

HB

134

Alaska State Legislature

Interim: (June-Dec)
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Session: (Jan-May)
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REPRESENTATIVE JOHN HARRIS

MEMORANDUM

March 1, 2009

TO: Representative Mark Neuman
Representative Craig Johnson
House Resources Committee

FROM: Representative John Harris

SUBJECT: HB134, Cruise Ship Discharge

Thank you for scheduling HB134 for a hearing in the House Resources Committee on Monday, March 2nd.

HB134 will allow the Alaska Dept. of Environmental Conservation the ability to regulate and administer Alaska Water Quality Standards governing pollution discharge permits for large commercial passenger vessels. The current state law administering discharge permits was established as a part of a substantial initiative in 2006 to regulate the cruise ship industry.

During the 2006 election process, the *Anchorage Daily News* wrote an editorial (August 16, 2006) that said "vote yes, then fix it." Since 2006, there have already been two bills amending the initiative to clarify certain provisions.

HB134 is an attempt to amend the initiative to provide the DEC reasonable latitude to enforce pollution standards. It removes language from the initiative that has proven to be too stringent of a standard for cruise ships.

With passage of this bill, DEC will be expected to enforce high quality standards and continue to develop technology that will allow ships to have the cleanest possible discharges.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 134(CRA)
(H) Publish Date: 2/18/09

Identifier (file name): HB134-DEC-WQ-02-13-09 Dept. Affected: Environ. Conservation
Title: Cruise Ship Wastewater Discharge Permits RDU: Division of Water
Component: Water Quality
Sponsor: Representative Harris
Requester: House Community and Regional Affairs Committee Component Number: 2062

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | | |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
| | | FY 2010 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
| OPERATING EXPENDITURES | | | | | | | | |
| Personal Services | | | | | | | | |
| Travel | | | | | | | | |
| Contractual | | | | | | | | |
| Supplies | | | | | | | | |
| Equipment | | | | | | | | |
| Land & Structures | | | | | | | | |
| Grants & Claims | | | | | | | | |
| Miscellaneous | | | | | | | | |
| TOTAL OPERATING | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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

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

FUND SOURCE (Thousands of Dollars)

| | | | | | | | | |
|----------------------------|--|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | | | |
| 1003 GF Match | | | | | | | | |
| 1004 GF | | | | | | | | |
| 1005 GF/Program Receipts | | | | | | | | |
| 1037 GF/Mental Health | | | | | | | | |
| Other Interagency Receipts | | | | | | | | |
| TOTAL | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

HB 134 has no fiscal impact on the Department of Environmental Conservation.

Prepared by: Lynn J. Tomich Kent
Division: Water
Approved by: Dan Easton
Deputy Commissioner

Phone: (907) 269-7599
Date/Time: 2/13/09 3:00 PM
Date: 2/13/2009

**Department of Environmental Conservation
Testimony of the Division of Water before the
House Community and Regional Affairs Committee on HB 134
February 17, 2009**

The Department of Environmental Conservation (DEC) has been implementing the Cruise Ship Initiative that was passed by Alaskan voters in 2006. The initiative included three main environmental provisions:

- A requirement to have an Ocean Ranger on board
- A requirement for vessels to report their location hourly to DEC
- A requirement for vessels that intend to discharge wastewater to obtain a permit from DEC.

I would like to provide an update on the environmental requirements of the initiative including the new Ocean Ranger program, the permit requirements, and the impact of HB 134.

Citizen's Initiative - Ocean Rangers

The initiative required an Ocean Ranger (a U.S. Coast Guard-licensed marine engineer) to be on board all large cruise ships entering Alaska waters to observe vessel compliance with state and federal environmental, sanitation, health and safety requirements. The program is funded by a \$4/berth fee that nets approximately \$4.0 million/year.

DEC implemented a pilot program during the 2007 cruise ship season, using marine engineers and environmental professionals on board some vessels to evaluate training needs for the Ocean Rangers; to develop an Ocean Ranger checklist for observations; and to learn about the issues surrounding reservation of berths, scheduling of Ocean Rangers, and communications between Ocean Rangers and DEC.

Full implementation of the Ocean Ranger program started with the 2008 season:

- An Ocean Ranger was on-board 88% of the voyages for the full time they were in Alaska waters.
- Other vessels were visited by an Ocean Ranger via in-port inspections.
- DEC received over 2,000 daily Ocean Ranger reports with 126 incidents that required follow-up. Most of the issues were immediately resolved by the vessels.

Citizen's Initiative - Vessel Tracking

The citizen's initiative requires the ships to provide hourly location information to DEC. All vessels complied with this requirement and DEC has been able to use the information to verify vessel compliance.

Citizen's Initiative - Wastewater Discharge Permit

The initiative required large cruise ships to obtain a wastewater discharge permit from DEC and to comply with Alaska's water quality standards "at the point of discharge."

Alaska's water quality standards describe how clean Alaska's fresh and marine waters have to be to protect the various uses - drinking water, contact recreation, and protection of aquatic life. The standards apply to the waterbody and not directly to a wastewater discharge, except in the case of discharges from large cruise ships where the discharge must meet the water quality standards at the point of discharge.

DEC issued a general permit on March 25, 2008. The permit contains "long term" effluent limits for ammonia, copper, nickel, and zinc based on the water quality standards. These strict effluent limits must be met by the 2010 cruise ship season.

The permit also contains a compliance schedule and "interim limits" that are less stringent for the 2008 and 2009 cruise ship seasons.

HB 134

The effect of HB 134 would be to allow DEC, under certain circumstances, to authorize mixing zones for treated wastewater discharged from cruise ships. A mixing zone is an area where water quality standards can be exceeded while the wastewater has a chance to mix with receiving waters.

We have been looking at the science around cruise ship wastewater for years. For the last few years we have been engaged in a series of studies, some in conjunction with the U.S. Environmental Protection Agency, about how cruise ship discharges mix with receiving waters. We are currently investigating potential wastewater treatment technologies. In fact, we have a draft report out on cruise ship wastewater treatment technologies and are sponsoring a public work shop on that topic tomorrow.

Based on our work to date, the following are some of the facts as we know them.

1. Quality of treated wastewater

All large cruise vessels discharging in Alaska waters have installed Advanced Wastewater Treatment systems that produce a high quality effluent.

During the 2008 cruise ship season, 20 of the 31 large cruise ships discharged in State waters. Cumulatively, these vessels took a total of 206 effluent samples to satisfy the terms of the wastewater discharge permit. Each sample was analyzed to determine the concentration of nine parameters.

Focusing just on the parameters of concern (ammonia, copper, nickel and zinc)-- out of 824 data points (206 samples with 4 parameters), there were 36 exceedances of interim permit limits noted on 11 vessels. That means approximately 4% ($36/824 * 100 = 4.4\%$) of the data points exceeded the interim limits for ammonia, copper, or zinc. The most frequent exceedance was for ammonia (21 of the 36 exceedances).

If we look at exceedances of the stricter long term limits, we see a different picture. Based on 2008 effluent monitoring, there would be 563 exceedances of the long term permit limits for those same parameters. That means approximately 68% ($563/824*100 = 68.3\%$) of the data points would exceed the long term limits.

2. Dilution Studies

It is important to understand the effects of cruise ship discharges on Alaska waters. In order to do that, DEC must evaluate both the quality of the wastewater discharge in conjunction with the dilution that it is subject to. This information can then be used to estimate whether the wastewater would cause exceedances of Water Quality Standards in the receiving waters.

DEC convened a Science Advisory Panel¹ to evaluate the results of a field study that EPA conducted in 2001 to determine the effect of discharges on Alaska waters when the vessel is underway. The Science Panel determined that when a typical large cruise ship is moving at a minimum speed of 6 knots, the wastewater discharged is subject to tremendous dilution. For wastewater discharged at 200 cubic meters/hour, the dilution factor is 50,000. When the sample results of the cruise ship wastewater are divided by the 50,000 dilution factor, the Science Panel concluded that the wastewater would almost instantaneously meet Alaska Water Quality Standards in the receiving water.

During the 2008 legislative session, the legislature directed DEC to evaluate how treated cruise ship effluent mixes with and dilutes into receiving waters. We conducted the study in Skagway this past season in conjunction with research the

¹ See the following website for more information: http://www.dec.state.ak.us/water/cruise_ships/scienceadvisory.htm

U.S. Environmental Protection Agency was performing with its Ocean Research Vessel "Bold." We provided an interim report of the study to the legislature on January 12, 2009.

The study last summer was designed to collect field data in order to calculate the dilution that occurs to wastewater when it is discharged under worst case conditions -- from a stationary cruise ship into a confined receiving environment with limited flushing. A ship moored in Skagway Harbor represents a worst case situation for dilution.

The results of the study were mixed. Under certain assumptions, Water Quality Standards would be met in the receiving water within 15 meters of the vessel. Using other assumptions, it will take a greater distance from the vessel to meet Water Quality Standards.

While the dilution study work is not complete, there is some suggestion that in certain worst cases, mixing zones may not be appropriate for moored vessels.

3. Technology Review

DEC is not currently aware of treatment systems that are readily available to be installed on all vessels by 2010 and that would produce effluent meeting water quality standards without mixing zones.

We are in the process of evaluating the cruise line's efforts to reduce ammonia, copper, nickel, and zinc in their wastewater effluent by evaluating potential source reduction and, as necessary new treatment technologies.

We have retained a consultant to evaluate new and emerging technologies that could potentially be installed on cruise ships to meet the water quality standards at the point of discharge. A draft report is available for review and a technology workshop is scheduled for Wednesday, February 18. Information from the workshop will be incorporated into a final report expected April 13.

4. Existing Regulations

DEC has existing regulations that allow a wastewater discharge permittee to apply for a mixing zone with their permit. The regulations include a 19 part test that must be met before DEC can authorize a mixing zone, including:

- That the effluent is first treated to remove, reduce and disperse the pollutants using the most effective, technologically and economically feasible methods.

The anti-degradation policy also requires the use of "methods of pollution

prevention, control, and treatment found by the department to be the most effective and reasonable” and that wastes and other substances to be discharged “be treated and controlled to achieve . . . the highest statutory and regulatory requirements.”

If mixing zones were allowed, DEC would modify the cruise ship wastewater discharge general permit to include mixing zones where appropriate. Any proposed permit modifications would require a public review. Mixing zones may be prohibited in some areas and would only be allowed in other areas and under conditions that would fully protect aquatic life and other uses of Alaska’s waters.

The modified permit would still require use of best available treatment technologies. Existing water quality regulations prohibit backsliding in treatment technology or decreases in effluent quality.

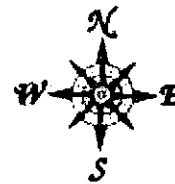
Every five years when the general permit is renewed, DEC must reevaluate what comprises best available treatment technologies. Renewed permits are modified to reflect any new, commercially available treatment technologies.

Fiscal Impact - HB 134 has no fiscal impact for the Department.

CSAW
Campaign to Safeguard America's Waters



Earth Island Institute



Responsible Cruising in Alaska

February 2, 2009

Dear Alaska Legislators,

The session has started and cruise industry lobbyists are once again filling the capitol. As non-profit, public organizations, CSAW and RCA cannot match the hours the cruise industry and their allies will spend to change important provisions of the cruise ship initiative passed by voters in 2006. The cruise industry wants you to (1) repeal the ban on "mixing zones" for large vessels (current law requires these floating cities to meet Alaska's Water Quality Standards (WQS) at the point of discharge), and (2) reduce the tax levies on the passengers and the cruise lines.

Here are the facts: the cruise lines have not installed any new wastewater treatment equipment on their ships since 2006. Instead, the industry has directed their lobbyists to try and repeal state law rather than comply with our pollution requirements. The industry claims the new law cannot be met, yet many ships are already meeting most of the discharge standards without mixing zones. In fact, most pollution problems appear to be related to older ships in the cruise fleet. Significantly, the Alaska Department of Environmental Conservation (ADEC) has given the cruise industry until 2010 to comply with the WQS without penalty.

As part of this thoughtful approach to implementing the law, ADEC is hosting a technology conference on cruise ship discharges on February 18 in Juneau, where vendors and scientists will present treatment technologies that can resolve the few remaining discharge issues without changing the mixing zone rule. ADEC has a worthy goal — working with the cruise industry, science, the public, and interested organizations to identify ways to improve discharge performance and ensure the health of our marine resources. Repealing the rule related to diluting discharges before these technologies are evaluated and perhaps included in pilot programs in 2009 is clearly premature. If the cruise industry wants decisions to be based on science (as they claim) they should cooperate with DEC's technology evaluation process and be open to trying to meet the standards, rather than working to repeal them before the department's scientific evaluation has been completed.

Segments of the cruise industry have criticized the passenger fee or "head tax" sanctioned by Alaska's voters in 2006. An independent economic review of the 2007 cruise season by the McDowell Group demonstrated that the taxes and fees passed in 2006 did not cause any decrease in cruise ship passenger visitation to Alaska or passenger spending in ports of call. The \$50 head tax paid by cruise passengers is a tiny fraction of the total costs incurred by a passenger when they visit Alaska. The visitor head tax and the other cruise-related revenue (the corporate income tax on marine operations and the cruise gambling tax) have been successfully collected and disbursed by the Alaska Department of Revenue in a competent and efficient manner since 2007. The allocation of a portion of these revenues is restricted by federal law, and the Alaska Legislature has properly appropriated the revenue to comply with both state and federal laws. This revenue has greatly benefited Alaskan communities impacted most by cruise operations.

Revenue from these new taxes has been extremely helpful in financing new docks, harbors and port facilities – the very infrastructure that allows cruise visitors to enjoy their trip to Alaska while ensuring the cruise industry remains successful. Without these cruise passenger revenues, funds for construction of safe & efficient tourism infrastructure would need to be cobbled from local property and sales taxes, bonding and other erratic sources. At a time when many Alaska families are struggling to make ends meet, asking the one million summer tourists and Miami-based cruise companies to pay their fair share for needed tourism infrastructure makes sense.

The comprehensive initiative passed by Alaska voters in 2006 addressed critical shortcomings related to taxation and wastewater treatment oversight for the cruise industry. The Alaska Department of Revenue has done an exemplary job collecting the new taxes without unnecessary fees and costs. Enacting reasonable taxes on the cruise companies and passengers to build necessary tourism infrastructure makes far more sense than having coastal communities fund the construction of cruise wharfs, docks and tourist roadways themselves.

DEC now issues discharge permits for cruise ships, as they do for all other dischargers, and the Ocean Ranger program has given Alaskans needed assurance that the State's pollution rules are being followed. The approach adopted by DEC has been measured and appropriate, and affords the cruise industry ample time to comply with regulations that protect Alaska's incomparable marine resources. Given the state's reliance on commercial and sport fishing, subsistence, and the many uses of marine waters for local recreation and tourism, Alaska must protect its coastal waters by preventing the discharge of heavy metals like copper and other substances known to negatively impact salmon and other aquatic resources.

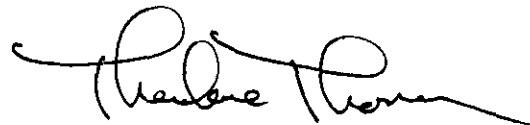
We urge members of the Alaska Legislature not to heed the cries of the Miami-based cruise industry. This luxury industry registers all their ships in foreign ports to avoid U.S. income taxes and labor laws. They should not now ask Alaska for local tax-relief and weaker pollution rules because they fear the US economy and its potential, future impact on their bottom line.

Let's keep Alaska waters clean and continue to appropriate cruise tax revenues for worthy projects that benefit the cruise passengers, the companies and impacted Alaska communities.

Please contact us to discuss any of these issues in more detail. Thank you,

Gershon Cohen Ph.D.

Gershon Cohen Ph.D.
Project Director, CSAW
766-3005 gershon@aptalaska.net



Theodore Thoma
President, RCA
586-2117 chipt@alaska.net

CSAW
Campaign to Safeguard America's Waters



Earth Island Institute

2/17/09

Re: HB 134 Testimony of Gershon Cohen Ph.D.

Dear Chairmen and Members of the Alaska House of Representatives Committee on Community and Regional Affairs,

Thank you for accepting this testimony in opposition to HB134, which seeks to remove the ban on mixing zone authorizations for cruise ship discharges established by majority vote of the people of Alaska in 2006.

The State of Alaska has traditionally been generous in allowing dischargers to circumvent the State's Water Quality Standards (WQS) through the application of mixing zones, which permit polluters to dilute contaminated wastewater within public waters. Nevertheless, the frequency of mixing zone use in the past should not be presumed to indicate that (1) the practice is consistent with the fundamental goals of the Clean Water Act to make all waters fishable and swimmable and eliminate the discharge of pollutants, or (2) such regulatory negligence adequately protects Alaska's aquatic resources.

I agree with the intent of the sponsors of HB134 that discharge permits be based on the best scientific evidence available. By definition, the State's WQS represent the best scientific information regarding the protection of aquatic life. Assigning mixing zones to mobile dischargers such as cruise ships does not represent the best science available, it will create multiple regions in our marine waters which cannot be tested for toxicity, where wastes may or may not disperse well depending upon the location of the discharge due to local currents, tides, salinity, temperature, and/or topography, and will likely contain the waste from multiple ships using the same water for dilution. Worst of all, it will risk contaminating any fish or other marine life unfortunate enough to be within the mixing zone at the time of discharge.

Mixing zones are not based on biological science or toxicology; they are engineering-based risk analyses that assume, or at least hope, that organisms will either not be present when the discharge occurs, not be harvested and consumed, or represent a small enough percentage of the population as to not result in long term harm to the overall ecosystem.

The cruise industry believes it should be given mixing zones because some other dischargers have mixing zones. Poor performance by other dischargers does not

justify allowing the cruise lines to seek the lowest common denominator of waste treatment. It is important to note that many of their "peers" are using equipment designed in the 1950's, built in the 1970's, and perhaps in a few cases marginally improved in more recent years. Many of these communities and private dischargers have not had the financial resources to even begin trying to improve their performance. The cruise industry has recorded billion dollar profits year after year - they can afford to do the job right, and in doing so they will show others how they can improve their performance.

Alaska's WQS not only contain provisions for authorizing mixing zones, they also include an Antidegradation Policy (18AAC70.015) requiring the State to prohibit lowering the quality of a receiving water unless the best possible treatment methods are applied. The cruise industry claims to be using the best treatment methods available, but in fact, the industry has not tested or installed any new equipment on their ships since 2006 to address pollutants such as heavy metals or ammonia even though they have known since the initiative election that State law would eventually require them to either improve their performance, discharge on-shore, or discharge outside of Alaska waters. Rather than invest the time and money necessary to improve their performance they have chosen to spend their resources on lobbyists and lawyers to try and get the law changed. Many of those lobbyists and lawyers are probably sitting in your chambers today.

Regardless of your feelings about the authorization of mixing zones, it cannot be honestly argued that this bill is anything but premature. Tomorrow morning DEC will host a meeting at which scientists and high-tech companies will present their ideas on how cruise ships can meet the WQS without mixing zones. These technologies may not be ready to be installed in the fleet immediately for the simple reason that waste treatment firms have never been asked to build such devices for ships. That does not mean the fundamental science and technology does not exist, or cannot be adapted for ships within a reasonable period of time.

I'm sure you recall that in 2001 we heard the same cry from this industry when Alaska demanded they do a better job of removing fecal bacteria from their wastestreams. They said such performance was impossible. They said no applicable technologies existed. They threatened that imposing the requirement would mean the death of their industry in Alaska and along with it the demise of the Alaska tourism economy. But what was the result of our demand for better treatment? Several companies immediately launched efforts to build better machines for removing solids and bacteria on ships. Today, two thirds of the fleet that comes to Alaska has these improved technologies on board.

There is little doubt that if the cruise lines made the effort to comply with our rules they would succeed. Furthermore, not only has DEC recently initiated a process to identify technologies that have been improved in recent years, DEC has given the industry a pass on meeting the no-mixing zone discharge rules until at least 2010. No fines or penalties have been assessed to this point, and the bill before you today seeks to remove an achievable performance requirement that will not come due for another year at minimum. There is simply no harm whatsoever to this industry in

keeping the present law in place while new and better treatment methods are adapted for ship board use. For these reasons, it is clear that HB134 is premature, and should not move forward at this time.

The authorization of mixing zones is fundamentally illogical. Our oceans are finite and putting more pollutants into our waters must at some point result in deleterious impacts on our fisheries. One would hope we'd have learned this lesson by now, given the result that similar applications of the "dilution-solution" have had on our atmosphere.

I apologize I cannot be here in person to testify today, but I am traveling to Juneau this afternoon to participate in DEC's cruise ship technology conference that begins on Wednesday morning.

Sincerely,

Gershon Cohen Ph.D.

Gershon Cohen PhD, Project Director, CSAW
Co-sponsor, Alaska Cruise Ship Ballot Initiative



February 10, 2009

Rob

The Honorable Bob Herron
House of Representatives
State Capitol Rm 415
Juneau AK 99801-1182

Dear Representative Herron:

It has come to my attention a letter was recently distributed to the Legislature inaccurately describing the actions and goals of the cruise industry. I am writing to set the record straight.

The cruise industry shares the Department of Environmental Conservation's goal to improve and protect water quality in Alaska. Ever since 2002, Alaska has had the highest standards in the world for large ship wastewater discharges. To meet these standards, the cruise industry has invested over \$200 million to improve onboard processing of wastewater. If you have not seen this impressive technology, I invite you to tour one of our ships this season.

In 2006, the sponsors of Ballot Measure 2 promised Alaskans, the initiative would hold the cruise industry to the same standards as other industries. However, the initiative ties the hands of the environmental regulators. The Initiative prohibits the established scientific practice of measuring the effects of diluted discharges into a body of water. The initiative mandates DEC hold the cruise industry to a much higher standard and one that has not proven to be reasonably obtainable in a marine environment or onboard a cruise ship. It is important to remember that it is not uncommon for a cruise ship to take on municipal drinking water that exceeds the initiative standards and would require processing prior to discharge.

On February 18, the DEC will be holding a workshop with the goal of "producing an inventory and evaluating existing and innovative new control technologies to further reduce and/or remove ammonia and metals from treated waste water effluent of large cruise ships." We support DEC's effort to learn more about existing technologies and our members will be participating in that workshop. Our research departments continue to work with water treatment manufacturers to evaluate new technology. However, DEC's open invitation to manufacturers, engineers, scientists, etc. is a new approach. We will be interested to discover any new emerging technologies.

The identification and evaluation of new technology should be part of a long-term and ongoing process. We are certainly committed to participating with DEC, EPA, local communities, and the environmental organizations in this ongoing process.

I hope you will agree, the DEC's workshop and the long-term effort to study new technology should not be used as a distraction to the very important goals that can be accomplished this legislative session. We have the opportunity to level the playing field and treat the cruise industry the same as other industries by: giving DEC professionals the tools to use science to set their discharge standards; creating a regulatory environment where the industry has the ability to comply based on proven technology; and establishing the rules by this spring prior to deployment decisions for the 2010 cruise season.

Our members look forward to working with you this session to accomplish these goals. I hope you will join us, the Alaska State Chamber of Commerce, the Alaska Municipal League, Southeast Conference and 35 other local communities and organizations in support of these important legislative goals. It is also my hope that the initiative sponsors will focus their efforts on assisting the legislature in their authority to review public policy rather than criticize legislators for acting prematurely.

If you have any questions regarding this letter, I would enjoy the opportunity to discuss these issues further.

Sincerely,



John Binkley
President
ACA



Thank you for taking the time to meet with us.

In 2006, the Alaska voters passed a cruise ship initiative. The area of concern for the cruise ships is the new permit standards that were created.

Since 2002, Alaska has had among the highest standards in the world for waste water discharge from large cruise ships. We acknowledge being held to a higher standard and have invested over \$200 million in the technology to achieve those levels. In May of 2008, ADEC adopted new standards for the final large cruise ship general permit. Not only are these standards far higher than any community in Alaska; the technology to implement them is not commercially available or is impractical for ships. This is despite the promise from initiative sponsors that the initiative would simply "level the playing field."

The initiative language tied the hands of ADEC and does not allow them to set the permit limits based on science. We are asking the legislature to follow the will of the people and "level the playing field," to untie the hands of ADEC and let them do their job.


Attached you will find several documents that we feel make a compelling case to use similar methods of measurement in order to "level the playing field."

Sincerely,

A handwritten signature in black ink, appearing to read "John Binkley".

John Binkley
President
ACA

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Quote from Gershon Cohen and the Campaign to Safeguard America's Waters issued press release (Alaska Cruise Ship Initiative Certified for 2006 Ballot).

"If passed, the new initiative will level the economic and environmental playing fields between the cruise ship industry and other major dischargers of polluted wastes into Alaska waters."

Quote from Joe Geldhof, Juneau Attorney, co-author of Alaska Cruise Ship Initiative, Skagway News story (Ballot Measure Two, the cruise initiative, raises voices in ship-happy Skagway).

"There's nothing radical on here," said Geldhof, adding that the measure would make the cruise industry adhere to the same pollution standards as fisheries, municipalities, and gas and oil companies. Drafting techniques to adopt the similar basic body of law makes it long. "It's not meant to be long, onerous and punitive."

Quote from an Alaska Department of Environmental Conservation issued press release (State Issues First Discharge Permit for Cruise Ships in Alaska).



"The majority of large cruise ships operating in Alaska have advanced wastewater treatment systems that produce a very high quality discharge – much higher, for example, than shore-based municipal sewage treatment systems."

"The department has determined that as long as ships comply with the interim effluent limits there will be no impacts on water resources or aquatic life."

