

WASHINGTON ANNUAL CRUISE MEMORANDUM OF UNDERSTANDING & CRUISE SHIP UPDATE MEETING

Date/Time: January 20, 2010; 1:00 pm to 3:00 pm

Groups: Port of Seattle, WA Department of Ecology, Cruise Line Representatives, interested parties

Location: Port of Seattle, Pier 69

Attendees:

Carol Bernthal, NOAA/Olympic Coast National Marine Sanctuary
Lynda Carey, Surfrider Foundation member
Douglas Coburn, Quay Cruise Agencies, USA
Paul D'Annunzio, Royal Caribbean
Kirby Day, Princess Cruises
Mike DeSota, Port of Seattle
Albert Faure, Alaska Department of Environmental Conservation (phone)
Fred Felleman, Friends of the Earth
Randall Fiebrandt, Norwegian Cruise Line
Kevin Fitzpatrick, Department of Ecology
Marie Fritz, Port of Seattle
David Fyfe, Northwest Indian Fisheries Commission
John Hansen, NorthWest CruiseShip Association
Chris Hewitson, Holland America Line
Amy Jankowiak, Department of Ecology
Stephanie Jones Stebbins, Port of Seattle
Marcie Kever, Friends of the Earth
Jody Kennedy, Surfrider Foundation
Lincoln Loehr, NorthWest CruiseShip Association
Michael McLaughlin, Port of Seattle
Andy Nelson, Royal Caribbean
Leif Rasmuson, Skokomish Nation
Shannon Serrano, Surfrider Foundation
Marietta Sharp, Department of Ecology
Donna Spaulding, NorthWest CruiseShip Association
Bob Stone, Royal Caribbean
Mark Toy, Washington State Department of Health
Heather Trim, People for Puget Sound
Jon Turvey, Holland America Line
Ellen Watson, Port of Seattle
Edward White, Alaska Department of Environmental Conservation (phone)
Mike Young, Cruise Terminals of America

Agenda

1:00 PM – 1:10 PM

Welcome, Introductions
MOU Introduction presentation

(Amy Jankowiak, All)

1:10 PM – 1:30 PM	Compliance with the 2009 season Findings from 2009 season inspections/records review	(Amy Jankowiak, cruise line reps)
1:30 PM – 1:50 PM	Updates AK Requirements EPA Vessel Discharge Permit MOU Funding WET Testing	(Amy Jankowiak, cruise line reps) (Amy Jankowiak, cruise line reps) (Amy Jankowiak, Port of Seattle) (Amy Jankowiak)
1:50 PM – 2:20 PM	MOU Amendments Proposals Discussion	(All)
2:20 PM – 2:30 PM	Looking Ahead What lines/vessels will be coming in 2010	(Parties of the MOU)
2:30 PM – 3:00 PM	Comments/Discussion from interested parties	(Amy Jankowiak, All)

Welcome, Introductions

Welcome and introductions

Compliance with the 2009 Season, Amy Jankowiak, Department of Ecology

Began by going through PowerPoint slides on Compliance for the 2009 season. (link to PowerPoint included on Ecology website)

2009 Approvals

- 99% port calls from large cruise ships under the MOU, 2 vessels approved; 218 port calls
- >1 nm and > 6 knots
 - NONE
- Continuously
 - NORWEGIAN PEARL
 - NORWEGIAN STAR

Compliance Evaluation consists of:

- Discharge Approval Process
- Inspections
- Sampling Data
- Annual Reports/Records Review

Typical Inspection includes

- Introductions/overview of plan for the day (prior notification given)
- Control room
 - Run-through of how system works
 - Variety of questions on staffing, training, protocols...
 - Review of records
- Tour of treatment system(s)
- Observations of other waste streams on the ship
- Sampling
- Conclude
- Approximately 2-3 hours in length
- Similar to inspections for on-land plants

