

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

MAYOR EGAN: Thanks, Steve. Actually, it was casual Friday, but I went home and put on a shirt and tie. Actually, I did have a shirt on. Never mind. I'm a short-timer so they can't do anything to me.

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

It was just over a year ago that Juneau was singled out as one of the destinations that related to the largest fine in history against a member of the cruise industry. And because of that, we invited the president of that organization to come to Juneau and meet with the public. And I think because of that conversation this community had with its president, the State of Alaska, Department of Environmental Conservation under the leadership of Michele Brown, the U. S. Coast Guard, the Environmental Protection Agency and Southeast Conference in cooperation with our communities and the cruise ship industry is to be commended for their participation. I think we're making great strides here in Southeast Alaska in developing voluntary measures to assure compliance and adherence to more stringent environmental measures to protect the environment of Southeast Alaska. A lot more is to be done, but at least in this neck of the woods, Southeast Alaska, this region is on the leading edge.

We're also pleased that the Environmental Protection Agency is going to utilize the data that's gained in the state Initiative in its national assessment. So they'll use the voluntary guidelines that we have come up with and are

still working on fine tuning here in Southeast Alaska in their national assessment.

Again, welcome back to Alaska. A lot of you have been here before. And it's a pleasure to have you here again. And it will be partly cloudy tomorrow so stay over and buy locally. Steve.

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

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

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

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

CAPTAIN PAGE: I'm Captain Ed Page, Chief of Marine Safety, Environmental Protection Division for the 17th Coast Guard District which is the Alaska Region. I'm involved in the last several years, of course, in the safety and environmental protection of cruise ships, but put more emphasis on the environmental side in light of environmental concerns that -- public concerns that were raised with environmental issues this last year.

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

MR. CONWAY: My name is Mike Conway. I'm with the Alaska Department of Environmental Conservation. And I'm the Director of the Division of Spill of the Statewide Public Service and I'm the coordinator for Michele Brown to the Initiative. And although Mayor Egan sort of took my opening remarks, I'll have an opportunity to talk a little bit more about that in a minute.

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

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

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

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

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

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

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

MR. CONWAY: One of the things that was talked about briefly by Mayor Egan and Captain Page was the volunteer cooperative effort with the Coast Guard, EPA, state, local communities represented by Southeast Conference. And I saw Loren Gerhard in here earlier. Loren, are you -- Loren is raising his hand. He gladly stepped in to represent the communities of Southeast Alaska since this was an Initiative that they had talked about at their last conference about a year ago.

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

We have a website that we've been trying to use to keep almost all the information that we have on meetings, minutes of meetings. If a party brings forward a report that pertains to the issue, like the General Accounting Office report, that sort of thing, we post links to it on our website. There's a copy of our website page so you can take that with you if -- and gives you an idea of the contents that are within that that are linked. And if you have access to the Internet either at home or through the library, you can get ahold of -- well, this represents about -- all the links on here represents about a full file cabinet drawer of what I keep as my sort of informal file on this.

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

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

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

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

The fourth group is for oil spill response. And that has been -- has evolved through the leadership of Captain Rob Lorigan. And Rob, you want to raise your hand in the audience? And Captain Lorigan is the federal on-scene coordinator for Southeast Alaska. There's a whole planning process for oil spill response under the Oil Pollution Act of 1990 that requires area planning work. And that has -- the work that was done by this committee has gone into that so there's no longer a separate work group.

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

Part two, we're looking at that to be a report to come back to the public and for everybody to find out what happened this summer, what was -- what did they find out, put it in some sort of a context, have some recommendations for the different members on where do they go into the future.

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

MR. TOROK: Thank you, Mike. And we very much appreciate and commend the Department for taking the leadership role on the voluntary effort on the cruise ship issue. And we hope that the public will understand, there is a distinction between the two. The assessment that EPA's conducting nationally is intertwined with and will utilize a lot of the information and data that has come up and will come about with the Alaska State Initiative.

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

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

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

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

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

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

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

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

I'm going to give a short presentation and just give you a little bit of our perspective of why we're here and where we're going. Then we can have clarifying comments or questions from the audience of anyone on the panel here. Then we have 20 folks that want to make a statement tonight. So I will try not to be too long because I'd rather hear you than you hear me.

Let's see. It's visible enough, right? I don't really want to darken the room. Can you see it from the rear? Okay. Better. All right.
(Slide presentation.)

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

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

Introduction of non-native species. You call them exotic species, invasive species. It's a real serious problem. And vessels is one of the more serious vectors, pathways for bringing us some non-native species which can be very serious in terms of ecological as well as economic problem. And then damage caused by commercial and recreational use.

We have a number of sort of in general pollution problems in our coastal waters. And not all of our coastal waters, oceans are sick. Some places there are. We have a number of disturbing trends. And there's some good trends as well. I don't want to paint a totally black picture here because it's not. But there are some difficulties.

We have eutrophication increasing in a number of places. That's algal blooms, red tides, green tides, brown

tides. Some of these have human health implications. We have beach closures from them. If you go out swimming during some of these tides, you'll have respiratory problems from the aerosols from the waves that are breaking.

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

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

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

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

That's just sort of a backdrop of things nationwide that we see in headquarters. And I'm not saying that's the same here in Alaska.

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

All right. We are now working on this. We received a petition from the Bluewater Network that brought this matter to our attention. I'll talk about that in a minute. But I just want to give you sort of a list of things. And you've seen maybe this list before. They each have potential for harm to the environment. And they are each controlled or not controlled by various statutory and regulatory authorities. And we'll talk about some of them.

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

MR. CARLSON: Yes.

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

Sewage, the questions were on inadequate regulation, inspection and enforcement. Gray water, the regulations allow discharge, and as we say, almost everywhere. We'll talk about that, the questions on what is gray water. Solid waste, monitoring and enforcement. Hazardous waste, clarity, how does RCRA, the hazardous waste regulations, apply to cruise vessels. Cradle to grave is the question. If you've got a hazardous material, where is it created, where does it go. Oily bilge water. And then other waste streams, we just don't know that much about them is what the petition said.

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

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

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

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

A couple other related activities that we are into in my office in Washington that are related to this, we have a petition to regulate ballast water under the NPDES permit program. We received that in January of '99. We promised to have a report out by September of '99. And I'm afraid we haven't got an answer on that yet. But I'm hopeful that this fall, possibly at the same time we respond to the Bluewater

Network petition, we will also provide at least an initial public response to how we will handle that petition.

Uniform national discharge standards for armed forces vessel. This was an amendment to the Clean Water Act, Section 312, 312N which required Navy and EPA to get together and set standards for armed forces vessels so that -- for discharges, for wastewater discharges. And the idea there was the Navy wanted not to have to meet varying different states' standards as they went port to port. So they wanted -- they got congress to pass the bill with EPA as a partner for us to set standards for those wastewater discharges. We have identified which discharges at this point, but we are still working on what those standards would be. And we got about three years to go -- four years to go? Three years, according to the Navy, four years according to the EPA. How's that?

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

As part of that activity, we're looking at setting special ocean sites aside for more stringent requirements for anybody that would discharge into those ocean sites. Now, that sounds really good except for it doesn't apply to cruise ship vessels. It's just pipes to the -- from the shore. Except for if there's a floating fish factory, we do permit those in terms of having an NPDES permit that would apply to that activity.

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

Now, key to this evaluation in the Bluewater Network petition was the question to regulate cruise ship discharges under Section 402, which is our NPDES permit program. And Tom Charlton is our representative of that program and is deeply involved in that activity. But what this essentially says -- and we did this in 1973 -- is by regulation that the following discharges do not require NPDES permits: any discharge of sewage from vessels, effluent from properly functioning marine engines, laundry, shower and galley sink wastes or any other discharge incidental to the normal operation of a vessel. The exclusion does not apply to rubbish, trash, garbage or other such materials.

So we excluded this in 1973 when we were under great stress in terms of the smokestack industries, if you want to

call them that. We were doing effluent guidelines and setting permits to try for steel mills, pulp and paper mills, fish processing, the like. That was when we started doing this activity. And a decision was made at that time that vessels was not a priority pollution problem. And I'm not saying it is today. But we're here talking about one aspect of vessels. This, I want to point out, is applied to all vessels. It's not just cruise ships.

All right. Now, part of the rationale for -- besides other things were higher priority -- the fact that the Clean Water Act, Section 312 does provide for regulating sewage from vessels. And it requires vessels to have -- and you can say properly operating -- marine sanitation devices to treat sewage. EPA's role here is to set the standards. And we have and I'll share those with you. Coast Guard is our partner here. And they have, I think, the major role here. They set the rules for design, construction, installation, operation, inspection. Is the word certification up there? Should be. So they kind of carry out the program.

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

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

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

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

Those other laws I mentioned -- and I won't dwell on these at all -- the top one is handling the, as I mentioned,

solid waste and hazardous waste. Marine Protection, Research and Sanctuaries Act, sometimes called the Ocean Dumping Act, that controls taking waste from someplace to someplace else and dumping it, transport for the purpose of dumping, Ocean Dumping Act. Shore Protection Act, essentially a permit system with Coast Guard to provide permits to vessels that are hauling wastes from point A to point B. And the Act to Prevent Pollution from Ships is the Coast Guard main operating bill. And that controls oil, noxious substances, garbage, plastics.

Now, EPA has long been known as a command and control regulatory agency. And we still have those programs and they still work very well. In the '90s, we moved into sort of a new era, the early '90s, in terms of other programs can work as well, if not better, in certain circumstances. Doesn't always have to be all command and control. And these are a number of our different types of non-regulatory programs. And they are mainly voluntary. And some cut across different aspects, different rules. And they can work in some cases. So I put this up here because I think we can have a blend sometimes of regulatory and non-regulatory options that will work well.

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

Golf and the Environment or Sustainable Slopes, those are two things that EPA has partnered with the industry. And for golf, they are now building golf courses to be environmentally friendly. And I think that's something that didn't always happen. Same with Sustainable Slopes. The ski industry is working with us on trying to design their future slopes and their expansions in an environmentally friendly manner.

