


Notice of Utility Director Appeal Materials

Date: October 14, 2020

To: Courtney Johnson, Owner, 410 Mitkof Highway

From: Karl Hagerman, Utility Director 

Cc: Debra Thompson, Borough Clerk

Re: Submittals of information to be presented at Appeal Hearing regarding August 3rd, 2020 Notice and Order of Abatement

Attached to this notice are the documents that I plan to present and discuss at the October 20, 2020 Appeal Hearing in front of the Petersburg Borough Assembly. These documents are provided to you in compliance with the Notice of Appeal Hearing written by Clerk Thompson and delivered to you on October 8, 2020. Additional materials may be presented if necessary for rebuttal purposes. Find attached:

1. Full copy of the August 3, 2020 Notice and Order of Abatement, placed at your residence on that same date. Contents of the Notice include the following:
 - a. Signed Order of Abatement dated August 3, 2020. Pages 1-3
 - b. Copies of Municipal Code Chapters:
 - i. 14.08.020 – Unlawful sewage – Disposal methods designated – Page 4
 - ii. 14.08.080 – When connection to public sewer is required – Page 4
 - iii. Chapter 9.16 Nuisances - in its entirety – Pages 5-12
 - iv. Chapter 14.04.130 – Unsafe facilities – Page 13
 - c. Photos documenting the deposit of waste material and human excrement on the hillside below your home. – Pages 14 & 15 (same photo but one blown up to show additional detail)
 - d. ADEC guidance for “Indoor and Outdoor Cleanup Procedures for Domestic Wastewater Spills” – Pages 16-18
 - e. An annotated utility map depicting the location of the water and sewer service locations at 410 Mitkof Highway. – Page 19
2. A photo showing the Notice and Order of Abatement packet left at the front door of 410 Mitkof Highway on August 3, 2020. – Page 20
3. A photocopy of a Certified Mail Receipt verifying delivery of a Notice and Order of Abatement to Courtney Johnson, PO Box 1904, Petersburg AK 99833 on August 5, 2020. – Page 21
4. An email from Justin Haley, Borough Wastewater Operations Supervisor, stating his inspection notes of 410 Mitkof Highway from August 24, 2020. – Page 22
5. An email from Joe Bertagnoli, Borough Building Official, stating his inspection notes of 410 Mitkof Highway from August 24, 2020. – Page 23
6. Photos of the inspection of 410 Mitkof Highway on August 24, 2020 – taken by Joe Bertagnoli. 3 photos. – Pages 24-26
7. An email from Justin Haley after making contact with Raymond Zimmer, ADEC Wastewater program re: residential wastewater treatment regulations of the State. August 25, 2020. – Page 27



NOTICE AND ORDER OF ABATEMENT

DATE OF NOTICE: August 3, 2020

Property Address: 410 Mitkof Highway

Legal Description: Lot Portion GL 7, Section 10, T59S, R79E.

Parcel ID: 01-084-155

Owner/Responsible Party:

Courtney Johnson

Mailing Address: PO Box 1904 , Petersburg, AK 99833

Contact from the Petersburg Police Department regarding photo evidence of the above property revealed the following code violation(s) as defined by the Petersburg Municipal Code: 14.08.020, 14.08.080 and 9.16.030(B)2

The premises are found to constitute a nuisance and a immediate threat to the public health, safety or welfare or to the environment and therefore subject to abatement. If the nuisance is not corrected by taking the described corrective action by the date specified, the borough may without further prior notice enforce this order and abate the condition under PMC 9.16.070(A)2.

Description of Violations:

Violation of PMC 14.08.020(A) & (B) – Unlawful sewage – Disposal methods designated

Violation of PMC 14.08.080(A) – When connection to public sewer is required

Violation of PMC 9.16.030(B)2 – Nuisance – Unlawful enumeration

Description of Nuisance: Raw sewage, including human excrement, is being discharged from the household onto the hillside and beach of Wrangell Narrows without treatment. There exists a sanitary sewer service lateral pipe which the home must connect to per Municipal Code.

Corrective Action Required to Abate the Nuisance:

- 1. Area in which the spill is occurring is accessible to the public and domestic pets. The contaminated area must be clearly marked and cordoned off to restrict access.**
- 2. The domestic sewer from the household must be connected to the Petersburg Borough sanitary sewer collection system by way of excavation and plumbing of the household sewer to the existing sewer service lateral. Map showing approximate location of the sewer service lateral is attached.**
- 3. Sewer connection must be completed by a licensed construction contractor (excavation), which must be inspected by the Borough prior to any backfill of the connection point.**
- 4. Site of illegal discharge must be cleansed per DEC Cleanup Guidelines for domestic wastewater spills (enclosed). Access to the area must be restricted for at least 24 hours after the site has been cleansed.**

As the property owner or the person creating, permitting or maintaining the nuisance, you are directed to abate the nuisance by taking the above described corrective action **by no later than 5:00 pm on August 18, 2020.**

If the required corrective action is not taken and the nuisance abated on or before the date and time stated above, the Petersburg Borough may, at its option, disconnect water service under 14.04.130 and/or undertake abatement of the nuisance under PMC 9.16.070(A)2, the cost and expense of either/both shall be charged to you. The borough may also impose civil penalties of \$500/day or seek criminal fines as well as administrative fees against you.