2009 Inspections

- Inspections Conducted
 - 7 inspections conducted (mix of homeported vessels and less frequent callers)
- Inspection findings
 - Operating well; more sampling on board for process control
 - Discharge protocols thorough with verification
 - Recommendations made –
 - Continue to work towards high functioning wastewater treatment systems
 - Waste Minimization efforts impressive
- Copies of discharge documents requested
 NWCA vessels not inspected, and for the time period since inspection – submittals requested

DATE OF INSPECTION	VESSEL
7/9/09	PACIFIC PRINCESS
7/19/09	NORWEGIAN PEARL
7/26/09	HAL AMSTERDAM
8/8/09	NORWEGIAN STAR
9/4/09	RCCL RHAPSODY OF THE SEAS
9/18/09	HAS ZAANDAM
10/5/09	CELEBRITY MERCURY

2009 Sampling

- Sampling data received and evaluated. Summary of data and data will be included in the 2009 annual report
 - pH all within 6.5-8.5, but some lower than WA WQ standard of 6.5
 - BOD max of 18 mg/l, TSS max of 26 mg/l
 - Chlorine all ND
 - Fecal mostly ND, highest was 112 #/100 ml (exceeded WA WQ standard)
 - Discharge stopped upon discovery of fecal result, prior to entering WA waters
 - Ammonia ranged from 2.3 mg/l to 66 mg/l
 - Dissolved Copper range = 2.5 ug/l to 43 ug/l
 - Dissolved Nickel range = 4.9 ug/l to 18 ug/l
 - Dissolved Zinc range = 31 ug/l to 110 ug/l

It was pointed out that the requirements for ammonia, copper, nickel and zinc monitoring come from the Alaska requirements. It was pointed out that we should specify that the sampling results above are for vessels approved to discharge (results from both Alaska testing and Seattle testing). Corrections made to PowerPoint.

- WET testing
 - Purpose is to evaluate whether there are potential toxicity issues from vessel discharges.
 - Required for vessels approved for discharge continuously – once every two years for homeported vessels (20 calls) or 1/40 port calls or turnarounds.
 - Previous Results – toxicity from ammonia and possibly from surfactants and detergents.
 - No vessels required to conduct WET testing in 2009

There was a discussion about how the WET testing results compare to the water quality standards and land-based permits. It was also pointed out that the Princess Cruises vessel that failed to monitor for WET testing in 2008 could have done so in 2009 (GOLDEN PRINCESS). There was also a discussion about whether or not to continue with WET testing at all. We are seeing the same results repeatedly and maybe there are particular parameters or other tests that could be more useful.

A question was put forth about the length of holding capacity for the vessels wastewater. The cruise line reps responded about 24-30 hours, but will stress the system. Also need to consider ballast, fuel, potable water when considering holding times and varies by vessel.

It was asked whether or not the cruise ship data goes to the Environmental Information Management (EIM) database system. Ecology was unsure if any of the data is inputted into EIM. [EIM is a database containing data collected by Ecology and local affiliates. The cruise ship sample data is done by private laboratories in Seattle or Alaska. Ecology will look into the possibility of how to include cruise ship data into the database.]

It was also suggested that personal care products and pharmaceuticals be looked at in cruise ship discharges. EPA has done studies with five local treatment plants which includes analytical procedures. The cruise line reps discussed how or if they are looking at the personal care products on board and discussed how they limit pharmaceuticals (except shedded from body).

2009 Compliance Notifications

- Compliance notifications
 - No reported incidents for 2009 season to date
 - Compliance letters
 - All in, except Princess cruises, no exceptions reported
(Princess has since submitted its letter with no exceptions reported)

2008 Assessment of Cruise Ship Environmental Effects in Washington

- Recommendations
 - Ecology recommends MOU continue to be used as a complement to environmental regulations until state specific regulations for cruise ship waste management in Washington are put in place
 - Ecology continue to inspect ships that discharge, including closely looking at wastewater management and other waste streams
Ecology continues to inspect the vessels
 - Parties of MOU continue to work on WET testing evaluation
 - Cruise lines to conduct a thorough review of records on an on-going basis and at end of season to evaluate compliance and inspection recommendations to be implemented.

