

**HB**

**260**

HFIN

FILE

April 27, 2001

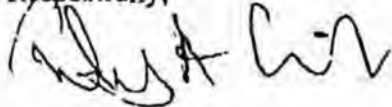
House Finance Committee:

My name is Timothy A. Ciosek and I have been an Alaskan resident for six years. I live in Harris Harbor and every summer I live on the waters of the Inside Passage of Alaska. I fish these waters, I gather shell fish from these waters and I am inspired and deeply moved by these waters. If Representative Mulder believes "that the cruise ship industry is under seige", then he obviously has not considered how the people of Alaska and the marine ecological environment feels about their relationship with the cruise ships every summer, spring and fall. No, the cruise ship industry is not under seige, the waters of Alaska are under seige when House Bill 260 was introduced and so quickly brought to hearing.

House Bill 260 completely ignores Alaska's right to monitor, record and test cruise ship discharges and air emmissions. HB 260 is also a transportation and resource issue. Why has HB 260 only been assigned to one committee? Moreover, the right of public process has been completely ignored and violated. If HB 260 passes through the House Finance Committee, then the people who make their living from the waters have ALL been violated.

Do not allow HB 260 to become a law. Do not allow Representative Mulder's pocket book to become deeper from his cruise ship industry constituents. This bill would allow the cruise ship's to destroy our waters and the hard working people of Alaska.

Respectfully,



Timothy A. Ciosek  
PO Box 22406  
Juneau, AK 99802

AMENDMENT |

Failed

OFFERED IN HOUSE FINANCE  
TO: HB 260

BY REPRESENTATIVE

CROFT

Page 2

DELETE: lines 9 through 23

INSERT:

- (1) commercial passenger vessels present a unique and growing threat to the environment in this state and to commercial and noncommercial uses of the resources of this state;
- (2) federal and international laws pertaining to regulation of commercial passenger vessels have been inadequate and have been inadequately enforced in the past commercial passenger vessels have deliberately and negligently discharged oil, hazardous substances, and inadequately treated sewage and graywater into the marine environment of this state, and have repeatedly fouled the air in coastal communities of this state;
- (3) during the summer of 2000, a wastewater sampling program facilitated by the Department of Environmental Conservation involving those vessels revealed that
  - (A) 57 percent of the treated sewage samples tested for fecal coliform and 68 percent of the samples that were tested for total suspended solids were not in compliance with treatment standards; only one of the samples from those treatment systems was in compliance with both standards; and
  - (B) 75 percent of the samples taken from supposedly benign graywater were over five times the fecal coliform standard for sewage from treatment systems;
- (4) during the summer of 2000, approximately 240 air opacity readings involving those vessels were taken by the state and the United States, with 34 samples showing violations of air quality standards;
- (5) although federal law regulating some of the larger commercial passenger vessels has recently been enhanced, federal law does not require reporting to the state, does not provide for direct enforcement by the state, and does not address pollution of the state's air;
- (6) although the state should work collaboratively with the federal government, the state should not be dependent on the federal government for information regarding commercial passenger vessels operating in waters of this state and impacts of commercial passenger vessels on the people and resources of this state, or for enforcement for environmental violations by commercial passenger vessels in waters of this state;
- (7) in order to properly manage its resources and provide for sustainable human use, the state must know the quantity, composition, location, and frequency of discharges and releases of pollutants from commercial passenger vessels into the state's water and air;
- (8) existing state legal authorities that could be applied to commercial passenger vessels are scattered through a number of different programs, many of which do not have adequate financing or financing mechanisms to allow for comprehensive monitoring and oversight of commercial passenger vessels; further, extensive regulatory revisions would be needed by many programs to address discharges from commercial passenger vessels and to ensure that

existing program authorities reach commercial passenger vessels without also creating unneeded regulation of other categories of vessels that do not involve the significant environmental threat presented by the commercial passenger vessels;

- (9) commercial passenger vessels should, to the extent practicable, be subject to the same type of environmental regulations related to the discharge of wastes in this state as are applicable to shore-based facilities and businesses in this state with similar discharges;
- (10) commercial passenger vessels benefit from and put a strain on resources and infrastructure of this state but do not generally share in the costs of protecting resources or providing infrastructure; and
- (11) comprehensive monitoring and oversight of wastewater, solid waste, and air emissions of commercial passenger vessels traveling in state waters and an understanding of their impacts on people and resources of this state is needed, and commercial passenger vessels should be required to bear the costs of the needed monitoring and oversight

AMENDMENT 2

Failed

OFFERED IN HOUSE FINANCE  
TO: HB 260

BY REPRESENTATIVE

DAVIES

Page 3 line 25

INSERT:

**Sec. 46.03.461. Permit requirements and types.**

- (a) Unless exempted under AS 46.03.488, the owner or operator of a commercial passenger vessel shall obtain a permit under this chapter from the department for that vessel before operating the vessel, or causing or allowing the vessel to be operated, in the waters of this state. A permit issued under this chapter is valid only for the calendar year for which the permit is issued.
- (b) A permit required under (a) of this section is either
  - (1) a standard permit by notification that is obtained in accordance with AS 46.03.462; or
  - (2) a special permit that is obtained by using the procedures of AS 46.03.463.

INSERT: **Sec. 46.03.462. Standard permits by notification.**

- (a) The department shall issue a standard permit by notification to an owner or operator of a commercial passenger vessel who meets the requirements of this section. The standard permit by notification shall contain the terms and conditions established under (b) of this of this section.
- (b) By regulation, the department shall establish the terms and conditions of a standard permit by notification. The terms and conditions established under this subsection may
  - (1) vary by
    - (A) vessel size and passenger capacity; and
    - (B) environmental or health risk of the discharge or release; and
  - (2) include the following:
    - (A) reporting of any disposal, discharge, or release of pollutants;
    - (B) development of waste management plans and reporting of waste management practices;
    - (C) monitoring and sampling of any pollutant discharged, released, or disposed of within the state;
    - (D) provisions for the department to enter a vessel and examine waste disposal practices, sampling, monitoring, and equipment to verify compliance with the terms and conditions of the permit;

- (E) reporting of a vessel's operations in state waters, including the number of voyages, number of passengers per voyage, voyage routes, and 30 voyage lengths;
- (F) limitations on locations and circumstances under which pollutants may be discharged, disposed of, or released in the state;
- (G) limitations on the composition or concentrations of discharges or releases of pollutants to the air or water of the state;
- (H) reporting of the qualifications and training of individuals engaged in the treatment, discharge, release, or disposal of wastes from the vessel;
- (I) provisions for collection of fees imposed by AS 46.03.480; and
- (J) provisions for revocation of a permit for noncompliance with this chapter, a regulation adopted under this chapter, or a term or condition of a permit issued under this chapter.

(c) To the maximum extent practicable, the terms and conditions established under (b) of this section shall

(1) regarding limitations on the locations, circumstances, composition, and concentrations of discharges or releases to the waters of the state, be consistent with federal law unless the department determines that additional protection of the water is needed; and

(2) be coordinated with reporting and verification requirements of the United States Coast Guard and the United States Environmental Protection Agency.

(d) A standard permit by notification under this section is obtained by notifying the department in the manner set out in regulations adopted by the department under this chapter. The notice shall include the information required under section 46.03.460; and

(1) a statement that the vessel owner and operator agree to comply with the terms and conditions of the standard permit by notification.

INSERT: A new section 46.03.463, renumbering current section 46.03.463 to 46.03.464

**Special permits.** (a) The department may issue a special permit under this section to the owner or operator of a commercial passenger vessel who meets the requirements of this section and regulations adopted under this section. The owner or operator of a vessel who cannot practicably comply with the terms and conditions of a standard permit by notification under AS 46.03.462, or who wishes to use or test alternative environmental protection equipment and procedures, may apply to the department for a special permit for the vessel.

(b) Except as specified in alternative terms and conditions set by the department under this subsection, a special permit under this section shall require compliance with the terms and conditions that would be required in a standard permit by notification under AS 46.03.462. The department, on a case-by-case basis, may set alternative terms and conditions for a special permit if

- (1) the vessel owner or operator demonstrates to the department's reasonable satisfaction that equivalent environmental protection can be attained through other terms or conditions appropriate for the specific configuration or operation of the vessel;
- (2) the vessel owner or operator agrees to make necessary changes to the vessel to allow it to comply with the terms and conditions of a standard permit by notification under

AS 46.50.030 but demonstrates to the department's reasonable satisfaction that additional time is needed to make the necessary changes; or

- (3) an experimental technology or method for pollution control of a discharge or release is being used or is proposed as a term or condition of the special permit and the department determines that the experimental technology or method has a reasonable likelihood of success in providing increased protection for the environment.

(c) In a special permit under this section, the department shall impose special terms and conditions to require additional environmental protection or research if necessary to prevent the vessel owner or operator from obtaining a significant economic advantage over its competitors as a result of an alternative term or condition set by the department in the special permit.

RENUMBER references to AS 46.03.463 to AS 46.03.464

Adopted

AMENDMENT

3

OFFERED IN HOUSE FINANCE  
TO: HB 260

BY REPRESENTATIVE

CROFT

Page 4, lines 7 through 17:

(c) Except as provided in (f) of this section, [OR] AS 46.03.488, or other applicable law or regulation, beginning January 1, 2003, a person may not discharge graywater from a commercial passenger vessel into the marine waters of the state [THAT FAILS TO MEET THE EFFLUENT STANDARDS FOR GRAYWATER ESTABLISHED BY THE ADMINISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY UNDER SEC. 1407 OF THE FEDERAL CRUISE SHIP LEGISLATION. IF THE ADMINISTRATOR HAS NOT ADOPTED THESE FEDERAL EFFLUENTS STANDARDS BY JANUARY 1, 2003, THEN, BEGINNING JANUARY 1, 2003, AND ENDING WHEN THE ADMINISTRATOR DOES ADOPT THESE FEDERAL EFFLUENT STANDARDS, A PERSON MAY NOT, EXCEPT AS PROVIDED IN (F) OF THIS SECTION OF AS 46.03 488, DISCHARGE GRAYWATER FROM A COMMERCIAL PASSENGER VESSEL I TO THE MARINE WATERS OF THE STATE] that has a fecal coliform bacterial count greater than 200 colonies per 100 milliliters or suspended solids greater than 150 milligrams per liter.

AMENDMENT

4

W/D 1

OFFERED IN HOUSE FINANCE  
TO: HB 260

BY REPRESENTATIVE DAVIES

Page 5 lines 4 through 7

**Sec. 46.03.465. Information-gathering requirements.** (a) The owner or operator of a commercial passenger vessel shall maintain a logbook and[, ] provide to [UPON REQUEST OF] the department [, PRODUCE A LOGBOOK] a report detailing the dates, times, volumes, weights, or flow rates, and locations of any offloading or release of a pollutant [DISCHARGE OF SEWAGE OR GRAYWATER] into the marine waters of the state.

