

LEGAL NOTICE

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of two feet prior to compaction; completed lifts shall be no greater than eight feet in vertical depth;

(12) solid waste shall be compacted and covered with earth or other approved material in a frequency specified by permit requirements;

(13) within one month after termination of a landfill, or a major portion thereof, the area shall be covered with at least two feet of compacted earth of local, graded and seeded to allow surface water to run off without erosion; areas completed during winter operation may receive final cover the following spring;

(14) prior to removal of earth moving equipment from a completed landfill, the department shall be notified so that an inspection may be conducted. (Eff. / / , Reg.)

AUTHORITY:
AS 46.03.020 (10) (A)
AS 46.03.020 (10) (E)
AS 46.03.020 (10) (H)

18 AAC 60.060. RECLAMATION FACILITIES. (a) No person may establish a reclamation facility or modify or operate an existing facility until the location and method of operation have been approved by the department.

(b) No person may salvage from a solid waste disposal site or facility unless it is done pursuant to a reclamation and recycling program approved by the department. The department may suspend the reclamation operation by order from the commissioner if it is found, after investigation, to be interfering with approved solid waste disposal procedures.

(c) No person may maintain or operate a reclamation facility, or permit the use of property for such an operation, unless the operation complies with the following:

(1) open burning of solid waste at a reclamation facility is prohibited;

(2) by-products removed during processing shall be handled in a sanitary and nuisance free manner and shall be recycled or disposed in a manner approved by the department;

(3) reclaimed materials offered for sale shall not contain pathogenic organisms or their indicators, putrescible waste or other characteristics which could cause injury to persons purchasing the reclaimed materials. (Eff. / / , Reg.)

AUTHORITY:
AS 46.03.020 (10) (A)
AS 46.03.020 (10) (E)
AS 46.03.020 (10) (H)

18 AAC 60.070. SOLID WASTE MANAGEMENT RESPONSIBILITY. (a) The aesthetic, nonhazardous and sanitary storage of solid waste is the responsibility of the person owning, operating or managing the property, premise, business establishment or industry where the solid waste is accumulated.

(b) A person owning, operating or managing a property, premise, business establishment, or industry has the responsibility of removing accumulated solid waste to an approved solid waste disposal facility. Contractual or other arrangements for the removal of accumulated solid waste shall not relieve a person of this primary responsibility. Solid waste shall be removed to an approved disposal facility, prior to creating nuisance conditions.

(c) A person sponsoring a public recreational, sporting or entertainment event is responsible for the collection, storage, transportation and disposal of all solid waste generated as a result of the event. Solid waste shall be collected, removed and disposed in an approved solid waste disposal facility.

(d) The disposal of animal carcasses is the responsibility of the land owner or land occupant or both upon whose land the animal carcass is found to be, creating a nuisance. Disposal of the carcass shall be by immediate burial, covered by a minimum of two feet of compacted earth, incineration or by other methods approved by the department.

(e) Collection and transportation of solid waste shall be conducted in a sanitary manner. Solid waste shall be immediately relieved by the collector or transporter and returned to the vehicle or container and the area cleaned.

(f) Vehicles and containers used for the collection and transportation of hazardous waste shall be loaded, moved and unloaded in a secure manner. Transportation of radioactive

material also shall comply with 18 AAC 85.320 of the Radiation Protection Regulations. (Eff. / / , Reg.)

AUTHORITY:
AS 46.03.020 (10) (A)
AS 46.03.020 (10) (E)
AS 46.03.020 (10) (H)

18 AAC 60.080. SOLID WASTE MANAGEMENT ON PUBLIC PROPERTY. (a) No person may deposit solid waste in, on or along highway right-of-way, road, street, rail, spur, turn-around, tunnel, drainage structure, water of the state, public recreation facility or other public property, unless:

(1) such property is designated by the state as an authorized solid waste disposal facility;

(2) the solid waste is deposited in a public litter receptacle.

(b) A person providing a litter receptacle for use by the traveling public shall maintain the receptacle in a sanitary condition so as to prevent the propagation of flies, odors and overflowing conditions.

