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Bullard  
4/15/09

**SENATE CS FOR CS FOR HOUSE BILL NO. 134(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES HARRIS, Kelly, Millett, Johansen, Foster, Keller, Chenault, Coghill,  
Johnson, Wilson, Muñoz, Hawker, Dahlstrom

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the terms and conditions of commercial passenger vessel permits for  
2 the discharge of graywater, treated sewage, and other wastewater; establishing a science  
3 advisory panel on wastewater treatment and effluent quality in the Department of  
4 Environmental Conservation; and providing for an effective date."

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

6 \* **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section  
7 to read:

8 LEGISLATIVE INTENT. It is the intent of the legislature that the minimum standards  
9 for the terms and conditions of wastewater discharge permits for large commercial passenger  
10 vessels meet all applicable state and federal effluent limits or standards, including Alaska  
11 Water Quality Standards, governing pollution at the point of discharge. The Department of  
12 Environmental Conservation shall establish and consult with a science advisory panel on  
13 wastewater treatment to evaluate the most technologically effective and economically feasible  
14 treatment options.

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

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

4                 (1) may not discharge untreated sewage, treated sewage, graywater, or  
5 other wastewaters in a manner that violates any applicable effluent limits or standards  
6 under state or federal law, including Alaska Water Quality Standards governing  
7 pollution at the point of discharge, **except as provided in (e) of this section;**

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

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

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

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

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

19     \* **Sec. 3.** AS 46.03.462(b), as amended by sec. 2 of this Act, is amended to read:

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

22                 (1) may not discharge untreated sewage, treated sewage, graywater, or  
23 other wastewaters in a manner that violates any applicable effluent limits or standards  
24 under state or federal law, including Alaska Water Quality Standards governing  
25 pollution at the point of discharge [, EXCEPT AS PROVIDED IN (e) OF THIS  
26 SECTION];

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

29                (3) shall collect and test samples as required under AS 46.03.465(b)  
30 and (d) and provide the reports with respect those samples required by  
31 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. 4.** AS 46.03.462 is amended by adding new subsections to read:

(e) When issuing, reissuing, renewing, or modifying a permit required under (a)(1) of this section, the department may include effluent limits or standards less stringent than those required under (b)(1) of this section for not more than three years duration if the department finds that a permittee is using methods of pollution prevention, control and treatment the department considers to be the most technologically effective and economically feasible in controlling all wastes and other substances in the discharge but is unable to achieve compliance with Alaska Water Quality Standards at the point of discharge.

(f) In developing an effluent limit or standard under (e) of this section, the department shall

(1) require use of methods of pollution prevention, control, and treatment the department finds to be the most technologically effective and economically feasible; and

(2) apply all other applicable provisions of state law and this section.

(g) When reissuing, renewing, or modifying a permit required under this section that was issued after the effective date of this bill section, the department may not include effluent limits or standards less stringent than the comparable effluent limitations in a previous permit issued under this section.

(h) Nothing in this section shall be construed to limit the authority of the department to

(1) restrict the areas in which discharges permitted under this section may occur; or

(2) impose additional terms and conditions on the manner in which discharges permitted under this section may be made in a specific area.

\* **Sec. 5.** AS 46.03 is amended by adding a new section to read:

**Sec. 46.03.464. Advisory panel on wastewater treatment; commissioner's reports to the legislature.** (a) A science advisory panel is established in the department. The panel consists of 11 members selected by the commissioner. Members of the panel serve without compensation but are entitled to transportation expenses and per diem as authorized for members of boards and commissions under AS 39.20.180. Each of the individuals the commissioner selects will serve for up to a six-year period and have expertise in the design, operation, or function of wastewater management and treatment systems; among the 11 panel members, the commissioner shall select at least one individual from each of the following groups:

- (1) coastal community domestic wastewater management;
- (2) cruise ship industry;
- (3) commercial fishing industry; and
- (4) a nongovernmental organization with an interest in water quality matters.

(b) The panel shall

(1) meet at the call of the commissioner and give public notice of meetings of the panel as required under AS 44.62.310 and 44.62.312;

(2) hold one or more public conferences or workshops before 2013, with at least one public conference or workshop to be held between January 1, 2013, and January 1, 2015, if the department issues, renews, or modifies a permit required under AS 46.03.462(a)(1) after January 1, 2012; and

(3) assist and advise the commissioner in conducting the analyses and preparing the reports required in (c) and (d) of this section.

(c) On or before January 1, 2013, the commissioner, in consultation with the panel, shall provide a preliminary report to the legislature that summarizes

(1) methods of pollution prevention, control, and treatment in use and the level of effluent quality achieved by commercial passenger vessels;

(2) additional methods of pollution prevention, control, and treatment that could be employed to provide the most technologically effective and economically feasible measures to control all wastes and other substances in the

1 discharge; and

2 (3) the environmental benefit and cost of implementing additional  
3 methods of pollution prevention, control, and treatment identified in (2) of this  
4 subsection.

5 (d) On or before January 1, 2015, the commissioner, in consultation with the  
6 panel, shall provide a final report to the legislature that includes the topics identified in  
7 (c)(1) - (3) of this section.

8 \* **Sec. 6.** AS 46.03.465 is amended by adding a new subsection to read:

9 (h) On request, the owner or operator of a commercial passenger vessel  
10 discharging wastewater under AS 46.03.462(b) shall provide the department with  
11 information relating to wastewater treatment, pollution avoidance, and pollution  
12 reduction measures used on the vessel, including testing and evaluation procedures  
13 and economic and technical feasibility analyses.

14 \* **Sec. 7.** AS 46.03.462(e), 46.03.462(f), and 46.03.464 are repealed.

15 \* **Sec. 8.** Sections 3 and 7 of this Act take effect December 31, 2015.

16 \* **Sec. 9.** Except as provided in sec. 8 of this Act, this Act takes effect immediately under  
17 AS 01.10.070(c).