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THE SUQUAMISH TRIBE

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TRANSMITTED BY EMAIL

August 16, 2021

Eleanor Ott, P.E.
Washington State Department of Ecology
P.O. Box 47696
Olympia, WA 98504
eleanor.ott@ecy.wa.gov

RE: Draft Puget Sound Nutrient General Permit

Dear Ms. Ott,

The Suquamish people have lived, fished, hunted, and gathered in and around Puget Sound since time immemorial. The Suquamish Tribe takes its name from the traditional Lushootseed phrase for “people of the clear salt water” and is signatory to the 1855 Treaty of Point Elliot, in which the Tribe forever reserved the right to take fish in its usual and accustomed fishing areas (U&A). The Suquamish U&A includes the Puget Sound and associated waterbodies. Untreated or improperly treated wastewater which includes nutrients are discharged into these waters resulting in impacts to the Suquamish Tribe and its members. These discharges result in harmful algae blooms, posting of health advisories, and closure of beaches where Suquamish tribal members harvest shellfish. In addition, these discharges have and will continue to prompt recalls of commercially sold shellfish. All these impacts interfere with tribal member commercial and subsistence harvest activities that are reserved under the treaty.

General Comments

There is increasing evidence that nutrients discharged by King County Wastewater Treatment Division and others are impacting the Puget Sound ecosystem by contributing to low dissolved oxygen, acidification, harmful algal blooms, and changes to food web dynamics. These impairments pose a direct threat to aquatic life and the abundance of treaty-reserved resources. In the case of harmful algal blooms, it also threatens the Tribe's access and ability to harvest treaty reserved resources. Shellfish closures due to paralytic shellfish toxins in the central basin of Puget Sound were almost unheard of until the 1970s but had become commonplace by the 1990s and continue to the present. Approximately 38 tons of dissolved inorganic nitrogen are discharged from wastewater treatment plants to Puget Sound each year. Two-thirds come from the four largest plants, including West Point Treatment Plant and King County South Treatment Plant, both of which are King County Wastewater Treatment Division facilities.

In 2013, King County entered into a Consent Decree with the State of Washington, and the Environmental Protection Agency to address serious and ongoing sewage discharges from its wastewater treatment facilities and combined sewer outfalls that were in violation of the Clean Water Act. Notwithstanding a series of enforcement actions against King County, Clean Water Act violations have continued, including major releases from the West Point Treatment Plant.

King County is responsible for a number of NPDES permit violations, discharging effluent wastewater into Puget Sound between 2015 and 2021. These discharges occurred at the West Point Treatment Plant, as well as other treatment facilities, and Combined Sewer Outfalls, on the shores of Centennial Park on Elliot Bay in downtown Seattle, and near Alki Beach in West Seattle.

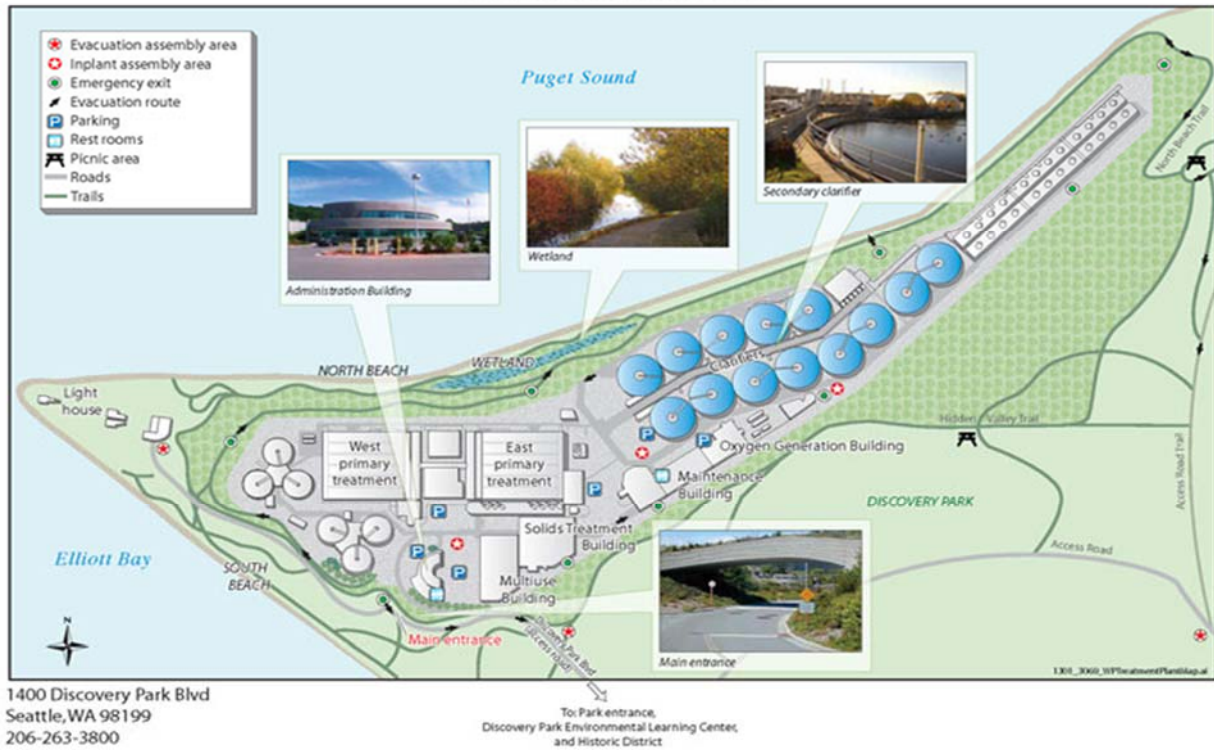
The waters of Puget Sound and the entire Puget Sound are the Tribe's most treasured resource. We are obliged to protect these waters, not only for ourselves but for all who rely on them for healthy seafood, recreation, and cultural practices for the next seven generations (Suquamish Tribal Chairman Leonard Forsman). We acknowledge King County's investments to improve its wastewater treatment systems, but the Suquamish Tribe and its members are frustrated by ongoing sewage releases and NPDES exceedances in Puget Sound that include nutrient loads, which continue to harm marine water quality and the Tribe's ability to exercise treaty reserved rights and engage in cultural activities. We are running out of time and need swifter action. It is time to increase commitments in improving and protecting our shared waters.