Any person having record title or legal interest in the premises may appeal this notice and order to the Borough Assembly by filing a written appeal with the Borough Clerk's office, on an appeal form provided by the Clerk's office, within 15 days from the date of service of this notice in accordance with section 9.16.080 of the Petersburg Municipal Code. Failure to properly and timely file an appeal shall constitute a waiver of all rights to contest this notice and order.

As this violation constitutes an immediate threat to the public health, we encourage you to act quickly to remedy this situation and are waiving the requirement to obtain a plumbing permit prior to commencement of work.

Please contact me at the phone number below with any questions.

ISSUED BY Karl Hagerman  ON August 3, 2020
PHONE: 907-772-5421 EMAIL: khagerman@petersburgak.gov
Cell Phone: 907-518-4559

Copies of Section 14.08.020, 14.08.080, 14.04.130 and Chapter 9.16 of the Municipal Code are enclosed. Additionally, guidelines from the State of Alaska Department of Environmental Conservation pertaining to the proper way to cleanup a domestic wastewater spill and a map showing you the location of the sanitary sewer lateral pipe where you must connect, are also enclosed.

14.08.020 - Unlawful sewage—Disposal methods designated.

- A. No person shall place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the borough, or in any area under the jurisdiction of the borough, any human or animal excretion, garbage or other objectionable waste.
- B. No person shall discharge into any natural outlet within the borough, or in any area under the jurisdiction of the borough, any sanitary sewage, industrial waste or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. Except as provided in this chapter, no person shall construct or maintain any privy, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(Ord. No. 2018-07, § 3, 3-5-2018)

14.08.080 - When connection to public sewer is required.

- A. In the best interest of the health and welfare of the residents of the borough, the owner of all houses, buildings or other structures designated or used for human occupancy, employment, recreation or other purpose, situated within the borough, and abutting on any street, alley or right-of-way in which there is located a sanitary sewer of the borough, are required, at their expense, to connect all toilet and wastewater facilities directly with the proper sewer in accordance with the provisions of this chapter within 180 days after official notice to do so; provided, that such sewer is within one hundred fifty feet of the property line.
- B. Any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, all residual waste shall be pumped from the tank and the tank shall be filled with suitable material, such as sand.
- C. In the event a property owner fails to connect to the sanitary sewer system after an official notice deadline is reached, the property owner will be assessed the normal applicable monthly sewer base charges until the connection is complete. The Alaska Department of Environmental Conservation will be notified of the situation.

(Ord. No. 2018-07, § 3, 3-5-2018)

Chapter 9.16 - NUISANCES**9.16.010 - Purpose and scope.**

- A. The purpose of this chapter is to ensure that nuisances are prevented, discontinued, and abated in a timely manner and do not reoccur. Other chapters of the Petersburg Borough Municipal Code address nuisances as well. Various municipal departments are responsible for regulating nuisances, depending upon the type or location of the nuisance. The provisions in this chapter, including the description of the various types of nuisances, procedures for prevention, discontinuation, inspection, enforcement, appeal, and abatement, as well as the appeal and remedies sections, are not exclusive or a limitation on municipal departments in addressing nuisances.
- B. Application of this chapter is limited to Service Area 1 of the Borough.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.020 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates different:

"Abate" means to act to stop an activity and/or to repair, replace, remove, or otherwise remedy a condition, when such activity or condition constitutes a violation of this code or a borough regulation, by such means and in such a manner and to such an extent as the applicable department director, enforcement officer, or other authorized official determines is necessary in the interest of the general health, safety, and welfare of the community. For the purposes of this chapter, the verbs "abate" and "correct" shall be interchangeable and have the same meaning.

"Building" includes any structure, generally with walls and a roof, used for human habitation, occupancy or use.

"Code enforcement officer" or "enforcement officer" means the borough's code enforcement officer(s); the building official; the fire marshal or his or her designee; the chief of the Petersburg police department or his or her designee; the director of the community development department or his or her designee; the director of the public works department or his or her designee; or any other person or persons assigned or directed by the borough manager or his or her designee to enforce the regulations of this chapter.

"Costs" means, but is not limited to, include, but are not limited to, the cost of 1) preparation, mailing and service of notices required hereunder, 2) issuance of requisite specifications and abatement contracts, 3) conduct and performance of inspections and the abatement work, 4) any administrative overhead for

inspection of the property or abatement work performed, and 5) attorney fees incurred in the abatement process.

"Equipment" means goods used or bought for use primarily in a business.

"Nuisance" means any act or creation which is injurious to the public health or safety, which prevents or obstructs the free and comfortable enjoyment of life and property, causes a detrimental effect on nearby property values, or is dangerous to surrounding property.

"Person responsible for the violation" means any of the following: a person who has titled ownership or legal control of the property or structure that is subject to the regulation; an occupant or other person in control of the property or structure that is subject to the regulation; a developer, builder, business operator, or owner who is developing, building, or operating a business on the property or in a structure that is subject to the regulation; a mortgagee that has filed an action in foreclosure on the property that is subject to the regulation, based on breach or default of the mortgage agreement, until title to the property is transferred to a third party; a mortgagee of property that is subject to the regulation and has not been occupied by the owner, the owner's tenant, or a person having the owner's permission to occupy the premises for a period of at least 90 days; or any person who created, caused, participated in, or has allowed a violation to occur.

