



LAWS OF ALASKA

2007

Source

CSSB 121(L&C)

Chapter No.

AN ACT

Relating to discharge from small commercial passenger vessels; relating to information-gathering requirements for small commercial passenger vessels; providing for an effective date by repealing the delayed effective date found in sec. 16, ch. 153, SLA 2004; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to discharge from small commercial passenger vessels; relating to information-
2 gathering requirements for small commercial passenger vessels; providing for an effective
3 date by repealing the delayed effective date found in sec. 16, ch. 153, SLA 2004; and
4 providing for an effective date.

5

6 * **Section 1.** AS 46.03.462(a) is amended to read:

7 (a) An owner or operator may not discharge any treated sewage, graywater, or
8 other wastewater from a [LARGE] commercial passenger vessel into the marine
9 waters of the state unless the owner or operator

10 (1) obtains a permit under AS 46.03.100, which shall comply with the
11 terms and conditions of vessel discharge requirements specified in (b) of this section;

12 **or**

13 **(2) has a plan approved by the department under (c) of this**
14 **section.**

1 * **Sec. 2.** AS 46.03.462(a) is amended to read:

2 (a) An owner or operator may not discharge any treated sewage, graywater, or
3 other wastewater from a commercial passenger vessel into the marine waters of the
4 state unless the owner or operator

5 [(1)] obtains a permit under AS 46.03.100, which shall comply with
6 the terms and conditions of vessel discharge requirements specified in (b) of this
7 section [; OR

8 (2) HAS A PLAN APPROVED BY THE DEPARTMENT UNDER
9 (c) OF THIS SECTION].

10 * **Sec. 3.** AS 46.03.462 is amended by adding new subsections to read:

11 (c) The owner or operator of a small commercial passenger vessel may submit
12 a plan for alternative terms and conditions of vessel discharges if the keel of the vessel
13 was laid before January 1, 2004. The alternative terms and conditions may include
14 alternatives to the requirements under AS 46.03.465(a) - (d). Except as provided in (d)
15 of this section, the department shall approve the plan for a three-year period if the
16 department finds that the alternative terms and conditions in the plan incorporate the
17 best management practices for protecting the environment to the maximum extent
18 feasible. The department shall adopt regulations to implement this subsection but may
19 not require an owner or operator to retrofit a vessel solely for the purpose of waste
20 treatment if the retrofitting requires additional stability testing or relicensing by the
21 United States Coast Guard. In this subsection, "best management practices" means
22 schedules of activities, prohibitions of practices, maintenance procedures, and other
23 management practices to prevent or reduce the pollution of the marine waters of the
24 state.

25 (d) A plan submitted under (c) of this section after December 31, 2012, may
26 not be approved by the department for a period extending beyond December 31, 2015.

27 * **Sec. 4.** AS 46.03.463(b) is amended to read:

28 (b) Except as provided in (h) of this section or under AS 46.03.462(c)
29 [AS 46.03.462(c) - (e)], a person may not discharge sewage from a commercial
30 passenger vessel into the marine waters of the state that has suspended solids greater
31 than 150 milligrams per liter or a fecal coliform count greater than 200 colonies per

1 100 milliliters except that the department may by regulation adopt a protocol for
2 retesting for fecal coliform, if this discharge limit for fecal coliform is exceeded, under
3 which a discharger will be considered to be in compliance with the fecal coliform limit
4 if the geometric mean of fecal coliform count in the samples considered under the
5 protocol does not exceed 200 colonies per 100 milliliters. [UPON SUBMISSION BY
6 THE OWNER OR OPERATOR OF A SMALL COMMERCIAL PASSENGER
7 VESSEL OF A PLAN FOR INTERIM PROTECTIVE MEASURES UNDER
8 AS 46.03.462(c)(2) AND (d), THE DEPARTMENT SHALL EXTEND THE TIME
9 FOR COMPLIANCE OF THAT VESSEL WITH THIS SUBSECTION.]

