

HB

22



Representative Beth Kerttula

Sponsor Statement

Sponsor Substitute House Bill 22

Large Passenger Vessels that Operate in the Marine Waters of Alaska

Sponsor Substitute for House Bill 22 will give Alaskans information about the wastes generated and released by large passenger vessels operating in Alaska. HB 22 builds on Senator Murkowski's federal legislation directed at Alaska cruise ship operations at a time when the cruise ship sector of Alaska's tourism industry continues to grow substantially.

Alaskans have become alarmed by the wastewater pollution violations that led to state and federal fines imposed on cruise ships in the 1990s and by air emission violations in 1999 and 2000. Since late 1999, state and federal agencies, cruise ship companies, and other interested parties have collaborated on the Alaska Cruise Ship Initiative to describe waste handling practices, examine technology, and conduct preliminary sampling of ship discharges and emissions. Inspections and sampling in 2000 identified a number of failing marine sanitation devices and numerous graywater and treated sewage samples with high levels of fecal coliform bacteria.

Federal legislation in late 2000, authored by Senator Murkowski, takes further important steps to limit and clean up waterborne discharges -- particularly sewage -- from cruise ships. However, the federal legislation does not establish standards for graywater discharges nor does it address cruise ship air emissions.

House Bill 22 builds on the above-mentioned measures. The bill does not require duplication of efforts by the cruise ship industry. HB 22 calls for:

- annual registration with the state -- so we know how to contact responsible officials of the foreign flag vessels;
- monthly reports of *all* ship waterborne discharges -- a requirement that can be readily satisfied because the U.S. Coast Guard will have cruise ships keep these records beginning in the 2001 cruise season;

- sampling of graywater discharges for certain pollutants not currently required under federal law or regulations;
- monthly sampling and reporting of air emissions; and
- an assessment of the data collected after three years to examine what we know about cruise ship waste releases and the risks to our human and marine environments.

HB 22 provides a mechanism so the State of Alaska can begin to understand the composition and disposal of the substantial volumes of wastes generated onboard cruise ships in our state waters. Notwithstanding the cruise line industry assurances of careful shipboard practices and industry cooperation with regulatory agencies, it is imperative that Alaska obtain basic information and examine the waste volumes, composition, and discharge location in order to manage our most valuable tourist asset – our exceptional natural environment.

Thank you for your consideration of House Bill 22.

SSHB 22
Large Passenger Vessels that Operate in the Marine Waters of Alaska

Sectional Analysis

Section 1 adds new sections to AS 46.03, the Environmental Conservation statutes.

Sec. 46.03.460 requires owner/operator who conducts business in Alaska to register annually each vessel. The in-state contact information becomes paramount when contacting a foreign flag vessel that frequently has international crews and officers.

Sec. 46.03.465 requires owner/operator to monitor cruise ship pollutants in order to fulfill the reporting requirements of this legislation. Monthly sampling is required of visible emissions from each vessel while in an Alaskan port. The owner/operator must sample and test graywater at least as frequently as required under federal laws and regulations for treated sewage. Graywater will be tested for conventional pollutants, including fecal coliform bacteria and total suspended solids.

Sec. 46.03.470 requires that records be maintained for three years.

Sec. 46.03.475 establishes the monthly reporting for all wastewater discharges and air emissions. The location, volume, flow rate, weight and type of pollutant must be documented. Significantly, SSHB 22 does not require the cruise line companies to get a new state permit nor does the bill set new performance standards. Reporting data for each vessel individually facilitates site-specific assessments of potential impacts or risks to the human or marine environment. In keeping with other DEC environmental oversight practices, each report must be certified by a responsible vessel official.

Sec. 46.03.477 requires the owner/operator to provide to the state a report of any sampling and testing conducted for a federal agency.

Sec. 46.03.480 establishes civil penalties for failing to register or report. The penalties are based on those imposed on other businesses operating in Alaska or imposed on violations under DEC statutes.

Sec. 46.03.484 exempts vessel merely transiting through state waters in innocent passage.

Sec. 46.03.485 provides DEC rule-making authority to implement this legislation.

Sec. 46.03.490 defines several terms by drawing on existing state and federal laws and regulations, most notably the Clean Water Act and recent federal legislation authored by Senator Frank Murkowski.

Section 2 amends DEC statutes on criminal penalties to incorporate cruise ship wastewater discharge and air emission reporting.

Section 3 specifies the timeframe for vessel registration (within 3 days) and pollutant sampling, testing and reporting (within 21 days) beginning June 1, 2001.

Section 4 directs DEC to prepare an assessment report by January 2004, after three seasons of sampling and record keeping. The report shall:

1. characterize the risks posed by the wastewater discharge and air emissions to the human and marine environments;
2. evaluate pollution abatement and control technologies of the cruise line companies; and
3. recommend future action, as appropriate.

Section 5 establishes an effective date of June 1, 2001 in order to capture as much as possible of the 2001 cruise season.



Organized Village of Kake

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(Federally Recognized Tribal Government serving the Kake, Alaska area)



March 30, 2001

Rep. Vic Kohring, Chairman
House Transportation Committee
State Capitol, Room 24
Juneau, AK 99801-1182

Sent via fax to 907/465-3818

Dear Representative Kohring:

This letter is in full support of Representative Kertulla's Sponsor Substitute for HB 22, "An Act relating to certain passenger vessels operating in the marine waters of the state; and providing for an effective date." The bill complements Senator Murkowski's legislation that was recently passed plus addresses gray water discharges and air emissions that were not addressed in Senator Murkowski's bill.

Since the decline of the timber industry, Kake's economy is dependent on the local salmon hatchery and seafood processing/cold storage plant. The community is also focusing on attracting smaller tour ships to experience our rural lifestyle and Tlingit culture. All our local industries are dependent having a clean environment and this Right to Know bill will provide access to information about the wastes generated and released by the cruise ships. It provides for an annual registration with the state, so we know who the responsible parties are and how to contact them, monthly reports of all waterborne discharges, sampling of gray water discharge for certain pollutants, monthly sampling and reporting of air emissions and an assessment of all data after 3 years to examine what we have learned about emissions and what it means to our human and marine environments. We support all these proposed activities and in order to make it accessible to rural Alaskan communities, we would like to see such information posted on the internet. Alaskan citizens have the right to know what is being dumped in our waters and released into our air. By enabling Alaskans to have a better knowledge of the impacts of cruise ships on our environment, we will be armed with the information necessary to insure the impacts are not likely to jeopardize the economic benefits of our fishing & recreation industries.

Sincerely,

Casimero A. Aceveda Jr.
President

cc: Representative Beth Kerttula

April 9, 2001

Dear Rep. Kohring:

It is reassuring to the Lower Chatham Conservation Society that progressive action is being taken to keep Alaskan air and water cleaner. We are in full support of SSHE22 and agree that this legislation is an integral component in planning for and maintaining a healthy marine environment.

LCCS's mission is to protect the integrity of the Lower Chatham Ecosystem, locally defined from south Baranof Island, Chatham Strait to west Kuiu Island. Our membership has close ties with the marine environment, as many people are commercial fishermen and subsistence gatherers. Last summer many people saw an unusual orange oily substance in Chatham that has yet to be identified. Of concern to us are the cruise ship discharges that could potentially harm our food sources and beaches. We agree that by requiring the cruise ships to comply with discharge regulations that are imposed on other industries, one may make a safer bet that the people of this state will be provided clean air and water.

If the cruise industry is so mum about its discharge activities, then one has to wonder what they could be hiding. The right to know what are discharged into Alaskan waters should be public knowledge. We can all rest more assured when we know toxic materials are being disposed of at the proper facilities and not being dumped into our waters. Regular monitoring will tell if they are in compliance, knowledge every Alaskan should be privy to.

Progressive indeed is this legislation's intent, not only clean up dirty dumping practices, but to reassess the program's effectiveness by gathering monitoring information over 3 years and forming the basis for a thorough assessment determining whether there are serious risks to our human health and marine environment. This longer-term approach will rest well on the eyes of the public, who will no longer wonder what has become of the cruise ship issue.

It is our hope that by way of public disclosure, state and federal oversight, monitoring and sound enforcement policy that the not-so-invisible effects of toxic discharge be a problem of the past. The benefits of clean water and a healthy ecosystem will benefit everyone, including the cruise industry.

Sincerely,
Anissa Berry-Frick
President
LOWER CHATHAM CONSERVATION SOCIETY

PO BOX 8118 o PORT ALEXANDER, AK o 99836
PHONE: (907) 568-2210 o EMAIL: BACKLAGOON@AOL.COM

Subject: HB 22

Date: Mon, 16 Apr 2001 14:18:05 -0800

From: "AWRTA - Sarah Leonard, Executive Director" <sleonard@awrta.org>

To: Representative_Beth_Kerttula@legis.state.ak.us

April 12, 2001

Representative Beth Kerttula
Room 430
Capitol
Juneau, AK 99801-1182

Dear Representative Kerttula:

I am writing on behalf of the Alaska Wilderness Recreation & Tourism Association (AWRTA) and in support of HB 22 as it relates to our organization's 2001 Cruise Legislative priority. AWRTA's membership includes almost 300 nature-based tourism business owners, partnering organizations and individuals in Alaska and the United States.

The AWRTA Board of Directors recently adopted our 2001 Legislative Priorities including support for cruise legislation:

"AWRTA encourages regulation focusing on safe waters and consistent monitoring of marine wastewater discharges within all of Alaska's coastal region including the Southeast, Inside Passage, Southcentral and Southwest areas. AWRTA supports legislation that includes monitoring and enforcement mechanisms to ensure compliance by all operators to follow state and federal regulations."

AWRTA also encourages and supports a distinction between foreign-owned cruise ships and American-owned tour boats; and a distinction based on the ship's passenger capacity. We believe these distinctions should be considered separately in all cases of State and Federal jurisdiction and regulation. Many small boat operators are encouraging sound practices and teaching visitors and residents alike about Alaska's natural and cultural environments.

AWRTA is a membership-driven trade organization formed to be a collective voice for wilderness-dependent businesses.

We advocate for the sustainability of Alaska's natural and cultural resources, responsible tourism, and tourism planning for communities. Because we support the sustainability of Alaska's resources, including safe and healthy Alaska waters, we support these components of HB 22. Thank you for the opportunity to comment and I look forward to working with you during this legislative session and in the future.

Best Regards,

--

Sarah Leonard
Executive Director

The Alaska Wilderness Recreation & Tourism Association (AWRTA)
The Alaska Institute for Sustainable Recreation & Tourism (AISRT)

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ALASKA CRUISE SHIP INITIATIVE

2000 Season Accomplishments

AIR QUALITY

240 total opacity readings of cruise ship emissions were conducted by DEC and EPA. 34 observations exceeded the opacity standard. 16 ships were cited by the state and four by EPA. Opacity readings will occur for the next four seasons as a part of the Royal Caribbean settlement

Ambient air quality was monitored in downtown Juneau at four locations: near the old police station, the Baranof Hotel, Capital School, and the Court Plaza Building. From August 13 through September 30, 2000 levels were well below (50%) health based standards. The work group will determine the extent of future sampling.

WATER QUALITY

Wastewater samples were taken from each of 21 large cruise ships visiting Juneau. Blackwater, (from toilets) and graywater (from showers, sinks, galleys, laundry) were tested in the same manner as land based sewage treatment plants. Results showed that treated blackwater often exceeded the federal treatment standard and that graywater had surprisingly high fecal coliform levels.



Following the initial sampling results, the Coast Guard focused on how marine sanitation devices are operated and maintained by conducting follow-up inspections. Five regulatory actions are pending, based on 12 expanded examinations. Coast Guard oversight of marine sanitation devices will continue as needed, when these same ships call on other U.S. ports.

Each ship's discharges were additionally analyzed for a suite of chemicals, called priority pollutants, that would indicate if there was improper disposal of hazardous chemicals. Current results indicate that hazardous wastes are not being improperly disposed of. A few priority pollutants are present at levels above water quality standards; however, there is not enough information to determine if exceedences have occurred. Priority pollutant analysis is complex. A panel of experts is being assembled to assist with data analysis and determining if there are impacts to public health or the environment. Sampling of blackwater and graywater discharges, and certain priority pollutants will likely continue next year.

The Coast Guard implemented Operation Cruise Watch 2000, which increased the aircraft and cutter oversight of cruise ships. No violations were noted.

OIL SPILL RESPONSE

Through the Royal Caribbean settlement, \$2.1 million has been given to the South East Alaska Pollution Response Organization (SEAPRO) to increase oil spill response capabilities in Southeast Alaska. In consultation with the DEC and the U.S. Coast Guard a variety of pollution response equipment was selected for purchase. Major purchases include:

- Two 48 ft. multi-mission fast response vessels
- One 55 ft. oil spill response barge for the Northern Lynn Canal Near Shore oil spill response package
- LORI brush skimming system
- 1,000 feet Shoreguard boom
- 2,000 ft of containment boom
- Seven 21 ft spill response skiffs

ENVIRONMENTAL LEADERSHIP

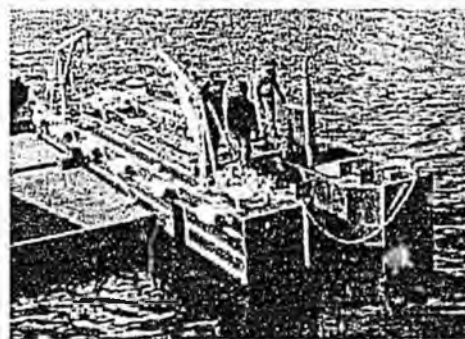
Environmental Awareness Days were conducted July 12 through July 14, with tours of ships environmental systems available daily. Additionally, during the evening of July 13, a joint panel of experts provided information to the public on environmental management systems on ships and updated the public on the 2000 Season activities.

Next summer, Princess Cruises will connect four of its ships to Juneau shore power, eliminating the need to run generators, thereby reducing emissions while in port.

The North West CruiseShip Association paid for four sets of Oil Spill Recovery Barges that have been located at Haines, Juneau, Glacier Bay, and Ketchikan. Each set consists of two barges, one with a skimmer, and both with 249 barrels of storage capacity. These barges significantly increase the states oil spill safety net, as they can be used for responses to spills other than just from cruise ships.

WASTE WATER TREATMENT:

- Eliminated discharges of treated blackwater and untreated graywater in ports.
- All capable ships held discharges until 10 miles from port, and discharged at a speed of at least 6 knots.
- There were no discharges of garbage or untreated wastewater in so-called "donut holes", once the policy was enacted.
- Four pilot projects are underway to test new ways of treating graywater.
 - Reverse osmosis: initial analysis indicated this process meets standards.
 - Aerated membrane treatment system: preliminary results from one ship are promising.
 - Activated oxidation process: currently being evaluated.
 - Chemical treatment with mechanical decanting: shipboard sampling indicated that early modifications were successful.
- Industrial wastewater treatment methods have not changed in decades. These initiatives may fundamentally change wastewater treatment methods for the marine trade.



Cruise Ship Legislation Summary of Summer 2000 Water Quality Sampling



Alaska Department of Environmental Conservation
Division of Statewide Public Service

Priority Pollutants

- 24 cruise ship effluent samples were analyzed for priority pollutants to determine if hazardous chemicals were being improperly discharged.
- 10 pollutants exceeded Alaska's water quality standards; there was no evidence of hazardous wastes being mixed with overboard discharges.
- 7 metals – chromium, copper, lead, mercury, zinc, silver and nickel – were present in levels above the water quality standards for aquatic life.

Table 1 lists the priority pollutants that were found, the Alaska Water Quality Standard, the highest sample concentration of a pollutant found, and the number of samples that were above the Alaska Water Quality Standards. Additionally, the table lists the drinking water standard maximum contaminant level (MCL) and the number of samples above the drinking water standard.

Table 1: Highest Concentration of Priority Pollutants Found During Cruise Ship Wastewater Testing, Summer 2000

| Metals | WQS | Highest Sample | Number Above | DW MCL's | Number above DW |
|----------------------|------|----------------|--------------|--|-----------------|
| | ug/L | ug/L | WQS | ug/L | MCL's |
| Chromium | 50 | 430 | 2 | 100 | 1 |
| Copper | 2.9 | 7100 | 46 | 1000 | 6 |
| Lead | 5.6 | 62 | 12 | 15 | 10 |
| Mercury | 0.25 | 0.33 | 1 | 2 | 0 |
| Nickel | 8.3 | 630 | 11 | 100 | 3 |
| Silver | 2.3 | 610 | 7 | Na | Na |
| Zinc | 86 | 1800 | 39 | 5000 | 0 |
| Organics | | | | | |
| Diethyl phthalate | 3.4 | 15 | 14 | No Drinking Water Criteria for these organic compounds | |
| Di-n-butyl phthalate | 3.4 | 98 | 5 | | |
| Ethylbenzene | 430 | 2600 | 1 | | |

Assessment of Wastewater Treatment

In the summer of 2000 only blackwater (waste from toilets) was regulated. Regulations required blackwater to be treated in a Marine Sanitation Device (MSD) certified by the Coast Guard. MSDs constructed after 1980 have to meet effluent limits of 150 mg/l of total suspended solids (TSS) and 200 fecal coliform per 100 milliliters. Until the passage of the Murkowski amendments, graywater, consisting of drainage from dishwashers, showers, laundry, washbasins and galleys, was discharged legally, without any treatment, into waters anywhere in Alaska.

Results of Black and Graywater Discharges for Fecal Coliform, TSS, BOD, and COD

- 21 cruise ships tested black and graywater effluent samples for fecal coliform, TSS, biological oxygen demand (BOD) and chemical oxygen demand (COD).
- Only one blackwater sample out of 70 samples met both the TSS and fecal coliform standards.
- 78% of the samples exceeded the effluent limit of 200 fc/100 ml for discharges from marine sanitation devices.
- 40% of the graywater samples for TSS exceeded the MSD effluent limit of 150mg/l. These results indicate that graywater is similar to blackwater in number of fecal coliform bacteria and total suspended solids, and that graywater should be treated prior to discharge.

Table 2 displays the number of samples that had fecal coliforms in the 0 to 200, 200 to 1000, 1000 to 1 million, 1 million to 10 million and greater than 10 million ranges. Similar ranges are shown for total suspended solids, BOD and COD.

| Table 2: Sample Ranges for Fecal Coliform, TSS, BOD and COD | | | | | |
|--|---------------|------------------|----------------------|-------------------------|----------------------|
| Fecal Coliform per 100 mL | 0 to 200 | 200 to 1000 | 1000 to 1,000,000 | 1,000,000 to 10,000,000 | more than 10,000,000 |
| Gray Water | 14 | 2 | 27 | 12 | 9 |
| Black Water* | 27 | 6 | 16 | 15 | 4 |
| Gray & Black Water Combined | 1 | 1 | 5 | 2 | 1 |
| Rev. Osmosis Treated B&G Water | 5 | | | | |
| *FC results greater than 200 per 100 ml exceed the federal standard for MSD. | | | | | |
| TSS | 0 to 150 mg/L | 150 - 1000 mg/L | More than 1,000 mg/l | | |
| Gray Water | 39 | 23 | 3 | | |
| Black Water* | 8 | 22 | 6 | | |
| Gray & Black Water Combined | 8 | 3 | | | |
| Rev. Osmosis Treated B&G Water** | 5 | | | | |
| *Samples >150 mg/l exceed the federal standard for MSDs | | | | | |
| BOD | 0 to 100 mg/L | 100 to 1000 mg/L | More than 1,000 mg/l | | |
| Gray Water | 16 | 36 | 13 | | |
| Black Water | 18 | 16 | 1 | | |
| Gray & Black Water Combined | 1 | 10 | | | |
| Rev. Osmosis Treated B&G Water | 3 | 2 | | | |
| COD | 0 to 100 mg/L | 100 to 1000 mg/L | 1000 to 10,000 mg/L | more than 10,000 mg/l | |
| Gray Water | 1 | 39 | 15 | 2 | |
| Black Water | | 2 | 5 | 1 | |
| Gray & Black Water Combined | | 10 | 1 | | |
| Rev. Osmosis Treated B&G Water | | 5 | | | |

Cruise Ship Legislation

Visible Cruise Ship Emissions

Alaska Department of Environmental Conservation
Division of Statewide Public Service



History of Emissions Testing

From 1990 through June 1996, DEC staff routinely monitored cruise ship smoke emissions in Juneau and Ketchikan. On occasion, DEC also monitored cruise ship opacity in Valdez, Haines, and Glacier Bay. The National Park Service has done monitoring in Glacier Bay for several years. Reductions in general funds reduced the program to monitoring on a complaint basis. From 1997 to 1999, DEC did few or no observations of cruise ship emissions.

In 2000, DEC has contracted for smoke readers in Juneau, Ketchikan, Haines, and Skagway, using money from the Royal Caribbean Cruise Line settlement.

Compliance Summary

| Year | DEC Inspections | Out of Compliance | DEC Notices of Violation | Complaints Received by DEC |
|------|-----------------|-------------------|--------------------------|----------------------------|
| 1992 | 152 | 56 | 20 | 252 |
| 1993 | 127 | 25 | 11 | 97 |
| 1994 | 109 | 27 | 15 | 45 |
| 1995 | 195 | 26 | 20 | 32 |
| 1996 | 78 | - | - | 65 |
| 1999 | - | 17* | 0 | - |
| 2000 | 240 | 34 | 16 | -86 |

- Readings by EPA
-

Penalties

Until funding was cut in 1996, DEC used schedules of fines agreed to by the cruise lines, instead of referring violations to the Attorney General. The amount of the fine depended on the number of violations the ship had during the summer, and whether the cruise line turned in a corrective action report. This agreement has not been in place since 1996.

The fee schedule used in 1995 was:

| Number of NOVs | Penalty |
|--|----------|
| 1 st | \$0 |
| 2 nd | \$5,000 |
| 3 rd | \$10,000 |
| 4 th and subsequent | \$20,000 |
| Additional Penalty if corrective action report | \$5,000 |

not turned in after any NOV

The following schedule was planned to start on July 15, 1996, but was never implemented:

| Number of NOVs | Penalty |
|--------------------------------|-----------|
| 1 st | \$10,000 |
| 2 nd | \$20,000 |
| 3 rd | \$40,000 |
| 4 th and subsequent | \$100,000 |

Changes to Opacity Limits

From 1980 to 1991:

The Opacity limit was less than or equal to 40%. Ships could exceed this 40% requirement for:

- three minutes in any hour;
- six minutes in any hour during diesel startup.

