



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND NORTHWEST
1101 TAUTOG CIRCLE
SILVERDALE, WASHINGTON 98315-1101

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Ser N45/00578
28 Nov 2017

Amy Jankowiak
Department of Ecology
3190 160th Ave SE
Bellevue, WA 98008-5452

Dear Ms. Jankowiak:

Navy Region Northwest appreciates the opportunity to comment on the Washington State Department of Ecology's proposed rule, Chapter 173-228 WAC - Vessel Sewage No Discharge Zones (NDZ).

The U.S. Navy prides itself on being good stewards of our shared environment and being in compliance with all applicable laws and regulations. Unfortunately, due to design characteristics built to support mission requirements, application of the proposed NDZ will impose an unacceptable hardship on the crews of certain classes of vessels that have limited marine sanitation device (MSD) holding capacity. Additionally, due to design/tank configurations, it may be impossible for some vessels to comply, even in non-emergency circumstances. Likewise, the inclusion of a limited Puget Sound NDZ "public vessel" exemption will provide limited relief to the Navy due to limited MSD holding capacity.

Navy Region Northwest invites your attention to Department of Defense (DoD) Regulation 4715.6-R1, which implements Section 312(d) of the Clean Water Act (Section 1322 of Title 33, United States Code (U.S.C.)) by issuing standards governing the design, construction, installation, and operation of MSDs in public vessels owned or operated by the DoD. Under the authority of Section 1322(d) of the Clean Water Act, as implemented by DoD Regulation 4715.6-R1, the Secretary of Defense has decided that, at certain times and under certain circumstances, compliance with the MSD requirements for certain vessels of the Armed Forces would excessively and unreasonably detract from their military characteristics, effectiveness, or safety, which would not be in the interest of national security. DoD Regulation 4715.6-R1 establishes exemptions for certain vessels, including vessels which are currently homeported in or may visit Washington.

Accordingly, we request that vessels of the Armed Forces be explicitly referenced, defined and excepted from your proposed rule and the NDZ be created under the Clean Water Act Section 312(f)(3).

For the purposes of supporting a common understanding of Navy ship capabilities and regulatory authorities, Navy Region Northwest further recommends that vessels of the Armed Forces be defined in accordance with the definition provided at Clean Water Act (Section 1322 of Title 33, U.S.C.) Section 312(a)(14):

"'vessel of the Armed Forces' means -
(A) any vessel owned or operated by the Department of Defense, other than a time or voyage chartered vessel; and
(B) any vessel owned or operated by the Department of Transportation that is designated by the Secretary of the department in which the Coast Guard is operating as a vessel equivalent to a vessel described in subparagraph (A)."

Thank you for considering our comments.

Sincerely,



TERILYNN H. LAZO, P.E.,
Navy Environmental Program Director,
Northwest Region
By Direction of the Commanding Officer

Copy to:
Mr. Robert Shirley, DoD Regional Environmental Coordinator,
Region 10
