

Meeting #7 Summary: October 21, 2020

The meeting was held virtually

A list of acronyms used is on p. 4 of this meeting summary

ATTENDEES

Advisory Committee members in attendance, and the organizations and interest groups they represent:

Jeff Clarke (WASWD), small-medium treatment plants; **Joseph Grogan** (Coupeville), small treatment plants; **Patrick Kongsli** (Pierce County/PNCWA), all treatment plant sizes; **Eleanor Ott** (Ecology), state agencies; **Mindy Roberts** (WEC), PSNGP AC environmental groups caucus lead; **Mark Sadler** (Everett), large treatment plants; **Rebecca Singer** (King Co), large treatment plants, PSNGP AC Chair, and PSNGP AC local utility caucus lead; **Valerie Smith** (Dept of Commerce), PSNGP AC state agencies caucus lead; **Wendy Steffensen** (LOTT), treatment plant with nutrient removal; **Dan Thompson** (Tacoma), large treatment plants; **Bruce Wishart** (Puget Soundkeeper), environmental groups; **Jenny Wu** (USEPA), PSNGP federal agencies caucus lead.

Advisory Committee members not in attendance:

Chip Anderson (Lummi Tribe Sewer District), tribal facilities; **Pete Tjemsland** (Sequim), small treatment plants.

Advisory Committee alternates in attendance, and the AC member each is designated to represent:

Katherine Brooks (Patrick Kongsli), **Judi Gladstone** (Jeff Clarke), **Teresa Peterson** (Dan Thompson), **John Rabenow** (Mark Sadler).

Advisory Committee alternates not in attendance:

Abby Barnes (Valerie Smith), **Terri Prather** (Wendy Steffensen).

Ecology's AC support staff in attendance:

Rian Sallee (meeting facilitator), **Kelly Ferron** (coordinator and liaison to PSNF)

The list of other individuals that registered for the webinar begins on p. 4 of this document.

Purpose of this committee

To advise Ecology in drafting general permit requirements for domestic wastewater treatment plants discharging directly to Puget Sound that will lead towards reducing nutrient loads.

Ecology's goals for the first PSNGP

The first permit should stop the water quality problem from getting worse and require plants to take meaningful steps towards making future reductions that meet water quality standards. At the same time, the PSNGP needs to somehow accommodate approved capacity commitments identified in comprehensive and general sewer plans to support smart growth. Additional goals include flexibility for communities to collectively address nutrients and consistent monitoring requirements for all permittees.

AC has open discussion of draft final recommendations document

The facilitator opened the meeting by stating that the goal of today's meeting is to finalize the recommendations document. To accomplish that, the AC will confirm agreements, ensure that all disagreements are appropriately documented, and vote to formally approve the document at the end of the meeting.

Utilities expressed concern and frustration about setting numerical targets before numeric WQBELs are established and without representative data, and about providing cost estimates to planners for 2024 Comprehensive Plan updates.

Ecology's permit writer explained the narrative limit approach as follows: 40 CFR 122.44(k) provides that, in situations where numeric WQBELs are infeasible, a BMP approach is allowable. Utilities remain concerned about liability under this approach, and environmental groups question its legality. Ecology's permit writer explained that plants implementing the required actions in the required timelines would not risk third party litigation.

Ecology's permit writer asked AC members for more specific ideas and recommendations about what suite of actions should be included in the various tiers, and how should each tier be triggered. These specifics are needed for the final permit.

The AC Chair characterized the draft final recommendations document as a summary of the AC discussions that is valuable but does not provide a framework or narrow down specifics of what the permit will look like.

Utilities said that this process has been too fast and that not knowing the targets and BMPs or other required actions makes it impossible to accept the approach; appropriate optimization can and should be done without triggers and no further actions should be required until after WQBELs are set. Environmental groups also want to see the specifics and are discouraged and frustrated with the reversal of previous indications of agreement on this approach; recognizing that water quality standards will not be achieved in the first permit they insist on having a meaningful adaptive management framework that makes some progress. Having a soft target load rather than a hard cap is a significant compromise.

Utilities specifically object to characterizing side stream treatment as optimization and do not support its inclusion in the first PSNGP. In some cases managing centrate return rates using existing tankage could be considered optimization, but in most cases side stream treatment will require significant space and equipment purchases necessitating planning, engineering design, financing and construction. Utilities do not want to invest in such actions before WQBELs are set, and without knowing how any such changes will work with (or stand in the way of) ultimate upgrades. Environmental groups think that a side stream treatment evaluation should be up for consideration as a required action for plants that are growing and not otherwise reducing concentrations, and further proposed "mobile treatment units" for consideration.

