

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY CHANGING THE THRESHOLD FOR MSB 17.73 MULTIFAMILY DEVELOPMENT DESIGN STANDARDS, REQUIRING A DOMESTIC WASTEWATER SYSTEM PLAN REVIEW FOR NEW MULTIFAMILY DEVELOPMENTS, AND UPDATING DEFINITIONS WITHIN MSB 17.125.

AGENDA OF: May 15, 2018

ASSEMBLY ACTION:

*Amended & adopted with
McKee, Kowalke & Leonard opposed
8-21-18*

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator - A. Strawn	<i>AS</i>	
	Planning and Land Use Director	<i>CP</i>	
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>JM</i>	5/7/18 <i>[Signature]</i>

ATTACHMENT (S) : Fiscal Note: YES _____ NO X
 Assembly Resolution 17-073 (5 pp)
 Planning Commission Resolution 18-10 (3 pp)
 Existing MSB 17.73 Multifamily Development Code (10 pp)
 ADEC Wastewater Disposal Regulations (78 pp)
 Ordinance Serial No. 18-013 (4 pp)

SUMMARY STATEMENT

The Borough originally adopted multifamily development standards in 2007. The purpose of the multifamily development standards is to provide for safe, affordable multifamily developments that promote a healthy lifestyle by addressing issues such as water quality, traffic impacts, design standards, and other concerns. Without appropriate standards, such developments can be potentially damaging to water quality, safety of the traveling public, aesthetics, drainage, and can hinder emergency response.

In 2014, the Assembly adopted ordinance 12-169 which removed many of the standards which were included in the original ordinance. Among these standards included the requirement to have wastewater systems reviewed by ADEC. The ordinance also increased the threshold by which a permit is needed to a density of equal to or greater than six dwelling units per 40,000 square feet.

Since adoption of Ordinance 12-169, there has been a proliferation of small-scale multifamily developments that fell just under the current borough permitting thresholds and were not subject to ADEC plan review for wastewater disposal systems. This model of development resulted in public outcry for adoption of new regulations to address such developments. At least partially in response to this type of development, ADEC lowered their threshold for wastewater plan review to the equivalent of three or more dwelling units. Ordinance 18-013 would make the borough's threshold for a multifamily development permit match the ADEC's threshold.

Municipal sewage lines are absent in most areas of the Borough outside of the cities. Therefore, most residences rely on onsite treatment systems to handle their domestic wastewater. This has the potential to result in pollution of groundwater if the density of these systems gets too high.

The borough's subdivision code (Title 43) does not address intended land use. Therefore, as a blanket protection, the borough requires a minimum of 40,000 square feet of lot area in order to attenuate the wastewater pollution associated with a single-family residence. Ordinance 18-013 is intended to address residential developments which exceed the capacity that the minimum lot size is intended to accommodate.

The provisions of Ordinance 18-013 implement the requests made by the Assembly when they adopted resolutions 17-073 (attached). The following are the provisions of Assembly resolution 17-073 that pertain to the Borough's multi-family development code, and how Ordinance 18-013 will address those issues:

- Identify a reasonable density threshold that will provide the appropriate protections to the Borough's water quality and quantity, promote public health, safety and welfare, and support the goals of community comprehensive plans.

Ordinance 18-013 changes the density threshold from 6 units/40,000 sq.ft. to 3 units/40,000 sq.ft., which is consistent with the goals of the borough's comprehensive plan.

- Address, at a minimum, ADEC requirements on septic systems, substandard housing, drainage, off-site traffic impacts, landscaping, adequate internal circulation for emergency vehicle response, and useable open space.

By reducing the density from 6 units/40,000 sq.ft. to 3 units/40,000 sq.ft. we apply the multifamily standards to smaller developments, thus applying provision such as landscaping (aesthetics), fire & life safety, safety to the traveling public, etc., see attachment of existing MSB 17.73.

- Identify an avenue by which affordable multifamily development can occur in areas without municipal water and/or septic systems, without creating potential future septic problems for Borough residents and property owners.

The best avenue to accomplish this is to require ADEC approved septic plan (not just individual septic systems) for multifamily development. The threshold proposed is consistent with ADEC's requirement for an approved septic plan.

- Requests active participation from the ADEC in enforcement of the wastewater disposal regulations related to multifamily development requirements.

Ordinance 18-013 will require an ADEC approved septic plan.

- Work with the State on the condo-plat process, which is established in Alaska Statute Chapters 34.07, Horizontal Property Regimes Act; and 34.08 Common Interest Ownership, to review the requirements, identify potentially harmful loopholes concerning water/septic issues, and provide suggestions for refinement.

Upon review of the State's Condo-Plat process, it was discovered that there was no mention of septic issues in any of the existing state legislation. As requested in Assembly Resolution 17-073, staff will continue to work with the State of Alaska to ensure that septic issues in the condo-plat process are addressed within State Statutes and Alaska Administrative Code.

The Planning Commission held a public hearing on this matter on

April 16, 2018 and unanimously approved Resolution 18-10, a resolution recommending approval of Ordinance 18-013.

Comprehensive Plan

Ordinance 18-013 implements several goals and policies of the Comprehensive Plan:

Goal (LU-1): *Protect and enhance the public safety, health, and welfare of Borough residents.*

Policy LU1-1: Provide for consistent, compatible, effective, and efficient development within the Borough.

Goal (LU-2): *Protect residential neighborhoods and associated property values.*

Policy LU2-1: Develop and implement regulations that protect residential development by separating incompatible uses, while encouraging uses that support such residential uses including office, commercial and other mixed-use developments that are shown to have positive cumulative impacts to the neighborhood.

Goal (LU-4): *Protect and enhance the Borough's natural resources including watersheds, groundwater supplies and air quality.*

Policy LU4-1: Identify, monitor, protect, and enhance the quantity and quality of the Borough's watersheds, groundwater aquifers, and clean air resources.

Policy LU4-2: Population density standards should accommodate the natural system's ability to sustain varying density levels.

RECOMMENDATION OF ADMINISTRATION:

Staff respectfully recommends approval of Ordinance 18-013.

Adopted: 10/17/17

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 17-073**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY SUPPORTING AMENDMENTS TO MSB 17.73, MULTI-FAMILY DEVELOPMENT, AND TO ADDRESS DENSITY, SEPTIC REQUIREMENTS, AND CONDO-PLAT CONCERNS ON LOTS WITH MULTI-FAMILY DEVELOPMENT.

WHEREAS, according to the September 17, 2017, Alaska Economic Trends, the Matanuska-Susitna Borough continues to be the fastest growing region in the state of Alaska, growing by 15 percent between 2010 and 2016; and

WHEREAS, in 2016 the Borough led the State for new home construction, with 44 percent of Alaska's new housing units being constructed within Borough; and

WHEREAS, this growth has spurred new development models for providing affordable, more-dense housing opportunities, often in areas that do not have access to a municipal water or sewer system; and

WHEREAS, concern has been expressed about the impact on groundwater quality and the unregulated proliferation of multiple septic systems on one residential lot; and

WHEREAS, the Borough has also received other complaints about the unregulated proliferation of multifamily developments and their potential impact on residential neighborhoods concerning density, traffic, safe driveway access, landscaping, drainage,

adequate emergency response vehicle maneuverability, and adequate on-site open space for recreation purposes; and

WHEREAS, the Borough's multifamily development code no longer addresses septic or traffic issues, and many of the remaining requirements are minimal; and

WHEREAS, the Borough's Comprehensive Development Plan, 2005 Update, Community Quality Goal 1 (CQ1) states in part: *Protect natural systems and features from the potentially negative impacts of human activities, including but not limited to, land development*; and policy CQ2-2 states: *Comprehensively manage activities that may adversely impact surface and groundwater quality or quantity*; and

WHEREAS, the plan also states that the Borough's desire and duty to protect natural resources must be balanced with the obligation to accommodate future growth and to provide a development process that is timely, predictable, and equitable to developers and residents alike; and

WHEREAS, in October 2016 the Alaska State Department of Environmental Conservation (ADEC) adopted new regulations, concerning wastewater disposal; and

WHEREAS, the new regulations include a requirement for a ADEC plan review and approval for septic systems on a lot/parcel that

contains more than 2 residential units or a discharge greater than 1499 gallons; and

WHEREAS, the Borough is dedicated to protecting groundwater quality and quantity; and

WHEREAS, the Borough is dedicated to providing safe, affordable, and economic housing opportunities; and

WHEREAS, the multifamily development code was originally established by the Assembly to ensure protection of life/safety issues and to protect the public health, safety and welfare. However, the most recent amendments to the multifamily development code and changing the density requirements to 6 dwelling units per 40,000 square feet, have resulted in regulations that do not accomplish these goals; and

WHEREAS, the State's condo-plat process could potentially allow the creation of multiple substandard sized lots from parcels with multiple dwelling units, under separate ownership, that could end up with failing septic issues that cannot be resolved.

NOW, THEREFORE, BE IT RESOLVED, that the Assembly wishes to maintain a balance between addressing these concerns that have been raised by the public and respecting private property rights and economic opportunities.

BE IT FURTHER RESOLVED, that the Assembly requests that the Borough's multi-family development code be updated to:

- Identify a reasonable density threshold that will provide the appropriate protections to the Borough's water quality and quantity, promote public health, safety and welfare, and support the goals of community comprehensive plans; and
- Identify appropriate requirements to address, at a minimum, ADEC requirements on septic systems, substandard housing, drainage, off-site traffic impacts, landscaping, adequate internal circulation for emergency vehicle response, and useable open space.

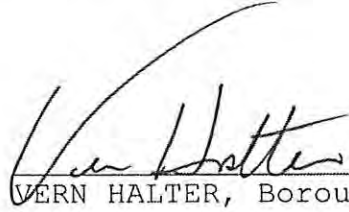
BE IT FURTHER RESOLVED, that the Assembly requests that an avenue be identified by which affordable multifamily development can occur in areas without municipal water and/or septic systems, without creating potential future septic problems for Borough residents and property owners.

BE IT FURTHER RESOLVED, that the Assembly requests active participation from the ADEC in enforcement of the wastewater disposal regulations related to multifamily development requirements.

BE IT FURTHER RESOLVED, that the Assembly supports staff efforts to work with the State on the condo-plat process, which is

established in Alaska Statute Chapters 34.07, Horizontal Property Regimes Act; and 34.08 Common Interest Ownership, to review the requirements, identify potentially harmful loopholes concerning water/septic issues, and provide suggestions for refinement.

ADOPTED by the Matanuska-Susitna Borough Assembly this 17 day of October, 2017.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk
(SEAL)

PASSED UNANIMOUSLY: Beck, McKee, Colligan, Mayfield, Doty, and Kowalke

By: Alex Strawn
Introduced: April 2, 2018
Public Hearing: April 16, 2018
Action: April 16, 2018

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 18-10**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE CHANGING THE THRESHOLD FOR MSB 17.73 MULTIFAMILY DEVELOPMENT DESIGN STANDARDS, REQUIRING A DOMESTIC WASTEWATER SYSTEM PLAN REVIEW FOR NEW MULTIFAMILY DEVELOPMENTS, AND UPDATING DEFINITIONS WITHIN MSB 17.125.

WHEREAS, the Borough originally adopted multifamily development standards in 2007; and

WHEREAS, the purpose of the multifamily development standards is to provide for safe, affordable multifamily developments that promote a healthy lifestyle by addressing issues such as water quality, traffic impacts, design standards, and other concerns. Without appropriate standards, such developments can be potentially damaging to water quality, safety of the traveling public, aesthetics, drainage, and can hinder emergency response; and

WHEREAS, in 2014, the Assembly removed several standards from the multifamily development code, including the requirements to have wastewater systems reviewed by ADEC; and

WHEREAS, in 2016 the Alaska Department of Environmental Conservation lowered their threshold for wastewater plan review to the equivalent of three or more dwelling units; and

WHEREAS, municipal sewage lines are absent in most areas of the Borough outside of the cities. Therefore, most residences rely on onsite treatment systems to handle their domestic wastewater. This has the potential to result in pollution of groundwater if the density of these systems gets too high; and

WHEREAS, the borough's subdivision code (Title 43) does not address intended land use. Therefore, as a blanket protection, the borough requires a minimum of 40,000 square feet of lot area in order to attenuate the wastewater pollution associated with a single-family residence. Ordinance 18-013 will address residential developments which exceed the capacity that the minimum lot size is intended to accommodate; and

WHEREAS, ordinance 18-013 implements several goals and policies of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of ordinance 18-013, An ordinance of the Matanuska-Susitna Borough assembly changing the threshold for multi-family development permit requirements, requiring a domestic wastewater system plan review for new multi-family developments, and updating definitions within MSB 17.73 and MSB 17.125

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ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 16th day of April, 2018.

Colleen Vague
COLLEEN VAGUE, Chair

ATTEST

Mary Brodigan
MARY BRODIGAN, Planning Clerk

(SEAL)



YES: *Vague, Patterson, Chesbro, Elder, and Moskaner*

NO:

(A) The overall goals of this chapter are to provide safe, affordable multifamily developments that promote a healthy lifestyle in the Matanuska-Susitna Borough (also referred to as "borough"). Also, this chapter encourages compatible multifamily development with surrounding land uses, and provides development incentives to encourage innovative multifamily development and affordable housing. Issues related to multifamily development, such as water quality, traffic impacts, design standards, and other associated concerns, are addressed by this chapter. This chapter establishes appropriate density levels for multifamily development throughout the borough.

(Ord. 12-169, § 2 (part), 2013; Ord. 08-018(SUB), § 2, 2008; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.030 APPLICATION OF PROVISIONS.

(A) This chapter applies to all multifamily developments, including substandard dwellings, which meet or exceed the density threshold of this chapter, regardless of the form of ownership. This chapter applies to:

- (1) all new multifamily developments started after the effective date of the ordinance codified in this chapter.
- (2) all structural additions totaling 300 square feet and greater to an existing multifamily development.

(B) The provisions of this chapter are not applicable and may not be used for multifamily developments or buildings within the cities of Houston, Palmer, or Wasilla.

(C) The provisions of this chapter are the responsibility of the developer.

(Ord. 12-169, § 2 (part), 2013; Ord. 08-018(SUB), §§ 3, 4, 2008; Ord. 07-058, § 1, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.040 DENSITY.

(A) Density thresholds are used by this chapter to determine if the chapter applies. The density thresholds are determined using the following subsections:

(1) Residential development constructed at a density equal to or greater than six dwelling units per 40,000 square feet of lot area; or

(2) Any development exceeding six dwelling units, regardless of lot size.

(3) This chapter shall apply to substandard dwellings offered for compensation in the form of money, services, or barter that are constructed at a density:

(a) equal to or greater than one dwelling per 40,000 square feet of lot area, calculated at 0.000025 multiplied by the lot area; and

(b) exceeding two dwellings regardless of lot size.

(4) This density threshold does not apply to short-term transient accommodations, as defined by this chapter and subject to regulations by MSB 3.32.010, 3.32.020, and 3.32.030 and subsequent amendments. Short-term transient accommodations shall be exempt from the standards of this chapter.

(B) Density ceiling is the maximum number of dwelling units that can be built per 40,000 square feet. A density ceiling applies when allowed through the application of this chapter and unless otherwise established within a SPUD or another codified standard.

(1) Two density ceilings are provided.

(a) Core Area (As Delineated in the MSB Core Area Comprehensive Plan).

(i) The maximum number of dwelling units allowed within the core area is 18 units per 40,000 square feet.

(b) Non-Core Area.

(i) The maximum number of dwelling units allowed outside of the core area is 12 units per 40,000 square feet.

(2) Regardless of location, substandard dwellings that are being offered for compensation in the form of money, services, or barter are subject to the following density ceilings:

(a) one substandard dwelling per 40,000 square feet; or

(b) two substandard dwellings, regardless of lot size.

(Ord. 12-169, § 2 (part), 2013; Ord. 08-018(SUB), §§ 5, 6, 2008; Ord. 07-058, § 2, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

ARTICLE II. APPLICATION REQUIREMENTS

17.73.050 APPROVAL REQUIRED.

(A) Multifamily development permit application approval is required prior to commencement of a multifamily development that meets or exceeds the density threshold of this chapter.

(B) A complete application includes the following:

(1) nonrefundable multifamily development permit fee;

(2) three copies of the following documents:

(a) permit application;

(b) certified site plan (see definition);

(i) The landscape and drainage plans may be included as part of the certified site plan;

(c) *[Repealed by Ord. 12-169, § 2, 2013]*

(d) drainage plan;

(3) *[Repealed by Ord. 12-169, § 2, 2013]*

(4) additional information as determined by the director.

(Ord. 12-169, § 2 (part), 2013; Ord. 08-018(SUB), § 7, 2008; Ord. 07-058, § 3, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.060 ADMINISTRATIVE REVIEW.

(A) Each application for multifamily development will be approved administratively, unless a variance or other modification to the standards of this chapter is requested.

(B) The planning and land use director or designated staff shall determine whether an application for a multifamily permit is complete. An incomplete application shall be returned to the applicant with a written explanation of application deficiencies within seven working days of the date the application is received in the planning and land use department.

(C) Decisions will be rendered within ten working days from the date the application is determined complete.

(D) The director may revoke any approved application if the development does not conform to the approved application.

(E) If the proposed multifamily development contains or will contain any substandard dwellings offered for commercial compensation in the form of money, services, or barter, and if the minimum criteria for a multifamily development permit are met, the director will notify surrounding property owners in accordance with MSB 17.03, Public Notification. Within 30 days of acceptance of the completed application, the director shall issue a decision on the application with conditions to address concerns raised by surrounding property owners within the notification area, if deemed appropriate by the director.

(Ord. 12-169, § 2 (part), 2013; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.070 PLANNING COMMISSION REVIEW.

(A) In the event the applicant wishes to vary from any of the standards of this chapter, the planning commission may grant variances from the standards contained in this chapter. The planning commission will base its decision on the variance review criteria described in MSB 17.65.

(B) The planning commission may consider comments from the department of emergency services when granting a variance.

(C) The planning commission may require conditions of approval when granting a variance to support the overall objectives of the multifamily standards.

(Ord. 12-169, § 2 (part), 2013; Ord. 08-018(SUB), §§ 8, 9, 2008; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.080 APPEALS PROCESS.

(A) The appeal of a decision shall be conducted in accordance with the process outlined in MSB 15.39.

(Ord. 12-169, § 2 (part), 2013; Ord. 07-058, § 4, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.090 CONFLICTING PROVISIONS.

(A) If any provisions of this chapter are inconsistent with one another or if they conflict with provisions found in other adopted borough, state, federal, or local codes, ordinances, or regulations, the more restrictive provision will apply.

(Ord. 12-169, § 2 (part), 2013; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.100 NONSTRUCTURAL FIRE AND LIFE SAFETY PLAN REVIEW.

(A) All multifamily dwellings:

(1) shall comply with current Alaska State Fire Code;

(2) may be subject to a nonstructural fire and life safety plan review before construction may begin;

(3) *[Repealed by Ord. 07-058, § 5, 2007]*

(B) *[Repealed by Ord. 07-058, § 5, 2007]*

(C) *[Repealed by Ord. 07-058, § 5, 2007]*

(D) *[Repealed by Ord. 07-058, § 5, 2007]*

(E) *[Repealed by Ord. 07-058, § 5, 2007]*

(F) The following design standards shall be required:

(1) Separation distances between habitable buildings shall be no less than 20 feet, unless approved by the State Fire Marshal or the local fire marshal where a state deferment exists;

(2) *[Repealed by Ord. 12-169, § 2, 2013]*

(3) Hard-wired smoke and carbon monoxide detectors shall be installed in all multifamily dwellings.

(Ord. 12-169, § 2 (part), 2013; Ord. 08-018(SUB), § 10, 2008; Ord. 07-058, § 5, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.110 VIOLATION AND ENFORCEMENT.

(A) Except as otherwise specified in this chapter, violations of this chapter are infractions.

(B) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB 1.45.

(Ord. 12-169, § 2 (part), 2013; Ord. 06-188(SUB), § 2 (part), 2007)

ARTICLE III. INCENTIVES

17.73.120 EARNING INCENTIVE POINTS. [Repealed by Ord. 12-169, § 2, 2013]

ARTICLE IV. STANDARDS

17.73.130 GENERAL DESIGN STANDARDS.

(A) *[Repealed by Ord. 12-169, § 2, 2013]*

(1) No more than 60 percent of the lot area shall be occupied by impervious surface areas;

(2) *[Repealed by Ord. 12-169, § 2, 2013]*

(3) *[Repealed by Ord. 07-058, § 7, 2007]*

(4) *[Repealed by Ord. 12-169, § 2, 2013]*

(5) Comply with Americans with Disabilities Act of 1990 (ADA) Requirements. In addition to ADA, all buildings exceeding four units must comply with all of the Fair Housing Act of 1968 requirements;

(6) *[Repealed by Ord. 12-169, § 2, 2013]*

(7) *[Repealed by Ord. 12-169, § 2, 2013]*

(8) Perimeter setbacks are the minimum required yards measured from the perimeter property lines or public access easement(s), whichever is the more restrictive. The following perimeter setbacks apply:

(a) front: 25 feet;

(b) rear: 20 feet; and

(c) side: ten feet;

(9) *[Repealed by Ord. 12-169, § 2, 2013]*

(10) Minimum interior setbacks are measured between habitable buildings, detached garages, and other detached accessory buildings.

(a) *[Repealed by Ord. 12-169, § 2, 2013]*

(b) detached garages: ten feet; and

(c) other detached nonhabitable accessory buildings: ten feet;

(11) *[Repealed by Ord. 12-169, § 2, 2013]*

(12) Roof overhangs may project from the outside wall no more than two feet into the setback, and are not considered as part of the setback.

(Ord. 12-169, § 2 (part), 2013; Ord. 08-018(SUB), §§ 12, 13, 2008; IM 07-289, page 2 (part), presented 11-13-07; Ord. 07-058, § 7, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.140 HEIGHT. *[Repealed by Ord. 12-169, § 2, 2013]*

17.73.150 ACCESS ROADS; DESIGN/PARKING.

(A) All primary vehicle access to a multifamily development, at a minimum, shall be from a residential road as described by the borough's Subdivision Construction Manual;

(B) The following standards shall apply:

(1) Vehicle Access and Circulation.

(a) Any multifamily developments exceeding the thresholds of MSB 17.61.050 will submit a traffic impact analysis (TIA) as directed;

(b) The director has the authority to restrict or require additional access to the development when the need to do so is dictated by one or more of the following conditions:

(i) the development causes or increases hazardous traffic conditions; or

(ii) there is inadequate access provided for emergency vehicles; or

(iii) the development causes hazardous conditions to exist which would constitute a clear and present danger to the public health, safety, and general welfare;

(c) To provide for increased traffic movement on congested streets and to eliminate road capacity conflicts, the director may consult with the planning transportation division or the public works department for findings that may restrict the location of driveways or approach roads on streets and require the location of driveways and approach roads to be placed on adjacent streets, or in a new location;

(2) *[Repealed by Ord. 08-018(SUB), § 16, 2008]*

(3) Multifamily residential developments shall not have primary access to an arterial street(s), unless approved by the appropriate governing entity; and

(4) The internal drive system will connect to the perimeter public street system to provide for inter-connectivity with public amenities, adjoining neighborhoods, and adjacent developments; and

(5) For emergency service purposes, all internal drive systems shall conform to MSB 11.20 and be named.

(C) Street Design.

