

Assembly Bill No. 2093

CHAPTER 710

An act to amend Sections 72505, 72521, and 72530 of, and to add Section 72525 to, the Public Resources Code, relating to vessels.

[Approved by Governor September 23, 2004. Filed with Secretary of State September 23, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2093, Nakano. Large passenger vessels: graywater.

Existing law prohibits large passenger vessels, as defined, from releasing specified substances into the marine waters of the state, and requires the owner or operator of a large passenger vessel to notify the State Water Resources Control Board of a release that violates one of those prohibitions, as specified. Existing law provides that a person who violates one of those prohibitions is subject to a civil penalty, as specified.

This bill would prohibit the owner or operator of a large passenger vessel from releasing, or permitting anyone to release, any graywater, as defined, from the vessel into the marine waters of the state.

The bill would require the owner or operator of a large passenger vessel to immediately notify the board of a release of graywater from the vessel into the marine waters of the state, as specified. The bill would provide that a person who violates the prohibition of releasing graywater from a large passenger vessel into the marine waters of the state is subject to a civil penalty, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 72505 of the Public Resources Code is amended to read:

72505. Unless the context otherwise requires, the following definitions govern this division:

- (a) "Board" means the State Water Resources Control Board.
- (b) "Hazardous waste" has the meaning set forth in Section 25117 of the Health and Safety Code, but does not include sewage.
- (c) "Graywater" means drainage from dishwasher, shower, laundry, bath, and washbasin drains, but does not include drainage from toilets, urinals, hospitals, or cargo spaces.



(d) “Large passenger vessel” or “vessel” means a vessel of 300 gross registered tons or greater that is engaged in the carrying of passengers for hire, excluding all of the following vessels:

(1) Vessels without berths or overnight accommodations for passengers.

(2) Noncommercial vessels, warships, vessels operated by nonprofit entities as determined by the Internal Revenue Service, and vessels operated by the state, the United States, or a foreign government.

(e) “Marine waters of the state” means “coastal waters” as defined in Section 13181 of the Water Code.

(f) “Marine sanctuary” means marine waters of the state in the Channel Islands National Marine Sanctuary, Cordell Bank National Marine Sanctuary, Gulf of the Farallones National Marine Sanctuary, or Monterey Bay National Marine Sanctuary.

(g) “Medical waste” means medical waste subject to regulation pursuant to Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code.

(h) “Operator” has the meaning set forth in Section 651 of the Harbors and Navigation Code.

(i) “Other waste” means photography laboratory chemicals, dry cleaning chemicals, or medical waste.

(j) “Owner” has the meaning set forth in Section 651 of the Harbors and Navigation Code.

(k) “Release” means discharging or disposing of wastes into the environment.

(l) “Waste” means hazardous waste and other waste.

SEC. 2. Section 72521 of the Public Resources Code is amended to read:

72521. If a large passenger vessel releases hazardous waste or other waste into the marine waters of the state or a marine sanctuary, or releases graywater into the marine waters of the state, the owner or operator shall immediately, but no later than 24 hours after the release, notify the board of the release. The owner or operator shall include all of the following information in the notification:

(a) Date of the release.

(b) Time of the release.

(c) Location of the release.

(d) Volume of the release.

(e) Source of the release.

(f) Remedial actions taken to prevent future releases.

SEC. 3. Section 72525 is added to the Public Resources Code, to read:



72525. The owner or operator of a large passenger vessel shall not release, or permit anyone to release, graywater from the vessel into the marine waters of the state.

SEC. 4. Section 72530 of the Public Resources Code is amended to read:

72530. (a) A person who violates Section 72520 or 72525 is subject to a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each violation.

(b) The civil penalty imposed for each separate violation pursuant to this section is separate from, and in addition to, any other civil penalty imposed for a separate violation pursuant to this section or any other provision of law.

(c) In determining the amount of a civil penalty imposed pursuant to this section, the court shall take into consideration all relevant circumstances, including, but not limited to, the nature, circumstance, extent, and gravity of the violation. In making this determination, the court shall consider the degree of toxicity and volume of the release, the extent of harm caused by the violation, whether the effects of the violation may be reversed or mitigated, and with respect to the defendant, the ability to pay, the effect of a civil penalty on the ability to continue in business, all voluntary cleanup efforts undertaken, the prior history of violations, the gravity of the behavior, the economic benefit, if any, resulting from the violation, and all other matters the court determines justice may require.

(d) (1) A civil action brought under this section may only be brought by the Attorney General upon complaint or request by the Department of Fish and Game or the appropriate California regional water quality control board, or by a district attorney or city attorney.

(2) Notwithstanding Section 13223 of the Water Code, a regional water quality control board may delegate to its executive officer authority to request the Attorney General for judicial enforcement under this section.

(3) If a district attorney or city attorney brings an action under this section, the action shall be in the name of the people of the State of California.

(4) An action relating to the same violation may be joined or consolidated.