(c) A public litter receptacle shall be used only by the traveling public. (Eff. / / , Reg.)

AUTHORITY:
AS 46.03.020 (10) (A)
AS 46.03.020 (10) (E)
AS 46.03.020 (10) (H)
18 AAC 60.090. JUNKED VEHICLE AND EQUIPMENT

DISPOSAL. (A) Junked vehicles and equipment shall not be used for slope stabilization and erosion preventative purposes.

(b) The disposal of junked vehicles and equipment into waters or upon the land of the state requires the approval of the commissioner.

(c) Junked vehicles and equipment shall be disposed in a manner approved by the department. (Eff. / / , Reg.)

AUTHORITY:
AS 46.03.020 (10) (A)
AS 46.03.020 (10) (E)
AS 46.03.020 (10) (H)

18 AAC 60.100. PRESUMPTIVE PROOF OF ILLEGAL DISPOSAL. Solid waste, disposed of in violation of this chapter, which contains three or more items bearing the name or address of one person, shall provide a rebuttable presumption that the person whose name or address appears on such items committed the unlawful act of disposal. (Eff. / / , Reg.)

AUTHORITY:
AS 46.03.020 (10) (A)
AS 46.03.020 (10) (E)
AS 46.03.020 (10) (H)

18 AAC 60.110. ABATEMENT ORDER. When the department finds, after investigation, that solid waste is creating an environmental nuisance the commissioner may issue a written abatement order to the person owning, managing or operating the property. When an abatement order is received or posted on the property, the person responsible for the property shall remove or abate the nuisance as directed by the commissioner. A person who neglects or refuses to abate the nuisance is guilty of a misdemeanor, punishable as provided for in sec. 120, of this chapter. In addition to this punishment the court may assess damages against the defendant for the expenses of abating the nuisance. (Eff. / / , Reg.)

AUTHORITY:

NOTICE OF PUBLIC HEARINGS DEPARTMENT OF ENVIRONMENTAL CONSERVATION PESTICIDE CONTROL REGULATIONS

NOTICE IS HEREBY GIVEN that the Department of Environmental Conservation, under authority vested by AS 46.03.020 (10) (A), AS 46.03.020 (10) (E), AS 46.03.330, AS 46.03.730, proposes to adopt pesticide control regulations which will implement, interpret, and make specific the pesticide control provisions of Chapter 3, Title 46, Alaska Statutes.

COPIES

Copies of the proposed pesticide control regulations may be obtained by writing to the Commissioner, Department of Environmental Conservation, Pouch O, Juneau, Alaska 99801 or at the following locations:

Juneau
Department of Environmental Conservation (St. Ann's Center), 586-6721,
419 6th Street.

Juneau
Public Library, 114 W. 4th Street.

Anchorage
Regional Office (Kyle Cherry), Department of Environmental Conservation,
274-5527 McKay Building.

Fairbanks
Regional Office (Doug Lowery), Department of Environmental
Conservation, 452-1714 State Court and Office Building, Room 137, 604
Barnette.

Ketchikan
Ketchikan Public Library, 629 Dock.

Sitka
Kettelson Memorial Library.

Valdez
Valdez Public Library

PROPOSED REGULATIONS

The proposed pesticide control regulations are as follows:

TITLE 18 ENVIRONMENTAL CONSERVATION

18 AAC 90.010 CHAPTER 90.

PESTICIDE CONTROL SECTION

010 - Permit Required to Apply Pesticides

020 - Public Hearing Projects

030 - Authorization Required for Custom, Commercial or Contract Pesticide Applications

040 - Prohibitions

050 - Penalties

060 - Definitions

18 AAC 90.010. PERMIT REQUIRED TO APPLY PESTICIDES. (a) No person may, without a permit issued by the department, apply or cause to be applied any pesticide.

