

PORT OF SEATTLE
MEMORANDUM

COMMISSION AGENDA – STAFF BRIEFING

Item No. 7b
Date of Meeting April 6, 2010

DATE: April 1, 2010
TO: Tay Yoshitani, Chief Executive Officer
FROM: Stephanie Jones Stebbins, Senior Manager, Seaport Environmental Programs
SUBJECT: Briefing on Cruise Ship Lines Memorandum of Understanding

The purpose of this briefing is to present three proposed amendments to the Cruise Ship Memorandum of Understanding (MOU) and note the need for the MOU parties to agree upon a procedure to amend the MOU.

BACKGROUND:

The Department of Ecology, Port of Seattle, and Northwest Cruise Ship Association negotiated a Memorandum of Understanding in 2004 to establish voluntary actions aimed at improving the treatment of waste discharges from cruise ships operating in Washington waters. The provisions of the MOU covered actions not currently regulated. The waters subject to the MOU include the Puget Sound and the Strait of Juan de Fuca south of the international boundary with Canada; and along Washington's Pacific Coast extending for three miles seaward. The original Memorandum was signed on April 20, 2004, and has been amended four times. The last amendment was signed on May 19, 2008. At the January 20, 2010, annual Cruise MOU meeting, three amendments were proposed by outside parties. These three amendments are currently under consideration. These proposals are:

1. To prohibit discharges within the Olympic Coast National Marine Sanctuary – proposed by the Olympic Coast Natural Marine Sanctuary Superintendent
2. To prohibit discharges at berth – proposed by the Friends of the Earth
3. To prohibit incineration within the MOU areas – proposed by People for Puget Sound

These proposed amendments were published by the Washington State Department of Ecology on their web site for a 30-day comment period that ended on March 22, 2010. A total of 612 comments were received (the majority of them appear to be similar or identical) with 610 supporting all three proposals and two opposing these proposed amendments to the MOU.

It is apparent that the parties to the MOU need to agree upon an amendment procedure so that amendments to the MOU can be proposed and acted on.

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Proposal #1:

The Olympic Coast National Marine Sanctuary (OCNMS or Sanctuary) is a marine protected area of national and international significance that covers 3,310 square miles of marine waters off the rugged Olympic Peninsula coastline. The area encompassed by the Sanctuary is recognized for its unique and abundant wildlife, relatively undeveloped condition, and productive ecosystem through state and federal designations – Washington Seashore Conservation Area, Olympic National Park’s coastal wilderness unit, and Washington Islands National Wildlife Refuges, as well as the Sanctuary.

Although most of the Olympic Coast National Marine Sanctuary lies beyond the 3 miles of shore and is therefore outside of the waters defined in the MOU, the agreement does contain clauses that reference the Sanctuary. Clause 2.1.4, developed for MOU Amendment No.3 in 2007, eliminates any discharge into waters of the Sanctuary of residual solids from either a type 2 marine sanitation device or an advanced waste water treatment system.

Clause 6 identifies both acknowledgment of and compliance with OCNMS regulations. [“The NWCA agrees to acknowledge and comply with appropriate rules and regulations related to the Olympic Coast National Marine Sanctuary, including but not limited to the regulations for implementing the National Marine Sanctuary Program (subparts A through E and subpart O of Title 15, Chapter IX, Part 922 of the Code of Federal Regulations)...”]

Clause 6 also acknowledges and supports compliance with a voluntary vessel traffic measure that was developed to reduce the risk of catastrophic injury to marine resources of the Sanctuary and the outer coast of Washington state. [“...and the International Maritime Organization (IMO) “Area To Be Avoided” off the Washington Coast.”]

The OCNMS has requested that the MOU be modified to:

1. eliminate discharge in OCNMS of any wastewater (treated or untreated) from cruise ships in sanctuary waters; and
2. apply terms of the agreement to *all* NWCA member vessels, regardless of their destination or ports of call.

While the first provision above is not in the MOU, the members of the Northwest Cruise Ship Association agree with the objectives for protection of the National Marine Sanctuary and, as a result, the NWCA member lines do not sail in the “Area to be Avoided,” which includes most of the Sanctuary. Also, at the Washington Annual Cruise MOU and Cruise Ship Update Meeting on January 20, 2010, NWCA and cruise line representatives stated that under their current operating practices, NWCA vessels are not discharging in sanctuary waters. The NWCA has also indicated a willingness to review its practices with the Sanctuary and “explore ways to provide information, reassurances of operating practices, and means of communication.”

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It was also discussed at that meeting that the National Oceanic and Atmospheric Administration (NOAA) has a process for development of regulations governing operations in the sanctuary.

Proposal #2:

Under the MOU, vessels may request approval annually from Ecology to discharge treated wastewater continuously, which includes while docked. However, most water quality studies of cruise ship waste assume the vessel to be discharging while traveling at a minimum speed of 6 knots.

The number of cruise ships that have been approved to discharge has varied since the original MOU was signed. In 2004, two vessels were approved to discharge continuously, in 2005-2008, between four and five vessels were approved to discharge continuously. In 2009, only two vessels which dock at Pier 66, received approval to discharge continuously. A significant investment was made to install Advance Wastewater Treatment Systems aboard these cruise vessels so that they could discharge treated wastewater.

