Submitted by: Chair of the Assembly at the Request of the Mayor

Prepared by: Development Services

For Reading: October 15, 2002

CLERK'S OFFICE
APPROVED
Date: 1-28-03

As Amended

ANCHORAGE, ALASKA
AO 2002-117

AN ORDINANCE REPEALING OR AMENDING AND RENUMBERING SECTIONS OF ANCHORAGE MUNICIPAL CODE CHAPTERS 21.67, 15.40, AND 15.50 AND ANCHORAGE MUNICIPAL CODE OF REGULATIONS CHAPTER 21.67, REGARDING STORMWATER AND WATERSHED MANAGEMENT; AND AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 4.40.150, 14.60.030, 21.10.015, 21.35.020 AND 21.40.230; TO PROVIDE FOR THE IMPLEMENTATION AND ENFORCEMENT OF STORMWATER AND WATERSHED MANAGEMENT .

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 4.40.150 is hereby amended to read as follows: (*the remainder of the section is not affected and therefore not set out.*)

4.40.150 On-site wastewater system technical review board.

A. *Establishment.* There is hereby established an on-site wastewater system technical review board. The board shall have the powers and duties set forth in this chapter.

B. *Powers and duties.* The board shall:

1. Propose, review and make recommendations to the assembly regarding proposed amendments to chapter 21.67, chapter 15.65, or regulations thereunder. The assembly shall not adopt such an amendment or regulation until it has been reviewed by the board. [PROPOSE REVISIONS OF REGULATIONS OR OTHER CRITERIA OF THIS TITLE AND MAKE RECOMMENDATIONS FOR ADOPTION TO THE ADMINISTRATION AND TO THE ASSEMBLY PURSUANT TO CHAPTER 3.40];

[2. REVIEW PROPOSED REVISIONS OF REGULATIONS OR OTHER CRITERIA OF THIS TITLE AND MAKE RECOMMENDATIONS FOR THE ADOPTION TO THE ADMINISTRATION PURSUANT TO CHAPTER 3.40;]

2[3]. Hear and decide appeals:

a. related to [THIS] chapter 15.65 and [AMC] section 15.05.160 from decisions of the department under [AMC] section 15.05.090.

b. related to chapter 21.67.

c. related to denial of a permit to perform work in the watershed district.

The scope of review shall be whether or not the decision from which the appeal is taken is arbitrary and capricious based on a clear and consistent application of the standards established in the applicable code sections [CHAPTER 15.05 AND THIS CHAPTER]. The technical review board may consider evidence in addition to the record on appeal;

3[4]. Review fee schedules proposed by the development services department under [THIS] chapters 15.65 and 21.67 and advise the assembly as to appropriateness;

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Code Reviser – renumber remaining subsections as appropriate.

(AO No. 86-21; AO No. 90-48(S-1); AO No. 96-152, § 3, 12-17-96)

Section 2. Anchorage Municipal Code section 14.60.030 is hereby amended to add certain fines to read as follows: (*the remainder of the section is not affected and therefore not set out*)

14.60.030 Fine schedule.

The fine schedule under this chapter is as follows:

Code Section	Offense	Penalty/Fine
[15.40.010]	[WATER POLLUTION PROHIBITED]	[75.00]
[15.40.020]	[PROHIBITED DISCHARGES (IDENTIFYING SPECIFIC VIOLATION)]	[75.00]
[15.40.040]	[WATERCOURSES, DUMPING]	[75.00]
[15.50.020]	[WATERSHED REGULATIONS (IDENTIFIED SPECIFIC VIOLATION)]	[75.00]

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21.67.030	Prohibited discharges	300.00
21.67.070	Failure to have plan approvals, permits, obey stop work orders	100.00-300.00

Section 3. Anchorage Municipal Code section 21.10.015 is hereby amended to read as follows: (the remainder of the section is not affected and therefore not set out.)

21.10.015 Planning and zoning commission.

A. There shall be a planning and zoning commission, which shall have the following powers and duties:

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3. Review and make recommendations to the assembly regarding proposed amendments to this title, except amendments to chapters 21.67 and 21.75 through 21.87, and proposed regulations to implement, interpret or make specific provisions of this title, except provisions of chapters 21.67 and 21.75 through 21.87. Except as stated in this subsection, the assembly shall not adopt such an amendment or regulation until it has been reviewed by the commission. If the commission is requested by the assembly on the record to review an amendment or regulation, it shall do so within six months of the request. If the commission is unable to make a recommendation to the assembly within six months of the request, the commission shall request additional time to review the amendment or regulation. The assembly may, after the request for additional time, grant whatever more time may be appropriate, or the assembly may take action on the amendment or regulation without further review or input from the commission.

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9. Promulgate regulations to implement, interpret or make specific the provisions of this title, except provisions of chapters 21.67 and 21.75 through 21.87, in accordance with the provisions of chapter 3.40.

(GAAB 21.30.120; AO No. 77-355; AO No. 82-49; AO No. 82-167; AO No. 84-20; AO No. 84-70; AO No. 84-211; AO No. 85-72; AO No. 85-160; AO No. 86-54; AO No. 86-155; AO No. 99-131, § 1, 10-26-99)

Section 4. Anchorage Municipal Code section 15.40.050 is hereby repealed. Anchorage Municipal Code section 21.35.020 is hereby amended by adding the following new definitions to read as follows: (*the remainder of the section is not affected and therefore not set out.)*

Person means any individual, trustee, association, partnership, corporation, or limited liability company, or any officer, employee, department, agency or instrumentality of the United States, a state or any political subdivision of a state.

Pollution means the contamination or altering of waters, land, or subsurface land of the municipality in a manner that creates a nuisance or makes waters, land, or subsurface land unclean, noxious, or impure, or unfit so that they are actually or potentially harmful, detrimental, or injurious to public health, safety or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, birds, fish, or other aquatic life, and includes those substances identified in subsections 21.67.030A. and B.

Storm sewer and separate storm sewer system mean a conveyance or system of conveyances, including roads and drainage systems, municipal streets, catchbasins, curbs, gutters, ditches, manmade channels, or storm drains:

1. Owned or operated by the state, Municipality of Anchorage, district, association or other public body (created by or pursuant to state or local law) having jurisdiction over disposal of sewage, industrial wastes, storm water or other wastes, including special districts under state or local 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;

2. Designed or used for collecting or conveying stormwater;

3. Which is not a combined sewer; and

4. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

Storm water means surface water runoff originating from surface water, snowmelt, wash waters, street wash, subsurface drainage, or other drainage but excludes wastewater as defined in Title 15 of the Anchorage Municipal Code.

Water means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets and canals in the territorial limits of the municipality and all other bodies of surface water or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, that are wholly or partially in or bordering the municipality or under the jurisdiction of the municipality.

Waters of the United States means:

A. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

B. All interstate waters, including interstate wetlands;

C. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes or natural ponds, the use, degradation or destruction of which would affect interstate or foreign commerce, including any such waters:

1. Which are or could be used by interstate or foreign travelers for recreational or other purposes;

2. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

3. Which are used or could be used for industrial purposes by industries in interstate commerce;

D. All impoundments of waters otherwise defined as waters of the United States under this definition;

E. Tributaries of waters identified in subsections 1 and 6 of this definition;

F. The territorial sea; and

G. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subsections A through F of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water that neither were originally created in waters of the United States (such as disposal areas in wetlands) nor resulted from the impoundment of waters of the United States.

Watershed district means those lands and waters designated as the Anchorage Watershed District on the map that is printed following this chapter.

Watershed manager means the executive director of the Office of Planning, Development, and Public Works or designee, who is the administrator of, and storm water program coordinator for, the National Pollutant Discharge Elimination System municipal separate storm sewer system permit required under federal law.