(1) Street design shall minimize automobile and pedestrian conflicts and strive to create low-profile, safe, modest parking areas. All public street design standards shall comply with the borough's Subdivision Construction Manual. The following standards shall apply:

(a) The development's street design shall create a hierarchy of streets and drives for the development. To the extent possible, the design of all through-access drives shall be consistent with, and aligned with,

residential drives or through-access drives in adjacent existing or planned development sites.

(D) Private Access Drives.

(1) Minimum private access drive width must be no less than 20 feet in width.

(a) For road design and access standards, see the borough's Subdivision Construction Manual.

(b) Parking along private access drives is prohibited unless designed to accommodate the standards of this chapter.

(E) Parking Standards. Minimum parking spaces required per dwelling unit:

(1) efficiency unit: 1.0 per dwelling unit;

(2) one- to two-bedroom units: 1.5 per dwelling unit; and

(3) three- or more bedroom units: 2.0 per dwelling unit.

(F) Vehicle Parking Space Design Requirements.

(1) Standard:

(a) length: 20 feet;

(b) width: ten feet; and

(c) vertical clearance: seven feet;

(2) Barrier-free (ADA):

(a) one barrier-free parking stall shall be provided for every 25 required parking stalls.

(i) width: eight feet plus a five-foot adjacent access aisle;

(ii) length: 20 feet; and

(iii) vertical clearance: eight feet.

(Ord. 12-169, § 2 (part), 2013; Ord. 08-018(SUB), § 16, 2008; Ord. 07-058, § 8, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.160 BICYCLE STORAGE/PARKING. [Repealed by Ord. 12-169, § 2, 2013]

17.73.170 LIGHTING.

(A) Lighting standards provide visual safety in high traffic areas within the development while preventing excessive lighting and glare on adjacent properties.

(B) Exterior lighting shall comply with the following standards:

(1) Pedestrian pathways must have adequate lighting with increased illumination around building entrances and transit stops.

(2) All parking areas exceeding 18 on-site parking stalls must have adequate lighting.

(3) Lights in parking lots must be non-glare and must be mounted no more than 20 feet above the ground.

(4) *[Repealed by Ord. 12-169, § 2, 2013]*

- (5) Glare and illumination associated with exterior lighting shall be contained on the subject property and not impact adjacent properties.

(Ord. 12-169, § 2 (part), 2013; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.180 PEDESTRIAN CIRCULATION.

(A) *[Repealed by Ord. 12-169, § 2, 2013]*

(B) On-site pedestrian paths shall comply with the following standards:

(1) *[Repealed by Ord. 12-169, § 2, 2013]*

(2) *[Repealed by Ord. 12-169, § 2, 2013]*

(3) within all multifamily developments, each residential building will be connected by a path to the vehicular parking area;

(4) crossings shall be designed and located for pedestrian safety wherever required pedestrian paths intersect with vehicle access driveways or parking lots;

(5) required paths shall be paved with hard surface materials as defined in the most recent version of the ADA Standards for Accessible Design; and

(6) path widths shall be no less than five feet.

(Ord. 12-169, § 2 (part), 2013; Ord. 07-058, § 9, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.190 LANDSCAPING.

(A) *[Repealed by Ord. 12-169, § 2, 2013]*

(B) Landscaping. The existing natural landscape, especially healthy plants, shrubs, and trees indigenous to the area, should be preserved to an extent that is reasonable and feasible. Further, if it is not prudent to retain existing vegetation or no existing vegetation exists, the site shall be designed to accommodate landscaping. The following landscaping standards apply:

(1) Landscape Plan.

(a) The applicant's proposed landscape plan will indicate the project's compliance with these standards.

(2) Plant Materials.

(a) Retain, at a minimum, 10 percent of the existing ground cover, natural plant species, and healthy tree canopy of the lot, including the understory and foliage; or

(b) Install landscaping for 10 percent of the area within a 100-foot radius of each structure on the property. Installed landscaping shall be:

(i) a species known to reach a minimum height of at least three feet and tolerant of the climate zone; and

(ii) established within two years of the project's application.

(3) Perimeter Landscaping.

(a) The perimeter(s) of the subject development adjacent to developed or developable properties, other than a street edge, require a perimeter landscape buffer.

(i) Vegetation used for the perimeter buffers shall be, at a minimum, three feet in height at the time of installation.

(ii) Vegetation used for the perimeter buffers shall be species known to reach a minimum height of six feet and tolerant of the local climate zone.

(b) Perimeter buffers shall be landscaped with a combination of evergreen trees or shrubs at a ratio of one per 40 linear feet of edge, measured on center. Fractional requirements will be rounded up.

(c) All perimeter landscaping located on corner lots shall be located and maintained so as not to obstruct vehicular/driver visibility in accordance with the American Association of State Highway and Transportation Officials (AASHTO) standards.

(d) Exception. If the application has multiple lots that will be part of one large multifamily development, perimeter landscaping is only required around the perimeter of the overall development area.

(4) Perimeter Fences and Walls.

(a) A perimeter fence or wall is not required but may be installed. If a perimeter fence or wall is installed, in addition to the perimeter landscaping, then the following standards apply:

(i) walls and fences shall be constructed of high-quality materials, such as treated wood, decorative blocks, brick, stone, wrought iron, chain link, and other natural and appropriate building materials.

(Ord. 12-169, § 2 (part), 2013; Ord. 07-058, § 10, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.200 SERVICE AREA SCREENING.

(A) Service areas often create noise and visual impacts on adjacent uses and neighborhoods. The following standards visually screen on-site service areas, including trash collection areas, from public rights-of-way and adjacent properties;

(B) Trash containers and collection areas must be oriented away from public streets or adjacent property lines;

(C) Trash collection areas will be located a minimum of 20 feet from any adjacent property line;

(D) Trash containers must be secured from the effects of wind; and

(E) Trash containers and collection areas will be screened using any of the following methods:

(1) fence or wall at least five feet in height;

(2) one three-foot-wide row of vegetation screening, using vegetation at least five feet in height; or

(3) any combination of the above.

(Ord. 12-169, § 2 (part), 2013; Ord. 07-058, § 11, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.210 FENCING AND WALLS. [Repealed by Ord. 12-169, § 2, 2013]

17.73.220 USEABLE OPEN SPACE. [Repealed by Ord. 12-169, § 2, 2013]

17.73.230 MIXED USE OPPORTUNITIES. [Repealed by Ord. 12-169, § 2, 2013]

17.73.240 AFFORDABLE HOUSING.

(A) This chapter recognizes that a healthy and diversified housing stock is comprised of sufficient affordable housing units.

(B) Housing designated as "affordable housing" must meet the definition as described in MSB 17.73.120.

(1) Incentive points are available; see MSB 17.73.120.

(Ord. 06-188(SUB), § 2 (part), 2007)

ARTICLE V. DEFINITIONS

17.73.250 DEFINITIONS.

(A) For purposes of this chapter, the following definitions shall apply. All other definitions are listed in MSB 17.125, Definitions.

- "Developer" means the legal or beneficial owner or owners of a lot or of any land included in a proposed multifamily development.
- "Development" means a residential development or planned development ultimately consisting of five or more dwelling units per 40,000 square feet.
- "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation or a portion of the land area of a planned development, residential development or site condominium project designed and intended for residential construction.
- "Grade plane" means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet (1,829 mm) from the building, between the building and a point six feet (1,829 mm) from the building.
- "Height, building" means the vertical distance from grade plane to the average height of the highest roof surface.
- "Substandard dwelling" means a structure used for human habitation, including a structure mounted on skids or wheels, which lacks one or more of the following:
 - (a) footings, pilings, or permanent foundations; or
 - (b) water plumbed to run within the dwelling; or
 - (c) meets the standards of the Alaska State Department of Environmental Conservation waste water and septic systems.

(Ord. 12-169, § 3, 2013; Ord. 08-018(SUB), § 17, 2008)

The Matanuska-Susitna Borough Code is current through Ordinance 18-005, passed February 6, 2018, and other legislation passed January 2, 2018.

Disclaimer: The Borough Clerk's Office has the official version of the Matanuska-Susitna Borough Code. Users should contact the Borough Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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CHAPTER 17.125: DEFINITIONS

Section

17.125.005 General provisions

17.125.010 Definitions

17.125.005 GENERAL PROVISIONS.

(A) The definitions listed in this section shall apply to the words and phrases used in MSB Title 17 unless otherwise described within the individual chapters.

- (1) Words used in the present tense shall include the future.
- (2) Words in the singular number shall include the plural number and the plural number shall include the singular.
- (3) The word "shall" is mandatory.
- (4) The words "include," "including," and "includes" shall be interpreted as being followed by the phrase "but not limited to."
- (5) The word "lot" includes the words "plot" and "parcel."

(B) In instances where a word is not included in this section nor in the applicable section, reference will be made first to the most recent publication of "The Illustrated Book of Development Definitions" then to "The Zoning Dictionary" by Lehman and Associates, then to "Webster's New Universal, Unabridged Dictionary."

(Ord. 05-125(SUB)(AM), § 2 (part), 2005)

17.125.010 DEFINITIONS.

- "Access" means a legal way or means of approach to provide physical ingress or egress to a property.
- "Accessory building" means a building detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.
- "Accessory use" means a use or structure incidental and subordinate to the principal use or structure on a parcel of land, is on the same parcel as the principal use or structure, and is a use or structure commonly associated with the principal use or structure and integrally related to it. Some examples are: private garages or storage sheds on residential property or barns on agricultural property.
- "Administrative permit" means a written document issued administratively which may specify controls, restrictions and safeguards on the administratively permitted activity to ensure compatibility with permitted uses.
- "Adult bookstore" means a commercial establishment where at least 51 percent of its interior floor area or retail merchandise is devoted to the sale, rent, lease, inspection, or viewing of books, films, video cassettes, magazines, or other media or periodicals whose dominant theme is actual or simulated specified sexual activities, display or exhibition of specified anatomical areas, removal of articles of clothing, or total nudity.
- "Adult business" means any bookstore, adult cabaret, adult escort service, adult massage service, adult mini-theater, or adult motion picture theatre.
- "Adult cabaret" means a restaurant, coffee house, or cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers who provide live adult entertainment for commercial purposes at any time or any number of times.

- "Adult entertainment" means any motion picture, live performance, display, or dance of any type whose dominant theme is actual or simulated specified sexual activities, display or exhibition of specified anatomical areas, removal of articles of clothing, or total nudity, whether live or by shadow effects, offered for commercial purposes.
- "Adult escort" means a person who, for monetary consideration such as a fee or tip, or for other non-monetary consideration, agrees or offers to act as a companion, guide, or date that may provide services such as modeling lingerie, adult entertainment, adult massage service, or similar activities.
- "Adult escort service" means a person or business that, for monetary consideration such as a fee or tip, or for other non-monetary consideration, furnishes or offers adult escorts.
- "Adult massage service" means a person or business that, for monetary consideration such as a fee or tip, or for other non-monetary consideration, furnishes or offers massages or related services, for which the service providers do not have a license for the practice of that profession or vocation as regulated under Alaska Statute Title 8, or which also provides adult entertainment.
- "Adult mini-theater" means an enclosed building with a capacity of less than 50 persons used for the purpose of displaying adult entertainment through films, video, or other motion pictures for commercial purposes.
- "Adult motion picture theater" means an enclosed building with a capacity of 50 or more persons used for the purpose of displaying adult entertainment through films, video, or other motion pictures for commercial purposes.
- "Adverse impact" means a condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on other properties and facilities.
- "Affordable housing" means housing renting for monthly rent of not more than 30 percent of the total monthly household income of low income households (defined to be household earnings less than 80 percent of the median annual income adjusted for household size, as determined by the United States Housing and Urban Development Department); or housing that may be purchased with monthly payments including: principal, interest, taxes, insurance, homeowner association fees, and assessments that do not add up to more than 30 percent of the total monthly household income of low income households.
- "Agricultural" means the production and harvest or care of plants, animals, birds, fish, bees, and other organisms by humans for use in providing food, fuel, fiber, shelter, travel, clothing, energy, and aesthetics.
- "Allowed use" means a use of land or a structure, which is permissible by right or condition within a certain zoning district according to the regulations of this code.
- "Amateur radio tower" means any tower used for amateur radio transmissions consistent with the "Complete Federal Communications Commission U.S. Amateur Part 97 Rules and Regulations" for amateur radio facilities.
- "Americans with Disabilities Act (ADA)" means a 1990 federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.
- "Ancillary structure" means any form of development associated with a telecommunication facility, including but not limited to: foundations, concrete slabs on grade, guy wires, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.
- "Angle of repose" means the steepest angle material can be piled without slumping.
- "Antenna" means any apparatus designed for the transmitting or receiving of electromagnetic waves. Types of antenna include, but are not limited to: omni-directional antennas, directional antennas, multi or single bay, yagi, or parabolic antennas.
- "Applicant" means a person or authorized representative submitting an application for development.

- “Aquifer” means a formation, a group of formations, or part of a formation that contains sufficient saturated permeable material to yield economical quantities of water to wells and springs.
- “Batch plant” means a plant or equipment used for production of asphalt or concrete.
- “Bedroom” means a private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.
- “Berm” means an earthen mound designed to provide visual interest, screen undesirable views, decrease noise, or control or manage surface drainage.
- “Bioswales” means open channels that usually possess a dense cover of grasses and other herbaceous plants through which runoff is directed during storm events. Bioswales allow runoff to infiltrate.
- “Breakpoint technology” means the engineering design of a tower wherein a specified point is designed to have stresses concentrated so that the stress point is at least 5 percent more susceptible to failure than any other point along the structure. In the event of a structural failure, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the tower.
- “Broadcast facilities” means a tower, antennas, or antenna arrays for FM/TV/HDTV broadcasting transmission facilities, and tower(s) utilized as antennas for an AM broadcast station that are licensed by the Federal Communications Commission.
- “Buffer” means a method of protection against negative impacts, which provides a physical separation or barrier.
- “Building” means any structure, including mobile homes, intended for the shelter, housing, or enclosure of any person, animal, process, equipment, goods, use, materials, or services of any kind or nature.
- “Cabin” means any residential building no greater than 800 square feet in gross floor area.
- “Capture area” means the area on the surface of the ground where infiltrating water will travel to a drinking water well.
- “Caretaker” means a person(s) who takes care of land, dwellings, animals, or belongings when an owner is absent.
- “Certified site plan” means a site plan that is prepared and sealed by an architect, professional engineer or land surveyor, authorized to engage in that profession by the state of Alaska. The certified site plan shall be at a scale of one inch equals 50 feet (or less) showing dimensions and locations of all existing and proposed development on the site in relationship to all property lines.
- “Character” means those attributes, qualities, and features that make up and distinguish a development project and give such project a sense of purpose, function, definition, and uniqueness.
- “Circulation” means systems, buildings, and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, and airways.
- “Collocation” means the installation of antennas and associated equipment from more than one provider on a single structure.
- “Commencement of construction or placement” means the first placement of permanent construction of a building on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a building upon a foundation.
- “Commercial use” means a land use, business enterprise, or vehicle maintained for the purpose of buying or selling goods or services.

- "Commission" means the Matanuska-Susitna Borough Planning Commission.
- "Compatible design" means the visual relationship between adjacent and nearby buildings and the immediate streetscape, in terms of a consistency of materials, colors, building height, building elements, building mass, and other constructed elements of the urban environment, such that abrupt or severe differences are avoided.
- "Conditional use" means a use of a structure or land, which may be allowed by the planning commission after a public hearing and review and subject to certain prescribed or imposed conditions.
- "Conditional use permit (CUP)" means a written document which may specify controls, restrictions and safeguards on the conditional permitted activity to ensure compatibility with permitted uses.
- "Conditions of approval" means requirements established by the borough before preliminary or final approval of an application becomes effective.
- "Confined aquifer" means an aquifer which is bounded above and below by formations of impermeable or relatively impermeable material. An aquifer in which ground water is under significantly greater pressure than atmospheric pressure and its upper limit is the bottom of a bed of distinctly lower hydraulic conductivity than that of the aquifer itself. Confined aquifer is synonymous with artesian aquifer.
- "Confining layer" means a geologic bed or layer that retards but does not necessarily prevent the flow of water. A confining layer does not readily yield water to wells or springs. Confining layer is synonymous with aquitard.
- "Contiguous acres" includes acreage that may be separated by a highway or railroad.
- "Deciduous" means plants that drop their foliage annually before becoming dormant.
- "Density" means the number of dwelling units allowed per area of a development site or parcel.
- "Design standards" means a set of regulations defining parameters to be followed in site and building design and development.
- "Designee" means the director or his/her duly authorized representative.
- "Developer" means the legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such lands.
- "Development" means the construction, reconstruction, conversion, structural alteration, relocation, placement, or enlargement of any building.
- "Director" means the director of planning and land use.
- "Dog mushing" means a transport method powered by one or more dogs for sport or paid service.
- "Drainage plan" means a plan containing the following:
 - (a) background information:
 - (i) project description;
 - (ii) existing (predevelopment) conditions; and
 - (iii) proposed future (development) conditions.
 - (b) comparison of predevelopment with post-development runoff:

- (i) methodology;
 - (ii) calculations; and
 - (iii) sufficient storm water runoff infiltration method.
- (c) drainage management:
 - (i) drainage management facilities;
 - (ii) drainage conveyance system; and
 - (iii) recreational or landscape features (optional).
- (d) erosion and sediment control:
 - (i) temporary erosion and sediment control facilities; and
 - (ii) permanent erosion and sediment control facilities.
- (e) statement of responsibility for facility ownership and maintenance.

- "Duplex" means a structure containing two dwelling units, each of which has direct access to the outside.
- "Dwelling unit" means one or more rooms, providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- "Earth materials" includes those natural resources such as sand, rock, gravel, soil, peat moss, sphagnum, stone, pumice, cinders and clay; also called "materials."
- "Earth materials processing" means any crushing, loading, screening, sorting, storing, washing, or production of asphalt.
- "Efficiency" means a one-room unit that serves as the occupant's total living, sleeping, and eating space, usually containing a separate bathroom.
- "Egress" means an exit.
- "Equipment compound" means the area occupied by a tower including areas inside or under the following: an antenna-support structure's framework, equipment cabinets, and ancillary structures.
- "Evergreen" means vegetation that has foliage that persists and remains green throughout the year.
- "Extraction" means to take and remove earth materials from the subject site to an off-site location.
- "Fair Housing Act of 1968" means that Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, which prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status, and handicap (disability).
- "Feed lines" means cables used as the interconnecting media between the transmission or receiving equipment and the antenna.
- "Fence" means a manmade barrier of any material or combination of materials erected to enclose, screen, or separate areas.
- "Fence, solid" means a fence, including any gates, constructed of solid material, wood, or masonry, through which no visual images may be seen.

- "Fire service area" means a geographic region or area established by the borough to provide fire stations and related facilities or services that are needed to protect the health, safety, or welfare of persons and property within that area.
- "Flag lot" means a lot with a long, narrow strip protruding from one side (pole) which fronts on a borough standard width legal right-of-way and provides access to the lot.
- "Garage" means an accessory building or portion of a main building primarily used for storage of motor vehicles. A "garage" is distinguished from a "carport" in that a garage is enclosed on more than three sides, so that the stored or parked car is contained entirely inside the building.
- "Ground cover" means grasses or other low-growing plants and landscaping.
- "Groundwater" means that part of the subsurface where water occurs in the saturated zone.
- "Habitable" means a residence that is safe and can be occupied in reasonable comfort; the premises should be closed in against the weather, provide running water, access to decent toilets and bathing facilities, heating, and electricity. Particularly in multifamily developments, freedom from noxious smells, noise, and garbage are expected.
- "Heavy industrial" means the use of land, buildings, or structures for the manufacturing, processing, fabricating, or assembly of raw materials, warehousing or bulk storage of goods, and related accessory uses.
- "Height, building" means the height of a building, the vertical distance as measured from the base of the building at finished grade to the highest point of the building including appurtenances. The average between the highest and lowest grades within 20 feet of the building shall be considered finished grade and be used in calculating the height.
- "Height, tall structure" means the vertical distance measured from finished grade to the highest point of the tall structure, not including appurtenances, antennas, or equipment affixed thereto. In the case of wind energy conversion systems, the blade is considered part of the overall height of the structure.
- "Historical uses" means lands with sites, structures, landmarks, or objects with local, regional, statewide, or national historical significance that have been used by past populations for historic or traditional uses (such as subsistence activities, trail use, etc.) and that are often currently enjoyed by users.
- "Impermeable" means a surface or material that provides a functional barrier to significant liquid flow or infiltration.
- "Impervious area/surface" means the area of the subject site covered by impenetrable materials. This surface has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.
- "Incentive points" means numerical points that are provided to applicants that exceed the required minimum design standards.
- "Industrial use" means any activity which includes manufacturing, processing, warehousing, storage, distribution, shipping, or other related uses.
- "Ingress" means access or entry.
- "Isochron" means a line drawn on a map through all points having the same numerical value of time.
- "Landfill" means an area in which solid waste is disposed of on or into the land, or that portion of a facility where landfilling is taking or has taken place. "Landfill" does not include a landspreading facility or a containment structure used for the disposal of drilling wastes.
- "Landscape plan" means a plan, drawn to scale, showing proposed location and type of existing vegetation to be retained, and proposed new vegetation. The landscape plan may be a component of the certified site plan.

Landscape plans shall also include:

- (a) proposed grade changes;
 - (b) proposed buffers; and
 - (c) proposed screening devices.
- "Landscaping" means any of the following or combination of material such as, but not limited to, grass, natural ground cover, shrubs, flowers, vines, hedges, trees, indigenous plant materials, planters, brick, stone or natural forms, water forms, but not including the use of smooth concrete or asphalt.
 - "Large-scale commercial" means a commercial building whose total gross building area, including outdoor display and sales area, is equal to or exceeds 25,000 square feet. Large-scale commercial does not include agricultural uses or activities.
 - "Legal trail" means a trail that has been legally dedicated for public use either in fee simple or as a public use easement as a trail. The trail has an existing right-of-way or formal, written and recorded landowner permission allowing public access along its entire length.
 - "Livable space" means the square footage of habitable or living areas in a building intended for occupancy by one or more persons for living or sleeping quarters.
 - "Livestock" means outdoor animals (i.e., cows, goats, horses, pigs, sled dogs, barnyard fowl, etc.) kept for the purpose of providing food, clothing, work or recreation.
 - "Living area" means an area or room(s) in a building designed for occupancy by one or more persons for living or sleeping quarters.
 - "Lot" means the least fractional part of subdivided lands having limited fixed boundaries and having an assigned number, or other name through which it may be identified.
 - "Lot area" means the total horizontal area within the lot lines of a lot, but does not include the pole area of a flag lot and excludes any street rights-of-way.
 - "Maintenance" means the servicing, repairing, or altering of any premises, appliance, apparatus, or equipment to perpetuate the use or purpose for which such premises, appliance, apparatus, or equipment was originally intended.
 - "Mixed use development" means the development of a neighborhood, tract of land, building with a variety of complementary and integrated uses, such as, but not limited to, residential, office, neighborhood commercial, retail, public, recreation, in a compact urban form.
 - "Monitoring well" means any cased excavation or opening into the ground made by digging, boring, drilling, driving, jetting or other methods for the purpose of determining the physical, chemical, biological, or radiological properties of groundwater.
 - "Multifamily" means any building comprised of five or more dwelling units, or multiple buildings resulting in five or more dwelling units per lot.
 - "Multifamily residence" means any building that contains five or more dwelling units, or any development that results in five or more dwelling units per lot, or a planned development that comprises more than five buildable dwelling units.
 - "Natural features" means, but is not limited to, floodplains and surface drainage channels, stream corridors, wetlands and riparian habitat, wildlife and scenic corridors, and other bodies of water, steep slopes, prominent ridges, bluffs, or valleys, and existing trees and vegetation.