Fairud

AMENDMENT 5

OFFERED IN HOUSE FINANCE  
TO: HB 260

BY REPRESENTATIVE CROFT

Page 5 lines 9 through 10:

state, the owner or operator of the vessel shall collect samples of the vessel's pollutant discharges [TREATED SEWAGE AND GRAYWATER THAT IS BEING DISCHARGED] into the marine waters of the state

Page 5 line 21

at a sampling frequency determined in regulations under AS 46.03.489 by the department [NO LESS FREQUENTLY THAN SAMPLES ARE REQUIRED TO BE COLLECTED UNDER FEDERAL LAWS AND REGULATIONS FOR TREATED SEWAGE OR GRAYWATER DISCHARGES] .

Page 5 lines 25 through 30:

Biochemical oxygen demand (BOD, [AND] total suspended solids and priority pollutants, as defined in the federal laws and regulations, in the samples with an analytical testing method that was approved by the department before the testing is conducted. [A LABORATORY USED FOR TESTING UNDER THIS SUBSECTION MAY NOT DISCLOSE THE TESTING RESULTS TO ANY PERSON OTHER THAN THE DEPARTMENT, THE UNITED STATES COAST GUARD, OR THE OWNER OR OPERATOR OF THE VESSEL.]

AMENDMENT

6 no/obj

OFFERED IN HOUSE FINANCE  
TO: HB 260

BY REPRESENTATIVE DAVIES

Page 6, line 11, following "department."

INSERT: There is no audit report privilege under AS 09.25.460 for this information.

AMENDMENT

7 Failed

OFFERED IN HOUSE FINANCE  
TO: HB 260

BY REPRESENTATIVE CROFT

Page 6, following line 27:

INSECT:

**Sec. 46.03.477. Monitoring and environmental studies.** The department may engage in the following activities for commercial passenger vessels:

- (1) direct monitoring of discharges or releases of pollutants from those vessels;
- (2) monitoring and studying of direct or indirect environmental impacts of those vessels;
- (3) researching ways to reduce impacts identified or studied under this section.

AMENDMENT

8

W/P

OFFERED IN HOUSE FINANCE  
TO: HB 260

BY REPRESENTATIVE DANIES

Page 6, line 28:

Sec. 46.03.480. Fees. [EXCEPT AS PROVIDED IN AS 46.03.488,] There is ...

Page 13, line 24:

DELETE: Sec. 6. AS 46.03.480 is repealed January 1, 2004.

Page 8, lines 11 through 12:

...activities under AS 46.03.460 - 46.03.490, an assessment report required by department, and activities under department regulations establishing standards for marine vessel visible emissions adopted under AS 46.14.

AMENDMENT

9

ND

OFFERED IN HOUSE FINANCE  
TO: HB 260

BY REPRESENTATIVE

CROFT

Page 9

DELETE lines 1 through 31.

Page 13, line 25:

DELETE: Sec. 7. AS 46.03.488 is repealed January 1, 2006.

Page 14, lines 28 through 31 and Page 15, lines 1 through 5:

DELETE: Sec. 10

(Note: uncodified law relating to delayed applicability to smaller vessels)

AMENDMENT 10

Adopted

OFFERED IN HOUSE FINANCE  
TO: HB 260

BY REPRESENTATIVE DAVIES

Page 10 lines 1 and 2:

**Sec 46.03.489. Regulations.** The department may adopt regulations that are necessary for the implementation of [TO IMPLEMENT EXEMPTIONS UNDER] AS 46.03.460 – 46.03.490. The department shall use negotiated regulation making under AS 44.62.710 – 44.62.800. as appropriate. to develop these regulations.

Adopted

AMENDMENT

11

OFFERED IN HOUSE FINANCE  
TO: HB 260

BY REPRESENTATIVE CROFT

Page 10, lines 20 - 21:

(6) "graywater means [ONLY] galley, dishwasher, bath, and laundry waste water; [THE TERM DOES NOT INCLUDE OTHER WASTES OR WASTE STREAMS;]

AMENDMENT

12

ADOPT

OFFERED IN HOUSE FINANCE  
TO: HB 260

BY REPRESENTATIVE DAVIES

Page 10, lines 7 through 12:

- (2) "commercial passenger vessel" means a vessel that carries passengers for hire except that "commercial passenger vessel" does not include a vessel
- (A) authorized to carry fewer than 50 passengers; [OR]
  - (B) that does not provide overnight accommodations for at least 50 passengers for hire; or
  - (C) operated by the United States or a foreign government.

AMENDMENT

13

Failed

OFFERED IN HOUSE FINANCE  
TO: HB 260

BY REPRESENTATIVE CROFT

Page 10, following line 24:

INSERT: "offloading" means the removal of pollutants from a commercial passenger vessel onto or into a controlled storage, processing, or disposal facility or treatment works;

RENUMBER subsequent definitions.

W/D

AMENDMENT

14

OFFERED IN HOUSE FINANCE  
TO: HB 260

BY REPRESENTATIVE

DAVIES

Page 10, following line 28:

INSERT "pollutant" means air contaminants, biological materials, chemical wastes, gravwater, hazardous substances, hazardous waste, industrial waste, incinerator residue, medical waste, munitions, oil, radioactive materials, treated or untreated sewage, sewage sludge, solid waste, toxic waste, and wrecked or discarded equipment, except that "pollutant" does not include ballast water, a consumer product in consumer use, or, with respect to offloading, a product that remains capable of being put to the beneficial use for which the product was intended.

RENUMBER subsequent definitions.

AMENDMENT

15

WFD

OFFERED IN HOUSE FINANCE  
TO: HB 260

BY REPRESENTATIVE

CROFT

Page 10, following line 28:

INSERT: release" means spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, placing, or disposing of pollutants into the environment; "release" includes the abandonment or discarding of bags, containers, or other receptacles containing a pollutant, regardless of whether the pollutant leaves the vessel through a discrete conveyance or a nonpoint source;

RENUMBER subsequent definitions.

AMENDMENT

16 Failed

OFFERED IN HOUSE FINANCE  
TO: HB 260

BY REPRESENTATIVE DAVIES

Page 15, lines 12 through 19:

...The report must include

- (1) a characterization, to the extent possible, of the risks to the marine and human environments posed by releases and offloadings [THE DISCHARGE OF SEWAGE AND GRAYWATER] from commercial passenger vessels;
- (2) evaluation of the pollution control and abatement [SEWAGE AND GRAYWATER TREATMENT SYSTEMS AND ] technologies on the vessels; and
- (3) recommendations for future action by the state in relation to the matters discussed in the report.

AMENDMENT

17

by Mulder

OFFERED IN THE HOUSE

TO: HB 260

- 1 Page 10, line 2:
- 2 Delete "to implement exemptions under"
- 3 Insert "for the implementation of and exemptions to"

Adopted

22-LS0948F.3  
Lauterbach  
4/27/01

18

AMENDMENT

OFFERED IN THE HOUSE  
TO: HB 260

BY REPRESENTATIVE MULDER

1 Page 7, following line 26:

2 Insert a new subsection to read:

3 "(d) The fee described in this section may not be imposed during any calendar  
4 year that begins on or after January 1, 2004, unless the legislature determines by law  
5 that imposition of the fee for that calendar year is required to pay for the department's  
6 operational and administrative costs necessary to carry out activities under  
7 AS 46.03.460 - 46.03.490 and under department regulations establishing standards for  
8 marine vessel visible emissions adopted under AS 46.14."  
9

10 Page 13, line 24:

11 Delete all material.  
12

13 Renumber the following bill sections accordingly.  
14

15 Page 14, following line 24:

16 Insert a new subsection to read:

17 "(c) The fee described in this section may not be imposed during any calendar year  
18 that begins on or after January 1, 2004, unless the legislature determines by law that  
19 imposition of the fee for that calendar year is required to pay for the department's operational  
20 and administrative costs necessary to carry out activities under AS 46.03.460 - 46.03.490,  
21 enacted by sec. 2 of this Act, and under department regulations establishing standards for  
22 marine vessel visible emissions adopted under AS 46.14."  
23

24 Reletter the following subsection accordingly.

Adopted

22-I.S0948\F.2  
Lauterbach  
4/27/01

19

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE MULDER

TO: HB 260

1 Page 3, line 31, through page 4, line 4:

2 Delete all material.

3 Insert "of the state that has a fecal coliform bacterial"

4

5 ~~Page 4, line 7, following ",":~~

6 ~~Insert "beginning January 1, 2003,"~~

7

8 ~~Page 4, lines 9 - 15:~~

9 ~~Delete all material.~~

10 ~~Insert "state that"~~

11

12 Page 14, line 31:

13 Delete "AS 46.03.463(a) - (c)"

14 Insert "AS 46.03.463(a) and (b)"

*failed*

*20*

AMENDMENT

OFFERED IN HOUSE  
TO: HB 260

BY REPRESENTATIVE

*Orff*

- 1) DELETE  
Page 1, lines 1-12  
Page 2, lines 1-4
- 2) INSERT  
Page 1, Line 1

**"An Act relating to certain passenger vessels operating in the marine waters of the state; and providing for an effective date."**

21

Adopted

22-LS0948F.am

Lauterbach

4/28/01

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE MULDER

TO: HB 260

~~Page 3, line 29.~~ Page 4, Line 6

Delete "or AS 46.03.488"

Insert ", AS 46.03.488, or other applicable law or regulation"

22

Adopted

22-LS0948\J.3  
Lauterbach  
4/28/01

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE MULDER

TO: CSHB 260(FIN), Draft Version "J"

- 1 Page 5, lines 1 – 4:  
2 Delete all material and insert:  
3 "Sec. 46.03.465. Logbook and sampling requirements. (a) The owner or  
4 operator of a commercial passenger vessel shall maintain a logbook and, upon request  
5 of the department, provide to the department a report detailing the dates, times, and  
6 locations, and the volumes or flow-rates of any discharge of sewage or graywater into  
7 the marine waters of the state. The information in the report required under this  
8 subsection may be provided by referring to and including copies of other reports  
9 concerning the discharge of sewage or graywater that are required by substantially  
10 equivalent state or federal reporting requirements."

23

Adopted

AMENDMENT

OFFERED IN HOUSE FINANCE  
TO: CSHB 260(FIN)

BY REPRESENTATIVE

Mulder

Page 5, line 30:

...information gathering, gathered the type of information required under (a), [OR] (b), or (c) of this section, ...