(GAAB 21.05.020; AO No. 77-355; AO No. 78-16; AO No. 78-28; AO No. 78-171; AO No. 78-231; AO No. 79-214; AO No. 80-42; AO No. 81-67(S); AO No. 81-97; AO No. 81-180; AO No. 82-54; AO No. 82-167; AO No. 83-91(S); AO No. 84-14; AO No. 84-52; AO No. 85-58; AO No. 85-159; AO No. 85-91, 10-1-85; AO No. 85-216; AO No. 86-19; AO No. 86-78; AO No. 86-90; AO No. 86-171; AO No. 88-172; AO No. 88-171(S-1), 12-31-88; AO No. 89-35, 4-7-89; AO No. 88-147(S-2); AO No. 90-50(S); AO No. 91-35; AO No. 90-152(S); AO No. 91-90(S); AO No. 91-184; AO No. 92-7(S-2); AO No. 92-26; AO No. 92-93; AO No. 92-128(S); AO No. 92-129(S); AO No. 93-58; AO No. 93-148, § 1, 11-16-93; AO No. 94-62, § 2, 4-12-94; AO No. 95-68(S-1), §§ 2, 3, 8-8-95; AO No. 95-173, § 1, 11-14-95; AO No. 96-41, § 1, 3-5-96; AO No. 96-131(S), § 1, 10-22-96; AO No. 98-106, § 1, 7-21-98; AO No. 98-160, § 3, 12-8-98; AO No. 99-62, § 2, 5-11-99; AO No. 2000-119(S), § 8, 2-20-01; AO No. 2001-79(S), § 1, 5-8-01; AO No. 2001-80, § 1, 5-8-01)

Section 5. Anchorage Municipal Code section 15.50.020 is hereby amended and renumbered as subsection 21.40.230E. Anchorage Municipal Code section 15.50.030 is

hereby amended and renumbered as subsection 21.40.230F. Anchorage Municipal code section 21.40.230 is further amended to read as follows:

21.40.230 W watershed district.

[THE FOLLOWING STATEMENT OF INTENT AND USE REGULATIONS SHALL APPLY IN THE W DISTRICT:]

A. *Intent.* The watershed [THIS] district is intended to preserve and protect the potable water reserves available to the municipality in the Chugach Range east of the metropolitan area. The major responsibility in the management of watershed areas is the control of those factors liable to contaminate or pollute the water. Agricultural, residential, commercial, industrial, or other urban land uses are incompatible with the concept of watershed conservation. All uses of land within the watershed district, whether permitted by subsection B, C, or D of this section, shall be subject to the provisions of chapter [15.50] 21.67.

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Water reservoirs.

2. Water treatment plants.

3. Water pumping stations.

4. Water transmission lines.

5. Snow and water gauging stations.

6. High-voltage transmission lines.

7. Placer mining operations subject to a wastewater discharge permit issued by the state Department of Environmental Conservation.

8. Type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.

C. *Permitted accessory uses and structures.* Customary uses and buildings accessory to the principal uses are permitted, including but not limited to power lines and access roads.

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, certain uses, other than those listed under permitted principal uses and structures, may be permitted under the grant of a conditional use by the planning and zoning commission. Any conditional use granted under the authority of this subsection shall be conditioned on compliance with the provisions of this section and chapter 21.67 [CHAPTER

15.50]. In determining whether to grant a conditional use, the Planning and Zoning Commission shall:

1. Examine the petitioner's proposal for its impact on groundwater supplies and stream pollution, the effects of land development on surface water runoff and erosion, and the alteration of natural drainage patterns.

2. Solicit the technical advice of affected and knowledgeable public agencies, including but not limited to the municipal water utility, the U.S. Soil Conservation Service, the U.S. Geological Survey, the U.S. Corps of Engineers, the municipal Department of Health and Human Services, the municipal Development Services Department, the U.S. Bureau of Land Management and the state Division of Lands, and any private water utility company which may be affected by the proposed use.

3. Impose any conditions that it deems reasonable for attainment of the objectives of this district.

In addition, the commission may require the petitioner to submit engineering and other technical studies that will show the impact of proposed development on the hydrology of the affected area within the water district.

E. [15.50.020 WATERSHED DISTRICT -]*Prohibited uses.* [ACTS.] Within the watershed district no person shall commit any of the following acts without having a permit issued by the municipality [DEPARTMENT]:

1. Make use of any surface water, springs, or groundwater, whether flowing or not.

2. Obstruct, interrupt, or interfere with any surface or underground drainage, runoff, flow of water, or watercourse.

3. Construct any dam, ditch, dike, road, or trail.

4. Dig, excavate, drill, or otherwise disturb the surface or underground.

5. Remove, clear, or otherwise destroy by mechanical or chemical means any trees, brush, grass, plants, or other natural ground cover.

6. Cultivate, plow, sow, or plant any land.

7. Start or maintain any fire.

8. Maintain or store any combustible or flammable material.

9. Pollute, contaminate, discharge or dump any water, refuse, debris or material into any reservoir, pipeline, stream, rill, drainage, runoff, watercourse or other groundwater and surface water source or supply.

10. Use any sprays, chemicals, or insecticides.

11. Otherwise damage, injure, contaminate, pollute, obstruct, or interfere with the surface or underground in any manner that may affect the rainfall or precipitation and the collection, drainage, sources, supply, runoff, or watercourses of groundwater and surface water.

12. Fish or hunt except as permitted by state law.

13[B]. No person shall cause or permit a sewage disposal system to be located within the drainage of any watershed area used for or reserved for use as a source of public water supply.

F. [15.50.030] *Permits*.

1[A]. *Criteria for issuance.* No permit allowing any act otherwise prohibited by subsection E. [SECTION 15.50.020] shall be issued unless the applicant for the permit shall satisfy the municipality [DEPARTMENT] that any such act will not contaminate, interrupt, interfere with or injure the watershed district and water supply and shall meet the requirements set forth in [SUBSECTION B OF] this section.

2. *Compliance with applicable regulations.* No permit shall be issued pursuant to this section [CHAPTER] unless the act to be permitted complies with the water supply, waste disposal, and water pollution control laws and regulations of the state department of environmental conservation, the municipal Department of Health and Human Services, and the municipal Office of Planning, Development, and Public Works [AND THE DEPARTMENT AND IS A USE PERMITTED IN THE MUNICIPAL WATERSHED DISTRICT BY THE ZONING ORDINANCE OF THE MUNICIPALITY].

G[E]. *Minimum lot requirements*. There are no minimum lot requirements in this district.

H[F]. *Minimum yard requirements*. There are no minimum yard requirements in this district.

I[G]. *Maximum lot coverage by all buildings*. None.

J[H]. *Maximum height of structures*. Maximum height of structures is unrestricted, except that structures shall not interfere with Federal Aviation Administration regulations on airport approaches.

K[I]. *Signs*. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

(GAAB 21.05.050.R; AO No. 77-355; AO No. 84-34; AO No. 85-23; AO No. 99-62, § 27, 5-11-99)

Code Reviser – please add the following note:

Editor's note: AO 2002-___ added subsections E. and F., formerly codified as 15.50.020 and 15.50.030. The legislative history for section 15.50.020 includes CAC 10.56.030, 10.56.130, and GAAB 16.45.030.C. The legislative history for section 15.50.030 includes CAC 10.56.050 and 10.56.120.

Section 6. Anchorage Municipal Code Chapter 21.67 is hereby renamed and amended by adding two new sections to read as follows:

Chapter 21.67 WATER POLLUTION CONTROL [STORMWATER DISCHARGE]

21.67.010 Declaration of policy.

It is the policy of the municipality and the duty of the Office of Planning, Development, and Public Works to abate water pollution to improve the quality of the environment for the residents of the municipality. Anchorage Municipal Code Chapter 21.67 regulates water pollution and storm water discharge and shall be read in conjunction with other provisions of law, including but not limited to chapters 21.85 and 23.15.

21.67.020 Department jurisdiction.

Unless otherwise indicated, when used in this chapter *department* means the Office of Planning, Development and Public Works and *director* includes any designee.

Section 7. Anchorage Municipal Code sections 15.40.010, 15.40.020 and 15.40.040 are hereby repealed and re-enacted as section 21.67.030 to read as follows:

21.67.030 Prohibited discharges or acts.

A. No person shall cause or permit the illicit discharge of any of the following in such a manner that access was, is or will be gained to

1. any waters of the state, or waters of the United States, unless such is first treated in a manner approved by the state and local agencies having jurisdiction; or

2. to a storm sewer of the municipality, other than pursuant to an NPDES permit:

a. Grease, fatty materials, offal, or garbage;

b. Sand, sand dust, dirt, gravel, sawdust, metal filings, broken glass, or any material which may cause or create an obstruction in the sewer;

c. Gasoline, benzene, fuel oil, or a petroleum product or volatile liquid;

d. Milk or any liquid milk waste products in quantities in excess of ten gallons during any 24-hour period;

e. Wax, cyanide, phenols, or other chemical or substances that may cause damage to materials of which the sewer system is constructed;

f. Wastewater, as defined in section 15.65.010; or

g. Pollutants or any materials other than storm water which are prohibited by the Clean Water Act, National Pollutant Discharge Elimination System under 33 USC 1342 (1987) and regulations adopted thereunder located at 40 CFR 122, 123 and 124 (1990).