"Premises" means any land, including any tract, lot or parcel of land, or easement or right-of-way, and any structures thereon.

"Structure" means anything built, constructed, or erected, including buildings.

"Junk" or "salvage" means any abandoned, broken, used, worn out, wrecked, scrapped, partially or fully dismantled or discarded tangible material, including vehicles or watercraft of all kinds, or any combination of materials or items including appliances, chemicals, building materials, equipment or parts thereof, fiber, machinery, metal, scrap metal, rags, rubber, paper, plastics, lumber or wood, that cannot without further alteration and reconditioning be used for their original purposes.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.030 - Unlawful; enumeration.

- A. It is unlawful for any person to create, permit or maintain the existence of any nuisance.
- B. Nuisances include, but are not limited to, the following:
 - 1. The deposit, existence or presence in or on any premises of any accumulation of garbage, refuse, manure or animal or vegetable matter which produces a foul, decaying, malodorous or offensive odor, or which serves or constitutes a potential breeding ground or harborage for insects or rodents;
 - 2. The deposit, existence or presence in or on any premises of any human excrement or

waste;

3. Attractive nuisances dangerous to children in the form of abandoned buildings, abandoned or broken equipment, hazardous pools or ponds or excavations, neglected machinery or abandoned refrigerators, freezers, or other major appliance;
 4. The keeping or maintenance in any area on private property, which is clearly visible from a public street, sidewalk, park or other public area, any accumulation, collection or untidy storage of junk, salvage, or trash, including discarded or unused items, or any condition determined to be unhealthy by a code enforcement officer, or an unsightly condition after written complaint from three or more residents within the neighborhood or general vicinity of the condition;
 5. Any building or structure set up, erected, built, moved or maintained or any use of property contrary to the provisions of Title 19.
- C. Failure to timely correct nuisances involving a structure may result in the structure becoming or being declared a dangerous building, under the provisions of chapter 9.20 of this Code. If a structure meets the definition of a dangerous building in chapter 9.20, the borough building official may, but is not required to first attempt to abate the nuisance under the provisions of this chapter.
- D. The following chapters of this code also prohibit or restrict other conditions, which are deemed to be nuisances:
1. Abandoned or Junked Vehicles, PMC 11.16.
 2. Dangerous Building, PMC 9.20.
 3. Littering, PMC 9.12.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.040 - Abatement—Standards to be followed.

The code enforcement official, and the assembly if an appeal is taken, shall order the means best calculated to abate wholly the nuisance with the least costs of abatement; and demolition shall not be ordered if repair, vacancy, or removal may accomplish the abatement.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.050 - Abatement—Notice and order.

- A. Unless a nuisance has created a situation which requires summary abatement, the code enforcement officer may issue an abatement notice and order and serve it in the manner described in this section upon the record owners of the affected property, and, if different from the record owners, the person creating, permitting or maintaining the nuisance and any non-owner occupant of the affected property. The notice and order shall contain:

1. The street address and legal description sufficient for identification of the affected premises;
 2. The statement that the code enforcement officer has found the premises affected with a nuisance, with a brief and concise description of the nuisance;
 3. A statement of the action required to be taken, as determined by the code enforcement officer, to abate the nuisance, and an order directing such action to be taken;
 4. A statement advising that if any required abatement is not commenced or completed within the time specified, i) the code enforcement officer may proceed to cause the necessary work to be done and charge the cost thereof against the premises, its owner and/or, if applicable, the person creating, permitting or maintaining the nuisance, and ii) civil penalties and/or fines, and administrative fees may be imposed; and
 5. A statement advising that any person having record title or legal interest in the premises may appeal from the notice and order of any action of the code enforcement officer by filing with the borough clerk, within fifteen days from the date of service of such notice and order, an appeal in writing in accordance with the appeal procedure as provided in section 09.16.070, and that failure to appeal will constitute a waiver of all right to contest the order.
- B. The abatement notice and order and any amended or supplemental notice and order shall be posted on the premises affected by the nuisance and served upon the persons set about in paragraph A above either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to the person at that person's last known address. Service by certified mail in the manner herein provided shall be deemed effective on the date of mailing.
- C. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this chapter. The inability or failure of the code enforcement officer to serve any person required to be served shall not invalidate any proceedings herein as to any other person duly served.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.060 - Abatement—Extension of time.

Upon receipt of a request from a person required to conform to the abatement order, and agreement in writing by such person that the person will comply with the order if allowed additional time, the code enforcement officer may grant an extension of time within which to abate the nuisance if the code enforcement officer determines that such an extension of time will not create or perpetuate a situation dangerous to life or property.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.070 - Abatement—Enforcement of order.

