



August 13, 2021

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

Dear Ms. Ott,

I am writing to share the City of Everett's concerns about the Washington State Department of Ecology's (Ecology) draft Puget Sound Nutrient General Permit (PSNGP) for municipal wastewater treatment facilities that discharge into Puget Sound. Ecology's issuance of a PSNGP is premature and needs much more work before it can be implemented successfully. We request that Ecology delay the issuance of the PSNGP until the modelling of nutrient inputs to Puget Sound is well understood, the limited available data is fully evaluated, and alternatives have been explored.

Ecology's own evaluation and past records on the Everett Water Pollution Control Facility (WPCF) have indicated the City's plant is not designed to remove nutrients effectively or efficiently and has limited opportunities for optimization. Any required improvements to meet nutrient reductions will have substantial impact to our utility rate payers.

The City recognizes Ecology's responsibility to maintain compliance with water quality standards and to address dissolved oxygen (DO) impairment in sensitive areas of the Sound. The City shares Ecology's goal. We do not, however, have sufficient information to support the PSNGP as proposed by Ecology.

The science does not support issuance of the PSNGP at this time. There remain significant scientific uncertainties associated with understanding DO depletions in Puget Sound and use of the Salish Sea Model as the tool to support regulatory requirements. There is considerable debate among scientists to the accuracy, appropriateness, and completeness of the model. The Puget Sound is a complex ecosystem that needs to be studied and evaluated by a body of experts.

The PSNGP, as proposed by Ecology, will have significant economic impacts on residents and business owners in this region. Ecology has neither adequately informed nor facilitated input from businesses or government policy makers. Ecology should assess the economic impacts of the PSNGP to ensure decision-makers are well informed on what the costs to stakeholders will be. Residents and businesses served by the City of Everett could experience exponential rate increases due to compliance with the general permit as proposed. Given the regional need to tackle stormwater, CSO compliance, habitat restoration, and other actions necessary for Puget Sound recovery, Ecology should recognize the

PUBLIC WORKS



3200 Cedar Street
Everett, WA 98201



425.257.8800
425.257.8882 fax



everettpw@everettwa.gov
everettwa.gov/pw

collective cost of these various environmental projects and prioritize those with the greatest water quality benefit.

The City has substantial concerns related to permit language:

- The preliminary draft permit included specific language stating that dischargers will be considered in NPDES permit compliance should effluent limits be exceeded because of optimization efforts or pilot studies related to nitrogen reduction. These explicit protections have been removed in the current draft. Likewise, the draft permit does not appear to require Ecology review and approval of proposed optimization strategies prior to implementation. Absence of such provisions, reviews and approval steps opens dischargers to compliance risk and potential litigation when testing new technologies and/or operating more aggressively to achieve some degree of nitrogen removal.
- In the event of an Action Level (AL) exceedance event, Section S4.D.1.a. requires dischargers to determine when the event occurred and number of days of exceedance. The basis for determining potential exceedance is not clear, nor is the accounting of days. The permit does not specify how discharges for non-sampling days will be accounted for and therefore the basis for determining an exceedance is not clear. Additionally, action levels are not permit limits. This could open the door for potential legal liabilities if the plant is unable to meet an action level established in the general permit.
- The proposed Jan 1, 2022 effective date of the permit and subsequent 90-day period for application for coverage under the PSNGP does not provide sufficient time to meet the required May 1, 2022 deadline to assess, model, evaluate, identify, select, and implement a required optimization strategy. The City needs time to evaluate optimization strategies for potential nutrient removal benefits along with process risks, costs associated with optimization strategies, and possibly construct modifications required for optimization strategies. Furthermore, we prefer to have Ecology approval and buy-in on the selected optimization strategy implemented. Therefore, we propose the initial optimization plan be required no earlier than one year from the effective date; and implementation of an initial optimization action, to the extent one is available, be required no earlier than May 1, 2023 based on the preceding PSNGP milestones and deadlines cited in this paragraph.
- The City currently accepts chemical toilet waste and septage from large regional haulers. A readily available optimization strategy, as currently outlined in the new permit language, would no longer allow acceptance of such wastes. Accepting these wastes encourages environmentally responsible waste disposal from haulers. Changes to the City's current policy in this regard may shift discharges of these waste streams to more environmentally sensitive locations; or possibly result in illegal dumping and discharge to state waters without treatment.
- The City's TF/SC and lagoon treatment plant is designed for BOD and TSS removal only. It is possible that some optimization measures may be able to marginally reduce nitrogen discharges over baseline conditions. However, significant facility upgrades, with significant costs, may be required to achieve such improvements. We anticipate required rate increases to cover costs may be unaffordable to our rate payers, who are considered economically sensitive based on the Jan. 2021 draft EPA affordability guidelines. In

absence of external funding, we anticipate phased implementation and long compliance schedules to stay within affordability metrics outlined in recent draft EPA guidance and thus to be considered reasonable and viable.

Living and operating a business within the City of Everett is already becoming unaffordable for many. We have complied with the Growth Management Act and focused growth within the urban growth boundary. This has resulted in dense urban neighborhoods in the City. Significantly increased sewer rates could force residents to move elsewhere and businesses to relocate. We do not want to see further displacement. We want to maintain affordability for residents and businesses in this region.

Nitrogen removal is a huge investment for both the City and the region. We strongly support the protection and restoration of Puget Sound, but Ecology has not fully explored alternatives that could lead to greater water quality benefits. We do not have sufficient information yet from Ecology to justify this magnitude of investment to residents and business owners.

Thank you in advance for your consideration of our comments. Again, I want to emphasize the importance of delaying issuance of the PSNGP until the modelling and data on nutrients are well understood and alternatives fully evaluated. If you have any questions, please feel free to contact Jeff Marris, our Operations Superintendent, or me anytime at 425.257-8800. Thanks again for your consideration of our comments.

Sincerely,



Ryan L. Sass, P.E.
Public Works Director

cc: Jeff Marris, Operations Superintendent
John Rabenow, Senior Environmental Specialist
Tim Benedict, Deputy City Attorney
Nick Harper, Deputy Mayor
Cassie Franklin, Mayor