

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

January 25, 2013

1:01 p.m.

MEMBERS PRESENT

Representative Eric Feige, Co-Chair
Representative Dan Saddler, Co-Chair
Representative Peggy Wilson, Vice Chair
Representative Mike Hawker
Representative Craig Johnson
Representative Kurt Olson
Representative Paul Seaton
Representative Geran Tarr
Representative Chris Tuck

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Representative Andrew Josephson
Representative Beth Kerttula

COMMITTEE CALENDAR

HOUSE BILL NO. 80

"An Act relating to the regulation of wastewater discharge from commercial passenger vessels in state waters; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 80

SHORT TITLE: CRUISE SHIP WASTEWATER DISCHARGE PERMITS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/18/13	(H)	READ THE FIRST TIME - REFERRALS
01/18/13	(H)	RES
01/25/13	(H)	RES AT 1:00 PM BARNES 124

WITNESS REGISTER

LARRY HARTIG, Commissioner
Department of Environmental Conservation (DEC)
Juneau, Alaska
POSITION STATEMENT: Introduced HB 80 on behalf of the governor.

LYNN TOMICH KENT, Deputy Commissioner
Office of the Commissioner
Department of Environmental Conservation (DEC)
Juneau, Alaska
POSITION STATEMENT: Answered questions related to HB 80.

MICHELLE BONNET HALE, Director
Division of Water
Department of Environmental Conservation (DEC)
Anchorage, Alaska
POSITION STATEMENT: Answered questions related to HB 80.

RUTH HAMILTON HEESE, Senior Assistant Attorney General
Environmental Section
Civil Division (Juneau)
Department of Law (DOL)
Juneau, Alaska
POSITION STATEMENT: Answered questions related to HB 80.

RICK ROGERS, Executive Director
Resource Development Council for Alaska, Inc. (RDC)
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HB 80.

DAVID WETZEL, President
Admiralty Environmental
Juneau, Alaska
POSITION STATEMENT: Testified in support of HB 80.

BOB JANES, Owner
Gastineau Guiding Company
Juneau, Alaska
POSITION STATEMENT: Testified regarding HB 80.

JOSEPH SEBASTIAN, Commercial Fisherman
Petersburg, Alaska
POSITION STATEMENT: Testified in opposition to HB 80.

DENNIS YOUNG, President, Board of Juneau
Southeast Area Committeeman
International Longshore and Warehouse Union
Juneau, Alaska

POSITION STATEMENT: Testified regarding HB 80.

KARLA HART, Lobbyist
Alaska Community Action on Toxics
Juneau, Alaska

POSITION STATEMENT: Urged HB 80 not be passed at this time.

MICHELLE RIDGWAY
Auke Bay, Alaska

POSITION STATEMENT: Urged HB 80 not be passed at this time.

CHIP THOMA, President
Responsible Cruising in Alaska
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HB 80.

ERIC LEE, Commercial Fisherman
Petersburg, Alaska

POSITION STATEMENT: Testified in opposition to HB 80.

WILLIAM JOHNSON
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 80.

KATHLEEN MENKE
Haines, Alaska

POSITION STATEMENT: Testified regarding HB 80.

ANDY ROGERS, Deputy Director
Alaska State Chamber of Commerce
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 80.

ACTION NARRATIVE

[1:01:14 PM](#)

CO-CHAIR DAN SADDLER called the House Resources Standing Committee meeting to order at 1:01 p.m. Representatives Johnson, Tuck, Hawker, P. Wilson, Olson, Tarr, Seaton, Feige, and Saddler were present at the call to order. Representatives Josephson and Kerttula were also present.

HB 80-CRUISE SHIP WASTEWATER DISCHARGE PERMITS

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CO-CHAIR SADDLER announced that the only order of business would be HOUSE BILL NO. 80, "An Act relating to the regulation of wastewater discharge from commercial passenger vessels in state waters; and providing for an effective date."

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LARRY HARTIG, Commissioner, Department of Environmental Conservation (DEC), began with a historical background, explaining that cruise ship discharges have been under scrutiny since 1999 when concerns were expressed about the environmental impacts of cruise ship discharges. The state aggressively looked at that and by 2004 the larger cruise ships operating in Alaska were required to have advanced wastewater treatment systems, the best technology at that time. This is a class of systems made by different manufacturers, so each system may differ in performance as to individual pollutants. The Alaska Cruise Ship Initiative ("2006 Initiative"), passed by Alaska voters in 2006, imposed certain taxes on cruise ships and imposed the requirement that large cruise ships operating in state waters have a state permit for discharges within 3 miles of shore. Until that time there had been no state or federal requirement for a permit. The 2006 Initiative also required that any discharges under the permit meet state water quality standards at the point of discharge.

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COMMISSIONER HARTIG pointed out that water quality standards are designed to protect designated uses and are required of every state under the federal Clean Water Act. Water bodies are designated for particular uses in the state, such as drinking water, recreation, and aquatic life. Under statutory authority, DEC sets the water quality standards for the state, which is done through the department's regulatory process. Under federal law, DEC must review its regulatory standards every three years. When DEC decides to issue a new standard, it is noticed as a change in regulation, goes through public review and comment, and finalized. Then, under federal requirement, the [proposed] regulation must go to the Environmental Protection Agency (EPA) for approval. The EPA conducts consultations for the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act, as well as essential fish habitat and tribal consultations. A regulation becomes a state water quality standard only after EPA approves it. Since this

process takes 4 to 10 years, DEC is pretty sure when it proposes a water quality standard that the number is right.

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COMMISSIONER HARTIG explained that a water quality standard is used to determine how much of a pollutant can go into a water. Since use of that water is protected, the water quality standard says this is how much of a pollutant that a water body can take before that use is affected adversely. Therefore DEC looks at each permit application to determine how much pollutant can be allowed that will not exceed the water quality criteria for that water body. At the point of discharge means the point on the ship at which the effluent leaves the ship before entering the water. If water quality criteria are applied at the point of discharge it means the water being discharged must be drinkable, a person could swim in it, and fish and microorganisms could live and thrive in it. He said DEC's experience with the cruise ship wastewater systems coming after 2006 is that they are doing relatively well in meeting the water quality criteria for all pollutants except four: ammonia, and dissolved copper, nickel, and zinc. These systems are doing better in meeting water quality criteria than shore-based public wastewater treatment systems along the coast, but they are not consistently meeting water quality criteria in the pipe.

