Cultivation Facility in an Industrial Zone

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

XII. DIRECTOR'S REPORT

- A. Lemon Creek Steering Committee Recommendations

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT

MINUTES
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
March 8, 2016

I. ROLL CALL

Ben Haight, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:01 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Bill Peters, Percy Frisby, Nathaniel Dye, Matthew Bell, Carl Greene

Commissioners absent: Michael LeVine

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Jill Maclean, Senior Planner; Jonathan Lange, Planner II; Paul Beck, Engineering Assistant II

Assembly members: Debbie White, Assembly Liaison; Jerry Nankervis

MOTION: *by Mr. Peters, that the rules be suspended to elect new officers for the Commission.*

Roll Call Vote:

Ayes: Bell, Dye, Frisby, Peters, Voelckers, Greene, Haight

Nays:

The motion passed.

MOTION: *by Mr. Voelckers, that Chairman Haight formally retain the position of Chairman of the Planning Commission.*

The motion passed with no objection.

MOTION: *by Mr. Bell, that Commission member Paul Voelckers be appointed to the position of Vice Chairman of the Planning Commission.*

The motion passed with no objection.

MOTION: *by Mr. Voelckers, that Mr. LeVine fill the empty seat of Deputy Clerk for the Planning Commission.*

The motion passed with no objection.

II. **APPROVAL OF MINUTES** - None

III. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** - None

IV. **PLANNING COMMISSION LIAISON REPORT**

Planning Commission Vacancy

Assembly Liaison Debbie White reported that there is now a vacancy on the Planning Commission. Ms. White said that she wanted to state that discharging the former Chairman of the Planning Commission was not a process which she wanted to go through publicly. The Assembly was advised by the Law Department that they needed to deal with the situation on a public platform. The Assembly will be advertising for applicants for the vacant Planning Commission seat for 30 days, said Ms. White. It will be about mid-April when that appointment is made, she added.

Renninger Subdivision

The Assembly will be proceeding with the disposition of land within the Renninger Subdivision, said Ms. White. Ms. White said she had noticed that in order for the City to create shovel-ready lots within that subdivision, that it made no money on those lots, since it was so expensive to form the roads, bring the utilities and sewer in, and in general prepare the lots for sale. Ms. White added that in her opinion that if the City wants to truly consider affordable housing, then future revisions of Title 49 may be in order.

V. **RECONSIDERATION OF THE FOLLOWING ITEMS** - None

VI. **CONSENT AGENDA** - None

VII. **CONSIDERATION OF ORDINANCES AND RESOLUTIONS** - None

VIII. **UNFINISHED BUSINESS** – None

IX. REGULAR AGENDA

AME2015 0016: Text amendment to Title 49 regarding parking requirements for senior housing facilities and assisted living facilities.
 Applicant: City and Borough of Juneau
 Location: Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission forward the following draft text amendments to the Assembly with a recommendation for approval:

1. Delete “convalescent home” from the TMP, as it no longer exists as a use in the TPU.
2. Add “senior housing” as a term in the Definitions section as, “Dwelling units specifically designed for occupancy by persons of fifty-five (55) years of age or older”.
3. Add “senior housing” to the TMP
 - a. Parking requirement is recommended at 0.6 parking spaces per dwelling unit, plus 1 guest parking space for each 10 units, plus 1 parking space per employee.
4. Add “assisted living facility” to the TMP, defined in CBJ 49.80.120 as “a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services. Assisted living use that occurs within a single family dwelling is regulated as a single family dwelling use”
 - a. Parking requirement is recommended at 0.4 parking spaces per maximum number residents.

Ms. Maclean said the staff was asked to review the parking requirements in Title 49, specifically to compare the Table of Minimum Parking (TMP) and the Table of Permissible Uses (TPU) to make sure they were cohesive. While “assisted living facility” was added to the TPU, the parking requirements were overlooked, said Ms. Maclean. The staff also discovered that senior housing is not defined, and although it falls under multi-family housing, its’ parking requirements differ from other multi-family uses. Age-restricted units typically have a lower number of residents in a single unit and therefore less drivers and vehicles are required per unit, said Ms. Maclean.

Senior housing does not have a definition in Title 49, said Ms. Maclean. Therefore, the staff recommends the addition of a definition such as, “Dwelling units specifically designed for occupancy by persons of 55 years of age or older.” Convalescent home was removed from the Table of Permissible Uses but it was not removed from the Table of Parking, said Ms. Maclean.

The staff suggests deleting convalescent homes, said Ms. Maclean. They would add senior housing, she said, to the parking table.

The staff feels that for Juneau 0.6 parking places per dwelling unit, plus one guest parking space per 10 dwelling units, plus one parking space per employee should more than satisfy the need for parking for senior housing, said Ms. Maclean.

They would also like to add assisted living facility to the parking table said Ms. Maclean, which is found in the Table of Permissible Uses, but it does not have its own parking requirement, she explained. For this type of facility they recommend 0.4 parking spaces per maximum number of residents, said Ms. Maclean. Assisted living differs from senior housing in that those residing in assisted living cannot really live independently, said Ms. Maclean. In this situation typically the residents would not be driving, either, she said. The cars found in an assisted living facility would be for those visiting or for those working at the facility itself, she said.

One of the recommendations from the Title 49 Committee was to change the number of “beds” to number of “residents”, noted Ms. Maclean. They made the change to parking spaces per number of residents, she said. The staff also reviewed the various plans for the City to ascertain that they were in compliance with those plans, she said. They do comply with the Comprehensive Plan, said Ms. Maclean, which states that they are to; “Facilitate the Provision and Maintenance of Safe, Sanitary and Affordable Housing for CBJ Residents”.

Streets can be expensive to build, noted Ms. Maclean; parking and pavement cost money as well, and it takes up valuable land. If they can reduce the number of parking places required for those types of developments that do not require it as much, it would also aid in the development of housing which is needed here in Juneau, said Ms. Maclean. The Comprehensive Plan also states it is 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”, said Ms. Maclean.

The proposed amendment also complies with the Juneau Non-Motorized Transportation Plan, said Ms. Maclean. She said that more consideration of neighborhood and roadway context will allow consideration of hillsides and steep slopes for example, or of pre-existing sidewalks and infrastructure, said Ms. Maclean. It also complies with the Area Wide Transportation Plan, she noted, which would encourage redevelopment, infill development and compact development.

With the proposed changes, Title 49 now complies consistently across the board throughout Title 49 if these tables are implemented, said Ms. Maclean.

Commission comments and Questions

Mr. Greene asked if the amendment addresses handicapped parking spots.

Handicapped parking would be required per the code, said Ms. Maclean. She added that parking designation already exists within the code.

Mr. Voelckers asked if parking was subject to variance applications.

Ms. Maclean responded that parking is no longer subject to variance applications. She said that is why they were trying to be proactive and correct any parking situations where they knew that the parking did not really fit the development.

Mr. Voelckers asked when this change transpired.

Ms. McKibben responded that this change occurred approximately six months ago.

Mr. Voelckers said it seemed odd to him that the Commission would lose any flexibility to look at parking as a variance issue. He said he felt that the Commission should maintain its ability to evaluate developments on a case-by-case basis.

Mr. Steedle said with these proposed amendments they are moving ahead on two fronts: they are taking a look at variances generally, and what should and could be varied, and secondly they are taking a broader look at the parking requirements in Title 49. They wanted to implement this change to facilitate the progress of the projects which are currently underway within the community, noted Mr. Steedle.

MOTION: *by Mr. Peters, to move AME2015 0016, and to accept the staff's findings, analysis and recommendations.*

The motion passed with no objection.

CSP2015 0018:	A City Project Review for installation of new bus stops on Yandukin Drive and Davis Avenue
Applicant:	City and Borough of Juneau
Location:	Yandukin Dr. at Shell Simmons Dr.; Davis Ave at Montgomery St.

Staff Recommendation

Staff recommends that the Planning Commission recommend to the Assembly that CSP2015 0018, City Project Review for installation of new bus stops on Yandukin Drive and Davis Avenue is consistent with Title 49 and the 2013 Comprehensive Plan, with the following recommendations:

1. Yandukin Drive: Sidewalks, crosswalks, and signage shall be installed on Yandukin Drive and Shell Simmons Drive to connect the airport and sidewalk facilities to the proposed

bus shelters so that pedestrians may access the airport and transportation system in a safe manner.

2. Yandukin Drive and Davis Avenue: Bus shelters shall be illuminated for bus passenger safety.

The City project for review before the Commission is for the installation of new bus shelters in two areas, said Mr. Lange. Two new bus stops and shelters are proposed for Yandukin Drive, north of the airport parking lot, said Mr. Lange, and a bus stop is proposed to be relocated on Davis Avenue in the Lemon Creek area, he said.

These proposed changes are in an effort to meet the current bus time schedule, said Mr. Lange. The proposed bus shelters on Yandukin Drive would allow for buses to drop passengers off for the airport, but continue on Yandukin north or south without having to loop through the airport on Shell Simmons Drive, said Mr. Lange.

Both Department of Transportation (DOT) and airport representatives expressed that their main concerns with this plan were over public safety, said Mr. Lange. It is a further location from the airport, noted Mr. Lange. It would be the most ideal if a sidewalk from the airport to the proposed bus shelters could be provided, said Mr. Lange. They also expressed concern about the times of year when the proposed bus shelters would need to be cleared from snow, he said.

The other proposed bus shelter is located on Davis Avenue in the Lemon Creek area, said Mr. Lange. The existing bus stop is close to the corner of the intersection of Davis Avenue and Glacier Highway, said Mr. Lange. The proposed bus shelter would be located approximately a block back from the existing shelter, said Mr. Lange. He explained that the proposed relocation of the existing bus shelter on Davis Avenue would allow for the bus to have more space and distance to maneuver into the left turning lane, to turn left onto Glacier Highway at the intersection of Davis Avenue and Glacier Highway, and would prevent buses from blocking traffic at the intersection.

The staff recommends approval of the projects with the above referenced conditions, said Mr. Lange.

Commission Comments and Questions

Mr. Voelckers noted that the home owner where the proposed bus stop would be located has stated that there are no other locations in Juneau which have a bus shelter placed in front of the residence. He asked if Mr. Lange could expound upon this statement.

Mr. Lange stated that while there were some bus stops located in front of people's homes, that bus shelters were another situation. He said there are bus shelters which are located near the

vicinity of people's homes but perhaps not at the same angle as the proposed bus shelter. The proposed bus shelter would be located on a City right-of-way, noted Mr. Lange. Mr. Lange did concur that the proposed bus shelter was located right in front of the couple's residence.

Mr. Bell asked if there was available space along the road to move the proposed bus shelter either further forward from the residence or further back from the residence.

Mr. Lange said Capital Transit had considered the location between two driveways, but had discarded it as impinging upon the drivers coming to and from their driveways.

Mr. Greene asked what the determining factors were for the provision of a bus shelter as opposed to a bus stop. He asked if there was the option to have simply a bus stop at that location and not a bus shelter.

That could be a suggestion coming from the Commission, said Mr. Lange. The Capital Transit Plan encourages the construction of bus shelters wherever possible, said Mr. Lange.

Mr. Frisby asked how much room the construction of a bus shelter would take. He asked if it would encroach upon the sidewalk.

The sidewalk would not be impeded by the shelter, responded Mr. Lange.

Chairman Haight asked how close the shelter would need to be located next to the bus stop.

Mr. Lange said that would be a question for the Capital Transit staff. He said typically the bus shelters are the bus stop. It could possibly be a concern of Capital Transit's that the time taken for the passengers to traverse from the bus shelter to the bus stop would impede transit times, said Mr. Lange.

Mr. Greene asked if this is a popular bus stop used by numerous passengers.

Mr. Steedle said they do have that data as a result of the Transit Improvement Plan conducted several years ago, but that those numbers were not currently available.

Mr. Voelckers asked Mr. Beck if the language stating that bus shelters needed to be illuminated for safety applied to lighting within the shelter or if that involved lighting placed outside of the bus shelter.

Mr. Beck said he did not create that verbiage and that he had no idea. He said that information was under the purview of the CDD (Community Development Department).

Mr. Voelckers asked Mr. Lange if he could elaborate on the type and placement of the lighting, or if it had yet to be specified.

Mr. Lange answered that the lighting has not been specified and that with the exception of the Federal Building bus shelter, that no other shelters had lights within the structure. He added that the Capital Transit Plan suggests that lighting be installed within the structures.

Mr. Frisby asked why the bus shelter proposed for Davis could not be moved across the street underneath the existing street light.

Mr. Beck said from what he understands that a bus shelter based across the street from the proposed Davis Avenue bus shelter location created a hazard by requiring individuals to cross the street. He added that with the stop on the opposite side of the street, the passengers would then need to ride the bus all the way into Lemon Creek and back out again before they could proceed to town.

Mr. Peters asked if there are currently sidewalks on the opposite side of the street.

Mr. Beck answered that there are no sidewalks on the opposite side of the street from the proposed bus shelter location on Davis Avenue.

Mr. Voelckers said that there is a separated pedestrian walk zone on the south easterly side of the street.

Mr. Beck said that Mr. Voelckers was right about that.

Mr. Beck said a crosswalk or some type of arrangement would need to be made to make crossing to that side of the street more safe.

Mr. Voelckers said there would be the potential to even have a small pullout lane for the bus on the opposite side of street.

Mr. Beck agreed, stating that there is plenty of room on that side of the street to install a possible bus shelter and pullout lane.

Chairman Haight asked Mr. Beck if during his discussions with airport staff if there had been discussion of placing the shelter based on the parking lot side of Yandukin tucked in to the parking lot, so that the parking lot became a means of access to the airport terminal building.

Mr. Beck said although he had not discussed this with airport staff, that this was something that he considered, because it would be much safer for the bus travelers to walk to the airport building.

Chairman Haight asked where the crosswalk would be located that would provide the crossing between the two proposed bus shelters on Yandukin Drive.

Mr. Beck replied they had not yet reached that point in the planning process. He said they want to serve the airport and they also want to serve the hotel located near the proposed shelter area.

Public Comment

Juneau resident Mukhya Khalsa, whose home is located right behind the proposed bus shelter on Davis Avenue, said the traffic in the area is high twice a day. She said during those busy periods that the traffic waiting to make a left turn backed up past her home. Therefore, she said, moving the bus stop to in front of her house would not ease the traffic problem during those busy times at all. She said the City had gone to the State and asked for help with this issue and requested that the State create turnouts onto Glacier Highway as well as a traffic light and pullouts for the bus stops. This would eliminate the need for a bus stop in front of her home, she said. The State plans on beginning work on the corridor from the old Walmart location to Lemon Creek with federal funds the summer of 2017, said Ms. Khalsa.

Juneau resident Mary Alice McKeen said she was friends with Mukhya and Hari Dev Khalsa. Ms. McKeen said when she heard of the proposed plans for the bus stop that she felt it was, “unfair, unjust and possibly arbitrary”. She said there are no other covered bus shelters essentially located in a resident’s front yard. If they located the shelter in front of her friend’s home, said Ms. McKeen, they would be asking a home owner to experience a burden that no other property owner within Juneau had to experience. To justify moving the shelter in front of her friend’s home, she said, the CBJ would need a very good reason to justify such an occurrence. Ms. McKeen said the affected property owner has provided good evidence that an action of this type would reduce the property value of her home. The State’s plan would solve this problem, said Ms. McKeen, at no cost to the City.

Mr. Hari Dev Khalsa told the Commission that he did not understand why the City thought that no one crossed the street in order to catch the bus. He said that occurs in dozens of places all over town, and that there was much less traffic on Davis Avenue than for the proposed bus stops on Yandukin.

Chair Haight asked Mr. Khalsa if he could estimate the number of individuals who took the bus at the Davis Avenue location. Mr. Khalsa said in the morning a lot of people took that bus to town to work.

Mr. Voelckers asked if the existing bus stop handles both inbound and outbound traffic.

Mr. Khalsa said the bus stop handles both inbound and outbound traffic.

Mr. Greene asked what the City would do with the proposed bus stop when the State installed bus stops in the immediate vicinity.

Mr. Beck answered they would probably do away with the City bus stops when that happened.

Mr. Frisby said he felt it was time to sit down with the State and obtain its time frames for construction of bus stops in that Lemon Creek area. He said if the State was going to be installing bus stops that it appeared to him it would be a waste of City money to place new bus stops in that area.

Chairman Haight asked if the State builds the pullouts that have been mentioned, if the City would be responsible for paying for shelters in those locations.

Mr. Beck answered that under similar circumstances the State has installed shelters, such as in the Industrial Boulevard area.

MOTION: *by Mr. Voelckers, that the Commission accept the staff's findings, analysis and recommendations in relation to the Yandukin Drive bus stop proposal, but that the Commission suspend making a decision regarding relocation of a bus stop on Davis Avenue until the City has had a chance to coordinate with the State on the timing and the specificity of possible state-installed bus stops along Glacier Highway.*

Roll Call Vote:

Ayes: Greene, Dye, Frisby, Bell, Peters, Voelckers, Haight

Nays:

The motion passes.

X. BOARD OF ADJUSTMENT

VAR2015 0030: A Variance request to the requirement for access on publicly maintained right-of-way for a proposed minor subdivision.
Proposed access is a private easement.

Applicant: Olmo, LLC.
Location: North Douglas Highway

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and DENY the requested Variance, VAR2015 0030.

MOTION: *by Mr. Peters, that based upon the request of the applicant, that this item be continued until the March 22, 2016 Regular Planning Commission meeting, and be addressed at that time under "Unfinished Business".*

The motion passed by unanimous consent.

Mr. Voelckers asked Mr. Steedle when he thought the changes would take place in Title 49 regarding access to and from small subdivisions composed of a few lots. He said it would be nice to have this information in place for when this item appeared before the Commission again.

Mr. Steedle answered that the applicant is not interested in waiting for changes to take place within Title 49. At the last meeting they held with the Law Department they were very close to having drafted language on this issue to bring back to the Commission, said Mr. Steedle. Mr. Steedle estimated this language was several weeks away before being ready for subdivision review.

Mr. Voelckers said this creates an awkward dilemma for the Commission. He said he would appreciate getting something before the Commission in the near future. He said he felt it would help clarify whether this item which will be coming before the Commission needs a variance or not.

XI. OTHER BUSINESS

Chairman Haight said he had discussed with Mr. Steedle the opportunity for the Commission to meet with the Assembly in a Committee of the Whole meeting in the near future after the new mayor is seated on the Assembly. He said he would like the Commission to meet with the Assembly to discuss their roles and relationships and to discuss the objectives for the remainder of the year.

The Commission also needs a thorough training session for its large influx of new Commission members, said Chairman Haight. Chairman Haight proposed another committee of the whole meeting for the purposes of training new Commission members and also to address any CDD topics which are dealt with by the Commission on a regular basis such as CUP's (Conditional Use Permits) and variances, the role of Title 49, and how the CDD staff deals with the applications that it receives and the Commission's role in this process. Chairman Haight said he would like this Committee of the Whole meeting to take place prior to a regular Planning Commission meeting, if possible. Chairman Haight said he would like to wait until the full complement of commissioners was available.

Mr. Voelckers said he felt that both of the ideas put forth by the Chairman were very good ideas. He added that it would be nice if the Commission could get together within the next week or two in a more casual setting, such as a retreat providing Commission members with a chance to talk about their roles as Commission members and to perhaps discuss sub-committee

topics as well. They would need to provide public notice for this type of meeting, added Mr. Voelckers, who suggested a Saturday morning in the near future for a meeting time.

Mr. Frisby said he felt it would be most apropos to conduct this type of meeting after the new Commission member was seated on the Commission. He added that as a new member there is a very high learning curve to get up to speed on the plethora of issues the Commission must become familiar with.

Mr. Greene said it made a lot of sense for the Commission to get together but that he would like to wait for the new mayor to come on board and for the new Commission member to join the Commission. He said he also saw no problem with a less formal meeting of the current Planning Commission members.

Mr. Bell said he would like to wait for any special Commission meetings until the new Commission member had joined the group.

Mr. Dye asked if there was a timeline as to the appearance of a marijuana Conditional Use Permit before the Commission.

Mr. Steedle said a marijuana Conditional Use Permit would be before the Commission at its regular March 22, (2016) meeting.

Mr. Dye said he would appreciate getting together with the Commission before the next regular meeting to discuss Conditional Use Permits and other items.

Mr. Steedle said he felt that a March 19, informal meeting of the Commission gave the staff too little time to prepare information requested by each Commission member. He said he does agree that it is a good idea for the Commission to get together as soon as possible, but that a March 19, date provided too little time for staff preparation.

Mr. Voelckers said at least in his own mind the purpose of the meeting was not so much about having specific information provided to the Commission by the staff, but rather a chance for Commission members to simply get together and have the opportunity to talk with one another outside of the more restrictive purview of a Regular Commission meeting.

Mr. Steedle said it would need to be an open meeting, properly noticed, but that the agenda could be quite loosely defined.

Mr. Voelckers suggested that he and Chairman Haight create a small agenda and run it through the Law Department and through the CDD Director.

Ms. McKibben added that the staff is always available to answer any questions any Commission members might have such as about Conditional Use Permit processes. Ms. McKibben said they

encourage Commission members to contact the pertinent staff with questions prior to any Commission meeting.

Mr. Bell said he liked the idea of the Chairman and Vice Chairman drawing up a loose agenda for an informal Commission meeting.

MOTION: *by Mr. Frisby, that the Chairman and Vice Chairman put together a loose agenda for an informal Commission meeting which they would coordinate with the CDD staff and the Law Department.*

The motion passed with no objection.

Chairman Haight said with the changes on the Commission there will be some slight adjustments to committee appointments. He said since he is now Chairman he would be leaving a committee seat on the Wetlands Review Board open for a new member.

Chairman Haight also reminded Commission members that they have APOC items to deal with.

XII. DIRECTOR'S REPORT

Mr. Steedle said he encouraged the Commission to all attend the Lemon Creek Neighborhood Plan kickoff slated for Thursday, March 17, at 5:00 p.m. at the DZ Commons.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

- January 4, 2016 Lands and Resources Committee Meeting - None
- February 2, 2016 Lands and Resources Committee Meeting - None
- January 4, 2016 Public Works and Facilities Committee Meeting - None
- February 2, 2016 Public Works and Facilities Committee Meeting - None

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XV. ADJOURNMENT

The meeting was adjourned at 8:36 p.m.

MINUTES
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
March 22, 2016

ROLL CALL

Ben Haight, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:01 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Bill Peters, Michael LeVine, Nathaniel Dye, Matthew Bell, Carl Greene

Commissioners absent: Percy Frisby

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Jonathan Lange, Planner II; Chrissy Steadman, Planner II; Robert Palmer, Assistant Municipal Attorney; Mila Cosgrove, Deputy City Manager

Assembly members: Debbie White, Assembly Liaison

I. APPROVAL OF MINUTES

- February 23, 2016 Regular PC Meeting

MOTION: *by Mr. Peters, that the minutes of the February 23, 2016 Planning Commission be approved with any minor alterations by staff or Commission members.*

The motion passed with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Juneau resident Nancy Waterman said that Title 49 requires that new growth areas require a master plan. She said that a master plan has not been formulated for West Douglas. She said

for the future of the community that the City should follow its own rules. She asked that a new development area which is outside the urban service boundary be carefully studied by the staff.

IV. PLANNING COMMISSION LIAISON REPORT

New City Manager and Deputy City Manager

Assembly Liaison to the Planning Commission Debbie White reported that Rorie Watt and Mila Cosgrove are stepping into their new positions as City Manager and Deputy City Manager.

New Mayor

The new mayor will be sworn in on Monday, March 28, at 6:00 p.m.

Marijuana-related Ordinance

Ordinance 2016 0038 (Marijuana) will be before the Assembly Committee of the Whole on April 14, (2016).

Commission Comments and Questions

Mr. LeVine asked if any substantive changes have been made to the ordinance, and Ms. White said not at this point.

New Planning Commission Member

It may be as late as May 4, (2016) before the Assembly can make an appointment to fill the vacant Planning Commission seat.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA - None

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS

The Commission was adjourned by Chairman Haight and reconvened as the Board of Adjustment.

BOARD OF ADJUSTMENT

VAR2015 0030:	A Variance request to the requirement for access on publicly maintained right-of-way for a proposed minor subdivision. Proposed access is a private easement.
Applicant:	Olmo, LLC.
Location:	North Douglas Highway

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and DENY the requested Variance, VAR2015 0030.

Ms. Boyce told the Commission that four letters of support of this variance request arrived in the CDD offices after business hours, so the copies will be forthcoming to the Commission, she said. This is a variance request to the requirement for access on a publicly maintained right-of-way for a proposed minor subdivision, said Ms. Boyce. The proposed access is a private driveway easement. The property is about three quarters of an acre, said Ms. Boyce.

The property is zoned D-18, which allows 18 units per acre, said Ms. Boyce. Property of this size could have 14 multi-family dwelling units, she added. Access to the property is via North Douglas Highway through a private easement, said Ms. Boyce. North Douglas Highway is designated by the CBJ as a minor arterial, she explained.

The initial proposal is for three lots to be subdivided from the main parcel, USMS 569 Tract 2, with common wall dwellings to be constructed on each of those lots. The property would then need to be subdivided to create the six lots total resulting in three, two-unit common walls. The applicant has also proposed an additional pedestrian access path through the property to the south to North Douglas Highway as a secondary means of access, said Ms. Boyce.

The parcel is very steep, located approximately 40 feet above Douglas Highway, but has a flat bench on which to build, said Ms. Boyce. This parcel was created in 1982 through a plat waiver, said Ms. Boyce. Access to the parcel was approved by the Planning Commission through a shared, 20 foot existing driveway easement across Tract 1. That driveway also serves as access for adjacent Lot B, said Ms. Boyce. In 1987, the land was rezoned to D-3 transitioning to D-18, she said. In 2001, when City water was extended, the parcel on which the easement is located was rezoned to D-18, said Ms. Boyce. The subject parcel was zoned D-18 in 2011, she said.

The applicant submitted a request for a major subdivision in 2014, said Ms. Boyce. At the time the application was submitted, the six total lots proposed met the threshold for a major subdivision, said Ms. Boyce. A subsequent code change last fall now designates that parcel as a minor subdivision, she said.

A subdivision triggers the need for a road and additional improvements, said Ms. Boyce. This section of code requires that all lots created through a subdivision must have a minimum of 30 feet of frontage maintained on a publicly maintained right-of-way, she said. They must have direct access to that right-of-way, said Ms. Boyce.

Title 49 chapter 35 also has provisions for new subdivisions along arterial roadways, said Ms. Boyce. This portion of Douglas Highway is a minor arterial, she added. This portion of the code allows subdivisions of arterial lots in certain circumstances, said Ms. Boyce. Either a street needs to be built, or a shared driveway could be used as long as the lot meets certain

requirements, said Ms. Boyce. The size parameters are listed in 49.35.210 (B) (3), said Ms. Boyce. Each resulting lot must be 36,000 square feet for a proposed subdivision, said Ms. Boyce, and the subject parcel is less than that.

The applicant is seeking a variance because this proposed subdivision would not directly access North Douglas Highway, she said, which is currently required by code. The current proposal is for all lots to have the required frontage on North Douglas Highway yet have indirect access via the existing driveway, said Ms. Boyce. In the current situation, the lots would not be provided with direct access to North Douglas Highway, said Ms. Boyce, which is required. Instead, the access is proposed to be to the adjacent easement, which then provides access to North Douglas Highway, said Ms. Boyce.

Minimum code requirements are that a 60 foot wide right-of-way be dedicated, which could be reduced by the director, and a street could be built to standards based upon average daily trips, explained Ms. Boyce. The Table of Street Construction Standards, CBJ 49.35.240, within the code is based upon average daily trips, said Ms. Boyce. These standards became effective in September, 2015, said Ms. Boyce. Since this parcel of land is located within the Urban Service Area, said Ms. Boyce, the minimum standard would be a 22 foot wide travel-way with a 60 foot right-of-way for a paved road. It would be publicly maintained, she said. The only privately maintained road option is available outside the Urban Service Area, explained Ms. Boyce.

The staff is proposing to change the code for shared access requirements, said Ms. Boyce. The Assembly has directed the staff to work on shared driveway requirements, she said, since it has been a common practice to approve some smaller subdivisions with shared access. This proposed change in the newly adopted code will be coming before the Commission soon, said Ms. Boyce. The current draft states that shared driveways may be considered when no more than three lots will share access. The access would be a minimum of a 20 foot wide gravel or paved driveway within a 50 foot easement. That easement size could be reduced if it was found that all infrastructure improvements needed could fit into a smaller width, said Ms. Boyce.

This would only apply for single family-zoned districts, said Ms. Boyce. That way traffic would be limited, she said. The homes could have an accessory apartment, she explained. An owner's association would be required, among other requirements, to maintain that private drive, she said.

The staff contacted the Fire Department, the Streets and Fleets department within the City, and General Engineering which approved the proposal as formulated by the applicant. The Department of Transportation had no comments about this variance request other than to require the driveway and approach permit, which has already been approved by DOT, said Ms. Boyce.

Variance requirements stipulate that an applicant must demonstrate hardship and practical difficulties resulting from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures making it difficult to follow the provisions of Title 49, said Ms. Boyce. The Board of Adjustment may grant a variance if it is in harmony with the general purpose and intent of Title 49, said Ms. Boyce. She listed for the Commission examples of the purpose and intent of the Title.

There are six criteria for variances, said Ms. Boyce. All six criteria must be met in order to grant a variance, she explained.

1. *That the relaxation applied for or a lesser relaxation 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 staff found that this requirement was not met, said Ms. Boyce.

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.*

The staff found that this requirement was not met, said Ms. Boyce. Street standards in the code are declared to be the minimum, she said, for public health, safety and welfare. The 20 foot wide driveway does not meet these standards, said Ms. Boyce.

3. *That authorization of the variance will not injure nearby property.*

Since up to 14 dwelling units could have been constructed for this property, the applicant's proposal leaves a smaller impact on the neighborhood, she said.

4. *That the variance does not authorize uses not allowed in the district involved.*

The subject property divisions result in less than the required 36,000 square feet, said Ms. Boyce. If the Commission finds that CBJ 49.35.210(b) section of the code applies to this project then the criteria are not met, said Ms. Boyce. If it determines that it does not apply, then the criterion is met, she said.

5. *Compliance with existing standards; (A), (B), (C), or (D).*

Only one of the four parts to Criterion five need to be met, said Ms. Boyce. The staff found the Criteria were not met, said Ms. Boyce.

6. That a grant of the variance would result in more benefits than detriments to the neighborhood.

The staff found that this criterion was not met, said Ms. Boyce. Increased development could cause potential increased traffic on North Douglas Highway, said Ms. Boyce.

None of the criteria have been met for a variance except for criterion 3 and possibly number 4, said Ms. Boyce.

The Board of Adjustment can either approve, disapprove, or conditionally approve, or modify the request based on the six criteria, said Ms. Boyce. The Commission could also attach conditions to its approval regarding the location, character, and other features, she explained.

Applicant

Mark Pusich, of R&M Engineering, said he is representing the applicant as a consultant on this project. He said the reason the applicant is before the Commission is to obtain a variance for the requirements of a direct and practical access to a publicly maintained public right-of-way. This property has unique characteristics and physical constraints which need to be considered, he said.

Mr. Pusich said the site is on an extreme slope. When this land was initially platted, the Commission at that time noted that it was not a practical way to access North Douglas Highway, from the top of the slope, said Mr. Pusich. It is impractical, he said. At that time the driveway access easement was to serve the future Lot 2, he said, and a fraction of Lot B. The applicant maintains the access easement, said Mr. Pusich. Mr. Brantner is the actual owner of the easement, said Mr. Pusich.

There have been no recorded accidents on this driveway, said Mr. Pusich. The road has been functioning for over twenty years for the applicant, said Mr. Pusich.

There is a way to craft variance language in favor of the applicant, said Mr. Pusich.

The CBJ code allows the Board of Adjustment to grant a variance if it can be demonstrated that hardship and practical difficulties resolve in an extraordinary situation or unique physical features rendering it difficult to carry out the provisions in Title 49. Mr. Pusich said the property has unique, physical features. The slope is so steep and projects so far up the hillside that it is not physically possible to access North Douglas Highway, said Mr. Pusich. Driveway grades would be in excess of 50 percent if they were to try to make a direct access to North Douglas Highway, said Mr. Pusich.

When the Planning Commission agreed to the easement in 1982, it was with the understanding that Tract 2 would be developed, and that the access provided by the easement would be adequate, said Mr. Pusich.

Mr. Pusich said this is an extraordinary situation because the application has been enmeshed within code changes. They originally applied in June, 2014 under the existing code. As they progressed through the process, the code was under review. On the one hand they were getting advice from the CDD staff that they may want to wait for the variance request, for the code change. The Title 49 changes enacted in September have had an impact on the current standing of the variance request, said Mr. Pusich.

This is classified as a minor development, said Mr. Pusich. It is six lots. Thirteen lots and under is a minor subdivision, he said. The costs for development, at over \$500,000 is extraordinary, he said. There are hardships and practical difficulties involved with this project. It would be a financial hardship to construct this project according to current Title 49 code, he said.

Development of these lots would be helping to reduce the housing shortage, especially since they are within walking distance of the downtown core, said Mr. Pusich. Unless there is an approval for the driveway to be shared by the lots this project cannot proceed, he said.

The applicant could construct eight multi-family units without having to obtain a variance, said Mr. Pusich. The applicant does not want to construct multi-family units, feeling that the shared wall homes better reflect the character of the neighborhood, he said.

It does not make sense to have to construct a 22 foot paved roadway to serve the dwelling units when there is already a driveway that can be shared, said Mr. Pusich. He said they have done some research and found that there are existing developments in Juneau which have received a variance with a common shared driveway access.

The Department of Transportation (DOT) is not concerned about a negative traffic impact on North Douglas Highway from the proposed six dwelling units, said Mr. Pusich. They want the traffic to be filtered through one common spot, he said.

Commission Comments and Questions

Mr. Voelckers asked for clarification on where the right-of-way abuts the applicant's residence. He said he was not sure if the right-of-way was on the applicant's property or the Brantner property.

The lines which Mr. Voelckers was referencing are utility easements to the applicant's property, said Mr. Pusich.

Once the three lots were split into six lots, some of the lots would be 22 feet wide, said Mr. Voelckers. He asked if that was a legal width. He asked why the property could not be three lots with three duplexes instead of six individual lots with common wall homes.

The lot areas do meet the minimum requirements, said Mr. Pusich, for the D-18 zoning. The applicant has selected the common wall business model rather than duplexes, said Mr. Pusich.

Mr. LeVine said they are currently addressing a variance to divide the lots into three parcels, which would eventually become six lots. He asked why they were not addressing the plan of six lots now, instead of three lots.

The process for common wall dwelling units on six lots is that the structure has to first be constructed, with the common wall then verified through a subdivision, said Ms. Boyce. The lots cannot be subdivided prior to construction of those common wall homes, she said.

Mr. LeVine asked if when the subdivision of three lots into six lots came before the Commission in the future, if they would have to address the same issues all over again.

The intent is that if this variance was approved, that it would be for the six lots total, said Ms. Boyce. The variance would not have to come before the Commission again, she said. It would have the effect of approving all six lots.

Mr. LeVine asked if there were other development scenarios considered which did not involve subdivision of the property.

Mr. Pusich said the applicant did consider multi-family development, which they discarded as not being in harmony with the neighborhood.

Chairman Haight said he saw three components to the variance:

1. Relaxation of the requirement for direct access
2. Relaxation of the allowance for a private driveway
3. Relaxation of the right-of-way width for the driveway

In accordance with the recent subdivision ordinance, said Mr. Haight, the Director has the ability to reduce right-of-way widths. He asked if this had been discussed with the Director.

Ms. Boyce said this has not been discussed with the Director. She said if the CDD Director and the head of Engineering determine that a smaller right-of-way could meet the needs of the subdivision that it could be reduced to 35 feet. With the proposed shared access they are proposing a 50 foot easement, she said, but it could be reduced to 30 feet, she added.

With the reduced width of the right-of-way, Chairman Haight asked how snow removal would be addressed.

Mr. Pusich said he thought it would be pushed to the shoulder of the road.

Mr. Greene asked how the parking for the dwellings would be situated.

There would be two parking spaces per unit, with one space located inside the garage, said Mr. Pusich. He said there is no need for a turn-around for fire trucks because since they are installing sprinklers in the buildings, that requirement is no longer necessary.

Applicant

Applicant Haifa Sadighi said this project was initially presented to the Planning Department in 2014. Because of the time involved getting the project to this point, she said, they have missed the peak real estate market which was in 2014.

Ms. Sadighi said she has lived on this property for the past 20 years, and they have used the one driveway for access, and never had any problems with the driveway to access their homes. They have maintained the driveway, and constructed drainage for the road on both the left and the right side of the driveway. They plow the snow and gravel the road, she said. She has the support of the neighbors for the project, said Ms. Sadighi.

The vision for the project is to provide individual housing for young couples who want to get a start in Juneau, and to make it possible for them to own their own homes, she said. Ms. Sadighi said she felt it was unfair that they should have to abide by the new subdivision ordinance when they had started the process long before that ordinance came into effect. Without a variance, they cannot develop this project, she said.

Mr. Voelckers asked Ms. Sadighi what she perceived as the difference between a duplex and a common wall dwelling.

Ms. Sadighi said it was important for her to provide housing for people who would have a sense of ownership over their own homes, which living in a duplex would not provide.

Public Comment

Paula Mcneen spoke in support of the project. She said it is a beautiful piece of property and that it was a great concept that people own their own homes. She said she has navigated the road to the applicant's home all different times of the year and has had no trouble navigating the drive. Ms. Mcneen said she felt this subdivision would add quality housing for Juneau residents who wanted to own their own home within walking distance of town.

Richard Steele said he supported the project because more housing is needed in Juneau, and if the map of the area was examined, that they could see there was really no other alternative to construct a drive. Mr. Steele said this project would help alleviate Juneau's housing shortage. He said shared driveways are common in Juneau, and appropriate for this project.

Luann McVey said she knows the heart of the applicant is focused on helping others. This project will provide housing for people who cannot afford larger homes with big yards. She said she could not imagine putting individual driveways down the steep slope. The existing driveway provides adequate access, she said.

Jessica Quintera said she is the tenant who lives below the applicant. She said she has not experienced any problems with the driveway, and that as a tenant she really appreciates the opportunity to live in such a beautiful area.

Sally Donaldson spoke in favor of the project and said the drive affords easy access to the property at all times of the year.

Adjacent property owner Steve Brantner said they are in support of additional housing in Juneau. He objected to what he said is activity on their property without their knowledge or permission. Trees have been cut and removed from his property, he said. This work took place outside of the bounds of either of the easements, he said. He said he found no evidence in the record that CBJ had recommended a 20 foot width, as he said Mr. Pusich had stated. The records from the Planning Commission from 1982 indicate they found the 20 foot road width to be acceptable for a single family residence, he said.

Mr. Pusich said that the easement for Tract 2 has been in use for 20 years for the applicant to access her home, and that this is all part of the 1982 easement. He said there could have been better communication between the two parties. The site was full of trees which had been felled, and that there was minor disturbance on the Brantner property, and that the applicant had never directed the contractor to disturb the Brantner property. The applicant has maintained the driveway, he said.

Commission Comments and Questions

Mr. Voelckers asked if Mr. Pusich could elaborate on the next steps in the process of development.

Mr. Pusich said the entire road would be extended to 20 feet in width. There would be no additional need for additional easement from the Tract 1 owner, he said.

Mr. LeVine asked if this project could meet lot size requirements once it was subdivided. He said there are certain requirements in code for lot size when they front certain arterials.

Mr. Pusich verified that Mr. LeVine was referring to the D-1 lot size. He said they had examined that, but found that was not justifiable for this project.

Ms. Boyce clarified that one of the Code sections cited by Mr. Pusich regarding flexibility of lot design due to topographical issues is no longer in current code. It was removed with the recent Code update in September.

Chairman Haight said they should first consider the relationship between CBJ 49.15.424 and CBJ 49.35.210.

Mr. LeVine asked Mr. Palmer how they should approach deciding the relationship between the two portions of the code mentioned by Mr. Haight.

Mr. Palmer said it is element four of the variance criteria in which this relationship arises. He said to his knowledge since the new subdivision ordinance was passed in September that 49.35.210 has never been interpreted by the Commission, so this would be the initial decision based upon this portion of the code. The access provisions are in the 49.15.424 which are the access provisions which were specifically placed under the design category, said Mr. Palmer.

The 49.35.210 portion of the code has not been varied by the Commission, said Mr. Palmer, since the subdivision ordinance was passed. It is up to the Commission to decide if the provisions in 49.35 should be subject to a variance. The answer would vary depending on if the Commission went by a design standard, or a construction standard, said Mr. Palmer. The decision of the Commission has the potential to provide relief to the applicant, while at the same time opening up a significant section of the code.

Mr. LeVine said assuming that the variance was granted, if they would be in the situation where they had a project with frontage on a minor arterial. He said it seemed to him that was the crux of the matter. He said it seemed they needed to address the question of whether it was a minor arterial, and whether if the variance were granted that it had frontage.

Mr. Palmer said it is his understanding that North Douglas Highway is classified as a minor arterial by CBJ code. It is not relevant what the DOT classifies the road as for the land use code is irrelevant, he said. The second issue is frontage and direct and practical access, said Mr. Palmer. This property as currently designed has a frontage on North Douglas, said Mr. Palmer. However, as described by the applicant and other testimony on this issue, there is no practical access available through the frontage, he said. In order for the City to have the frontage requirement, said Mr. Palmer, there needs to be a purpose for it. Requiring that direct access be available through that frontage gives it purpose, he said.

If those two concepts are altered, said Mr. Palmer, then some of the fabric which holds Title 49 together begins to come apart.

Mr. LeVine said if the Commission varied the access portion of the code, then it was still left with the portion of the code dealing with frontage.

Mr. Palmer said he felt there was a way to decipher section 49.35.210 to state that for those parcels that have shared access but not a public road do not have to have frontage on a right-of-way. He added that 49.35.210 allows that parcel to be subdivided if they use a shared access, and the parcel has to be a D-1 size. If that occurs, said Mr. Palmer, there is likely a way to read that provision such that they do not have to have frontage on to the right-of-way.

Mr. Voelckers said when he studies 49.35.210 that it struck him as an old piece of code that had not been brought to the Subdivision Review Committee. He said had they addressed this, they would probably have decided that it seemed like an artifact from a decade or two earlier. He said he felt this portion of the code was given too much credence because there are variance

examples that do not even approach the types of sizes and conditions being addressed by the Commission on this variance request.

Ms. Boyce said this section of code lived in the "Access" Chapter of the code prior to September of 2015. During the subdivisions re-write when one subdivision chapter was envisioned, this section of Code was in the draft street design section which was separate from street construction standards, she said. However, with the final subdivision changes, all street requirements were moved to the public improvements chapter. The D-1 lot size requirement for proposed subdivisions along minor arterials was added to the code for a particular subdivision on Back Loop Road in 1991, she said.

Mr. Voelckers said this is an example of language coming from a specific project. He asked Ms. Boyce for her comment on the sheer size of the land parcels in the code, which are so much larger than current standards. He said they were hardly applicable to any of the current examples of other small and minor subdivisions.

In this section of the code there are two options, which are either to build an interior street or to construct a shared driveway, said Ms. Boyce.

Mr. Voelckers said he knew this would not be resolved this evening, but in his opinion criterion 3-6 should be struck from the language all together.

Mr. LeVine said it appears they are discussing (B) (2) which is that access shall be provided onto an interior access street. Mr. LeVine asked if he was correct in surmising the Commission was to decide whether to vary the interior access street requirements.

Mr. Palmer said that (B) (2) lists one option, which is that a subdivision can take place on a minor arterial as long as an interior access or frontage street was provided. Mr. Palmer said that (B) (3) provides the alternative.

Mr. Levine asked if the problem was that the driveway was being defined as an interior access street, but the driveway does not meet the standards for an interior access street.

Mr. Palmer concurred.

If they decide that 49.35.210 applies in this case, then they would have to decide if it was subject to variance which would be for the street requirements for an interior access, stated Mr. LeVine.

The staff read that section as not being applicable, because the frontage in front of this subdivision would not result in an access point whether that is an interior or an access street, or a shared driveway, said Ms. Boyce. The access point is offsite, she said, and a new one is not being created.

Mr. LeVine said he could not see how the Commission could decide that the provision did not apply. He said he could not see how it did not involve frontage along an arterial street. They could perhaps decide that frontage meant access that is in use. But then it would be inconsistent with section (B) (2) which states that access can be provided along an interior street, said Mr. LeVine.

Mr. Haight said they need to decide if it was a construction standard or a design standard.

Mr. LeVine said he saw that decision as the next step in the process.

Mr. Voelckers said it seems to him that on a common sense basis that they should allow continuation of the use of the driveway and to facilitate the development, which has less density than the option which would not even entail coming before the Commission. He said he would like to find a way to proceed with this variance request instead of holding it up even further while the Commission had a chance to delve into the 49.35.210 portion of the code.

Mr. Voelckers added there has been an ongoing precedent over a number of years that small, minor uses of private easements instead of right-of-ways have been used to access three or four lots. He said their packet lists numerous examples of instances where this has happened in the past. Mr. Voelckers said he thought maybe the cleanest variance approval for this request would be to mirror some of the language that they know is being very close to being presented to the Commission.

Mr. LeVine said he agreed the correct result is to allow this project to proceed. He said he doesn't think that this project would comply with the new language which is about to be reviewed by the Commission. He said he did not see a way to grant the variance without changing the code to accommodate it. This may say something about the new code they will soon be reviewing if this sort of project is not allowed, said Mr. LeVine.

Mr. Bell said they are basically setting a precedent for a piece of code which is not well defined. He said they would be making a decision based upon stale code language which is years old.

Mr. Haight said if they can go over each of the criterion and give an affirmative answer, then the project could proceed.

MOTION: *by Mr. Voelckers, that the variance is granted to modify 49.15.424 to allow a limited subdivision access serving three lots maximum in Tract 2MS569 as proposed except that the private easement extension within the subdivision should be a minimum 30 foot width.*

Mr. Voelckers said setting a 30 foot width would make it consistent with the language being proposed for minor subdivisions of three or four lots.

Mr. Voelckers said criterion one could be answered in the affirmative because allowing use of a private driveway easement due to physical constraints for access to a limited number of lots is

consistent with past practices of the City and with proposed draft ordinance language as enumerated by staff.

Criterion 2 is an affirmative answer because the limited private easement driveway will be improved to meet driveway width, gradient requirements, and safely serves the low vehicular counts anticipated.

Under item 5, Mr. Voelckers said he felt option (B) best suited this circumstance. He said granting of the variance would provide three lots facilitating development of single family or duplex residences consistent with North Douglas residential development at an equivalent or lower density than allowed without a variance.

Criterion six could be answered in the affirmative that granting of this variance would result in more benefits than detriments to the neighborhood, said Mr. Voelckers. Granting the variance would result in overall benefits to the neighborhood. Additional housing of a consistent scale and nature would be allowed without unduly affecting the traffic and access issues, said Mr. Voelckers.

Mr. LeVine said he felt they needed to address the question posed by condition four about the consistency with section 210(B). He said at some point they would have to make specific findings or elaborate on the findings in the staff report if they are to grant the variance. He said he understood Mr. Palmer to say that if they were to make a finding that they would have to address that code section.

Mr. Peters asked if the Commission found that 49.35.210 (B) is a construction standard or could be varied; his concern was how this would affect any other 49.35. portion of the code in terms of variances.

Mr. Palmer said he thought Mr. Peters was expressing concern about just what the consequences would be if Chapter 49.35 was opened up in terms of variances. He said that is one of the ultimate questions before the Commission. If it determined that 49.35.210(B) was a design or dimensional standard then it would be helpful for the staff and for other applicants to understand how that is either different or the same as other provisions in Chapter 35.

Mr. Voelckers said there is precedent for access being granted via private easement. He asked Mr. Palmer if he could help the Commission to suggest language that does not create a poor precedent, even though it has been practiced in the community for many years. They would like to vary the requirement that instead of a street there would be a private easement driveway.

Mr. Palmer answered if they would like to obtain that as an end result they would need to explain that the interior street or frontage road did not mean a public street.

Mr. LeVine asked if they were to try to make the street meet code, independent of the right-of-way size which the Director can narrow to 30 feet that the roadway itself would have to be 22 feet wide and paved.

Mr. Palmer responded that would be the presumption under the current code.

If they widened the road to 22 feet and require that it be paved, the problems would be resolved, said Mr. LeVine.

Mr. Palmer said that is one possibility.

Mr. Voelckers said in the draft from October 27, (2015) of this consideration of shared access, that the current language addresses the topic that the road may be unpaved. Mr. Voelckers said he would hate for this applicant to be waiting indefinitely while that language was further refined and approved.

Mr. Peters offered as a friendly amendment to the motion of Mr. Voelckers that it be stipulated this was for six lots, not three lots.

Mr. Voelckers accepted the friendly amendment.

Mr. LeVine asked how far they were from the completion of the frontage ordinance.

Ms. Boyce said they anticipate this would be before the Commission within the next month or two.

Mr. LeVine said he reads enough in that language to preclude just this type of project.

Mr. Palmer said one of the items the Commission may want to consider is that if this motion was approved, that they could be putting the Assembly into a situation in which it would have to differentiate this project allowing indirect access to at least seven lots and that may put the Assembly into a position where it has to split hairs to find a rational basis for the current street standards in the current structure for access within the code.

Mr. Peters said the reason they are moving in the current direction with the variance is because of the topography of the lots.

Mr. LeVine asked if there could be a way the Commission could show this variance is vastly superior to the project the applicant could build without a variance requirement.

They would still have to confront criterion number four, said Mr. Palmer.

Mr. Haight said they cannot move the motion until they come up with a positive finding for number four.

A solution, said Mr. LeVine, is that the Commission could find that 49.35.210(B) does not apply so they would not have to deal with it. They could decide it does not apply because once the access is not through the frontage, the subdivision no longer involves frontage on a minor arterial.

Mr. LeVine said he offered as a friendly amendment to the main motion that 49.35.210 does not apply because this subdivision, subject to the variance, will not involve frontage along a minor arterial.

Mr. Voelckers said he accepted that as a friendly amendment to his motion.

Roll Call Vote on the friendly amendment offered by Mr. LeVine:

Ayes: Peters, Voelckers

Nays: Greene, Dye, Bell, LeVine, Haight

The motion failed.

Mr. Voelckers said the staff report stated that item four had been met. He asked what change in this has occurred creating a different answer.

Mr. Voelckers withdrew his motion.

He said it did not appear they would be able to resolve item four this evening.

MOTION: *by Mr. LeVine, that they continue this item to the next meeting so that they have additional time to come up with a solution with further insight and assistance from the legal staff and the CDD staff.*

In support of his motion, Mr. LeVine said they are concerned about the consequences should the Commission decide to vary 49.35.210 (B).

The motion passed with no objection.

This variance request has been continued to the next meeting, said Chairman Haight.

Chairman Haight adjourned the body as the Board of Adjustment and reconvened as the Planning Commission.

IX. REGULAR AGENDA

USE2016 0001: Conditional Use Permit for a limited marijuana cultivation business in the D-1 zoning district.

Applicant: June Hall and Paul V. Disdier

Location: 8393 North Douglas Highway

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit, USE2016 0001. The permit would allow the development of a 500 square foot marijuana cultivation facility in the D-1 zoning district. The approval is subject to the following conditions:

1. An As-built survey shall be conducted and submitted to the CDD prior to issuance of a building permit.
2. The existing shed shall be relocated to meet the setbacks requirements for the D-1 zoning district prior to the issuance of a building permit.
3. The existing and proposed structures shall have no windows.
4. The door on the existing shed shall be relocated to the rear of the structure.
5. Renovation of the existing shed and construction of the proposed shed shall meet the Sound Transmission Classification (STC) regulations to eliminate any detectable noise from fans or generators outside of the structures.
6. Wastewater generated by the marijuana cultivation facility is prohibited from entering the septic system and the septic system is prohibited from being connected to any building where marijuana is grown or processed.
7. No back out parking shall be allowed onto the North Douglas Right of Way.
8. No parking for the marijuana cultivation facility or the residence shall be located in the North Douglas Right of Way.
9. Trees shall be planted on the north side of each building to provide additional screening.
10. The applicant shall pass the CBJ Fire Marshal's inspection.
11. Charcoal filters shall be replaced no less than once annually.
12. Lighting shall be installed at each doorway to the processing building and cultivation building.
13. No offsite glare shall be produced by exterior doorway lights.
14. Each door shall have either a grade 2 lock with deadbolt or grade 1 lock.
15. Outside swinging doors shall have security hinges.
16. Security cameras shall record in no less than high definition 1080p resolution.
17. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
18. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixture or other equipment in the processing building and cultivation building.
19. Security cameras shall have a battery back-up system installed capable of supporting one hour of recording time
20. Batteries shall be replaced no less than once annually.
21. Prior to the issuance of a Certificate of Occupancy, all security devices shall be

- inspected to ensure they are fully operational.
22. This CUP expires if the applicant does not receive a state marijuana license approval within 18 months.
 23. The applicant has notice of pending legislation (Ordinance 2015-38) that may affect this approval. The applicant will comply with all requirements that Ordinance 2015-38 imposes when it is passed even if more restrictive than the approved conditions of USE2016 0001. If the Director determines that Ordinance 2015-38 imposes more substantial submittal requirements and/or more restrictive approval requirements than what was analyzed or imposed by this permit the Director may schedule USE2016 0001 for further review by the Planning Commission within three months of the adoption of Ordinance 2015-38.

Mr. Peters said he would like to recognize that they are bringing a Conditional Use Permit before them before the ordinance has been approved. He asked what kind of situation this creates.

Mr. Palmer said that Ordinance 2015 0038 was introduced to the Assembly at its meeting on March 21, (2016). That is the substantive ordinance for marijuana establishments, he said. The Commission can either hear this Conditional Use Permit or it could continue this project until the ordinance was adopted by the Assembly.

Finally, said Mr. Palmer, there may be a way to provide a condition that if there are significant differences in Ordinance 2015 0038 compared to the Conditional Use Permit, if it was approved, that the applicant and the Commission could possibly reevaluate some of those implications stemming from the ordinance.

Mr. LeVine said they can consider this application because it is allowed with the CUP (Conditional Use Permit). He said the application is legally before the Commission because it is an authorized use with a CUP. He asked if his interpretation was correct.

Mr. Palmer concurred, stating that this CUP is before the Commission and that it could address it tonight.

Mr. LeVine added they could also decide to wait on the CUP until the ordinance was approved.

Mr. Palmer said this was correct.

Ms. Steadman told the Commission that the applicants, June Hall and Paul Disdier, were also the property owners. They live on North Douglas on 1.35 acres, she said. It is in the Comprehensive Land Use Plan as Rural Dispersed Residential, said Ms. Steadman. The land resides within the D-1 zoning district, and outside the urban service boundary, she said.

There is one single family residence on the property, said Ms. Steadman. The Urban Service Area boundary ends right after Bonnie Brae Subdivision, said Ms. Steadman. The entire D-1 area outside of the Urban Service area is where limited cultivation of marijuana is allowed with a Conditional Use Permit, she explained.

The staff does recommend that an as built survey be provided to accurately place the boundaries. It would be submitted with their building plan so they could ascertain that each structure meets the required set-backs, said Ms. Steadman, which are 25 feet in the front and 15 feet on the side. The applicant is proposing a 25 foot side setback for both of the structures, she said. The existing parking is currently in the right-of-way, and Title 49 requires that it be located on the site, she said. The single family residence requires two parking spaces and the marijuana cultivation facility requires one parking space, and they do require that those spaces be located on the site, said Ms. Steadman. There is a single car garage and adequate space for the required parking, she said.

There will be a packaging and drying facility, and behind that is the proposed cultivation facility, said Ms. Steadman. The entrance to the cultivation facility is separated somewhat from the cloning and flower rooms so nothing from inside those rooms is visible when the door is opened, said Ms. Steadman. The entire cultivation area is just under 500 square feet, she said.

Both areas within the facility would have dehumidifiers, fans and LED grow lights, said Ms. Steadman. There would also be fluorescent lights as well as a CO2 generator, said Ms. Steadman. The generator would be supported by propane, said Ms. Steadman. The applicant estimates the facility could support 390 plants, she said.

They were asked to analyze this application in light of what the Planning Commission had recommended in the ordinance, said Ms. Steadman, which includes requirements such as:

- ❖ Security plan that shows they meet the state requirements
- ❖ Waste disposal plan
- ❖ Screening plan
- ❖ Private septic inspection
- ❖ Ventilation/infiltration plan
- ❖ Carbon dioxide use disclosure
- ❖ Mold prevention methods

The applicant has proposed to use high resolution cameras as part of their security plan, said Ms. Steadman. There is an alarm system, and the staff recommends commercial-grade locks, said Ms. Steadman. Both of the buildings will have outside lights, said Ms. Steadman. The applicant has chosen a compost method for disposal of its plant waste, said Ms. Steadman. Neither building will have any windows. A secure container must be used for public transport,

said Ms. Steadman. That would happen in the drying facility before being placed in a transport vehicle, said Ms. Steadman.

The applicant is proposing a closed loop system which means there will be no vents to the outdoors, she explained. The fire department will be inspecting the carbon dioxide generator, said Ms. Steadman. The other two requirements are odor management and signage, said Ms. Steadman. Both buildings will have carbon filters to manage any odors, explained Ms. Steadman. Five signs are proposed, three health related, and one regarding public consumption and public transport. There will be minimal traffic involved, said Ms. Steadman, with deliveries expected every two weeks to the testing facility, a product manufacturing facility or a retail location.

A light in front of each of the buildings is suggested, said Ms. Steadman. That is a State requirement, she added. They have received comment from the City Assessor's office, said Ms. Steadman, that with appropriate conditions, the business would not affect the property values. Regarding neighborhood harmony, said Ms. Steadman, they have received sixteen letters in support of the venture and four letters in opposition, she said. The business does fit in with the Comprehensive plan, said Ms. Steadman.

All of the findings were met, said Ms. Steadman.

Commission Comments and Questions

Mr. LeVine said at least some of these conditions were part of the ordinance the Assembly is evaluating. He asked Ms. Steadman which of the conditions were part of the ordinance.

She said numbers 24, 22 and 21 were items addressed with the ordinance.

Applicants June Hall and Paul Disdier

Ms. Hall said the buildings will create no outside light. The plant odor will be controlled with the charcoal filter system, she said. The cultivation building will be a closed system, with no odor or air escaping the building, she said. The rooms will be hermetically sealed with no vents, she said. The light, humidity and temperature will all be controlled, she said. This will be a very technical and very sanitary grow room, said Ms. Hall. They will have the best of equipment and they will take care of any of the issues that need to be addressed, she said.

Mr. Disdier said the fans are very small that will be used in the buildings.

There will be no smell emanating from the building, nor will there be any loud noise, said Ms. Hall. They will not be using any generators, said Ms. Hall. There will be no wastewater to be disposed of, said Ms. Hall. It will be recirculated to the plants, she said. They will be using organic fertilizers, said Ms. Hall, they will not need to flush the growing medium from any salts

which would be created by non-organic fertilizer, she said. They will dispose of their plant waste through composting, said Ms. Hall.

They will have minimal traffic, with maybe one or two handlers on site, said Ms. Hall. The cultivation building will blend with the existing buildings and have low visibility, said Ms. Hall. They will plant trees to shield the buildings, said Ms. Hall. No products will be held on site, nor will any money be held on site, said Ms. Hall. There will be no public access to the buildings, she said.

Commission Comments and Questions

Mr. Voelckers asked how many trips they anticipated to and from the site.

Ms. Hall said they would hope to have a certain rotation of their plants at maturity at every two weeks. Mr. Disdier said they could transport the growing medium at the same time as product transport occurred. He said there would be very little traffic.

Mr. Dye asked if there was a reason why they would like to get the Conditional Use Permit now instead of waiting for the ordinance to be enacted by the City.

Ms. Hall said they would rather have approval sooner than later.

Public Comment

Juneau resident Dixie Hood said she has known Ms. Hall and Mr. Disdier for many years and finds them very trustworthy friends and neighbors to have in the community. She said she hoped the process could move smoothly for the applicants and that a Conditional Use Permit would be granted.

Juneau resident James Barrett said from an industry perspective that this operation is a state of the art, top of the line operation.

Juneau resident John Chapman said he and his wife live next door to June Hall and Paul Disdier. He said in all honesty that he voted against the marijuana initiative, but that he feels they will do a good job, and that private enterprise on private property is encouraged and good for the economy.

Carol Barril said she lives down the road from the applicants. She said she has looked at the plans and is impressed with how thoroughly they are following the rules. She said she was in support of the Conditional Use Permit for the applicants.

Benjamin Wilcox said he was in support of the facility. He said they will be marketing an organic, clean product, which is what the market will demand. He asked that the Commission not submit to scare tactics, and to give the applicants the chance they need to succeed.

Resident John Kremgrs said this is such a good model operation that it will be setting the standard for all operations following after it.

Giono Barrett said he has seen a lot of growing setups in Juneau. The equipment is truly state of the art, he said. The setup is immaculate, he said.

Resident Todd Boris said a lot of times state of the art systems fail. If that is what they would like to use, then Mr. Boris said he would like to see that stipulated in the CUP. He said they could go at a slower pace by waiting for the ordinance and to see the process was done correctly.

Resident Robin Dale said she would like the Commission to know that she has obtained an attorney who wished to call in telephonically this evening, and was denied the opportunity. She submitted written comments to the Commission. She said at the March 14 (2016) Committee of the Whole meeting, that several of the Assembly members acknowledged that important provisions to protect the health, safety, wellbeing and property interests of neighboring residents were missing from the current ordinances (sic). This is not a new concern, said Ms. Dale to Mr. Voelckers. She said back in September that Mr. Voelckers had believed that Ordinance 2015 0039 was missing specificity of buffer adjacencies and protections. To date none of those setbacks or buffers have been considered, said Ms. Dale.

Mr. Greene asked Ms. Dale why she had obtained an attorney.

She replied she felt there had been several process violations. She added that she is not entirely sure that her comments have been included in the record to date. This hearing announcement and the information in the staff report was not made available to the public until a week ago, said Ms. Dale. There are things missing from the application, said Ms. Dale, such as additional setbacks according to the CBJ code which have not been addressed. She said the staff is recommending approval of the application without ascertaining that the requisite information was in the application.

Resident Robert Minch said he has known the applicants for years. He said he read the staff report which he obtained online. He advised the Commission not to delve into areas that are already covered by another body, such as the State.

Resident Paul Dillon said he lives a few houses down the street from June Hall and Paul Disdier. He said it is dangerous to get into a situation of over regulating the industry. He said he and his wife are in support of the applicant's new business venture.

Resident Zane Luther said he did not know of anyone that he could recommend more highly than the applicants as pioneers in the new business of marijuana cultivation.

Applicants

Mr. Disdier said he would like to make one comment referring to the July deadline mentioned during public comment. When July arrives and the permits are issued for cultivation, they have to have a building, said Mr. Disdier. Once this is approved, they then start going through the building permit process, he added. Ms. Hall said if anything is changed about their operation, they have to notify the State. They do not need extra strictures in the Conditional Use Permit forbidding them to make any changes, since they have to notify the State about any changes already, she said.

Commission Comments and Questions

Mr. LeVine said that since the Assembly is currently considering the ordinance, if the applicants would comply with anything that came out of that process.

Ms. Hall said they did plan on complying with the new ordinance, as long as the requirements were reasonable. She said she would find huge setback requirements of 60 or 80 feet to be unreasonable. They have no choice but to comply with any regulations that came their way, said Ms. Hall.

Mr. Voelckers noted that the 25 foot side setbacks in the applicant's proposal are actually larger than those required in the CUP.

They measured out the space and decided that 25 foot setbacks would be adequate, and maybe make the neighbors feel more comfortable, said Ms. Hall.

MOTION: *by Mr. Peters, to move approval of USE20016 0001 with staff's findings and analysis, and the list of conditions as presented.*

Mr. Dye said he would like to add a friendly amendment adding security hinges to outward swinging doors on item number 15 which addresses the doors.

Mr. Peters agreed to the friendly amendment.

Mr. Dye said he would like to add to number 16 that UV or night vision capabilities be added to the cameras.

Mr. Peters said that would be fine.

Mr. LeVine asked to add a friendly amendment that they take conditions 21, 22 and 24 which were the items the staff had identified as already existing within the ordinance and replace them with the item that the applicants are to comply with the requirements of the ordinance and to give the Director the discretion to have the permit placed before the Commission again

if there are substantial changes mandated by the ordinance. He proposed the language state that, "The applicant has notice of pending legislation that may affect this approval. The applicant will comply with all requirements that Ordinance 2015 0038 imposes when it is passed, even if they are more restrictive than what is granted in this permit. If the Director determines that Ordinance 2015 0038 requires more substantial submittal requirements or more restrictive approval requirements than what was analyzed or imposed in this permit the Director may schedule USE2016 0001 for further review by the Planning Commission within three months of the ordinance being adopted.

Mr. Peters accepted that friendly amendment.

Speaking in favor of the motion, Mr. LeVine said as a general matter it would be better to have the ordinance passed prior to approving the Conditional Use Permit. He said in this case the use is already permitted without the ordinance being passed. They also have by all accounts an exemplary application and applicant; he could see no reason not to approve this permit, but that it would not create a precedent on passing Conditional Use Permits prior to the ordinance being enacted.

Mr. Haight said this application is setting a standard and placing the bar up high.

Roll Call Vote: *(on the final motion by Mr. Peters that USE20016 0001 with staff's findings and analysis be approved, with the list of conditions as presented, with the friendly amendment of Mr. Dye that security hinges to outward swinging doors be added to item number 15 which addresses the doors, and that it be added to number 16 that UV or night vision capabilities be added to the cameras. In addition, the amendment of Mr. LeVine's was added to the main motion that the applicant has notice of pending legislation that may affect this approval. The applicant will comply with all requirements that Ordinance 2015 0038 imposes when it is passed, even if they are more restrictive than what is granted in this permit. If the Director determines that Ordinance 2015 0038 requires more substantial submittal requirements or more restrictive approval requirements than what was analyzed or imposed in this permit, the Director may schedule USE2016 0001 for further review by the Planning Commission within three months of the ordinance being adopted.)*

Ayes: Dye, LeVine, Peters, Voelckers, Greene, Bell, Haight

Nays:

The motion passed by a unanimous vote.

AME2016 0008: A Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed Use.

Applicant: GMD Development, LLC.
 Location: Lots on Clinton Drive and 2797 Postal Way

AME2016 0008 has been rescheduled to April 12, 2016.

Staff Recommendation

Based upon the proposed project (identified as Attachments A), and the findings and conclusions stated above, staff recommends the Planning Commission adopt the director's analysis and findings and RECOMMEND APPROVAL to the Assembly to rezone the subject parcels from LC to MU.

CSP2016 0002: A City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway.
 Applicant: City and Borough of Juneau
 Location: North Douglas Highway

CSP2016 0002 has been rescheduled until April 12, 2016.

Staff Recommendation

Staff recommends that the Planning Commission recommend to the Assembly that CSP2016 0002, City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway is consistent with Title 49, the 1997 West Douglas Concept Plan, and the 2013 Comprehensive Plan, with the following recommendations:

1. Development of the pioneer road shall strictly adhere to CBJ Manual of Stormwater Best Management Practices.
2. Prior to development of culverts and bridges in the proposed project, Fish Habitat Permits shall be acquired and approved.

XI. OTHER BUSINESS – None

X. BOARD OF ADJUSTMENT – See UNFINISHED BUSINESS

XII. DIRECTOR'S REPORT

- Housing Action Plan Community Meetings

Mr. Steedle announced that there are two upcoming workshops on the Housing Action Plan: one on March 30, (2016) at the KTOO 360 studio and the other on March 31, (2016) at the

Valley Library.

- Joint Meeting with the Assembly

There is still a joint meeting with the Assembly scheduled for April 25, (2016).

- Commission Training

There may be a new commissioner appointed on May 4, (2016) said Mr. Steedle. He asked the Commission if it still wanted to proceed with the training for new members on April 26, (2016).

The Commission decided to keep that training date of Aril 26, 2016.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

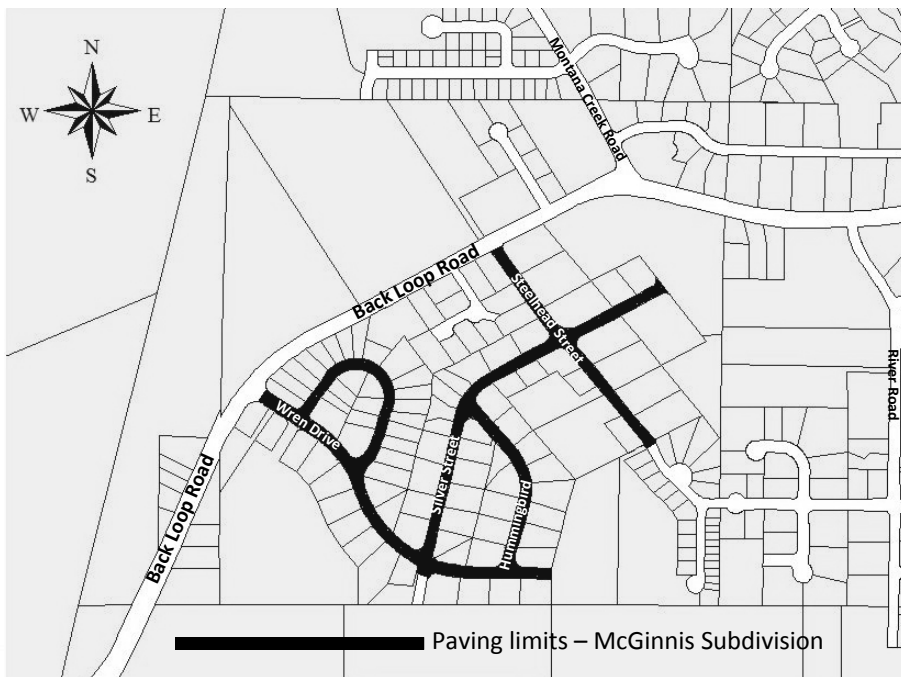
XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT

The meeting was adjourned at 11:15 p.m.



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: City project to pave gravel streets within McGinnis Subdivision and construct sidewalks on one side of Wren and Steelhead Roads as part of an approved LID project. Project includes routine maintenance to existing ditches and culverts along the travel way and the installation of new LED street lighting.

File No:	CSP2016 0003	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Project Area:	Wren Dr., Heron Way, Silver St., Steelhead St. and Hummingbird Ln.
Hearing Date:	April 12, 2016	Owner:	CBJ Right-of-Way
Hearing Time:	7:00 PM	Site Address:	McGinnis Subdivision
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	D-3
		Accessed Via:	Back Loop 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 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>



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 30, 2016

TO: Planning Commission

FROM: Allison Eddins, Planner *JA Eddins*
 Community Development Department

FILE NO.: CSP2016 0003

PROPOSAL: To pave the existing chip seal streets within McGinnis Subdivision, construct sidewalks along one side of Steelhead St. and Wren Dr., replace an existing street light and perform routine maintenance on existing valley gutters and culverts, as part of an approved LID project.

GENERAL INFORMATION

Applicant: City and Borough of Juneau

Property Owner: City and Borough of Juneau

Property Address: N/A

Legal Description or ROW name: Steelhead Street, Hummingbird, Silver Street, Heron Way and Wren Drive

Parcel Code No.: N/A

Site Size: 0

Comprehensive Plan Future Land Use Designation: Urban Low Density Residential

Zoning: D3

Utilities: City water and sewer

Planning Commission
File No.: CSP2016 0003
March 30, 2016
Page 2 of 6

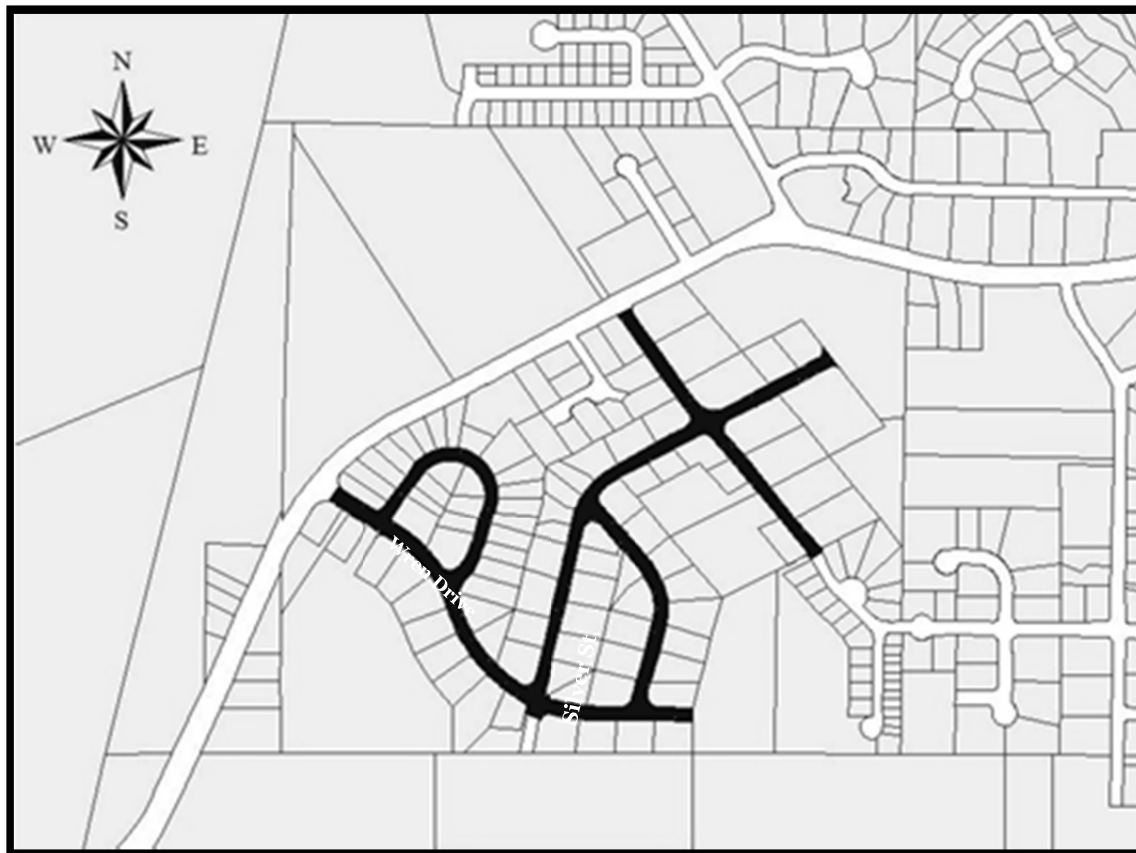
Access: Back Loop Road

Existing Land Use: Local Roads

Surrounding Land Use:

- North - Vacant (D5 - Single family/duplex) and Spruce Meadows RV Park (D1 -Single family)
- South - Vacant (D3 - Single family/duplex) and Conservation Lot (D1 – Single family)
- East - Valley Chapel (D3 – Single family/duplex)
- West - Vacant (D3 – Single family/duplex)

Vicinity Map



ATTACHMENTS

Attachment A - CSP Application
Attachment B - Public Notice

Planning Commission
File No.: CSP2016 0003
March 30, 2016
Page 3 of 6

PROPOSAL

The proposed project will pave the existing chip seal roads in the McGinnis Subdivision and install sidewalks on the eastern side of both Steelhead Street and Wren Drive. The project will include routine maintenance work on the existing culverts in McGinnis Subdivision and the replacement of an existing street light with LED lighting. (See Attachment A)

BACKGROUND

Phase I of McGinnis Subdivision was platted in 1976. Phases II through VII were platted between 1977 and 1998. The roads within the subdivision were accepted for city maintenance at the time of construction. All of the roads within McGinnis Subdivision are owned and maintained by CBJ and are categorized as local streets. According to CBJ 49.80.120 local streets *means streets intended for vehicular access to abutting property and not intended for through traffic*. The roads within McGinnis Subdivision met the public improvement standards that were in place at the time they were originally constructed.

The roads are currently gravel roads that have been treated with chip seal. Chip seal is a road surface treatment that combines layers of asphalt with layers of fine aggregate, usually gravel. Chip sealing is typically cheaper than asphalt paving but is not as durable as asphalt. The chip seal roads in McGinnis Subdivision have deteriorated over the years and pot holes are a common occurrence.

This LID (Local Improvement District) was approved by the residents and formed by the City Assembly in June 2015 through Ordinance 2015-28. In addition to paving the road and constructing sidewalks, the project originally included the installation of additional street lights. In order to gather public opinion, the CBJ Engineering Department sent ballots to 125 property owners. Approximately 70 percent of the property owners responded. Of those, 70 percent were in favor of the asphalt paving. The majority of responders, approximately 67 percent, said they were opposed to the installation of additional street lights. (See Attachment A) There are currently two street lights within the subdivision; one at the intersection of Silver Street and Steelhead; the second is further east on Silver Street. The street light at the intersection of Silver and Steelhead will be replaced with a more energy efficient LED street light. The installation of additional street lights was removed from the project scope.

ANALYSIS

The right-of-way widths for Steelhead Street, Wren Drive, Hummingbird Lane, Heron Way and Silver Street are 60 feet. Within the right-of-way there are travel way widths of 22 feet, allowing for 11 feet of travel width in each direction and valley gutters on both sides of the

Planning Commission
 File No.: CSP2016 0003
 March 30, 2016
 Page 4 of 6

roads. Currently, there are no sidewalks within the subdivision and only two street lights. This can create an unsafe environment for pedestrians and bicyclists.

The LID project will pave the 22 feet of travel way within the Steelhead, Wren, Hummingbird, Heron and Silver Street right-of-ways. Five foot wide sidewalks will be installed along the eastern sides of Steelhead Street and Wren Drive. Steelhead Street and Wren Drive are the only two streets within the McGinnis Subdivision that intersect with Back Loop Road. There are two bus stops along Back Loop Road within 1/8 mile of the McGinnis Subdivision. The new sidewalks will allow pedestrians to safely access Back Loop Road, where they can then use the existing bike lanes on Back Loop Rd.

The project will be completed in five phases:

<u>Street</u>	<u>Planned Construction</u>
Wren Drive	Summer 2016
Silver Street	Summer 2017
Steelhead Street	Summer 2018
Heron Way	Summer 2019
Hummingbird Lane	Summer 2020

The contractor will ensure minimal disturbance to residents of McGinnis Subdivision during the construction periods. This includes, but is not limited to the following:

- The contractor will provide access for emergency vehicles at all times.
- A minimum of one lane will be kept open to vehicular traffic at all times except that one five minute stoppage will be allowed per hour.
- The contractor will notify each resident of driveway closures at least one day prior to the closure.
- Driveways that are disturbed during construction will be returned to equal or better condition.
- Mail delivery and garbage pick-up will not be disturbed.
- Vehicular traffic will not be obstructed from 4:30 pm to 8:00 am, seven days a week. Two lanes of traffic will be kept open during this period.
- Pedestrian traffic will be maintained along at least one side of the road at all times.
- No materials or equipment will be stored on private property without written consent from the owner of the property.

Public Notices were mailed to all residents of the McGinnis Subdivision on March 10, 2016. A notice was also published in the *Your Municipality* section in the Juneau Empire on April 1, 2016 and April 11, 2016. On March 21st a resident of McGinnis Subdivision called Community Development staff to say they wanted more street lights installed in the neighborhood for safety reasons. The resident did receive the poll that CBJ Engineering conducted and voted “yes” to adding more street lights. The majority of residents who responded to the poll voted

Planning Commission
 File No.: CSP2016 0003
 March 30, 2016
 Page 5 of 6

“no” to additional street lights. At the time this staff report was written, no other comments had been received.

CONFORMITY WITH ADOPTED PLANS

This project was reviewed for conformance with the 2013 Comprehensive Plan, the Non-Motorized Transportation Plan (NMTP) and the Area-Wide Transportation Plan (AWTP).

2013 Comprehensive Plan – The McGinnis Subdivision project will be an improvement of the current conditions and conforms to the 2013 Comprehensive Plan. The project scope includes replacing one of the two existing street lights with energy efficient LED street lighting.

POLICY 6.5 TO INCORPORATE TECHNOLOGIES AND OPERATING PRACTICES THAT WILL PROMOTE EFFICIENT AND COST EFFECTIVE ENERGY USE INTO ALL OF ITS NEW AND EXISTING BUILDINGS AND ENERGY-USING PROJECTS.

6.5 – SOP1 Replace inefficient street lighting and lighting in CBJ- owned buildings and facilities with efficient fixtures upon replacement cycle.

Although the Comprehensive Plan does not specifically mention it, gravel roads can create dust when weather conditions are dry. Most of the airborne dust is caused by the friction of tires moving on the unpaved surface. Paving the roadway will significantly reduce the amount of dust that is created by vehicular traffic.

POLICY 7.9 TO CONTINUE EDUCATIONAL PROGRAMS, CAPITAL IMPROVEMENT PROJECTS, AND REGULATORY MEASURES TO PROTECT AND IMPROVE OVERALL AIR QUALITY.

Non-Motorized Transportation Plan – The purpose of the NMTP is to promote active transportation by guiding the development of a borough-wide bicycle and walking network. Section 6.2 Sidewalk Standards calls for all sidewalks to be at least 5 feet in width. The installation of 5 foot wide sidewalks along the eastern edge of Steelhead Street and Wren Drive will bring McGinnis Subdivision into conformance with the NMTP.

Area-Wide Transportation Plan – The purpose of the AWTP is to provide CBJ with a document that considers land use and future development, and establishes direction with respect to transportation in Juneau. Although the McGinnis Subdivision is not mentioned specifically, enhancing safety for pedestrians is a guiding principle of the AWTP. The plan includes an area-wide solution list that addresses the need for additional sidewalks and street paving. The proposed project will bring McGinnis Subdivision into conformance with the AWTP.

Planning Commission
File No.: CSP2016 0003
March 30, 2016
Page 6 of 6

Solution 1.6 – With new construction and reconstruction, evaluate pedestrian and bicycle needs and recommend sidewalks on one or both sides of a street, as appropriate, in all commercial and residential subdivisions.

Solution 1.12 – Pave remaining unpaved streets to decrease negative air quality impacts and improve circulation. Consider including sidewalks and bicycle lanes.

TITLE 49

The McGinnis Subdivision project is a reconstruction project for streets already accepted by the CBJ. Therefore, the requirement to construct public improvements, according to CBJ 49.35, does not apply. However, this maintenance project will bring the roads closer to compliance by paving the travel ways and installing sidewalks along one side of Steelhead Street and Wren Drive.

HABITAT

No cataloged anadromous streams or mapped wetlands will be affected by the proposed CSP project. Based on the best data available to Community Development Department staff, there are no bald eagle nests within 330 feet of the project area.

FINDINGS

Staff finds the proposed McGinnis Subdivision paving project and sidewalk installation to be consistent with CBJ adopted plans and will improve pedestrian safety and air quality conditions.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the above analysis and findings, and recommend that the Assembly approve the McGinnis Subdivision road paving and sidewalk installation project, as prescribed in CBJ 49.15.580 (a).

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>2/12/16</u>
Project Name (City Staff to Assign Name)		

INFORMATION PROJECT / APPLICANT	Project Description Pave gravel streets in McGinnis Subdivision as a Paving LID		
	PROPERTY LOCATION		
	Street Address Wren, Steelhead, Heron, Hummingbird, Silver		City/Zip Juneau AK
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) McGinnis Subdivision		
	Assessor's Parcel Number(s)		
	LANDOWNER/ LESSEE		
	Property Owner's Name CBJ Right of Way		Contact Person: BOHAN
	Mailing Address CBJ Engineering - 155 S. Seward St		Work Phone: 0876
	E-mail Address john.bohan@juneau.org		Home Phone:
	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>2/11/16</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 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	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type	SIGN	Date Received
		Building/Grading Permit		
	☒	City/State Project Review and City Land Action		<u>2/12/16</u>
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		<u>CSP 2016 0003</u>
		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

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters)	Case Number CSP 20160003	Date Received 2/12/16
----------------	------------------------------	-----------------------------	--------------------------

TYPE OF PROJECT REVIEW:

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

DESCRIPTION OF PROJECT

Pave the streets within McGinnis Subdivision. The current streets gravel streets (treated with chip seal to help control dust and mud) are deteriorated and require significant maintenance effort. The neighborhood approved an LID to pave the gravel streets in June, 2015. The routine maintenance of this area will also include work on the existing ditches and culvert systems and replacement of the existing street lighting with new LED street lighting. Sidewalks on one side are proposed on Wren and Steelhead, as both streets connect to Back Loop Road and are the two main pedestrian routes to the Capital Transit stops.

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):

Gravel Roaded Residential area

PROPOSED USE OF LAND OR BUILDING(S):

Asphalt paved residential area - no change besides asphalt pavement.

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

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

Capital Improvement Program # (CIP) R72-112

Local Improvement District # (LID) 62

State Project # _____

ESTIMATED PROJECT COST: \$ 4-6 million

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 \$ 1600	_____	_____	_____
Total Fee \$ 1600	_____	_____	_____

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

Mc Ginnis Subdivision Paving LID

This LID was formed to pave the existing gravel roadways in the subdivision (Heron, Steelhead, Wren, Hummingbird, Silver). The gravel roadways were treated with chip seal to help minimize dust and reduce normal maintenance associated with gravel roads (grading, pothole filling etc.). The chip seal and roadways have outlived their useful service life and require maintenance to the road base and surfacing. Since the LID was approved by the residents and formed by the Assembly, the road surface will be asphalt pavement (instead of gravel if LID was not passed and formed).

As part of the LID process, 125 residents were sent ballots to vote on a paving LID within their neighborhood. Included on this LID ballot was a poll of the residents to determine if they were in favor or against installing street lighting in their neighborhood. 88 ballots were returned in response to the road paving LID. 82 residents responded to the Street Lighting question.

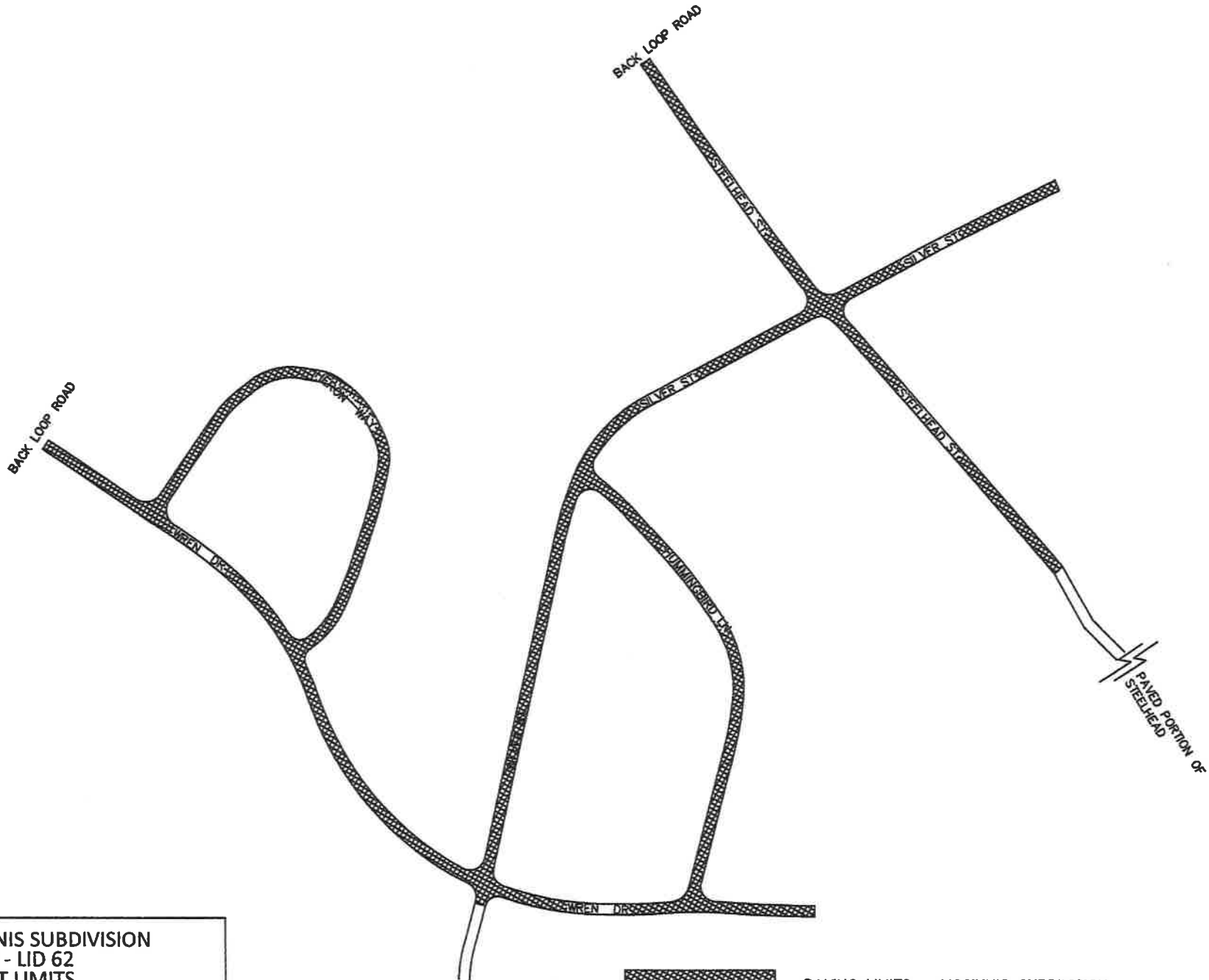
- **Paving LID Approved by residents:** 88 ballots returned => 62 in favor of paving, 26 against
- **Installation of Street Lighting:** 82 ballots returned => 55 against street lighting , 27 in favor

The LID was formed by the Assembly in June of 2015 through Ordinance 2015-28 signed on June 7, 2015.

The scope of the paving project is as follows:

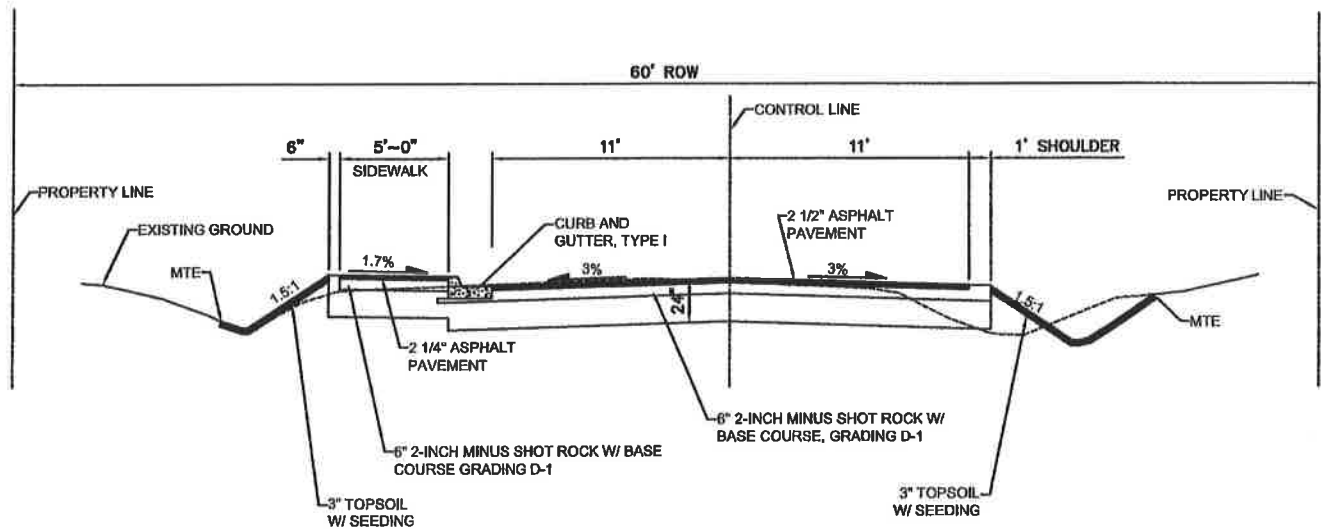
Pave the treated gravel (chip seal) roadways within the McGinnis subdivision to replace the failing road surface. The roadways will be paved to 22' wide, which is the same width as the existing chip seal surface treatment. Included in this paving project will be improvements to the road base, cleaning existing ditches, improvements to the existing drainage system and replacement of the existing street light at the intersection of Silver and Steelhead with a new LED street light. A 5' wide sidewalk is proposed to be installed on Wren Drive and Steelhead Street to connect to Back Loop Road. The proposed typical sections for the roads are attached.

A public meeting was held November 17th at Mendenhall River Elementary School to discuss proposed typical sections, layout of streets and phasing plan for construction. 15 residents attended and were in general agreement with the proposed project and plan.

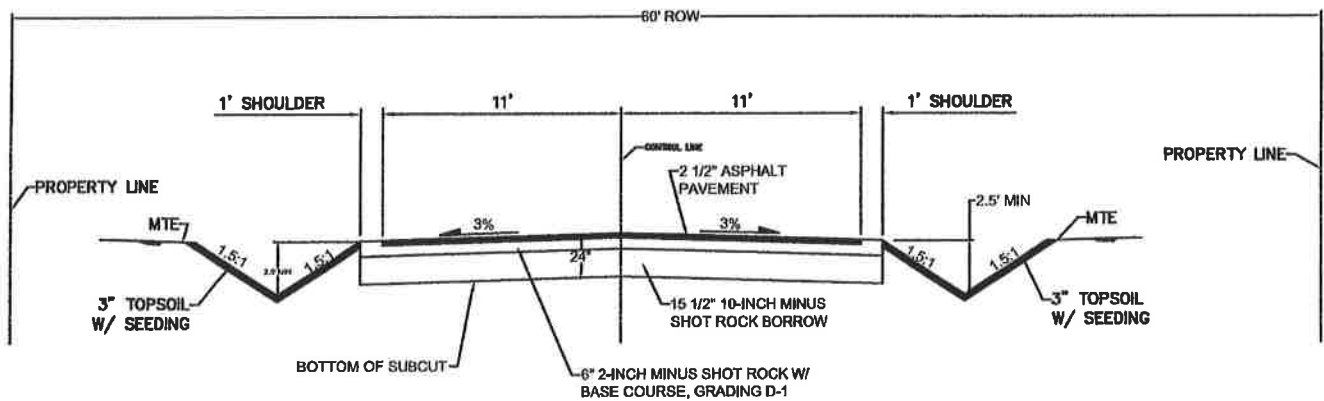


MCGINNIS SUBDIVISION
PAVING - LID 62
PROJECT LIMITS
FEBRUARY, 2016 -not to scale
CBJ ENGINEERING AND PUBLIC WORKS

— PAVING LIMITS — MCGINNIS SUBDIVISION



TYPICAL SECTION WREN AND STEELHEAD
not to scale

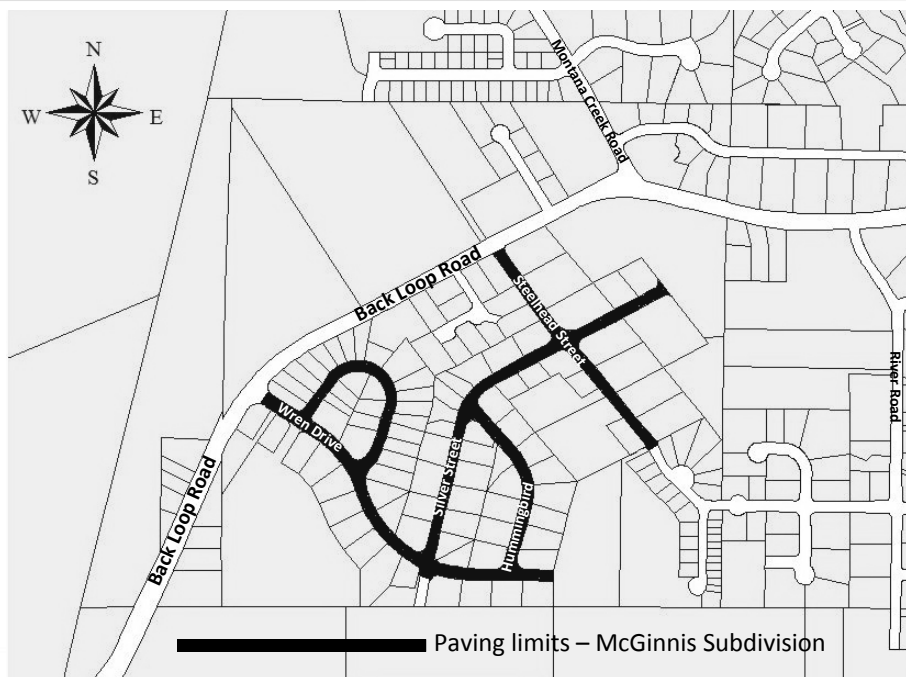


TYPICAL SECTION – SILVER, HERON, HUMMINGBIRD
not to scale

MCGINNIS SUBDIVISION
PAVING - LID 62
TYPICAL SECTIONS
FEBRUARY, 2016 -not to scale
CBJ ENGINEERING AND PUBLIC WORKS

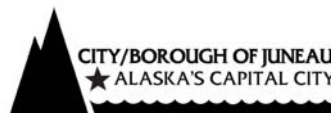


NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: City project to pave gravel streets within McGinnis Subdivision and construct sidewalks on one side of Wren and Steelhead Roads as part of an approved LID project. Project includes routine maintenance to existing ditches and culverts along the travel way and the installation of new LED street lighting.

File No:	CSP2016 0003	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Project Area:	Wren Dr., Heron Way, Silver St., Steelhead St. and Hummingbird Ln.
Hearing Date:	April 12, 2016	Owner:	CBJ Right-of-Way
Hearing Time:	7:00 PM	Site Address:	McGinnis Subdivision
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	D-3
		Accessed Via:	Back Loop 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 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>



**PLANNING COMMISSION
NOTICE OF RECOMMENDATION**

Date: April 12, 2016
File No.: CSP2016 0003

City and Borough of Juneau
CBJ Assembly Members
155 S Seward Street
Juneau, AK 99801

Application For: Planning Commission Recommendation to the City and Borough Assembly regarding paving the existing chip seal streets within McGinnis Subdivision, constructing sidewalks along one side of Steelhead St. and Wren Dr., replacing existing street lights with LED lighting and routine maintenance on existing valley gutters and culverts, as part of an approved LID project.

Legal Description
or ROW name: Steelhead Street, Hummingbird Lane, Silver Street, Heron Way and Wren Drive

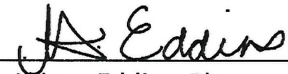
Parcel Code No.: 0

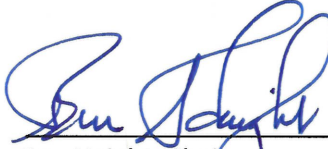
Hearing Date: April 12, 2016

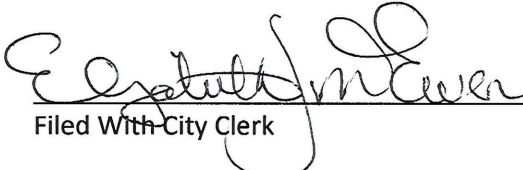
The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 22, 2016, and recommended approval for the McGinnis Subdivision CSP project.

Attachments: March 22, 2016 memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding CSP2016 0003.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ §01.50.020(b).

Project Planner: 
Allison Eddins, Planner
Community Development Department


Ben Haight, Chair
Planning Commission


Filed With City Clerk

4/18/2016
Date

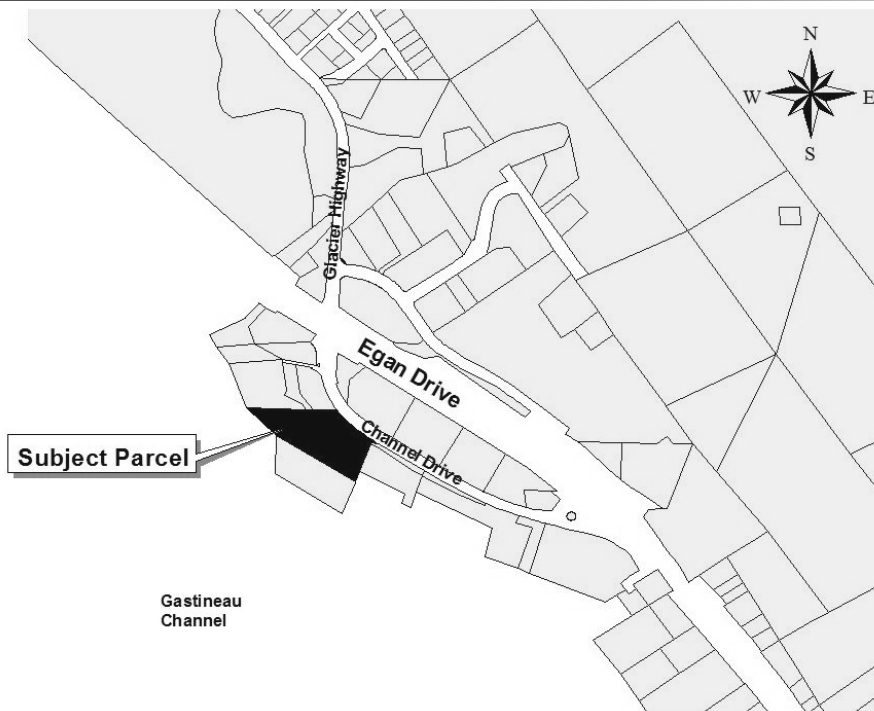
City and Borough of Juneau
CBJ Assembly
File No.: CSP2016 0003
April 12, 2016
Page 2 of 2

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 CBJ 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: A Conditional Use Permit for a temporary asphalt plant in association with Egan Drive rehabilitation.

File No:	USE2016 0002	Applicant:	SECON
To:	Adjacent Property Owners	Property PCN:	7-B09-0-103-010-0
Hearing Date:	April 12, 2016	Owner:	Betty Smith et. al.
Hearing Time:	7:00 PM	Size:	Area to be used appr. 2 acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	WI - Waterfront Industrial
		Site Address:	3155 Channel Drive
		Accessed Via:	Channel 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 at 586-0755.



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: March 29, 2016

TO: Planning Commission

FROM: Teri Camery, Senior Planner 
Community Development Department

FILE NO.: USE2016 0002

PROPOSAL: A Conditional Use Permit for a temporary asphalt plant in association with Egan Drive rehabilitation

GENERAL INFORMATION

Applicant: SECON, Inc.

Property Owner: Betty J. Smith, et al (via State of Alaska Department of Natural Resource lease agreement)

Property Address: 3155 Channel Drive

Legal Description: USS 1075 Lot 2 and ATS 877 Lot 2 Tract B

Parcel Code Number: 7-B09-0-103-010-0

Site Size: Lot is 4.7 acres; project site is approximately 2 acres

Comprehensive Plan Future Land Use Designation: Waterfront Commercial Industrial

Zoning: Waterfront Industrial

Utilities: CBJ Water and Sewer

Access: Channel Drive

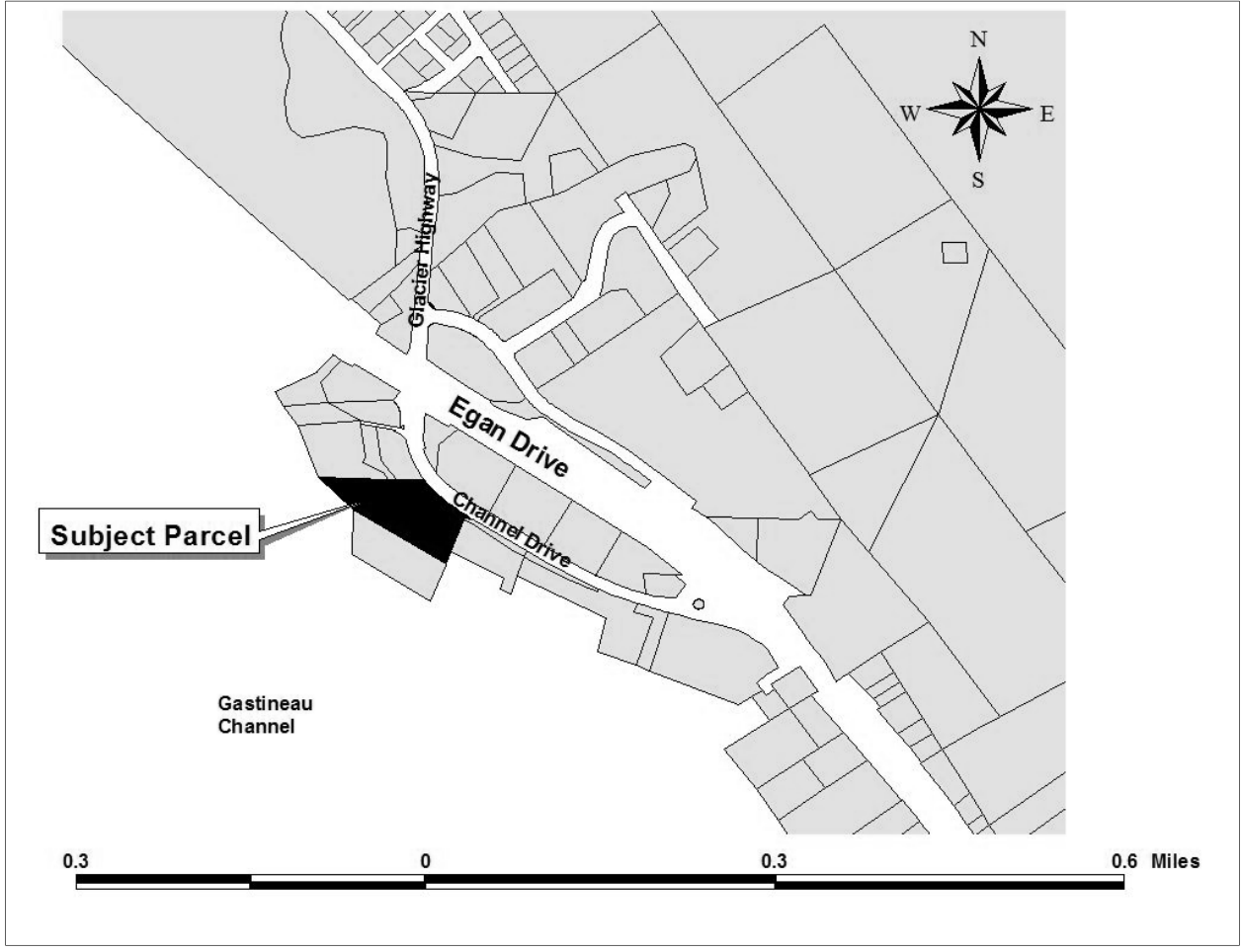
Existing Land Use: Marine shipping yard

Surrounding Land Use: North - Channel Drive; Worldwide Movers and Samson Tug and Barge, Waterfront Commercial

Commercial

- South - CBJ Docks and Harbors property, leased to Northland, Inc. for barging facility; Waterfront Commercial
- East - Channel Drive Wayside Park; Waterfront
- West - Mendenhall Wetlands State Game Refuge

Vicinity Map



Planning Commission
 File No.: USE2016 0002
 March 29, 2016
 Page 3 of 11

ATTACHMENTS

Attachment A	Development Permit Application
Attachment B	Conditional Use Permit Application
Attachment C	CBJ Code 49.20.095 Disturbing the Peace and 04 CBJ AC 050.020 Performance Standards
Attachment D	Spill Prevention, Control, and Countermeasure Plan (SPCC)
Attachment E	Asphalt Plant permit
Attachment F	Dust Control Plan
Attachment G	Revised site plan with parking

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for a temporary asphalt plant in association with the Egan Drive Rehabilitation project. The Egan Drive project consists of milling and paving Egan Drive from 10th Street to Mendenhall Loop Road, and adding acceleration and de-acceleration lanes at the Salmon Creek intersection.

