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EPA PUBLIC MEETING

OCEAN DISCHARGE CRITERIA

September 8, 2000

7:00 p.m.

MR. TOROK: Good evening. It's 7:00 o'clock, according to my watch. So why don't we start finding your way to some seats? And if we need to set up more chairs, we can do that in back. But there's still some empty chairs, especially up front.

My name is Steve Torok, Environmental Protection Agency, and I'm here in Juneau. I'd like to welcome you all. I think the agenda was at the front table. And if you haven't signed in, we really would appreciate everybody signing in. And also, if you have not indicated whether you want to testify or not, but if during the course of the proceedings you decide that you do want to, just give a hand signal or something and we'll get you on the list and give you an opportunity to testify.

All right. We've got everybody back. Great. Okay. What we are going to start, Mayor Dennis Egan is here. And we've asked

1 him to give some opening remarks. And then we
2 will go through some introductions, some short
3 presentations and then move fairly quickly into
4 testimony. Mr. Mayor.

5 **MAYOR EGAN:** Thanks, Steve.

6 Actually, it was casual Friday, but I went
7 home and put on a shirt and tie. Actually, I
8 did have a shirt on. Never mind. I'm a
9 short-timer so they can't do anything to me.

10 Anyway, I want to welcome you to the
11 second in a series of Regional Hearings that
12 are being held throughout the nation. And
13 we're pleased that you have called these
14 hearings and because you've called these
15 hearings at least you've selected Juneau for
16 one of the three sites to hold these Regional
17 Hearings at.

18 It was just over a year ago that
19 Juneau was singled out as one of the
20 destinations that related to the largest fine
21 in history against a member of the cruise
22 industry. And because of that, we invited the
23 president of that organization to come to
24 Juneau and meet with the public. And I think
25 because of that conversation this community had

1 with its president, the State of Alaska,
2 Department of Environmental Conservation under
3 the leadership of Michele Brown, the U. S.
4 Coast Guard, the Environmental Protection Agency
5 and Southeast Conference in cooperation with
6 our communities and the cruise ship industry is
7 to be commended for their participation. I
8 think we're making great strides here in
9 Southeast Alaska in developing voluntary
10 measures to assure compliance and adherence to
11 more stringent environmental measures to
12 protect the environment of Southeast Alaska. A
13 lot more is to be done, but at least in this
14 neck of the woods, Southeast Alaska, this
15 region is on the leading edge.

16 We're also pleased that the
17 Environmental Protection Agency is going to
18 utilize the data that's gained in the state
19 Initiative in its national assessment. So
20 they'll use the voluntary guidelines that we
21 have come up with and are still working on
22 fine tuning here in Southeast Alaska in their
23 national assessment.

24 Again, welcome back to Alaska. A lot
25 of you have been here before. And it's a

1 pleasure to have you here again. And it will
2 be partly cloudy tomorrow so stay over and buy
3 locally. Steve.

4 **MR. TOROK:** Thank you, Dennis.
5 At this time we'll go through some
6 introductions. And we'll just start at this
7 end of the table and if you'll just go through
8 and pass the mike.

9 **MR. VOGT:** Good evening. I'm
10 Craig Vogt. I'm from EPA in Washington, D. C.
11 headquarters. And you get to hear more from
12 me in a little bit.

13 **MR. KREIZENBECK:** I'm Ron
14 Kreizenbeck and I'm acting Deputy Regional
15 Administrator for EPA Region 10 in Seattle.

16 **CAPTAIN BASEL:** I'm Brian
17 Basel, Chief of the Office of Compliance with
18 Marine Safety, Environmental Protection at Coast
19 Guard headquarters in Washington.

20 **CAPTAIN PAGE:** I'm Captain Ed
21 Page, Chief of Marine Safety, Environmental
22 Protection Division for the 17th Coast Guard
23 District which is the Alaska Region. I'm
24 involved in the last several years, of course,
25 in the safety and environmental protection of

1 cruise ships, but put more emphasis on the
2 environmental side in light of environmental
3 concerns that -- public concerns that were
4 raised with environmental issues this last
5 year.

6 We've been working closely with the
7 Alaska State Department of Environmental
8 Conservation and the EPA in its Cruise Ship
9 Initiative this last year with respect to
10 oversight of cruise ships, conducting samplings
11 that were funded by the cruise industry to get
12 a better understanding of what the discharges
13 were composed of going off the ships. I've
14 been working on that whole process this summer
15 and meeting periodically with the
16 environmentalists, ADEC, cruise industry and the
17 Coast Guard.

18 **MR. CONWAY:** My name is Mike
19 Conway. I'm with the Alaska Department of
20 Environmental Conservation. And I'm the Director
21 of the Division of Spill of the Statewide
22 Public Service and I'm the coordinator for
23 Michele Brown to the Initiative. And although
24 Mayor Egan sort of took my opening remarks,
25 I'll have an opportunity to talk a little bit

1 more about that in a minute.

2 **MS. COMBES:** I'm Marcia Combes
3 with the EPA out of Anchorage. And I'm the
4 Director for Alaska Operations.

5 **MR. CARLSON:** I'm Dorn Carlson
6 from the U. S. Environmental Protection Agency
7 in Washington, D. C. I'm in the Oceans and
8 Coastal Protection Division. That's Craig
9 Vogt's division.

10 **MS. HURLD:** And I'm Kathy
11 Hurld. I'm also from EPA headquarters in
12 Washington, D. C. Also with the Oceans and
13 Coastal Protection Division.

14 **MR. CHARLTON:** I'm Tom
15 Charlton. I'm in the Office of Wastewater
16 Management at EPA headquarters. And I work in
17 the NPDES Program.

18 **MR. TOROK:** Thank you. Can
19 everybody hear okay? And if you do have
20 trouble hearing, just again give me a high
21 sign or a hand wave and we'll take care of
22 that. All right. At this time, Ron, did you
23 want to offer some other initial comments?
24 And then the Coast Guard and the state might
25 have some further brief comments.

1 **MR. KREIZENBECK:** Well, Mayor
2 Egan alluded to the work that's been going on
3 in Juneau with the cruise industry and the
4 regulatory agencies. And because of that work,
5 a lot of you have a lot of really good
6 information to offer to this process. That's
7 one of the reasons why this hearing is being
8 held here. So I look forward to not speaking
9 anymore and listening to you.

10 **CAPTAIN PAGE:** Coming from
11 headquarters, the Office of Compliance works
12 hand in hand with our officer investigations
13 and our standards directorate. And we are part
14 of the interagency partnership on gray water
15 and wastewater management with EPA and some of
16 the other federal agencies. And what we're
17 hoping to do is take some of the best
18 practices from around the country and set up a
19 national program.

20 **MR. CONWAY:** One of the things
21 that was talked about briefly by Mayor Egan
22 and Captain Page was the volunteer cooperative
23 effort with the Coast Guard, EPA, state, local
24 communities represented by Southeast Conference.
25 And I saw Loren Gerhard in here earlier.

1 Loren, are you -- Loren is raising his hand.
2 He gladly stepped in to represent the
3 communities of Southeast Alaska since this was
4 an Initiative that they had talked about at
5 their last conference about a year ago.

6 And in addition to those parties, we
7 had a meeting last December to talk about what
8 is going on, let's try and get our arms
9 wrapped around the issues, try to figure out
10 what could be done, what needed to be done, if
11 anything, that sort of thing. And in the back
12 of the room over in that corner, the far
13 corner to my right, there are three documents
14 that if you haven't had an opportunity to get
15 in the past, they will be good references for
16 information available to the public about what
17 this so called Alaska Cruise Ship Initiative
18 has been doing.

19 We have a website that we've been
20 trying to use to keep almost all the
21 information that we have on meetings, minutes
22 of meetings. If a party brings forward a
23 report that pertains to the issue, like the
24 General Accounting Office report, that sort of
25 thing, we post links to it on our website.

1 There's a copy of our website page so you can
2 take that with you if -- and gives you an
3 idea of the contents that are within that that
4 are linked. And if you have access to the
5 Internet either at home or through the library,
6 you can get ahold of -- well, this represents
7 about -- all the links on here represents
8 about a full file cabinet drawer of what I
9 keep as my sort of informal file on this.

10 There's also a document that is a
11 two-page front and back, one-page document that
12 summarizes what the work groups have been doing
13 since January of this year. And it talks
14 about some of the things that we're looking at
15 to do in the future.

16 And a larger document that is there is
17 a report that was filed as of June 1st for
18 the activities that this Initiative had been
19 working on. There were four work groups set
20 up to work each of the issues. The first
21 work group was the Water Quality Work Group.
22 So all the questions and concerns about water
23 and the associated waste management have been
24 thrown into this work group, which has met
25 numerous times over the last eight or nine

1 months.

2 There's an Air Quality Work Group
3 that's been looking at the air emissions issues
4 and setting up the monitoring programs for the
5 summer.

6 There is an Environmental Leadership
7 Group which is designed to take -- to go
8 beyond compliance, to not worry so much about
9 who has authority and jurisdiction and what's
10 required and are people legally doing what they
11 have to do as a minimum, but to get into a
12 different level that looks at some practices
13 that aren't required, that can improve
14 operations of the vessels and also improve
15 communication with the public. So
16 Environmental Leadership Work Group again has
17 been meeting.

18 The fourth group is for oil spill
19 response. And that has been -- has evolved
20 through the leadership of Captain Rob Lorigan.
21 And Rob, you want to raise your hand in the
22 audience? And Captain Lorigan is the federal
23 on-scene coordinator for Southeast Alaska.
24 There's a whole planning process for oil spill
25 response under the Oil Pollution Act of 1990

1 that requires area planning work. And that
2 has -- the work that was done by this
3 committee has gone into that so there's no
4 longer a separate work group.

5 Well, the report, again it deals with
6 what everybody had agreed to do to start this
7 summer's cruise ship season. We've been doing
8 a lot of work this summer. And we're grateful
9 that EPA at least is taking a look at what's
10 been done in Alaska. I must emphasize that
11 the purpose of the work in the work groups,
12 I'm going to read a moment from the executive
13 summary of the report. And that is to
14 identify the waste streams and spill risks from
15 cruise ships that could impact Alaska's air and
16 water resources, develop pollution prevention
17 and waste management solutions including better
18 technology and management practices that will
19 eliminate or reduce impacts, assess what
20 process is needed to verify compliance and keep
21 Alaskans informed. So this is part one of a
22 report.

23 Part two, we're looking at that to be
24 a report to come back to the public and for
25 everybody to find out what happened this

1 summer, what was -- what did they find out,
2 put it in some sort of a context, have some
3 recommendations for the different members on
4 where do they go into the future.

5 And all of this is focused on Alaska
6 overall. Most of the effort's been looking at
7 the Inside Passage because cruise ships stay
8 inside for so long and don't have the
9 opportunity like they do out of Miami or Los
10 Angeles to go right out at sea and be able to
11 take care of their wastes in other ways. So
12 it's focussed on that, but we appreciate the
13 effort of EPA at least to come up here to
14 Alaska to talk to the people who have been
15 working with it and find out -- get the
16 Alaskan perspective of the national issue.

17 **MR. TOROK:** Thank you, Mike.
18 And we very much appreciate and commend the
19 Department for taking the leadership role on
20 the voluntary effort on the cruise ship issue.
21 And we hope that the public will understand,
22 there is a distinction between the two. The
23 assessment that EPA's conducting nationally is
24 intertwined with and will utilize a lot of the
25 information and data that has come up and will

1 come about with the Alaska State Initiative.

2 At this time before we have Craig's
3 presentation, which will really outline more
4 specifically what the EPA assessment is all
5 about, there are -- in addition to Mayor Egan,
6 there are a couple other elected officials in
7 the audience I'd like to just recognize.
8 Senator Kim Elton is here. Thank you, Senator.
9 Also, Assembly person Jim Powell is here and
10 Representative Beth Kettula. Thank you.

11 Craig, turn the microphone over to you
12 and if you need assistance, holler.

13 **MR. VOGT:** I may need
14 assistance. The crowd will judge that. Name
15 is Craig Vogt. We'll get to know each other
16 a little better this evening. I've been with
17 EPA since 1971. It's a real pleasure to be
18 here with my friend Ron Kreizenbeck who -- he
19 and I started back in 1971 in the Seattle
20 Regional Office of EPA. Did a lot of field
21 work with Ron taking samples of wastewater
22 treatment plants where there was no treatment.
23 We've been involved in those types of
24 industrial discharges for a number of years.
25 And Ron is still hanging in there. He's

1 Deputy RA of the Regional Office.

2 I took a short detail to Washington in
3 1973. And they wouldn't let me come back, I
4 guess, until now. So it's really a pleasure
5 to be here. And I want to thank the Mayor
6 for the rain today and the rain tonight
7 because without that rain, we might not have
8 such a good crowd. And I certainly do
9 appreciate you coming out on a Friday evening.
10 And it's certainly my pleasure to be here as
11 well.

12 We're here in an information gathering
13 mode. We, on a national basis -- and I will
14 say right up front that the effort here in
15 Juneau by all involved in the work groups that
16 were just described are far and away our best
17 information source so far that we've found.
18 And I think that -- I haven't looked
19 extensively worldwide, but I think that's --
20 this is worldwide. And what we're doing here
21 will have international implications. So if it
22 started here in Juneau, congratulations.

23 And I'll say that the cruise ship
24 issue is something new to us. We thought
25 about this back in -- a long time ago and we

1 said not a big deal. Okay? In the early
2 '70s we were dealing with -- the Clean Water
3 Act was passed and we had a lot of pollution
4 sources on our hands. Cruise ships was not a
5 priority. It has become one. That's why we
6 are here.

7 This is the third -- no. This is the
8 second -- excuse me -- second of our public
9 information hearings. Hearings have a slightly
10 stifling way of exchanging words and
11 information and communication. I hope that's
12 not the case tonight. We are being reported
13 because I think it's important that we do have
14 a record and be able to go back and review
15 what was said for clarification purposes and
16 for factual purposes. So we'll be in Miami on
17 Tuesday. And then we'll be into the analysis
18 stage.

19 I'm going to give a short presentation
20 and just give you a little bit of our
21 perspective of why we're here and where we're
22 going. Then we can have clarifying comments
23 or questions from the audience of anyone on
24 the panel here. Then we have 20 folks that
25 want to make a statement tonight. So I will

1 try not to be too long because I'd rather hear
2 you than you hear me.

3 Let's see. It's visible enough, right?
4 I don't really want to darken the room. Can
5 you see it from the rear? Okay. Better.
6 All right.

7 **(Slide presentation.)**

8 Threats Facing Our Oceans. My job is
9 in the Oceans and Coastal Protection Division
10 of EPA in headquarters. And this is our
11 business. We don't have jurisdiction over all
12 programs to protect the oceans because just
13 about everything we do drains somehow into the
14 oceans.

15 But there are stresses. And these are
16 a number of them: Discharges from point and
17 non-point sources, marine debris. That's trash
18 coming from on land, sometimes from ships,
19 vessels. Storm water runoff. Coastal
20 development is real major in a lot of places.
21 And as well as from the last time I was in
22 Juneau to today or yesterday when I arrived,
23 there's been a lot of changes here as well.
24 I understand there's changes in a number of
25 the smaller towns in Southeast Alaska.

1 Introduction of non-native species.

2 You call them exotic species, invasive species.

3 It's a real serious problem. And vessels is

4 one of the more serious vectors, pathways for

5 bringing us some non-native species which can

6 be very serious in terms of ecological as well

7 as economic problem. And then damage caused

8 by commercial and recreational use.

9 We have a number of sort of in general
10 pollution problems in our coastal waters. And

11 not all of our coastal waters, oceans are

12 sick. Some places there are. We have a

13 number of disturbing trends. And there's some

14 good trends as well. I don't want to paint a

15 totally black picture here because it's not.

16 But there are some difficulties.

17 We have eutrophication increasing in a

18 number of places. That's algal blooms, red

19 tides, green tides, brown tides. Some of

20 these have human health implications. We have

21 beach closures from them. If you go out

22 swimming during some of these tides, you'll

23 have respiratory problems from the aerosols

24 from the waves that are breaking.

25 Hypoxia is the lack of oxygen. And

1 there's a dead zone in the Gulf of Mexico,
2 some 7,000 square miles occurs every summer.
3 In the winter it goes away. Summer it comes
4 back. And this is mainly because the
5 heartland of the country is draining into the
6 Gulf of Mexico coming off our farm lands and
7 industrial discharges, municipal discharges
8 causing algae to grow, to die, take oxygen out
9 of the water. There's no simple solution to
10 that, but we're working on it.

11 Beaches. Got a lot more beaches seem
12 to be closing. Now, that's not necessarily
13 because the water quality is worse, but it
14 could be. But at least we know we're doing
15 better monitoring and reporting of that
16 information.

17 And another is coral reefs. We have
18 an executive order from the president on a
19 Coral Reef Task Force. It was a federal task
20 force that has been set up to study the
21 protection of our nation's coral reefs.

22 And then fish advisories. There are a
23 lot of fish advisories and the number seems to
24 be going up.

25 That's just sort of a backdrop of

1 things nationwide that we see in headquarters.
2 And I'm not saying that's the same here in
3 Alaska.

4 We do have cruise vessels in a number
5 of locations, not just Alaska. When they
6 leave Alaska, they go south. They head to the
7 Caribbean and other places, of course. And
8 here we have a number of discharges that we
9 have identified and are starting to become more
10 knowledgeable about from vessels. If you'd
11 asked us at headquarters six months ago what
12 are the discharges from ships, we probably
13 could have given you a partial list, but it's
14 not one that we've focused on in years, the
15 cruise ship issue. We just call it an issue
16 because we're here and we're talking about it.
17 It's a concern. We didn't know much about it
18 because we'd been focusing on other things.

19 All right. We are now working on
20 this. We received a petition from the
21 Bluewater Network that brought this matter to
22 our attention. I'll talk about that in a
23 minute. But I just want to give you sort of
24 a list of things. And you've seen maybe this
25 list before. They each have potential for

1 harm to the environment. And they are each
2 controlled or not controlled by various
3 statutory and regulatory authorities. And
4 we'll talk about some of them.

5 Now, the Bluewater Network is an
6 environmental interest group located -- I think
7 headquartered in San Francisco. They sent us
8 a petition in March of this year. They
9 represent, I think, signatures of 53 other
10 environmental interest groups or individuals.
11 And they had a number of concerns relative to
12 cruise ships, cruise lines. And these are
13 sort of pulled out of the petition. It's a
14 five-page petition. It is available on our
15 website, I believe, is it not?

16 **MR. CARLSON:** Yes.

17 **MR. VOGT:** It should be. And
18 we can get you copies, if you'd like.

19 Sewage, the questions were on
20 inadequate regulation, inspection and
21 enforcement. Gray water, the regulations allow
22 discharge, and as we say, almost everywhere.
23 We'll talk about that, the questions on what
24 is gray water. Solid waste, monitoring and
25 enforcement. Hazardous waste, clarity, how

1 does RCRA, the hazardous waste regulations,
2 apply to cruise vessels. Cradle to grave is
3 the question. If you've got a hazardous
4 material, where is it created, where does it
5 go. Oily bilge water. And then other waste
6 streams, we just don't know that much about
7 them is what the petition said.

8 This is the request to EPA, which is
9 fairly -- a measured petition, in my mind.
10 They would like us to regulate the wastewater
11 discharges as well as manage the waste in a
12 better manner, I guess you might say. And
13 would like us to apply permit processes to
14 cruise ships.

15 Now, they asked -- first of all, they
16 asked for EPA to characterize cruise ship
17 management of waste and wastewater, how much,
18 what's in it, where's it's going, what are the
19 environmental impacts. The other part of this
20 is what are the existing regulatory
21 authorities, what laws apply, what statutes --
22 or excuse me -- what regulations apply, what
23 policies are we implementing and how well is
24 all that working. And then finally, it is
25 what are your options for doing it better.

1 Now specifically, this second major
2 bullet here is evaluate repealing the fact that
3 we exempted cruise ship discharges that are
4 incidental to the operations of the vessel.
5 We exempted those from our permit program back
6 in 1973. That was a request. That's an
7 evaluation. And then also consider more
8 strictly defining and regulating gray water as
9 well as strengthening the rules -- let's put
10 it this way: Clarifying and strengthening as
11 needed is what they have asked for in terms of
12 hazardous waste.

13 Now, they did -- Bluewater Network did
14 provide us a followup petition that included
15 air emissions. And I know air emissions is a
16 serious concern here with cruise ships in
17 Juneau. But we're focused not on air at this
18 meeting. We're going to do that in a separate
19 activity. Not saying that we're coming back
20 here to talk about air, but we're the water
21 folks and so we're going to deal with the
22 water issues. Sorry to say that. But EPA
23 goes under various statutes. The Office of Air
24 Programs will deal with that part of the
25 petition process.

1 A couple other related activities that
2 we are into in my office in Washington that
3 are related to this, we have a petition to
4 regulate ballast water under the NPDES permit
5 program. We received that in January of '99.
6 We promised to have a report out by September
7 of '99. And I'm afraid we haven't got an
8 answer on that yet. But I'm hopeful that this
9 fall, possibly at the same time we respond to
10 the Bluewater Network petition, we will also
11 provide at least an initial public response to
12 how we will handle that petition.

13 Uniform national discharge standards for
14 armed forces vessel. This was an amendment to
15 the Clean Water Act, Section 312, 312N which
16 required Navy and EPA to get together and set
17 standards for armed forces vessels so that --
18 for discharges, for wastewater discharges. And
19 the idea there was the Navy wanted not to have
20 to meet varying different states' standards as
21 they went port to port. So they wanted --
22 they got congress to pass the bill with EPA as
23 a partner for us to set standards for those
24 wastewater discharges. We have identified
25 which discharges at this point, but we are

1 still working on what those standards would be.
2 And we got about three years to go -- four
3 years to go? Three years, according to the
4 Navy, four years according to the EPA. How's
5 that?

6 Now, less related to that is there's
7 an executive order that came out, I think, in
8 June on marine protected areas. This is
9 President Clinton issued this executive order,
10 and to strengthen our system of nationally-
11 protected marine areas. And EPA's part of
12 that is to set -- to revise, to take another
13 look at our ocean discharge criteria which
14 apply to point sources going into the ocean.
15 So if there's an industrial discharge going
16 into the ocean, if there's a city treatment
17 plant discharge going into the ocean, those
18 would be potentially impacted by some more
19 stringent regulations.

20 As part of that activity, we're looking
21 at setting special ocean sites aside for more
22 stringent requirements for anybody that would
23 discharge into those ocean sites. Now, that
24 sounds really good except for it doesn't apply
25 to cruise ship vessels. It's just pipes to the

1 -- from the shore. Except for if there's a
2 floating fish factory, we do permit those in
3 terms of having an NPDES permit that would
4 apply to that activity.

5 I'm going to say a few words about
6 what existing regulations we have and what
7 we're doing. Clean Water Act, Resource
8 Conservation Recovery Act, which is the
9 hazardous waste and solid waste, SPA, which is
10 the Shore Protection Act, and the Marine
11 Protection Research and Sanctuaries Act. You
12 don't have to memorize those, honest.

13 Now, key to this evaluation in the
14 Bluewater Network petition was the question to
15 regulate cruise ship discharges under Section
16 402, which is our NPDES permit program. And
17 Tom Charlton is our representative of that
18 program and is deeply involved in that
19 activity. But what this essentially says --
20 and we did this in 1973 -- is by regulation
21 that the following discharges do not require
22 NPDES permits: any discharge of sewage from
23 vessels, effluent from properly functioning
24 marine engines, laundry, shower and galley sink
25 wastes or any other discharge incidental to the

1 normal operation of a vessel. The exclusion
2 does not apply to rubbish, trash, garbage or
3 other such materials.

4 So we excluded this in 1973 when we
5 were under great stress in terms of the
6 smokestack industries, if you want to call them
7 that. We were doing effluent guidelines and
8 setting permits to try for steel mills, pulp
9 and paper mills, fish processing, the like.
10 That was when we started doing this activity.
11 And a decision was made at that time that
12 vessels was not a priority pollution problem.
13 And I'm not saying it is today. But we're
14 here talking about one aspect of vessels.
15 This, I want to point out, is applied to all
16 vessels. It's not just cruise ships.

17 All right. Now, part of the rationale
18 for -- besides other things were higher
19 priority -- the fact that the Clean Water Act,
20 Section 312 does provide for regulating sewage
21 from vessels. And it requires vessels to have
22 -- and you can say properly operating --
23 marine sanitation devices to treat sewage.
24 EPA's role here is to set the standards. And
25 we have and I'll share those with you. Coast

1 Guard is our partner here. And they have, I
2 think, the major role here. They set the
3 rules for design, construction, installation,
4 operation, inspection. Is the word
5 certification up there? Should be. So they
6 kind of carry out the program.

7 The MSD standards, generally speaking,
8 Type III, there's a holding tank. That's
9 pretty easy. Type I and II have different
10 types of standards that's allowable discharge.

11 These are the standards. They were
12 created in about 1980. Type III -- let's
13 start at the bottom -- is a holding tank.
14 Okay. Pretty easy. Type I, effluent fecal
15 coliform count can't be greater than 1000 per
16 100 ml and not supposed to have any visible
17 floating solids. Type II, the difference there
18 is 200 per 100 ml. And that's the standard.
19 Then suspended solids at 150 milligrams per
20 liter. The sewage is dealt with -- call it
21 sewage or call it black water -- on these
22 vessels. We have standards. There are MSDs
23 onboard these vessels. Questions that are
24 facing us now and the data we're now starting
25 to see is how well are they working?

1 Now, I did have the opportunity today
2 to sit in the working group meeting of the
3 Alaska Initiative. And the question on no
4 discharge zones was raised. And the Clean Water
5 Act does allow setting no discharge zones.
6 Sets out some criteria. And those criteria
7 include the fact that it's something that's
8 important to an ecological preserve, something
9 in a very sensitive area.

10 The other key part is the fact that
11 you can't set a no discharge zone unless you
12 have adequate facilities to pump out on shore.
13 Now, we've done a number of no discharges
14 zones nationally and a number of states have
15 declared all their waters as no discharge
16 zones, but these are primarily aimed at
17 boaters, small boats. And my knowledge of
18 this situation here is there are not adequate
19 pump-out facilities in Southeast Alaska. But
20 states, if they have the current law and
21 authority, they can do that on their own.
22 Other key parts of this is Section 312 applies
23 only out to three miles. And it's enforced by
24 the Coast Guard primarily.

25 Those other laws I mentioned -- and I

1 won't dwell on these at all -- the top one is
2 handling the, as I mentioned, solid waste and
3 hazardous waste. Marine Protection, Research and
4 Sanctuaries Act, sometimes called the Ocean
5 Dumping Act, that controls taking waste from
6 someplace to someplace else and dumping it,
7 transport for the purpose of dumping, Ocean
8 Dumping Act. Shore Protection Act, essentially
9 a permit system with Coast Guard to provide
10 permits to vessels that are hauling wastes from
11 point A to point B. And the Act to Prevent
12 Pollution from Ships is the Coast Guard main
13 operating bill. And that controls oil, noxious
14 substances, garbage, plastics.

15 Now, EPA has long been known as a
16 command and control regulatory agency. And we
17 still have those programs and they still work
18 very well. In the '90s, we moved into sort of
19 a new era, the early '90s, in terms of other
20 programs can work as well, if not better, in
21 certain circumstances. Doesn't always have to
22 be all command and control. And these are a
23 number of our different types of non-regulatory
24 programs. And they are mainly voluntary. And
25 some cut across different aspects, different

1 rules. And they can work in some cases. So
2 I put this up here because I think we can
3 have a blend sometimes of regulatory and
4 non-regulatory options that will work well.