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COMMISSIONER HARTIG stated that House Bill 134, [signed into law] in 2009, did not do away with the permit requirement, but did allow DEC - on a temporary basis - to issue wastewater discharge permits to the large cruise ships that relieved them from at the point of discharge as long as they were using the waste treatment most technologically effective and economically feasible. House Bill 134 also established the Cruise Ship Wastewater Science Advisory Panel ("Science Advisory Panel") to look at whether the wastewater treatment systems, as a class, are still the best on the market. He said the 11-member panel, comprised of experts, met in a series of 15 meetings open to the public. Although not required to do so, the panel issued a preliminary report ["Cruise Ship Wastewater Science Advisory Panel Preliminary Report," November 1, 2012] to DEC, which DEC added as an addendum to its own preliminary report ["Department of Environmental Conservation Preliminary Report on Cruise Ship Wastewater," January 1, 2013] in which DEC concurred with the findings of the panel. The department's report was delivered to the legislature earlier this month.

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COMMISSIONER HARTIG said DEC concurs with the following key findings in the Science Advisory Panel's report: 1) the advanced wastewater treatment systems incorporated on the ships in 2004 are the best available technology; 2) the data indicates these large ships were largely able to meet water quality criteria at the point of discharge, except for ammonia and the three dissolved metals; and 3) nothing will become available in the near future that could be incorporated onto large cruise ships that would allow them to meet the at-the-point-of-discharge requirement for all parameters. The third finding is important because DEC's authority to allow relief from that standard - meaning to allow mixing zones - sunsets at the end of calendar year 2015. The current 2012 permit under which ships are discharging expires in early April [2013]. The department will issue a new permit in time for the late April arrival of the first cruise ship that needs a permit to discharge, but that permit would be under the existing law, the law that they are struggling to meet now. If the legislature changes the law, DEC would have to adapt to that and try to issue a permit quickly before the start of the discharge season or work out some kind of transition.

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COMMISSIONER HARTIG next reviewed the bill, stating that SB 29 [the companion bill to HB 80] would remove the requirement that water quality criteria be met at end of pipe, thereby treating cruise ships like other wastewater dischargers. To get relief from the end-of-pipe requirement, a cruise ship would need a mixing zone and to get a mixing zone a ship would have to have an advanced wastewater treatment system. A ship would therefore not get a mixing zone unless it had onboard the best system available. Secondly, the ship would have to meet the extensive criteria of DEC's mixing zone regulations, two examples being the ship would have to show that salmon passing through that area would not be impacted and that there would not be bio-accumulation in sediments or elsewhere. He pointed out that these criteria apply not to just cruise ships, but to any discharger in the state wanting a mixing zone.

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COMMISSIONER HARTIG explained that SB 29/HB 80 would also allow for a transition period so that the permit issued by DEC in 2010

would continue until 2015, rather than expiring in early April [2013], unless DEC replaced it with a new permit under the new law. That transition would allow DEC to not have to withdraw a permit and issue a new permit, which would result in people having to scramble over the next four months and not know what they must comply with during the interim period.

COMMISSIONER HARTIG specified that DEC has been putting small cruise ships, defined as having fewer than 250 passenger berths, under a "best management plan" whereby their waste and discharge are managed under best practices rather than a permit with set limits. If HB 80 does not pass, then in 2015 these small cruise ships would also be required to meet that at-the-point-of-discharge requirement. The Science Advisory Panel did not even look at that, he advised, because if the large cruise ships cannot make it the smaller ones will find it even more difficult due to their limited space, power needs, holding times, and tankage. The bill would also provide a transition time for the small cruise ships, allowing DEC to extend the best management plan coverage and after the 2015 sunset DEC could continue to manage them under these plans.

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COMMISSIONER HARTIG maintained that HB 80 would not change water quality standards, so a pollutant that is a problem for cruise ships, such as copper, is likely to be a problem for other dischargers as well. All these issues are looked at under water quality standards and DEC must follow federal requirements to change those. The Science Advisory Panel did not look at water quality criteria because that was not its job, expertise, or mission. He further maintained that the bill would not change or relax the state's mixing zone requirements.

COMMISSIONER HARTIG said the bill would sunset the Science Advisory Panel, which was the third step along the way: a panel was convened for the changes in early 2000, DEC held a technology conference in Juneau with invited experts and vendors from around the world to look at different technologies, and the current panel. All three have agreed that these are the best systems available in the world. Since nothing else is on the horizon, the question is why have people come from around the world to tell the same information over the next three years, particularly when DEC already has the authority and duty to continue to look at emerging technology for cruise ships and other dischargers. The department can continue holding technology conferences and can target them to look at specific

things rather than a broad spectrum like the Science Advisory Panel has. If additional resources are needed, DEC can come back to the legislature and ask for a capital increment, which it has done in the past.

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REPRESENTATIVE TUCK requested clarification on whether the 4 to 10 year process for water quality standards is the timeline for the state to meet federal requirements for state regulations or for the cruise industry to get a permit.

COMMISSIONER HARTIG replied that under its primacy from EPA, DEC has the authority to issue permits, which is something the state applied for and received from EPA. However, water quality standards are a totally different subject. The department takes the standards and puts them in permits, but the authority to do water quality standards arises directly under the [federal] Clean Water Act. Congress gave this authority to each state and the Alaska legislature then specifically gave it to DEC. So, the requirements that DEC follows for water quality standards are the same for every state, regardless of whether for cruise ships or anyone else. When DEC sets those standards they are statewide standards and they are set by the federal process that all states follow. In further response, Commissioner Hartig related that 4 to 10 years is his experience for getting water quality criteria through - from the time DEC opens the state regulatory process by proposing the change in the standard to the public until EPA completes its reviews and consultations. For example, if DEC wanted to change the standard for copper it would have to go through this long and rigorous mandatory process.

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REPRESENTATIVE SEATON noted that state critical habitat areas are established under state statute in order to protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife and to restrict all other uses not compatible with that primary purpose. He understood from his talks with the cruise ship industry that the ships do not discharge in those areas. He inquired whether DEC would have a problem with making sure the bill contains a restriction so that discharges could not occur in areas that are "above the water quality standards of the state." He qualified that these state areas are distinct from federally designated habitat areas for beluga whales and polar bears.

COMMISSIONER HARTIG responded that DEC currently has the statutory authority specifically as to cruise ships - but it would apply to any dischargers generally - to restrict the when, where, and how that they discharge. Some of the restrictions the cruise ship companies are acknowledging to Representative Seaton are in the DEC permit and DEC could put in more. Qualifying that he is not diminishing the legislative body in any way, he said that the when, where, and how can be done by DEC at the permitting level. If things change and there is an area needing protection that cannot go through the whole process of being formally designated as a protected area, DEC could deal with it in the permit. When proposing a permit, DEC puts out a draft permit identifying the when, where, and how for discharge and specifies which areas; the Alaska Department of Fish & Game, the U.S. Fish & Wildlife Service, and the public can come forward to say what areas should be off limit and DEC has the authority to include them in the permit. He said DEC's current general permit includes areas where discharge cannot occur. Regardless, he continued, the cruise ships would have to meet the state's water quality criteria at the edge of any mixing zone, and the when and how of that mixing zone would be defined. For example, DEC could require that a ship be underway so there would be the 50,000:1 instantaneous dilution and therefore no impact. Also, so there would be no worry about the total quantity, DEC could restrict how many vessels and when.

