

August 12, 2021

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

RE: Seattle Public Utilities Comments on the Department of Ecology's Puget Sound Nutrient General Permit

Dear Ms. Ott:

Please accept the following comments from Seattle Public Utilities (SPU) on the Draft Puget Sound Nutrient General Permit. SPU is very supportive of improving the water quality in Puget Sound and has reviewed the permit and fact sheet based upon the impact to the regional system and specifically SPU customers. As mentioned in our letter on the preliminary draft permit, SPU is part of the King County regional wastewater system, and our customers pay almost 40% of the costs of operating the regional system so the financial impact and affordability of the required investments are of major interest. Our goal is that Ecology implements a permit that balances customers' ability to pay with the required compliance actions and desired environmental outcomes.

During the July 20, 2021 public meeting several questions were asked about how the impact of implementing the Nutrient General Permit would be measured in Puget Sound and if these investments would result in measurable improvements in dissolved oxygen. Ecology's responses were not reassuring that changes in dissolved oxygen due to permit implementation could be measured. Additional scientific study including robust water quality monitoring and modeling of the Puget Sound must be prioritized and adequately funded during the next 5-year permit term so that there is a robust data set to demonstrate if the multi-billion dollar investments proposed in the optimization and Nutrient Reduction Evaluation reports will result in improvements in dissolved oxygen. The cost of implementing the permit requirements in King County will be significant and it must be shown that these investments are going to result in improved environmental conditions.

In addition, as Ecology considers the timeline for implementation of any improvements recommended in the optimization and Nutrient Reduction Evaluation reports, we encourage Ecology to investigate and consider how investments and upgrades can be timed in a way that make the greatest improvement in areas where dissolved oxygen impairments routinely occur. For projects that have a lesser impact on dissolved oxygen impairment, Ecology should allow longer timelines or alternative treatment levels.

SPU appreciates that Ecology included Affordability and Environmental Justice as elements of the Nutrient Reduction Evaluation. The fact sheet states that "*Identification of overburdened communities and barriers to affordability do not absolve jurisdictions from upgrading treatment processes to meet water quality standards. Jurisdictions must develop a solution that accommodates the need to protect the receiving water while also providing a level of service to all residents within their community*" (Fact Sheet p. 51). While we agree that jurisdictions should not be absolved, Ecology should allow for submission of AKART, Nutrient Reduction Evaluations and implementation schedules that do not put undue burdens on low-income customers. As we stated in our letter on the Preliminary Draft, EPA has recently updated its Financial

Capability Assessment Guidance and SPU recommends that Ecology allow this guidance to be used to select (or eliminate) optimization strategies, technology investments and associated implementation schedules.

Thank you for your consideration of SPU's comments. If you have questions or would like additional information regarding any of our comments, please contact Kevin Buckley at [kevin.buckley@seattle.gov](mailto:kevin.buckley@seattle.gov).

Sincerely,

(Submitted electronically)

Andrew Lee P.E., Deputy Director  
Drainage and Wastewater Line of Business  
Seattle Public Utilities