The project requires 28,625 tons of aggregate, which must be shipped in and hauled. This would require 1,431 truckloads. The location of the temporary asphalt plant site at the Channel Drive Northland barge facility would allow the aggregate to be barged in and off-loaded directly at the plant site. The alternative of using SECON's permanent asphalt plant on Concrete Way would require 1,421 truckloads of aggregate to be hauled on Egan Drive, Vanderbilt Hill Road, Glacier Highway, and Concrete Way just to get to the manufacturing facility. This location also reduces the distance to get to the project site, Egan Drive.

The project will start in the spring of 2016 with an anticipated completion date of August 31, 2016.

BACKGROUND

Parcel Ownership

The subject parcel has an unusual ownership history. The parcel has a long-term lease to Betty Smith et al from the Alaska Department of Natural Resources (ADNR). ADNR approved a sub-lease from Smith et al to Northland Services, Inc., a division of Alaska Marine Lines. ADNR further authorized a sub-lease from Northland to SECON. This history was explained to CDD staff in conversations with Doug Sanvik, ADNR Natural Resource Specialist. ADNR has not yet accepted use of the property for an asphalt plant. Mr. Sanvik provided the following statement

Planning Commission
File No.: USE2016 0002
March 29, 2016
Page 4 of 11

in an email dated March 24, 2016 to CDD staff:

“If all regulatory agencies and CBJ authorize the temporary operation of an asphalt plant at the location proposed by Secon (Lot 2-B of ATS 877) DNR will issue a letter of non-objection to Secon for that use on state land.”

Furthermore, the parcel immediately south of the subject parcel is owned by CBJ Docks and Harbors, leased to Smith et al, and then sub-leased to Northland Inc. for use as a barging facility. The barging facility is a critical element of the proposed development for efficient shipment of aggregate, as described in the Project Description.

Agency Review

An agency review period was conducted from February 16, 2016 through March 2, 2016. The following agencies stated that they had no concerns or no comments on the development: CBJ Building Division; CBJ Fire Department; CBJ Streets Division, Alaska Department of Environmental Conservation (ADEC) Division of Water, Non-Point Source section; ADEC Solid Waste Program; and Alaska Department of Transportation and Public Facilities.

CBJ Engineering responded that a grading permit with erosion control, stormwater treatment and the limits of the top of fill is required. ADEC Division of Water, Wastewater Discharge Authorization Program commented that the project could be covered by the Construction General Permit. 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). Staff recommends a condition to require a final ADEC SWPPP prior to issuance of a building permit, as addressed in the Habitat Section of this report.

CDD staff sent a separate request for comments to CBJ Docks and Harbors and CBJ Parks and Recreation, as surrounding landowners, on March 19, 2016 with a comment deadline of March 23, 2016. CBJ Docks and Harbors responded with a map showing the surrounding parcels, but did not have further comments. CBJ Parks and Recreation did not comment.

ANALYSIS

Project Site and Design -

The proposed project site, Northland Yard, is currently used as a marine shipping yard, equipment storage yard, and materials staging area. The site has one small office with city water and sewer. The yard has both paved and gravel surfaces, and has stormwater controls

Planning Commission
File No.: USE2016 0002
March 29, 2016
Page 5 of 11

installed along with an oil/water separator. Stormwater management issues will be addressed further in the Habitat section of this report.

The site is surrounded by a vacant Waterfront Industrial property to the north, the Mendenhall Wetlands State Game Refuge to the west, and the CBJ Channel Drive Wayside Park to east, and a barging facility to the south, on property leased from CBJ Docks and Harbors. (See Background section for additional information regarding property ownership and leases.)

The site plans provided in Attachments B and G show the major features of the operation, including large aggregate piles, asphalt plant bag house, drum, tanks, and generator.

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 applicant estimates that 3-10 parking spaces will be needed. These ten parking spaces, with the parking circulation pattern, are shown in the revised site plan, Attachment G.

The truck route will be from the project site turning left onto Channel Drive to access Egan Drive. Trucks returning will exit Egan Drive onto Channel Drive, then turning right into Northland yard. As soon as the trucks enter the Salmon Creek intersection of Egan Drive and Glacier Highway, they will be in the construction project area. The applicant notes that Northland Services uses these same routes in their deliveries.

The applicant states that the maximum rate of production that SECON is permitted by DEC Air Quality for the ASTEC Asphalt Plant is 345 tons per hour. If SECON operated for the maximum shift of 15 hours, the total tonnage for the period would be 5,175 tons. That equates to 207 truckloads per day at 25 tons per loaded truck. These trucks will be in the construction zone, not in general traffic.

CBJ Code 49.40.300(2) states that a development projected to generate fewer than 250 Average Daily Trips shall not be required to have a traffic impact analysis. Therefore a traffic impact analysis is not required.

Noise -

The applicant states that the most significant noise impacts will be from the truck back-up alarms required by OSHA. Other noise sources include the generator for the plant, and the asphalt plant drum dryer for heating and drying the aggregate. Decibel readings are not

Planning Commission
File No.: USE2016 0002
March 29, 2016
Page 6 of 11

available for either unit. However, the applicant notes that the generator is in an insulated van trailer and has a sound suppressed exhaust system installed. Because of the location of the development near Egan Highway, noise is not expected to be significant except for immediately adjacent properties, which are zoned Waterfront Commercial. Properties between Channel Drive and Egan Drive are zoned General Commercial.

The applicant states that hours of operation will be 7:00 am to approximately 7:00 pm. These hours conform with the CBJ Noise Ordinance, 49.20.095, which is included for reference as Attachment C. The applicant notes that the project may require night shifts to meet project demands. If night shift work is required, SECON will obtain a permit from the CBJ Building Official, as required by CBJ Code 49.20.095(b), below:

(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.

Public Health or Safety -

The primary public health concern of the proposed asphalt plant is air quality. The Alaska Department of Environmental Conservation (ADEC) permit for the plant has a requirement that temporary asphalt plants (defined as two years or less), must be a minimum of 330 feet from the closest occupied structure. The original site plan included in Attachment B shows that the distances to the two closest properties are 364 feet and 381 feet, respectively, in conformance with this requirement.

The development is in an established industrial area with security fencing and other measures to ensure the public health and safety. The CBJ Fire Department had no comment on the application.

Habitat –

The site is in an established industrial area and does not have any salmon streams, eagle nests, wetlands, or other sensitive habitat on the site. However the parcel is adjacent to the Mendenhall Wetlands State Game Refuge, therefore Best Management Practices to address stormwater runoff and potential spills are necessary.

Planning Commission
File No.: USE2016 0002
March 29, 2016
Page 7 of 11

The ADEC Stormwater Pollution Prevention Plan (SWPPP) addresses both stormwater and spill prevention. The applicant has indicated that a draft SWPPP has already been prepared for the site. 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.

In addition to the SWPPP, the plant has a Spill Prevention Control and Countermeasures (SPCC) plan, required by the federal Environmental Protection Agency. This plan has been provided as Attachment D. The applicant also notes that SECON has a specific program to address hazardous materials and has an agreement with Emerald Services, Inc. for spill response services if needed. This agreement is included in the application materials, Attachment B.

Lastly, the project requires a grading permit from CBJ Engineering with erosion control, stormwater treatment and the limits of the top of fill. It is standard CBJ procedure that grading permits must be issued before the operation begins, therefore an additional condition to enforce the grading permit is not necessary.

Dust control -

The applicant has provided a dust control plan in Attachment F that is specific to the approved asphalt plant. The plan includes measures for roadway water application.

Lighting -

The project narrative notes that the site already has lighting installed, and new lighting is not anticipated.

Staff recommends the following condition, for consistency with similar proposals:

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. (If new lighting is not required, this condition will not apply.)

Property Value or Neighborhood Harmony -

The property is surrounded by the Mendenhall Wetlands Refuge to the west, Channel Drive

Planning Commission
File No.: USE2016 0002
March 29, 2016
Page 8 of 11

Wayside Park to the east, a barging facility to the south, and a moving company to the north. The Alaska Department of Transportation is located on the other side of Channel Drive, between Channel Drive and Egan Drive, in the General Commercial zoning district.

This area has an established history of industrial uses. It is next to Egan Drive and therefore already has substantial noise levels and bright lighting. There are no residential uses in the immediate area, and the development meets ADEC distance standards to ensure safe air quality.

Staff finds no evidence of significant impacts to property value or neighborhood harmony as a result of the proposed development.

Conformity with Adopted Plans -

2013 Juneau Comprehensive Plan

Map K of the 2013 Juneau Comprehensive Plan designates the subject parcels as and Waterfront Commercial Industrial, which is 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.

Staff notes that this area of the shoreline is not included within the 2004 Long Range Waterfront Development Plan, therefore conformance with this plan has not been addressed.

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;

Planning Commission
File No.: USE2016 0002
March 29, 2016
Page 9 of 11

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 Waterfront 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 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?

Planning Commission
File No.: USE2016 0002
March 29, 2016
Page 10 of 11

No. No evidence indicates that the proposed development will materially endanger the public health or safety. The development meets the minimum distances from occupied structures established by ADEC to protect air quality, and the site has adequate security.

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

No. As described in the preceding analysis, the property is adjacent to a Waterfront Industrial development and a wayside waterfront park along Egan Drive, with significant pre-existing noise levels. No evidence indicates 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. The proposed development is in general conformity with adopted plans including the 2013 Juneau Comprehensive Plan. The development specifically conforms with Comprehensive Plan policy 5.11 regarding industrial uses.

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 proposed development does not affect wetlands, salmon streams, or other sensitive habitats. Stormwater Best Management Practices required by ADEC's Stormwater Pollution Prevention Plan, and also required under recommended conditions, will address runoff to the adjacent Mendenhall Wetlands State Game Refuge. The development also has a Spill Prevention Control and Countermeasures Plan and a spill response contract to address potential hazardous materials issues.

RECOMMENDATION

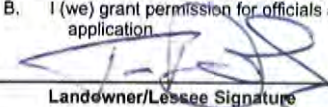
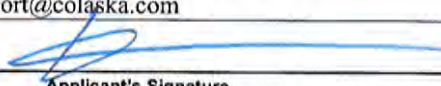
Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a temporary asphalt plant in association with Egan Drive rehabilitation. The approval is subject to the following conditions:

Planning Commission
File No.: USE2016 0002
March 29, 2016
Page 11 of 11

- 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. (If new lighting is not required, this condition will not apply.)*
- 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.*

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>1/27/16</u>
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description Setup and Operate a Asphalt Plant for the construction season of 2016, for the project: JNU EGAN DR PAVEMENT REHAB 10TH ST. TO MENDENHALL LOOP RD. & SALMON CREEK INTERSECTION SAFETY IMP.		
	PROPERTY LOCATION		
	Street Address 3155 Channel Dr., Juneau AK		City/Zip 99801
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Lot 2-B, ATS 877		
	Assessor's Parcel Number(s) 7B0901030100		
	LANDOWNER/ LESSEE		
	Property Owner's Name Secon dba Colaska (Lessee)		Contact Person: Tim Dudley
	Mailing Address P.O. Box 32159, Juneau AK 99803		Work Phone: (907) 780-5145
	E-mail Address		Home Phone: (907) 780-5896
	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>12/21/15</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 If the same as OWNER, write "SAME" and sign and date at X below		
Applicant's Name Secon		Contact Person: Mike Short	
Mailing Address P.O. Box 32159, Juneau AK 99803		Work Phone: (907) 780-5145	
E-mail Address MShort@colaska.com		Home Phone: (907) 780-5896	
Other Contact Phone Number(s):			
X		<u>12/21/15</u>	
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)				
	X	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)	X	<u>1/27/16</u>	<u>USE 20160002</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:					Permit Intake Initials <u>ESF</u>

TO BE OCCURRED BY THE APPLICANT

Attachment B Page 1 of 2

RECEIVED

JAN 27 2016

PERMIT CENTER/CDD



Northland Yard - ASTEC Asphalt Plant

CBJ Conditional Use Application



Michael Short

1/26/2016

Setup the ASTEC Asphalt Plant at Northland Yard for Egan Rehabilitation Project



Northland Yard

Proposal

SECON is proposing to setup the ASTEC Asphalt Plant at Northland Yard. Alaska Department of Transportation is awarding Secon the Egan Drive Pavement Rehabilitation - 10th St. to Mendenhall Loop & Egan Drive Salmon Creek Intersection Safety Improvements Projects. These projects consist of milling and paving Egan Drive from 10th Street to Mendenhall Loop Road and adding acceleration and de-acceleration lanes at the Salmon Creek intersection.

The aggregate for the Super Pave HMA is being barged from Washington State. It will be off-loaded at Northland Yard.

The aggregate that is imported has to be hauled to the asphalt plant. The plant currently scheduled to manufacture the asphalt is located at the end of Concrete Way. There is over 28,625 tons of aggregate that is being shipped in from Washington State. That equates to over 1,431 truckloads of aggregate hauled on Egan Drive, Vanderbilt Hill Road, Glacier Highway and Concrete Way just to get the product to the manufacturing facility. Once there, it is manufactured in Hot Mix Asphalt (HMA) and hauled back to Egan Drive.

Setting the asphalt plant at Northland Yard will reduce the volume of truck traffic associated with these projects. Less truck traffic on Egan Drive assists the traveling public of Juneau by reducing congestion and in turn increases safety.

OWNERSHIP, LOCATION AND LEGAL DESCRIPTION

COLASKA Inc. dba SECON is leasing Northland Yard on a long-term agreement.

3155 Channel Drive, Juneau AK 99801

Subdivision of Alaska Tidelands Survey No. 877, Tract A B B Within PROT Section 9, T. 41S., R. 67E. C.R.M.

Plat 84-56

ZONING

The assessor's Parcel Number is 7B0901030100, and is zone WI.



CURRENT USE

Secon is currently using the yard as marine shipping port, storage yard for equipment, materials staging and project offices.

NORTHLAND YARD

Northland yard has a small office with city water and sewer. The yard has paved and gravel surfaces. There are storm water controls installed along with an oil/water separator.

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 3.77 acres in size, about 70% of that area is paved.

TRUCK ROUTE

The truck route will be from Northland Yard turning left onto Channel Drive to access Egan Drive. Trucks returning will exit Egan Drive onto Channel Drive then turning right into Northland Yard. As soon as the trucks enter the Salmon Creek intersection of Egan Drive and Glacier Highway, they are on the Construction Projects.

Northland Services used these same routes in their deliveries.

HOURS OF OPERATION

The project will start early in the spring of 2016 with a completion date of August 31, 2016.

The hours of operation will be a daytime shift, starting at 7:00 AM and ending anywhere from 5:00 PM to 7:00 PM. Due to the complexities of the project 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. If a night shift is required, an application for a noise variance will be submitted to CBJ.



It is estimated the asphalt plant will be in operation for approximately 40 days. These days will be spread out over a four-month period. There will probably be one or two phases of 10 days straight, then the rest of the time will be intermittent.

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.

The site has three storm drain structures. These structures will be protected and cleaned as needed.

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.

If the asphalt plant is located at Northlands Yard, a Spill Prevention, Control, and Countermeasure (SPCC) plan will be written. The contracted SPCC plan is written specific for the asphalt plant and the site it is located on. This is required by the EPA.

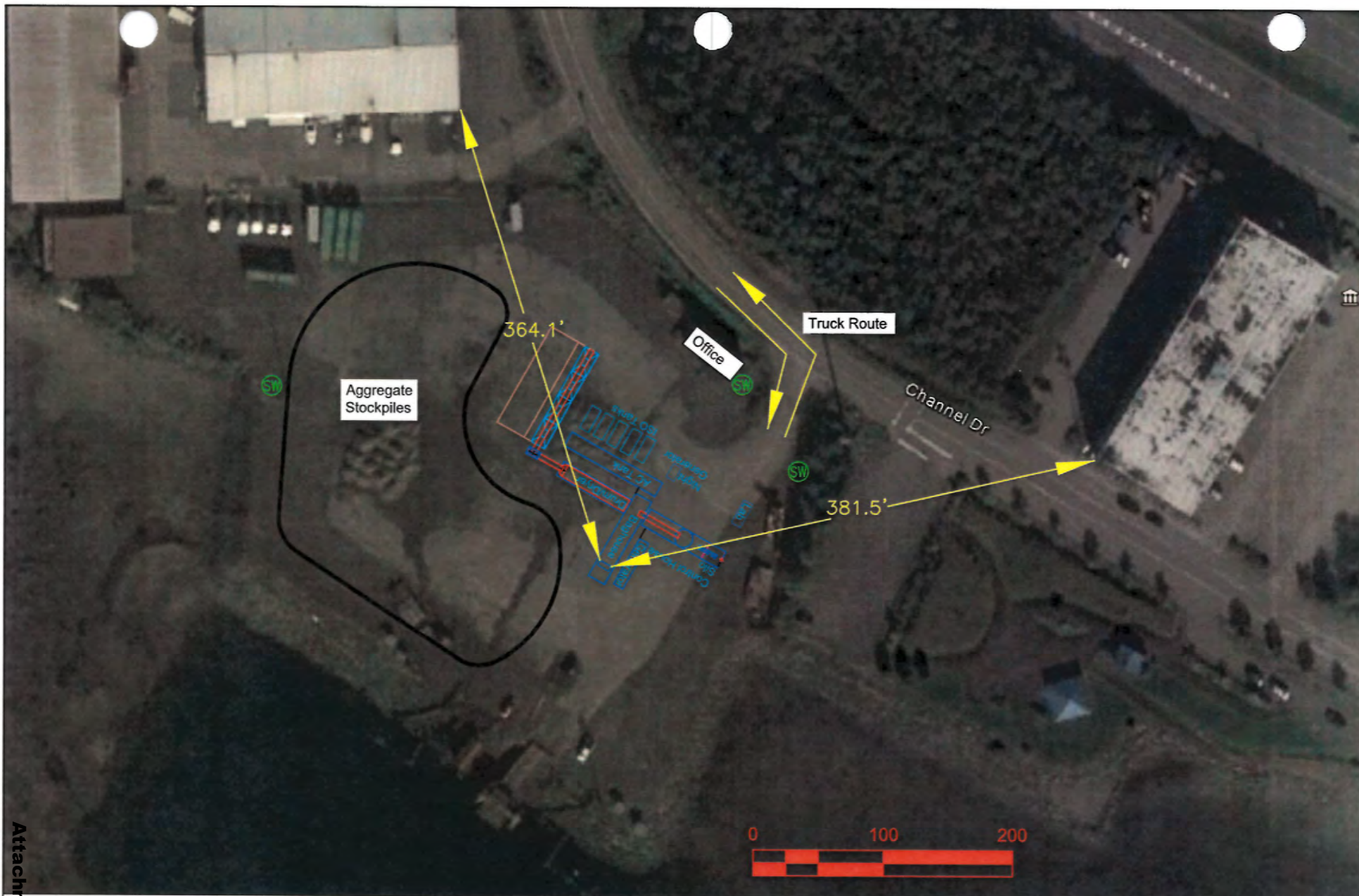
If the site that the asphalt plant is located on does not have a Multi Sector General Permit from Alaska Department of Conservation, it will be included in the SWPPP written for the associated projects. Either way the asphalt plant will have a permit to discharge storm water.

STOCKPILES

The aggregates will be stockpiled on-site for manufacturing into HMA. 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 Asphalt Plant on site.
- Google Map showing approximate property boundaries with Survey overlay.
- Plat 651, U.S. Survey 1075 Salmon Creek Area
- Plat 84-56, ATS 877 & ATS 1277
- Emerald Alaska Inc. agreement.



Attachment B



SECON
 SOUTHEAST ALASKA

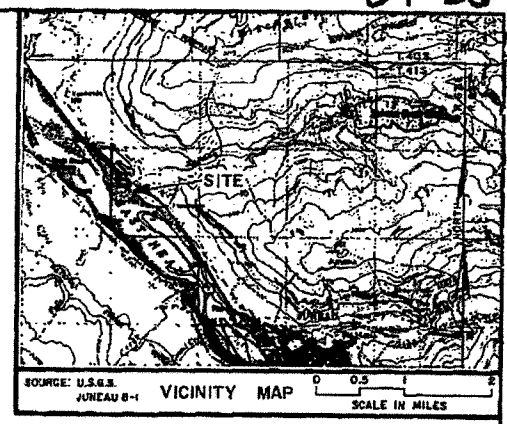
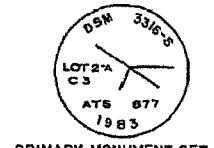
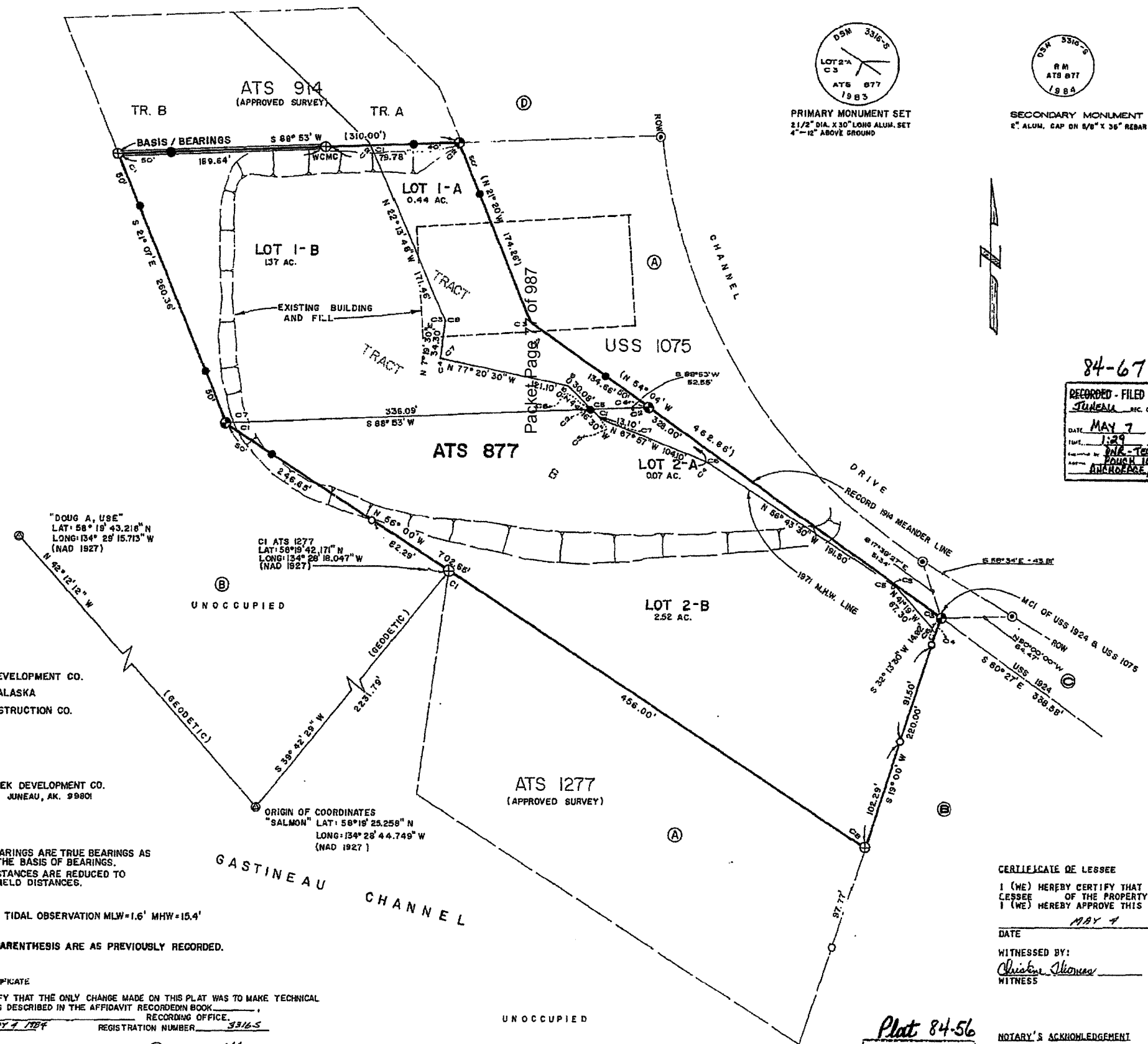
P.O. Box 32159
 Juneau, AK 99803
 (907) 780-5145

1836 Anka Street
 Juneau, AK 99801

Northalnd Yard

ASTEC Asphalt Plant		
DRAWN	DATE	3155 Channel Drive Juneau AK 99801
APPROVED	DATE	
SCALE	SHEET	PROJECT NO.
100	1	





OWNERSHIP:
A SALMON DEVELOPMENT CO.
B STATE OF ALASKA
C GREEN CONSTRUCTION CO.
D KJNO

APPLICANT:
SALMON CREEK DEVELOPMENT CO.
109 TROY AVE. JUNEAU, AK. 99801

NOTES:
1. ALL PLAT BEARINGS ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
2. ALL PLAT DISTANCES ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
4. DATUM FROM TIDAL OBSERVATION MLW=1.6' MHW=15.4'

BEARINGS IN PARENTHESIS ARE AS PREVIOUSLY RECORDED.

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE ONLY CHANGE MADE ON THIS PLAT WAS TO MAKE TECHNICAL CORRECTIONS AS DESCRIBED IN THE AFFIDAVIT RECORDED IN BOOK _____, PAGE _____, RECORDING OFFICE _____, DATE MAY 4, 1984. REGISTRATION NUMBER 3316-S
David S. Miller
REGISTERED LAND SURVEYOR



REVISIONS	DATE	BY
REMOVE LETTER 'A' FROM PLAT TITLE	5-2-84	PK
ADD BETTY J. SMITH'S SIGNATURE IN THE CERTIFICATE OF LESSEE	-	-
REVISE BAR SCALE	-	-

84-67
RECORDED - FILED NC
JUNEAU REC. DIST.
DATE MAY 7 1984
TIME 1:29 P.M.
BY DNR - TECHNICAL SERVICES
JUNEAU 167034
ANCHORAGE, AK. 99510

OWNERSHIP CERTIFICATE
I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE DIRECTOR, DIVISION OF TECHNICAL SERVICES, AND THAT THE STATE OF ALASKA IS OWNER OF _____ AS SHOWN HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT FOR THE STATE OF ALASKA.
DATE April 13, 1984
James R. Anderson
DIRECTOR, DIVISION OF TECHNICAL SERVICES

NOTARY'S ACKNOWLEDGEMENT
SUBSCRIBED AND SHORN TO BEFORE ME THIS 13th DAY OF April, 1984.
James R. Anderson
NOTARY FOR ALASKA
MY COMMISSION EXPIRES: 12-10-84



LEGEND
DNR PRIMARY MONUMENT SET THIS SURVEY
PRIMARY MONUMENT RECOVERED THIS SURVEY
U.S.C.G.S. TRIANGULATION STATION
SECONDARY REFERENCE MONUMENT SET, 5/8" X 36" REBAR AND 2" ALUM. CAP.
SECONDARY REFERENCE MONUMENT SET FOR ATS 1277
SECONDARY MONUMENT SET BY OTHERS

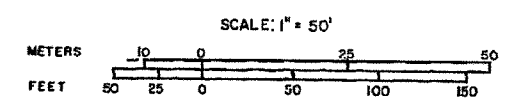
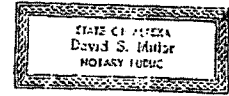
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT
DATE MARCH 15, 1984 REGISTRATION NUMBER 3316-S
David S. Miller
REGISTERED LAND SURVEYOR



CERTIFICATE OF LESSEE
I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE LEGAL LESSEE (LESSEES) OF THE PROPERTY SHOWN HEREON AND THAT I (WE) HEREBY APPROVE THIS PLAT OF SURVEY.
MAY 4, 1984

WITNESSED BY: Christine Skovron, David S. Miller, Betty Smith
WITNESS APPLICANT: SALMON CREEK DEVELOPMENT CO.

NOTARY'S ACKNOWLEDGEMENT
SUBSCRIBED AND SHORN TO BEFORE ME THIS 4th DAY OF MAY, 1984.
FOR: JOE SMITH & BETTY SMITH
NOTARY FOR ALASKA David S. Miller
MY COMMISSION EXPIRES: 12-7-87



AMENDED PLAT	
DATE OF SURVEY Beginning JULY, 1980 Ending MARCH, 1984	NAME OF SURVEYOR D. S. Miller - Civil Engineering
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF TECHNICAL SERVICES ANCHORAGE, ALASKA	
SUBDIVISION OF ALASKA TIDELANDS SURVEY NO. 877 TRACT A, B, B WITHIN PROT SECTION 9, T. 41S, R. 67E, C. R. M.	
DRWN. BY GM, DM, PK DATE 2/84 SCALE: 1" = 50'	CHECKED: [Signature] FILE NO. ATS-877

WE, THE UNDERSIGNED, CERTIFY THAT WE ARE THE OWNERS OF THE
 ISLANDS ADJACENT TO TRACTS 1 AND 2 AS SHOWN AND CALLED THE
 ADJUTANT TIDELANDS AS SHOWN ON THIS PLAT

Chelma George
Chelma George

W. H. Kiley

Edw. C. Richmond

SURVEYOR'S CERTIFICATE

I hereby certify that I am registered
 to practice land surveying in Alaska and
 that this plat represents a survey made by
 me or under my direct supervision, and the
 monuments shown thereon actually as
 located, and that all dimensional and other
 details are correct.

Date _____, 1971

Registration Number _____

NOTARY ACKNOWLEDGEMENT

State of Alaska)
) ss.
 City of Juneau)

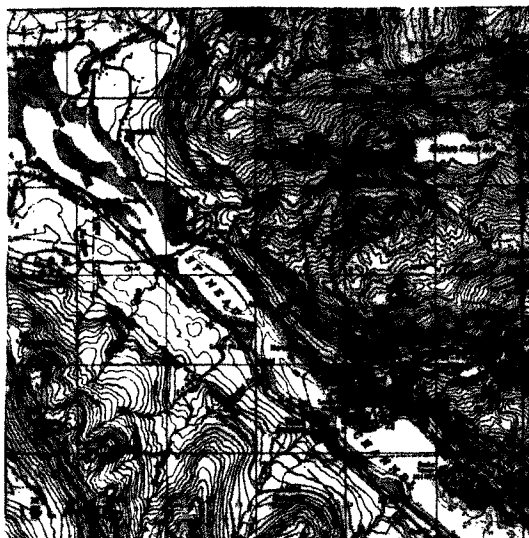
THIS CERTIFIES that on this _____ day of _____, 1971
 before me, the undersigned, a Notary Public in and for the State
 of Alaska, personally appeared _____

to me known to be the persons named in the foregoing instrument,
 and they acknowledged to me that they executed 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.

Notary Public for Alaska

My commission expires _____



VICINITY MAP

SCALE: 1" = 1 MILE

DESCRIPTION, ACCRETED LAND CALLED

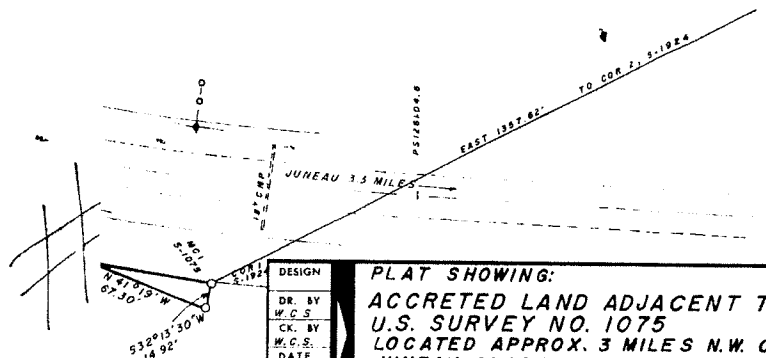
TRACT 1
 BEGINNING AT MEANDER CORNER NO. 1, U.S. SURVEY NO. 1075,
 A POINT IDENTICAL WITH MEANDER CORNER NO. 1, U.S. SURVEY NO.
 1075 THENCE S 54°04'W, 462.66 FEET THENCE N 21°20'W,
 174.26 FEET THENCE S 88°53'W, 79.38 FEET THENCE S 22°13'
 18"E, 171.46 FEET THENCE S 7°19'30"E, 31.30 FEET THENCE;
 S 77°20'30"E, 121.10 FEET THENCE S 45°16'30"E, 43.10 FEET
 THENCE S 67°57'E, 104.10 FEET THENCE S 56°13'30"E,
 101.50 FEET THENCE S 21°10'E, 67.30 FEET THENCE N 32°13'
 30"E, 14.92 FEET TO THE POINT OF BEGINNING.
 THIS TRACT CONTAINS 0.52 ACRES MORE OR LESS.

TRACT 2
 BEGINNING AT A POINT FROM WHICH MEANDER CORNER NO. 1,
 U.S. SURVEY BEARS S 43°39'30"E, 769.72
 FEET DISTANT THENCE N 46°01'W, 148.41 FEET THENCE
 S 44°32'E, 315.48 FEET THENCE S 50°55'15"W, 304.63 FEET
 THENCE S 5°52'30"E, 138.73 FEET THENCE N 88°53'E,
 107.84 FEET TO THE POINT OF BEGINNING.
 THIS TRACT CONTAINS 0.77 ACRES MORE OR LESS.

RTY
 5)

**GEORGE BROS. PROPERTY
 (PORTION U.S.S. 1075)**

**REEN CONSTR. CO. PROPERTY
 (PORTION U.S.S. 1075)**



PLAT SHOWING:
ACCRETED LAND ADJACENT TO
U.S. SURVEY NO. 1075
LOCATED APPROX. 3 MILES N.W. OF
JUNEAU, ALASKA

DECEMBER 1971 SCALE: 1" = 50'

WYLLER - KILLEWICH - VAN DOREN & HAZARD
 ENGINEERS - ARCHITECTS
 JUNEAU, ALASKA - ANCHORAGE, ALASKA

SHEET
 OF

**AGREEMENT TO PROVIDE:
COLASKA**

**RESPONSE CLEAN-UP SERVICES FOR HAZARDOUS MATERIALS
(INCLUDING OIL) SPILLS ON AN 'AS REQUESTED' BASIS**

FOR THE YEAR: SEPTEMBER, 2014 to AUGUST, 2016

Submitted by:



**Emerald Alaska, Inc.
425 Outer Springer Loop
Palmer, Alaska 99645
24 hour number: 907-258-1558
24 hour answering: 877-375-5040
Fax: 907-746-3651**

TABLE OF CONTENTS

	<u>Page</u>
1.0 INTRODUCTION.....	2
1.1 Company Location and Point of Contact.....	2
2.0 METHODOLOGY FOR PROJECTS	3
2.1 General... ..	3
2.2 Overview of Response Procedures	3
2.2.1 Spill Response Capability	3
2.2.2 Request for Services Without Immediate Response Requirement	7
2.2.3 Request for Immediate Response Services	7
2.2.4 Waste Disposal	7
2.3 Management Approach for ICS Activities.....	8
2.4 Spill Response Training and Drills	8
2.5 Sampling and Site Characterization.....	9
3.0 EXPERIENCE AND QUALIFICATIONS	9
3.1 Response Training and Tabletop Drills	9
3.2 Human Resources	9
4.0 Safety Planning and Regulatory Requirements	10
5.0 Deficient Work.....	10
6.0 Termination.....	11
7.0 Reporting Requirements.....	11
8.0 Licensing: Insurance.....	11
9.0 Non-Exclusive.....	12
10.0 General Provisions.....	12
Assumptions:.....	14
General Terms and Conditions:.....	14

LIST OF APPENDICES

Appendix A:	Emerald Alaska Labor and Equipment Rate Sheet.....	A
Appendix B:	Licenses... ..	B
Appendix C:	Insurance Certificate.....	

**AGREEMENT TO PROVIDE
Colaska
For the Years SEPTEMBER 1, 2014 – AUGUST 31, 2016**

RESPONSE CLEAN-UP SERVICES FOR HAZARDOUS MATERIALS (INCLUDING OIL) SPILLS ON AN 'AS REQUESTED BASIS

1.0 INTRODUCTION

Emerald Alaska is a full service environmental remediation firm with offices and facilities located at 425 Outer Springer Loop in Palmer, and facilities located at 2020 Viking Drive, 800 East Ship Creek Avenue, 1749 Ship Avenue, 2940 Commercial Drive in Anchorage, 44066 Kenai Spur Highway, Kenai, 1315 Queens Way, Fairbanks and 500 Airport Way, Alitiiq Bldg. E. Prudhoe Bay, hereby proposes to provide planning, management, operational and technical assistance to support Colaska, whose address is 4000 Old Seward Highway; Suite 101, Anchorage, Alaska 99503 in responding to oil and hazardous substance spills, upon written request from Colaska. The purpose of this Agreement is to set forth the terms and conditions pursuant to which EAI will perform the services. Colaska, from time to time, at Colaska's sole discretion may issue a request for services as describe below. Said requests are issued pursuant to this Agreement and the terms and conditions set forth in this Agreement shall apply to and be incorporated by reference into the request for services that are issued. All services will be billed to Colaska, on a time and materials basis.

1.1 Response Needs

Upon request by Colaska, - EAI shall provide a proposal for planning, management, operational, and technical assistance in support of emergency response to oil and hazardous substance spills, including the following services:

- Emergency Spill Response. As requested by, Colaska, EAI will deploy sufficient personnel and equipment to prevent, stop, contain, and cleanup oil or hazardous substance spills.
- Personnel for Incident Command System (ICS). On an as requested basis, EAI will provide experienced personnel to staff positions for Colaska - ICS.
- Spill Response Training. Experienced EAI personnel will participate in training along with Colaska employees, on an as-requested basis, on how to implement and evaluate spill response activities. This training will include logistics for spill response mobilization and equipment operation. Training will be provided by a certified third party independent contractor.
- Spill Drills. When requested by Colaska, EAI will help coordinate exercises to evaluate abilities to respond to various spill response scenarios.
- Technical Assistance. EAI will contract local and national experts to provide technical assistance for computerized spill modeling, environmental damage assessment, wild-life rehabilitation, air monitoring, and establishing priorities for spill response resource allocation.
- Environmental Sampling and Site Characterization. As requested by Colaska, EAI will provide qualified personnel to collect samples from areas suspected of being contaminated with oil and hazardous substances. The analytical results for these samples will help Colaska identify the contaminated areas and quantify the level of effort required for site remediation. All samples will be collected under the supervision of a Colaska (P.O.C.: Point of Contact).

EAI hereby agrees to provide experienced personnel and equipment for emergency spill response on a 24-hour, seven day a week basis.

All work performed by EAI will be in strict accordance with regulatory requirements established by the Occupational Safety and Health Administration (OSHA), the United States (U.S.) Environmental Protection Agency (EPA), U.S. Department of Transportation (DOT) and Colaska. Depending on the hazardous substances at the emergency response site, EAI personnel will use Level "C" or Level "B" personal protective equipment (PPE) during the response operation.

2.0 METHODOLOGY FOR PROJECTS

2.1 General

Upon request by COLASKA: EAI shall provide the following services: (1) emergency response for oil and hazardous substances clean-up, (2) treatment and recycling for used oil, (3) management services for hazardous waste transportation and disposal, and (4) management for consulting services.

2.2.1 Spill Response Capability and Facilities Locations:

FACILITIES:

- Used Oil & Oily Water Processing Facility in Anchorage at 2020 Viking Drive, Anchorage, AK 99501.
 - EPA Identification Number: AKR000004184
 - Facility has storage capacity of 200,000 gallons
 - Capable of receiving and processing 50,000 gallons/day of contaminated oil/water
 - Water is treated to discharge standards as per EAI's: AWWU permit
 - Can handle RCRA (benzene contaminated) waste under EAI's: EPA discharge permit
 - Can receive and process about 25,000 gallons/day of oil
 - Can process 20 cubic yards/day of oily debris
 - BTU liquids are recovered and recycled
- EAI Commercial Facility in Anchorage at 2940 Commercial Drive, Anchorage, AK 99501.
 - Warehouse - equipment and supplies
 - Emergency Response equipment storage
 - Industrial Services offices
- EAI Palmer facility is located at 425 Outer Springer Loop Road, Palmer, AK 99645.
 - Storage capacity of 500,000 gallons
 - Has a snow melting bay that will hold 260 yards of contaminated snow.
- EAI Kenai Operations Office is located at 44066 Kenai Spur Highway, Kenai, AK 99611.
 - EPA Identification Number: AKR000203984
 - 57,000 gallons of tank storage
 - 17 full time Emergency Response Team
- EAI Fairbanks Operations Office is located 1315 Queens Way, Fairbanks, AK 99701
 - EPA Identification Number: AKD983069949
 - 20,000 gallons of tank storage
 - 7 full time Emergency Response Team
- For large fuel oil spills, EAI can position one or more tankers at the site to remove the remaining fuel from the leaking tank. EAI maintains verbal agreements with multiple companies such as Carlile Transportation Systems, Weaver Brothers Company and the Alaska Railroad Corporation, which can supply the tankers and provide transportation of the collected fuel. Alternatively, EAI Anchorage facility may supply the necessary tankers to collect fuel.

PERSONNEL:

- Trained Emergency Response Personnel. EAI staff members shall have completed all of the training requirements cited at 29 CRF 1910.120. EAI shall retain sufficient personnel resources to sustain a clean-up operation that may require several days to complete, at multiple locations with the usage of local hire for large spill response.
- If hazardous waste is spilled, EAI personnel are trained & equipped to do the complete spill clean up and transportation to EPA permitted facilities in the lower 48 states.

EQUIPMENT:

- Oil Containment Equipment (ordered regularly, typical on-stock supply levels):
- 600' containment boom (Anchorage, Fairbanks and Kenai)
 - 1000' absorbent sausage (Anchorage, Fairbanks and Kenai)
 - 175 bundles absorbent pads (Anchorage, Fairbanks and Kenai)

LIST OF EMERALD ALASKA ROLLING STOCK AND EQUIPMENT AND LOCATION:

Location	Unit #	Year	Make	Model
Kenai	703	1989	International	80bbl Vac
Viking	708	1984	Ford	Vac Tk
Kenai	733	1994	Ford	Guzzler
Viking	764	1995	International	Oil Tk
Kenai	7001	2008	Kw T-800	80bbl Vac
Kenai	7002	2008	Kw T-800	80bbl Vac
Fairbanks	7003	2008	Kw T-800	80bbl Vac
Kenai	7004	2008	Kw T-800	80bbl Vac
Ship Ave	7007	2010	Pete 367	80bbl Vac
Ship Ave	7008	2010	Pete 367	80bbl Vac
Ship Ave	7009	2006	Pete	2100 Vactor
Fairbanks	7010	2007	Pete 378	80bbl Vac
Viking	7017	1995	Kw T-800	Frog Vac
Ship Ave	7019	2013	Kw T-800	80bbl Vac
Ship Ave	7020	2013	Kw T-800	Oil Tk
Kenai	82	2001	Pete	Pkg Trk
Ship Ave	84	1996	Freightliner	Flatbed
Fairbanks	98	1999	Pete	Pkg Trk
Kenai	101	2006	Pete	Box Van
Kenai	158	1998	Pete	Tractor
Ship Ave	174	1998	Pete	Tractor
Fairbanks	176	2005	Pete	Tractor
Ship Ave	177	2005	Pete	Tractor
Ship Ave	1004	2010	Pete 388	Tractor
Ship Ave	1005	2010	Pete 388	Tractor
Viking	1014	1987	Kenworth	Tractor
Ship Ave	1017	2013	Kenworth	Tractor
Slope	PK0001	2010	Pete 335	Box Van
Comm	PK0002	2010	Pete 348	Pkg Trk
Fairbanks	PK0003	2006	Pete	Box Van

Page 4 of 15

Your Local Partner for Recycling and Environmental Services*Confidential Information and Pricing: Do not disclose without Emerald Alaska, Inc. written permission*

Comm	PK0004	2007	Isuzu	18' Box Van
Comm	PK0007	2006	International	20' Box Van
Ship Ave	IM-101	Non Spec	Non Spec	ISO
Ship Ave	IM-102	1986	Consani	ISO
Ship Ave	IM-103	1986	Consani	ISO
Ship Ave	IM-104	1895	Consani	ISO
Ship Ave	IM-105			ISO
Ship Ave	IM-106			ISO
Ship Ave	IM-107			ISO
Ship Ave	272T	Can only be used with IM101		Chassis
Ship Ave	2016T	1994		Chassis
Ship Ave	2015T	1990		Chassis
Ship Ave	2014T	1988		Chassis
Ship Ave	2019T			Chassis
Ship Ave	2018T			Chassis
Ship Ave	2017T			Chassis
Ship Ave	D02	1984	Star	Dolly
Ship Ave	305	1986	Great Dane	40' Flat
Ship Ave	418	1987	Alloy	48' Dry Van
Kenai	4004	1996	Wabash	45' Dry Van
FBX	4009	2010	Featherlite	UTILITY
Kenai	4010	2010	Cargo South	UTILITY
Comm	4011	2006	WWTR	UTILITY
Ship Ave	4012	2011	United	UTILITY
Ship Ave	4013	2008	Utility	53' Dry Van
Ship Ave	4014	2006	Utility	53' Dry Van
Ship Ave	4017	2005	Utility	53' Dry Van
Ship Ave	4018	2006	Utility	53' Dry Van
Kenai	4028	2009	Interstate	30' Utility Trailer
Ship Ave	5019	1992	Caribe	Boat
Ship Ave	5017B			
Ship Ave	4033	1994	EZLOAD	Boat Trailer
Viking	2001P			Fork lift trailer

Kenai	342T	2002	Kaufman	18' Boat Trailer
Ship Ave	31	1999	Ford	F550
Ship Ave	670	2000	Ford	F250
Fairbanks	671	2000	Ford	F350
Kenai	672	2000	Ford	F350
Ship Ave	673	2001	Ford	F250
Ship Ave	674	2000	Ford	F350
Ship Crk	677	2006	Ford	F350
Kenai	6003	2008	Ford	F350
Kenai	F6011	2008	Ford	F550
Fairbanks	6022	2009	Ford	F350
Fairbanks	6023	2011	Ford	F550
Fairbanks	6032	2010	Chevy	2500
Kenai	6041	2012	GMC	HD 2500
Slope	6045	2012	Ford	F550

PUMPS:

Trailer Mount Pumps

- o Blackmer 2" Diesel
- o Yanmar 3" Diesel
- o Yanmar 4" Diesel
- o Godwin 4" Diesel

Hydraulic Pumps

- o Corkon 3"
- o 2" Centrifugal
- o 3" Sump Pump

Diaphragm Pumps

- o 2 1" Diaphragm Pumps
- o 1 2" Diaphragm Pump
- o 2 3" Diaphragm Pumps

OTHER SIGNIFICANT RESOURCES AND EQUIPMENT:

- o One portable snow melting self-contained unit for contaminated snow.
- o One stationary snow melting self-contained unit for contaminated snow.
- o Dredging equipment for lagoons and surface waters.
- o Railcars.

Additional materials and equipment will be obtained from local vendors in the spill response area as needed on a case-by-case basis. For example, EAI will purchase additional drums and absorbents (pads or booms) from Unitech of Alaska. If soil excavation is required for a cleanup operation, EAI will rent heavy equipment from a qualified local vendor. Prior to removing oil or drums from lakes, streams, or wetland areas, EAI will obtain hip waders, life vests, and a boat (if required). Trucking services will only be provided where truck access is available. EAI maintains all large selection of supplies and equipment needed to response to various spills and discharges.

2.2.2 Request for Immediate Response Services without a "Written Scope of Work".

On receiving a COLASKA request for services, Emerald Alaska will review the scope of work and submit to COLASKA a detailed cost proposal, mobilization schedule, and a preliminary work plan. On receiving a NTP from COLASKA; EAI will begin work at the project site. EAI internal review process will be expedited to provide the most rapid response available.

2.2.3 Request for Immediate Response Services

When an immediate response is needed to minimize environmental damage from an oil or hazardous substance spill, EAI will initiate the following response actions when requested by COLASKA

- **Onshore and Shoreline Petroleum Spills.** One of EAI's 3,000-gallon vacuum trucks and the company's box van containing spill response equipment will immediately depart for the location identified by COLASKA (To expedite EAI response to spills that are more than 200 miles from Anchorage or in locations that require air travel, EAI will contract local resources to make the initial response for spill containment.)

On arriving at the spill site, EAI emergency response personnel will implement precautions for site-specific safety hazards and initiate procedures for spill containment and cleanup. While this is in progress, EAI response team leader will estimate the requirements for additional emergency response resources and notify EAI Emergency Response Manager in Anchorage, Alaska. As required and authorized by COLASKA - EAI will mobilize additional workers and equipment to the spill site. (Based on previous experience, a two-man crew will be sufficient for the initial response to small spills that contain less than 500 gallons of petroleum.)

For spills in snow-covered areas, EAI vacuum trucks will be utilized to recover free-flowing product. Following this, EAI environmental technicians will use shovels to place petroleum contaminated snow into 55-gallon open top drums. For spills that enter lakes, streams, or other waterways, absorbent booms will be utilized to herd the petroleum to the shoreline where it will be recovered with a vacuum truck.

Pending COLASKA approval, recovered petroleum, oily water, and oiled snow (from spills in the Anchorage, Kenai, and Fairbanks areas) will be processed at either EAI Anchorage facility, or at EAI Palmer facility, pending volume and type of product or recovered spill material.

For each response operation, EAI will provide a report to COLASKA; that summarizes personnel and equipment utilization on an hourly basis. This report will also discuss the response actions and identify the methods used to dispose of the recovered oil and contaminated debris removed from the project site.

2.2.4 Waste Disposal

Pending COLASKA approval, EAI will implement the following procedures for disposing of oil, oily water, and oil-contaminated debris from spill response operations:

- EAI will provide DOT approved (CFR – Code of Federal Regulation compliant) shipping containers for the transportation of the hazardous waste, including placarding, labels, markers, and manifesting. If there is a charge to EAI for these containers, Colaska will reimburse EAI for the cost of the containers, at purchase price, plus 19% to cover overhead charges.
- **Recovered Oil.** Fuel oil recovered during spill cleanup operations will be treated at the EAI processing plant in Anchorage, Alaska, and recycled as industrial burner fuel.
- **Oily Water.** Oily water or contaminated snow from spills will be treated at EAI's processing plant in Anchorage, Alaska. When laboratory analyses show that the treated water meets contaminant thresholds in the Municipality of Anchorage's NPDES Permit, it will be discharged into the municipal sewer system.
- **Oil Contaminated Soil.** EAI will use field screening techniques and laboratory analyses to guide the removal of oil contaminated soil. Soil from cleanup sites will be transported to a COLASKA approved thermal treatment facility for treatment. (The treated soil will be used for backfill material at construction sites or for landfill cover.) When logistics or excessive cost preclude transporting oil contaminated soil to North Pole, Alaska, or Anchorage, Alaska, EAI will use (pending COLASKA approval) available technology to treat the soil at the project site or ship the contaminated soil to approved landfills in the lower-48 states for disposal.

Hazardous and Toxic Waste: EAI routinely ships hazardous and toxic waste to the following firms in the lower-48.

Disposal Firm	Waste Streams Accepted for Disposal
Emerald Services	BTU Liquids, Antifreeze, Solvents, Used Oil/Fuels, Oil Water, and Debris
Waste Management, Inc.	Most Hazardous Waste Listed by RCRA and Oil Contaminated Soil
Clean Harbors	Aerosols, Corrosive Substances, Labpacks, Cylinders, F-Listed Sludge's, Reactives and Absorbents, PCBs and Mercury
US Ecology Idaho	PCBs, Most Hazardous Waste Listed by RCRA, and Contaminated Soil

2.3 Management Approach for Incident Command System (ICS) Activities

To assist COLASKA in launching an effective response to oil and hazardous substance spills, EAI will provide personnel to support the following functions performed by COLASKA - ICS organization:

- Incident Command. EAI personnel will work with COLASKA as well as state or federal Incident Commanders to help set objectives and priorities for responding to spills. EAI input will focus primarily on safety issues associated with rapidly changing environmental conditions in various regions of Alaska and local resources that can be used for spill response activities. As required, EAI will hire local consultants to assist us with EAI input for spills sites in remote regions of Alaska.
- Operations. As authorized by the COLASKA, EAI will provide management resources to develop spill response objectives, organize the response operation, allocate resources, and direct the response operation.
- Planning. EAI emergency response managers have many years of successful environmental cleanup experience in Alaska. This allows us to provide reliable information that will assist the COLASKA in developing action plans for accomplishing its emergency response objectives under Alaska's challenging environmental conditions.
- Logistics. As part of EAI normal waste management services, EAI is constantly transporting regulated waste from various locations in Alaska to treatment or disposal facilities in the lower-48 states. As a result, EAI have a thorough knowledge of available logistical resources in Alaska and the steps for using these resources for supporting emergency response operations. Our expertise in this discipline allows us to make valuable contributions to COLASKA - ICS.
- Finance/Administration. To assure adequate cost monitoring and control, EAI accountant will setup a separate accounting ledger for this contract and give each emergency response project a separate job number which will allow us to track: (1) direct labor by personnel name, hours worked, and rate of pay; (2) material consumption and equipment rental on a daily basis; (3) subcontracted and consulting services; (4) transportation and disposal costs; and (5) personnel travel and per-diem expenses.

2.4 Spill Response Training and Drills

As requested or authorized and funded, EAI would coordinate and schedule emergency response training seminars at twelve month intervals for personnel assigned as an - ICS and/or personnel who have responsibilities that include spill response planning, management, or contingency plan review or approval.

2.5 Sampling and Site Characterization

To assist COLASKA in quantifying the area impacted by spills and estimating the cost for site cleanup, EAI will develop a site-specific sampling and analyses plan (SAP) for each delivery order that entails sample collection. This plan will identify the: (1) the data quality objectives, (2) number of samples, (3) analytical requirements for each sample, (4) field screening procedures, (5) procedures for sample collection and handling, and (6) procedures for recordkeeping and sample point documentation. As soon as the SAP is approved by COLASKA, our qualified persons will perform sample collection at the project site.

When the sample results are available from the laboratory, EAI will forward a site assessment report to COLASKA discussing contaminate levels at the project site and identifying the locations with contaminant levels above the cleanup thresholds cited in the Alaska Oil and Hazardous Substances Pollution Control Regulations. This report will also include recommended procedures and cost estimates for site remediation for areas that have contaminant levels above the regulatory thresholds.

3.0 EXPERIENCE AND QUALIFICATIONS:

3.1. Response Training and Tabletop Drills

The following projects show that Emerald Alaska has the capability to meet the RFP requirements for spill response training and tabletop drills:

- **CISPRI:** Cook Inlet Spill Prevention & Response, Inc.: Hilcorp 3 day table top spill response drill. April 2014.
- **Murphy Oil Company Tabletop Drill.** During the third quarter of 2001, EAI personnel helped R.J. Meyers and Associates of Houston, Texas, conduct a three-day tabletop spill response drill at the Murphy Oil Company petroleum terminal in Duluth, Minnesota. Along with personnel from the Minnesota Department of Environmental Protection, representatives from the U.S. EPA and Coast Guard filled positions on the Murphy Oil Company ICS that responded to the simulated spill scenario that EAI administered.
- **Tesoro Alaska Tabletop Drill.** In 1999 and 2000, EAI personnel helped R.J. Meyers and Associates of Houston, Texas, conduct two-day tabletop response drills for Tesoro Alaska at its Anchorage, Alaska, terminal. Since this event, EAI has become the main spill responder for Tesoro. Tesoro contacts quarterly for spill drill tests.

3.2 Human Resources

EAI field staff has a vast amount of completed projects. These projects range from cleaning fuel barges to excavation of impacted soil and tank decommissioning. EAI field staffs undergo a variety of training to keep them current and up to date on the latest technology available for Environmental concerns. EAI field staffs are available on short term and long term call-outs at a moments notice.

- **Company Contract Principal.** Mr. Ian Combs is the Fairbanks Area Manager of Emerald Alaska and is the primary point of contact between EAI firm and COLASKA. He will negotiate terms and conditions with COLASKA allocate company resources and take appropriate steps to assure that EAI work meets contract requirements, and complies with applicable state and federal regulations that govern emergency response for oil and hazardous substance spills.
- **Project Managers.** EAI will assign a project manager to each delivery order or project that is issued by COLASKA. Persons filling these positions will be available 24-hours per day and seven days per week to assure appropriate responses to oil and hazardous substance spills. They will allocate company resources, prepare work plans, mobilize personnel and equipment to spill site, and provide on-site supervision during the response operation. They will provide technical support to COLASKA personnel for spill planning, maintaining project notebooks, and submitting daily response action reports to Emerald Alaska. These reports will: (1) document personnel at the response site and equipment utilization and (2) be used as part of EAI program for tracking job costs. EAI project managers include Blake Hillis (Company President), Rick Reimer, Rhonda Strucher and Roxanne Pedersen.
- **Project Engineers.** EAI maintains several contractors who qualify as an Engineering Firm, and maintain the State certification of Engineer (P.E.)
- **Field Scientist.** Whenever samples are required, EAI Field Scientist will prepare a SAP and supervise field screening and sample collection at the spill site. The person filling this position will work closely with COLASKA to assure adequate environmental samples are collected to accurately assess the spill's impact and estimate the cost for site remediation. EAI primary Field Scientist chemist is Shane O'Neil.
- **Certified Industrial Hygienist (CIH).** EAI will hire a CIH to develop site specific safety protocols to minimize personnel exposure to toxic and hazardous substances at the spill site. In addition to drafting a site-specific safety and health plan for the emergency response operation, the CIH will perform air monitoring at the spill site and recommend the appropriate level of personnel protective equipment for each task that requires personnel to work near or handle toxic or hazardous substances. Mr. Dave DeMay is EAI contract CIH.

- **Toxicologist.** When authorized by COLASKA, Emerald Alaska will hire a toxicologist to evaluate the impact that the spill has on subsistence resources.
- **Hazardous Material Specialist.** Emerald Alaska employs 22 experienced hazardous material technicians. All persons filling these positions are available for emergency spill response, 24-hours per day and seven days per week. In addition to retrieving orphaned drums, they are capable of: (1) placing absorbent booms and pads to contain oil spills that enter lakes and streams; (2) cleaning up debris contaminated by oil and hazardous substance; and (3) removing contaminated soil.

4.0 Safety Planning & Regulatory Requirements

All Emerald Alaska environmental technicians and emergency response personnel receive the following training:

Health and Safety Plan Topic	Reference
40-Hour Hazwoper/8-Hour HAZWOPER Refresher	29 CFR 1910.120
Employee Emergency Response and Fire Prevention	29 CFR 1910.38
Flammable and Combustible Liquids	29 CFR 1910.106
Forklift Safety	29 CFR 1910.178
Hazards Communications	29 CFR 1910.1200
Hazardous Waste Management and Transportation	40 CFR 262/49 CFR 172
Occupational Noise Exposure	29 CFR 1910.95
Protective Equipment General Requirements	29 CFR 1910.132
Respiratory Protection	29 CFR 1910.134
Oil and Hazardous Substance Spill Reporting	18 AAC 75

EAI Labor and Equipment Rates: for 2014

Emerald Alaska, Inc. is providing EAI current state-wide rate sheets for Labor and Equipment in good faith. See Appendix A, Work Estimate, for labor rates. If requested by COLASKA in a spill response event, the charges and fees which may be incurred within the requested scope of work, but the actual charges and fees may vary from or exceed the estimate.

The information provided in this document is sensitive and confidential information intended for the use of COLASKA, and may not be disclosed to any third persons without the sender's written consent.

5.0 Deficient Work

If prior to completion of services, Colaska determines that EAI's performance is deficient in any way or fails in any respect to conform to this Agreement, Colaska, in addition to enforcing any other rights or remedies available to it, may by giving written notice to EAI:

- Stop performance of work or that part of work determined to be defective, and/or
- Require EAI to immediately commence to correct such deficiency.

Promptly upon receipt of such notice, EAI shall take all action reasonably necessary to comply, if it is required pursuant to this Section, to re-do, repair or repeat any portion of the services to conform to this Agreement. EAI shall resume performance of services once the deficiency has been corrected and it has received written notice to resume performance.

If urgent circumstances occur when EAI is not readily reachable, Colaska may, without prior notice to EAI, immediately undertake to arrange for Colaska or a third party to perform initial corrective measures to remedy a deficiency in EAI's services that clearly appears to be the cause of such urgent circumstance.

6.0 Termination

Except as otherwise provided herein, this Agreement may be terminated by Colaska upon thirty (30) days' prior written notice to EAI, with or without cause. EAI shall be entitled to payment for all services rendered as of the effective date of the termination, unless such services fail to meet the standard set forth herein.

7.0 Reporting Requirements

EAI shall provide Colaska with reports of the services rendered as requested. Such records and files relating to the services shall be provided in a manner consistent with the industry and custom.

8.0 Licensing; Insurance

EAI agrees to obtain and maintain all necessary licenses, certificates and permits for the conduct of its business and in all other ways, to fully comply with all applicable state and federal laws, rules and regulations.

Worker's Compensation: EAI shall ensure that, with respect to all personnel performing services, EAI shall maintain in effect at all times during the term of this Agreement, coverage or insurance in accordance with the applicable laws relating to workers' compensation and employers' liability insurance. EAI shall carry Employers' Liability insurance with limits of not less than:

- \$500,000.00 Bodily Injury by Accident -Each Accident Limit
- \$500,000.00 Bodily Injury by Disease -Policy Limit
- \$500,000.00 Bodily Injury by Disease Each Employee

Liability Insurance: Prior to the commencement of the services, EAI shall secure such liability insurance as will protect EAI and Colaska (additionally insured) from and against claims and liabilities arising out of bodily injury (including death) or property damage that may result from such services. Such insurance shall include the following:

Commercial General Liability Insurance: (including, but not limited to, premises-operations, products, contractual, broad-form property damage) with limits as follows:

Occurrence Limit:

- \$1,000,000.00 Each occurrence Limit
- \$2,000,000.00 General Aggregate excluding Products/Completed Operations

Aggregate Limit:

- \$2,000,000.00 Products/Completed Operation Aggregate Limit
- \$1,000,000.00 Personal and Advertising Injury Limits

Business Automobile Liability Insurance (including owned, hired and non-owned) with a combined single limit of not less than:

- \$1,000,000.00 for bodily injury (including death) and property damage.
- \$5,000,000.00 Umbrella/Excess Liability policy

Pollution: EAI shall maintain in force for the duration of this Agreement pollution liability insurance applicable to bodily injury, property damages including loss of use of the damaged property or of property that has not been physically injured or destroyed, cleanup costs, and defense, including costs and expenses incurred in the investigation. Coverage shall be with minimum limits of not less than \$5,000,000 per occurrence. If such coverage is on a claims made basis rather than an occurrence basis, such coverage or tail protection shall be maintained for at least three (3) years after the expiration of this Agreement.

Professional Liability: EAI shall maintain in force for the duration of this Agreement professional liability insurance. Coverage shall be with minimum limits of not less than \$ 1,000,000 per occurrence. If such coverage is on a claims made basis rather than an occurrence basis, such coverage or tail protection shall be maintained for at least three (3) years after the expiration of this Agreement.

Aviation: EAI shall provide, at Colaska's request and sole expense, aircraft liability insurance of any kind.

Additional Insured/Waiver of Subrogation: EAI shall insure that the Commercial General Liability and Business Automobile Liability policies name Colaska as additional insured. EAI's insurance shall be primary to any policies held by Colaska and the coverage afforded Colaska under such policies shall be the same coverage extended to EAI, without exception or limitation. EAI

waives all rights of subrogation against Colaska and its agents, officers, directors and employees for recovery of damages to the extent these damages are covered by the Commercial General Liability, Business Automobile and/or Workers' Compensation policies. Evidence of Insurance and/or Certificates of Insurance shall be provided to Colaska using Accord form entitled Accord 25 (2009/09) et seq. EAI shall furnish information concerning reduction of coverage with reasonable promptness in accordance with EAI's information and belief.

No Limitation: The insurance required within this Agreement shall be written for not less than the limits of liability specified in this Agreement or required by law, whichever is greater. Coverage's shall be maintained without interruption from date of commencement of the services until date of final payment and termination of any coverage required to be maintained after final payment. The requirements of this Agreement as to insurance and acceptability to UJ of insurers and insurance to be maintained by EAI is not intended to and shall not in any manner limit or qualify the liabilities and obligations of EAI under this Agreement. See Appendixes B and C.

9.0 Non-Exclusive

This Agreement shall not limit EAI's right to perform services for and to act on behalf of other businesses, or Colaska's right to hire other contractors.

10.0 General Provisions

10.1 This Agreement shall be governed by and construed in accordance with the laws of the State of Alaska. ("Exclusive jurisdiction and venue for any legal proceedings arising out of this Agreement shall be in Anchorage, Alaska.

10.2 If any action by arbitration, at Law or in equity is necessary to enforce or interpret any of the rights or obligations under this Agreement, the prevailing party shall be entitled to actual, reasonable attorney's fees, costs, and necessary disbursements in addition to any other relief to which the prevailing party may be entitled,

10.3 Any notices to be given under this Agreement by either party to the other may be effected either by personal delivery in writing or by mail, registered or certified, postage prepaid with return receipt requested, to the recipient at the address indicated below:

Emerald Alaska Inc.
425 Outer Springer Loop
Palmer, Alaska 99645
24-hour number: (907) 258-1558
24-hour / toll free: (877) 375-5040
Fax: (907) 746-3651

COLASKA
Attn: Joel Webb
4000 Old Seward Highway, Suite No. 101
Anchorage, Alaska 99503
Phone: (907) 273-1000
Fax: (907) 273-1099

Or such other addresses or to the attention of such other person as the recipient party shall have specified by prior written notice to the sending party. Such notice shall be effective as of the date of its receipt. Unless specified otherwise in writing, the primary contacts for EAI and Colaska shall be: Attn: Joel Webb

10.4 EAI shall not be in breach of this Agreement by reason of any failure to comply with the terms hereof if such failure is due to acts of God, acts of government, fires, floods, epidemics, embargoes, or any cause or condition beyond Contractor's reasonable control, whether foreseeable or not.

10.5 The rule of strict construction of a document against the drafter is waived in partial consideration for the other covenants contained herein, and all parties to this Agreement recognize that opportunity in this transaction, and all terms and conditions herein have been negotiated at arms' length. If any provision of this Agreement is invalid or unenforceable, the other provisions herein shall remain in full force and effect and shall be liberally construed in order to effectuate this Agreement's purpose and intent.

10.6 No waiver of the terms and conditions of this Agreement or the failure of either party to strictly enforce such terms or conditions, on one or more occasions shall be construed as a waiver of the same or any other term or condition of this Agreement on any other occasion.

10.7 EAI shall not release or publish news releases, announcements, advertising or other publicity relating to the services under this Agreement or using the name, trademarks, logos, service marks or other identification of Colaska or its affiliates or personnel without Colaska's prior specific written consent.

10.8 EAI, for itself, its employees, subcontractors, vendors and suppliers, agrees and certifies that it and they shall comply with the requirements of all pertinent federal and state laws, orders, rules and regulations including but not limited to the Fair Labor Standards Act, as amended, Alaska Wage and Hour laws, the Occupational Safety and Health Act, as amended, the federal and state Davis Bacon Acts, and all federal and state laws, orders, rules and regulations prohibiting discrimination and unfair business practices. EAI affirms it is an equal opportunity employer and affirms qualified applicants are considered for employment without regard to race, color, religion, national origin, age, sex, marital status, mental or physical disability, veteran status or any other status or classification protected under applicable state or federal law.

10.9 EAI shall not allow any liens to arise against any property of Colaska as a result of EAI's performance of services or its failure to pay taxes or contributions. If Colaska becomes aware of any lien or claim for which Colaska might become liable, Colaska may withhold from invoice payments to EAI amounts necessary to protect Colaska.

10.10 This Agreement and any exhibits or specifications thereto, constitute the entire contract between the parties hereto and cancels and supersedes all prior negotiations, representations or agreements whether written or oral including proposals with respect to the subject matter hereof. No changes, alterations, or modifications to this Agreement shall be effective unless in writing and signed by both parties hereto.

10.11 EAI shall not, at any time, whether during or after it ceases to have a contractual relationship with Colaska, make or publish any untruthful statement (orally or in writing) that intentionally libels, slanders, disparages or otherwise defaces the goodwill or reputation (whether or not such disparagement legally constitutes libel or slander) of Colaska, or its officers, employees, clients, or directors. EAI acknowledges this duty of non-disparagement as part of this Agreement.

10.12 This Agreement shall not be specific with respect to response location.

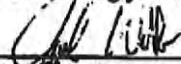
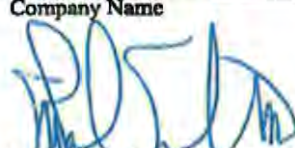
Assumptions:

- Requested materials and rental equipment will be charged at cost plus 19%.
- Emerald Alaska, Inc. will bill "actual" Time and Materials, based on listed statewide rates.
- This agreement is a biannual agreement.

Terms and Conditions:

1. Energy surcharges, applicable to the date of service, will apply to all items affected by fuel costs. Energy surcharge vary month to month.
2. Disposal pricing is based on disposal method. The price above may vary from the final price, which is based on final TSDF profile approval and waste receipt.
3. If delays are encountered outside the control of Emerald Alaska, Inc., additional charges may apply.
4. Customer agrees to pay all applicable tax or permit fees.
5. Customer agrees to pay in full and on time all charges and fees within the scope of work, and within any authorized change order. Payment terms are net 30 unless other arrangements have been made prior to the start of work. Billing will occur at the time Emerald Alaska, Inc. accepts the waste material for transportation and/or disposal. Final manifests, certificates of disposal and other supporting documentation will be mailed to the project manager when available.
6. Customer acknowledges this quote is a good faith estimate of the charges and fees which may be incurred within the scope of work, but the actual charges and fees may vary from or exceed the estimate. Customer agrees to pay the actual charges and fees.
7. Emerald Alaska, Inc. reserves the right to require security and take other steps to ensure Customer timely and fully pays all charges and fees. Emerald Alaska, Inc. may suspend services if Customer fails to make full and timely payment.
8. Emerald Alaska, Inc. has no obligation to perform any services or incur any costs unless and until this Estimate and Work Order is authorized and signed by Customer, and returned to Emerald Alaska, Inc. Emerald Alaska, Inc. has no obligation to perform any services or incur any costs beyond those described within the scope of work in this Estimate and Work Order, unless and until a written change order is executed and signed by both Customer and by Emerald Alaska, Inc.

On behalf of Customer, I agree to all terms and conditions of this Estimate and Work Order, and authorize Emerald Alaska, Inc. to proceed accordingly. If required by your AP department, please provide the purchase order number for this work.

 _____ Customer Signature	Joel Webb _____ Printed Name	September 15, 2014 _____ Date
Colaska Inc. _____ Company Name	Director of Risk Management _____ Title	_____ Purchaser Order No.
 _____ Emerald Alaska Inc. Signature	W. Paul Nelson II _____ Printed Name	15 September 2014 _____ Date
Emerald Alaska Inc. _____ Company Name	Director of Sales & Marketing _____ Title	_____ Contract Number

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.

APPENDIX O

HAZARDOUS MATERIALS CONTROL PLAN (HMCP)

AND

SPILL PREVENTION, CONTROL AND COUNTERMEASURES (SPCC) PLAN

Hazardous Materials Control Plan And Spill Prevention, Control and Countermeasures (SPCC) Plan

Juneau Egan Drive Pavement Rehabilitation- 10th Street to Mendenhall Loop and Egan Drive Salmon Creek Intersection Safety Improvements

Project No. 68129/0932(049) and 67595/0932(051)

Secon, Inc.
P.O. Box 32159
Juneau, Alaska 99803
907-780-5145

Prepared by:
Elaine Pflugh, P.E
ELP Engineering
2120 Tudor Hills Court
Anchorage, AK 99507

February 2016

JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop
Project No. 68129/0932(049) and
JNU: Egan Drive Salmon Creek Intersection Safety Improvements
Project No. 67595/0932(051)

Hazardous Material Control Plan
and SPCC Plan

Table of Contents

1. Responsible Personnel	3
2. Project and Site Information and Facility Location	4
3. Potential Sources and Facility Layout	4
4. Affected Waterways	5
5. Spill Potential	6
6. Pre-Existing Contamination	6
7. Spill Prevention	7
8. Spill Response Equipment and Clean-up Materials	10
9. Spill Response Procedures	11
10. Material Safety Data Sheets (MSDS)	16
11. Disposal of Waste	16
12. Training Program	17
13. Inspections	17
14. Record Keeping	18
<i>Approval</i>	<i>19</i>
<i>CERTIFICATION OF THE APPLICABILITY OF THE SUBSTANTIAL HARM CRITERIA</i>	<i>20</i>

APPENDICIES

Appendix A	Figures
Appendix B	Reportable Quantities of Hazardous Substances
Appendix C	Reporting Requirements for Posting
Appendix D	ADEC Spill Report Form
Appendix E	Calculation Sheets
Appendix F	Fuel Transfer Checklist
Appendix G	Fuel Handling Reports
Appendix H	Drill and Exercise Records
Appendix I	Secondary Containment Drainage Log
Appendix J	Inspection Reports

JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop

Project No. 68129/0932(049) and

JNU: Egan Drive Salmon Creek Intersection Safety Improvements
Project No. 67595/0932(051)

Hazardous Material Control Plan
and SPCC Plan

The purpose of this HMCP and SPCC Plan is to protect human health and the environment from spills and releases of hazardous materials at the Egan Drive Pavement Rehabilitation – 10th Street to Mendenhall Loop Road and Egan Drive Salmon Creek Intersection Safety Improvements projects. This plan establishes procedures, methods and equipment to prevent the discharge of oil and fuel from aboveground storage tanks (ASTs). This plan has been developed to satisfy specification P-157 and has been developed to comply with CFR 112.7 and guidance from the Alaska Department of Environmental Conservation.

A Spill Prevention, Control and Countermeasures Plan (SPCC Plan) is required for this project because the total amount of oil stored on site is more than 1320 gallons, it is a non-transportation related facility, and there is a reasonable expectation of a discharge into or upon navigable waters of the United States or adjoining shorelines.

Secon, Inc. and any applicable subcontractors will update this plan throughout the life of the project so that the plan reflects actual site conditions and practices and will fully implement this HMCP as approved.

Date of Initial Operation:	March 2016
Date of Preparation:	February 8, 2016
Name & Address of Owner:	Secon, Inc. P.O. Box 32159 Juneau, AK 99803 Phone (907) 780-5145

This SPCC Plan will be made available at the Secon, Inc. field office at the project site.

1. Responsible Personnel

Listed below are the name(s), title(s) and 24-hour contact information for the Contractor's Spill Response Field Representatives, and the Spill Response Coordinator for each Subcontractor and Utility operator, if applicable.

Name and Title	Responsibility	Contact Information
Steve Stichler, Superintendent	Person in Charge of Implementing and Updating this Plan, Fueling Operations and Spill Prevention (primary contact)	Company: Secon, Inc. Office Phone: 907-780-5145 Cell Phone: 907-223-7591
Maureen Hansen, SWPPP Manager	Person in Charge of Implementing and Updating this Plan, Fueling Operations and Spill Prevention (secondary contact)	Company: Secon, Inc. Office Phone: 907-780-5145 Cell Phone: 907-723-8312

*JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop*

Project No. 68129/0932(049) and

*JNU: Egan Drive Salmon Creek Intersection Safety Improvements
Project No. 67595/0932(051)*

*Hazardous Material Control Plan
and SPCC Plan*

2. Project and Site Information and Facility Location

The project is located in Juneau, Alaska.

This project will rehabilitate the pavement of Egan Drive from 10th Street to Mendenhall Loop Road, a distance of 8.08 miles. In addition to pavement rehabilitation, the proposed project would:

- replace guard rail
- replace the bridge rail at the Lemon Creek Bridge
- stripe the new surface
- insert liners in deteriorated culverts
- improve pedestrian facilities to meet Americans with Disabilities Act (ADA) Standards

The Salmon Creek Intersection project will construct a new acceleration lane approximately 1,200 feet long for vehicles entering the outbound lanes of Egan Drive from the Glacier Highway, and extend the existing deceleration lane for a total lane length of 900 feet for vehicles exiting the inbound lanes of Egan Drive to Channel Drive. Shoulders will also be widened to 9 feet. Bridge No. 1188, also referred to as the Salmon Creek Bridge, just north of this intersection, will be widened on both sides to accommodate the additional lanes and widened shoulders. The additional lanes will require the relocation of a signal pole, a self-supporting power pole, and luminaries adjacent to the acceleration lanes, and other related appurtenances.

The fuel storage facility is located at a staging area. The fuel tanks will be located on a gravel pad. The location where the tanks are to be stored is shown in Attachment A.

This facility is expected to be in operation from March 7, 2016 through the end of construction around August 31, 2016.

3. Potential Sources and Facility Layout

There will be ten (10) 5,800 gallon double walled ISO diesel/waste oil fuel tanks and two (2) 500 gallon diesel tanks. The total oil storage capacity for the site is 59,000 gallons. The total oil storage includes all containers with 55 gallons or more. There is no storage available in fuel loading/unloading areas as all fuel will be delivered in the final container it will be stored in.

The fuel storage area is located more than 100 feet from any body of water and is shown in the figures in Appendix A. The location map shows the physical location of the site, drainage from the site and shows where the tanks are in reference to water bodies. The site map shows each of the tanks with the contents, the capacity of each tank indicated and shows drainage from the tank area. The site map shows all transfer stations and connecting pipes.

JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop

Project No. 68129/0932(049) and

JNU: Egan Drive Salmon Creek Intersection Safety Improvements

Project No. 67595/0932(051)

Hazardous Material Control Plan
and SPCC Plan

There are no other current plans to add or change the tanks, containment, response equipment or procedures used in storing and transferring fuel.

The description and amount of each potential fuel, petroleum product and other hazardous material brought or generated on-site is listed below. This includes materials used for operating, refueling, maintaining, and cleaning equipment.

Hazardous Material Name	Intended Use of Material	Est. Max. Amount of Material On-Site at Any One Time
Diesel	fuel	59,000 gal
Gasoline	fuel	50 gal
Motor Oil	fuel	10 gallons
Grease	lubrication	5 galllons
Hydraulic Oil	lubrication	10 gallon
Gear Lube	lubrication	5 gallons
Solvents	cleaner	5 gallons
Paint and Lead Based Paint	preservative	50 gal.
Cement	Structural	150 lbs
Epoxy	bonding	25 gal.
Antifreeze	Lower freezing point of water based liquid	16 gallons
Batteries	power	500 lbs
Petroleum contaminated materials such as oil filters, hydraulic hoses	Used materials waiting to be hauled to a disposal site	40 lbs

4. Affected Waterways

Waters of the U.S. in the area are Gastineau Channel and Salmon Creek. The Channel is approximately 175 feet west from the tank storage location. The creek is approximately 790 feet south of the storage area. It is unlikely a spill would reach the Channel or the creek as the tanks are double walled or have secondary containment. A spill kit will be next to all diesel or waste oil tanks with extra sorbent socks to contain any spills and prevent any spills from reaching water.

JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop

Project No. 68129/0932(049) and

JNU: Egan Drive Salmon Creek Intersection Safety Improvements
Project No. 67595/0932(051)

Hazardous Material Control Plan
and SPCC Plan

5. Spill Potential

Potentials for spills at this project site include tank failure, tank overflow during filling, leakage of piping and valves, spill during fuel transfer, and spill during maintenance work. The soil in the project area is mostly gravel and sand and would absorb spilled fuel. Spilled fuel would be contained by berms. Maintenance activities on site are expected to be replacing of parts and changing oil, hydraulic fluid, and antifreeze etc. Sorbent material or drip pans or other effective way to catch spills will be placed under any maintenance activities and fueling. Any oil or fluid to be disposed of will be collected and properly disposed of.

The rate of flow out of the 5,800 gallon ISO tank would be 17.44 feet/second if it is assumed to be full, to have a tank diameter of 4.92 feet, the outlet to have a sharp edge, and the tank vented so at atmospheric pressure. See Appendix E for calculations. The direction of flow would be as shown by the flow arrows on the figures in Appendix A. The most likely total quantity of oil that could be discharged would be 5,800 gallons or less as that is the size of the largest tank and it is unlikely that more than one tank would fail at any given time.

A facility response plan will not be required because a discharge from this facility is not expected to cause substantial harm to the environment.

6. Pre-Existing Contamination

According to the Alaska Department of Environmental Conservation (ADEC) Contaminated Sites Database, there are known active contaminated sites within 1500 feet of the project area. More information can be found at http://www.dec.alaska.gov/spar/csp/db_search.htm. The sites are:

- ADOT&PF Juneau Equipment Yard and Regional Complex located at 6860 Glacier Highway, Previous landfill with soil contamination of DRO and groundwater contamination of BTEX and other Petroleum, Oil and Lubricates (POL) contamination in groundwater.
- Juneau Federal Building located at 709 W. 9th Street- possible heating oil and PCB soil contamination
- GSA Juneau Federal Building at 709 W, 9th Street – possible DRO soil contamination

If any contamination is discovered, work will stop in that area and the project engineer will be notified immediately.

JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop

Project No. 68129/0932(049) and

JNU: Egan Drive Salmon Creek Intersection Safety Improvements
Project No. 67595/0932(051)

Hazardous Material Control Plan
and SPCC Plan

7. Spill Prevention

A. Material Storage and Security

Hazardous material storage areas (including asphalt tanks, fuel storage areas, and hazardous waste accumulation areas) will be located more than 100 feet from any water body or wetland. **All hazardous material accumulation/storage will be covered, lined with a material impervious to the types of materials being stored, and provided with adequate secondary containment (double walled tanks or lined berm) that can contain 110 percent of the capacity of the total amount of liquid materials stored in the largest container.** 110 percent allows for sufficient freeboard for precipitation, 100 percent for the liquid in the container and 10 percent for precipitation.

Housekeeping practices and materials handling procedures used to prevent spills will include keeping the lids on all containers when not in use. Transfer material using funnels where necessary, have overfill gages or automatic shutoff.

Security measures will include keeping hazardous material in a locked storage area or locked and fenced yard when all personnel are off-site. The tank location will be kept secure to keep unauthorized people, vandals and animals out. There is sufficient lighting to prevent vandalism and help detect spills at night. “No-smoking” signs are posted around the facility so they can be seen from every side of the tank. Also “Danger”, “Warning” or “Authorized Personnel Only” signs are posted to warn unauthorized individuals from entering. An ADEC approved discharge notification placard is posted at the site, see Appendix C.

B. Equipment Fueling and Maintenance

The project will have numerous pieces of equipment on the job requiring fuel daily. Fueling will be done using a fuel truck or at a commercial fuel station. These locations will be protected in case of a spill by placing spill response equipment at the fueling site. All fueling will take place as far away as possible from any wetland or water body.

Secon, Inc. will maintain their equipment properly and inspect all equipment daily for leaks. Drip pans will be placed underneath equipment that may have fuel or other leaks, until proper maintenance can be performed to stop the leak. Any leaking equipment will be pulled from service until the leak can be fixed. Maintenance will be done in an impervious area or drip pans or other methods will be used to catch any spills. Maintenance will be done at least 100 feet from a water body.

*JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop*

Project No. 68129/0932(049) and

JNU: Egan Drive Salmon Creek Intersection Safety Improvements

Project No. 67595/0932(051)

*Hazardous Material Control Plan
and SPCC Plan*

C. Sanitary Waste

Sanitation facilities or porta-potties will be placed in locations where they will not be subject to being inadvertently knocked over, will be regularly maintained, will be anchored and will not be placed within 50 feet of any wetland or water body. Sanitary waste will be properly disposed of. See section 11.17 in the SWPPP for this project.

D. Designated Washout Areas

All concrete and paint will be washout out into a designated washout area. See section 11.15.3 in the SWPPP for this project.

E. Discharge Prevention Measures

Manufacturer instructions or industry standards are followed for maintaining vents, gauges, and other items associated with the tanks. All valves will be double checked to make sure they are closed. A vehicle break interlock system will be provided in loading/un-loading areas to prevent vehicles from departing before complete disconnection of flexible or fixed oil transfer lines. Prior to filling and departure of any tank car or tank truck, closely inspect for discharges the lowermost drain and all outlets of such vehicles, and if necessary, ensure that they are tightened, adjusted, or replaced to prevent liquid discharge while in transit. The tank will be labeled as to contents, size, last internal inspection, safe gauge height and year built. Appendix F is a checklist of procedures for fuel transfers.

F. Discharge and Drainage Controls

All tanks have overfill protection of either direct vision gauges or high liquid level shut-off devices. All aboveground piping is supported off the ground and is protected from moving vehicles. Manufacturer instructions or industry standards are followed for maintaining vents, overfill devices, gauges, corrosion protection, water drains and other items associated with the tanks. The fuel vessel is a manufacturer's designed system and is not subject to failure from brittle fracture. The tank and associated piping materials are compatible with fuel's pressure and temperature characteristics. The tank material and construction are compatible with material stored and the conditions of storage. Cathodic protection is not required for any of the tanks as all tanks are coated to prevent corrosion. Vents are maintained in accordance with the manufacturer's instructions and industry practices to ensure continued tank structural integrity. Valves will be kept in good working order. Falling snow and ice will be prevented from falling onto and breaking piping.

Test all oil containing tanks, foundations and supports for structural integrity yearly using tests such as hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or another system of non-destructive shell testing. Hydrostatically test transfer piping yearly. Use water and hold it at 1.5 times the normal operating pressure. Records of test results will be kept so they may be compared and any variances identified.

JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop

Project No. 68129/0932(049) and

JNU: Egan Drive Salmon Creek Intersection Safety Improvements

Project No. 67595/0932(051)

Hazardous Material Control Plan
and SPCC Plan

5,800 Gallon RFO or Diesel Tank

This tank is double walled and so is not required to have additional secondary containment

500 Gallon Diesel Tank

This tank will be required to have a lined secondary containment area, see Appendix E for the sizes the containment area could be.

Fuel Loading Area

The person who is doing the fueling will be responsible for preventing and containing any spills. Any spills that may occur during fuel transfer will be prevented from being spilled on the ground by using drip pans or absorbent pads at any location where drips might occur. Overfill protection devices on the hose or direct vision gages will prevent any spills from overfilling.

G. Facility Maintenance and Safety

The facility area will be kept clean and free of unnecessary items. Make sure fire extinguishers are the proper type and located in strategic places. Operators must be trained with their proper use. Fire extinguishers must be kept pressurized and should be shaken every month. All other safety equipment must be in good working order. Any filters will be changed on a regular basis using set procedures. Rewrap or repaint pipes when coating, wrapping or paint is wearing through or chipping.

H. Good Housekeeping Practices

Good housekeeping practices will be followed onsite during the construction project.

- An effort will be made to store only enough product required to do the job.
- Products will be kept in their original containers with the original manufacturer's label unless they are not re-sealable.
- Products will be kept sealed in original containers
- Original labels and material safety data will be retained; they contain important product information.
- Material Safety Data Sheets (MSDS) will be kept on file in the project office,
- Replacement containers will be clearly marked with the contents.
- Substances will not be mixed with one another unless recommended by the manufacturer.
- Whenever possible all the product will be used up before disposing of the container.
- Manufacturers' recommendations for proper use and disposal will be followed.
- Materials will not be stored or staged on site over the winter unless properly secured.

JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop

Project No. 68129/0932(049) and

JNU: Egan Drive Salmon Creek Intersection Safety Improvements

Project No. 67595/0932(051)

Hazardous Material Control Plan
and SPCC Plan

8. Spill Response Equipment and Clean-up Materials

Equipment and vehicles will be equipped with absorbent pads and containment tools to begin control of spill. All vehicles will have radio (minimum) and/or phone communications for quick response to spills. Spill Cleanup kits will be on-site from start to finish. These kits will be clearly labeled, and located in a conspicuous place and in a recognizable drum within 15 minute transport time to any possible spill location. Spill kits will be located next to any diesel tanks, fueling or maintenance areas. When materials from a spill kit are used, they will be replaced as soon as possible.

Extra sorbent socks will be next to all diesel or waste oil tanks with enough sock to surround the tank if a spill was to occur. All heavy equipment on site, picks and shovels will be available for spill cleanup. Additional spill response equipment will be readily available if more materials or equipment is needed. The locations of the spill kits will be shown in the site maps in Appendix A of the SWPPP for this project. Spill kit contents may vary based on the type of kit actually purchased.

Type of Spill Kit	Spill Kit Contents	
Spill Kit in 30 gallon polyethylene container with lid and snap ring	15 each	Oil specific sorbent pads 16 x 20"
	15 each	Universal sorbent pads 16 x 20
	2 each	Oil specific sorbent sock 3 x 4'
	2 each	Oily waste disposal bag
	2 each	Zip tie
	1 each	Caution Barricade tape roll
	1 each.	PE Coated tyvek Disposable Coverall
	1 pair	Vented safety goggles
	1 pair	Embossed Flock lined nitrile Gloves
	1 pair	Latex gloves
	1 bag	Optisorb Granular sorbent, 20 lb.
	1 each	Emergency Response Guide
	54 feet long	Extra Sorbant socks next to 5,800 gallon diesel tank,
	20 feet long	Extra sorbent socks next to each 500 gallon diesel tank
Spill Kit in a 55 gallon Drum with lid and lever-lock ring	50 each	White, oil specific sorbent pads 16 x 20
	50 each	Grey, universal sorbent pads 16 x 20
	3 each	White, oil specific sorbent sock 3 x 4
	5 each	Oily waste disposal bag
	5 each	Zip tie
	1 each	Caution Barricade tape roll
	2 each.	PE Coated tyvek Disposable Coverall
	2 pair	Vented safety goggles
	2 pair	Embossed Flock lined nitrile Gloves

JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop

Project No. 68129/0932(049) and

JNU: Egan Drive Salmon Creek Intersection Safety Improvements

Project No. 67595/0932(051)

Hazardous Material Control Plan
and SPCC Plan

Type of Spill Kit	Spill Kit Contents
	2 pair Latex gloves
	1 bag Optisorb Granular sorbent, 20 lb.
	1 each Emergency Response Guide
	54 feet Extra Sorbant socks next to 5,800 gallon diesel tank,
	long
	20 feet Extra sorbent socks next to each 500 gallon diesel tank
	long

9. Spill Response Procedures

Secon, Inc. will do everything possible to control and contain any spilled material until appropriate clean-up measures can be taken. If an unanticipated pre-existing contamination within the project area is encountered during project work, Secon, Inc. shall immediately notify the DOT Project Engineer. Manufacturers of materials recommendations will be followed in all spill cases. OSHA regulations will be followed as well.

If a spill occurs, the following procedure will be followed:

1. Determine what the material is
2. Stop the flow if possible to do so easily and the safety precautions are known already for the spilled substance
3. Determine the amount spilled, determine if and how material is being transported
4. Evaluate safety and health risks (ref. MSDS)
5. Control and contain the spill
6. Prevent spilled material from migrating
7. Notify the project superintendent
8. Notify DOT
9. Report spill to the proper agencies
10. Cleanup spill as directed per local, State and Federal regulations
11. Complete Spill Report

A. Initial Assessment

The first person to witness a spill will assess the incident. The witness will quickly determine if they are qualified to respond to the incident based on information available at the time of the incident. If not qualified to respond, the witness should immediately contact the Project Superintendent and provide them with basic information to facilitate response. If the incident is potentially hazardous or dangerous, this information should be inferred from a safe distance from the spill.

Information to give includes:

- Time and date of discovery of the spill
- The material and approximate amount that spilled

JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop

Project No. 68129/0932(049) and

JNU: Egan Drive Salmon Creek Intersection Safety Improvements
Project No. 67595/0932(051)

Hazardous Material Control Plan
and SPCC Plan

B. Evaluate Health and Safety Risks (Refer to the MSDS)

Determine the health and safety risks by referring to the MSDS for the spilled material before responding to a spill and proceed accordingly. Follow the MSDS and the manufacture's recommendations regarding precautions and safety measures, including the use of Personal Protective Equipment (PPE), in all spill cases.

C. Control and Contain the Spill

Source control methods typically used include, but are not limited to, the following:

Stop the Flow, Shut Valves. Immediately stop the flow and prevent spilled material from migrating. If possible shut a valve or shut off the flow mechanically or turn the container so as to prevent or minimize the flow.

Drip Pans. Place drip pans under leaks to prevent further release and monitor to make sure the drip pan doesn't overflow.

Overpacking – Pack the leaking drum or container into a larger drum or container (overpacking), or placed in secondary containment.

Plugging or Patching. If there is a hole or leak that can't be shut off, plug or patch using a material that is compatible with the stored chemical.

Containment methods typically used include, but are not limited to, the following:

Absorption – position absorbent materials such as absorbent pads, dirt, sand, saw dust, or mulch to intercept and absorb the spilled material. The absorbent material used must be compatible with the spilled material.

Dikes –built dikes around the perimeter of the spill to slow or stop materials from migrating. Dikes can be built out of materials such as sand, earth, or snow, but the material used must be compatible with the spilled material. Plastic sheeting can be used as an additional barrier, if appropriate.

Oil Boom/Skimers – in the event that a spill reaches a waterbody, an oil boom or similar structure can be placed downstream of the spill in order to prevent it from migrating further downstream.

*JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop*

Project No. 68129/0932(049) and

JNU: Egan Drive Salmon Creek Intersection Safety Improvements

Project No. 67595/0932(051)

*Hazardous Material Control Plan
and SPCC Plan*

D. Notify Spill Response Field Representative and DOT Project Engineer

The line of authority will be whoever discovers a spill will contact the Project Superintendent as soon as possible. The Project Superintendent will notify the DOT Project Engineer as soon as possible.

Title	Phone Number
Secon, Inc. Project Superintendent	907-223-7591
DOT Project Engineer	907-957-7969

JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop

Project No. 68129/0932(049) and

JNU: Egan Drive Salmon Creek Intersection Safety Improvements
Project No. 67595/0932(051)

Hazardous Material Control Plan
and SPCC Plan

E. Notify DEC and Other Appropriate Agencies

Notification of discharges of hazardous materials must be provided as required under State and Federal regulations as described below and in the Spill Reporting Placard located in Appendix B. The following reporting requirements are in accordance with 18 ACC 75.300

Oil/Petroleum Release

To water: any release of oil to water must be reported as soon as the person has knowledge of the discharge. Follow Reporting Steps 1 – 5.

To land: In the event of a release of 1 gallon or more of oil to land follow Reporting Steps 1, 2, and 4 according to the following:

- Any release of oil in **excess of 55 gallons** must be reported as soon as the person has knowledge of the discharge.
- Any release of oil in **excess of 10 gallons but less than 55 gallons**, to land must be reported within 48 hours after the person has knowledge of the discharge.
- A person in charge of a facility or operation shall maintain, and provide to the Department on a monthly basis, a written record of any releases of oil **from 1 to 10 gallons**.

To impermeable secondary containment areas:

Any release of oil in **excess of 55 gallons** must be reported within 48 hours after the person has knowledge of the discharge.

Hazardous Substance Release

Any release of a hazardous substance must be reported as soon as the person has knowledge of the discharge according to the following:

- Any release **exceeding the Reportable Quantity (RQ) level** (see Appendix A), follow Reporting Steps 1 – 5.
- Any release **less than the RQ level**, follow Reporting Steps 1, 2, and 4.

Reporting Steps

1. Notify the Project Engineer
2. Notify the Alaska Department of Environmental Conservation (DEC) Area Response Team at the following telephone number :

Area	Phone	FAX
Central (Anchorage)	269-3063	269-7648
Northern (Fairbanks)	451-2121	451-2362
Southeast (Juneau)	465-5340	465-2237

Outside normal business hours, call:
1-800-478-9300

During telephone notification to ADEC, they will assist you in completing an Oil and Hazardous Substances Spill Form. Submit it to ADEC after telephone notification.

3. Notify the National Response Center in Washington, D.C., immediately at (800) 424-8802 or 202-267-2675 if you do not have 800 access. There is also an online reporting tool available at

<http://www.nrc.uscg.mil/nrchp.html>

4. Update the SWPPP and HMCP describing the release, all actions taken and any revisions made to the SWPPP (additions or deletions).

5. Within 14 days, submit a written description of the release to the Environmental Protection Agency (EPA) Regional Office providing the date and circumstances of the release and the steps to be taken to prevent another release:

U.S. Environmental Protection Agency
1200 Sixth Avenue, Seattle, WA 9810

JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop

Project No. 68129/0932(049) and

JNU: Egan Drive Salmon Creek Intersection Safety Improvements
Project No. 67595/0932(051)

Hazardous Material Control Plan
and SPCC Plan

24-Hour Reporting Required by the APDES Construction General Permit

If the project is covered by the Alaska Pollutant Elimination Discharge System (APDES) storm water Construction General Permit (CGP), then the following reporting requirements are in accordance with 18 ACC 83.410(f). While operating under the CGP, 24-hour reporting is required for any permit noncompliance that may endanger health or the environment (2016 CGP Appendix A, Part 3.4). If the spill caused pollutants to enter stormwater discharge to waters of the United States, this would apply.

Secon, Inc. will notify the Project Engineer immediately and to the extent possible coordinate reports to DEC with the Project Engineer. Once notified of a spill, the Project Engineer shall call the Regional Storm Water Specialist to determine if the spill is reportable under this requirement. As co-permittees, Secon, Inc. will be responsible for our own reporting.

The oral and written reports must contain the information outlined in 2016 CGP Appendix A, Part 3.4.

If an Endangerment Report is required an oral report is required within 24 hours of discovery of the incident to:

DEC Compliance and Enforcement Program toll-free number: 877-569-4114

A written report is required within 5 days of discovery of the incident to:

DEC Compliance and Enforcement Program, send to: dec-wqreporting@alaska.gov or fax to 907-269-4604

***Reporting an incident under this requirement does not exempt the Project from meeting reporting requirements described in the placard in Appendix B of this HMCP, if applicable. Note that different sections of DEC and EPA are involved in the reporting.

F. Clean-up Spill

If the spill is reportable to DEC, clean-up of the discharge or release and disposal of the contaminated material must be done in accordance with the DEC-approved plan as required by 18 AAC 75.310. In the case that a spill is not reportable to DEC, the guidelines typically used include, but are not limited to, the following:

MSDS and the manufacture's recommendations regarding accidental release measures and clean-up procedures will be followed.

Clean up of spills, particularly small spills and spills on paved surfaces, with dry granular absorbant or an absorbant pad.

Dry material spills will never be buried or cleaned using water.

JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop
Project No. 68129/0932(049) and
JNU: Egan Drive Salmon Creek Intersection Safety Improvements
Project No. 67595/0932(051)

Hazardous Material Control Plan
and SPCC Plan

Contaminated materials will be disposed of as described in Section 11 of this HMCP.

G. Complete Spill Report

Written reports to DEC and other appropriate agencies will be done as required. Full cooperation from Secon, Inc. is assured.

Update the SWPPP describing the release, all actions taken and any revisions made to the SWPPP (additions or deletions).

10. Material Safety Data Sheets (MSDS)

Material Safety Data Sheets will be located in a separate binder stored in the same location as the SWPPP and HMCP for this project or the internet location for looking up MSDSs online will be bookmarked on all computers on the project.

11. Disposal of Waste

Solid waste disposal control actions include: designate a waste collection area on the site that does not receive a substantial amount of runoff from upland areas, is at least 50 feet from any storm drain entrance or water body; Ensure that containers have lids so they can be covered before periods of rain, and keep containers in a covered area whenever possible; schedule waste collection to prevent the containers from overfilling. The final disposal location for waste materials will be the closest landfill or hazardous materials collection location.

Waste from any spill that occurs or hazardous materials waste will be disposed of per local, State, and Federal regulations. All oily waste such as rags, oil absorbent pads, used filters, grease or anti freeze contaminated dirt, if any, will be placed in an overpac drum and hauled off-site to an approved disposal area.

Absorbent pads, spill booms, and other containment materials will be disposed of properly as well. Disposal of any contaminated material must be done in accordance with the DEC-approved plan for the spill or release as required by 18 AAC 75.310. Both the spilled material and any absorbent material may be considered hazardous waste and must be disposed of in compliance with state and federal regulations.

Whenever contaminated soil from a spill site is transported offsite for treatment or disposal, a Contaminated Soil Transport and Treatment Request form must be submitted for ADEC approval prior to transport of the soil from the incident site. Contaminated soil shall be transported as a covered load in compliance with 18 AAC 60.015.

JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop
Project No. 68129/0932(049) and
JNU: Egan Drive Salmon Creek Intersection Safety Improvements
Project No. 67595/0932(051)

Hazardous Material Control Plan
and SPCC Plan

12. Training Program

All of Secon, Inc. employees have extensive safety training and some are HAZWOPER trained. Secon, Inc. insists that our employees are well trained and informed of the environment that they will be working in, with, and around.

When “hazardous” materials are introduced to the job site, the MSDS will be available in the on-site project office for the review of our employees that will be working with the material. Weekly safety meetings will be held on the job site and new materials will be discussed as well as other safety precautions and procedures applicable for that week’s work.

Employees assigned to perform duties at the tank site and hazardous materials storage areas will be trained in the maintenance and operation of the systems to ensure the prevention of oil discharges at least once a year. A training program will be implemented to include evaluation procedures, drills and exercises for those personnel involved with oil spill response and clean-up activities. Training will be provided for those employees tasked with constructing containment dikes before beginning construction of the dike.

13. Inspections

Informal inspections should be done on a daily basis (noting overall facility condition) when the operator walks through to open and close the facility. A formal and thorough inspection will be completed monthly using the inspection checklist in Appendix J. All inspection forms will be signed by the inspector and kept with this plan for at least 3 years. Inspect all machinery for leaks and place drip pans or sorbent material under any suspected leaking area. Fix any leaks as soon as possible. Frequently inspect the outside of all tanks for signs of deterioration, discharges, or accumulation of oil. Regularly inspect all aboveground valves, piping, and appurtenances. During the inspection assess the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces.

Check tanks for leaks, specifically looking for:

- A. drip marks;
- B. discoloration of tanks;
- C. puddles containing spilled or leaked material;
- D. corrosion;
- E. cracks; and
- F. localized dead vegetation.

Check foundation for:

- A. cracks;
- B. discoloration;
- C. puddles containing spilled or leaked material;

*JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop*

Project No. 68129/0932(049) and

JNU: Egan Drive Salmon Creek Intersection Safety Improvements

Project No. 67595/0932(051)

*Hazardous Material Control Plan
and SPCC Plan*

- D. settling;
- E. gaps between tank and foundation; and
- F. damage caused by vegetation roots.

Check piping for:

- A. droplets of stored material;
- B. discoloration;
- C. corrosion;
- D. bowing of pipe between supports;
- E. evidence of stored material seepage from valves or seals; and
- F. localized dead vegetation.

14. Record Keeping

The following records will be kept with this plan for three years:

- Inspections of tanks, associated piping and loading racks (Appendix J)
- Records kept of each time water is drained from tank farm containment (Appendix I)
- Records kept of all routine safe fuel handling and storage personnel meetings. (Appendix G)
- Records kept of all spills and notifications (Appendix D)
- Records kept of all drills and exercises (Appendix H)

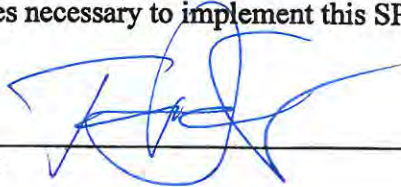
JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop
Project No. 68129/0932(049) and
JNU: Egan Drive Salmon Creek Intersection Safety Improvements
Project No. 67595/0932(051)

*Hazardous Material Control Plan
and SPCC Plan*

Approval

This plan is hereby approved by the person at Secon, Inc. with the authority to commit the resources necessary to implement this SPCC Plan.

Signature



Date

2/22/16

PE Approval

I hereby certify that:

- I am familiar with the requirements of 40 CFR 112
- I or an agent have visited and examined the facility
- This plan has been prepared in accordance with good engineering practices including the consideration of all applicable industry standards and the requirements of 40 CFR 112
- Procedures for required inspections and testing have been established



JNU: Egan Drive Pavement Rehabilitation-
10th Street to Mendenhall Loop
Project No. 68129/0932(049) and
JNU: Egan Drive Salmon Creek Intersection Safety Improvements
Project No. 67595/0932(051)

Hazardous Material Control Plan
and SPCC Plan

CERTIFICATION OF THE APPLICABILITY OF THE SUBSTANTIAL HARM CRITERIA

Facility Name: Egan Drive Pavement Rehabilitation-10th Street to Mendenhall Loop and Egan
Drive Salmon Creek Intersection Safety Improvements
Facility Address: Juneau, Alaska

1. Does the facility transfer oil over water to or from vessels and does the facility have a total oil storage capacity greater than or equal to 42,000 gallons?

Yes ___ No X

2. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest above-ground oil storage tank plus sufficient freeboard to allow for precipitation within any aboveground oil storage tank area?

Yes ___ No X

3. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments?

Yes ___ No X

4. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance such that a discharge from the facility would shut down a public drinking water intake ?

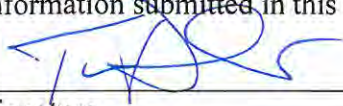
Yes ___ No X

5. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and has the facility experienced a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the last 5 years?

Yes ___ No X

Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document,



Signature

Tim Dudley

Name (please type or print)

General Manager

Title

2-22-16 Date



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

March 11, 2015

Michael Short, Engineering Manager
Colaska, Inc. dba Secon
PO Box 32159
Juneau, AK 99803

Subject: **Permit Rescission and Reissuance:** Rescission of approval to operate under Minor General Permit 3 (MG3) Revision 1 and Approval to Operate under Minor General Permit 3 Revision 2, Permit Numbers and Facilities as listed below.

Dear Mr. Short:

On April 1, 2014 the Alaska Department of Environmental Conservation (the Department) issued Colaska, Inc. dba Secon's permits for the facilities as listed below. Unfortunately while processing the Response to Comments the Department agreed to make changes to Condition 5 regarding visible emission observation frequency, but did not make those changes in the Revision. The Department has reopened this general permit to include this change and also used this opportunity to correct and clarify other conditions within the permit. A table of the changes made to the MG3 Revision 1 permit was sent to you in our February 6, 2015 notification letter and can also be found in the TAR.

The Department is revoking MG3 Revision 1 and reissuing MG3 as Revision 2 permit effective on April 1, 2015.

Facility	Previous Permit Number	New Permit Number
AEDCO 60" Asphalt Plant	AQ0246MG301 Rev. 2	AQ0246MG302 Rev. 2
Astec Super Six Drum Mix Asphalt Plant	AQ0247MG301 Rev. 1	AQ0247MG301 Rev. 2
Secon Aesco Asphalt Plant	AQ0346MG301 Rev. 1	AQ0346MG301 Rev. 2
AlMix Asphalt Plant	AQ0626MG302 Rev. 1	AQ0626MG302 Rev. 2
Polar Asphalt Plant Model PBA-2420T-1	AQ0631MG301 Rev. 1	AQ0631MG301 Rev. 2

This letter is Colaska, Inc. dba Secon's approval to operate under the Minor General Permit 3 Revision 2 for the permit numbers and facilities as listed above effective on April 1, 2015.

The Department will not charge any fees for this action.

Please note that upon the effective date of this decision:

Clean Air

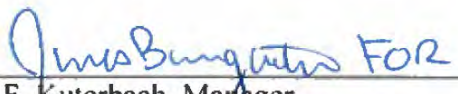
1. All construction, modification, relocation and operation authorized by the previous MG3 Revision 1 permit will now be authorized under MG3 Revision 2.
2. A facility operating report, and, at your discretion, and assessable emission estimate are still due March 31, 2015.
3. All other compliance obligations imposed by the previous permit are now imposed through the new MG3 Revision 2 permit.

