



MEMORANDUM

To: Department of Ecology
CC: Governor Jay Inslee, Senator Dave Paul, Senator Greg Gilday, Representative Ron Muzzall, Mayor Molly Hughes- Town of Coupeville, Mayor Robert Severn-City of Oak Harbor, Director Laura Watson- Ecology, Deputy Director Heather Bartlett- Ecology, Sharlett Mena-Ecology, Stu Clark- Ecology
From: Public Works Advisory Commission, Mayor Scott Chaplin, Randi Perry, Interim Public Works Director
Date: August 16, 2021
Re: Puget Sound General Nutrient Permit Comments

The purpose of this memo is to provide comment to Department of Ecology regarding the Puget Sound General Nutrient Permit for consideration moving forward.

The City of Langley recognizes that some minor changes have been made because of feedback received by smaller facilities. The city believes that the DOE should focus on the dominant loaders in the first permit cycle as they equate to 99% of the total TIN (Total Inorganic Nitrogen) load from domestic WWTPs (fact sheet pg.34, & Appendix D-Permittee Category Determination). Smaller facilities such as The City of Langley require additional time to develop capital to address the required monitoring and planning efforts.

The city feels strongly that water quality-based limits be developed by ecology prior to requiring additional planning. The city data shows our facility has made great strides in a consistent effort to reduce nitrogen. Completion of these required planning exercise is futile without knowing the final numeric effluent limits for which to achieve. This approach will result in multiple planning efforts at the same facility.

Page 24. 3b.- Small agencies do not have the resources to study ways to reduce TIN from multi-family and commercial buildings. This issue is better addressed regionally, not one for individual facilities.

Page 61 notes that an economic analysis of the impact of the Draft Permit was not prepared because it was not required by State Law. Despite that fact, Ecology is very aware the permit requirements will have a significant economic impact on citizens and businesses. The State Department should understand and discuss the magnitude of these impacts. Ecology is requiring each small facility to complete an economic evaluation and environmental justice review where a regional study would be more cost effective and develop more usable information.

The draft requires AKART analysis for small facilities. This is a considerable expense for little positive effect. Ecology mentions approving of a jointly developed document on page 52 in the fact sheet. This effort would benefit from regional coordination and funding.

Page 23 Section 2—This requires Permittees to “document all adaptive management following initial implementation...” Documentation of ‘all’ is not specific and a significant administrative burden, which opens agencies to lawsuits.

The efforts for small facilities to create a Nitrogen Optimization Plan, AKART analysis, economic evaluation and environmental justice will require significant investment of resources. The city would like ecology to delay the implementation of these planning requirements for small facilities until the second permitting cycle and coordinate and fund a circuit rider with the technical expertise to assist in these planning efforts.