

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

**DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL HEALTH
SOLID WASTE PROGRAM**

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Certified Mail #7007 0710 0004 3850 8439
Return Receipt Requested

February 3, 2010

Mr. Gary Peters
Board President
Birchwood Recreation and Shooting Park
P.O. Box 670650
Chugiak, AK 99657

Subject: Solid Waste Disposal Permit, Birchwood Monofill
Permit No. SWZA009-15

Dear Mr. Peters:

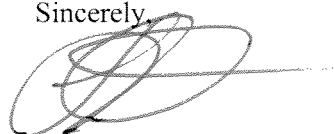
The Alaska Department of Environmental Conservation (ADEC) has completed its evaluation of your permit application for the operation of an inert waste monofill for construction and demolition debris in Chugiak, Alaska. This permit is being issued in accordance with Alaska Statute (AS) 46.03; Title 18, Chapter 15 of the Alaska Administrative Code (18 AAC 15); and the Solid Waste Regulations (18 AAC 60).

In the permit application, Birchwood Recreation and Shooting Park requested waivers from two regulatory requirements of 18 AAC 60, including: 1) Waiver of the groundwater monitoring requirements of 18 AAC 60.820 – 18 AAC 60.860; and, 2) Waiver of the wellhead protection requirement of 18 AAC 60.040(a). The Department hereby suspends the groundwater monitoring requirements of 18 AAC 60.820 – 18 AAC 60.860, per 18 AAC 60.820(c) and grants a waiver of the wellhead protection requirement of 18 AAC 60.040(a), per 18 AAC 60.990(b). Please refer to Appendix A for an explanation of these decisions.

Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195- 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Division Director, 555 Cordova, Anchorage, Alaska, 99501 within 15 days of the decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801, within 30 days of the decision. If a hearing is not requested within 30 days, the right to appeal is waived. Additional information regarding submitting a request for an informal review or adjudicatory hearing may be found at www.dec.state.ak.us/commish/ReviewGuidance.htm.

If you have any questions or require additional information, please contact Stephanie Mann at 907-269-7590 or via email at Stephanie.Mann@alaska.gov.

Sincerely,



Lori Aldrich
Solid Waste Program Coordinator

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
555 Cordova Street
Anchorage, AK 99501

SOLID WASTE DISPOSAL PERMIT

Permit No. **SWZA009-15**

Date Issued: February 3, 2010

Date Expires: February 3, 2015

The Alaska Department of Environmental Conservation (ADEC), under authority of AS 46.03 and 18 AAC 60, issues a solid waste disposal permit to:

Birchwood Recreation and Shooting Park
Birchwood Inert Waste Monofill
P. O. Box 670650
Chugiak, Alaska 99657

and designated representatives for the management and operation of an inert solid waste landfill. It authorizes the disposal of construction and demolition debris and other inert waste.

The Birchwood Inert Waste Monofill (Birchwood) is located in Chugiak, Alaska. The facility is located within the NW ¼ of Section 5, Township 15 North, Range 1 West, Seward Meridian.

The permit holder shall manage and operate the facility in accordance with:

- 18 AAC 60 and,
- the permit application materials, dated January 3, 2010 and
- supplemental application materials dated January 21, 2010.

In addition, the following permit conditions are required:

Specific Conditions:

1. Erect and maintain signs at the facility entrance which clearly identify
 - Landfill owner/operator
 - Hours of operation
 - Emergency contacts
 - Prohibited waste, including, but not limited to liquid waste, food waste, oily waste, hazardous waste, and polychlorinated biphenyls.
2. **Asbestos:** The Birchwood landfill is permitted to receive and dispose of Non-RACM asbestos waste only in the designated asbestos cell. All asbestos waste must be handled, disposed and recorded as outlined in the Birchwood Operations Plan.
3. Prohibit disposal of: municipal solid waste, liquid waste, septage or sewage sludge, oily wastes, contaminated soil, medical waste, hazardous wastes as defined in 40 CFR 261, pesticides, radioactive materials, lead acid batteries and polychlorinated biphenyl fluids.

4. Promptly clean up spills of non-hazardous liquids by mixing them with soil or other absorbent materials. Place the debris in the active portion of the landfill.
5. Maintain a minimum separation distance of 50 feet between the active placement of solid waste and the facility boundary.
6. Maintain a minimum ten (10) foot separation distance between the bottom of the disposal cell and the seasonal high groundwater level.
7. Maintain a minimum horizontal separation distance of 100 feet from the boundaries of a disposal cell to any surface water body.
8. Maintain permanent boundary location markers so the waste cell(s) location can be determined.
9. Copies of the permit application, permit, closure plans, and monthly visual monitoring reports must be kept as part of the operating record and will be maintained as described in the Birchwood Operations Plan. The operations plan should be reviewed annually to make sure it is still relevant.