- "Natural grade" means the elevation of the ground level in its natural state, before construction, filling, or excavation.
- "Neighborhood" means an area of a community with characteristics that distinguish it from other areas and that may include distinct social or economic characteristics, housing types, schools, or boundaries defined by physical barriers such as major highways, and railroads, or natural features such as water bodies or topography.
- "Neighborhood commercial use(s)" means mixed use establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies and hardware. Typical commercial uses include neighborhood convenience stores, laundromats, dry cleaners, small neighborhood offices, postal services, and gas stations.
- "Occupied" means the presence of an individual or individuals in a structure or on a parcel of land or contiguous parcels.
- "Operator or manager" means any natural person responsible for the actual operation and management of an adult business.
- "Ownership interest" in any unincorporated business, means any interest in real or personal property used in connection with the business, coupled with any degree of exercise of management, supervision, direction, or control of the business. In any incorporated business, the term "ownership interest" means ownership of any stock of the corporation.
- "Parcel" means a lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.
- "Parking area/lot" means any public or private area, under or outside a building, designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated areas of public streets.
- "Path/pathway" means a cleared way for pedestrians or bicycles that may or may not be improved.
- "Pedestrian walkway" means a walkway or tunnel located at, above, or below grade level that is used as a means of travel by persons.
- "Permit" means written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.
- "Pervious hard surface" means any material that permits full or partial absorption of storm water into a previously unimproved land.
- "Phase" means a portion of an operation undertaken in a logical time and geographical sequence.
- "Pollution" means the contamination or other degradation of the physical, chemical or biological properties of water or air, including change in temperature, taste, color, turbidity or odor, or such discharge of any liquid, gaseous, solid, radioactive or other substance into water or air as will or is likely to create a nuisance or render such water or air harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.
- "Primary vehicle access" means, in the context of multifamily development, a vehicle access to the development that is, at a minimum, characterized by the following elements: (1) full-turn vehicle access (i.e., turns allowed in all directions); (2) entryway signage with name of development and address; and (3) principal entry for prospective owners or renters. All public and private roads must meet design standards as outlined in the borough's subdivision construction manual and addressing/street naming requirements as designated by the borough's geographic information systems department.

- "Principal use" means the primary or predominant use of any lot, building, or structure.
- "Property" means a lot, parcel, or tract of land together with the building located thereon.
- "Public land" means land owned, maintained, or managed by a public agency.
- "Qualified professional" means a professional hydrologist, geologist, or registered engineer that has specific education and experience with groundwater hydrology.
- "Recreational uses" means the pursuit of leisure-time activities such as, but not limited to, boating, dog mushing, fishing, hunting, trapping, swimming, motorized and nonmotorized activities, sports, games of skill, hiking, skiing, etc., and may include the enjoyment of natural beauty, historic landmarks, or wildlife.
- "Reserved trail" means a trail that has been legally dedicated for public use either in fee simple or as a public use easement as a trail. The trail has an existing right-of-way or formal, written and recorded landowner permission allowing public access along its entire length.
- "Responsible party" means the landowner or the land owner's designated agent.
- "Residential use" means the use of land, buildings or structures for human habitation.
- "Right-of-way" means a strip of land reserved or dedicated, used or to be used for a street, alley, walkway, trail, airport, or circulation related purpose.
- "Road" means a public or private way that provides access to property for vehicles or pedestrians.
- "Runoff" means the portion of rainfall, melted snow, irrigation water, and any other liquids that flows across the ground surface.
- "Scenic views" means scenic, natural views that may be of significant natural beauty, farmlands, mountains, or other scenes. The goal of development should be to preserve unique vistas and scenic corridors to the greatest extent possible.
- "Screening" means a method of visually shielding or buffering one abutting or nearby building or use from another by fencing, walls, berms, or densely planted vegetation.
- "Seasonal high water table" means the highest level to which the groundwater rises in most years. Estimates are based on observations of the water table at selected sites and on the evidence of a saturated zone, the upper limit often consisting of a mixture of grayish and reddish mottles in the soil.
- "Setback" means the distance between a structure or activity and any lot line, right-of-way, or easement and also the minimum distance required to be maintained between two structures or between a structure and property line, right-of-way, water well, or water body. The distance shall be calculated in a straight line, without regard to intervening structures or objects to the closest exterior point of the structure, property line, or shore line, or center of the well.
- "Short-term transient accommodation" means accommodations for compensation in a building or portions of a building consisting of a residency of any period less than 60 days. If residency exceeds 59 consecutive days, it cannot be considered a short-term transient accommodation for the purposes of this title.
- "Sidewalk" means a paved, surfaced, or leveled area, paralleling and usually separated from the traveled way, used as a pedestrian walk.
- "Single-family dwelling" means a building containing one dwelling unit.
- "Site" means any plot or parcel of land or combination of contiguous lots or parcels of land.

- “Slope” means the rate of vertical change of ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.
- “Solid waste” means drilling wastes, garbage, refuse, sludge, building material, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, or agricultural operations, or from community activities. For purposes of this chapter, “solid waste” does not include:
 - (a) spoil and overburden from road construction, land clearing, or mining operations;
 - (b) mining waste regulated by federal and state regulations;
 - (c) domestic sewage and other wastes that are discharged into and pass through a sewer system to a publicly owned treatment works;
 - (d) industrial or mining wastes that are being collected, stored, or treated in:
 - (i) a wastewater treatment plant before discharge or removal; or
 - (ii) an industrial processing facility for continual re-use;
 - (e) industrial discharges that are point sources subject to federal or state permits;
 - (f) nuclear or nuclear byproduct material.
- “Specified anatomical areas” means:
 - (a) less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola; and
 - (b) human male genitals in a discernibly turgid state, even if opaquely covered.
- “Specified sexual activities” means simulated or actual:
 - (a) display of human genitals in a state of sexual stimulation or arousal;
 - (b) acts of masturbation, sexual inter-course, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, or cunnilingus; and
 - (c) fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.
- “Standards” means mandatory regulations, which are indicated by use of the terms “will,” “shall” and “must.”
- “Steep slopes” means any portion of a development site where the natural grade of the land has a slope of 40 percent or greater.
- “Stream” means a body of flowing water, where the water flows in a natural channel as opposed to a canal.
- “Stream corridor” means the corridor defined by the top of the stream’s channel bank, plus the adjacent land areas that contain vegetation, habitats, and ecosystems associated with bodies of water or dependent on the flow of water in the stream. Biologists often refer to the adjacent land area, which will vary in width depending on the particular stream, as a “riparian ecosystem.” In braided channels, the stream corridor shall include the entire stream feature.
- “Street” means any vehicular way that is (1) an existing state, municipal, or borough roadway; (2) shown upon a plat approved pursuant to law; (3) approved by other official action; (4) shown on a plat duly filed and recorded in the office of the recording clerk; (5) shown on the official map or adopted master plan. It includes the land between the street lines, whether improved or unimproved.

- "Structure" means anything that is constructed or created and located on or under the ground, or attached to something fixed to the ground. For purposes of minimum setbacks and building separation requirements, the following are not considered structures unless specifically addressed by code: fences; retaining walls; parking areas; roads, driveways, or walkways; window awnings; a temporary building when used for 30 days or less; utility poles and lines; guy wires; clotheslines; flagpoles; planters; incidental yard furnishings; water wells; monitoring wells; and/or tubes, patios, decks, or steps less than 18 inches above average grade.
- "Structure, rail dependent" means a structure with a primary function requiring close proximity to railroad tracks.
- "Subdivider" means any person having an ownership interest in the land that is the subject of an application for development.
- "Subdivision" means the division of a tract or parcel of land into two or more lots, sites, or other divisions, or the combining of two or more lots, tracts, or parcels into one lot, tract, or parcel for the purpose, whether immediate or future, of sale or lease for more than ten years, including any resubdivision.
- "Subject site" means the property subject to the interim materials district; conditional use permit; or administrative permit for earth materials extraction activities.
- "Swale" means a low-lying or depressed land area commonly wet or moist, which can function as an intermittent drainageway.
- "Tall structure" means a structure that is over 85 feet above grade. The term includes, but is not limited to, tethered balloons, flag poles, sculpture, buildings, elevators, storage or processing facilities, water tanks, derricks, cranes, signs, chimneys, area illumination poles, towers, broadcast facilities, and supports for communication.
- "Telecommunication facility" means any unmanned facility established for the purpose of providing wireless transmission of voice, data, images, or other information including, but not limited to, cellular telephone service, personal communications service, paging service, and television or radio communications. Telecommunication facilities may include one or more towers, antennas, equipment cabinets, feed lines, ancillary structures, and fencing.
- "Telecommunication tower" means a tower built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- "Topographic features" means the physical land surface relief including terrain elevation and slope.
- "Tower" means a vertical projection composed of metal or other material designed for the purpose of accommodating antennas, wind turbine equipment, or other equipment at a desired height or utilization as a broadcast facility. Examples of tower types include guyed, lattice, monopole, concealed, and other similar type facilities. Towers do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than 20 feet.
- "Traditional uses" means an inherited, established, or customary pattern of land uses that may involve a cultural, historical practice, or a social custom.
- "Trail" means a traveled way which may have recreational, aesthetic, alternative transportation, or educational opportunities.
- "Transmission equipment" means equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular backup power supply.

- "Unbuildable" means an area or land that cannot be used practically or is not feasible for a habitable building because of natural conditions, such as a slope exceeding 40 percent, wetlands, floodplains, streams, ponds, or other impeding conditions.
- "Unconfined aquifer" means an aquifer whose upper surface is a water table free to fluctuate.
- "Undeveloped land" means land in its natural state before commencement of construction or placement of any building.
- "Use" means the purpose for which land, a building, or structure is arranged, designated, or intended, is occupied or maintained.
- "Useable open space" means land within or related to a development that is designed and intended for the common use or enjoyment of the residents of the development and may include complementary buildings and improvements as are necessary and appropriate.
- "Variance" means specific grant of relief from one or more of the requirements of this title as provided in MSB 17.65.
- "Water bodies" means permanent or temporary areas of standing or flowing water. Water depth is such that water, and not air, is the principal medium in which organisms live. Water bodies include, but are not limited to: lakes, ponds, streams, rivers, sloughs, and all salt water bodies.
- "Water table" means the upper surface of a zone of saturated soil, including natural seasonal fluctuations, but excluding fluctuations caused by heavy rains or rapid snowmelt; the water table is indicated by the level at which water stands in a well that is open along its length and penetrates the surficial deposits just deeply enough to encounter standing water in the bottom.
- "Wetlands" means those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.
- "Width of a structure" means the horizontal distance measured from the outermost points of the structure including attachments and structural supports but excluding guy wires and transmission lines strung between towers as in the case of electrical power lines.
- "Wind energy conversion system (WECS)" means any device such as a wind charger, windmill, turbine, energy ball, wind tower, or another similar device, which is typically mounted to a tower or pole, and its associated mechanical and electrical equipment, which is designed to convert wind energy to a form of usable energy.
- "Yard" means an open space that lies between the principal building or buildings and the nearest lot line.
- "Yard, front" means a space extending across the full width of the lot between the principal building and the front lot line and measured perpendicular to the building to the closest point of the front lot line.
- "Yard, rear" means a space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.
- "Yard, required" means the minimum open space between a lot line and the yard line within which no building is permitted to be located except as provided by the design standards.
- "Yard, side" means a space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

(Ord. 17-096, § 5, 2017; Ord. 15-016, § 3, 2015; Ord. 12-169, § 4, 2013; Ord. 12-064, § 3, 2012; Ord. 11-159, § 3, 2011; Ord. 11-153, § 18, 2011; Ord. 11-146, § 8, 2011; Ord. 11-074, § 5, 2011; Ord. 11-019, § 3, 2011; Ord. 09-014, § 3, 2009; Ord. 08-161(AM), § 3, 2008; Ord. 08-136, § 3, 2008; Ord. 08-018(SUB), § 18, 2008; Ord. 08-017(AM), § 3, 2008; Ord. 07-058, § 12, 2007; Ord. 06-192(AM), § 3, 2007; Ord. 06-188(SUB), § 3, 2007; Ord. 05-182(AM), § 9, 2005; Ord. 05-125(SUB)(AM), § 2 (part), 2005)

The Matanuska-Susitna Borough Code is current through Ordinance 18-005, passed February 6, 2018, and other legislation passed January 2, 2018.

Disclaimer: The Borough Clerk's Office has the official version of the Matanuska-Susitna Borough Code. Users should contact the Borough Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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DEPARTMENT OF ENVIRONMENTAL CONSERVATION



18 AAC 72

Wastewater Disposal

As amended through October 22, 2016

IMPORTANT NOTE TO READER

THE REGULATIONS REPRODUCED HERE HAVE BEEN PROVIDED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AS A PUBLIC COURTESY. WHILE EVERY EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE REPRODUCED VERSION, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION CANNOT GUARANTEE ITS ABSOLUTE ACCURACY. PAPER COPIES OF THE REGULATIONS AS ORIGINALLY FILED BY THE LIEUTENANT GOVERNOR ARE AVAILABLE FROM THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

THE REGULATIONS HAVE AN EFFECTIVE DATE OF 10/22/2016, ARE IN REGISTER 220, AND WILL APPEAR IN OFFICIAL PUBLISHED FORM IN THE JANUARY 2017 SUPPLEMENT TO THE ALASKA ADMINISTRATIVE CODE.

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Chapter 72. Wastewater Treatment and Disposal

Article

1. Domestic Wastewater Treatment and Disposal (18 AAC 72.005 – 18 AAC 72.070)
2. Domestic Wastewater System Plan Review Requirements (18 AAC 72.200 – 18 AAC 72.280)
3. Repealed
4. Certified Installers for Domestic Wastewater Treatment and Disposal Systems (18 AAC 72.400 – 18 AAC 72.440)
5. Nondomestic Wastewater (18 AAC 72.500 – 18 AAC 72.510)
6. Nondomestic Wastewater System Plan Review (18 AAC 72.600 – 18 AAC 72.610)
7. General Provisions (18 AAC 72.900 – 18 AAC 72.990)

Editor's Note: The regulations in 18 AAC 72.005 – 18 AAC 72.280 and 18 AAC 72.400 – 18 AAC 72.440, effective April 1, 1999 and distributed in Register 149, constitute a comprehensive reorganization and revision of material formerly set out in 18 AAC 72.010 – 18 AAC 72.285. The regulations at 18 AAC 72.005 – 18 AAC 72.280 and 18 AAC 72.400 – 18 AAC 72.440 replace former 18 AAC 72.010 – 18 AAC 72.285, which were repealed simultaneously with the adoption of these regulations. The history line at the end of each section does not reflect the history of the replaced provisions before April 1, 1999. Some section numbers in this revision were used for previous regulations, but current sections are not necessarily related to previous sections with the same section number. Earlier versions of 18 AAC 72.005 – 18 AAC 72.280 may be reviewed at the Office of the Lieutenant Governor, and may be found at the following registers: Register 47, 8/10/73; Register 61, 2/3/77; Register 65, 3/4/78; Register 69, 2/2/79; Register 84, 12/30/83; Register 93, 3/30/85; Register 102, 6/18/87; Register 114, 6/30/90; Register 125, 2/19/93; Register 132, 11/10/94; Register 142, 4/18/97.

Additionally, the regulations in 18 AAC 72, effective June 30, 1990 and distributed in Register 114, constituted a comprehensive reorganization and revision of the material in this chapter. The regulations effective on that date replaced former 18 AAC 72, which was repealed simultaneously with the adoption of those regulations. The history lines at the end of 18 AAC 72.299 – 18 AAC 72.385 and 18 AAC 72.500 – 18 AAC 72.990 do not reflect the history of replaced provisions, if any, before June 30, 1990. Some section numbers in the revision of June 30, 1990 may have been used for regulations existing before that date, but current sections are not necessarily related to previous sections with the same section number. Versions of 18 AAC 72 that preceded the June 30, 1990 comprehensive revision and reorganization may be reviewed at the Office of the Lieutenant Governor, and may be found at the following registers: Register 47, 8/10/73; Register 61, 2/3/77; Register 65, 3/4/78; Register 69, 2/2/79; Register 84, 12/30/83; Register 93, 3/30/85; Register 102, 6/18/87.

Article 1. Domestic Wastewater Treatment And Disposal.

Section

- 05. Purpose and applicability of 18 AAC 72.005 - 18 AAC 72.440
- 07. Technical review committee
- 10. Permit and plan approval requirements
- 15. Restrictions; installation or modification of certain systems
- 20. Separation distances
- 25. Holding tanks
- 30. Pit privies
- 35. Conventional onsite systems
- 40. Discharge to sewers
- 50. Minimum treatment
- 55. Sludge disposal
- 60. Waiver or modification
- 65. Certified operator requirement for certain domestic wastewater systems
- 70. Reference materials

18 AAC 72.005. Purpose and applicability of this chapter. (a) The purpose of this chapter is to

(1) protect human health, through the prevention of the transmission of diseases and illnesses through exposure to wastewater;

(2) protect the environment and water quality from degradation by discharge of wastewater; and

(3) establish minimum treatment, construction, operation, and maintenance standards for wastewater treatment works and disposal systems.

(b) The minimum treatment standards established in 18 AAC 72.005 - 18 AAC 72.070 apply to each domestic wastewater collection, treatment, and disposal system installed in the state, including a system that is exempt from plan review requirements under 18 AAC 72.035(d) or 18 AAC 72.200(b).

(c) In addition, the provisions of 18 AAC 72.400 - 18 AAC 72.440 apply to

(1) persons seeking certification to install or modify conventional onsite systems;

(2) homeowners seeking approval to install or modify their own conventional onsite systems;

(3) certified installers of conventional onsite systems; and

(4) homeowners approved by the department to install their own conventional onsite system. (Eff. 4/1/99, Register 149; am 5/12/2016, Register 218)

Authority: AS 44.46.020 AS 46.03.100
AS 46.03.020

18 AAC 72.007. Technical review committee. The department will, in its discretion, consult with a technical review committee that can include private engineers, communities, the University of Alaska, the United States Public Health Service, and the Alaska Science and Technology Foundation if reviewing innovative technology, novel applications of an existing technology, or a pilot project or other limited trial of a proposed technology or application for the treatment and disposal of domestic wastewater. The purpose of the consultation is to obtain recommendations regarding provisional approval for use of those systems, including recommendations for stipulations, modifications, or other restrictions on the use or installation. (Eff. 4/1/99, Register 149)

Authority: AS 44.46.020 AS 46.03.050 AS 46.03.100
AS 46.03.020 AS 46.03.080 AS 46.03.720

18 AAC 72.010. Permit and plan approval requirements. (a) A person who disposes of domestic wastewater into or onto land, surface water, or groundwater must have a permit from the department, if the department requires a permit under 18 AAC 72.215 or under 18 AAC 83, and a plan approved by the department if the department requires a person to obtain approval under 18 AAC 72.200. The permit or approval must be obtained before beginning construction of a domestic wastewater treatment and disposal system.

(b) Before submitting a permit application or plan for review and approval under this chapter, the applicant may request a preapplication conference to discuss the conceptual plan and to resolve any issues with the department. The department will hold the conference within 15 days after the date of a request, or later at the applicant's request. The conference will be attended by the department staff expected to perform the review. Agreements reached at the conference will be recorded in writing and sent to the applicant and other participants within five days after the conference unless another date is agreed upon by the applicant and the department.

(c) Within 90 days after completing the installation or modification of an onsite system, a person described in 18 AAC 72.015(b)-(d) shall submit, in accordance with (d) of this section, a completed documentation of construction form provided by the department; and

(1) for a person described in 18 AAC 72.015(b), record drawings of the installation;

(2) for a person certified under 18 AAC 72.400 – 18 AAC 72.440,

(A) the signature of the certified installer and, if applicable, of the employer-contractor;

(B) the certified installer's certification number; and

(C) photographs that document the various stages of installation or modification, as set out in the *Onsite Wastewater System Installation Manual*, adopted by reference in 18 AAC 72.070(a)(1); or

(3) for a homeowner approved under 18 AAC 72.410, photographs that document the various stages of installation or modification, as set out in the *Onsite Wastewater System Installation Manual*, adopted by reference in 18 AAC 72.070(a)(1).

(d) A person shall submit permit applications and plans required by this section to the department's office that is nearest the worksite. (Eff. 4/1/99, Register 149; am 7/29/2006, Register 179; am 5/12/2016, Register 218)

Authority: AS 44.46.020 AS 46.03.050 AS 46.03.100
AS 44.46.025 AS 46.03.080
AS 46.03.020

Editor's note: For purposes of submitting permit applications and plans as required under 18 AAC 72.010(d), department offices are located in Anchorage, Fairbanks, Juneau, Soldotna, and Wasilla.

18 AAC 72.015. Restrictions; installation or modification of certain systems. (a) A person may not use a cesspool for domestic wastewater treatment or disposal.

(b) Except as provided in (c) and (d) of this section, a person may not install or modify an onsite system unless that person is

- (1) a registered engineer;
- (2) supervised by a registered engineer; or
- (3) a person whose work is inspected by a registered engineer.

(c) A person certified under 18 AAC 72.400 - 18 AAC 72.440 may install or modify a conventional onsite system that serves a private residence or a small commercial facility.

(d) A homeowner may seek approval under 18 AAC 72.410 to install or modify a conventional onsite system that serves the homeowner's owner-occupied private residence. (Eff. 4/1/99, Register 149; am 5/12/2016, Register 218)

Authority: AS 44.46.020 AS 46.03.070 AS 46.03.100
AS 46.03.020 AS 46.03.080
AS 46.03.050

18 AAC 72.020. Separation distances. (a) A person who builds or installs a sewer, private sewer line, onsite system, or domestic wastewater treatment works shall comply with the applicable minimum separation distances set out

(1) in 18 AAC 80.020 for a public water system, unless the department has approved a lesser separation distance under that section; or

(2) in (c) of this section for a private water system.

(b) The minimum separation distance between the mean annual high water level of a lake, river, stream, spring, or slough, or the mean higher high water level of coastal waters, and a lift station, holding tank, septic tank, soil absorption system, seepage pit, pit privy, or other wastewater collection, treatment, or disposal system is 100 feet, measured horizontally.

(c) Except as otherwise provided in this section, the minimum separation distance between the source of the drinking water for a private water system and a

(1) domestic wastewater treatment works, onsite disposal system, pit privy, sewer manhole and lift station, or sewer cleanout is 100 feet, measured from the nearest edge of the treatment works, disposal system, pit privy, manhole, lift station, or cleanout to the private drinking water source;

(2) community sewer line, holding tank, sanitary landfill, industrial discharge line, or other potential source of contamination, such as domestic animal or agricultural waste, is 75 feet, measured from the nearest edge of the community sewer line, holding tank, sanitary landfill, industrial discharge line, or other potential source of contamination to the private drinking water source; or

(3) private sewer line, petroleum lines and storage tanks, or drinking water treatment wastes, such as backwash water from filters and water softeners and reject water from reverse osmosis units, is 25 feet; the minimum separation distance for petroleum storage tanks does not apply to

(A) tanks that contain propane; or

(B) above-ground storage tanks or drums that, in the aggregate, have a storage capacity of less than 500 gallons of petroleum products, and that store only petroleum products necessary for the operation and maintenance of pumps, power generation systems, or heating systems associated with a potable water well or other potable water source; for purposes of this subparagraph, "petroleum products" refers to fuel and lubricants.