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CO-CHAIR FEIGE understood that if HB 80 does not pass, the small vessels currently exempted from the more stringent wastewater treatment standards would then be required to install an advanced wastewater treatment system.

COMMISSIONER HARTIG answered that the ability of small vessels to operate under a DEC best management plan would sunset and, if a small vessel wanted to discharge in Alaska water it would have to meet DEC's water quality criteria at the end of pipe.

CO-CHAIR FEIGE surmised this would be economically impossible.

COMMISSIONER HARTIG replied that a small vessel would have to choose not to discharge in Alaska waters, and he did not know if the smaller vessels would have the holding capacity to continue to operate.

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REPRESENTATIVE JOHNSON inquired whether Alaska ferries and fishing vessels that carry fewer than 250 people would then have to comply with that.

COMMISSIONER HARTIG understood that a couple, not all, Alaska ferries are under a DEC best management plan.

REPRESENTATIVE JOHNSON asked whether fish processors and/or fishing boats would fall into that.

COMMISSIONER HARTIG replied that commercial passenger vessels carrying people for hire fall under this law, versus fishing vessels. In further response, he confirmed that Alaska ferries, fishing vessels, and other boats that do not carry people for hire also have discharge.

REPRESENTATIVE JOHNSON asked whether the discharge from these vessels is treated in any way.

COMMISSIONER HARTIG answered that U.S. Coast Guard federal rules require marine safety devices, which have a lesser effluent quality than the advanced wastewater treatment systems onboard the large cruise ships. He was unsure, however, which vessels are required to have this device.

REPRESENTATIVE JOHNSON inquired whether mixing zones would be required for such vessels.

COMMISSIONER HARTIG replied no permits or mixing zones are required. The EPA is looking at getting some of these vessels under permits; some are under best management practices as opposed to having effluent limitations like for cruise ships.

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CO-CHAIR SADDLER related that on the radio this morning the bill was characterized as reducing Alaska's wastewater discharge standards and gutting the water quality standards. He asked what would be different about discharge levels or toxicity in the next three years that has been different from the last three years should this bill pass.

COMMISSIONER HARTIG reiterated that the water quality criteria are not changing because this bill cannot change the state water quality criteria. He said he did not know what would happen if the legislature were to change the copper standard outside the

federal mandated process. According to "ninth circuit law," until EPA puts a stamp of approval on it DEC cannot put it in federal permits. The department might go to put it in a state-issued permit that does not invoke any federal law, but that would create can an "interesting situation."

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REPRESENTATIVE TARR noted that of concern to her - but not talked about - is permittees allowed to have continuous discharges versus permittees required to be underway with the idea that the dilution factor is happening more quickly. She suggested that since there is no currently known technology that would meet the stronger standard, one opportunity might be to extend the compliance period for meeting the stronger standard rather than changing the law.

COMMISSIONER HARTIG responded that he did not know what that extension period would need to be, but make it 100 years and he would be comfortable. These big ships are built once and have a relatively long useful life, so there would be a question with ship manufacturers of whether to build a ship now or to wait because it is not known what the standard is going to be. If Alaska was up in the air in this regard it would create a lot of uncertainty for the people who deploy the ships. He said there are many ways in which Alaska could drive technology. For example, if Alaska thought reverse osmosis would work it could put out a prize or hire the University of Alaska to put its engineers at work; the Science Advisory Panel will not do that because it is comprised of volunteers and this would require lots of testing. Before these systems go on ships it must be known that they are going to work. There are many considerations with these systems, including weight and balance, amount of storage capacity, and amount of energy. A waste treatment system does not cause the waste to disappear, it goes somewhere else and the question is how to manage that. What new waste is created and what should be done with that new waste stream? Because of these considerations, new technology does not happen quickly and trying to make it go quickly can cause disruptions, as has been seen over the past few years.

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REPRESENTATIVE P. WILSON, noting that sport charter fishing boats carry passengers, asked whether this type of boat would now have to comply if the change is not made.

LYNN TOMICH KENT, Deputy Commissioner, Office of the Commissioner, Department of Environmental Conservation (DEC), answered that they would not be required to comply with those requirements; the [proposed] legislation and current law apply to commercial passenger vessels that carry passengers for hire. Small vessels are defined as commercial passenger vessels with 249 or fewer lower berths.

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MS. KENT, addressing Co-Chair Saddler's earlier question about Alaska ferries, specified that five of the Alaska Marine Highway ferries are considered small commercial passenger vessels and are currently operating under best management plans. None of the ferry system vessels meet the definition of being a large commercial passenger vessel.

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CO-CHAIR SADDLER requested amplification as to the Science Advisory Panel's process, composition, and operating parameters.

MS. KENT replied that the Science Advisory Panel was convened under House Bill 134 and was comprised of members from other Alaska communities, other countries, and the Lower 48. Based on statutory requirements, the 11-member panel included people with expertise in wastewater plant design and operation, wastewater engineering and science, ship engineering design and construction, environmental science, shipping economy, fisheries, and environmental policy. The panel met over a period of two years and scoured the planet to see what was currently available for wastewater treatment in other countries, other ships, and other industries that might be applicable to the cruise ships. The panel did a thorough job and conveyed its information and recommendations in a formal report, even though not required to do so, and that is the report that DEC appended to its analysis. She said the panel was very helpful to DEC and every meeting included opportunity for public comment.

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CO-CHAIR FEIGE inquired whether other countries have wastewater treatment requirements for cruise ships similar to Alaska's.

MS. KENT responded that at the time of the 2006 Initiative and its very strict requirements for meeting the water quality standards at the point of discharge, DEC felt that Alaska had

the strictest requirements in the world. While she has not looked recently to see if other jurisdictions have done something similar or how their standards compare, she said she thinks the laws in Alaska drove the vessels 10 years or so to install advanced treatment systems. While these systems are not required around the world, the good news is that when the cruise ships go to other countries they still operate those systems.

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REPRESENTATIVE SEATON asked whether best management practices is a list of practices that the ships must do or whether the ships list the practices they follow and DEC approves those.

MS. KENT understood that each vessel must submit a plan for DEC's review and approval on what that vessel is doing to reduce its waste to make sure it is as clean as possible and the most safe locations for making discharges.

