

# Center for Biological Diversity

November 29, 2017

Director Maia Bellon  
Washington Department of Ecology  
300 Desmond Drive SE  
Lacey, WA 98503

Re: Support for Washington's New Rule, Vessel Sewage No Discharge Zones, Chapter 173-228 WAC

Dear Director Bellon,

The Center for Biological Diversity supports the Department of Ecology's new rule, the Vessel Sewage No Discharge Zone, Chapter 173-228 WAC. This rule will establish a Puget Sound No Discharge Zone, which would prohibit the release of sewage (black water) from vessels, whether treated or not.

It is important to take this common-sense action to maintain water quality, thereby protecting an already impacted ecosystem, habitat of numerous fish, shellfish, marine mammal species, and other wildlife in Puget Sound. This rule is feasible because over 100 pumpout facilities in Puget Sound serve marine vessel sewage needs. Mobile trucks, pumpout boats, and barges even meet ships and large vessels on the water, and these companies serve the entire Puget Sound. In 2016, over 10 million gallons were pumped out and diverted from Puget Sound.

One particular benefit of the new rule will be to protect the critically endangered Southern Resident killer whale, that are highly affected by contaminants also found in sewage waters. The population has been in an alarming decline in the past 20 years. As of September 2017, there were only 76 Southern Resident killer whales remaining, the lowest number in over 30 years. Although the population has experienced several periods of growth and decline, the last continued decline is unprecedented. NMFS projects a downward trend in population growth over the next 50 years (Fig. 1).

Figure 1. Southern Resident killer whale population size projections 2016-2066 using two scenarios: (1) projections using demographic rates held at 2016 levels (red), and (2) projections using demographic rates from 2011-2016 (blue). Source: NMFS 2017.

The Puget Sound No Discharge Zone will address one of the three primary threats identified for Southern Resident killer whales – the high levels of contaminants found in their tissue– by prohibiting the release of sewage that contain pollutants. Other contaminant sources may include contaminated prey, wastewater treatment plans, sewer outfalls, and pesticides. Eliminating sewage discharge from vessels is a step in the right direction toward a cleaner Puget Sound that can help in killer whale's recovery.

We sincerely appreciate this opportunity to weigh in to support a Puget Sound No Discharge Zone that will also protect human health, shellfish growing areas, recreational assets, and help with the overall recovery of our beloved Puget Sound. This action item "No Discharge Zone" is a priority for all stakeholders in Puget Sound and those who want a clean Puget Sound for future generations.

Sincerely,

Catherine W. Kilduff, Senior Attorney  
Center for Biological Diversity  
202-780-8862  
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Submitted via <http://ws.ecology.commentinput.com/?id=EQHJt>

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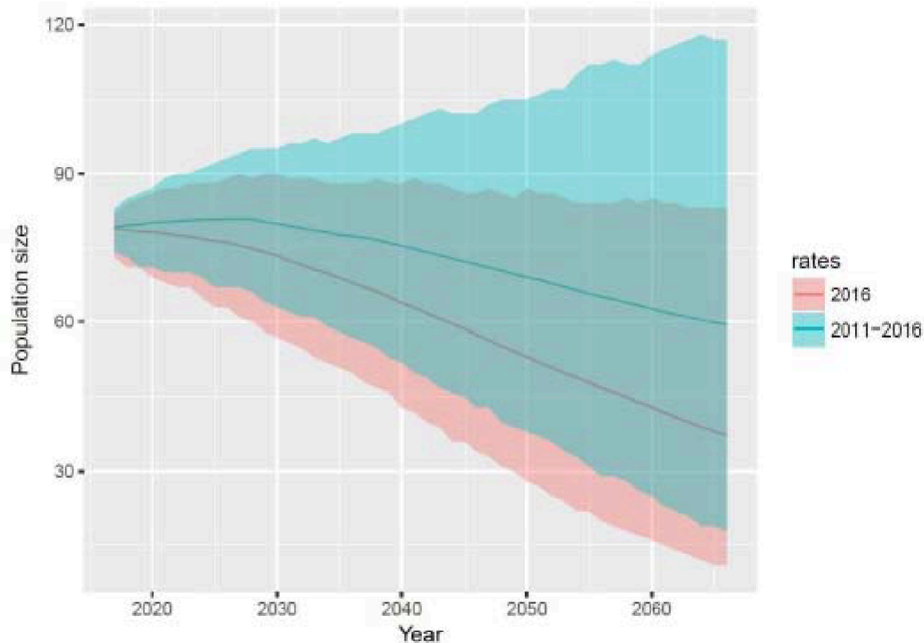
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<sup>1</sup> Data from the Center for Whale Research, graphically represented at [http://www.biologicaldiversity.org/news/press\\_releases/2017/orca-09-25-2017.php](http://www.biologicaldiversity.org/news/press_releases/2017/orca-09-25-2017.php).

<sup>2</sup> NMFS, Recovery Plan for Southern Resident Killer Whales (*Orcinus orca*) (Jan. 17, 2008), at II-58. [http://www.nmfs.noaa.gov/pr/pdfs/recovery/whale\\_killer.pdf](http://www.nmfs.noaa.gov/pr/pdfs/recovery/whale_killer.pdf).

<sup>3</sup> NMFS, 2017. Endangered Species Act Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response – Impacts of the Role of the BIA Under its Authority to Assist with the Development of the 2017-2018 Puget Sound Chinook Harvest Plan, Salmon



**Figure 1.** Southern Resident killer whale population size projections 2016-2066 using two scenarios: (1) projections using demographic rates held at 2016 levels (red), and (2) projections using demographic rates from 2011-2016 (blue). Source: NMFS 2017.

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