



CSHB74 Cruise Ship Environmental Monitoring

Jason Brune, Commissioner

Emma Pokon, Deputy Commissioner

February 4, 2020



A Modernized Approach

- ▶ This bill clarifies that the cruise industry will be regulated in a similar manner to other industries
- ▶ Existing statutes limit DEC's ability to effectively monitor cruise ship emissions and discharges
- ▶ This CS maintains DEC's current authority and adds flexibility for how it is used



Current Program Challenges and Inefficiencies

- ▶ There were typically 22 ocean rangers on vessels throughout a summer season
- ▶ Ocean rangers performed in-port and underway observations
- ▶ DEC staff spent majority of time going through ocean ranger reports
- ▶ Ocean rangers looked for potential non-compliance with marine discharge and pollution requirements and to ensure proper sanitation, health, and safety practices for passengers and crew
- ▶ Ocean rangers were observers, not inspectors, and passed concerns to DEC for further investigation



Current Program Challenges and Inefficiencies

- Over 12 years, DEC has spent roughly \$40 million on the ocean ranger contract. During that time, six of the DEC issued notices of violation (NOVs) were attributable to ocean ranger observations

Large Cruise Ship NOVs 2008-2019	
Categories:	Total
Wastewater	206
Air opacity	58
Total	264
Ocean Ranger attributable	6

Notes:

- NOV = notice of violation
- NOVs may include more than one violation



CS Bill Overview

- ▶ Simplified fee structure
- ▶ Moving detailed statutes to regulation
- ▶ Incorporating technology
- ▶ Updating wastewater systems in port communities through a grant or loan program



Current Fee Structure

Program	Applies to	Fee
CPVEC	Large and small vessels	\$0.70 - \$1.75 scaled per lower berth fee based on range of berths
Ocean Rangers	Large vessels	\$4 per berth

- ▶ Commercial Passenger Vessel Environmental Compliance Fee (CPVEC) funds DEC's work overseeing cruise ships
- ▶ Ocean ranger fee funds management and operation of the ocean ranger program



(b) The fee imposed by (a) of this section for all commercial passenger vessels, other than vessels operated by the state, is a separate fee for each voyage during which the commercial passenger vessel operates in the marine waters of the state. The fee shall range from \$.70 to \$1.75 per berth, based on the overnight accommodation capacity of the vessel, determined with reference to the number of lower berths, according to the following categories:

(1) \$75 for a commercial passenger vessel with overnight accommodations for at least 50 but not more than 99 passengers for hire;

(2) \$175 for a commercial passenger vessel with overnight accommodations for at least 100 but not more than 249 passengers for hire;

(3) \$375 for a commercial passenger vessel with overnight accommodations for at least 250 but not more than 499 passengers for hire;

(4) \$750 for a commercial passenger vessel with overnight accommodations for at least 500 but not more than 999 passengers for hire;

(5) \$1,250 for a commercial passenger vessel with overnight accommodations for at least 1,000 but not more than 1,499 passengers for hire;

(6) \$1,750 for a commercial passenger vessel with overnight accommodations for at least 1,500 but not more than 1,999 passengers for hire;

(7) \$2,250 for a commercial passenger vessel with overnight accommodations for at least 2,000 but not more than 2,499 passengers for hire;

(8) \$2,750 for a commercial passenger vessel with overnight accommodations for at least 2,500 but not more than 2,999 passengers for hire;

(9) \$3,250 for a commercial passenger vessel with overnight accommodations for at least 3,000 but not more than 3,499 passengers for hire;

(10) \$3,750 for each commercial passenger vessel with overnight accommodations for 3,500 or more passengers for hire.



Proposed Fee Structure

- ▶ New fee would take effect in 2021 cruise season
- ▶ All vessels over 50 berths pay \$5 per berth
 - ▶ Large vessels pay roughly the same, small vessels will see an increase in fees and an increase in oversight
- ▶ The fee would be reduced by \$1 per berth for any ship that maintains a DEC-approved electronic wastewater monitoring system



