

Original sponsor: Resources Committee

Offered: 5/4/70
Referred: Judiciary

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR 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.

13 (b) Except as provided in (c) of this section, no vessel may
14 take on oil, petroleum products, or their byproducts as cargo unless
15 it arrives in ports in the state without having discharged ballast at
16 sea, and the master of the vessel certifies that fact on forms provided
17 by the department.

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

22 (d) A person in charge of a sea-going vessel or of an onshore
23 or offshore facility, as soon as he has knowledge of any discharge
24 from the vessel or facility in violation of a provision of this chapter
25 shall immediately notify the department of the discharge.

26 * Sec. 2. AS 46.05.210 is amended to read:

27 Sec. 46.05.210. PENALTIES. (a) A person who violates secs. 170 -
28 173 [SEC. 170] of this chapter is guilty of a misdemeanor and upon
29 conviction is punishable by a fine of not [LESS THAN \$500 NOR] more than

1 \$25,000 or [AND] imprisonment for not [LESS THAN 30 DAYS NOR] more than
2 a year or by both. Each unlawful act constitutes a separate offense.

3 (b) In addition to the penalties provided in (a) of this section,
4 a person who violates secs. 170 - 173 [SEC. 170] of this chapter is
5 liable, in a civil action, to the state for liquidated damages to be
6 assessed by the court for an amount not less than \$5,000 nor more than
7 \$100,000, 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 a provision of secs. 170 - 173 of this
10 chapter is liable, in a civil action, in the case of a vessel, for
11 damages in an amount not to exceed \$100 per gross ton of the violating
12 vessel or \$14 million, whichever is less and in the case of an onshore
13 or offshore facility \$100 per every \$500 evaluation of the violating
14 facility or \$14 million whichever is less. However, if the state shows
15 that a violation of secs. 170 - 173 of this chapter was the result of
16 wilful negligence or wilful misconduct on the part of the person
17 charged with the violation, the person is liable to the state for the
18 full amount of damages caused. In this subsection "damages" means costs
19 associated with the abatement, containment or removal of a pollutant
20 and reasonable restoration of the environment to its former state.

21 (d) A person who violates any other provision of this chapter
22 or an order issued under this chapter, or who falsely certifies infor-
23 mation required under this chapter, upon conviction, is punishable by
24 a fine of not more than \$25,000 or imprisonment for not more than one
25 year or by both. Each unlawful act constitutes a separate offense.
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