The amendment brings the information gathered through testing in subsection (c) under the same "let's not duplicate other efforts" provision in subsection (d).

24

Adopted

22-LS0948J.4  
Lauterbach  
4/28/01

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE MULDER

TO: CSHB 260(FIN), Draft Version "J"

1 Page 1, line 3, following "graywater":

2 Insert ", hazardous substances, hazardous wastes,"

3

4 Page 6, following line 21:

5 Insert a new subsection to read:

6 "(d) If the owner or operator of a commercial passenger vessel operating in the  
7 marine waters of the state is required by the laws of the United States or by the laws of  
8 Canada or of a province or territory of Canada to file a report or to provide notice of a  
9 discharge or offloading of a hazardous waste, as defined in AS 46.03.900, or of a  
10 hazardous substance, as defined in AS 46.03.826, that was generated, discharged, or  
11 offloaded while the vessel was operating in the marine waters of the state, the owner  
12 or operator shall submit to the department a copy of the report or notice within 21 days  
13 after providing the report or notice to an agency of the government of the United  
14 States or to an agency of the government of Canada or of a province or territory of  
15 Canada."

16

17 Reletter the following subsections accordingly.

25

Adopted

AMENDMENT

OFFERED IN HOUSE FINANCE  
TO: CSHB 260(FIN)

BY REPRESENTATIVE

*Mulder*

Page 8, lines 13 through 16:

(c) The legislature may make appropriations from the fund to the department to pay for the department's operational and administrative costs necessary to carry out activities under AS 46.03.460 - 46.03.490, the assessment report required of department, and activities under department regulations establishing standards for marine vessel visible emissions adopted under AS 46.14.

Allows the legislature to make appropriations from the Alaska Commercial Passenger Vessel Coastal Protection Fund to the department to also cover the costs of preparing the **assessment report** (required on Page 15, beginning line 20). Otherwise, the department will have no identified funding source for this assessment work.

HB 260-PASSENGER VESSELS

Gershon Cohen, Haines, 766-2360

Jim Makovjak, Gustavus

Anchorage LIO (see moderator sheet)

In Juneau:

Spencer, Wood, US Coast Guard

Danielle Brown, resident

Mara Bacsujlaky, Northern Alaska Environmental Center

Diane, McBride, resident (Homer)

Aurah Landau, resident

Sarah Keeney, SE Alaska Conservation Council

Joseph Sebastian, resident

Sue Schrader, Alaska Conservation Voters

Nancy Waterman, resident

Robert Reges, Cruise Control Inc.

# United State Cruise Ship Association Company Membership and Vessels



## Glacier Bay Tours and Cruises/Goldbelt Corporation

Vessel Name	# Guests	# Crew	Length	Beam
Executive Explorer	49	18	104'	36.9'
Wilderness Adventurer	76	24	156.6'	38'
Wilderness Discoverer	86	23	169'	38'
Wilderness Explorer	36	13	112'	21.1'

## Alaska Sightseeing/ Cruise West

Vessel Name	# Guests	# Crew	Length	Beam
Spirit of Alaska	78	21	143'	28'
Spirit of Discover	84	21	166'	37'
Spirit of '98	96	26	192'	40'
Spirit of Endeavour	102	32	217'	37'
Spirit of Columbia	78			
Spirit of Glacier Bay	52			

## Lindblad Expeditions

Vessel Name	# Guests	# Crew	Length	Beam
Sea Bird	70	28	152'	31'
Sea Lion	74	28	152'	31'

## Clipper Cruise Lines

Vessel Name	# Guests	# Crew	Length	Beam
Yorktown Clipper	138	40	257'	43'
Nantucket Clipper	100	36	207'	37'

## America West Steamboat

Vessel Name	# Guests	# Crew	Length	Beam
Queen of the West	163	47	230"	50'

## Questions contact:

Randy Ray  
United States Cruise Ship Association  
P.O. Box 979  
Mercer Island, WA 98040  
206-230-9880

CA Cruise Ship Law

Assembly Bill No. 2746

\_\_\_\_\_  
Passed the Assembly August 25, 2000

\_\_\_\_\_  
*Chief Clerk of the Assembly*

\_\_\_\_\_  
Passed the Senate August 24, 2000

\_\_\_\_\_  
*Secretary of the Senate*

\_\_\_\_\_  
This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2000, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
*Private Secretary of the Governor*

└

## CHAPTER \_\_\_\_\_

An act to add and repeal Division 37 (commencing with Section 72300) to the Public Resources Code, relating to water.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2746, Nakano. Large passenger vessels: water quality.

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board is the principal state agency with primary authority over water quality matters. Under the act, the board prescribes waste discharge requirements for the discharge of waste into the waters of the state.

This bill would, until July 1, 2003, create the Cruise Ship Environmental Task Force, to be convened by the California Environmental Protection Agency, comprised of representatives of the State Water Resources Control Board, the Department of Fish and Game, the Department of Toxic Substances Control, the Integrated Waste Management Board, the State Lands Commission, and the State Air Resources Board. The bill would authorize the California Environmental Protection Agency to request the participation of the United States Coast Guard as a member of the task force.

The bill would, until July 1, 2003, require the task force to gather reports and manifests of waste released and offloaded by large passenger vessels, as defined. The bill would require owners and operators of large passenger vessels to submit reports of releases of graywater or sewage not later than 10 days from the close of a calendar quarter in which the vessel has operated in the marine waters of the state to the State Water Resources Control Board. The bill would require the State Air Resources Board to measure and record the opacity of visible emissions, excluding condensed water vapor, of a representative sample of large passenger vessels.



*The people of the State of California do enact as follows:*

SECTION 1. Division 37 (commencing with Section 72300) is added to the Public Resources Code, to read:

DIVISION 37. LARGE PASSENGER VESSELS  
PROGRAM

CHAPTER 1. DEFINITIONS

72300. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of this division:

(a) "Air contaminant" has the meaning set forth in Section 39013 of the Health and Safety Code.

(b) "Calendar quarter" or "quarter" means the three-month periods ending March 31, June 30, September 30, and December 31.

(c) "Emission" means a release of an air contaminant into the atmosphere.

(d) "Graywater" means drainage from dishwasher, shower, laundry, bath, and wash basin drains, but does not include drainage from toilets, urinals, hospitals, and cargo spaces.

(e) "Hazardous waste" has the meaning set forth in Section 25117 of the Health and Safety Code.

(f) "Large passenger vessel" or "vessel" means a vessel of 300 gross registered tons or greater that is engaged in the carrying of passengers for hire, excluding all of the following vessels:

(1) Vessels without berths or overnight accommodations for passengers.

(2) Noncommercial vessels, warships, vessels operated by nonprofit entities as determined by the Internal Revenue Service, and vessels operated by the state, the United States, or a foreign government.

(g) "Marine waters of the state" means "coastal waters" as defined by Section 13181 of the Water Code.

(h) "Medical waste" means medical waste subject to regulation pursuant to Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code.

(i) "Offloading" means the removal of waste onto or into a controlled storage, processing, or disposal facility or treatment works.

(j) "Oil" has the meaning set forth in Section 8750.

(k) "Operator" has the meaning set forth in Section 651 of the Harbors and Navigation Code.

(l) "Owner" has the meaning set forth in Section 651 of the Harbors and Navigation Code.

(m) "Release" means discharging or disposing of wastes into the environment.

(n) "Sewage" has the meaning set forth in Section 775.5 of the Harbors and Navigation Code, and also includes material that has been collected or treated through a marine sanitation device as that term is used in paragraph (5) of subsection (a) of Section 1322 of Title 33 of the United States Code.

(o) "Solid waste" has the meaning set forth in Section 40191.

(p) "Waste" means an air contaminant, graywater, sewage, solid waste other than hazardous waste, including incinerator residue and medical waste, hazardous waste, or oily waste.

## CHAPTER 2. LARGE PASSENGER VESSELS

72301. (a) The Cruise Ship Environmental Task Force is hereby created to evaluate environmental practices and waste streams of large passenger vessels. The task force shall be convened by the California Environmental Protection Agency, and shall consist of representatives of the State Water Resources Control Board, the Department of Fish and Game, the Department of Toxic Substances Control, the Integrated Waste Management Board, the State Lands Commission, and the State Air Resources Board. The California Environmental Protection Agency shall request the United States Coast Guard to participate as a member of

the task force. The task force may also consult with the Office of Environmental Health Hazard Assessment and shall establish a process for receiving comments from the public and the cruise ship industry on matters to be considered by the task force.

(b) The purpose of the task force is to gather information necessary for the preparation of the report required by Section 72304.

(1) The task force shall gather reports and manifests of waste released and offloaded that are submitted by large passenger vessels to state entities under state and federal law.

(2) As requested by the task force, owners or operators of large passenger vessels agree to submit copied excerpts of records and manifests, including oil record books, garbage record books, engine room log books, or other records of waste released or offloaded after January 1, 2001, from the vessels in California.

(3) To the extent permitted by state and federal law, the task force may request an owner or operator to submit supplemental or additional information.

(c) This section does not relieve an owner or operator from complying with any other reporting requirement imposed pursuant to any other state or federal law.

72302. The owner or operator of a vessel, not later than 10 days from the close of a calendar quarter in which the owner or operator has operated, or caused to be operated, a vessel in the marine waters of the state, shall submit to the State Water Resources Control Board a report of any release of graywater or sewage that occurred during the previous calendar quarter while the vessel was located in the marine waters of the state, to the extent that these releases can be reasonably quantified.

72303. The State Air Resources Board shall measure and record the opacity of visible emissions, excluding condensed water vapor, of a representative sample of large passenger vessels while at berth or at anchor in a port of this state.

72304. The California Environmental Protection Agency shall utilize the information gathered by the task

force and prepare and submit a report to the Legislature, on or before June 1, 2003, that includes all of the following information:

(a) A summary review of environmental rules, regulations, reports, reporting procedures, and mechanisms for the management of waste applicable to large passenger vessels based on international, federal, and state law.

(b) A review and analysis of information contained in any report submitted to any state or federal entity by the owner or operator of a large passenger vessel related to the matters subject to this division, as well as reports and other records submitted to the task force under this division.

(c) Identification of areas of concern that may not be covered by existing reporting requirements that should be included in federal or state reporting requirements.

(d) Identification of mechanisms to better coordinate the activities of the various state and federal agencies that regulate the operation of large passenger vessels.

(e) Observations regarding the potential impacts of reported quantities and characteristics of releases of waste on water quality, the marine environment, and human health, taking into consideration applicable water quality standards, and an evaluation of the air contaminant emissions on air quality and human health, taking into consideration applicable air quality standards.