B. *Dumping in watercourse.* No person shall deposit, dump, abandon, throw, scatter, or transport solid waste, garbage, rubbish, junk, fill, soil, dirt or other material in such a manner as to obstruct, impound or cause siltation of any river, stream, creek, watercourse, ditch, drain, or gutter except as otherwise allowed by valid federal, state, or local permits or licenses relative to water pollution, water impoundment, or water quality control.

C. Any person who permits or causes any pollution identified in subsection A. of this section to be illicitly discharged in a manner which permits access to any waters of the state, or waters of the United States, or a municipal storm sewer, or who violates subsection B., shall report such discharge or violation to the municipal watershed manager and shall make available any information or records related to the contents of the substance discharged.

15.40.010 [WATER POLLUTION PROHIBITED.]

[NO PERSON SHALL CAUSE OR PERMIT ANY SEWAGE OR OTHER WASTES TO BE DISCHARGED INTO OR DISPOSED OF IN SUCH A MANNER THAT ACCESS WILL BE GAINED TO ANY WATERS OF THE STATE, OR WATERS OF THE UNITED STATES, UNLESS SUCH SEWAGE OR WASTES ARE FIRST TREATED IN A MANNER APPROVED BY THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND THE DIRECTOR OF THE MUNICIPAL DEPARTMENT OF HEALTH AND HUMAN

SERVICES OR HIS DESIGNEE.]

(GAAB 16.45.030.A; AO No. 85-8; AO No. 94-113, § 1, 8-25-94)

15.40.020 [PROHIBITED DISCHARGES.]

[A. NO PERSON MAY PERMIT OR CAUSE THE FLOW OF, OR ILLICITLY DISCHARGE, ANY OF THE FOLLOWING SUBSTANCES INTO A STORM SEWER OF THE MUNICIPALITY, OTHER THAN PURSUANT TO AN NPDES PERMIT:

1. GREASE, FATTY MATERIALS, OFFAL OR GARBAGE;
2. SAND, SAND DUST, DIRT, GRAVEL, SAWDUST, METAL FILINGS, BROKEN GLASS OR ANY MATERIAL WHICH MAY CAUSE OR CREATE AN OBSTRUCTION IN THE SEWER;
3. GASOLINE, BENZINE, FUEL OIL OR A PETROLEUM PRODUCT OR VOLATILE LIQUID;
4. MILK OR ANY LIQUID MILK WASTE PRODUCTS IN QUANTITIES IN EXCESS OF TEN GALLONS DURING ANY 24-HOUR PERIOD;
5. WAX, CYANIDE, PHENOLS OR OTHER CHEMICAL OR SUBSTANCES THAT MAY CAUSE DAMAGE TO MATERIALS OF WHICH THE SEWER SYSTEM IS CONSTRUCTED;
6. WASTEWATER, AS DEFINED IN SECTION 15.65.010; OR
7. POLLUTANTS OR ANY MATERIALS OTHER THAN STORMWATER WHICH ARE PROHIBITED BY THE CLEAN WATER ACT, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM UNDER 33 USC 1342 (1987) AND REGULATIONS ADOPTED THEREUNDER LOCATED AT 40 CFR 122, 123 AND 124 (1990).]

[B. ANY PERSON WHO PERMITS OR CAUSES ANY SEWAGE OR OTHER SUBSTANCES IDENTIFIED IN SUBSECTION A OF THIS SECTION TO BE DISCHARGED IN A MANNER WHICH PERMITS ACCESS TO A MUNICIPAL STORM SEWER SHALL REPORT SUCH DISCHARGE TO THE MUNICIPAL WATERSHED MANAGER AND SHALL MAKE AVAILABLE ANY INFORMATION OR RECORDS RELATED TO THE CONTENTS OF THE SUBSTANCE DISCHARGED.]

(CAC 11.16.030.C; AO No. 94-113, § 2, 8-25-94)

15.40.040 [DUMPING IN WATERCOURSE.]

[NO PERSON SHALL DEPOSIT, DUMP, ABANDON, THROW, SCATTER OR TRANSPORT SOLID WASTE, GARBAGE, RUBBISH, JUNK, FILL, SOIL, DIRT OR OTHER MATERIAL IN SUCH A MANNER AS TO OBSTRUCT, IMPOUND OR CAUSE SILTATION OF ANY RIVER, STREAM, CREEK, WATERCOURSE,

DITCH, DRAIN OR GUTTER EXCEPT AS OTHERWISE ALLOWED BY VALID FEDERAL OR STATE PERMITS OR LICENSES RELATIVE TO WATER POLLUTION, WATER IMPOUNDMENT OR WATER QUALITY CONTROL.]

(AO No. 79-63)

Section 8. Anchorage Municipal Code section 15.40.030 is hereby renumbered and amended to read as follows:

21.67.040 [15.40.030] Sewer construction standards.

No sewer, sewage treatment plant, or other facility shall be constructed, and no substantial change in any sewer, sewage treatment plant or other sewage facility, shall be made until plans and specifications conform with the requirements of the department and the state Department of Environmental Conservation.

(GAAB 26.10.020)

Section 9. Anchorage Municipal Code section 21.67.010 is hereby renumbered and amended to read as follows:

21.67.050[010] Storm water runoff restrictions and system plan review.

[A. DEFINITIONS. AS USED IN THIS CHAPTER:

STORMWATER MEANS SURFACE WATER RUNOFF ORIGINATING FROM SURFACE WATER, SNOWMELT, WASH WATERS, STREET WASH, SUBSURFACE DRAINAGE, OR OTHER DRAINAGE BUT EXCLUDES WASTEWATER AS DEFINED IN TITLE 15 OF THE ANCHORAGE MUNICIPAL CODE.]

A[B]. The director [OF PUBLIC WORKS] shall develop, implement, and maintain the Storm Water Treatment Plan Review Guidance Manual, incorporated herein by reference, which shall be used to develop, review, and approve storm water runoff system plans for projects which discharge storm water into or onto land, surface water, or groundwater within the municipality. [ANCHORAGE MUNICIPAL CODE CHAPTER 21.67 REGULATES STORMWATER DISCHARGE AND SHALL BE READ IN CONJUNCTION WITH OTHER PROVISIONS OF LAW, INCLUDING BUT NOT LIMITED TO, CHAPTERS 15.40, 15.50, 15.65, 21.85 AND 23.15. DEVELOPMENTS IN SUBDIVISIONS AND ON INDIVIDUAL LOTS SHALL CONFORM TO OTHER PROVISIONS OF LAW.]

B[D]. Any person who constructs, alters, installs, modifies, or operates a storm water treatment or disposal system shall comply with the Storm Water Treatment Plan Review Guidance Manual established by the director [OF PUBLIC WORKS] regarding storm water runoff system plan requirements and plan reviews, and if necessary, gather data to confirm storm water conditions.

C[E]. If construction, alteration, installation, modification or operation has not begun within one year [TWO YEARS] after issuance of plan approval, the approval is void, and plans shall be resubmitted to the department [OF PUBLIC WORKS] for review and approval.

D[C]. The director [DEPARTMENT OF PUBLIC WORKS] may, in his [ITS] discretion, issue a project-wide approval to a person who plans to conduct an operation with the same runoff characteristics at various discharge locations. The director [DEPARTMENT OF PUBLIC WORKS] may, in his [ITS] discretion, require the submission of site-specific plans, including a schedule and description of all planned discharge activities, for approval. The director [DEPARTMENT OF PUBLIC WORKS] may, in his [ITS] discretion, restrict that approval to certain proposed discharge activities. [IN ADDITION TO THE APPLICABLE APPROVAL FEE REQUIRED UNDER SUBSECTION F. OF THIS SECTION,] T[t]he applicant shall pay to the department [OF PUBLIC WORKS] the fee required under section 21.67.060 [SUBSECTION ____F. OF THIS SECTION] for each site-specific plan review. The applicant shall pay the fee prior to permit issuance [AT THE TIME A SITE-SPECIFIC PLAN IS SUBMITTED TO THE DEPARTMENT OF PUBLIC WORKS, OR AT THE TIME OF PERMIT ISSUANCE].