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>.

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>.

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>.

Sincerely,


John F. Kuterbach, Manager
Air Permits Program

Attachment: Air Quality Minor General Permit No. AQ0246MG301 Revision 2,
Air Quality Minor General Permit No. AQ0247MG301 Revision 2,
Air Quality Minor General Permit No. AQ0346MG301 Revision 2,
Air Quality Minor General Permit No. AQ0626MG301 Revision 2,
Air Quality Minor General Permit No. AQ0631MG301 Revision 2,
TAR and Response to Comments

cc: Zeena Siddeek, ADEC/APP/Juneau
Jim Baumgartner, ADEC/APP, Juneau
P. Moses Coss, ADEC/APP, Fairbanks
Tammy Walker, ADEC/APP, Anchorage
Adam Reed, ADEC

Patrick Dunn, ADEC/APP/Anchorage
Jim Plosay, ADEC/APP/Juneau
Jeremy Ptak, ADEC/APP, Anchorage
Linda Atley, ADEC/APP, Juneau

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AIR QUALITY CONTROL MINOR GENERAL PERMIT**

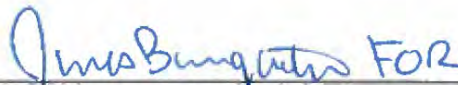
MINOR GENERAL PERMIT 3 FOR HOT-MIX ASPHALT PLANTS

PERMIT NO. AQ0247MG301 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

Authorization Date

Printed Name

Table A Facility Information

Permittee:	Colaska, Inc. dba Secon	Plant Name:	Astec Super Six Drum Mix Asphalt Plant
Emissions Unit	Make	Model/Description	Rating/ Capacity
Asphalt Plant:	Astec	Super Six Pack Drum	370 tph
Diesel Engines:	Primary	7.09.003	1000kW
	Secondary	7.02.033	
Control Equipment: ☒ Baghouse ☐ Wet Scrubber			

TABLE OF CONTENTS

1. Ambient Air Quality Protection.....	4
2. Relocation Reporting Requirements.....	4
3. General Recordkeeping.....	4
4. General Reporting.....	4
5. Visible Emissions.....	5
6. Particulate Matter Emissions from Asphalt Plants.....	7
7. Sulfur Compound Emissions.....	8
8. Pollution Control Equipment Breakdown.....	8
9. Excess Emissions and Permit Deviations.....	8
10. Air Pollution Prohibited.....	9
11. Non-Road Engines.....	9
12. Change of Ownership.....	9
13. Administrative Fees.....	9
14. Assessable Emissions & Emission Fees.....	9
15. Good Air Pollution Control Practice.....	9
16. Reasonable Precautions to Prevent Fugitive Dust.....	10
17. Equipment Changes.....	10
18. Terms to Make the Permit Enforceable.....	10
19. Source Testing Requirements.....	11
Assessable Emissions Calculations.....	Appendix A
Fugitive Dust Control Plan.....	Appendix B
<u>Required Forms</u>	
Relocation Notification Form.....	Form 1
Excess Emissions and Permit Deviation Report Form.....	Form 2
Emission Fee Estimate Report Form.....	Form 3
<u>Sample Forms*</u>	
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 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.

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%.

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.

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:

- 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:

- 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.

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.

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.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

Asphalt Plants	CO	NO_x	SO₂	VOC	PM-10¹	PM-10²
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	SO₂³	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	SO₂	VOC	PM-10

Diesel Engine Worksheet: $E = (EF \times \text{hours of operation} \times RC) / 2000$

CO	NO_x	SO₂	VOC	PM-10

Total Emissions: add all rows above for listed emission units.

CO	NO_x	SO₂	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	SO₂	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 .
<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 as needed .
<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

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):

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

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%

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

Packet Page 145 of 987

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
		START END
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

X Observation Point

Observer's Position

140°

Sun Location Line

Side View

Stack with Plume

Sun

Wind

ADDITIONAL INFORMATION	

OBSERVATION DATE		START TIME		END TIME	
MIN \ SEC	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		



500 108th Ave. NE Suite 1740
Bellevue, Washington 98004
(425) 827-3193
Fax (425) 576-5113

P.O. Box 32159
Juneau, Alaska 99801
(907) 780-5145
Fax (907) 780-5896

P.O. Box 7038
Ketchikan, Alaska 99901
(907) 225-6491
Fax (907) 225-6492

ASTEC PLANT AQ0247MG301.2

FUGITIVE DUST CONTROL PLAN

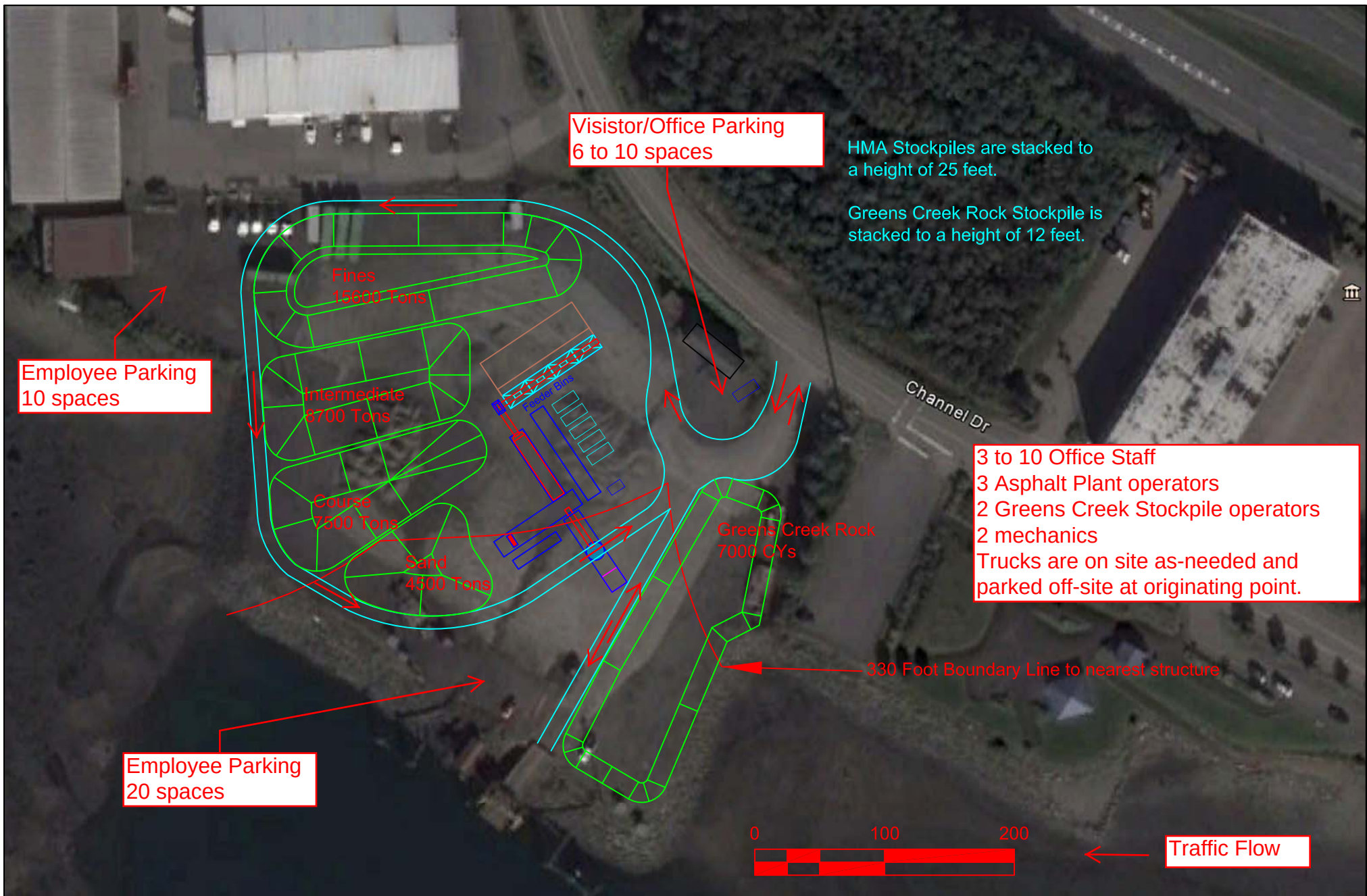
Methods to reduce fugitive dust from aggregates supplied to the cold feed bins include:

- Minimizing drop heights of material from loaders.
- Lower speed of traffic on unpaved roadways and water road ways if needed.
- Install hoods and covers on conveyors if required.

Methods to reduce fugitive dust during Hot Mix Asphalt production include:

- Ensure that the primary dust collection systems, baghouse are working properly.
- Ensure that collection and disposal areas of the baghouse catch are watered and or convey baghouse catch fines back to the mixer.
- Apply controls to prevent visible fugitive dust emission from exceeding the applicable opacity limit.
- Cover dragline to hot mix silo receiving point.

Roadway water application rate will be at a sufficient frequency to minimize dust from access roads and on-site vehicles and equipment.



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

1836 Anka Street
Juneau, AK 99801

Northalnd Yard

ASTEC Asphalt Plant		
DRAWN	DATE	3155 Channel Drive Juneau AK 99801
APPROVED	DATE	
SCALE	SHEET	PROJECT NO.
100	1	



PLANNING COMMISSION

NOTICE OF DECISION

Date: April 12, 2016

File No.: USE2016 0002

SECON

3155 Channel Drive

Juneau, AK 99801

Application For: A Conditional Use Permit for a temporary asphalt plant in association with Egan Drive rehabilitation

Legal Description: USS 1075 Lot 2 and ATS 877 Lot 2 Tract B

Property Address: 3155 Channel Drive

Parcel Code No.: 7-B09-0-103-010-0

Hearing Date: April 12, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 29, 2016 and approved the project 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, 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. (If new lighting is not required, this condition will not apply.)*
- 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.*

Attachments: March 29, 2016 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding USE2016 0002.

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).

SECON

File No.: USE2016 0002

April 12, 2016

Page 2 of 2

Effective Date: The permit is effective upon approval by the Commission, April 12, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or October 12, 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:



Teri Camery, Senior Planner
Community Development Department



Ben Haight, Chair
Planning Commission



Filed With City Clerk

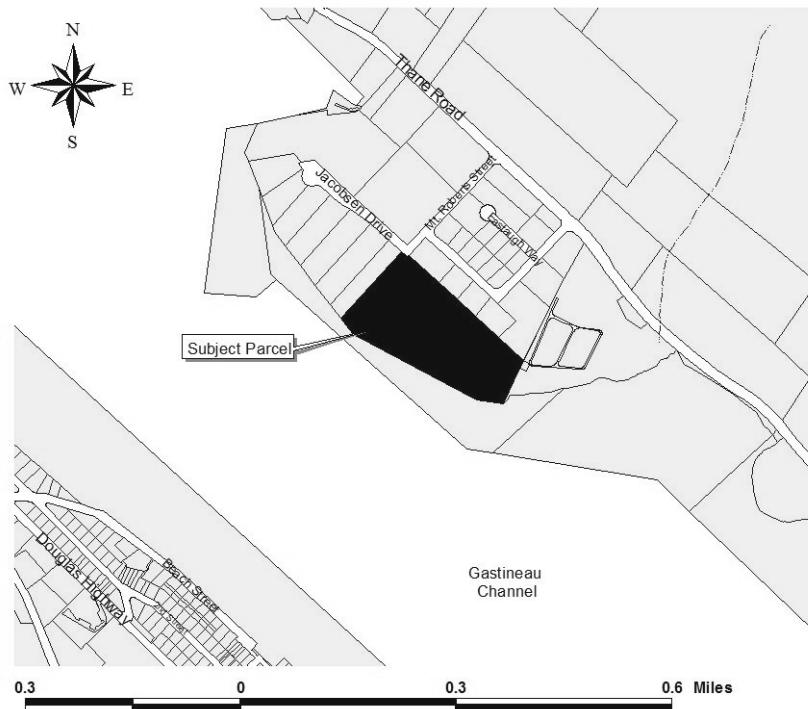
4/18/2016
Date

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:



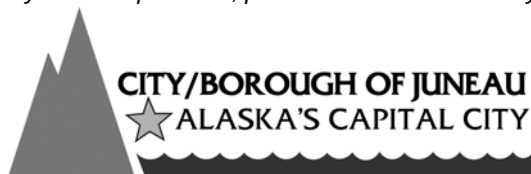
PROPOSAL: A Conditional Use Permit for an asphalt plant at the Alaska Marine Lines Yard.

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.

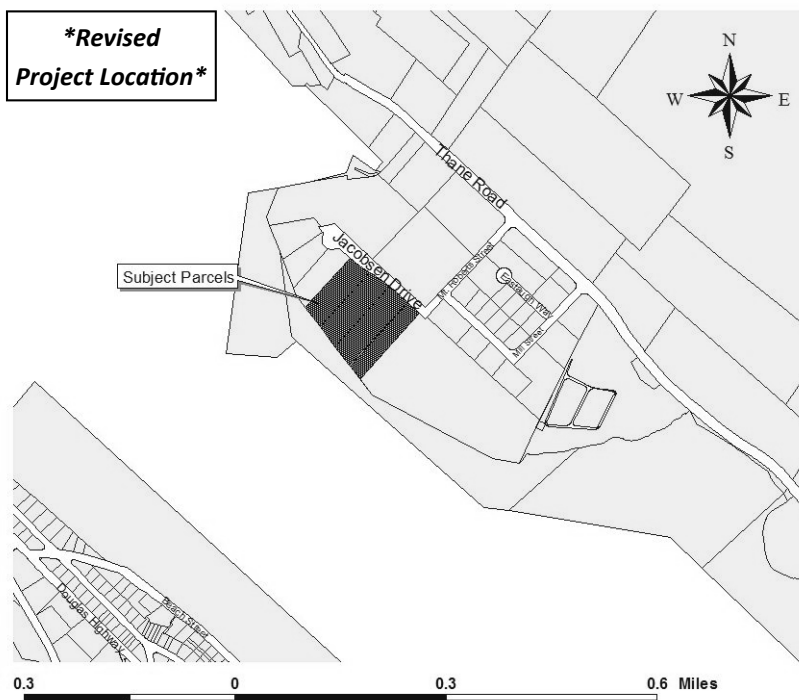


Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at
<http://www.juneau.org/assembly/novus.php>



NOTICE OF PUBLIC HEARING

***Revised
Project Location***



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

SHIP TO:



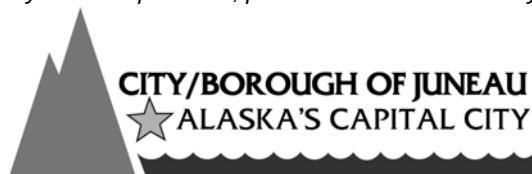
PROPOSAL: A Conditional Use Permit for an asphalt plant at the Alaska Marine Lines Yard.

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
		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>



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



Planning Commission
 File No.: USE2016 0003
 March 29, 2016
 Page 3 of 11

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 O 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

Planning Commission
File No.: USE2016 0003
March 29, 2016
Page 4 of 11

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

Planning Commission
File No.: USE2016 0003
March 29, 2016
Page 5 of 11

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.

Planning Commission
File No.: USE2016 0003
March 29, 2016
Page 6 of 11

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.

Planning Commission
File No.: USE2016 0003
March 29, 2016
Page 7 of 11

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
Page 8 of 11

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."

Planning Commission
 File No.: USE2016 0003
 March 29, 2016
 Page 9 of 11

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.

Planning Commission
File No.: USE2016 0003
March 29, 2016
Page 10 of 11

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
File No.: USE2016 0003
March 29, 2016
Page 11 of 11

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.*

TABLE OF CONTENTS

1. OVERVIEW
2. PRE-APPLICATION CONFERENCE REPORT
3. DEVELOPMENT PERMIT APPLICATION
4. CONDITIONAL USE PERMIT APPLICATION
5. SUB-LEASE AGREEMENT WITH ALASKA MARINE LINES
6. MASTER LEASE AGREEMENT BETWEEN O JACOBSEN
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

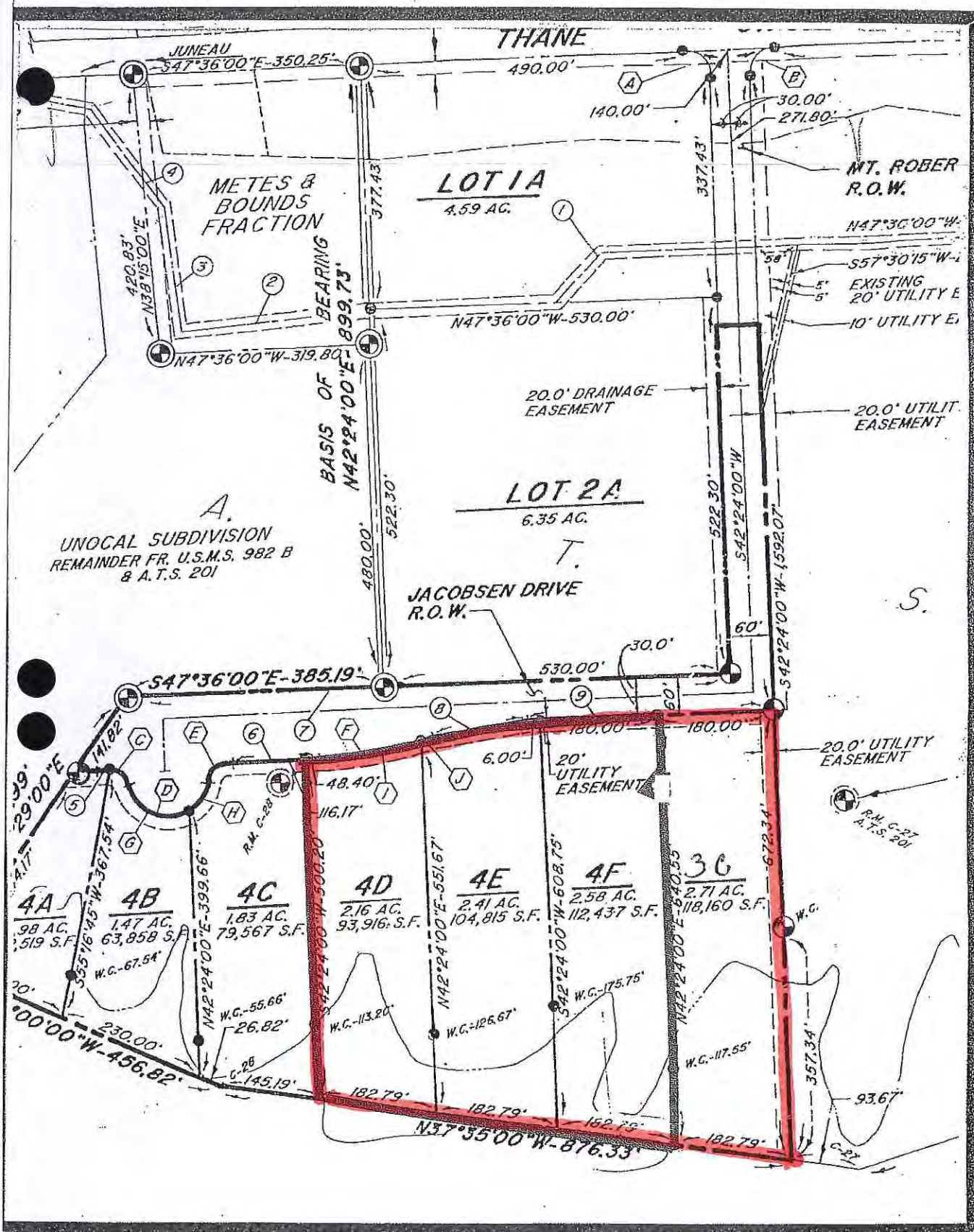
 Asphalt Plant

 Lighting

 Shows fire hydrant locations

 Aggregate Stockpiles

© 2015 Google
Image © 2015 DigitalGlobe



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)		

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	Work Phone: 206-439-5663
Mailing Address: 18000 International Blvd., Ste 800	Home Phone: 425-243-2074	Fax Number: 206-243-8415
E-mail Address: dewalt@lynden.com	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 Bill Hopley, Secretary, AMG, Prime Tent 2-10-16
Landowner/Lessee Signature Date

X Bill Hopley, Manager, 0 Jacobsen Drive, Owner 2-10-16
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	Work Phone: 206-439-5521
Mailing Address: 18000 International Blvd., Ste 800	Home Phone: 206-790-9416	Fax Number: 206-243-8415
E-mail Address: lindag@lynden.com	Other Contact Phone Number(s):	

X [Signature] 2-10-16
Applicant's Signature Date of Application

	OFFICE USE ONLY BELOW THIS LINE			
STAFF APPROVALS	☒ Permit Type	MISSION	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 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

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

1:FORMS12010 Applications Revised November 2009

TO BE COMPLETED BY THE APPLICANT

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 _____

By _____

Its _____

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

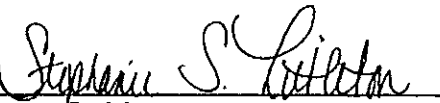
- 19.1. **Disputes to Be Arbitrated.** If any dispute arises between the parties either party may request arbitration. If the parties cannot agree on a single arbitrator within ten (10) days, then either party can appoint as an arbitrator a lawyer familiar with real estate and landlord/tenant law in 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

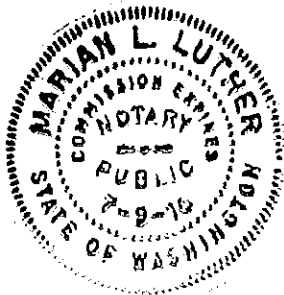
Tenant:
ALASKA MARINE LINES, INC.

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

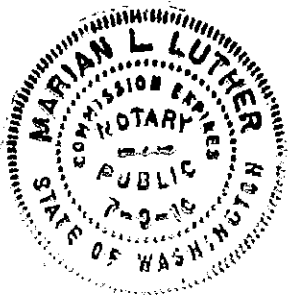
Marian L. Luther

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:	
-----------------------	--

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.

TABLE OF CONTENTS

	Page
1.0 FACILITY DESCRIPTION AND CONTACT INFORMATION	1
1.1 FACILITY INFORMATION	1
1.2 CONTACT INFORMATION/RESPONSIBLE PARTIES	2
1.3 STORM WATER POLLUTION PREVENTION TEAM.....	2
1.4 ACTIVITIES AT THE FACILITY	3
1.5 GENERAL LOCATION MAP.....	3
1.6 SITE MAP(S).....	3
2.0 POTENTIAL POLLUTANT SOURCES.....	4
2.1 INDUSTRIAL ACTIVITY AND ASSOCIATED POLLUTANTS	4
2.2 SPILLS AND LEAKS	4
2.3 NON-STORM WATER DISCHARGES DOCUMENTATION	5
2.4 SALT STORAGE	5
2.5 SAMPLING DATA SUMMARY	5
3.0 STORM WATER CONTROL MEASURES	6
3.1 MINIMIZE EXPOSURE	6
3.2 GOOD HOUSEKEEPING.....	6
3.3 MAINTENANCE	7
3.4 SPILL PREVENTION AND RESPONSE	8
3.5 EROSION AND SEDIMENT CONTROLS	9
3.6 MANAGEMENT OF RUNOFF.....	9
3.7 SALT STORAGE PILES OR PILES CONTAINING SALT	9
3.8 MSGP SECTOR-SPECIFIC NON-NUMERIC EFFLUENT LIMITS	9
3.9 EMPLOYEE TRAINING.....	9
3.10 NON-STORM WATER DISCHARGES	10
3.11 WASTE, GARBAGE AND FLOATABLE DEBRIS	11
3.12 DUST GENERATION AND VEHICLE TRACKING OF INDUSTRIAL MATERIALS.....	11
4.0 SCHEDULES AND PROCEDURES FOR MONITORING.....	11
5.0 INSPECTIONS	14
6.0 SWPPP CERTIFICATION.....	16
7.0 SWPPP MODIFICATIONS	17

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***

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.

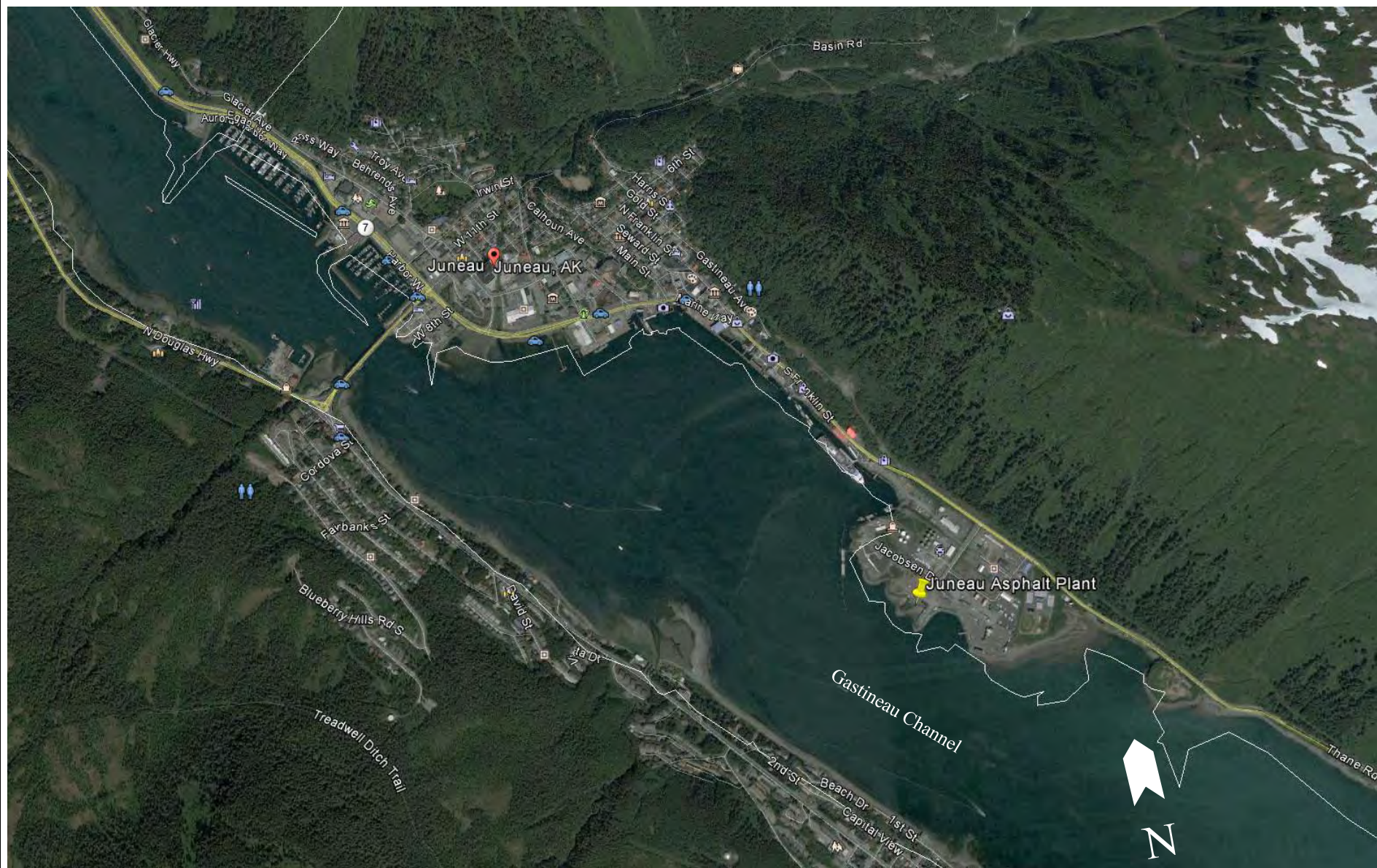
- If SWPPP modification is required in response to any of the following corrective actions required by Part 8.1 of the 2015 MSGP, then the certification statement in section 7.0 of this SWPPP must be re-signed in accordance with 2015 MSGP Appendix A, Subsection 1.12.5.
 - A discharge violates a numeric 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

Appendix B
Site Maps
BMP Specifications

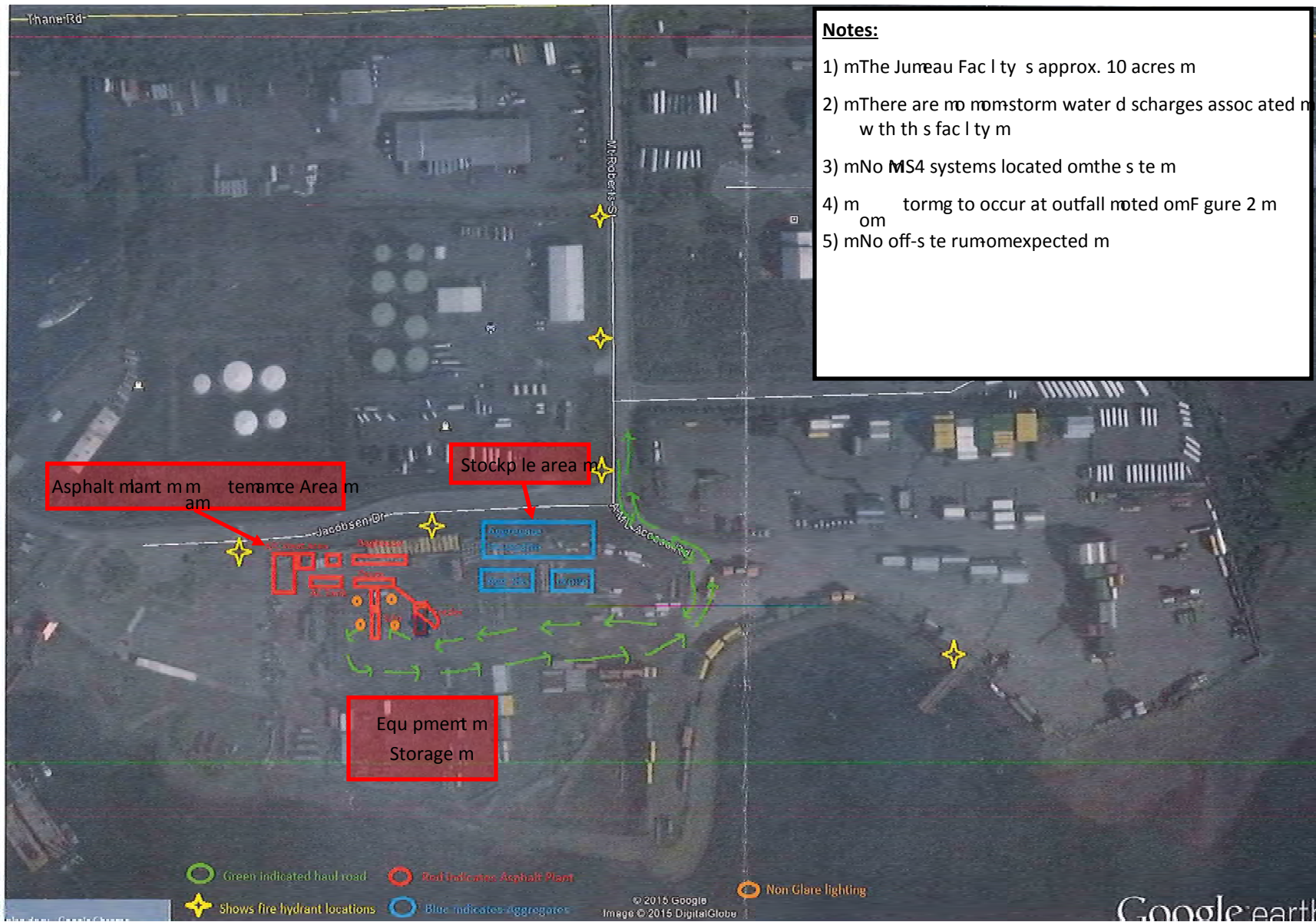


- Facility Boundary
- Vehicle Entrance
- Settlement Pond and Infiltration Point
- Outfall #1
- Sediment Barrier

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 data-bbox="467 894 828 1037"> Drainage area – 10 ac. Minimum bedrock depth – 5 ft NRCS soil type - ABC Drainage/flood control – yes </td><td data-bbox="943 894 1399 1003"> Maximum slope – 10% Minimum water table – 5 ft Freeze/thaw – fair </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. Minimum bedrock depth – 5 ft NRCS soil type - ABC Drainage/flood control – yes	Maximum slope – 10% Minimum water table – 5 ft Freeze/thaw – fair
Drainage area – 10 ac. Minimum bedrock depth – 5 ft NRCS soil type - ABC Drainage/flood control – yes	Maximum slope – 10% Minimum water table – 5 ft Freeze/thaw – fair		
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.

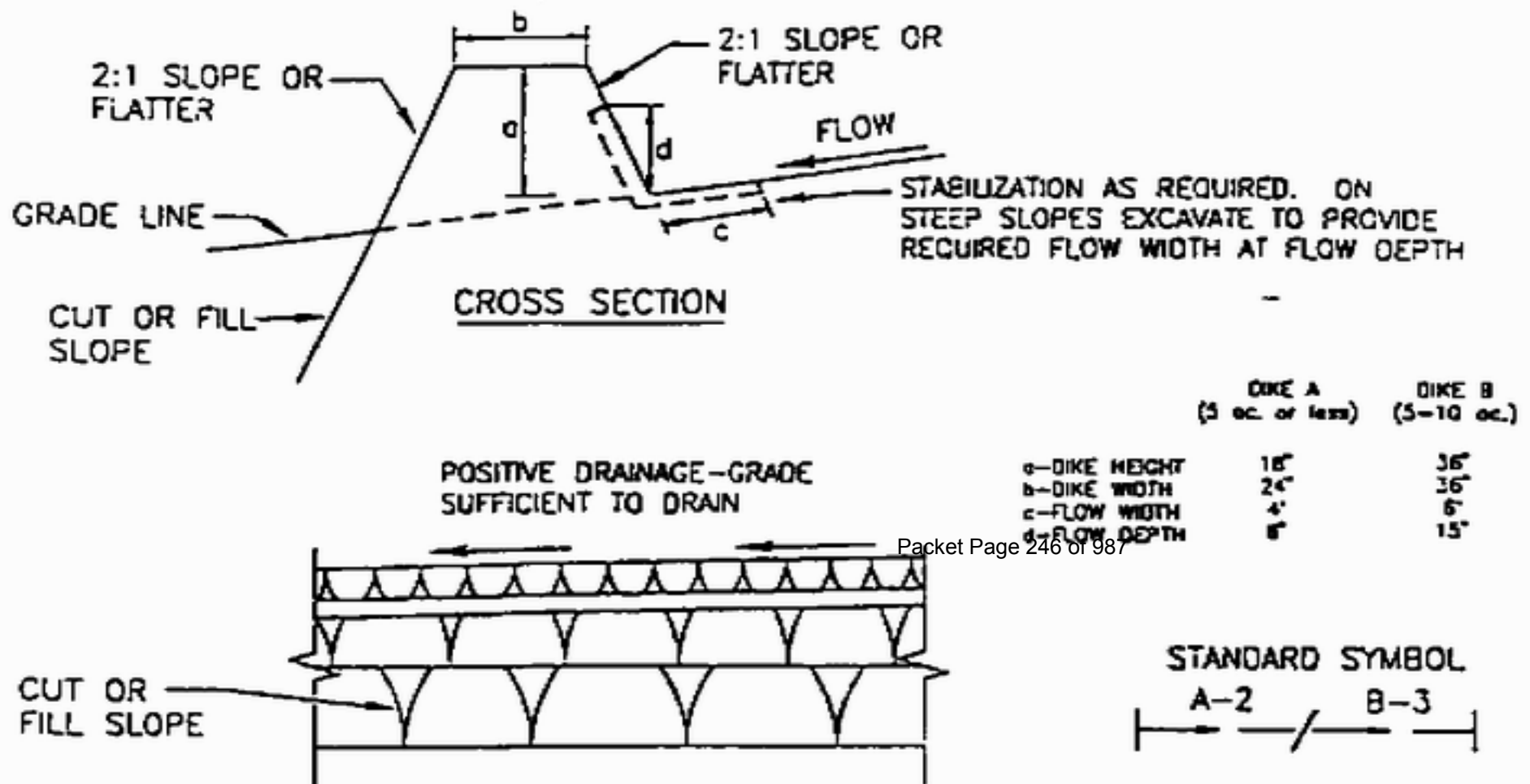
Table 41-1. Suggested Dike Design Criteria

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.



Packet Page 246 of 987

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	<table border="0"> <tr> <td data-bbox="467 930 836 1071"> Drainage area – N/A Minimum bedrock depth – N/A NRCS soil type – N/A Drainage/flood control – no </td><td data-bbox="943 930 1396 1035"> Maximum slope – N/A Minimum water table – N/A Freeze/thaw – N/A </td></tr> </table> ▪ 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.	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 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 1102"> 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	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	
	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	Maximum slope – 20%
Minimum bedrock depth – 5 ft	Minimum water table – 3 ft
NRCS soil type – ABCD	Freeze/thaw – fair
Drainage/flood control – no	

- 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.

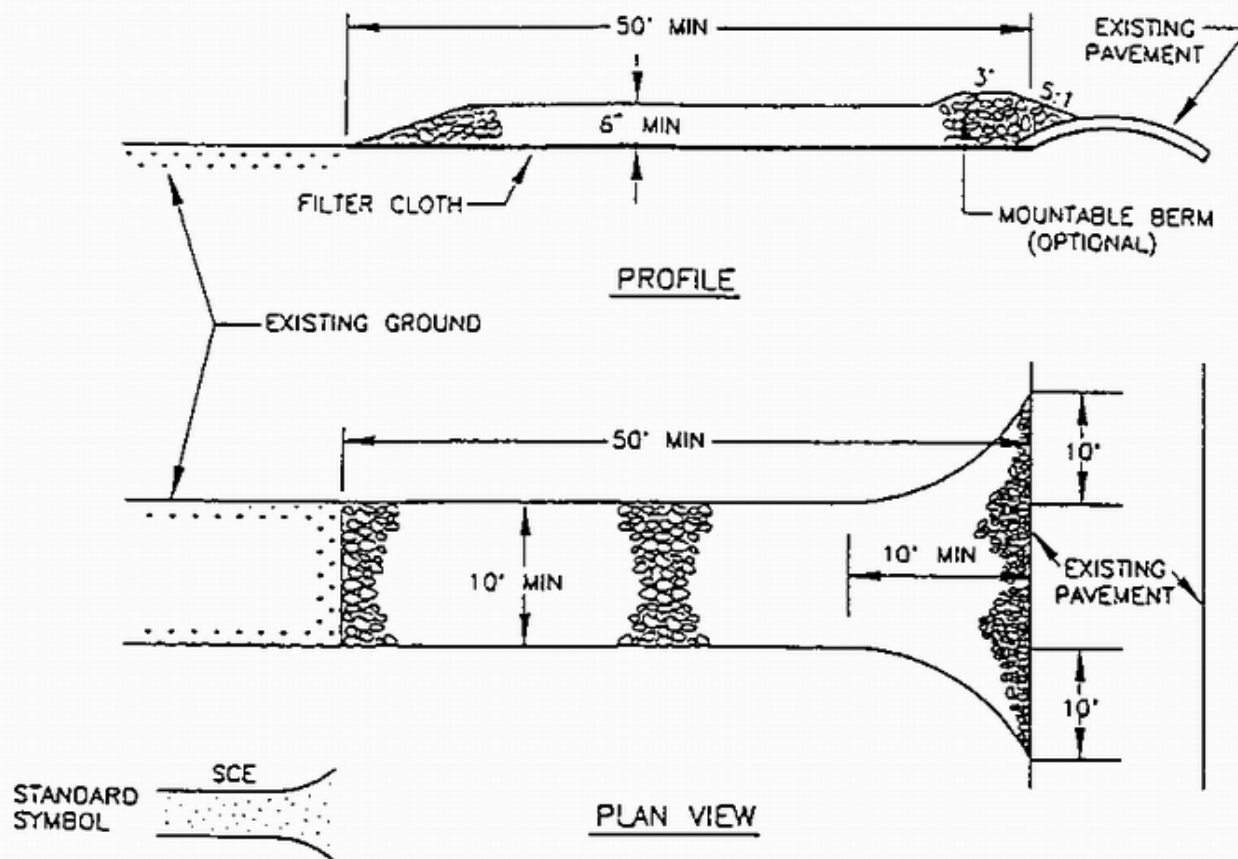
Dust Control: Dust control should be provided at all times (see BMP 7-Dust Control).

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
BOISE, 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**

TABLE OF CONTENTS

SCHEDULE OF SUBMISSIONS.....	12
Summary of Permit Required On-Site Documentation	13
1. Coverage under this Permit.....	14
1.1 Permit Area.....	14
1.2 Eligibility.....	14
1.2.2 Allowable Storm Water Discharges.....	14
1.2.3 Allowable Non-Storm Water Discharges	15
1.2.4 Limitations on Coverage.....	16
1.3 Conditional Exclusion for No Exposure.	19
2. Authorization under this Permit.	19
2.1 How to Obtain Authorization.	19
2.2 How to Submit an NOI.....	21
2.3 Submission Deadlines.	22
2.4 Date of Authorization to Begin Discharge.....	23
2.5 Continuation of Expired General Permit.....	23
2.6 Permit Compliance.	24
2.7 Submittal of Modification to Original NOI.....	24
2.8 Alternative Permits.....	24
2.8.1 DEC Requiring Coverage under an Alternative Permit.....	24
2.8.2 Permittee Requesting Coverage under an Alternative Permit	25
3. Compliance with Standards and Limits.	25
3.1 Requirements for all Facilities.	25
3.2 Water Quality-Based Effluent Limitations.....	26
3.2.1 Water Quality Standards.....	26
3.2.2 Discharges to Water Quality Impaired Waters	26
4. Control Measures.....	27
4.1 Control Measure Selection and Design Considerations.	27
4.2 Non-Numeric Technology-Based Effluent Limits.	28
4.2.1 Minimize Exposure.....	28
4.2.2 Good Housekeeping.....	29
4.2.3 Maintenance	29

4.2.4	Spill Prevention and Response Procedures.....	29
4.2.5	Erosion and Sediment Controls	30
4.2.6	Management of Runoff.....	31
4.2.7	Salt Storage Piles or Piles Containing Salt	31
4.2.8	Sector Specific Technology Based Effluent Limits.....	31
4.2.9	Employee Training.....	31
4.2.10	Non-Storm Water Discharges	31
4.2.11	Waste, Garbage and Floatable Debris.....	31
4.2.12	Dust Generation and Vehicle Tracking of Industrial Materials.....	31
4.3	Numeric Effluent Limitations Based on Effluent Limitations Guidelines.....	32
4.4	Plan Approval for Nondomestic Wastewater Treatment Works.....	32
5.	Storm Water Pollution Prevention Plan (SWPPP).....	32
5.1	Storm Water Pollution Prevention Plan (SWPPP).....	33
5.2	Contents of the SWPPP.....	33
5.2.1	Permittee	33
5.2.2	Storm Water Pollution Prevention Team	33
5.2.3	Site Description.....	33
5.2.4	Summary of Potential Pollutant Sources	35
5.2.5	Description of Control Measures	36
5.2.6	Schedules and Procedures.....	36
5.2.7	Signature Requirements	38
5.3	Inspections.....	39
5.4	Monitoring.....	39
5.5	Documentation of Permit Eligibility Related to a Total Maximum Daily Load.....	39
5.6	Maintaining and Updated SWPPP.	40
5.7	SWPPP Availability.	41
5.8	Additional Documentation Requirements.....	41
6.	Inspections.....	42
6.1	Routine Facility Inspections.....	42
6.1.1	Routine Facility Inspection Procedures	42
6.1.2	Routine Facility Inspection Documentation	43
6.1.3	Exceptions to Routine Facility Inspections.....	44
6.2	Quarterly Visual Assessment of Storm Water Discharges.....	45
6.2.1	Quarterly Visual Assessment Procedures	45
6.2.2	Quarterly Visual Assessment Documentation	45
6.2.3	Exceptions to Quarterly Visual Assessments	46

6.3	Comprehensive Site Inspections.	47
6.3.1	Comprehensive Site Inspection Procedures	47
6.3.2	Comprehensive Site Inspection Documentation	48
7.	Monitoring.....	49
7.1	Monitoring Procedures.	50
7.1.1	Monitored Outfalls.....	50
7.1.2	Commingled Discharges.....	50
7.1.3	Measurable Storm Events	50
7.1.4	Sample Type	50
7.1.5	Adverse Weather Conditions	51
7.1.6	Climates with Irregular Storm Water Runoff	51
7.1.7	Monitoring Periods	51
7.1.8	Monitoring for Allowable Non-Storm Water Discharges	51
7.2	Required Monitoring.	51
7.2.1	Benchmark Monitoring.....	52
7.2.2	Effluent Limitations Monitoring.....	55
7.2.3	Discharges to Impaired Waters Monitoring.....	56
7.2.5	Additional Monitoring Required by DEC.....	57
8.	Corrective Actions.	58
8.1	Conditions Requiring Review and Revision to Eliminate Problem.	58
8.2	Conditions Requiring Review to Determine if Modifications Are Necessary.	58
8.3	Corrective Action Deadlines.	58
8.4	Corrective Action Report.	59
8.5	Effect of Corrective Action.	59
8.6	Substantially Identical Outfalls.	60
9.	Reporting and Recordkeeping.....	60
9.1	Reporting Monitoring Data to DEC.	60
9.2	Annual Report.	60
9.3	Noncompliance Notification for Numeric Effluent Limits.	61
9.4	Additional Reporting.	61
9.5	Recordkeeping.....	62
9.6	Addresses for Reports.	62
9.7	Request for Submittal of Records.	63
10.	Terminating Coverage.....	63
10.1	Submitting a Notice of Termination (NOT).....	63
10.2	When to Submit a NOT.....	63

11. Sector-Specific Requirements for Industrial Activity.	63
11. Subpart A – Sector A – Timber Products.	64
11.A.1 Covered Storm Water Discharges.	64
11.A.2 Limitation on Coverage.	64
11.A.3 Additional Technology-Based Effluent Limits.	64
11.A.4 Additional SWPPP Requirements.	64
11.A.5 Additional Inspection Requirements.	65
11.A.6 Sector-Specific Benchmarks.	65
11.A.7 Effluent Limitations Based on Effluent Limitations Guidelines.	67
11. Subpart B – Sector B – Paper and Allied Products.	68
11.B.1 Covered Storm Water Discharges.	68
11.B.2 Sector-Specific Benchmarks.	68
11. Subpart C – Sector C – Chemical and Allied Products Manufacturing, and Refining.	69
11.C.1 Covered Storm Water Discharges.	69
11.C.2 Limitations on Coverage.	69
11.C.3 Sector-Specific Benchmarks.	69
11.C.4 Effluent Limitations Based on Effluent Limitations Guidelines.	70
11. Subpart D – Sector D – Asphalt Paving and Roofing Materials and Lubricant Manufacturing.	72
11.D.1 Covered Storm Water Discharges.	72
11.D.2 Limitations on Coverage.	72
11.D.3 Sector-Specific Benchmarks.	72
11.D.4 Effluent Limitations Based on Effluent Limitations Guidelines.	73
11. Subpart E – Sector E – Glass, Clay, Cement, Concrete, and Gypsum Products.	74
11.E.1 Covered Storm Water Discharges.	74
11.E.2 Additional Technology-Based Effluent Limits.	74
11.E.3 Additional SWPPP Requirements.	74
11.E.4 Sector-Specific Benchmarks.	75
11.E.5 Effluent Limitations Based on Effluent Limitations Guidelines.	75
11. Subpart F – Sector F – Primary Metals.	76
11.F.1 Covered Storm Water Discharges.	76
11.F.2 Additional Technology-Based Effluent Limits.	76
11.F.3 Additional SWPPP Requirements.	76
11.F.4 Additional Inspection Requirements.	77
11.F.5 Sector-Specific Benchmarks.	77

11. Subpart G – Sector G – Metal Mining.....	79
11.G.1 Covered Storm Water Discharges.....	79
11.G.2 Limitations on Coverage.....	80
11.G.3 Definitions.....	81
11.G.4 Technology-Based Effluent Limits for Clearing, Grading, and Excavation Activities. ...	82
11.G.5 Additional Technology-Based Effluent Limits.....	95
11.G.6 Additional SWPPP Requirements.....	97
11.G.7 Additional Inspection Requirements.....	98
11.G.8 Sector-Specific Benchmarks.....	99
11.G.9 Termination of Permit Coverage.....	104
11. Subpart H – Sector H – Coal Mines and Coal Mining-Related Facilities.....	105
11.H.1 Covered Storm Water Discharges.....	105
11.H.2 Limitations on Coverage.....	105
11.H.3 Definitions.....	105
11.H.4 Technology-Based Effluent Limits for Clearing, Grading, and Excavation Activities. .	106
11.H.5 Additional Technology-Based Effluent Limits.....	119
11.H.6 Additional SWPPP Requirements.....	121
11.H.7 Active Mining Additional Inspection Requirements.....	122
11.H.8 Sector-Specific Benchmarks.....	123
11.H.9 Termination of Permit Coverage.....	124
11. Subpart I – Sector I – Oil and Gas Extraction.....	125
11.I.1 Covered Storm Water Discharges.....	125
11.I.2 Limitations on Coverage.....	125
11.I.3 Additional Technology-Based Effluent Limits.....	126
11.I.4 Additional SWPPP Requirements.....	127
11.I.5 Additional Inspection Requirements.....	127
11. Subpart J – Sector J – Non-Metallic Mineral Mining and Dressing.....	128
11.J.1 Covered Storm Water Discharges.....	128
11.J.2 Limitations on Coverage.....	128
11.J.3 Definitions.....	128
11.J.4 Technology-Based Effluent Limits for Clearing, Grading, and Excavation Activities. .	130
11.J.5 Additional Technology-Based Effluent Limits.....	143
11.J.6 Additional SWPPP Requirements.....	144
11.J.7 Additional Inspection Requirements.....	146
11.J.8 Sector-Specific Benchmarks.....	146
11.J.9 Effluent Limitations Based on Effluent Limitations Guidelines.....	147
11.J.10 Termination of Permit Coverage.....	148

11. Subpart K – Sector K – Hazardous Waste Treatment, Storage, or Disposal Facilities. ...	149
11.K.1 Covered Storm Water Discharges.	149
11.K.2 Industrial Activities Covered by Sector K.	149
11.K.3 Limitations on Coverage.	149
11.K.4 Definitions.	149
11.K.5 Sector-Specific Benchmarks.	150
11.K.6 Effluent Limitations Based on Effluent Limitations Guidelines.....	151
11. Subpart L – Sector L – Landfills, Land Application Sites, and Open Dumps.....	153
11.L.1 Covered Storm Water Discharges.	153
11.L.2 Industrial Activities Covered by Sector L.	153
11.L.3 Limitations on Coverage.	153
11.L.4 Definitions.	153
11.L.5 Additional Technology-Based Effluent Limits.	154
11.L.6 Additional SWPPP Requirements.	155
11.L.7 Additional Inspection Requirements.	155
11.L.8 Additional Post-Authorization Documentation Requirements.....	155
11.L.9 Sector-Specific Benchmarks.	156
11.L.10 Effluent Limitations Based on Effluent Limitations Guidelines.....	156
11. Subpart M – Sector M – Automobile Salvage Yards.	158
11.M.1 Covered Storm Water Discharges.	158
11.M.2 Additional Technology-Based Effluent Limits.	158
11.M.3 Additional SWPPP Requirements.	159
11.M.4 Additional Inspection Requirements.	159
11.M.5 Sector-Specific Benchmarks.	160
11. Subpart N – Sector N – Scrap Recycling and Waste Recycling Facilities.	161
11.N.1 Covered Storm Water Discharges.	161
11.N.2 Limitation on Coverage.	161
11.N.3 Additional Technology-Based Effluent Limits.	161
11.N.4 Additional SWPPP Requirements.	166
11.N.5 Additional Inspection Requirements.	166
11.N.6 Sector-Specific Benchmarks.	166
11. Subpart O – Sector O – Steam Electric Generating Facilities.....	168
11.O.1 Covered Storm Water Discharges.	168
11.O.2 Industrial Activities Covered by Sector O.	168
11.O.3 Limitations on Coverage.	168
11.O.4 Additional Technology-Based Effluent Limits.	169
11.O.5 Additional SWPPP Requirements.	170

11.O.6 Additional Inspection Requirements.....	171
11.O.7 Sector-Specific Benchmarks	171
11.O.8 Effluent Limitations Based on Effluent Limitations Guidelines.....	171
11. Subpart P – Sector P – Land Transportation and Warehousing.....	172
11.P.1 Covered Storm Water Discharges.....	172
11.P.2 Limitation on Coverage.....	172
11.P.3 Additional Technology-Based Effluent Limits.....	172
11.P.4 Additional SWPPP Requirements.....	173
11.P.5 Additional Inspection Requirements.....	174
11. Subpart Q – Sector Q – Water Transportation.....	175
11.Q.1 Covered Storm Water Discharges.....	175
11.Q.2 Limitations on Coverage.....	175
11.Q.3 Additional Technology-Based Effluent Limits.....	175
11.Q.4 Additional SWPPP Requirements.....	177
11.Q.5 Additional Inspection Requirements.....	177
11.Q.6 Sector-Specific Benchmarks.....	177
11. Subpart R – Sector R – Ship and Boat Building and Repair Yards.....	179
11.R.1 Covered Storm Water Discharges.....	179
11.R.2 Limitations on Coverage.....	179
11.R.3 Additional Technology-Based Effluent Limits.....	179
11.R.4 Additional SWPPP Requirements.....	181
11.R.5 Additional Inspection Requirements.....	181
11. Subpart S – Sector S – Air Transportation.....	182
11.S.1 Covered Storm Water Discharges.....	182
11.S.2 Limitation on Coverage.....	182
11.S.3 Multiple Operators at Air Transportation Facilities	182
11.S.4 Additional Technology-Based Effluent Limits.....	184
11.S.5 Additional SWPPP Requirements.....	187
11.S.6 Additional Inspection Requirements.....	188
11.S.7 Sector-Specific Benchmarks.....	188
11.S.8 Sector-Specific Effluent Limitation Guideline.....	188
11.S.9 Technology Based – Effluent Limits for New Sources with At Least 1,000 Annual Non-Propellar Aircraft Departures.....	189
11. Subpart T – Sector T – Treatment Works.....	190
11.T.1 Covered Storm Water Discharges.....	190
11.T.2 Industrial Activities Covered by Sector T.....	190
11.T.3 Limitations on Coverage.....	190

11.T.4 Additional Technology-Based Effluent Limits.	190
11.T.5 Additional SWPPP Requirements.	191
11.T.6 Additional Inspection Requirements.	191
11. Subpart U – Sector U – Food and Kindred Products.	192
11.U.1 Covered Storm Water Discharges.	192
11.U.2 Limitations on Coverage.	192
11.U.3 Additional Technology-Based Limitations.	192
11.U.4 Additional SWPPP Requirements.	192
11.U.5 Additional Inspection Requirements.	192
11.U.6 Sector-Specific Benchmarks.	193
11. Subpart V – Sector V – Textile Mills, Apparel, and Other Fabric Products.	194
11.V.1 Covered Storm Water Discharges.	194
11.V.2 Limitations on Coverage.	194
11.V.3 Additional Technology-Based Limitations.	194
11.V.4 Additional SWPPP Requirements.	195
11.V.5 Additional Inspection Requirements.	195
11. Subpart W – Sector W – Furniture and Fixtures.	196
11.W.1 Covered Storm Water Discharges.	196
11.W.2 Additional SWPPP Requirements.	196
11. Subpart X – Sector X – Printing and Publishing.	197
11.X.1 Covered Storm Water Discharges.	197
11.X.2 Additional Technology-Based Effluent Limits.	197
11.X.3 Additional SWPPP Requirements.	198
11. Subpart Y – Sector Y – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.	199
11.Y.1 Covered Storm Water Discharges.	199
11.Y.2 Additional Technology-Based Effluent Limits.	199
11.Y.3 Additional SWPPP Requirements.	200
11.Y.4 Sector-Specific Benchmarks.	200
11. Subpart Z – Sector Z – Leather Tanning and Finishing.	201
11.Z.1 Covered Storm Water Discharges.	201
11.Z.2 Additional Technology-Based Effluent Limits.	201
11.Z.3 Additional SWPPP Requirements.	202
11. Subpart AA – Sector AA – Fabricated Metal Products.	203
11.AA.1 Covered Storm Water Discharges.	203
11.AA.2 Additional Technology-Based Effluent Limits.	203

11.AA.3 Additional SWPPP Requirements	204
11.AA.4 Additional Inspection Requirements	204
11.AA.5 Sector-Specific Benchmarks	205
11. Subpart AB – Sector AB — Transportation Equipment, Industrial or Commercial Machinery Facilities.....	206
11.AB.1 Covered Storm Water Discharges	206
11.AB.2 Additional SWPPP Requirements	206
11.AB.2.1 Drainage Area Site Map.....	206
11. Subpart AC– Sector AC –Electronic and Electrical Equipment and Components, Photographic and Optical Goods.	207
11.AC.1 Covered Storm Water Discharges	207
11.AC.2 Additional Requirements.....	207
11. Subpart AD – Sector AD – Discharges Designated by the Director as Requiring Permits.....	208
11.AD.1 Covered Discharges.....	208
11.AD.1.1 Eligibility for Permit Coverage.....	208
11.AD.3 Sector-Specific Benchmarks and Effluent Limits	208

List of Tables

Table: Schedule of Submissions	12
Table 1-1: Storm Water-Specific Effluent Limitations Guidelines	15
Table 2-1: NOI Submittal Deadlines/Discharge Authorization Dates.....	22
Table 4-1: Applicable Effluent Limitations Guidelines.....	32
Table 7-1: Required Monitoring for Effluent Limits Based on Effluent Limitations Guidelines	55
Table 11.A.6-1: Sector – Specific Benchmarks – Sector A.....	66
Table 11.B.2-1: Sector – Specific Benchmarks – Sector B	68
Table 11.C.3-1: Sector – Specific Benchmarks – Sector C	70
Table 11.D.3-1: Sector – Specific Benchmarks – Sector D.....	72
Table 11.E.4-1: Sector – Specific Benchmarks – Sector E.....	75
Table 11.E.5-1:Effluent Limitations Based on Effluent Limitations Guidelines	75
Table 11.F.5-1: Sector – Specific Benchmarks –Sector F	78
Table 11.G.8-1: Benchmark Monitoring for Active Copper Ore Mining and Dressing Facilities	99
Table 11.G.8-2: Benchmark Monitoring Requirements for Discharges from Waste Rock and Overburden Piles at Active Metal Mining Facilities	100
Table 11.G.8-3: Additional Monitoring Requirements for Discharges from Waste Rock and Overburden Piles.....	101

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	103
Table 11.H.8-1: Sector – Specific Benchmarks – Sector H.....	123
Table 11.J.8-1: Sector – Specific Benchmarks – Sector J	146
Table 11.J.9-1: Effluent Limitations Based on Effluent Limitations Guidelines	147
Table 11.K.5-1: Sector – Specific Benchmarks – Sector K.....	151
Table 11.K.6-1: Effluent Limitations Based on Effluent Limitations Guidelines.....	152
Table 11.L.9-1: Sector – Specific Benchmarks – Sector L.....	156
Table 11.L.10-1: Effluent Limitations Based on Effluent Limitations Guidelines	157
Table 11.M.5-1: Sector – Specific Benchmarks – Sector M	160
Table 11.N.6-1: Sector – Specific Benchmarks – Sector N.....	167
Table 11.O.7-1: Sector – Specific Benchmarks – Sector O.....	171
Table 11.O.8-1: Effluent Limitations Based on Effluent Limitations Guidelines	171
Table 11.Q.6-1: Sector – Specific Benchmarks – Sector Q.....	178
Table 11.S.7-1: Sector – Specific Benchmarks – Sector S	188
Table 11.S.8-1: Effluent Limitations Based on 40 CFR Part 449 BAT Limitations	189
Table 11.U.6-1: Sector – Specific Benchmarks – Sector U.....	193
Table 11.Y.4-1: Sector – Specific Benchmarks – Sector Y	200
Table 11.AA.5-1: Sector – Specific Benchmarks – Sector AA.....	205
Table E.1: Hardness Ranges to Be Used to Determine Benchmark Values for Cadmium, Copper, Lead, Nickel, Silver, and Zinc.	E-1

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> <tr> <th>Water Hardness Range</th><th>Lead (mg/L)</th><th>Zinc (mg/L)</th></tr> <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> </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
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																																				

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
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																																				

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:

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 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

TABLE OF CONTENTS

1.0	Standard Conditions Applicable to All Permits	A-1
1.1	Contact Information and Addresses	A-1
1.2	Duty to Comply	A-1
1.3	Duty to Reapply	A-2
1.4	Need to Halt or Reduce Activity Not a Defense	A-2
1.5	Duty to Mitigate	A-2
1.6	Proper Operation and Maintenance	A-2
1.7	Permit Actions	A-2
1.8	Property Rights	A-2
1.9	Duty to Provide Information	A-2
1.10	Inspection and Entry	A-3
1.11	Monitoring and Records	A-3
1.12	Signature Requirement and Penalties	A-4
1.13	Proprietary or Confidential Information	A-5
1.14	Oil and Hazardous Substance Liability	A-5
1.15	Cultural and Paleontological Resources	A-6
1.16	Fee	A-6
1.17	Other Legal Obligations	A-6
2.0	Special Reporting Obligations	A-6
2.1	Planned Changes	A-6
2.2	Anticipated Noncompliance	A-6
2.3	Transfers	A-7
2.4	Compliance Schedules	A-7
2.5	Corrective Information	A-7
2.6	Bypass of Treatment Facilities	A-7
2.7	Upset Conditions	A-8
2.8	Existing Manufacturing, Commercial, Mining, and Silvicultural Discharges	A-8
3.0	Monitoring, Recording, and Reporting Requirements	A-9
3.1	Representative Sampling	A-9
3.2	Reporting of Monitoring Results	A-9
3.3	Additional Monitoring by Permittee	A-9
3.4	Twenty-four Hour Reporting	A-9
3.5	Other Noncompliance Reporting	A-10
4.0	Penalties for Violations of Permit Conditions	A-10
4.1	Civil Action	A-10
4.2	Injunctive Relief	A-11
4.3	Criminal Action	A-11
4.4	Other Fines	A-11

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 Code ¹	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
A5	2499	Wood Products, Not Elsewhere Classified
	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

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



Alaska Department of Environmental Conservation

MSGP Annual Reporting Form

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

Section II. General Inspection Findings

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> </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													
	Yes	No	Yes	No	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?sPCODE=A02O))
E	Whale, humpback (Megaptera novaeangliae (/speciesProfile/profile/speciesProfile.action?sPCODE=A02O))
E	Whale, sperm (Physeter catodon (=macrocephalus) (/speciesProfile/profile/speciesProfile.action?sPCODE=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?sPCODE=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)

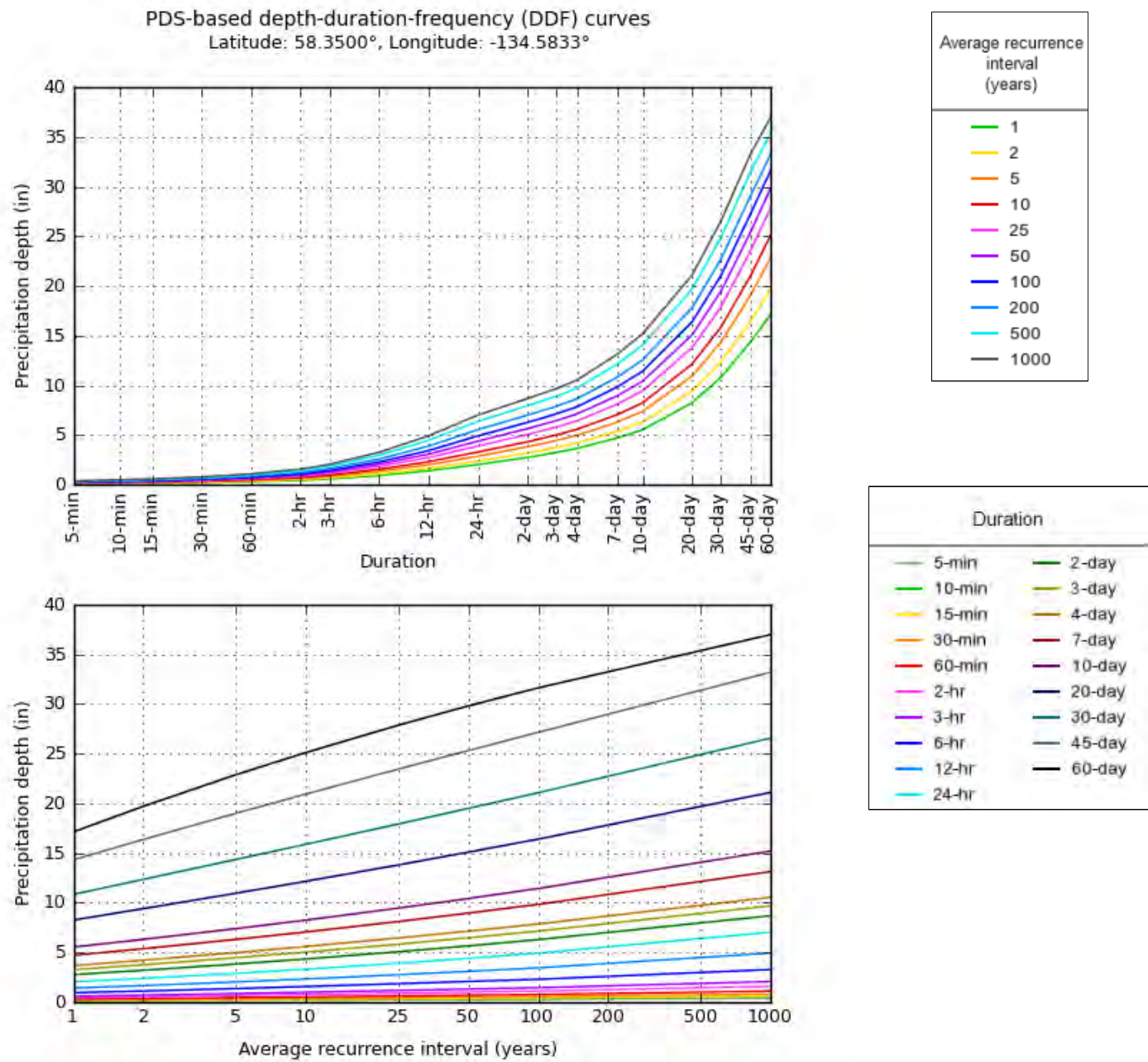
¹ Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS).

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](#)

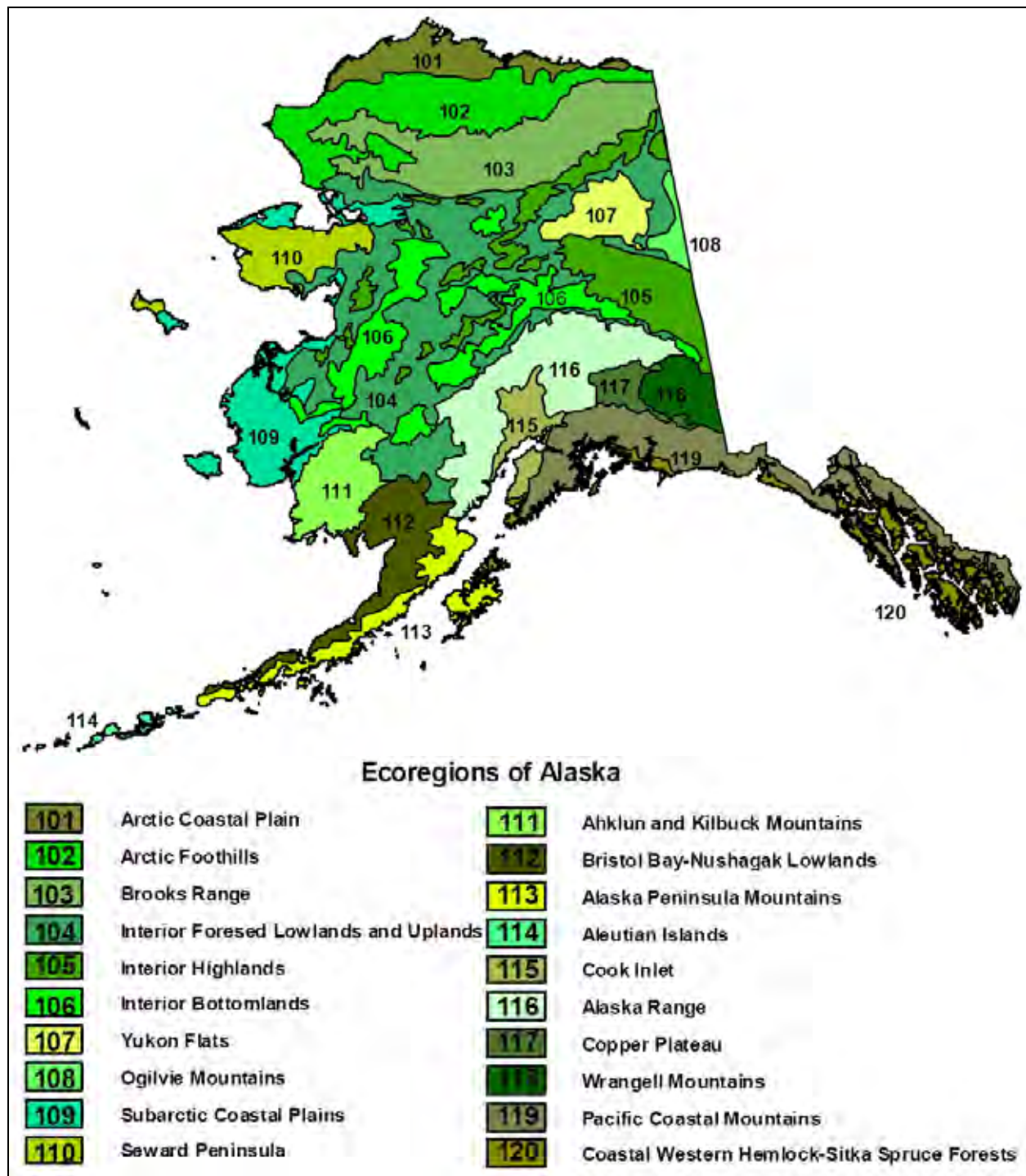


Figure 21. Ecoregions of Alaska, from Markon (2001).

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: _____

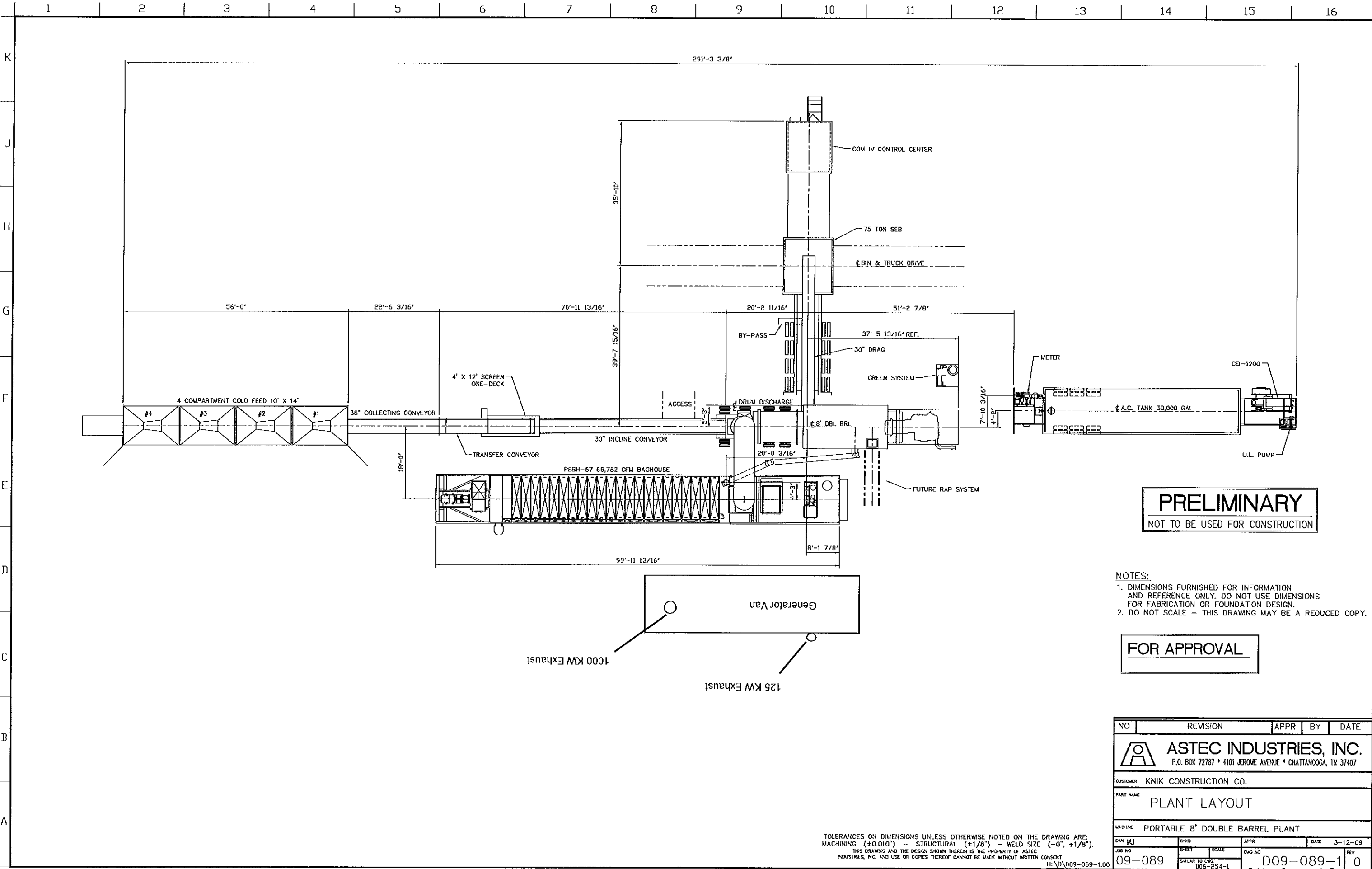
Notes: _____

Signature: _____

Review by: _____ Date: _____

Notes: _____

Signature: _____



PRELIMINARY
NOT TO BE USED FOR CONSTRUCTION

NOTES:
1. DIMENSIONS FURNISHED FOR INFORMATION AND REFERENCE ONLY. DO NOT USE DIMENSIONS FOR FABRICATION OR FOUNDATION DESIGN.
2. DO NOT SCALE - THIS DRAWING MAY BE A REDUCED COPY.

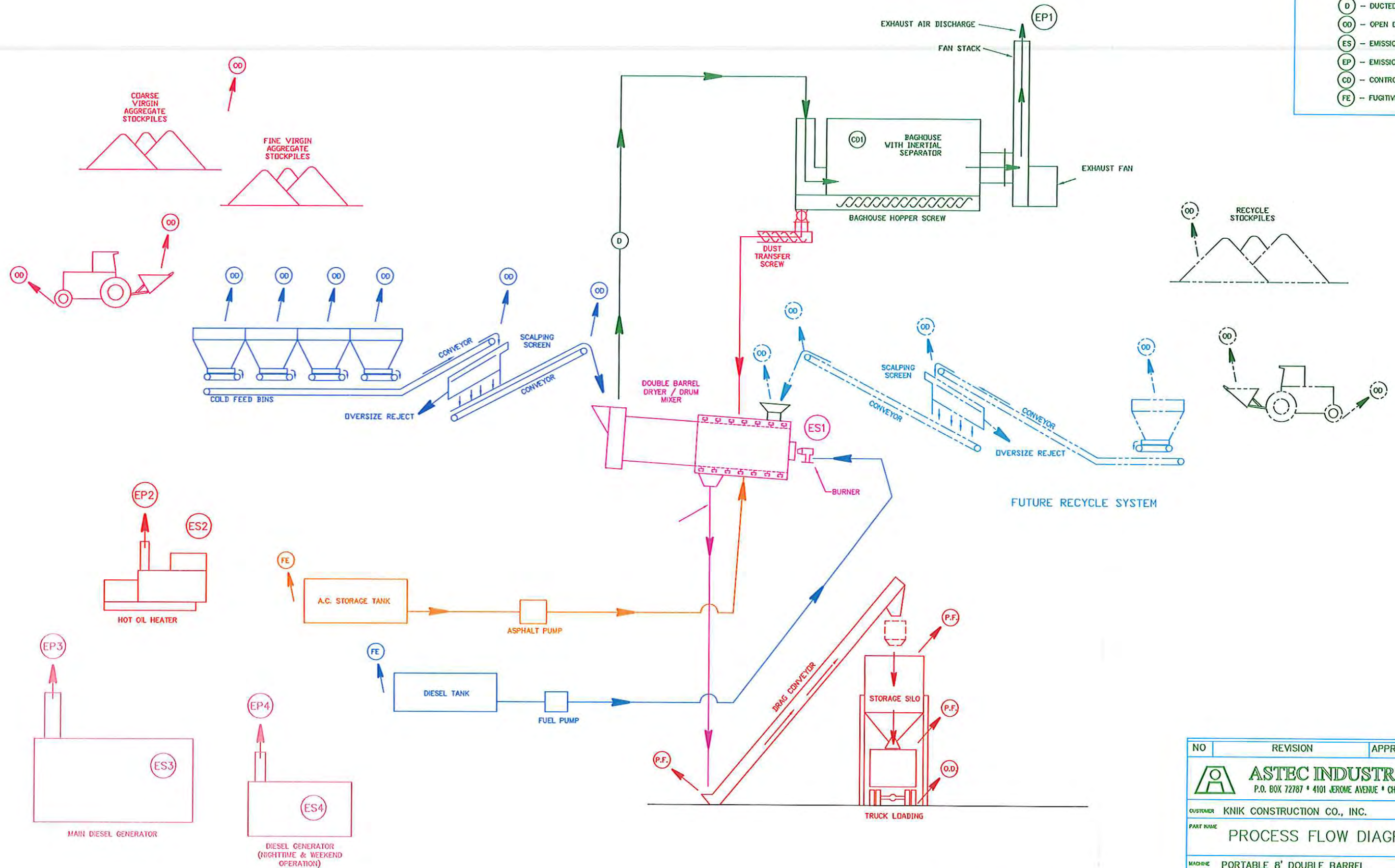
FOR APPROVAL

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/IDLINE PORTABLE 8' DOUBLE BARREL PLANT						
DWG NO		DWG	APPR	DATE		
JOB NO		SHEET	SCALE	DWG NO	REV	
09-089				D09-089-1	0	

TOLERANCES ON DIMENSIONS UNLESS OTHERWISE NOTED ON THE DRAWING ARE:
MACHINING (±0.010") - STRUCTURAL (±1/8") - WELD SIZE (-0", +1/8").
THIS DRAWING AND THE DESIGN SHOWN THEREON IS THE PROPERTY OF ASTEC INDUSTRIES, INC. AND USE OR COPIES THEREOF CANNOT BE MADE WITHOUT WRITTEN CONSENT.
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



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				
DWG	DWG	APPR	DATE	3/16/09
JOB NO	SHEET	SCALE	DWG NO	REV
09-089	SIMILAR TO DWG.		FD 0808	0

THIS DRAWING AND THE DESIGN SHOWN THEREIN IS THE PROPERTY OF ASTEC INDUSTRIES, INC. AND USE OR COPIES THEREOF CANNOT BE MADE WITHOUT WRITTEN CONSENT



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**

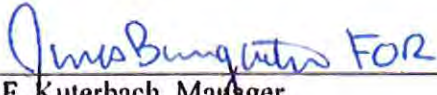
MINOR GENERAL PERMIT 3 FOR HOT-MIX ASPHALT PLANTS

PERMIT NO. AQ1439MG301 Revision 2

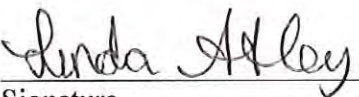
Final: April 1, 2015

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			

TABLE OF CONTENTS

1. Ambient Air Quality Protection.....	4
2. Relocation Reporting Requirements.....	4
3. General Recordkeeping.....	4
4. General Reporting.....	4
5. Visible Emissions.....	5
6. Particulate Matter Emissions from Asphalt Plants.....	7
7. Sulfur Compound Emissions.....	8
8. Pollution Control Equipment Breakdown.....	8
9. Excess Emissions and Permit Deviations.....	8
10. Air Pollution Prohibited.....	9
11. Non-Road Engines.....	9
12. Change of Ownership.....	9
13. Administrative Fees.....	9
14. Assessable Emissions & Emission Fees.....	9
15. Good Air Pollution Control Practice.....	9
16. Reasonable Precautions to Prevent Fugitive Dust.....	10
17. Equipment Changes.....	10
18. Terms to Make the Permit Enforceable.....	10
19. Source Testing Requirements.....	11
Assessable Emissions Calculations.....	Appendix A
Fugitive Dust Control Plan.....	Appendix B

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/sitc.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:

- 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;
- f. Keep a record of the baghouse inspections showing the following:

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

- 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.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

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.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

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.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

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 <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

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

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):

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

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

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

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%

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

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
	START END
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

Observer's Position

Observation Point

140°

Sun Location Line

Side View

Stack with Plume

Sun

Wind

Draw North Arrow

☐ TN ☐ MN

ADDITIONAL INFORMATION

OBSERVATION DATE		START TIME		END TIME	
------------------	--	------------	--	----------	--

MIN	SEC	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

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.*

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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).

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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).

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

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.

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**

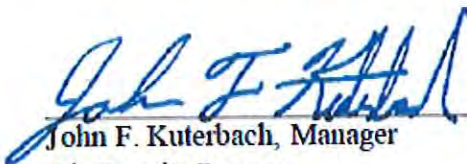
MINOR GENERAL PERMIT 3 FOR HOT-MIX ASPHALT PLANTS

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			

TABLE OF CONTENTS

1. Ambient Air Quality Protection.....	4
2. Relocation Reporting Requirements.....	4
3. General Recordkeeping.....	4
4. General Reporting.....	4
5. Visible Emissions.....	5
6. Particulate Matter Emissions from Asphalt Plants.....	7
7. Sulfur Compound Emissions.....	8
8. Pollution Control Equipment Breakdown.....	8
9. Excess Emissions and Permit Deviations.....	8
10. Air Pollution Prohibited.....	9
11. Non-Road Engines.....	9
12. Change of Ownership.....	9
13. Administrative Fees.....	9
14. Assessable Emissions & Emission Fees.....	9
15. Good Air Pollution Control Practice.....	9
16. Reasonable Precautions to Prevent Fugitive Dust.....	10
17. Equipment Changes.....	10
18. Terms to Make the Permit Enforceable.....	10
19. Source Testing Requirements.....	11
Assessable Emissions Calculations.....	Appendix A
Fugitive Dust Control Plan.....	Appendix B

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.

MG3 – Asphalt Plant Minor General Permit – Final Revision 1

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.

MG3 – Asphalt Plant Minor General Permit – Final Revision I

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:
- 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;

MG3 – Asphalt Plant Minor General Permit – Final Revision 1

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.

MG3 – Asphalt Plant Minor General Permit – Final Revision 1

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.

MG3 – Asphalt Plant Minor General Permit – Final Revision 1

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.

MG3 -- Asphalt Plant Minor General Permit -- Final Revision 1

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 I

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 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		



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) 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**

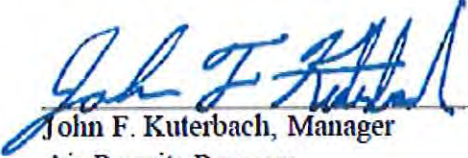
MINOR GENERAL PERMIT 3 FOR HOT-MIX ASPHALT PLANTS

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			

TABLE OF CONTENTS

1. Ambient Air Quality Protection.....	4
2. Relocation Reporting Requirements.....	4
3. General Recordkeeping.....	4
4. General Reporting.....	4
5. Visible Emissions.....	5
6. Particulate Matter Emissions from Asphalt Plants.....	7
7. Sulfur Compound Emissions.....	8
8. Pollution Control Equipment Breakdown.....	8
9. Excess Emissions and Permit Deviations.....	8
10. Air Pollution Prohibited.....	9
11. Non-Road Engines.....	9
12. Change of Ownership.....	9
13. Administrative Fees.....	9
14. Assessable Emissions & Emission Fees.....	9
15. Good Air Pollution Control Practice.....	9
16. Reasonable Precautions to Prevent Fugitive Dust.....	10
17. Equipment Changes.....	10
18. Terms to Make the Permit Enforceable.....	10
19. Source Testing Requirements.....	11
Assessable Emissions Calculations.....	Appendix A
Fugitive Dust Control Plan.....	Appendix B
<u>Required Forms</u>	
Relocation Notification Form.....	Form 1
Excess Emissions and Permit Deviation Report Form.....	Form 2
Emission Fee Estimate Report Form.....	Form 3
<u>Sample Forms*</u>	
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.

MG3 – Asphalt Plant Minor General Permit – Final Revision I

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.dcc.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:

- 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;

MG3 – Asphalt Plant Minor General Permit – Final Revision I

- 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.

MG3 – Asphalt Plant Minor General Permit – Final Revision I

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.

MG3 -- Asphalt Plant Minor General Permit -- Final Revision 1

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 baghouse²: 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 ULSDAsphalt 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 ☐ 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 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.

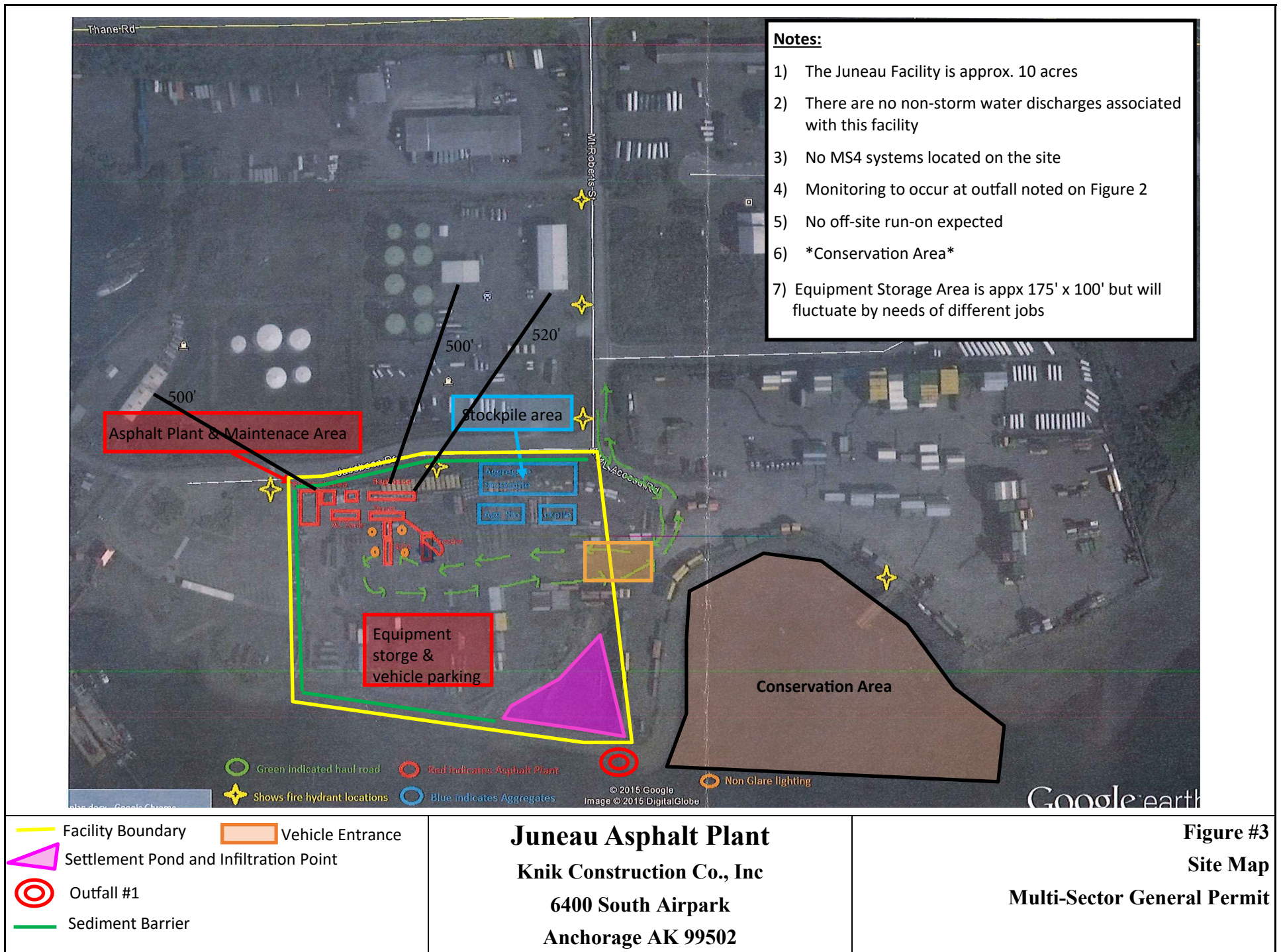
Stockpile details – Aggregate will be stockpiled on site; see the attached Site Plan for location of stockpiles. The aggregate will be either imported via barge direct to the AML facility or trucked in from a local Juneau material source. Front end loaders will be used to construct the stockpiles. No 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.



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.

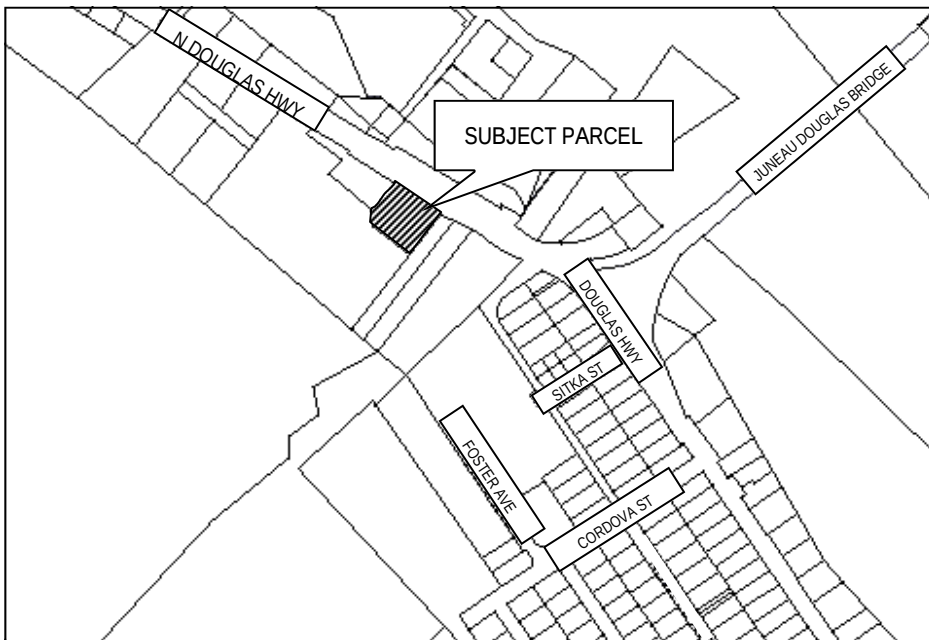
Assistant Contract Administrator

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 Variance request to the requirement for access on a publicly maintained right-of-way for a proposed minor subdivision. Proposed access is a private easement.

File No:	VAR2015 0030	Applicant:	Olmo, LLC.
To:	Adjacent Property Owners	Property PCN:	6-D06-0-101-004-0
Hearing Date:	February 23, 2016	Owner:	Olmo, LLC.
Hearing Time:	7:00 PM	Size:	0.753 Acres
Place:	Assembly Chambers	Zoned:	D-18
	Municipal Building	Site Address:	North Douglas Highway
	155 South Seward Street	Accessed Via:	North Douglas 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.

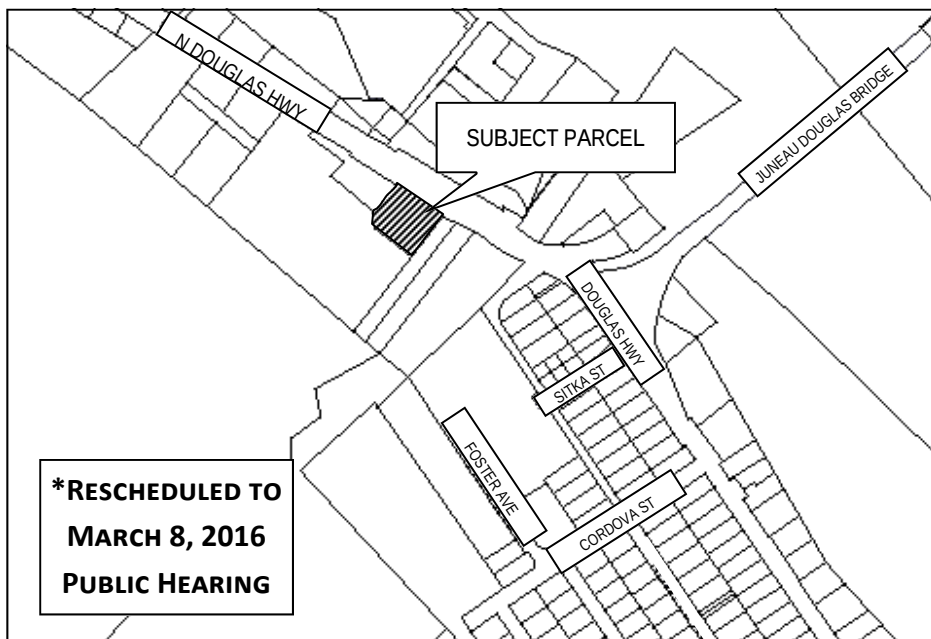
If you have questions, please contact Laura Boyce at Laura.Boyce@juneau.org or 586-0753.



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



NOTICE OF PUBLIC HEARING



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

SHIP TO:

***RESCHEDULED TO
MARCH 8, 2016
PUBLIC HEARING**



PROPOSAL: A Variance request to the requirement for access on a publicly maintained right-of-way for a proposed minor subdivision. Proposed access is a private easement.

File No:	VAR2015 0030	Applicant:	Olmo, LLC.
To:	Adjacent Property Owners	Property PCN:	6-D06-0-101-004-0
Hearing Date:	*March 8, 2016	Owner:	Olmo, LLC.
Hearing Time:	7:00 PM	Size:	0.753 Acres
Place:	Assembly Chambers	Zoned:	D-18
	Municipal Building	Site Address:	North Douglas Highway
	155 South Seward Street	Accessed Via:	North Douglas 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.

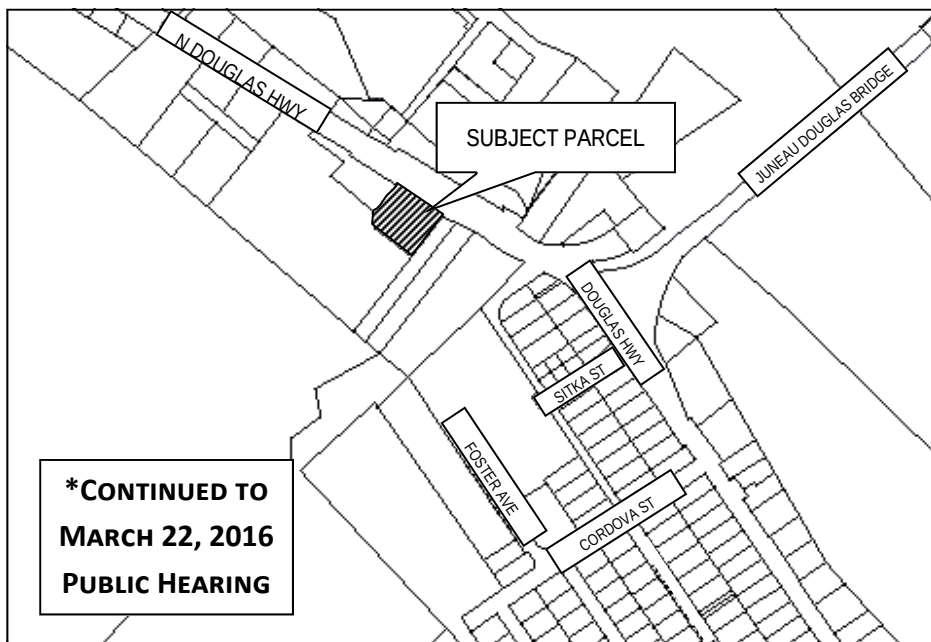
If you have questions, please contact Laura Boyce at Laura.Boyce@juneau.org or 586-0753.



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



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A Variance request to the requirement for access on a publicly maintained right-of-way for a proposed minor subdivision. Proposed access is a private easement.

File No:	VAR2015 0030	Applicant:	Olmo, LLC.
To:	Adjacent Property Owners	Property PCN:	6-D06-0-101-004-0
Hearing Date:	*March 22, 2016	Owner:	Olmo, LLC.
Hearing Time:	7:00 PM	Size:	0.753 Acres
Place:	Assembly Chambers	Zoned:	D-18
	Municipal Building	Site Address:	North Douglas Highway
	155 South Seward Street	Accessed Via:	North Douglas 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.

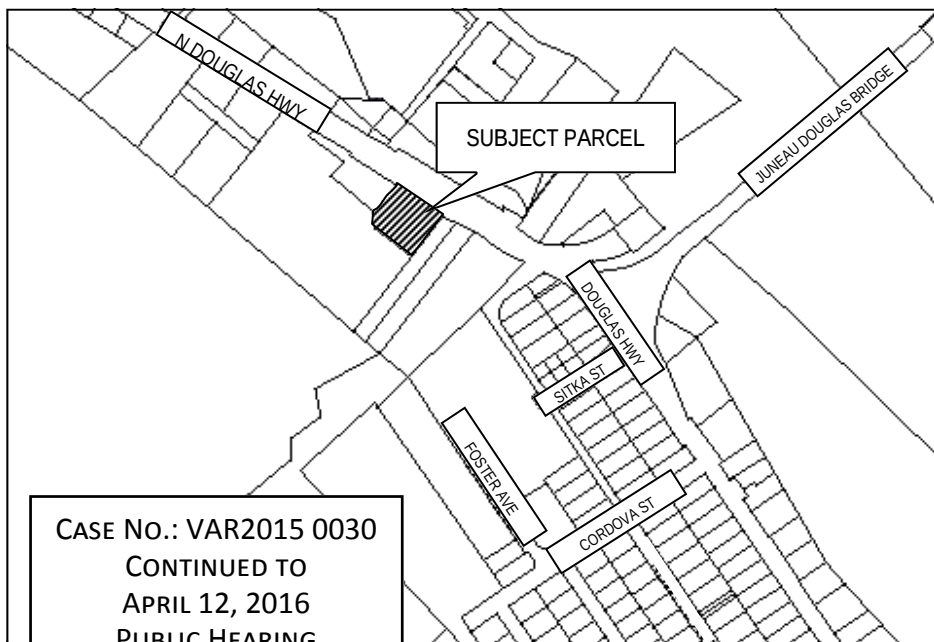
If you have questions, please contact Laura Boyce at Laura.Boyce@juneau.org or 586-0753.



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



NOTICE OF PUBLIC HEARING



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

SHIP TO:



CASE No.: VAR2015 0030
CONTINUED TO
APRIL 12, 2016
PUBLIC HEARING

PROPOSAL: A Variance request to the requirement for access on a publicly maintained right-of-way for a proposed minor subdivision. Proposed access is a private easement.

File No:	VAR2015 0030	Applicant:	Olmo, LLC.
To:	Adjacent Property Owners	Property PCN:	6-D06-0-101-004-0
Hearing Date:	*April 12, 2016	Owner:	Olmo, LLC.
Hearing Time:	7:00 PM	Size:	0.753 Acres
Place:	Assembly Chambers	Zoned:	D-18
	Municipal Building	Site Address:	North Douglas Highway
	155 South Seward Street	Accessed Via:	North Douglas 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 Laura Boyce at Laura.Boyce@juneau.org or 586-0753.



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: March 3, 2016

TO: Board of Adjustment

FROM: Laura A. Boyce, AICP, Senior Planner *Laura A Boyce*
Community Development Department

FILE NO.: VAR2015 0030

PROPOSAL: A Variance request to the requirement for direct access on a publicly maintained right-of-way for a proposed minor subdivision. Proposed access is a private driveway easement.

GENERAL INFORMATION

Applicant: Olmo, LLC.

Property Owner: Olmo, LLC.

Legal Description: USMS 569 Tract 2

Parcel Code No.: 6-D06-0-101-004-0

Site Size: 32,801 square feet (0.753 Acres)

Comprehensive Plan Future Land Use Designation: MDR (Medium Density Residential, 5 to 20 dwelling units/acre)

Zoning: D-18 (Multifamily, 18 dwelling units per acre)

Utilities: CBJ Water and Sewer

Access: North Douglas Highway via a private easement

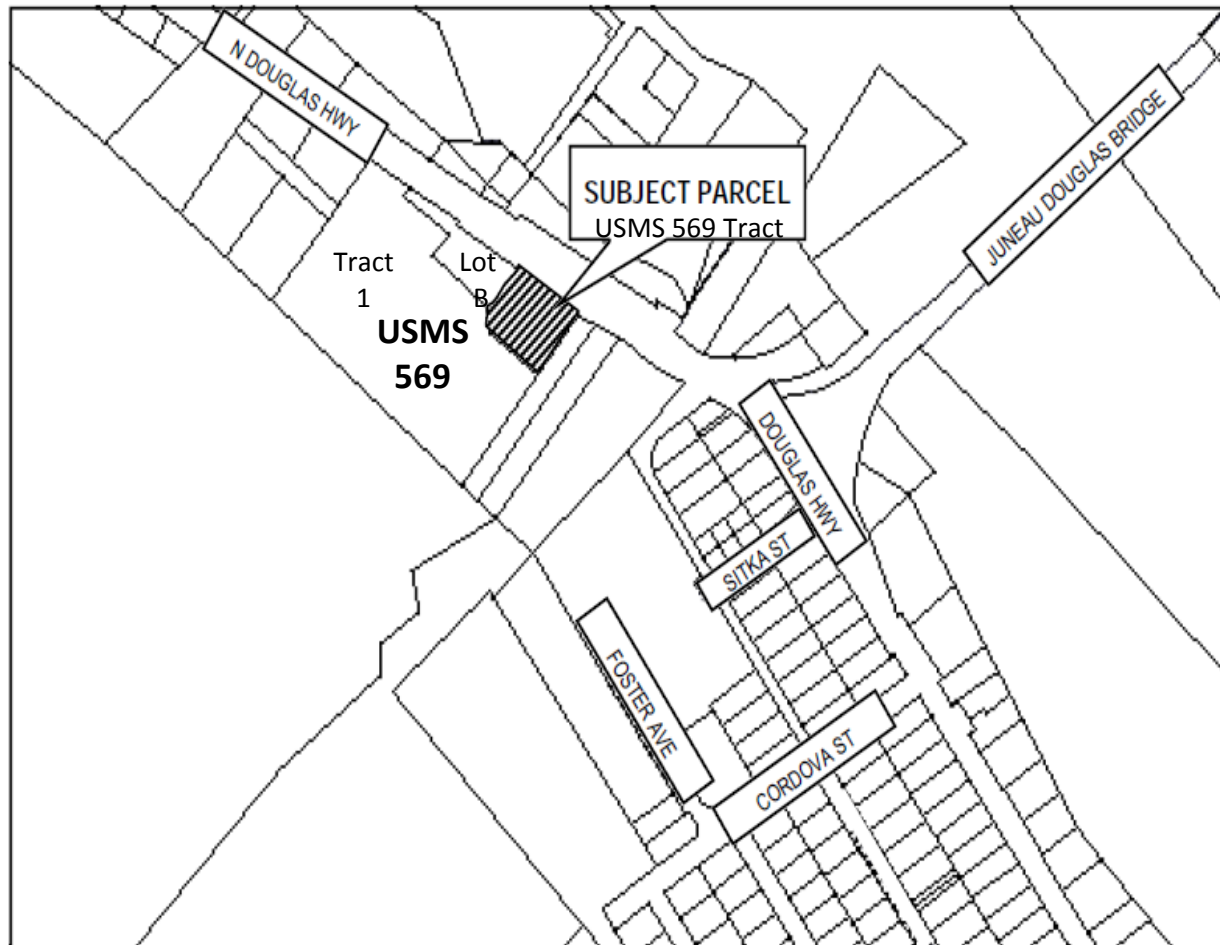
Existing Land Use: Vacant

Surrounding Land Use: North – (WI) North Douglas Highway, Trucano Bulk Fuel Facility
South – (D-18) Vacant

Board of Adjustment
File No.: VAR2015 0030
March 3, 2016
Page 2 of 14

East – (D-18) Bungalow, Vacant
West – (D-18) Single-family with apartment

Vicinity Map

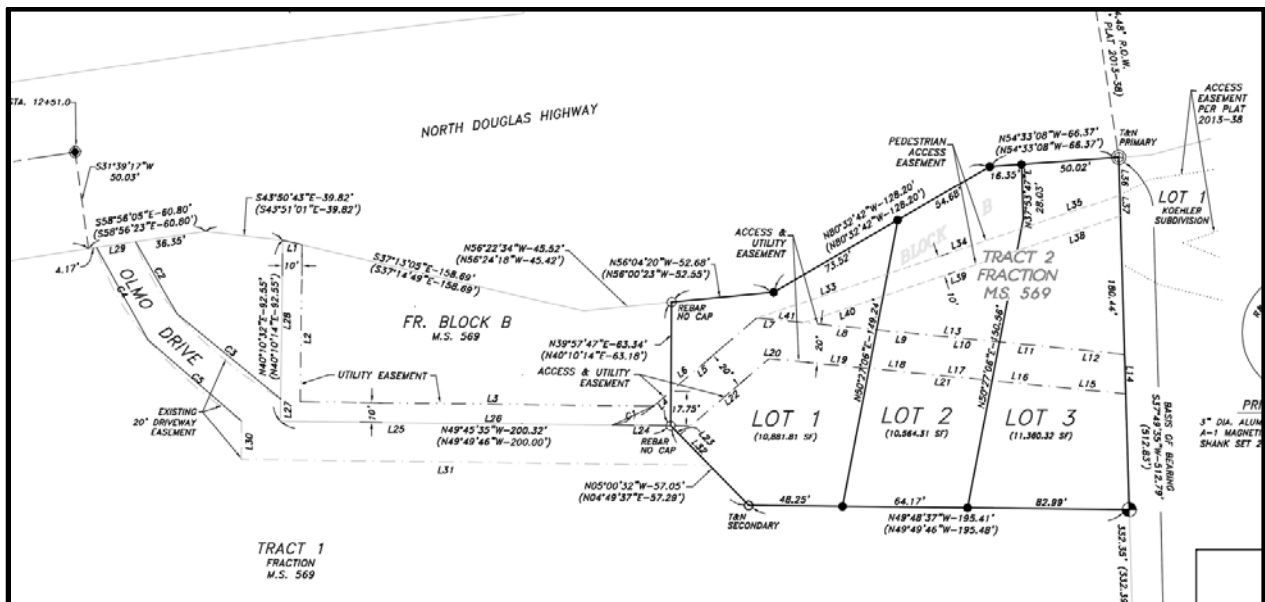


ATTACHMENTS

Attachment A	Application and Proposed Subdivision Plan
Attachment B	DOT&PF Driveway and Approach Permit
Attachment C	1982 Plat Waiver, Staff Report, and Planning Commission Minutes
Attachment D	Shared Access Memo to Assembly, Assembly COW Meeting Minutes
Attachment E	Review Comments

The applicant requests relief from the requirement for direct and practical access to a publicly maintained right-of-way for a proposed minor subdivision. The subject parcel has frontage on and abuts a maintained right-of-way, North Douglas Highway. The legal access to the property is currently through a 20 foot wide easement on an adjacent property. Title 49, the Land Use Code, requires that all lots have direct and practical access to a maintained street (CBJ 49.15.424).