(f) Recommendations to the Coast Guard and state agencies, as appropriate, to address any areas where additional regulations or reporting may be appropriate.

72305. This division shall remain in effect only until July 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2003, deletes or extends that date.





# Alaska State Legislature

Please enter into the record my testimony to the House Finance  
committee name  
 committee on HB 260, dated 4-27-01  
bill/subject

AKPIAG wishes to voice its opposition to this bill. It has been rushed through ~~by~~ with haste while a similar bill introduced by Rep. Keritula has languished in several committees. This is a blatant attempt by the cruise ship industry with the help of Rep. Mulder to allow the cruise ship industry to continue its polluting ways. They make their living off the ~~state's~~ natural resources of this state and need to do its fair share in keeping Alaska pristine. Please do not move HB 260 out of committee.

Signed: Steve Cleary  
Testifier  
AKPIAG  
Representing (Optional)  
PO Box 101893 Anchorage AK 99510  
Address  
(907) 278-3661  
Phone No.

(2) AS 46.03.480(a).

(b) To the extent necessary to maintain a grammatically and substantively coherent sentence, the revisor, when removing a reference to AS 46.03.488 under (a) of this section, may also remove or modify language surrounding the reference in order to implement removal of the reference.

\* Sec. 13. This Act takes effect July 1, 2001.

H13 200



# Alaska State Legislature

Please enter into the record my testimony to the House Finance  
committee name  
committee on HB 260, dated 4/27/01  
bill/subject

Alaska Community Action on Toxics, a non-profit organization based in Anchorage, is dedicated to protecting environmental and human health. We believe that the public involvement process has been severely compromised for HB 260. There have not been adequate public hearing opportunities and the bill should be referred to additional committees that have jurisdiction (such as Transportation and Resources). I respectfully request that the committee schedule hearings for Representative Kertula's bill, HB 22, and the Governor's cruise ship bill. We must work together to pass legislation that protects Alaska's air and waters, not compromise to the multinational corporations that operate cruise ships to pollute our waters with impunity. A good bill would require, at least, comprehensive monthly reporting of all waste discharge and off-loading. HB 260 has no provisions to monitor or control air emissions, solid, or hazardous wastes. We are very concerned about the chronic, acute, and long-term effects of toxic chemicals such as drycleaning fluids, photo processing, and other wastes.

Signed: Pamela K. Miller Director  
Testifier  
A-K Community Action on Toxics  
Representing (Optional)  
135 Christensen Drive Anchorage 99501  
Address  
222-7714  
Phone No.

House Finance,

Could you please circulate my testimony throughout the House Finance Committee. I am a **working** individual of this community. I do not have time to continue attending the committee meetings and missing work. I feel as though this is an abuse of power and my right to public process is being taken away.

Thank you,

Timothy A. Ciosek

April 27, 2001

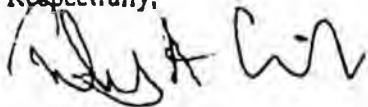
House Finance Committee:

My name is Timothy A. Ciosek and I have been an Alaskan resident for six years. I live in Harris Harbor and every summer I live on the waters of the Inside Passage of Alaska. I fish these waters, I gather shell fish from these waters and I am inspired and deeply moved by these waters. If Representative Mulder believes "that the cruise ship industry is under seige", then he obviously has not considered how the people of Alaska and the marine ecological environment feels about their relationship with the cruise ships every summer, spring and fall. No, the cruise ship industry is not under seige, the waters of Alaska are under seige when House Bill 260 was introduced and so quickly brought to hearing.

House Bill 260 completely ignores Alaska's right to monitor, record and test cruise ship discharges and air emissions. HB 260 is also a transportation and resource issue. Why has HB 260 only been assigned to one committee? Moreover, the right of public process has been completely ignored and violated. If HB 260 passes through the House Finance Committee, then the people who make their living from the waters have ALL been violated.

Do not allow HB 260 to become a law. Do not allow Representative Mulder's pocket book to become deeper from his cruise ship industry constituents. This bill would allow the cruise ship's to destroy our waters and the hard working people of Alaska.

Respectfully,



Timothy A. Ciosek  
PO Box 22406  
Juneau, AK 99802

I am Diane McBride, from Homer, a coastal Alaskan resident since 1967, working as a fisherwoman, teacher, and small business owner. Thank you Mr. Chairman and members of the committee.

HB 260 is shocking. There is simply no time for the public process to occur before the end of this session. Alaskans have had less than 24 hours to review this bill.

This is a closed door bill, worked with the cruise ship industry, so that they can get what they want. This looks terrible to Alaskans, and it is a poor reflection on the legislative body supporting this 11<sup>th</sup> hour bill. Many people, in good faith, have worked for two years on Representative Kerttula's bill and the Governor's bill. These bills allowed full public process.

Why would you want to pre-empt the state? It is the state that should monitor, test, and enforce. Voluntary compliance and reporting by this huge industry just will not cut the muster with Alaskans. HB 260 is not a compromise bill at all.

It has no provisions regarding the big pollutants – hazardous wastes, air emissions, and solid wastes. DEC needs to be the regulating body – so sampling, inspections, and reporting can be accomplished. The state has the right to know, and Alaskans have the right to know what the cruise industry is putting into our waters and air. We want a comprehensive picture of what they are leaving behind. The cruise industry, bringing in almost one million passengers, into state waters, can be the state's largest polluter.

Alaskans don't want another big surprise like last summer.

We want clean air and water. I conclude that HB 260 is getting special treatment, and this is wrong. It must go through the proper public process, and at the very least, be heard in transportation and resource committee hearings. HB 260 is bad for Alaska. Hopefully, HB 22 will get its hearing in this committee as quickly as HB 260 did. Thank you. Diane McBride



750 W. 2nd Ave. #109, Anchorage AK 99501 / Ph. 907-258-6171 / Fax 907-258-6177

P.O. Box 22151, Juneau AK 99802 / Ph. 907-463-3366 / Fax 907-463-3312 / unite@akvoice.org

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## HB 260 ~ An act relating to passenger vessels

To: House Finance Committee members

Date: April 27, 2001

Alaska Conservation Alliance and Alaska Conservation Voters are sister nonprofit organizations dedicated to protecting Alaska's environment through public education and advocacy. Our 44 member organizations and businesses represent over 35,000 registered Alaskans, many of whom are residents of communities throughout southeast Alaska and Prince William Sound that are visited by cruise ships of all sizes. Our concerns regarding the discharges from these ships into our air, our water and our landfills is an issue of Alaskan's having the right to know.

Over the past several years, many of our members have actively participated in public opportunities to discuss regulation of cruise ship discharges. Our members have volunteered hours of time to work constructively with industry and government agencies to address this issue. We were pleased to support legislation introduced last year and earlier this year and appreciate the leadership Rep. Kerttula and Governor Knowles have shown on this subject.

**Procedural concerns with HB 260:** We share the outrage of many who witnessed the sorry antics of the House majority yesterday surrounding the introduction of HB 260.

The absurdity and overt, in-your-face disdain for public process and legislative fair-play was an affront to all Alaskans. This bill should receive additional committee referrals to give residents throughout coastal Alaska opportunity to review this bill, compare it to other pending legislation, and communicate with their legislators.

**Substantive concerns with HB 260:** While ACV will leave a detailed discussion of the substantive issues of this bill to others with technical expertise, our major concern centers on the bill's failure to protect Alaskans and our resources from a wide range of pollutants that the bill conveniently neglects to address. If the cruise ship industry is as clean as they would like the world to believe, they should have no hesitancy submitting to monitoring and reporting of air emissions and solid and hazardous waste discharges.

The manner in which HB 260 has made it to this hearing today and its failure to address substantive problems with cruise ship emissions reveal a remarkable level of contempt for the concerns of Alaskans by certain legislators and by the cruise ship industry. We urge the House Finance members to insist this bill receive appropriate committee referrals to allow opportunity to amend it to truly protect our coastal residents and resources. Otherwise, this disappointing piece of "grayish" may pass the state house of representatives but will be judged by Alaskans for what it really is – a cruise industry PR ploy.

*Susan E. Schrader*  
Susan E. Schrader, Conservation Advocate

Conserve Alaska. It's Only Natural.

**COMPARISON BETWEEN HB 260 HFC - HB 22 Kerttula - HB 183 Knowles**

<b>SECTION</b>	<b>HB260</b>	<b>HB 22</b>	<b>HB 183</b>
<b>Findings</b>	Uncodified law.	None.	Uncodified law. Explains purpose of bill.
<b>Permits</b>	None.	None.	Requires a yearly permit issued by DEC allowing operations in state waters. Standard permits or special permits issued depending on testing methods of pollutants or if the operator cannot practicably comply with the new statutes.
<b>Registration Requirements</b>	Each calendar year, no later than 72 hours after a call upon a port in state. Vessel's owner's business name, addresses, agent's name and address, name or call sign of and port of registry for each of the owner's vessels. Registers with DEC. Not applicable to government ships.	Same as HB260.	New DEC bureaucracy issues either standard or special operating permits
<b>Prohibited Discharges</b>	No untreated sewage into any state waters. In HB260, Graywater and Treated sewage must meet STATE & EPA effluent standards to be discharged into state waters. Until Fed effluent standards are adopted, fecal coliform bacterial count no >200 per 100 milliliters or suspended solids >150 milligrams per liter. If EPA has not est stds by 03, or EPA stds are <than the 200/150 sewage std, then 200/150 std will also apply to graywater.	Original bill required measurement of stack emissions & graywater discharges... stack emissions taken out in TRA Comm, No State Standards in original bill 200/150 Standards now = HB260... added them in TRAComm CS. FC/TSS added in TRA Comm.	No specific standards.
<b>Graywater Standards</b>	Graywater standards must be met by 2003.	Same as HB260	No specific standards.

**COMPARISON BETWEEN HB 260 HFC - HB 22 Kerttula - HB 183 Knowles**

<b>SECTION</b>	<b>HB260</b>	<b>HB 22</b>	<b>HB 183</b>
<b>Discharge of Treated Sewage or Graywater</b>	No discharge unless the vessel is underway and traveling at 6 knots or greater, not less than one nautical mile from the nearest shore, the discharge complies with all applicable vessel effluent standards established under federal legislation and other applicable law and is not in an area where the discharge of treated sewage or graywater is prohibited. Incorporates federal exceptions for new generation of treatment systems.	No discharge unless the vessel is underway and traveling at 6 knots or greater, not less than one nautical mile from the nearest shore, the discharge complies with all applicable vessel effluent standards established under federal legislation and other applicable law and is not in an area where the discharge of treated sewage or graywater is prohibited. Incorporates federal exceptions for new generation of treatment systems.	No specific standards.
<b>Air Quality</b>	None... DEC/EPA already regulate Air Discharges... Fees fund opacity studies	Original bill Included air quality emissions but no specific standards.. Now removed	Includes air quality emissions but no specific standards or new standards
<b>Monitoring and environmental studies</b>	1. Requires DEC report by 2004 on impact of cruise ship discharges of sewage and graywater on the environment.  2. Dept may establish a program to recognize superior environmental protection efforts that exceed requirements of law	Requires DEC report by 2004 on impact of cruise ship discharges of sewage and graywater on the environment.	DEC may engage in direct monitoring of discharges or releases of pollutants, study or monitor direct or indirect environmental impacts or research ways to reduce impacts which are identified. DEC may also engage in efforts to encourage and recognize superior environmental performance.
<b>Safety Exception</b>	Not applicable to any discharge made for securing the safety of the vessel or saving life at sea.	Same as HB260	None.

