



# JAMESTOWN S'KLALLAM TRIBE

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March 15, 2021

Eleanor Ott, P.E.  
Washington State Department of Ecology  
P.O. Box 47696  
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RE: Puget Sound Nutrient General Permit (PSNGP) Preliminary Draft Comments

Dear Ms. Ott,

The wealth and well-being of the Jamestown S'Klallam Tribe (JST) and our surrounding communities are intricately tied to the health of our Puget Sound waters and their abundant resources. JST Natural Resources Department staff have completed a review of the proposed PSNGP and submits these comments for this preliminary draft. We commend and support Ecology's efforts to finally address the nutrient overload of the Puget Sound protecting our waters so severely impacted by the current discharges from wastewater treatment plants (WWTP). The implementation of this permit is long overdue and any efforts to delay it only continue the violation of the State's Water quality standards for dissolved oxygen, continue to severely impact Tribal treaty resources and harvests, and severely implicate Ecology in negligence of duty to protect our water quality. We have observed increasing trends of biotoxins restricting harvest opportunity – affecting all Washington citizen shellfish harvesters and seafood related businesses.

Research revolving around low dissolved oxygen (DO) throughout Puget Sound is not new. The following statements come from such studies.

- “A focused project [[by Ecology](#) (p. 1002)] in Hood Canal to investigate the occurrence and severity of low DO concentrations was begun in April 1994 and will continue through 1995... Fecal contamination is prevalent in southern Hood Canal (Health, 1993) ....A set of DO profiles collected during August 1986 led Curl and Paulson (1991) to conclude "the volume of hypoxic water is much greater than any seen in the previous three decades." Numerous fish kills (seven events from 1989-1992; Oberlander, 1992) have been observed that could have been caused by low DO concentrations. “
- “In the 2008 Water Quality Assessment, [Ecology](#) found 24 locations in South Puget Sound to be impaired due to too little dissolved oxygen.”
- In 2011, Ecology reported ([Pub. No. 11-03-057](#)) that WWTPs contributed significantly to Puget Sound's problems with dissolved oxygen.

WWTFs want more studies to delay this permit, as this allows the status quo to continue. We fully support Ecology in moving forward as soon as possible to remedy our water quality issues and to fulfill its mandate to protect our fish and our Tribal treaty resources.

We look forward to continuing to work with Ecology to protect the natural resources that are essential to the cultural, social, economic and physical wellbeing of the Tribe. The problematic trends of harmful algae blooms must be remediated for Washington inland marine waters to support safe seafood harvest.

Sincerely,

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Cc: Tyson Oreiro, ECY Tribal Liaison

## General Comments on Puget Sound Nutrient General Permit

1. The current laws and permits in effect today are currently not protecting the Puget Sound. They have, to this point, legalized and allowed a prescribed amount of pollution and degradation to happen.
2. Current permits place human use of the ecosystem above Tribal resource rights, fish, orcas, human rights to a clean environment, etc.
3. This permit reduces the limits of harm that WWTPs will be able to do but does not stop the harm. “The capacity of Puget Sound to absorb wastewater nutrient has already been surpassed, leading to violations of the water quality standards.”<sup>1</sup> Accommodating growth should not come at the expense of water quality. “Federal agencies believe increases in flow can be offset by decreases in concentration to maintain current loading at most plants. If a “moderate increase” is allowed, it should be clearly defined in the permit and the Fact Sheet should describe why this is allowable.”<sup>1</sup> This thinking keeps nutrient loads above what Puget Sound can absorb. Diluting the concentration without reducing the amount of nutrients will not get us to better water quality.
4. This permit legitimizes the dumping of 10 mg/L total inorganic nitrogen by a WWTP. “The Advisory Committee generally agrees that the first permit term targets or actions beyond monitoring (section III) and optimization (section V) are not expected for plants that are already operating under 10 mg/L total inorganic nitrogen (TIN).”<sup>1</sup> This does not take into consideration the per capita pollution.
5. Timing: “The Puget Sound Nutrient General Permit (PSNGP) Advisory Committee agrees that jurisdictions should be required to include advanced treatment needs and growth patterns should be considered and addressed in their 2024-25 or 2032-33 Comprehensive Plan updates and financial plans. For specific capital projects identified, comprehensive plans can be amended as needed.<sup>1</sup>” This time frame seems too far in the future. All Comprehensive Plan updates coming up should address this, instead of waiting until the 2032 cycle.

