

1 By: Bryce J. Ward, Mayor  
2 Introduced: 04/11/2019  
3 Advanced: 04/11/2019  
4 Adopted: 04/25/2019  
5

6 FAIRBANKS NORTH STAR BOROUGH  
7

8 ORDINANCE NO. 2019 - 18  
9

10 AN ORDINANCE AMENDING FNSBC TITLE 21 REGARDING LANDFILL TIPPING FEES  
11 AND FEES AT BOROUGH RECYCLING FACILITIES, REMOVING DEFINITIONS THAT ARE  
12 NOT USED IN FNSBC TITLE 21, AMENDING DEFINITIONS RELATED TO SOLID WASTE,  
13 AND AMENDING APPENDIX E-USER FEE SCHEDULE/PUBLIC WORKS/CENTRAL  
14 RECYCLING FACILITY AND APPENDIX E-USER FEE SCHEDULE/PUBLIC WORKS/SOLID  
15 WASTE MATERIALS AND ATTACHMENT C OF ORDINANCE NO. 2018-20 (FY 2018-19  
16 BUDGET)

17  
18 WHEREAS, FNSBC 21.20.010 contains definitions that are not used  
19 elsewhere in FNSBC Title 21; and  
20

21 WHEREAS, FNSBC 21.20.010 lacks definitions regarding certain borough  
22 solid waste disposal facilities; and  
23

24 WHEREAS, The Central Recycling Facility opened September 1, 2017 to  
25 collect regular and electronic recyclables from the community; and  
26

27 WHEREAS, The assembly approved the FY19 user fee schedule for the  
28 Central Recycling Facility charging some commercial loads to generate revenue for the  
29 Central Recycling Facility; and  
30

31 WHEREAS, FNSBC 21.20.090(B) allows for the waiver of tipping fees at  
32 the landfill for Internal Revenue Code 501(c) or 501(d) nonprofits that receive items  
33 that are in disrepair that cannot be resold or distributed; and  
34

35 WHEREAS, FNSBC 21.20.090(C) allows the borough mayor to waive fees  
36 for materials brought to the landfill for borough recycling programs and for community  
37 cleanup activities; and  
38

39 WHEREAS, The intent is to promote recycling efforts by providing the  
40 borough mayor the same ability to waive fees for recyclables at a recycling facility that  
is already permitted for recyclables at the landfill; and

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is underlined

Text to be *deleted* is [BRACKETED, CAPITALIZED]

41 WHEREAS, the User Fee Schedule should be amended to reflect the  
42 changes in FNSBC Title 21.

43  
44 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks  
45 North Star Borough:

46  
47 Section 1. Sections 2 through 9 of this ordinance are of a general and  
48 permanent nature and shall be codified. Sections 10 and 11 of this ordinance is not of a  
49 general and permanent nature and shall not be codified.

50  
51 Section 2. FNSBC 21.20.010, Definitions, is hereby amended as follows:

52 In this chapter unless the context requires otherwise:

53 "Biomass" means a given quantity of organic material.

54 "Bulky wastes" are large items of refuse including but not limited to appliances,  
55 vehicles, furniture, large auto parts, tires, trees and branches, stumps and flottage.

56 ["COMMINGLED RECYCLABLES" MEANS A MIXTURE OF SEVERAL RECYCLABLE  
57 MATERIALS INTO ONE CONTAINER.

58 "CURBSIDE COLLECTION" MEANS PROGRAMS WHERE RECYCLABLE MATERIALS ARE  
59 COLLECTED AT THE CURB FROM SPECIAL CONTAINERS, TO BE BROUGHT TO  
60 VARIOUS PROCESSING FACILITIES.

61 "DIRECTOR" MEANS THE PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE.

62 "DIVERSION RATE" MEANS A MEASURE OF THE AMOUNT OF RECYCLABLES DIVERTED  
63 FOR RECYCLING COMPARED WITH THE TOTAL AMOUNT THAT WAS PREVIOUSLY  
64 LANDFILLED.

65 "DOCUMENTATION" MEANS WRITTEN PROOF THAT A QUANTITY OF RECYCLABLES  
66 HAS BEEN RECYCLED AND WILL NOT BE LANDFILLED.