Ecology conducts wastewater treatment compliance inspections of vessels. This inspection includes:

- A visit of the control room to see how the system works and to review records
- A tour of the wastewater treatment system
- Observations of other waste streams on the vessel
- On-board sampling of treated wastewater

Since July 2008, seven inspections have been conducted of homeport vessels as well as less frequent callers. Both of the vessels approved for discharge in 2009 were inspected. These inspections revealed that treatment systems were operating well and vessels had good discharge protocols. Ecology did recommend, however, for vessels to continue working towards high functioning wastewater treatment systems.

NWCA has indicated that continuous discharging is optimal for operational reasons. In addition, per the Cruise Ship Wastewater Management Report, prepared by King County in August 2007, *“based on a review of effluent sampling results prepared by the State Department of Ecology, and on a comparative analysis of effluent samples from some cruise ships with effluent produced at the West Point Treatment Plant, the cruise ships sampled are producing and discharging effluent that is at least as clean as effluent from West Point.”*

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Proposal #3:

Waters covered by the MOU are subject to **WAC 173-350-240** Energy Recovery and Incineration Facilities, which is enforced by the Department of Ecology or the various Air Agencies in the state. Under this statute, vessels cannot incinerate waste without filing a Notice of Construction with the regulating Agency and receiving an Order of Approval. This is a regulated activity and would therefore not need to be covered under this voluntary MOU.

The attached maps shows the Olympic Coast Marine Sanctuary boundaries, the waters covered by the MOU, and the different Air Agencies that regulate air emissions within the waters of the MOU.

DOCUMENTS ASSOCIATED WITH THIS BRIEFING:

Exhibit A – Map of the Olympic Coast National Marine Sanctuary

Exhibit B – Map of MOU Waters

Exhibit C – Map of Jurisdiction of Clean Air Agencies of Washington

Memorandum of Understanding Cruise Operations in Washington State including:

Appendix i – List of NWCA Member Lines

Appendix ii – CLIA Standards

Appendix xi – Summary of Amendments

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EXHIBIT A: Olympic Coast National Marine Sanctuary

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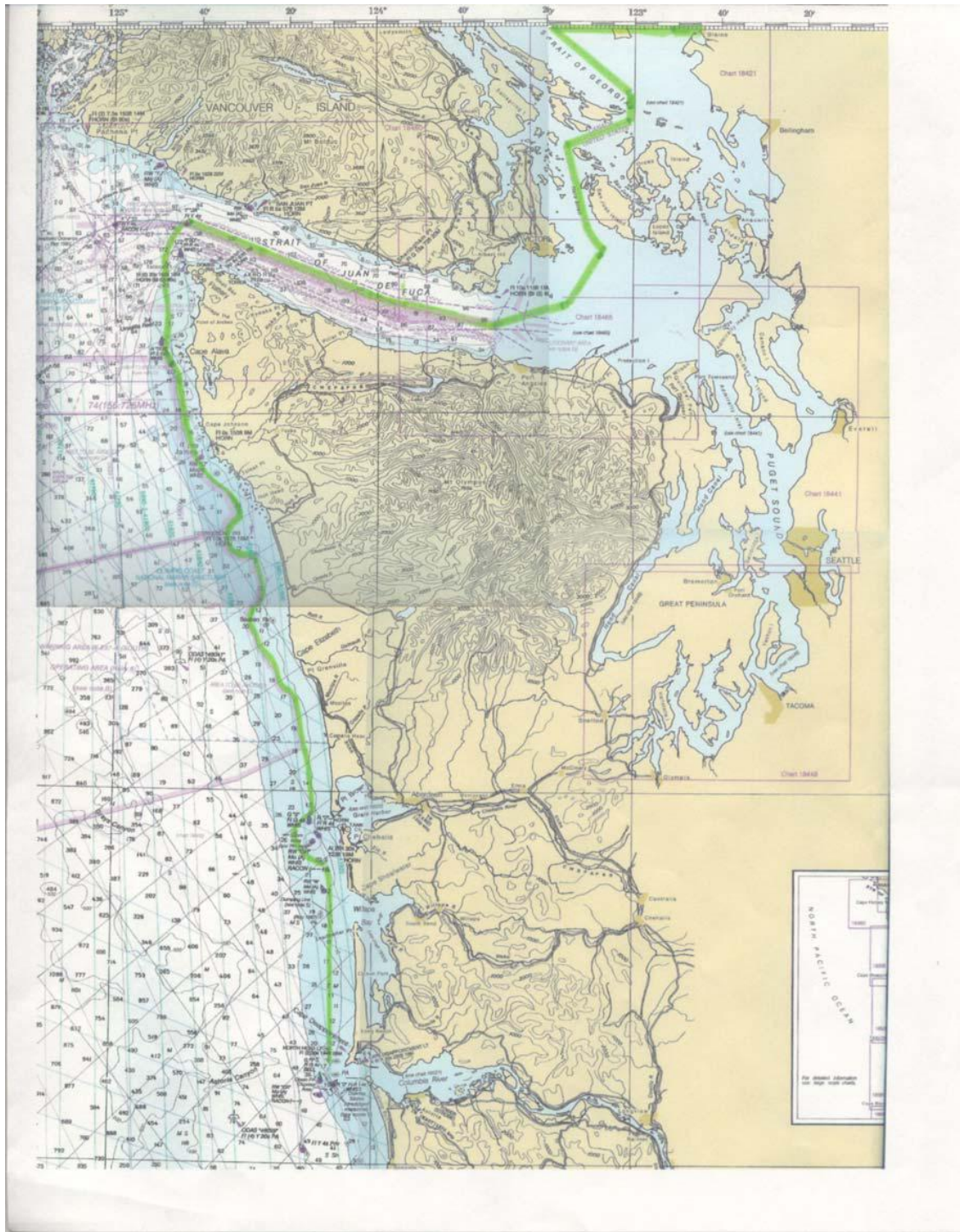