AC members collectively edit draft final recommendations document

Both track changes and "clean" versions of the on-screen edits made during this discussion are provided as separate, attached documents.

Public comments

- Teresa Peterson (City of Tacoma): Thirty seconds is too short for public comments; less than for a typical council meeting. There have been too few meetings to discuss all of these topics and develop a draft framework. The AC should visit plants; in Tacoma you could see the North End plant with no space for side stream and Pierce County's Chambers Bay plant with lots.
- Judi Gladstone (WASWD): We have a shared goal of water quality. Encouraged by discussion of

BMPs in first permit with actions to reduce nitrogen rather than setting numbers. Once there is a draft, there will be more to talk about. Need to provide adequate time for robust discussion.

- Alyssa Barton (Puget Soundkeeper): Speaking today as a citizen, a resident of Puget Sound who catches and eats seafood and sails and kayaks and swims and loves being in and around the water. The utilities are afraid of going above and beyond but this has been done. The same top ten dischargers were identified in 2006-7. Don't want a dead zone without salmon and orcas. Asking for public policy to maintain the highest possible standards to ensure water quality.
- Darlene Schanfald (Olympic Environmental Council): Working with Sierra Club and other organizations on this WWTP issue locally and nationally. Hope Ecology moves forward and will include enforcement language. The waters are warming and sea life are impacted.
- Jim Voetberg (Mukilteo): Concerned about inappropriate, 11th hour addition of CBOD. Agreement to optimize. Divergence at higher level tiers. Don't want ratepayers to finance capital improvements. Recognize challenges plants are facing. Be honest about the possibility of moratoria. You're blowing through recommendations to meet a timeline.
- Dave Peeler (Deschutes Estuary Restoration Team): We started with a hard cap and have watered it down to interim target loads. Reopen the permit when WQBELs are set so plants have the final limits. Population will increase up to 40% before actions are taken; this is unacceptable. Agree with Alyssa's comments.

AC members approve final recommendations document by vote of 6-5

Toward the end of the meeting, the facilitator called a vote to approve the recommendations document as edited during today's meeting. Ecology's permit writer said that the document reflects the differing opinions needed to inform the informal draft and that she appreciates the AC's work over the past seven months.

Several utility members expressed surprise that the document would be finalized at today's meeting. They shared process concerns and would not approve the document without the opportunity to review potential uncaught errors, typos or further edits by Ecology. Some members requested more time to review revisions, discuss the document with decision-makers, to hold an additional meeting or allow a process by email to finalize the document, among other alternatives to a vote at the end of the meeting. Ecology's facilitator mentioned that the document has been reviewed by the AC many times and that new edits were overseen by the AC throughout the day's meeting as on-screen notes were taken. The facilitator stated that the note-taker accepted all edits made during the meeting and no further text changes would be made to the document afterwards. This is the final meeting of this stage of the process for developing the new permit; a vote by each AC member to indicate their level of approval of the final document as part of the public process was laid out in meeting materials.

The facilitator called on each AC member to vote by indicating their level of acceptance of the document. A yes vote indicates approval; an acceptance vote means the AC member can live with the document as edited by the committee today; a no vote means the member does not to accept today's edited document as the AC's final recommendations. Ecology's vote has not been counted toward the total. The AC members voted as follows:

- Jenny Wu (Federal Caucus lead) and Valerie Smith (State Caucus Lead) both voted yes; they expressed full approval of today's final edited document on behalf of their caucuses. Joe Grogan (Utilities representative) also approved the changes today but would have preferred an

opportunity for additional review.

- Mindy Roberts & Bruce Wishart (Environmental Caucus representatives) and Wendy Steffensen (Utilities representative) voted acceptance; that they could live with the document as edited. Wendy echoed other utility representatives' concerns about Ecology's process.
- Rebecca Singer, Dan Thompson, Jeff Clarke, Mark Sadler, and Patrick Kongsli (Utilities representatives) voted no citing concerns about the process and other reasons stated above.
- The final vote tally: six AC members approved/accepted the document as final; five did not.