(d) The department will require a greater separation distance than that required by (b) or (c) of this section if the department determines that distance to be necessary to protect surface water, groundwater, or a drinking water source. The department will make this decision after considering soil classifications, groundwater conditions, surface topography, geology, past experience, or other factors relevant to protection of surface water, groundwater, or drinking water.

(e) A request for a waiver of the separation distance required by (b) or (c) of this section, and for approval of a lesser separation distance, must include a report for each waiver that is sought, including multiple waivers for a single project. The report required under this subsection must

(1) be sealed by a registered engineer; the department will waive this requirement if the department determines that

(A) the site of the proposed system is remote from a community with access to professional engineering services; and that the resulting cost of bringing a registered engineer to the site would be overly burdensome; and

(B) public health, public and private water systems, and the environment are adequately protected without this requirement;

(2) justify the lesser distance and explain how the lesser distance does not threaten public health, public and private water systems, or the environment;

(3) describe soil classifications, groundwater conditions, surface topography, geology, and other environmental conditions that would assist the department in establishing a lesser separation distance; and

(4) include a set of plans, consisting of

(A) record drawings if the department determines them necessary to evaluate the request;

(B) an accurate description, including the location, of potential sources of contamination, surface water, groundwater, and existing or potential drinking water sources in the area; and

(C) the details of the system design that

(i) address the physical and environmental conditions in (3) of this subsection; and

(ii) will prevent contamination of the surface water, groundwater, or drinking water sources identified in (B) of this paragraph at the lesser distance; and

(D) other information the department determines to be necessary to assess the effect of a lesser distance upon public health, public and private water systems, and the environment.

(f) In accordance with 18 AAC 72.060, the department will approve a waiver of the separation distance required by (b) or (c) of this section if the department finds, after review of the report submitted under (e) of this section, that a lesser separation distance does not threaten public health or the environment and protects surface water, groundwater, and existing or potential drinking water sources. As necessary to protect public health and the environment, and

to protect surface water, groundwater, and existing or potential drinking water sources, the department will require changes to system design as a condition of approval, including increased depth of grout and changes to the pipe material, pipe bedding, joints, and pipe strength.

(g) A person may not install

(1) a septic tank or soil absorption system directly above or below a water line at any distance, or within 10 horizontal feet of a water line; or

(2) a sewer line directly above or below at any distance, or within 10 horizontal feet of a water line, unless

(A) the required location or separation distance cannot be met because of the site configuration, the system design, or the presence of other obstacles that have regulated separation distance requirements;

(B) the sewer line is designed and constructed in a manner equivalent to the requirements for a potable water pipe, and

(i) is pressure tested to ensure watertightness; or

(ii) is enclosed in a carrier pipe of similar strength and rating as the actual pipe, or of a strength and rating approved by the department as protective of public health, public and private water systems, and the environment;

(C) the sewer line is in a separate trench from the water line; and

(D) at locations where sewer and water lines must cross,

(i) the sewer line is installed below the water line to the maximum length possible unless existing appurtenances, elevations, or depth-of-cover requirements prohibit such installation;

(ii) the sewer line uses a bedding that is specially designed to protect the integrity of the sewer line in places where the elevation of a water line is below a sewer line;

(iii) the sewer line joints are at least nine feet from the water line joints; and

(iv) the sewer line is at least 18 vertical inches from a water line.

(h) Upon determining that a waiver will not threaten public health, public and private water systems, or the environment, the department will waive the requirements of (g) of this section in accordance with 18 AAC 72.060

(1) for a utilidor, if the water line is above the sewer line, and

(A) for an above-ground utilidor, the utilidor will not flood if pipe failure occurs; or

(B) for an underground utilidor, the utilidor is drained to a low point within the utilidor and has an automatic pumping and alarm system; or

(2) on a case-by-case basis, if design plans, reports, or drawings supporting a request for a lesser vertical and horizontal separation distance between water and sewer lines or for other configurations are sealed by a registered engineer.

(i) A person may not install a pit privy in an area subject to flooding. The vertical separation between the lowest point of a pit privy and the water table, measured during the season of the year with maximum water table elevation, must be at least four feet.

(j) The minimum vertical separation between the lowest part of a conventional soil absorption system and

(1) the water table, as measured during the season of the year with maximum water table elevation, must be at least four feet; and

(2) underlying bedrock, clay, or other impermeable strata must be at least six feet. (Eff. 4/1/99, Register 149; am 3/25/2001, Register 157; am 5/12/2016, Register 218)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.100
	AS 44.46.025	AS 46.03.070	
	AS 46.03.020	AS 46.03.080	

18 AAC 72.025. Holding tanks. (a) A person may install or use a holding tank if

(1) the department finds that permafrost or other soil conditions preclude the use of a soil absorption system or other subsurface domestic wastewater disposal system;

(2) the tank holds at least 1,000 gallons, plus 250 gallons per bedroom over three served by the tank;

(3) the tank is regularly pumped to prevent overflow;

(4) the tank is equipped with a high water alarm that will alert the home's occupants that pumping is required; and

(5) plans are approved under 18 AAC 72.200.

(b) This section does not apply to

(1) marine sanitation devices; or

(2) holding tanks contained in a mobile food unit permitted under 18 AAC 31. (Eff. 4/1/99, Register 149)

Authority: AS 44.46.020 AS 46.03.070 AS 46.03.100
AS 46.03.020 AS 46.03.080 AS 46.03.720
AS 46.03.050

Editor's note: The discharge of domestic wastewater from vessels is regulated by federal standards of performance for marine sanitation devices under 33 U.S.C. 1322 (Clean Water Act, sec. 312).

18 AAC 72.030. Pit privies. A person may install a pit privy if the pit privy meets the separation distance requirements in 18 AAC 72.020(b), (c), and (i). A person may not dispose of graywater in a pit privy. (Eff.4/1/99, Register 149)

Authority: AS 44.46.020 AS 46.03.070 AS 46.03.100
AS 46.03.020 AS 46.03.080 AS 46.03.720
AS 46.03.050

18 AAC 72.035. Conventional onsite systems. (a) A person may install a septic tank if

(1) the design and construction of the septic tank, exclusive of tank capacity, meets the minimum specifications for septic tanks contained in Appendix K of the state's plumbing code as required under AS 18.60.705 and 18 AAC 72.070(b);

(2) a septic tank serving a private residence has a capacity of at least 1,000 gallons, plus 250 gallons per bedroom over three served by the tank;

(3) the net minimum volume of a septic tank serving structures other than those described in (2) of this subsection is

(A) at least 1,000 gallons for systems with daily design flows up to 750 gpd;

(B) at least 1.5 times the daily design flow for systems with daily design flows between 750 and 1,500 gpd; or

(C) at least 1,125 gallons plus 0.75 times the daily design flow for systems with daily design flows exceeding 1,500 gpd;

(4) septic tank access openings have watertight covers that are

(A) bolted;

(B) padlocked;

(C) covered with at least 12 inches of backfill; or

(D) otherwise securely fastened in place; and

(5) the installation of a septic tank is completed by a person described in 18 AAC 72.015(b), (c), or (d).

(b) Except as provided in (d) of this section and 18 AAC 72.200(b), plans for a conventional onsite system must be approved by the department as required by 18 AAC 72.200.

(c) A conventional onsite system must have frost penetration protection that meets the requirements of Table A of this subsection, such as adequate depth of burial, mounding above grade, or insulation.

Table A. INSULATION REQUIREMENTS	
Geographical Area	Depth of Ground Cover or Insulation Equivalent
Southeast Alaska (east of 141° W. longitude)	3 feet of cover
Southwest Alaska (Kodiak Island Borough and all areas southwest of Chignik, including Chignik)	2 feet of cover
The area within the Valdez corporate boundary, and the coastal area south and east of Valdez to 141° W. longitude	3 feet of cover
All remaining areas of the state	4 feet of cover
For up to two feet of the required ground cover, the applicant may substitute insulation material that does not absorb water, with department approval of material type and thickness as protective of public health, public and private water systems, and the environment, except that at least two feet of ground cover must be maintained.	

(d) A person may install a conventional onsite system without plan approval if

(1) the system is for a private residence or a small commercial facility;

(2) the installation of the system is completed by a person described in 18 AAC 72.015(b), (c), or (d);

(3) the installation complies with the *Onsite Wastewater System Installation Manual*, adopted by reference in 18 AAC 72.070(a)(1);

(4) the design of the system conforms to standard sanitary engineering principles and practices and adequately protects public health, the environment, and public and private water systems;

(5) the system is located in soils classified as GW, GP, GM, SW, SP, or SM under the Unified Soil Classification System;

(6) the system has a minimum infiltrative area in accordance with Division 20 of the *Onsite Wastewater System Installation Manual*, adopted by reference in 18 AAC 72.070(a)(1), or the soils and the minimum infiltrative area conform to the requirements of 18 AAC 72.260(a)(4)(A) and (D);

(7) the system complies with the separation distances set out in 18 AAC 72.020;

(8) the ground surface slope is less than or equal to 25 percent for trenches, and less than or equal to 10 percent for beds;

(9) as shown in Figure 1 of this subsection, at least 50 feet separates any part of the soil absorption system from any slope greater than 25 percent, whether man-made or natural, with a drop in the surface height greater than 10 feet; and

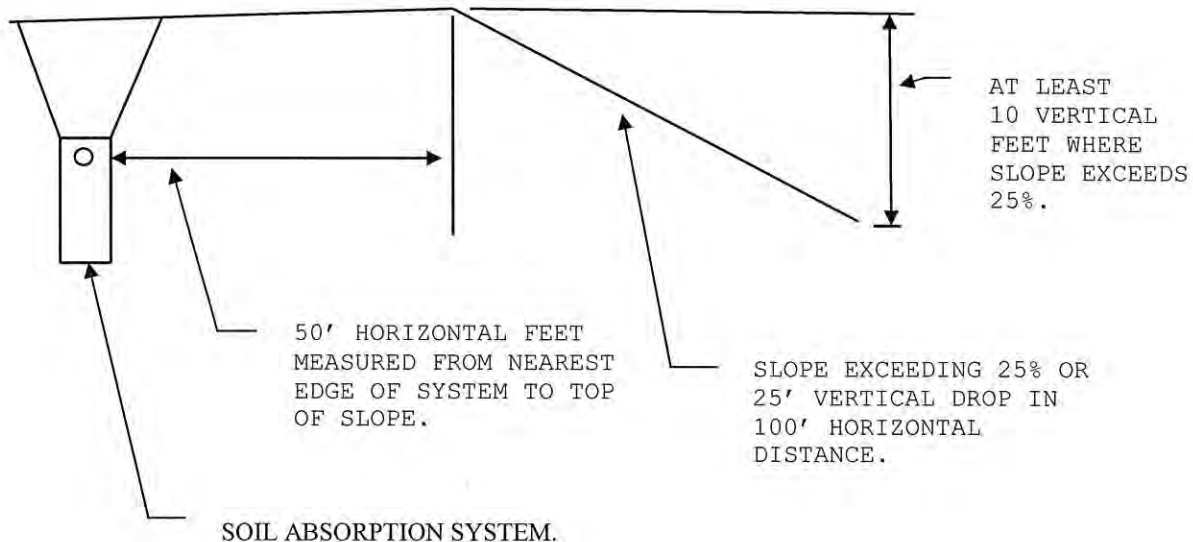


Figure 1

(10) the system is not located in an area

- (A) known or suspected to contain permafrost;
- (B) where similar systems have been known to fail;
- (C) where a high groundwater table or poor soil conditions exist; or

(D) where the department finds that a discharge threatens public health, public and private water systems, or the environment.

(e) Under 18 AAC 72.060, the department will, in its discretion, grant a waiver from the requirements of (d)(8) and (d)(9) of this section for a conventional onsite system if, under the waiver, the system operates in a manner protective of public health, public and private water systems, and the environment, and if existing soil types, vegetation, geologic factors, hydrologic factors, or other pertinent factors show that there is reasonable assurance that wastewater will not surface downslope, and that an unstable slope condition will not be created. (Eff. 4/1/99, Register 149; am 5/12/2016, Register 218)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.100
	AS 44.46.025	AS 46.03.070	
	AS 46.03.020	AS 46.03.080	

18 AAC 72.040. Discharge to sewers. (a) As necessary to protect public health, public and private water systems, and the environment, the department will require that flows to a domestic wastewater disposal system be pretreated and equalized to prevent

(1) overloading of or damage to the sewer, domestic wastewater treatment works, or disposal system; or

(2) pollution of receiving waters.

(b) Subject to (c) of this section, a person may not

(1) discharge stormwater, silty water from construction dewatering efforts, gutter runoff, or street runoff into a sewer designed to handle only domestic or nondomestic wastewater flows without stormwater;

(2) discharge oil, petroleum products, industrial solvents, or other substances detrimental to treatment processes or operation into

(A) a sewer designed to handle only domestic wastewater or stormwater;
or

(B) a wastewater treatment facility or process not designed to handle these substances;

(3) cause any connection or additional discharge to a domestic wastewater treatment works or domestic wastewater disposal system that the department has found to be overloaded or inadequate; in making a finding under this paragraph, the department will consider original plans or record drawings, compliance history, or discharge monitoring reports; or

(4) install a sewer line unless it

(A) has a mean conduit velocity, when flowing full, of not less than two feet per second;

(B) is designed for the maximum expected flow; and

(C) is designed so that the diameter of any receiving sewer line is equal to or greater than the diameter of the largest sewer line connecting to it.

(c) The department will, in its discretion, and in accordance with 18 AAC 72.060, grant a waiver from the requirements

(1) of (b)(4) of this section for sewers

(A) proposed for areas of the state that are subject to permafrost conditions; or

(B) designed to receive a clarified effluent from primary treatment systems, such as septic tank effluents; or

(C) designed as vacuum sewers; and

(2) of (b)(4)(C) of this section if calculations are provided to the department that demonstrate that the capacity of the receiving sewer line will handle the flow. (Eff. 4/1/99, Register 149)

Authority:	AS 44.46.020	AS 46.03.070	AS 46.03.100
	AS 46.03.020	AS 46.03.080	AS 46.03.720
	AS 46.03.050		

18 AAC 72.050. Minimum treatment. (a) Subject to meeting the applicable requirements of 18 AAC 83.005 – 18 AAC 83.990 for a discharge to waters of the United States, a person may discharge domestic wastewater into or onto water or land if the discharge

(1) to surface land has received secondary treatment, and if the discharge is a potential health hazard, the discharge has been disinfected;

(2) to subsurface land has received primary treatment and is discharged to a soil absorption system; the department will require additional treatment if the discharge is a potential health hazard;

(3) from a community domestic wastewater treatment works to water has received secondary treatment; and

(4) from a source that is ineligible for a waiver under 33 U.S.C. 1311(h) (Clean Water Act, sec. 301(h)) to water has received secondary treatment.

(b) The department will require treatment in addition to the minimum set out in this section if necessary to protect public health, public and private water systems, or the environment. In deciding to increase treatment under this section, the department will consider whether the discharge is to a sensitive receiving environment, whether the discharge is to the surface or subsurface, and other permit or plan approval conditions.

(c) Under 18 AAC 72.060, the department will waive the requirements of (a)(3) of this section and reduce the minimum treatment requirements for a community domestic wastewater treatment works, if the department determines that the reduced requirements will protect public health, public and private water systems, and the environment, and if

(1) a modified treatment level has been established for the discharge of domestic wastewater to marine water under 33 U.S.C. 1311(h) (Clean Water Act, sec. 301(h)), and the modified treatment level complies with at least primary treatment requirements;

(2) before the establishment of a modified treatment level as described in (1) of this subsection, and upon review of a completed application for a modified treatment level under 33 U.S.C. 1311(h), the department finds that an interim lesser degree of treatment will meet primary treatment requirements during the period that the EPA reviews the application;

(3) alternative percentage removal requirements for biochemical oxygen demand and suspended solids have been established by the EPA under 40 C.F.R. 133.103(a), revised as of July 1, 1997;

(4) the values for biochemical oxygen demand or suspended solids are increased by the EPA under 40 C.F.R. 133.103(b), revised as of July 1, 1997; or

(5) the minimum levels of discharge of suspended solids from a waste stabilization pond are adjusted by the EPA under 40 C.F.R. 133.103(c), revised as of July 1, 1997.

(d) Under 18 AAC 72.060, the department will waive the requirements of (a)(1) or (a)(4) of this section and reduce the minimum treatment requirements, if the department determines that the reduced requirements will protect public health, public and private water systems, and the environment. A person seeking a reduced level of treatment must submit a report that

(1) explains how public health, public and private water systems, and the environment will be adequately protected with the reduced level of treatment proposed;

(2) describes the volume, characteristics, frequency, and duration of the discharge;

(3) includes the plans required by 18 AAC 72.200;

(4) identifies water and existing or potential drinking water sources within 200 feet of the discharge area; and

(5) describes any other environmental factor that is important in approving the lesser treatment level, including,

(A) for a domestic wastewater discharge to surface land

(i) local soil classification and groundwater conditions;

(ii) surrounding topographic, geologic, and soil characteristics; and

(iii) existing and potential uses of the land, including food processing, food gathering, housing, education, industry, recreation, and agriculture; and

(B) for a graywater discharge to fresh water, or for a domestic wastewater discharge to marine water

(i) the hydrological characteristics of the receiving water, including flushing ability, tide, and current;

(ii) local topographic, geologic, and soil characteristics; and

(iii) existing and potential uses of the water, including drinking, aquaculture, food processing, food gathering, fishing, boating, swimming, and recreation.

(e) A person may not discharge domestic wastewater with less than primary treatment. (Eff. 4/1/99, Register 149; am 7/29/2006, Register 179)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.080
	AS 44.46.025	AS 46.03.070	AS 46.03.100
	AS 46.03.020		

Editor's note: The discharge of domestic wastewater from vessels is regulated by federal standards of performance for marine sanitation devices under 33 U.S.C. 1322 (Clean Water Act, sec. 312).

18 AAC 72.055. Sludge disposal. A person may dispose of sludge from a septic tank, holding tank, pit privy, or domestic wastewater treatment works only at a site or facility holding a department permit for that type of disposal. (Eff. 4/1/99, Register 149)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.710
	AS 46.03.020	AS 46.03.100	AS 46.03.720

18 AAC 72.060. Waiver or modification. (a) If the department determines that a waiver or modification of a provision of 18 AAC 72.005 – 18 AAC 72.055 will be protective of public health, public and private water systems, and the environment, and will not violate a requirement of 18 AAC 83.005 – 18 AAC 83.990, the department will waive or modify that provision.

(b) The department's decision under (a) of this section will be based upon information submitted in a report by a registered engineer, including information about effluent quality and quantity, soil and groundwater conditions, surface water and topography, geology, water and land uses, construction methods and materials, information required in applicable specific waiver provisions of 18 AAC 72.005 – 18 AAC 72.060, and information about any other factor pertinent to environmental quality, public and private water systems, or public health. A request for a waiver or modification under this section must be accompanied by the fee required by 18 AAC 72.955, 18 AAC 72.956 or 18 AAC 72.957. (Eff. 4/1/99, Register 149; am 1/17/2002, Register 161; am 7/29/2006, Register 179)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.100
	AS 44.46.025	AS 46.03.070	AS 46.03.720
	AS 46.03.020	AS 46.03.080	

18 AAC 72.065. Certified operator requirement for certain domestic wastewater systems.

The owner or operator of a domestic wastewater system that has 100 or more service connections or that is used, or intended for use, by 500 or more people per day shall ensure that the system is operated by a person certified under 18 AAC 74. (Eff. 4/1/99, Register 149)

Authority:	AS 44.46.020	AS 46.03.100	AS 46.03.720
	AS 46.03.020	AS 46.03.710	AS 46.30.040
	AS 46.03.050		

18 AAC 72.070. Reference materials. (a) The following materials are adopted by reference:

(1) the department's *Onsite Wastewater System Installation Manual*, revised as of January 27, 2016;

(2) repealed 5/12/2016;

(3) *NSF International Standard/ American National Standard NSF/ANSI 40-2013: Residential Wastewater Treatment Systems*, revised as of April 2013;

(4) Chapter 7 and Table 3-8 from *Design Manual: Onsite Wastewater Treatment and Disposal Systems*, EPA 625/1-80-012, October 1980, United States Environmental Protection Agency, Office of Water Program Operations, Office of Research and Development.

(b) The department will use the requirements of the state plumbing code, as developed under AS 18.60.705, in evaluating plans submitted for approval under this chapter.

(c) Repealed 5/12/2016. (Eff.4/1/99, Register 149; am 3/25/2001, Register 157; am 5/12/2016, Register 218)

Authority:	AS 44.46.020	AS 46.03.050
	AS 46.03.020	AS 46.03.090

Editor's Note: The documents listed in 18 AAC 72.070 are available for viewing at the department's Anchorage, Fairbanks, Juneau, Soldotna, and Wasilla offices.

Article 2. Domestic Wastewater System Plan Review.

Section

- 200. Application for department approval
- 205. Submittal requirements
- 210. (Repealed)
- 215. Permit required
- 220. Plan review
- 225. Approval to construct
- 230. Revisions to approved plans
- 235. Construction certification
- 240. Approval to operate
- 245. Treatment works
- 250. Utilidors
- 255. Stabilization ponds
- 260. Community and alternate soil absorption systems
- 263. Package plants
- 265. Soils analysis and report
- 270. Collection and pumping systems
- 275. Disposal systems
- 280. Delegation of domestic wastewater system plan review

18 AAC 72.200. Application for department approval. (a) Except as otherwise provided in 18 AAC 72.035(d) and (b) of this section, a person must submit a plan to the department and obtain approval of that plan before constructing, installing, or modifying any part of a domestic wastewater collection, treatment, storage or disposal system. To obtain approval, a person shall provide to the department the information required by 18 AAC 72.205.

(b) Written approval is not required for an emergency repair or routine maintenance. The owner or operator shall notify the department as described in 18 AAC 72.940 if the system malfunctions.

(c) The department will base its approval of system plans exclusively on the provisions of AS 46.03 and this chapter.

