

HOUSE BILL NO. 403

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE GREEN

Introduced: 2/16/00

Referred: Resources, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring certain vessels to prepare and provide oil discharge prevention**
2 **and contingency plans or to provide oil discharge prevention and contingency**
3 **plans prepared in conjunction with a nonprofit association established for spill**
4 **response and restoration purposes; and providing for an effective date."**

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

6 *** Section 1.** As 46.04 is amended by adding a new section to read:

7 **Sec. 46.04.055. Nontank vessel prevention and contingency plans.** (a) A
8 person may not cause or permit the operation of a nontank vessel within the waters of
9 the state or cause or permit the transfer of oil to or from a nontank vessel within the
10 waters of the state unless the person

11 (1) prepares and submits to the department for approval an oil
12 discharge prevention and contingency plan, and the person is in compliance with the
13 plan; a plan submitted as required by this paragraph is subject to and must meet the
14 requirements of AS 46.04.030 and the provisions of (b) - (d) of this section; or

1 (2) for each region determined under AS 46.04.210 that the nontank
2 vessel transits, has entered into an agreement with a nonprofit association by which
3 the person agrees to abide by the requirements of an oil discharge prevention and
4 contingency plan that meets the requirements of AS 46.04.030 and the provisions of
5 (b) - (d) of this section and that has been prepared and is being implemented by the
6 nonprofit association for that region, and the person is in compliance with the plan.

7 (b) A plan submitted under (a) of this section may be specific to a nontank
8 vessel or may apply to a fleet of nontank vessels. A plan applicable to a fleet of
9 nontank vessels must meet the elements of this section for an individual vessel.

10 (c) A person preparing and submitting a plan under this section shall organize
11 the plan into at least two separate volumes, in which

12 (1) one volume is an initial response activity manual suitable for on-
13 scene use in the event of a spill; the volume must summarize key notification
14 information and the initial on-board response actions necessary to minimize the effects
15 of a spill on marine waters; the volume shall be maintained on board the nontank
16 vessel at all times;

17 (2) the remaining volume or volumes must include all the information
18 required by this section, AS 46.04.030, and regulations adopted by the department to
19 implement this section and AS 46.04.030, organized to facilitate access to relevant
20 information and arranged, to the extent possible, in the same order in which the
21 nontank vessel operates.

22 (d) The department may, by regulation, prescribe additional required contents
23 for the plan required for nontank vessels under this section, including material relating
24 to prevention measures, necessary notification procedures, recovery capabilities, on-
25 board and on-water response equipment and services, and other requirements that, in
26 the judgment of the commissioner, are reasonably necessary to comply with
27 international agreements and federal requirements, taking into consideration the
28 differences in environmental risks between spills from nontank vessels and tank
29 vessels.

30 (e) A nontank vessel subject to the provisions of (a) - (d) of this section

31 (1) may not operate in the marine waters of the state without an

1 approved oil discharge prevention and contingency plan;

2 (2) that operates in violation of (1) of this subsection is subject to a
3 civil penalty of not more than \$100,000, assessed by the commissioner against the
4 owner of the nontank vessel.

5 (f) In this section, "nontank vessel" means any watercraft of at least 300 gross
6 registered tons not designed to carry oil as cargo; in this paragraph, "watercraft"
7 includes commercial fish processing vessels, passenger vessels, cargo vessels, and the
8 vessels of the Alaska marine highway system, but does not include a vessel owned or
9 operated by the United States unless engaged in commerce.

10 * **Sec. 2.** This Act takes effect May 1, 2001.