From 1991 to 1995:

- The opacity standard was lowered to 20%.
- To allow safe operation, an exemption was added for 12 minutes in any hour during berthing, anchoring, getting underway, and maneuvering in port.

From 1995 – present:

The exemption during berthing, anchoring, getting underway and maneuvering in port was changed to 40% for one hour, or 20% except for 9 minutes in that hour.

Watching their waste

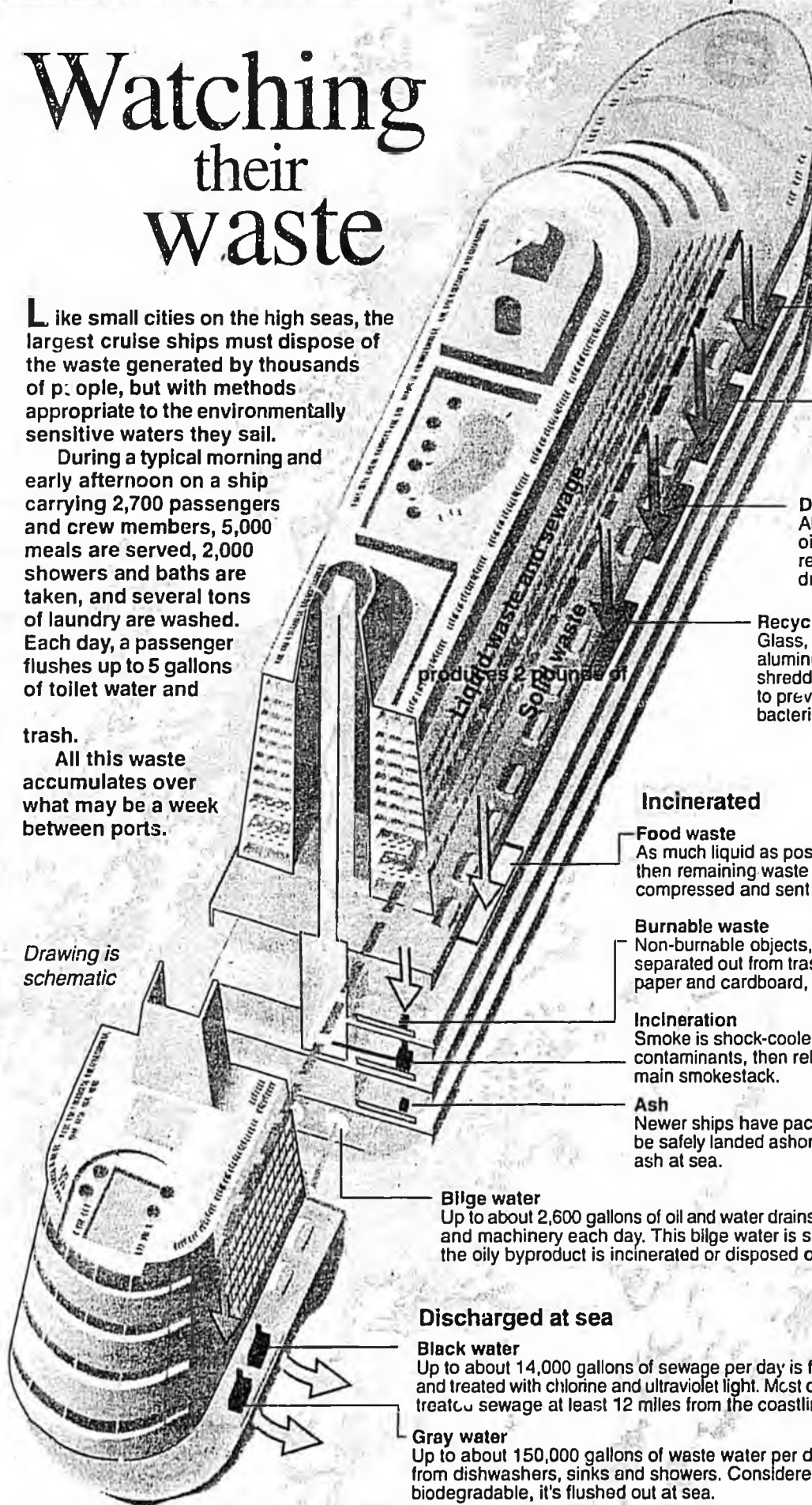
Like small cities on the high seas, the largest cruise ships must dispose of the waste generated by thousands of people, but with methods appropriate to the environmentally sensitive waters they sail.

During a typical morning and early afternoon on a ship carrying 2,700 passengers and crew members, 5,000 meals are served, 2,000 showers and baths are taken, and several tons of laundry are washed. Each day, a passenger flushes up to 5 gallons of toilet water and

trash.

All this waste accumulates over what may be a week between ports.

Drawing is schematic



Taken ashore

Photoprocessing
Extraction units separate toxic silver from developing fluids for disposal or recycling on shore.

Pharmaceuticals
Unused drugs are flushed, returned to manufacturers or treated as hazardous waste.

Dry-cleaning
About two pounds of dirt, oil and solvent is recovered weekly from dry cleaning equipment.

Recyclables
Glass, plastic, tin and aluminum are crushed or shredded, then refrigerated to prevent the spread of bacteria.

Incinerated

Food waste
As much liquid as possible is removed, then remaining waste is pulped, compressed and sent to the incinerator.

Burnable waste
Non-burnable objects, such as batteries, are separated out from trash. Burnable waste, including paper and cardboard, is shredded for incineration.

Incineration
Smoke is shock-cooled to eliminate some contaminants, then released through the ship's main smokestack.

Ash
Newer ships have packaging systems so ash may be safely landed ashore. Older ships still discharge ash at sea.

Bilge water

Up to about 2,600 gallons of oil and water drains from engines and machinery each day. This bilge water is separated and the oily byproduct is incinerated or disposed of on shore.

Discharged at sea

Black water

Up to about 14,000 gallons of sewage per day is flushed by vacuum toilets and treated with chlorine and ultraviolet light. Most cruise lines only discharge treated sewage at least 12 miles from the coastline.

Gray water

Up to about 150,000 gallons of waste water per day drains from dishwashers, sinks and showers. Considered biodegradable, it's flushed out at sea.

Comparison Between Recent Federal Law, SSHB 22/SB 18, and HB 183/SB 134 Regarding Cruise Ship Operations in Alaska

| Provision | Recent Federal Law (Murkowski) | SSHB 22 (Kerttula) / SB 18 (Halford) | HB 183 / SB 134 (Governor) |
|--|---|--|---|
| 1. Applicability | 1402. Cruise vessels w/ 500+ passengers; not U.S. or AK owned vessels. | SSHB 22: "large passenger vessels" w/ 500+ passengers; not U.S., AK or foreign govt operated. SB 18: large passenger vessels of 300+ gross registered tons; not US, AK, or foreign govt operated. | "Commercial passenger vessel" w/ overnight accommodations for 50+ passengers; includes state ferries, but not U.S. & foreign govt operated vessels. |
| 2. Vessel Registration | n/a | Vesel owner/operator registers with DEC annually within 72 hrs after port call; incl.agent for service of process authorized to do business in AK. | Info similar to HB22/SB18 required in notification prior to obtaining an annual permit to operate in Alaska. Vessel owner/operator notifies DEC. |
| 3. Fees, Program & Funds | n/a | n/a | Establishes sliding, per-vessel fee equal to approx. \$1 per-passenger. Establishes AK Commercial Vessel Coastal Protection Program & Fund to monitor discharges through a permit system. Standard permit by notification, established by negotiated rulemaking with conditions that may vary with vessel size or environmental risk of discharge. Special vessel-specific permit allowed in limited circumstances. |
| 4. Discharge of Untreated Sewage | 1403. Prohibited in waters of Alex. Archipelago or navigable waters of U.S. within AK. | n/a (state likely preempted from regulating sewage discharge.) | n/a (state likely preempted from regulating sewage discharge.) |
| 5. Limitations on Discharge of Treated Sewage or Graywater | 1404a. Generally, discharge allowed if vessel at 6 knots, at least 1 nmile from shore, & not in area where discharge is prohibited; & discharge meets existing effluent standards in any applicable law. | n/a (state likely preempted from regulating sewage discharge.) | By regulation, state may establish limitations that shall be consistent with federal law, unless state determines additional protection is needed. Limitations carried on standard & special permits. State likely preempted from regulating sewage discharge. |
| Exceptions | 1404c. Exception: discharge allowed w/in 1 nmile & under 6 knots until EPA issues new regulations if: - discharge meets higher standards in CWA (40 CFR 133.102 - for 2nd treatment of sewage); - discharge samples taken in 30-day period do not exceed more stringent standards for fecal coliform bacteria and residual chlorine; and - compliance demonstrated thru periodic sampling. | n/a | Exceptions may be adopted under negotiated rule-making. Special permit on case-be-case basis to provide equivalent environmental protection under alternative terms to meet specific vessel circumstances or experimental pollution control technology. |

| Provision | Federal Law (Murkowski) | SSHB 22 (Kerttula) / SB 18 (Halford) | HB 183 & SB 134 (Governor) |
|---|--|--|--|
| 6. Effluent Standards | 1407. EPA may issue new treated sewage & graywater standards; until then, treated sewage discharges shall not have a fecal coliform bacteria count greater than 200 colonies/100ml nor suspended solids greater than 150mg/l. No interim graywater standards for conventional pollutants (fecal, coliform, suspended solids, chlorine, etc.). Graywater standards for priority pollutants under other applicable laws. State may adopt graywater requirements. | n/a (state likely preempted in regulating discharge of sewage) | By regulation, state may establish limitations that shall be consistent with federal law, unless state determines additional protection is needed. State likely preempted in regulating discharge of sewage. |
| 7. Vessel Inspection | 1406b. USCG shall inspect: - environmental compliance records & procedures; - functionality & proper operation of equipment installed to abate & control discharges. 1406c. USCG may conduct unannounced inspections of equipment, operations & discharges. Pending: regulations sometime this cruise season; self-executing sections (1403, 1404, 1407) now in effect; industry voluntary sampling until regulations. | n/a n/a | By regulation, state may establish standard permit terms & conditions to examine waste disposal practices, sampling, monitoring, & equipment. |
| 8. Records & Reporting | 1406c. USCG may require a logbook be maintained that details times, types, volumes or flow rates, & locations of any discharges of sewage or graywater. Pending: regulations sometime this cruise season; self-executing sections (1403, 1404, 1407) now in effect; industry voluntary sampling until regulations. | Requires record-keeping and monthly reporting of all wastes offloaded (in AK ports) or released into AK waters; requires location; date/time; volume, flow rate or weight; type; source; treatment (if any); circumstances of release; env. damage if identifiable; and remedial action to prevent accidental releases. | By regulation, state may establish standard permit terms & conditions for reporting disposal, discharge or release of pollutants; coordinate with reporting & verification requirements of USCG and EPA. |
| 9. Sampling | 1406. A plan for sampling and testing discharges required to verify sewage & graywater discharges comply with any applicable laws & regulations. May be required to do sampling & provide reports. Pending: regulations sometime this cruise season; self-executing sections (1403, 1404, 1407) now in effect; industry voluntary sampling until regulations. | SSHB 22 requires graywater sampling & testing for conventional pollutants (fecal coliform, ammonia, residual chlorine, pH, total suspended solids, & biochemical oxygen demand) at a frequency no less than that required for treated sewage under federal laws & regulations. Requires copies of any report to USCG or EPA be submitted to the state. | By regulation, state may establish standard permit terms & conditions for monitoring & sampling of any pollutant discharged, released or disposed of within the state. |
| 10. Air Emission Measurements & Reports | n/a | Requires measuring & reporting visible emissions from stack at least 1/month when vessel is at berth or anchored in AK port; requires monthly report of continuous emission recordings, if available. | By regulation, state may establish standard permit terms & conditions for sampling & reporting air emissions occurring within the state. |

| Provision | Federal Law (Title XIV) | HB 22 (Kerttula) / SB 18 (Halford) | HB 183 / SB 134 (Governor) |
|--|--|--|--|
| 11. Assessment of Pollutant Releases | n/a | In consultation with agencies, owner/operators, & other parties, DEC prepares an assessment based on data from 2000-2003 seasons; examine risks to human & marine environment posed by releases, evaluate technologies, & recommend actions; report due to Governor by January 15, 2004. | DEC may monitor & study the direct or indirect environmental impacts of the vessels & conduct research to reduce impacts. |
| 12. Exemptions | 1405. Safety and saving life at sea exemptions, provided reasonable precautions are taken to prevent or minimize discharges. | Exemption for vessels operating in AK waters solely in innocent passage. | Exemption for vessels operating in AK waters solely in innocent passage. |
| 13. Penalties | 1409. Administrative, civil, and criminal penalties up to \$25,000/day; a whistleblower may receive up to one-half of civil penalty. | \$50/ day for noncompliance with reporting requirement; owner/operator who fails to register loses ability to bring a claim in court for a cause of action that occurred when out of compliance; civil penalty of \$500-\$100,000 for initial violation of applicable standards and up to \$10,000/day thereafter. | Civil penalty of \$500-\$100,000 for initial violation of permit standards and up to \$10,000/day thereafter. Criminal penalty for false information or altering a monitoring device or method. Negotiated rule-making may include provision for permit revocation for non-compliance. |
| 14. No-Discharge Zones | 1410. State of Alaska may petition EPA to prohibit discharges in waters AK determines require greater environmental protection; EPA follows Clean Water Act (Sec.312f) procedures. | n/a | By regulation, state may establish limitations on locations & circumstances under which pollutants may be discharged, disposed of, or released in AK. |
| 15. Savings Clause | 1411. Does not preempt Alaska's authority to impose additional requirements or a fine/penalty. Does not alter existing preemption, if any. | n/a | n/a |
| 16. Superior Environmental Performance | n/a | n/a | DEC may encourage & recognize environmental performance beyond compliance with law. |
| 17. Definitions | | | |
| - discharge | 1414(3). Any release thru disposal, spilling, leaking, pumping, emitting or emptying. | see "release" | see "release" |

| Provision | Federal Law (Title XIV) | HB 22 (Kerttula) / SB 18 (Halford) | HB 183 / SB 134 (Governor) |
|----------------------|---|--|---|
| Definitions (cont'd) | | | |
| - release | see "discharge" | spilling, leaking, pumping, pouring, emitting, discharging, injecting, escaping, leaching, dumping, placing or disposing of pollutants into the environment. | same as SSHB 22/ SB 18 |
| - graywater | galley, dishwasher, bath & laundry waste water. | SSHB 22 - same as federal law SB 18 - galley, bath and shower water. | n/a |
| - sewage | human body wastes & wastes from toilets & receptacles intended to receive or retain body wastes. | SSHB 22 - same as federal law SB 18 - meaning given in 33 USC 1322 (sec. 312, Water Pollution Control Act) | n/a |
| - pollutant | n/a | a comprehensive term that includes all vessel waste streams except ballast water, consumer product in consumer use, or an offloaded product capable of being put to beneficial use. Includes air contaminants. | similar to SSHB 22, without exceptions defined |
| - treated sewage | sewage that meets Clean Water Act effluent limitation standards & processing requirements. | SSHB 22 - same as federal law SB 18 - n/a | n/a |
| - untreated sewage | sewage that is not treated sewage. | SSHB 22 - same as federal law SB 18 - n/a | n/a |
| 18. Effective Date | Unspecified. Self-executing sections (1403, 1404 a & c, and 1407) now in effect. Implementing regulations anticipated sometime during 2001 cruise season. | June 1, 2001. | Permit not required until January 1, 2002 or 3 days after regulations take effect; fee required as of July 1, 2001. |

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SSHB 22
() Publish Date: _____

Revision Date/Time (Note if correction): _____
Title: "An Act relating to certain passenger vessels
operating in marine waters of the state. . ."
Sponsor: Kertula
Requester: House Transportation

Dept. Affected: Environmental Conservation
BRU: Air and Water Quality
Component: Water Quality
Component Number: 2062

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2002 | FY 2003 | FY 2004 | FY 2005 | FY 2006 | FY 2007 |
|------------------------|--------------|--------------|--------------|-------------|-------------|-------------|
| Personal Services | 105.3 | 105.3 | 88.0 | 70.8 | 70.8 | 70.8 |
| Travel | 7.5 | 7.5 | 6.0 | 5.0 | 5.0 | 5.0 |
| Contractual | 26.6 | 46.6 | 22.6 | 7.6 | 7.6 | 7.6 |
| Supplies | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 |
| Equipment | 13.8 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 155.7 | 163.4 | 120.6 | 87.4 | 87.4 | 87.4 |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|--------------|--------------|--------------|-------------|-------------|-------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 155.7 | 163.4 | 120.6 | 87.4 | 87.4 | 87.4 |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type) | | | | | | |
| TOTAL | 155.7 | 163.4 | 120.6 | 87.4 | 87.4 | 87.4 |

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| Full-time | 1 | 1 | 1 | 1 | 1 | 1 |
| Part-time | 1 | 1 | 1 | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

See attached

Prepared by: Lynn J. Tomich Kent
Division: Air and Water Quality
Approved by: Kurt Fredriksson
Agency: Department of Environmental Conservation

Phone 465-5312
Date/Time April 12, 2001 3:00pm
Date 4/12/01 4:15pm

For distribution information, call the Governor's Legislative Office

Personal Services (1.5 positions)

The Department may receive as many as 125 monthly reports each year covering visible emissions data, off loading or release of pollutants including hazardous waste, and up to 50 gray-water analytical reports.

One full time Environmental Specialist IV in Juneau will be required to draft and administer regulations for the management of pollutant discharges and emissions into the Alaskan environment; register approximately twenty-five large passenger vessels annually; and in consultation with other agencies, the cruise industry and interested persons, complete an assessment report by January, 2004. The position will assist with review of monthly emissions and waste reports and fully take over this function beginning in the spring of 2004 (upon completion of the assessment report), and provide ongoing technical assistance to the attorney general's office on any necessary enforcement actions. One full time seasonal (6 months) Environmental Engineer Associate I in Juneau during the first two years and for 3 months at the beginning of FY 04 will approve air emissions and wastewater sampling techniques and analytical methods; review monitoring data; conduct quality assurance reviews, and data analysis; assist with development of regulations; provide technical assistance to the cruise ship industry and the public; and establish an information management system.

Travel

Travel funds are for providing technical assistance to the cruise ship industry, public meetings/hearings associated with draft regulations, working with interested parties on the assessment report, and technical/professional training for staff.

Contractual

Contractual funds in FY 02 will be used to develop a database to manage and store emissions/effluent data received from the cruise ship industry; to cover advertising, printing, meeting, and mailing costs for public notice of the regulations; and to cover standard position support costs.

Contractual funds in FY 03 and FY 04 will be used for technical assistance developing the assessment report and to cover standard position support costs.

Supplies and Equipment

Supply and equipment funds during FY 02 cover standard office supplies, furnishings and computers for the positions and are reduced in subsequent years.

Personal Services New Position Detail

DRAFT

Department of Environmental Conservation

Scenario: 02 DEC Fiscal Note Backup (1822)
 Component: Water Quality (2062)
 BRU Name: Air and Water Quality (206)

| PCN | Job Class Title | Time Status | Retire Code | Barg Unit | Location | Salary Sched | Range & Steps | Budgeted Months | Split / Annual Count | Annual Salary | COLA | Premium Pay | Annual Benefits | Total Costs |
|-----------------------|-----------------------|-------------|-------------|-----------|----------|--------------|------------------------|-----------------------|----------------------|---------------|-------|-----------------------|-----------------|-------------|
| 18-#001 | Env Eng Associate | FT | A | GG | Juneau | 1A | 20B | 6.0 | | 26,058 | 0 | 0 | 8,458 | 34,516 |
| Justification: | | | | | | | Funding Detail: | | | | | | | |
| To implement SSHB 22. | | | | | | | 1004 | General Fund Receipts | | | | | 100.00% | 34,516 |
| | | | | | | | | | | | | Total Funding: | 100.00% | 34,516 |
| 18-#002 | Environmental Spec IV | FT | A | SS | Juneau | 1A | 20B | 12.0 | | 52,500 | 1,250 | 0 | 17,013 | 70,763 |
| Justification: | | | | | | | Funding Detail: | | | | | | | |
| To implement SSHB 22. | | | | | | | 1004 | General Fund Receipts | | | | | 100.00% | 70,763 |
| | | | | | | | | | | | | Total Funding: | 100.00% | 70,763 |

Component Summary:

Total New Positions: 2

| Fund Description | Fund Percent | Fund Amount |
|----------------------------|--------------|-------------|
| 1004 General Fund Receipts | 100.00% | 105,279 |
| Total Funding: | 100.00% | 105,279 |

Note: If a position is split, an asterisk (*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (**) will appear in this column.



Representative Beth Kerttula

Sponsor Statement

Sponsor Substitute House Bill 22

Large Passenger Vessels that Operate in the Marine Waters of Alaska

Sponsor Substitute for House Bill 22 will give Alaskans information about the wastes generated and released by large passenger vessels operating in Alaska. HB 22 builds on Senator Murkowski's federal legislation directed at Alaska cruise ship operations at a time when the cruise ship sector of Alaska's tourism industry continues to grow substantially.

Alaskans have become alarmed by the wastewater pollution violations that led to state and federal fines imposed on cruise ships in the 1990s and by air emission violations in 1999 and 2000. Since late 1999, state and federal agencies, cruise ship companies, and other interested parties have collaborated on the Alaska Cruise Ship Initiative to describe waste handling practices, examine technology, and conduct preliminary sampling of ship discharges and emissions. Inspections and sampling in 2000 identified a number of failing marine sanitation devices and numerous graywater and treated sewage samples with high levels of fecal coliform bacteria.

Federal legislation in late 2000, authored by Senator Murkowski, takes further important steps to limit and clean up waterborne discharges -- particularly sewage -- from cruise ships. However, the federal legislation does not establish standards for graywater discharges nor does it address cruise ship air emissions.

