

SENATE BILL NO. 29

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/18/13

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the regulation of wastewater discharge from commercial passenger**
2 **vessels in state waters; and providing for an effective date."**

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

4 *** Section 1.** AS 46.03.462(b) is amended to read:

5 (b) The minimum standard terms and conditions for all discharge permits
6 authorized under this section require that the owner or operator

7 (1) may not discharge untreated sewage, treated sewage, graywater, or
8 other wastewaters in a manner that violates any applicable **state or federal law**
9 **governing the disposal or discharge of solid or liquid waste material** [EFFLUENT
10 LIMITS OR STANDARDS UNDER STATE OR FEDERAL LAW, INCLUDING
11 ALASKA WATER QUALITY STANDARDS GOVERNING POLLUTION AT THE
12 POINT OF DISCHARGE, EXCEPT AS PROVIDED IN (e) OF THIS SECTION];

13 (2) shall maintain records and provide the reports required under
14 AS 46.03.465(a);

1 (3) shall collect and test samples as required under AS 46.03.465(b)
 2 and (d) and provide the reports with respect to those samples required by
 3 AS 46.03.475(c);

4 (4) shall report discharges in accordance with AS 46.03.475(a);

5 (5) shall allow the department access to the vessel at the time samples
 6 are taken under AS 46.03.465 for purposes of taking the samples or for purposes of
 7 verifying the integrity of the sampling process; and

8 (6) shall submit records, notices, and reports to the department in
 9 accordance with AS 46.03.475(b), (d), and (e).

10 * **Sec. 2.** AS 46.03.462(c) is amended 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
 13 THE VESSEL WAS LAID BEFORE JANUARY 1, 2004]. The alternative terms and
 14 conditions may include alternatives to the requirements under AS 46.03.465(a) - (d).
 15 **The** [EXCEPT AS PROVIDED IN (D) OF THIS SECTION, THE] department shall
 16 approve the plan for a **five-year** [THREE -YEAR] period if the department finds that
 17 the alternative terms and conditions in the plan incorporate the best management
 18 practices for protecting the environment to the maximum extent feasible. The
 19 department shall adopt regulations to implement this subsection but may not require
 20 an owner or operator to retrofit a vessel solely for the purpose of waste treatment if the
 21 retrofitting requires additional stability testing or relicensing by the United States
 22 Coast Guard. In this subsection, "best management practices" means schedules of
 23 activities, prohibitions of practices, maintenance procedures, and other management
 24 practices to prevent or reduce the pollution of the marine waters of the state.

25 * **Sec. 3.** AS 46.03.462(e) is repealed and reenacted to read:

26 (e) When issuing, reissuing, renewing, or modifying a permit required under
 27 (a)(1) of this section, the department may only include the authorization of a mixing
 28 zone for a commercial passenger vessel that employs an advanced wastewater
 29 treatment system that falls within the class of systems identified by the department
 30 under (j) of this section or employs other means of pollution prevention, control, and
 31 treatment that the department finds can achieve a quality of effluent that is comparable

1 to that of one or more vessels employing an advanced wastewater treatment system. If
2 a commercial passenger vessel employs an advanced wastewater treatment system that
3 satisfies the requirements of this subsection, the department shall find the commercial
4 passenger vessel satisfies all state technology-based treatment requirements for
5 authorization of a mixing zone.

6 * **Sec. 4.** AS 46.03.462 is amended by adding new subsections to read:

7 (i) Notwithstanding any contrary provision of law, the department may
8 administratively extend until December 15, 2015, the duration of the general permit
9 that was issued in 2010 under AS 46.03.100 to regulate wastewater discharges from
10 commercial passenger vessels. The department may modify the terms of the
11 administratively extended general permit following the process provided for by law
12 for modifying other permits issued by the department under AS 46.03.100.

13 (j) In this section, the department shall determine the systems that constitute
14 the class of advanced wastewater treatment systems that may be approved by permit
15 under (e) of this section considering factors deemed appropriate by the department. At
16 a minimum, the department's determination must find

17 (1) that the system provides treatment of sewage and graywater on
18 board commercial passenger vessels that achieves levels of biological treatment, solids
19 removal, and disinfection higher than that achieved by traditional marine sanitation
20 devices required by 33 C.F.R. 159; and

21 (2) that effluent discharged from that system meets all requirements
22 under P.L. 106-554, 33 U.S.C. 1901 note.

23 * **Sec. 5.** AS 46.03.462(d), 46.03.462(f), 46.03.462(g), and 46.03.464 are repealed.

24 * **Sec. 6.** Sections 3 and 7, ch. 53, SLA 2009, are repealed.

25 * **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).