



Public Works Department City of Bellingham

May 20, 2025

Marla Koberstein
Department of Ecology, Water Quality Program
PO Box 47600
Olympia, WA 98504-7600

Post Point Resource Recovery Plant

Comments on the Draft Performance-Based Approach Methods Document

Dear Marla Koberstein,

The City of Bellingham, Washington, (City) appreciates the opportunity to comment on the Washington State Department of Ecology (Ecology) Draft Performance-Based Approach Methods Document (P-B Approach Document), dated March 2025 (Publication 25-10-022). The City supports Ecology's initiative to improve water quality in Salish Sea. Our community has a strong environmental ethic that has resulted in significant infrastructure investments at the Post Point Resource Recovery Plant to improve water quality, and we plan to continue making justified investments that will preserve and enhance water quality in Bellingham Bay for generations to come.

The City has been addressing the requirements of the Puget Sound Nutrient General Permit (PSNGP) and based on Ecology's guidance at the March 27, 2025 Puget Sound Nutrient forum, we continue to advance the Nutrient Reduction Evaluation (NRE). Based on our current NRE work, we estimate that the City's wastewater rates would increase to 6-7 times the current rate to comply with the PSNGP. These unprecedented upgrades would create substantial hardships for our ratepayers and negatively impact the community.

Accordingly, the City has a significant interest in ensuring that nutrient regulations are appropriate for the community and the result is the highest water quality attainable with rates that support economic sustainability. The City also has the responsibility of articulating not only the need for investments to protect Bellingham Bay and the Salish Sea, but also the tangible public benefits that will result from those investments. We want to partner with Ecology to ensure that investments in nutrient removal are science-based and will result in meaningful and sustainable positive impacts to the environment.

The City desires to ensure that the regulations will ultimately result in ecologically meaningful outcomes and is concerned the performance-based approach will not accomplish that goal. The City has reviewed

Engineering
104 W. Magnolia Street, Suite 109
Bellingham, WA 98225
Phone: (360) 778-7700
Fax: (360) 778-7901
Email: pw@cob.org

Natural Resources
2221 Pacific Street
Bellingham, WA 98229
Phone: (360) 778-7700
Fax: (360) 778-7701
Email: pw@cob.org

Utilities Operations
2221 Pacific Street
Bellingham, WA 98229
Phone: (360) 778-7700
Fax: (360) 778-7701
Email: pw@cob.org

Transportation
2221 Pacific Street
Bellingham, WA 98229
Phone: (360) 778-7700
Fax: (360) 778-7701
Email: pw@cob.org

comments provided by other utilities, including the City of Tacoma, related to the Draft Water Quality Natural Conditions Rule (July 26, 2024). In general, the City supports the City of Tacoma's comments. In response to the Draft P-B Approach Document, we offer the following City of Tacoma comment relating to the overall performance-based approach.

Ecology's performance-based approach is overly complex and based on an entirely hypothetical natural condition that depends upon the assumptions made about preanthropogenic conditions, which cannot be known, measured, or verified.

Developing pre-anthropogenic conditions as part of setting natural conditions criteria is unlikely to meet Ecology's objectives that the process should result in predictable and repeatable criteria. This is because developing pre-anthropogenic conditions will require many assumptions in estimating load reductions from land-based sources (including groundwater and river/tributary inputs), atmospheric deposition, and ocean boundary conditions. In addition, human-induced structural changes will need to be estimated to remove impacts associated with shoreline hardening, dredging activities, and river control structures such as dams and diversions. Most likely a model (e.g., watershed, such as the Salish Sea Model) will need to be used to estimate the natural conditions criteria associated with the pre-anthropogenic conditions, which will have its own set of application assumptions. EPA acknowledges that the performance-based approach that Ecology is proposing has limited application in other States, so an established precedent that the process is predictable and repeatable is also limited and may not exist. This suggests that Ecology's novel application of the performance-based approach may result in unpredictable outcomes when applied to Washington waters. It is unlikely that Ecology's performance-based approach meets Ecology's own stated goal in the proposed rulemaking to "increase clarity and transparency on the process we use to determine natural conditions in surface waters" given the complexity of the process and challenges in characterizing and accounting for pre-anthropogenic conditions predating European settlement, agricultural development, climate change, etc. The assumptions made to conduct the natural conditions analysis are likely to vary depending upon the individuals or institutions conducting the analysis and their opinions.

Moreover, Ecology's proposed method does not support a strong linkage between water quality investments and tangible ecological outcomes. By targeting limited departures from a theoretical natural condition, huge expenditures are likely to be driven by very small changes in dissolved oxygen that provide no meaningful shifts in living resources. We urge Ecology to consider fundamentally different approaches for managing dissolved oxygen, such as those applied to the Chesapeake Bay. Under that approach, USEPA and states refined both dissolved oxygen criteria and aquatic life uses of the Bay to reflect meaningful ecological zones, considering both controllable and non-controllable factors. The resulting dissolved oxygen targets reflect actual organism needs of those zones rather than a relative difference from an uncertain natural condition. This approach provided stakeholders with much more confidence that environmental investments were tied to ecological outcomes.

We appreciate the opportunity to comment on the Draft P-B Approach Document and welcome the opportunity to discuss these comments with Ecology. We are confident that through a collaborative and transparent process, justified science-based regulations will guide future investments to achieve ecologically and financially sustainable solutions.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steve Bradshaw', with a long horizontal flourish extending to the right.

Steve Bradshaw

Public Works Superintendent of Plants

City of Bellingham