

State of Alaska

**DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

DIVISION OF WATER



18 AAC 69

Commercial Passenger Vessel Environmental Compliance Program

*Proposed Amendments
Public Notice Version
August 2013*

18 AAC 69.015(a)(2)(B) is amended to read:

(B) payment for any additional fees due under AS 46.03.480, or, as applicable, a **signed and certified** request for refund of any overpayment of those fees.

(Eff. 11/15/2002, Register 164; am __/__/____, Register ____)

Authority: AS 46.03.460 AS 46.03.480

18 AAC 69.020 is amended to read:

Editor's note: The department's Internet website can be found at

http://dec.alaska.gov/water/cruise_ships [HTTP://WWW.STATE.AK.US/DEC/CRUISE].

18 AAC 69.022 is amended to read:

Editor's Note: The addresses for mailing the items described in AS 46.03.460 – 46.03.490 and this chapter are: **DEC.WQ.Cruise@alaska.gov** [CRUISE@DEC.STATE.AK.US] or the Commercial Passenger Vessel Program, Air and Water Quality Division, Department of Environmental Conservation, P.O. Box 111800, Juneau, Alaska **99811-1800** [99801-1795].

18 AAC 69.025 is amended to read:

18 AAC 69.025. Quality assurance project plan [PLAN OF SAMPLING TECHNIQUES AND ANALYTICAL TESTING METHODS]. (a) On or before March 1 of each calendar year, except in a calendar year in which a plan is valid for the calendar year under (c) of this section, an owner or operator who intends to cause or allow sewage, graywater, or other wastewater to be discharged into the marine waters of the state shall submit a **quality**

assurance project plan [PLAN OF SAMPLING TECHNIQUES AND ANALYTICAL TESTING METHODS] to be used for purposes of AS 46.03.465. The plan must include

(b) Sampling under AS 46.03.465 may not occur before the department approves a

quality assurance project plan [PLAN OF SAMPLING TECHNIQUES AND ANALYTICAL TESTING METHODS].

(c) **A quality assurance project plan** [AN APPROVED PLAN OF SAMPLING TECHNIQUES AND ANALYTICAL TESTING METHODS] is valid for three years. The department will approve the plan if the

(Eff. 11/15/2002, Register 164; am __/__/____, Register ____)

Authority: AS 46.03.460 AS 46.03.465

Editor's Note: The department's list of approved analytical testing methods, adopted by reference in 18 AAC 69.025(c)(2) is available at the department's offices in Anchorage and Juneau and at the department's Internet website at **http://dec.alaska.gov/water/cruise_ships**. [HTTP://WWW.STATE.AK.US/DEC/CRUISE.]

18 AAC 69.046 (a) is amended to read:

18 AAC 69.046. Best management practices plan. (a) An owner or operator of a small commercial passenger vessel who intends to operate under a plan for alternative terms and conditions under **AS 46.03.462(c)** [AS 46.03.462(e)] must operate in accordance with a best management practices plan approved by the department under this section. If an owner or operator of a small commercial passenger vessel operating under alternative terms and conditions under **AS 46.03.462(c)** [AS 46.03.462(e)] fails to operate in accordance with an approved best

management practices plan, the vessel discharges must meet the standard terms and conditions in AS 46.03.462(b).

18 AAC 69.046(b) is amended to read:

(b) On or before March 1 of each calendar year, except in a calendar year in which an approved best management practices plan is effective, an owner or operator of a small commercial passenger vessel who intends to operate under a plan for alternative terms and conditions under **AS 46.03.462(c)** [AS 46.03.462(e)] shall submit an application on a form provided by the department. The application must include

18 AAC 69.046(b)(3) is repealed:

(3) Repealed __/__/_____.

18 AAC 69.046(c)(3)(B) is amended to read:

(B) taken and analyzed in accordance with a **quality assurance project plan** [PLAN OF SAMPLING TECHNIQUES AND ANALYTICAL TESTING METHODS] established under 18 AAC 69.025(a); and

18 AAC 69.046(d) is amended to read:

(d) The department will approve or disapprove a plan for alternative terms and conditions under **AS 46.03.462(c)** [AS 46.03.462(e)] within 30 days after receipt of an application submitted under (b) of this section.

18 AAC 69.046(e) is amended to read:

(e) The department will approve a plan for alternative terms and conditions under **AS 46.03.462(c)** [AS 46.03.462(e)] that meets the requirements of **AS 46.03.462(c)** [AS 46.03.462(e)] and (b) of this section for a period of **five** [THREE] years after the approval date, unless the plan is modified or terminated under (f) of this section.

