LAWS OF ALASKA

2007

AN ACT

Relating to discharge from small commercial passenger vessels; relating to information-gathering requirements for small commercial passenger vessels; providing for an effective date by repealing the delayed effective date found in sec. 16, ch. 153, SLA 2004; and providing for an effective date.

_____

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1   Relating to discharge from small commercial passenger vessels; relating to information-

2   gathering requirements for small commercial passenger vessels; providing for an effective

3   date by repealing the delayed effective date found in sec. 16, ch. 153, SLA 2004; and

4   providing for an effective date.

5   _____

6   *** Section 1.** AS 46.03.462(a) is amended to read:

7   (a) An owner or operator may not discharge any treated sewage, graywater, or

8   other wastewater from a [LARGE] commercial passenger vessel into the marine

9   waters of the state unless the owner or operator

10   **(1)** obtains a permit under AS 46.03.100, which shall comply with the

11   terms and conditions of vessel discharge requirements specified in (b) of this section**;**

12   **or**

13   **(2)   has a plan approved by the department under (c) of this**

14   **section**.

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

2   (a) An owner or operator may not discharge any treated sewage, graywater, or

3   other wastewater from a commercial passenger vessel into the marine waters of the

4   state unless the owner or operator

5   [(1)] obtains a permit under AS 46.03.100, which shall comply with

6   the terms and conditions of vessel discharge requirements specified in (b) of this

7   section [; OR

8   (2) HAS A PLAN APPROVED BY THE DEPARTMENT UNDER

9   (c) OF THIS SECTION].

10   *** Sec. 3.** AS 46.03.462 is amended by adding new subsections to read:

11   (c) The owner or operator of a small commercial passenger vessel may submit

12   a plan for alternative terms and conditions of vessel discharges if the keel of the vessel

13   was laid before January 1, 2004. The alternative terms and conditions may include

14   alternatives to the requirements under AS 46.03.465(a) - (d). Except as provided in (d)

15   of this section, the department shall approve the plan for a three-year period if the

16   department finds that the alternative terms and conditions in the plan incorporate the

17   best management practices for protecting the environment to the maximum extent

18   feasible. The department shall adopt regulations to implement this subsection but may

19   not require an owner or operator to retrofit a vessel solely for the purpose of waste

20   treatment if the retrofitting requires additional stability testing or relicensing by the

21   United States Coast Guard. In this subsection, "best management practices" means

22   schedules of activities, prohibitions of practices, maintenance procedures, and other

23   management practices to prevent or reduce the pollution of the marine waters of the

24   state.

25   (d) A plan submitted under (c) of this section after December 31, 2012, may

26   not be approved by the department for a period extending beyond December 31, 2015.

27   *** Sec. 4.** AS 46.03.463(b) is amended to read:

28   (b) Except as provided in (h) of this section or under **AS 46.03.462(c)**

29   [AS 46.03.462(c) - (e)], a person may not discharge sewage from a commercial

30   passenger vessel into the marine waters of the state that has suspended solids greater

31   than 150 milligrams per liter or a fecal coliform count greater than 200 colonies per

1   100 milliliters except that the department may by regulation adopt a protocol for

2   retesting for fecal coliform, if this discharge limit for fecal coliform is exceeded, under

3   which a discharger will be considered to be in compliance with the fecal coliform limit

4   if the geometric mean of fecal coliform count in the samples considered under the

5   protocol does not exceed 200 colonies per 100 milliliters. [UPON SUBMISSION BY

6   THE OWNER OR OPERATOR OF A SMALL COMMERCIAL PASSENGER

7   VESSEL OF A PLAN FOR INTERIM PROTECTIVE MEASURES UNDER

8   AS 46.03.462(c)(2) AND (d), THE DEPARTMENT SHALL EXTEND THE TIME

9   FOR COMPLIANCE OF THAT VESSEL WITH THIS SUBSECTION.]

10   *** Sec. 5.** AS 46.03.463(b) is amended to read:

11   (b) Except as provided in (h) of this section [OR UNDER AS 46.03.462(c)], a

12   person may not discharge sewage from a commercial passenger vessel into the marine

13   waters of the state that has suspended solids greater than 150 milligrams per liter or a

14   fecal coliform count greater than 200 colonies per 100 milliliters except that the

15   department may by regulation adopt a protocol for retesting for fecal coliform, if this

16   discharge limit for fecal coliform is exceeded, under which a discharger will be

17   considered to be in compliance with the fecal coliform limit if the geometric mean of

18   fecal coliform count in the samples considered under the protocol does not exceed 200

19   colonies per 100 milliliters.