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

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

International Safety Management Code, Environmental Management Systems, those are some other options that can work. This is some self -- workings by the self-management on environmental issues by the cruise industry. But it's just not self-monitoring. It actually works into Coast Guard making sure that those applicable plans are in place. And then, of course, we are seeking other options.

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

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

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

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

And we had a little ad hoc work group this afternoon that is helping to design that survey. And that survey, the protocols we will openly ask for comments. We'll have a stakeholder, information type group. And I want to make sure that that aspect of our studies at EPA are fully supported by the community.

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

MR. KREIZENBECK: We didn't say that.

MR. VOGT: All right. My friend Ron.

MR. TOROK: Those mikes are all live.

That's important these days. The mikes are on.

I saw a hand back here. One point I think in clarification before I take a question, what we'd like to do is take this opportunity, a few minutes if there are questions from the audience that you need answered in order to direct your testimony, that's the primary thing that we want to use this time for as opposed to testifying. That will come in a few minutes.

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

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

CAPTAIN PAGE: Yes.

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

MS. ZIMMERMAN: My name is Patty Zimmerman. And I have received funding from the Green Party for mayoral candidacy in Juneau. And I'd like to ask why the Coast Guard isn't given the ability to do surprise testing? I can hardly imagine that a 165-foot vessel in pre-communications with ships in the Caribbean can perform a surprise inspection. We know from Food and Drug reports that surprise inspections are the only way to ensure enforcement and adequate levels of protection.

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

MS. ZIMMERMAN: How much does this cost?

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

MS. ZIMMERMAN: To set up an experiment.

MR. VOGT: I don't know. I think it's going to cost a lot. I volunteered to do this two weeks ago. And I have not scoped it out yet. The working group's scoping it out. I'm very fearful how much it will cost.

MS. ZIMMERMAN: It's not good science.

MR. VOGT: Pardon me?

MS. ZIMMERMAN: It's not good science.

MR. VOGT: I want it to be good science.

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

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

CAPTAIN BASEL: We do have the authority to do surprise inspections. And we do at times surprise inspections. Sometimes it's more productive if we don't do surprise inspections to have the right people there or, in the case of -- EPA's case of doing that survey, they would know for a fact the vessel's discharging at the time versus if you do inspection, find out the ship is not discharging anything at all during our surprise inspection. So we do a scheme of both, of pre-announced and surprise inspections in all our oversight.

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

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

CAPTAIN BASEL: Yes, sir. As a matter of fact, because of the fast pace of this program we developed this year, we didn't have the -- as you probably know, the government has the flexibility in some cases to come up and develop programs. When we met -- "we" being ADEC, EPA and the Coast Guard and the cruise industry -- met this last fall, we said we ask for your cooperation in bringing this program on line to determine what's really coming off the vessels. And the cruise industry agreed to the program and also even funding the program as the laboratories and independent parties, independent labs, independent examiners and testers and facilitated that process. And then put in -- I asked them and they agreed to putting in special plumbing that we tell where you need to put valves in so if you do testing systems.

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

MR. TOROK: And one point of clarification, however, that's with regards to the State Cruise Ship Initiative. The EPA assessment that is being conducted --

correct me if I'm wrong, Craig -- but there is no cruise ship contribution in terms of funding to the EPA effort. So they are two different -- but we are going to use the information gleaned through the State Initiative.

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

MR. VOGT: Sure.

MR. DIXON: My name is Doug Dixon. I'm a naval architect with Guido Perla & Associates in Seattle. And I asked Captain Page earlier to clarify something that perhaps he could expand upon. And that is in their handout, they have under the wastewater and black water and gray water agency, U. S. Coast Guard authority, MARPOL Annex IV, which the U.S. is currently not signatory to. And maybe he could speak to the issue of what the differences might be and if there are plans for the U. S. to become signatory to MARPOL Annex IV.

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

So we have not been signatory. It has not been adopted by the international community yet. It's a proposal and still being deliberated on. And there's some differences as far as U. S. regulations is 200 fecal coliform. MARPOL IV is 250 fecal coliform. There's some standards as far as discharge zones, four miles versus three miles and 12 miles. So there's several differences over that. So actually, that's a proposal, but not something that's been adopted yet.

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

MR. TOROK: At this point -- one more?

MS. HURLD: I just wanted to follow up a little bit more. You asked what some of the differences were with what we currently do in the United States and Annex IV. There are several reasons why we have not signed on to this treaty. And some of that is some of the definitions in Annex IV as to what they consider are in gray water or in the black

water, we don't believe -- they don't match with the U. S. definitions. We think that what we have is a bit more protective.

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

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

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

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

MS. KERTULLA: My husband doesn't always follow me, but tonight he'll have to. Thank you. Thank you for doing this this evening. My name is Beth Kertulla. And I'm very fortunate to represent the district that we're in right now, downtown Juneau. I'm a state legislator. And my background is I'm an attorney. I have a strong background in natural resources and oil and gas law and particularly in permitting. Worked with a lot of industries. And I must say it's been an enlightening year working with this one.

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

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

I commend the efforts of the DEC, the Coast Guard, EPA and the cruise ship industry over the past ten months under the Alaska Cruise Ship Initiative. We are finally beginning to get some data from the sampling of wastes being discharged into our waters.

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

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

Fecal coliform bacteria are used by regulatory agencies as one important indicator of water quality. Public health issues may arise with high bacteria counts, depending on the disposal method and location. I understand that these samples come from several different ships and represent waste streams handled in different ways. I also understand that sample results from U. S. flag ships are comparable. I recognize that the large cruise ship companies have voluntarily agreed to hold wastes while in port and understand that they now wait until the ships are ten miles from port and are cruising at least six knots before discharge.

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

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

While the agencies and industry are learning as these efforts proceed, it looks to me that more work needs to be done. I encourage EPA to continue this national assessment of cruise ship wastes. It is important for the primary federal environmental agency to examine its authorities and its decades old decisions about treatment methods and the need to regulate wastewater discharges. Regulatory decisions made in the mid '70s with respect to incidental gray water discharges should be reconsidered in light of the huge volumes being discharged by today's large cruise ships.

I encourage EPA to join with the Coast Guard to examine the federal regulatory approach toward the cruise ship industry. Here in Alaska, many of us believe that this industry should be treated just like any other industry or business establishment. The oil and gas, timber, petroleum refining, seafood processing and mining industries, even our dry cleaners and breweries meet our water quality standards

and practices and are able to operate profitably in Alaska. In Juneau and in Alaska, we welcome businesses that operate responsibly and cooperate with us to protect our wonderful environment.

I also request that EPA take the raw data gathered from this cruise season sampling and conduct its own independent analysis. This is merely a start at defining the pollution issues and determining where more data is needed in the future.

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

I believe there is a need for consistent sampling and reporting in the future while I applaud the industry's cooperation in this year's voluntary sampling. And I got a chance to go onboard the ships and to talk to the engineers. And we weren't monitored. We weren't followed around. And I really truly appreciate that. And I think that's a huge step forward. But nevertheless, it appears that a larger, more comprehensive database is needed in order to determine with any kind of certainty whether there is a potential public health problem or environmental impacts in coastal Alaska.

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

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

Thank you for coming to Southeastern Alaska. We greatly appreciate this public hearing. We appreciate that EPA understands the importance of the cruise ship industry to Alaska and the value we place on our environment. Thank you very much.

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

MS. KERTTULA: Thank you very much.

MR. POWELL: Continue. Well, that's a hard act to follow, but I'll do my best here. My name is Jim Powell. I'm testifying as a resident and a member of the

Juneau City and Borough Assembly. I'm one of nine elected officials that govern Juneau. I also represent the city on the Air Quality Cruise Ship Working Group. And I have attended several Cruise Ship Water Quality Working Group meetings. I was there today, in fact. I speak here mainly by myself. I'm not speaking for the entire Assembly, nor the community. First, I'd like to thank each of you for coming to our community. I want to also thank EPA for the job it has done in the past. I want to ask that you continue to expand your work into the area of marine protection for cruise ships.

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

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

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

Tonight EPA is challenged with taking some sort of action regarding cruise ship wastewater discharges. As we've heard this morning from industry and others, discharge from five of the 11 ships does not pass basic water quality standards or the MSDs are not working on five out of 11 ships. Whether it is for extended discharge holding times, whether the MSDs don't work, we don't know yet. For whatever reason, the citizens and tourists need to know that this will be fixed, that we're working on this problem and that we're going to solve the problem. We need to do something about it.

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

The work that's in front of us, I think, and it is part of this process -- and I think it's been a pretty good process that DEC has brought together with industry and the Coast Guard and EPA. I think it's a pretty good process, bumpy but good. I think -- to use a sports analogy, I think we're -- the scoreboard so far, though, I think we've got a long ways to go. I think that we've just agreed to play together. And we've got the team together. And we're just about getting onto the field. And we don't know exactly what's out there. We really haven't dug in. And we need a lot -- we need to do a lot more.

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

Also, I understand that there is dumping ten miles down the channel still. That occurs. We don't know what's out there. These are unknowns. We need to work on it. And in my own estimation, there's Byzantine international guidelines and regulatory structure. We need to make it simpler. We need to have federal laws and regulations. It seems Byzantine to me.

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

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

The next priority, please consider no discharge zones in Southeast Alaska. If that means we have to work with the U. S. Forest Service to work out land agreements or something to set up treatment facilities, then let's do it if that works. But consider it. I'm not saying that is the answer, but consider it.

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

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

The next two, I guess my last, and that is we're compared to Lower 48 many times. Don't. Alaska is pristine. Keep it pristine for the residents, for the tourist industry, for everyone. We're business. I heard it brought up today that Boston moved its sewage marine discharge 20 miles out. We're not Boston. That's not the solution.

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

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

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

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

And may I add one more item. Since we do have about 30 people, I'm going to ask that we sort of manage our time in a reasonable manner. If you've come with 30 minutes of prepared remarks, I would suggest we cut them back. If you've come with ten minutes of prepared remarks, that could be closer to what we're really thinking about. Five to ten minutes would probably be really good because we are people that can get saturated. So let us -- work with us. Thank you.

