To: Docks and Harbors Patrons  
CC:  
From: John M. Stone, Port Director  
Date: July 3, 2006  
Re: Proposed Regulations for Objectionable Emissions and Vessel Repair

Under the authority of CBJ Ordinance Titles 1 and 85, the Docks and Harbors Board is proposing regulations that will require the control of soot from combustion devices and govern vessel repair within the small boat harbors. As proposed, the regulations require the following:

1. The control of emissions from combustion devices and vessel repair activities.

2. The clean-up of emissions from combustion devices and vessel repair activities if the emissions settle onto adjacent vessels.

3. A permit prior to undertaking major repairs to a vessel.

The Board is accepting written comments on the proposed regulation until August 31, 2006. Mail comments to the Port Director’s Office at 155 S. Seward Street, Juneau, Alaska, 99801, fax them to (907) 586-0295, or hand-deliver them to one of the Docks and Harbor Department Offices.

The Board is holding two public hearings.

- August 22, 2006 at 500 PM in the Aurora Harbor Office
- August 31, 2006 at 700 PM in the Assembly Chambers at City Hall.

The Board is expecting to take final action on the regulation at the August 31, 2006 meeting immediately after the public hearing. This action is not expected to cause an increased appropriation by the municipality.

Please call me at 586-0294 if you have questions.

Attachment
A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Adoption of Title 05, Chapter 45
Small Boat Harbor Facilities Use Regulations

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

Section 1. Authority. These regulations are adopted pursuant to CBJ Ordinance 01.60 and 85.02.060.

Section 2. Adoption of Regulations. The City and Borough of Juneau Administrative Code is amended by the adoption of 05 CBJAC 45 reading:

Chapter 45
SMALL BOAT HARBOR FACILITIES USE REGULATIONS

05 CBJAC 45.010 (Reserved)
05 CBJAC 45.020 Discharge of Objectionable Emissions Prohibited
05 CBJAC 45.030 Boat Repair Rules

05 CBJAC 45.020. Objectionable Air Emissions Prohibited. No owner, or agent of an owner, of a vessel within a boat harbor or port shall operate a combustion device or undertake repair activities in a manner that causes the deposition or settling of emissions onto vessels or property within the harbor. If an owner, or agent of an owner, causes emissions that deposit or settle onto another vessel and the owner of such vessel objects to the emissions, the Harbormaster may issue an order to stop the emissions and require the owner causing the emissions to remove such emissions to the satisfaction of the owner and Harbormaster. If, after receiving an order, the owner causing the emissions refuses to remove the emissions, the Harbormaster may undertake removal activities at the expense of the owner causing the emissions. This regulation is enforceable as set out in CBJ Ordinances 85.25.090(5) and 03.30.52.

05 CBJAC 45.030 Boat Repair

(a) General Requirement. No person shall strip, sand, scrape, grind, sandblast, spray paint, or undertake any other boat repair activity in a manner that harms or damages another vessel or harbor structure, or causes the release of emissions within a harbor or port unless the person undertakes adequate measures to prevent the release of emissions onto other vessels or harbor structures.

(b) Permit Required. Prior to undertaking major repairs to a vessel’s structure, hull, or topsides within a boat harbor or port, the owner of the vessel shall obtain the approval of the Harbormaster. In order to obtain an approval, the owner shall submit a written work plan that includes a work schedule and descriptions of the measures that will be used to control the release of emissions, to protect harbor structures from damage, and to dispose of waste.
and refuse from the repair activities. The Harbormaster shall issue a written approval if the owner satisfactorily demonstrates that the repair activity will not interfere with the operation of the harbor, cause damage to the harbor structures or other vessels, cause the release of objectionable or damaging emissions, and other factors the Harbormaster determines are necessary to maintain the enjoyment of the harbor or port. Under this section, major repair means work that involves more than 25% of the vessels surface area or structure.

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 June 30, 2006, 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: __________________________

John M. Stone
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) Its 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 following each section; and
(3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: __________________________

John W. Hartle
City Attorney

Assembly Review

These regulations were presented to the Assembly at its meeting of ____________. They were adopted by the Assembly.
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, Clerk