This variance is in conjunction with a proposed three-lot subdivision that is intended by the applicant to result in six common wall lots. If the common wall units are constructed, the lots will need to be further subdivided as required by CBJ 49.65.720. The applicant proposes a total of six lots ranging in area of approximately 5,013 square feet to 5,869 square feet that meet the minimum lot standards for the D-18 zone district. None of the proposed lots will have direct access from North Douglas Highway. If the variance is approved, the subject property will have shared driveway access on an existing access easement through the two neighboring properties, as shown below; no new access is proposed as part of this subdivision request. The proposed lots and the driveway are designed so as to prevent back-out parking onto North Douglas Highway. The applicant has received a driveway permit from the Department of Transportation (ADOT&PF) (Attachment B).



Parcel creation history

The subject parcel, United States Mineral Survey (USMS) 569 Tract 2, was created in 1982 from

Board of Adjustment
File No.: VAR2015 0030
March 3, 2016
Page 4 of 14

the subdivision of USMS 569 into Tracts 1 and 2 by Platting Waiver (Platting Resolution No. W-16-82, Plat No. 82-56W). Subdivisions could only be approved through the platting waiver procedure if each resulting parcel or tract would have adequate access to a public highway or street and if no dedication of a street, alley, thoroughfare, park or other public area was needed for the subdivision (See Attachment C). North Douglas Highway was classified by the CBJ as an arterial street then, as it is now.

The development rules that applied at the time of the 1982 subdivision did not allow direct access from the subject parcel to North Douglas Highway, an arterial road. Staff recommended, and the Planning Commission approved, that access to the subject parcel should be through a shared 20' existing driveway easement on the remainder parcel, USMS 569 Tract 1. That easement also served – and still serves – USMS Lot B, another adjacent lot with frontage on North Douglas Highway that contains a single-family home with an accessory apartment. Staff's recommendation was *"...access to the proposed Tract 2, can be restricted to the existing driveway easement which services the existing lot and dwelling directly to the northwest. This will limit the number of access points to the highway and, if a public right-of-way is ever provided to develop the larger tract [Tract 1], these driveways could then tie in."* (Attachment C).

In August of 2015, the Assembly amended the subdivision sections of Title 49 and codified new street construction standards that continue to require direct and practical access. However, the Assembly explicitly left the direct and practical access provision, CBJ 49.15.424, under a design standard classification (for now) so it could be subject to a variance that was consistent with past practice (See Attachment D). The Assembly directed CDD to work on a subdivision amendment regarding new frontage and access standards because it did not want frontage and access to remain subject to variances. CDD has worked with the Subdivision Review Committee and Planning Commission Committee of the Whole and expects to present the proposed ordinance to the Planning Commission soon. As described in more detail below, this variance would not comply with the proposed ordinance because the proposed driveway – the subject of this variance request would serve more lots than the draft ordinance would allow. Thus, if this variance was approved, it could erode the distinction between a driveway and a street. The draft ordinance for shared driveway access allows shared driveways in the following instances only:

- when no more than three lots will share access,
- a minimum of a 20 foot wide gravel driveway would be in a 50 foot wide easement,
- would only apply for single-family zone districts, and
- other requirements.

This proposed variance for shared access is not consistent with the proposed ordinance for shared access. (See Attachment D for memo to the Assembly regarding shared access, as well as meeting minutes).

Board of Adjustment
File No.: VAR2015 0030
March 3, 2016
Page 5 of 14

Zoning history

At the time of lot creation in 1982, the 0.753 acre parcel was zoned RML (Low Density Multi-family) which allowed a maximum of 26 dwelling units on this parcel based on the lot area. The subject parcel has been vacant since it was created. When the Land Use Code was updated in 1987, the property was rezoned from RML (as described above) to D-3(T)D-18 (Residential, 3 dwelling units per acre transitioning to D-18, Multifamily 18 units per acre). This lowered the density of the subject parcel, as well as limited uses to a single-family home or a duplex until such time that city services, such as water and sewer, were extended to the property. In 2011, the property transitioned to the D-18 zone district because sewer was extended along North Douglas Highway. Since water service was already available to serve the properties, once sewer was extended, the properties were eligible to transition to the higher multifamily zone district (D-18).

Under the current D-18 zone district standards, the subject parcel could have a maximum of 14 dwelling units, twelve units less than what the 1982 zone district designation maximum allowed when this parcel was created. Page 14 of the Comprehensive Plan states the following: *"Land within the USAB [Urban Service Area Boundary] should be efficiently developed before its boundaries are extended to properties outside of the USAB. An efficient development would build to the maximum density allowed by the zoning district within which the property lies, provided that road and intersections serving the new development have adequate capacity and levels of service to accommodate the proposed intensity of development. Buildable lands should be developed as medium- to high-density affordable housing or mixed residential and commercial developments wherever possible and practicable. This is particularly true for lands located within walking distance (approximately one-quarter mile) of public transit service."*

Subdivision Design and Access

As stated by the applicant, the proposed subdivision is designed so that each lot abuts the right-of-way, direct access to each lot is not practical due to the steepness of the lot from North Douglas Highway and this variance is requested to deviate from the direct access requirement. The property itself is a flat bench above North Douglas Highway. The current access to the property is through the shared driveway that was approved by the plat waiver in 1982. The applicant has also secured an additional easement to cross the property to the south and is proposing a secondary pedestrian access to the properties through the adjacent property to North Douglas Highway.

It is the act of subdivision that triggers the need for access to a street. This property could be developed with 8 multifamily units with approval of a building permit, and the building permit review may require improvements to the existing driveway. Since the applicant is proposing six lots with three two-unit common wall structures that requires subdivision to create the fee-simple lots, that triggers the need for either direct access from each lot to a maintained right-of-way (North Douglas Highway) or for a street to be constructed and dedicated to serve the

Board of Adjustment
 File No.: VAR2015 0030
 March 3, 2016
 Page 6 of 14

seven lots (the proposed six lots, along with the existing lot (USMS Lot B) that shares the existing driveway).

The applicant could construct the same project – three two-unit buildings – without a subdivision. Direct access to a street would not be required because there would not be a subdivision. However, Engineering and Fire would need to determine if the existing driveway satisfied the access requirements for that type of use and development.

Previously Scheduled Public Hearings

Previously, three applications had been filed related to the proposed subdivision: a major subdivision application (SMF2015 0004) and two variance applications (VAR2015 0019 and VAR2015 0030). One variance (VAR2015 0019) was for relief from the requirement for resulting lots along an arterial to meet the D-1 zone district lot size standards (CBJ 49.35.210(b)). CDD intends to provide a supplement to this staff report addressing the application of CBJ 49.35.210(b).

Review Comments

CDD staff solicited review comments from CBJ departments. (See Attachment E). The Fire Department reviewed the proposal as submitted by the applicant. The applicant agrees to sprinkler each individual building. Because of this, there are no fire code issues with the proposal. The Streets and Fleet Division reviewed the proposal and have no issues with it. The General Engineering Division supports the proposed subdivision as designed. Ron King, CBJ Regulatory Surveyor, for CBJ Engineering provided the following comment: *“The access as eased for this subdivision is the only practical route for serving the development. Due to the slope of the embankment on Douglas Hwy there is no practical, direct route for access from the right-of-way as the gradient would be too steep and unacceptable.”* As stated previously, the Alaska Department of Transportation and Public Facilities had no comments about this proposal other than to require a driveway and approach permit, which has been approved for seven (7) lots. (See Attachment E).

ANALYSIS

The following Title 49, the Land Use Code, sections apply to all subdivisions generally, and are particularly germane to the proposed subdivision as designed:

CBJ 49.15.424 Access

(a) Principal access to the subdivision. Except as provided below, the department shall designate one right-of-way as principal access to the entire subdivision. Such access, if not already accepted for public maintenance, shall be improved to the applicable standards for public acceptance and maintenance. It shall be the responsibility of the subdivider to pay the cost of the right-of-way improvements.

...

Board of Adjustment
 File No.: VAR2015 0030
 March 3, 2016
 Page 7 of 14

(b) *Publicly maintained access within a subdivision.* Unless otherwise provided, all lots must either have direct and practical access to, and a minimum of 30 feet of frontage on, the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400. These requirements for frontage and access can be accomplished by:

- (1) Dedication of a new right-of-way with construction of the street to public standards. This street must connect to an existing publicly maintained street;
- (2) Use of an existing publicly maintained street;
- (3) Upgrading the roadway within an existing right-of-way to public street standards. This existing right-of-way must be connected to another publically maintained street; or
- (4) A combination of the above.

49.35.240 Table of Street Construction Standards

Avg. Daily Trips (ADT)	Adopted Traffic Impact Analysis Required	Sidewalks	Travel Way Width	Street Lights	ROW Width ⁱⁱ	Paved Roadway Required	Publicly Maintained
≥ 500	Yes	Both sides	26 ft.	At all intersections	60 ft.	Yes	Yes
212 to 499	Maybe	One side	24 ft.	At all intersections	60 ft.	Yes	Yes
0 to 211	No	Not required	22 ft.	At intersection of subdivision streets and external street system	60 ft.	Yes	Yes
0 to 211	No	Not required	20 ft. ⁱ	At intersection of subdivision streets and external street system	60 ft.	No, if outside the urban service area ⁱⁱⁱ	No

When the subject lot was created in 1982 by a plat waiver, planning staff at the time recommended that access not be allowed directly from the lot to North Douglas Highway. Instead, they proposed shared driveway access for the two lots through the parent parcel to North Douglas Highway in order to limit access points for safety reasons. The Planning Commission approved this in 1982 as proposed by staff.

The subject parcel is located approximately 30 feet above North Douglas Highway (see Attachment A). Access to the property directly from North Douglas Highway could be possible

Board of Adjustment
File No.: VAR2015 0030
March 3, 2016
Page 8 of 14

via a stairway or even a driveway. These options would require considerable money spent for construction and approval by ADOT&PF. However, ADOT&PF is limiting access to North Douglas Highway and is requiring shared driveways/access points when possible. Even if direct vehicular access to this project could be physically provided, ADOT&PF would likely not permit it for safety reasons.

Existing Access to the Property

As stated previously, when the subject parcel was created, staff recommended and the Planning Commission approved limiting access to the parcel from North Douglas Highway through a shared 20' driveway easement. This driveway easement is shared currently by three lots; the subject parcel is one of them and the larger tract is still undeveloped. It was envisioned that when the larger tract, Tract 1, was developed a street right-of-way could connect with the existing driveways such that the existing driveways would no longer directly connect to North Douglas Highway. This would be in keeping with limiting access to North Douglas Highway, an arterial roadway. When Tract 1 was rezoned to D-18 in 2009 (MAP2008-00004), a specific condition was in the Notice of Decision regarding access to North Douglas Highway: *"Access points for new development should be aggregated to the extent possible, and access roads should be spaced at least one quarter mile from adjacent access roads"*. The Traffic Impact Analysis that was completed prior to the rezone recommended that access points also be aggregated. Since the existing access to the subject parcel and Lot B are through easements on Tract 1, these three properties will have to coordinate combined access.

Access and Frontage Requirements

Basic subdivision design requires that all lots have direct access to a maintained street (CBJ 49.15.424). The primary purpose of road frontage is to guarantee vehicular access to each lot. Additionally, direct access to a public street provides for access to the property by emergency responders. Direct access to a public street can minimize easement disputes between neighbors. These requirements exist for public health, safety, and welfare purposes. The CBJ Land Use Code requires that all lots have frontage (front) on a maintained right-of-way. CBJ 49.80.120 defines frontage as *"that side of lot abutting a street; the front lot line."* Abut is also defined in Title 49 as *"to physically touch, border upon, or to share a common property line with."* As described earlier, consistent with the Assembly's direction upon considering Ordinance 2015-03, the forthcoming shared driveway access amendment is anticipated to describe when a shared driveway may be considered as a development option.

Title 49, the Land Use Code, limits access to minor arterials and arterial highways. North Douglas Highway is designated as a minor arterial roadway by CBJ, but it is a state-maintained road. Both the CBJ and ADOT&PF restrict access to North Douglas Highway for safety and efficient transportation purposes. Accordingly, no new access point is proposed with this subdivision. The development would use the existing access easement, which is consistent with the overarching safety and efficient transportation policies for roads like North Douglas

Board of Adjustment
File No.: VAR2015 0030
March 3, 2016
Page 9 of 14

Highway.

The applicant has obtained a driveway and approach permit from the Alaska Department of Transportation (ADOT&PF) (Attachment B). In 2011, ADOT&PF updated their functional classification maps and now classifies North Douglas Highway as a minor collector. This means that currently ADOT&PF and CBJ have classified North Douglas Highway differently. For CBJ land use decisions, we have to use the adopted Roadway Classification Map for this street which is classified as a minor arterial.

As stated above, CBJ commissioned a Traffic Impact Analysis (TIA) prior to evaluating several rezoning requests on North Douglas in 2009. The TIA Study Area evaluated potential future traffic impacts along the North Douglas Highway from the roundabout to just past Nelson Creek. The TIA notes future driveways and access roads will be subject to the ADOT&PF permitting process. However, the TIA recommends that access points for new developments should be aggregated to the extent possible, and access points should be spaced at least one quarter mile from adjacent access roads.

Page 190 of the 2013 Comprehensive Plan discusses the North Douglas Highway. The Plan states the highway is a two-lane, paved minor arterial roadway with no sidewalk, separated pedestrian pathway or bicycle lane that is operated and maintained by ADOT&PF. The Plan further notes the road serves as a local access residential street with over 500 private driveways accessing directly onto the road. This creates dangers to the local users and those passing through to recreational destinations. Any subdivision that does not create a public road will aggravate the existing safety problems. The solution for North Douglas is to plat and construct right-of-ways, which provide direct access to existing and future lots.

Variance Requirements

CBJ 49.20.250 governs variances. Under CBJ 49.20.250, an applicant must demonstrate hardship and practical difficulties resulting 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. The purpose and intent of Title 49 requirements are listed below.

Board of Adjustment
File No.: VAR2015 0030
March 3, 2016
Page 10 of 14

CBJ 49.05.100 Purpose and intent.

The several purposes of this title are:

- (1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and 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 residents, 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.*

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.***

If approved, the relaxation would give substantial relief to the applicant because a road would not have to be platted nor constructed to serve the proposed subdivision from North Douglas Highway. However, the relaxation would not be consistent with justice to other property owners in that new subdivisions are required to obtain direct and practical access on a dedicated right-of-way.

Relaxation to the requirement for direct physical access to a dedicated street would result in the applicant being able to use the existing access for vehicular access. The 20 foot wide driveway easement would serve as access to the subdivision rather than a street or another access point being constructed from the subject parcel to North Douglas Highway. This would enable the applicant to create fee-simple lots.

No, this is not 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.: VAR2015 0030
March 3, 2016
Page 11 of 14

As stated in CBJ 49.05.120, *Standards*, “The standards established by this title are declared to be the minimum required in the interest of public health, safety and general welfare.” Title 49 was recently amended regarding subdivision requirements, including reducing the requirements for public streets. Those changes went into effect September 30, 2015. The narrowest roadway approved to serve subdivisions within the Urban Service Area, which this property is located within, is a minimum of a 22’ foot wide paved roadway within a 60 foot right-of-way. This type of road can serve up to 211 average daily trips (ADT), or approximately 13 single-family lots. The applicant proposes to use the existing gravel private driveway located within a 20 foot wide easement with grades at 14% to serve the proposed six-lot subdivision. The minimum roadway allowed by Code is a privately maintained right-of-way located in a public right-of-way which is only allowed outside of the Urban Service Area as it is a rural type of road. It is a minimum of 20 foot wide gravel road, or the minimum as determined by the International Fire Code (IFC), and located within a 60 foot wide public right-of-way. All owners of lots along the privately maintained road are required to maintain the street. These street types were determined to be the minimum public safety and welfare standards for subdivision development. This project does not meet those standards.

The existing driveway easement width of 20 feet does not meet IFC requirements because 20 feet of driveway (travel way) cannot fit within the easement. The Fire Department is requiring that each dwelling unit have sprinklers installed and that a fire hydrant be installed to serve the development. Because the buildings will be sprinklered, an emergency vehicle turnaround is not required although there is area enough for turnaround in the proposed design. The grade of the driveway will not exceed 14%. Fifteen percent grade is the maximum allowed by Title 49 (CBJ 49.15.423).

The applicant also proposes a pedestrian access through the subdivision and through the neighboring parcel to the south. This would provide a secondary means of access for residents. ADOT&PF limits the amount of vehicular accesses onto North Douglas Highway and supports the shared access.

The Comprehensive Plan, as discussed previously, discusses limiting access points to North Douglas Highway for safety purposes as well. However, if the shared driveway is not maintained in the winter, exiting vehicles from the subdivision may slide into cars in the shared access or into North Douglas Highway, which present substantial safety hazards. By limiting the maximum number of vehicle trips along the driveway, there are fewer chances for safety issues to occur.

No, this is not met.

3. That the authorization of the Variance will not injure nearby property.

Board of Adjustment
File No.: VAR2015 0030
March 3, 2016
Page 12 of 14

The requested variance would allow for the lot to be subdivided into six lots, as proposed by the applicant. Since the lot is already zoned D-18, as many as 14 multifamily dwelling units could be developed on the property without subdividing, although nine or more units would require a conditional use permit. Up to eight multifamily units could be built with a building permit approval. Multifamily development does not require dedication and construction of a street and the existing driveway could serve the development. However, the existing driveway may need to be improved if a multifamily development was proposed. Additionally, a multifamily development would likely result in a substantial increase of traffic along the existing driveway, which would likely cause increased noise, dust, and road maintenance. Because of the existing development potential on the property that could use the driveway, staff finds that approval of this variance would not likely injure nearby property.

Yes, this is met.

4. *That the Variance does not authorize uses not allowed in the district involved.*

This variance request does not authorize uses not allowed in the district. The proposed common wall dwelling units are uses allowed in the D-18 zone district, a multifamily district (CBJ 49.25.300, Line 1.900, *Common Wall Development*).

Yes, this is met.

This element will be addressed in the supplemental staff report.

5. *That compliance with the existing standards would:*

(A) *Unreasonably prevent the owner from using the property for a permissible principal use;*

The property can be developed without subdivision of the land. A single family residence can be constructed. A maximum of 14 multifamily units could also be constructed on the property with approval of a Conditional Use permit (CUP). Up to eight multifamily units may be constructed with approval of only a building permit. Multifamily developments do not trigger the need for direct physical access to a dedicated street for development to occur like a subdivision does. The applicant is proposing six lots with a common wall dwelling unit on each lot. The applicant could also develop the property as proposed, with three two-unit buildings, but not subdivide the property.

No, this is not met.

Board of Adjustment
 File No.: VAR2015 0030
 March 3, 2016
 Page 13 of 14

- (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;***

Larger tracts of land in the area were transitioned from the D-3 zone district to the D-18 zone district in 2009. Other smaller properties, such as the subject property, followed in 2011. The Comprehensive Plan designation of this area is Medium Density Residential (MDR) providing for densities between 5 and 20 units per acre. Development such as what is proposed has not yet occurred in the immediate area. The Hemlock Hills subdivision (3915 North Douglas Highway) is the closest development similar in density. However, subdivision does not need to occur for development to happen on this property. As noted above, up to eight multifamily units may be constructed with building permit approval.

No, this is not met.

- (C) *Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;***

Direct access to the property is limited due to the existing topography of the lot making construction of a street directly from the lot to North Douglas Highway expensive. Access is proposed through a shared driveway on the adjacent parcels that have less topographical constraints. However, other smaller subdivisions have had to comply with the street standard requirements.

No, this is not 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 existing access to the lot is legally nonconforming in that in 1982 the Planning Commission approved the current lot with frontage on a right-of-way, but indirect access to the publicly maintained right-of-way is through a shared easement on a neighboring property. The grant of the variance would result in a net decrease in overall compliance with Title 49 in that the applicant is proposing up to six lots that would not meet the requirement for direct and practical access to a publically maintained right-of-way.

Board of Adjustment
File No.: VAR2015 0030
March 3, 2016
Page 14 of 14

No, this is not met.

No, Criterion 5 is not met.

6. *That a grant of the Variance would result in more benefits than detriments to the neighborhood.*

The grant of this variance could cause a detriment to adjacent property owners or their successors because this development could increase the use of the existing substandard access that is located on two adjacent parcels. Additionally, the increased development may result in detriments to users of North Douglas Highway because the existing access may cause traffic impacts on North Douglas Highway.

No, this 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 request.

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 upon the above analysis, the proposed variance, does not meet the criteria, Grounds for Variances. Specifically, criteria 1, 2, 5, and 6 are not met.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** the requested Variance, VAR2015 0030.

ATTACHMENT A - APPLICATION VARIANCE APPLICATION

Packet Page 707 of 987

Project Number	Project Name (15 characters)	Case Number	Date Received
----------------	------------------------------	-------------	---------------

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:

The proposed OLMO subdivision would require direct and practical access to a public right-of-way per CBJ 49.15.424.

The landowner requests a variance to the public access requirements before applying to subdivide.

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): _____

The proposed subdivision is west of the North Douglas Highway. A natural bench in the hillside is proposed as the site for building three common-wall dwellings. Access to the existing lot is provided by an existing easement which has been in use for 34 years.

Direct access to the highway is not possible due to topographical constraints. See attached letter for explanation justifying this variance request.

UTILITIES AVAILABLE: **WATER:** ☒ Public ☐ On Site **SEWER:** ☒ Public ☐ On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?

Direct and practical access to a public ROW are design requirements for a subdivision, regardless of landownership.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

The landowner would be unable to proceed with a minor subdivision. Financial hardships would result if the land cannot be developed.

Constructing a public street to the lots is not financially feasible, and the street would have to pass through an adjacent lot that the developer does not own.

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 style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="5" style="text-align: left; padding: 5px;">VARIANCE FEES</th> </tr> <tr> <th style="width: 40%;"></th> <th style="width: 15%;">Fees</th> <th style="width: 15%;">Check No.</th> <th style="width: 15%;">Receipt</th> <th style="width: 15%;">Date</th> </tr> <tr> <td style="padding: 5px;">Application Fees</td> <td style="padding: 5px;">\$ _____</td> <td style="padding: 5px;">_____</td> <td style="padding: 5px;">_____</td> <td style="padding: 5px;">_____</td> </tr> <tr> <td style="padding: 5px;">Adjustment</td> <td style="padding: 5px;">\$ _____</td> <td style="padding: 5px;">_____</td> <td style="padding: 5px;">_____</td> <td style="padding: 5px;">_____</td> </tr> <tr> <td style="padding: 5px;">Total Fee</td> <td style="padding: 5px;">\$ _____</td> <td style="padding: 5px;">_____</td> <td style="padding: 5px;">_____</td> <td style="padding: 5px;">_____</td> </tr> </table>	VARIANCE FEES						Fees	Check No.	Receipt	Date	Application Fees	\$ _____	_____	_____	_____	Adjustment	\$ _____	_____	_____	_____	Total Fee	\$ _____	_____	_____	_____
VARIANCE FEES																										
	Fees	Check No.	Receipt	Date																						
Application Fees	\$ _____	_____	_____	_____																						
Adjustment	\$ _____	_____	_____	_____																						
Total Fee	\$ _____	_____	_____	_____																						

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

R&M ENGINEERING, INC.
ENGINEERS
GEOLOGISTS
SURVEYORS

6205 GLACIER HWY. «» JUNEAU, ALASKA 99801
PHONE: 907-780-6060 «» FAX: 907-780-4611
EMAIL: rmengineering@rmjuneau.com

January 28, 2016

City and Borough of Juneau
155 South Seward Street
Juneau, Alaska 99801

Sent VIA Email

Attn: Ms. Laura Boyce
CBJ CCD Senior Planner

Re: OLMO Subdivision
Request for Variance to the Practical Access to a Public Right of Way
R&M Project No. 141740

Dear Ms. Boyce,

On behalf of OLMO LLC (property owner and developer), R&M Engineering, Inc. (R&M), has prepared a CBJ variance application for the project access to the development. This letter provides background and an explanation for a variance request by OLMO LLC for the minor subdivision to create six (6) common wall lots on Tract 2, Fraction U.S.M.S. 569.

Background:

OLMO LLC and R&M have shared correspondence with CBJ for more than a year regarding the development of Tract 2, Fraction U.S.M.S. 569. Two preliminary plat meetings have been held to discuss the development of the said lot into six common-wall lots. It was agreed at these meetings and in staff's planning commission packet, dated July 1st, 2015, that an existing access easement could be extended to provide access to each lot. In the time since correspondence began with CBJ, a lot of time and money has been invested into the project for permits, utility design and utility construction. A driveway and utility permit was obtained from the State of Alaska D.O.T. for the project. Water and sanitary sewer connections were approved by D.O.T. and CBJ and installed by the developer in the Fall of 2014. During the CBJ plan review of the project the Fire Marshal ruled that there was inadequate fire apparatus turn around room so the developer offered to sprinkler each dwelling unit to provide fire protection. This was acceptable to the CBJ Fire Marshal.

The subdivision was scheduled for the July 14th, 2015 CBJ Planning Commission meeting. Four days before the meeting, we were informed that the CBJ legal department had issues with the access to the subdivision. OLMO Subdivision was removed from the agenda on July 13th. A written explanation of the decision to pull the project was received from CBJ on July 20th. Two sections of the CBJ Land Use Code were cited in the explanation:

CBJ 49.14.460(5)(D) – Design:

The department shall designate one right-of-way as principal access to the entire subdivision. Such access, if not already accepted for public maintenance, shall be improved to the applicable standards for public acceptance and maintenance.

CBJ 49.40.120 – Streets:

Each lot shall abut and be physically accessible from a dedicated street.

This variance application requests that North Douglas Highway be accepted as the principal access to the entire subdivision via an existing access easement to Tract 2, Fraction U.S.M.S. 569 which has been in use for 34 years. If the developer is required to construct a street as CBJ has suggested, than this project as proposed will no longer be feasible due to the increased costs; the permitting and utility work done to date will be a loss. The applicant asks for fair consideration of this variance and suggests that approval will be in the best interest of the community in providing much needed housing. We believe that the existing privately-maintained driveway that exists with a private easement was created with the very intention of providing direct and practical access to North Douglas Highway, and would be the best solution for providing direct and practical access to each lot in the proposed subdivision.

Variance Criteria:

The following discussion summarizes how this variance meets each of the six criteria established by the City and Borough of Juneau.

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.*

Response: Yes. Previous variances have been approved for using private driveway easements to access lots in subdivisions. In a letter dated July 23rd, 2015 from Laura Boyce, AICP, to the Assembly Committee of the Whole, eleven projects are cited that have common access easements. In all cases, the easements were considered safe and practical access to the lots.

The safest and most practical access to the lots in OLMO subdivision is by the existing access easement. The topography of the site simply does not allow more direct and practical access to the lots. CBJ 49.15.460(3) states that 'Consideration shall be given to design limitations imposed and opportunities presented by slopes, waterways and other topographic features.' By relaxing the code interpretation that requires a public street to each lot, the project can move forward as planned without severe delays and undue financial hardship to the developer.

Furthermore, it is not considered practical to build a new public access when an adequate driveway already exists. If the variance is not approved, the minor subdivision will not occur, resulting in reduced market value of the property for the landowner and lower property assessments that affect CBJ's tax revenues.

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.*
- **Response:** Yes. It is safest to minimize the number of driveways accessing North Douglas Highway. The existing driveway would provide access to all six lots with one

entry point on the highway, making it the most safe and practical option. As a private driveway, it will not be used by the public and so cannot affect public safety.

3. *The authorization of the variance will not injure nearby property.*

Response: Yes. The proposed variance will not adversely affect adjacent property. The 20'-wide shared driveway is large enough to allow passing of vehicles and widening of the driveway approach to North Douglas Highway will increase the safety of the existing access. Since the existing easement passes through the neighboring parcel, dedicating right-of-way and building a public street could not be done without purchasing land from the neighboring landowner. This purchase would be an unnecessary burden to the developer when an existing driveway is already constructed and in use.

4. *The variance does not authorize uses not allowed in the district involved.*

Response: Yes. The access easement would be considered acceptable if the same property was used to build 16 condo units; it is only the act of subdividing that gives rise to the publically maintained street requirements. So it would not be outside the allowable use for the area. CBJ is already requiring that a joint use and maintenance agreement be made part of OLMO Subdivision for the access easement. A dedicated street is a financial burden to CBJ whereas a driveway would be maintained jointly by the property owners. The owners and developer of the OLMO subdivision should not be held financially responsible for constructing a street across someone else's land when a practical access easement already exists to serve the same purpose. Consideration should be given to the size of the development when determining the appropriate size of the access.

5. *Compliance with the existing standards would:*

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, title 49, or the building code, title 19, or both.*

Response: Yes. An access easement was created in 1982 to serve Tract 2 due to the site topography. Now that there is a proposal to subdivide Tract 2, we find that the same access easement is the safest and most practical way to reach the lots in this proposal.

6. *A grant of the variance would result in more benefits than detriments to the neighborhood.*

Response: Yes. The proposed variance will allow for development of Tract 2 with an access road proportional to the subdivision's size. The road improvements required by the D.O.T. driveway permit will make it safer for all vehicles on the highway which would be a benefit to the neighborhood.

Additional Comments:

In the written explanation from CBJ citing the reasons for requiring a street, 'the lots are not *directly* accessed from the dedicated street' (North Douglas Highway being the nearest street). Nowhere in the two code sections referenced in the explanation appears the word 'direct'. Direct access is only required per CBJ 49.15.460(4)(A) when compliance with minimum dimensional standards is impractical. OLMO Subdivision meets all of the dimensional standards for D-18 zoning.

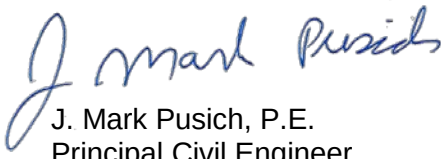
Each lot abuts North Douglas Highway with at least 30' of lot frontage and physical access is obtained with the access easement, so the requirements of CBJ 49.40.120 as cited above are met.

Conclusion:

The proposed variance requests that the requirements of CBJ 49.15.460(5)(D) be relaxed to allow for use of a shared access easement rather than a dedicated street. Six total lots will be subdivided from Tract 2 and we ask that the shared access easement be considered acceptable for all six lots at the time of preliminary plat approval. If the variance is not granted, the construction of an alternative public access constructed to CBJ Street Standards will not occur because it is neither practicable or desirable. We believe that the approval of the variance, which would allow the existing access easement to provide access to the subdivision, follows the intent and purpose of the CBJ regulations by making development more affordable while maintaining public safety.

We appreciate your time in reviewing this variance application request and should you have any questions, please do not hesitate to contact me at your convenience.

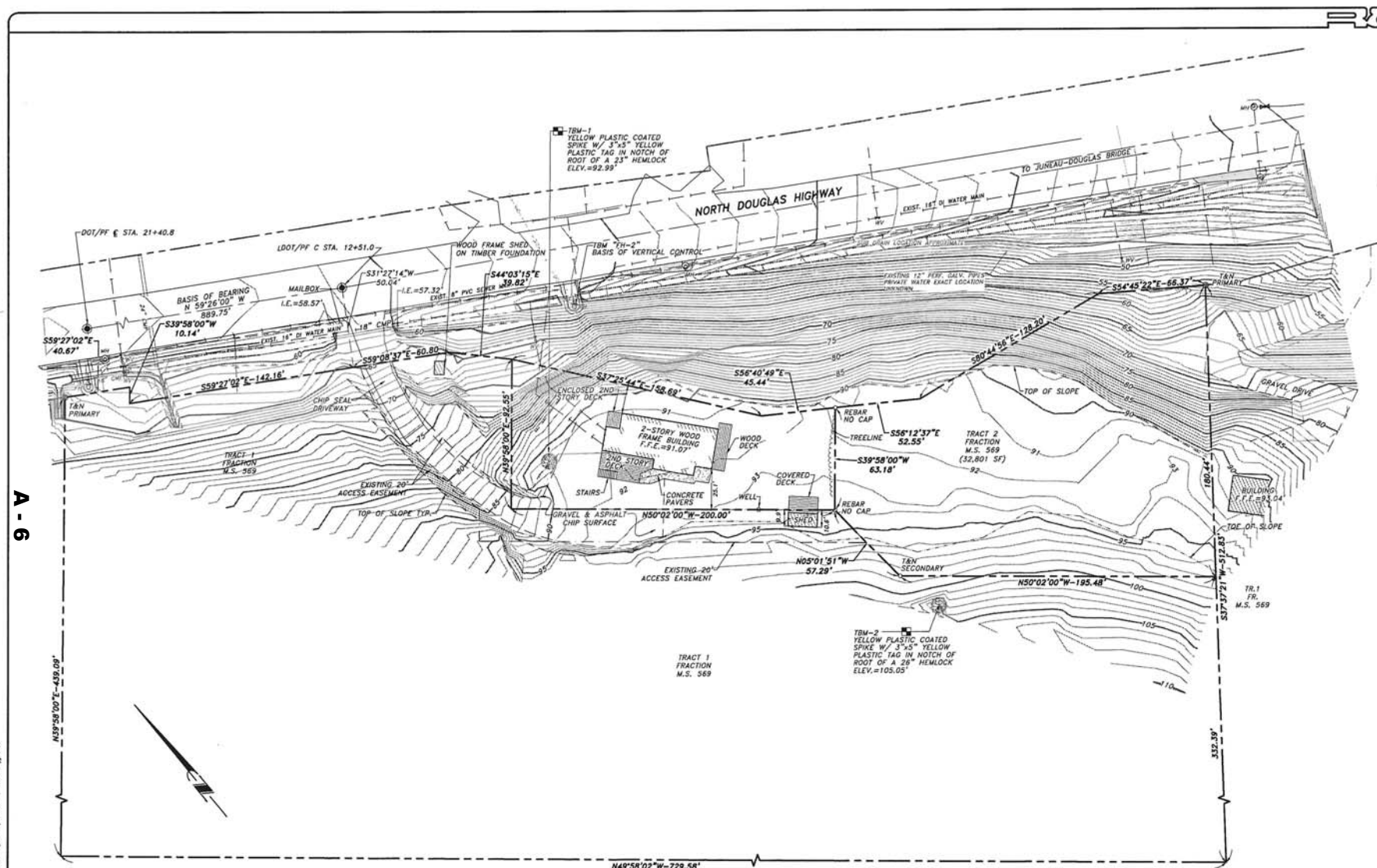
Sincerely,
R&M Engineering, Inc.



J. Mark Pusich, P.E.
Principal Civil Engineer

cc: Haifa Sadighi

I:\2014\141740\Variance\2016 Variance\Variance Letter - OLMO Subdivision, 1-27-2016.doc



GENERAL NOTES

1. THE BASIS OF BEARING FOR THIS SURVEY IS THE RECORD BEARING OF N37°49'35"E BETWEEN THE NORTHEAST CORNER OF TRACT 2 AND THE SOUTHEAST CORNER OF TRACT 1, WITHIN U.S.M.S. 569, PER PLAT 82-56W.
2. THE BASIS OF COORDINATES FOR THIS SURVEY IS THE RECOVERED TONER NORDLING PRIMARY MONUMENT AT THE NORTHEAST CORNER OF TRACT 1, M.S. 569.
3. RECORD INFORMATION DENOTED BY THIS PLAT WAS DERIVED FROM PLAT NO. 82-56W, ON FILE IN THE JUNEAU RECORDING DISTRICT OFFICE.
4. ALL BEARINGS SHOWN ARE WITH REFERENCE TO THE BASIS OF BEARING. ALL DISTANCES DENOTED HAVE BEEN REDUCED TO HORIZONTAL DISTANCES.
5. THIS SURVEY WAS CONDUCTED UTILIZING A TOPCON 3000 SERIES TOTAL STATION AND STANDARD PRISM RANGING METHODS, ON MAY 6 & 7, 2014.
6. PUBLIC WATER AND SANITARY SEWER DISPOSAL IS PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES, TO TRACT 2, FRACTION M.S. 569.

CORPORATE OWNERSHIP CERTIFICATE

I HEREBY CERTIFY THAT OLMO, LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS CUSTODIAN AND MANAGER HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

DATE 2015
OLMO, LLC
HAIFA SADIGHI,
CUSTODIAN & MANAGER

NOTARY ACKNOWLEDGMENT

UNITED STATES OF AMERICA }
STATE OF ALASKA }ss.

THIS IS TO CERTIFY THAT ON THIS DAY OF 2015, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED HAIFA SADIGHI, CUSTODIAN AND MANAGER FOR OLMO, LLC TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE 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.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES:

CERTIFICATE OF PLAT APPROVAL

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA AND THAT SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION NO. , 2015, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.
DATED: , 2015

CHAIRMAN
CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

ATTEST:

CLERK CITY

STORMWATER RUNOFF

THE ON LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.

EXISTING DRIVEWAY EASEMENT NOTE

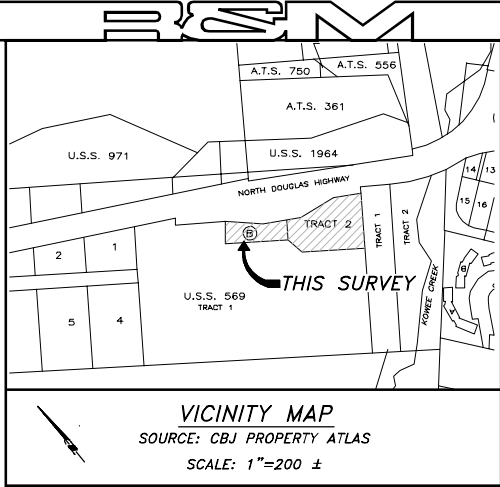
ACCESS TO LOTS 1 - 3 IS RESTRICTED TO THE 20' ACCESS AND UTILITY EASEMENT ESTABLISHED BY BOOK 203, PAGE 835 OF THE JUNEAU RECORDING DISTRICT.

UTILITY EASEMENT NOTE

THE UTILITY EASEMENT IN FAVOR OF LOTS 1, 2, & 3, IS TO BE 10 FEET IN WIDTH.

ACCESS & UTILITY EASEMENT NOTE

THE ACCESS AND UTILITY EASEMENT IN FAVOR OF LOTS 1, 2, & 3, IS TO BE 20 FEET IN WIDTH. THIS EASEMENT IS FOR USE AS A SHARED AND COMMON DRIVE FOR SAID LOTS.

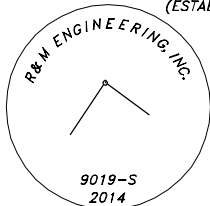


LEGEND

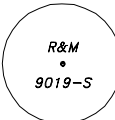
- DOT/PF PRIMARY MONUMENT (RECOVERED)
- T&N PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- SECONDARY MONUMENT (RECOVERED THIS SURVEY)
- 9019-S PRIMARY MONUMENT (ESTABLISHED THIS SURVEY)
- 9019-S SECONDARY MONUMENT (ESTABLISHED THIS SURVEY)
- BOUNDARY / PROPERTY LINE
- PROPERTY LINE TO BE ESTABLISHED UPON COMPLETION OF COMMONWALL DWELLINGS
- UNSURVEYED LOT LINE
- CENTERLINE
- ACCESS & UTILITY EASEMENT
- UTILITY EASEMENT

TYPICAL MONUMENTS

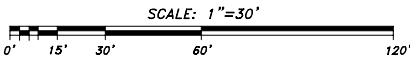
(ESTABLISHED THIS SURVEY)



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



SECONDARY MONUMENT
1-1/4" DIA. YELLOW PLASTIC SURV-CAP ON 5/8" DIA. x 36" IRON PIN EXPOSED 2"



A PLAT OF
OLMO SUBDIVISION
A SUBDIVISION OF
TRACT 2, BLOCK B
FRACTION OF
U.S.M.S. No. 569

WITHIN THE
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

OWNER:
OLMO, LLC
P.O. BOX 35513
JUNEAU, ALASKA 99803

SURVEYOR:
R&M ENGINEERING, INC.
6205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801

DATE: JUNE 26, 2015

R&M PROJ. No. 141740

SCALE: 1"=30'

SHEET 1 OF 1

R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS

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 04 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.

DATE:



GENERAL NOTES

1. THE BASIS OF BEARING FOR THIS SURVEY IS THE RECORD BEARING OF N37°49'35"E BETWEEN THE NORTHEAST CORNER OF TRACT 2 AND THE SOUTHEAST CORNER OF TRACT 1, WITHIN U.S.M.S. 569, PER PLAT 82-56W.
2. THE BASIS OF COORDINATES FOR THIS SURVEY IS THE RECOVERED TONER NORDLING PRIMARY MONUMENT AT THE NORTHEAST CORNER OF TRACT 1, M.S. 569.
3. RECORD INFORMATION DENOTED BY THIS PLAT WAS DERIVED FROM PLAT NO. 82-56W, ON FILE IN THE JUNEAU RECORDING DISTRICT OFFICE.
4. ALL BEARINGS SHOWN ARE WITH REFERENCE TO THE BASIS OF BEARING. ALL DISTANCES DENOTED HAVE BEEN REDUCED TO HORIZONTAL DISTANCES.
5. THIS SURVEY WAS CONDUCTED UTILIZING A TOPCON 3000 SERIES TOTAL STATION AND STANDARD PRISM RANGING METHODS, ON MAY 6 & 7, 2014.
6. PUBLIC WATER AND SANITARY SEWER DISPOSAL IS PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES, TO TRACT 2, FRACTION M.S. 569.

CORPORATE OWNERSHIP CERTIFICATE

I HEREBY CERTIFY THAT OLMO, LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS CUSTODIAN AND MANAGER HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

DATE 2015
OLMO, LLC
HAIFA SADIGHI,
CUSTODIAN & MANAGER

NOTARY ACKNOWLEDGMENT

UNITED STATES OF AMERICA } ss.
STATE OF ALASKA }

THIS IS TO CERTIFY THAT ON THIS DAY OF 2015, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED HAIFA SADIGHI, CUSTODIAN AND MANAGER FOR OLMO, LLC TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE 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.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES:

CERTIFICATE OF PLAT APPROVAL

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA AND THAT SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION NO. , 2015, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.
DATED: , 2015

CHAIRMAN
CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

ATTEST:

CLERK CITY

EXISTING DRIVEWAY EASEMENT NOTE

ACCESS TO LOTS 1 - 3 IS RESTRICTED TO THE 20' ACCESS AND UTILITY EASEMENT ESTABLISHED BY BOOK 203, PAGE 835 OF THE JUNEAU RECORDING DISTRICT.

UTILITY EASEMENT NOTE

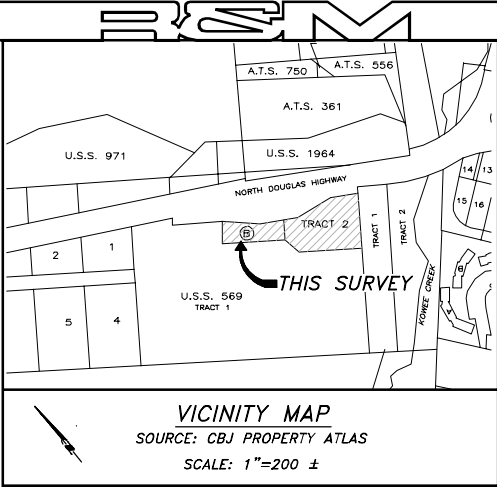
THE UTILITY EASEMENT IN FAVOR OF LOTS 1, 2, & 3, IS TO BE 10 FEET IN WIDTH.

ACCESS & UTILITY EASEMENT NOTE

THE ACCESS AND UTILITY EASEMENT IN FAVOR OF LOTS 1, 2, & 3, IS TO BE 20 FEET IN WIDTH. THIS EASEMENT IS FOR USE AS A SHARED AND COMMON DRIVE FOR SAID LOTS.

PEDESTRIAN ACCESS EASEMENT NOTE

THE PEDESTRIAN ACCESS EASEMENT IN FAVOR OF LOTS 1, 2, & 3, IS TO BE 10 FEET IN WIDTH. THIS EASEMENT IS FOR USE AS A SHARED AND COMMON WALKWAY FOR SAID LOTS.

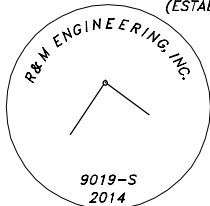


LEGEND

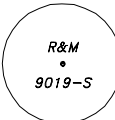
- DOT/PF PRIMARY MONUMENT (RECOVERED)
- T&N PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- SECONDARY MONUMENT (RECOVERED THIS SURVEY)
- 9019-S PRIMARY MONUMENT (ESTABLISHED THIS SURVEY)
- 9019-S SECONDARY MONUMENT (ESTABLISHED THIS SURVEY)
- BOUNDARY / PROPERTY LINE
- PROPERTY LINE TO BE ESTABLISHED UPON COMPLETION OF COMMONWALL DWELLINGS
- UNSURVEYED LOT LINE
- CENTERLINE
- ACCESS & UTILITY EASEMENT
- UTILITY EASEMENT
- ACCESS EASEMENT PER PLAT 2013-38
- PEDESTRIAN ACCESS EASEMENT

TYPICAL MONUMENTS

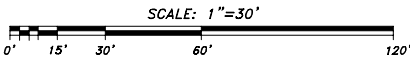
(ESTABLISHED THIS SURVEY)



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



SECONDARY MONUMENT
1-1/4" DIA. YELLOW PLASTIC SURV-CAP ON 5/8" DIA. x 36" IRON PIN EXPOSED 2"



A PLAT OF
OLMO SUBDIVISION
A SUBDIVISION OF
TRACT 2, BLOCK B
FRACTION OF
U.S.M.S. No. 569

WITHIN THE
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

OWNER:
OLMO, LLC
P.O. BOX 35513
JUNEAU, ALASKA 99803

SURVEYOR:
R&M ENGINEERING, INC.
6205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801

DATE: AUGUST 19, 2015

R&M PROJ. No. 141740

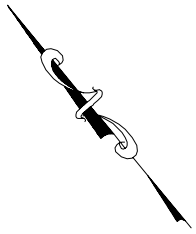
SCALE: 1"=30'

SHEET 1 OF 1

R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS

STORMWATER RUNOFF

THE ON LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.



NORTH DOUGLAS HIGHWAY

FR. BLOCK B
M.S. 569

TRACT 1
FRACTION
M.S. 569

LOT 1
(10,881.81 SF)

LOT 2
(10,564.31 SF)

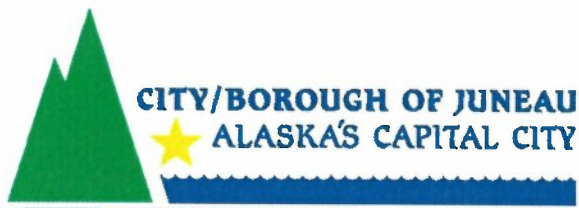
LOT 3
(11,360.32 SF)

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 04 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.

DATE:





July 17, 2015

R&M Engineering, Inc.
Attn.: Mark Pusich, P.E.
6205 Glacier Highway
Juneau, Alaska 99801

Dear Mr. Pusich,

As you know, the proposed six-lot common wall Major Subdivision application and the associated Variance for the Olmo, LLC. property were removed from the Planning Commission/Board of Adjustment meeting scheduled for Tuesday, July 14, 2015. A determination was made that a street is required for the proposed six-lot subdivision pursuant to the following CBJ Title 49, Land Use Code, requirements:

CBJ 49.15.460(5)(D) - Design:

The department shall designate one right-of-way as principal access to the entire subdivision. Such access, if not already accepted for public maintenance, shall be improved to the applicable standards for public acceptance and maintenance.

CBJ 49.40.120 – Streets:

Each lot shall abut and be physically accessible from a dedicated street.

Although the proposed lots are designed to provide the required minimum of 30 feet of frontage on a dedicated right-of-way (CBJ 49.15.460(4)(A)), the lots must also be able to access North Douglas Highway (the dedicated right-of-way on which they have frontage) directly from the lot. Although the driveway in the 20-foot wide easement provides the physical access *from* the proposed lots *to* the dedicated street, because the lots are not *directly* accessed from the dedicated street, the intent of the above subdivision access requirements are not met. It is the act of subdividing the land that triggers the need for right-of-way to be dedicated and a street to be constructed to CBJ standards. Unless right-of-way is dedicated and a street is built, the subdivision may not occur.

In order to subdivide the property, one of the following street construction options must be provided from Douglas Highway directly to the subject property:

- Dedicate a minimum of 50 feet of right-of-way; provide a 28 foot wide paved road, construct sidewalks on both sides; provide underground drainage; and provide curbs and gutters, and streetlights, or
- Dedicate a minimum of 60 feet of right-way; provide a 28-foot wide paved road; construct sidewalks on both sides; provide curbs and gutter; provide a storm drainage system, whether surface, subsurface, or both; and streetlights. (CBJ 49.35.240)

Without subdividing the lot, there are options to develop the property without the need to dedicate right-of-way and construct a road. The lot is zoned D-18 which is a multi-family district. Based upon the

size of the lot, a maximum of 16 dwelling units may be constructed. Up to eight (8) dwelling units may be built on the lot with building permit approval. Construction of more than 8 dwelling units requires a Conditional Use permit approval from the Planning Commission. Additionally, the six units may be built as proposed and designed as long as subdivision does not occur. A condominium plat may be filed with the State Recorder's office that allows the individual dwellings to be sold while the common space is held in common ownership by a homeowner's association. Dedication of a right-of-way and construction of a street are not required for these kinds of development since subdivision won't occur.

In light of this recent determination, CBJ staff will update the Assembly about this issue during the upcoming proposed subdivision ordinance meetings and propose changes that could allow subdivisions accessed from shared driveways to be approved in certain cases. The outcome of these recommendations is uncertain. Providing safe and practical access is paramount to the CBJ protecting its citizens' health, safety, and welfare.

We understand your frustration and we hope to have a resolution that will provide your client with options as well as ensure that those future residents can have safe and practical access to their homes.

Please call me with any questions or concerns at (907)586-0715.

Sincerely,

A handwritten signature in black ink, appearing to read "Hal H. Hart" with a stylized flourish at the end.

Hal H. Hart, Director
Community Development Department

Cc: File

Jacob Graves, Civil Engineer

Laura Boyce

From: Jake Graves <jgraves@rmjuneau.com>
Sent: Wednesday, July 22, 2015 1:13 PM
To: Laura Boyce
Cc: Mark Pusich; Haifa Sadighi; Toki Express Sadighi
Subject: RE: Olmo Subdivision project follow up

Follow Up Flag: Follow up
Flag Status: Flagged

Laura,

With respect to the recent decision by CBJ to remove the OLMO Subdivision from the CBJ Planning Commission meeting agenda of July 14, 2015 we want to know if a variance is still an option to keep the existing driveway rather than dedicating right-of-way and building a street for the development. There are many points in favor of a driveway:

- DOT has reviewed the traffic impact and approved the driveway plan for the proposed six new lots. DOT does not consider the proposed driveway to be a safety issue on North Douglas Highway. Six dwelling units are a lot less than the eighteen allowed, so the traffic impacts are small.
- A driveway easement already exists to provide practical and reasonable access to the subdivision. Direct access to the Highway from each lot is not possible due to topographical conditions. CBJ 49.15.460(3) states that 'Consideration shall be given to design limitations imposed and opportunities presented by slopes, waterways and other topographic features.' The slopes from the proposed lots to the R.O.W. is approximately 50%-60%, making direct access impossible.
- It is safest to minimize the number of driveways accessing the highway. The proposed driveway would provide access to all six lots with one entry point on the highway, making it a safe and practical.
- The size and cost of a street is not feasible for several reasons: the developer does not own the property needed to dedicate a 50' or 60' R.O.W. Although negotiations may be possible to obtain more land, this option poses severe delays and undue financial hardships to the developer.
- A dedicated street is a financial burden to CBJ whereas a driveway would be maintained jointly by the property owners. Should future development on adjacent property require that a street be constructed, this potentially large development should be viewed separately. The owners and developer of the OLMO subdivision should not be held financially responsible for constructing a street across someone else's land when a practical access easement already exists to serve the same purpose. Consideration should be given to the size of the development when determining the appropriate size of the access.
- Fire truck access is not needed for this subdivision since the buildings will have fire sprinklers.
- CBJ 49.40.120 states that 'each lot shall abut and be physically accessible from a dedicated street'. In the proposed subdivision each lot abuts and is physically accessible from the Douglas Highway by an existing access easement that was originally created to serve this very purpose. Topographical features do not allow for any alternative access configurations.

Please let us know if a variance for the driveway is still an option as the developer has been delayed by the CBJ's decision to remove this from the Planning Commission agenda.

Thanks,

- Jacob Graves
R&M Engineering

From: Laura Boyce [<mailto:Laura.Boyce@juneau.org>]
Sent: Friday, July 17, 2015 2:33 PM
To: Mark Pusich

Cc: Beth McKibben; Hal Hart; jgraves@rmjuneau.com

Subject: Olmo Subdivision project follow up

Good afternoon, Mr. Pusich,

Attached, please find a letter explaining the reason for pulling the proposed subdivision from the Planning Commission meeting agenda this week.

Please call me with any questions at 586-0753.

Thank you,

Laura

Laura A. Boyce, AICP
Senior Planner

City and Borough of Juneau
907.586.0753

laura.boyce@juneau.org

State of Alaska
Department of Transportation and Public Facilities

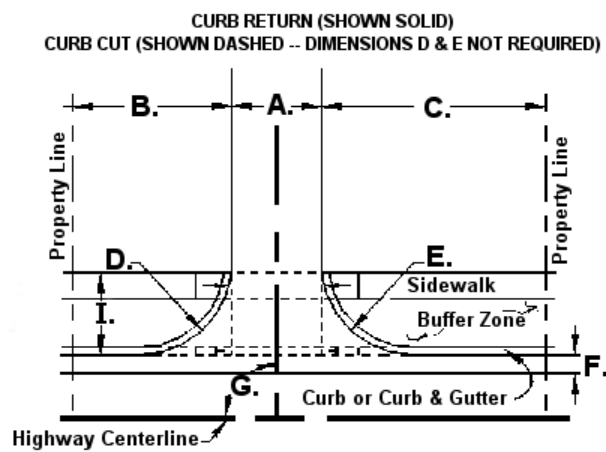
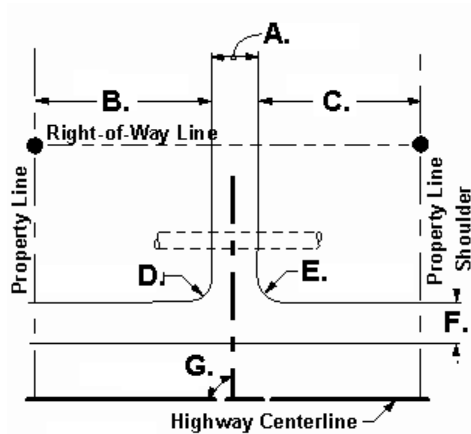
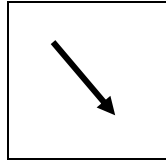
**Driveway and Approach Road
Permit**

This permit allows the Permittee to construct and maintain a driveway or approach road within a State-owned highway Right of Way.

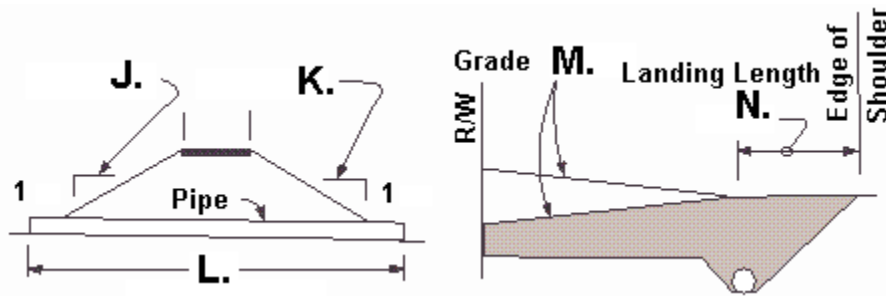
☒ Residential/Private	☐ Commercial	☐ Government Agency
Applicant:	Olmo, LLC	
Mailing Address:	PO Box 23076 Juneau, AK 99802	
Contact Name:	Haifa Sadighi	
E-mail Address:	haifa4@gmail.com	
Phone:	(907) 209-4038	
Driveway or Approach Road location (highway, subdivision, legal description milepost, etc.) 3655 North Douglas Highway Juneau 99801 569 Tract 2 B Sadighi Copper River 82-56W 6D06010100		
Proposed or Existing:	Anticipated Completion Date:	
EXISTING (modification)	09/30/2015	
Number of lots served:	Max. number of vehicles in any 1 hour:	
7	7	
Zoning Designation:	Proposed Land Use:	
City & Borough of Juneau	Residential	

Driveway Specifications

Direction of North in relation to the drawing.



A.	Driveway width	20	feet
B.	Left edge clearance	78	feet
C.	Right edge clearance	187	feet
D.	Left return radius	20	feet
E.	Right return radius	20	feet
F.	Shoulder width	2	feet
G.	Approach angle	83	degrees
H.	Curb type	n/a	
I.	Curb to sidewalk distance	n/a	



J.	Left driveway foreslope	4 :1
K.	Right driveway foreslope	4 :1
L.	Culvert length	40 Feet
M.	Landing grade	-2 Percent
N.	Landing length	10 Feet
O.	Culvert size	18 inches
P.	Culvert type	Aluminum/Steel
Q.	Ditch depth	3 feet
R.	Shoulder type	Paved
S.	Pavement type	Paved
T.	Driveway surface type	Asphalt

Permittee upon signing this permit acknowledges and agrees to the following provisions:

This permit applies only to the State right of way.

This permit grants permission for a driveway allowing access to and from your property onto a State-maintained highway. It does not permit the following within the right of way or within that portion of a driveway that is within the right of way: (1) Parking of vehicles "for sale"; (2) Obstructions of any kind (i.e. logs, cables, fencing, etc.); (3) Advertising signs or banners/flags; (4) Parking vehicles with signs/advertising on the side.

A driveway or approach road constructed under permit within a highway right of way is the property of the State, but all cost and liability arising from the construction, operation, or maintenance of a driveway or approach road is at the sole expense of those lands served. The Department is not obligated to change its maintenance practices to accommodate a driveway or approach road constructed under a permit, or to incur any additional expense removing snow berms or other obstructions from a driveway or approach road within a right of way resulting from the Department's activities, or activities under a permit issued under 17 AAC 15.

Permittee is responsible for adjusting or relocating the driveway or approach road without cost or liability to the Department if the use or safety of the highway requires that the driveway or approach road be adjusted or relocated.

This permit is not a property right but a temporary authorization, revocable by the State upon violation of any permit terms or conditions, or for other reasons. All reasonable attorney's fees and costs associated with legal or enforcement actions related to the terms and conditions of this permit will be borne by the Permittee.

Any survey monument or monument accessory that is disturbed or destroyed during construction or maintenance of the driveway will be restored or replaced by a Land Surveyor licensed in the State of Alaska.

The Permittee will be responsible for all necessary Federal, State, and Municipal permits and licenses required by law, pay all taxes and special assessments lawfully imposed upon the permitted area, and pay other fees and charges assessed under applicable law.

Placement of fill material in waters of the U.S., including wetlands and streams, requires prior authorization from the U.S. Army Corps of Engineers. It is the responsibility of the owner to contact the Corps before filling activities take place.

The Permittee shall construct and maintain a driveway in such a manner that the highway, and all of the highway's appurtenances or facilities, including drainage facilities, pipes, culverts, ditches, traffic control devices, street lights, pathways, and sidewalks are not impaired or endangered in any way by the construction or maintenance. (17 AAC 10.020(b) If you damage any improvements within the State owned right of way, you will be responsible for returning them to their previous condition. The Department will inspect and approve the restored improvements. (17 AAC 10.065)

Permittee shall indemnify, defend and hold harmless the State, and its officers, employees, and contractors, from any and all claims or actions resulting from injury, death, loss, or damage sustained by any person or personal property resulting directly or indirectly from Permittee's use of or activities in the permitted area.

Landings from all paved roads must be paved and maintained from edge of the road to the length of the landing as stipulated in this permit.

If a culvert is required by this driveway permit, culvert ends must be installed at the time of installation and maintained continuously by the owner.

No person shall place, leave or deposit upon any street, avenue, alley, sidewalk or other public right of way any snow or ice which has been removed from a private driveway, private parking area, or the adjacent property. Permittee is responsible for his snow removal contractor's actions concerning placement of snow from Permittee's property.

If driveway construction or maintenance interferes with the public's safety and/or use of facilities within State-owned right of way, you will be directed to stop work until adjustments are made.

While doing construction or maintenance activities, do not park equipment or stockpile material on the shoulder during non-working hours.

Permittee is responsible for sight distance clearing of brush and obstructions adjacent to their property.

Driveway landings as stipulated in the permit must be paved and maintained from pavement edge on all paved roads.

Please contact the Department for information about acceptable driveway markers (i.e., size, materials, distance, etc.) for placement within the right of way.

The State will not change its maintenance practices to accommodate your driveway or incur additional expense to clear snow berms or other obstacles resulting from the Department's activities.

An inspection is required prior to reimbursement of your performance deposit. Please contact the Department for an inspection appointment after final construction of your driveway.

Attachments included as part of this permit are:

- ☒ Plat including notes of the placement of the driveway.
- ☒ Site plan.
- ☒ Proof of ownership.
- ☒ Traffic control plan.

I, _____, acknowledge that I am acting on behalf of the above named organization with the full authority to do so. I further acknowledge and accept that _____ shall comply with all the provisions and conditions that the Department of Transportation and Public Facilities has included as a condition of issuing this permit.

Permittee Signature

Date

DOT&PF Signature

Date

U:\2016\141740\Drawings\141740-00a_Plotting.dwg PLOT: May 15, 2019 10:13am jrmw

DESIGN	JMP
DRAWN	JAD
CHECK	JMP
APPROVED	JMP
FILE	

REV.	DATE	REVISION	BY	APPROV.

DRIVEWAY APPROACH
DETAILS

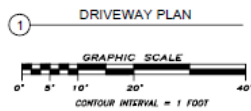
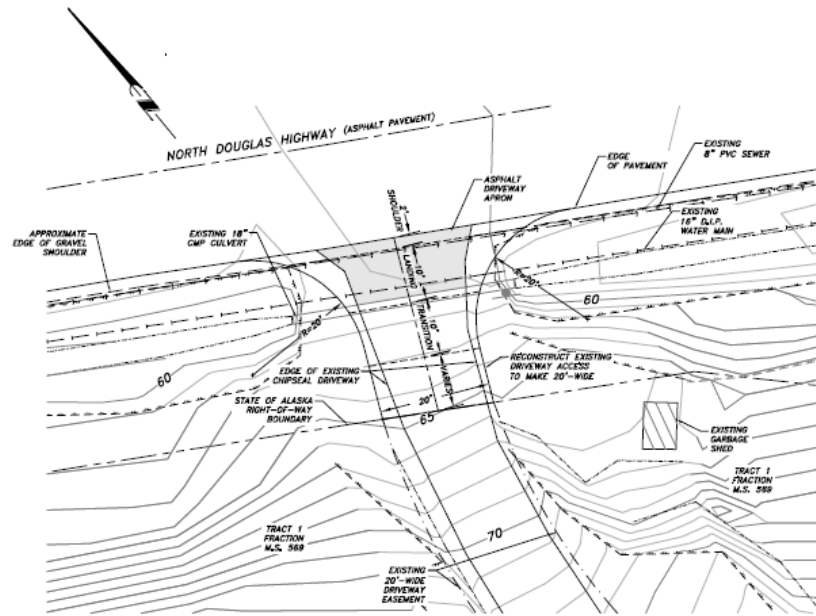


R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS
6205 GLACIER HIGHWAY Phone 907-780-6060
JUNEAU, AK. 99801 Fax 907-780-4611
rmengineering@rmyjuneau.com

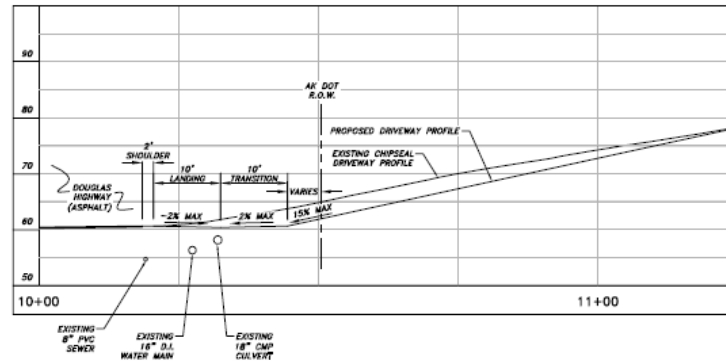
SADIGHI SUBDIVISION
SITE IMPROVEMENTS

CITY AND BOROUGH OF JUNEAU , ALASKA

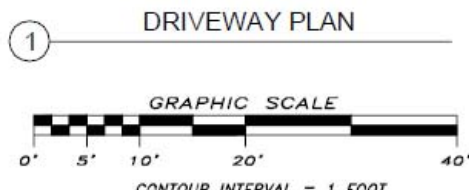
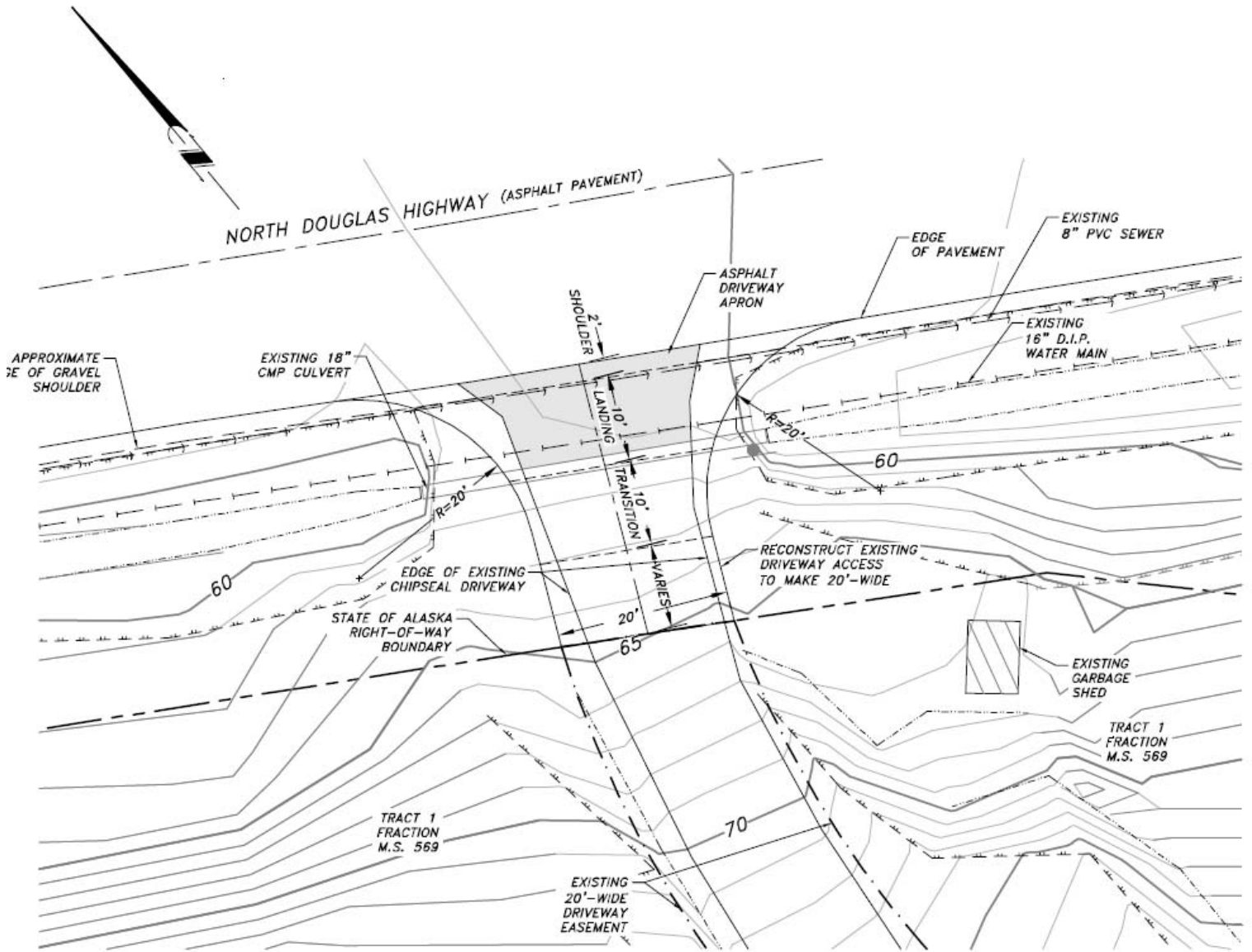
DATE	MAY 15, 2019
PLAN NO.	141740
SHEET	C5.0



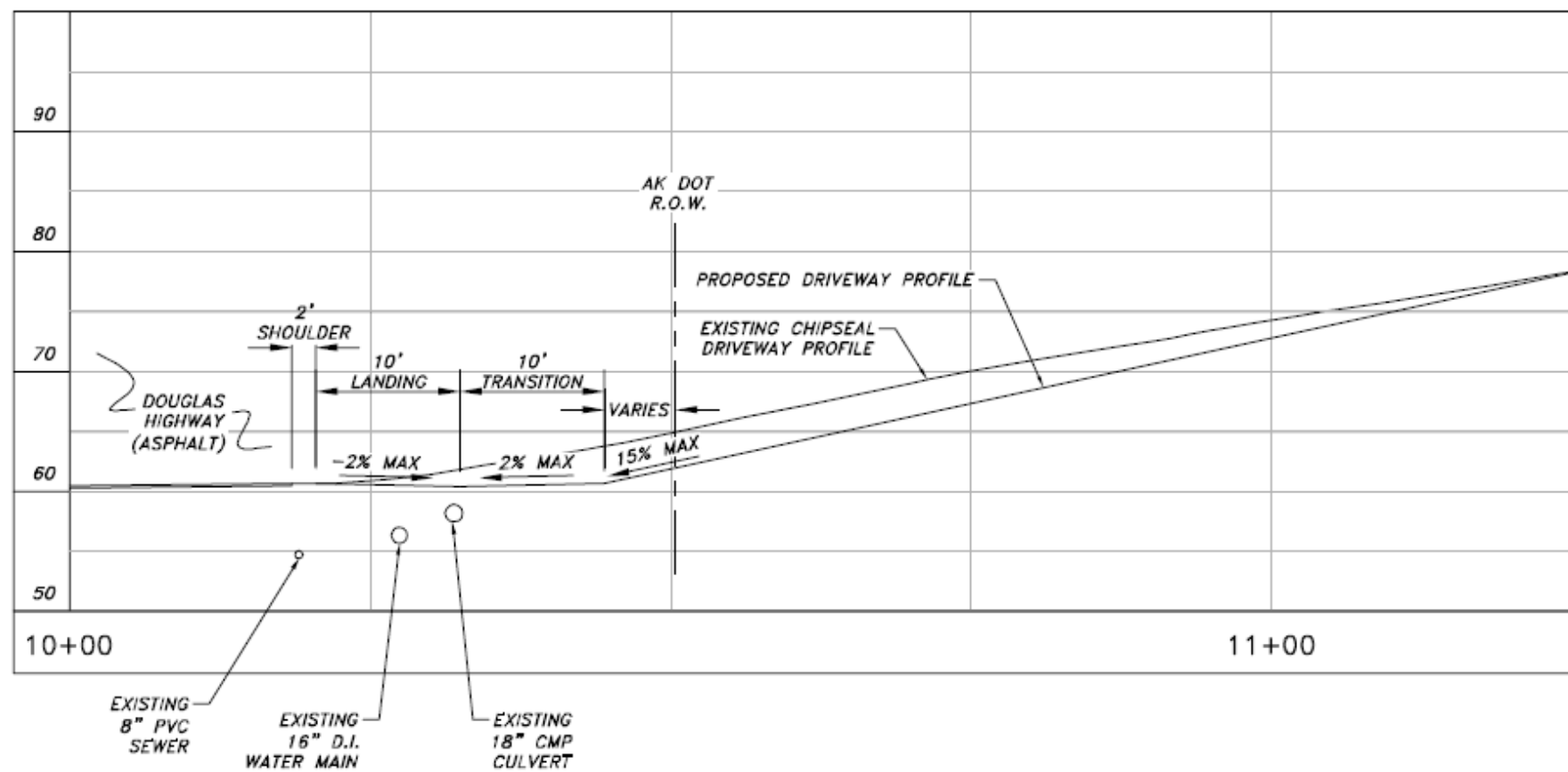
NOTE:
GRADE FORESLOPES TO HAVE 1:4 MAX. SLOPE.



2 DRIVEWAY PROFILE
N.T.S.



NOTE:
GRADE FORESLOPES TO HAVE 1:4 MAX SLOPE.



② DRIVEWAY PROFILE
N.T.S.

DESCRIPTION OF TRACT 1

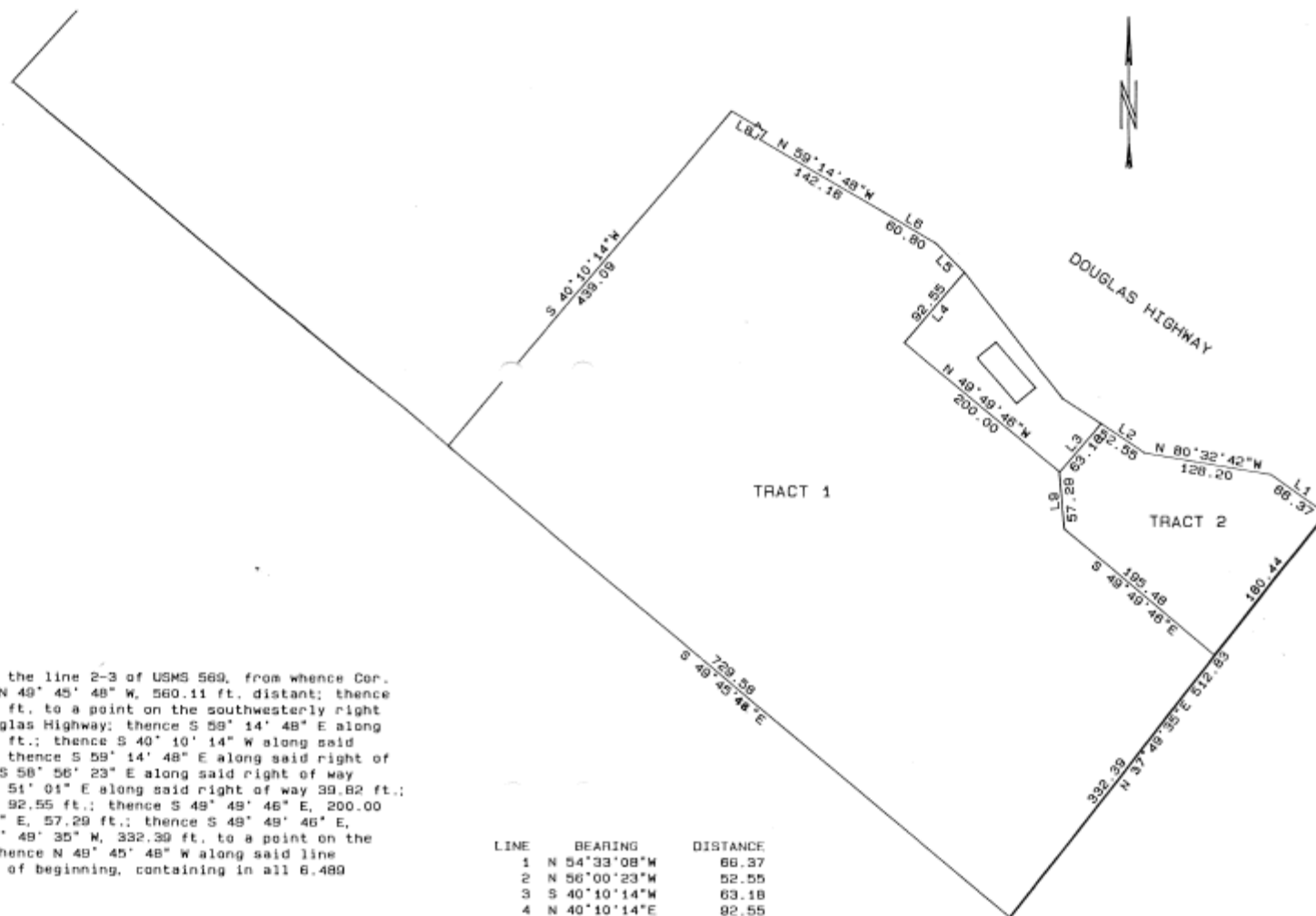
Beginning at a point on the line 2-3 of USMS 569, from whence Cor. 3 of said survey bears N 49° 45' 48" W, 560.11 ft. distant; thence N 40° 10' 14" E, 439.09 ft., to a point on the southwesterly right of way of the North Douglas Highway; thence S 59° 14' 48" E along said right of way 40.67 ft.; thence S 40° 10' 14" W along said right of way 10.14 ft.; thence S 59° 14' 48" E along said right of way 142.16 ft.; thence S 58° 56' 23" E along said right of way 60.80 ft.; thence S 43° 51' 01" E along said right of way 39.82 ft.; thence S 40° 10' 14" W, 92.55 ft.; thence S 49° 49' 46" E, 200.00 ft.; thence S 4° 49' 37" E, 57.29 ft.; thence S 49° 49' 46" E, 195.48 ft.; thence S 37° 49' 35" W, 332.39 ft., to a point on the line 2-3 of USMS 569; thence N 49° 45' 48" W along said line 729.58 ft., to the point of beginning, containing in all 6.489 acres, more or less.

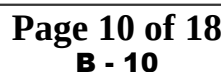
DESCRIPTION OF TRACT 2

Beginning at a point on the line 2-3 of USMS 569 from whence Cor. 3 of said survey bears N 49° 45' 48" W, 1,289.69 ft. distant; thence N 37° 49' 35" E, 332.39 ft., to the true point of beginning; thence N 49° 49' 46" W, 195.48 ft.; thence N 4° 49' 37" W, 57.29 ft.; thence N 40° 10' 14" E, 63.18 ft., to a point on the southwesterly right of way of the North Douglas Highway; thence S 58° 56' 23" E, along said right of way 52.55 ft.; thence S 80° 32' 42" E along said right of way 128.20 ft.; thence S 54° 33' 08" E, along said right of way 66.37 ft.; thence S 37° 49' 35" W, 180.44 ft., to the true point of beginning, containing in all 0.753 acres, more or less.

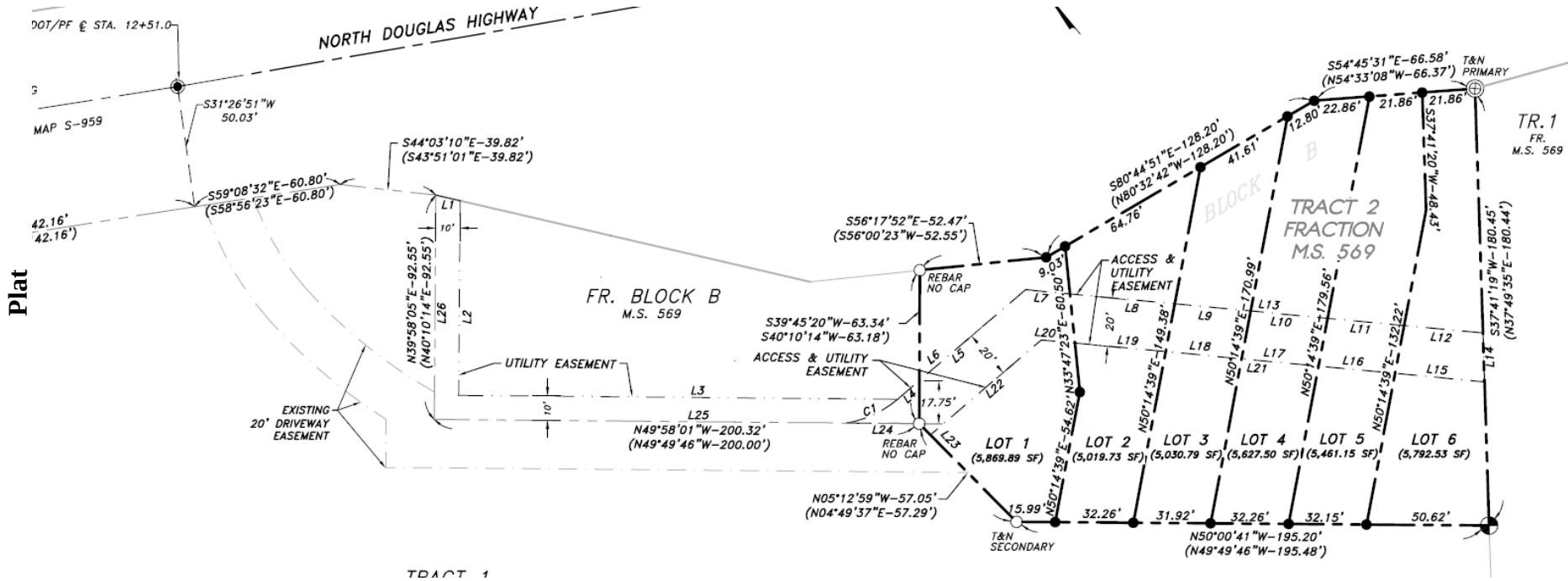
LINE	BEARING	DISTANCE
1	N 54°33'08"W	66.37
2	N 56°00'23"W	52.55
3	S 40°10'14"W	63.18
4	N 40°10'14"E	92.55
5	N 43°51'01"W	39.82
6	N 58°56'23"W	60.80
7	N 40°10'14"E	10.14
8	N 59°14'48"W	40.67
9	S 04°49'37"E	57.29

SKETCH TO ACCOMPANY
PLATTING WAIVER APPLICATION FOR
A FRACTION OF USMS 569
SCALE: 1"=100' APRIL 1982





ATTACHMENT B - DOT PERMIT
Plat



A
L
A
S
K
A

2014-003665-0

Recording District 101 Juneau

08/15/2014 03:21 PM Page 1 of 2

**QUITCLAIM DEED**

The Grantor, **HAIFA SADIGHI FOROUGH**, an unmarried woman, who acquired title as Haifa F. Sadighi, of P.O. Box 23076, Juneau, Alaska, 99802, for and in consideration of one dollar (\$1.00) and other valuable consideration, in hand paid, conveys and quitclaims to the Grantee, **OLMO LLC, an Alaska limited liability company**, of P.O. Box 23076, Juneau, Alaska, 99802, any and all interest in the following described real estate, located in the Juneau Recording District, First Judicial District, State of Alaska:

A tract of land in U. S. Mineral Survey 569, Juneau Recording District, First Judicial District, State of Alaska, described as:

Beginning at a point on the line 2-3 of U.S. MINERAL SURVEY 569 from whence Cor. 3 of said survey bears N 49° 45' 48" W. 1,289.69 ft. distant; thence N 37° 49' 35" E. 332.39 ft. to the true point of beginning; thence N 49° 49' 46" W. 195.48 ft.; thence N 4° 49' 37" W. 57.29 ft.; thence N 40° 10' 14" E. 63.18 ft. to a point on the southwesterly right of way of the North Douglas Highway; thence S 56° 00' 23" E. along said right of way 52.55 ft.; thence S 80° 32' 42" E. along said right of way 128.20 ft.; thence S 54° 33' 08" E. along said right of way 66.37 ft.; thence S 37° 49' 35" W. 180.44 ft. to the true point of beginning.

Also described as Tract 2, U. S. Mineral Survey 569, according to Platting Waiver 82-56W, Juneau Recording District, First Judicial District, State of Alaska.

Dated this 1st day of ^{August} ~~July~~ 2014.


Haifa Sadighi Foroughi

NEW YORK

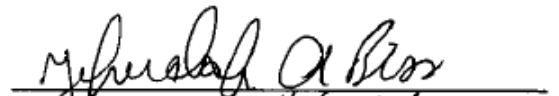
NEW YORK

)
) ss.
)

THIS IS TO CERTIFY that on this 1st day of ^{August} ~~July~~ 2014, before me, the undersigned, a notary public in and for STATE OF NEW YORK, duly commissioned and sworn, personally appeared **Haifa Sadighi Foroughi**, to me known and known to me to be the person named in and who executed the within and foregoing instrument; and she acknowledged to me that she signed 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.




Notary Public, YEHUDAH A BISS
My commission expires: MAY 19, 2018

After recording, return to:

Baxter Bruce & Sullivan P.C.
P.O. Box 32819
Juneau, Alaska 99803



203 from 835
of the fee

AGREEMENT FOR AND CONVEYANCE OF DRIVEWAY EASEMENT

AGREEMENT made this 21st day of OCTOBER, 1982,
by and between FELIX J. TONER and MARY V. TONER, husband and
wife, of P. O. Box 570, Juneau, Alaska 99802 and ROBERT A.
BRYANT, of 2244 Green Hill Drive #106, Sparks, Nevada 89431,
hereinafter referred to as Grantors, and C. R. NORDLING and
BETTY LOU NORDLING, husband and wife, of P. O. Box 197, Auke
Bay, Alaska 99801, hereinafter referred to as Grantees:

RECITALS

WHEREAS, the Grantors are the fee simple owners of
the following described real estate which is situated in the
Juneau Recording District, First Judicial District, State of
Alaska: TRACT 1

beginning at a point on the line 2-3 of USMS 569,
from whence Cor. 3 of said survey bears N 49° 45'
48" W, 560.11 ft. distant; thence N 40° 10' 14" E,
439.89 ft. to a point on the southwesterly right of
way of the North Douglas Highway; thence S 59° 14'
48" E along said right of way 40.67 ft.; thence S
40° 10' 14" W along said right of way 10.14 ft.;
thence S 59° 14' 48" E along said right of way
142.16 ft.; thence S 58° 56' 25" E along said right
of way 60.80 ft.; thence S 43° 51' 01" E along said
right of way 39.82 ft.; thence S 40° 10' 14" W,
92.55 ft.; thence S 49° 49' 46" E, 200.00 ft.;
thence S 4° 49' 37" E, 57.29 ft.; thence S 49° 49'
46" E, 195.48 ft.; thence S 37° 49' 35" W, 332.39
ft. to a point on the line 2-3 of USMS 569; thence
N 49° 45' 48" W along said line 729.58 ft. to the
point of beginning, containing in all 6.489 acres,
more or less.

WHEREAS, the Grantees are the fee simple owners of
the following described real estate which is situated in
the Juneau Recording District, First Judicial District,
State of Alaska: TRACT 2

Beginning at a point on the line 2-3 of USMS 569
from whence Cor. 3 of said survey bears N 49° 45'
48" W, 1,285.89 ft. distant; thence N 37° 49' 35"
E, 332.39 ft. to the true point of beginning;
thence N 49° 49' 46" W, 195.48 ft.; thence N 4° 49'
37" W, 57.29 ft.; thence N 40° 10' 14" E, 63.16 ft.

ROBERTSON, MONAGLE, EASTAUGH & BRADLEY
ATTORNEYS AT LAW
201 WEST WARD, SUITE 200
P.O. BOX 1511, JUNEAU, ALASKA 99801

203. 836

to a point on the southwesterly right of way of the North Douglas Highway; thence S 56° 00' 23" W. along said right of way 52.55 ft.; thence S 80° 2' 42" E. along said right of way 128.20 ft.; then S 54° 33' 08" E. along said right of way 66.37 ft.; thence S 37° 49' 35" W. 180.44 ft. to the true point of beginning, containing in all 0.753 acres, more or less.

WHEREAS, the Grantors' and Grantees' properties herein described are adjacent properties; and

WHEREAS, Grantees do not at present have legal access to their property from North Douglas Highway, a designated street in the City and Borough of Juneau, Alaska.

NOW THEREFORE, the parties agree as follows:

1. Grantors hereby agree to and do hereby grant and convey to Grantees a nonexclusive easement for access through, over and across the property owned by Grantors as described above, such easement to be limited to and be on and over the existing twenty foot wide driveway connecting the North Douglas Highway to the tract of land upon which the Steve Silver residence is located; thence along the northwesterly and southwesterly boundary of said Silver tract to the tract owned by the Grantees (the "Nordling tract"), said easement to be twenty feet wide. The Steve Silver tract is described as follows:

A tract of land in U.S. Mineral Survey 569, Juneau Recording District, First Judicial District, State of Alaska, described as: BEGIN at the North corner of said survey, run thence S 52°35' E, on the Northeast line of said survey 775.00 feet; thence Southwesterly at right angles to said Northeast line 25.00 feet to the true point of beginning; thence continuing Southwesterly, on an extension of the last course, 200.00 feet; thence S 52°35' E 200.00 feet; thence Northeasterly, at right angles to the Northeast line of said survey; 200.00 feet; thence N 52°35' W 200.00 feet to the true point of beginning, EXCEPT THEREFROM that part Northeast of the southwest line of North Douglas Highway as established by deed recorded December 16, 1957 in Deed Book 52 at Page 136 and By Deed recorded June 5, 1976 in Book 123 at Page 813.

203 837

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
31
32

2. "Access purposes" as used in this agreement means all lawful purposes of ingress and egress.

3. The easement described above shall be constructed and maintained in good repair by the Grantees at their sole cost and expense.

4. It is understood and agreed that this easement is for the benefit of and appurtenant to the Grantees' land as described above. This easement shall run with the land and shall be binding on and shall inure to the benefit and burden of the parties hereto their heirs, successors or assigns.

5. The Grantors, their heirs, successors or assigns reserve the right to extinguish this easement at any time in the future by providing the Grantees, their heirs, successors or assigns, accesses to the North Douglas Highway from the said Nordling tract by means of a roadway system constructed as part of the development of the property adjacent to the Nordling tract, located in U. S. Mineral Survey 509 and held by the Grantors.

6. The parties acknowledge that this easement is granted for and in consideration of \$10.00 and other good and valuable considerations received by Grantors therefore.

IN WITNESS WHEREOF the parties have executed this agreement at the places and on the date opposite their names below:

GRANTORS

DATED: OCT. 21 1982
PLACE: JUNEAU AK

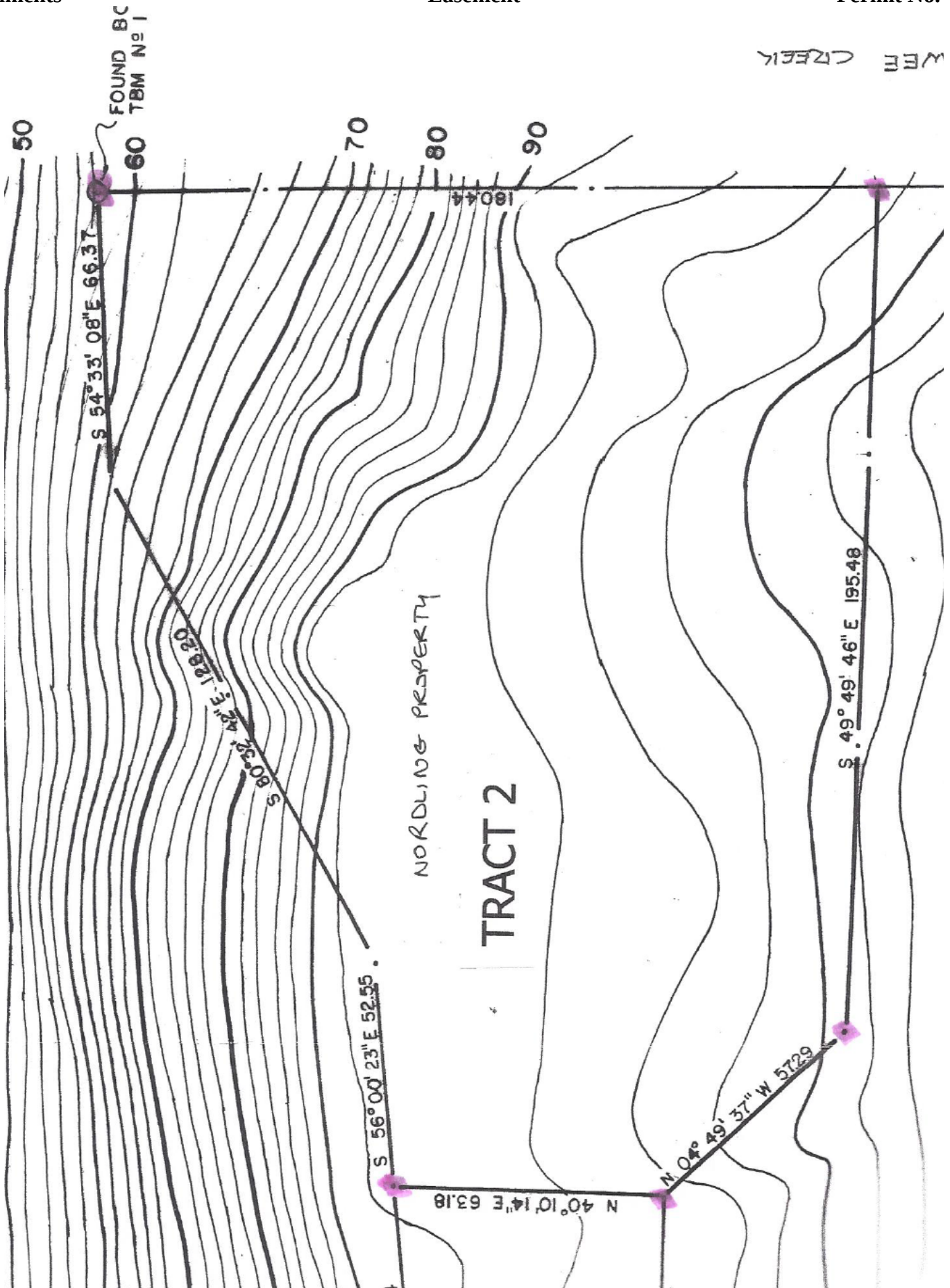
FELIX J. TONER

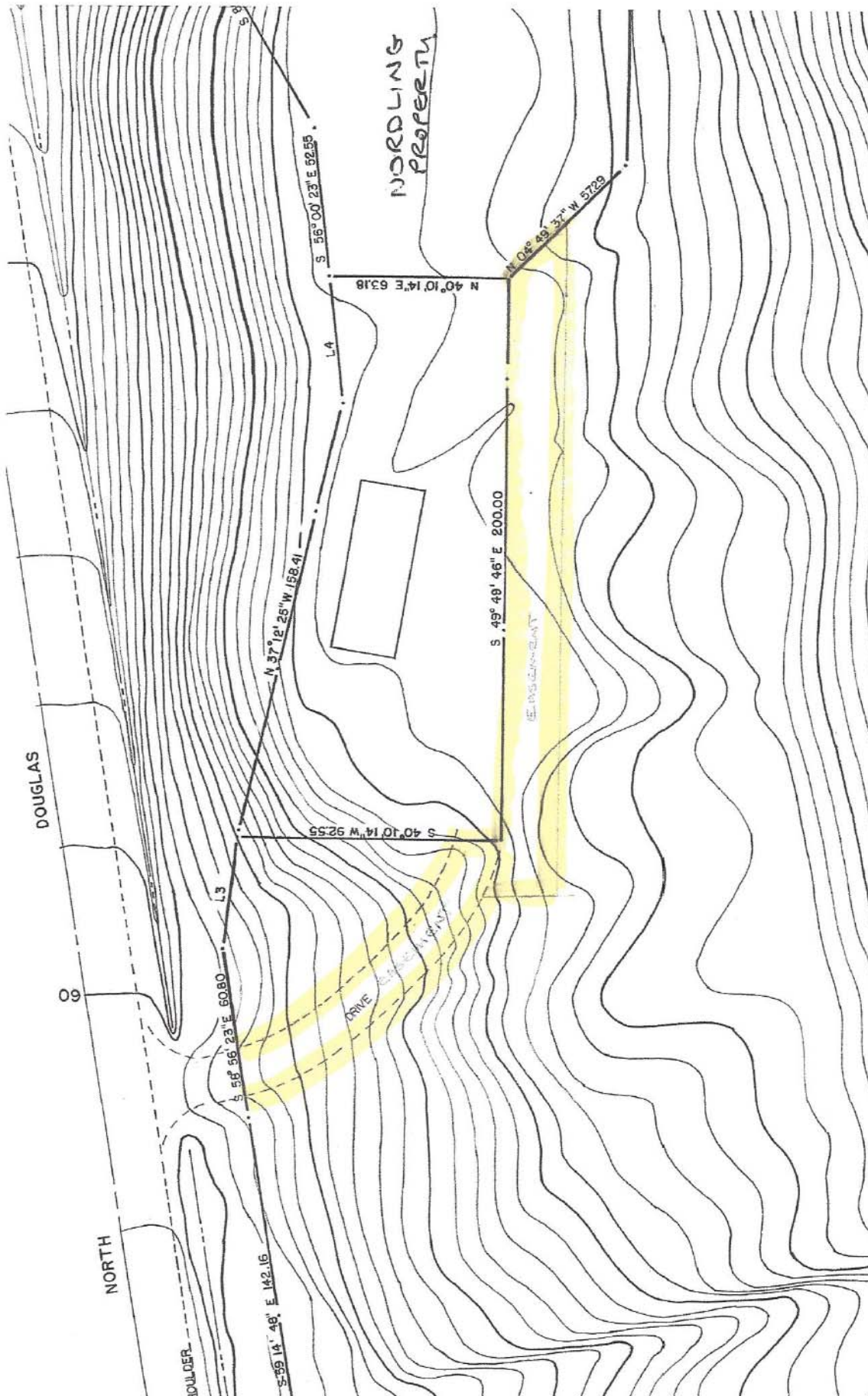
DATED: _____
PLACE: _____

MARY V. TONER
MARY V. TONER

DATED: OCT 26, 1982
PLACE: RENO, NEVADA

Robert A. Bryant
ROBERT A. BRYANT





CITY AND BOROUGH OF JUNEAU, ALASKA

PLATTING RESOLUTION NO. W-16-82WHEREAS, C.R. Nordling, Felix J. Toner & Robert
Applicant(s) Bryant

has applied to the City and Borough of Juneau Planning Commission in proper form for a waiver of platting requirements of the subdivision of the following described real property:

Fraction of U.S.M.S. 569 into Tract 1 and Tract 2, U.S.M.S. 569.

according to the attached plat, sketch or diagram.

WHEREAS, the Commission finds that the proposed conveyance: (a) is not being made for the purpose of or in connection with a present or projected subdivision development; (b) is an isolated transaction which does not fall within the general intent of Title 40, Chapter 15, Alaska Statutes; and (c) does not involve or require any dedication of a street, alley thoroughfare, park or other public area.

BE IT RESOLVED BY THE CITY AND BOROUGH PLANNING COMMISSION AS THE PLATTING AUTHORITY FOR THE CITY AND BOROUGH OF JUNEAU, ALASKA:

The said application for a statutory waiver of plat and recording requirements to a proposed conveyance of the above-described property is hereby granted.

Dated July 13, 1982

CITY AND BOROUGH OF JUNEAU, ALASKA
PLANNING COMMISSION

By: Richard H. Nichols
Chairman

Attest

Mark Prozier
Clerk

MEMORANDUM

THE CITY AND BOROUGH OF JUNEAU

CAPITAL OF ALASKA

155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

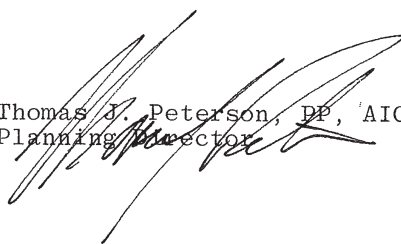
TO: Planning Commission

DATE: May 7, 1982

FILE NO. W-16-82

SUBJECT: Fraction of U.S.M.S. 569

FROM:


Thomas J. Peterson, PP, AICP
Planning Director

Lot Size: Tract 1 - 6.489 acres
Tract 2 - .753 acres

Zoning: RML Low Density Multi-Family

Land Use: Vacant

Proposal: To subdivide a .753 acre tract from the larger
parcel, for a single family dwelling.

Discussion: There is some question as to whether this
large tract of land is unsubdivided as shown on the
sketch plat or is divided into the numerous parcels
and right-of-way as shown on the City and Borough
base maps.

If the platted right-of-ways do not exist, then
the only access to proposed Tract 2 will be directly
to the North Douglas Highway. This is not allowed
by the platting ordinance.

Recommendation: Continued Action

Staff recommends action be continued until such time
that a determination is made on the status of the
plat. This has been referred to the Attorney's
Office.

MEMORANDUM

THE CITY AND BOROUGH OF JUNEAU

CAPITAL OF ALASKA

155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

TO: Planning Commission

DATE: July 8, 1982

FILE NO. W-16-82

FROM: Thomas J. Peterson, PP, AICP
Planning DirectorSUBJECT: Fraction of U.S.M.S. 569
1 Mile North Douglas Highway
C.R. Nordling, Felix Toner,
and Robert Bryant

Lot Size: Tract 1 - 6.489 acres
Tract 2 - .753 acres

Zoning: RML Low Density Multi-Family

Proposal: To subdivide a .753 acre tract from the larger parcel. This parcel is currently under joint ownership and the subdivision will allow for a separation of ownership and construction of a single family dwelling.

Discussion:

The Planning Commission continued action on this item at the meeting of May 11, 1982. At that time, it was unclear as to whether the large tract of land had been previously divided into numerous smaller lots and right-of-ways as shown on the base map.

The platted status of the property would effect how the proposed lot split could be treated. If the property had been subdivided, that portion of the plat would have to be vacated with one-half of each right-of-way attaching to adjacent lots. Proposed Tract 2 would still have frontage on the remaining platted right-of-ways other than North Douglas Highway.

If the property was unsubdivided, no vacation of lot lines would be required but the only access to proposed Tract 2 would be on the North Douglas Highway. According to the platting ordinance, a lot is not allowed to have access directly onto an arterial highway.

The CBJ attorney has indicated that no record of the original subdivision can be found. Therefore, the property can be considered as one unsubdivided tract.

Staff Recommendation:

Staff recommends that as a possible alternative to having direct access to the North Douglas Highway, access to proposed Tract 2, can be restricted to the existing driveway easement which services the existing lot and dwelling directly to the northwest. This will limit the number of

Memo - Planning Commission
July 8, 1982
Page Two

access points to the highway and, if a public right-of-way is ever provided to develop the larger tract (Tract 1), these driveways could then tie in.

To approve the subdivision as proposed, a variance would have to be granted to the section of the ordinance which prohibits frontage on an arterial highway.

Packet Page 741 of 987



Staff Report

Staff recommendation is denial. The amended plat still does not provide Lot 20 with the minimum width requirement of 45 feet for each lot. The minimum width is not carried through the lots, creating two odd shaped parcels. The Commission did approve zero-lot line buildings for these lots if they could bring those into compliance with the standards. They attempted to widen Lot 20 but also trying to keep the square footage of Lot 21A they had to put that sharp angle into the lot.

Public Participation

Rita Hamilton stated that when they brought this in previously, they were told that there had to be 45 feet across the front of the lots but were not told anything about the lot line having to be straight so they units were built as shown. She stated that they feel they have done what was requested by the Commission and staff. She stated that the building is completed and both sides have been sold.

Commission Action

MOTION - by Triplette, seconded by Williamson, to approve the waiver. There being no objection, the motion passed by unanimous consent.

Mr. Menzies resumed his seat at this time.

- (7) Waiver, Fraction of U.S. Survey 569, 1 Mile, North Douglas Highway.

Applicant: Toner, Nordling, and Bryant

Staff Report

Staff recommends continued action on this item. The reasoning is that staff is still looking into the status of the subdivision that is shown on the base map and trying to make a determination on whether that is a valid plat or not and that will affect how the proposed subdivision is treated.

Public Participation

No one appeared at this time.

Planning & Zoning Commission
May 11, 1982
Page 22

Commission Action

MOTION - by Minch, seconded by Brody, to continue this item until staff obtains the necessary information. There being no objection, it was so ordered.

IX. PLANNING DIRECTOR'S REPORT

None.

X. COMMISSION COMMENTS AND QUESTIONS

Mr. Menzies commented that he objects to the special time of the meeting without consulting the Commission.

Mr. Menzies stated that he objects to the new schedule of plat fees for preliminary and final plats and requested that the staff justify these fees. He stated he would like to know what the City gets for the fee, what effort they put into the fee, a checklist of the items of work they do, and a rationale for the present staff utilization in the budget with regard to property taxes, building permits, grading and drainage fees.

MOTION - by Menzies, seconded by Williamson, to ask the staff to come up with the figures requested by Mr. Menzies. There being no objection, it was so ordered.

Mr. Menzies also commented that he would prefer to receive his packet for the meetings on Friday, rather than Monday or Tuesday, so that he will have time to look at them during the weekend.

Mr. Menzies asked when McDonalds is going to put in the third lane per their bonding. He asked that this information be available for the next meeting.

Mr. Menzies reported that the sand and gravel ordinance was before the Assembly at their May 6 meeting and was referred to the Committee of the Whole so they could meet with the Planning Commission.

Mr. Menzies also commented that the zero-lot line ordinance was passed by the Assembly with the requirement for common driveways deleted and direction to the staff to review taking over the Alaska Department of Environmental Conservation on-site waste disposal review.

Planning & Zoning Commission
May 11, 1982
Page 23

AMENDMENT - by Brody, seconded by Minch, to change the amount of the vacation to three (3) feet adjacent to the property line.

Mr. Menzies felt the applicant should be satisfied with a three-foot vacation rather than risking the City turning down the twenty-five (25) foot proposed vacation. Mr. Triplette was of the opinion that if the twenty-five (25) foot vacation were granted, the land would be improved, whereas if denied the land would just sit there, unimproved. Mr. Cashen pointed out that the street has a steep incline, like a cliff. Mr. Minch mentioned the possible future need for access to the beach below. Mr. Menzies said he agreed with Mr. Minch and Mr. Triplette, but he still felt that the City attorney might appeal and the applicant could lose the whole thing.

AMENDMENT - by Davidson, seconded by Triplette, to amend the amendment changing the amount of the vacation from three (3) feet to ten (10) feet.

ROLL CALL (on the second amendment):

Yeas: Cashen, Davidson, Menzies, Triplette,
Williamson

Nays: Brody, Minch, Diebels

The amendment passed 5-3.

Mr. Peterson requested clarification on giving the City an easement of that ten (10) foot vacation.

AMENDMENT - by Williamson, seconded by Minch, to make the easement to the City be seven (7) feet of the ten (10) foot vacation.

There being no objection, the amendment passed.

There being no objection to the motion as amended, it was so ordered.

(4) Waiver, Fraction of U.S.M.S. 569, 1 Mile North Douglas Highway

Applicant: C.R. Nordling, Felix Toner,
and Robert Bryant

Staff Report

The staff recommended that as a possible alternative to

Planning & Zoning Commission
July 13, 1982
Page 17

having direct access to the North Douglas Highway, access to proposed Tract 2, can be restricted to the existing driveway easement which services the existing lot and dwelling directly to the northwest. This will limit the number of access points to the highway and, if a public right-of-way is ever provided to develop the larger tract (Tract 1), these driveways could then tie in.

Public Hearing

Rod Nordling clarified that this was not a proposed subdivision. He stated that the property to the southeast of this was granted a waiver to split up into two tracts and he felt this was a common thing, done all the time. He felt it was unreasonable to require him to build and maintain a 400 foot driveway. He also stated he thought the other owners would not be willing to grant an easement across it.