House Bill 22 builds on the above-mentioned measures. The bill does not require duplication of efforts by the cruise ship industry. HB 22 calls for:

- annual registration with the state -- so we know how to contact responsible officials of the foreign flag vessels;
- monthly reports of *all* ship waterborne discharges -- a requirement that can be readily satisfied because the U.S. Coast Guard will have cruise ships keep these records beginning in the 2001 cruise season;

- sampling of graywater discharges for certain pollutants not currently required under federal law or regulations;
- monthly sampling and reporting of air emissions; and
- an assessment of the data collected after three years to examine what we know about cruise ship waste releases and the risks to our human and marine environments.

HB 22 provides a mechanism so the State of Alaska can begin to understand the composition and disposal of the substantial volumes of wastes generated onboard cruise ships in our state waters. Notwithstanding the cruise line industry assurances of careful shipboard practices and industry cooperation with regulatory agencies, it is imperative that Alaska obtain basic information and examine the waste volumes, composition, and discharge location in order to manage our most valuable tourist asset – our exceptional natural environment.

Thank you for your consideration of House Bill 22.

**Organized Village of Kake**

P.O. Box 316

Kake, Alaska 99830-0316

Telephone 907-785-6471

Fax 907-785-4902 / Email ovkgovt@seaknet.alaska.edu

(Federally Recognized Tribal Government serving the Kake, Alaska area)

March 30, 2001

Rep. Vic Kohring, Chairman
House Transportation Committee
State Capitol, Room 24
Juneau, AK. 99801-1182

Sent via fax to 907/465-3818

Dear Representative Kohring:

This letter is in full support of Representative Kertulla's Sponsor Substitute for HB 22, "An Act relating to certain passenger vessels operating in the marine waters of the state; and providing for an effective date." The bill complements Senator Murkowski's legislation that was recently passed plus addresses gray water discharges and air emissions that were not addressed in Senator Murkowski's bill.

Since the decline of the timber industry, Kake's economy is dependent on the local salmon hatchery and seafood processing/cold storage plant. The community is also focusing on attracting smaller tour ships to experience our rural lifestyle and Tlingit culture. All our local industries are dependent having a clean environment and this Right to Know bill will provide access to information about the wastes generated and released by the cruise ships. It provides for an annual registration with the state, so we know who the responsible parties are and how to contact them, monthly reports of all waterborne discharges, sampling of gray water discharge for certain pollutants, monthly sampling and reporting of air emissions and an assessment of all data after 3 years to examine what we have learned about emissions and what it means to our human and marine environments. We support all these proposed activities and in order to make it accessible to rural Alaskan communities, we would like to see such information posted on the internet. Alaskan citizens have the right to know what is being dumped in our waters and released into our air. By enabling Alaskans to have a better knowledge of the impacts of cruise ships on our environment, we will be armed with the information necessary to insure the impacts are not likely to jeopardize the economic benefits of our fishing & recreation industries.

Sincerely,

Casimero A. Aceveda Jr.
President

cc: Representative Beth Kerttula



Representative Beth Kerttula

Alaska State Legislature, District 3
State Capitol • Juneau, Alaska 99801-1182 • (907) 465-4766 • Fax (907) 465-4748
E-mail: Representative_Beth_Kerttula@legis.state.ak.us • <http://www.kerttula.net>

Memorandum

Date: February 27, 2001
To: Representative Vic Kohring, Chair
House Transportation Committee
From: Representative Beth Kerttula, District 3
Re: House Bill 22

*Vic, Thanks for your consideration -
Beth*

I respectfully request that you schedule a hearing in the House Transportation Committee for my Sponsor Substitute for House Bill 22, preferably Tuesday, March 13th or Thursday, March 15th. Attached you will find a copy of the bill and sponsor statement. My staff is preparing additional information that we will provide to your office for the bill packet.

Thank you.



Representative Beth Kerttula

Sponsor Statement

Sponsor Substitute House Bill 22

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HB 22 provides a mechanism so the State of Alaska can begin to understand the composition and disposal of the substantial volumes of wastes generated onboard cruise ships in our state waters. Notwithstanding the cruise line industry assurances of careful shipboard practices and industry cooperation with regulatory agencies, it is imperative that Alaska obtain basic information and examine the waste volumes, composition, and discharge location in order to manage our most valuable tourist asset – our exceptional natural environment.

Thank you for your consideration of House Bill 22.

Murkowski's Alaskan Cruise Ship Operations Legislation

Overview

- Creates limits and regulations on black and gray water discharges to ensure compliance with environmental laws.
- Regulates graywater discharge for first time.
- Brings ship discharges under provisions of Federal Water Pollution Control Act.
- Creates monitoring mechanics and penalties for compliance.
- Allows designation of no discharge zones.
- Applies to vessels authorized to carry 500 or more passengers during operations in Alaska's navigable waters.

Limits on black and graywater discharges

- No untreated blackwater can be discharged anywhere in Alexander Archipelago and other navigable waters.
- Vessels must be traveling at least 6 knots/hour.
- Vessels are at least one nautical mile of nearest shore except in designated areas.
- Discharge complies with all established standards.
- Ship is not in a "no discharge" zone.
- Limitations can be waived if ships install – and successfully test – new technology.

Inspection and sampling requirements

- Ships must develop a plan to sample and test discharges for compliance.
- U.S. Coast Guard will inspect ship records and procedures, and the functionality/proper operation of equipment.
- Coast Guard can make surprise inspections at any time.

Cruise ship effluent standards

- EPA can promulgate additional standards.
- Minimum standards for treated blackwater and graywater must meet Alaska water quality standards.
- All violations must be reported.

Penalties

- Establishes both civil and criminal penalties.



Environmental Standards of Care **For Cruise Ships Operating in Alaska**

- Annual Pre-arrival Sample Results:** Operators intending to discharge graywater and treated sewage in Alaska waters should sample and test those effluents 30 days prior to arrival and self-certify to the local Captain of the Port that the effluents meet the minimum standards of 200 fecal coliform and 150 total suspended solids.
- Managed and Serviced Sewage Treatment Plants:** Operators should ensure sewage treatment plants are properly maintained and serviced in accordance with operations manuals. In addition, operators should conduct periodic sampling and testing of treated sewage to monitor contents of discharged effluents and potential impacts to the marine environment. An effective sampling program includes regular testing for conventional pollutants as well as random testing for priority pollutants.
- Graywater Management Program:** Operators should conduct periodic sampling and testing of graywater to determine potential impacts to the marine environment. An effective sampling program includes regular testing for conventional pollutants as well as random testing for priority pollutants.
- Sewage and Graywater Discharge Record Book:** Operators should maintain a sewage and graywater discharge record book recording times, volumes, and vessel location where the waste is discharged for each graywater and treated sewage discharge port.
- Research Into New Treatment Technologies:** Operators should continue research into promising new technologies that improve treatment of wastes and share knowledge gained with other operators.
- Crew Environmental Awareness Training:** Operators should train all members of the crew on environmental compliance laws and practices and retrain as necessary to ensure proper management procedures are followed.
- Shared Commitment:** Operators should continue to partner with Federal, State and local stakeholders as well as concerned citizens and environmental groups with the goal of continuous improvement in the quality of waste discharges.

U.S. Department
of Transportation

United States
Coast Guard



Commanding Officer
United States Coast Guard
Marine Safety Office Juneau

2760 Sherwood Lane, Suite 2A
Juneau, AK 99801-8545
Phone: (907) 463-2450
Fax: (907) 463-2742

16700

To: Master, M/V _____

Subj: 2001 SOUTHEAST ALASKA CRUISE SHIP SEASON

I am very pleased to welcome you back to Southeast Alaska for another cruise ship season! As in previous years I am using this letter to provide a recap of last year's operational season including lessons learned, areas for improvement and to provide a projection of the concerns for the upcoming season. Last year I had the pleasure of making several ship-rides as well as making personal visits to many of the vessels arriving in Juneau. In all cases I was impressed with the professionalism and expertise of the masters and crews. These visits were an excellent opportunity for me to listen to your concerns, exchange information and gain valuable insight on areas where we can strengthen our working relationships. I am confident that by working together and following the principle of Shared Commitment, our joint efforts will ensure safe and environmentally sound operations in Alaskan waters.

Safety of life remains the number one priority for maritime operations in Alaskan waters. You carry the most precious of cargoes and I know that the safety of your passengers and crew is foremost among your operational considerations. Overall, the 2000 season gets high marks for safety. I appreciate your efforts last season in employing risk reduction measures during our periods of heavy weather. There were several instances where masters voluntarily altered routes, delayed transit times and used tug assistance as means to make the voyage safer. However, despite our best efforts, there were casualties last year. The most serious was a crewmember fatality from a watertight door accident and an extensive fire in a crew's quarters. A joint review of each circumstance resulted in immediate corrective action aboard the vessels that will help prevent reoccurrence of similar events. We must maintain our safety vigilance for the 2001 season.

One of the major focuses during the 2000 season was the impact of cruise ship wastewater discharges on Alaskan waters. Under the Alaska Cruise Ship Initiative (ACSI) several voluntary initiatives were implemented including, closure of the "donut holes" for discharge of untreated sewage and wastewater sampling. Test results indicated high levels of fecal coliform and suspended solids and as a result, operational guidelines were established for wastewater discharges. What has changed for this season is that new federal legislation entitled, Title XIV of Public Law 106-554, has been enacted that is applicable to cruise vessels operating in Alaskan waters. You shall observe Section 1403 of Title XIV and not discharge untreated sewage into Alaska waters. Additionally, you shall observe Section 1404 and only discharge treated sewage as permitted therein and only if it meets the standards set in Section 1407. Specifically, your vessel's treated effluent discharge shall not have a fecal coliform bacteria count of greater than 200 per 100 milliliters, nor suspended solids greater than 150 milligrams per liter. Further, you shall immediately self-report any discharge you may have in violation of Sections 1403 and 1404

as required by Section 1408, to the nearest U. S. Coast Guard Captain of the Port. Observance of these noted sections of Title XIV does not relieve you from observance of the statute as a whole. Failure to comply with these new statutory standards may result in civil and criminal penalties.

In addition to the federal legislation, the Coast Guard has developed "Environmental Standards of Care." I encourage each of you to review the standards listed in Enclosure (1) and highly recommend you incorporate those items into your wastewater management procedures. These standards supplement the federal legislation aimed at minimizing the harmful effects on Alaskan waters. Details of the legislation and proposed implementing regulations can be viewed electronically at Marine Safety Office Juneau's website. This link is found at www.uscg.mil/d17/msojuneau. Once at the site, click on the **Cruise Ship Information and Links**.

Finally, I encourage you to review several important findings my inspection staff noted during last season; Enclosure (2) provides information from the over 30 examinations conducted. Although the list is not all-inclusive, it captures relevant information for noteworthy areas. I also encourage you to review the Marine Safety Office Juneau Cruise Ship website, which contains several documents and reference material that will enhance safe operations and provide a better understanding to the Control Verification Examination process.

Again, I appreciate your professionalism and commitment to work together to do the right things to improve safety and better protect the pristine waters of Alaska. My staff and I welcome your feedback on these important issues. I look forward to meeting you during the 2001 season.

Sincerely,

R. C. LORIGAN
Captain, U. S. Coast Guard
Officer in Charge, Marine Inspection
Southeast Alaska

Encl: (1) Environmental Standards of Care for Cruise Ships operating in Alaska
(2) 2000 Southeast Alaska Cruise Ship Findings



Environmental Standards of Care **For Cruise Ships Operating in Alaska**

- Annual Pre-arrival Sample Results:** Operators intending to discharge graywater and treated sewage in Alaska waters should sample and test those effluents 30 days prior to arrival and self-certify to the local Captain of the Port that the effluents meet the minimum standards of 200 fecal coliform and 150 total suspended solids.
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- Research Into New Treatment Technologies:** Operators should continue research into promising new technologies that improve treatment of wastes and share knowledge gained with other operators.
- Crew Environmental Awareness Training:** Operators should train all members of the crew on environmental compliance laws and practices and retrain as necessary to ensure proper management procedures are followed.
- Shared Commitment:** Operators should continue to partner with Federal, State and local stakeholders as well as concerned citizens and environmental groups with the goal of continuous improvement in the quality of waste discharges.

2000 SEASON FINDINGS

OUTSTANDING:

DRILLS

- Vessels well prepared for both Fire and Abandon Ship drills. Crews trained and aggressive in response actions.
- Collectively, cruise ships continued to demonstrate the best overall drills when compared to other commercial vessels that were examined.
- During this season, CG Inspectors did not inject items during fire drill, unless a safety or major procedural issue surfaced. By allowing the ship to conduct it's own drill, we were able to see, specifically, how the ships train. Also, we requested the vessel staff provide bridge debrief of drill, as we determined this provided the best overall assessment of the SMS process at work.

DOCUMENT CHECK

- Ships completed either Self-Certifying Document form or CG-840 Certificate prior to arrival of CG Inspection team. Greatly reduced administrative check during examination.

IN-BRIEF CHECKLIST

- Use of In-Brief Checklist well received by industry. This checklist outlines expectations and areas to be examined.

MATERIEL CONDITION

- The relatively young age of the cruise ship fleet, coupled with extensive use of modern technology, is reflected in the high state of material readiness and safety systems that far exceed minimum requirements.

PROACTIVE CASUALTY REPORTING

- On several occasions, vessels quickly reported problems, or potential problems, to the local Marine Safety Office. This proactive approach was appreciated by the COTP, as it allows our office time to manage the situation.

PROACTIVE WEATHER DELAYS

- Ships delayed sailing, or required tug assist, when severe wind or weather forecasted. Through such proactive measures, the COTP SEAK did not once impede our Heavy Weather Plan and associated requirements.

INCONSISTENCIES:

SECURITY

- During several examinations, CG Inspection team was not asked for ID verification.

IN-SERVICE RAFT INFLATION

- During Annual CVE's, it has been agreed that an in-service raft (due for servicing) would be maintained o/b for use during exam. This is a great way to (1) spot check a raft that has been packed by an approved facility and (2) allow raft crew to inflate and observe actual 25 person raft (vice 12 person training raft). During this season, only a

couple ships were prepared (i.e. had available) to inflate an in-service raft during the annual examination.

SAFETY HELMETS (HARD HATS)

- Several vessels conducted lifeboat lowering/launching without all crewmembers assigned to boats wearing safety helmets. On two occasions, the coxswain was nearly hit with the releasing block, which reinforces the need to wear safety equipment.

SCHEDULING ERRORS

- Although 90% of all scheduled inspection activities went without an issue, on a few occasions vessels were either not expecting the exam or were not prepared. Some companies schedule inspections via the corporate office, while others schedule via vessel.

LANGUAGE BARRIERS

- Inspectors noted, during a few exams, that the designated working language of the vessel (English) was not spoken well by crewmembers in critical safety positions. Specifically, some passenger traffic directors and lifeboat commanders did not speak/understand the English language at a level required to hold such a position.

AREAS FOR IMPROVEMENT:

FIRE HAZARDS

- After the Fire on board the Nieuw Amsterdam, CG began randomly checking crew cabins for potential fire hazards (cooking appliances, clothes irons, electrical connections, etc.). Even after aggressive measures were taken by the Cruise Industry, we still found several cabins with potential fire hazards.

WATERTIGHT DOOR

- During the 2000 season a crewmember was killed when caught in a watertight door. CG inspection teams took a more aggressive look at door closure rates (SOLAS requires 20-40 seconds) and found several ships with doors that closed too quickly. In some cases, doors were closing in less than 10 seconds, clearly posing a human safety risk.

SEWAGE TREATMENT PLANTS

- Within the past year there has been an increased emphasis, both at the State and Federal level, on the cruise ship industry's impacts to the Alaskan environment. This focus will continue throughout the 2001 season as part of the Coast Guard's Control Verification Examination (CVE) program, coupled with newly enacted federal legislation. The Coast Guard remains the primary federal agency responsible for examining cruise vessels for compliance with international and U. S. regulations pertaining to the proper administration of waste streams. While the primary goal of these CVE examinations remains safety of life, you can expect additional efforts made by my inspectors in reviewing waste stream management procedures and evaluating the operational condition of pollution prevention equipment. This could entail shiprides to monitor the proper operation of the equipment and verification

through random sampling of greywater and blackwater. It is imperative that we work together to do the right things to protect the pristine Alaskan environment.

ADDITIONAL INFORMATION:

AWAY TEAM FOR SIGNIFICANT CASUALTIES – In Southeast Alaska, we have established a special interagency major marine incident response team. This “Away Team” is designed to assess the incident on-scene and assist the vessel Master in coordinating landside response organizations. Led by a qualified member from my office, this team will consist of, depending on the nature of the casualty, state and local government experts in marine firefighting, law enforcement, emergency medical services, and pollution abatement. The membership of this team will be limited to a maximum size of 5. The Away Team will be a vital link between the vessel and local response agencies.

SOUTHEAST ALASKA VOLUNTARY WATERWAYS GUIDE – The Southeast Alaska Voluntary Waterways Guide, developed by the Marine Safety Task Force, is available at our unit website referenced in the cover letter.

TONGASS NARROWS VOLUNTARY WATERWAY GUIDE – Much like the Southeast Alaska Voluntary Waterway Guide, this version has been tailored to address specific risks associated with the heavily congested Tongass Narrows. A copy of this guide is available at our unit website, under the MSD Ketchikan link.

IMPORTANT CONTACT INFORMATION – The following information is provided to assist if you should need to contact our office. Please note that we have representatives available in Juneau, Ketchikan and Sitka. These offices are open Monday through Friday (0730 – 1600):

Marine Safety Office Juneau
2760 Sherwood Lane, Suite 2A
Juneau, AK 99801

(907) 463-2450 Phone
(907) 463-2472 Fax

Marine Safety Detachment Ketchikan
2030 Sealevel Drive #203
Ketchikan, AK 99901

(907) 225-4469 Phone
(907) 225-4499 Fax

Marine Safety Detachment Sitka
329 Harbor Drive
Sitka, AK 99835

(907) 966-5454 Phone
(907) 966-5457 Fax

After normal office hours, and for ALL Emergencies, contact U.S. Coast Guard Juneau Command Center at (907) 463-2000 or via Channel 16 VHF-FM.

Personal Services New Position Detail

DRAFT

Department of Environmental Conservation

Scenario: 02 DEC Fiscal Note Backup (1822)
 Component: Water Quality (2062)
 BRU Name: Air and Water Quality (206)

| PCN | Job Class Title | Time Status | Retire Code | Barg Unit | Location | Salary Sched | Range & Steps | Budgeted Months | Split / Annual Count | Annual Salary | COLA | Premium Pay | Annual Benefits | Total Costs |
|-----------------------|-----------------------|-------------|-------------|-----------|----------|--------------|------------------------|-----------------------|----------------------|---------------|-------|-----------------------|-----------------|-------------|
| 18-#001 | Env Eng Associate | FT | A | GG | Juneau | 1A | 20B | 6.0 | | 26,058 | 0 | 0 | 8,458 | 34,516 |
| Justification: | | | | | | | Funding Detail: | | | | | | | |
| To implement SSHB 22. | | | | | | | 1004 | General Fund Receipts | | | | | 100.00% | 34,516 |
| | | | | | | | | | | | | Total Funding: | 100.00% | 34,516 |
| 18-#002 | Environmental Spec IV | FT | A | SS | Juneau | 1A | 20B | 12.0 | | 52,500 | 1,250 | 0 | 17,013 | 70,763 |
| Justification: | | | | | | | Funding Detail: | | | | | | | |
| To implement SSHB 22. | | | | | | | 1004 | General Fund Receipts | | | | | 100.00% | 70,763 |
| | | | | | | | | | | | | Total Funding: | 100.00% | 70,763 |

Component Summary:

Total New Positions: 2

| Fund Description | Fund Percent | Fund Amount |
|----------------------------|--------------|-------------|
| 1004 General Fund Receipts | 100.00% | 105,279 |
| Total Funding: | 100.00% | 105,279 |

Note: If a position is split, an asterisk (*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (**) will appear in this column.

Personal Services (1.5 positions)

The Department may receive as many as 125 monthly reports each year covering visible emissions data, off loading or release of pollutants including hazardous waste, and up to 50 gray-water analytical reports.

One full time Environmental Specialist IV in Juneau will be required to draft and administer regulations for the management of pollutant discharges and emissions into the Alaskan environment; register approximately twenty-five large passenger vessels annually; and in consultation with other agencies, the cruise industry and interested persons, complete an assessment report by January, 2004. The position will assist with review of monthly emissions and waste reports and fully take over this function beginning in the spring of 2004 (upon completion of the assessment report), and provide ongoing technical assistance to the attorney general's office on any necessary enforcement actions. One full time seasonal (6 months) Environmental Engineer Associate I in Juneau during the first two years and for 3 months at the beginning of FY 04 will approve air emissions and wastewater sampling techniques and analytical methods; review monitoring data; conduct quality assurance reviews, and data analysis; assist with development of regulations; provide technical assistance to the cruise ship industry and the public; and establish an information management system.

Travel

Travel funds are for providing technical assistance to the cruise ship industry, public meetings/hearings associated with draft regulations, working with interested parties on the assessment report, and technical/professional training for staff.

Contractual

Contractual funds in FY 02 will be used to develop a database to manage and store emissions/effluent data received from the cruise ship industry; to cover advertising, printing, meeting, and mailing costs for public notice of the regulations; and to cover standard position support costs.

Contractual funds in FY 03 and FY 04 will be used for technical assistance developing the assessment report and to cover standard position support costs.

Supplies and Equipment

Supply and equipment funds during FY 02 cover standard office supplies, furnishings and computers for the positions and are reduced in subsequent years.

Summary of State of Alaska Cruise Ship Legislation Comparison of State and Federal Legislation

The Governor of Alaska's proposed legislation, Senate Bill 134, creates a program that would allow the Alaska Department of Environmental Conservation (ADEC) to regulate every waste stream generated by a cruise ship. The intent of this "omnibus bill" is not to duplicate federal requirements and oversight, but to go beyond them.

Unlike the federal legislation, SB-134 includes few specifics (fees and initial reporting requirements being the exception). Under SB-134, specific requirements and provisions for monitoring are developed through negotiated regulations. [Section 46.50.030 of SB-134 addresses the types of regulations that shall be developed. Section 46.50.030 is paraphrased in Table II of this paper.] Given that every waste handling practice on board is subject to regulation, senior cruise line executives will need to invest a significant amount of time to the regulatory development process. Workload impact on senior executives is the hidden cost of this legislation.

