

Washington Association of Sewer & Water Districts

The Washington Association of Sewer & Water Districts (WASWD) has a significant interest in the development of a Puget Sound Nutrient General Permit (PSNGP). Many of our members operate wastewater treatment plants sending effluent to the Sound, or collect wastewater and send it to such plants. The proposed regulations would greatly affect facility operations and significantly increase costs to our ratepayers. Recognizing its importance, WASWD Past President Jeff Clarke served on the PSNGP Advisory Committee, I attended the meetings as an alternate, and numerous districts have followed the process closely.

After reviewing the Preliminary Draft Permit released by Ecology on January 26, we have the following general comments:

1. Better scientific foundation: Since discussions began about the general permit, utilities have disputed the science behind the proposed regulations. Gaps in data, uncertainties, and understanding of local and regional impacts have not been explained. This has been particularly true for dissolved oxygen standards, which are over 50 years old, and have no scientific basis. Without reliable science that demonstrates how permit requirements will produce significant benefits to the Puget Sound ecosystem, major expenditures of public money to meet General Permit requirements could be wasted at the expense of more beneficial actions for Puget Sound water quality.
2. More practical approach to small treatment plants: The Draft's handling of small wastewater plants is contradictory and problematic. As was pointed out in the Advisory Committee process, the bulk of the covered treatment plants are relatively small and contribute minor amounts of nutrients to the Sound. Of the 58 plants proposed to be covered by the General Permit, the 41 plants with the smallest current flows contribute a total of 5% of total nutrients coming from the 58 facilities. The 33 smallest plants taken together contribute about 1%. Forcing these facilities to be completely rebuilt to meet new standards would be enormously expensive for their ratepayers, with insignificant reductions of nutrients.
3. Better distinction between regions of the Sound: There may be reasons to require improvements to certain small facilities, depending on their location and circumstances. However, the proposed permit treats all plants throughout the region as contributing to the Dissolved Oxygen problem based on Nitrogen concentrations and flows, and not factoring in locations. We believe this to be incorrect and not backed by the science. A facility discharging to a confined inlet with sensitive receptors is not the same as one that releases into the middle of Central Puget Sound. Ecology's maps show what appear to be highly localized areas of Dissolved Oxygen impacts, yet the General Permit treats it as a Sound-wide problem.
4. More sound basis for triggers: The draft permit relies on a statistical method "bootstrapping" to turn minimal amounts of data into measurements of current discharge levels. While we have not seen any report showing how many monitoring points the various plants have available for this calculation method, Ecology staff has implied that at some facilities it might be a dozen or less over three years. This is not

enough to accurately characterize a facility's nutrient loading through seasonal variations, weather swings and pandemics. Since all agree that more data is needed, the monitoring program should not only support robust data acquisition for characterization, but also be designed to evaluate optimization since this will, at least initially, be the primary means by which nutrient levels are kept below action levels.

5. Better defined tiers and triggers: The proposed "tiers and triggers" are going to tip most plants into significant expenditures in the near term. Even plants that are comfortably under the 10 mg/L level are being required to carry out "optimization" programs, many of which can be costly. Very small plants will likely be kicked into Tier 3 actions in many cases requiring significant reconstruction with new technology. In some cases, large plants have no space for expansion or reconstruction, and may need to seek to build entirely new facilities elsewhere. Since the "tiers and triggers" are what will set requirements for plants, they need to realistically take into account concerns about science, the insignificance of contributions of small facilities, and timing of required improvements.

6. More realistic timelines: The draft permit requires action on extremely aggressive schedules in several ways. Significant increases in monitoring would be required just one month after the permit's effective date. Many utilities are not able to add staff and budget in that timeframe. It is also unknown whether commercial labs (or Ecology staff) can handle the surge in new sampling and data generation. The draft permit is also unrealistic in its schedule for treatment improvements. Major facility improvements require ten or more years to plan, design, permit, construct, and put into operation. The 5% margin allowed over current levels, especially combined with the aggressive timeline for compliance, is likely insufficient to prevent moratoria on new connections with the growth faced by the region. In addition, Water Quality Base Effluent Limitations (WQBELs) are not expected to be established before 2023. Planning facilities before these limits are known could result in unnecessary or ineffective costly facilities. Having WQBELs set for each plant before major investments are required ensures better outcomes for the region and that limited funds are wisely spent. Finally, annual nutrient optimization plan submittal and review by Ecology raises real concerns about the financial and personnel needs locally and at Ecology in order to accomplish this in a timely fashion. Scientific scrutiny and discussion with the WWTPs will be something akin to a discharge permit renewal. This will take time that the nutrient permit does not seem to allow for. WASWD supports the Utility Caucus Proposal which was presented to Ecology and the Advisory Committee in October 2020, and is attached with this letter. This document advances more realistic timelines for steps in the permit.

We share the concerns of all the stakeholders of the Advisory Committee about water quality in Puget Sound. The current permit proposal, however, is based on disputed science, unrealistic timelines for compliance, and apparent disregard for costs to the public. The comments in this letter aim for permit requirements that will produce effective and affordable protection of Puget Sound water quality.

Thank you for considering these comments.



Washington Association of Sewer & Water Districts

EDUCATE ■ ADVOCATE ■ COLLABORATE

March 12, 2021

Eleanor Ott, PSNGP Permit Writer
Department of Ecology
Water Quality Program
PO Box 47600
Olympia, WA 98504-7600

Re: Preliminary Draft Puget Sound Nutrient General Permit Comments

Dear Ms. Ott:

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Sincerely,

A handwritten signature in blue ink that reads "Judi Gladstone". The signature is written in a cursive, flowing style.

Judi Gladstone
Executive Director
Washington Association of Sewer & Water Districts