

From: [Alaska Nature Tours](#)  
To: [Xi Cui](#)  
Subject: Re: rock pit behind our house  
Date: Thursday, March 13, 2014, 2:30:56 AM

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Hi Tracy,

Hope you are well. We received a notice from the Borough that the land owner behind our home on 234 Oslund Drive, is applying for a conditional use permit to change their land use and I wanted to comment and had a question for the Planning Commission.

I'm concerned about the precedent of issuing a conditional use permit for dumping, storing and processing construction waste in an area that has historically been used just for rock extraction. There was illegal dumping, burning and burying of trash on this land and we live immediately down stream. When it rains, run-off from the rock pit flows through our property. With the heavier storms this winter we had new streams running through the forest and across our driveway from this land. (see picture below). We purchased our home knowing there was a rock pit above us. I have no problem with that use, however I am still concerned that waste asphalt was ground up and screened there last summer. Although asphalt is apparently legal to use as bedding for human drinking water systems, I worry if it's safe, containing numerous chemicals known to be toxic to humans including polycyclic aromatic hydrocarbons and possibly Benzene or Toluene. For the record, I went directly to the owner with these concerns in October of 2013 before attending the Planning Commission meeting last March.

In 1985 the Division of Natural Resources surveyed their common property line with this land at the top of the pit and determined that the pit had encroached onto the adjacent land.

Does the Borough have any twilight provisions in rock pit conditional use permits when, on steep ground, the top of the cut begins eroding rocks and trees into the pit from the upland owner? When the rocks below continue to be removed, the slope loses it's repose, becomes unstable and more rocks and trees fall in, which has been happening in the East end of this pit for many years. To protect the Borough's adjacent landowners, a "cease excavation" clause in a permit once one neighbor's resources begin falling into another land owner's rock pit might be prudent.

Thanks the opportunity to comment.

Kind regards,  
Dan Egolf



On Mar 13, 2014, at 1:21 PM, Xi Cui wrote:

Dan,

I appreciate your input. As I remembered, Public Works Superintendent Ralph Borders and Public Facilities Director Carlos Jimenez did inspections after the removal of the buried trash and discarded culverts. The attached letter is the Borough manager's final decision. Per HBC 18.30.030, all questions of the manager's interpretation or administration of the provisions of this title shall be treated as an appeal, pursuant to the provisions of HBC 18.30.050.

At the tonight's meeting, the Planning Commission may confirm the manager's decision, reverse the manager's decision, or change the conditions which the manager placed on approval. Thanks.

Tracy

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From: Alaska Nature Tours [[mailto:dan\\_egolf@me.com](mailto:dan_egolf@me.com)]  
Sent: Thursday, March 13, 2014 10:49 AM  
To: Xi Cui  
Subject: Re: rock pit behind our house

Hi Tracy,

Thank you for the update. Did the Borough inspect the site when the buried garbage was removed? Do you know what happened to the garbage? There were numerous dump trucks of garbage buried there. Does the Borough know how many truck loads were removed? Also, the road into the pit extending north of 2nd Avenue was widened and a ditch was dug on the West (left) side of the widened road that exposed the buried Army pipeline. I'm assuming to catch run-off from the pile of ground up asphalt finds that were processed. Is that a private road? I think it is shown as a Borough R.O.W. After the asphalt grinding, to provide bedding for the new water pipes, a ditch was dug crossing the road to restrict access to the pit. If it's a Borough R.O.W, did the Borough give the operator permission to cut trees, widen the road, and dig two ditches there? Run-off including asphalt finds, now flow out of the asphalt processing area and down 2nd Ave, as well as between our house and Omar Cordes's house to the East. Needless to say, I don't think garbage or asphalt should have been "landfilled" in a rock pit, per HBC 18.70.040, and do not think the Borough should grant an appeal. As mentioned before, asphalt contains carcinogenic polycyclic aromatic hydrocarbons, something no one wants on their land.

Thanks for your help,

Dan Egolf  
234 Oslund Dr. / PO Box 491  
Haines, AK 99827  
[dan\\_egolf@me.com](mailto:dan_egolf@me.com)

On Mar 13, 2014, at 9:06 AM, Xi Cui wrote:

Dan,

The meeting is at tonight. You are invited to attend and comment at the meeting, or if you wish to forward an email with thoughts or concerns I would be happy to forward it to the Planning Commission. Thank you very much for your attention on this matter.

