LAWS OF ALASKA

2017

Source
HCS SB 3(TRA)

Chapter No.
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AN ACT

Relating to the regulation of wastewater discharge from small commercial passenger vessels in state waters; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

Relating to the regulation of wastewater discharge from small commercial passenger vessels in state waters; and providing for an effective date.

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

(a) An owner or operator may not discharge any treated sewage, graywater, or other wastewater from a commercial passenger vessel into the marine waters of the state unless the owner or operator

(1) obtains a permit under AS 46.03.100 **that complies** [, WHICH SHALL COMPLY] with the terms and conditions of vessel discharge requirements specified in (b) of this section**; or**

(2) has a plan approved under (k) of this section.

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

(b) The minimum standard terms and conditions for all discharge permits authorized under **(a)(1) of** this section require that the owner or operator

(1) may not discharge untreated sewage, treated sewage, graywater, or other wastewaters in a manner that violates any applicable state or federal law governing the disposal or discharge of solid or liquid waste material;

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

(3) shall collect and test samples as required under AS 46.03.465(b) and (d) and provide the reports with respect to those samples required by 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. 3.** AS 46.03.462(e) is amended to read:

(e) When issuing, reissuing, renewing, or modifying a permit required under **(a)(1)** [(a)] of this section, the department may only include the authorization of a mixing zone for a commercial passenger vessel that employs an advanced wastewater treatment system that falls within the class of systems identified by the department under (j) of this section or employs other means of pollution prevention, control, and treatment that the department finds can achieve a quality of effluent that is comparable to that of one or more vessels employing an advanced wastewater treatment system. If a commercial passenger vessel employs an advanced wastewater treatment system that satisfies the requirements of this subsection, the department shall find the commercial passenger vessel satisfies all state technology-based treatment requirements for authorization of a mixing zone.

*** Sec. 4.** AS 46.03.462 is amended by adding a new subsection to read:

(k) The owner or operator of a small commercial passenger vessel may submit a plan for alternative terms and conditions of vessel discharges. The alternative terms and conditions may include alternatives to the requirements under AS 46.03.465(a) - (d). The department shall approve the plan for a five-year period if the department

finds that the alternative terms and conditions in the plan incorporate the best management practices for protecting the environment to the maximum extent feasible. The department shall adopt regulations to implement this subsection but may not require an owner or operator to retrofit a vessel solely for the purpose of waste treatment if the retrofitting requires additional stability testing or relicensing by the United States Coast Guard. In this subsection, "best management practices" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the marine waters of the state.

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

(b) Except as provided in (h) of this section **<u>or under a plan for a small commercial passenger vessel approved under AS 46.03.462(k)</u>**, a person may not discharge sewage from a commercial passenger vessel into the marine waters of the state that has suspended solids greater than 150 milligrams per liter or a fecal coliform count greater than 200 colonies per 100 milliliters except that the department may by regulation adopt a protocol for retesting for fecal coliform, if this discharge limit for fecal coliform is exceeded, under which a discharger will be considered to be in compliance with the fecal coliform limit if the geometric mean of fecal coliform count in the samples considered under the protocol does not exceed 200 colonies per 100 milliliters.

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

(c) Except as provided in (h) of this section **<u>or under a plan for a small commercial passenger vessel approved under AS 46.03.462(k)</u>**, a person may not discharge graywater or other wastewater from a commercial passenger vessel into the marine waters of the state that has suspended solids greater than 150 milligrams per liter or a fecal coliform count greater than 200 colonies per 100 milliliters except that the department may by regulation adopt a protocol for retesting for fecal coliform, if this discharge limit for fecal coliform is exceeded, under which a discharger will be considered to be in compliance with the fecal coliform limit if the geometric mean of fecal coliform count in the samples considered under the protocol does not exceed 200 colonies per 100 milliliters.

1 *** Sec. 7.** AS 46.03.465 is amended by adding a new subsection to read:

2 (i) The department may exempt from the requirements of (a) - (d) of this
3 section the owner or operator of a small commercial passenger vessel who has a plan
4 for alternative terms and conditions of vessel discharges approved under
5 AS 46.03.462(k).

6 *** Sec. 8.** This Act takes effect immediately under AS 01.10.070(c).