According to the Assistant State Attorney General who helped write the legislation, the different types of regulations (air, wastewater, solid waste, beyond compliance, etc.) can take effect as developed or can be enacted as one package. In any event, if the legislation is passed in 2001, the oversight and monitoring regulations will not take effect until January 2002 or later. Collection of fees and vessel registration with the State would be the only requirements for the 2001 season.

Under State legislation, wastewater sampling and monitoring will likely mirror federal requirements. The additional financial burden for this activity will be minor. Federal legislation, however, does not address regulation of air emissions and solid waste. Depending on the outcome of the negotiated regulations, the financial burden for air and solid waste monitoring could be considerable.

The State legislation imposes a fee (approximately \$1 per passenger per voyage) to cover the cost of ADEC oversight. The federal law does not impose fees.

Table I highlights and compares the major components of the federal and state legislation. Table II summarizes the waste streams and handling/management practices subject to negotiated rule making.

Table I
Comparison of State and Federal Legislation

| | Federal Title XIV – <i>Certain Alaskan Cruise Ship Operations</i> (Title XIV) | Proposed State Legislation Senate Bill 134 (SB-134) |
|--|---|--|
| Applicability | Cruise ships authorized to carry 500 or more passengers for hire (Sec 1402) | Cruise ships with overnight accommodations for 50 or more passengers for hire (Sec 46.50.900) |
| Effective date | Immediately. Interim implementing rules will likely be in effect by the beginning of the 2001 cruise ship season. | The later of January 1, 2002 or 3 days after regulations for the standard permit are enacted. (See Table II scope of regulations). Vessel registration and fees will be required in 2001 if legislation passes. (Sec 6, last page of SB-134)) |
| Waste streams subject to regulation | Blackwater and graywater | Air emissions, wastewater, solid waste. Ballast water and bilge water by implication. (Sec 46.50.030) |
| Pollutants defined | Wastewater convention ¹ pollutants; priority pollutants listed by FWCPA (See proposed interim regs 33 CFR 159.317) | Air contaminants, biological materials, chemical wastes, graywater, hazardous substances, hazardous waste, industrial waste, incinerator residue, medical waste, munitions, oil, radioactive materials, sewage, sewage sludge, solid waste, toxic waste, and wrecked or discarded equipment. (Sec 46.50.900 (7)) |

| | Federal Title XIV | Senate Bill 134 (SB-134) |
|--|--|---|
| Waste stream sampling and monitoring required | Graywater, treated blackwater by vessel owner/operator (See proposed interim regs 33 CFR 159.317) | Air, wastewater and solid waste. Specifics developed by negotiated rulemaking. (Sec 46.50.030) |
| Limitations on discharge | Generally, wastewater may only be discharged at not less than 6 knots, greater than 1 mile from shore (Sec 1404). No discharge of untreated sewage in Alaska (Sec 1403). | Specifics developed by negotiated rulemaking. (Sec 46.50.030) |
| No discharge zones, limited discharge zones | None specified. State may petition EPA to designate some or all waters. (Sec 1410) | None specified. May be designated by negotiated rulemaking or petition to EPA. (Sec 46.50.030) |
| Additional research programs | EPA may develop new effluent standards for wastewater using best available scientific information (Sec 1407) | ADEC may conduct impact studies, presumably using fees collected. (Sec 46.50.050) |
| Fees to recover government oversight? | No | Yes. Approximately \$1 per passenger. (Sec 46.50.070) |
| Provisions to board/examine vessels | Yes, Coast Guard inspectors (Sec 1406) | Yes, ADEC employees (Sec 46.50.030) |
| Specific discharge records | Wastewater: date, location, volume, flow, type (Sec 1406 and 46 CFR 159.315 of implementing regs) | Likely to be federal requirements plus voyage, route, number of passengers/crew on board, qualifications of crew. (Sec 46.50.030) |
| Penalties for non-compliance | Class I & II civil penalties (\$10K-\$125K) (Sec 1409) | Not less than \$100K for initial violation plus \$10K for each day the violation continues plus damages. (Sec 4 of SB-134) |
| Recognition for beyond compliance | Not addressed | ADEC shall encourage and recognize superior performance (Sec 46.50.060) |
| Alaska Marine Highway System ferries covered? | Exempt (Sec 1414) | Yes |

Table II

| | Alaska Senate Bill 134 Introduced to the 22nd Legislature on March 9, 2001 |
|---|--|
| Summary of Waste Streams and Handling/Management Practices Subject to Negotiated Rule Making | <ul style="list-style-type: none">• Reporting of all discharges, releases, disposals• Reporting of all waste management practices• Monitoring and sampling of all pollutants released• Provisions for ADEC employees to board cruise ships• Operational reports (voyages, routes, persons on board)• No discharge or limited discharge zones• Limitations on wastewater and air emission constituent concentrations• Reporting qualifications of crew• Collection of fees• Revocation of permit to operate• Recognition for superior performance |



**NORTH WEST
CRUISESHIP
ASSOCIATION**

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Vancouver, BC V6E 2J3
Main 604-681-9515
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December 4, 2000

The Honorable Tony Knowles
Governor of Alaska
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Knowles:

On behalf of all the members of the North West CruiseShip Association I want to thank you for taking the initiative to convene the meeting with executives of the lines on November 13. We fully understand your concerns about maintaining clean environment in Alaska, and we recognize your leadership and that of the State of Alaska in the effort to preserve Alaska's pristine ocean waters and clean air, and to protect Alaskans who are dependent on that clean environment.

As a result of the meeting I am pleased to confirm the commitment of the nine member lines of NWCA as discussed during the meeting in Juneau on November 13.

1. We share your goal to protect and preserve Alaska's unique and spectacular marine environment. We accept our responsibilities and pledge to work in partnership with the State of Alaska and the U.S. Coast Guard towards achieving that goal.
2. We support legislation currently pending before the U.S. Congress, specifically, the October 30 draft Amendment to Title VII of H.R. 820. We will advocate passage of the legislation.
3. If this legislation should die in the current Congress, we will support the introduction of a similar bill in the new Congress.
4. In the meantime, until this legislation is achieved, the members of the NWCA have resolved by unanimous agreement of all the member lines to adopt and comply with the principles incorporated in the draft legislation.

NWCA Member Lines:

Carnival Cruise Lines • Celebrity Cruises • Crystal Cruises • Holland America Line-Westours • Norwegian Cruise Line
Princess Cruises • Radisson Seven Seas Cruises • Royal Caribbean International • World Explorer Cruises

The Honorable Tony Knowles
December 4, 2000
Page 2

5. We offer continued support for the Alaska Cruise Ship Initiative building on the achievements of this Initiative to date. We see this as an important mechanism for communication with the regulatory agencies and the public on best management practices and the application of new technology.

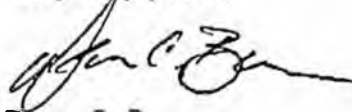
6. We agree to long-term monitoring of air and water quality in an efficient and responsible manner.

7. We accept responsibility for funding of well-founded and reasonable monitoring and verification of air and water quality.

As with any groundbreaking effort, reaching agreement on all the issues is difficult, but the effort is both important and necessary.

The meeting served as evidence of your firm resolve, and the cruise lines' commitment to ensure that Alaska remains a premier visitor destination and one of the most beautiful places in the world. We look forward to working together to protect human health and Alaska's pristine coastal environment.

Very truly yours,



Dean C. Brown
Chairman, North West CruiseShip Association

CRUISE SHIP REGULATION IN ALASKA

International cruise ships are subject to a strict regulatory framework. This begins with the International Maritime Organization (IMO), the United Nations' specialized agency responsible for improving maritime safety and preventing pollution from ships. The IMO adopts conventions and it is the responsibility of Governments to put these into effect and enforce them. These include:

1. The International Convention for the Safety of Life at Sea, 1974 (SOLAS)
2. The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78)
3. The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW)

In waters subject to the jurisdiction of the United States, the Coast Guard is responsible for enforcing IMO rules as well as U.S. federal laws and regulations. This includes the U.S. Clean Water Act and EPA Clean Air Act. The Coast Guard inspects every cruise ship quarterly to verify compliance with safety and environmental regulations.

The U.S. Public Health Service, USDA, the U.S. Customs Service and INS also inspect and enforce regulations. The National Park Service requires permits that regulate ship operations in Glacier Bay.

The State of Alaska requires that Alaska marine pilots be present on the bridge at all times while ships are in Alaska waters. Air emissions are subject to Alaska DEC and EPA regulation.

Cruise ships have aggressive environmental management programs which have been developed with the assistance of outside environmental and safety professionals. Underwriters and classification societies inspect and verify that systems and procedures are in place.

The average cruise ship is subject to over 60 inspections per year.

It is not accurate to claim that cruise ships are unregulated. Many layers of regulation has been developed by experts and implemented worldwide through these conventions, which are treaties in their own right. The Coast Guard is vigilant in enforcement and prosecutes offences.

Modern cruise ships have management systems in place for all waste streams. From solid waste to shower water, these systems ensure compliance with regulations and protection of the environment.

NWCA comments on Alaska House Bill 371

The member cruise lines of the North West CruiseShip Association are engaged in an environmental initiative under the leadership of Alaska Department of Environmental Conservation, and involving the Coast Guard and SE Alaska Communities. The purpose is to gain understanding of the waste management practices on board cruise ships visiting Alaska, to determine additional data requirements and address any environmental problem that are identified.

We support this process as a sound base for problem solving and policy-making founded on facts and analysis. We see the process as the correct means to address public questions and concerns about environmental stewardship by the cruise lines.

The process underway is designed to be cooperative between the industry and government agencies, with common objectives of continuing to implement technological and operational improvements to reduce environmental impact.

The cruise lines are committed to high quality environmental practices, with application of operating practices and technology to minimize the environmental impact of the ships and the visitors that we bring to Alaska. In most cases this means that current environmental management practices exceed the US regulatory requirements. The cruise lines, through the International Council of Cruise Lines (ICCL) have agreed to a set of environmental practices, which were published in December 1999. In addition the Lines have agreed to additional practices which are specific to operations while in Alaska waters.

The cruise lines understand the need to reassure the public that they are exercising responsible environmental management, that regulations already exist and that the enforcement agencies have the powers to ensure enforcement under present law.

Conclusions

The Bill is out of step with the process underway in that it does not pause to determine whether there are substantive problems, and what they are. It simply goes directly to regulations as the solution.

The Bill does not recognize the degree of regulation already in existence and the enforcement procedures in place.

Bill 371 with its emphasis on regulations, reporting and enforcement is inconsistent with the cooperative process underway, in seeking workable solutions.

The Bill, with its sole focus on cruise ships, misses the context of other -- and possibly far more serious -- sources of waste discharge in Alaska's Inside Passage.

Markowski's Bill

(d) **REPORTS.**--Not later than 1 year after the date on which the State or the Denali Commission receives a grant under subsection (c), and annually thereafter, the State or the Denali

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Commission, as the case may be, shall submit a report describing each project completed with grant funds and any projects planned for the following year, to--

- (1) the Administrator;
- (2) the Committee on Resources of the House of Representatives;
- (3) the Committee on Environment and Public Works of the Senate;
- (4) the Committee on Appropriations of the House of Representatives; and
- (5) the Committee on Appropriations of the Senate.

(e) **AUTHORIZATION OF APPROPRIATIONS.**--There are authorized to be appropriated to carry out this Act, to remain available until expended--

- (1) \$20,000,000 for year 2001; and
- (2) such sums as are necessary for each fiscal year thereafter.

TITLE XIII--NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

ADMINISTRATIVE PROVISION

SEC. 1301. Of the proceeds in any fiscal year from the sale of timber on Federal property at the John C. Stennis Space Center, or on additional real property within the restricted easement area adjacent to the Center, any funds that are in excess of the amount necessary for the expenses of commonly accepted forest management practices on such properties may be retained and used by the National Aeronautics and Space Administration for the acquisition from willing sellers of up to a total of 500 acres of real property to establish education and visitor programs and facilities that promote and preserve the regional and national history of the area, including the contributions of Stennis Space Center, and, as necessary, for wetlands mitigation.

TITLE XIV--CERTAIN ALASKAN CRUISE SHIP OPERATIONS

SECTION 1401. PURPOSE.

The purpose of this Title is to--

(a) Ensure that cruise vessels operating in the waters of the Alexander Archipelago and the navigable waters of the United States within the State of Alaska and within the Kachemak Bay National Estuarine Research Reserve comply with all applicable environmental laws, including, but not limited to, the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Act to Prevent Pollution from Ships, as amended (33 U.S.C. 1901 et seq.), and the protections contained within this Title.

(b) Ensure that cruise vessels do not discharge untreated sewage within the waters of the Alexander Archipelago, the navigable waters of the United States in the State of Alaska, or within the Kachemak Bay National Estuarine Research Reserve.

(c) Prevent the unregulated discharge of treated sewage and graywater while in ports in the State of Alaska or traveling near the shore in the Alexander Archipelago and the navigable waters of the United States in the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

(d) Ensure that discharges of sewage and graywater from cruise vessels operating in the Alexander Archipelago and the navigable waters of the United States in the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve can be monitored for compliance with the requirements contained in this Title.

SEC. 1402. APPLICABILITY.

(a) This Title applies to all cruise vessels authorized to carry 500 or more passengers for hire.

SEC 1403. PROHIBITION ON DISCHARGE OF UNTREATED SEWAGE.

No person shall discharge any untreated sewage from a cruise vessel into the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

SEC. 1404. LIMITATIONS ON DISCHARGE OF TREATED SEWAGE OR GRAYWATER.

(a) No person shall discharge any treated sewage or graywater from a cruise vessel into the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve unless--

(1) the cruise vessel is underway and proceeding at a speed of not less than six knots;

(2) the cruise vessel is not less than one nautical mile from the nearest shore, except in areas designated by the Secretary, in consultation with the State of Alaska;

(3) the discharge complies with all applicable cruise vessel effluent standards established pursuant to this Title and any other applicable law; and

(4) the cruise vessel is not in an area where the discharge of treated sewage or graywater is prohibited.

(b) The Administrator, in consultation with the Secretary, may promulgate regulations allowing the discharge of treated sewage or graywater, otherwise prohibited under paragraphs (a)(1) and (a)(2) of this section, where the discharge meets effluent standards determined by the Administrator as appropriate for discharges into the marine environment. In promulgating such regulations, the Administrator shall take into account the best available scientific information on the environmental effects of the regulated discharges. The effluent discharge standards promulgated under this section shall, at a minimum, be consistent with all relevant State of Alaska water quality standards in force at the time of the enactment of this Title.

(c) Until such time as the Administrator promulgates regulations under paragraph (b) of this section, treated sewage and graywater may be discharged from vessels subject to this Title in circumstances otherwise prohibited under paragraphs (a)(1) and (a)(2) of this section, provided that--

(1) the discharge satisfies the minimum level of effluent quality specified in 40 CFR 133.102, as in effect on the date of enactment of this Section;

(2) the geometric mean of the samples from the discharge during any 30-day period does not exceed 20 fecal coliform/100 ml and not more than 10 percent of the samples exceed 40 fecal coliform/100 ml;

(3) concentrations of total residual chlorine may not exceed 10.0 mg/l; and,

(4) prior to any such discharge occurring, the owner, operator or master, or other person in charge of a cruise vessel, can demonstrate test results from at least five samples taken from the vessel representative of the effluent to be discharged, on different days over a 30-day period, conducted in accordance with the guidelines promulgated by the Administrator in 40 CFR Part 136, which confirm that the water quality of the effluents proposed for discharge is in compliance with paragraphs (1), (2) and (3) of this subsection. To the extent not otherwise being done by the owner, operator, master or other person in charge of a cruise vessel pursuant to section 1406, the owner, operator, master or other person in charge of a cruise vessel shall demonstrate continued compliance through periodic sampling. Such sampling and test results shall be considered environmental compliance records that must be made available for inspection pursuant to section 1406(d) of this Title.

SEC. 1405. SAFETY EXCEPTION.

Sections 1403 and 1404 of this Title shall not apply to discharges made for the purpose of securing the safety of the cruise vessel or saving life at sea, provided that all reasonable precautions have been taken for the purpose of preventing or minimizing the discharge.

SEC. 1406. INSPECTION AND SAMPLING REGIME.

(a) The Secretary shall incorporate into the commercial vessel examination program an inspection regime sufficient to verify that cruise vessels visiting ports in the State of Alaska or operating in the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve are in full compliance with this Title, the Federal Water Pollution Control Act, as amended, and any regulations issued thereunder, other applicable Federal laws and regulations, and all applicable international treaty requirements.

(b) The inspection regime shall, at a minimum, include--

- (1) examination of environmental compliance records and procedures;
- (2) inspection of the functionality and proper operation of installed equipment for abatement and control of any discharge;

(c) The inspection regime may--

- (1) include unannounced inspections of any aspect of cruise vessel operations, equipment or discharges pertinent to the verification under subsection (a) of this section; and
- (2) require the owner, operator or master, or other person in charge of a cruise vessel subject to this Title to maintain and produce a logbook detailing the times, types, volumes or flow rates and locations of any discharges of sewage or graywater under this Title.

(d) The inspection regime shall incorporate a plan for sampling and testing cruise vessel discharges to ensure that any discharges of sewage or graywater are in compliance with this Title, the Federal Water Pollution Control Act, as amended, and any other applicable laws and regulations, and may require the owner, operator or master, or other person in charge of a cruise vessel subject to this Title to conduct such samples or tests, and to produce any records of such sampling or testing at the request of the Secretary or Administrator.

SEC. 1407. CRUISE VESSEL EFFLUENT STANDARDS.

Pursuant to this Title and the authority of the Federal Water Pollution Control Act, as amended, the Administrator may promulgate effluent standards for treated sewage and graywater from cruise vessels operating in the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve. Regulations implementing such standards shall take into account the best available scientific information on the environmental effects of the regulated discharges and the availability of new technologies for wastewater treatment. Until such time as the Administrator promulgates such effluent standards, treated sewage effluent discharges shall not have a fecal coliform bacterial count of greater than 200 per 100 milliliters nor suspended solids greater than 150 milligrams per liter.

SEC. 1408. REPORTS.

(a) Any owner, operator or master, or other person in charge of a cruise vessel who has knowledge of a discharge from the cruise vessel in violation of section 1403 or 1404 or pursuant to section 1405 of this Title, or any regulations promulgated thereunder, shall immediately report that discharge to the Secretary, who shall provide a copy to the Administrator upon request.

(b) The Secretary may prescribe the form of reports required under this section.

SEC. 1409. ENFORCEMENT.

(a) ADMINISTRATIVE PENALTIES.--

(1) VIOLATIONS.--Any person who violates section 1403, 1404, 1408, or 1413 of this Title, or any regulations promulgated pursuant to this Title may be assessed a class I or class II civil penalty by the Secretary or the Administrator.

(2) CLASSES OF PENALTIES.--

(A) CLASS I.--The amount of a class I civil penalty under this section may not exceed \$10,000 per violation, except that the maximum

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amount of any class I civil penalty under this section shall not exceed \$25,000. Before assessing a civil penalty under this clause, the Secretary or Administrator, as the case may be, shall give to the person to be assessed such penalty written notice of the Secretary's or Administrator's proposal to assess the penalty and the opportunity to request, within 30 days of the date the notice is received by such person, a hearing on the proposed penalty. Such hearing shall not be subject to section 554 or 556 of Title 5, but shall provide a reasonable opportunity to be heard and to present evidence

(B) CLASS II.--The amount of a class II civil penalty under this section may not exceed \$10,000 per day for each day during which the violation continues, except that the maximum amount of any class II civil penalty under this section shall not exceed \$125,000. Except as otherwise provided in this subsection, a class II civil penalty shall be assessed and collected in the same manner, and subject to the same provisions as in the case of civil penalties assessed and collected after notice and an opportunity for a hearing on the record in accordance with section 554 of Title 5, United States Code. The Secretary and Administrator may issue rules for discovery procedures for hearings under this paragraph.

(3) RIGHTS OF INTERESTED PERSONS.--

(A) PUBLIC NOTICE.--Before issuing an order assessing a class II civil penalty under this section, the Secretary or Administrator, as the case may be, shall provide public notice of and reasonable opportunity to comment on the proposed issuance of each order.

(B) PRESENTATION OF EVIDENCE.--Any person who comments on a proposed assessment of a class II civil penalty under this section shall be given notice of any hearing held under this paragraph and of the order assessing such penalty. In any hearing held under this paragraph, such person shall have a reasonable opportunity to be heard and present evidence.

(C) RIGHTS OF INTERESTED PERSONS TO A HEARING.--If no hearing is held under subsection (2) before issuance of an order assessing a class II civil penalty under this section, any person who commented on the proposed assessment may petition, within 30 days after the issuance of such order, the Administrator or Secretary, as the case may be, to set aside such order and to provide a hearing on the penalty. If the evidence presented by the petitioner in support of the petition is material and was not considered in the issuance of the order, the Administrator or Secretary shall immediately set aside such order and provide a hearing in accordance with subsection (2)(B). If the Administrator or Secretary denies a hearing under this clause, the Administrator or Secretary shall provide to the petitioner, and publish in the Federal Register, notice of and the reasons for such denial.

(4) FINALITY OF ORDER.--An order assessing a class II civil penalty under this paragraph shall become final 30 days after its issuance unless a petition for judicial review is filed under subparagraph (6) or a hearing is requested under subsection (3)(C). If such a hearing is denied, such order shall become final 30 days after such denial.

(5) EFFECT OF ACTION ON COMPLIANCE.--No action by the Administrator or Secretary under this paragraph shall affect any person's obligation to comply with any section of this Title.

(6) JUDICIAL REVIEW.--Any person against whom a civil penalty is assessed under this paragraph or who commented on the proposed assessment of such penalty in accordance with subsection (3) may obtain review of such assessment--

(A) in the case of assessment of a class I civil penalty, in the United States District Court or the District of Columbia or in the District of Alaska, or

(B) in the case of assessment of a class II civil penalty, in United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business, by filing a notice of appeal in such court within the 30-day period beginning on the date the civil penalty order is issued and by simultaneously sending a copy of such notice by certified mail to the Administrator or Secretary, as the case may be, and the Attorney General. The Administrator or Secretary shall promptly file in such court a certified copy of the record on which the order was issued. Such court shall not set aside or remand such order unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion and shall not impose additional civil penalties for the same violation unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion.

