

Memorandum of Understanding Cruise Operations in Washington State

**Originally signed April 20, 2004
Amendment No. 4 dated May 19, 2008**

**Washington State Department of Ecology
Northwest Cruise Ship Association
Port of Seattle**

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding, originally signed on April 20, 2004 is amended by and between the State of Washington, the Port of Seattle, and the Northwest Cruise Ship Association, hereinafter referred to as NWCA, representing the international cruise lines identified in *Appendix i*.

Whereas the State of Washington is charged with the responsibility of protecting and conserving Washington's environmental resources in relation to the Cruise Industry's environmental practices in Washington; and

Whereas the United States Coast Guard, herein referred to as USCG, has Federal jurisdiction over environmental matters in navigable waters in the United States; and

Whereas the Port of Seattle is charged with providing the services and facilities to accommodate the transportation of passengers, including cruise ship passengers, while protecting and enhancing the environment of the Port of Seattle; and

Whereas, the NWCA is a non-profit entity organized for the purpose of representing member cruise lines which operate in and about waters subject to this Memorandum of Understanding (MOU), whose current membership is identified in *Appendix i*; and

Whereas, the NWCA has adopted the "**Cruise Industry Waste Management Practices and Procedures**" as promulgated by the Cruise Industry's trade association, the Cruise Lines International Association, herein referred to as CLIA, which practices and procedures are attached hereto as *Appendix ii*; and

Whereas, NWCA cruise vessels operate in international waters and move passengers to destinations worldwide and, consequently, those cruise vessel waste management practices must take into account environmental laws and regulations in many jurisdictions and international treaties and conventions; and

Whereas, the NWCA, the State of Washington as represented by the Washington Department of Ecology (Ecology), the USCG and the Port of Seattle have met to develop waste management practices that preserve a clean and healthy environment and demonstrate the Cruise Industry's commitment to be a steward of the environment; and

Whereas, research is ongoing to establish the impact of ships' wastewater discharges on the ocean environment, and the results of this research will be taken into account in periodic review of the wastewater discharge practices described in this Agreement; and

Whereas, the cruise industry recognizes Washington's fragile marine environment and is committed to help protect this environment;

Now therefore, based upon mutual understanding, the parties enter into this Memorandum of Understanding to implement the following environmental goals, policies and practices:

Definition of terms for the purpose of this agreement:

“blackwater” means waste from toilets, urinals, medical sinks and other similar facilities;

"cruise ship" means any vessel that is owned or operated by a member of the NWCA;

“disinfection system upset” means disinfection below levels of four log (99.99%) inactivation of norovirus based on expected results assuming a minimum intensity of ultraviolet (UV) lights used for disinfecting effluent or other shipboard administrative controls as may be accepted by the Washington Department of Health..

“graywater” includes drainage from dishwasher, shower, laundry, bath, galley drains and washbasin drains;

“monitoring for disinfection effectiveness” means using measuring equipment to determine the intensity of ultraviolet (UV) lights used for disinfecting effluent, or other shipboard administrative controls as may be accepted by the Washington Department of Health.

“oily bilge water” includes bilge water that contains used lubrication oils, oil sludge and slops, fuel and oil sludge, used oil, used fuel and fuel filters, and oily waste.

“residual solids” includes grit or screenings, ash generated during the incineration of sewage sludge and sewage sludge, which is solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge.

“solid waste” means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes and recyclable materials [RCW 70.95.030 (22), Solid Waste Management: Reduction and Recycling].

“waters subject to this Memorandum of Understanding (MOU)” include the Puget Sound and the Strait of Juan de Fuca south of the international boundary with Canada; and for off the west coast, the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles as illustrated in *Appendix iii*.

1. Applicability

1.1 The State of Washington agrees that the performance required by the NWCA under the terms of this Memorandum of Understanding shall be directed only to its member cruise lines. The NWCA acknowledges that its members operate cruise vessels engaged in

cruise itineraries greater than one day duration; and further that its members do not operate one-day attraction ships or casino gambling ships. This agreement only applies to voyages during which the commercial passenger vessel actually calls at a port in the State of Washington.

- 1.2 The State of Washington and Port of Seattle accepts the CLIA Industry Standard E-01 – 01, titled *Cruise Industry Waste Management Practices and Procedures (Appendix ii)* as CLIA member policy in the management of solid waste, hazardous wastes and wastewaters in waters subject to this MOU. In addition to the CLIA Practices, the member vessels of NWCA operating in Washington agree to allow Ecology to conduct a minimum of one vessel inspection per season to verify compliance with the MOU and agree to comply with the following unique practices while operating in waters subject to this MOU:

2.1 Wastewater Management

In recognition of the sensitive nature of Washington’s marine environment, the NWCA agrees to the following:

- 2.1.1 to prohibit the discharge of untreated blackwater, untreated graywater, and solid waste within waters subject to this MOU (*Appendix iii*); and to prohibit the discharge of oily bilge water if not in compliance with applicable federal and state laws within waters subject to this MOU.
- 2.1.2 other than as set forth in section 2.1.3 below, to prohibit the discharge of treated blackwater and treated graywater in waters subject to this MOU.
- 2.1.3 the discharge of treated blackwater and treated graywater from ships equipped with advanced wastewater treatment systems (AWTS) which meet the higher standards and the testing regime set out in federal law, Title XIV, Certain Alaska Cruise Ship Operations, Section 1404 (c) (*Appendix vi*) is allowed under the following conditions:
 - A. For discharges if the ship is at least one nautical mile away from its berth at a port in Washington and is traveling at a speed of at least 6 knots:
 - 1) No later than 60 days prior to the date the cruise ship wishes to commence discharge of AWTS-treated effluent, the cruise line shall submit the following vessel specific information to Ecology
 - a. Documentation on the type of treatment system in use on the ship including schematic diagrams of the system.
 - b. Documentation that the system is certified by the United States Coast Guard for continuous discharge in Alaska. If the certification has not yet been provided by the Coast Guard at the time the other documentation is submitted to Ecology, it may be submitted less than 60 days prior to commencement of discharge but in no event less than 30 days prior to the commencement of discharge.

- c. Provision for daily twenty-four hour continuous turbidity or equivalent monitoring of the quality of the effluent generated by the AWTS and, beginning in 2009, daily twenty-four hour continuous monitoring for disinfection effectiveness.
- d. Documentation of system design that demonstrates the AWTS can be automatically shut down if monitoring of treated effluent indicates high turbidity or, beginning in 2009, a disinfection system upset; or documentation that demonstrates that operational controls exist to insure system shut down if monitoring of treated effluent indicates high turbidity or, beginning in 2009, a disinfection system upset. An example of an acceptable operational control is a system that has the continuous monitoring device alarmed as to immediately alert engineering staff on watch to shut down overboard discharges from the system in the event of high turbidity levels or disinfection ineffectiveness in the treated effluent.

B. For continuous discharge:

- 1) No later than 60 days prior to the date a cruise ship wishes to commence discharge of AWTS effluent, the cruise line shall submit the following vessel specific information to Ecology:
 - a. Documentation on the type of treatment system in use on the ship including schematic diagrams of the system.
 - b. Documentation that the system is certified by the United States Coast Guard for continuous discharge in Alaska. If the certification has not yet been provided by the Coast Guard at the time the other documentation is submitted to Ecology, it may be submitted less than 60 days prior to commencement of discharge but in no event less than 30 days prior to commencement of discharge.
 - c. Provision for daily twenty-four hour continuous turbidity or equivalent monitoring of the quality of the effluent generated by the AWTS and, beginning in 2009, daily twenty-four hour continuous monitoring for disinfection effectiveness.
 - d. Documentation of system design that demonstrates the AWTS can be automatically shut down if monitoring of treated effluent indicates high turbidity or, beginning in 2009, a disinfection system upset; or documentation that demonstrates that operational controls exist to insure system shut down if monitoring of treated effluent indicates high turbidity or, beginning in 2009, a disinfection system upset. An example of an acceptable operational control is a system that has the continuous monitoring device alarmed as to immediately alert engineering staff on watch to shut down overboard discharges from the system in the event of high turbidity levels or disinfection ineffectiveness in the treated effluent.
 - e. Documentation that all treated effluent will receive final polishing for disinfection immediately prior to discharge.
 - f. Copies of water quality tests results taken from the AWTS effluent during the preceding six months.

- g. A vessel specific plan that: identifies how effluent will be stored until the AWTS is repaired and which indicates the storage capacity of holding tanks; and includes a notification protocol for notifying Ecology of system shut down which occurs while within waters subject to this MOU.

If Ecology determines that the documentation provided is insufficient, it shall so notify the cruise line. The cruise line shall provide supplemental documentation as requested by Ecology. If Ecology and the cruise line are unable to agree on the supplemental documentation and cruise line elects to discharge from the AWTS, cruise line understands that any such discharge will not have been approved by Ecology and further that Ecology may take appropriate action, including, but not limited to, publicizing, such fact.

Any cruise ship discharging from an AWTS in waters subject to this MOU operates within the shipping lanes and this effectively means that vessels are more than a half a mile from shellfish beds with the possible exception of President's Point, Apple Tree Cove and Tyee Shoal for the 2008 cruise season. For specific information relative to shellfish protection measures, see *appendix x*.

C. The vessels that have submitted documentation under A or B above agree to:

- 1) Not discharge within 0.5 nautical miles of bivalve shellfish beds that are recreationally harvested or commercially approved to harvest as identified annually by the Department of Ecology. This season's locations include President's Point, Apple Tree Cove and Tyee Shoal as referenced in *Appendix x*.
- 2) Immediately stop all discharges when high turbidity occurs and, beginning in 2009, when a disinfection system upset condition occurs.
- 3) Immediately notify the Washington State Department of Health in the event of a disinfection system upset at (360) 236-3330 during office hours or (360) 786-4183 after hours (24 hour pager). The agreement to provide this notice is based on the understanding by NWCA that the Department of Health will not publicize the information provided unless it reasonably determines that a discharge presents a material public health risk.
- 4) Sample the quality of the treated effluent using a Washington state-certified laboratory at least one time per month while at port in Washington during each cruise season using the sampling requirements established per the United States Coast Guard, Captain of the Port, Southeast Alaska Policy for conventional pollutants continued compliance monitoring regime and as referenced in *Appendix vi*. Parameters sampled include pH, Biochemical Oxygen Demand (BOD), Fecal Coliform, Total Suspended Solids (TSS), and Residual Chlorine (RC).
- 5) Meet the limitations on discharge as set in Alaska regulations (*Appendix vi*) for BOD, TSS, pH, Fecal Coliform and Residual Chlorine.¹
- 6) Split samples with Ecology upon Ecology's request when sampling is conducted in Washington waters.

- 7) For vessels that have submitted documentation under B above (continuous discharge), conduct Whole Effluent Toxicity (WET) Testing once every two years for vessels homeported² in Washington and once every 40 port calls or turnarounds to a port in Washington for all other vessels.
- 8) Provide Ecology with duplicates of test results obtained for and provided to the State of Alaska to enable Ecology to monitor the quality of the effluent from such systems.
- 9) Notify Ecology at least a week in advance of sampling and to allow Ecology staff access to the ship in order to observe sampling events.
- 10) Notify Ecology if any material changes are made to the system.

Note 1: There is a presumption that meeting Alaska's standards means that Washington's Water Quality Standards are likely being met and that if Alaska's standards are not being met, Washington's Water Quality Standards are not being met.

Note 2: A "homeported" vessel is a vessel that makes a call or does a turnaround at a port in Washington at least 20 times per year.

2.1.4 The discharge of residual solids from either a type 2 marine sanitation device or an advanced waste water treatment system is prohibited in waters subject to this MOU, within 12 nautical miles from shore, and within the entire boundaries of the Olympic Coast Marine Sanctuary. All parties acknowledge that most of the Olympic Coast National Marine Sanctuary lies beyond 3 miles of shore and therefore is outside the jurisdiction of the State of Washington.

2.2 Hazardous Waste Management

2.2.1 The CLIA in consultation with NWCA has developed, in conjunction with the Environmental Protection Agency (EPA), a national practice for the assigning of an EPA Identification Number to each cruise ship as the "generator" of hazardous wastes, which recognizes the multi-jurisdictional itineraries of a cruise vessel. EPA also proposes that the state where company offices are located may issue the national identification numbers provided the criteria and information submitted required for obtaining the number is standard for the United States. The State of Washington and NWCA agree to a uniform application procedure for the EPA national identification number in accordance with the Resource Conservation Recovery Act (RCRA) (*Appendix v*). The State of Washington shall have the right to inspect all such records upon written request to the cruise vessel operator. The State of Washington recognizes that in some cases EPA Identification Numbers may not be required under federal law for conditionally exempt small quantity generators.

2.2.2 *Appendix ii* includes the uniform procedure adopted by the NWCA for the application of RCRA to cruise vessels disposing of hazardous wastes in the State of Washington. The State of Washington accepts this procedure as the appropriate process for vendor selection and management of hazardous wastes in Washington. NWCA member lines agree to provide an annual report regarding the total hazardous waste offloaded in Washington by each cruise vessel.

2.2.3 The NWCA acknowledges that the state of Washington regulates some hazardous wastes differently than EPA and agrees, within the waters subject to this MOU, to comply with the guidelines for specific waste streams found in *Appendix vii*.

- 2.2.4 The State of Washington and NWCA agree that all hazardous waste disposal records required by RCRA for cruise vessels entering a Washington port shall be available to the State of Washington upon written request to the cruise vessel operator.
3. The State of Washington and the NWCA understand that the U.S. Coast Guard (USCG) has Federal jurisdiction over environmental matters in navigable waterways in the United States and conducts passenger ship examinations that include review of environmental systems, Safety Management System (SMS) documentation and such MARPOL-mandated documents as the Oil Record Book and the Garbage Record Book. Additionally, NWCA member cruise vessels will integrate such industry standards into SMS documentation that ensure compliance through statutorily required internal and third party audits.
 4. The USCG has developed guidelines relating to the inspection of waste management practices and procedures, which have been adopted by the cruise industry. The State of Washington accepts the USCG Navigation and Vessel Inspection Circular and Environmental Systems Checklist (*Appendix iv*), which will be incorporated into USCG 840 Guidebook as the procedure to conduct waste management inspections on board cruise vessels. To reduce administrative burden on the cruise ship industry, the State of Washington agrees to first request from the USCG any records for cruise vessels entering waters subject to this MOU to the extent that those records are covered by the Memorandum of Agreement, dated May 25th, 2001, between the State of Washington Department of Ecology and the USCG. Other USCG records will be provided to the State directly by the NWCA member lines upon request.
 5. The State of Washington recognizes that waste management practices are undergoing constant assessment and evaluation by cruise industry members. It is understood by the State of Washington and the NWCA that the management of waste streams will be an on-going process, which has as its stated objectives both waste minimization and pollution prevention. Consequently, all parties agree to continue to work with each other in good faith to achieve the stated objectives. This may require additional meetings with the parties to this Agreement to discuss specific issues applicable to the cruise industry in the U.S.
 6. The NWCA acknowledges that its operating practices are required to comply with the applicable provisions of the Marine Mammal Protection Act, the Invasive Species Act and the State of Washington Ballast Water Management law, RCW Ch. 77.120. The NWCA agrees to acknowledge and comply with appropriate rules and regulations related to the Olympic Coast National Marine Sanctuary, including but not limited to the regulations for implementing the National Marine Sanctuary Program (subparts A through E and subpart O of Title 15, Chapter IX, Part 922 of the Code of Federal Regulations) and the International Maritime Organization (IMO) "Area To Be Avoided" off the Washington Coast.
 7. This agreement does not prohibit discharges made for the purpose of securing the vessel or saving life at sea, provided that all reasonable precautions have been taken for the purpose of preventing or minimizing the discharge.

8. All parties acknowledge that ongoing discussions of environmental goals are recognized as a necessary component to the successful implementation of management practices for waste minimization and reduction.
9. Compliance, Modification and Review of MOU: NWCA members agree to immediately self-report non-compliance with any provision of this MOU to the Department of Ecology at the following 24-hour number: 425-649-7000. By December 1st of each year, a report shall be submitted to the Department of Ecology detailing the compliance with this MOU for each vessel within the NWCA that calls to a port in Washington for the previous cruise season. The reports should follow the format included in *Appendix viii*. All parties acknowledge that this MOU is not inclusive of all issues, rules or programs that may arise in the future. The State of Washington reserves the right to enter into additional MOUs to address or refine such issues, to take enforcement action in response to violations of state law, or to pursue appropriate legislation. All parties agree to at least one annual meeting to review the effectiveness of the MOU, such meeting to be scheduled, if feasible, during October of each year. The State of Washington and NWCA reserve the right to cancel this MOU upon 90 days written notice.
10. The Port of Seattle and Ecology entered into an interagency agreement for the purpose of providing funding for Ecology personnel to further the intent of the MOU. The Port of Seattle is acting solely as a pass-through contracting entity to facilitate the collection of funds from the individual NWCA members to provide payment to Ecology on behalf of the NWCA members. The interagency agreement as included in *Appendix ix* may be amended or renewed separately from this MOU at any time by the parties of the agreement without amending the MOU.

Appendix xi includes a summary of amendments.

IN RECOGNITION OF THE MUTUAL UNDERSTANDINGS DISCUSSED HEREIN THE PARTIES HERETO AFFIX THEIR SIGNATURES. THIS AMENDMENT SHALL BE EFFECTIVE UPON THE DATE AND SIGNATURE OF THE FINAL SIGNING PARTY, THE DEPARTMENT OF ECOLOGY.


Washington Department of Ecology

5/19/08
Date


Port of Seattle


Northwest Cruise Ship Association

APPENDICES
MEMORANDUM OF UNDERSTANDING

Appendix i	List of NWCA Member Lines
Appendix ii	CLIA Standards
Appendix iii	Navigational Chart of the waters subject to this MOU
Appendix iv	USCG Navigation & Vessel Inspection Circular and Environmental Systems Checklist
Appendix v	Uniform application procedure for EPA National ID Number as per Resource Conservation Recovery Act.
Appendix vi	Alaska Regulations
Appendix vii	Washington Hazardous Waste Management Best Management Practices
Appendix viii	Boilerplate Compliance Letter
Appendix ix	Interagency Agreement (cost-recovery)
Appendix x	Bivalve Shellfish Beds
Appendix xi	Summary of Amendments

Appendix i

List of NWCA Member Lines

Carnival Cruise Lines
Celebrity Cruises
Crystal Cruises
Holland America Line
Norwegian Cruise Lines
Princess Cruises
Regent Seven Seas
Royal Caribbean Cruises
Silversea Cruises

Appendix ii

CLIA INDUSTRY STANDARD

CRUISE INDUSTRY WASTE MANAGEMENT PRACTICES AND PROCEDURES

The members of the Cruise Lines International Association (CLIA) are dedicated to preserving the marine environment and in particular the pristine condition of the oceans and other waters upon which our vessels sail. The environmental standards that apply to our industry are stringent and comprehensive. Through the International Maritime Organization, the United States and flag and port states, CLIA has developed consistent and uniform international standards that apply to all vessels engaged in international commerce. These standards are set forth in the International Convention for the Prevention of Pollution from Ships (MARPOL). The international standards of MARPOL have in turn been adopted by the United States and augmented by additional national legislation and regulation. The U.S. has jurisdiction over both foreign and domestic vessels that operate in U.S. waters where U.S. laws, such as the Federal Water Pollution Control Act, the Act to Prevent Pollution from Ships, the Ports and Waterways Safety Act, and the Resource Conservation and Recovery Act - which applies to hazardous waste as it is landed ashore for disposal, apply. The U.S. Coast Guard enforces both international conventions and domestic laws.

