

Original sponsor: Resources Committee

Offered: 5/20/70
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY 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 sea-going vessel ballast water, tank-cleaning waste water or
12 other waste containing oil in excess of 100 parts per million of oily
13 residue. This subsection does not apply to fishing vessels of less
14 than 300 gross tons.

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

20 (c) Vessels equipped with tanks used exclusively for ballast
21 or capable of producing ballast with an oil content less than that
22 provided for in (a) of this section may discharge that ballast at sea,
23 including the waters of the state, if it meets the standards of (a)
24 of this section and the master of the vessel certifies that fact on
25 forms provided by the department.

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

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

2 Sec. 46.05.210. PENALTIES. (a) A person who violates secs. 170 -
3 173 [SEC. 170] of this chapter is guilty of a misdemeanor and upon
4 conviction is punishable by a fine of not [LESS THAN \$500 NOR] more
5 than \$25,000 or [AND] imprisonment for not [LESS THAN 30 DAYS NOR] more
6 than a year or by both. Each unlawful act constitutes a separate
7 offense.

8 (b) In addition to the penalties provided in (a) of this section,
9 a person who violates secs. 170 - 173 [SEC. 170] of this chapter is
10 liable, in a civil action, to the state for liquidated damages to be
11 assessed by the court for an amount not less than \$5,000 nor more than
12 \$100,000, depending on the severity of the violation.

13 (c) In addition to the penalties provided in (a) of this section,
14 a person who violates a provision of sec. 173 of this chapter is liable
15 to the state, in a civil action, in the case of a vessel, for damages in
16 an amount not to exceed \$100 per gross ton of the violating vessel
17 or \$14 million, whichever is less and in the case of an onshore or
18 offshore facility \$100 per every \$500 evaluation of the violating
19 facility or \$14 million whichever is less. However, if the state shows
20 that a violation of sec. 173 of this chapter was the result of wilful
21 negligence or wilful misconduct on the part of the person charged with
22 the violation, the person is liable to the state for the full amount of
23 damages caused. In the case of wilful negligence or wilful misconduct
24 "damages", in this subsection, means costs associated with the abatement,
25 containment or removal of a pollutant and reasonable restoration of the
26 environment to its former state.

27 (d) A person who falsely certifies information required under
28 sec. 173 of this chapter, upon conviction, is punishable by a fine of
29 not more than \$25,000 or imprisonment for not more than one year or by

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both. Each unlawful act constitutes a separate offense.

(e) Nothing in this section affects an individual's right to recover damages under other applicable statutes or the common law.