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

I've worked on the Wastewater Working Group for what is it, eight, nine months now. And previous to working with the nonprofit group I work for I worked for the Department of Environmental Conservation with Mr. Conway for about 13 years in the wastewater program, permitting major industrial facilities in the state. So I have a fair understanding of some of the issues in front of us. CSP2, which is the acronym for my group, was a signatory to the petition, too. So with that basis, I just wanted to bring up a few of the points that I've seen over the last eight, nine months.

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

process. The cruise ship industry must be accountable for their discharges as are all other industries in the state.

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

A tremendous amount of the effort now is going towards developing dilution models and mixing zone estimates. I think that's the wrong direction. EPA must understand that a tremendous amount of the work that we've done in the past year has gone into getting just very basic information. The voluntary Cruise Ship Initiative has generated only preliminary data. Industry has consistently resisted our efforts at full effluent characterization including an assessment of environmental and human health impacts. The industry refused to conduct sampling that evaluates the effects of their wastewater discharges despite repeated requests from citizen representatives on the working group. Understanding the environmental and human health impacts of the discharges was and remains the largest concern of the Alaskan public. The entire issue remains unaddressed.

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

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

EPA needs to take a strong role in regulating the cruise ship industries in Alaska because Alaska is not a delegated state for the NPDES Program. And the DEC water quality program is very limited at this point. Although the Coast Guard has done an excellent job of addressing the issue

this summer, they, by their own admission, do not have the expertise to regulate water pollution.

We're requesting EPA to proceed with the rule making effort that results in the industry generating the following information: A full disclosure by each ship through a statistically valid sampling program of conventional and non-conventional pollutants, priority pollutants, wastewater flows and production information, all sources of wastewater on each ship, an evaluation of the treatment technology currently employed. There needs to be a full assessment of the efficacy of the MSDs currently in use. There needs to be an assurance that treatment systems are operating optimally, are sized correctly and are well maintained. A rigorous sampling program to fully monitor all overboard discharges from all sources and frequent inspections by both EPA and the Coast Guard, toxicity testing of effluent including both acute and chronic assessments. And the tests must be completed on several species that are relevant in Alaska. A map of all discharge locations, mixing zone calculations for each ship, an impact analysis of discharges on receiving environments including sensitive habitats, subsistence areas, fishing and recreation areas. An impact assessment must evaluate the cumulative impacts of many ships discharging in the same water bodies over a short amount of time. And a full pollution prevention plan from each ship to minimize discharges and maximize the effectiveness of individual treatment systems. We've been asking for this information from the beginning.

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

Alaska's environment deserve the highest level of respect and protection. And we do really sincerely thank you for listening.

MR. VOGT: Panel? Okay. Thank you very much.

MS. BERRY-FRICK: Good evening. And thank you for coming. My name is Anissa Berry-Frick. And I am here today representing -- I'm here today from Port Alexander representing the Lower Chatham Conservation Society. Our mission is to protect the integrity of the Lower Chatham ecosystem. Our region's economy is primarily

fisheries-based. People here live subsistence-based lifestyles.

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

Lower Chatham contains a doughnut hole seven miles wide abeam of Port Alexander in which raw sewage can be released. And I'll point to my map here. This is Chatham Straits and the entrance to the open ocean. Port Alexander sits right here at the south tip of Baranof.

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

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

A sample was sent to the DEC lab. Inconclusive results came back from DEC. They said it was nothing to be worried about. It's nothing toxic. We can't find anything bacterial in it. They don't know what it is. And I saw the substance myself as it came back. And my husband dipped his finger in it and rubbed his fingers together and it was oily.

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

The growing cruise industry needs to be held accountable as a whole under the Resource Conservation and Recovery Act, either as an industry or individual cruise lines, not as individual ships. Hazardous and toxic chemicals that go on these ships need to be accounted for both before and after sailing. Vessels need personnel with proper training and onboard facilities to deal with the

waste. They need to evaluate the potential for use of less toxic or nontoxic materials. Disposal must be onshore at appropriate sites and follow the same regulations as other land-based waste management services.

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

No cruise ship should be able to dump contaminated waste in the waters of Southeast Alaska. Years of dirty dumping practices cannot be taken back. But while we're on the subject, now is the time to come clean. The EPA needs to manage for a cleaner future and today's the place to start. Make the cruise industry take responsibility for their actions. Zero pollutant discharge into our oceans' waters marks the goal.

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

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

ICCL member vessels are not U. S. flagged, however, while operating in U. S. waters, all U. S. environmental laws must be complied with. Additionally, all of our members must meet international regulations for both environmental protection and for safety of life at sea at all times. To those of you who are familiar with SOLAS, MARPOL, STCW, you know that these protocols set benchmark -- set the benchmark for environmental and safety standards throughout the world. In fact, these international conventions to which the United States is signatory have been adopted into the fabric of the U. S. maritime regulatory system.

As a business that is dependent on carrying passengers to beautiful locations where they can experience nature's bounty, such as Alaska, our membership recognizes that even a perception that the industry is not meeting U. S. or international standards is damaging to our image and therefore, our business prospects. With this reality in mind, the cruise industry established industry guidelines regarding a number of issues. These voluntary guidelines for

ICCL members meet or exceed all requirements of the law of the United States.

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

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

In keeping with our commitment to seek out and incorporate new technologies, several ICCL members have committed approximately a million dollars apiece to field testing gray water treatment systems. These test systems when fully developed and proven are expected to remove sediments and impurities from gray water streams to the point where it's essentially clean water. The industry is also looking at plasma incineration for better and more efficient incineration, for incorporating printing, dry cleaning and photo systems without hazardous waste byproducts.

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

I've heard two comments previously. One said that the solution to pollution is no longer dilution. And the other one that says -- that called for mixing zone calculations. We at least are starting to answer the one for mixing zone calculations. The calculations of this analysis demonstrate to us that the wastewater discharge constituents are diluted by a factor of approximately 44,000 when a ship is moving at four knots. Four knots is bare steerageway for one of these large ships. This dilution factor improves to about 111,000 at ten knots. And these dilution factors are based strictly on the initial mixing concepts associated with the mixing zone and did not take into consideration additional dispersion effects afforded by vessel wake, tidal and current actions. The estimate is that these additional dispersion factors would result in approximately a thousand

to 100,000 times more dilution than what we have already indicated.

We're also discussing, as Mr. Vogt said, an actual water sampling program with the EPA and the United States Coast Guard. Several of us met this afternoon to discuss the protocol for such a sampling program. And as Mr. Vogt said, that would be subject to peer review and input from the public. Such an undertaking would take and test laboratory -- or laboratory test water samples from identified water locations both before and after a cruise ship passes and while discharging known grey water and treated black water. It is expected that this water sampling program will yield definitive results regarding dilution in an identifiable mixing zone.

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

We welcome the opportunity to publicly demonstrate that we are adhering to these practices and that our industry is responsible and cares about the environment. We know of no other segment of the maritime industry that will be willing or able to meet these types of standards.

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

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

The information developed for the State of Alaska Cruise Ship Initiative will provide vital information regarding waste stream volumes and components. The laboratory testing of gray water and treated black water streams has already provided significant and quite unexpected results. These test results, as it has been stated, indicate significant concentrations of bacteria in the wastewater, not only in the large cruise ships that ICCL operates, but also in the smaller cruise vessels of the U. S. flag fleet. These are being proactively addressed by the vessel operators, the

state agencies, the federal agencies and the public environmental advocacy groups together as to where these numbers are coming from, what the implications are, how we bring them back down. From the outset, it appears to us that this issue may involve the entire maritime industry and not just cruise ships.

The International Council of Cruise Lines together with its sister associations, the North West Cruise Ship Association and the Florida Caribbean Cruise Ship Association and the cruise vessel operators of each of these associations are dedicated to and will continue working toward responsible environmental management and protection of our natural resources. We are committed to working in partnership with the Environmental Protection Agency, the United States Coast Guard, other federal and state environmental protection agencies and public environmental advocacy groups to find productive solutions to the very real issues that confront us on a daily basis. Thank you.

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

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

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

MR. HANSEN: NWCA is a little sister association to ICCL, but with a very specific focus in Alaska, British Columbia and the Pacific Northwest. We have nine member lines. And this year together they operated 22 ships. So I appreciate the opportunity to meet with the representatives of the panel tonight.

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

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

So the Alaska Department of Environmental Conservation correctly took the initiative last December to address these public concerns. And we've been participating

fully with ADEC and together with EPA, the Coast Guard, the local cruise lines, the U. S. flag and the Southeast Alaska communities.

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

Here's what we've achieved, as I see it, since this time last year. We've committed to waste management practices that include no discharge of untreated black water in the Inside Passage, whether or not these areas are inside or outside the three mile zone. No discharge of gray water or treated black water while in port. No discharge unless the ship is steaming at speeds of six knots and greater. And no discharge within ten miles coming to or leaving a port of call.

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

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

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

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

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

In addition, both DEC and EPA have been active in monitoring visible smoke from the cruise ships. Many of our ships have installed onboard monitoring, electronic

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

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

We're starting to get some lab results, but there's still a lot of data to analyze and to understand. We expect a full suite of data will be available by middle of October, I would expect. And we expect this will confirm that the ships' operation and separation of toxic materials from wastewater discharge is working as it should.

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

We're trying to understand the dispersion -- and Captain Thompson referred to the dispersion analysis that's being conducted now. We believe this is good science to have that understanding of mixing zones and dispersion. But that's -- it is a mathematical model and we do want to verify that, in fact, the numbers that the mathematical model show turn out to be, in fact, in real life. So this week, in fact, we started a program of sampling the water, the ambient water in front of ships and also behind the ships to be able to determine what the ship leaves behind. The data is not in yet, but we'll certainly make that available as soon as we have a chance to understand what that is.

And the fourth piece is the question of what are the thresholds or concentrations of the discharge from ships that may be harmful in the ocean. We don't know the answers right now. And therefore, as part of an effort to understand these questions, we've engaged or will engage a team of scientists through the Alaska SeaLife Center in Seward to help us

understand the oceanography, chemistry, biology and so on. And we're really interested in sharing that information with the regulators and the scientists in the various government organizations.

