

To: Catanzaro, Michael J. EOP/WHO; EOP/Ex. 6 Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Craig Montesano
Sent: Tue 6/6/2017 4:21:51 PM
Subject: FW: Read/Response: EPA/Ecology NDZ
[PugetSoundNDZsupport-052617.pdf](#)
Letter to Administrator Scott Pruitt regarding Puget Sound No Discharge Zone - 82 FR 11218

Friends—

We are extremely concerned that the Administration is going to lose on this issue. Notwithstanding the fact that you are likely short-staffed and overloaded, please see the possible threat vectors (attached, and below). Various members of AWO's team have attempted several times to contact you to ask how we can provide support and relieve some of the burden you're carrying.

Please let us help!

We know you are committed to doing the right thing but we need more clarity on current state of play. I hope we can find a few minutes one day this week to arrange a conference call.

Thanks—

Craig

Craig F. Montesano

Vice President - Legislative Affairs

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From: Charlie Costanzo

Sent: Thursday, June 01, 2017 6:43 PM

To: Caitlyn Stewart <CStewart@americanwaterways.com>; Craig Montesano <CMontesano@americanwaterways.com>; Lynn Muench <LMuench@americanwaterways.com>; Jennifer Carpenter <jcarpenter@americanwaterways.com>; Tom Allegretti <tallegretti@americanwaterways.com>; Ben Lerner <blerner@americanwaterways.com>; Terence Houston <THouston@americanwaterways.com>

Subject: Read/Response: EPA/Ecology NDZ

Importance: High

Hi all –

The situation with EPA and the NDZ has reached a crucial point and we need to find a way to understand what EPA is doing, if anything.

In addition to the news story that ran on Tuesday, I've now received a letter and some communication from members of our coalition on the activities of the ENGO's on the other side of this issue (attached).

The lack of information and what appears to be slow movement by EPA could turn this potential short-order victory into a loss, regardless of the substantive outcome on the determination. Essentially, EPA needed to move on this quickly and because they appear to have dithered, we may lose substantively and may also invigorate our opposition for a long time. I greatly fear

making this issue a *cause celebre* for our opposition. It's obviously personal and I worry this may impair our advocacy and effectiveness with the delegation in copy on other issues.

I am drafting a letter to the members of the Puget Sound Congressional delegation that states:

1. The breadth of our maritime industry coalition
2. That the NDZ would cause significant economic and operation hardship and would be by far the largest of its kind.
3. That AWO would support an NDZ or multiple NDZs for areas of water quality impairment, beaches, and shellfish beds, or that allows limited use of federally approved Type II MSDs
4. Encouraging the delegation to foster collaboration if indeed EPA opts to reconsider and pull back.

In the meantime, I am trying through every means I can to determine whether EPA and Ecology have communicated on this subject and what was said. Today's call and email to Sarah Greenwalt at EPA have not been returned.

Thoughts on next steps? Should we huddle on this in person tomorrow (Friday 6/2)?

- Charlie

From: Charlie Costanzo
Sent: Wednesday, May 31, 2017 10:14 AM
To: Ben Lerner <BLerner@americanwaterways.com>
Cc: Caitlyn Stewart <cstewart@americanwaterways.com>; Craig Montesano <cmontesano@americanwaterways.com>; Lynn Muench <lmuench@americanwaterways.com>; Jennifer Carpenter <jcarpenter@americanwaterways.com>; Tom Allegretti <tallegretti@americanwaterways.com>
Subject: FW: KING 5 news

Ben –

As we discussed, the [story](#) is up on the KING 5 news site. It's not a particularly well-done story. It came from a tip from the ENGO community and then their first call was to the WA Dept. of Ecology. Below is what I sent to Alison Morrow.

- Charlie

From: Morrow, Alison [<mailto:amorrow@king5.com>]
Sent: Wednesday, May 31, 2017 12:49 AM
To: Charlie Costanzo <CCostanzo@americanwaterways.com>
Subject: Re: KING 5 news

Thanks!! Our web folks appear to have left for the night so I'll get it up tomorrow

Sent from my iPhone

On May 30, 2017, at 8:57 PM, Charlie Costanzo <CCostanzo@americanwaterways.com> wrote:

External Email – Be Suspicious of Attachments, Links and Requests for Login Information

Hi Allison –

Thanks so much for calling/writing and getting in touch. The AWO and commercial maritime position on the Puget Sound NDZ is more nuanced than you might understand from some NGOs.

AWO and our maritime industry friends don't oppose NDZ protection for Puget Sound, but we would like Ecology to be more collaborative. Currently, we are asking the EPA to review its determination that the one identified pumpout location (in Bellingham) is sufficient for all of the working vessels in Puget Sound.

The proposed NDZ would be (by far) the largest all-vessel inclusive NDZ in the country. California has a state-wide NDZ that my organization did not oppose because it allowed continued use of federally-approved onboard treatment systems. Most working vessels use federally-approved onboard treatment systems that have **never been linked to water quality impairment in Puget Sound**. The NDZ regulation would ask a small number of vessel operators to replace federally-approved onboard treatment systems and retrofit their boats with costly tanks (\$175,000 per boat and up). The costs would have serious repercussions for tugboat operators, fishing boats, passenger vessels, and marine tourism in Puget Sound.

After retrofit, the onboard tanks would just be pumped onto an already overstressed shore-side infrastructure. This is particularly troubling when shore-side treatment sewage systems have failed catastrophically in recent months. Furthermore, asking vessels to retrofit for tankage can reduce fuel and cargo capacity, impair buoyancy and stability, and put crew at risk.

The commercial maritime industry wants to work with environmental regulators to implement NDZ policy that protects Puget Sound from harmful sewage discharges, but also allows the small number of working vessels with federally-approved and properly functioning onboard treatment systems to continue to operate in certain areas of the Sound. The maritime industry is happy to see NDZs in areas of water quality impairment, and near beaches and shellfish beds, and we've consistently asked the Washington Department of Ecology to collaborate on more discrete locations where NDZs make more sense. Ecology hasn't been receptive to four years of requests. The maritime industry stands ready and willing to collaborate on NDZ policy that provides protection for Puget Sound and for the very small subset of the maritime industry that cannot reasonably accommodate a Sound-wide NDZ, but can certainly accommodate something more discrete.

Happy to talk more!

- Charlie

From: Morrow, Alison [<mailto:amorrow@king5.com>]
Sent: Tuesday, May 30, 2017 7:17 PM
To: Charlie Costanzo <CCostanzo@americanwaterways.com>

Subject: KING 5 news

Thanks!