



County of Santa Cruz

BOARD OF SUPERVISORS

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JANET K. BEAUTZ
FIRST DISTRICT

ELLEN PIRIE
SECOND DISTRICT

MARDI WORMHOUDT
THIRD DISTRICT

TONY CAMPOS
FOURTH DISTRICT

JEFF ALMQUIST
FIFTH DISTRICT

AGENDA: 8/13/02

August 8, 2002

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: SUPPORT **FOR** ZERO DISCHARGE POLICY FOR CRUISE SHIPS
WITHIN THE MONTEREY BAY NATIONAL MARINE SANCTUARY

Dear Members of the Board:

In September of 2000, Governor Davis signed Assembly Bill 2746 (attached), which established the California Cruise Ship Environmental Task Force and charged it with monitoring the impacts of the cruise industry on the California environment. A report is due to the Legislature with recommendations by June, 2003. As I understand it, this would be an appropriate time for the County to bring its concerns and recommendations regarding this issue **to** the attention **of** the Task Force in order to attempt to influence its recommendations.

It is clear that existing State and federal regulations on cruise ship pollution are not enough. In March **of** 2000, 57 environmental groups from around the country petitioned the United States Environmental Protection Agency to take a harder **look** at existing regulations for cruise ship pollution and to come up with new standards. **So** far, only the State **of** Alaska has moved forward **on** this issue. They have adopted extremely stringent regulations and their legislation includes provisions to ban discharges in special areas.

Surely, the Monterey Bay National Marine Sanctuary is also a special area deserving similar protection. This Board has consistently urged the protection **of** the Monterey Bay and strongly supported its designation as a marine sanctuary. In

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addition, the County's General Plan contains strong policy language regarding the need to protect the Bay's water quality. While cruise ships in the Monterey Bay would probably bring economic benefits to some of the adjacent communities, it is critical that these benefits not be at the expense of the environment. I think it is important that we notify the State Task Force of the importance of protecting the water quality of the Monterey Bay National Marine Sanctuary and the need to adopt a zero discharge policy to ensure that such protection occurs.

Therefore, I recommend that the Board of Supervisors direct the Chairperson to send the attached letter to the California Cruise Ship Environmental Task Force supporting a zero discharge policy for cruise ships in the Monterey Bay National Marine Sanctuary and, in addition, adopt the attached resolution on this matter and also send it to the Task Force.

Sincerely,

A handwritten signature in black ink that reads "Mardi Wormhoudt". The signature is written in a cursive, slightly slanted style.

MARDI WORMHOUDT, Supervisor
Third District

MW:lg
Attachment

cc: Kaitlin Gaffney, The Ocean Conservancy
Save Our Shores
Sierra Club

1184H3

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.

On the motion of Supervisor
Duly seconded by Supervisor
The following resolution is adopted

RESOLUTION RECOMMENDING ZERO DISCHARGE POLICY FOR CRUISE SHIP
OPERATIONS IN THE MONTEREY BAY NATIONAL MARINE SANCTUARY

WHEREAS, the Monterey Bay National Marine Sanctuary is the largest national marine sanctuary in the United States, representing nearly 30% of the surface area protected in the National Marine Sanctuary Program, and two-thirds of the total volume of marine and coastal waters in the national system; and

WHEREAS, the Monterey Bay National Marine Sanctuary provides habitat for a wide diversity of marine life, including 33 species of marine mammals, 94 species of seabirds, 345 species of fishes, 4 species of sea turtles, thousands of species of invertebrates, and more than 450 species of marine algae, as well as 26 species that receive special protection under the Endangered Species Act; and

WHEREAS, it was announced on Tuesday, February 26, 2002, in the Monterey County Herald that three luxury cruise operations, Princess Cruises, Royal Caribbean Cruises Ltd., and Crystal Cruises, have all planned stops for some of their largest vessels in Monterey between May and November of this year; and

WHEREAS, the cruise industry is undergoing an unprecedented expansion, shown by California's 67% increase in cruise ship traffic between 1990 and 1998, with more than 50 new cruise ships scheduled to come into service over the next four years; and

WHEREAS, the cruise industry has a serious record of negative impacts on the health and safety of the water, air, and marine life in their traffic lanes and ports of call, with 490 safety and environmental violations between 1993 and 1998, according to the United States Coast Guard, and dozens of confirmed cases of illegal discharges from 1993-2001, resulting in approximately \$50 million in criminal penalties; and

WHEREAS, State and federal regulations for the discharge from cruise ships sewage, gray water, ballast water, and oily bilge water are extremely limited, and the U.S. Coast Guard has severe budget constraints and lack of personnel available for cruise ship inspections and monitoring of discharge.

