

Nov. 13, 2017

Department of Ecology
3190 160th Ave. SE
Bellevue, WA 98008-5452
ATTN: Ms. Amy Jankowiak; cc Ms. Heather Bartlett

RE: Proposal WSR 17-20-107 – Washington State Department of Ecology new rule, Chapter 173-228 WAC – Vessel Sewage No Discharge Zone

Dear Ms. Jankowiak and Ms. Bartlett:

We are jointly submitting these written comments on the Department of Ecology (Ecology) proposal for a 2,300-square mile Puget Sound No Discharge Zone on behalf of the Recreational Boating Association of Washington (RBAW) and the Northwest Marine Trade Association (NMTA). NMTA recently marked its 70th year of service and is now the nation's largest regional marine association. RBAW celebrated its 60th anniversary in 2016 and acts as a legislative and regulatory voice for recreational boaters, with 1,300 individual members and about 8,000 more members spread across 50 boating and yacht clubs.

In providing our written comments, our two organizations want to advance a specific request to Ecology that the same NDZ five-year phase-in allowance that is being contemplated for many commercial vessels be provided for recreational vessels as well. We will expand on that request later in this letter, but also wanted to reiterate some of our core concerns for the rule-making written record.

While we have appreciated being able to maintain a continued dialogue with Ecology as the NDZ evaluation and review has occurred, we have been frustrated that this issue has tended to be messaged as an exercise in removing untreated sewage from Puget Sound and by a guiding philosophy that an 'all or nothing' approach on NDZ must be followed. It is in fact *already* illegal for boaters – be they recreational or commercial – to dispose of untreated sewage within three (3) miles of the Puget Sound shoreline, which covers nearly all areas of the Sound south of Admiralty Inlet

Additionally, as Ecology officials know, we have been disappointed that Ecology has been unwilling to work with our organizations and a larger "Marine Alliance" on a proposal to establish targeted NDZs as other areas and states have enacted (i.e. *California, Chesapeake Bay*). We expressed strong concerns – through detailed analysis done by two independent water quality scientists (Mark Larsen and Lincoln Loehr) – that Ecology's modeling of vessel discharges at six Puget Sound locations was not at all representative or scientifically accurate. What's more, the work of the scientists showed the modeling to be misleading and simply not possible. The findings of these scientists, as well as a modeling scenario (Scenario E) more closely resembling conditions relevant to the NDZ petition, was disregarded.

Along with what we believe to be a lack of scientific evidence that the use of Coast Guard-approved marine sanitation devices (MSDs) would cause any measurable harm to the marine environment of Puget Sound, we also have joined our colleagues within the Marine Alliance in stipulating that a 'sufficiency' of commercial pump-out devices within the Sound has not been demonstrated.

For these reasons and others, we have felt as if the NDZ discussions have grown unnecessarily confrontational when they in fact could have been focused on mutual goals and problem-solving. We

are proud of the stewardship record of our organizations, which includes establishment of the Boater Education Card program, the donation of Sucia Island to the State of Washington, efforts to phase out the use of copper-bottom-painted boats, collaboration with state agencies in combating aquatic invasive species, financial support for the Derelict Vessel Removal program, year-to-year increases in pump-out volumes as demonstrated by Washington Sea Grant data collections, and many more initiatives. Boaters depend on a clean-water environment and it is unfortunate that our substantive objections to the NDZ have led to us being portrayed otherwise in some quarters.

While we will continue to voice these concerns, both through our own organizations and the continued efforts of the Marine Alliance, we also believe that *if* there indeed is going to be the establishment of a Puget Sound-wide NDZ, it should be done in a way that provides time for boaters to adapt to a new paradigm and to comply with a brand-new set of rules. If Ecology is going to promulgate a rule which requires a couple hundred recreational boaters to dispose of the MSDs they have been using, and replace those facilities with new holding tanks, that will take time. We think it is critical that Ecology employ a customer-service approach to working in good faith, equitably, with boaters who will have to make an extremely significant adjustment that by its very nature requires considerable time and money.

That is the foundation of our request, which we outlined at the outset of this letter, that recreational boaters be given a five-year phase-in period. This adjustment grace period is vital to helping recreational boaters comply with the law and it would represent a genuine effort to help them get to the final outcome mandated by Ecology. We again urge that the five-year phase-in for recreational boaters be incorporated into a final NDZ designation, just as Ecology appears to be contemplating for commercial vessels who face substantial economic costs in making this change.

We look forward to hearing more on this rule-making and appreciate Ecology's consideration of our written comments and our specific request.

Sincerely,



Wayne Gilham, President
Recreational Boating Association of Washington



George Harris, President
Northwest Marine Trade Association