

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-08

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 8 OF THE DILLINGHAM MUNICIPAL CODE TO PROHIBIT DISPOSAL OF HAZARDOUS MATERIALS IN THE CITY OWNED SOLID WASTE DISPOSAL FACILITY AND ESTABLISHING A PENALTY FOR ANY VIOLATION

WHEREAS, the State of Alaska Department of Environmental Conservation prohibits the city from accepting hazardous materials at its solid waste disposal facility; and

WHEREAS, the city cannot properly dispose of such materials and risks violating its own permits if it does so; and

WHEREAS, the city is therefore required to expressly prohibit any and all persons from disposing of hazardous waste at the city’s solid waste disposal facility;

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment of Section 8.04.020. Section 8.04.020 of the Dillingham Municipal Code is hereby amended as follows with new language underlined and **emboldened**.

REFUSE COLLECTION AND DISPOSAL

Sections:

- 8.04.010 Authority and applicability.
- 8.04.020 Definitions.
- 8.04.030 Containers—Requirements.
- 8.04.040 Containers—Location.
- 8.04.050 Disposal requirements.
- 8.04.052 Prohibited Waste**
- 8.04.060 Collection and transportation requirements.
- 8.04.070 Collection intervals.
- 8.04.080 Specification—Collection vehicle bodies.
- 8.04.090 Provision of other services—Denied services list.
- 8.04.095 Violations—Penalties.
- 8.04.096 *Repealed.*
- 8.04.100 Fees.
- 8.04.110 Regulations.

8.04.020 Definitions.

The following definitions apply throughout this chapter:

“Garbage” means all putrescible solid wastes, including vegetable matter, animal feces, and carcasses of small animals.

“Hazardous waste” means any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such substances or materials. This includes those materials or substances which have been so designated by the State Department of Environmental Conservation and/or the Environmental Protection Agency.

“Person” means any individual, firm, governmental unit, organization, partnership, corporation, company or other entity.

“Putrescible waste” means material that can decompose and cause obnoxious odors.

“Refuse” means any putrescible or nonputrescible solid waste, except human excreta.

“Rubbish” means nonputrescible solid wastes.

“Secured load” means a load of refuse which has been secured and covered in the vehicle in a manner that will prevent any part of the refuse from leaving the vehicle while the vehicle is moving.

Section 3. Amendment of Chapter 8.04. Chapter 8.04 of the Dillingham Municipal Code is hereby amended by the addition of a new section 8.04.052 to read as follows :

8.04.052 Hazardous Wastes Prohibited

A. No person shall dispose of hazardous wastes at the city-owned solid waste disposal facility or mix hazardous and non-hazardous materials together for disposal. It is a violation of this section for any person to place or leave hazardous waste in any refuse that the person knows or reasonably should know or expect will be collected, transported to, or ultimately disposed of in the solid waste disposal facility.

B. In addition to all hazardous waste as that term is defined herein, and notwithstanding any limitation or law to the contrary, the following materials are included within the term “hazardous waste” for the purpose of this section and are expressly prohibited from being disposed of at the city-owned solid waste disposal facility.

1. Gasoline, diesel fuel, anti-freeze, benzene, naphtha, fuel oil;
2. Any automotive fluid which remains inside a vehicle that is taken to the solid waste facility for disposal; and
3. Mineral spirits, commercial solvents, or any flammable or explosive liquid;
4. Acids, corrosives, solvents, liquid wastes, oily wastes, grease paint;
5. Sewage, explosives, drilling mud, radioactive wastes; and
6. Unsterilized (infectious) medical wastes.

C. Any person who violates this section commits a minor offense. In addition to any penalty imposed for the violation, the person may be required to fully remove any hazardous waste the person caused to be deposited in the solid waste disposal facility, and to fully remediate any damage caused thereby regardless of whether the person intended to dispose of the hazardous waste in the facility.

Section 4. Amendment of Section 1.20.040. Section 1.20.040 of the Dillingham Municipal Code is hereby amended to include the following provision in the fine schedule. New language is underlined and **emboldened**.

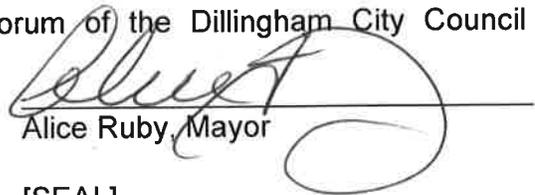
Code Section	Offense	Penalty/Fine
<u>8.04.055.A</u>	<u>Disposal of hazardous material in city landfill</u>	<u>300.00</u>

Section 5. Copies to the Alaska Court System. The City Clerk is responsible for submitting the ordinance to the Alaska Court System for inclusion in the Uniform Minor Offense Table.

Section 6. Effective Date. This ordinance is effective upon passage.

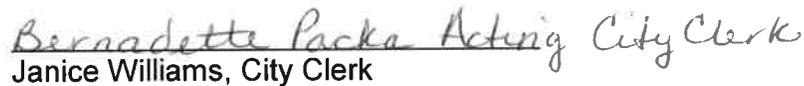
PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on

_____.


Alice Ruby, Mayor

[SEAL]

ATTEST:


Janice Williams, City Clerk



NOTICE OF A PUBLIC HEARING

Public Hearing on Ordinance No. 2015-08

The City Of Dillingham will hold a **Public Hearing** on Thursday, June 4, 2015, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinance:

- Ordinance No. 2015-08, An ordinance of the Dillingham City Council amending Title 8 of the Dillingham Municipal Code to prohibit disposal of hazardous materials in the city owned solid waste disposal facility and establishing a penalty for any violation

If you have any questions, please contact the City Clerk's office at 842-5212 or email cityclerk@dillinghamak.us.

City of Dillingham Information Memorandum

Agenda of: June 4, 2015

Attachment to: 2015-08
Ordinance No. / Resolution No.

Subject:

An Ordinance of the Dillingham City Council Amending Title 8, Health and Safety, of the Dillingham Municipal Code to Prohibit Disposal of Hazardous Materials in the City-Owned Solid Waste Disposal Facility and Establishing a Penalty for any Violation

City Manager: Recommend Approval

Signature: Rose Roera

Route to	Department Head	Signature	Date
	Finance Director		
X	Public Works	<i>Paula Jones</i>	5/28/15
X	City Clerk	<i>Janet Williams</i>	5/22/15

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- An advertisement for a Public Hearing on Ordinance No. 2015-08 is scheduled to appear in the May 28 edition of the Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing.

Summary Statement:

The State of Alaska Department of Environmental Conservation prohibits the City from accepting hazardous materials at the landfill, since the City cannot properly dispose of such materials.

The City is in the process of establishing a medical waste standard operating procedure before any medical waste can be disposed of at the Dillingham Landfill. This request came from AkDEC in the City's Landfill Inspection checklist, dated September 9, 2012.

This ordinance was introduced at the May 14 Regular Council meeting and is up for adoption at the June 4, 2015 Council Meeting.



Ordinance No. 2015-08 / Resolution No.

Summary Statement continued:



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PUBLIC NOTICE

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