

**SENATE BILL NO. 3**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY SENATOR STEDMAN

Introduced: 1/18/17

Referred: Resources

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the regulation of wastewater discharge from small commercial  
2 passenger vessels in state waters; relating to art requirements for certain public  
3 facilities; 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 commercial passenger vessel into the marine waters of the  
8 state unless the owner or operator

9 (1) obtains a permit under AS 46.03.100 that complies [, WHICH  
10 SHALL COMPLY] with the terms and conditions of vessel discharge requirements  
11 specified in (b) of this section; or

12 (2) has a plan approved under (k) of this section.

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

14 (b) The minimum standard terms and conditions for all discharge permits

1 authorized under **(a)(1)** of this section require that the owner or operator

2 (1) may not discharge untreated sewage, treated sewage, graywater, or  
3 other wastewaters in a manner that violates any applicable state or federal law  
4 governing the disposal or discharge of solid or liquid waste material;

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

7 (3) shall collect and test samples as required under AS 46.03.465(b)  
8 and (d) and provide the reports with respect to those samples required by  
9 AS 46.03.475(c);

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

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

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

16 \* **Sec. 3.** AS 46.03.462(e) is amended to read:

17 (e) When issuing, reissuing, renewing, or modifying a permit required under  
18 **(a)(1)** [(a)] of this section, the department may only include the authorization of a  
19 mixing zone for a commercial passenger vessel that employs an advanced wastewater  
20 treatment system that falls within the class of systems identified by the department  
21 under (j) of this section or employs other means of pollution prevention, control, and  
22 treatment that the department finds can achieve a quality of effluent that is comparable  
23 to that of one or more vessels employing an advanced wastewater treatment system. If  
24 a commercial passenger vessel employs an advanced wastewater treatment system that  
25 satisfies the requirements of this subsection, the department shall find the commercial  
26 passenger vessel satisfies all state technology-based treatment requirements for  
27 authorization of a mixing zone.

28 \* **Sec. 4.** AS 46.03.462 is amended by adding a new subsection to read:

29 (k) The owner or operator of a small commercial passenger vessel may submit  
30 a plan for alternative terms and conditions of vessel discharges. The alternative terms  
31 and conditions may include alternatives to the requirements under AS 46.03.465(a) -

1 (d). The department shall approve the plan for a five-year period if the department  
 2 finds that the alternative terms and conditions in the plan incorporate the best  
 3 management practices for protecting the environment to the maximum extent feasible.  
 4 The department shall adopt regulations to implement this subsection but may not  
 5 require an owner or operator to retrofit a vessel solely for the purpose of waste  
 6 treatment if the retrofitting requires additional stability testing or relicensing by the  
 7 United States Coast Guard. In this subsection, "best management practices" means  
 8 schedules of activities, prohibitions of practices, maintenance procedures, and other  
 9 management practices to prevent or reduce the pollution of the marine waters of the  
 10 state.

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

12 (b) Except as provided in (h) of this section **or under a plan for a small**  
 13 **commercial passenger vessel approved under AS 46.03.462(k)**, a person may not  
 14 discharge sewage from a commercial passenger vessel into the marine waters of the  
 15 state that has suspended solids greater than 150 milligrams per liter or a fecal coliform  
 16 count greater than 200 colonies per 100 milliliters except that the department may by  
 17 regulation adopt a protocol for retesting for fecal coliform, if this discharge limit for  
 18 fecal coliform is exceeded, under which a discharger will be considered to be in  
 19 compliance with the fecal coliform limit if the geometric mean of fecal coliform count  
 20 in the samples considered under the protocol does not exceed 200 colonies per 100  
 21 milliliters.

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

23 (c) Except as provided in (h) of this section **or under a plan for a small**  
 24 **commercial passenger vessel approved under AS 46.03.462(k)**, a person may not  
 25 discharge graywater or other wastewater from a commercial passenger vessel into the  
 26 marine waters of the state that has suspended solids greater than 150 milligrams per  
 27 liter or a fecal coliform count greater than 200 colonies per 100 milliliters except that  
 28 the department may by regulation adopt a protocol for retesting for fecal coliform, if  
 29 this discharge limit for fecal coliform is exceeded, under which a discharger will be  
 30 considered to be in compliance with the fecal coliform limit if the geometric mean of  
 31 fecal coliform count in the samples considered under the protocol does not exceed 200

1 colonies per 100 milliliters.

2 \* **Sec. 7.** AS 46.03.465 is amended by adding a new subsection to read:

3 (i) The department may exempt from the requirements of (a) - (d) of this  
4 section the owner or operator of a small commercial passenger vessel who has a plan  
5 for alternative terms and conditions of vessel discharges approved under  
6 AS 46.03.462(k).

7 \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to  
8 read:

9 STATE FERRY CONSTRUCTION PROJECTS NOT SUBJECT TO AS 35.27.020.

10 The construction of two new vessels for the Alaska marine highway system under  
11 construction on July 1, 2017, in a shipyard in Ketchikan and scheduled for delivery in 2018, is  
12 exempt from AS 35.27.020.

13 \* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to  
14 read:

15 MOTOR VESSEL TUSTUMENA REPLACEMENT NOT SUBJECT TO  
16 AS 35.27.020. The construction of a replacement vessel for the Motor Vessel Tustumena for  
17 the Alaska marine highway system is exempt from AS 35.27.020.

18 \* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to  
19 read:

20 RETROACTIVITY. Section 8 of this Act is retroactive to September 1, 2014.

21 \* **Sec. 11.** This Act takes effect immediately under AS 01.10.070(c).