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STATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERENCE

DATE: 1/22/91

FURTHER: Finance

Date of 5-Day Notice: 1/29/91
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-25-91

Resources Committee considered SB 81

Establishing the Dept. of Natural Resources as the platting authority in certain areas of the state; efd.

and a majority of the committee recommends it be replaced with

and recommended:

- replace with CS SB 81 Resources same title new title
- attached amendment(s)
- _____ and do pass letter of intent adopted

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

2015
1/21

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) DNR 2/6/91

zero fiscal note(s) DEC 2/5/91
DOTF 2/7/91

- appropriation-no fiscal note
- Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Signature] Elison

[Signature] Zha

[Signature] [unclear]

[Signature] (D. Parr)

Chair: Signature and Recommendation

**WASTEWATER
DISPOSAL
REGULATIONS
18 AAC 72**



**STATE OF ALASKA
DEPARTMENT OF
ENVIRONMENTAL
CONSERVATION
1990**

**ALASKA
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

**WASTEWATER DISPOSAL
REGULATIONS**

18 AAC 72

JUNE 1990

CHAPTER 72. WASTEWATER DISPOSAL

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CHAPTER 72. WASTEWATER DISPOSAL

Article

1. Domestic Wastewater (18 AAC 72.010 -- 18 AAC 72.045)
2. Domestic Wastewater System Plan Review (18 AAC 72.210 -- 18 AAC 72.285)
3. Subdivision Plan Review (18 AAC 72.300 -- 18 AAC 72.385)
4. (Reserved)
5. Nondomestic Wastewater (18 AAC 72.500 -- 18 AAC 72.510)
6. Nondomestic Wastewater System Plan Review (18 AAC 72.600)
9. General Provisions (18 AAC 72.900 -- 18 AAC 72.990)

Editor's Note: The regulations in this chapter, effective June 30, 1990, and distributed in Register 114, constitute a comprehensive reorganization and revision of this material. They replace all previous regulations in this chapter which were repealed simultaneously with the adoption of these regulations.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 June 30, 1990, nor is the section numbering related to the numbering before that date. Previous amendments of this chapter are on file in the Office of the Lieutenant Governor and are found at 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; and Register 102, 6/18/87.

ARTICLE 1. DOMESTIC WASTEWATER

Section

- 10. Restrictions; permit required
- 15. Separation distances
- 20. Holding tanks
- 25. Septic tanks and soil absorption systems
- 30. Discharge to sewers
- 35. Waiver or modification
- 40. Minimum treatment
- 45. Sludge disposal

18 AAC 72.010. RESTRICTIONS; PERMIT REQUIRED. (a) A person who disposes of domestic wastewater into or onto land, surface water, or groundwater in Alaska must have a permit issued by the department for that disposal unless the discharge

(1) is from a soil absorption system and meets the applicable requirements of this chapter; or

(2) is no more than 500 gallons per day of wastewater that

(A) meets the requirements of 18 AAC 72.040; and

(B) is from a system that meets the requirements of 18 AAC 72.210 -- 18 AAC 72.285.

(b) The department will, in its discretion, require a permit for a person who is exempt under (a) of this section if the discharge is into a sensitive receiving environment or threatens public health.

(c) No person may use a cesspool for domestic wastewater treatment or disposal. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020	AS 46.03.080
AS 46.03.020	AS 46.03.100
AS 46.03.050	AS 46.03.720
AS 46.03.070	AS 46.03.900(33)

18 AAC 72.015. SEPARATION DISTANCES. (a) A person who builds or installs a sewer, private sewer line, waste water disposal system, or wastewater treatment works must comply with the applicable minimum separation distances set out in Table A and in (f) of this section unless the department approves a lesser distance under (d) of this section, or requires a greater distance under (e) of this section.

TABLE A
MINIMUM SEPARATION DISTANCES
BETWEEN SURFACE OR SUBSURFACE DRINKING WATER SOURCES
AND POTENTIAL SOURCES OF CONTAMINATION
 [Measured horizontally in feet]

Potential Sources of Contamination	Type of Drinking Water System		
	Class A & Class B Public Water Systems	Class C Public Water Systems	Private Water Systems
Wastewater treatment works*, wastewater disposal system*, privy*, sewer manhole and lift station, sewer cleanout	200	150	100
Community sewer line, holding tank*, other potential sources of contamination*	200	100	75
Private sewer line, petroleum lines and storage tanks*, and drinking water treatment wastes*	100	75	25

* Distance is measured from the nearest edge of the soil absorption system, seepage pit, septic tank, holding tank, or privy to a drinking water source.

* Other potential sources of contamination include sanitary landfills, domestic animal and agricultural wastes, and industrial discharge lines.

* The minimum separation distances listed for petroleum storage tanks do not apply to propane, nor to noncommercial quantities (less than 500 gallons) of petroleum products that are stored in above ground storage tanks or drums and are 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. In this case, "petroleum products" refers to fuel and lubricants.

* Drinking water treatment wastes include the backwash water from filters and water softeners, and reject water from reverse osmosis units.

(b) A request for approval of a lesser separation distance than that set out in Table A must include a report, sealed by a registered engineer, that

(1) justifies the lesser distance;

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

(3) includes a set of plans with an accurate description and location of potential sources of contamination, surface water, and existing or potential drinking water sources in the area; and

(4) contains details of a system design that will prevent contamination of the surface water, groundwater, or drinking water sources identified in (2) and (3) of this subsection at the lesser distance.

(c) If the proposed system is in a remote location or cannot be reached by road, the department will, in its discretion, waive the requirement that the report submitted under (b) of this section be sealed by a registered engineer.

(d) The department will approve a lesser separation distance than that set out in Table A or in (f) of this section if it finds, after review of the report submitted under (b) of this section, that the lesser distance will protect surface water, groundwater, and existing or potential drinking water sources. The department will, in its discretion, require changed pipe material, pipe bedding, joints, pipe strength, increased depth of grout, or other changes needed to protect drinking water sources, surface water, and groundwater.

(e) The department will require a greater separation distance than that set out in Table A or in (f) of this section if needed to protect surface water, groundwater, or drinking water sources. The department will make this decision after considering soil classifications, groundwater conditions, surface topography, geology, past experience, or other factors that do not enable the distances in Table A or in (f) of this section to protect water, including drinking water sources.

(f) No person may install a lift station, holding tank, septic tank, soil absorption system, seepage pit, privy, or other wastewater collection, treatment, or disposal system within 100 feet, measured horizontally, of the mean annual high water level of a lake, river, stream, spring, or slough, or the mean higher high water level of coastal waters.

(g) Except as provided in (h) and (i) of this section, no person may install a septic tank, soil absorption system, or sewer in the ground directly above or below at any distance, or within 10 horizontal feet of a water line. The department will, in its discretion, waive the requirements of this subsection for a utilidor if the water line is above the sewer line, and

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

(2) for an underground utilidor, the utilidor is drained to a low point within the utilidor, with provisions for automatic pumping and an alarm system.

(h) Subject to (i) of this section, the department will allow a specified vertical or lesser horizontal separation distance than that set out in (g) of this section when the required location or distance cannot be met, or where water and sewer lines must cross, if

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

(A) is pressure tested to ensure watertightness; or

(B) a double-pipe encasement is used for the sewer line;

(2) the sewer line is in a separate trench if non-crossing separation distances are of concern;

(3) the water line is above the sewer line whenever possible;

(4) a Type 4 or Type 5 bedding (American Water Works Association Standard C600-87, listed at 18 AAC 72.950(2)) is used for the sewer line when the elevation of a water line is below a sewer line;

and (5) sewer line joints are at least nine feet from water line joints;

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

(i) In place of the requirements of (g) and (h) of this section, the department will, in its discretion, approve other configurations or separation distances on a case-by-case basis. Design plans, reports, or drawings supporting a request for a lesser vertical and horizontal separation distance between water and sewer lines must be sealed by a registered engineer.

(j) No person may install a privy in an area subject to flooding. The vertical separation between the lowest point of a privy and the water table, measured during the season of the year with maximum water table elevation, must be at least four feet. (Eff. 6/30/90, Register 114)

Authority:	AS 44.46.020	AS 46.03.090
	AS 46.03.020	AS 46.03.100
	AS 46.03.050	AS 46.03.720
	AS 46.03.070	AS 46.03.900(33)

18 AAC 72.020. HOLDING TANKS. (a) A person may install or use a holding tank only if

(1) the department finds that permafrost or other soil conditions preclude the use of a soil absorption 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; and

(3) the tank is regularly serviced to prevent overflow.

(b) This section does not apply to marine sanitation devices. (Eff. 6/30/90, Register 114)

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

18 AAC 72.025. SEPTIC TANKS AND SOIL ABSORPTION SYSTEMS. (a) A person may install or use a septic tank only if

(1) the design and construction of the septic tank, exclusive of tank capacity, meets the minimum specifications for septic tanks contained in the reference manual listed at 18 AAC 72.950(17);

(2) a septic tank serving a single-family dwelling or duplex has a capacity of at least 1,000 gallons, plus 250 gallons per bedroom over three served by the tank;

(3) the capacities of septic tanks serving structures other than those described in (2) of this subsection conform to the specifications for septic tanks for those applications found in the reference manual listed at 18 AAC 72.950(12); and

(4) septic tank access openings are provided with a cover that is

(A) bolted;

(B) padlocked;

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

(D) otherwise securely fastened in place.

(b) A person may install or use a soil absorption system only if the following restrictions are met:

(1) For a conventional soil absorption system serving a single-family residence or duplex

(A) the design of the system, other than the minimum infiltrative area, must, as a minimum, conform to

(i) the conventional soil absorption system design presented in the reference manuals listed at 18 AAC 72.950(12) or (15); or

(ii) a design subject to department approval on a case-by-case basis;

(B) the system must be located in soils classified as GW, GP, GM, SW, SP, or SM under the Unified Soil Classification System reference listed at 18 AAC 72.950(16), or in soils conforming to the provisions of 18 AAC 72.270(8) and (10);

(C) the system must have the minimum infiltrative area corresponding to the observed soil type in Table B, or the soils and the minimum infiltrative area must conform to the requirements of 18 AAC 72.265(a)(4)(A) and (E);

TABLE B
ABSORPTION FIELD AREA REQUIREMENTS
FOR UNIFIED SOIL CLASSIFICATION

Unified Class	Description	Required sq. ft. of leaching area per bedroom
GW	Well-graded gravels	85
GP	Poorly-graded gravels	115
GM	Silty gravels	225
SW	Well-graded sands	125
SP	Poorly-graded sands	150
SM	Silty sands	275

*Absorption area for a shallow trench is the trench bottom area.

Absorption area for a seepage pit or deep trench is the effective side wall area beneath the inlet.

(D) the vertical separation between the lowest part of the soil absorption system and

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

(ii) underlying bedrock, clay, or other impermeable strata must be at least six feet;

(E) subject to the waiver provisions of (F) of this paragraph,

(i) the ground surface slope must be less than 25 percent for trenches, and less than five percent for beds; and

(ii) the distance from any part of a soil absorption system to downhill man-made or natural breaks in the slope of the terrain where the slope becomes greater than 25 percent must be at least 50 feet; and

(F) the department will, in its discretion, grant a waiver from the requirements of (E) of this paragraph for conventional soil absorption systems 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;

(2) for an alternate soil absorption system serving a single-family residence or duplex, or for a soil absorption system serving a dwelling or structure larger than a duplex, plans for the system must be submitted to the department in accordance with 18 AAC 72.210 -- 18 AAC 72.285, and the plans must be approved by the department before construction of the system; and

(3) there must be adequate depth of burial, mounding above grade, or insulation that

(A) protects against frost penetration; and

(B) provides an insulation equivalent to that required by

Table C.

TABLE C
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
Valdez, and the area enclosed by the Valdez basin	3 feet of cover
All remaining areas of the state	4 feet of cover

The applicant may substitute nonwater-absorbing insulation material for up to two feet of the required earth cover with department approval of material type and thickness, except that at least two feet of earth cover must be maintained.

(c) A person may install a septic tank or soil absorption system in an area known or suspected to contain permafrost only with department approval. (Eff. 6/30/90, Register 114)

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

18 AAC 72.030. DISCHARGE TO SEWERS. (a) The department will, in its discretion, require that nondomestic wastewater discharged to a sewer, domestic wastewater treatment works, or domestic wastewater disposal system be treated and equalized to prevent

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

(2) pollution of receiving waters.

(b) No person may

(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 sewer serving treatment processes not designed to receive these substances;

(3) cause any connection or additional discharge to a sewer or domestic wastewater treatment works or domestic wastewater disposal system that the department has found to be overloaded or inadequate; or

(4) install a gravity collector sewer unless it meets the criteria in Table D;

TABLE D

MINIMUM GRAVITY COLLECTOR SEWER SIZE

The minimum diameter for gravity collector sewers is eight inches, except where circumstances noted below provide for a lesser diameter. In addition, gravity sewers must provide for a mean conduit velocity, when flowing full, of not less than two feet per second, and must be designed so that the diameter of any receiving sewer is equal to or greater than the diameter of the largest sewer line connecting to it.

Service Connections Served By the Sewer Line	Minimum Gravity Collector Sewer Diameter Required
Less than five separate dwelling units	Six inches may be allowed, with department concurrence, up to a length of 100 feet; beyond this point, the sewer must be increased to at least eight inches.
Multiple dwelling units with a combined total of individual residences less than five	A six-inch minimum diameter for a length of 100 feet from the point where the first two private sewer lines intersect for a gravity collector sewer connected to drains and sewer lines; beyond this point, the sewer must be increased to at least eight inches.
Five or more separate dwelling units	Not less than eight inches from the point where the fifth private sewer line joins the community sewer line, without written approval from the department.
Temporary camps	Six-inch collector sewers will be allowed, in the department's discretion. Manholes or cleanouts are required at each break in grade or alignment and at sewer line intersections. Terminal cleanouts must be within 150-200 feet of the last manhole or cleanout.

(c) The department will, in its discretion, grant a waiver from the requirements of (b)(4) of this section for sewers

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

(2) designed to receive a clarified effluent from primary treatment systems (such as septic tank effluents), or designed as vacuum sewers. (Eff. 6/30/90, Register 114)

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

18 AAC 72.035. WAIVER OR MODIFICATION. When the department finds that a provision of 18 AAC 72.015(e) -- 18 AAC 72.030 is not needed to protect public health or the environment, it will, in its discretion, waive or modify that provision. The department's decision to waive or modify a provision will be based upon a review of effluent quality and quantity, soil and groundwater conditions, surface water and topography, geology, water and land uses, construction methods and materials, and any other environmental factor important in the evaluation. (Eff. 6/30/90, Register 114)

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

18 AAC 72.040. MINIMUM TREATMENT. (a) A person may discharge domestic wastewater into or onto water or land only if the discharge

(1) to surface land has received secondary treatment, unless the department modifies this requirement under (d) of this section; the department will require disinfection if the discharge is a potential health hazard;

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

(3) from a public treatment works to water has received secondary treatment, unless the department modifies this requirement under (c) of this section; 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, unless the department modifies this requirement under (d) of this section for domestic wastewater discharge to marine water, graywater discharge to fresh water, or domestic wastewater injection into subsurface water.

(b) The department will, in its discretion, require additional treatment to protect public health or the environment.

(c) The department will, in its discretion, modify the minimum treatment requirements set out in (a)(3) of this section for a public treatment works 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) the department finds, upon review of a completed sec. 301(h) application for the discharge of domestic wastewater to marine water, that an interim lesser degree of treatment will meet primary treatment requirements during the period 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)(1977);

(4) the values for biochemical oxygen demand or suspended solids are increased by the EPA under 40 C.F.R. 133.103(b)(1977); or

(5) the minimum levels of discharge of suspended solids from a waste stabilization pond (lagoon) are adjusted by the EPA under 40 C.F.R. 133.103(c)(1977).

(d) The department will, in its discretion, reduce the level of treatment set out in (a)(1) or (a)(4) of this section. In no case will the department permit domestic wastewater to be discharged with less than primary treatment. A person seeking a reduced level of treatment must submit a report that

(1) justifies the proposed treatment;

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

(3) includes a set of plans submitted in accordance with 18 AAC 72.210 -- 18 AAC 72.285;

(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 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 graywater discharge to fresh water, or for 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. (Eff. 6/30/90, Register 114)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.080
	AS 46.03.020	AS 46.03.070	AS 46.03.090

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 72.045. SLUDGE DISPOSAL. A person may dispose of sludge from a septic tank, holding tank, privy, or domestic wastewater treatment works only at a site or facility with a permit issued by the department for that disposal. (Eff. 6/30/90, Register 114)

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

ARTICLE 2. DOMESTIC WASTEWATER SYSTEM PLAN REVIEW**Section**

- 210. Application for department approval
- 215. Preapplication conference
- 220. Submittal requirements
- 225. Design review
- 230. Approval to construct
- 235. Revisions to approved plans
- 245. Construction certification
- 250. Approval to operate
- 255. Treatment plants
- 260. Stabilization ponds (lagoons)
- 265. Community soil absorption systems
- 270. Soils analysis and report for community soil absorption systems
- 275. Collection and pumping systems
- 280. Disposal systems
- 285. Delegation of domestic wastewater system plan review

18 AAC 72.210. APPLICATION FOR DEPARTMENT APPROVAL.

(a) Subject to (b) and (d) of this section, a person must have written department approval to construct, install, modify, or operate any part of a domestic wastewater treatment, collection, or disposal system, and must ensure that the system

- (1) meets the minimum design criteria of this chapter;
- (2) discharge, if any, is capable of meeting the standards of quality for surface water and groundwater set out at 18 AAC 70; and
- (3) protects sources and systems that provide potable water.

(b) Subject to the requirements of Table E, plan approval under this chapter is not required for a conventional onsite soil absorption system serving a single-family or duplex residence, if that system meets the requirements of this chapter.

