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CS FOR SENATE BILL NO. 70(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to commercial passenger vessel compliance; relating to commercial
2 passenger vessel fees; establishing a grant and loan program for wastewater treatment
3 facilities; repealing the authority for citizens' suits relating to commercial passenger
4 vessel environmental compliance; repealing the commercial passenger vessel recognition
5 program; and providing for an effective date."

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

7 * **Section 1.** AS 46.03.460(a) is amended to read:

8 (a) The department shall regulate commercial passenger vessel discharges
9 and environmental compliance by [THERE IS ESTABLISHED THE
10 COMMERCIAL PASSENGER VESSEL ENVIRONMENTAL COMPLIANCE
11 PROGRAM PROVIDING FOR]

12 (1) adopting regulations to carry out the purposes of AS 46.03.460
13 - 46.03.490, including establishing terms and conditions of vessel discharges;

1 (2) **verifying** [INDEPENDENT VERIFICATION OF] environmental
2 compliance; and

3 (3) **monitoring and supervising** [ALLOWING THE DEPARTMENT
4 TO MONITOR AND SUPERVISE] discharges from commercial passenger vessels
5 through a registration system.

6 * **Sec. 2.** AS 46.03.463 is repealed and reenacted to read:

7 **Sec. 46.03.463. Prohibited discharges.** (a) Except as provided in (b) of this
8 section, or under the terms of prior authorization from the department under
9 AS 46.03.100, a person may not discharge sewage, graywater, or other wastewater
10 from a commercial passenger vessel into the marine waters of the state.

11 (b) This section does not apply to discharges made for the purpose of securing
12 the safety of the commercial passenger vessel or saving life at sea if all reasonable
13 precautions have been taken for the purpose of preventing or minimizing the
14 discharge.

15 * **Sec. 3.** AS 46.03.465(a) is amended to read:

16 (a) The owner or operator of a commercial passenger vessel shall maintain
17 daily records related to the period of operation while in the state, detailing the dates,
18 times, and locations, and the volumes and flow rates of any discharges of sewage,
19 graywater, or other wastewaters into the marine waters of the state, and provide
20 electronic copies of those records [ON A MONTHLY BASIS] to the department **in a**
21 **format and at times prescribed by the department** [NOT LATER THAN FIVE
22 DAYS AFTER EACH CALENDAR MONTH OF OPERATION IN STATE
23 WATERS].

24 * **Sec. 4.** AS 46.03.465(c) is amended to read:

25 (c) While a commercial passenger vessel is present in the marine waters of the
26 state, **including while underway,** the department, or an independent contractor
27 retained by the department, may

28 **(1) inspect systems that affect air emissions or collect, treat, or**
29 **dispose of wastewater; and**

30 **(2)** collect additional samples of the vessel's treated sewage, graywater,
31 and other wastewaters being discharged into the marine waters of the state.

1 * **Sec. 5.** AS 46.03.465(d) is amended to read:

2 (d) The owner or operator of a vessel required to collect samples under (b) of
3 this section shall ensure that all sampling techniques and frequency of sampling events
4 are approved by the department in a manner sufficient to **determine** [ENSURE
5 DEMONSTRATION OF] compliance with all discharge requirements under
6 **AS 46.03.460 - 46.03.490** [AS 46.03.462].

7 * **Sec. 6.** AS 46.03.465(f) is amended to read:

8 (f) If the owner or operator of a commercial passenger vessel has, when
9 complying with another state or federal law that requires substantially equivalent
10 information gathering, gathered the information required under (a), (b), or (d) of this
11 section, the owner or operator shall be considered to be in compliance with that
12 subsection so long as the information is also provided to the department **in a format**
13 **approved by the department.**

14 * **Sec. 7.** AS 46.03.465(h) is amended to read:

15 (h) **When requested by the department** [ON REQUEST], the owner or
16 operator of a commercial passenger vessel discharging wastewater [UNDER
17 AS 46.03.462(b)] shall provide the department with information relating to wastewater
18 treatment, pollution avoidance, and pollution reduction measures used on the vessel,
19 including testing and evaluation procedures and economic and technical feasibility
20 analyses.