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

Now, I've taken a little more time than I probably should. And I'm coming to a conclusion, but I really do want to underscore that here we're involved in a very important process. The results of the studies today will help us understand the environmental impact of our ships. And it will lead to new and cleaner operations in the future. I believe this process that we're involved in here is important for EPA to consider in your deliberations about the new laws and regulations and non-regulatory options that you outline for cruise ships and for the maritime industry as a whole.

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

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

MR. VOGT: Okay. Thank you. Next, we have Sarah Keeney and Gershon Cohen. And following these two, we'll take a break. But after that, Tommy Abel and Joe Geldhof.

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

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

Congress entrusted EPA to protect the chemical, physical and biological integrity of the nation's waters under the Clean Water Act. SEACC supports EPA efforts to

implement a strong regulatory control, monitoring, record-keeping and enforcement program to oversee the waste management practices of the cruise ship industry. SEACC is gravely concerned with the potential impact of waste from the cruise ship industry on Southeast Alaska's valuable marine waters.

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

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

This may include prohibiting the discharge of untreated back water anywhere within the Inside Passage, i.e., closing the loopholes for doughnut holes; requiring NPDES permits for gray water and treated black water discharges that meet federal standards. Where there is no federal standards, such as with gray water, EPA must issue rules that regulate gray water to prevent harm to human health or the environment by a single ship or cumulatively by many ships. We would like you to implement a strengthened tracking and reporting system for hazardous wastes and toxic materials brought and generated onboard, initiate regulatory requirements for onboard wastewater treatment systems and by strictly enforcing penalties for any violations.

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

ORGANIZED VILLAGE OF KAKE: (By Sarah Keeney) I was asked to read this by the Organized Village of Kake. The Organized Village of Kake is the federally recognized tribal government serving the Kake, Alaska area with a tribal membership of 640 in our village of 800 plus citizens. Located at the northwest tip of Kupreanof Island, Kake's customary and traditional gathering or subsistence area covers the following areas: the east side of Baranof Island, the east side of Admiralty Island, including the southwestern side of the island, the central western mainland, a good

portion of Kupreanof Island, northern and central Kuiu and Keku Islands. The waterways that we use for subsistence include Chatham Strait, Frederick Sound, Keku Strait, Sumner Strait and Stephens Passage. Our Constitution and Bylaws mandate the protection of our members and village.

OVK membership have reported waste and bilge slicks following the passing of the cruise ships in Chatham Strait and Frederick Sound areas. It has come to our attention from the news releases over the year that the dumping of gray water, bilge waste, garbage, et cetera is accruing in our backyard, i.e., in the main waterways that we use for subsistence gathering. If you can imagine the whole population of Alaska, 600,000 people, using the areas of Chatham Strait off Tebenkof Bay, the west side of Kuiu Islands up to Turnabout Island off the northwest end of Kupreanof Island, Frederick Sound dumping all of their garbage, gray water, bilge and sewage during the tourist season, this is precisely what is happening by the cruise ship industry. Millions of gallons of waste water, garbage and sewage get dumped in our subsistence areas.

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

OVK is in favor of Senator Murkowski's bill that would prohibit any cruise ship dumping within the waterways of the Inside Passage. These cruise ships are virtual cities moving throughout Southeast Alaska and dumping their garbage and waste throughout our waterways, the very waterways that we depend on for our way of life. Sixty percent of what we eat here in Kake comes from our customary and traditional gatherings that is being contaminated by cruise ship dumping. A large percentage of our subsistence involves gathering all types of fish, shellfish from the intertidal area, crabs and seaweed that are impacted by cruise ship dumping.

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

Frederick Sound is well known for the largest congregation of humpback whales in the world. And within the last five years, we've documented two humpback whales dead within the Chatham Strait area. The present laws are obviously not working when trash is washed upon our

shorelines even if the ships are allegedly sticking to the three-mile limit. This three-mile limit is not adequate and needs to be changed. Again, we want to see the cruise ships responsible for carrying out what they carry in and not dumping, period.

Placing oil spill response boats and barges in Haines or Ketchikan is too far a distance from Central Southeast Alaska. In the event of a spill in Central Southeast Alaska, it would take a minimum of ten to 14 hours to transport a barge from Haines or Ketchikan. By that time, environmental damage could be catastrophic. We propose a HAZMAT response boat or barges to be stationed here in Central Southeast Alaska, in Kake. OVK has an office here in Kake and would be willing to administer either the research or the HAZMAT response boat and barge. Kake Tribal Corporation maintains a crew of SEAPRO-trained response team here in Kake. OVK is not against the cruise ship industry, but we are all for the wise use of our Inside Passage by everyone. OVK's main obligation is to membership and to protecting the young, needy and elders against the pollution caused by the cruise ships dumping in the Inside Passage.

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

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

Coffman Cove is a small community on the northeast Prince of Wales Island. We are the only community directly on Clarence Straits. I'm calling -- she thought she could teleconference. I'm calling representing the community and myself. We are also located on what is referred to as a doughnut hole. This is one of the few areas that is large enough for the ships to be X amount of miles from shore and to dump whatever they feel like dumping in our waterway.

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

We feel that the cruise ships should offload their sewage, garbage and all waste at the ports they visit, not in

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

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

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

MS. KEENEY: The Southeast Alaska Conservation Council.

MR. VOGT: Thank you for yourself and those other statements. Mr. Gershon.

MR. COHEN: My name is Gershon Cohen. I'm a 17-year resident of Southeast Alaska living in Haines since 1984. I've been active on water quality issues for nearly a decade in Alaska, most recently as a member of the Alaska Cruise Ship Initiative Wastewater Subcommittee. I'm also the national project director for the Campaign to Safeguard America's Waters, which is a water pollution prevention project of the Earth Island. Earth Island is the parent organization of Bluewater Network, as well as my project. And I participated in drafting the Bluewater Network petition last winter.

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

The issue is further challenged by the mobile nature of the discharges as well as the variation in receiving water quality and beneficial uses applicable in different areas in Southeast Alaska. Regardless, given the importance of preventing further deterioration of our marine resources, state and federal regulatory agencies should promptly move towards the adoption of clear and precise rules to protect the public's health and welfare and to ensure the long-term vitality and productivity of our state and national waters.

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

As you know, the federal government has been exempting the majority of discharges from cruise ships from federal permitting mechanisms on the basis of a regulatory exclusion found in 40 CFR 122.3. According to this regulation, discharges, quote, "incidental to the normal operation of a vessel," end quote, do not require NPDES permits. I believe this exemption is improperly applied in this instance. The millions of gallons of back water and gray water generated by thousands of passengers and crew aboard a major cruise vessel result from profit-making activities on the vessel and not from the operation of the vessel itself.

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

The public has been repeatedly told by cruise ship representatives that a full reporting and monitoring system is unnecessary. The ships are so clean, so well operated and the waste so benign that a permitting program would be a waste of everyone's time and money. To prove their point, the industry agreed to a voluntary monitoring program in Alaska this summer known as the Alaska Cruise Ship Initiative. The sampling program was in part an attempt by the industry to relieve growing political pressure for formal regulatory action under the Clean Water Act. Although the Alaska Initiative program will provide some baseline information on cruise vessel discharges, it clearly does not fill the permitting gap for the following reasons:

The Initiative does not identify the volume of waste streams discharged. The Initiative does not sufficiently characterize the composition of the waste streams. It does not provide for any toxicity testing of ship effluents. It does not contain any regulatory benchmarks other than for fecal coliform bacteria and total dissolved solids. It does not provide for mass balance accounting to track the use and disposal of the toxic materials on the ships. It does not sufficiently monitor the ships requiring only two sampling actions per ship for the entire season. It does not adequately test for priority pollutants, providing for only one screening from each ship taken as a composite sample, which may mask the presence of priority pollutants. It does not adequately inform the public of the results of the sampling since ship names are not revealed to the public unless federal criteria are exceeded. However, it is guaranteed that public notification of violating ships will probably not occur. Since the ships operate without permits, there are no federally applied criteria and therefore, none to be exceeded. And finally, the Initiative does not establish any best management practices for the industry as a whole, nor will it lead to the development of best available

technology or BAT requirements or new source performance standards.

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

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

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

The regulatory void encapsulating this industry has not been restricted to federal pollution control programs. There has been little discussion to date of industry compliance with state Water Quality Standards that often are more stringent and precise than federal criteria regarding water pollution.

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

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

Ironically, mixing zones, regions where discharges are permitted to exceed the state's Water Quality Standards are authorized in the context of federal or state discharge permits, the very same permits we are advocating for the industry and that the industry has hoped to avoid. Part of the permit process includes public comment on whether a

mixing zone is appropriate, an analysis of treatment alternatives that wouldn't require mixing and a survey of the proposed mixing location for impacts to beneficial uses. If the industry would agree to apply for an NPDES permit, they would have the option for a mixing zone.

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

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

In conclusion, given the lack of regulatory oversight currently enjoyed by the cruise ship industry and the evidence suggesting that significant potential exists for degradation of the public's marine resources, I respectfully offer EPA the following recommendations: One, require NPDES permits for cruise vessels that include specific effluent limits, monthly reporting procedures and adequate enforcement mechanisms. Two, require that all discharge points on every ship be fitted with a recording devices that measures the volume, time and date of every release of polluted wastes. Three, require that an observer be placed on every vessel akin to the Foreign Fisheries Observer program run by NOAA. The observer should be trained to monitor various onboard treatment systems such as oily bilge water separators and MSDs and be prepared to witness and randomly sample all other wastewater releases.

The application of these recommendations would result in negligible financial impact on this lucrative industry which directly profits from the use of our marine resources while its members pay little or no federal taxes or U. S. scale wages and benefits. These recommendations would not unfairly burden the cruise ship industry. On the contrary, they would level the playing field between this industry and the oil, mining, timber and seafood processing industries operating in Alaska which must monitor and report on their discharges to the state and federal government every month.

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

And I thank you again for accepting these comments.

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

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

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

MR. VOGT: Ask the crowd that.