20   *** Sec. 6.** AS 46.03.463(c) is amended to read:

21   (c)   Except as provided in (h) of this section or under **AS 46.03.462(c)**

22   [AS 46.03.462(c) - (e)], a person may not discharge graywater or other wastewater

23   from a commercial passenger vessel into the marine waters of the state that has

24   suspended solids greater than 150 milligrams per liter or a fecal coliform count greater

25   than 200 colonies per 100 milliliters except that the department may by regulation

26   adopt a protocol for retesting for fecal coliform, if this discharge limit for fecal

27   coliform is exceeded, under which a discharger will be considered to be in compliance

28   with the fecal coliform limit if the geometric mean of fecal coliform count in the

29   samples considered under the protocol does not exceed 200 colonies per 100

30   milliliters. [UPON SUBMISSION BY THE OWNER OR OPERATOR OF A LARGE

31   COMMERCIAL PASSENGER VESSEL OF A PLAN FOR INTERIM

1   PROTECTIVE MEASURES, THE DEPARTMENT SHALL EXTEND THE TIME

2   FOR COMPLIANCE OF THAT VESSEL WITH THIS SUBSECTION FOR A

3   PERIOD OF TIME THAT ENDS NOT LATER THAN JANUARY 1, 2003. UPON

4   SUBMISSION BY THE OWNER OR OPERATOR OF A SMALL COMMERCIAL

5   PASSENGER VESSEL OF A PLAN FOR INTERIM PROTECTIVE MEASURES

6   UNDER AS 46.03.462(c)(2) AND (d), THE DEPARTMENT SHALL EXTEND THE

7   TIME FOR COMPLIANCE OF THAT VESSEL WITH THIS SUBSECTION.]

8   *** Sec. 7.** AS 46.03.463(c) is amended to read:

9   (c) Except as provided in (h) of this section [OR UNDER AS 46.03.462(c)], a

10   person may not discharge graywater or other wastewater from a commercial passenger

11   vessel into the marine waters of the state that has suspended solids greater than 150

12   milligrams per liter or a fecal coliform count greater than 200 colonies per 100

13   milliliters except that the department may by regulation adopt a protocol for retesting

14   for fecal coliform, if this discharge limit for fecal coliform is exceeded, under which a

15   discharger will be considered to be in compliance with the fecal coliform limit if the

16   geometric mean of fecal coliform count in the samples considered under the protocol

17   does not exceed 200 colonies per 100 milliliters.

18   *** Sec. 8.** AS 46.03.465 is amended by adding a new subsection to read:

19   (g) The department may exempt from the requirements of (a) - (d) of this

20   section the owner or operator of a small commercial passenger vessel who has a plan

21   for alternative terms and conditions of vessel discharges approved by the department

22   under AS 46.03.462(c).

23   *** Sec. 9.** AS 46.03.462(c), 46.03.462(d), and 46.03.465(g) are repealed January 1, 2016.

24   *** Sec. 10.** Sections 3, 5, 8, 10, 12, 13, and 14, ch. 153, SLA 2004, are repealed.

25   *** Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to

26   read:

27   RETROACTIVITY. Sections 1, 3, 4, 6, and 8 of this Act are retroactive to

28   December 17, 2006.

29   *** Sec. 12.** Section 16, ch. 153, SLA 2004, is repealed.

30   *** Sec. 13.** Sections 2, 5, and 7 of this Act take effect January 1, 2016.

31   *** Sec. 14.** Except as provided in sec. 13 of this Act, this Act takes effect immediately under

1   AS 01.10.070(c).