Mr. Davidson asked for a description of the topography. Mr. Nordling showed on a map how it sloped. Mr. Minch asked if it was the intention for this land to remain one large lot. Mr. Nordling replied he had no present intention of subdividing this, but stated he would not be the owner forever and did not know what the intentions of future owners. He stated it was the only really practical access to the entire tract.

Steve Silver, owner of the adjoining property to the north, stated he supported Mr. Nordling. He had some additional reasons. One was, the maintenance of the proposed driveway by the City staff would be a winter nightmare. Second, from a planning standpoint, he stated the area from his driveway to the McCaughly's driveway was 800 feet, in that same amount of space on North Douglas Highway and West Juneau, you would find a lot more entrances to the arterial highway. Third, he felt the staff recommendation almost pre-determines the development of the remaining tract and reduces the owner's ability to properly plan what they want to do with the tract.

Commission Action

Ms. Brody asked the staff where the existing driveway was that they had recommended access be

Planning & Zoning Commission
July 13, 1982
Page 18

restricted to. Mr. Peterson replied it would be where Second Street was.

MOTION - by Menzies, seconded by Triplette, to approve the subdivision.

Mr. Williamson asked the staff if it would be reasonable to get half the width of a right-of-way, in the form of an easement, at the end property line, so as to provide two means of access to the rear tract of land and not necessarily entirely from the other piece. Staff replied that it would be very difficult to have a right-of-way on that hillside because of the grade.

Ms. Diebels asked for a definition of subdivision. Mr. Maguire stated that in this case, this is a subdivision in the sense that they are dividing the property. In the past access to Douglas Highway was restricted to combined access when property was subdivided.

Mr. Minch pointed out that the smaller portion being subdivided was a little over two hundred (200) feet, about the same as the average lot on North Douglas Highway and that the total width of the property was about eight hundred (800) feet. He mentioned that combined access, in the past, was usually required when the total lot width was a couple hundred feet.

Mr. Davidson felt that the Commission has usually granted waivers unless it was convenient for double access. He felt the applicant was not asking for anything unusual and that his request was the only reasonable approach to access on his property.

ROLL CALL:

Yeas: Cashen, Davidson, Menzies, Minch, Triplette

Nays: Brody, Williamson, Diebels

The motion passed 5-3.

(5) Waiver, Tract 2, Fraction of U.S.M.S. 609, Lemon Creek.

Applicant: C.E. Porter

Planning & Zoning Commission
July 13, 1982
Page 19



Community Development

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

DATE: July 23, 2015

TO: Assembly Committee of the Whole

FROM: Laura A. Boyce, AICP, Planner *Laura A. Boyce*
Community Development Department

SUBJECT: Consideration of shared access driveways/private roads in easements.

The proposed subdivision ordinance does not include the option for shared access driveways or private roads in private easements for subdivisions. The current subdivision draft does include an option for privately maintained access roads in public rights-of-way for subdivisions generating 250 average daily trips (ADT) or fewer. The Community Development Department's practice has been to approve, in some cases, subdivisions that share access through a driveway in a private easement when practical access directly from the lot is not feasible, due to topography for instance, or when access points to the street are required to be consolidated, by the CBJ or DOT&PF, for example. If this practice to approve subdivisions that share driveways in private easements is to continue, the proposed subdivision ordinance will need to be amended to provide this additional access option.

Background

Recently, a proposed subdivision along North Douglas Highway highlighted the fact that some subdivisions are approved when the physical access to the proposed lots is from a shared driveway easement rather than by a dedicated and constructed street. These subdivisions meet the requirement for lots to provide a minimum of 30 feet of frontage on a dedicated right-of-way, but instead of each lot directly accessing the dedicated right-of-way, access is through a shared easement to that right-of-way. The figure below illustrates a subdivision in which all lots share a common driveway in a private easement (Figure 1).

The requirement for lots fronting onto maintained rights-of-way exists for public safety purposes; safe and continued access to properties is of paramount importance for ambulance, fire, and police access. Current Title 49 subdivision requirements include that each lot must be designed to provide a minimum of 30 feet of frontage on a dedicated right-of-way and that each lot must abut and be physically accessed from a street. The Community Development Department's practice has been to consider and sometimes approve subdivisions when practical access can't be met from the proposed lots. While the minimum frontage

Assembly Committee of the Whole Meeting
 July 23, 2015
 Page 2 of 4

requirements on a dedicated right-of-way are met for the proposed lots, and the lots abut a street, the physical access *from* the lots *to* the street might be *through* an easement. In some subdivision cases, the “practical access” to the maintained right-of-way is not the most direct access. While the lot design requirement for frontage on a dedicated right-of-way may be met with a proposed subdivision, direct access from those lots to the right-of-way may not be practical, such as due to topography. The practical access to the right-of-way may be through a shared easement instead.

FIGURE 1 – ATWATER ESTATES ON DOUGLAS HIGHWAY

Access is from Douglas Highway through a shared driveway easement on adjacent property to the four common wall dwelling units and to single-family lots beyond



CBJ staff met with the Subdivision Review Committee (SRC) on Wednesday, July 22, 2015, in order to discuss shared access driveways and solicit input as to whether this subdivision option should be continued. Three of the five SRC members attended the meeting, with one of the absent members sending in his comments prior to the meeting. A representative from DOT&PF attended, as well as CBJ staff from the Manager's office, CDD, and the Law Department.

Assembly Committee of the Whole Meeting
 July 23, 2015
 Page 3 of 4

The Subdivision Review Committee members unanimously agreed that this subdivision option should be continued. They believe this is an opportunity to provide additional development options for parcels that may not be able to be subdivided otherwise. Also, in these cases, many times the public welfare is better served by providing an alternate access. While direct and practical access from each lot to a dedicated street is ideal, due to site constraints, such as topography or limited access points to the roadway, it may not be practical. Practical access to subdivided lots can be achieved through shared driveways in private easements while also ensuring that the public's health, safety, and welfare are protected. The SRC would like to see this practice continued, but with limitations. Their suggested limitations include the following:

- Shared driveways in private easements are only available for residential subdivisions;
- The subdivision can generate no more than 70 ADT which is approximately four lots assuming one single-family lot with one accessory apartment for each lot;
- The subdivision cannot create a landlocked parcel;
- If there is foreseeable future development beyond the proposed subdivision, as determined by the director, this option isn't available;
- Lots won't be required to provide frontage on a dedicated right-of-way;
- The driveway grade cannot exceed 15%;
- The CBJ must consider the driveway safe for access;
- An owner's association must provide for continued maintenance of the driveway;
- The minimum width of the driveway is 20 feet or as determined by the Fire Department; and
- The width of the easement should be 50 feet, but can be reduced by 20 feet when approved by the Director;

For these smaller subdivisions, dedicating right-of-way and constructing a street isn't financially feasible and the SRC felt that unless a "relief valve" such as this shared driveway easement option is made available, subdivision would not occur on these smaller properties and additional housing wouldn't be provided. With the rezoning to higher density zone districts occurring as water and sewer have been extended, utilization of those services won't be realized as planned unless additional subdivision options are available. The topography of many remaining vacant properties makes it difficult to construct a connecting street system, shared parking area easements and stairways to properties might be the most practical access for some of these lots. The SRC believes that the health, safety, and welfare of the owners of those lots could be assured with this access option. They cited many examples where shared driveways already work.

Conclusion

Allowing these types of subdivisions with access through shared driveway access easements in certain instances has been common practice. Available "flat" land is scarce and the remaining

Assembly Committee of the Whole Meeting

July 23, 2015

Page 4 of 4

properties that can be developed have topographical issues or other constraints that make development less practical. Furthermore, DOT&PF has been restricting driveway access onto other streets as average daily trips increases. Do we want to continue the practice of allowing alternate subdivision scenarios that are practical for that site? If so, the current subdivision ordinance draft needs to be amended to include the option of subdivision through shared driveway easements. In the proposed ordinance, other than for panhandle subdivisions, right-of-way must be dedicated and streets constructed (whether privately maintained or built to CBJ standards) for subdivision to occur when the right-of-way can't be physically accessed from the proposed lots.

For reference, below is a partial list of subdivisions that have been approved with shared access instead of dedication and construction of a street. Examples include:

- Thane Landing – 7 waterfront lots at the end of Thane Road that share a common driveway. (Plat. No. 96-99)
- Atwater Estates – Four common wall lots accessed through a shared easement on the adjacent property. (Plat No. 2007-63)
- Glacier's Edge Subdivision – 3 total lots sharing an access easement (two bungalow lots and one regular lot). (Plat No. 2014-28).
- Auke Lake Ridge Subdivision – 6 residential lots sharing a 60 foot shared access, utilities, and drainage easement. (Plat No. 2013-29)
- Ferry Heights Subdivision No. 3 – 5 residential lots sharing access from Glacier Highway. (Plat No. 2013-29)
- Mansfield Crossing Subdivision – 5 residential lots, 3 of the lots share an access driveway, and the other two share one as well. (Plat No. 2010-34)
- Point Lena View Subdivision No. 4 – A four-lot subdivision, three of the lots share a driveway from Island View Drive. (Plat No. 2010-11)
- Belleview Subdivision – Common wall lots accessed through an easement on the adjacent property. (Plat No. 97-64) (Plat No. 99-42)
- Andsoh Subdivision – 9 total lots, 8 of which are accessed through shared easements. All lots provide the minimum amount of frontage on a maintained street. (Plat No. 2015-04).
- Forest Edge Condos – a 32-unit condo development (not a subdivision) that the entire development is accessed through another property
- North Douglas PUD – the entire 12-unit development is accessed through another property. A two-lot subdivision created the PUD parcel as well as the adjacent parcel through which the PUD has access to North Douglas Highway.

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

July 27, 2015, 5:00 PM.
City Hall Assembly Chambers

Assembly Worksession - No public testimony

I. ROLL CALL

Deputy Mayor Mary Becker called the meeting to order at 5:00 p.m. in the Assembly Chambers.

Assemblymembers Present: Mary Becker, Karen Crane, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Jerry Nankervis (teleconference), Merrill Sanford, Kate Troll and Debbie White.

Assemblymembers Absent:None.

Staff present: Kim Kiefer, City Manager; Amy Mead, City Attorney, Rob Steedle, Deputy City Manager; Laurie Sica, Municipal Clerk; Hal Hart, Community Development Director; Laura Boyce, Senior Planner.

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. July 13, 2015 Committee of the Whole DRAFT Minutes

Hearing no objection, the minutes of July 13, 2015 were approved with grammatical and spelling corrections.

IV. AGENDA TOPICS

A. Ordinance 2015-03 (b) - An Ordinance Amending the Land Use Code (related to Subdivisions)

Hal Hart, Community Development Director, said that main changes to Subdivisions included: changing the definition of a minor subdivision from 1-4 lots to 1 - 13 lots, the requirements for public notice of subdivisions, the criteria for major subdivisions, how appeals of decisions regarding subdivisions would be handled, defining the purpose and intent of a public use lot and right of way acquisition lots, street construction standards for new subdivisions, privately maintained access roads in public rights of way, and defining remote subdivisions. These changes were intended to affect the cost of housing and they tied into who paid for costs of infrastructure - developer, property owner or municipality. He said that he and Senior Planner Laura Boyce were available to answer questions.

Ms. Boyce pointed out a second memo addressing private easements and private roads. There is a basic design requirement of subdivisions that each lot must provide a minimum of 30 feet of frontage on a maintained right-of-way, and depending on the zone, for example, 20 feet in an industrial zone. Ideally the access from the lot is direct to the street, but in some circumstances, that is not practical, and the access has been through an easement through other lots to a maintained driveway. Ms. Boyce said there were roughly six subdivisions pending that had shared access as a element proposed in the subdivision. She said in one case, DOT preferred to limit

driveways directly on to the right of way and preferred that the subdivision use the existing driveway on another adjacent lot. Ordinance 2015-03(b), a right of way must be dedicated and streets constructed (whether privately maintained or built to CBJ standards) for subdivision to occur when the right of way can't be physically accessed from the proposed lots, with the exception of panhandle subdivisions. She said a question for the Assembly was whether it would like to continue the practice of allowing alternate subdivision scenarios that are practical for the specific site. If so, Ordinance 2015-03(b) needed to be amended to include the option of subdivision through shared driveway easements. The Subdivision Review Committee met on July 22 and suggested ten criteria to allow, but limit the practice, as outlined in her memo dated July 23.

Ms. Mead said that in the new ordinance, the only time private easements would be allowed to act in lieu of a public right of way was in the case of the new roaded remote subdivisions. The current code requires 30 feet of frontage and direct and practical access, and the frontage is obtained by being on a public right of way, in 49.15.424. The Assembly needed to make policy calls: to determine it is no longer to require the frontage or read frontage separately from the direct and practical access requirement, or read direct and practical access in a way that is different that it has been historically understood to be vehicular access, or decide to keep the current proposed language and not move forward. The concepts in the memo had not been vetted and she did not know if it meshed well with the rest of the proposed ordinance. It was a significant issue and she asked for Assembly guidance.

Ms. Mead said another main issue left at the last Committee of the Whole meeting was regarding the privately maintained public roads on a public right of way. Because of the Accessory Apartment code change, the ADT (Average Daily Trips) currently in the proposed table no longer makes sense, and would allow privately maintained access roads in major subdivisions. The choice was to lower the ADT or eliminate the requirement that that privately maintained access roads could only be allowed in minor subdivisions.

Ms. Crane and Mr. Kiehl suggested getting feedback from the Planning Commission.

Ms. White said that private roads, and shared driveways in easements were very common in many other places and supported anything that could facilitate development of buildable lots.

Ms. Troll supported moving forward the shared driveway concept and was a practical application, and would like to hear from the Planning Commission.

Mayor Sanford agreed with Ms. Troll and Ms. White and said he did want to hear from the Planning Commission.

MOTION, by Sanford, to forward Ordinance 2015-03 for Assembly consideration.

Ms. Crane said she favored much of the ordinance but was concerned about removing the CDD Director's consideration of "neighborhood harmony" in his review of minor subdivisions. She was concerned about a lack of notice regarding minor subdivisions. She said she was unclear about the process for appeals with minor subdivisions.

Ms. Boyce said minor subdivisions would be approved by the Director, and Director's decisions were appealable to the Planning Commission, and subsequently to the Assembly. The Director could not deny an appeal.

Ms. Boyce said the subdivisions referred to in the proposed ordinance were those that complied with the zoning district within which the property was located, without special uses such as Planned Unit Developments or Cottage Housing Developments which would go before the Planning Commission. If the subdivision abutted a differently zoned district, the greater of the two setbacks would apply, allowing a greater buffer. The Director had discretion to add conditions.

Mr. Hart said that as the department conducted neighborhood plans, there was discussion up front with the community before applications came in so the issue of neighborhood harmony would be addressed "up front."

Ms. Troll said that the Assembly had done significant upzoning without neighborhood plans in place, so thought neighborhood harmony was an important consideration.

Ms. Mead said that neighborhood harmony applied in the case of a use of a property, and in subdivisions, it was a zoning issue and the time that neighborhood harmony came under consideration was when considering an increase in density. The subdivision of land would be done in accordance with the uses and configurations within the specific zoning district of the proposed subdivision.

The Assembly discussed the public notice requirements.

MOTION, by Gladziszewski, to amend Ordinance 2015-03(b) to require the following public notice of subdivision proposals: minor subdivision of 1-4 lots = abutting owners only, minor subdivision of 5-13 lots = property owners within 500 feet, and major subdivision of 14 lots or more = property owners within 500 feet.

Roll call:

Aye: Becker, Crane, Jones, Gladziszewski, Kiehl, Troll, Sanford.

Nay: Nankervis, White

Motion passed, 7 ayes, 2 nays.

Ms. Mead would review the code for consistency with the proposed change.

The Assembly discussed 49.15.230 Public Notice, regarding posting signs.

MOTION, by Kiehl, to amend Ordinance 2015-03(b) to delete the words in 49.15.230 (d), "if the proposed development in on the road system, the" and keep "The sign shall be visible from a public right-of-way."

Roll call:

Aye: Becker, Crane, Jones, Gladziszewski, Kiehl, Troll, Sanford

Nay: Nankervis, White.

Motion passed, 7 ayes, 2 nays.

Ms. Troll said she had a concern, shared by Mr. Jones, about lowering the standards for sidewalks and paved streets, and asked if this only set up the CBJ for bearing those costs in the future. She said those amenities improved neighborhood safety as well.

Mayor Sanford said the LID policy and code had to be amended to go hand in hand with the adoption of this ordinance. The Assembly had done some LID work for older subdivisions but it was time to revise the LID program. Ms. Gladziszewski and Mr. Nankervis said they supported reducing the up front development costs through lower infrastructure requirements but would like to see some setting of expectations of when public services could be requested or expected. Ms. White supported keeping some areas free of pavement and lights. The Assembly continued discussion on LID's and building to reduced standards.

Ms. Mead said Ordinance 2015-03(b) allowed for substandard streets to be built without any obligation for CBJ to improve those streets, but if amending to include a revised LID process, that would lead to some future expectation, and that would likely fall to the property owner, the CBJ and not the developer at a future date.

There was discussion about the changes to street standards, including street lighting. Ms. White and Ms. Gladziszewski expressed a preference to reduce the street lighting standards. Ms. Mead

said she would discuss the matter with Mr. Watt, as requirements were based on engineering standards.

Mayor Sanford referred to the issue regarding smaller subdivision and ADT. Ms. Mead referred to the table on page 52 of the Ordinance and explained how the last line in the table was no longer correct due to the changes in the accessory apartment code and the calculation of ADT.

Mr. Kiehl asked to shift the discussion to whether or not that privately maintained access road should be allowed. He did not support the concept as drafted in this ordinance, on page 31 of the ordinance, called, "Division 4. Privately Maintained Access in Rights-of-Way." The ordinance in 49.15.434, outlines the "Access Agreement," and he asked what would happen if the agreement ceased to perform its required functions. Ms. Mead said CBJ would need to sue individual homeowners to enforce the provisions of the ordinance, it would be an enforcement action. He said that seemed unlikely, and there would likely be residents that would want the street plowed and would ask the city to do that. Ms. Mead said that was an issue and the liability exposure was difficult to quantify. CBJ was not required to maintain all streets and can allocate resources. But when in this case maintenance is dictated to occur and if it is done negligently, it potentially exposes CBJ to liability. CBJ may find itself of needing to do the maintenance and address the issue after the fact. Ms. Mead said she spoke with brokers about availability of insurance to homeowners associations to cover the roadway and they believe it is available, but were unsure of the cost. It would only be available to a homeowners association, but she could not get clarity on whether there was a guarantee that it could be obtained.

Ms. Boyce said the concept came from the Housing Matrix generated from the discussion on housing and developers seeking ways to make development less expensive to get more affordable housing on the market.

Mayor Sanford said there were at least ten subdivisions that have these types of private access agreements, but those agreements are not standardized. This brings the discussion back to ADT and a need to figure out how and who will be responsible for road development in the future, when growth continues and further subdivisions occur adjacent to these type of subdivisions with access agreements. This was one step in an effort to move forward for positive changes and reiterated that the LID process needed to be updated along with the subdivision code.

The Assembly discussed the scenario outlined in 49.15.343(a)(10) regarding when a development increases ADT beyond the limit for minor subdivisions, how shared costs of right-of-way upgrades would be apportioned. Mr. Palmer explained how "proportionate share" was based on the percentage increase in ADT. Mr. Palmer said the definition was a compromise between the first development and subsequent developments for determining share of the cost. Ms. Mead drew a diagram on the board for illustrative purposes.

The Assembly discussed the issue of when a roadway would be accepted as a publicly maintained road, and Ms. Mead said it was when the road was developed to CBJ maintenance standards. Mr. Jones said the ordinance as written did not clearly state that. Ms. Mead said that if the Assembly promoted a policy that the CBJ would eventually help pay for improvements, this section would need to be reworked. Either the homeowners would pay, or an LID could be requested and imposed. Ms. Mead said that subdivisions with privately maintained access roads could not create landlocked parcels and there must be alternative access to surrounding parcels in order for the subdivision with a privately maintained access to be allowed.

Mr. Hart said that these type of developments had been anticipated to potentially occur in the North Douglas area and he spoke about potential bench road development opening up land.

Ms. Boyce referred the Assembly to her June 12 memo, page 6, regarding a comparison of current street standards to proposed street standards, and the Assembly discussed this and asked for information on costs of paving / lighting.

Mr. Nankervis asked if CBJ was requiring anyone to create a privately maintained access road in a right-of-way and Ms. Boyce said it was an option. He asked how if the development on Back Loop Road last year with "hockey stick" shaped lots with one driveway to access the road was developed. Ms. Boyce said that subdivision was designed so that each lot fronted on Back Loop Road, but the six lots shared an easement with a required homeowners association as a condition of the subdivision, sharing maintenance. He asked how many such developments have asked for their situations to be improved or upgraded by CBJ. Ms. Boyce said she was not aware of any. Mr. Nankervis said he did not want perfect to be the enemy of good in getting long anticipated changes made. Mayor Sanford said he had seen issues regarding rights-of-way arise in the past.

Mr. Kiehl referred to packet page 21 and asked about streets standards outside of the urban service boundary. Ms. Boyce said that under current code there were options for gravel roads outside of the urban service boundary, and with the proposed ordinance it would call for either paving or creating a privately maintained access road. Ms. Mead said the gravel roadways currently allowed were publicly maintained and with the proposed ordinance there was no longer the urban/rural distinction, the standards were based on AD.

Ms. White reviewed a scenario of the Crow Hill Condos, phases 1,2 & 3, which was zoned D-18, and would currently allow for 33 units, however there were 78 units in existence. If built today, they would be more costly to build due to current building codes, and although this ordinance needed work, the Assembly needed to move forward to provide for more housing development.

Hearing no objection, the Committee requested that this matter be continued to its next meeting on Monday, August 3. Ms. Kiefer encouraged the members to save their printed materials for the next meeting.

V. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

Hearing no objection, the Assembly agreed to cancel the August 10 Human Resources Committee and reschedule to August 17, at 5:15 p.m., to be followed by the Full Assembly sitting as the Human Resources Committee at 6 p.m. for interviews for a Docks and Harbors board seat, immediately followed by a Special Assembly meeting to make the board appointments.

VI. ADJOURNMENT

There being no further business before the committee, the meeting adjourned at 8 p.m

Submitted by Laurie Sica, Municipal Clerk

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

August 3, 2015, 5:00 PM.
City Hall Assembly Chambers

Assembly Worksession - No Public Testimony

I. ROLL CALL

Deputy Mayor Mary Becker called the meeting to order at 5:00 p.m. in the Assembly Chambers.

Assemblymembers Present: Mary Becker, Karen Crane, Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Kate Troll and Debbie White.

Assemblymembers Absent: Maria Gladziszewski.

Staff present: Kim Kiefer, City Manager; Amy Mead, City Attorney, Rob Steedle, Deputy City Manager; Laurie Sica, Municipal Clerk; Hal Hart, Community Development Director; Laura Boyce, Senior Planner; Robert Palmer, Assistant Attorney.

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. July 27, 2015 Committee of the Whole Draft Minutes

Hearing no objection, the minutes of the July 27, 2015 Committee of the Whole meeting were approved.

IV. AGENDA TOPICS

A. Executive Session - Update from BRH Regarding Joint Commission Audit

MOTION, by Kiehl, to enter into executive session to discuss topics, the immediate knowledge of which could be harmful to the finances of the City and Borough of Juneau, specifically the Bartlett Regional Hospital Joint Commission Audit. Hearing no objection, the Assembly entered into executive session at 5:03 p.m. and returned to regular session at 5:31 p.m.

Mr. Kiehl said that during executive session, the committee heard a report from Bartlett Regional Hospital regarding its Joint Commission Audit and the staff, including Chuck Bill, CEO, and several BRH Board members present, answered questions.

B. Draft Letter to State Marijuana Control Board on Set 2, Proposed Regulations

Mr. Kiehl said the Marijuana Committee recommended the draft letter provided by Ms. Mead. The goal is greater local control and we are hoping this is reflected in the final state recommendations. The main points of the letter were to request that the State Marijuana Control Board leave the following issues to the municipalities to regulate: the setting of buffers, the size and location of signs advertising the establishment and the decision to permit, or not, consumption on licensed premises. The letter also requested the Board adopt a regulation that requires notice to the local

governing body of applications for licenses, and supported the deference to local government's expertise in the matter of a protest of a license.

Mr. Jones said he was appointed to the State Marijuana Control Board and he had some conversation regarding any potential conflict of interest regarding his position as an Assemblymember. He reviewed the matters with Ms. Mead and based on the discussion he believed he did not have a conflict of interest in his role as an Assemblymember, and would follow the advice of the CBJ attorney. Ms. Mead said for purposes of sitting on the Assembly there was no conflict. As far as sitting on the board as an Assemblymember, testifying as an Assemblymember - this is the issue the state attorney to the board is looking at. Mr. Jones said that the Assembly is different than a private organization. If there eventually is a review of a local marijuana license, as a member of the Marijuana Control Board, he would recuse himself locally.

Ms. Becker asked if the state board had made any recommendation regarding the decision to permit, or not, the consumption on licensed premises. Mr. Jones said no. The Board had until November 27 to adopt regulations in total, and he thought the Board would act November 20. Ms. Becker said she did not support consumption on licensed premises or smoking parlors for marijuana. If the state did not allow this but if the city wants to have the option, which would take precedence? Mr. Jones said the initiative did not specifically address or allow consumption on premises. Until a change in state statutes, the regulations were leaning against it. Ms. Mead said the initiative was silent on marijuana smoking clubs. A few clubs in Anchorage state they are private clubs, they do not sell marijuana, they sell private memberships, marijuana is free for the members and that members of the public are not allowed. The state has not taken a position regarding whether this is an establishment that is open to the public. The second set of regulations prohibit consumption at a retail store. Currently there is no license for a marijuana smoking facility and she did not know if the Board could regulate that without further direction from the legislature. Currently, the only way a local government could allow that would be in a private club setting, and this is something that the initiative contemplated it would be left to the municipalities to decide. Municipalities could not conflict with state law and if state law said there was no consumption on any licensed premise, that would not address the private smoking club, and would be left up to the locality to regulate. It would prohibit someone consuming on a licensed premise.

Ms. Becker asked how the current smoking ordinance interfaced. Ms. Mead said the CBJ smoking ordinance prohibited smoking in any establishment that was licensed to sell food or alcohol, and did not prohibit smoking in a private club where food and alcohol were not for sale. The private club could not have more than four employees. A smoking club was allowed currently under the ordinance, within those parameters.

MOTION, by Troll, to forward the letter to the Marijuana Control Board. Hearing no objection, it was so ordered.

C. Ordinance 2015-03 (b) - An Ordinance Amending the Land Use Code (related to Subdivisions)

Mr. Steedle said that many years of work had gone into this ordinance. Last Monday, we identified a major defect in the ordinance before the Assembly in that it doesn't allow access to new subdivisions through private easements and private streets. Staff appreciated that the Assembly was receptive to considering this and requesting input from the Planning Commission. He said it would best serve the public to adopt this ordinance and not wait the 2-4 months for the Planning Commission's recommendations on that topic as it could be amended in the future.

Mr. Jones said that CDD was currently processing subdivisions in that manner contrary to this proposed ordinance and current code. Mr. Steedle said CDD would not process that type of subdivision access until the code was changed.

Ms. Mead said staff had taken the direction from the Assembly to facilitate development and housing through a rather restrictive code, and one of the ways was through a broad reading of

variances. We have many land use decisions that don't necessarily read well together, where we have used variances to make things happen, but it makes it difficult to make consistent, defensible decisions. We use variances very frequently, when they are supposed to be the exception. A variance for design was allowed, but a variance to construction standards was not allowed, and the distinction between the two has not been clear. This proposed code include access and frontage to a right-of-way are considered design standards and not construction standards, and the Assembly needed to determine if this was the course it wished to take. She recommended that access and frontage should be construction standards and to accommodate development, the standards required should be made easier to accomplish to facilitate development. This would allow more consistent and reliable guidance to the public.

Ms. Mead said there were two main issues that the Assembly needed to address: frontage requirements on a right of way, and whether lots need direct and practical access to a street. Did the Assembly want the standards imposed to be minimum standards or to be able to be varied. The current record of decisions were not consistent and equal protection challenges could be based upon one permit.

Ms. White asked what type of variances would no longer allowed and Ms. Mead said a variance to construction standards, which included streets standards. Setbacks were design standards and could be varied. Construction standards were the improvements one put in to a subdivision. Currently lots must have frontage to a right-of-way, which was a construction standard. Parking requirements were a construction standard. Ms. Mead said that frontage and direct and practical access can be read together to facilitate development, or separately, and this is the main question - what are the minimum standards that you want to require.

Ms. Boyce explained a drawing Mr. Palmer's provided of the conflict of frontage and direct and practical access. Mr. Steedle said staff would like to propose construction standards that make sense and are clear. He referred to the "hockey stick" subdivision off of Mendenhall Loop Road to illustrate that the requirement for road frontage did not always make sense.

Ms. Mead said she believed the frontage and direct and practical access issues needed to be vetted before the Planning Commission. This ordinance has been under review for so long, and the staff has turned over, the goals of the Assembly have become clear for housing and development, and we can bring back this issue after adoption of this ordinance. One issue to resolve before leaving this meeting would be to get direction from the Assembly on the variance question - should frontage and right-of-way requirement be able to be varied or is right-of-way frontage required until a change to the code is made. This should be a change to the proposed ordinance - whether or not to move this out of the design section.

Ms. Troll said she preferred that the private maintenance of public roads should be the exception rather than the rule. Ms. Mead said that was a huge issue that staff had discussed. Does the Assembly want to allow privately maintained access roads or not or should this be worked on further? If the Assembly is comfortable with a broad interpretation of the code through variances, that could continue. Alternatively, the Assembly could say that right-of-way frontage and the requirement for direct and practical access via a street is required as a minimum construction standard that cannot be varied. This proposed ordinance could move forward with that decision and future amendments could be made.

Ms. White said she supported being as flexible as possible to allow development, until her other questions could be answered and addressed.

Mr. Kiehl said he shared Ms. White's concern because these issues were not part of his thinking. He wished to maintain status quo until further consideration could be made.

Ms. Mead said based on Ms. White's and Mr. Kiehl's statement, that would allow leaving the frontage and direct and practice requirements in the design section in the proposed code and allowing variances to those, which was a change to current code, but not to current practice.

Ms. Becker agreed with this approach.

MOTION, by Sanford, to direct staff, as a high priority, to return this issue to the Assembly as soon as possible, regarding frontage, direct and practical access and variances. Hearing no objection it was so ordered.

Mr. Steedle said he understood that if the Assembly chooses to adopt this ordinance, variances will work, because they are in a section called design, which is a change to current code, but not to current practice.

Mr. Nankervis expressed his frustration with the "rabbit hole" of this issue, and Ms. Mead said it was a product of the "patchwork quilt" nature of this ordinance.

Mr. Kiehl asked why it was a good idea in street standards to erase the inside and outside the urban service boundary. We have built to this designation to date and why is that a good change.

Ms. Boyce said the street standards proposed were based on traffic and the measure of average daily trips. When and if the urban service boundary line moves, then there were conflicts. Mr. Hart said the key of the urban service boundary is where we invest for sewer and water. Encouraging development in neighborhoods which already have sewer and water was a key policy.

Mr. Kiehl said the character and nature of neighborhoods could be defined by the development. We keep discussing the cost of development, and if it should be done up front, later, or much later. Erasing the boundary doesn't make sense. Within the urban service boundary, people want a safe community, a walkable community. Outside of the urban service boundary I don't hear those demands, I hear people say they want dark night skies.

MOTION, by Kiehl, to amend the proposed ordinance to require paving outside of the urban service boundary only when the ADT exceeds 500 ADT.

Following discussion, Mr. Nankervis objected.

Roll call:

Aye: Crane, Kiehl, White

Nay: Becker, Jones, Nankervis, Troll, Sanford

Motion failed, 3 ayes, 5 nays.

MOTION, by Kiehl, to permit unpaved privately maintained access roads only outside of the urban service boundary.

Mr. Kiehl said this gets to the question of how costs are born and how neighborhoods would look. When neighborhoods ask for LID's, CBJ used everyone's taxes to subsidize the inexpensive home the original buyer bought. CBJ was paying for the infrastructure that should have been constructed originally. He was willing to allow privately maintained gravel roads outside of the urban service boundary. Within the urban service boundary, the CBJ would continue to receive requests for services from homeowners. CBJ had tried to create neighborhoods and encourage people to live in the more dense areas where it has invested in services. He was not requiring a sidewalk on every street but was reducing the impact on the treasury is important.

Following discussion, Mayor Sanford objected because the Average Daily Trip standard was sufficient.

Roll call:

Aye: Crane, Jones, Kiehl, Troll, White

Nay: Becker, Nankervis, Sanford.

Motion passed, 5 ayes, 3 nays.

Following a recess in the meeting, Ms. White asked for clarification of the action taken by the last motion. Ms. Mead said that the committee added a requirement to the table on page 52 of the

proposed ordinance that privately maintained access roads would be allowed only outside of the urban service boundary. Ms. Mead said this would not change road standards in the valley, where gravel roads were not allowed due to air quality standards.

Mr. Steedle asked for clarification. He said he understood that when the Assembly passed the ordinance, 30 days after, those subdivisions which people sought variances for because they did not have direct and practical access would be allowed to move forward through the process. Parallel to that, the Planning Commission would take up a proposal from staff on how to move away from variances, toward having criteria under which subdivisions can be considered for lots which do not have direct and practical access. There was no objection to that from the Assembly.

Mr. Jones said given the significant changes and as people get used to the changes, he hoped part of the analysis of individual subdivisions would be review and approval by law. Ms. Mead said that the Law Department did not vet the subdivisions or any development permits now.

Mr. Nankervis expressed his appreciation of the work of staff and the Planning Commission and if this was passed there would be a number of reductions of issues that needed to go before the Planning Commission.

V. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

None.

VI. ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 7:35 p.m.

Submitted by Laurie Sica, Municipal Clerk

Laura Boyce

From: Dan Jager
Sent: Friday, June 26, 2015 9:36 AM
To: Laura Boyce; Sven Pearson
Cc: Beth McKibben
Subject: RE: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Laura. I agree with the requirements and the applicant meeting the IFC requirements by installing fire sprinkler systems in each structure that is built. Since they agree to doing this as stated in the letter from Mr. Pusich, this subdivision is good to go as far as IFC goes. If the applicant does not install the systems as required, then there will be fire code issues that must be dealt with. Hope this helps.

Dan

Daniel M. Jager EFO, IAAI-CFI
Fire Marshal



Capital City Fire Rescue
820 Glacier Avenue
Juneau, Alaska 99801
907-586-0260 (Office)
907-586-8323 (Fax)

*"If it is predictable, then it is preventable.
If it is preventable then it is not an accident".*

From: Laura Boyce
Sent: Friday, June 26, 2015 8:32 AM
To: Sven Pearson; Dan Jager
Cc: Beth McKibben
Subject: FW: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040
Importance: High

Good morning,

I'm sorry to bother you again, but I really need a response from Fire about this subdivision, preferably today. Monday would be the absolute latest that I can incorporate your comments into the staff report.

Thank you!

Laura

From: Laura Boyce
Sent: Wednesday, June 24, 2015 3:03 PM
To: Sven Pearson; Dan Jager
Subject: FW: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040
Importance: High

Good afternoon,

Can you please provide comments about this project as soon as you can? According to their application, they state that they have approval from fire to only have a 20 foot wide easement to access these six lots (three two-unit common wall buildings) but they will sprinkle the buildings.

I'm trying to wrap up the staff report for the Planning commission this week. It's a major subdivision request.

Thank you!

Laura

From: Laura Boyce
Sent: Thursday, May 14, 2015 11:37 AM
To: Ron King; Dan Jager; Sven Pearson; Quinn Tracy; Heidemann, Marie E (DOT) (marie.heidemann@alaska.gov); 'Eric Eriksen (eric.eriksen@aelp.com)' (eric.eriksen@aelp.com); Ed Foster; Samantha Stoughtenger; Charlie Ford
Cc: Allison Eddins
Subject: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040

Good morning,

Attached please find the application materials for a proposed six-lot major subdivision that will ultimately have three two-unit common walls constructed. The total six lots will be reviewed now, but initially the three "master parcels" will be created. Those three parcels will be subdivided when the common wall development is completed. The proposed plat is located on the last page of the application package.

Access to the parcel is through an existing access easement.

Please provide comments to me by Tuesday, May 26th. If you need additional information from the applicant for your review, please let me know as soon as possible.

Please contact me directly with any questions.

Laura A. Boyce, AICP
Senior Planner

City and Borough of Juneau
907.586.0753

laura.boyce@juneau.org

Laura Boyce

From: Dan Jager
Sent: Monday, June 29, 2015 1:19 PM
To: Ron King
Cc: Laura Boyce; Sven Pearson; Hal Hart; John Bohan
Subject: Re: RE:
Attachments: image004.png; image005.png; image006.jpg; image007.png

Follow Up Flag: Follow up
Flag Status: Flagged

If the road is serving three or more structures, or if it more than 150 feet in length then it must be minimum of 20 feet wide. If there are less than three structures currently then the road requirements and turn around do not kick in until a third structure is built. Does this help?

Dan

Sent from my iPhone

On Jun 29, 2015, at 1:04 PM, Ron King <Ron.King@juneau.org> wrote:

Under the NO it states: Fire apparatus road not required, however road width must be 20 ft. The CBJ Engineering Specifications and Standard Details do not have minimum width requirement for driveways. Are you referring to the road that connects to the driveway or are you saying the driveway must be 20ft minimum?



Ron King PLS

General Engineering
907-586-0881

From: Dan Jager
Sent: Monday, June 29, 2015 9:54 AM
To: Laura Boyce
Cc: Ron King; Sven Pearson
Subject: FW:

Good morning Laura. Here is a basic info sheet that Sven Pearson, Deputy Fire marshal created. It gives the requirements for apparatus access roads and signage etc. Let me know if this is what you are looking for or if there is something else I can provide to help with your report? Thanks!

Dan

From: Sven Pearson
Sent: Monday, June 29, 2015 9:51 AM
To: Dan Jager
Subject:

<http://www.juneau.org/ccfr/Apparatusaccesshydrantsignage.htm>

Sven J. Pearson
Deputy Fire Marshal



Capital City Fire/Rescue
820 Glacier Avenue
Juneau, Alaska 99801
(907) 586-0642 (Office)
(907) 586-8323 (Fax)

Visit us on the web at:

<http://www.juneau.org/ccfr/firemarshalsoffice>



<103A.pdf>

Laura Boyce

From: Ed Foster
Sent: Wednesday, May 27, 2015 6:35 PM
To: Laura Boyce
Subject: RE: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040

Streets and Fleet Division has no issue with this proposal.

Ed

From: Laura Boyce
Sent: Wednesday, May 27, 2015 4:45 PM
To: Ron King; Dan Jager; Sven Pearson; Marie Heidemann (mariewendel@gmail.com); 'Eric Eriksen (eric.eriksen@aelp.com)' (eric.eriksen@aelp.com); Ed Foster; Samantha Stoughtenger; Charlie Ford
Cc: Allison Eddins
Subject: FW: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040
Importance: High

Good afternoon,

If you have comments about this proposed subdivision located on North Douglas, please let me know as soon as possible. Access to the proposed six lots will be through an access easement through two other properties.

If you require additional information or have questions, please let me know as soon as possible.

Thank you,

Laura

From: Laura Boyce
Sent: Thursday, May 14, 2015 11:37 AM
To: Ron King; Dan Jager; Sven Pearson; Quinn Tracy; Heidemann, Marie E (DOT) (marie.heidemann@alaska.gov); 'Eric Eriksen (eric.eriksen@aelp.com)' (eric.eriksen@aelp.com); Ed Foster; Samantha Stoughtenger; Charlie Ford
Cc: Allison Eddins
Subject: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040

Good morning,

Attached please find the application materials for a proposed six-lot major subdivision that will ultimately have three two-unit common walls constructed. The total six lots will be reviewed now, but initially the three "master parcels" will be created. Those three parcels will be subdivided when the common wall development is completed. The proposed plat is located on the last page of the application package.

Access to the parcel is through an existing access easement.

Please provide comments to me by Tuesday, May 26th. If you need additional information from the applicant for your review, please let me know as soon as possible.

Please contact me directly with any questions.

Laura A. Boyce, AICP
Senior Planner

City and Borough of Juneau
907.586.0753

laura.boyce@juneau.org

Laura Boyce

From: Heidemann, Marie E (DOT) <marie.heidemann@alaska.gov>
Sent: Monday, June 01, 2015 11:29 AM
To: Laura Boyce
Subject: FW: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040
Attachments: Driveway Approach Details, REV. 5-15-2015.pdf

Laura,

I haven't received many comments from anyone here. Only that they should have an issued driveway permit prior to construction.

Thanks,
Marie

From: Haynes, Emily R (DOT)
Sent: Thursday, May 28, 2015 9:24 AM
To: Heidemann, Marie E (DOT); Trousil, Robert E (DOT); Carroll, Lawrence P (DOT); Epstein, David B (DOT); Schmidt, Joanne M (DOT); Buck, Joseph T (DOT); Hughes, Andrew N (DOT); Gray, Scott J (DOT)
Subject: RE: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040

Also, sheet C-5 has been changed (per our requirements). Here is the updated driveway plan.

Emily

From: Haynes, Emily R (DOT)
Sent: Thursday, May 28, 2015 9:23 AM
To: Heidemann, Marie E (DOT); Trousil, Robert E (DOT); Carroll, Lawrence P (DOT); Epstein, David B (DOT); Schmidt, Joanne M (DOT); Buck, Joseph T (DOT); Hughes, Andrew N (DOT); Gray, Scott J (DOT)
Subject: RE: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040

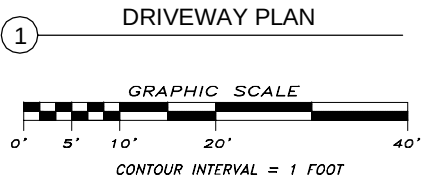
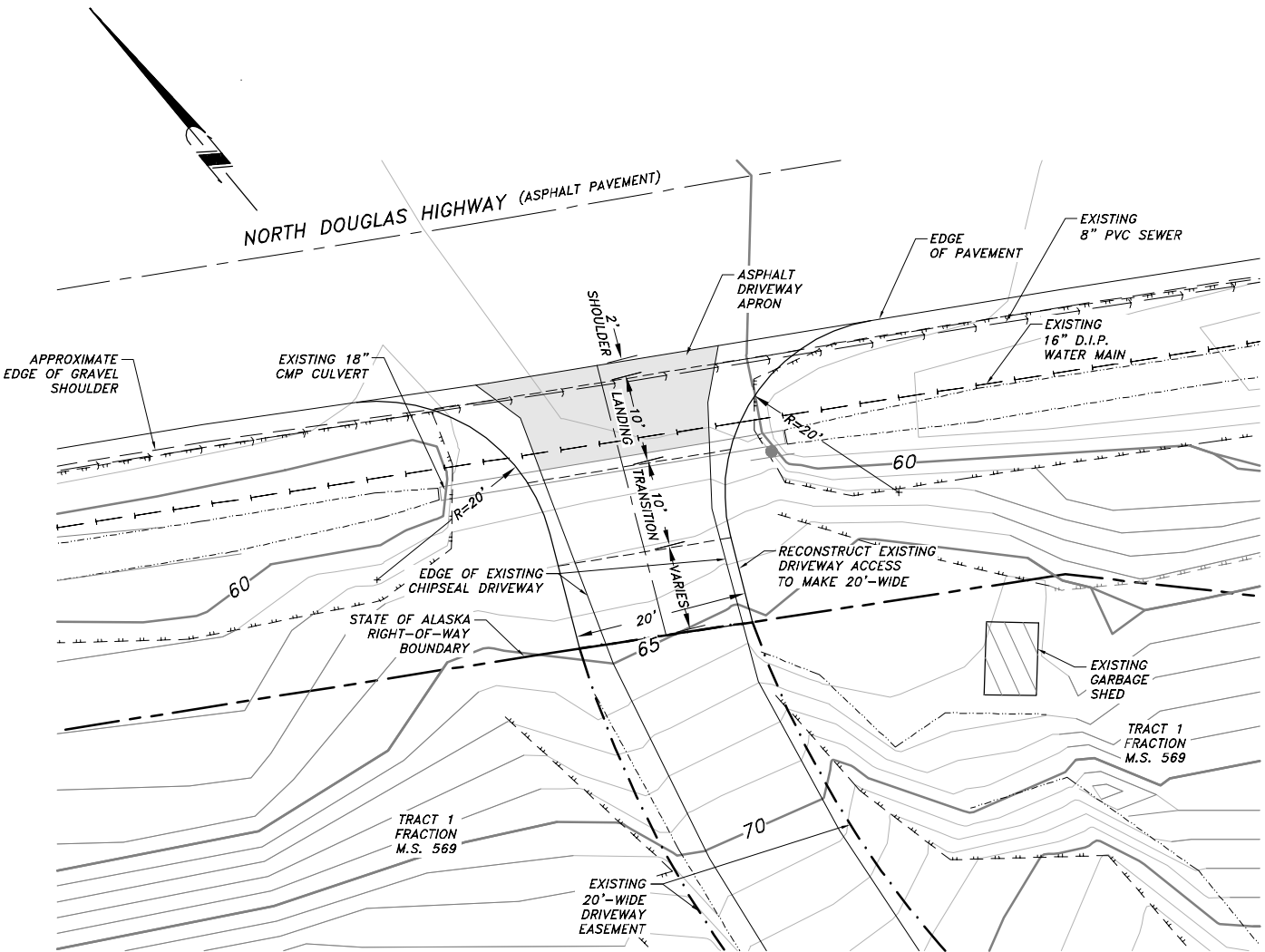
Marie,

I completed a driveway permit for this project last week (am waiting on the retainer and signatures). My only comment would be that they receive an issued permit from us for the driveway prior to construction.

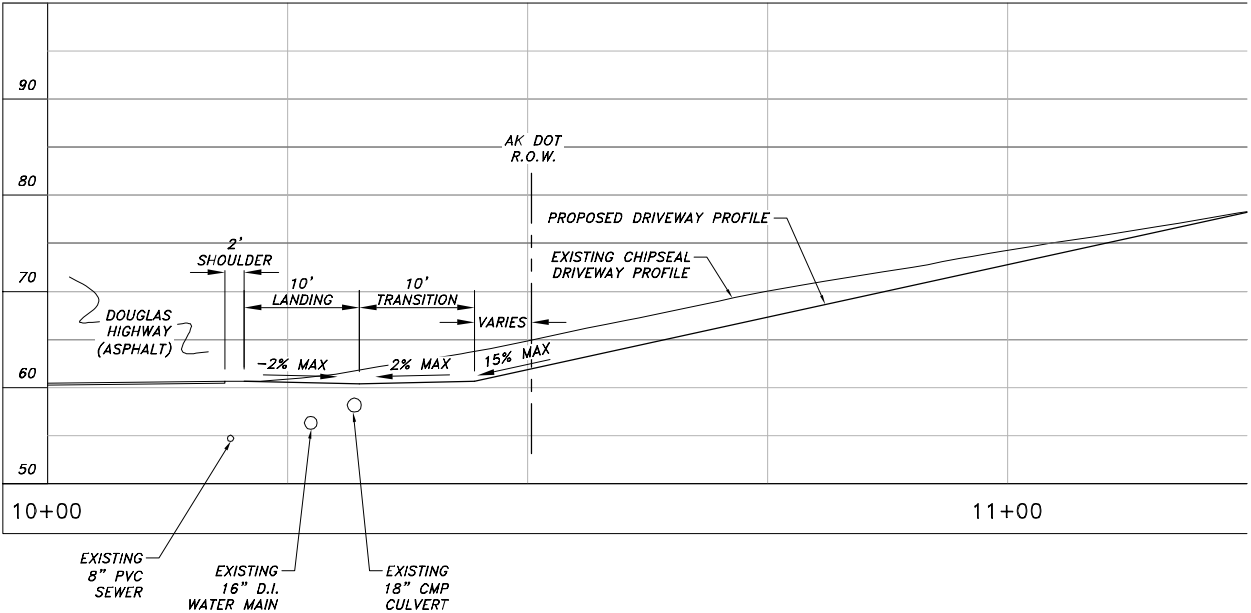
I also now understand why they were so opposed to our requests to widen the driveway...

Emily

From: Heidemann, Marie E (DOT)
Sent: Thursday, May 28, 2015 8:47 AM
To: Haynes, Emily R (DOT); Trousil, Robert E (DOT); Carroll, Lawrence P (DOT); Epstein, David B (DOT); Schmidt, Joanne M (DOT); Buck, Joseph T (DOT); Hughes, Andrew N (DOT); Gray, Scott J (DOT)
Subject: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040



NOTE:
GRADE FORESLOPES TO HAVE 1:4 MAX SLOPE.



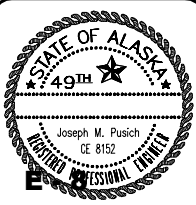
2 DRIVEWAY PROFILE
N.T.S.

I:\2014\141740\Drawings\141740-Site Plan.dwg PLOT: May 15, 2015 at: 1:28pm Jgraves

DESIGN	JMP
DRAWN	JAG
CHECK	JMP
APPROVED	JMP
FILE:	

No.	DATE	REVISION	BY	APRVD.

DRIVEWAY APPROACH
DETAILS



R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS
6205 GLACIER HIGHWAY Phone 907-780-6060
JUNEAU, AK. 99801 Fax 907-780-4611
rmengineering@rmjuneau.com

SADMECH SUBDIVISION
SITE IMPROVEMENTS

CITY AND BOROUGH OF JUNEAU , ALASKA

DATE:	MAY 15, 2015
R&M NO.	141740
SHEET	C5.0

Please send comments my way, as soon as possible. Her original email kicked back so we never got it in time. I'll try to send her comments tomorrow afternoon if I get responses back quickly enough.

Thanks much.

Good morning,

Attached please find the application materials for a proposed six-lot major subdivision that will ultimately have three two-unit common walls constructed. The total six lots will be reviewed now, but initially the three "master parcels" will be created. Those three parcels will be subdivided when the common wall development is completed. The proposed plat is located on the last page of the application package.

Access to the parcel is through an existing access easement.

Please provide comments to me by Tuesday, May 26th. If you need additional information from the applicant for your review, please let me know as soon as possible.

Please contact me directly with any questions.

Laura A. Boyce, AICP

Senior Planner

City and Borough of Juneau

[907.586.0753](tel:907.586.0753)

Marie Heidemann
Transportation Planner
Southcoast Region, ADOT&PF
465-1775

Laura Boyce

From: Ron King
Sent: Thursday, September 10, 2015 12:23 PM
To: Laura Boyce
Subject: OLMO Subdivision

Laura, I fully support the OLMO Subdivision and I encourage Planning Commission Approval. The access as eased for this subdivision is the only practical route for serving the development. Due to the slope of the embankment on Douglas Hwy there is no practical, direct route for access from the right of way as the gradient would be too steep and unacceptable.

I sincerely hope the Planning Commission understands the need to allow a practical common access especially if the CBJ intends on developing hillside properties in an affordable manner or at all.

Ron King PLS

General Engineering
907-586-0881



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 15, 2016

TO: Board of Adjustment

FROM: Laura A. Boyce, AICP, Planner *Laura A Boyce*
 Community Development Department

SUBJECT: Supplement package to the VAR2015 0030 staff report

Since the variance (VAR2015 0030) staff report was prepared, additional staff memos and public correspondence were provided to the Planning Commission about the project. This package includes those previously sent items, along with additional correspondence received from the applicant. Those items are outlined below. Following that list, staff prepared some questions that should help the Board of Adjustment reach a decision regarding the proposed variance request.

Along with the guidance provided by staff below, included in this package are the following:

- March 4, 2016, memo from the CBJ Law Department to the Planning Commission and Community Development Department providing an overview of variances, 1 page.
- March 7, 2016, memo from the CBJ Community Development Department to the Board of Adjustment (Planning Commission) regarding subdivisions along arterial roadways, pages 1 to 11.
- March 8, 2016, memo from the CBJ Law Department to the Board of Adjustment and Community Development Department regarding subdivisions along arterial roadways, pages 1 to 2.
- March 8, 2016, letter from R&M Engineering to the Planning Commission regarding the staff report, pages 1 to 4.
- March 8, 2016, letter from the owners of adjacent Tract 1, USMS 569, regarding the proposed variance, pages 1 to 2.
- March 14, 2016, letter from R&M Engineering responding to the March 8th letter from the adjacent owners, pages 1 to 6.
- March 15, 2016, letter from Haifa Sadighi, the applicant, to the Planning Commission, pages 1 page.

Reaching a Decision on the Variance – Questions for Consideration

The Board of Adjustment is being asked to determine what the appropriate Title 49 frontage and access requirements are applicable to the subject property. The Board of Adjustment needs

Board of Adjustment Public Hearing
 March 15, 2016
 Page 2 of 3

to address the relationship, if any, between CBJ 49.15.424 and CBJ 49.35.210(b) to the subject property. Ultimately, the Board of Adjustment needs to decide whether to grant the variance.

The following questions should help the Board of Adjustment reach a decision on this application:

- What is the relationship, if any, between the frontage and access requirements of CBJ 49.15.424 and CBJ 49.35.210(b)? Are they connected?
 - o If these two requirements are connected, then is CBJ 49.35.210(b) a construction standard?
 - If CBJ 49.35.210(b) is a construction standard, is it variable? Note that CBJ 49.20.250(b) states that construction standards are not variable, and CBJ 49.35.130(b) states that the Director of Engineering may grant relief from construction standards in certain situations.
 - If CBJ 49.35.210(b) is variable, then what other public improvement requirements in CBJ 49.35 are variable?
 - If CBJ 49.35.210(b) is not variable, then the subject property cannot be subdivided because it is already smaller than the required minimum D-1 lot size.
 - If CBJ 49.35.210(b) is not a construction standard, what is this requirement? Is it a design standard? If it is a design standard, can it be varied? If it can be varied, then this variance decision needs to include findings for the frontage and access requirements of CBJ 49.35.210(b) and CBJ 49.15.424.
 - o If CBJ 49.15.424 is not connected with CBJ 49.35.210(b), then this variance decision needs to include findings describing why CBJ 49.35.210(b) does not apply.

The Land Use Code, Title 49, sections referenced above are as follows:

CBJ 49.15.424 Access

- (b) Publicly maintained access within a subdivision. Unless otherwise provided, all lots must either have direct and practical access to, and a minimum of 30 feet of frontage on, the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400. These requirements for frontage and access can be accomplished by:
- (1) Dedication of a new right-of-way with construction of the street to public standards. This street must connect to an existing publicly maintained street;
 - (2) Use of an existing publicly maintained street;
 - (3) Upgrading the roadway within an existing right-of-way to public street standards. This existing right-of-way must be connected to another publically maintained street; or
 - (4) A combination of the above.

CBJ 49.35.210(b)

- (b) Major and minor arterials. Except as provided in subsection (3) of this section, if a new subdivision involves frontage along an arterial street:

Board of Adjustment Public Hearing

March 15, 2016

Page 3 of 3

- (1) The plat shall note that no lots shall access directly onto the arterial;
- (2) Access shall be provided onto an interior access street or a separate frontage road.
- (3) A parcel of land with less than 500 feet of frontage on a street, or with less than 350 feet in depth may be subdivided so as to allow access directly onto a minor arterial street if all of the following conditions are met:
 - (A) All of the resulting lots must meet the minimum lot area standard for a single-family dwelling in the D-1 zoning district (36,000 square feet).
 - (B) All of the lots must share a common access point and further subdivision of the newly created lots is not allowed.
 - (C) Common access to all lots is required and back out parking is prohibited. The applicant must submit a plan that shows the feasibility of off street parking for all lots and an adequate area for a turnaround to prevent back out parking.
 - (D) The applicant must provide assurance in the form of an easement, plat note, and a maintenance agreement that is recorded with the subdivision, all of which must be acceptable to the director, that ensures the required common access will be constructed and maintained by the property owners.
 - (E) The proposed subdivision must meet all other applicable subdivision standards and requirements.



MEMORANDUM

DATE: March 4, 2016
 TO: Board of Adjustment and Community Development Department
 FROM: Robert H. Palmer III, Assistant Municipal Attorney *RHP*
 SUBJECT: Overview of Variances, CBJ 49.20.200-270

The following guidance is offered as the Board of Adjustment considers VAR2015-0030.

Title 49 has two types of permits that may be confusing: the conditional use permit (49.15.330) and the variance (49.15.200-270). A conditional use permit is decided by the Planning Commission and authorizes—if appropriate—an applicant to have a use that is permitted by the Table of Permissible Uses (49.25.300). In contrast, the variance is decided by the Board of Adjustment and authorizes—if warranted—an applicant to violate a design or dimensional provision of Title 49 that applies to everybody else. Thus, a conditional use permit allows a use that is expressly permitted, but a variance allows a development that is expressly prohibited.

Although a variance allows a person to violate the law, variances are necessary in very limited circumstances. The variance tool is supposed to provide relief to a property owner only when Title 49 would otherwise result in an unreasonable regulatory burden because of unique physical characteristics of the property. So long as there is some opportunity for development of the property, there is generally no justification for a variance.

The staff report for VAR2015-0030 describes the variance criteria of CBJ 49.20.250. The Alaska Supreme Court, in a prior CBJ case affirming the denial of a variance, stated the regulatory burden the applicant sought relief from must result from a unique physical condition of the land that distinguishes it from other land in the general area. *City & Borough of Juneau v. Thibodeau*, 595 P.2d 626 (Alaska 1979); *E & F Associates, LLC v. Town of Fairfield*, 127 A.3d 986 (Conn. 2015); 3 Rathkopf's 58:20 (4th ed.); 8 McQuillin Mun. Corp. § 25:179.37 (3d ed.). CBJ 49.20.250(b) incorporates the *Thibodeau* uniqueness requirement.

The *Thibodeau* court further explained that a variance is not warranted when application of Title 49 deprives the applicant of a more profitable development because that would lead to an inequitable application of Title 49. Unless the applicant can show an extraordinary physical situation of the property to warrant the extraordinary variance remedy, the applicant's only recourse is for the Assembly to amend Title 49 or for the applicant to comply with Title 49 like other similarly situated people.

In summary, a variance is an extraordinary remedy to preserve the constitutionality of Title 49.



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 7, 2016

TO: Board of Adjustment

FROM: Laura A. Boyce, AICP, Planner
Community Development Department

SUBJECT: Text Interpretation of whether CBJ 49.35.210(b) applies to the proposed Olmo subdivision (subdivision along arterial roadways) (VAR2015 0030)

CBJ 49.20.300 authorizes the Board of Adjustment to interpret the Land Use Code text.

"The board of adjustment is authorized to ... the text of this title ... and similar questions presented by the department or a property owner directly concerned".

Staff seeks input from the Board of Adjustment regarding CBJ 49.35.210(b) and its applicability to the proposed property on North Douglas Highway of the subject variance (VAR2015 0030).

49.35.210 Street system.

(a) *[In general.] Subdivision street systems shall be designed for the most advantageous development of the entire neighborhood area and shall meet the following criteria:*

(1) *The street system shall provide for connecting streets into adjoining unsubdivided lands.*

(2) *Subdivision street systems shall be designed to maximize the number of connecting streets in a given area in order to reduce the volume of traffic and traffic delays on major streets (arterials and major collectors), to minimize bypass and through trips on residential streets, and to increase the number of local street connections facilitating safer bicycle and pedestrian travel.*

(3) *Traffic calming should be taken into account in street layout and design.*

(b) *Major and minor arterials. Except as provided in subsection (3) of this section, if a new subdivision involves frontage along an arterial street:*

(1) *The plat shall note that no lots shall access directly onto the arterial;*

(2) *Access shall be provided onto an interior access street or a separate frontage road.*

(3) *A parcel of land with less than 500 feet of frontage on a street, or with less than 350 feet in depth may be subdivided so as to allow access directly onto a minor arterial street if all of the following conditions are met:*

- (A) *All of the resulting lots must meet the minimum lot area standard for a single-family dwelling in the D-1 zoning district (36,000 square feet).*
- (B) *All of the lots must share a common access point and further subdivision of the newly created lots is not allowed.*
- (C) *Common access to all lots is required and back out parking is prohibited. The applicant must submit a plan that shows the feasibility of off street parking for all lots and an adequate area for a turnaround to prevent back out parking.*
- (D) *The applicant must provide assurance in the form of an easement, plat note, and a maintenance agreement that is recorded with the subdivision, all of which must be acceptable to the director, that ensures the required common access will be constructed and maintained by the property owners.*
- (E) *The proposed subdivision must meet all other applicable subdivision standards and requirements.*
- (c) *Collector streets. Collector streets in adjoining subdivisions shall be continued in the new subdivision as needed.*
 - (1) *Major collectors. Except as provided in subsection (C) of this section, if a new subdivision involves frontage along a major collector street:*
 - (A) *The plat shall note that no lots shall access directly onto the major collector.*
 - (B) *Access shall be provided onto an interior access street or a separate frontage road.*
 - (C) *Exception a parcel of land with less than 500 feet of frontage or less than 350 feet of depth may be subdivided so as to allow access directly onto a major collector street.*
 - (2) *Minor collectors. Access for lots is allowed directly onto minor collector streets if no other restrictions apply.*

CBJ 49.35.210(b) are design requirements for subdivisions that front directly on a publicly maintained arterial street. The Community Development Department received a variance application for a proposed six-lot subdivision along North Douglas Highway, a designated minor arterial roadway according to the CBJ's adopted Roadway Classification Map (see attached). The variance application (VAR2015 0030) is for relief from the requirement for direct access from a proposed subdivision to a publicly maintained right-of-way. The property has indirect access through an existing 20 foot wide private easement to the publicly maintained right-of-way (North Douglas Highway). Staff believes that the associated variance negates the applicability of CBJ 49.35.240(b) in this instance because the relief sought by the variance, if approved, would result in the applicant using the indirect access for the proposed subdivision and would not be creating direct access.

While the subject parcel has frontage (the side of lot abutting a street; the front lot line) on North Douglas Highway, a CBJ-designated minor arterial roadway, the applicant's variance request is for relief from the requirement for direct access. Direct access to the publicly

maintained street would not occur through the subject parcel, if the variance is approved. The access would be indirect, through an existing private easement on adjacent property.

If the associated variance isn't approved, then the applicant, in order to subdivide, would need to comply with CBJ 49.35.210(b).

Staff is requesting that the Board of Adjustment determine if the subdivision requirements in CBJ 49.35.210(b) are applicable to the proposed Olmo subdivision project. Staff does not believe they are.

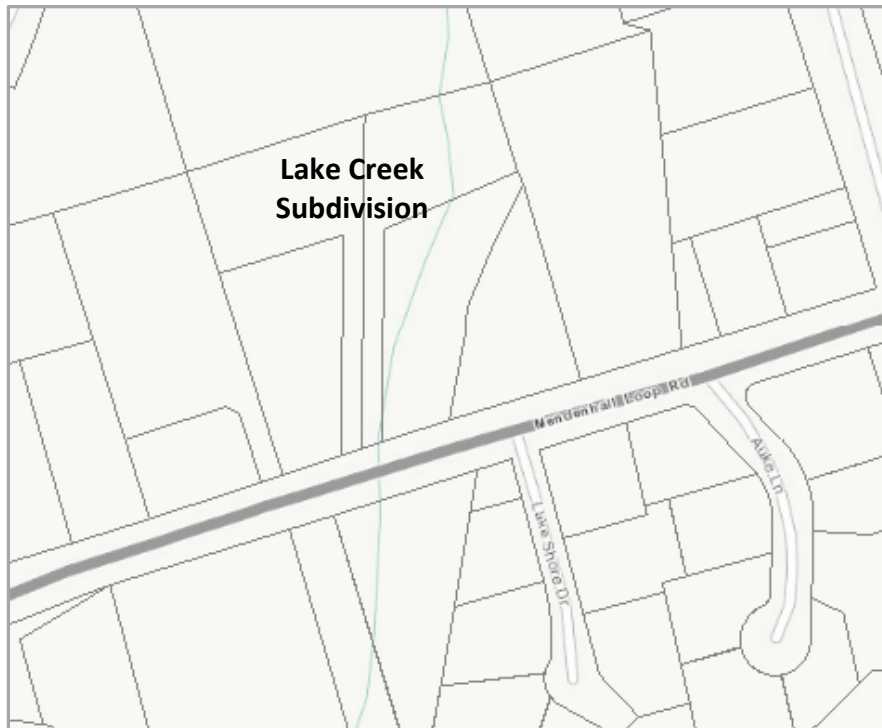
Background

The History of the Current Arterial and Collector Subdivision Requirements

CBJ 49.35.210(b), prior to the now effective Ordinance No. 2015-03 subdivision changes, was located in Chapter 40, *Access, Parking, and Traffic*. With the Ord. 2015-03 changes, these access-related code requirements moved to Chapter 35, *Public Improvements*, and were placed in the Streets section. Access management, traffic, and street design are related, however, traffic requirements remain in Chapter 40 and did not move to the Public Improvements chapter.

Prior to 1991, no subdivisions were allowed along arterial roadways unless an interior road or separate frontage road was constructed. In 1991, a code change provided relief from this street construction standard for smaller lot subdivisions. The change was instigated by a proposed four-lot subdivision along Back Loop Road (Lake Creek Subdivision, see below), a designated minor arterial roadway. At the time, subdivision with direct access to an arterial could only occur if a separate frontage street or an interior access street was platted and constructed. The Manager's Report for Ordinance No. 91-13 that resulted in this Code change states:

"The Planning Commission has been working for some time on the question of how to facilitate the subdivision of relatively large tracts of land into a relatively few number of parcels under circumstances where the present improvement standards are burdensome for the affected property owners, and where minimal public safety and other planning issues can be adequately addressed by other means. Presently the land use code prohibits subdivision of land fronting on a minor arterial street unless a interior access street or a separate frontage road is provided. This ordinance would allow land with frontage directly along a minor arterial street to be subdivided so as to allow access directly onto the arterial street under certain conditions. The ordinance addresses the safety issue by limiting the number of access points that would be permitted. Also, the ordinance would require a large lot size and includes provisions to assure that the access would be functional and maintained."



The CBJ's Roadway Classification Maps

In 2006, the CBJ adopted Roadway Classification Maps (Ordinance No. 2006-15). The CBJ adopted the then-current roadway classification maps used by the State of Alaska Department of Transportation (AkDOT) for roads in the CBJ. In 2011, the AkDOT updated the functional classification maps and changed many of the CBJ road classifications, including North Douglas Highway. The AkDOT now classifies North Douglas Highway as a minor collector roadway. The CBJ was not included in the AkDOT update process.

In 2013, the CBJ did amend its Roadway Classification Maps (AME2013 01) to update the classifications of two roads, Auke Bay Bypass Road and a portion of Old Glacier Highway. That update was necessitated to facilitate a proposed subdivision in that area and it brought those two portions of road back into consistency with the AkDOT classification; the CBJ did not update the entire map series at that time to once again match the AkDOT classifications.

The subdivision changes now effective in Code by Ordinance No. 2015-03 added "minor collector" as a type of road where subdivisions could directly access roadways. However, the Roadway Classification Maps have not yet been updated to implement that type of classification. The AkDOT functional classifications include minor collectors, but the CBJ does not currently.

Access Management Overview

The purpose of access management is to manage access along roadways. An access point is where a conflict can result with the roadway by another street or a driveway. Roadways serve two primary travel purposes:

1. Accessibility - access to and exit from specific locations, and
2. Mobility - travel movement.

The roadway mobility function is to move vehicles from place to place. Arterial roads have higher mobility and a low degree of access (reduced access points so that vehicles can keep moving). Local streets have high accessibility (many access points, e.g., many houses along a street) and low mobility (low speeds, more stopping of vehicles along the street as cars turn in and leave from access points). Major arterial roads have high mobility and low accessibility. Collectors are a balance between accessibility and mobility. North Douglas Highway is the only street that provides access to north and west Douglas until another street is constructed, such as the bench road. Currently, CBJ classifies North Douglas Highway as a minor arterial roadway, meaning that there are accessibility limitations and a higher degree of mobility, while the Alaska DOT downgraded it in 2011 to a minor collector roadway.

Understanding the D-1 zone district lot size standard for proposed subdivisions with direct access to arterial roads (CBJ 49.35.210(b)(3))

In 1991, the Land Use Code was amended to allow for subdivisions along minor arterials. Larger tracts of land with less than 500 feet of frontage or 350 feet of depth could be subdivided with a shared driveway that would be privately maintained (along with other requirements, see CBJ 49.35.210(b)(3)), as long as the lot sizes were a minimum of the D-1 lot size (36,000 square feet). Dimensional standards for D-1 residential zoned lots require a minimum of 36,000 square feet in size. The minimum standard for both lot depth and width are 150 feet. This means that as many as six lots could be subdivided along an arterial road with only a shared private driveway for access.

When this requirement was added to Code, it was due to a particular proposed subdivision along an arterial road located in the D-1 and D-3 zone districts. Water and sewer were not available to the property. Limiting the lot size would also limit the traffic generated from that property. Single-family zone districts are the majority of residential zone designations along arterial roads. Few parcels are zoned for multi-family or commercial. As stated in the above Manager's Report for the change, large lot sizes would "limit the amount of development". That requirement has the effect of limiting development for single-family zone districts, but it does not when properties are zoned multifamily or commercial. In multifamily zone districts, density is determined by the lot area; density is not affected by requiring D-1 lot sizes.

The examples below illustrate how the D-1 lot size requirement results in density for single-family zoned lots as well as multifamily. For single-family zoned parcels, limiting the lot size to D-1 dimensional standards results in less density. However, for a multi-family zoned parcel, it

Board of Adjustment Public Hearing
 March 7, 2016
 Page 6 of 7

does not result in less density. The D-1 lot size requirement to limit density does not provide the desired results in multifamily zoned districts. For access management purposes, requiring a D-1 lot size standard for multifamily zoned parcels does not result in less traffic generated.

D-18 zone district example	Original Lot Size – 150,000 sq. ft.	D-1 lot size – 36,000 square feet minimum	D-18 lot size minimum – 5,000 square feet
No. of Lots	1	4 lots at 37,500 sq. ft. each	30 lots at 5,000 sq. ft. each
Resulting Density	62 dwelling units	4 lots with 16 dwelling units each = 64 dwelling units (Code says you can add up) MOST	30 lots with 2 dwelling units each = 60 dwelling units LEAST

D-5 zone district example	Original Lot Size – 150,000 sq. ft.	D-1 lot size – 36,000 square feet minimum	D-5 lot size minimum – 7,000 square feet *
No. of Lots	1	4 lots at 37,500 sq. ft. each	21 lots at 7,000 sq. ft. each
Resulting Density	2 single-family dwelling units with 1 accessory apartment allowed by right	4 lots with 1 single-family dwelling unit and 1 accessory apartment each = 4 homes and 4 apartments LEAST	30 lots with 1 single-family dwelling unit and 1 accessory apartment each = 30 single-family dwelling units with 30 accessory apartments each MOST

D-3 zone district example	Original Lot Size – 150,000 sq. ft.	D-1 lot size – 36,000 square feet minimum	D-3 lot size minimum – 12,000 square feet *
No. of Lots	1	4 lots at 37,500 sq. ft. each	12 lots at 12,500 sq. ft. each
Resulting Density	2 single-family dwelling units with 2 accessory apartment allowed by right	4 lots with 2 single-family dwelling units and 4 accessory apartments each = 8 homes and 4 apartments LEAST	12 lots with 1 single-family dwelling unit and 1 accessory apartment each = 12 single-family dwelling units with 12 accessory apartments each MOST

SUMMARY

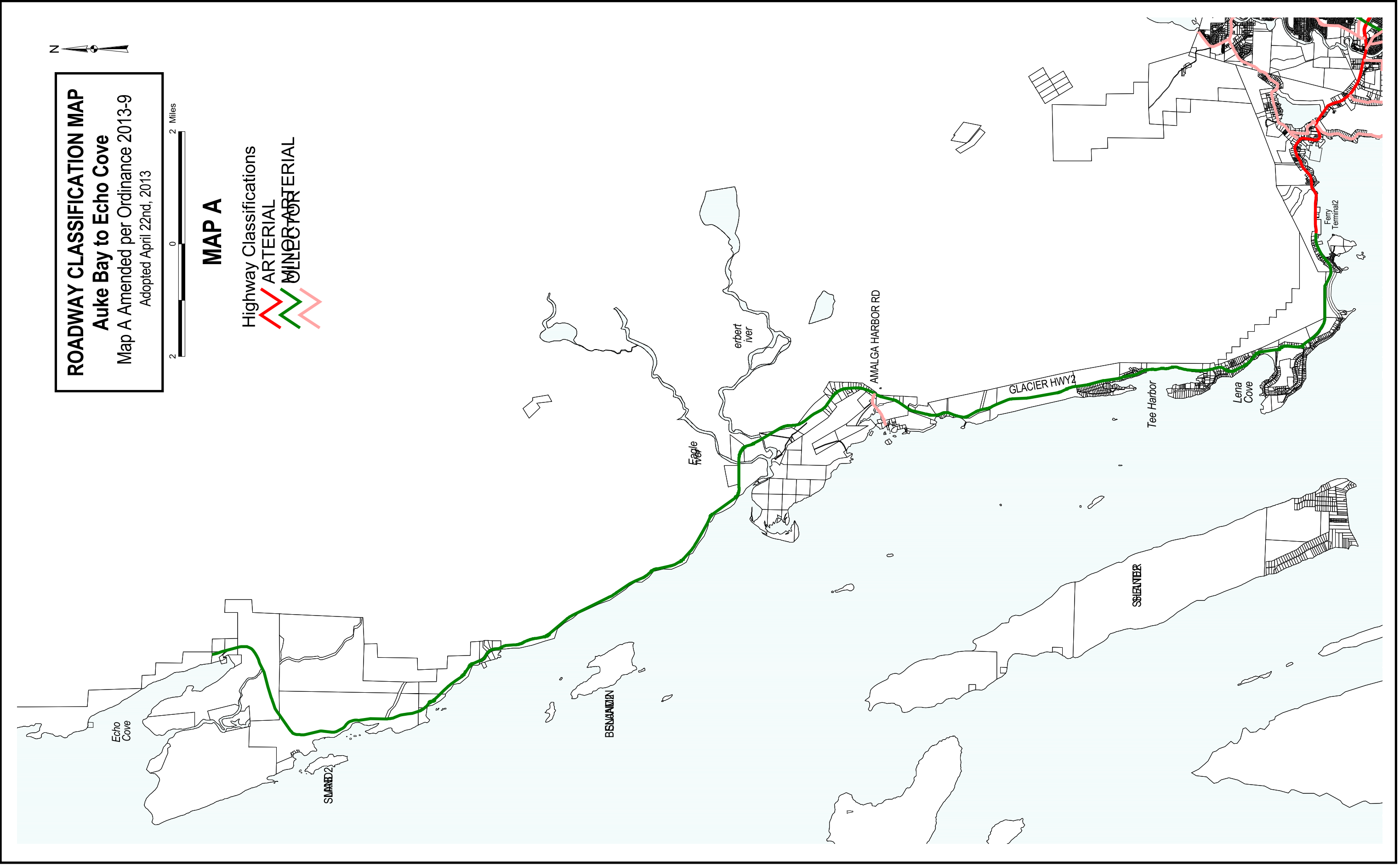
The proposed variance regarding relief from the requirement for direct access to a subdivision from a publicly maintained right-of-way, North Douglas Highway, negates the applicability of

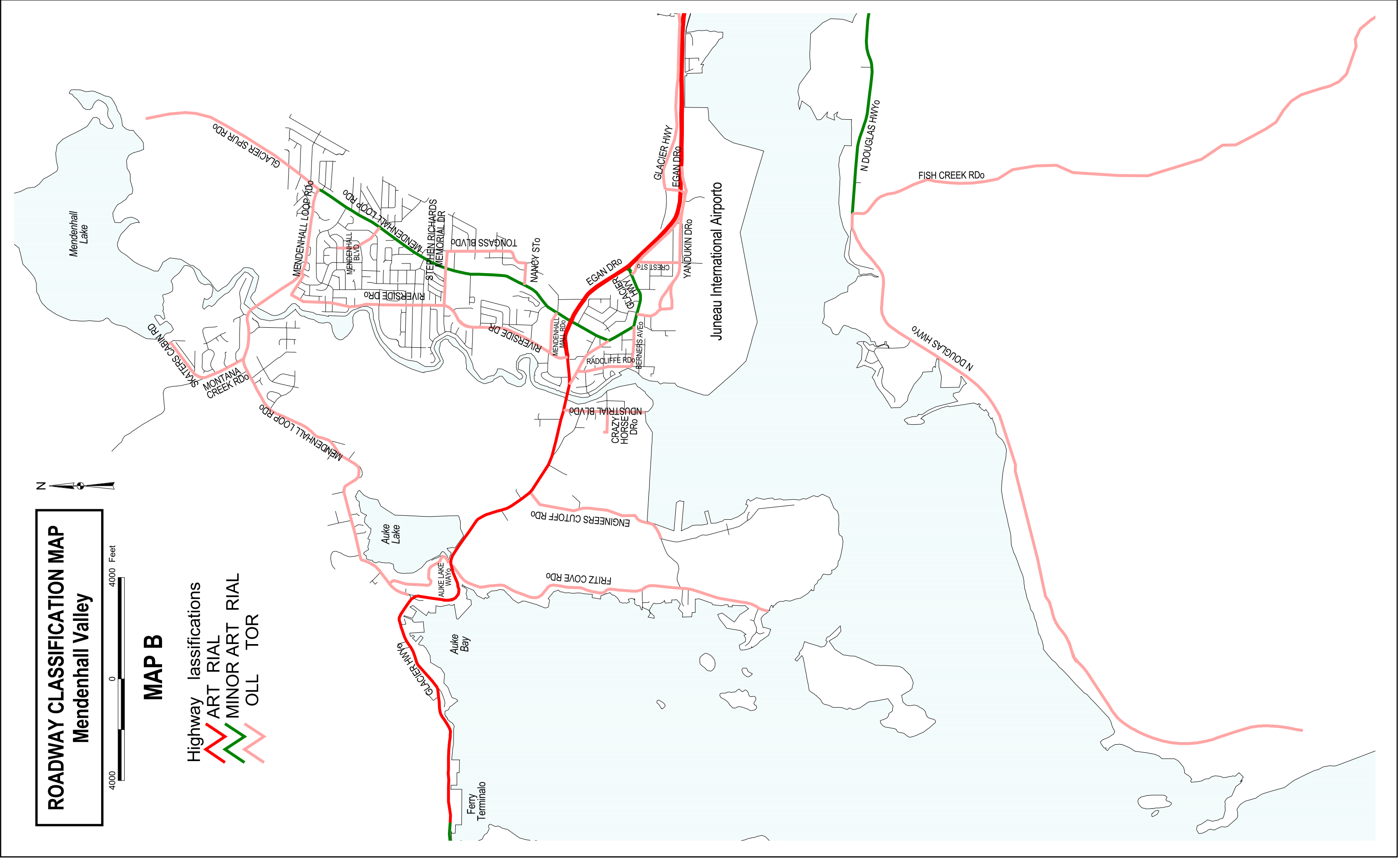
Board of Adjustment Public Hearing
March 7, 2016
Page 7 of 7

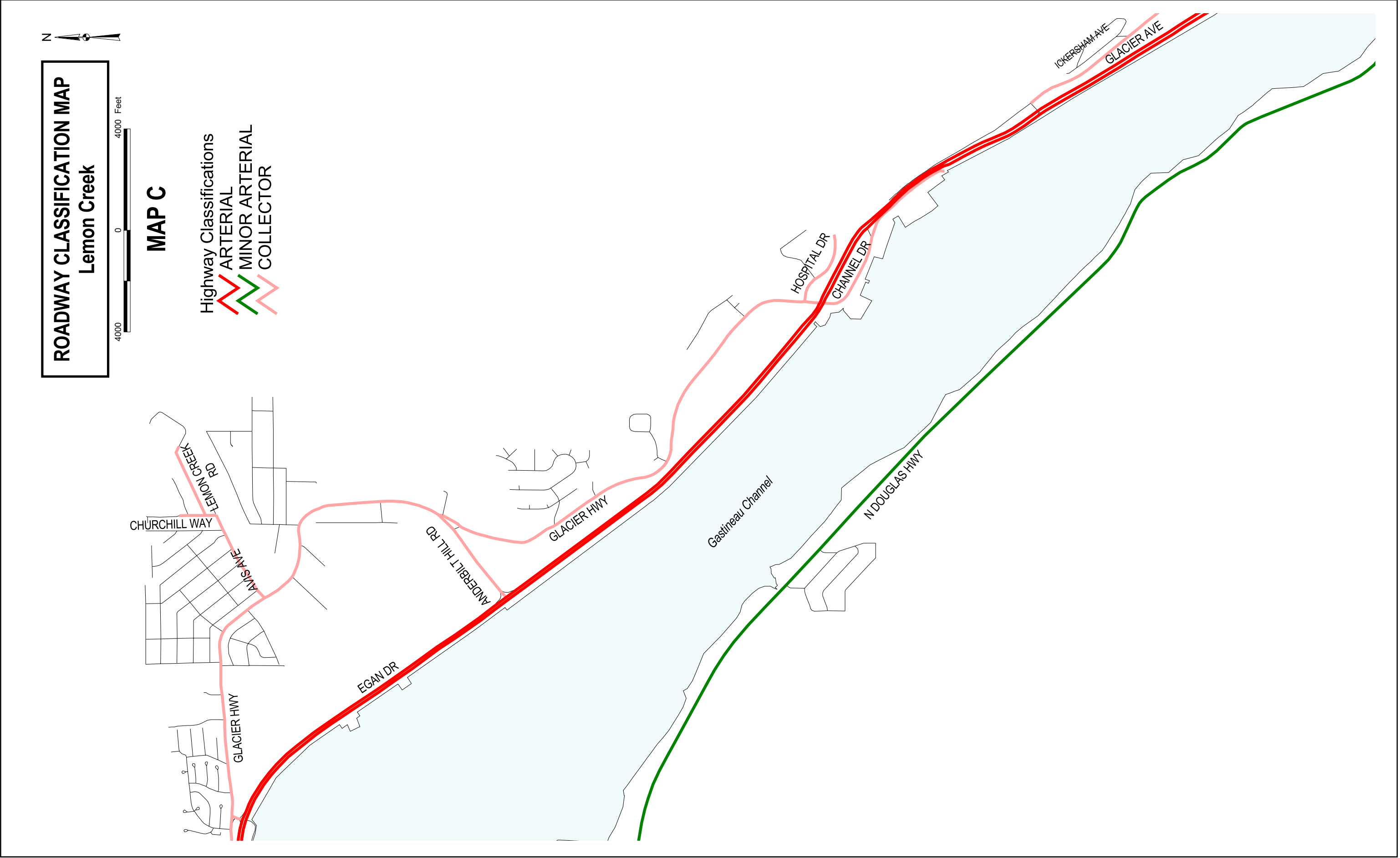
CBJ 49.35.210(b) because it relates to subdivision design requirements and resulting impacts when direct access to an arterial is proposed. The indirect access proposed by the applicant already exists and would not create a new access point nor increase density.

Does the Board of Adjustment agree with staff's interpretation that the proposed variance negates the requirements of CBJ 49.35.210(b) applicability in this instance?

If the Board of Adjustment does not agree with staff's interpretation that CBJ 49.35.210(b) is not applicable to the proposed project, then the project would need to comply with the subdivision design requirements as provided in CBJ 49.35.210(b). If the variance is approved, then the project would need to comply with the subdivision design standards and lots would need to meet the D-1 lot size requirement as required in CBJ 49.35.210(b)(3). If this is the case, then Criterion 4 of the associated variance *"That the variance does not authorize uses not allowed in the zone district"* is *"NO, this is not met"*. The applicant states they wish to subdivide the property in order to develop common wall dwelling units. While common wall dwelling units are an allowed use in the D-18 zone district, they are created through the subdivision process. If CBJ 49.35.210(b) is applicable to the subject property, then the resulting subdivided lots must meet the D-1 lot size requirement. Since the subject parcel is 32,801 square feet, less than the D-1 zone district lot size of 36,000 square feet, subdivision isn't possible.







ROADWAY CLASSIFICATION MAP

Juneau



MAP D

- Highway Classifications
- ARTERIAL
 - MINOR ARTERIAL
 - COLLECTOR





MEMORANDUM

DATE: March 8, 2016
 TO: Board of Adjustment and Community Development Department
 FROM: Robert H. Palmer III, Assistant Municipal Attorney *RHP*
 SUBJECT: VAR2015-0030 and application of 49.35.210(b)

On March 7, the Board received a supplemental staff report to VAR2015-0030 describing Community Development Department's position on the application of 49.35.210(b), Street system, to this variance. In reviewing staff's recommendation, the Board should consider the following:

- 1. If VAR2015-0030 is approved, the Board will need to make specific findings relating to the application of CBJ 49.20.250 to the provisions of CBJ 49.35, Public Improvements.**

Under current code, a variance is only available for dimensional or design standards of Title 49. (CBJ 49.20.200; 49.20.250(b)). The code specifically prohibits variances of construction standards. With the approval of Ord. 2015-03 (amending the subdivision requirements), the Assembly moved frontage and access requirements from the construction standards portion of the code (CBJ 49.35) to the "design" division of 49.15. This was intended to be a temporary measure until staff could finalize proposed amendments to the frontage and access requirements necessary to make Title 49 consistent with the past practice of allowing small subdivisions to have private shared access.

Because 49.35.210(a) is required with the construction plans and because frontage and access are basic public improvement requirements of every subdivision, 49.35.210(a) is presumptively not variable. See 49.35.120(a). CBJ 49.35 does provide relief outside the variance process: CBJ 49.35.130(b) empowers the Director of Engineering and Public Works to adjust the public improvement requirements of 49.35 "if unusual or unforeseen conditions exist in a particular development, and the alternative meets or exceeds the intent of the original standard."

As the Board considers VAR2015-0030, the Board needs to articulate whether 49.35.210(b) is subject a variance. If so, the Board should further articulate whether all provisions of 49.35 are subject to a variance and what is the purpose of 49.35.130(b).

2. VAR2015-0030 is a variance to frontage and access.

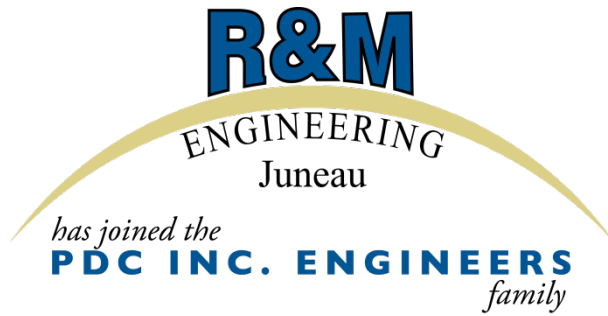
For the purpose of this variance, the Board will need to consider CBJ 49.15.424, 49.35.240 Table, and 49.35.210(b):

- 49.15.424 provides the general frontage and access rules for every subdivision;
- 49.35.240 provides the current construction standards for each type of subdivision access; and
- 49.35.210(b) provides a supplemental rule for subdivisions that front along a CBJ arterial in which the subdivider wants to use a private shared access instead of developing a public street.

Regardless of the Board's final conclusion, I suggest that the Board articulate its findings in light of both 49.15.424 and 49.35.210(b). If the Board disagrees with staff's recommendation to deny the variance, the Board would also need to articulate its analysis and conclusions, which may need to address what construction standard in 49.35.240 Table would apply to this subdivision, if any.

In summary, VAR2015-0030 presents significant frontage and access issues for the Board to decide. In order to make a complete and final variance decision, the Board will need to analyze both 49.15.424 and 49.35.210(b) answering at a minimum, the following questions:

1. What is the relationship between CBJ 49.15.424 and CBJ 49.35.210?
2. Are the requirements articulated in CBJ 49.35.210(b) construction standards?
2. Can the requirements of CBJ 49.35.210(b) be varied?
3. If CBJ 49.35.210 can be varied, can any of the other provisions of CBJ 49.35, Public Improvements, be varied?
4. If CBJ 49.35.210 can be varied, what is the relationship between CBJ 49.35.130(b) and 49.20.250?



March 8, 2016

City and Borough of Juneau
Community Development Department
155 South Seward Street
Juneau, AK 99801

Attn: Laura Boyce
CDD Senior Planner

Re: Variance 2015-0030
Response to Staff Report
R&M Project No. 141740

Dear Ms. Boyce and CBJ Planning Commission Members,

This correspondence is written in regard to the CBJ staff report for VAR2015-0030 dated March 3, 2015. Staff has recommended denial based on net meeting criteria 1, 2, 5 and 6 as described in the staff report. The CBJ code allows the Board of Adjustment to grant a variance **if it can be demonstrated that hardship and practical difficulties resulting from an extraordinary situation or unique physical feature render it difficult to carry out the provisions of Title 49.** Please allow us to demonstrate to the Planning Commission that the variance sought is unique and extraordinary, and to explain how criteria 1, 2, 5 and 6 are met.

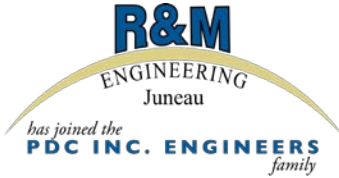
1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

Reason for Denial: “the relaxation would not be consistent with justice to other property owners in that new subdivisions are required to obtain direct and practical access on a dedicated right-of-way.”

Response:

Since the creation of the lots in 1982 it has been recognized that the ‘unique physical features’ of this property make it impractical to directly access Douglas Highway. The site is not “ordinary” by any means and the topography is too steep to connect directly to the North Douglas Highway. In 1982, CBJ recommended and approved a 20’ access easement to Tract 2 for these same reasons.

The applicant has since invested a lot of capital and construction efforts to develop the site with much encouragement from CBJ, but the site must be subdivided for the overall project to be financially feasible. The sudden denial of the subdivision just before the scheduled planning commission meeting last fall, stopped the project in its tracks, leaving the applicant/developer undue financial hardships and the inability to move forward on the project.



It is unfair to hold this project to the strict interpretation of Title 49 when the situation is unique and extraordinary. The subdivision pre-application meeting was held in June 2014. Since that time there have been numerous delays during the permitting for this project. The delays have caused financial loss and hardship to the applicant; there is no question that relaxation of Title 49 would give substantial relief to the property owner.

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.

Reason for Denial: The existing 20' wide gravel driveway does not meet the minimum driveway standards which require a 22' wide paved roadway within a 60' right-of-way and there are maintenance concerns for a shared driveway.

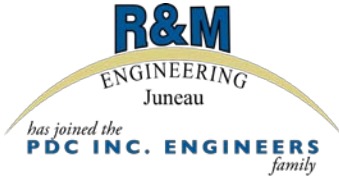
Response:

The driveway would not have had to meet these standards when the original subdivision application was filed but due to delays and getting caught between CBJ subdivision ordinance changes, is it fair to make the applicant/developer pay these high costs? The project has gone through an extensive review process by State of Alaska DOT Engineers through the Driveway permitting process and a DOT Driveway permit was issued last year for the work. Conditions of the Driveway Permit require improvements (widening, pavement, drainage) to be made to the existing driveway to ensure that it is safe and meets current DOT standards for the proposed development. DOT also issued Utility Permits to the applicant for connecting to the underground water/sewer system located in North Douglas Highway. CBJ Engineering and Public Works Departments have all reviewed the proposed subdivision and associated improvements. No negative agency comments were received and in neither case was it claimed that the public safety and welfare was being compromised by this development. Fire sprinklers will be installed in the proposed buildings, so IFC requirements for the driveway are met, the grade will be 14% or less, and it was agreed to by CBJ in 1982 to be the best location for access to the property. The existing driveway width of 20' is more than sufficient to allow two mid-size vehicles to pass as can be further attested by the "AASHTO A Policy on Geometric Design of Highways and Streets" for local roads requires a minimum width of 18' with average daily traffic count of less than 400.

The new standard driveway requirements are an order of magnitude higher than what is financially feasible for a small project of this nature. Even if the project included the total 14 dwelling units allowed, the benefit to the owner/developer would simply not justify the land acquisition, design and construction costs.

A joint hold harmless maintenance agreement to CBJ has been prepared and will be signed by all owners of the lots to ensure that the driveway is maintained and plowed to keep it safe.

The existing driveway configuration is unique and extraordinary. Major modifications to the access would create undue financial hardships for the owner/developer and are unaffordable, impractical and do not fairly match the scale of the project.



5. That compliance with the existing standards would:

C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;

Reason for Denial: "Other smaller subdivisions have had to comply with the street standard requirements."

Response:

The topographic features of the property are unique in that they do not allow direct access to the North Douglas Highway. There is over 40' of vertical relief from the lot areas to the North Douglas Highway which makes for no practical or direct access from the right of way due to excessively steep grades. CBJ recognized this in 1982 when they approved the driveway easement. A smaller subdivision adjacent to a public road and on level ground cannot be fairly compared to the property in question; there must be some degree of judgement for fair and like comparisons.

The cost to acquire land for a 60' right-of-way, and to design and construct a 22' paved roadway to CBJ standards is estimated to be \$500,000 – unreasonable to say the least. This added expense was not anticipated in the original planning of the project with CBJ and only came into play with the recent changes to CBJ subdivision standards. This cost would terminate the project.

Compliance with the driveway standards would be unnecessarily burdensome because unique physical features of the property exist.

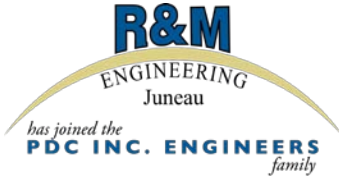
The safest and most practical access to the proposed lots in OLMO subdivision is by the existing access easement. The topography of the site simply does not allow more direct and practical access to the lots from the adjacent North Douglas Highway right of way. CBJ 49.15.460(3) states that 'Consideration shall be given to design limitations imposed and opportunities presented by slopes, waterways and other topographic features.' By relaxing the code interpretation that requires a public street to each lot, the project can move forward as planned without severe delays and undue financial hardship to the developer.

6. That a grant of the Variance would result in more benefits than detriments to the neighborhood.

Reason for Denial: "this development could increase the use of the existing substandard access that is located on two adjacent parcels....and may result in detriments to users of North Douglas Highway because the existing access may cause traffic impacts on North Douglas Highway"

Response:

The original intent of creating a shared driveway was to reduce the number of access points onto North Douglas Highway. Traffic would increase on the driveway as a result of this subdivision. However, DOT has reviewed this increase and approved a driveway permit for the six additional dwelling units without expressing concern. The substandard driveway will be reconstructed to have a safe landing length for vehicles entering/existing North Douglas Highway. It will also be re-graded to ensure that the maximum



slope is 14% or less. CBJ engineering will have another chance to review the construction plans before the final subdivision plat is approved to address any remaining safety concerns.

The only resident directly affected by the increase of traffic through the easement is the applicant who resides adjacent the access easement and views the improvements and maintenance agreement as a benefit. If the large undeveloped parcel which the easement passes through were to be developed, then the driveway would be improved again to higher standards in proportion to that project and increased vehicle use.

Relaxing the driveway standards for the proposed subdivision would increase the safety of the existing driveway by providing incentive and capital for the improvements. These improvements would in turn reduce the improvement costs of the adjacent landowner should they develop their lot. The existing driveway meets the intent of Title 49 by providing safe access to North Douglas Highway which is not otherwise practical because of the topography. Overall, the neighborhood would benefit greatly by having the driveway improved to affordable and practical standards that conform to the unique physical features of the property.

We believe that the approval of the variance, which would allow the existing access easement to provide access to the subdivision, follows the intent and purpose of the CBJ regulations by making development more affordable while maintaining public safety.

We appreciate your time in reviewing this variance response and should you have any questions, please do not hesitate to contact me at your convenience.

Sincerely,

R&M Engineering

J. Mark Pusich, P.E.
Principal Civil Engineer

cc: Haifa Sadighi

I:\2014\141740\Variance\2016 Variance\Presentation\Variance 2015-0030 Response.doc

March 8, 2016

City and Borough of Juneau
Attn: Ms. Laura Boyce, CCD Service Planner
155 South Seward Street
Juneau, AK 99801

Re: OLMO LLC Subdivision Variance Request

Dear Ms. Boyce,

As the owners of the property adjacent to the OLMO proposed subdivision, including the easement over which the applicants propose access, we strongly object to the subject variance request. The application document contains at least one significant error, and we want to ensure the Planning Commission is aware of the recent history of the applicant and her contractors in regard to this project.

1. The statement on the application and in the text of the letter, that the "existing easement which has been in use for 34 years" is factually incorrect and misleading. We agree the second easement was granted in October of 1982; however, it has never been in use.
2. The language about the existing privately-maintained driveway is not represented as the grantor and grantee intended in the original, 1977 recorded easement, which is that the existing driveway was only to serve a single-family residence (Mrs. Sadighi's current home) and the second easement recorded in 1982 was intended to link with the first easement to provide access to Tract 2, USMS 569, an undeveloped land parcel.
3. On or about May of 2014, her engineering firm and her excavation contractor entered onto our property without our knowledge or consent and proceeded to remove trees as well as begin excavation and fill activity, on behalf of Mrs. Sadighi.
4. The applicant, the engineering firm, and the excavation contractor exercised neither the personal nor the professional courtesy to inform us of their intentions before entering onto our land and beginning construction on the easement in question. This work, as mentioned above, included tree removal and land disturbance on our property outside the easements' legal descriptions. We discovered their activity entirely by accident more than a month after it had begun. Once it had been discovered, we requested a meeting with all three parties to determine their intent and find out why they thought it appropriate to start activity on our land without our knowledge or consent.
5. Steve Brantner, on behalf of all three owners, met on September 26, 2014, with Mrs. Sadighi and Mark Pusich of R&M Engineering at the R&M office to discuss these matters. Mr. Anderson, the excavation contractor, did not attend. Our frustration, outlined clearly by Mr. Brantner at the meeting, centered on our displeasure that the activity had proceeded without our knowledge or permission. Excavation had occurred on our land outside the bounds of both easements, marketable timber that had belonged to us had been removed without any way for us to know how much or its value, and at least one survey marker had been removed or covered.
6. A hand-drawn depiction of the 1982 easement was presented to us as an official representation of the easement, but we found that it was provided by a local real estate agent. We were subsequently unable to find the same drawing as part of any official recorded deed, lacking both a book and page number at DNR. Representations were made to us that the hand-drawn easement was matched to the 'metes and bounds' of an official document. We believe this is neither accurate nor pertinent as we have not found such an additional

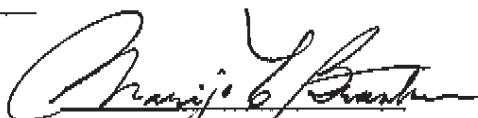
recorded document in DNR records.

7. At the September 26, 2014 meeting, in an effort to resolve these issues amicably, Mr. Brantner outlined the following requirements:
 - a. that the owner and her contractors finish the easement for the whole length per the written description found in the actual recorded 1982 document;
 - b. that the finished surface for both the 1977 and 1982 easements be in accordance with the City & Borough's requirements and Mr. Pusich provided us photos of road surfaces similar to what CBJ requires;
 - c. that she provide an accounting and compensation for the marketable timber removed from our land;
 - d. that the 10'X 20' shed that had been moved onto our property be removed; and,
 - e. that no further intrusion upon our land outside of either easement be conducted without prior permission from us. Mr. Pusich assured us, together with Mrs. Sadighi, that our requirements would be met.
8. We also conveyed to CBJ our concern that the maintenance for the completed 1982 easement be clearly assigned to a homeowners' association comprised of those homeowners of the new subdivision.
9. In reviewing the application for the requested variance, we have noted that the 1977 easement that has been used as a driveway for the applicant and her family has been named OLMO drive in anticipation of the subdivision development on her adjacent property. As that driveway is on our property, we object to this name and have made known to the City & Borough that we have selected "Mineral Survey Road". We do not believe it is within the applicant's rights to name property she does not own, regardless of holding an easement to cross said property.
10. As of March 1, 2016, when we last checked our property, none of the above items has been accomplished. Indeed, the contractor had once again (in the summer of 2015) entered onto our property (outside of the easements) to excavate for water and sewer lines, removing yet more trees and leaving disturbed soil, which may be subject to erosion. If the 1982 easement is not completed for its full length, we believe that access to Parcel 2 from North Douglas Highway will be across the original (1977) access easement to a residence, then across a corner of that residential lot (Mrs. Sadighi's), across the 1982 easement, then once again across Mrs. Sadighi's lot, and onto Parcel 2. We believe this would make both design and maintenance of an access road inappropriate for access to a multi-residence subdivision.

In the end, we must insist that the applicant and her contractors fulfill their commitments to us and that future maintenance responsibility be assigned before final approval for this subdivision is granted.



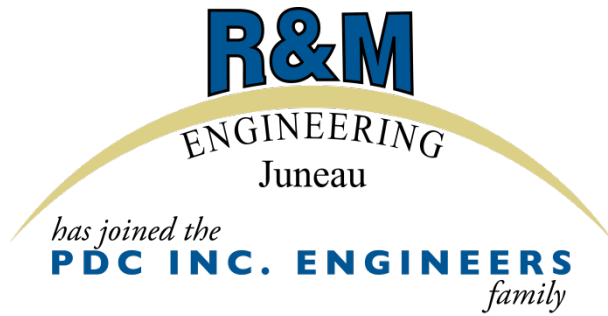
Steven J. Brantner
Co-owner, Tract 1, USMS 569



Marijo C. Brantner
Co-owner, Tract 1, USMS 569



Stacy B. Toner
Co-owner, Tract 1, USMS 569



March 14, 2016

City and Borough of Juneau
Community Development Department
155 South Seward Street
Juneau, AK 99801

Attn: Laura Boyce
CDD Senior Planner

Re: Variance 2015-0030
Response to Brantner Letter
R&M Project No. 141740

Dear Ms. Boyce and CBJ Planning Commission Members,

Please consider this our reply to the letter dated March 8, 2016 from Mr. Brantner claiming that there is a *'significant error'* in the above referenced variance application. We will do our best to clarify this misunderstanding and to respond to the other accusations put forth in the letter. It is important to note that most of these issues brought forth do not concern the variance request which is simply asking that the planning commission accept the existing driveway easement as access to the proposed subdivision.

1. Comment:

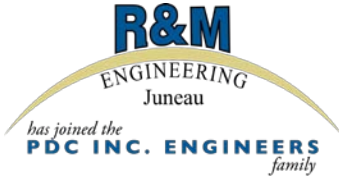
The statement on the application and in the text of the letter, that the "existing easement which has been in use for 34 years" is factually incorrect and misleading. We agree the second easement was granted in October of 1982; however, it has never been in use.

Response:

In 1982, a Fraction of M.S. 569 was subdivided into Tracts 1 and 2 by platting waiver (Plat No. 82-56W). At that time a driveway easement (Document # 101-1982-007745-0) was recorded to provide 'a non-exclusive easement for access through, over and across the property owned by Grantors...' (*Tract 1*). The document goes on to describe the location of the easement which is included in 'Attachment B' of the staff report. In 2014, R&M's survey verified that the easement existed as a drivable gravel surface to within 80' of Tract 2, nearly 70% of the total easement length had actually been in use.

2. Comment:

The language about the existing privately-maintained driveway is not represented as the grantor and grantee intended in the original, 1977 recorded easement, which is that the



March 14, 2016

Page 2 of 6

existing driveway was only to serve a single-family residence (Mrs. Sadighi's current home) and the second easement recorded in 1982 was intended to link with the first easement to provide access to Tract 2, USMS 569, and undeveloped land parcel.

Response:

The 1977 easement included only the portion of the driveway extending to Fr. Block B. The 1982 easement includes the entire area of the 1977 easement and an extension to reach Tract 2. As owner of both lots, Haifa Sadighi has the right to use the entire easement for the purposes given in the 1982 easement agreement and is responsible for the driveway maintenance.

3. Comment:

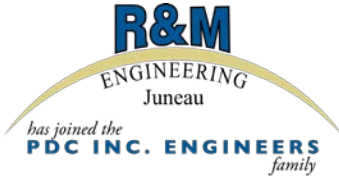
On or about May of 2014, her engineering firm and her excavation contractor entered onto our property without our knowledge or consent and proceeded to remove trees as well as begin excavation and fill activity, on behalf of Mrs. Sadighi.

Response:

Mrs. Sadighi contracted R&M Engineering in April 2014 to perform a boundary and topographic survey of her property. R&M Engineering did not remove any vegetation or trees on Mr. Brantner's property. The surveyor work required obtaining field measurements on the adjacent property which involved walking on the property to obtain measurement readings. Mrs. Sadighi did not direct R&M's surveyors or her excavation contractor to enter onto or perform work on Tract 1, other than within the driveway easement to which she has the right to use for ingress, egress and maintenance. Tree clearing was contained to Tract 2 which the applicant owns. No trees were identified as being cut from the adjacent land owners property. Minor ground disturbance outside of the easement area was observed. Mr. Brantner requested that the easement boundary be field marked so he could visually see what vegetation had been disturbed. This was done by R&M and the disturbed area was very minor. The contractor met with Mr. Brantner in the field to review the disturbed ground areas and the areas were reshaped and hydroseeded by the contractor.

4. Comment:

The applicant, the engineering firm, and the excavation contractor exercised neither the personal nor the professional courtesy to inform us of their intentions before entering onto our land and beginning construction on the easement in question. This work, as mentioned above, included tree removal and land disturbance on our property outside the easements' legal descriptions. We discovered their activity entirely by accident more than a month after it had begun. Once it had been discovered, we requested a meeting with all three parties to



March 14, 2016

Page 3 of 6

determine their intent and find out why they thought it appropriate to start activity on our land without our knowledge or consent.

Response:

The easement agreement gives Haifa the right, as owner of Tract 2, to use the easement for access. It is written that "the easement described above shall be constructed and maintained in good repair by the Grantees at their sole cost and expense." Haifa is responsible for maintaining the driveway easement; nowhere in the agreement does it state that she must ask for permission or notify the owner of Tract 1 when using the easement for access/maintenance purposes. As previously stated, the contractor met with the adjacent land owner to discuss the accidental ground disturbance and no trees were removed outside of the easement area.

5. Comment:

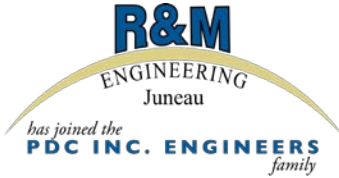
Steve Brantner, on behalf of all three owners, met on September 26, 2014, with Mrs. Sadighi and Mark Pusich of R&M Engineering at the R&M office to discuss these matters. Mr. Anderson, the excavation contractor, did not attend. Our frustration, outlined clearly by Mr. Brantner at the meeting, centered on our displeasure that the activity had proceeded without our knowledge or permission. Excavation had occurred on our land outside the bounds of both easements, marketable timber that had belonged to us had been removed without any way for us to know how much or its value, and at least one survey marker had been removed or covered.

Response:

At the meeting referenced above, Mrs. Sadighi stated that no work was done outside of her property or driveway easement with her knowledge. To remedy the situation, it was decided that R&M's survey crew would paint the property/easement boundary on the ground to visually show if there was any trees or vegetation impacted. There were no trees cut outside of the easement boundary area. Minor ground disturbance was observed outside of the easement area. Mrs. Sadighi did not direct any work outside of her property and claims no responsibility. All survey markers that existed prior to this project still exist. It should also be noted that another meeting was held on July 10, 2015 with Mr. Brantner. Part of the discussion focused on whether or not he could connect to the existing water/sewer systems that were installed by the applicant. Mr. Brantner asked the contractor for a price quote for this work.