REQUIREMENTS FOR SUBMISSION OF PLANS, REVISIONS TO PLANS,
AND CERTIFICATION OF CONSTRUCTION

Facility Type	Plan Preparation Requirements		Requirements for Submission of Revisions to Plans		Requirements for Certification of Construction	
	Subsurface Land Discharge	Surface Water and Surface Land Discharge	Subsurface Land Discharge	Surface Water and Surface Land Discharge	Subsurface Land Discharge	Surface Water and Surface Land Discharge
Single-family dwelling or duplex on a residential or recreational lot	Plans are not required for a conventional onsite disposal system, except that engineering plans will be required if similar systems in nearby areas have failed, or failure may be expected due to marginal soils or high groundwater table. Engineering plans are required for alternate onsite disposal systems.	Engineering plans are required, except that the department will, in its discretion, accept plans prepared by the applicant for discharge to marine waters.	Required in accordance with 18 AAC 72.233.	Required in accordance with 18 AAC 72.235.	Required only if engineering plans are required to be submitted.	Required only if engineering plans are required to be submitted.
Wastewater systems which are expected to serve, in the normal order of events, more than a single-family or duplex dwelling, but less than 25 persons per day, or have less than 2,500 gal/day average daily design flow	Plans are required, these plans may be prepared by the applicant, except that engineering plans are required when similar systems in nearby areas have failed, poor soil conditions or high groundwater table exists, or where the department finds that discharge may threaten public health or the environment.	Engineering plans are required, except that the department will, in its discretion, accept plans prepared by the applicant for discharge to marine waters.	Required in accordance with 18 AAC 72.233.	Required in accordance with 18 AAC 72.235.	Required only if engineering plans are required to be submitted.	Required only if engineering plans are required to be submitted.
Wastewater systems which are expected to serve 25 or more persons per day in the normal order of events, or have an average daily design flow equal to or greater than 2,500 gal/day	Engineering plans are required.	Engineering plans are required.	Required in accordance with 18 AAC 72.233.	Required in accordance with 18 AAC 72.235.	Required in accordance with 18 AAC 72.245.	Required in accordance with 18 AAC 72.245.

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18 AAC 72.010

(c) Plans submitted under 18 AAC 72.210 -- 18 AAC 72.285 are subject to the requirements of Table E. When engineering plans are required by Table E or other applicable sections of this chapter, the plans must be sealed by a registered engineer.

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

(e) The department will base its approval of system plans exclusively on the provisions of this chapter. The department will, in its discretion, provide advisory notes to the designer as technical assistance for items beyond the requirements of this chapter.

(f) The department will, in its discretion, require that designs for sewers, domestic wastewater treatment works, and domestic wastewater disposal systems have a history of successful operation in comparable environmental conditions.

(g) The department will evaluate on a case-by-case basis applications for domestic wastewater system plan review proposing a method of wastewater disposal not discussed in this chapter, and will use the design review provisions and any applicable approval criteria set out in this chapter.

(h) If the applicant fails to construct, alter, install, modify, or begin operation of the system within two years after the date that system plan approval is issued under this chapter, the approval is void, and plans must be resubmitted for department review and approval. (Eff. 6/30/90, Register 114)

Authority: AS 44 46.020
AS 46.03.010
AS 46.03.020
AS 46.03.050
AS 46.03.090
AS 46.03.720

18 AAC 72.215. PREAPPLICATION CONFERENCE. Before submitting plans for review and approval under 18 AAC 72.220, 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 calendar 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 plan review. Agreements reached at the conference will be recorded in writing and sent to the applicant and other participants within five calendar days after the conference. (Eff. 6/30/90, Register 114)

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

18 AAC 72.220. SUBMITTAL REQUIREMENTS. (a) This section sets out requirements for the submittal of plans for treatment, collection, and disposal of domestic wastewater.

(b) The applicant must submit to the department

(1) a completed System Plan Review Data Sheet 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 (collection, treatment, or disposal);

(2) a completed Owner's Statement form supplied by the department, or a document that contains the same information, including the information required by 18 AAC 15.030;

(3) design plans consisting of reports or drawings that clearly and legibly depict the design and demonstrate compliance with the applicable approval criteria in 18 AAC 72.225 -- 18 AAC 72.280;

(4) copies of any permits for the project required by this chapter or by 18 AAC 60, or a copy of the application for any permit for which department review is pending;

(5) for a wastewater system serving more than a single-family or duplex dwelling, 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, or will be, to operate and maintain the system;

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

(7) a description of the provisions to maintain operation of any necessary existing processes affected by the project during construction; and

(8) if a wastewater discharge is proposed to an existing collection or disposal system, adequate 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.

(c) A person proposing a percolating or a nonpercolating stabilization pond (percolating or nonpercolating lagoon) shall submit, in addition to the requirements of (b) of this section, soil boring or other information, sealed by a registered engineer, sufficient to evaluate the items set out in 18 AAC 72.260(a)(5) and (6) and in 18 AAC 72.270(3), (4), (5), (6), and (11).

(d) A person proposing a percolating stabilization pond (percolating lagoon) shall submit, in addition to the requirements of (b) and (c) of this section, hydrologic data and mixing calculations, sealed by a registered engineer, that demonstrate compliance with any permit conditions.

(e) A person proposing a community soil absorption system shall submit, in addition to the requirements of (b) of this section,

(1) a site plan that delineates the usable wastewater disposal area described in 18 AAC 72.265(a)(4) and (7);

(2) for a system with design flows equal to or greater than 2,500 gallons per day, calculations showing that nitrate concentrations in the groundwater aquifer most likely to be affected by the system will not exceed five milligrams per liter (as nitrogen) beyond a distance specified by the department, from any edge of the absorption system; and

(3) a soils report, sealed by a registered engineer, containing sufficient information to evaluate the items set out in 18 AAC 72.270.

(f) A person proposing to discharge wastewater onto the surface of the land as part of the minimum treatment required by 18 AAC 72.040-(a)(1) must prove that

(1) the discharger has legal authority to use the land for that discharge;

(2) the land used for treatment 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 defined treatment area, including subsistence, housing, education, industry, recreation, and agriculture; and

(4) the method of discharge prevents disease transmission.

(g) A person may install a package plant only if the department finds, after review of submitted data, that the plant

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

(2) meets or exceeds the National Sanitation Foundation certification criteria. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020	AS 46.03.050
AS 46.03.610	AS 46.03.090
AS 46.03.020	AS 46.03.720

Editor's Notes: To prepare the calculations required under paragraph (e)(2) of this section, there are many groundwater modeling references to choose from, including the three listed at 18 AAC 72.950(9), (11), and (14).

The certification criteria of the National Sanitation Foundation are available from the Foundation at P.O. Box 1468, NSF Building, Ann Arbor, Michigan 48106.

18 AAC 72.225. DESIGN REVIEW. (a) The department will limit its review of the system design to the ability of the design to meet the applicable approval criteria in 18 AAC 72.255 -- 18 AAC 72.280, and will implement, where applicable, the provisions of 18 AAC 72.210(f). In addition to using design criteria specified in this chapter, the department will evaluate conformance of the system design with the general design parameters set out in 18 AAC 72.255(2), 18 AAC 72.260(a)(2), 18 AAC 72.265(a)(2), 18 AAC 72.275(a)(2), 18 AAC 72.280(b)(2), or 18 AAC 72.280(c)(2), based on the most appropriate criteria as follows:

(1) conformance of proposed designs or design values with applicable designs or design values from references listed in 18 AAC 72.950;

(2) conformance of proposed designs or design values with other applicable design criteria derived from references of standard sanitary engineering principles and practices chosen by the designer which provide for adequate protection of public health, public and private water systems, and environmental quality; or

(3) use of designs, devices, products, or techniques resulting from advances in state-of-the-art technology, which warrant a design or design value other than that recommended by standard sanitary engineering principles and practices if the design, devices, products, or techniques will adequately protect public health, public and private water systems, and environmental quality.

(b) The department will, in its discretion, request the applicant to provide adequate justification to support the design or design values presented if

(1) designs or design values derived by using the method in (a)(2) of this section conflict with appropriate designs or design values in (a)(1) of this section;

(2) designs or design values for that parameter from more than one reference in 18 AAC 72.950 conflict; or

(3) proposed use of new or state-of-the-art technology conflicts with designs or design values in 18 AAC 72.950.

(c) The department will deny the use of a design or design value 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 or design values in similar circumstances. Lacking information on past performance, the department will, in its discretion,

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

(2) use the written recommendation to determine the likelihood of success or failure of the design or design value.
(Eff. 6/30/90, Register 114)

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

18 AAC 72.230. APPROVAL TO CONSTRUCT. (a) Except as noted in (b) of this section, the department will issue its approval or denial to construct the project within 30 days after receipt of all information that meets the applicable submittal requirements of this chapter.

(b) For a project requiring a coordinated consistency review under 6 AAC 50, the department will issue its decision on wastewater system plans within five days after completion of the consistency review.

(c) The department will, in its discretion, include terms and conditions for construction in its approval letter. (Eff. 6/30/90, Register 114)

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

18 AAC 72.235. REVISIONS TO APPROVED PLANS. (a) The system owner must have written department approval before making any revision to or deviation from approved plans or specifications if that revision or deviation will affect

- (1) capacity, flow, or operation;
- (2) major design of units;
- (3) point of discharge;
- (4) materials of major system components, including pipe and lagoon liners; or
- (5) separation distance requirements at 18 AAC 72.015.

(b) For a project that requires the submission of engineering plans, any revision or deviation from approved plans or specifications must, in addition to the requirements of (a) of this section,

- (1) appear on the final as-built drawings required by 18 AAC 72.245;
- (2) be clearly depicted with respect to the original plans;
- (3) meet the applicable requirements of this chapter; and
- (4) be sealed by a registered engineer.

(c) The department will, in its discretion, require remedial action to bring any change into compliance with this chapter before issuing final approval to operate under 18 AAC 72.250. (Eff. 6/30/90, Register 114)

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

18 AAC 72.245. CONSTRUCTION CERTIFICATION. (a) This section applies only to projects for which engineering plans are required under 18 AAC 72.210. The owner of the project must provide for inspection of that project, during construction, by a registered engineer or person under the direct supervision of a registered engineer to ensure that the system is constructed according to design plans approved by the department, or according to as-built drawings showing that the system was constructed as required by this chapter.

(b) Within 30 days after completion of construction, installation, or modification of the project, the owner shall submit to the department a completed "Certification of Construction" form, available from the department. The system owner, each contractor who constructed the project, and the engineer responsible for inspection of the project must certify on the form that the project was constructed in accordance with the plans most recently approved by the department, or in accordance with sealed as-built drawings as described in (c) of this section. The form must be

(1) signed by the system owner and by each contractor who constructed the system; and

(2) signed and sealed by the registered engineer who inspected the project.

(c) In addition to the form required under (b) of this section, if system construction differs from the most recent approved plans, the owner shall submit, within 30 days after completion of construction, installation, or modification of the project, a complete set of as-built drawings that

(1) are sealed by a registered engineer; and

(2) accurately depict how the system was constructed.

(Eff. 6/30/90, Register 114)

Authority: AS 44.46.020

AS 46.03.050

AS 46.03.010

AS 46.03.090

AS 46.03.020

AS 46.03.720

18 AAC 72.250. APPROVAL TO OPERATE. (a) For a project that does not require engineering plans, an approval to operate the system will accompany the approval to construct the system, subject to the provisions of 18 AAC 72.230 and 18 AAC 72.235(a)

(b) For a wastewater collection, treatment, or disposal system, or designated phases of such a system, requiring engineering plans under 18 AAC 72.210, an approval to operate the system for a 60-day interim period will accompany the approval to construct the system, subject to the provisions of 18 AAC 72.230 and 18 AAC 72.235(a). Operation of the system, or designated phases of the system, beyond the 60-day interim period is prohibited unless the system, or designated phases, has received final approval to operate under this section.

(c) For a wastewater system, or designated phases of the system described in (b) of this section, the department will issue final approval to operate within 30 days after receipt of a completed "Certification of Construction" form and other information required by 18 AAC 72.245 if the form and the other required information confirm that the system was constructed as originally approved, or that the system, or designated phases, otherwise meets the requirements of this chapter. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.010
AS 46.03.020

AS 46.03.050
AS 46.03.720

18 AAC 72.255. TREATMENT PLANTS. The department will approve plans for construction of a domestic wastewater treatment plant if

- (1) the submittal requirements of 18 AAC 72.220(b) are met;
- (2) design or design values for the following parameters conform to the criteria and evaluation process set out in 18 AAC 72.225:
 - (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; and

(H) thermal protection considerations;

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

(4) there is provision for maintaining operation of any necessary existing processes during construction;

(5) permits required under this chapter or under 18 AAC 60 are secured, and the project design satisfies permit requirements; if any required permit has not been secured, but an application for that permit has been submitted for department review, the department will, upon request, review the domestic wastewater system plans; any plan approval for construction will be conditional upon the project receiving all required permits, with permit disposal limits equal to or less stringent than the assumed values used in preparing and reviewing the wastewater system design;

(6) for a wastewater collection, treatment, or disposal system serving more than a single-family or duplex residence, there is, or will be formed before beginning construction of the system, a local government organization, homeowner's association, private utility, commercial entity, or other entity to operate and maintain the system;

(7) there will be adequate measures taken to protect nearby surface water from siltation or other contamination resulting from construction of the facility;

(8) all facility by-passes are controlled;

(9) separation distances from any part of the system conform to 18 AAC 72.015;

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

(11) if the treatment system is proposed to discharge to an existing collection or disposal system, there is adequate 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. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.010
AS 46.03.020

AS 46.03.050
AS 46.03.090
AS 46.03.720

18 AAC 72.260. STABILIZATION PONDS (LAGOONS). (a) The department will approve plans for construction of a stabilization pond if

(1) the submittal requirements of 18 AAC 72.220(c) for a nonpercolating stabilization pond, or of 18 AAC 72.220(c) and (d) for a percolating stabilization pond, whichever apply, are met;

(2) design or design values for the following parameters conform to the criteria and evaluation process set out in 18 AAC 72.225:

(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; and

(H) thermal protection considerations;

(3) the provisions of 18 AAC 72.255(3) -- (11) are met;

(4) soil test holes, soil analysis, and the soil report meet the criteria of 18 AAC 72.270(1), (5), (6), and (11);

(5) 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;

(6) test holes are located, and tests are conducted, to yield data representative of the area planned for the system;

(7) the number of test holes is that number necessary to adequately evaluate subsurface characteristics of the area planned for the system;

(8) for nonpercolating stabilization ponds, the coefficient of permeability of the seal does not exceed an equivalent percolation rate of 500 gallons per day per acre at a water depth of six feet; and

(9) subject to the provisions of 18 AAC 72.255(5) for percolating stabilization ponds,

(A) a wastewater discharge permit has been issued for which mixing calculations for any required mixing zone demonstrate compliance with permit conditions under this chapter, and with water quality standards at 18 AAC 70; and

(B) hydrologic data demonstrate that permit conditions will be met and will not interfere with existing public and private drinking water sources.

(b) The department will, in its discretion, require periodic ground-water monitoring as a wastewater discharge permit condition. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020	AS 46.03.090
AS 46.03.010	AS 46.03.720
AS 46.03.020	AS 46.03.900(33)
AS 46.03.050	

18 AAC 72.265. COMMUNITY SOIL ABSORPTION SYSTEMS. (a) The department will approve the plans for construction of a community soil absorption system if

- (1) the submittal requirements of 18 AAC 72.220(e) are met;
- (2) design or design values for the following parameters conform to the criteria and evaluation process set out in 18 AAC 72.225:

- (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; and
- (F) thermal protection considerations;

- (3) the provisions of 18 AAC 72.255(3) -- (11) are met;
- (4) there is sufficient usable wastewater disposal area with characteristics for both an initial and replacement soil absorption system as follows:

- (A) the soils analysis and report required by 18 AAC 72.270 show that the soil types, percolation rates, and depths to seasonal high water table and impermeable strata are suitable for use in the type of soil absorption system selected;

(B) separation distances set out at 18 AAC 72.015 are maintained;

(C) subject to (D) of this paragraph, the restrictions at 18 AAC 72.025(b)(1)(E) are met;

(D) for alternate soil absorption systems, the ground surface slope, distance to escarpments, and the size of the infiltrative surface conform to the recommendations found in the applicable sections of 18 AAC 72.950(12) and (15), or other reference approved by the department; and

(E) for a conventional soil absorption system, the size of the infiltrative surface area, at a minimum, conforms to the value in Table F, matching the measured percolation rate, system size, and corresponding observed soil textures, as prescribed by 18 AAC 72.270(10);

**TABLE F
WASTEWATER APPLICATION RATES
FROM PERCOLATION TEST RESULTS**

Observed Percolation Rate* 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, clay 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

* Percolation tests must be performed according to procedures described in the reference manual listed at 18 AAC 72.950(12).

^b Soils with percolation rates faster than 1 min/inch can be used providing a shallow trench or bed system is used, native soils are replaced by a two feet or greater layer of medium-graded sands as defined in Note 2 below, and 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.

^c Soils with percolation rates faster than 30 min/inch are unsuitable for seepage pits.

^d Suitable for elevated mounds or conventional systems, with prior department approval.

^e Soils without expandable clays.

Notes

1. The absorption field area for a shallow trench or bed system is the bottom area of the trench or bed. The absorption field area for a deep trench system or seepage pit is the side wall area between the bottom of the distribution pipe and the bottom of the excavation.

2. Subject to waiver by the department, sands for sand lines installed in wells with percolation rates faster than 1 min/inch must meet all of the criteria in at least one of the two following groups of minimum specifications (sieves are Standard U.S. Sieve Numbers): Group A: 85-100% passing a #10 sieve (less than 2.0 mm), 60-90% passing a #20 sieve (less than 0.850 mm), 25-50% passing a #40 sieve (less than 0.425 mm), less than or equal to 15% passing a #60 sieve (less than 0.250 mm), less than 5% passing a #200 sieve (less than 0.075 mm), and the sand shall not have more than 45% (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 from than 1, the amount passing the #10 Standard U.S. sieve (less than 2.0 mm) must be greater than or equal to 85% of the total, the amount passing the #20 Standard U.S. sieve (less than 0.75 mm) must be less than 5% of the total, and the sand shall not have more than 45% (of the total) passing any one sieve and retained on the next consecutive sieve, of those listed in Group A above.

(5) for a system with design flows equal to or greater than 2,500 gallons per day, calculations prepared 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 specified by the department;

(6) the soils analysis and the report comply with 18 AAC 72.270;

(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 C in 18 AAC 72.025.

(b) In areas known or suspected to contain permafrost, the department will, in its discretion, require that plans for a community soil absorption system be sealed by a registered engineer.

(c) Where there are particular public health or environmental quality concerns, the department will, in its discretion, require periodic groundwater monitoring. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.010
AS 46.03.020
AS 46.03.050

AS 46.03.090
AS 46.03.720
AS 46.03.900(33)

Editor's Note: To prepare the calculations required under this paragraph, there are many groundwater modeling references to choose from, including the three listed at 18 AAC 72.950(9), (11), and (14).

