



November 28, 2017

Ms. Amy Jankowiak
Washington State Department of Ecology
Northwest Regional Office
3190 160th Ave SE
Bellevue, WA 98008

Re: Proposed Rule Making WSR 17-20-107 to Designate Puget Sound a No Discharge Zone

Dear Ms. Jankowiak:

Thank you for the opportunity to comment on the Washington State Department of Ecology's (Ecology) notice of proposed rule making to designate the waters of Puget Sound as a No Discharge Zone (NDZ) pursuant to Section 312 (f) (3) of the federal Clean Water Act (CWA). It is our hope and expectation that you will reflect on these comments in the spirit for which they are intended as we continue to seek a cooperative dialogue with Ecology.

As background, Foss Maritime Company (Foss) is headquartered in Seattle and is one of the largest coastal tug and barges companies in the United States with operations in Washington, Oregon, California, Alaska, Hawaii as well as international operations. Foss has been continuously operating in Puget Sound since 1889. We also own and operate two shipyards, our largest in Seattle and a second shipyard in Rainier, Oregon. We provide approximately 1,580 good family wage jobs with about 700 employees in Washington State. In addition, Foss has invested hundreds of millions of dollars in assets and infrastructure in Washington State.

Foss is owned by Saltchuk Resources, Inc. also headquartered in Seattle. Saltchuk is the largest private employer in the state of Washington. Foss and Saltchuk have deep financial and historical roots in Puget Sound and we are deeply committed to the health and vibrancy of our home waters.

Foss currently maintains a fleet of eight vessels year round in Puget Sound and an additional eight ocean going tugs which are based in Puget Sound but operate in Alaska on a seasonal basis or in other worldwide locations. The crewmembers who work on these vessels are also primarily resident in Washington State.

All of our vessels are outfitted with U.S. Coast Guard approved Type II Marine Sanitation Devices (MSDs) which are regularly maintained and inspected to manufacturer's and U.S. Coast Guard specifications. There are usually between four and five crew members on board the vessel at any one time. The operational range of our Puget Sound tug fleet spans locations in Seattle, Tacoma, Everett, Olympia as well as other North Sound locations and Neah Bay.

As outlined in our previous comments of April 21, 2014, under the conditions of the proposed NDZ, Foss would be forced to retrofit all of its vessels with holding tanks at a cost of at least \$125,000 per vessel. It would also entail on going operational costs of approximately \$25,000 per vessel annually to utilize pump out trucks which is currently the only option available for our size of vessels. This does not include the costs of transit and additional crew costs.

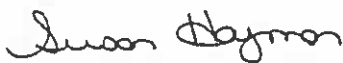
We are also very concerned that there is not adequate services available for pump out if a Puget Sound wide NDZ is established for all recreational and commercial vessels. We have not been able to identify a single commercial pump out facility which could be utilized by our vessels.

Foss complies and, in many cases, exceeds environmental regulations and is very supportive of effective protocols based on rigorous scientific data. In the case of the proposed Puget Sound NDZ, we feel Ecology has not built the proposed solution on the foundation of basic sound science. According to the analysis of Anchor QEA, the input modeling scenarios used to demonstrate the impact of vessel sewage in Puget Sound used hourly discharges from a single vessel assumed to contain over two billion persons discharging raw sewage which is manifestly absurd. The absence of credible data to support the conclusion that the regulation would achieve measurable benefits to Puget Sound water quality leads to the conclusion that the proposed NDZ is a solution in search of a problem.

Our understanding is that the NDZ would apply immediately to all vessels in Puget Sound but a temporary exception is provided for: "Tug boats, commercial fishing vessels, small commercial passenger vessels, and National Oceanic and Atmospheric Administration (NOAA) research and survey vessels, which have a delayed implementation lasting five years from the effective date for this rule in the Puget Sound No Discharge Zone. The vessels would still be required to comply with existing state and federal discharge regulations in the interim." While Foss appreciates this attempt to recognize the challenges of extensive retrofits and drydock scheduling, we are concerned with the potential legal liabilities. The exception would exempt a subset of the regulated vessels from the complete prohibition required by federal law thereby creating exposure for liability under 33 U.S.C. 1365.

While Foss appreciates Ecology's outreach on this issue, we feel that stakeholder involvement at the beginning of the process to adequately define the problem and then develop workable solutions in a collaborative manner would have been a more effective approach. Environmental stewardship is a core value at Foss and we are fundamentally committed to the health of Puget Sound. We would be very pleased to participate in any cooperative process with Ecology to address this issue. However, Foss is very concerned and disappointed by the proposed Puget Sound NDZ and feels the draft petition should be withdrawn.

Sincerely,



Susan Hayman
Vice President, External Affairs
Foss Maritime Company