6. Comment:

A hand-drawn depiction of the 1982 easement was presented to us as an official representation of the easement, but we found that it was provided by a local real estate



March 14, 2016

Page 4 of 6

agent. We were subsequently unable to find the same drawing as part of any official recorded deed, lacking both a book and page number at DNR. Representations were made to us that the hand-drawn easement was matched to the 'metes and bounds' of an official document. We believe this is neither accurate nor pertinent as we have not found such an additional recorded document in DNR records.

Response:

Mr. Brantner was informed that the exhibit is an illustration only of the easement location and that the real estate broker provided this information from the official closing documents of the property which is common in the industry. The easement shown in R&M's plats and construction drawings for the OLMO subdivision are based on the language written in the recorded easement agreement (101-1982-007745-0) as interpreted by a professional land surveyor. The exhibit is considered a proven graphical representation of the easement. In addition our record research from the 1982 subdivision of USMS 569 into Tracts 1 and 2 by platting waiver (Platting resolution No. W-16-82 and 82-56W) confirms this.

7. Comment:

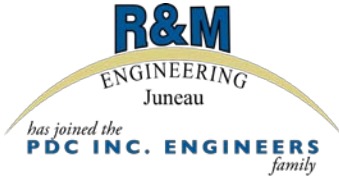
At the September 26, 2014 meeting, in an effort to resolve these issues amicably, Mr. Brantner outlined the following requirements:

- a. That the owner and her contractors finish the easement for the whole length per the written description found in the actual recorded 1982 document;
- b. That the finished surface for both the 1977 and 1982 easements be in accordance with City & Borough's requirements and Mr. Pusich provided us photos of road surfaces similar to what CBJ requires;
- c. That she provide an accounting and compensation for the marketable timber removed from our land;
- d. That the 10'x20' shed that had been moved onto our property be removed; and,
- e. That no further intrusion upon our land outside of either easement be conducted without prior permission from us. Mr. Pusich assured us, together with Mrs. Sadighi, that our requirements would be met.

Response:

Mr. Brantner's requirements have or are in the process of being reasonably complied with:

- a. The construction drawings that were submitted to CBJ for approval along with the subdivision plat includes a gravel road surface extending the full length of the easement.
- b. The driveway surface will be constructed to CBJ standards if the subdivision is approved.



March 14, 2016
Page 5 of 6

- c. Again no timber was removed from outside of the easement area. Any further negotiations for ground disturbance are to be agreed on by Mr. Brantner and the contractor. Ms. Sadighi does not accept responsibility for any work that took place beyond her property or the easement access boundary.
- d. The shed that was in the easement has been removed.
- e. Ms. Sadighi has no plans or intentions of performing any work on Tract 1 and the assurances have been met.

8. Comment:

We also conveyed to CBJ our concern that the maintenance for the completed 1982 easement be clearly assigned to a homeowner's association comprised of those homeowners of the new subdivision.

Response:

A hold harmless and maintenance agreement was submitted to CBJ for approval along with the minor subdivision.

9. Comment:

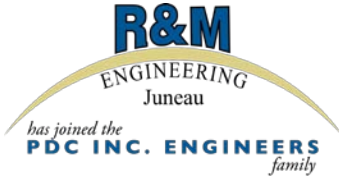
In reviewing the application for the requested variance, we have noted that the 1977 easement that has been used as a driveway for the applicant and her family has been named OLMO drive in anticipation of the subdivision development on her adjacent property. As that driveway is on our property, we object to this name and have made known to the City & Borough that we have selected "Mineral Survey Road". We do not believe it is within the applicant's rights to name property she does not own, regardless of holding an easement to cross said property.

Response:

OLMO Drive may have been used as a reference to the driveway, but it is not a legal title, and currently no streets are proposed in the subdivision. The driveway reference name will be removed.

10. Comment:

As of March 1, 2016, when we last checked our property, none of the above items has been accomplished. Indeed, the contractor had once again (in the summer of 2015) entered onto our property (outside of the easements) to excavate for water and sewer lines, removing yet more trees and leaving disturbed soil, which may be subject to erosion. If the 1982 easement is not completed for its full length, we believe that access to Parcel 2 from North Douglas Highway will be across the original (1977) access easement to a residence, then across a corner of that residential lot (Mrs. Sadighi's), across the 1982 easement, then once



March 14, 2016
Page 6 of 6

again across Mrs. Sadighi's lot, and onto Parcel 2. We believe this would make both design and maintenance of an access road inappropriate for access to a multi-residence subdivision.

Response:

The driveway improvements will be completed upon approval of the subdivision. The water and sewer utilities were installed through Fr. Block B to Tract 2 in late fall 2014 not in 2015. The property line was surveyed and flagged to ensure that the work did not cross onto Tract 1 at Mr. Brantner's request in October 2014. To our knowledge no further work has occurred since late 2014 on this project and we are not aware of any work taking place on this project in the Summer of 2015 as the project has been on hold since April 2015.

The 1982 easement, being the most recent and residing in the same space as the 1977 easement, takes precedence. As such it provides a well-defined driveway access to Tract 2. It is our opinion that the driveway can be improved within the existing easement to comply with CBJ engineering recommendations in a way that is safe and functional.

We hope this response clarifies the issues brought forth by the adjacent neighbor. Should you have any questions, please do not hesitate to contact me at your convenience.

Sincerely,

R&M Engineering

J. Mark Pusich, P.E.
Principal Civil Engineer

cc: Haifa Sadighi

I:\2014\141740\Variance\2016 Variance\Presentation\Response to Brantner.doc

TO: Juneau Planning Commission
FROM: Haifa Sadighi
DATE: March 14, 2016
RE: Driveway Variance Request (VAR2015 0030)

This is a request to the Commission to approve the above-referenced proposed Driveway Variance at today's meeting.

This project was first presented to the Pre-planning conference in June 2014. It received extremely positive feedback and encouragement; the members present at the meeting unanimously agreed that the Planning Commission would wholeheartedly approve this development. As a direct result of this overwhelmingly favorable response, lot prep work commenced shortly thereafter.

Since that time, however, high personnel turnover within the Department and the interdepartmental team's ongoing efforts to create a common understanding of new regulatory language and changes in land use code have held this project hostage. We have patiently worked with the Department for the last two years, preparing for and attempting to present before the Commission on four separate occasions to no avail (July 14th, September 22nd, February 23rd, March 8th).

Throughout the process, the Commission has seemingly disregarded the exceedingly high time-cost factor impacting investors. The delays and required work, including legal fees and engineering costs, have consistently increased and surpassed initial budget planning making it difficult to sustain.

This project is designed to target the real estate price point most needed in Juneau, to create housing opportunities within walking distance of major employers, to sustain the aesthetics of our community and to take advantage of the functionality that a vacant land within the urban service boundary provides to potential homebuyers.

The requested variance is in line with residential development models in the Juneau area, which permit utilizing shared driveways leading to arterial roads, and continue to be granted due to unique lot properties such as the Petersen Creek Subdivision approved last November for frontage and access.

**MEMORANDUM**

DATE: March 29, 2016
 TO: Board of Adjustment
 FROM: Robert H. Palmer III, Assistant Municipal Attorney *RHP*
 SUBJECT: Possible implications of granting VAR2015-0030

At the public hearing on March 22, 2016, the Board of Adjustment ("Board") requested guidance on the possible implications if this variance application is granted, especially if the Board concludes 49.35.210 is variable.

This memorandum supplements the guidance provided orally at the March 22 public hearing, the guidance provided in the March 8 memorandum, and the guidance provided in the March 4 memorandum.

I understand the following from the March 22, 2016, public hearing:

1. The applicant is requesting a variance to access requirements for a proposed subdivision;
2. The applicant proposes subdividing a 32,801 square foot lot into six lots;
3. The property is in a multifamily zoning district, D-18;
4. The applicant asserts a steep hill precludes each lot from having direct and practical access to a publically maintained street (North Douglas Highway);
5. The current and proposed access to the subdivision is not located on the applicant's property;
6. The current and proposed access would remain private and not publically maintained;
7. The current access is in a 20 foot easement, exceeds 14% in slope, and is not paved;
8. The proposed access would provide vehicle access to at least eight dwelling units:
 - a. two dwelling units in the existing structure on the lot owned by Ms. Sadighi et al,
 - b. six dwelling units on the proposed subdivision, and
 - c. an undetermined number of dwelling units on Tract 1.

If the Board grants a variance, the Board is concluding 49.15.424 and 49.35.240 are variable and a variance is warranted pursuant to 49.20.250(b). The Board would then need to determine the scope of the variance to ensure it is in harmony with the general purpose and intent of Title 49. 49.20.250(b). In other words, the Board would be concluding the variance adequately provides for public health, safety, and welfare consistent with the subdivision and access policies of Title 49. *E.g.*, 49.15.400; 49.05.120; 49.15.424; 49.35.210, and 49.35.240.

There are at least two substantial policy implications that would likely result from the Board granting VAR2015-0030.

1. Granting VAR2015-0030, as proposed by the applicant, may be inconsistent with current access policies in Title 49 and it could erode the legal basis for the Assembly to adopt the contemplated shared access amendments.

Consistent with 49.20.250(b), the Board needs to explain how granting this variance is in harmony with the general purpose and intent of Title 49. The Board can elicit numerous subdivision policies from Title 49. The Board can also elicit subdivision policies from the legislative history of Ordinance 2015-03 located at Attachment D to the March 3, 2016, staff report (3/22/16 Packet pp 93-106). Importantly, a July 23, 2015, staff report from Community Development Department (“CDD”) to the Assembly specifically addresses the type of access proposed by VAR2015-0030. (3/22/16 Packet pp 93-96).

In the July 23, 2015, staff report and orally at the two subsequent Assembly Committee of the Whole meetings, CDD described that Ordinance 2015-03 would not allow access to larger subdivisions within the urban service area to be by anything other than a public street. CDD also described that it was working on a non-public street access option to continue past practice of allowing smaller subdivisions the option of subdividing without having to build a public street. The Assembly specifically requested the contemplated non-public street access option and put 49.15.424 under a “design” division with Ordinance 2015-03, so the Board could grant access variances consistent with 49.20.250(b). (3/22/16 Packet p 105). This leaves the Board in the difficult position of trying to strike the correct balance between the subdivision policies of current Title 49 and the subdivision policies supporting the contemplated shared access amendments when the Assembly considered Ordinance 2015-03.

As described by CDD, Title 49 does not currently allow the access proposed by this variance, and the proposed access would not comply with the contemplated shared access amendments, which the Subdivision Review Committee reviewed on 7/22/2015. Notably, the contemplated shared access amendments (1) would only allow three or four lots to be served and not eight, (2) would require a 20 foot driveway in a 50 foot easement and not a driveway in a 20 foot easement, (3) would only be allowed in single family zones and not multi-family zones, and (4) would limit access grades to 14%. Additionally, VAR2015-0030 presents a difficult issue because the access is not in the proposed subdivision but on a 6+ acre undeveloped parcel (Tract 1). Accordingly, the Board cannot preclude the owner of Tract 1 from using the current or proposed access with this variance without potentially risking litigation for a takings. For this reason, the contemplated shared access amendments require the access to be within the subdivision. Thus, if VAR2015-0030 is granted, the Board would be allowing shared access standards that are less restrictive than the contemplated shared access amendments. The Board should be prepared to articulate why public health, safety, and welfare standards are met here but stricter standards should be imposed with the contemplated shared access amendments.

2. Granting VAR2015-0030 would mean 49.35.210 and, possibly, 49.35 are subject to variances.

49.20.250(b) precludes variances for construction standards but allows design or dimensional standards to be varied. There are two possible options: 49.35.210 is variable or it is not. As described by CDD in its March 22 presentation, 49.35.210(b) relates to variance criteria 4 (authorized uses). 49.35.210(b) could also relate to variance criteria 2 (public safety and welfare) and 3 (injure nearby property).

- If the Board grants the variance, then the Board is making a policy decision that 49.35.210 is not a construction standard but a design or dimension standard. The implication of the Board's decision would mean that 49.35.210 is subject to subsequent variances, and 49.35 as a whole may be subject to subsequent variances. In addition to the street system, 49.35 governs other public improvement requirements like water, wastewater, drainage, public access, and utilities.
- Alternatively, if the Board denies the variance, at least one of the following is being concluded:
 - 49.35.210 is a construction standard and not variable;
 - 49.35.210 is a design or dimensional standard and variable, but this proposed subdivision does not warrant a variance to 49.35.210; or
 - This application does not warrant a variance to 49.15.424.

The following two questions may help the Board reach a conclusion:

- a. The Board should explain whether any other provision of 49.35 can be varied or is there something unique about 49.35.210 that makes it not a construction standard?
- b. The Board should explain the relationship between 49.35.130(b) and 49.20.250(b) because each Title 49 provision is presumed to have some meaning and purpose.

49.35.130 - Standard specifications.

(a) Compliance with specifications. Except as otherwise provided, all subdivision improvements shall be in accordance with the latest revision of the City and Borough subdivision standard specifications and details on file in the engineering and public works department.

(b) The director of engineering and public works may prescribe different or additional standards if unusual or unforeseen conditions exist in a particular development, and the alternative meets or exceeds the intent of the original standard.

49.20.250 – Grounds for variances

(b) Variances other than de minimis. 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 this title, the board of adjustment may grant a variance in harmony with the general purpose and intent of this title. A variance may vary any requirement or regulation of this title 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 that:

- (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;
- (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;
- (3) The authorization of the variance will not injure nearby property;
- (4) The variance does not authorize uses not allowed in the district involved;
- (5) Compliance with the existing standards would:
 - (A) Unreasonably prevent the owner from using the property for a permissible principal use;
 - (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;
 - (C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive; 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, title 49, or the building code, title 19, or both; and
- (6) A grant of the variance would result in more benefits than detriments to the neighborhood.



**BOARD OF ADJUSTMENT
NOTICE OF DECISION**

Date: April 12, 2016
File No.: VAR2015 0030

Olmo, LLC
PO Box 23076
Juneau, AK 99802

Application For: A Variance request to the requirement for direct access on a publicly maintained right-of-way for a proposed minor subdivision. Proposed access is a private driveway easement.

Legal Description: USMS 569 Tract 2

Property Address: North Douglas Hwy

Parcel Code No.: 6-D06-0-101-004-0

Hearing Date: April 12, 2016

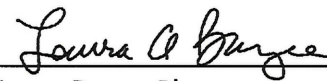
The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 3, 2016, and denied the Variance as described in the project description and project drawings submitted with the application.

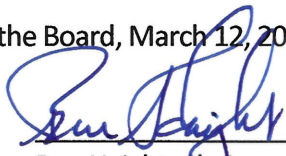
Attachment: March 3, 2016, memorandum from Laura A. Boyce, AICP, Community Development, to the CBJ Board of Adjustment regarding VAR2015 0030.

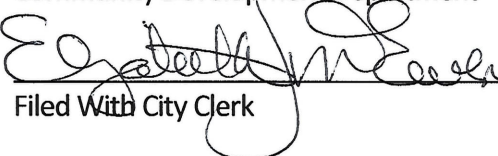
This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030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

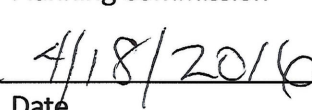
Effective Date: The permit is effective upon approval by the Board, March 12, 2016

Project Planner:


Laura Boyce, Planner
Community Development Department


Ben Haight, Chair
Planning Commission


Filed With City Clerk


Date 4/18/2016

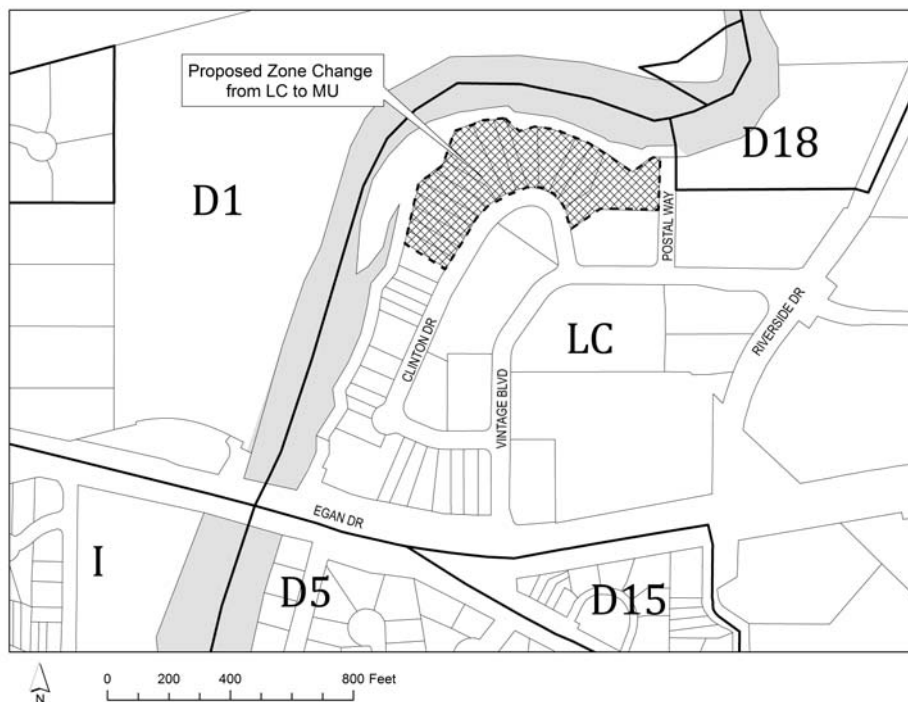
cc: Plan Review

Olmo, LLC
File No: VAR2015 0030
April 12, 2016
Page 2 of 2

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 Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed-Use.

The Planning Commission has the discretion to consider and recommend alternative rezoning designations other than that being proposed by the applicant or recommended by staff.

File No:	AME2016 0008	Applicant:	GMD Development, LLC
To:	Adjacent Property Owners	Property PCN:	5-B16-0-144-026-0 through 038-0; and 5-B16-0-144-040-1
Hearing Date:	March 22, 2016	Owner:	William Bauer Living Trust
Hearing Time:	7:00 PM	Size:	4.19 acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	LC - Light Commercial
		Site Address:	Lots on Clinton Drive and 2797 Postal Way
		Accessed Via:	Clinton Drive and Postal 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.



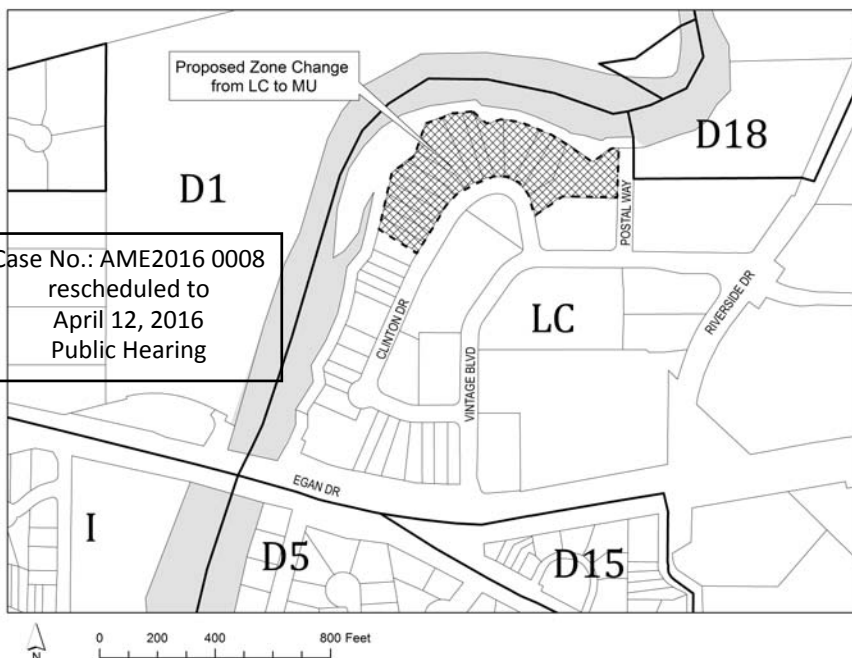
If you have questions, please contact Jonathan Lange at Jonathan.Lange@juneau.org or 586-0218.

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

Date notice was printed: February 25, 2016

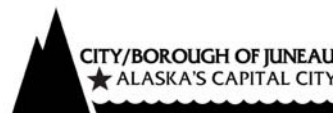


NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed-Use.

The Planning Commission has the discretion to consider and recommend alternative rezoning designations other than that being proposed by the applicant or recommended by staff.

File No:	AME2016 0008	Applicant:	GMD Development, LLC
To:	Adjacent Property Owners	Property PCN:	5-B16-0-144-026-0 through 038-0; and 5-B16-0-144-040-1
Hearing Date:	*April 12, 2016	Owner:	William Bauer Living Trust Jared Erickson
Hearing Time:	7:00 PM	Size:	4.19 acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	LC - Light Commercial
		Site Address:	Lots on Clinton Drive and 2797 Postal Way
		Accessed Via:	Clinton Drive and Postal 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 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>

Date notice was printed: March 23, 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: March 14, 2016

TO: Planning Commission

FROM: Jonathan Lange, Planner *Jonathan Lange*
Community Development Department

FILE NO.: AME2016 0008

PROPOSAL: A Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed-Use.

Applicant: GMD Development LLC

Property Owners: William Bauer Living Trust (Lots 26 – 38); Jared Erickson (Lot 40A)

Property Address: Lots on Clinton Drive and 2797 Postal Way

Legal Description: Vintage II, Block C, Lots 26 through 38, and 40A

Parcel Code No.: 5-B16-0-144-026-0; 027-0; 028-0; 029-0; 030-0; 031-0; 032-0; 033-0; 034-0; 035-0; 036-0; 037-0; 038-0; and 5-B16-0-144-040-1

Site Size: 4.19 Acres

Comprehensive Plan Future Land Use Designation: TTC – Traditional Town Center

Zoning: LC – Light Commercial

Utilities: Public Water and Sewer

Access: Clinton Drive and Postal Way

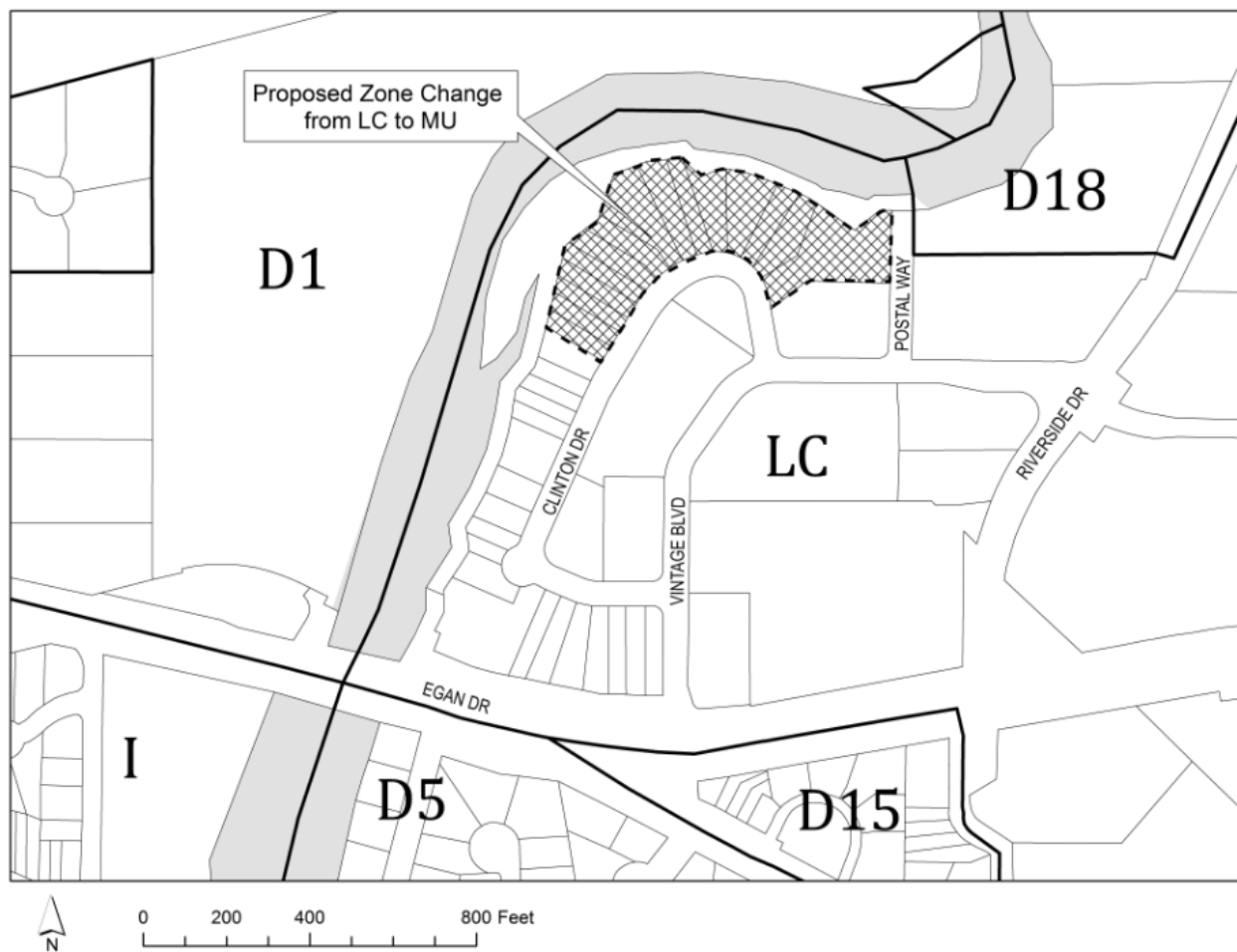
Existing Land Use: Vacant

Surrounding Land Use: North- D1; Vacant, Mendenhall River
South- LC; True North Federal Credit Union, Commercial and State Offices

Planning Commission
File No.: AME2016 0008
March 14, 2016
Page 2 of 14

East- LC; Post Office
West – D1; Vacant, Mendenhall River

Vicinity Map



ATTACHMENTS

- Attachment A – Development Permit, Zone Change Applications, Narrative and Sketch Plan
- Attachment B – Neighborhood Meeting Material – Including Zoning Map, Comprehensive Land Use Designation Map
- Attachment C – Public Notice
- Attachment D – Comments
- Attachment E – Site Pictures

Planning Commission
File No.: AME2016 0008
March 14, 2016
Page 3 of 14

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

PROPOSAL

The applicants have applied to rezone 14 vacant lots, totaling 4.19 acres, from LC (Light Commercial) to MU (Mixed-Use). The applicants have stated that the rezone would allow for the future land development of the parcels to mixed-use land uses. Two projects are proposed for some of the lots to be rezoned, one is a multi-family senior apartment building with 49 units on approximately one acre, and the second proposed project is an 80 unit, 84 bed assisted living and member care community on approximately 2-3 acres (see Attachment A for applicant's narrative).

The applicant's lots are located at the north end of Clinton Drive, north of the Coeur Mining office building, and at the north end of Postal Way, north of the True North Credit Union building. The subject lots are just south of the Mendenhall River and D-1 zoning across the river to the north and west. The lots to the south of the proposed rezone are all zoned LC and include State of Alaska office buildings, a vacant lot next to the Safeway grocery store, and to the east a US Post Office building. Just north of the Post Office and just east across the cul-de-sac of Postal Way, is located a D-18 zoning district with a multi-family affordable housing complex owned by the Alaska Housing Finance Corp.

BACKGROUND

The area was zoned as R1B Residential district in the 1964 Greater Juneau Borough Zoning Ordinance zoning maps. The R1B zoning district required parcels to be created at a minimum lot size of 7,500 square feet for an interior lot, and 8,000 square feet for a corner lot. The principal uses permitted in the R1B zoning district were single-family and duplex dwellings. The area was then zoned as an R-7 Residential district in the 1969 Greater Juneau Borough Zoning Ordinance zoning maps. The R-7 zoning district required parcels to be created at a minimum lot size of 7,000 square feet. The R-7 description states: "The purpose of the R-7 District is to provide and protect residential land for families who desire to live in an environment of single and two family dwellings. These Districts may be established to protect the character of existing residentially developed areas." In 1987 the area was then zoned LC – Light Commercial with the update of the Land Use Code, Title 49.

PUBLIC INPUT

On March 1st, 2016 Community Development Department (CDD) staff held a neighborhood meeting in the library of Thunder Mountain High School to discuss the applicant's proposal to

Planning Commission
File No.: AME2016 0008
March 14, 2016
Page 4 of 14

rezone the lots from LC to MU. No members of the public were present at the neighborhood meeting. The applicants and one of the property owners of the subject parcel were in attendance at the meeting. Staff discussed the application and rezone process and spoke about the Table of Permissible Uses and the Table of Dimensional Standards found in the City and Borough of Juneau's Land Use Code Title 49.

Staff spoke with True North Credit Union to see if they would like to join in on the proposed rezone from LC to MU. True North Credit Union is located adjacent to the proposed rezone, on the corner of Clinton Drive, Vintage Boulevard, and Postal Way. Staff received a comment from True North (see Attachment D), that they have no objection to the rezone request and support the proposed projects, but are not interested in being rezoned from LC to MU.

AGENCY COMMENTS

City and Borough of Juneau (CBJ) Capital City Fire Rescue, General Engineering, Engineering Streets Division, and the Building Division have no issues with the rezone request (see Attachment D). General Engineering asked if the lots would be required to be consolidated. Staff's response to General Engineering's question is, if a building is proposed to cross property lines, a lot consolidation is required prior to Certificate of Occupancy for the building and building permit.

ANALYSIS

REZONE PROCEDURE

Title 49, the Land Use Code, establishes the following process for rezones:

CBJ 49.75.110 - Initiation.

A rezoning may be initiated by the director, the commission, or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.

The rezone proposal was filed on January 28th, 2016, and public notices were mailed to property owners within 500 feet of the subject properties and to all neighborhood associations.

CBJ 49.75.120 - Restrictions on rezonings.

Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are

Planning Commission
File No.: AME2016 0008
March 14, 2016
Page 5 of 14

substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

The parcels proposed for rezone are 4.19 acres as shown in Attachment A and B. Substantial conformance with the land use maps of the Comprehensive Plan will be discussed further in the report.

ZONING DISTRICTS

All zoning districts are established in Title 49 the CBJ Land Use Code. Attachment B indicates that the subject lots and neighboring lots are in the LC zoning district. The definitions of the MU and LC zoning districts are shown below.

CBJ 49.25.220 Mixed use districts

MU District:

The mixed use and mixed use 2 districts are established to accommodate a mix of appropriate commercial and residential uses.

- (a) The MU, mixed use district, reflects the existing downtown development pattern and is intended to maintain the stability of the downtown area. Multifamily residential uses are allowed and encouraged.

The MU district does not have a maximum density and allows for as many dwelling units that might fit a parcel and still meet other Title 49 requirements like parking, and vegetative cover requirements. Downtown Juneau is currently the only area in the borough that contains a MU zoning district. But, as described further in the report, the MU zoning district achieves the Traditional Town Center (TTC) land use map designation of the Comprehensive Plan.

CBJ 49.25.230 Commercial Districts

LC (Light Commercial) District:

The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in GC, general commercial district, they are listed as conditional uses in this district and therefore

Planning Commission
File No.: AME2016 0008
March 14, 2016
Page 6 of 14

require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district.

The LC District allows up to 30 dwelling units per acre.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

As discussed above and further in the report, the proposed zoning districts and the uses allowed therein must be found to substantially conform with the maps of the Comprehensive Plan. "Substantial" is commonly defined as: essentially, without material qualifications, in the main, in substance, materially, in a substantial manner.

2013 Comprehensive Plan

The introduction of the Comprehensive Plan states that the Plan should be "considered regularly and used by residents, the Planning Commission, and the Assembly to guide its' decisions and resource allocations and it must be kept current to reflect community values, resources, constraints and opportunities. Discussions related to community growth, redevelopment, capital and social improvements, or budget, must occur in consultation with the Plan. This is not to say that the Plan will be infallible or that it is cast in concrete. It should, however, bring into focus sufficient information and data so that the best possible considered and objective judgments can be made, using the most current data available when the data in the Plan is out of date."

The subject parcels are located in the Traditional Town Center (TTC) land use designation of the Comprehensive Plan, as shown in Attachment B.

TTC Definition:

These lands are characterized by high density residential and non-residential land uses in downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial, and high density residential uses at densities at 18 or more residential units per acre. Residential and non-residential uses could be combined within a single structure, including off-street parking. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land.

The definition of TTC indicated mixed-use land uses, of both high density residential and non-residential land uses that are usually associated with urban or downtown areas. Both the LC

Planning Commission
File No.: AME2016 0008
March 14, 2016
Page 7 of 14

and MU zoning districts fit within the “18 or more residential units per acre” density description in the TTC definition. Currently there is no “TTC” zoning district.

The LC zoning district would permit the subject 14 lots, if combined, or 4.19 acres to be developed up to 126 dwelling units; and the MU zoning district would permit the subject parcels to develop to as many dwelling units as possible, when meeting other requirements of Title 49 the Land Use Code and Title 19 the Building Code.

The following Comprehensive Plan policies are related to the rezone proposal:

POLICY 3.1. TO BALANCE AVAILABILITY OF SUFFICIENT LAND WITHIN THE DESIGNATED URBAN SERVICE AREA BOUNDARY THAT IS SUITABLY LOCATED AND PROVIDED WITH THE APPROPRIATE PUBLIC SERVICES AND FACILITIES TO MEET THE COMMUNITY’S FUTURE GROWTH NEEDS AND THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

3.1 – DG2 (Development Guideline) When considering rezoning applications of land located within the Urban Service Area from a non-residential zoning district to a residential or mixed use district; from a low-density residential district to a higher-density residential district; or from a lower building height district to a higher building height district, promote the development of new medium- (10 to 20 dwelling units per gross acre) to high-density (30 to 60 or more units per gross acre) residential developments that include dwelling units affordable to low-income households as a condition of the rezoning. The affordable units should be dispersed throughout the development, constructed at the same time as the market-rate units, and priced or rented to households with incomes no greater than 80 percent of the City and Borough of Juneau’s Median Family Income (MFI) level by household size, as established annually by the U.S. Department of Housing and Urban Development (HUD).

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.

The subject parcels are within the Urban Service Area Boundary and are provided with public services such as utilities and transportation. The Comprehensive Plan promotes higher density within the Urban Service Area. Affordable housing should be considered where infill development is created.

POLICY 4.1. TO FACILITATE THE PROVISION AND MAINTENANCE OF SAFE, SANITARY AND AFFORDABLE HOUSING FOR CBJ RESIDENTS.

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.

POLICY 4.8. TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES.

POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.

POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENT 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.

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.

POLICY 10.13. TO PROVIDE FOR AND ENCOURAGE MIXED USE DEVELOPMENT THAT INTEGRATES RESIDENTIAL, RETAIL AND OFFICE USE IN DOWNTOWN AREAS, SHOPPING CENTERS, ALONG TRANSIT CORRIDORS, AND IN OTHER SUITABLE AREAS.

Implementing Actions

10.13 – IA1 Rezone the land areas so designated in this Plan for appropriate mixed use designations.

Chapter 11 of the Comprehensive Plan, Land Use Maps, provides guidance on “considering rezoning requests, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration and all new zoning or re-zoning designations are required to be substantially consistent with the Comprehensive Plan and associated land use maps. In some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards.”

Planning Commission
File No.: AME2016 0008
March 14, 2016
Page 9 of 14

The subject parcel is located on Map F of the Land Use Maps of the Comprehensive Plan. Map F is located within Subarea 4, East Mendenhall Valley & Airport.

Guidelines and Considerations for Subarea 4:

2. Provide for increased community commercial development close to existing commercial areas in the lower valley.
8. Expand the Mixed Use District in the Mendenhall Mall vicinity that would incorporate general commercial uses, high density residential use and public transit services. Make the most efficient use of parking by incorporating housing over a garage with retail shops wrapping around the ground floor. Student or senior housing with the Mall or over the garage should not be required to provide parking spaces.

Discussion

The rezone request would allow the owners of the property to develop the property into a mixture of residential and commercial development as proposed in their narrative. They are proposing senior housing, in apartments and assisted living facilities. The future proposed projects would achieve the above Comprehensive Plan policies.

Chapter 18: Implementation and Administration

The Comprehensive Plan as a Guiding Planning Document

“The Comprehensive Plan provides a rational and consistent policy basis for guiding all future CBJ government growth and development decisions. This requires that each land use decision, from the most minor variance to the development of a New Growth Area, be evaluated for its compliance with the policies, guidelines, standards and criteria established in the Plan. To ensure this, procedures must be followed to require that routine consultation of the Plan is an integral part of the land use decision making process.”

“The Plan contains 123 Policies, each of which may have an associated “Standard Operating Procedure,” “Development Guideline,” and/or “Implementing Action,” which are directives for how to carry out the policy. As a preliminary matter, the reviewer must determine which Policies are relevant to the subject at hand. Of course, the writers of the Plan cannot envision every sort of proposal that might one day be conceived and analyzed against the Policies. In that vein, such analyses are not conducted on an absolute basis. That is, failure of a proposal to conform to one particular Policy in the Plan does not automatically mean that it is inappropriate if

Planning Commission
 File No.: AME2016 0008
 March 14, 2016
 Page 10 of 14

conformance is shown with other policies of the Plan. Thus, the analysis is one of balancing the many relevant policies and looking holistically at the particular situation, site and its environs.”

COMPLIANCE WITH CBJ LAND USE CODE

The Table of Dimensional Standards and the Table of Permissible Uses of the Land Use Code establish the permitted standards and uses in zoning districts (see Attachment B).

Table of Dimensional Standards- CBJ 49.25.400	LC (30 du/acre)	MU (No Maximum du/acre)
Existing site 4.19 acres		
Number Units	126	No Maximum
Maximum Height Limit	45 feet	None
Maximum Lot Coverage	None	None
Vegetative Cover	15%	5%
Minimum Lot Size	2,000 sq. ft.	4,000 sq. ft.
Minimum Lot Width	20 ft.	50 ft.
Minimum Lot Depth	80 ft.	80 ft.

The current lots meet LC dimensional standards, but will not meet the minimum lot width for the MU zoning district if rezoned. The applicant is proposing to consolidate most of the lots to create lots for their proposed projects that would meet the MU zoning district standards.

The following page contains a list of different uses, from the Table of Permissible Uses, allowed within the LC and MU zoning districts. The list is not the complete Table of Permissible Uses, but only those items where the LC and MU districts differ.

Planning Commission
 File No.: AME2016 0008
 March 14, 2016
 Page 11 of 14

Table of Permissible Uses – CBJ 49.25.300	LC	MU
Mobile home parks	3	
Mobile home subdivision	3	
Medium Manufacturing		3
Marijuana product manufacturing facility		3
Coliseums, stadiums, and other facilities, seating more than 1,000 people		3
Recreational facilities such as golf, country clubs, swimming, tennis courts not associated with a school	3	
Auto fuel station	3	
Car wash	3	
Boat sales or rental	3	
Snow storage basin	3	
Kennel	3	
Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component	3	
Wild animal rehabilitation facilities without a visitor component	3	
Horseback riding stables, dog team yards	3	
Commercial agricultural operations excluding farm animals	3	
Stabling of farm animals	3	
Marijuana cultivation	3	
Sand and gravel operations	3	
Spring water bottling	3	
Military reserve, National Guard centers	3	
Public works facility	3	
Cemetery	3	

1- Department approval only 3- Conditional Use permit required Blank box- not allowed

The LC and MU zoning districts have similar allowed uses, though as staff has outlined above, the LC zoning district has more allowed uses due to its focus on more rural or suburban commercial characteristics.

Planning Commission
 File No.: AME2016 0008
 March 14, 2016
 Page 12 of 14

TRAFFIC

The proposed rezone request would allow the subject 4.19 acres of land to be developed up to as many dwelling units that could fit on the property. The applicants are proposing senior housing and assisted living. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual- 9th Addition, Senior Adult Housing - Attached (apartments) generates 3.44 daily weekday trips; and beds in an Assisted Living housing development, generates 2.74 daily weekday trips. The applicants are proposing 49 senior housing apartments and an 80 unit, 84 bed assisted living and member care community. These projects may generate 398.72 average daily trips (ADT).

Per CBJ Land Use Code Title 49.40.300(a)(3):

(a) A traffic impact analysis (TIA) shall be required as follows:

(3) A development projected to generate more than 250 ADT 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.

(4) The applicant shall provide the traffic projections for the project, and the department will review and approve the final figures.

(5) A TIA must be prepared by a licensed engineer, or a transportation planner, with traffic analysis experience, approved by the director.

(b) The department shall require the applicant to contact the Alaska Department of Transportation and public facilities to determine whether a state permit or TIA will be required.

However none of these trips are triggered by a rezone; only the development or subdivision of the property would prompt the analysis for trip generation based upon a proposal. At the time of a specific development permit and/or Conditional Use Permit application for the subject parcel, the applicant may be required per code to provide a Traffic Impact Analysis (TIA) for their proposed development or subdivision on this parcel.

The subject parcels are approximately one quarter of a mile from a bus stop on Mendenhall Mall Road. The parcels are also within one quarter of a mile of the Safeway grocery store. There is a sidewalk on Clinton Drive and Vintage Boulevard to the parking lot and entrances to Safeway.

Planning Commission
 File No.: AME2016 0008
 March 14, 2016
 Page 13 of 14

HABITAT

Anadromous Stream - The proposed rezone area is adjacent to the Mendenhall River, which is a cataloged anadromous water body; development along the stream 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).

49.70.310 Habitat.

(a)Development in the following areas is prohibited:

(4)Within 50 feet of the banks of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and

(b)In addition to the above requirements there shall be no disturbance in the following areas:

(1)Within 25 feet of stream designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update;

Floodplain – Portions of the subject parcels near the Mendenhall River are within the flood way, the AE flood zone, with a Base Flood Elevation of 23 feet. The remaining portions of the subject parcels, not within the AE zone, are within the X flood zone with a 0.2% chance of flooding within a year.

SUMMARY

The requested rezone from LC to MU is consistent with the Land Use Maps of the Comprehensive Plan, as the Mixed-Use zoning district allows for over 18 units per acre, high density residential development, and a mix of commercial uses in an area “around shopping centers,...major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial” as described in the TTC definition. The policies outlined above from the 2013 Comprehensive Plan support the requested rezone and the proposed use as senior adult housing apartments and an assisted living and member care community facility.

FINDINGS

After review of the application materials, the CBJ Land Use Code, and the CBJ 2013 Comprehensive Plan, the Director makes the following findings:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code.
2. MU zoning does not violate the land use maps of the Comprehensive Plan and is consistent with Map F. MU zoning substantially conforms with the Land Use maps of

Planning Commission
File No.: AME2016 0008
March 14, 2016
Page 14 of 14

the Comprehensive Plan in that it calls for high density residential of 18 units per acre or more and non-residential land uses.

3. The rezoning constitutes an area greater than two acres.

RECOMMENDATION

Based upon the proposed project (identified as Attachments A), and the findings and conclusions stated above, staff recommends the Planning Commission adopt the director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly to rezone the subject parcels from LC to MU.

DEVELOPMENT PERMIT APPLICATION

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

PROJECT / APPLICANT	Project Description		
	Rezoned application for 14 lots, in the Vintage Park neighborhood from light commercial (LC) to mixed-use (MU) zoning.		
	PROPERTY LOCATION		
	Street Address See attached sheet	City/Zip	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)		
	Assessor's Parcel Number(s)		
	LANDOWNER/ LESSEE		
	Property Owner's Name See attached sheet	Contact Person:	Work Phone:
	Mailing Address	Home Phone:	Fax Number:
	E-mail Address	Other Contact Phone Number(s):	
INFORMATION	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	See attached	1-28-16
		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 GMD Development LLC		Contact Person: Emily Breidenbach	
Mailing Address 520 Pike Street, Suite 1010 Seattle, WA 98101		Work Phone: (206) 745-3698	
E-mail Address emily@gmddev.net		Home Phone: n/a	
		Fax Number: n/a	
		Other Contact Phone Number(s): cell (206) 399-7526	
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 all other Variance case types)			
		Wetlands Permits			
	X	Zone Change Application	BMC	1-28-16	AME 16-008
		Other (Describe)			
	***Public Notice Sign Form filled out and in the file.				
	Comments:				Permit Intake Initials
					BMC

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

1:FORMS\2010 Applications Revised November 2009

ZONE CHANGE APPLICATION

Project Number	Project Name (15 characters)	Case Number AME 20160008	Date Received 1-28-16																												
LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED: See attached.																															
IS THIS AN EXPANSION OF AN EXISTING ZONE? ☐ Yes ☒ No																															
Total Land Area of Proposed Change 4.19 acres		Comp Plan Designation town center																													
Current Zone(s) light commercial		Comp Plan Map F																													
New Zone Requested mixed use																															
TYPE OF ZONE CHANGE REQUESTED: ☒ Regular ☐ Transition																															
HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS? ☐ Yes ☒ No																															
UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site																															
PURPOSE OF THE REQUESTED ZONE CHANGE: See attached																															
IS THERE A PROPOSED USE OF THE LAND? ☒ Yes ☐ No																															
PROPOSED BUFFERS TO ADJACENT ZONES? ☐ Yes ☒ No																															
DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT): See attached																															
DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE: STREETS: see attached WATER: see attached SEWER: see attached																															
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.	ZONE CHANGE FEES <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Fees</th> <th>Check No.</th> <th>Receipt</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees \$200.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Admin. of Guarantee \$</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adjustment \$</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Fee \$100.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Deposit \$100.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fee \$750.00</td> <td>2626 2637</td> <td>C417567 C417566</td> <td>2/11/16</td> </tr> </tbody> </table>			Fees	Check No.	Receipt	Date	Application Fees \$200.00				Admin. of Guarantee \$				Adjustment \$				Pub. Not. Sign Fee \$100.00				Pub. Not. Sign Deposit \$100.00				Total Fee \$750.00	2626 2637	C417567 C417566	2/11/16
Fees	Check No.	Receipt	Date																												
Application Fees \$200.00																															
Admin. of Guarantee \$																															
Adjustment \$																															
Pub. Not. Sign Fee \$100.00																															
Pub. Not. Sign Deposit \$100.00																															
Total Fee \$750.00	2626 2637	C417567 C417566	2/11/16																												

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Revised March 17, 2011- I:\FORMS\Applications

Page 1 of 2

Attached Project/Application Information
Development Permit Application
Vintage Park Rezone

PROPERTY 1

Property Location

Street Address: N/A - on Clinton Drive
Legal Description: Vintage II, Block C, Lots 26 through 38, inclusive
Assessor's Parcel Number(s): 5B1601440260, 5B1601440270, 5B1601440280, 5B1601440290,
5B1601440300, 5B1601440310, 5B1601440320, 5B1601440330,
5B1601440340, 5B1601440350, 5B1601440360, 5B1601440370,
5B1601440380,

Landowner

Name: William Bauer Living Trust & William J Bauer
Address: PO Box 034139 Juneau, AK 99803
Phone: (907) 586-1400
Fax: (907) 586-3065
Email: bsimpson@stsl.com
Signature: *William J. Bauer*
By: E. Budd Simpson 1/28/16
William Bauer Living Trust and William J. Bauer
By: E. Budd Simpson, Attorney-in-Fact

PROPERTY 2

Property Location

Street Address: 2797 Postal Way
Legal Description: Vintage II, Block C, Lot 40A
Assessor's Parcel Number(s): 5B1601440401

Landowner

Name: Jared Erickson
Address: PO Box 032374 Juneau, AK 99803
Phone: (907) 321-4167
Fax: n/a
Email: erickson_jared@yahoo.com

Signature: *J. Erickson*

RECEIVED

JAN 29 2016

PERMIT CENTER/CDD

Lot Sizes

Vintage Park Rezone

LOT	SIZE	
26	262	
27	7,417	
28	8,340	
29	8,401	
30	10,329	
31	9,811	
32	20,430	
33	13,376	
34	9,293	
35	12,740	
36	19,536	
37	9,516	
38	12,615	
40A	40,601	
	182,667	Total SF
	4.19	Total Acres

RECEIVED

JAN 29 2016

PERMIT CENTER/CDD

Application Narrative
Vintage Park Rezone Application

Legal Description

Vintage II, Block C, Lots 26 through 38, inclusive
 Vintage II, Block C, Lot 40A

Purpose for the requested change:

The purpose of this requested zone change from light commercial to mix-use is to allow for future land development that will reflect the goals of the comprehensive plan in this location. The Vintage Park neighborhood, located in the Mendenhall Valley, has some of the most opportune land development opportunities, with relatively flat land, easy transportation access, and presence of public infrastructure such as water and sewer. The requested zone change will help ensure that future developments have the land use flexibility required to create financial feasibility and promote development.

The City and Borough of Juneau Comprehensive Plan update of 2013, provides the long term vision and guidance for future development and land use in Juneau, the greater Mendenhall Valley, and specifically the location of the requested zone change.

On Comprehensive Plan Map F of SubArea 4, East Mendenhall Valley Airport, this land is designated as Traditional Town Center (TTC). TTC is defined as high density residential and non-residential uses. However, TTC is not currently a land use zoning code for CBJ. The next closed zoning code definition to TTC is mixed-use, which is defined as “mixed use development is one that provides space for two or more land use activities, typically for residential and non-residential uses. Typically a mixed use development will have vertical mixing of the uses with ground floor retail space, a second or more floors of office space and housing above.”

The current zoning of the land in the rezone is light commercial (LC) and per CBJ Title 49, “is less intensive than that permitted in general commercial district.” The general commercial district is “intended to accommodate most commercial uses”. General commercial does include allowance for housing, but it includes a greater allowance for commercial activities than MU, which would encourage commercial development without the housing component that an MU zone would encourage.

Further in the Comprehensive Plan, the following policies and implementing actions support a MU zone on the land in question.

Policy 10.13 To provide for and encourage mixed use development that integrates residential, retail and office use in the downtown areas, shopping centers, along transit corridors and in other suitable areas.

RECEIVED

JAN 29 2016

PERMIT CENTER/CDD

10.13 – IA1 is to “rezone the land areas so designated in this Plan for appropriate mixed use designations.” This area has been identified as TTC in the subarea map, but given that there is no TTC zone and that MU has the closest/similar definition for TTC, we believe the Comprehensive Plan supports Vintage Park as one of the “other suitable” areas for MU development and rezone as identified in this policy.

Policy 3.2 – To promote compact urban development within and adjacent to existing urban areas to ensure efficient utilization of land resources and facilitate economic provisions of the urban facilities and services while balancing protection of natural resources, fish and wildlife habitat and scenic corridors.

The rezone will support this policy by allowing for compact, dense development in an existing urban area. The potential developments on this land will create users for existing services, which will help support the urban facilities and services.

3.2-SOP3 states to “Establish specific policies and land use categories and land use map designations for the full range of needed land uses and activities with emphasis on compact development of commercial and residential uses along express public transit corridors. The rezone will allow for better utilization of compact development, through lot coverage flexibility and density, of this land, which is located in close walking proximity to a public transit hub.

Policy 4.3 To designate on land use code maps an adequate supply of buildable land within the urban service area, and particularly along transit corridors, for residential use at densities that can produce housing affordable to all economic groups.

4.3-SOP1 notes that “a density of 30 dwelling units per acre, or greater, along major transit corridors is recommend to produce affordable housing and to make efficient use of transit services therein. LC zoning caps residential zoning at 30 units per acres. MU does not have a density limitation, which would allow for the greater recommended densities to produce additional housing supply.

Is there a proposed use of the land: yes & no

Proposed buffer to adjacent zones: no

Describe (including type and density of proposed development):

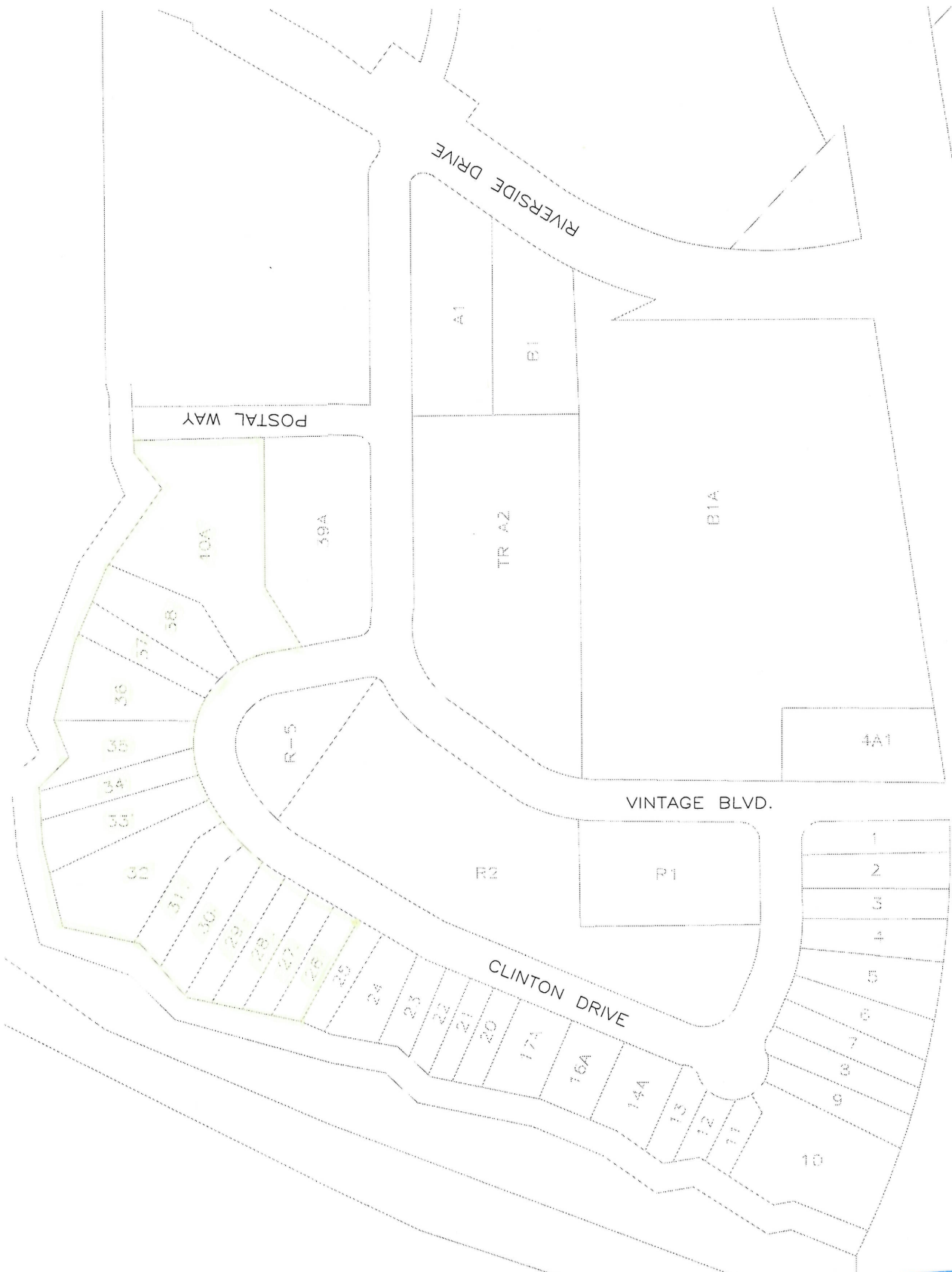
There are 14 lots proposed for rezone. Two projects are proposed certain lots. The remaining lots do not have a specific proposed development use, but Owners desire increased zoning flexibility to develop financial feasible projects that are compatible with Vintage Park neighborhood. Of the two proposed projects, one is multi-family senior apartment building with 49 units on approximately 1 acre, and the other is an 80 unit, 84 bed assisted living and member care community on approximately 2-3 acres.

Describe any impacts to the public infrastructure:

No impact is expected for public infrastructure beyond the connection to street, water and sewer.

Rezone Application Lots

MCNEENHALL RIVER



RECEIVED
JAN 29 2016
PERMIT CENTER/CDD

AGENDA

Neighborhood Meeting For Proposed Rezone of 14 Lots from LC to MU

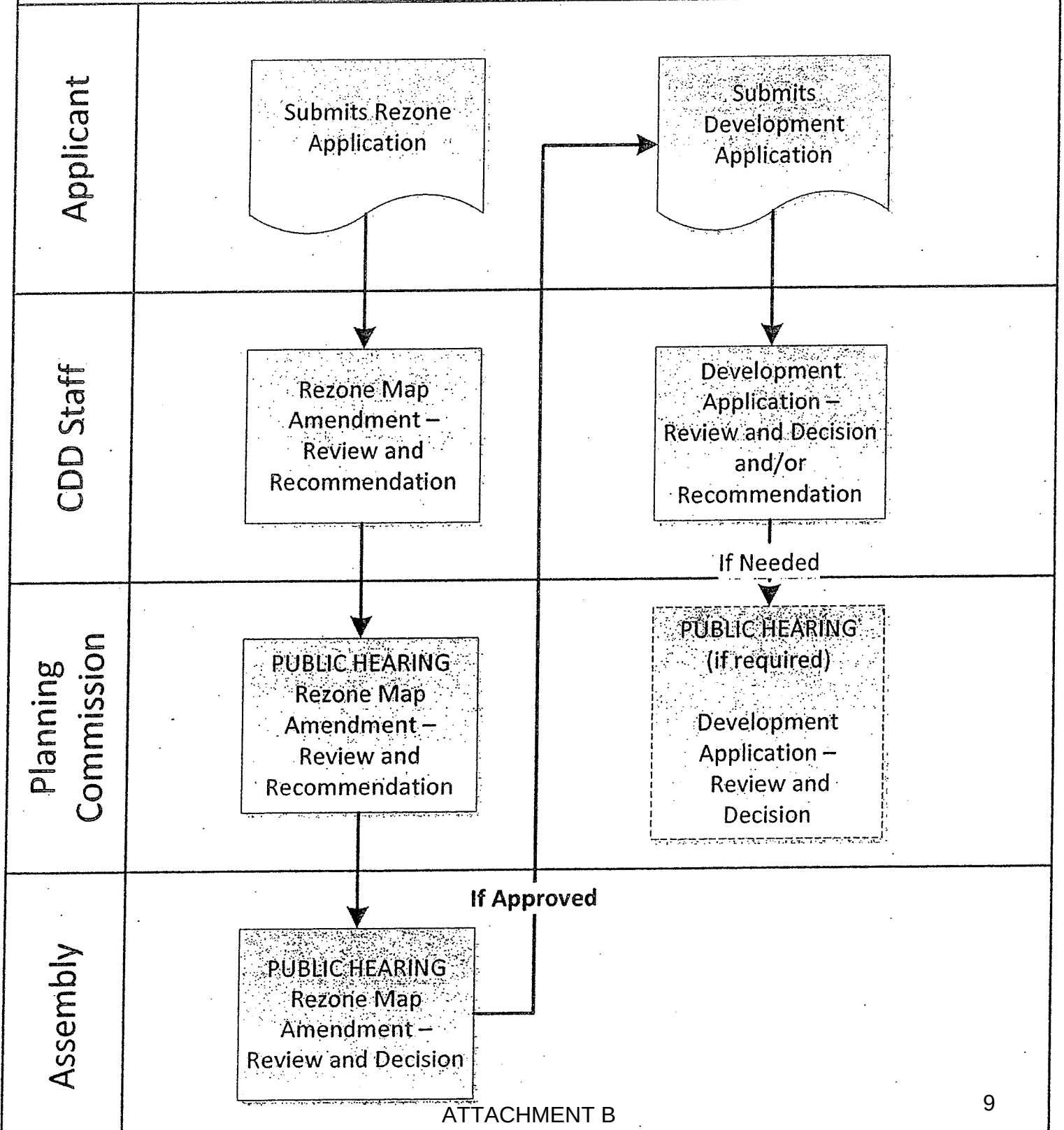
March 1st, 2016

Thunder Mountain High School Library

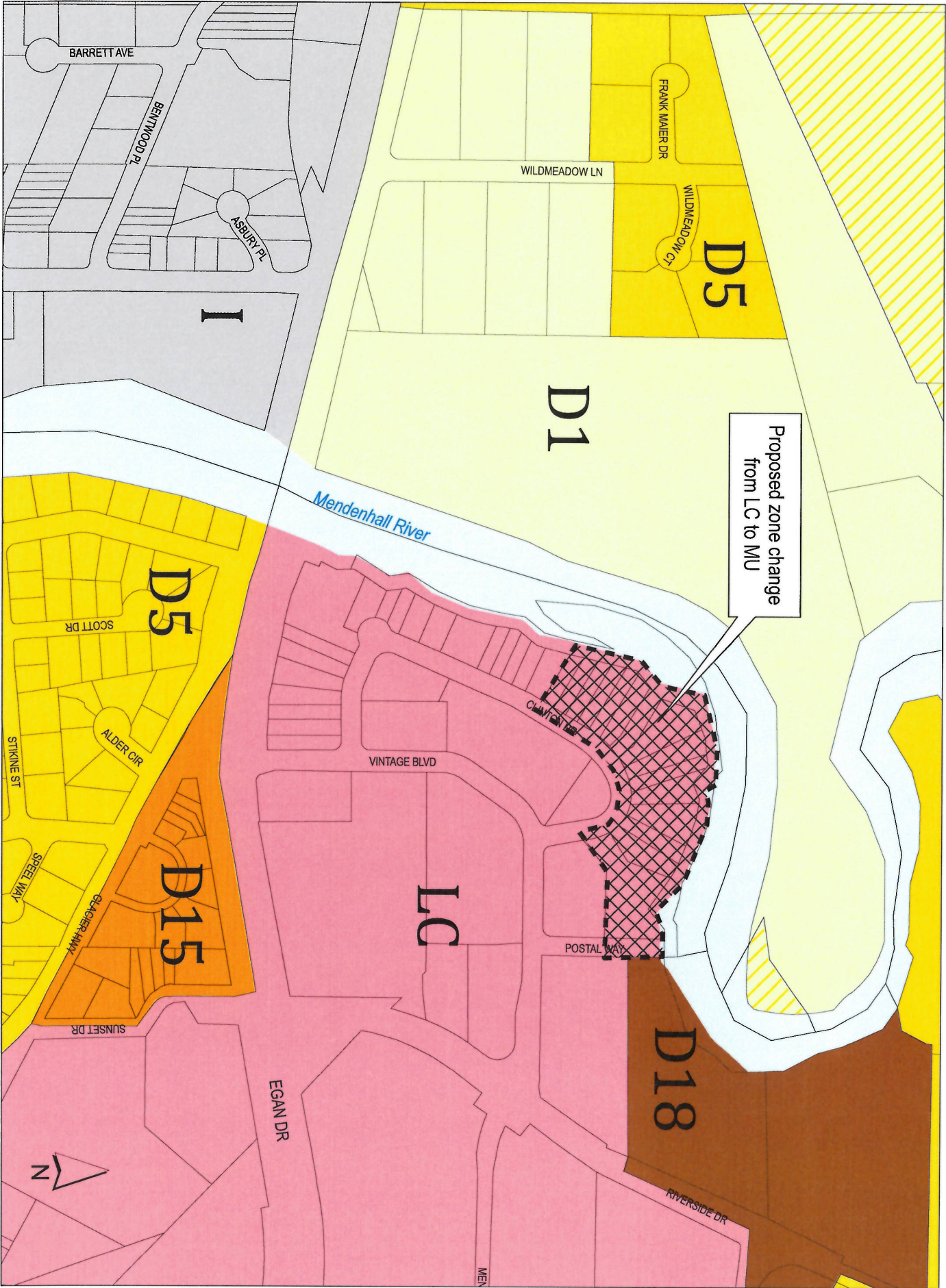
6:30pm

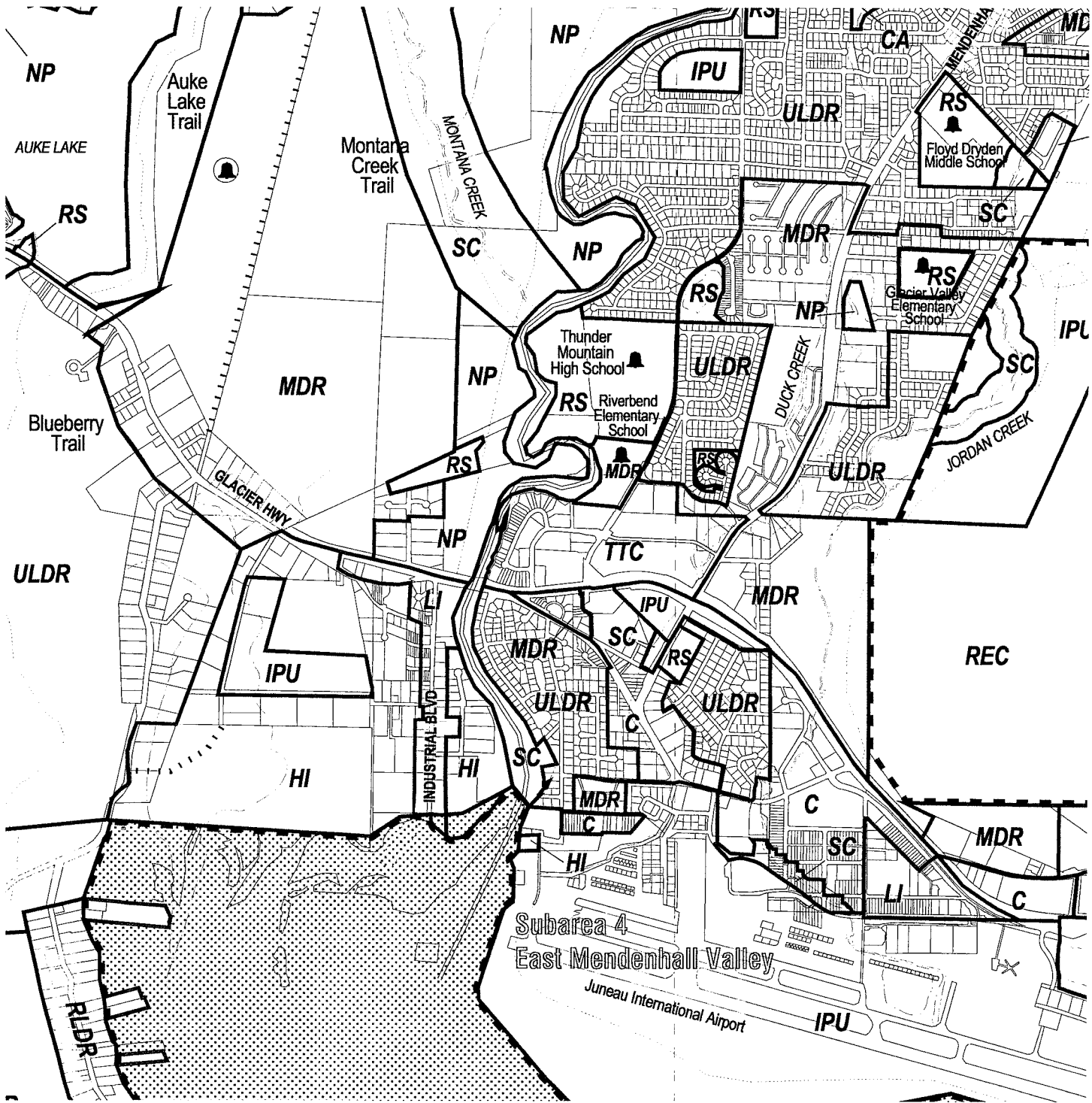
- Welcome – Introductions
- Why we are here? – Application and Rezone Process
- Proposed Project –
 - Applicant
- What happens next? –
 - Staff Report – Please have comments in by Noon on March 8th
To: Jonathan Lange or jonathan.lange@juneau.org
155 S. Seward St.
Juneau, AK 99801
Ph: (907)586-0218
 - March 22nd at 7pm, Planning Commission Meeting –
City Hall, Assembly Chambers
 - Public Testimony
 - ~April 11th Regular Assembly Meeting – TBD
City Hall, Assembly Chambers
 - Public Testimony
- Questions, Comments, and Concerns -

Rezone Process	Development Process
----------------	---------------------



0
250
500 Feet





REC

Recreational Resource

RD

Resource Development

SP

State Park

NP

CBJ Natural Area Park

RS

CBJ Recreational Service Park

CA

CBJ Conservation Area

SC

Stream Protection Corridor

C

Commercial

MC

Marine Commercial

WCI

Waterfront Commercial Industrial

LI

Light Industrial

HI

Heavy Industrial

RDR

Rural Dispersed Residential

RLDR

Rural Low Density Residential

ULDR

Urban Low Density Residential

MDR/SF

Medium Density Residential- Single Family

MDR

Medium Density Residential

HDR

High Density Residential

TTC

Traditional Town Center

M/MU

Marine Mixed Use

IPU

Institutional and Public Use

Existing School

Potential School Location

==

Potential Arterial (alignment not specific)

- - -

Potential Road (alignment not specific)

Trails

City & Borough of Juneau
COMPREHENSIVE PLAN

City of Juneau
Alaska's Capital City
Adopted October 20th, 2008
Ordinance No. 2008-30

New Growth Areas

Mendenhall Wetlands

State Game Refuge

Subarea Boundary

Urban Service Area

Beach Access

Streams

NOTE: Potential geophysical hazards, wetlands, flood zones, natural resource setbacks or other features which can affect properties may be present. CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR DETAILED INFORMATION.

Prepared by: Community Development Department

ATTACHMENT B

11

TABLE 49.25.400

TABLE OF DIMENSIONAL STANDARDS

Zoning Regulations	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum Lot Size ¹															
Permissible Uses	36,000	36,000	12,000	7,000	3,600 ¹⁰	6,000	5,000	5,000	4,000	4,000	2,000	2,000	2,000	2,000	2,000
Bungalow ⁹		18,000	6,000	3,500	2,500	3,000	3,000	2,500							
Duplex	54,000	54,000	18,000	10,500											
Common Wall Dwelling				7,000	3,600 ¹⁰	5,000	3,500	2,500		2,500					
Single-family detached, two dwellings per lot	72,000	72,000	24,000												
Minimum lot width	150'	150'	100'	70'	40'	50'	50'	50'	50'	50'	20'	20'	20'	20'	20'
Bungalow ⁹		75'	50'	35'	25'	25'	25'	25'							
Common wall dwelling				60'	40'	40'	30'	20'		20'					
Minimum lot depth	150'	150'	100'	85'	85' ¹⁰	85'	80'	80'	80'	80'	80'	60'	60'	60'	60'
Maximum lot coverage															
Permissible uses	10%	10%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Conditional uses	20%	20%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Maximum height permissible uses	45'	35'	35'	35'	35'	35'	35'	35'	None	45' ⁴	45'	55'	35' ⁴	45' ⁴	None
Accessory	45'	25'	25'	25'	25'	25'	25'	25'	None	35'	35'	45'	35' ⁴	45' ⁴	None
Bungalow ⁹		25'	25'	25'	25'	25'	25'	25'							
Minimum front yard setback ³	25'	25'	25'	20'	20' ¹⁰	20'	20'	20'	0'	5' ^{5,8}	25'	10'	10'	10'	10'
Minimum street side yard setback	17'	17'	17'	13'	10'	13'	13'	13'	0'	5'	17'	10'	10'	10'	10'
Minimum rear yard setback ³	25' ²	25'	25'	20'	10'	20'	15'	10'	0'	5'	10'	10'	10'	10'	10'
Minimum side yard setback ³	15' ²	15'	10'	5'	3'	5'	5'	5'	0'	5'	10'	10'	10'	10'	0'
Common wall dwelling				10' ⁶	3'	5' ⁷	5' ⁷	5' ⁷		5' ⁷					

Notes:

1. Minimum lot size is existing lot or area shown on chart in square feet.
2. Sixty feet between nonresidential and designated or actual residential site; 80 feet between industrial, extractive and other uses.
3. Where one district abuts another the greater of the two setbacks is required for both uses on the common property line.
4. (Height Bonus) Reserved.
5. (Pedestrian Amenities Bonus) Reserved.
6. Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and ten-foot setback for the remaining side yards of the lot.
7. Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and five-foot setback for the remaining side yards of the lot.
8. On corner lots, buildings shall be set back 15 feet from a street intersection. The area in which buildings shall be prohibited shall be determined by extending the edge of the traveled ways to a point of intersection, then measuring back 15 feet, then connecting the points.
9. Special restrictions apply to construction on bungalow lots. See special use provisions 49.65.600.

ZONING DISTRICTS

49.25.400

Packet Page 834 of 987

ARTICLE III. - TABLE OF PERMISSIBLE USES

49.25.300 - Determining uses.

- (a) (1) *Listed uses.* There is adopted the table of permissible uses, table 49.25.300. The uses permitted in a zoning area shall be determined through the table of permissible uses by locating the intersection of a horizontal, or use axis and a vertical, or zone axis. The conditions and procedures applicable to the use in the zone thus located shall be as indicated thereat by the digits "1," "2" or "3" as more fully set out in this section and by letters of the alphabet as more fully set out by footnotes in the table. The absence of a digit at the intersection of use and zone axes means that the identified use is not permitted in the identified zone.
- (2) *Unlisted uses.* The allowability of a use not listed shall be determined pursuant to section 49.20.320.
- (3) *Uses listed more than once.* Where a use might be classified under more than one category, the more specific shall control. If equally specific, the more restrictive shall control.
- (4) *Accessory uses.* Uses constituting an incidental or insubstantial part of a permissible use and commonly associated with the permissible use may be allowed as an accessory use.
- (b) (1) When used in conjunction with a particular use in the table of permissible uses, the number "1" indicates that the use requires department approval pursuant to chapter 49.15, article III, in conjunction with the issuance of a building permit. The use is allowed in the district, but limited conditions may be attached to the approval.
- (2) The number "2" indicates the use requires an allowable use permit from the planning commission. Such uses are allowed in the district, but specified conditions may be attached to the allowable use permit by the commission. The permit procedure is outlined in chapter 49.15, article I.
- (3) The number "3" indicates the use requires a conditional use permit from the commission. The use may or may not be allowed at a particular location, depending on a determination of its compatibility with surrounding or proposed land uses. The planning commission may attach any condition to ensure the compatibility of the proposed use. The conditional use permit procedure is outlined in chapter 49.15, article I.
- (c) A combination of digits such as "1, 3" or "2, 3" indicates that the approval procedure for the identified use in the identified zone will vary depending on whether the project is a major or minor development.
- (1) If the project is a minor development the first number of the combination shall indicate the applicable procedure.
- (2) If the project is a major development the second number shall indicate the applicable procedure.
- (3) Minor development means development which is classified by zoning district as follows:
- (A) *Rural reserve district:* A residential development containing two or fewer dwelling units, two or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building totaling less than 10,000 square feet or using less than one acre of land in total.

	1.110	Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1	1	1 ^A	1 ^A
	1.120	Single-family detached, two dwellings per lot	1	1	1												
	1.130	Single-family detached, accessory apartments ^X	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
	1.140	Single-family detached, two dwelling per lot, accessory apartment ^X	1, 3	1, 3	1, 3												
1.200	Duplex		1	1	1	1		1	1	1	1	1	1	1	1		
1.300	Multifamily dwellings							1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3		
1.500	Child and Day care homes																
	1.510	Child; 12 or fewer children under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1			
	1.520	Reserved															
	1.530	Adult; 12 or fewer	1	1	1	1	1	1	1	1	1	1	1	1			

		private facilities															
1.700	Home occupations		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
1.800	Mobile homes																
	1.810	Residential mobile homes on individual lots ^E	3	3	3												
	1.815	Caretakers mobile homes on individual lots ^E	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	1.820	Mobile home parks ^E					3	3	3	3	3	3					
	1.830	Mobile home subdivision ^E				3	3	3	3	3	3	3					
	1.840	Recreational vehicle parks ^F	3 ^F	3 ^F	3 ^F												
1.900	Common wall development																
	1.910	Two dwelling units				1	1	1	1	1							
	1.911	Accessory apartments ^X	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
	1.920	Three or more dwelling units					1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3			

2.300	Marijuana retail store	3								3	3	3	3	3	3	3
3.000	PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES ^G															
3.050	Offices of not more than 1,000 square feet		3	3	3	3	3	3	3	1	1	1	1	1 ^N		
3.100	Offices greater than 1,000 but not more than 2,500 square feet						3	3	3	1	1	1	1	3 ^N		
3.200	<i>Reserved</i>															
3.300	Research, laboratory uses	3 ^T								1, 3	1, 3	1,3	1,3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
3.400	Offices greater than 2,500 square feet									1, 3	1, 3	1,3	1,3	1 ^N , 3 ^N		3 ^S
3.500	Marijuan testing facility	3								3	3	3	3			3
4.000	MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS ^G															
4.050	Light manufacturing	3 ^T						3	3	1, 3	1, 3	1,3	1,3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
4.070	Medium manufacturing	3 ^T									3	3	3	3 ^N	1 ^N , 3 ^N	1, 3
4.100	Heavy manufacturing	3 ^T	3 ^Q												3 ^N	3
4.150	Rock crusher	3 ^T	1 ^Q	1 ^Q											3 ^N	3

5.400	Social, fraternal clubs, lodges, union halls, yacht clubs		3 ^T								1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	1, 3
6.000	RECREATION, AMUSEMENT, ENTERTAINMENT																
6.100	Indoor activity conducted entirely within building or substantial structure																
	6.110	Bowling alleys, billiard, pool halls									1, 3	1, 3	1, 3	1, 3			3
	6.120	Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges				3	3	3	3	3	1, 3	1, 3	1, 3	1, 3			3
	6.130	Theaters seating for 200 or fewer	3 ^T						3	3	1	1	1	1	3 ^N		3
	6.135	Theaters seating from 201 to 1,000									3	1	1	1	3 ^N		3
	6.140	Coliseums, stadiums, and other facilities in the 6.100										3	3	3	3 ^N		

		highway vehicle parks															
	6.250	<i>Reserved</i>															
	6.260	Open space	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	6.262	Parks with improved facilities, not approved in conjunction with a major subdivision															
	6.264	Capacity for up to 20 people ^W	1 ^T	1	1	1	1	1	1	1	1	1	1	1	1	3 ^N	
	6.266	Capacity for more than 20 people ^W	3 ^T	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N
	6.270	Aerial conveyances and appurtenant facilities	3	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N 3
	6.280	Shooting ranges	3														3
7.000	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES																
7.100	Hospital										3	3	3	3			
7.150	Health care clinics, other medical treatment facilities								3	3	1, 3	1, 3	1, 3	1, 3			

9.100	Motor vehicle repair and maintenance, including body work										3					1
9.200	Automotive fuel station	3 ^T								3	1					1
9.300	Car wash									3	1					1
9.400	Boat sales or rental	3 ^T								3	1			1	1	1
9.450	Boat repairs and maintenance	3 ^T									3			1	1	1
9.500	Marine fuel, water sanitation	3 ^T												1, 3	1, 3	1, 3
9.600	Marine commercial facilities including fisheries support, commercial freight, passenger traffic	3												3	3	
10.000	STORAGE, PARKING, MOORAGE															
10.100	Automobile parking garages or parking lots not related to a principal use on the lot									3	1	1, 3	1, 3			1
10.200	Storage and handling of goods not related to sale or use of those goods on the same lot on which they															

	of the lot																
10.400	Temporary contractor's storage connected with construction project off-site for a specified period of time		1, 3	3	3	3	3	3	3	3	3	1, 3	3	3	3	1 ^N	1
10.500	Moorage																
	10.510	Public, commercial	3	3	3						3	3	3	3	1, 3	1, 3	1, 3
	10.520	Private	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3
10.600	Floating structures supporting seasonal, commercial recreation		3	3	3										3	3	
11.000	MATERIALS SALVAGE YARDS, WASTE MANAGEMENT																
11.100	Recycling operations																
	11.110	Enclosed collection structures ⁰ of less than 80 square feet total and less than six feet in height	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1	1	1 ^P	1 ^P	1	1
	11.120	Enclosed	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P ,	3	3	1	1

Packet Page 842 of 987

1^P

	facilities with a visitor component															
12.310	Wild animal rehabilitation facilities without a visitor component	3	3	3	3					3	3			3 ^N		3
12.400	Horseback riding stables, dog team yards	3	3							3	3					3
13.000	EMERGENCY SERVICES															
13.100	Fire, police, ambulance	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	1, 3
14.000	AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING															
14.100	Aquaculture	3	3	3						3	3	3	3	1	1	3
14.150	Weirs, channels, and other fisheries enhancement	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	1
14.200	Commercial agricultural operations															
	14.210	Excluding farm animals	1, 3	1, 3	3	3	3	3	3	3	3	3				1, 3
	14.220	Including farm animals ^M	1, 3	3												1, 3
	14.230	Stabling of farm animals ^M	3	3	3	3					3	3				1, 3

15.200	Airport		3														1, 3	
15.400	Military reserve, National Guard centers		3	3	3						3	3			3 ^N	3 ^N	3	
15.500	Heliports, helipads		3									3			3 ^N	3 ^N	3	
15.600	Transit facilities																	
	15.610	Transit center			3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3		1, 3	
	15.620	Transit station		1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	15.630	Park and ride not associated with transit station	3	3	3	3	3	3	3	3	1	1	3	3			1	
15.700	Public works facility		3	3	3	3					3	3					1, 3	
16.000	DRY CLEANER, LAUNDROMAT																	
16.100	Drop off and pickup only, no onsite laundry or dry cleaning process										1, 3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
16.200	Full service onsite laundry and/or dry cleaning										3	1, 3	3	3	3 ^N	1 ^N , 3 ^N	1, 3	
17.000	UTILITY FACILITIES																	

Packet Page 844 of 987

	greenhouses																
	19.210	Retail sales	3	3	3	3	3	3	3	3	3	1, 3	1	1 ^V	1 ^V		1
	19.220	Nonretail sales	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1 ^V	1 ^V		1
	19.230	Marijuana cultivation (500 square feet or more under cultivation)	3									3	3				3
	19.240	Marijuana cultivation (fewer than 500 square feet under cultivation)	3	3 ^{AB}								3	3				3
20.000	CEMETERY, CREMATORIUM, MORTUARY																
20.100	Cemetery	1, 3	3	3	3	3	3	3	3	3	3	3					
<u>20.200</u>	Crematorium	3															1, 3
20.300	Funeral home	3	3	3	3	3	3				1, 3	1	3	3			
21.000	VISITOR-ORIENTED, RECREATIONAL FACILITIES																

See special use regulations for recreational vehicles, chapter 49.65, article IV. This use allowed by service area designation not zoning district.

- G. All uses subject to additional performance standards, chapter 49.65, article VIII.
- H. *Reserved.*
- I. *Reserved.*
- J. Applies to over 2 acres of harvest area.
- K. See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.
- L. See special use regulations, chapter 49.65.200, article II.
- M. Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.
- N. Use must be water-dependent, water-related, or water-oriented.
- O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.
- P. Preexisting allowable or conditional use permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an allowable or a conditional use permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.
- Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.
- R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.
- S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.
- T. Must be associated with a unique site specific feature in order to function. Example: glacier research station - Juneau Icefield location.

Name: _____

Phone: _____ Email: _____

Mailing Address: _____

Comments, Concerns, Questions:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

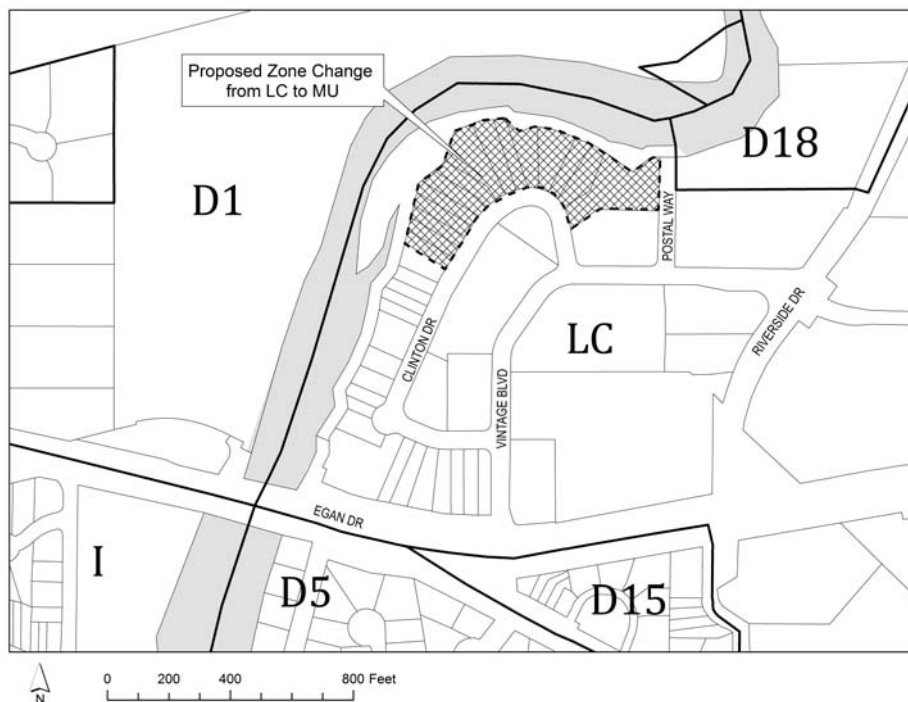
Please have comments submitted by Noon March 8th

Email comments to: jonathan.lange@juneau.org
586-0218

[illegible]



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed-Use.

The Planning Commission has the discretion to consider and recommend alternative rezoning designations other than that being proposed by the applicant or recommended by staff.

File No:	AME2016 0008	Applicant:	GMD Development, LLC
To:	Adjacent Property Owners	Property PCN:	5-B16-0-144-026-0 through 038-0; and 5-B16-0-144-040-1
Hearing Date:	March 22, 2016	Owner:	William Bauer Living Trust
Hearing Time:	7:00 PM	Size:	4.19 acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	LC - Light Commercial
		Site Address:	Lots on Clinton Drive and 2797 Postal Way
		Accessed Via:	Clinton Drive and Postal 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 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>

Date notice was printed: February 25, 2016

Jonathan Lange

From: Dan Jager
Sent: Tuesday, February 16, 2016 12:55 PM
To: Jonathan Lange
Subject: RE: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

Jonathan, I do not see any fire code issues with this change request. Thanks.
 Dan

From: Jonathan Lange
Sent: Tuesday, February 16, 2016 12:39 PM
To: Charlie Ford; Ron King; Dan Jager; Ed Foster; Ed Mercer; Greg Chaney
Subject: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

Subject: Please review the attached documents related to a Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed-Use.

Parcels: 5B1601440260; 0270; 0280; 0290
 5B1601440300; 0310; 0320; 0330; 0340; 0350; 0360; 0370;0380
 5B1601440401

Address: Clinton Drive and 2797 Postal Way



The proposal is to rezone the land (see above aerial; land with red star) from LC to MU.

Please see the attached application and proposed plans.

Please send me comments by February 26, 2016.

I look forward to receiving your comments.

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

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: Jonathan Lange
Sent: Tuesday, February 16, 2016 2:09 PM
To: Ron King
Cc: Eric Vogel
Subject: RE: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

Thanks again for your quick response.

They will have to consolidate if proposed buildings are covering/crossing multiple lots.

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: Ron King
Sent: Tuesday, February 16, 2016 1:40 PM
To: Jonathan Lange
Cc: Eric Vogel
Subject: RE: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

General Engineering supports the rezone. Reserve comments for building permits. Will they be required to consolidate?

Ron King PLS

General Engineering
 907-586-0881

From: Jonathan Lange
Sent: Tuesday, February 16, 2016 12:39 PM
To: Charlie Ford; Ron King; Dan Jager; Ed Foster; Ed Mercer; Greg Chaney
Subject: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

Subject: Please review the attached documents related to a Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed-Use.

Parcels: 5B1601440260; 0270; 0280; 0290
 5B1601440300; 0310; 0320; 0330; 0340; 0350; 0360; 0370; 0380
 5B1601440401

Address: Clinton Drive and 2797 Postal Way

Jonathan Lange

From: Ed Foster
Sent: Tuesday, February 16, 2016 4:28 PM
To: Jonathan Lange
Subject: RE: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

Jonathan,
 The Streets Division has no issues with this request.

Ed

From: Jonathan Lange
Sent: Tuesday, February 16, 2016 12:39 PM
To: Charlie Ford; Ron King; Dan Jager; Ed Foster; Ed Mercer; Greg Chaney
Subject: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

Subject: Please review the attached documents related to a Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed-Use.
Parcels: 5B1601440260; 0270; 0280; 0290
 5B1601440300; 0310; 0320; 0330; 0340; 0350; 0360; 0370; 0380
 5B1601440401
Address: Clinton Drive and 2797 Postal Way

Jonathan Lange

From: Charlie Ford
Sent: Wednesday, February 17, 2016 7:53 AM
To: Jonathan Lange; Ron King; Dan Jager; Ed Foster; Ed Mercer; Greg Chaney
Subject: RE: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

Jonathan,
 The Building Department has no issues with this application.
 Thank you,

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, February 16, 2016 12:39 PM
To: Charlie Ford; Ron King; Dan Jager; Ed Foster; Ed Mercer; Greg Chaney
Subject: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

Subject: Please review the attached documents related to a Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed-Use.
Parcels: 5B1601440260; 0270; 0280; 0290
 5B1601440300; 0310; 0320; 0330; 0340; 0350; 0360; 0370; 0380
 5B1601440401
Address: Clinton Drive and 2797 Postal Way

Jonathan Lange

From: Lauren MacVay <lmacvay@truenorthfcu.org>
Sent: Thursday, March 03, 2016 8:55 AM
To: Jonathan Lange
Subject: Rezone for True North's Lot
Attachments: Lauren MacVay.vcf

Hi Jonathan,

While we appreciate the inquiry, we have no desire to participate in the rezone from Light Commercial to Mixed Use that is under consideration for the lots between us and the river. That said, we fully support the initiative underway and have no objection to the rezone request at hand. If you have any questions, please feel free to give me a call at 523-4720.

Thanks,
 Lauren



The information contained in this e-mail is confidential and is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, do not copy, use or disclose this e-mail, its contents or its attachments. If you have received this e-mail in error, please immediately notify us by telephone and delete all copies. Thank you.



Vacant Lots for Rezone Request



Looking south on Clinton Drive towards COEUR Mining office building on right and State office on left



Looking north on Clinton Drive towards rezone lots, with True North Credit Union on right and State offices on left



Looking south on Clinton Drive towards vacant lot and then Safeway Grocery store



Looking south towards True North Credit Union from Postal Way



**PLANNING COMMISSION
NOTICE OF RECOMMENDATION**

Date: April 12, 2016

File No.: AME2016 0008

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Application For: Planning Commission Recommendation to the City and Borough Assembly regarding a Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed-Use.

Legal Description: Vintage II, Block C, Lots 26 through 38, and 40A

Property Address: Lots on Clinton Drive and 2797 Postal Way

Hearing Date: April 12th, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 14th, 2016, and recommended that the City and Borough Assembly adopt staff's recommendation for approval of the Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed-Use.

Attachments: March 14, 2016 memorandum from Jonathan Lange, Community Development, to the CBJ Planning Commission regarding AME2016 0008.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ §01.50.020 (b).

Project Planner: Jonathan Lange
Jonathan Lange, Planner
Community Development Department

Ben Haight
Ben Haight, Chair
Planning Commission

Elyse M. Evers
Filed With City Clerk

4/18/2016
Date

cc: Plan Review

City and Borough of Juneau Assembly

File No.: AME2016 0008

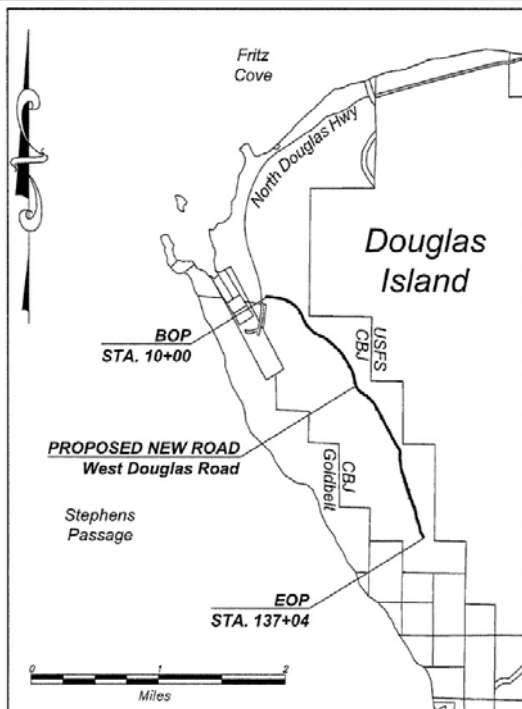
April 12, 2016

Page 2 of 2

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. 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.

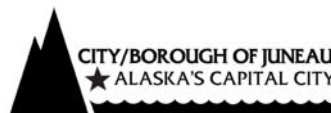


NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway.

File No:	CSP2016 0002	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	3-D13-0-100-001-0
Hearing Date:	March 22, 2016	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Size:	2,020 Acre Parcel 2.4 Mile Length of Road
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	RR - Rural Reserve
		Site Address:	North Douglas Highway
		Accessed Via:	North Douglas Highway

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.

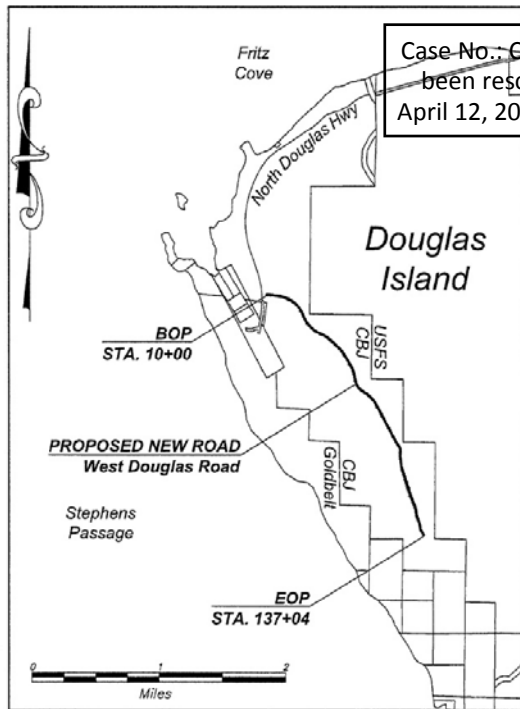
If you have questions, please contact Jonathan Lange at Jonathan.Lange@juneau.org or 586-0218.



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



NOTICE OF PUBLIC HEARING



Case No.: CSP2016 0002 has been rescheduled to the April 12, 2016 Public Hearing

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

SHIP TO:



PROPOSAL: A City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway.

File No:	CSP2016 0002	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	3-D13-0-100-001-0
Hearing Date:	*April 12, 2016	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Size:	2,020 Acre Parcel 2.4 Mile Length of Road
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	RR - Rural Reserve
		Site Address:	North Douglas Highway
		Accessed Via:	North Douglas Highway

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: March 14, 2016

TO: Planning Commission

FROM: Jonathan Lange, Planner *Jonathan Lange*
Community Development Department

FILE NO.: CSP2016 0002

PROPOSAL: A City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway.

GENERAL INFORMATION

Applicant: City and Borough of Juneau

Property Owner: City and Borough of Juneau

Property Address: North Douglas Highway

Legal Description: T41S R66E, Copper River Meridian

Parcel Code No.: 3-D13-0-100-001-0

Site Size: 2,020 Acre Parcel; 2.4 Mile Length of Road

Comprehensive Plan Future Land Use Designation: RD – Resource Development; SC – Stream Protection Corridor

Zoning: RR – Rural Reserve

Utilities: Outside Urban Service Boundary

Access: North Douglas Highway

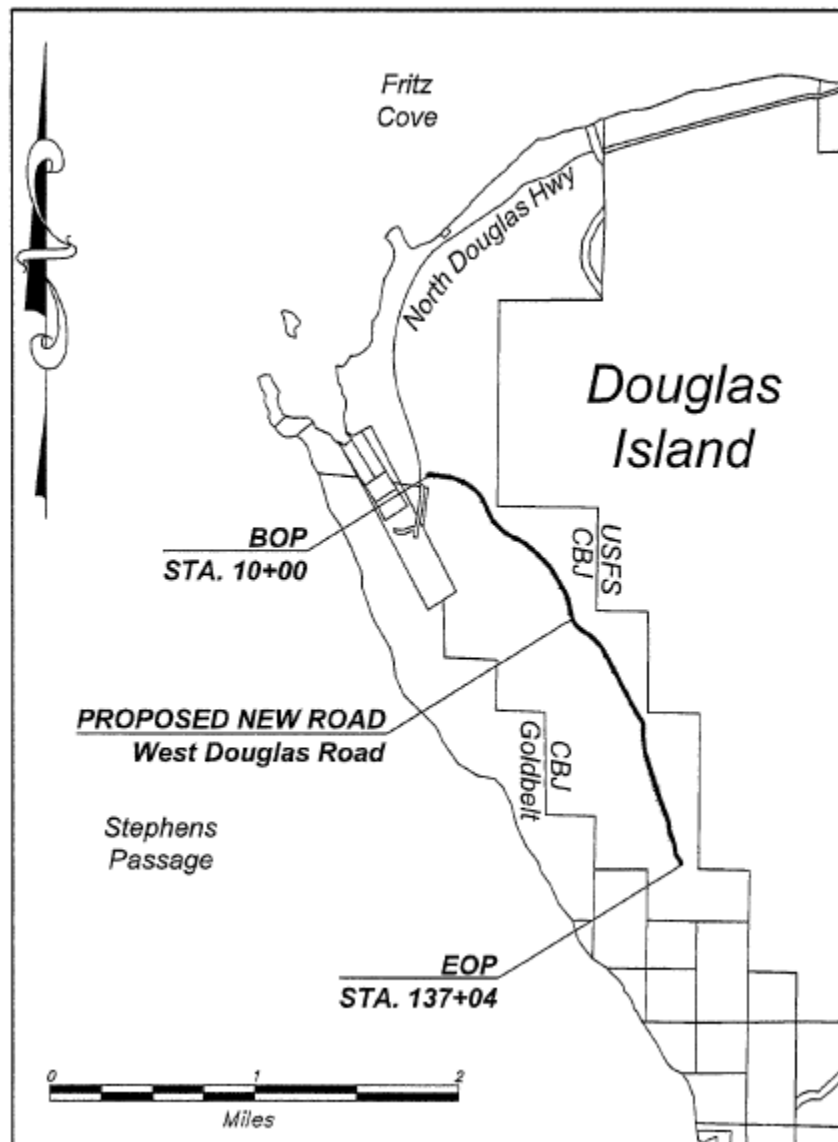
Existing Land Use: Vacant

Surrounding Land Use: North - RR; Vacant CBJ and Tongass National Forest Land
South - RR; Vacant Goldbelt Inc. Land

Planning Commission
File No.: CSP2016 0002
March 14, 2016
Page 2 of 9

East - RR; Vacant Tongass National Forest Land
West - RR; Vacant Goldbelt Inc. Land; North Douglas Highway and Peterson Creek Landowner's Association with Five Single-Family Residences

VICINITY MAP



Planning Commission
 File No.: CSP2016 0002
 March 14, 2016
 Page 3 of 9

ATTACHMENTS

Attachment A – City Project Review Application and Narrative
 Attachment B – Memorandum from AK Department of Fish and Game
 Attachment C – Army Corps of Engineers Permit Letter
 Attachment D – Agency and Public Comments
 Attachment E – Public Notice

PROPOSAL

The applicant, City and Borough of Juneau (CBJ) Engineering and Public Works Department, is requesting a City Project Review of a proposed pioneer road through CBJ land on the west side of Douglas Island. The pioneer road is accessed via North Douglas Highway. The project would consist of the construction of a 2 ¼ mile long single lane rock-surfaced pioneer road with turnouts. At the start of the road, closest to North Douglas Highway, a small parking area for recreational users of the road and a gate for the road are proposed. Borrow areas along the route to quarry rock for the construction of the road are also proposed.

Local review and concurrence is required for City projects by CBJ 49.15.580:

- (a) *CBJ project review*: The commission shall review all proposed City and Borough capital improvement projects estimated to cost \$500,000 or more for consistency with this title... The commission may recommend conditions on and modifications to any project reviewed by the commission through a notice of recommendation. The notice of recommendation shall be forwarded to the assembly for further action.

BACKGROUND

The CBJ and Goldbelt, Inc. are jointly interested in the future development of their adjoining properties along an eight mile stretch of coastline on the west side of Douglas Island (West Douglas) between Outer Point and Point Hilda. This area is currently undeveloped forestland and is accessible only by foot or by boat (See Project Narrative, Attachment A).

The West Douglas Concept Plan was created in 1997. The plan was adopted as part of the Comprehensive Plan by the Assembly. The 2013 Comprehensive Plan designates West Douglas as a “New Growth Area”. The West Douglas Concept Plan and Comprehensive Plan will be discussed further in the reports analysis.

The following are the purpose points of the pioneer road as outlined in the applicant’s narrative:

1. Allow direct access to parcels identified as “New Growth Areas” in the land development plans.
2. Allow easier access to the lands for planning, soils investigations, and marketing of the

Planning Commission
 File No.: CSP2016 0002
 March 14, 2016
 Page 4 of 9

properties.

3. Allow access for detailed site specific study of smaller tracts.
4. Add value to the lands for subsequent sale and/or trade.
5. Allow for cultural use of the lands.
6. Allow for subsistence use of the lands.
7. Allow for recreational access to the lands.

The Assembly has allocated funding for the project through the Capital Improvement Program (CIP # D14-060).

ANALYSIS

AGENCY AND PUBLIC COMMENTS

CBJ General Engineering stated that they will be commenting during the permitting of construction, through the Grading and Drainage permit. They also commented that at the time a Right-Of-Way (ROW) or street is proposed to be dedicated, a subdivision will need to be completed.

The CBJ Streets Division has no issues with the request.

The Alaska Department of Fish and Game (ADF&G) issued a trip report (Attachment B) after working in and visiting the project site with the CBJ Engineering Department. The report states that six Fish Habitat Permits will be required to be issued for the project area; two of the permits will require upstream fish passage. ADF&G stated that they do not have any additional concerns and are waiting for permit requests for crossing structures on fish streams.

The Alaska Department of Transportation and Public Facilities (DOT&PF) commented on the proposal. DOT&PF had two comments; first, that the proposed parking area will be required to be outside of the North Douglas Highway ROW. Secondly, confirmation will need to be made that existing culverts on DOT&PF ROW can handle the increase of drainage runoff from the proposed project, due to the fact that northern portions of the proposed roadway will drain to the DOT&PF ROW. DOT&PF stated that this may be accomplished by a post-construction hydrologic/hydraulic model showing impact to drainage structures.

The Engineering Department spoke with DOT&PF on their comments and stated that they will move the parking area inland and off the DOT&PF ROW.

U.S. Fish and Wildlife Services (USFWS) forwarded their comment letter in response to the Army Corps General Permit Agency Coordination notice for the proposed project, West Douglas Road extension. USFWS are concerned with the impacts downstream to fish habitat and that the project crosses high-quality deer habitat. USFWS believes that the full project, additional phases, should be evaluated in an Army Corps individual permit (see Attachment D).

The CBJ Wetlands Review Board at their March 3rd, 2016 meeting discussed the proposed road

Planning Commission
 File No.: CSP2016 0002
 March 14, 2016
 Page 5 of 9

project. The Board had concerns about the proposed roads alignment and how it might affect water quality from runoff to the anadromous streams. The Board also referred to the comments made by USFWS to the Army Corps. Alan Steffert, CBJ Engineering, explained the project and how the route was determined. The Board was split in their recommendation to support or not support the proposed project (see Attachment D for minutes). The Board wants to make sure that construction will strictly adhere to Stormwater Best Management Practices with the goal of water quality and fish passage maintenance.

The Juneau Commission on Sustainability (JCOS) discussed the proposed project at their March 9th, 2016 regular meeting. JCOS expressed concern about use of trees that are cleared as part of construction of the proposed road and how might the general public be able to use the trees cleared as fuel. JCOS also expressed concern about the development in the area at this time and if there is demand for the New Growth Area as outlined in the Comprehensive Plan. JCOS would like to encourage monitoring of the construction, that it may be conducted per the issued agency permits and may minimize impacts on the natural resources in the area. Please see Attachment D for JCOS meeting summary.

CONFORMITY WITH ADOPTED PLANS

The following sections of adopted plans relate to the proposal:

West Douglas Concept Plan (1997)

The General Goals outlined in the West Douglas Concept Plan are that the development would meet the following basic community and land planning goals, as outlined in Section 4.0 – Planning Goals and Objectives:

- Can the development be accomplished in harmony with the physical and biological environment, and benefit from natural amenities?
- Does it achieve the land owners' objectives for the use of their lands?
- Does it meet the needs of the public for additional land area for the wide mix of land uses that are essential to a growing population, such as housing, land for development that creates jobs and recreation resources?
- Does it result in residential communities that are affordable, aesthetic, vital and pleasing places to live?
- Can it be served by cost-efficient roads, utilities and other infrastructure?

"The purpose of the study is to develop a West Douglas Concept Plan that achieves these goals, and can be used to guide subsequent development in this area."

The following major planning goals were also considered:

- A. *The goals of Landowners:* CBJ and Goldbelt Corporation have differing goals, but each

Planning Commission
 File No.: CSP2016 0002
 March 14, 2016
 Page 6 of 9

supports thoughtful development. Goldbelt desires revenue and shareholder opportunity. CBJ goals include new development to provide specific community growth opportunities, and enhanced recreation.

- B. *Planning requirements:* The CBJ intention for land use patterns in the West Douglas area, as expressed in the CBJ Comprehensive Plan and Land Use Ordinance (Title 49).
- C. *Public Goals:* The public's interests in the use, development and protection of the area and its qualities.
- D. *Environmental Characteristics:* Recognizing and planning in response to the environmental and physical characteristics of the area
- E. *Development and Infrastructure:* The feasibility and alternatives for infrastructure for future development.

The CBJ Engineering Department has extensively evaluated the area for a route for the proposed road in order to meet the above goals.

Comprehensive Plan (2013)

POLICY 3.4. TO ENCOURAGE AND FACILITATE THE DEVELOPMENT OF NEW GROWTH AREAS IN SUITABLE LOCATIONS IN THE REMOTE AREAS OF THE BOROUGH IN ORDER TO ACCOMMODATE MASTER PLANNED, SELF-CONTAINED URBAN-LEVEL DEVELOPMENT OPPORTUNITIES OUTSIDE THE URBAN SERVICE AREA.

3.4 Development Guideline 2 - Require that each New Growth Area be developed according to a unified, comprehensive plan or master development plan that ensures the:

- A. Use of energy-efficient siting, design, and construction techniques;
- B. Efficient provision of sanitary sewer, water, storm water drainage and roads based on a sufficient population to support these services;
- C. Preservation of natural vegetation, watersheds, public vistas, and other natural amenities;
- D. Provision of passive and active recreational activities, including water access, open space/natural areas, community recreational facilities, and pedestrian and bicycle paths; and
- E. Elimination of land use conflicts. This is particularly important in developments that combine residential and resource extraction, processing and transport uses.

3.4 – DG6 Allow for phasing of the development that permits construction in reasonable increments within an overall master plan or planned unit development design concept.

