

Municipal Wastewater Permit Fees Advisory Committee

Meeting 2 Notes

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| Group/Committee | Municipal Wastewater Permit Fees Advisory Committee |
| Date | August 8, 2022 |
| Time | 9:00AM-11:00PM |
| Location | Zoom |

Meeting Materials: available on our [committee webpage](#)

Attendees:

Stakeholders

- Travis Dutton
- Dan Eisses
- Sharman Herrin
- Rob Lindsay
- John Peterson
- Mindy Roberts
- Raul Sanchez
- Jessica Shaw
- Kristen Thomas
- Jackie White

Ecology Team

- Katie Bentley-McCue
- Sarah Diekroeger
- David Giglio
- Andrew Kolosseus
- Shawn McKone

NOTES:

Meeting Minutes – Slides 3-5

- Approved – All stakeholders in favor, confirmed with a typed yes in the chat

Prioritization – Slide 8

- When it comes to prioritization, each region is different.
- **Question:** What are the “environmental drivers” that you prioritize?
- Response: For example, in the NW region we would prioritize permits that have a connection with the Puget Sound Nutrient General Permit. Some of those permits have overlapping monitoring. If we have two permits due on the same date, we are more likely to work on the one that is in the Puget Sound to harmonize permit additions. Another example, is if we have a TMDL that is just being issued and we need to get that implemented into the permit, we may delay issuing of that permit to coincide with the new TMDL release.

NWRO as a baseline – Slides 9-11

- **Comment:** Comment that the physical service area may not be a good indicator of relative importance. Even though King County is less than 1% of the total service area of the state, the number of people served in that area is the largest. Less than 1% is not a good indicator of potential magnitude. The circulation patterns are also all the way to South Puget Sound and North Puget Sound. Doesn't change the 10:1 ratio but King County is different from the other dischargers because of the vast area impacted downstream in Puget Sound and the number of people in their service area.
- Response: Yes. We highlighted King County so we could separate it and compare apples to apples. King County is such a large dense population and we already have one person dedicated to those King County facilities. If you remove King County it puts NW region in line with other regions in the state.

Workload and productivity data – Slides 12-16

- Everything has suffered but permit writing has suffered the most.

Current vacancies – Slide 17

Permit reauthorization – Slide 18

- Reauthorization extends a permit 5 years.
- Reauthorization is not the right answer for all permit situations.
- **Question:** Is there a difference between an administrative extension and a reauthorization?
- Response: Administrative extension is automatic and indefinite. If a timely application was submitted for renewal, administrative extension allows for the current permit to remain in effect until it is replaced. Reauthorization requires verification that everything will be okay with the current permit conditions remaining in place. Reauthorization officially extends permit coverage for another 5 years.
- **Question:** How many permits have been "administratively extended" across the state?
- Response: All expired permits that submitted timely applications, so about 203. Those 203 WWTPS are legally discharging because they are administratively extended.
- **Question:** Can administrative extensions occur more than once?
- Response: For any facility that got their permit in on time, the administrative extension stays in effect until Ecology takes another action. The biggest drawback of administratively extended permits is that nothing in the permit can change. Language can be changed if the permit is reissued. If a permit is reauthorized, it is possible to later go in and modify the language by reopening the permit. That is why we need to get expired permits up to date.

Permit reopening – Slide 19

- **Question:** If modification is requested it cannot be extended?

- Response: Modifications are for any permit within its current effective time window. If a permit is administratively extended, it cannot be modified. Only way to change the conditions is to complete the reissuance of that permit. If a permit is reauthorized, it would be a current permit so it would allow modifications. Once a permit is expired it cannot be modified it can only be reissued. Administrative extension recognizes that Ecology was not able to complete renewal of the permit prior to the expiration date.