67 "DROP-OFF CENTER" MEANS A METHOD OF COLLECTING RECYCLABLE OR  
68 COMPOSTABLE MATERIALS IN WHICH INDIVIDUALS TAKE MATERIALS TO  
69 COLLECTION SITES AND DEPOSIT THEM INTO DESIGNATED CONTAINERS.]

70 "Garbage" means any putrescible solid and semisolid animal or vegetable wastes  
71 resulting from the production, handling, preparation, cooking, serving or consumption  
72 of food or food materials.

73 "Hazardous waste" means a waste or combination of wastes that because of quantity,  
74 concentration or physical, chemical or infectious, pathological or radiological  
75 characteristics might cause, or significantly contribute to:

76 1. An increase in mortality or an increase in serious irreversible, or  
77 incapacitating reversible, illness; or

78 2. A substantial present or potential hazard to human health or to the  
79 environment if improperly managed, treated, stored, transported or disposed of  
80 or otherwise managed.

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81 "Industrial solid waste" means any waste substance or a combination thereof resulting  
82 from the operation of or from any process of industry, manufacturing, trade or  
83 business, or from the development of any agricultural or natural resources.  
84 ["INERT SOLID WASTES" MEANS WASTES INCLUDING BUT NOT LIMITED TO WOOD,  
85 GLASS, CROCKERY, BRICK, PLASTICS, RUBBER OR OTHER MATERIALS WHICH HAVE  
86 MINIMUM POTENTIAL FOR ENVIRONMENTAL DEGRADATION AND LEACHATE  
87 PRODUCTION.]  
88 "Infectious waste" means certain laboratory, surgical and hospital waste; surgical  
89 specimens including pathological specimens, tissues, blood elements, excreta and  
90 secretions obtained from patients; disposable materials that have been in contact with  
91 persons who have a suspected or diagnosed communicable disease; a substance that  
92 might harbor or transmit pathogenic organisms; disposable materials from outpatient  
93 areas, emergency rooms and rooms of patients with a suspected or diagnosed  
94 communicable disease that requires isolation; and certain equipment, including  
95 instruments, syringes and needles.  
96 ["JUNK" MEANS USED MATERIALS WHICH WILL NOT BE FURTHER UTILIZED UNLESS  
97 COLLECTED AND PROCESSED FOR REUSE OR RECYCLING.]  
98 "Landfill" means a borough-operated site for the disposal and burial of waste materials  
99 in compliance with all regulatory requirements and permits.  
100 "Litter" means any discarded, used or unconsumed substance or waste material which  
101 has not been deposited in a suitable litter receptacle.  
102 ["MANUAL SEPARATION" MEANS THE SEPARATION OF RECYCLABLE OR  
103 COMPOSTABLE MATERIALS FROM WASTE BY HAND SORTING.  
104 "MATERIALS RECOVERY" MEANS EXTRACTION OF MATERIALS FROM THE WASTE  
105 STREAM FOR REUSE OR RECYCLING, INCLUDING SOURCE SEPARATION, FRONT-END  
106 RECOVERY, IN-PLANT RECYCLING, POST-COMBUSTION RECOVERY, LEAF  
107 COMPOSTING, ETC.  
108 "MECHANICAL SEPARATION" MEANS THE SEPARATION OF WASTE INTO VARIOUS  
109 COMPONENTS USING MECHANICAL MEANS, SUCH AS CYCLONES, TROMMELS AND  
110 SCREENS.]  
111 "Putrescible waste" means material that can decompose and cause obnoxious odors.  
112 ["RECYCLABLE METALS" MEANS COPPER, BRASS, BRONZE, ALUMINUM, LEAD, ZINC,  
113 AND FERROUS METALS, BUT DOES NOT INCLUDE STEEL CANS AND THOSE METALS  
114 THAT ARE BONDED OR FUSED TO OTHER MATERIALS AND CANNOT BE READILY  
115 SEPARATED.  
116 "Recyclables" or "recyclable materials" means any materials that have useful physical or  
117 chemical properties after serving their original purpose and that can, therefore, be  
118 reused or remanufactured into additional products, [INCLUDING REFUSE DERIVED  
119 FUEL (RDF)] but excludes items collected as waste-to-energy fuels.  
120 "Recycling" means the process by which a material that would otherwise be placed in  
121 the landfill is collected, reprocessed, or remanufactured, and then reused[, OR USED  
122 FOR ENERGY].