- A. The creation or maintenance of a nuisance is prohibited, and whenever a nuisance is deemed to exist within the borough, it may be abated in either the manner set out in this chapter, or under a different applicable procedure set out in the borough code.
1. *Voluntary correction.* When the borough determines that a nuisance exists and prior to the issuance of an abatement notice and order, a code enforcement officer may attempt to secure the voluntary correction of a violation by attempting to contact the person responsible for the violation, explaining the violation, and requesting correction within the time specified. The borough may also enter into a written voluntary correction agreement with any person causing, allowing, or participating in the violation, including the property owner.
 2. *Abatement by borough.* The borough may perform the abatement required upon noncompliance with the terms of a written voluntary correction agreement, an unappealed notice and order, or a final decision of the assembly. The borough may utilize borough employees or a private contractor under borough direction to accomplish the abatement. The borough, its employees and agents using lawful means are expressly authorized to enter upon the property of the violator for such purposes. Nothing in this chapter shall prohibit the borough from pursuing abatement of a violation pursuant to any other laws of the state of Alaska or the borough.
 3. *Summary abatement.* Whenever any nuisance causes an immediate threat to the public health, safety or welfare or to the environment, the borough may summarily and without prior notice abate the condition. Except for the requirement of notice, all abatement proceedings provided for in this chapter apply to a nuisance summarily abated, including the recovery of the costs of the summary abatement. No notice is required for abatement of a nuisance occurring on the public streets and rights-of-way, or other borough property.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.080 - Abatement—Appeal to assembly.

- A. Any person having record title or legal interest in premises which are the subject of an abatement notice and order may appeal from that notice and order by filing a written appeal to the assembly with the office of the borough clerk, within fifteen days from the date of service of such notice and order.
- B. As soon as practicable after receiving the written appeal, the assembly shall fix a date, time and place for the hearing of the appeal by the assembly. Such date shall be not less than ten days nor more than sixty days from the date the appeal was filed with the borough clerk. Written notice of the hearing shall be given to each appellant by the borough clerk, either by

- causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at appellant's address shown on the appeal.
- C. Failure of a person to file an appeal in accordance with the provisions of this section shall constitute a waiver of that person's right to the assembly hearing and of any adjudication of the notice and order, or any portion thereof.
 - D. Only those matters or issues specifically raised by the appellant shall be considered in the hearing on the appeal.
 - E. Enforcement of any notice and order of the code enforcement officer issued under this chapter shall be stayed during the pendency of an appeal therefrom which was properly and timely filed. Such a stay does not prevent the code enforcement officer from taking abatement action if the nuisance subsequently becomes subject to summary abatement.
 - F. The hearing shall be conducted informally, and may be governed by such rules and procedures as the assembly may choose. At the hearing, the appellant may appear in person or by agent or attorney, and offer documents and testimony, of appellant or other witnesses, in support of the appeal. The code enforcement officer, or their designee, shall appear at the hearing and may offer documents and testimony, of the official or other witnesses, in support of the abatement notice and order. Both the code enforcement officer and the appellant may cross-examine witnesses, under reasonable time limits adopted by the presiding assembly member. The presiding assembly member may administer oaths, and a record shall be kept of the proceedings by the borough clerk.
 - G. The assembly, after the hearing, shall issue a written final decision on the appeal, including findings of fact. If it affirms that a nuisance subject to abatement exists, the decision shall also contain an order based upon its findings, directing the abatement within such time period and upon such terms and conditions as it may prescribe. The decision shall be given to each appellant by the borough clerk, either by causing a copy to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at appellant's address shown on the appeal.
 - H. If the person who requests a hearing to contest notice and order then fails to appear at the scheduled hearing after having been given notice in the manner provided for by this chapter, the person shall be deemed to have waived the right to appear and present testimony and evidence in support of the appeal. The assembly shall proceed to hear testimony and receive evidence from the code enforcement officer and shall issue a written final decision on the appeal based upon the record before it, including findings of fact as required under section 9.16.080(G).

(Ord. No. 2015-03, § 3, 4-6-2015)

The final decision of the assembly issued under this section above may be appealed to the Superior Court, First Judicial District, State of Alaska, within 30 days of the date the decision was issued and in accordance with applicable Court Rules. For purposes of this section, the date of issuance is the date upon which the decision was mailed or delivered to the appellant. Failure to file the notice of appeal in the manner and time specified shall forfeit any right to appeal.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.100 - Recovery of costs.

- A. The borough shall bill its costs, including incidental expenses, of pursuing code compliance and/or of abating a violation to the person responsible for the violation and/or against the subject property. Such costs shall become due and payable 30 days after the date of the bill.
- B. The borough manager or designee may in his or her discretion waive in whole or part the assessment of any costs upon a showing that abatement has occurred or is no longer necessary. Any challenge to the amount of the abatement costs must be made within 14 days of issuance of the bill and shall be heard by the borough manager in an informal hearing. The borough manager shall make a written determination as to whether or not the borough's costs were accurate and necessary for accomplishing the abatement.
- C. The costs and expenses may be recovered by the borough in a civil action or by any other permitted method, including use of a collection agency or the exercise of any lien rights possessed by the borough.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.110 - Inspections and right of entry.

The code enforcement officer is authorized to enter on or into premises and structures, and conduct inspections thereof, in order to enforce the provisions of this chapter, including in circumstances where the official has reasonable cause to believe that a nuisance exists in any structure or on any premises subject to this code. The official may enter and inspect such structure or premises at any reasonable time in performance of the official's enforcement activities under this chapter; provided, however, that where the Constitution of the United States or the State of Alaska requires that the official obtain an administrative search warrant before entering onto premises and making an inspection, the official shall not make the inspection until authorized to do so by a search warrant issued by a court of competent jurisdiction. If the code enforcement officer is a borough official other than the chief of police, then a peace officer shall accompany the abatement official in any entry and inspection conducted under a search warrant.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.120 - Violations and remedies.