18 AAC 69.046(f) is amended to read:

(f) the department will

(1) approve the transfer of an approved plan for alternative terms and conditions under **AS 46.03.462(c)** [AS 46.03.462(e)] to a new owner or operator of the vessel covered by that plan if the succeeding owner or operator certifies in writing to the department that the succeeding owner or operator assumes responsibility for compliance with the plan;

(2) approve a modification to an approved plan for alternative terms and conditions under **AS 46.03.462(c)** [AS 46.03.462(e)] within 30 days after receipt of an application that the department determines meets the requirements of **AS 46.03.462(c)** [AS 46.03.462(e)] and (b) of this section; or

(3) terminate an approved plan for alternative terms and conditions under **AS 46.03.462(c)** [AS 46.03.462(e)]

18 AAC 69.046(g) is amended to read:

(g) An owner or operator may not implement a modification to a plan for alternative terms and conditions under **AS 46.03.462(c)** [AS 46.03.462(e)] until the department approves the modification and the owner or operator is notified of that approval in writing by the department.

(Eff. 5/18/2006, Register 178; am __/__/____, Register ____)

Authority: AS 46.03.460 AS 46.03.462 AS 46.03.465

Editor's note: Information regarding catalogued waters that are important for the spawning, rearing, or migration of anadromous fish is available from the Department of Fish and Game's *Catalog of Waters Important for the Spawning, Rearing or Migration of Anadromous Fishes*, adopted by reference by the Department of Natural Resources in 11 AAC 195.010, and is also located on the Department of Fish and Game's Internet website at

<http://www.adfg.alaska.gov/sf/SARR/AWC>

[[HTTP://WWW.SF.ADFG.STATE.AK.US/SARR/FISHDISTRIB/FDD_IMS.CFM](http://WWW.SF.ADFG.STATE.AK.US/SARR/FISHDISTRIB/FDD_IMS.CFM)]. The Department of Environmental Conservation's set of maps entitled *Herring Spawning Areas in Alaska*, adopted by reference in 18 AAC 69.046(c)(5)(A)(ii), is available at the department's offices in Juneau and Anchorage, **and is also located on the Department of Environmental Conservation's Internet website at http://www.dec.state.ak.us/water/cruise_ships**.

As of Register 186 (July 2008), and acting under AS 44.62.125 (b)(6), the regulations attorney made a technical change to 18 AAC 69.046(c) (5)(A)(i) and the editor's note to reflect Executive Order 114 (2008). Executive Order 114 transferred functions related to protection of fish habitat in rivers, lakes, and streams from the Department of Natural Resources to the Department of Fish and Game.

18 AAC 69.050 is amended to read:

18 AAC 69.050. Sewage and graywater discharge record book [TREATED SEWAGE, GRAYWATER, AND OTHER WASTEWATER DISCHARGE RECORDS AND REPORT].

18 AAC 69.050(d) is amended to read:

(d) Within **five** [21] days after the **end of each calendar month while operating on the marine waters of the state,** [RECEIPT OF A WRITTEN OR ELECTRONIC REQUEST FROM THE DEPARTMENT,] an owner or operator shall submit **electronic** copies of the [REQUESTED] treated sewage, graywater, or other wastewater **discharge** records **required by AS 46.03.465(a)**, or a report in a format requested by the department. (Eff. 11/15/2002, Register 164; am __/__/____, Register ____)

Authority: AS 46.03.460 AS 46.03.465 AS 46.03.470
AS 46.03.463

18 AAC 69.055(a) is amended to read:

18 AAC 69.055. Sampling and analytical testing report. (a) An owner or operator shall submit **each sampling and analytical testing report** [A REPORT ON THE ANALYTICAL RESULTS OF SAMPLING] required under AS 46.03.460 - 46.03.490 **to the department** within 21 days after completion of the analytical testing for each sampling event.

18 AAC 69.055(b) is amended to read:

(b) The sampling **and** analytical **testing** report must include

(Eff. 11/15/2002, Register 164; am __/__/____, Register ____)

Authority: AS 46.03.460 AS 46.03.465 AS 46.03.475

18 AAC 69.070(a) is amended to read:

18 AAC 69.070. Exceedance of discharge limitations. (a) If the fecal coliform level in a sample taken under AS 46.03.460 – 46.03.490 exceeds the maximum fecal coliform limit in AS 46.03.463(b) or (c), the owner or operator may resample and retest, if

- (1) all resampling occurs within 30 days after the original sampling;
- (2) no two samples are collected within a 24-hour period; [AND]
- (3) **resampling** [SAMPLING] occurs according to the provisions of the valid,

approved plans submitted under 18 AAC 69.025 and 18 AAC 69.030; **and**

(4) resampling includes measurements for temperature, pH and chlorine analyzed in the field at the time of sample collection.

(Eff. 11/15/2002, Register 164; am __/__/____, Register __)

Authority: AS 46.03.460 AS 46.03.463

18 AAC 69.075 is amended to read:

18 AAC 69.075. Information requests. The department may require an owner or operator to provide information in that owner's or operator's custody or control that is material and reasonably necessary to assist the department in carrying out the purposes of **AS 46.03.462 and AS 46.03.465** [AS 46.03.463(d)]. (Eff. 11/15/2002, Register 164; am __/__/____, Register __)

Authority: AS 46.03.460 AS 46.03.463