MICHELLE BONNET HALE, Director, Division of Water, Department of Environmental Conservation (DEC), confirmed that Ms. Kent's understanding is correct.

MS. KENT added that the best management practices are extensive and include everything from the kind of products being used onboard that might affect the vessel's wastewater, where the vessel is moored, and when the vessel allows its passengers to shower.

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REPRESENTATIVE SEATON understood that the best management practices are submitted individually by the vessels. He inquired whether DEC has denied any of these plans.

MS. KENT answered that early on DEC was disappointed in some of the plans it received. Rather than just disapproving them, DEC worked with the vessel owners and operators to see what they could do to beef up their plans and also shared ideas that came in on the other vessel plans. This allowed DEC to bring all the vessels up to a level of doing the best that they absolutely can when discharging in Alaska waters.

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CO-CHAIR SADDLER asked whether best available technology is something the state must convene a science panel and whether DEC is allowed to or barred from applying that standard.

MS. KENT replied that DEC already has statutory authority to do things like convening technology workshops, and did so long before House Bill 134 was passed. She noted that DEC has an opportunity and an obligation with each permit renewal, which generally, except for the cruise ships right now, are on a 5-year cycle, to look at technology and to ensure that not just cruise ships but also the state's other wastewater dischargers are using the best technology that they can.

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REPRESENTATIVE TUCK asked how it is known what is being discharged from the ships.

MS. KENT responded that for the larger commercial passenger vessels under permits, the requirements include self-monitoring, DEC inspecting those vessels, and DEC sometimes taking its own independent samples to verify that the self-monitoring data is really representative of what is coming off of the vessels. She deferred to Ms. Hale regarding the level of oversight for the smaller vessels, but said she did not believe that they are required to do any monitoring.

[1:40:21 PM](#)

REPRESENTATIVE TUCK inquired about what prompts DEC to do its own testing and whether that is random or done periodically.

MS. KENT answered it is general so she would call it random. She said DEC looks at vessels when they are in port because that is when it is easiest for the department to get to them. However, the department has ocean rangers onboard the vessels the whole time observing what the onboard operations are.

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REPRESENTATIVE TARR understood that the ocean ranger program was created by the 2006 Initiative and is paid for by the cruise ships themselves.

MS. KENT replied that the ocean rangers are onboard all the large commercial passenger vessels and are paid by a contractor

hired by DEC. The fund source is a fee on the cruise ships that comes through DEC.

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CO-CHAIR SADDLER requested definitions of technically feasible and economically practical.

MS. KENT deferred to Ms. Hale, saying she is the person who has been steeped in conversations with the Science Advisory Panel over those very terms.

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CO-CHAIR FEIGE asked what the potential penalties are for a cruise ship that violates these wastewater treatment standards.

MS. KENT deferred to attorney general Ruth Hamilton Heese, but noted there are both civil and criminal penalties for violations of permits and of the state's water quality standards.

RUTH HAMILTON HEESE, Senior Assistant Attorney General, Environmental Section, Civil Division (Juneau), Department of Law (DOL), confirmed there are penalties applicable to discharge standards. While she did not have all of the particulars at the ready, she said AS 46.03.760 provides per events violations and per day penalties that are paid for a violation, ranging from \$500 per day and not more than \$100,000 per violation per day. She added that there are also administrative, civil, and criminal penalties that go beyond just the violation of effluent standards and include any monitoring or reporting violations. In further response, Ms. Heese clarified that the civil penalty through the court would not be less than \$500 nor more than \$100,000 for the initial violation and then not more than \$5,000 for each day after that first violation.

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REPRESENTATIVE SEATON, regarding DEC's ability to apply restrictions in state critical habitat areas, inquired whether there are any instances in which DEC has for a commercial passenger vessel issued a permit of discharge at greater than state standard at the end of pipe for those areas identified as critical for the perpetuation of fish and wildlife.

MS. KENT responded that, under the current law, she does not believe there are any large commercial passenger vessels

discharging in those types of areas. She added that the current permit has limitations right now for Glacier Bay National Park and Preserve and for the Skagway area. She offered to get back to the committee with more detail.

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REPRESENTATIVE SEATON expressed his concern about the Kachemak Bay Critical Habitat Area. He related that the cruise ships he has talked to have said they do not and would not discharge there. However, he is concerned about creating a system with a hurdle that would require people from all over the state to write in comments asking DEC to restrict discharge in each specific critical habitat area if a vessel were to ask for that. Unless it is heard from the industry that it needs the ability to discharge in such areas, he would like to request DEC to think about whether this would be something that it might want to permit at some time.

[1:49:00 PM](#)

REPRESENTATIVE JOHNSON asked whether there are discharge permits of any kind in Kachemak Bay.

MS. KENT answered that almost all of the coastal communities have a marine discharge associated with their wastewater treatment facility and all of those in that area of the state would have a mixing zone associated with it. In further response, she confirmed that this would still be the case even if there was a designated critical habitat area. She reminded members that the water quality standards are designed to protect anywhere in the state, whether it is a designated critical habitat or not. Any time the water quality standards are being met, aquatic life should be protected. A mixing zone is an exception to those standards and those mixing zones are as small as DEC can allow them based on the treatment capabilities of the facility. One of the many reasons for a five-year look back at those permits and having to renew them is that every five years the public gets an opportunity to comment again on that permit for a shore-based facility, for instance, and on that mixing zone and whether it still makes sense to have it in that location for that community.

REPRESENTATIVE JOHNSON remarked that dirty water is dirty water no matter who is making it, and fairness is fairness. He therefore did not want a standard that applied to one and not

another. He said he was all for setting a standard for clean water, but everyone needs to be playing on the same field.

[1:50:55 PM](#)

CO-CHAIR FEIGE inquired whether the costs have been assessed for bringing municipal wastewater systems or fishing vessel systems up to the same level as the cruise ships.

MS. KENT replied she is unaware of a price estimate that could be pointed to for bringing all community wastewater systems in Alaska to point of discharge water quality standards, but she could say that most people in the room could not afford to flush their toilets if the community systems had to meet that level of treatment. She said there is science and there is policy, and the policy call is what allows DEC to have those mixing zones and have that balance between protecting the water quality and ensuring that everyone can survive as a society. She pointed out that under HB 80, DEC's mixing zone requirements would not go away. Just because the bill would make some changes and may allow cruise ships to have a mixing zone, that does not mean they automatically get one. The ships would have to demonstrate that they can meet the list of 19 or 20 criteria in order for DEC to issue a permit that would allow a mixing zone. The same criteria that apply to the shore-based facilities, seafood processors, the oil industry, the mining companies, would also apply.

