

Senate Bill 70 - Repeal Ocean Ranger Program

Program Overview

- Identified as a non-essential program in FY20 Gov Amended budget
- Program is costly for its outcomes (\$3.8 million/year in Ocean Ranger fees)
- No other permitted industry is subject to “24/7 onsite observers” including:
 - Wastewater discharges to land and water
 - Domestic, industrial, mining, oil & gas, seafood, etc.
 - Air emissions
 - Regulated mobile and stationary sources
 - Hazardous and solid waste facilities
 - Food establishments, tattoo parlors, pools and spas

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Program Overview (cont.)

- Department has other resources and authorities to regulate cruise ships
 - \$748,300 funded by cruise industry (through non-Ocean Ranger fees)
 - Four department staff positions:
 - Register cruise ships and review submittals (e.g., best management plans for small cruise ships & vessel specific sampling plan)
 - Issue wastewater discharge authorizations under larger cruise ship general permit
 - Conduct inspections, issue notices of violations, and with Law initiate enforcement actions and fines
 - Additional opacity monitoring conducted by contractors

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Outcomes for \$3.8 million/year

- Potential non-compliance identified by Ocean Rangers may not reflect actual non-compliance
 - There may not be enough information to make the determination
 - It may be under federal or other agency jurisdiction, or
 - The issue is resolved quickly such that a determination is no longer needed.
- Ocean Rangers look for potential non-compliance with state and federal authorities pertaining to marine discharge and pollution requirements and to insure that passengers, crew, and residents at ports are protected from improper sanitation, health, and safety practices.
- Most issues identified by Ocean Rangers on daily reports turn out not to be formal violations - since they are not the experts on what constitutes non-compliance over this vast array of State and federal statutes and regulations.
- Six notices of violation (NOVs) over 11 years attributable to Ocean Ranger observations
 - 238 NOVs over the same period attributable to permittee self-reporting, staff inspections and review and opacity monitoring by Department contractors

Large Cruise Ship Notices of Violation	Annual (2008 to 2018)			
	Average	Min	Max	Total
Wastewater	16.8	8	33	185
Air opacity	4.7	0	11	52
Other	0.1	0	1	1
Ocean Ranger attributable	0.55	0	2	6
			Total	244

Notes:

- NOV = notice of violation
- All NOVs supported by other evidence supplied by vessel operator
- NOVs may include more than one violation



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Bill Background

- Would repeal Ocean Ranger program (AS 46.03.476)
- Would repeal the \$4/lower berth fee which is paid “below the line” directly by the passenger, not the cruise agency (AS 46.03.480(d))
- Originally created by ballot initiative in 2006, which included other regulatory changes which are not affected by this bill
- Program not required by state constitution or federal law
- Program conducted primarily by out-of-state contractor with non-Alaskan employees
- Reduction of \$3,846,800 of Ocean Ranger fee receipts

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Department Authorities Remaining after SB70

- AS 46.03.710 Pollution Prohibited: a person may not pollute or add to the pollution of the air, land, subsurface land, or water of the state.
- AS 46.03.020 Powers of the Department: the department may...at reasonable times, enter and inspect with the consent of the owner or occupier any property or premises to investigate either actual or suspected sources of pollution or contamination or to ascertain compliance or noncompliance with a regulation
- Authorities for Commercial Passenger Vessel Environmental Compliance Program (AS 46.03.460 – 475 and AS 46.03.480 – 488)
- Authorities for pollution standards, waste and wastewater discharge management (AS 46.03.070 - 120)
- Authorities for civil and criminal inspection, enforcement, and liability (AS 46.03.760 - 890)
- Authorities for oil spill prevention, preparedness, and response (AS 46.03.740 - 865; AS 46.04; AS 46.08; AS 46.09)
- Authorities for air quality (AS 46.14.010 - 030)



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Significance of Remaining Authorities

- Department staff have authority to conduct inspections at reasonable times (can obtain a warrant to inspect if denied reasonable access)
- No change in what is legal or illegal
- No change in enforcement or emergency authority
- Does not change the large cruise ship wastewater discharge general permit
- Does not change the small cruise ship and ferry best management plan requirements
- Does not change sampling or reporting requirements

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Transition & Timing

- Ocean Rangers will operate during Summer 2019 under FY2019 budget authority & fee receipts
- Governor has proposed HB74/SB70 to repeal Ocean Ranger program and associated fees
- If Ocean Ranger budget authority is eliminated but statutory program is not repealed, then the Department
 - Would be required to collect the \$4/berth fee in Summer 2020
 - But would not have the budget authority to implement the program during that season