

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/11/09

Referred: Finance

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. The Department of
12 Environmental Conservation shall establish and consult with a science advisory panel on
13 wastewater treatment to evaluate the most technologically effective and economically feasible
14 treatment options.

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(b), as amended by sec. 2 of this Act, is amended to read:

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

22 (1) may not discharge untreated sewage, treated sewage, graywater, or
23 other wastewaters in a manner that violates any applicable effluent limits or standards
24 under state or federal law, including Alaska Water Quality Standards governing
25 pollution at the point of discharge [, EXCEPT AS PROVIDED IN (e) OF THIS
26 SECTION];

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

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

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

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

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

7 * **Sec. 4.** AS 46.03.462 is amended by adding new subsections to read:

8 (e) When issuing, reissuing, renewing, or modifying a permit required under
9 (a)(1) of this section, the department may include effluent limits or standards less
10 stringent than those required under (b)(1) of this section for not more than two years
11 duration if the department finds that a permittee is using methods of pollution
12 prevention, control and treatment the department considers to be the most
13 technologically effective and economically feasible in controlling all wastes and other
14 substances in the discharge but is unable to achieve compliance with Alaska Water
15 Quality Standards at the point of discharge.

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

18 (1) require use of methods of pollution prevention, control, and
19 treatment the department finds to be the most technologically effective and
20 economically feasible; and

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

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

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

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

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

1 * **Sec. 5.** AS 46.03 is amended by adding a new section to read:

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

- 11 (1) coastal community domestic wastewater management;
 12 (2) cruise ship industry;
 13 (3) commercial fishing industry; and
 14 (4) a nongovernmental organization with an interest in water quality

15 matters.

16 (b) The panel shall

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

19 (2) hold one or more public conferences or workshops before 2012,
 20 with at least one public conference or workshop to be held between January 1, 2012,
 21 and January 1, 2015, if the department issues, renews, or modifies a permit required
 22 under AS 46.03.462(a)(1) after January 1, 2012; and

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

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

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

29 (2) additional methods of pollution prevention, control, and treatment
 30 that could be employed to provide the most technologically effective and
 31 economically feasible measures to control all wastes and other substances in the

1 discharge; and

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

5 (d) On or before January 1, 2015, the commissioner, in consultation with the
6 panel, shall provide a final report to the legislature that includes the topics identified in
7 (c)(1) - (3) of this section.

8 * **Sec. 6.** AS 46.03.465 is amended by adding a new subsection to read:

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

14 * **Sec. 7.** AS 46.03.462(e), 46.03.462(f), and 46.03.464 are repealed.

15 * **Sec. 8.** Sections 3 and 7 of this Act take effect January 1, 2015.

16 * **Sec. 9.** Except as provided in sec. 8 of this Act, this Act takes effect immediately under
17 AS 01.10.070(c).