

SENATE BILL NO. 121

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY SENATOR ELTON

Introduced: 3/14/07

Referred: Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to discharge from commercial passenger vessels; providing for an
2 effective date by repealing the delayed effective date found in sec. 16, ch. 153, SLA 2004;
3 and providing for an effective date."

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

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

6 (a) An owner or operator may not discharge any treated sewage, graywater, or
7 other wastewater from a [LARGE] commercial passenger vessel into the marine
8 waters of the state unless the owner or operator obtains a permit under AS 46.03.100,
9 which shall comply with either the terms and conditions of vessel discharge
10 requirements specified in (b) of this section or the alternative terms and conditions
11 included in the plan approved by the department under (c) of this section.

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

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

1 state unless the owner or operator obtains a permit under AS 46.03.100, which shall
 2 comply with [EITHER] the terms and conditions of vessel discharge requirements
 3 specified in (b) of this section [OR THE ALTERNATIVE TERMS AND
 4 CONDITIONS INCLUDED IN THE PLAN APPROVED BY THE DEPARTMENT
 5 UNDER (c) OF THIS SECTION].

6 * **Sec. 3.** AS 46.03.462 is amended by adding new subsections to read:

7 (c) The owner or operator of a small commercial passenger vessel may submit
 8 a plan for alternative terms and conditions of vessel discharges if the keel of the vessel
 9 was laid before January 1, 2004. Except as provided in (d) of this section, the
 10 department shall approve the plan for a three-year period if the department finds that
 11 the alternative terms and conditions in the plan incorporate the best management
 12 practices for protecting the environment to the maximum extent feasible. The
 13 department shall adopt regulations to implement this subsection but may not require
 14 an owner or operator to retrofit a vessel solely for the purpose of waste treatment if the
 15 retrofitting requires additional stability testing or relicensing by the United States
 16 Coast Guard. In this subsection, "best management practices" means schedules of
 17 activities, prohibitions of practices, maintained procedures, and other management
 18 practices to prevent or reduce the pollution of the marine waters of the state.

19 (d) A plan submitted under (c) of this section after December 31, 2012, may
 20 not be approved by the department for a period extending beyond December 31, 2015.

21 * **Sec. 4.** AS 46.03.463(b) is amended to read:

22 (b) Except as provided in (h) of this section or under AS 46.03.462(c)
 23 [AS 46.03.462(c) - (e)], a person may not discharge sewage from a commercial
 24 passenger vessel into the marine waters of the state that has suspended solids greater
 25 than 150 milligrams per liter or a fecal coliform count greater than 200 colonies per
 26 100 milliliters except that the department may by regulation adopt a protocol for
 27 retesting for fecal coliform, if this discharge limit for fecal coliform is exceeded, under
 28 which a discharger will be considered to be in compliance with the fecal coliform limit
 29 if the geometric mean of fecal coliform count in the samples considered under the
 30 protocol does not exceed 200 colonies per 100 milliliters. [UPON SUBMISSION BY
 31 THE OWNER OR OPERATOR OF A SMALL COMMERCIAL PASSENGER

1 VESSEL OF A PLAN FOR INTERIM PROTECTIVE MEASURES UNDER
2 AS 46.03.462(c)(2) AND (d), THE DEPARTMENT SHALL EXTEND THE TIME
3 FOR COMPLIANCE OF THAT VESSEL WITH THIS SUBSECTION.]

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

5 (b) Except as provided in (h) of this section [OR UNDER AS 46.03.462(c)], a
6 person may not discharge sewage from a commercial passenger vessel into the marine
7 waters of the state that has suspended solids greater than 150 milligrams per liter or a
8 fecal coliform count greater than 200 colonies per 100 milliliters except that the
9 department may by regulation adopt a protocol for retesting for fecal coliform, if this
10 discharge limit for fecal coliform is exceeded, under which a discharger will be
11 considered to be in compliance with the fecal coliform limit if the geometric mean of
12 fecal coliform count in the samples considered under the protocol does not exceed 200
13 colonies per 100 milliliters.