(1) on 10 or more acres, including public lands and waters;

(2) on property owned separately by three or more persons;

(3) in conjunction with a public pesticide project;

(4) as a means to control disease vectors in solid waste disposal areas;

(5) included in the following list of pesticides potentially harmful to the quality of the environment:

(A) Aldrin (1, 2, 3, 4, 10, 10-hexachloro-1, 4, 4a, 5, 8a-hexa-hydro-1, 4-endo, exo-5, 8-dimethanonaphthalene);

(B) Benzene hexachloride (mixed isomers of hexachlorocyclohexane);

(C) Compound 1080 (sodium fluoroacetate);

(D) DDD (1, 1-dichloro-2, 2-bis (p-chlorophenyl) ethane);

(E) DDT (1, 1, 1-trichloro-2, 2-bis (p-chlorophenyl) ethane);

(F) Dieldrin (1, 2, 3, 4, 10, 10-hexachloro-6, 7-epoxy-1, 4, 4a, 5, 6, 7, 8, 8a-octahydro-1, 4-endo, exo-5, 8-dimethanonaphthalene);

(G) Endrin (1, 2, 3, 4, 10, 10-hexachloro-6, 7-epoxy-1, 4, 4a, 5, 6, 7, 8, 8a-octahydro-1, 4-endo, exo-5, 8-dimethanonaphthalene);

(H) Pesticides containing mercury, selenium, or thallium.

(b) An application for a permit to apply pesticides shall be on a form supplied by the department and shall include the following information:

(1) the pesticide to be utilized and its current U.S. Environmental Protection Agency registration number;

(2) the type of pest to be controlled;

(3) the type of formulation or carrier to be utilized;

(4) the percentage of each active ingredient in the formulation;

(5) the quantity of active ingredient per unit area;

(6) the acreage to be treated;

(7) the location of the acreage to be treated;

(8) the dates and time of pesticide application;

(9) the method of application;

(10) the method of disposal of excess pesticides and empty pesticide containers;

(11) the precautions planned to protect the public health, welfare, safety and the quality of the environment;

(12) evidence that persons directing, conducting or participating in each specific pesticide application have a working knowledge of the proposed pesticide, the necessary safety precautions and the potential impact of the application on the environment.

(c) The department may deny an application for a permit to apply a pesticide provided:

(1) the applicant has failed to supply the required information;

(2) the applicant has failed to supply evidence of public notice as required by sec. 030 of this chapter;

(3) the minimum planned precautions are deemed inadequate to protect the public health, welfare and safety or the quality of the environment;

(4) the applicant has failed to supply evidence that persons directing and participating in each specific pesticide application have a working knowledge of the proposed pesticide, the necessary safety precautions, and the potential impacts of the application on the environment;

(5) the applicant has failed to abide by conditions of previous permits issued to him or to persons over which he has exercised substantial control.

(d) The date of expiration of a permit to apply pesticides shall be designated by the department but may not be more than one year from the date of issuance

AS 46.03.020 (10) (A)
AS 46.03.020 (10) (E)
AS 46.03.020 (10) (H)
AS 46.03.800
AS 46.03.810

18 AAC 60.120. PENALTIES. A person who violates any provision of this chapter is punishable by the appropriate penalties contained in AS 46.03.760 (a) and AS 46.03.790. These penalties include a punishment of a fine of not more than \$5,000 or imprisonment for not more than one year or both. Each day of violation constitutes a separate offense. (Eff. / / , Reg.)

AUTHORITY:
AS 46.03.760 (a)
AS 46.03.790

18 AAC 60.130. DEFINITIONS. Unless the context indicates otherwise, in this chapter:

(1) "AAC" means Alaska Administrative Code.

(2) "commissioner" means the commissioner of the Department of Environmental Conservation.

(3) "department" means the Department of Environmental Conservation.

(4) "hazardous waste" means the waste that is capable of causing injury, disease or impairment of health, or property damage, including but not limited to poisons, pesticides, acids, caustics, infectious or pathological wastes, radioactive materials, explosive materials and oil and petroleum products.

(5) "incineration" means the process of burning solid, liquid or gaseous combustible wastes to gases and a residue, within an incinerator.