Comparable EPA NPDES Discharge Permits in Alaska and Associated Effluent Limits

The following table compares the effluent guidelines in the ADEC General Cruise Ship Permit with effluent limitations within existing wastewater discharge permit limits in Alaska. Analytical data from the EPA cruise ship sampling project is compared with minimum permitted levels for land-based plants within typical large cruise ship itineraries and various other communities in Alaska. For cases where land-based permits indicated analysis for total recoverable metals, these limits were compared to cruise ship dissolved metals concentrations. For land-based permits that include variable effluent limitations based on monthly averages, weekly averages, or daily maximums, the most stringent level was chosen. The synopsis indicates that the final 2010 effluent limitations of the ADEC General Cruise Ship permit are stricter than the limits in the permits of any land-based municipal treatment plants in Alaska.

| | 2002 | | | 2006 | | | |
|---------------------------------|----------------------------|------------|------------|--------------------|--------------------|------------------|----------------------|
| | Fecal Coliform (fc/100 ml) | BOD (mg/L) | TSS (mg/L) | Diss Copper (ug/L) | Diss Nickel (ug/L) | Diss Zinc (ug/L) | Total Ammonia (ug/L) |
| Cruise Ship Permit (interim) | 14 | 30 | 30 | 66 | 180 | 230 | 80.4 |
| Cruise Ship Permit (2010 final) | 14 | 30 | 30 | 3.1 | 8.2 | 81 | 2.9 |
| Anchorage | 850 | 240 | 170 | | | | |
| Eagle River | 100 | 30 | 30 | 175 | | | 36 |
| Fairbanks | 200 | 30 | 30 | | | | |
| Girdwood | 100 | 30 | 30 | 57 | | | |
| Haines | 1,000,000 | 140 | 140 | 156 | | | |
| Juneau Douglas | 400 | 30 | 30 | | | | |
| Juneau Mendenhall | 161 | 30 | 30 | 95.8 | | | 48.0 |
| Kenai | 200 | 30 | 30 | | | | |
| Kennecott Greens Creek mine | 7,000 | 30 | 20 | 300 | | 1000 | |
| Ketchikan | 1,000,000 | 146 | 129 | 290 | | 9384 | 43 |
| Palmer | 20 | 30 | 30 | | | | 18.5 |
| Seward | 50,000 | 30 | 30 | | | | |
| Sitka | 1,000,000 | 140 | 140 | 354 | | | |
| Skagway | 1,000,000 | 80 | 70 | 210 | | | |
| Soldotna | 100 | 30 | 30 | | | | |

Interim Levels

2010 Initiative Limits

Comparison of Effluent Volumes between Land-based Municipal Treatment Plants and Cruise Ships

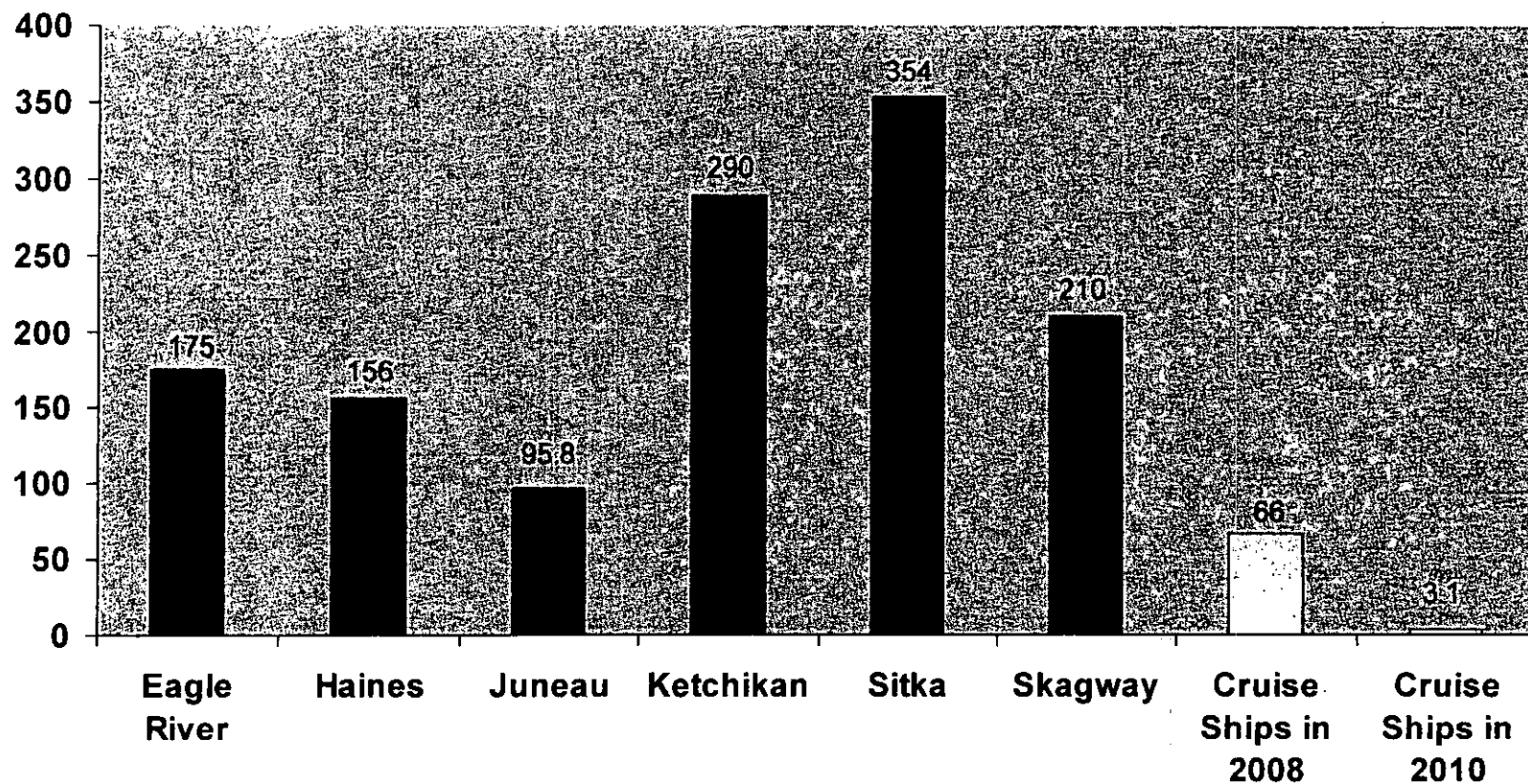
The average volume of discharge from a cruise ship was also compared to the average discharge volume of each land-based plant in order to evaluate the cumulative effects of cruise ship discharges within Alaska waters. Advanced wastewater systems on cruise ships operate efficiently and generally produce a small volume of treated effluent compared to land based plants. The following chart lists the permitted effluent for Alaska land-based treatment plants, and the equivalent number of cruise ships required to match the volume of daily effluent in each community.

| | Permitted daily discharge in gallons | Equivalent number of large cruise ships to equal one day of each city's permitted waste water discharge |
|-------------------------------------|--------------------------------------|---|
| Average Cruise Ship Daily Discharge | 143,600 | 1 |
| Anchorage | 36,000,000 | 251 |
| Eagle River | 2,500,000 | 17 |
| Girdwood | 600,000 | 4 |
| Haines | 1,900,000 | 13 |
| Juneau Douglas/Mendenhall | 7,660,000 | 53 |
| Kenai | 1,330,000 | 9 |
| Kennecott Greens Creek mine | 2,390,000 | 17 |
| Ketchikan | 4,000,000 | 28 |
| Palmer | 950,000 | 7 |
| Seward | 900,000 | 6 |
| Sitka | 1,800,000 | 13 |
| Skagway | 630,000 | 4 |
| Soldotna | 1,080,000 | 8 |

For average cruise ship effluents, 2004 EPA cruise ship study data, available at http://www.epa.gov/owow/oceans/cruise_ships/results.html

For effluent values for communities, individual EPA permits, located at <http://yosemite.epa.gov/R10/water.nsf/NPDES+Permits/Permits+Homepage>

Copper Limits for Community Discharge Permits VS. Cruise Ship Permit Limits



Max Daily Permit Limits in Parts Per Billion (ppb)



LAWS OF ALASKA

2006

Source
Ballot Measure No. 2

AN INITIATIVE

Providing for taxation of certain commercial ship vessels, pertaining to certain vessel activities, and related to ship vessel operations taking place in the marine waters of the State of Alaska; and providing for an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:

THE INITIATIVE FOLLOWS ON PAGE 1

Date Election Results Certified: September 18, 2006
Actual Effective Date: December 17, 2006

AN INITIATIVE

1 Providing for taxation of certain commercial ship vessels, pertaining to certain vessel
2 activities, and related to ship vessel operations taking place in the marine waters of the State
3 of Alaska; and providing for an effective date.

4

5 * Section 1. AS 43 is amended by adding a new chapter to read:

6 **Chapter 52. Excise Tax on Travel Aboard Commercial Passenger Vessels.**

7 **Sec. 43.52.010. Levy of excise tax on overnight accommodations on**
8 **commercial passenger vessels.** There is imposed an excise tax on travel on
9 commercial passenger vessels providing overnight accommodations in the state's
10 marine water.

11 **Sec. 43.52.020. Rate of tax.** The tax imposed by AS 43.52.010 - 43.52.095 is
12 levied at a rate of \$46 a passenger per voyage.

13 **Sec. 43.52.030. Liability for payment of tax.** A passenger traveling on a
14 commercial passenger vessel providing overnight accommodations in state marine

1 water is liable for the tax imposed by AS 43.52.010 - 43.52.095. The tax shall be
2 collected and is due and payable to the department

3 (1) by the person who provides travel aboard a commercial vessel for
4 which the tax is payable; and

5 (2) in the manner and at the times required by the department by
6 regulation.

7 **Sec. 43.52.040. Disposition of receipts.** (a) The proceeds from the tax on
8 travel on commercial passenger vessels providing overnight accommodations in the
9 state's marine water shall be deposited in a special "commercial vessel passenger tax
10 account" in the general fund. The legislature may appropriate money from this account
11 for the purposes described in (b) and (c) of this section, for state-owned port and
12 harbor facilities, other services to properly provide for vessel or watercraft visits, to
13 enhance the safety and efficiency of interstate and foreign commerce, and such other
14 lawful purposes as determined by the legislature.

15 (b) For each voyage of a commercial passenger vessel providing overnight
16 accommodations, the commissioner shall identify the first five ports of call in the state
17 and the number of passengers on board the vessel at each port of call. Subject to
18 appropriation by the legislature, the commissioner shall distribute to each port of call
19 \$5 per passenger of the tax revenue collected from the tax levied under this chapter. If
20 the port of call is a city located within a borough not otherwise unified with the
21 borough, the commissioner shall, subject to appropriation by the legislature, distribute
22 \$2.50 per passenger to the city and \$2.50 to the borough. Each port of call receiving
23 funds under this section shall use the funds in a manner calculated to improve port and
24 harbor facilities and other services to properly provide for vessel or watercraft visits
25 and to enhance the safety and efficiency of interstate and foreign commerce.

26 (c) A "regional cruise ship impact fund" consisting of 25 percent of the
27 proceeds from the tax on travel aboard commercial passenger vessels providing
28 overnight accommodations in the state's marine water shall be established as sub-
29 account of the funds established in (a) of this section and deposited in the general
30 fund. Subject to appropriation by the legislature and regulations adopted by the
31 Department of Revenue, the commissioner shall distribute funds to municipalities or

1 other governmental entities within the Prince William Sound Region, Southeast
2 Alaska, or any other distinctive region impacted by cruise ship related tourism
3 activities but not entitled to receive funds based on port of call visitation as allowed by
4 (b) of this section, provided that any funds used from this account shall be used to
5 provide services and infrastructure directly related to passenger vessel or watercraft
6 visits or to enhance the safety and efficiency of interstate and foreign commerce
7 related to vessel or watercraft activities.

8 **Sec. 43.52.050. Administration.** (a) The department shall

9 (1) administer this chapter; and

10 (2) collect, supervise, and enforce the collection of taxes due under this
11 chapter and penalties as provided in AS 43.05.

12 (b) The department may adopt regulations necessary for the administration of
13 this chapter.

14 **Sec. 43.52.060. Local levies.** Any municipality, whether home rule or general
15 law, that receives passenger ship fee funds under this chapter may not impose an
16 additional form of tax on travel on commercial passenger vessels engaged in activities
17 involving overnight accommodations for passengers in state marine waters. Any form
18 of tax on travel on commercial passenger vessels engaged in activities involving
19 overnight accommodations for passengers in state marine waters enacted by a
20 municipality, whether home rule or general law, prior to the effective date of this
21 section shall expire one year after enactment of this law if that municipality elects to
22 receive funds under this chapter.

23 **Sec. 43.52.095. Definitions.** In this chapter,

24 (1) "commercial passenger vessel" means a boat or vessel that is used
25 in the common carriage of passengers in commerce; "commercial passenger vessel"
26 does not include

27 (A) vessels with fewer than 250 berths or other overnight
28 accommodations for passengers;

29 (B) noncommercial vessels, warships, and vessels operated by
30 the state, the United States, or a foreign government;

31 (2) "marine water of the state" and "state marine water" have the

1 meaning given to "waters" in AS 46.03.900, except that they include only marine
2 waters;

3 (3) "passenger" means a person whom a common carrier has
4 contracted to carry from one place to another;

5 (4) "voyage" means any trip or itinerary lasting more than 72 hours.

6 * Sec. 2. AS 05 is amended by adding a new chapter to read:

7 **Chapter 16. Games of Chance and Contests of Skill on Ships Operating on Waters**
8 **within the Jurisdiction of Alaska.**

9 **Sec. 05.16.010. Gambling activities aboard commercial vessels**
10 **purportedly authorized by federal law.** This chapter applies to the use of playing
11 cards, dice, roulette wheels, coin-operated instruments or machines, or other objects or
12 instruments used, designed, or intended for gaming or gambling used in the waters
13 under the jurisdiction of the State of Alaska on a voyage described in 15 U.S.C.
14 1175(c)(2), and to any other gambling activities taking place aboard large passenger
15 vessels in the state.

16 **Sec. 05.16.020. Tax on gambling activities authorized by AS 05.16.010.**
17 There is imposed on the operator of a gaming or gambling activities aboard large
18 passenger vessels in the state a tax of 33 percent of the adjusted gross income from
19 those activities. "Adjusted gross income" means gross income less prizes awarded and
20 federal and municipal taxes paid or owed on the income. The tax shall be collected
21 and is due and payable to the Department of Revenue in the manner and at the times
22 required by the Department of Revenue.

23 **Sec. 05.16.030. Disposition of receipts.** The proceeds from the tax on
24 gambling operations aboard commercial passenger vessels in the state's marine water
25 shall be deposited in a special "commercial vessel passenger tax account" in the
26 general fund.

27 * Sec. 3. AS 43.20.021 is repealed and reenacted to read:

28 **Sec. 43.20.021(a). Internal Revenue Code adopted by reference.** (a)
29 Sections 26 U.S.C. - 1399 and 6001 - 7872 (Internal Revenue Code), as amended, are
30 adopted by reference as a part of this chapter. These portions of the Internal Revenue
31 Code have full force and effect under this chapter unless excepted to or modified by

1 other provisions of this chapter.

2 (b) Nothing in this chapter or in AS 43.19 (Multistate Tax Compact) may be
3 construed as an exception to or modification of 26 U.S.C. 883.

4 (c) The provision in (b) of this section does not apply to commercial passenger
5 vessels as defined in AS 43.52.095.

6 * Sec. 4. AS 46.03.462 is repealed and reenacted to read:

7 **Sec. 46.03.462. Terms and conditions of discharge permits.** (a) An owner or
8 operator may not discharge any treated sewage, graywater, or other wastewater from a
9 large commercial passenger vessel into the marine waters of the state unless the owner
10 or operator obtains a permit under AS 46.03.100, which shall comply with the terms
11 and conditions of vessel discharge requirements specified in (b) of this section.

12 (b) The minimum standard terms and conditions for all discharge permits
13 authorized under this provision require that the owner or operator

14 (1) may not discharge untreated sewage, treated sewage, graywater, or
15 other wastewaters in a manner that violates any applicable effluent limits or standards
16 under state or federal law, including Alaska Water Quality Standards governing
17 pollution at the point of discharge;

18 (2) shall maintain records and provide the reports required under
19 AS 46.03.465(a);

20 (3) shall collect and test samples as required under AS 46.03.465(b)
21 and (d) and provide the reports with respect those samples required by
22 AS 46.03.475(c);

23 (4) shall report discharges in accordance with AS 46.03.475(a);

24 (5) shall allow the department access to the vessel at the time samples
25 are taken under AS 46.03.465 for purposes of taking the samples or for purposes of
26 verifying the integrity of the sampling process; and

27 (6) shall submit records, notices, and reports to the department in
28 accordance with AS 46.03.475(b), (d), and (e).

29 * Sec. 5. AS 46.03.463 is amended to read as follows:

30 **Sec. 46.03.463(d)** is repealed.

31 **Sec. 46.03.463(e)** is repealed and reenacted to read: An owner or operator may

1 not discharge any treated sewage, graywater, or other wastewater from a large
2 commercial passenger vessel into the marine waters of the state unless the owner or
3 operator obtains a permit under AS 46.03.100 and 46.03.462, and provided that the
4 vessel is not in an area where the discharge of treated sewage, graywater, or other
5 wastewaters is otherwise prohibited.

6 Sec. 46.03.463(g) is repealed.

7 * Sec. 6. AS 46.03.465 is repealed and reenacted to read:

8 Sec. 46.03.465. Information-gathering requirements. (a) The owner or
9 operator of a commercial passenger vessel shall maintain daily records related to the
10 period of operation while in the state, detailing the dates, times, and locations, and the
11 volumes and flow rates of any discharges of sewage, graywater, or other waster into
12 the marine waters of the state, provide electronic copies of such records on a monthly
13 basis to the department no later than five days after each calendar month of operation
14 in state waters.

15 (b) While a commercial passenger vessel is present in the marine waters of the
16 state, the owner or operator of the vessel shall provide an hourly report of the vessel's
17 location based on Global Positioning System technology and collect routine samples
18 of the vessel's treated sewage, graywater, and other wastewaters being discharged into
19 marine waters of the state with a sampling technique approved by the department.

20 (c) While a commercial passenger vessel is present in the marine waters of the
21 state, the department, or an independent contractor retained by the department, may
22 collect additional samples of the vessel's treated sewage, graywater, and other
23 wastewaters being discharged into the marine waters of the state.

24 (d) The owner or operator of a vessel required to collect samples under (b) of
25 this section shall ensure that all sampling techniques and frequency of sampling events
26 are approved by the department in a manner sufficient to ensure demonstration of
27 compliance with all discharge requirements under AS 46.03.462.

28 (e) The owner or operator of a commercial passenger vessel shall pay for all
29 reporting, sampling, and testing of samples under this section.

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

1 information required under (a), (b), or (d) of this section, the owner or operator shall
2 be considered to be in compliance with that subsection so long as the information is
3 also provided to the department.

4 * Sec. 7. AS 46.03 is amended by adding new sections to read:

5 **Sec. 46.03.476. Ocean Rangers.** (a) An owner or operator of a large
6 commercial passenger vessel entering the marine waters of the state is required to have
7 a marine engineer licensed by the United States Coast Guard hired or retained by the
8 department on board the vessel to act as an independent observer for the purpose of
9 monitoring state and federal requirements pertaining to marine discharge and pollution
10 requirements and to insure that passengers, crew, and residents at ports are protected
11 from improper sanitation, health, and safety practices.

12 (b) The licensed marine engineer shall monitor, observe, and record data and
13 information related to the engineering, sanitation, and health related operations of the
14 vessel, including but not limited to registration, reporting, record-keeping, and
15 discharge functions required by state and federal law.

16 (c) Any information recorded or gathered by the licensed marine engineer
17 shall be promptly conveyed to the Alaska Department of Environmental Conservation
18 and the United States Coast Guard on a form or in a manner approved by the
19 commissioner of environmental conservation. The commissioner may share
20 information gathered with other state and federal agencies.

21 **Sec. 46.03.481. Citizens' suits.** (a) Any citizen of the State of Alaska may
22 commence a civil action (1) against an owner or operator of a large passenger vessel
23 alleged to have violated any provision of this chapter, or (2) against the department
24 where there is an alleged failure to perform any act or duty under this chapter which is
25 not discretionary. No civil action may be commenced under this section, however,
26 prior to 45 days after the plaintiff has provided written notice of the intent to sue to the
27 Attorney General of Alaska.

28 (b) Subject to appropriation, as necessary, up to 50 percent and not less than
29 25 percent of any fines, penalties, or other funds recovered as a result of enforcement
30 of this chapter shall be paid to the person or entity, other than the defendant, providing
31 information sufficient to commence an investigation and enforcement of this chapter

1 under this provision.

2 * Sec. 8. AS 46.03.480 is amended as follows:

3 Sec. 46.03.480 is amended by adding a new subsection to read:

4 (d) An additional fee in the amount of \$4 per berth, is imposed on all large
5 commercial passenger vessels, other than vessels operated by the state, for the purpose
6 of operating the Ocean Ranger program established in AS 46.03.476; said program
7 shall be subject to legislative appropriation.

8 Sec. 46.03.480(d) shall be repealed and reenacted as AS 46.03.480(e).

9 * Sec. 9. AS 46.03.760 is amended as follows:

10 Sec. 46.03.760 is amended by adding a new subsection to read:

11 (f) An owner, agent, employee, or operator of a commercial passenger vessel,
12 as defined in AS 43.52.095, who falsifies a registration or report required by
13 AS 46.03.460 or 46.03.475 or who violates or causes or permits to be violated a
14 provision of AS 46.03.250 - 46.03.314, 46.03.460 - 46.03.490, AS 46.14, or a
15 regulation, a lawful order of the department, or a permit, approval, or acceptance, or
16 term or condition of a permit, approval, or acceptance issued under AS 46.03.250 -
17 46.03.314, 46.03.460 - 46.03.490, or AS 46.14 is liable, in a civil action, to the state
18 for a sum to be assessed by the court of not less than \$5,000 nor more than \$100,000
19 for the initial violation, nor more than \$10,000 for each day after that on which the
20 violation continues, and that shall reflect, when applicable,

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

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

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

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

5 Sec. 46.03.760(f) shall be repealed and reenacted as AS 46.03.760(g).

6 * Sec. 10. AS 45.50.474 is repealed and reenacted to read:

7 **Sec. 45.50.474. Required disclosures in promotions and shoreside sales on**
8 **board cruise ships.** (a) A person may not conduct a promotion on board a cruise ship
9 that mentions or features a business in a state port that has paid something of value for
10 the purpose of having the business mentioned, featured, or otherwise promoted, unless
11 the person conducting the promotion clearly and fully discloses orally and in all
12 written materials used in the promotion that the featured businesses have paid to be
13 included in the promotion. All such written notice of disclosure shall be in a type not
14 less than 14-point typeface and in a contrasting color calculated to draw attention to
15 the disclosure.

16 (b) A person or other entity aboard a cruise ship conducting or making a sale
17 of tours, flightseeing operations, or other shoreside activities to be delivered by a
18 vendor or other entity at a future port of call shall disclose, both orally and in writing,
19 the amount of commission or percentage of the total sale retained or returned to the
20 person making the sale. The person or entity aboard a cruise ship making or
21 attempting to make a sale of services or goods provided by a shoreside vendor shall
22 disclose the address and telephone number of the shoreside vendor if asked by a
23 consumer. All such written notice of disclosure shall be in a type not less than 14-
24 point typeface and in a contrasting color calculated to draw attention to the disclosure.

25 (c) Each violation of this section constitutes an unfair trade practice under
26 AS 45.50.471, and shall result in a penalty of not more than \$100 for each violation. In
27 this section, "cruise ship" means a ship that operates at least 48 hours in length for
28 ticketed passengers, provides overnight accommodations and meals for at least 250
29 passengers, is operated by an authorized cruise ship operator, and is certified under the
30 International Convention for the Safety of Life at Sea or otherwise certified by the
31 United States Coast Guard.

1 * Sec. 11. The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 **SEVERABILITY.** It is the intention of the people of Alaska that any portion of this
4 legislation that is declared unlawful shall be stricken in a manner that preserves the remaining
5 portion of the remaining legislation to the maximum extent possible.

6 * Sec. 12. **EFFECTIVE DATE.** This Act takes effect 90 days after enactment.

The Alaska Statutes - 2006

Sec. 46.03.462. Terms and conditions of discharge permits.

(a) An owner or operator may not discharge any treated sewage, graywater, or other wastewater from a large commercial passenger vessel into the marine waters of the state unless the owner or operator obtains a permit under AS 46.03.100, which shall comply with the terms and conditions of vessel discharge requirements specified in (b) of this section.

(b) The minimum standard terms and conditions for all discharge permits authorized under this section require that the owner or operator

(1) may not discharge untreated sewage, treated sewage, graywater, or other wastewaters in a manner that violates any applicable effluent limits or standards under state or federal law, including Alaska Water Quality Standards governing pollution at the point of discharge;

(2) shall maintain records and provide the reports required under AS 46.03.465(a);

(3) shall collect and test samples as required under AS 46.03.465 (b) and (d) and provide the reports with respect those samples required by AS 46.03.475 (c);

(4) shall report discharges in accordance with AS 46.03.475 (a);

(5) shall allow the department access to the vessel at the time samples are taken under AS 46.03.465 for purposes of taking the samples or for purposes of verifying the integrity of the sampling process; and

(6) shall submit records, notices, and reports to the department in accordance with AS 46.03.475 (b), (d), and (e).

FEASIBILITY STUDY:
**REDUCING CONCENTRATIONS OF DISSOLVED
METALS AND AMMONIA IN LARGE PASSENGER
VESSEL WASTEWATER DISCHARGES**

DRAFT
February 16, 2009

Prepared for:



**Alaska Department of Environmental Conservation
Cruise Ship Program**

Prepared by:



825 W. 8th Ave.
Anchorage, AK 99501

AND SUB-CONTRACTOR TEAM

EXECUTIVE SUMMARY

ADEC issued the Large Commercial Passenger Vessel Wastewater Discharge General Permit in March 2008 to meet the requirement of Alaska Statute 46.03.462. ADEC analysis indicated that cruise ships could not immediately comply with the statute's strict "point of discharge" effluent limits in the General Permit for ammonia, copper, nickel, and zinc. Therefore, the permit contains interim effluent limits that are less stringent for the 2008 and 2009 cruise ship seasons. The permit contains long term effluent limits for these parameters based upon the water quality standards that must be met by the 2010 cruise ship season.

An analysis of this 2008 data reveals that under current operational practices, the existing wastewater treatment systems installed on large cruise ships cannot consistently treat wastewater to the long term effluent limits.

Although it is the cruise ships' responsibility to comply with the terms of the General Permit, it is important for ADEC to be knowledgeable about the types of technology that may exist to enable cruise ships to meet the long term effluent limits. Therefore, ADEC hired the OASIS team to evaluate successful shore-based technologies as well as new and emerging technologies that could potentially be adapted for use on cruise ships. In this first public draft of the study, the OASIS team evaluates nine current technologies that may be able to reduce concentrations of the four pollutants of concern: ammonia, dissolved copper, dissolved nickel and dissolved zinc. It also includes five experimental technologies. Of the nine current technologies, three treat all four pollutants, three treat only ammonia and three treat only dissolved metals.

The information on these technologies comes from a variety of research sources and also from manufacturers, vendors, and researchers. A solicitation to these groups was accomplished by direct e-mailing and through e-mail blasts to the wastewater industry and the maritime industry. Approximately 60 interested parties were in contact. A total of 10 contacts submitted white papers describing potential solutions for meeting the new limits.

In order to make conclusive determinations about whether achieving the proposed limits by 2010 is possible, more information is needed such as detailed waste stream characterization and analysis, treatability studies, potential pilot plants, and conceptual designs for ship adaptation. However, this draft study finds that technologies exist in land-based applications that appear to be able to treat the pollutants (ammonia, nickel, copper or zinc) to the necessary levels for discharge. These technologies include ion exchange, reverse osmosis, electrodialysis, chemical precipitation, air/steam stripping, aerobic biological oxidation / nitrification and breakpoint chlorination.

Although land-based technologies exist that can reduce the pollutants to the long term permit limits, further investigation by the cruise lines will be required to determine whether the technologies evaluated in this draft study will be able to be adapted for use on board cruise ships. Ship space, inclination, and other constraints must be considered,

as well as investigating what technological processes will provide the most efficient system by evaluating the system balance, operational costs, and other parameters.

This draft study found that technologies currently used in some manner on ships such as reverse osmosis (RO) and aerobic biological oxidation/nitrification (MBR) would likely provide the most adaptable systems to achieve the limits. RO would be able to treat both ammonia and metals while MBR would only treat ammonia. It is possible that ion exchange, combinations of ion exchange and RO, and electrodialysis could meet the limits for both ammonia and metals and have good potential for being adapted for on-board use. The vendor-submitted white papers suggest that chemical precipitation, ion exchange, reverse osmosis, electrodialysis and breakpoint chlorination may also be able to treat cruise ship wastewater to the permit levels for discharge.

Each of these technologies would be used in conjunction with current systems and would require a significant amount of design and retrofitting for sizing along with marine regulatory approval. It is likely that a full system approach would be needed to coordinate multiple technologies at multiple stages of the water and wastewater flow.

