

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, for liquidated damages to be assessed by the court
6 for an amount not less than \$5,000 nor more than \$100,000, depending on
7 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, for damages in an amount not to exceed \$100
11 per gross ton of the violating vessel or \$14 million, whichever is
12 less. "Damages", as used in this subsection means costs associated
13 with the abatement, containment or removal of a pollutant and reasonable
14 restoration of the environment to its former state.