



August 12, 2021

Department of Ecology
Attention: Ellie Ott
Via online submittal

RE: Comments on Draft Nutrient General Permit

Dear Ms. Ott,

The Silver Lake Water and Sewer District serves a population of approximately 55,000 in unincorporated Snohomish County and the City of Mill Creek. The District does not own or operate a wastewater treatment plant. The District contracts with the City of Everett and Alderwood Water & Wastewater District for wastewater treatment, according to long term interlocal agreements. As we do not own or operate a plant, we are not as well versed in the technical requirements of the permit. Despite this fact, we are very concerned about the draft Nutrient General Permit, primarily for the financial impact it will have on our rate payers.

The District recently implemented a rate increase to recover expenses incurred for wastewater treatment, the increased cost for capital repair and replacement of our infrastructure and general cost escalation. While this increase was necessary and the District made every attempt to educate our customers of this necessity, we still heard from many that the increase would create a financial strain in their household budget at times when they are still recovering from the impacts of the Covid-19 Pandemic and other escalating costs. We are not able to forecast what the impact of the implementation of the Nutrient General Permit will be to our ratepayers as it will be determined by the expenditures of other agencies that operate the wastewater treatment plants (City of Everett, Alderwood Water & Wastewater District, and King County), but we know it will be significant increase. Currently, fifty percent of the District's total expenditures are for Wastewater Treatment expenses remitted to these other agencies.

In addition to the financial impact to our rate payers, we have several other concerns regarding the process that Ecology has undertaken to draft this permit:

- It is the District's understanding that there are already legal challenges to the draft permit on the basis that Ecology did not follow the State Administrative Code for rule making. The issuance of general permit, in addition to individual permits, is contrary to the Federal regulations. That a general permit is not the appropriate regulatory tool to manage a large water body with varied natural water quality parameters, and there are other human inputs of nutrients that significant contribute to the receiving body. As there are many wastewater plants that will be subject to this permit and as these plants vary both in their size and operational characteristics, a one size fits all approach is not appropriate.
- Ecology's decision to draft this rule in a virtual format during a pandemic, with limited opportunity for public involvement, has resulted in very low public awareness. This rule will have a dramatic impact on the Puget Sound region, impacting millions of households by significantly increasing their expense for an essential utility. Expenditures for utilities, like utility taxes, can be regressive, having a disproportionate impact on low-income households. However, due to the process that has been

undertaken, the public has no idea that they are being committed to pay potentially billions of dollars through their utility rates to comply with this permit.

- The District is aware that the science that the Department of Ecology is relying upon is questionable in terms of statistical methods, use of outdated water quality parameters, impact of the wastewater discharge compared to the natural system and does not address other sources of nutrients such as stormwater.
- Finally, the District is concerned that the Nutrient General Permit, as drafted, does not consider any form of a cost benefit analysis. While billions of expenditures raised through utility rates will be spent to comply, it's unknown if there will be any measurable environmental benefit.

The Silver Lake Water and Sewer District values environmental stewardship and agrees with the Department of Ecology that nutrient discharges to Puget Sound from all sources merit further study and possibly further regulation. We conclude our comments in that the Draft Nutrient General Permit should not be implemented as drafted, we request a more comprehensive evaluation of the nutrient issue that will result in more effective and affordable outcomes to protect the Puget Sound.

Thank you for the opportunity to provide comment.

Sincerely,

Curt Brees
General Manager
Silver Lake Water and Sewer District