DRAFT

38 Waste Water Permit Resolutions Passed To Date

As of February 5, 2009

| | |
|--|--|
| Alaska Municipal League | Anchorage Convention & Visitors Bureau |
| Alaska State Chamber of Commerce | Girdwood 2020 |
| Southeast Conference | Fairbanks Convention & Visitor Bureau |
| Alaska Travel Industry Association | Ketchikan Visitors Bureau |
| Alaska Bed & Breakfast Association | Wasilla Convention & Visitors Bureau |
| Alaska Hotel & Lodging Association | Alaska Travel Industry Association - Anchorage Chapter |
| Juneau City & Borough Assembly | Alaska Travel Industry Association Ketchikan Chapter |
| Ketchikan Gateway Borough | Alaska Travel Industry Association -- Juneau Chapter |
| City of Ketchikan | Alaska Travel Industry Association - Golden Circle Chapter |
| Seward City Council | Alaska Campground Owners Association |
| Whittier City Council | Anchorage Downtown Partnership |
| Anchorage Soil & Water Conservation District | Juneau Convention & Visitors Bureau (Passed 2/4/09; to be printed and signed 2/26/09) |
| Anchorage Chamber of Commerce | |
| Fairbanks Chamber of Commerce | |
| Juneau Chamber of Commerce | |
| Wasilla Chamber of Commerce | |
| Kenai Chamber of Commerce | |
| Homer Chamber of Commerce | |
| Sitka Chamber of Commerce | |
| Ketchikan Chamber of Commerce | |
| Palmer Chamber of Commerce | |
| Haines Chamber of Commerce | |
| Soldotna Chamber of Commerce | |
| Whittier Chamber of Commerce | |
| Skagway Chamber of Commerce | |
| Seward Chamber of Commerce | |



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**ALASKA MUNICIPAL LEAGUE
RESOLUTION #2009-08**

A RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE URGING THE ALASKA STATE LEGISLATURE IN 2009, TO MODIFY, BASED ON SCIENCE, THE STANDARDS GOVERNING THE DISCHARGE OF CRUISE SHIP WASTEWATER SUCH THAT THOSE STANDARDS WILL CONTINUE TO PROTECT AQUATIC LIFE AND THE ENVIRONMENT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, during the 1990s, the size and number of cruise ships visiting Alaska coastal communities grew dramatically and became an increasingly important component of the local and regional economies; and

WHEREAS, in 1999, the Alaska Department of Environmental Conservation, U.S. Coast Guard, U.S. Environmental Protection Agency, members of the Southeast Conference, representatives of the cruise ship industry, and local concerned citizens formed a group to explore ways to improve environmental standards for the cruise ship industry in Alaska; and

WHEREAS, the Alaska Cruise Ship Initiative (ACSI) group was created in 2000 to 1). Identify waste streams from cruise ships; 2). Develop pollution prevention and waste management solutions; 3). Assess and verify compliance with volunteer wastewater sampling; and 4). Keep the Alaska public informed; and

WHEREAS, in late 2000, the ACSI commissioned a Science Advisory Panel with expertise in oceanography, bacteriology, chemistry, aquatic and human toxicology, marine biology, ecology and vessel engineering to address issues concerning treatment, discharge, dispersion, fate, and effects of wastewaters produced by commercial cruise ships; and

WHEREAS, the work of the groups noted above led to the enactment of laws (AS 46.03.460 – AS 46.06.490) by the Alaska Legislature in 2001 establishing wastewater discharge standards for cruise ships and creating the Commercial Passenger Vessel Environmental Compliance Program; and

WHEREAS, in 2002, the Alaska Department of Environmental Conservation adopted regulations (18 AAC 69) to implement and interpret the laws enacted by the Legislature in 2001; and

WHEREAS, in 2004, the Alaska Legislature refined laws enacted in 2001 (AS 46.03.460 – AS 46.06.490); and

WHEREAS, in 2006, following a two-year rule-making effort, the Alaska Department of Environmental Conservation adopted regulations to interpret and implement the 2004 statutory changes; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

Member of the National League of Cities and the National Association of Counties

WHEREAS, in 2006, following the adoption of regulations by the Alaska Department of Environmental Conservation, Alaska voters approved an initiative further governing the operation and regulation of large cruise ships; and

WHEREAS, in March 2008, as a major step toward fulfilling the terms of the 2006 initiative, the Alaska Department of Environmental Conservation issued the first ever general permit for wastewater discharge from large cruise ships operating in Alaska waters; and

WHEREAS, the standards imposed on cruise ships are far in excess of those imposed on shore-based municipal wastewater facilities, as was recognized in the Department of Environmental Conservation press release announcing the March 2008 permit, which stated:

The majority of large cruise ships operating in Alaska have advanced wastewater treatment systems that produce a very high quality discharge – much higher, for example, than shore-based municipal sewage treatment systems. Even so, cruise ship discharges are expected to have trouble meeting water quality standards for four parameters – ammonia, copper, nickel and zinc; and

WHEREAS, recognizing that it is currently unfeasible or impractical to meet discharge standards for the ammonia, copper, nickel and zinc parameters, the Alaska Department of Environmental Conservation applied more lenient standards during the 2008 and 2009 seasons and postponed implementation of the stricter standards until the 2010 season; and

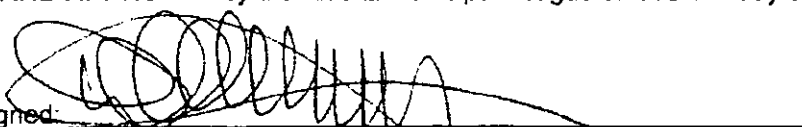
WHEREAS, the point-of-release standards could mean that beginning in 2010, cruise ships will have to defer all discharges until they are out of Alaska waters; and

WHEREAS, compelling cruise ships to postpone discharge of wastewater until outside Alaska waters will likely shorten the time cruise ships are in port and result in fewer ports of call, which will negatively impact Alaskan businesses.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League urges the Alaska State Legislature in 2009, to modify, based on science, the standards governing the discharge of cruise ship wastewater such that those standards governing the discharge of cruise ship wastewater such that those standards will continue to protect aquatic life and the environment.

FURTHER BE IT RESOLVED that the Alaska Municipal League requests that this resolution becomes effective immediately upon adoption by the State Legislature.

PASSED AND APPROVED by the Alaska Municipal League on this 14th day of November, 2008.

Signed: 
Denise Michels, President, Alaska Municipal League

Attest: 
Kathie Wasserman, Executive Director, Alaska Municipal League

The Honorable Sarah Palin
Governor
State of Alaska
P.O. Box 110001
Juneau, AK 99811-0001

January 21, 2009

Dear Governor Palin,

The Alaska State Chamber of Commerce supports and endorses efforts to have the Alaska State Legislature amend the "point of discharge" standard governing the cruise ship wastewater permits. The State Chamber membership has adopted as one of our top five Legislative Priorities, support for changes to the "point of discharge" standard governing cruise ship wastewater permitting. The Alaska State Chamber of Commerce urges you and the Alaska State Legislature to delete the "point of discharge" standard governing the cruise ship wastewater permits. The State Chamber Commerce asks the State to apply the best available data and technology when setting standards for cruise ship wastewater discharge permits.

The State Department of Environmental Conservation (ADEC) holds not only cruise ships but also ships such as our ferries to a different standard than it holds every other discharger in Alaska. This new permit measures effluent at the point of discharge instead of allowing a dilution zone, which every state in the United States allows, and State of Alaska statutes contemplate. This is a different standard from what is required for coastal communities, the fishing industry or the oil platforms in Cook Inlet.

The State Chamber supports State efforts to investigate the standards governing the discharge of cruise ship wastewater. We strongly urge the Alaska State Legislature to give due consideration to modifying the standards governing the discharge of cruise ship wastewater for a lower level based on science that will continue to protect aquatic life and the environment, but will not be technologically and financially unreasonable or impractical.

Should the cruise ship industry need to comply with the statutes of this permit, ships will have to hold their wastewater discharges until they are out of Alaska waters. Not only will this shorten time in port, and may result in fewer ports of call, but both results may negatively affect Alaska businesses and financially harm port communities. Small businesses that offer services to tour related businesses may well go out of business without these suggested changes.

The permit requirement is part of the cruise ship initiative that voters approved in 2006. That initiative imposed a number of environmental provisions, including one that requires ships to have a "discharge permit and meet all Alaska water quality standards".



ALASKA STATE
CHAMBER
OF COMMERCE

Headquarters
217 2nd Street
Suite 201
Juneau
Alaska 99801
(907) 586-2323
FAX 463-5315

Regional Office
601 W. 5th Ave.
Suite 700
Anchorage
Alaska 99501
(907) 278-2722
FAX 278-6643

www.alaskachamber.com

Voters were told that the ships would be held to the same standards that "every other industrial and municipal discharger" must meet and that "no new permitting program is necessary." However, the permit ADEC issued holds the ships to a much different standard, one that may cost Alaska communities, Alaska ferries and businesses unnecessarily.

Alaska's water quality standards contemplate the use of dilution factors, such as mixing zones or short-term variances. According to ADEC, "mixing zones are provided for by the Clean Water Act and used by every state in the Nation." Without mixing zones, wastewater would have to be treated to the point where it could serve as a source of drinking water before being discharged and that just is not feasible here or anywhere else. Sewage treatment plants and seafood processors in Alaska could not operate without a mixing zone. This is also true for the cruise ships.

Alaska should hold cruise ships to the same stringent standards as its coastal communities. It is not in the state's best interest to shorten the time cruise visitors have ashore or to force the elimination of some ports of call.

I genuinely appreciate your thoughtful consideration and careful attention to this matter.

Yours in economic prosperity,



Wayne A. Stevens
President/CEO

cc: Members of the Alaska State Legislature

Alaska State Chamber of Commerce 2009 Priority

Title: A Resolution to urge the Governor and the Alaska State Legislature to delete the "point of discharge" standard governing the cruise ship waste water permits.

Position Statement:

- 1.) The State Chamber Commerce resolve to ask the 2009 legislature to apply the best available data and technology when setting standards for cruise ship wastewater discharge permits.

Position:

This resolution is consistent with the Alaska State Chamber Mission of having a positive impact on Alaska businesses by not limiting or interfering with ports of call. This is of high interest to all communities throughout Alaska to maintain a good business climate of welcoming ship visitors into their shops and on shore excursions. This action will allow the Alaska Department of Environmental Conservation to determine, by applying science, the wastewater permit standards.

Support for Position:

- 1.) In 2002 Alaska set the highest standards in the world for large cruise ship waste water discharge to protect state water ways. These standards were change in 2006 by a head tax ballot initiative in such a way that some of the new standards are technologically unfeasible by the cruise lines. During the ballot initiative process no public hearings or state agency input given on these newly imposed standards.
- 2.) Initiative sponsors misled voters by stating that the permit portion of the initiative would only "level the economic and environmental playing fields between the cruise ship industry and other major dischargers".
- 3.) If the permit guidelines are not amended ships could be required to go out into federal waters to discharge; thus less time in port cities which will allow less time in port for the visitors. This will have a negative impact on local government, retail business and shore based business operations.
- 4.) Cruise ships should be under the same guidelines on discharge as any other industry or land based operations in Alaska.
- 5.) Other constituencies who support this are local chambers, governments and business owners.
- 6.) Persons who may not support his position are the authors of the ballot initiative and uninformed members of the public.

Statewide Impact Position: High

Supporting documents attached:

- 1.) Support Information Packet

Action Required:

- 1.) Through legislative action amend "point of discharge" permit requirements.

Fiscal Impact:

- 1.) This action will not require money from the state; however it will have a continued positive impact on local governments and businesses in Alaska.

Southeast Conference

A RESOLUTION URGING THE GOVERNOR AND THE 2009 ALASKA STATE LEGISLATURE TO MODIFY THE "POINT OF DISCHARGE" PERMIT STANDARD BASED ON SCIENTIFIC CRITERIA TO BE DETERMINED BY ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

Resolution 09-07

WHEREAS, Southeast Alaska has a strong tourism business base and wants a positive business atmosphere to grow tourism; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, the standards now imposed on cruise ships, and the 2010 standard are far in excess of those imposed on shore-based municipal wastewater facilities; and

WHEREAS, this "point of discharge" standard applicable only to cruise ships, are currently technologically not feasible and such standards should be set by Alaska Department of Environmental Conservation; and

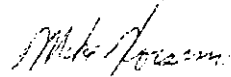
WHEREAS, the unrealistic standards could mean that by 2010, cruise ships will have to depart Alaska waters to discharge, which could result in reduced length of time in port, and such changes will impact local governments, small businesses, which rely on cruise ship visitors, crew, and service requirements to support local jobs and the local economy; and

WHEREAS, the ballot initiative sponsors stated that the permit portion of the head tax initiative would only "level the economic and environmental playing field between the cruise ship industry and other major dischargers"; and

NOW THEREFORE, BE IT RESOLVED: The Board urges the Governor and the Alaska State Legislature in 2009 to modify the "point of discharge" permit standard based on scientific criteria to be determined by Alaska Department of Environmental Conservation.

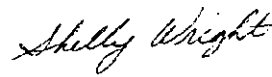
THIS RESOLUTION WAS ADOPTED BY THE SOUTHEAST CONFERENCE BOARD OF DIRECTORS THIS 14TH DAY OF JANUARY, 2009.

Witnessed By:



Mike Korsmo
President

Attested by:



Shelly Wright
Executive Director

PO Box 21989 Juneau, AK 99802 (907) 523-2327



**ALASKA TRAVEL INDUSTRY ASSOCIATION
BOARD OF DIRECTORS
RESOLUTION 0901**

A RESOLUTION URGING THE GOVERNOR AND THE 2009 ALASKA STATE LEGISLATURE TO MODIFY THE "POINT OF DISCHARGE" PERMIT STANDARD.

WHEREAS, the travel industry is a vital part of Alaska's economy; and

WHEREAS, Alaska has over 1,000,000 cruise passenger visitors annually spending almost \$1 billion in the state; and

WHEREAS, travel businesses throughout Alaska, the majority of which are small and Alaskan-owned, are major economic benefactors of cruise visitor expenditures; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, the standards now imposed on cruise ships, and the 2010 standard are far in excess of those imposed on shore-based municipal wastewater facilities; and

WHEREAS, the "point of discharge" standard, applicable only to cruise ships, are currently technologically unfeasible; and

WHEREAS, such standards should be set by Alaska Department of Environmental Conservation; and

WHEREAS, the unrealistic standard would mean that by 2010, cruise ships will depart Alaska waters to discharge, which would result in reduced time in Alaska ports; and

WHEREAS, such changes will impact local governments ability to collect dock usage fees and sales taxes, increasing the need for revenue sharing from the state, and

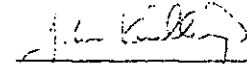
WHEREAS small businesses, which rely on cruise ship visitors, and crew expenditures to support local jobs and the local economy will have a reduced sales opportunity; and

WHEREAS, the ballot initiative sponsors stated that the permit portion of the head tax initiative would only level the economic and environmental playing field between the cruise ship industry and other major dischargers; and

NOW THEREFORE, BE IT RESOLVED BY THE ALASKA TRAVEL INDUSTRY ASSOCIATION (ATIA) BOARD OF DIRECTORS, that:

ATIA urges the Governor and the Alaska State Legislature in 2009 to modify the "point of discharge" permit standard based on scientific criteria to be determined by Alaska Department of Environmental Conservation.

PASSED AND APPROVED BY THE ALASKA TRAVEL INDUSTRY ASSOCIATION BOARD OF DIRECTORS THIS 11th DAY OF November, 2008


(Signature of Authorized Officer)



Bed & Breakfast Association of Alaska
551 Eberhardt Rd., Fairbanks AK 99701
907-451-6649 907-474-8448fax
president@alaskabba.com www.alaskabba.com
Board Of Directors
RESOLUTION 0901

A RESOLUTION URGING THE GOVERNOR AND THE 2009 ALASKA STATE LEGISLATURE TO MODIFY THE "POINT OF DISCHARGE" PERMIT STANDARD.

WHEREAS, the travel industry is a vital part of Alaska's economy; and

WHEREAS, Alaska has over 1,000,000 cruise passenger visitors annually spending almost \$1 billion in the state; and

WHEREAS, B&B businesses throughout Alaska, the majority of which are small and Alaskan-owned, are major economic benefactors of cruise visitor expenditures; and

WHEREAS, the Alaska cruise ship industry has installed some of the most advanced wastewater treatment systems in the world; and

WHEREAS, the standards now imposed on cruise ships, and the 2010 standard are far in excess of those imposed on shore-based municipal wastewater facilities; and

WHEREAS, the "point of discharge" standard, applicable only to cruise ships, may be technologically infeasible; and

WHEREAS, the unrealistic standard would mean that by 2010, cruise ships will depart Alaska waters to discharge, which would result in reduced time in Alaska ports; and

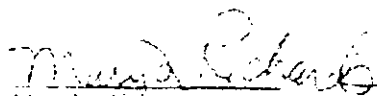
WHEREAS, such changes will impact local governments ability to collect dock usage fees and sales taxes, increasing the need for revenue sharing from the state; and

WHEREAS B&B's, which rely on cruise ship visitors to support local jobs and the local economy, will have a reduced sales opportunity; and

NOW THEREFORE, BE IT RESOLVED BY THE BED AND BREAKFAST ASSOCIATION OF ALASKA (BBAA) BOARD OF DIRECTORS, that:

BBAA urges the Governor and the Alaska State Legislature in 2009 to modify the "point of discharge" permit standard based on scientific criteria to be determined by Alaska Department of Environmental Conservation

PASSED AND APPROVED BY THE BED AND BREAKFAST ASSOCIATION OF ALASKA BOARD OF DIRECTORS THIS 19th DAY OF JANUARY, 2009


Mary N. Richards
President

January 8, 2009

**ALASKA HOTEL & LODGING ASSOCIATION
BOARD OF DIRECTORS
RESOLUTION 09-100**

A RESOLUTION URGING THE GOVERNOR AND THE 2009 ALASKA STATE LEGISLATURE TO MODIFY THE "POINT OF DISCHARGE" PERMIT STANDARD BASED ON SCIENTIFIC CRITERIA TO BE DETERMINED BY ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

WHEREAS, Alaska has a strong tourism business base and wants a positive business atmosphere to grow tourism; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, the standards now imposed on cruise ships, and the 2010 standard are far in excess of those imposed on shore-based municipal wastewater facilities; and

WHEREAS, this "point of discharge" standard applicable only to cruise ships, are currently technologically unfeasible and such standards should be set by Alaska Department of Environmental Conservation; and

WHEREAS, the unrealistic standards could mean that by 2010, cruise ships will have to depart Alaska waters to discharge, which could result in reduced length of time in port, and such changes will impact local government and small businesses, which rely on cruise ship visitors, crew, and service requirements to support local jobs and the local economy; and

WHEREAS, the ballot initiative sponsors stated that the permit portion of the head tax initiative would only "level the economic and environmental playing field between the cruise ship industry and other major dischargers"; and

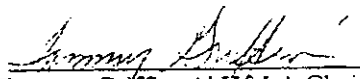
NOW THEREFORE, BE IT RESOLVED BY THE ALASKA HOTEL & LODGING ASSOCIATION BOARD OF DIRECTORS, that:

The Board urges the Governor and the Alaska State Legislature in 2009 to modify the "point of discharge" permit standard based on scientific criteria to be determined by Alaska Department of Environmental Conservation.

PASSED AND APPROVED BY THE ALASKA HOTEL & LODGING ASSOCIATION BOARD OF DIRECTORS THIS 8th DAY OF JANUARY, 2009.

ATTEST:


Arney Armachain, Executive Director


Tammy, Griffin, AkH&LA Chair

Presented by: The Manager
Introduced: 01/12/2009
Drafted by: J.W. Hartle

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2458

**A Resolution Urging the Alaska State Legislature to Modify
the Standards Governing the Discharge of Wastewater from
Cruise Ships.**

WHEREAS, during the 1990s, the size and number of cruise ships visiting Alaska coastal communities grew dramatically and became an increasingly important component of the local and regional economies; and

WHEREAS, in 1999, the Alaska Department of Environmental Conservation, U.S. Coast Guard, U.S. Environmental Protection Agency, members of the Southeast Conference, representatives of the cruise ship industry, and local concerned citizens formed a group to explore ways to improve environmental standards for the cruise ship industry in Alaska; and

WHEREAS, the Alaska Cruise Ship Initiative (ACSI) group was created in 2000 to (1) Identify waste streams from cruise ships; (2) Develop pollution prevention and waste management solutions; (3) Assess and verify compliance with volunteer wastewater sampling; and (4) Keep the Alaska public informed; and

WHEREAS, in late 2000, the ACSI commissioned a Science Advisory Panel with expertise in oceanography, bacteriology, chemistry, aquatic and human toxicology, marine biology, ecology and vessel engineering to address issues concerning treatment discharge, dispersion rate, and effects of wastewater produced by commercial cruise ships; and

WHEREAS, the work of the groups noted above led to enactment of laws (AS 46.03.460 - AS 46.06.490) by the Alaska Legislature in 2001 establishing wastewater discharge standards for cruise ships and creating the Commercial Passenger Vessel Environmental Compliance Program; and

WHEREAS, in 2002, the Alaska Department of Environmental Conservation adopted regulations (18 AAC 69) to implement and interpret the laws enacted by the Legislature in 2001; and

WHEREAS, in 2004, the Alaska Legislature refined the laws enacted in 2001 (AS 46.03.460 - AS 46.06.490); and

WHEREAS, in 2006, following a two-year rule-making effort, the Alaska Department of Environmental Conservation adopted regulations to interpret and implement the 2004 statutory changes; and

WHEREAS, the Alaska cruise ship industry has reportedly invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, in 2006, following adoption of regulations by the Alaska Department of Environmental Conservation, Alaska voters approved an initiative further governing the operation and regulation of large cruise ships; and

WHEREAS, in March 2008, as a major step toward fulfilling the terms of the 2006 initiative, the Alaska Department of Environmental Conservation issued the first ever general permit for wastewater discharge from large cruise ships operating in Alaska waters; and

WHEREAS, according to the Alaska Department of Environmental Conservation, the standards imposed on cruise ships are far in excess of those imposed on shore-based municipal wastewater facilities, as was recognized in the Department of Environmental Conservation press release announcing the March 2008 permit, which stated:

The majority of large cruise ships operating in Alaska have advanced wastewater treatment systems that produce a very high quality discharge - much higher, for example, than shore-based municipal sewage treatment systems. Even so, cruise ship discharges are expected to have trouble meeting water quality standards for four parameters - ammonia, copper, nickel and zinc; and

WHEREAS, recognizing that it is currently unfeasible or impractical to meet discharge standards for the ammonia, copper, nickel and zinc parameters, the Alaska Department of Environmental Conservation applied more lenient standards during the 2008 and 2009 seasons and postponed implementation of the stricter standards until the 2010 season; and

WHEREAS, water quality standards in Alaska contemplate the use of dilution factors, such as mixing zones or short-term variances, and are not applied at the point-of-release except in the case of the Alaska cruise ship wastewater standards; and

WHEREAS, the point-of-release standards could mean that beginning in 2010, cruise ships will have to defer all discharges until they are out of Alaska waters; and

WHEREAS, compelling cruise ships to postpone discharge of wastewater until outside Alaska waters will likely shorten the time cruise ships are in port and result in fewer ports of call, which will negatively impact Juneau businesses.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. That the City and Borough of Juneau urges the Alaska Legislature in 2009, to examine, based on science, the standards governing the discharge of cruise ship wastewater such that those standards will continue to protect aquatic life and the environment, but will not be technologically and financially unreasonable or impractical, and establish an effective date.

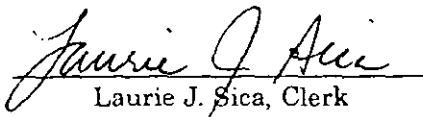
Section 2. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 12th day of January, 2009.



Bruce Botelho, Mayor

Attest:



Laurie J. Sica, Clerk

KETCHIKAN GATEWAY BOROUGH

RESOLUTION NO. 2111

A RESOLUTION OF THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH URGING THE ALASKA STATE LEGISLATURE IN 2009 TO MODIFY, BASED ON SCIENCE, THE STANDARDS GOVERNING THE DISCHARGE OF CRUISE SHIP WASTEWATER SUCH THAT THOSE STANDARDS WILL CONTINUE TO PROTECT AQUATIC LIFE AND THE ENVIRONMENT BUT WILL NOT BE TECHNOLOGICALLY AND FINANCIALLY UNREASONABLE OR IMPRACTICAL

RECITALS

WHEREAS, during the 1990s, the size and number of cruise ships visiting Ketchikan and other Alaska coastal communities grew dramatically and became an increasingly important component of the local and regional economies; and

WHEREAS, in 1999, the Alaska Department of Environmental Conservation, U.S. Coast Guard, U.S. Environmental Protection Agency, members of the Southeast Conference, representatives of the cruise ship industry, and local concerned citizens formed a group to explore ways to improve environmental standards for the cruise ship industry in Alaska; and

WHEREAS, the Alaska Cruise Ship Initiative (ACSI) group was created in 2000 to (1) identify waste streams from cruise ships; (2) develop pollution prevention and waste management solutions; (3) assess and verify compliance with volunteer wastewater sampling and; (4) keep the Alaska public informed; and

WHEREAS, in late 2000, the ACSI commissioned a Science Advisory Panel with expertise in oceanography, bacteriology, chemistry, aquatic and human toxicology, marine biology, ecology and vessel engineering to address issues concerning treatment, discharge, dispersion, fate, and effects of wastewaters produced by commercial cruise ships; and

WHEREAS, the work of the groups noted above led to the enactment of laws (AS 46.03.460 - AS 46.03.490) by the Alaska Legislature in 2001 establishing wastewater discharge standards for cruise ships and creating the Commercial Passenger Vessel Environmental Compliance Program; and

WHEREAS, in 2002, the Alaska Department of Environmental Conservation adopted regulations (18 AAC 69) to implement and interpret the laws enacted by the Legislature in 2001; and

WHEREAS, in 2004, the Alaska Legislature refined laws enacted in 2001 (AS 46.03.460-46.06.490); and

WHEREAS, in 2006, following a two-year rule-making effort, the Alaska Department of Environmental Conservation adopted regulations to interpret and implement the 2004 statutory changes; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, in 2006, following the adoption of regulations by the Alaska Department of Environmental Conservation, Alaska voters approved an initiative further governing the operation and regulation of large cruise ships; and

WHEREAS, in March 2008, as a major step toward fulfilling the terms of the 2006 initiative, the Alaska Department of Environmental Conservation issued the first ever general permit for wastewater discharges from large cruise ships operating in Alaska waters; and

WHEREAS, the standards imposed on cruise ships are far in excess of those imposed on shore-based municipal wastewater facilities, as was recognized in the Department of Environmental Conservation press release announcing the March 2008 permit, which stated:

The majority of large cruise ships operating in Alaska have advanced wastewater treatment systems that produce a very high quality discharge – much higher, for example, than shore-based municipal sewage treatment systems. Even so, cruise ship discharges are expected to have trouble meeting water quality standards for four parameters -- ammonia, copper, nickel and zinc;

and

WHEREAS, recognizing that it is currently unfeasible or impractical to meet discharge standards for the ammonia, copper, nickel, and zinc parameters, the Alaska Department of Environmental Conservation applied more lenient standards during the 2008 and 2009 seasons and postponed implementation of the stricter standards until the 2010 season; and

WHEREAS, water quality standards in Alaska contemplate the use of dilution factors, such as mixing zones or short-term variances, and are not applied at the point-of-release except in the case of the Alaska cruise ship wastewater standards; and

WHEREAS, the point-of-release standards could mean that beginning in 2010, cruise ships will have to defer all discharges until they are out of Alaska waters; and

WHEREAS, compelling cruise ships to postpone discharge of wastewater until outside Alaska waters will likely shorten the time cruise ships are in port and result in fewer ports of call, which will negatively impact Alaska businesses; and

WHEREAS, the Constitution of the State of Alaska represents the will of the people because the voters of Alaska: (1) elected the 55 delegates who crafted the Constitution in 1955 – 1956, (2) ratified the Constitution on April 24, 1956 in a record turnout by a margin greater than two to one; (3) ratified amendments to the Constitution on separate 28 occasions during the nearly 50 years of Statehood; and (4) rejected proposed amendments to the Constitution on 12 occasions during the nearly 50 years of Statehood; and


WHEREAS, provisions in Article XI, Section 6 of the Constitution of the State of Alaska concerning the repeal and amendment of initiated laws – specifically the provisions that state “[a]n initiated law . . . may not be repealed by the legislature within two years of its effective date [and] may be amended at any time” has stood the test of nearly 50 years of Statehood in terms of the will of the people.

NOW THEREFORE, IN CONSIDERATION OF THE ABOVE FACTS, IT IS RESOLVED BY THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH as follows:

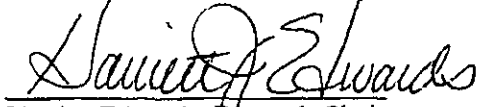
Section 1. The Ketchikan Gateway Borough Assembly hereby urges the Alaska State Legislature in 2009 to modify, based on science, the standards governing the discharge of cruise ship wastewater such that those standards will continue to protect aquatic life and the environment, but will not be technologically and financially unreasonable or impractical.

Section 2. This resolution shall take effect immediately.


ADOPTED this 15th day of September 2008.