The cruise industry commitment to protecting the environment is demonstrated by the comprehensive spectrum of waste management technologies and procedures employed on its vessels.

CLIA members are committed to:

- a. Designing, constructing and operating vessels, so as to minimize their impact on the environment;
- b. Developing improved technologies to exceed current requirements for protection of the environment;
- c. Implementing a policy goal of zero discharge of MARPOL, Annex V solid waste products (garbage) and equivalent US laws and regulations by use of more comprehensive waste minimization procedures to significantly reduce shipboard generated waste;
- d. Expanding waste reduction strategies to include reuse and recycling to the maximum extent possible so as to land ashore even smaller quantities of waste products;
- e. Improving processes and procedures for collection and transfer of hazardous waste; and

- f. **Strengthening comprehensive programs for monitoring and auditing of onboard environmental practices and procedures in accordance with the International Safety Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code).**

INDUSTRY WASTE MANAGEMENT STANDARDS: CLIA member cruise vessel operators have agreed to incorporate the following standards for waste stream management into their respective Safety Management Systems.

1. **Photo Processing, Including X-Ray Development Fluid Waste:** *Member lines have agreed to minimize the discharge of silver into the marine environment through the use of best available technology that will reduce the silver content of the waste stream below levels specified by prevailing regulations.*
2. **Dry-cleaning waste fluids and contaminated materials:** *Member lines have agreed to prevent the discharge of chlorinated dry-cleaning fluids, sludge, contaminated filter materials and other dry-cleaning waste byproducts into the environment*
3. **Print Shop Waste Fluids:** *Member lines have agreed to prevent the discharge of hazardous wastes from printing materials (inks) and cleaning chemicals into the environment.*
4. **Photo Copying and Laser Printer Cartridges:** *Member lines have agreed to initiate procedures so as to maximize the return of photo copying and laser printer cartridges for recycling. In any event, these cartridges will be landed ashore.*
5. **Unused And Outdated Pharmaceuticals:** *Member lines have agreed to ensure that unused and/or outdated pharmaceuticals are effectively and safely disposed of in accordance with legal and environmental requirements.*
6. **Fluorescent And Mercury Vapor Lamp Bulbs:** *Member lines have agreed to prevent the release of mercury into the environment from spent fluorescent and mercury vapor lamps by assuring proper recycling or by using other acceptable means of disposal.*
7. **Batteries:** *Member lines have agreed to prevent the discharge of spent batteries into the marine environment.*
8. **Bilge and Oily Water Residues:** *Member lines have agreed to meet or exceed the international requirements for removing oil from bilge and wastewater prior to discharge.*
9. **Glass, Cardboard, Aluminum and Steel Cans:** *Member lines have agreed to eliminate, to the maximum extent possible, the disposal of MARPOL Annex V wastes into the marine environment. This will be achieved through improved reuse and recycling opportunities. They have further agreed that no waste will be discharged into the marine environment unless it has been properly processed and can be discharged in accordance with MARPOL and other prevailing requirements.*
10. **Incinerator Ash:** *Member lines have agreed to reduce the production of incinerator ash by minimizing the generation of waste and maximizing recycling opportunities.*

11. **Graywater:** *[For ships traveling regularly on itineraries beyond the territorial waters of coastal states], member lines have agreed that graywater will be discharged only while the ship is underway and proceeding at a speed of not less than 6 knots¹; that graywater will not be discharged in port and will not be discharged within 4 nautical miles from shore or such other distance as agreed to with authorities having jurisdiction or provided for by local law except in an emergency, or where geographically limited. Member lines have further agreed that the discharge of graywater will comply with all applicable laws and regulations. For vessels whose itineraries are fully within US territorial waters, discharge shall comply fully with U.S. and individual state legislation and regulations.*

12. **Blackwater:** *CLIA members have agreed that all blackwater will be processed through a Marine Sanitation Device (MSD), certified in accordance with U.S. or international regulations, prior to discharge. For ships traveling regularly on itineraries beyond territorial coastal waters, discharge will take place only when the ship is more than 4 miles from shore and when the ship is traveling at a speed of not less than 6 knots.¹ For vessels whose itineraries are fully within US territorial waters, discharge shall comply fully with U.S. and individual state legislation and regulations.*

Some member cruise lines are field-testing wastewater treatment systems that utilize advanced technologies. These onboard wastewater treatment systems, which are currently being referred to as advanced wastewater purification (AWP) systems, are designed to result in effluent discharges that are of a high quality and purity; for example, meeting or surpassing secondary and tertiary effluents and reclaimed water. Effluents meeting these high standards would not be subjected to the strict discharge limitations previously discussed.

Each CLIA cruise vessel operator has agreed to utilize one or more of the practices and procedures contained in the attached “*Cruise Industry Waste Management Practices and Procedures*” in the management of their shipboard waste streams. Recognizing that technology is progressing at a rapid rate, any new equipment or management practices that are equivalent to or better than those described, and which are shown to meet or exceed international and federal environmental standards, will also be acceptable. Member lines have agreed to communicate to CLIA the use of equivalent or other acceptable practices and procedures. As appropriate, such practices and procedures shall be included as a revision to the attached document. As an example, when improved systems for treating blackwater and graywater are perfected and shown to meet the requirements for MSDs and accepted by appropriate authorities, the new systems and associated technology will be included in the attachment as a revision.

CLIA and its Environmental Committee will continue to work with the U.S. Coast Guard, the U.S. Environmental Protection Agency and other appropriate agencies to further implement the above commitments.

¹ For vessels operating under sail, or a combination of sail and motor propulsion, the speed shall not be less than 4 knots.

ATTACHMENT: *CRUISE INDUSTRY WASTE MANAGEMENT PRACTICES AND PROCEDURES*

Revised: November 12, 2006

Effective for non-prior ICCL members: July 1, 2007

Appendix ii (cont.)

Attachment to CLIA Standard

CRUISE INDUSTRY WASTE MANAGEMENT PRACTICES AND PROCEDURES

REVISED: (November 27, 2006)

The cruise industry is dedicated to preserving the marine environment and oceans upon which our ships sail. As a stated industry standard, CLIA members have adopted aggressive programs of waste minimization, waste reuse and recycling, and waste stream management set forth in the following. In addition, CLIA members are working in a number of areas to identify and implement new technologies in order to improve the environmental performance of their ships. CLIA member lines currently have agreed to utilize waste management practices and procedures, which meet or exceed the stringent standards as set forth in international treaties and applicable U.S. laws.

Introduction

The cruise industry is inextricably linked to the environment. Our business is to bring people to interesting places in the world, over the water. Recognizing the future of the industry depends on a clean and healthy environment; cruise industry senior management is committed to stewardship of the environment and establishing industry practices that will make CLIA member cruise ship operators leaders in environmental performance.

This document outlining member line practices has been developed under the auspice of the industry's professional organizations, the Cruise Lines International Association (CLIA), the Florida Caribbean Cruise Association (FCCA), and the Northwest Cruise Ship Association (NWCA). The purpose of this document is to set forth cruise industry waste management practices and procedures that CLIA member cruise vessel operators have agreed to incorporate into their respective Safety Management Systems.

In the development of industry practices and procedures for waste management, the members of the Cruise Lines International Association have endorsed policies and practices based upon the following fundamental principles:

- Full compliance with applicable laws and regulations;
- Maintaining cooperative relationships with the regulatory community;
- Designing, constructing and operating vessels, so as to minimize their impact on the environment;
- Embracing new technology;
- Conserving resources through purchasing strategies and product management;
- Minimizing waste generated and maximize reuse and recycling;
- Optimizing energy efficiency through conservation and management;
- Managing water discharges; and
- Educating staff, guests and the community.

Discussion

Just as on shore, ship operations and passengers generate waste as part of many daily activities. On ships, waste is generated while underway and in port. Because ships move, the management of these wastes becomes more complicated than for land-based activities, as the facilities and laws change with the location of the ship. Facilities on the ships as well as management practices must be designed to take into account environmental laws and regulations around the world and the various local and state laws and regulations. Moreover, because waste management ultimately becomes a local activity, the local port infrastructure, service providers, and local waste disposal vendors are factors in the decision-making processes.

On an international level, environmental processes are an important part of the International Maritime Organization's (IMO's) policies and procedures for the maritime industry. CLIA member lines have agreed to incorporate environmental performance into Safety Management Systems (SMS) and MARPOL mandated Waste Management Manuals. Under agreements and laws specific to many nations, these programs are routinely reviewed by Port States to ensure compliance. For example, in the United States, the US Coast Guard has jurisdiction over environmental matters in ports and waterways and conducts passenger ship examinations that include review of environmental systems, SMS documentation and such MARPOL-mandated documents as the Oil Record Book and the Garbage Record Book. Within the United States, environmental laws and regulations apply include the Clean Water Act, the Refuse Disposal Act, the Resource Conservation and Recovery Act, The Clean Air Act, the Oil Pollution Act of 1990, and the Pollution Prevention Act, to name a few, which apply to all ships within U.S. waters.

The industry effort to develop waste management practices and procedures has focused on the traditional high volume wastes (garbage, graywater, blackwater, oily residues (sludge oil) and bilge water), pollution prevention, and the small quantities of hazardous waste produced onboard. In the process, CLIA members have shared waste management strategies and technologies, while focusing on a common goal of waste reduction.

The process of waste reduction includes waste prevention, the purchasing of products that have recycled content or produce less waste (e.g. source reduction), incineration, and recycling or reuse of wastes that are generated. The ultimate goal is to have the waste management culture absorbed into every facet of cruise vessel operation. A fully integrated system beginning with the design of the vessel should address environmental issues at every step.

Management practices for waste reduction should start before a product is selected. Eco-purchasing and packaging are vital to the success of any environmental program, as are strategies to change packaging, processes and management to optimize the resources used.

The commitment of the industry to this cooperative effort has been quite successful, as companies have shared information and strategies.

Industry Standard Waste Handling Procedures

CLIA member lines have agreed that hazardous wastes and waste streams onboard cruise vessels will be identified and segregated for individual handling and management in accordance with appropriate laws and regulations. They have further agreed, hazardous wastes will not be discharged overboard, nor be commingled or mixed with other waste streams.

- A. **Hazardous Waste Collection and Storage onboard Ship:** *CLIA member lines have agreed that specific procedures for hazardous waste collection, storage and crew training will be addressed in each ship's SMS or equivalent onboard instruction in the Case of US registry vessels.*
- B. **Photo Processing, Including X-Ray Development Fluid Waste:** *CLIA member lines have agreed to eliminate the discharge of silver from these sources into the marine environment through the use of best available technology that will reduce the silver content of the waste stream below levels specified by prevailing regulations or by treating all photo processing and x-ray development fluid waste (treated or untreated) as a hazardous waste and landing ashore in accordance with RCRA requirements.*

There are several waste streams associated with photo processing operations that have the potential to be regulated under the Resource Conservation and Recovery Act (RCRA). These waste streams include spent fixer, spent cartridges, expired film and silver flake.

Photographic fixer removes the unexposed silver compounds from the film during the developing process. The spent fixer can have as much as 2000-3000 parts per million (ppm) of silver. Silver bearing waste is regulated by RCRA as a hazardous waste if the level of silver exceeds 5 ppm as determined by the Toxicity Characteristic Leaching Procedure (TCLP) test.

Silver recovery units may be used to reclaim the silver from the used fixer waste stream. There are two types of recovery units. These are active (with electricity) and passive (without electricity) units. The active unit uses electricity to plate silver onto an electrode. The passive unit uses a chemical reaction between steel wool and silver to remove most of the silver from solution. Utilizing the best available technology, the equipment currently onboard CLIA member cruise ships is conservatively estimated to reduce the silver content of this effluent below 4 mg/l (milligrams/l or ppm)

Handling Method 1 Employed by Member Lines:

Treat used photographic and x-ray development fluids to remove silver for recycling.

Verify that the effluent from the recovery unit is less than 5 parts per million (ppm) silver, as measured by EPA-approved methodology.

After treatment, the residual waste stream fluid is non-hazardous and landed ashore as industrial waste.

Handling Method 2 Employed by Member Lines:

Used photographic and x-ray development fluids, either treated or untreated, may be assumed to be a hazardous waste. In this event, they are landed ashore in accordance with the requirements of the Resource Conservation and Recovery Act (RCRA).

- C. **Dry-cleaning waste fluids and contaminated materials:** *CLIA member lines have agreed to prevent the discharge of chlorinated dry-cleaning fluids, sludge, contaminated filter materials and other dry-cleaning waste byproducts into the environment.*

Shipboard dry cleaning facilities use a chlorinated solvent called perchlorethylene (also known as PERC or tetrachloroethylene) as a dry cleaning fluid. This is the approved dry cleaning solvent for these units. Operators must receive specific required training for the correct use of this chemical and its associated precautions. This solvent should be used in accordance with all safety procedures including appropriate personal protective equipment (PPE).

The dry cleaning units produce a small volume waste from condensate, the bottoms of the internal recovery stills, waste products from button and lint traps, spent perchloroethylene and filter media. This waste is comprised of dirt, oils, filters material, and spent solvent. Each ship utilizing these dry-cleaning units produces approximately two pounds of waste material weekly. However, the amounts may vary greatly by season and passenger load. This material is classified as hazardous waste under RCRA and must be disposed of accordingly.

Handling Method 1 Employed by Member Lines:

Perchloroethylene (PERC) and other chlorinated dry-cleaning fluids, contaminated sludge and filter materials are hazardous waste and landed ashore in accordance with the requirements of RCRA.

- C. **Print Shop Waste Fluids:** *CLIA member lines have agreed to prevent the discharge of hazardous wastes from printing materials (inks) and cleaning chemicals into the environment.*

Print shop waste may contain hazardous waste. Printing solvents, inks and cleaners all may contain hydrocarbons, chlorinated hydrocarbons, and heavy metals that can be harmful to human and aquatic species. Recent advances in printing technology and substitution of chemicals that are less hazardous reduces the volume of print shop waste generated and reduces the impact of these waste products.

CLIA member lines have agreed to utilize, whenever possible, printing methods and printing process chemicals that produce both less volume of waste and less hazardous waste products, that shipboard printers will be trained in ways to minimize printing waste generated, and that alternative printing inks such as soy based, non-chlorinated hydrocarbon based ink products will be used whenever possible. The member lines have further agreed that all print shop waste including waste solvents, cleaners, and cleaning cloths will be treated as hazardous waste, if such waste contains chemical components that may be considered as hazardous by regulatory definitions, and that all other waste may be treated as non-hazardous.

Handling Method 1 Employed by Member Lines:

When using traditional or non-soy based inks and chlorinated solvents, all print shop waste is treated as hazardous, and discharged ashore in accordance with RCRA.

Handling Method 2 Employed by Member Lines:

Shipboard printing processes use non-toxic based printing ink such as soy based, non-chlorinated solvents, and other non-hazardous products to eliminate hazardous waste products.

- D. Photo Copying and Laser Printer Cartridges:** *CLIA member lines have agreed to initiate procedures so as to maximize the return of photocopying and laser printer cartridges for recycling, and in any event, have agreed that these cartridges will be landed ashore.*

Increased use of laser and photo copying equipment on shore as well as onboard ship results in the generation of increased volumes of waste cartridges, inks, and toner materials. CLIA member lines have agreed to use only such inks, toners and printing/copying cartridges that contain non-hazardous chemical components, and that none of these cartridges or their components should be disposed of by discharge into the marine environment. In recognition of the member lines' goal of waste minimization, they have further agreed these cartridges should, whenever possible, be returned to the manufacturer for credit, recycling, or for refilling.

Handling Method Employed by Member Lines:

CLIA member lines have agreed that wherever possible, photo copying and laser printer cartridges will be collected, packaged and returned for recycling and when this is not possible, that these materials will not be discharged into the sea or other bodies of water but will be handled as other shipboard waste that is landed ashore for further disposal.

- F. Unused And Outdated Pharmaceuticals:** *CLIA member lines have agreed to ensure that unused and/or outdated pharmaceuticals are effectively and safely disposed in accordance with legal and environmental requirements.*

In general ships carry varying amounts of pharmaceuticals. The pharmaceuticals carried range from over-the-counter products such as anti-fungal creams to prescription drugs such as epinephrine. Each ship stocks an inventory based on its itinerary and the demographics of its passenger base. CLIA member lines have agreed that all pharmaceuticals will be managed to ensure that their efficacy is optimized and that disposal is done in an environmentally responsible manner.

CLIA member lines have further agreed that when disposing of pharmaceuticals, the method used will be consistent with established procedures, and that pharmaceuticals and medications which are off specification or which have exceeded their shelf-life, and stocks that are unused and out of date, cannot be used for patients and therefore will be removed from the ship. Further, each regulatory jurisdiction has a posting of listed pharmaceuticals that must be considered hazardous waste once the date has expired or the item is no longer considered good for patient use.

Through onboard management of the medical facility, CLIA member lines have agreed that stocks of such listed pharmaceuticals are returned to the vendor prior to date of expiration. Pharmaceuticals that are being returned and which have not reached their expiration date are shipped using ordinary practices for new products.

Safety and Health

CLIA member lines have agreed that all expired listed pharmaceuticals will be handled in accordance with established procedures and all personnel handling this waste will receive

appropriate training in the handling of hazardous materials. As guidance, the US Environmental Protection Agency (EPA) has issued a report that clarifies the fact that residuals, such as epinephrine, found in syringes after injections are not considered an acutely hazardous waste by definition and may be disposed of appropriately in sharps containers. Member lines have agreed that all Universal Precautions will be adhered to when handling sharps.

Handling Method 1 Employed by Member Lines:

Establish a reverse distribution system for returning unexpired, unopened non-narcotic pharmaceuticals to the original vendor.

Handling Method 2 Employed by Member Lines:

Appropriately destroy narcotic pharmaceuticals onboard ship in a manner that is witnessed and recorded.

Handling Method 3 Employed by Member Lines:

Land listed pharmaceuticals in accordance with local regulations. Listed pharmaceuticals are a hazardous waste having chemical compositions which prevent them from being incinerated or disposed of through the ship's sewer system. Listing of such pharmaceuticals may vary from state to state.

Handling Method 4 Employed by Member Lines:

Dispose of other non-narcotic and non-listed pharmaceuticals through onboard incineration or landing ashore.

- G. Fluorescent and Mercury Vapor Lamp Bulbs:** *CLIA member lines have agreed to prevent the release of mercury into the environment from spent fluorescent and mercury vapor lamps by assuring proper recycling or by using other acceptable disposal methods.*

Fluorescent and Mercury Vapor lamps contain small amounts of mercury that could potentially be harmful to human health and the environment. To prevent human exposure and contamination of the environment, CLIA member lines have agreed that these lamps will be handled in an environmentally safe manner. Recycling of mercury from lamps and other mercury containing devices is the preferred handling method and is encouraged by various states. The recycling of fluorescent lamps and high intensity discharge (HID) lamps keeps potentially hazardous materials out of landfills, saves landfill space and reduces raw materials production needs.