5 Example: Green Ports is where we
6 worked with American Association of Port
7 Authorities, provided them some seed money.
8 They went off and developed a very excellent
9 environmental control manual for port
10 authorities. And port authorities, as you may
11 know, have great potential for contaminants
12 getting into our waterways from cargo handling
13 to storm water runoff, to sewage treatment, to
14 air pollution. And they put together a very
15 good manual of what their ports shall do. And
16 they are out there pushing their ports to meet
17 those not requirements, but those types of best
18 management practices within that manual.

19 Golf and the Environment or Sustainable
20 Slopes, those are two things that EPA has
21 partnered with the industry. And for golf,
22 they are now building golf courses to be
23 environmentally friendly. And I think that's
24 something that didn't always happen. Same with
25 Sustainable Slopes. The ski industry is

1 working with us on trying to design their
2 future slopes and their expansions in an
3 environmentally friendly manner.

4 So I guess I already said this. These
5 are some of our options that are under
6 consideration. They are kind of obvious,
7 maybe. Regulating under the NPDES permit
8 program cruise ships. Bluewater Network asked
9 us to evaluate that, and we will. If we do
10 that, the question is what do you do with all
11 the other vessels that if you did that, the
12 exclusion is repealed, then all vessels would
13 come under that system.

14 Revision of the Section 312
15 regulations. And that would be EPA action.
16 Would be -- and maybe Coast Guard, as well.
17 I know. I mean, I don't know. But looking
18 at those standards, are they still applicable?
19 Do they still work? Should they be modified?

20 International Safety Management Code,
21 Environmental Management Systems, those are some
22 other options that can work. This is some
23 self -- workings by the self-management on
24 environmental issues by the cruise industry.
25 But it's just not self-monitoring. It actually

1 works into Coast Guard making sure that those
2 applicable plans are in place. And then, of
3 course, we are seeking other options.

4 The next steps. And there are many
5 steps. As I'm finding out, this is not a
6 simple matter. We got the petition in March
7 of this year. We're doing these three public
8 information hearings. I have promised my
9 bosses and promised the petitioners that we
10 will provide them a report, an assessment in
11 October of this year. That's not too far
12 away. And we're -- you know, we're collecting
13 basic information. But I think that report
14 will not have all the answers.

15 What I've found to date is there's
16 very little data available to characterize our
17 wastes -- our -- the wastes coming from those
18 vessels and the environmental impacts of those
19 vessels as well as how do you judge the
20 effectiveness of our regulatory programs to
21 date. But we will have an assessment, a draft
22 assessment that will go out for public review.
23 We'll work with the Coast Guard in developing
24 some recommendations in where to take this.
25 We will certainly have public dialogue. And I

1 think this will continue for a while.

2 I don't like to stand up here and say
3 we can't finish this thing. We have to study
4 it some more. But I think the work that's been
5 done here in Juneau is very telling. I think
6 it is probably the only data that I know of
7 about these discharges. And I think they are
8 not done yet. So without some of that
9 information, we will not be able to complete
10 and make final recommendations.

11 I will say that EPA is going to be
12 working down in the Caribbean. I manage a
13 vessel, a 165-foot ship that we use for
14 monitoring surveys in the Caribbean, Gulf of
15 Mexico and the Atlantic coast. We will be
16 making arrangements with some cruise ships to
17 follow those cruise ships, take some samples
18 before and after they go by. And certainly,
19 we'll have somebody onboard to take samples at
20 the same time. So we're going to do a study
21 of cruise ships in the Caribbean similar to
22 what's being done here.

23 And we had a little ad hoc work group
24 this afternoon that is helping to design that
25 survey. And that survey, the protocols we

1 will openly ask for comments. We'll have a
2 stakeholder, information type group. And I
3 want to make sure that that aspect of our
4 studies at EPA are fully supported by the
5 community.

6 And this is my last slide. These are
7 our customers, as my boss likes to say. Like
8 to always remind us that here we are. So
9 with that, I'm done talking. We can take
10 questions. Panel, would you like to add
11 anything? All right. They think I did a
12 great job.

13 **MR. KREIZENBECK:** We didn't say
14 that.

15 **MR. VOGT:** All right. My
16 friend Ron.

17 **MR. TOROK:** Those mikes are all
18 live. That's important these days. The mikes
19 are on.

20 I saw a hand back here. One point I
21 think in clarification before I take a
22 question, what we'd like to do is take this
23 opportunity, a few minutes if there are
24 questions from the audience that you need
25 answered in order to direct your testimony,

1 that's the primary thing that we want to use
2 this time for as opposed to testifying. That
3 will come in a few minutes.

4 **QUESTION:** Thank you for a very
5 nice overview of what you're doing. Just a
6 quick question: Could you explain the MSD III
7 criteria of having a holding tank? What is
8 the thinking behind that?

9 **MR. VOGT:** I think the basic
10 thinking is it's a holding tank that takes it
11 to reception or outside of three miles.
12 Because Section 312 only applies to inside of
13 three miles. So I think that was the thinking
14 at the time. And my panel will help me.

15 **CAPTAIN PAGE:** Yes.

16 **MS. HURLD:** Actually, what I
17 was going to ask is we are recording this.
18 If you can give your name and who you're
19 representing before you speak, that would be
20 very helpful for the court reporter. Thanks.

21 **MS. ZIMMERMAN:** My name is
22 Patty Zimmerman. And I have received funding
23 from the Green Party for mayoral candidacy in
24 Juneau. And I'd like to ask why the Coast
25 Guard isn't given the ability to do surprise

1 testing? I can hardly imagine that a 165-foot
2 vessel in pre-communications with ships in the
3 Caribbean can perform a surprise inspection.
4 We know from Food and Drug reports that
5 surprise inspections are the only way to ensure
6 enforcement and adequate levels of protection.

7 **MR. VOGT:** Sorry. I don't
8 like sitting behind anything. There's a good
9 two aspects to that question. One is I'm
10 doing some basic research on trying to figure
11 out what's coming from these. Now, I know you
12 say, well, how can we trust these cruise
13 ships? I'm going to have somebody onboard on
14 these cruise ships to help taking the samples.
15 I'm going to have somebody out in the ambient
16 environment taking the samples.

17 **MS. ZIMMERMAN:** How much does
18 this cost?

19 **MR. VOGT:** How much does it
20 cost is the question.

21 **MS. ZIMMERMAN:** To set up an
22 experiment.

23 **MR. VOGT:** I don't know. I
24 think it's going to cost a lot. I volunteered
25 to do this two weeks ago. And I have not

1 scoped it out yet. The working group's
2 scoping it out. I'm very fearful how much it
3 will cost.

4 **MS. ZIMMERMAN:** It's not good
5 science.

6 **MR. VOGT:** Pardon me?

7 **MS. ZIMMERMAN:** It's not good
8 science.

9 **MR. VOGT:** I want it to be
10 good science.

11 **MS. ZIMMERMAN:** Then don't
12 pre-plan it.

13 **MR. VOGT:** Let me get to my
14 Coast Guard friend here. And let him talk
15 about the pre-planning aspect and the ability
16 that he has to do surprise inspections.
17 Because those abilities do exist. But what we
18 have found here is the need for fundamental
19 information. And if we design the survey
20 correctly, I'm hoping that we can get some of
21 that.

22 **CAPTAIN BASEL:** We do have the
23 authority to do surprise inspections. And we
24 do at times surprise inspections. Sometimes
25 it's more productive if we don't do surprise

1 inspections to have the right people there or,
2 in the case of -- EPA's case of doing that
3 survey, they would know for a fact the
4 vessel's discharging at the time versus if you
5 do inspection, find out the ship is not
6 discharging anything at all during our surprise
7 inspection. So we do a scheme of both, of
8 pre-announced and surprise inspections in all
9 our oversight.

10 **MR. TOROK:** I want to apologize
11 for the noise, but it's the lights are warming
12 up. So bear with us. It will go away. Any
13 other questions?

14 **MR. KEEN:** My name is Chuck
15 Keen. I'm a long-time resident here in
16 Juneau. And I'd like to know if it's
17 possible, does the cruise ship industry put
18 money into what we're all doing here today?
19 Isn't there quite a bit of money that the
20 cruise ship industry kicks in here to make all
21 these things happen and maybe fund these
22 things? I'm just curious.

23 **CAPTAIN BASEL:** Yes, sir. As
24 a matter of fact, because of the fast pace of
25 this program we developed this year, we didn't

1 have the -- as you probably know, the
2 government has the flexibility in some cases to
3 come up and develop programs. When we met --
4 "we" being ADEC, EPA and the Coast Guard and
5 the cruise industry -- met this last fall, we
6 said we ask for your cooperation in bringing
7 this program on line to determine what's really
8 coming off the vessels. And the cruise
9 industry agreed to the program and also even
10 funding the program as the laboratories and
11 independent parties, independent labs,
12 independent examiners and testers and
13 facilitated that process. And then put in -- I
14 asked them and they agreed to putting in
15 special plumbing that we tell where you need
16 to put valves in so if you do testing systems.

17 So actually, they were very proactive
18 and helpful in bringing on this program, this
19 oversight program. So it's a point that
20 should be taken, too, that the information we
21 have today was facilitated to allow us to do
22 that. We could have done it on our own, but
23 we probably -- I guarantee you the Coast Guard
24 would not have had as comprehensive a program
25 on our own or the ADEC because the agencies

1 don't have the flexibility.

2 **MR. TOROK:** And one point of
3 clarification, however, that's with regards to
4 the State Cruise Ship Initiative. The EPA
5 assessment that is being conducted -- correct
6 me if I'm wrong, Craig -- but there is no
7 cruise ship contribution in terms of funding to
8 the EPA effort. So they are two different --
9 but we are going to use the information
10 gleaned through the State Initiative.

11 **MR. KEEN:** The reason I asked
12 -- and I'm glad it was clarified. I just
13 thought as I was listening earlier, I heard
14 some pats on the back. And I just felt,
15 gosh, maybe the cruise ship industry could do
16 something to help out here too. And thanks a
17 lot for clarifying.

18 **MR. VOGT:** Sure.

19 **MR. DIXON:** My name is Doug
20 Dixon. I'm a naval architect with Guido Perla
21 & Associates in Seattle. And I asked Captain
22 Page earlier to clarify something that perhaps
23 he could expand upon. And that is in their
24 handout, they have under the wastewater and
25 black water and gray water agency, U. S. Coast

1 Guard authority, MARPOL Annex IV, which the
2 U.S. is currently not signatory to. And maybe
3 he could speak to the issue of what the
4 differences might be and if there are plans
5 for the U. S. to become signatory to MARPOL
6 Annex IV.

7 **CAPTAIN BASEL:** That's a
8 proposal before -- and you can clarify.
9 You're closer to this than I am, actually,
10 Brian -- but it's a proposal by IMO to modify
11 or actually incorporate some sewage treatment
12 regulations or standards applying to vessels
13 which presently right now only exist in the
14 United States. Other countries haven't --
15 unless they come to the United States, haven't
16 been requiring those standards universally,
17 anyway. And MARPOL IV is an issue that's
18 similar, but in some cases different than the
19 existing regulations for the United States with
20 respect to the treatment of sewage from
21 vessels.

22 So we have not been signatory. It has
23 not been adopted by the international community
24 yet. It's a proposal and still being
25 deliberated on. And there's some differences

1 as far as U. S. regulations is 200 fecal
2 coliform. MARPOL IV is 250 fecal coliform.
3 There's some standards as far as discharge
4 zones, four miles versus three miles and 12
5 miles. So there's several differences over
6 that. So actually, that's a proposal, but not
7 something that's been adopted yet.

8 **CAPTAIN PAGE:** I think Ed
9 really hit right on the head. It's going to
10 an international standard that's really bringing
11 the rest of the world up to basically
12 standards that are here now. And there are
13 obviously some differences. But it's a
14 fast-moving piece of regulation in the
15 international community. And I think at this
16 point, I think there's only four countries that
17 have actually signed on out of 180. So you
18 can see it's really just in its infancy stages
19 right now.

20 **MR. TOROK:** At this point --
21 one more?

22 **MS. HURLD:** I just wanted to
23 follow up a little bit more. You asked what
24 some of the differences were with what we
25 currently do in the United States and Annex

1 IV. There are several reasons why we have not
2 signed on to this treaty. And some of that
3 is some of the definitions in Annex IV as to
4 what they consider are in gray water or in the
5 black water, we don't believe -- they don't
6 match with the U. S. definitions. We think
7 that what we have is a bit more protective.

8 Some of them include, they allow some
9 of the animal wastes as well as human wastes
10 in there. They also talk about some of the
11 waste from the medical facilities onboard. And
12 so those are some of the reasons -- now, it's
13 to be watched as to what these regulations or
14 these changes to it are going to be. And we
15 are engaged in that discussion. But that's
16 currently why we're not among the signatories
17 of that particular Annex.

18 **MR. TOROK:** Okay. It's 8:00
19 o'clock. And on our agenda -- I know we
20 don't often hold to agendas, but we are
21 tonight. We're going to begin the formal
22 public hearing process. Craig Vogt will be
23 the hearing officer. And we'll be calling
24 people up to testify.

25 What we would like to have is actually

1 have two people come up at a time to the
2 table and keep rotating out. That way we
3 don't have any down time there. I think over
4 30 people have signed up to testify. So we'll
5 want to move people along as fast as -- as
6 quick as possible. Also, if you don't feel
7 comfortable sitting testifying, I'll put this
8 microphone in the stand. And if you prefer to
9 stand, you can do that, too. So Craig?

10 **MR. VOGT:** This is the easy
11 part for me. We have a lot of potential
12 speakers. And I understand there's several
13 others. And let us -- two elected officials
14 are here, Representative Beth Kertulla. You're
15 up first. Following Beth will be Assemblyman
16 Jim Powell.

17 **MS. KERTULLA:** My husband
18 doesn't always follow me, but tonight he'll
19 have to. Thank you. Thank you for doing
20 this this evening. My name is Beth Kertulla.
21 And I'm very fortunate to represent the
22 district that we're in right now, downtown
23 Juneau. I'm a state legislator. And my
24 background is I'm an attorney. I have a
25 strong background in natural resources and oil

1 and gas law and particularly in permitting.
2 Worked with a lot of industries. And I must
3 say it's been an enlightening year working with
4 this one.

5 I've carefully followed the various
6 efforts related to cruise industry wastes for
7 over a year now. Many of my constituents were
8 outraged in July 1999 when the Royal Caribbean
9 violations and fines for illegal dumping of
10 wastes came to light. We're really very happy
11 to see the U. S. attorney here tonight and
12 other members of the bar who are very
13 interested in this topic.

14 What has come home to me again and
15 again throughout the past year is that the
16 regulatory agencies and the public, me, don't
17 know a great deal about what the cruise ships
18 are discharging into Alaska's waters. We have
19 a pretty good idea of the wastes being
20 generated onboard the large cruise ships, but
21 we really don't know how well they are being
22 treated and their quality as they are being
23 discharged overboard.

24 I commend the efforts of the DEC, the
25 Coast Guard, EPA and the cruise ship industry

1 over the past ten months under the Alaska
2 Cruise Ship Initiative. We are finally
3 beginning to get some data from the sampling
4 of wastes being discharged into our waters.

5 The preliminary results from the first
6 round of water quality samples raise concerns
7 in my mind. What did the data tell us?
8 First, the black water samples contain fecal
9 coliform bacteria or suspended solids above the
10 levels required for sewage treated in marine
11 sanitation devices onboard these ships.

12 Second, some gray water samples contain
13 fecal coliform bacteria in waste streams coming
14 from galleys, laundries, sinks and showers.
15 Finally, some of the cruise ship samples had
16 bacteria counts many times -- and I'm
17 understating it here -- higher than the
18 standard required by DEC for Juneau's own
19 sewage treatment facilities.

20 Fecal coliform bacteria are used by
21 regulatory agencies as one important indicator
22 of water quality. Public health issues may
23 arise with high bacteria counts, depending on
24 the disposal method and location. I understand
25 that these samples come from several different

1 ships and represent waste streams handled in
2 different ways. I also understand that sample
3 results from U. S. flag ships are comparable.
4 I recognize that the large cruise ship
5 companies have voluntarily agreed to hold
6 wastes while in port and understand that they
7 now wait until the ships are ten miles from
8 port and are cruising at least six knots
9 before discharge.

10 However, these huge waste volumes are
11 still being discharged in Southeastern Alaskan
12 waters. And all we really know at this point
13 is that there may be -- should be concerns
14 about some of the fecal coliform levels.

15 It will be another ten days before
16 additional results are available on samples
17 being tested for 100 plus so-called priority
18 pollutants. These were chemicals that EPA
19 regulates in waste streams under various laws.
20 At that time we may have more concerns about
21 chemicals in these waste streams.

22 While the agencies and industry are
23 learning as these efforts proceed, it looks to
24 me that more work needs to be done. I
25 encourage EPA to continue this national

1 assessment of cruise ship wastes. It is
2 important for the primary federal environmental
3 agency to examine its authorities and its
4 decades old decisions about treatment methods
5 and the need to regulate wastewater discharges.
6 Regulatory decisions made in the mid '70s with
7 respect to incidental gray water discharges
8 should be reconsidered in light of the huge
9 volumes being discharged by today's large
10 cruise ships.

11 I encourage EPA to join with the Coast
12 Guard to examine the federal regulatory
13 approach toward the cruise ship industry. Here
14 in Alaska, many of us believe that this
15 industry should be treated just like any other
16 industry or business establishment. The oil
17 and gas, timber, petroleum refining, seafood
18 processing and mining industries, even our dry
19 cleaners and breweries meet our water quality
20 standards and practices and are able to operate
21 profitably in Alaska. In Juneau and in
22 Alaska, we welcome businesses that operate
23 responsibly and cooperate with us to protect
24 our wonderful environment.

25 I also request that EPA take the raw

1 data gathered from this cruise season sampling
2 and conduct its own independent analysis. This
3 is merely a start at defining the pollution
4 issues and determining where more data is
5 needed in the future.

6 I am following closely your assessment
7 and look forward to your report later this
8 fall. I am also tracking the Alaska Cruise
9 Ship Initiative efforts as it begins to wind
10 up in the initial sampling this cruise season.
11 As the year ends, I suspect these efforts will
12 conclude, among other things, that we need more
13 information.

14 I believe there is a need for
15 consistent sampling and reporting in the future
16 while I applaud the industry's cooperation in
17 this year's voluntary sampling. And I got a
18 chance to go onboard the ships and to talk to
19 the engineers. And we weren't monitored. We
20 weren't followed around. And I really truly
21 appreciate that. And I think that's a huge
22 step forward. But nevertheless, it appears
23 that a larger, more comprehensive database is
24 needed in order to determine with any kind of
25 certainly whether there is a potential public

1 health problem or environmental impacts in
2 coastal Alaska.

3 I'm looking at California's new law.
4 California just had a law passed that requires
5 reporting by the large cruise ships that
6 release gray water sewage and other wastes
7 within the marine waters of that state. My
8 office worked closely with the assembly person
9 that introduced that bill at the beginning when
10 he was starting out. And it's really
11 interesting and a great thing to see that
12 California has this new law.

13 And as you may know, that with the
14 help of many in this audience, I introduced a
15 cruise ship waste reporting bill in the Alaska
16 House of Representatives last year and worked
17 closely with other legislators in creating a
18 companion bill in the Alaska Senate. My basic
19 premise was then, and it still remains, that
20 we Alaskans have a right to know what's
21 emitted in our waters and into our air.

22 Thank you for coming to Southeastern
23 Alaska. We greatly appreciate this public
24 hearing. We appreciate that EPA understands
25 the importance of the cruise ship industry to

1 Alaska and the value we place on our
2 environment. Thank you very much.

3 **MR. VOGT:** Thank you. In
4 going forward here, I'll ask the panel if they
5 have any questions or comments and then we
6 will continue. So panel, any questions or
7 comments? Thank you very much.

8 **MS. KERTTULA:** Thank you very
9 much.

10 **MR. POWELL:** Continue. Well,
11 that's a hard act to follow, but I'll do my
12 best here. My name is Jim Powell. I'm
13 testifying as a resident and a member of the
14 Juneau City and Borough Assembly. I'm one of
15 nine elected officials that govern Juneau. I
16 also represent the city on the Air Quality
17 Cruise Ship Working Group. And I have
18 attended several Cruise Ship Water Quality
19 Working Group meetings. I was there today, in
20 fact. I speak here mainly by myself. I'm not
21 speaking for the entire Assembly, nor the
22 community. First, I'd like to thank each of
23 you for coming to our community. I want to
24 also thank EPA for the job it has done in the
25 past. I want to ask that you continue to

1 expand your work into the area of marine
2 protection for cruise ships.

3 EPA has had a major influence in our
4 community in working to keep our community and
5 Alaska's air, water and other aspects of our
6 quality of life that we hold in high
7 standards, very high. I and other residents,
8 I think, rest a little easier at night knowing
9 that there's the EPA out there developing
10 standards and doing their job. So I'm asking
11 you to work on this issue also.

12 Although we may not always agree and
13 many times you'll hear, you know, we do it
14 differently up here, we need and appreciate the
15 science and professionalism that you bring and
16 the Coast Guard brings also. I would like to
17 thank also the local office here,

18 **MR. TOROK:** And I also notice
19 that the state operations director, the new
20 director, Marcia Combes, is here tonight.
21 Thanks for your work in this community.

22 Tonight EPA is challenged with taking
23 some sort of action regarding cruise ship
24 wastewater discharges. As we've heard this
25 morning from industry and others, discharge

1 from five of the 11 ships does not pass basic
2 water quality standards or the MSDs are not
3 working on five out of 11 ships. Whether it
4 is for extended discharge holding times,
5 whether the MSDs don't work, we don't know
6 yet. For whatever reason, the citizens and
7 tourists need to know that this will be fixed,
8 that we're working on this problem and that
9 we're going to solve the problem. We need to
10 do something about it.

11 I think the good news is -- and Mr.
12 Vogt mentioned it earlier today -- and that is
13 the industry, DEC, the Coast Guard and other
14 citizens have spent their own time -- they are
15 not paid to go to these meetings -- they spend
16 their own time to attend these meetings, are
17 committed to solving the problem. And you
18 noticed that. And I also feel that -- I
19 believe that is true. That's the good news.

20 The work that's in front of us, I
21 think, and it is part of this process -- and
22 I think it's been a pretty good process that
23 DEC has brought together with industry and the
24 Coast Guard and EPA. I think it's a pretty
25 good process, bumpy but good. I think -- to

1 use a sports analogy, I think we're -- the
2 scoreboard so far, though, I think we've got a
3 long ways to go. I think that we've just
4 agreed to play together. And we've got the
5 team together. And we're just about getting
6 onto the field. And we don't know exactly
7 what's out there. We really haven't dug in.
8 And we need a lot -- we need to do a lot
9 more.

10 What's the evidence so far? We have
11 some evidence. We have some information.
12 Like what was mentioned earlier today, if I'm
13 correctly remembering, is that based on the
14 U. S. Coast Guard inspections, like I said,
15 five out of 11 ships, the MSDs don't work.
16 That's some of the bad news. But it's
17 information. There's really no data. And you
18 mentioned it earlier, EPA, this evening.
19 That's not good. In the environmental world
20 and in science, we need data, verification,
21 credibility.

22 Also, I understand that there is
23 dumping ten miles down the channel still.
24 That occurs. We don't know what's out there.
25 These are unknowns. We need to work on it.

1 And in my own estimation, there's Byzantine
2 international guidelines and regulatory
3 structure. We need to make it simpler. We
4 need to have federal laws and regulations. It
5 seems Byzantine to me.

6 And so my suggestions -- kind of
7 getting to the bottom line, because I think
8 there's like 30 people in back of me so I'll
9 get to the punch line. First -- and it was
10 brought up earlier today and I think it's a
11 good one -- and that is to continue monitoring
12 next year. Move to fix the problem. Keep
13 working. We got a good start this past year.
14 Keep moving. That's the highest priority.

15 And with that priority, MSDs, when were
16 they last certified? When were they designed?
17 I understand it was 30 years ago they were
18 last certified. Do they work? These
19 questions need to be answered top priority, I
20 think.

21 The next priority, please consider no
22 discharge zones in Southeast Alaska. If that
23 means we have to work with the U. S. Forest
24 Service to work out land agreements or
25 something to set up treatment facilities, then

1 let's do it if that works. But consider it.
2 I'm not saying that is the answer, but
3 consider it.

4 Four, fix the blind spot. We have a
5 big blind spot, as it was mentioned earlier
6 today. Gray water is not monitored by EPA or
7 the U. S. Coast Guard. It needs to be fixed.
8 We need to monitor it because there's fecal
9 coliform that we find in there. It needs to
10 at least be monitored. Maybe it's not a
11 problem, but we need to monitor it.

12 Five, create a fair business field for
13 businesses. I work at the local level. I
14 work a lot with businesses. I work with
15 businesses that are on land. We regulate
16 those businesses. We need to have a fair
17 playing field for businesses that are out in
18 the marine environment. There needs to be a
19 fair playing field. Regulations should apply
20 to them with the same standards as they do on
21 land, if it makes sense environmentally.

22 The next two, I guess my last, and
23 that is we're compared to Lower 48 many times.
24 Don't. Alaska is pristine. Keep it pristine
25 for the residents, for the tourist industry,

1 for everyone. We're business. I heard it
2 brought up today that Boston moved its sewage
3 marine discharge 20 miles out. We're not
4 Boston. That's not the solution.

5 The other thing, dilution is not the
6 solution. That's what we thought it was in
7 1970. This is year 2000. We can do better
8 than that. We want a higher standard.

9 I'll end with saying that thank you
10 for coming. Thanks for your work. I think
11 we're on the right path. If the city and
12 borough can help in any way, let us know.
13 Thanks.

14 **MR. VOGT:** Thank you very much
15 from the panel here. And I thank our first
16 two speakers. I consider us charged.

17 And I think we're going to get some
18 more charges as we go. Our next two speakers
19 will be Amy Crook and Anissa Berry. Could you
20 both come up? Following that we will have Ted
21 Thompson and John Hansen. The order that
22 we're using is the order we received the
23 request to speak.

24 And may I add one more item. Since
25 we do have about 30 people, I'm going to ask

1 that we sort of manage our time in a
2 reasonable manner. If you've come with 30
3 minutes of prepared remarks, I would suggest we
4 cut them back. If you've come with ten
5 minutes of prepared remarks, that could be
6 closer to what we're really thinking about.
7 Five to ten minutes would probably be really
8 good because we are people that can get
9 saturated. So let us -- work with us. Thank
10 you.

11 **MS. CROOK:** I am forewarned.
12 I will be brief. I'm Amy Crook. I represent
13 a nonprofit group called Center for Science in
14 Public Participation. We're a small group of
15 -- I affectionately call us science nerds --
16 that help communities and other nonprofit
17 groups understand the intricacies of science
18 and trying to turn it into English.

19 I've worked on the Wastewater Working
20 Group for what is it, eight, nine months now.
21 And previous to working with the nonprofit
22 group I work for I worked for the Department
23 of Environmental Conservation with Mr. Conway
24 for about 13 years in the wastewater program,
25 permitting major industrial facilities in the

1 state. So I have a fair understanding of some
2 of the issues in front of us. CSP2, which is
3 the acronym for my group, was a signatory to
4 the petition, too. So with that basis, I just
5 wanted to bring up a few of the points that
6 I've seen over the last eight, nine months.

7 As we all know, the cruise ship
8 industry has grown exponentially in Alaska and
9 it will continue to grow. The wastewater
10 discharges from cruise ship are one of the
11 largest sources of water pollution in Southeast
12 Alaska. Discharges occur on top of sensitive
13 habitats, in subsistence harvest areas and next
14 to swimming beaches. Discharges are compressed
15 into a short four and a half month summer
16 season which has the potential to increase
17 impacts to natural resources even more. It's
18 the responsibility of the government, the
19 citizens of Alaska and the industries who
20 operate here to assure that water quality is
21 protected. That's why it's absolutely critical
22 that EPA and the Coast Guard and the state
23 regulate this industry just as all other
24 industries in Alaska are regulated through the
25 NPDES permit process. The cruise ship industry

1 must be accountable for their discharges as are
2 all other industries in the state.

