

**Sectional Analysis of  
SB 180 Passenger Vessel Environmental Compliance  
Department of Environmental Compliance  
February 8, 2022**

Section 1 – Amends AS 46.03.460 to clarify that DEC has organizational flexibility to regulate cruise ships with personnel from different DEC divisions (air, water, etc.), rather than “silo-ing” cruise ship regulators in a separate program, and directing DEC to adopt regulations implementing the simplified environmental compliance statutes.

Section 2 – Repeals and reenacts AS 46.03.463 to simplify and broadly consolidate existing subsections (a) – (c), (e), and (f) into a single subsection, enabling DEC to set specific discharge limits and requirements in regulation. It retains former section (h) in statute as new section (b) to clarify that discharges for the purpose of vessel safety are allowed.

Section 3 – Amends AS 46.03.465(a) to substitute “wastewater” for “sewage, graywater, or other wastewaters,” and to provide DEC with flexibility to establish the form and timing for cruise ships to report to DEC in order to provide for more effective oversight.

Section 4 – Amends AS 46.03.465(b) to clarify that for vessels authorized to discharge in state waters, samples will be collected on a schedule that meets the department’s oversight requirements. As previously described, the term “wastewater” consolidates existing definitions.

Section 5 – Amends AS 46.03.465(c) to clarify DEC’s authority to inspect vessel wastewater and air emissions systems. Clearly states that DEC has the ability to board vessels while they are in state waters. While DEC already has this authority under AS 46.03.020, this clarifies that permission. As previously described, the term “wastewater” consolidates existing definitions.

Section 6 – Amends AS 46.03.465(d) to strengthen the requirements for samples to better ensure compliance with standards. Makes necessary changes to conform to Section 2.

Section 7 – Amends AS 46.03.465(f) to authorize DEC to require information be submitted in a form specified by the department (e.g., electronic) to provide for more effective oversight.

Section 8 – Conforming amendment to AS 46.03.465(h) to reflect the deletion of AS 46.03.462 in Section 14. Makes the requirements apply to all commercial passenger vessels, not just the large, permitted vessels.

Section 9 – Amends AS 46.03.480(a) to establish a simplified environmental compliance fee of \$5 per lower berth per voyage on all commercial passenger vessels operating in state waters. This replaces both the \$4 fee for the ocean rangers and the matrix of general environmental compliance fees. This amendment also reduces the \$5 fee by \$1 for vessels that use electronic monitoring systems that will improve DEC’s ability to efficiently oversee environmental compliance. This section also includes a rebate to the vessel at the conclusion of the season for unoccupied berths, placing the responsibility on the vessel to apply for the rebate and demonstrate the number of unoccupied berths. As noted in Section 23, this amendment to the fee structure would become effective January 1, 2023.

Section 10 – Repeals and reenacts AS 46.03.480(b) to temporarily maintain the current fee structure for small vessels. As noted in Section 19, the amendment to the fee structure would become effective January 1, 2024.

Section 11 – Repeals and reenacts AS 46.03.480(c) to simplify and make conforming changes to the language.

Section 12 – Amends AS 46.03.482(c) to remove obsolete language and to broaden the stated purposes for which the legislature might appropriate the collected fees to include the grant program created by Section 13.

Section 13 – Adds a new section, AS 46.03.483, creating a grant fund and authorizing DEC to create a grant program for municipalities to assist with building or improving wastewater treatment systems or facilities that are impacted by service to cruise ship passengers.

Section 14 - Amends the definition of a commercial passenger vessel in AS 46.03.490(2)(B) to be consistent with federal law.

Section 15 - Amends the definition of a small commercial passenger vessel in AS 46.03.490(13) to be consistent with federal law.

Section 16 – Amends AS 46.03.490 to add a definition for wastewater.

Section 17 – For purposes of providing DEC greater regulatory flexibility, repeals a number of detailed statutes governing commercial passenger vessels.

Section 18 – Repeals the ocean ranger statute, AS 46.03.476, separately so that it may have a different effective date. This repeal will be effective retroactively to April 1, 2020 in Section 21.

Section 19 - Repeals AS 46.03.480(b) on December 31, 2023. This allows small vessels an additional year under the current fee structure before they are subject to the higher fees of the new structure.

Section 20 – Transition language added to the uncoded law to authorize DEC to work on regulations before the majority of the bill becomes effective January 1, 2023.

Section 21 – Section 18 (repeal of ocean rangers requirement) is retroactive to April 1, 2020.

Section 22 – Provides an immediate effective date for Sections 18, 20, and 21. This makes the retroactive (Section 21) repeal of the ocean rangers (Section 18) effective immediately, as well as the provision that allows DEC to begin working on regulations (Section 20).

Section 23 – Provides a special effective date of January 1, 2023 for the majority of the bill; this ensures that DEC has time to adopt regulations before the repeals in Section 17 and other amendments become effective.