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123 "Recycling facility" means any borough-operated facility that processes recyclable  
124 materials for reuse, but excludes waste-to-energy facilities.

125 "Refuse" means any putrescible or nonputrescible solid waste, except human excreta.

126 "Resource recovery" means the processing of solid wastes in such a way as to produce  
127 materials or energy which may be used in manufacturing, agriculture, or other  
128 processes.

129 ["RUBBISH" MEANS ANY SOLID WASTE EXCEPT ASHES AND PUTRESCIBLE WASTE.]

130 "Secured" means tied down or otherwise not subject to release.

131 ["SEWAGE SLUDGE" MEANS THE ORGANIC SLUDGE GENERATED BY MUNICIPAL OR  
132 OTHER WASTEWATER COLLECTION AND TREATMENT ACTIVITIES, AND MAY INCLUDE  
133 PRIMARY, SECONDARY AND DIGESTED SLUDGES, GRIT AND SCREENINGS.]

134 "Sludge" means any solid, semisolid or liquid waste which contains at least five percent  
135 solids by weight generated at a municipal, commercial or industrial wastewater  
136 treatment plant, septic tank, water supply treatment plant or air pollution control  
137 facility; "sludge" includes any similar material accumulated in and removed from a  
138 storage tank or surface impoundment containing oil, industrial liquid waste, acid,  
139 chemicals or other similar substances.

140 "Solid waste" means drilling wastes, garbage, refuse, sludge and other discarded  
141 material, including recyclables and waste-to-energy fuels, and solid, liquid, semi-solid or  
142 contained gaseous material resulting from industrial, commercial and agricultural  
143 operations, and from community activities. For the purposes of this chapter "solid  
144 waste" does not include:

- 145 1. Spoil and overburden from road construction, land clearing or mining  
146 operations;
- 147 2. Mining waste regulated by the Federal Surface Mining Control and  
148 Reclamation Act of 1977, as amended, and by the Alaska Surface Mining Control  
149 and Reclamation Act of 1982 (AS 27.21);
- 150 3. Domestic sewage and other wastes that are discharged into the pass  
151 through a sewer system to a publicly owned treatment works;
- 152 4. Industrial or mining wastes that are being collected, stored or treated in:  
153 a. A wastewater treatment plant before discharge or removal, or  
154 b. An industrial processing facility for continual reuse;
- 155 5. Industrial discharges that are point sources subject to permits under  
156 Section 402 of the Federal Water Pollution Control Act, as amended;
- 157 6. Source, special nuclear, or byproduct material as defined by the Nuclear  
158 Waste Policy of 1982, as amended January 7, 1983, at Public Law 97-425.

159 "Solid waste disposal facility" or "solid waste facility" means any borough-operated  
160 landfill, recycling or waste-to-energy facility, or transfer site.

161 ["SOURCE SEPARATION" MEANS THE SEGREGATION OF SPECIFIC MATERIALS AT THE  
162 POINT OF GENERATION FOR SEPARATE COLLECTION. RECYCLABLES ARE SOURCE  
163 SEPARATED AT RESIDENCES AS PART OF A RECYCLING PROGRAM.]

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164 "Special solid waste" means hazardous, infectious, radioactive, or industrial wastes or  
165 sludges and sewage residues.

166 "Transfer site" means any borough-operated site for the collection and transfer of solid  
167 waste materials to a landfill, recycling, or waste-to-energy facility, and that may provide  
168 areas for re-use (re-use platforms).

169 "Waste-to-energy" means the controlled combustion of solid waste in solid waste  
170 combustors having state-of-the-art pollution controls and energy recovery therefrom,  
171 including refuse derived fuel (RDF).

