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4/18/26

CS FOR HOUSE BILL NO. 366(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE HANNAN

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the use of heavy petroleum fuel oil as a marine fuel; relating to the**
2 **duties of the Department of Environmental Conservation; and providing for an effective**
3 **date."**

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

5 * **Section 1.** AS 30 is amended by adding a new chapter to read:

6 **Chapter 35. Marine Fuel.**

7 **Sec. 30.35.010. Marine fuel in coastal waters.** Except as provided in this
8 chapter, a person may not use heavy petroleum fuel oil in an auxiliary engine or main
9 engine on a large commercial passenger vessel operating within applicable waters.

10 **Sec. 30.35.020. Exemptions.** (a) A person operating a large commercial
11 passenger vessel is exempt from the marine fuel requirements in this chapter during an
12 ocean-going voyage that consists of continuous and expeditious navigation through
13 applicable waters for the purpose of traversing the applicable waters without entering
14 internal or estuarine waters of the state or calling at a port in the state. In this

1 subsection,

2 (1) "continuous and expeditious navigation" includes stopping and
3 anchoring only if stopping and anchoring are required by the United States Coast
4 Guard, rendered necessary by force majeure or distress, or made for the purpose of
5 rendering assistance to a person, vessel, or aircraft in danger or distress;

6 (2) "internal or estuarine waters" means a navigable river or waterway
7 within the state or an arm of the sea or ocean that extends inland to meet the mouth of
8 a river.

9 (b) A person operating a large commercial passenger vessel is exempt from
10 this chapter if use of heavy petroleum fuel oil is necessary in an emergency, to avoid
11 an imminent emergency, or for the purpose of rendering assistance to a person, vessel,
12 or aircraft in danger or distress.

13 **Sec. 30.35.030. Fines.** The Department of Environmental Conservation shall
14 by regulation adopt a schedule of fines that a person may be required to pay for
15 operating a large commercial passenger vessel with heavy petroleum fuel oil in
16 violation of this chapter.

17 **Sec. 30.35.050. Definitions.** In this chapter,

18 (1) "applicable waters" has the meaning given to "applicable waters of
19 Alaska" in 33 CFR 159.305;

20 (2) "heavy petroleum fuel oil" means any marine fuel that has a
21 viscosity greater than 380 centistokes or a sulfur content that exceeds 0.1 percent by
22 weight;

23 (3) "large commercial passenger vessel" has the meaning given in
24 AS 46.03.490.

25 * **Sec. 2.** AS 46.03.020 is amended to read:

26 **Sec. 46.03.020. Powers of the department.** The department may

27 (1) enter into contracts and compliance agreements necessary or
28 convenient to carry out the functions, powers, and duties of the department;

29 (2) review and appraise programs and activities of state departments
30 and agencies in light of the policy set out in AS 46.03.010 for the purpose of
31 determining the extent to which the programs and activities are contributing to the

1 achievement of that policy and to make recommendations to the departments and
2 agencies, including environmental guidelines;

3 (3) consult with and cooperate with

4 (A) officials and representatives of any nonprofit corporation or
5 organization in the state;

6 (B) persons, organizations, and groups, public and private,
7 using, served by, interested in, or concerned with the environment of the state;

8 (4) appear and participate in proceedings before any state or federal
9 regulatory agency involving or affecting the purposes of the department;

10 (5) undertake studies, inquiries, surveys, or analyses it may consider
11 essential to the accomplishment of the purposes of the department; these activities
12 may be carried out by the personnel of the department or in cooperation with public or
13 private agencies, including educational, civic, and research organizations, colleges,
14 universities, institutes, and foundations;

15 (6) at reasonable times, enter and inspect with the consent of the owner
16 or occupier any property or premises to investigate either actual or suspected sources
17 of pollution or contamination or to ascertain compliance or noncompliance with a
18 regulation that may be adopted under AS 46.03.020 - 46.03.040; information relating
19 to secret processes or methods of manufacture discovered during investigation is
20 confidential;

21 (7) conduct investigations and hold hearings and compel the
22 attendance of witnesses and the production of accounts, books, and documents by the
23 issuance of a subpoena;

24 (8) advise and cooperate with municipal, regional, and other local
25 agencies and officials in the state, to carry out the purposes of this chapter;

26 (9) act as the official agency of the state in all matters affecting the
27 purposes of the department under federal laws now or hereafter enacted;

28 (10) adopt regulations necessary to carry out the purposes of this
29 chapter, including regulations providing for

30 (A) control, prevention, and abatement of air, water, or land or
31 subsurface land pollution;

1 (B) safeguard standards for carbon dioxide, petroleum, and
2 natural gas pipeline construction, operation, modification, or alteration;

3 (C) protection of public water supplies by establishing
4 minimum drinking water standards, and standards for the construction,
5 improvement, and maintenance of public water supply systems;

6 (D) collection and disposal of sewage and industrial waste;

7 (E) collection and disposal of garbage, refuse, and other
8 discarded solid materials from industrial, commercial, agricultural, and
9 community activities or operations;

10 (F) control of pesticides;

11 (G) other purposes as may be required for the implementation
12 of the policy declared in AS 46.03.010;

13 (H) handling, transportation, treatment, storage, and disposal of
14 hazardous wastes;

15 (11) inspect the premises of sellers and suppliers of paint, vessels, and
16 marine and boating supplies, and take other actions necessary to enforce
17 AS 46.03.715;

18 (12) notwithstanding any other provision of law, take all actions
19 necessary to receive authorization from the administrator of the United States
20 Environmental Protection Agency to administer and enforce a National Pollutant
21 Discharge Elimination System program in accordance with 33 U.S.C. 1342 (sec. 402,
22 Clean Water Act), 33 U.S.C. 1345 (sec. 405, Clean Water Act), 40 C.F.R. Part 123,
23 and 40 C.F.R. Part 403, as amended;

24 (13) require the owner or operator of a facility to undertake
25 monitoring, sampling, and reporting activities described in 33 U.S.C. 1318 (sec. 308,
26 Clean Water Act);

27 (14) notwithstanding any other provision of law, take all actions
28 necessary to receive federal authorization of a state program for the department and
29 the Department of Natural Resources to administer and enforce a dredge and fill
30 permitting program allowed under 33 U.S.C. 1344 (sec. 404, Clean Water Act) and to
31 implement the program, if authorized;