Staffing up now – Slide 20

Revenue – Slides 21-28

- Initiative 601 – 1993
- King County WWTP fee rates are not higher than the other WWTP fees. They are all \$2.16/year. King County WWTP fees started lower so the change over time has been greater.
- **Question:** Is the intent of the waste water permit fees to cover the increased complexity (i.e. developing standards, taking TMDLs, figuring out what technology treatment plants need to meet new standards or address new contaminants)? Is it feasible for a permit writer to grapple with all that that increased complexity entails? Perhaps, Ecology should have a separate team to figure out things like TMDLs and new pollutants. This is also a very expensive piece of the puzzle that may not be right to come from the permit fees.
- Response: There are different teams that do these things. We have a team for standards, a team of scientists that measure ambient water quality and model water systems. We also have centralized folks that work on CECs and standards themselves. These are all statewide and funded from other fund sources. They are not tied to municipal permits directly. A permit writer's job is to take that information and see how it impacts a specific permit. Permit fees are paying for that facility-specific work and a small portion of state wide initiatives. Some state wide work is probably funded fully by toxics accounts.
- **Follow Up:** Remaining concern about the permit writer's workload. Need to make sure that the group is capturing that future complexity in our workload/staffing estimates.
- Response: Right - You are illustrating how important it is to have the tools that we need. We are currently making strides to improve our consistency statewide. Where we need statewide programs for new issues, municipal permit fees aren't the right fund source. Collaboration is needed between permit writers and TMDL leads to make sure what is developed by TMDL leads is something that can be implemented and what timeframe is reasonable for implementation. There is a certain amount of work that has to be done at the local level.
- **Follow Up:** It takes longer to implement TMDLs than we would like. It is a complex issue. For implementation, treatment plants struggle with staffing issues as they face large changes and scaling up. These are big impacts on small communities.
- Response: Ecology talked about in our process improvement a couple years ago how it would be great to have an additional central resource to help with the questions of how specialized information is learned and how we create tools for permit writers to jump in quickly.

Staffing Levels Discussion – Slides 29-34

- Losses from the demographic turnover seem to have crested. All temporary issues listed here either have a known solution or will go away on their own.
- **Comment:** Commenting on the grant/workload spike in the temporary section. The graph shown had total dollars. **Would be interesting to look at inflation and/or total number of projects that are being funded.** Could see if the increase is inflation driven vs workload.
- Response: Past dollar amount may not paint the whole picture. Changes on the administrative end of managing grants and loans that have shifted the workload don't show up on those grant dollars. That is one of the reason we have project managers in each region. Forward looking, infrastructure bill will give us more money. That will make more SRF money available that will go out to facilities that will also increase workload.
- **Comment:** Commenting on the permit complexity and new standards in the ongoing trends section. A lot of the ongoing trends should be in the state wide issue category. If they are watching out for the future and figuring out standards and communicating clearly with permit writers, a lot of that complexity is in the state wide issue category. It will come into the waste water permits realm but the complexity needs to be figured out statewide before it comes to the permit writer.
- **Comment:** There are lots of questions surrounding nutrients on the statewide side that WWTPs are trying to figure out the answers to. Because WWTPs didn't have those answers, in this example a permit was initially issued with an individual nutrient requirement. It was then called back by Ecology due to the Puget Sound Nutrient General Permit coming up in 6-12 months. The next year it was issued with an individual nutrient requirement. Then it was reissued again without the individual nutrient requirement. 3 permits have been issued or were closed to being issued within the last 2 years. This had to be done 3 times because of stateside issues not an issue of the permit writer.
- Response: Nutrient issue is an evolving issue.
- Follow up: Nutrient issue is still evolving but it is a statewide issue.
- Follow up: **To what degree does the water quality program need to work on state wide answers to some of these issues that are not permit specific?**
- Response: Having a strong statewide group to provide tools is helpful. But, that will never replace a good chunk of work from individual permit writers. Statewide things don't plug and play into all permits. All permits are different. Facility managers will always have a role to make sure statewide things work for individual facilities.
- **Comment:** Additional concern for these issues being beyond the scope of a permit writer. Every region is different, but wants to stress state wide approach to handling things like toxics. Currently it is being dealt with regionally through permits which has led to a lot of appeals. It should be dealt with statewide. Bringing in new standards (pharmaceuticals, CECs) really slows things down.
- **Question:** Does the view of grant workload as "temporary" also include any flow of federal infrastructure funds (IIJA, etc.) that may be administered by Ecology?
- Response: Grants and loans have become more complicated, too. But we have a solution for the grant/workload spike (increased grants staff). That is why it is temporary.