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REPRESENTATIVE TUCK said one issue is that these are floating cities all over the place. He asked how, when issuing a permit for mixing zones for these ships, would DEC consider the mixing zones for when and where a ship discharges.

MS. KENT responded that the current permit under which the large commercial passenger vessels are operating is very specific as to whether they are discharging under way or discharging when in port. If a vessel seeks authorization to discharge while in port, its effluent standards are stricter. She said DEC has looked at the cumulative impacts of multiple vessels in an area. When discharging while underway - six knots or more - the dilution of the effluent is so rapid that it meets the water quality standards within seconds of coming out of the pipe.

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REPRESENTATIVE TUCK inquired whether DEC assumes that the cruise ships are not all underway at the same spot and dumping or whether DEC regulates and controls this.

MS. KENT answered that DEC is not regulating the path that the cruise vessels follow and how many vessels can travel through an area in a specific time. However, the dilution of a discharge from a moving vessel meets the water quality standards before that water gets to the stern of the ship, so the next ship coming through is in clean water.

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REPRESENTATIVE TUCK surmised that DEC looks at the dilution and how fast a ship is going, but does not consider the where, when, and what path.

MS. KENT replied that under the 2006 Initiative, the cruise vessels are required to report their location continuously, which DEC has read to mean every hour. Therefore the department can see the track of every large cruise vessel and DEC does look at those.

REPRESENTATIVE TUCK asked whether it would also be helpful for DEC to know when a cruise ship is discharging and how much.

MS. KENT responded that the cruise ships already are required to tell DEC when they start and stop discharge.

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REPRESENTATIVE TARR understood that for copper DEC is currently using the EPA standard.

MS. KENT answered that copper is considered a toxic and offered her belief that DEC has just adopted the EPA's values.

[1:56:03 PM](#)

REPRESENTATIVE TARR said she has been hearing concern that salmon are much more sensitive to copper and that DEC should therefore have a more restrictive standard than that of the EPA. She asked whether DEC is considering that. She offered her understanding that using plastic pipes instead of copper pipes might influence the copper levels in the discharge and asked whether DEC is working with the industry to introduce simple modifications like that.

MS. KENT replied that when DEC first started working with the large commercial passenger vessels, it had them look at all of the systems onboard the vessels - some vessels have copper pipe, some do not, and some replaced their copper pipes. In also looking at the products used onboard, some vessels changed out certain products. Regarding water quality standards, she said EPA sets the standards through a set of rigorous tests that include six different levels of organisms and looks at acute toxicity, chronic toxicity, and lethality. Because these standards are applied across the country EPA must be fairly conservative in setting the numbers. Recent EPA studies have looked at copper and potential behavioral impacts on fish and DEC has looked at those. Copper is a big issue, so it is always a topic when DEC reviews its water quality standards every three years; plus DEC is always checking for new science. At the 2012 Alaska Forum on the Environment, DEC held a session where experts presented the known science about copper. At this point, DEC does not feel it has sufficient data that would allow it to make a legally defensible change to the copper criteria.

[1:58:58 PM](#)

CO-CHAIR SADDLER inquired about the baseline levels of copper from natural sources versus copper as a wastewater product.

MS. KENT said DEC would look up that information for the committee.

[1:59:12 PM](#)

REPRESENTATIVE JOHNSON pointed out that page 84 of the [Science Advisory Panel's preliminary] report states that the Mendenhall River discharges 23 times more copper per year than all the cruise ships combined.

MS. KENT responded that the Science Advisory Panel looked at a mass loading perspective for informational purposes. However, from DEC's perspective, what really matters is the concentration in the water where the fish or other critters might be exposed to it, as opposed to how many pounds went into a water body because a pound in a wheelbarrow is very different than a pound in a swimming pool. She offered her belief that the Science Advisory Panel wanted to put some perspective on just how much copper is going into the marine environment in Southeast Alaska from cruise ships versus a single natural source.

2:00:45 PM

REPRESENTATIVE TUCK asked whether cruise ships have discharged into municipal treatment plants and whether this has been talked about further by the Science Advisory Panel. He recalled it being said in the past that Juneau would be able handle the discharges.

MS. KENT confirmed this was discussed by the panel. She offered her belief that one or two vessels have discharged into the Juneau facility. She added that it is very difficult for a shore-based facility to handle wide fluctuations in its flow and wide fluctuations in the quality of the wastewater that is coming into the facility. So, if cruise ships with advanced wastewater treatment systems are treating their water onboard first and then putting it into a municipal system, that system would be flooded with very clean water, which could kill "the bugs" because there is not a food source for the biological treatment process. If cruise ships flooded a municipal system with untreated water, the municipal system may be overwhelmed in that way. She explained that municipal systems are not "plug and play"; the operators must watch the inflow, the quality of that flow, and constantly tweak the treatment system, so cruise ship discharge would be very difficult for them. Most important is that the effluent limits for the shore-based facilities are less stringent than they currently are for the cruise ships, so the cruise ships are discharging cleaner water than are the shore-based facilities.

2:02:42 PM

REPRESENTATIVE TUCK commented that one facility is in motion and one is stationary and people have confidence in that control of the stationary facility. He requested clarification on "one or two ships."

MS. KENT offered her belief that one or two ships a year might occasionally discharge into the Juneau facility.

2:03:15 PM

CO-CHAIR SADDLER opened public testimony.

RICK ROGERS, Executive Director, Resource Development Council for Alaska, Inc. (RDC), testified that his organization is interested in growing Alaska's economy through responsible resource development. Of priority to RDC is a strong permitting

process that is predictable, timely, efficient, and based on sound science and economic feasibility. He said RDC is impressed with the work of the Science Advisory Panel and the guidance of this group by DEC's commissioner and deputy commissioner. He understood the panel has provided critical information that can help shape a more rational wastewater discharge for Alaska's cruise industry. It is clear from the panel's findings that meeting the current water quality standards at the point of discharge from cruise ships is not feasible and unnecessary to protect public health and aquatic species. He related RDC's belief that HB 80 would establish a policy that is based on sound science and economic feasibility. Because many RDC members are small businesses and communities that rely on the business activity of the cruise industry, RDC supports quick passage of HB 80.

2:06:20 PM

DAVID WETZEL, President, Admiralty Environmental, testified that his company is the independent contractor managing the sampling, monitoring, and testing of both the large and small cruise ships in Alaska. He has been doing this since 1999 and has reviewed and reported the majority of the data produced. He offered his support of HB 80, saying it would be a sound and practical solution that would achieve environmentally responsible monitoring of cruise ships. Based on his experience, these treatment systems really are the best systems available; even the military is looking at adding them to their ships. Relating that his company monitors many of the local municipal treatment systems in Southeast Alaska, he said he is convinced that the systems on the ships are far superior to those on land. He added that there is a remarkable consistency between the different advanced wastewater treatment systems and the results they produce, the consistency between the different ships employing the same system, and the consistency between the results for the same ship year to year. Under the current permit, the majority of the sampling is being performed underway where there is a significant amount of dissipation that occurs immediately.

