MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department
Development Services Division
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7822 • Fax (907) 861-7876
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APPLICATION FOR MATERIAL EXTRACTION BELOW OR WITHIN FOUR (4) FEET OF THE SEASONAL HIGH WATER TABLE - MSB 17.30.037

Carefully read instructions and applicable borough code. Fill out forms completely. Attach information as needed. Incomplete applications will not be processed.

Extraction of material below or within four feet of the seasonal high water table requires a permit under this section <u>except</u> material extraction in navigable water performed under the authority of the state or federal government.

_____ **$1,000** for **Conditional Use Permit for Material Extraction Below or within four feet of the seasonal high water table**

Prior to the public hearing, the applicant must also pay for mailing and advertising fees associated with the application. Applicants will be provided with a statement of advertising and mailing charges. Payment must be made ***prior*** *to the application presentation before the Borough Planning Commission.*

<u>Subject property</u> Township: _____, Range: _____, Section: _____, Meridian____
MSB Account ID#_____
SUBDIVISION: _____ BLOCK(S): _____, LOT(S): _____
STREET ADDRESS: _____
(US Survey, Aliquot Part, Lat. /Long. etc) _____

****** A legal description must be provided for partial-lot Interim Materials Districts ******

<u>Ownership</u> A *written authorization by the owner must be attached for an agent or contact person, if the owner is using one for the application.* Is authorization attached? **o Yes o No o N/A**

Name of Property Owner	**Name of Agent/ Contact for application**
_____	_____
Address: _____	Address: _____
_____	_____
Phne: Hm _____ Fax _____	Phne: Hm _____ Fax _____
Wk _____ Cell _____	Wk _____ Cell _____
E-mail _____	E-mail _____

PRIOR ***to submitting an application for a water table extraction permit, the following requirements must be met and detailed written descriptions and documentation must be submitted with the application:***	**Attached**
1. Installation of a sufficient number of monitoring wells and test pits, as recommended by a qualified professional, to adequately determine groundwater flow direction, hydraulic gradient, water table and seasonal high water table elevation, and monitor groundwater quality upgradient and downgradient of the proposed activity on the property on which the activity will take place. Monitoring well and test pit locations must provide the qualified professional with adequate information to characterize the entire property that will be permitted for material extraction.	
a. Monitoring wells must be installed, maintained, and decommissioned in accordance with 18 AAC 80.015.	
b. Well casing elevations must be surveyed to a vertical accuracy of 0.01 feet by a registered land surveyor.	
c. Monitoring well logs and a report must be submitted to the Alaska Department of Natural Resources (ADNR) prior to time of application. The submittal to ADNR must comply with Title 11 Alaska Administrative Code Chapter 93.140 (11 AAC 93.140) by showing well construction parameters and information.	
2. Collection of a sufficient number of representative groundwater samples, as recommended by a qualified professional, to determine baseline water quality.	
a. Baseline representative groundwater samples shall be collected biannually (either mid-summer and fall or fall and late winter) from monitoring wells, and at a minimum, be analyzed for arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, total nitrite/nitrates, phosphates, total dissolved solids, fecal coliform bacteria, benzene, toluene, ethylbenzene, and xylenes by appropriate methods approved by the state. Additional analytes shall be included if recommended by a qualified professional and based on review of regulated potential sources of contamination within one half-mile of the boundary of the property on which the activity will take place.	
b. Representative groundwater samples must be collected under supervision of a qualified professional using sampling methods and analytical methods as defined by a state-certified laboratory. Sampling methods must include documentation to assure acquisition of representative samples.	
3. Determination of seasonal high water table elevation, groundwater flow direction, hydraulic gradient, and water table elevation for the site shall be measured under supervision of a qualified professional.	
4. A written report must be completed by a qualified professional that makes a determination about the potential adverse effects to groundwater and surface water body elevation, groundwater and surface water quality, surrounding water users and adjacent properties. The determination must be based on available data, interpretations of the data and knowledge of groundwater processes.	
5. The written report (Refer to #4) must be submitted with the conditional use permit application and must provide the following information:	
a. Identify existing public water system sources (i.e., wells, springs, surface water intakes), as identified by the state, that are located within one half mile of the boundary of the property on which the activity will take place.	
b. Identify actual or presumed private drinking water wells located within	

