



REGION 6

DALLAS, TX 75270

September 19, 2024

VIA Electronic Mail:

Ms. Fantasia Marco
Vice President Safety and Compliance
Environment/Safety Executive
NORWEGIAN CRUISE LINE HOLDINGS, LTD
7665 NW 19th Street
Maimi, Florida 33126-9115
mfantasia@ncl.com

Re: Request for information pursuant to Section 3007 of the Resource Conservation and Recovery Act regarding Norwegian Cruise Line Holdings, LTD.,

Dear Ms. Marco:

Enclosed is an Information Request ("Request") issued to Norwegian Cruise Line Holdings, LTD., ("Norwegian") regarding its activities and obligations pursuant to the Resource Conservation and Recovery Act ("RCRA"). This Request is being made pursuant to the authority set forth in Section 3007 of RCRA, 42 U.S.C. § 6927. Pursuant to this authority, the Environmental Protection Agency, (the "EPA" or "Agency"), Region 6 may require persons with information relevant to the generation, storage, treatment, transportation, disposal, and/or otherwise handling of Hazardous Waste, Hazardous Secondary Material, or Recyclable Materials to submit information to EPA so that EPA may determine Norwegian compliance with Sections 3001 – 11010 of RCRA 42 U.S.C. §§ 6921 – 6992k.

EPA is conducting an investigation and records review of Norwegian's management practices for Hazardous Waste, Hazardous Secondary Material, or Recyclable Material it generates and/or receives from sources, including, but not limited to waste generated and offered for transport from the Vessels operated by Norwegian that dock and offload/land waste at any port in EPA, Region 6. The predicate for this investigation and records review is supported by information EPA has that confirms Norwegian's shipment of Hazardous Waste, Hazardous Secondary Material, or Recyclable Material from Norwegian's operations of its Vessels/cruise ships.

Please respond to this Request within thirty (30) calendar days of receipt. Compliance with this Request is mandatory. Failure to respond fully and truthfully to the Request or to adequately justify

such failure to respond can result in enforcement action by EPA pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

This Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, *et. seq.* Your response to this Request should be sent to Fred Deppe (6ECDSR) at his email at Deppe.Fred@EPA.gov.

Please direct technical questions to Mr. Fred Deppe of the Waste Enforcement Branch at (214) 665-7591, and legal questions to Ms. Marcia Moncrieffe of the Office of Regional Counsel at (214) 665-7343 or send an email to her at Moncrieffe.marcia@epa.gov.

Thank you for your attention to this matter.

Sincerely,

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosures:

ec: John Shelton: john.shelton@tceq.texas.gov.

Craig Easley: craig.easley@la.gov

ENCLOSURE A

INFORMATION REQUEST

The Environmental Protection Agency, ("EPA") Region 6 is investigating Norwegian Cruise Line Holdings, LTD., ("Norwegian" or "Norwegian's") compliance with the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6921 – 6992k. Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, you are hereby required to follow the instructions and provide responses to the information required by the questions and requests in this Information Request ("Request"). You are required to submit the requested information to EPA, Region 6 for each Vessel and/or Facility identified in question three (3) below, within thirty (30) days from the date you receive this Request.

If you anticipate that you will be unable to fully respond to this Request for each Vessel and/or Facility, you must submit a sworn affidavit or declaration by a responsible corporate official within twenty (20) calendar days of receipt of this Request specifying what information will be provided within the specified 30 calendar day time period, describing what efforts have been/are being made to obtain other responsive information, and providing a detailed schedule of when such other responsive information can be provided. Upon receipt and based on such affidavit or declaration, EPA may extend the time in which Norwegian must provide the responsive information. Please note, as well, that EPA retains its right to obtain additional information beyond what is sought in this Request.

All information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Norwegian. A Statement of Certification making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 6928(d). Furthermore, failure to fully comply with this Request may subject Norwegian to an enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928.

In accordance with Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), the records, reports, and information requested in this Request must be submitted, whether or not you regard part or all of it as a trade secret or confidential. You may, if you desire, assert a business confidentiality claim for all or part of the information submitted in accordance with 40 Code of Federal Regulations ("C.F.R.") Part 2. The information qualifying as business confidential will be disclosed by EPA only to the extent and by the procedures set forth in 40 C.F.R. Part 2, Subpart B. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. If you do assert a business confidentiality claim, you must follow the procedures set forth in Section I - Instructions.