**COMPARISON BETWEEN HB 260 HFC - HB 22 Kerttula - HB 183 Knowles**

<b>SECTION</b>	<b>HB260</b>	<b>HB 22</b>	<b>HB 183</b>
<b>Information Gathering Requirements</b>	Operator will maintain and, upon departmental request, produce a logbook detailing times, volumes of flow rates and location of discharges of sewage or graywater. Samples of treated sewage and graywater will be collected with a sampling technique approved by DEC, at least twice from May through September of each year. Samples will be collected in two different months, at least 15 days apart. For vessels in for less than 15 days, samples will be collected on the first and last day of operation in state waters. Sampling done in compliance with substantially similar state or federal laws will be considered in compliance as long as the information is shared with DEC.	HB22 & HB260 test for fecal coliform, ammonia, residual chlorine, pH, suspended solids and biochemical oxygen demand (BOD)  Similar language to HB260 for federal reporting requirements to be submitted to DEC.  Requires records/reporting on all offloading or release of pollutants, whether in US or Canada	To be developed by DEC in regulations.
<b>Record Keeping Requirements</b>	Information will be recorded by the owner or operator and be maintained for three years after the date the information is gathered.	Same as HB260.	To be developed by DEC in regulations.
<b>Reporting Requirements</b>	Discharge in violation of state statute will be reported immediately to DEC. Samples required by EPA or federal agency shall submit a copy of those records to DEC within 21 days. Records are to include sampling technique and analytical testing methods used.	Similar to HB260. Also requires reporting of dockside offloading of pollutants and in the original version had stack emissions as well. Stack emissions removed at TRAComm hearing.	To be developed by DEC in regulations.
<b>Fees.</b>	Separate fee for each voyage. Ranges from \$75 for 50 psgr ship to \$3,750 for 3,500 or more passengers. Fee is due to DEC in the manner and times required by regulation. Sunset for fees 1/1 2004	None.	Same as HB260. No sunset.

**COMPARISON BETWEEN HB 260 HFC - HB 22 Kerttula - HB 183 Knowles**

<b>SECTION</b>	<b>HB260</b>	<b>HB 22</b>	<b>HB 183</b>
<b>Penalties</b>	Corresponds with existing statute. Liable, civil action, not <\$500 or >\$100K for initial violation, nor >\$10K/day if violation continues (page 12, line 12) Perpetrator is guilty of class A misdemeanor	Administrative penalty of not more than \$50 per day for each day of noncompliance. Owner or operator who fails to comply may not bring a claim or counterclaim to court for a cause of action during the period of out of compliance.	similar to HB260
<b>Commercial Passenger Vessel Coastal Protection Program</b>	No permitting program	No	Permitting Program established under AS 46.50.010... monitors, supervises thru issuing Standard & Special permits
<b>Commercial Passenger Vessel Coastal Protection Fund</b>	Created in the general fund 46.03.482 and consists of fee payments, fines, legislative appropriations, fund earnings. Funds appropriated to the CPVCPF do not lapse and remain available for expenditure in successive fiscal years (pg 7, line 27- )	None.	Same as HB260
<b>Covered Vessels</b>	All passenger ships that have overnight accommodations for at least 50 passengers.	All non-government passenger ships that are authorized to carry 500 passengers or more.	All non-government passenger ships that have overnight accommodations for at least 50 passengers.
<b>Geographic Coverage</b>	All areas within 3 miles of shore plus the entire Alexander Archipelago (whether or not within 3 miles of shore).	Incorporates existing definition. AS 46.03.900(36)	Incorporates existing definition. AS 46.03.900(36)
<b>Exemptions</b>	Not applicable to vessels operating in "innocent passage" under federal law or U.N. convention on laws of the sea. Annual exemptions for ships under 200 psgrs for extenuating circumstances... r ) exemptions for testing/reporting	DEC may adopt regs necessary for implementation of exemptions (page 8, line 15) Innocent Passage exemption allowed	Exemptions thru issuing Special Permits for extenuating circumstances Innocent Passage exemption allowed
<b>Regulations</b>	DEC may adopt regulations necessary for implementation of these statutes.	Same as HB260	Same as HB260. Allows for negotiated regulation making.
<b>Definitions</b>	Applies to all terminology within proposed legislation.	Applies to all terminology within proposed legislation.	Applies to all terminology within proposed legislation.

**COMPARISON BETWEEN HB 260 HFC - HB 22 Kerttula - HB 183 Knowles**

<b>SECTION</b>	<b>HB260</b>	<b>HB 22</b>	<b>HB 183</b>
<b>Statutory Changes.</b>	<p><b>Section 3.</b> Amends AS37.05.146(b)(4) to recognize coastal protection fees Amends AS 46.03.760(e), Civil action for pollution; damages. Applies proposed changes in proposed statutes.</p> <p><b>Section 4.</b> Amends AS 46.03.760(e), Criminal penalties. Incorporates new statutes as proposed.</p> <p><b>Section 5.</b> Amends AS 46.03.790(a) by incorporating new statutes as proposed.</p> <p><b>Section 8.</b> Applicability of Reporting Requirements. Amends Uncodified law by adding a new section.</p> <p><b>Section 9.</b> Transition: Initial Implementation of Fees. Amends Uncodified law by adding new section.</p> <p><b>Section 10.</b> Delayed Applicability to Smaller Vessels. Amends Uncodified law by adding new section.</p> <p><b>Section 11.</b> Assessment Report-By January 15, 2004, DEC submits to the governor a report based on information gathered for the 2001, 2002, and 2003 cruise ship seasons. Amends uncodified law by adding new section.</p> <p><b>Section 12.</b> Instruction to Revisor. Amends uncodified law by adding new section</p>	<p><b>Section 2.</b> Amends AS 46.03.760(e), Civil penalties. Adds new statutes as proposed in legislation.</p> <p><b>Section 3.</b> Amends uncodified law by adding a new section: Applicability of reporting requirements.</p> <p><b>Section 4.</b> Assessment Report. Similar to HB260.</p>	<p><b>Section 3.</b> Adds Alaska Commercial Passenger Vessel Protection program to AS 37.05.146(b)(4), Program Receipts.</p> <p><b>Section 4.</b> Amends AS 46.03.760(e), Civil penalties. Adds new statutes as proposed in legislation.</p> <p><b>Section 5.</b> Amends AS 46.03.790(a), Criminal penalties. Incorporates new statutes as proposed.</p> <p><b>Section 6.</b> Initial Applicability and Implementation.</p> <p><b>Section 7.</b> Amends uncodified law for Transition: Regulations. Allows DEC to immediately adopt regulations necessary to implement the proposed legislation.</p> <p><b>Section 8.</b> Immediate effective date for Section 7.</p>
<b>Effective Date</b>	July 1, 2001	June 1, 2001	July 1, 2001

HOUSE BILL 260  
POINTS OF CONCERN  
Page References to "F" Version of HB260  
and "S" Version of CSHB22(RES)

House Bill 260:

DOES NOT PROTECT ALASKANS FROM SOLID OR HAZARDOUS WASTE

See, CSHB22, pg. 8, li. 29 and pg. 5, li. 7 thru pg. 7, li.5  
definition of "pollutant" and reporting of  
pollutant offloading and releases  
HB 260 Reaches only sewage and graywater

*PROPOSED FIX: RESTORE "POLLUTANT" MONITORING,  
RECORDKEEPING AND REPORTING TO THE BILL*

DOES NOT PROTECT ALASKANS FROM AIR POLLUTION

See, Sponsor Substitute HB 22 "L" version, pg. 2, li.25  
providing for monthly air emission reading and  
seasonal reporting of results  
HB 260 Reaches only sewage and graywater

*PROPOSED FIX: RESTORE FORMER AS 46.03.465(b) TO THE  
BILL AND RESTORE "AIR CONTAMINANTS" TO THE DEFINITION  
OF "POLLUTANTS"*

DOES NOT PROTECT ALASKANS FROM PRIORITY POLLUTANTS

Cf. CSHB 22, pg. 6, li. 19-25 and pg. 4, li. 28-29  
providing for reporting of mixed aqueous wastes,  
which was coupled with the provision calling for  
testing of so-called "conventional pollutants"  
HB 260, pg. 5, li. 23 - 26  
calling only for testing for conventional  
pollutants

Note that this is less monitoring than DEC  
has received from the operators voluntarily  
through the Alaska Cruise Ship Initiative

*PROPOSED FIX: RESTORE PROPOSED SECTION AS  
46.03.475(g) from HB 22*

DOES NOT PROVIDE AN INEXPENSIVE, READILY AVAILABLE (I.E. NON-LITIGATION) SANCTION FOR FAILING TO REGISTER

Cf. CSHB 22, pg. 7, li. 17-25

denying access to the courts for those who fail to register and providing for administrative penalties

HB 260 No penalty provision

Note that making AS 46.03.760 applicable does not cure this problem because AS 46.03.760

(1) Only provides for judicial assessments, not administrative assessments; and

(2) Is expressly made compensatory not punitive (See AS 46.03.760(b)) unless special circumstances exist

*PROPOSED FIX: RESTORE FORMER AS 46.03.480, ENTITLED "PENALTIES" (AS AMENDED BY RESOURCES)*

UNDERMINES OR CALLS INTO QUESTION DEC'S EXISTING AUTHORITIES REGARDING CONTROL OF WATER POLLUTION

Cf. CSHB 22, pg. 8, li. 5-6 as amended in House Resources Enabling DEC to adopt necessary regulations

HB 260, pg 10, li. 1-2 and pg. 4, li. 7-17

Is a limited enabling section that, when coupled with proposed AS 46.03.463(c), suggests that DEC no longer has the power to adopt more stringent effluent standards than the federal government (at least with respect to commercial passenger vessel discharges)

*PROPOSED FIX: AMEND AS 46.03.485 TO READ:*

*"...for the implementation of AS 46.03.460 - 490, including exemptions and the assessment of fees."*

IN SUM, THIS BILL CONCERNS ITSELF ONLY WITH POOP. WHILE WE CERTAINLY WANT THESE OPERATORS TO QUIT BURYING US IN BULL\*%#+, THAT WASN'T WHAT THEY'VE BEEN SUED FOR. THEY HAVE BEEN SUED FOR THE ILLEGAL DISCHARGE OF HAZARDOUS WASTES AND PRIORITY POLLUTANTS AS WELL AS THE EXCESSIVE EMISSION OF SMOKE. NEITHER OF THOSE RECOGNIZED PROBLEMS IS ACKNOWLEDGED BY HB 260. INDEED, HB 260 DOES VERY LITTLE THAT ISN'T ALREADY DONE BY THE MURKOWSKI LEGISLATION. GIVEN THAT THE NORTH WEST CRUISE SHIP ASSOCIATION IS ON THE RECORD AS BEING AGAINST REDUNDANCY WITH THE MURKOWSKI LEGISLATION, THIS BILL VIOLATES THE INDUSTRY'S STANDARD OF AN ACCEPTABLE BILL.