(d) The department will evaluate on a case-by-case basis applications for domestic wastewater system plan approval proposing a method of wastewater treatment or disposal not addressed in this chapter, and will consider the plan review provisions, recommendations from a technical review committee assembled under 18 AAC 72.007, and other applicable approval criteria set out in AS 46.03 and this chapter. (Eff. 4/1/99, Register 149; am 5/12/2016, Register 218)

Authority:	AS 44.46.020	AS 46.03.050
	AS 46.03.020	AS 46.03.100

18 AAC 72.205. Submittal requirements. (a) To obtain approval of plans for collection, treatment, and disposal of domestic wastewater required by 18 AAC 72.200, the applicant must submit to the department

- (1) the plan review fee required by 18 AAC 72.955;
- (2) a completed system plan review data sheet, on a form supplied by the department or a document that contains the same information, including
 - (A) the project name and description;
 - (B) the general location of the project;
 - (C) the project owner's name, address, and telephone number;
 - (D) the name, address, and telephone number of a person to contact regarding matters relating to project approval; and
 - (E) a description of the type of wastewater project proposed;
- (3) a completed owner's statement,
 - (A) on a form supplied by the department or a document that contains the same information; and
 - (B) signed in accordance with 18 AAC 15.030;
- (4) plans consisting of reports or drawings that
 - (A) clearly and legibly depict the design
 - (i) on half-size drawings;
 - (ii) on 8 ½-inch by 11-inch drawings; or
 - (iii) in an electronic format that can be read and stored with the file;
 - (B) demonstrate compliance with the applicable approval criteria in 18 AAC 72.220 – 18 AAC 72.275; and
 - (C) demonstrate that
 - (i) the system meets the minimum design criteria of this chapter;
 - (ii) a discharge, if any, from the system meets the standards of quality for surface water and groundwater set out in 18 AAC 70;
 - (iii) the system protects drinking water sources and systems; and
 - (iv) a discharge, if any, from the system meets the effluent limitations in a permit authorizing that discharge that is issued under 18 AAC 83 or a permit issued under 33 U.S.C. 1342 (Clean Water Act, sec. 402);

(5) a statement identifying each permit that the department requires for the project; if a required permit has not been secured, but an application for that permit has been submitted for department review, the department will, upon request of the applicant, review the domestic wastewater system plans; the department will condition an approval to construct under 18 AAC 72.225 upon the project receiving all required department permits, with permit disposal limits equal to or less stringent than the assumed values used in preparing and reviewing the wastewater system design;

(6) unless a domestic wastewater system serves only one private residence or one commercial building, documentation showing the existence, or formation before beginning construction of the system, of a local government organization, a homeowner's association, a private utility, a commercial entity, or other entity, the purpose of which is to operate and maintain the system; if a public utility within the meaning of AS 42.05.990 operates the system, documentation under this paragraph must include a certificate of public convenience and necessity issued by the Regulatory Commission of Alaska under AS 42.05.221;

(7) for a domestic wastewater system that has 100 or more service connections or that is used, or intended for use, by 500 or more individuals per day, documentation showing that the operator is or will be certified as required by 18 AAC 74 before operation of the system;

(8) a description of measures to protect nearby surface water from siltation or other contamination resulting from construction of the project;

(9) a description of the provisions to maintain operation of necessary existing flow or treatment processes affected by the project during construction; and

(10) if a wastewater discharge is proposed to an existing collection or disposal system, documentation showing that

(A) the receiving system has sufficient capacity to accommodate flows expected from the proposed discharge; and

(B) the owner of the receiving system has approved the discharge.

(b) Plans submitted in accordance with (a)(4) of this section must be prepared and sealed by a registered engineer for

(1) a system that otherwise would be a conventional onsite system except that the system does not meet the requirements of 18 AAC 72.035(d)(5) for soil type;

(2) a conventional onsite system that

(A) has an average daily design flow of less than 2,500 gpd; and

(B) is installed in an area where

(i) similar systems have been known to fail;

(ii) there is a high groundwater table or poor soil conditions; or

(iii) the department finds the discharge will threaten public health, public and private water systems, or the environment;

(3) a conventional onsite system with a daily design flow of 2,500 gallons or more per day;

(4) alternate onsite systems and alternate soil absorption systems including community sewer systems, package treatment plants, stabilization ponds, and collection and pumping systems;

(5) holding tanks; and

(6) other disposal systems, including marine outfalls and land surface disposal systems under 18 AAC 72.275.

(c) A person proposing a percolating or a nonpercolating stabilization pond must submit, in addition to the information required under (a) of this section, soil boring or other information that is sealed by a registered engineer and that is sufficient to evaluate the items set out in 18 AAC 72.255(a)(6) and (7) and in 18 AAC 72.265(2), (3), (4), (5), and (10).

(d) A person proposing a percolating stabilization pond must submit, in addition to the information required under (a) of this section, (c) of this section, and 18 AAC 72.255, hydrologic data and mixing calculations, sealed by a registered engineer, that demonstrate compliance with the conditions of any permit issued under this chapter.

(e) A person proposing a community soil absorption system must submit, in addition to the information required under 18 AAC 72.260 and (a) of this section,

(1) a site plan that delineates the usable domestic wastewater disposal area described in 18 AAC 72.260(a)(4) and (7);

(2) calculations in accordance with 18 AAC 72.260(a)(5); and

(3) a soils report that complies with 18 AAC 72.265.

(f) A person proposing to discharge domestic wastewater onto the surface of the land must provide documentation that

(1) the person owns the land treatment area or has written authorization from the landowner to discharge domestic wastewater onto the land;

(2) the land treatment area is protected against public access;

(3) the topography, hydrology, geology, and soil characteristics of the land treatment area are adequate to protect existing and potential water and land uses outside the land treatment area, including subsistence, housing, education, industry, recreation, and agriculture; and

(4) the method of discharge prevents disease transmission.

(g) A person proposing the use of a holding tank for wastewater disposal must submit, in addition to the information required under 18 AAC 72.025,

(1) soil and water table information that is sealed by a registered engineer as required under 18 AAC 72.205(b), and that demonstrates that a conventional or alternate onsite system is not practical because permafrost or other soil conditions preclude the use of a soil absorption system or other subsurface domestic wastewater disposal system; and

(2) a design with provisions for resisting buoyancy forces when the tank is pumped; the design's provisions must be sealed by a registered engineer as required under 18 AAC 72.205(b).

(h) Upon request, the department will provide a checklist to assist an applicant in making a complete submittal under this section. The department will return an incomplete submittal to the applicant. (Eff. 4/1/99, Register 149; am 1/17/2002, Register 161; am 7/29/2006, Register 179; am 5/12/2016, Register 218)

Authority:	AS 44.46.020	AS 46.03.020	AS 46.03.100
	AS 46.03.010	AS 46.03.050	

18 AAC 72.210. Domestic wastewater fees. Repealed. (Eff. 4/1/99, Register 149; am 1/17/2002, Register 161)

Editor's note: The fees that were located in 18 AAC 72.210 are now located in 18 AAC 72.955, 18 AAC 72.957, and 18 AAC 72.959.

18 AAC 72.215. Permit required. (a) Except for systems exempted from plan review under 18 AAC 72.200(a) or as provided in (b) of this section, in addition to a plan approval required by 18 AAC 72.200, a person who disposes of domestic wastewater in this state must have a permit issued by the department under this chapter or under 18 AAC 83 for that disposal.

(b) The department will issue a plan approval in lieu of a permit issued under this chapter if the department determines that

- (1) the system meets the requirements of AS 46.03 and this chapter;
- (2) the system is protective of public health, public and private water systems, and the environment;
- (3) the discharge is not to a sensitive receiving environment; and
- (4) a permit is not required under 33 U.S.C. 1311 (Clean Water Act, sec. 301).

(c) If the holder of a domestic wastewater permit issued under this chapter proposes to modify operations in a manner that will increase a discharge, a new permit is required under 18 AAC 15.100(c).

(d) The applicant for or recipient of a permit shall pay any fee for the permit as required by 18 AAC 72.956, 18 AAC 72.957, or 18 AAC 72.959, as applicable.

(e) Upon request of a permit applicant, the department may issue a permit under 18 AAC 83 that also includes terms of an authorization required under 18 AAC 72.005 – 18 AAC 72.440 and serves as the authorization required under 18 AAC 72.005 – 18 AAC 72.440. (Eff. 4/1/99, Register 149; am 1/17/2002, Register 161; am 7/29/2006, Register 179)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.120
	AS 44.46.025	AS 46.03.080	
	AS 46.03.020	AS 46.03.100	

18 AAC 72.220. Plan review. (a) In reviewing and approving a system, the department will determine whether the system design

(1) meets the applicable approval criteria in 18 AAC 72.245 – 18 AAC 72.275; and

(2) conforms to standard sanitary engineering principles and practices or state-of-the-art technology, and whether the design adequately protects the public health, public and private water systems, and environmental quality.

(b) The department will require the applicant to provide justification for a design if, in the department's determination, the design does not adequately protect the public health, public and private water systems, or the environment.

(c) As necessary to protect public health, public and private water systems, and the environment, the department will require that designs for sewers, domestic wastewater treatment works, and domestic wastewater disposal systems have a history of meeting or exceeding the treatment or permit requirements of this chapter in comparable environmental conditions. The department will deny the use of a design described in (b) of this section if the department determines that there is a reasonable chance of failure, based on past experience with similar designs in similar circumstances. Lacking information on past performance, the department will, as necessary to protect public health, public and private water systems, and the environment,

(1) require that the applicant submit a written recommendation for the design, prepared and sealed by a registered engineer; and

(2) use the written recommendation to determine the likelihood of success or failure of the design.

(d) The department will, in its discretion, provide advisory notes to the applicant as technical assistance for items beyond the requirements of this chapter.

(e) The applicant shall pay the fee for the plan review as listed in 18 AAC 72.955 upon submittal of the plan. (Eff. 4/1/99, Register 149, am 1/17/2002, Register 161)

Authority:	AS 44.46.020	AS 46.03.020
	AS 46.03.010	AS 46.03.050

Editor's note: As of Register 218 (July 2016, the regulations attorney made technical corrections under AS 44.62.125(b)(6), deleting the obsolete citations to AS 46.03.090 and 46.03.720 from the authority citation that follows 18 AAC 72.220.

18 AAC 72.225. Approval to construct. (a) The department will issue its approval or denial to construct the project within 30 days after the department receives all of the information required by this chapter.

(b) repealed 4/8/2012.

(c) As necessary to protect public health, public and private water systems, and the environment, the department will include terms and conditions for construction in its approval.

(d) If the applicant fails to construct, alter, install, or modify the system within two years after the date that the department issues an approval to construct under this chapter, the approval is void, and plans must be resubmitted for department review and approval. (Eff. 4/1/99, Register 149; am 4/8/2012, Register 202)

Authority:	AS 44.46.020	AS 46.03.020	AS 46.03.720
	AS 46.03.010	AS 46.03.050	

18 AAC 72.230. Revisions to approved plans. (a) After plans for a system design are approved under 18 AAC 72.225, the system owner or operator must obtain written department approval before making any revision to that design that modifies or affects

- (1) capacity, flow, or operation;
- (2) the design of major system components, such as treatment systems;
- (3) the point of discharge;
- (4) materials of major system components, including pipe and stabilization pond liners; or
- (5) separation distance requirements under 18 AAC 72.020; or
- (6) the type of waste treated.

(b) If the revision proposed for approval under (a) of this section is to a project that required the submission of engineering plans, the revisions must

- (1) appear on the final record drawings required by 18 AAC 72.235;
- (2) be clearly depicted with respect to the original plans;
- (3) meet the applicable requirements of AS 46.03 and this chapter; and
- (4) be signed and sealed by a registered engineer.

(c) As necessary to protect public health, public and private water systems, and the environment, the department will require remedial action to bring any revision into compliance with this chapter before issuing final approval to operate under 18 AAC 72.240. (Eff. 4/1/99, Register 149; am 5/12/2016, Register 218)

Authority: AS 44.46.020 AS 46.03.020
AS 46.03.010 AS 46.03.050

18 AAC 72.235. Construction certification. (a) This section applies only to projects for which engineering plans are required by 18 AAC 72.205. The owner of the project shall ensure that the system is constructed according to design plans approved by the department, or according to record drawings showing that the system was constructed as required by AS 46.03 and this chapter.

(b) Within 90 days after completion of construction, installation, or modification of the project, the owner of the project shall submit to the department

(1) record drawings prepared by the engineer responsible for observing construction of the project; each sheet of those drawings must clearly bear the record drawing date and the name of the observing engineer;

(2) a certification that the project was constructed in compliance with (a) of this section; the certification must be done on a completed "certification of construction" form, available from the department and signed by

(A) the owner

(B) each contractor who constructed the system; and

(C) the registered engineer responsible for observing construction; and

(3) a letter, signed and sealed by the observing engineer, if other than the design engineer, that documents the scope of construction observation services and identifies each person who contributed to the record documents.

(c) In this section, "construction observation" and "observing construction" mean visual observation of or visually observing the quality of construction and the equipment and materials used for construction, so that the observing engineer or a person under the engineer's direct supervision has the information necessary to provide a professional opinion regarding the contractor's conformance to the plans approved by the department. (Eff. 4/1/99, Register 149)

Authority: AS 44.46.020 AS 46.03.020 AS 46.03.090
AS 46.03.010 AS 46.03.050 AS 46.03.720

18 AAC 72.240. Approval to operate. (a) For a project that requires plan approval under 18 AAC 72.200, but does not require engineering plans, an approval to operate the system

will accompany the approval to construct the system.

(b) For a wastewater collection, treatment, or disposal system, or designated phases of such a system for which engineering plans are required in 18 AAC 72.205,

(1) an approval to operate the system for a 90-day interim period will accompany the approval to construct the system;

(2) operation of the system, or a designated phase of the system, beyond the 90-day interim period is prohibited unless

(A) the system, or a designated phase of that system, has received final approval from the department to operate under this section; or

(B) the department, to the extent that an extension is protective of public health, public and private water systems, and the environment, extends the 90-day interim period in order to provide additional time for the owner of the project to submit the information required by 18 AAC 72.235; and

(3) the department will issue final approval to operate within 30 days after receipt of the information required by 18 AAC 72.235 if the information confirms that

(A) the system was constructed as originally approved; or

(B) the system, or a designated phase of that system, otherwise meets the requirements of AS 46.03 and this chapter.

(c) The department will require periodic groundwater monitoring as a condition to operate if the department finds that there is a concern about public health, public and private water systems, or the environment. (Eff. 4/1/99, Register 149)

Authority:	AS 44.46.020	AS 46.03.020	AS 46.03.720
	AS 46.03.010	AS 46.03.050	

18 AAC 72.245. Treatment works. The department will approve plans for construction of a domestic wastewater treatment works if

(1) the submittal requirements of 18 AAC 72.205 are met;

(2) the design or design criteria for the following parameters meet the requirements of 18 AAC 72.220:

(A) design flows and waste loads;

(B) treatment capacities;

(C) selection and arrangement of unit operations and processes;

- (D) siting with respect to potential for health hazards, nuisances, and flooding;
- (E) bedding and backfill;
- (F) methods to control operational variables;
- (G) methods and location of disposal of sludges, septage, grit, screenings, and other facility residuals;
- (H) thermal protection considerations;

(3) all plans, reports, and drawings submitted are sealed by a registered engineer, if engineering plans are required by 18 AAC 72.205;

(4) the plan provides for maintaining operation of necessary existing processes during construction;

(5) adequate measures are taken to protect nearby surface water from siltation or other contamination resulting from construction of the facility; adequate measures include compliance with the conditions in a permit applicable to the construction-related discharges from the facility issued by the department under 18 AAC 83.005 – 18 AAC 83.990 or a permit certified by the department under 18 AAC 15.130 – 18 AAC 15.180;

(6) facility bypasses are controlled;

(7) separation distances from any part of the system comply with 18 AAC 72.020;

(8) final grading and drainage directs surface runoff away from facilities; and

(9) the treatment works is proposed to discharge to an existing collection or disposal system, and adequate documentation demonstrates that

(A) the receiving system has sufficient capacity to accommodate flows expected from the proposed discharge; and

(B) the owner of the receiving system has approved the discharge. (Eff. 4/1/99, Register 149; am 7/29/2006, Register 179)

Authority:	AS 44.46.020	AS 46.03.020	AS 46.03.100
	AS 46.03.010	AS 46.03.050	AS 46.03.720

18 AAC 72.250. Utilidors. The department will approve plans for construction of a publicly operated utilidor if

(1) the submittal requirements of 18 AAC 72.205(a) are met;

(2) the utilidor is designed in accordance with standard sanitary engineering principles and practices or state-of-the-art technology;

(3) the design adequately protects public health, public and private water systems, and the environment;

(4) the plans are signed and sealed by a registered engineer; and

(5) the utilidor complies with the separation distance requirements in 18 AAC 72.020. (Eff. 4/1/99, Register 149)

Authority:	AS 44.46.020	AS 46.03.020	AS 46.03.090
	AS 46.03.010	AS 46.03.050	AS 46.03.720

Editor's note: Some examples of designs for utilidors may be found in the references listed in 18 AAC 72.070.

18 AAC 72.255. Stabilization ponds. (a) The department will approve plans for construction of a stabilization pond if

(1) the submittal requirements of 18 AAC 72.205(a) are met;

(2) the submittal requirements of 18 AAC 72.205(c) for a nonpercolating stabilization pond, or of 18 AAC 72.205(c) and (d) for a percolating stabilization pond, are met;

(3) the design or design criteria for the following parameters meet the requirements of 18 AAC 72.220:

(A) design flows and waste loads;

(B) treatment capacities;

(C) siting with respect to potential for health hazards, nuisances, flooding, and effect on groundwater;

(D) dike design, materials, construction, and safety;

(E) permeability of impoundment seal;

(F) methods to control operational variables;

(G) methods and location of sludge or septage disposal;

(H) thermal protection considerations;

(4) the provisions of 18 AAC 72.245(3) - (9) are met;

(5) soil test holes, soil analysis, and the soil report meet the criteria of 18 AAC 72.265(2) - (5), and (10);

(6) soil borings and analysis show that the vertical separation between the lowest part of the system and

- (A) the seasonal high water table is at least four feet; and
- (B) bedrock, clay, or other impermeable strata with an expected percolation rate greater than 120 minutes per inch is at least six feet;
- (7) test holes are located, and tests are conducted, to yield data representative of the area planned for the system;
- (8) the number of test holes is that number necessary to adequately evaluate sub-surface characteristics of the area planned for the system;
- (9) for nonpercolating stabilization ponds, the coefficient of permeability of the seal does not exceed an equivalent percolation rate of 500 gpd per acre at a water depth of six feet; and
- (10) for percolating stabilization ponds
 - (A) a wastewater discharge permit has been issued, and mixing calculations for any required mixing zone demonstrate compliance with
 - (i) permit conditions under AS 46.03 and this chapter; and
 - (ii) water quality standards at 18 AAC 70; and
 - (B) hydrologic data demonstrate that permit conditions will be met and that use of the stabilization pond will not interfere with existing public and private drinking water sources.
- (b) As necessary to protect public health, public and private water systems, and the environment, the department will require periodic groundwater monitoring as a wastewater discharge permit condition. (Eff. 4/1/99, Register 149)

Authority:	AS 44.46.020	AS 46.03.020	AS 46.03.090
	AS 46.03.010	AS 46.03.050	AS 46.03.720

18 AAC 72.260. Community and alternate soil absorption systems. (a) The department will approve the plans for construction of a community or alternate soil absorption system if

- (1) the submittal requirements of 18 AAC 72.205 are met;
- (2) the design or design criteria for the following parameters meet the requirements of 18 AAC 72.220:
 - (A) design flows and waste loads;
 - (B) primary treatment and treatment area configuration and design;
 - (C) siting with respect to potential for health hazards, nuisances, and effect on groundwater;

- (D) methods to control operational variables;
 - (E) methods and location of disposal of sludges, septage, and other facility residuals;
 - (F) thermal protection considerations;
- (3) the provisions of 18 AAC 72.245(3) - (9) are met;
- (4) a sufficient usable wastewater disposal area exists with characteristics for both an initial and a replacement soil absorption system as follows:
- (A) the soils report under 18 AAC 72.265 shows that the soil types, percolation rates, and depths to seasonal high water table and impermeable strata are suitable for the type of soil absorption system selected;
 - (B) subject to (C) of this paragraph, the restrictions at 18 AAC 72.035(d)(8) and (9) are met;
 - (C) for an alternate soil absorption system, the ground surface slope, distance to escarpments, and the size of the infiltrative surface conform to standard sanitary engineering principles and practices; and
 - (D) for a conventional soil absorption system, the size of the minimum infiltrative area is calculated from the wastewater application rate in Table B of this subparagraph that corresponds to the observed soil texture or the observed percolation rate;

Table B. WASTEWATER APPLICATION RATES FROM PERCOLATION TEST RESULTS

Observed Percolation Rate ^a Minutes/inch	Soil Texture	Application Rate in gal/day/ft ² for design flow less than or equal to 2,500 gal/day	Application Rate in gal/day/ft ² for design flow greater than 2,500 gal/day
Faster than 1	Gravel, coarse sand	Not suitable ^b	Not suitable ^b
1-5	Coarse to medium sand	1.2	0.79 - 0.98
6-15	Fine sand, loamy sand	0.8	0.61 - 0.74
16-30	Sandy loam, loam	0.6	0.52 - 0.61
31-60 ^c	Loam, porous silt loam	0.45	0.25 - 0.52
61-120 ^d	Silty clay loam, clay loam ^e	Not suitable ^d	Not suitable ^d

- a. Percolation tests must be performed in accordance with 18 AAC 72.265(9). Submitted plans may prorate the soil application rate to match observed percolation rates; soils faster than five minutes per inch may be visually rated.
- b. Soils with percolation rates faster than one minute per inch may be used if a shallow absorption trench or bed system is used, if native soils are replaced by a layer of medium-graded sands, as defined in Note 1 below, that is no less than two feet deep, and if application rates less than or equal to 1.2 gallons/day/ft² are used; these systems are subject to department approval on a case-by-case basis if protective of public health, public and private water systems, and the environment; the department will waive the requirement for a sand liner in the manner set out in 18 AAC 72.060.
- c. Soils with percolation rates slower than 30 minutes per inch are unsuitable for seepage pits.
- d. Suitable for elevated mounds or conventional systems, with prior department approval.
- e. Soils without expandable clays.

Note 1. Subject to a waiver under 18 AAC 72.060, sands for sand liners installed in soils with percolation rates faster than

one minute per inch must meet all of the criteria in at least one of the two following groups of minimum specifications, using sieves with standard U.S. sieve numbers:

Group A: 85-100 percent passing a #10 sieve (less than 2.0 mm); 60-90 percent passing a #20 sieve (less than 0.850 mm); 25-50 percent passing a #40 sieve (less than 0.425 mm); less than or equal to 15 percent passing a #60 sieve (less than 0.250 mm); less than 5 percent passing a #200 sieve (less than 0.075 mm); and the sand must not have more than 45 percent of the total passing any one sieve and retained on the next consecutive sieve, of those listed.

Group B: The Coefficient of Uniformity (C_u) must be less than 4; the Coefficient of Curvature (C_c) must be equal to or less than 1; the amount passing the #10 sieve (less than 2.0 mm) must be greater than or equal to 85 percent of the total; the amount passing the #200 sieve (less than 0.075 mm) must be less than 5 percent of the total; and the sand must not have more than 45 percent of the total passing any one sieve and retained on the next consecutive sieve, of those listed in Group A.

(5) for a system with design flows equal to or greater than 2,500 gallons per day, calculations prepared in accordance with standard sanitary engineering principles and practices and sealed by a registered engineer demonstrate that nitrate concentrations in the groundwater aquifer most likely to be affected by the proposed system will not exceed five milligrams per liter, as nitrogen, beyond a distance measured from the edge of the absorption system to the property line of the system site, or to a point that the department identifies as necessary to protect public health, public and private water systems, and the environment;

(6) the soils report complies with 18 AAC 72.265;

(7) areas to be used for initial and replacement soil absorption systems are reserved for that purpose and are shown on the site plan; and

(8) there is adequate depth of burial, mounding above grade, or insulation to protect against frost penetration, with insulation equivalent to that listed for the applicable geographical area in Table A in 18 AAC 72.035(c).

(b) In areas known or suspected to contain permafrost, and as necessary to protect public health, public and private water systems, and the environment, the department will require that plans for a community soil absorption system be sealed by a registered engineer. (Eff. 4/1/99, Register 149)

Authority: AS 44.46.020 AS 46.03.020
AS 46.03.010 AS 46.03.050

Editor's note: As of Register 218 (July 2016), the regulations attorney made technical corrections under AS 44.62.125(b)(6), deleting the obsolete citations to AS 46.03.090 and 46.03.720 from the authority citation that follows 18 AAC 72.260.

As of Register 218 (July 2016), the regulations attorney made technical corrections under AS 44.62.125(b)(6), to 18 AAC 72.260(a), changing the table header from "Table C" to "Table B", to reflect the agency's deletion of former Table B from 18 AAC 72.035(d) as part of amendments that took effect May 12, 2016, Register 218.

