



1220 Lakeway Drive  
Bellingham, WA 98229  
(360) 734-9224

July 28, 2021

Eleanor Ott, PE  
Washington State Department of Ecology  
PO Box 47696  
Olympia, WA 98504-7696

Re: Draft Puget Sound Nutrient General Permit Comments

Dear Ms. Ott:

The Lake Whatcom Water and Sewer District, authorized as a special purpose district under Title 57 Revised Code of Washington, operates water and sewer utilities located wholly within the Lake Whatcom Watershed. Operating utilities within this environmentally sensitive area, which serves as the drinking water source for over 100,000 people, the District takes seriously its commitment to sound environmental stewardship. The District also recognizes that its environmental footprint is larger than its service area—all wastewater collected by the District is conveyed out of the watershed for treatment at the City of Bellingham's Post Point Wastewater Treatment Plant, the effluent of which is discharged to Puget Sound.

As a partner in funding any capital improvements to the Post Point WWTP, the District has closely followed the development of the Puget Sound Nutrient General Permit. The District fully recognizes the Department of Ecology's responsibility to maintain compliance with water quality standards and to address dissolved oxygen impairment in sensitive areas of the Sound, and greatly appreciates Ecology's attempt at addressing our and many other utilities' concerns in the modification of the Permit between its preliminary draft and draft revisions. The District, however, remains concerned with implementation of the new regulatory requirements defined within the proposed Permit without Ecology having first verified the modeling results upon which the draft Permit is based with sufficient sampling and data analysis, or fully exploring the effectiveness and costs of removal technologies. The District believes that the significant investments in nutrient control that will be required of treatment plants will have broad societal impacts on affordability, equity, energy use, and greenhouse gas emissions. It is with these concerns that the District Board of Commissioners has authorized the issuance of this letter as the District's formal comments on the draft Permit.

The District submits the following comments on the draft Permit issued by Ecology on June 16, 2021:

1. *Better scientific foundation:* There remain significant scientific uncertainties associated with understanding dissolved oxygen depletions in Puget Sound relative to the use of the Salish Sea Model as the tool to support regulatory requirements. Using a model based upon limited data to generate Puget Sound-wide effluent limits is premature, and causes great concern for WWTP operators that will be required to adhere to such limits that may be irreversible under the Clean Water Act's anti-

backsliding provision, even if additional data and future modeling demonstrate that less stringent limits are appropriate. Additionally, Ecology has not fully considered the environmental trade-offs that will be created by the Permit, such as the increase in greenhouse gas emissions that will result from implementation of available nitrogen removal technologies at WWTPs.

2. *Better distinction between regions of the Sound:* There may be reasons to require improvements to certain facilities, depending on their location and circumstances. However, the proposed permit treats all WWTPs throughout the region as contributing to the dissolved oxygen problem based on nitrogen concentrations and flows, and not factoring in locations. The District believes this to be incorrect and not backed by the science. Ecology's maps show what appear to be highly localized areas of dissolved oxygen impacts, yet the draft Permit treats it as a Sound-wide problem.
3. *Economic impacts must be considered:* Implementation of the draft Permit is projected to require significant and costly improvements to WWTPs throughout the Puget Sound, which will ultimately be borne by the citizens and businesses of the Sound through rate increases—in some cases projected to require tripling of current rates. Considered in aggregate with stormwater, habitat restoration and other actions necessary for Puget Sound recovery, Ecology should recognize the cumulative cost of these projects and prioritize those with the greatest water quality benefit.
4. *Alternative approaches should be fully explored:* Ecology should first explore alternative approaches to improving Puget Sound water quality. For example, an approach could be to initially focus on shallow bays where dissolved oxygen is most problematic. This would achieve the most impactful water quality benefit while allowing sufficient time to collect necessary data and complete modelling refinements applicable to the entire Sound. The District fully supports restoration of Puget Sound, but also believes Ecology has not fully explored alternatives that would lead to the most efficient and impactful path to water quality improvement.

The District feels it important to reiterate its commitment to protecting the water quality of Puget Sound; however, it has significant concerns related to the draft Permit being based on disputed science that may be irreversible if implemented as is, failure to fully consider alternative approaches to reaching the goal of improved water quality throughout Puget Sound, and lack of consideration of the costs of facility improvements that will ultimately be borne by the general public through significant rate increases. The District strongly encourages that Ecology considers permit requirements that will produce effective and affordable protection of Puget Sound water quality.

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Sincerely,  
Lake Whatcom Water and Sewer District



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Justin L. Clary, PE  
General Manager

cc: Bellingham City Council  
Whatcom County Council  
Washington State Legislators, 40<sup>th</sup> and 42<sup>nd</sup> Districts  
Washington Association of Sewer and Water Districts