

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

SECTION	HB260	HB 22	HB 183
Findings	Uncodified law.	None.	Uncodified law. Explains purpose of bill.
Permits	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.
Registration Requirements	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
Prohibited Discharges	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.
Graywater Standards	Graywater standards must be met by 2003.	Same as HB260	No specific standards.

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Discharge of Treated Sewage of Graywater	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.
Air Quality	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
Monitoring and environmental studies	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.
Safety Exception	Not applicable to any discharge made for securing the safety of the vessel or saving life at sea.	Same as HB260	None.

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Information Gathering Requirements	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.
Record Keeping Requirements	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.
Reporting Requirements	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.
Fees.	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.

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Penalties	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
Commercial Passenger Vessel Coastal Protection Program	No permitting program	No	Permitting Program established under AS 46.50.010... monitors, supervises thru issuing Standard & Special permits
Commercial Passenger Vessel Coastal Protection Fund	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
Covered Vessels	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.
Geographic Coverage	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)
Exemptions	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... no 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
Regulations	DEC may adopt regulations necessary for implementation of these statutes.	Same as HB260	Same as HB260. Allows for negotiated regulation making.
Definitions	Applies to all terminology within proposed legislation.	Applies to all terminology within proposed legislation.	Applies to all terminology within proposed legislation.

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Statutory Changes.	<p>Section 3. 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>Section 4. Amends AS 46.03.760(e), Criminal penalties. Incorporates new statutes as proposed.</p> <p>Section 5. Amends AS 46.03.790(a) by incorporating new statutes as proposed.</p> <p>Section 8. Applicability of Reporting Requirements. Amends Uncodified law by adding a new section.</p> <p>Section 9. Transition: Initial Implementation of Fees. Amends Uncodified law by adding new section.</p> <p>Section 10. Delayed Applicability to Smaller Vessels. Amends Uncodified law by adding new section.</p> <p>Section 11. 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>Section 12. Instruction to Revisor. Amends uncodified law by adding new section</p>	<p>Section 2. Amends AS 46.03.760(e), Civil penalties. Adds new statutes as proposed in legislation.</p> <p>Section 3. Amends uncodified law by adding a new section: Applicability of reporting requirements.</p> <p>Section 4. Assessment Report. Similar to HB260.</p>	<p>Section 3. Adds Alaska Commercial Passenger Vessel Protection program to AS 37.05.146(b)(4), Program Receipts.</p> <p>Section 4. Amends AS 46.03.760(e), Civil penalties. Adds new statutes as proposed in legislation.</p> <p>Section 5. Amends AS 46.03.790(a), Criminal penalties. Incorporates new statutes as proposed.</p> <p>Section 6. Initial Applicability and Implementation.</p> <p>Section 7. Amends uncodified law for Transition: Regulations. Allows DEC to immediately adopt regulations necessary to implement the proposed legislation.</p> <p>Section 8. Immediate effective date for Section 7.</p>
Effective Date	July 1, 2001	June 1, 2001	July 1, 2001