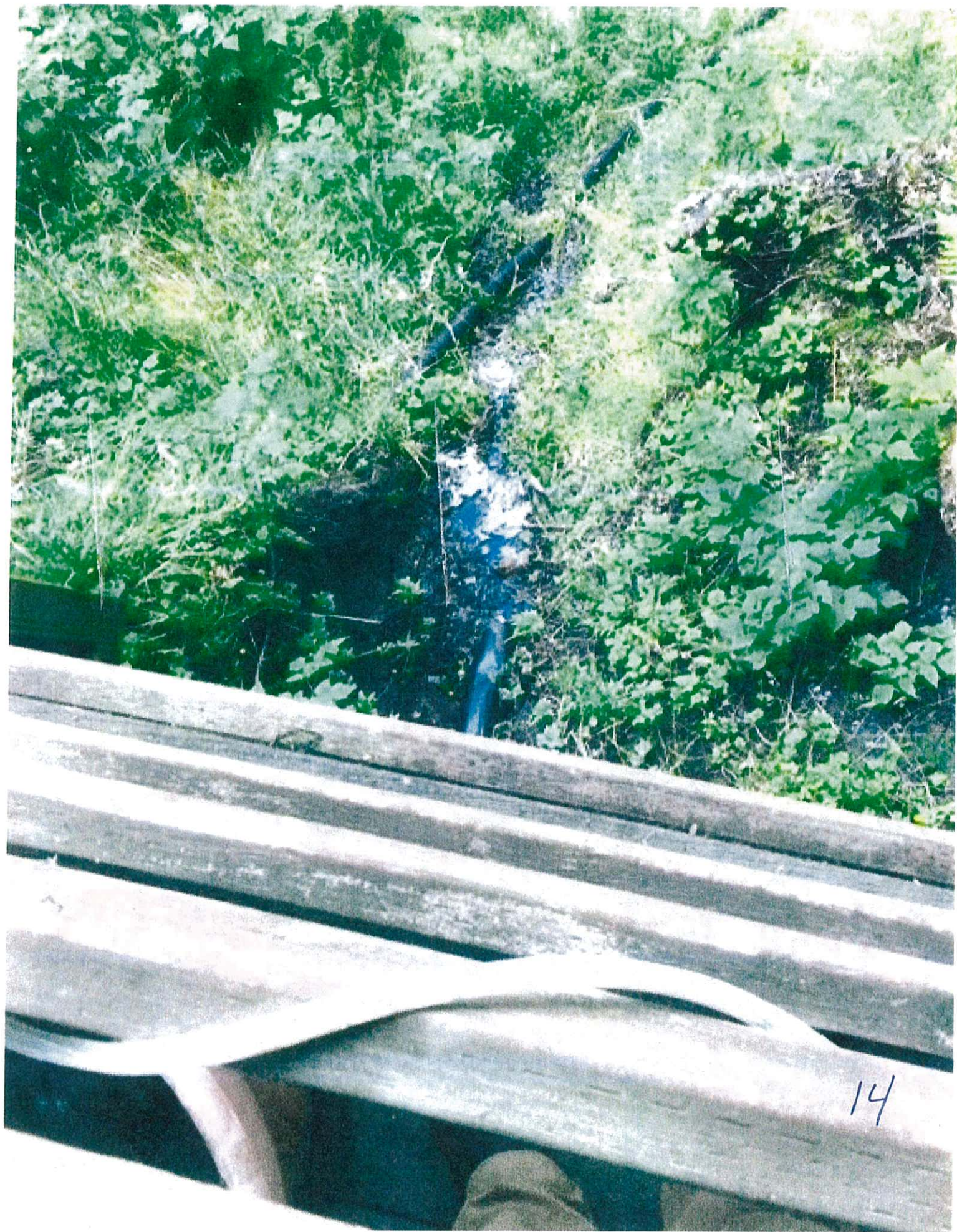
- A. A person who violates a provision of this chapter shall be guilty of a violation, and shall be subject to a fine as provided in chapter 1.16 of the Borough Code.
- B. The remedies provided for in this chapter shall be cumulative. In addition to other remedies or procedures provided in the chapter, a nuisance may be restrained, enjoined or otherwise abated by the borough in a civil action. The code enforcement officer may also assess civil penalties, in an amount up to One Hundred Dollars (\$100) per day, for any violation of this chapter; the amount of any such penalty may be set out in the notice and order, or by separate assessment.
- C. Each and every day that a person fails to comply beyond a date fixed for compliance shall constitute a separate offense.

(Ord. No. 2015-03, § 3, 4-6-2015)

14.04.130 - Unsafe facilities.

The borough may refuse to furnish water and may immediately disconnect services to any premises where plumbing facilities, appliances or equipment using water are dangerous, unsafe or not in conformity with federal, state or local laws and regulations.

(Ord. No. 2018-06, § 3, 3-5-2018)







INDOOR AND OUTDOOR CLEANUP PROCEDURES FOR DOMESTIC WASTEWATER SPILLS

Indoor cleanup guidelines for domestic wastewater spills.