Tracy

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**From:** Xi Cui  
**Sent:** Thursday, March 13, 2014 9:02 AM  
**To:** 'Alaska Nature Tours'  
**Subject:** RE: rock pit behind our house

Dan,

The buried garbage and discard culverts have been removed from the site quite a while ago. However, the placement of asphalt and concrete appears to meet the definition of landfill. Operating a landfill in multiple residential zone is prohibited, as required HBC 18.70.040. The Borough requires the property owner Roger Schnabel to remove the concrete and asphalt from the site, and stop importing unpermitted material to the site. Schnabel is appealing this decision to the Planning Commission.

The Planning Commission meeting will start 6:30 pm at Assembly Chambers. The agenda and packet are available online at the Borough website, or with the following links:  
Agenda - [http://www.hainesalaska.gov/sites/default/files/fileattachments/events/planningzoning/agendas/03-13-14\\_agenda.pdf](http://www.hainesalaska.gov/sites/default/files/fileattachments/events/planningzoning/agendas/03-13-14_agenda.pdf)

Packet: [http://www.hainesalaska.gov/sites/default/files/fileattachments/events/planningzoning/fileattachments/03-13-14\\_agenda\\_packet.pdf](http://www.hainesalaska.gov/sites/default/files/fileattachments/events/planningzoning/fileattachments/03-13-14_agenda_packet.pdf)

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**From:** Alaska Nature Tours [[mailto:dan\\_egolf@ms.com](mailto:dan_egolf@ms.com)]  
**Sent:** Wednesday, March 12, 2014 4:41 PM  
**To:** Xi Cui  
**Subject:** rock pit behind our house

Hi Tracy,

I heard that there is an appeal to not remove the asphalt and concrete in the pit. Can you share what has transpired up until now in this case? Has the garbage been removed? If not, when is it supposed to be removed? Thanks for your response.

Kind regards,

Dan Egolf  
234 Oslund Dr. / PO Box 491  
Haines, AK 99827  
[dan\\_egolf@ms.com](mailto:dan_egolf@ms.com)

**From:** Alaska Nature Tours <[dan\\_egolf@ms.com](mailto:dan_egolf@ms.com)>

**Subject:** concerns

**Date:** October 26, 2013 10:30:27 PM AKDT

**To:** Tracy Xi Cui, Planning & Zoning Tech, III <[xcui@haines.ak.us](mailto:xcui@haines.ak.us)>

Hi Tracy,

I'd like to introduce myself and apologize for the recent attack in the newspaper. Life in a small, divided, Alaska town can be exasperating. I've come to learn, if you haven't been verbally attacked at an Assembly meeting or in print, you're nobody in Haines! I was a state forester here for 13 years. Our boss in Juneau told us that if the "greenies" and the "loggers" weren't mad at us, we weren't doing our job right. Back then, in a logging town of just 2,200, it didn't leave much room for any friends.

I was hoping to find out from you more about what I heard regarding the dumping of garbage and ground up asphalt in the "Rock Pit" behind our house on Oslund Drive. We live "down stream" from the rock pit and the rain and snowmelt run-off water from the pit flows through our property. Apparently the area is designated as a "rock pit," not a "dump" or a "land fill". Is that correct? We saw numerous dump trucks with loads of refuse from a moving sale bury their loads at the pit. Has the borough notified the owners to remove what was dumped and if so when will it be removed?

A health concern is the ground-up asphalt that has been piled up at the pit and is being used as bedding material under the new water pipes in the Borough's water line project. Have you inspected the area? My understanding is that asphalt contains petroleum distillates with PAHs or polycyclic aromatic hydrocarbons, which are generally considered to be carcinogenic. This is the first time I've seen a toxic substance used to bed a public water supply. Are there any Borough codes that specify clean rock as bedding around palatable water pipes? I've seen ground up asphalt being recycled back into road bedding material when roads are being built but using it around a public water source seems risky. Thanks for your response.

A concerned land owner,

Dan Egolf  
234 Oslund Drive  
Haines