Updates

AK Requirements, Amy Jankowiak, Department of Ecology, AK representatives

It was discussed that the MOU since inception has attempted to be as consistent as possible with Alaska requirements as the vessels go back and forth. Alaska has a newer general permit which has a modification is in the works. The parties of the MOU would prefer to see how the general permit is working before implementing any requirements into the MOU.

Alaska representatives on the phone stated that they don't have any updates except that the draft general permit modification will be coming out very soon.

EPA Vessel General permit, Amy Jankowiak, Department of Ecology, cruise line reps

Ecology provided an update on the VGP including Ecology's decision to not certify nor to decertify the permit and that EPA has interpreted this as a waive. Therefore the VGP applies to vessels in Washington state waters without any certification conditions.

MOU Funding, Amy Jankowiak, Department of Ecology, and Marie Fritz, Port of Seattle

It was discussed that funding for the MOU is covered for the 2010 year, however, the Port of Seattle requests to change how the funding from the cruise lines is sent to Ecology. It is recommended that a separate working group gather to figure out how to implement funding for 2011. The cruise line reps complimented the efficiency of Ecology and keeping costs down and Friends of the Earth questioned whether or not Ecology has enough time and money to do the work they need to do.

Whole Effluent Toxicity Testing, Amy Jankowiak, Department of Ecology, cruise line reps

As there was already a discussion on WET testing during the Compliance timeslot, no further discussion on WET testing was necessary.

MOU Amendments

There was a request made for a 30-day public comment period on Ecology's website to review all proposed amendments. *[All proposed MOU amendments will be posted on Ecology's website for a 30-day public comment period].* Two proposed amendments were submitted prior to the meeting.

The first proposal was presented by Carol Bernthal with NOAA/Olympic Coast National Marine Sanctuary. Carol provided a summary of what was being requested and why. In summary, OCNMS requests the MOU be modified to eliminate discharge in the OCNMS of any wastewater (treated or untreated) from cruise ships in sanctuary waters and that the MOU apply terms of the agreement to all NWCA member vessels, regardless of their destination or ports of call.

Responses to proposal:

The NorthWest CruiseShip Association (NWCA) does not want these amendments included in the MOU. NWCA states that the sanctuary is out of the MOU's jurisdiction. NWCA supports what they are trying to achieve and NWCA vessels are already not discharging in sanctuary waters, but there is already a review process in place for the OCNMS and regulations should be the path to take.

The Department of Ecology supports the amendment. This should be an easy fix as the vessels are already not discharging in the sanctuary. The MOU already goes beyond the state's jurisdiction by requiring vessels not to discharge residual solids (sewage sludge/biomass) in the entire sanctuary. That is the advantage of a voluntary agreement vs. regulation. The amendment would increase protections for water quality in a highly sensitive area.

The Port of Seattle does not support the amendment. The Port does support some other means of preventing the discharges outside of the MOU process, either by regulation or by a letter or separate agreement.

The Northwest Indian Fisheries Commission wasn't sure whether or not any NWCA vessels transited the Sanctuary. They do. The vessels voluntarily do not discharge in the sanctuary. Cruise lines go through about 30% of the sanctuary. A question was put forth about whether or not the sanctuary is proposing to expand. The sanctuary representative said no, not at this time.

The Surfrider Foundation representatives stated that it would be reassuring to have the requirement to not discharge in the sanctuary in writing.

The second proposal was presented by Fred Felleman with Friends of the Earth. Fred provided a summary of what was being proposed and why. In summary, Friends of the Earth requests that the MOU be amended to ban all discharges while the vessels are at the dock.

Responses to proposal:

The NWCA does not support the proposed amendment. NWCA members have made a large investment in technology and achieve high quality effluent. The MOU provides scrutiny on discharges. NWCA does not see a problem with discharges at Port and don't see any evidence of environmental harm.

