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Cruise Lines Admit Pollution Violations

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Cruise lines have acknowledged more than a dozen violations of their voluntary environmental agreement with the state, including the dumping of treated sewage in Penguin Bank, a protected fishing ground off the south coast of Moloka'i frequented by humpback whales.

"These noncompliances were disappointing and are cause for concern," said Larry Lau, state deputy director for environmental health. But he said the voluntary agreement "beats nothing. ... I'm trying to do the best with what we have."

Health Department officials and the North West Cruise Ship Association are planning changes to the agreement that would set stricter guidelines on the ships. Two key changes would direct ships to report pollution incidents within 10 days and prepare for oil spills.

The cruise ships have been operating under the voluntary guidelines outlined in a state memorandum of understanding signed by former Gov. Ben Cayetano in October 2002. The agreement prohibits most wastewater discharge in marine areas surrounding the Islands.

Cruise industry and state officials laid out the terms of the revised agreement at a forum last night. State officials plan to fine-tune those amendments soon and take them to the governor for approval. Under the current guidelines, the cruise lines were to tell the state by year's end about any discharges that violated the agreement in its first year.

According to a letter from William Wright, Royal Caribbean Cruises Ltd. senior vice president for safety, security and environment, the cruise line's Legend of the Seas ship mistakenly discharged cleaning drainage known as graywater and treated sewage called blackwater into Hawai'i marine areas on 10 occasions while traveling through Penguin Bank. The incidents happened on Nov. 27 and 30 and Dec. 2, 17 and 20 in 2002 and on March 19 and April 5, 9, 23 and 24 in 2003 while the ship was traveling between the islands.

Royal Caribbean's Radiance of the Seas ship also incinerated waste in port on Oct. 29, 2002, before it received notification that the environmental agreement was in place. On Oct. 29 and Nov. 2 of that year, the ship also discharged graywater and treated blackwater into Penguin Bank.

According to the company, Royal Caribbean ships were in compliance with the agreement 99.66 percent of the time. The ships have since changed their routes to avoid Penguin Bank.

For its part, Princess Cruises' Dawn Princess ship reported violating the agreement three times, discharging a total of about 75 metric tons or 19,813 gallons of galley and graywater in marine areas this past April and May.

According to George Wright, Princess Cruises vice president of environmental compliance, "We were in compliance with the waste water discharge standards 99.7 percent of the time."

Holland America Line's Statendam reported committing errors in reporting discharges of wastewater.

Despite the violations, the cruise ship reports so far "show substantial compliance," said Tom Arizumi, chief of the Health Department's environmental management division. "We have a few cruise lines that had some minor anomalies."

Environmentalists say the violations are a problem.

"I think that that points to the fundamental flaw (of the memorandum of understanding)," said Sierra Club of Hawai'i director Jeff Mikulina. "They break it and nothing happens. That's why we're pushing for legislation."

Cruise industry executives say the memorandum holds cruise lines to a higher standard of environmental practice than could a Hawai'i law since it prohibits discharges in waters that extend beyond areas within the state's jurisdiction.

But several lawmakers and environmentalists contend the agreement fails to ensure the cruise lines are adequately protecting the environment and have called for regulations and penalties. House Economic Development Committee Chairman Brian Schatz, D-25th (Makiki, Tantalus), said the memorandum of understanding does not go far enough to protect Hawai'i's environment from discharges by cruise ships.

"Globally their track record is short of perfect," Schatz said. "In the past people looked at these kinds of issues as sort of the environment against the business community and I think that's the wrong way to look at it," Schatz said. "We don't think there's an inherent contradiction between supporting the cruise industry and supporting regulation of the cruise industry."

He is working on legislation modeled after a new California law prohibiting discharges in state waters. The legislation would set limits on wastewater and air discharges, create an inspection program, establish a berth fee to pay for the inspection program and set penalties. The legislation could be inserted into an existing law and provide penalties of up to \$25,000 for violations. "In other places the cruise ships have simply paid penalties as a cost of doing business and they found that noncompliance is cheaper than compliance," Schatz said. "So I think the penalties have to be severe enough so that the industry has no choice but to keep our waters clean."

The state could also seek congressional approval to extend the areas of water that the state would control, said Mikulina. In Florida, "the cruisers usually depart from Miami or wherever and they head south to the Caribbean, so it's not like they linger in the (state) waters like they linger in Hawai'i," Mikulina said.

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