Sincerely  


# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 260  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correc \_\_\_\_\_) Dept. Affecte Environmental Conservation  
 Title: \*An Act requiring the owners or operators of BRU: Air and Water Quality  
certain passenger vessels operating in the marine waters.. Component: Water Quality  
 Sponsor: House Finance Committee  
 Requester: House Finance Component Number: 2062

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	140.4	140.4	140.4	140.4	140.4	140.4
Travel	10.0	10.0	10.0	10.0	10.0	10.0
Contractual	244.8	159.8	149.8	134.8	134.8	134.8
Supplies	3.0	3.0	3.0	3.0	3.0	3.0
Equipment	13.8	2.0	2.0	2.0	2.0	2.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>412.0</b>	<b>315.2</b>	<b>305.2</b>	<b>290.2</b>	<b>290.2</b>	<b>290.2</b>

**CAPITAL EXPENDITURES**

CHANGE IN REVENUES (Coastal Protect)	754.7	764.7	400.0	0.0	0.0	0.0
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	6.0	25.0	20.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Coastal Protection Fund)	406.0	290.2	285.2	290.2	290.2	290.2
<b>TOTAL</b>	<b>412.0</b>	<b>315.2</b>	<b>305.2</b>	<b>290.2</b>	<b>290.2</b>	<b>290.2</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget prop

**POSITIONS**

Full-time	2	2	2	2	2	2
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

See attached

Prepared by: Lynn J. Tomich Kent Phone 465-5312  
 Division Air and Water Quality Date/Time April 26, 2001 6 p.m.  
 Approved by Kurt Fredriksson Date 4/26/2001  
 Agency Department of Environmental Conservation

For distribution information, call the Governor's Legislative Office

Funding for the first two and one half years is from the Alaska Commercial Passenger Vessel Coastal Protection Fund created by this legislation. It consists of fees, legislative appropriations and penalties. The fee collection terminates January 1, 2004. The fiscal note assumes that all vessels covered under the legislation will pay the fee – the Department cannot estimate at this time how many small vessels may apply for and be granted an exemption from the fee and effluent standards and cannot estimate the potential penalties or legislative appropriations to the fund. Based upon these assumptions, there will be insufficient Coastal Protection Funds to support operating costs in FY 08. HB 260 does not allow use of the Coastal Protection Fund for the assessment report. General Funds are needed to cover support this work.

#### Personal Services

One full time Environmental Specialist IV in Juneau will be required to register approximately twenty-five large passenger vessels annually; establish an information management system; coordinate with the USCG, EPA, the public, and the cruise ship industry; in consultation with other agencies, the cruise industry and interested persons, develop fee regulations and regulations covering exemptions for small vessels under 46.03.488 and develop and implement the superior environmental protection recognition program; complete an assessment report for sewage and graywater by January, 2004; designate areas less than one nautical mile from the nearest shore where treated sewage or graywater may be discharged; designate areas where the discharge of treated sewage or graywater is prohibited; and review and approve vessel-specific exemption plans for certain smaller vessels.

One full time Environmental Engineer Associate I in Juneau will request and review as many as 175 monthly logbooks each year covering limited information about the release of sewage and graywater; review and approve graywater and sewage sampling techniques and analytical methods; review approximately 70 analytical reports for graywater and sewage; review immediate reports of exceedances of effluent standards; provide technical and compliance assistance to the cruise ship industry and the public; contract for assistance developing no discharge zones; manage contracts for opacity emissions monitoring in Prince William Sound and the Kenai Peninsula; review opacity emissions reports; and provide technical assistance to the attorney general's office on any necessary enforcement actions.

#### Travel

Travel funds are for providing compliance assistance to the cruise ship industry, working with interested parties on the assessment report and establishment of the no discharge zones, development and implementation of the superior environmental protection recognition program, public meetings associated with regulations development for fees and small vessel exemptions and technical/professional training for staff.

Contractual

Contractual funds cover development of a database to manage and store effluent data received from the cruise ship industry; technical assistance for risk analysis; technical assistance with development and implementation of the superior environmental performance recognition program (the amount is reduced in FY 03 to reflect that ongoing implementation of the program will cost less than initial development of the program); development of no discharge zones; air emissions opacity readings in Prince William Sound and the Kenai Peninsula; and advertising, printing, meeting, and mailing costs for public notice of the regulations. All fiscal years include standard position support costs.

Supplies and Equipment

Supply and equipment funds during FY 02 cover standard office supplies, furnishings and computers for the positions. Equipment funds are reduced in subsequent years.

**Personal Services New Position Detail**

**DRAFT**

Department of Environmental Conservation

**Scenario:** 02 DEC Fiscal Note Backup (1822)

**Component:** Water Quality (2062)

**BRU Name:** Air and Water Quality (206)

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range &	Budgeted Count	Split / Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#002	Environmental Spec IV	FT	A	SS	Juneau	1A	20B	12.0	52,500	1,250	0	17,013	70,763

**Justification:**

To implement HB260. (The other fund source used to support this bill is the Coastal Protection Fund)

**Funding Detail:**

1004	General Fund Receipts	1.41%	1,000
1999	Other Fund Source	98.59%	69,763
<b>Total Funding:</b>		<b>100.00%</b>	<b>70,763</b>

**18-#005** Env Eng Associate

FT	A	GG	Juneau	1A	20B	12.0	52,116	620	0	16,916	69,652
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**Justification:**

To implement HB260. (The other fund source used to support this bill is the Coastal Protection Fund.)

**Funding Detail:**

1999	Other Fund Source	100.00%	69,652
<b>Total Funding:</b>		<b>100.00%</b>	<b>69,652</b>

**Component Summary:**

**Total New Positions: 2**

Fund Description	Fund Percent	Fund Amount
1004 General Fund Receipts	0.71%	1,000
1999 Other Fund Source	99.29%	139,415
1999 Other Fund Source	99.29%	139,415
<b>Total Funding:</b>	<b>199.29%</b>	<b>140,415</b>

Note: If a position is split, an asterisk (\*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (\*\*) will appear in this column.

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 26, 2001

FURTHER REFERRALS:

Date of Committee Action: 4/28/01

The FINANCE Committee considered:

HB 260

**HOUSE BILL NO. 260**

**CRUISE SHIP REGULATION & FEES**

"An Act requiring the owners or operators of certain passenger vessels operating in the marine waters of the state to register the vessels; establishing information-gathering, record keeping, and reporting requirements relating to the vessels' graywater and sewage; prohibiting the discharge of untreated sewage from the vessels unless exempted; placing limits on discharges of treated sewage and graywater from the vessels unless exempted; establishing a commercial passenger vessel coastal protection fund; establishing a fee on commercial passenger vessels, that are not exempt from the fee, for each voyage during which the vessels operate in the marine waters of the state based on the overnight accommodation capacity of the vessels determined with reference to the number of lower berths; establishing penalties for failure to comply with certain laws relating to the vessels; authorizing the Department of Environmental Conservation to encourage and recognize superior environmental protection efforts related to commercial passenger vessels; authorizing exemptions from some laws relating to discharges from the vessels and from the fee requirements related to the vessels; requiring a report from the Department of Environmental Conservation concerning matters relating to the vessels; and providing for an effective date."

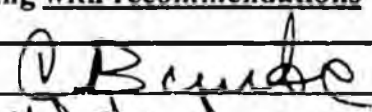
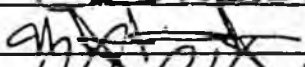
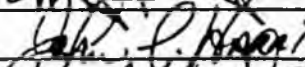

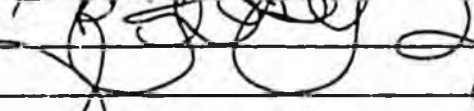
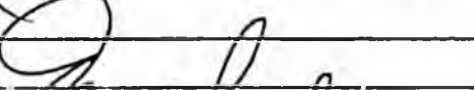
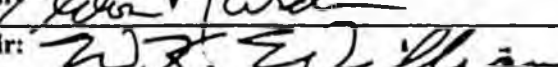
Recommends it be replaced with CS HB 260 (FIN) [ ] Same Title [X] New Title  
 For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR \_\_\_\_\_

- [ ] attach amendments
- [ ] add new referral to \_\_\_\_\_ Committee
- [ ] Letter of Intent \_\_\_\_\_ Committee

List of Abbrev. For Depts.:  
 ADM  
 CED  
 COR  
 CNT  
 EED  
 DEC  
 DFG  
 GOV  
 HSS  
 LAA  
 LAW  
 LWF  
 MVA  
 DNR  
 DPS  
 REV  
 DOT  
 UA

<u>NEW FISCAL NOTES</u>				
*For Chief Clerk's Office Use Only				
FN#	List by Dept(s):	Fiscal	Indet.	Zero
	DEC.	✓		

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN #	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Brundage	✓		✓	
	Whitaker	✓			
	Harris	✓			
	Anderson			✓	
	Foster	X			
	Mulder	✓			
Chair: 	Williams	✓			