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

I want to start out with something from Lewis Lapham. He's the editor of Harper's Magazine. One day I had his grandson sitting in my house having a white king salmon steak with me before we took him out to look at where my wife picks spruce roots. In one of his magazines, he published some definitions that he was slightly tongue in cheek in. He said outrage is in short supply these days, pushed off the front page by the Dow Jones going over 10,000. It's upstairs in the attic with the old Bob Dylan records where it belongs.

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

The tourism industry was sold to us on the basis of its cleanliness and that they didn't leave anything behind. Well, when I read the paper that Paula Dobbyn broke the story of and I started to calculate with one of my friends the hundreds of millions of gallons of wastewater that we didn't even know what was in it was being dumped out into the food

supply habitat that I live in, I was pretty mad. I was very upset. And I was wondering why aren't other people as upset as I am that this is being allowed to go on while the rest of us have to follow the law.

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

But those of us that had some vision saw many years ago that the blue cloud of smoke floating over Juneau wasn't friendly. And when we talked to the elders we found out that the mountain goats in Glacier Bay aren't coming down through the smoke because they refuse to go through it. So the tourists, by their very coming, have prevented some of the things that they came to see from coming down where they can see them.

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

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

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

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

I was somewhat encouraged to hear tonight that there's some money being spent on technology, but I think

that if you're going to use technology to merely get out of dumping things at all, I don't think that that's the direction to go. I think that the technology should be looking at putting things back as they were, just like the mineral industry. The mineral industry is required to restore the environment to what it was before.

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

In closing, let me say that it is not enough that the state and the cruise ship industry focus only on protecting ports. There are more communities than just the cruise ship stops. And it is the responsibility of government to protect all of us, not just a few. As you monitor, study, assess and recommend action to regulate the cruise ship industry, they're continuing to dump hundreds of millions of gallons of waste in my food supply's habitat. Sewage is sewage. I cannot dump sewage. The cruise ship industry should not be allowed to dump sewage.

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

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

MR. VOGT: Thank you very much, Tom. And following Joe, we have Jack Cadigan and then Dennis -- Harris?

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

The topic of marine discharge into the waters of the United States is of vital importance to many of us and particularly so here in Southeast Alaska where we live, work

and sometimes play on the marine waters and the fresh waters of this region where we live. There's really no question that there's a substantial problem with cruise ship discharge into the marine waters. You know, the documentation basically is there. I think what we really need to do is stop pretending there's not a problem which is going on with some people and get on to addressing in a meaningful way how we're going to solve this problem.

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

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

We live in a small world today and allowing self-regulation of an industry with the enormous potential for environmental abuse needs to come to an end. The foreign flagged cruise ship industry needs to be regulated to prevent the kinds of widespread systemic marine discharge problems that have -- that have and continue to routinely take place in the marine waters of Alaska.

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

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

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

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

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

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

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

Does it mean anything more in a democracy where people have sacrificed so that we can have a high standard of living, so that we can enjoy a good environment? I think it does. And if I could do anything for you it's to give voice to some of these people who worked hard for our country and I think would be tired and angry that foreign flagged cruise ships are allowed to come in here and basically dump their waste into the territorial waters of Alaska. If that's a

stretch, maybe. But I look at their faces and I just can't believe that 67 years ago -- it's not that long -- we haven't found the will and the way to say no to dumping by foreign flagged vessels. 1

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

MR. VOGT: Thank you. Jack Cadigan.

MR. CADIGAN: My name is Jack Cadigan. I've been a resident of Juneau for 35 years. I have served over 30 years of active duty in the Coast Guard retiring as a captain in 1985. I served nearly 20 years in ocean-going vessels. And I've held several major sea commands in the Navy and the Coast Guard. I was the on-scene commander for the first month during the largest offshore oil rig disaster in the Gulf of Mexico in 1971.

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

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

This organization, among other missions, actively promotes the orderly development of tourism in Juneau. As I am sure you realize, such orderly development inherently requires the maintenance of a pristine environment as that very environment is the reason why most visitors come here in the first place. Thus, economic interests actually even magnify my personal interest and the interests of the membership of Destination Juneau to maintain a pristine environment in Alaska. We applaud the severe penalties which have been levied on wilful violators. We applaud the internal policies of the cruise lines which require a greater environmental attentiveness than required by law or regulation.

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

I submit that ships transiting local waters already meet the laws and regulations and all reports of violations

are aggressively investigated by the -- are aggressively investigated by the Coast Guard. I would suggest that reports of large scale dumping should be referred to the Coast Guard for appropriate action.

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

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

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

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

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

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

I suggest the underlying motivation of some advocates for markedly more restrictive pollution regulations and laws regarding ships is simply to force the cruise ships, along with the passengers they carry, out of Alaskan waters. Personal dislike of ships or tourists is irrelevant to the setting of reasonable and environmentally sound laws and regulations. What is relevant is that legal restrictions be made and enforced as are necessary to protect our environment. Legal restrictions should not be overly permissive, but neither should they be overly and unnecessarily restrictive.

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

MR. VOGT: We have a question, Jack.

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

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

MR. CARLSON: Thank you.

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

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

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

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

And because of that, I ask that you do a couple of things. I realize, of course, that you're going to hold hearings in Miami and in Washington, which will be dominated by cruise industry people and their lobbyists. So I urge you to talk to C-Span about making sure that your hearing is carried on C-Span and that that coverage includes the e-mail address for comments and that you hold the comment period

open as long as possible so that people can e-mail you or snail mail you their written comments.

Self-regulation is an oxymoron. It doesn't work. Regardless of the spin, regardless of the heavy PR campaign that the industry has conducted over the last three or four years, including their horrendous advertising in the guise of public broadcasting underwriting in Southeastern Alaska and all of the spin they've done, the latest tests show that this is not working.

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

The people I'm talking about could care less about NPDES, EMS, MOUs, OPs, SPA, CWA and RCRA. The alphabet soup doesn't mean a damn thing to us. We are just sick and tired of having to worry about whether our fish are going to be safe to eat, about whether or not we can let our kids go swimming, about whether or not the clams we dig are going to be safe.

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

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

And I am absolutely appalled that after companies in this industry have been convicted of deliberate pollution of our waters that they are still allowed to go into our National Parks, the gem that is Glacier Bay, and pollute it with smoke and pollute it with gray water. In spite of the fact that they may not do it, they are allowed to do it. And that is unconscionable.

I think that any vessel over 50 tons or -- any vessel, period, over 50 tons or any passenger vessel operating in Southeastern Alaska should simply not be allowed to operate, period, make no landings whatsoever -- I don't care whether they're foreign flags or U. S. flags -- in this

region if they violate, period. It's absolutely unconscionable that cruise lines are still sailing in Glacier Bay after admitting to polluting our waters.

Our food is at risk. Our finest and most renewable resource and industry is at risk, too. The State of Alaska is now and our fishing industry is now fighting to have our wild Alaska salmon certified as organic. Do you realize what allowing any kind of point source pollution into our waters does to that effort? The one market we have left -- because we have fought long and hard to keep polluting fish farms and ecologically damaging fish farms out of our state -- our one thing we can do with our fish is to sell it as fresh, wild, organic fish. If you allow any discharge, you have ruined that.

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

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

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

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

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

MR. THOMA: Thank you. My name is Chip Thoma. I've had the opportunity to serve on the Alaska Cruise Ship Initiative and the Wastewater Subcommittee for the last eight months. I greatly appreciate the response by the EPA to the Bluewater Network's petition to assess and possibly regulate large cruise ship discharges in U. S. waters.

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

I would like to thank the federal agencies for this prompt response and especially the print media, the Anchorage Daily News and the New York Times for the very detailed reporting on these violations and convictions and reporting on the targeting of doughnut holes here in Southeast to discharge black and gray water. For that is why we're all here tonight, those press exposures.

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

But ultimately, I believe that these pristine waters should have a voluntary zero discharge policy for vessels this size. Vessels carrying thousands of passengers and crew should voluntarily hold their black and gray water for 48 to 72 hours and either offload into shore-based treatment plants or discharge at least 12 miles offshore. This should be the proper response by industry. I'm confident that industry would avoid both future onerous state and federal regulations as well as further public scrutiny and criticism of this issue by adopting such a policy.

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

My strong suggestion to these companies that I just named is to get with your marine engineers and architects immediately and effect some change orders to allow three-day

black and gray water holding capacity and as primary systems, MSDs that are capable of handling wastes for the 3,000 folks a day per ship, seven days a week, MSDs that are maintained and tested on a regular basis. I submit to you that the public demands nothing less. Spend the bucks, make the changes and avoid the consequences.

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

The public no longer wants the assurance that cruise ship discharges are safe or could be made almost safe. They want them to cease and very soon, by 2001. The cruise lines have the ability to do that by imposing design changes on your new series of ships and voluntarily adopting zero discharge policies throughout Southeast as is now the standard for Glacier Bay.

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

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

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

Our coastal economy is wholly dependent on a viable and growing commercial fishing industry, the largest private sector employer in the state. Our rural individual economies and our good health are inseparable from open access to uncontaminated subsistence fish. We must come together to defend our fisheries from the impacts of wastewater being dumped by cruise ships.

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

Through the Alaska Cruise Ship Initiative process, we have recently been informed that some cruise ships are discharging gray and black water with extremely high fecal coliform levels. The adverse impacts of these fecal coliform

levels on the public and environmental health are yet to be determined.

We must remain committed to continuing our dialogue with the cruise ship industry as we work towards a progressive zero discharge policy that balances this industry's desire for stability with the Alaskans' desire for verifiable assurance of our safety.

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

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

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

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

The community of Angoon is a traditional Tlingit community which is dependent upon the abundant resources of surrounding Xootznoowoo Wilderness aka Admiralty Island National Monument. Fish and wildlife constitutes a large part of traditional Tlingit diet. Since the Alaska Native Claims Settlement Act, many Alaskans have become despondent over the fact tribes never received land or judgment funds. We still have inadequate water and sewer in much of rural Alaska. Tribal governments have to provide services to needy families. Some of them live below the poverty standards and are forced to endure unemployment rates of 80 percent in some villages.