Cleanup guidelines for domestic wastewater spills that occur inside of a building

If sewage is on nonabsorbent floor material like tile, vinyl, concrete or other nonabsorbent surfaces, cleanup of the visible water and semi-solid material should be accomplished using a vacuum or mop and by using the proper concentrations of sanitizers to disinfect. Make sure that the sanitizer is of proper concentration and that all affected areas are thoroughly sanitized.

If the sewage is on an absorbent floor material, such as carpet, the material that has absorbed the sewage should be vacuumed to remove as much of the waste as possible.

Do not mix cleaning and disinfecting products or chemicals. Cleaning products can react with one another to produce toxic vapor or liquid substances.

The following is a list of common sanitizers:

- Chlorine: For chlorine solutions, the chlorine concentration should be in the range of 50 to 1000 parts per million (ppm) or milligrams per liter (mg/l) for disinfecting surfaces of appliances and food preparation areas and 200 ppm (mg/l) for walls and floors. You can verify the chlorine concentration by using test paper available at food supply warehouses or chemical supply companies.
- As a rule of thumb, add 3/4 cup Clorox Bleach to one gallon of water. Only use bleach that has "sanitizes" or "kills germs" on the label.
- Alternative disinfectants: Other disinfectants, which include iodine and quaternary solutions, must be used according to the manufacturer's specifications / recommendations if used for disinfecting sewage spills.

Please note: Using chlorine or alternate disinfectants on absorbent materials (such as carpet) may cause damage to the material and loss of color may occur.

Because it is difficult to adequately sanitize carpet, carpet pad and absorbent flooring materials, ADEC recommends that saturated flooring materials be removed and disposed of at a permitted solid waste disposal facility.

Remember, access to the spill area must be restricted until 24 hours after cleanup has been completed so as to minimize any threat to public health or the environment.

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Outdoor cleanup guidelines for domestic wastewater spills

The following are recommended procedures for cleaning up untreated or inadequately treated sewage, spilled to the ground surface.

1. In all conditions:
 - A. If the area in which the spill occurred is accessible to the public or domestic pets, the contaminated area must be clearly marked or cordoned off to restrict access.
 - B. Protective clothing (at a minimum, rubber or latex gloves and rubber boots) should be worn when cleaning up a sewage spill. (Dispose of gloves and wash rubber boots when leaving spill site). Keep children and interested bystanders away from cleanup activities.
 - C. Please note that hydrated lime is a caustic material and can be dangerous to handle and apply. Lime should only be used or applied by people experienced in using this material.
 - D. Do not mix cleaning and disinfecting products or chemicals. Cleaning products can react with one another to produce toxic vapor or liquid substances.
2. In non-freezing conditions, when sewage is a mixture of liquid and solid material, the following steps should be taken:
 - A. If the spilled material can't be recovered using hand tools, a commercial vacuum or pump truck should be called to remove all visible liquid and solid material.
 - B. When the area is visibly clean, either a mixed chlorine water solution (using Clorox or an equal bleach) or hydrated lime should be applied to the spill area to disinfect. To make a 5 percent chlorine solution, add 3/4 cup Clorox bleach to one gallon of water. You can verify the chlorine concentration by using test paper available at food supply warehouses or chemical supply companies. Only use bleach that has "sanitizes" or "kills germs" on the label.
 - C. If the spill occurred in a heavily populated area and odor may be an issue or within 100 feet of surface water, hydrated lime should be applied to the area in place of chlorine bleach. Enough hydrated lime should be applied to raise the pH to at least 12. By raising the pH to 12 for at least one-hour, the area will be disinfected. You can test the pH by using litmus paper obtained at a chemical supply facility. Because lime is a caustic material, access to the area treated with lime must be restricted during the disinfection period.
 - D. After the spill area has been cleansed (24 hours after the chlorine solution or hydrated lime has been applied), the barriers may be removed and access to the area restored.
3. In freezing or frozen conditions.
 - A. An attempt should be made to clean up the spill before it becomes completely frozen.
 - B. If possible, the frozen sewage should be removed down to the natural ground surface (or at least one inch below the spilled sewage if on thicker ice) and the recovered material disposed of properly. This could require that approval be obtained from the local government for disposal in a permitted landfill. An acceptable alternative solution is to stock pile the frozen sewage in an approved lined containment area until conditions are more favorable for transport and disposal. (Because each spill site and situation is different, please contact you local ADEC office for recommendations regarding constructing an acceptable containment area.) If the material thaws, the liquid must be properly handled

and disposed of at a permitted wastewater treatment and disposal facility. Keep in mind that frozen and / or thawed sewage may still contain active, harmful bacteria, cysts and viruses.

- C. When the area is visibly clean, either a mixed chlorine water solution (using Clorox or an equal bleach) or hydrated lime should be spread across the spill area to disinfect. You can verify the chlorine concentration by using test paper available at food supply warehouses or chemical supply companies.
- D. If the spill occurred in a heavily populated area and odor may be an issue or within 100 feet of surface water, hydrated lime should be applied to the spill area in place of chlorine bleach. The hydrated lime will raise the pH to 12, which will disinfect the area. By raising the pH to 12 for at least one-hour, the area will be disinfected. You can test the pH by using litmus paper obtained at a chemical supply facility. Because lime is a caustic material, access to the area treated with lime must be restricted during the disinfection period.
- E. When the spill area has been cleansed (24 hours after the chlorine solution or hydrate lime has been spread), the barriers can be removed and access to the area restored.

