

1300

Introduced by: Assemblyman Davis

Date: February 6, 1973

Hearing: March 6, 1973

Adopted: March 6, 1973

KENAI PENINSULA BOROUGH

ORDINANCE 73-11

AN ORDINANCE ENTITLED: AN ORDINANCE AMENDING TITLE 14,
CHAPTER .05, AIR POLLUTION.

BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA
BOROUGH:

Section 1. Sec. 14.05.010 is amended to read:

Section 14.05.010. Air Pollution Control Commission.
** There is created the Air Pollution Control Commission
of the Cook Inlet (Tri-Borough) Air Resources Manage-
ment District, hereinafter known as the District,
the members of which shall be two members elected
from each of the Borough Assemblies of the (Matanuska-
Susitna,) Kenai Peninsula and Greater Anchorage Area
Boroughs. The Commission shall appoint a director
to act as an advisor, as commission secretary, and
to perform such other functions as the Commission
shall direct. The Commission shall select a chair-
man from among its voting members.

Section 2. Sec. 14.05.020 is amended to read:

Section 14.05.020. Meetings. The Commission shall
hold at least six regular meetings each year and
additional meetings which the chairman considers
desirable at a place and time to be fixed by the
chairman. Special meetings shall be called by the
chairman upon written request of three (four) mem-
bers. Three (Four) voting members shall constitute
a quorum.

Section 3. Sec. 14.05.050 is amended to read:

Section 14.05.050. Emission Control Requirements.
The Commission may establish emission control re-
quirements which in its judgment are necessary to
prevent, abate or control air pollution. These
requirements may be for the District as a whole or
may vary from area to area as may be appropriate,
to facilitate accomplishment of the purposes of
this Article and in order to take account of varying

** New material underlined
Old material in parenthesis

local conditions. The Commission may require the owner or operator of stationary sources to install, maintain, and operate emission or ambient monitoring devices, or both, and to furnish the data collected to the District.

Section 4. Sec. 14.05.055 is amended to read:

Section 14.05.055. Emergency Procedure. (a). If the Director finds that a generalized condition of air pollution exists and that it creates an emergency requiring immediate action to protect human health or safety, he shall, with concurrence of the borough mayor (chairman) of the borough in which the emergency arises, order persons causing or contributing to the air pollution to reduce or discontinue immediately the emission of such air contaminants. The order shall fix a place and time, not more than 24 hours later, for a hearing to be held before the Commission. Within 24 hours after the commencement of the hearing, and without adjournment of it, the Commission shall affirm, modify or set aside the order of the Director.

Section 5. Sec. 14.05.065 is amended to read:

Section 14.05.065. Confidentiality of Records. Unless the owner or operator expressly agrees to their publication or availability to the general public, records and information in the possession of the Commission concerning a contaminant source, which records and information relate to production or sales figures or to processes or production unique to the owner or operator and the publication of which would tend to adversely affect his competitive position, as certified by him, shall be only for the confidential use of the Commission on an in camera basis in the administration of this chapter. The Commission may, nevertheless, use these records and information in compiling analyses or summaries relating to the general condition of the outdoor atmosphere so long as the owner or operator is not identified and no information specified in the preceding sentence is revealed. Confidentiality of records and information as established by this Section does not apply to the types, amounts, or sources of air contaminants discharged.

Section 6. Sec. 14.05.080 is amended to read:

Section 14.05.080. Penalties (a) (b).

(a). In addition to procedures provided in Section .075 of this chapter, a person who violates a provision of this chapter or a rule or regulation in force under it, upon conviction, is punishable by a fine not to exceed (\$300.00) \$500.00 and/or 30 days imprisonment. Each day of violation shall constitute a separate offense.

(b). Conviction as specified in (a) of this section shall not be a bar to enforcement of this chapter, and the rules, regulations and orders issued under it. The Commission shall have power to institute and maintain in the name of the two (three) boroughs all enforcement proceedings.

Section 7. This ordinance shall become effective on the day of enactment.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS 6 DAY OF March, 1973.



Assembly President

ATTEST:



Borough Clerk

NOTE: Underlined portion is new material.
Parenthesis indicates deletions.