18 AAC 72.270. SOILS ANALYSIS AND REPORT FOR COMMUNITY SOIL ABSORPTION SYSTEMS. For a community soil absorption system, soils testing and test results, and the soils report required by 18 AAC 72.220(e)(3), must comply with the following criteria:

(1) the report must be sealed by a registered engineer;

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

(3) 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;

(4) soil borings and 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 the provisions of 18 AAC 72.025(b)(1)(D) for a conventional soil absorption system, or, for an alternate soil absorption system, conform to the applicable provisions of 18 AAC 72.950(12) and (15) or other approved reference;

(5) when 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 at times between May and October (inclusive);

(B) soil mottling analyses;

(C) interpretation of levels of standing open water;

(D) local knowledge and experience (if approved by the department); or

(E) a combination of these methods;

(6) the depth to any seeps must be noted and will, in the department's discretion, require subsequent monitoring;

(7) the minimum test hole depth must meet the following criteria:

(A) test hole depth is at least six feet below the lowest part of the soil absorption system; and

(B) in areas of known or suspected permafrost, taking into account the requirements of (A) of this paragraph, test hole depth is the lesser of

(i) at least 20 feet below ground surface; or

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

(8) soils in the usable wastewater disposal area for a conventional soil absorption system must be shown by a percolation test, conducted as described in (10) of this section, to have a percolation rate between

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

(B) one and 60 minutes per inch for trenches or beds (soils with percolation rates faster than one minute per inch may be used subject to department approval on a case-by-case basis; refer to footnote 'b' of Table F in 18 AAC 72.265);

(9) soils in the usable wastewater disposal area for an alternate soil absorption system must be shown by a percolation test, conducted as described in (10) of this section, to have a percolation rate meeting the recommendations for that type of system found in the reference manual listed at 18 AAC 72.950(12), or other approved reference;

(10) percolation tests must be performed by a registered engineer, or a person under the direct supervision of a registered engineer, in accordance with applicable procedures contained in the reference manual listed at 18 AAC 72.950(12), and the tests must be taken in each soil stratum to be included as infiltrative surface area; the data sheets and results of the tests must be sealed by a registered engineer and provided to the department; the accuracy of the percolation test must be confirmed 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 F in 18 AAC 72.265;

(11) 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, sealed by a registered engineer, must show that the area can successfully be used for the system proposed. (Eff. 6/30/90, Register 114)

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

18 AAC 72.275. COLLECTION AND PUMPING SYSTEMS. (a) The department will approve plans for construction of a collection and pumping system if

(1) the submittal requirements of 18 AAC 72.220(b) are met;

(2) the design or design values for the following parameters conform to the criteria and evaluation process discussed in 18 AAC 72.225:

(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, overflows, alarms, solids handling, provisions for servicing, and emergency operations;

(E) manhole or cleanout placement, and methods for cleaning the collection system;

(F) siting with respect to health hazards, nuisance potential, stream crossings, and flooding;

(G) bedding and backfill; and

(H) thermal protection considerations;

(3) the provisions of 18 AAC 72.255(3) -- (9) are met;

(4) the design of the mean conduit velocity conforms to the applicable provisions within 18 AAC 72.030(b)(4), as modified by 18 AAC 72.030(c);

(5) the system discharges to an approved 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 will pump flows equal to or in excess of the design flow;

(7) the size of pipe for gravity sewers complies with Table D in 18 AAC 72.030, subject to 18 AAC 72.030(c); and

(8) if the collection and pumping system is proposed to discharge to an existing collection or disposal system, there is adequate documentation showing 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.

(b) The department will, in its discretion, allow a waiver for a lesser separation distance between gravity sewer lines and a public or private drinking water system source than that set out at 18 AAC 72.015 if, in addition to the requirements of 18 AAC 72.015(b)(1) -- (3),

(1) the design plans, reports, or drawings for sewer lines within the protected area are sealed by a registered engineer;

(2) the sewer lines in the protected area are designed and constructed as pressure water lines; and

(3) additional requirements specified by the department's guidelines on this subject dated November 15, 1989, are met to ensure the integrity of the sewer line and the safety of the water system source. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.010
AS 46.03.020

AS 46.03.050
AS 46.03.090
AS 46.03.720

18 AAC 72.280. DISPOSAL SYSTEMS. (a) This section sets out approval criteria for wastewater system outfalls and land disposal systems. The department will consider other means of final disposal on a case-by-case basis.

(b) The department will approve plans for construction of a wastewater system outfall if

(1) the submittal requirements of 18 AAC 72.220(b) are met;

(2) design or design values for the following parameters conform to the criteria and evaluation process set out in 18 AAC 72.225:

(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 system; and

(F) thermal protection considerations;

(3) the provisions of 18 AAC 72.255(3) -- (10) are met;

(4) 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;

(5) mixing and dilution calculations show that for the outfall line chosen, its length, grade, orifice size and numbers, depth, and distance out from shore will provide for effluent dispersion and dilution sufficient to meet permit terms and conditions and to otherwise comply with this chapter and 18 AAC 70; for subdivisions for which disposal by individual or combination lot marine outfalls are proposed, the provisions of this paragraph apply to each individual discharge line as well as to the cumulative impact from all proposed discharge lines;

(6) there is a manhole or clean-out at the shore end of all gravity sewers extending into the receiving waters to allow access for maintenance; and

(7) there is a provision to sample the effluent before it mixes with the receiving waters.

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

(1) the submittal requirements of 18 AAC 72.220(b) and (f) are met;

(2) design or design values for the following parameters conform to the criteria and evaluation process set out in 18 AAC 72.225:

(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 ultimate fate of affected groundwater or surface water;

(D) methods to control operational variables; and

(E) thermal protection considerations;

(3) the provisions of 18 AAC 72.255(3) -- (10) are met;

(4) the applicable provisions of 18 AAC 72.040 are met;

(5) the discharger has legal authority to use the land for the discharge;

(6) the land used for treatment 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 defined treatment area, including subsistence, housing, education, industry, recreation, and agriculture; and

(8) the method of discharge prevents transmission of disease.
(Eff. 6/30/90, Register 114)

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

18 AAC 72.285. DELEGATION OF DOMESTIC WASTEWATER SYSTEM PLAN REVIEW. (a) A municipality may petition the department to delegate the exercise of system plan review under this chapter within its jurisdiction. The petition must contain a

(1) copy of the municipality's ordinances governing sewers, domestic wastewater treatment works, and domestic wastewater disposal systems;

(2) description of pertinent administrative and judicial enforcement processes available to the municipality; and

(3) description of administrative organization, staff, funding, and other resources that will be available to the municipality to administer and enforce its requirements.

(b) Within 90 days after receipt of a complete petition under this section, the department will grant the petition if it finds, after review of submitted data, that

(1) the ordinances of the municipality governing sewers, domestic wastewater treatment works, and domestic wastewater disposal systems are at least as stringent as the requirements of this chapter; and

(2) the municipality has sufficient resources and enforcement authorities to ensure uniform compliance with the requirements of this chapter for sewers, domestic wastewater treatment works, and domestic wastewater disposal systems, and is consistently enforcing its ordinances.

(c) The department will, in its discretion, issue a preliminary decision to deny a petition under this section. If the department denies a petition under this section, the municipality is entitled to request an adjudicatory hearing under 18 AAC 15.200.

(d) If the department finds that a municipality that has been granted plan review authority is no longer meeting the requirements of this section, the department will reassert its authority under this chapter. The department will serve on the municipality its preliminary decision to reassert authority, with a statement that the municipality is entitled to request an adjudicatory hearing.

(e) If the department reasserts system plan review authority under (d) of this section, the requirements of 18 AAC 72.210 -- 18 AAC 72.285 apply to any person who has not substantially built a proposed sewer, disposal system, or treatment works before the effective date of the reassertion of authority. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

ARTICLE 3. SUBDIVISION PLAN REVIEW**Section**

- 300. Application for department approval
- 310. Preapplication conference
- 315. Submittal requirements
- 320. Approval of subdivisions not requiring review
- 325. Abbreviated reviews
- 330. Conventional onsite soil absorption systems
- 335. Soils analysis and report
- 340. Alternate onsite wastewater treatment and disposal
- 345. Onsite treatment systems with individual marine outfalls
- 350. Construction of a collector sewer or collector system,
a collector sewer or collector system and
treatment/disposal system, or individual lot treatment systems
- 355. Connection to an existing system
- 360. Subdivisions with no wastewater disposal
- 365. (Reserved)
- 370. Plat notes required
- 375. Pollution abatement report
- 380. Final plat review
- 385. Delegation of subdivision plan review

18 AAC 72.300. APPLICATION FOR DEPARTMENT APPROVAL.

(a) Except as provided in (b) of this section, no person may subdivide, transfer, sell, contract to sell, lease, or otherwise convey an interest in a lot within a subdivision unless plans for that subdivision have been approved by the department. Department approval consists of

(1) the applicable plat note described at 18 AAC 72.370, including the signature of the approving official and any additional terms and conditions required by the department; the person subdividing is responsible for placing department approval on the plat of record and recorded instruments before recording; or

(2) written approval from the department for a subdivision subject to AS 29.40.090(b), or for a subdivision that is otherwise exempt from platting requirements.

(b) Department approval is not required for a subdivision proposed under 43 U.S.C. 1613(c) (Alaska Native Claims Settlement Act, sec. 14(c)) before subdividing, platting, or disposition under that Act. A person proposing to subdivide land after the transfer under that Act must first obtain department approval under this chapter.

(c) Using, where applicable, the criteria set out in this chapter, the department will evaluate on a case-by-case basis, subdivision plans proposing a method of wastewater disposal not discussed in this chapter.

(d) Subdivision plans proposing a nonwater-carried method of wastewater disposal must conform to the provisions of 18 AAC 72.320 or 18 AAC 72.325.

(e) The department will, in its discretion, modify its approval criteria for subdivisions to accommodate wastewater flows and characteristics other than those expected from a single-family or duplex residence, if the proposed development includes improvements other than single-family or duplex development.

(f) If a person subdividing fails to record or file a subdivision with the appropriate recording agency, or otherwise fails to comply with a platting authority's procedures for subdivision review, within two years after the date of department approval under this chapter, the approval is void, and subdivision plans must be resubmitted for department review and approval.

(g) Except as noted in (h) of this section, the department will issue its decision on subdivision plans within 30 days after receiving all applicable information required by 18 AAC 72.315.

(h) For a subdivision requiring a coordinated consistency review under 6 AAC 50, the department will issue its decision on subdivision plans within five days after the consistency review is completed. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

18 AAC 72.310. PREAPPLICATION CONFERENCE. Before submitting plans for review and approval under 18 AAC 72.315, the applicant may request a preapplication conference to discuss the conceptual plan and to resolve issues with the department. The department will hold the conference within 15 calendar 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 plan review. The appropriate platting authority may attend the conference. Agreements reached at the conference will be recorded in writing and sent to the applicant and other participants within five calendar days after the conference. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

18 AAC 72.315. SUBMITTAL REQUIREMENTS. (a) In addition to the applicable requirements of (b) -- (i) of this section, a person proposing a subdivision shall submit to the department

(1) subject to the limitations of (b) of this section, a completed Subdivision Plan Review Data Sheet form (blank forms are available from the department), or a document containing the same information, including

- (A) the name and legal description of the subdivision;
- (B) the general location of the subdivision;
- (C) the subdivision's owner and the owner's address;
- (D) the name, address, and telephone number of a person to contact regarding matters relating to subdivision approval;
- (E) the number of existing lots, the number of lots proposed, and the total acreage of the subdivision; and
- (F) the proposed methods of providing potable water and wastewater disposal to each lot;

(2) a completed Subdivision Plan Review Owner's Statement form (blank forms are available from the department), or a document containing the same information, including the name of the subdivision and the information required by 18 AAC 15.030; and

(3) a preliminary subdivision plat; this requirement does not apply to a subdivision seeking approval under 18 AAC 72.320(a), a subdivision subject to AS 29.40.090(b), or a subdivision that is otherwise exempt from platting requirements.

(b) In addition to the requirements of (a) of this section, a person proposing a subdivision under 18 AAC 72.320(a) shall submit a final subdivision plat, but need not submit information regarding proposed means of providing potable water or wastewater treatment and disposal. A person proposing a subdivision subject to AS 29.40.090(b), or a subdivision that is otherwise exempt from platting requirements, may submit a working map, as described in (c)(1) of this section, in place of the final subdivision plat required under this subsection.

(c) In addition to the requirements of (a) of this section, a person proposing a subdivision that qualifies for abbreviated review under 18 AAC 72.325, shall also submit

(1) a working map of the proposed subdivision, sealed by a registered engineer or by a registered land surveyor, at a scale between 50 and 400 feet per inch; if the scale value is greater than 100 feet per inch, it must be in multiples of 100 feet; the map must clearly depict

(A) parcel plots and sizes; and

(B) water bodies and their high water marks for all surface waters, including oceans, streams, rivers, springs, swamps, bogs, lakes, ponds, creeks, reservoirs, and other perennial surface waters, natural or man-made, within the subdivision and within 200 feet of the subdivision boundary;

(2) a general description of a proposed practical and safe method of disposing of wastewater applicable to each lot, or to each group of lots for which the proposed method of wastewater disposal is similar;

(3) a general topographic description, sealed by a registered engineer or by a registered land surveyor, in sufficient detail to support the applicability of the proposed means of wastewater disposal described in (2) of this subsection; and

(4) a general soils and water table description in sufficient detail to support the applicability of the proposed means of wastewater disposal; the description must be based on

(A) existing information; or

(B) visual analysis by, or local knowledge of a registered engineer or a registered land surveyor.

(d) A person proposing a conventional onsite soil absorption system for one or more lots within the subdivision shall submit the items required under (a) and (c) of this section, and shall also submit, for each lot where a conventional onsite soil absorption system is proposed,

(1) a soils analysis and report, sealed by a registered engineer, which meets the requirements of 18 AAC 72.335 and which contains sufficient information to evaluate the proposal under 18 AAC 72.330

(2) a pollution abatement report required by 18 AAC 72.375, sealed by a registered engineer, if

(A) the subdivision's minimum lot size is less than 40,000 square feet; and

(B) there will not be a public water system serving the lots of the subdivision as described in 18 AAC 72.375(c); and

(3) further detail on the working map required under (c)(1) of this section to depict

(A) topography with five-foot, or less, contour intervals in areas with ground surface slopes less than 15 percent; and 10-foot, or less, contour intervals in areas with ground surface slopes of 15 percent or greater; the department will, in its discretion, approve other contour intervals or topographic descriptions for particular situations;

(B) the location of all soils field work, including the location of borings and test holes;

(C) muskeg;

(D) intermittent drainages designed or expected to convey rainfall or snowmelt flows for a continuous period of more than one week per year;

(E) each source of water for a public drinking water system within the subdivision and within 200 feet of the subdivision boundary;

(F) each source of water for a private drinking water system within the subdivision and within 100 feet of the subdivision boundary; and

(G) an approximate delineation of the apparent usable wastewater disposal area as described at 18 AAC 72.330(a)(2).

(e) In addition to the requirements of (a), (c), and (d)(3) of this section, a person proposing an alternate onsite wastewater treatment and disposal system for one or more lots shall submit, for each such lot,

(1) a soils analysis and report, sealed by a registered engineer, containing sufficient soils data to

(A) demonstrate that a conventional onsite soil absorption system is not practicable; and

(B) support the functional use of the proposed system;

(2) a pollution abatement report, sealed by a registered engineer, meeting the requirements of 18 AAC 72.375 if

(A) disposal of wastewater to onsite soils is proposed;

(B) the subdivision's minimum lot size is less than 40,000 square feet; and

(C) there will not be a public water system serving the lots of the subdivision, as set out in 18 AAC 72.375(c);

(3) plans for a treatment and disposal system for each lot (or a single typical design for each group of identical systems) as required by 18 AAC 72.210 -- 18 AAC 72.285; notwithstanding the provisions of Table E in 18 AAC 72.210, the plans must be sealed by a registered engineer; and

(4) an adequate demonstration that a conventional onsite soil absorption system, collector sewer or collector system, collector sewer or collector system and treatment/disposal system, individual lot treatment system, or connection to an existing system are not practicable due either to lack of suitable soils or economic considerations.

(f) In addition to the requirements of (a) of this section, a person proposing the use of an onsite treatment system with an individual marine outfall for one or more lots shall submit for each such lot

(1) detail on the preliminary subdivision plat to show how each lot where a marine outfall is proposed will, by direct access or by easement or some other authorization, have access from the lot to marine waters for wastewater disposal;

(2) a soils analysis and report, sealed by a registered engineer, with sufficient soils data to demonstrate that neither a conventional nor an alternate onsite soil absorption system is practicable for the lot in question; and

(3) plans for the treatment and disposal system proposed for each lot, or single typical design for each group of identical systems, as required under 18 AAC 72.210 -- 18 AAC 72.285; notwithstanding the provisions of Table E in 18 AAC 72.210, the plans must be sealed by a registered engineer.

(g) A person proposing to construct a collector sewer or collector system, a collector sewer or collector system and treatment/disposal system, or an individual lot treatment system, shall submit, in addition to the requirements of (a) of this section,

(1) documentation of construction assurance to meet the requirements of 18 AAC 72.350(b)(3);

(2) for a system proposing a collector sewer to tie into an existing collector sewer or treatment system, connection assurance to meet the requirements of 18 AAC 72.350(b)(5); and

(3) plans for the system as required under 18 AAC 72.210 -- 18 AAC 72.285.

(h) A person proposing a subdivision in which one or more lots will be connected to an existing collector sewer and treatment system, shall submit, in addition to the requirements of (a) of this section,

(1) proof that the owner of the collector sewer and treatment system has agreed to allow the lots to be connected; and

(2) documentation that the receiving system is adequate to accept the additional hydraulic and organic loading, if the department finds that the receiving system is approaching its design capacity.

(i) A person proposing a subdivision in which no wastewater will be generated or disposed of shall submit, in addition to the requirements of (a) of this section,

(1) a zoning map of the area (if available); and

(2) information required by 18 AAC 72.360(a) to demonstrate that the subdivision will never generate wastewater. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

18 AAC 72.320. APPROVAL OF SUBDIVISIONS NOT REQUIRING REVIEW. (a) The department will, within 30 days after receipt of all information required by 18 AAC 72.315(a)(1) and (2), and by 18 AAC 72.315(b), approve a subdivision if one or more of the following criteria are satisfied:

(1) the subdivision has a minimum lot size of 400,000 square feet;

(2) the existing subdivision was approved by the department, and the proposed subdividing action is limited to

(A) vacating lot lines to create fewer lots;

(B) moving one or more lot lines a distance of 10 feet or less without increasing the number of developable lots; or

(C) moving one or more lot lines without increasing the number of developable lots, while maintaining a minimum of 20,000 square feet of contiguous usable wastewater disposal area, as described in 18 AAC 72.330(a)(2), for each lot affected by the proposed lot line movements.