2:08:15 PM

MR. WETZEL stated that the data his company is seeing supports the Science Advisory Panel's findings. The levels of these metals and ammonia are low to start with and there is quite a bit of removal between the influent onto the ships and the effluent coming out. From his company's perspective, it seems

sensible to apply the same strategy for effluent limitations to the cruise ships as is applied to land-based treatment.

MR. WETZEL said the matter of scale is another point to consider, with the volume discharged by cruise ships being significantly smaller than that of [land-based] wastewater treatment plants. He concurred with Ms. Kent's portrayal of the difficulty in putting cruise ship discharge through a municipal plant. His experience with the cruise ship industry's monitors is that they are all very committed to operating these advanced wastewater treatment systems in an optimal manner and that they are interested in meeting the regulations before them. It is important to encourage these vessels to use these advanced wastewater treatment systems in the best way possible, because the alternative would encourage ships to discharge outside of regulated areas without any treatment, which would result in a greater environmental impact. In his opinion the current state of treatment is highly effective, and he therefore urged the passage of HB 80.

[2:10:30 PM](#)

BOB JANES, Owner, Gastineau Guiding Company, testified that because he did not have a full grasp of this situation he had therefore wondered whether he should come testify. He said he makes his living in [the tourism] business and will be sending his children to college with what the cruise business does for him. He said he decided to come testify because he is bullish on cruising and what it brings to Alaska's economy. Like the committee he depends on expert advice, and the [Science Advisory] Panel has said that the discharge is compatible with Alaska's high standards, compatible with the expectations of Alaska's guests who care a great deal about the place they are coming to visit, and compatible with his employees who find opportunity in Alaska's economy and who care about the state. He urged the committee to take into account the results presented by the panel.

[2:13:42 PM](#)

JOSEPH SEBASTIAN, Commercial Fisherman, testified he has been a commercial fisherman in Alaska for 35 years and his son and daughter are commercial fishermen, each having worked their way through college on fishing boats. His neighbor's son just bought a new boat and permit and Petersburg is a fishing town, as are many towns in Southeast Alaska. The biggest industry employer in the state of Alaska is the fishing industry and HB

80 is bad for Alaska's fishing industry. He said the fishing industry's whole claim to clean pristine waters and inlets must have a foundation in reality and in science and in public perception. Compounding the existing problems of 32 cruise ships a day every day for five months is the issue of ocean acidification that is taking place due to airborne carbon pollution settling in the ocean in amounts that change the water's pH factor. Weakening and taking a step back on Alaska's oceans will compound the problem. What about the clean ocean and water rights [of Alaska's residents]? While he is happy to share Alaska's wonders with visitors, unwelcome are the cruise lines that take billions of dollars of profits every year from Alaska but are unwilling to protect Alaska's clean pristine waters. He said HB 80 is a slap in the face to thousands of Alaska's fishing families and to the fishing industry.

[2:17:01 PM](#)

DENNIS YOUNG, President, Board of Juneau, Southeast Area Committeeman, International Longshore and Warehouse Union, testified that because this issue is such a tough decision, his organization does not necessarily have one position. The union will be looking at all the testimony and gathering facts before presenting something in writing to members of the committee.

[2:18:08 PM](#)

KARLA HART, Lobbyist, Alaska Community Action on Toxics, testified she has watched the cruise industry since the early 1980s and first was aware of the cruise ships dumping in the so-called "donut holes" in the Inside Passage long before 1999 as mentioned by the commissioner. She said this is a longstanding issue in terms of protecting the waters of Southeast Alaska and all of coastal Alaska. She said the rush for HB 80 is surprising to her and she believes it is not warranted or appropriate. The scientific review process is still incomplete and the Science Advisory Panel has not yet disbanded even though the commissioner and DEC staff spoke of it as a past tense. The Science Advisory Panel issued in November [2012] what she understood to be a draft report. Typically with science a draft report is issued, there is peer review and comments, and these are revisited to ensure that the report has the rigor that it needs, which has not yet happened with this report. A final report should be issued before moving forward. She maintained the public has not had much opportunity to comment at this point, given the bill was introduced a week ago. She noted that the cruise industry, on topics related to it, has always

expressed that it has a very long timeframe for planning and cannot respond to things that are done quickly. The artificially created urgency for passing HB 80 because of permits coming up in April [2013] seems disingenuous to her. Surely the cruise industry has plans in place and is able to deal with the issuing of permits and moving forward with this summer. Taking the time to give proper consideration to this issue will not risk the cruise industry for this year and it will respect all of the Alaska voters who voted to have this clean water element of the 2006 Initiative. Although Commissioner Hartig portrayed the 2006 Initiative as primarily being a tax bill, she said Alaskans care a lot about clean water and healthy fisheries and did not pass the initiative just as a tax bill; some high profile pollution instances had made that issue important to Alaskans.

2:20:50 PM

MS. HART pointed out that most of the cruise ships being talked about are larger than most of the communities in Alaska. If an Alaska community does not meet discharge standards at its pipe, people know where that pipe is and know to avoid it when harvesting subsistence foods. But the discharge from ships can be anywhere, so a person could be in an area that seems remote and pristine, yet have the misfortune of being there after repetitive discharge. More is being learned about the very, very small concentrations of different pollutants in the water and how they can impact human health, so it is critical to protect human health. She understood that some of the ships are already meeting targets at times and that they are improving their ability to hit them consistently. Ships can keep operating and moving toward better technology over the next few years while the existing law is in place. She appreciated Representative Tarr's idea of extending the period to meet the criteria if that is necessary. Instead of backing off, the cruise industry should be kept under the pressure to increase its standards. She also appreciated Representative Johnson's concern for fairness and desire for clean water for everyone. However, she said there is a distinction between a community wastewater plant where the community has no actual control over what goes into the treatment system; whereas a cruise ship does have some control over what is going into and out of the ship system. Further, the cruise ship is profit driven and has benefit from externalizing costs from lower water quality, whereas when a community cuts its standards the people living there will pay for it. She urged the committee to slow down the

movement on HB 80, let the Science Advisory Panel complete its final report, and then see what action is warranted.

