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May 23, 2008

## HAND DELIVERED

Larry Hartig  
Commissioner  
Alaska Department of Environmental Conservation  
555 Cordova Street, Sixth Floor  
Anchorage, Alaska 99501-2617

Re: Alaska Cruise Association's Request for Adjudicatory Hearing Regarding Large Commercial Passenger Vessel Wastewater Discharge General Permit

Dear Commissioner Hartig:

We represent the Alaska Cruise Association ("ACA"), an association of nine Cruise Lines whose vessels call on Alaskan ports. The ACA has authorized us to file on its behalf the enclosed appeal of the Large Commercial Passenger Vessel Wastewater Discharge Permit No. 2007DB0002. This appeal follows Ms. Kent's April 24, 2008, decision on ACA's Request for Informal Review. Please find enclosed ACA's Request for Adjudicatory Hearing (including Appendices) and Conditional Request for Partial Stay of Decision that are hereby submitted in accordance with 18 AAC 15.200 and 18 AAC 15.210.

Please take note that the Request for Adjudicatory Hearing also contains a request that the Commissioner stay the formal proceedings in the appeal until the occurrence of specific events described in the document. The Cruise Lines are committed to working proactively and cooperatively with the Alaska Department of Environmental Conservation ("ADEC") to minimize the environmental impacts of cruise ships, and are currently working on Source Reduction Evaluations with the goal of meeting the Permit's final effluent limits by 2010. The purpose of the procedural stay is to give the Cruise Lines and ADEC sufficient time to continue this cooperative relationship in order to determine whether it is feasible for the Lines to meet the Permit's stringent long-term



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effluent limits by the 2010 cruise season. We believe it is well within the Commissioner's legal authority to grant a procedural stay within the context of alternative dispute resolution as outlined in 18 AAC 15.205. The granting of such a stay would allow all concerned to avoid the unnecessary expenditure of resources on litigation regarding issues that may ultimately prove to be moot.

The Cruise Lines firmly believe in the merits of their appeal and must preserve all of their legal rights. The Lines also believe, however, that a procedural stay makes sense under the current circumstances. We look forward to working with the State of Alaska to find fair and reasonable solutions to the issues raised by the General Permit. Thank you for your consideration of this request and the enclosed appeal.

Very truly yours,

DAVIS WRIGHT TREMAINE LLP

A handwritten signature in blue ink, appearing to read 'Eric J. Jenkins', is written over a blue ink stamp of the firm's logo, which is a stylized 'D' and 'W'.

Eric J. Jenkins  
Richard W. Elliott

EJJ/jle  
Encl.

cc: Lynn Kent  
Ruth Heese (via email)  
John Binkley  
Gary Mendivil (via email)