

# 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 23, 2008

Randall R. Fiebrandt  
NCL (Bahamas) Ltd.  
7665 Corporate Center Drive  
Miami, FL 33126

Certified Mail No.: 7003 1680 0004 2908 6596  
Receipt Requested

Re: Notice of Violation for the M/S Norwegian Pearl; May 2008 Cruise Ship General  
Permit Violation; CATS Enforcement # 08-0180-40-7152

Dear Mr. Fiebrandt:

The Department of Environmental Conservation is writing this letter to transmit Notice of Violation (NOV) #08-0180-40-7152. The Discharge Monitoring Reports (DMRs) for this vessel indicate that an effluent limit in the Large Commercial Passenger Vessel Wastewater Discharge General Permit number 2007DB0002 was violated for pH.

The Alaska Department of Law may contact you for further enforcement, including settlement of this violation. If you have any questions or comments, please call me at (907) 465-5312.

Sincerely,



Denise Koch  
Program Manager

**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  
(AS 46.03.462)

**To:**

**Randall R. Fiebrandt  
NCL (Bahamas) Ltd.  
7665 Corporate Center Drive  
Miami, FL 33126**

**Enforcement Tracking No. : 08-0180-40-7152  
File No.: 920.45.006**

The Department alleges that the vessel Norwegian Pearl 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. (AS 46.03.462)

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

<b>Date of Sample</b>	<b>Date of DMR</b>	<b>Parameter</b>	<b>Concentration</b>	<b>Permit Effluent Limit</b>	<b>Monthly Average or Daily Max/ Min</b>
05/13/2008	May 2008	pH	6.18 S.U.	6.5 S.U.	Daily Minimum

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 7, 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 6596  
on the 23<sup>rd</sup> day of September 2008.

**Enclosure: May 2008 DMR**