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MICHELLE RIDGWAY testified she is a lifelong Alaskan who has spent her entire life in or on the water. Noting that she is serving on the Cruise Ship Wastewater Science Advisory Panel, and offering her respect for the panel's highly qualified members, she said she felt compelled to submit a letter to Commissioner Hartig expressing her concerns regarding the final interpretations of findings in the panel's report. Given some of those findings have been propagated through development of reports from DEC and the department's letters to members and testimony, she felt it important to flag her concerns. She offered to submit her letter to the committee for the record. Responding to Co-Chair Saddler, she clarified she is speaking on her own behalf.

MS. RIDGWAY said Alaska has always taken a stand for its tremendous environment; for example, it fights farmed salmon, "frankenfish," and anything that might impact salmon, the salmon industry, or the state's fish and wildlife overall - and now is the time to continue that course. She said she has deep concerns regarding passage of the bill at this time because ecologically and scientifically the state appears to have arrived at the point envisioned for balancing a great industry with sustaining Alaska's marine ecosystem. She urged members to further examine the science available on the implications of cruise ship effluent on salmon, oyster farms, mussels, plankton, whales, seals, and other organisms that are acutely and chronically affected by the levels of cruise ship toxins being discharged under the current general permit and that would be allowed in the [proposed] yet-to-be-defined mixing zones.

MS. RIDGWAY stressed that there are very sensitive habitats within the zero to three nautical miles that comprise Alaska's state waters. Areas used for subsistence harvesting of black seaweed; commercial farming of oysters, which bio-accumulate heavy metals; and critically important fishing grounds for Alaska's small and large boat fisheries will be bumped up against when trying to identify where to locate these mixing zones. It will be very challenging to find locations where it will be acceptable to discharge contaminants that will not have long-term deleterious effects on the marine ecosystem. She urged members to stay the course in finding and advancing the science and technology that solves Alaska's challenges.

[2:27:20 PM](#)

CO-CHAIR SADDLER referenced Ms. Ridgway's letter and inquired whether she had registered her disagreement in the [panel's] report or with other panel members at the time of the process.

MS. RIDGWAY replied the panel had many productive meetings and she is not here to speak about the panel process or the report. In general, many perspectives are presented in the report; however, selected perspectives are presented in the ultimate findings in that report. She said her letter clarifies the three elements specifically by sentence in the findings with which she did not agree throughout the meetings, verbally and in writing. In further response, she confirmed that her objections and disagreements are not included in the findings section of the report.

[2:28:29 PM](#)

CO-CHAIR FEIGE asked what size mixing zone would be appropriate to protect the state's waters.

MS. RIDGWAY responded that mixing zones are established through a very specific process within DEC. She understood that the objective of a mixing zone is to identify an area sufficiently large enough such that whatever is discharged in that zone meets water quality criteria, which are based on the EPA aquatic toxicity testing standards. However, it is very challenging to make that calculation in a water column that is highly stratified in terms of salinity, temperature, and other constituents, especially when adding in that these vessels are moving. Because it is codified that the mixing zone achieve water quality criteria at the edges, it is not to her to identify how large. She said she finds it very challenging to identify the edges of a mixing zone given that these very large vessels are moving throughout their routes in the Inside Passage, the Gulf of Alaska, and on up to the Arctic. It has been very challenging even to get information on the effluent right at the pipe at one point.

[2:30:24 PM](#)

CO-CHAIR FEIGE inquired whether it would be appropriate to make the mixing zone relative to the size of the vessel, in other words at the stern of the vessel.

MS. RIDGWAY answered that that is not relevant to the physical processes that must occur to sufficiently dilute a toxin to an acceptable level. The size of the stern is irrelevant. She noted that propellers and mixing has been discussed, but pointed out that many ships now use azipods instead of huge propellers. The speed and size of the vessel have very little to do with how large that mixing zone should be, it is whether the objective is met to protect clean water by meeting the water quality standards at depth and at the spatial extent of that zone - in a moving scenario.

[2:31:36 PM](#)

REPRESENTATIVE JOHNSON said he thinks Ms. Ridgway has called into question the entire validity of the [panel's] report. He asked whether Ms. Ridgway dissented during the committee process or afterward and, if it was during the process, why was it not included in the report.

MS. RIDGWAY replied she is an Alaskan who cares about sustaining Alaska's ecosystem, fisheries, and many communities with industry. She said she is introducing herself to the committee because her letter is out there and her letter states on three sentences specific findings that are captured in the report with which she disagreed during the committee process. She understood her disagreement might raise questions, but said she cannot speak on the panel's behalf or on the process that was undertaken.

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REPRESENTATIVE JOHNSON, restating his question, asked whether Ms. Ridgway offered to the [panel] the three points stated in her letter and the [panel] did not include those points in the report.

MS. RIDGWAY responded that during the course of the panel's deliberations and during the busy, lengthy process of group writing the report, she disagreed - consistently - with the three sentences she has highlighted in her letter. While offering respect for her fellow panel members, she said many people agreed, but she wanted to clarify that she flagged those three consistently and she still has concerns regarding those three things.

[2:34:02 PM](#)

REPRESENTATIVE JOHNSON said his understanding was that the panel made provisions for dissenting opinions and there were none in the report. He inquired whether Ms. Ridgway submitted her comments as a dissenting opinion to the [panel].

MS. RIDGWAY answered that her opinion, as well as those of all the panelists, were discussed in many in-person and teleconference meetings. She said she expressed her opinion and it is largely in the report, and there are some ultimate findings with which she disagreed. She said she offered her letter to Commissioner Hartig simply to clarify those points.

CO-CHAIR SADDLER noted that the date of the [panel] report is November 1, 2012, and the date of Ms. Ridgway's letter is January 17, 2013.

[2:35:07 PM](#)

REPRESENTATIVE TARR understood the state is using EPA standards for the dilution factor. She asked whether Ms. Ridgway believes those standards are reflective of what happens in an arctic or cold water environment. She further asked whether Ms. Ridgway believes additional work should be done in Alaska to have a better understanding of mixing zones in Alaska's environment.

MS. RIDGWAY replied she supports research to obtain better information about the oceanographic features of Alaskan waters, so as to improve the ability to potentially predict the spatial extent of a zone in which a suite of contaminants in the effluent might be potentially diluted to the point of meeting water quality criteria.