1. Concerns about the 10:1 model

10:1 may be too low

- 10:1 is based on the past, not the future needs
- **Question:** How much of the forward looking complexity is baked into the 10:1 model? Are we calibrating the number from the past but not thinking enough about the complexities of the future?
- Response: We want to avoid raising rates more than we need to and avoid overstaffing. It is possible future would need a lower ratio, but 10:1 seems like an appropriate starting point. How viable the 10:1 ratio is depends in part on how good/large/successful a team Ecology has to provide statewide leadership on these tough issues. We can't look at one of those in isolation they need to be solved together.
- **Comment:** In addition to the regulatory structure, many things like PFAS require source control. It has to be a more comprehensive and holistic effort. We are already putting a lot of complexity of permit writers. Need overall strategy to avoid end of pipe so it doesn't continue to stack up on permit writers. Specifically noting things we can do to get at sources of pollutants upstream from waste water treatment that ecology could participate in.
- **Question:** Are pretreatment permits separate from WWTP permits?
- Response: Yes. An industrial facility discharging to a WWTP has separate permits.
- Response: PFAS isn't necessarily a direct discharge from an industrial facility. As the broader source control, there are a lot of different avenues for PFAS to get into the system.
- **Comment:** Statewide guidance follow up and its importance to treatment plant operators. Getting WWTP advanced notice that regulations are changing is crucial. The sooner that plants get guidance the easier they can accommodate what they need. Advanced notice is important so WWTPs can start planning. A beefed up section of state wide guidance would make 5 year MPDS permit more helpful.
- 10:1 is a good number with the caveat that we need to address statewide issues and have overall strategy, including source control and sharing info with WWTPs.

2. Alternatives

Voting on whether 10:1 is the correct ratio

Voting Scale

- 1 – Enthusiastic support
- 2 – Lukewarm support
- 3 – Meager support
- 4 – Objection

- **Question:** What is the question we should respond to? Is the question about permit writing staff assuming there is appropriate state wide guidance? Or are we trying to answer more broadly,

will this help solve the backlog if complexity is the root issue? Statewide problem or is this a reasonable number of permit writers assuming good guidance?

- Response: For our purposes, consider how many staff are appropriate for the workload. We can go back to management and ask if we are doing enough on the statewide issues piece to make sure people are being efficient in their permit writing. Vote assuming we have the infrastructure in place from a statewide perspective.
- 1 vote for 1 – enthusiastic support with the amendment to create a pool of state-level helpers on various topics as discussed
- 8 votes for 2 – moderate support
- 1 vote for 3 – begrudging support because there is not much data one way or the other. More on statewide guidance could lower this and general fund good source for that assistance.
- **Comment:** At a 2 currently but could get to one with language addressing state-level guidance and how often will the ratio be revisited to ensure accuracy
- **Comment:** Broader policy questions here, we are passive receivers of what is allowed to be used in society. More staff doesn't solve these larger guidance questions.
- **Comment:** Challenges like PFAS needs a national fix in TSCA. Meanwhile, we'll work it with state law.

Next Meeting

- **What can we do, if anything, in WQ to add staff to deal with statewide issues in a way that will help permits get completed faster?**
 - o Need more expertise/statewide strategic guidance
- How do we revisit this staffing model? How do we check in on this? What does that process look like? How long do we give ourselves to see the results/accomplishments?
 - o Need to consider that as permit writers learn more, they will become more efficient.
- Wrap up 10:1 vote
- Transition to Phase 2 about the revenue need and fee schedule recommendation
- Proposal about front loading new hires to work on backlog sooner