The federal Clean Water Act requires that water quality standards protect existing beneficial uses. Any new expansion or discharge increase must be thoroughly reviewed to identify alternatives to degrading water quality. Local jurisdictions repeatedly state that they have made heroic efforts in determining how to best invest limited funds to produce the biggest benefits. We have heard in meetings and read in comments submitted that "we can't do everything, so we need to determine what the highest priority investments are." The investments jurisdictions make are not just in the physical infrastructure that make up the treatment facility, but investments in a healthy and recovered Puget Sound with abundant salmon and orca whales, and with clean and abundant shellfish beds that support tribal treaty rights without interruption or closures from frequent sewage spills (including CSO events) or from harmful algal blooms.

Membrane technology is repeatedly overlooked as a viable and feasible alternative. By applying membrane technology one can convert a traditional activated sludge system into a membrane bioreactor (MBR). Those differ from conventional systems in two ways:

1. In MBR applications the activated sludge tanks can be operated with a far higher concentration of bacteria. This leads to a higher treatment capacity at the same tank volume.
2. In MBR applications the treated clear water is not separated by means of gravity settling but by means of membrane filtration. Therefore there is no secondary clarifier necessary and the output quality is vastly improved. The Tribe has been told that limited area available makes most upgrades impossible yet secondary clarifiers take up almost half of the facility footprint (see West Point Treatment Plant map below).

West Point Treatment Plant



Specific Comments

Section 1 Permit Coverage, Page 10 Exemptions

- It is stated that discharges from industrial (industrial discharges are not a significant contributor of nutrients) or privately owned (RCW 173-220) treatment plants. The Tribe objects to this exemption until sufficient data supporting this exemption is provided.
- Discharges from domestic WWTPs entering tributary watersheds to Washington waters of the Salish Sea, upstream of Ecology Ambient monitoring stations are also exempt. The Tribe objects to this exemption as the receiving waters may already be compromised.

Section 4(B) Narrative Effluent Limits for WWTPS with Dominant TIN Loads, Page 12

- Limits should be based on monthly average flows not the sum of monthly flows over one year. Flows during during dry summer months can significantly skew annual averages by averaging out high flow events effectively allowing discharges resulting in water quality violations during the rainy winter and spring months.

Section 4(D) Action Level Exceedance Corrective Actions, Page 17

- Action Level Exceedance Corrective Actions should include both short term and long term actions. Waiting potentially 5 years for an exceedance to be addressed and implementation of an action is unacceptable to the Tribe.

Section 57 Discharges to 303(d) or TMDL Water Bodies, Page 33

- Add additional language stating that discharges will not be allowed to receiving waters on the 303(d) list for dissolved oxygen (since nutrients contribute to low oxygen levels).
- There should be a larger role for TMDLs in this permit process. Provide additional detail regarding the approach that will be taken for both waters with a Total Maximum Daily Load (TMDL) and those without.

Section 9 Reporting and Recordkeeping Requirements, Page 35

- Are annual reports linked to monitoring to demonstrate performance, effectiveness and ensure that reductions are in fact occurring during the 5 year permit cycle?

Whereas the Suquamish Tribe generally supports the draft nutrient permit the Tribe urges DOE to take a conservative environmental approach and view this new permit as an opportunity to align wastewater investments with the recovery of the Puget Sound ecosystem and protection and restoration of the Tribe's treaty resources and access to them. Please keep us informed of project status and any relevant project related actions. You can contact me via email aosullivan@suquamish.nsn.us if you have any questions.

Sincerely,
Alison O'Sullivan
Senior Biologist, Natural Resources Department