[2:36:28 PM](#)

CHIP THOMA, President, Responsible Cruising in Alaska, testified that his organization was formed in 1997 to promote a head tax for Juneau, which was successful; his organization also did the 2006 Alaska Cruise Ship Initiative, which set up the laws and taxes being talked about today. He said his organization's preference is that large cruise ships discharge into federal waters, not state waters. This would avoid all complications because no permit is needed and it is legal to dump waste beyond the three-mile limit. He related that a large number of cruise ships in the Alaska fleet have small holding capacities and some are riddled with copper pipes, a deadly combination because of the wastewater having very high copper counts. These ships, primarily the Princess fleet, are now discharging in Juneau

through a hookup at a private dock that goes directly into the [municipal treatment] plant. He said he thought it was being done on a fairly regular basis, but did not know how many ships a day were doing this. Mr. Thoma shared that Juneau's new cruise ship dock will be operational by 2015 and will have two municipal and two private hookups, paid for by the head tax, that will allow for discharge of wastewater, but not solids or high grease content, into the municipal treatment plant. He said Jim Dorn of Carson Dorn, Inc. is working with private industry, the city, and the cruise ships to set this up and it is nearing approval.

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MR. THOMA related that, to his knowledge, the new cruise ships being built will no longer have copper pipes or a lot of galvanized pipes; therefore the copper, nickel, and zinc will go away as soon as the [older] ships are re-deployed elsewhere. Offering his understanding that copper only affects salmon, he said these [older] ships could go elsewhere in the world. Another issue, he continued, is whether the bunker water that is put onto the ships is higher than the 3 parts per billion. He said he learned from conversations with the water utility superintendents of Ketchikan, Juneau, and Skagway that Ketchikan's bunker water had a high copper count of 17 parts per billion (ppb) and a huge lead count of 70 ppb. The superintendent subsequently discovered that a newly installed ball joint fitting was made of metal from India, and when it was replaced with a plastic ball joint the bunker water retested at 2 ppb copper and 0.6 ppb lead. So, the source was that one ball joint. Skagway had a similar situation: its two municipal docks had less than 1 ppb of copper, but its private dock had 6-9 ppb copper and higher counts for heavy metals. Because the private dock receives water from the same treatment plant as the municipal docks, the Skagway superintendent surmised it must be the older fittings on the private dock. Juneau has 3 ppb of copper.

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MR. THOMA, responding to Co-Chair Feige, confirmed bunker water is the water that cruise ships take on for drinking. He added that this same water goes through the ship's system and is discharged. In further response, he confirmed that bunker water comes not from the cruise ship, but from water taken onboard in Vancouver, Seattle, and Alaska. He pointed out that all water in Southeast Alaska is below the 3 ppb, but when discharged from

the ships it is high in copper and heavy metals due to leaching of the ships' pipes from water softeners.

2:43:45 PM

ERIC LEE, Commercial Fisherman, testified he is a third generation commercial fisherman and he is concerned about the salmon runs in Southeast Alaska because the native runs have declined, although the hatchery runs are doing fine. He said he is very concerned about the levels of dissolved copper in the water because it is well documented that copper is very toxic and interferes with olfactory functioning in salmon, which is critical for salmon finding their way back to their streams. It is becoming more and more established that the level of toxicity can be as low as a few parts per billion. Because the discharge is fresh water, it stays on top or near the surface of the salt water for quite a while and mixes with the same fresh water that is near the surface that the salmon depend on for their scent memories that lead them back to their stream of origin. The copper could therefore have a very detrimental effect to commercial fishermen as well as sport fishermen. Before relaxing standards by allowing mixing zones, there needs to be more discussion and determination of what the facts really are, including more scientific research. Mr. Lee said there is a distinction between water coming from a ship and a shore-based source, in that a shore-based source is relatively constant and is very likely part of the scent memory of the out-migrating salmon, whereas cruise ships are moving cities with random and variable discharges that are not part of a salmon's scent memory and could be disorienting because of the dissolved copper. He urged members to not support HB 80 and urged that the state's present standards for heavy metals - without mixing zones - be maintained.

2:48:08 PM

WILLIAM JOHNSON testified that he used to run a sewage treatment plant at camps in Prudhoe Bay. He said he opposes HB 80 and stated that the cruise ship industry brought this upon itself because the ships were putting bad substances, such as dry cleaning and photograph developing chemicals, into state waters. He did not want to see a rollback of current law, which was established by citizen initiative. The ships can dump their tanks way offshore in federal waters before coming into state waters and if a ship runs out of room in its storage tanks while in state waters it could dump the discharge into a municipal facility. He understood that the newer cruise ships have

separate graywater and blackwater tanks. He said the rollback in HB 80 is a slap in the face to all Alaskans.

2:50:30 PM

KATHLEEN MENKE testified she came to Alaska 20 years ago and like everybody in Alaska she eats salmon, halibut, hooligan, crab, and shrimp. During her five years living in Colorado she was a certified Class A water and wastewater treatment operator, Class A being the highest of four levels. She stated that mixing zones are not the way to regulate discharge - whatever is being monitored needs to be monitored at the point of discharge. It is impossible to regulate or enforce mixing zones, particularly for moving cruise ships on oceans. She urged committee members to take this into consideration and give the bill more thought.

2:52:02 PM

ANDY ROGERS, Deputy Director, Alaska State Chamber of Commerce, testified that his organization is the statewide chamber representing hundreds of diverse businesses across Alaska. He said the chamber's members share the common goal of making Alaska a viable and competitive place to do business. The chamber and its members fully support passage of HB 80 and its companion bill, SB 29. Chamber members have adopted a position to advocate for legislation and regulations that are based on sound science rather than precautionary methods. The work of the Science Advisory Panel shows that cruise ships operating in Alaska's waters enjoy the most advanced and efficient treatment systems available, with their discharges meeting higher standards than water discharged by any municipal treatment plan in the state of Alaska. Chamber members also support consistency and predictability in Alaska's permitting process. The general permit issued in 2010 was subject to lengthy and costly litigation through administrative appeal, so it is reasonable to expect that any new permits would also be subject to similar litigation. This would threaten Alaska's competitive appeal as a market for an industry where resources are highly mobile and schedules set years in advance. The importance of this issue to the economic health of the state cannot be overstated. In addition to coastal communities, the cruise ship industry impacts communities throughout the state. The cruise ship industry is a fragile industry as well as a mobile one. The ships that bring tens of thousands of visitors to Alaska's port communities can be re-deployed to venues that have reasonable permitting and attainable standards and a reduction

or loss of cruise ship passengers would impact most of the state. Most passengers disembark to participate in land tours, impacting hundreds of businesses and creating thousands of jobs. He urged the committee to pass HB 80.

[2:57:03 PM](#)

CO-CHAIR SADDLER closed public testimony and held over HB 80.

REPRESENTATIVE TUCK stated he did not think it good public process for committee members to not have the time to ask questions of the witnesses before public testimony is closed. He said members should be able to ask witnesses questions at the time of their testimony so the witnesses are not inconvenienced with having to come back and members are not inconvenienced by being unable to ask the questions. He urged that in the future members be allowed to ask questions of witnesses so members can get clarification right away and have the answers on record for everybody to hear.

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ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:59 p.m.