3 I've been involved in the Wastewater
4 Cruise Ship Working Group since the beginning.
5 There have been several gains made. And I
6 really wanted to acknowledge and thank everyone
7 for their efforts on that. Since time is
8 short here tonight, I'll just focus on the
9 shortcomings that I see. I fear the whole
10 issue has turned into more of a what can the
11 resource handle, as the previous speaker
12 alluded to, dilution is the solution, rather
13 than what are the cruise ship companies doing
14 and are they doing their best to keep Alaska's
15 pristine waters as clean as they were before
16 they came. And that's where I'd like the
17 effort to go.

18 A tremendous amount of the effort now
19 is going towards developing dilution models and
20 mixing zone estimates. I think that's the
21 wrong direction. EPA must understand that a
22 tremendous amount of the work that we've done
23 in the past year has gone into getting just
24 very basic information. The voluntary Cruise
25 Ship Initiative has generated only preliminary

1 data. Industry has consistently resisted our
2 efforts at full effluent characterization
3 including an assessment of environmental and
4 human health impacts. The industry refused to
5 conduct sampling that evaluates the effects of
6 their wastewater discharges despite repeated
7 requests from citizen representatives on the
8 working group. Understanding the environmental
9 and human health impacts of the discharges was
10 and remains the largest concern of the Alaskan
11 public. The entire issue remains unaddressed.

12 Without an assessment of effluent
13 toxicity, this season's sampling effort resulted
14 in an incomplete effluent characterization and
15 failed to provide one of the most important
16 pieces of the information needed, determining
17 the short and long-term effects of the
18 discharges on marine life. This is a critical
19 issue since many of Alaska's industries depend
20 on a healthy environment, commercial and
21 charter fishing, tourism and recreation. Much
22 of the public in Alaska also depends on a
23 clean environment for their food sources. It's
24 a necessary piece of information.

25 The voluntary programs have given us a

1 limited amount of additional information, but
2 nowhere near what is needed to fully understand
3 and adequately control the discharges from the
4 cruise industry. We know marginally more about
5 cruise ship discharges than we did a year ago,
6 but there has still been no discussion of how
7 they will be managed next year. Judging from
8 the experience of this past year, I question
9 whether a voluntary program is worth the effort
10 that it's taken and whether we're going to get
11 the information that we need.

12 EPA needs to take a strong role in
13 regulating the cruise ship industries in Alaska
14 because Alaska is not a delegated state for
15 the NPDES Program. And the DEC water quality
16 program is very limited at this point.
17 Although the Coast Guard has done an excellent
18 job of addressing the issue this summer, they,
19 by their own admission, do not have the
20 expertise to regulate water pollution.

21 We're requesting EPA to proceed with
22 the rule making effort that results in the
23 industry generating the following information:
24 A full disclosure by each ship through a
25 statistically valid sampling program of

1 conventional and non-conventional pollutants,
2 priority pollutants, wastewater flows and
3 production information, all sources of
4 wastewater on each ship, an evaluation of the
5 treatment technology currently employed. There
6 needs to be a full assessment of the efficacy
7 of the MSDs currently in use. There needs to
8 be an assurance that treatment systems are
9 operating optimally, are sized correctly and
10 are well maintained. A rigorous sampling
11 program to fully monitor all overboard
12 discharges from all sources and frequent
13 inspections by both EPA and the Coast Guard,
14 toxicity testing of effluent including both
15 acute and chronic assessments. And the tests
16 must be completed on several species that are
17 relevant in Alaska. A map of all discharge
18 locations, mixing zone calculations for each
19 ship, an impact analysis of discharges on
20 receiving environments including sensitive
21 habitats, subsistence areas, fishing and
22 recreation areas. An impact assessment must
23 evaluate the cumulative impacts of many ships
24 discharging in the same water bodies over a
25 short amount of time. And a full pollution

1 prevention plan from each ship to minimize
2 discharges and maximize the effectiveness of
3 individual treatment systems. We've been
4 asking for this information from the beginning.

5 EPA must move forward with instituting
6 a program to establish effluent limits for the
7 cruise ship industry similar to all other
8 industries regulated under the NPDES Program.
9 Technology based effluent limits may not be
10 effective enough to assure compliance with
11 water quality standards since there's a great
12 deal of question now on the effectiveness of
13 the MSD systems. Thus, the effluent limits
14 must be water quality based and stringent
15 enough to meet water quality standards at the
16 point of discharge. Permits must take into
17 account the effects of the discharges on
18 receiving waters. EPA must consider
19 prohibiting discharges into sensitive areas,
20 areas of low dilution and areas where
21 threatened and endangered species live. We'd
22 like you to evaluate whether the restrictions
23 placed on discharges in the Great Lakes would
24 be appropriate here.

25 Alaska's environment deserve the highest

1 level of respect and protection. And we do
2 really sincerely thank you for listening.

3 **MR. VOGT:** Panel? Okay.

4 Thank you very much.

5 **MS. BERRY-FRICK:** Good evening.
6 And thank you for coming. My name is Anissa
7 Berry-Frick. And I am here today representing
8 -- I'm here today from Port Alexander
9 representing the Lower Chatham Conservation
10 Society. Our mission is to protect the
11 integrity of the Lower Chatham ecosystem. Our
12 region's economy is primarily fisheries-based.
13 People here live subsistence-based lifestyles.

14 So far it is not the passengers'
15 footprints impacting our region. It is the
16 ripple of the wake left behind when these
17 floating cities pass off our shores. Nothing
18 can legitimize these cruise ships polluting as
19 they pass through our waters. So close they
20 pass, yet how disconnected they are in any
21 consideration given to the local inhabitants.

22 Lower Chatham contains a doughnut hole
23 seven miles wide abeam of Port Alexander in
24 which raw sewage can be released. And I'll
25 point to my map here. This is Chatham Straits

1 and the entrance to the open ocean. Port
2 Alexander sits right here at the south tip of
3 Baranof.

4 In our communities we eat fish from
5 the sea, pick sea vegetables from the seashore
6 and dig clams. It is no wonder we are
7 concerned with pollution so close. We need
8 your help in protecting our environment.

9 In Lower Chatham a local fisherwoman
10 warned me that twice in the last two years,
11 she has come upon a strange substance offshore
12 while trolling. She described it as a line of
13 an orange hydrophobic substance stretched along
14 the edge of a tidal rip extending far in both
15 directions. This summer has brought more
16 sightings. North of Port Alexander and Port
17 Conclusion, two different people saw a similar
18 orange substance. One person reported it to
19 extend from the tide line to 20 feet offshore.

20 A sample was sent to the DEC lab.
21 Inconclusive results came back from DEC. They
22 said it was nothing to be worried about. It's
23 nothing toxic. We can't find anything
24 bacterial in it. They don't know what it is.
25 And I saw the substance myself as it came

1 back. And my husband dipped his finger in it
2 and rubbed his fingers together and it was
3 oily.

4 Heed the caution, EPA. The cruise
5 industry is brainwashing their sales pitch and
6 setting their own environmental management
7 criteria. Praise for some of the cruise lines
8 calling for the reduction of adverse
9 environmental impacts. However, nothing takes
10 the place of federal oversight and enforcement.
11 Problems with industry writing their own ticket
12 come with price tags such as tampered sampling
13 and untruthful information. Industry that
14 completely calls its own shots can potentially
15 evade regulatory protective oversight on
16 disclosure. It's like the fox guarding the
17 hen house. Regulations concerning environmental
18 impacts need to be mandated by the respective
19 agencies working in conjunction with all
20 concerned stakeholders.

21 The growing cruise industry needs to be
22 held accountable as a whole under the Resource
23 Conservation and Recovery Act, either as an
24 industry or individual cruise lines, not as
25 individual ships. Hazardous and toxic

1 chemicals that go on these ships need to be
2 accounted for both before and after sailing.
3 Vessels need personnel with proper training and
4 onboard facilities to deal with the waste.
5 They need to evaluate the potential for use of
6 less toxic or nontoxic materials. Disposal
7 must be onshore at appropriate sites and follow
8 the same regulations as other land-based waste
9 management services.

10 The Clean Water Act is outdated with
11 respect to the cruise ship market. We are
12 asking for a plan to be developed to study the
13 impacts of all pollutants that end up in our
14 earth's waters regardless of origin. A
15 worldwide account of toxic substances needs to
16 be gathered for the attempt to reduce the risk
17 of contamination by these materials. The
18 earth's ocean is a living receptacle for toxic
19 accumulations. We do not need to let it
20 become another Superfund site.

21 No cruise ship should be able to dump
22 contaminated waste in the waters of Southeast
23 Alaska. Years of dirty dumping practices cannot
24 be taken back. But while we're on the
25 subject, now is the time to come clean. The

1 EPA needs to manage for a cleaner future and
2 today's the place to start. Make the cruise
3 industry take responsibility for their actions.
4 Zero pollutant discharge into our oceans'
5 waters marks the goal.

6 **MR. VOGT:** Okay. Thank you.
7 Ted Thompson and Ron Hansen.

8 **MR. THOMPSON:** Thank you. My
9 name is Ted Thompson. I'm the executive vice
10 president of the International Council of
11 Cruise Lines. The International Council of
12 Cruise Lines or ICCL is an Arlington, Virginia
13 based trade association comprised of 16 member
14 lines that carry approximately 85 percent of
15 the North American passengers on overnight
16 international pleasure voyages. Several of our
17 members are the dominant companies in the
18 Alaskan market. Several operate ships in
19 California. And almost all operate vessels in
20 the Caribbean market originating from ports in
21 Southeastern United States. Additionally,
22 vessels operated by ICCL members call on ports
23 -- over 300 ports around the globe. Ours is
24 truly an international industry.

25 ICCL member vessels are not U. S.

1 flagged, however, while operating in U. S.
2 waters, all U. S. environmental laws must be
3 complied with. Additionally, all of our members
4 must meet international regulations for both
5 environmental protection and for safety of life
6 at sea at all times. To those of you who are
7 familiar with SOLAS, MARPOL, STCW, you know
8 that these protocols set benchmark -- set the
9 benchmark for environmental and safety standards
10 throughout the world. In fact, these
11 international conventions to which the United
12 States is signatory have been adopted into the
13 fabric of the U. S. maritime regulatory system.

14 As a business that is dependent on
15 carrying passengers to beautiful locations where
16 they can experience nature's bounty, such as
17 Alaska, our membership recognizes that even a
18 perception that the industry is not meeting U.
19 S. or international standards is damaging to
20 our image and therefore, our business
21 prospects. With this reality in mind, the
22 cruise industry established industry guidelines
23 regarding a number of issues. These voluntary
24 guidelines for ICCL members meet or exceed all
25 requirements of the law of the United States.

1 Our industry environmental management
2 guidelines set policy goals based on the
3 following fundamental principles: To fully
4 comply with applicable laws and regulations, to
5 maintain cooperative relationships with industry
6 and the regulatory community, to design ships
7 to be environmentally friendly, to embrace new
8 technologies, to conserve resources through
9 purchasing strategies and product management, to
10 minimize waste generated and maximize reuse and
11 recycling, to optimize energy efficiency through
12 conservation and management, to manage water
13 discharges, to educate staff, guests and the
14 community.

15 As technology develops, we will adopt
16 additional self-imposed environmental standards
17 that will be incorporated into this document.
18 ICCL's industry guidelines and other documents
19 may be found on your Internet address,
20 www.iccl.org.

21 In keeping with our commitment to seek
22 out and incorporate new technologies, several
23 ICCL members have committed approximately a
24 million dollars apiece to field testing gray
25 water treatment systems. These test systems

1 when fully developed and proven are expected to
2 remove sediments and impurities from gray water
3 streams to the point where it's essentially
4 clean water. The industry is also looking at
5 plasma incineration for better and more
6 efficient incineration, for incorporating
7 printing, dry cleaning and photo systems
8 without hazardous waste byproducts.

9 The response to the question of what
10 impact gray water and treated black water has
11 -- discharge has on the environment and in an
12 attempt to be proactive in addressing this
13 issue, ICCL contracted a study with M.
14 Rosenblatt & Son, a globally recognized
15 engineering firm, to evaluate the dispersion of
16 wastewater and any suspended solids and
17 entrained substances into the sea as it is
18 discharged. When it is completed, this
19 analysis will be posted on our Internet site.

20 I've heard two comments previously.
21 One said that the solution to pollution is no
22 longer dilution. And the other one that says
23 -- that called for mixing zone calculations.
24 We at least are starting to answer the one for
25 mixing zone calculations. The calculations of

1 this analysis demonstrate to us that the
2 wastewater discharge constituents are diluted by
3 a factor of approximately 44,000 when a ship
4 is moving at four knots. Four knots is bare
5 steerageway for one of these large ships.
6 This dilution factor improves to about 111,000
7 at ten knots. And these dilution factors are
8 based strictly on the initial mixing concepts
9 associated with the mixing zone and did not
10 take into consideration additional dispersion
11 effects afforded by vessel wake, tidal and
12 current actions. The estimate is that these
13 additional dispersion factors would result in
14 approximately a thousand to 100,000 times more
15 dilution than what we have already indicated.

16 We're also discussing, as Mr. Vogt
17 said, an actual water sampling program with the
18 EPA and the United States Coast Guard.
19 Several of us met this afternoon to discuss
20 the protocol for such a sampling program. And
21 as Mr. Vogt said, that would be subject to
22 peer review and input from the public. Such
23 an undertaking would take and test laboratory
24 -- or laboratory test water samples from
25 identified water locations both before and

1 after a cruise ship passes and while
2 discharging known grey water and treated black
3 water. It is expected that this water
4 sampling program will yield definitive results
5 regarding dilution in an identifiable mixing
6 zone.

7 Last December ICCL members agreed to
8 and supported legislation singling out our
9 industry for very significant operating
10 restrictions and penalties if those restrictions
11 are not complied with. I'm sure you're
12 familiar with the legislation that was
13 introduced by Senator Murkowski. We support it
14 because this legislation is good legislation.
15 And it codifies what our current voluntary
16 practices are in Alaska. Indeed, when we ICCL
17 members adopt an industry practice such as to
18 discharge gray water and treated black water
19 only while a vessel is underway at a speed of
20 six knots, this is a commitment that applies
21 around the globe, not just in Alaska or
22 California or Florida.

23 We welcome the opportunity to publicly
24 demonstrate that we are adhering to these
25 practices and that our industry is responsible

1 and cares about the environment. We know of
2 no other segment of the maritime industry that
3 will be willing or able to meet these types of
4 standards.

5 You're familiar with the EPA petition
6 so I won't go into that. You're also familiar
7 with the Alaska Cruise Ship Initiative so I
8 won't go into that, which is mentioned in our
9 testimony here. But all of these projects and
10 others have been completed since December of
11 1999. And their completion in just over six
12 months is a tribute to what right-minded people
13 can accomplish given the opportunity.

14 We comment on them here because it is
15 important to realize that the issues that the
16 individual states have been dealing with relate
17 directly to this EPA national program. The
18 information developed for and in conjunction
19 with the State of Florida for the memorandum
20 of understanding we signed with them provide
21 vital information regarding management
22 practices.

23 The information developed for the State
24 of Alaska Cruise Ship Initiative will provide
25 vital information regarding waste stream volumes

1 and components. The laboratory testing of gray
2 water and treated black water streams has
3 already provided significant and quite
4 unexpected results. These test results, as it
5 has been stated, indicate significant
6 concentrations of bacteria in the wastewater,
7 not only in the large cruise ships that ICCL
8 operates, but also in the smaller cruise
9 vessels of the U. S. flag fleet. These are
10 being proactively addressed by the vessel
11 operators, the state agencies, the federal
12 agencies and the public environmental advocacy
13 groups together as to where these numbers are
14 coming from, what the implications are, how we
15 bring them back down. From the outset, it
16 appears to us that this issue may involve the
17 entire maritime industry and not just cruise
18 ships.

19 The International Council of Cruise
20 Lines together with its sister associations,
21 the North West Cruise Ship Association and the
22 Florida Caribbean Cruise Ship Association and
23 the cruise vessel operators of each of these
24 associations are dedicated to and will continue
25 working toward responsible environmental

1 management and protection of our natural
2 resources. We are committed to working in
3 partnership with the Environmental Protection
4 Agency, the United States Coast Guard, other
5 federal and state environmental protection
6 agencies and public environmental advocacy
7 groups to find productive solutions to the very
8 real issues that confront us on a daily basis.
9 Thank you.

10 **MR. VOGT:** Okay. Thank you
11 very much. And we'll go to Mr. Hansen. But
12 I just want to warn the next two, Sarah Keeney
13 and Gershon Cohen will be the next two. And
14 after that we will take a short break.

15 **MR. HANSEN:** Good evening,
16 members of the panel, everyone. My name is
17 John Hansen. I'm president of the North West
18 CruiseShip Association.

19 **MR. VOGT:** Bring the mike
20 closer to you, please.

21 **MR. HANSEN:** NWCA is a little
22 sister association to ICCL, but with a very
23 specific focus in Alaska, British Columbia and
24 the Pacific Northwest. We have nine member
25 lines. And this year together they operated

1 22 ships. So I appreciate the opportunity to
2 meet with the representatives of the panel
3 tonight.

4 Captain Thompson has already given a
5 broad overview. And I won't repeat some of
6 the areas that were covered in his
7 presentation. Let me simply say that here in
8 Alaska, we're involved in a very important
9 process of environmental review. And I've been
10 involved in it from the start of the process.
11 And I think we're making tremendous progress.
12 And I'd like to just briefly reflect on some
13 of the action up to this point, a little bit
14 of the background of the process and what we
15 may learn from this process in terms of where
16 EPA may be going in their assessment.

17 Part of the catalyst here in Alaska
18 for the process that we're involved in now, as
19 many of you know, most of you know, were a
20 series of stories in the newspapers, some of
21 them alarmist, about a year ago. And it was
22 not in anyone's interest to leave
23 misinformation in the public. And it was
24 certainly important for us and also for the
25 regulators to establish what were the facts.

1 So the Alaska Department of
2 Environmental Conservation correctly took the
3 initiative last December to address these
4 public concerns. And we've been participating
5 fully with ADEC and together with EPA, the
6 Coast Guard, the local cruise lines, the U. S.
7 flag and the Southeast Alaska communities.

8 We saw the objectives in the Initiative
9 to be straightforward; first, to determine
10 carefully and systematically and based on good
11 science if there are any environmental
12 problems; and secondly, to address any problems
13 that may come to light in the course of the
14 investigation; and thirdly, to reassure the
15 public that the cruise ships are not causing
16 harm in Alaska. Our position as the cruise
17 industry is very simple. We do not want to
18 cause pollution in Alaska or any other place
19 because it's wrong to do anything that will
20 harm the environment in our host communities.
21 And furthermore, it's simply not good for the
22 cruise business.

23 Here's what we've achieved, as I see
24 it, since this time last year. We've
25 committed to waste management practices that

1 include no discharge of untreated black water
2 in the Inside Passage, whether or not these
3 areas are inside or outside the three mile
4 zone. No discharge of gray water or treated
5 black water while in port. No discharge
6 unless the ship is steaming at speeds of six
7 knots and greater. And no discharge within ten
8 miles coming to or leaving a port of call.

9 Now, this is in addition to the normal
10 standards for separation and handling of
11 ballast water, bilge water, solid waste, toxic
12 chemicals on ships. And these are all as
13 required under both the U. S. and Canadian
14 law.

15 We have invested in oil spill response
16 equipment in Southeast Alaska with four sets of
17 barges and skimmers. This is to ensure that
18 there's capability for containment and recovery
19 of persistent oil in Southeast Alaska if a
20 spill were to ever occur. In addition, the
21 cruise lines have signed response agreements
22 with the oil response organization in this
23 region which is called SEAPRO. Three sets of
24 these barges are now in place and the fourth
25 is being delivered this month.

1 We're currently participating in a task
2 force with the Alaska legislature and with DEC
3 in the development of detailed plans for oil
4 spill response throughout the state under
5 legislation bill 273 which was passed in April
6 of this year.

7 Earlier in the year, we also supported
8 Alaska legislation which dealt with the
9 tributyl tin, which is a compound, a paint
10 compound used in painting bottoms of ships.
11 We supported the concept that this would be
12 eliminated from the use of cruise ships.

13 Together with Alaska DEC and EPA, we
14 have undertaken a study of ambient air quality
15 in Juneau to determine if the levels of SO₂,
16 NO₂ and particulates are cause for
17 environmental concern in this community. And
18 the study will be completed by the end of
19 September. And the results will, of course,
20 be available for public review.

21 In addition, both DEC and EPA have
22 been active in monitoring visible smoke from
23 the cruise ships. Many of our ships have
24 installed onboard monitoring, electronic
25 monitoring equipment and have onshore smoke

1 readers as well. We don't want to offend
2 anyone in Juneau or anywhere else with visible
3 smoke. The engineers and masters onboard the
4 ships are working hard in operations and
5 maintenance of engines to ensure that the smoke
6 is minimized while not compromising the safety
7 of the ships. Each year newer ships come into
8 the fleet as well.

9 In July we worked with DEC, Coast
10 Guard and EPA in cruise ship environmental
11 awareness days here in Juneau, which included
12 briefings and tours and so on. And this year
13 we also started the program that's been
14 referred to a number of times of sampling and
15 testing of water from gray water and treated
16 black water tanks from all the large cruise
17 ships operating here. The lab tests have
18 included biochemical oxygen demand, total
19 suspended solids, chemical oxygen demand, fecal
20 coliform, free chlorine. And in addition,
21 there's some - I believe another 150 other
22 chemicals or compounds that the tests are being
23 conducted to determine whether there's any
24 presence of these compounds.

25 We're starting to get some lab results,

1 but there's still a lot of data to analyze and
2 to understand. We expect a full suite of data
3 will be available by middle of October, I
4 would expect. And we expect this will confirm
5 that the ships' operation and separation of
6 toxic materials from wastewater discharge is
7 working as it should.

8 However -- and people have also
9 commented on this -- there are some results
10 that show high coliform counts. We're
11 concerned about that. And we're working with
12 the Coast Guard to try to understand the
13 causes and the possible implications of these
14 readings. As a result, we have taken the
15 following action: One, we are working with
16 the Coast Guard to determine if there are any
17 operational or mechanical problems in the
18 marine sanitation devices or the gray water
19 systems. And quite frankly, if there are
20 problems, those are going to be fixed.

21 We're trying to understand the
22 dispersion -- and Captain Thompson referred to
23 the dispersion analysis that's being conducted
24 now. We believe this is good science to have
25 that understanding of mixing zones and

1 dispersion. But that's -- it is a
2 mathematical model and we do want to verify
3 that, in fact, the numbers that the
4 mathematical model show turn out to be, in
5 fact, in real life. So this week, in fact,
6 we started a program of sampling the water,
7 the ambient water in front of ships and also
8 behind the ships to be able to determine what
9 the ship leaves behind. The data is not in
10 yet, but we'll certainly make that available as
11 soon as we have a chance to understand what
12 that is.

13 And the fourth piece is the question
14 of what are the thresholds or concentrations of
15 the discharge from ships that may be harmful
16 in the ocean. We don't know the answers right
17 now. And therefore, as part of an effort to
18 understand these questions, we've engaged or
19 will engage a team of scientists through the
20 Alaska SeaLife Center in Seward to help us
21 understand the oceanography, chemistry, biology
22 and so on. And we're really interested in
23 sharing that information with the regulators
24 and the scientists in the various government
25 organizations.

1 There are some -- excuse me -- those
2 are some of the current activities we're doing
3 here in Alaska to deal with the immediate
4 questions in front of us. In the larger
5 picture -- and Captain Thompson referred to
6 this -- all the major cruise lines are
7 investing heavily in research and development
8 of new and better technologies to treat and
9 manage water discharge and air emissions. For
10 example, here in Alaska, two ships are testing
11 gray water treatment by membrane technology
12 this year. Now, some of the technology will
13 work better than others and some will be
14 easier to maintain and some will be more
15 economical and more efficient. But I fully
16 expect that the equipment that offers the best
17 solutions will become the standard for the
18 future.

19 Now, I've taken a little more time
20 than I probably should. And I'm coming to a
21 conclusion, but I really do want to underscore
22 that here we're involved in a very important
23 process. The results of the studies today
24 will help us understand the environmental
25 impact of our ships. And it will lead to new

1 and cleaner operations in the future. I
2 believe this process that we're involved in
3 here is important for EPA to consider in your
4 deliberations about the new laws and
5 regulations and non-regulatory options that you
6 outline for cruise ships and for the maritime
7 industry as a whole.

8 Finally, our approach in Alaska has
9 been first to determine if there's a problem,
10 based on quality analysis and good science.
11 And second, if there is a problem, let's find
12 solutions. I personally believe that the best
13 solutions are those that are based on voluntary
14 commitment and agreements between the
15 governmental agencies and industry.

16 Lastly, I believe that we here in
17 Alaska are at the leading edge in this effort
18 worldwide. And I think the results that we
19 see here, the results will set the baselines
20 for maritime operations and not just for cruise
21 ships, but all ships and boats operating in U.
22 S. waters. Thank you.

23 **MR. VOGT:** Okay. Thank you.
24 Next, we have Sarah Keeney and Gershon Cohen.
25 And following these two, we'll take a break.

1 But after that, Tommy Abel and Joe Geldhof.

2 **MS. KEENEY:** I have actually --
3 I apologize for the length of time to hear my
4 voice. I've been charged with reading several
5 statements from communities so I'll go quickly,
6 I guess.

7 My name is Sarah Keeney. I'm a
8 grassroots organizer for the Southeast Alaska
9 Conservation Council. We would like to thank
10 the Environmental Protection Agency and the
11 Coast Guard for its efforts to respond to
12 community concerns across the country relating
13 to cruise ship water pollution by holding these
14 hearings.

15 Congress entrusted EPA to protect the
16 chemical, physical and biological integrity of
17 the nation's waters under the Clean Water Act.
18 SEACC supports EPA efforts to implement a
19 strong regulatory control, monitoring,
20 record-keeping and enforcement program to
21 oversee the waste management practices of the
22 cruise ship industry. SEACC is gravely
23 concerned with the potential impact of waste
24 from the cruise ship industry on Southeast
25 Alaska's valuable marine waters.

1 Stretching from Ketchikan to Kodiak,
2 the Alaska coastal rainforest contains thousands
3 of miles of coastline. These rich marine
4 waters and submerged tidelands have supported
5 commercial, recreational and subsistence uses
6 for thousands of years as well as serving as
7 important access routes between coastal
8 communities. Southeast Alaska residents depend
9 on a healthy coastal ecosystem. We want to
10 make sure that cruise ship wastewater pollution
11 is not adversely impacting Southeast Alaska's
12 marine environment.

13 Overwhelming evidence supports a
14 reassessment of the regulations that govern the
15 cruise ship industry. SEACC believes that the
16 lack of information on the types and volumes
17 of cruise ship waste, the recent initial
18 wastewater test results from Alaska's Cruise
19 Ship Initiative, as well as the cruise ship
20 industry's dismal environmental track record,
21 especially in Alaska, support this reassessment.
22 We urge EPA to strengthen its regulatory
23 control of the cruise ship industry.

24 This may include prohibiting the
25 discharge of untreated back water anywhere

1 within the Inside Passage, i.e., closing the
2 loopholes for doughnut holes; requiring NPDES
3 permits for gray water and treated black water
4 discharges that meet federal standards. Where
5 there is no federal standards, such as with
6 gray water, EPA must issue rules that regulate
7 gray water to prevent harm to human health or
8 the environment by a single ship or
9 cumulatively by many ships. We would like you
10 to implement a strengthened tracking and
11 reporting system for hazardous wastes and toxic
12 materials brought and generated onboard,
13 initiate regulatory requirements for onboard
14 wastewater treatment systems and by strictly
15 enforcing penalties for any violations.