(7) COLLECTION.--If any person fails to pay an assessment of a civil penalty--

(A) after the assessment has become final, or

(B) after a court in an action brought under subsection (6) has entered a final judgment in favor of the Administrator or Secretary, as the case may be, the Administrator or Secretary shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this subparagraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

(8) SUBPOENAS.--The Administrator or Secretary, as the case may be, may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this section. In case of contumacy or refusal to obey a subpoena issued pursuant to this subsection and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon

application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator or Secretary or to appear and produce documents before the Administrator or Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) CIVIL PENALTIES.--

(1) **GENERALLY.--**Any person who violates section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title shall be subject to a civil penalty not to exceed \$25,000 per day for each violation. Each day a violation continues constitutes a separate violation.

(2) **JURISDICTION.--**An action to impose a civil penalty under this section may be brought in the district court of the United States for the district in which the defendant is located, resides, or transacts business, and such court shall have jurisdiction to assess such penalty.

(3) **LIMITATION.--**A person is not liable for a civil judicial penalty under this paragraph for a violation if the person has been assessed a civil administrative penalty under paragraph (a) for the violation.

(c) **DETERMINATION OF AMOUNT.--**In determining the amount of a civil penalty under paragraphs (a) or (b) of this section, the court, the Secretary or the Administrator, as the case may be, shall consider the seriousness of the violation or violations, the economic benefit (if any) resulting from the violation, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and other such matters as justice may require.

(d) CRIMINAL PENALTIES.--

(1) **NEGLIGENT VIOLATIONS.--**Any person who negligently violates section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title commits a Class A misdemeanor.

(2) **KNOWING VIOLATIONS.--**Any person who knowingly violates section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title commits a Class D felony.

(3) **FALSE STATEMENTS.--**Any person who knowingly makes any false statement, representation, or certification in any record, report or other document filed or required to be maintained under this Title or the regulations issued thereunder, or who falsifies, tampers with, or knowingly renders inaccurate any testing or monitoring device or method required to be maintained under this Title, or the regulations issued thereunder, commits a Class D felony.

(e) AWARDS.--

(1) The Secretary, the Administrator or the court, when assessing any fines or civil penalties, as the case may be, may pay from any fines or civil penalties collected under this section an amount not to exceed one-half of the penalty or fine collected, to any individual who furnishes information which leads to the payment of the penalty or fine. If several individuals provide such information, the amount shall be divided equitably among such individuals. No officer or employee of the United States, the State of Alaska or any Federally recognized Tribe who furnishes information or renders service in the performance of his or her official duties shall be eligible for payment under this subsection.

(2) The Secretary, Administrator or the court, when assessing any fines or civil penalties, as the case may be, may pay, from any fines or civil penalties collected under this section, to the State of Alaska or to any Federally recognized Tribe providing information or investigative assistance which leads to payment of the penalty or fine, an amount which reflects the level of information or investigative assistance provided. Should the State of Alaska or a Federally recognized Tribe and an individual under paragraph (1) of this section be eligible for an award, the Secretary, the Administrator or the court, as the case may be, shall divide the amount equitably.

(f) LIABILITY IN REM.--A cruise vessel operated in violation of this Title or the regulations issued thereunder is liable in rem for any fine imposed under subsection (d) of this section or for any civil penalty imposed under subsections (a) or (b) of this section, and may be proceeded against in the United States district court of any district in which the cruise vessel may be found.

(g) COMPLIANCE ORDERS.--

(1) IN GENERAL.--Whenever on the basis of any information available to him the Administrator finds that any person is in violation of section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title, the Administrator shall issue an order requiring such person to comply with such section or requirement, or shall bring a civil action in accordance with subsection (b).

(2) COPIES OF ORDERS, SERVICE.--A copy of any order issued under this subsection shall be sent immediately by the Administrator to the State of Alaska. In any case in which an order under this subsection is issued to a corporation, a copy of such order shall be served on any appropriate corporate officer. Any order issued under this subsection shall be by personal service, shall state with reasonable specificity the

nature of the violation, and shall specify a time for compliance not to exceed thirty days in the case of a violation of an interim compliance schedule or operation and maintenance requirement and not to exceed a time the Administrator determines to be reasonable in the case of a violation of a final deadline, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(h) **CIVIL ACTIONS.**--The Administrator is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation for which he is authorized to issue a compliance order under this subsection. Any action under subsection (h) may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given immediately to the State of Alaska.

SEC. 1410. DESIGNATION OF CRUISE VESSEL NO-DISCHARGE ZONES.

If the State of Alaska determines that the protection and enhancement of the quality of some or all of the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve require greater environmental protection, the State of Alaska may petition the Administrator to prohibit the discharge of graywater and sewage from cruise vessels operating in such waters. The establishment of such a prohibition shall be achieved in the same manner as the petitioning process and prohibition of the discharge of sewage pursuant to Section 312(f) of the Federal Water Pollution Control Act, as amended, and the regulations promulgated thereunder.

SEC. 1411. SAVINGS CLAUSE.

(a) Nothing in this Title shall be construed as restricting, affecting or amending any other law or the authority of any department, instrumentality or agency of the United States.

(b) Nothing in this Title shall in any way affect or restrict, or be construed to affect or restrict, the authority of the State of Alaska or any political subdivision thereof--

(1) to impose additional liability or additional requirements; or

(2) to impose, or determine the amount of an fine or penalty (whether criminal or civil in nature) for any violation of law; relating to the discharge of sewage (whether treated or untreated) or graywater in the waters of the Alexander Archipelago and the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

SEC. 1412. REGULATIONS.

The Secretary and the Administrator each may prescribe any regulations necessary to carry out the provisions of this Title.

SEC. 1413. INFORMATION GATHERING AUTHORITY.

The authority of Sections 308(a) and (b) of the Federal Water Pollution Control Act, as amended, shall be available to the Administrator to carry out the provisions of this Title. The Administrator and the Secretary shall minimize, to the extent practicable, duplication of or inconsistency with the inspection, sampling, testing, record-keeping and reporting requirements established by the Secretary under section 1406 of this Title.

SEC. 1414. DEFINITIONS.

In this title:

- (1) **ADMINISTRATOR.**--The term "Administrator" means the Administrator of the United States Environmental Protection Agency.
- (2) **CRUISE VESSEL.**--The term "cruise vessel" means a passenger vessel as defined in section 2101(22) of Title 46, United States Code. The term "cruise vessel" does not include a vessel of the United States operated by the Federal Government or a vessel owned and operated by the government of a State.
- (3) **DISCHARGE.**--The term "discharge" means any release however caused from a cruise vessel, and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying.
- (4) **GRAYWATER.**--The term "graywater" means only galley, dishwasher, bath, and laundry waste water. The term does not include other wastes or waste streams.
- (5) **NAVIGABLE WATERS.**--The term "navigable waters" has the same meaning as in section 502 of the Federal Water Pollution Control Act, as amended.
- (6) **PERSON.**--The term "person" means an individual, corporation, partnership, limited liability company, association, State, municipality, commission or political subdivision of a State, or any Federally recognized Tribe.
- (7) **SECRETARY.**--The term "Secretary" means the Secretary of the department in which the United States Coast Guard is operating.

(8) SEWAGE.--The term "sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

(9) TREATED SEWAGE.--The term "treated sewage" means sewage meeting all applicable effluent limitation standards and processing requirements of the Federal Water Pollution Control Act, as amended and of this Title, and regulations promulgated under either.

(10) UNTREATED SEWAGE.--The term "untreated sewage" means sewage that is not treated sewage.

(11) WATERS OF THE ALEXANDER ARCHIPELAGO.--The term "waters of the Alexander Archipelago" means all waters under the sovereignty of the United States within or near Southeast Alaska, beginning at a point 58°11'41"N, 136°39'25"W [near Cape Spencer Light], thence southeasterly along a line three nautical miles seaward of the baseline from which the breadth of the territorial sea is measured in the Pacific Ocean and the Dixon Entrance, except where this line intersects geodesics connecting the following five pairs of points:

(1) 58°05'17"N, 136°33'49"W and 58°11'41"N, 136°39'25"W [Cross Sound]

(2) 56°09'40"N, 134°40'00"W and 55°49'15"N, 134°17'40"W [Chatham Strait]

(3) 55°49'15"N, 134°17'40"W and 55°50'30"N, 133°54'15"W [Sumner Strait]

(4) 54°41'30"N, 132°01'00"W and 54°51'30"N, 131°20'45"W [Clarence Strait]

(5) 54°51'30"N, 131°20'45"W and 54°46'15"N, 130°52'00"W [Revillagigedo Channel]

The portion of each such geodesic situated beyond 3 nautical miles from the baseline from which the breadth of the territorial sea is measured forms the outer limit of the waters of the Alexander Archipelago in those five locations.

TITLE XV--LIFE ACT AMENDMENTS

SEC. 1501. SHORT TITLE.

This title may be cited as the "LIFE Act Amendments of 2000".

SEC. 1502. SUBSTITUTION OF ALTERNATIVE ADJUSTMENT PROVISION.

April 5, 2001

**House Transportation Committee
Work Session on Cruise Ship Discharges**

Introduction Work Session Objectives

Presentation Outline

1. Background Information on the Alaska Cruise Ship Initiative
2. Alaska Cruise Ship Initiative Status
3. Federal Legislation
4. Coast Guard Presentation - Questions & Answers
5. Environmental Protection Agency - Questions & Answers
6. Alaska Cruise Ship Initiative Steering Committee Meeting: April 6, 2001

List of Handouts

- A. Cruise Ship Waste Disposal & Management: "Welcome"
 - A-1 Questions & Issues, December 3, 1999
 - A-2 Air Quality Work Group
 - A-3 Oil Spill Response Work Group
 - A-4 Wastewater & Solid Waste Management Work Group
 - A-5 Environmental Leadership Work Group/List of Members
- B. Federal Legislation
- C. Environmental Protection Agency Web Site Documents
 - C-1 Cruise Ship Discharges; What's New!
 - C-2 Cruise Ship Discharges Assessment
 - C-3 Summary of September 8, 2000 Public Meeting in Juneau

Note: All of the above handouts can be accessed through the ADEC Division of Air & Water Quality web site.

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[EPA's cruise ship](#)

Welcome - The Alaska Department of Environmental Conservation is leading detailed discussions with Alaska's cruise ship industry and the state and federal government about waste management and disposal practices of cruise ships while in state waters.

Initial discussions began at a Forum, December 1999, on standards and practices concerning solid and liquid wastes that would take the cruise ship industry beyond minimal compliance.

An Executive Steering Committee convened in January 2000 now directs the following Work Groups:

- [Air Quality Management](#)
- [Oil Pollution Response](#)
- [Wastewater and Solid Waste Management](#)
- [Environmental Leadership](#)

This site makes information available about the participants, their scope of work, and the outcomes. Public input is welcome at all times via email on this page (see bottom) and at various other events. All meetings are open to the public.

More Information

NEWS:



Governor Knowles announces new cruise ship legislation

See also:

- [Text of the bill](#)
- [Governor Knowles' speech](#)
- [Commissioner Brown's speech](#)
- [Comparing federal law, state legislation](#)

Cruise Ship Initiative Draft Part II report, 3/23/01

Reports available
Next work group meetings


Get the latest version of Acrobat Reader software free from Adobe.



[discharge website](#)

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[Uniform National discharge standards](#)



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April 6 **Upcoming Meetings:**
Steering Committee meeting. 10 AM to 12:30 PM, DEC main conference room, 2nd floor, 410 Willoughby Avenue, Juneau.

January 25 **Recent Meetings:**
***Air group meeting summary** and ***Wastewater/Solid Waste meeting summary**
Full history of discussions available

General info
 Legislation making changes to the cruise ship industry, introduced by Governor Tony Knowles, link from here when available.

Alaska Cruise Ship Initiative
 2000 Season Summary

Complaints Summer 2000

Questions & Issues
 Glossary of terms

Recent Legislation, Spring 2001

Senate Bill 16 Oil Disch Prevention: Nontank Vessels/RR
House Bill 55 Oil Disch Prevention: Nontank Vessels/RR

Senate Bill 18 Marine Passenger Vessels
House Bill 22 Marine Passenger Vessels

Spring 2000, [Previous legislation](#)

Congressional Legislation, 2000, affecting certain Alaska cruise ship operations

Text of **Title XIV Certain Alaskan Cruise Ship Operations** (pdf file, 60K) of the Consolidated Appropriations Act, 2001 (H.R. 4577). Passed by Congress, December 2000. [MS Word file. 60K](#)

Comments, Questions

- If you want to be added to the cruise ship email list or have written comments to submit" contact Mary Siroky at: Mary_Siroky@envircon.state.ak.us

003881 visitors since 8/29/00

How to report a spill

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Cruise Ship Waste Disposal and Management

Questions and Issues

Prepared for the Cruise Ship Industry Forum
December 3, 1999, Juneau, Alaska

- Air Emissions
- Wastewater Discharges (black water, gray water, oily water, ballast water)
- Solid and Hazardous Waste Management and Disposal
- Spill Preparedness

1. Waste disposal practices for graywater, blackwater, oily water and ballast water.
2. Locations or prohibitions regarding release of each type of wastewater.
3. Treatment methods for each wastewater stream.
4. Effluent quality of each wastewater stream.
5. Monitoring and sampling of each wastewater stream.
6. Documentation and record keeping for each wastewater stream.
7. Alaska ports where wastewater or solid waste is disposed onshore.
8. On board monitoring and verification of wastewater management and disposal practices.
9. Same questions as above for all solid waste streams.....kitchen garbage, medical wastes, plastics, paper, sludge's, cans, glass, chemicals, batteries, solvents, photo wastes, dry cleaning wastes, oily solid wastes, engine room wastes, condensates, used oils, paint cans, bunker, greases, fluorescent fixtures etc.
10. Methods and practices for controlling release of non-indigenous species from ballast water discharges.
11. Locations in Alaska where ballast water discharges occur.
12. Air quality control treatment for boilers, generators, incinerators.
13. Use of refined or low sulfur fuels for reducing emissions.
14. Plans, procedures, equipment, logistics and resources for reporting, responding, containing, controlling and cleaning up spills including use of the Incident Command System.
15. Description of corporate commitment and use of environmental management systems to ensure no pollution.
16. Description of pollution prevention measures taken to reduce, recycle and minimize or prevent the need to

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[International Council of Cruise Lines](#)

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discharge or dispose.

17. Existing and planned efforts to use local facilities for waste management or disposal needs while not exceeding available capacity.
18. Recommendations for working with agencies with regulatory jurisdiction to prevent problems.
19. Identification of specific measures needed to prevent pollution of Alaska's unique waterways.
20. Wastewater discharge volumes for each wastewater discharge type.
21. Solid waste generation rates and volumes.
22. International, National and State standards and requirements that govern all vessel releases to air, water and land.
23. Written procedures for directing employees on proper waste management and disposal.
24. On board waste segregation practices.
25. Steps being taken to go beyond compliance and prevent pollution through waste reduction, recycling, and minimizing wastewater discharges.
26. Special measures being taken in Alaska waters, if any, for air emissions, wastewater discharges, solid waste disposal and spill preparedness.
27. Clarify nature and extent of use of doughnut holes in Alaska waters.
28. What kind of controls, procedures and management practices are in place to make sure vessel operators adhere to company environmental policies and procedures?
29. What kind of internal self-policing mechanisms exist?
30. What measures or special precautions are taken with regard to discharge practices and sensitive wildlife areas, fisheries openings etc?
31. What standards and measures are being taken to eliminate air and wastewater discharges for new vessel construction?
32. Will gas turbine technology be used in new vessel construction?
33. Observer program to ensure environmental compliance.
34. Do operators conduct monitoring of opacity, air emissions or the marine environment?

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Air Quality Work Group

Project Statement

During the past decade, the size and number of cruise ships frequenting Alaska's coastal waters has increased. At times, under certain atmospheric conditions, air emissions from the ships are highly visible, causing reductions in visibility. In 1997, the Department of Environmental Conservation (ADEC) stopped efforts to address the visibility impacts due to reductions in its budget. Both of these factors have led the public to express greater concern over the emissions.

As the state agency charged with protecting the public health and welfare from the adverse impacts of air pollution, ADEC would like to better understand the type and quantity of air pollutants emitted by the cruise ships. ADEC would also like to determine if the emissions are causing adverse public health, welfare, or environmental impacts and, if so, what actions can and should be taken to alleviate those impacts.

General Project Description

A work group, made-up of representatives from the cruise ship industry, the government, and the public, will study the air pollution from cruise ships and make recommendations to reduce air pollution if actions are needed to protect public health, welfare, or the environment. The study will consist of three phases.

In phase 1, the work group will

- determine the type and quantity of air pollutants emitted by cruise ships;
- use this information to quantify the impacts resulting from the emissions.

In phase 2, the work group will

- assemble information on emission standards and concern levels that are relevant to tour ship emissions;

Notes

[Air Quality Work Group meeting summary:](#)

January 25, 2001 10:00 AM
 Juneau, DEC offices, 2nd floor conference room

[Previous meetings, summaries](#)

[Work Group Members](#)

- compare the impacts determined in phase 1 to the relevant standards and concern levels;
- determine if action is needed to assure the emissions do not exceed the relevant standards and concern levels.

If the work group determines that action is necessary in phase 2, the work group will

- examine all of the control measures that are available for achieving the desired actions.
- recommend specific control measures and a plan to implement the measures.

Comments, Questions

- If you want to be added to the cruise ship email list or have written comments to submit" contact Mary Siroky at:
Mary_Siroky@environ.state.ak.us
-

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Oil Spill Response Work Group

Project Statement

Cruise ships operating in Alaska's waters carry hundreds of thousands of gallons of fuel and yet do not now have to meet the same level of spill response planning as many other vessels transporting large amounts of oil.

Rather than form a new work group to address these issues, the Cruise Ship Executive Steering Committee authorized the use of an existing group which produced an oil spill response plan for Southeast Alaska. This effort was completed in 1997 as a Subarea Plan for the statewide Unified Plan. [More information is on these plans is available.](#)

Co-chaired by the Alaska Department of Environmental Conservation and the U.S. Coast Guard, the group had its first meeting January 27th, articulated its focus, listed below, and set a schedule of work. A list of meetings and summaries are available on [the schedule page](#) for all work groups..

Focus Areas

- Consistent with the other three State-led cruise ship work groups, this group plans to limit its initial scope to just the large cruise ships. This is based on the difference in fuel type (persistent oil) and quantities carried which make for a different set of problems and solutions than for the diesel fuels in smaller quantities carried by the Yorktown Clipper, state ferries and smaller class passenger vessels. Additionally, the smaller passenger vessels are already in a work group focusing on prevention, i.e. the USCG sponsored Small Passenger Vessel Safety Task Force.
- Forge a good working relationship with the cruise industry to improve emergency preparedness, and address issues related to oil spills.

Notes:

[Letter to transition the group into the Southeast Subarea Contingency Planning Committee](#)

[Last meeting April 10: summary available](#)

[See the new barges for spill response in Southeast Alaska](#)

[Previous meetings summaries](#)

[Work Group Members](#)

- Give agencies a base line understanding of current cruise line spill response capability including plans under development. Additionally, to give the industry an understanding of current spill preparedness plans and response capabilities of agencies.
- Foster an understanding of the expectations and procedures of the agencies and industry regarding response, including management of the response, priorities, etc. (Use of the Incident Command System, USCG Planning Proposal for vessels greater than 500 tons)
- Guide the development of spill response capability in Southeast Alaska, consistent with existing contributions such as ADEC's Nearshore Response Package project and to form a capability consistent within the region. This includes providing the SOSOC (State OnScene Coordinator) with input regarding the list of spill response materials to be proposed for donation to a new or existing spill response organization in Southeast Alaska by Royal Caribbean Cruise Lines (RCCL) under the terms of the RCCL-State of Alaska settlement.
- Determine the process for calling out and managing the response equipment brought to the table by all groups for responses.
- Define the scope of work of the RCCL settlement Geographic Response Strategies (GRS) project for SE Alaska. This includes determining a list of priority sites for which GRS's will be developed. These GRS's will be included in the Subarea Plan.
- Bring the work group under the auspices of the Southeast Alaska Subarea Plan as a sub-committee to provide input and guidelines specific for operations in the event of a major response effort to an oil spill from the cruise line industry, and to ensure consistency with the overall goals of the Subarea Plan.

Comments, Questions

- If you want to be added to the cruise ship email list or have written comments to submit" contact Mary Siroky at:
Mary_Siroky@envircon.state.ak.us

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Wastewater and Solid Waste Management Work Group

Project Statement

In the past decade the size and number of cruise ships frequenting Alaska's coastal waters has increased. As many as six large to medium size cruise ships may be in a port such as Juneau in one day. The large ships can discharge wastewater of as much as several hundred thousand gallons per day. The department has received complaints of unknown wastewater discharges from vessels in ports such as Juneau and Ketchikan. Concern about ship discharges and their potential impacts on water quality and aquatic resources such as salmon were heightened when Royal Caribbean Cruise Lines pleaded guilty in 1999 to discharging hazardous wastes, such as photo processing wastes, with gray water over a period of years in Alaska waters. Additionally, there were reports by pilots of ships going to "doughnut holes" (locations in the Inside Passage more than three miles from land) to discharge wastes. These factors have led the public to express greater concern over waste discharges from cruise ships.

As the state agency charged with protecting public health and welfare from the adverse impacts of wastewater discharges to Alaska's waters, ADEC would like to better understand the type and quantity of wastewater and solid waste generated and discharged by the cruise ships. ADEC would also like to determine if the discharges are causing adverse public health, welfare, or environmental impacts and if so, what actions can and should be taken to alleviate those impacts.

General Project Description

A work group, made-up of representatives from the cruise ship industry, the government, and the public, will study the waste discharges from cruise ships and make recommendations to reduce the discharges if actions are needed to protect public health, welfare, or the environment. The study will consist of three phases.

In phase 1 the work group will

Notes

[Wastewater and Solid Waste Management Work Group meeting summary: January 25, 2001 1:00 PM Juneau, DEC offices, 2nd floor conference room](#)

[Previous meetings summaries](#)

[Work Group Members](#)

- determine the type and quantity of wastewater and solid waste discharged by cruise ships
- use this information to quantify the impacts resulting from the discharges.

In phase 2, the work group will

- assemble information on wastewater treatment and solid waste standards and levels of concern that are relevant to tour ship discharges;
- compare the impacts determined in phase 1 to the relevant standards and levels of concern;
- determine if action is needed to assure the discharges do not exceed the relevant standards and levels of concern.