(6) "incinerator" means any equipment, device or contrivance, excluding fireplaces and burn barrels, used for the controlled thermal reduction of solid waste.

(7) "landfill" means a land area used for the disposal of solid waste.

(8) "leachate" means water that has

percolated through solid waste and contains dissolved or suspended portions from the solid waste.

(9) "lift" means a compacted layer of solid waste and its overlying earth cover or landfill.

(10) "litter burning" means the burning of any material such that the products of combustion are emitted directly into the ambient air without passing through a stack or flare.

(11) "permit" means written authorization from the department.

(12) "person" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, co-partnership, association, firm, trust, estate, or any other entity whatsoever.

(13) "public litter receptacle" means a container provided for the public, as a convenience, in order to dispose of solid waste.

(14) "putrescible waste" means material capable of being decomposed so as to cause nuisance or obnoxious odors.

(15) "reclamation facility" means a facility in which solid waste is stored, dismantled or reprocessed to recover salvageable materials for purposes of sale or reuse.

(16) "solid waste" means all unwanted or discarded solid or semi-solid material whether putrescible or nonputrescible, originating from any source, including but not limited to garbage, paper, wood metal, glass, plastic, rubber, cloth, ashes, litter and street sweepings, dewatered sewage sludge, dead animals, junked vehicles and resulting material and debris from demolition projects, hazardous wastes, mine wastes, gravel pit and quarry spoils, and overburden except that originating from the construction of single buildings.

(17) "solid waste disposal facility" means an intermediate disposal

of the permit.

(e) The department may revoke a permit to apply pesticides if it is determined that a hazard to the public health, welfare, safety or to the quality of the environment exists. (Eff. / / , Reg.)

AUTHORITY:
AS 46.03.320
AS 46.03.330 (a)
AS 46.03.730

18 AAC 90.020. PUBLIC PESTICIDE PROJECTS. (a) Persons directing, conducting or participating in public pesticide projects shall publish public notices of the plans and shall inform the department of this notice prior to the initiation of the project.

(1) the notice shall contain the following information:

(A) the name of the person conducting the project;

(B) the purpose of the project;

(C) the date and location of the project;

(D) the name of the proposed pesticide;

(E) the method of application of the pesticide;

(F) the dangers and precautions necessary for the protection of the public health, welfare, safety and the quality of the environment.

(2) when advised by the department, the public notice shall be submitted to local radio and television stations.

(b) The department shall conduct a public hearing on the proposed project if a hearing is requested by the governing body of the affected city or borough or by a petition signed by at least 50 residents of the affected city or borough. (Eff. / / , Reg.)

AUTHORITY:
AS 46.03.330 (b)

18 AAC 90.030. AUTHORIZATION REQUIRED FOR CUSTOM, COMMERCIAL OR CONTRACT PESTICIDE APPLICATION. (a) No person may engage in the custom, commercial or contract application of a pesticide until that person has been authorized in writing to do so by the department.

(b) No person may receive authorization to engage in the custom, commercial or contract application of a pesticide until the applicant:

(1) satisfactorily completes a written examination, prepared by the department, of the technical aspects of pesticides, the methods and procedures of pesticide applications, the symptoms and treatments of pesticide poisoning, the hazards of environmental contamination with pesticides, the selection of pesticides for specific uses and other information deemed necessary by the department, and

(2) furnishes the department with evidence of liability insurance of not less than \$25,000 of bodily injury per individual and not less than \$25,000 of property damage per incident. The department shall be notified if the coverage or insuring agency is changed.

(c) The authorization to engage in custom, commercial or contract pesticide application shall expire on January 1 of each year. Applications for renewal of authorization shall be made 30 days prior to expiration. (Eff. / / , Reg.)

AUTHORITY:
AS 46.03.320

18 AAC 90.040. PROHIBITIONS. (a) No person may store, transport, or apply a pesticide in a manner which endangers the public health, welfare, safety or the quality of the environment.

(b) No person may dispose of a pesticide or a pesticide container except in compliance with the instructions given on the label and with other restrictions as may be specified by the department.