The recycling of fluorescent and HID lamps is a proven technology capable of reliably recovering greater than 99 percent of the mercury in the spent lights. At the recycling facility, this is done by using a crush-and-sieve method. In this process, the spent tubes are first crushed and then sieved to separate the large particles from the mercury containing phosphor powder. The phosphor powder is collected and processed under intense heat and negative pressure, a process called retorting. The mercury is volatilized and then recovered by condensation. The glass particles are segregated and recycled into other products such as fiberglass. Aluminum components are also recycled separately.

Storage and handling of used lamp bulbs pose no compatibility problems. Disposal of the glass tubes can be accomplished by (1) processing with shipboard lamp crusher units that filter and adsorb the mercury vapor through H.E.P.A. and activated carbon or (2) by keeping the glass tubes intact for recycling ashore. The intact lamps or crushed bulbs are classified as "Universal Waste" when they are shipped to a properly permitted recycling facility; as such, testing is not required. The filters are disposed of as a hazardous waste in accordance with applicable US EPA or other prevailing laws and regulations.

Handling Method Employed by Member Lines:

- (1) Fluorescent and mercury vapor lamps are collected and processed aboard by lamp crusher units and disposed of as stated above; or
- (2) Fluorescent and mercury vapor lamps are collected intact and landed for recycling or disposal in accordance with prevailing laws and regulations.

H. Other Mercury Containing Products: *CLIA Member lines have agreed to prevent the discharge of mercury containing products into the sea.*

Reduction in use: Where feasible, CLIA members will reduce the use of mercury containing products.

Disposal: Once mercury-containing products are no longer able to be used, or require disposal, these products shall be landed ashore as universal or hazardous waste as appropriate.

I. Batteries: *CLIA member lines have agreed to prevent the discharge of spent batteries into the marine environment.*

If not properly disposed of, spent batteries may constitute a hazardous waste stream. Most of the large batteries are on tenders and standby generators. Small batteries used in flashlights and other equipment and by passengers, account for the rest. There are four basic types of batteries used.

Lead-acid batteries – These are used in tenders and standby generators. They are wet, rechargeable, and usually six-celled. They contain a sponge lead anode, lead dioxide cathode, and sulfuric acid electrolyte. The electrolyte is corrosive. These batteries require disposal as a hazardous waste, unless recycled or reclaimed.

Lead-acid batteries use sulfuric acid as an electrolyte. Battery acid is extremely corrosive, reactive and dangerous. Damaged batteries will be drained into an acid-proof container. A damaged and leaking battery is then placed in another acid-proof container, and both the electrolyte and the damaged battery placed in secure storage for proper disposal as a hazardous waste.

Nickel-cadmium (NiCad) batteries – These are usually rechargeable, and contain wet or dry potassium hydroxide as electrolyte. The potassium hydroxide is corrosive and the cadmium is a characteristic hazardous waste. Therefore, NiCad batteries will be disposed of as hazardous waste, unless recycled or reclaimed.

Lithium batteries – These are used as a power source for flashlights and portable electronic equipment. All lithium batteries will be disposed of as hazardous waste, or sent out for reclamation.

Alkaline batteries – These are common flashlight batteries and are also used in many camera flash attachments, cassette recorders, etc. They should be recycled, properly disposed or reclaimed.

Handling Method Employed by Member Lines:

Spent batteries are collected and returned for recycling and/or disposal in accordance with prevailing regulations. Discarded batteries are isolated from the refuse waste stream to prevent potentially toxic materials from inappropriate disposal. The wet-cell battery-recycling program is kept separate from the dry battery collection process. Intact wet-cell batteries are sent back to the supplier. Dry-cell batteries are manifested to a licensed firm for recycling.

- J. Bilge and Oily Water Residues:** *CLIA member lines have agreed to meet or exceed the international requirements for removing oil from bilge and wastewater prior to discharge.*

The area of the ship at the very bottom of the hull is known as the bilge. The bilge is the area where water collects from various operational sources such as water lubricated shaft seals, propulsion system cooling, evaporators, and other machinery. All engine and machinery spaces also collect oil that leaks from machinery fittings and engine maintenance activities. In order to maintain ship stability and eliminate potential hazardous conditions from oil vapors in engine and machinery spaces, the bilge spaces should be periodically pumped dry. In discharging bilge and oily water residues, both international regulations (MARPOL) and United States regulations require that the oil content of the discharged effluent be less than 15 parts per million and that it not leave a visible sheen on the surface of the water.

All ships are required to have equipment installed onboard that limits the discharge of oil into the oceans to 15 parts per million when a ship is en route and provided the ship is not in a special area where all discharge of oil is prohibited. Regulations also require that all oil or oil residues, which cannot be discharged in compliance with these regulations, be retained onboard or discharged to a reception facility. The equipment and processes implemented onboard cruise ships to comply with these requirements are complex and sophisticated.

The term “*en route*” as utilized in MARPOL (73/78) Regulation 9(b) is taken to mean while the vessel is underway. The U.S. Coast Guard has informed CLIA that it agrees with this meaning of “*en route*.”

In accordance with MARPOL (73/78) Regulation 20 and as appropriate, US regulations (33CFR151.25), CLIA member lines have agreed that every cruise ship of 400 gross tons and above shall be provided with an oil record book which shall be completed on each occasion whenever any of numerous specified operations take place in the ship and that operations include:

- a. Ballasting or cleaning of fuel oil tanks,
- b. Discharge of dirty ballast or cleaning water from the fuel oil tanks above,
- c. Disposal of oily residues,
- d. And discharge of bilge water that accumulated in machinery spaces.

Requirements regarding the keeping of an Oil Record Book as well as the form of the Oil Record Book are also found in MARPOL and in U.S. Coast Guard regulations (33CFR151).

Handling Method Employed by Member Lines:

Bilge and oily water residue are processed prior to discharge to remove oil residues, such that oil content of the effluent is less than 15 ppm as specified by MARPOL Annex 1.

- K. Glass, Cardboard, Aluminum and Steel Cans:** *CLIA member lines have agreed to eliminate, to the maximum extent possible, the disposal of MARPOL Annex V wastes into the marine environment. This will be accomplished through improved reuse and recycling opportunities. They have further agreed that no waste will be discharged into the marine environment unless it has been properly processed and can be discharged in accordance with MARPOL and other prevailing requirements.*

Management of shipboard generated waste is a challenging issue for all ships at sea. This is true for cruise vessels, other commercial vessels, military ships, fishing vessels and recreational boats. Waste products in the past were made from natural materials and were mostly biodegradable. Today's packaging of food and other products present new challenges for waste management. A large cruise ship today can carry over three thousand passengers and crew. Each day, an average cruise passenger will generate two pounds of dry trash and dispose of two bottles and two cans.

A strategy of source reduction, waste minimization and recycling has allowed the cruise industry to significantly reduce shipboard generated waste. To attain this, CLIA member lines have agreed to adopt a multifaceted strategy that begins with waste minimization to decrease waste from provisions brought onboard. This means purchasing in bulk, encouraging suppliers to utilize more efficient packaging, reusable packaging, and packaging materials that are more environmentally friendly—those that can be more easily disposed of or recycled. In fact, through this comprehensive strategy of source reduction, total waste on passenger vessels has been reduced by nearly half over the past ten years.

Another important component of the industry's waste reduction strategy is product or packaging recycling. Glass, aluminum, other metals, paper, wood and cardboard are, in most cases, recycled. Wood and cardboard may be incinerated when appropriate.

Handling Method Employed by Member Lines:

MARPOL Annex V ship waste is minimized through purchasing practices, reuse and recycling programs, landing ashore and onboard incineration in approved shipboard incinerators. Any Annex V waste that is discharged at sea will be done in strict accordance with MARPOL and any other prevailing requirements.

- L. Incinerator Ash:** *CLIA member lines have agreed to reduce the production of incinerator ash by minimizing the generation of waste and maximizing recycling opportunities, and that the discharge of incinerator ash containing hazardous components will be prevented through a program of waste segregation and periodic ash testing.*

Incinerator ash is not normally a hazardous waste. Through relatively straightforward waste management strategies, items that would cause the ash to be hazardous are separated from the waste stream and handled according to accepted hazardous waste protocols. In general, source segregation for waste streams is foundational for onboard waste management and is incorporated into the waste management manual required by MARPOL. Waste management for onboard waste streams include the following: source reduction, minimization, recycling, collection, processing and discharge ashore. This allows the incinerator to be used primarily for food waste, contaminated cardboard, some plastics, trash and wood.

Member lines have agreed that incinerator ash will be tested at least once quarterly for the first year of operation to establish a baseline and that testing may then be conducted once a year. The member lines have further agreed that a recognized test procedure will be used to demonstrate that ash is not a hazardous waste. A recognized test procedure includes the following metals as indicators for toxicity - arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver. Special attention is placed on the removal of batteries from the incinerator waste stream. The use of incinerators saves landfill space and prevents the build up of material onboard that could become the breeding ground for insects, rodents and other vermin.

Handling Method Employed by Member Lines:

Proper hazardous waste management procedures are to be instituted onboard each ship to assure that waste products, which will result in a hazardous ash, are not introduced into the incinerator. Non-hazardous incinerator ash may be disposed of at sea in accordance with MARPOL Annex V. Ash identified as being hazardous is disposed of ashore in accordance with RCRA.

M. Wastewater reclamation

Because of the amounts of fresh water involved, and its restricted availability onboard ship (all fresh water must be either purchased or generated onboard), fresh water is a valuable commodity. Therefore, water management is extremely important and takes the form of both minimizing water usage and the potential reclamation and reuse of water for non-potable purposes. Many CLIA companies are researching new technology and piloting graywater treatment systems onboard their vessels. CLIA member operators also take numerous steps in onboard water management. Water management techniques include:

- a. Use of technical water (for example: air conditioning condensate) where possible.
- b. Use of water recovery systems (for example: filtering and reuse of laundry water – last rinse use for first wash).
- c. Reclamation and reuse as technical water (flushing toilets, laundry, open deck washing) of properly treated and filtered wastewaters.
- d. Active water conservation (for example: use of reduced flow showerheads, vacuum systems for toilets, vacuum food waste transportation and laundry equipment that utilizes less water).

N. Graywater: *For ships traveling regularly on itineraries beyond the territorial waters of coastal states, CLIA member lines have agreed to discharge graywater only while the ship is underway and proceeding at a speed of not less than 6 knots¹; that graywater will not be discharged in port and will not be discharged within 4 nautical miles from shore or such other distance as agreed to with authorities having jurisdiction or provided for by local law except in an emergency, or where geographically limited. The member lines*

have further agreed that the discharge of graywater will comply with all applicable laws and regulations. For vessels whose itineraries are fully within US territorial waters, discharge shall comply fully with U.S. and individual state legislation and regulations.

The term graywater is used on ships to refer to wastewater that is generally incidental to the operation of the ship. The International Maritime Organization (IMO) defines graywater as including drainage from dishwasher, shower, laundry, bath and washbasin drains. The US Clean Water Act (formally know as the Federal Water Pollution Control Act) includes galley, bath and shower water in its definition of graywater. The US regulations implementing this act do not include a further definition of gray water. However, the regulations do include a provision that exempts all of the wastewater included in the IMO definition and other discharges incidental to the operation of a ship from the Clean Water Act's permitting program (formally known as the National Pollution Discharge Elimination System (NPDES) program). Finally, the US Coast Guard regulations include provisions that essentially combine the two definitions from the IMO and the Clean Water Act. None of the definitions of graywater include blackwater (discussed below) or bilgewater from the machinery spaces. Recent U.S. Legislation places limits on the discharge of graywater in the Alaska Alexander Archipelago.

Handling Method Employed by Member Lines:

Graywater is discharged only while ships are underway and proceeding at a speed of not less than 6 knots, in recognition that dispersal of these discharges is desirable and that mixing of these waters, which are discharged approximately 10-14 feet below the surface, by the action of the propellers and the movement of the ship, provides the best dispersal available.

- O. Blackwater:** *Waste from toilets, urinals, medical sinks and other similar facilities is called "blackwater." CLLA members have agreed that all blackwater will be processed through a Marine Sanitation Device (MSD), certified in accordance with U.S. or international regulations, prior to discharge. For ships traveling regularly on itineraries beyond the territorial water of coastal states, discharge will take place only when the ship is more than 4 miles from shore and when the ship is traveling at a speed of not less than 6 knots.¹*

For vessels whose itineraries are fully within US territorial waters, discharge shall comply fully with U.S. and individual state legislation and regulations.

P. Advanced Wastewater Purification Systems:

To improve environmental performance, cruise lines are testing and installing wastewater purification systems that utilize advanced technologies. These onboard wastewater treatment systems are designed to result in effluent discharges that are of a high quality and purity; for example, meeting or surpassing standards for secondary and tertiary effluents and reclaimed water. Effluents meeting these high standards would not be subjected to the strict discharge limitations previously discussed.

¹ For vessels operating under sail, or a combination of sail and motor propulsion, the speed shall not be less than 4 knots.

Q. Training and Educational Materials

Training is an important and ongoing part of every position and tasking onboard cruise ships. Not only is training necessary for the safe and economical operation of a ship, it is required by numerous international conventions and flag state regulations. The International Convention on Standards of Training Certification and Watchkeeping (STCW) for example, sets forth requirements for knowledge, experience and demonstrated competency for licensed officers of the deck and engineering departments and for ratings forming part of the navigation or engineering watch. Equivalent national standards apply to ships in United States registry. These detailed requirements address not only the navigation of the ship but also the proper operation of the shipboard machinery and knowledge of and ability to assure compliance with the environmental protection requirements of MARPOL and the safety regulations of The International Convention on Safety of Life at Sea (SOLAS). SOLAS also requires that the ship's training manual (which contents are prescribed by regulation) be placed in the crew messes and recreation rooms or in individual crew cabins.

CLIA member lines have developed programs that raise the level of environmental awareness on the part of both the passengers and the crew. Each ship's crew receives training regarding shipboard safety and environmental procedures. Advanced training in shipboard safety and environmental management procedures is provided for those directly involved in these areas. Those directly responsible for processing wastes are given specific instruction in their duties and responsibilities and in the operation of the various equipment and waste management systems. Specific actions that our member lines have taken to train employees and increase passenger awareness include:

- a. Announcements over the public address system and notices in ship newsletters that caution against throwing any trash overboard,
- b. Signage and colorful posters placed in crew and passenger areas encouraging environmental awareness and protection,
- c. Safety and environmental information booklets in crew cabins and crew lounges,
- d. Regular meetings of ship safety and environmental committees consisting of officers and crew from all departments to review methods of improving performance, including better and more effective environmental practices.

For ships on an international voyage, STCW, SOLAS, the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code), require that training be fully documented. Individual training is documented in each crewmember's file. Ship training exercises, such as fire drills and emergency response exercises, are documented in the appropriate ship's logs. All of these training documents are required to be available for oversight examination by both the ship's flag state inspectors and by port state authorities such as the United States Coast Guard.

Placards warning of the prohibition of the discharge of oil are posted on all ships operating in the navigable waters of the United States as required by U.S. Coast Guard regulations (33CFR155.450). Additionally, as part of required shipboard waste management plans, both Coast Guard regulations (33CFR151.59) and MARPOL (Annex V Regulation 9) require the posting of placards that notify the passengers and the crew of the disposal requirements for garbage. These placards are to be written in the official language of the State whose flag the ship is entitled to fly and also in English or French if neither of these is the official

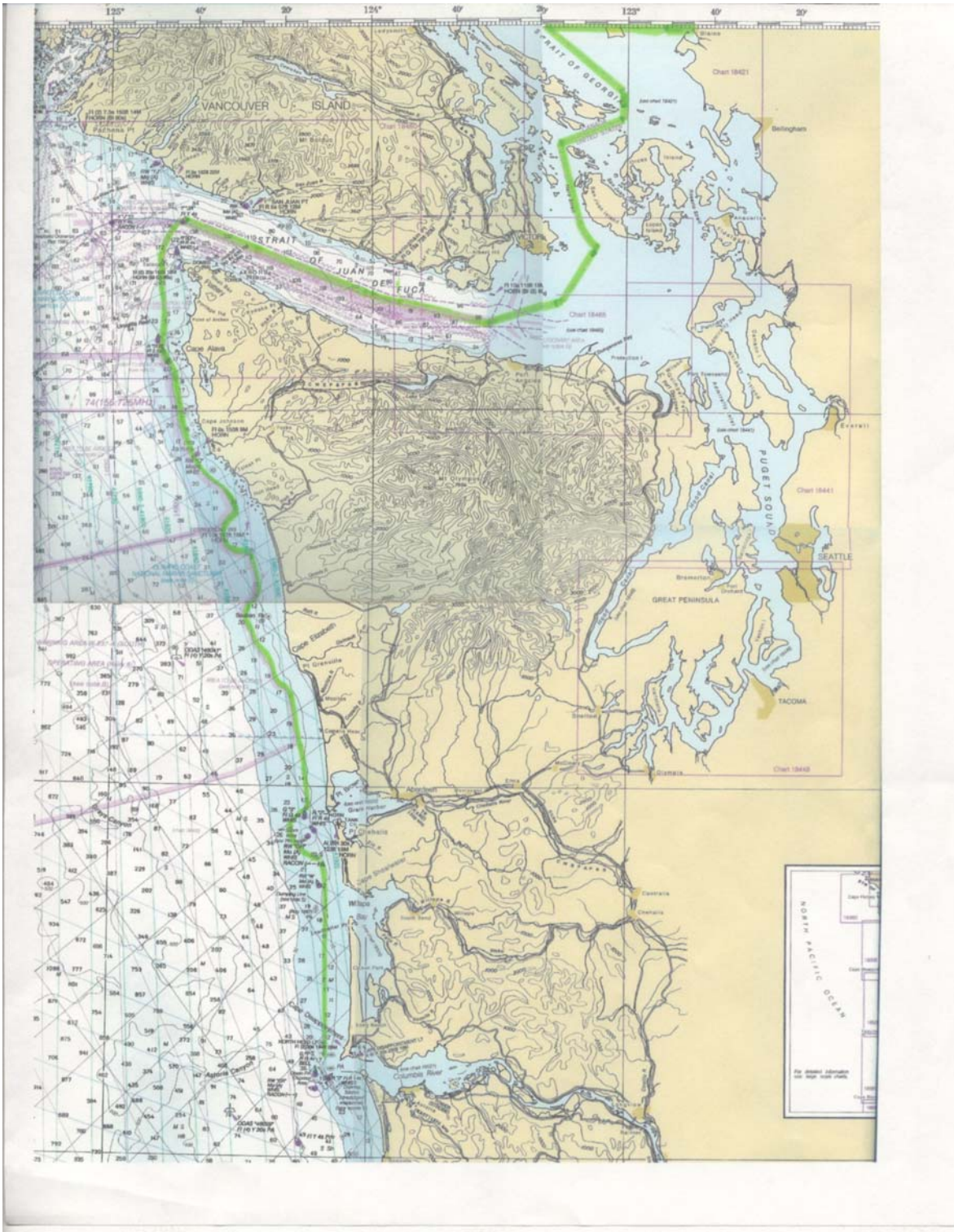
language. Once again, oversight of compliance with these requirements is conducted by ISM audits and frequent inspections by flag states and the United States Coast Guard.

For those ships on an international voyage, the Safety of Life at Sea Convention mandates compliance with the ISM Code. This comprehensive Code requires that each vessel operating company and each vessel participate in a very strictly defined management program, under both internal and external audit and regulatory oversight that sets forth detailed procedures for assuring compliance with safety, environmental protection, emergency response and training mandates.

