



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Environmental
Conservation

DIVISION OF WATER
Commercial Passenger Vessel
Environmental Compliance Program

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November 28, 2018

Jim Peschel
Senior Director for Environmental Operations
Holland America Line
300 Elliot Avenue West
Seattle, WA 98119

**Re: Transmittal of 2018 Unauthorized Graywater Discharge Notice of Violation for
Holland America Line, M/S Westerdam, CATS Enforcement No. 18-R1057-40-0001**

Dear Mr. Peschel:

The Alaska Department of Environmental Conservation (ADEC) is writing this letter to transmit the enclosed Notice of Violation (NOV), CATS Enforcement No. 18-R1057-40-0001 to Holland America Line, M/S Westerdam.

ADEC is issuing this NOV alleging that the Holland America Line, M/S Westerdam violated Alaska Commercial Passenger Vessel Environmental Compliance Program Statute AS 46.03.463(e). Please refer to the enclosed NOV for details on the alleged violation.

The Department acknowledges Holland America Line's response to the incident and their attempts to remediate the violation. The Alaska Department of Law, Attorney General's Office will be contacting you to propose settlement of this violation. If you have any questions or comments, please contact me at edward.white@alaska.gov or (907)465-5138.

Sincerely,

Edward White
Environmental Program Manager

A handwritten signature in blue ink, appearing to read "E. White" with a date "2/19" and the name "Fane" written below it.

Enclosures: 2018 Unauthorized Graywater Discharge Notice of Violation, M/S Westerdam

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

NOTICE OF VIOLATION (NOV)

Violation of AS 46.03.463(e). Prohibited discharges, limitations on discharges.

To:

Mr. Jim Peschel
Senior Director for Environmental Operations
Holland America Line
300 Elliot Avenue West
Seattle, WA 98119

Enforcement Tracking No. 18-R1057-40-0001
CATS No. 2018-R1057

The Department alleges that the Holland America Line, *M/S Westerdam* did unlawfully discharge untreated graywater into the marine waters of the state. Such actions are in violation of AS 46.03.463(e).

Background:

The *Westerdam* (HWE) did not seek authorization to discharge treated permeate into Alaska waters under the Large Commercial Passenger Vessel Wastewater Discharge General Permit No. 2013DB0004-0023 (GP) for the 2018 season. Graywater collected onboard the ship is not treated onboard and must be stored onboard for discharge outside Alaska waters.

Violations:

Specific details of the non-compliance items are provided below:

1) *Violation of AS 46.03.463(e)*

- *AS 46.03.463(e)*: An owner or operator may not discharge any treated sewage, graywater, or other wastewater from a large commercial passenger vessel into the marine waters of the state unless the owner or operator obtains a permit under AS 46.03.100 and AS 46.03.462, and provided that the vessel is not in an area where the discharge of treated sewage, graywater, or other wastewaters is otherwise prohibited.

On September 11, 2018 Holland America Group notified ADEC SPAR of a wastewater spill, caused by a tank overflow, while the vessel was navigating in Glacier Bay National Park. The ship discovered to have had a direct discharge of an estimated 85.4 m³ of untreated graywater over a period of approximately 25 minutes. Graywater collected onboard the ship is not treated onboard and must be stored onboard until the ship is outside Alaska waters. The collection tanks used are No. 3 Port and No. 3 Starboard for accumulated graywater. Periodically when the No. 3 Port and No. 3 Starboard tanks are full, a transfer is required to other designated retention tanks as ordered by the daily stability rotation provided by the bridge. Accordingly, the technical department has a plan to first transfer the contents from No. 3 Port tank to No. 6 Center tank and then to No. 4 Center tank. A transfer from No. 3 Port tank to No. 6 Center tank was completed without overflow. The valves were then set up by the operator to transfer the contents from No. 6 Center tank to No. 4 Center tank. The operator noted that a reduction in the level of No. 6 Center tank occurred, but not an immediate increase in the level of No. 4 Center tank. After rechecking the valves, it was discovered that the operator mistakenly opened the No. 3 Void valve rather than No. 4 Center valve. No. 3 Void tank was already filled to capacity with fresh water that was designated as permanent ballast. It was determined that the approximate 85.4 m³ of untreated graywater had been pumped overboard via the tank vent system. HAL stated the root cause of the non-complaint discharge was caused by operational error due to the operator mistaking No. 4 Center valve for the No. 3 Void valve.

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.

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 Wiltse
Enforcement Officer
Credential #R-0258

- Personally Served
- Sent by Certified Mail

on the 28th day of November, 2018