

Original sponsor: Resources Committee

Offered: 3/27/70  
Referred: Rules

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 536

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act prohibiting water pollution."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 46.05 is amended by adding a new section to read:

9 Sec. 46.05.173. BALLAST WATER DISCHARGE. (a) No person may  
10 pollute or add to the pollution of waters of the state by discharging  
11 from any vessel ballast water, tank-cleaning waste water or other waste  
12 containing oil in excess of 100 parts per million of oily residue, or  
13 in excess of a percentage level to be established by the department  
14 which does not exceed 100 parts per million of oily residue.

15 (b) Except as provided in (c) of this section, vessels taking  
16 on oil, petroleum products or their by-products as cargo shall arrive  
17 in ports in the state without having discharged ballast at sea, and  
18 the master of the vessel shall certify that fact on forms to be pro-  
19 vided by the department.

20 (c) Vessels equipped with tanks used exclusively for ballast or  
21 capable of producing ballast with an oil content less than that  
22 provided for in (a) of this section may be certified by the department  
23 to discharge that ballast at sea, including the waters of the state.

24 \* Sec. 2. AS 46.05.210 is amended to read:

25 Sec. 46.05.210. PENALTIES. (a) A person who violates a provision  
26 [SEC. 170] of this chapter or an order issued under this chapter, or  
27 who falsely certifies information required under this chapter is guilty  
28 of a misdemeanor and upon conviction is punishable by a fine of not  
29 less than \$500 nor more than \$25,000 and imprisonment for not less than

1 30 days nor more than a year. Each unlawful act constitutes a separate  
2 offense.

3 (b) In addition to the penalties provided in (a) of this section,  
4 a person who violates secs. [SEC.] 170 - 173 of this chapter is liable,  
5 in a civil action, to the state for liquidated damages to be assessed  
6 by the court for an amount not less than \$5,000 nor more than \$100,000,  
7 depending on the severity of the violation.

8 (c) In addition to the penalties provided in (a) and (b) of this  
9 section, a person who violates secs. 170 - 173 of this chapter is  
10 liable, in a civil action, to the state for damages in an amount not  
11 to exceed \$100 per gross ton of the violating vessel or \$14 million,  
12 whichever is less. "Damages", as used in this subsection means costs  
13 associated with the abatement, containment or removal of a pollutant  
14 and reasonable restoration of the environment to its former state.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29