16 The cruise ship industry should be
17 regulated just like every other industry that
18 discharges waste into the nation's waters. We
19 look forward to EPA's response to the concerns
20 of Southeast Alaskan communities and to working
21 with you to solve this pressing problem. And
22 thank you for the opportunity to comment.

23 ORGANIZED VILLAGE OF KAKE: (By Sarah
24 Keeney) I was asked to read this by the
25 Organized Village of Kake. The Organized

1 Village of Kake is the federally recognized
2 tribal government serving the Kake, Alaska area
3 with a tribal membership of 640 in our village
4 of 800 plus citizens. Located at the
5 northwest tip of Kupreanof Island, Kake's
6 customary and traditional gathering or
7 subsistence area covers the following areas:
8 the east side of Baranof Island, the east side
9 of Admiralty Island, including the southwestern
10 side of the island, the central western
11 mainland, a good portion of Kupreanof Island,
12 northern and central Kuiu and Keku Islands.
13 The waterways that we use for subsistence
14 include Chatham Strait, Frederick Sound, Keku
15 Strait, Sumner Strait and Stephens Passage.
16 Our Constitution and Bylaws mandate the
17 protection of our members and village.

18 OVK membership have reported waste and
19 bilge slicks following the passing of the
20 cruise ships in Chatham Strait and Frederick
21 Sound areas. It has come to our attention
22 from the news releases over the year that the
23 dumping of gray water, bilge waste, garbage, et
24 cetera is accruing in our backyard, i.e., in
25 the main waterways that we use for subsistence

1 gathering. If you can imagine the whole
2 population of Alaska, 600,000 people, using the
3 areas of Chatham Strait off Tebenkof Bay, the
4 west side of Kuiu Islands up to Turnabout
5 Island off the northwest end of Kupreanof
6 Island, Frederick Sound dumping all of their
7 garbage, gray water, bilge and sewage during
8 the tourist season, this is precisely what is
9 happening by the cruise ship industry.
10 Millions of gallons of waste water, garbage and
11 sewage get dumped in our subsistence areas.

12 We propose to our congressional
13 delegates, state legislators, State Department
14 of Environmental Conservation and the U. S. EPA
15 to prohibit any more dumping in our areas. We
16 would even propose that the cruise ships be
17 prohibited in dumping anything in the ocean.
18 Cruise ships should not practice the out of
19 sight, out of mind technique, but rather carry
20 out what they carry in. Cruise ships should
21 carry everything they produce as an industry
22 and carry back to their port of call to
23 transfer off the waste that they've produced
24 during their cruises.

25 OVK is in favor of Senator Murkowski's

1 bill that would prohibit any cruise ship
2 dumping within the waterways of the Inside
3 Passage. These cruise ships are virtual cities
4 moving throughout Southeast Alaska and dumping
5 their garbage and waste throughout our
6 waterways, the very waterways that we depend on
7 for our way of life. Sixty percent of what
8 we eat here in Kake comes from our customary
9 and traditional gatherings that is being
10 contaminated by cruise ship dumping. A large
11 percentage of our subsistence involves gathering
12 all types of fish, shellfish from the
13 intertidal area, crabs and seaweed that are
14 impacted by cruise ship dumping.

15 We propose that some of the cruise
16 ship fines be spent on environmental studies of
17 what is the exact content of the dumping by
18 cruise ships, exact amount, exactly where the
19 dumping occurs and where the content ends up.
20 We also propose an environmental study of the
21 effects of dumping on our subsistence foods,
22 effects on all the fish that live and migrate
23 through the waterways, a study of the effects
24 of the dumping on porpoise, humpback whales,
25 orcas, sea otter, herring and ultimately the

1 effects on our tribal members.

2 Frederick Sound is well known for the
3 largest congregation of humpback whales in the
4 world. And within the last five years, we've
5 documented two humpback whales dead within the
6 Chatham Strait area. The present laws are
7 obviously not working when trash is washed upon
8 our shorelines even if the ships are allegedly
9 sticking to the three-mile limit. This
10 three-mile limit is not adequate and needs to
11 be changed. Again, we want to see the cruise
12 ships responsible for carrying out what they
13 carry in and not dumping, period.

14 Placing oil spill response boats and
15 barges in Haines or Ketchikan is too far a
16 distance from Central Southeast Alaska. In the
17 event of a spill in Central Southeast Alaska,
18 it would take a minimum of ten to 14 hours to
19 transport a barge from Haines or Ketchikan. By
20 that time, environmental damage could be
21 catastrophic. We propose a HAZMAT response
22 boat or barges to be stationed here in Central
23 Southeast Alaska, in Kake. OVK has an office
24 here in Kake and would be willing to
25 administer either the research or the HAZMAT

1 response boat and barge. Kake Tribal
2 Corporation maintains a crew of SEAPRO-trained
3 response team here in Kake. OVK is not
4 against the cruise ship industry, but we are
5 all for the wise use of our Inside Passage by
6 everyone. OVK's main obligation is to
7 membership and to protecting the young, needy
8 and elders against the pollution caused by the
9 cruise ships dumping in the Inside Passage.

10 OVK would like this to be a part of
11 our Government-to-Government talks and include
12 the rest of the Southeast Alaska tribal IRAs
13 in all of the communities. The documented
14 areas that the cruise ships dump here in
15 Southeast Alaska include other communities.
16 And the tribal IRAs probably have the same
17 concerns. And this is signed by Casimero A.
18 Aceveda, who is the president of OVK.

19 ELAINE PRICE: (By Sarah Keeney) And
20 this is the last one, I promise. This is
21 from Elaine Price, who lives in Coffman Cove.

22 Coffman Cove is a small community on
23 the northeast Prince of Wales Island. We are
24 the only community directly on Clarence
25 Straits. I'm calling -- she thought she could

1 teleconference. I'm calling representing the
2 community and myself. We are also located on
3 what is referred to as a doughnut hole. This
4 is one of the few areas that is large enough
5 for the ships to be X amount of miles from
6 shore and to dump whatever they feel like
7 dumping in our waterway.

8 We have written to the state about our
9 concerns. We were told that they would
10 protect our interests. The cruise ships'
11 voluntary commitment not to dump within ten
12 miles of port sure does not protect our
13 interests. We receive absolutely no benefits
14 from the cruise ship industry, but get their
15 waste. Excuse me if we don't trust any of
16 the bureaucracy to protect our interests. The
17 cruise ship industry is big money to the
18 communities in Southeast Alaska who support the
19 industry. And we don't feel that their
20 interests are our interests. We have asked to
21 have a representative present when they discuss
22 cruise ship compliance, but have so far been
23 ignored.

24 We feel that the cruise ships should
25 offload their sewage, garbage and all waste at

1 the ports they visit, not in our waterway.
2 This is an enclosed waterway and any waste
3 that is dumped affects our fish, clams, beaches
4 and homes. I can sit on my porch and watch
5 the cruise ships pass by. Our homes are on
6 the beach in front of where they dump. My
7 grandchildren play on the beach. I eat fish
8 that comes from this waterway. And my
9 community spends a lot of money to meet all
10 the regulations for wastewater. I don't
11 appreciate cruise ships dumping more wastes in
12 our waterway in one season than our community
13 would produce in ten years.

14 **MR. VOGT:** We have one question
15 from the panel. Go ahead.

16 **MR. CARLSON:** I'm sorry. I
17 must have missed it. The first statement that
18 you read, who was that from?

19 **MS. KEENEY:** The Southeast
20 Alaska Conservation Council.

21 **MR. VOGT:** Thank you for
22 yourself and those other statements. Mr.
23 Gershon.

24 **MR. COHEN:** My name is Gershon
25 Cohen. I'm a 17-year resident of Southeast

1 Alaska living in Haines since 1984. I've been
2 active on water quality issues for nearly a
3 decade in Alaska, most recently as a member of
4 the Alaska Cruise Ship Initiative Wastewater
5 Subcommittee. I'm also the national project
6 director for the Campaign to Safeguard
7 America's Waters, which is a water pollution
8 prevention project of the Earth Island. Earth
9 Island is the parent organization of Bluewater
10 Network, as well as my project. And I
11 participated in drafting the Bluewater Network
12 petition last winter.

13 I want to thank you for offering the
14 public an opportunity to share their thoughts
15 and concerns regarding laws, regulations,
16 policies and practices currently controlling the
17 discharge of polluted waste streams from cruise
18 ships. Regulating the activities of any major
19 industry is a complex undertaking. In this
20 instance, the problem is further complicated by
21 the number of cruise ship corporations, the age
22 and condition of the vessels and the impact
23 that the attitude and training of the operators
24 can have on the pollution reduction achieved.

25 The issue is further challenged by the

1 mobile nature of the discharges as well as the
2 variation in receiving water quality and
3 beneficial uses applicable in different areas
4 in Southeast Alaska. Regardless, given the
5 importance of preventing further deterioration
6 of our marine resources, state and federal
7 regulatory agencies should promptly move towards
8 the adoption of clear and precise rules to
9 protect the public's health and welfare and to
10 ensure the long-term vitality and productivity
11 of our state and national waters.

12 Statutory authority supporting a
13 regulatory regime for the cruise ship industry
14 is readily found in Section 301 of the Clean
15 Water Act, which prohibits the discharge of
16 wastes into the waters of the United States
17 without a permit. The NPDES permitting system
18 described in Section 402 of the act is applied
19 to virtually every other major industry and
20 municipality that discharges wastes into U. S.
21 waters.

22 As you know, the federal government has
23 been exempting the majority of discharges from
24 cruise ships from federal permitting mechanisms
25 on the basis of a regulatory exclusion found

1 in 40 CFR 122.3. According to this
2 regulation, discharges, quote, "incidental to
3 the normal operation of a vessel," end quote,
4 do not require NPDES permits. I believe this
5 exemption is improperly applied in this
6 instance. The millions of gallons of back
7 water and gray water generated by thousands of
8 passengers and crew aboard a major cruise
9 vessel result from profit-making activities on
10 the vessel and not from the operation of the
11 vessel itself.

12 Considering the industry's history of
13 pollution violations and the variety and volume
14 of waste produced, it is prudent and
15 appropriate to require Section 402 permits for
16 each vessel that include enforceable effluent
17 limitations, best management practices and
18 regular reporting schedules.

19 The public has been repeatedly told by
20 cruise ship representatives that a full
21 reporting and monitoring system is unnecessary.
22 The ships are so clean, so well operated and
23 the waste so benign that a permitting program
24 would be a waste of everyone's time and money.
25 To prove their point, the industry agreed to a

1 voluntary monitoring program in Alaska this
2 summer known as the Alaska Cruise Ship
3 Initiative. The sampling program was in part an
4 attempt by the industry to relieve growing
5 political pressure for formal regulatory action
6 under the Clean Water Act. Although the Alaska
7 Initiative program will provide some baseline
8 information on cruise vessel discharges, it
9 clearly does not fill the permitting gap for
10 the following reasons:

11 The Initiative does not identify the
12 volume of waste streams discharged. The
13 Initiative does not sufficiently characterize
14 the composition of the waste streams. It does
15 not provide for any toxicity testing of ship
16 effluents. It does not contain any regulatory
17 benchmarks other than for fecal coliform
18 bacteria and total dissolved solids. It does
19 not provide for mass balance accounting to
20 track the use and disposal of the toxic
21 materials on the ships. It does not
22 sufficiently monitor the ships requiring only
23 two sampling actions per ship for the entire
24 season. It does not adequately test for
25 priority pollutants, providing for only one

1 screening from each ship taken as a composite
2 sample, which may mask the presence of priority
3 pollutants. It does not adequately inform the
4 public of the results of the sampling since
5 ship names are not revealed to the public
6 unless federal criteria are exceeded. However,
7 it is guaranteed that public notification of
8 violating ships will probably not occur. Since
9 the ships operate without permits, there are no
10 federally applied criteria and therefore, none
11 to be exceeded. And finally, the Initiative
12 does not establish any best management
13 practices for the industry as a whole, nor
14 will it lead to the development of best
15 available technology or BAT requirements or new
16 source performance standards.

17 As of this morning's Wastewater
18 Subcommittee meeting, no data had been released
19 regarding other commonly found gray water
20 contaminants, such as pesticides, detergents and
21 heavy metals. However, initial results on
22 conventional pollutants from this summer's
23 sampling program have demonstrated that the
24 industry's characterization of its discharges as
25 consistent with state and federal water quality

1 criteria is unfounded.

2 Significant fecal waste contamination
3 has been found in nearly every waste stream
4 tested on nearly every ship. Onboard sewage
5 treatment plants known as marine sanitation
6 devices appear to be either nonfunctional or
7 possibly simply overwhelmed by the shear volume
8 of the waste streams. The level of residual
9 chlorine or lack thereof recorded in a number
10 of the samples indicates that many MSDs have
11 been improperly operated. But even when
12 chlorine was added, MSDs were not producing the
13 level of decontamination necessary to meet the
14 federal criterion for sewage bacteria.

15 More disturbing is the fact that gray
16 water discharges on the ships, which should be
17 largely free from fecal waste contamination,
18 have scored some of the highest results from
19 all samples taken. A number of the samples
20 have registered fecal coliform counts in the
21 millions, against the federal maximum criteria
22 of 200 colonies per sample.

23 The regulatory void encapsulating this
24 industry has not been restricted to federal
25 pollution control programs. There has been

1 little discussion to date of industry
2 compliance with state Water Quality Standards
3 that often are more stringent and precise than
4 federal criteria regarding water pollution.

5 A recently received industry
6 commissioned study supports the status quo for
7 cruise ship discharging practices on the basis
8 of mixing zones. According to the authors,
9 there was ample capacity for dilution of cruise
10 ship waste as long as certain minimal cruising
11 speeds are met while dumping. The report
12 looked at the discharge constituents and volume
13 from a generic cruise ship and assumed that a
14 volume of receiving water was available
15 sufficient to provide the necessary dilution.

16 The idea of meeting Water Quality
17 Standards through dilution will no doubt
18 require extensive discussion. A short list of
19 issues that would have to be addressed would
20 include low water exchange rates in some areas
21 of the Inside Passage, the number of ships
22 simultaneously discharging and the need to
23 restrict all dumping in certain areas because
24 of their importance to subsistence, commercial
25 fisheries, recreation and the protection of

1 critical marine mammal habitat.

2 Ironically, mixing zones, regions where
3 discharges are permitted to exceed the state's
4 Water Quality Standards are authorized in the
5 context of federal or state discharge permits,
6 the very same permits we are advocating for
7 the industry and that the industry has hoped
8 to avoid. Part of the permit process includes
9 public comment on whether a mixing zone is
10 appropriate, an analysis of treatment
11 alternatives that wouldn't require mixing and a
12 survey of the proposed mixing location for
13 impacts to beneficial uses. If the industry
14 would agree to apply for an NPDES permit, they
15 would have the option for a mixing zone.

16 It is worth noting that the legality
17 of mixing zones is a matter of some debate and
18 that the first paragraph of the Clean Water
19 Act states in part, "it is the national goal
20 that the discharge of pollutants into the
21 navigable waters be eliminated." Eliminated,
22 not diluted. Congress recognized in 1972 that
23 our water are finite and that the dilution
24 solution to pollution was no longer
25 appropriate.

1 The United States Senate is currently
2 reviewing a Coast Guard Reauthorization bill
3 sponsored by Senator Murkowski which attempts
4 to address the cruise ship pollution issue.
5 Unfortunately, the Murkowski bill falls far
6 short of the mark as well. The bill does not
7 restrict dumping near communities, recreational
8 areas, fishing grounds or sensitive breeding or
9 rearing habitats for marine mammals or other
10 aquatic species. The bill weakens the
11 definition of gray water to permit the release
12 of toxic substances such as photo processing
13 chemicals and dry cleaning solvents. And the
14 bill extends highly questionable censorship
15 powers to representatives of the foreign
16 flagged cruise ship industry over studies
17 conducted by U. S. government agencies that
18 might lead to increased regulatory control.

19 In conclusion, given the lack of
20 regulatory oversight currently enjoyed by the
21 cruise ship industry and the evidence
22 suggesting that significant potential exists for
23 degradation of the public's marine resources, I
24 respectfully offer EPA the following
25 recommendations: One, require NPDES permits

1 for cruise vessels that include specific
2 effluent limits, monthly reporting procedures
3 and adequate enforcement mechanisms. Two,
4 require that all discharge points on every ship
5 be fitted with a recording devices that
6 measures the volume, time and date of every
7 release of polluted wastes. Three, require
8 that an observer be placed on every vessel
9 akin to the Foreign Fisheries Observer program
10 run by NOAA. The observer should be trained
11 to monitor various onboard treatment systems
12 such as oily bilge water separators and MSDs
13 and be prepared to witness and randomly sample
14 all other wastewater releases.

15 The application of these recommendations
16 would result in negligible financial impact on
17 this lucrative industry which directly profits
18 from the use of our marine resources while its
19 members pay little or no federal taxes or U.
20 S. scale wages and benefits. These
21 recommendations would not unfairly burden the
22 cruise ship industry. On the contrary, they
23 would level the playing field between this
24 industry and the oil, mining, timber and
25 seafood processing industries operating in

1 Alaska which must monitor and report on their
2 discharges to the state and federal government
3 every month.

4 The cruise ship industry may be
5 confident their discharges are free from
6 harmful pollutants, but that has no bearing on
7 whether they should be required to
8 independently demonstrate the fact to us. At
9 minimum, this industry should follow the same
10 rules and procedures placed on all other
11 sources of industrial pollutants into our state
12 and national waters.

13 And I thank you again for accepting
14 these comments.

15 **MR. VOGT:** Thank you very much.
16 We are going to take a ten-minute break.
17 Don't leave just yet. Next up we will have
18 Tommy Abel. Are you here? Okay. Tom. Joe
19 Geldhof, Jack Cadigan, Shannon Atkinson. Those
20 are our on deck and in the hole and at bat
21 and so on. So ten minutes. And we'll try to
22 really hold it to ten minutes because we have
23 at least 20 more presentations.

24 (**WHEREUPON**, a brief recess was taken.)

25 **MR. VOGT:** Okay. It's time,

1 folks. We've got to get started. Please find
2 your seats. Okay. I want to say right up
3 front here that we actually didn't anticipate
4 the number of folks that wanted to speak
5 tonight. We targeted 8:00 to 10:00.
6 Obviously, we have missed that by a lot. We
7 will stay as long as we have energy and
8 speakers. Everyone will get their shot at
9 this fine panel up here. So let us begin one
10 more time. Tommy, please.

11 **MR. ABEL:** Does that mean I
12 can speak as long as I want?

13 **MR. VOGT:** Ask the crowd that.

14 **MR. ABEL:** Thank you, Mr.
15 Chairman. First of all, my name is Tom Abel.
16 I'm a resident of Hoonah. And I'd like to
17 thank you for the opportunity to make a few
18 brief remarks here. I'd also like to say that
19 I'm speaking on behalf of my wife Ernestine
20 Hanlon-Abel who was one of the Hanlons in
21 Hanlon versus Barton.

22 I want to start out with something
23 from Lewis Lapham. He's the editor of
24 Harper's Magazine. One day I had his grandson
25 sitting in my house having a white king salmon

1 steak with me before we took him out to look
2 at where my wife picks spruce roots. In one
3 of his magazines, he published some definitions
4 that he was slightly tongue in cheek in. He
5 said outrage is in short supply these days,
6 pushed off the front page by the Dow Jones
7 going over 10,000. It's upstairs in the attic
8 with the old Bob Dylan records where it
9 belongs.

10 I came here tonight to tell you that
11 my outrage is right here. It's not upstairs
12 with my Bob Dylan records. It's right
13 downstairs with my Bob Dylan CDs. And I want
14 to say that my outrage is measured because I
15 have a lot of friends and acquaintances in
16 communities that I'm familiar with that are
17 becoming dependent upon the tourism industry
18 for making a living.

19 The tourism industry was sold to us on
20 the basis of its cleanliness and that they
21 didn't leave anything behind. Well, when I
22 read the paper that Paula Dobbyn broke the
23 story of and I started to calculate with one
24 of my friends the hundreds of millions of
25 gallons of wastewater that we didn't even know

1 what was in it was being dumped out into the
2 food supply habitat that I live in, I was
3 pretty mad. I was very upset. And I was
4 wondering why aren't other people as upset as
5 I am that this is being allowed to go on
6 while the rest of us have to follow the law.

7 Point Adolphus is right adjacent to
8 Hoonah. And Point Adolphus, for those of you
9 who haven't seen the map up there, is right
10 near the largest doughnut hole dumping area in
11 Southeast Alaska, right outside of Glacier Bay.
12 They come and go every day. Nearly every
13 family in Hoonah depends upon subsistence. And
14 I want to make it clear that I'm not speaking
15 for every family in Hoonah. I'm not speaking
16 for an organization. I'm speaking for myself,
17 my children and my grandchildren.

18 But those of us that had some vision
19 saw many years ago that the blue cloud of
20 smoke floating over Juneau wasn't friendly.
21 And when we talked to the elders we found out
22 that the mountain goats in Glacier Bay aren't
23 coming down through the smoke because they
24 refuse to go through it. So the tourists, by
25 their very coming, have prevented some of the

1 things that they came to see from coming down
2 where they can see them.

3 My remarks are a little bit disjointed
4 and I apologize for that. But my main
5 recommendation is I feel like a number of
6 speakers tonight that it is time for mandatory
7 controls, that these people should not be
8 treated as special people. Just because they
9 went to Senator Murkowski and got a piece of
10 legislation passed that contained exactly the
11 type of regulatory regime that they could
12 accept doesn't make them friendly to us.

13 I think that voluntary compliance is
14 all well and good for people that have honor
15 or have demonstrated honor. So far, that
16 hasn't been the case. I've heard stories of
17 -- and that are probably well documented or
18 from the speakers' credential, I would assume
19 they are -- from the cruise ship industry
20 resisting attempts to get some data that we
21 think is crucial and necessary to making these
22 decisions. So I think that while voluntary
23 compliance is all well and good, that it isn't
24 enough.

25 I think that the cruise ship industry

1 needs to be held to the same high standards as
2 the rest of us. And one of the main things
3 that I have concerns of is there needs to be
4 more participation from outlying affected
5 communities. With all due respect to the
6 people in the working groups who, I'm sure,
7 are doing a very hard -- you're doing a very
8 difficult job or trying to, the persons that
9 are most capable of protecting ourselves in the
10 small communities are ourselves.

11 Taken alone the cruise ships' dumping
12 may not devastate or irreparably harm any
13 significant amount of habitat from their
14 perspective. But coupled with other
15 environmentally insensitive or harmful
16 activities, it is one or more straws on the
17 proverbial camel's back.

18 I was somewhat encouraged to hear
19 tonight that there's some money being spent on
20 technology, but I think that if you're going
21 to use technology to merely get out of dumping
22 things at all, I don't think that that's the
23 direction to go. I think that the technology
24 should be looking at putting things back as
25 they were, just like the mineral industry.

1 The mineral industry is required to restore the
2 environment to what it was before.

3 And with all due respect -- and I
4 don't want you to take this out of context --
5 but to the Coast Guard people who have
6 somewhat alluded to having some problems
7 getting information or the manner in which the
8 information may be gotten, I'm a former
9 fisherman. And I want to remind you that when
10 you come aboard our vessels, you come up to us
11 with armed boarding parties with their fingers
12 on the triggers. And you can get what you
13 want. And we want you to remind you that
14 you're representing the armed services of the
15 United States of America. And if you want to
16 get something that you apparently have the
17 power to get it.

18 In closing, let me say that it is not
19 enough that the state and the cruise ship
20 industry focus only on protecting ports. There
21 are more communities than just the cruise ship
22 stops. And it is the responsibility of
23 government to protect all of us, not just a
24 few. As you monitor, study, assess and
25 recommend action to regulate the cruise ship

1 industry, they're continuing to dump hundreds
2 of millions of gallons of waste in my food
3 supply's habitat. Sewage is sewage. I cannot
4 dump sewage. The cruise ship industry should
5 not be allowed to dump sewage.

6 I'm originally from the community of
7 Craig. And when they put the first water-sewer
8 treatment plant in Craig, it had a bypass,
9 just like a lot of communities had because we
10 couldn't handle the waste. Used to be killer
11 whales that came through. They were going
12 north and south every year through a small
13 channel. As soon as they put the sewer plant
14 in there, they quit coming. Even when the
15 sewer plant was producing what was supposed to
16 be totally clean water, they wouldn't come
17 through there. One week after they put the
18 new sewage plant into a new location that
19 didn't affect that channel, the killer whales
20 came through the channel again. So I want to
21 leave you with that story.

22 And I want to thank you again for
23 being here. And I want to recommend that there
24 be no dumping allowed in Southeast waters.

25 **MR. VOGT:** Thank you very much,

1 Tom. And following Joe, we have Jack Cadigan
2 and then Dennis -- Harris?

3 **MR. GELDHOF:** Thank you, Mr.
4 Vogt. My name is Joe Geldhof. I'm a
5 resident of actually West Juneau. My working
6 address is 229 Fourth Street in Juneau. First,
7 thank you very, very much for traveling to
8 Juneau and taking testimony and listening to
9 concerns of all of us here from Southeast
10 Alaska and wherever we hail from. I
11 appreciate very much the opportunity to testify
12 tonight.

13 The topic of marine discharge into the
14 waters of the United States is of vital
15 importance to many of us and particularly so
16 here in Southeast Alaska where we live, work
17 and sometimes play on the marine waters and
18 the fresh waters of this region where we live.
19 There's really no question that there's a
20 substantial problem with cruise ship discharge
21 into the marine waters. You know, the
22 documentation basically is there. I think what
23 we really need to do is stop pretending
24 there's not a problem which is going on with
25 some people and get on to addressing in a

1 meaningful way how we're going to solve this
2 problem.

3 The foreign flagged cruise ship
4 operators occupy a really fantastic business
5 niche that affords the industry a tremendous
6 amount of latitude. And this latitude
7 essentially exists due to the peculiar needs of
8 the commercial maritime industry in the 16th
9 17th and 18th to 19th centuries. In those
10 times the convention and business practices of
11 the industry were critical to the success of
12 maritime commerce.

13 We have rolled substantially beyond
14 those peculiar needs of a time when there was
15 no communication that kind of set up this
16 really fantastic niche in the law and commerce.
17 The industry was largely self-governing. And
18 that benefitted everyone in the old days. It
19 is not now. In the discussion about MARPOL
20 and the other conventions, which are basically
21 agreements by the industry and kind of punched
22 into federal law, are not working for the
23 people of this region or the United States.

24 We live in a small world today and
25 allowing self-regulation of an industry with

1 the enormous potential for environmental abuse
2 needs to come to an end. The foreign flagged
3 cruise ship industry needs to be regulated to
4 prevent the kinds of widespread systemic marine
5 discharge problems that have -- that have and
6 continue to routinely take place in the marine
7 waters of Alaska.

8 I am not against commerce. One of the
9 backbeats in this whole discussion up here and
10 one of the things we unfortunately like to do
11 in Alaska is pit people as for or against
12 commerce. You've probably seen that in other
13 places. I work for an organization, for
14 example, that worked diligently for the
15 construction of the trans-Alaska Pipeline
16 System. I spent two hours today working on the
17 gas line. I personally am not and many people
18 who have genuine and real concerns about the
19 foreign flagged cruise ships are not against
20 industry and commerce. But the need to
21 regulate the foreign flagged industry transcends
22 the bromides about development and the
23 environment and everything that gets batted
24 around all the time.