Equivalent equipment, practices and procedures

CLIA member lines have agreed that the use of equivalent or other acceptable practices and procedures shall be communicated to CLIA. As appropriate, such practices and procedures shall be included as a revision to this document. As an example, when improved systems for treating blackwater and graywater are perfected, shown to meet the requirements for MSDs and accepted by appropriate authorities for the treatment of graywater, the new systems and associated technology will be included together with their impact on the current standard of discharging graywater only while underway.

Appendix iii: Navigational Chart of Waters Subject to this MOU



Appendix iv



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COMDTPUB P16700.4
NVIC 04-04

13 FEBRUARY 2004

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 04-04

Subj: ENVIRONMENTAL INSPECTION CHECKLIST; ADDENDUM TO FOREIGN PASSENGER VESSEL EXAMINATION BOOK, CG-840

- Ref:
- (a) General Accounting Office (GAO) Report of February 2000 on "MARINE POLLUTION - Progress Made to Reduce Marine Pollution by Cruise Ships, but Important Issues Remain."
 - (b) Title XIV "Certain Alaskan Cruise Ship Operations" contained in Section 1(a)(4) of Public Law 106-554 enacted on December 21, 2000
 - (c) 33 CFR 159, Subpart E - Discharge of Effluents in certain Alaskan Waters by Cruise Vessel Operations
 - (d) Memorandum of Understanding (MOU) dated March 14, 2000 entered between Florida Department of Environmental Protection (FDEP) and the Florida-Caribbean Cruise Association (FCCA), a representative of the cruise industry in Florida
 - (e) International Council of Cruise Lines (ICCL) Industry Standard E-01-01, "Waste Management Practices and Procedures"

1. **PURPOSE.** As the result of a GAO report and Bluewater Network petition, the FCCA, FDEP, and the Coast Guard began discussing the means to improve and ensure the compliance of large passenger vessels with existing Federal and state environmental standards. These discussions have resulted in the checklist contained in Enclosure 1. This checklist is an extensive list of possible inspection items related to pollution prevention equipment, operation, plans and records. It is intended as a job aid to be used by Coast Guard personnel during certificate of compliance examinations onboard foreign-flagged passenger vessels. Additionally, this document does not change or establish new Coast Guard authorities, but is intended to provide

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A																											
B	*	1	1											1				1									1
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NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 04-04

a framework and focus on responsibilities currently possessed. This checklist will be incorporated into a future revision of the existing Foreign Passenger Vessel Examination Book, CG-840.

2. ACTION. Officers in Charge Marine Inspections (OCMIs) and their designated marine inspectors should:
 - a. Bring this circular to the attention of appropriate individuals in the marine industry within their zones, especially those in the industry who are not members of ICCL. This circular is available on the world-wide web at: <http://www.uscg.mil/hq/g-m/nvic/index.htm>. Internet release authorized.
 - b. Follow the guidance in this circular while conducting Certificate of Compliance examinations on foreign-flag passenger vessels, choosing one of the five waste streams to inspect.
 - c. If any non-conformities are noted between the procedures listed in the vessel's Safety Management System (SMS) documentation and the actual procedures being followed on the ship, notify the Company immediately and follow the guidance contained in NVIC 4-98. If major non-conformities are identified, an OCMI should use risk-based decision-making and exercise discretion with regard to the level of control action utilized on the vessel.
 - d. If deficiencies or discrepancies are noted in the execution of the hazardous waste management program, notify the applicable Environmental Protection Agency (EPA) office or the State Resource Conservation and Recovery Act (RCRA) program office immediately.
3. DIRECTIVES AFFECTED. The existing Foreign Passenger Vessel Examination Books CG-840, CV1, CV2 and CV3 will be revised to include the checklist contained in Enclosure (1), as soon as practicable.
4. BACKGROUND.
 - a. From 1993 to 1998, nearly 2400 documented cases of pollution by foreign-flagged vessels were investigated, of which nearly four percent involved passenger vessels. As a result, Congress requested the GAO to examine the nature and extent of cruise ship involvement in these incidents; current and planned federal agency enforcement efforts; and cruise company actions to prevent future recurrences of pollution incidents. On February 1, 2000, the GAO completed a report to Congress, reference (a), recommending that the Coast Guard initiate discussions with the cruise ship industry, other federal and state agencies, and environmental groups as appropriate, on the need for improved water quality standards for gray water and black water discharged from cruise ships and other vessels. In addition, the report recommended an assessment of the need to periodically monitor the water quality of these discharges. This GAO report is available on the world-wide web for review at <http://frwebgate.access.gpo.gov/cgi-bin/useftp.cgi?IPaddress=162.140.64.21 &filename=rc00048.pdf&directory=/diskb/wais/data/gao>.

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 04-04

- b. At the time reference (a) became public, federal responsibilities were in place for various vessel waste stream control systems including effluent from the oily water separators, effluent from the sewage treatment plants, hazardous waste, and garbage. Subsequently, legislation was passed and regulations were promulgated (see references (b) and (c)) that expanded federal responsibilities to include requirements for gray water discharge and for monitoring and sampling of black water and gray water waste streams on cruise ships in Alaska¹.
 - c. On March 14, 2000, the Florida Caribbean Cruise Association (FCCA) signed a MOU with the Florida Department of Environmental Protection (FDEP), reference (d), that is available for review on the world-wide web at http://www.iccl.org/resources/fdep_mou.htm. Under this MOU, the FDEP recognized ICCL's Industry Standard E-01-01, "Waste Management Practices and Procedures," reference (e), as meeting or exceeding the standards set forth in Florida laws and applicable regulations. Though not a party to the MOU, the Coast Guard participated in discussions that resulted in the MOU. In the MOU, the FDEP recognized the Coast Guard as the primary federal agency with responsibility for examining passenger vessel waste streams. As a result, the Coast Guard worked in conjunction with FDEP and ICCL to develop a checklist related to monitoring of hazardous waste and disposal.
5. DISCUSSION. The enclosed checklist reflects the collective work of the USCG, FCCA and FDEP and has been tested for use by several Coast Guard Marine Safety Offices. The checklist is not a listing of all items to be inspected; rather the marine inspector should use it as a reminder of the various items that may be examined during a certificate of compliance examination of a foreign passenger vessel. As always, the marine inspector's experience, knowledge, and judgment will determine the depth and scope of each examination. However, each marine inspector should select at least one waste stream for a thorough and detailed inspection during every annual or periodic foreign passenger vessel examination. The stream selection will be based on the marine inspector's discretion, taking into account the inspector's impression about the condition of the various waste stream systems on board the vessel. The selection will also be based on the need to inspect all systems over a reasonable period of time, whether a particular waste stream is applicable for examination (e.g. there may be no requirement applicable to gray water at the port of examination or the vessel does not discharge/offload hazardous waste), and maintaining randomness so that the operator has no advance knowledge of the waste stream that may be selected. During the examination, the operator should be able to present to the marine inspector a clear description of the practices and procedures for handling each waste stream and also to produce such records, as the inspector might need to verify compliance with these guidelines. In performing pollution prevention examinations, inspectors should be especially familiar with the contents of the Marine Safety Manual (MSM), Volume II, Material Inspection, Section B, Chapter 6, "Pollution Prevention," and Section C, Chapter 2, Paragraph K, "Marine Sanitation Devices" and this NVIC. Marine inspectors should also be familiar with ICCL's Industry Standard E-01-01 "Waste Management Practices and Procedures", reference (e), and the vessel's Safety Management System (SMS) documentation, which should address all the elements discussed in

¹ Presently, there are no other federal requirements applicable to the control or filtering of gray water discharge from foreign-flagged passenger ships.

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 04-04

this standard. Note reference (e) is available at the ICCL website at [http://www.iccl.org/resources/exhibit a.pdf](http://www.iccl.org/resources/exhibit_a.pdf). If any elements are not addressed there should be a rationale for its omission. The different waste streams may be categorized as follows:

- a. Oil pollution prevention systems: include the oily water separator, the fuel/lubricating oil transfer, and sludge containment system. The marine inspector should verify that the oily water separator is operating within the desired range; that the alarms are working; that crew is knowledgeable and operating instructions are posted; and that maintenance is carried out at regular intervals. Actual piping may be verified against the approved piping diagram if the marine inspector notices modifications made to the system.
- b. Black water system: includes marine sanitation devices (MSDs) and other systems to treat, store, and discharge sewage. The checklist is designed to guide the marine inspector through some basic questions to ascertain whether the system is working as designed and that the crew is properly trained in its operation. For example, does the MSD appear to be properly installed? Is the MSD approved for use on this particular vessel (USCG Approved, IMO or Administration Approved to MARPOL Annex IV)? Is there adequate capacity or throughput for the number of persons on board? Are maintenance procedures being followed, including procedures outlined in the vessel's SMS? Are there records of expendables being ordered: filters, chemicals, et cetera? Are the units operating within the manufacturer's design specifications? Are there clear and simple operating instructions? Is the crew knowledgeable in the use of the equipment/system?
- c. Hazardous waste: includes dry cleaning (containing Perchloroethylene, or commonly-called "PERC") waste, used paints and thinners that contain hazardous substances, silver-bearing photo-processing waste, cleaning solutions and other items that contain hazardous substances. Each vessel may vary in both the type and volumes of hazardous waste generated depending on the technology and processes used aboard. This checklist is designed to evaluate onboard management of hazardous waste streams, to ensure that hazardous constituents are not released into the environment, and that accountability is demonstrated via adequate waste disposal records.
- d. Non-hazardous waste: includes shipboard garbage including plastics and synthetic material, medical waste, food wastes and recyclables such as glass, cardboard, aluminum and metal cans. Items to be checked should include: disposal and incineration records; waste sorted to prevent hazardous waste from entering the non-hazardous waste stream; no plastics or synthetics discharge overboard; separate and proper disposal of hazardous and non-hazardous incinerator ash; and proper disposal of cooking grease from grease traps.
- e. Gray water system: includes discharges from galley, sinks, washbasin drains, showers, and baths, excluding drains and sinks from medical spaces. These may be held in large tanks before being pumped overboard. The handling and discharge of gray water will *vary* from ship to ship and the inspector should ensure the procedures followed by the ship correspond to those described in its SMS documentation. If gray water is directed to MSD systems, the marine inspector shall ensure that combined gray water/black water throughput does not exceed the throughput of the MSD systems. Other waste streams such as hazardous waste

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 04-04

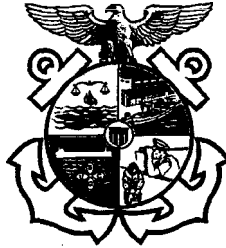
or medical waste must also not be mixed with gray water. Drains from hospitals, photo labs (if hazardous substances are used and stored therein), and slops, must be separate from the gray water system.



T. H. GILMOUR
Rear Admiral, U. S. Coast Guard
Assistant Commandant for Marine Safety,
Security, and Environmental Protection

Encl: (1) Foreign Passenger Vessel Pollution Survey Exam Book (CG-840 PSEB)

United States Coast Guard



**FOREIGN PASSENGER VESSEL
POLLUTION SURVEY EXAM BOOK**
(FOR ALL PASSENGER VESSELS)

Name of Vessel	Flag <input type="checkbox"/> No Change
IMO Number	Case Number
Date Completed	
Location	
Senior Marine Inspectors / Port State Control Officers	
1.	5.
2.	6.
3.	7.
4.	8.

Use of Foreign Passenger Vessel Pollution Survey Exam Book

This Checklist is an extensive list of possible examination items related to pollution prevention equipment, operation, plans and records. It is intended as a job aid to be used by Coast Guard senior marine inspectors during boardings of foreign-flagged passenger vessels. It is not the Coast Guard's intention to inspect all the items listed in the checklist at every exam; rather the inspector should use it as a reminder of the various items that may be examined during a foreign passenger vessel certificate of compliance examination. As always, the inspector's experience, knowledge, and judgment will determine the depth and scope of each examination; however, the inspector should select at least one waste stream for a thorough and detailed inspection. The stream selection will be based on the marine inspector's discretion, taking into account the inspectors impression about the condition of the various waste stream systems on board the vessel, weighing the need to inspect all systems over a reasonable period of time, and maintaining randomness so that the operator has no advance knowledge of the waste stream that may be selected.

It is incumbent on the vessel operator to be familiar with this checklist. The individuals responsible for different segments of the various waste streams should be able to present to the inspector a clear description of the practices and procedures for handling each waste stream and also to produce such records, as the marine inspector might need, to verify compliance with these guidelines. Inspectors should obtain a clear picture about the selected waste stream(s) and associated environmental processes by observing onboard practices and through questioning of the individuals that perform these practices. Inspectors should avoid circumstances in which a shore-side representative is the sole company liaison during the environmental inspection.

As a port state responsibility, marine inspectors and port state control officers must verify that the vessels and their crews are in substantial compliance with international conventions and applicable U.S. laws. The marine inspectors and port state control officers, based on their observations, must determine the depth and scope of the examination. This document does not establish or change Federal laws or regulations. References given are only general guides. Refer to IMO publications, United States Code, Code of Federal Regulations, the Port State Control Job Aid, NVIC's, and any locally produced guidance for specific regulatory references. Marine inspectors should be especially familiar with all equipment standards and the contents of the Marine Safety Manual (MSM), Volume II, Material Inspection, Section B, Chapter 6, "Pollution Prevention," Section C, Chapter 2, Paragraph K, "Marine Sanitation Devices," and Volume IV, Technical, Chapter 3, Section K, "Special Engineering Applications for Pollution Prevention".

NOTE: Guidance on how to examine foreign passenger vessels for compliance with pollution prevention equipment standards, can be found in NVIC_-04.

Conducting the exam

- Complete Certificates/Equipment Data/Records information (Section A).
- Review SMS Environmental Procedures (Section B).
- Examine MSD, OWS, Garbage logs, Oil Record Book as per CG-840 Exam books.
- Determine if gray water requirements apply in the vessel's AOR and in inspection zone (If not, do not select C2)
- Make waste stream selection for a detailed exam (Section C)
Section
 - C1 Oil Pollution Handling Waste Stream (Bilge, Sludge, Fuel, Lube Oil etc)
 - C2 Gray Water Waste Stream
 - C3 Black Water/Sewage Waste Stream
 - C4 Hazardous Waste Stream
 - C5 Non-hazardous Waste Stream

NOTE: Many items listed are not mandatory requirements, but fall under the umbrella of "Management Policy". Marine inspectors should be familiar with ICCL's Industry Standard E-01-01 "Waste Management Practices and Procedures," and SMS documentation on all cruise ships should address all the elements discussed in this standard. If any elements are not addressed there should be a rationale for its omission. If the areas listed are corporate policy as set out in the company's SMS documentation, then the vessel should be held accountable for the actions as required in 33 CFR 96 and SOLAS Chapter IX. If state or local laws exist that are more stringent than U.S. or international law, then the local or state laws must be followed. These vessels are not exempt simply because they are a foreign-flagged vessel.

Pre-inspection Items

- Review MISLE records
 - Deficiency History
 - Critical Profile
 - Review Court-ordered requirements and environmental audit reports, if applicable
- CG Activity History
Print Center for Disease Control Green Sheet
<http://www2.cdc.gov/nceh/vsp/vspmain.asp>

Post-inspection Items

- Issue letters/certificates to vessel
- Issue Port State Control Report of Inspection-Form A
- Issue Port State Control Report of Inspection-Form B (if needed)
- Complete COC endorsement (include "Waste Stream" area inspected)
- MISLE activity case

Certificates / Reports (complete at annual exam or to update MISLE Certificate data)

Name of Certificate	Issuing Agency	ID #	Port Issued	Issued Date	Expiration Date	No Change	Endorsement Date
International Oil Pollution Prevention (leave blank if completed in the CVE 840 book)							
International Sewage Pollution Prevention Certificate (if issued)							
International Anti-Fouling System Certificate (if issued)							
State Certificates of Emission (only if applicable)							
State Certificates of Ballast Water (only if applicable)							

Equipment Data

Equipment Name	Capacity	US or MEPC Approval Nr	Authority/Agency	No Change	Date of approval/acceptance
Oil Water Separator	Throughput				
Oil Water Separator	Throughput				
Oil Water Separator	Throughput				
Waste Oil Holding Tank(s) Capacity(ies)					
Marine Sanitation Device Certificate of Type Test	Volume/day				
Marine Sanitation Device Certificate of Type Test	Volume/day				
Marine Sanitation Device Certificate of Type Test	Volume/day				
Black Water Tank Capacity					
Grey Water Tank Capacity					

Pollution Records

Date	Location	Amount
Last time bunkers were taken on		
Next time bunkers will be taken on		
Last time sludge/oily bilge water pumped ashore		
Last operation of OWS or overboard discharge		
Garbage incinerated		
Garbage discharged overboard at sea		
Garbage discharged ashore		
Required U.S. Ballast Water Report		

SECTION A
Certificates/Equipment Data/Records
Information

<p>Section B Environmental Procedures</p>

Environmental Procedures can be found in the ship's Safety Management System (SMS) documentation or in company policies and maintenance manuals, inspection logs, oil record books, etc. Marine inspectors should question the ship staff on procedures and normal operations, and compare the answer to what is written in procedures and manuals. For each waste stream, persons with specific responsibilities should be questioned at each step in the waste handling process. Inspectors should require being shown specific process step by the person responsible for that step. Inspectors should ask extensive questions regarding availability of documents and supporting material relevant to the individual performing the specific activity in the waste handling process. Other questions should focus upon training provided and reporting procedures when problems with waste management processes are identified.

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| <ul style="list-style-type: none"> □ Current pollution prevention records • Person-in-charge designated and qualified (certificated/licensed) • Transfer equipment tests and inspections • Declaration of Inspection (available and retained for at least one month) • Ship to provide PMS logs and required PMS activities for the selected waste stream for verification. • Verify SMS incorporates PMS activities and logs for all Waste Streams. • Court required logs to track oil usage in systems having oil to sea interfaces (if applicable) • Recent environmental audit reports when available □ Oil Record book (Part 1) (spot-check) <ul style="list-style-type: none"> • Each operation signed by person-in-charge • Each complete page signed by master • Book maintained for 3 years • Use of proper codes and version for vessel • Transfer receipts/manifest match oil record book entries • OWS rates not exceeding design criteria • Incinerator rates not exceeding design criteria • Consistent bilge water management patterns • Comparison of oil record book entries to vessel's daily tank sounding book □ Shipboard Oil Pollution Emergency Plan <ul style="list-style-type: none"> • Approved by Administration (class society) • Updated and current • In English and working language of crew • Correct contact numbers for National and Local Authorities (Port Authorities for ports visited not every COTP) • Immediate Actions List • Non Mandatory Provisions (if listed in SOPEP). Spill kits located and inspected □ MARPOL Annex V <ul style="list-style-type: none"> • Placard posted • Record book • Garbage management plan □ Non-Hazardous Waste Disposal Documentation (if applicable) <ul style="list-style-type: none"> • EPA Generator ID# _____ (if applicable) • Records • Non-Hazardous Waste Manifests □ Recycling policy being followed (requires a detailed assessment) □ Hazardous Waste Disposal Documentation (if applicable) <ul style="list-style-type: none"> • EPA Generator ID# _____ (if applicable) • Records • Uniform Hazardous Waste Manifests • Land Disposal Restriction Notification Certification Forms (LDR) • Shipping Document for Regulated Medical Waste • Interview Person(s) responsible for landing of wastes • Specialized training for Responsible person(s) and related documentation • Evidence of disposal in other countries to bona fide receivers documented | <p>33 CFR 155.700</p> <p>33 CFR 156.150</p> <p>33 CFR 156.170</p> <p>ISM Code/SMS</p> <p>33 CFR 96</p> <p>MARPOL Annex. 1/20</p> <p>33 CFR 151.25</p> <p>MARPOL Annex. 1/26.1</p> <p>33 CFR 151.26</p> <p>MARPOL Annex V/9</p> <p>U.S. Local Regulations as applicable</p> <p>Shipboard policy SMS</p> <p>40 CFR 262</p> <p>Shipboard policy SMS</p> |
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Oil pollution prevention systems include, but are not limited to, the oily water separator, other filtering or flocculation devices, bilge water management, fuel/lubricating/waste oil transfer, purifier and lantern space sludge collection, transfer and containment systems. Marine inspectors should verify that the oily water separator is operating within the required range; that the alarms are working and sound at appropriate levels; that crew is knowledgeable and operating instructions are posted; that maintenance is carried out at regular intervals and repairs are documented; and that system operation and maintenance are in accordance with the vessel's SMS. Marine inspectors should verify the actual pollution prevention system piping against vessel's approved piping diagrams, if modifications such as blanked off tees, connections points, hoses, or temporary piping segments associated with these systems are observed.