(b) Before the final plat is recorded or filed for a subdivision with a lot size of 400,000 square feet or more, approved under this section, the department will require the applicant to place plat notes on the final plat as described at 18 AAC 72.370(b). In addition, the department will, in its discretion, attach terms and conditions to the subdivision plat to ensure compliance with this chapter. For a subdivision subject to AS 29.40.090(b), or a subdivision that is otherwise exempt from platting requirements, written approval from the department will satisfy the requirements of this subsection. (Eff. 6/1/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

18 AAC 72.325. ABBREVIATED REVIEWS. (a) A subdivision with a minimum lot size of 200,000 square feet or greater (excluding dedicated road rights-of-way) qualifies for an abbreviated review. The department will limit its required investigations to general descriptions of soils and topography to determine if conditions are suitable for onsite wastewater disposal.

(b) The department will approve subdivision plans under this section if

(1) the submittal requirements of 18 AAC 72.315(c) are met;

(2) the subdivision has a minimum lot size of 200,000 square feet or greater; and

(3) practical and safe methods of onsite wastewater disposal can be constructed by the eventual landowners.

(c) Before the final plat is recorded or filed for a subdivision approved under this section, the department will require the applicant to place plat notes on the final plat as described at 18 AAC 72.370(c). In addition, the department will, in its discretion, attach terms and conditions to the subdivision plat to ensure compliance with this chapter. For a subdivision subject to AS 29.40.090(b), or a subdivision that is otherwise exempt from platting requirements, written approval from the department will satisfy the requirements of this subsection. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

18 AAC 72.330. CONVENTIONAL ONSITE SOIL ABSORPTION SYSTEMS. (a) The department will approve subdivision plans proposing wastewater treatment and disposal with conventional onsite soil absorption systems if

(1) the submittal requirements of 18 AAC 72.315(d) are met;

and

(2) the applicant shows that there is on each lot at least 20,000 square feet of contiguous area suitable for use for an initial and replacement wastewater disposal system, sidewalks, driveways, and an average single-family residence with associated appurtenances, but excluding dedicated road rights-of-way and utility easements if the utility could interfere with a soil absorption system; to be considered usable wastewater disposal area

(A) the soil types, moisture content (in areas of known or suspected permafrost), soil slopes, distances to downhill breaks in the terrain, and depths to seasonal high water table and impermeable strata must

(i) meet the requirements of the soils and analysis and report described in 18 AAC 72.335; and

(ii) be suitable for use in a soil absorption system, as shown by the soils analysis and report; and

(B) separation distances in or from any part of the proposed usable wastewater disposal area must be maintained as required by 18 AAC 72.015; if an area outside the subdivision boundary cannot be visually inspected to determine existence and position of water system sources, the applicant may use existing records as the basis for this information, subject to confirmation by the department.

(b) For a subdivision with a minimum lot size of less than 40,000 square feet, for which a pollution abatement report is required under 18 AAC 72.375, the provisions of 18 AAC 72.375(b) must be met.

(c) Before the final plat is recorded or filed for a subdivision approved under this section, the department will require the applicant to place plat notes on the final plat as described at 18 AAC 72.370(d). In addition, the department will, in its discretion, attach terms and conditions to the subdivision plat to ensure compliance with this chapter. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

18 AAC 72.335. SOILS ANALYSIS AND REPORT. (a) The soils analysis and report required by 18 AAC 72.315(d)(1) must demonstrate that subsurface conditions and soils are suitable for designation as a usable wastewater disposal area under 18 AAC 72.330(a)(2). Soils testing, test results, and the soils report must meet the following criteria:

(1) the soils analysis and report must be sealed by a registered engineer;

(2) test holes and borings must be located to yield representative data for, and to provide coverage of, the entire subdivision;

(3) borings and test holes must have the following minimum depths below the ground surface:

(A) in areas known or suspected to contain permafrost, the lesser of

(i) 20 feet deep; or

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

(B) the least depth associated with the following conditions, where they apply:

(i) two feet below the depth where the water table is encountered;

(ii) 10 feet deep for shallow trench or bed systems;

(iii) 12 feet deep for areas where deep trench or seepage pits will likely be used; or

(iv) the depth to bedrock, clay, or other impermeable strata with an expected percolation rate slower than 120 minutes per inch;

(4) soils in a usable wastewater disposal area must be

(A) clearly shown to be visually classified as GW, GP, SW, or SP, under the Unified Soils Classification System, and expected to have a percolation rate of between one and 60 minutes per inch;

(B) clearly shown to be GM or SM under the Unified Soils Classification System by a sieve analysis; or

(C) shown by a percolation test conducted in accordance with 18 AAC 72.270(10) to have a percolation rate as described in 18 AAC 72.270(8); and

(5) the restrictions at 18 AAC 72.025(b)(1)(E) must be met.

(b) Use of soils with percolation rates other than those set out in 18 AAC 72.270(8) must be approved by the department on a case-by-case basis as described in Table F in 18 AAC 72.265.

(c) In areas known or suspected to contain permafrost, a soil moisture content profile analysis derived from laboratory testing methods, and taken from each test hole used for soils testing in the subdivision, must show that the soils throughout the subdivision are adequately drained.

(d) Subject to (e) of this section, the minimum number of test holes and soil analyses required under this section is at least one per two acres of subdivision, with at least one test hole and one soil analysis for a subdivision of two acres or less. If required by the department, the applicant shall supplement the results of the soil analyses with information from visual inspections of the area or with existing soils information to demonstrate that the test results can be expected to represent conditions throughout the subdivision.

(e) The department will, in its discretion, allow less than the minimum number of test holes and soil analyses required by (d) of this section if sufficient existing soils data indicate general consistency throughout all or a portion of the subdivision. This allowance will be made only during the preapplication conference described at 18 AAC 72.310, and will be subject to confirmation during the soils investigation on the subdivision property.

(f) The department will, in its discretion, modify the soil testing requirements of this section for subdivision lots equal to or greater than 200,000 square feet in size as follows:

(1) for lots equal to or greater than 200,000 square feet, but less than 400,000 square feet in size, the information described at 18 AAC 72.315(c) may be submitted in place of the soil analyses and test holes required by this section; and

(2) for lots equal to or greater than 400,000 square feet in size, the department will, in its discretion, waive the requirements of this section.

(g) Except as provided in (h) of this section, the minimum depth from the ground surface to the seasonal high water table and impermeable strata must conform to the values listed in Table G. The listed depth must provide at least

(1) two, three, or four feet of earth cover as insulation, depending on geographical location;

(2) one foot for the distribution pipe, gravel, and barrier material; and

(3) four feet of separation from the bottom of the system to the seasonal high water table.

TABLE G

Geographical Location	Minimum Depth of Ground Cover (in feet)	Minimum Depth to Seasonal High Water Table (in feet)	Minimum Depth to Impermeable Strata (in feet)
Southeast Alaska (east of 141° W. Longitude)	3	8	10
Southwest Alaska (Kodiak Island Borough and all areas southwest of Chignik, including Chignik)	2	7	9
Valdez and the area enclosed by the Valdez Basin	3	8	10
All remaining areas of the state	4	9	11

(h) The minimum depths from the ground surface to the seasonal high water table set out in (g) of this section may, at the applicant's request, and in the department's discretion, be reduced by up to two feet by insulating with nonwater-absorbing insulation or by mounding above grade to provide protection from frost penetration. Insulation material may be substituted for up to two feet of earth cover if the department approves material type and thickness, except that at least two feet of earth cover must be maintained. To have this lesser vertical separation distance approved, the applicant must request a waiver from the requirements of (g) of this section and must submit, in addition to the other applicable requirements of this chapter, a typical system design sealed by a registered engineer.

(i) When the water table is encountered in the test holes, the depth to the seasonal high water table must be determined by

- (1) monitoring test holes or soil borings at times between May and October (inclusive);
- (2) soil mottling analyses;
- (3) interpretation of levels of standing open water;
- (4) local knowledge and experience, if approved by the department; or
- (5) a combination of these methods.

(j) The depth to any seeps must be noted, and will, in the department's discretion, require subsequent monitoring. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

18 AAC 72.340. ALTERNATE ONSITE WASTEWATER TREATMENT AND DISPOSAL. (a) The department will approve a subdivision proposing alternate onsite means of wastewater treatment and disposal if

- (1) the submittal requirements of 18 AAC 72.315(e) are met;
- (2) conventional soil absorption systems, a collector sewer, collector sewer and treatment systems, or connection to an existing system are not practicable due either to lack of suitable soils or economic considerations;
- (3) plans for the system proposed for each lot required by 18 AAC 72.210 -- 18 AAC 72.285, sealed by a registered engineer, are approved by the department; the department will accept a single typical system design for each group of identical systems;
- (4) there are sufficient soils data to demonstrate that conventional onsite soil absorption systems are not practicable, and to support the use and proper functioning of the proposed system;

(5) if disposal of wastewater to onsite soils is proposed, the separation distances set out at 18 AAC 72.015 will be met; if an area outside the subdivision boundary cannot be visually inspected to determine existence and position of water system sources, the subdivider may use existing records as the basis for this information, subject to confirmation by the department; and

(6) for a subdivision with a minimum lot size of less than 40,000 square feet for which a pollution abatement report is required under 18 AAC 72.375, the provisions of 18 AAC 72.375(b) are met.

(b) Before the final plat is recorded or filed for a subdivision approved under this section, the department will require the applicant to place plat notes on the final plat as described at 18 AAC 72.370(e). In addition, the department will, in its discretion, attach terms and conditions to the subdivision plat to ensure compliance with this chapter. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

18 AAC 72.345. ONSITE TREATMENT SYSTEMS WITH INDIVIDUAL MARINE OUTFALLS. (a) Under this section, the department will approve a subdivision proposing onsite treatment systems with individual marine outfalls if

(1) the submittal requirements of 18 AAC 72.315(f) are met;

(2) the soils analysis and report show that neither conventional nor alternate onsite soil absorption systems are a practicable wastewater treatment and disposal method for the lots in question;

(3) plans for the system proposed for each lot, required by 18 AAC 72.210 -- 18 AAC 72.285 and sealed by a registered engineer, are approved; the department will accept a single typical system design for each group of identical systems;

(4) construction and proper operation of the treatment systems by the eventual lot owners is feasible;

(5) dispersion and mixing calculations show that each outfall and the cumulative impact from all of the outfalls comply with this chapter and with 18 AAC 70, or otherwise comply with permit conditions;

(6) for each lot where wastewater disposal from a marine outfall is proposed, the applicant shows that each lot will have necessary access to marine waters for disposal; proof of access may include spatial areas on the plat that provide marine water access from each lot, or an easement or other authorization allowing marine water access for wastewater disposal to each lot; and

(7) minimum lot size is that area necessary to maintain the applicable separation distances at 18 AAC 72.015 from any part of the wastewater systems.

(b) For a wastewater treatment and disposal system proposed under this section, the requirements of 18 AAC 72.220(b)(4) and 18 AAC 72.255(5) for prior department approval of wastewater discharge permits will apply only to persons who propose actual discharges, and will not apply to the conceptual plan of wastewater treatment and disposal for a subdivision covered under this section.

(c) Before the final plat is recorded or filed for a subdivision approved under this section, the department will require the applicant to place plat notes on the final plat as described at 18 AAC 72.370(f). In addition, the department will, in its discretion, attach terms and conditions to the subdivision plat to ensure compliance with this chapter. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

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. (a) This section describes approval criteria for a subdivision proposing wastewater collection, treatment, disposal, or a combination of these functions via collector sewers, collector systems, collector sewers or systems combined with a central treatment or disposal system, or individual lot treatment or disposal systems not covered elsewhere in 18 AAC 72.300 -- 18 AAC 72.385.

(b) Subject to 18 AAC 72.300(h), the department will approve plans for a subdivision under this section if

(1) the submittal requirements of 18 AAC 72.315(g) are met;

(2) the department has approved plans for the proposed system under 18 AAC 72.210 -- 18 AAC 72.285; in place of plans for the system, the department will, in its discretion, accept a feasibility study for a waste-water collection, treatment, or disposal system or systems to serve a subdivision proposed by a federal, state, or local government entity, if the study shows that a proposed collection, treatment, or disposal system or systems is feasible;

(3) the applicant has provided acceptable assurance that the system will be constructed, such as

(A) constructing the system;

(B) proof that local government requirements make the granting of building or zoning permits contingent upon department approval;

(C) a written agreement between the applicant and the local government, which may include a provision for performance bonding or other security for constructing the system, and which includes conditions acceptable to the department for release of securities;

(D) placing money in an escrow account in an amount sufficient to construct the proposed system, with provisions for release of the money by the escrow agent upon construction of the system in a manner acceptable to the department;

(E) for federal, state, or local government entities proposing a subdivision under this section, a letter of assurance of funding availability for the system; or

(F) some other arrangement that would assure construction of the system, approved by the department on a case-by-case basis;

(4) minimum lot size is that area necessary to maintain the applicable separation distance set out at 18 AAC 72.015 from any part of the wastewater systems; and

(5) for a system proposing a collector sewer to tie into an existing collector sewer or treatment system, the owner of the existing system attests in writing that the connections will be permitted; if the receiving wastewater system is approaching its capacity, the department will, in its discretion, require a determination that it is capable of accepting the additional hydraulic and organic loading.

(c) Before the final plat is recorded or filed for a subdivision approved under this section, the department will require the applicant to place plat notes on the final plat as described at 18 AAC 72.370(g). In addition, the department will, in its discretion, attach terms and conditions to the subdivision plat to ensure compliance with this chapter. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

18 AAC 72.355. CONNECTION TO AN EXISTING SYSTEM. (a)

This section applies to a subdivision located where there is an existing collector sewer and treatment system. If the applicant proposes single-service connections from individual lots, with no laterals, mains, interceptors, collectors, or treatment facilities to be constructed, the department will approve plans under this section if

- (1) the submittal requirements of 18 AAC 72.315(h) are met;
- (2) the owner of the collection and treatment system has agreed in writing that all of the lots will be allowed to connect;
- (3) the system is adequate to accept the additional hydraulic and organic loading; and
- (4) the minimum lot size is that area necessary to maintain the applicable separation distance set out at 18 AAC 72.015 from any part of the wastewater system.

(b) Before the final plat is recorded or filed for a subdivision approved under this section, the department will require the applicant to place plat notes on the final plat as described at 18 AAC 72.370(g). In addition, the department will, in its discretion, attach terms and conditions to the subdivision plat to ensure compliance with this chapter. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

18 AAC 72.360. SUBDIVISIONS WITH NO WASTEWATER DISPOSAL. (a) This section applies to subdivisions where no wastewater will be generated or disposed of, such as a subdivision for a cemetery, a subdivision on which a repeater station will be erected, a promotional subdivision, or other land use that cannot be expected to produce wastewater. Subdivisions proposed solely for the purpose of establishing roadways, road rights-of-way, or utility rights-of-way will, in the department's discretion, be considered under this section. Subject to (b) of this section, the department will approve a subdivision under this section if

- (1) the submittal requirements of 18 AAC 72.315(i) are met;
- (2) the proposed subdivision of land is not for the purpose of, and will not be followed by, residential or other types of development that result in the need to dispose of wastewater;
- (3) the subdivided plots are uninhabitable and will remain so;
- (4) the area is zoned for purposes other than residential, industrial, or other development that generates wastewater; or
- (5) in areas where there is no zoning authority, the applicant shows to the department's satisfaction that wastewater will not be generated from the immediate or future development of the property.

(b) If a subdivision is proposed solely for the purpose of establishing roadways, road rights-of-way, or utility rights-of-way, the department will, in its discretion, waive one or more of the approval criteria set out at (a)(1) -- (5) of this section.

(c) In making its decision under this section, the department will consider development patterns in surrounding and similar areas, any restrictions to the development of water supplies, and any other pertinent considerations.

(d) Before the final plat is recorded or filed for a subdivision approved under this section, the department will require the applicant to place plat notes on the final plat as described at 18 AAC 72.370(h) or, for a subdivision proposed for road or utility rights of way, other applicable plat notes at the discretion of the department. In addition, the department will, in its discretion, attach terms and conditions to the subdivision plat to ensure compliance with this chapter. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

18 AAC 72.365. Reserved.

18 AAC 72.370. PLAT NOTES REQUIRED. (a) This section does not apply to subdivisions subject to AS 29.40.090(a), or subdivisions that are otherwise exempt from platting requirements.

(b) For a subdivision with lot sizes of 400,000 square feet or more, approved under 18 AAC 72.320, the applicant shall place the following plat notes on the final plat before it is submitted to the department under 18 AAC 72.380 and recorded or filed:

"WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

The Alaska Department of Environmental Conservation approves this subdivision for platting [dated, with the signature and title of the approving official]."

(c) For a subdivision with a minimum lot size of 200,000 square feet or greater, approved under 18 AAC 72.325, the applicant shall place the following plat note on the final plat before it is submitted to the department under 18 AAC 72.380 and recorded or filed:

"WASTEWATER DISPOSAL: Conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

Subject to any noted restrictions, the Alaska Department of Environmental Conservation approves this subdivision for platting [dated, with the signature and title of the approving official]."

(d) For a subdivision approved under 18 AAC 72.330, the applicant shall place the following plat note on the final plat before it is submitted to the department under 18 AAC 72.380 and recorded or filed:

"WASTEWATER DISPOSAL: Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Alaska Department of Environmental Conservation. Any other type of wastewater treatment and disposal system must be approved by the Alaska Department of Environmental Conservation.

Subject to any noted restrictions, the Alaska Department of Environmental Conservation approves this subdivision for platting [dated, with the signature and title of the approving official]."

(e) For a subdivision approved under 18 AAC 72.340, the applicant shall place the following plat note on the final plat before it is submitted to the department under 18 AAC 72.380 and recorded or filed:

"WASTEWATER DISPOSAL: Soil conditions in this subdivision have been found unsuitable for conventional onsite wastewater treatment and disposal systems. Plans for an approved alternate wastewater disposal system for use on lots in this subdivision are available from the Alaska Department of Environmental Conservation. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Subject to any noted restrictions, the Alaska Department of Environmental Conservation approves this subdivision for platting [dated, with the signature and title of the approving official]."

(f) For a subdivision approved under 18 AAC 72.345, the applicant shall place the following plat note on the final plat before it is submitted to the department under 18 AAC 72.380 and recorded or filed:

"WASTEWATER DISPOSAL: Wastewater treatment systems with individual marine outfalls serving single family or duplex residences, which meet the regulatory requirements of the Alaska Department of Environmental Conservation, have been approved for use in this subdivision. Any type of wastewater treatment and disposal system disposing of wastewater onsite must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

Subject to any noted restrictions, the Alaska Department of Environmental Conservation approves this subdivision for platting [dated, with the signature and title of the approving official]."