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority populations and Low Income

Populations" direct federal agencies to make achieving environmental justice part of its mission by identifying and addressing as appropriate disproportionately high and adverse human health or environmental effects of its programs on minority populations. Indeed, reviewing the policies and regulations governing the cruise ships needs to be addressed in adherence with Executive Order 12898 since pollution generated by cruise ships has rapidly become a very serious environmental threat to Southeastern Alaska's coastal communities and their minority populations.

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

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

Unfortunately, cruise ships fall into the category of non-regulated industry, which are 300 ton vessels currently exempt from Alaska state statutes. This is unacceptable due to the fact that cruise ships have acquired one of the worst environmental records of any industry operating nationally or overseas. The fact remains seven cruise ship lines have been convicted for illegal dumping of oil, garbage and toxic waste into U. S. waters and paid \$31 million in court fines.

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

This situation is further compounded by the other 150 or more cruise ships scheduled to travel through Southeast waters. Clearly, the state statutes must apply stringent measures to the cruise line industry, especially those weighing 300 tons or over. The vessels carry over a million gallons of fuel. And if the state lacks the budget to monitor, then these permits need to be bonded to ensure restitution is available in the event ADEC discharge policies are violated again. Industry should be required to adhere to existing laws requiring the generator of waste to be responsible for its proper disposal.

The Angoon Community Association is concerned with the ways and means the cruise line deals with disposal of

ballast water since it has been documented to disrupt entire food chains with the introduction of the green crab. The potential biological impact cruise ships could have on the residential fish and wildlife needs to be addressed as minorities and many other industries are dependent upon having pristine water quality and healthy fish and wildlife stocks.

Besides ballast water, here's a list of other concerns regarding cruise ships' discharges which we feel need to be addressed and monitored: One, gray water. Under current regulations, this can be discharged at dockside. Gray water consists of wastewater from sinks, showers, galley, laundry detergents, cleaners, oil, grease, metal, pesticides, medical and dental wastes as well as other pollutants. An average cruise ship can generate a million gallons of gray water in a one-week voyage.

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

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

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

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

There are many areas in the Inside Passage that are three miles from shore and are known as doughnut holes by marine pilots who routinely escort cruise ships to these areas so they might legally discharge raw sewage. Although they may be three miles from the nearest shore, they are still within the Inside Passage. This was not the intent of the law, but has created a loophole which the cruise ships have readily exploited. A typical cruise ship generates an estimated 210,000 gallons of sewage on a one-week voyage.

At a recent meeting in Anchorage, the commander for the Center for Disease Control informed us that 25 new viruses were introduced into the State of Alaska during the

last tourist season. In light of this, it is imperative that regulations and oversight of this industry be implemented vigorously in a timely manner.

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

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

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

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

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

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

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

Now, the industry of tourism is very important -- don't get me wrong -- to the City of Sitka. But not to the point where we want to sacrifice the areas we've used for recreation and fishing for generations. I firmly believe that the regulations on cruise ship dumping should be upped and strictly enforced. Once again, it is imperative that these regulations be upped and enforced.

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

MS. COMPTON: Good evening. My name is Jamie Compton and I'm from Kodiak, as I said earlier. I commend you, the EPA, and I am very appreciative that you put this hearing on here in Juneau. I am very honored to be here tonight. I am very glad for what you are doing and pursuing

with this issue. This issue affects me personally. But more than that, it affects the town I'm coming from.

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

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

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

MS. SINNOTT: The president of ICCL who spoke tonight stated that business -- his is a business that depends on taking people to beautiful places. Yes, that's true. And Southeast is one of the most beautiful places, in my mind. And I want to keep it that way. And I know like he does too in order to keep his tourist business alive.

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

And we were trying to explain this earlier. We were talking. We were sitting together earlier today. We all just met here today, compiled our ideas and everything. And I tried to think of an analogy for how we felt. The way we see it is the ocean is our pool, our swimming pool. And we're swimming over here and we're happy. And there's a lot of other people in this pool. And some guy over there -- not really pointing any fingers. Don't get nervous -- pees in that pool.

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

So I feel kind of guilty. You know, these cruise ship people come and they talk. And we sound so vicious and hostile. Stay away from us. Stay off our water. Keep our

water clean, please. We don't like you. But we do, some of us, right? We're sorry if we seem hostile, but you have to understand why. We want to keep this place beautiful because it is. And, you know, thank you very much.

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

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

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

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

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

Our constitution in 1955 was written as the best extant constitution on earth. What happened to the progressive nature of Alaskans? The cruise ship industry does not pay taxes in the United States of America. They pay very few taxes in third world countries. Alaska has a third world economy. Venezuela is more economically diversified than Alaska because it has a textile industry. And that's enough of the friendly portion of my comments.

I'd like to point to an article in a free newspaper. It's the Capital City Weekly. And it's the first time candidates for office in Alaska have received equal time and

equal press in an Alaskan newspaper for over 70 years. I will now read a brief 200 word statement by Patty Zimmerman.

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

Yes, common ground exists for all people. Citizens remain sovereign. They have not here, though. I feel that citizens and local businesses have been deprived of an effective interface with industrial tourism providers. I am embarrassed that expensive discussion forums employed by the non-tax paying, NTP, non-tax paying Juneau Tourism Advisory Committee have not succeeded in establishing a climate of trust. Most communication textbooks explain that a climate of trust is essential for important political negotiations to proceed.

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

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

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

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

Ten years prior to that important date, a cure for ulcers was discovered in Australia. To this day in American medical textbooks that cure is not mentioned in gastroenterology textbooks in bold print.

If I have one comment to make tonight, it's that I'm optimistic that you're on the right path by including citizens, that you're on the right path by listening and

talking and communicating. But by no means are we on the right path if we give up control to the federal government or if we give any more concessions to large business in Alaska. Thank you.

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

MS. BALLIET: My name is Kris Balliet. I'm the regional director for the Alaska office of the Center for Marine Conservation. In the interest of time and in recognition of this hour, I'm going to abbreviate my comments.

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

We've developed and conducted education programs in the Caribbean for ship-generated waste projects. We continue to work with the cruise industry to promote and establish our international coastal cleanup and model community projects in the Caribbean. We have reviewed and commented on the February 2000 GAO report "Reducing Marine Pollution by Cruise Ships." Now we join the Bluewater Network in the rule-making petition filed with EPA in March and the ballast water petition filed in June 1999.

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

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

Recent reports indicate that gray water may have greater impacts than sewage. These rules need to be

revisited. Illegal discharges have undermined public confidence and created the need for better monitoring and enforcement. Cruise ships' waste streams physical and secondary impacts may be generating significant local and regional impacts on fisheries, air and water quality, local communities and highly sensitive and unique marine systems, as well as potential contamination of subsistence resources. We need more information. In the interim, we need a precautionary approach. And it must be adopted to protect critical marine resources, particularly here in Alaska.

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

CMC's recommendations, most repeated from the Bluewater Network petition to which we signed, are as follows: Quantify waste streams, oil, solid, sewage, gray water, hazardous waste and invasive species and assess impacts on water quality, marine environment and particularly here where we have subsistence cultures, human health.

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

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

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

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

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

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

I'd also like to take a moment just to thank the industry themselves. Whether we feel we've made enough progress or not enough progress, they have been plugging away

with us for the last year. And I applaud you for that. Thank you very much.

My comments tonight, as a member of Cruise Control, as a person who's an attorney, I tend to focus on the legal aspects of things. My experience in this particular arena over the past year has involved taking part in the DEC steering committees, assisting in the drafting of House Bill 371, the cruise vessel legislation that was introduced here in the State of Alaska, and assisting in the drafting of Assembly Bill 2746 which recently passed in California.

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

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

First, with respect to jurisdiction, the bill would have additional -- would authorize additional regulations under three sections, 702(b), 703(b) and 710. But already there's some confusion as to where EPA's jurisdiction leaves off and the Coast Guard's begins, where does EPA, in fact, have jurisdiction.

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

I found your White Paper extremely helpful in giving me an overview of the existing laws. And I would like you to make one goal of your assessment an expansion of that White Paper. Particularly on page 15 of your paper, you say that with respect to the, quote, "Other Wastes Streams," photo processing centers, beauty parlors, swimming pools, dry cleaners, that part of your assessment will be to examine the applicability of existing requirements to the potential transportation, storage, disposal and discharge of those wastes. I applaud that. I encourage that. I would like to very much see that as one piece of your assessment.

And I would like you to carry that over into the three sections of the Murkowski bill which authorize the secretary -- the Coast Guard, essentially, and the secretary of their department to promulgate regulations. Where will their regulations leave off and your regulations begin? I'd like to see some legislative history on that. I'd like to

see some development of that concept now while the bill is still a bill and before it becomes law.

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

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

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

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

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

And so along those lines, that is, the appropriations strings that congress holds over you executive agencies, there are some other specific aspects of the Murkowski legislation that I'd like you to address in your assessment during your work. Section 703(a)(2) purports to limit those vessels that can come into Southeast Alaska. A cruise vessel would operate in the Alexander Archipelago only if it was tested on a frequency showing that, quote, chemicals used in the operation of the vessel, including photographic chemicals, are not present in an amount that would constitute a hazardous waste under RCRA.

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

Well, here we're creating an ambiguity. This bill says that photographic chemicals and dry cleaning solvents are to be considered used in the operation of the vessel. That's just inviting litigation. That's just inviting governments to never use this statute because as soon as they do, they will be sued by someone over that ambiguity. Why not fix it now while it's still a bill and not a law?

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

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

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

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

Sounds like a great idea. Hard to argue with. We want good science. We want it subjected to peer review. But we all know the political realities are that when congress says you, the agency must do a thing prior to rule-making, if they don't want you to have those rules, they don't fund you to do that thing. You must ensure that your study is peer reviewed before you can use it to promulgate new rules. But

guess what? You don't get any money for peer review. So much for your new rules. So much for your studies.

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

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

That's the sum and substance of my presentation here tonight. I really appreciate you all coming up and good luck. More to you.