### Specific Questions from Ecology

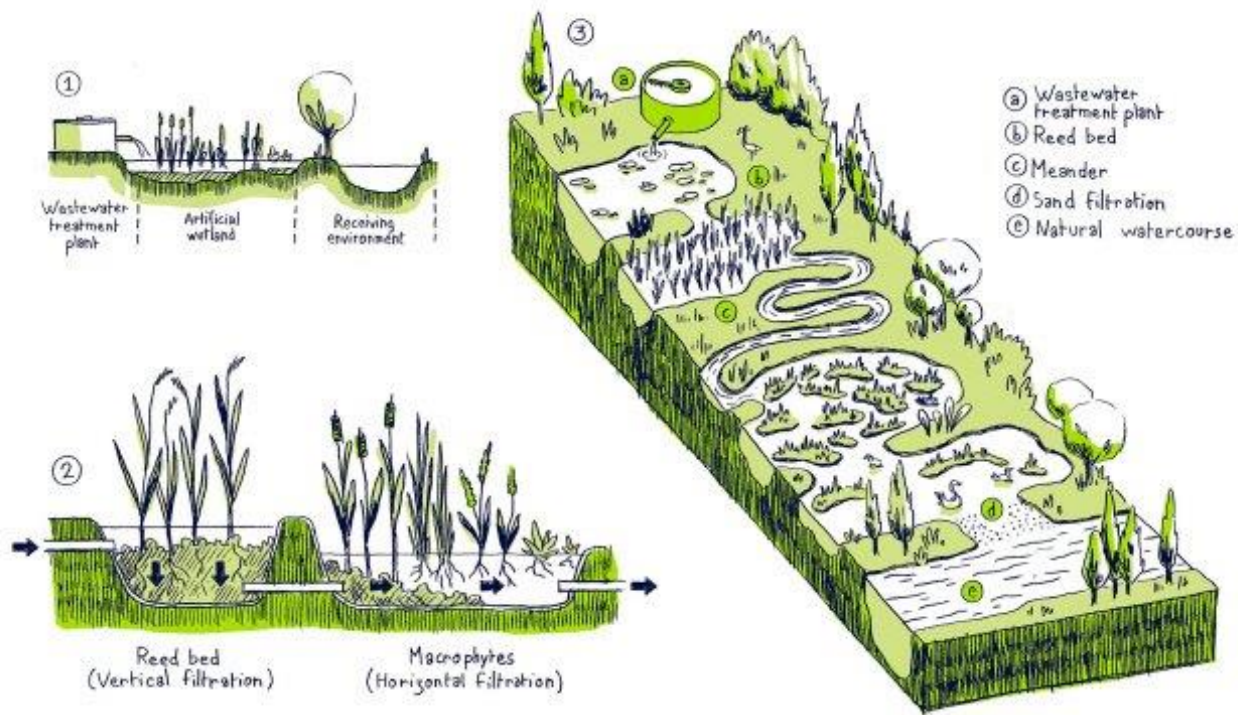
1. *Do reviewers have feedback on whether the 95% UCL or 99% UCL is more appropriate for AL0? Ecology has considered both and would like additional input.* – If I understand this correctly, 95% UCL is more likely to be exceeded than 99%UCL. This means that should no growth arise, and nothing changes, these WWTP will not see any triggers. That means that WWTFs would be able to continue to exceed the Puget Sound nutrient load capacity. We know we cannot sustain this current level of pollution. For that reason, 95% UCL is better, but still

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<sup>1</sup> Puget Sound Nutrient General Permit Advisory Committee. Final Recommendations: Considerations for PSNGP Development. 10/21/2020.  
[https://www.ezview.wa.gov/Portals/\\_1962/Documents/nutrients/PSNGP%20AC%20final%20recommendations%202020\\_10\\_21\\_Final.pdf](https://www.ezview.wa.gov/Portals/_1962/Documents/nutrients/PSNGP%20AC%20final%20recommendations%202020_10_21_Final.pdf)

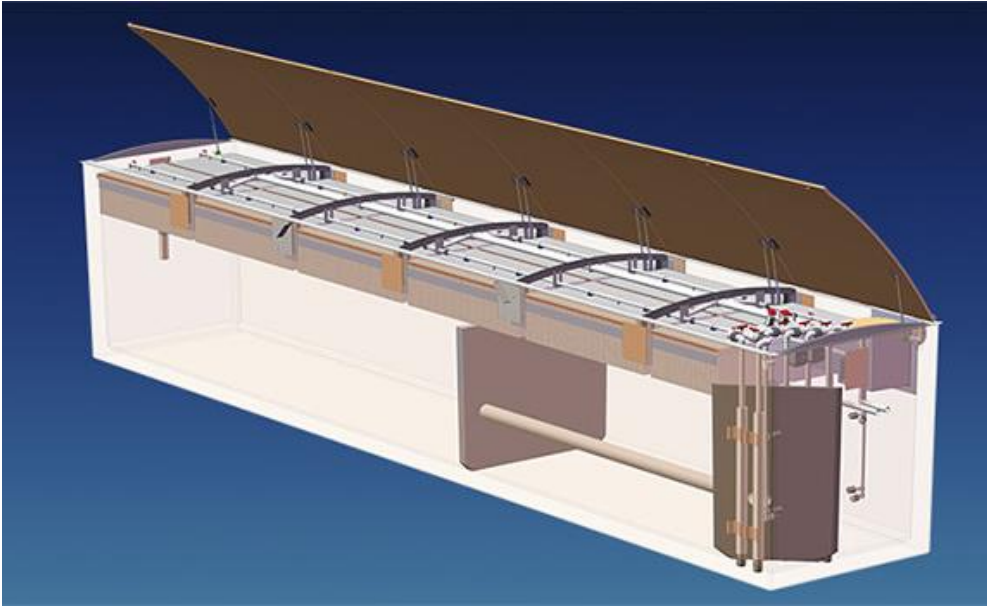
does not address today's needs. Optimization activities and nutrient load reductions must begin immediately. Using 75% UCL would incentivize nutrient reductions and would begin addressing water quality. Both 95% or 99% UCL do not meet our needs today.

