



**Washington Association  
of Sewer & Water Districts**

EDUCATE ■ ADVOCATE ■ COLLABORATE

June 9, 2020

Dustin Bilhimer  
Water Quality Section  
Department of Ecology  
Lacey, WA

RE: Comments on outline of proposed Puget Sound Nutrient Management Plan

Dear Mr. Bilhimer,

Thank you for the opportunity to comment on the draft outline of the Puget Sound Nutrient Management Plan (PSNMP). The Washington Association of Sewer and Water Districts represents sewer districts throughout the state and is involved in forums and committees assisting in the development of the Nutrient General Permit. As the PSNMP is currently just an outline, our comments will focus on items we would like to see in the plan, or questions clarifying the intent.

At the May 7 Nutrient Forum meeting introducing the plan, Ecology staff presented introductory materials that have already been covered in previous Forum meetings and focused on the need to meet dissolved oxygen (DO) criteria in Puget Sound. We would also like to see information regarding the history of wastewater/stormwater effluent regulations to provide context for how much has been already accomplished regarding pollutants of all types entering the Sound. A discussion of processes and timelines utilized to develop and impose new regulations would also help clarify procedures as they are now happening. Including a history of nutrient considerations, i.e., studies, monitoring, plans, etc., would show a rich history of effort and participation by stakeholders in developing regulations and actions. An example of such an effort would be the development of monitoring programs by the Stormwater Work Group in support of NPDES permit requirements.

In Chapter 2 the focus appears to be exclusively on human sources of nutrients. A robust discussion of natural sources is also needed, especially since Hood Canal is mentioned as part of the project area. This would also be a good place to discuss another human impact- climate change. There is no mention of it elsewhere in the document, and since it is being mentioned in other forums as a priority for Ecology, it needs to be well discussed in the context of Puget Sound water quality. If large amounts of money and effort are to be expended to reduce nutrients, there needs to be reasonable potential that the results will not be overwhelmed by changing climate. Inundation maps already call into question the expenditure of tens of millions of dollars for habitat restoration.

Chapter 4 needs to include information on stakeholder and public engagement for the PSNMP, both during development and once completed. No separate advisory committee was mentioned to assist in the development of the plan, which causes concern. Local jurisdictions, tribes, conservation districts and other stakeholders have extensive knowledge of their resources and what is needed in their area. Waiting until the plan is complete misses the opportunity to leverage that expertise.

Chapter 5 should include discussion of the challenges and shortcomings of the Salish Sea model, as well as discussion of the complexity of Puget Sound. [is there more to say here, generally, about the problems of the model?]

Chapter 6 needs to have a robust discussion on how margin of safety and allocation for growth will be calculated, particularly how it will coordinate with Growth Management mandates. Public agencies have invested billions of dollars of ratepayer money to build wastewater treatment plants to serve current residents and businesses while protecting Puget Sound and accommodating growth. The Plan needs to clearly recognize those efforts and how different objectives present potential tension.

Since Chapter 7 is being discussed at the General Permit advisory group, the only thing to add at this time is that in addition to possible water quality trading, there should be a discussion of bubble permits, which can give regulatory and liability relief while still maintaining water quality standards.

Chapter 8 discussion on watershed sources of nutrients needs to acknowledge some realities on the ground. Ecology noted the investigation of different watershed models for evaluating processes and discharges occurring in the watersheds. Since this modelling will take time to answer specific questions, we understand that Ecology will start or continue action on known problems in the near term. It is important to caution, however, that the “low hanging fruit” has largely been picked by local jurisdictions under NPDES Stormwater permits, and work by the conservation districts. Agricultural enforcement has mainly been limited to voluntary compliance, so Ecology needs to describe any new initiatives they will provide for better enforcement. A discussion is needed of how forestry will coordinate with Habitat Conservation Plans and court decisions declaring NPDES permitting is not needed. Also needed is a description of monitoring currently being done to determine the effectiveness of non-point source controls currently in place. Again, Ecology needs to work with local partners during the development of this plan to get a firm idea of what is already being done to protect water quality in the watersheds.

Brief mention was made of the State Non-point Program, but what is needed is a more robust description of how this will coordinate with the PSNMP and NPDES stormwater permits.

Also needed is a report on the effectiveness of surface water management programs and regulations, and how these programs will be examined and modified to reduce nutrient pollution in the watersheds and Puget Sound.

Chapter 9 will need a lot of work to adequately address progress and accountability. Just the topic of databases to hold the information from thousands of sources is daunting. How will progress be measured? Is it just implementation, or is it a detailed effectiveness study for years after implementation?

In Chapter 10, how will Ecology obtain and compile data from all the jurisdictions, tribes, environmental groups, conservation districts, etc. doing freshwater monitoring?

Chapter 12 should provide a discussion of rate impacts of required upgrades to treatment plants. Many WWTPs have already developed these estimates. This section should also provide a realistic assessment of grant and loan sources, especially considering the current economic situation.

The plan also lacks an explanation of how this plan fits in/coordinates with the Puget Sound Partnership. What does the coordination between Ecology and PSP look like? In addition, there are transboundary issues with Canada, particularly discharges from Victoria and the Fraser River system, that need to be discussed.

As a final comment, questions about the age and validity of the state marine DO standards have been brought up repeatedly. EPA and some of the Atlantic states have developed modern criteria that have flexibility for conditions that Washington standards do not. Since trading from other states will be evaluated for use in Washington, better science based DO standards should also be examined.

Thank you for taking comments on the draft outline.

Judi Gladstone

Sincerely,

A handwritten signature in blue ink that reads "Judi Gladstone". The signature is written in a cursive style with a light blue shadow effect behind the text.

Judi Gladstone  
Executive Director