(g) For a subdivision approved under 18 AAC 72.350 or under 18 AAC 72.355, the applicant shall place the following plat note on the final plat before it is submitted to the department under 18 AAC 72.380 and recorded or filed:

"WASTEWATER DISPOSAL: The Alaska Department of Environmental Conservation has reviewed plans for this subdivision's wastewater disposal, and approves this subdivision for platting [dated, with the signature and title of the approving official]."

(h) For a subdivision approved under 18 AAC 72.360, the applicant shall place the following plat notes on the final plat before it is submitted to the department under 18 AAC 72.380 and recorded or filed:

"WASTEWATER DISPOSAL: Approval of this subdivision is based on the representation that no wastewater will be generated or disposed of on any lot. Conditions might not be suitable for onsite wastewater treatment and disposal systems. Any onsite wastewater treatment and disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

Subject to any noted restrictions, the Alaska Department of Environmental Conservation approves this subdivision for platting [dated, with the signature and title of the approving official]." (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

18 AAC 72.375. POLLUTION ABATEMENT REPORT. (a) A subdivision must be planned so that it will not

- (1) contribute to nitrate concentrations in groundwater;
- (2) contribute to fecal coliform bacteria contamination; or
- (3) cause other pollutants to exceed concentrations beyond the acceptable limits set by 18 AAC 70.

(b) Except as provided in (c) of this section, if an applicant proposes disposal of wastewater to onsite soils for a single-family or duplex residential lot of less than 40,000 square feet, the applicant shall submit a pollution abatement report containing calculations showing that the nitrate concentration in the groundwater aquifer most likely to be affected by the proposed

disposal systems will not be increased beyond five milligrams per liter (as nitrogen) at the property line of each lot smaller than 40,000 square feet. The calculations must be sealed by a registered engineer. To prepare the calculations required under this subsection, there are many groundwater modeling references to choose from, including the three listed at 18 AAC 72.950(9), (11), and (14). For a subdivision with lot sizes of 40,000 square feet or more, these calculations are not required.

(c) The requirements of (b) of this section do not apply to lots in subdivisions that have, or will have, a public water system capable of delivering water to each lot. If a public water system is proposed for a subdivision, but not yet constructed, construction assurance for the water system is required as set out for sewers in 18 AAC 72.350(b)(3). (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

18 AAC 72.380. FINAL PLAT REVIEW. (a) This section does not apply to subdivisions subject to AS 29.40.090, or subdivisions that are otherwise exempt from platting requirements.

(b) When the department notifies the applicant that all applicable approval criteria have been satisfied, the applicant shall submit to the department a copy of the final plat and a blue-line copy of the final plat. Within five calendar days after receipt, the department will review the plat to ensure that it is consistent with the approved preliminary plat and that it contains all required notes, terms, or conditions. The department will then affix its approval to the final plat, and to the blue-line copy to be retained by the department, and the applicant may then record the final plat as approved.

(c) Within 10 working days after recording an approved final plat, the applicant shall provide the department with a copy of the plat as recorded by the recording agency. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

18 AAC 72.385. DELEGATION OF SUBDIVISION PLAN REVIEW.

(a) A platting authority may petition the department to delegate the exercise of subdivision plan review under this chapter to the platting authority within the platting authority's jurisdiction. The petition must contain a

(1) copy of the platting authority's proposed or existing ordinances relating to the review of domestic wastewater collection, treatment, and disposal for subdivisions;

(2) statement of pertinent administrative and judicial enforcement processes proposed or available to the platting authority; and

(3) statement of proposed or existing administrative organization, staff, funding, and other resources that will be available to the platting authority to administer and enforce its requirements.

(b) Within 90 days after receipt of a complete petition under this section, the department will issue a decision to delegate subdivision plan review to the platting authority if it finds, after review of submitted data, that

(1) the platting authority's ordinances governing domestic wastewater collection, treatment, and disposal in subdivisions are substantially equivalent to the requirements of this chapter; and

(2) the platting authority will have sufficient resources and enforcement procedures to ensure uniform compliance with the program outlined in the petition.

(c) If the department denies a petition under this section, the platting authority is entitled to request an adjudicatory hearing under 18 AAC 15.200.

(d) The department will, in its discretion, issue a tentative decision to delegate subdivision plan review when the necessary ordinances, funding, or staffing are planned but have not yet been obtained. When notified in writing by the platting authority that the required items have been obtained, the commissioner will send final approval to the platting authority.

(e) A platting authority that has been delegated subdivision plan review authority shall keep filed copies of all completed subdivision plans reviewed and any related letters of approval or conditional approval.

(f) The department will, in its discretion, conduct an audit to evaluate the platting authority's effectiveness in administering subdivision plan review. Emphasis will be placed on aspects of plan review important to protecting public health and the environment. The purpose of the audit is to develop statewide uniformity of regulation interpretation and enforcement. The audit will include a

- (1) survey of randomly sampled subdivisions and their plans;
- (2) review of compliance with this section;
- (3) review of staff, funding, and other resources available to the platting authority as set out in the petition, and recommendations made in any previous audit; and
- (4) report submitted to the platting authority with findings, analyses, and recommendations.

(g) If the department finds that the platting authority is no longer meeting the requirements of this section, the department will reassert its authority under this chapter. The department will serve on the platting authority its preliminary decision to reassert authority, with a statement that the platting authority is entitled to request an adjudicatory hearing.

(h) If the department reasserts subdivision plan review authority under (g) of this section, the requirements of 18 AAC 72.300 -- 18 AAC 72.380 apply to any person who has not subdivided before the reassertion of authority. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

ARTICLE 4. (RESERVED)

ARTICLE 5. NONDOMESTIC WASTEWATER

Section

500. Restrictions

510. Sludge disposal

18 AAC 72.500. RESTRICTIONS. (a) A person who disposes of nondomestic wastewater into or onto land, surface water, or groundwater in Alaska must have a permit issued by the department for that disposal.

(b) The department will, in its discretion, issue a project-wide permit to a person who plans to conduct an operation with the same disposal characteristics at various discharge locations. The department will, in its discretion, require the submission of site-specific plans for approval as a condition of the permit. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.100
AS 46.03.900(33)

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 46.03.020
AS 46.03.050
AS 46.03.100
AS 46.03.710

ARTICLE 6. NONDOMESTIC WASTEWATER SYSTEM PLAN REVIEW

Section

600. Application for department approval

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.

(d) The department will, in its discretion, attach terms and conditions to submitted plans if needed to ensure compliance with this chapter.

(e) An accurate and complete set of as-built drawings for non-domestic 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 will, in its discretion, waive this requirement if, after an onsite inspection, it finds that the system was built as approved. (Eff. 6/30/90, Register 114)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.720
	AS 46.03.010	AS 46.03.090	
	AS 46.03.020	AS 46.03.710	

ARTICLE 9. GENERAL PROVISIONS

Section

- 900. General permit
- 910. Procedures for general permit
- 920. Professional submittals
- 930. Reports
- 940. Emergency notice
- 950. Reference materials
- 960. 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. (Eff. 6/30/90, Register 114)

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

18 AAC 72.910. PROCEDURES FOR GENERAL PERMIT. (a) Application for a general permit must be made in accordance with AS 46.03.110 and 18 AAC 15.

(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. The notice will summarize the proposed permit, state where the disposal is to be allowed, and state where copies of the proposed permit and supporting documents may be obtained. A mailing list of persons wishing to receive copies of public notices will be kept by the department.

(c) The department will send a copy of the proposed general permit and supporting documents to the commissioners of

- (1) fish and game;
- (2) natural resources;
- (3) commerce and economic development;
- (4) community and regional affairs; and
- (5) health and social services.

(d) The department will, in its discretion, modify, revoke, reissue, or terminate a general permit in accordance with this chapter, 18 AAC 15, and AS 46.03. The department will, in its discretion, require a person with a general permit to obtain an individual permit if certain situations, such as the following, occur:

- (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; or
- (3) a change occurs in the availability of technology or practices for the control or abatement of pollution contained in the disposal. (Eff. / /90, Register)

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

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 46.03.020	AS 46.03.090

18 AAC 72.930. REPORTS. The department will, in its discretion, 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)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050

18 AAC 72.940. EMERGENCY NOTICE. (a) 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 onsite domestic wastewater systems serving single-family dwellings. (Eff. 6/30/90, Register 114)

Authority: AS 44.45.020
AS 46.03.020
AS 46.03.050
AS 46.03.710

18 AAC 72.950. REFERENCE MATERIALS. In accordance with 18 AAC 72.225, the department will use the principles, practices, and designs appearing in the following reference materials as a preliminary basis for evaluating plans submitted for approval under this chapter; for soil absorption system designs governed by 18 AAC 72.025, 18 AAC 72.220, 18 AAC 72.265, 18 AAC 72.270, 18 AAC 72.330, 18 AAC 72.335, and 18 AAC 72.340, and for groundwater modeling (18 AAC 72.265 and 18 AAC 72.375), the appropriate design references listed below apply:

(1) **Alternative Sewer Systems, Manual of Practice Number FD-12, 1986, Water Pollution Control Federation, 601 Wythe St., Alexandria, VA 22314-1994;**

(2) **American Water Works Association, Standard C600-87, Installation of Ductile Iron Water Mains and Their Appurtenances, American Water Works Association, 6666 W. Quincy Ave., Denver, CO 80235;**

(3) **Cold Climate Utilities Manual, Canadian Society for Civil Engineers, 1986, Canadian Society for Civil Engineers, 2050 Mansfield St., Montreal, Quebec H3A 1Z2, Canada (514) 842-5653;**

(4) **Design and Construction of Sanitary and Storm Sewers, Manual of Practice Number 9, 1976, Water Pollution Control Federation, 601 Wythe St., Alexandria, VA 22314-1994;**

(5) **Design of Wastewater and Stormwater Pumping Stations, Manual of Practice No. FD-4, 1981, Water Pollution Control Federation, 601 Wythe St., Alexandria, VA 22314-1994;**

(6) Environmental Engineering and Sanitation, Second Edition, Joseph A. Salvato, Jr., 1972, John Wiley & Sons, 1 Wiley Drive, Somerset, NJ 08875;

(7) Glossary - Water and Wastewater Control Engineering, Joint Editorial Board, American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Water Pollution Control Federation; Third Edition, 1981, Water Pollution Control Federation, 601 Wythe St., Alexandria, VA 22314-1994;

(8) Gravity Sanitary Sewer Design and Construction, Manual of Practice No. FD-5, 1982, Water Pollution Control Federation, 601 Wythe St., Alexandria, VA 22314-1994 (American Society of Civil Engineers Manuals and Reports on Engineering Practice No. 60);

(9) High Rate Soil Absorption (HRSA) Task Force, Recommendations on Key Management Issues, 1984, Minnesota Pollution Control Agency, 520 Lafayette Rd. North, St. Paul, MN 55155, (copies of this document are available from any office of the department);

(10) Mixing in Inland and Coastal Waters, H.B. Fischer, E.J. List, R.C.Y. Koh, J. Imberger, N.H. Brooks, 1979, Academic Press, Inc., 465 S. Lincoln Drive, Troy, MO 63379;

(11) On-Site Wastewater Treatment, Proceedings of the Fourth National Symposium on Individual and Small Community Sewage Systems, "Estimating Ground-water Quality Impacts from On-site Sewage Treatment Systems," B. J. Bauman and W. M. Schafer, 1985, American Society of Agriculture Engineers, 2950 Niles Road, St. Joseph, MI 49085-9659;

(12) On-Site Wastewater Treatment and Disposal Systems (Design Manual), EPA 625/1-80-012, 1980, U.S. Environmental Protection Agency, Office of Research and Development, Technology Transfer, Cincinnati, OH 45268;

(13) Recommended Standards for Sewage Works, Great Lakes-Upper Mississippi River Board Of State Sanitary Engineers, 1978, Health Education Service, Inc., P.O. Box 7126, Albany, NY 12224;

(14) Septic Tank System Effects On Ground Water Quality, 1985, Larry W. Canter, and Robert C. Knox, Lewis Publishers, Inc., 121 South Main Street, P.O. Drawer 519, Chelsea, MI 48118;

(15) A 1979 State of the Art Manual of On-Site Wastewater Management, 1979, The National Environmental Health Association, 720 S. Colorado Blvd., Suite 970, Denver, CO 80222;

(16) "The Use of the Unified Soil Classification System by the Bureau of Reclamation," A.A. Wagner, in Proceedings of the 4th International Conference on Soil Mechanics and Foundation Engineering, London, Vol.1, 1957; also cited in Handbook of Environmental Civil Engineering, Robert G. Zilly, ed., 1975, p. 91, Van Nostrand Reinhold Co., 450 West 33rd Street, New York, NY 10001;

(17) Uniform Plumbing Code, 1979 edition, Appendix I, pp. 180 - 194, International Association of Plumbing and Mechanical Officials, 20001 Walnut Dr. South, Walnut, CA 91789;

(18) Wastewater Engineering: Treatment, Disposal, Reuse, Second Edition, Metcalf & Eddy, Inc., revised by George Tchobanoglous, 1979, McGraw-Hill Book Co., Princeton Rd., Highstown, NJ 08520; and

(19) Wastewater Treatment Plant Design, Manual of Practice Number 8, 1977, Water Pollution Control Federation, 601 Wythe St., Alexandria, VA 22314-1994. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

Editor's Note: The references listed in this section may be consulted at any regional office of the department, or may be purchased by writing to the address given for each reference. Copies of reference (9) are available from any regional office of the department.

18 AAC 72.960. APPEALS. (a) Within 10 calendar days after receiving the department's decision concerning plans submitted for approval under this chapter, the applicant or other person adversely affected by the decision may request a review of the decision by the regional supervisor. The request must be made in writing to the regional supervisor, and must include

(1) the name, mailing address, and telephone number of the requestor;

(2) a description of the proposed project, including the name and legal description of the subdivision if applicable; and

(3) a clear and concise statement of the basis for the request, including

(A) a statement of the nature and scope of the requestor's interests, and an explanation of how and to what extent those interests would be directly and adversely affected by the decision; and

(B) the contested terms or conditions, and proposed alternatives.

(b) Upon receipt of a request for review, the regional supervisor, or a designee other than the person who issued the contested decision, will decide if the request has merit, or if the original decision is satisfactory. If the regional supervisor or designee decides that the request does not merit review, he or she will inform the requestor in writing of this decision within 10 working days after receipt of the request, and of the reasons for the decision. The denial will include the statement that the requestor may appeal the denial under (d) of this section, or may seek an adjudicatory hearing under 18 AAC 15.200.

(c) If review is granted, the regional supervisor or designee will, in his or her discretion, request additional information of the applicant or other requestor. The regional supervisor, or the designee, will issue a final decision within 30 calendar days after receipt of the request for review or receipt of additional information requested, whichever is later.

(d) The requestor will be advised of the right to appeal the regional supervisor's decision to deny review under (b) of this section, or the regional supervisor's final decision under (c) of this section, to the department's central office wastewater and water treatment section chief within 10 days after a decision under (b) or (c) of this section. The department will also advise the applicant of the right to instead seek an adjudicatory hearing under 18 AAC 15.200.

(e) If the section chief receives an appeal from the regional supervisor's decision on review, he or she will appoint a three-member panel of technically qualified persons from within the department who were not previously involved in the original plan review decision to review all aspects of the matter and to provide a recommendation within 30 days after receiving the appeal. The section chief will issue a final decision immediately after receiving the panel's recommendations, and will inform the applicant or other requestor of the right to seek an adjudicatory hearing under 18 AAC 15.200.

(f) The 30-day time limit for seeking an adjudicatory hearing on a decision for which review is requested begins when a decision is made under (b), (c), or (e) of this section, whichever applies. (Eff. 6/30/90, Register 114)

Authority: AS 44.46.020
AS 46.03.020
AS 46.03.050
AS 46.03.090

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 wastewater treatment and disposal" and "alternate soil absorption system" mean a method of soil absorption treatment and disposal other than a conventional soil absorption system, but exclude holding tanks or nonwater-carried disposal methods such as composting, incineration, or privies;

(3) "approved" and "approval" mean approved or approval by the department;

(4) "as-built drawings" means the original plans and specifications prepared for construction and approved by the department, corrected to reflect how a facility was actually constructed or installed;

(5) "bed" or "bed system" means a soil absorption system that is a level excavation, wider than three feet, that may contain more than one line of distribution piping, and the bottom area of which is the infiltrative surface;

(6) "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;

(7) "cesspool" means a subsurface pit that receives untreated sewage;

(8) "Class A public water system" means a public water system expected to serve, in the normal order of events, at least 25 residents or 10 service connections used by residents, or that regularly serves the same 25 or more persons for at least six months of the year;

(9) "Class B public water system" means a public water system expected to serve, in the normal order of events, at least 25 persons per day or 10 service connections for at least 60 days of the year, and is not a Class A public water system;

(10) "Class C public water system" means a public water system that is neither a Class A nor a Class B public water system, nor a private water system;

(11) "Clean Water Act" means the Federal Water Pollution Control Act, (P.L. 92-500, as amended by P.L. 95-217, 33 U.S.C. 1251--1387);

(12) "cleanout" means an appurtenance on a community sewer line designed to provide access for the purpose of removing deposited or accumulated materials;

(13) "collection and pumping system" and "collection system" mean that part of a collection system from private property lines to the treatment works, but do not include service connections from a duplex, a single-family residence, or other structures; "collection and pumping system" and "collection system" include

(A) gravity, pressure, and vacuum sewers, including associated appurtenances such as manholes and cleanouts;

(B) pump or collection stations; and

(C) any portion of a collector sewer, regardless of ownership of the land on which it is installed;

(14) "collector sewer" means that line used as a common receiver of sewage from more than one service line;

(15) "collector system" means a wastewater collection system using methods of collection other than pipes;

(16) "commissioner" means the commissioner of environmental conservation;

(17) "community sewer line" means that portion of a sewerage serving two or more single-family or duplex dwellings, commercial establishments, industrial establishments, or institutions, one or more multi-family dwellings, or any combination of two or more of these structures;

(18) "community soil absorption system" means a soil absorption system serving more than one single-family or duplex residence;

(19) "contaminant" means any physical, chemical, biological, or radiological substance or material in water which, in sufficient quantity, makes water unfit for human consumption, or which is regulated by 18 AAC 70; coliform bacteria are considered contaminants under this chapter;

