



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

Vessel Sewage No Discharge Zones

Chapter 173-228 WAC

DRAFT

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Purpose

The Washington State Department of Ecology (Ecology) provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

Introduction

On October 4, 2017, Ecology proposed a new chapter, Chapter 173-228 WAC — Vessel Sewage No Discharge Zones (AO# 17-02). The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-228 WAC about how Ecology intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

Implementation and Enforcement

The Washington State Department of Ecology (Ecology) will implement and enforce the no discharge zone (NDZ) rule with a delayed implementation for certain vessels and an initial focus on outreach and education for vessel operators. WAC 173-228-030-060 briefly outlines overall implementation and enforcement authority.

The ability to prevent vessel sewage discharges includes having a means to deter violators with enforcement. A successful enforcement strategy requires clear authority delineation with enforcing parties including Ecology, the United States Coast Guard, Washington State Department of Fish and Wildlife, and, potentially, local law enforcement. Additional or revised authorities by enforcing entities, may need to be established.

Because success will rely on existing resources, a cross-agency *NDZ Enforcement Committee* was established to help develop and implement enforcement strategies.

Informing and Educating Persons Affected by the Rule

Education and outreach for the Puget Sound No Discharge Zone (NDZ) began in 2011. Ecology contacted recreational and commercial boating organizations, marina operators, ports, other state agencies, environmental groups, shellfish industry, and tribes. In the summer of 2012, Ecology commissioned a recreational boater survey and launched an informational [website](#) outlining the NDZ development.

Ecology identified more than 300 stakeholder groups and individuals and requested their input throughout the NDZ evaluation process. This enabled Ecology to obtain valuable input and begin raising awareness about the potential NDZ and the associated new requirements.

In February 2014, Ecology sent an informal draft petition for an NDZ to the Environmental Protection Agency (EPA) and to the public for a 60-day comment period. Ecology received more than 26,000 e-mails or letters on the draft petition and reviewed, tabulated, and responded to the comments with a [Response to Comments](#) document. More than 25,000 emails or letters expressed support for the draft petition and about 525 expressed opposition or concerns.

Ecology has held more than 50 meetings with stakeholders. These initial efforts provided a strong foundation for future education and outreach. Successful implementation of NDZ education will require good leadership, a coordinated approach, and commitment from all partners involved.

Ecology will also work with partners and develop educational materials and tools that speak to and motivate boaters and vessel operators. Because success will rely on a well-coordinated implementation, a cross-agency *NDZ Education and Outreach Committee* to help support implementation and coordinate the development of key messages and educational tools has been established. This committee comprises representatives from the key organizations interested in the NDZ efforts. These organizations include, but are not limited to:

- Department of Ecology
- Washington Sea Grant
- Puget Sound Keeper Alliance
- Puget Sound Partnership
- Futurewise
- Department of Health
- Washington State Parks
- Friends of the Earth—will serve as an auxiliary to the committee

Outreach and education will focus on reaching the maximum number of boaters and raising awareness of the new requirements. A combination of traditional strategies and new technologies are planned. The following list identifies some of the strategies.

- Including NDZ information sheets with vessel registration renewal paperwork.
- Informational signs at boat launches and marinas.
- Social media to spread the word.
- Meetings and notifications to commercial vessel groups and associations.

- Information on Ecology’s existing Clean, Green Boating websites, as well as State Park’s existing website on pumpout information and related vessel websites.
- Building on the Clean Marina program to provide information to boaters and to encourage marinas assistance in preventing sewage discharges. Including NDZ education as part of boater education curriculum.
- Community meetings to discuss the requirements of the NDZ and enforcement approaches.
- Inclusion of NDZ information on the “Puget Sound Starts Here” web page.

Promoting and Assisting Voluntary Compliance

Ecology will continue to work with key interests to encourage voluntary compliance with the rule. Ecology will continue to work with partners in outreach and education materials promoting what the rule is, how vessels can comply, and where to find pumpout options.

Evaluating the Rule

Ecology will conduct, sponsor, or assist in boater survey efforts that will evaluate attitudes towards the NDZ and any difficulties that they may have complying with NDZ requirements. Washington State Parks will continue to track the estimated number of gallons of sewage pumped at pumpouts funded by Clean Vessel Act (CVA) grants and will encourage accurate data gathering. The installation of most of the public pumpout facilities in Puget Sound was funded by CVA grants and represents a majority of the pumpouts likely to be used by boaters. The State Parks data will be used to track pumpout facility usage. A sharp increase in usage following implementation of the NDZ would indicate that the program is having a positive effect on boater’s sewage disposal habits. A decrease in usage over time, taking into account other factors such as weather and the economy, could indicate that boaters are losing interest in the program, and that more outreach and education is needed.

Washington State Parks will continue to maintain and update the database of pumpout facilities available to boaters and continue to ensure that pumpouts are operational and in compliance. Continued favorable opinion of the NDZ is contingent on maintaining and documenting the number of pumpout facilities available to boaters. The data State Parks collects for the CVA program will be used to fulfill this requirement. Maintaining an accurate database of operational pumpouts is also important for boaters because they are dependent on current information to know where they may go for a pumpout.

The number of shellfish beds upgraded or opened, and water quality improvements are also potential metrics for evaluating the success of an NDZ. Directly linking a water quality improvement, however, with the establishment of an NDZ is difficult due to the many sources of pollution. As all of these sources of pollution are being addressed over time through the efforts of agencies, businesses, and the public, Puget Sound ecological health is expected to recover.

Training and Informing Ecology Staff

Agency employees who interact with boaters as part of their daily work should also be prepared to answer basic questions and direct individuals to the NDZ website and apps. It is important to engage these employees from the beginning of the implementation period to ensure that they are familiar with the NDZ law and the available education, outreach and enforcement resources.

Implementation Actions:

- Create a one page handout about NDZ and available resources for partners to share with frontline employees in their organizations.
- Identify and engage employees who interact with boaters as part of their daily work.
- Brief frontline employees about NDZ requirements and available resources, and give them educational resources to share with boaters.

List of Supporting Documents that May Need to be Written or Revised

Documents that may need to be revised or updated include:

- Ecology's NDZ website and NDZ focus sheet.
- Outreach and educational materials as outlined above.

More Information

Please visit the NDZ web page for more information on the NDZ process:
www.ecy.wa.gov/programs/wq/nonpoint/CleanBoating/nodischargezone.html

Please visit the NDZ rule web page for more information on this rule:
www.ecy.wa.gov/programs/wq/ruledev/wac173228/1702timedocs.html

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