 Joe Williams, Borough Mayor

ATTEST


 Harriett Edwards, Borough Clerk

Approved as to form


 Scott A. Brandt-Erichsen, Borough Attorney

| EFFECTIVE DATE: September 15, 2008 | | | |
|--|-----|----|--------|
| ROLL CALL | YES | NO | ABSENT |
| THOMPSON | | | ✓ |
| KIFFER | | | ✓ |
| SALAZAR | ✓ | | |
| LANDIS | ✓ | | |
| PAINTER | ✓ | | |
| HARRINGTON | ✓ | | |
| SHOEMAKER | ✓ | | |
| MAYOR (Tie Votes Only) | | | |
| 4 AFFIRMATIVE VOTES REQUIRED FOR PASSAGE | | | |

CITY OF KETCHIKAN, ALASKA

RESOLUTION NO. 08-2246

A RESOLUTION OF THE CITY OF KETCHIKAN, ALASKA URGING THE ALASKA STATE LEGISLATURE IN 2009 TO MODIFY, BASED ON SCIENCE, THE STANDARDS GOVERNING THE DISCHARGE OF CRUISE SHIP WASTEWATER SUCH THAT THOSE STANDARDS WILL CONTINUE TO PROTECT AQUATIC LIFE AND THE ENVIRONMENT BUT WILL NOT BE TECHNOLOGICALLY AND FINANCIALLY UNREASONABLE OR IMPRACTICAL; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, during the 1990s, the size and number of cruise ships visiting Ketchikan and other Alaska coastal communities grew dramatically and became an increasingly important component of the local and regional economies; and

WHEREAS, in 1999, the Alaska Department of Environmental Conservation, U.S. Coast Guard, U.S. Environmental Protection Agency, members of the Southeast Conference, representatives of the cruise ship industry, and local concerned citizens formed a group to explore ways to improve environmental standards for the cruise ship industry in Alaska; and

WHEREAS, the Alaska Cruise Ship Initiative (ACSI) group was created in 2000 to (1) identify waste streams from cruise ships; (2) develop pollution prevention and waste management solutions; (3) assess and verify compliance with volunteer wastewater sampling and; (4) keep the Alaska public informed; and

WHEREAS, in late 2000, the ACSI commissioned a Science Advisory Panel with expertise in oceanography, bacteriology, chemistry, aquatic and human toxicology, marine biology, ecology and vessel engineering to address issues concerning treatment, discharge, dispersion, fate, and effects of wastewaters produced by commercial cruise ships; and

WHEREAS, the work of the groups noted above led to the enactment of laws (AS 46.03.460 - AS 46.03.490) by the Alaska Legislature in 2001 establishing wastewater discharge standards for cruise ships and creating the Commercial Passenger Vessel Environmental Compliance Program; and

WHEREAS, in 2002, the Alaska Department of Environmental Conservation adopted regulations (18 AAC 69) to implement and interpret the laws enacted by the Legislature in 2001; and

WHEREAS, in 2004, the Alaska Legislature refined laws enacted in 2001 (AS 46.03.460-46.06.490); and

WHEREAS, in 2006, following a two-year rule-making effort, the Alaska Department of Environmental Conservation adopted regulations to interpret and implement the 2004 statutory changes; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, in 2006, following the adoption of regulations by the Alaska Department of Environmental Conservation, Alaska voters approved an initiative further governing the operation and regulation of large cruise ships; and

WHEREAS, in March 2008, as a major step toward fulfilling the terms of the 2006 initiative, the Alaska Department of Environmental Conservation issued the first ever general permit for wastewater discharge from large cruise ships operating in Alaska waters; and

WHEREAS, the standards imposed on cruise ships are far in excess of those imposed on shore-based municipal wastewater facilities, as was recognized in the Department of Environmental Conservation press release announcing the March 2008 permit, which stated:

The majority of large cruise ships operating in Alaska have advanced wastewater treatment systems that produce a very high quality discharge – much higher, for example, than shore-based municipal sewage treatment systems. Even so, cruise ship discharges are expected to have trouble meeting water quality standards for four parameters – ammonia, copper, nickel and zinc; and

WHEREAS, recognizing that it is currently unfeasible or impractical to meet discharge standards for the ammonia, copper, nickel, and zinc parameters, the Alaska Department of Environmental Conservation applied more lenient standards during the 2008 and 2009 seasons and postponed implementation of the stricter standards until the 2010 season; and

WHEREAS, the point-of-release standards could mean that beginning in 2010, cruise ships will have to defer all discharges until they are out of Alaska waters; and


WHEREAS, compelling cruise ships to postpone discharge of wastewater until outside Alaska waters will likely shorten the time cruise ships are in port and result in fewer ports of call, which will negatively impact Alaskan businesses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Ketchikan, Alaska as follows:

Section 1: The Council of the City of Ketchikan, Alaska hereby urges the Alaska State Legislature in 2009 to modify, based on science, the standards governing the discharge of cruise ship wastewater such that those standards will continue to protect aquatic life and the environment, but will not be technologically and financially unreasonable or impractical.

Section 2: This resolution shall become effective immediately upon adoption.

PASSED AND APPROVED this 2nd day of October 2008.



Bob Weinstein, Mayor

ATTEST:



Katherine M. Suiter, City Clerk

Sponsored by: Oates

**CITY OF SEWARD, ALASKA
RESOLUTION 2009-003**

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF SEWARD, ALASKA, URGING THE ALASKA STATE LEGISLATURE TO MODIFY, BASED ON SCIENCE, THE STANDARDS GOVERNING THE DISCHARGE OF CRUISE-SHIP WASTEWATER BY USING THE CRITERIA THAT APPLY TO MUNICIPAL SHORE-BASED WASTEWATER FACILITIES AND ALL OTHER VESSELS TRANSITTING ALASKA WATERS

WHEREAS, the Seward community has a strong marine-based economy with transportation routes historically used by the U.S. Navy, Coast Guard, and state law enforcement vessels; large and small passenger vessels; a commercial fishing fleet; and other passenger-bearing vessels; and

WHEREAS, Seward's marine-based economic activity occurs in proximity to the Kenai Fjords National Park, the Chugach National Forest, Caines Head State Park, and other protected lands; and

WHEREAS, between 2001 and 2006, agencies of the State of Alaska, through the legislative process, have enacted statutes and regulations establishing wastewater discharge standards and created the Commercial Passenger Vessel Environmental Compliance Program as means of supporting cruise ship activity in Alaska in an environmentally-sound manner; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, in 2006, Alaska voters approved an initiative further governing the operation and regulation of large cruise ships, leading to the first ever general permit for wastewater discharges from large cruise ships operating in Alaska; and

WHEREAS, the standards now imposed on cruise ships are far in excess of those imposed on shore-based municipal wastewater facilities, including Seward's facility and those in effect for all other fishing, freight, and passenger vessels; and

WHEREAS, the cruise ship point-of-release standards are unfeasible and will require prohibitive financial investment in research to establish methods of meeting the standards; and

WHEREAS, these standards could mean that cruise ships would defer all discharges until they are out of Alaska waters, which would result in reduced length of time in port, and elimination of ports situated far from International waters; and

CITY OF SEWARD, ALASKA
RESOLUTION 2009-003

WHEREAS, such changes would impact Seward's small business, which rely on cruise ship visitors, crew, and service requirements to support local jobs and the local economy; and

WHEREAS, implementing policy based on inconsistent standards for a specific sector of the maritime economy establishes a dangerous precedent.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, that:

Section 1. Seward City Council urges the Alaska State Legislature in 2009 to modify the standards governing the discharge of cruise ship wastewater.

Section 2. Seward City Council suggests the modifications be scientifically based and similar to the criteria that apply to municipal shore-based wastewater facilities and all other vessels transiting Alaska waters.

Section 3. This resolution shall take effect immediately upon its adoption.

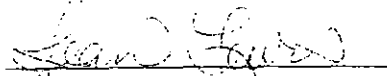
PASSED AND APPROVED by City Council of the City of Seward this 12th day of January 2009.

THE CITY OF SEWARD, ALASKA


Willard Dunham, Vice Mayor

AYES: Valdatta, Bardarson, Smith, Kellar, Keil, Dunham
NOES: None
ABSENT: Corbridge
ABSTAIN: None

ATTEST:


Jean Lewis, CMC
City Clerk

(City Seal)



**CITY OF WHITTIER, ALASKA
RESOLUTION #926-09**

A RESOLUTION OF THE CITY OF WHITTIER, ALASKA URGING THE ALASKA STATE LEGISLATURE IN 2009 TO MODIFY, BASED ON SCIENCE, THE STANDARDS GOVERNING THE DISCHARGE OF CRUISE SHIP WASTEWATER SUCH THAT THOSE STANDARDS WILL CONTINUE TO PROTECT AQUATIC LIFE AND THE ENVIRONMENT BUT WILL NOT BE TECHNOLOGICALLY AND FINANCIALLY UNREASONABLE OR IMPRACTICAL; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, during the 1990s, the size and number of cruise ships visiting Whittier and other Alaska coastal communities grew dramatically and became an increasingly important component of the local and regional economies; and

WHEREAS, in 1999, the Alaska Department of Environmental Conservation, U.S. Coast Guard, U.S. Environmental Protection Agency, representatives of the cruise ship industry, and local concerned citizens formed a group to explore ways to improve environmental standards for the cruise ship industry in Alaska; and

WHEREAS, the Alaska Cruise Ship Initiative (ACSI) group was created in 2000 to (1) identify waste streams from cruise ships; (2) develop pollution prevention and waste management solutions; (3) assess and verify compliance with volunteer wastewater sampling and; (4) keep the Alaska public informed; and

WHEREAS, in late 2000, the ACSI commissioned a Science Advisory Panel with expertise in oceanography, bacteriology, chemistry, aquatic and human toxicology, marine biology, ecology and vessel engineering to address issues concerning treatment, discharge, dispersion, fate, and effects of wastewaters produced by commercial cruise ships; and

WHEREAS, the work of the groups noted above led to the enactment of laws (AS 46.03.460 – AS 46.03.490) by the Alaska Legislature in 2001 establishing wastewater discharge standards for cruise ships and creating the Commercial Passenger Vessel Environmental Compliance Program; and

WHEREAS, in 2002, the Alaska Department of Environmental Conservation adopted regulations (18 AAC 69) to implement and interpret the laws enacted by the Legislature in 2001; and

WHEREAS, in 2004, the Alaska Legislature refined laws enacted in 2001 (AS 46.03.460-46.06.490); and

WHEREAS, in 2006, following a two-year rule-making effort, the Alaska Department of Environmental Conservation adopted regulations to interpret and implement the 2004 statutory changes; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, in 2006, following the adoption of regulations by the Alaska Department of Environmental Conservation, Alaska voters approved an initiative further governing the operation and regulation of large cruise ships; and

WHEREAS, in March 2008, as a major step toward fulfilling the terms of the 2006 initiative, the Alaska Department of Environmental Conservation issued the first ever general permit for wastewater discharge from large cruise ships operating in Alaska waters; and

WHEREAS, the standards imposed on cruise ships are far in excess of those imposed on shore-based municipal wastewater facilities, as was recognized in the Department of Environmental Conservation press release announcing the March 2008 permit, which stated:

The majority of large cruise ships operating in Alaska have advanced wastewater treatment systems that produce a very high quality discharge – much higher, for example, than shore-based municipal sewage treatment systems. Even so, cruise ship discharges are expected to have trouble meeting water quality standards for four parameters – ammonia, copper, nickel and zinc; and

WHEREAS, recognizing that it is currently unfeasible or impractical to meet discharge standards for the ammonia, copper, nickel, and zinc parameters, the Alaska Department of Environmental Conservation applied more lenient standards during the 2008 and 2009 seasons and postponed implementation of the stricter standards until the 2010 season; and

WHEREAS, the point-of-release standards could mean that beginning in 2010, cruise ships will have to defer all discharges until they are out of Alaska waters; and

WHEREAS, compelling cruise ships to postpone discharge of wastewater until outside Alaska waters will likely shorten the time cruise ships are in port and result in fewer ports of call, which will negatively impact Alaskan businesses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Whittier, Alaska as follows:

Section 1: The Council of the City of Whittier, Alaska hereby urges the Alaska State Legislature in 2009 to modify, based on science, the standards governing the discharge of cruise ship wastewater such that those standards will continue to protect aquatic life and the environment, but will not be technologically and financially unreasonable or impractical.

Section 2: This resolution shall become effective immediately upon adoption.

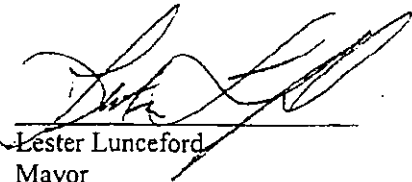
PASSED AND APPROVED by a duly constituted quorum of the City Council for the City of Whittier, Alaska on this 20th day of January 2009.

Introduced by: Mark Earnest
Introduction date: 20 January 2009

ATTEST:



Brenda Krol
City Clerk



Lester Lunceford
Mayor

Ayes: 6
Nays: 0
Absent: 1
Abstain: 0



**ANCHORAGE SOIL & WATER
CONSERVATION DISTRICT**

P.O. Box 110309 -- Anchorage, AK 99511-0309
www.ASWCD.org E-Mail: aswcd@aswcd.org
Phone: 907.677.SOIL (7645)

**Anchorage Soil and Water Conservation District
Board of Supervisors
Resolution 2009-01**

WHEREAS, the mission of the Anchorage Soil & Water Conservation District (ASWCD) is to conserve Alaska's natural resources by providing technical, financial and education resources to property owners and participating in community endeavors,

WHEREAS, an important component of the ASWCD's mission is to educate the public on best environmental practices, particularly those that support a healthy economy,

WHEREAS, the Alaska cruise ship industry has developed model wastewater treatment systems and implemented other best practices to improve the environmental performance of vessels and have voluntarily adopted higher standards than those required by law,

WHEREAS, the cruise industry also brings significant financial benefits to the Municipality of Anchorage and to the State of Alaska,

WHEREAS, current cruise ship standards are far in excess of shore-based municipal wastewater facilities standards; and

WHEREAS, attaining the "point of discharge" standard is only applicable to cruise ships and compliance is currently technologically unfeasible; and

WHEREAS, standards for cruise ship wastewater discharge permits should be based on best available data and science, set by Alaska Department of Environmental Conservation; and

WHEREAS, the result of the "point of discharge" standard could mean that by 2010 cruise ships will have to depart Alaska waters to discharge, resulting in reduced length of time in port, further impacting local governments and small businesses that rely on cruise ship visitors, crew, and service requirements to support local jobs and the local economy.

NOW THEREFORE BE IT RESOLVED, the Board of Supervisors of the Anchorage Soil and Water Conservation District urges Governor Sarah Palin and the Alaska State Legislature in 2009 to modify the "point of discharge" permit standard based on scientific criteria to be determined by Alaska Department of Environmental Conservation.

Passed and approved the 16th day of January, 2009



Greg Bell, Chair



**Anchorage Chamber of Commerce
Board of Directors
Resolution 2008/09-01**

In Support of Modifying Cruise Ship Point of Discharge Permit Standards

WHEREAS, one aspect of the mission of the Anchorage Chamber of Commerce is to protect and promote a healthy business community, to include a strong and growing tourism business base; and

WHEREAS, more than 370,000 cruise passenger visitors annually spend \$26 million in the Anchorage area,

WHEREAS, cruise lines directly spend \$76 million in Anchorage, have paid more than \$5 million in local bed tax revenue and made purchases from 849 Anchorage businesses in 2007 alone; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, current cruise ship standards are far in excess of shore-based municipal wastewater facilities standards; and

WHEREAS, attaining the "point of discharge" standard is only applicable to cruise ships and compliance is currently technologically unfeasible; and

WHEREAS, standards for cruise ship wastewater discharge permits should be based on best available data and science, set by Alaska Department of Environmental Conservation; and

WHEREAS, the result of the "point of discharge" standard could mean that by 2010 cruise ships will have to depart Alaska waters to discharge, resulting in reduced length of time in port, further impacting local governments and small businesses that rely on cruise ship visitors, crew, and service requirements to support local jobs and the local economy.

NOW THEREFORE BE IT RESOLVED, the Anchorage Chamber of Commerce urges Governor Sarah Palin and the Alaska State Legislature in 2009 to modify the "point of discharge" permit standard based on scientific criteria to be determined by Alaska Department of Environmental Conservation.

AND BE IT FURTHER RESOLVED, that copies of this resolution be sent to Anchorage Chamber members, Governor Sarah Palin, the Alaska Legislature, statewide chambers of commerce and statewide media.

Approved the 5th day of December, 2008

Phil Okeson, 2008-09 chair
Anchorage Chamber of Commerce

Stacy Schubert, IOM, president
Anchorage Chamber of Commerce

RESOLUTION 09-01-05

A RESOLUTION OF THE GREATER FAIRBANKS CHAMBER OF COMMERCE URGING THE ALASKA STATE LEGISLATURE IN 2009 TO MODIFY, BASED ON SCIENCE, THE STANDARDS GOVERNING THE DISCHARGE OF CRUISE SHIP WASTEWATER SUCH THAT THOSE STANDARDS WILL CONTINUE TO PROTECT AQUATIC LIFE AND THE ENVIRONMENT BUT WILL NOT BE TECHNOLOGICALLY AND FINANCIALLY UNREASONABLE OR IMPRACTICAL; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Greater Fairbanks Chamber of Commerce recognizes the economic importance of the cruise ship industry throughout the state of Alaska, and tourism is the second-largest industry in the State, providing jobs and a large positive economic multiplier; and

WHEREAS, in 2002, the Alaska Department of Environmental Conservation adopted regulations (18 AAC 69) to implement and interpret the laws enacted by the Legislature in 2001; and

WHEREAS, in 2004, the Alaska Legislature refined laws enacted in 2001 (AS 46.03.460-46.06.490); and

WHEREAS, in 2006, following a two-year rule-making effort, the Alaska Department of Environmental Conservation adopted regulations to interpret and implement the 2004 statutory changes; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, in 2006, following the adoption of regulations by the Alaska Department of Environmental Conservation, Alaska voters approved an initiative further governing the operation and regulation of large cruise ships; and

WHEREAS, in March 2008, as a major step toward fulfilling the terms of the 2006 initiative, the Alaska Department of Environmental Conservation issued the first ever general permit for wastewater discharge from large cruise ships operating in Alaska waters; and

WHEREAS, the standards imposed on cruise ships are far in excess of those imposed on shore-based municipal wastewater facilities, as was recognized in the Department of Environmental Conservation press release announcing the March 2008 permit, which stated:

The majority of large cruise ships operating in Alaska have advanced wastewater treatment systems that produce a very high quality discharge – much higher, for example, than shore-based municipal sewage treatment systems. Even so, cruise ship discharges are

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Tim McLeod
AEL&P
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RESOLUTION 11-08

A RESOLUTION OF THE JUNEAU CHAMBER OF COMMERCE URGING THE ALASKA STATE LEGISLATURE IN 2009, TO MODIFY THE STANDARDS GOVERNING THE DISCHARGE OF CRUISE SHIP WASTEWATER

WHEREAS, during the 1990s, the size and number of cruise ships visiting Alaska coastal communities grew dramatically and became an increasingly important component of the local and regional economies; and

WHEREAS, in 1999, the Alaska Department of Environmental Conservation, U.S. Coast Guard, U.S. Environmental Protection Agency, members of the Southeast Conference, representatives of the cruise ship industry, and local concerned citizens formed a group to explore ways to improve environmental standards for the cruise ship industry in Alaska; and

WHEREAS, the Alaska Cruise Ship Initiative (ACSI) group was created in 2000 to 1). Identify waste streams from cruise ships; 2). Develop pollution prevention and waste management solutions; 3). Assess and verify compliance with volunteer wastewater sampling; and 4). Keep the Alaska public informed; and

WHEREAS, in late 2000, the ACSI commissioned a Science Advisory Panel with expertise in oceanography, bacteriology, chemistry, aquatic and human toxicology, marine biology, ecology and vessel engineering to address issues concerning treatment, discharge, dispersion rate, and effects of wastewaters produced by commercial cruise ships; and

WHEREAS, the work of the groups noted above led to the enactment of laws (AS 46.03.460 – AS 46.06.490) by the Alaska Legislature in 2001 establishing wastewater discharge standards for cruise ships and creating the Commercial Passenger Vessel Environmental Compliance Program; and

WHEREAS, in 2002, the Alaska Department of Environmental Conservation adopted regulations (18 AAC 69) to implement and interpret the laws enacted by the Legislature in 2001; and

WHEREAS, in 2004, the Alaska Legislature refined laws enacted in 2001 (AS 46.03.460 – AS 46.06.490); and

WHEREAS, in 2006, following a two-year rule-making effort, the Alaska Department of

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Goldbelt, Inc.
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Environmental Conservation adopted regulations to interpret and implement the 2004 statutory changes; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, in 2006, following the adoption of regulations by the Alaska Department of Environmental Conservation, Alaska voters approved an initiative further governing the operation and regulation of large cruise ships; and

WHEREAS, in March 2008, as a major step toward fulfilling the terms of the 2006 initiative, the Alaska Department of Environmental Conservation issued the first ever general permit for wastewater discharge from large cruise ships operating in Alaska waters; and

WHEREAS, the standards imposed on cruise ships are far in excess of those imposed on shore-based municipal wastewater facilities; as was recognized in the Department of Environmental Conservation press release announcing the March 2008 permit, which stated:

The majority of large cruise ships operating in Alaska have advanced wastewater treatment systems that produce a very high quality discharge – much higher, for example, than shore-based municipal sewage treatment systems. Even so, cruise ship discharges are expected to have trouble meeting water quality standards for four parameters – ammonia, copper, nickel and zinc; and

WHEREAS, recognizing that it is currently unfeasible or impractical to meet discharge standards for the ammonia, copper, nickel and zinc parameters, the Alaska Department of Environmental Conservation applied more lenient standards during the 2008 and 2009 seasons and postponed implementation of the stricter standards until the 2010 season; and

WHEREAS, the point-of-release standards could mean that beginning in 2010, cruise ships will have to defer all discharges until they are out of Alaska waters; and

WHEREAS, compelling cruise ships to postpone discharge of wastewater until outside Alaska waters will likely shorten the time cruise ships are in port and result in fewer ports of call, which will negatively impact Juneau businesses.

NOW, THEREFORE BE IT RESOLVED that the Juneau Chamber of Commerce urges the City and Borough of Juneau Assembly to adopt this or a similar resolution, and urges the Alaska State Legislature in 2009, to modify, based on science, the standards governing the discharge of cruise ship wastewater such that those standards will continue to protect aquatic life and the environment, but will not be technologically and financially unreasonable or impractical and establish an effective date.

FURTHER BE IT RESOLVED that the Juneau Chamber of Commerce requests that this resolution becomes effective immediately upon adoption by the State Legislature.

PASSED AND APPROVED by the Juneau Chamber of Commerce on this 10th day of November, 2008.

Signed: 
Cathie Roemnick, CEO

On behalf of the Juneau Chamber of Commerce Board of Directors and nearly 400 business members



**GREATER WASILLA CHAMBER OF COMMERCE & CONVENTION/VISITOR BUREAU
BOARD OF DIRECTORS
RESOLUTION #1208**

A RESOLUTION URGING THE GOVERNOR AND THE 2009 ALASKA STATE LEGISLATURE TO MODIFY THE "POINT OF DISCHARGE" PERMIT STANDARD BASED ON SCIENTIFIC CRITERIA TO BE DETERMINED BY ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

WHEREAS, the Wasilla community has a strong tourism business base and wants a positive business atmosphere to grow tourism; and

WHEREAS, the Mat-Su Valley has over 124,000 cruise passenger visitors and cruise lines spend annually \$16.4 million, with over \$860,000 paid in bed tax revenue; and

WHEREAS, in 2007 cruise lines made purchases from 90 area businesses; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, the standards now imposed on cruise ships, and the 2010 standard are far in excess of those imposed on shore-based municipal wastewater facilities; and

WHEREAS, this "point of discharge" standard applicable only to cruise ships, are currently technologically unfeasible and such standards should be set by Alaska Department of Environmental Conservation; and

WHEREAS, the unrealistic standards could mean that by 2010, cruise ships will have to depart Alaska waters to discharge, which could result in reduced length of time in port, and such changes will impact local governments, small businesses, which rely on cruise ship visitors, crew, and service requirements to support local jobs and the local economy; and

WHEREAS, the ballot initiative sponsors stated that the permit portion of the head tax initiative would only "level the economic and environmental playing field between the cruise ship industry and other major dischargers"; and

NOW THEREFORE, BE IT RESOLVED BY THE WASILLA CHAMBER OF COMMERCE BOARD OF DIRECTORS, that:

The Board urges the Governor and the Alaska State Legislature in 2009 to modify the "point of discharge" permit standard based on scientific criteria to be determined by Alaska Department of Environmental Conservation.

PASSED AND APPROVED BY THE WASILLA CHAMBER OF COMMERCE BOARD OF DIRECTORS THIS 9TH DAY OF DECEMBER, 2008.

 Erika Bills, President

 Cheryl Mctiva, Executive Director/CEO

KENAI CHAMBER OF COMMERCE

Resolution 02-08

A RESOLUTION OF THE KENAI CHAMBER OF COMMERCE BOARD OF DIRECTORS TO URGE THE GOVERNOR AND ALASKA LEGISLATURE TO DELETE THE 'POINT OF DISCHARGE' STANDARD GOVERNING THE CRUISE SHIP WASTE WATER PERMITS.

WHEREAS, Alaska's cruise ship industry is an important element to our economic well-being statewide and regionally; and

WHEREAS, cruise ships should be under the same guidelines on discharge as any other industry or land based operations in Alaska; and

WHEREAS, in 2002, Alaska set the highest standards in the world for large cruise ship waste water discharge to protect state water ways. In 2006, a head tax ballot initiative changed these standards in such a way that some of the new standards are technologically unfeasible by the cruise lines. During the ballot initiative process no public hearings or state agency input was given on these newly imposed standards; and

WHEREAS, the standards currently imposed on cruise ships are far in excess of those imposed on shore-based municipal wastewater facilities, as was recognized in the Department of Environmental Conservation press release announcing the March 2008 permit, which stated:

The majority of large cruise ships operating in Alaska have advanced wastewater treatment systems that produce a very high quality discharge – much higher, for example, than shore-based municipal sewage treatment systems. Even so, cruise ship discharges are expected to have trouble meeting water quality standards for four parameters – ammonia, copper, nickel and zinc; and

WHEREAS, recognizing that it is currently unfeasible or impractical to meet discharge standards for the ammonia, copper, nickel, and zinc parameters, the Alaska Department of Environmental Conservation applied more lenient standards during the 2008 and 2009 seasons and postponed implementation of the stricter standards until the 2010 season; and

WHEREAS, the point-of-release standards could mean that beginning in 2010, cruise ships will have to defer all discharges until they are out of Alaska waters; and

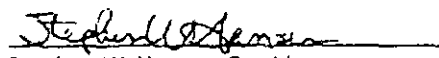
WHEREAS, cruise ships will be compelled to shorten their stays in Alaska waters; and

WHEREAS, this will have a negative impact on our regional and statewide economic health.

NOW, THEREFORE, BE IT RESOLVED that the Kenai Chamber of Commerce Board of Directors hereby urges the Governor and the Alaska State Legislature to modify the standards governing the discharge of cruise ship wastewater such that those standards will continue to protect aquatic life and the environment, but will be technologically and financially reasonable or practical.

DIRECTORS

THIS 10 DAY OF December, 2008


Stephen W. Hansen, President
Kenai Chamber of Commerce

ATTEST: 
Tina Baldrige
Executive Director

Kenai Chamber of Commerce



Homer Chamber of Commerce
Visitor Information Center
201 Sterling Highway
Homer, AK 99603

Homer Chamber of Commerce

***Resolution Passed 1/15/2009**

The Homer Chamber of Commerce urges the Alaska State Legislature to vest the Alaska Department of Environmental Conservation with the authority to issue discharge permits to cruise ships, as they determine will meet all Alaska water quality standards.

*Note: Full body of resolution will be forwarded when received.

