



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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August 1, 2019

**TO:** JOELLE GORE, NOAA  
LYNDA HALL, EPA  
DAN OPALSKI, EPA

**FROM:** GORDON WHITE, Ecology, *GW*  
Shorelands and Environmental Assistance Program Manager  
HEATHER BARTLETT, Ecology, Water Quality Program Manager *DB*

**SUBJECT:** Ecology's Authority and Commitment to Prevent Non-Point Source Pollution.

This memorandum is in response to your request for additional information regarding how Ecology will implement the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) Section 6217 management measures. NOAA requested that Ecology provide the following (memorandum from NOAA, dated January 23, 2001-attached):

*"a description of the mechanism or process that links the implementing agency with the enforcement agency and a commitment to use the existing enforcement authorities where necessary."*

Washington described its statutory authority to both prevent non-point source pollution and require implementation of Section 6217 management measures in a July 14, 2004 memorandum from Ronald L. Lavigne, Assistant Attorney General (attached). Mr. Lavigne updated the July 14, 2004 to reference Ecology's use of its authority and provide information on how the authority was upheld by state courts.

This memorandum is in response to your request that we provide a statement of commitment to use our state authority in appropriate circumstances to implement Section 6217 management measures. Ecology remains committed, demonstrated through past practices which offer examples of how the authority could be used in the future, to using our state authority if necessary as a regulatory backstop to our other implementation actions.

Ecology utilizes a number of management activities to ensure state and federal laws are implemented in Washington. These activities are often carried out in partnership with local governments, tribes, and other agencies.



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Our objective is to identify and document nonpoint source pollution problems, and use a variety of tools to encourage voluntary compliance. When violations are found and unresolved through voluntary processes, Ecology will use its enforcement authority as a regulatory backstop in appropriate cases.

While Ecology's preferred approach is to work with partners to gain voluntary compliance, we exercise our authority when needed to ensure that Section 6217 and CZARA management measures are implemented.

Attachments: Memorandum dated January 23, 2001  
Memorandum dated July 14, 2004  
Memorandum dated July 12, 2019