(20) "conventional soil absorption system" means a soil absorption system of typical trench, bed, or seepage pit design as described by 18 AAC 72.950(12) and (15), using natural subsurface undisturbed soils for the treatment media, or any soil absorption system with the same characteristics;

(21) "deep trench system" means a soil absorption system using trenches deeper than five feet, the vertical walls of which form the infiltrative surface area;

(22) "department" means the Alaska Department of Environmental Conservation;

(23) "disinfection" means a chemical, physical, or other process, such as chlorination, ozonation, ultraviolet light, or sterilization, designed to eliminate pathogenic organisms, and producing an effluent with the following characteristics:

(A) the arithmetic mean of the values for a minimum of five effluent samples collected in 30 consecutive days does not exceed 200 fecal coliform/100 ml and

(B) the arithmetic mean of the values for effluent samples collected in seven consecutive days does not exceed 400 fecal coliform/100 ml;

(24) "disposal system" means a system, the sole function of which is to provide a means of final disposal of domestic wastewater to the environment;

(25) "domestic wastewater" means waterborne human wastes or graywater derived mainly from dwellings, commercial buildings, institutions, or similar structures; "domestic wastewater" includes contents from individual removable containers used in dwellings to collect human wastes;

(26) "domestic wastewater disposal system" means a device, structure, or formation used to dilute, dispose, or discharge domestic wastewater, including injection wells, soil absorption systems, pits, crevices, sink-holes, depressions, outfalls, percolating lagoons, and land irrigation systems;

(27) "domestic wastewater treatment works" means a plant, device, structure, or other works, including a septic tank, package plant, lagoon, soil absorption system, activated sludge, trickling filter, and rotating biological contactor plant designed to treat, neutralize, or stabilize domestic wastewater or sludges;

(28) "drain" means that lowest line in or beneath a building receiving sewage, which carries the sewage to the service line; however, a line serving separate buildings or structures, even though it runs beneath a building, is considered to be a service line;

(29) "duplex" means a single structure designed to house two family dwelling units;

(30) "emergency repairs" means repairs or alterations to the system, without which the system could not perform the major functions for which it was designed, requiring immediate action to restore service to users;

(31) "engineering plans" means a set of plans approved and sealed by a registered engineer;

(32) "EPA" means the United States Environmental Protection Agency;

(33) "equalize" means the dampening of daily fluctuations of the flow, quality, or amount of wastewater, in order to distribute surges over a period of time;

(34) "facultative lagoon" means a lagoon or treatment pond with an aerobic upper section and an anaerobic bottom section, so that both aerobic and anaerobic biological processes occur simultaneously;

(35) "final plat" means the plat instrument submitted to the platting authority, to which the department affixes its approval;

(36) "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;

(37) "graywater" means wastewater from laundry, kitchen, sink, shower, bath, or other domestic source, which does not contain excrement, urine, or combined stormwater;

(38) "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;

(39) "holding tank" means a watertight vessel or tank for the temporary storage of wastewater, urine, or excrement; "holding tank" includes a vault privy, but does not include a pit privy;

(40) "lagoon" means a stabilization pond;

(41) "land disposal system" means a system that disposes of treated wastewater onto the surface of the land in areas suitable for that purpose;

(42) "multi-family dwelling" means a dwelling unit housing more than two single-family residences;

(43) "nondomestic wastewater" means liquid or water-carried wastes resulting from

(A) a manufacturing, food processing, or production enterprise;

(B) an industrial establishment;

(C) development of natural resources;

(D) construction of a manufacturing, production, or industrial facility;

(E) stormwater runoff; or

(F) wastes other than domestic wastewater that are waterborne or in a liquid state;

(44) "nondomestic wastewater disposal system" means a device or structure designed to dilute, dispose, or discharge nondomestic wastewater;

(45) "nondomestic wastewater treatment works" means a plant, device, structure, or other works designed to treat, neutralize, or stabilize nondomestic wastewater or sludges;

(46) "nonpercolating lagoon" means a stabilization pond designed to contain wastes, which will not permit subsurface leakage at a rate greater than 500 gallons per acre per day at a water depth of six feet;

(47) "onsite treatment system with individual marine outfall" means a treatment system located on each lot, or shared by adjacent lots, from which effluent is discharged through a single outfall extending to marine water;

(48) "package plant" means a transportable modular treatment system for domestic wastewater serving less than 25 persons, but does not include septic or holding tanks;

(49) "percolating lagoon" means a stabilization pond, designed to contain wastes, which will allow subsurface leakage at a rate greater than 500 gallons per acre per day at a water depth of six feet;

(50) "plating authority" means a municipality, board, commission, or agency that exercises plating powers conferred by statute, charter, or ordinance;

(51) "potable water system" means any source of water, intake works, collection system, treatment works, storage facility, or distribution system from which water is available for human consumption;

(52) "primary treatment" means wastewater treatment

(A) where substantially all floating and settleable solids are removed; or

(B) using fine screens with 0.04-inch or smaller openings;

(53) "private sewer line" means a pipeline or conduit carrying domestic wastewater from a single-family or duplex dwelling, a single industrial establishment, a single institution, or a single commercial establishment to a treatment system, disposal system, or community sewer; "private sewer line" does not include the pipeline or conduit carrying domestic wastewater from a trailer park, a mobile home park, or a multi-family dwelling, all of which are community sewer lines;

(54) "private water system" means a potable water system serving a single-family residence; a duplex or larger system is a public water system;

(55) "privy" and "pit privy" means a structure receiving urine and excrement that is not waterborne, and which is the final disposal site and not a temporary storage facility; "privy" and "pit privy" do not include a vault privy;

(56) "protected area" means that area within the separation distance of a water source specified in Table A in 18 AAC 72.015;

(57) "public water system" means any source of water, intake works, collection system, treatment works, storage facility, or distribution system, including vehicles or vessels used to distribute water, from which water is available for human consumption; "public water system" includes a system providing water to more than one residential dwelling unit, or to a factory, office building, restaurant, school, or other similar facility, but does not include a system serving only a single-family residence;

(58) "regional office" means the department office located in Anchorage, Fairbanks, or Juneau, responsible for the field activities in that region of the state;

(59) "regional supervisor" means a supervisor of a regional office of the department;

(60) "registered engineer" means a professional engineer registered to practice in Alaska under AS 08.48;

(61) "registered land surveyor" means a professional land surveyor registered to practice in Alaska under AS 08.48;

(62) "routine maintenance" means activity normally required to maintain the system components in good working order;

(63) "sealed" means prepared by a registered engineer or registered land surveyor, or a person under his or her direct supervision, and bearing the signature and seal of that engineer or surveyor as required by AS 08.48.221 and 12 AAC 36.185; the term "sealed" implies that responsibility for all information being addressed by the particular sealing requirement in this chapter, is covered by one or more seals and signatures (whichever applies) of a registered engineer or registered land surveyor, or combination of them, appearing on the plans, drawings, reports, or other documents addressed by the particular sealing requirements;

(64) "secondary treatment" means that method of removal of dissolved and colloidal materials which produces an effluent with the following characteristics:

(A) biochemical oxygen demand (five-day)

(i) the arithmetic mean of the values for effluent samples collected in 30 consecutive days does not exceed 30 milligrams per liter;

(ii) the arithmetic mean of the values for effluent samples collected in seven consecutive days does not exceed 45 milligrams per liter;

(iii) the arithmetic mean of the values for effluent samples collected in a 24-hour period does not exceed 60 milligrams per liter; and

(iv) the requirements of (i), (ii), and (iii) of this subparagraph do not apply to effluent from a lagoon; for lagoons, the arithmetic mean of the values for effluent samples collected in 30 consecutive days does not exceed 45 milligrams per liter and the percent removal is not less than 65 percent by weight, and the arithmetic mean of the values for effluent samples collected in seven consecutive days does not exceed 65 milligrams per liter;

(B) suspended solids

(i) the arithmetic mean of the values for effluent samples collected in 30 consecutive days does not exceed 30 milligrams per liter;

(ii) the arithmetic mean of the values for effluent samples collected in seven consecutive days does not exceed 45 milligrams per liter;

(iii) the arithmetic mean of the values for effluent samples collected in a 24-hour period does not exceed 60 milligrams per liter; and

(iv) the requirements of (i), (ii), and (iii) of this subparagraph do not apply to effluent from a lagoon; for lagoons, the arithmetic mean of the values for effluent samples collected in 30 consecutive days does not exceed 70 milligrams per liter; and

(C) pH: the values for effluent pH are kept between 6.0 and 9.0 unless it is shown that

(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;

(65) "section chief" means the supervisor of the wastewater and water treatment section of the department;

(66) "seepage pit" means an underground pit extending into porous strata, lined with open-jointed stone, concrete block, or similar walls, and introducing into the ground, by seepage, the partly treated effluent from a wastewater system;

(67) "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;

(68) "septage" means sludge or wastewater from a septic tank, or partially digested sludge or wastewater from an Imhoff tank, sludge digestion tank, or facultative lagoon;

(69) "septic tank" means a watertight, covered receptacle designed and built to receive domestic wastewater, separate floating and settling solids from the liquid, anaerobically digest organic matter, store digested solids through a period of detention, and allow clarified liquids to discharge for final disposal;

(70) "service line" means a pipeline or conduit outside a building foundation which carries sewage to a collector sewer or wastewater treatment or disposal system;

(71) "sewage" means domestic or nondomestic wastewater;

(72) "sewer" and "sewer line" means a pipeline, conduit, or sewerage line that carries domestic or nondomestic wastewater, but does not include a private sewer line;

(73) "sewerage" means sewers, sewage pumping stations, force mains, and all other related structures, devices, and appliances used to carry domestic or nondomestic wastewater to a point of final treatment or disposal;

(74) "shallow trench system" means a soil absorption system using trenches at a depth of five feet or less, the vertical walls of which form the infiltrative surface area; "shallow trench system" does not include a "bed" type of soil absorption system;

(75) "slough" means a swamp, bog, or marsh, especially one that is part of an inlet or backwater;

(76) "sludge" means any solid, semisolid, or liquid waste, containing at least five percent solids by weight, generated at a municipal, commercial, or industrial wastewater treatment plant, septic tank, water supply treatment plant, or air pollution control facility; "sludge" includes any similar material accumulated in and removed from a storage tank or surface impoundment containing oil, industrial liquid waste, acid, chemicals, or other similar substance;

(77) "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;

(78) "spoils" means all organic overburden, strippings, stumps, grass, weeds, foliage, underbrush, and roots from land-clearing operations;

(79) "stabilization pond" means a shallow body of liquid or sludge contained in an earthen basin and designed to treat wastewater or septage sludge;

(80) "subdivision," "subdivide," and "subdividing" mean to divide land or combine lots or parcels by recording, sale, contract, lease, or any other means into two or more lots, sites, or other division for the purpose, whether immediate or future, of conveyance or development, including mobile home parks; the terms include resubdivision and, when appropriate to the context, the process of subdividing or the areas subdivided; the date of a subdivision is the date five days after the submission of a proposed subdivision plat to a platting authority or, where no plat is filed, the date 60 days before a subdivision parcel is offered for sale or conveyance;

(81) "temporary camp" means a place used to provide shelter, basic life services, or offices for nonpermanent activities such as logging, construction, feasibility studies, baseline monitoring, and surveys; the camp's intended use must occur only during the life of the activity it supports or accommodates;

(82) "trench system" means a soil absorption system using excavations one to three feet in width, and one to five feet or more in depth, and containing perforated distribution piping and appropriately graded rock; the sidewall area beneath the distribution piping is the infiltrative area;

(83) "vacuum sewer" means a collection system using a vacuum and high scour velocities to convey wastewater;

(84) "vault privy" means a holding tank with a seat or seats, or other appurtenances attached, to provide for excretion of human wastes directly into the tank;

(85) "wastewater" means domestic or nondomestic wastewater;
and

(86) "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 snowmelt; the water table may be determined by the level at which water stands in a well open along its length and penetrating the surficial deposits just deeply enough to encounter standing water in the bottom. (Eff. 6/30/90, Register 114)

Authority: AS 16.10.010
AS 44.46.020
AS 46.03.010
AS 46.03.020
AS 46.03.050
AS 46.03.070
AS 46.03.080
AS 46.03.090
AS 46.03.100
AS 46.03.110
AS 46.03.710
AS 46.03.720
AS 46.03.900(33)

Editor's Note: Statutory definitions that apply to this chapter are found at AS 46.03.900.

Alaska State Department of
Environmental Conservation
Regional Areas



CENTRAL OFFICE	Juneau, Ak.	465-2600
REGIONAL OFFICES		
Northern Regional Office	Fairbanks, Ak.	452-1714
Southcentral Regional Office	Anchorage, Ak.	561-6529
Southeast Regional Office	Juneau, Ak.	789-3151
DISTRICT OFFICES		
Anchorage-Western District Office	Anchorage, Ak.	561-6775
Interior District Office	Fairbanks, Ak.	452-1714
Kenai District Office	Soldotna, Ak.	262-5200
Ketchikan District Office	Ketchikan, Ak.	225-5200
Kodiak District Office	Kodiak, Ak.	486-3350
Mat-Su District Office	Wasilla, Ak.	376-5038
Nome District Office	Nome, Ak.	441-2600
North Slope District Office	Fairbanks, Ak.	452-1714
Prince William Sound District Office	Valdez, Ak.	815-4698
Sitka District Office	Sitka, Ak.	747-8614
Tok District Office	Tok, Ak.	883-4381

**Alaska Department of
Environmental Conservation**

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Juneau, AK 99811**

ALASKA STATE LEGISLATURE

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Senator Lloyd Jones

MEMORANDUM

February 7, 1991

TO: Senate Resources Committee Members

FROM: Senator Lloyd Jones, Chair
Senate Resources Committee

SUBJECT: Senate Bill 81, Establishing DNE as the platting authority in certain areas of the state.

This legislation was requested by the state Surveyor's Advisory Board to establish clear authority for approval of plats in areas of the state where no municipality or borough has the power of land use regulation.

Under current statutes, there is no single department or agency of the state with primary responsibility for approval of subdivision plats and dedications in the **unorganized borough**. Certain state agencies (DEC and DOTPF) have review authority for plats in the unorganized borough, but their areas of interest are limited and they are not given the responsibility for actual approval.

The Surveyor's Advisory Board (DEC and DOTPF are members) have made some suggestions for revisions to the original bill and these are incorporated in the attached proposed committee substitute as follows:

1) Clarify and tighten the definition of subdivision. The original version of SB 81 includes two different definitions for the term subdivision. The existing definition of subdivision, contained in AS 40.15.290(2), is retained in Section 5 of the bill, while an additional definition of subdivision is added in Section 6 of the bill. Legislative Legal Services suggested using one or the other and the Surveyor's Advisory Board decided to utilize the definition in Section 6 (AS 40.15.400); this change has been incorporated in the committee substitute so that there is a **single definition**.

2) Provide for DNR to be the platting authority for a municipality in the unorganized borough that has platting authority but **does not have land use ordinances**.

In addition, the legal services drafter has submitted the enclosed memorandum to the committee with suggestions for additional language changes to the proposed committee substitute.

MEMORANDUM

State of Alaska

FEB 13 1991

TO: Senator Lloyd Jones, Chairman
Senate Resources Committee

DATE: February 13, 1991

FILE NO:

TELEPHONE NO:

THRU:

SUBJECT: Information on SB 81

FROM: Dick Farnell, Domestic Wastewater Prog.
Dept. Environmental Conservation

Dick Farnell

Senator Frank had asked me during the hearing on SB 81 on February 8 to provide the committee with a list of all possible DEC permits that a subdivision might need:

- . Wastewater disposal permit
- . Section 404 (Clean Water Act) state certification
- . Coastal Zone consistency determination

Please contact me at 465-2656 if you would like any additional information pertaining to the Bill.

cc: Janice Adair, ADEC

FLB .. 11-1

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

February 7, 1991

SUBJECT: Platting Authority for the Unorganized Borough
(CSSB 81(), (W.O. 17LS-0343J))

TO: Senator Bettye Fahrenkamp

FROM: Jerry Luckhaupt *JLB*
Legislative Counsel

You have requested a memorandum outlining possible problems with the draft committee substitute we have provided at your request. This memorandum is not intended to exhaustively examine the bill but merely to document problems we have previously discussed.

1. Page 4, lines 18 - 21, of the draft CS, provide for DEC approval of plats prior to the submission of the plat to the commissioner of natural resources. This DEC approval is to ensure that plans for sewage and industrial waste disposal are adequate, as provided in AS 46.03.090. The restatement of this requirement from AS 46.03 in this bill is not necessary; the requirement is fully stated in AS 46.03, its restatement in AS 40.15 is redundant and contrary to normal drafting procedure. Further, any failure to restate the requirement in AS 40.15 should not be fatal to or in any way impliedly repeal the approval requirement of AS 46.03.090. See State v. Anderson, 749 P.2d 1342, 1347 (Alaska 1988).

2. Page 5, lines 7 - 8, of the draft CS, provides an exception from the plat approval requirements of the bill for plats which are prepared "for the issuance of licenses or permits." Conceivably, this could exclude a very large number of subdivisions from the platting requirements. Anytime a permit was necessary in the subdivision process, as for example in part 1 of this memorandum, this provision could except those subdivisions and in the process emasculate the intent of the legislation. One remedy may be to insert "solely" on line 8, following "or".

If you have further questions, please contact me at your convenience.

GPL:lmb
91-033.lmb

Alaska State Legislature



Sen. Lloyd Jones, *Chair*
Sen. Sam Cotten, *Vice-Chair*
Sen. Dick Eliason, *Member*
Sen. Steve Frank, *Member*
Sen. Rick Halford, *Member*
Sen. Curt Menard, *Member*
Sen. Fred Zharoff, *Member*

P.O. Box V
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907 465-4907
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Senate Resources Committee

TO: Senate Resources Committee Members

FROM: Senator Lloyd Jones, Chair

SUBJECT: Proposed CS SB 81 - establishing DNR as the platting authority for certain areas of the state.

The proposed CS incorporates the changes which were discussed at the first committee hearing, namely:

1) Clarify and tighten the definition of subdivision. The original version included two different definitions for the term subdivision. The existing definition of subdivision, contained in AS 40.15.290(2) was retained in Section 5 of the bill, while an additional definition of subdivision was added in Section 6 of the bill. At the suggestion of Legal Services, the CS utilizes the definition in Section 6.