If the work group determines that action is necessary in phase 2, the work group will

- examine all of the control measures that are available for achieving the desired actions,
- recommend specific control measures and a plan to implement the measures.

Comments, Questions

- If you want to be added to the cruise ship email list or have written comments to submit" contact Mary Siroky at:
Mary_Siroky@envircon.state.ak.us

How to report a spill

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Alaska Department of Environmental Conservation

Cruise Ship Waste Disposal and Management

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[EPA's cruise ship discharge website](#)

[International Council of Cruise Lines](#)

[Uniform National discharge standards](#)



This page is Bobby Approved

Environmental Leadership Work Group

Project Statement

Due to increased numbers of cruise ships frequenting Alaska's waters, the Department of Environmental Conservation and the cruise ship industry are working to establish pollution prevention standards. These standards can help establish the industry as environmental leaders within the state of Alaska.

ADEC's Compliance Assistance Office has already developed several successful environmental programs such as Green Star and the multi-leveled Alaska Environmental Leadership Project. Using these programs as templates, ADEC would like to develop an environmental leadership program specific to the cruise ship industry, with incentives that will benefit them and the State of Alaska.

General Project Description

A work group made-up of representatives of the cruise ship industry, the government, and the public will study the entire operations and waste streams typical to the cruise ship industry. The group will then recommend how to best manage and reduce waste, preventing pollution and protecting public health and the environment. The study will consist of three phases.

In phase 1, the work group will

- examine existing operations typical to the cruise ship industry.
- use this information to identify all waste streams.

In phase 2, the work group will

- assemble current information on operations and wastes relevant to tour ships.
- compare the management and disposal of all wastes along with the health and environmental impacts to determine relative risks.
- develop a three leveled leadership program similar to the *Alaska Environmental Leadership Project*.

Notes!

[Environmental Leadership Work Group meeting](#)
 Next meeting: May 16
[April 26 meeting summary](#)

[Previous meetings summaries](#)
[Work Group Members](#)

The work group will determine minimum standards for each level and appropriate incentives for industry participation.

Comments, Questions

- If you want to be added to the cruise ship email list or have written comments to submit" contact Mary Siroky at:
Mary_Siroky@envircon.state.ak.us
-

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Alaska Department of Environmental Conservation



Cruise Ship Waste Disposal and Management

Environmental Leadership Work Group Members

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Page last updated: April 10, 2000

| A. | MEMBERS | | |
|----|--------------------------------------|--|---|
| | NAME | REPRESENTING | CONTACT INFO |
| 1. | Chair - Tom Turner | Statewide Public Service (SPS) Compliance Assistance (CA) | 555 Cordova Avenue Anchorage AK 99501 (907) 269-7582 tturner@envircon.state.ak.us |
| 2. | CO-Chair- Frank Homan | Southeast Conference | 213 3 rd Street, # 124 Juneau, AK 99801 (907)-463-3445 FAX (907)463-5670 seconf@ptialaska.net |
| 3. | Dave Eley – Contractor Support to WG | Consultant Cape Decision Int'l. Services | 3300 Foster Avenue Juneau, AK 99801 (907) 586-2685 capedec@aol.com |
| 4. | CDR Rob Lorigan | U.S. Coast Guard | 2760 Sherwood Lane, Ste 2A Juneau, AK 99801 (907)463-2450 fax (907)463-2445 rlorigan@CGAlaska.uscg.mil |
| 5. | LCDR Brian Peter | U.S. Coast Guard | 2760 Sherwood Lane, Ste 2A Juneau, AK 99801 (907)463-2450 fax (907)463-2445 BPeter@CGAlaska.uscg.mil |
| 6. | Kris Balliet | Alaska Conservation Alliance | Sockeye@arctic.net |
| 7. | Paula Terrel | Alaska Conservation Alliance | Sofortv@Alaska.Net |
| 8. | Randy Ray | United States Cruise Ship | P.O. Box 979 Mercer Island, WA 98040 (206)369-3100 fax (360)705-3100 AEQUUS@aol.com |
| 9. | Capt. Michael Jones | Special Expeditions Marine | 1415 Western Ave #700 Seattle, WA 98101 |

| | | | |
|-----|------------------|--|--|
| | | | (206)382-9593 fax (206)382-9594 mikej@specialexpeditions.com |
| 10. | Greg Kellog | U.S. Environmental Protection Agency | Alaska Operations Office 222 W. 7 th Ave., Rm. 537, Anchorage, AK. 99513 (907)271-3688 - pavitt.john@epa.gov |
| 11. | John Pavitt | EPA | Alaska Operations Office 222 W. 7 th Ave., Rm. 537, Anchorage, AK. 99513 (907)271-3688 - pavitt.john@epa.gov |
| 12. | Rich Softye | Director Compliance, Holland America Line | 300 Elliot Avenue, Seattle, WA (206) 301-5455 rsoftye@halw.com |
| 13. | Jim Walsh | Carnival Cruise Line | 3655 NW 87 th Avenue Miami, FL 33178 jwalsh@carnival.com |
| 14. | David Brown | Princess Cruises | 10100 Santa Monica Boulevard, Los Angeles, CA 90067 dbrown@princesscruises.com |
| 15. | Dr. Richard Wade | Vice President, Princess Cruises | 10100 Santa Monica Boulevard Los Angeles, CA 90067 (310) 843-3849, (310) 843-3854 Fax rwade@princesscruises.com |
| 16. | Ron Valentine | World Explorer | |
| 17. | Kjell Hjartnes | Norwegian | |
| 18. | Nancy Wheatley | Royal Caribbean Celebrity | 1050 Carribbean Way Miami, FL 33132 nwheatley@rccl.com |
| 19. | Joe Valenti | Crystal | |
| 20. | Tom Greene | Crystal Cruises | 2049 Century Park East, Suite 1400 Los Angeles, CA 90067 (310)203-4369 fax (310)277-2465 tgreene@crystalcruises.com |
| 21. | Stan Deno | International Council of Cruise Lines (ICCL) | 1211 Connecticut Ave NW, Suite 800, Washington, DC 20036 sdeno@iccl.org |
| 22. | John Hansen | North West Cruise Ship (NWCA) | 1550-555 West Hastings Street, Vancouver, BC V6B-4N6 (604)681-2351 fax (604)681-4364 jhansen@nwcruiseship.com |

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|----|--|---------------------|---------------------|
| B. | INTERESTED AND AFFECTED PARTIES | | |
| | NAME | REPRESENTING | CONTACT INFO |
| | | | |

| | | | |
|-----|-------------------|---|---|
| 1. | Capt. Ted Kellogg | Southeast Alaska Pilots Assoc. | 1621 Tongass Avenue, Suite 300 Ketchikan, AK 99901 tkelog@ptialaska.net |
| 2. | Gregg Kellogg | EPA | Alaska Operations Office 222 W. 7 th Ave., Rm. 537, Anchorage, AK. 99513 (907)271-3688 - Kellogg@epa.gov |
| 3. | Steve Torok | EPA | 410 Willoughby Ave, Ste 100 Juneau, AK 99801 (907)586-7658 fax (907)586-7015 torok.steve@epa.gov |
| 4. | Hans Antonsen | Southeast Alaska Pilots Association (SEAPA) (IAP) | 1621 Tongass, Ketchikan, AK 99901 seapilot@att.net |
| 5. | Bob Berto | President, Cruise Line Agencies of Alaska | P.O. Box 8080, Ketchikan, AK 99901 (907) 225-6157 bobb@ktn.net |
| 6. | Liz Cabrera | Rep. Bill Hudson/ House Resources Committee | State Capitol, #126, Juneau, AK 99801 (907) 465-6890 liz_cabrera@legis.state.ak.us |
| 7. | Steve Gilbertson | City & Borough of Juneau | 155 S. Seward Street, Juneau AK 99801 (907) 586-0205 steve_gilbertson@ci.juneau.ak.us |
| 8. | Tim June | Lynn Canal Conservation | P.O. Box 671, Haines, AK 99829 (907)766-2028 fax (907)766-2884 |
| 9. | Sarah Keeney | Southeast Alaska Conservation Council | 419 6 th Street, Ste 328, Juneau, AK 99801 (907)586-6942 fax (907)463-3312 sarah@seacc.org |
| 10. | Gretchen Keiser | Representative Beth Kerttula | Alaska State Legislature, House of Representatives, Room 430, State Capitol, Juneau, AK 99801 (907)465-4767 fax (907)465-4748 gretchen_keiser@legis.state.ak.us |
| 11. | Wai Mau Li | World Explorer Cruises, Inc. | 555 Montgomery Street, Ste 1400 San Francisco, CA 94111 (415)820-9241 wvmanli@wecruise.com |
| 12. | Randall Peterson | Holland America | 300 Elliot Avenue W, Seattle, WA 98119 (206)281-0579 randall.peterson@halw.com |
| 13. | Jim Schoeneman | World Explorer Cruises | American V. Ships Marine, 22 Jericho, Ste 200 Mineola, NY 11501 (516)741-2700 ext. 242 jim.schoeneman@avsml.com |
| 14. | Lewis Sharman | NPS Glacier Bay | P.O. Box 140, Gustavus, AK 99826 (907)697-2623 fax (907)697-2659 lewis_sharman@nps.gov |
| 15. | Ross Tuxhorn | Consultant Cape | 9092 Fireweed Lane, Juneau, AK 99801 |

| | | | |
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| | | Decision Int'l. Services | (907)790-4953 tuxhorn@gateway.net |
| 16. | Ken Taylor | F&G | (907)465-4105 Ken_Taylor@fishgame.state.ak.us |

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| C. ADEC STAFF | | | |
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TITLE XIV--CERTAIN ALASKAN CRUISE SHIP OPERATIONS

SECTION 1401. PURPOSE.

The purpose of this Title is to--

(a) Ensure that cruise vessels operating in the waters of the Alexander Archipelago and the navigable waters of the United States within the State of Alaska and within the Kachemak Bay National Estuarine Research Reserve comply with all applicable environmental laws, including, but not limited to, the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Act to Prevent Pollution from Ships, as amended (33 U.S.C. 1901 et seq.), and the protections contained within this Title.

(b) Ensure that cruise vessels do not discharge untreated sewage within the waters of the Alexander Archipelago, the navigable waters of the United States in the State of Alaska, or within the Kachemak Bay National Estuarine Research Reserve.

(c) Prevent the unregulated discharge of treated sewage and graywater while in ports in the State of Alaska or traveling near the shore in the Alexander Archipelago and the navigable waters of the United States in the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

(d) Ensure that discharges of sewage and graywater from cruise vessels operating in the Alexander Archipelago and the navigable waters of the United States in the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve can be monitored for compliance with the requirements contained in this Title.

SEC. 1402. APPLICABILITY.

(a) This Title applies to all cruise vessels authorized to carry 500 or more passengers for hire.

SEC. 1403. PROHIBITION ON DISCHARGE OF UNTREATED SEWAGE.

No person shall discharge any untreated sewage from a cruise vessel into the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

SEC. 1404. LIMITATIONS ON DISCHARGE OF TREATED SEWAGE OR GRAYWATER.

(a) No person shall discharge any treated sewage or graywater from a cruise vessel into the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve unless--

(1) the cruise vessel is underway and proceeding at a speed of not less than six knots;

(2) the cruise vessel is not less than one nautical mile from the nearest shore, except in areas designated by the Secretary, in consultation with the State of Alaska;

(3) the discharge complies with all applicable cruise vessel effluent standards established pursuant to this Title and any other applicable law; and

(4) the cruise vessel is not in an area where the discharge of treated sewage or graywater is prohibited.

(b) The Administrator, in consultation with the Secretary, may promulgate regulations allowing the discharge of treated sewage or graywater, otherwise prohibited under paragraphs (a)(1) and (a)(2) of this section, where the discharge meets effluent standards determined by the Administrator as appropriate for discharges into the marine environment. In promulgating such regulations, the Administrator shall take into account the best available scientific information on the environmental effects of the regulated discharges. The effluent discharge standards promulgated under this section shall, at a minimum, be consistent with all relevant State of Alaska water quality standards in force at the time of the enactment of this Title.

(c) Until such time as the Administrator promulgates regulations under paragraph (b) of this section, treated sewage and graywater may be discharged from vessels subject to this Title in circumstances otherwise prohibited under paragraphs (a)(1) and (a)(2) of this section, provided that--

(1) the discharge satisfies the minimum level of effluent quality specified in 40 CFR 133.102, as in effect on the date of enactment of this Section;

(2) the geometric mean of the samples from the discharge during any 30-day period does not exceed 20 fecal coliform/100 ml and not more than 10 percent of the samples exceed 40 fecal coliform/100 ml;

(3) concentrations of total residual chlorine may not exceed 10.0 mg/l; and,

(4) prior to any such discharge occurring, the owner, operator or master, or other person in charge of a cruise vessel, can demonstrate test results from at least five samples taken from the vessel representative of the effluent to be discharged, on different days over a 30-day period, conducted in accordance with the guidelines promulgated by the Administrator in 40 CFR Part 136, which confirm that the water quality of the effluents proposed for discharge is in compliance with paragraphs (1), (2) and (3) of this subsection. To the extent not otherwise being done by the owner, operator, master or other person in charge of a cruise vessel pursuant to section 1406, the owner, operator, master or other person in charge of a cruise vessel shall demonstrate continued compliance through periodic sampling. Such sampling and test results shall be considered environmental compliance records that must be made available for inspection pursuant to section 1406(d) of this Title.

SEC. 1405. SAFETY EXCEPTION.

Sections 1403 and 1404 of this Title shall not apply to discharges made for the purpose of securing the safety of the cruise vessel or saving life at sea, provided that all reasonable precautions have been taken for the purpose of preventing or minimizing the discharge.

SEC. 1406. INSPECTION AND SAMPLING REGIME.

(a) The Secretary shall incorporate into the commercial vessel examination program an inspection regime sufficient to verify that cruise vessels visiting ports in the State of Alaska or operating in the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve are in full compliance with this Title, the Federal Water Pollution Control Act, as amended, and any regulations issued thereunder, other applicable Federal laws and regulations, and all applicable international treaty requirements.

(b) The inspection regime shall, at a minimum, include--

(1) examination of environmental compliance records and procedures;

(2) inspection of the functionality and proper operation of installed equipment for abatement and control of any discharge;

(c) The inspection regime may--

(1) include unannounced inspections of any aspect of cruise vessel operations, equipment or discharges pertinent to the verification under subsection (a) of this section; and

(2) require the owner, operator or master, or other person in charge of a cruise vessel subject to this Title to maintain and produce a logbook detailing the times, types, volumes or flow rates and locations of any discharges of sewage or graywater under this Title.

(d) The inspection regime shall incorporate a plan for sampling and testing cruise vessel discharges to ensure that any discharges of sewage or graywater are in compliance with this Title, the Federal Water Pollution Control Act, as amended, and any other applicable laws and regulations, and may require the owner, operator or master, or other person in charge of a cruise vessel subject to this Title to conduct such samples or tests, and to produce any records of such sampling or testing at the request of the Secretary or Administrator.

SEC. 1407. CRUISE VESSEL EFFLUENT STANDARDS.

Pursuant to this Title and the authority of the Federal Water Pollution Control Act, as amended, the Administrator may promulgate effluent standards for treated sewage and graywater from cruise vessels operating in the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve. Regulations implementing such standards shall take into account the best available scientific information on the environmental effects of the regulated discharges and the availability of new technologies for wastewater treatment. Until such time as the Administrator promulgates such effluent standards, treated sewage effluent

discharges shall not have a fecal coliform bacterial count of greater than 200 per 100 milliliters nor suspended solids greater than 150 milligrams per liter.

SEC. 1408. REPORTS.

(a) Any owner, operator or master, or other person in charge of a cruise vessel who has knowledge of a discharge from the cruise vessel in violation of section 1403 or 1404 or pursuant to section 1405 of this Title, or any regulations promulgated thereunder, shall immediately report that discharge to the Secretary, who shall provide a copy to the Administrator upon request.

(b) The Secretary may prescribe the form of reports required under this section.

SEC. 1409. ENFORCEMENT.

(a) ADMINISTRATIVE PENALTIES.--

(1) **VIOLATIONS.--**Any person who violates section 1403, 1404, 1408, or 1413 of this Title, or any regulations promulgated pursuant to this Title may be assessed a class I or class II civil penalty by the Secretary or the Administrator.

(2) CLASSES OF PENALTIES.--

(A) **CLASS I.--**The amount of a class I civil penalty under this section may not exceed \$10,000 per violation, except that the maximum amount of any class I civil penalty under this section shall not exceed \$25,000.

Before assessing a civil penalty under this clause, the Secretary or Administrator, as the case may be, shall give to the person to be assessed such penalty written notice of the Secretary's or Administrator's proposal to assess the penalty and the opportunity to request, within 30 days of the date the notice is received by such person, a hearing on the proposed penalty. Such hearing shall not be subject to section 554 or 556 of Title 5, but shall provide a reasonable opportunity to be heard and to present evidence.

(B) **CLASS II.--**The amount of a class II civil penalty under this section may not exceed \$10,000 per day for each day during which the violation continues, except that the maximum amount of any class II civil penalty under this section shall not exceed \$125,000. Except as otherwise provided in this subsection, a class II civil penalty shall be assessed and collected in the same manner, and subject to the same provisions as in the case of civil penalties assessed and collected after notice and an opportunity for a hearing on the record in accordance with section 554 of Title 5, United States Code. The Secretary and Administrator may issue rules for discovery procedures for hearings under this paragraph.

(3) RIGHTS OF INTERESTED PERSONS.--

(A) **PUBLIC NOTICE.--**Before issuing an order assessing a class II civil penalty under this section, the Secretary or Administrator, as the case may be, shall provide public notice of and reasonable opportunity to comment on the proposed issuance of each order.

(B) **PRESENTATION OF EVIDENCE.--**Any person who comments on a proposed assessment of a class II civil penalty under this section shall be given notice of any hearing held under this paragraph and of the order assessing such penalty. In any hearing held under this paragraph, such person shall have a reasonable opportunity to be heard and present evidence.

(C) RIGHTS OF INTERESTED PERSONS TO A HEARING.--

(2) before issuance of an order assessing a class II civil penalty under this section, any person who commented on the proposed assessment may petition, within 30 days after the issuance of such order, the Administrator or Secretary, as the case may be, to set aside such order and to provide a hearing on the penalty. If the evidence presented by the petitioner in support of the petition is material and was not considered in the issuance of the order, the Administrator or Secretary shall immediately set aside such order and provide a hearing in accordance with subsection (2)(B). If the Administrator or Secretary denies a hearing under this clause, the Administrator or Secretary shall provide to the petitioner, and publish in the Federal Register, notice of and the reasons for such denial.

(4) **FINALITY OF ORDER.--**An order assessing a class II civil penalty under this paragraph shall become final 30 days after its issuance unless a petition for judicial review is filed under subparagraph (6) or a hearing

is requested under subsection (3)(C). If such a hearing is denied, such order shall become final 30 days after such denial.

(5) EFFECT OF ACTION ON COMPLIANCE.--No action by the Administrator or Secretary under this paragraph shall affect any person's obligation to comply with any section of this Title.

(6) JUDICIAL REVIEW.--Any person against whom a civil penalty is assessed under this paragraph or who commented on the proposed assessment of such penalty in accordance with subsection (3) may obtain review of such assessment--

(A) in the case of assessment of a class I civil penalty, in the United States District Court for the District of Columbia or in the District of Alaska, or

(B) in the case of assessment of a class II civil penalty, in United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business, by filing a notice of appeal in such court within the 30-day period beginning on the date the civil penalty order is issued and by simultaneously sending a copy of such notice by certified mail to the Administrator or Secretary, as the case may be, and the Attorney General. The Administrator or Secretary shall promptly file in such court a certified copy of the record on which the order was issued. Such court shall not set aside or remand such order unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion and shall not impose additional civil penalties for the same violation unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion.

(7) COLLECTION.--If any person fails to pay an assessment of a civil penalty--

(A) after the assessment has become final, or

(B) after a court in an action brought under subsection (6) has entered a final judgment in favor of the Administrator or Secretary, as the case may be, the Administrator or Secretary shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this subparagraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

(8) SUBPOENAS.--The Administrator or Secretary, as the case may be, may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this section. In case of contumacy or refusal to obey a subpoena issued pursuant to this subsection and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator or Secretary or to appear and produce documents before the Administrator or Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) CIVIL PENALTIES.--

(1) GENERALLY.--Any person who violates section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title shall be subject to a civil penalty not to exceed \$25,000 per day for each violation. Each day a violation continues constitutes a separate violation.

(2) **JURISDICTION.**--An action to impose a civil penalty under this section may be brought in the district court of the United States for the district in which the defendant is located, resides, or transacts business, and such court shall have jurisdiction to assess such penalty.

(A) **CLASS I.**--The amount of a class I civil penalty under this section may not exceed \$10,000 per violation, except that the maximum amount of any class I civil penalty under this section shall not exceed \$25,000.

Before assessing a civil penalty under this clause, the Secretary or Administrator, as the case may be, shall give to the person to be assessed such penalty written notice of the Secretary's or Administrator's proposal to assess the penalty and the opportunity to request, within 30 days of the date the notice is received by such person, a hearing on the proposed penalty. Such hearing shall not be subject to section 554 or 556 of Title 5, but shall provide a reasonable opportunity to be heard and to present evidence.

(B) **CLASS II.**--The amount of a class II civil penalty under this section may not exceed \$10,000 per day for each day during which the violation continues, except that the maximum amount of any class II civil penalty under this section shall not exceed \$125,000. Except as otherwise provided in this subsection, a class II civil penalty shall be assessed and collected in the same manner, and subject to the same provisions as in the case of civil penalties assessed and collected after notice and an opportunity for a hearing on the record in accordance with section 554 of Title 5, United States Code. The Secretary and Administrator may issue rules for discovery procedures for hearings under this paragraph.

(3) **RIGHTS OF INTERESTED PERSONS.**--

(A) **PUBLIC NOTICE.**--Before issuing an order assessing a class II civil penalty under this section, the Secretary or Administrator, as the case may be, shall provide public notice of and reasonable opportunity to comment on the proposed issuance of each order.