10 * **Sec. 5.** AS 46.03.463(b) is amended to read:

11 (b) Except as provided in (h) of this section [OR UNDER AS 46.03.462(c)], a
12 person may not discharge sewage from a commercial passenger vessel into the marine
13 waters of the state that has suspended solids greater than 150 milligrams per liter or a
14 fecal coliform count greater than 200 colonies per 100 milliliters except that the
15 department may by regulation adopt a protocol for retesting for fecal coliform, if this
16 discharge limit for fecal coliform is exceeded, under which a discharger will be
17 considered to be in compliance with the fecal coliform limit if the geometric mean of
18 fecal coliform count in the samples considered under the protocol does not exceed 200
19 colonies per 100 milliliters.

20 * **Sec. 6.** AS 46.03.463(c) is amended to read:

21 (c) Except as provided in (h) of this section or under **AS 46.03.462(c)**
22 [AS 46.03.462(c) - (e)], a person may not discharge graywater or other wastewater
23 from a commercial passenger vessel into the marine waters of the state that has
24 suspended solids greater than 150 milligrams per liter or a fecal coliform count greater
25 than 200 colonies per 100 milliliters except that the department may by regulation
26 adopt a protocol for retesting for fecal coliform, if this discharge limit for fecal
27 coliform is exceeded, under which a discharger will be considered to be in compliance
28 with the fecal coliform limit if the geometric mean of fecal coliform count in the
29 samples considered under the protocol does not exceed 200 colonies per 100
30 milliliters. [UPON SUBMISSION BY THE OWNER OR OPERATOR OF A LARGE
31 COMMERCIAL PASSENGER VESSEL OF A PLAN FOR INTERIM

1 PROTECTIVE MEASURES, THE DEPARTMENT SHALL EXTEND THE TIME
2 FOR COMPLIANCE OF THAT VESSEL WITH THIS SUBSECTION FOR A
3 PERIOD OF TIME THAT ENDS NOT LATER THAN JANUARY 1, 2003. UPON
4 SUBMISSION BY THE OWNER OR OPERATOR OF A SMALL COMMERCIAL
5 PASSENGER VESSEL OF A PLAN FOR INTERIM PROTECTIVE MEASURES
6 UNDER AS 46.03.462(c)(2) AND (d), THE DEPARTMENT SHALL EXTEND THE
7 TIME FOR COMPLIANCE OF THAT VESSEL WITH THIS SUBSECTION.]

8 * **Sec. 7.** AS 46.03.463(c) is amended to read:

9 (c) Except as provided in (h) of this section [OR UNDER AS 46.03.462(c)], a
10 person may not discharge graywater or other wastewater from a commercial passenger
11 vessel into the marine waters of the state that has suspended solids greater than 150
12 milligrams per liter or a fecal coliform count greater than 200 colonies per 100
13 milliliters except that the department may by regulation adopt a protocol for retesting
14 for fecal coliform, if this discharge limit for fecal coliform is exceeded, under which a
15 discharger will be considered to be in compliance with the fecal coliform limit if the
16 geometric mean of fecal coliform count in the samples considered under the protocol
17 does not exceed 200 colonies per 100 milliliters.

18 * **Sec. 8.** AS 46.03.465 is amended by adding a new subsection to read:

19 (g) The department may exempt from the requirements of (a) - (d) of this
20 section the owner or operator of a small commercial passenger vessel who has a plan
21 for alternative terms and conditions of vessel discharges approved by the department
22 under AS 46.03.462(c).

23 * **Sec. 9.** AS 46.03.462(c), 46.03.462(d), and 46.03.465(g) are repealed January 1, 2016.

24 * **Sec. 10.** Sections 3, 5, 8, 10, 12, 13, and 14, ch. 153, SLA 2004, are repealed.

25 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 RETROACTIVITY. Sections 1, 3, 4, 6, and 8 of this Act are retroactive to
28 December 17, 2006.

29 * **Sec. 12.** Section 16, ch. 153, SLA 2004, is repealed.

30 * **Sec. 13.** Sections 2, 5, and 7 of this Act take effect January 1, 2016.

31 * **Sec. 14.** Except as provided in sec. 13 of this Act, this Act takes effect immediately under

1 AS 01.10.070(c).