- Oily Water Separator (OWS)
 - Verify bilge piping, no modifications & matches approved diagram (direct to OWS, to holding tank, etc.)
 - No blanked flanges, pipe caps, or dead-ended valves, or tees on inlet or outlet piping
 - Evidence of bolting/unbolting of associated piping segments
 - Recent paint on pipe segments
 - Observe general housekeeping and cleanliness
 - Witness operational test of OWS, evaluate operator competency. System operating in published ranges
 - Verify unit is processing contaminated source. Operate system for sufficient time (15 minute minimum) to identify reduction in contaminated source
 - Test 15 ppm Oil Content Meter and alarm
 - On units with multiple Oil Content Meters, compare readings
 - Ensure sample analyzed by Meter is OWS output (Trace sample line for presence of unacceptable clean water connection)
 - Verify no electrical bypasses, jumpers, extra switches on or within unit or Meter control panel
 - Verify system automatically re-circulates (3-way valve) or shuts down when >15ppm. Verify proper operation of valve
 - Verify proper operation of system backflush or oil purge cycle
 - Visually sample processed water for gross contamination (sheen or visible oil)
 - Compare ship's operational maintenance routine with actual Preventative Maintenance conducted. Request proof/documentation of maintenance completed (used consumables from OWS, receipts of service, technician reports, contractor disposal records)
 - Review meter calibration records
 - Review strip charts if fitted
 - Examine other machinery space overboard piping for unusual connections
 - Review records pertaining to system repairs

- Oil Pollution placard posted 33 CFR 155.450
- Oil Transfer Procedures 33 CFR 154.340
 - Posted / available in crew's language 33 CFR 155.720
 - Person in Charge (PIC) fluent in English or language mutually agreed upon w/ shoreside PIC 33 CFR 155.750
 - Format in CFR order or cross reference index page 33 CFR 154.310
 - List/description of products carried by vessel
 - Description of transfer system including a line diagram of piping system (pumps, vents, valves, alarms, shutoffs, etc.)
 - Number of persons required on duty
 - Duties by title of each person
 - Means of communication (two-way voice)
 - Procedures to top off tanks and disconnect
 - Procedures to report oil discharges
 - Emergency response procedures (fire, spill, human exposure)

- Standard discharge connection MARPOL Annex 1/19
- Fuel/lube/sludge oil fill, vent & overflow discharge containment 33 CFR 155.430
 - Size (<1600GT/2 bbl, >1600GT 1 bbl) 33 CFR 155.320
 - Fixed (Built after 30Jun74) or Portable (before 30Jun74)
 - Drains
 - Scupper closures

- Prohibited oil spaces (no oil/hazardous substances carried fwd of collision bulkhead) 33 CFR 155.470

- Lighting at each Transfer Operations Work Area 33 CFR 155.790
 - Adequate
 - Located/Shielded to not interfere with navigation
- Oil transfer hose (if vessel uses to transfer in U.S. waters) including Lifeboat/Tender Hoses 33 CFR 155.800/805
 - Condition 33 CFR 154.500
 - Markings (MAWP, Mfg. Date, Test date) - 33 CFR 156.170
 - Hose assembly requirements (blanked off if not new, gas free or in use)
 - Tests and inspections
- Bilge Water Management MARPOL Annex I
 - Examine machinery space bilges (stem to stem)
 - Contamination / oily residues in bilges on bulkheads, piping, structures, within roseboxes
 - Leakage from systems and engines into machinery spaces (may not be seen during port ops)
 - Engine oil usage, quantities, where lost, consumed or in bilges
 - Evidence of recent cleaning of systems, equipment and components
 - Status of oily bilge water tanks, last cleaned, at capacity
 - Adequate capacity all tanks
 - Levels of tanks during inspection — high or low?
 - If tanks near full — what are the vessel's processing plans?
 - Evidence of detergent usage (Note- emulsions cannot separate in gravity separator and are likely to result in discharges over 15 PPM)
 - Other methods to discharge bilge water
 - Evidence of excess water ingress, pump glands, seals, valve glands
 - Portable (diaphragm /other) pumps present
 - Hoses, fittings, and connections in areas — usage unknown
 - Unlocked overboard valves on bilge, bilge & ballast, salt water service
 - Seal management program-used
 - Designated clean or exempted areas — oil free status
 - Lifeboat / Security / Tender vessel engineering systems leak free
 - Lifeboat / Security / Tender vessel bilges clean
 - Lifeboat / Security / Tender vessel- oily bilge handling when leakages present (when in use off vessel or once reloaded)
- Waste/Sludge oil incineration
 - Tests and inspections
 - Record keeping
 - Incinerator operates with sludge / waste oils
 - Clean / dirty furnace, evidence of use
 - Operators capable & prove operation
 - Purifier sludge tanks full / empty
 - Connections to bilge main or other areas
 - Transfer pump operable
 - Transfer pump to sludge system, ashore, incinerator settler only
 - Estimated quantities of sludge produced — normal or excessive (fuel sludge production can exceed 2% of total fuel used)
- Systems with Oil to Sea Interfaces
 - Oil lubricated stern tubes, bow and stern thruster seals, fin stabilizer seals, etc.
 - Exterior examination in way of systems for evidence of leaking seals
 - Presence of barrels, drums, hoses, pumps, and other equipment/supplies/arrangements necessary to refill systems at equipment.
 - Check consumption records if SMS or environmental compliance programs require such records.

<u>Section C2</u> <u>Gray Water Waste Stream</u>

Gray water system includes discharges from galley, sinks, washbasin drains, showers, and baths. These may be held in large tanks before being pumped overboard. The handling and discharge of gray water will vary from ship to ship and the marine inspector should ensure the procedures followed by the ship correspond to those described in its SMS documentation. If gray water is pumped through a/the Marine Sanitation Device(s) (MSD), ensure that the total volume does not exceed the MSD's capacity. Other waste streams such as hazardous waste or medical waste (RCRA biomedical wastes) must not be mixed with gray water. Drains from hospitals (U.S. restriction), photo labs (if commingled with hazardous wastes), slops, must be separate from the gray water system.

Sources

- Galley (ex. Dishwashers, floor drains, sinks)
- Showers/Baths & washbasin drains
- Laundry
- Deck drains throughout vessel

(Clean Water Act)
 33 USC 1251 et seq.
 33 CFR 159.300
 Subpart E for (D17)
 Local Regulations
 ISM Code
 33 CFR 96

- Prohibited Sources (hazardous materials, bilges, photo shop & print shop if hazardous wastes are commingled, hospital spaces (U.S. only), etc.)
- Evidence of other drained fluids into scuppers or other entry points (photo lab, hospital, specialty spaces)
- Drains from spaces containing machinery (fan rooms, hotel equipment, etc.) oil free or segregated
- Connections to the Black Water System (if permitted in MSD Operation Manual, if so, is MSD capacity sufficient?)
- Connections to Ballast Water System
- Number of tanks
- Total tank capacity _____ m3
- Volume Produced _____ (m3 per day)
- Maximum number of days in port without discharging.
- Current capacity sufficient for persons on board and time in port?
- Review vessel's gray water handling procedures (SMS).
- Ensure that Quality Assurance / Quality Control Plan is vessel specific.
- Is Gray water processed and discharged?
- What are Gray water disposal procedures: Shore and at Sea. (company policy)
- Does vessel have sampling procedures? (if so, review)
- Types of tests performed, equipment and useable testing supplies readily available?
- Sampling equipment/supplies useable and available?
- How often do they take samples? Review samples record book.
- What are the state, federal and local regulations for gray water discharge?
- Responsible crew interviewed
- Disposal and Records
 - Shore (receipts available)
 - At sea (logs maintained)
 - Sampling/Testing (logs maintained)
 - Note some gray water treatment employs advanced ultra-filtration systems, these systems claim to reduce gray water waste by 85% - 90%, or more.
 - Alaska - Effective July 2001, Operators of cruise vessels carrying 500 or more passengers & transiting applicable waters of Alaska are restricted in where they may discharge effluents & will be required to perform testing of sewage & gray water discharges. The Coast Guard will inspect, monitor, & oversee this process to ensure compliance with applicable water quality laws & regulations. (33 CFR 159)

Black water system includes MSDs and other systems to collect, treat, store, and discharge sewage. This checklist is designed to guide the marine inspector through some basic questions to ascertain whether the system is working as designed and that the crew is properly trained in its operation. For example, does the MSD appear to be properly installed? Is there adequate capacity for the number of persons on board? Are maintenance procedures, including SMS procedures, being followed? Are there records of expendables being ordered: filters, chemicals, et cetera? Are the units operating within the manufacturer's design specifications? Are there clear and simple operating instructions? Is the crew knowledgeable in the use of the equipment/system?

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| <ul style="list-style-type: none"> ☐ Sources <ul style="list-style-type: none"> • Toilets, Urinals, scuppers • All Drainage from Medical Premises (U.S. restriction) • System installed, maintained and operated in accordance with approved plans and manufacturers specifications. • Tank Capacity and Volume Produced • Current volume in tanks • Modifications documented
 ☐ Operations and Treatment (new section) <ul style="list-style-type: none"> • Chemical/Biological treatment & protective equipment • Chemical Treatment Level • Sufficient chemicals, additives, approved cleaning materials onboard. (enzymes, "Gamazyme", chlorine) • Compressors operating, inlet filters maintained • Vacuum system operable, if applicable • Flow indicators clear — indicating flow • Last system cleaning • Macerator operating maintenance • Methods to dilute discharge? • Operating instructions/SMS procedures
 ☐ U.S. Marine Sanitation Device Requirements <ul style="list-style-type: none"> • Type (II, III) • Nameplate (Should be designed to resist efforts of removal or efforts to alter the information) • Placard • Proper operation (macerators, treatment chemicals) and structural integrity, no leaks
 • Certificate of Type Test. <u>For Foreign Flag Vessels in U. S. Waters</u>
 A foreign flag vessel that has a "Certificate of Type Test" under MARPOL Annex IV indicating that its sewage treatment plant meets the test requirements of Resolution MEPC.2 (VI) of the International Maritime Organization (IMO) will be accepted by the Coast Guard as being in compliance with 33 CFR 159.7(b) or (c). The Certificate of Type Test must be issued by or on behalf of a government that is a party to the MARPOL convention. Such a plant will be considered as fully equivalent to a Coast Guard certified Type II MSD as long as the unit is in operable condition. However, the unit may not be labeled as USCG certified. U.S. registered vessels will continue to be required to have Coast Guard certified MSDs per 33 CFR 159.
 ☐ Standard Discharge Connection (NLT 27 Sep 03) <ul style="list-style-type: none"> • New ships 200 gross tons and above • New ships less than 200 gross tons and carry more than 10 persons. • Existing ships 200 gross tons and above and exiting ship less than 200 gross tons and carry more than 10 persons after 27 Sep 13 (10 years after the date entry into force of Annex IV)
 ☐ Disposal <ul style="list-style-type: none"> • Shore (last done, reasons?) • Overboard valves secured • MSD bypass piping noted? (Condition of valves, pipe tees and caps, evidence of frequent usage) • At sea (provide proof of discharge location) • Logged position, speed (if required by management) MARPOL Annex IV* <ul style="list-style-type: none"> • When comminuted and disinfected greater than 3 miles. 33 CFR 159 • Company policy followed? • When not comminuted or disinfected greater than 12 miles. • Both to be discharged while ship is underway at greater than 4 knots.
Locations of discharges compared to deck logs. • Not in EPA "No Discharge Zones" • Connections to the gray water system (effluent routed to gray water system to dilute effluent?) | <p>MARPOL Annex IV*
40 CFR 140.3 & .4
33 CFR 159.57
33 CFR 159.7
33 CFR 159.55
33 CFR 159.59
MARPOL Annex IV/9*
40 CFR 140.3
MARPOL Annex IV/11 *
Resolution MEPC.2(VI)
33 CFR 159.65
NVIC 9-82
ISM Code
33 CFR 96</p>
<p>33 CFR 159</p>
<p>MARPOL Annex IV/2*
MARPOL Annex IV/10*</p>
<p>MARPOL Annex IV*
33 CFR 159.7
40 CFR 140.4
40 CFR 136</p> |
|---|--|

- Alaskan Waters:
Effective July 2001, Operators of cruise vessels carrying 500 or more passengers and transiting applicable waters of Alaska are restricted in where they may discharge effluents and will be required to perform testing of sewage and gray water discharges. The Coast Guard will inspect, monitor, and oversee this process to ensure compliance with applicable water quality laws and regulations. (33 CFR 159).

Sampling/Testing

- Lab analysis of fecal coliform/total suspended solids in effluent (recorded on ISPP if issued)
 - Results of residual chlorine content in effluent testing
 - Calibration records for dosing pump/proportioner

* Although the United States is not signatory to MARPOL Annex IV, the requirements of Annex IV may be enforced for those vessels that have committed to comply with Annex IV requirements in addition to 33 CFR Part 159 requirements as part of the vessels' SMS. This commitment is typical for ICCL Member vessels and many other cruise ships.

Hazardous waste must be handled in accordance with the ship's SMS. If such waste is disposed of in U. S. waters, the SMS hazardous waste handling procedures must meet or exceed 40 CFR Part 262 requirements. Hazardous waste includes dry cleaning (PERC) waste, used paints and thinners that contain hazardous substances, silver-bearing photo-processing waste, cleaning solutions and other similar items. Each vessel may vary in both the type and volumes of hazardous waste generated depending on the technology and processes aboard ship. This checklist is designed to evaluate on-board management of hazardous waste streams and to ensure that hazardous constituents are not released into the environment, disposed of properly and that accountability is demonstrated via adequate waste disposal records.

Hazardous Waste

40 CFR 262
49 CFR 173
RCRA
SARA Title III
42 USC 11002(a)(3) 40
CFR 355 App A / B ISM
Code
33 CFR 96

- Has the company conducted a waste determination? Through Process Knowledge or Waste Analysis (circle one)? If not, hazardous waste may not be landed.
- Have responsible personnel received initial and refresher training? Has the training been documented?
- Is there any evidence that hazardous wastes are being incinerated, diluted, neutralized, or evaporated as a means of disposal.
- Is there any evidence (e.g. lack of disposal records) of hazardous material being discharged overboard?
- Are hazardous wastes being properly stored, maintained, labeled, and placarded? Note any observations made of deficiencies, dates and nature of repairs.
- Are proper storage devices available?
- Waste not commingled
- Quantities on board consistent with receipt/disposal documentation?
- Does the crew have ready access to spill control and decontamination equipment?
- Are records maintained and manifests completed for potential hazardous waste streams, for example:
 - Silver Bearing Photo Processing Waste (developers, wash water, Silver Recovery Units)
 - X-Ray equipment
 - Print Shop Waste (inks, dyes, cleaning solvents)
 - Used Solvents, Paints & Thinners
 - Fluorescent/Mercury Vapor Bulbs
 - Batteries (universal wastes): Nickel Cadmium (Nicad); Lead Acid; Lithium; Alkaline
 - Certain Pharmaceuticals/Narcotics
 - Dry Cleaning Waste (PERC, lint, sludge, filters, condensate water)
- Aerosol Cans
- Cleaning Solutions (de-scalers, acids, bases, other corrosives)
- Expired pyrotechnics (from safety equipment and entertainment use)
- Rags contaminated with hazardous wastes (also - in approved storage containers?)
- Incinerator ash if contaminated with toxic/hazardous substances (plastics containing heavy metals)
- Do records reflect reasonable accumulations of waste with respect to the capacity of the vessel, its age, technologies onboard, and amounts of repair/maintenance?
 - Used lead acid batteries not mixed and kept dry?

- Records of hazardous consumables kept updated
Used and unused

Shipboard Records
ISM Code
33 CFR 96

The following excerpt from 40 CFR 262 regarding Resource Conservation and Recovery Act (RCRA) requirements is provided for background information only. The Federal or State RCRA program office must be consulted if any clarifications are needed for a particular situation.

HAZARDOUS WASTE HANDLING REQUIREMENTS

§ 262.11 Hazardous waste determination.

A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste using the following method: (a) Determine if the waste is listed as a hazardous waste in subpart D of 40 CFR part 261.

(c) Or if not listed in subpart D of 40 CFR part 261, generator must determine if the waste is identified in subpart C of 40 CFR part 261 by either:

- (1) Testing the waste according to the methods set forth in subpart C of 40 CFR part 261
- (2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

262.12 EPA identification numbers.

(a) A generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the Administrator.

262.20 General requirements.

- (a) A generator who transports, or offers for transportation, hazardous waste for offsite treatment, storage, or disposal must prepare a Manifest OMB control number 2050-0039 on EPA form 8700-22, and, if necessary, EPA form 8700-22A, according to the appendix to part 262.
- (b) Generator must designate on manifest one facility that is permitted to handle the waste described on the manifest.

262.23 Use of the manifest.

- (a) The generator must:
 - (1) Sign the manifest certification by hand; and
 - (2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and
 - (3) Retain one copy, in accordance with § 262.40(a) and give the transporter the remaining copies of the manifest.

262.30, .31, .32 & .33 Packaging, Labeling, Marking and Placarding.

Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must package, label, mark and placard the waste in accordance with the applicable Department of Transportation regulations on packaging under 49 CFR parts 172, 173, 178, and 179. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of 110 gallons or less used in such transportation with the following words and information displayed in accordance with the requirements of 49 CFR 172.304: **HAZARDOUS WASTE Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency. Generator's Name and Address ----- . Manifest Document Number -----.**

262.34 Accumulation time.

A generator may accumulate hazardous waste on-site for 90 days or less for large quantity generator and 180 days or less for small quantity generator, without a permit or without having interim status.

The date upon which each period of accumulation begins must be clearly marked and visible for inspection on each container and while being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste."

§ 262.40 Recordkeeping.