E. See attached amendment.

[F. BEFORE THE DEPARTMENT OF PUBLIC WORKS MAY ISSUE APPROVAL UNDER THIS SECTION, A PERSON SEEKING THE APPROVAL SHALL PAY THE DEPARTMENT OF PUBLIC WORKS AT THE TIME OF APPLICATION A FEE TO BE SET BY REGULATION.]

[G. IF THE APPLICANT FOR APPROVAL UNDER THIS SECTION WITHDRAWS THE APPLICATION BEFORE APPROVAL IS ISSUED, OR IF THE DEPARTMENT OF PUBLIC WORKS DENIES THE APPLICATION, THE UNUSED BALANCE OF THE FEE, IF ANY, SHALL BE RETURNED TO THE APPLICANT. THAT PORTION OF THE FEE USED TO REVIEW AND PROCESS THE APPLICATION BEFORE IT WAS WITHDRAWN OR DENIED SHALL BE COMPUTED BY THE DEPARTMENT OF PUBLIC WORKS. THE COMPUTATION SHALL BE BASED UPON A CHARGE OF $65.00 PER HOUR FOR STAFF TIME SPENT IN REVIEWING AND PROCESSING THE APPLICATION, PLUS ANY COSTS INCURRED BY THE DEPARTMENT OF PUBLIC WORKS. A COPY OF THE COMPUTATION SHALL BE PROVIDED TO THE APPLICANT.]

(AO No. 98-010(S), § 1, 8-18-98)

Section 10. Anchorage Municipal Code of Regulations sections 21.67.001 and 21.67.003 are hereby repealed. Anchorage Municipal Code Chapter 21.67 is amended by adding a new section 21.67.060 to read as follows:

21.67.060 Fees.

Amendment to AO 2002-117
Section E

Any person who performs mechanized land clearing (chainsaws excluded) on undeveloped lots of two acres or more, with no building permit must have a land clearing permit issued by the director and shall comply with the Storm Water Treatment Plan Review Guidance Manual regarding storm water runoff requirements and plan reviews. A temporary native vegetation buffer shall be retained on the perimeter of any undeveloped lot of two acres or more during land clearing equal to or greater than the specified minimum yard setback for that site's zoning district. This buffer shall be at least 15 feet wide on the perimeter of lots in commercial and industrial zoning districts, except where these are adjacent to PLI and/or residential zoning districts, where the temporary buffer shall be a minimum of 30 feet wide. Those buffers of temporary native vegetation in commercial and industrial zoning districts not essential to the parcel's development shall be retained and protected from disturbance.

This provision shall be reviewed one year from the date of passage.

A. A fee schedule, as follows, is hereby established for stormwater plan reviews and inspections. A municipal stormwater permit will not be issued without prior payment of the fees set out below. Inspections shall not be deemed completed until the fees for such inspections have been paid.

B. *Fees for stormwater plan review.* The stormwater plan review fee for buildings, structures, fill, excavation, clearing and grubbing, or grading shall be:

1. For buildings and structures:

Area of land disturbance	**Plan Review Fee**
Less than 500 square feet	No fee
Greater than or equal to 500 square feet but less than 10,000 square fee	$150.00
Greater than or equal to 10,000 square feet, but less than 1 acre (43,560 square feet)	$300.00
Greater than or equal to one (1) acre but less than five (5) acres (217,800 square feet)	$450.00
Greater than five (5) acres	$600.00

2. For fill, excavation, or grading:

Amount of Material	**Plan Review Fee**
50 cubic yards or less	No fee
51 to 100 cubic yards	$15.00
101 to 1,000 cubic yards	$22.00
1,001 to 10,000 cubic yards	$30.00
10,001 to 100,000 cubic yards	$30 for the first 10,000 cubic yards, plus $15.00 for each additional 10,000 cubic yards or fraction thereof
100,000 cubic yards or more	$165.00 for the first 100,000 cubic yards, plus $9.00 for each additional 10,000 cubic yards or fraction thereof

3. For street, right-of-way, and public improvement projects, the storm water plan review fee will be as stated in Anchorage Municipal Code Section 24.20.040.

4. Inspection fees:

Commercial permits	$520.00
Commercial permit, land use area	$520.00
Single family/duplex	$150.00
Single family/duplex, land use area	$175.00

Re-inspection	$150.00

5. Other fees:

a.	Additional storm water treatment plan review required for changes, additions, or revisions to approved plans:	$100.00 per hour with one-half hour minimum charge.
b.	Storm water treatment plan site investigations or inspections:	$100.00 per hour with one-hour minimum charge.
c.	Code compliance inspections:	$70.00 per hour per inspector with one-hour minimum charge.
d.	Requested code compliance inspections outside normal business hours:	$100.00 per hour with two-hour minimum charge.
e.	Requested code compliance inspections on Sundays and holidays:	$140.00 per hour with two-hour minimum charge.

C. The director may authorize refunding of a fee paid hereunder, which was erroneously paid or collected, or refunding not more than 80 percent of the fee paid when an application for a permit is withdrawn or canceled before any examination time has been expended.

D. The director shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 360 days after the date of fee payment.

Section 11. Anchorage Municipal Code section 15.40.060 is hereby renumbered and amended to read as follows:

21.67.070[15.40.060] Inspections.

A. *Inspections authorized.* The director [WATERSHED MANAGER] or law enforcement officials may, without an administrative inspection warrant, during the normal working hours of a business or activity, and upon presentation of proper identification, inspect those nonresidential [INDUSTRIAL] facilities, construction sites, premises, or areas for the purpose of determining whether the owner or operator thereof is conducting that business or activity in accordance with the specific requirements of this chapter. If inspection or access is denied, any permits issued under this chapter may be immediately suspended until an inspection is conducted. Permittees, owners or operators shall immediately stop all work upon the site being posted with a stop work order for failure to allow inspection. Fees for inspections shall be paid in accordance with section 21.67.060.

B. *Administrative inspection warrants.* No inspection for which a warrant would be required under the constitution of the state or the United States may be conducted under this section unless the director [WATERSHED MANAGER] or law enforcement officials first obtains an administrative inspection warrant authorizing that inspection, and if possible exhibit the warrant to the owner or operator of the activity. In cases where it is constitutionally required, the director [WATERSHED MANAGER] or law enforcement officials shall apply to the trial courts of the state for inspection warrants and shall state the name and address of the controlled premises to be inspected, the authority to make the inspection, the nature and extent of the inspection, and the facts demonstrating the need for the administrative inspection. The court shall issue a warrant if it finds that issuance is constitutionally permissible. Warrants issued under this section shall be exhibited to persons in control of premises described in the warrant and shall be executed peaceably, without violence or harm to persons or property, if possible. Warrants issued under this section shall be returned to the court within ten days.

C. *Production of records.* At the request of the director [WATERSHED MANAGER] or law enforcement officials, and during normal working hours, owners or operators of [INDUSTRIAL] facilities, construction sites, premises, or areas, or persons having custody of such records shall produce and make available for inspection and copying all records or information required to be maintained or reported under the provisions of this chapter.

D. *Inspection without warrant.* In addition to inspections of [BUSINESS OR INDUSTRIAL] facilities under subsections A through C of this section, the director [WATERSHED MANAGER] or any law enforcement official, may, without an administrative inspection warrant, inspect any property or facilities suspected as the source of illicit discharges in violation of 33 USC 1342 (1987), as amended. If a warrant is constitutionally required, then it must comply with the requirements of subsection B of this section.

E. *Inspection prior to work.* All construction or development requiring the installation of storm water treatment methods shall be inspected, as resources allow, prior to any demolition or construction activity on the site, including the removal of vegetation commonly known as clearing and grubbing.

(AO No. 94-113, § 4, 8-25-94)

Section 12. Anchorage Municipal Code section 15.40.070 is hereby repealed. Anchorage Municipal code chapter 21.67 is hereby amended by adding a new section to read as follows:

21.67.080 Penalties.

A. All sites operating without approved and properly installed storm water treatment methods may be immediately posted with a stop work order and shall pay double fees for all required permits or inspections under this chapter, in addition to any fines which may be assessed. In addition to any other

remedy permitted by law, including injunctive relief, fines may be assessed for failure to have a permit or approved plan, failure to allow inspections, or failure to obey a properly issued stop work order.

B. Any person who negligently or intentionally permits or causes a discharge in violation of this chapter shall, upon conviction, be subject to a civil fine penalty of up to $1000.00, or injunctive relief to cease the violation, or both. In addition to any fine assessed under this section, any person who violates any provision of this chapter or any rule or regulation adopted pursuant to this chapter shall be subject to a further civil penalty of up to double the cleanup and remediation costs incurred as a result of the violation.

