

## Update on No Discharge Zone for ALL of Puget Sound

February 2017

EPA did indeed “publish” – in the Federal Register , February 21 - their declaration that there are sufficient pump-out facilities, which gives the “green-light” for Washington’s Dept of Ecology to establish an all-Puget Sound NDZ. We had hoped that such declaration by EPA would fall under the “60-day” ruling that end-of-term regulatory decisions would be reviewed by the US Congress under the "Congressional Review Act" but apparently this decision was viewed more as an "adjudicative decision", thus not subject to such review. It appears that the EPA decided to count “pumper trucks” coming to docks to pump-out the commercial craft, to declare that there WERE “sufficient” commercial pump-outs... a very expensive process, not “proven” to be executable! There still is more effort from the Commercial Vessels impacted to block this but once published it’s really difficult to roll it back. There may be an opportunity for a “Request for Reconsideration” letter – we’ll add our support and signature where/when appropriate.

Failing THAT “stop”, we then must work with DoE to have a “rational” roll-out – first indications are that this may have a lengthy roll-out, maybe as much as five years until fully implemented. RBAW officers will keep abreast of this roll-out especially to be SURE there is adequate time for retrofitting recreational vessels that do not have holding tanks but only type I treatment plants aboard. We certainly hope that DoE staff is rather more “open” at THIS point in their administrative rule-making process to hearing – and actually incorporating – the vessel-owner’s concerns about a feasible and fair roll-out.

There was some discussion to push US Congress to re-define the level of treatment that Type I and Type II onboard treatment plants must meet, as the original limits have now been far exceeded by newer technology – in fact, back in 2002, there was a congressional bill (the “Saxton Bill”) that would have tightened up Type I effluent from 1000 to 10 Fcu/100ml, which the manufacturers felt was already achievable (100 times better than law mandates now!). This effluent right out the discharge-pipe from your vessel, is BETTER than the quality standards that the State requires at swimming beaches and over shellfish beds, even before dispersion and dilution is factored in! If such “tightening” is established, maybe there will be no further “push” for NDZ’s – but not sure if it could retroactively affect our Puget Sound situation.... Similarly, there is hope that the “Clean Water Act” could be modified to accept NDZ’s only when a scientific/technical demonstration of “need” is established. Remember, the current Act has no such “scientific” justification and that’s how DoE rammed through their “declaration of need” despite our Marine Alliance scientific studies debunking their fallacious flow-modeling of treated effluent’s impact. Not sure if there still exists energy to proceed along these longer-range avenues, if indeed the battle with EPA has been lost... will keep you advised.