NOW, THEREFORE, **BE IT RESOLVED** that the Santa Cruz County Board of Supervisors recommends that cruise ships be required to comply with a "zero discharge" policy in the waters of the

RESOLUTION RECOMMENDING ZERO DISCHARGE POLICY FOR CRUISE SHIP
OPERATIONS I THE MONTEREY BAY NATIONAL MARINE SANCTUARY
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Monterey Bay National Marine Sanctuary, with zero discharge to include no dumping of sewage, gray water, oily bilge water, ballast water, hazardous wastes, or marine debris anywhere in Sanctuary waters or outside the Sanctuary if the discharge may harm Sanctuary resources or water quality.

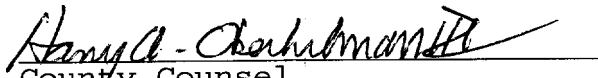
PASSED AND ADOPTED by the Board of Supervisors **of** the County of Santa Cruz, State of California, this _____ day **of** _____, 2002, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS

JANET K. BEAUTZ, Chairperson
Board **of** Supervisors

ATTEST: _____
Clerk of said Board

Approved as to form:



County Counsel

DISTRIBUTION: The Ocean Conservancy
Save Our Shores
Sierra Club
Governor Davis
Senator McPherson
Congress Member Honda
Congress Member Farr
Congress Member Eshoo
Assembly Member Keeley
Assembly Member Salinas

1184H3

PROPOSED

Chair Nancy Kampas and Members of the
California Cruise Ship Environmental Taskforce
State Water Resources Control Board
1001 I Street, 15th Floor
Sacramento, CA 95812-0100

RE: Support for Zero Discharge Policy for Cruise Ships Within the Monterey Bay National Marine Sanctuary

Dear Ms. Kampas and Members of the California Cruise Ship Environmental Taskforce:

Please accept the following comments regarding the environmental impacts associated with increased cruise ship visitation and traffic in the Monterey Bay and Central Coast region on behalf of the Santa Cruz County Board of Supervisors. The Santa Cruz County Board of Supervisors urges your Taskforce to recommend to the legislature special protections for the Monterey Bay National Marine Sanctuary including a prohibition on all cruise ship discharges in Sanctuary waters.

Santa Cruz County recognizes that continued protection of the resources of the Central Coast and the Monterey Bay is a key element of maintaining quality of life for County residents and attracting visitors to our area. Santa Cruz County communities led the effort to advocate for the largest boundary and the strongest protections possible for the proposed Monterey Bay National Marine Sanctuary. In 1992, these efforts successfully culminated in the designation of the nation's largest national marine sanctuary. Continued protection of Sanctuary water quality is a top concern for our citizenry.

Santa Cruz County's commitment to addressing coastal water quality is contained in our Local Coastal Plan (LCP) at Objective 5.4: Monterey Bay and Coastal Water Quality:

To improve the water quality of Monterey Bay and other Santa Cruz County coastal waters by supporting and/or requiring the best management practices for the control and treatment of urban run-off and wastewater discharges in order to maintain local, state and national water quality standards, protect County residents from health hazards of water pollution, protect the County's sensitive marine habitats and prevent the degradation of the scenic character of the region.

The LCP also contains numerous specific policies designed to eliminate harmful ocean discharges and protect the water quality of the Monterey Bay National Marine Sanctuary.