(c) No person may provide, offer to provide or use any pesticide that is not currently registered with the U.S. Environmental Protection Agency. (Eff. / / , Reg.)

AUTHORITY:
AS 46.03.320 (a)
AS 46.03.330 (a)
AS 46.03.730

18 AAC 90.050. PENALTIES. A person who violates any provision of this chapter is punishable by the appropriate penalties contained in AS 46.03.760 (a) and AS 46.03.790. These penalties include a punishment of a fine of not more than \$5,000 or imprisonment for not more than one year or both. Each day of violation constitutes a separate offense. (Eff. / / , Reg.)

AUTHORITY:
AS 46.03.760 (a)

18 AAC 90.060. DEFINITIONS. In this chapter:

(1) "AS" means Alaska Statutes.

(2) "commissioner" means the commissioner of the Department of Environmental Conservation.

(3) "department" means the Department of Environmental Conservation.

(4) "pesticide" means any chemical or biological agent intended for use as an insecticide, herbicide, fungicide, fumigant, or other biocide.

(5) "public pesticide project" means a project involving the application of a pesticide which affects lands owned separately by two or more persons and which project is directed, conducted or participated in by a public entity. (Eff. / / , Reg.)

AUTHORITY:
AS 46.03.790

NOTICE IS ALSO GIVEN that any person interested may present oral or written statements or arguments relevant to the action proposed at hearings continuing until all interested persons have been heard at the following locations:

Fairbanks, Alaskaland Gallery, 2-21-73, 2:30 p.m., 7:30 p.m.

Palmer, Community Hall, 2-22-73, 2:30 p.m., 7:30 p.m.

Anchorage, Anchorage Westward, Commodore Room, 2-24-73, 9:30 p.m.

Ketchikan, City Council Chambers, 2-27-73, 2:30 p.m., 7:30 p.m.

Juneau, Room 117, Federal Building, 3-1-73, 2:30 p.m., 7:30 p.m.

or may mail written comments to the Commissioner, Department of Environmental Conservation, Pouch O, Juneau, Alaska 99801, if received before 4:30 p.m., March 16, 1973. The Department of Environmental Conservation, upon its own motion or at the motion of any interested person, may thereafter adopt, amend, reject, or take no action relative to the proposals set out above without further notice.

Dated at Juneau, Alaska this 15th day of January, 1973.

Max C. Brewer, Commissioner

Department of Environmental Conservation

Publish January 24, 1973

LEGAL NOTICE

facility, transfer station, land fill, incinerator, composting plant, recycling or reclamation facility of any size utilized for the reduction, consolidation, conversion, processing or disposal of solid waste.

(18) "working face" means that portion of the landfill in which solid waste is deposited and compacted prior to the placement of an earth cover. (Eff. / / , Reg.)

AUTHORITY:
AS 46.03.020 (10) (A)
AS 46.03.020 (10) (E)
AS 46.03.020 (10) (H)

NOTICE IS ALSO GIVEN that any person interested may present oral or written statements or arguments relevant to the action proposed at hearings continuing until all interested persons have been heard at the following locations:

Fairbanks, Alaskaland Gallery, 2-20-73, 2:30 p.m., 7:30 p.m.

Anchorage, Anchorage Westward, Commodore Room, 2-23-73, 2:30 p.m., 7:30 p.m.

Ketchikan, City Council Chambers, 2-26-73, 2:30 p.m., 7:30 p.m.

Juneau, Room 117, Federal Building, 2-28-73, 2:30 p.m., 7:30 p.m.

or may mail written comments to the Commissioner, Department of Environmental Conservation, Pouch O, Juneau, Alaska 99801, if received before 4:30 p.m., March 15, 1973. The Department of Environmental Conservation, upon its own motion or at the motion of any interested person, may thereafter adopt, amend, reject, or take no action relative to the proposals set out above without further notice.

Dated at Juneau, Alaska this 15th day of January, 1973.

Max C. Brewer, Commissioner

Department of Environmental Conservation

Publish January 24, 1973