

SMALL COMMERCIAL PASSENGER VESSEL AND FERRY WASTEWATER  
DISCHARGES: NOTICE OF PROPOSED CHANGES  
IN THE REGULATIONS OF DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

Updates are needed to the Commercial Passenger Vessel Environmental Compliance Program regulations due to Senate Bill 3 becoming law in 2017. The law reinstituted the Best Management Practices as an alternative for small commercial passenger vessels and ferries (50 to 249 overnight lower berths) that had expired. Citation updates must be made to match SB3 changes.

The Department of Environmental Conservation proposes to adopt regulation changes in Title 18 of the Alaska Administrative Code, dealing with Chapter 69, Commercial Passenger Vessel Environmental Compliance Program, including the following:

- (1) 18 AAC 69 is proposed to be changed as follows: update citations in 18 AAC 69.018, 18 AAC 69.046, 18 AAC 69.945, and 18 AAC 69.955 to match statutes implemented in SB 3 (2017). SB 3 reauthorized Best Management Practices as an alternative to a wastewater discharge permit for small commercial passenger vessels and state ferries.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Commercial Passenger Vessel Environmental Compliance Program at 410 Willoughby Ave., Juneau Alaska 99811-1800. Additionally, the Department of Environmental Conservation will accept comments by electronic mail at [DEC.WQ.Cruise@alaska.gov](mailto:DEC.WQ.Cruise@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00 PM on December 23, 2017.

The Department will hold a public hearing if requested. You may request a public hearing by contacting Ed White at 907-465-5138 or by email at [DEC.WQ.Cruise@alaska.gov](mailto:DEC.WQ.Cruise@alaska.gov). The public hearing is tentatively scheduled to be held on December 1, 2017, at the Department of Environmental Conservation main conference room on the second floor at 410 Willoughby Ave., Juneau Alaska. If requested, the hearing will be held from 12:00 PM to 1:30 PM with the opportunity to participate by telephone. Oral or written comments may be submitted at the hearing. **If no request for a public hearing is received by November 29, 2017 at 5 PM, the public hearing will be cancelled.** The Department will announce the cancellation of the public hearing or the call in instructions on these websites: <http://dec.alaska.gov/commish/public-notices.htm>, and [http://dec.alaska.gov/water/cruise\\_ships/Law\\_and\\_Regs/2017\\_update.html](http://dec.alaska.gov/water/cruise_ships/Law_and_Regs/2017_update.html).

You may submit written questions relevant to the proposed action to the Commercial Passenger Vessel Environmental Compliance Program at [DEC.WQ.Cruise@alaska.gov](mailto:DEC.WQ.Cruise@alaska.gov) or to 410 Willoughby Ave., Juneau Alaska 99811-1800. The questions must be received at least 10 days before the end of the public comment period. The Department of Environmental Conservation will aggregate its response to substantially similar questions and make the questions and

responses available on the Alaska Online Public Notice System and Commercial Passenger Vessel Environmental Compliance Program website.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY not later than December 15, 2017, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System or at [http://dec.alaska.gov/water/cruise\\_ships/Law\\_and\\_Regs/2017\\_update.html](http://dec.alaska.gov/water/cruise_ships/Law_and_Regs/2017_update.html) and by contacting the Commercial Passenger Vessel Environmental Compliance Program at 907-465-5138.

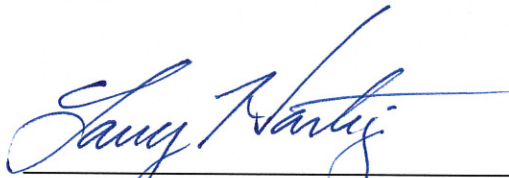
After the public comment period ends, the Department of Environmental Conservation will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.** Written comments received are public records and subject to public inspection.

**Statutory authority:** AS 46.03.460-490

**Statutes being implemented, interpreted, or made specific:** AS 46.03.462; AS 46.03.463; AS 46.03.465

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

Date: November 17, 2017



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Larry Hartig, Commissioner

ADDITIONAL REGULATION NOTICE INFORMATION

(AS 44.62.190(d))

1. Adopting agency: Department of Environmental Conservation
2. General subject of regulation: Commercial Passenger Vessel Environmental Compliance
3. Citation of regulation (may be grouped): 18 AAC 69
4. Department of Law file number, if any: JU2017200692
5. Reason for the proposed action:  
☐ Compliance with federal law or action (identify): \_\_\_\_\_  
☒ Compliance with new or changed state statute  
☐ Compliance with federal or state court decision (identify): \_\_\_\_\_  
☐ Development of program standards  
☐ Other (identify): \_\_\_\_\_
6. Appropriation/Allocation: Water Division/Commercial Passenger Vessel Environmental Compliance Program
7. Estimated annual cost to comply with the proposed action to:  
**A private person:** No additional costs to comply. Regulation citation updates allow for the continuation of existing compliance cost savings to small cruise ships and ferries.  
**Another state agency:** No additional costs to comply. Updates allow for a continuation of existing compliance cost savings that would accrue to the Alaska Marine Highway System.  
**A municipality:** None.
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

|                               | Initial Year<br>FY 2018 | Subsequent<br>Years |
|-------------------------------|-------------------------|---------------------|
| Operating Cost                | \$ <u>0</u>             | \$ <u>0</u>         |
| Capital Cost                  | \$ <u>0</u>             | \$ <u>0</u>         |
| 1002 Federal receipts         | \$ <u>0</u>             | \$ <u>0</u>         |
| 1003 General fund match       | \$ <u>0</u>             | \$ <u>0</u>         |
| 1004 General fund             | \$ <u>0</u>             | \$ <u>0</u>         |
| 1005 General fund/<br>program | \$ <u>0</u>             | \$ <u>0</u>         |
| Other (identify)              | \$ <u>0</u>             | \$ <u>0</u>         |

9. The name of the contact person for the regulation:

Name: Edward White  
Title: Environmental Program Specialist III  
Address: 410 Willoughby Ave, Ste 303, Juneau, AK 99811-1800  
Telephone: 907-465-5138  
E-mail address: DEC.WQ.Cruise@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency  
☐ Federal government  
☐ General public  
☐ Petition for regulation change  
☐ Other (identify): \_\_\_\_\_

11. Date: 11/20/2017 Prepared by: Edward G. White  
[signature]

Name (printed): Edward White

Title (printed): Environmental Program Specialist III

Telephone: 907-465-5138