(B) **PRESENTATION OF EVIDENCE.**--Any person who comments on a proposed assessment of a class II civil penalty under this section shall be given notice of any hearing held under this paragraph and of the order assessing such penalty. In any hearing held under this paragraph, such person shall have a reasonable opportunity to be heard and present evidence.

(C) **RIGHTS OF INTERESTED PERSONS TO A HEARING.**--If no hearing is held under subsection (2) before issuance of an order assessing a class II civil penalty under this section, any person who commented on the proposed assessment may petition, within 30 days after the issuance of such order, the Administrator or Secretary, as the case may be, to set aside such order and to provide a hearing on the penalty. If the evidence presented by the petitioner in support of the petition is material and was not considered in the issuance of the order, the Administrator or Secretary shall immediately set aside such order and provide a hearing in accordance with subsection (2)(B). If the Administrator or Secretary denies a hearing under this clause, the Administrator or Secretary shall provide to the petitioner, and publish in the Federal Register, notice of and the reasons for such denial.

(4) **FINALITY OF ORDER.**--An order assessing a class II civil penalty under this paragraph shall become final 30 days after its issuance unless a petition for judicial review is filed under subparagraph (6) or a hearing is requested under subsection (3)(C). If such a hearing is denied, such order shall become final 30 days after such denial.

(5) **EFFECT OF ACTION ON COMPLIANCE.**--No action by the Administrator or Secretary under this paragraph shall affect any person's obligation to comply with any section of this Title.

(6) **JUDICIAL REVIEW.**--Any person against whom a civil penalty is assessed under this paragraph or who commented on the proposed assessment of such penalty in accordance with subsection (3) may obtain review of such assessment--

(A) in the case of assessment of a class I civil penalty, in the United States District Court for the District of Columbia or in the District of Alaska, or

(B) in the case of assessment of a class II civil penalty, in United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business, by filing a notice

of appeal in such court within the 30-day period beginning on the date the civil penalty order is issued and by simultaneously sending a copy of such notice by certified mail to the Administrator or Secretary, as the case may be, and the Attorney General. The Administrator or Secretary shall promptly file in such court a certified copy of the record on which the order was issued. Such court shall not set aside or remand such order unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion and shall not impose additional civil penalties for the same violation unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion.

(7) COLLECTION.--If any person fails to pay an assessment of a civil penalty--

(A) after the assessment has become final, or

(B) after a court in an action brought under subsection (6) has entered a final judgment in favor of the Administrator or Secretary, as the case may be, the Administrator or Secretary shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this subparagraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

(8) SUBPOENAS.--The Administrator or Secretary, as the case may be, may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this section. In case of contumacy or refusal to obey a subpoena issued pursuant to this subsection and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator or Secretary or to appear and produce documents before the Administrator or Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) CIVIL PENALTIES.--

(1) GENERALLY.--Any person who violates section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title shall be subject to a civil penalty not to exceed \$25,000 per day for each violation. Each day a violation continues constitutes a separate violation.

(2) JURISDICTION.--An action to impose a civil penalty under this section may be brought in the district court of the United States for the district in which the defendant is located, resides, or transacts business, and such court shall have jurisdiction to assess such penalty.

(3) LIMITATION.--A person is not liable for a civil judicial penalty under this paragraph for a violation if the person has been assessed a civil administrative penalty under paragraph (a) for the violation.

(c) DETERMINATION OF AMOUNT.--In determining the amount of a civil penalty under paragraphs (a) or (b) of this section, the court, the Secretary or the Administrator, as the case may be, shall consider the seriousness of the violation or violations, the economic benefit (if any) resulting from the violation, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and other such matters as justice may require.

(d) CRIMINAL PENALTIES.--

(1) NEGLIGENT VIOLATIONS.--Any person who negligently violates section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title commits a Class A misdemeanor.

(2) **KNOWING VIOLATIONS.**--Any person who knowingly violates section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title commits a Class D felony.

(3) **FALSE STATEMENTS.**--Any person who knowingly makes any false statement, representation, or certification in any record, report or other document filed or required to be maintained under this Title or the regulations issued thereunder, or who falsifies, tampers with, or knowingly renders inaccurate any testing or monitoring device or method required to be maintained under this Title, or the regulations issued thereunder, commits a Class D felony.

(e) **AWARDS.**--

(1) The Secretary, the Administrator or the court, when assessing any fines or civil penalties, as the case may be, may pay from any fines or civil penalties collected under this section an amount not to exceed one-half of the penalty or fine collected, to any individual who furnishes information which leads to the payment of the penalty or fine. If several individuals provide such information, the amount shall be divided equitably among such individuals. No officer or employee of the United States, the State of Alaska or any Federally recognized Tribe who furnishes information or renders service in the performance of his or her official duties shall be eligible for payment under this subsection.

(2) The Secretary, Administrator or the court, when assessing any fines or civil penalties, as the case may be, may pay, from any fines or civil penalties collected under this section, to the State of Alaska or to any Federally recognized Tribe providing information or investigative assistance which leads to payment of the penalty or fine, an amount which reflects the level of information or investigative assistance provided. Should the State of Alaska or a Federally recognized Tribe and an individual under paragraph (1) of this section be eligible for an award, the Secretary, the Administrator or the court, as the case may be, shall divide the amount equitably.

(f) **LIABILITY IN REM.**--A cruise vessel operated in violation of this Title or the regulations issued thereunder is liable in rem for any fine imposed under subsection (d) of this section or for any civil penalty imposed under subsections (a) or (b) of this section, and may be proceeded against in the United States district court of any district in which the cruise vessel may be found.

(g) **COMPLIANCE ORDERS.**--

(1) **IN GENERAL.**--Whenever on the basis of any information available to him the Administrator finds that any person is in violation of section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title, the Administrator shall issue an order requiring such person to comply with such section or requirement, or shall bring a civil action in accordance with subsection (b).

(2) **COPIES OF ORDERS, SERVICE.**--A copy of any order issued under this subsection shall be sent immediately by the Administrator to the State of Alaska. In any case in which an order under this subsection is issued to a corporation, a copy of such order shall be served on any appropriate corporate officer. Any order issued under this subsection shall be by personal service, shall state with reasonable specificity the nature of the violation, and shall specify a time for compliance not to exceed thirty days in the case of a violation of an interim compliance schedule or operation and maintenance requirement and not to exceed a time the Administrator determines to be reasonable in the case of a violation of a final deadline, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(h) **CIVIL ACTIONS.**--The Administrator is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation for which he is authorized to issue a compliance order under this subsection. Any action under subsection (h) may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given immediately to the State of Alaska.

SEC. 1410. DESIGNATION OF CRUISE VESSEL NO-DISCHARGE ZONES.

If the State of Alaska determines that the protection and enhancement of the quality of some or all of the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve require greater environmental protection, the State of Alaska may petition the Administrator to prohibit the discharge of graywater and sewage from cruise vessels operating in such waters. The establishment of such a prohibition shall be achieved in the same manner as the petitioning process and prohibition of the discharge of sewage pursuant to Section 312(f) of the Federal Water Pollution Control Act, as amended, and the regulations promulgated thereunder.

SEC. 1411. SAVINGS CLAUSE.

(a) Nothing in this Title shall be construed as restricting, affecting or amending any other law or the authority of any department, instrumentality or agency of the United States.

(b) Nothing in this Title shall in any way affect or restrict, or be construed to affect or restrict, the authority of the State of Alaska or any political subdivision thereof--

(1) to impose additional liability or additional requirements; or

(2) to impose, or determine the amount of an fine or penalty (whether criminal or civil in nature) for any violation of law; relating to the discharge of sewage (whether treated or untreated) or graywater in the waters of the Alexander Archipelago and the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

SEC. 1412. REGULATIONS.

The Secretary and the Administrator each may prescribe any regulations necessary to carry out the provisions of this Title.

SEC. 1413. INFORMATION GATHERING AUTHORITY.

The authority of Sections 308(a) and (b) of the Federal Water Pollution Control Act, as amended, shall be available to the Administrator to carry out the provisions of this Title. The Administrator and the Secretary shall minimize, to the extent practicable, duplication of or inconsistency with the inspection, sampling, testing, record-keeping and reporting requirements established by the Secretary under section 1406 of this Title.

SEC. 1414. DEFINITIONS.

In this title:

(1) **ADMINISTRATOR.**--The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) **CRUISE VESSEL.**--The term "cruise vessel" means a passenger vessel as defined in section 2101(22) of Title 46, United States Code. The term "cruise vessel" does not include a vessel of the United States operated by the Federal Government or a vessel owned and operated by the government of a State.

(3) **DISCHARGE.**--The term "discharge" means any release however caused from a cruise vessel, and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying.

(4) **GRAYWATER.**--The term "graywater" means only galley, dishwasher, bath, and laundry waste water. The term does not include other wastes or waste streams.

(5) **NAVIGABLE WATERS.**--The term "navigable waters" has the same meaning as in section 502 of the Federal Water Pollution Control Act, as amended.

(6) **PERSON.**--The term "person" means an individual, corporation, partnership, limited liability company, association, State, municipality, commission or political subdivision of a State, or any Federally recognized Tribe.

(7) **SECRETARY.**--The term "Secretary" means the Secretary of the department in which the United States Coast Guard is operating.

(8) **SEWAGE.**--The term "sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

(9) **TREATED SEWAGE.**--The term "treated sewage" means sewage meeting all applicable effluent limitation standards and processing requirements of the Federal Water Pollution Control Act, as amended and of this Title, and regulations promulgated under either.

(10) **UNTREATED SEWAGE.**--The term "untreated sewage" means sewage that is not treated sewage.

(11) **WATERS OF THE ALEXANDER ARCHIPELAGO.**--The term "waters of the Alexander Archipelago" means all waters under the sovereignty of the United States within or near Southeast Alaska, beginning at a point 58° 11' 54" N, 136° 39' 52" W [near Cape Spencer Light], thence southeasterly along a line three nautical miles seaward of the baseline from which the breadth of the territorial sea is measured in the Pacific Ocean and the Dixon Entrance, except where this line intersects geodesics connecting the following five pairs of points:

(1) 58° 05' 17" N, 136° 33' 49" W and 58° 11' 54" N, 136° 39' 52" W [Cross Sound]

(2) 56° 09' 54" N, 134° 40' 05" W and 55° 49' 15" N, 134° 17' 40" W [Chatham Strait]

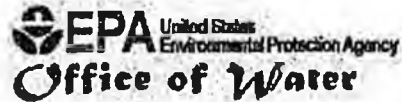
(3) 55° 49' 15" N, 134° 17' 40" W and 55° 50' 53" N, 133° 54' 15" W [Sumner Strait]

(4) 54° 41' 53" N, 132° 01' 50" W and 54° 51' 53" N, 131° 20' 54" W [Clarence Strait]

(5) 54° 51' 53" N, 131° 20' 54" W and 54° 46' 15" N, 130° 52' 00" W [Revillagigedo Channel]

The portion of each such geodesic situated beyond 3 nautical miles from the baseline from which the breadth of the territorial sea is measured forms the outer limit of the waters of the Alexander Archipelago in those five locations.

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Oceans and Coastal Protection Division

1998
The Year
of the Ocean

Cruise Ship Discharges



What's New!

On March 17, 2000, the Administrator of the US Environmental Protection Agency (EPA) received a petition (PDF format, 2M) from the Bluewater Network on behalf of 53 organizations suggesting that gaps in regulations pertaining to cruise ship water pollution result in potential risk to the environment. In response to the petition, EPA is conducting an assessment of discharges from cruise ships. This effort is supported by the Coast Guard and other Federal agencies. The cruise ship assessment also considers concerns of the public. The U.S. Environmental Protection Agency (EPA) invited the public to speak on cruise ship discharges at three regional public information hearings. These information hearings were held in Los Angeles, Juneau and Miami to gather information on wastewater, solid waste, and hazardous waste discharges from cruise ships, their environmental impacts, and existing control measures. The hearings did not cover air emissions or tourism impacts from cruise ships.

More information on these hearing can be found in:




- [The Federal Register Notice Announcing these Hearings](#)
- [Summary of Public Hearings](#)
 - [Los Angeles](#), September 6, 2000
 - [Juneau](#), September 8, 2000
 - [Miami](#), September 12, 2000
- [Transcripts of Public Hearings](#)
 - [Los Angeles](#), September 6, 2000 (WordPerfect Format, 221K)
 - [Juneau](#), September 8, 2000 (WordPerfect Format, 272K)

- Miami, September 12, 2000 (WordPerfect Format, 332)

If individuals had information or comments to provide, but could not attend these hearings, they were invited to send them to the EPA. Written comments are still being solicited and may be sent to: Marine Pollution Control Branch, ATTN: Cruise Ships, US Environmental Protection Agency, MC 4504F, 1200 Pennsylvania Avenue, NW, Washington, DC, 20460, or email them to Cruise.Ships@epa.gov. All comments received during both sessions, or received by mail or email before the hearing, have been made part of the official record.

EPA's overall approach to the assessment of cruise ship discharges can be found on our [Assessment](#) page.

Additional information regarding cruise ship waste issues may also be found on:

- [State of Alaska Cruise Ship Web Site](#) 
- [Memorandum of Understanding between Florida and the Cruise Industry](#) 
- [Cruise Ship Consumer Fact Sheet](#) 

For further information, or to get on EPA's mailing list to be notified about future information or documentation on our cruise ship assessment, please write to Marine Pollution Control Branch, ATTN: Cruise Ships, US Environmental Protection Agency, MC 4504F, 1200 Pennsylvania Avenue, NW, Washington, DC, 20460, or email to Cruise.Ships@epa.gov. You may also call Dorn Carlson at telephone 202-260-6411, or Tom Charlton at telephone 202-260-6960.

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Environmental Protection Agency's Office of Wetlands, Oceans, & Watersheds

Revised: Tuesday, March 13, 2001 09:09:12
http://www.epa.gov/owow/oceans/cruise_ships/



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Cruise Ship Discharges Assessment

The US Environmental Protection Agency (EPA) is preparing an assessment of cruise ship discharges in response to a petition received from the Bluewater Network on behalf of 53 organizations. The complete text of the petition may be downloaded in PDF format (2M). Specifically, the petition requests that the cruise ship discharge assessment include:

1. Quantification of the volumes of all waste streams from large passenger vessels and assessment of the adequacy of existing regulations to control such wastes.
2. Scientific assessment of the impacts of these wastes on water quality, the marine environment and human health.
3. Delineation of options for a comprehensive monitoring, record-keeping and reporting regulation for all pollutants discharged into US waters and wastes offloaded at US ports from large passenger vessels.
4. Evaluation of the effect of repealing 40 CFR §122.3(a), thereby requiring the National Pollutant Discharge Elimination System (NPDES) permits for discharges of sewage, gray water and other "incidental" discharges.
5. Examination of the need for, and best means of, more strictly defining and regulating gray water.
6. Consideration of the need for clarifying the regulations governing hazardous and toxic wastes generated on cruise ships, both while at sea and once offloaded, and a delineation of options for whether and how these regulations should be strengthened.
7. Determination and implementation of effective means for EPA to encourage and assist the USCG in fully enforcing its current regulations in the interim.

Also in March, the Central Council of the Tlingit and Haida Indian Tribes of Alaska passed resolution (PDF format, 541K) EC/00-06, Object to Cruise Ship Dumping of Pollutants in Southeast Alaska Waters. The

resolution cites the threat that cruise line discharges will contaminate subsistence foods, which would result in a possible environmental justice issue. The resolution requests Federal and State governments to:

1. Prohibit all discharges from cruise lines within 12 miles (mi) of shore;
2. Require all cruise lines to have discharge monitoring devices; and
3. Prohibit ships caught illegally discharging from entering southeast Alaskan waters.

Cruise ship pollution was also the subject of a recent (February 2000) US General Accounting Office (GAO) report (PDF format, 552K). The report concluded that, although the cruise industry has made progress with respect to environmental compliance, there is a continued need for improvement. The report recommended that the US Coast Guard (USCG) increase its use of aircraft surveillance and work with the International Maritime Organization (IMO) to improve the Flag State referral process. Additionally, the report recommended that the USCG initiate discussions with the cruise ship industry, Federal and State agencies, and environmental groups on the needs for improved water quality standards for vessel discharges and a periodic discharge monitoring program.

In response to the latter recommendation and the Bluewater Network petition, as well as to the heightened attention on cruise ship discharges by Tribes and States, EPA agreed to assess cruise ship discharges and waste management approaches, and to prepare an **Assessment Report**, which will be made available to the public for comment. The report will assess existing subject data resulting from an extensive literature search, encompassing industry, academic and governmental materials. In addition, it will include information gathered from discussions with industry, governmental representatives, and the public through hearings conducted in September 2000 and solicitation of written comments. No new wastewater sampling will be conducted as part of this assessment.

More information on EPA's cruise ship assessments:

- [A Cruise Ship White Paper describing our initial approach](#) (PDF format, 60K)
- [Blue Water Network Petition](#) (PDF format, 2MG)
- [US General Accounting Office \(GAO\) Report](#) (PDF format, 552K)
- [Tlingit and Haida Indian Tribes of Alaska Resolution EC/00-06: Object to Cruise Ship Dumping of Pollutants in Southeast Alaska Waters](#) (PDF format, 541K)
- [September 2000 Public Comments](#)

- Assessment Report (not yet completed)

For additional information, or to get on EPA's mailing list to be notified about future information or documentation on our cruise ship assessment, please write to Marine Pollution Control Branch, ATTN: Cruise Ships, US Environmental Protection Agency, MC 4504F, 1200 Pennsylvania Avenue, NW, Washington, DC, 20460, or email to Cruise.Ships@epa.gov. You may also call Dorn Carlson at telephone 202-260-6411, or Tom Charlton at telephone 202-260-6960. .

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Oceans and Coastal Protection Division

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JUNEAU, ALASKA SEPTEMBER 8, 2000



Transcript

Download [transcript](#) (WordPerfect Format, 272KB)

Summary

An afternoon open house and evening public hearing were held in Centennial Hall in downtown Juneau. The open house had a steady stream of visitors, and opportunity for testimony directly to the record were available for the public if they were unavailable for the evening public hearing; no testimony was taken. Juneau Mayor Dennis Egan opened the evening hearing, which Craig Vogt of EPA chaired.

Panelists: Craig Vogt, USEPA, Ron Kreizenbeck, USEPA R10, Mike Conway, Alaska Department of Environmental Conservation (ADEC), Brian Base!, Captain USCG, Ed Page, Captain USCG District 17

About 120 people attended the hearing. Craig Vogt made a brief [presentation](#) (PowerPoint Format, 727K) on USEPA's regulations and programs that involve cruise ships, the reasons for USEPA's cruise ship assessment, and what he hoped to achieve during the hearings. Thirty-three people spoke, including two elected officials (and two candidates), 8 people who identified themselves as representatives of environmental organizations, 4 people who identified themselves as coming from the cruise ship or tourism industry representatives, and 11 who described themselves as representatives of community

organizations or long-time residents of the community. Many of the others who testified also appeared to be long-term residents of the local community from the context of their remarks.

The level of interest in this issue was highly apparent from the fact that the meeting went until after midnight, and many people stayed to listen to the end. The public testimony was sometimes impassioned but always orderly. Speakers who argued for stricter regulatory limitations and controls on cruise ship discharges outnumbered those who spoke in favor of other alternatives by about four to one. Several themes recurred throughout the testimony.

Several speakers who argued for stricter regulation of cruise ship discharges suggested that sewage from cruise ships be regulated similarly to land-based sewage treatment plants, needing NPDES permits. Other suggestions included zero-discharge from ships and closure of "donut holes." Speakers described signs of impacts from cruise ship discharges on Alaskan wildlife and waters as evidence that more stringent regulation is needed to protect the environment.

Alternatively, other speakers expressed the belief that there are currently adequate regulations on discharges, but the Coast Guard needs to ensure enforcement. In addition, speakers voiced concern that fishing vessels would also have to comply with any stricter regulations imposed upon the cruise industry. Other opinions expressed were that the cruise industry should not be singled out for regulation, and that the cruise industry will develop environmentally protective technology if left unregulated because it depends on the quality of the environment.

Photo from NOAA

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CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 22(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE KERTTULA

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring the owners or operators of certain passenger vessels operating in the
2 marine waters of the state to register the vessels; establishing information-gathering,
3 record keeping, and reporting requirements relating to the vessels' graywater and the
4 offloading or release of pollutants from the vessels; prohibiting the discharge of
5 untreated sewage from the vessels; placing limits on discharges of treated sewage and
6 graywater from the vessels; establishing penalties for failure to comply with certain laws
7 relating to the vessels; requiring a report from the Department of Environmental
8 Conservation concerning matters relating to the vessels; and providing for an effective
9 date."

10 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

11 * Section 1. AS 46.03 is amended by adding new sections to read:

12 **Article 6A. Large Passenger Vessels.**

1 **Sec. 46.03.460. Registration requirements.** (a) Except as provided in
2 AS 46.03.484, each calendar year in which the owner or operator of a large passenger
3 vessel intends to operate, or cause or allow to be operated, the vessel in the marine
4 waters of the state, the owner or operator of the vessel shall register with the
5 department. The registration shall be completed no later than 72 hours after any large
6 passenger vessel of the owner or operator calls upon a port in the state. The
7 registration must include the following information:

8 (1) the vessel owner's business name and, if different, the vessel
9 operator's business name for each large passenger vessel of the owner that is
10 scheduled to be in the marine waters of the state during the calendar year;

11 (2) the postal address, electronic mail address, telephone number, and
12 facsimile number for the principal place of each business identified under (1) of this
13 subsection;

14 (3) the name and address of an agent for service of process for each
15 business identified under (1) of this subsection; the owner and operator shall
16 continuously maintain a designated agent for service of process whenever a large
17 passenger vessel of the owner or operator is in the marine waters of the state, and the
18 agent must be an individual resident of this state, a domestic corporation, or a foreign
19 corporation having a place of business in and authorized to do business in this state;
20 and

21 (4) the name or call sign of and Port of Registry for each of the owner's
22 or operator's vessels that is scheduled either to call upon a port in this state or
23 otherwise to be in the marine waters of the state during the calendar year occurring
24 after the date of registration.

25 (b) Registration under (a) of this section shall be signed under oath by the
26 owner or operator.

27 (c) Upon request of the department, the registrant shall submit registration
28 information required under this section electronically.