25 The foreign flagged industry continually

1 states they are good neighbors and they talk
2 about all the things that they are going to do
3 and voluntary compliance will lead us out of
4 this desert we temporarily find ourselves in
5 into a land of milk and honey. It's not
6 happening here, folks. And it's not going to
7 happen until somebody steps up to this and we
8 start regulating them in a meaningful way.
9 More talk will get us more of what we've
10 already got here, which is it's not an
11 acceptable situation.

12 So let me see if I can sum up on what
13 we really need. First, we need an obvious
14 registration and reporting system. And we need
15 that in the short term so that we can get a
16 handle on to what's actually going out into
17 the marine waters. Eventually -- and, you
18 know, pick your target date, whether it's going
19 to be 2004, 2003 or 2005 -- we need to adopt
20 a zero discharge policy for marine waste going
21 into the marine waters of Alaska at least.

22 I think we need a clear separation of
23 authority between the United States Coast Guard
24 and the EPA. When we do that separation, the
25 EPA needs to set the standards and the United

1 States Coast Guard needs to enforce the law.

2 One of the things I've done for years,
3 actually as a member of the Navy League of the
4 United States, is follow the United States
5 Coast Guard and the other -- the Navy and
6 merchant marine. And, you know, I look at the
7 budget of the Coast Guard. And the Coast
8 Guard is a terrific outfit. You will do and
9 endeavor to do all the enforcement you're
10 tasked to do by the congress or the
11 administration.

12 The fact of the matter is that the
13 Hercules are aging. The high-endurance
14 cutters, all your enforcement tools are wearing
15 out. And the last thing in the world the
16 United States Coast Guard needs is more
17 regulatory functions. We've got problems
18 enough getting them enough funds so they can
19 do actual fisheries enforcement, the drug work
20 that they're doing and everything else. They
21 will be able to do the enforcement on the
22 cruise ship industry, but they don't need the
23 regulatory function. It's perfectly appropriate
24 that the Environmental Protection Agency takes
25 the testimony and adopts the regulations, sets

1 the standards and then let the Coast Guard be
2 the cops on the beat.

3 Do I sound like I have an edge on? I
4 suppose I do, and not just because it's Friday
5 and late and all of us have been working on
6 this for a long time. In my professional
7 capacity, I work for the Marine Engineers'
8 Beneficial Association which is a maritime
9 union and has been for around 125 years. One
10 of the things I get from time to time is --
11 actually quarterly -- is their magazine. And
12 over the years I started actually reading a
13 column at the end called "The Final Voyage."
14 And what does that have to do? What's my
15 point? You know, I read about merchant
16 mariners who die. And it was 67 years ago
17 that some of the people who I read about in
18 this quarterly edition were fighting for their
19 lives and the lives of their ships in the
20 North Atlantic, the American merchant marine
21 people working with Coast Guard people, blue
22 jackets and the allied navies to keep the sea
23 lanes open to Europe and the other places.

24 Does it mean anything more in a
25 democracy where people have sacrificed so that

1 we can have a high standard of living, so that
2 we can enjoy a good environment? I think it
3 does. And if I could do anything for you
4 it's to give voice to some of these people who
5 worked hard for our country and I think would
6 be tired and angry that foreign flagged cruise
7 ships are allowed to come in here and
8 basically dump their waste into the territorial
9 waters of Alaska. If that's a stretch, maybe.
10 But I look at their faces and I just can't
11 believe that 67 years ago -- it's not that
12 long -- we haven't found the will and the way
13 to say no to dumping by foreign flagged
14 vessels. 1

15 So you need to act. We need to adopt
16 a zero tolerance policy. Thank you.

17 **MR. VOGT:** Thank you. Jack
18 Cadigan.

19 **MR. CADIGAN:** My name is Jack
20 Cadigan. I've been a resident of Juneau for
21 35 years. I have served over 30 years of
22 active duty in the Coast Guard retiring as a
23 captain in 1985. I served nearly 20 years in
24 ocean-going vessels. And I've held several
25 major sea commands in the Navy and the Coast

1 Guard. I was the on-scene commander for the
2 first month during the largest offshore oil rig
3 disaster in the Gulf of Mexico in 1971.

4 After retiring in Juneau, I've used my
5 boat on several occasions to assist active duty
6 Coast Guard officers in the taking of pollution
7 samples in Lynn Canal. I am thus familiar
8 with pollution, the problems that it causes and
9 the value of regulatory control. I am
10 personally committed to a clean environment and
11 the reasonable restrictions that currently exist
12 that are designed to maintain such a clean
13 environment.

14 Our family partnership owns several
15 retail establishments in Southeast Alaska that
16 are dependent upon visitors for their survival.
17 I'm also president of a local organization
18 known as "Destination Juneau," comprising
19 approximately 200 people, the majority of whom
20 own or manage local businesses. The local
21 tourism community includes approximately 3,000
22 local persons and is second only to the state
23 government in local employment strength.

24 This organization, among other missions,
25 actively promotes the orderly development of

1 tourism in Juneau. As I am sure you realize,
2 such orderly development inherently requires the
3 maintenance of a pristine environment as that
4 very environment is the reason why most
5 visitors come here in the first place. Thus,
6 economic interests actually even magnify my
7 personal interest and the interests of the
8 membership of Destination Juneau to maintain a
9 pristine environment in Alaska. We applaud the
10 severe penalties which have been levied on
11 wilful violators. We applaud the internal
12 policies of the cruise lines which require a
13 greater environmental attentiveness than
14 required by law or regulation.

15 Further, in the interests of
16 maintaining a pristine environment, we applaud
17 the investment of the cruise ship industry in
18 providing a pair each of oil spill recovery
19 barges and skimmers located in Haines, Juneau,
20 Glacier Bay and Ketchikan. This readiness to
21 cope with an oil spill provides further
22 assurance that our environment will, in fact,
23 remain undamaged.

24 I submit that ships transiting local
25 waters already meet the laws and regulations

1 and all reports of violations are aggressively
2 investigated by the -- are aggressively
3 investigated by the Coast Guard. I would
4 suggest that reports of large scale dumping
5 should be referred to the Coast Guard for
6 appropriate action.

7 I would bring to your attention that
8 current regulations do indeed permit sewage
9 discharge within three miles of shore only
10 after treatment or processing through a Coast
11 Guard-approved marine sanitation device. If
12 there exists design inadequacies in some
13 devices or mechanical difficulties, the solution
14 to the problem does not involve intervention
15 through further additional regulation.

16 Indeed, concerning this, a recent study
17 done by a contractor under the auspices of the
18 United States Navy found that a coliform count
19 of five million per 100 milliliters dilutes to
20 76 parts per 100 milliliters within a scant 30
21 meters. The study's author opines that it
22 would be unlikely to detect coliform
23 concentrations at all above the ambient level
24 after once passing through the ship's propeller
25 wash.

1 Now these studies were conducted on
2 vessels moving eight to ten knots and they
3 would suggest actually very little variance in
4 the result and conclusions for vessels going as
5 slowly as six knots. The cruise ship policies
6 require vessel movement at a minimum of six
7 knots. Studies should certainly be done
8 whether ships should be required to maintain
9 some minimal definitive speed in order to
10 reduce the fecal concentration on discharging
11 within coastal waters.

12 I suggest that if quantitative concerns
13 are present, it should be noted that the
14 combined sewage discharge of 15 ships across
15 350 miles of Southeast Alaska waters equates
16 daily in the summer to the daily discharges of
17 the City of Juneau less than a mile from where
18 I sit here. Indeed, quantitatively, the City
19 of Anchorage discharges 35 million gallons a
20 day of primary treated sewage into Cook Inlet.
21 This means in any two weeks of the year,
22 Anchorage discharges more effluent than the
23 entire cruise ship fleet discharges in all
24 Alaska in a year.

25 Gray water is not controlled by

1 regulation, however, ships through voluntary
2 compliance do not discharge within ten miles of
3 port, nor at speeds lower than six knots.
4 There appears currently no reasonable evidence
5 or research to indicate that even if gray
6 water discharges were substantially increased
7 that there would exist any environmental
8 concern and requirement for additional
9 regulation. However, the determination of
10 whether gray water is of concern can, of
11 course, only be made through the collection of
12 appropriate scientific data.

13 The conduct of commerce via our
14 national waters and harbors should not be
15 restricted through environmental regulations
16 unless there exists a legitimate reason based
17 upon scientific study. Further, such
18 restrictions should not exceed the capabilities
19 of reasonable current technology and feasibility
20 nor impair safety. Some seem to have no
21 problem with the effluent levels discharged on
22 our very doorstep, but are perhaps excessively
23 concerned with much smaller discharges spread
24 out over 350 miles of water.

25 I suggest the underlying motivation of

1 some advocates for markedly more restrictive
2 pollution regulations and laws regarding ships
3 is simply to force the cruise ships, along
4 with the passengers they carry, out of Alaskan
5 waters. Personal dislike of ships or tourists
6 is irrelevant to the setting of reasonable and
7 environmentally sound laws and regulations.
8 What is relevant is that legal restrictions be
9 made and enforced as are necessary to protect
10 our environment. Legal restrictions should not
11 be overly permissive, but neither should they
12 be overly and unnecessarily restrictive.

13 Simply adding on new regulations is not
14 of itself an achievement for the advance of
15 environmental protection. Regulations and laws
16 must be based on scientific data and studies
17 such as being currently conducted. And in
18 this way, we can maintain our pristine
19 environment which is the objective, I suspect,
20 of every person in this room. I only urge
21 that the federal government not take any
22 precipitous knee-jerk actions based on unknown,
23 sketchy or inconclusive data. Thank you.

24 **MR. VOGT:** We have a question,
25 Jack.

1 **MR. CARLSON:** I'm just
2 wondering if we can get the citations to the
3 Navy report that you referred to?

4 **MR. CADIGAN:** The exact
5 citation? I can provide that to you later.

6 **MR. CARLSON:** Thank you.

7 **MR. VOGT:** All right. Dennis.
8 And then following Dennis will be Chip Thoma
9 and Tim June.

10 **MR. HARRIS:** I'm a computer
11 programmer and so I'm trying to -- there's a
12 difference between Os and zeroes. Zeroes
13 always have a slash. That's a zero.

14 My name is Dennis Harris. I'm a third
15 generation resident of Juneau. And I've hunted
16 and fished and traveled on the waters of
17 Southeastern Alaska all my life. I'm amazed
18 that in spite of the really bad timing of this
19 meeting that we have as good a turnout as we
20 do. And I think you folks who don't live
21 here sorely misjudged the people of Alaska and
22 their concern for their environment by assuming
23 that there would be eight people at a Friday
24 night hearing.

25 In spite of the fact that one of our

1 last hand trolling openings just started today,
2 in spite of the fact that about probably two
3 thirds of the environmentally active people in
4 Juneau are at the present time probably
5 starting their run from Skagway to Whitehorse
6 -- and there's about six, 700 people from
7 Juneau up in Skagway tonight. Many of them
8 would have been here.

9 And because of that, I ask that you do
10 a couple of things. I realize, of course,
11 that you're going to hold hearings in Miami
12 and in Washington, which will be dominated by
13 cruise industry people and their lobbyists. So
14 I urge you to talk to C-Span about making sure
15 that your hearing is carried on C-Span and
16 that that coverage includes the e-mail address
17 for comments and that you hold the comment
18 period open as long as possible so that people
19 can e-mail you or snail mail you their written
20 comments.

21 Self-regulation is an oxymoron. It
22 doesn't work. Regardless of the spin,
23 regardless of the heavy PR campaign that the
24 industry has conducted over the last three or
25 four years, including their horrendous

1 advertising in the guise of public broadcasting
2 underwriting in Southeastern Alaska and all of
3 the spin they've done, the latest tests show
4 that this is not working.

5 And quite frankly, I'm here because --
6 and I'm talking to you representing some of
7 the people who never come to these meeting,
8 never come to hearings because quite frankly,
9 they feel that the government doesn't do
10 anything. And they are fed up. Well, I'll
11 tell you, I'm not reasonable. I'm fed up,
12 right up to here. I'm sick and tired of
13 sewage. I don't care whether it's a city that
14 spills it. The City of Anchorage should not
15 be permitted to dump primary treated sewage in
16 Cook Inlet which happens to be one of the
17 prime salmon grounds of Alaska any more than
18 the cruise ship industry should be totally
19 exempt from this kind of regulation.

20 The people I'm talking about could care
21 less about NPDES, EMS, MOUs, OPs, SPA, CWA and
22 RCRA. The alphabet soup doesn't mean a damn
23 thing to us. We are just sick and tired of
24 having to worry about whether our fish are
25 going to be safe to eat, about whether or not

1 we can let our kids go swimming, about whether
2 or not the clams we dig are going to be safe.

3 Many of the people in Juneau, in spite
4 of the fact we are not, quote, subsistence
5 folks, depend heavily on fish and game for a
6 lot of our food. And I'm one of many. As a
7 matter of fact, when I leave here, I'm going
8 to go home and fillet about 40 pounds of
9 salmon for the smokehouse this weekend. And I
10 don't want to have to worry about whether or
11 not that fish is going to be safe.

12 And, you know, the time for studies is
13 past. It's time now to -- if the agency can
14 do it, if the EPA can do it, to simply start
15 enforcing the existing law. If congress has
16 tied their hands, it's time to tell them that
17 the time has passed and that this agency needs
18 to be regulated. We need zero tolerance of
19 any pollution in Southeastern Alaska and we
20 need zero marine discharge anywhere in U. S.
21 waters from this industry, absolutely zero.

22 And I am absolutely appalled that after
23 companies in this industry have been convicted
24 of deliberate pollution of our waters that they
25 are still allowed to go into our National

1 Parks, the gem that is Glacier Bay, and
2 pollute it with smoke and pollute it with gray
3 water. In spite of the fact that they may
4 not do it, they are allowed to do it. And
5 that is unconscionable.

6 I think that any vessel over 50 tons
7 or -- any vessel, period, over 50 tons or any
8 passenger vessel operating in Southeastern
9 Alaska should simply not be allowed to operate,
10 period, make no landings whatsoever -- I don't
11 care whether they're foreign flags or U. S.
12 flags -- in this region if they violate,
13 period. It's absolutely unconscionable that
14 cruise lines are still sailing in Glacier Bay
15 after admitting to polluting our waters.

16 Our food is at risk. Our finest and
17 most renewable resource and industry is at
18 risk, too. The State of Alaska is now and
19 our fishing industry is now fighting to have
20 our wild Alaska salmon certified as organic.
21 Do you realize what allowing any kind of point
22 source pollution into our waters does to that
23 effort? The one market we have left --
24 because we have fought long and hard to keep
25 polluting fish farms and ecologically damaging

1 fish farms out of our state -- our one thing
2 we can do with our fish is to sell it as
3 fresh, wild, organic fish. If you allow any
4 discharge, you have ruined that.

5 It took the industry years to overcome
6 the legacy of the Exxon Valdez spill as far as
7 our fish were concerned. And that was even
8 when people were trying to sell fish from
9 Bristol Bay or Southeastern Alaska that had
10 never seen a drop of Exxon Valdez oil. So we
11 just can't afford that risk. Zero tolerance,
12 zero risk.

13 Now, industry propaganda calls people
14 like me alarmist or complains that Canada
15 doesn't have a problem with the discharges,
16 both air and water discharges from the
17 industry. Well, I'd like to remind you that
18 the same government that they are claiming is
19 so wonderful also allows and has allowed and
20 continues to allow the City of Victoria,
21 British Columbia to pump tons and tons and
22 tons of raw unfiltered sewage -- simply all
23 they do is filter out the chunks and they dump
24 the rest of it into the Straits of San Juan
25 de Fuca every day.

1 And if that's the kind of regulation
2 we're talking about, I can tell you, the
3 citizens of this country don't want that. The
4 Clean Water Act and the Clean Air Act don't
5 allow it. It hasn't been allowed since the
6 1970s. And we shouldn't allow Canada to get
7 away with it either, much less ourselves.
8 It's just past time for all these obfuscatory
9 regulations, laws, rule-makings, all these
10 things that simply create more paperwork for
11 you guys and hinder full regulation with strong
12 penalties for this industry.

13 We're sick and tired of endless task
14 forces, dilatory studies and lots of hot air
15 that result in absolutely no action to getting
16 to that point. Zero pollution, zero tolerance.
17 The citizens of Alaska will not stand for
18 less. Thank you for your time.

19 **MR. VOGT:** Thank you, Dennis.
20 Chip. And then following Chip is Tim. And
21 then we will have the three folks from the
22 Alaska Youth for Environmental Action.

23 **MR. THOMA:** Thank you. My
24 name is Chip Thoma. I've had the opportunity
25 to serve on the Alaska Cruise Ship Initiative

1 and the Wastewater Subcommittee for the last
2 eight months. I greatly appreciate the
3 response by the EPA to the Bluewater Network's
4 petition to assess and possibly regulate large
5 cruise ship discharges in U. S. waters.

6 Representing a segment of the concerned
7 public on this issue, I can assure you that
8 the general public, especially here in
9 Southeast Alaska is very troubled by the
10 disclosures over the last two years of illegal
11 dumping, also the rerouting of ships' internal
12 piping to bypass filters and marine sanitation
13 devices and the conjunctive falsification of
14 ships and engine room logs to disguise these
15 activities. Only when crew members on certain
16 cruise vessels admitted this purposeful and
17 sanctioned duplicity carried out in order to
18 receive end of season bonuses was the extent
19 of the violations recognized by the EPA, the
20 Coast Guard and the Department of Justice and
21 subsequent fines levied to the offending
22 companies.

23 I would like to thank the federal
24 agencies for this prompt response and
25 especially the print media, the Anchorage Daily

1 News and the New York Times for the very
2 detailed reporting on these violations and
3 convictions and reporting on the targeting of
4 doughnut holes here in Southeast to discharge
5 black and gray water. For that is why we're
6 all here tonight, those press exposures.

7 It has become very evident that the
8 cruise ship industry is a thriving and
9 expanding entity. It's busy building more and
10 bigger ships worldwide to meet the booming
11 demand. However, as with any boom come
12 responsibilities to the host communities and
13 adjacent areas, in this case the pristine
14 waters of Southeast Alaska. After eight months
15 of wastewater discussions and the sampling and
16 testing of ship discharges, we see some small
17 progress in both state and federal agency
18 activity and in the acquiescence of industry to
19 be tested and inspected by the Coast Guard for
20 functioning MSDs. All that is great. It's a
21 vast improvement over the past years.

22 But ultimately, I believe that these
23 pristine waters should have a voluntary zero
24 discharge policy for vessels this size.
25 Vessels carrying thousands of passengers and

1 crew should voluntarily hold their black and
2 gray water for 48 to 72 hours and either
3 offload into shore-based treatment plants or
4 discharge at least 12 miles offshore. This
5 should be the proper response by industry.
6 I'm confident that industry would avoid both
7 future onerous state and federal regulations as
8 well as further public scrutiny and criticism
9 of this issue by adopting such a policy.

10 But that takes holding capacity. And
11 thus far, the industry claims it does not have
12 this ability to hold waste longer than 12 to
13 24 hours. However, according to the "Guide to
14 New Ships" published by The Cruise News Daily,
15 Celebrity has three new ships scheduled for
16 delivery between now and 2002. Holland
17 America, five ships by 2005. Princess, six by
18 2004. And Royal Caribbean, seven by 2004.
19 Twenty-one ships, probably all over 3,000
20 passenger and crew capacity and eventually
21 replacing many of the vessels in the fleet
22 that we see today.

23 My strong suggestion to these companies
24 that I just named is to get with your marine
25 engineers and architects immediately and effect

1 some change orders to allow three-day black and
2 gray water holding capacity and as primary
3 systems, MSDs that are capable of handling
4 wastes for the 3,000 folks a day per ship,
5 seven days a week, MSDs that are maintained
6 and tested on a regular basis. I submit to
7 you that the public demands nothing less.
8 Spend the bucks, make the changes and avoid
9 the consequences.

10 Finally, I'd like to mention sensitive
11 areas. When the final test results are known
12 at the end of October and the true dimensions
13 of the high readings on discharges becomes
14 known to all, there would be a great deal of
15 interest in both Southeast and throughout
16 Alaska to institute zero discharge areas such
17 as Kake and Frederick Sound, Hoonah, Icy Strait
18 and Point Adolphus, Angoon and Metlakatla, just
19 to name a few.

20 The public no longer wants the
21 assurance that cruise ship discharges are safe
22 or could be made almost safe. They want them
23 to cease and very soon, by 2001. The cruise
24 lines have the ability to do that by imposing
25 design changes on your new series of ships and

1 voluntarily adopting zero discharge policies
2 throughout Southeast as is now the standard for
3 Glacier Bay.

4 These pristine waters, migratory fish,
5 marine mammals and village residents of this
6 region deserve that consideration. Thank you.

7 **MR. JUNE:** Good evening. My
8 name is Tim June. I'm currently a Democratic
9 candidate for Senate Seat C from coastal
10 Southeast Alaska and Kodiak Island. I have
11 been very active in state water quality issues
12 for the past 12 years, having cofounded Alaska
13 Clean Water Alliance in 1992 and have been a
14 public advocate on Governor Knowles' Water
15 Quality Task Force. Thank you for honoring us
16 by coming to Juneau for this hearing.

17 Alaska cannot afford to ignore the
18 adverse impacts and potential adverse impacts
19 of cruise ship wastewater being dumped into our
20 pristine waters. We the people of coastal
21 Alaska are inextricably tied to our waters and
22 to the fish that have sustained Alaskans for
23 thousands of years.

24 Our coastal economy is wholly dependent
25 on a viable and growing commercial fishing

1 industry, the largest private sector employer
2 in the state. Our rural individual economies
3 and our good health are inseparable from open
4 access to uncontaminated subsistence fish. We
5 must come together to defend our fisheries from
6 the impacts of wastewater being dumped by
7 cruise ships.

8 Through the concerted efforts of the U.
9 S. Coast Guard, the Department of Justice and
10 the EPA, we have been informed that Alaskan
11 waters have been despoiled by toxic dry
12 cleaning chemicals, photo processing chemicals
13 and oily bilge water far in excess of Alaska's
14 Water Quality Standards.

15 Through the Alaska Cruise Ship
16 Initiative process, we have recently been
17 informed that some cruise ships are discharging
18 gray and black water with extremely high fecal
19 coliform levels. The adverse impacts of these
20 fecal coliform levels on the public and
21 environmental health are yet to be determined.

22 We must remain committed to continuing
23 our dialogue with the cruise ship industry as
24 we work towards a progressive zero discharge
25 policy that balances this industry's desire for

1 stability with the Alaskans' desire for
2 verifiable assurance of our safety.

3 The technology to assure this
4 verification is readily available. Today's
5 modern cruise ships are marvels of engineering
6 that have fully integrated computer regulation
7 and recording systems. We have two readily
8 available avenues to monitor these ships.
9 Firstly, we can download the hard drives of
10 each ship to review discharge events each week
11 as they travel in Alaska. Secondly, we can
12 require that each cruise ship carry a global
13 positioning transducer that will uplink data on
14 discharges and pollutant levels in real time to
15 a computer database in Juneau for review.

16 It is not a question of can we do it.
17 It's a question of will we do it. I have
18 available here a brochure. If anybody would
19 like a copy of it, I'll get your mailing
20 address. And it talks about the transducers
21 that are currently being used by the National
22 Weather Service to track fishing vessels in the
23 Bering Sea with monitoring capability to show
24 exactly when the towing of their fish nets
25 begins and when it ends. This is readily

1 available. Thank you.

2 ANGOON COMMUNITY ASSOCIATION: (By Tim
3 June) And I have been asked to read a letter
4 from the Angoon Community Association, if you
5 will bear with me. And I thank you for your
6 time. And this is from their Environmental
7 Protection Agency Department, the Angoon
8 Community Association, a Federally Recognized
9 Tribal Government indigenous to Admiralty
10 Island.

11 The Angoon Community Association is a
12 Federally Recognized Tribal Government, as
13 authorized by the acts of Congress of June
14 18th, 1934, and Article V-Powers, Section 1(a)
15 states "To negotiate with the Federal and
16 Territorial (State) Governments on behalf of
17 the Community." The tribe wishes to submit
18 testimony on cruise ships since the cruise ship
19 industry line has a high potential to adversely
20 impact water quality, fish and wildlife, human
21 health and the environment.

22 The community of Angoon is a
23 traditional Tlingit community which is dependent
24 upon the abundant resources of surrounding
25 Xootznoowoo Wilderness aka Admiralty Island

1 National Monument. Fish and wildlife
2 constitutes a large part of traditional Tlingit
3 diet. Since the Alaska Native Claims Settlement
4 Act, many Alaskans have become despondent over
5 the fact tribes never received land or judgment
6 funds. We still have inadequate water and
7 sewer in much of rural Alaska. Tribal
8 governments have to provide services to needy
9 families. Some of them live below the poverty
10 standards and are forced to endure unemployment
11 rates of 80 percent in some villages.

12 Executive Order 12898, "Federal Actions
13 to Address Environmental Justice in Minority
14 populations and Low Income Populations" direct
15 federal agencies to make achieving environmental
16 justice part of its mission by identifying and
17 addressing as appropriate disproportionately
18 high and adverse human health or environmental
19 effects of its programs on minority
20 populations. Indeed, reviewing the policies
21 and regulations governing the cruise ships
22 needs to be addressed in adherence with
23 Executive Order 12898 since pollution generated
24 by cruise ships has rapidly become a very
25 serious environmental threat to Southeastern

1 Alaska's coastal communities and their minority
2 populations.

3 The Alaska Department of Environmental
4 Conservation is already facing budget shortages
5 and lacks the finances to adequately monitor
6 for adherence to ADEC's policies and
7 regulations. This has prompted tribes to
8 investigate signing memorandums of understanding
9 with state agencies which would enable federal
10 tribal dollars to be utilized for things like
11 ADEC monitoring and maintenance of existing
12 databases.

13 The largest cruise ships are capable of
14 transporting more than 5,000 passengers --
15 excuse me -- yes, 5,000 passengers and crew
16 and producing a million gallons of wastewater a
17 day. Proper disposal of chemicals from onboard
18 printing, photo processing and dry cleaning
19 operations has been violated in the past.
20 Evidently, the industry must be monitored to
21 ensure cradle to grave policies are adhered to.

22 Unfortunately, cruise ships fall into
23 the category of non-regulated industry, which
24 are 300 ton vessels currently exempt from
25 Alaska state statutes. This is unacceptable due

1 to the fact that cruise ships have acquired
2 one of the worst environmental records of any
3 industry operating nationally or overseas. The
4 fact remains seven cruise ship lines have been
5 convicted for illegal dumping of oil, garbage
6 and toxic waste into U. S. waters and paid \$31
7 million in court fines.

8 Royal Caribbean admitted to dumping
9 waste oil, hazardous chemicals and wastewater
10 into coastal water bodies over a period of
11 years. They also pled guilty to 21 counts in
12 six U. S. jurisdictions and agreed to pay \$18
13 million in fines. The Royal Caribbean is
14 currently denied access to Glacier Bay because
15 of its repeated violations. They have
16 designated Hubbard Glacier near Yakutat as the
17 new site which they will be visiting.

18 This situation is further compounded by
19 the other 150 or more cruise ships scheduled
20 to travel through Southeast waters. Clearly,
21 the state statutes must apply stringent
22 measures to the cruise line industry,
23 especially those weighing 300 tons or over. The
24 vessels carry over a million gallons of fuel.
25 And if the state lacks the budget to monitor,

1 then these permits need to be bonded to ensure
2 restitution is available in the event ADEC
3 discharge policies are violated again.
4 Industry should be required to adhere to
5 existing laws requiring the generator of waste
6 to be responsible for its proper disposal.

7 The Angoon Community Association is
8 concerned with the ways and means the cruise
9 line deals with disposal of ballast water since
10 it has been documented to disrupt entire food
11 chains with the introduction of the green crab.
12 The potential biological impact cruise ships
13 could have on the residential fish and wildlife
14 needs to be addressed as minorities and many
15 other industries are dependent upon having
16 pristine water quality and healthy fish and
17 wildlife stocks.