C. Any person who permits or causes a discharge in violation of this chapter shall be strictly liable, regardless of intent, for the full amount of any fines or other liquidated penalties incurred by the municipality for any violations of federal law which are caused by the discharge.

15.40.070 [Penalties.]

[A. ANY PERSON WHO NEGLIGENTLY OR INTENTIONALLY PERMITS OR CAUSES A DISCHARGE IN VIOLATION OF SECTION 15.40.010, SECTION 15.40.020 OR SECTION 15.40.040 SHALL, UPON CONVICTION, BE SUBJECT TO A CIVIL FINE PENALTY OF UP TO $300.00, OR INJUNCTIVE RELIEF TO CEASE THE VIOLATION, OR BOTH. IN ADDITION TO ANY FINE ASSESSED UNDER THIS SECTION, ANY PERSON WHO VIOLATES ANY PROVISION OF THIS CHAPTER OR ANY RULE OR REGULATION ADOPTED PURSUANT TO THIS CHAPTER SHALL BE SUBJECT TO A FURTHER CIVIL PENALTY OF UP TO DOUBLE THE CLEANUP AND REMEDIATION COSTS INCURRED AS A RESULT OF THE VIOLATION.]

[B. ANY PERSON WHO PERMITS OR CAUSES A DISCHARGE IN VIOLATION OF THIS CHAPTER SHALL BE STRICTLY LIABLE, REGARDLESS OF INTENT, FOR THE FULL AMOUNT OF ANY FINES OR OTHER LIQUIDATED PENALTIES INCURRED BY THE MUNICIPALITY FOR ANY VIOLATIONS OF FEDERAL LAW WHICH ARE CAUSED BY THE DISCHARGE.]

[C. THE PROVISIONS OF THIS CHAPTER MAY BE ENFORCED BY THE WATERSHED MANAGER OR ANY LAW ENFORCEMENT OFFICER.]

(AO No. 94-113, § 5, 8-25-94)

Section 13. This ordinance shall be effective immediately upon passage and approval by the Anchorage Municipal Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 28th day of January, 2002.

Chair

ATTEST:

Municipal Clerk
Acting

G:\MAT\OPEN MATTERS\Title 21 - NPDES Authority\law draft 9-3-02.DOC

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2002-117

Title: Changes to AMC 21.67 and implementation of inspection requirements for the National Polution Discharge Elimination System

Sponsor: The Office of Planning Development and Public Works

Preparing Agency: Development Services Department

Others Impacted: Project Management and Engineering Department

CHANGES IN EXPENDITURES AND REVENUES: **(In Thousands of Dollars)**

	FY01	FY02	FY03	FY04	FY05
Operating Expenditures					
1000 Personal Services		$57.9	$89.0	$93.5	$98.2
2000 Non-Labor		$14.0	$12.0	$12.0	$14.0
3900 Contributions		$56.0	$0.0	$0.0	$0.0
4000 Debt Service		$0	$0.0	$0.0	$0.0
TOTAL DIRECT COSTS:	$ -	$ 127.9	$ 101.0	$ 105.5	$ 112.2
Add: 6000 Charges from Others		$0	$0.0	$0.0	$0.0
Less: 7000 Charges to Others		$0	$0.0	$0.0	$0.0
FUNCTION COST:	$ -	$ 127.9	$ 101.0	$ 105.5	$ 112.2
REVENUES:		$ 127.9	$ 101.0	$ 105.5	$ 112.2
CAPITAL:					

POSITIONS: FT/PT and Temp **One full time and one six month temporary**

PUBLIC SECTOR ECONOMIC EFFECTS:

Possible minor increases in cost to the tax base. The permit fees will have to be monitored to insure any increased costs are passed on to the user, not the tax payers.

PRIVATE SECTOR ECONOMIC EFFECTS:

Increased permit costs
$520 for commercial projects
Up to $175 for single family and duplex homes

Prepared by: Joe W. Murdy Telephone: 8194

Validated by OMB: T. Rogers / Cheryl Frasca Date: 3-18-02 / 7/22/02

Approved by: Joe W. Murdy Date: 7-22-02
(Director, Preparing Agency)

Concurred by: Date:
(Director, Impacted Agency)

Approved by: Date:

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 717-2002

Meeting Date: October 15, 2002

From: Mayor

Subject: AO 2002-117 Planning and Zoning Commission Recommendation on an ordinance amendment to various chapters of Anchorage Municipal Code Titles 4, 14, 15 and 21 to implement the National Pollution Discharge Elimination System program.

On September 9, 2002, the Planning and Zoning Commission approved the ordinance amendment to implement the National Pollution Discharge Elimination System program.

The Development Services and the Law Departments have developed this ordinance to implement the responsibilities in administering the National Pollution Discharge Elimination System. The ordinance amendment adds the review and appeal authority for NPDES (National Pollutant Discharge Elimination System) requirements to the quasi-judicial On-Site Wastewater Systems Technical Review Board. It also defines fines for violations in AMC 14.60. It defines the authority of the Planning and Zoning Commission in regards to changes and amendments to AMC Title 21. It rewrites AMC Chapter 15.40 as AMC 21.67 and transfers authority for administering surface water and NPDES matters from the DHHS to the Office of Planning, Development and Public Works. The amendment also adds inspection fees for the NPDES portion of construction projects.

Approval of this ordinance is recommended.

Reviewed by:

Harry J. Kieling, Jr.
Municipal Manager

Reviewed by:

Pat Craig E. Campbell, Executive
Director Office of Planning, Development
and Public Works

Respectfully submitted,

George P. Wuerch
Mayor

Prepared by:

Susan R. Fison, Director
Planning Department

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2002-060

A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE (AO 2002-117) AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 21.10, 21.35, 21.40 AND 21.67 TO IMPLEMENT THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM

(Case 2002-193)

WHEREAS, the Planning and Zoning Commission reviewed the ordinance amendments at its September 9, 2002 meeting and considered the ordinance amendments; and

WHEREAS, the Planning and Zoning Commission has evaluated the ordinance amendments and believes the ordinance amendments will help consolidate the various municipal code provisions to reflect organizational changes in administering the (NPDES) National Pollution discharge Elimination System Program; and

WHEREAS, the ordinance amendment adds the review and appeal authority for NPDES requirements to the quasi-judicial On-Site Wastewater Systems Technical Review Board; and

WHEREAS, the ordinance defines the authority of the Planning and Zoning Commission in regards to changes and amendments to AMC Title 21; and

WHEREAS, the ordinance rewrites AMC Chapter 15.40 as AMC 21.67 and transfers authority for administering surface water and NPDES matters from the DHHS to the Office of Planning, Development and Public Works; and

WHEREAS, the amendment also adds inspection fees for the NPDES portion of construction projects.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Planning and Zoning Commission that the ordinance is recommended for approval.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission this 9th day September 2002.

Susan R. Fison Secretary	Toni Jones Chair

(2002-071)

DRAFT

decline over time. If this use, as represented it will be, will address this problem by anchoring the residential neighborhood from the commercial use with a residential facility that will be well maintained and supervised.

Main Motion
AYE: Starr, Adams, Klinkner, Penney, Brown, Jones, Coffey, Knepper, Klein
NAY: None

PASSED

4. 2002-193 Municipality of Anchorage. An Ordinance amending and renumbering sections of Anchorage Municipal Code Chapters 21.67, 15.40, 15.50 and Anchorage Municipal Code of Regulations Chapter 21.67 regarding Stormwater and Watershed Management; and amending Anchorage Municipal Code Sections 4.40.150, 14.60.030, 21.10.015, and 21.40.230 to provide for implementation and enforcement of Stormwater and Watershed Management.

JOE MURDY, Director of Development Services, explained this project came before the Assembly approximately 6 years ago, but it was voted down because EPA did not want to fund it. A federal judge said it is required, so this ordinance has been brought forward. He explained this must be done immediately in order to meet minimum EPA standards or the Municipality would be subject to what is currently a $27,500 fine. He noted that EPA has reviewed this proposed ordinance and found it acceptable and the fine will not be levied, if the ordinance is adopted.

COMMISSIONER KLEIN favored the ordinance. He asked whether there is staffing or money budgeted for staffing with respect to handling potential fines, inspections, etc. MR. MURDY stated there is one full time staff member and the program manager, who is responsible for septic tanks and wells. There is also an individual who works 6 months through the summer peak season. There are fees for accomplishing the inspections, which will be held in

abeyance until the first of the year during which time inspectors will inform contractors of the requirements they must meet.