29 **Sec. 46.03.463. Prohibited discharges; limitations on discharges.** (a)
30 Except as provided in (f) of this section, a person may not discharge untreated sewage
31 from a large passenger vessel into the marine waters of the state.

1 (b) Except as provided in (f) of this section, a person may not discharge
2 treated sewage from a large passenger vessel into the marine waters of the state that
3 fails to meet the effluent standards for treated sewage established by the Administrator
4 of the United States Environmental Protection Agency under sec. 1407 of the federal
5 cruise ship legislation. Until the Administrator promulgates the effluent standards, a
6 person may not discharge treated sewage from a large passenger vessel into the marine
7 waters of the state that has a fecal coliform bacterial count greater than 20 per 100
8 milliliters or suspended solids greater than 150 milligrams per liter.

9 (c) Beginning January 1, 2003, or, if earlier, the date on which the
10 Administrator of the United States Environmental Protection Agency establishes
11 effluent standards for graywater under sec. 1407 of the federal cruise ship legislation,
12 a person may not, except as provided in (f) of this section, discharge graywater from a
13 large passenger vessel into the marine waters of the state that

14 (1) fails to meet the effluent standards; or

15 (2) in any event, has a fecal coliform bacterial count greater than 20
16 per 100 milliliters or suspended solids greater than 150 milligrams per liter.

17 (d) Except as provided in (e) and (f) of this section, a person may not
18 discharge treated sewage or graywater from a large passenger vessel into the marine
19 waters of the state unless

20 (1) the vessel is underway and proceeding at a speed of not less than
21 six knots;

22 (2) the vessel is not less than one nautical mile from the nearest shore,
23 except in areas designated by the department;

24 (3) the discharge complies with all applicable vessel effluent standards
25 established under the federal cruise ship legislation and any other applicable law; and

26 (4) the vessel is not in an area where the discharge of treated sewage or
27 graywater is prohibited.

28 (e) The provisions of (d)(1) and (2) of this section do not apply to a discharge
29 permitted under sec. 1404(b) or (c) of the federal cruise ship legislation.

30 (f) The provisions of (a) - (d) of this section do not apply to discharges made
31 for the purpose of securing the safety of the large passenger vessel or saving life at

1 sea, provided that all reasonable precautions have been taken for the purpose of
2 preventing or minimizing the discharge.

3 (g) In this section, "federal cruise ship legislation" means secs. 1401 - 1414 of
4 H.R. 5666, as incorporated by reference into P.L. 106-554.

5 **Sec. 46.03.465. Information-gathering requirements.** (a) Owners and
6 operators of large passenger vessels shall, for the time during any calendar month in
7 which they operate, or cause or allow to be operated, a large passenger vessel in the
8 marine waters of the state, record or cause to be recorded all information necessary to
9 completely report as required by AS 46.03.475.

10 (b) While a large passenger vessel is present in the marine waters of the state,
11 the owner or operator of the vessel shall collect samples of the vessel's graywater

12 (1) with a sampling technique approved by the department before the
13 sample is collected;

14 (2) at least twice during the time period consisting of May, June, July,
15 August, and September each year; if the vessel is in the marine waters of the state
16 during more than one of the months specified in this paragraph, the samples required
17 by this subsection shall be collected in two different months; the samples shall be
18 collected at least 15 days apart unless the vessel is in the marine waters of the state for
19 less than 15 days during the time period described in this paragraph, in which case the
20 samples shall be collected on the first and last day that the vessel is in the marine
21 waters of the state during that time period; and

22 (3) no less frequently than samples are required to be collected under
23 federal laws and regulations for treated sewage discharges.

24 (c) The owner or operator of a vessel required to collect graywater samples
25 under (b) of this section shall have the samples tested

26 (1) with an analytical testing method that was approved by the
27 department before the testing is conducted;

28 (2) to measure fecal coliform, ammonia, residual chlorine, pH, total
29 suspended solids, and biochemical oxygen demand (BOD) in the sample.

30 (d) If the owner or operator of a large passenger vessel has, when complying
31 with another state or federal law that requires substantially equivalent information

1 gathering, gathered the type of information required under this section, the owner or
2 operator shall be considered to be in compliance with this section.

3 **Sec. 46.03.470. Record keeping requirements.** An owner or operator
4 subject to AS 46.03.465 shall record the information required to be gathered under that
5 section and shall maintain the records for three years after the date the information
6 was gathered.

7 **Sec. 46.03.475. Monthly reporting requirements.** (a) An owner or operator
8 of a large passenger vessel shall, within 21 days after the end of a calendar month in
9 which the owner or operator has operated, or caused or allowed to be operated, a large
10 passenger vessel in the marine waters of the state, submit to the department a report
11 concerning the offloading or release of pollutants from that vessel that occurred during
12 the previous calendar month. The report must

13 (1) include the information required for releases by (c) and (d) of this
14 section;

15 (2) include the information required for offloading by (e) - (g) of this
16 section; and

17 (3) be limited to releases and offloading that occurred while the vessel
18 was in the marine waters of the state.

19 (b) The information in the report required under this section may be provided
20 by referring to, and including copies of, other reports concerning pollutants that are
21 required by substantially equivalent state or federal reporting requirements.

22 (c) For each intentional release of sewage, whether treated or untreated, the
23 report required under this section must describe the

24 (1) location of the release, including latitude and longitude;

25 (2) date and time of the release;

26 (3) volume, flow rate, or weight, and the type and source of the
27 sewage;

28 (4) processing or treatment used on the sewage before the release; and

29 (5) circumstance surrounding the release, including a statement that
30 the release was intentional.

31 (d) For each release of a pollutant, the report required under this section must

1 describe the

2 (1) location of the release, including latitude and longitude;

3 (2) date and time of the release;

4 (3) volume, flow rate, or weight, and the type and source of the
5 pollutant released;

6 (4) processing or treatment used on the pollutant before the release;

7 (5) circumstances surrounding and cause of the release, including a
8 statement as to whether the release was intentional or accidental;

9 (6) environmental damage caused by the release, to the extent the
10 damage can be reasonably identified; and

11 (7) remedial efforts taken to prevent accidental recurrence of the
12 release.

13 (e) For pollutants that were offloaded, the report required under this section
14 must describe the

15 (1) location of offloading;

16 (2) date of offloading;

17 (3) volume, flow rate, or weight, and the type and source of the
18 offloaded material;

19 (4) ultimate destination of the offloaded material; and

20 (5) processing or treatment received by the offloaded material before
21 or during the offloading.

22 (f) If hazardous waste was offloaded from the vessel and the hazardous waste
23 was manifested in accordance with 42 U.S.C. 6921 - 6939a (Subtitle C of the Solid
24 Waste Disposal Act), the report required under this section may, instead of the
25 information described in (e) of this section, include a copy of the manifest. If
26 hazardous waste was offloaded from the vessel without a manifest, the report required
27 under this section must, in addition to the information described in (e) of this section,
28 describe the reasons why the waste was offloaded without a manifest.

29 (g) For graywater, treated sewage, and other wastewater, the report required
30 under this section must state whether the graywater, treated sewage, and other
31 wastewater were mixed with one another or with other pollutants before or during

1 release or offloading. If mixing of pollutants occurred before or during offloading, the
2 report must identify the specific pollutants involved in the mixing, if feasible. If
3 identification of the specific pollutants is not feasible, the report must identify the
4 waste streams in the mixture.

5 (h) A record or report submitted under this section shall be signed under
6 penalty of unsworn falsification by the owner, operator, or a responsible official of the
7 reporting vessel and must include the following statement: "Based on information and
8 belief formed after reasonable inquiry, I certify that the statements and information in
9 and attached to this document are true, accurate, and complete and that the offloading,
10 releases, treatment, and processing described in this document were in compliance
11 with applicable laws and regulations."

12 (i) Upon request of the department, the report required under this section shall
13 be submitted electronically.

14 (j) This section does not relieve the owner or operator of a large passenger
15 vessel from other applicable reporting requirements of state or federal law.

16 **Sec. 46.03.477. Other reporting requirements** (a) If the owner or operator
17 of a large passenger vessel operating in the marine waters of the state is required by
18 the administrator of the Environmental Protection Agency or the secretary of the
19 federal department in which the United States Coast Guard is operating to collect
20 samples and test sewage or graywater and keep records of the sampling and testing,
21 the owner or operator shall, within 21 days after the sewage or graywater is tested,
22 submit to the department a copy of the records.

23 (b) Within 21 days after the testing required under AS 46.03.465(c), the owner
24 or operator shall submit a written report to the department that contains the
25 measurements required under AS 46.03.465(c)(2) and describes the sampling
26 technique and analytical testing methods used.

27 **Sec. 46.03.480. Penalties.** (a) An owner or operator who fails to comply with
28 AS 46.03.460 may not bring a claim or counterclaim in a court of this state for a cause
29 of action that arose during the time that the owner or operator was out of compliance
30 with AS 46.03.460.

31 (b) An owner or operator who fails to comply with AS 46.03.460 or a

1 reporting requirement of AS 46.03.475, 46.03.477, or 46.03.485 is subject to an
2 administrative penalty of not more than \$50 a day for each day of noncompliance with
3 each requirement as determined by the commissioner subject to right of appeal to the
4 superior court.

5 **Sec. 46.03.484. Exemption for vessels in innocent passage.** AS 46.03.460 -
6 46.03.490 do not apply to a large passenger vessel that operates in the marine waters
7 of the state solely in innocent passage. For the purpose of this section, a vessel is
8 engaged in innocent passage if its operation in state waters would constitute innocent
9 passage under the

10 (1) Convention on the Territorial Sea and the Contiguous Zone,
11 April 29, 1958, 15 U.S.T. 1606; or

12 (2) United Nations Convention on the Law of the Sea 1982,
13 December 10, 1982, United Nations Publication No. E.83.V.5., 21 I.L.M. 1261
14 (1982).

15 **Sec. 46.03.485. Regulations.** The department may adopt regulations that are
16 necessary for the implementation of exemptions to AS 46.03.460 - 46.03.490.

17 **Sec. 46.03.490. Definitions.** In AS 46.03.460 - 46.03.490,

18 (1) "agent for service of process" means an agent upon whom process,
19 notice, or demand required or permitted by law to be served upon the owner or
20 operator may be served;

21 (2) "graywater" means galley, dishwasher, bath, and laundry
22 wastewater;

23 (3) "hazardous substance" has the meaning given in AS 46.03.826;

24 (4) "hazardous waste" has the meaning given in AS 46.03.900 and
25 includes wastes that meet that definition and have been collected from staterooms,
26 crew quarters, and other passenger or crew accommodations;

27 (5) "large passenger vessel" means a vessel that is authorized to carry
28 500 or more passengers for hire, excluding noncommercial vessels, warships, and
29 vessels operated by the state, the United States, or a foreign government;

30 (6) "marine waters of the state" has the meaning given to "waters" in
31 AS 46.03.900 except that it includes only marine waters;

1 (7) "medical waste" includes each of the types of solid waste listed in
2 42 U.S.C. 6992a (Demonstration Medical Waste Tracking Program, sec. 11002 of the
3 Solid Waste Disposal Act);

4 (8) "offloading" means the removal of pollutants from a large
5 passenger vessel onto or into a controlled storage, processing, or disposal facility or
6 treatment works;

7 (9) "oil" has the meaning given in AS 46.04.900;

8 (10) "pollutant" means biological materials, chemical wastes,
9 graywater, hazardous substances, hazardous waste, industrial waste, incinerator
10 residue, medical waste, munitions, oil, radioactive materials, treated or untreated
11 sewage, sewage sludge, solid waste, toxic waste, and wrecked or discarded equipment,
12 except that "pollutant" does not include an air contaminant, ballast water, a consumer
13 product in consumer use, or, with respect to offloading, a product that remains capable
14 of being put to the beneficial use for which the product was intended;

15 (11) "release" means spilling, leaking, pumping, pouring, emitting,
16 emptying, discharging, injecting, escaping, leaching, dumping, placing, or disposing
17 of pollutants into the environment, including the abandonment or discarding of bags,
18 containers, and other receptacles containing a pollutant, and without regard to whether
19 the pollutants left the vessel through a discrete conveyance or a nonpoint source;

20 (12) "responsible official" means

21 (A) for a corporation, a president, secretary, treasurer, or vice-
22 president of the corporation in charge of a principal business function, or any
23 other person who performs similar policy or decision-making functions for the
24 corporation, or a duly authorized representative of that person if the delegation
25 of authority to the representative is approved in advance by the department;

26 (B) for a partnership, sole proprietorship, or limited liability
27 company, a general partner, the proprietor, or the manager or managing
28 member, respectively;

29 (13) "sewage" means human body wastes and the wastes from toilets
30 and other receptacles intended to receive or retain human body waste;

31 (14) "treated sewage" means sewage that meets all applicable effluent

1 limitation standards and processing requirements of 33 U. S. C. 1251 - 1376 (Federal
2 Water Pollution Control Act), as amended, secs. 1401 - 1414 of H.R. 5666, as
3 incorporated by reference into P.L. 106 - 554, and regulations adopted under 33 U. S.
4 C. 1251 - 1376 or under secs. 1401 - 1414 of H.R. 5666, as incorporated by reference
5 into P.L. 106 - 554;

6 (15) "untreated sewage" means sewage that is not treated sewage;

7 (16) "vessel" means any form or manner of watercraft, other than a
8 seaplane on the water, whether or not capable of self-propulsion.

9 * Sec. 2. AS 46.03.700(e) is amended to read:

10 (e) A person who falsifies a registration or report required under
11 AS 46.03.460, 46.03.475, 46.03.477, or 46.03.485 or who violates or causes or
12 permits to be violated a provision of AS 46.03.250 - 46.03.314, 46.03.460 - 46.03.490,
13 AS 46.14, or a regulation, a lawful order of the department, or a permit, approval, or
14 acceptance, or term or condition of a permit, approval, or acceptance issued under
15 AS 46.03.250 - 46.03.314, 46.03.460 - 46.03.490, or AS 46.14 is liable, in a civil
16 action, to the state for a sum to be assessed by the court of not less than \$500 nor more
17 than \$100,000 for the initial violation, nor more than \$10,000 for each day after that
18 on which the violation continues, and that shall reflect, when applicable,

19 (1) reasonable compensation in the nature of liquidated damages for
20 any adverse environmental effects caused by the violation, that shall be determined by
21 the court according to the toxicity, degradability and dispersal characteristics of the
22 substance discharged, the sensitivity of the receiving environment, and the degree to
23 which the discharge degrades existing environmental quality; for a violation relating to
24 AS 46.14, the court, in making its determination under this paragraph, shall also
25 consider the degree to which the discharge causes harm to persons or property; this
26 paragraph may not be construed to limit the right of parties other than the state to
27 recover for personal injuries or damage to their property;

28 (2) reasonable costs incurred by the state in detection, investigation,
29 and attempted correction of the violation;

30 (3) the economic savings realized by the person in not complying with
31 the requirement for which a violation is charged; and

1 (4) the need for an enhanced civil penalty to deter future
2 noncompliance.

3 * Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 APPLICABILITY OF REPORTING REQUIREMENTS. (a) Notwithstanding
6 AS 46.03.460(a), enacted by sec. 1 of this Act, the first registration required under
7 AS 46.03.460(a) for the owner or operator of a large passenger vessel that is in the marine
8 waters of the state on June 1, 2001, is 11:59 p.m., Alaska Daylight Time, on June 3, 2001,
9 regardless of whether the vessel has called upon or will call upon a port in the state on or after
10 June 1, 2001.

11 (b) The information-gathering and record keeping requirements of AS 46.03.465 and
12 46.03.470, enacted by sec. 1 of this Act, apply on and after June 1, 2001. The first report that
13 is due under AS 46.03.475, enacted by sec. 1 of this Act, is due July 21, 2001.

14 * Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 ASSESSMENT REPORT. (a) By January 15, 2004, the Department of
17 Environmental Conservation shall submit to the governor a report that assesses the
18 information received by the department under AS 46.03.475 - 46.03.485 for the cruise ship
19 seasons of 2001, 2002, and 2003 and information received by the department for the cruise
20 ship season of 2000. The report must include

21 (1) a characterization, to the extent possible, of the risks to the marine and
22 human environments posed by releases and offloadings from large passenger vessels;

23 (2) evaluation of the pollution control and abatement technologies on the
24 vessels; and

25 (3) recommendations for future action by the state in relation to the matters
26 discussed in the report.

27 (b) While producing the assessment required under this section, the department shall
28 consult appropriate federal agencies, owners and operators of passenger vessels, and other
29 interested parties.

30 (c) The department shall notify the legislature when the report required under this
31 section has been submitted to the governor.

1 (d) In this section, "department" means the Department of Environmental
2 Conservation.

3 * Sec. 5. This Act takes effect June 1, 2001.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CS SS HB 22 (TRA)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
 Title: "An Act requiring the owners and operators of BRU: Air and Water Quality
certain passenger vessels operating in the marine waters. . ." Component: Water Quality
 Sponsor: Kerttula
 Requester: House Transportation Component Number: 2062

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2002 | FY 2003 | FY 2004 | FY 2005 | FY 2006 | FY 2007 |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Personal Services | 70.8 | 70.8 | 70.8 | 70.8 | 70.8 | 70.8 |
| Travel | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 |
| Contractual | 37.6 | 61.6 | 37.6 | 22.6 | 22.6 | 22.6 |
| Supplies | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 |
| Equipment | 6.9 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 122.8 | 141.4 | 117.4 | 102.4 | 102.4 | 102.4 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
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| CHANGE IN REVENUES () | | | | | | |
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FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 122.8 | 141.4 | 117.4 | 102.4 | 102.4 | 102.4 |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type) | | | | | | |
| TOTAL | 122.8 | 141.4 | 117.4 | 102.4 | 102.4 | 102.4 |

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| Full-time | 1 | 1 | 1 | 1 | 1 | 1 |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

See attached

Prepared by: Lynn J. Tomich Kent Phone 465-5312
 Division: Air and Water Quality Date/Time 4/20/01 9:00 AM
 Approved by: Kurt Fredriksson Date 4/20/2001
 Agency: Department of Environmental Conservation

For distribution information, call the Governor's Legislative Office

CS for SSHB 22 (TRA) Fiscal Note, Page 2 of 3

Personal Services (1 position)

The Department may receive as many as 125 reports each year covering release of sewage and pollutants, and off-loading of pollutants including hazardous waste. Up to 50 of the reports will also include gray-water analytical information.

One full time Environmental Specialist IV in Juneau will be required to register approximately twenty-five large passenger vessels annually; in consultation with other agencies, the cruise industry and interested persons, complete an assessment report by January, 2004; approve gray water sampling techniques and analytical methods; provide technical assistance to the cruise ship industry and the public; establish an information management system; and provide technical assistance to the attorney general's office on any necessary enforcement actions.

Travel

Travel funds are for providing technical assistance to the cruise ship industry, working with interested parties on the assessment report, and technical/professional training for staff.

Contractual

Contractual funds for all fiscal years include contractor support to review monitoring data; conduct quality assurance reviews, and data analysis; and review release and pollutant reports. Contractual funds in FY 02 will be used to develop a database to manage and store effluent data received from the cruise ship industry and to cover standard position support costs. Contractual funds in FY 03 and FY 04 will be used for technical assistance developing the assessment report and to cover standard position support costs.

Supplies and Equipment

Supply and equipment funds during FY 02 cover standard office supplies, furnishings and computer for the position. Equipment funds are reduced in subsequent years.

Personal Services New Position Detail

DRAFT

Department of Environmental Conservation

Scenario: 02 DEC Fiscal Note Backup (1822)
 Component: Water Quality (2062)
 BRU Name: Air and Water Quality (206)

| PCN | Job Class Title | Time Status | Retire Code | Barg Unit | Location | Salary Sched | Range & | Budgeted Split / Annual Count | Annual Salary | COLA | Premium Pay | Annual Benefits | Total Costs |
|---------|-----------------------|-------------|-------------|-----------|----------|--------------|---------|-------------------------------|---------------|-------|-------------|-----------------|-------------|
| 18-#002 | Environmental Spec IV | FT | A | SS | Juneau | 1A | 20 B | ** 12.0 | 52,500 | 1,250 | 0 | 17,013 | 70,763 |

Justification:

To implement CS for SSHB 22.

Funding Detail:

| | | | |
|-----------------------|-----------------------|----------------|---------------|
| 1004 | General Fund Receipts | 100.00% | 70,763 |
| Total Funding: | | 100.00% | 70,763 |

Component Summary:

Total New Positions: 1

| Fund Description | Fund Percent | Fund Amount |
|----------------------------|----------------|---------------|
| 1004 General Fund Receipts | 100.00% | 70,763 |
| Total Funding: | 100.00% | 70,763 |

Note: If a position is split, an asterisk (*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (**) will appear in this column.

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: _____
 Bill Version: SSHB 22
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
 Title: "An Act relating to certain passenger vessels
operating in marine waters of the state. . ." BRU: Air and Water Quality
 Sponsor: Kertula Component: Water Quality
 Requester: House Transportation Component Number: 2062

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2002 | FY 2003 | FY 2004 | FY 2005 | FY 2006 | FY 2007 |
|------------------------|--------------|--------------|--------------|-------------|-------------|-------------|
| Personal Services | 105.3 | 105.3 | 88.0 | 70.8 | 70.8 | 70.8 |
| Travel | 7.5 | 7.5 | 6.0 | 5.0 | 5.0 | 5.0 |
| Contractual | 26.6 | 46.6 | 22.6 | 7.6 | 7.6 | 7.6 |
| Supplies | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 |
| Equipment | 13.8 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 155.7 | 163.4 | 120.6 | 87.4 | 87.4 | 87.4 |

| | | | | | | |
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| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|--------------|--------------|--------------|-------------|-------------|-------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 155.7 | 163.4 | 120.6 | 87.4 | 87.4 | 87.4 |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type) | | | | | | |
| TOTAL | 155.7 | 163.4 | 120.6 | 87.4 | 87.4 | 87.4 |

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| Full-time | 1 | 1 | 1 | 1 | 1 | 1 |
| Part-time | 1 | 1 | 1 | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)
 See attached

Prepared by: Lynn J. Tomich Kent
 Division: Air and Water Quality
 Approved by: Kurt Fredriksson
 Agency: Department of Environmental Conservation

Phone 465-5312
 Date/Time April 12, 2001 3:00pm
 Date 4/12/01 4:15pm

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