GREATER SITKA CHAMBER OF COMMERCE
RESOLUTION 08-01

A RESOLUTION OF THE GREATER SITKA CHAMBER OF COMMERCE URGING THE ALASKA STATE LEGISLATURE TO MODIFY THE STANDARDS GOVERNING THE DISCHARGE OF CRUISE-SHIP WASTEWATER SUCH THAT THOSE STANDARDS ARE NO MORE RESTRICTIVE THAN MUNICIPAL SHORE BASED WASTEWATER FACILITIES.

WHEREAS, the Greater Sitka Chamber of Commerce is a nonprofit trade association made up of members of the business community invested in the economic health of Sitka; and

WHEREAS, the economic health of Sitka is, in large part, based on a healthy cruise industry visitors and commercial fishing industry, which are both ocean-based industries; and

WHEREAS, the cruise ship industry is an integral part of the health of Sitka's economy whose visits provide jobs to Sitkans; and

WHEREAS, the cruise ship industry, through its visits to Sitka, provides a critical piece of sales tax revenue that helps pay for local government jobs and functions such as schools and roads; and

WHEREAS, Sitka will be experiencing a significant economic impact already with the loss of one major cruise line for the 2009 summer which will negatively impact an already downward turn in sales tax revenue; and

WHEREAS, the cruise industry, through the Alaska Cruise Ship Initiative, along with the State of Alaska Department of Environmental Conservation (DEC) and the Environmental Protection Agency, formed a Science Advisory Panel to address waste streams from cruise ships, develop pollution prevention and waste management solutions, assess and verify compliance with volunteer wastewater sampling, and methods to keep the public informed; and

WHEREAS, the Alaska State Legislature enacted laws in 2001 establishing wastewater discharge standards that were refined in 2004 and implemented in 2006 by the state DEC; and

WHEREAS, the cruise industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, a voter approved initiative further imposed standards on cruise ships that are far in excess of those imposed on municipal shore-based wastewater facilities, as was recognized by the state DEC public statement announcing a March 2008 permit issuance, which stated:

"The majority of large cruise ships operating in Alaska have advanced wastewater treatment systems that produce a very high quality discharge - much higher, for example, than shore-based municipal sewage treatment systems. Even so, cruise ship discharges are expected to have trouble meeting water quality standards for four parameters - ammonia, copper, nickel, and zinc."

And

WHEREAS, the City and Borough of Sitka wastewater discharge system cannot meet these voter initiative standards if they were to be imposed on municipalities. The key is due to the city being allowed a mixing zone where quality of discharge is measured at the edge of the mixing zone.

The voter initiative standards require cruise ships to measure quality of discharge at the point of release (at the pipe) before it drops into a mixing zone; and

WHEREAS, the state DEC elected to postpone implementation of parts of the voter initiative standards because it is currently unfeasible or impractical to meet discharge standards for the ammonia, copper, nickel, and zinc parameters; and

WHEREAS, the Greater Sitka Chamber of Commerce believes that water and wastewater quality standards are important to the health of the community and to the industries that rely on a healthy ocean; and

WHEREAS, the Greater Sitka Chamber of Commerce believes that the State of Alaska, Department of Conservation has the professional and technical resources to provide for clear regulatory guidance such that the ocean and marine life are protected while providing for practical, technological, and financially achievable regulations for cruise ships visiting Alaskan port that are similar in nature to the regulations that Alaskans live with every day.

NOW THEREFORE BE IT RESOLVED that the Greater Sitka Chamber of Commerce urges the 2009 Alaska State Legislature to, based on science, modify the standards governing the discharge of cruise ship wastewater such that those standards will reflect Alaska municipal standards, will continue to protect aquatic life and the environment, yet will not be technologically and/or financially unreasonable or impractical.

Adopted this 30th day of October, 2008.


Cory Baggen, President


Sheila Finkenbinder, Executive Director

**KETCHIKAN CHAMBER OF COMMERCE
BOARD OF DIRECTORS
RESOLUTION 1008**

A RESOLUTION URGING THE 2009 ALASKA STATE LEGISLATURE TO MODIFY THE "POINT OF DISCHARGE" STANDARD GOVERNING THE DISCHARGE OF CRUISE-SHIP WASTEWATER.

WHEREAS, the Ketchikan community has a strong tourism business base and wants a positive business atmosphere to grow tourism: and

WHEREAS, the community of Ketchikan has over 897,000 cruise passenger & crew spending \$115 million, cruise lines purchases of \$32 million, with sales tax revenues of \$4 million, dock moorage revenues of \$7.6 million

WHEREAS, between 2001 and 2006, agencies of the State of Alaska, through the legislative process, have enacted statutes and regulations establishing wastewater discharge standards and creating the Commercial Passenger Vessel Environmental Compliance Program as means of supporting cruise ship activity in Alaska in an environmentally-sound manner; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, in 2006, Alaska voters approved an initiative further governing the operation and regulation of large cruise ships, leading to the first ever general permit for wastewater discharges from large cruise ships operating in Alaska; and

WHEREAS, the standards now imposed on cruise ships, and the 2010 standard are far in excess of those imposed on shore-based municipal wastewater facilities; and

WHEREAS, this "point of discharge" standard applicable only to cruise ships, are technologically unfeasible; and

WHEREAS, the unrealistic standards could mean that by 2010, cruise ships will have to depart Alaska waters to discharge, which will result in reduced length of time in port, and elimination of ports situated far from International waters;

WHEREAS, the ballot initiative sponsors stated that the permit portion of the head tax initiative would only "level the economic and environmental playing field between the cruise ship industry and other major dischargers; and

WHEREAS, such changes will impact local governments, small businesses, which rely on cruise ship visitors, crew, and service requirements to support local jobs and the local economy; and

WHEREAS, maintaining unrealistic standards for a specific sector of the marine-based economy establishes dangerous precedent for managing the balance between economy and environment; and

NOW THEREFORE, BE IT RESOLVED BY THE KETCHIKAN CHAMBER OF COMMERCE BOARD OF DIRECTORS, that:

The Board urges the Alaska State Legislature in 2009 to modify the "point of discharge" permit standard of cruise ship wastewater such that those standards are based on scientific data and continue to protect Alaska water ways.

Signed:



Blaine Ashcraft
Executive Director
Greater Ketchikan Chamber of Commerce

**GREATER PALMER CHAMBER OF COMMERCE
BOARD OF DIRECTORS
RESOLUTION 09-01**

A RESOLUTION URGING THE GOVERNOR AND THE 2009 ALASKA STATE LEGISLATURE TO MODIFY THE "POINT OF DISCHARGE" PERMIT STANDARD BASED ON SCIENTIFIC CRITERIA TO BE DETERMINED BY ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, the standards now imposed on cruise ships, and the 2010 standard are far in excess of those imposed on shore-based municipal wastewater facilities; and

WHEREAS, this "point of discharge" standard applicable only to cruise ships, are currently technologically unfeasible and such standards should be set by Alaska Department of Environmental Conservation; and

WHEREAS, the unrealistic standards could mean that by 2010, cruise ships will have to depart Alaska waters to discharge, which could result in reduced length of time in port, and such changes will impact local governments, small businesses, which rely on cruise ship visitors, crew, and service requirements to support local jobs and the local economy; and

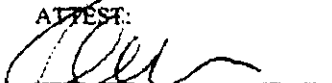
WHEREAS, the ballot initiative sponsors stated that the permit portion of the head tax initiative would only "level the economic and environmental playing field between the cruise ship industry and other major dischargers"; and

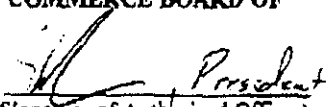
NOW THEREFORE, BE IT RESOLVED BY THE PALMER CHAMBER OF COMMERCE BOARD OF DIRECTORS, that:

The Board urges the Governor and the Alaska State Legislature in 2009 to modify the "point of discharge" permit standard based on scientific criteria to be determined by Alaska Department of Environmental Conservation.

PASSED AND APPROVED BY THE PALMER CHAMBER OF COMMERCE BOARD OF DIRECTORS THIS 30th DAY OF JANUARY 2009.

ATTEST:


(Signature)


(Signature of Authorized Officer)



Haines Chamber of Commerce

"Your Business is Our Business"

219 Main Street, #14
P.O. Box 1449
Haines, AK 99827

Phone: 907.766.2202
Fax: 907.766.2271
Email: chamber@haineschamber.org
Website: www.haineschamber.org

Haines Chamber of Commerce Resolution On

Large Commercial Passenger Vessel Wastewater Discharge General Permit

Position Statement

This permit issued in March 2008 by the Alaska Department of Environmental Conservation (ADEC) holds cruise ships to a different standard than it holds every other discharger in Alaska. This new permit measures effluent at the point of discharge instead of allowing a dilution zone, which every state in the United States allows, and the State of Alaska statutes contemplate. This is a different standard from what is required for coastal communities or the fishing industry or the oil platforms in Cook Inlet.

Action: To urge the Alaska State Legislature to investigate modifying the standards governing the discharge of cruise ship wastewater for a lower level based on science that will continue to protect aquatic life and the environment, but will not be technologically and financially unreasonable or impractical.

We also believe that ports of call which have cruise ships taking on water from the community should be allowed to use head tax revenues from the cruise ship initiative to improve the water quality for the community as a way to assist the cruise industry in complying with the waste water standards.

Support for the Position

Small businesses that offer services to tour related businesses will stay in business.

Should the cruise ship industry need to comply with the statutes of this permit, ships will have to hold their wastewater discharges until they are out of Alaska waters. Not only will this shorten the time in port, which may negatively impact Alaska businesses but may result in fewer ports of call, which will financially harm port communities.

The negative impacts from utilizing community water in the cruise ship discharge should be corrected at the point of origination.

The permit requirement is part of the cruise ship initiative that voters approved in 2006. That initiative imposed a number of environmental provisions, including one that requires ships to have a "discharge permit and meet all Alaska water quality standards".

Voters were told that the ships would be held to the same standards that "every other industrial and municipal discharger" must meet and that "no new permitting program is necessary." However, the permit ADEC issued holds the ships to a much different standard, one that may cost Alaska communities, Alaska ferries and businesses.

Alaska's water quality standards contemplate the use of dilution factors, such as mixing zones or short-term variances. As ADEC explains that mixing zones "are provided for by the Clean Water Act and used by every state in the Nation. Without mixing zones, wastewater would have to be treated to the point where it could serve as a source of drinking water before being discharged and that just isn't feasible here or anywhere else. Sewage treatment plants and seafood processors in Alaska could not operate without a mixing zone." Neither can the cruise ships.

Alaska should hold cruise ships to the same stringent standards as its coastal communities. It is not in the state's best interest to potentially shorten the time the cruise visitors have ashore or to eliminate some ports of call.

Therefore, the Haines Chamber of Commerce urges the Alaska Legislature to amend the ADEC general permit and to base its permit on sound science and common sense.

Greg Stuckey, President
Haines Chamber of Commerce

SOLDOTNA CHAMBER OF COMMERCE

RESOLUTION 03-08

**A RESOLUTION OF THE SOLDOTNA CHAMBER OF COMMERCE
BOARD OF DIRECTORS IN SUPPORT OF THE MODIFICATION OF THE
'POINT OF DISCHARGE' PERMIT STANDARD TO CRITERIA TO BE
DETERMINED BY ALASKA DEPARTMENT OF ENVIRONMENTAL
CONSERVATION.**

WHEREAS, Alaska has a strong tourism business base and wants a positive business atmosphere to grow tourism; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, the standards now imposed on cruise ships, and the 2010 standard are far in excess of those imposed on shore-based municipal wastewater facilities; and

**NOW THEREFORE, BE IT RESOLVED BY THE SOLDOTNA CHAMBER OF
COMMERCE BOARD OF DIRECTORS, that:**

The Board urges the Governor and the Alaska State Legislature in 2009 to modify the "point of discharge" permit standard to be based on scientific criteria which is determined by Alaska Department of Environmental Conservation.

BE IT FURTHER RESOLVED that this resolution be distributed to:

Office of the Governor, State of Alaska
Alaska State Legislature

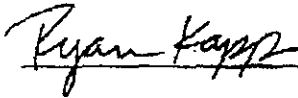
PASSED BY THE SOLDOTNA CHAMBER OF COMMERCE BOARD OF
DIRECTORS THIS 16 DAY OF December 2008

Ryan Kapp
Ryan Kapp, President
Soldotna Chamber of Commerce

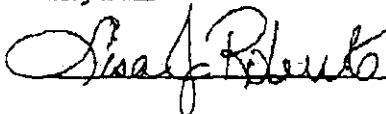
ATTEST: Michelle Glavs
Michelle Glavs
Executive Director

SOLDOTNA CHAMBER OF COMMERCE
2008 BOARD OF DIRECTORS

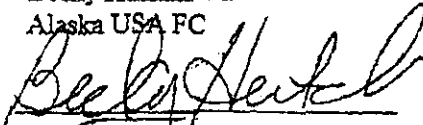
Ryan Kapp, President
Edward Jones Investments



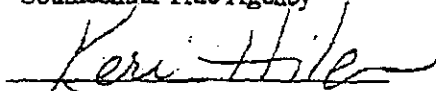
Lisa Roberts, Past President
Key Bank



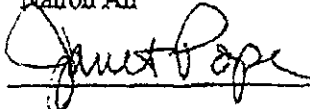
Becky Hutchinson
Alaska USA FC



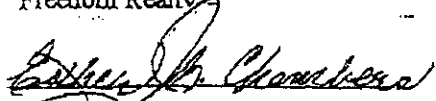
Keri Hiler
Southcentral Title Agency



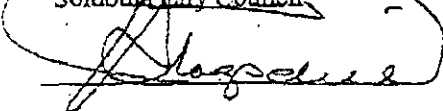
Janet Pope
Natron Air



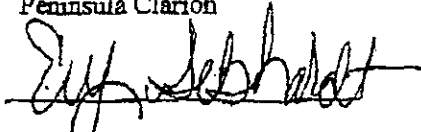
Esther Chambers
Freedom Realty



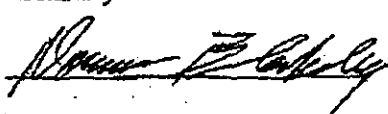
Jim Stogsdill
Soldotna City Council



Evy Gebhardt
Peninsula Clarion



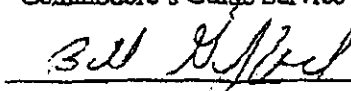
Norm Blakely
Blakeley's Auction



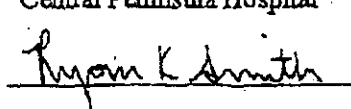
Alice Paulson
Soldotna Inn/Mykel's



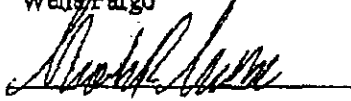
Bill Gifford
Commodore's Guide Service



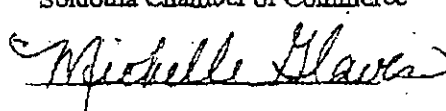
Ryan Smith
Central Peninsula Hospital



Nicole Nelson
Wells Fargo



Michelle Glaves, Executive Director
Soldotna Chamber of Commerce



Date: January 16, 2009
Action: Passed
Vote: Majority

**GREATER WHITTIER CHAMBER OF COMMERCE
RESOLUTION 2009-01**

A RESOLUTION URGING THE GOVERNOR AND THE 2009 ALASKA STATE LEGISLATURE TO MODIFY THE PERMIT STANDARD GOVERNING THE DISCHARGE OF CRUISE SHIP WASTEWATER BASED ON SCIENTIFIC CRITERIA AND CONTINUE TO PROTECT AQUATIC LIFE AND THE ENVIRONMENT.

WHEREAS, Alaska has a strong tourism business base and wants a positive business atmosphere to grow tourism; and

WHERE AS, the Whittier community has a strong marine-based economy with transportation routes historically used by cargo fleets; large and small passenger vessels; a commercial fishing fleet; and other passenger-bearing service vessels; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, the standards now imposed on cruise ships far exceeds those imposed on shore-based municipal wastewater facilities as recognized in the Department of Environmental Conservation press release announcing the march 2008 permit which stated:

The majority of large cruise ships operating in Alaska have advanced wastewater treatment systems that produce a very high quality discharge – much higher, for example, than shore-based municipal sewage treatment systems. Even so, cruise ship discharges are expected to have trouble meeting water quality standards for four parameters – ammonia, copper, nickel, and zinc; and

WHEREAS, this “point of discharge” standard applicable only to cruise ships, are currently technologically unfeasible and such standards should be set by Alaska Department of Environmental Conservation; and

WHEREAS, these standards could mean that by 2010, cruise ships will have to depart Alaska waters to discharge, which could result in reduced length of time in port, and elimination of ports situated far from International waters; and

WHEREAS, such changes will impact Whittier’s small businesses, which rely on cruise ship visitors, crew and service requirements to support local jobs and the local economy;

WHEREAS, maintaining unrealistic standards for a specific sector of the marine –based economy establishes dangerous precedent for managing the balance between economy and environment; and

NOW THEREFORE, BE IT RESOLVED BY THE GREATER WHITTIER CHAMBER OF COMMERCE, that:

We urge the Governor and the Alaska State Legislature in 2009 to modify the permit standards governing the discharge of cruise ship wastewater such that those standards be scientifically-based and continue to protect aquatic life and the environment.

**PASSED AND APPROVED BY THE GREATER WHITTIER CHAMBER OF COMMERCE
THIS 19TH DAY OF JANUARY, 2009**

ATTEST:

Margaret Headlee
(Signature)

Secretary

[Signature] (Signature of Authorized Officer)

Skagway Chamber of Commerce
701 State Street, Corner of 7th & State
P.O. Box 194, Skagway, AK 99840
907.983.1898 907.983.2031(fax)
chamber@aptalaska.net
www.skagwaychamber.org



**Chamber of Commerce
Resolution 2009-01**

A RESOLUTION OF THE CHAMBER OF COMMERCE BOARD OF DIRECTORS OF THE MUNICIPALITY OF SKAGWAY, ALASKA REGARDING THE POINT OF DISCHARGE STANDARD TO BE MODIFIED BASED ON SCIENTIFIC CRITERIA TO BE DETERMINED BY ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

WHEREAS, One aspect of the mission of the Skagway Chamber of Commerce is to protect and promote a healthy business community, to include a strong and growing tourism business base; and

WHEREAS, The Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, Current cruise ship standards are far in excess of shore-based municipal wastewater facilities standards; and

WHEREAS, Attaining the "point of discharge" standard is only applicable to cruise ships and compliance is currently technologically unfeasible; and

WHEREAS, Standards for cruise ship wastewater discharge permits should be based on best available data and science, set by Alaska Department of Environmental Conservation; and


WHEREAS, The result of the "point of discharge" standard could mean that by 2010 cruise ships will have to depart Alaska waters to discharge, resulting in reduced length of time in port, further impacting local governments and small businesses that rely on cruise ship visitors, crew, and service requirements to support local jobs and the local economy.

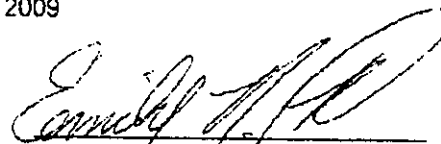
NOW THEREFORE BE IT RESOLVED by the Skagway Chamber of Commerce Board of Directors of the Municipality of Skagway, Alaska that the Alaska State Legislature in 2009 should modify the "point of discharge" permit standard based on scientific criteria to be determined by Alaska Department of Environmental Conservation.

AND BE IT FURTHER RESOLVED, that this resolution shall become effective immediately upon adoption.

PASSED AND APPROVED on the 13th day of January, 2009

ATTEST:


Jaime Bricker, Secretary


Emily Rauscher, Vice President

Vote: 4 Aye 0 Nay 2 Absent 1 Chair Empty

Date: December 15, 2008
Action: Passed
Vote: Unanimous

**SEWARD CHAMBER OF COMMERCE, CVB
BOARD OF DIRECTORS
RESOLUTION 2008-03**

A RESOLUTION URGING THE ALASKA STATE LEGISLATURE TO MODIFY, BASED ON SCIENCE, THE STANDARDS GOVERNING THE DISCHARGE OF CRUISE-SHIP WASTEWATER SUCH THAT THOSE STANDARDS USE THE SAME CRITERIA AS THE ONES THAT APPLY TO MUNICIPAL SHORE-BASED WASTEWATER FACILITIES AND ALL OTHER VESSELS TRANSITTING ALASKA WATERS.

WHEREAS, the Seward community has a strong marine-based economy with transportation routes historically used by the U.S. Navy, Coast Guard, and state law enforcement vessels; large and small passenger vessels; a commercial fishing fleet; and other passenger-bearing service vessels; and

WHEREAS, Seward's marine-based economic activity occurs in proximity to the Kenai Fjords National Park, the Chugach National Forest, Caines Head State Park, and other protected public lands; and

WHEREAS, between 2001 and 2006, agencies of the State of Alaska, through the legislative process, have enacted statutes and regulations establishing wastewater discharge standards and creating the Commercial Passenger Vessel Environmental Compliance Program as means of supporting cruise ship activity in Alaska in an environmentally-sound manner; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, in 2006, Alaska voters approved an initiative further governing the operation and regulation of large cruise ships, leading to the first ever general permit for wastewater discharges from large cruise ships operating in Alaska; and

WHEREAS, the standards now imposed on cruise ships are far in excess of those imposed on shore-based municipal wastewater facilities, to include Seward's and those in effect for all other fishing, freight, and passenger vessels; and

WHEREAS, these point-of-release standards, applicable only to cruise ships, are unfeasible, and will require prohibitive financial investment in research to establish methods of meeting the standards; and

WHEREAS, the unrealistic standards could mean that cruise ships will have to depart Alaska waters to discharge, which will result in reduced length of time in port, and elimination of ports situated far from International waters; and

WHEREAS, such changes will impact Seward's small businesses, which rely on cruise ship visitors, crew, and service requirements to support local jobs and the local economy; and

WHEREAS, maintaining unrealistic standards for a specific sector of the marine-based economy establishes dangerous precedent for managing the balance between economy and environment; and

NOW THEREFORE, BE IT RESOLVED BY THE SEWARD CHAMBER OF COMMERCE/CVB BOARD OF DIRECTORS, that:

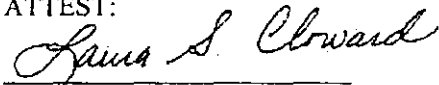
The Board urges the Alaska State Legislature in 2009 to modify the standards governing the discharge of cruise ship wastewater such that those standards be scientifically-based and continue to protect aquatic life and the environment.

PASSED AND APPROVED BY THE SEWARD CHAMBER OF COMMERCE/CVB BOARD OF DIRECTORS THIS 15th DAY OF DECEMBER, 2008.



(Signature of Authorized Officer)

ATTEST:



(Signature)

ANCHORAGE CONVENTION & VISITORS BUREAU BOARD OF DIRECTORS

RESOLUTION 2009-01

A Resolution in Support of and Approval of

A RESOLUTION URGING THE GOVERNOR AND THE 2009 ALASKA STATE LEGISLATURE TO MODIFY THE "POINT OF DISCHARGE" PERMIT STANDARD.

WHEREAS, the travel industry is a vital part of Alaska's economy; and

WHEREAS, Alaska has over 1,000,000 cruise passenger visitors annually spending almost \$1 billion in the state; and

WHEREAS, travel businesses throughout Alaska, the majority of which are small and Alaskan-owned, are major economic benefactors of cruise visitor expenditures; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, the standards now imposed on cruise ships, and the 2010 standard are far in excess of those imposed on shore-based municipal wastewater facilities; and

WHEREAS, the "point of discharge" standard, applicable only to cruise ships, are currently technologically unfeasible; and

WHEREAS, such standards should be set by Alaska Department of Environmental Conservation; and

WHEREAS, the unrealistic standards could mean that by 2010, cruise ships will have to depart Alaska waters to discharge, which could result in reduced length of time in port; and

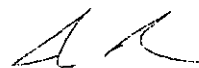
WHEREAS, such changes will impact both local governments and small businesses, which rely on cruise ship visitors, crew, and service requirements to support local jobs and the local economy; and

WHEREAS, the ballot initiative sponsors stated that the permit portion of the head tax initiative would only "level the economic and environmental playing field between the cruise ship industry and other major dischargers; and

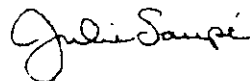
NOW THEREFORE, BE IT RESOLVED BY THE ANCHORAGE CONVENTION & VISITORS BUREAU (ACVB) BOARD OF DIRECTORS, that: ACVB urges the Governor and the Alaska State Legislature in 2009 to modify the "point of discharge" permit standard based on scientific criteria to be determined by Alaska Department of Environmental Conservation. ACVB approves and supports the modification of the "point of discharge" permit standard.

Approved on this date, the twenty-eighth day of January 2009.

ATTESTED BY:



Joshua Howes, Chairman
ACVB Board of Directors



Julie Saupe
President & CEO

**Girdwood 2020 Board of Directors
Resolution In Support of Modifying
Cruise Ship Point of Discharge Permit Standards**

WHEREAS, Girdwood 2020 comprises a group of citizens who want Girdwood to grow and prosper as a unique, internationally recognized mountain resort community through environmentally responsible economic development,

WHEREAS, Girdwood is one of the top destinations for cruise ship passengers in Southcentral Alaska,

WHEREAS, cruise ship passengers are important to the economic viability of Alyeska Resort, along with dozens of other area businesses, including Alaska Heritage Tours and the Alaska Wildlife Conservation Center,

WHEREAS, current cruise ship standards are far in excess of shore-based municipal wastewater facilities standards; and

WHEREAS, attaining the "point of discharge" standard is only applicable to cruise ships and compliance is currently technologically unfeasible; and

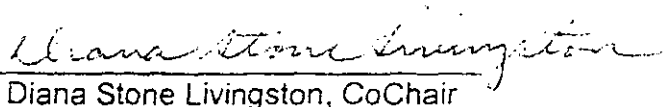
WHEREAS, standards for cruise ship wastewater discharge permits should be based on best available data and science, set by Alaska Department of Environmental Conservation; and

WHEREAS, the result of the "point of discharge" standard could mean that by 2010 cruise ships will have to depart Alaska waters to discharge, resulting in reduced length of time in port, further impacting local governments and small businesses that rely on cruise ship visitors, crew, and service requirements to support local jobs and the local economy.

NOW THEREFORE BE IT RESOLVED, the Girdwood 2020 Board of Directors urges Governor Sarah Palin and the Alaska State Legislature in 2009 to modify the "point of discharge" permit standard based on scientific criteria to be determined by Alaska Department of Environmental Conservation.

Approved this 10th day of January, 2009


John Rense, CoChair


Diana Stone Livingston, CoChair



RESOLUTION NO. 01-2009

URGING THE GOVERNOR AND THE 2009 ALASKA STATE LEGISLATURE TO MODIFY THE "POINT OF DISCHARGE" PERMIT STANDARD BASED ON SCIENTIFIC CRITERIA TO BE DETERMINED BY ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

WHEREAS, Alaska has a strong tourism business base and wants a positive business atmosphere to grow tourism; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, the standards now imposed on cruise ships, and the 2010 standard are far in excess of those imposed on shore-based municipal wastewater facilities; and

WHEREAS, this "point of discharge" standard applicable only to cruise ships, is currently technologically unfeasible and such standards should be set by Alaska Department of Environmental Conservation; and

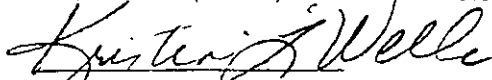
WHEREAS, the unrealistic standards could mean that by 2010, cruise ships will have to depart Alaska waters to discharge, which could result in reduced length of time in port, and such changes will impact local governments, small businesses, which rely on cruise ship visitors, crew, and service requirements to support local jobs and the local economy; and

WHEREAS, the ballot initiative sponsors stated that the permit portion of the head tax initiative would only "level the economic and environmental playing field between the cruise ship industry and other major dischargers"; and

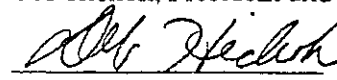
NOW THEREFORE BE IT RESOLVED THAT the Fairbanks Convention and Visitors Bureau urges the Governor and the Alaska State Legislature in 2009 to modify the "point of discharge" permit standard based on scientific criteria to be determined by Alaska Department of Environmental Conservation.

PASSED AND APPROVED by the Fairbanks Convention and Visitors Bureau on January 12, 2009.

