



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: April 09, 2018

TIME: 10:03 AM

WSR 18-09-012

Agency: Department of Ecology AO # 17-02

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** The Washington State Department of Ecology (Ecology) is adopting a new rule, "Vessel Sewage No Discharge Zones" (Chapter 173-228 WAC). This rule establishes the Puget Sound as a No Discharge Zone, which prohibits the release of sewage (black water) from vessels, whether treated or not.

The Puget Sound No Discharge Zone covers approximately 2,300 square miles of marine waters of Washington State inward from the line between New Dungeness Lighthouse and the Discovery Island Lighthouse to the Canadian border, and fresh waters of Lake Washington, Lake Union, and connecting waters between and to Puget Sound.

**Citation of rules affected by this order:**

New: Chapter 173-228 WAC

Repealed:

Amended:

Suspended:

**Statutory authority for adoption:** RCW 90.48.030, 90.48.035, 90.48.260, 33 USC § 1322

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 17-20-107 on October 4, 2017 (date).

Describe any changes other than editing from proposed to adopted version: The following content describes the changes and Ecology's reasons for making them:

**WAC 173-228-040 Vessel sewage management in no discharge zones.**

- Clarified Code of Federal Regulations (C.F.R.) reference for vessels with installed and operable toilets.
- Specified which subsection of 33 C.F.R. that pertains to this rule.

Below are the edits to the rule language. The strikethrough text was removed from the language, and the underlined text was added to the language.

**WAC 173-228-040 Vessel sewage management in no discharge zones.**

Vessel sewage must be managed in no discharge zones.

(1) Vessels with installed and operable toilets must ~~have a Type III marine sanitation device to allow for complete and adequate sewage holding capacity~~ be in compliance with 40 C.F.R Part 140 with the ability to hold or stop discharges of sewage while in a no discharge zone.

(2) Vessels with marine sanitation devices must secure the devices to prohibit the discharge of sewage per 33 C.F.R. 159.7 (b) while in no discharge zone waters.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Kasia Patora

Address: Department of Ecology, 300 Desmond Drive SE, Lacey, WA 98503

Phone: 360-407-6184

Fax: N/A

TTY: 877-833-6341

Email: kasia.patora@ecy.wa.gov

Web site: www.ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-228-Jul17

Other: N/A

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	<u>6</u>	Amended	___	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>6</u>	Amended	___	Repealed	___
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date Adopted:** April 9, 2018

**Name:** Maia D. Bellon

**Title:** Director

**Signature:**