18 Besides ballast water, here's a list of
19 other concerns regarding cruise ships'
20 discharges which we feel need to be addressed
21 and monitored: One, gray water. Under
22 current regulations, this can be discharged at
23 dockside. Gray water consists of wastewater
24 from sinks, showers, galley, laundry detergents,
25 cleaners, oil, grease, metal, pesticides,

1 medical and dental wastes as well as other
2 pollutants. An average cruise ship can
3 generate a million gallons of gray water in a
4 one-week voyage.

5 Two, oily bilge water. The discharge
6 of oily bilge water can poison fish and
7 wildlife and pose a human health hazard if
8 fish and wildlife are contaminated and ingested
9 by humans. An average cruise ship generates
10 approximately 25,000 gallons of oily bilge
11 water in a one-week cruise.

12 Hazardous waste. Includes dry cleaning
13 sludge which contains PERC. PERC is a
14 hazardous waste that can cause cancer and birth
15 defects in humans. In small amounts in the
16 water, it has been shown to be toxic to
17 aquatic animals which store the chemicals in
18 their fatty tissues. Toxic waste from photo
19 laboratories and x-ray development, et cetera,
20 as well as other pollutants are also discharged
21 on a regular basis. A typical cruise ship
22 generates approximately 110 gallons of photo
23 chemicals, five gallons of dry cleaning waste,
24 PERCs, ten gallons of used paint, five gallons
25 of expired chemicals on a one-week voyage.

1 These estimates might be questioned by
2 some, however they were provided by Royal
3 Caribbean who admitted to routinely dumping
4 these pollutants in coastal waters over many
5 years. Therefore, one can only assume that
6 the estimates provided are conservative in
7 nature.

8 Point four, sewage. The discharge of
9 sewage contributes to the degradation of ocean
10 environments by introducing disease-causing
11 bacteria as well as excessive nutrients.
12 Sewage can endanger public health if discharged
13 near shellfish beds and affect seaweed as well.
14 Cruise ships can legally dump raw sewage three
15 miles from shore.

16 There are many areas in the Inside
17 Passage that are three miles from shore and
18 are known as doughnut holes by marine pilots
19 who routinely escort cruise ships to these
20 areas so they might legally discharge raw
21 sewage. Although they may be three miles from
22 the nearest shore, they are still within the
23 Inside Passage. This was not the intent of
24 the law, but has created a loophole which the
25 cruise ships have readily exploited. A typical

1 cruise ship generates an estimated 210,000
2 gallons of sewage on a one-week voyage.

3 At a recent meeting in Anchorage, the
4 commander for the Center for Disease Control
5 informed us that 25 new viruses were introduced
6 into the State of Alaska during the last
7 tourist season. In light of this, it is
8 imperative that regulations and oversight of
9 this industry be implemented vigorously in a
10 timely manner.

11 Thank you very much for your
12 consideration and the opportunity to testify in
13 this urgent matter. Sincerely, Gilbert Fred,
14 Angoon Community Association, Environmental
15 Protection Coordinator, and Frank Lane, EPA
16 Technician. Thank you for your time.

17 **MR. VOGT:** Thank you for that.
18 Steve, my notes here say -- is there a Patty
19 Zimmerman here? Okay. You're next following
20 this. Please -- or you're from the stand?
21 That's fine. And then after Patty Zimmerman,
22 Kris Balliet. Pardon me if I mess these names
23 up, but we try the best we can.

24 **MS. SINNOTT:** Hello, my name is
25 Meghan Sinnott and I'm from Anchorage.

1 **MR. PARKER:** My name is Jonas
2 Parker and I'm from Sitka.

3 **MS. COMPTON:** My name is Jamie
4 Compton and I'm from Kodiak.

5 **MS. SINNOTT:** We are here to
6 represent AYEА, Alaska Youth for Environmental
7 Action. We are in existence to inspire,
8 educate and take on action for environmental
9 issues facing our communities. We have chosen
10 this year to take on the cruise ship pollution
11 issue as our statewide campaign issue.

12 **MR. PARKER:** So I guess we'll
13 start with me. Well, good evening. As I said,
14 my name is Jonas Parker. I live in Sitka,
15 Alaska. And I'm not only here to represent
16 myself, but as well as the Alaska Youth for
17 Environmental Action, my family and the City of
18 Sitka. I'm a third generation Sitkan and both
19 myself and my family live in Sitka for a
20 reason. Sitka holds great beauty, recreation
21 opportunities and subsistence opportunities for
22 residents. And that's just to say the least.

23 Now, the industry of tourism is very
24 important -- don't get me wrong -- to the City
25 of Sitka. But not to the point where we want

1 to sacrifice the areas we've used for
2 recreation and fishing for generations. I
3 firmly believe that the regulations on cruise
4 ship dumping should be upped and strictly
5 enforced. Once again, it is imperative that
6 these regulations be upped and enforced.

7 Think of it as this: Think of it as
8 protecting a national treasure, our water. So
9 with just that -- I'm sorry -- it's a little
10 bit short compared to the rest of the evening
11 here, but I'd like to thank everybody
12 responsible for allowing us this opportunity to
13 testify. And I believe Jamie has something to
14 say.

15 **MS. COMPTON:** Good evening. My
16 name is Jamie Compton and I'm from Kodiak, as
17 I said earlier. I commend you, the EPA, and
18 I am very appreciative that you put this
19 hearing on here in Juneau. I am very honored
20 to be here tonight. I am very glad for what
21 you are doing and pursuing with this issue.
22 This issue affects me personally. But more
23 than that, it affects the town I'm coming
24 from.

25 I have lived in small fishing towns

1 all my life, such as Dutch Harbor and St.
2 Paul, Alaska. And now I live in Kodiak. I
3 have lived in these small towns because my dad
4 is very involved in the fishing industry. I
5 don't think this issue is only a Southeast
6 issue. I believe it affects everyone in
7 Alaska and everyone else that cruise ships
8 visit.

9 This will affect Kodiak greatly,
10 whether it be a negative effect, meaning you
11 will let this go on and won't care or it will
12 be a positive effect, meaning you will take
13 action and up the regulations. Kodiak may not
14 see these changes now, but eventually they
15 will.

16 I have reviewed the petition and I
17 agree with the rules that you hope to change.
18 But I also think that you should consider
19 prohibiting cruise ships to dump in our oceans
20 at all. I would like you to consider putting
21 treatment centers in our towns rather than
22 having them dump. And I wish you all good
23 luck in your huge task you are trying to
24 accomplish. Thank you.

25 **MS. SINNOTT:** The president of

1 ICCL who spoke tonight stated that business --
2 his is a business that depends on taking
3 people to beautiful places. Yes, that's true.
4 And Southeast is one of the most beautiful
5 places, in my mind. And I want to keep it
6 that way. And I know like he does too in
7 order to keep his tourist business alive.

8 Back to what Jamie was saying, we
9 don't believe that it's okay just to keep on
10 pushing them farther away to dump. The
11 doughnut hole issue isn't going to be fixed if
12 we say go a little bit further out. Because
13 the farther you go out doesn't matter. You're
14 going to be affecting somebody somehow. We
15 insist that -- that you enforce a no discharge
16 zone for all the ocean.

17 And we were trying to explain this
18 earlier. We were talking. We were sitting
19 together earlier today. We all just met here
20 today, compiled our ideas and everything. And
21 I tried to think of an analogy for how we
22 felt. The way we see it is the ocean is our
23 pool, our swimming pool. And we're swimming
24 over here and we're happy. And there's a lot
25 of other people in this pool. And some guy

1 over there -- not really pointing any fingers.
2 Don't get nervous -- pees in that pool.

3 Now, I'm sorry if I offend anybody
4 here because I know you're all well-known
5 people and stuff and I, you know, don't want
6 to offend your ears. But somebody peed over
7 there on that side of the pool. And yes, it's
8 far away, but let's say that person peed even
9 closer. It seems so much scarier, right?
10 They're right next to us peeing in the pool.
11 What are we going to do about it? So we tell
12 them to go back over to your side of the
13 pool. But they are still in the pool. That
14 pee is still in the water we are in. It
15 doesn't really matter if they are farther away,
16 right?

17 So I feel kind of guilty. You know,
18 these cruise ship people come and they talk.
19 And we sound so vicious and hostile. Stay
20 away from us. Stay off our water. Keep our
21 water clean, please. We don't like you. But
22 we do, some of us, right? We're sorry if we
23 seem hostile, but you have to understand why.
24 We want to keep this place beautiful because
25 it is. And, you know, thank you very much.

1 **MR. VOGT:** And thank you three
2 for coming. Patty?

3 **MS. ZIMMERMAN:** Yes. My name
4 is Patty Zimmerman. And I'm an elected
5 official. I was elected to the Douglas
6 Neighborhood Association, although it was not
7 printed in the newspaper. I'm also a member
8 of the Juneau Energy Advisory Committee. That
9 also was not printed in our newspaper. I'm
10 also in the Marquis Who's Who of American
11 Women, not the one that you pay to be admitted
12 to.

13 I agree with Anissa Berry-Frick of the
14 Lower Chatham Conservation Society. Federal
15 oversight has happened often. The Federal
16 Trade Commission allowed an oil merger to take
17 place in Alaska that has caused the British
18 Petroleum oil company to be allowed to predict
19 the oil futures market causing a rise in gas
20 prices worldwide due to negligence in Alaska
21 and with elected Alaskan officials, particularly
22 our Attorney General. Beth Kertulla, who
23 helped orchestrate the deal, who recently after
24 the protest seemed to be in the negative
25 changed her opinion and said she tried to stop

1 the deal.

2 I disagree with Jim Powell, Beth
3 Kertulla's husband, an elected official on our
4 Assembly. Jim Powell wants to give control to
5 the federal government. I disagree with that.
6 I do not believe that the Environmental
7 Protection Agency can be trusted. I have a
8 brother who works at the federal building in
9 Atlanta for the Environmental Protection Agency
10 as a geologist in charge of Superfund cleanup
11 sites. And to let you know how strongly I
12 feel, I do not speak to my brother John.

13 I would like to address air quality.
14 I am known for forcing issues ahead of their
15 time in Alaska. But Alaska, like Australia,
16 adopts ideas later. We're an island nation,
17 essentially, not literally, figuratively.
18 Sometimes this serves us well. Regarding
19 information and trends in the environment,
20 we're behind schedule. As comedian Dennis
21 Miller states eloquently, I sold my soul in
22 the '80s. In Alaska we waited 20 years for
23 greed to really surface again.

24 Our constitution in 1955 was written as
25 the best extant constitution on earth. What

1 happened to the progressive nature of Alaskans?
2 The cruise ship industry does not pay taxes in
3 the United States of America. They pay very
4 few taxes in third world countries. Alaska
5 has a third world economy. Venezuela is more
6 economically diversified than Alaska because it
7 has a textile industry. And that's enough of
8 the friendly portion of my comments.

9 I'd like to point to an article in a
10 free newspaper. It's the Capital City Weekly.
11 And it's the first time candidates for office
12 in Alaska have received equal time and equal
13 press in an Alaskan newspaper for over 70
14 years. I will now read a brief 200 word
15 statement by Patty Zimmerman.

16 The question to answer was how do you
17 propose to bring together people who are pro
18 tourism and those that believe tourism
19 adversely effects the quality of life? Can a
20 middle ground be found?

21 Yes, common ground exists for all
22 people. Citizens remain sovereign. They have
23 not here, though. I feel that citizens and
24 local businesses have been deprived of an
25 effective interface with industrial tourism

1 providers. I am embarrassed that expensive
2 discussion forums employed by the non-tax
3 paying, NTP, non-tax paying Juneau Tourism
4 Advisory Committee have not succeeded in
5 establishing a climate of trust. Most
6 communication textbooks explain that a climate
7 of trust is essential for important political
8 negotiations to proceed.

9 Despite minor concessions, which would
10 mean the \$200,000 to the Juneau Food Bank, the
11 following items concern me: the 10,780 people
12 deposited on Thursdays in downtown Juneau
13 overwhelm our businesses and the people
14 literally miss their ships. Despite government
15 subsidies to Alaskan airlines, these tourists
16 are hard and expensive to transport to the
17 next Alaskan port. Seasonal tourism burdens
18 state unemployment roles during the off season.

19 Businesses downtown, in the valley and
20 Douglas are marginalized by the political
21 intricacies of on-ship marketing. Tours that
22 are sold onboard cruise lines do not pay taxes
23 in our local market. Pre-sold flight seeing
24 tours provide incentives for operators to fly
25 in conditions that compromise safety.

1 The parent company of our newspaper
2 publishes tourism materials. I'll repeat that.
3 The parent company of our newspaper publishes
4 tourism materials. The luxury state ferry
5 Wickersham, municipal bus service to the ferry
6 terminals all over Southeast Alaska and into
7 the Anchorage airport and the Port of Seattle
8 have been surrendered by the state government
9 of Alaska. The state and city governments all
10 over Alaska subsidize tourism advertising and
11 employ local volunteers to distribute
12 literature. Climate of trust is achievable,
13 but not if we continue in our present course.

14 I used to work in the pharmaceutical
15 industry. I was sent to Minnesota to work for
16 the second largest drug company on earth. I
17 was sent to the home of Arthur Caplan, M.D.
18 We can consider him the king of conflict of
19 interest. I worked at the Mayo Clinic, a hot
20 bed of political disputes in the pharmaceutical
21 industry. I worked for a company that had the
22 first billion dollar per year product on earth.
23 In 1988 we sold a billion dollars worth of a
24 drug that treats ulcers.

25 Ten years prior to that important date,

1 a cure for ulcers was discovered in Australia.
2 To this day in American medical textbooks that
3 cure is not mentioned in gastroenterology
4 textbooks in bold print.

5 If I have one comment to make tonight,
6 it's that I'm optimistic that you're on the
7 right path by including citizens, that you're
8 on the right path by listening and talking and
9 communicating. But by no means are we on the
10 right path if we give up control to the
11 federal government or if we give any more
12 concessions to large business in Alaska. Thank
13 you.

14 **MR. VOGT:** Thank you. Before
15 we begin, let me get the next on deck, Robert
16 Reges, Becky Carls. And I'll just keep going
17 down the order here. Joe Sonneman, Sue
18 Schrader and Randy Ray. That's not -- there's
19 more after that, but that's the order they are
20 coming.

21 **MS. BALLIET:** My name is Kris
22 Balliet. I'm the regional director for the
23 Alaska office of the Center for Marine
24 Conservation. In the interest of time and in
25 recognition of this hour, I'm going to

1 abbreviate my comments.

2 The Center for Marine Conservation
3 celebrates its 30th year birthday this year and
4 our second year birthday here in Alaska.
5 Throughout that time, Center for Marine
6 Conservation has worked proactively with the
7 cruise ship industry. We worked for
8 ratification of the MARPOL in 1987 and
9 enactment of the Ocean Dumping Act. We've
10 initiated Cruise Watch programs to enlist
11 passengers in assessing impacts of cruise
12 vessels. We've organized waste management
13 seminars for the cruise industry. We're a
14 member of an ad hoc committee for the Marine
15 Board of the National Resources Council that
16 lead to the 1994 report, "Clean Ships, Clean
17 Ports, Clean Oceans."

18 We've developed and conducted education
19 programs in the Caribbean for ship-generated
20 waste projects. We continue to work with the
21 cruise industry to promote and establish our
22 international coastal cleanup and model
23 community projects in the Caribbean. We have
24 reviewed and commented on the February 2000 GAO
25 report "Reducing Marine Pollution by Cruise

1 Ships." Now we join the Bluewater Network in
2 the rule-making petition filed with EPA in
3 March and the ballast water petition filed in
4 June 1999.

5 CMC's concerns are mounting here in
6 Alaska for the waters from Ketchikan to Cordova
7 and the communities they support. The cruise
8 line industry is a rapidly growing segment of
9 the tourist travel industry. Overall, 225
10 ships carried more than nine million passengers
11 in 1998. That capacity's expected to grow by
12 35 percent by the year 2003, according to the
13 GAO.

14 In Alaska this summer, I have heard
15 that the number of cruise ship passengers met
16 or exceeded our entire state population. This
17 is significant when considering the broad
18 implications of this growing industry on our
19 local communities and fragile marine ecosystems.
20 Current sewage and gray water policies were
21 developed years ago when the number of vessels
22 and passengers were significantly smaller,
23 vessel impacts were much less and marine
24 ecosystems were much healthier.

25 Recent reports indicate that gray water

1 may have greater impacts than sewage. These
2 rules need to be revisited. Illegal discharges
3 have undermined public confidence and created
4 the need for better monitoring and enforcement.
5 Cruise ships' waste streams physical and
6 secondary impacts may be generating significant
7 local and regional impacts on fisheries, air
8 and water quality, local communities and highly
9 sensitive and unique marine systems, as well as
10 potential contamination of subsistence
11 resources. We need more information. In the
12 interim, we need a precautionary approach. And
13 it must be adopted to protect critical marine
14 resources, particularly here in Alaska.

15 As noted by the GAO, much more
16 progress needs to be made to improve government
17 oversight, establish better standards in
18 monitoring of sewage and gray water discharges,
19 to improve monitoring, enforcement of existing
20 laws and follow up on foreign flagship
21 violations, which have languished since 1995.

22 CMC's recommendations, most repeated
23 from the Bluewater Network petition to which we
24 signed, are as follows: Quantify waste
25 streams, oil, solid, sewage, gray water,

1 hazardous waste and invasive species and assess
2 impacts on water quality, marine environment
3 and particularly here where we have subsistence
4 cultures, human health.

5 Rethink sewage, gray water and ballast
6 water exemptions in the regulations. Mandate
7 third party monitoring. Voluntary self-
8 monitoring is not an acceptable alternative to
9 mandatory record-keeping, reporting and other
10 verifiable compliance mechanisms that have
11 worked successfully under the Clean Water Act.

12 Protect ecologically sensitive and
13 special marine areas to which cruise ships are
14 attracted through no discharge and restricted
15 access zones. And I think probably most
16 importantly in order to get all those things
17 in place, work to secure the resources. More
18 government resources are needed to improve
19 standards in monitoring of waste discharges,
20 conduct water quality sampling programs, to
21 inspect sewage treatment systems, conduct
22 surveillance and enforcement efforts, and refer
23 and follow up on foreign flagship violations.

24 Thank you for this opportunity and
25 thanks for staying so late.

1 **MR. VOGT:** Thank you for
2 staying so late and the rest of you, as well.

3 **MR. REGES:** Good evening. I
4 figure it's about 3:00 o'clock in the morning,
5 Washington, D.C. time. So I'll stand up, keep
6 you awake for the few minutes I need your
7 attention.

8 My name is Robert Reges. I'm here
9 tonight as a member of Cruise Control. Cruise
10 Control, Incorporated is a local nonprofit
11 corporation that was one of the 53 signatories
12 to the petition to which you are responding.
13 So I thank you for your response. Thank you
14 for being here.

15 I'd also like to take a moment just to
16 thank the industry themselves. Whether we feel
17 we've made enough progress or not enough
18 progress, they have been plugging away with us
19 for the last year. And I applaud you for
20 that. Thank you very much.

21 My comments tonight, as a member of
22 Cruise Control, as a person who's an attorney,
23 I tend to focus on the legal aspects of
24 things. My experience in this particular arena
25 over the past year has involved taking part in

1 the DEC steering committees, assisting in the
2 drafting of House Bill 371, the cruise vessel
3 legislation that was introduced here in the
4 State of Alaska, and assisting in the drafting
5 of Assembly Bill 2746 which recently passed in
6 California.

7 So tonight my brief comments are also
8 going to be characterized in terms of
9 legislation. I want to speak to you in the
10 context of House Resolution 820, Title VII of
11 the Coast Guard Authorization Act. Short name
12 known as the Murkowski bill here in town. I'm
13 working from the July 27th, 2000 draft. And I
14 bring that into the context because I know
15 some of you are going to take this information
16 back to D. C. And I hope that you can have
17 some influence on that bill.

18 I have three things I need you to do.
19 I need you to clarify jurisdiction, consider
20 permitting or systematic reporting and attempt
21 to fix some language in the bill itself.

22 First, with respect to jurisdiction,
23 the bill would have additional -- would
24 authorize additional regulations under three
25 sections, 702(b), 703(b) and 710. But already

1 there's some confusion as to where EPA's
2 jurisdiction leaves off and the Coast Guard's
3 begins, where does EPA, in fact, have
4 jurisdiction.

5 And I would give you as an example
6 RCRA. If a waste is generated onboard a
7 cruise vessel here in Southeast Alaska and is
8 offloaded in Vancouver, is that the exportation
9 of hazardous waste under RCRA subject to the
10 RCRA importation, exportation rules? I think
11 it's an open question. There's a lot of
12 jurisdictional questions about the existing
13 statutes that you have to take a look at and
14 in some detail expand on what is a very good
15 first start, your "White Paper."

16 I found your White Paper extremely
17 helpful in giving me an overview of the
18 existing laws. And I would like you to make
19 one goal of your assessment an expansion of
20 that White Paper. Particularly on page 15 of
21 your paper, you say that with respect to the,
22 quote, "Other Wastes Streams," photo processing
23 centers, beauty parlors, swimming pools, dry
24 cleaners, that part of your assessment will be
25 to examine the applicability of existing

1 requirements to the potential transportation,
2 storage, disposal and discharge of those
3 wastes. I applaud that. I encourage that.
4 I would like to very much see that as one
5 piece of your assessment.

6 And I would like you to carry that
7 over into the three sections of the Murkowski
8 bill which authorize the secretary -- the Coast
9 Guard, essentially, and the secretary of their
10 department to promulgate regulations. Where
11 will their regulations leave off and your
12 regulations begin? I'd like to see some
13 legislative history on that. I'd like to see
14 some development of that concept now while the
15 bill is still a bill and before it becomes
16 law.

17 Along those same lines, in your White
18 Paper, you mention that permits are issued
19 under the Marine Protection, Research and
20 Sanctuaries Act. If you don't already have a
21 database of those permits, I'd like to see one
22 come out of this assessment, a database of the
23 permits that have been issued under that
24 statute so we can access them and see who has
25 what permits under that bill.

1 Speaking of permitting, that's sort of
2 the second prong of my presentation here today.
3 I'm a big advocate on systemic reporting and
4 systemic permitting. As I look at Section 704
5 of the Murkowski bill, what it would do is
6 mandate that the Coast Guard conduct
7 inspections to ascertain whether or not
8 industry is compliant with the mandates of the
9 Clean Water Act and the other environmental
10 provisions.

11 That's certainly laudable. But what do
12 we know? We know that already under MARPOL,
13 the industry is supposed to keep track of its
14 solid wastes. It's supposed to keep records
15 and logs of its solid wastes. But it doesn't
16 submit those records. It makes them available
17 for review during a Coast Guard inspection.
18 Well, all the Coast Guard guys I've talked to
19 are the first ones to tell me, look, after I
20 get done with the fire extinguishers and after
21 I get done with the life jackets and after I
22 get done with the life vessels, if I have time
23 and if I have money, maybe I'll get around to
24 looking at that particular log.

25 It's not the way any of the other

1 environmental statutes work. Why not do
2 something like we do with Clean Water Act
3 discharge monitoring reports where the regulator
4 submits them periodically for review by the
5 agency? SARA Title III, another example. Not
6 real enforcement, it's just a reporting
7 requirement. Clean Air Act amendments of 1990,
8 a responsible official of the regulated entity
9 must periodically submit the monitoring reports
10 certified to their accuracy. Much simpler.
11 It doesn't put the burden on the Coast Guard
12 to do it during its inspections. Tried and
13 true. Tested out there. Let's use it here.

14 So I ask you specifically when you're
15 talking to congress about the Murkowski bill,
16 address that concept within the context of
17 Section 704 of the bill. Because I'm
18 concerned that when a burden gets put on a
19 government agency by congress, it may not be
20 funded. And therefore, the purpose gets
21 thwarted.

22 And so along those lines, that is, the
23 appropriations strings that congress holds over
24 you executive agencies, there are some other
25 specific aspects of the Murkowski legislation

1 that I'd like you to address in your
2 assessment during your work. Section 703(a)(2)
3 purports to limit those vessels that can come
4 into Southeast Alaska. A cruise vessel would
5 operate in the Alexander Archipelago only if it
6 was tested on a frequency showing that, quote,
7 chemicals used in the operation of the vessel,
8 including photographic chemicals, are not
9 present in an amount that would constitute a
10 hazardous waste under RCRA.

11 There's some serious language problems.
12 First of all, RCRA doesn't talk about
13 chemicals. It talks about discarded materials.
14 So right away, you have a difference of sets.
15 What are we dealing with here? Second of all,
16 as you've explained earlier tonight, your
17 long-standing regulation exempts certain
18 discharges that are incidental to the operation
19 of the vessel. But in that very regulation it
20 says but not including things like photographic
21 chemicals.

22 Well, here we're creating an ambiguity.
23 This bill says that photographic chemicals and
24 dry cleaning solvents are to be considered used
25 in the operation of the vessel. That's just

1 inviting litigation. That's just inviting
2 governments to never use this statute because
3 as soon as they do, they will be sued by
4 someone over that ambiguity. Why not fix it
5 now while it's still a bill and not a law?

6 Finally, and most problematic, that
7 this supposed limitation on vessels only
8 applies if these chemicals are not present in
9 an amount that would constitute a hazardous
10 waste under RCRA. If you think of that, how
11 do you become a hazardous waste under RCRA if
12 you're not a listed waste -- and these are not
13 primarily going to be listed wastes -- the
14 so-called characteristic wastes?

15 Characteristic of ignitability?
16 Twenty-four hours after the EXXON VALDEZ had
17 spilled 11 million gallons, it wasn't ignitable
18 anymore, right? So it was not present in an
19 amount that would constitute a hazardous waste
20 under RCRA. Nonetheless, it caused a serious
21 problem. That language has got to go. You
22 could have trimethyl double dap killing fish,
23 leaving them belly up in the wake of the boat
24 and it might not be present in a concentration
25 sufficient to constitute a hazardous waste

1 under RCRA.

2 So that supposed limitation is, in
3 fact, nothing but a big loophole that's going
4 to give the industry something that they can
5 ballyhoo the next time we try to really
6 regulate them and say, oh, but see, we've
7 added this to MARPOL and all the other things
8 when, in fact, it's something of a toothless
9 tiger.

10 Finally, the Murkowski provision that
11 addresses all of you, Section 705. Section
12 705 would handicap EPA and, in fact, the Coast
13 Guard by saying that if they -- any agency of
14 the United States undertaking a study of the
15 environmental impact of cruise vessels, what
16 you fellows are doing here tonight, shall
17 ensure that operate -- that before it uses the
18 study as a basis for rule-making shall ensure
19 that it is subjected to scientific peer review.

20 Sounds like a great idea. Hard to
21 argue with. We want good science. We want it
22 subjected to peer review. But we all know the
23 political realities are that when congress says
24 you, the agency must do a thing prior to
25 rule-making, if they don't want you to have

1 those rules, they don't fund you to do that
2 thing. You must ensure that your study is
3 peer reviewed before you can use it to
4 promulgate new rules. But guess what? You
5 don't get any money for peer review. So much
6 for your new rules. So much for your studies.

7 I would say that you need to take --
8 if you don't want what you're doing here
9 tonight to be completely thwarted by my
10 esteemed senator, then you should go back and
11 work to amend this particular provision such
12 that it says any agency in the United States
13 conducting studies must consider peer reviews
14 submitted to it in a timely fashion or
15 submitted to it prior to final rule-making.

16 Put the burden on the industry. You
17 know they are going to peer review your work
18 anyway. So if they want to peer review your
19 work and they give it to you in a timely
20 fashion, then you must consider it. But you
21 don't have to consider it yourself. Besides,
22 that should be an easy sell in Washington, D.
23 C. because everybody knows you guys can't be
24 trusted to peer review your own work.