Planning Commission
File No.: CSP2016 0002
March 14, 2016
Page 7 of 9

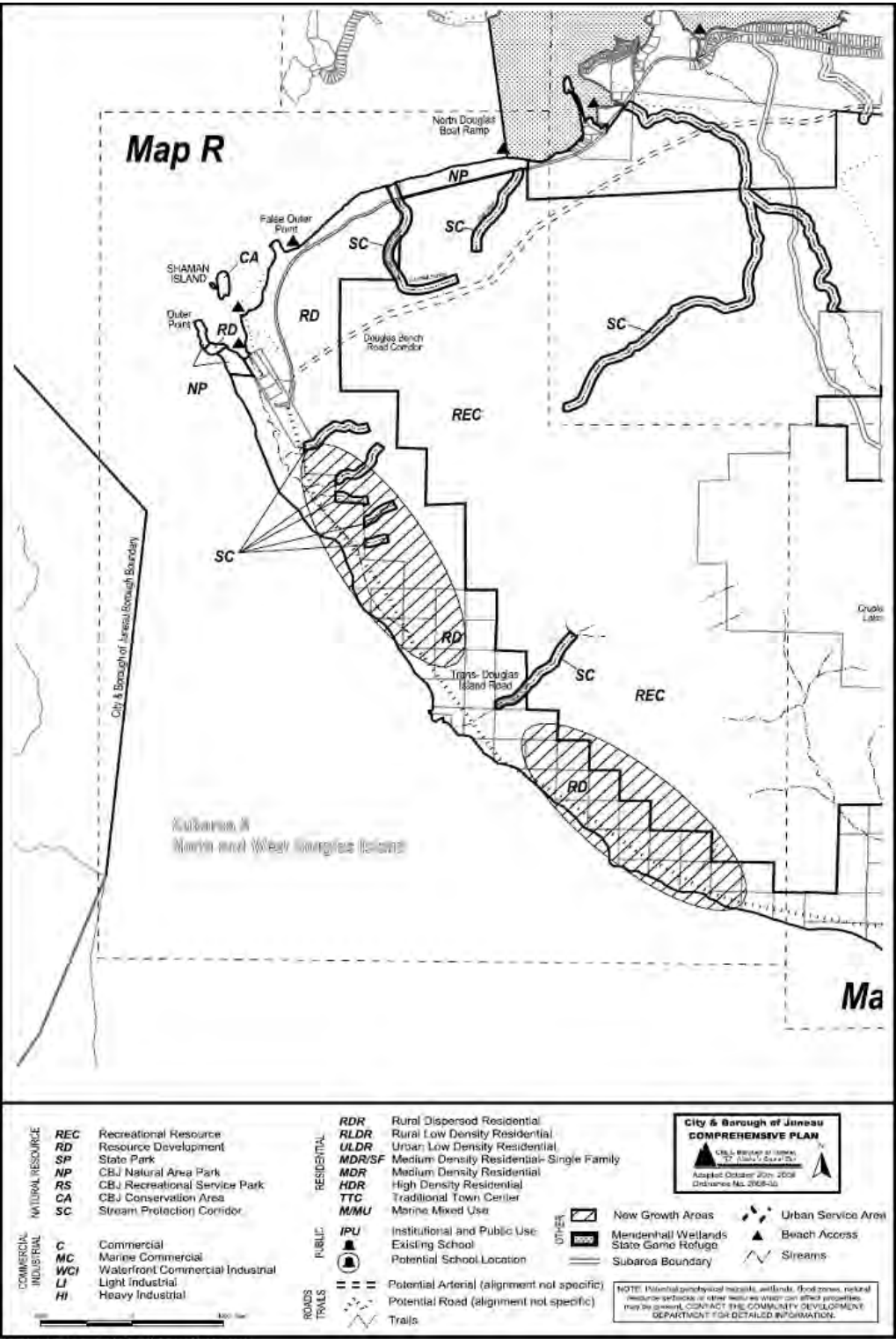


Figure 1 - The area is labeled as a New Growth Area in the Land Use Maps of the Comprehensive Plan

Planning Commission
 File No.: CSP2016 0002
 March 14, 2016
 Page 8 of 9

POLICY 7.3. TO PROTECT RIPARIAN HABITAT, INCLUDING STREAM CORRIDORS AND LAKE SHORELINES, FROM ADVERSE EFFECTS OF DEVELOPMENT AND TO PROVIDE A HIGHER LEVEL OF PROTECTION FOR NON-URBAN SHORELINES IN PUBLIC OWNERSHIP.

POLICY 7.5. TO PROTECT HIGH-VALUE WETLANDS FROM ADVERSE EFFECTS OF DEVELOPMENT THROUGH LAND USE MANAGEMENT AND TO SPONSOR OR PARTICIPATE IN EFFORTS TO ENHANCE OR RESTORE THE ENVIRONMENTAL VALUES OF WETLANDS IN THE BOROUGH.

Analysis -

The proposed development would provide for access to a New Growth Area, as outlined in the Comprehensive Plan. The CBJ has acquired the needed wetlands fill permit through the Army Corps of Engineers, and will be required to obtain Fish Habitat Permits through Fish and Game. During development of the road the project will have to adhere to the CBJ Manual of Stormwater Best Management Practices to protect wetlands and fish and wildlife habitat in the area.

HABITAT

Anadromous Streams – The project area contains 37 streams requiring culverts or bridges, 11 of which are ephemeral or seeps. These are part of, and tributaries to, an unnamed cataloged anadromous water body; and a Peterson Creek tributary, which is a cataloged anadromous stream (See Attachment B). Development along anadromous streams 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).

49.70.310 Habitat.

(a) Development in the following areas is prohibited:

(4) Within 50 feet of the banks of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and

(b) In addition to the above requirements there shall be no disturbance in the following areas:

(1) Within 25 feet of stream designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update;

49.70.950 Habitat.

(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

Planning Commission
File No.: CSP2016 0002
March 14, 2016
Page 9 of 9

stream.

The CBJ proposes to build 2 bridges, 2 fish pass culverts, and 26 culverts for the remaining streams. The provision above allows for stream crossing bridges and culverts to be within the habitat buffers.

Wetlands – The CBJ has applied for wetlands fill of 25,039 cubic yards of shot rock in 1.65 acres of wetlands, through the Army Corps of Engineers for the road, road turnouts, and building of bridges and culverts (See Attachment A for site plan and areas of fill and Attachment C for Army Corps Letter). Development within wetlands shall be managed to protect habitats per Title 49.70.950(c)(3).

49.70.950 Habitat.

(c) In addition to the standard contained in subsection (b) of this section, the following standards shall apply to the management of the following habitats:...

(3) Wetlands and tidelands shall be managed so as to ensure adequate waterflow, nutrients, and oxygen levels, to avoid the adverse effects on natural drainage patterns, the destruction of important habitat, and the discharge of toxic substances;

The Army Corps issued the CBJ a Nationwide Permit for the proposed wetlands fill.

FINDINGS

The proposed pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway is intended to implement the recommendations of the 1997 West Douglas Concept Plan and to provide for the access into CBJ lands for future development. Staff finds that the proposal is consistent with the 2013 Comprehensive Plan, Title 49 and other associated plans mentioned herein.

RECOMMENDATION

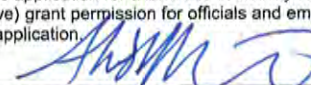
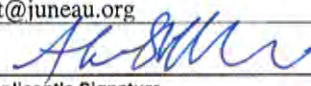
Staff recommends that the Planning Commission recommend to the Assembly that CSP2016 0002, City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway is consistent with Title 49, the 1997 West Douglas Concept Plan, and the 2013 Comprehensive Plan, with the following recommendations:

1. Development of the pioneer road shall strictly adhere to CBJ Manual of Stormwater Best Management Practices.
2. Prior to development of culverts and bridges in the proposed project, Fish Habitat Permits shall be acquired and approved.

DEVELOPMENT PERMIT APPLICATION

Packet Page 872 of 987

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 2/1/16
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description Construct a pioneer road through CBJ lands on the west side of Douglas Island		
	PROPERTY LOCATION		
	Street Address Near the end of North Douglas Hwy	City/Zip Juneau 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) n/a		
	Assessor's Parcel Number(s) 3D1301000010		
	LANDOWNER/ LESSEE		
	Property Owner's Name CBJ	Contact Person: Alan Steffert	Work Phone: 586-0481
	Mailing Address 155 South Seward St, Juneau 99801	Home Phone:	Fax Number:
	E-mail Address alan.steffert@juneau.org	Other Contact Phone Number(s): 321-4934	
	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			2-1-2016
		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 Alan Steffert		Contact Person: Alan Steffert	Work Phone: 586-0481
Mailing Address CBJ 155 South Seward St Juneau 99801		Home Phone:	Fax Number:
E-mail Address alan.steffert@juneau.org	Other Contact Phone Number(s): 321-4934		
X		2-1-2016	
	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		2/1/16
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		09/16-002
		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
			EC	

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS
I:\FORMS\2010 Applications Revised November 2009

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters)	Case Number CSP 16-002	Date Received
----------------	------------------------------	---------------------------	---------------

TYPE OF PROJECT REVIEW:

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

DESCRIPTION OF PROJECT

Construct a single lane with turnouts, rock-surfaced pioneer road on CBJ lands on the west side of Douglas Island.
Road length to be 2-1/4 miles.

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): _____

Undeveloped land, zoned RR

PROPOSED USE OF LAND OR BUILDING(S): _____

The pioneer road, once constructed, will enable land owners vehicular access to their lands and increased recreational access to the public.

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

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

Capital Improvement Program # (CIP) D14-060

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: \$ 2 million

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 style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="5" style="text-align: left; padding: 2px;">CITY/STATE PROJECT FEES</th> </tr> <tr> <th style="width: 40%;"></th> <th style="width: 10%; text-align: center; font-size: small;">Fees</th> <th style="width: 15%; text-align: center; font-size: small;">Check No.</th> <th style="width: 15%; text-align: center; font-size: small;">Receipt</th> <th style="width: 20%; text-align: center; font-size: small;">Date</th> </tr> <tr> <td>Application Fees</td> <td style="text-align: center;">\$ <u> </u></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> </u></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> </table>	CITY/STATE PROJECT FEES						Fees	Check No.	Receipt	Date	Application Fees	\$ <u> </u>	_____	_____	_____	Total Fee	\$ <u> </u>	_____	_____	_____
CITY/STATE PROJECT FEES																					
	Fees	Check No.	Receipt	Date																	
Application Fees	\$ <u> </u>	_____	_____	_____																	
Total Fee	\$ <u> </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**

Purpose Statement

The City and Borough of Juneau (CBJ) and Goldbelt, Incorporated are jointly interested in future development of their adjoining properties along an eight mile stretch of coastline on the west side of Douglas Island (West Douglas) between Outer Point and Point Hilda. This area is currently undeveloped forestland and is accessible only by foot or by boat.

The State has supported the CBJ's long term development plans by transferring three million dollars in transportation funds to the CBJ for the purpose of beginning the construction of a road to access West Douglas land for development. Since that time, CBJ and Goldbelt have agreed upon an alignment, the land has been surveyed, the road alignment has been staked, and wetland, wildlife and habitat inventories have been completed.

Early discussions between the CBJ and Goldbelt resulted in the creation of the West Douglas Concept Plan, Minch Ritter Voelkers, May 1997, which established goals, began analysis of environmental issues and developed site layout concepts for development of the area. (See Executive Summary of the West Douglas Concept Plan). This plan was adopted as part of the Comprehensive Plan by the Assembly.

The current City and Borough of Juneau Comprehensive Plan, adopted by the Assembly in 2013, specifies CBJ and Goldbelt lands on West Douglas as a "New Growth Area". These lands are identified in the West Douglas Conceptual Plan that was adopted as an addition to the Comprehensive Plan. The following policy was established in the Comprehensive Plan regarding this area:

POLICY 3.4. To encourage and facilitate the development of new growth areas in suitable locations in the remote areas of the borough in order to accommodate master planned, self-contained urban-level development opportunities outside the urban service area.

The purpose of the West Douglas road extension is to open up CBJ and Goldbelt lands for development and recreational access. In accordance with adopted community plans, the development is needed to allow for and facilitate community growth.

Specifically, the purposes of the pioneer roadway include:

1. Allow direct access to parcels identified as "New Growth Areas" in the land development plans.
2. Allow easier access to the lands for planning, soils investigations, and marketing of the properties.
3. Allow access for detailed site specific study of smaller tracts.
4. Add value to the lands for subsequent sale and/or trade.

5. Allow for cultural use of the lands.
6. Allow for subsistence use of the lands.
7. Allow for recreational access to the lands.

The road extension and land development improvements will be constructed in phases, likely over many years. The proposed phase will extend approximately 2.4 miles to access development areas 1A and 1B as shown on the West Douglas Overall Conceptual Plan. This construction could begin in April of 2016 and be completed in September of 2017. Future phases include extending the road to access other development areas shown on this plan. However, there is no funding available at this time to do this and it is unknown when funding will be available for future phases.

Nature of Activity

The West Douglas Road project proposes to construct 2.4 miles of single lane gravel road beginning near the end of North Douglas Highway and extending parallel and $\frac{3}{4}$ mile inland of the coast of Douglas Island. In addition to the road, there will be a small parking area at the start of the road to accommodate recreational users of the road as the road will be gated. There will also be vehicle turnouts and borrow areas along the route to quarry rock for the road construction.

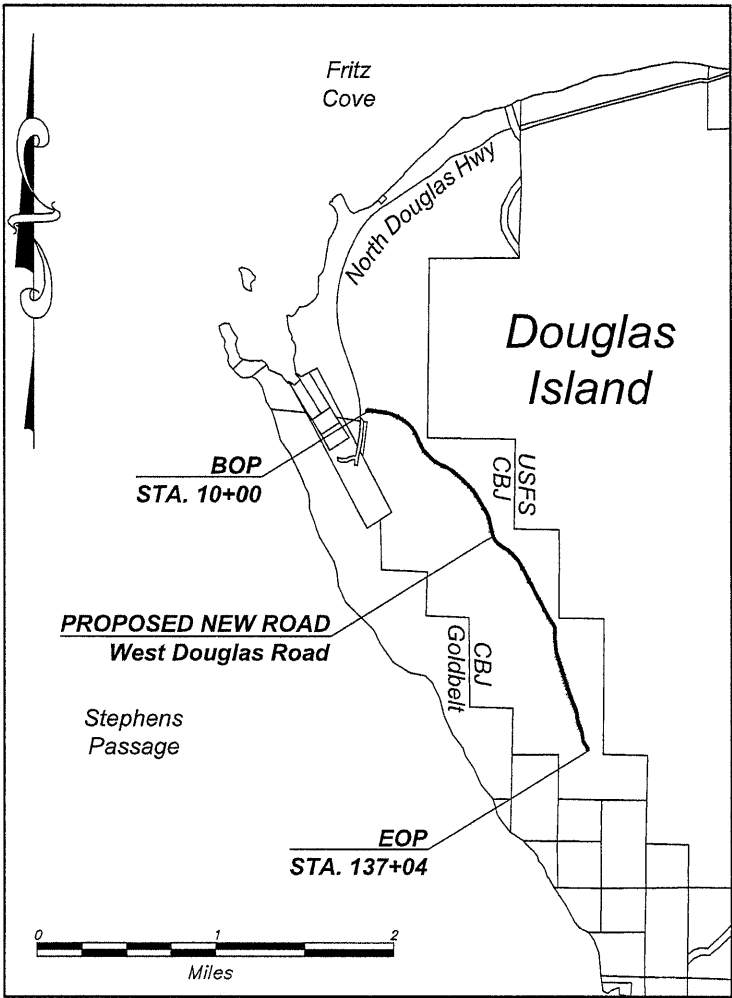
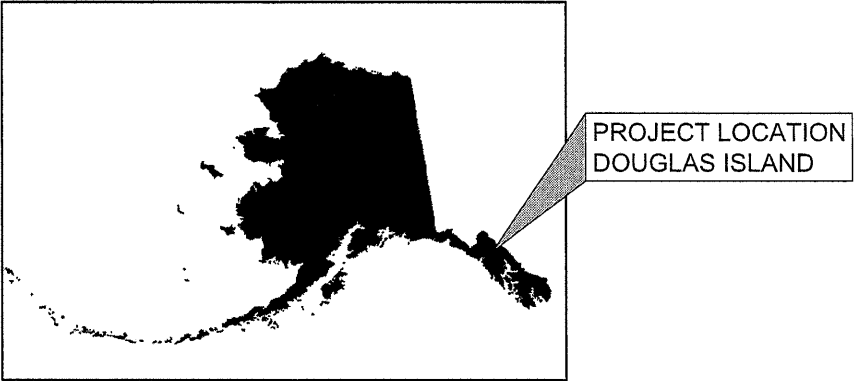
The road was designed based on a preliminary line (p-line) that was located on benches in the upper area. A wetland delineation was performed at typically 50' to either side of the preliminary line, at major stream crossings, and extended in potential rock material borrow areas as shown on the wetland maps. Based on the wetland delineation, field analysis and working with agencies, the final road location was determined based on avoiding and minimizing impact to the wetlands to the maximum extent practicable, allowing for a pioneer road that would in 10-20 years be the basis for a 40 mph highway through this area, and allowing for stream crossings that were buildable with the least amount of impact. Based on these goals, considerations for the design include vertical and horizontal curve limitations and maintaining a road that was buildable and drivable.

The road surface will be 14' wide with a 2:1 embankment and 1:1 cut slope. Drainage will be collected on the uphill side of the road in a roadside ditch. Runoff will drain through the road rock prism or flow through culverts under the road. The road base will consist of shot rock placed at a depth of 4'.

The parking area will be 50' by 64', accommodating 10 vehicles. The base will be 3' thick shot rock with 12" thick base course cap. The turnout areas will be 8' wide, located interspersibly along the road as shown on the plan. They will also be constructed of 4' shot rock.

There will be two 50 foot span bridges crossing large creeks as shown on the plan drawings. The bridges will be 14' wide modular steel bridges on spread footings. The abutments will be constructed above ordinary high water. Culverts and/or pipe arches will be placed at all other locations where streams cross the road. The cross culverts are typically 18" diameter and the stream culverts and/or pipe arches are typically 24" to 60" diameter.

The construction plan is to clear vegetation approximately 15' to either side of the road, excavate organic material within the excavation limits and stockpile organic soils and ground cover vegetation on site. Logs will be removed and slash and stumps disposed of by burning. Stripped organics will be windrowed and placed at the toe of fill slopes. This will serve as a filter strip for stormwater runoff and to minimize impacts to habitat. Excess excavation will be placed in upland areas or allow for wider fills in upland areas only. The rock will be placed as shown in the permit drawings and compacted. A gate will be installed at the beginning of the road that will prohibit the entry of unauthorized motorized vehicles but allow pedestrian and non-motorized access.

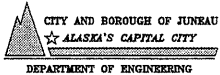


Wetlands area impacted = 1.63 acres
Resident fish streams crossed = 4

LEGEND

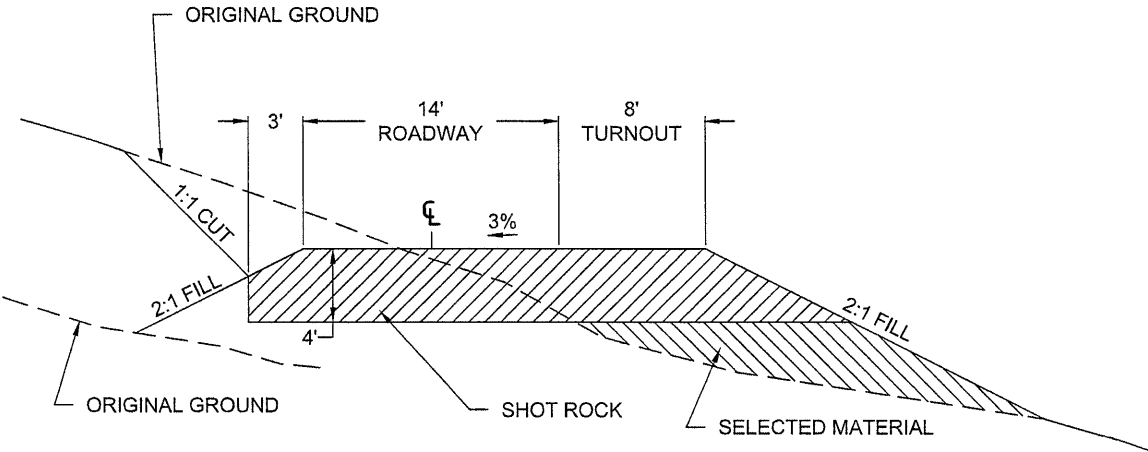
Proposed Alignment	-----
Slope Stakes	-----
Proposed Culvert	=====
Stream	-----
Borrow Source Edge	-----
P-Line	-----
Wetlands	
Disturbed Wetlands	

VICINITY MAP

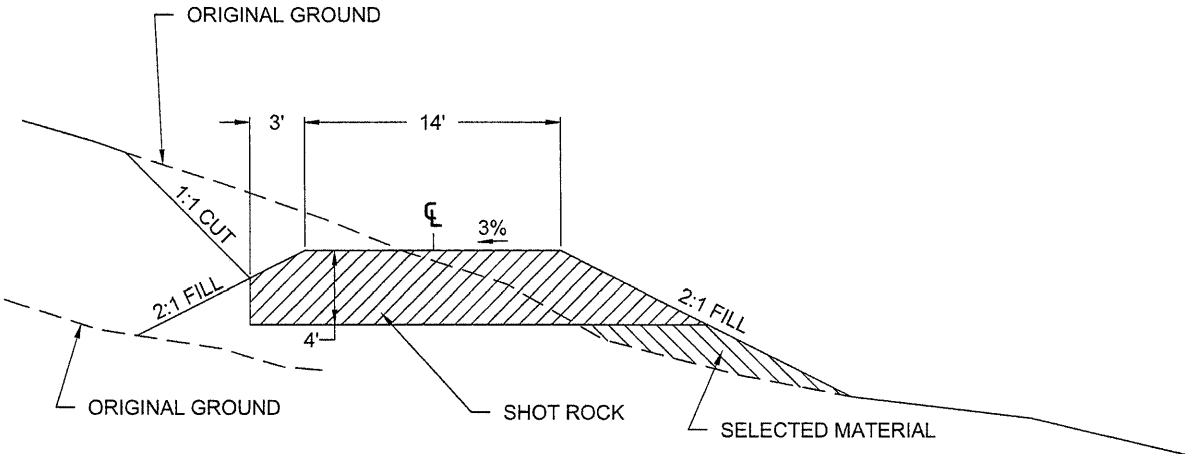


WEST DOUGLAS ROAD

Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 1 of 10
Date: 3/24/2015

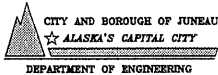


TYPICAL ROAD SECTION
14' SINGLE LANE WITH 8' TURNOUT



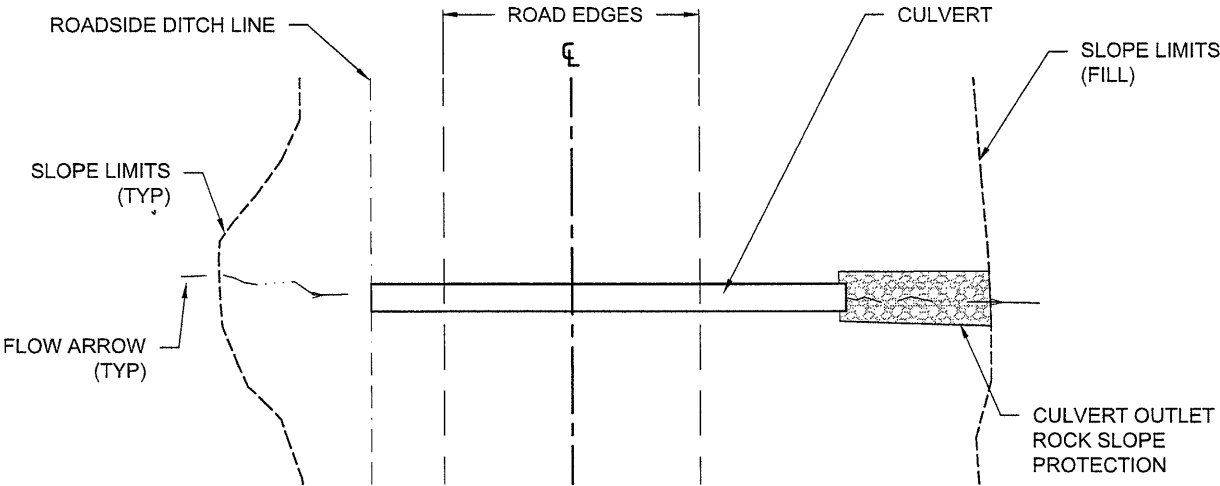
TYPICAL ROAD SECTION
14' SINGLE LANE

Typical Sections

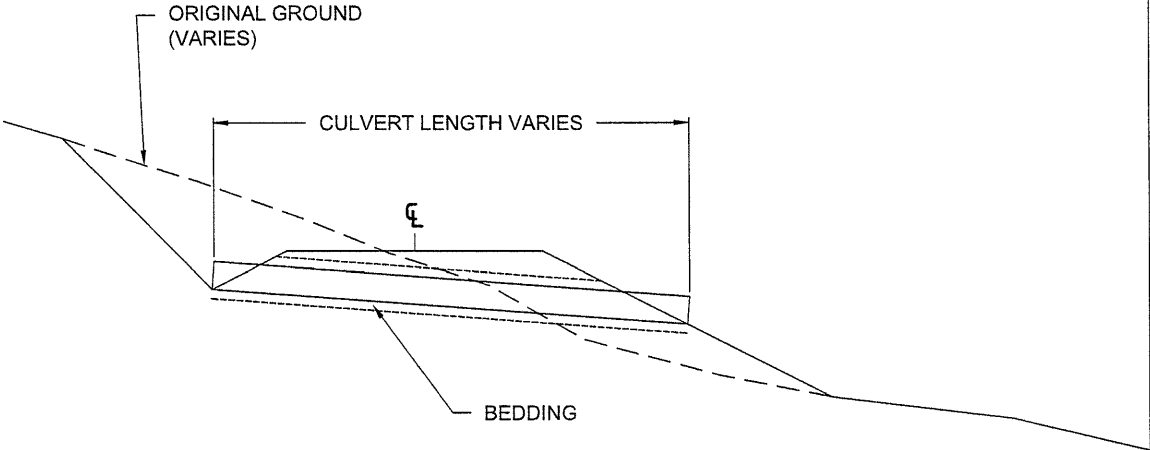


**WEST DOUGLAS
ROAD**

Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 2 of 10
Date: 3/24/2015



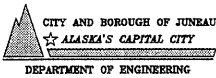
PLAN VIEW



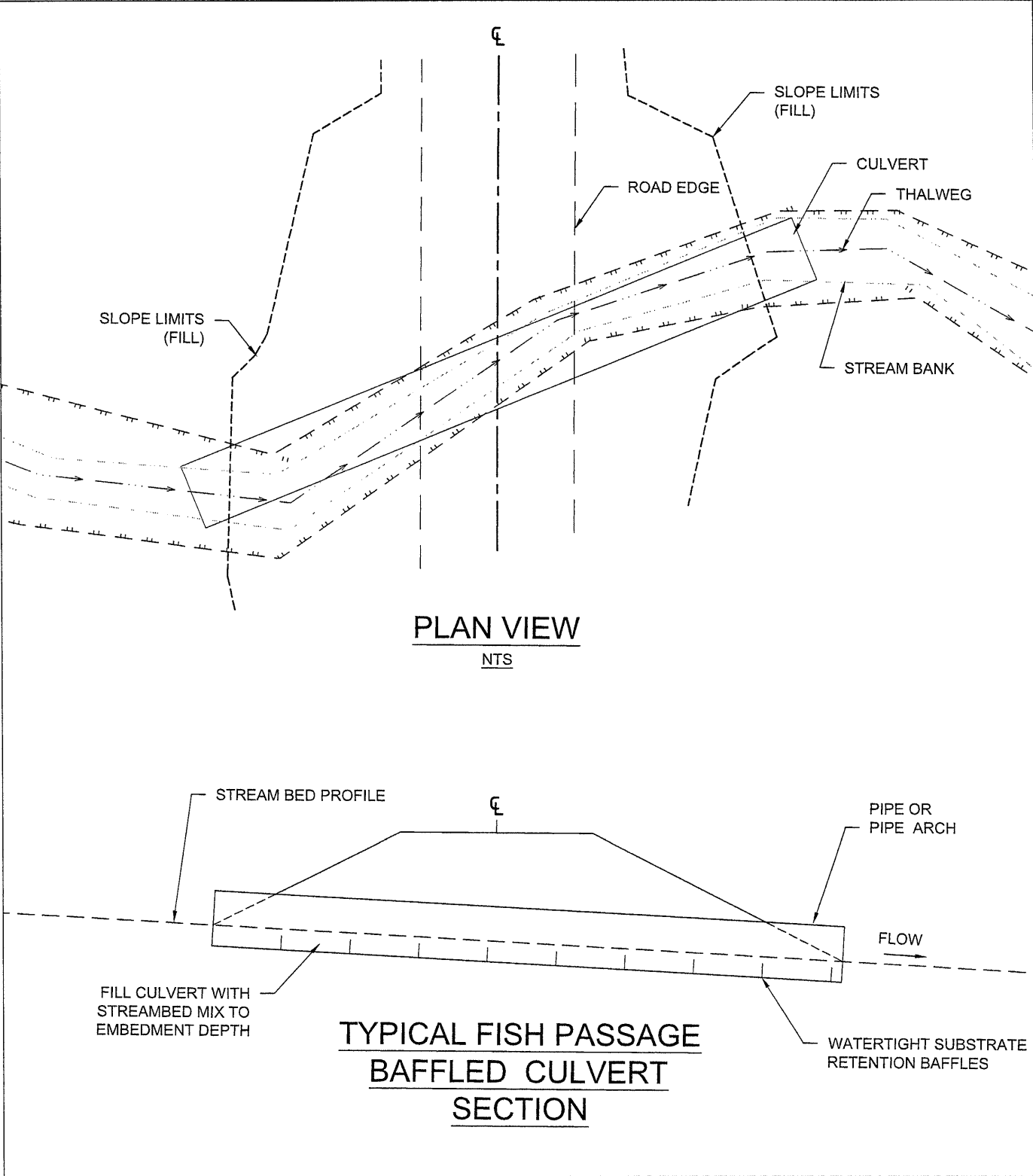
TYPICAL CULVERT SECTION

Culvert Stream Crossing Typical

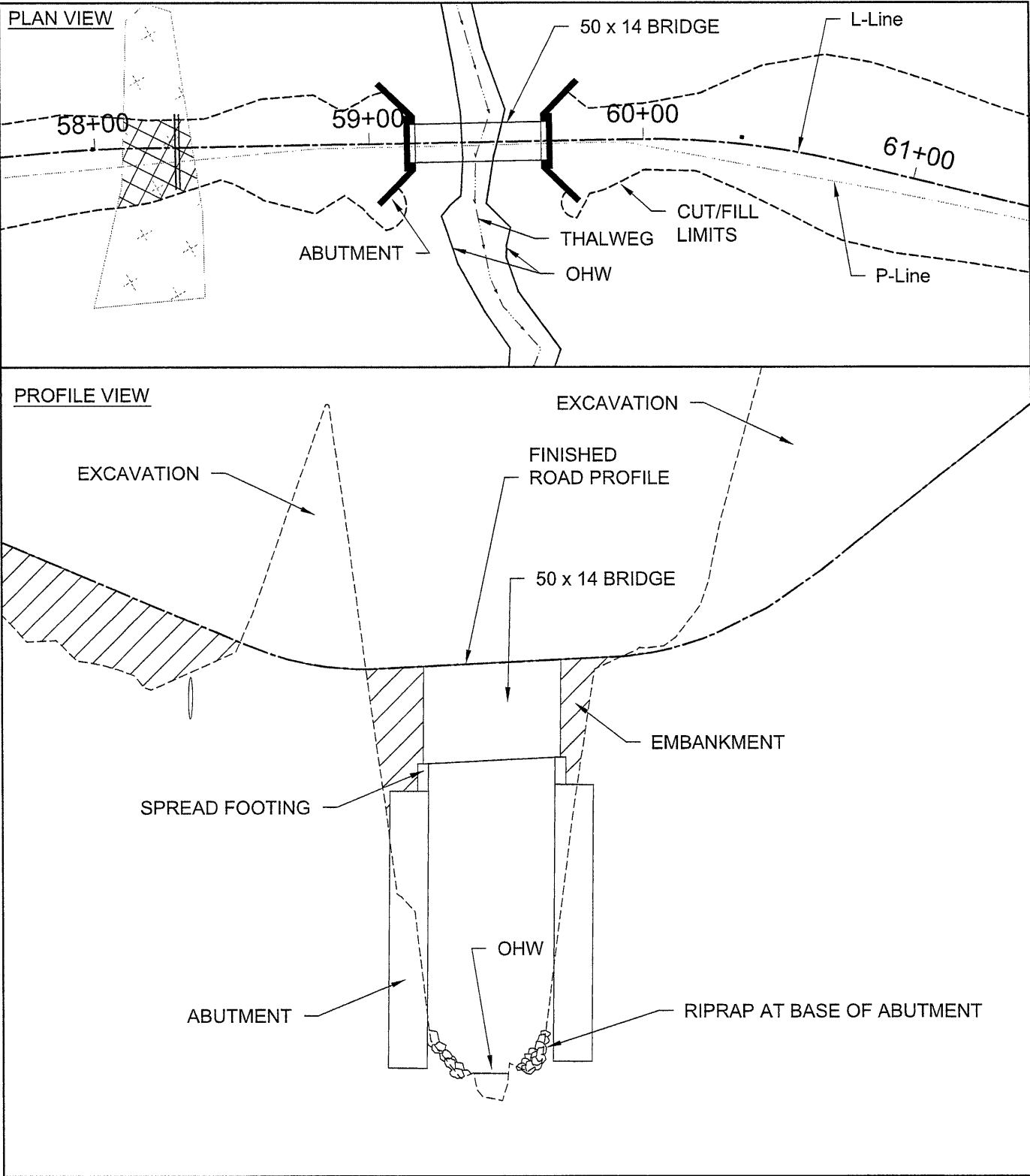
Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 3 of 10 Date: 3/24/2015



**WEST DOUGLAS
ROAD**

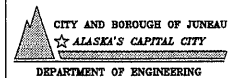


Culvert Stream Crossing Typical  CITY AND BOROUGH OF JUNEAU ★ ALASKA'S CAPITAL CITY DEPARTMENT OF ENGINEERING WEST DOUGLAS ROAD	Applicant: City & Borough of Juneau File No.: POA- Waterway: Petersen Creek tributaries Proposed Activity: New road construction Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619" Sheet 4 of 10 Date: 3/24/2015
--	--

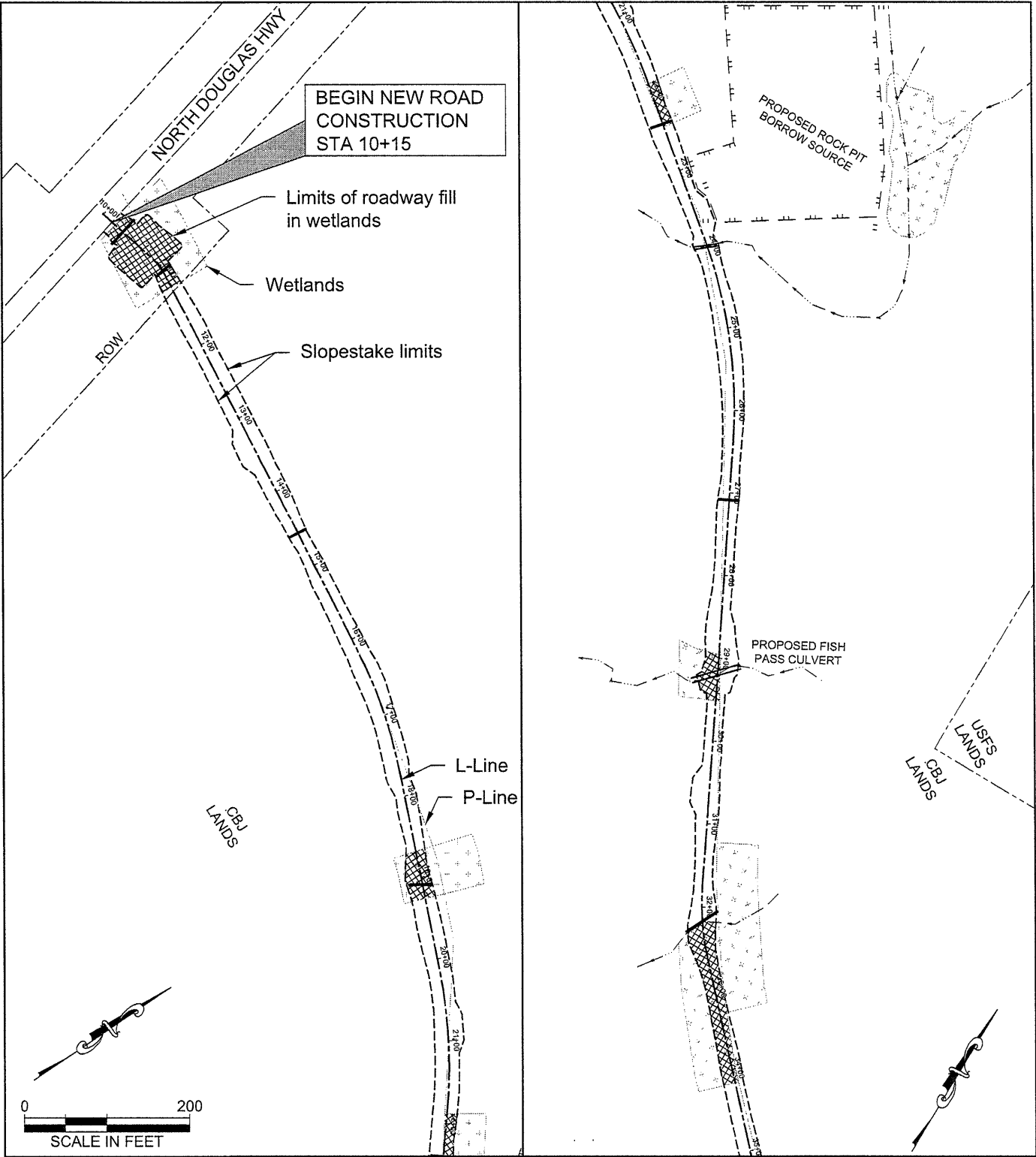


Bridge Stream Crossing Typical

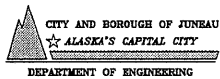
Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 5 of 10 Date: 3/24/2015



**WEST DOUGLAS
ROAD**

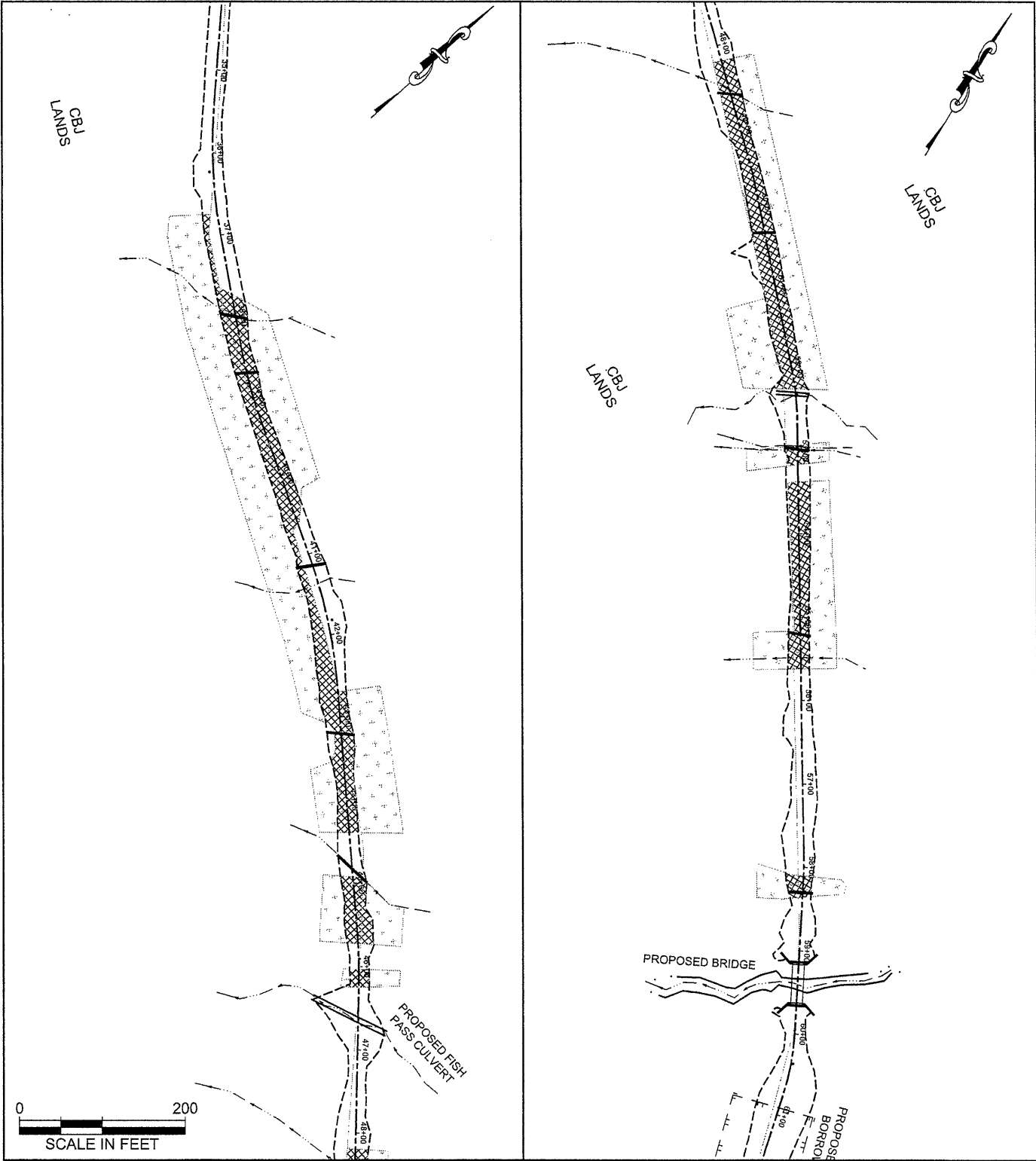


Plan View
Stations 10+00 (BOP) to 35+00

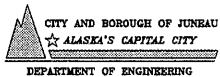


WEST DOUGLAS ROAD

Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 6 of 10 Date: 3/24/2015

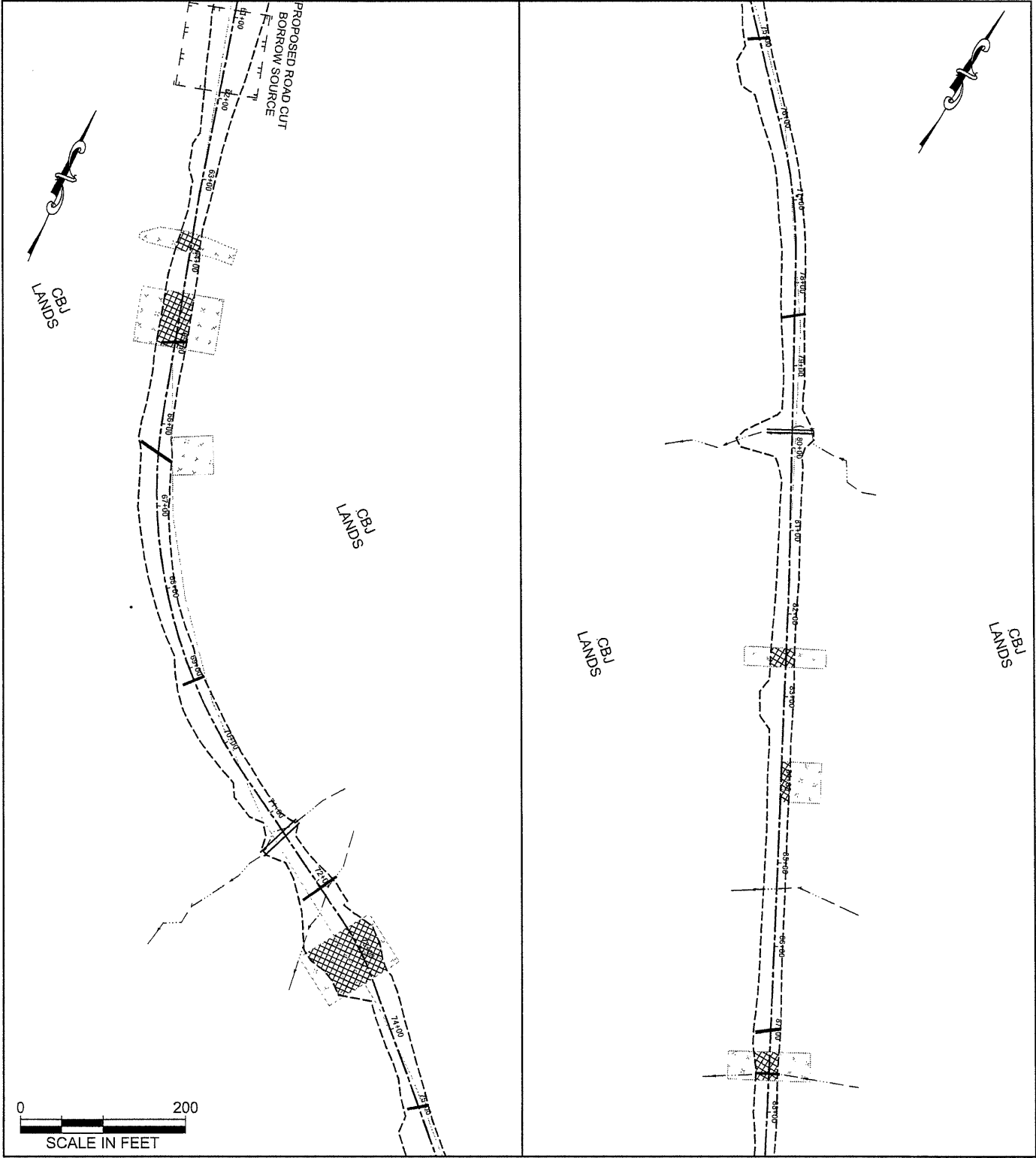


Plan View
Stations 35+00 to 61+00

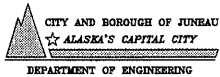


**WEST DOUGLAS
ROAD**

Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 7 of 10
Date: 3/24/2015

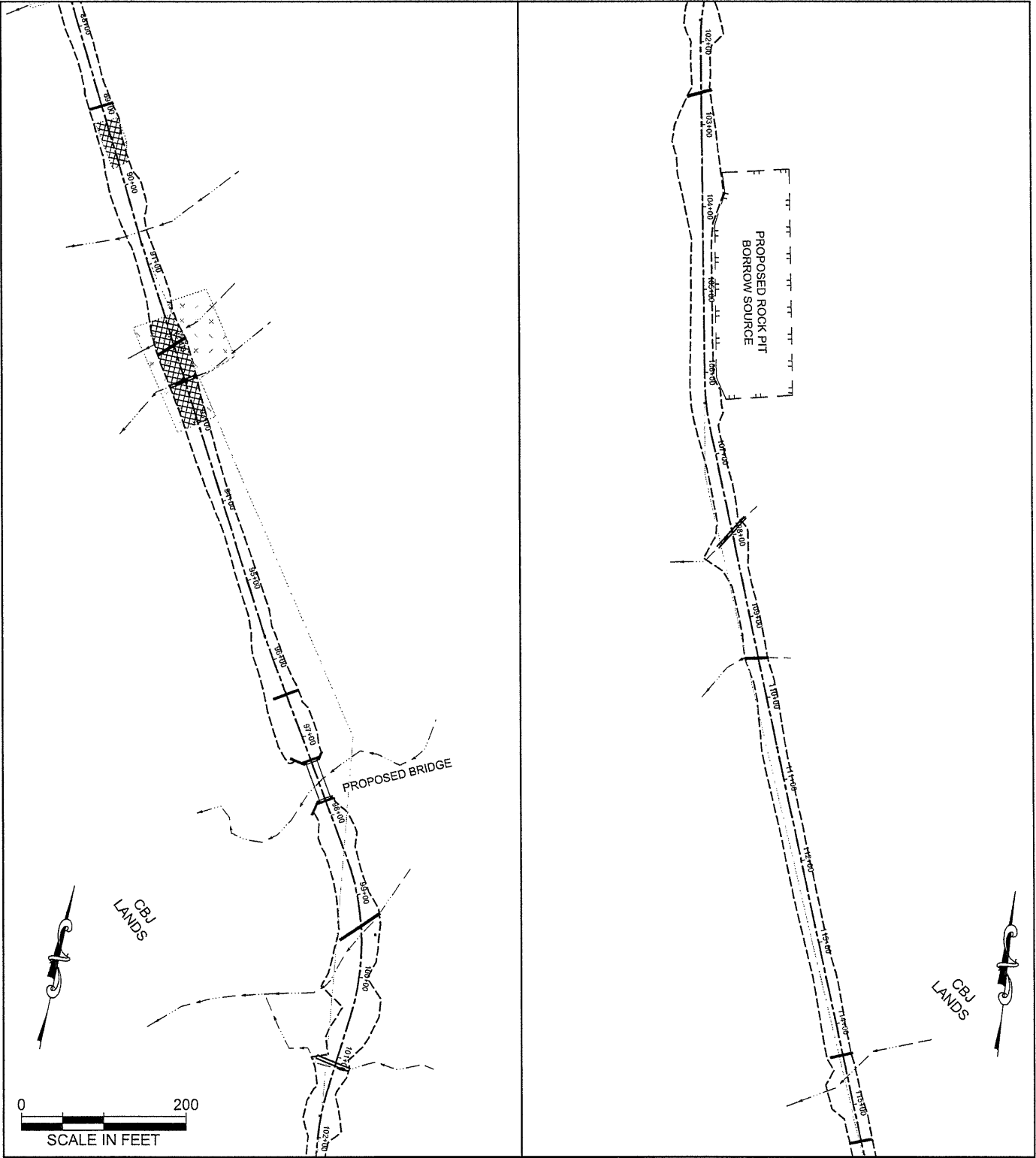


Plan View
Stations 61+00 to 88+00

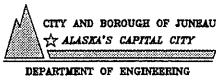


WEST DOUGLAS ROAD

Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 8 of 10 Date: 3/24/2015

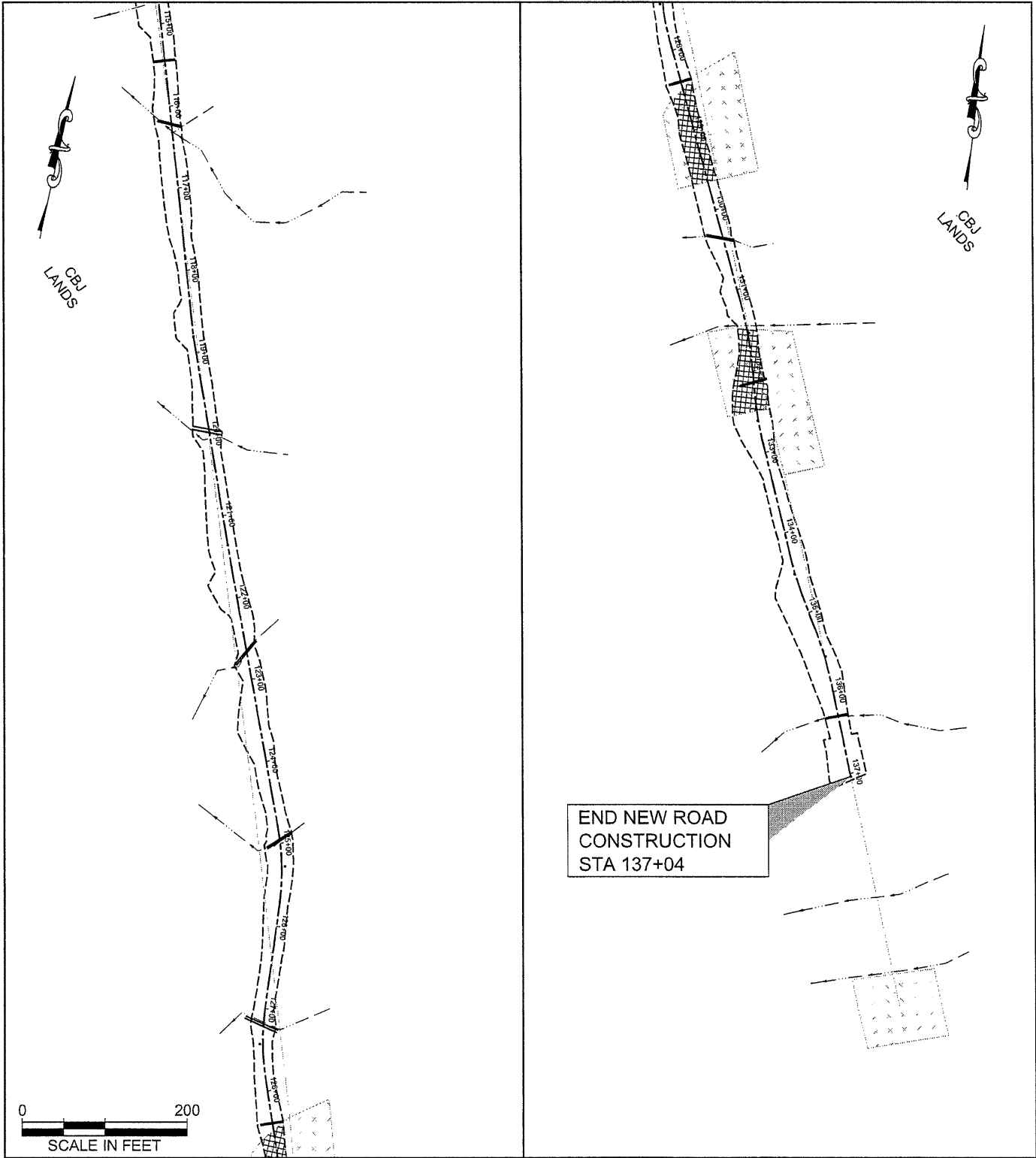


Plan View
Stations 88+00 to 115+00

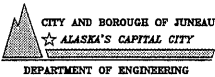


**WEST DOUGLAS
ROAD**

Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 9 of 10
Date: 3/24/2015



Plan View
Stations 115+00 to 137+04 (EOP)



**WEST DOUGLAS
ROAD**

Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 10 of 10
Date: 3/24/2015

MEMORANDUM**State of Alaska**
Department of Fish and Game
Division of HabitatTO: Jackie Timothy
Southeast Regional Supervisor

DATE: December 31, 2015

FILE NO: 58.2935° N, 134.6661° W

SUBJECT: North Douglas Highway
Extension Trip Report
December 7–8, 2015FROM: Greg Albrecht 
Habitat Biologist

PHONE NO: (907) 465-6384

On December 7 and 8, 2015, I surveyed stream crossings on the City and Borough of Juneau's (CBJ) proposed North Douglas Highway road extension alignment with Habitat Biologist Nicole Legere and CBJ Engineer Alan Steffert. The road alignment runs along a bench between 54 and 100 m elevation for 3.8 km. CBJ plans show 37 streams requiring culverts or bridges, 11 of which are ephemeral or seeps. We evaluated the remaining 26 for fish habitat by making a visual determination based on gradient, stream flow, and width or by electrofishing (Figure 1, Appendix A).

Many historical nominations to the Anadromous Waters Catalog (AWC) in this area were made based on Dolly Varden char and cutthroat trout captures not confirmed to be anadromous. We began field verifying the area in 2012, making corrections and including additional anadromous fish habitat. Even so, the main stem of Peterson Creek remains incorrectly mapped near waypoint 917 with no documentation of fish captures. I will resurvey this stream and submit a correction to the AWC in the spring.

Since 2001, biologists have captured coho salmon, cutthroat trout and Dolly Varden char at five of the road/stream intersections. I will write fish habitat permits for these crossing structures and for the structure on the AWC mapped main stem of Peterson Creek, but will only require the structures provide upstream fish passage at waypoints 909 and 914 as described in the survey information below. Following construction, I will submit corrections to the AWC to terminate the upper extent of streams where barrier pipes are permitted.

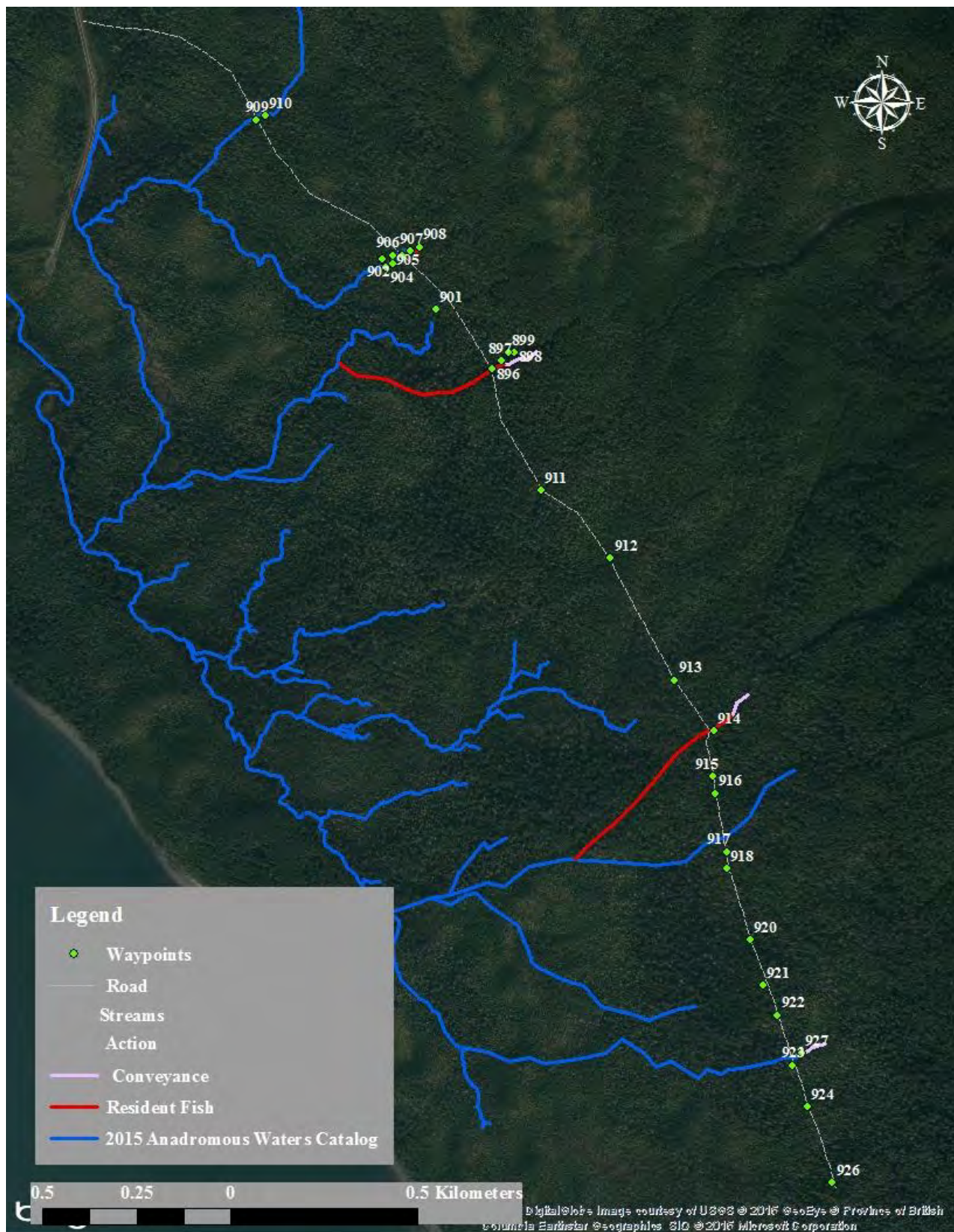


Figure 1.—Road extension map.

Station 29+00 (waypoint 909)

Stream no. 111-50-10750-2027-3031, cataloged for coho salmon, cutthroat trout and Dolly Varden char, is about 3% gradient through the crossing with 360 m of anadromous habitat upstream (Figure 2). Cutthroat trout, Dolly Varden char and coho salmon have been captured upstream of the proposed crossing. I will issue a fish habitat permit that requires upstream fish passage.



Figure 2.–Station 29+00 (waypoint 909) map.

Station 46+70 (Waypoint 903)

Stream no. 111-50-10750-2027, cataloged for coho and pink salmon, cutthroat trout and Dolly Varden char, varies between 11 and 15% average gradient downstream of the crossing (Figure 3). There is 23 m of step pool habitat at a 12% average gradient upstream of the road centerline (Figure 4). Upstream of this reach, the creek flows through a series of chutes with a 0.9 and 1.8 m falls forming a complete barrier. I captured one cutthroat trout in the plunge pool at the base of the 1.8 m falls (Figure 5). Historical records show Dolly Varden char and cutthroat trout captures near this area and coho salmon captured 173 m downstream where average gradient is ~7%. Bedrock is exposed at the 10% gradient crossing location. I will issue a fish habitat permit that does not require fish passage and submit a correction to end the AWC at the barrier culvert.

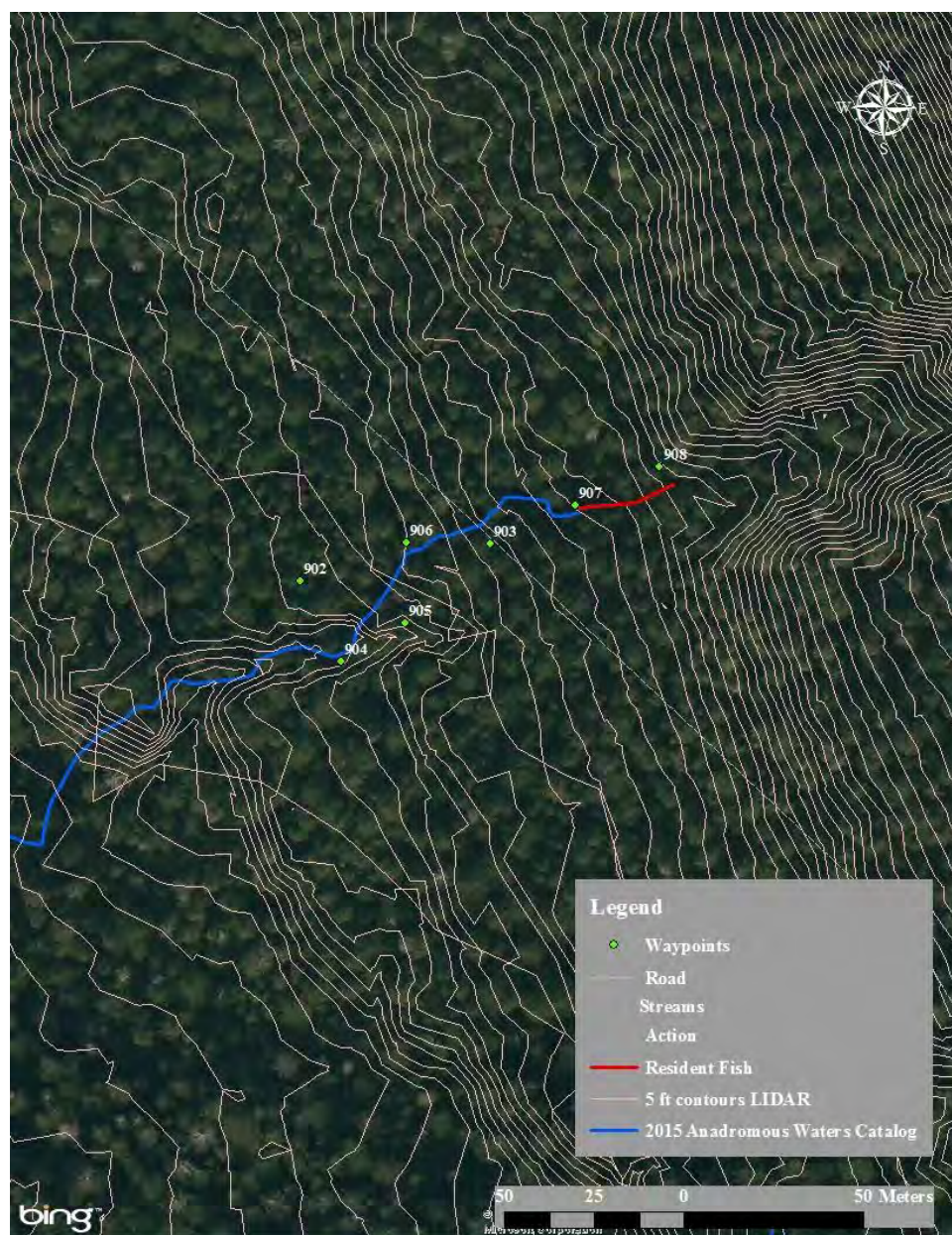


Figure 3.–Station 46+70 map.



Figure 4.–View of the habitat upstream of the crossing.



Figure 5.–0.9 m falls (left) and 1.8 m falls (right) with 145 mm cutthroat trout captured in plunge pool.

Station 59+50 (Waypoint 896)

This stream is not listed in the anadromous waters catalog and supports resident Dolly Varden char near the proposed road crossing. Downstream of the crossing the creek flows subsurface through a rock and woody debris jam caused by a fallen tree. Average gradient is between 15-23% through three 15 m reaches downstream (Figure 6). Upstream, gradient is 14% for 25 m, then increases to >25% (Figures 7, 8). I captured two Dolly Varden char 25 m upstream of the road centerline in the last deep pool prior to the gradient increase to 25% and found no fish or fish habitat upstream of that point. I will issue a fish habitat permit that does not require fish passage.

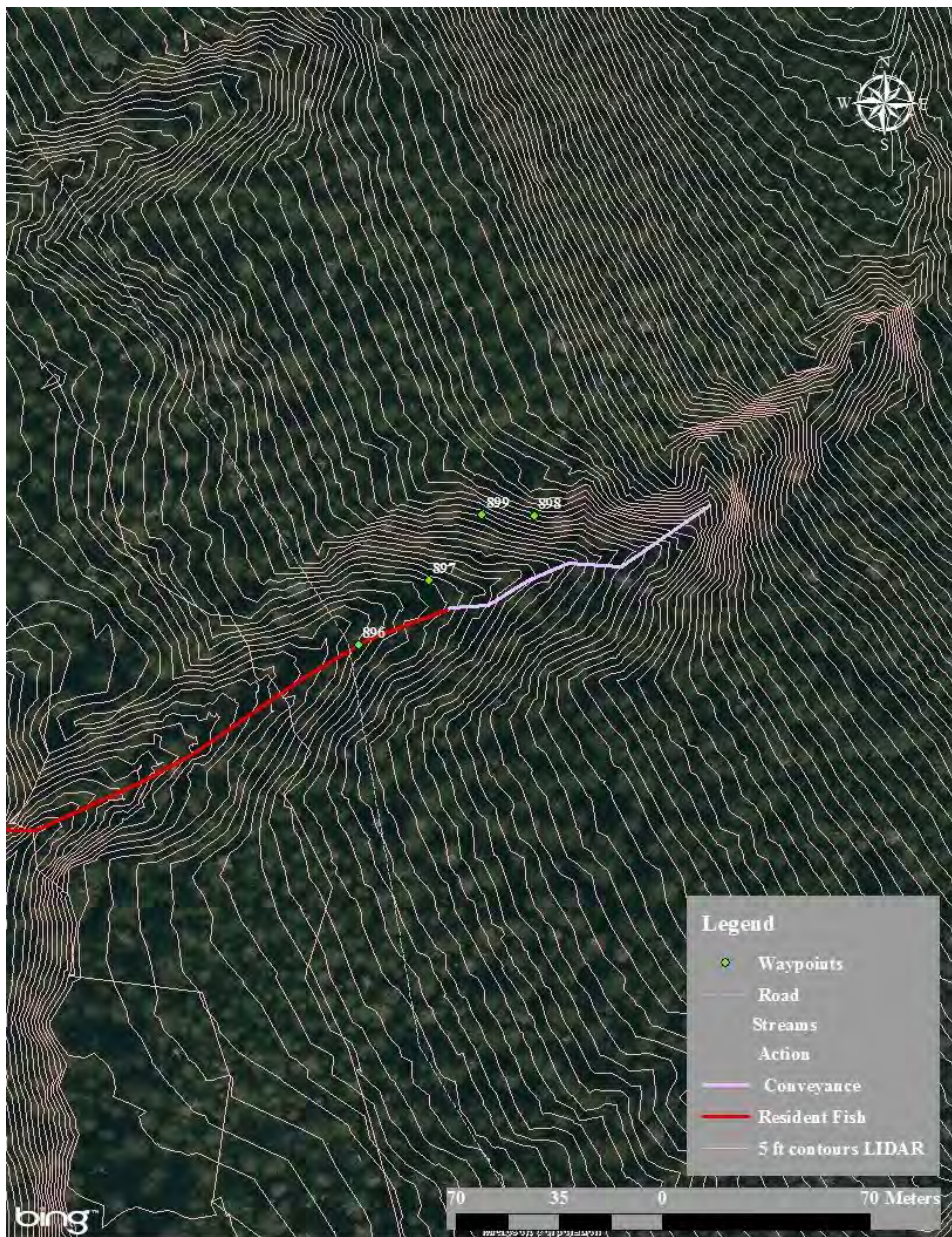


Figure 6.-Station 59+50 map.



Figure 7.—Looking upstream through the crossing location.

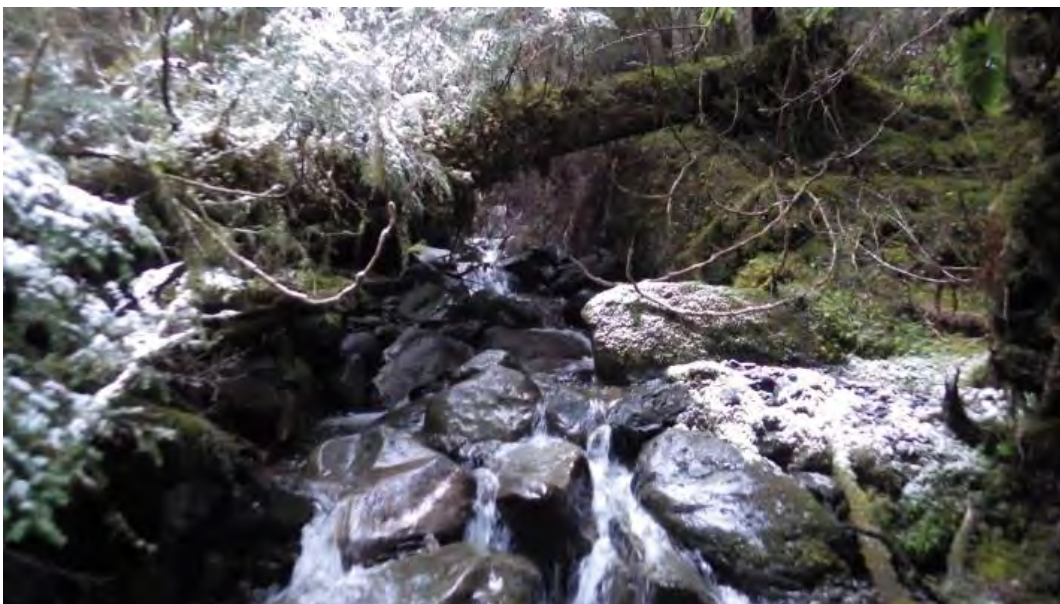


Figure 8.—Upstream view of creek above the last fish capture (waypoint 897).

Station 97+50 (Waypoint 914)

Based on flow volume, I suspect this stream is the main stem of Peterson Creek (Stream no. 111-50-10750; cataloged for chum, pink and coho salmon, cutthroat trout, and Dolly Varden char), though it is not mapped as such in the AWC.¹ 2015 surveys show cutthroat trout and Dolly Varden char at the proposed crossing with the nearest coho capture 630 m downstream in 2013. Average gradient is 10% over 60 m downstream of the crossing. Upstream, gradient across step pool habitat increases to an average of 13% for 60 m and 16% for the last 16 m (Figures 10, 11). Above that point, gradient increases to 21% and fall heights between step pools exceed 0.9 m, a barrier to juvenile fish. I will issue a fish habitat permit that requires upstream fish passage.

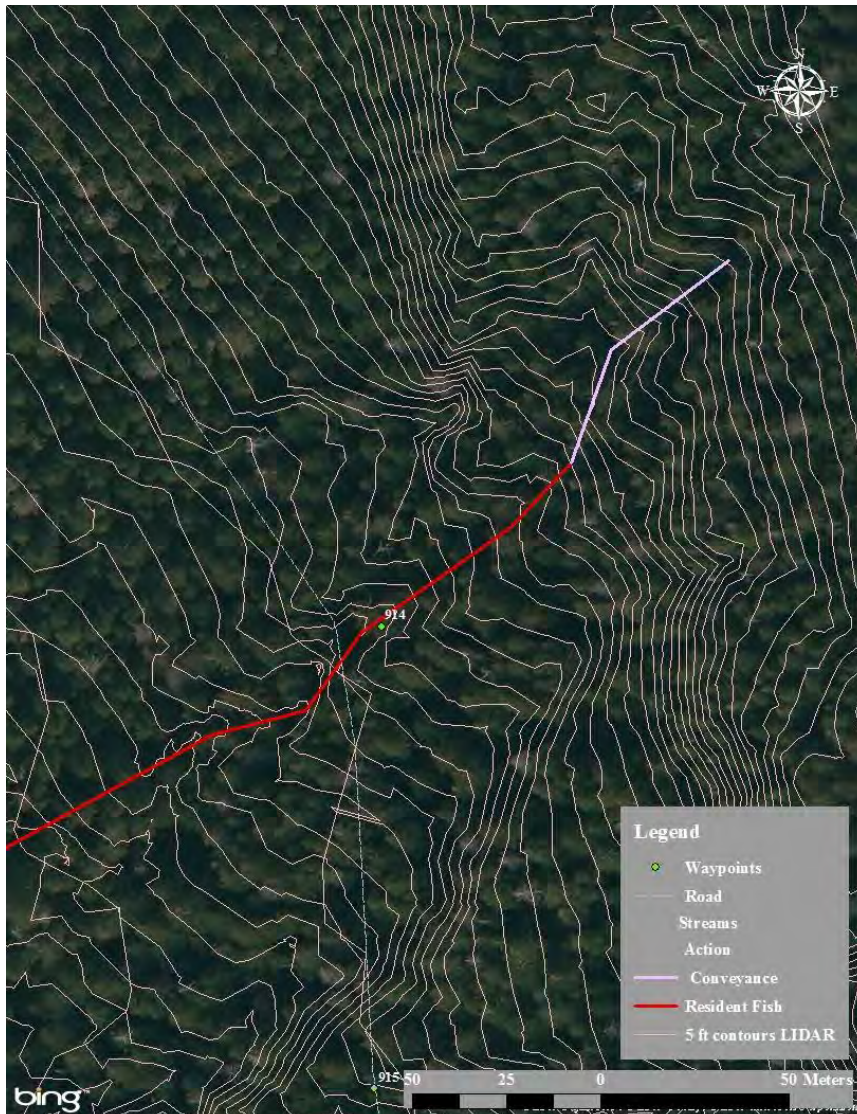


Figure 9.—Station 97+50 map.

¹ The 1984 nomination for the main stem of Peterson Creek (111-50-10750) was for observations of adult coho spawning in a drainage 280 m to the south near the proposed road elevation and was submitted on a hand drawn map with inaccurate elevations. A route correction was submitted in 2001; however, a mapping error was generated in this process, resulting in the stream being mapped where no fish have been observed. The drainage originally nominated in 1984 was tracked in 2013 and was documented to be intermittent. I will conduct another survey and submit a nomination for correction.



Figure 10.—Fish habitat directly upstream of the crossing location.



Figure 11.—Transition into >21% average gradient.

Station 108+40 (Waypoint 917)

This stream is the closest drainage to the AWC mapped Peterson Creek (stream no. 111-50-10750). Gradient at the crossing is 48% over 35 m and is an upstream migration barrier (Figure 12). Drainages at waypoints 916 and 918 had 28 and 19% gradients and did not appear to contain enough water to support fish. The drainage at waypoint 915 was 23% gradient through the crossing with a 1 m falls barrier 9 m upstream of the road centerline and we captured no fish here (Figures 13, 14). I will issue a fish habitat permit that does not require upstream fish passage, resurvey the stream, and submit a correction to the AWC when road construction is complete.

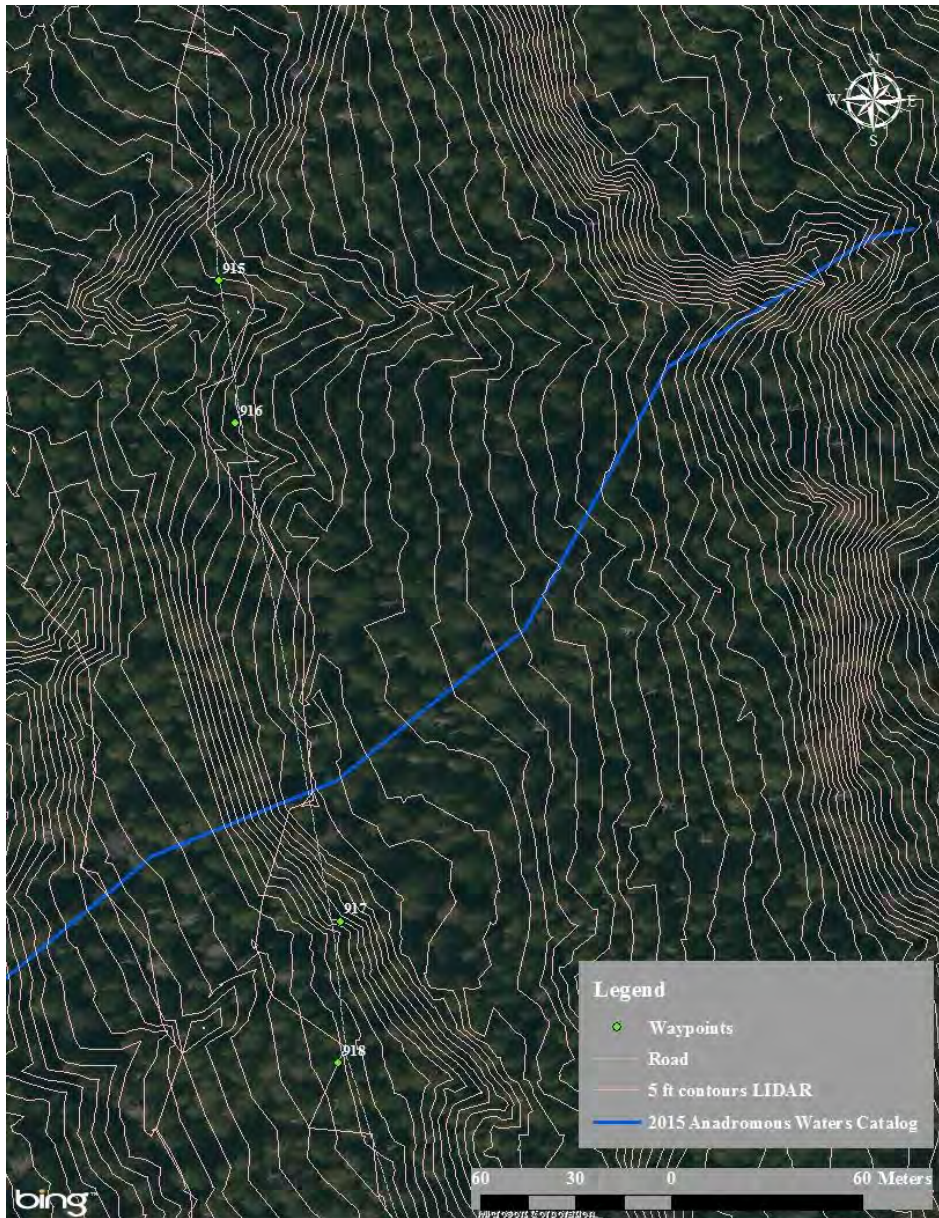


Figure 12.–Station 108+40 map.



Figure 13.—View looking upstream through the crossing at waypoint 915.



Figure 14.—1 m falls 9 m upstream of the waypoint 15 crossing centerline.

Station 127+33 (Waypoint 923)

Stream no. 111-50-10750-2042, cataloged for coho and pink salmon, cutthroat trout and Dolly Varden char, is 6 to 10% average gradient downstream and increases to 22% gradient immediately upstream of a debris jam at the crossing location (Figure 15). The stream is 10% gradient at the crossing and flows through debris and becomes intermittent upstream of this point (Figures 16, 17). ADF&G staff recorded 1 Dolly Varden char captured at the road crossing location, 2 cutthroat trout captured 29 m upstream, and 9 cutthroat trout captured 160 to 250 m downstream in 2001. On our visit we captured no fish using an electrofisher. A 2013 ADF&G survey crew observed spawning pink salmon 3000 m downstream at the base of a narrow cascade, possibly forming a barrier, above which no salmon have been documented (Figure 18). I will issue a fish habitat permit that does not require upstream fish passage, resurvey the stream, and submit a correction to the AWC after road construction is complete.



Figure 15.–Station 127+33 map.



Figure 16.—Looking upstream towards the crossing location.



Figure 17.—View looking through the crossing location and debris jam.

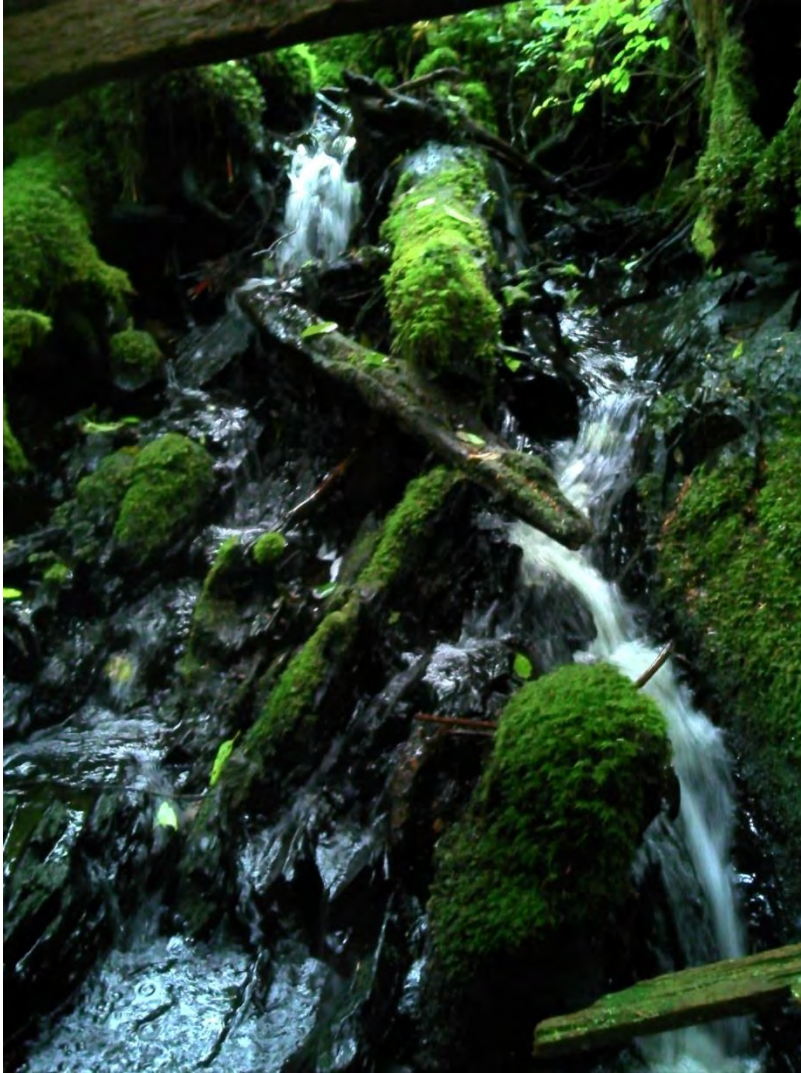


Figure 18.—Potential cascade falls barrier where 2013 survey was ended.

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
 Scott Ayers, ADF&G/SF, Anchorage
 Gillian O'Doherty, ADF&G/SF, Anchorage
 Alan Steffert, CBJ Engineer, Juneau
 Teri Camery, CBJ, Juneau
 Steve Brockmann, USFWS, Juneau
 Linda Speerstra, USACE, Sitka
 Cindy Hartmann Moore, NMFS, Juneau

Appendix A

Waypoint	Latitude	Longitude	Notes	Sample Effort	Sample Results
896	58.287	-134.6476	Station 59+00: 45-15 m DS of xing = 19% grad. Fished 8 pools. 15-0 m DS of xing = 23% gradient, barrier where flow goes subsurface through fallen tree and bed load back up.	EF	
897	58.2872	-134.6472	Station 59+00: 0-25 m US of xing = 15% grad. 2 DV at this point.	EF	2 DV
898	58.2874	-134.6466	Station 59+00: 33% grad US of here and no suitable rearing pools.	EF	
899	58.2874	-134.6469	Station 59+00: 25-50 m US of xing = 25% grad and no rearing pools.	EF	
901	58.2884	-134.6502	Station 53+00: 50 m DS of xing = 7 m waterfall barrier. No fish captured from here through xing.	EF	
902	58.2896	-134.6527	Station 47+00: begin DS survey here.		
903	58.2897	-134.6518	Station 47+00: xing location, 1 CT caught here previously. 0-60 m DS of xing from here = 15% grad with two 40 cm falls. Bedrock exposed at this location where 30 m CMP would be installed. Bridge not practical due to steep approach. Possibly arch?	MT	1 CT
904	58.2894	-134.6525	Station 47+00: 155-120 m DS of xing = 12% grad.		
905	58.2895	-134.6522	Station 47+00: 120-95 m DS of xing = 11% grad.		
906	58.2897	-134.6522	Station 47+00: 95-60m DS of xing = 13% grad.	EF	

Waypoint	Latitude	Longitude	Notes	Sample Effort	Sample Results
907	58.2898	-134.6514	Station 47+00: 0-23m US of xing = 12% grad, no fish. Start of bedrock chutes and barrier falls.	EF	
908	58.2899	-134.651	Station 47+00: 30m US of xing 145mm CT in plunge pool at base of 180 cm vertical bedrock falls.	EF	1 CT
909	58.2929	-134.6585	Station 29+30: xing location here. 3 CT captured with EF, 3% grad US of xing for 20 m. 2 CT and 1 DV captured previously in MT.	EF, (MT)	3 CT (2 CT, 1 DV)
910	58.293	-134.6581	Station 29+30: top of survey, grad appears <3% for at least 100 m US of here. LIDAR shows average 3.5% gradient for 360 m remainder of AWC arc.		
911	58.2841	-134.6453	Station 71+00: fish not previously captured here. 14% grad US with high bed load, lower flow than 914, stream flow lost into substrate, no fish captured.	EF	
912	58.2825	-134.6421	Station 78+87: fish not previously captured here. Too small and steep to support fish.		
913	58.2796	-134.6391	Station 91+75: fish not previously captured here. Too small and steep to support fish.		

Waypoint	Latitude	Longitude	Notes	Sample Effort	Sample Results
914	58.2784	-134.6373	Station 97+50: main stem of Peterson Creek. 9 DV and 3 CT previously captured here. 1 DV captured at xing. 12% grad DS of xing. 0-30 m US of xing = 14% with no barriers, 30-53m US of xing = 16% and no barriers, step pools, 53-76 m US xing = 16% and no barriers, 76-99m US xing = 21% with barriers.	EF, (MT)	2 DV, (9 DV, 3 CT)
915	58.2773	-134.6373	Station 101+08: no fish captured. 23% grad, 20-50 cm step falls, 100 cm falls barrier 10 m US xing.	EF	
916	58.2769	-134.6372	Station 102+50: high grad low flow, no fish habitat.		
917	58.2755	-134.6366	Station 106+40: high grad low flow, no fish habitat.		
918	58.2751	-134.6366	Station 109+85: intermittent flow, no fish habitat.		
920	58.2734	-134.6355	Station 116+43: no fish, 10% grad DS of xing and 13% US with no rearing pools.	EF	
921	58.2723	-134.6349	Station 119+87: no fish present, too small and steep to support fish.	EF	
922	58.2716	-134.6342	Station 122+91: ephemeral drainage.		
923	58.2704	-134.6335	Station 127+33: 10% grad DS of xing, no fish.	EF	
924	58.2694	-134.6328	Station 132+00 ephemeral drainage.		
926	58.2676	-134.6316	Station 138+73: did not fish, no road proposed here.		
927	58.2707	-134.6331	Station 127+33: Fish capture waypoint from 2001 AWC nomination		



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
JUNEAU FIELD OFFICE
44669B STERLING HIGHWAY
SOLDOTNA, ALASKA 99669

August 5, 2015

Regulatory Division
POA-2015-0234

Mr. Alan Steffert
City and Borough of Juneau
155 South Seward Street
Juneau, AK 99801

Dear Mr. Steffert:

This is in response to your May 29, 2015, application for a Department of the Army (DA) permit discharge 25,039 cubic yards of shot rock impacting 1.65 acres of wetlands, 25 culvert stream crossings, and two bridged stream crossings during the construction of a 2.4 mile single lane (14' wide) "West Douglas Road" project. The proposed action would result in 30 independent crossings of waters of the United States (U.S.). This project has been assigned file number POA-2015-234. Please refer to this number during all future correspondence regarding this project. The project site is located within Sections 20, 28-29, and 32-33, Township 41 South, Range 66 East, Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.2948° North, Longitude 134.6660° West; along the west slope of Douglas Island, City and Borough of Juneau, Alaska.

Based on our review of the information you furnished and available to us we have determined the above project area contains waters of the U.S. under the Corps' regulatory jurisdiction. DA permit authorization is necessary because your project would involve work in and placement of fill material into waters of the U.S. under our regulatory jurisdiction.

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 - 9), dated June 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 <http://www.poa.usace.army.mil/Missions/Regulatory.aspx>.

Regional Conditions **E, F, G, H, and J** apply to your project. You must comply with all terms and conditions associated with NWP No. 14, as well as with the special condition listed below:

1. The project limits shall be clearly identified in the field (e.g. survey markers, fencing, etc.) prior to any work in wetlands to ensure avoidance of impacts to the

wetlands beyond project footprints. The identification shall be maintained until construction is complete. No heavy equipment or work (e.g. filling, clearing, etc.) is permitted in wetland areas outside of the project area.

2. If human remains, historic resources, or archaeological resources are encountered during construction, all ground disturbing activities shall cease in the immediate area and you shall immediately (within one business day of discovery) notify the U.S. Army Corps of Engineers (Corps), Alaska District, Regulatory Office at 907-753-2670. The Corps shall then notify the appropriate THPO(s) and SHPO. Based on the circumstances of the discovery, equity to all parties, and consideration of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.
3. All contractors involved in this permitted activity shall be provided copies of this permit in its entirety. A copy shall remain on site at all times during construction.

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.

This verification is valid until 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.

You may contact me via email at jamie.r.hyslop@usace.army.mil, by mail at the address above, or by phone at (907) 753-2670 if you have questions or to request paper copies of the jurisdictional determination, regional and/or general conditions. For additional information about our Regulatory Program, visit our web site at <http://www.poa.usace.army.mil/Missions/Regulatory.aspx>.

Sincerely,



Jamie R. Hyslop
Project Manager

Enclosures
Compliance Certification

<u>SOUTH BRANCH – SOUTHEAST Sitka</u>	
USFWS, Juneau	Juneau@fws.gov
	john_hudson@fws.gov
	neil_stichert@fws.gov
ADEC	james.rypkema@alaska.gov
ADNR-DMLW	sero@alaska.gov

ADNR-SHPO	oha_revcomp@alaska.gov
EPA	becky.farvour@epamail.epa.gov
NMFS, Juneau	HCD.juneau@noaa.gov
	Kate.savage@noaa.gov
ADF&G-DH	Jackie.timmothy@alaska.gov
ADF&G	mark.minnillo@alaska.gov
AK DOT&PF	taylor.horne@alaska.gov
ADEC	shannon.dewandel@alaska.gov
Juneau	city.clerk@juneau.org
	teri.camery@juneau.org
	christine.mcnally@juneau.org

Enclosure



**US Army Corps of Engineers
Alaska District**

Permit Number: POA-2015-0234
Name of Permittee: Mr. Alan Steffert, City and Borough of Juneau
Date of Issuance: August 5, 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. Hyslop at the following address:

U.S. Army Corps of Engineers
Alaska District
Regulatory Division
44669B Sterling Highway
Soldotna, Alaska 99669

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

Jonathan Lange

From: Ron King
Sent: Tuesday, February 16, 2016 11:17 AM
To: Jonathan Lange
Subject: RE: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

“Build it and they will develop”

Good project, all my comments relate to the permitting of the construction. It will require a subdivision to dedicate ROW

Ron King PLS

General Engineering
 907-586-0881

From: Jonathan Lange
Sent: Tuesday, February 16, 2016 11:11 AM
To: Ed Mercer; Dan Jager; marie.heidemann@alaska.gov; Ed Foster; Ron King; Greg Chaney; jackie.timothy@alaska.gov; 'randal.p.vigil@usace.army.mil'
Subject: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

Subject: Please review attached documents related to a City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island at the end of Douglas Highway.
File: CSP2016 0002
Location: West Douglas Island – End of North Douglas Highway

Jonathan Lange

From: Ed Foster
Sent: Tuesday, February 16, 2016 4:19 PM
To: Jonathan Lange
Subject: RE: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

Jonathan,
The Streets Division has no issues with this request.

Ed

From: Jonathan Lange
Sent: Tuesday, February 16, 2016 11:11 AM
To: Ed Mercer; Dan Jager; marie.heidemann@alaska.gov; Ed Foster; Ron King; Greg Chaney; jackie.timothy@alaska.gov; 'randal.p.vigil@usace.army.mil'
Subject: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

Subject: Please review attached documents related to a City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island at the end of Douglas Highway.
File: CSP2016 0002
Location: West Douglas Island – End of North Douglas Highway

Jonathan Lange

From: Heidemann, Marie E (DOT) <marie.heidemann@alaska.gov>
Sent: Monday, February 22, 2016 9:49 AM
To: Jonathan Lange
Cc: Epstein, David B (DOT); Haynes, Emily R (DOT); Buck, Joseph T (DOT); Lindh, Hilary K (DOT)
Subject: RE: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

Hi Jonathan,

Please accept these comments from ADOT&PF Southcoast Region

- The parking area needs to be outside the North Douglas Highway ROW.
- Northern portions of the proposed roadway will drain to our ROW. We will need confirmation that the existing culverts on DOT ROW can handle the proposed increases to offsite runoff generated by the construction of the new project. This can be in the form of a post-construction hydrologic/hydraulic model showing the impacts to DOT drainage structures.

Thanks for the opportunity to comment.

Marie Heidemann
 Transportation Planner
 Southcoast Region, ADOT&PF
 465-1775

From: Jonathan Lange [<mailto:Jonathan.Lange@juneau.org>]
Sent: Tuesday, February 16, 2016 11:11 AM
To: Ed Mercer; Dan Jager; Heidemann, Marie E (DOT); Ed Foster; Ron King; Greg Chaney; Timothy, Jackie L (DFG); 'randal.p.vigil@usace.army.mil'
Subject: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

Subject: Please review attached documents related to a City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island at the end of Douglas Highway.
File: CSP2016 0002
Location: West Douglas Island – End of North Douglas Highway

Jonathan Lange

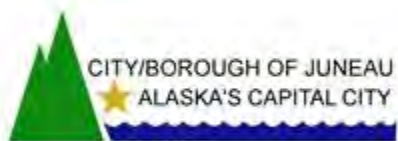
From: Alan Steffert
Sent: Tuesday, February 23, 2016 2:02 PM
To: Jonathan Lange
Subject: RE: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

Joe Buck and I are on the same page... I'll just move the parking inland and off the ROW (and wetlands as it turns out). I'll just need to clear more trees between the Hwy and the parking area so everything is visible from the road. I don't want vehicles parking out of sight.

From: Jonathan Lange
Sent: Tuesday, February 23, 2016 11:59 AM
To: Alan Steffert
Subject: RE: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

Hey Alan,
 The Land Use Code, Title 49, does not have a minimum number of parking spots for a "trailhead", or this type of use. But, there are dimensional standards for spaces, 49.40.210(b)(1) and (2), 8 ½ feet by 17 feet, parallel spaces 6 ½ feet by 22 feet. (3)(A) requires 1 handicapped accessible space per 25 spaces. There are also standards for circulation in 49.40.230.
 Let me know how your conversation goes with DOT.

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



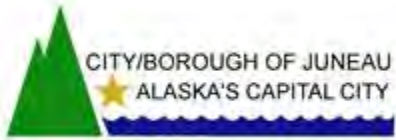
From: Alan Steffert
Sent: Monday, February 22, 2016 11:11 AM
To: Jonathan Lange
Subject: RE: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

I will be meeting with DOT ROW section shortly to go over their comments. It shouldn't be too hard to resolve their concerns. I may have to reduce the parking area/number of slots a bit though as I move the parking further "inland" off the ROW. That will probably mean cutting more trees so we have open sight lines to the Hwy. Does CDD have any guidelines for minimum parking requirement?
 Alan

From: Jonathan Lange
Sent: Monday, February 22, 2016 9:52 AM
To: Alan Steffert
Subject: FW: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

FYI – DOT comments.
I will include these in my staff report.
Thanks.

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: Heidemann, Marie E (DOT) [<mailto:marie.heidemann@alaska.gov>]
Sent: Monday, February 22, 2016 9:49 AM
To: Jonathan Lange
Cc: Epstein, David B (DOT); Haynes, Emily R (DOT); Buck, Joseph T (DOT); Lindh, Hilary K (DOT)
Subject: RE: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

Hi Jonathan,

Please accept these comments from ADOT&PF Southcoast Region

- The parking area needs to be outside the North Douglas Highway ROW.
- Northern portions of the proposed roadway will drain to our ROW. We will need confirmation that the existing culverts on DOT ROW can handle the proposed increases to offsite runoff generated by the construction of the new project. This can be in the form of a post-construction hydrologic/hydraulic model showing the impacts to DOT drainage structures.

Thanks for the opportunity to comment.

Marie Heidemann
Transportation Planner
Southcoast Region, ADOT&PF
465-1775

From: Jonathan Lange [<mailto:Jonathan.Lange@juneau.org>]
Sent: Tuesday, February 16, 2016 11:11 AM
To: Ed Mercer; Dan Jager; Heidemann, Marie E (DOT); Ed Foster; Ron King; Greg Chaney; Timothy, Jackie L (DFG); 'randal.p.vigil@usace.army.mil'
Subject: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

Subject: Please review attached documents related to a City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island at the end of Douglas Highway.
File: CSP2016 0002



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
Juneau Satellite Office
Anchorage Fish and Wildlife Field Office
3000 Vintage Boulevard, Suite 201
Juneau, Alaska 99801



In Reply Refer To:
FWS/AFES/AFWFO

July 24, 2015

EMAILED TO:

Mr. Jamie Hyslop
U.S. Army Corps of Engineers
44669 B Sterling Highway
Soldotna, Alaska 99669

Subject: POA-2015-234, West Douglas Road, City and Borough of Juneau

Dear Mr. Hyslop:

Staff of the U.S. Fish and Wildlife Service (Service) has reviewed the General Permit Agency Coordination (GPAC) notice for the proposed West Douglas Road extension. The applicant, City and Borough of Juneau (CBJ), proposes to construct 2.4 miles of single lane road into an otherwise un-roaded area on the west side of Douglas Island between Outer Point and Middle Creek. The stated purpose is to open CBJ and Goldbelt Corporation lands for development and recreational access in accordance with adopted community plans. The Corps of Engineers proposes to authorize construction of the proposed road using Nationwide General Permit 14 for linear projects.

Service biologists have walked the proposed alignment with CBJ staff, and we have evaluated potential impacts to fish and wildlife from the proposed alternative, as well as other alternatives described in the applicant's mitigation statement. We offer the following comments and recommendations in an effort to minimize impacts from this project.

Impacts to aquatic resources from the proposed road, as described in the notice, include 1.65 acres of fill in wetlands and 30 crossings of Peterson Creek tributaries. Alaska Department of Fish and Game has recently updated maps of fish distribution in the watershed (Quinn 2015), which contains approximately half of all anadromous fish habitat on Douglas Island (Enclosure 1, Douglas Fish and Deer Habitat). The proposed road has been designed to stay upstream of anadromous fish occurrence, but all tributaries that would be crossed by the road drain into anadromous reaches of the Peterson Creek system, which supports pink and coho salmon, cutthroat trout, and Dolly Varden char. The road would cross four stream reaches that support resident fish.

Mr. Jamie Hyslop

2

Construction and use of the road would likely result in delivery of fine sediment to the streams throughout the project area, primarily from roadside ditches that concentrate runoff and drain into streams at road crossings. This sediment has potential to impact downstream fish habitat (particularly spawning reaches) if it is excessive.

A lower-elevation route (across Goldbelt Corporation lands) has been evaluated that would have much lower potential to impact fish habitat by crossing the main channel of Peterson Creek at a single location, much lower in the drainage.

We have mapped winter habitat for black-tailed deer on Douglas Island using a computer model developed by The Nature Conservancy which uses a combination of factors including elevation, aspect, and vegetation cover. The proposed alignment would bisect the highest quality deer habitat in this part of the island (Enclosure 2-Terrestrial Habitat). The lower alignment crosses an area with lower canopy closure and lower-quality deer habitat.

Several eagle nests are located along the marine shoreline near the potential alignment of the lower route, but impacts to nesting eagles would likely be temporary, and associated primarily with construction rather than long-term use of the road. Considering all these factors, we recommend the lower route as an alternative with lower overall environmental impacts.

The General Permit Agency Coordination (GPAC) notice describes the project purpose as opening lands for development and recreational access. The area is currently used by deer hunters and others, who access the area on foot, mainly from the end of the existing North Douglas Highway. It is not clear what additional recreation is envisioned, as the proposed road would not provide access to existing or proposed trails, fishing areas, campgrounds or other recreational developments or assets. It is likely that construction of a road through the best deer habitat will have a negative impact on the recreation that currently occurs in the area.

We have reviewed West Douglas Conceptual Plan and note that the proposed road would access two areas designated for development (1-A and 1-B). The conceptual plan envisions a mix of housing and commercial development, with beach access (Minch Ritter Voelckers, 1997, Plate 7). This development would require construction of additional spur roads, clearing, and grading, which would create significant additional impacts. Development of adjacent private lands held by Goldbelt Corporation would also likely generate impacts, but the nature and extent of any private development is not known. We understand from our discussions with CBJ staff that the currently proposed, single-lane road would require substantial upgrades to accommodate the development envisioned in the conceptual plan. The development itself, though, is not anticipated for at least 10 to 20 years, according to a meeting notes attached to a 2011 memorandum from the CBJ Lands and Resources manager (Marlow, 2011).

It appears that the single-lane road proposed in the GPAC would have very limited utility, independent of the development described in the conceptual plan for CBJ land, or on adjacent private land. Yet potential impacts from the road, to fish habitat and to current recreational users of the area, could be substantial. We recommend that impacts of the full project, including the envisioned residential and commercial development described as a primary purpose of the road,

Mr. Jamie Hyslop

3

be considered as part of the requested permit. We also recommend that the Corps offer the public (including those who currently use the area for recreation) an opportunity to comment on the requested permit, through a public notice. The GPAC process does not adequately provide that opportunity. We believe that opening this productive and largely undisturbed area to development, as proposed, would have more than "minimal" impacts, and should not, therefore, be permitted under a nationwide, general permit.

In summary, we recommend against authorization of this project under Nationwide Permit 14. We believe that there may be less damaging, practicable alternatives to accomplish the stated project purposes of opening municipal and private lands to development and recreational access (although no potential route is without impacts to important resources). We believe that the full project (which includes additional phases and impacts not described in the current notice) would have more than minimal impacts, and might be better accommodated under an individual permit.

Thank you for the opportunity to provide these comments. If you have any questions, please contact Mr. Steve Brockmann at (907) 780-1181, or via email at steve_brockmann@fws.gov.