General Conditions

1. Access and inspection - The Permittee shall allow the Commissioner or his representative access to the permitted facilities at reasonable times to conduct scheduled or unscheduled inspections or tests to determine compliance with this permit, State laws, and regulations.
2. Information access - Except for information relating to confidential processes or methods of manufacture, all records and reports submitted in accordance with the terms of this permit shall be available for public inspection at the State of Alaska, Department of Environmental Conservation, 555 Cordova Street, Anchorage, AK 99501.
3. Civil and criminal liability - Nothing in this permit shall relieve the Permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond his control, including, but not limited to, accidents, equipment breakdowns, or labor disputes.
4. Availability - The Permittee shall post or maintain a copy of this permit available to the public at the disposal facility.
5. Adverse impact - The Permittee shall take all necessary means to minimize any adverse impacts to the receiving waters or lands resulting from noncompliance with any limitation specified in this permit, including any additional monitoring needed to

determine the nature and impact of the noncomplying activity. The Permittee shall clean up and restore all areas adversely impacted by the noncompliance.

6. Cultural or paleontological resources - Should cultural or paleontological resources be discovered as a result of this activity, work which would disturb such resources is to be stopped, and the State Historic Preservation Office, Division of Parks and Outdoor Recreation, Department of Natural Resources, is to be notified immediately (907-269-8721).
7. Applications for renewal - In accordance with 18 AAC 15.100(d), applications for renewal or amendment of this permit must be made no later than 30 days before the expiration date of the permit or the planned effective date of the amendment.
8. Other legal obligations - The requirements, duties, and obligations set forth in this permit are in addition to any requirements, duties, or obligations contained in any permit that the Alaska Department of Environmental Conservation or the U.S. Environmental Protection Agency has issued or may issue to the Permittee. This permit does not relieve the Permittee from the duty to obtain any and all necessary permits and to comply with the requirements contained in any such permit or with applicable state and federal laws and regulations. All activities conducted by the Permittee pursuant to the terms of this permit and all plans implemented by the Permittee pursuant to the terms of this permit shall comply with all applicable state and federal laws and regulations.
9. Pollution prevention - In order to prevent and minimize present and future pollution, when making management decisions that affect waste generation, the Permittee shall consider the following order of priority options: waste source reduction; recycling of waste; waste treatment; and waste disposal.

APPENDIX A: WAIVERS


The Birchwood monofill applied for two waivers of regulatory requirements in 18 AAC 60. ADEC suspended groundwater monitoring and waived the wellhead protection requirement, based on the explanations below.

1. Suspension of groundwater monitoring requirements (18 AAC 60.820 – 18 AAC 60.860)
The Birchwood Monofill chose to demonstrate that there is no potential for the release of hazardous constituents to underlying aquifer of resource value, and requested that the Department suspend the groundwater monitoring requirements of 18 AAC 60.820-860, per 18 AAC 60.820(c). They also included a waiver request per 18 AAC 900(a)(2).

The Department suspended the groundwater monitoring requirements of 18 AAC 60.820-860, per 18 AAC 60.820(c) which allows the Department to suspend groundwater monitoring if an applicant makes a demonstration that there is no potential for a release of hazardous constituents to an aquifer of resource value. This suspension of groundwater monitoring does not require the Department to grant a waiver as allowed by 18 AAC 60.900. The Birchwood monofill made an adequate demonstration that there is not a potential for release of hazardous constituents from the landfill, based on the constituents of the waste.

2. Waiver of the wellhead protection requirement of 18 AAC 60.040(a) - An existing drinking water well (well No. 2) is located 300 feet upgradient from the disposal facility. Compliance with 18 AAC 60.040(a) would require the well be relocated an additional 200 feet from the disposal facility. There are no direct human health receptors located downgradient from the facility, nor are there any commercial or residential properties between the disposal facility and Cook Inlet. The waste to be placed in the facility is classified as inert and has a low potential to pollute. Based upon this information, the well log and the site characterization information, relocating the well would provide an inconsequential level of additional protection relative to the cost of its relocation.

This permit expires on February 3, 2015 and may be revoked or amended in accordance with 18 AAC 60.260. The permit can be renewed if the facility will operate beyond this date. To avoid expiration of this permit, a renewal application must be submitted to ADEC at least 30 days before the expiration date, as set forth in 18 AAC 15.110.



Lori Aldrich
Solid Waste Program Coordinator