

**PORT OF SEATTLE**  
**MEMORANDUM**

**COMMISSION AGENDA**

**Item No.** 7a

**Date of Meeting** February 14, 2012

**DATE:** February 6, 2012

**TO:** Tay Yoshitani, Chief Executive Officer

**FROM:** Stephanie Jones Stebbins, Director Seaport Environmental and Planning  
Michael McLaughlin, Director, Cruise and Maritime Operations

**SUBJECT:** Briefing on the Proposed Amendments to Memorandum of Understanding (MOU) on Cruise Operations in Washington State

**SYNOPSIS:**

No action is requested. This is a briefing in anticipation of a March 6, 2012, Commission meeting agenda item to establish the Port's position on proposed MOU amendments as described below.

**BACKGROUND OF THE MOU AND PROPOSED AMENDMENTS:**

The Cruise Memorandum of Understanding (MOU) is a voluntary agreement between three signatories: the Port of Seattle, the Washington State Department of Ecology and the North West and Canada Cruise Association. Interest in establishing the MOU started during the rapid growth of the cruise ship business in Washington in the last decade. Several bodies of law already govern waste management aspects of cruise ship operation. Nevertheless, the parties decided to create the MOU that goes beyond other existing environmental regulatory requirements. The original MOU was signed in 2004.

Since the original MOU signing in 2004, the agreement has been amended five times to reflect advances in wastewater treatment technology and higher standards for environmental stewardship. Recently, the MOU parties established policies to define a process for the consideration of proposed MOU amendments offered by non-parties. The policies dictate that such amendments can only be considered and adopted once every three years starting in 2012.

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The policies further establish a three-phase process for each individual review cycle. The phases are:

- a 21-day solicitation of amendment proposals,
- a 45-day evaluation of proposals against established criteria, and
- a 30-day public comment period for those amendment proposals found by at least one MOU party to meet the established criteria.

The respective staff of each MOU signatory have been working together to follow the prescribed process. At the time of the Commission presentation, the process will have just completed the third phase of review, the public comment period. Public comments are being accepted on proposed amendments submitted jointly by Friends of the Earth, Puget Soundkeeper Alliance, and People for Puget Sound. The wording of the proposal amendments is as follows:

- 1) Ban the discharge of gray water and black water in MOU waters.
- 2) Ban the continuous discharge of gray water and sewage (black water), limiting to only discharge while the ship is greater than 1 mile offshore and traveling at least 6 knots or more.

The original proposal included three amendments; however, the third proposed amendment was determined not to meet the criteria for moving forward. The public comment period for the remaining two amendments listed above will close on February 13, 2012. Staff has taken various actions to notify the public of the public comment period, including notices on the Port and Department of Ecology websites. The amendment process prescribes that the next step is for each party to adopt a position on each of the amendments that advanced to public comment in the third phase of review. As a result, the March 6 Port Commission meeting is the designated forum for the Port to determine its position with a formal vote of the Commission. In order to be adopted into the MOU, all three parties must unanimously support the amendment.

Port staff has been evaluating these amendments. Much of the proposal letter (attached) and supporting data (referenced EPA study) focus on practices already prohibited by the MOU, such as discharges by Type 2 Marine Sanitation Devices and untreated discharges of gray water and black water. None of these discharges are permitted by the MOU. For instance, the letter states: "Effluent discharges from MSDs often also exceed secondary treatment standards for land-based domestic sewage." We would agree, which is why the MOU already bans these discharges and has since its inception. We are happy to note that many of the concerns raised by the amendment proponents are already addressed by the current MOU.

In addition, the proposal letter also makes reference to treated discharge from Advanced Wastewater Treatment systems, which is allowed by the current MOU, following an approval process by the Department of Ecology. Specifically, footnote number five in the letter references the potential for higher ammonia concentrations in treated discharge from Advanced Wastewater Treatment systems versus land based treatment systems.

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### **OTHER DOCUMENTS ASSOCIATED WITH THIS BRIEFING:**

- Letter dated November 21, 2011, submitted jointly by Friends of the Earth, Puget Soundkeeper Alliance, and People for Puget Sound.

### **PREVIOUS COMMISSION ACTIONS OR BRIEFINGS:**

- On April 13, 2004, the Commission authorized the execution of an MOU governing environmental management practices of cruise ships using Port facilities.
- On June 27, 2006, the Commission was briefed on Cruise Operations water quality MOU
- On October 27, 2009, staff briefing on Cruise MOU, Commission received public comment regarding briefing on Cruise MOU.
- On April 6, 2010, the Commission was briefed on three proposed amendments to the MOU and the need for an agreed procedure for the amendment process.
- On November, 2, 2010, the Commission was briefed on the Cruise MOU, proposed options for an MOU amendment process.