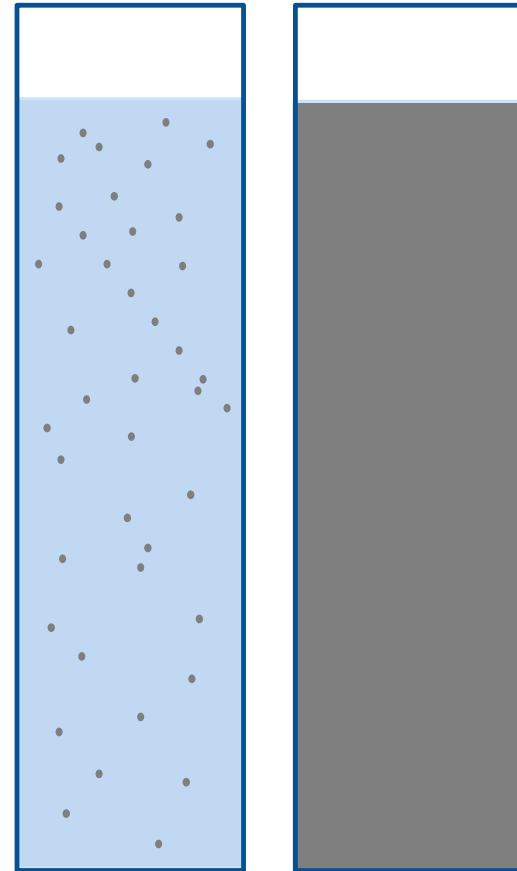
Staying Current with Technology and Environmental Standards

- ▶ This CS removes sections of statute that are overly detailed and do not allow for changing technology and environmental standards
- ▶ Requires DEC write regulations that address the items removed from statute
- ▶ Putting requirements in regulation allows DEC to respond to future improvements in waste treatment and monitoring technologies
- ▶ New technology could provide for 24/7 electronic monitoring of ships' discharge ports



Water Quality Improvements

- ▶ Part of the fees will be used to upgrade wastewater treatment facilities in port communities
- ▶ Large cruise ship permit allows up to 40 fecal colony forming units per 100 ml
- ▶ Local waste water treatment facility permit allows up to 1.5 million fecal colony forming units per 100 ml.
- ▶ Many of the over one million yearly cruise ship passengers will use on-shore restrooms when visiting Alaska ports





Community	301(h) Waiver?	Fecal Colony Forming Unit Effluent Limit(s) per #/100 milliliters
Juneau	N	<p><u>Juneau Douglas:</u> Average monthly: 200 Average weekly: 400 Daily Maximum: 800</p> <p><u>Mendenhall (varies seasonally):</u> Average monthly: 112-200, Average weekly: 168-400, Daily Maximum: 224-800</p>
City of Ketchikan	Y (Charcoal Point)	<p><u>Ward Cove:</u> Average monthly: 200 Average weekly: 400 Daily Maximum: 800</p> <p><u>Charcoal Point:</u> Average monthly: 1,000,000 Daily Maximum: 1,250,000</p>
Sitka	Y	Average monthly: 1,000,000 Maximum Daily: 1,500,000
Skagway	Y	Average monthly: 1,000,000 Maximum Daily: 1,500,000



2020 Cruise Ship Season

- ▶ Marine engineers (DEC staff and contractors) will perform initial and annual inspections on ships operating in Alaska as early in the season as possible
- ▶ Marine engineers and/or DEC inspectors will perform both random and targeted inspections in-port and underway



2020 Cruise Ship Season

- ▶ DEC Inspection, Monitoring, and Compliance
 - ▶ 4 new DEC positions
 - ▶ 10 DEC staff available for the cruise ship season to review reports and conduct in-port and underway inspections, compliance and enforcement actions
 - ▶ Inspections will be random and targeted



Additional Changes

- ▶ Repeals and re-enacts 46.03.482(c) addressing fee schedule for State of Alaska vessels
- ▶ Repeals citizens' suits
- ▶ Conforming changes



Effective Dates

Effective date	Action
Immediately or retroactive to April 1, 2020	Ocean Ranger repealed and fees apply to DEC's activities
January 1, 2021	Single \$5 fee, new regulations in place.

- ▶ Staggered effective dates will allow for continuity over the summer of 2020, and give DEC time to draft necessary regulations



Fiscal Impacts

- Revenue: Large ships see little change, fees go up for small vessels in 2021
- Contract for marine engineer inspections will be considerably lower than for Ocean Rangers
- Attached fiscal note includes expenditure authority for the 2020 cruise season.
- Personal services and other support costs for four new positions add to DEC's baseline budget
- Expect future capital appropriation in grant authority to improve water quality near communities



What Will Not Change

- ▶ DEC's authority to conduct inspections at reasonable times and ability to get a warrant if necessary
- ▶ DEC's vessel registration system, which is required for all passenger vessels with over 50 overnight berths.
- ▶ Air emission monitoring program
- ▶ The large cruise ship wastewater discharge general permit
- ▶ The small cruise ship and ferry best management plan requirements
- ▶ Sampling or reporting requirements
- ▶ What may not be discharged to Alaska's environment



Questions?

