



Northwest Indian Fisheries Commission

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July 23, 2020

The Honorable Jay Inslee
Governor of Washington
PO Box 40002
Olympia, WA 98504-0002

Re: Puget Sound Nutrient Reduction Plan and Permit Effluent Limits

Dear Governor Inslee:

The Northwest Indian Fisheries Commission (NWIFC) writes to support the work Washington state is leading to accelerate reductions of nutrient discharges in the Salish Sea. As you know, these nutrient loads contribute to ocean acidification, disrupting not just the water chemistry itself but also the behavior and survival of salmon, shellfish and the entire ecological balance of the Salish Sea.

The Washington Department of Ecology (Ecology) has determined based on extensive documentation that current wastewater treatment plant (WWTP) nutrient discharges, together with nonpoint source derived contributions, result in violations of state water quality standards for dissolved oxygen (DO) in Puget Sound. WWTPs deliver 81% of dissolved inorganic nitrogen loads to Puget Sound during the summer months when river flows are low. In numerous Salish Sea locations, seasonal oxygen levels are below those needed for fish and other marine life. With this understanding, Ecology is justified and indeed obligated to implement measures to reduce nutrient discharges.

Ecology has documented that nutrient loads from Puget Sound's Main Basin are transported to the South Sound and Whidbey Basin, demonstrating that discharges in one basin can affect water quality in others. The largest estimated improvements will occur with nitrogen removal at all WWTPs, with basin-wide improvements contributing to local improvements in DO impairments. Thus, it is essential that Ecology implement sound-wide nutrient effluent limits that comply with water quality standards and prevent degradation of these waters that support treaty fisheries. Exceedances of this sound-wide limit should be accompanied by corresponding effluent limit reductions in WWTP permits.

Elements of the Puget Sound Nutrient Reduction Plan - Ecology recognizes that a comprehensive suite of measures, including watershed load reductions, is needed to fully comply with water quality standards in Puget Sound. To reflect this nutrient reduction imperative, Ecology's proposed nutrient management plan should be renamed to emphasize

the intent to reduce nutrient loads. We are glad to see that the current outline for Ecology's Nutrient Reduction Plan proposes consideration of marine areas of tribal importance. Ecology should recognize that all of Puget Sound is important to tribes. Moreover, Ecology should consult formally with all affected tribes and consider DO and nutrient concerns addressed in tribal salmon recovery strategies. Consideration should be given to both WWTPs and watershed nutrient loads affecting tribal resources. Future population growth in the Salish Sea region will undoubtedly increase human nutrient loads from wastewater, stormwater, agricultural runoff, and other activities, contributing further to DO impairments if no actions are taken to reduce nutrient sources. Water reclamation, and groundwater recharge strategies should be considered where appropriate. Also, the state should recognize and apply its advancements in riparian buffer protection to agricultural and urbanizing areas, as complimentary and an important part of addressing watershed nutrient, temperature, and other pollutant loading. Any implementation of water quality trading should not result in shifting unaddressed impairments to treaty resources. Tribal treaty rights should be included as a separate chapter before Ecology's consideration of environmental justice.

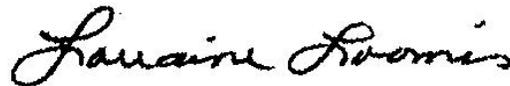
Puget Sound Nutrient General and Individual Permit Effluent Limits - Tribal, commercial, and recreational fisheries experience harm from Salish Sea DO impairments, as do other uses. Tribes and these other interests should not bear the cost of excess WWTP nutrient discharges. Rather, the costs of nutrient reduction should appropriately be allocated to permittees whose discharges contribute to violations of water quality standards. Ecology should implement significant nutrient effluent limits starting with the first general permit cycle, as well as through any interim or other individual permits. All Puget Sound nutrient discharge permits should require water quality based effluent limits and application of all known, available, and reasonable treatment technologies to protect and restore water quality and fishery uses. If permit effluent limits in the context of the Puget Sound Nutrient Reduction Plan are insufficient to promptly demonstrate compliance with water quality standards, then Ecology should consider other alternatives including an overarching Clean Water Act Total Maximum Daily Load for Puget Sound nutrients and DO.

With borrowing costs currently at historic lows, and interest in creating jobs and infrastructure investments that support recovery objectives, new opportunities exist for upgrades using known technologies to remove both nutrients and other chemicals of emerging concern (CECs) from discharges, a priority need identified by the Southern Resident Killer Whale Task Force final recommendations. With an expected increase in federal infrastructure spending, the U.S. Environmental Protection Agency's Clean Water State Revolving Fund could be tapped to generate water quality improvements and jobs across the region while addressing nutrient, DO, CEC, and acidification impairments.

In closing, nutrient loading has broad importance to our Salish Sea, from affecting the building blocks of the food web critical to salmon and shellfish to threatening the prey base for southern resident killer whales. We appreciate Washington's progressive attention to this important

component of Puget Sound recovery, one that we see as integral to preparing and building resiliency to both increased population growth and climate change. Treaty resources and harvest opportunities have already been affected by excess nutrient loading, so any general permit should be implemented rapidly with effluent limits on the largest dischargers addressed in the first general permit cycle, and with ambitious limits in each interim or other individual permit in order to achieve prompt compliance with water quality based, and basin-wide Puget Sound nutrient effluent limits. While Ecology must engage each sovereign tribe regarding their reserved treaty resources on an individualized basis, we are available to meet with Ecology to explore these challenges and opportunities to improve water quality comprehensively. Please contact Justin Parker, Executive Director, on my staff (jparker@nwifc.org) with any questions regarding this letter.

Sincerely,



Lorraine Loomis
Chairperson

cc: Jennifer Hennessey, Senior Policy Advisor, Washington State Governor's Office
Laura Watson, Director, Washington State Department of Ecology
Heather Bartlett, Deputy Director, Washington State Department of Ecology
Vincent McGowan, Water Quality Manager, Washington State Department of Ecology
Dustin Bilheimer, Puget Sound Nutrient Source Reduction Project Manager, Washington State Department of Ecology
Kelly Ferron, Nutrient Forum Coordinator, Washington State Department of Ecology
Karen Dinicola, Puget Sound Nutrient General Permit Advisory Committee, Washington State Department of Ecology