

Passenger Vessel Association
103 Oronoco Street, Suite 200
Alexandria, VA 23514

November 30, 2017

Washington State Department of Ecology
Water Quality Program
3190 160th Avenue SE
Bellevue, WA 98008-5452
Attention: Ms. Amy Jankowiak

Ladies and Gentlemen:

The Passenger Vessel Association (PVA) – the national trade association representing owners and operators of U.S.-flagged passenger vessels of all types – submits this comment in response to the Washington Department of Ecology’s proposed rule to designate the Puget Sound and its adjacent waters as a No Discharge Zone (NDZ) for purposes of discharges of treated sewage effluent from vessels, including passenger vessels.

For the reasons explained later in this comment, PVA urges Ecology to amend the proposed rule to “grandfather” three “small ship” U.S.-flagged overnight cruise vessels currently operated in Puget Sound by two PVA members (American Cruise Lines and Un-Cruise Adventures).

PVA’s membership includes entities that operate different types of passenger vessels in Puget Sound. These include ferries (Washington State Ferries, Pierce County Ferries, King County Marine Division, Clipper Navigation, etc.), sightseeing vessels (Argosy Cruises), dinner cruise vessels, whalewatching vessels, and “small ship” overnight cruise vessels. For the most part, these passenger vessels do not discharge treated sewage effluent into Puget Sound, utilizing shoreside pump-out facilities. Therefore, most existing vessels operated by PVA members will be able to comply if the state designates the waters in question as a NDZ.

One PVA member has recently been constructing two new “small ship” overnight cruise vessels. These vessels have been designed and constructed with sufficient

holding tank capacity so that treated sewage effluent can be stored on board the vessels and will not need to be discharged into the waters under consideration, should the PVA member choose to operate them in Puget Sound.

However, three existing “small ship” overnight cruise vessels that currently operate on the waters of Puget Sound do not have sufficient holding tank capacity to safely store treated sewage effluent. These vessels process their sewage effluent through Coast Guard-approved marine sanitation devices (MSDs) and then, as permitted by the federal Clean Water Act, lawfully discharge the treated effluent into the surrounding waters.

For the three existing “small ship” overnight cruise vessels, it will be financially prohibitive for their owners to attempt to retrofit them to install sufficient tank capacity to hold sewage effluent generated on a voyage of a week or more in duration. Based on very cursory collected information, Ecology has estimated that the average cost of such a retrofit of a “small ship” overnight cruise vessel is \$680,000, but PVA believes that this assumption is grossly underestimated. PVA urges the Department of Ecology to consult in more detail with the two operators (American Cruise Lines and Un-Cruise Adventures) and their naval architects to obtain more realistic cost estimates.

In any event, the operations of these three existing “small ship” overnight cruise vessels simply do not generate revenues in amounts that can support or justify these costly retrofits. Faced with such mandated costs (even with an effective enforcement date delayed for five years), the most likely scenario will be that the vessel owners will simply choose to stop operating these older vessels or perhaps redeploy them to other geographic locations if it can be determined that other areas might reasonably provide an attractive market. The result – unintended by the Department of Ecology and undesired by the operators – could be the elimination of “small ship” overnight cruising in Puget Sound. This would deprive Washington State of a maritime sector that is a valuable contributor to its maritime economy, reduce opportunities for vessel-related and shoreside jobs, and take away a desired vacation option for in-state residents and customers from out of state.

An additional factor justifying a “grandfather” for the three existing U.S.-flagged “small ship” overnight cruise vessels is that there are no pump-out facilities (either shoreside or mobile) that exist now or that are likely to be made available that can reasonably service the particular vessels. The proposed rule’s five-year enforcement delay is an implicit acknowledgement of this fact. The finding by the regional office of the U.S. Environmental Protection Agency that adequate

facilities are available was simply wrong with respect to the three existing “small ship” overnight cruise vessels.

The only two identified shoreside facilities that are theoretically available to the three existing “small ship” overnight cruise vessels cannot process the amounts of treated effluent that the vessels generate and their docks and mooring facilities cannot accept vessels of this size and draft. Furthermore, the geographic location of these shoreside facilities (Bellingham) is too far removed from the typical itineraries of the vessels for the facilities to be considered to be reasonably available. There appears to be no rational expectation that properly-sized and -located shoreside pump-out facilities will be installed in the Puget Sound area during the five-year delay of the effective NDZ enforcement date for smaller cruise vessels.

Pump-out trucks cannot reasonably access the three vessels and are too limited in their receiving capacity; furthermore, the extended times that would be necessary for a fleet of trucks to offload the effluent from a “small ship” overnight cruise vessel would so disrupt the typical sailing schedule of a vessel to make it an impractical option. The same deficiencies attendant to pump-out trucks also apply to small mobile pump-out vessels or barges.

Washington Department of Ecology can preserve the continued Puget Sound operations of the three existing “small ship” overnight cruise vessels by altering the proposed rule to permanently “grandfather” the vessels from the enforcement of the NDZ. The vessels’ relatively small amounts of discharges of treated effluent (lawful under the federal Clean Water Act) will pose no environmental harm to Puget Sound waters. PVA urges the Department of Ecology to reconsider this limited aspect of the proposed rule.

Thank you!

Sincerely,
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