## 2001-2002 Tentative Battle of the Books Titles

### 2001-2002 Battle of the Books 5/6 Titles

Adventures at the Bottom/Top of the World	Shelley Gill	0934007284	8.95	
Backward Bird Dog	Bill Wallace	0671568523	3.99	912
Black Cauldron*	Lloyd Alexander	0440406498	5.50	138
Case of the Lion Dance: Chinatown Mystery #2	Laurence Yep	0064405532	4.95	
Flying Solo	Ralph Fletcher	0440416019	4.50	
Green Book*	Jill Paton Walsh	0374428026	3.95	
Landry News	Andrew Clements	0689828683	4.99	
Letters from a Slave Girl	Mary Lyons	0689800150	4.99	160
Midwife's Apprentice	Karen Cushman	006440630x	5.95	122
Mrs. Frisby and the Rats of Nihm*	Robert O'Brien	0689710682	5.50	
My Side of the Mountain*	Jean Craighead George	0140348107	5.99	177
My Teacher is an Alien	Bruce Coville	0671737295	4.99	123
My Life in Dog Years	Gary Paulsen	0440414717	4.99	138
Titanic Crossing	Barbara Williams	0598944649	3.50	167
Williwaw	Tom Bodett	0375806873	4.99	

### 2001-2002 Battle of the Books 7/8 Titles

Among the Hidden	Margaret Peterson Hadd	0689824750	4.99	
Dark is Rising	Susan Cooper	0689829833	4.99	
Ballad of Lucy Whipple	Karen Cushman	0064406849	4.95	
Face on the Milk Carton*	Caroline B. Cooney	0440220653	5.50	
Jason's Gold	Will Hobbs	0380729148	4.95	
Lord Kirkle's Money	Avi	0380728761	5.95	
Lost in the Barrens*	Farley Mowat	0553275259	5.50	
Murder for Her Majesty	Beth Hilgartner	0395616190	5.95	
Shipwreck at the Bottom of the World	Jennifer Armstrong	0375810498	9.95	
Transall Saga	Gary Paulsen	0440219760	5.50	
Vicar of Nibbleswicke	Roald Dahl	014036837X	5.99	
Wolf by the Ears*	Ann Rinaldi	0590434128	4.99	

### 2001-2002 Battle of the Books High School Titles

Bean Trees	Barbara Kingsolver	0060915544	13.00	
Lottery Rose	Irene Hunt	0425101533	4.99	
Christy*	Catherine Marshall	0380001411	6.99	
Cry, the Beloved Country	Alan Paton	0684818949	13.00	
Ender's Shadow	Orson Scott Card	0812575717	6.99	
Fine and Pleasant Misery*	Patrick F. McManus	0805000321	11.00	
Hart's War	Jon Katzenbach	0345426258	7.50	
Running Loose*	Chris Crutcher	0440975700	4.99	
Squashed	Joan Bauer	0440219124	3.99	
Testament	John Grisham	0440234743	7.99	
Timeline	Michael Crichton	0345417623	7.99	
Two Old Women*	Velma Wallis	0060975849	11.00	

\*indicates previous title

## Alaska Cruise Ship Initiative – why launched

4 objectives

steering committee members

sub groups: wastewater, air, oil spill prevention, and

environmental leadership

dozens of meetings

website

The first objective, as I said, was to get the facts on cruise ship wastewater discharges and air emissions to find out whether there were problems. We developed the testing parameters and protocols collaboratively so that we would not later disagree what the results meant.

The findings, in summary, were:

for wastewater

- only 1 of 80 treated sewage samples met federal standards
- more than 75% of the graywater samples exceeded the level required for treated sewage

The third objective set for the Cruise Ship Initiative was to establish the process for long term compliance verification. Neither the state nor residents of coastal communities could ever allow themselves to be so wholly ignorant of and powerless from the impacts from cruise ships' wastes.

This need for a state oversight and monitoring program to verify compliance led to the Governor introducing legislation, HB 183, for an administratively simple but comprehensive program. It's a program that would bring the cruise industry in line with every other industry in this state that presents the potential to pollute.

For a successful compliance verification program, you need clear standards for what, where, when, and how pollutants can be discharged or emitted. Those standards should be set by Alaskans for Alaska. Then the state needs to verify that these standards are being met.

Credible verification means having the authority and funding to check compliance, and having enforcement authority for failures.

I'd like to discuss in a bit more detail each of those necessary program elements and how they have fared in HB 260 as compared to the Governor's bill.

First, standards. The Governor's bill states that standards should be set consistent with federal law unless more protective standards are necessary; for instance, to protect shellfish growing areas.

Remarkably, HB 260 cedes the state's authority to set standards to the federal EPA. Why we would give up our authority to set standards for our waters baffles me. To the best of my knowledge, no state has ever given that authority over to the EPA, especially since the federal Clean Water Act specially provides that it is up to states

- some graywater samples were as high as 50,000 times treated sewage limits
- no serious priority pollutant problems were found – these are the types of hazardous materials that RCCL had discharged which led to the court actions

for air

- 15% of opacity readings violated standards
- the limited ambient air testing done at 4 sites in Juneau did not show any exceedences of health based standards

After these results revealed such serious problems, we started working with industry on the second objective to find technology and management improvements. The industry to its credit has been looking at some potentially good treatment means. That equipment testing and review process is still underway.

to set their own water quality standards. Nor am I aware that any legislature has voluntarily asked the federal government to tell them what to do.

Setting our standards and asserting our rights over our waters is something Alaskans hold dear and we litigate with the feds over this frequently, yet this bill just turns that authority over to EPA.

This is especially troubling since the recently passed federal cruise ship legislation that HB 260 copies virtually verbatim, specifically allows Alaska to set its own standards and to develop its own programs to protect Alaska's own interests.

This specific reservation of the state's rights is exceptionally important here because Alaska is the only place in the U.S. that cruise ships travel where the ships remain in state waters for the majority of their voyage. At

other ports, the cruise ships come in to port to on and off load passengers and supplies and then head back out to international waters. The vessels retain their wastes and discharge at high seas. In Alaska, state waters are the destination, not just a drop off point. Because of that, the vessels discharge their wastes in state waters.

The next critical element of an oversight and monitoring program is a solid program of sampling and verification. As Ronald Reagan said, “Trust, but verify.” To do that, we need first and foremost the authority to independently inspect, sample, and monitor.

The Governor’s bill provided this, but HB 260 does not. This is a serious problem given the track record of this industry.

The cruise ship industry said its wastes contained no hazardous materials. That was found to be false.

The cruise ship industry said that its sewage discharges were fully treated and met federal standards. Last summer's season showed only 1 of 80 samples met standards.

The industry said that its untreated graywater was benign. Last summer we learned that was far from true since most samples looked more like raw sewage.

In each of these cases, once the truth was discovered independently, the industry acted to improve. But, a credible program cannot rely solely upon the industry self-testing and self-reporting without verification authority. And, it cannot rely solely upon the spotlight of getting caught to ensure improvement.

Yet, that's all that HB 260 provides for. The Governor's bill authorizes the state to examine waste disposal

practices, to conduct sampling, to monitor performance, and to study pollution impacts. HB 260 only gives the state regulatory authority to give exemptions from the requirements. It does not give the state regulatory authority to develop regulations for a monitoring program as had been stated. ~~Also called~~ oversight program without the ability to independently verify the compliance of an industry is naïve and a failure of the <sup>obligation</sup> ~~trust~~ given to us by Alaskans.

Further, a credible oversight program must test for the pollutants that are of concern. The Governor's bill authorizes DEC to work with industry and others to establish the list of contaminants to be tested and the frequency to test. HB 260 only identifies a very few potential water contaminants. It doesn't even require any verification that industry is not discharging the types of toxic chemicals that Royal Caribbean was caught discharging.

An oversight and monitoring program must be also be flexible and developed in a way that protects the environment, yet allows business time to come into compliance and continue to operate. The Governor's bill provided for negotiated rulemaking to set well-defined protective conditions of operation so industry can test and ultimately employ new technologies until full compliance can be achieved.

In contrast, HB 260 allows graywater to be discharged at whatever quality until 2003 with no alternative, interim protective measures until full compliance can be achieved.

HB260 also fails to address air emissions testing program, the subject we get more complaints about at DEC than any other industrial operation.

The fourth element necessary for a good program is stable funding. The Governor's bill set up basically a \$1 per passenger fee to pay the costs of oversight and monitoring. ~~It appears~~ HB 260 generally adopts the Governor's fee structure, but with two significant differences.

First, since there's no independent state authority to sample, monitor or inspect, the funds can only be used to exempt vessels, establish near shore areas for industry to discharge waste into, <sup>and</sup> ~~or~~ create a database for the self reported filings. The funds can't be used for the most important tasks they are needed for, *independent sampling.*

Second, the fee sunsets in 2004. So one year after the cruise industry needs to meet the minimal graywater standard in the bill, the funding mechanism stops. *even the self reported filing wouldn't be renewed.*

Finally, a credible program needs the ability to enforce. HB 260 does include the provisions the Governor's bill had. The difference, however, is that the Governor's bill had something to enforce. HB 260 would authorize enforcement if the industry fails to self-test, but since DEC is not authorized under this bill to do independent sampling, there can't be any potential enforcement for false reporting short of an informant. And, for one of the most important aspects of the bill, graywater standards, there is no standard to enforce until 2003 and the funds to do enforcement for a self-tested, self-reported failure to meet even that standard disappear in 2004.

To sum up, we have an industry that has not been regulated at all, yet presents a threat to Alaska's air and water quality. We'll see a million passengers and crew this season and millions of gallons of wastewater discharged.

We've worked with the industry to test their discharges and emissions. We're working with them on new technology. We've tried to work with them on the oversight and monitoring program to verify future compliance just as we do with other industries. Yet until a few days ago, they wouldn't talk with us.

During <sup>two</sup> talks over the last few days, it did not appear that we were that far apart in our discussions. Yet, we were suddenly surprised by this wholly new HB 260. Industry assured me that HB 260 when it was introduced would satisfy the elements of the Governor's bill, but it falls far short.