172  
173 Section 3. FNSBC 21.20.030, Solid waste disposal facilities, is hereby  
174 amended as follows:

175 A. The borough may require any person [DUMPING] disposing of solid waste at  
176 [THE FOLLOWING AREAS] any borough owned or operated solid waste facility to  
177 [DUMP] deposit solid waste where specified, and may reject or impound any waste  
178 which is judged to be unacceptable. Impoundment implies that the waste and its  
179 container, but not the vehicle used to transport the waste, may be impounded. [THE  
180 FOLLOWING FACILITIES ARE DESIGNATED FOR THE DISPOSAL OF ALL TYPES OF  
181 SOLID WASTE, WITH THE EXCEPTION OF SPECIAL SOLID WASTE:

- 182 1. SOUTH CUSHMAN LANDFILL;
- 183 2. OTHER BOROUGH-OWNED OR BOROUGH-OPERATED FACILITIES.]

184 B. [COLLECTION AND T]Transfer sites provided as part of the borough's solid waste  
185 collection district are designated solely for the disposal of residential solid waste by  
186 residents of the borough residing outside the city of Fairbanks.

187 C. The following facilities are for the disposal of solid waste as approved by the  
188 owners of such facilities. Only persons with the prior approval of the owners may  
189 [DUMP] dispose of solid waste at these facilities:

- 190 1. Military landfills;
- 191 2. Other containers which will be [DUMPED] disposed of at [THE SOUTH  
192 CUSHMAN LANDFILL OR] borough [RECYCLING] solid waste facilities, including private  
193 dumpsters or recycling bins located at apartment complexes, mobile home parks,  
194 commercial businesses, and other locations. For the purposes of this subsection, in the  
195 case of leased private dumpsters, the lessee shall be considered the owner;
- 196 3. Other locations, as approved and permitted by the state, subject to the  
197 conditions of such permits.

198  
199 Section 4. FNSBC 21.20.040, Recycling of materials, is hereby amended as  
200 follows:

201 A. The borough shall ensure that, at all borough-owned or operated [LANDFILLS  
202 AND PRIMARY COLLECTION AND TRANSFER SITES] solid waste facilities, separate  
203 locations or containers are provided to receive and hold recyclable materials. Materials  
204 accepted in such a manner will be determined by the administration and dependent on  
205 the borough's or community's ability to accept, process, and transport the materials to

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206 an appropriate end market location or facility for reuse, recycling, or waste-to-  
207 energy.[THESE MAY INCLUDE BUT ARE NOT LIMITED TO:

- 208 1. GLASS;
- 209 2. ALUMINUM CANS, STEEL CANS, AND TIN CANS;
- 210 3. CORRUGATED CARDBOARD, FLATTENED;
- 211 4. COMPUTER PAPER, OFFICE PAPER, AND MIXED PAPER;
- 212 5. ELECTRONICS;
- 213 6. SCRAP METAL:
  - 214 A. ALUMINUM,
  - 215 B. COPPER,
  - 216 C. IRON,
  - 217 D. BRASS,
  - 218 E. STAINLESS STEEL;
- 219 7. CAR RADIATORS;
- 220 8. PLASTIC;
- 221 9. BIOMASS MATERIAL;
- 222 10. OTHER MATERIALS SELECTED BY THE BOROUGH.]
- 223 B. The borough may provide for this separation by either:
  - 224 1. Ensuring that borough-provided locations or containers are available; or
  - 225 2. Contracting with a private firm to furnish and service such locations or
  - 226 containers.
- 227 C. If the borough provides for the deposit of such materials directly, periodically the
- 228 borough shall process to end markets the materials collected in these locations or
- 229 containers.
- 230 D. Deposit of materials other than the appropriate, designated materials in any of
- 231 the thus-established locations or containers, or the removal of any such materials,
- 232 except by prior written permission of the borough, is prohibited.
- 233 E. It is the policy of the Fairbanks North Star Borough to encourage reduction,
- 234 reuse and recycling of solid wastes generated in the borough.
- 235

236 Section 5. FNSBC 21.20.060, General prohibition, is hereby amended as  
237 follows:

- 238 A. No person shall dispose of solid wastes, special solid wastes or sludge in any
- 239 place except those listed in FNSBC 21.20.030.
- 240 B. No person shall [DUMP] dispose, throw, drop or deposit any special solid waste
- 241 in the Fairbanks North Star Borough except approved haulers at approved facilities.
- 242 C. No person shall allow the accumulation of garbage, solid waste, animal feces,
- 243 etc., on property where he resides or which he owns or controls to impose a threat to
- 244 public health. Nothing in this section shall be construed to restrict normal agricultural
- 245 practices in the rural and agricultural or general use zones.
- 246 D. No person shall discard any litter into or on any water or land within the
- 247 borough, except that nothing in this section shall be construed to affect the authorized

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248 collection and discarding of such litter in or on areas or receptacles provided for such  
249 purpose.

