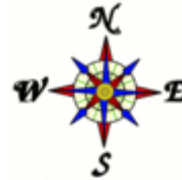


CSAW
Campaign to Safeguard America's Waters



Earth Island Institute



Responsible Cruising in Alaska

7/28/08

Commissioner Larry Hartig
Alaska Department of Environmental Conservation
Post Office Box 111800
Juneau, Alaska 99811-1800

Attorney General Talis Colberg
Alaska Department of Law
Post Office Box 110300
Juneau, Alaska 99811-0300

Re: Cruise Ship Source Reduction Evaluation Submissions

Dear Commissioner Hartig and Attorney General Colberg:

We are writing on behalf of the Campaign to Safeguard America's Waters (CSAW) and Responsible Cruising in Alaska (RCA). CSAW and RCA are organizations doing work in Alaska; both are vitally concerned with ensuring large passenger vessels do not foul the marine waters of Alaska and adhere to the legal requirements for large passenger vessel operations in our state.

The Alaska General Permit 2007DB0002 for large passenger vessels (GP) requires any ship wishing to qualify for the interim effluent limits (listed in Table 1 of the permit under Sec. 1.5.2) for zinc, nickel, copper, or ammonia to submit a Source Reduction Evaluation (SRE) within 60 days of the request for approval to operate under the interim effluent limits. Section 1.9.5 of the Corrective Actions/Compliance Schedule portion of the GP states:

“The Source Reduction Evaluation must identify the likely on-board source(s) of the pollutant(s) of concern, including a plan to reduce concentrations to authorized levels, and include an implementation schedule.”

We have reviewed the SRE submitted by the fleet for the 2008 season. In our opinion many of the submittals are grossly deficient and therefore constitute a violation of the terms of the permit. For example, the SRE submitted by Holland America (HAL) does not identify the sources of contaminants – it states the company *intends* to investigate the sources of the pollutants. The HAL SRE does not identify a plan to reduce pollutant concentrations – it states the company *intends* to evaluate potential

treatment or source reduction options. The HAL SRE does not include an implementation schedule for achieving compliance with State Water Quality Standards – it states their *intent* to submit an updated report to ADEC before the end of 2008 and to work with vendors for the next two years to evaluate various technologies and determine which if any of these technologies may be “practicable for implementation in a cruise ship environment.”

Numerous public statements by the Alaska Cruise Association have made it clear the industry believes it is “impossible” to comply with the permit conditions, and does not intend to make any effort to comply with the permit they applied for and received from ADEC. (See comments by ACA President John Binkley, interviewed in *Travel Weekly* April 21st, 2008, and *Anchorage Daily News*, March 28th, 2008.) By their own admission, the cruise lines intend to seek legislative relief in 2009 to circumvent the permit requirements set by the passage of the cruise ship initiative in 2006, yet they applied for and received a discharge permit from ADEC requiring substantive statements on an immediate path to permit compliance. As you noted in the ADEC press release accompanying the discharge permit several months ago, the industry has been aware and essentially unresponsive since August 2006 to the current requirement to meet Alaska WQS at the point of discharge.

It would appear HAL (and other cruise lines submitting substantially similar, non-compliant SRE’s with their permit applications) believe the permit stipulations are voluntary or subject to their unilateral modification; either position is contrary to Alaska statute 46.03.462. The failure by HAL and other cruise lines to provide the information required by Sec 1.9 of the permit constitutes either a *de facto* request for a modification of the compliance schedule, and by extension the State’s discharge permit or an obvious disregard of the existing permit requirements.

This letter shall constitute notice that we intend to pursue civil action on this matter in 45 days. We request the State bring charges on behalf of the people of Alaska against all cruise lines operating in violation of their permit pursuant to State law, and take immediate action, including permit cancellation if necessary, to ensure the cruise industry operates legally in Alaska.

Sincerely,



Gershon Cohen Ph.D.
Project Director
Campaign to Safeguard America’s Waters
Box 956 Haines, AK 99827
907-766-3005

Mr. Theodore Thoma
President
Responsible Cruising in Alaska
Box 21884 Juneau, AK 99802-1884
907-586-2117