The Port of Seattle cannot support the amendment. There is an incentive for advanced wastewater treatment systems with the way the MOU is now.

The Department of Ecology feels that with improvements made with advanced wastewater treatment systems and with the additional requirements put into the MOU for port discharges including engineering and thoughtful review that in-port discharges present little, if any, environmental threat. In view of continuous monitoring, alarms systems, UV prior to discharge, there are sufficient safeguards for in port discharges in place and such discharges should not be a problem. Ecology stands by the additional requirements as protecting the beneficial uses of Elliott Bay. The MOU advances the incentive for advanced wastewater treatment systems. Continuous discharging is optimal for operational reasons.

People for Puget Sound questioned if only one cruise line is doing it (discharging at Port) and other lines are able to hold it, why shouldn't all of them hold and not discharge in Puget Sound. It was also noted that advanced wastewater treatment systems are used for Alaska discharges and other locations.

A third proposed amendment was put forth during the meeting. The third proposal was presented by Heather Trim with People for Puget Sound. In summary the proposal is to ban incineration of sludge in Puget Sound (Puget Sound Partnership definition of Puget Sound) and at dock.

People for Puget Sound also proposes working on including air protections into the MOU.

Responses to proposal:

As this is the first heard of the proposal to ban incineration of sludge in the Puget Sound, no responses were given.

It was discussed that the Port of Seattle has a clean-air strategy for the whole Puget Sound (tri-port, Tacoma, Seattle, Vancouver B.C.) with standards set by the Ports. There are also international standards for incineration.

All proposed MOU amendments will be posted on Ecology's website for a 30-day public comment period.

Looking Ahead

Carnival is a new line coming to Seattle in 2010 and is already a NWCA member and will be covered under the MOU. The cruise schedule for Seattle will be on NWCA website next week.

Comment/Open Discussion, All

No other comments.

CRUISE SHIP MOU CONFERENCE CALL ON 3 PROPOSED AMENDMENTS
APRIL 1, 2010.

Participants:

Amy Jankowiak, Ecology
John Hansen, NWCA
Donna Spaulding, NWCA
Jon Turvey, HAL
Bill Morani, HAL
Dan Grausz, HAL
Stephanie Jones-Stebbins, Port of Seattle
Ellen Watson, Port of Seattle
Mike McLaughlin, Port of Seattle

Agenda Items:

1. Discuss the Amendment Procedure
 2. Discuss the three proposed amendments and the public comments
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1. Discussion of amendment process including how to bring amendments forward and how to provide for public input.

The parties agree to continue to work on this.

Discussion of misinformation on how the MOU works. Parties agree to work on a fact sheet for the websites.

2. Discussion of the public comments. An e-mail (see attached) was provided about a week prior to this meeting summarizing the comments received and providing a spreadsheet with the comments.

Each proposed amendment was discussed and positions on the amendments are as follows:

1st amendment. OCNMS ban on discharges.

Ecology: DOE still supports. Should hold accountable. Protective of water quality.

Port: since not discharging, suggest working with OCNMS as stated at annually meeting instead.

Cruise: Outlined reasons already. Warrants working with Sanctuary directly. No feedback yet from Sanctuary on suggested direction at annual meeting. Offered counter-proposal on incentive based green flag program and a letter. Need to figure out how to memorialize this.

Port: Supports going in that direction and not as part of MOU. Would be a positive development if action with OCNMS.

Cruise: will call OCNMS.

Conclusion: Not supported by all three parties, not adopted.

2nd amendment. Ban discharge at port.

Ecology: Now supports this amendment for three reasons. Since we allowed the provision in 2004, some things have changed. The cruise lines told us that they needed to discharge continuously so that their systems could run continuously. However, the ships can run the systems continuously and hold their discharge (recirculate). We have more data now on what cruise ships are discharging, including results with high ammonia. We now have a focus on protecting Puget Sound. New facts compel Ecology to support this amendment.