While we recognize that increased cruise ship visitation to the Monterey Bay may have positive economic benefits and provide opportunities to educate visitors about the beauty of our area, we are also concerned about potential impacts of such visits to the marine

environment. Given the cruise industry's recent documented history of illegal ocean dumping, we believe it is appropriate to hold cruise lines to the highest possible standards to ensure protection of coastal resources. With the rapid growth in the cruise industry generally, and the renewed interest of large cruise ships in visiting the Monterey Bay area, come an increase in risks of cruise ship associated pollution in our area. We understand that all of the cruise lines visiting the Monterey Bay in 2002 have agreed voluntarily to a zero discharge policy for ocean dumping in the Sanctuary. We urge your Taskforce to recommend to the Legislature that the Monterey Bay National Marine Sanctuary be designated a "zero discharge" zone for all future cruise ship visits as well.

Thank you very much for your consideration of our views.

Attachment: Board of Supervisors Resolution of _____

cc: Senator Bruce McPherson
Assemblyman Fred Keeley
State Environmental Protection Agency

BILL NUMBER: AB 2746 CHAPTERED
BILL TEXT

CHAPTER 504

FILED WITH SECRETARY OF STATE SEPTEMBER 19, 2000

APPROVED BY GOVERNOR SEPTEMBER 17, 2000

PASSED THE ASSEMBLY AUGUST 25, 2000

PASSED THE SENATE AUGUST 24, 2000

AMENDED IN SENATE AUGUST 14, 2000

AMENDED IN SENATE AUGUST 7, 2000

AMENDED IN ASSEMBLY MAY 26, 2000

AMENDED IN ASSEMBLY MAY 3, 2000

AMENDED IN ASSEMBLY APRIL 13, 2000

INTRODUCED BY Assembly Member Nakano
 (Coauthors: Assembly Members Bock, Cunneen, and Jackson)
 (Coauthor: Senator O'Connell)

FEBRUARY 25, 2000

An act to add and repeal Division 37 (commencing with Section 72300) to the Public Resources Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2746, Nakano. Large passenger vessels: water quality.

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board is the principal state agency with primary authority over water quality matters. Under the act, the board prescribes waste discharge requirements for the discharge of waste into the waters of the state.

This bill would, until July 1, 2003, create the Cruise Ship Environmental Task Force, to be convened by the California Environmental Protection Agency, comprised of representatives of the State Water Resources Control Board, the Department of Fish and Game, the Department of Toxic Substances Control, the Integrated Waste Management Board, the State Lands Commission, and the State Air Resources Board. The bill would authorize the California Environmental Protection Agency to request the participation of the United States Coast Guard as a member of the task force.

The bill would, until July 1, 2003, require the task force to gather reports and manifests of waste released and offloaded by large passenger vessels, as defined. The bill would require owners and operators of large passenger vessels to submit reports of releases of graywater or sewage not later than 10 days from the close of a calendar quarter in which the vessel has operated in the marine waters of the state to the State Water Resources Control Board. The bill would require the State Air Resources Board to measure and record the opacity of visible emissions, excluding condensed water vapor, of a representative sample of large passenger vessels.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Division 37 (commencing with Section 72300) is added to the Public Resources Code, to read:

DIVISION 37. LARGE PASSENGER VESSELS PROGRAM
CHAPTER 1. DEFINITIONS

72300. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of this division:

(a) "Air contaminant" has the meaning set forth in Section 39013 of the Health and Safety Code.

(b) "Calendar quarter" or "quarter" means the three-month periods ending March 31, June 30, September 30, and December 31.

(c) "Emission" means a release of an air contaminant into the atmosphere.

(d) "Graywater" means drainage from dishwasher, shower, laundry, bath, and wash basin drains, but does not include drainage from toilets, urinals, hospitals, and cargo spaces.

(e) "Hazardous waste" has the meaning set forth in Section 25117 of the Health and Safety Code.

(f) "Large passenger vessel" or "vessel" means a vessel of 300 gross registered tons or greater that is engaged in the carrying of passengers for hire, excluding all of the following vessels:

(1) Vessels without berths or overnight accommodations for passengers.

(2) Noncommercial vessels, warships, vessels operated by nonprofit entities as determined by the Internal Revenue Service, and vessels operated by the state, the United States, or a foreign government.

(g) "Marine waters of the state" means "coastal waters" as defined by Section 13181 of the Water Code.