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

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

This unique environment exists because many of the people who came before us were good caretakers of their environment and also because of our abundant rainfall. Water is essential to all that you see around you. It is up to all of us to care for this land and its waters. I am totally appalled by a lack of recreation that the cruise ship industry is presently enjoying. The ever growing numbers of people carried by these ships is equivalent to a small city of 40,000 folks or more floating upon our waters in Southeast Alaska at any particular time.

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

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

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

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

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

What happens to the gray water and treated black water that is being discharged into our local waters? I don't care what speed they are traveling at or how far they are from a port, that nasty water is still getting into our ecosystem in ever increasing quantities. And ten miles from a port still puts that junk in our fishing grounds and by many small towns.

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

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

I propose that the cruise ships should be required to have holding tanks onboard for all their wastewater in conjunction with no discharge zones throughout Southeast Alaska. They should have separate tanks for the truly noxious chemical wastes and account for those chemicals.

Also, the industry should construct for their use several pumping stations with treatment plants around Southeast. This might also work in the other areas you're investigating where small towns are involved. It is really taxing for many of our small communities to have to build and pay for the infrastructure to support this large increase in population for the few months the visitors are here every summer. The facilities could be at the ports they visit, but would be the responsibility of the cruise ship industry to operate and maintain. The cruise ship industry should be

required to take care of their own messes instead of leaving it behind for us to deal with. I believe that is how land-based industries are regulated.

Also, please do not depend on voluntary compliance. Much past experience shows it does not work very well. It is important that we preserve intact the beautiful and basically healthy environment that we have here in Southeast Alaska for future generations. Stresses keep being added to our marine environment. And it's time to remove some. A liter of prevention is worth an ocean of cure. Let's work to prevent any more damage and stop the cruise ship industry from its despoiling our waters for the sake of relatively short-term monetary gains. Thank you.

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

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

One is a divide and conquer strategy. Another is that this is really a problem of economics and politics. And third, the death of the commons, which if you're into environmentalism, you probably already know, but I'll try to explain it, after I give the usual standard disclaimers. As Groucho Marx would say, I'm not representing any organization that would have me for a member. But I was the legislative action editor of the Georgetown International Environmental Law Review. And I'm presently on the city's - the Juneau International Relations Advisory Council. I'm a past president and board member of the Juneau World Affairs Council. I was the 1998 Democratic candidate for U. S. Senate. President of local AARP. And I'm not speaking for any of them.

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

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

When I talk about divide and conquer, you are, essentially, as I see it operating in a technical mode trying to solve a big problem by looking at a small technical part. And the problem is that the cruise ship problem as a whole is bigger than your technical part. And that's why I say none of your regulations can control the cruise ship industry. Because you're only look at a part and there's a whole industry out there. And no matter what you do to the part, you won't control the industry.

Economics and politics. Well, some of the numbers on the economics side are that here in Juneau in 1990, there were 230 cruise ship passengers. This year the capacity is

projected to be 632,000 passengers. I have been suggesting that we try and have a sustainable limit at 500,000. But as you can well imagine, those who have a direct economic interest want no limit whatsoever. No limit. And because the people who want no limit are operating the businesses and seem to have more money, they seem to have an impact on local politics out of proportion to their numbers so democracy is not working in small town Alaska because the economics are overwhelming.

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

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

And the Assembly appointed two members from Docks and Harbors and one from the industry and two citizens. So it was a three to two vote. And the Assembly -- even though the people voted 70 percent one way, the Assembly voted to allow the industry to maintain control the other way. So you got a conflict between economics and politics.

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

And the U. S. Treasury Department was proposing regulations that this should only apply to companies which were publicly held. "Publicly held" was defined as no one person or group should have more than five percent of the company's stock. And so this particular company, whose name I won't mention, was changing their bylaws so that nobody would be allowed to own more than 4.9 percent, in other words, so they could continue to avoid U. S. taxes forever even. If the Treasury Department passed a new regulation, they would already be ahead of the game, not paying taxes on the federal level.

Now, that means somebody had to write an exemption in there -- that's your bosses who are writing those exemptions.

So you have a difficult task. That's why I say again, none of your well intentioned dumping regulations or technology will control the cruise ship industry.

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

The commons here is -- the equivalent to the commons, the metaphoric commons, is ocean and seaside views, which anyone on a cruise ship can drive to. And that's being overrun by cruise ships. It's being gobbled up. The cruise ships are essentially fouling their own nest. And as a shareholder, although a small one, I can see that this is bad for the industry in the long run because it's -- you know, as I think others have said, people are polluting the very areas that they are going to see.

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

This is not the only issue that you're working on. There are other issues. And they all have a common theme, but nobody is addressing the common theme because everybody is addressing the particular issues. What's the common theme? The common theme is the size of the industry.

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

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

I bought the stock at about \$25 a share. It had dropped from about \$50 a share on both lines. It's now around 20. Why? Over-capacity, excess number of ships, over-building. And until you control the number of ships and the number of passengers and the number of days of operation, you're not going to be able to control the side effects of

crowded trails, water pollution, air pollution, crowded highways, crowded sidewalks, all the other negative and also some positive effects, mostly economic, of the cruise ship industry. I'll say it again. None of your well intentioned dumping regulations and technology will control the cruise ship industry.

I did have two other points, I see I've written down. I hope you take written testimony which is different from this little talk. We have had speakers here from the Galapagos Islands. In the Galapagos, Ecuador insists that people can take in cruise ships only of a certain size. I believe the maximum number is 90 passengers. And that's only to some areas. Other areas are so pristine that they only allow sixpacks, six-passenger ships. Other areas, no ships whatsoever are ever allowed. Well, that's the Galapagos. Alaska can't do that kind of regulation. That's a national regulation. And so the Coast Guard and congress would have to do that kind of regulation.

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

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

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

discourage anyone because we'll stay here just as long as we are available.

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

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

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

And I would encourage the EPA to take a statewide look at the problem. Although you are here in Juneau -- and we certainly appreciate you coming here -- there are other communities that you've heard from tonight in Southeast, but there are other communities beyond Southeast such as Seward that have cruise ship visitation. And as a statewide organization, we would encourage you to look carefully at the impacts to these other communities. We should all remember these ships are mobile sources of pollution and that their discharges have wide-ranging impacts.

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

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

I am concerned when the cruise ship industry tells us that they are doing a fine job managing their waste streams, that their gray water is indistinguishable from bottled drinking water and that the fears of some of us Juneau residents are based on misinformation that with a little better education can be alleviated. I'm concerned after having heard all that to then find out that their gray water contains millions of colonies of fecal coliform per hundred ml.

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

I'm also concerned when John Hansen tells us that some of the older ships, such as the JUBILEE that has been cited for air quality violations, are being taken out of Alaska service. He is not telling us that these ships are being taken out of service altogether or that they are being retrofitted. So I wonder what other countries' wastes -- waters, rather, and air will be polluted instead of Alaska's.

To me the situation really suggests an issue of environmental justice.

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

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

Alaska Conservation Alliance is looking to the EPA to develop a regulatory framework of permitting, monitoring and enforcement such as other industries that do business in this state must comply with, a regulatory framework that will protect our water and the health of our citizens. Thank you.

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

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

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

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

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

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

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

There's an ad that's going out right now that you open up a magazine and it has this wonderful car there. It has a little thing down there that says "Made you look." Well, Governor Knowles, Michele Brown, ADEC, the Alaska legislature, the Alaska citizens, Amy, Gershon, Tim, a bunch of other people have made the cruise ship industry look. We had to go look at ourselves. And I want to thank you for doing that. But we're finding some things that we didn't know was there.

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

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

The idea that some people have put out, which is no discharge, I don't think that is technologically possible for years to come. Nobody's got it. You can't store that much water onboard. If you would try to take your house and store

all the water that's coming out of it for seven days, I'm not sure it's going to work. There is a challenge here and there does appear to be a problem. But we're going to have to look at some new unique solutions.

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

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

MR. VOGT: Thank you. All right. It's stretch time. Ten minutes and we will be back.
(WHEREUPON, a brief recess was taken.)

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

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

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

I wanted to just mention quickly three concerns. I'm used to three minute testimony, and out of consideration for everyone. I'm concerned that current regulations are designed for open ocean and don't take into account the relatively slow tidal exchange of inside waters of Southeast. And the opportunity for the concentration of whatever water, gray or black, is so much greater. And the slower rate of flush causes a cumulative effect by the burgeoning industry. And that it's critical, I think, to address the local environmental conditions. And that leads me to think maybe some state standards are required here because it's such a tidal bottleneck.

I'm also concerned, as Craig Vogt mentioned, that many marine discharge regulations are 20, 30 years old. And like technology, the environmental industry has been incredibly dynamic. And 20, 30 years is a long time ago. And there were regulations made for fewer ships per week.

And that may have seemed adequate years ago. I don't think they take into account the huge increase in the number and the capacity of cruise ships currently.

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

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

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

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

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

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

I'm embarrassed to be an American when I see a voluntary compliance from the concerns that people brought up no dumping in the doughnut holes, they said okay. We won't dump in the doughnut holes. They said don't dump next to our towns. They said okay, we won't dump next to your towns. We asked them for millions of dollars to develop new technology. They said okay, let's do it. I don't understand how we say voluntary compliance isn't working. In fact, I think voluntary compliance stands a better chance at working faster in developing new technology than any government program we've ever developed.

I have dealt with government permitting. And I know that slow is being very slack in saying that the government moves at a snail's pace. The chance that we are going to study this problem, get the information together and put together regulations that are going to help this problem

before the cruise industry does it on their own is slim to none. I think that we have done a wonderful job of bringing it to their attention. It's like they said, we have to take a look. I think we should work together with them.

To allow somebody who actually -- the cruise industry spends \$100 million a year advertising Alaska. Our state Division of Tourism spends four million dollars a year. Everybody that sees a cruise ship ad sees a beautiful, pristine Alaska. I've lived here since I was six years old. Alaska is beautiful and it is pristine. The cruise ships, I have been in their wake many times. I started fishing when I was six. I didn't quit fishing until about seven years ago. I have seen cruise ships go past me hundreds and hundreds of times. And I have yet to detect an oily bilge after they have went by. I have pumped my own bilges. I know what an oily sheen on the water looks like. I would know if a cruise ship had left a big oil slick behind it. And I will have to say that I have never seen that demonstrated.