- (a) A generator must keep a copy of each manifest signed in accordance with § 262.23(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.
- (b) A generator must keep a copy of each Biennial Report and Exception Report for a period of at least three years from the date of the report.
- (c) A generator must keep records of any test results, waste analyses, or other determinations made in accordance with § 262.11 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

Non-hazardous wastes include shipboard garbage containing plastics and synthetic material, certain medical wastes, food wastes and recyclables such as glass, cardboard, aluminum and metal cans. Items to be checked should include waste sorted to prevent hazardous waste from entering the non-hazardous waste stream; no plastics or synthetics are to be discharged overboard, separate; proper disposal of hazardous (i.e. containing residual plastics or un-burnt food waste) and non-hazardous incinerator ash; and proper disposal of cooking grease from grease traps.

- Shipboard Garbage Management Plan
 - Shipboard garbage properly handled in accordance with Garbage Management Plan
 - Garbage Record Book entries
 - Type, amount, location, date/time
 - Receipts
 - Each entry signed by Officer-in-Charge and each page by Master
 - Any reports of alleged inadequacy of port reception facilities for garbage on file
 - Person-in-Charge Designated
 - No plastics or synthetics discharged overboard
 - Waste sorted to prevent hazardous waste entering non-hazardous waste stream or incinerated. Separate defined storage areas for hazardous/non-hazardous — no commingled waste.
 - Signage in working language of crew and in English, French or Spanish
 - Incinerator ash if discharged overboard free of plastic residue (clinkers) or free of unburned food wastes if landed ashore.
 - Trash chutes clean, free from oil residue (No oil stains on decks, side of hull adjacent to trash chutes)
 - Foreign Food Wastes handled per APHIS regulations
 - Medical Wastes-incinerated or manifested as Bio-Hazardous Waste.
 - Discharged outside of special areas only (when special area restrictions are in effect)
 - Incinerator operation observed (if in operation)
- 33 CFR 151.63
MARPOL Annex V
MARPOL Annex V/9
MARPOL Annex V/3
7 CFR 330.400
-
- Garbage Pollution Placards posted

 - Procedures to minimize amount of potential garbage
 - Is vessel encouraging ship suppliers to consider alternate means of packing, use of other than plastics? Examine stores being loaded.
 - Is vessel using reusable packing? Examine stockpiles for use
 - Is waste generated while in port disposed to shore reception facility prior to sailing? Examine waste being offloaded.

 - Recycling
 - Is ships crew following policy for recycling. Interview crewpersons in varied work areas, casino, galley, housekeeping, etc. with recycling responsibilities for procedures used.

 - Maintenance and repair conducted on equipment
 - Incinerator
 - Grinders
 - Valves and flappers on chutes

 - Human factors
 - Warning signs posted around equipment.
 - Master and crew familiar with essential shipboard garbage handling procedures.
 - Personal protective equipment available, functioning and in place (ILO 134).
 - Sanitation, from a health standpoint, being maintained (ILO 147).
- MARPOL Annex V/
33 CFR 151

AGENT

Vessel representative hired by the ship's owners. Ship's agent may be tasked with various jobs such as: ensuring proper vessel documentation and compliance.

AUTOMATIC STOPPING DEVICE

Is a control mechanism that ensures discharge of an oily water separator is stopped when the oil content of the effluent exceeds 15 parts per million (PPM). The automatic stopping device may be initiated by the operation of the oil content meter.

BALLAST

Used to improve the stability and control the draft of a ship. (In Ballast - having only ballast for a load)

BLACK OIL

A viscous and black or very dark brown colored oil. Depending on the quantity spilled, oil tends to quickly spread out over the water surface to a thickness of about one-millimeter.

BLACK WATER (sewage)

Examples - possible sources toilets, urinals and drainage from medical facilities (U.S. restriction).

COC

Certificate of Compliance, CG Form 3585.

COTP

Captain of the Port.

CWA

Clean Water Act.

CVE

Control Verification Examination is the examination of vessel for compliance with SOLAS requirements and applicable U. S. regulations. More properly referred to as the Passenger Vessel Certificate of Compliance Examination.

DISPERSION

The breaking up of an oil slick into small droplets which are mixed into the water column as a result of breaking waves and other sea surface turbulence.

EFFLUENT

To flow out. (Waste material, refuse, and sewage)

EMULSIFICATION

The formation of a water - in - oil mixture. In the environment, the tendency for emulsification to occur varies with different oils and is much more likely to occur under high-energy conditions (wind and waves). Emulsions may also be formed by surfactants, including detergents, which cause the oil and water to mix, or by mechanical means such as pressure washing or pump action.

EPA

Environmental Protection Agency

EQUIPMENT HAVING AN OIL TO SEA INTERFACE

Equipment that uses a seal to prevent leakage of oil into the sea. Examples, oil-lubricated stern tube seals, hydraulically-driven stabilizer fin seals, bow and stern thruster seals. An indicator that system seals are leaking to the sea may be evidence of frequent filling of system reservoirs, presence of barrels, drums, hoses, pumps, and other equipment/supplies/arrangements necessary to refill systems. Some ships' SMS or environmental compliance programs may require that records of refilling such systems are kept. If so, these records should be checked.

15 PPM ALARM

An alarm that activates when the effluent passing through oil-filtering equipment exceeds 15 parts per million (ppm) of oil.

GRAY WATER

Includes discharges from galley, sinks, washbasins, drains, showers and baths. These may be held in large tanks prior to being discharged overboard (State, Fed, regulation permitting).

HSSC

International Convention to Harmonized System of Survey and Certification.

ICCL

International Council of Cruise Lines, a cruise ship industry association which participates in industry standards and policy development process to promote all measures that foster a safe, secure, healthy cruise ship environment.

ICLL

International Convention for Load Lines.

IMO

International Maritime Organization; a specialized agency of the United Nations concerned solely with maritime affairs. IMO is responsible for international treaties, conventions, resolutions and codes to improve maritime safety.

ISM Code

International Safety Management Code. (Chapter IX of SOLAS)

MARPOL

The International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978.

MSC

Maritime Safety Committee. One of five technical committees of the IMO which deals with issues such as aids to navigation, vessel equipment and construction, manning requirements, handling dangerous cargoes, hydrostatic and marine casualty information.

MSD

Marine Sanitation Device.

OIL CONTENT METER

An instrument used to measure continuously the oil content of the effluent in the OWS output line, in parts per million, to ensure that the operation does not contravene the convention.

OIL FILTERING EQUIPMENT

Equipment that uses any combination of a separator, filter or coalescer, and also a single unit designed to produce an effluent with oil content less than 15 parts per million (ppm). (MARPOL Annex I, Reg 16)

OILY WATER SEPARATOR (OWS)

The basic principle of oil / water separation is their difference in specific gravity. The specific gravity of most oils is less than water; therefore, it will naturally float to the top of an oil and water solution. Small droplets of oil float to the top much slower than large droplets. This is due to the large surface area to mass ratio. To speed up the process of separation, OWS units form larger oil droplets out of smaller ones, thus decreasing the surface area to mass ratio. The increased mass of the oil droplet increases its buoyancy, thus causing it to rise more quickly. Gravitational-based systems are not effective processors of oil-water emulsions formed by detergents or mixtures containing high specific gravity oils.

PASSENGER SHIP

A ship which carries more than 12 passengers.

PMS

Preventative Maintenance System

QUALIFIED INDIVIDUAL (QI)

The person authorized by the responsible party to act on their behalf, authorize expenditures and obligate organization's resources.

RCRA

Resource Conservation and Recovery Act (RCRA), was enacted by the U.S. in 1976 to address the issue of how to safely manage and dispose of the huge volumes of municipal and industrial hazardous waste generated nationwide.

RECOVERABLE OIL

Oil that is in a thick enough layer on the water to be recovered by conventional techniques and equipment. Only black or dark brown oil, mousse, and heavy sheens (dull brown) are generally considered thick enough to be effectively recovered by skimmers.

SEPARATION EQUIPMENT

A device designed to remove enough oil from an oil-water mixture to provide a resulting mixture with an oil content of less than 100ppm, or 15ppm, such as an Oily Water Separator (OWS).

SLICK

Oil spilled on the water, which absorbs energy and dampens out the surface waves making the oil appear smoother or slicker than the surrounding water.

SHEEN

A sheen is a very thin layer of oil (less than 0.0001 inches or 0.003mm) floating on the water surface and is the most common form of oil seen in the later stages of a spill. According to their thickness, sheens vary in color ranging from dull brown for the thicker layers to rainbows, grays silvers and almost transparent for the thinnest layers.

SLUDGE TANKS

Tanks used to contain sludge formed by fuel and lube oil purifiers and from other sources or cleaning activities. Sludge is not readily processed by many oily water separators and frequently requires treatment ashore or incineration. Every ship of 400 GT or more must be provided with a tank or tanks of adequate capacity, in regard to type of machinery and length of voyage, to receive the oil residues (sludge) that cannot be dealt with otherwise in accordance with MARPOL Annex I.

SMS

Safety Management System (sometimes referred to as an SQM). Required by the ISM Code and Chapter IX of SOLAS.

SOLAS

Safety of Life at Sea. The International Convention for the Safety of Life at Sea.

SOPEP

Shipboard Oil Pollution Emergency Plan. (MARPOL Annex I, Reg. 26)

STCW

The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.

TANKER

Is a self-propelled vessel constructed or adapted for the carriage of bulk liquid cargoes of oil or hazardous materials.

TRANSFER

Any movement of oil or hazardous material to, from or within a vessel by means of pumping, gravitation, or displacement.

Appendix v

MEMORANDUM SUBJECT: Cruise Ship Identification Numbers and State Required Annual Reporting Components

FROM: Elizabeth Cotsworth, Director Office of Solid Waste
TO: RCRA Senior Policy Managers

Regions 1-10

Over the last several months, the Environmental Protection Agency (EPA), Office of Solid Waste has been working with Region 4, Region 9, Region 10, and ten states having cruise ship traffic to facilitate national acceptance of one EPA hazardous waste identification (ID) number per individual cruise ship. This came about because the ships were receiving different numbers from each state in which hazardous waste was off-loaded. Having multiple identification numbers causes the ships to create and maintain duplicate copies of hazardous waste management records, leading to an increased paperwork burden.

Through meetings and conference calls, the participants on this project reached an agreement on the issue. Today, we are asking that individual cruise ships be assigned only one EPA hazardous waste identification number as a generator of hazardous waste for purposes of the Resource Conservation and Recovery Act. The following procedures would apply:

- a) A cruise ship would determine its American-based home port state (the state in which it has corporate offices or its main port of call).
- b) After determining the home port state, the cruise line will notify the selected state or corresponding EPA regional office of its hazardous waste activities.
- c) The cruise ship will identify its hazardous waste generator size in accordance with 40 CFR 261.5(c).
- d) The home port state or EPA regional office will issue an EPA hazardous waste identification number for each individual cruise ship using the current established procedure. The number will reflect the home port state initials and ten alphanumeric characters.

We are recommending that the state or region consider using a ship = s registry number, which is known as the International Maritime Organization (IMO) number, as part of the EPA hazardous waste identification number. The IMO number is generally a five to seven digit number; zeros can be added before or after the number to reach the ten characters required for the EPA hazardous waste identification number. Using the IMO number will allow for coordination with the Coast Guard, as this is the number they use most often.

After the identification number is assigned, it will remain with that ship and be used on all hazardous waste manifests regardless of where the waste is off-loaded in the U.S. The assignment of the EPA ID number will not impact the applicability of state-specific RCRA requirements. For example, when waste is off-loaded in a state, the cruise ship will comply with that particular state = s RCRA requirements whether or not that state assigned the ID number. The ship will be required to provide records to the individual state as required by state law.

Many of the states who will not be issuing the ID number expressed an interest in obtaining

information provided by the cruise ship in either an annual or biennial report to its home port state. This request for annual report information can be addressed through the existing Biennial Reporting System (BRS). The attachment to this memo provides more specific information on how the ID numbers and annual reports will be incorporated into the EPA = s BRS databases.

If you have any questions, please contact Teena Wooten at (703) 308-8751.

Attachment (1)

cc: Key RCRA Contacts, Regions 1 - 10

RCRA Enforcement Contacts, Regions 1 - 10

RCRA Data Management Contacts, Regions 1-10

Tom Kennedy, Association of State and Territorial Solid Waste
Management Officials (ASTSWMO)

Anne Dobbs, Texas Natural Resource Conservation Commission (TNRCC)

Dangerous Waste Site Identification Form

Site ID



Washington State Department of Ecology
Hazardous Waste Information
P.O. Box 47658
Olympia, WA 98504-7658
(800) 874-2022 (within state)
(360) 407-6170

Web site: www.ecy.wa.gov/programs/hwtr

For Ecology Use Only		Date Received:	
Form	Reviewed	Entered	Verified
Site ID			
GM			
WR			
OI			

1. Reason for Submittal

- To provide **New** Notification of Regulated Waste Activity (complete entire form)
- To provide **Revised** Site Identification information (complete entire form)
- To **Withdraw** Site Identification Number (skip sections 10 and 11)
- To **Reactivate** Site Identification Number (complete entire form) Effective Date: _____ (mm/dd/yyyy)
- A component of the **Dangerous Waste Annual Report** (skip section 11) Reporting Year: _____ (yyyy)

2. RCRA Site ID Number:

3. Site Location Information

Company Name: _____

Site Address: _____

City/State/Zip: _____

County: _____

Tax Registration Number: _____

NAICS Code: _____

Type of Business: _____

4. Company Mailing Address

Name: _____

Mail Address: _____

City/State/Zip: _____

Country: _____

5. Legal Owner

Name: _____

Mail Address: _____

City/State/Zip: _____

Phone Number (Ext): (____) _____

Owner Since: _____ (mm/dd/yyyy)

Owner Type: Federal State County Municipal
 District Private Tribal Other

6. Land Owner

Name: _____

Mail Address: _____

City/State/Zip: _____

Phone Number (Ext): (____) _____

Owner Type: Federal State County Municipal
 District Private Tribal Land
 Puyallup Trust Other

Dangerous Waste Site Identification Form (continued)

Site ID

RCRA Site ID Number:

7. Site Operator

Name: _____
Mail Address: _____
City/State/Zip: _____
Phone Number (Ext): (____) _____
Operator Since: _____ (mm/dd/yyyy)
Operator Type: Federal State County Municipal
 District Private Tribal Other

8. Site Contact

Name: _____
Mail Address: _____
City/State/Zip: _____
Phone Number (Ext): (____) _____
Email Address: _____

9. Form Contact

Name: _____
Mail Address: _____
City/State/Zip: _____
Phone Number (Ext): (____) _____
Email Address: _____

10. Type of Regulated Waste Activity (Mark the appropriate boxes for activities that apply to your site)

A. Hazardous Waste Activities

1. Generator of Hazardous Waste

(Choose only one of the following four categories)

- a. LQG: Large Quantity Generator (Greater than 2,200 lbs/mo)
 b. MQG: Medium Quantity Generator (Between 220 – 2,200 lbs/mo)
 c. SQG: Small Quantity Generator (Less than 220 lbs/mo)
 d. XQG: No Regulated Waste Generated

2. Frequency of Generation

(Choose only one of the following three types)

- a. Monthly
 b. Batch
 c. One-time only

3. Transporter of Hazardous Waste

- a. Transport own waste
 b. Transport for commercial purposes

4. Recycler of On-Site Waste

(i.e., on-site use, reuse or reclamation of a waste after it has been generated)

5. Transfer Facility of Hazardous Waste

6. Permit-by-Rule (PBR)

7. Treatment-by-Generator (TBG)

8. Generator of Mixed Radioactive Waste

9. Importer of Hazardous Waste

10. Treatment, Storage, Disposal or Recycling (TSDR) Facility

(Note: A RCRA Permit is required for this activity)

11. 24-Hour Recycler of Off-Site Waste

(i.e., Immediate Recycler)

12. Dangerous Waste Fuel Activity

- a. Generator of dangerous waste fuel
 b. Generator marketing to burner
 c. Other marketers (i.e., blender, distributor, etc.)
d. Burner (indicate type of combustion unit)
 1. Utility boiler
 2. Industrial boiler
 3. Industrial furnace
e. Deferrals/Exemptions (in federal registry only)
 1. Smelter deferral
 2. Small quantity exemption
 3. Other (specify):

Dangerous Waste Site Identification Form (continued)

Site ID

RCRA Site ID Number:

B. Universal Waste Activities

1. Large Quantity Handler of Universal Waste
(Mark all boxes that apply)

	<u>Generate</u>	<u>Accumulate</u>
a. Batteries	<input type="checkbox"/>	<input type="checkbox"/>
b. Mercury containing thermostats	<input type="checkbox"/>	<input type="checkbox"/>
c. Lamps	<input type="checkbox"/>	<input type="checkbox"/>

2. Destination Facility for Universal Waste
(Note: A RCRA Permit is required for this activity)

C. Used Oil Activities

1. Off-specification used oil burner Indicate type(s) of combustion devices

- 1. Utility boiler
- 2. Industrial boiler
- 3. Industrial furnace

2. Used oil transporter Indicate type(s) of activity(s)

- a. Transporter
- b. Transfer facility

3. Used oil processor/re-refiner Indicate type(s) of activity(s)

- a. Process
- b. Re-refine

4. Used Oil Fuel Marketer

- a. Directs shipment of used oil to used oil burner
- b. First claims the used oil meets the specifications

11. Description of Hazardous Wastes

A. Waste Codes for Federally Regulated Hazardous Wastes: Identify those codes that best describe your waste. (e.g., D001 – Ignitable, D002 – Corrosive, D003 – Reactive, etc.)

B. Waste Codes for State Regulated (i.e., non-Federal) Hazardous Wastes: Identify those codes that best describe your waste. (e.g., WT02 – Toxic, WP02 – Persistent, WL02 – Labpack, WSC2 – Solid Corrosive, etc.)

12. Comments

Additional sheets may be attached for comments if needed.

13. Certification

This form cannot be processed without a signature

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature

Date

Name (print or type)

Title

If you have special accommodation needs or require this document in an alternative format, please contact the Hazardous Waste and Toxics Reduction Program at 1-800-833-6388 (TTY) or quick dial 711-833-6388 (TTY).

14. Electronic Submittals

I am interested in the electronic filing of my Dangerous Waste Annual Reporting and Site Identification information to Ecology over the Internet. Ecology will issue a PIN number, along with electronic filing instructions, in a letter addressed to the Form Contact in Section 9 on this form.

Appendix vi

Alaska Regulations

Title XIV – Certain Alaskan Cruise Ship Operations

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

.....

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

- (1) the discharge satisfies the minimum level of effluent quality specified in 40 CFR 133.102, as in effect on the date of enactment of this Section;
- (2) the geometric mean of the samples from the discharge during any 30-day period does not exceed 20 fecal coliform/100 ml and not more than 10% of the samples exceed 40 fecal coliform/100 ml;
- (3) concentrations of total residual chlorine may not exceed 10.0 µg/l; and,
- (4) prior to any such discharge occurring, the owner, operator or master, or other person in charge of a cruise vessel, can demonstrate test results from at least five samples representative of the effluent to be discharged, taken from the vessel on different days over a 30-day period, conducted in accordance with the guidelines promulgated by the Administrator in 40 CFR Part 136, which confirm that the water quality of the effluents proposed for discharge is in compliance with paragraphs (1), (2) and (3) of this subsection. To the extent not otherwise being done by the owner, operator, master or other person in charge of a cruise vessel pursuant to section 1406, the owner, operator, master or other person in charge of a cruise vessel shall demonstrate continued compliance through periodic sampling. Such sampling and test results shall be considered environmental compliance records that must be made available for inspection pursuant to section 1406 (d) of this Title.

