

SENATE BILL NO. 29

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/18/13

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the regulation of wastewater discharge from commercial passenger**
2 **vessels in state waters; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 46.03.462(b) is amended to read:

5 (b) The minimum standard terms and conditions for all discharge permits
6 authorized under this section require that the owner or operator

7 (1) may not discharge untreated sewage, treated sewage, graywater, or
8 other wastewaters in a manner that violates any applicable state or federal law
9 governing the disposal or discharge of solid or liquid waste material [EFFLUENT
10 LIMITS OR STANDARDS UNDER STATE OR FEDERAL LAW, INCLUDING
11 ALASKA WATER QUALITY STANDARDS GOVERNING POLLUTION AT THE
12 POINT OF DISCHARGE, EXCEPT AS PROVIDED IN (e) OF THIS SECTION];

13 (2) shall maintain records and provide the reports required under
14 AS 46.03.465(a);

(3) shall collect and test samples as required under AS 46.03.465(b) and (d) and provide the reports with respect to those samples required by AS 46.03.475(c);

(4) shall report discharges in accordance with AS 46.03.475(a);

(5) shall allow the department access to the vessel at the time samples are taken under AS 46.03.465 for purposes of taking the samples or for purposes of verifying the integrity of the sampling process; and

(6) shall submit records, notices, and reports to the department in accordance with AS 46.03.475(b), (d), and (e).

* **Sec. 2.** AS 46.03.462(c) is amended to read:

(c) The owner or operator of a small commercial passenger vessel may submit a plan for alternative terms and conditions of vessel discharges [IF THE KEEL OF THE VESSEL WAS LAID BEFORE JANUARY 1, 2004]. The alternative terms and conditions may include alternatives to the requirements under AS 46.03.465(a) - (d). The [EXCEPT AS PROVIDED IN (D) OF THIS SECTION, THE] department shall approve the plan for a five-year [THREE -YEAR] period if the department finds that the alternative terms and conditions in the plan incorporate the best management practices for protecting the environment to the maximum extent feasible. The department shall adopt regulations to implement this subsection but may not require an owner or operator to retrofit a vessel solely for the purpose of waste treatment if the retrofitting requires additional stability testing or relicensing by the United States Coast Guard. In this subsection, "best management practices" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the marine waters of the state.

* **Sec. 3.** AS 46.03.462(e) is repealed and reenacted to read:

(e) When issuing, reissuing, renewing, or modifying a permit required under (a)(1) of this section, the department may only include the authorization of a mixing zone for a commercial passenger vessel that employs an advanced wastewater treatment system that falls within the class of systems identified by the department under (j) of this section or employs other means of pollution prevention, control, and treatment that the department finds can achieve a quality of effluent that is comparable

to that of one or more vessels employing an advanced wastewater treatment system. If a commercial passenger vessel employs an advanced wastewater treatment system that satisfies the requirements of this subsection, the department shall find the commercial passenger vessel satisfies all state technology-based treatment requirements for authorization of a mixing zone.

* **Sec. 4.** AS 46.03.462 is amended by adding new subsections to read:

(i) Notwithstanding any contrary provision of law, the department may administratively extend until December 15, 2015, the duration of the general permit that was issued in 2010 under AS 46.03.100 to regulate wastewater discharges from commercial passenger vessels. The department may modify the terms of the administratively extended general permit following the process provided for by law for modifying other permits issued by the department under AS 46.03.100.

(j) In this section, the department shall determine the systems that constitute the class of advanced wastewater treatment systems that may be approved by permit under (e) of this section considering factors deemed appropriate by the department. At a minimum, the department's determination must find

(1) that the system provides treatment of sewage and graywater on board commercial passenger vessels that achieves levels of biological treatment, solids removal, and disinfection higher than that achieved by traditional marine sanitation devices required by 33 C.F.R. 159; and

(2) that effluent discharged from that system meets all requirements under P.L. 106-554, 33 U.S.C. 1901 note.

* **Sec. 5.** AS 46.03.462(d), 46.03.462(f), 46.03.462(g), and 46.03.464 are repealed.

* **Sec. 6.** Sections 3 and 7, ch. 53, SLA 2009, are repealed.

* **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).