Remember, access to the spill area must be restricted until 24 hours after cleanup has been completed, so as to minimize any threat to public health or the environment.

For more information or if you have questions regarding State of Alaska Wastewater Regulations 18 AAC contact your local DEC office.

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2005-30

P. B

01084155

Pt'n
Lot 7

410 Mitkof Highway

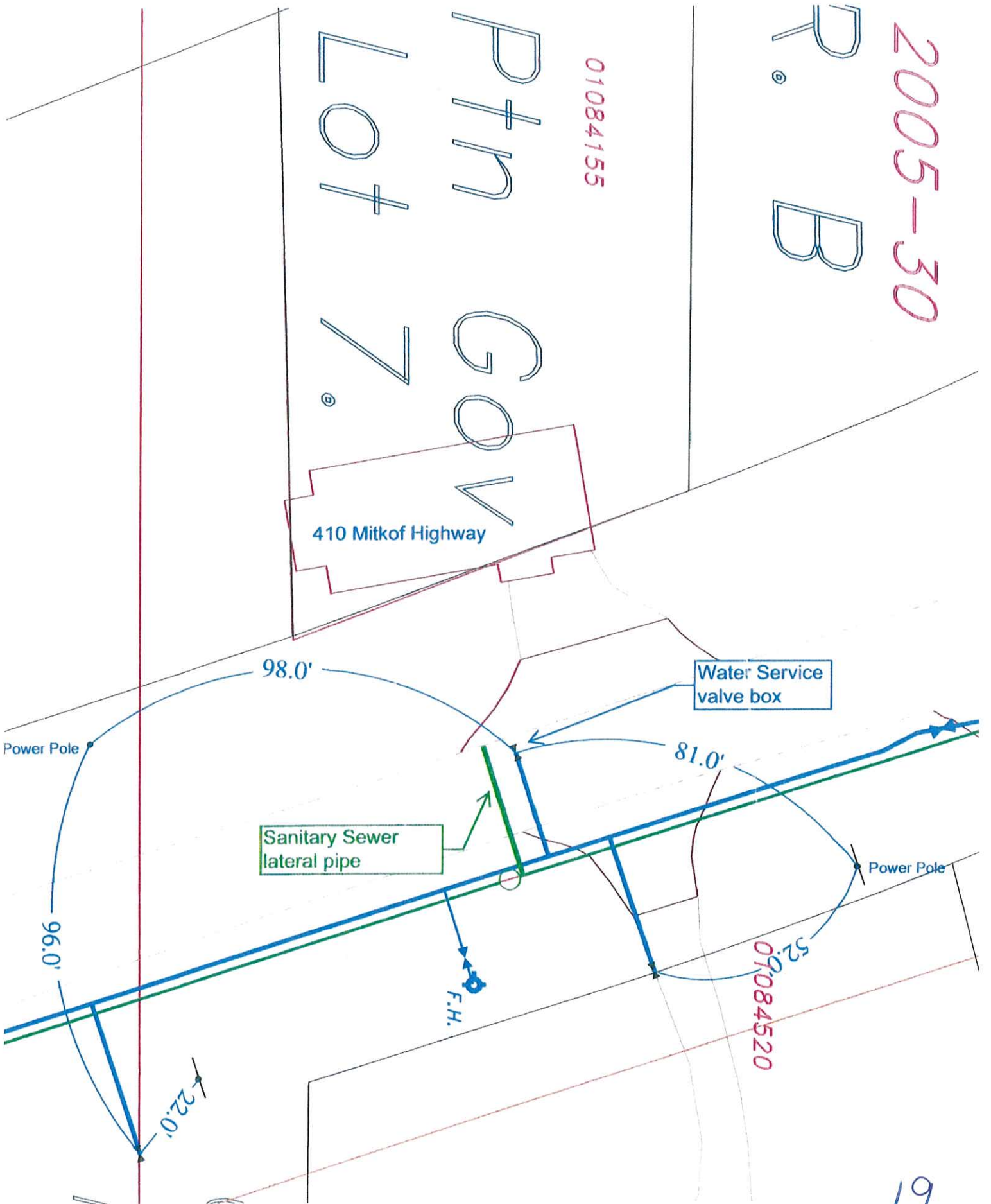


Photo of 410 Mitkof Highway showing Notice and Order of Abatement packet on front door 8/3/2020



U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

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From: Justin Haley <jhaley@petersburgak.gov>
Sent: Tuesday, August 25, 2020 10:10 AM
To: Stephen Giesbrecht <sgiesbrecht@petersburgak.gov>; Joe Bertagnoli <jbertagnoli@petersburgak.gov>
Cc: Debra Thompson <dthompson@petersburgak.gov>; Liz Cabrera <lcabrera@petersburgak.gov>; Chris Cotta <ccotta@petersburgak.gov>; Karl Hagerman <khagerman@petersburgak.gov>
Subject: RE: Courtney Johnson property

Good Morning Steve,

We met with the owner and her friend that was helping to fix the problems. They explained that they had reconnected the house to the septic tank and run a new outfall line from the septic tank to a nearby stream. It was made clear that the outfall was not consistent with any regulations and that needed to be addressed.