2. *Do reviewers agree with this approach proposed for plants that have existing nitrogen-related effluent limits in their individual permits?* Only if the existing permit conditions are more stringent with regards to nitrogen-related effluent limits than the proposed permit.
3. *Do reviewers agree with the approach proposed for calculating AL1 for facilities that have historically been able to maintain their annual average TIN effluent concentration below 10 mg/L?* No. This does not take into account a per capita nutrient load. Small systems, usually implement less technology and have fewer funds, may be having a greater impact per capita than larger ones. Allowing these smaller systems, which are usually found in rural areas, to be exempt until they reach 10 mg/L may cause much harm. Shellfish areas are more abundant in rural areas and sensitive to the acidification and low dissolved oxygen of nutrient loading, thus more prone to impacts from these rural WWTPs. In addition, it is imperative that the focus should be on large WWTPs to reduce their TIN effluent as soon as possible, as they have the greater impact on our water quality.
4. *Do reviewers have suggestions on what information permittees use to justify their decision making process when conducting financial and technical analyses to select (or eliminate) optimization strategies?* Staff bandwidth and political costs seem to be the main reasons things stay the same. Staff are already doing a full time job, without having to evaluate optimization strategies. It takes political will to raise user fees to pay for the staff time and the effort to select optimization strategies. It is easier to gradually optimize than to do a significant change to operations. This is not necessarily the best strategy or the most cost effective. Sometimes you just need to install a completely different system to remove the nutrients. In the long run, it is better to spend funds for significant updates than small incremental ones that can only go so far. Grant funding for innovative solutions could make a big difference.
5. *Do reviewers have suggestions for "reasonable investments" at small (<3 MGD), medium (3-10 MGD) and large (>10 MGD) that could be used to separate the two tiers of optimization actions required by this permit?* Two items: 1) a full educational campaign that makes all aware that every drop of water they use will eventually end up in the Puget Sound and affect our water quality and all that live in that environment. With stickers at every water source and products that are used with water, thus ending at the WWTP. 2) Another would be the installation of a living system.



<https://twitter.com/suez/status/976819715984318464/photo/1> These could be as large or small as space allows.

6. *Are there any additional Tier 1 optimization actions that should be included in this document? Add living systems (see #5).*
7. *Are there any additional Tier 2 optimization actions that should be included in this document? Add living systems (see #5) and water reuse.*
8. *Are the tiers broken out appropriately? The tiered actions move us very slowly into nutrient reductions, and only if A1 is triggered. Tiers 1 and 2 should happen for all WWTF (as reductions need to be made to protect our water quality) in the first year and Tier 3 needs to be triggered in the second year for all WWTF that exceed A0 (not A1).*
9. *Ecology is soliciting input on what types of Tier 3 actions plants must take to achieve further nutrient reduction, sooner, if they exceed their second action level trigger. Should these actions vary by facility size? There are new systems that seem reasonable for all sized WWTPs that reduce nitrogen loads and allow for water reuse applications without taking up much space.*



<https://www.orengo.com/applications/municipal/municipal-treatments>

10. *Do reviewers have feedback on Ecology's proposed use of a standardized form for the annual optimization report?* It seems like a good idea so that you have the same information from all plants.
11. *Do reviewers have examples of information from an existing, unrelated planning process that could meaningfully apply to meet this nutrient reduction evaluation requirement?* Baltimore County put a moratorium on development because school capacity was exceeded. Developers that wanted to build in these areas needed to help address the school capacity before they could build there. WWTPs that are over their nutrient capacity could ask developers to help install systems in the affected WWTP that reduce nutrients, such as in #9.
12. *Do reviewers have feedback on whether a regional study should be limited to WWTPs < 10 MGD so that larger facilities can conduct their own evaluation? Or, should Ecology provide minimum elements that must be satisfied leaving participation up to each discharger?* Minimum standards should be set, and evaluations need to be completed by all in a way that comparisons and a complete picture can be drawn from all the data. Participation should be required by all and Ecology should set the process.
13. *Is there interest in folding this type of treatment technology information sharing into an existing stakeholder process?* This data should be shared widely as it will be useful for many outside the existing stakeholder group. Advances that are done by the WWTPs should be shared with all.
14. *Do reviewers have feedback on the proposed timeframes for this evaluation?* They seemed reasonable given the tasks required.
15. *Do reviewers have suggestions or ideas for other Tier 3 actions that Ecology should consider? Should plants be able to identify different Tier 3 actions during the permit term provided Ecology pre-approval?* Besides the ideas listed above, plants should be able to suggest different Tier 3 actions that meet Ecology's requirements. New innovations may come out of that effort.