

HOUSE BILL NO. 149

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/21/07

Referred: Resources, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the authority of the Department of Environmental Conservation to**
2 **require certain monitoring, sampling, and reporting and to require permits for certain**
3 **discharges of pollutants; relating to criminal penalties for violations of the permit**
4 **program; and providing for an effective date."**

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

6 * **Section 1.** AS 46.03.020 is amended by adding a new paragraph to read:

7 (13) require the owner or operator of a facility to undertake
8 monitoring, sampling, and reporting activities described in 33 U.S.C. 1318 (sec. 308,
9 Clean Water Act).

10 * **Sec 2.** AS 46.03.100(a) is amended to read:

11 (a) A person may not construct, modify, or operate a sewerage system or
12 treatment works or **take any action** [DISPOSE OF OR CONDUCT AN
13 OPERATION] that results in the disposal **or discharge** of solid or liquid waste
14 material or heated process or cooling water into the waters or onto the land of the state

1 without prior authorization from the department. [DEPARTMENT
2 AUTHORIZATION SHALL BE OBTAINED FOR DIRECT DISPOSAL AND FOR
3 DISPOSAL, OTHER THAN OF DOMESTIC SEWAGE, INTO PUBLICLY
4 OWNED OR OPERATED SEWERAGE SYSTEMS.]

5 * **Sec. 3.** AS 46.03.100(b) is amended to read:

6 (b) Prior authorization **may be provided** by the department, **in its discretion**,
7 [IS PROVIDED] through one or a combination of the following:

8 (1) an individual permit issued for a specific facility or disposal
9 activity;

10 (2) a general permit issued on a statewide, regional, or other
11 geographical basis for a category of disposal activities that the commissioner, using
12 information available when the permit is developed, determines are similar in nature
13 and will comply with applicable environmental quality standards established under
14 this title;

15 (3) regulations adopted by the department authorizing a category of
16 disposal without requiring a permit and establishing specific siting or operational
17 requirements, discharge limits, or best management practices for the disposal
18 category;

19 (4) designation and approval of a plan as described under (c) of this
20 section;

21 (5) an integrated waste management and disposal authorization as
22 described in (d) of this section.

23 * **Sec. 4.** AS 46.03.100(e) is amended to read:

24 (e) This section does not apply to

25 (1) a person discharging only domestic sewage into a **publicly owned**
26 **treatment works** [SEWERAGE SYSTEM];

27 (2) disposals subject to regulation under AS 31.05.030(e)(2);

28 (3) injection projects permitted under AS 31.05.030(h);

29 (4) discharges of solid or liquid waste material or water discharges
30 from the following activities if the discharge is incidental to the activity and the
31 activity does not produce a discharge from a point source, as that term is defined in

1 regulations adopted under this chapter, [DIRECTLY] into any **waters** [SURFACE
2 WATER] of the **United States** [STATE]:

3 (A) mineral drilling, trenching, ditching, and similar activities;

4 (B) landscaping;

5 (C) water well drilling and geophysical drilling; or

6 (D) drilling, ditching, trenching, and similar activities
7 associated with facility construction and maintenance or with road or other
8 transportation facility construction and maintenance; however, the exemption
9 provided by this subparagraph does not relieve a person from obtaining a prior
10 authorization under this section if the drilling, ditching, trenching, or similar
11 activity will involve the removal of the groundwater, stormwater, or
12 wastewater runoff that has accumulated and is present at an excavation site for
13 facility, road, or other transportation construction or maintenance and a prior
14 authorization is otherwise required by this section;

15 (5) bilge pumping, unless the bilge product pumped may be expected
16 to yield an oily sludge, emulsion, or sheen on the surface of any water of the state;

17 (6) cooling water discharges from a boat or vessel into any surface
18 water of the state; or

19 (7) the firing or other use of munitions in training activities conducted
20 on active ranges, including active ranges operated by the United States Department of
21 Defense or a United States military agency, **unless it results in a discharge into**
22 **waters of the United States.**

23 * **Sec. 5.** AS 46.03.100(h) is amended to read:

24 (h) The program developed to issue permits by the department to authorize
25 discharge of pollutants into surface waters and submitted to the United States
26 Environmental Protection Agency for approval under 33 U.S.C. 1342 (sec. 402, Clean
27 Water Act) shall include the monitoring and reporting requirements included in the
28 permits, limited to those requirements **authorized** [MANDATED] by law, including
29 **33 U.S.C. 1318 (sec. 308, Clean Water Act), and** any legal settlements, and those
30 necessary to ascertain compliance with the effluent limitations contained in the permit
31 and with state water quality standards.

1 * **Sec. 6.** AS 46.03.100 is amended by adding a new subsection to read:

2 (m) For purposes of the permit program authorized by the United States
3 Environmental Protection Agency under 33 U.S.C. 1342 (sec. 402, Clean Water Act),
4 "waste material" includes pollutants listed in 33 U.S.C. 1362(6) (sec. 502(6), Clean
5 Water Act).

6 * **Sec. 7.** AS 46.03.110 is amended by adding a new subsection to read:

7 (f) The standards for determining waste material in AS 46.03.100(m) apply to
8 this section.

9 * **Sec. 8.** AS 46.03.790 is amended by adding a new subsection to read:

10 (i) Notwithstanding (a) of this section, a person is guilty of a class A
11 misdemeanor if the person negligently

12 (1) violates a regulation adopted by the department under
13 AS 46.03.020(12);

14 (2) violates a permit issued under the program authorized by
15 AS 46.03.020(12);

16 (3) fails to provide information or provides false information required
17 by a regulation adopted under AS 46.03.020(12);

18 (4) makes a false statement, representation, or certification in an
19 application, notice, record, report, permit, or other document filed, maintained, or used
20 for purposes of compliance with a permit issued under or a regulation adopted under
21 AS 46.03.020(12); or

22 (5) renders inaccurate a monitoring device or method required to be
23 maintained by a permit issued under or a regulation adopted under AS 46.03.020(12).

24 * **Sec. 9.** This Act takes effect immediately under AS 01.10.070(c).