

**BEFORE THE STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

STATE OF ALASKA, DEPARTMENT)	
OF ENVIRONMENTAL CONSERVATION)	
)	
Complainant,)	AS 46.03.810
)	18 AAC 50.110
)	
Versus)	
)	
Mr. Larry Gilbert)	
)	
Respondent)	
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Enforcement Tracking # 10-0678-45-8907		

NUISANCE ABATEMENT ORDER

PLEASE TAKE NOTE:

This Nuisance Abatement Order is issued under the authority of AS 46.03.810(a)(2). Failure to comply with this ORDER may result in civil and/or criminal sanctions.

FACTUAL BASIS:

The Alaska Department of Environmental Conservation (ADEC) has received public complaints of smoke caused by the boiler located at 150 Farmer's Loop Extension in Fairbanks, Alaska.

Several citizens passing by or working near the corner of Farmer's Loop and the Steese Highway in Fairbanks have complained about the poor air quality surrounding that intersection. These citizens identified the boiler located at 150 Farmer's Loop Extension in Fairbanks, Alaska as the source of unreasonable air pollution in the area.

ADEC's investigations have determined that the boiler located at 150 Farmer's Loop Extension in Fairbanks, is the source of the poor air quality surrounding that intersection.

ADEC finds that the manner in which the boiler has been operated creates a public nuisance within the meaning of AS 46.03.810(a)(2), and is obnoxious and/or offensive to the public. In addition, ADEC finds that Respondent is operating a boiler in a manner that unreasonably interferes with the enjoyment of life or property as prohibited by 18 AAC 50.110.

Under the authority of AS 46.03.810, ADEC hereby orders Respondents to abate the nuisance.

ACCORDINGLY, THE OWNERS AND/OR OCCUPANTS OF THE PROPERTY AT 150 FARMERS LOOP EXTENSION IN FAIRBANKS, ALASKA ARE ORDERED TO:


1. AVOID OPERATING THE BOILER LOCATED AT 150 FARMER'S LOOP EXTENSION IN A MANNER THAT CAUSES ITS EMISSIONS TO BE A NUISANCE TO HUMANS.
2. AVOID BURNING MATERIALS THAT ARE INJURIOUS TO HUMAN HEALTH INCLUDING TIRES, PLASTICS, OR USED OIL.
3. AVOID BURNING MATERIALS FOR WHICH THE BOILER WAS NOT DESIGNED.

AS 46.03.810(b) provides: "A person who neglects or refuses to abate the nuisance upon order of an officer of the Department of Environmental Conservation is guilty of a misdemeanor and is punishable as provided in AS 46.03.790. In addition to this punishment, the court shall assess damages against the defendant for the expenses of abating the nuisance."

A person convicted of a class A misdemeanor may be sentenced to pay a fine not exceeding \$10,000 and/or sentenced to a definite term of imprisonment of not more than one year. Each day of violation is considered a separate violation. Alaska laws allow the State to pursue both civil and criminal actions concurrently.

If you have any questions or concerns regarding this ORDER, or the consequences of your failure to comply with it, you may contact Moses Coss at the Department of Environmental Conservation, Air Permits Program, 610 University Avenue, Fairbanks, AK 99709-3643, phone (907) 451-2163; fax (907) 451 -2187.

Dated: Jan 26, 2011



Alice Edwards
Director
Division of Air Quality
Alaska Department of Environmental
Conservation

I certify that on January 26, 2011, I served this Order

by U.S. Certified Mail, Return Receipt Requested, to Larry Gilbert, 150 Farmers Loop Ext,
Fairbanks Alaska, 99709

cc: Jim Baumgartner, ADEC/APP, Juneau
Moses Coss, ADEC/APP, Fairbanks