18 AAC 72.263. Package plants. The department will approve a package plant if

(1) the submittal requirements of 18 AAC 72.205 are met;

(2) the package plant

(A) can successfully treat domestic wastewater for at least one year under the expected conditions; or

(B) meets or exceeds the certification criteria for package plants set out in *NSF International Standards/American National Standard NSF/ANSI 40-2013*, adopted by reference in 18 AAC 72.070(a)(3); and

(3) the plans are signed and sealed by a registered engineer. (Eff. 4/1/99, Register 149; am 5/12/2016, Register 218)

Authority:	AS 44.46.020	AS 46.03.020
	AS 46.03.010	AS 46.03.050

18 AAC 72.265. Soils analysis and report. The soils report must meet the following criteria:

(1) test holes and percolation tests must be located and conducted to yield data representative of the initial and replacement soil absorption system;

(2) the number of test holes and percolation tests must be sufficient to adequately evaluate subsurface characteristics of the area planned for the soil absorption system;

(3) soil borings and soil analysis must show that the vertical separations between the lowest part of the system and both the seasonal high water table and the impermeable strata conform to

(A) the provisions of 18 AAC 72.020, if the report is for a conventional soil absorption system; or

(B) Chapter 7 of the *Design Manual: Onsite Wastewater Treatment and Disposal Systems*, adopted by reference in 18 AAC 72.070(a)(4);

(4) if the water table is encountered in a test hole, the depth to the seasonal high water table must be determined by

(A) monitoring test holes or soil borings taken between June 1 and September 30;

(B) soil mottling analyses;

(C) interpretation of levels of standing open water;

(D) the knowledge and experience of the engineer, based on past subsurface investigative work in the vicinity of the project; or

(E) a combination of these methods;

(5) the depth to seeps, if any, must be provided to the department; as necessary to protect public health, public and private water systems, and the environment, the department will require subsequent monitoring;

(6) the minimum test hole depth must be

(A) six feet below the lowest part of the soil absorption system; and

(B) in areas of known or suspected permafrost, the lesser of

(i) 20 feet below ground surface; or

(ii) the depth at which permafrost or an impermeable layer is encountered;

(7) soils in the usable wastewater disposal area for a conventional soil absorption system must be shown by a percolation test to have a percolation rate between

(A) one and 30 minutes per inch for seepage pits;

(B) one and 60 minutes per inch for trenches or beds; or

(C) faster than one minute per inch if the department has given its approval on a case-by-case basis under footnote 'b' of Table B at 18 AAC 72.260(a)(4)(D);

(8) soils in the usable wastewater disposal area for an alternate soil absorption system must be shown by a percolation test to have a percolation rate meeting the recommendations for that type of system found in Chapter 7 of the *Design Manual: Onsite Wastewater Treatment and Disposal Systems*, adopted by reference at 18 AAC 72.070(a)(4);

(9) percolation tests must be

(A) performed by a registered engineer, or a person under the direct supervision of a registered engineer;

(B) performed in accordance with applicable procedures contained in Table 3-8 of the *Design Manual: Onsite Wastewater Treatment and Disposal Systems*, adopted by reference in 18 AAC 72.070(a)(4), or by a method demonstrated similitude by standard sanitary engineering principles and practices;

(C) taken in each soil stratum to be included as infiltrative surface area;

(D) provided to the department; and

(E) confirmed to be accurate by a correlation of the observed soil texture in the test hole with the range of soil texture types associated with the observed percolation rate in Table B in 18 AAC 72.260(a)(4)(D);

(10) in areas known or suspected to contain permafrost,

(A) a soil moisture content profile analysis derived from laboratory testing methods, and taken from each test hole used for soils testing, must show that the soils are adequately drained throughout the usable wastewater disposal area; and

(B) the results of a geotechnical study must show that the area can successfully be used for the system proposed;

(11) the soils report must be sealed by a registered engineer. (Eff.4/1/99, Register 149; am 5/12/2016, Register 218)

Authority: AS 44.46.020 AS 46.03.020
AS 46.03.010 AS 46.03.050

Editor's note: As of Register 218 (July 2016), the regulations attorney made technical corrections under AS 44.62.125(b)(6), to 18 AAC 72.265(7) and (9), changing the cross-referenced table header from "Table C" to "Table B", to reflect the agency's deletion of former Table B from 18 AAC 72.035(d) as part of amendments that took effect May 12, 2016, Register 218.

18 AAC 72.270. Collection and pumping systems. The department will approve plans for construction of a collection and pumping system if

(1) the submittal requirements of 18 AAC 72.205(a) are met;

(2) the design or design criteria for the following parameters meet the requirements of 18 AAC 72.220:

- (A) design flows, conduit velocities, and pipe materials;
- (B) hydraulic grade line considerations associated with pressurized portions of a sewer line;
- (C) vacuum sewer lift segments;
- (D) pump station, collection station, or holding tank capacities;
- (E) overflows, alarms, solids handling, provisions for servicing, and emergency operations;
- (F) manhole or cleanout placement, and methods for cleaning the collection system;
- (G) siting with respect to health hazards, nuisance potential, stream crossings, and flooding;
- (H) bedding and backfill;
- (I) thermal protection considerations;

- (3) the provisions of 18 AAC 72.245(3) - (7) are met;
 - (4) the mean conduit velocity design conforms to 18 AAC 72.040(b)(4), unless a waiver is granted under 18 AAC 72.040(c);
 - (5) the system discharges to an approved domestic wastewater treatment works;
 - (6) pump stations and collection stations, other than those designed for pumping from individual service connections or onsite septic tanks, are equipped with at least two pumps, each of which pumps flows equal to or in excess of the design flow;
 - (7) the size of pipe for sewer lines complies with 18 AAC 72.040(b)(4) unless a waiver is granted under 18 AAC 72.040(c); and
 - (8) the collection and pumping system is proposed to discharge to an existing collection or disposal system, and adequate documentation shows that the
 - (A) receiving system has sufficient capacity to accommodate flows expected from the proposed discharge; and
 - (B) the owner of the receiving system has approved the discharge.
- (Eff.4/1/99, Register 149)

Authority:	AS 44.46.020	AS 46.03.020	AS 46.03.090
	AS 46.03.010	AS 46.03.050	AS 46.03.720

18 AAC 72.275. Disposal systems. (a) The department will approve plans for construction of a marine outfall if

- (1) the submittal requirements of 18 AAC 72.205(a) are met;
- (2) design or design criteria for the following parameters meet the requirements of 18 AAC 72.220:
 - (A) design flows, waste loads, and pipe material;
 - (B) siting with respect to health hazards, nuisance potential, and flooding;
 - (C) methods to control operational variables;
 - (D) bedding and backfill;
 - (E) anchoring systems;
 - (F) thermal protection considerations;
- (3) the provisions of 18 AAC 72.050 are met;
- (4) the provisions of 18 AAC 72.245(3) - (7) are met;

(5) the materials, methods, and techniques used to install and secure the outfall line prevent structural damage to or movement of the outfall as a result of wave action within the surf zone, storms, beach logs, ice, settling, or current;

(6) mixing and dilution calculations show that for the outfall line chosen, the line's length, grade, orifice size and numbers, depth, and distance out from shore provide for effluent dispersion and dilution sufficient to meet permit terms and conditions and to otherwise comply with AS 46.03, this chapter, 18 AAC 70, and the requirements of a permit issued by the department under 18 AAC 83.005 – 18 AAC 83.990 or a permit certified by the department under 18 AAC 15.130 – 18 AAC 15.180;

(7) for a gravity sewer extending into the receiving waters, a manhole or clean-out exists at the shore end to allow access for maintenance;

(8) the plans contain a provision to sample the effluent before the effluent mixes with the receiving waters; and

(9) the effluent does not threaten an aquatic farm or a commercial or subsistence shellfish harvest area.

(b) The department will approve plans for the construction of a land surface disposal system if

(1) the submittal requirements of 18 AAC 72.205(a) and (f) are met;

(2) design or design criteria for the following parameters meet the requirements of 18 AAC 72.220:

(A) design flows, waste loads, and pipe material;

(B) siting with respect to potential for health hazards, nuisances, flooding, or effect on groundwater;

(C) assimilative capacity of the soil and associated flora, and the ultimate fate of affected groundwater or surface water;

(D) methods to control operational variables;

(E) thermal protection considerations;

(3) the provisions of 18 AAC 72.245(3) - (7) are met;

(4) the applicable provisions of 18 AAC 72.050 are met;

(5) the person discharging domestic wastewater onto the land

(A) owns the land treatment area; or

(B) has written authorization from the landowner to discharge domestic wastewater onto the land;

(6) the land treatment area is protected against public access;

(7) the topography, hydrology, geology, and soil characteristics of the land treatment area are adequate to protect existing and potential water and land uses outside the land treatment area, including subsistence, housing, education, industry, recreation, and agriculture; and

(8) the method of discharge prevents transmission of disease.

(c) The department will consider other means of final disposal on a case-by-case basis for whether they are protective of public health, public and private water systems, and the environment. (Eff. 4/1/99, Register 149; am 7/29/2006, Register 179)

Authority:	AS 44.46.020	AS 46.03.020	AS 46.03.100
	AS 46.03.010	AS 46.03.050	AS 46.03.720

18 AAC 72.280. Delegation of domestic wastewater system plan review. (a) Except as provided in (i) of this section, the department will, in its discretion, delegate the authority to implement 18 AAC 72.005 – 18 AAC 72.280 to a municipality upon approval of an application for delegation.

(b) A municipality must submit an application for delegation to the director. The application must include the following information:

(1) a copy of the municipality's ordinances governing the subject matter of the proposed delegation;

(2) a description of pertinent enforcement processes, available to the municipality administratively and through initiation of court action, to ensure compliance with AS 46.03, this chapter, and the municipality's ordinances;

(3) a description of administrative organization, staff, funding levels, and other resources that are available to the municipality to administer and enforce the municipality's requirements.

(4) information about the existence of insurance to cover personal injury and property damage;

(5) other information that the director considers necessary to the department's decision whether to delegate the department's authority.

(c) Within 90 days after receipt of a complete application for delegation, the department will, in its discretion, delegate the authority to implement 18 AAC 72.005 – 18 AAC 72.275 to a municipality if the department finds, after review of information submitted under (b) of this section and with respect to the subject matter of the proposed delegation, that

(1) the municipality's ordinances are at least as stringent as the requirements of AS 46.03 and this chapter;

(2) the municipality has sufficient resources and enforcement authorities to ensure uniform compliance with the requirements of AS 46.03 and this chapter; and

(3) the state is adequately protected from liability.

(d) For a delegation that the department has approved under (c) of this section to be valid, the director and the individual with administrative management authority for the municipality must sign the delegation. The delegation must include, at a minimum, terms and conditions that set out the following:

(1) the right of the department periodically to audit the municipality to ensure compliance with the terms and conditions of the delegation;

(2) the right of the department and the municipality to review and comment on proposed changes to regulations or ordinances addressing the subject matter of the delegation;

(3) the right of the department to require an annual report from the municipality summarizing the domestic wastewater systems that the municipality approved or inspected;

(4) the requirement that the municipality enforce the municipality's ordinances and that the ordinances be at least as stringent as the requirements of AS 46.03 and this chapter;

(5) indemnification of the state against liability, losses, or damages arising out of or in any manner connected with the department's delegation under this section; and

(6) the right of the department to terminate the delegation if the department determines

(A) a threat to public health, public and private water systems, or the environment; or

(B) that the delegation is not in the public interest.

(e) If the department determines, based on an audit conducted under (d) of this section or other information, that the municipality is not in compliance with the terms and conditions of the delegation, with AS 46.03, or with this chapter, the department will

(1) notify the municipality in writing of

(A) the areas in which the department has determined that the municipality is failing to comply; and

(B) the reasons for the department's determination;

(2) provide the municipality 30 days after receiving the notification under (1) of this subsection to

(A) explain why the municipality disagrees with the department's determination; or

(B) outline the steps that the municipality is taking or proposes to take to correct the areas of noncompliance.

(f) After reviewing the information received under (e) of this section, the department will, in its discretion,

(1) revoke the delegation, if the department finds that the municipality is not in compliance with the terms and conditions of the delegation, with AS 46.03, or with this chapter, and that the municipality is not likely to come into compliance;

(2) periodically review the actions of the municipality until compliance is achieved, if the department finds that the municipality is not in compliance with the terms and conditions of the delegation, with AS 46.03, or with this chapter, but that the municipality is taking sufficient steps to come into compliance; or

(3) modify the delegation as necessary to protect public health, public and private water systems, and the environment.

(g) If the department modifies or revokes a delegation under this section, the department will send a notice to the municipality stating that, based on the department's written findings,

(1) the delegation will be revoked or modified effective immediately, unless the notice gives a specific date on which the revocation or modification becomes effective; and

(2) the municipality may not continue to enforce its authority after the effective date of the revocation or modification.

(h) A municipality may not further delegate a delegation under this section.

(i) A delegation under this section does not include the issuance of permits under 18 AAC 72.215. A municipality with a delegation under this section is not required to charge a fee listed under 18 AAC 72.955.

(j) A delegation is effective upon signing under (d) of this section by both the director and the individual with administrative management authority for the municipality. (Eff. 4/1/99, Register 149; am 1/17/2002, Register 161)

Authority: AS 44.46.020 AS 46.03.050 AS 46.03.090
AS 46.03.020

Article 3. Repealed

Section

299. (Repealed)
300. (Repealed)
310. (Repealed)
315. (Repealed)
320. (Repealed)
325. (Repealed)
330. (Repealed)
335. (Repealed)
340. (Repealed)
345. (Repealed)
350. (Repealed)
355. (Repealed)
360. (Repealed)
370. (Repealed)
375. (Repealed)
380. (Repealed)
385. (Repealed)

18 AAC 72.299. Temporary suspension of 18 AAC 72.300 - 18 AAC 72.385.

Repealed. (Eff. 11/27/96, Register 140; am 8/21/97, Register 143; repealed 7/10/98, Register 147)

18 AAC 72.300. Application for department approval.

Repealed. (Eff. 6/30/90, Register 114; repealed 7/10/98, Register 147)

18 AAC 72.310. Preapplication conference.

Repealed. (Eff. 6/30/90, Register 114; repealed 7/10/98, Register 147)

18 AAC 72.315. Submittal requirements.

Repealed. (Eff. 6/30/90, Register 114; repealed 7/10/98, Register 147)

18 AAC 72.320. Approval of subdivisions not requiring review.

Repealed. (Eff. 6/30/90, Register 114; repealed 7/10/98, Register 147)

18 AAC 72.325. Abbreviated reviews.

Repealed. (Eff. 6/30/90, Register 114; repealed

7/10/98, Register 147)

18 AAC 72.330. Conventional onsite soil absorption systems. Repealed. (Eff. 6/30/90, Register 114; repealed 7/10/98, Register 147)

18 AAC 72.335. Soils analysis and report. Repealed. (Eff. 6/30/90, Register 114; repealed 7/10/98, Register 147)

18 AAC 72.340. Alternate onsite wastewater treatment and disposal. Repealed. (Eff. 6/30/90, Register 114; repealed 7/10/98, Register 147)

18 AAC 72.345. Onsite treatment systems with individual marine outfalls. Repealed. (Eff. 6/30/90, Register 114; repealed 7/10/98, Register 147)

18 AAC 72.350. Construction of a collector sewer or collector system, a collector sewer or collector system and treatment/disposal system, or individual lot treatment systems. Repealed. (Eff. 6/30/90, Register 114; repealed 7/10/98, Register 147)

18 AAC 72.355. Connection to an existing system. Repealed. (Eff. 6/30/90, Register 114; repealed 7/10/98, Register 147)

18 AAC 72.360. Subdivisions with no wastewater disposal. Repealed. (Eff. 6/30/90, Register 114; repealed 7/10/98, Register 147)

18 AAC 72.370. Plat notes required. Repealed. (Eff. 6/30/90, Register 114; repealed 7/10/98, Register 147)

18 AAC 72.375. Pollution abatement report. Repealed. (Eff. 6/30/90, Register 114; repealed 7/10/98, Register 147)

18 AAC 72.380. Final plat review. Repealed. (Eff. 6/30/90, Register 114; repealed 7/10/98, Register 147)

18 AAC 72.385. Delegation of subdivision plan review. Repealed. (Eff. 6/30/90, Register 114; repealed 7/10/98, Register 147)

Article 4. Certified Installer Program.

Section

- 400. General provisions
- 405. Certification of installers
- 410. Approval of homeowners
- 415. Training and examination requirements
- 420. Certification term
- 425. Certification renewal
- 430. Revocation of certification
- 435. Installation notification and inspection
- 440. Fees

18 AAC 72.400. General provisions. Except as otherwise provided in 18 AAC 72.015(b), a person may not install or modify a conventional onsite system unless that person is certified under 18 AAC 72.405 or approved under 18 AAC 72.410. (Eff. 4/1/99, Register 149)

Authority:	AS 44.46.020	AS 46.03.070	AS 46.03.100
	AS 46.03.050	AS 46.03.080	AS 46.03.720

18 AAC 72.405. Certification of installers. (a) The department will certify a person for the installation of conventional onsite systems serving a private residence or a small commercial facility, if

(1) the systems that the person intends to install are designed exclusively for domestic wastewater treatment and disposal;

(2) the person is

(A) a contractor who has a valid license, issued under AS 08.18 and 12 AAC 21, to work as a general contractor or as one of the following specialty contractors:

(i) an excavation contractor as described in 12 AAC 21.330;

(ii) a water and sewer contractor, as described in 12 AAC 21.540;

(B) an employee of a contractor described in (A) of this paragraph, and the employee submits to the department

(i) a letter signed by the contractor stating that the person is authorized to work under that contractor's license; and

(ii) a copy of the contractor's license;

(3) the person meets the training and examination requirements of 18 AAC 72.415;

and

(4) the person pays the certification fee under 18 AAC 72.440(a).

(b) The department will issue a numbered certificate to a person certified under this chapter.

(c) The department will waive the requirements of (a)(2) of this section and 18 AAC 72.415(b)(1) if

(1) the department determines that public health, public and private water systems, and the environment are adequately protected; and

(2) the individual applying for certification

(A) is employed by a government or health corporation; and

(B) provides documentation to the department of employment described in (a) of this paragraph.

(d) As the department determines necessary in order to adequately protect public health, public and private water systems, and the environment under (c)(1) of this section, the department will

(1) restrict the type of installation or modification that can be done by a certified installer;

(2) restrict the geographical location where a system may be installed by a certified installer; or

(3) place other restrictions the department considers necessary to protect public health, public and private water systems, and the environment. (Eff. 4/1/99, Register 149; am 1/17/2002, Register 161; am 5/12/2016, Register 218)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.100
	AS 44.46.025	AS 46.03.070	
	AS 46.03.020	AS 46.03.080	

18 AAC 72.410. Approval of homeowners. (a) The department will issue an approval for a homeowner to install or modify a conventional onsite system to serve that individual's owner-occupied private residence if the homeowner meets the requirements of this section.

(b) To be approved, a homeowner must attend the department's training course provided under 18 AAC 72.415(a), but is not required to take the examination.

(c) Before attending the department's training course provided under 18 AAC 72.415, a homeowner who seeks to be approved under this section must submit to the department

(1) a completed application for attendance in the training program on a form supplied by the department; and

(2) the training course fee required by 18 AAC 72.440(c).

(d) Before installing a conventional onsite system, an approved homeowner shall properly size the soil absorption field by

(1) collecting a soil sample from the soil strata in which the absorption field will be installed and having a registered engineer or a soils laboratory perform a sieve analysis on the collected sample; or

(2) having a registered engineer rate the soils on site.

(e) An approved homeowner shall comply with the notice requirements of 18 AAC 72.435.

(f) Approval of a homeowner to install a conventional onsite system under this section is limited to one system within a one-year period, beginning on the date the homeowner attends the department's training course. (Eff. 4/1/99, Register 149; am 5/12/2016, Register 218)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.100
	AS 46.46.025	AS 46.03.070	
	AS 46.03.020	AS 46.03.080	

18 AAC 72.415. Training and examination requirements. (a) A person seeking certification under 18 AAC 72.400 - 18 AAC 72.440 shall attend a conventional onsite systems training program that

(1) the department provides or sponsors; and

(2) consists of a training course and a written examination.

(b) Before participating in the training program under (a) of this section, a person who seeks to be certified as an installer of a conventional onsite system shall submit to the department

(1) a copy of

(A) the applicant's general or specialty contractor's license as described in 18 AAC 72.405(a)(2); or

(B) the employer's general or specialty contractor's license as described in 18 AAC 72.405(a)(2), and a letter from the employer stating that the applicant is authorized to work under the contractor's license;

(2) a completed application for attendance in the training program on a form supplied by the department; and

(3) the training course fee required by 18 AAC 72.440(a).

(c) Examinations will be graded by the department or its designee. The department will notify the applicant of the results within 30 days after the examination. (Eff.4/1/99, Register 149)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.100
	AS 44.46.025	AS 46.03.070	AS 46.03.720
	AS 46.03.020	AS 46.03.080	

18 AAC 72.420. Certification term. Except as provided in 18 AAC 72.440(b), or unless revoked under 18 AAC 72.430, a certification under 18 AAC 72.405 is valid for two years after the date of the training. (Eff. 4/1/99, Register 149)

Authority:	AS 44.46.020	AS 46.03.070	AS 46.03.100
	AS 46.03.020	AS 46.03.080	AS 46.03.720
	AS 46.03.050		

18 AAC 72.425. Certification renewal. (a) A person who seeks to renew a certification under 18 AAC 72.400 - 18 AAC 72.440 must meet the requirements of 18 AAC 72.405.

(b) The department will exempt a person seeking certification renewal from the written examination under 18 AAC 72.415 if the department has inspected at least one installation by that person each year and found that the installation meets the requirements of AS 46.03 and this chapter.

(c) If a certification will expire before the next training course is offered, the department will extend certification to the date of the next training course offered nearest the certified installer's residence or usual area of work. (Eff.4/1/99, Register 149)

Authority:	AS 44.46.020	AS 46.03.070	AS 46.03.100
	AS 46.03.020	AS 46.03.080	AS 46.03.720
	AS 46.03.050		

18 AAC 72.430. Revocation of certification. (a) The department will, in its discretion, revoke a certification issued under 18 AAC 72.405 if the department finds that

- (1) fraud or deceit was used to obtain certification; or
- (2) the certified installer violated a requirement of AS 46.03 or this chapter.

(b) If the department proposes to revoke a certification under this section, the department will send the certified installer a notice that states

- (1) the grounds for revocation;
- (2) that the revocation is effective 30 days from the date of the notice, unless a hearing is requested to review the decision to revoke;

(3) that the installer may not continue to perform installations under AS 46.03 and this chapter after the effective date of the revocation;

(4) that the installer may appeal the revocation decision by requesting a hearing under this section within 10 days after receiving the notice; and

(5) that a hearing, if requested, will be held within 10 days after the department receives a request for hearing unless the commissioner grants an extension for good cause shown.

(c) A request for hearing under this section must be sent to the commissioner and include

(1) the installer's name, certification number, mailing address, telephone number, and facsimile number, if available;

(2) a description of the revocation decision being appealed;

(3) a clear and concise statement of the reason for the appeal, including a statement of the nature and scope of the installer's disagreement with the decision; and

(4) other information that the installer believes would assist the department in reviewing the revocation decision.

(d) The commissioner, or an impartial department employee whom the commissioner designates, will conduct the hearing according to the procedures in (e) - (g) of this section.

