STATE OF WASHINGTON

November 10, 2020

The Honorable Andrew Wheeler
Administrator
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Proposed Vessel Incidental Discharge National Standards

Dear Administrator Andrew Wheeler:

The Washington State Department of Ecology and the Washington State Department of Fish and Wildlife request that you extend the comment period from 30 to 90 days for the proposed Vessel Incidental Discharge National Standards (EPA-HQ-OW-2019-0482). The complexity and importance of this rulemaking requires sufficient time for review and comment before final adoption.

It is imperative that Washington State has sufficient time to review and comment on a rule of such profound importance to the wellbeing of Washington State and Puget Sound in particular. The features that make Washington State such a stunning scenic, environmental, and economic resource also make it uniquely sensitive to pollution. Discharges from vessels under the proposed standards can potentially spread invasive species and affect water quality.

A requested side-by-side comparison of the Vessel General Permit requirements to the proposed rules was promised by the Environmental Protection Agency (EPA), but has been continually delayed and is now not expected until after November 10, if at all. Failure to provide such a document is counter to effective federal and state consultation on a rule package of this size and complexity. Without having this comparison, we need to spend additional time analyzing how EPA modified the proposed rules from the Vessel General Permit requirements.

It is incumbent upon EPA to engage in substantive consultation with the states. A curtailed 30-day comment period is woefully inadequate for standards of this magnitude and insufficient to satisfy the VIDA requirement to afford states the opportunity to inform the development and implementation of the standards. Please extend the comment period to 90 days.

Sincerely,

Laura Watson
Director
Department of Ecology

Kelly Susewind
Director
Department of Fish and Wildlife