one half-mile of the boundary of the property on which the activity will take place and include a copy of the available well logs. The qualified professional must inspect ADNR well log records available for properties within one half mile of the boundary of the property on which the activity will take place.	
c. Identify public drinking water source capture areas less than or equal to the distance of the two-year-time-of-travel isochron as identified or approved by the state, located within one-half mile of the boundary of the property on which the activity will take place.	
d. Identify existing regulated potential sources of contamination within at least one half-mile of the boundary of the property on which the activity will take place.	
e. Contain maps at appropriate scales presenting the results of the well search, the setbacks required by 17.30.037(D)(8), and illustrating wetlands and water bodies. At least one map must show identified potential sources of contamination.	
f. Include the water table elevation monitoring data, groundwater sampling analytical results, monitoring well logs and records of any test pits, and a discussion of the seasonal high water table determination.	
g. Evaluate subsurface hydrologic conditions and identify potential adverse effects that may occur as a result of material extraction. The evaluation of the hydrologic conditions shall include identifying confining layers.	
h. The report and all data relied upon in creation of the report must be provided to the borough and will be available to the public for inspection and review by members of the public.	
6. A monitoring plan must be completed by a qualified professional with appropriate action levels requiring additional investigation and monitoring to assess potential adverse effects to groundwater or surface water. **a.** The monitoring plan must include a field sampling plan.	
b. The plan must contain all well construction and development details.	
In addition to the application requirements for a Conditional Use Permit, an Administrative Permit for earth materials extraction or for an Interim Materials District (IMD), the application for a water table extraction permit must provide the following information:	**Attached**
1. A description of the proposed extent and depth of material extraction beneath the seasonal high water table.	
2. A written report that meets the requirements of MSB 17.30.037(B), a monitoring plan, and a spill prevention, control, and countermeasures plan as required by this section.	
3. A certificate of general liability insurance with limits not less than $1,000,000 per occurrence/$1,000,000 aggregate for operations involving less than 40 acres and $2,000,000 per occurrence/$2,000,000 aggregate for operations involving 40 acres or larger. Insurance must insure liability for bodily injury and property damage and be written on the Insurance Services Office form number CG0001 12 07 or a form as broad as CG0001 12 07. The certificate of insurance must include 30 days notice of cancellation to the borough. The borough must be named on the applicant's general liability policy as an additional insured and the applicant must waive their rights of subrogation against the borough. Such insurance must remain in full force and effect in the specified amounts for the duration of the	

permit period. Insurance coverage must include liability for providing comparable alternate sources of drinking water to all impacted parties served by any private or public water system adversely affected as a result of the activity.	
4. A certificate of Pollution Liability insurance with limits of $1,000,000 per occurrence/$1,000,000 aggregate including third party Bodily Injury and Property Damage and cleanup costs. If the Responsible party's Pollution Liability (Environmental) Insurance is written on a claims-made form, the Responsible party shall provide insurance for a period of three years after expiration or termination of the permit. The policy(s) must evidence a retroactive date, no later than the effective date of the conditional use permit.	
The following operating standards for extraction within or below four feet of the seasonal high water table must be met. Provide written detailed descriptions and attach to the application.	**Attached**
1. Implement a monitoring plan that meets the requirements of this chapter. If existing wells will provide sufficient data, no additional wells are required.	
2. Implement the spill prevention, control and countermeasures plan in accordance with Environmental Protection Agency's requirements for above ground storage tank operations regardless of the quantity of petroleum products on-site.	
a. Fuel storage containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of the storage capacity.	
b. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.	
c. Locate above ground storage tanks farthest from the path of groundwater flow to private and public water systems and farthest from state-approved drinking water source capture areas, and outside the setbacks for all drinking water sources.	
d. Equipment operating within the area of excavation must be maintained to minimize leaks of petroleum fluids. Equipment that releases petroleum fluids to the environment must be repaired as soon as practical. The responsible party or owner must contain the leaks immediately on discovery.	
e. In the event of a reportable release of regulated contaminants, notification must include the planning director and must occur concurrently with the state and federal agencies, if applicable.	
3. Groundwater flow direction, hydraulic gradient, and groundwater table elevation for the subject parcel must be measured at least monthly during active extraction. Monitoring wells must be maintained or replaced with equivalent monitoring wells.	
4. Collect groundwater samples biannually prior to seasonal excavation startup and within two weeks of seasonal shutdown from the down-gradient and cross-gradient monitoring wells. Sample collection must be conducted in accordance with sampling methods defined by a state certified laboratory.	
a. Representative groundwater samples must be analyzed at a minimum, for benzene, toluene, ethylbenzene, xylenes, and total dissolved solids, by methods approved by a certified laboratory as well as any analyte identified in the water quality monitoring data with a concentration within 15 percent of the applicable water quality standards established by state regulation. Groundwater sample analysis must include testing for analytes that may indicate water quality changes including, but not limited to, pH, conductivity, nitrates, sulfates, sodium,	