250 E. No person shall [DUMP] dispose of solid waste in the borough's public dumpsters  
251 collected from any location other than individual residences located in the borough  
252 outside the city of Fairbanks.

253 F. No solid waste shall be dropped, deposited, discarded or otherwise disposed at a  
254 public dumpster unless it remains within the public dumpster. Any disposal outside the  
255 container is a violation of subsection (D) of this section.

256 G. No person shall [DUMP] dispose at the borough's public dumpsters bulky wastes,  
257 dead animals, infectious wastes, demolition debris or special solid wastes.

258  
259 Section 6. FNSBC 21.20.070, Landfill tipping fees, is hereby renamed  
260 "Fees" and is amended as follows:

261 FNSBC 21.20.070 [LANDFILL TIPPING] Fees

262 A. Except as otherwise provided in this chapter, any person disposing of any solid  
263 waste at [THE BOROUGH LANDFILL] any borough solid waste facility shall pay a  
264 [TIPPING] fee established in accordance with FNSBC 8.60.010.

265 B. The borough mayor may permit a commercial hauler regulated by the state of  
266 Alaska to dispose of residential solid waste collected solely from individual residences  
267 located in the solid waste collection district and delivered directly to the borough landfill  
268 without direct payment of a [TIPPING] fee. Such [TIPPING] fees shall be paid to the  
269 landfill by the solid waste collection district.

270  
271 Section 7. FNSBC 21.20.080, Use of borough waste facilities, is hereby  
272 renamed "Use of borough solid waste facilities" and is amended as follows:

273 FNSBC 21.20.080 Use of borough solid waste facilities

274 A. Any person wishing to dispose of solid waste generated or collected from a  
275 location outside of the borough shall be charged a fee that reflects the actual costs of  
276 providing such services, including but not limited to current operational costs, probable  
277 operational and monitoring costs for the life of the landfill, and landfill closure and  
278 replacement costs.

279 B. Disposal of solid waste generated or collected from a location outside of the  
280 borough shall not be permitted unless the solid waste meets the conditions of the  
281 borough's ADEC solid waste permit.

282 C. Disposal of more than 25 tons of solid waste per month from a source outside of  
283 the borough shall not be permitted unless the mayor determines that:

284 1. The solid waste can be safely and efficiently disposed of at the borough  
285 landfill;

286 2. The solid waste will not significantly impact the capacity of the borough  
287 landfill; and

288 3. There will be no harm to the borough or the borough landfill.

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289 D. Disposal of solid waste from a source outside the borough for longer than 60  
290 days shall also require concurrence of the borough assembly.

291  
292 Section 8. FNSBC 21.20.090, Waiver of tipping fees, is hereby renamed  
293 "Waiver of fees" and amended as follows:

294 FNSBC 21.20.090 Waiver of [TIPPING] fees

295 A. 1. The borough will waive the [TIPPING] fee to residents of the borough  
296 who bring minor loads of residential nonhazardous solid waste to the landfill. For the  
297 purpose of this subsection, loads of residential nonhazardous waste brought to the  
298 landfill from a residence in a passenger vehicle, a pick-up truck, or a trailer with two  
299 wheels and a single axle or four wheels and a double axle will be considered minor  
300 loads[ IF THE VEHICLE IS NOT REGISTERED IN THE NAME OF A COMPANY OR  
301 BUSINESS OR USED FOR COMMERCIAL PURPOSES].

302 2. The borough will waive the fee to residents of the borough who bring  
303 loads of residential recyclables and for minor commercial loads brought to a recycling  
304 facility. For the purpose of this subsection, loads of commercial recyclables brought to a  
305 recycling facility from a passenger vehicle, pick-up truck, or trailer with two wheels and  
306 a single axle will be considered minor commercial loads.