25 That's the sum and substance of my

1 presentation here tonight. I really appreciate
2 you all coming up and good luck. More to
3 you.

4 **MR. VOGT:** Thank you very much.
5 I'm hesitant to comment because we have so
6 many testifiers tonight and so I won't. But
7 thank you very much.

8 **MS. CARLS:** I'm Becky Carls and
9 I'm representing myself. I have lived in
10 Juneau for 21 years and have my Masters of
11 Science in biological oceanography. Thank you
12 for coming to Juneau to experience our
13 beautiful environment for yourselves and to
14 give us the opportunity to speak on the
15 subject of cruise ship wastewater discharges.
16 I'm sure you've noted what a jewel this part
17 of our country is in spite today's typical of
18 September weather. I hope you arrived here in
19 time to see it in the sunshine yesterday.

20 This unique environment exists because
21 many of the people who came before us were
22 good caretakers of their environment and also
23 because of our abundant rainfall. Water is
24 essential to all that you see around you. It
25 is up to all of us to care for this land and

1 its waters. I am totally appalled by a lack
2 of recreation that the cruise ship industry is
3 presently enjoying. The ever growing numbers
4 of people carried by these ships is equivalent
5 to a small city of 40,000 folks or more
6 floating upon our waters in Southeast Alaska at
7 any particular time.

8 I fail to understand why they are not
9 subject to the same regulations as a town the
10 size of Juneau. Our town has a sewage system.
11 Waste water is treated by filtering out the
12 solids and incinerating those at the city-owned
13 incinerator. The liquids are chlorinated and
14 dechlorinated before they can be discharged
15 into the river. I am sure you folks are more
16 familiar than I am with the treatment we are
17 required by law to provide for our city's
18 wastewater. I strongly urge you to require
19 similar treatment for cruise ship wastewater.

20 The water the ships discharge goes into
21 the environment from which we gather food for
22 our tables. It is vital that food collected by
23 commercial, recreational and subsistence users
24 is safe to eat. Exactly what levels of some
25 toxicants are safe for the environment and for

1 people to ingest is unknown, but some are
2 apparently unsafe at any level. Not only the
3 lethal levels for all species, but also the
4 sublethal effects of many chemicals and just
5 exactly what chemicals are being discharged by
6 the cruise ships is unknown.

7 The chemicals used on the cruise ships
8 for photo processing and dry cleaning are not
9 safe to discharge into the environment. Our
10 local dry cleaning establishments are required
11 to recycle their waste chemicals and not allow
12 them to enter the sewer system. I'm asking
13 you to enforce such requirements for cruise
14 ships.

15 What happens to the chemicals that have
16 been dumped in the past and are still being
17 dumped? They don't magically disappear. I
18 expect some unknown portion of them end up in
19 the sediment to be ingested by the benthic
20 community and work their way up the food web.

21 What happens to the gray water and
22 treated black water that is being discharged
23 into our local waters? I don't care what
24 speed they are traveling at or how far they
25 are from a port, that nasty water is still

1 getting into our ecosystem in ever increasing
2 quantities. And ten miles from a port still
3 puts that junk in our fishing grounds and by
4 many small towns.

5 I grew up on Long Island and I
6 remember lots of little goodies from New York
7 City washing up on the beaches of Fire Island.
8 It was gross. Let's see. I have too many
9 notes.

10 As far as mixing zones and dispersion
11 goes, I believe that they are inadequate and
12 not the way to go. In examining them, they
13 should be looked at in four dimensions, what
14 happens lower in the water column and in the
15 sediments as ship after ship passes through the
16 same waters over and over again. Much of our
17 inside waters are protected from the sea and
18 lack strong ocean waves and rapid exchange of
19 water. I urge you to consider the physical
20 oceanography, especially topography, tides and
21 currents throughout the water column when you
22 look at the eventual fate of past and current
23 discharges.

24 I propose that the cruise ships should
25 be required to have holding tanks onboard for

1 all their wastewater in conjunction with no
2 discharges zones throughout Southeast Alaska.
3 They should have separate tanks for the truly
4 noxious chemical wastes and account for those
5 chemicals.

6 Also, the industry should construct for
7 their use several pumping stations with
8 treatment plants around Southeast. This might
9 also work in the other areas you're
10 investigating where small towns are involved.
11 It is really taxing for many of our small
12 communities to have to build and pay for the
13 infrastructure to support this large increase
14 in population for the few months the visitors
15 are here every summer. The facilities could
16 be at the ports they visit, but would be the
17 responsibility of the cruise ship industry to
18 operate and maintain. The cruise ship industry
19 should be required to take care of their own
20 messes instead of leaving it behind for us to
21 deal with. I believe that is how land-based
22 industries are regulated.

23 Also, please do not depend on voluntary
24 compliance. Much past experience shows it does
25 not work very well. It is important that we

1 preserve intact the beautiful and basically
2 healthy environment that we have here in
3 Southeast Alaska for future generations.
4 Stresses keep being added to our marine
5 environment. And it's time to remove some. A
6 liter of prevention is worth an ocean of cure.
7 Let's work to prevent any more damage and stop
8 the cruise ship industry from its despoiling
9 our waters for the sake of relatively
10 short-term monetary gains. Thank you.

11 **MR. VOGT:** Joe Sonneman. And
12 the next is Sue Schrader.

13 **MR. SONNEMAN:** None of your
14 well intentioned dumping regulations and
15 technology will control cruise ships. I'll say
16 that again. None of your well intentioned
17 dumping regulations and technology will control
18 cruise ships. And I think there are three
19 reasons, which I'll try and explain.

20 One is a divide and conquer strategy.
21 Another is that this is really a problem of
22 economics and politics. And third, the death
23 of the commons, which if you're into
24 environmentalism, you probably already know, but
25 I'll try to explain it, after I give the usual

1 standard disclaimers. As Groucho Marx would
2 say, I'm not representing any organization that
3 would have me for a member. But I was the
4 legislative action editor of the Georgetown
5 International Environmental Law Review. And
6 I'm presently on the city's - the Juneau
7 International Relations Advisory Council. I'm
8 a past president and board member of the
9 Juneau World Affairs Council. I was the 1998
10 Democratic candidate for U. S. Senate.
11 President of local AARP. And I'm not speaking
12 for any of them.

13 I am, however, a photographer and
14 lawyer. And I do believe that a picture is
15 worth a thousand words. So I have about
16 10,000 words' worth back there on the back
17 table, nine photographs and a painting and I
18 encourage you to look at that part of my
19 testimony also.

20 I am also a shareholder. I own one
21 share each of Royal Caribbean and of Carnival
22 Cruise Lines. And that has been useful for
23 providing some of the information which I now
24 would like to tell you about.

25 When I talk about divide and conquer,

1 you are, essentially, as I see it operating in
2 a technical mode trying to solve a big problem
3 by looking at a small technical part. And the
4 problem is that the cruise ship problem as a
5 whole is bigger than your technical part. And
6 that's why I say none of your regulations can
7 control the cruise ship industry. Because
8 you're only look at a part and there's a whole
9 industry out there. And no matter what you do
10 to the part, you won't control the industry.

11 Economics and politics. Well, some of
12 the numbers on the economics side are that
13 here in Juneau in 1990, there were 230 cruise
14 ship passengers. This year the capacity is
15 projected to be 632,000 passengers. I have
16 been suggesting that we try and have a
17 sustainable limit at 500,000. But as you can
18 well imagine, those who have a direct economic
19 interest want no limit whatsoever. No limit.
20 And because the people who want no limit are
21 operating the businesses and seem to have more
22 money, they seem to have an impact on local
23 politics out of proportion to their numbers so
24 democracy is not working in small town Alaska
25 because the economics are overwhelming.

1 And an example of is that just last
2 year the citizens of Juneau voted by 70
3 percent of the voters in the election, you
4 know -- 60 percent is considered a landslide
5 so 70 percent was beyond a landslide. We
6 voted 70 percent to impose a five dollars per
7 passenger fee. And yet the Assembly has not
8 done much about it except to make sure that
9 the money which is collected goes back to the
10 industry. Okay? You see some of the problem?

11 In fact, the Assembly set up a
12 committee to advise them on how to spend the
13 money. And that committee was by Assembly
14 design organized three to two in the industry's
15 favor. Okay. Because there was one member
16 from the cruise ship industry and two from our
17 Docks and Harbors Committee. And Docks and
18 Harbors is pro industry because when Docks and
19 Harbors had a meeting and they learned that
20 ships were being built that were bigger than
21 our harbor, well, they said let's dredge the
22 harbor so we can accommodate them. So Docks
23 and Harbors is pro industry.

24 And the Assembly appointed two members
25 from Docks and Harbors and one from the

1 industry and two citizens. So it was a three
2 to two vote. And the Assembly -- even though
3 the people voted 70 percent one way, the
4 Assembly voted to allow the industry to
5 maintain control the other way. So you got a
6 conflict between economics and politics.

7 There's even a conflict on the national
8 level. And that is, as I think some people
9 have said here before, the cruise ship
10 industry, at least some members of it, do not
11 even pay U. S. federal income taxes on income
12 earned in U. S. waters. I found that quite
13 amazing. But where I learned it was from one
14 of those shareholder publications that I got by
15 owning one share of a cruise ship company
16 line.

17 And the U. S. Treasury Department was
18 proposing regulations that this should only
19 apply to companies which were publicly held.
20 "Publicly held" was defined as no one person
21 or group should have more than five percent of
22 the company's stock. And so this particular
23 company, whose name I won't mention, was
24 changing their bylaws so that nobody would be
25 allowed to own more than 4.9 percent, in other

1 words, so they could continue to avoid U. S.
2 taxes forever even. If the Treasury Department
3 passed a new regulation, they would already be
4 ahead of the game, not paying taxes on the
5 federal level.

6 Now, that means somebody had to write
7 an exemption in there -- that's your bosses
8 who are writing those exemptions. So you have
9 a difficult task. That's why I say again,
10 none of your well intentioned dumping
11 regulations or technology will control the
12 cruise ship industry.

13 Death of the commons. For those who
14 don't know -- and if I get the facts wrong,
15 please correct me. But I believe it was in
16 England approximately in 1600, the commons was
17 an area that was owned in common and where
18 anybody could graze their sheep. Well, because
19 anybody could graze their sheep there and it
20 was all owned in common, everybody did graze
21 their sheep there. And guess what? No grass.
22 Okay?

23 The commons here is -- the equivalent
24 to the commons, the metaphoric commons, is
25 ocean and seaside views, which anyone on a

1 cruise ship can drive to. And that's being
2 overrun by cruise ships. It's being gobbled
3 up. The cruise ships are essentially fouling
4 their own nest. And as a shareholder,
5 although a small one, I can see that this is
6 bad for the industry in the long run because
7 it's -- you know, as I think others have said,
8 people are polluting the very areas that they
9 are going to see.

10 So the death of the commons, economics
11 and politics, and divide and conquer. But by
12 divide and conquer, I also mean my interest as
13 you perhaps can see from the painting in the
14 back is more in air pollution than water
15 pollution. But they're both significant. So
16 is crowding of trails. So is flight seeing
17 noise. We've had this room here in Juneau
18 filled up with people talking about flight
19 seeing noise. Okay?

20 This is not the only issue that you're
21 working on. There are other issues. And they
22 all have a common theme, but nobody is
23 addressing the common theme because everybody
24 is addressing the particular issues. What's
25 the common theme? The common theme is the

1 size of the industry.

2 Because I own one share each, I was
3 watching Wall Street Week, the Louis Rukeyser
4 show on public television. They were
5 discussing investment opportunities in the
6 travel sector. One of the areas that they
7 discussed was the cruise ship industry. And
8 the analyst was saying that many people seem
9 to think that there are opportunities in this
10 field, but they are wrong because of
11 over-capacity. There are already too many
12 ships. Okay? And you've heard testimony here
13 tonight, which is true, as far as I understand
14 it, that many more and indeed larger ships
15 continue to be built.

16 Why is that so? Death of the commons.
17 You've got the free resource, so to speak, the
18 only free resource of ocean and seaside views.
19 So people are building more ships. Plus it's
20 a competitive industry. One line is trying to
21 get ahead of the other. So everybody is
22 building more and more ships. And already,
23 there are more ships than are needed.
24 Over-capacity.

25 I bought the stock at about \$25 a

1 share. It had dropped from about \$50 a share
2 on both lines. It's now around 20. Why?
3 Over-capacity, excess number of ships,
4 over-building. And until you control the
5 number of ships and the number of passengers
6 and the number of days of operation, you're
7 not going to be able to control the side
8 effects of crowded trails, water pollution, air
9 pollution, crowded highways, crowded sidewalks,
10 all the other negative and also some positive
11 effects, mostly economic, of the cruise ship
12 industry. I'll say it again. None of your
13 well intentioned dumping regulations and
14 technology will control the cruise ship
15 industry.

16 I did have two other points, I see
17 I've written down. I hope you take written
18 testimony which is different from this little
19 talk. We have had speakers here from the
20 Galapagos Islands. In the Galapagos, Ecuador
21 insists that people can take in cruise ships
22 only of a certain size. I believe the maximum
23 number is 90 passengers. And that's only to
24 some areas. Other areas are so pristine that
25 they only allow sixpacks, six-passenger ships.

1 Other areas, no ships whatsoever are ever
2 allowed. Well, that's the Galapagos. Alaska
3 can't do that kind of regulation. That's a
4 national regulation. And so the Coast Guard
5 and congress would have to do that kind of
6 regulation.

7 The other thing the Coast Guard can
8 do, which I've been suggesting, because until
9 1997 we had no ships over 2000 passengers and
10 until 1997, as far as I can tell, the cruise
11 ships did not come here on Saturdays. So we
12 only had six day a week operation. And we now
13 have large ships coming seven days a week,
14 although not to many, fortunately, still come
15 on Saturdays because they leave out of
16 Vancouver on Saturdays. Because of the Jones
17 Act, you know, they can't sail -- no cabotage,
18 no coast wide traffic in U. S. waters unless
19 they are built in the U. S. And to avoid
20 that problem, they all use foreign-built ships
21 and don't sail out of the U. S. They sail
22 out of Vancouver. And they start on Saturday
23 down there. So they can't be here on Saturday.
24 Well, that's good. We get a day off. But
25 some of them are starting to somehow find a

1 way around that.

2 One of the ways to limit the number of
3 ships is within the power of the Coast Guard,
4 I think. And that is to regulate the pilots.
5 Pilots are required on foreign-flagged vessels
6 over 300 tons. And all of these vessels, I
7 think, are in the 70,000 ton range, well over
8 300 tons. There's at least one case that I've
9 found -- I don't have the citation right now
10 -- which discusses a city that regulated pilots
11 and then ordered its pilots not to convey
12 vessels up a particular channel because of a
13 hazard. So local conditions were able to
14 override congress' national control. That
15 could be done here. But I think it would be
16 better if the Coast Guard did it and regulated
17 and licensed pilots. And then you could
18 regulate the numbers of ships and the days of
19 operations. Thank you very much.

20 **MR. VOGT:** Thank you. Let me
21 -- this is not to discourage anyone from
22 speaking. But I will remind you that if you
23 think it's getting too late to make a coherent
24 statement -- we are still awake, aren't we,
25 panel -- you can just provide us the

1 testimony. But I don't mean to discourage
2 anyone because we'll stay here just as long as
3 we are available.

4 So let us continue. Randy Ray, you're
5 next after --

6 **MS. SCHRADER:** My name is Sue
7 Schrader and I'm speaking tonight on behalf of
8 Alaska Conservation Alliance. We're a
9 statewide organization that serves as an
10 umbrella group for 42 Alaskan conservation
11 nonprofits.

12 ACA is looking to the EPA for a
13 meaningful analysis of past practices by the
14 cruise ship industry, of the current status of
15 their emissions, and of what the future holds
16 for Alaska as we see more ships and larger
17 ships visiting our state.

18 And I would encourage the EPA to take
19 a statewide look at the problem. Although you
20 are here in Juneau -- and we certainly
21 appreciate you coming here -- there are other
22 communities that you've heard from tonight in
23 Southeast, but there are other communities
24 beyond Southeast such as Seward that have
25 cruise ship visitation. And as a statewide

1 organization, we would encourage you to look
2 carefully at the impacts to these other
3 communities. We should all remember these
4 ships are mobile sources of pollution and that
5 their discharges have wide-ranging impacts.

6 I'm not a water quality expert so I'm
7 not going to really get into a lot of the
8 details. I think those have been dealt with
9 very effectively already earlier this evening.
10 I have, however, been a resident of Juneau for
11 ten years. And I have been a keen observer
12 of my community and also of the economic
13 development, particularly tourism, here in the
14 community.

15 And I'd like to express a few
16 concerns, some of which I don't think have
17 particularly been touched on tonight. And I'm
18 expressing the concerns hoping to give you a
19 little bit more context for the issue that
20 you're addressing.

21 I am concerned when the cruise ship
22 industry tells us that they are doing a fine
23 job managing their waste streams, that their
24 gray water is indistinguishable from bottled
25 drinking water and that the fears of some of

1 us Juneau residents are based on misinformation
2 that with a little better education can be
3 alleviated. I'm concerned after having heard
4 all that to then find out that their gray
5 water contains millions of colonies of fecal
6 coliform per hundred ml.

7 I'm also concerned when one of my
8 friends tonight did not feel comfortable in
9 coming and testifying tonight because he works
10 for a nonprofit that receives a donation from
11 the cruise ship industry. That to me is very
12 disconcerting that that's some of the concern
13 here in this community.

14 I'm also concerned when John Hansen
15 tells us that some of the older ships, such as
16 the JUBILEE that has been cited for air
17 quality violations, are being taken out of
18 Alaska service. He is not telling us that
19 these ships are being taken out of service
20 altogether or that they are being retrofitted.
21 So I wonder what other countries' wastes --
22 waters, rather, and air will be polluted
23 instead of Alaska's. To me the situation
24 really suggests an issue of environmental
25 justice.

1 I'm also concerned when the industry
2 representative continually points a finger at
3 our municipal sewage problems, at our Alaskan
4 fishing fleet and as we heard tonight, at
5 Anchorage's municipal sewage problems. The
6 conservationists that the Alaska Conservation
7 Alliance represents spend considerable amounts
8 of time and money working to address all
9 aspects of water pollution. My husband and I,
10 along with many of our neighbors in the back
11 loop area, are still paying thousands of
12 dollars, each of us, each of our families, for
13 a local improvement district that helped to
14 finance the extension of our city sewer system
15 to our neighborhood. It's about time that the
16 cruise ship industry stops pointing fingers at
17 others and starts getting down to the business
18 of cleaning up their own act.

19 I grew up in Cleveland, Ohio. And I
20 lived in Cleveland when the Cuyahoga River
21 caught fire. And I truly believe that the
22 Cuyahoga would never have been cleaned up if
23 it had been left up to voluntary compliance.

24 Alaska Conservation Alliance is looking
25 to the EPA to develop a regulatory framework

1 of permitting, monitoring and enforcement such
2 as other industries that do business in this
3 state must comply with, a regulatory framework
4 that will protect our water and the health of
5 our citizens. Thank you.

6 **MR. VOGT:** Thank you, Sue.
7 Following Randy Ray -- I do have a question --
8 do you want to take a small break? I think
9 we deserve it for our friend who has been very
10 busy. After Randy, we'll take a break, a very
11 short one. And then we will have Claire
12 Fordyce, Steve Bowhay, Joyce Levine and there's
13 several more.

14 **MR. RAY:** It's always hard
15 being the last speaker between everybody and
16 their pillow. Randy Ray, United States Cruise
17 Ship Association. We are the U. S. flag guys.
18 We've got 15 flagged U. S. cruise ships in our
19 association. We have five companies, 13 of
20 these ships which operate in Alaska. We're the
21 different folks. You see the big ones out
22 there. We're the little ones out there. We
23 have 34 to 150 passengers. We're below 300
24 gross tons, all of our vessels.

25 We do follow all U. S. laws. We

1 actually also follow all Alaska laws, minimum
2 wage, as well as environmental laws. We hire
3 a lot of Alaskans, particularly naturalists and
4 biologists who are onboard to tell our
5 passengers what a great pristine environment
6 that Alaska is. So the pristineness of Alaska
7 is what we market. If it doesn't stay that
8 way, we don't have a market left.

9 Earlier today when we had the open
10 house, the U. S. Coast Guard had a slide show
11 that was up there. And it said the U. S.
12 Coast Guard's efforts on cruise vessels was
13 involved with vessels over 300 gross tons and
14 over 500 passengers. Those are not our
15 vessels. We're the little guys.

16 So some people have asked us the whole
17 time why are we here. We're not looking at
18 you. Well, one of the things that some
19 federal agencies fail to realize and a lot of
20 people fail to realize is how EPA regulates.
21 And when EPA regulates a pollution problem,
22 whether you're over 300 gross tons or under
23 300 gross tons doesn't matter. Whether you're
24 a large pulp plant or a small pulp plant
25 doesn't matter. You're going to get regulated.

1 That's why we have served on the
2 steering committee of the Cruise Ship
3 Initiative here, why we've served on every ADEC
4 task force on this thing. Because this is an
5 issue that needs to be addressed. And when it
6 is addressed, if EPA moves forward, everybody
7 is going to be impacted.

8 So one of the things we did on our
9 own -- didn't have to -- we've gone out and
10 done our own gray water and black water
11 testing. We have not finished our data
12 collection. We haven't finished our tests. But
13 what we've got, we don't like the answers.
14 The results we've got are not good. Our
15 preliminary analysis points to concerns in the
16 U. S. Coast Guard certification of marine
17 sanitation devices as well as in gray water.
18 When we look at these numbers, we can't
19 understand them. And we're trying to fix
20 them. We're starting to bring some of the
21 numbers down by some of the things we're doing
22 and we're learning more.

23 There's an ad that's going out right
24 now that you open up a magazine and it has
25 this wonderful car there. It has a little

1 thing down there that says "Made you look."

2 Well, Governor Knowles, Michele Brown, ADEC,
3 the Alaska legislature, the Alaska citizens,
4 Amy, Gershon, Tim, a bunch of other people
5 have made the cruise ship industry look. We
6 had to go look at ourselves. And I want to
7 thank you for doing that. But we're finding
8 some things that we didn't know was there.

9 And U. S. cruise ship operators are
10 here not to hide, not to say we're not doing
11 it and not to say there's not a problem if
12 there is. What we discovered is we got some
13 data. We don't know what it all means yet,
14 but the data says we don't have enough. And
15 if we have a problem, we want it fixed. This
16 is our country. We don't want to pollute it
17 either. And if the data shows that EPA has
18 to move forward, we want a process that
19 doesn't just take into account foreign vessels
20 in saltwater because our vessels not only
21 operate in saltwater, we also operate in many
22 fresh water river systems around the United
23 States. We operate in every coastal state in
24 the United States as well as many river
25 systems.

1 So if EPA moves forward, we would ask
2 EPA, we'd also ask the Alaska citizens and U.
3 S. and environmental groups to look at this as
4 a new challenge. There's lots of laws out
5 there, NPDES permits. And I was talking to
6 some EPA folks. And none of them -- they all
7 have to do with fixed point sources. None of
8 them have to do with mobile sources.

9 The idea that some people have put
10 out, which is no discharge, I don't think that
11 is technologically possible for years to come.
12 Nobody's got it. You can't store that much
13 water onboard. If you would try to take your
14 house and store all the water that's coming
15 out of it for seven days, I'm not sure it's
16 going to work. There is a challenge here and
17 there does appear to be a problem. But we're
18 going to have to look at some new unique
19 solutions.

20 Also what ICCL has proposed on the ten
21 mile rule, ten miles out of town, I'm not sure
22 that that is an adequate solution. Perhaps
23 we're just moving a problem from an urban
24 embayment to a more pristine embayment. We
25 have to come up with better solutions than

1 what we have so far.

2 Lastly, we don't want to follow the
3 solution. As U. S. flag cruise ship operators,
4 we would like to lead the solution. And we
5 look forward to working with EPA, with the U.
6 S. Coast Guard, with ADEC and with the State
7 of Alaska and with its citizens. Thank you.

8 **MR. VOGT:** Thank you. All
9 right. It's stretch time. Ten minutes and we
10 will be back.

11 (**WHEREUPON**, a brief recess was taken.)

12 **MR. VOGT:** All right. We have
13 eight more listed speakers. And Claire, Steve
14 and Joyce, I mentioned. Doug Dixon, Chuck
15 Keen, John Cooper, Bill Walker and Aurah
16 Landau. And if there's anyone else following
17 that, we will certainly stay and add your
18 names and listen.

19 **MS. FORDYCE:** Thank you. My
20 name is Claire Fordyce and I live downtown in
21 Juneau. I've been a resident here for eight
22 years. And just some background, I've traveled
23 extensively, mainly in the Southern hemisphere,
24 where I'm from. And I've been very involved
25 in environmental science for 20 years. And I

1 studied that at university.

2 I wanted to let you know that over my
3 short history here, I've seen many changes
4 associated with the cruise ship visitor
5 population. The norm is now between four and
6 five ships a day and between ten and 14,000
7 people. It's severely impacted my family here,
8 financially negatively. One of my husband's
9 family had to close a business downtown.
10 There was no spaces for parking. So that, you
11 know, local hardware store folded because of
12 this stress on the space downtown.

13 I wanted to just mention quickly three
14 concerns. I'm used to three minute testimony,
15 and out of consideration for everyone. I'm
16 concerned that current regulations are designed
17 for open ocean and don't take into account the
18 relatively slow tidal exchange of inside waters
19 of Southeast. And the opportunity for the
20 concentration of whatever water, gray or black,
21 is so much greater. And the slower rate of
22 flush causes a cumulative effect by the
23 burgeoning industry. And that it's critical, I
24 think, to address the local environmental
25 conditions. And that leads me to think maybe

1 some state standards are required here because
2 it's such a tidal bottleneck.

3 I'm also concerned, as Craig Vogt
4 mentioned, that many marine discharge
5 regulations are 20, 30 years old. And like
6 technology, the environmental industry has been
7 incredibly dynamic. And 20, 30 years is a
8 long time ago. And there were regulations
9 made for fewer ships per week. And that may
10 have seemed adequate years ago. I don't think
11 they take into account the huge increase in
12 the number and the capacity of cruise ships
13 currently.

14 The third concern I have is that local
15 businesses are held to different standards to
16 the cruise ship industry. If I had a
17 diesel-burning generating plant on the rock
18 dump by the dock and say if I provided
19 electricity for five ships or 10,000 people a
20 day for four months, I'd be subject to some
21 pretty stringent regulations. And the fact
22 that the cruise ships are mobile and wander
23 from place to place somehow seems to exempt
24 that industry. And that issue has come up a
25 few times tonight. People see the double

1 standard and bias.

2 And that's all I had to say. Thank
3 you very much for the respectful way you've
4 conducted this forum.

5 **MR. VOGT:** Thank you. And
6 Steve, you're on your way.

7 **MR. BOWHAY:** I'm here. My
8 name is Steve Bowhay. And I have a small
9 ecotourism business here. So I do have a
10 financial dependency on the cruise ship
11 industry. I also have a small business that
12 doesn't have a financial dependency on the
13 cruise ship industry, but have chosen to enter
14 that industry.

15 In reviewing this, I'm not going to go
16 into any of the details everybody went into.
17 I just want to talk about logistics. We know
18 that congress passes many laws that they exempt
19 themselves from. We know that the United
20 States currently is all over the world trying
21 to do peace-keeping missions, environmental
22 cleanup, whatever our concerns may be. And I
23 have a feeling that this gives us a double
24 standard to the rest of the world that looks
25 at the United States as the better than thou

1 country of the rich.