COMMISSIONER COFFEY noted the ordinance refers to a map, which is not before the Commission. JIM CROSS with DHHS stated there is a watershed map. He explained that language is not a change to this ordinance. COMMISSIONER COFFEY noted the new provision on page 018 of the packet, line 23 adding the word "construction sites" and page 019, lines 30-36, that "All construction development requiring stormwater treatment methods shall be inspected, as resources allow, prior to any demolition or construction activity on the site, including the removal of vegetation commonly known as clearing and grubbing." He noted there are ongoing meetings regarding a land clearing ordinance proposed by Assemblymember Shamberg, however, this ordinance refers to clearing and grubbing. MR. MURDY stated that ordinance was sponsored by an Assemblymember and the Administration does not support it. COMMISSIONER COFFEY asked if this ordinance is intended to address NPDES requirements by requiring permitting and inspection for all construction sites. MR. MURDY replied that it does, insofar as stormwater. MR. CROSS indicated the language on page 019 of the packet talks about development that occurs "prior to any demolition or construction activity on the site." The other ordinance deals with activity that is only clearing and grubbing. COMMISSIONER COFFEY assumed that this ordinance would be part of the discussion on the land clearing ordinance.

COMMISSIONER KLEIN stated this document and the document handed out by Mr. Holtan at the last meeting held regarding the land clearing ordinance are identical. MR. CROSS stated the two ordinances are completely separate. This proposed ordinance is primarily housekeeping and deals with NPDES inspection requirements. There is language regarding clearing and grubbing on construction projects. The ordinance proposed by Assemblymember Shamberg deals with clearing of a lot.

The public hearing was opened and closed without public testimony.

COMMISSIONER KLEIN moved for approval of the ordinance as presented.

COMMISSIONER BROWN seconded.

COMMISSIONER KLEIN stated that, being involved with the land clearing ordinance committee and having listened to the items that have been discussed, including concerns with stormwater, he believed this document addresses those major concerns. He noted that approval of this document will help bring the Municipality into compliance with EPA requirements. This ordinance does not necessarily tie into the ordinance proposed by Assemblymember Shamberg, but it does address some of the same concerns.

COMMISSIONER COFFEY asked if taking the provisions in AMC 21.67 from the purview of the Planning and Zoning Commission is being done because that now goes to the body of experts in watershed management. MR. CROSS replied that the On-Site Technical Review Board that will be the appeals board for this ordinance is comprised of four civil engineers, one health professional, and two homeowners. It is a technical and quasi-judicial board.

AYE: Starr, Adams, Klinkner, Penney, Brown, Jones, Coffey, Knepper, Klein
NAY: None

PASSED

5. 2002-152 Fire Department, Municipality of Anchorage. Site selection for Fire Station #14.

POSTPONED TO OCTOBER 7, 2002

6. 2002-141 George S. Rhyneer. A request to rezone approximately 2.5 acres from PLI to R-1. Located east of Eagle River Road, west of Old Eagle River Road, and south of Firehouse Lane.

Staff member ANGEL CHAMBERS stated 73 public hearing notices were mailed, 1 was returned undeliverable, 2 letters of support were provided from neighbors, and there was no Community Council response. The applicants own this parcel, as well as the adjacent parcel. A house and garage are located on Lot 2, which is

G.4.

MUNICIPALITY OF ANCHORAGE
PLANNING DEPARTMENT
MEMORANDUM

DATE: September 5, 2002

TO: Planning and Zoning Commission

FROM: Jerry T. Weaver, Jr., Zoning Manager

SUBJECT: Ordinance amending the Municipal code to provide review appeal procedures for NPDES (National Pollution Discharge Elimination System)

The Development Services Department and the Law Department have developed this ordinance to implement the responsibilities in administering the National Pollution Discharge Elimination System.

The ordinance amendment adds the review and appeal authority for NPDES (National Pollutant Discharge Elimination System) requirements to the quasi-judicial On-Site Wastewater Systems Technical Review Board. It also defines fines for violations in AMC 14.60. It defines the authority of the Planning and Zoning Commission in regards to changes and amendments to AMC Title 21. It rewrites AMC Chapter 15.40 as AMC 21.67 and transfers authority for administering surface water and NPDES matters from the DHHS to the Office of Planning, Development and Public Works. The amendment also adds inspection fees for the NPDES portion of construction projects.

The comments from AWWU indicating the need to eliminate 15.40 in its entirety will be addressed in the final ordinance when submitted to the Municipal Assembly. No other changes are recommended to the Title 21 portions and staff recommends that the Planning and Zoning Commission approve the proposed ordinance revisions for AO 2002-117.

Pierce, Eileen A

From: Cross, Jim E. (Dev Svs)
Sent: Wednesday, September 04, 2002 4:22 PM
To: Pierce, Eileen A
Cc: Weaver, Jerry T.
Subject: 2002 - 193, Ordinance Amendment

This Ordinance Amendment adds the review and appeal authority for NPDES (National Pollutant Discharge Ellimination System) requirements to the quasi-judicial On-Site Wastewater Systems Technical Review Board. It also defines fines for violations in AMC 14.60. It defines the authority of the Planning and Zoning Commission in regards to changes and amendments to AMC Title 21. It rewrites AMC Chapter 15.40 as AMC 21.67 and transfers authority for administering surface water and NPDES matters from the DHHS to the Office of Planning, Development and Public Works. The amendment also adds inspection fees for the NPDES portion of construction projects.

In responce to the comments we received concerning the Ordinance Amendment:

- Gregory Soule had four comments. They are answered in order

1. This is covered in 21.67.030.A.1 Prohibited Discharge or Acts.

2. The generic word "dirt" includes "silt".

3. This requirement is already included in 21.45.210. No need for duplication.

4. Handout requirements are not appropriate for inclusion in Municipal Code. This requirement is covered in the section's SOP.

- Sandra L. Cook with Alaska DOT is correct that the MOA does not review DOT projects. They are reviewed by the Alaska Department of Environmental Conservation, and this will not change.

- Sandy Notestine with AWWU had 12 comments and they are addressed in order:

1. We agree and will revise to repeal 15.40 in its entirety.

2. The On-Site Systems Technical Review Board is the only board with review authority for AMC 21.67. AWWU may propose revisions, but all board review is conducted by this one board.

3. Not Applicable to this code change.

4. Not Applicable to this code change.

5. Yes, and it has been included.

6. Yes. See comment number 1 also.

7. Covered under comment number 1.

8. Not Applicable to this code change.

002

9. No, there is no need to reference AWWU Water and Sewer Tarrifs.

10. 15.40 will be repealed in its entirety. See note number 1.

11. This is covered by the Alaska Department of Environmental Conservation.

12. No. The authority was transferred and this is a consolidation into another area wide ordinance.

Jim

James Cross PE
Program Manager, On-Site
Office: 907 343-7906
Fax: 907 249-7839
e-mail: crossje@ci.anchorage.ak.us
http://www.muni.org/onsite/

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2002-117

Title: Changes to AMC 21.67 and implementation of inspection requirements for the National Polution Discharge Elimination System

Sponsor: The Office of Planning Development and Public Works

Preparing Agency: Development Services Department

Others Impacted: Project Management and Engineering Department

CHANGES IN EXPENDITURES AND REVENUES: **(In Thousands of Dollars)**

	FY01	FY02	FY03	FY04	FY05
Operating Expenditures					
1000 Personal Services		$57.9	$89.0	$93.5	$98.2
2000 Non-Labor		$14.0	$12.0	$12.0	$14.0
3900 Contributions		$56.0	$0.0	$0.0	$0.0
4000 Debt Service		$0	$0.0	$0.0	$0.0
TOTAL DIRECT COSTS:	$ -	$ 127.9	$ 101.0	$ 105.5	$ 112.2
Add: 6000 Charges from Others		$0	$0.0	$0.0	$0.0
Less: 7000 Charges to Others		$0	$0.0	$0.0	$0.0
FUNCTION COST:	$ -	$ 127.9	$ 101.0	$ 105.5	$ 112.2
REVENUES:		$ 127.9	$ 101.0	$ 105.5	$ 112.2
CAPITAL:					

POSITIONS: FT/PT and Temp **One full time and one six month temporary**

PUBLIC SECTOR ECONOMIC EFFECTS:

Possible minor increases in cost to the tax base. The permit fees will have to be monitored to insure any increased costs are passed on to the user, not the tax payers.