Title 40 CFR 133.102 Secondary treatment.

The following paragraphs describe the minimum level of effluent quality attainable by secondary treatment in terms of the parameters—BOD₅, SS and pH. All requirements for each parameter shall be achieved except as provided for in §§ 133.103 and 133.105.

- (a) *BOD₅*.
 - (1) The 30-day average shall not exceed 30 mg/l.
 - (2) The 7-day average shall not exceed 45 mg/l.
 - (3) The 30-day average percent removal shall not be less than 85 percent.

(4) At the option of the NPDES permitting authority, in lieu of the parameter BOD5 and the levels of the effluent quality specified in paragraphs (a)(1), (a)(2) and (a)(3), the parameter CBOD5 may be substituted with the following levels of the CBOD5 effluent quality provided:

- (i) The 30-day average shall not exceed 25 mg/l.
- (ii) The 7-day average shall not exceed 40 mg/l.
- (iii) The 30-day average percent removal shall not be less than 85 percent.

(b) *SS*.

- (1) The 30-day average shall not exceed 30 mg/l.
- (2) The 7-day average shall not exceed 45 mg/l.
- (3) The 30-day average percent removal shall not be less than 85 percent.

(c) *pH*. The effluent values for pH shall be maintained within the limits of 6.0 to 9.0 unless the publicly owned treatment works demonstrates that: (1) Inorganic chemicals are not added to the waste stream as part of the treatment process; and (2) contributions from industrial sources do not cause the pH of the effluent to be less than 6.0 or greater than 9.0.

Appendix vii

Hazardous Waste Management

This Appendix is to be used as guidance for hazardous waste discharged in Washington State waters or landed ashore in Washington. The following is a list of Resource Conservation Recovery Act (RCRA) and Washington State Criteria hazardous waste that may be found on cruise ships, and appropriate guidance for its discharge or offloading from the ship.

Terms

Hazardous Waste – Includes all hazardous waste as defined by RCRA and Chapter 173-303 of the Washington Administrative Code (WAC), where Washington State Criteria hazardous waste is defined.

Publicly Owned Treatment Works (POTW) - Ecology's Hazardous Waste Toxics Reduction (HWTR) Program will acknowledge Advanced Wastewater Treatment Systems (AWTS) as a substitute for a POTW. Type 2 Marine Sanitation Devices (MSDs) are not considered a POTW for purposes of this MOU.

WASTE STREAMS

Antifreeze- Excluded as a hazardous waste if recycled. (WAC 173-303-522)

Aqueous Degreasing - If the resulting waste is hazardous it can be treated to remove the hazard and the resulting effluent can be sent to the AWTS or Oily Water Separator. If no treatment is performed it can be landed ashore for proper disposal.

Batteries & Mercury Containing Thermostats - These are universal waste if sent for recycling. (Ecology Publication Number 98-407, Universal Waste Rule for Batteries and Mercury Containing Thermostats)

Spent Lead Acid Batteries - Spent lead-acid batteries are conditionally excluded if recycled. (WAC 173-303-520)

Cathode Ray Tubes (CRTs) - Excluded if recycled, otherwise are to be managed as a hazardous waste. (Ecology Publication Number 02-04-017, Interim Enforcement Policy Conditional Exclusion for Cathode Ray Tubes* and Related Electronic Wastes)

Dry Cleaner – Perchloroethylene (PERC) and other chlorinated dry cleaning fluids, contaminated sludge and filter materials are hazardous waste and must be landed ashore in accordance with RCRA requirements.

Florescent Tubes - Handling procedures for fluorescent tubes do not allow for crushing of the bulbs. (WAC 173-303-573 and Ecology Focus Sheet, Publication # 00-04-020, Universal Waste Rule for Dangerous Waste Lamps)

HVAC - CFC's or HCFC's are excluded as a hazardous waste if recycled. (WAC 173-303-506)

Filters from HVAC units that use Halogenated Organic Compounds (HOC's) as fire retardants would be a State Criteria hazardous waste and must be managed as such.

Mercury Switches - Are a hazardous waste and must be managed as such.

Painting - Discarded Paints & Cleanup Solvents. All spent paints and solvents must be properly designated and if hazardous waste, managed as such.

PCB's - Regulated as a state hazardous waste if they come from transformers, capacitors and bushings if PCB's are from 2ppm to 50ppm. If PCB's are above 50 ppm they must be managed as a TSCA waste. (WAC 173-303-9940)

Pharmaceuticals - Drugs that designate as RCRA waste, but that are not controlled substances must be sent ashore as hazardous waste. If the drug is a RCRA waste and a controlled substance, contact the US Drug Enforcement Agency (DEA) about suitable destruction methods and then manage the residue from destruction as a hazardous waste (disposal to water, regular garbage or incineration would be illegal). If the drug is not a RCRA waste, regardless whether it is a controlled substance or not, it can be incinerated on board or sent ashore for incineration at a facility permitted to incinerate municipal solid waste. (WAC 173-303-071(n))

Photo Waste - Silver can be removed from fixer and the resulting effluent would be allowed to go to an advanced wastewater treatment system (AWTS), but not to graywater or to a Type 2 MSD. If the fluids can not go to the AWTS, they must be landed ashore in accordance with RCRA requirements. (Ecology Publication 94-138R, A Guide For Photo Processors)

Printer Wastes - Inks, solvents and rags, used for cleaning, will need to be properly designated, and if hazardous waste, managed as such.

Spray Cans – Cans that are not empty must be properly designated, and if hazardous waste, managed as such.

Solvent Degreasing - Solvents, when used, must be properly designated, and if hazardous waste, managed as such.

Appendix viii

Regional Director
Washington State Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

Dear Director:

Re: Washington Cruise MOU Compliance Report: XXXX (enter year) Cruise Season

Section 9 of the Memorandum of Understanding for Cruise Operations in Washington State (signed XXX (enter signature date)), requires an annual submittal detailing the compliance with the MOU for the each vessel within the NWCA that calls to a port in Washington for the previous cruise season. Please accept this letter on behalf of XXX (name your cruise line) for the XXXX (enter year) cruise season.

The following ships operated Washington waters during XXXX (enter year):

- Name the ship or ships; list the port of call and the dates.

XXX's operations in Washington State addressed the following key provisions of the MOU as follows:

Section 2.1 Wastewater Management. XXX managed its wastewater in compliance with this section as follows:

[Choose one or more options as appropriate]

- In compliance with Section 2.1.1 and 2.1.2, XXX held all treated and untreated gray and black water while in Washington waters and did not discharge solid waste or oily bilge water if not in compliance with applicable federal and state laws while in Washington waters. List the ships that held their effluent and describe the type of treatment system each ship in this category has. Based on a thorough review of ships' logs and records we certify that our ship(s) complied with these provisions of the MOU. XXX will make these records available to Ecology upon request.
- In compliance with Section 2.1.3 (A), XXX submitted the information required to allow discharge of treated wastewater one mile from berth to Ecology on XX date for the following ship(s): ----- . Describe the type of treatment system each ship in this category has. Approval of the information was received from Ecology on XX date.
- In compliance with Section 2.1.3 (B), XXX submitted information supporting its request to discharge treated wastewater continuously to Ecology on XX date for the following ship(s) --

---. Describe the type of treatment system each ship in this category has. Approval to discharge while at berth was received from Ecology on XX date.

Section 2.1.3 (C)(1-3) Shellfish and “upset” conditions. Based on a review of XXX ship’s logs and records, XXX certifies that we complied with the prohibition on discharging within 0.5 nautical miles of bivalve shellfish beds that are recreationally harvested or commercially approved to harvest as identified annually by the Department of Ecology and that any “upset” conditions were stopped and immediately reported to the Washington State Department of Health.

Section 2.1.3 (C)(4-10) Other discharge approval requirements. Based on a review of XXX ship’s logs and records and other knowledge, XXX certifies that the requirements in this section were met.

Section 2.1.4 Discharge of Residual Solids. Based on a review of XXX ships’ logs and records, XXX certifies that we complied with the prohibition on discharging residual solids coming from any type of treatment system within 12 nautical miles from shore and within the Olympic Coast National Marine Sanctuary. XXX will make these records available to Ecology upon request.

Section 2.2.1 through 2.2.4 Hazardous Waste Management. Based on a review of XXX ship’s logs and records, XXX certifies that Hazardous Wastes were managed in accordance with these sections of the MOU. XXX will make these records available to Ecology upon request. Add a description of how hazardous waste is managed while in Washington.

Section 6. Marine Mammal Protection Act, Invasive Species Act, and the Washington Ballast Water Management Act. Based on a review of XXX ship’s logs and records, XXX certifies that the provisions of the above laws were implemented as required by these laws. XXX will make these records available to Ecology upon request. Add a description of how compliance with these laws was achieved.

Section 9. Immediate self-reporting to Ecology of any incidences of non-compliance with any provisions of the MOU. Describe any incidences of non-compliance and when they were reported to Ecology and any corrective actions taken.

I hereby certify that the above information is true and can be verified through documentation. If you have any questions or concerns, please call me at XXX-XXX-XXXX.

Sincerely,

Name
Position/Title
Company

Appendix ix

2007 Agreement

INTERAGENCY AGREEMENT NO. C007032

BETWEEN

THE STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

AND

PORT OF SEATTLE

THIS AGREEMENT is made and entered into by and between the DEPARTMENT OF ECOLOGY, hereinafter referred to as "Ecology", and the Port of Seattle, hereinafter referred to as the PORT.

IT IS THE PURPOSE OF THIS AGREEMENT to provide the funding for Ecology personnel to further the intent of the *Memorandum of Understanding, Cruise Operations in Washington State* (the "Cruise MOU") which was entered into between the Department of Ecology, the Port of Seattle, and the Northwest Cruiseship Association ("NWCA"). The Port and Ecology acknowledge their intent to amend the Cruise MOU in the near future to specifically authorize these activities. The parties further acknowledge that the Port is acting solely as a pass-through contracting entity to facilitate the collection of funds from the individual NWCA members and to provide payment to Ecology on behalf of the NWCA members.

THEREFORE, IT IS MUTUALLY AGREED THAT:

STATEMENT OF WORK

Ecology shall furnish the necessary personnel, equipment, material and/or service(s) and otherwise do all things necessary for or incidental to the performance of the work set forth in Attachment "A" attached hereto and incorporated herein.

PERIOD OF PERFORMANCE

Subject to its other provisions, the period of performance of this Agreement shall commence on January 1, 2007, and be completed on December 31, 2007, unless terminated sooner as provided herein.

PAYMENT

The parties have determined that the cost of accomplishing the work herein will not exceed \$75,000.00. Payment for satisfactory performance of the work shall not exceed this amount unless the parties mutually agree to a higher amount. Compensation for service(s) shall be based on the following rates or in accordance with the following terms, or as set forth in accordance with the budget in Attachment "B" which is attached hereto and incorporated herein.

Notwithstanding anything to the contrary in this Agreement, the Port's obligation to pay for the work set forth on Attachments A and B is expressly contingent on payment to the Port by NWCA and/or its members for such work.

BILLING PROCEDURE

Ecology shall submit an invoice to the Port for work accomplished during the year by March 1, 2008. Payment to Ecology for approved and completed work will be made by warrant or account transfer by the

Port within 60 days of receipt of the invoice. Upon expiration of the Agreement, any claim for payment not already made shall be submitted within 60 days after the expiration date or the end of the fiscal year, whichever is earlier.

Payment will be mailed to Ecology at the following address:

Dept. of Ecology
Cashiering Section
PO Box 5128
Lacey, WA 98509-5128

360-407-7096 Telephone
360-649-7193
dine461@ecy.wa.gov

RECORDS MAINTENANCE

The parties to this Agreement shall each maintain books, records, documents and other evidence which sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the service(s) described herein. These records shall be subject to inspection, review or audit by personnel of both parties, other personnel duly authorized by either party, the Office of the State Auditor, and federal officials so authorized by law. All books, records, documents, and other material relevant to this Agreement will be retained for six years after expiration and the Office of the State Auditor, federal auditors, and any persons duly authorized by the parties shall have full access and the right to examine any of these materials during this period.

Records and other documents, in any medium, furnished by one party to this agreement to the other party, will remain the property of the furnishing party, unless otherwise agreed. The receiving party may be required to disclose records and documents, but will not disclose or make available this material to any third parties without first giving notice to the furnishing party and giving it a reasonable opportunity to respond. Each party will utilize reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties.

RIGHTS IN DATA

Unless otherwise provided, data which originates from this Agreement shall be "works for hire" as defined by the U.S. Copyright Act of 1976 and shall be owned by Ecology. Data shall include, but not be limited to, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. Ownership includes the right to copyright, patent, register, and the ability to transfer these rights.

INDEPENDENT CAPACITY

The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

AGREEMENT ALTERATIONS AND AMENDMENTS

This Agreement may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

TERMINATION

Either party may terminate this Agreement upon 30 days' prior written notification to the other party. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

TERMINATION FOR CAUSE

If for any cause, either party does not fulfill in a timely and proper manner its obligations under this Agreement, or if either party violates any of these terms and conditions, the aggrieved party will give the other party written notice of such failure or violation. The responsible party will be given the opportunity to correct the violation or failure within 15 working days. If failure or violation is not corrected, this Agreement may be terminated immediately by written notice of the aggrieved party to the other.

DISPUTES

In the event that a dispute arises under this Agreement, it shall be determined by a Dispute Board in the following manner: Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, agreement terms and applicable statutes and rules and make a determination of the dispute. The determination of the Dispute Board shall be final and binding on the parties hereto. As an alternative to this process, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control.

GOVERNANCE

This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement shall be construed to conform to those laws.

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

- a. Applicable state and federal statutes and rules;
- b. Statement of work; and
- c. Any other provisions of the agreement, including materials incorporated by reference.

ASSIGNMENT

The work to be provided under this Agreement, and any claim arising thereunder, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent shall not be unreasonably withheld.

WAIVER

A failure by either party to exercise its rights under this Agreement shall not preclude that party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement unless stated to be such in a writing signed by an authorized representative of the party and attached to the original Agreement.

SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this agreement, and to this end the provisions of this Agreement are declared to be severable.

ALL WRITINGS CONTAINED HEREIN

This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

COUNTERPARTS

This Agreement may be executed in counterparts, each of which may have the signature of only one Party, but each of which shall be deemed to be an original, and all of which, when taken together, shall be deemed to be a single Agreement.

CONTRACT MANAGEMENT

The program manager for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Agreement.

The Contract/Program Manager for Ecology is:

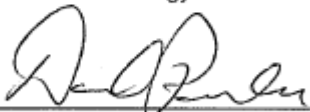
Kevin Fitzpatrick
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452
(425) 649-7033
E-mail: kfit461@ecy.wa.gov

The Contract/Program Manager for Port of Seattle is:

Michael McLaughlin
General Manager, Cruise and Dock Services
Port of Seattle
P.O. Box 1209
Seattle, WA U.S.A. 98111
Phone:(206)728-3453
E-mail: mclaughlin.m@portseattle.org

IN WITNESS WHEREOF, the parties have executed this Agreement.

State of Washington
Department of Ecology

 10/2/09

David C. Peeler, Manager Date
Water Quality Program

Port of Seattle

Sunde Strout 9/24/07
for Tay Yoshitani, Date
Chief Executive Officer

APPROVED AS TO FORM:

ATTORNEY GENERAL'S OFFICE

Susan Ridgley, Senior Port Counsel

Susan Ridgley

2007 Agreement

ATTACHMENT A

Department of Ecology/Port of Seattle

Cruise Ship Memorandum of Understanding Scope of Work

The Department of Ecology (Ecology), the Port of Seattle, and the NorthWest CruiseShip Association (NWCA) are signatory to the *Memorandum of Understanding, Cruise Operations in Washington State* (MOU). Originally the MOU was signed April 20, 2004 and thereafter annually amended. The member cruise lines of the NWCA agree to comply with practices, while operating in waters subject to the MOU, pertaining to the management of solid and hazardous wastes and wastewaters. Ecology is charged with protecting and conserving Washington's environmental resources in relation to the cruise industry's environmental practices in Washington. The NWCA has agreed to fund Ecology's costs to implement the MOU and to accomplish the tasks listed herein.

Task 01

Compliance Work:

Work with stakeholders on drafting necessary amendments to cruise MOU. Provide technical assistance for cruise lines and vessel staff. Field questions from the public, press, environmental groups, and cruise lines. Monitor compliance with the MOU. Work with other programs within Ecology on hazardous waste, biosolids, solid waste, spill prevention, and other MOU elements. Work with Ecology policy and fiscal staff on cruise related issues. Research issues related to vessel discharges. Evaluate, draft and update guidance on Whole Effluent Toxicity (WET) testing for cruise ships and evaluate WET testing results. Work with Department of Health Shellfish program on shellfish and virus related studies and issues. Manage and update Ecology's cruise ship website.

Task 02

Inspections:

Conduct annual inspections of cruise vessels to verify the operation of the treatment systems and to evaluate compliance with the MOU. Write up inspection reports and provide recommendations for improvement. Take samples from vessels and evaluate results.

Task 03

Wastewater Discharge Approvals:

Verify documentation submitted for approval of discharges. Evaluate documentation and treatment systems for requirements of MOU to discharge and based on the information submitted and an engineering review, provide approval for discharges as appropriate.

Task 04

Annual Reports:

Draft annual assessment of cruise ship environmental effects report. Evaluate monthly sampling data results and summarize annually.

Task 05

Project Management:

Oversee the cruise ship MOU program and assist as needed. Provides Administrative oversight for compliance with the MOU, represents senior program management in duties related to protection of water quality from cruise ship discharges including negotiations.

Task 06

Additional tasks may become part of this agreement by mutual concurrence of Ecology and the Port of Seattle, or upon extension of the agreement.

2007 Agreement

Attachment B

Department of Ecology / Port of Seattle

Cruise Vessel Wastewater Treatment Inspections
Budget, by Object

The following is a detail breakdown of the salary, benefits and other costs of the Department of Ecology staff who will be funded under this agreement.

<u>OBJECT</u>	<u>COST</u>
1. Salary:	
Environmental Specialist 5 (ES5) \$54,840 x .36 FTE =	\$ 19,743
Environmental Engineer 4 (EE4) \$77,520 x .10 FTE =	\$ 7,752
WMS Band 2 (WMS2) \$75,924 x .05 FTE =	<u>\$ 3,796</u>
Total Salary:	\$ 31,291
2. Benefits @ 28.2% of Salary:	\$ 8,824
3. Indirect Costs @ 38.95% of Salary & Benefits (1): (from 1/1/07 through 6/30/07)	\$ 7,812
Indirect Costs @ 35.78% of Salary & Benefits (1): (from 7/1/07 through 12/31/07)	\$ 7,177
4. Goods & Services @ \$4,388 per budgeted FTE:	
ES5 \$4,388 x .36 FTE =	\$ 1,580
EE4 \$4,388 x .10 FTE =	\$ 439
WMS2 \$4,388 x .05 FTE =	\$ 219
Annual data summary =	\$ 2,500
Annual report =	\$ 10,000
Lab costs =	<u>\$ 5,158</u>
Total Goods & Services:	\$ 19,896
TOTAL	<u>\$ 75,000</u>

(1) Ecology's indirect rate, as approved by the federal cognizant agency (United States Department of Interior) will apply. The approved FY07 rate for 7/1/06 through 6/30/07 was 38.95%. The current rate for 7/1/07 through 6/30/2008 is 35.78% of salaries and benefits.

