

CSAW

Campaign to Safeguard America's Waters



Earth Island Institute

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DEC REJECTS ACA CHALLENGE TO CRUISE SHIP DISCHARGE PERMIT

On March 25th, DEC issued the Large Commercial Passenger Wastewater Discharge General Permit for cruise ship discharges mandated by the Cruise Ship Ballot Initiative that became law in August 2006 after a statewide vote. Among other provisions related to water quality, taxation, and commission disclosure, Alaska law now requires that the mega-ships obtain a discharge permit and meet all Alaska Water Quality Standards at the point of discharge.

On April 9th, lawyers for the Alaska Cruise Association (ACA) filed a 23-page request for an “informal hearing” on the General Permit, raising multiple challenges to DEC’s establishment of effluent limits for cruise ships without providing mixing zones – pollution-dilution zones – as required by Alaska law. ACA forwarded a radically different interpretation of Alaska statute and regulation, the Alaska Constitution, and the federal Clean Water Act. ACA’s request made it clear the industry intends to challenge DEC’s authority to the full extent provided by the courts. CSAW and Responsible Cruising in Alaska (RCA) submitted a letter to DEC on April 15th rebutting all of ACA’s assertions that DEC misinterpreted and misapplied Alaska law.

DEC’s response to the ACA brief, issued on April 24th, was equally clear and detailed, letting the industry know in no uncertain terms that it stands confidently behind its decision to issue the permit as drafted. Aside from agreeing to minor adjustments regarding the timetables for submission of sampling data, DEC and the Attorney General’s office decided against ACA on literally every major point.

Ballot initiative co-sponsor and CSAW Project Director Gershon Cohen was pleased by DEC’s decision to stay the course: “It is clearly legal and appropriate for DEC to deny mixing zones to cruise ships. Since they are mobile dischargers, the public wouldn’t know how many ships were discharging into the same waters, what impact the discharges might be having on the ecosystem because it will be impossible to do baseline studies, or even when fish, shellfish, aquatic plants, or marine mammals we are catching might be contaminated from being near the ship when it discharges.”

RCA representative Chip Thoma agreed: “A clear majority of Alaskans spoke at the ballot box two years ago. We stated our desire for the State to strictly enforce our water quality rules with respect to cruise ships, who have been convicted numerous times for illegally dumping wastes into public waters. Their claim that they can’t meet the new permit rings hollow – we believe they can and should meet our standards. Two years have passed since the vote and they have made no effort to comply. DEC’s permit has given them another two years to comply without penalties. They need to stop whining and spend their money on engineers instead of lawyers. They can do it if they try.”

For more information contact Gershon Cohen at CSAW.