All information responsive to this Request should be sent to the following:

Mr. Fred Deppe
Waste Enforcement Branch (6ECDSR)
Enforcement and Compliance Assurance Division
U.S. EPA - Region 6
1201 Elm St, Suite 500

Dallas, TX 75270
Email: Deppe.Fred@epa.gov
Phone: 214-665-7591

I. INSTRUCTIONS

1. The enclosed Statement of Certification (Enclosure B) must be filled out and signed by a responsible corporate official and submitted along with your responses to this Request.
2. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.
3. For each document produced in response to this Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds. Please submit all information for each question in one logically sequenced electronic format (i.e., electronic copy) and one logically sequenced bound format (i.e., paper copy). The terms "document" and "documents" shall mean any object that presents information, both electronic and tangible.
4. All terms used in the Request will have their ordinary meaning unless such terms are defined in RCRA, 40 C.F.R. Parts 260 - 280, and the federally authorized states Hazardous Waste, Hazardous Secondary Material, or Recyclable Material program. In addition to the regulatory definition for "Facility" and "Vessel," the terms "Facility" or "Facilities" and the terms "Vessel" or "Vessels" shall also mean Norwegian locations and or ships owned and/or operated by Norwegian in federal and state jurisdictions where EPA Region 6 has jurisdiction and said Facilities or Vessels generate Hazardous Waste, Hazardous Secondary Material, or Recyclable Material and/or generate and manage "Used Oils," "Waste Oil" and/or "Universal Waste," and maintenance related activities.
5. If you wish to assert a claim of business confidentiality, you must clearly mark each page of each document included in your claim with a legend such as "trade secret," "proprietary," or "company confidential." If you claim information submitted in response to this Request as confidential, you must also provide a redacted version of the information with all confidential business information deleted. For any document for which you assert a claim of business confidentiality, please answer the questions below.
 - a. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
 - b. For what period of time do you request the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event.

Additionally, explain why the information should be protected for the time period you've specified.

- c. What measure(s) have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If yes, why is the information still considered confidential?
- d. Is the information contained in any publicly accessible forums or materials such as the Internet, databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
- e. Has any governmental body decided as to the confidentiality of the information? If so, please attach a copy of the determination.
- f. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
- g. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish answers to the above questions concurrent with your response to this Request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. EPA will construe your failure to furnish timely answers as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).

II. INFORMATION REQUESTED

- 1. Identify the person(s) answering these questions on behalf of Norwegian.
- 2. Provide Norwegian's legal corporate name, where it is incorporated, and its American-based home port for the Vessels that dock at ports in EPA Region 6, listing the names of the port for each respective Vessel.
- 3. Please provide to EPA, Region 6 a list of all solid waste (as defined by RCRA), including maintenance activities that were generated by each of Norwegian's Vessels, which docked and

offloaded/landed Solid Waste and/or Hazardous Waste in Galveston and/or Louisiana and by calendar month during the period of May 2020 through the current date of this request.¹

3a. For this question number three (3), if Norwegian owns, leases, and/or operates a Facility or Transfer Facility as defined by RCRA, for example, any control Norwegian has in or of the dock at a port in EPA, Region 6 to include ports in Texas and/or Louisiana, please describe. Also, please describe the activities at the dock by Norwegian's personnel, employees, and contractors, respectively and please include Norwegian's Standard Operating Procedures ("SOP") for the shoreside location. Where photographs taken contemporaneously will help, please submit.

4. For each of the Vessels listed in Norwegian's response to this Request, please provide information as to any other dock(s) in the US that each Vessel listed above docked and offloaded/landed any hazardous waste (as defined by RCRA) during the period of May 2020 through the current date of this request.

5. For each of Solid Waste streams (as defined by RCRA) listed for the questions above, please provide EPA, Region 6 with documentation of the hazardous waste determinations made contemporaneously for each distinct solid waste stream whether the determination was made based on knowledge or by testing. For each hazardous waste determination, please identify the point(s)² of waste generation.

6. Please provide to EPA, Region 6 copies of all annual reports created and submitted to Texas and/or Louisiana for Solid Waste and/or Hazardous Waste docked and offloaded/landed at the respective ports during the period of May 2020 through the current date of this request.

7. Please provide EPA, Region 6 with a list and title of all shoreside positions to include crew positions, and duties, of employee and/or contractors who work to offload/land, manage, store, and/or transport waste from each respective dock in Louisiana or Texas, the training that each position has completed, and the dates of the training.