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

I think there's been more benefits to the State of Alaska from the cruise ship industry's advertising that doesn't have anything to do with maritime. And their development of environmental protections through their sewer systems are going to be used on our American ships. I think that we have a very good chance here to use cruise ship money. Let them develop it. We are paying attention. We are regulating. We are monitoring. Let them develop the technology and let our government use it.

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

MR. VOGT: All right. Thank you. Joyce.

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

In reference to the last gentleman that his comments where he hasn't seen a sheen, just for some information, a recent study by the U. S. General Accounting Office states that between 1993 and 1998, cruise ships were involved in 87 confirmed illegal dumping cases. In January of 2000 Royal Caribbean cruise lines paid \$3.5 million to the State of Alaska after admitting to dump -- admitting to dumping oily

bilge water and other hazardous chemicals into the Inside Passage.

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

I just think that we need to look at the cruise ship industry as we do with logging or the timber industry, as we do with the fishing industry, as we do with other industries, resources in our state and look at the cruise ship industry in the same light. We need to put regulations on them so that they behave in a way that makes everybody feel good.

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

The cruise ship industry affects everybody because -- you know, it's like if I look -- the students that were here earlier used the analogy that it was a swimming pool. I guess I look at it like my refrigerator. The ocean is my refrigerator. And they are the toilet bowl. And they are putting their toilet bowl in my refrigerator. And that is more the analogy that it is. I eat fish. I eat seafood. And I'm sure many people in coastal communities in Alaska eat seafood. And it's just not right to be putting that fecal coliform in their diet.

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

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

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

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

discharge vessel, as a Type III device, but also with a Type II device onboard. Same thing for a coastal cruise vessel we're doing right now where it will have 220 passengers, 300-footer, that will have holding capability for three days in addition to a Type II device.

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

And that's all well and good for new vessel design. But when it comes to existing vessels and trying to retrofit holding capability that's going to be in excess of one or two days, this could be a non-reality. And also trying to route piping that does not -- that is spread out over an entire ship to one central area is another extreme problem that may make that vessel totally useless.

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

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

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

MR. KEEN: My name is Chuck Keen. I'm a long-time resident here. And I've changed what I was going to say about ten times tonight, it's taken so long. I would like to make one suggestion before I start and that is from now on, fix it so all the people that work for the government in DEC or AEP or whatever, they get to talk toward the end. Because you've had all day to talk with them. And so the whole community comes to talk and we get to talk last. So that's one of the things that I would hope that you might change in the future.

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

Okay. Now then, first of all, there's been no businesses lost out in Juneau because of tourism. That I can tell you. I've been here 44 years. Secondly, if we're going

to talk about polluting our waters, I don't understand why none of these folks that works for that agency mentioned tonight the god awful pollution we have here in Juneau. We've got a school out here that's built on a toxic waste dump that every day the river's taking a little more of it out into the ocean.

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

Last fall the duck hunters were out there getting it on their boots and on the birds they were hunting. And the local paper had the gall to write and say it's all right, it will wash off. Don't worry about it. It's okay. And so this pick and choose thing where all of a sudden we're dumping on the only real honest to god industry we've got left here -- they have kicked out the miners and the loggers. I belong to a elite few. I actually work for a living.

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

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

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

And sure, the cruise ships come in May to first of October. And on the first of October, you could drop a bomb in downtown Juneau and not blow anybody's hat off. There's nobody down there. So when they talk about the cruise ships

being bad for this town, they better look around. And I just hope that you guys realize that working Alaska went to bed three or four hours ago. But there's a hell of a lot of people out there that can tell you that the cruise ship industry is good. I believe they are doing everything possible to right their wrongs.

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

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

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

Our founding fathers stated that all men are created equal in government. We carried that to cities and corporations. But there isn't much equality. Juneau routinely bypasses sewage at treatment plants. For 18 years the outfall at Bonnie Brae has discharged a mixture of primary and secondary treated material at elevation plus ten. And I don't know how many other violations have occurred.

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

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

The other problem that I want to talk about for a moment is I am a firm believer that a process such as this works only if there is complete integrity on your side of the table. I have seen news releases that came out that were far from the whole story. Maybe they weren't completely accurate, but they certainly didn't tell the whole story. They didn't put it in perspective. There are people involved in this

activity from your side of the table that have been involved and signed petitions such as the Peace and Quiet Initiative, which is definitely an anti-tourism initiative. It makes me wonder about the intent and purpose of some of those people and about the integrity on your side.

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

MR. VOGT: All right. Thank you. Bill. And then our final speaker will be Aurah Landau.

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

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

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

Then the next one, next article I saw was the cruise ship industry saying, well, we've decided we want to sample the water behind the ship as it passes through the water. And I'm thinking -- I was real encouraged when I heard about these new wastewater treatment systems that are going to make the water that clean before it comes out. And now what I'm seeing is bait and switch.

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

And I'll follow that up with why. We also heard tonight something that you started the evening with, I think, was talking about in general, the oceans of the world are in a state of decline pretty much everywhere. To me that says that everyone has to do their best to keep it clean. But if you allow mixing zones, these samples that show the very high coliform -- we even had one gentleman representing the cruise industry saying those would be okay. Those would be legal if you allow us to do this mixing zone thing. To me that says you can have the grossest possible polluted water samples and it's okay as long as you hide it in the prop wash. That's not stewardship.

The next thing I wanted to talk about was kind of a response -- actually, I was going to say this before the last two gentlemen spoke -- but a response to this, well, you know, we ought to clean up our local problems first. I happen to live in that subdivision, Bonnie Brae subdivision, out by the heliport. And in the near future, I am going to pay approximately 40 percent of my life's savings to pay for the deliberate decisions of two regulatory agencies 20 years ago to look the other way when they left that outfall at plus ten. It's going to come out of my hide. So I feel like I'm kind of doing my part. I expect the same thing of the cruise ship agencies or the cruise ship lines.

I don't want to come back to another meeting 20 years from now that hashes over this same problem because we allowed mixing zones and there was degradation, there was degradation, there was degradation. You couldn't ever find it behind the ship because it was all mixed up, but it's happening. I don't want to do that because you guys choose to look the other way or do the wrong thing today. So I encourage you to do the right thing.

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

The last thing I want to talk about, that has been bantered back and forth all night long, is the voluntary compliance issue. And to me, voluntary compliance means voluntary non-compliance. We've been seeing this for years in the air quality issues in this town with that plume of blue smoke that's hanging over town all summer. For years these have been out of compliance. And the reason they are out of compliance is because it's been essentially voluntary up until this summer. For the last several years, there's been no regulatory oversight.

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

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

Thank you very much for hanging in there.

MR. VOGT: Same to you on hanging in there.

Next.

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

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

Since 1993 cruise ships have been involved in at least 87 confirmed illegal dumping cases. Back in 1994 and '95, Royal Caribbean illegally dumped in Gastineau Channel, just less than a quarter mile away. Over the last year alone, the industry has paid \$28 million in fines. You know, fines are not the answer. They haven't been for other issues, for other toxics, you know, around the country.

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

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

Though taking voluntary actions might be really good PR and might do some good, only getting regulatory strictures on the dumping will stop what may be polluting our waters here. Only requiring ships to hold discharge permits and monitor their discharges will help communities like Coffman Cove, Elfin Cove, Port Alexander that are in doughnut holes and so get dumped on during nearly every ship's trip.

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

Why should we trust the cruise ship industry now? Why should we trust them to keep our best interests above profit goals when they tell us now that the dumping is harmless? We don't have to let cruise ships into our ports, but we do. The industry is a guest here and nobody but the EPA can make them clean up before coming into our homes. The EPA should lift the existing exemption and treat the ships like the point source dischargers that they are.

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

Please, you know, stop dumping into places where we kayak, fish, collect clams, pull crabs, picnic and use the waterways and shorelines in hundreds of other ways. Upgrade old or install new water treatment equipment on cruise ships that only clean water is discharged. Or have the industry build regional water treatment plant or facilities that we don't have to take -- we don't have to take the stuff.

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

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

I want to thank you all again for sitting here, for listening to our region's needs, by holding a meeting and urge solid followup to establish authority over and create stringent water quality standards for and monitoring of cruise ship dumping in Southeast Alaska. You all can stand up now. Your backs must be tired. Thank you very much.

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

MS. HOMAN: I apologize. I haven't signed up. I didn't know I wanted to say anything. I wanted to take

about two minutes. My name is Paula Homan and I'm from Seward, Alaska.

And if you don't know, that's not in Southeast Alaska. And we also have many cruise ships load and unload in Seward. And we just wanted to make sure that any regulations that come out of these meetings and these talks are uniform for all Alaska. And so that you don't have no dumping in Inside Passage, but the minute you get out, you can dump. Because otherwise, you're going to be taking the problem from Juneau, putting it in other communities. And believe me, they will. We will end up with more pollution in Seward and Prince William Sound and other communities along the coast. And that's all I have.

MR. VOGT: All right. Thank you.

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

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

We don't have an opinion yet. If you heard me say one, I really didn't have it because we are truly in the information collection stage. I don't know what to do yet. But we are collecting information. You don't want to hear that we're going to study it more, but we have scratched the surface. We do have some new information. Some of it is surprising. Some of it's not. But we are formulating our ideas. And I think this has been a truly excellent hearing for helping us with those ideas. And I encourage you if you have some other thoughts, written comments, do provide those to us. And I want to certainly, one, thank the panel here. We didn't ask many questions. It was sort of obvious why not. We would be here many more hours if we did. I know they all listened because I was watching them. A few of them even took notes. I took 14 pages of notes. And we will have the real verbatim transcript provided to us as well.

I also want to thank the audience. And you can thank all your friends who already left for hanging out as long as they did. And thanks to Steve for helping set this thing up. And with that, thank you very much. I appreciate it and thank you for the opportunity of being here.

(**WHEREUPON**, the Meeting was concluded at 12:30 a.m.)

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.

EPA Public Meeting #12227 9/8/00