Based on the track record of this industry, we need a strong state oversight, monitoring, and compliance verification program that will allow the Alaska public to have confidence that this industry is meeting the standards we expect from all other industries.

from Steve Daugherty, AK Dept. of Law (4-27-01)

Comparison Between SSHB 22/SB 18, HB 260, and HB 183/SB 134			
Regarding Cruise Ship Operations in Alaska			
Provision	SSHB 22 (Kerttula) / SB 18 (Halford)	HB260	HB 183 / SB 134 (Governor)
1. Applicability	SSHB 22 : "large passenger vessels" w/ 500+ passengers; exception for U.S., AK or foreign govt operated. [.490(9)] SB 18: large passenger vessels of 300+ gross registered tons; not US, AK, or foreign govt operated. [.490(9)]	"Commercial passenger vessel" w/ overnight accommodations for 50+ passengers; includes State ferries, but not U.S. & foreign govt operated vessels. [ 46.03.490] Exemption regulation authority provided for vessels with less than 200 passengers[46.03.488]	"Commercial passenger vessel" w/ overnight accommodations for 50+ passengers; includes State ferries, but not U.S. & foreign govt operated vessels.[ .900(3)]
2. Vessel Registration	Vessel owner/operator registers with DEC annually within 72 hrs after port call; incl. agent for service of process authorized to do business in AK. [.460]	Vessel owner/operator registers with DEC annually within 72 hrs after port call; incl. agent for service of process authorized to do business in AK. [. 160]	Information similar to HB22 & SB18 required in notification prior to obtaining an annual standard or special permit to operate in AK. Vessel owner/operator notifies DEC. [.030(d)]
3. Fees, Program & Funds	n/a	Establishes temporary sliding, per-vessel fee equal to approx. \$1 per-passenger, [46.03.480] sunsets Jan. 1, 2004.[p. 13, sec. 6] Exception provided for vessels of under 200 in 2001 [sec 9(b)] and reg auth. for exemptions in subsequent years provided [46.03.488-.489] Establishes AK Commercial Vessel Coastal Protection Fund available for implementation of bill requirements and for implementation of visible emissions limits.[46.03.482(c)]	Establishes sliding, per-vessel fee equal to approx. \$1 per-passenger. [.070] Establishes AK Commercial Vessel Coastal Protection Program & Fund to monitor discharges through a permit system. [.010 and .080] Standard permit by notification, established by negotiated rulemaking with conditions that may vary with vessel size or environmental risk of discharge. [.030] Special vessel-specific permit allowed in particular situations [.040]
4. Discharge of Untreated Sewage	n/a	Prohibited in State Waters & in some waters that may be outside the state's jurisdiction	n/a
5. Limitations on Discharge of Treated Sewage	n/a	Generally, discharge allowed if vessel at 6 knots, at least 1 nmile from shore, & not in area where discharge is prohibited, & discharge meets existing effluent standards in any applicable law. Discharge also allowed w/in 1 mile and not underway if allowed under federal law	By regulation, state may establish limitations that shall be consistent with federal law, unless state determines additional protection is needed. Limitations carried on standard & special permits [.030 - .040]

Provision	SSHB 22 (Kerttula) / SB 18 (Halford)	HB260	HB 183 / SB 134 (Governor)
5. Limitations on Discharge of Graywater	n/a	Generally, discharge allowed if vessel at 6 knots, at least 1 n.mile from shore, & not in area where discharge is prohibited, & discharge meets existing effluent standards in any applicable law. Discharge also allowed w/in 1 mile and not underway if allowed under federal law. Prohibits exceedance of effluent standards to be established by EPA. Establishes a temporary effluent standard of 200 fc colonies per 100 ml and 150 mg/l SS effective Jan 1, 2003, if EPA effluent stnds not in place [46.03.463(c), (d)]	By regulation, state may establish limitations that shall be consistent with federal law, unless state determines additional protection is needed. Limitations carried on standard & special permits [.030 - .040] (state likely preempted in regulating discharge of sewage)
Exceptions	n/a	Does not apply to vessels of under 200 passenger capacity till Jan 1, 2002 [sec 10(b)]. Reg auth. provided for exemptions for vessels of under 200 passengers till Jan. 1 2006 [46.03.488] Discharge allowed within 1 n.mile and under 6 knots if (1) it meets effluent standards set by EPA or (2) until EPA sets standards: - discharge meets minimum quality in CWA (40 CFR 133.102 - for secondary treatment for sewage); - discharge samples taken in 30-day period do not exceed stringent standards for fecal coliform bacteria; - concentrations of residual chlorine do not exceed 10.0 mg/l; and - compliance demonstrated thru periodic sampling. [46.03.463(e)] (incorporating fed exemptions)	Exceptions may be incorporated into regulations. Special permit on case-by-case basis to provide equivalent environmental protection under alternative terms to meet specific vessel circumstances or experimental pollution control technology.
6. Effluent Standards	n/a (state likely preempted in regulating discharge of sewage)	EPA effluent standards for treated sewage applicable once adopted, till that time, treated sewage discharges shall not have a focal coliform bacteria count greater than 200 colonies/100ml nor suspended solids greater than 150mg/ EPA effluent standards for treated graywater applicable once adopted. Starting Jan 1, 2003, if EPA stnds not in place, treated graywater discharges shall not have a FC bacteria count greater than 200 colonies/100ml or SS greater than 150 mg/l. [46.03.463(b)-(d)].	By regulation, state may establish limitations that shall be consistent with federal law, unless state determines that additional protection is needed. [.030]
7. Vessel Inspection	n/a	n/a	By regulation, state may establish standard permit terms & conditions to examine waste disposal practices, sampling, monitoring, & equipment.

Provision	SSHB 22 (Kerttula) / SB 18 (Halford)	HB260	HB 183 / SB 134 (Governor)
8. Records & Reporting	Requires record-keeping and monthly reporting of all wastes offloaded (in AK ports) or released into AK waters; requires location; date/time; volume, flow rate or weight; type; source; treatment (if any); circumstances of release; env. damage if identifiable; and remedial action to prevent accidental releases. [.465 and .475]	Requires record-keeping of graywater and sewage released into AK waters; requires location; date/time; volume, flow rate. [.465 - .475] Dept may request production of log book [.465(a)]. Self rpting of violations rqd. [.475(a)]. Rpting of sampling results rqd w/in 21 days. [.475(c)] Dept. may req. elec. rpting. [.475(d)]	By regulation, state may establish standard permit terms & conditions for reporting disposal, discharge or release of pollutants; coordinate with reporting & verification requirements of USCG and EPA. [.030]
9. Sampling	SSHB 22 requires graywater sampling & testing for conventional pollutants (fecal coliform, ammonia, residual chlorine, pH, total suspended solids, & biochemical oxygen demand) at a frequency no less than that required for treated sewage under federal laws & regulations. [.465] Requires copies of any report to USCG or EPA be submitted to the state. [.477]	Sampling rqd twice per year and at least as frequently as rqd by fed law. Sampling limited to FC, ammonia, chlorine, pH, BOD, and TSS. Method must be approved by ADEC (but no regs auth). [46.03.465]	By regulation, state may establish standard permit terms & conditions for monitoring & sampling of any pollutant discharged, released or disposed of within the state. [.030]
10. Air Emission Measurements & Reports	Requires measuring & reporting visible emissions from slack at least once per month when vessel is at berth or anchored in AK port [.465(b)]; requires a monthly report of continuous emission recordings, if available, during time vessel was in AK waters. [.475]	n/a no general provisions re pollutants, no provisions re air contaminants. Does possibly provide a funding mechanism for opacity monitoring [46.03.482(c)] but this is largely illusory since the state already has a settlement funded monitoring program through 2004 and funding mechanism under the bill would sunset on Jan 1, 2004. No provisions or funding for ambient monitoring or for dealing with any vessel air pollution other than opacity.	By regulation, state may establish standard permit terms & conditions for sampling & reporting air emissions occurring within the state.
11. Assessment of Pollutant Releases	In consultation with agencies, owner/operators, & other parties, DEC prepares an assessment based on data from 2000-2003 seasons; examine risks to human & marine environment posed by releases, evaluate technologies, & recommend actions; report due to Governor by January 15, 2004.	In consultation with agencies, owner/operators, & other parties, DEC prepares an assessment based on data from 2000-2003 seasons; examine risks to human & marine environment posed by releases, evaluate technologies, & recommend actions; report due to Governor by January 15, 2004. [sec 11]	DEC may monitor & study the direct or indirect environmental impacts of the vessels & conduct research to reduce impacts. [.030]
12. Exemptions	Exemption for foreign flagged vessels operating in AK waters solely in innocent passage.	Exemption for foreign flagged vessels operating in AK waters solely in innocent passage. Exemption in 2001 for vessels under 200 passengers; regulatory exemption possible till 2006 (for both substance and fees) for vessels of under 200 passengers.[46.03.488-89; sec. 9(b)] Exemption for all vessels if required for safety or saving life at sea[.463(f)]	Exemption for both U.S. and foreign flagged vessels operating in AK waters solely in innocent passage.

Provision	SSHB 22 (Kerttula) / SB 18 (Hallford)	HB260	HB 183 / SB 134 (Governor)
13. Penalties	\$50/ day administrative penalty for noncompliance with reporting requirement [.480(b)]; owner/operator who fails to register loses ability to bring a claim in court for a cause of action that occurred when out of compliance [.460(a)]; civil penalty of \$500-\$100,000 for initial violation of applicable standards and up to \$10,000/day thereafter. [(Sec. 2) .760]	Civil penalty of \$500-\$100,000 for initial violation of permit standards and up to \$10,000/day thereafter. Requires consideration of the volume of graywater or sewage discharged (implies volume not considered for other violations but volume is always component of damages analysis) Criminal penalty for failure to report or providing false information.	Civil penalty of \$500-\$100,000 for initial violation of permit standards and up to \$10,000/day thereafter. Criminal penalty for false information or altering a monitoring device or method.
14. No-Discharge Zones	n/a	n/a	By regulation, state may establish limitations on locations & circumstances under which pollutants may be discharged, disposed of, or released in AK. [.030]
15. Savings Clause	n/a	n/a	n/a
16. Superior Environmental Performance	n/a	DEC may encourage & recognize environmental performance beyond compliance with law. [.005]	DEC may encourage & recognize environmental performance beyond compliance with law. [.060]
17. Definitions			
- discharge	see "release"	not defined	see "release"
- release	spilling, leaking, pumping, pouring, emitting, discharging, injecting, escaping, leaching, dumping, placing, or disposing of pollutants into the environment. [.490(15)]	not defined	same as SSHB 22/ SB 18 [.900(8)]
- graywater	SSHB 22 - same as federal law [.490(6)] SB 18 - galley, bath and shower water. [.490(6)]	galley, diswater, bath, and laundry waste water	n/a
- pollutant	a comprehensive term that includes all vessel waste streams except ballast water, consumer product in consumer use, or an offloaded product product in consumer use, or an offloaded product capable of being put to beneficial use. Includes air contaminants. [.490(14)]	not defined	similar to SSHB 22, without exceptions defined [.900(7)]
- sewage	SSHB 22 - same as federal law [.490(17)] SB 18 - meaning given in 33 USC 1322 (sec. 312, Water Pollution Control Act) [.490(17)]	same as federal law	n/a
- treated sewage	SSHB 22 - same as federal law SB 18 - n/a	same as federal law	n/a
- untreated sewage	SSHB 22 - same as federal law SB 18 - n/a	same as federal law	n/a
18. Effective Date	June 1, 2001. [(Sec. 5)]	June 1, 2001. Jan 1 2002 if 200 or fewer passengers. Fee repealed Jan 1, 2004.	Permit not required until later of January 1, 2002 or 3 days after regulations take effect; fee required as of July 1, 2001. [(Sec. 6) Transition]