8. How many employees and/or contractors handle, transport, manage, and/or treat solid waste and/or hazardous waste for Norwegian and for purposes of complying with RCRA for each Vessel?

9. What are the name(s), RCRA identification numbers, and addresses of Norwegian's RCRA Transporter(s), Transfer Facility(ies), and Treatment Storage and/or Disposal Facilities contracted with and used to manage its waste from May 2020 through the current date of this request.

10. Please submit legible copies of Norwegian's initial and subsequent RCRA 3010 Notifications provided to the appropriate state for each Vessel that docks in Texas and/or Louisiana and please share why the RCRA 3010 Notifications were submitted to the state of choice.

¹ For each of the questions that refer to Vessel or Vessels, please provide the responses by Vessel/cruise ship and by location accordingly.

² The "point(s) of hazardous waste determination" refer to the point(s) in processes and/or activities that generated the waste.

11. Please describe the collection and crushing of bulbs, the storage and management of the crushed bulbs on each Vessel, and state where each of these activities take place during any destination cruise. Please be specific as to spatial location of the Vessel at the time of the activities listed herein. For example, please provide the name of a country, international waters, federal waters, and/or state waters as each is applicable to a particular Vessel. Please submit a log of these activities to include dates, times, and the number of bulbs managed. Where photographs taken contemporaneously would help, please submit.
12. Specifically, for any incineration activities on board each Vessel, please describe the activity from start to finish, to include the list of materials and their respective physical states before they were incinerated, how the ash is stored and managed before offloading/landing at a particular port, and how the ash is managed and disposed of subsequently. Also, please provide documentation of Hazardous Waste determination made for each item that is incinerated on each Vessel. Further, we need Hazardous Waste determination documentation made for every batch of ash, unless Norwegian can demonstrate that each batch is/was exactly the same as the batch before.
13. Please provide EPA, Region 6 with a Garbage Record Book that is reflective of the solid wastes that are generated by Norwegian from its Vessels that offloads waste at/into any U.S. port in EPA, Region 6 and covers the period of May 2020 through the current date of this request.
14. Does Norwegian have a RCRA Standard Operating Procedure ("RCRA SOP") for the generation, management, transportation, and disposal specifically for RCRA Hazardous Waste, Waste Oil, Used Oil, Universal Waste, Hazardous Secondary Material, and Recyclable Material for each Vessel or a corporate RCRA SOP? If yes, please share with EPA, Region 6 in response to this Request.
15. Please describe Norwegian's process of determining the quantity of each waste stream that is offloaded/landed from each of its Vessel and at each port? Does Norwegian have one system/approach/method for quantifying waste on a Vessel before the waste is offloaded/landed as opposed to another method of quantifying after the waste is offloaded/landed from the Vessel?
16. Are there employees on each Vessel trained in the management of RCRA Solid and/or Hazardous waste? If yes, please describe the job duties of each employee according to the duties relevant to handling and management of Solid Waste and/or Hazardous Waste.
17. For all episodic events of RCRA Hazardous Waste Norwegian has experienced since 2020 to the current date of this Request and for any of the Vessels and/or Facilities owned and/or operated by Norwegian, please provide copies of the required notifications and documents that Norwegian submitted to the States of Texas or Louisiana, and/or EPA, Region 6.
18. Please submit the relevant contract(s) to demonstrate who (Norwegian employees, contractors, business partner, transporter etc.,) removes Hazardous Waste from each of Norwegian's Vessels. Where the activities are conducted by Norwegian's employees, please provide the position description and the training given for the position(s).

19. Please provide a copy of Norwegian's Contingency Plans and Emergency Response Procedures prepared contemporaneously for Norwegian's Vessels and Facilities.

20. Please provide a copy of Norwegian's Waste Analysis Plan prepared contemporaneously for Norwegian's Vessels and/or Facilities, which demonstrate at a minimum how the waste is disposed of in compliance with 40 C.F.R. Part 268.

ENCLOSURE B

STATEMENT OF CERTIFICATION

NORWEGIAN CRUISE LINE HOLDINGS, LTD.,

I certify that I am authorized to respond to this information request on behalf of NORWEGIAN CRUISE LINE HOLDINGS, LTD., and I certify under penalty of perjury that the foregoing is true and correct.

Executed on _____, 2024.

(Signature)

(Name)

(Title)