Port: Did not support at annual meeting. This is the one that the commissioners are most interested in. Not sure where the Port will end up on this one. Wants to look at environmental impacts.

Cruise: can send data.

Ecology: cautions that the data can be interpreted in many ways. Ecology can also offer up data and technical assistance.

Cruise: Nothing to add on this one.

Conclusion: Not supported by all three parties, not adopted.

3rd amendment. Ban of incineration in MOU waters.

Ecology: needs more information on this one. What is required legally. What strategies are going on. What are the cruise ships doing and what are they capable of.

Port: Has done some research. PSCAA says that incineration is not allowed without a permit. No cruise ship has a permit. Looking into other air agency requirements. Looks like it is adequately covered by air agencies.

Cruise: If covered by other agencies/regs, should not be part of MOU.

Ecology: asked what the cruise lines policies are, what they are currently doing.

Cruise: Can not answer that right now.

Port: If this is happening, that is a problem and a compliance issue.

Conclusion: Not supported by all three parties, not adopted.

None of the three amendments will go through, as there is currently no consensus from all three parties.

Jankowiak, Amy (ECY)

From: Jankowiak, Amy (ECY)
Sent: Friday, March 26, 2010 2:21 PM
To: John Hansen; 'JonesStebbins.S@portseattle.org'
Cc: 'Donna Spalding'; Fitzpatrick, Kevin (ECY); Summerhays, Jeannie (ECY); 'watson.e@portseattle.org'
Subject: Cruise Ship MOU public comments
Attachments: MOU public comments.xlsx

Our conference call is Thursday April 1st from 10-12ish PST. Call in numbers are:
360-407-3780
PIN# 875231#

We have received 612 public comments (and a few more are rolling in). To summarize, the majority of the comments are in support of all three amendments (610 in support, 2 opposing). 553 of the comments were from a web form (one of two different forms). 59 of the comments are custom. The standard web form comments are as below:

340 comments similar to:

"As a resident of the Puget Sound area, I strongly support all three of the proposed amendments to the Cruise Ship MOU between WA Dept. of Ecology, Port of Seattle and the NW CruiseShip Association.

In order to stem the tide of cruise ship air and water pollution in Puget Sound, the Strait, and the Olympic Coast National Marine Sanctuary, I urge you, the Dept. of Ecology and Port of Seattle to support the following three amendments to cruise ship rules:

- 1) Ban the discharge of treated wastewater while cruise ships are docked in Elliott Bay;
- 2) Ban the discharge of treated wastewater in the Olympic Coast National Marine Sanctuary; and
- 3) Ban the incineration by cruise ships while they are in the MOU area (Puget Sound and Strait).

These three amendments are important for the health of the Sound, Straits and Sanctuary."

213 comments similar to:

"I support all three of the proposed amendments to the Cruise Memorandum of Understanding to stop cruise ship dumping at the dock in Elliot Bay, ban sewage dumping in the Olympic Coast National Marine Sanctuary, and halt incineration of cruise ship solid waste in Puget Sound.

Harmful pollutants, including fecal matter, bacteria, and hazardous waste, in sewage dumped from increasing numbers of cruise ships damage the aquatic life of the Sound and the Sanctuary and can contaminate the shellfish consumed by people in this region.

The air pollution from cruise ship incineration contains dangerous pollutants like as dioxins, heavy metals, and particulate matter, which can significantly impact my health and those of my fellow residents in the Puget Sound region.

Please adopt all three amendments proposed for the Cruise MOU to provide the strongest protection possible for the waters of, the health of residents near, and visitors to Puget Sound and the Olympic Coast National Marine Sanctuary."

The rest of the comments were custom and should be reviewed. The attached spreadsheet includes all of the comments. If you filter on "custom", it will bring up the 59 custom comments. Please forward these comments on to all MOU parties/staff that should see this.

We will be discussing the public response and the proposed amendments on the April 1st phone call.

Sincerely,

Amy Jankowiak
Department of Ecology, Northwest Regional Office

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