PRIVATE SECTOR ECONOMIC EFFECTS:

Increased permit costs
$520 for commercial projects
Up to $175 for single family and duplex homes

Prepared by: Joe W. Murdy Telephone: 8194

Validated by OMB: T. Rogers / Cheryl Frasca Date: 3-18-02 / 7/22/02

Approved by: Joe W. Murdy Date: 7-22-02
(Director, Preparing Agency)

Concurred by: Date:
(Director, Impacted Agency)

Approved by: Date:

021

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 717-2002
Meeting Date:

From: Mayor

Subject: AO 2002- 117 ; repeal or amendment to sections of Anchorage Municipal Code chapters 21.67, 15.40, 15.50 and Anchorage Municipal Code of Regulations 21.67, and amendment of Anchorage Municipal Code sections 4.40.150, 14.60.030, 21.10.015 and 21.40.230 to Comply with the National Pollution Discharge Elimination System (NPDES) Stormwater Permit Requirements of the Clean Water Act.

Two years ago, the responsibility for the National Pollution Discharge Elimination System (NPDES) storm-water permit transferred from the Department of Health and Human Services to the Office of Planning, Development, and Public Works, but municipal code was not amended.

This ordinance requests the repeal or amendment of various code sections to carry our implementation and enforcement of the NPDES requirements. It is the intent to preserve all previous interpretations of the various renumbered code sections, except to the extent they have been specifically amended, into the revised AMC Chapter 21.67.

Additionally, the ordinance creates a storm-water inspection program for commercial and residential construction permits, which is a requirement of the NPDES storm-water permit. Failure to implement an inspection program places the Municipality of Anchorage in violation of a federal requirement that carries a potential fine of $27,500 per day under the Clean Water Act. Other code changes allow for administrative appeals to the On-site Wastewater System Technical Review Board.

The manpower required for an inspection program is estimated to be one full-time permanent inspector and one six-month temporary inspector. These positions will also require vehicles, cell phones, computers, lab services, cameras, and office supplies. Fees have been calculated to cover the cost to provide the inspection (see accompanying ordinance section 21.67.060 Fees).

THE ADMINISTRATION RECOMMENDS APPROVAL OF THE ORDINANCE.

1 Concur:

Harry J. Kieling, Jr.
Municipal Manager

Recommended by:

Craig E. Campbell, Executive Director
Office of Planning, Development, and
Public Works

Respectfully submitted,

George P. Wuerch
Mayor

Prepared by:

Joe W. Murdy, Director
Development Services Department

Case #: **2002-193**
Type: **Ordinance amendment (stormwater and watershed management)**

PROJECT MANAGEMENT AND ENGINEERING

Recommendations: Project Management and Engineering has no adverse comment regarding this case.

(Reviewer: Gregory Soule)

FLOODPLAIN

N/A

(Reviewer: Jack Puff)

LAND USE ENFORCEMENT

Land Use Enforcement has no adverse comment regarding this case. These provisions of the code will be enforced by On-site Services inspectors, not Land Use Enforcement officers.

(Reviewer: Don Dolenc)

RIGHT-OF-WAY

We have no comment at this time.

(Reviewer: Lynn McGee)

ADDRESSING

I have no comments on this case.

(Reviewer: Ted Ringstad)

BUILDING SAFETY PLAN REVIEW AND INSPECTION

I have no comments on this case.

(Reviewer: James Gray, P.E.)

NPDES STORM WATER REVIEW

Section 21.67.030 A 2. should read: "to a storm sewer of the municipality, unless such is treated in a manner approved by the municipal Project Management and Engineering department, and written departmental approval has been obtained prior to discharge."

Subsection b of the above section should include "silt"

Section 21.67.030 B should include "remove or disturb vegetation in required stream protection setbacks as defined in 21.45.210, or in required preservation wetlands setback as defined in the Anchorage Wetlands Management Plan" as a prohibited act.

Section 21.67.050(010) B(D) should include a statement that requires a copy of MOA handout #57, signed by the project owner (or a duly authorized representative) to be provided with ALL building permit applications or fill and grading permit applications.

(Reviewer: Gregory Soule)

Department position: If approval of this case is granted, Development Services recommends the following:

1. Section 21.67.030 A 2. should read: "to a storm sewer of the municipality, unless such is treated in a manner approved by the municipal Project Management and Engineering department, and written departmental approval has been obtained prior to discharge."
2. Subsection b of the above section should include "silt"
3. Section 21.67.030 B should include "remove or disturb vegetation in required stream protection setbacks as defined in 21.45.210, or in required preservation wetlands setback as defined in the Anchorage Wetlands Management Plan" as a prohibited act.
4. Section 21.67.050(010) B(D) should include a statement that requires a copy of MOA handout #57, signed by the project owner (or a duly authorized representative) to be provided with ALL building permit applications or fill and grading permit applications.

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

TONY KNOWLES, GOVERNOR

4111 AVIATION AVENUE
P.O. BOX 196900
ANCHORAGE, ALASKA 99519-6900
(TDD 269-0473)
(907) 269-0520 (FAX 269-0521)

August 15, 2002

RE: MOA Zoning Comments

Mr. Jerry Weaver, Platting Officer
Department of Development & Planning
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650

Dear Mr. Weaver:

The Department of Transportation and Public Facilities (ADOT&PF) reviewed the following zoning cases and has no comment:

2002-192 Sec 16 Tract C, 3651 O'Malley Road, O'Malley's on the Green

Comments:
2002-158 Site Plan: for a public school: The site plan is consistent with the scooping meetings held in 2001. The Department requests the following: 1) Internal signing be consistent with MOA and ADOT& PF previous discussions with the district. 2) A site signing and striping plan be presented to ADOT& PF for review as part of the civil/site construction documents for 2002.

2002-193 An ordinance amending Title 21: The Department is concerned that these changes might limit our ability to maintain our right-of-way. If our roads or state right-of-way is located in the areas that prohibit the activities listed in section E, further maintenance or activities in state right-of-way would not be subject to permitting by the Municipality. A process already exists between the State Department of Environmental Conservation and ADOT&PF for water quality permitting.

Thank you for the opportunity to comment on these zoning cases. If you have any questions, please contact me at 269-0522.

Sincerely,

Sandra L. Cook
Area Planner

/eh

Pierce, Eileen A

From: Cartier, Richard D.
Sent: Friday, August 16, 2002 2:41 PM
To: Pierce, Eileen A
Subject: FW: Case 2002-192 and Case 2002-193

Municipal Light and Power

ENGINEERING DIVISION MEMORANDUM

Date: 16 August 2002

TO: Rich Cartier, Planning Department

FROM: Mio Johnson, Assistant to Chief Engineer

SUBJECT: **Case 2002-192 and Case 2002-193**

ML&P has reviewed Case 2002-192, a conditional use for a golf course alcohol license and Case 2002-193, an ordinance amending Title 21 and has no comments.

Pierce, Eileen A

From: Cartier, Richard D.
Sent: Tuesday, August 13, 2002 11:47 AM
To: Weaver, Jerry T.; Pierce, Eileen A
Subject: FW: Case 2002-193 Amending Title 21 21.67, 15.40 & 15.50, Stomwater & Watershed Management, 4.40.150, 14.60.030, 21.10.015 & 21.40.230

FYI

-----Original Message-----
From: Notestine, Sandy D
Sent: Tuesday, August 13, 2002 11:43 AM
To: Cartier, Richard D.
Cc: Keefer, Don C
Subject: RE: Case 2002-193 Amending Title 21 21.67, 15.40 & 15.50, Stomwater & Watershed Management, 4.40.150, 14.60.030, 21.10.015 & 21.40.230

I have several questions that I will send to Don Keefer today. The attached are my questions, but I need answers before I can provide comments for AWWU.

Case 2002-193.doc

-----Original Message-----
From: Notestine, Sandy D
Sent: Monday, August 12, 2002 5:11 PM
To: Cartier, Richard D.
Cc: Keefer, Don C; Bennett, Wayne
Subject: Case 2002-193 Amending Title 21 21.67, 15.40 & 15.50, Stomwater & Watershed Management, 4.40.150, 14.60.030, 21.10.015 & 21.40.230

Need more time to review. Can't get it to you today. I just received on Thursday. Can I have an extension for AWWU comments?