AC Next Steps

- The AC Chair is scheduled to make a presentation at the November 3 Forum meeting.
 - The environmental caucus lead would like to meet with the Chair. AC Chair plans to connect with other AC members to discuss the presentation.
- The AC is interested in reconvening in January to discuss the informal draft permit language.

List of acronyms and abbreviations used in this meeting summary

AC – Advisory Committee

CBOD – carbonaceous biological oxygen demand

EPA, or USEPA – U.S. Environmental Protection Agency

Forum, or PSNF – Puget Sound Nutrient Forum

LOTT – LOTT Clean Water Alliance (a wastewater utility in Olympia, serving the urbanized areas of Lacey, Olympia, and Tumwater in Thurston County)

PSNGP – Puget Sound Nutrient General Permit

WASWD – Washington Association of Sewer and Water Districts

WEC – Washington Environmental Council

WQBELs – Water Quality Based Effluent Limits

WWTP – Wastewater Treatment Plant

Other individuals that registered for the webinar, and the organizations they represent:

<u>Name</u>	<u>Agency or Organization</u>
Alyssa Barton	Puget Soundkeeper
Amanda McInnis	HDR
Anthony Vendetti	City of Sumner
Bill Davis	City of Bremerton
Bliss Morris	City of Port Townsend
Brent Vadopalas	University of WA - Washington Sea Grant
Briahna Murray	GTHGA
Brian Walker	Water & Wastewater Services
Caitlin Dwyer	Lake Stevens Sewer District
Cassandra Moore	Pierce County Planning and Public Works - Sewer Division
Catherine Gowan	King County Wastewater Treatment Division
Chris Sheridan	Kitsap County
Chris Thomas	The Freshwater Trust

Puget Sound Nutrient General Permit Advisory Committee (PSNGP AC)

Chuck Peterson	Snohomish County Public Utility District
Corrin Hamburg	City of Anacortes WWTP
Dan Mahlum	RH2
Darlene Schanfeld	Olympic Environmental Council
Dave Peeler	Deschutes Estuary Restoration Team
David Clark	HDR
Eileen Canola	Snohomish County Planning
Eric Burris	City of Bremerton
Eron Jacobson	King County Dept of Natural Resources
Gil	
Heather Earnheart	Alderwood Water & Wastewater District
Heather Stephens	Stantec
Jacque Klug	King County
Jane Vandenberg	Pierce County Planning and Public Works Sewer Division
Jason Flowers	Murraysmith
Jeff Andreas	Whitney Equipment Company
Jim Bolger	King County - WTD
Jim Voetberg	Mukilteo Water and Wastewater District
John Conway	King County Wastewater Treatment Division
John Ewell	City of Lynnwood
Jon Kercher	Pierce County Planning and Public Works
Josiah Hartom	Alderwood Water & Wastewater
Judith Scott	City of Tacoma
Keith Cohon	Animal & Earth Advocates, PLLC
Kevin Burrell	Seattle Public Utilities
Kirk	City of Tacoma
Klinton Caillier	City of Tacoma
Kristen Thomas	Clark Regional Wastewater District
Laurie Pierce	Pierce County
Louis Russell	Cascadia Law Group
Mark Toy	Washington State Department of Health
Marty Grabill	WSUD-SKWRF
Melissa Wu	Jacobs Engineering
Miaomiao Zhang	Murraysmith
Michael Martinez	NWIFC
Michael Milne	Brown and Caldwell
Ned Lever	City of Bremerton
Nina Bell	Northwest Environmental Advocates
Patrick Burke	Jacobs
Paul Marrinan	City of Puyallup
Peg Wendling	City of Bellingham
Phil Williams	City of Edmonds
Richard Hoover	City of Bellingham
River Wan	Pierce County

Puget Sound Nutrient General Permit Advisory Committee (PSNGP AC)

Roan Blacker	KCSD7
Ron Basinger	City of Sumner WWTF
Russ Shiplet	Kitsap Building Association
Ryan Dunne	Jacobs
Scott Weirich	Parametrix
Shelley Davis	Planning & Public Works - Sewers
Stella Vakarcs	Kitsap County
Steve Lindstrom	Sno-King Water District Coalition
Tadd Giesbrecht	Brown and Caldwell
Tim Berge	Southwest Suburban Sewer District
Tom Coleman	RH2 Engineering
Tom Knuckey	City of Bremerton
Tom McBride	McBride Public Affairs LLC
Tom Swartout	Parametrix