2) Provide for DNR to be the platting authority for a municipality in the unorganized borough that has platting authority but **does not have land use ordinances** (page 1, lines 7-9);

3) Adds the word "solely" to the applicability section on page 5, line 6 to conform to the suggestion of legal services. This was discussed in the first meeting and the legal opinion is in the folders;

4) Adds lines 18-19, page 4 to indicate that the DNR commissioner shall require approval of any other state agency having subdivision plat approval authority. DEC wanted to be specifically referenced but the Committee indicated that this would be unwieldy since they already had the approval authority and if it was referenced for one agency, it would have to be specified for others.

CS FOR SENATE BILL NO. 81 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): SENATOR FAHRENKAMP

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Department of Natural Resources as the platting authority in
2 certain areas of the state; relating to subdivisions and dedications; and providing for an
3 effective date."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. AS 29.03.030 is amended to read:

6 Sec. 29.03.030. PLATTING AUTHORITY. The [SUBJECT TO AS 40.15.075, THE]
7 Department of Natural Resources is the platting authority for the state except within a
8 municipality that has the power of land use regulation and that has adopted ordinances
9 implementing AS 29.40 [IN THE UNORGANIZED BOROUGH IN THE AREA OUTSIDE
10 ALL CITIES].

11 * Sec. 2. AS 40.15.010 is amended to read:

12 Sec. 40.15.010. APPROVAL, FILING, AND RECORDING OF SUBDIVISIONS. Before
13 the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision
14 or dedication shall be approved by [SUBMITTED FOR APPROVAL TO] the authority having

1 jurisdiction, as prescribed in this chapter and [. THE REGULAR APPROVAL OF THE
2 AUTHORITY SHALL BE SHOWN ON IT OR ATTACHED TO IT AND THE SUBDIVISION
3 OR DEDICATION] shall be filed and recorded in the office of the recorder. The recorder may
4 not accept a subdivision or dedication for filing and recording unless it shows this approval. [IF
5 NO PLATTING AUTHORITY EXISTS AS PROVIDED IN AS 40.15.070 AND 40.15.075,
6 LAND MAY BE SOLD WITHOUT APPROVAL.]

7 * Sec. 3. AS 40.15.070 is amended to read:

8 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided or
9 dedicated is situated within a municipality that has the power of land use regulation and that
10 has adopted ordinances implementing AS 29.40 [FIRST OR SECOND CLASS BOROUGH],
11 the proposed subdivision or dedication shall be submitted to the municipal [BOROUGH]
12 planning commission for approval. If a municipality that has the power of land use
13 regulation and that has adopted ordinances implementing AS 29.40 [THE LAND IS
14 SITUATED WITHIN A CITY IN THE UNORGANIZED BOROUGH OR THE THIRD CLASS
15 BOROUGH, THE PROPOSED SUBDIVISION OR DEDICATION SHALL BE SUBMITTED
16 TO THE CITY PLANNING COMMISSION FOR APPROVAL. THE BOROUGH PLANNING
17 COMMISSION IS THE PLATTING AUTHORITY FOR THE FIRST OR SECOND CLASS
18 BOROUGH, THE CITY PLANNING COMMISSION IS THE PLATTING AUTHORITY FOR
19 THE CITY, AND THE DEPARTMENT OF NATURAL RESOURCES IS THE PLATTING
20 AUTHORITY IN THE REMAINING AREAS OF THE STATE AND THIRD CLASS
21 BOROUGH FOR THE CHANGE OR VACATION OF EXISTING PLATS OR A PORTION OF
22 SUCH PLATS, AS PROVIDED IN AS 40.15.075. IF THE BOROUGH OR THE CITY] does
23 not have a planning commission, the [BOROUGH ASSEMBLY OR THE CITY] governing body
24 [, RESPECTIVELY,] is the platting authority and the proposed subdivision or dedication shall
25 be submitted to it. A subdivision may not be filed and recorded until it is approved by the
26 platting authority.

27 * Sec. 4. AS 40.15.070 is amended by adding a new subsection to read:

28 (b) The Department of Natural Resources is the platting authority in the areas of the state
29 not described in (a) of this section.

30 * Sec. 5. AS 40.15.200 is amended to read:

31 Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVISIONS. All

1 subdivisions of land made by the state, its agencies, instrumentalities and political subdivisions
 2 are subject to the provisions of AS 40.15.010 - 40.15.290 [THIS CHAPTER] and AS 29.40.070 -
 3 29.40.160, or home rule ordinances or regulations governing subdivisions, and shall comply with
 4 ordinances and other local regulations adopted under AS 40.15.010 - 40.15.290 [THIS
 5 CHAPTER] and AS 29.40.070 - 29.40.160 or former AS 29.33.150 - 29.33.240, or under home
 6 rule authority, in the same manner and to the same extent as subdivisions made by other
 7 landowners.

8 * Sec. 6. AS 40.15.290 is amended to read:

9 Sec. 40.15.290. DEFINITIONS. In AS 40.15.010 - 40.15.290 [THIS CHAPTER]

10 (1) "street" means an access way in common use including all of the land lying
 11 within a dedicated right-of-way as delineated on a plat showing streets, whether improved
 12 or unimproved [INCLUDES STREETS, AVENUES, BOULEVARDS, ROADS, LANES,
 13 ALLEYS, AND OTHER WAYS];

14 (2) "subdivision"

15 (A) means the division of a tract or parcel of land into two or more lots
 16 or by creation of public access [, SITES, OR OTHER DIVISIONS FOR THE
 17 PURPOSE, WHETHER IMMEDIATE OR FUTURE, OF SALE OR BUILDING
 18 DEVELOPMENT, AND INCLUDES RESUBDIVISION AND, WHEN APPROPRIATE
 19 TO THE CONTEXT, RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE
 20 LAND OR AREAS SUBDIVIDED];

21 (B) does not include cadastral plats, cadastral control plats, open-to-entry
 22 plats, or remote parcel plats created by or on behalf of the state regardless of whether
 23 these plats include easements or other public dedications.

24 * Sec. 7. AS 40.15 is amended by adding new sections to read:

25 ARTICLE 4. PLATTING IN AREAS OUTSIDE CERTAIN MUNICIPALITIES.

26 Sec. 40.15.300. EXAMINATION OF PLATS BEFORE RECORDING. (a) The
 27 commissioner shall exercise the platting authority for the state except within a municipality that
 28 has the power of land use regulation and that has adopted ordinances implementing AS 29.40.

29 (b) The commissioner shall review and approve each plat under AS 40.15.300 -
 30 40.15.400 before the plat is recorded under AS 40.17. The approval by the commissioner shall
 31 be affixed to the plat in the form of the following statement:

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PLAT APPROVAL

This plat is approved by the commissioner of natural resources, or the commissioner's designee, in accordance with AS 40.15.

Commissioner

Date

(c) The recorder may not accept for filing and recording a plat for which the commissioner's approval is required under AS 40.15.300 without the approval of the commissioner endorsed on the plat.

(d) Within 45 days after a plat is filed, the commissioner shall approve the plat or return it to the applicant for modification or correction. Unless the applicant for plat approval consents to an extension of time, the plat is approved and a certificate of approval shall be issued by the commissioner if the commissioner fails to act within that period. The commissioner shall state in writing reasons for disapproval of a plat.

Sec. 40.15.310. REQUIREMENTS FOR PLAT APPROVAL. (a) Each plat must show on its face a certificate of ownership, with the names and addresses of each owner listed. Each owner of record shall sign the certificate and the signatures shall be acknowledged.

(b) The surveyor preparing the plat shall sign and affix the seal of the surveyor.

(c) The commissioner shall by regulation require that a plat submitted for approval bear the certificate of approval of any other state agency having subdivision plat approval authority.

Sec. 40.15.320. MONUMENTS. (a) In a subdivision with five or fewer lots, the existence of each monument at a controlling exterior corner of the subdivision shall be established by the surveyor.

(b) In a subdivision of more than five lots, each lot corner shall be monumented.

(c) If a monument of record does not lie on the parcel or tract boundary, the plat shall reflect a boundary survey and tie to a monument of record.

Sec. 40.15.330. PLAT STANDARDS. The commissioner shall establish plat standards by regulation.

Sec. 40.15.340. ENGINEERING STANDARDS. The commissioner may not establish engineering standards for subdivisions.

Sec. 40.15.350. CERTIFIED COPY OF PLAT AS EVIDENCE. A copy of a plat certified by the recorder of the recording district in which it is filed or recorded as a true and

1 complete copy of the original filed or recorded in the recording office for the district is
2 admissible in evidence in all courts in the state with the same effect as the original.

3 Sec. 40.15.360. APPLICABILITY. The provisions of AS 40.15.300 - 40.15.400 do not
4 apply to subdivisions prepared

5 (1) for the purpose of transferring a leasehold interest, for the extraction of natural
6 resources, or solely for the issuance of licenses or permits; or

7 (2) for surveyed sections where the aliquot parts described are 40 acres or larger.

8 Sec. 40.15.370. REGULATIONS. The commissioner may adopt regulations to
9 implement, clarify, or make specific the provisions of AS 40.15.300 - 40.15.400.

10 Sec. 40.15.380. APPLICABILITY TO GOVERNMENTAL BODIES; RIGHT-OF-WAY
11 ACQUISITION PLATS. (a) Except as provided in this section, AS 40.15.300 - 40.15.400 apply
12 to the state, its agencies, instrumentalities, and political subdivisions in the same manner and to
13 the same extent that they apply to other landowners.

14 (b) A plat for a subdivision created by the acquisition by the state, its agencies,
15 instrumentalities, or political subdivisions, of a right-of-way, airport parcel, or land for a similar
16 public purpose in an area outside a municipality that has the power of land use regulation that
17 has adopted ordinances implementing AS 29.40, is subject only to the approval provisions of this
18 section and any provision of AS 40.15.300 - 40.15.400 not in conflict with this section.

19 (c) A right-of-way acquisition plat must contain the

20 (1) location and name of the acquisition project;

21 (2) approximate timetable for the acquisition and construction;

22 (3) dimensions and area of the proposed tract, parcel, or parcels to be acquired
23 and the remainder of the parcel or parcels;

24 (4) name of the record owner or owners of the subject parcels;

25 (5) signature and seal of the surveyor preparing the plat.

26 (d) The commissioner shall review each right-of-way acquisition plat for compliance with
27 this section. If the plat does not meet the requirements of this section, it shall be returned to the
28 submitting agency with an explanation of the deficiencies. A plat for which the commissioner's
29 approval is required under AS 40.15.300 may not be recorded under AS 40.17 without the
30 commissioner's approval endorsed on the plat.

31 (e) After approval by the commissioner, the original plat shall be filed with the

1 appropriate district recorder within 30 days by the submitting agency.

2 (f) The minimum monumentation requirements for

3 (1) right-of-way acquisition subdivisions are a 5/8" x 24" reinforcement bar with
4 appropriate identification cap set on the margin of the right-of-way at all points marking the
5 beginning and end of each curve and on tangents so that the distance between monumented points
6 does not exceed 1,320 feet; an alternate method may be utilized that consists of placing primary
7 type monuments at centerline points marking the beginning and end of each curve and on
8 tangents so that no distance exceeds 1,320 feet; all recovered monumented property corners of
9 records, the lines of which are intersected by a right-of-way acquisition, shall be monumented
10 as part of the right-of-way plat, either on the right-of-way line or at the original monument
11 position;

12 (2) an airport parcel and land for a similar public purpose subdivision not defined
13 by centerline shall be as provided in AS 40.15.320.

14 (g) If construction of improvements is scheduled to follow the right-of-way acquisition,
15 the placement of the centerline monuments may be delayed until the improvements have been
16 completed, in which case a statement designating the schedule for placing the monuments must
17 be included on the plat.

18 (h) The state, its agencies, instrumentalities, or political subdivisions may acquire or
19 obtain conveyances, including dedication of lots or tracts of a right-of-way acquisition plat,
20 before submittal of a right-of-way acquisition plat for approval by the commissioner. A right-of-
21 way acquisition conveyance may be recorded before approval and recording of the right-of-way
22 acquisition plat.

23 Sec. 40.15.400. DEFINITIONS. In AS 40.15.300 - 40.15.400,

24 (1) "commissioner" means the commissioner of natural resources;

25 (2) "monument" means a fixed physical object marking a point on the surface of
26 the earth used to commence or control a survey or to establish a lot corner;

27 (3) "plat" means a map or delineated representation of a tract or parcel of land
28 showing the subdivision of land into lots, blocks, streets, or other divisions;

29 (4) "street" has the meaning given in AS 40.15.290;

30 (5) "subdivision" has the meaning given in AS 40.15.290(2);

31 (6) "surveyor" means an individual licensed to practice land surveying in the state

- 1 under AS 08.48.
- 2 * Sec. 8. AS 40.15.075 is repealed.
- 3 * Sec. 9. AS 40.15.330 and 40.15.370, added in sec. 7 of this Act, take effect immediately under
- 4 AS 01.10.070(c).
- 5 * Sec. 10. Except as provided in sec. 9 of this Act, this Act takes effect September 1, 1991.

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

FLB
Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

February 7, 1991

SUBJECT: Platting Authority for the Unorganized Borough
(CSSB 81(), (W.O. 17LS-0343\J))

TO: Senator Bettye Fahrenkamp

FROM: Jerry Luckhaupt *JER*
Legislative Counsel

You have requested a memorandum outlining possible problems with the draft committee substitute we have provided at your request. This memorandum is not intended to exhaustively examine the bill but merely to document problems we have previously discussed.

1. Page 4, lines 18 - 21, of the draft CS, provide for DEC approval of plats prior to the submission of the plat to the commissioner of natural resources. This DEC approval is to ensure that plans for sewage and industrial waste disposal are adequate, as provided in AS 46.03.090. The restatement of this requirement from AS 46.03 in this bill is not necessary; the requirement is fully stated in AS 46.03, its restatement in AS 40.15 is redundant and contrary to normal drafting procedure. Further, any failure to restate the requirement in AS 40.15 should not be fatal to or in any way impliedly repeal the approval requirement of AS 46.03.090. See State v. Anderson, 749 P.2d 1342, 1347 (Alaska 1988).

2. Page 5, lines 7 - 8, of the draft CS, provides an exception from the plat approval requirements of the bill for plats which are prepared "for the issuance of licenses or permits." Conceivably, this could exclude a very large number of subdivisions from the platting requirements. Anytime a permit was necessary in the subdivision process, as for example in part 1 of this memorandum, this provision could except those subdivisions and in the process emasculate the intent of the legislation. One remedy may be to insert "solely" on line 8, following "or".

If you have further questions, please contact me at your convenience.

GPL:lmb
91-033.lmb

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
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Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

January 23, 1991

SUBJECT: Platting Authority for the Unorganized Borough
(W.O.17LS-0343)

TO: Senator Bettye Fahrenkamp
Attn: Dan Austin

FROM: Gerald P. Luckhaupt *JEL*
Legislative Counsel

Enclosed please find a draft of your bill request on the above-referenced topic and work order. This draft, version D, is in response to changes provided to Dan Austin by Pat Kalen of the Surveyor's Advisory Board. These changes were provided to me January 15th, and at Dan's request I have had several discussions with Mr. Kalen about them. Be advised that version G, which has been provided to you in final form at Dan's request, does not incorporate these changes. I have several comments about the changes the surveyors requested and which have been embodied in the bill.

- * 1. The changes proposed by the surveyors include two different definitions for the term subdivision. The existing definition of subdivision, contained in AS 40.15-290(2), is retained in Section 6 of the bill, while an additional definition of subdivision is added in Section 7 of the bill. We have confined the reach of these definitions to specific groups of statutes but the potential for confusion still exists. You may want to give some consideration to retaining the existing definition of subdivision throughout the bill, including the new provisions, or to applying the new definition of subdivision to the existing provisions.
- ** 2.) Proposed sec. 40.15.310(c), page 4, lines ¹⁸⁻²¹ ~~12-14~~, provides that a plat for a subdivision in the unorganized borough be approved by the Department of Environmental Conservation, pursuant to AS 46.03.090, prior to the submittal of the plat to the commissioner of natural resources for approval. There is no DEC approval requirement imposed by AS 40.15 for plats in the organized borough. Further, AS 46.03.090 only provides that DEC may require the submission of plans for sewage and industrial waste disposal or treatment. No affirmative requirement for the submission or approval of these plans prior to the creation of the subdivision by the plat is stated. Finally, even if AS 46.03.090 does impose a requirement that

Senator Bettye Fahrenkamp
January 23, 1991
Page 2

DEC's preapproval be obtained for any proposed plat for a subdivision in the unorganized borough, that requirement should not necessarily be restated in AS 40.15. Any requirement of AS 46.03.090 should be able to stand on its own and should not necessarily be restated in AS 40.15.

** 3. Proposed sec. 40.15.310(d), page 4, lines 15 - 17, provides that any proposed plat for a subdivision in the unorganized borough fronting on a state maintained right-of-way must be preapproved by the Department of Transportation and Public Facilities prior to the submission of the plat to the commissioner for approval. No such requirement is imposed by the bill for subdivision plats in the organized boroughs. No statutory authority was provided by the surveyors for this requirement. Further, no procedures apparently exist regarding DOTPF's authority to withhold approval or on what grounds approval may be granted. This provision appears to be a grant of complete and unfettered discretion to DOTPF in regard to all subdivision plats in the unorganized borough. (d) REMOVED.

7-8
*** 4. Proposed sec. 40.15.360(1), page 5, lines 7-8, provides that subdivisions prepared "for the issuance of licenses and permits" are excluded from the requirements of Section 7 of the bill. Conceivably, this could exclude a very large number of subdivisions from the platting requirements. Anytime a permit was necessary in the subdivision process, as for example in parts 2 and 3 of this memorandum, this provision could except those subdivisions and in the process emasculate the intent of the legislation. One remedy may be to add "solely" before "for the issuance of licenses or permits." Be advised that this concern exists in version G which has already been supplied to you in final form.

If you have any questions, please contact me at your convenience.

GPL:pl
91-019.plm

Enclosure

7-LS0343N
Luckhaupt
2/7/91

CS FOR SENATE BILL NO. 81 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): SENATOR FAHRENKAMP

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Department of Natural Resources as the platting authority in
2 certain areas of the state; relating to subdivisions and dedications; and providing for an
3 effective date."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. AS 29.03.030 is amended to read:

6 Sec. 29.03.030. PLATTING AUTHORITY. The [SUBJECT TO AS 40.15.075, THE]
7 Department of Natural Resources is the platting authority for the state except within a
8 municipality that has the power of land use regulation and that has adopted ordinances
9 implementing AS 29.40 [IN THE UNORGANIZED BOROUGH IN THE AREA OUTSIDE
10 ALL CITIES].