Review of Zoning Case 2002-193
By Sandy Notestine

Questions/Comments:

1. It appears Chapter 15.40 is repealed in its entirety except for definitions in Section 15.40.050, and Penalties from 15.40.070 (unless I missed them). So, there is still a Chapter 15.40 entitled the same as 21.67 "Water Pollution Control". I would suggest moving these sections under 21.67 also and repealing 15.40 in its entirety (or moving it all under 15.40).

2. 4.40.150 is entitled "On-site wastewater system technical review board". Are they the only ones with review authority for chapter 21.67 and Chapter 15.65? What about AWWU? Or does AWWU have a review authority resting under another Chapter, which also needs revision to include reference to Chapter 21.67?

3. Without the review of the watershed district maps on-line...Is Eklutna Lake part of the watershed district? Would it be considered part of the "municipality", or would the Eklutna Native Corporation rule the area?

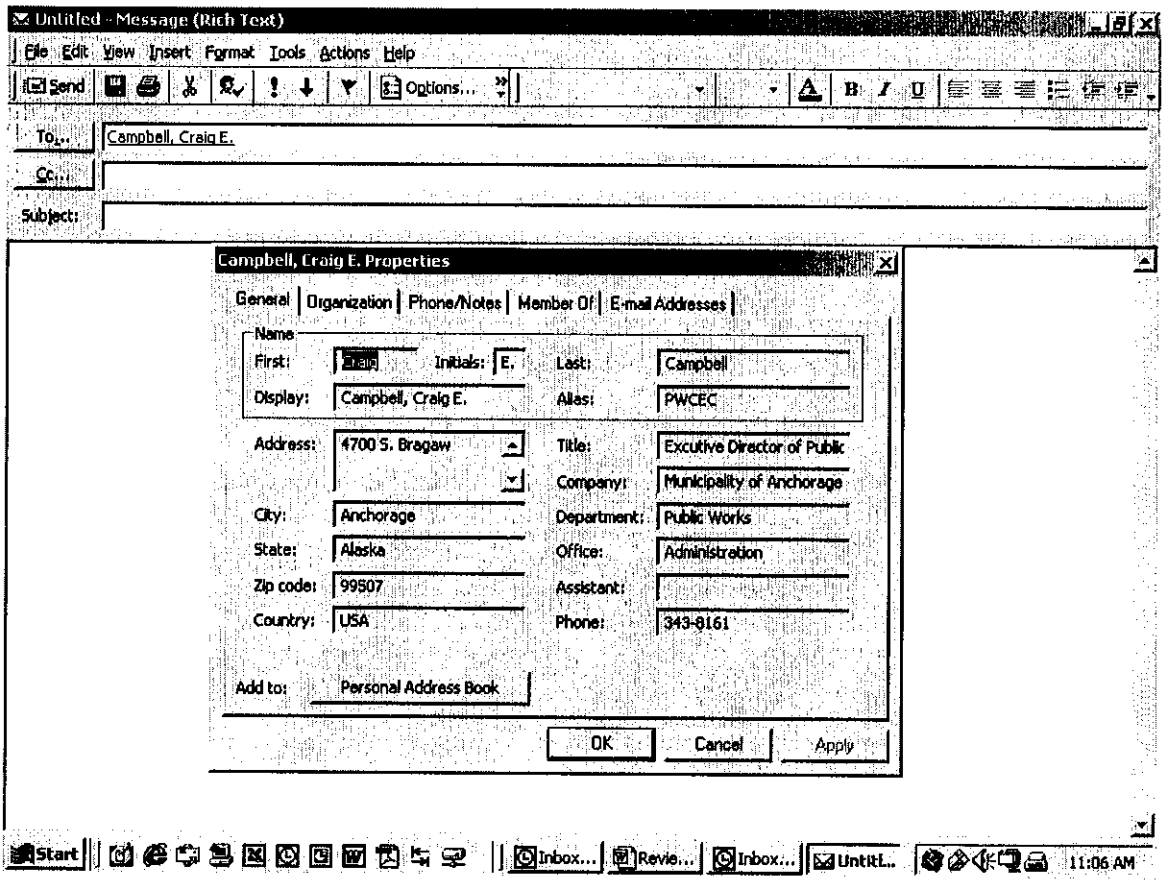
4. 21.40.230.E and F– Does Ship Creek WTP have a permit? Does Eklutna?

5. 21.40.230.F.2 (Page 8 of 17)– Should Section 21.67.040 (Sewer Construction) also fall under the permit provisions?

6. Section 4 (Page 3 of 17) amends 21.35.020 (Definitions and rules of construction for Title 21) to include certain definitions. Do these definitions encompass all definitions that were in Section 15.40.050 previously? If so, 15.40.050 can be repealed.

7. Section 6 (Page 9 of 17) Chapter 21.67 <u>WATER POLLUTION CONTROL</u>... should perhaps reference repeal of Chapter 15.40, also entitled "Water Pollution Control".
   Also, 21.67.020 describes the use of the word "department". What about the use of the word "municipality" (see 21.40.230 on page 7 of 17)?

8. Section 9 (Page 12 of 17) provides more definitions. "The director" is pretty vague when stated as "any designee". According to the MOA mail properties; Craig E. Campbell is "Executive Director of Public Works". Has he lost his power? (See insert below).



9. Under 21.67.060 "Fees" (Page 13 of 17) should there be a reference to AWWU water and sewer tariffs?

10. Section 12 (Page 16 of 17) 21.67.080 "Penalties" Where did "Penalties" under 15.40.070 go?

11. There appears to be no penalty or fee associated with violations of Sewer construction standards (21.67.040) under these provisions. Should there be?

12. Chapter 21.67 falls under **Title 21 "Planning & Zoning"**. Wouldn't Water pollution control be more appropriate under **Title 15 "Environmental Protection"**?

THE END.

On-Site Water & Wastewater

2002 – 155 A request for a site plan review for compliance with zoning special limitations.

No objections.

2002 – 158 A request for a site plan review for a public school.

No objections.

2002 – 178 A request for a site plan review for a fire station.

No objections.

2002 – 193 A request for an ordinance amending Title 21.

No comments.

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AO 2002-117

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT Ordinance changes to AMC's 15 and 21 and implementation of inspection requirements for the National Polution Discharge Elimination System	DATE PREPARED 11-Mar-02 Indicate Documents Attached [x] AO [ ] AR [X] AM [ ] AIM
2	DEPARTMENT NAME Development Services	DIRECTOR'S NAME Joe W. Murdy
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Joe W. Murdy	HIS/HER PHONE NUMBER 343-8194

4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
X	**Mayor**		
	Heritage Land Bank		
	Merrill Field Airport		
	Municipal Light & Power		
	Port of Anchorage		
	Solid Waste Services		
	Water & Wastewater Utility		
X	**Municipal Manager**	CEC	7/24 3/13/02
	Cultural & Recreational Services		
	Employee Relations		
	Finance, Chief Fiscal Officer		
	Fire		
X	Health & Human Services		9-3-02
X	Office of Management and Budget		3-18-02 / 7/22/02
	Management Information Services		
	Police		
X	Planning, Development & Public Works	CEC	3/13/02
X	Development Services		3-13-02
	Facility Management		
X	Planning		8/6/02
	Project Management & Engineering		
	Street Maintenance		
	Traffic		
	Public Transportation Department		
	Purchasing		
X	**Municipal Attorney** 1140		7/19/02
X	**Municipal Clerk**		
	Other		

5 **Special Instructions/Comments**

Introduction

6	ASSEMBLY HEARING DATE REQUESTED 10/15/02	7	PUBLIC HEARING DATE REQUESTED 10/29/02

2002 JUL 30 AM 11:43
M.O.A.
CLERKS OFFICE

Municipality of Anchorage

MUNICIPAL CLERK'S OFFICE

Agenda Document Control Sheet

1	[illegible]	[illegible] 10/30/02
	[illegible]	[illegible] ☒ AO ☐ AR ☒ AM ☐ AIM
2	[illegible]	[illegible]
3	[illegible]	[illegible]
4	[illegible]	[illegible]
5	Mayor	
	Municipal Manager	
	Municipal Attorney	
	Municipal Clerk	
	Municipal Manager	
	Police	
	Director, Public Works	
	Director, Planning	
	Director, Parks and Recreation	
	Director, Finance	
	Director, Public Transportation	
	Director, Health	
	Municipal Attorney	
	Municipal Clerk	
6	[illegible]	
	FOR INTRODUCTION OCTOBER 15, 2002	
6	[illegible]	7 SUBCHAPTER DATE CODE OCTOBER 29, 2002