Appendix x

Bivalve Shellfish Beds

Cruise ships that discharge treated sewage into Puget Sound under this MOU employ advanced systems that treat sewage to a very high degree using a combination of filtration, biological treatment, ultra-filtration, and disinfection. These systems are called Advanced Wastewater Treatment Systems (AWTS). The ultra-filtration process effectively removes nearly all bacteria from the treated sewage. However, viruses which tend to be smaller organisms may pass through the ultra-filtration membranes but are typically destroyed by the disinfection unit.

The Centers for Disease Control & Prevention reported 18 norovirus outbreaks on cruise ships in the Pacific Northwest since 2000. Cruise ships discharge into shallow waters along the shipping lanes, near some commercial shellfish beds. Today, national standards provide little guidance on setting shellfish closure zones based on viral risk and there is no reliable viral indicator standard in part due to difficulties in sampling and testing for norovirus.

Because shellfish in Puget Sound and Admiralty Inlet are valuable resources for Washington State, the Washington State Legislature commissioned the Washington State Department of Health (DOH) Office of Shellfish and Water Protection (OSWP) to study the potential risk to shellfish beds from virus contamination associated with cruise ship waste water discharges. DOH contracted with the University of Washington School of Public Health and Community Medicine to perform a risk assessment, which was completed in November 2007. The study used a quantitative microbial risk assessment method coupled with water quality modeling in Puget Sound. Some key findings of the study include:

- When advanced wastewater treatment systems (AWTS) are functioning well, there is low concern for viral illness. Adequate disinfection is the key to effective norovirus inactivation.*
- Loss of disinfection could lead to potentially unacceptable virus levels in water over shellfish beds, even with the large dilution provided by ships under sail. However, using minimum dilution factors for when ships are moving at least 6 knots along the current route, dilution is estimated at 1,500,000:1 between the ship and the shore.*
- The UW study did not gather samples of norovirus concentrations in treated sewage from cruise ships or in the salt water over shellfish beds. Norovirus remains non-culturable, so there is very limited environmental data that is “norovirus specific.” In response, UW researchers used data for norovirus “surrogates” from other studies in their analysis.*
- Consumption data from Tribes that use shellfish beds closest to the path of cruise ships was used in the risk analysis. These rates are higher than for the general population. Raw oyster consumption rates were used as a conservative assumption for these areas.*

The study included many conservative assumptions, but nonetheless concluded that well functioning AWTSs would not lead to norovirus accumulation in shellfish beds such that the median annual risk of potential illness to shellfish consumers from cruise ship discharges in Puget Sound is less than 10,000,000:1. This compares quite favorably with the calculated annual risk of norovirus illness from consumption of raw oysters in the general population, which the UW researchers calculated as about 1,000:1.

As described above, the potential risk of viral contamination of shellfish beds from cruise ship is extremely low when AWTs systems are functioning well. Additionally the geography of Puget Sound and the configuration of shipping lanes provide most shellfish beds some protection from potential contamination from passing ships. However, the signatories to the MOU understand the importance of shellfish resources to Washington State and have agreed to take the actions outlined on page ____ of the MOU to protect shellfish beds and human health while operating in Washington MOU waters.

Appendix x continued Bivalve Shellfish Beds 2008 Season

2008 Cruise Season Boundary Points

Id	Tract Name	LATITUDE	LONGITUDE
1	Apple Tree Cove	47.81274089040	122.48047265700
2	Apple Tree Cove	47.81255672180	122.47941651600
3	Apple Tree Cove	47.81197112760	122.47872458000
4	Apple Tree Cove	47.81129443870	122.47812835500
5	Apple Tree Cove	47.81056937740	122.47758747000
6	Apple Tree Cove	47.80992145700	122.47684781100
7	Apple Tree Cove	47.80931916930	122.47604614700
8	Apple Tree Cove	47.80895286530	122.47498673900
9	Apple Tree Cove	47.80852971000	122.47419683400
10	Apple Tree Cove	47.80812779070	122.47315426700
11	Apple Tree Cove	47.80748647770	122.47257436300
12	Apple Tree Cove	47.80668065230	122.47239303200
13	Apple Tree Cove	47.80586169470	122.47237830900
14	Apple Tree Cove	47.80507505630	122.47246917900
15	Apple Tree Cove	47.80443177020	122.47321819700
16	Apple Tree Cove	47.80389497510	122.47389983000
17	Apple Tree Cove	47.80348525790	122.47492954200
18	Apple Tree Cove	47.80310261180	122.47598949400
19	Apple Tree Cove	47.80237402570	122.47638256900
20	Apple Tree Cove	47.80219450150	122.47688158400

Id	Tract Name	LATITUDE	LONGITUDE
47	Tyee Shoal	47.61916098460	122.48420272400
48	Tyee Shoal	47.61865190330	122.48324910700
49	Tyee Shoal	47.61814655430	122.48229042500
50	Tyee Shoal	47.61761807860	122.48135871800
51	Tyee Shoal	47.61718007830	122.48033341700
52	Tyee Shoal	47.61670845870	122.47935532600
53	Tyee Shoal	47.61609072620	122.47855854300
54	Tyee Shoal	47.61543441750	122.47782569300
55	Tyee Shoal	47.61469777070	122.47729421200
56	Tyee Shoal	47.61394668260	122.47679893700
57	Tyee Shoal	47.61317098590	122.47657100600
58	Tyee Shoal	47.61237442300	122.47686659800
59	Tyee Shoal	47.61162109430	122.47735159900
60	Tyee Shoal	47.61083929010	122.47772883400
61	Tyee Shoal	47.61005751060	122.47810617700
62	Tyee Shoal	47.60927581650	122.47848390200
63	Tyee Shoal	47.60847990770	122.47877353100
64	Tyee Shoal	47.60766507680	122.47893589300
65	Tyee Shoal	47.60687831460	122.47927979300
66	Tyee Shoal	47.60609769090	122.47964967100
67	Tyee Shoal	47.60531536900	122.48000498600
68	Tyee Shoal	47.60457213290	122.48052049900
69	Tyee Shoal	47.60398226870	122.48118881300
70	Tyee Shoal	47.60407102430	122.48180079600

2008 Cruise Season Boundary Points

Id	Tract Name	LATITUDE	LONGITUDE
21	President Point	47.76301811440	122.46531995900
22	President Point	47.76227795780	122.46478860500
23	President Point	47.76153965240	122.46425163200
24	President Point	47.76079984240	122.46372318400
25	President Point	47.76012732540	122.46302154800
26	President Point	47.75945808780	122.46231363200
27	President Point	47.75877611500	122.46163224400
28	President Point	47.75821701680	122.46249970800
29	President Point	47.75769964180	122.46344179800
30	President Point	47.75709757920	122.46424411400
31	President Point	47.75642784290	122.46495166300
32	President Point	47.75568013190	122.46545052600
33	President Point	47.75491428200	122.46589325600
34	President Point	47.75413762450	122.46629389900
35	President Point	47.75340374390	122.46683607100
36	President Point	47.75266140050	122.46720422800
37	President Point	47.75189295980	122.46684018600
38	President Point	47.75123556490	122.46610769300
39	President Point	47.75058390610	122.46579489800
40	President Point	47.74994707310	122.46656628000
41	President Point	47.74921684450	122.46711888700
42	President Point	47.74848682750	122.46768011900
43	President Point	47.74775279740	122.46822961800
44	President Point	47.74701858040	122.46877863300
45	President Point	47.74627675290	122.46930377000
46	President Point	47.74561278720	122.46984543000

DATUM = HARN

Apple Tree Cove and President Point Geoduck Tracts / Large Vessel Traffic Lane Intersection

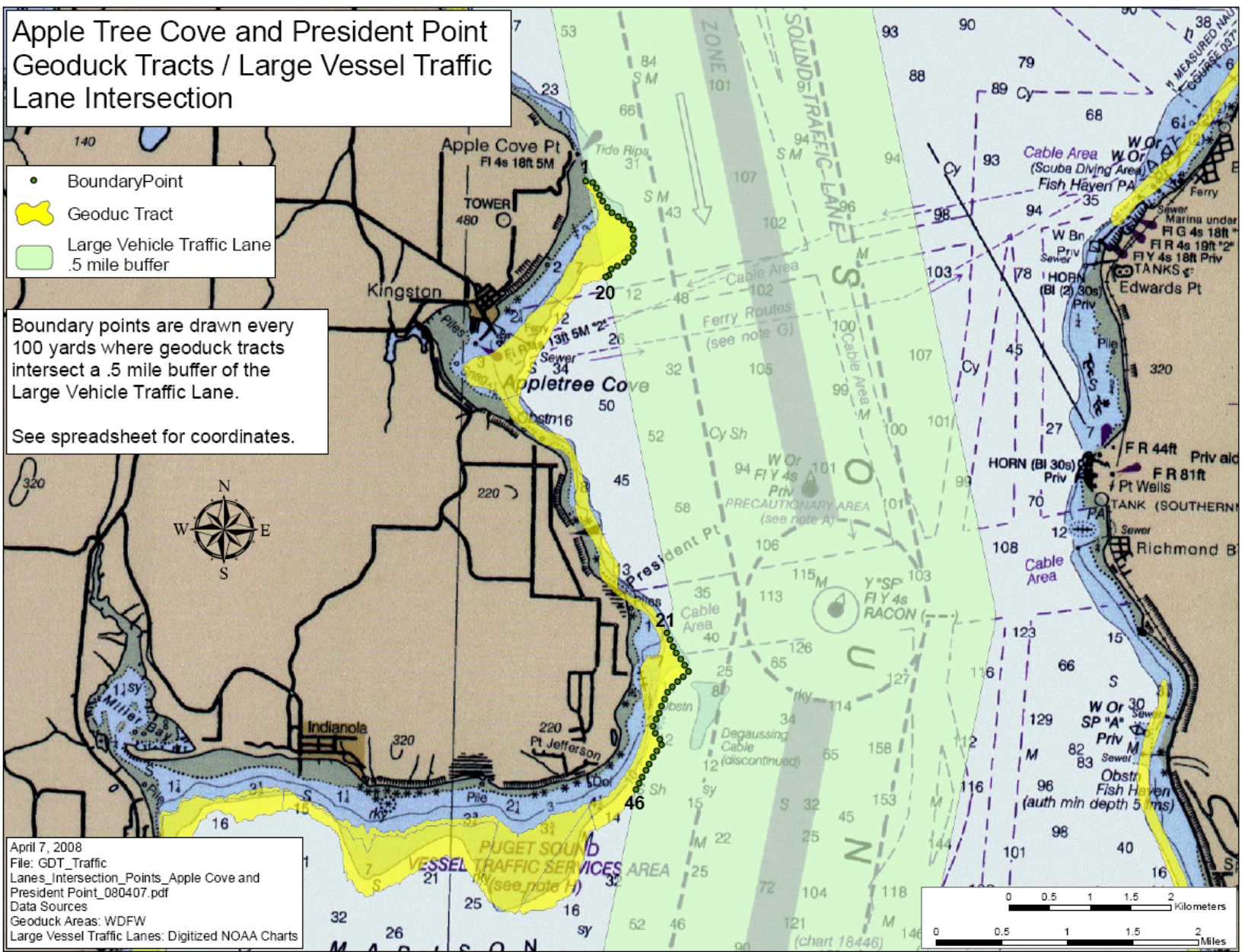
- BoundaryPoint
- Geoduck Tract
- Large Vehicle Traffic Lane
.5 mile buffer

Boundary points are drawn every 100 yards where geoduck tracts intersect a .5 mile buffer of the Large Vehicle Traffic Lane.

See spreadsheet for coordinates.



April 7, 2008
 File: GDT_Traffic
 Lanes_Intersection_Points_Apple Cove and
 President Point_080407.pdf
 Data Sources
 Geoduck Areas: WDFW
 Large Vessel Traffic Lanes: Digitized NOAA Charts

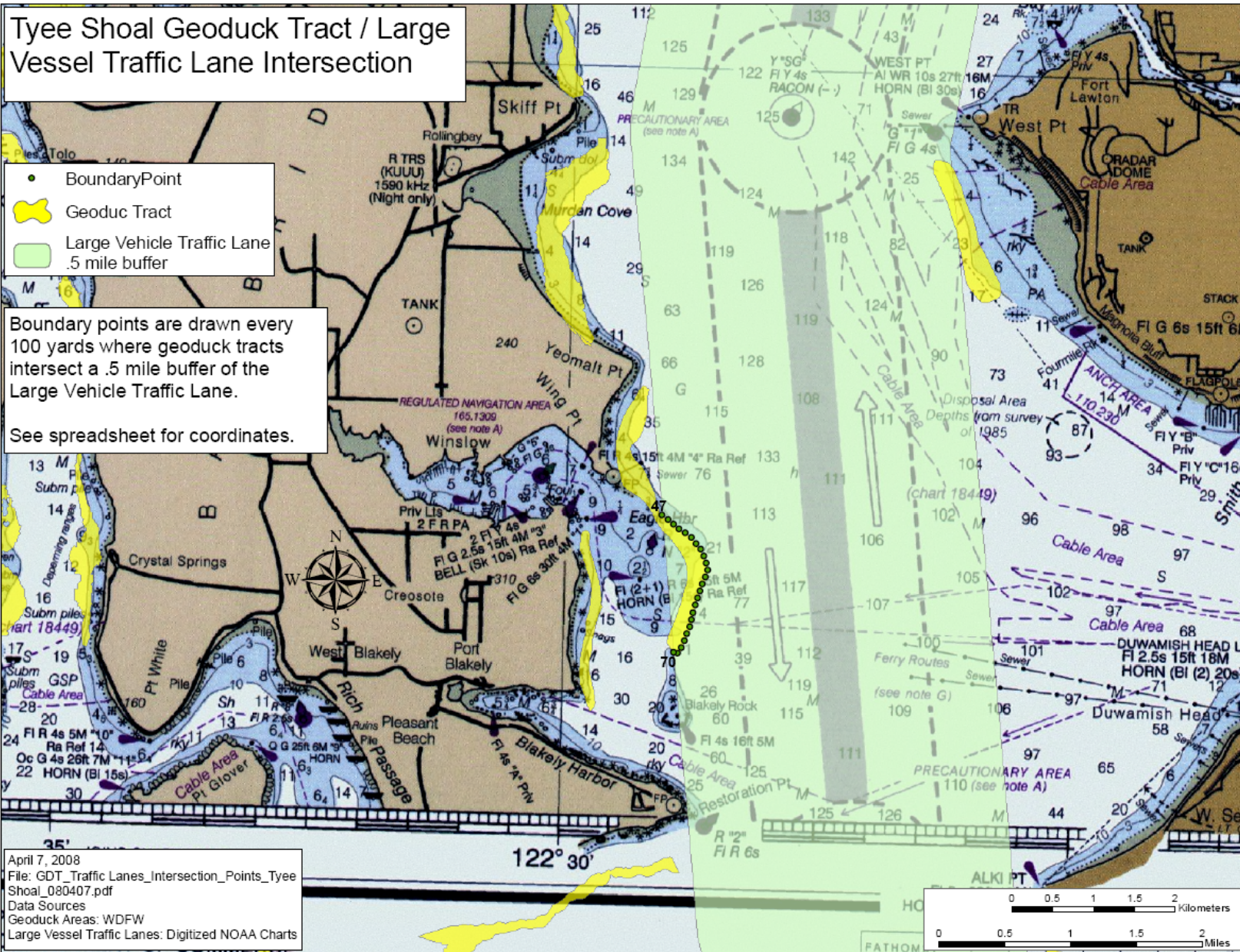


Tyee Shoal Geoduck Tract / Large Vessel Traffic Lane Intersection

- BoundaryPoint
- Geoduck Tract
- Large Vehicle Traffic Lane
.5 mile buffer

Boundary points are drawn every 100 yards where geoduck tracts intersect a .5 mile buffer of the Large Vehicle Traffic Lane.

See spreadsheet for coordinates.



April 7, 2008
 File: GDT_Traffic Lanes_Intersection_Points_Tyee Shoal_080407.pdf
 Data Sources
 Geoduck Areas: WDFW
 Large Vessel Traffic Lanes: Digitized NOAA Charts

Appendix xi
MEMORANDUM OF UNDERSTANDING
CRUISE OPERATIONS IN
WASHINGTON STATE
SUMMARY OF AMENDMENTS

AMENDMENT NO. 1

Signed July 8, 2005

1. Changing references to the Seattle being the only port berthed to all ports in Washington.
 - While the ships typically call only to Seattle, there is potential for port calls to other ports.
2. Adding a requirement for all vessels within the NWCA to submit an annual report of compliance with MOU.
 - This requirement is being added due to the need to know if ships complied with the MOU whether or not they go through the process of authorization to discharge. For ships that choose to hold their discharge while in Washington waters, it is important to know if they complied.
3. Adding regulation language referenced in Appendix vi to show all effluent limits required for discharge.
 - Ships that discharge must meet the higher standards as set in Alaska which is referenced in the MOU and in appendix vi.

AMENDMENT NO. 2

Signed April 28, 2006

1. Adding a requirement to prohibit the discharge of oily bilge water and a definition was also added. The purpose of this addition is to include specific prohibition language on all major sources of potential pollutants from the vessels.
2. Adding a definition for residual solids. Residual Solids has gone undefined although we have had the requirement to prohibit the discharges. This has been added to clarify exactly what types of residual solids are being managed per this MOU.
3. Adding specific language about what limits must be met for monitoring results. The purpose of this addition is to make it clear to the cruise lines and to the public what limits need to be met.
4. Changing the requirement on WET testing from once per 2 years to once per 40 port calls or turnarounds for vessels that are not homeported due to the fact that vessels come and go from this route from year to year.
5. Other minor changes for organization of the document.

Appendix xi

continued

AMENDMENT NO. 3

Signed May 25, 2007

1. Changing all references and the appendix from the International Council of Cruise Lines (ICCL) to the Cruise Line International Association (CLIA) as the association changed.
2. Adding language about the interagency agreement for cost recovery and referencing the appendix.
3. Changing where residual solids (sludge) can be discharged to disallow any residual solids discharges in the entire Olympic Coast National Marine Sanctuary.
4. Clarifying the language to allow for inspections of all vessels, whether approved for discharge or not for compliance with the MOU. The language currently only allows for inspections of vessels discharging.
5. Clarifying the language to say that all vessels approved for discharge, not just those actually discharging agree to the sampling requirements set out in the MOU. The current language has been confusing for some vessels approved for discharge, but mostly holding discharges anyways.

AMENDMENT NO. 4

1. Incorporating recommendations from the Washington State Department of Health virus report:
 - a) Not allow discharges within a half mile of shellfish beds. Include an appendix identifying the areas where bivalve shellfish beds that are recreationally harvested or commercially approved within half a mile of the shipping lanes and update annually. And include an appendix with background information on the virus related elements.
 - b) Define a “disinfection system upset” condition as a disinfection below levels of four log (99.99%) inactivation of norovirus.
 - c) Require immediate shutdown capability from an upset condition of disinfection below levels of four log (99.99%) inactivation of norovirus for all vessels that have submitted documentation to discharge.
 - d) Require immediate notification to the Department of Health for an upset condition.
2. Require whole effluent toxicity testing for only those vessels that have submitted documentation for continuous discharge.
3. Other minor changes for organization of the document.