

Alaska Department of Environmental Conservation
Best Management Practices Plan Approval Criteria and Other Plan Requirements
(November 2017)

Approval Criteria

ADEC will approve a BMP plan if the department finds that:

- a. the application is complete; and
- b. the vessel cannot practicably comply with standard terms and conditions, but the BMP plan:
 1. states the vessel does not discharge wastewater while the vessel is traveling at a speed of less than six knots or is located less than one nautical mile from shore; or
 2. includes operating practices that prohibit wastewater discharge in certain areas and will protect the environment to the maximum extent feasible while the vessel is traveling at a speed of less than six knots or is discharging wastewater within one nautical mile of shore. The plan must describe operating practices that:
 - reduce in the volume of wastewater discharged,
 - improve the quality of wastewater discharged by reducing fecal coliform bacteria and residual chlorine,
 - minimize the risk to human health caused by exposure to the vessel's wastewater, or
 - enhance dispersion of wastewater discharged from a vessel.

Additional Requirements

The vessel owner or operator must:

- a. maintain the ADEC-approved BMP plan on board the vessel at all times,
- b. maintain the documentation records specified in the DEC-approved BMP plan on board the vessel for 12 months,
- c. provide DEC access, upon request, to records during sampling and inspections, and
- d. provide information, including the recordkeeping that shows compliance with the BMP plan, to DEC within 21 days of a written request as described under 18 AAC 69.050(d).

Approval, Expiration, Modification, Transfer and Termination of the BMP Plan

- a. DEC will approve or deny a plan within 30 days of receipt of a complete application. Upon determination by the DEC that a BMP plan submitted under AS 46.03.463(k) and 18 AAC 69.046 is in compliance with this section, the DEC will approve the plan and issue a written or electronic extension of time for compliance with AS 46.03.463(b) and (c).
- b. The BMP plan is valid for five years from the date of DEC approval unless terminated as described below.
- c. The BMP plan is transferable to a new owner or operator for the remainder of the time for which the plan is approved provided the succeeding owner or operator agrees, in writing to DEC, to assume responsibility for compliance with the BMP.
- d. A vessel owner or operator may submit a request for modification to an existing BMP plan to the DEC. The owner or operator may not implement the modification until the owner or operator receives DEC approval. The BMP plan will keep its original expiration date, or the owner or operator can request DEC to treat the modification as a new BMP plan. The operator must submit a modification in the same manner as the original application. The DEC shall approve or disapprove the modification within 30 days of receipt of a complete application.
- e. The DEC may terminate approval of a plan after giving the vessel owner or operator 30-calendar day notice, based on one of the following conditions.
 1. At the request of a vessel owner/operator; or
 2. DEC may terminate approval if the department finds that
 - i. the owner or operator failed to operate according to an approved BMP plan, or
 - ii. changes in the factual basis underlying the application have occurred, including a significant change in the operating area or wastewater discharge quantity or quality.