Kristin Wells, Chair, Board of Directors


Signature

Deb Hickok, President and CEO


Signature



KETCHIKAN

Our lifestyle, your reward

A RESOLUTION OF THE KETCHIKAN VISITORS BUREAU TO SUPPORT MODIFICATION OF THE TERMS AND CONDITIONS OF STANDARDS FOR PASSENGER VESSEL DISCHARGE PERMITS. RESOLUTION NUMBER 08-04

WHEREAS, THE KETCHIKAN VISITORS BUREAU'S MISSION IS "TO PROMOTE THE GREATER KETCHIKAN AREA AS A VISITOR DESTINATION AND MEETING SITE; TO ENHANCE THE ECONOMY OF THE COMMUNITY, AND ASSIST IN PROMOTION OF THE AREA'S ATTRACTIONS AND EVENTS"; AND

WHEREAS, THE VISITOR INDUSTRY PLAYS A VITAL ROLE IN THE ECONOMIC WELL BEING OF THE COMMUNITY, WITH AN ESTIMATED 138.2 MILLION DOLLARS IN REVENUES ATTRIBUTED TO CRUISE INDUSTRY EXPENDITURES TO LOCAL BUSINESSES AND LOCAL GOVERNMENT; AND

WHEREAS, IN 2001 THE STATE OF ALASKA ADOPTED THE ALASKA CRUISE SHIP INITIATIVE'S RECOMMENDATIONS FOR THE COMMERCIAL PASSENGER VESSEL ENVIRONMENTAL COMPLIANCE PROGRAM, ENACTING THE MOST STRINGENT STANDARDS FOR DISCHARGE PERMITS WITHIN THE STATE, FAR SURPASSING ANY MUNICIPALITY'S REQUIREMENTS FOR SHOREBASED WASTEWATER FACILITIES, AT A COST OF OVER \$200 MILLION BY THE CRUISE INDUSTRY TO INSTALL STATE-OF-THE-ART WASTEWATER TREATMENT SYSTEMS ONBOARD THEIR VESSELS TO VOLUNTARILY COMPLY WITH THE STATE'S REGULATIONS; AND

WHEREAS, THE COMMERCIAL SHIP VESSEL TAXATION ACT PASSED BY VOTERS IN 2006 INCLUDED LANGUAGE THAT REQUIRED EVEN MORE STRINGENT REGULATIONS FOR CRUISE SHIPS IN ORDER TO SECURE DISCHARGE PERMITS, BUT DID NOT INCREASE THE REQUIREMENTS OF ANY OTHER PERMIT HOLDER IN THE STATE; AND

WHEREAS, STANDARDS FOR CRUISE SHIP WASTEWATER DISCHARGE PERMITS SHOULD BE BASED ON THE BEST AVAILABLE SCIENCE AND REGULATED BY THE ALASKA DEPARTMENT OF CONSERVATION, AS WITH ALL OTHER WASTEWATER PERMIT HOLDERS; AND

WHEREAS, UNLESS THE REGULATIONS ARE CHANGED BY EITHER ADMINISTRATIVE OR LEGISLATIVE ORDER, CRUISE LINES WILL LIKELY NOT BE ABLE TO COMPLY WITH THE NEW STANDARDS AND WILL BE FORCED TO LEAVE ALASKAN WATERS IN ORDER TO LEGALLY DISCHARGE WASTEWATER, IMPACTING THEIR LENGTH OF STAY IN PORT AND SUBSTANTIALLY DECREASING THE ECONOMIC BENEFITS ENJOYED BY COMMUNITIES WHERE SHIPS CALL.

NOW, THEREFORE, BE IT RESOLVED THAT: THE KETCHIKAN VISITORS BUREAU CONSIDERS THE WASTEWATER DISCHARGE PERMIT REGULATIONS ENACTED UPON THE CRUISE LINES BY THE PASSAGE OF THE COMMERCIAL SHIP VESSELS TAXATION ACT TO BE ONEROUS, AND A DIRECT THREAT TO THE ECONOMIC WELL BEING OF OUR COMMUNITY AND URGE IMMEDIATE ACTION TO MODIFY THE REGULATIONS SET FORTH IN THE COMMERCIAL SHIP VESSEL TAXATION ACT.

PASSED AND APPROVED BY THE KETCHIKAN VISITORS BUREAU BOARD OF DIRECTORS, ON OCTOBER 23, 2008.

Laurie Booyse, Chair
KVB Board of Directors

Patti Mackey
Executive Director

Ketchikan Visitors Bureau

1st Street • Ketchikan, AK 99901 • Phone 907.225.6166 • Fax 907.225.4250 • Email: info@visit-ketchikan.com • www.visit-ketchikan.com



**GREATER WASILLA CHAMBER OF COMMERCE & CONVENTION/VISITOR BUREAU
BOARD OF DIRECTORS
RESOLUTION #1208**

A RESOLUTION URGING THE GOVERNOR AND THE 2009 ALASKA STATE LEGISLATURE TO MODIFY THE "POINT OF DISCHARGE" PERMIT STANDARD BASED ON SCIENTIFIC CRITERIA TO BE DETERMINED BY ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

WHEREAS, the Wasilla community has a strong tourism business base and wants a positive business atmosphere to grow tourism; and

WHEREAS, the Mat-Su Valley has over 124,000 cruise passenger visitors and cruise lines spend annually \$16.4 million, with over \$860,000 paid in bed tax revenue; and

WHEREAS, in 2007 cruise lines made purchases from 90 area businesses; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, the standards now imposed on cruise ships, and the 2010 standard are far in excess of those imposed on shore-based municipal wastewater facilities; and

WHEREAS, this "point of discharge" standard applicable only to cruise ships, are currently technologically unfeasible and such standards should be set by Alaska Department of Environmental Conservation; and

WHEREAS, the unrealistic standards could mean that by 2010, cruise ships will have to depart Alaska waters to discharge, which could result in reduced length of time in port, and such changes will impact local governments, small businesses, which rely on cruise ship visitors, crew, and service requirements to support local jobs and the local economy; and

WHEREAS, the ballot initiative sponsors stated that the permit portion of the head tax initiative would only "level the economic and environmental playing field between the cruise ship industry and other major dischargers"; and

NOW THEREFORE, BE IT RESOLVED BY THE WASILLA CHAMBER OF COMMERCE BOARD OF DIRECTORS, that:

The Board urges the Governor and the Alaska State Legislature in 2009 to modify the "point of discharge" permit standard based on scientific criteria to be determined by Alaska Department of Environmental Conservation.

PASSED AND APPROVED BY THE WASILLA CHAMBER OF COMMERCE BOARD OF DIRECTORS THIS 9TH DAY OF DECEMBER, 2008.

 Erika Bills, President

 Cheryl Metiva, Executive Director/CEO



ALASKA TRAVEL INDUSTRY ASSOCIATION
ANCHORAGE CHAPTER
RESOLUTION 0901

A RESOLUTION URGING THE GOVERNOR AND THE 2009 ALASKA STATE LEGISLATURE TO MODIFY THE "POINT OF DISCHARGE" PERMIT STANDARD.

WHEREAS, the travel industry is a vital part of Alaska's economy; and

WHEREAS, Alaska has over 1,000,000 cruise passenger visitors annually spending almost \$1 billion in the state; and

WHEREAS, travel businesses throughout Alaska, the majority of which are small and Alaskan-owned, are major economic benefactors of cruise visitor expenditures; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, the standards now imposed on cruise ships, and the 2010 standard are far in excess of those imposed on shore-based municipal wastewater facilities; and

WHEREAS, the "point of discharge" standard, applicable only to cruise ships, are currently technologically unfeasible; and

WHEREAS, such standards should be set by Alaska Department of Environmental Conservation; and

WHEREAS, the unrealistic standard would mean that by 2010, cruise ships will depart Alaska waters to discharge, which would result in reduced time in Alaska ports; and

WHEREAS, such changes will impact local governments ability to collect dock usage fees and sales taxes, increasing the need for revenue sharing from the state, and

WHEREAS small businesses, which rely on cruise ship visitors, and crew expenditures to support local jobs and the local economy will have a reduced sales opportunity; and

WHEREAS, the ballot initiative sponsors stated that the permit portion of the head tax initiative would only level the economic and environmental playing field between the cruise ship industry and other major dischargers; and

NOW THEREFORE, BE IT RESOLVED BY THE ALASKA TRAVEL INDUSTRY ASSOCIATION ANCHORAGE CHAPTER, THAT:

ATIA Anchorage Chapter urges the Governor and the Alaska State Legislature in 2009 to modify the "point of discharge" permit standard based on scientific criteria to be determined by Alaska Department of Environmental Conservation.

PASSED AND APPROVED BY THE ALASKA TRAVEL INDUSTRY ASSOCIATION ANCHORAGE CHAPTER THIS 9th DAY OF JANUARY, 2009.


(Signature of Chapter Secretary)



A RESOLUTION OF THE ALASKA TRAVEL INDUSTRY ASSOCIATION - KETCHIKAN CHAPTER TO SUPPORT
MODIFICATION OF THE TERMS AND CONDITIONS OF STANDARDS FOR PASSENGER VESSEL DISCHARGE
PERMITS

RESOLUTION NUMBER 2008-01

WHEREAS, the Alaska Travel Industry Association – Ketchikan Chapter operates under the corporate veil of the Alaska Travel Industry Association, Inc., which is a non-profit membership based organization. The Ketchikan Chapter's goal is to regain Alaska's competitive position as a visitor destination through advocacy, improving community awareness and relations, acting as an education link statewide as well as local networking; and

WHEREAS, the visitor industry plays a vital role in the economic well being of the community, with an estimated 138.2 million dollars in revenues attributed to cruise industry expenditures to local businesses and local government; and

WHEREAS, in 2001 the State of Alaska adopted the Alaska Cruise Ship Initiative's recommendations for the Commercial Passenger Vessel Environmental Compliance Program, enacting the most stringent standards for discharge permits within the state, far surpassing any municipality's requirements for shore based wastewater facilities, at a cost of over \$200 million by the cruise industry to install state of the art wastewater treatment systems onboard their vessels to voluntarily comply with the state's regulations; and

WHEREAS, the commercial ship vessel taxation act passed by voters in 2006 included language that required even more stringent regulations for cruise ships in order to secure discharge permits, but did not increase the requirements of any other permit holder in the state; and

WHEREAS, standards for cruise ship wastewater discharge permits should be based on the best available science and regulated by the Alaska Department of Conservation, as with all other wastewater permit holders; and

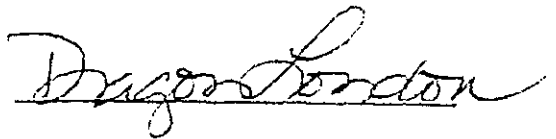
WHEREAS, unless the regulations are changed by either administrative or legislative order, cruise lines will likely not be able to comply with the new standards and will be forced to leave Alaskan waters in order to legally discharge wastewater, impacting their length of stay in port and substantially decreasing the economic benefits enjoyed by communities where ships call.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Alaska Travel Industry Association – Ketchikan Chapter considers the wastewater discharge permit regulations enacted upon the cruise lines by the passage of the commercial ship vessels taxation act to

be onerous, and a direct threat to the economic well being of our community and urge immediate action to modify the regulations set forth in the commercial ship vessel taxation act.

Approved at the Alaska Travel Industry Association - Ketchikan Chapter Meeting on December 11, 2008.



Dragon London, Secretary

ATIA - Ketchikan Chapter



Kari Erickson, President

ATIA - Ketchikan Chapter



A RESOLUTION URGING THE GOVERNOR AND THE 2009 ALASKA STATE LEGISLATURE TO MODIFY, BASED ON SCIENTIFIC EVIDENCE, THE STANDARDS GOVERNING THE DISCHARGE OF CRUISE SHIP WASTEWATER TO BE DETERMINED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

WHEREAS, the travel industry is a vital part of Juneau's economy; and

WHEREAS, Juneau has nearly 1,000,000 cruise passenger visitors annually spending approximately \$186 per person (figures from a 2005 survey by the McDowell Group) while in port; and

WHEREAS, Juneau's travel business, the majority which are small and Alaskan owned, are the major economic benefactors of cruise visitor expenditures; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200,000,000 to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, the standards now imposed by cruise ships, and the 2010 standard are far in excess of those imposed on shore based municipal wastewater facilities, as was recognized in the Department of Environmental Conservation (DEC) press release announcing the March 2008 permit, which stated:

The majority of large cruise ships operating in Alaska have advanced wastewater treatment systems that produce a very high quality discharge – much higher, for example, than shore-based municipal sewage treatment systems. Even so, cruise ship discharges are expected to have trouble meeting water quality standards for four parameters – ammonia, copper, nickel and zinc; and

WHEREAS, such standards should be set by the Alaska DEC; and

WHEREAS, recognizing that it is currently unfeasible or impractical to meet discharge standards for the above four parameters, the Alaska DEC applied more lenient standards during the 2008 and 2009 seasons and postponed implementation of the stricter standards until the 2010 season; and

WHEREAS, the unrealistic standard would mean that by 2010, cruise ships will depart Alaska's waters to discharge, which would result in reduced time in Alaska's ports and the possible reduction in the number of port calls; and

WHEREAS, such changes will impact local government ability to collect dock usage fees and sales taxes, increasing the need for revenue sharing from the state; and

WHEREAS, Juneau's small businesses, which rely on cruise ship visitors, and crew expenditures to support local jobs and the local economy will have a reduced sales opportunity; and

WHEREAS, the ballot initiative sponsor's intent implicitly stated that the permit portion of the head tax initiative would only "level the economic and environmental playing field between the cruise ship industry and other major discharges";

NOW THEREFORE, BE IT RESOLVED BY THE JUNEAU CHAPTER OF THE ALASKA TRAVEL INDUSTRY ASSOCIATION;

HEREBY URGE THE GOVERNOR AND THE ALASKA STATE LEGISLATURE IN 2009 TO MODIFY, BASED ON SCIENTIFIC EVIDENCE, THE PERMIT STANDARDS GOVERNING THE DISCHARGE OF CRUISE SHIP WASTEWATER TO BE DETERMINED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

PASSED AND APPROVED BY THE JUNEAU CHAPTER OF THE ALASKA TRAVEL INDUSTRY ASSOCIATION THIS 7th DAY OF January 2009.

Jeremy Gieser

Jeremy Gieser, Juneau ATIA Chapter President



**A RESOLUTION TO THE ALASKA STATE LEGISLATURE TO
MODIFY, BASED ON SCIENTIFIC EVIDENCE, THE STANDARDS
GOVERNING THE DISCHARGE OF CRUISE SHIP WASTEWATER**

**Resolution 08-03
12-11-2008**

WHEREAS, during the 1990s, the size and number of cruise ships visiting Skagway, Haines and other Alaska coastal communities grew dramatically and became an increasingly important component of the local and regional economies; and

WHEREAS, in 1999, the Alaska Department of Environmental Conservation, U.S. Coast Guard, U.S. Environmental Protection Agency, members of the Southeast Conference, representatives of the cruise ship industry, and local concerned citizens formed a group to explore the way to improve environmental standards for the cruise ship industry in Alaska; and

WHEREAS, the Alaska Cruise Ship Initiative (ACSI) group was created in 2000 to (1) identify waste streams from cruise ships; (2) develop pollution prevention and waste management solutions; (3) assess and verify compliance with volunteer wastewater sampling and; (4) keep the Alaska public informed; and

WHEREAS, in late 2000, the ACSI commissioned a Science Advisory Panel with expertise in oceanography, bacteriology, chemistry, aquatic and human toxicology, marine biology, ecology and vessel engineering to address issues concerning treatment, discharge, dispersion, fate and effects of wastewaters produced by commercial cruise ships; and

WHEREAS, the work of the groups noted above led to the enactment of laws (AS 46.03.460 – AS 46.03.490) by the Alaska Legislature in 2001 establishing wastewater discharge standards for cruise ships and creating the Commercial Passenger Vessel Environmental Compliance Program; and

WHEREAS, in 2002, the Alaska Department of Environmental Conservation adopted regulations (18 AAC 69) to implement and interpret the laws enacted by the Legislature in 2001; and

WHEREAS, in 2004, the Alaska Legislature refined laws enacted in 2001 (AS 46.03.460-46.03.490); and

WHEREAS, in 2006, following a two-year rule-making effort, the Alaska Department of Environmental Conservation adopted regulations to interpret and implement the 2004 statutory changes; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, in 2006, following the adoption of regulations by the Alaska Department of Environmental Conservation, Alaska voters approved an initiative further governing the operation and regulation of large cruise ships; and

WHEREAS, in March 2008, as a major step toward fulfilling the terms of the 2006 initiative, the Alaska Department of Environmental Conservation issued the first ever general permit for wastewater discharge from large cruise ships operating in Alaska waters; and

WHEREAS, the standards imposed on cruise ships are far in excess of those imposed on shore-based municipal wastewater facilities, as was recognized in the Department of Environmental Conservation press release announcing the March 2008 permit, which stated:

The Majority of large cruise ships operating in Alaska have advanced wastewater treatment systems that produce a very high quality discharge – much higher, for example, than shore-based municipal sewage treatment systems. Even so, cruise ship discharges are expected to have trouble meeting water quality standards for four parameters – ammonia, copper, nickel and zinc; and

WHEREAS, recognizing that it is currently unfeasible or impractical to meet discharge standards for the ammonia, copper, nickel and zinc parameters, the Alaska Department of Environmental Conservation applied more lenient standards during the 2008 and 2009 seasons and postponed implementation of the stricter standards until the 2010 season; and

WHEREAS, the point-of-release standards could mean that beginning in 2010, cruise ships will have to defer all discharges until they are out of Alaska waters; and

WHEREAS, compelling cruise ships to postpone discharge of wastewater until outside Alaska waters will likely shorten the time cruise ships are in port and result in fewer ports of call, which will negatively impact Alaska businesses.

NOW, THEREFORE BE IT RESOLVED by the members of the Alaska Travel Industry Association Golden Circle Chapter, including Haines, Skagway and Whitehorse members, hereby urges the Alaska State Legislature in 2009 to modify, based on science, the standards governing the discharge of cruise ship wastewater such that those standards will continue to protect aquatic life and the environment, but will not be technologically and financially unreasonable or impractical.

Adopted by the Alaska Travel Industry Association Golden Circle Chapter
Approved,



Jephifer Schlatter, Golden Circle Chapter President



Alaska Campground Owners Association
P.O. Box 111006 Anchorage, Alaska 99511
Toll Free (866) 339-9082 / Fax (907) 334-9082
info@alaskacampgrounds.net

RESOLUTION NO. 2009-01
CRUISE SHIP DISCHARGE STANDARDS

A RESOLUTION URGING THE GOVERNOR AND THE 2009 ALASKA STATE
LEGISLATURE TO MODIFY DISCHARGE STANDARDS BASED ON SCIENTIFIC
CRITERIA TO BE DETERMINED BY ALASKA DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

WHEREAS, the Alaska Campground Owners' Association (ACOA) represents an association of over 45 small family operated camper park businesses statewide in addition to over 50 associate members; and

WHEREAS, the independent long haul RV traveler to Alaska has been in decline for the past six years; and

WHEREAS, State of Alaska Department of Commerce, Community and Economic Development research has shown that 24% of all Alaska cruise passengers return to Alaska on an independent itinerary, often traveling through-out Alaska in an RV; and

WHEREAS, numerous Alaska cruise passengers disembark from their cruise ship and rent an RV for their ground tour portion of their Alaska vacation; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million to install some of the most advanced wastewater treatment systems in the world; and

WHEREAS, the standards now imposed on cruise ships, and the 2010 standard are far in excess of those imposed on shore-based municipal wastewater facilities; and

WHEREAS, this "point of discharge" standard applicable only to cruise ships, are currently technologically unfeasible and such standards should be set by Alaska Department of Environmental Conservation; and

WHEREAS, the unrealistic standards could mean that by 2010, cruise ships will have to depart Alaska waters to discharge, which could result in reduced length of time in port, and such changes will impact local governments, small businesses, which rely on cruise ship visitors, crew, and service requirements to support local jobs and the local economy; and

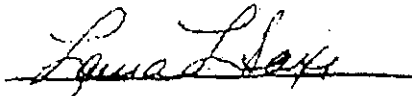
WHEREAS, the ballot initiative sponsors stated that the permit portion of the bend tax initiative would only "level the economic and environmental playing field between the cruise ship industry and other major dischargers"; and

NOW, THEREFORE, BE IT RESOLVED that the Alaska Campground Owners' Association recognizes the economic benefit of a strong viable cruise ship program in Alaska ; and

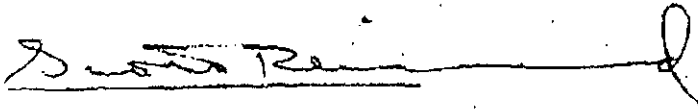
NOW, THEREFORE BE IT FURTHER RESOLVED that the Alaska Campground Owners' Association urges the Governor and the Alaska State Legislature in 2009 to modify the "point of discharge" permit standard based on scientific criteria to be determined by Alaska Department of Environmental Conservation.

PASSED and APPROVED by the ALASKA CAMPGROUND OWNERS' ASSOCIATION this 9th day of February 2009.

Chairman of the Board- Laura Saxe



ATTEST: ACOA Government Affairs- Scott Reiland





**ANCHORAGE DOWNTOWN PARTNERSHIP, LTD. Resolution In Support of
Modifying Cruise Ship Point of Discharge Permit Standards**

WHEREAS, one component of the Anchorage Downtown Partnership, Ltd. mission is to generally stimulate economic development in downtown Anchorage; and

WHEREAS, the visitor industry is a vital part of the downtown Anchorage economy; and

WHEREAS, more than 370,000 cruise passenger visitors spend \$26 million in Anchorage annually; and

WHEREAS, cruise lines directly spend \$76 million in Anchorage, have paid more than \$5 million in local bed tax revenue and made purchases from 849 Anchorage businesses in 2007 alone; and

WHEREAS, the State of Alaska already has the highest standards in the world for discharge of wastewater from large cruise ships; and

WHEREAS, the Alaska cruise ship industry has invested more than \$200 million on advanced water treatment systems on new ships and retrofitted older ones wastewater purification systems that treat water to standards higher than most land-based operations; and

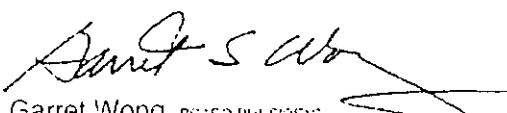
WHEREAS, attaining the 2010 "point of discharge" standard is unfeasible with current technology and could force cruise ships to depart Alaska waters to discharge; and

WHEREAS, forcing ships out of Alaska waters will result in reduced port time, further impacting local governments and small businesses that rely on cruise ship visitors, crew, and service requirements to support local jobs and the local economy; and

WHEREAS, standards for cruise ship wastewater discharge permits should be based on best available data and science, set by Alaska Department of Environmental Conservation; and

NOW THEREFORE, BE IT RESOLVED, Anchorage Downtown Partnership, Ltd. urges Governor Palin and the Alaska Legislature in 2009 to modify the "point of discharge" permit standard to ensure that discharge standards are based on scientific criteria to be determined by Alaska Department of Environmental Conservation.

Approved this 5th day of February, 2009


Garret Wong, BOARD PRESIDENT
Anchorage Downtown Partnership, Ltd.


Christopher M. Schulte, EXECUTIVE DIRECTOR
Anchorage Downtown Partnership, Ltd.



Responsible Cruising in Alaska

TO: House Resources Committee
FR: Chip Thoma, RCA
RE: HB 134
DATE: March 2, 2009

CT

Chairman Neuman, members of the committee, I am Chip Thoma, Responsible Cruising in Alaska, Box 21884, Juneau, 99802. The RCA is an advocacy group that helped win the 2006 initiative measure on cruise ship pollution, fair taxes, and consumer protection. This initiative passed 52-48%. 82,000 Alaskans voted Yes.

The Alaska cruise law has been a great success for state taxes, revenue sharing, capital projects in cruise ports, pollution controls, monitoring by Ocean Rangers, and consumer protection for passengers.

Regarding HB 134, un-amended, my initial comment is that this legislation is premature and unnecessary. Many ships in the Alaska cruise fleet are already meeting our Water Quality Standards on both ammonia & copper, those discharged substances that most harm salmon and other marine life. Many ships need only make a few attachments and adjustments to their present systems, to make them legal and fully compliant with the 2010 law.

I recently reviewed the Notices of Violations (NOV's) issued by DEC for 2008 cruise ship discharges, and was amazed to find that $\frac{3}{4}$ of the fleet were not cited for any metals violations, but that 5 of the 7 metals violators are Princess ships. I believe the copper problem has now been identified: those high metal discharges are centered in OLDER ships, like the Princess fleet, whose copper plumbing is leaching into treated discharge water. Dissolved copper is a big problem: it never goes away, it builds up in the water, and dis-orientes returning salmon.

Most other ships have solved their on-board copper problems, by using flex-hose plastic plumbing, a 21st century fix for a 20th century problem.

Rather than get into details of ship plumbing and on-board water-making machinery, suffice it to say that copper pipes leach, and miles and tons of copper pipe leach a lot. However, suspended metals removal technology is improving at a very rapid pace, pioneered by the need for absolutely clean water in US computer manufacture. I'm confident that copper can soon be removed from all cruise ship discharges. That's why HB 134 is premature, because solutions are close at hand, both on-board ships and in plants on shore.

Regarding ammonia, the sole source is urine. Ammonia removal has been achieved, and this technology is readily available, on-board and on-shore. Ironically, the relatively high ammonia counts are likely due to low-flow toilet systems on some ships, where little water is used to flush. Since water dissolves urine and ammonia to manageable levels, I am also confident that all ammonia problems can also be solved on-board, as most ships in the Alaska fleet are doing right now.

In conclusion, HB 134 is premature, because copper & ammonia discharge problems will be solved soon, with science, funding, and plastic plumbing. The cruise passengers want clean ships. Alaska subsistence, commercial & sport users want clean ships, that take no chances to harm Alaska fish & marine resources. We should all agree to fully protect clean, marine waters, by statute.

The cruise laws passed in 2006 accomplish that. However, HB 134, un-amended, rolls back those protections and allows potentially harmful discharges. Also, 134 primarily exempts one cruise line from the water quality standards being met by most of the 28 ships in Alaska fleet. HB 134 would financially penalize those cruise lines that make discharge improvements, and now comply with Alaska cruise law. Finally, Alaskans want these discharge problems solved, either on-board cruise ships, or at on-shore plants, but not mixing in our pristine waters. Thank you.

Chip Thoma Box 21884 Juneau, AK 99802 586-2117

CSAW
Campaign to Safeguard America's Waters



Earth Island Institute

3/2/09

Re: CS HB 134 Testimony of Gershon Cohen Ph.D.

Dear Chairmen and Members of the Alaska House of Representatives Committee on Resources,

Thank you for accepting this testimony in opposition to HB134, which seeks to remove the ban on mixing zone authorizations for cruise ship discharges established by majority vote of the people of Alaska in 2006.

The State of Alaska has traditionally been generous in allowing dischargers to circumvent the State's Water Quality Standards (WQS) through the application of mixing zones, which permit polluters to dilute contaminated wastewater within public waters. Nevertheless, the frequency of past mixing zone use should not be presumed to indicate the practice is consistent with the fundamental goals of the federal Clean Water Act or our State's water quality objectives to make all waters fishable and swimmable and eliminate the discharge of pollutants.

I agree with the intent of the sponsors of HB134 that discharge permits should be based on the best scientific evidence available. By definition, the State's WQS represent the best scientific information regarding the protection of aquatic life. Assigning mixing zones to mobile dischargers such as cruise ships would not represent the best science available. This practice would create multiple regions in our marine waters that cannot be tested for toxicity, often in places where wastes may or may not disperse efficiently depending upon the location of the discharge due to local currents, tides, salinity, temperature, and/or topography. It is entirely likely the waste from multiple ships might use the same water repeatedly for dilution. Worst of all, this practice will risk contaminating any fish or other marine life unfortunate enough to be within the mixing zone at the time of discharge. Mixing zones are not based on biological science; they are engineering-based risk analyses that presume organisms will either not be present when the discharge occurs, not be harvested and consumed, or represent a small enough percentage of the population so as to not result in long term harm to the overall ecosystem.