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

15 (c) Except as provided in (h) of this section or under AS 46.03.462(c)
16 [AS 46.03.462(c) - (e)], a person may not discharge graywater or other wastewater
17 from a commercial passenger vessel into the marine waters of the state that has
18 suspended solids greater than 150 milligrams per liter or a fecal coliform count greater
19 than 200 colonies per 100 milliliters except that the department may by regulation
20 adopt a protocol for retesting for fecal coliform, if this discharge limit for fecal
21 coliform is exceeded, under which a discharger will be considered to be in compliance
22 with the fecal coliform limit if the geometric mean of fecal coliform count in the
23 samples considered under the protocol does not exceed 200 colonies per 100
24 milliliters. [UPON SUBMISSION BY THE OWNER OR OPERATOR OF A LARGE
25 COMMERCIAL PASSENGER VESSEL OF A PLAN FOR INTERIM
26 PROTECTIVE MEASURES, THE DEPARTMENT SHALL EXTEND THE TIME
27 FOR COMPLIANCE OF THAT VESSEL WITH THIS SUBSECTION FOR A
28 PERIOD OF TIME THAT ENDS NOT LATER THAN JANUARY 1, 2003. UPON
29 SUBMISSION BY THE OWNER OR OPERATOR OF A SMALL COMMERCIAL
30 PASSENGER VESSEL OF A PLAN FOR INTERIM PROTECTIVE MEASURES
31 UNDER AS 46.03.462(c)(2) AND (d), THE DEPARTMENT SHALL EXTEND THE

1 TIME FOR COMPLIANCE OF THAT VESSEL WITH THIS SUBSECTION.]

2 * **Sec. 7.** AS 46.03.463(c) is amended to read:

3 (c) Except as provided in (h) of this section [OR UNDER AS 46.03.462(c)], a
4 person may not discharge graywater or other wastewater from a commercial passenger
5 vessel into the marine waters of the state that has suspended solids greater than 150
6 milligrams per liter or a fecal coliform count greater than 200 colonies per 100
7 milliliters except that the department may by regulation adopt a protocol for retesting
8 for fecal coliform, if this discharge limit for fecal coliform is exceeded, under which a
9 discharger will be considered to be in compliance with the fecal coliform limit if the
10 geometric mean of fecal coliform count in the samples considered under the protocol
11 does not exceed 200 colonies per 100 milliliters.

12 * **Sec. 8.** AS 46.03.465(a) is amended to read:

13 (a) The owner or operator of a commercial passenger vessel shall maintain
14 daily records related to the period of operation while in the state, detailing the dates,
15 times, and locations, and the volumes and flow rates of any discharges of sewage,
16 graywater, or other wastewater [WASTER] into the marine waters of the state,
17 provide electronic copies of such records on a monthly basis to the department no later
18 than five days after each calendar month of operation in state waters.

19 * **Sec. 9.** AS 46.03.465(f) is amended to read:

20 (f) If the owner or operator of a commercial passenger vessel has, when
21 complying with another state or [OF] federal law that requires substantially equivalent
22 information gathering, gathered the type of information required under (a), (b), or
23 (d) of this section, the owner or operator shall be considered to be in compliance with
24 that subsection so long as the information is also provided to the department.

25 * **Sec. 10.** AS 46.03.462(c) and 46.03.462(d) are repealed January 1, 2016.

26 * **Sec. 11.** Sections 3, 5, 8, 10, 12, 13, and 14, ch. 153, SLA 2004, are repealed.

27 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 RETROACTIVITY. Sections 1, 3, 4, and 6 of this Act are retroactive to December 17,
30 2006.

31 * **Sec. 13.** Section 16, ch. 153, SLA 2004, is repealed.

1 * **Sec. 14.** Sections 2, 5, and 7 of this Act take effect January 1, 2016.

2 * **Sec. 15.** Except as provided in sec. 14 of this Act, this Act takes effect immediately under

3 AS 01.10.070(c).