

**CS FOR HOUSE BILL NO. 134(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/30/09

Referred: Rules

Sponsor(s): REPRESENTATIVES HARRIS, Kelly, Millett, Johansen, Foster, Keller, Chenault, Coghill,  
Johnson, Wilson, Muñoz, Hawker, Dahlstrom

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the terms and conditions of commercial passenger vessel permits for**  
2 **the discharge of graywater, treated sewage, and other wastewater; establishing a science**  
3 **advisory panel on wastewater treatment and effluent quality in the Department of**  
4 **Environmental Conservation; and providing for an effective date."**

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

6 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
7 to read:

8 LEGISLATIVE INTENT. It is the intent of the legislature that the minimum standards  
9 for the terms and conditions of wastewater discharge permits for large commercial passenger  
10 vessels meet all applicable state and federal effluent limits or standards, including Alaska  
11 Water Quality Standards, governing pollution at the point of discharge if the Department of  
12 Environmental Conservation, in consultation with its science advisory panel on wastewater  
13 treatment, determines that compliance with those limits or standards is the most  
14 technologically effective and economically feasible.

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

2 (b) The minimum standard terms and conditions for all discharge permits  
3 authorized under this section require that the owner or operator

4 (1) may not discharge untreated sewage, treated sewage, graywater, or  
5 other wastewaters in a manner that violates any applicable effluent limits or standards  
6 under state or federal law, including Alaska Water Quality Standards governing  
7 pollution at the point of discharge, **except as provided in (e) of this section;**

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

10 (3) shall collect and test samples as required under AS 46.03.465(b)  
11 and (d) and provide the reports with respect those samples required by  
12 AS 46.03.475(c);

13 (4) shall report discharges in accordance with AS 46.03.475(a);

14 (5) shall allow the department access to the vessel at the time samples  
15 are taken under AS 46.03.465 for purposes of taking the samples or for purposes of  
16 verifying the integrity of the sampling process; and

17 (6) shall submit records, notices, and reports to the department in  
18 accordance with AS 46.03.475(b), (d), and (e).

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

20 (e) When issuing, reissuing, renewing, or modifying a permit required under  
21 (a)(1) of this section, the department may include effluent limits or standards less  
22 stringent than those required under (b)(1) of this section for no more than two years  
23 duration if the department finds that a permittee is using methods of pollution  
24 prevention, control and treatment found by the department to be the most  
25 technologically effective and economically feasible in controlling all wastes and other  
26 substances in the discharge but is unable to achieve compliance with Alaska Water  
27 Quality Standards at the point of discharge.

28 (f) In developing an effluent limit or standard under (e) of this section, the  
29 department shall

30 (1) require use of methods of pollution prevention, control, and  
31 treatment found by the department to be the most technologically effective and

1 economically feasible; and

2 (2) apply all other applicable provisions of state law and this section.

3 (g) When reissuing, renewing, or modifying a permit required under this  
4 section that was issued after the effective date of this bill section, the department may  
5 not include effluent limits or standards less stringent than the comparable effluent  
6 limitations in a previous permit issued under this section.

7 (h) Nothing in this section shall be construed to limit the authority of the  
8 department to

9 (1) restrict the areas in which discharges permitted under this section  
10 may occur; or

11 (2) impose additional terms and conditions on the manner in which  
12 discharges permitted under this section may be made in a specific area.

13 \* **Sec. 4.** AS 46.03 is amended by adding a new section to read:

14 **Sec. 46.03.464. Advisory panel on wastewater treatment; commissioner's**  
15 **reports to the legislature.** (a) A science advisory panel is established in the  
16 department. The panel consists of 11 members selected by the commissioner.  
17 Members of the panel serve without compensation but are entitled to transportation  
18 expenses and per diem as authorized for members of boards and commissions under  
19 AS 39.20.180. Each of the individuals the commissioner selects will serve for up to a  
20 five-year period and have expertise in the design, operation, or function of wastewater  
21 management and treatment systems; among the 11 panel members, the commissioner  
22 shall select at least one individual from each of the following groups:

23 (1) coastal community domestic wastewater management;

24 (2) cruise ship industry;

25 (3) commercial fishing industry; and

26 (4) a non-governmental organization with an interest in water quality  
27 matters.

28 (b) The panel shall

29 (1) meet at the call of the commissioner and give public notice of  
30 meetings of the panel as required under AS 44.62.310 and 44.62.312;

31 (2) hold one or more public conferences or workshops before 2012,

1 with at least one public conference or workshop to be held between January 1, 2012,  
2 and January 1, 2014, if the department issues, renews, or modifies a permit required  
3 under AS 46.03.462(a)(1) after January 1, 2012; and

4 (3) assist and advise the commissioner in conducting the analyses and  
5 preparing the reports required in (c) and (d) of this section.

6 (c) On or before January 1, 2012, the commissioner, in consultation with the  
7 panel, shall provide a preliminary report to the legislature that summarizes

8 (1) methods of pollution prevention, control, and treatment in use and  
9 the level of effluent quality achieved by commercial passenger vessels;

10 (2) additional methods of pollution prevention, control, and treatment  
11 that could be employed to provide the most technologically effective and  
12 economically feasible measures to control all wastes and other substances in the  
13 discharge; and

14 (3) the environmental benefit and cost of implementing additional  
15 methods of pollution prevention, control, and treatment identified in (2) of this  
16 subsection.

17 (d) On or before January 1, 2014, the commissioner, in consultation with the  
18 panel, shall provide a final report to the legislature that includes the topics identified in  
19 (c)(1) - (3) of this section.

20 \* **Sec. 5.** AS 46.03.465 is amended by adding a new subsection to read:

21 (h) On request, the owner or operator of a commercial passenger vessel  
22 discharging wastewater under AS 46.03.462(b) shall provide the department with  
23 information relating to wastewater treatment, pollution avoidance, and pollution  
24 reduction measures used on the vessel, including testing and evaluation procedures  
25 and economic and technical feasibility analyses.

26 \* **Sec. 6.** AS 46.03.464 is repealed.

27 \* **Sec. 7.** Section 6 of this Act takes effect June 1, 2014.

28 \* **Sec. 8.** Sections 1 through 5 of this Act take effect immediately under AS 01.10.070(c).