



October 21, 2019

Water Quality Permit Coordinator
Water Quality Program
Washington State Department of Ecology
3190 160th Avenue SE
Bellevue, WA 98008

Re: Preliminary Determination to Develop a Puget Sound Nutrients General Permit

The City of Everett Public Works Department appreciates the opportunity to provide comments to Ecology regarding the preliminary determination to develop a Nutrients General Permit to control nutrients in Puget Sound marine and estuarine waters.

Everett has signed onto joint comment letters with other clean water utilities and the Coalition for Clean Water. Whether it's regarding an individual or general permit, Everett supports the points made in these letters. In addition, Everett has the following comments.

Everett's commitment to Puget Sound's health


Everett supports preserving the health of the Puget Sound and continues to invest significant resources and funds to advance wastewater treatment, restoration and water quality through efforts such as:


- Restoration of over 100 acres of estuarine habitat through City projects, and an additional 35 acres with the United States Army Corps of Engineers. Additionally, the City was a project partner in the multi-agency Smith Island Restoration Project that restored 326-acres of Snohomish Basin estuary.
- Improving the City's combined sewer system to meet an Ecology Agreed Order for compliance by the end of 2027. This has come at a cost to the City of approximately \$75M over the last eight years and will require another estimated \$100M by 2027 for treatment and plant upgrades, and for Combined Sewer Overflow (CSO) compliance.


Nutrients general permit approach

Everett has reservations about Ecology's proposal to develop a Puget Sound Nutrients General Permit (PSNGP). These concerns stem from a desire to follow best scientific and management practices and set a course that is attainable for all involved. It is Everett's position that there are a number of concerns to be addressed by Ecology before establishing nutrient limits in permits.

PUBLIC WORKS

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Funding

Everett has limited resources to research and follow all of the activities regarding this potential rulemaking, as there are substantive reports and opinions on nutrient science in marine and estuarine waters, on the nutrient models themselves, on the benefits of the PSNGP rulemaking, and the most effective actions to improve Puget Sound water quality.

Nutrient control is expensive. Everett is obligated to our ratepayers to effectively advance wastewater treatment and to achieve measurable goals. We believe that investments should be focused on the most cost-effective methods leading to positive outcomes for the improvement of water quality. Wise stewardship of public resources is a critical goal for Everett.

New regulations should include ways to help wastewater utilities mitigate high costs. Everett supports State efforts to increase grants and low interest loans, as well as making larger State Revolving Loan funds available for projects.

Dissolved Oxygen Criteria

Efforts toward new regulations should first be focused on deriving new dissolved oxygen criteria. Then, when nutrient reductions are found to be needed, permits should be focused where they will produce the most meaningful improvements to the biota.

EPA requires that states adopt water quality criteria and that "Such criteria must be based on sound scientific rationale..." States should "Establish numerical values based on: i) CWA 304(a) Guidance; or, ii) CWA 304(a) Guidance modified to reflect site-specific conditions; or, iii) Other scientifically defensible methods." (40 CFR 131.11) Our dissolved oxygen criteria provide the driver for the state's nutrient reduction modeling, and the nutrient general permit. However, our dissolved oxygen criteria do not have a sound scientific rationale and were not established by scientifically defensible methods.

Everett is concerned that because the dissolved oxygen criteria are flawed, it is not possible to determine environmental benefits from treatment driven by the criteria. The State needs to assemble a team of experts to develop new dissolved oxygen criteria.

Modeling

The Salish Sea Model is a critical and complicated tool that clean water agencies need to be able to understand inputs and results to quantify the benefits of a PSNGP. The data underlying the model, along with the results, need to be accessible, transparent and understandable to wastewater utilities. Modeling needs to answer whether the provisions of the PSNGP will mitigate or prevent impairments to the Puget Sound. The model should provide utilities a reasonable predictive tool on the effectiveness of new technologies or adaptive management scenarios. It is our belief that most agencies do not have the expertise to have a deep understanding of the modeling science and effort. An independent science and technology team needs to participate in the modeling effort and help permittees understand the results and implications for treatment solutions.



Independent science and technology work group

Everett agrees with the Coalition's request for the formation of an independent science and technology-based work group, similar to the partnership formed for the San Francisco Bay estuary. As stated by the coalition, the workgroup should be a collaboration of local, state and federal agencies, NGOs, academia, wastewater utilities, and business leaders working to protect and restore the Puget Sound. Their priorities should include:

- improving our understanding and monitoring of watersheds
- optimizing ratepayer investments, providing for funding and minimizing rate shock
- protecting Puget Sound's habitats by working within watersheds and considering all factors affecting dissolved oxygen in Puget Sound
- accounting for how the wastewater treatment plant point sources will be addressed in an equitable manner with other watershed point and non-point sources
- providing an independent panel of subject matter experts to review and guide the ongoing nutrient modeling effort, identify data gaps and advise on future adaptive management strategies
- determining which efforts and improvements throughout watersheds and all sources have the greatest potential to improve Puget Sound water quality
- determining that nutrient general permit requirements are technically and scientifically defensible and technically achievable, providing enough time for utilities to implement and optimize plant additions and modifications for any nutrient control measures
- creating a process that has flexibility and adaptive management provisions
- reviewing Ecology's rulemaking to adopt scientifically defensible dissolved oxygen criteria

Everett believes science must be the foundation for decision-making and structuring further regulations including a PSNGP. Assurance of positive outcomes is needed prior to new permit requirements. Scientifically defensible dissolved oxygen criteria and additional data, both at the basin and Puget Sound levels, are necessary to make any nutrient management strategy successful. To have an effective process, all parties need to understand and agree with the underlying science used to make regulatory and investment decisions. It is critical that adequate time is spent on the science, water quality standards and targeted outcomes before moving to strategies and solutions.

Everett is committed to work with the Coalition, our partner clean water agencies and Ecology to develop nutrient related permit requirements (whether in individual or general permits) and looks forward to further opportunities for input and discussion.

Sincerely,



Mark Sadler, P.E.

Operations Superintendent