307 B. Any Internal Revenue Code Section 501(c)(3) or 501(d) nonprofit organization  
308 [WHICH] that accepts clothing, furniture, or other items of personal property, on a  
309 year-round basis and sells those items of personal property to raise funds for the  
310 organization's services, or distributes those items of personal property to persons in  
311 need, shall be exempt from paying [TIPPING] fees on that personal property [WHICH]  
312 that is in such disrepair that it cannot be resold and must be transported to and  
313 disposed of or recycled [IN THE LANDFILL] at a solid waste facility.

314 [C. THE BOROUGH MAYOR MAY WAIVE TIPPING FEES FOR MATERIALS TO THE  
315 LANDFILL FOR BOROUGH RECYCLING OR HAZARDOUS WASTE DISPOSAL PROGRAMS  
316 AND FOR COMMUNITY CLEANUP ACTIVITIES. THE MAYOR MAY WAIVE TIPPING FEES  
317 FOR DEBRIS FROM PRIVATE RESIDENCES IN THE BOROUGH DAMAGED BY FIRE IF  
318 THERE IS NO REIMBURSEMENT FOR SUCH WAIVED FEES FROM ANY OTHER SOURCE.  
319 THE MAYOR, WHEN THERE IS A DIRECT AND PRIMARY BENEFIT TO THE PUBLIC, MAY  
320 WAIVE TIPPING FEES FOR MATERIALS REMOVED FROM DETERIORATED PROPERTY,  
321 AS DEFINED IN FNSBC 8.04.010, DURING THE COURSE OF REHABILITATION, REPAIR,  
322 CONSTRUCTION, RECONSTRUCTION, RENOVATION, DEMOLITION, REMOVAL OR  
323 REPLACEMENT OF ANY STRUCTURE ON SUCH PROPERTY.]

324 C. The borough mayor may waive fees for materials brought to a solid waste  
325 disposal facility for:

326 1. Borough recycling or hazardous waste disposal programs.

327 2. Community cleanup activities.

328 3. Recyclables from educational programs, community events, and other  
329 activities that promote and educate the community on recycling.

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330 4. Debris from private residences in the borough damaged by fire if there is  
331 no reimbursement for such waived fees from any other source.

332 5. Materials removed from deteriorated property, as defined in FNSBC  
333 8.04.010, during the course of rehabilitation, repair, construction, reconstruction,  
334 renovation, demolition, removal, or replacement of any structure on such property  
335 when there is a direct and primary benefit to the public to waive fees.

336 D. All other loads will be considered commercial and will be charged the [USUAL]  
337 applicable [TIPPING] fee on the entire load.

338  
339 Section 9. Subsection D of FNSBC 21.20.100, Collection and transportation  
340 of solid waste, is amended to read:

341 D. Any person who arrives at any borough-operated solid waste disposal facility[,  
342 [INCLUDING THE SOUTH CUSHMAN BALEFILL/LANDFILL AND ANY BOROUGH SOLID  
343 WASTE TRANSFER STATION,] with a vehicle or container which is not covered or with a  
344 load which is not secured is in violation of this section.

345  
346 Section 10. Appendix E – User Fee Schedule/Public Works/Central  
347 Recycling Facility and Appendix E – User Fee Schedule/Public Works/Solid Waste  
348 Materials and Attachment C of Ordinance No. 2018-20 are hereby amended with  
349 respect to residential and commercial loads, as reflected on Attachment A hereto.

350  
351 Section 11. Effective date. This ordinance shall be effective at 5:00 p.m.  
352 of the first Borough business day following its adoption.

353  
354 PASSED AND APPROVED THIS 25<sup>TH</sup> DAY OF APRIL, 2019.

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360   
361 Matt Cooper  
362 Presiding Officer

363 ATTEST:  
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365  
366 April Trickey, CMC  
367 Borough Clerk  
368

369  
370 Yeses: Sanford, Quist, Lojewski, Tacke, Lyke, Gray, Williams, Major, Cooper  
371 Noes: None

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