Sincerely,



Sohecata Lor, Ph.D.
Field Supervisor

Enclosures

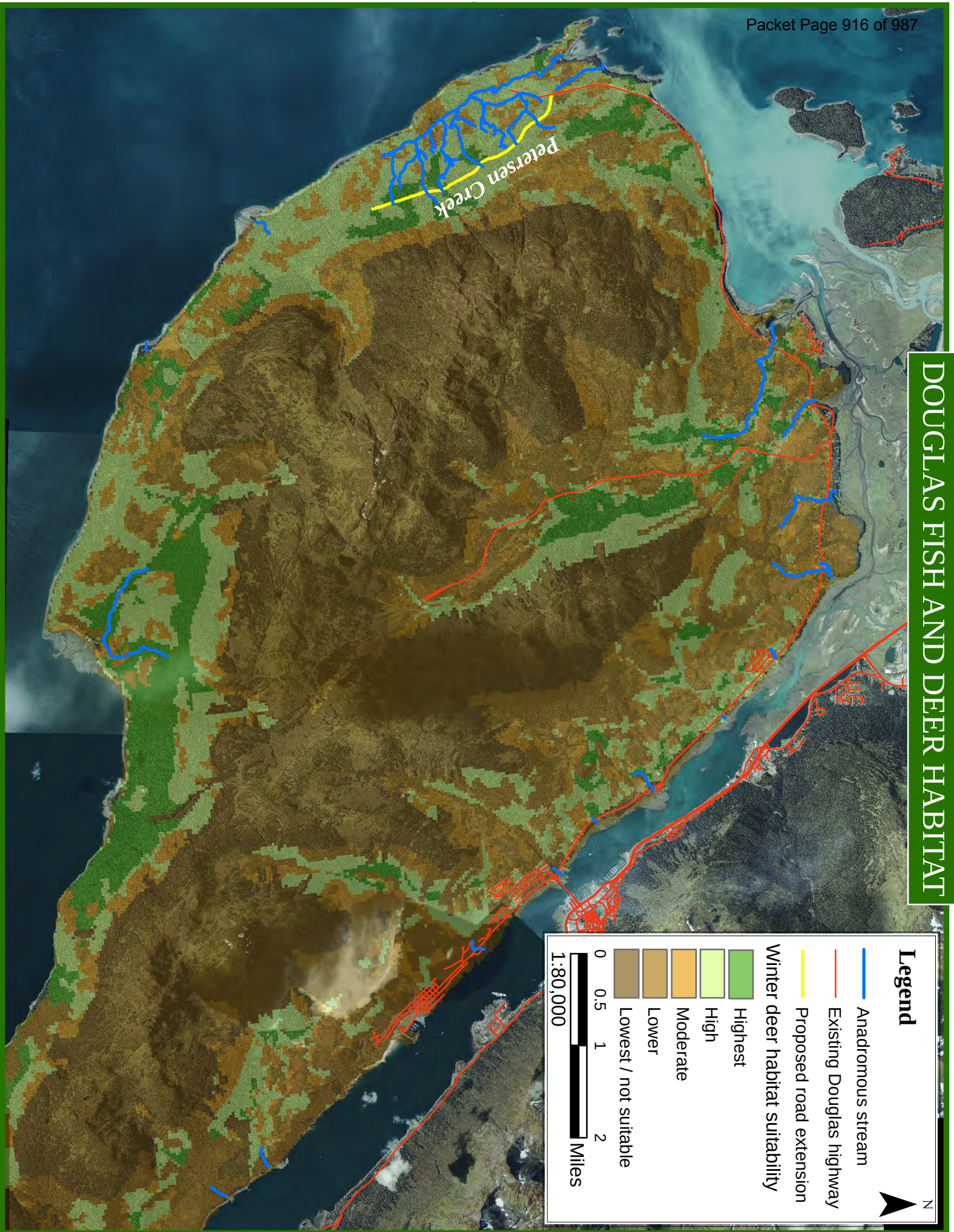
cc: Becky Fauver, EPA, Anchorage
Linda Shaw, NOAA, Juneau
Jackie Timothy, ADF&G, Juneau
Ryan Scott, ADF&G, Juneau

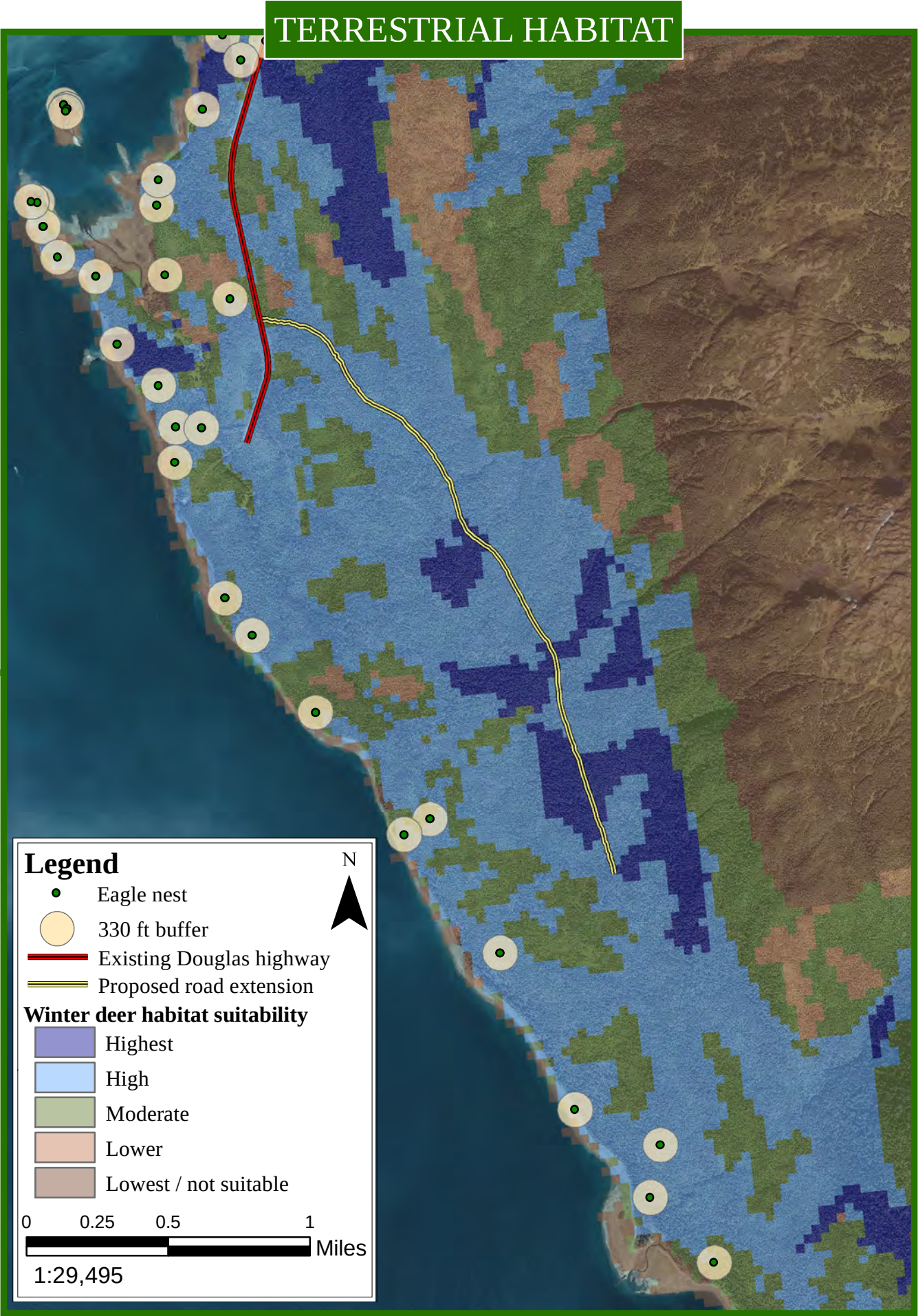
Literature Cited:

Marlow, H. 2011. West Douglas Road Extension. Memorandum to Assembly Lands Committee, City/Borough of Juneau. Lands and Resources Office, June 23, 2011.

Quinn, T. 2015. Peterson Creek stream surveys. Memorandum to Jackie Timothy, Southeast Regional Supervisor, Alaska Dept. of Fish and Game, Division of Habitat, Juneau, AK. 62 pp.

DOUGLAS FISH AND DEER HABITAT





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.

Jonathan Lange

From: Rob Steedle
Sent: Monday, March 07, 2016 9:32 AM
To: Allison Eddins; Beth McKibben; Christine Steadman; Eric Feldt; Jill Maclean; Jonathan Lange; Laura Boyce; Teri Camery; Tim Felstead
Subject: FW: Pioneer Rd? and North Douglas Plan

From: Merry Ellefson / Wayne Carnes [<mailto:merrywayne@gmail.com>]
Sent: Monday, March 7, 2016 9:29 AM
To: Borough Assembly; Rob Steedle; Rorie Watt; Kim Kiefer
Cc: Ben Haight
Subject: Pioneer Rd? and North Douglas Plan

Mayor, Assembly, and City Planners,

As you know (and know and know), we've come before you asking for a plan for North Douglas (the #1 recommendation in our sub-area for years) for over 20 years as we work to protect the values of our neighborhood-- with an eye to the future as relates to transportation, green spaces, non-motorized routes, residential growth, Eaglecrest, trail systems, tour expansions, etc. The North Douglas Neighborhood Association was resurrected in the early 90's for this very reason.

Last week we received notice that the Pioneer Rd near the end of North Douglas will be discussed, by the CBJ on March 22. (See below) Thank you for the notice. We are both out of town for work. We have already talked briefly with Mr. Steedle about the project but would like you to send us more information. How far is the City in the process? We realize the conceptual plan for West Douglas exists and wonder why extend- now?

We encourage you to widen your scope and ask yourself questions about how this project will impact North Douglas. We would like to see your exploration of these impacts.

Further, please give us the reasons the City is considering this now as well, in light of the absence of a comprehensive plan for our neighborhood, which includes transportation, as well as in light of the budget challenges both City and State officials agree we are facing.

How do you prioritize, and how do we fit in?

We do not understand why the neighborhood's request for a plan is discarded again and again as the CBJ moves forward in making decisions that DO have many and various impacts on our residential area.

Merry will be attending the Lemon Creek planning session this Thursday and we would appreciate your consideration of placing North Douglas next in light behind Lemon Creek for a comprehensive plan.

Thank you.

Merry Ellefson and Wayne Carnes

8170 North Douglas

On March 5th my neighborhood association emailed this information:

CBJ Project Review for pioneer road near the end of Douglas Highway March 22

Wednesday, March 22, 7 pm, Assembly Chambers

File CSP2016 0002 Applicant is City and Borough of Juneau 2.4 mile length of road

that's about all we know right now..the NDNA received a printed paper copy of the notice dated Feb 25, 2016, I haven't found it on the city website

Megan Daniels

From: Margo Waring <margowaring@ak.net>
Sent: Thursday, March 10, 2016 5:35 PM
To: PC_Comments; Borough Assembly; Rorie Watt; Kim Kiefer; Rob.Steedle@juneau.ci.ak.us
Subject: Pioneer Road North Douglas

On March 22, 2016 the CBJ Assembly will meet to consider setting a summer start date for construction of a Pioneer Road at the end of the North Douglas Highway. The CBJ Planning Commission did not have meaningful input and no efforts were made to discuss this planned start with residents or the North Douglas Neighborhood Association.

I have linked this email to the only document currently available. A "staff report" will be available around March 15.
<http://packet.cbjak.org/CoverSheet.aspx?ItemID=2538&MeetingID=338>

The West Douglas Plan was adopted years ago, calling for a deep water port and satellite community on the west side of Douglas Island. This plan is inconsistent with general Comprehensive Plan policies regarding compact development such as 4.3, 10.2, 10.10, 10.13 and inconsistent with the Juneau Climate Action and Implementation Plan (2011) goals, such as T-8 "Reduce vehicle miles driven by increasing mixed use development".

Before and after West Douglas plan adoption, residents of North Douglas asked that development on West Douglas be delayed until a North Douglas area plan could be developed which would address a variety of issues, including transportation issues. This has never happened. But it is needed more now than ever.

Then and over time, many have given the nod to West Douglas development, some thinking that it would never happen and therefore there was no need to show how inadequately considered it was. Often, the project is justified based on a need for industrial lands, but it is not clear that this undeveloped road will meet some pent up demand for industrial land without any infrastructure (except, perhaps, for recent interest in marijuana growing and processing) such that the additional property tax will cover the public cost of the road and its maintenance.

Even at the time of adoption, when much more public money was available, serious concerns were raised about the use of public funds for private gain, the wisdom of developing a new industrial and residential area and port to replace existing port facilities. Below are issues that have not been addressed:

the extra commercial travel on the North Douglas Hwy,

a road ill equipped to handle it, the additional gas consumption and carbon emissions,

how any "community" could be supported when the far parts of North Douglas does not have (and there was no plan for) sewer, school bus, Capital Transit beyond Bayview, postal service, fast response fire and ambulance.

These issues were not addressed.

Here is a partial discussion of other issues related to the immediate building of a Pioneer Road.

In a time when CBJ revenues are so strained that seniors are deprived of sales tax relief, how can we justify CBJ taking on additional expenses, expenses beyond those of road construction. Despite the contractor's assurance that boulders will

deter access, the Pioneer Road will be a magnet for unsupervised and uncontrolled use of ATVs, snow mobiles, and motor cycles whose use and noise will disrupt the residential character of the “end of the road” and the peace of its residents and visitors. Because the road will have minimal maintenance, accidents will happen that require police and emergency services. People will take loads of material such as firewood into what are now relatively pristine areas and leave litter and potential wildfires. Who will respond to these needs?

Current use is heavily hunting and recreational hiking and camping. These uses will be damaged and curtailed by motorized access. With the introduction of machines and vehicles, a quiet corner of the borough will be destroyed.

The road users are highly likely to go off-road and destroy many of the ecological resources of the area. As someone who uses the Powerline trail and other trails at the end of the road, I pick up trash left by occasional campers. Who will do this greater volume when the Pioneer Road is built?

This area has many environmental and recreational values that will be damaged as the road is built and used, including Peterson Creek, one of very few notable salmon producing streams on Douglas Island.

The project calls for the burning of all but the central tree trunks which will create air quality and health impacts and may even impact the airport. Smoke and particulates will drift into residential areas and threaten those with respiratory issues.

Most of all, not only because of budget issues, there is a major issue with timing. Why punch through this road now -- other than the desire to spend now? There are no investors with pockets full of millions or even pockets full of promises of loans that would make West Douglas development happen. Where are those who will put money down for a community to be built without public subsidy? Where are the shipping companies and port developers ready to invest? There is no need to develop this road now, especially when to do so will incur additional public expenditures.

There are many alternatives to which DOTPF funds could be re-appropriated, for example, for ferries, for several pedestrian safety projects in CBJ, including at UAS, Walmart, Lemon Creek and Cordova Street and need for access to planned housing on Peterson Hill (housing being CBJ’s top priority). This is the time to put this project on hold, put the construction funds either into other needed projects or in the bank for a time when we have done North Douglas planning and when we have private parties will to make unsubsidized investments.

In summary, there’s little justification for spending scarce public money now for a project that is premature, poorly planned, and without any substantial current public benefit when there are needed alternatives.

Megan Daniels

From: Beth Leban <coleevan9@hotmail.com>
Sent: Friday, March 11, 2016 3:57 PM
To: PC_Comments
Subject: North Douglas Pioneer Road

Planning Commission,

Please reconsider the Pioneer Road at the end of North Douglas Highway. This road is unnecessary and expensive. Timing is especially bad given current financial stresses with both the state and city budgets.

As a resident of North Douglas I oppose this road for many reasons but most especially because of the lack of a coordinated planning effort. I reject the project as North Douglas neighborhood residents were not given the opportunity to submit comments and give input.

The Pioneer Road construction project is a poorly planned project. The road will be detrimental to the ecological and recreational value that the end of the road now has for residents in the immediate vicinity and for those neighbors living along the highway.

I oppose the Pioneer Road and respectfully request that you allocate road construction funds to other projects that are needed and wanted in our community.

Thank you,
Elizabeth Leban
9161 N Douglas Hwy.

Megan Daniels

From: Mary Willson <mwillson@gci.net>
Sent: Monday, March 21, 2016 12:38 PM
To: PC_Comments
Subject: N Douglas 'service' road

This is a totally ridiculous idea, truly a road to nowhere. Tear up the habitat, provide another lovely dumping site for trash, give the yokels another party spot, and give SERVICE to nobody. There is NO NEED for this road in the near future, so why spend money on it? The present state of government budgets should mean that what money there is goes to needed services!

Megan Daniels

From: Frank Thrower <frankthrower1@yahoo.com>
Sent: Monday, March 21, 2016 10:22 AM
To: PC_Comments
Subject: Proposed road on North Douglas

I believe the proposed road is designed to benefit a small group of people and is not in the best interest of the majority of the citizens of Juneau. That area contains an important stream for local wild pink, chum and coho salmon and also Dolly Varden and cutthroat trout and is critical over winter habitat for deer. While private landowners should be allowed to develop their property within the constraints of the law and with appropriate environmental oversight by state and local authorities, the city should not be financing this development.

Sincerely,

Frank Thrower
35 year Juneau Resident
Fishery Research Biologist

Megan Daniels

From: Megan Daniels
Sent: Tuesday, March 22, 2016 1:42 PM
To: Jonathan Lange
Subject: FW: Douglas Island Pioneer Road

From: Larri Spengler [<mailto:lspengler@ak.net>]
Sent: Monday, March 21, 2016 6:38 PM
To: PC_Comments
Subject: Douglas Island Pioneer Road

Dear Juneau Planning Commission members:

The Thane Neighborhood Association has no position on whether, when, or how the city should proceed with the construction of a pioneer road around the back of Douglas Island to West Douglas. Our association has been given to understand that the Planning Commission will be discussing this matter with the intent of making recommendations to the Assembly. We encourage the commission always to take all possibly affected stakeholder views, including neighborhood views, into account when an action may impact them, and we hope that it will consider the views of North Douglas residents when discussing recommendations to the Assembly on this project. These views would likely contain useful information, that — in coordination with other interest groups affected by this development proposal and information gleaned during previous planning efforts -- should be considered and factored into any final decision.

Thank you for your consideration.

Larri Irene Spengler, Secretary
Thane Neighborhood Association
4545 Thane Road
Juneau, Alaska 99801
907-586-9768 (phone/fax)
lspengler@ak.net

Megan Daniels

From: Megan Daniels
Sent: Tuesday, March 22, 2016 1:48 PM
To: Jonathan Lange
Subject: FW: North Douglas Service Road

From: Gary Miller [<mailto:gmliller.juneauak@gmail.com>]
Sent: Tuesday, March 22, 2016 8:16 AM
To: PC_Comments; Borough Assembly
Subject: North Douglas Service Road

I oppose the North Douglas service road. It cut right through the middle of the winter range of the deer. Making easier access means most of the deer will be killed off by hunters when the deer are facing the toughest time of the year.

The \$2 million should be spent on more needed projects. The CBJ will face budget shortfall with FY18.

Gary Miller
20135 Cohen Dr
Juneau, AK 99801-8211
(907) 789-3757

<http://www.rpea.apea-aft.org/>
RPEA@alaska.net

Megan Daniels

From: Megan Daniels
Sent: Tuesday, March 22, 2016 1:47 PM
To: Jonathan Lange
Subject: FW: N. Douglas Service Road

From: Chelsea Finch [<mailto:chelsea.lechner@gmail.com>]
Sent: Monday, March 21, 2016 7:36 PM
To: PC_Comments
Subject: N. Douglas Service Road

Dear Planning Commission,

I am writing to express my opposition to the construction of a service road on North Douglas. The area affected by the road is not only prime winter deer habitat and salmon habitat, but is valuable to the public as a recreational area. There are not many good camping and hiking areas accessible by road within the Juneau area. As a young family without a boat, we are looking forward to taking our infant daughter on her first camping trips in that family friendly area so she can grow up to appreciate the wilderness and natural beauty that surrounds us here. A couple years ago, when my husband was in graduate school, we were able to take short, inexpensive hunting trips in the area, which resulted in healthy meat to feed us that winter. Young families, those without boat access and people who are limited in their hiking abilities can all enjoy this scenic, wild area as it is now.

Thank you for your consideration on this important issue.

Sincerely,

Chelsea Finch

Megan Daniels

From: Megan Daniels
Sent: Tuesday, March 22, 2016 1:39 PM
To: Jonathan Lange
Subject: FW: Douglas Service Road

From: William Finch [<mailto:BillFinch01@hotmail.com>]
Sent: Monday, March 21, 2016 6:25 PM
To: PC_Comments
Subject: Douglas Service Road

Hello,

I am writing to voice my opposition to the proposed service road on Douglas. There are already limited opportunities for hunting that do not require a boat in Juneau; this road will further reduce those opportunities not only by making the area even easier to access, but by reducing valuable winter deer habitat. The current trail at the end of the highway is important as it provides a great spot to hike for those that are no longer able to access the mountain trails due to age as well as people who experience disabilities. North Douglas is one of my favorite places for hiking and hunting, and I hate to see further environmental degradation. I hope that you take this into consideration as you make the decision to move ahead with this project.

Thank You,
 Bill Finch

Jonathan Lange

From: Tim Felstead
Sent: Thursday, March 10, 2016 2:57 PM
To: Jonathan Lange
Subject: FW: West Douglas Road
Attachments: Attachments CSP16 02.pdf; STF_CSP16-02.docx

From: Tim Felstead
Sent: Thursday, March 10, 2016 10:42 AM
To: askilbred@gci.net; Beth McKibben; Bob Deering; Clint Gundelfinger; Darrell Wetherall; Duff Mitchell; Gregoir Smith; John Smith; Kate Bevegne; Kate Troll; Megan Daniels; Percy Frisby (Percy.Frisby@juneau.org); Rob Steedle; Sara Truitt; Steve Behnke
Subject: West Douglas Road

Dear all,

Please find attached Jon Lange's Staff Report on the West Douglas Road. I will submit a summary of last night's comments (please comment on the notes below) but additional comments can always be submitted as a Blue Folder item.

Thanks

Tim

Summary

JCOS had concerns regarding the use of trees cleared as part of construction of the pioneer road. JCOS understands CBJ intends to allow the contractor to remove or dispose of trees as they see fit and is convenient. JCOS is concerned is that a significant amount of logs which could provide heat for the Community would be collectively disposed of in burn piles or left in inaccessible locations – this would prevent the community being able to access this resource. Based on the materials available it does not appear a tree inventory has been undertaken to understand the quantity of species of trees to be cleared in road construction. Without such an inventory, CBJ has no ability to understand the value of the timber to the area. Whilst there are logistical and operational concerns for CBJ regarding use of the timber by the community, these are not insurmountable and the economics of using the felled trees should be examined.

JCOS acknowledges that the West Douglas area has been identified as a 'new growth area' within the Comprehensive Plan and is identified as a key action in the Juneau Economic Development Plan. It also recognizes the primary intent of the pioneer road is to better access the area so the impacts and feasibility of future developments to be more easily and economically assessed. Whilst JCOS notes the intention of new growth areas is for self-contained, higher density, energy-efficient communities with public transport to and through the areas, it would like to see recent evidence for the need to develop these areas at this time. The State is considering significant cuts which in may turn constrain any demand for expansion of the developed areas within the City and Borough of Juneau. As called for in the Comprehensive Plan, a market demand and financial feasibility study should be conducted by the CBJ government or private developers.

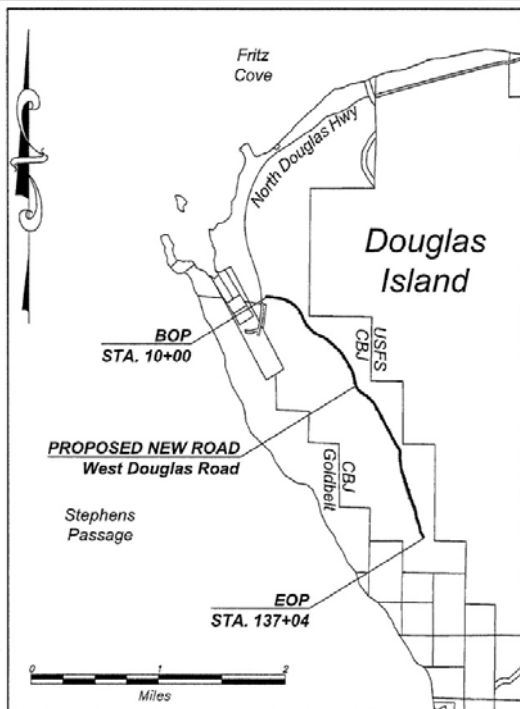
JCOS would also encourage the development of a monitoring plan to ensure the construction is undertaken as per issued agency permits and impacts on the natural resources minimized.

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/>



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway.

File No:	CSP2016 0002	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	3-D13-0-100-001-0
Hearing Date:	March 22, 2016	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Size:	2,020 Acre Parcel 2.4 Mile Length of Road
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	RR - Rural Reserve
		Site Address:	North Douglas Highway
		Accessed Via:	North Douglas Highway

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: March 25, 2016

TO: Planning Commission

FROM: Jonathan Lange, Planner II
 Community Development Department

FILE NO.: CSP2016 0002

RE: A City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway.

The West Douglas Conceptual Plan, Chapter 6 and Plat 1, dated May 1997, have been adopted per the City and Borough of Juneau (CBJ) Land Use Code, Title 49.05.200 (b)(1), as part of the Comprehensive Plan. This memo is in response to public testimony on non-agenda items at the March 22, 2016 regular Planning Commission meeting. As pointed out by a member of the public, before development of a New Growth Area a Master Plan of that area must first be prepared by the developer, and then subsequently reviewed by the Planning Commission and Assembly, as outlined below in Title 49.70.100.

New Growth Areas CBJ Title 49.70.110:

49.70.110 - Purpose.

The purpose of the new growth area classification is to provide for flexibility in land use controls for a specific new growth area as designated in the comprehensive plan, while protecting the public health, safety and welfare by ensuring that the development will be consistent with the comprehensive plan and the carrying capacity of the land. The new growth areas classification accommodates new communities with a full range of uses and densities. Before development, each area shall be the subject of a master plan prepared by the developer. The plan shall establish use, density and design of development, and when approved by the assembly becomes an amendment to the comprehensive plan and this title. After an area has been designated and a master plan approved, specific phases or projects shall be processed pursuant to this title, with the master plan as the principal criterion for approval.

West Douglas Conceptual Plan, Chapter 6, Page 6.1:

“Before any significant development in the West Douglas study area can occur (of more than a minor nature), a Master Plan must be prepared and approved by the CBJ Assembly, in

Planning Commission
File No.: CSP2016 0002
March 25, 2016
Page 2 of 3

accordance with the guidelines for New Growth Areas provided in the Comprehensive Plan and Land Use Code.”

The proposal before you, CSP2016 0002, does not constitute the development of the New Growth Area, as outlined in 49.70.120 Characteristics, and is of a minor nature; as no uses, buildings, infrastructure or additional roads are proposed. The project review is for a pioneer road that would provide for access to the parcel for further exploration and study of the lands for feasibility of a future New Growth Area.



**PLANNING COMMISSION
NOTICE OF RECOMMENDATION**

Date: April 12, 2016

File No.: CSP2016 0002

City and Borough of Juneau
CBJ Assembly Members
155 S Seward Street
Juneau, AK 99801

Application For: Planning Commission Recommendation to the City and Borough Assembly regarding a City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway.

Legal Description: T41S R66E, Copper River Meridian

Parcel Code No.: 3-D13-0-100-001-0

Hearing Date: April 12, 2016

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 14, 2016, and recommended that the City Manager direct CBJ staff to design and build the project in accordance with the following recommendations:

1. Development of the pioneer road shall strictly adhere to CBJ Manual of Stormwater Best Management Practices.
2. Prior to development of culverts and bridges in the proposed project, Fish Habitat Permits shall be acquired and approved.

Attachments: March 14, 2016 memorandum from Jonathan Lange, Community Development, to the CBJ Planning Commission regarding CSP2016 0002.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ §01.50.020(b).

Project Planner: Jonathan Lange
Jonathan Lange, Planner
Community Development Department

Ben Haight
Ben Haight, Chair
Planning Commission

City and Borough of Juneau
CBJ Assembly
File No.: CSP2016 0002
April 12, 2016
Page 2 of 2

 4/18/2016

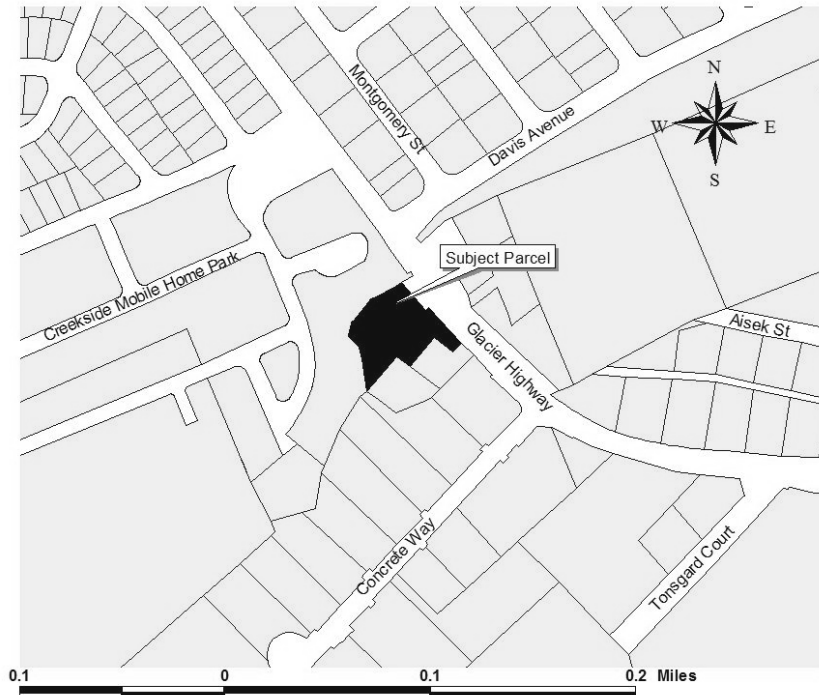
Filed With City Clerk Date

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 CBJ 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:



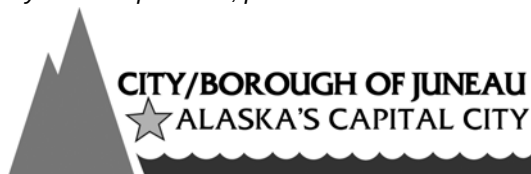
PROPOSAL: Marijuana Cultivation Facility in an Industrial Zone

File No:	USE2016 0005	Applicant:	Rainforest Farms, LLC.
To:	Adjacent Property Owners	Property PCN:	5-B12-0-106-011-2
Hearing Date:	March 22, 2016	Owner:	Lemon Creek Holdings, LLC.
Hearing Time:	7:00 PM	Size:	1.1127 Acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	I - Industrial
		Site Address:	5763 Glacier Highway
		Accessed Via:	Glacier Highway

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.

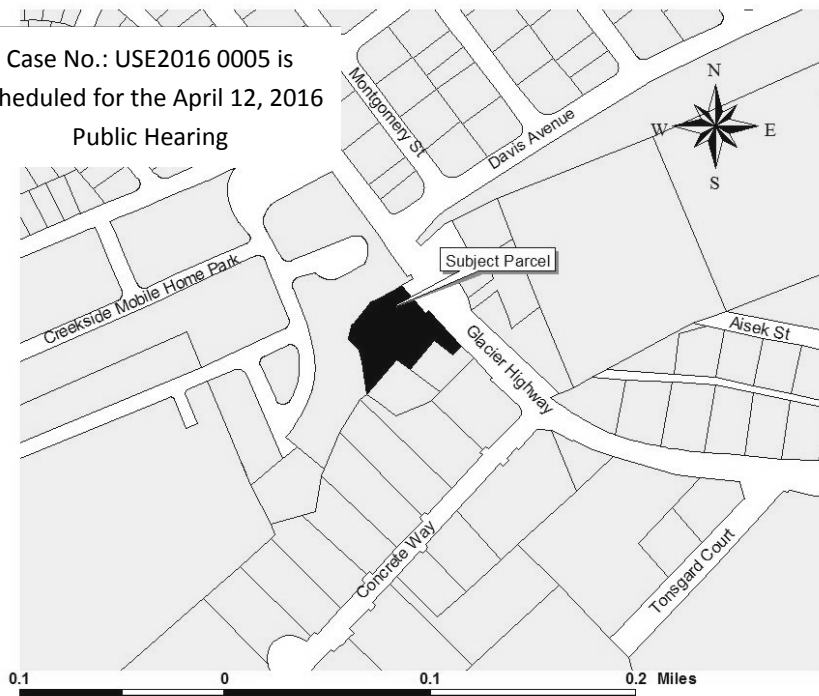


Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>



NOTICE OF PUBLIC HEARING

Case No.: USE2016 0005 is
scheduled for the April 12, 2016
Public Hearing



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

SHIP TO:



PROPOSAL: A Conditional Use Permit for a Marijuana Cultivation Facility in an Industrial Zone

File No:	USE2016 0005	Applicant:	Rainforest Farms, LLC.
To:	Adjacent Property Owners	Property PCN:	5-B12-0-106-011-2
Hearing Date:	*April 12, 2016	Owner:	Lemon Creek Holdings, LLC.
Hearing Time:	7:00 PM	Size:	1.1127 Acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	I - Industrial
		Site Address:	5763 Glacier Highway
		Accessed Via:	Glacier Highway

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: March 29, 2016

TO: Planning Commission

FROM: Jill Maclean, Planner *Jill Maclean*
Community Development Department

FILE NO.: USE2016 0005

PROPOSAL: Conditional Use Permit for a Marijuana Cultivation Facility in an Industrial Zone

GENERAL INFORMATION

Applicant: Rainforest Farms, LLC.

Property Owner: Charles Moline

Property Address: 5763 Glacier Highway

Legal Description: USMS 609 Tract 2A1

Parcel Code Number: 5-B12-0-106-011-2

Site Size: 1.11 acres

Comprehensive Plan Future Land Use Designation: Heavy Industrial (HI)

Zoning: Industrial (I)

Utilities: CBJ Water and Sewer

Access: Glacier Highway

Existing Land Use: Commercial and Storage; Residential unit above

Surrounding Land Use:

North	-	Lemon Creek
South	-	JAG Rental – Trucking (Industrial zone)

East - Glacier Hwy/Storage (General Commercial zone)
West - JAG Rental – Trucking (Industrial zone)

Insert Vicinity Map Here



ATTACHMENTS

- Attachment A – Conditional Use Permit Application
- Attachment B – As-Built Survey
- Attachment C – Site Plan
- Attachment D – Parking & Surveillance
- Attachment E – Site Photos
- Attachment F – Public Comment

Planning Commission
File No.: USE2016 0005
March 29, 2016
Page 3 of 12

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a marijuana cultivation facility located at 5763 Glacier Highway, in an Industrial-zoned area (Note – the application mistakenly identifies the zoning of this lot as General Commercial). The applicant proposes to cultivate and prepare marijuana for sale to another licensed marijuana establishment.

BACKGROUND

In November 2015, the Assembly passed Ordinance 2015-39 amending CBJ 49.25.300 Table of Permissible Uses (TPU) to include marijuana uses. Marijuana uses allowed by the TPU include marijuana cultivation, marijuana product manufacturing, marijuana testing, and marijuana retail. Marijuana cultivation is allowed in industrial zoned districts with a conditional use permit. The state will be issuing standard marijuana cultivation facility licenses with no size restrictions.

In order to complete amendments to the TPU, a moratorium was placed on applications for marijuana establishments within the CBJ through December 31, 2015. The moratorium was not extended, and the Community Development Department scheduled this application for a public hearing in accordance with CBJ 49.15.330 Conditional Use permit.

In addition to the amendments to the TPU, the CBJ Marijuana Committee recommended a Special Use Ordinance for the Planning Commission to consider pursuant to amendments to Title 49. Ordinance 2015-38 contains Conditional Use Permit application requirements specific to marijuana including odor management standards, and a local license requirement for marijuana uses. At their February 23, 2016 meeting, the Planning Commission forwarded a positive recommendation to the Assembly on Ordinance 2015-38.

While Ordinance 2015-38 has not yet been adopted by the Assembly, CDD staff recommended the applicant submit the additional materials consistent with the Planning Commission's recommendation to the Assembly. Additional information requested for this proposal includes:

- Security plans that indicate compliance with State law
- Ventilation and filtration plan
- Waste management plan
- Carbon dioxide use disclosure
- Health and Sanitation (mold prevention methods)

The applicant has addressed these topics in the application narrative.

Planning Commission
File No.: USE2016 0005
March 29, 2016
Page 4 of 12

INTERNAL REVIEW & COMMENTS

The application was provided to applicable CBJ departments and external agencies for review and comment. The Building Division, General Engineering, and Police Department did not have any comments on this application. The Alaska State Department of Transportation, and the Department of Fish and Game did not have any comments on this application.

The Fire Department made the following comment: "All CO₂ enrichment processes, plant extraction processes, fumigation and the use and storage of pesticide, fungicide, miticides and thermal insecticidal fogging shall be approved by the fire marshal and meet the requirements of the International Fire Code (IFC) and NFPA where applicable". Staff recommends adding this comment as a condition.

See Attachment F for public comment received.

ANALYSIS

Project Site -

The proposed site is located at 5763 Glacier Highway, and is bordered by Lemon Creek on the north side (see Attachment B and C). The site is located in an Industrial-zoned district. City water and sewer are available. The site is 48,470 square feet or 1.11 acres. Setbacks in Industrial zoning districts are 10 feet in the front and rear, and 0 feet for the side yards. The lot has a 30-foot access agreement to Glacier Highway as shown on the site plan provided in Attachment B. The Industrial zoning district does not have a minimum vegetative cover requirement. The site is located adjacent to Lemon Creek, an anadromous stream, with a 50' streamside setback. The existing structure is located outside the 50-foot streamside setback, and parking is not allowed in the setback area.

Project Design -

The applicant proposes using the ground floor of the existing building, 2,750 square feet for cultivation of marijuana. All windows to the cultivation facility will be opaque and armed with an alarm system. Three primary doors will allow entrance to the restricted access areas will be secured with commercial grade doors and locks. Exterior motion lighting will be installed to facilitate surveillance in addition to the existing exterior lighting. Exterior motion lights will be placed at each corner of the premises and will be detect motion within 25' of the building.

The facility will consist of a vegetative room (plants are grown in this location until they mature), a flower room (plants are moved to this room once mature and flowering as they require different amounts of light), a trim room, a cure room, and an office for where security equipment and holdings will be secured (see Attachment A). The applicant estimates the structure will accommodate a total canopy (the uppermost spreading layer of the plants) of approximately 1000 square feet. The applicant intends to have a retail store located in downtown Juneau, as well as, a processing facility in the future.

Planning Commission
File No.: USE2016 0005
March 29, 2016
Page 5 of 12

The facility will be supported by a fresh air exchange, an air conditioning and heating unit, and dehumidifiers, to provide for the atmospheric conditioning required to yield a successful marijuana crop. The heating and cooling system along with fans will also protect against mold, mildew and pesticides. Additional equipment includes carbon filters for odor control and LED grow lights. The carbon filters are designed to scrub the air clean and are designed for commercial operations in other industries, as well as, marijuana (see Attachment A).

Four small propane fueled Carbon Dioxide (CO₂) generators will be installed to assist in cultivation. Plant growth is accelerated by increasing the CO₂ parts per million (ppm) in the grow room and therefore is a common feature in commercial facilities. There is an automatic shut off once CO₂ levels reach a certain point. Handlers will also have the ability to shut off the fuel source to the generator inside and outside the building. The applicant intends to maintain 4x25 gallon propane tanks onsite for CO₂ generation. The International Fire Code requires propane tanks of 125 gallons to have 5 foot separation from a building. According to the Capital City Fire and Rescue, the CO₂ generator will require an annual inspection.

Normal ambient air has anywhere from 250 to 350 CO₂ ppm. CO₂ used in marijuana cultivation ranges from 800 to 1800 ppm. According to the Federal Department of Labor's Occupational Safety & Health Administration (OSHA), a general permissible exposure limit in an eight hour work day is CO₂ levels of 5,000 ppm.

Traffic -

Currently, the applicant does not plan to have employees beyond the three owners of the cultivation facility. In the future, the owners may hire a maximum of one or two full-time employees. The owners do not intend to deliver product; wholesale purchases will be made on site and the purchaser will be liable for the product after the sale is finalized. Given the existing industrial and commercial uses of this area, the traffic associated with the facility should not be a concern for this location. Should the owners expand to make deliveries, staff recommends that deliveries are undertaken during normal business hours, Monday through Sunday, and do not cause undue burden to the abutting properties.

Parking and Circulation -

The cultivation facility is 2,750 square feet, and the storage shed is 510 square feet, totaling 3,260 square feet of useable space. Per CBJ 49.40.210 Table of Minimum Parking Standards, this use (warehousing) requires 1 parking space per 1,000 square feet of gross floor area; and the accessory dwelling unit requires 1 parking space. Therefore, the cultivation facility requires four (4) parking spaces, including one (1) ADA parking space which must have a posted sign; and the accessory dwelling unit above is required to have one (1) parking space, which must also be signed for their use (see Attachment D).

Planning Commission
File No.: USE2016 0005
March 29, 2016
Page 6 of 12

The five (5) total parking spaces must be 8.5-feet wide by 17-feet long, and must be painted accordingly [Note – the application narrative states the parking spaces are 8.5-feet wide by 16-feet long—this does not meet CBJ 49.40.210(b)(1)].

Per CBJ 49.40.210 (c) Off-street loading areas, this facility at a total of 3260 square feet, does not trigger the need for a loading space (5,000 square feet is the trigger for warehousing).

Noise -

The operation will be running 24 hours per day, with most of the work occurring during the daytime, regular business hours. All equipment for the operation will be inside the building. No externally perceptible noise is expected from the heating and cooling air to air system, fans, CO₂ generator, or dehumidifiers. Staff recommends as a condition of approval that the structures meet the Sound Transmission Classification requirements as provided in the International Building Code to eliminate any detectable noise from fans or generators outside of the structures.

Odor –

3 AAC 306.430(c)(2) and proposed Ordinance 2015-38 require marijuana cultivation licensees to prevent odor from being detectable outside of the licensed premise. The building will have carbon filters to absorb plant odor. Carbon filters are the primary method for odor elimination in marijuana facilities (see Attachment A). Staff recommends a condition that the filters be replaced no less than once annually to ensure their proper functioning.

Waste –

State regulations require each plant to be tracked from seed or the cloning stage to final sale or disposal. Licensees must give the state a minimum of three days' notice prior to rendering the marijuana unusable. Marijuana to be destroyed must be rendered unusable by grinding the plant waste and then mixing the ground material with compostable or non-compostable material. The compost will be stored in the storage building. Staff recommends that the storage building is outfitted with commercial grade doors and locks, and is under camera surveillance.

Public Health or Safety -

Security is a primary concern in the legal marijuana industry and the state regulations provide for processes and standards to ensure legal marijuana does not end up in the illegal market, is sold only to those 21 and over, and that licensed marijuana establishments are secure from theft. Proposed Ordinance 2015-38 requires that CUP applications include a security plan indicating how the applicant will comply with the requirements imposed by State law. Those requirements include;

- Exterior lighting
- Security alarm system on exterior doors

Planning Commission
File No.: USE2016 0005
March 29, 2016
Page 7 of 12

- Continuous video monitoring
- Commercial grade door locks on exterior points of entry

The state security requirements are addressed in the security plan provided by the applicant (see Attachment A and D). Staff recommends as a condition that prior to issuance of a Certificate of Occupancy, staff ensure that each security element is operational.

The proposal includes video surveillance in all restricted access areas, operating 24 hours a day, seven days a week, both inside and outside the facility. Staff interviewed local security specialists to determine the resolution required to provide the necessary imaging should a burglary take place. Infrared recording would be necessary if electricity was shut off or someone entered either building while the lights were shut off. Staff recommends as a condition that high resolution cameras that have the ability to record in infrared spectrum be required. Staff recommends that access doors to the restricted areas are commercial grade with commercial grade locks. It should be noted that the accessory dwelling unit located above the cultivation facility has its own external stairway access, and does not have any access to the cultivation facility.

The proposal identifies the use of ventilation, pesticides and sanitation as methods to be used to reduce the chance of mold, mildew, fungus, or pests. Samples of marijuana and manufactured product must be tested in a state licensed facility prior to sale. Testing facilities are required to test for harmful contaminants and residual solvents from extraction processes. Therefore, any harmful chemicals or microbial will be detected prior to consumer consumption.

Habitat -

The site is located adjacent to Lemon Creek, an anadromous stream. The existing structure is located outside the 50-foot streamside setback, and no parking is proposed in the setback area. Staff recommends that the required parking spaces are marked appropriately to ensure that the streamside setback is not used for parking. The applicant will *not* be installing a fence as shown on the plan, however, if a fence is installed it cannot be located within the 50' setback.

Property Value or Neighborhood Harmony -

The facility is located within an Industrial zoning district, and is not located within the buffer zones of any schools, churches, or childcare facilities. Bordered by Lemon Creek and Glacier Highway on two sides, and with surrounding operations including industrial or commercial uses, i.e. the landfill, storage facility, electric repair company, and the Breeze-In, this site is an appropriate location for this use, and is in accord with neighborhood.

Conformity with Adopted Plans -

The property has a Comprehensive Plan designation of Heavy Industrial (HI). Chapter 11 of the 2013 City and Borough of Juneau Comprehensive Plan defines HI as the following:

Planning Commission
 File No.: USE2016 0005
 March 29, 2016
 Page 8 of 12

Land to be developed for heavy industrial uses such as large scale food production and/or processing; large-scale or industrial-related repair activities; metal fabrication; wholesale trade; manufacturing processes; warehousing; outdoor storage; trucking; animal kennels; crematoria; repair and maintenance uses; resource extraction and processing such as gravel pits, rock crushing facilities, cement batch plants, asphalt plants, fuel tanks, stump dumps, salvage yards, landfill sites; aircraft facilities; and other similar large-scale or noisy and/or noxious industrial activities. Some recreational uses should be permitted, including sport vehicle, All Terrain Vehicle (ATV) or snowmobile motor-course facilities, shooting ranges, and other similar noise-generating uses. Residential, office, retail, and personal service uses are not to be allowed, except that residential caretaker facilities should be permitted.

The subject site is provided with city water and sewer. The Planning Commission and Assembly deemed the cultivation facilities to be appropriate for industrial zoning districts. The site provides adequate space and security to operate a cultivation facility.

Staff further reviewed the 2013 Comprehensive Plan for policies that may be relevant to the proposal:

POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS. Implementing Actions

Implementing Actions

5.1 – IA1 Work with private-sector industries and businesses and public sector agencies that are interested in locating or expanding within the City and Borough of Juneau, and consider offering land, tax incentives, or other benefits to encourage new development.

POLICY 5.4. TO ENCOURAGE AND SUPPORT REGIONAL ECONOMIC DEVELOPMENT IN OTHER CITIES AND LOCATIONS IN SOUTHEAST ALASKA TO CREATE A LOCAL ENVIRONMENT OF SERVICES AND OFFERINGS ATTRACTIVE TO COMMERCE ORIGINATING FROM OUTSIDE THE CBJ, AND TO ACTIVELY PARTICIPATE IN DEVELOPMENT AND IMPLEMENTATION OF REGIONAL SUSTAINABLE DEVELOPMENT GOALS.

Implementing Actions

5.4 - SOP2 Encourage regional marketing for locally-made goods and locally-provided services and encourage partnerships in producing and marketing regionally-made goods and services.

5.4 - SOP7 Strengthen Juneau's role as a regional services hub for such things as fisheries research, medical, retail, tourism, transportation, and education.

Planning Commission
 File No.: USE2016 0005
 March 29, 2016
 Page 9 of 12

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.

Implementing Actions

5.11 - IA1 The CBJ should establish a new Heavy Industrial zoning district category that allows light industrial and heavy industrial uses and restricts or prohibits retail, office and residential uses. The director of CDD should identify current Industrial zoning districts or other suitable area(s) that should be designated as heavy industry zoning district and so designate those lands.

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

Planning Commission
File No.: USE2016 0005
March 29, 2016
Page 10 of 12

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 4.220 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 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. The proposal includes a 24 hours, 7 days a week surveillance and alarm system. The cultivation process will occur in a closed loop system and therefore no odor or product will be detectable offsite. The proposal includes necessary safety measures to ensure the product is free of contaminants and will further be tested prior to consumption according to State regulations. Therefore, as proposed, marijuana cultivation facility 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. The facility is located within an Industrial zoning district, and is not located within the buffer zones of any schools, churches, or daycare facilities. Bordered by Lemon Creek and Glacier Highway on two sides, and with surrounding industrial and commercial uses, this use is in harmony with the neighborhood, and should not decrease the value of properties in the area.

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

Yes. Based on the preceding analysis, staff finds the proposal to generally conform to the land use plan and the 2013 Comprehensive Plan.

Planning Commission
File No.: USE2016 0005
March 29, 2016
Page 11 of 12

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?

N/A.

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 for the development of a marijuana cultivation facility in an industrial zoned area. The approval is subject to the following conditions:

1. Wastewater generated by the marijuana cultivation facility is prohibited from entering the CBJ sewer system.
2. Parking spaces shall meet CBJ 49.40.210(b)(1); 4 spaces including 1 ADA signed space shall be marked and maintained for Rainforest Farms; and 1 space shall be signed for the accessory dwelling unit.
3. If/when the owners expand to make deliveries, all deliveries must be undertaken during normal business hours, Monday through Sunday, and must not cause undue burden to the abutting properties.
4. The 50-foot streamside setback shall be maintained—fencing and parking are not allowed in the setback.
5. The CO₂ generator shall have an automatic shut off.
6. A propane sensor shall be installed in the cultivation building.
7. RC-48 Carbon-grade filters shall be replaced no less than once annually.
8. All CO₂ enrichment processes, plant extraction processes, fumigation and the use and storage of pesticide, fungicide, miticides and thermal insecticidal fogging shall be approved by the Fire Marshal and meet the requirements of the International Fire Code (IFC) and NFPA where applicable.
9. Structures meet the Sound Transmission Classification requirements as provided in the International Building Code to eliminate any detectable noise from fans or generators outside of the structures.
10. All windows to the cultivation facility will be opaque and armed with an alarm system.
11. Lighting shall be installed to illuminate all access points—doors, windows—to the cultivation facility.
12. No offsite glare shall be produced by exterior doorway lights.
13. Each door shall have either a grade 2 lock with deadbolt or grade 1 lock.
14. Security cameras shall record in no less than high definition 720dpi resolution, with a minimum of 20 frames per second, with the ability to record in the infrared spectrum.

Planning Commission
File No.: USE2016 0005
March 29, 2016
Page 12 of 12

15. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
16. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixture or other equipment in the processing building and cultivation building.
17. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
18. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational.
19. The applicant shall obtain a CBJ marijuana business license if and when applicable.
20. The property owner shall schedule an annual inspection to ensure conditions of this permit are met.
21. This CUP expires if the applicant does not receive a state marijuana license approval within 18 months.
22. The applicant has notice of pending legislation (Ordinance 2015-38) that may affect this approval. The applicant will comply with all requirements that Ordinance 2015-38 imposes when it is passed even if more restrictive than the approved conditions of USE2016 0001. If the Director determines that Ordinance 2015-38 imposes more substantial submittal requirements and/or more restrictive approval requirements than what was analyzed or imposed by this permit the Director may schedule USE2016 0001 for further review by the Planning Commission within three months of the adoption of Ordinance 2015-38.

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 2/17/16
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description MARIJUANA CULTIVATION		
	PROPERTY LOCATION		
	Street Address 5763 GLACIER HWY		City/Zip 99801
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) UMS 609 TR 2A2		
Assessor's Parcel Number(s) SB1201060112			
LANDOWNER/ LESSEE			
Property Owner's Name CHARLES MOLINE		Contact Person: CHARLIE M.	Work Phone: 321-4689
Mailing Address PO Box 210921		Home Phone: 321-4689	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	[Signature] Landowner/Lessee Signature		2/17/16 Date
X	[Signature] Landowner/Lessee Signature		[Blank] 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 RAINFORREST FARMS, LLC		Contact Person: JAMES BARNETT	Work Phone: 957-4751
Mailing Address PO Box 21714, JUNEAU, AK 99802		Home Phone: 957-4751	Fax Number: —
E-mail Address RAINFORRESTJAMES@GMAIL.COM		Other Contact Phone Number(s): —	
X	[Signature] Applicant's Signature		2/16/2016 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)		2/17/16	USE20160005
		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
					Attachment A

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>USE20160005</u>	Date Received <u>2/17/16</u>
----------------	------------------------------	-----------------------------------	---------------------------------

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: 49.15.330

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

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

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

CURRENT USE OF LAND OR BUILDING(S): NO OCCUPANCY IN LOWER UNIT. RESIDENTS LIVE UPSTAIRS UNIT.

PROPOSED USE OF LAND OR BUILDING(S): MARIJUANA CULTIVATION FACILITY

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

SITE AND BUILDING SPECIFICS:

Total Area of Lot 48470 square feet Total Area of Existing Structure(s) 4234 square feet
 Total Area of Proposed Structure(s) 2750 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>350</u>	_____	_____	_____
	Admin. of Guarantee	\$ _____	_____	_____	_____
	Adjustment	\$ _____	_____	_____	_____
	Pub. Not. Sign Fee	\$ <u>50</u>	_____	_____	_____
Pub. Not. Sign Deposit	\$ <u>100</u>	_____	_____	_____	
Total Fee	\$ <u>500</u>	<u>1075</u>	<u>CDD7633</u>	<u>2/17/16</u>	

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Attachment A

**Site Plan and Location Narrative
5763 Glacier Highway
Juneau, AK**

Where: 5763 Glacier Highway, (UMS 609 TR 2A1), Juneau AK. 1st Level only.

Request: In accordance with State and local laws, we would like to apply for a conditional use permit for the purposes of Marijuana Cultivation.

Uses of Premises: Marijuana Cultivation. The site will be used for indoor cannabis cultivation.

Lease Holder: Rainforest Farms, LLC

Property Owner: Lemon Creek Holdings. LLC

Site/Project Information:

- Area - 2750 Sq Ft
- UMS 609 TR 2A1
- 1st Floor Only
- Zoning District - GC
- Building Height 18ft

Scope:

We are proposing and planning to use this space for cultivation of Marijuana. Marijuana will be cultivated and prepared for the sale to another licensed marijuana establishment. The cannabis will be grown under LED lights and use food grade nutrients as raw material for the operation. Plants will be grown in a soil medium. Low heat LED lights allow for cool temperatures in the facility. Product will also be dried, cured, and stored upon the premises. After product is sold, records will be retained on site and available for inspection per ordinance requirements.

Construction: Non-load bearing walls will be added to the primary room located at the entrance of the facility. Windows will be covered with a secured covering. Security Doors will be added to appropriate access points.

Hours of operation: This operation will be running for 24 hours per day. The plants will need to be maintained at any given time as needed. Most of the work will be done during the daytime during regular business hours.

Odor management: To ensure total odor air filtration, there are several important factors to consider. We will be using a carbon grade RC-48 filter for odor filtration. The RC-48 carbon is effective for the filtration of organic particles and other airborne materials. We will be using 3

(Phresh® Filter 10" x 39") of these filters, one in each room. This set-up overly satisfies the CFM units needed to effectively pass air through the filters and remove odors. (see attached diagram)

Waste management: Excess soil after being used will be mixed on site with other compostable materials and turned into expired growing medium. Excess water and spilling will be collected into 5 gallon buckets and then mixed into expired growing mediums. We will be using drip trays, therefore the spilling of water and sitting water will not be an issue.

Excessive trim material and unsalable product will be disposed of according to state regulations. Plant material will be ground up using a commercial grinder and mixed with expired soil medium for disposal. The ratio for mixing expired dirt to plant material will be a 6:1 ratio. The material will be completely unusable as cannabis once mixed with the medium.

Once material is mixed with expired medium, it can then be moved out of the restricted access and stored in the storage shed until disposed of properly.

We will give the board at 3 days notice in the marijuana inventory tracking system required under AS 3 AAC 306.730 before making the waste unusable and disposing of it.

Trash will be located in a locked area outside of premises and disposed of on a weekly basis.

Security: (see attached security diagram). Video surveillance will cover all restricted access areas. Cameras will be operating 24 hours per day, 7 days per week, both inside and outside of the premises as required by State regulations.

Surveillance recording equipment and video surveillance records will be housed in the designated, locked, and secured safe room area.

Exterior cameras will face at least 25' out past the exterior wall. Security footage will be stored on site for 40 days in a locked and secure area where video surveillance recording equipment and records will be housed and stored. This area will only be accessible only to authorized personnel, law enforcement, or an agent of the board.

The video will be archived in a format that does not permit alteration of the recorded image, so that the images can readily be authenticated. All video surveillance will clearly and accurately display the time and date of recording.

A copy of video footage will be saved off-site on backed-up on a monthly basis. Footage will be available upon request.

A camera will be placed in the security room where the point of sale of product will take place.

There will be 3 primary access doors that will allow entrance to the restricted access areas. Doak's will provide perimeter entrance security as well as window security. In the event that a break in occurs, both landowner, tenants, and JPD will be notified accordingly. Cash deposits will be held in a safe along with product in a secured room. This safe room will also hold business records.

Exterior motion lighting will be installed to facilitate surveillance in addition to the exterior lighting that is already in place. Exterior motion lights are placed at each corner of the premises and facing outward to detect motion within 25' of the building exterior.

A cellular phone will be kept on site for emergency calls and panic situations. In the event that there is an emergency, a phone will be available to employees and guests to make emergency phone calls.

A panic button is placed on the wall security panel to sound alarms if needed.

Employees will be required to be trained on site specific security protocols and procedures prior to employment.

An identification badge will be displayed and worn by each licensee, employee, or agent while on the premises.

Diversion of Product: Policies and procedures for preventing diversion of marijuana or marijuana product will include:

- RFID tags on all products and plants.
- A marijuana inventory tracking system designed by TraceWeed tracking systems, capable of sharing information with the system the board implements to ensure tracking for the reasons listed above, will be used.
- Products will be stored in a safe for the entire duration while awaiting sale.
- Signed manifest by the buyer of the goods will be kept for on-site record.
- Sound alarms will be installed.
- Security Systems signs will alert intruders of security measures.
- Lighting both indoors and exterior will allow for product to be monitored sufficiently via video surveillance.
- Products will be locked in a fire resistant safe.
- Access to safe will be limited only to owners and limited staff.
- Signed inventory declarations of products being stored will be accounted for an updated on a daily basis.
- A camera will be placed in the security room where the point of sale of product will take place.
- All marijuana packaged will be weighed on a scale certified in compliance with AS 3 AAC 306.745.

- Marijuana product will be prepared, packaged, and secured for pick-up in child resistant, opaque bags. Bags will have a manifest with tracking and testing information attached at all times.
- Locked containers from purchaser will be required prior to product leaving facility.
- No product will be sold or given possession to anyone without a marijuana handlers card and manifest of transportation, and receipt of product paid.
- Commercial grade locks placed on all doors.

Guest and Visitors: Unescorted members of the public will be prohibited from entering restricted access areas and will not have access past the main entrance hallway. Security doors will be placed at the end of the hallway to prevent access to restricted access areas.

The processes for admitting visitors into and escorting them through restricted access areas will require guests to sign in with name, age, date and time of entrance and time of exit, name of person escorting visitor and guests' driver's license information. Employee or owner who has Marijuana handlers card will escort visitor at all times. Information will be stored in a locked file cabinet in the safe room for record keeping.

Guests will be required to wear a "visitor pass" connected to a lanyard for the entire duration of the visit.

Employees: We will start with just the owners and no employees. Eventually we plan to hire 1-2 full-time employees.

Each employee, or agent who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, shall obtain a marijuana handler permit from the Marijuana Control Board before being beginning employment.

Hand washing sinks, bathrooms, and sanitation area will be available for employees.

Employees will be required to be trained on on-site specific security protocols and procedures prior to employment. Employee will be informed on how to handle each specific situation and how to stay safe when it occurs.

A detailed report will be made and saved on-site each time an action has been taken when security has been breached.

Parking: We have 4 parking spaces available to use.

Parking spaces are 8.5' wide by 16' long.

Delivery: Delivery Services will not be made available. Wholesale purchases will be made on site and the purchaser will be liable for the product after sale is finalised. All product will be tracked and taxed according to State Regulations. Once sale is final, records of the sale for both tax and tracking will be available on premises for inspection when needed.

Neighborhood Harmony: We have identified the neighborhood and found that this location meets all state regulations and current zoning ordinances. We have identified all school, churches, and daycare facilities and have found that this location is out of site and is outside of the buffer required by the State of Alaska. We have determined that our operations will not negatively affect the operations of surrounding homes or business. Of the immediate areas for consideration are the Landfill, Breeze-inn, a neighboring electric repair company and a storage rental business. Of these businesses, none will be negatively affected by our operation.

Signage: At this time, there will not be any significant signage other than a small sign indicating our business name and contact information near the front entrance to the building. The sign will be no larger than 24"X24" and will be placed next to the main entrance.

Signs will be placed on exterior of building to prevent loitering and theft.

Health and Sanitation: Cleaning of entire cultivation space will take place between crop rotations. We will be using food grade and non-toxic cleaning supplies. After each crop, the room will be swept, and mopped. All walls will be wiped down and surface areas will be dusted and washed as well. Watering containers and equipment will be inspected by managers once per month. Documents pertaining to cleaning schedules will be retained and saved for record keeping.

The use of small dehumidifiers will keep the air free of humidity and reduce the amount of mold and bacteria in the room. Properly cleaned carbon filtered ventilation will also allow for further sanitation to take place. Laborers are required to wash hands regularly. Before and after using bathroom as well as before and after leaving work.

Signs encouraging employees to wash hands will be placed in the bathroom and above wash areas.

By separating growing rooms, each room can be separate sanitized without affecting the other.

Utensils and tools will be cleaned as needed to prevent cross contamination.

Extractions: Extractions and concentrates will not be produced at this site. We will use small screens during trimming time to catch material for sale, however, this will not be considered an extraction technique.

License to Display: A copy of the State license will be displayed inside of the main entrance to the building, outside of the restricted access areas and will be directly in sight of the main entrance.

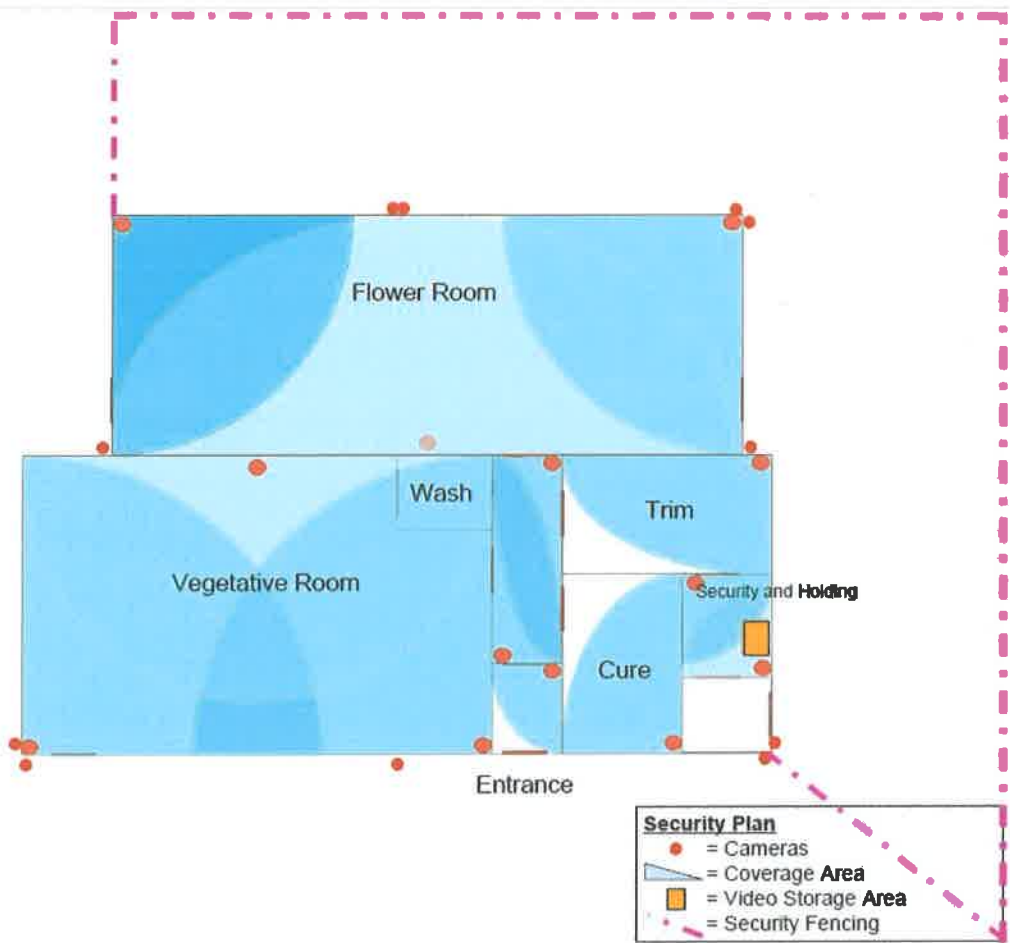
A copy of the local license will be displayed inside of the main entrance to the building, outside of the restricted access areas and will be directly in sight of the main entrance.

On-Site Record Keeping: In addition to standard operating procedures, several items will be stored on-site in a locked file cabinet. These files will be located in the safe room and will be restricted only to certain personnel and authority. Items to be stored on-site include:

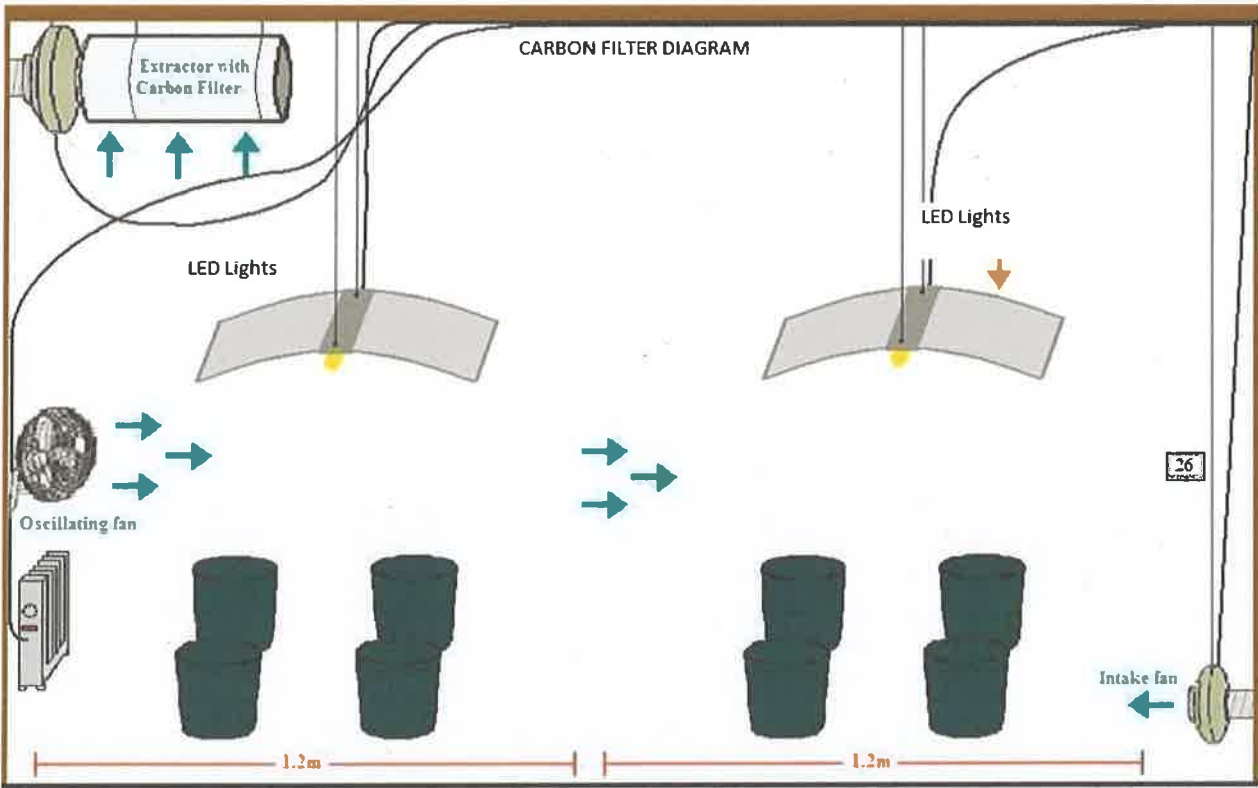
- All books and records necessary to fully account for each business transaction conducted for the current year and three preceding calendar years (when applicable); records for the last six months are maintained on the marijuana establishment's licensed premises.
- A current employee list setting out the full name and marijuana handler permit number of each licensee, employee, and agent.
- The business contact information for vendors that maintain video surveillance systems and security alarm.
- Systems for the licensed premises.
- Records related to advertising and marketing.
- A current diagram of the licensed premises including each restricted access area.
- A log recording the name, and date and time of entry of each visitor permitted into a restricted access area.
- All records normally retained for tax purposes.
- Accurate and comprehensive inventory tracking records that account for all marijuana inventory activity from seed or immature plant stage until the retail marijuana or retail marijuana product is sold to a consumer, to another marijuana establishment, or destroyed.
- Transportation records for marijuana and marijuana product as required under 3 AAC 306.750(f).
- Expiration dates of Marijuana Handler Cards for employees.

To prevent these records from being lost or destroyed, a copy of all records will be made and stored off-site after the period of required record retention expires. Copies of records and files will be constantly updated and made in duplicate for the purposes of having back-up copies available when needed.

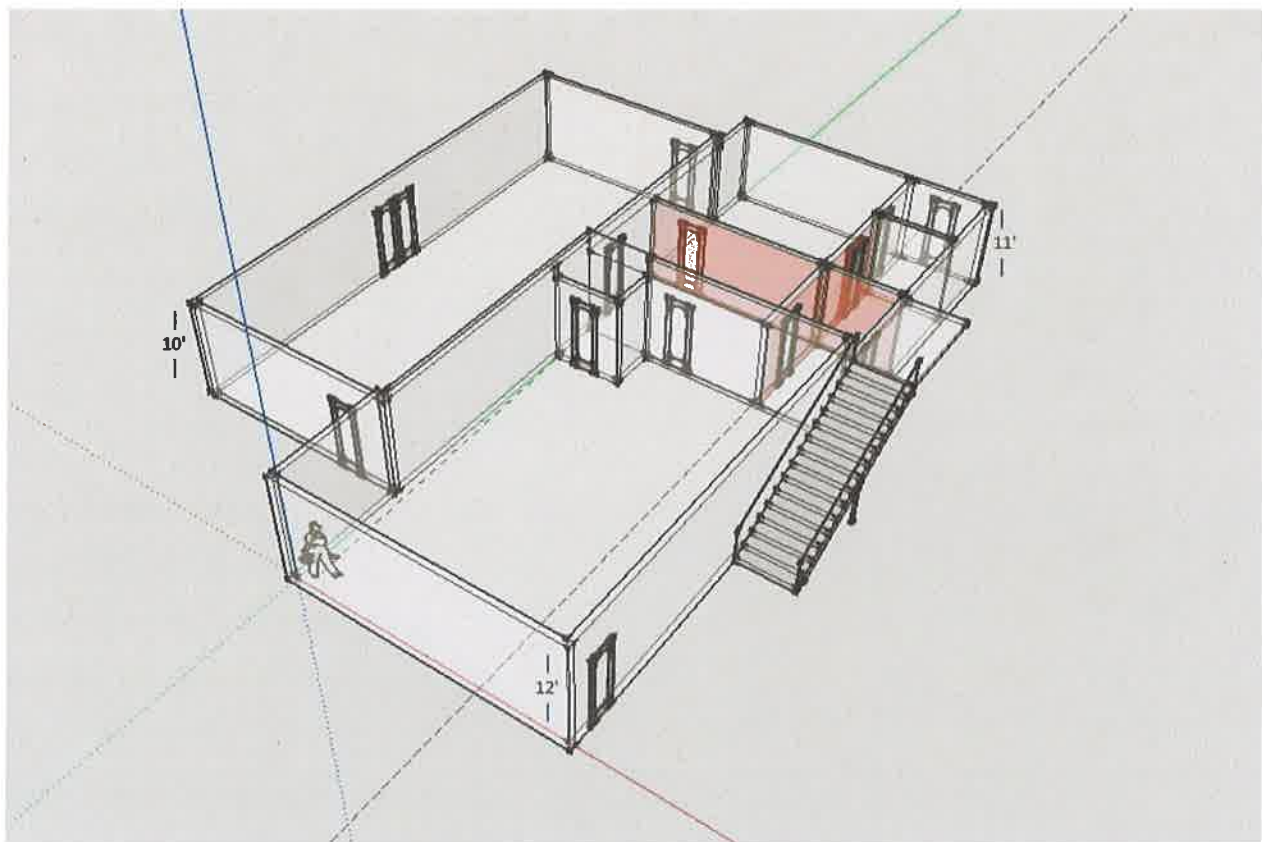
INDOOR SECURITY and FLOOR PLAN DIAGRAM:



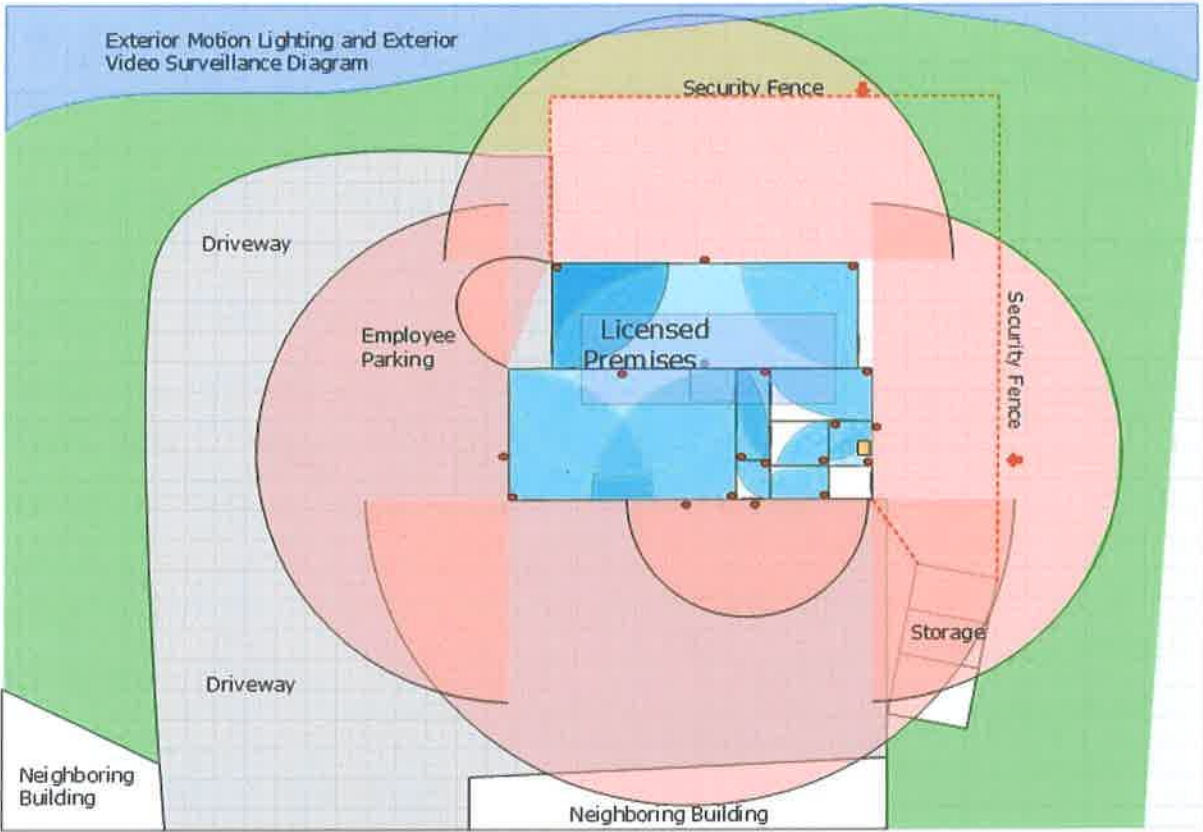
CARBON FILTER DIAGRAM:



ELEVATION VIEW:



EXTERIOR CAMERAS AND LIGHTING DIAGRAM:



Commercial Lease Agreement

5763 Glacier Hwy, Juneau, AK 99801

This Commercial Lease Agreement ("Lease") is made and effective 01/17/16, by and between Lemon Creek Holdings LLC ("Landlord") and Rainforest Farms ("Tenant")

Landlord is the owner of land and buildings commonly known and numbered as 5763 Glacier Highway and legally described as follows (the "Building"); UMS 609 TR 2A1, Juneau, Alaska 99801.

Landlord makes available for lease a portion of building designated as: The first floor and commercial parking spaces (all parking spaces at the west entrance of the building and loading zone spaces at both South entrances), and 3 storage units (the "Leased Premises") Land to the North of the building is available for expansion of greenhouses if Tenant wishes.

Landlord desires to lease the Lease Premises to Tenant, and Tenant desires to lease the Leased Premises from Landlord for the Term, at the rental and upon the covenants, conditions and provisions herein set forth.

THEREFORE, in consideration of the mutual promises herein, contained and other good and valuable consideration, it is agreed;

1. Term.

- A. Landlord hereby leases the Leased Premises to Tenant, and Tenant hereby leases the same from Landlord, for and "initial Term" Beginning 1/17/16 ending 2/1/18.
- B. Landlord and Tenant may renew the Lease for extended terms at the end of first term. Tenant shall exercise such renewal option, if at all, by giving written notice to Landlord not less than ninety (90) days prior to the expiration of the initial Term.

2. Rental.

- A. Tenant shall pay to Landlord during the initial Term rental monthly Payments of [REDACTED] Each installment payment shall be due in advance on the first day of each calendar month during the lease term to Lemon Creek Holdings LLC.

- B. Payments not received by the 5th of each month shall be subject to \$75 dollar per day late fees enforceable by Alaska State Landlord Tenant Agreements.
- C. Taxes from CBJ are 5% sales tax which is due at time or monthly payments. Monthly Taxes for Leased space is \$[REDACTED] which is paid by Tenant.
- D. Security deposit shall be fifty percent (50%) of monthly lease amount due before Tenant takes over keys and has full access to Leased Premises.
- E. Tenants shall be in first place to lease additional space of second floor when existing Lease expires with current tenants. Lease for second floor shall be separate from commercial lease.

3. Sublease and Assignment.

Tenant shall have the right without Landlords' consent, to assign this Lease to a corporation with which Tenant may merge or consolidate, to any subsidiary of Tenant, to any corporation under common control with Tenant, or to a purchaser of substantially all of Tenant's assets. Except as set forth above, Tenant shall not sublease all or any part of the Leased Premises, or assign this Lease in whole or in part without Landlord's consent, such as consent not to be unreasonably withheld or delayed.

4. Repairs and Maintenance

During the Lease term, Landlord will make at the Landlords expenses all necessary repairs to the Leased premises regarding structural repairs, plumbing, mechanical system repairs, electrical failures due to normal use.

Landlord shall be responsible for landscaping, snow removal and exterior lighting of building.

5. Alterations and Improvements.

Tenant, at Tenant's expense, shall have the right following Landlords consent to remodel, redecorate, and make improvements and replacements of and to all or any part of leased Premises from time to time as Tenant may deem desirable, provided the same are made in a workmanlike manner and utilizing good quality materials. Tenant shall have the right to place and install personal property, trade fixtures, equipment and other temporary installations in and upon the Leased Premises, and fasten the same to the premises. All personal property, equipment, machinery, trade fixtures and temporary installations, whether acquired by Tenant at the commencement of the lease term or placed or installed on the Leased premises by Tenant thereafter, shall remain Tenants property free and clear or any claim by Landlord. Tenant shall have right to remove the same at any time during the

term of this Lease provided that all damage to the Lease Premises caused by such removal shall be repaired by Tenant at Tenant's expenses.

8. Insurance.

A. If the Leased Premises or any other party of the Building is damaged by fire or other casualty resulting from any act of negligence of Tenant or any of Tenant's agents, employees or invitees, rent shall not be diminished or abated while such damages are under repair, and Tenant shall be responsible for repairs not covered by owners insurance.

B. Landlord will carry insurance to cover building and all Leased Premises. Tenant shall be responsible, at its expenses, for fire and extended coverage insurance on all of its personal property.

C. Tenant shall be responsible for obtaining any additional insurance.

9. Utilities.

Tenant shall pay all charges for electricity, Telephone, cable, security, garbage/ recycling, Internet, any janitorial services used by tenant on Leased Premises during the term of this Lease unless otherwise expressly agreed in writing by Landlord. In the event that any utility or service provided to the Leased Premises is not separately metered, Landlord shall pay the amount due and separately invoice Tenant for Tenant's pro rata share of the charges. Tenant shall pay such amounts within thirty (30) days of invoice.

10. Signs.

Following Landlord's Consent, Tenant shall have the right to place on the Leased Premises, at Locations specified by Landlord, any signs which are permitted by applicable zoning ordinances and private restrictions. Landlord May refuse consent to any proposed signage that is in Landlord's opinion too large, deceptive, unattractive or otherwise inconsistent with or inappropriate to the Leased Premises or use of any other tenant. Tenant shall repair all damage to the Leased Premises resulting from the removal of signs installed by the Tenant.

11. Entry.

Landlord shall have the right to enter upon the Leased premises at reasonable hours and approval from Tenants to inspect the same, provided Landlord shall not thereby unreasonably interfere with Tenants business on the Leased Premises.

Tenant accepts this Lease subject and subordinate to any mortgage, deed of trust or other lien presently existing or hereafter arising upon the Leased Premises, or upon the Building and to any renewals, refinancing and extensions thereof, but Tenant agrees that any such mortgagee shall have the right at any time to subordinate such mortgage, deed of trust or other lien to this Lease on such terms and subject to such conditions as such mortgagee may deem appropriate in its discretion.

17. Notice.

Any Notice required or permitted under this Lease shall be deemed sufficiently given or served if sent by United States Certified mail, return receipt requested, addressed as follows;

Landlord:

Lemon Creek Holdings LLC

PO BOX 210921

Auke Bay, AK

99821

Tenant:

18. Successors.

The Provisions of this Lease shall be extended to and be binding upon Landlord and Tenant and their respective legal representatives, successors and assigns.

19. Consent.

Landlord shall not unreasonably withhold or delay its consent with respect to any matter which Landlord's consent is required or desirable under this Lease.

20. Compliance with Law.

Tenant shall comply with all laws, orders, ordinances and other public requirements now or hereafter pertaining to Tenants use of Leased Premises. Landlord shall comply with all laws, orders ordinances and other public requirements now or hereafter affecting the Leased Premises.

21. Final Agreement.

This Agreement terminates and supersedes all prior understandings or agreements on the subject matter hereof. This Agreement may be modified only by further writing that is duly executed by both parties.

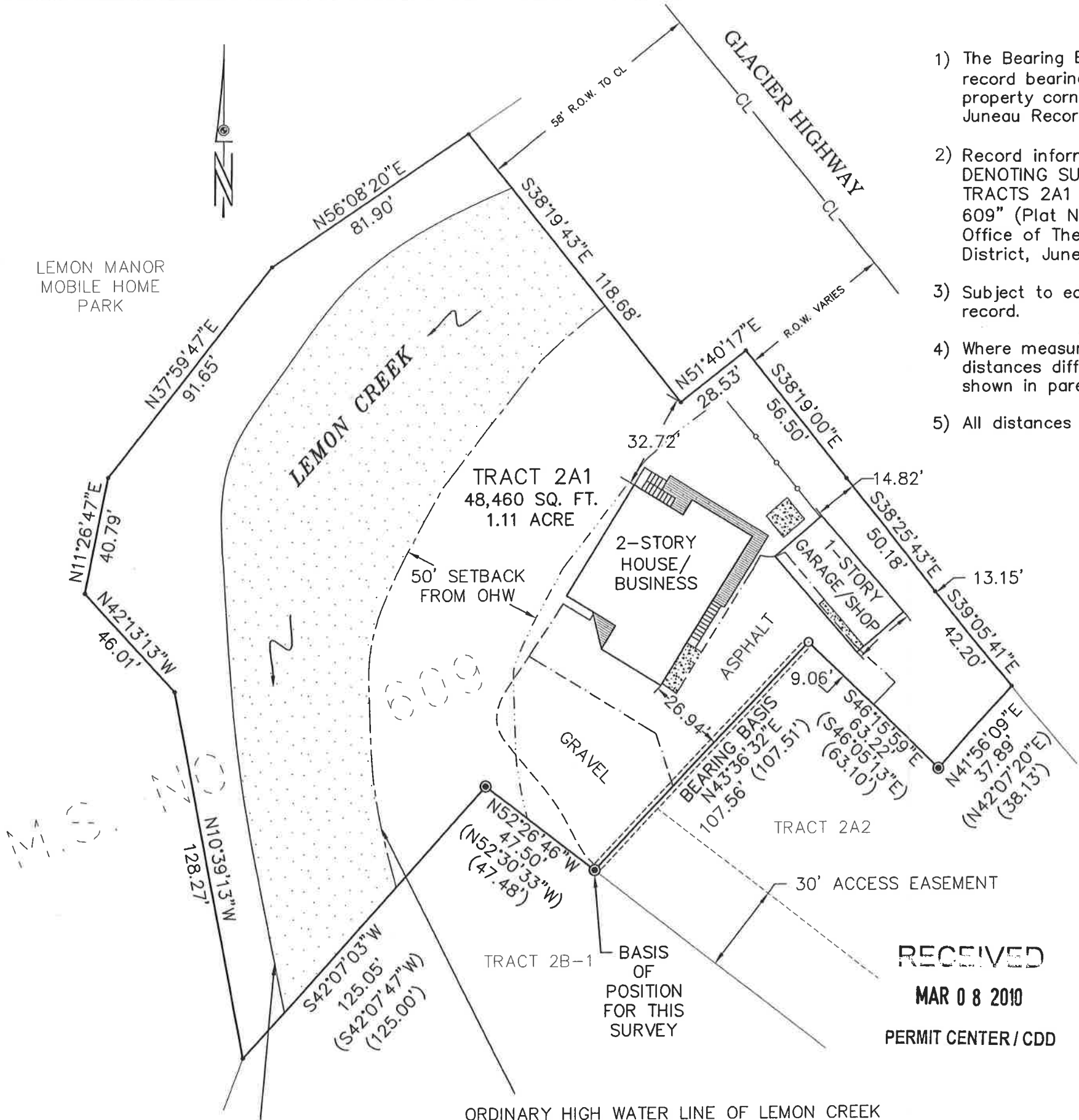
IN WITNESS WHEREOF, the parties have executed this Lease as of the day and year first above written.

Lemon Creek Holdings LLC, Landlord

 Date 1/17/15

Rainforest Farms, Tenant


 Date 1-17-16

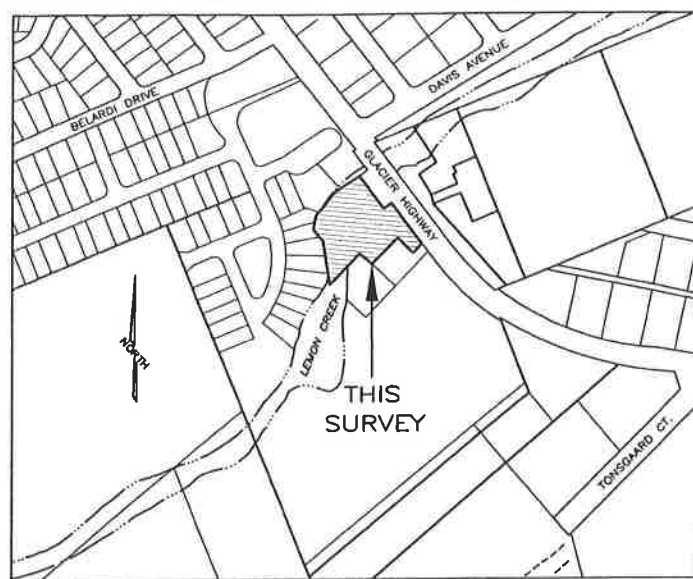


NOTES

- 1) The Bearing Basis for this As-Built is the record bearing of N43°36'32"E between the property corners shown, per plat #2002-52, Juneau Recording District.
- 2) Record information derived from "A PLAT DENOTING SUBDIVISION OF TRACT 2a INTO TRACTS 2A1 & 2A2 MINERAL SURVEY No. 609" (Plat No. 2002-52), on file at the Office of The Recorder, Juneau Recording District, Juneau, Alaska.
- 3) Subject to easements and restrictions of record.
- 4) Where measured or calculated bearings and distances differ from record, that of record is shown in parenthesis.
- 5) All distances are measured in U.S. Survey feet.

LEGEND

- 50' OHW SETBACK LINE
- WOOD PLANK FENCE
- EDGE OF GRAVEL
- EDGE OF ASPHALT
- CONCRETE PAD
- 2ND STORY WOOD DECK
- PLASTIC CAP ON REBAR FOUND
- METAL "SURV SPIKE" FOUND
- POINT NOT FOUND/SET



VICINITY MAP

NOT TO SCALE; DATE: 1991
SOURCE: CBJ SERIES BASEMAPS



SURVEYOR'S CERTIFICATE

I hereby certify I am a Registered Land Surveyor licensed to practice land surveying in the State of Alaska, and this As Built represents a survey made by me or under my direct supervision, and all walks, roads, improvements, encroachments and overlaps are shown correctly to the best of my knowledge.
Date: February 23, 2010

RECEIVED

MAR 08 2010

PERMIT CENTER / CDD

AS-BUILT SURVEY

TRACT 2A1

BEING A SUDIVSION OF TRACT 2a,
WITHIN MINERAL SURVEY No. 609
WITHIN THE CITY & BOROUGH OF JUNEAU, AK

SURVEYOR:

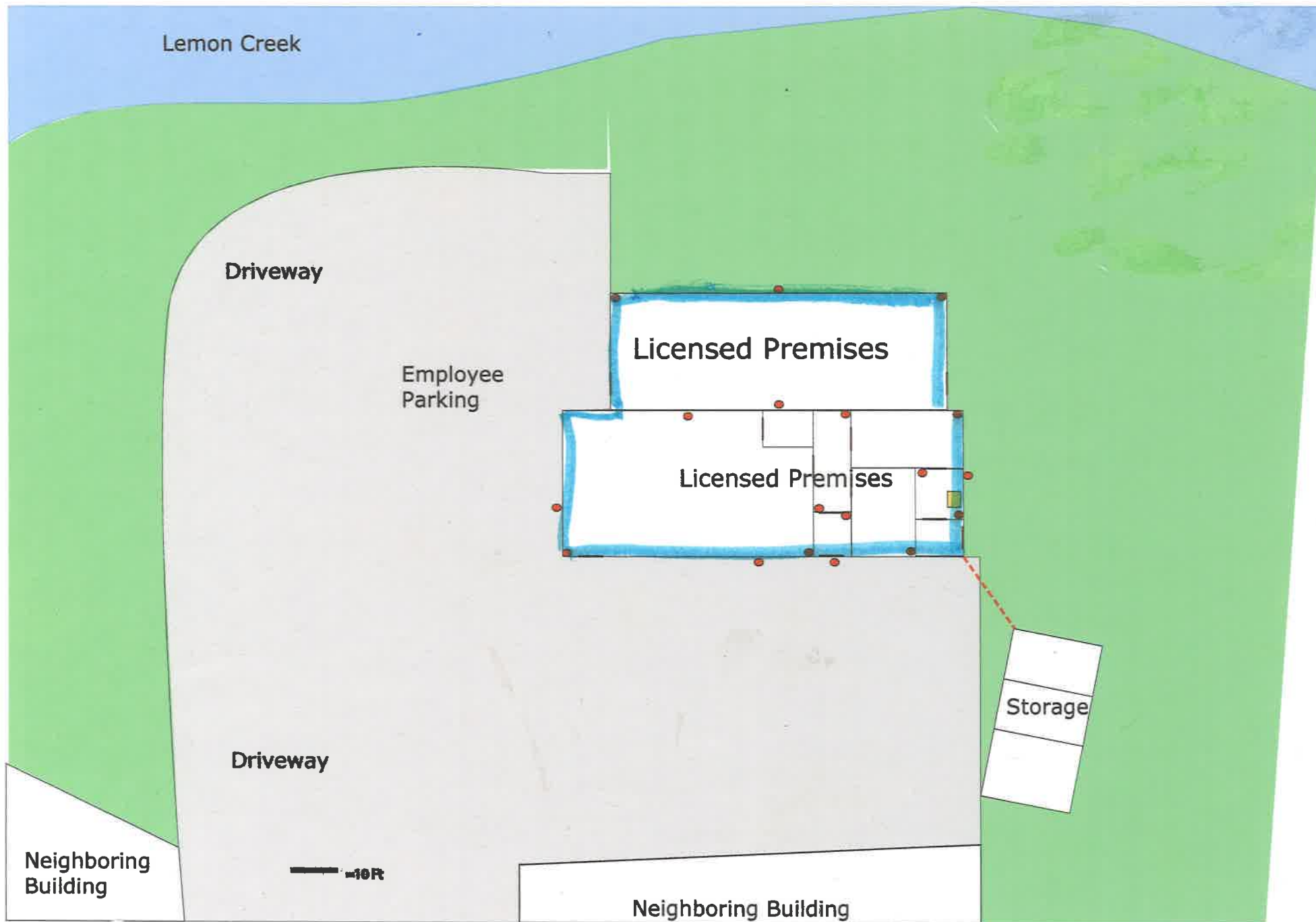
RANDAL V. DAVIS, PLS
9240 N. DOUGLAS HIGHWAY
JUNEAU, ALASKA 99801
(907) 209-3400
RVDAVIS@GCI.NET

OWNERS:

JAMES AND ADELA HAMEY
5763 GLACIER HIGHWAY
JUNEAU, ALASKA 99801

SURVEY DATE: 02/12/10 DRAWING SCALE: 1"=40'

Attachment B
SHEET 1 OF 1

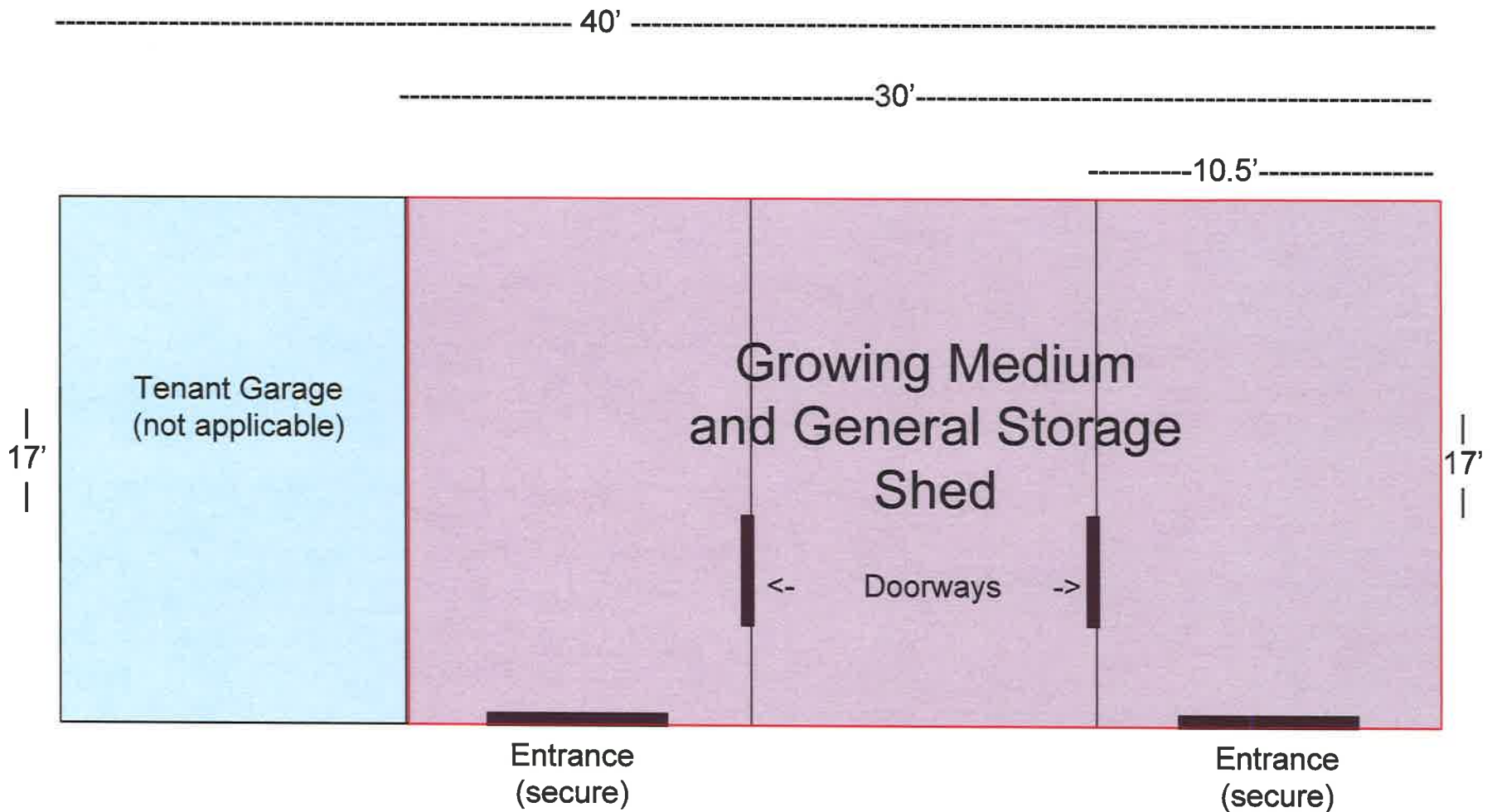


SITE PLAN

 = CULTIVATION AREA

Attachment C

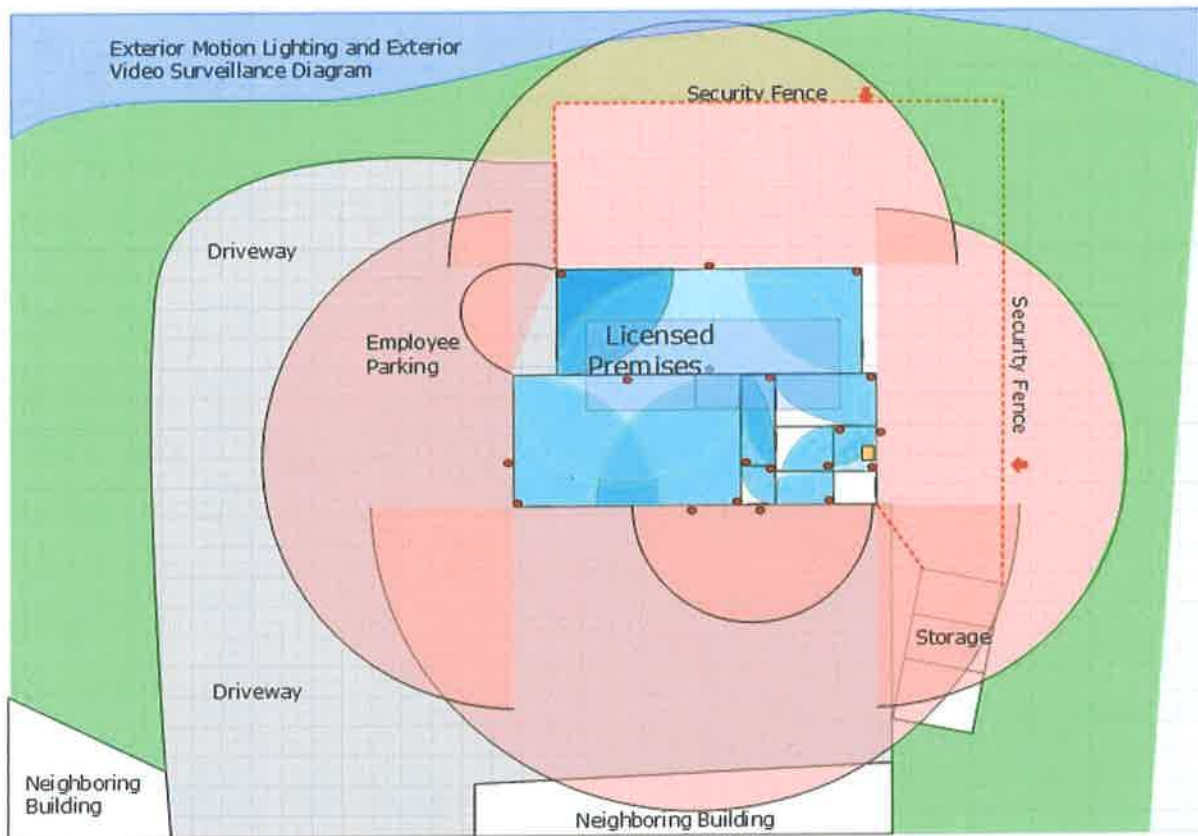
Supplemental Shed Layout



*Absolutely no cannabis will be stored or present in this shed at anytime. This shed is not part of the restricted access area and it mainly used for storage and growing medium. By keeping the growing medium in a separate building, we can eliminate pests and mold significantly.

 = Usable Area

EXTERIOR CAMERAS AND LIGHTING DIAGRAM:

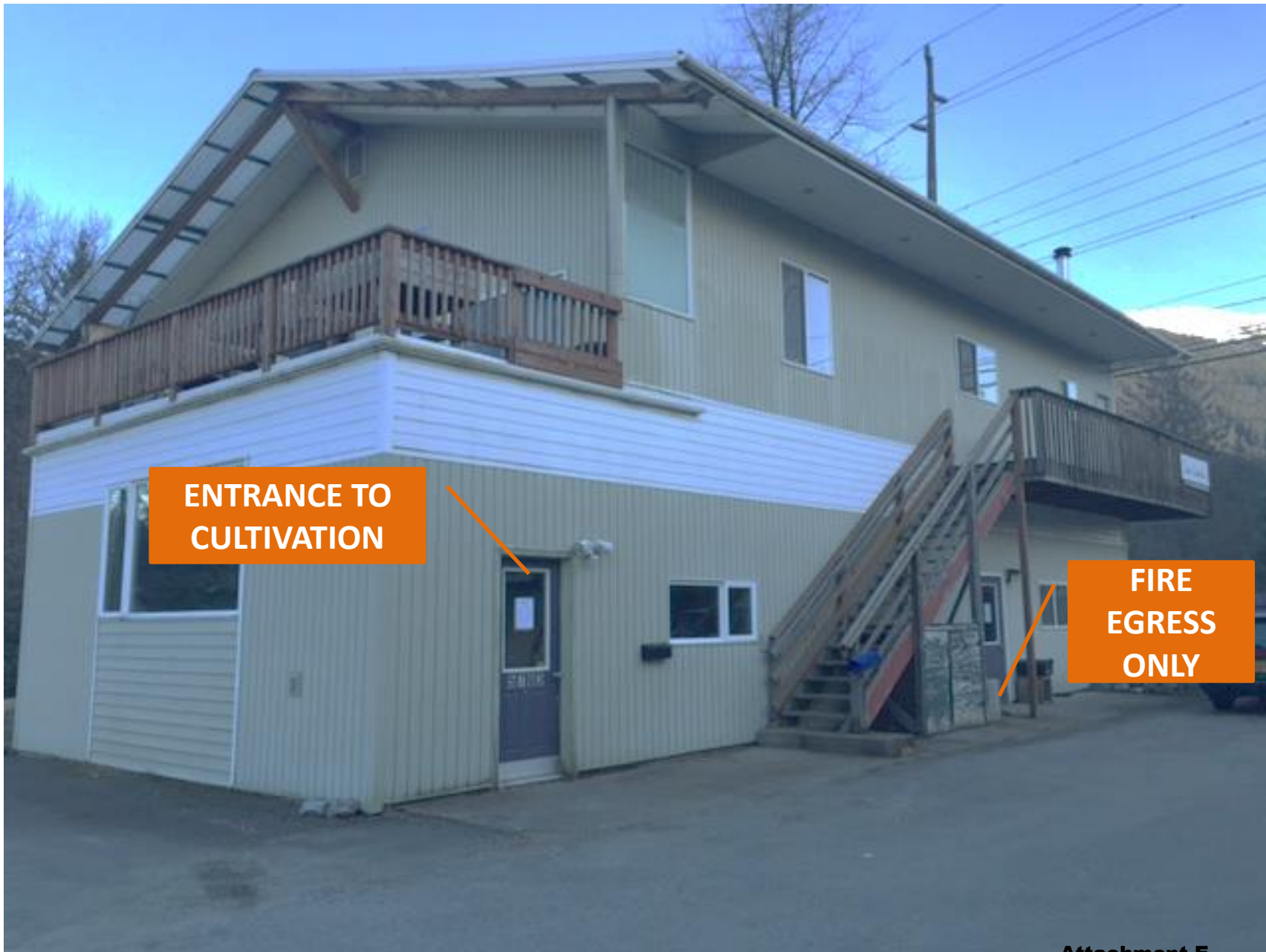




FRONT OF BUILDING

**PARKING
AREA**









**STREAMSIDE
SETBACK AREA**

Jill Maclean

From: 4680 <rkhildre@aol.com>
Sent: Sunday, March 27, 2016 2:19 PM
To: Jill Maclean
Subject: Fwd: Rainforest Farms - PropertyPCN: 5-B12-0106-011-2

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: 4680 <rkhildre@aol.com>
To: jill.Maclean <jill.Maclean@juneau.org>
Sent: Sun, Mar 27, 2016 3:09 pm
Subject: re Rainforest Farms - PropertyPCN: 5-B12-0106-011-2

Jill, my name is Kathy Hildre, I live at 5759 Glacier Hwy, 50 yards from the front door of the applicant that is applying for a license to grow marijuana in Lemon Creek that is zoned Industrial.

My husbands family at one time owned this entire acreage off of the glacier hwy. There is the house that we live in, a house across from us which is now a commercial bldg. that stores flooring. The bldg. in question was once my father in law's shop then my husbands & we sold to Jim & Adele Hamey so that they could operate Taku Graphics. There is a large apt/home used by the Hamey's upstairs from the area that is being considered for the permit.

I realize that the CBJ made certain zone areas available for these types of businesses. I really don't care one way or the other where people do this growing, just not in my front yard & especially close to seniors that are making an effort to live here in Juneau for the balance of their lives. Pls don't make it my fault that I live in an industrial zone where this is suppose to be allowed. I was born & raised in Juneau as is my husband, the perception is that we, the seniors are costing the city money & situations like this will force more to move out.

I do believe that having something like this close to our home is NOT SAFE!! I feel that either the city or the state should have required any type of business like this to have a chain link fence around it to make it secure & safe for others. There is 1 driveway in & out of this property & once this business is granted a permit, the un-desirables knowing what type of business is here, will come & try to break in. We live in an area where these types of problems exist. Fortunately up until now we have had very little problems. Each of our bldgs. have great motion lights. I doubt that the safety of this area will continue.

I would request that the Planning Commission not issue this permit based on my comments. I would like to know if I need to formally write something similar to this to the Planning Commission as requested in the card that was mailed. I am also informing the Planning Commission that my husband & I are selling our home to our son James O Hildre. The property at 5759 Glacier Hwy is in his name even though we have several more years before we are paid in full, reason for continuing to live out our lives in this house.

Jill, please email me or call me if I need to do something more formal for the Planning Commission, thanks. If there is any way to stop by & chat with you about this permit, I would appreciate it.

Kathy Hildre
rkhildre@aol.com
 907-780-8622 - home
 907-723-3621 - cell



**PLANNING COMMISSION
NOTICE OF DECISION**

Date: April 13, 2016

File No.: USE2016 0005

Rainforest Farms, LLC.
Attn: James Barrett
PO Box 21714
Juneau, AK 99801

Application For: A Conditional Use Permit for a Marijuana Cultivation Facility in an Industrial Zone.
Legal Description: USMS 609 Tract 2A1
Property Address: 5763 Glacier Highway
Parcel Code No.: 5-B12-0-106-011-2
Hearing Date: April 12, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 29, 2016 and approved the Marijuana Cultivation Facility to be conducted as described in the project description and project drawings submitted with the application (and with the following conditions:)

1. Wastewater generated by the marijuana cultivation facility is prohibited from entering the CBJ sewer system.
2. Parking spaces shall meet CBJ 49.40.210(b)(1); 4 spaces including 1 ADA signed space shall be marked and maintained for Rainforest Farms; and 1 space shall be signed for the accessory dwelling unit.
3. If/when the owners expand to make deliveries, all deliveries must be undertaken during normal business hours, Monday through Sunday, and must not cause undue burden to the abutting properties.
4. The 50-foot streamside setback shall be maintained—fencing and parking are not allowed in the setback.
5. The CO₂ generator shall have an automatic shut off.
6. A propane sensor shall be installed in the cultivation building.
7. RC-48 Carbon-grade filters shall be replaced no less than once annually.
8. All CO₂ enrichment processes, plant extraction processes, fumigation and the use and storage of pesticide, fungicide, miticides and thermal insecticidal fogging shall be approved by the Fire Marshal and meet the requirements of the International Fire Code (IFC) and NFPA where applicable.
9. Structures must meet the Sound Transmission Classification requirements as provided in the International Building Code.
10. All windows to the cultivation facility will be opaque and armed with an alarm system.

Rainforest Farms, LLC.
 File No.: USE2016 0005
 April 13, 2016
 Page 2 of 3

11. Lighting shall be installed to illuminate all access points—doors, windows—to the cultivation facility.
12. No offsite glare shall be produced by exterior doorway lights.
13. Each door shall have either a grade 2 lock with deadbolt or grade 1 lock.
14. Security cameras shall record in no less than high definition 720dpi resolution, with a minimum of 20 frames per second, with the ability to record in the infrared spectrum.
15. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
16. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixtures or other equipment in the processing building and cultivation building.
17. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
18. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational.
19. The applicant shall obtain a CBJ marijuana business license if and when applicable.
20. The property owner shall schedule an annual inspection to ensure conditions of this permit are met.
21. This CUP expires if the applicant does not receive a state marijuana license approval within 18 months.
22. The applicant has notice of pending legislation (Ordinance 2015-38) that may affect this approval. The applicant will comply with all requirements that Ordinance 2015-38 imposes when it is passed even if more restrictive than the approved conditions of USE2016 0005. If the Director determines that Ordinance 2015-38 imposes more substantial submittal requirements and/or more restrictive approval requirements than what was analyzed or imposed by this permit the Director may schedule USE2016 0005 for further review by the Planning Commission within three months of the adoption of Ordinance 2015-38.

Attachments: March 29, 2016, memorandum from Jill Maclean, Senior Planner, Community Development, to the CBJ Planning Commission regarding USE2016 0005.

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 12, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or October 12, 2017 if no Building Permit has been issued and substantial construction progress has not been

Rainforest Farms, LLC.
 File No.: USE2016 0005
 April 13, 2016
 Page 3 of 3

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:



Jill Maclean, Senior Planner
 Community Development Department



Benjamin Haight, 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 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.