EXHIBIT B: Department of Ecology, Port of Seattle, Northwest Cruise Ship Association MOU Waters

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Clean Air Agencies of Washington

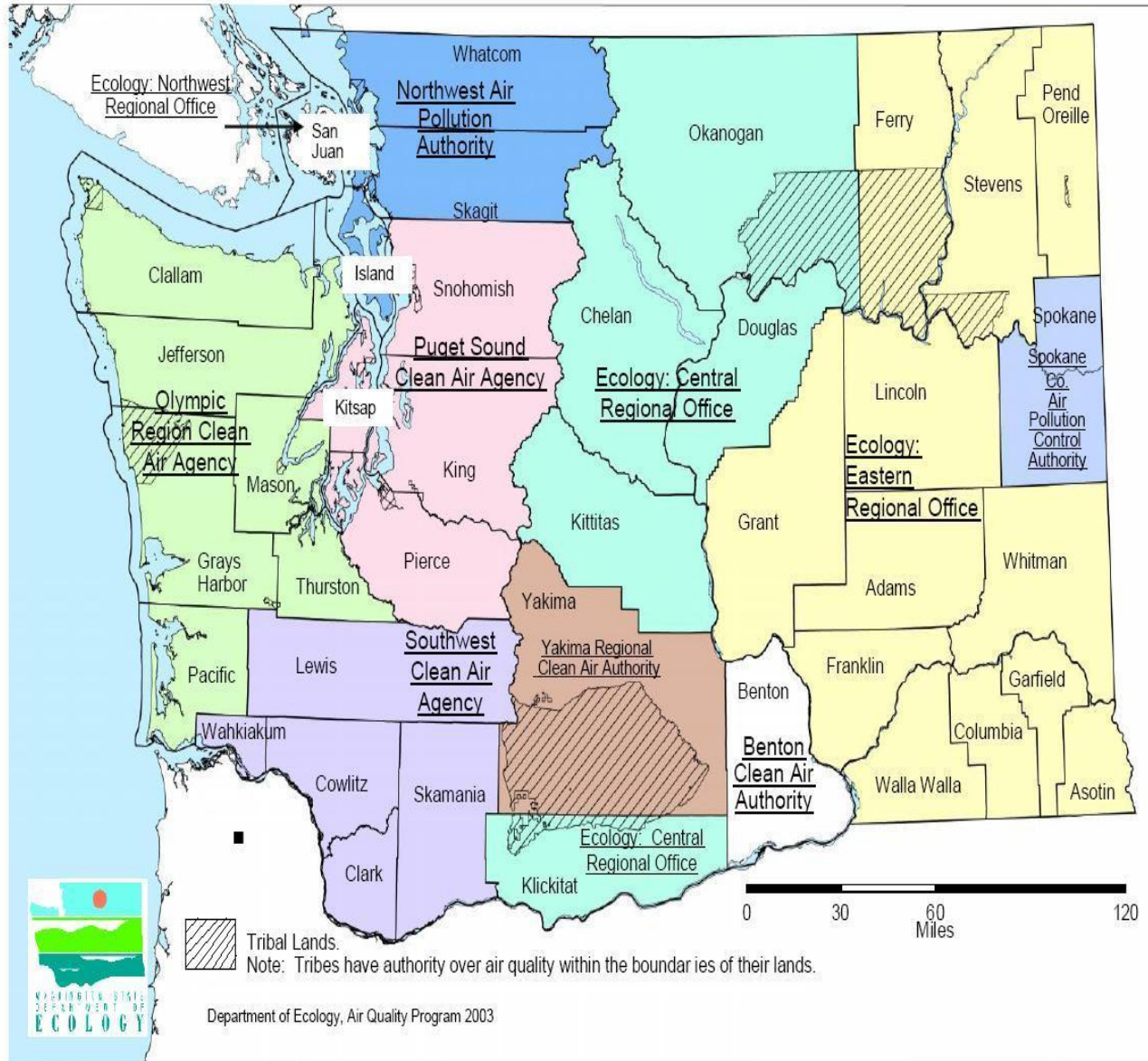


EXHIBIT C: Clean Air Agencies of Washington