

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
COMMERCIAL PASSENGER VESSEL ENVIRONMENTAL COMPLIANCE PROGRAM

SARAH PALIN, GOVERNOR

410 Willoughby Ave., Ste 303
P.O. Box 111800
Juneau, AK 99811-1800
PHONE: (907) 465-5300
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<http://www.state.ak.us/dec/>

September 17, 2008

Captain William J. Morani
VP of Environmental Management Systems
Holland America
300 Elliot Ave. West
Seattle, WA 98119

Certified Mail No.: 7003 1680 0004 2908 6527
Receipt Requested

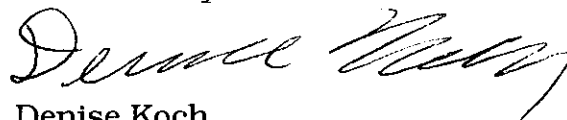
Re: Notice of Violation for the M/S Westerdam; May, June, and July 2008 Cruise
Ship General Permit Violations; CATS Enforcement # 08-0577-40-7138

Dear Captain Morani:

The Department of Environmental Conservation is writing this letter to transmit Notice of Violation (NOV) #08-0577-40-7138. The Discharge Monitoring Reports (DMRs) for this vessel indicate that effluent limits in the Large Commercial Passenger Vessel Wastewater Discharge General Permit number 2007DB0002 were exceeded for several parameters.

The Alaska Department of Law will be contacting you for settlement of this violation. If you have any questions or comments, please call me at (907) 465-5312.

Sincerely,



Denise Koch
Program Manager

cc: Environmental Crimes Unit, ADEC, Fairbanks, AK
Ruth Hamilton Heese, ADOL, Juneau, AK

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
STATE OF ALASKA
Commercial Passenger Vessel Environmental Compliance Program**

NOTICE OF VIOLATION (NOV)

Violation of Large Commercial Passenger Vessel Wastewater Discharge General Permit

To:

**Captain William J. Morani
VP of Environmental Management Systems
Holland America
300 Elliot Ave. West
Seattle, WA 98119**

**Enforcement Tracking No. 08-0577-40-7138
File No. 920.45.016**

The Department alleges that the vessel Westerdam did unlawfully discharge wastewater into waters of the state in violation of the effluent limits established in the Large Commercial Passenger Vessel Wastewater Discharge General Permit No. 2007DB0002.

This Notice of Violation (NOV) is being issued based upon information submitted by the company and summarized below:

Date of Sample	Date of DMR	Parameter	Concentration	Permit Effluent Limit	Monthly Average or Daily Maximum
05/2008	May 2008	Biological Oxygen Demand	34.4 mg/L	30 mg/L	Monthly Average
05/28/2008	May 2008	Ammonia	130 mg/L	80.4 mg/L	Daily Maximum
06/04/2008	June 2008	Ammonia	100 mg/L	80.4 mg/L	Daily Maximum
06/11/2008	June 2008	Ammonia	130 mg/L	80.4 mg/L	Daily Maximum
06/11/2008	June 2008	Zinc	0.501 mg/L	0.23 mg/L	Daily Maximum
07/16/2008	July 2008	Biological Oxygen Demand	41.3 mg/L	30 mg/L	Monthly Average

Penalties for violation of state statutes and regulations can be quite serious. In a civil action, a person who violates or causes or permits to be violated a provision of this permit, may be liable to the State for Substantial monetary damages under AS 46.03.760. Depending on the nature of the violation, you may also be liable for the state's response costs under AS 46.03.822, for spill penalties under AS 46.03.758-759, for administrative penalties under AS 46.03.761, or for other kinds of damages or penalties under other statutes.

In a criminal violation, a person who acts with criminal negligence may be guilty of a Class A misdemeanor. AS 46.03.790. Upon conviction, a defendant who is not an organization may be sentenced to pay a fine not exceeding \$10,000.00 and/or sentenced to a definite term of imprisonment of not more than one year. Upon conviction, a defendant that is an organization may be sentenced to pay a fine not exceeding the greater of \$200,000.00 or an amount which is three times the pecuniary damage or loss caused by the defendant to another or property of another. AS 12.55.035. Each day of violation may be considered a separate violation. Alaska laws allow the State to pursue both civil and criminal actions concurrently.

If you believe you have additional information that has not already been submitted to the Department that will be informative to the Department's investigation of the above-described violation(s), please submit it to the undersigned by October 1, 2008. Nothing in this Notice shall be construed as a waiver of the State's authority or as an agreement on the part of the State to forego judicial or administrative enforcement of the above-described violation(s) or to seek recovery of damages, cost and penalties as prescribed by law. In addition, nothing herein shall be construed as a waiver of enforcement for past, present, or future violations not specifically set forth herein.



Denise Koch, CPVEC Program Manager

Personally Served
 Sent by Certified Mail
7003 1680 0004 2908 6527
on the 17th day of September 2008.

Enclosures: May 2008 DMR, June 2008 DMR, July 2008 DMR.