2 And I feel that we're doing the same
3 thing here where I would think, not knowing
4 that if the Coast Guard ships or if the Navy
5 ships had technology that would allow the
6 cruise line industry to instantly have a zero
7 dumping, that they would have passed that
8 information along and we wouldn't be having
9 these discussions. If our Coast Guard ships
10 or our Navy ships don't exceed the limits that
11 we're talking about imposing upon the cruise
12 ship industry, I'm embarrassed.

13 I'm embarrassed to be an American when
14 I see a voluntary compliance from the concerns
15 that people brought up no dumping in the
16 doughnut holes, they said okay. We won't dump
17 in the doughnut holes. They said don't dump
18 next to our towns. They said okay, we won't
19 dump next to your towns. We asked them for
20 millions of dollars to develop new technology.
21 They said okay, let's do it. I don't
22 understand how we say voluntary compliance
23 isn't working. In fact, I think voluntary
24 compliance stands a better chance at working
25 faster in developing new technology than any

1 government program we've ever developed.

2 I have dealt with government
3 permitting. And I know that slow is being
4 very slack in saying that the government moves
5 at a snail's pace. The chance that we are
6 going to study this problem, get the
7 information together and put together
8 regulations that are going to help this problem
9 before the cruise industry does it on their
10 own is slim to none. I think that we have
11 done a wonderful job of bringing it to their
12 attention. It's like they said, we have to
13 take a look. I think we should work together
14 with them.

15 To allow somebody who actually -- the
16 cruise industry spends \$100 million a year
17 advertising Alaska. Our state Division of
18 Tourism spends four million dollars a year.
19 Everybody that sees a cruise ship ad sees a
20 beautiful, pristine Alaska. I've lived here
21 since I was six years old. Alaska is
22 beautiful and it is pristine. The cruise
23 ships, I have been in their wake many times.
24 I started fishing when I was six. I didn't
25 quit fishing until about seven years ago. I

1 have seen cruise ships go past me hundreds and
2 hundreds of times. And I have yet to detect
3 an oily bilge after they have went by. I
4 have pumped my own bilges. I know what an
5 oily sheen on the water looks like. I would
6 know if a cruise ship had left a big oil
7 slick behind it. And I will have to say that
8 I have never seen that demonstrated.

9 I really think that we have an
10 industry that is trying to sell the
11 environment. They have absolutely no gain from
12 destroying what they are trying to sell. They
13 are spending more money selling our wonderful
14 state than we ever dreamed of. People benefit
15 from all over the state. The people talking
16 about salmon, how many people see the pristine
17 Alaska feature that don't ever make it to
18 Alaska? They don't ever go on a cruise ship.
19 But they may go down and buy Alaska salmon at
20 the store because they have seen these
21 commercials. And it brings the name Alaska
22 back to them.

23 I think there's been more benefits to
24 the State of Alaska from the cruise ship
25 industry's advertising that doesn't have

1 anything to do with maritime. And their
2 development of environmental protections through
3 their sewer systems are going to be used on
4 our American ships. I think that we have a
5 very good chance here to use cruise ship
6 money. Let them develop it. We are paying
7 attention. We are regulating. We are
8 monitoring. Let them develop the technology
9 and let our government use it.

10 The reverse has never worked. Our
11 government has never come up with the solution.
12 Technology wasn't developed by our government.
13 All of our new advancing technologies, our
14 science is all driven by the dollar. They
15 have the dollar. I say we use it. Thank you.

16 **MR. VOGT:** All right. Thank
17 you. Joyce.

18 **MS. LEVINE:** Good evening,
19 gentlemen and ladies. And I thank you for
20 being here so late.

21 In reference to the last gentleman that
22 his comments where he hasn't seen a sheen,
23 just for some information, a recent study by
24 the U. S. General Accounting Office states that
25 between 1993 and 1998, cruise ships were

1 involved in 87 confirmed illegal dumping cases.
2 In January of 2000 Royal Caribbean cruise lines
3 paid \$3.5 million to the State of Alaska after
4 admitting to dump -- admitting to dumping oily
5 bilge water and other hazardous chemicals into
6 the Inside Passage.

7 Royal Caribbean also paid a \$6.5
8 million fine to the State of Alaska in October
9 of last year after pleading guilty to seven
10 felony counts of dumping oil, dry cleaning
11 fluids and other photo processing chemicals and
12 lying -- lying to federal investigators. Last
13 July Royal Caribbean violated pollution laws in
14 Alaska and six other U. S. jurisdictions and
15 was forced to pay \$18 million in fines. In
16 December Holland America Cruise Lines, Westours
17 pled guilt in U.S. District Court in Anchorage
18 to violations of the Clean Water Act for
19 dumping oil-contaminated water in 1994. And I
20 can go on, but I won't because we're all here
21 and we've been here late.

22 I just think that we need to look at
23 the cruise ship industry as we do with logging
24 or the timber industry, as we do with the
25 fishing industry, as we do with other

1 industries, resources in our state and look at
2 the cruise ship industry in the same light.
3 We need to put regulations on them so that
4 they behave in a way that makes everybody feel
5 good.

6 I've lived in the state for
7 approximately 16 years. And I've seen what
8 grass roots movements do in this state. And
9 it's really interesting when you take an issue
10 like the cruise ship industry because it's on
11 both sides of the line. It's not just
12 Republican and it's not just Democrat. It's
13 not just the people on the right and the
14 people on the left. It's everybody.

15 The cruise ship industry affects
16 everybody because -- you know, it's like if I
17 look -- the students that were here earlier
18 used the analogy that it was a swimming pool.
19 I guess I look at it like my refrigerator.
20 The ocean is my refrigerator. And they are
21 the toilet bowl. And they are putting their
22 toilet bowl in my refrigerator. And that is
23 more the analogy that it is. I eat fish. I
24 eat seafood. And I'm sure many people in
25 coastal communities in Alaska eat seafood. And

1 it's just not right to be putting that fecal
2 coliform in their diet.

3 I think it's important that the -- I
4 thank you very much for being here. And I
5 really mean that. And it's hard to not feel
6 agitated about the cruise ship industry when
7 I've seen what they have done.

8 I just hope that you set up laws and
9 set up standards for them and that you do it
10 soon and that you do not allow the cruise ship
11 industry to buy you out, to -- I don't know,
12 you know. But I just want to thank you for
13 being here. And I'm at a loss for words.
14 But just thanks.

15 **MR. VOGT:** All right. Thank
16 you very much. Doug Dixon and then Chuck Keen.

17 **MR. DIXON:** I'm a naval
18 architect with Guido Perla & Associates in
19 Seattle. We're familiar with best available
20 technology. We designed the NANUK and the
21 TANERLIK and the other 10,000 horsepower
22 prevention response tugs for Valdez. We also
23 are currently undertaking design of two
24 vessels. One is a research vessel for the
25 University of Hawaii where we have the luxury

1 of making it into a zero discharge vessel, as
2 a Type III device, but also with a Type II
3 device onboard. Same thing for a coastal
4 cruise vessel we're doing right now where it
5 will have 220 passengers, 300-footer, that will
6 have holding capability for three days in
7 addition to a Type II device.

8 Having that luxury from a design point
9 early on, it's possible, but it's still a
10 burden. I know you don't like to hear that
11 the environmentalism runs up against financial
12 cost and profits, but the design of a vessel
13 is a compromise in a lot of different areas.
14 And you make compromises in order to make your
15 vessel seaworthy, in order to make it -- in
16 addition to being profitable. And we had
17 problems relative to utilizing the ballast
18 tanks on one of the vessels as far as the
19 stability is concerned. These are big
20 considerations.

21 And that's all well and good for new
22 vessel design. But when it comes to existing
23 vessels and trying to retrofit holding
24 capability that's going to be in excess of one
25 or two days, this could be a non-reality. And

1 also trying to route piping that does not --
2 that is spread out over an entire ship to one
3 central area is another extreme problem that
4 may make that vessel totally useless.

5 So there are certain considerations
6 that need to be taken here in the design phase
7 when this gets considered into the zero
8 discharge mode. You have industry. And it's
9 not just the cruise industry. You have 15,000
10 fishing vessels in Alaska. Are we going to
11 make them all comply? What are we going to
12 do? How are we really going to handle this?

13 So the ocean is a big rubber band in
14 a lot of cases. And we need to -- we need
15 to weigh the benefits and take a good solid
16 look at what the situation is here before you
17 jump and change an entire industry, not just
18 the cruise industry.

19 **MR. VOGT:** Thank you for that
20 statement. And it was short. Mr. Keen.

21 **MR. KEEN:** My name is Chuck
22 Keen. I'm a long-time resident here. And
23 I've changed what I was going to say about ten
24 times tonight, it's taken so long. I would
25 like to make one suggestion before I start and

1 that is from now on, fix it so all the people
2 that work for the government in DEC or AEP or
3 whatever, they get to talk toward the end.
4 Because you've had all day to talk with them.
5 And so the whole community comes to talk and
6 we get to talk last. So that's one of the
7 things that I would hope that you might change
8 in the future.

9 Another one is when you sit down there
10 in Washington and make up these laws, I'm a
11 firm believer that the Coast Guard can take
12 care of the problems here with the ships.
13 Just let common sense people get in there and
14 make them. Keep the lawyers out. And at the
15 sake of losing a friend, keep the lawyer
16 photographers out too. It's all right to keep
17 photographers in.

18 Okay. Now then, first of all, there's
19 been no businesses lost out in Juneau because
20 of tourism. That I can tell you. I've been
21 here 44 years. Secondly, if we're going to
22 talk about polluting our waters, I don't
23 understand why none of these folks that works
24 for that agency mentioned tonight the god awful
25 pollution we have here in Juneau. We've got a

1 school out here that's built on a toxic waste
2 dump that every day the river's taking a
3 little more of it out into the ocean.

4 The one lady has testified where she
5 grew up, the river caught on fire. I can
6 tell you right now, we're lucky that it rains
7 here. Because if it didn't, Gastineau Channel
8 would catch on fire. The whole thing is
9 polluted out here. Here's a sign that was
10 just photographed out there. It says "Warning,
11 Treated Wastewater Discharge, 300 meters."
12 This was taken out there with the helicopter
13 port in the background. There is no wastewater
14 treatment plant there. None at all. It's
15 an outrageous lie. But there is human waste
16 from one end of the channel to the other.

17 Last fall the duck hunters were out
18 there getting it on their boots and on the
19 birds they were hunting. And the local paper
20 had the gall to write and say it's all right,
21 it will wash off. Don't worry about it.
22 It's okay. And so this pick and choose thing
23 where all of a sudden we're dumping on the
24 only real honest to god industry we've got
25 left here -- they have kicked out the miners

1 and the loggers. I belong to a elite few. I
2 actually work for a living.

3 And I just hope to god you folks use
4 common sense. And believe me, I've had a
5 little dealings with EPA in Anchorage. They
6 were good. I liked them. What I know about
7 the Coast Guard, I think they are impartial.
8 They are going to do a job. They are hired
9 to protect people and enforce laws. And
10 that's another thing, we don't need anymore
11 laws on us. Just try to use some common
12 sense in getting the thing solved.

13 But we can't -- they talk about
14 villages -- the cruise ships are equivalent to
15 a village of 40,000. That's malarkey. It's
16 equivalent to a village of 2000. And there's
17 a lot of villages in Southeast Alaska that's
18 2,000 that's dumping raw sewage right into the
19 ocean. At least from what I understand, the
20 cruise ships are doing their best to treat it
21 before it goes in. You know, that's the
22 truth. Those are the things that should be
23 looked into. And I hope that when it all
24 boils down that you use people that are living
25 here in Alaska that understands what we are

1 going through.

2 Now, this raw sewage situation out here
3 in Gatineau Channel, that's got to be looked
4 into. Our valley sewage plant, they know
5 beyond a doubt they have rerigged the figures
6 so it can keep running. And I deeply resent
7 one of our Assembly members tonight. He knows
8 this. That's what needs to be looked into.
9 Here we are. We're polluting the ocean. And
10 we're polluting our own town. And everybody
11 wants to jump on the cruise ships because they
12 are bringing people in.

13 And sure, the cruise ships come in May
14 to first of October. And on the first of
15 October, you could drop a bomb in downtown
16 Juneau and not blow anybody's hat off.
17 There's nobody down there. So when they talk
18 about the cruise ships being bad for this
19 town, they better look around. And I just
20 hope that you guys realize that working Alaska
21 went to bed three or four hours ago. But
22 there's a hell of a lot of people out there
23 that can tell you that the cruise ship
24 industry is good. I believe they are doing
25 everything possible to right their wrongs.

1 Because Royal Caribbean made a mistake,
2 we can't jump on all of them. And if I
3 understand it right, Royal Caribbean paid 31 or
4 \$32 million in fines. That probably goes a
5 long ways towards research and getting some
6 right into this situation. And so I'm just
7 hopeful that a little common sense will prevail
8 here. And let the Coast Guard regulate this
9 thing. I can't see where they are doing a
10 bad job so far. And thanks for finally
11 getting the opportunity to speak. And I hope
12 you enjoy our rainy little town.

13 **MR. VOGT:** Thank you for
14 hanging out this late with us to give us your
15 comments. And I am enjoying your rainy little
16 town. John Cooper. And Bill Walker, you're
17 next after that.

18 **MR. COOPER:** Gentlemen, thank
19 you. I will try to keep this short.

20 Our founding fathers stated that all
21 men are created equal in government. We
22 carried that to cities and corporations. But
23 there isn't much equality. Juneau routinely
24 bypasses sewage at treatment plants. For 18
25 years the outfall at Bonnie Brae has discharged

1 a mixture of primary and secondary treated
2 material at elevation plus ten. And I don't
3 know how many other violations have occurred.

4 Many of the outlying communities
5 discharge septic tanks to somewhere around low
6 tide. Some of them actually even make it to
7 high tide. All of this has been with no
8 penalty, with complete impunity, with the
9 exception of Bonnie Brae after a citizens'
10 lawsuit was filed against the municipality and
11 the Citizens Advisory Committee for the
12 Mendenhall Wetlands Game Refuge started raising
13 Cain. There finally was an agreement to put
14 an extension of the municipal sewer over there.

15 There were at least 87 violations with
16 no penalties. That's not equal treatment to
17 what the cruise industry has received. It's
18 politically expedient or politically correct to
19 bash the industry. Yet the state ferries
20 which run far more frequently, certainly have
21 very slightly better reporting than the large
22 cruise ships. And we aren't talking about
23 them. I won't even guess about some of the
24 other vessels in our waters. Federal
25 regulations apply to all vessels. And I hope

1 you keep them that way.

2 The other problem that I want to talk
3 about for a moment is I am a firm believer
4 that a process such as this works only if
5 there is complete integrity on your side of
6 the table. I have seen news releases that
7 came out that were far from the whole story.
8 Maybe they weren't completely accurate, but
9 they certainly didn't tell the whole story.
10 They didn't put it in perspective. There are
11 people involved in this activity from your side
12 of the table that have been involved and
13 signed petitions such as the Peace and Quiet
14 Initiative, which is definitely an anti-tourism
15 initiative. It makes me wonder about the
16 intent and purpose of some of those people and
17 about the integrity on your side.

18 The folks from the Coast Guard and the
19 EPA, I want you to note that so that you look
20 a little bit more critically at the data and
21 some of the things that have been said and
22 take that into account. Thank you.

23 **MR. VOGT:** All right. Thank
24 you. Bill. And then our final speaker with
25 be Aurah Landau.

1 **MR. WALKER:** Hi, I'm Bill
2 Walker. I'm speaking entirely as a resident
3 of Juneau. I've spent the last quarter of a
4 century investing and this is my home.

5 I wanted to start by talking about a
6 few things that I've seen played out in the
7 press locally. The first one was the
8 statement made by one of the cruise ship
9 industry spokesmen who was talking about one of
10 the new wastewater treatment systems. And if
11 I remember right from this article, he was --
12 he had a little vial of water and he said
13 this is the effluent from our wastewater
14 treatment system. And it's so clean, I could
15 drink it. I won't, but I could.

16 And the next item was this oops that
17 we've been hearing about all night about the
18 wastewater treatment -- or the effluent that is
19 extremely high in coliforms. That was the
20 next thing I saw.

21 Then the next one, next article I saw
22 was the cruise ship industry saying, well,
23 we've decided we want to sample the water
24 behind the ship as it passes through the
25 water. And I'm thinking -- I was real

1 encouraged when I heard about these new
2 wastewater treatment systems that are going to
3 make the water that clean before it comes out.
4 And now what I'm seeing is bait and switch.

5 The next thing I expected to hear was
6 we want mixing zones. And sure enough, we've
7 heard that played out all night long. And
8 that very deeply concerns me. I definitely
9 support removing the exemption and the NPDES
10 Program that exempts cruise ships from that
11 program. And if there's any way you can -- I
12 don't know what your constraints are -- but if
13 there's any way you can, I request that you do
14 it in a way that prohibits the use of a
15 mixing zone from this type of source anywhere
16 in the country.

17 And I'll follow that up with why. We
18 also heard tonight something that you started
19 the evening with, I think, was talking about
20 in general, the oceans of the world are in a
21 state of decline pretty much everywhere. To
22 me that says that everyone has to do their
23 best to keep it clean. But if you allow
24 mixing zones, these samples that show the very
25 high coliform - we even had one gentleman

1 representing the cruise industry saying those
2 would be okay. Those would be legal if you
3 allow us to do this mixing zone thing. To me
4 that says you can have the grossest possible
5 polluted water samples and it's okay as long
6 as you hide it in the prop wash. That's not
7 stewardship.

8 The next thing I wanted to talk about
9 was kind of a response -- actually, I was
10 going to say this before the last two
11 gentlemen spoke -- but a response to this,
12 well, you know, we ought to clean up our local
13 problems first. I happen to live in that
14 subdivision, Bonnie Brae subdivision, out by
15 the heliport. And in the near future, I am
16 going to pay approximately 40 percent of my
17 life's savings to pay for the deliberate
18 decisions of two regulatory agencies 20 years
19 ago to look the other way when they left that
20 outfall at plus ten. It's going to come out
21 of my hide. So I feel like I'm kind of doing
22 my part. I expect the same thing of the
23 cruise ship agencies or the cruise ship lines.
24 I don't want to come back to another
25 meeting 20 years from now that hashes over

1 this same problem because we allowed mixing
2 zones and there was degradation, there was
3 degradation, there was degradation. You
4 couldn't ever find it behind the ship because
5 it was all mixed up, but it's happening. I
6 don't want to do that because you guys choose
7 to look the other way or do the wrong thing
8 today. So I encourage you to do the right
9 thing.

10 The other part of that has to be
11 monitoring. I mean, there really has to be as
12 part of this whole package routine, ongoing
13 monitoring, frequent sampling. Otherwise, the
14 operators of these systems aren't going to know
15 whether they are complying with anything. And
16 certainly, the public won't. And the public
17 needs to be able to have access to that
18 information.

19 The last thing I want to talk about,
20 that has been bantered back and forth all
21 night long, is the voluntary compliance issue.
22 And to me, voluntary compliance means voluntary
23 non-compliance. We've been seeing this for
24 years in the air quality issues in this town
25 with that plume of blue smoke that's hanging

1 over town all summer. For years these have
2 been out of compliance. And the reason they
3 are out of compliance is because it's been
4 essentially voluntary up until this summer.
5 For the last several years, there's been no
6 regulatory oversight.

7 And the cruise ship companies have
8 chosen to continue to burn fuel that is up to
9 five percent sulphur. That's at least ten
10 times more sulphur than the state ferries burn
11 per gallon. That's 100 times more sulphur per
12 gallon than you folks allow from a Greyhound
13 bus down south. That's a thousand times more
14 sulphur per gallon than you have proposed to
15 allow in the future from a Greyhound bus down
16 south. That's voluntary compliance.

17 And last thing I want to say is that
18 I do almost all of my fishing beyond that ten
19 mile zone. So I want to know that what I'm
20 catching is safe, whether it's from dry
21 cleaning materials or whatever it's from.

22 Thank you very much for hanging in
23 there.

24 **MR. VOGT:** Same to you on
25 hanging in there. Next.

1 **MS. LANDAU:** I'm last. Thank
2 you very much. Thank you, thank you. My name
3 is Aurah Landau. I'm a Juneau resident. And
4 my background is partially in corporate
5 environmental management, specifically working
6 on toxics issues, toxic substances, inventory
7 and recovery programs for various different --
8 RCRA, EPCRA, SARA, TSCA, different regulatory
9 structures.

10 Came out today, this morning to urge
11 the EPA to adequately protect us from this
12 cruise ship dumping and potential contamination
13 of our waterways. We all talked about the
14 recent studies, test results that show many,
15 many times the limit of fecal coliform content.
16 And that really shouldn't surprise us at all.
17 The cruise ship industry has been dumping into
18 our waters where we live and work and recreate
19 for years.

20 Since 1993 cruise ships have been
21 involved in at least 87 confirmed illegal
22 dumping cases. Back in 1994 and '95, Royal
23 Caribbean illegally dumped in Gastineau Channel,
24 just less than a quarter mile away. Over the
25 last year alone, the industry has paid \$28

1 million in fines. You know, fines are not the
2 answer. They haven't been for other issues,
3 for other toxics, you know, around the country.

4 Fines are not the answer. They do
5 nothing to stop future pollution. Though such
6 an amount of money is really a fortune to each
7 of us here, it's not a big enough a fine to
8 make a financially flush industry actually
9 implement responsible environmental management
10 policies or actually install water treatment
11 equipment, upgrade water treatment equipment.
12 Dollars for dollars, the fines are not big
13 enough incentive to stop cruise ship polluting.

14 Mitigation measures such as figuring
15 out if there's a dilution effect or engaging
16 scientists who understand wastewater, fixing
17 possible instrument problems that the North
18 West CruiseShip Association said the industry
19 was in the process of implementing do not stop
20 dumping. These measures are really only aimed
21 to convince the public that cruise ship dumping
22 doesn't cause a real problem in our waters.

23 Though taking voluntary actions might
24 be really good PR and might do some good, only
25 getting regulatory strictures on the dumping

1 will stop what may be polluting our waters
2 here. Only requiring ships to hold discharge
3 permits and monitor their discharges will help
4 communities like Coffman Cove, Elfin Cove, Port
5 Alexander that are in doughnut holes and so
6 get dumped on during nearly every ship's trip.

7 As was mentioned before, time after
8 time industry officials have flat out lied to
9 us about cruise ship dumping saying the
10 industry isn't polluting Southeast Alaska
11 waters. If you just look over the last year's
12 worth of press, you'll find the industry
13 contradicting itself and backtracking on
14 statements the previous gentlemen noted. Just
15 this past July, a Royal Caribbean spokesperson
16 told us in the Juneau Empire that the same
17 wastewater has proven to show -- and we've all
18 heard it -- high levels of contaminants that's
19 good enough to drink.

20 Why should we trust the cruise ship
21 industry now? Why should we trust them to
22 keep our best interests above profit goals when
23 they tell us now that the dumping is harmless?
24 We don't have to let cruise ships into our
25 ports, but we do. The industry is a guest

1 here and nobody but the EPA can make them
2 clean up before coming into our homes. The
3 EPA should lift the existing exemption and
4 treat the ships like the point source
5 dischargers that they are.

6 The ships bring vacationers to enjoy
7 our backyard. Why should our homes be less
8 valuable than their homes that are protected
9 from other industrial pollutants? Do we have
10 to wait to prove damage as extensive as that
11 that's been suffered in places like Woburn
12 where companies are allowed to pollute and, you
13 know, it's only after they have been caught,
14 after they have proven harm, after they have
15 shown damage that they are required then to
16 stop, to mitigate? Can we be preemptive and
17 prevent it? Can we stand up and take
18 responsibility? Can we have some regulatory
19 action to do that?

20 Please, you know, stop dumping into
21 places where we kayak, fish, collect clams,
22 pull crabs, picnic and use the waterways and
23 shorelines in hundreds of other ways. Upgrade
24 old or install new water treatment equipment on
25 cruise ships that only clean water is

1 discharged. Or have the industry build
2 regional water treatment plant or facilities
3 that we don't have to take -- we don't have
4 to take the stuff.

5 How do we know what's being discharged?
6 Voluntary testing doesn't tell us what's
7 discharged. It only tells us, you know, what's
8 most expedient to hear. Is this discharge
9 hazardous or not? Will discharges degrade our
10 local shellfish beaches with bacterial
11 contamination? We don't know anything that
12 we're not required to be told.

13 The industry was against testing and
14 now they are against regulating. Industry has
15 to prove itself worthy of using our waters by
16 showing permit compliance. Please give us the
17 right to know what's being put into our
18 waters, by whom, when and in what quantities.
19 If the cruise ships were really as benign as
20 industry officials would like us to believe,
21 they would be here testifying glad compliance
22 with regulatory limits and monitoring wastewater
23 and sewage discharges.

24 I want to thank you all again for
25 sitting here, for listening to our region's

1 needs, by holding a meeting and urge solid
2 followup to establish authority over and create
3 stringent water quality standards for and
4 monitoring of cruise ship dumping in Southeast
5 Alaska. You all can stand up now. Your
6 backs must be tired. Thank you very much.

7 **MR. VOGT:** All right. Thank
8 you. I have no one else signed up on the
9 list. This is the last opportunity of the
10 evening if you wanted to speak. Okay.

11 **MS. HOMAN:** I apologize. I
12 haven't signed up. I didn't know I wanted to
13 say anything. I wanted to take about two
14 minutes. My name is Paula Homan and I'm from
15 Seward, Alaska.

16 And if you don't know, that's not in
17 Southeast Alaska. And we also have many
18 cruise ships load and unload in Seward. And
19 we just wanted to make sure that any
20 regulations that come out of these meetings and
21 these talks are uniform for all Alaska. And
22 so that you don't have no dumping in Inside
23 Passage, but the minute you get out, you can
24 dump. Because otherwise, you're going to be
25 taking the problem from Juneau, putting it in

1 other communities. And believe me, they will.
2 We will end up with more pollution in Seward
3 and Prince William Sound and other communities
4 along the coast. And that's all I have.

5 **MR. VOGT:** All right. Thank
6 you.

7 I think we probably should close here
8 pretty quick. And cheers. Ron wants me to
9 give a long speech here about what I've heard
10 and what actions we're going to take from EPA.
11 But the rest of the panel is telling me with
12 their eyes to shut up. So I will.

13 I will just say that it's been for us,
14 for me, looking down at my friends on the
15 panel here, I actually enjoyed this evening.
16 I heard a lot, an incredible amount of
17 material, a lot of emotion, a lot of feelings,
18 a lot of different opinions on how to get the
19 job done.

20 We don't have an opinion yet. If you
21 heard me say one, I really didn't have it
22 because we are truly in the information
23 collection stage. I don't know what to do
24 yet. But we are collecting information. You
25 don't want to hear that we're going to study

1 it more, but we have scratched the surface.
2 We do have some new information. Some of it
3 is surprising. Some of it's not. But we are
4 formulating our ideas. And I think this has
5 been a truly excellent hearing for helping us
6 with those ideas. And I encourage you if you
7 have some other thoughts, written comments, do
8 provide those to us. And I want to certainly,
9 one, thank the panel here. We didn't ask many
10 questions. It was sort of obvious why not.
11 We would be here many more hours if we did.
12 I know they all listened because I was
13 watching them. A few of them even took notes.
14 I took 14 pages of notes. And we will have
15 the real verbatim transcript provided to us as
16 well.

17 I also want to thank the audience.
18 And you can thank all your friends who already
19 left for hanging out as long as they did.
20 And thanks to Steve for helping set this thing
21 up. And with that, thank you very much. I
22 appreciate it and thank you for the opportunity
23 of being here.
24 (**WHEREUPON**, the Meeting was concluded at
25 12:30 a.m.)

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CAPTION

The Meeting in the matter, on the date, and at the time and place set out on the title page hereof.

It was requested that the Meeting be taken by the reporter and that same be reduced to typewritten form.