(e) The commissioner or the commissioner's designee will

(1) prescribe the sequence of presentation;

(2) admit material evidence of the type on which a reasonable person might rely in the conduct of serious business affairs, including evidence that was not before the department when it decided to revoke certification;

(3) refuse to admit evidence that is unduly repetitious; and

(4) order the submission of briefs if the commissioner or the commissioner's designee finds that briefing might aid in resolving the appeal.

(f) The burden of proof and of going forward with the evidence is on the department.

(g) After a hearing under this section, the commissioner or the commissioner's designee will issue findings of fact and conclusions of law and will affirm, modify, or set aside the revocation. A decision issued under this subsection is the final decision of the department and may be appealed to the superior court as provided in the Alaska Rules of Appellate Procedure. The decision is effective immediately unless stayed by the commissioner or the court.

(h) An installer whose certificate has been revoked may reapply for certification

(1) one year after the effective date of an initial revocation;

(2) for a subsequent revocation, at least one year after the effective date of the most recent revocation, on a date determined by the department, taking into account the relative seriousness or frequency of the installer's conduct that warranted the revocations. (Eff.4/1/99, Register 149)

Authority:	AS 44.46.020	AS 46.03.070	AS 46.03.720
	AS 46.03.020	AS 46.03.080	AS 46.35.090(e)
	AS 46.03.050	AS 46.03.100	

18 AAC 72.435. Installation notification and inspection. (a) Except as provided in (c) of this section a certified installer or approved homeowner shall notify the department office identified in (e) of this section at least 24 hours before beginning construction or modification of a conventional onsite system.

(b) The notification must include

(1) the legal description and location of the property where the installation or modification will occur, including directions to assist the department in finding it;

(2) the certified installer's or approved homeowner's name and telephone number, and, if applicable, the installer's certification number and the contractor's name and license number; and

(3) the scheduled date of the installation or modification.

(c) If a certified installer or approved homeowner is unable to

(1) provide the notice within the time required by (a) of this section for reasons beyond the control of the certified installer or approved homeowner, that person shall notify the department as soon as possible, but before beginning installation or modification; or

(2) install or modify on the date noticed under (b)(3) of this section, the certified installer or approved homeowner shall notify the department of the new scheduled date as soon as possible, but in any case before beginning construction or modification.

(d) The department will, in its discretion, conduct an inspection of an installation or modification.

(e) Notice of installation shall be given at the department office that is nearest to the worksite. (Eff.4/1/99, Register 149)

Authority:	AS 44.46.020	AS 46.03.070	AS 46.03.100
	AS 46.03.020	AS 46.03.080	AS 46.03.720
	AS 46.03.050		

Editor's note: For purposes of providing notice of installation as required under 18 AAC 72.435(e), department offices are located in Anchorage, Fairbanks, Juneau, Ketchikan, Soldotna, and Wasilla.

18 AAC 72.440. Fees. (a) A person who seeks to be certified or recertified under 18 AAC 72.400 - 18 AAC 72.440 must pay to the department

- (1) a training course fee of \$100; and
- (2) if that person successfully passes the examination, a certification fee of \$850.

(b) The certification fee under (a)(2) of this section may be paid in two annual installments of \$460. However, if the certified installer fails to pay the second installment when it is due, certification automatically expires on the date that payment is due, without further notice from the department.

(c) A homeowner who seeks to be approved under 18 AAC 72.410 shall pay to the department a training course fee of

- (1) \$120, if the fee is submitted on or before December 31, 2017;
- (2) \$200, if the fee is submitted not earlier than January 1, 2018 and not later than December 31, 2018; and
- (3) \$275, if the fee is submitted on or after January 1, 2019.

(Eff. 4/1/99, Register 149; am 12/23/2009, Register 192; am 10/22/2016, Register 220)

Authority: AS 37.10.052 AS 46.03.020
AS 44.46.020 AS 46.03.050 AS 46.03.100
AS 44.46.025

Article 5. Nondomestic Wastewater

Section

500. Restrictions

510. Sludge disposal

18 AAC 72.500. Permit required. (a) In addition to the plan approval required by 18 AAC 72.600, a person who disposes of nondomestic wastewater into or onto waters of the United States must have a permit issued by the department under 18 AAC 83 for that disposal. Except if an exemption under AS 46.03.100 applies, the department may require, as part of prior authorization under AS 46.03.100(b), a permit under this chapter for a person who disposes of nondomestic wastewater into or onto

- (1) land in this state;
- (2) state waters that are not waters of the United States; or
- (3) groundwater in this state.

(b) If the department determines that public health, public and private water systems, and the environment are adequately protected, and at the request of the applicant, the department will issue a project-wide permit under this chapter to a person who plans to conduct an operation with the same disposal characteristics at various discharge locations. As the department determines necessary to ensure compliance with this chapter and adequately protect public health, public and private water systems, and the environment, the department will

(1) require the submission of site-specific information, including plans, a schedule, and a description of all planned discharge activities, for approval as a condition of the project-wide permit; and

(2) restrict the project-wide permit to certain proposed discharge activities.

(c) The applicant for or recipient of a permit or authorization shall pay any fee for the permit or authorization as required by 18 AAC 72.956, 18 AAC 72.957, or 18 AAC 72.959, as applicable.

(d) Upon request of an applicant, the department may issue a permit under 18 AAC 83 that includes the terms of an authorization required under 18 AAC 72.510 – 18 AAC 72.600 and serves as the authorization required under 18 AAC 72.510 – 18 AAC 72.600. (Eff. 6/30/90, Register 114; am 11/10/94, Register 132; am 1/17/2002, Register 161; am 7/29/2006, Register 179; am 5/12/2016, Register 218)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.900
	AS 44.46.025	AS 46.03.100	
	AS 46.03.020		

18 AAC 72.510. Sludge disposal. A person may dispose of sludge resulting from a manufacturing or production process or from a nondomestic wastewater treatment works only at a site or facility with a waste disposal permit issued by the department for that disposal. The department will require that the sludge be treated before disposal if necessary to protect public health or the environment. (Eff. 6/30/90, Register 114)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.710
	AS 46.03.020	AS 46.03.100	

Article 6. Nondomestic Wastewater System Plan Review

Section

600. Application for department approval

610. (Repealed)

18 AAC 72.600. Application for department approval. (a) A person who constructs, alters, installs, modifies, or operates any part of a nondomestic wastewater treatment works or disposal system must first have written department approval of engineering plans submitted under this section.

(b) If construction, alteration, installation, modification, or operation has not begun within two years after issuance of plan approval, the approval is void, and plans must be resubmitted to the department for review and approval.

(c) Engineering plans required by (a) of this section must include

(1) the location of proposed or existing improvements, wastewater treatment works and disposal systems, sewers, drinking water supply lines, drinking water sources, and waters in the vicinity of the proposed system;

(2) detailed flow diagrams showing the physical and chemical composition and amount of each nondomestic wastewater disposal;

(3) a statement identifying persons who will own, operate, and maintain the proposed system;

(4) a description and timetable of the proposed construction or other activity;

(5) information on sludge handling and disposal from the proposed treatment works; and

(6) other information the department requires to assess compliance with this chapter, 18 AAC 83.005 – 18 AAC 83.990, or the terms of a permit issued by the department under 18 AAC 83.005 – 18 AAC 83.990 or a permit certified by the department under 18 AAC 15.130 – 18 AAC 15.189.

(d) As the department determines necessary to ensure compliance with this chapter and adequately protect public health, public and private water systems, and the environment, the department will attach terms and conditions, including monitoring, sampling, and reporting conditions, to submitted plans.

(e) An accurate and complete set of record documents for nondomestic wastewater treatment works and disposal systems with a discharge greater than 10,000 gallons per day must be submitted to the department within 90 days after the project's startup date. The department may waive this requirement if, after an onsite inspection, it finds that the system was built as approved.

(f) Authorization to discharge under a general permit issued by the department under this section does not satisfy any requirement for a permit under 33 U.S.C. 1342 or for a permit under 18 AAC 83.005 – 18 AAC 83.990. (Eff. 6/30/90, Register 114; am 1/17/2002, Register 161; am 7/29/2006, Register 179; am 5/12/2016, Register 218)

Authority: AS 44.46.020 AS 46.03.050 AS 46.03.710
AS 46.03.010 AS 46.03.100
AS 46.03.020

18 AAC 72.610. Plan review and permit fees. Repealed. (Eff. 2/19/93, Register 125; am 11/10/94, Register 132; repealed 1/17/2002, Register 161)

Editor's note: The plan review and permit fees that were located in 18 AAC 72.610 are now located in 18 AAC 72.955, 18 AAC 72.956, 18 AAC 72.957, and 18 AAC 72.959.

Article 7. General Provisions.

Section

- 900. General permit
- 910. Procedures for general permit
- 920. Professional submittals
- 930. Reports
- 940. Emergency notice
- 945. Inspection fee
- 946. Inspection fee waiver
- 950. (Repealed)
- 955. Plan review fees
- 956. General permit fees
- 957. Individual permit fees
- 959. Hourly and negotiated fees
- 960. Appeals
- 961. Fee determination or computation appeals
- 990. Definitions

18 AAC 72.900. General permit. (a) The department will, in its discretion, and on its own motion or upon application by any person, issue a general permit for activities that produce wastewater and that

- (1) require a permit under 18 AAC 72.010 or 18 AAC 72.500;
- (2) involve the same or very similar type of operation;
- (3) discharge the same type of wastewater;
- (4) require the same effluent limitation or operating conditions, or similar monitoring requirements;
- (5) will not threaten public health or water quality; and
- (6) in the department's opinion are better controlled under a general permit.

(b) A general permit will apply to a class of disposal activities discharging within a specified area. The area will correspond to geographic or political boundaries such as

- (1) municipal boundaries;
 - (2) water bodies or drainages; or
 - (3) any other appropriate geographic division or combination of boundaries.
- (c) A general permit will define the covered disposal activities by identifying the
- (1) class of disposal activities;

- (2) duration, frequency, and amount of disposal;
 - (3) physical and chemical characteristics of disposal;
 - (4) location and method of disposal;
 - (5) treatment required before disposal;
 - (6) water and land areas able to receive the disposal; and
 - (7) any other factors that the department determines are important in granting a general permit.
- (d) The department will include appropriate conditions in each general permit.
- (e) The department will, in its discretion, require applicants to have written approval before conducting particular disposal activities under a general permit.
- (f) Authorization to discharge under a general permit issued by the department under this Section does not satisfy any requirements for a permit under 33 U.S.C. 1342 or for a permit under 18 AAC 83.005 – 18 AAC 83.900. (Eff. 6/30/90, Register 114; 7/29/2006, Register 179)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.110
	AS 46.03.020	AS 46.03.100	AS 46.03.720

18 AAC 72.910. Procedures for general permit. (a) An application for authorization to operate under a general permit must be made in accordance with AS 46.03.110 and 18 AAC 15 and using forms provided by the department.

(b) If the department proposes a general permit, it will publish notice of the proposed permit in two issues of a newspaper of general circulation in the area where the disposal is to take place and in other media as the department considers appropriate. In the notice, the department will summarize the proposed permit, explain the type of discharge to be allowed and any geographical restrictions on where the permit can be used, and state where copies of the proposed permit and supporting documents may be obtained. The department will maintain a mailing list of individuals wishing to receive copies of public notices.

(c) The department may modify, revoke, reissue, or terminate a general permit in accordance with AS 46.03, 18 AAC 15, and this chapter. The department will require a person with a general permit authorization to obtain an individual permit if the department determines that

(1) the disposal does not meet the requirements for a general permit as set out in 18 AAC 72.900;

(2) the disposal contributes to pollution or causes an adverse impact on public health or water quality;

(3) a change has occurred in the availability of technology or practices for the control or abatement of pollution contained in the disposal; or

(4) public health, public and private water systems, and the environment are not adequately protected

(d) An applicant who seeks an authorization to operate under a National Pollutant Discharge Elimination System general permit under 33 U.S.C. 1342 (Clean Water Act, sec. 402) that has been certified by the department under 33 U.S.C. 1341 (Clean Water Act, sec. 401), or who seeks an authorization to operate under a general permit issued by the department, shall pay the appropriate fee listed in 18 AAC 72.956(a) or if the discharge is not listed in 18 AAC 72.956(a), shall pay a fee under 18 AAC 72.959 for the authorization to operate under that general permit. (Eff. 6/30/90, Register 114; am 2/19/93, Register 125; am 11/10/94, Register 132; am 1/17/2002, Register 161)

Authority:	AS 44.46.020	AS 46.03.070	AS 46.03.100
	AS 44.46.025	AS 46.03.080	AS 46.03.110
	AS 46.03.020	AS 46.03.090	AS 46.03.720
	AS 46.03.050		

18 AAC 72.920. Professional submittals. Information required to be submitted by a registered engineer or land surveyor under this chapter must bear the signature and the Alaska registration seal, or the signature and Alaska registration number, of that professional. (Eff. 6/30/90, Register 114)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.090
	AS 46.03.020		

18 AAC 72.930. Reports. As the department determines necessary in order to adequately protect public health, public and private water systems, and the environment, the department will require that a person who owns or operates a domestic or a nondomestic wastewater treatment works or disposal system routinely submit operational reports on forms provided or approved by the department. (Eff. 6/30/90, Register 114; am 1/17/2002, Register 161)

Authority:	AS 44.46.020	AS 46.03.020	AS 46.03.050
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18 AAC 72.940. Emergency notice. (a) Except as provided in (c) of this section, the owner or operator of a domestic or nondomestic wastewater collection, treatment, or disposal system, shall report to the department within 24 hours, or as soon after that as possible, if

(1) the system is out of operation for more than six hours and results in inadequate treatment in violation of permit conditions;

(2) an accident, spill, or other event occurs that results in inadequate treatment in violation of permit conditions, or threatens public health or water quality;

(3) the treatment works floods;

(4) a sludge carry-over, washout, or overflow occurs;

(5) any part of the treatment works is by-passed during periods of high flow or equipment breakdown; or

(6) the discharge threatens public health or water quality.

(b) A follow-up written report must be sent to the department within seven days after any event described in (a) of this section, and must contain

(1) the times and dates of the event;

(2) a detailed description of the event, including amounts of wastewater involved;

(3) details of any observed or potential impact to public health or receiving waters;
and

(4) description of actions taken to correct the cause of the event.

(c) This section does not apply to an onsite domestic wastewater system serving a private residence. (Eff. 6/30/90, Register 114; am 4/1/99, Register 149; am 5/12/2016, Register 218)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.710
	AS 46.03.020		

18 AAC 72.945. Inspection fee. Except for a domestic wastewater inspection conducted under 18 AAC 72.435, the owner or operator shall pay to the department a fee of \$43 per hour for an inspection under this chapter, if the department performs that inspection. (Eff. 11/10/94, Register 132; 4/1/99, Register 149; am 1/17/2002, Register 161)

Authority:	AS 37.10.052	AS 46.03.050	AS 46.03.100
	AS 44.46.020	AS 46.03.070	AS 46.03.110
	AS 44.46.025	AS 46.03.080	AS 46.03.720
	AS 46.03.020	AS 46.03.090	

18 AAC 72.946. Inspection fee waiver. (a) The department may waive a fee for an inspection under this chapter if the department finds

(1) after conducting an inspection in response to a complaint, that the complaint was unfounded;

(2) that a public health or environmental emergency exists, and that an inspection at no cost to the permittee is needed to meet the emergency;

(3) that an inspection is necessary to prevent a public health or environmental emergency, and that charging a fee for that inspection would not be in the public interest; or

(4) that the cost of the inspection is covered by the fees in 18 AAC 72.956 or 18 AAC 72.957.

(b) A circumstance listed in (a) of this section does not constitute an automatic fee waiver. (Eff. 11/10/94, Register 132; am 4/1/99, Register 149; am 1/17/2002, Register 161)

Authority:	AS 44.46.020	AS 46.03.070	AS 46.03.100
	AS 44.46.025	AS 46.03.080	AS 46.03.110
	AS 46.03.020	AS 46.03.090	AS 46.03.720
	AS 46.03.050		

18 AAC 72.950. Reference materials. Repealed. (Eff. 6/30/90, Register 114; repealed 4/1/99, Register 149)

Editor's note: Effective 4/1/99, Register 149, the substance of 18 AAC 72.950 was relocated to 18 AAC 72.070. The history note at 18 AAC 72.070 does not reflect the history of 18 AAC 72.950.

18 AAC 72.955. Plan review fees. (a) In order to obtain a plan review under 18 AAC 72.220 or 18 AAC 72.600, or to obtain review of a stormwater pollution prevention plan submitted in accordance with a permit issued under 33 U.S.C. 1342(p) (Clean Water Act, sec. 402(p)) or 18 AAC 83.205, an applicant must pay the fees listed in Table C of this subsection with the submittal of the plans:

Table C. PLAN REVIEW AND RELATED FEES¹

	Fee (in dollars) on or before December 31, 2017	Fee (in dollars) not earlier than January 1, 2018 and not later than December 31, 2018	Fee (in dollars) on or after January 1, 2019
(1) Domestic wastewater system with a daily peak capacity measurement, in gallons per day, of			
(A) 0 - 1,500	405	530	655
(B) 1,501 - 2,500	540	790	1,040
(C) 2,501 - 15,000	1,095	1,535	1,970
(D) 15,001 - 50,000	1,800	2,560	3,320
(E) 50,001 and over	Hourly fee in accordance with 18 AAC 72.959	Hourly fee in accordance with 18 AAC 72.959	Hourly fee in accordance with 18 AAC 72.959
(2) Waivers or modifications under 18 AAC 72.060²	295	295	295
(3) Nondomestic wastewater systems for discharges that include stormwater runoff for engineering plans required by 18 AAC 72.600(a) for projects			
(A) of less than one acre	150	365	580
(B) that are at least one acre but less than five acres	450	785	1,115
(C) that are at least five acres but less than 20 acres	900	1,490	2,080
(D) that are 20 acres or more	1,500	2,065	2,630
(4) Domestic and nondomestic sewer main extensions or replacements			
(A) up to 1,000 feet	465	625	785
(B) for each additional 1,000 feet, or fraction of that amount, over the first 1,000 feet	240	315	385
(5) Registration fee for documentation of construction forms	115	115	115

Notes to Table C:

¹The fees in Table C are for review of a single plan. Once a determination is issued, the process is considered complete.

²The fee is applicable only to conventional onsite systems submitted to the department under 18 AAC 72.005 – 18 AAC 72.070. The fee listed is for a waiver requested for a single prescribed standard under 18 AAC 72.005 – 18 AAC 72.070 (for instance, horizontal separation to surface water and horizontal separation to a water system are two separate standards).

(b) Unless confidential by law, a copy of a wastewater discharge system property record filed with the department is available during regular business hours upon request.

(c) The fee for searching, retrieving, and copying the document or record of a wastewater discharge system filed by property legal description is \$25.

(d) A fee required under (a) of this section is not refundable.

(Eff. 1/17/2002, Register 161; am 7/29/2006, Register 179; am 12/23/2009, Register 192; am 5/12/2016, Register 218; am 10/22/2016, Register 220)

Authority:	AS 37.10.052	AS 44.46.025	AS 46.03.050
	AS 40.25.110	AS 46.03.020	AS 46.03.100
	AS 44.46.020		

Editor's note: As of Register 218 (July 2016), the regulations attorney made technical corrections under AS 44.62.125(b)(6), to 18 AAC 72.955(a), changing the table header from "Table D" to "Table C", to reflect the agency's deletion of former Table B from 18 AAC 72.035(d) as part of amendments that took effect May 12, 2016, Register 218.

18 AAC 72.956. General permit authorization fees. (a) An applicant must pay the appropriate fee as listed in Table D of this subsection for authorization to operate under an existing general permit issued under 18 AAC 72.900, 18 AAC 83.205, or authorization to operate under a general permit issued under 33 U.S.C. 1342 (Clean Water Act, sec. 402) that has been certified by the department under 33 U.S.C. 1341 (Clean Water Act, sec. 401):

Table D. GENERAL PERMIT AUTHORIZATION FEES

	Fee (in dollars) on or before December 31, 2017	Fee (in dollars) not earlier than January 1, 2018 and not later than December 31, 2018	Fee (in dollars) on or after January 1, 2019
(1) Annual fee for a domestic wastewater system covered under a general permit, with a daily maximum permitted flow, in gallons per day, of¹			
(A) 0 - 1,500	405	535	665
(B) 1,501 - 15,000	765	765	765
(C) 15,001 and over	1,280	1,280	1,280
(2) One-time fee for a construction activity that consists of excavation dewatering	950	950	950
(3) Annual fee for fish hatcheries and aquaculture facilities	765	1,240	1,715
(4) Annual fee for seafood processing covered under a general permit	615	1,165	1,715
(5) Annual fee for log transfer facilities	435	435	435
(6) One-time fee for hydrostatic test water	525	835	1,145
(7) One-time fee for aquifer pump testing, in support of mineral mining development and exploration	525	835	1,145
(8) Annual fee for wastewater discharges from drinking water filter backwash	820	1,230	1,635
(9) Annual fee for cooling water general permit	1,025	1,540	2,050
(10) One-time fee for construction general permit (CGP) for stormwater runoff	580	580	580
(11) Annual fee for multi-sector general permit (MSGP) for stormwater	735	735	735
(12) Annual fee for mechanical placer mining with a mixing zone authorized under 18 AAC 70.240²	225	270	315
(13) Annual fee for placer small suction general permit	25	25	25
(14) Annual fee for placer medium suction general permit	90	90	90

(15) Annual fee for mechanical placer mining without a mixing zone authorized under 18 AAC 70.240	225	225	225
(16) Annual fee for placer Norton Sound general permit	360	540	715
(17) Annual fee for each general permit authorization for oil and gas exploration and development			
(A) North Slope oil and gas general permit	700	700	700
(B) Cook Inlet oil and gas general permit	2,220	2,910	3,600
(C) Arctic oil and gas general permit	2,220	2,295	2,370
(D) Underground Injection Control Class I well general permit	415	685	950
(18) Annual fee for arctic geotechnical general permit	2,290	3,435	4,575

Notes to Table D:

¹If the applicant is a business with fewer than 20 employees, the fee is reduced by a travel cost of \$85.

²If the applicant is a business with fewer than 20 employees, the fee is reduced by a travel cost of \$25.

(b) For one-time fees, an applicant for an authorization shall pay the fee for the authorization upon application.

(c) For annual fees, an applicant for or recipient of an authorization shall pay the fee for the authorization upon application and annually afterwards within 30 days after issuance of the billing.

(d) If a new application is received not earlier than October 1 and not later than December 31, the applicant shall pay one-half of the annual fee required under (a) of this section for that year.

(e) For any annual fee received more than 30 days after issuance of the billing, a late fee of \$20 is charged for each month that the payment is late.

(f) A fee required under (a) of this section is not refundable.

(g) If an authorization to operate under a general permit is transferred from an existing owner or operator to a new owner or operator, the new owner or operator shall pay the applicable fees described in (a) of this section during the next annual billing cycle.

(h) An owner or operator may request in writing to terminate an existing authorization to operate under a general permit if a discharge is not occurring. If an authorization is terminated at the request of the owner or operator, the owner or operator must file a new application, and pay a new application fee for a new authorization before resuming the wastewater discharge. (Eff. 1/17/2002, Register 161; am 12/23/2009, Register 192; am 10/22/2016, Register 220)

Authority:	AS 37.10.052	AS 46.03.020	AS 46.03.110
	AS 44.46.020	AS 46.03.050	AS 46.03.710
	AS 44.46.025	AS 46.03.100	

Editor's note: As of Register 218 (July 2016), the regulations attorney made technical corrections under AS 44.62.125(b)(6), to 18 AAC 72.956(a), changing the table header from "Table E" to "Table D", to reflect the agency's deletion of former Table B from 18 AAC 72.035(d) as part of amendments that took effect May 12, 2016, Register 218.