The cruise industry asserts it should be allowed to use the mixing zone loophole because some other dischargers have mixing zones. Poor performance by other dischargers, be they private or municipal, does not justify allowing the cruise lines to seek the lowest common denominator of wastewater treatment. It is important to

note that many of their "peers," in particular many Alaskan communities, are using equipment designed in the 1950's and built in the 1970's and struggle to find the money to improve performance, which usually only occurs through property tax increases and the selling of municipal bonds to match federal dollars received through the under-funded State Revolving Loan Fund. The Alaska cruise fleet probably averages ten or at most fifteen years in age and the cruise industry has recorded billion dollar profits year after year - they can afford to do the job right now, and in doing so they will show others how they can improve their performance.

Alaska's WQS implementation rules, in addition to containing provisions for authorizing mixing zones, also include an Antidegradation Policy (18AAC70.015) requiring the State to prohibit lowering the quality of a receiving water unless the best possible treatment method(s) is applied. On February 17th, DEC released a draft feasibility study describing multiple technologies capable of meeting WQS at the point of discharge. The study stated that while some of the technologies were not ready to be installed on ships immediately, there appeared to be no reason the technologies could not be adapted for shipboard use in the near future. On Feb 18th, DEC hosted a technology conference in Juneau on the same issue. Vendors and scientists testified throughout the day on their ability and willingness to re-engineer existing land-based treatment systems that can meet all WQS at the point of discharge for use in the cruise fleet. The draft report and the conference directly contradicted the cruise industry's claim that no such technologies exist or are likely to be available in the foreseeable future.

In fact, there is little (if any) evidence to support any recent testing or installation of new equipment in the cruise fleet to address pollutants such as heavy metals or ammonia, even though the industry has known since the initiative election in 2006 that State law would eventually require them to either improve their performance, discharge on-shore, or discharge outside of Alaska waters. Rather than invest the time and money necessary to improve their performance they have chosen to spend their resources on lobbyists and lawyers to try and get the law changed. HB134 (as passed out of HCRA) is the industry's vehicle for achieving this objective. Regardless of the opinion one might have on the broad question of mixing zone authorization, it cannot honestly be argued that this bill is anything but premature given the information released in the recent DEC report and at the technology conference the following day.

I trust you recall that in 2001 we heard the same cry from this industry when Alaska demanded better performance on the removal of fecal bacteria from their wastestreams. They said such performance was impossible. They said no applicable technologies existed. They threatened that requiring cleaner discharges would result in the death of their industry in Alaska, and along with it the demise of the Alaska tourism economy. What was the result of our demand for better treatment? Several companies immediately launched efforts to build better machines for removing solids and bacteria on ships. Today, two thirds of the fleet coming to Alaska has these improved technologies on board.

There is little doubt that if the cruise lines had already been making the effort to comply with our rules they would have succeeded by now. Even so, DEC has given the industry a pass on meeting the no-mixing zone discharge rules until 2010, and that date could be extended to accommodate the added research, design, and testing phases necessary to bring the new technologies on line. No fines or penalties have been assessed to date and that allowance could be extended as well, provided an honest effort to comply was underway. In other words, the bill before you today seeks to remove an achievable performance requirement that will not come due for another year *at minimum*. There is simply no harm whatsoever to this industry in keeping the present law in place while new and better treatment methods are adapted for ship board use. For these reasons, it is clear that HB134 is premature, and should not move forward at this time.

Our oceans are finite. Discharging more pollutants into our waters, regardless of their potential for dispersal, will eventually result in deleterious impacts on our fisheries resources. One would hope we'd have learned this lesson by now, given the result that similar applications of the "dilution-solution" have had on our atmosphere.

I apologize I cannot attend the hearing to testify in person today. I coach the Haines High School Debate/Drama/Forensics team, and I am traveling with the team today as we return from the State championships where I am proud to say Haines High placed second in the State for 1A/2A/3A schools.

Thank you for considering my comments on this important issue.

Sincerely,

Gershon Cohen Ph.D.

Gershon Cohen Ph.D., Project Director, CSAW
Co-sponsor, Alaska Cruise Ship Ballot Initiative

COMMENTS ON HB 134 – CRUISE SHIP MIXING ZONES

To: House Resources Committee

March 2, 2009

From: Stacy Studebaker
Kodiak Audubon Society – Conservation Chair
P.O. Box 970
Kodiak AK 99615
(907) 486-6498

Dear Representatives,

My name is Stacy Studebaker and I've lived in Alaska for nearly 40 years, 30 of that in Kodiak. I'm a biologist, a retired science teacher and the Conservation Chair of the Kodiak Audubon Society, established in 1982. Our mission is to conserve Alaska's natural ecosystems focusing on birds, other wildlife, and their habitats for the benefit and enjoyment of current and future generations.

Kodiak has been receiving more interest from the cruise ship industry recently with 24-27 visits scheduled this year. That is nearly double what we had just a few years ago. As cruise ships enter our waters that support our fishery economy, we must hold them to the strictest standards for water quality. Cruise ships will come and go, but our fishery economy is what sustains us. If we are going to give the cruise ship industry the benefit of visiting our beautiful island then they need to reciprocate by investing in better on-board technology that ensures that their wastewater doesn't pollute our marine ecosystem and jeopardize our seafood industry.

We oppose HB 134. The bill is premature and unnecessary. If it passes, it removes the ban on mixing zones and would allow harmful pollutants from cruise ship wastewater such as copper and ammonia to be directly discharged into marine waters.

Research has identified copper as specifically affecting salmon. Given the nature of the main pollutants associated with cruise ship operations, such as metals, it is imperative that these discharges are regulated and that every effort is made to minimize discharge directly into the marine environment so that our seafood remains safe to eat and our marine food chain intact for all marine life.

Mixing zones are rules that allow for pollutants to be discharged directly into the environment and diluted before water quality is tested. Mixing zones are not science based. They are engineering-based risk analyses that assume that organisms will either not be present when the discharge occurs, not be harvested and consumed, or represent a small enough percentage of the population as to not result in long-term harm to the environment or people. When the water you are impacting supports the food you eat, the base of your economy, and the habitat of wildlife, mixing zones are unacceptable.

The cruise ship initiative was passed by a majority vote of the people in 2006 with the intent to protect water quality from the harmful impacts of cruise ship wastewater pollution. In a recent poll conducted by Anchorage Channel 2 News, 81 percent of respondents asked if they think the state should loosen waste water regulations for cruise ships answered no. The 2006 initiative was a major milestone towards realizing the fundamental goals of the Clean Water Act to protect our marine ecosystem and the integrity and image of our Alaskan fishery industry.

The Alaska voter initiative created the demand for a solution to the problem: advancing technology to deal with removing pollutants from cruise ship wastewater either on-board or on shore. HB 134 would remove the incentive that is currently driving these advances.

The voter initiative created the original deadline for cruise ships to meet the new standards. We are in favor of extending the deadline a couple of years which would allow developers more time to work on better and more innovative waste water methods to fit on board ships. In the mean time, cruise ships must comply with existing laws.

Thank you,

Stacy Studebaker

Stacy Studebaker
Kodiak Audubon Society - Conservation Chair



Alaska State Legislature

Please enter into the record my testimony to the HOUSE RESOURCES
 committee name
 committee on HB 134 , dated MARCH 2, 2009
 bill/subject

**PLEASE SEE TESTIMONY
 ATTACHED**

Signed: STACY STUDEBAKER (TRANSMITTED VIA EMAIL)
 Testifier
KODIAK AUDUBON SOCIETY
 Representing (Optional)
P.O. BOX 970 KODIAK 99615
 Address
(907) 486-6498
 Phone No.

Testimony OPPOSING HB 134

Dear Chairman and members of this committee my name is Albert Judson, a Registered Voter and resident of Haines, Alaska. I disagree with HB 134 and in my following statements I hope that you would re-consider any prior actions and eliminate this bill from the legislative process of this legislature.

Question: "What would happen if the Enviromental Protection Agency reversed their Decision of 1973 when they exempted vessel discharges requiring a Federal Permit?"

CONSIDERATIONS

1. Historical:

HB 134 was introduced by seven republican Representatives. It was introduced at the request of the cruise ship industry. This bill deletes part of an Initiative submitted by Alaska people and approved by Alaska Voters in 2006. "At the point of discharge" is what they want to delete.

In the 1990's a major conference was called because of wastewater and air pollution fines on cruise ships in Alaska. The Alaska department of Enviromental Conservation asked the U.S. Enviromental Protection Agency, Southeast Communities to join with cruise ship representatives, Alaska Tribes, environmental groups, and concerned Alaska citizens to join public discussion about cruise ship pollution. This resulted in the Alaska Cruise Ship Initiative which was dissolved in 2001 and formed the Cruise Passenger Vessel Enviromental Compliance Program within the Alaska Department of Enviromental Conservation.

(I.)

2. The Alaska initiative process is very strict. The initiative of 2006 satisfied all the requirements certified by Lieutenant Governor Loren Leman and put on the ballot. The people voted for it and it became law. The reason for the words "at the point of discharge" is because of the ship's mobility and areas that they travel.

3. The Cruise Ship Industry has until 2010 to comply with this initiative. Technological Advancements have already occurred and more are likely to occur especially in the Green Industry. ^{Cruise Ship} This Industry numbers in the billion dollar bracket so, eventually Compliance is NOT impossible.

4. The impact on Harbors and Docks to allow adequate space for Alaska people has yet to be determined.

5. To allow dumping by Cruise Ships in mixing zones would conflict with commercial and subsistence efforts by Alaska's people.

6. The negative impact portrayed in the New York Times, 2/15,/2009 by Jennifer Conlin is what Alaskans are confronting. Cruise Ships emit twice as much carbon dioxide as airplanes, most ships use bunker fuel the cheapest and dirtiest fuel oil, a one week voyage on a large ship produces 210,000 gallons of sewage, a million gallons of graywater (from sinks, baths, showers, laundry and galleys) 25,000 gallons of bilge water, 11,550 gallons of sewer sludge and more than 13,000 gallons of hazardous waste.

HB 134 should be eliminated from the legislative process by this Legislature.

Signed, Albert Judson

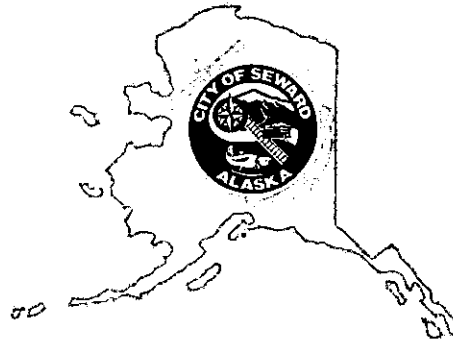
(Albert Judson)

Box 1151

Haines, Alaska 99827.....registered Voter & resident.

(II .)

CITY OF SEWARD
P.O. BOX 167
SEWARD, ALASKA 99664-0167



- Main Office (907) 224-4050
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- City Clerk (907) 224-4046
- Engineering (907) 224-4049
- Utilities (907) 224-4050
- Fax (907) 224-4038

March 10, 2009

The Honorable Mark Neuman
Co-Chair, House Resources Committee
State Capitol, Room 432
Juneau, AK 99801

RE: HB 134 An Act relating to the terms and conditions of commercial passenger vessel permits for the discharge of graywater, treated sewage, and other wastewater

Dear Chairman Neuman:

We are writing to express our support for HB 134 as originally proposed, and our concern with Representative Seaton's pending amendment. We appreciate your request for input from impacted communities.

As you know, the original intent of HB 134 was giving ADEC the authority to examine all options for protecting our water and marine environment and using the best science available to establish appropriate and effective wastewater discharge standards for cruise ships. While we support efforts to improve the environment, in our opinion, the amendment from Representative Seaton departs from that intent in a couple of ways.

The amendment appears to make significant changes in environmental policies for coastal communities without seeking input from the coastal communities which would be affected. The top priorities in our community for use of the cruise ship head tax revenue are improvements that make Seward a better port for cruise ships and their passengers. The proposed amendment limits our ability to accomplish needed port infrastructure because a substantial portion of the revenues is redirected- to a purpose not prioritized by Seward. The amendment will almost certainly increase community operating costs for wastewater treatment plants - i.e., it is an unfunded (state) government mandate.

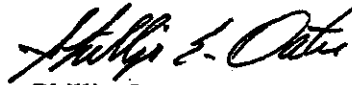
It is also important to remember that future court action could find that many current appropriations of the regional impact tax are not legal. The State or communities could conceivably be required to return improperly expended funds to the passengers who paid the taxes.

As you know, we have a public and open process to identify and prioritize local capital improvement projects. With input from the public, we have developed the priorities that we believe will improve services to cruise ships, their passengers, and our communities. With declining oil revenue and limited budgets, it is safe to say that upgrading municipal wastewater treatment plants to ultra high standards would not be the top priority of the majority of our residents.

For the reasons stated above, we respectfully request you oppose the amendment and move the bill from committee in its current form. Thank you for your consideration.



Clark Corbridge
Mayor, City of Seward



Phillip Oates
City Manager

cc: House Resources Committee



March 12, 2009

Representative Mark Neuman
Co-Chair, House Resources Committee
State Capitol, Room 432
Juneau, AK 99801

RE: HB 134, An Act relating to the terms and conditions of commercial passenger vessel permits for the discharge of graywater, treated sewage, and other wastewater

Dear Chairman Neuman:

I am writing to express my support for HB 134 as originally proposed, as well as my concern with Representative Seaton's pending amendment.

As you know, the original intent of HB 134 is to give the Alaska Department of Environmental Conservation the ability to look at all options and use the best science to establish discharge standards that will protect our water and marine environment. This amendment accomplishes the exact opposite.

The amendment appears to make significant changes in environmental policies for coastal communities without any input from coastal communities, and I appreciated your suggestion that input be solicited from potentially impacted port communities.

My concerns with the amendment include:

1. The priorities for port communities are improvements to port infrastructure. For example, Ketchikan's top priority for port-related development is a \$25-30 million upgrade to replace two old wooden cruise berths downtown. Unfortunately, major port communities such as Ketchikan and Juneau do not receive a regular annual distribution from the first five ports of call distribution formula that was in the initiative.

I find it very interesting that those who cleverly designed the initiative to exclude port communities such as Ketchikan and Juneau from the receipt of passenger tax funds are now trying to induce the port communities to accept funds only for expenditures on treatment plants. This further limits our ability to access the passenger tax revenue for needed port infrastructure by diverting a substantial portion of the revenue to a purpose which was never considered by the voters.

2. While the amendment proposes to allocate up to 50% of the passenger tax revenues to the design and construction of wastewater plants in port communities, it appears to saddle the communities with any increased operating costs. For your information, our community received a preliminary estimate last week that an upgrade to its plant would cost \$20-40 million, and operational costs would increase by \$1-3 million per year. Furthermore, the upgrade would not be to the 2010 standard arbitrarily imposed by the initiative on cruise vessels.

3. Section 7 seems to be a "poison pill." It appears to state that, if a court finds the excise tax unconstitutional, two sections are repealed, and there is a return to the status quo on vessel discharge. This appears to be the case even if substantial funds had already been expended on shore-based facilities. I believe that, based upon how the state is distributing proceeds of the passenger tax, federal restrictions on its use are being violated and litigation may be both appropriate and likely.

As you know, local communities such as Ketchikan have a very open process to identify and prioritize local capital improvement projects. With input from the public, we have developed our top priorities that we believe will improve the lives of our citizens. With declining oil revenue and limited budgets, it is safe to say that upgrading municipal wastewater treatment plants to such ultra high standards would not be the top priority of the majority of our residents; we are more interested in funding to repair bridges and trestles, expand our hydro resources, and replace aging facilities such as fire stations, hospitals, and libraries. My familiarity with the state appropriations process is such that I believe that receipt of significant funds for unwanted projects such as wastewater plant upgrades would result in a decrease of funding that otherwise might be available for other capital projects which have actually been requested by our communities.

Furthermore, I have tried - with little success to date - to engage the initiative sponsors in a process to sit down and develop a fair way of distributing the proceeds of the passenger fees to benefit the ports of call actually impacted by the ships and their passengers and crews. I am still willing to do that.

I am not willing, however, to have them tell us what our capital priorities should be.

For the reasons stated above, I respectfully request that you oppose the amendment and move the bill from committee in its current form.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Bob Weinstein".

Bob Weinstein
Mayor

cc: Senator Bert Stedman
Representative Kyle Johansen
Ketchikan City Council

Alaska State Legislature



Interim: (June - Dec.)
716 West 4th Avenue, Suite 600
Anchorage, Alaska 99501-2133
(907) 269-0129
Fax (907) 269-0128

Session: (Jan. - May)
State Capitol, Room 403
Juneau, Alaska 99801-1182
(907) 465-4859
Fax (907) 465-3799

REPRESENTATIVE JOHN HARRIS

March 11, 2009

Governor Sarah Palin
Office of the Governor
Juneau, Alaska

Subject: Large Commercial Passenger Vessel Wastewater Discharge Permits

Dear Governor Palin:

This is to call your attention to legislation relating to wastewater discharge permits for large passenger vessels operating in state waters. Policy direction from your office would be helpful to the legislature, coastal communities, vessel owners, and many interested individuals toward resolving this issue.

House Bill 134 would provide the Department of Environmental Conservation with the same authority to regulate wastewater discharges of large vessels that it has with other entities. Current law – which was established by voter initiative in 2006 – requires testing of vessel wastewater specifically at the point of discharge.

Testing at the point of discharge imposes a different methodology than that which exists for any other industry or municipality in Alaska. For example, mining operations, seafood processing, and coastal communities have their discharges tested at a reasonable distance away from the discharge point. Be that as it may, clean water itself should be our standard, and if someone is polluting our waters, then DEC must step in and stop them.

In spite of the initiative's language, DEC issued a general permit for all large commercial passenger vessels on March 25, 2008 that provides interim effluent limits and recognizes that vessels need time to make changes to their operations or equipment. The compliance schedule provides a deadline of 2010 to fully meet new standards for ammonia, copper, nickel, and zinc.

I believe this first discharge permit was a good first step. It complies with the citizens' initiative, and it establishes a reasonable approach toward developing vessel treatment systems that will keep our marine water clean.

Two bills have already been signed into law that have amended the citizens' initiative. One, by former Sen. Kim Elton, removed state ferries and other vessels of similar size from the initiative's requirements. Another, by Rep. Lindsey Holmes, removed certain passenger disclosure provisions. HB 134 – if enacted – would not be the first change to the initiative.

As the prime sponsor of HB 134, I have confidence that DEC is fully qualified to evaluate the best available methods and technologies and apply them to the operational permits that cruise ships must obtain. A technology session recently held by DEC revealed several approaches that could result in protecting Alaska waters; however, it found that not all systems could work on all vessels, not all vessels could discharge to shore, and all this is a developing field needing further evaluation by DEC. The bottom line is that your administration is working right now toward bringing the best treatment systems possible on board vessels as quickly as possible.

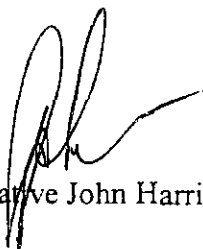
By having confidence in DEC's ability and efforts, I sponsored HB 134. Giving the agency broad authority does nothing to diminish water quality standards. Its officials are working hard to implement the best treatment technology as quickly as possible, and they will hold vessels to high water quality standards.

Unless a bill is enacted this session that amends the testing requirement "at the point of discharge," both large commercial passenger vessels and DEC will face a difficult decision. Either the agency will have to continue to issue permits that don't meet the requirements of the citizens' initiative or large commercial passenger vessels will have to abide by standards for which technology is not now available.

HB 134 returns that authority to the agency. Your support for the legislation will convey your confidence that the agency will do the job that we expect it to do.

Thank you for your time and consideration of this important issue.

Sincerely,



Representative John Harris

cc: Commissioner Larry Hartig, Department of Environmental Conservation
Jerry Gallagher, Legislative Director, Office of the Governor

Division of Water

Water Quality Standards

<http://www.state.ak.us/dec/water/wqsar/trireview/trireview.htm>

2003-2005 Triennial Review

Section Manager, Nancy Sonafrank
(907) 451-2726



Examples of Mixing Zones in Alaska Today

Nearly every wastewater discharge to Alaska's surface waters has a permit that includes provisions for a mixing zone. The most common are for municipal wastewater treatment systems. Under current regulations mixing zones may be authorized in streams and rivers that contain salmon, but may not be authorized in spawning areas for salmon and specified resident fish in these waters. Mixing zones are also commonly authorized in marine waters. Below are some examples of mixing zones authorized in Alaska today.

General Permit for Shore-based Seafood Processing Facilities

The large majority of seafood processing facilities operate under a general permit. The mixing zone is for residues, dissolved gas, oil and grease, pH, color, turbidity, fecal coliform, total residual chlorine and temperature. The mixing zone is defined as a cylindrical volume with a horizontal radius of 100 feet from the diffuser and the full depth of the waterbody.

Mendenhall Wastewater Treatment Plant – Juneau

A mixing zone for municipal wastewater is allowed in the Mendenhall River for fecal coliform bacteria, dissolved oxygen, pH, metals, nutrients, and whole effluent toxicity (WET). The mixing zone for this discharge is defined as the area within a rectangle centered over the diffuser with a width of 30 meters and extending both upstream and downstream from the diffuser a distance of 150 meters, and to the full depth of the river. The mixing zone size is based on a 10-year, 7-day low river flow. The mixing zone provides a dilution of 10:1.

Soldotna Wastewater Treatment Facility – Soldotna

A mixing zone for municipal wastewater is allowed in the Kenai River for fecal coliform bacteria, dissolved oxygen, temperature, total chlorine residual, pH, metals, nutrients, and whole effluent toxicity (WET). The mixing zone for this discharge is defined as the area extending downstream from the diffuser a distance of 47 meters and having a width of 5 meters. The mixing zone provides a dilution of 30:1.

Water Quality Standards

<http://www.state.ak.us/dec/water/wqsar/trireview/trireview.htm>

2003-2005 Triennial Review

Section Manager, Nancy Sonafrank
(907) 451-2726



Mixing Zones Fact Sheet

What is a mixing zone?

Even with the best treatment technology, wastewater discharges from sewage treatment and industrial facilities (i.e. mining, seafood processing, oil exploration or production, etc.) sometimes have low levels of pollutants. Most wastewater discharges permitted in Alaska are to surface waters such as the ocean, lakes, streams, or rivers. The area where treated wastewater is authorized by DEC to mix with a water body is called a mixing zone.

How do they work?

All wastewater discharges into surface water require a permit that may contain authorization for a mixing zone. Mixing zone authorizations take into consideration habitat and aquatic life, water flow, water quantity, natural currents, and the quantity and quality of the wastewater that's being discharged. If the circumstances surrounding a proposed mixing zone do not meet the State's standards, a mixing zone cannot be authorized. Requiring an authorization for mixing zones ensures that they are carefully designed using waterbody-specific information, water quality is monitored, and that water quality standards are met outside the mixing zone boundary so as not to create long-term impacts to people or the environment.

Who uses mixing zones?

Most mixing zones are authorized for sewage treatment plants run by local governments, as well as seafood processors, fish hatcheries, oil and gas facilities, mining operations and other industrial facilities.

Why are mixing zones used?

Mixing zones are an important tool regulators use to control water pollution. They allow Alaska to have very high standards for water quality. Without the authority to issue mixing zones, the State would have to use other methods to adjust for current limitations in treatment technologies, which could result in lowering the overall standards. Without mixing zones, sewage treatment plants would have to treat raw sewage to a level that could serve as a source of drinking water before being discharged into a water body. Although this goal may be technically achievable by NASA standards, it is not yet an economically feasible option for most communities or industries. There are no sewage treatment plants or seafood processors in Alaska that discharge wastewater to a surface water body (and the vast majority do) that could operate without a mixing zone.

What does the law say about mixing zones?

States have authority to allow mixing zones under the Clean Water Act; the Environmental Protection Agency has published mixing zone guidance; and all other states use them in addition to Alaska. Mixing zones have been included in the Alaska water quality standards regulations since 1973.

By State statute, the department must designate specific uses of water and establish standards for quality and purity to protect those uses. The water quality standards, which include mixing zone provisions, must protect the growth and propagation of aquatic life, the public health of those who consume the water or the aquatic organisms, and other water uses such as industrial, agricultural and recreational use. State statute also directs the Departments of Natural Resources and Fish and Game to protect salmon and resident fish habitat quality and establishes requirements for construction in, or use of waters (for example, as a mixing zone) that are important to fish.

Water Quality Standards

<http://www.state.ak.us/dec/water/wqsar/trireview/trireview.htm>

2003-2006 Triennial Review

Lynn Kent, Water Division Director (907) 269-6281

Nancy Sonafrank, Program Manager (907) 451-2726



Mixing Zone Requirements in Regulation (as of March 23, 2006)

In determining whether to authorize a mixing zone, DEC must consider:

- the characteristics of the receiving water
- the characteristics of the effluent
- the effects, including cumulative effects of multiple discharges, along with nonpoint sources of pollution on the uses of the water
- any measures that would mitigate potential adverse effects to aquatic resources
- any other relevant factors

In order to authorize a mixing zone DEC must find that the:

- effluent will be treated to remove, reduce and disperse the pollutants using the most effective, technologically and economically feasible, and at a minimum consistent with statutory and regulatory treatment requirements
- designated and existing uses of the waterbody as a whole will be maintained and protected
- overall biological integrity of the waterbody will not be impaired
- mixing zone is as small as practicable

To obtain a mixing zone approval, the mixing zone can not:

- result in an acute or chronic toxic effect in the water column, sediments, or biota outside the boundaries of the mixing zone
- create a public health hazard that would preclude or limit existing uses of the waterbody for water supply or contact recreation
- preclude or limit established processing activities, commercial, sport, personal-use, or subsistence fish and shellfish harvesting
- result in a reduction in fish or shellfish population levels
- result in permanent or irreparable displacement of indigenous organisms
- adversely affect threatened or endangered species except as authorized under the Endangered Species Act
- form a barrier to migratory species or fish passage
- contain pollutants that bioaccumulate, bioconcentrate, or persist above natural levels in sediments, water, or biota
- present an unacceptable risk to human health from carcinogenic, mutagenic, teratogenic, or other effects
- settle to form objectionable deposits
- produce floating debris, oil, scum and other material in concentrations that form nuisances
- result in undesirable or nuisance aquatic life
- produce objectionable color, taste, or odor in aquatic resources harvested from the area for human consumption
- cause lethality to passing organisms
- exceed acute aquatic life criteria beyond a smaller initial mixing zone surrounding the outfall

Submitted by UFA in response to questions about copper & salmon

RECEIVED
MAR 13 2009

Summary of:
Copper: Effects on Freshwater Food Chains and Salmon
A literature review

Highlights of a published scientific literature review of potential effects of increasing copper to salmon and their freshwater food chains.

Dr. Carol Ann Woody
Fisheries Research and Consulting

Sources of Copper

Copper occurs naturally in the environment at low levels. High levels are recorded for regions where hard rock and coal mining, smelting and refining occur and in areas near industrial and municipal waste sites.

The proposed Pebble mine would be a large-scale copper-gold-molybdenum mine with characteristics similar to other mines that increased copper and other pollutants harmful to fish in the surrounding environment and waters. The proposed Pebble site has sulfide rock that when exposed to air and water creates acid that can increase copper and other harmful pollutant concentrations downstream. Rain, which is acidic, can also mobilize and wash copper and other metals into salmon habitat from mining regions.

Copper and Salmon

While copper is a necessary trace element for all living organisms, hundreds of studies show that copper in small amounts can be lethal and have many sub-lethal effects that increase mortality rates and decrease fish survival and production. Salmon and their food sources can have a very low tolerance for this pollutant. The harmful effects of long-term, low-level exposure to copper may be difficult to detect compared to mass fish kills caused by a single toxic spill.