calcium, magnesium, bicarbonate, and potassium.	
b. Analytical sampling results and water elevation monitoring data must be retained for two years following completion of reclamation activities and must be provided to the planning director upon request.	
i. If the monitoring data indicates that a maximum contaminant level set under 18 AAC 80 has been exceeded, or if the water level measurements indicate a shift, beyond natural variability, in the elevation of the water table, the owner or responsible party must report that result to the planning department within 48 hours of notification.	
c. A qualified professional must annually submit a report to the planning department that includes:	
i. A table of monitoring results.	
ii. Water quality sample analytical results in a table that includes the appropriate maximum contaminant levels established under 18 AAC 80.	
iii. Water table elevation monitoring data.	
5. Operations must not breach or extract material from a confined aquifer or a confining layer beneath a perched aquifer currently used as a drinking water source.	
a. If evidence suggests a confined aquifer or confining layer has been breached, or if groundwater or surface water elevation changes rapidly or beyond natural variation, the planning director must be notified within 24-hours.	
i. A hydrologic assessment, conducted by a qualified professional, to determine the affected area and the nature and degree of effects and a description of potential repair or mitigation options must be submitted to the planning director within 14 calendar days of notification.	
ii. Repair or mitigation sufficient to address identified effects must be initiated as soon as practical, not to exceed 45 calendar days from the date the assessment is received by the planning director.	
6. Proof of insurance as required by 17.30.037(C)(4) to mitigate impacts arising from the extraction activity must be maintained until completion and acceptance of reclamation activities.	
7. Operations should be conducted in accordance with the current publication of the State of Alaska's User Manual Best Management Practices for Gravel Pits.	
8. Operations must maintain the following setbacks:	
a. 65 feet from the property line, except where operations encompass contiguous parcels and extraction within four-feet of the seasonal high water table is proposed across adjoining lot lines.	
b. 500 feet from the nearest downgradient drinking water source.	
c. 350 feet from the nearest cross-gradient drinking water source.	
d. 200 feet from the nearest upgradient drinking water source.	
i. Minimum separation distances must not apply to drinking water sources constructed after a permit to extract material below the water table has been issued	

OWNER'S STATEMENT: I am owner of the following property:

MSB Tax parcel ID #(s) _____ and,
I hereby apply for approval of material extraction below or within four (4) feet of the seasonal high water table on that property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB 17. 28, MSB 17.30 and with all other applicable borough, state or federal laws, including but not limited to, air quality, water quality, and use and storage of hazardous materials, waste and explosives, per MSB 17.28.040.

I understand that other rules such as local, state and federal regulations, covenants, plat notes, and deed restrictions may be applicable and other permits or authorization may be required. I understand that the borough may also impose conditions and safeguards designed to protect the public's health, safety and welfare and ensure the compatibility of the use with other adjacent uses.

I understand that it is my responsibility to identify and comply with all applicable rules and conditions, covenants, plat notes, and deed restrictions, including changes that may occur in such requirements.

I understand that this permit and zoning status may transfer to subsequent owners of this land and that it is my responsibility to disclose the requirements of this status to operators on this property, and to the buyer when I sell the land.

I understand that changes from the approved operational plan may require further authorization by the Borough Planning Commission or Assembly. I understand that failure to provide applicable documentation of compliance with approved requirements, or violation of such requirements will nullify legal status, and may result in penalties.

I understand it is my responsibility to provide the borough code compliance division with up to date reports, notification of proposed changes, and contact information for approved person(s) to whom I sell this property and to whom I assign responsibility for daily operations on the site.

I grant permission for borough staff members to enter onto the property as needed to process this application and monitor compliance with permit requirements. Such access will at a minimum, be allowed when the activity is occurring and, with prior notice, at other times necessary to monitor compliance.

The information submitted in this application is accurate and complete to the best of my knowledge.

_____

Signature: Property Owner Printed Name Date

_____

Signature: Agent Printed Name Date