(h) "Medical waste" means medical waste subject to regulation pursuant to Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code.

(i) "Offloading" means the removal of waste onto or into a controlled storage, processing, or disposal facility or treatment works.

(j) "Oil" has the meaning set forth in Section 8750.

(k) "Operator" has the meaning set forth in Section 651 of the Harbors and Navigation Code.

(l) "Owner" has the meaning set forth in Section 651 of the Harbors and Navigation Code.

(m) "Release" means discharging or disposing of wastes into the environment.

(n) "Sewage" has the meaning set forth in Section 775.5 of the Harbors and Navigation Code, and also includes material that has been collected or treated through a marine sanitation device as that term is used in paragraph (5) of subsection (a) of Section 1322 of Title 33 of the United States Code.

(o) "Solid waste" has the meaning set forth in Section 40191.

(p) "Waste" means an air contaminant, graywater, sewage, solid waste other than hazardous waste, including incinerator residue and medical waste, hazardous waste, or oily waste.

CHAPTER 2. LARGE PASSENGER VESSELS

72301. (a) The Cruise Ship Environmental Task Force is hereby, created to evaluate environmental practices and waste streams of large passenger vessels. The task force shall be convened by the California Environmental Protection Agency, and shall consist of representatives of the State Water Resources Control Board, the Department of Fish and Game, the Department of Toxic Substances Control, the Integrated Waste Management Board, the State Lands Commission, and the State Air Resources Board. The California Environmental Protection Agency shall request the United States Coast Guard to participate as a member of the task force. The task force may also consult with the Office of Environmental Health Hazard Assessment and shall establish a process for receiving comments from the public and the cruise ship industry on matters to be considered by the task force.

(b) The purpose of the task force is to gather information necessary for the preparation of the report required by Section 72304.

(1) The task force shall gather reports and manifests of waste released and offloaded that are submitted by large passenger vessels to state entities under state and federal law.

(2) As requested by the task force, owners or operators of large passenger vessels agree to submit copied excerpts of records and manifests, including oil record books, garbage record books, engine room log books, or other records of waste released or offloaded after January 1, 2001, from the vessels in California.

(3) To the extent permitted by state and federal law, the task force may request an owner or operator to submit supplemental or additional information.

(c) This section does not relieve an owner or operator from complying with any other reporting requirement imposed pursuant to any other state or federal law.

72302. The owner or operator of a vessel, not later than 10 days from the close of a calendar quarter in which the owner or operator has operated, or caused to be operated, a vessel in the marine waters of the state, shall submit to the State Water Resources Control Board a report of any release of graywater or sewage that occurred during the previous calendar quarter while the vessel was located in the marine waters of the state, to the extent that these releases can be reasonably quantified.

72303. The State Air Resources Board shall measure and record the opacity of visible emissions, excluding condensed water vapor, of a representative sample of large passenger vessels while at berth or at anchor in a port of this state.

72304. The California Environmental Protection Agency shall utilize the information gathered by the task force and prepare and submit a report to the Legislature, on or before June 1, 2003, that includes-a-ll of the following information:

(a) A summary review of environmental rules, regulations, reports, reporting procedures, and mechanisms for the management of waste applicable to large passenger vessels based on international, federal, and state law.

(b) A review and analysis of information contained in any report submitted to any state or federal entity by the owner or operator of a large passenger vessel related to the matters subject to this division, as well as reports and other records submitted to the task force under this division.

(c) Identification of areas of concern that may not be covered by existing reporting requirements that should be included in federal or state reporting requirements.

(d) Identification of mechanisms to better coordinate the activities of the various state and federal agencies that regulate the operation of large passenger vessels.

(e) Observations regarding the potential impacts of reported quantities and characteristics of releases of waste on water quality, the marine environment, and human health, taking into consideration applicable water quality standards, and an evaluation of the air contaminant emissions on air quality and human health, taking into consideration applicable air quality standards.

(f) Recommendations to the Coast Guard and state agencies, as appropriate, to address any areas where additional regulations or reporting may be appropriate.

72305. This division shall remain in effect only until July 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2003, deletes or extends that date.