11 * Sec. 2. AS 40.15.010 is amended to read:

12 Sec. 40.15.010. APPROVAL, FILING, AND RECORDING OF SUBDIVISIONS. Before
13 the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision
14 or dedication shall be approved by [SUBMITTED FOR APPROVAL TO] the authority having

1 jurisdiction, as prescribed in this chapter and [. THE REGULAR APPROVAL OF THE
2 AUTHORITY SHALL BE SHOWN ON IT OR ATTACHED TO IT AND THE SUBDIVISION
3 OR DEDICATION] shall be filed and recorded in the office of the recorder. The recorder may
4 not accept a subdivision or dedication for filing and recording unless it shows this approval. [IF
5 NO PLATTING AUTHORITY EXISTS AS PROVIDED IN AS 40.15.070 AND 40.15.075,
6 LAND MAY BE SOLD WITHOUT APPROVAL.]

7 * Sec. 3. AS 40.15.070 is amended to read:

8 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided or
9 dedicated is situated within a municipality that has the power of land use regulation and that
10 has adopted ordinances implementing AS 29.40 [FIRST OR SECOND CLASS BOROUGH],
11 the proposed subdivision or dedication shall be submitted to the municipal [BOROUGH]
12 planning commission for approval. If a municipality that has the power of land use
13 regulation and that has adopted ordinances implementing AS 29.40 [THE LAND IS
14 SITUATED WITHIN A CITY IN THE UNORGANIZED BOROUGH OR THE THIRD CLASS
15 BOROUGH, THE PROPOSED SUBDIVISION OR DEDICATION SHALL BE SUBMITTED
16 TO THE CITY PLANNING COMMISSION FOR APPROVAL. THE BOROUGH PLANNING
17 COMMISSION IS THE PLATTING AUTHORITY FOR THE FIRST OR SECOND CLASS
18 BOROUGH, THE CITY PLANNING COMMISSION IS THE PLATTING AUTHORITY FOR
19 THE CITY, AND THE DEPARTMENT OF NATURAL RESOURCES IS THE PLATTING
20 AUTHORITY IN THE REMAINING AREAS OF THE STATE AND THIRD CLASS
21 BOROUGH FOR THE CHANGE OR VACATION OF EXISTING PLATS OR A PORTION OF
22 SUCH PLATS, AS PROVIDED IN AS 40.15.075. IF THE BOROUGH OR THE CITY] does
23 not have a planning commission, the [BOROUGH ASSEMBLY OR THE CITY] governing body
24 [, RESPECTIVELY,] is the platting authority and the proposed subdivision or dedication shall
25 be submitted to it. A subdivision may not be filed and recorded until it is approved by the
26 platting authority.

27 * Sec. 4. AS 40.15.070 is amended by adding a new subsection to read:

28 (b) The Department of Natural Resources is the platting authority in the areas of the state
29 not described in (a) of this section.

30 * Sec. 5. AS 40.15.200 is amended to read:

31 Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVISIONS. All

1 subdivisions of land made by the state, its agencies, instrumentalities and political subdivisions
 2 are subject to the provisions of AS 40.15.010 - 40.15.290 [THIS CHAPTER] and AS 29.40.070 -
 3 29.40.160, or home rule ordinances or regulations governing subdivisions, and shall comply with
 4 ordinances and other local regulations adopted under AS 40.15.010 - 40.15.290 [THIS
 5 CHAPTER] and AS 29.40.070 - 29.40.160 or former AS 29.33.150 - 29.33.240, or under home
 6 rule authority, in the same manner and to the same extent as subdivisions made by other
 7 landowners.

8 * Sec. 6. AS 40.15.290 is amended to read:

9 Sec. 40.15.290. DEFINITIONS. In AS 40.15.010 - 40.15.290 [THIS CHAPTER]

10 (1) "street" means an access way in common use including all of the land lying
 11 within a dedicated right-of-way as delineated on a plat showing streets, whether improved
 12 or unimproved [INCLUDES STREETS, AVENUES, BOULEVARDS, ROADS, LANES,
 13 ALLEYS, AND OTHER WAYS];

14 * (2) "subdivision"

15 (A) means the division of a tract or parcel of land into two or more lots
 16 or by creation of public access [, SITES, OR OTHER DIVISIONS FOR THE
 17 PURPOSE, WHETHER IMMEDIATE OR FUTURE, OF SALE OR BUILDING
 18 DEVELOPMENT, AND INCLUDES RESUBDIVISION AND, WHEN APPROPRIATE
 19 TO THE CONTEXT, RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE
 20 LAND OR AREAS SUBDIVIDED];

21 (B) does not include cadastral plats, cadastral control plats, open-to-entry
 22 plats, or remote parcel plats created by or on behalf of the state regardless of whether
 23 these plats include easements or other public dedications.

24 * Sec. 7. AS 40.15 is amended by adding new sections to read:

25 ARTICLE 4. PLATTING IN AREAS OUTSIDE CERTAIN MUNICIPALITIES.

26 Sec. 40.15.300. EXAMINATION OF PLATS BEFORE RECORDING. (a) The
 27 commissioner shall exercise the platting authority for the state except within a municipality that
 28 has the power of land use regulation and that has adopted ordinances implementing AS 29.40.

29 (b) The commissioner shall review and approve each plat under AS 40.15.300 -
 30 40.15.400 before the plat is recorded under AS 40.17. The approval by the commissioner shall
 31 be affixed to the plat in the form of the following statement:

PLAT APPROVAL

This plat is approved by the commissioner of natural resources, or the commissioner's designee, in accordance with AS 40.15.

Commissioner Date

(c) The recorder may not accept for filing and recording a plat for which the commissioner's approval is required under AS 40.15.300 without the approval of the commissioner endorsed on the plat.

(d) Within 45 days after a plat is filed, the commissioner shall approve the plat or return it to the applicant for modification or correction. Unless the applicant for plat approval consents to an extension of time, the plat is approved and a certificate of approval shall be issued by the commissioner if the commissioner fails to act within that period. The commissioner shall state in writing reasons for disapproval of a plat.

Sec. 40.15.310. REQUIREMENTS FOR PLAT APPROVAL. (a) Each plat must show on its face a certificate of ownership, with the names and addresses of each owner listed. Each owner of record shall sign the certificate and the signatures shall be acknowledged.

(b) The surveyor preparing the plat shall sign and affix the seal of the surveyor.

* * (c) A plat for a subdivision requiring the approval of the Department of Environmental Conservation as provided in AS 46.03.090 and in regulations adopted under AS 46.03.090 may not be submitted to the commissioner until it is approved by the Department of Environmental Conservation, and that approval shall be attached or affixed to the plat.

Sec. 40.15.320. MONUMENTS. (a) In a subdivision with five or fewer lots, the existence of each monument at a controlling exterior corner of the subdivision shall be established by the surveyor.

(b) In a subdivision of more than five lots, each lot corner shall be monumented.

(c) If a monument of record does not lie on the parcel or tract boundary, the plat shall reflect a boundary survey and tie to a monument of record.

Sec. 40.15.330. PLAT STANDARDS. The commissioner shall establish plat standards by regulation.

Sec. 40.15.340. ENGINEERING STANDARDS. The commissioner may not establish engineering standards for subdivisions.

1 Sec. 40.15.350. CERTIFIED COPY OF PLAT AS EVIDENCE. A copy of a plat
2 certified by the recorder of the recording district in which it is filed or recorded as a true and
3 complete copy of the original filed or recorded in the recording office for the district is
4 admissible in evidence in all courts in the state with the same effect as the original.

5 Sec. 40.15.360. APPLICABILITY. The provisions of AS 40.15.300 - 40.15.400 do not
6 apply to subdivisions prepared

7 ~~***~~ (1) for the purpose of transferring a leasehold interest, for the extraction of natural
8 resources, or for the issuance of licenses or permits; or

9 (2) for surveyed sections where the aliquot parts described are 40 acres or larger.

10 Sec. 40.15.370. REGULATIONS. The commissioner may adopt regulations to
11 implement, clarify, or make specific the provisions of AS 40.15.300 - 40.15.400.

12 Sec. 40.15.380. APPLICABILITY TO GOVERNMENTAL BODIES; RIGHT-OF-WAY
13 ACQUISITION PLATS. (a) Except as provided in this section, AS 40.15.300 - 40.15.400 apply
14 to the state, its agencies, instrumentalities, and political subdivisions in the same manner and to
15 the same extent that they apply to other landowners.

16 (b) A plat for a subdivision created by the acquisition by the state, its agencies,
17 instrumentalities, or political subdivisions, of a right-of-way, airport parcel, or land for a similar
18 public purpose in an area outside a municipality that has the power of land use regulation that
19 has adopted ordinances implementing AS 29.40, is subject only to the approval provisions of this
20 section and any provision of AS 40.15.300 - 40.15.400 not in conflict with this section.

21 (c) A right-of-way acquisition plat must contain the

22 (1) location and name of the acquisition project;

23 (2) approximate timetable for the acquisition and construction;

24 (3) dimensions and area of the proposed tract, parcel, or parcels to be acquired
25 and the remainder of the parcel or parcels;

26 (4) name of the record owner or owners of the subject parcels;

27 (5) signature and seal of the surveyor preparing the plat.

28 (d) The commissioner shall review each right-of-way acquisition plat for compliance with
29 this section. If the plat does not meet the requirements of this section, it shall be returned to the
30 submitting agency with an explanation of the deficiencies. A plat for which the commissioner's
31 approval is required under AS 40.15.300 may not be recorded under AS 40.17 without the

1 commissioner's approval endorsed on the plat.

2 (e) After approval by the commissioner, the original plat shall be filed with the
3 appropriate district recorder within 30 days by the submitting agency.

4 (f) The minimum monumentation requirements for

5 (1) right-of-way acquisition subdivisions are a 5/8" x 24" reinforcement bar with
6 appropriate identification cap set on the margin of the right-of-way at all points marking the
7 beginning and end of each curve and on tangents so that the distance between monumented points
8 does not exceed 1,320 feet; an alternate method may be utilized that consists of placing primary
9 type monuments at centerline points marking the beginning and end of each curve and on
10 tangents so that no distance exceeds 1,320 feet; all recovered monumented property corners of
11 records, the lines of which are intersected by a right-of-way acquisition, shall be monumented
12 as part of the right-of-way plat, either on the right-of-way line or at the original monument
13 position;

14 (2) an airport parcel and land for a similar public purpose subdivision not defined
15 by centerline shall be as provided in AS 40.15.320.

16 (g) If construction of improvements is scheduled to follow the right-of-way acquisition,
17 the placement of the centerline monuments may be delayed until the improvements have been
18 completed, in which case a statement designating the schedule for placing the monuments must
19 be included on the plat.

20 (h) The state, its agencies, instrumentalities, or political subdivisions may acquire or
21 obtain conveyances, including dedication of lots or tracts of a right-of-way acquisition plat,
22 before submittal of a right-of-way acquisition plat for approval by the commissioner. A right-of-
23 way acquisition conveyance may be recorded before approval and recording of the right-of-way
24 acquisition plat.

25 Sec. 40.15.400. DEFINITIONS. In AS 40.15.300 - 40.15.400,

26 (1) "commissioner" means the commissioner of natural resources;

27 (2) "monument" means a fixed physical object marking a point on the surface of
28 the earth used to commence or control a survey or to establish a lot corner;

29 (3) "plat" means a map or delineated representation of a tract or parcel of land
30 showing the subdivision of land into lots, blocks, streets, or other divisions;

31 (4) "street" has the meaning given in AS 40.15.290;

- 1 (5) "subdivision" has the meaning given in AS 40.15.290(2);
2 (6) "surveyor" means an individual licensed to practice land surveying in the state
3 under AS 08.48.
4 * Sec. 8. AS 40.15.075 is repealed.
5 * Sec. 9. AS 40.15.330 and 40.15.370, added in sec. 7 of this Act, take effect immediately under
6 AS 01.10.070(c).
7 * Sec. 10. Except as provided in sec. 9 of this Act, this Act takes effect September 1, 1991.

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB 81

Revision Date: Feb. 8, 1991 Department Affected: Environmental Conservation
 Title: DNR Platting Bill BRU: Environmental Quality
 Component: Environmental Quality Projects
 Sponsor: Senator Fahrenkamp
 Requestor: _____ COMPONENT SERIAL NO.

1	0	1	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Dick Farnell Phone: 465-2656
 Division: Environmental Quality Date: Feb. 5, 1991
 Approved by Commissioner: Paul Forder
 Agency: Environmental Conservation Date: _____

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

**STATE OF ALASKA
1991 LEGISLATIVE SESSION**

**BILL NUMBER: CSSB 81()
7-LS0343V**

FISCAL NOTE

Revision Date: Department Affected: DOT&PF
 Title: DNR Platting Authority in Unorganized Borough bRU: Admin. Services
 Sponsor: Fahrenkamp Component: Leasing
 Requestor: Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY92	FY93	FY94	FY95	FY96	FY97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	0	0	0	0	0	0

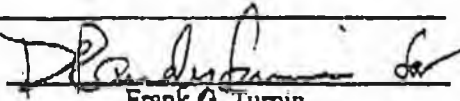
POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None.

ANALYSIS: (Attach a separate page if necessary)

The bill, as drafted, will not unduely affect impact capital or fiscal budgets. However, there are two portions of the bill, which if changed or eliminated, would have serious fiscal implications. These include the the language found in Sections 40.15.360 and 40.15.380. So long as these sections remain intact, we fully support and endorse this bill.

Prepared by: Kit Duke, Regional Director Phone: 266-1440
 Division: Central Region Date: February 7, 1991
 Approved by Commissioner:  Phone: 465-3900
 Agency: Department of Transportation and Public Facilities Date: February 7, 1991

Distribution By Preparer: Legislative Finance, Legislative Sponsor, Requestor, OMB, Impacted Agency(ies).

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, RESOURCES COMMITTEE
119 N. CUSHMAN STREET, SUITE 201
FAIRBANKS, ALASKA 99701
OFFICE (907) 452-4882
HOME (907) 456-2899



Senate

Feb 7

WHILE IN JUNEAU
PO. BOX V
JUNEAU, ALASKA 99811
CAPITOL. ROOM 125
OFFICE (907) 465-3834
HOME (907) 780-6027

MEMORANDUM

TO: Senator Lloyd Jones, Chair, Resources Committee
FROM: Senator Bettye Fahrenkamp
DATE: January 28, 1991
SUBJECT: Senate Bill 81

SENATE BILL NO. 81

" An Act establishing the Department of Natural resources as the platting authority in certain areas of the state; relating to subdivisions and dedications; and providing for an effective date."

This legislation was requested by the state Surveyor's Advisory Board to establish clear authority for registering plats in areas of the state where no municipality or borough has the power of land use regulation.

Under current statutes there is no single department or agency of the state with primary responsibility for registration of plats of subdivisions and dedications in the unorganized borough. Certain state agencies (DEC and DOT) have approval authority for plats in the unorganized borough, but their areas of interest are limited and they are not given the responsibility for actual registration.

The Surveyor's Advisory Board (DEC and DOT are members) are currently working on suggestions for minor revisions to the bill to clear up some questions of the definition of subdivision etc. A representative of the Board will be in Juneau on February 8 to testify if a hearing can be scheduled for that date.

BF:dga

MEMORANDUM

State of Alaska

FEB 13 1991

TO: Senator Lloyd Jones, Chairman
Senate Resources Committee

DATE: February 13, 1991

FILE NO:

TELEPHONE NO:

THRU:

SUBJECT: Information on SB 81

FROM: Dick Farnell, Domestic Wastewater Prog.
Dept. Environmental Conservation

Dick Farnell

Senator Frank had asked me during the hearing on SB 81 on February 8 to provide the committee with a list of all possible DEC permits that a subdivision might need:

- . Wastewater disposal permit
- . Section 404 (Clean Water Act) state certification
- . Coastal Zone consistency determination

Please contact me at 465-2656 if you would like any additional information pertaining to the Bill.

cc: Janice Adair, ADEC

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FACSIMILE: (907) 586-2754

February 6, 1991

The Honorable Lloyd Jones, Chair
Senate Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Jones:

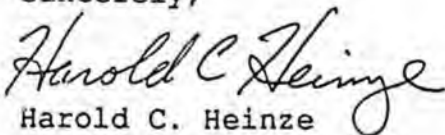
Subject: SB 81, Platting Authority in Certain Areas of the State.

Position: The Department of Natural Resources supports the intent of this bill. We are working with the sponsor concerning various technical amendments.

Background: Currently, the Department of Natural Resources is the platting authority for the unorganized borough outside of cities. Our authority, however, is restricted to the review of plats where a right-of-way is to be vacated. Review of plats for adherence to minimal survey and monumentation standards does not occur and, as a result, problem plats are recorded. This bill would give the department the authority to review plats in the unorganized borough, before they are recorded, for adherence to minimal survey and monumentation standards.

Recommendations: We will continue to work closely with the sponsor, other affected state agencies, and the Survey and Mapping Advisory Board in the development of this bill.

Sincerely,


Harold C. Heinze
Commissioner

cc: Committee Members
Senator Fahrenkamp
Bruce Kendall, Legislative Liaison, Office of the Governor
Edgar Blatchford, Commissioner, Department of Community and
Regional Affairs
John Sandor, Commissioner, Department of Environmental
Conservation
Frank Turpin, Commissioner, Department of Transportation and
Public Facilities

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB 81

Revision Date: 6-Feb-91 Department Affected: Natural Resources
 Title: Establishing DNR as Platting BRU: Land & Water Management
 Authority in certain areas of state: _____ Components: Land & Water Management
 Sponsor: Senator Fahrenkamp
 Requestor: Senate Resources COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	65.8	67.7				
TRAVEL						
CONTRACTUAL	5.0	5.0				
SUPPLIES	3.0	3.0				
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	73.8	75.7	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	73.8	75.7				
FEDERAL FJNDS						
OTHER						
TOTAL	73.8	75.7	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	1.0	1.0				
PART-TIME	1.0	1.0				
TEMPORARY						

Estimate of Current year impact:

ANALYSIS: (Attach a separate page if necessary)

 See Attached

Prepared by: Eick LeFebvre Phone: 762.2692
 Division: Land and Water Management Date: 6-Feb-91
 Approved by Commissioner: Harold Heinze Date: 6-Feb-91
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Fiscal Note for SB 81, continued.

This bill requires the Department of Natural Resources to approve a plat or return it to the applicant for modification or correction within 45 days. If the department fails to take action within 45 days, and the applicant does not consent to an extension of time, the plat is automatically approved and a certificate of approval must be issued. Because of the need to review an estimated 150 plats per year within the 45 day time period, a new, full time Cadastral Surveyor I position and a part time Clerk Typist III position are required. Additional funds are needed for rental space, telephones and supplies.