

Thank you. So my name for the record is Gerry O'Keefe.

>> Gerry.

>> I'm the senior environmental director for the Washington Public Ports Association. And I'm here commenting for the association and for our members.

And I think -- first of all, thanks for the process. I think it's extraordinary, and I mean that, that it finished on the timeline that you said it would. It's I think the first time I've seen that happen. And I know that that takes a lot of effort.

The purpose of the work that we're engaged in is to ensure that we have clean water in the state of Washington. And we do that for a variety of purposes. Some of which are human. Some of which include salmon and orcas and benthic creatures in any nearshore environment and the food that we eat. In that context I think our members want you to focus on what matters the most. And we want you to keep in mind the limits of the regulatory system that you have been granted by the State Legislature and the Federal Government to get those things done.

So it's hard for me to let go of the data that was provided by your environmental assessments program that said that the largest source of pollutants to Puget Sound in particular comes from air deposition. And in that context, a permit process that creates liability and continues to sort of put pressure on permittees is harder to understand.

From our members' point of view, we're spending taxpayer dollars to accomplish or to comply with standards in the context of a system that it's not clear the permit can control. And that larger debate is incumbent on the Department of Ecology to have and engage with the people of the state.

We think it's critical that you do that.

We think it's important that you squeeze ambiguity out of this permit. The addition of the language qualified professional we think is not helpful. And the reason that we think that is the goal of the permit is clean water. And there are powerful incentives in place in the framework of the statute that drive people to achieve that goal. And when you say qualified personnel but you haven't really defined it, you've opened up a litigation possibility that concerns us a great deal. We are engaged in way too much litigation as it is with the Clean Water Act from our point of view. And we're not sure why, given the incentives that are in place for permittees, that you would want to qualify that language.

They are on the hook. Let them decide who is doing the permit. If they don't comply, that's their problem and they are very much aware of it.

We also are worried a little bit about the safe harbor provisions and this is a larger comment. It's not just the context of the permit itself. But --

>> One minute remaining.

>> What's that? One minute?

>> Uh-huh.

>> I'm just going to say that we would like to see the Department of Ecology support permittees when we are, in fact, deemed to be in compliance with the permit. And that's not always our experience.

And finally, with regard to the determination of a significant contributor of pollutants -- actually it's not finally -- we think that that term really needs to be defined and we think there needs to be a public process and a conversation around the science of what constitutes a significant contributor. Right now we think that that is far too open to interpretation and deserves some attention.

So with that in mind, you know, when President Nixon signed the Clean Water Act, there were rivers that were on fire. We don't have that problem in the United States or in the state of Washington anymore. We've made a tremendous amount of progress. And the question that we have is a matter of where we're going now in Washington and elsewhere isn't how to prevent that. It's what is the bang for the buck for the next increment of regulation? And are we hitting the water quality marks that we should be hitting by regulating activity? So thank you very much for giving me an opportunity to comment.