18 AAC 72.957. Individual permit fees. (a) An applicant must pay the appropriate fee as listed in Table E of this subsection for a permit issued under 18 AAC 72.215, 18 AAC 72.500, or 18 AAC 83.110 or for certification of a permit required by 33 U.S.C. 1341 (Clean Water Act, sec. 401):

Table E. INDIVIDUAL PERMIT FEES¹			
	Fee (in dollars) on or before December 31, 2017	Fee (in dollars) not earlier than January 1, 2018 and not later than December 31, 2018	Fee (in dollars) on or after January 1, 2019
(1) Annual fee for a domestic wastewater system with a daily maximum permitted flow, in gallons per day, of			
(A) 0 - 100,000	655	655	655
(B) 100,001 and over	2,520	5,220	7,920
(2) Annual fee for power generation cooling water discharge by a facility	3,195	4,860	6,520
(3) Annual fee for seafood processing that is not covered under the general permit	5,340	6,190	7,040
(4) One-time fee for seafood processor modifications within the same year	325	325	325
(5) One-time application fee for certification under 33 U.S.C. 1341 of a "dredge-or-fill" permit issued under 33 U.S.C. 1344 (Clean Water Act, sec. 404), for²			
(A) Airport project	320	320	320
(B) Other projects or department activities as follows:			
(i) waiver of certification under 33 U.S.C. 1341	130	130	130
(ii) project disturbing less than one acre	300	450	600
(iii) project disturbing 1 - 5 acres	735	750	765
(iv) project disturbing 5.01 to 20 acres	1,160	1,160	1,160
(v) project disturbing greater than 20 acres	2,375	2,375	2,375
(6) Annual fee for harbor dredge projects	540	810	1,080
(7) Annual fee for individual permit for a municipal separate storm sewer system (MS4)	4,560	6,840	9,115
(8) Annual fee for bulk fuel and small oil terminals with only a few low-volume discharges	3,245	4,870	6,490

Notes to Table E:

¹If the applicant is a business with fewer than 20 employees, the fee is reduced by a travel cost of \$85.

²Mine projects and pipelines eight inches or greater in diameter are subjected to a fee as described in 18 AAC 72.959.

(b) For one-time fees, an applicant for a permit shall pay the fee within 30 days after issuance of the billing.

(c) For annual fees, fees are billed annually and must be paid within 30 days after issuance of the billing.

(d) If a new permit application is received not earlier than October 1 and not later than December 31, the applicant shall pay one-half of the annual fee required under (a) of this section for that year.

(e) For any annual fee received more than thirty days after issuance of the billing, a late fee of \$20 is charged for each month that the payment is late.

(f) A fee required under (a) of this section is not refundable.

(g) If a permit is transferred from an existing owner or operator to a new owner or operator, the new owner or operator shall pay the applicable fees described in (a) of this section during the next annual billing cycle.

(h) An owner or operator may request in writing to terminate an existing permit if a discharge is not occurring. If a permit is terminated at the request of the owner or operator, the owner or operator must file a new application and pay a new application fee for a new permit before resuming the wastewater discharge. (Eff. 1/17/2002, Register 161; am 12/23/2009, Register 192; am 10/22/2016, Register 220)

Authority:	AS 37.10.052	AS 46.03.020	AS 46.03.110
	AS 44.46.020	AS 46.04.050	AS 46.03.710
	AS 44.46.025	AS 46.03.100	

Editor's note: As of Register 218 (July 2016), the regulations attorney made technical corrections under AS 44.62.125(b)(6), to 18 AAC 72.957(a), changing the table header from "Table F" to "Table E", to reflect the agency's deletion of former Table B from 18 AAC 72.035(d) as part of amendments that took effect May 12, 2016, Register 218.

18 AAC 72.959. Hourly and negotiated fees.

(a) (a) The department will calculate a fee in compliance with (b) of this section for activities or authorizations related to

(1) a discharge that is not listed or for which a fee is not listed in 18 AAC 72.955, 18 AAC 72.956, or 18 AAC 72.957; and

(2) permit issuance costs for mining activity not covered under a general permit.

(b) For a wastewater discharge from a facility or activity that is described in (a) of this section, the department

(1) will assess a fee based on direct department costs, including

(A) salaries and benefits of department employees directly involved in providing the standard designated regulatory service; and

(B) goods and third-party services, including travel if the facility is owned by a business that has more than 20 employees; or

(2) may, if the applicant requests, agree to a negotiated fee.

(c) The permittee shall pay the fee under this section within 30 days after the department mails an invoice. (Eff. 1/17/2002, Register 161; am 12/23/2009, Register 192; am 10/22/2016, Register 220)

Authority:	AS 37.10.052	AS 46.03.020	AS 46.03.110
	AS 37.10.054	AS 46.03.050	AS 46.03.710
	AS 44.46.020	AS 46.03.100	
	AS 44.46.025		

18 AAC 72.960. Appeals. (a) After receiving the department's decision concerning plans submitted for approval under this chapter, the applicant or other person adversely affected by the plan review decision may request an informal review of the decision under 18 AAC 15.185 and may request an adjudicatory hearing under 18 AAC 15.195 – 18 AAC 15.340

(b) Repealed 7/11/2002.

(c) Repealed 7/11/2002. (Eff. 6/30/90, Register 114; am 4/1/99, Register 149; am 7/11/2002, Register 163)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.090
	AS 46.03.020		

18 AAC 72.961. Fee determination or computation appeals. A person subject to a fee under this chapter who disputes a fee determination or computation of fees may request a fee review under 18 AAC 15.190. (Eff. 11/10/94, Register 132; am 4/1/99, Register 149; am 7/11/2002, Register 163)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.710
	AS 44.46.025	AS 46.03.090	AS 46.03.720
	AS 46.03.020		

18 AAC 72.990. Definitions. Unless the context indicates otherwise, in this chapter

(1) "above-ground storage tank" means a tank system with 100 percent of its volume above ground;

(2) "alternate onsite system" means a method of onsite treatment and disposal other than a conventional onsite system;

(3) "alternate soil absorption system" means a method of soil absorption treatment and disposal other than a conventional soil absorption system; "alternate soil absorption system" does not include holding tanks or nonwater-carried disposal methods such as composting, incineration, or privies;

(4) "approved" and "approval" mean approved by, or the approval of, the department by means of written letter, electronic mail, or facsimile transmission;

(5) repealed 5/12/2016;

(6) "bed" or "bed system" means a soil absorption system that is a level excavation, wider than three feet, that contains at least one line of distribution piping, and the bottom area of which is the infiltrative surface;

(7) "biochemical oxygen demand" means the amount, in milligrams per liter, of oxygen used in the biochemical oxidation of organic matter in five days at 20° C;

(8) "cesspool" means a subsurface pit that receives untreated sewage;

(9) "cleanout" means an appurtenance on a community sewer line designed to provide access for the purpose of removing deposited or accumulated materials;

(10) "collection and pumping system" or "collection system" means a system of pumps, conduits, or both that transports domestic wastewater from the facility where that wastewater is generated to a domestic wastewater treatment works; "collection and pumping system" or "collection system"

(A) includes

(i) gravity, pressure, and vacuum sewers, including associated appurtenances such as manholes and cleanouts;

(ii) pump or collection stations; and

(iii) a collector sewer, regardless of ownership of the land on which it is installed; and

(B) does not include a private sewer line;

(11) "collector sewer" means a sewer line used as a common receiver of sewage from more than one sewer service line;

(12) "commissioner" means the commissioner of the Department of Environmental Conservation;

(13) "community sewer line" means that portion of a sewerage serving

(A) one or more multi-family dwellings;

(B) a mobile home park, a trailer park, or a recreational vehicle park;

(C) two or more

- (i) private residences;
- (ii) commercial establishments;
- (iii) industrial establishments; or
- (iv) institutions; or

(D) a combination of two or more of the structures listed in (C)(i)-(iv) of this paragraph;

(14) "community soil absorption system"

(A) means a soil absorption system serving

- (i) one or more multi-family dwellings;
- (ii) a mobile home park, a trailer park, or a recreational vehicle park;
- (iii) two or more private residences, commercial establishments, industrial establishments, or institutions; or
- (iv) a combination of two or more of the structures listed in (iii) of this subparagraph; and

(B) does not include a system serving a small commercial facility;

(15) "conventional onsite system"

(A) means a system that treats domestic wastewater exclusively, that meets the requirements of 18 AAC 72.035 and 18 AAC 72.260, and that uses a septic tank followed by a discharge into a conventional soil absorption system in undisturbed native soil, with or without a sand liner;

(B) includes a properly pressurized sewer line used to convey sewage from the home into a septic tank or from a septic tank into a gravity distribution soil absorption system;

(C) does not include

- (i) an intermittent sand filter design; or
- (ii) an elevated mound system design;

(16) "conventional soil absorption system" means an onsite wastewater treatment and disposal system that

(A) is of typical trench, bed, or seepage pit design;

(B) is vertically located so that the bottom of the distribution rock is at or below existing grade;

(C) uses natural subsurface undisturbed soils, with or without a sand liner, for the treatment media; and

(D) utilizes non-pressurized effluent distribution;

(17) "deep trench" means a soil absorption system that uses a trench, the vertical walls of which form the infiltrative surface area;

(18) "department" means the Department of Environmental Conservation;

(19) "design criteria" means information and numerical data such as rates, loadings, and other parameters upon which a specific facility design is based; "design criteria" includes

(A) engineering guidelines that specify construction details and materials; and

(B) objectives, results, or limits that a facility, structure, or process must meet in the performance of its intended function;

(20) "director" means the director of the department's division assigned to water;

(21) "disinfect" means to treat by means of a chemical, physical, or other process, such as chlorination, ozonation, application of ultraviolet light, or sterilization, designed to eliminate pathogenic organisms, and producing an effluent with the following characteristics:

(A) an arithmetic mean of the values for a minimum of five effluent samples collected in 30 consecutive days that does not exceed 200 fecal coliform per 100 milliliters; and

(B) an arithmetic mean of the values for effluent samples collected in seven consecutive days that does not exceed 400 fecal coliform per 100 milliliters;

(22) "disposal system" means a system, the sole function of which is to provide a means of final disposal of wastewater to the environment;

(23) "domestic wastewater" means waterborne human wastes or graywater derived from dwellings, commercial buildings, institutions, or similar structures; "domestic wastewater" includes the contents of individual removable containers used to collect and temporarily store human wastes; "domestic wastewater" does not include

(A) liquid or solid material removed from a septic tank, cesspool, or similar treatment works, if those facilities receive nondomestic or industrial wastewater; or

(B) grease removed from a grease trap at a restaurant.

(24) "domestic wastewater disposal system" means a device, structure, or formation used to dilute, dispose, or discharge domestic wastewater; "domestic wastewater disposal system" includes injection wells, soil absorption systems, pits, crevices, sinkholes, depressions, outfalls, percolating stabilization ponds, land irrigation systems, sewers, and treatment works;

(25) "domestic wastewater treatment works" means a plant, device, structure, or other works designed to treat, neutralize, or stabilize domestic wastewater or sludges; "domestic wastewater treatment works" includes a septic tank, package plant, stabilization pond, soil absorption system, activated sludge treatment plant, trickling filter, and rotating biological contactor plant;

(26) "drain" means the line that is the lowest line in or beneath a building and that receives and carries the sewage to the sewer service line; however, a line serving separate buildings or structures, even though it runs beneath a building, is considered to be a sewer service line;

(27) "duplex" means a single structure designed to house two single-family dwelling units;

(28) "emergency repair" means a system repair or alteration that is necessary

(A) to protect public health; or

(B) for the system to perform the major functions for which the system was designed;

(29) "engineering plans" means a set of plans signed, sealed and dated by a registered engineer;

(30) "EPA" means the United States Environmental Protection Agency;

(31) "equalize" means to dampen daily fluctuations of the flow, quality, or amount of wastewater, in order to distribute surges over a period of time;

(32) "facility" means a building or structure;

(33) "geotechnical study" means a report or study analyzing sufficient subsurface information necessary to evaluate the effect from permafrost layers on the structural integrity and operational performance of the proposed wastewater system;

(34) "gpd" means gallons per day;

(35) "graywater" means wastewater

(A) from a laundry, kitchen, sink, shower, bath, or other domestic source; and

(B) that does not contain excrement, urine, or combined stormwater;

(36) "groundwater" means the subsurface water permanently or seasonally occupying the zone in which the voids in the rock or soil are filled with water at a pressure greater than atmospheric;

(37) "holding tank" means a watertight vessel or tank for the temporary storage of wastewater, urine, or excrement; "holding tank" includes a vault privy; "holding tank" does not include a pit privy;

(38) "land surface disposal system" means a system that disposes of treated wastewater onto the surface of the land in areas suitable for that purpose;

(39) "marine outfall" means a discharge pipe used for the final disposal of wastewater extending from a wastewater treatment works to the point of discharge in marine waters, including equipment or appurtenances used for diffusing treated effluent to the marine environment;

(40) "multi-family dwelling" means a dwelling unit housing more than two single-family residences;

(41) "nondomestic wastewater" means liquid or water-carried wastes other than domestic wastewater; "nondomestic wastewater" includes wastes resulting from

- (A) a manufacturing, food processing, or production enterprise;
- (B) an industrial establishment;
- (C) the development of natural resources;
- (D) the construction of a manufacturing, production, or industrial facility;

and

- (E) stormwater runoff;

(42) "nondomestic wastewater disposal system" means a device or structure designed to dilute, dispose, or discharge nondomestic wastewater;

(43) "nondomestic wastewater treatment works" means a plant, device, structure, or other works designed to treat, neutralize, or stabilize nondomestic wastewater or sludges;

(44) "nonpercolating stabilization pond" means a stabilization pond that

- (A) is designed to contain wastewater; and
- (B) prevents subsurface leakage at a rate greater than 500 gallons per acre per day at a water depth of six feet;

(45) "observed percolation rate," "observed soil texture," and "observed soil type" mean the percolation rate, soil texture, or soil type as observed by a person who may install a domestic wastewater treatment and disposal system as described in 18 AAC 72.015;

(46) "package plant" means an alternate onsite wastewater treatment and disposal system that is a transportable modular treatment system for domestic wastewater and that serves less than 25 persons; "package plant" does not include septic or holding tanks;

(47) "percolating stabilization pond" means a stabilization pond designed to contain wastewater and to allow subsurface leakage at a rate greater than 500 gallons per acre per day at a water depth of six feet;

(48) "pit privy"

(A) means a structure that

- (i) receives urine and excrement that is not waterborne; and
- (ii) is the final disposal site and not a temporary storage facility; and

(B) does not include a vault privy;

(49) "potable water source" means a source of water, intake works, collection system, treatment works, storage facility, or distribution system from which water is available for human consumption;

(50) "primary treatment" means wastewater treatment that

(A) will subsequently discharge wastewater to land or waters that are not waters of the United States and

- (i) removes substantially all floating and settleable solids; or
- (ii) uses fine screens with 0.04-inch or smaller openings; or

(B) will subsequently discharge wastewater to waters of the United States and uses

- (i) screening, sedimentation, and skimming adequate to remove at least 30 percent of the biochemical oxygen demanding material and of the suspended solids in the treatment works influent; and
- (ii) disinfection, where appropriate;

(51) "private sewer line"

(A) means a pipeline or conduit carrying domestic wastewater from a private residence, a single industrial establishment, a single institution, or a single commercial establishment to a treatment system, disposal system, or community sewer;

(B) does not include the pipeline or conduit carrying domestic wastewater from a trailer park, a mobile home park, or a multi-family dwelling;

(52) "private water system" has the meaning given in 18 AAC 80.1990;

(53) "public water system" has the meaning given in 18 AAC 80.1990;

(54) "record documents" includes record drawings, specifications, construction submittals, photographs, diaries, daily reports, and test reports;

(55) "record drawings" means the original plans prepared for construction and department approval, revised to reflect how the system was constructed or installed;

(56) "registered engineer" means a professional engineer registered to practice in this state under AS 08.48;

(57) "routine maintenance" means activity normally required to maintain the system components in good working order;

(58) "sealed" means prepared by a registered engineer or a person under that engineer's direct supervision, and bearing the signature and seal of that engineer as required by AS 08.48.221 and 12 AAC 36.185;

(59) "secondary treatment" means a method of removal of dissolved and colloidal materials that produces an effluent with the following characteristics:

(A) for the five-day measure of biochemical oxygen demand from a source other than a stabilization pond,

(i) an arithmetic mean of the values for effluent samples collected in 30 consecutive days that does not exceed 30 milligrams per liter;

(ii) an arithmetic mean of the values for effluent samples collected in seven consecutive days that does not exceed 45 milligrams per liter; and

(iii) an arithmetic mean of the values for effluent samples collected in a 24-hour period that does not exceed 60 milligrams per liter;

(B) for the five-day measure of biochemical oxygen demand at a stabilization pond,

(i) an arithmetic mean of the values for effluent samples collected in 30 consecutive days that does not exceed 45 milligrams per liter and a percent removal that is not less than 65 percent by weight; and

(ii) an arithmetic mean of the values for effluent samples collected in seven consecutive days that does not exceed 65 milligrams per liter;

(C) for the measure of suspended solids from a source other than a stabilization pond,

(i) an arithmetic mean of the values for effluent samples collected in 30 consecutive days that does not exceed 30 milligrams per liter;

(ii) an arithmetic mean of the values for effluent samples collected in seven consecutive days that does not exceed 45 milligrams per liter; and

(iii) an arithmetic mean of the values for effluent samples collected in a 24-hour period that does not exceed 60 milligrams per liter; and

(D) for the measure of suspended solids at a stabilization pond, an arithmetic mean of the values for effluent samples collected in 30 consecutive days that does not exceed 70 milligrams per liter; and

(E) for the measure of effluent pH, between 6.0 and 9.0 unless

(i) inorganic chemicals are not added to the waste stream as part of the treatment process; and

(ii) contributions from industrial sources do not cause the pH of the effluent to be less than 6.0 or greater than 9.0;

(60) "seepage pit" means an underground pit that

(A) extends into porous strata;

(B) is lined with open-jointed stone, concrete block, or similar walls; and

(C) introduces into the ground, by seepage, the partly treated effluent from a wastewater system;

(61) "sensitive receiving environment" means

(A) fresh or marine water that supports anadromous fish;

(B) fresh or marine water used for drinking or food processing;

(C) water susceptible to eutrophication;

(D) a stream with low or intermittent flow;

(E) tundra; or

(F) land that permits exposure of wastewater to the public;

(62) "septage" means liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar domestic wastewater treatment works that receives only domestic wastewater;

(63) "septic tank" means a watertight, covered receptacle designed and built to

(A) receive domestic wastewater;

(B) separate floating and settling solids from the liquid;

(C) anaerobically digest organic matter;

(D) store digested solids through a period of detention; and

(E) allow clarified liquids to discharge for final disposal;

- (64) repealed 5/12/2016;
- (65) "sewage" means domestic or nondomestic wastewater;
- (66) "sewer" or "sewer line" means a pipeline, conduit, or sewerage line that carries domestic or nondomestic wastewater; "sewer" or "sewer line" does not include a private sewer line;
- (67) "sewerage" means sewers, sewage pumping stations, force mains, and related structures, devices, and appliances used to carry domestic or nondomestic wastewater to a point of final treatment or disposal;
- (68) "shallow trench" means a soil absorption system that
 - (A) does not exceed five feet in width;
 - (B) contains a single line of perforated pipe; and
 - (C) uses the bottom area for absorption;
- (69) "slough" means a swamp, bog, or marsh, especially one that is part of an inlet or backwater;
- (70) "sludge" means a solid, semisolid, or liquid waste that contains at least five percent solids by weight, and that is generated at a municipal, commercial, or industrial wastewater treatment plant, a septic tank, a water supply treatment plant, or an air pollution control facility; "sludge" includes similar material accumulated in and removed from a storage tank or surface impoundment containing oil, industrial liquid waste, acid, chemicals, or another similar substance;
- (71) "small commercial facility" means a single commercial building with an expected peak design flow of 500 gpd or less;
- (72) "soil absorption system" means a surface or subsurface system using soil for the treatment and disposal of effluent from a domestic wastewater treatment works; "soil absorption system" includes a filtering field, leaching field, seepage bed, or seepage pit, but does not include a cesspool;
- (73) "stabilization pond" means a shallow body of liquid or sludge contained in an earthen basin and designed to treat wastewater or septage sludge;
- (74) "standard absorption trench" means a soil absorption trench with a distribution medium that extends at least two inches above and at least 10 inches below the invert of the distribution piping, with the absorption area calculated using the bottom area only;
- (75) "treatment works" means the central portion of a wastewater facility that contains the various treatment processes, exclusive of the collection system;

(76) "treatment works with individual marine outfall" means a treatment system located on one lot, or shared by adjacent lots, from which effluent is discharged through a single outfall extending to marine water;

(77) "vacuum sewer" means a collection system using a vacuum and high scour velocities to convey wastewater;

(78) "vault privy" means a holding tank with a seat or seats, or other appurtenances attached, that allows for excretion of human wastes directly into the tank;

(79) "wastewater" means domestic or nondomestic wastewater;

(80) "water table" means the upper surface of a zone of saturated soil, including normal seasonal fluctuations, but excluding fluctuations caused by heavy rainfall or rapid snow-melt; the water table is indicated by the level at which water stands in a well that

(A) is open along its length; and

(B) penetrates the surficial deposits just deeply enough to encounter standing water in the bottom.

(81) "daily peak capacity" means the maximum daily flow of wastewater measured in gpd, that a treatment system is designed to process;

(82) "hydroelectric project" means a project that generates electricity by converting the energy of running water;

(83) "standard designated regulatory services" has the meaning given in AS 37.10.058;

(84) "stormwater pollution prevention plan" means a facility's plan to prevent or control the discharge of pollutants in stormwater runoff, as required by a permit required under 33 U.S.C. 1342(p) (Clean Water Act, Sec. 402(p)) and 18 AAC 83.990;

(85) "toxic substance" has the meaning given in 18 AAC 70.990.

(86) "point source" has the meaning given in 18 AAC 83.990;

(87) "publicly owned treatment works" has the meaning given in 18 AAC 83.990.

(88) "waters of the United States" has the meaning given in 18 AAC 83.990.

(89) "private residence"

(A) means a single residential lot that is developed as a primary habitation for not more than two families and has a total maximum design flow on the lot of not more than 1,500 gpd of domestic wastewater;

(B) includes

- (i) one duplex;
- (ii) two single-family residential structures;
- (iii) one single-family residential structure plus an apartment; or
- (iv) one or more additional support buildings used by the residents of structure described in (i) – (iii) of this subparagraph, including a workshop, home office, greenhouse, or garage;

(C) does not include a commercial development;

(90) “sewer service line” means a pipeline or conduit that

(A) runs outside a building foundation; and

(B) carries sewage to a collector sewer, wastewater treatment works, or wastewater disposal system. (Eff. 4/1/99, Register 149; am 3/25/2001, Register 157; am 1/17/2002, Register 161; am 7/29/2006, Register 179; am 5/12/2016, Register 218)

Authority:	AS 44.46.020	AS 46.03.070	AS 46.03.110
	AS 46.03.020	AS 46.03.080	AS 46.03.710
	AS 46.03.050	AS 46.03.100	

Editor's Note: Statutory definitions that apply to this chapter are found at AS 46.03.900.