



Port of Juneau

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NOTICE OF PROPOSED CHANGES TO REGULATIONS Amendment of Title 05, Chapter 45 SMALL BOAT HARBOR AND PORT FACILITIES USE REGULATIONS

DOCKS & HARBORS BOARD IS PROPOSING TO ADOPT AN AMENDMENT TO THE FOLLOWING REGULATIONS.

05 CBJAC 45.005- (~~Reserved~~). Wastewater discharge, 05 CBJAC 45.010 – Marine sanitation devices and 05 CBJAC 45.015 – Marine Sanitation requirements for vessels

The above regulations are a requirement for Clean Harbors certification which prohibits the discharge of sewer into Juneau Harbors.

These regulations are proposed for adoption pursuant to CBJ's 01.60 and CBJ 85.02.060, and CBJ 85.02.100. Interested persons may obtain a full copy of the proposed regulations at any of the harbor offices, at the CBJ libraries, at the CBJ Clerk's Office, and online at www.juneau.org/harbors/proposed_regulations.php

The Board is holding a public hearing and intends to take final action on the proposed changes on July 27th at 5 pm in the Assembly Chambers which is a change from the previously advertised date of June 29th. This will be introduced to the Assembly on July 31st at 7:00 p.m. in the Assembly Chambers. Written comments may also be submitted to the Port Director's Office by fax at (907) 586-0295, by hard copy at 76 Egan Drive, and online by web form at the above web address until 4:30 p.m. on July 27th.

Interested persons may obtain more information by calling Port Director Carl Uchtyl at 586-0292.

A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Amendment of Title 05, Chapter 45 SMALL BOAT HARBOR AND PORT FACILITIES USE REGULATIONS

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE DOCKS AND HARBORS BOARD IS PROPOSING TO ADOPT THE FOLLOWING AMENDMENT TO REGULATIONS:

Section 1. Authority. These regulations are proposed for adoption pursuant to CBJ 01.60 and CBJ 85.02.060, and CBJ 85.02.100.

Section 2. Adoption of Regulations. The City and Borough of Juneau Administrative Code is amended by adding the following new sections in Title 05, Chapter 45:

05 CBJAC 45.005 - (~~Reserved~~). Wastewater discharge.

- (a) *Definition.* The term *wastewater* means sewage, organic human waste, waterborne industrial waste, and other wastes that are waterborne.
- (b) *Prohibition and Penalties.* Untreated wastewater, inadequately treated wastewater, or any substance or material deleterious to humans, fish, plants, animals, or the marine environment shall not be discharged from a vessel within the boat harbor except in a lawful and approved manner. The Harbormaster may undertake any reasonable actions to abate a wastewater discharge, and all abatement costs shall be charged against the vessel owner or occupant(s). The penalty for violating this wastewater requirement includes but is not limited to immediate termination of moorage or boat harbor privileges, prohibition from mooring in the boat harbor or on Docks and Harbors managed property, restitution for abatement costs, and liability for the discharge.
- (c) *Lawful and approved discharge.* A vessel may discharge wastewater into one of the City and Borough pump out stations, or a licensed wastewater handling contractor may offload and lawfully dispose of a vessel's wastewater.

05 CBJAC 45.010 – Marine Sanitation Devices. There are three different types of Marine Sanitation Devices that can be certified by the U.S. Coast Guard to meet the requirements in 33 CFR Part 159, each having its own design, certification, and discharge criteria:

- (a) Type I is a flow through discharge device that produces effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible floating solids. This type of device is typically a physical/chemical based system that relies on maceration and chlorination. Type I Marine Sanitation Devices are issued a Certificate of Approval.
- (b) Type II is a flow through discharge device that produces effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended

solids not great than 150 milligrams per liter. This type of device is typically a biological or aerobic digestion based system.

- (c) Type III is a device that prevents the overboard discharge of treated or untreated sewage or any waste derived from sewage. This type of device is typically a holding tank and may include other types of technology including incineration, recirculation, and composting.

05 CBJAC 45.015 – Marine sanitation requirements for vessels.

- (a) *Installed toilet facility regulation.* No person may operate a vessel in the boat harbor having an installed toilet facility unless it is equipped with an installed and operable Marine Sanitation Device of a type certified by the U.S. Coast Guard to comply with the requirements of 33 CFR Part 159.
- (b) *Live aboard vessel wastewater requirements.* Live aboard vessels, as defined in 05 CBJAC 20.050, shall be equipped with a permanently installed, operational, and a Coast Guard approved Type I, II, or III Marine Sanitation Device. Marine Sanitation Devices must be designed, installed, and operated in such a manner as to prohibit the discharge of untreated sewage while moored within the confines of the Harbor. Vessels with a Type II or III Marine Sanitation Device must have a holding tank of no less than 10 gallons. Portable toilets are not considered a permanently installed Marine Sanitation Device and do not meet the requirements of this section.
- (c) *Compliance and Inspections.*
 - (1) Upon application for moorage or moorage renewal, the vessel owner or owner's agent shall identify whether the vessel has a toilet or wastewater facility, and if so certify the vessel complies with the wastewater requirements. The Harbormaster may inspect the vessel and require the vessel owner or owner's agent to demonstrate the vessel complies with the wastewater requirements. A vessel that does not comply with the wastewater requirements is prohibited from mooring or anchoring in the boat harbor or on Docks and Harbors managed property.
 - (2) As a condition of moorage or use of the boat harbor, an owner, owner's agent, and occupant of a vessel with toilet or wastewater facility consents to the Harbormaster performing wastewater inspections upon reasonable notice and at reasonable times. A vessel owner or occupant that refuses to have the vessel inspected is deemed to have immediately terminated the moorage and the vessel shall be immediately removed from the boat harbor. Upon inspection, a vessel that does not comply with the wastewater requirements shall be given 72 hours to abate the wastewater violation or to remove the vessel from the boat harbor. A wastewater inspection may require the vessel owner, owner's agent, or occupants to demonstrate the vessel complies with the wastewater requirements. The refund provision of 85.10.050(f) applies to a vessel that has an outstanding moorage credit and that is prohibited from mooring due to a wastewater violation.

(3) Any vessel that violates these compliance or inspection provisions is subject to impound pursuant to 85.25.180.

Section 3. Notice of Proposed Adoption of a Regulation. The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on _____, which is not less than 21 days before the date of adoption of these regulations as set forth below.

Adoption by Agency

After considering all relevant matter presented to it, the agency hereby amends these regulations as set forth above. The agency will next seek Assembly review and approval.

Date: _____

Carl Uchytel
Port Director

Legal Review

These regulations have been reviewed and approved in accordance with the following standards set forth in CBJ 01.60.250:

- (1) Consistency with federal and state law and with the charter, code, and other municipal regulations;
- (2) The existence of code authority and the correctness of the required citation of code authority; and
- (3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: _____

Robert H. Palmer, III
Assistant Municipal Attorney

Assembly Review

These regulations were presented to the Assembly at its meeting of _____. They were adopted by the Assembly.

Date: _____

Laurie J. Sica, Municipal Clerk

Filing with Clerk

I certify, as the clerk of the City and Borough of Juneau, that the following statements are true:

1. These regulations were accepted for filing by the office of the clerk at ____:____ a.m./p.m. on the _____ day of _____, _____.
2. After signing I will immediately deliver or cause to be delivered copies of this regulation to the attorney and the director of libraries.
3. A permanent file of the signed originals of these regulations will be maintained in this office for public inspection.
4. Effective date: _____.

Date: _____

Laurie J. Sica, Municipal Clerk