

CODE ORDINANCE

Sponsored by: Assemblymember Sykes
Referred to Planning Commission: 03/21/17
Introduced: 06/06/17
Public Hearing: 06/20/17
Amended: 06/20/17
Adopted: 06/20/17

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 17-029**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING
MSB CHAPTER 8.07 LAND APPLICATION OF BIOSOLIDS, PROHIBITING THE
LAND APPLICATION OF BIOSOLIDS WITHIN THE BOROUGH.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and
permanent nature and shall become a part of the Borough Code.

Section 2. Adoption of Chapter. MSB 8.07 is hereby adopted as
follows:

8.07.005 DEFINITIONS

8.07.010 INTENT

8.07.020 APPLICABILITY

8.07.030 BIOSOLIDS PROHIBITED

8.07.040 NONCONFORMING USES

8.07.050 VIOLATIONS, ENFORCEMENTS, AND PENALTIES

8.07.005 Definitions

(A) For the purpose of this chapter, the following
definitions shall apply unless the context clearly
indicates or requires a different meaning:

- "Biosolids" means solid, semi-solid, or liquid

residue generated during treatment of domestic sewage in a treatment works; "biosolids" includes domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from biosolids. Biosolids, as used in this chapter, excludes biosolids products that are in a bag or container packaged for routine retail sales through regular retail outlets which are primarily used for residential purposes in limited quantities.

- "treatment works" means facilities installed for the purpose of treating, neutralizing, stabilizing, or disposing of sewage, industrial waste, or other wastes; including but not limited to a plant, disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary landfills, or other works.

8.07.010 INTENT

(A) It is recognized that the land application of biosolids poses a potential risk to public safety, and environmental quality; and may not be appropriate, even when applied in accordance with Federal and State regulations. Biosolids may contain heavy metals, pathogenic organisms, chemical pollutants, and synthetic organic compounds which likely pose a risk to public

health and the environment. Application of biosolids is an incompatible land use with almost all adjoining land uses because of the smells, dust, and other immediate undesirable effects.

(B) Land application of biosolids on agricultural farms within the Borough will negatively affect the brand and reputation of all farms within the Borough.

(C) It is the intent of this ordinance to prohibit land application of biosolids on land within the Borough.

8.07.020 Applicability

(A) This chapter applies to all private and public lands in the borough except within the incorporated city limits of Houston, Palmer, and Wasilla.

(B) Disposal of biosolids on municipal-owned land as part of a municipal treatment works is exempt from the provisions of this chapter.

8.07.030 Biosolids prohibited

(A) Land application of biosolids pursuant to 18 AAC 60.500 is prohibited.

8.070.040 Nonconforming Uses

Operations which have a validly issued state permit to apply biosolids on agricultural fields under 18 AAC 60.500 as of the date of adoption of this chapter are

allowed to continue for three years as of the date of adoption of this chapter.

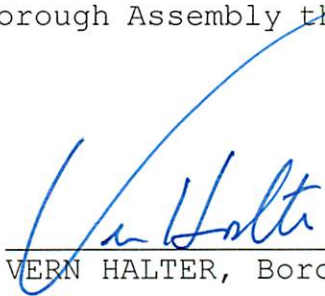
8.07.050 Violations, enforcements, and penalties

(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.

Section 3. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 20 day of June, 2017.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

VOTE

YES: Sykes, Beck, Colligan, Mayfield, Doty, and Kowalke

NO: McKee