

HOUSE BILL NO. 366

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE HANNAN

Introduced: 2/23/26

Referred: Transportation, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the use of heavy petroleum fuel oil as a marine fuel; relating to the
2 duties of the Department of Environmental Conservation; and providing for an effective
3 date."

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

5 * **Section 1.** AS 30 is amended by adding a new chapter to read:

6 **Chapter 35. Marine Fuel.**

7 **Sec. 30.35.010. Marine fuel in coastal waters.** Except as provided in this
8 chapter, a person may not use heavy petroleum fuel oil in an auxiliary engine or main
9 engine on a vessel operating within applicable waters.

10 **Sec. 30.35.020. Exemptions.** (a) A person operating a vessel is exempt from
11 the marine fuel requirements in this chapter during an ocean-going voyage that
12 consists of continuous and expeditious navigation through applicable waters for the
13 purpose of traversing the applicable waters without entering internal or estuarine
14 waters of the state or calling at a port in the state. In this subsection,

1 (1) "continuous and expeditious navigation" includes stopping and
 2 anchoring only if stopping and anchoring are required by the United States Coast
 3 Guard, rendered necessary by force majeure or distress, or made for the purpose of
 4 rendering assistance to a person, vessel, or aircraft in danger or distress;

5 (2) "internal or estuarine waters" means a navigable river or waterway
 6 within the state or an arm of the sea or ocean that extends inland to meet the mouth of
 7 a river.

8 (b) A person operating a vessel is exempt from this chapter if use of heavy
 9 petroleum fuel oil is necessary in an emergency, to avoid an imminent emergency, or
 10 for the purpose of rendering assistance to a person, vessel, or aircraft in danger or
 11 distress.

12 **Sec. 30.35.030. Fines.** The Department of Environmental Conservation shall
 13 by regulation adopt a schedule of fines that a person may be required to pay for
 14 operating a vessel with heavy petroleum fuel oil in violation of this chapter.

15 **Sec. 30.35.050. Definitions.** In this chapter,

16 (1) "applicable waters" has the meaning given to "applicable waters of
 17 Alaska" in 33 CFR 159.305;

18 (2) "heavy petroleum fuel oil" means any marine fuel that has a
 19 viscosity greater than 380 centistokes or a sulfur content that exceeds 0.1 percent by
 20 weight;

21 (3) "vessel" has the meaning given in AS 46.03.490.

22 * **Sec. 2.** AS 46.03.020 is amended to read:

23 **Sec. 46.03.020. Powers of the department.** The department may

24 (1) enter into contracts and compliance agreements necessary or
 25 convenient to carry out the functions, powers, and duties of the department;

26 (2) review and appraise programs and activities of state departments
 27 and agencies in light of the policy set out in AS 46.03.010 for the purpose of
 28 determining the extent to which the programs and activities are contributing to the
 29 achievement of that policy and to make recommendations to the departments and
 30 agencies, including environmental guidelines;

31 (3) consult with and cooperate with

1 (A) officials and representatives of any nonprofit corporation or
2 organization in the state;

3 (B) persons, organizations, and groups, public and private,
4 using, served by, interested in, or concerned with the environment of the state;

5 (4) appear and participate in proceedings before any state or federal
6 regulatory agency involving or affecting the purposes of the department;

7 (5) undertake studies, inquiries, surveys, or analyses it may consider
8 essential to the accomplishment of the purposes of the department; these activities
9 may be carried out by the personnel of the department or in cooperation with public or
10 private agencies, including educational, civic, and research organizations, colleges,
11 universities, institutes, and foundations;

12 (6) at reasonable times, enter and inspect with the consent of the owner
13 or occupier any property or premises to investigate either actual or suspected sources
14 of pollution or contamination or to ascertain compliance or noncompliance with a
15 regulation that may be adopted under AS 46.03.020 - 46.03.040; information relating
16 to secret processes or methods of manufacture discovered during investigation is
17 confidential;

18 (7) conduct investigations and hold hearings and compel the
19 attendance of witnesses and the production of accounts, books, and documents by the
20 issuance of a subpoena;

21 (8) advise and cooperate with municipal, regional, and other local
22 agencies and officials in the state, to carry out the purposes of this chapter;

23 (9) act as the official agency of the state in all matters affecting the
24 purposes of the department under federal laws now or hereafter enacted;

25 (10) adopt regulations necessary to carry out the purposes of this
26 chapter, including regulations providing for

27 (A) control, prevention, and abatement of air, water, or land or
28 subsurface land pollution;

29 (B) safeguard standards for carbon dioxide, petroleum, and
30 natural gas pipeline construction, operation, modification, or alteration;

31 (C) protection of public water supplies by establishing

1 minimum drinking water standards, and standards for the construction,
2 improvement, and maintenance of public water supply systems;

3 (D) collection and disposal of sewage and industrial waste;

4 (E) collection and disposal of garbage, refuse, and other
5 discarded solid materials from industrial, commercial, agricultural, and
6 community activities or operations;

7 (F) control of pesticides;

8 (G) other purposes as may be required for the implementation
9 of the policy declared in AS 46.03.010;

10 (H) handling, transportation, treatment, storage, and disposal of
11 hazardous wastes;

12 (11) inspect the premises of sellers and suppliers of paint, vessels, and
13 marine and boating supplies, and take other actions necessary to enforce
14 AS 46.03.715;

15 (12) notwithstanding any other provision of law, take all actions
16 necessary to receive authorization from the administrator of the United States
17 Environmental Protection Agency to administer and enforce a National Pollutant
18 Discharge Elimination System program in accordance with 33 U.S.C. 1342 (sec. 402,
19 Clean Water Act), 33 U.S.C. 1345 (sec. 405, Clean Water Act), 40 C.F.R. Part 123,
20 and 40 C.F.R. Part 403, as amended;

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

24 (14) notwithstanding any other provision of law, take all actions
25 necessary to receive federal authorization of a state program for the department and
26 the Department of Natural Resources to administer and enforce a dredge and fill
27 permitting program allowed under 33 U.S.C. 1344 (sec. 404, Clean Water Act) and to
28 implement the program, if authorized;

29 **(15) monitor, observe, and record data and information related to**
30 **vessels in applicable waters under AS 30.35.**

31 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 REPORT TO THE LEGISLATURE. The Department of Environmental Conservation
3 shall provide a report to the legislature by January 1, 2034, detailing implementation of
4 AS 30.35, enacted by sec. 1 of this Act. The department shall deliver the report to the senate
5 secretary and the chief clerk of the house of representatives and notify the legislature that the
6 report is available.

7 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 TRANSITION: FUEL EXEMPTION FOR CERTAIN VESSELS. The Department of
10 Environmental Conservation may exempt a vessel from AS 30.35.010, enacted by sec. 1 of
11 this Act, and allow a person operating the vessel before January 1, 2030, to use heavy
12 petroleum fuel oil in an auxiliary engine or main engine of the vessel if the vessel cannot be
13 converted to operate using a fuel source other than heavy petroleum fuel oil.

14 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 TRANSITION: REGULATIONS. The Department of Environmental Conservation
17 may adopt regulations necessary to implement the changes made by this Act. The regulations
18 take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date
19 of the law implemented by the regulation.

20 * **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).

21 * **Sec. 7.** Except as provided in sec. 6 of this Act, this Act takes effect January 1, 2027.