We made our way around to the water side of the house and found that they had reestablished a connection between the house and septic tank as they had stated but had used a corrugated plastic pipe that is not approved for sewer. The line was laying on the ground with no cover. It was made clear that the materials used were not acceptable and that the lines needed to be buried to protect them from damage.

The original outfall that appeared to have been install in accordance with ADEC regulations was found to be completely unusable which is why they installed the new outfall to the nearby stream. It was again pointed out that materials used are not approved for this purpose, that lines need to be buried for protection and that the outfall to the stream is a clear violation of regulations.

The top of septic tank was covered in earth and vegetation that made the inspection hatches not accessible. Do to the placement of the tank, the amount and size of the vegetation present it is unlikely that the septic tank has received any maintenance in many years. I spoke to the Rick Anderson from Stinker Septic Pumping. He has been pumping septic tanks in Petersburg for the last few years and has not pumped this one. The wastewater department did septic pumping starting in about 2008 but discontinued that service once Rick started up. We never pump the septic tank either. ADEC recommends pumping septic tanks every 2 years at a minimum.

It was discussed that the steps taken so far need to be viewed as temporary fix and that they still need to connect to the Borough sewer and that a residential pump station would likely be required to do so. They responded that since the previous owner didn't connect when sewer became available and the borough allowed them to stay connected to the septic tank that if the borough wanted them to connect to the sewer it was the borough's responsibility to pay for it. There was considerably more said by the owner but it was difficult to follow so I have basically clarified their stance to the best of my ability.

Thanks,
Justin Haley
Wastewater Operations Supervisor
Petersburg Borough
PO Box 329
Petersburg, Alaska 99833
Phone (907) 772-3787
Fax (907) 772-2186
jhaley@petersburgak.gov

August 24, 2020

Site visit at 410 Mitkof Highway-Courtney Johnson residence

I did an on-site visit with Justin Haley and Dennis Jones of Wastewater Department, along with Chief Kerr and Officer Louis Waechter of the Petersburg Police Department.

We were there to look at the sewer system hook ups which had been observed previously to be failing and spilling raw sewage over the embankment and running down the hill towards the ocean. The previously observed pipe failure had been reconnected with a new pipe which ran down the hill to the septic tank. It was observed that there was a new pipe running from the outfall of the septic tank to the nearby creek which runs directly to the ocean. The pipe under the house appears to be cast iron and then it transitions to 4" ABS before transitioning to the 3" corrugated pipe with some sort of fitting or just bonded with duct tape. It was hard to make out if there was a coupling under the tape. This entire use of materials is against building codes for materials used. It is against code to downsize any drainage pipe in the direction of flow. It is also against code to use corrugated pipe for sanitary drainage. The piping also needs to be protected from damage. They stated that this was only temporary to fix the leakage problem until the permanent solution was done. I did not go to the septic tank down the hill but from the looks of it I can only assume that it has never been serviced. I have attached some photos of the piping and septic tank. (the septic tank is under that clod of earth with the chair bottom on top of it) The outfall into the creek can be seen on one picture and the reduced pipe next to the house can be seen on the other photo.

Joe Bertagnoli

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Photo documentation of site inspection of 410 Mitkof Highway on August 24, 2020

Photo 1



Photo showing connection from original piping to new corrugated drainpipe.

- Connection made with duct tape.
- Corrugated pipe not rated for installation.
- All piping unburied and not protected.

Photo 2 410 Mitkof Highway August 24, 2020 Joe Bertagnoli



Photo showing piping route and connections to septic tank.

- All piping unburied and not protected.
- Corrugated piping not rated for the installation.
- Septic tank buried in soil and inaccessible to pump out and maintain.

Photo 3 410 Mltkof Highway August 24, 2020 Joe Bertagnoli



Photo showing discharge of corrugated pipe to a surface water drainage adjacent to beach of Wrangell Narrows.

- Corrugated pipe not rated for installation.
- All pipe unburied and unprotected.
- Discharge of septic system directly to receiving waters of the State of Alaska.

From: Justin Haley <jhaley@petersburgak.gov>

Sent: Tuesday, August 25, 2020 11:28 AM

To: Debra Thompson <dthompson@petersburgak.gov>; Stephen Giesbrecht <sgiesbrecht@petersburgak.gov>; Joe Bertagnoli <jbertagnoli@petersburgak.gov>

Cc: Liz Cabrera <lcabrera@petersburgak.gov>; Chris Cotta <ccotta@petersburgak.gov>; Karl Hagerman <khagerman@petersburgak.gov>

Subject: RE: Courtney Johnson property

I spoke to Raymond Zimmer with ADEC. He directed me to 18 AAC 72.050 (a) (1) which requires secondary treatment and disinfection to discharge domestic wastewater to the waters of the United States. He said that marine discharges from septic systems was previously acceptable but when an owner needs to repair or replace existing system components they must comply with current regulations. He also stated that whenever a community system is available the owner is advised to connect to it. Cost to bring current system into compliance with state regulation would likely exceed the cost to connect to borough sewer by a considerable amount.

Hope this helps.