



# **Puget Sound Nutrient General Permit**

Presented to Regional Water Quality Committee

February 2, 2022

# Final Puget Sound Nutrient General Permit (PSNGP)– changes from Draft

- Optimization strategy due July 1 instead of May 1
- If no viable optimization options exist, permittee must immediately proceed to corrective action
- Seasonal (vs. annual) nitrogen limit *may* be less expensive to implement

# King County Notice of Appeal and Motion for Stay

- King County filed an appeal and motion to stay the permit (going into effect) on December 28
- Pollution Control Hearings Board has jurisdiction and appeals (from multiple entities) have been consolidated with hearings expected in 2023

## Motion for Stay

- King County is in negotiations with Ecology
- Decision on negotiated terms in mid-February

# King County Notice of Appeal

## Basis of Appeal

- Conflicts with Federal and State regulations
- Individual National Pollution Discharge Elimination System (NPDES) permits allow discharge of treated wastewater, including nutrients
- Impermissibly modifies the NPDES permit without following Federal and State regulations for modifications
- PSNGP states treatment plants are contributing to decreased water quality, but the permit does not set final limits
- No scientific evidence or legal basis for requiring 10% reduction below the action level
- Salish Sea Model does not have the technical precision to generate data or information to demonstrate that the County's treatment plants are causing or contributing to violations of the Dissolved Oxygen standard in Puget Sound

# Regional Notices of Appeal and Motions for Stay

- Appeals filed (2 environmental non-governmental organizations, 1 Tribe, 7 utilities)
- City of Tacoma filed a separate Motion for Stay
- Remaining utilities filed Stays as part of their appeals
- Summary of Appeals:
  - Conflicts with Clean Water Act
  - Conflicts with federal law and state regulations
  - Conflicts with existing NPDES permits
  - Requirements are uncertain since PSNGP does not set final limits nor provide guidance on applying AKART (all known, available and reasonable methods of prevention, control and treatment)

# Cost impact estimates for King County

Initial compliance costs (next 2 years)

- Operations ~ \$1M per year
- Staffing ~ \$2M per year
- Consultants ~ \$5M/plant

*Concern that investments/expenditures may have only short-term benefits since Department of Ecology has not set final nitrogen limits and AKART process is uncertain*



# For more information, please contact

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