Copper can:

1. Impair a salmon's sense of smell.
Salmon use their keen sense of smell to identify predators, prey, kin, and mates. Mixing up any of these relationships could be detrimental or fatal to salmon.
2. Interfere with normal salmon migration.
If salmon cannot smell, or if the chemical signature changes in streams where salmon hatch, then fish will likely stray to and spawn in non-natal habitats to which they are not adapted. This could cause lower salmon survival and reduce the biodiversity that supports Bristol Bay fisheries.
3. Impair a salmon's ability to fight disease.
 - a. Copper is a biological stress agent which depresses immune system function. Fish, like humans, tend to get sick when stressed.
 - b. Copper can impair salmon's breathing and brain function.
 - c. Copper also disrupts osmoregulation in salmon, the process by which cells maintain fluid and electrolyte balance with their surroundings. This can stress salmon and make them more susceptible to disease.
4. Impair salmon's ability to sense vibrations in the water which helps them avoid predators.

Summary of *Copper: Effects on Freshwater Food Chains and Salmon*, by Dr. Carol Ann Woody August 2007.
Summary prepared by Trout Unlimited for the Alaska State Legislature, September 2007.

5. Change salmon's enzyme activity, blood chemistry and metabolism, which can cause death and impair reproduction.
6. Delay or accelerate natural hatch rates, which can reduce salmon survival rates.
7. Kill or harm salmon food sources, including algae, zooplankton, aquatic insects and fish.

Copper and Other Toxins

Numerous elements, in addition to copper, such as zinc, cadmium, mercury, iron, lead, aluminum, and selenium are released at hard rock mining sites in a unique cocktail. The combined effect of exposure to copper and other metals, such as zinc, can be more deadly than exposure to copper alone.

1. Studies of the effects of these chemical cocktails show depressed immune systems in rainbow trout and other fish.
2. Federal and State water quality limits for metals do not take these effects into account.

Alaska's Water Quality Regulations, Copper and Salmon

The State of Alaska's water quality standard for protection of freshwater species, including salmon, is 9 micrograms of copper per liter or parts per billion (ppb). This is roughly equal to ¼ teaspoon in a 40,000 gallon swimming pool. The human drinking water standard for copper is 144 times higher than the level allowed for salmon, at 1,300 ppb. [Alaska Department of Environmental Conservation 18 AAC 2006.]

Harmful and even deadly effects of dissolved copper are documented throughout the food chain, from salmon to algae, at lower copper concentrations than the State of Alaska allows in waterways. For example:

1. Some algae, at the base of the salmon food chain, are harmed at 1/9th the level of copper allowed by the State of Alaska. Declines in algae translate to less food for sockeye.
2. Zooplankton, aquatic insects and other salmon prey are harmed within 48 hours at copper concentrations 1/3rd the allowed level.
3. Many species of freshwater plants and animals die within 96 hours at waterborne copper concentrations starting at just over ½ the allowed level. Studies have found that sensitive species of mollusks, crustaceans and fish can die at 1/26th the allowed level.
4. An increase of copper less than 1/3rd the allowed levels interferes with a juvenile coho's ability to smell. King salmon avoided waters with copper levels 1/12th the allowed level.

The State of Alaska uses a formula to calculate acceptable copper pollution levels that doesn't take into account many factors that affect toxicity to salmon, including age, size, and reproductive condition of fish, and water quality measures like temperature, pH, salinity, and dissolved particle concentrations.

This summary fact sheet is based on a paper prepared by Dr. Carol Ann Woody, founder of Fisheries Research and Consulting. Dr. Woody has a PhD in Fisheries Science from the University of Washington and over 20 years of Alaskan experience including 14 years researching salmon in both the Kvichak and Kasilof River watersheds of Alaska. She served as a technical expert for the US Geological Survey to other federal agencies for both the Galore Creek and Pebble mines and their implications to aquatic resources. She has published more than 25 scientific papers on salmon and a recent book on advances in sockeye salmon research. Dr. Woody is a past-President of the Alaska Chapter of the American Fisheries Society and currently serves on the Environmental Concerns Committee. She is adjunct faculty at the University of Alaska, Fairbanks, and the University of Idaho, Moscow.

Summary of *Copper: Effects on Freshwater Food Chains and Salmon*, by Dr. Carol Ann Woody, August 2007.
Summary prepared by Trout Unlimited for the Alaska State Legislature, September 2007.

Alaska Independent Tenderman's Association

P.O. Box 6315 Sitka, AK. 99835
907-723-2137 or 206-910-6656

Representative Chris Tuck
State Capitol Building Rm 426
Juneau, AK 99801-1182
Representative_Chris_Tuck@legis.state.ak.us

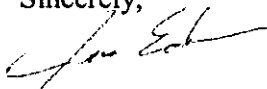
Dear Mr. Tuck,

Thank you for your interest in preserving Alaska clean waters. The Alaska Independent Tenderman's Association is totally opposed to using "mixing zones" for the discharge of waste water. After dealing with cruise ships and their discharges for 30 years now I can assure you they need no more loopholes to use to discharge their waste. They have gotten better in the last few years only because of pressure brought to bare upon them. They still discharge when they think they can get away with it. See passed state fines. Mixing zones are just that, mixing zones, the waste does not go away it just gets diluted.

It is not just the discharges it is the effect upon the world's perception of "Pristine Alaskan Seafood". If the world thinks that cruise ships are dumping their wastes in the water that salmon migrate through then we lose the reputation for clean, pure seafood. Once the perception of pollution it never goes away. Prince William Sound is a good example of that. World perception is that it is still oiled long after visual traces have disappeared.

We are a small organization representing 60-70 tenders throughout the state. Unfortunately we have no hard data concerning cruise ship discharges. We have a hard enough time keeping track of ourselves. As you know hard data rarely wins out over perception in any advertising campaign. Let's all do our part to keep our seafood clean and pure. "Keep it clean, Keep it cold, Keep it Moving" ASMI's Motto not ours.

Sincerely,



Jim Edson, President

SARAH PALIN
GOVERNOR
GOVERNOR@GOV.STATE.AK.US



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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 19, 2009

The Honorable John Harris
Alaska State Legislature
State Capitol, Room 403
Juneau, AK 99801

Dear Representative Harris:

Thank you for your letter requesting my help clarifying expectations for the Department of Environmental Conservation (DEC) should your legislation, known as HB 134, pass the Legislature and become law. I share your confidence in DEC's abilities and efforts, and agree that DEC officials are working hard to implement the best treatment technology as quickly as possible.

I would like to assure you, and anyone else interested in this issue, that in the event that this legislation passes, DEC will retain the ability to preserve and protect water quality through their existing permitting authority. While discharge permits could be modified to include mixing zones where appropriate, cruise ships would still have to obtain and comply with permits that will fully protect aquatic life and other uses of Alaska's waters. Permits could include a variety of conditions to ensure water quality is protected.

DEC would retain the authority to prevent backsliding by assuring that any standards currently achieved must continue to be met and would have the ability to mandate that the best and most feasible treatment technology be used. As you may know, DEC is aware of no technologies currently available for widespread shipboard use that would allow standards to be met. From DEC's technology conference held last month, it appears there are new waste reduction and treatment options that could become commercially available in the future. We want to encourage improvement, and continue to explore these options.

I appreciate your interest and efforts in this issue and hope this information is helpful as you continue hearings on this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Palin". The signature is fluid and cursive, with a large loop at the end.

Sarah Palin
Governor

**Department of Environmental Conservation
Testimony before the House Resources Committee
on AMENDMENTS TO CS HB 134 (CRA) (Bill Version 26-LS0570\E.6)
March 25, 2009**

Introduction

DEC appreciates Representative Harris and the Co-chairs of the House Resources Committee giving DEC the opportunity to provide input on an amendment to CS HB 134 (CRA). We believe our discussions have been fruitful and the amended bill (Bill Version 26-LS0570\E.6) the committee has before you is an improvement to the original bill.

At the point of Discharge Requirement

The amendment to CS HB 134 (CRA) (Bill Version 26-LS0570\E.6) leaves the requirement for waste water discharges to meet Alaska water quality standards "at the point of discharge" in AS 46.03.462 unchanged, but allows DEC to grant exceptions under section 3 (e) where cruise ships, despite employing the most effective and reasonable pollution prevention, control and treatment measures, cannot currently meet this standard. The discharges would still have to meet all other DEC regulatory requirements. The environment will still be protected while industry works to meet the "at the point of discharge" standard for all pollutants.

Technology Forcing Requirements

The amendment includes two significant technology forcing requirements that are designed to make continuous progress towards meeting the Alaska water quality standards at the point of discharge.

1. When issuing or re-issuing permits the department would need to determine that a permittee is using the most effective methods of pollution prevention, control and treatment that are technologically and economically feasible, but the permittee is still unable to meet the water quality standards at the point of discharge; and
2. DEC would:
 - Convene a science advisory panel of select experts to advise the Department on methods to reduce sources of contaminants and on current and emerging treatment technologies for the onboard or onshore treatment of wastewater from cruise ships.

- In conjunction with the advisory panel, DEC will:
 - hold one or more technology conferences to look at progress in treatment technologies, again, including both on-board and on-shore options.
 - Evaluate the quality of waste water effluent the cruise ships have been able to achieve;
 - Estimate timeframes for implementation of new technologies based on the technical requirements and economic factors;
 - Evaluate potential economic impacts to transitioning to new technologies; and
 - Evaluate the environmental improvements and costs anticipated from the new technologies.

DEC will provide an interim report to the legislature in January 2012 and a final report in January of 2014 which provides an opportunity for the legislature to evaluate the progress and determine if any additional changes should be made to the statutes prior to the 2014 cruise ship season.

Anti-backsliding

The cruise ship industry in Alaska has been able to achieve a relatively high quality effluent already. They are meeting state water quality standards “at the point of discharge” for many pollutants. The pollutants that have been more difficult to reduce or remove are ammonia, copper, and to a lesser degree nickel and zinc. Even here, some vessels have come close to meeting the “at the point of discharge” requirement.

The anti-backsliding provision in the bill amendment prohibits DEC from relaxing an effluent limit established in a previous permit, ensuring that any gains made in wastewater quality will be maintained.

DEC anticipates, if HB 134 passes, it will be issuing a modified general permit for cruise ship wastewater that reflects the changes called for under the bill. Once that permit is modified, the “anti-backsliding” requirement in section 3 (g) of the amended bill would assure that any ground already gained in reducing pollutants in wastewater discharges from cruise ships would not be lost.

Future Action

At the start of the 2014 Legislative Session, the Legislature will have DEC's final report regarding on-board and on-shore treatment technologies applicable to treating wastewater from cruise ships. It will also know the track record on what the cruise ship industry has been able to achieve to date and the time and estimated economic impacts of implementing any new treatment technologies.

The Legislature can modify AS 46.03.462 to impose any appropriate requirements as to those pollutants that may still not be treated to the "at the point of discharge" standard, or if the Legislature believes DEC's existing requirements are sufficient, do nothing further. Under section 6 of the amended bill, the Science Advisory Panel would sunset.

It is important to understand that under this amended bill, cruise ships would continue to be subject to the anti-backsliding requirement. They would also be required, at a minimum to use "the methods of pollution prevention, control, and treatment found by the DEC to be the most effective and reasonable." Finally, they would still have to meet all of the other permitting requirements of DEC.

Fiscal Impact

DEC anticipates it would not need an increment or new positions in FY 2010. An increment might be needed for work in later years, but DEC would try to fund all work out of cruise ship registration fees. This was the funding source for past studies and ongoing permitting costs.

Conclusion

Again, DEC appreciates the opportunity to provide input on the amendment.

LEGAL SERVICES

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Juneau, Alaska 99801-1182
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MEMORANDUM

March 26, 2009

SUBJECT: Legal and editorial analysis of CSHB 134()
(Work Order No. 26-LS0570\C)

TO: Representative Mark Neuman
Co-chair of the House Resources Committee
Attn: Rex Shattuck

FROM: Alpheus Bullard *LAB*
Legislative Counsel

This memorandum accompanies the blank committee substitute you requested. You asked that I prepare 26-LS0570\C in strict adherence to the language and form of a draft that you provided. We have not subjected this committee substitute to our usual legal and editorial review process, but I have been advised, and need to alert you, that this office will make the following technical drafting corrections at its earliest opportunity, at least during the bill enrollment process if not at an earlier date --

page 2, line 7: "except as provided in (e) of this section" to replace "except as provided in 46.03.462(e)" [Drafting Manual at page 60]; and

page 4, line 16: "Sections 1 - 5" to replace "Sections 1 through 5".

TLAB:med
09-030.med

Enclosure

26-LS0570\T
Bullard
3/27/09

CS FOR HOUSE BILL NO. 134()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES HARRIS, Kelly, Millett, Johansen, Foster, Keller, Chenault, Coghill, Johnson, Wilson, Muñoz, Hawker

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to the terms and conditions of commercial passenger vessel permits for**
2 **the discharge of graywater, treated sewage, and other waste water; establishing a**
3 **science advisory panel on wastewater treatment in the Department of Environmental**
4 **Conservation; and providing for an effective date."**

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

6 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 **LEGISLATIVE INTENT.** It is the intent of the legislature that the minimum standards
9 for the terms and conditions of wastewater discharge permits for large commercial passenger
10 vessels meet all applicable state and federal effluent limits or standards, including Alaska
11 Water Quality Standards, governing pollution at the point of discharge if the Department of
12 Environmental Conservation, in consultation with its science advisory panel on wastewater
13 treatment, determines that compliance with those limits or standards is the most effective
14 technologically and economically feasible.

1 * Sec. 2. AS 46.03.462(b) is amended to read:

2 (b) The minimum standard terms and conditions for all discharge permits
3 authorized under this section require that the owner or operator

4 (1) may not discharge untreated sewage, treated sewage, graywater, or
5 other wastewaters in a manner that violates any applicable effluent limits or standards
6 under state or federal law, including Alaska Water Quality Standards governing
7 pollution at the point of discharge, except as provided in AS 46.03.462(e);

8 (2) shall maintain records and provide the reports required under
9 AS 46.03.465(a);

10 (3) shall collect and test samples as required under AS 46.03.465(b)
11 and (d) and provide the reports with respect those samples required by
12 AS 46.03.475(c);

13 (4) shall report discharges in accordance with AS 46.03.475(a);

14 (5) shall allow the department access to the vessel at the time samples
15 are taken under AS 46.03.465 for purposes of taking the samples or for purposes of
16 verifying the integrity of the sampling process; and

17 (6) shall submit records, notices, and reports to the department in
18 accordance with AS 46.03.475(b), (d), and (e).

19 * Sec. 3. AS 46.03.462 is amended by adding new subsections to read:

20 (e) When issuing, reissuing, renewing or modifying a permit required under
21 (a)(1) of this section, the department may include effluent limits or standards less
22 stringent than those required under (b)(1) of this section for no more than two years
23 duration if the department finds that a permittee is using methods of pollution
24 prevention, control and treatment found by the department to be the most effective,
25 technologically and economically feasible in controlling all wastes and other
26 substances in the discharge but is unable to achieve compliance with Alaska Water
27 Quality Standards at the point of discharge.

28 (f) In developing an effluent limit or standard under (e) of this section, the
29 department shall

30 (1) require use of methods of pollution prevention, control and
31 treatment found by the department to be the most effective, technologically

1 economically feasible; and

2 (2) apply all other applicable provisions of state law and this section.

3 (g) When reissuing, renewing, or modifying a permit required under this
4 section that was issued after the effective date of this bill section, the department may
5 not include effluent limits or standards less stringent than the comparable effluent
6 limitations in a previous permit issued under this section.

7 (h) Nothing in this section shall be construed to limit the authority of the
8 department to

9 (1) restrict the areas in which discharges permitted under this section
10 may occur; or

11 (2) impose additional terms and conditions on the manner in which
12 discharges permitted under this section may be made in a specific area.

13 * **Sec. 4.** AS 46.03 is amended by adding a new section to read:

14 **Sec. 46.03.464. Advisory panel on wastewater treatment; commissioner's**
15 **reports to the legislature.** (a) A science advisory panel is established in the
16 department. The panel consists of 11 members selected by the commissioner.
17 Members of the panel serve without compensation but are entitled to transportation
18 expenses and per diem as authorized for members of boards and commissions under
19 AS 39.20.180. Each of the individuals the commissioner selects will serve for up to a
20 five-year period and have expertise in the design, operation or function of wastewater
21 management and treatment systems; among the 11 panel members, the commissioner
22 will select at least one individual from each of the following groups:

- 23 (1) coastal community domestic wastewater management;
- 24 (2) cruise ship industry;
- 25 (3) commercial fishing industry; and
- 26 (4) a non-governmental organization with an interest in water quality

27 matters.

28 (b) The panel shall

29 (1) meet at the call of the commissioner and give public notice of
30 meetings of the panel as required under AS 44.62.310 and 44.62.312;

31 (2) hold one or more public conferences or workshops before 2012,

1 with at least one public conference or workshop to be held between January 1, 2012,
2 and January 1, 2014, if the department issues, renews, or modifies a permit required
3 under AS 46.03.462(a)(1) after January 1, 2012; and

4 (3) assist and advise the commissioner in conducting the analyses and
5 preparing the reports required in (c) and (d) of this section.

6 (c) On or before January 1, 2012, the commissioner, in consultation with the
7 panel, shall provide a preliminary report to the legislature that summarizes

8 (1) methods of pollution prevention, control, and treatment in use and
9 the level of effluent quality achieved by commercial passenger vessels;

10 (2) additional methods of pollution prevention, control, and treatment
11 that could be employed to provide the most effective, technologically and
12 economically feasible measures to control all wastes and other substances in the
13 discharge; and

14 (3) the environmental benefit and cost of implementing additional
15 methods of pollution prevention, control and treatment identified in (c)(2) of this
16 section.

17 (d) On or before January 1, 2014, the commissioner, in consultation with the
18 panel, shall provide a final report to the legislature that includes the topics identified in
19 (c)(1) - (3) of this section.

20 * **Sec. 5.** AS 46.03.465 is amended by adding a new subsection to read:

21 (h) On request, the owner or operator of a commercial passenger vessel
22 discharging wastewater under AS 46.03.462(b) shall provide the department with
23 information relating to wastewater treatment, pollution avoidance, and pollution
24 reduction measures used on the vessel, including testing and evaluation procedures
25 and economic and technical feasibility analyses.

26 * **Sec. 6.** AS 46.03.464 is repealed.

27 * **Sec. 7.** Section 6 of this Act takes effect June 1, 2014.

28 * **Sec. 8.** Sections 1 through 5 of this Act take effect immediately under AS 01.10.070(c).

Conceptual #1
3.26.09

AMENDMENT _____

OFFERED IN THE HOUSE

BY _____ to CS HB 134 (CRA) as amended ~~26-LS-0570 E-6~~

Page 3 line 16 following "consists of" insert "eleven

Page 3 line 18 following "AS39.20.180." Insert "Each of the individuals the commissioner selects will serve for up to a five year period and have expertise in the design, operation or function of wastewater management and treatment systems; the Commissioner will select at least one individual from each of the following groups:

- (1) coastal community domestic wastewater management;
- (2) cruise ship industry;
- (3) commercial fishing industry; and
- (4) a non-governmental organization with an interest in water quality matters.

✓ ~~an~~ amendment to: line 4, after Commissioner
"also"

adopted
3/26/09

Out of eleven, the Comm. will
select at least one

Rex Shattuck

From: Carlson-Van Dort, Marit K (DEC) [marit.carlson-van.dort@alaska.gov]
Sent: Thursday, March 26, 2009 4:17 PM
To: Rep. Mark Neuman
Cc: John Bitney; Hartig, Lawrence L (DEC); Kent, Lynn J T (DEC); Heese, Ruth Hamilton (LAW); Rex Shattuck; Rep. Craig Johnson
Subject: Science Advisory Panel Amendment to HB 134
Importance: High

Representative Neuman,

Per our conversation this morning, below is some draft amendment language to define the membership of the science advisory panel proposed in Amendment 3 to CS HB 134 (CRA). Please feel free to give me a call if you'd like to discuss.

AMENDMENT ___

OFFERED IN THE HOUSE

BY _____ to CS HB 134 (CRA) as amended 26.LS.0570\E.6

Page 2 line 31 following "consists of" insert "eleven

Page 2 line 31 following "commissioner." Insert "Each of the individuals the commissioner selects will serve for up to a five year period and have expertise in the design, operation or function of wastewater management and treatment systems; the Commissioner will select at least one individual from each of the following groups:

- (1) coastal community domestic wastewater management;
- (2) cruise ship industry;
- (3) commercial fishing industry; and
- (4) a non-governmental organization with an interest in water quality matters.

NOTE:

As the Commissioner stated on the record, he envisioned the panel consisting of between eight and twelve members. We have no opinion on the specific number eleven.

Thank you,

Märit Carlson-Van Dort
 Legislative Liaison
 Alaska Department of Environmental Conservation
 (907) 465-5871 phone
 (907) 465-5070 fax

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Attn: Rex Shattuck

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Legislative Counsel

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page 4, line 16: "Sections 1 - 5" to replace "Sections 1 through 5".

TLAB:med
09-030.med

Enclosure

26-LS0570\C
Bullard
3/26/09

CS FOR HOUSE BILL NO. 134()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

**Sponsor(s): REPRESENTATIVES HARRIS, Kelly, Millett, Johansen, Foster, Keller, Chenault, Coghill,
Johnson, Wilson, Muñoz, Hawker**

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11 Water Quality Standards, governing pollution at the point of discharge if the Department of
12 Environmental Conservation, in consultation with its science advisory panel on wastewater
13 treatment, determines that compliance with those limits or standards is the most effective
14 technologically and economically feasible.

1 * **Sec. 2.** AS 46.03.462(b) is amended to read:

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3 authorized under this section require that the owner or operator

4 (1) may not discharge untreated sewage, treated sewage, graywater, or
5 other wastewaters in a manner that violates any applicable effluent limits or standards
6 under state or federal law, including Alaska Water Quality Standards governing
7 pollution at the point of discharge, except as provided in 46.06.462(e);

8 (2) shall maintain records and provide the reports required under
9 AS 46.03.465(a);

10 (3) shall collect and test samples as required under AS 46.03.465(b)
11 and (d) and provide the reports with respect those samples required by
12 AS 46.03.475(c);

13 (4) shall report discharges in accordance with AS 46.03.475(a);

14 (5) shall allow the department access to the vessel at the time samples
15 are taken under AS 46.03.465 for purposes of taking the samples or for purposes of
16 verifying the integrity of the sampling process; and

17 (6) shall submit records, notices, and reports to the department in
18 accordance with AS 46.03.475(b), (d), and (e).

19 * **Sec. 3.** AS 46.03.462 is amended by adding new subsections to read:

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21 (a)(1) of this section, the department may include effluent limits or standards less
22 stringent than those required under (b)(1) of this section for no more than two years
23 duration if the department finds that a permittee is using methods of pollution
24 prevention, control and treatment found by the department to be the most effective,
25 technologically and economically feasible in controlling all wastes and other
26 substances in the discharge but is unable to achieve compliance with Alaska Water
27 Quality Standards at the point of discharge.

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29 department shall

30 (1) require use of methods of pollution prevention, control and
31 treatment found by the department to be the most effective, technologically

1 economically feasible; and

2 (2) apply all other applicable provisions of state law and this section.

3 (g) When reissuing, renewing, or modifying a permit required under this
4 section that was issued after the effective date of this bill section, the department may
5 not include effluent limits or standards less stringent than the comparable effluent
6 limitations in a previous permit issued under this section.

7 (h) Nothing in this section shall be construed to limit the authority of the
8 department to

9 (1) restrict the areas in which discharges permitted under this section
10 may occur; or

11 (2) impose additional terms and conditions on the manner in which
12 discharges permitted under this section may be made in a specific area.

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14 **Sec. 46.03.464. Advisory panel on wastewater treatment; commissioner's**
15 **reports to the legislature.** (a) A science advisory panel is established in the
16 department. The panel consists of members selected by the commissioner. Members of
17 the panel serve without compensation but are entitled to transportation expenses and
18 per diem as authorized for members of boards and commissions under AS 39.20.180.

19 (b) The panel shall

20 (1) meet at the call of the commissioner and give public notice of
21 meetings of the panel as required under AS 44.62.310 and 44.62.312;

22 (2) hold one or more public conferences or workshops; and

23 (3) assist and advise the commissioner in conducting the analyses and
24 preparing the reports required in (c) and (d) of this section.

25 (c) On or before January 1, 2012, the commissioner, in consultation with the
26 panel, shall provide a preliminary report to the legislature that summarizes

27 (1) methods of pollution prevention, control, and treatment in use and
28 the level of effluent quality achieved by commercial passenger vessels;

29 (2) additional methods of pollution prevention, control, and treatment
30 that could be employed to provide the most effective, technologically and
31 economically feasible measures to control all wastes and other substances in the

1 discharge; and

2 (3) the environmental benefit and cost of implementing additional
3 methods of pollution prevention, control and treatment identified in (c)(2) of this
4 section.

5 (d) On or before January 1, 2014, the commissioner, in consultation with the
6 panel, shall provide a final report to the legislature that includes the topics identified in
7 (c)(1) - (3) of this section.

8 * **Sec. 5.** AS 46.03.465 is amended by adding a new subsection to read:

9 (h) On request, the owner or operator of a commercial passenger vessel
10 discharging wastewater under AS 46.03.462(b) shall provide the department with
11 information relating to wastewater treatment, pollution avoidance, and pollution
12 reduction measures used on the vessel, including testing and evaluation procedures
13 and economic and technical feasibility analyses.

14 * **Sec. 6.** AS 46.03.464 is repealed.

15 * **Sec. 7.** Section 6 of this Act takes effect June 1, 2014.

16 * **Sec. 8.** Sections 1 through 5 of this Act take effect immediately under AS 01.10.070(c).

#3

AMENDMENT

OFFERED IN THE HOUSE
TO: CSHB 134(CRA)

1 Page 1, line 2, following "water;":

2 Insert "establishing a science advisory panel on wastewater treatment in the
3 Department of Environmental Conservation;"

4

5 Page 1, following line 4:

6 Insert a new bill section to read:

7 **** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
8 to read:

9 LEGISLATIVE INTENT. It is the intent of the legislature that the minimum standards
10 for the terms and conditions of wastewater discharge permits for large commercial passenger
11 vessels meet all applicable state and federal effluent limits or standards, including Alaska
12 Water Quality Standards, governing pollution at the point of discharge if the Department of
13 Environmental Conservation, in consultation with its science advisory panel on wastewater
14 treatment, determines that compliance with those limits or standards is technologically and
15 economically feasible."

The meet

16

17 Page 1, line 5:

18 Delete "Section 1"

19 Insert "Sec. 2"

20

21 Page 1, line 11:

22 Delete "[AT THE POINT OF DISCHARGE]"

23 Insert "at the point of discharge, except as provided in 46.03.462(e)."

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Page 2, line 9:

Delete all material and insert:

*** Sec. 3.** AS 46.03.462 is amended by adding new subsections to read:

(c) When issuing, reissuing, renewing or modifying a permit required under (a)(1) of this section, the department may include effluent limits or standards less stringent than those required under (b)(1) of this section *if no more than a two year period* if the department finds that a permittee is using methods of pollution prevention, control and treatment found by the department to be the most effective, technologically and economically feasible in controlling all wastes and other substances in the discharge but is unable to achieve compliance with Alaska Water Quality Standards at the point of discharge.

(f) In developing an effluent limit or standard under (e) of this section, the department shall

(1) require use of methods of pollution prevention, control and treatment found by the department to be the most effective, technologically economically feasible; and

(2) apply all other applicable provisions of state law and this section.

(g) When reissuing, renewing or modifying a permit required under this section that was issued after the effective date of this bill section, the department may not include effluent limits or standards less stringent than the comparable effluent limitations in a previous permit issued under this section.

(h) Nothing in this section shall be construed to limit the authority of the department to

(1) restrict the areas in which discharges permitted under this section may occur; or

(2) impose additional terms and conditions on the manner in which discharges permitted under this section may be made in a specific area.

*** Sec. 4.** AS 46.03 is amended by adding a new section to read:

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5 meetings of the panel as required under AS 44.62.310 and 44.62.312;

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7 (3) assist and advise the commissioner in conducting the analyses and
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23 * **Sec. 5.** AS 46.03.465 is amended by adding a new subsection to read:

24 (h) On request, the owner or operator of a commercial passenger vessel
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26 information relating to wastewater treatment, pollution avoidance, and pollution
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