21 * **Sec. 8.** AS 46.03.465(i) is amended to read:

22 (i) The department may exempt from the requirements of (a) - (d) of this
23 section the owner or operator of a small commercial passenger vessel who has a plan
24 for alternative terms and conditions of vessel discharges approved **by the department**
25 [UNDER AS 46.03.462(k)].

26 * **Sec. 9.** AS 46.03.480(a) is amended to read:

27 (a) **Except as provided in (c) of this section,** [THERE IS IMPOSED] an
28 environmental compliance fee **of \$5 a berth is imposed for** [ON] each **voyage during**
29 **which a** commercial passenger vessel **operates** [OPERATING] in the marine waters
30 of the state. **The department shall**

31 **(1) establish procedures for the collection of the fees; and**

1 **(2) reduce the fee by \$1 a berth for a vessel on which the owner or**
2 **operator**

3 **(A) installs and operates an electronic monitoring system**
4 **for wastewater discharges that has been approved by the department; and**

5 **(B) provides the appropriate monitoring data to the**
6 **department consistent with AS 46.03.465.**

7 * **Sec. 10.** AS 46.03.480(c) is repealed and reenacted to read:

8 (c) The commissioner of environmental conservation and the commissioner of
9 transportation and public facilities shall set a fee to be imposed on a commercial
10 passenger vessel that is operated by the state in the marine waters of the state.

11 * **Sec. 11.** AS 46.03.482(c) is amended to read:

12 (c) The legislature may make appropriations from the fund to the department
13 [TO PAY] for the department's operational costs necessary to [PREPARE REPORTS
14 THAT ASSESS THE INFORMATION RECEIVED BY THE DEPARTMENT FOR
15 THE CRUISE SHIP SEASONS OF 2000, 2001, 2002, AND 2003 AND FOR THE
16 DEPARTMENT'S OPERATIONAL COSTS NECESSARY TO] carry out activities
17 under AS 46.03.460 - 46.03.490 relating to commercial passenger vessels; **the**
18 **department may use any remaining funds for a grant or loan program**
19 **administered by the department under AS 46.03.483.**

20 * **Sec. 12.** AS 46.03 is amended by adding a new section to read:

21 **Sec. 46.03.483. Support for shore-based treatment facilities.** The
22 department may establish and carry out a program of grants and loans to support
23 improvements to shore-based wastewater treatment facilities in port communities that
24 serve commercial passenger vessels and passengers.

25 * **Sec. 13.** AS 46.03.460(b), 46.03.461, 46.03.462, 46.03.480(b), 46.03.480(d),
26 46.03.480(e), 46.03.481, 46.03.482(e), 46.03.485, 46.03.490(1), and 46.03.490(15) are
27 repealed.

28 * **Sec. 14.** AS 46.03.476 is repealed.

29 * **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 TRANSITION: REGULATIONS. The Department of Environmental Conservation

1 shall adopt regulations necessary to implement this Act. The regulations take effect under
2 AS 44.62 (Administrative Procedure Act), but not before the effective date of the law
3 implemented by the regulation.

4 * **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 BERTH FEE IMPOSED UNDER AS 46.03.480(d). Notwithstanding the purpose for
7 the imposition of the berth fee described in AS 46.03.480(d), the fees collected may be
8 appropriated for the purpose of funding services provided to commercial passenger vessels,
9 including regulatory services as defined in AS 37.10.058.

10 * **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 RETROACTIVITY. Section 14 of this Act is retroactive to April 1, 2020.

13 * **Sec. 18.** Sections 14 - 17 of this Act take effect immediately under AS 01.10.070(c).

14 * **Sec. 19.** Except as provided in sec. 18 of this Act, this Act takes effect January 1, 2021.