

**Summary of Engineering and Planning (E&P) Subcommittee
January 6, 2022 Meeting
for January 2022 MWPAAC General Meeting**

Coal Creek Sewer Upgrade Project (Joint Topic with Rates and Finance Subcommittee)

King County WTD plans to relocate the Coal Creek Interceptor out of the Coal Creek stream corridor (Coal Creek Natural Area). The interceptor crosses the stream at numerous locations and has been damaged by stream erosion several times in the past. The relocation project will reduce the risk of a sewage spill in this environmentally-sensitive area. In order to avoid disturbing the creek and wetlands, the new pipe will be installed primarily using trenchless means (Direct Steerable Pipe Thrusting or DSPT and microtunneling) under adjacent roads and properties at depths up to 60 feet. The pipe will be upsized to convey 18 million gallons per day, nearly double the current capacity. The project will seek Salmon Safe certification, restore green stormwater features and native plants, provide information to a diverse community by translating materials into several languages, and improve accessibility by incorporating translated materials and better access for people with disabilities. The \$132 million project will be funded solely by Capital funds (no Federal or state loans) and is scheduled to be constructed 2024-2027.

Department of Ecology Puget Sound Nutrient General Permit (PSNGP)

As we discussed at previous Subcommittee and General MWPAAC meetings, Ecology issued the PSNGP with the intent to reduce nutrients from 58 domestic wastewater treatment plants (plants) that discharge into the Salish Sea and to improve dissolved oxygen levels in Puget Sound. The final PSNGP went into effect on January 1, 2022. Notable changes from the draft permit are:

- Optimization strategy to reduce nitrogen for each plant is now due July 1 instead of May 1
- If optimization strategies are not feasible, the agency will need to proceed with corrective action
- Types of plants include a new “moderate” size category (King County’s plants are considered “dominant”)
- Strategies based on seasonal rather than annual nutrient loadings (3 mg/L Nitrogen), which may be less expensive

WTD has filed a Motion to Stay and an Appeal with the Pollution Control Hearings Board (PCHB). The Motion to Stay should be decided within the next 2 weeks, but WTD is beginning implementation of the permit requirements in the meantime. The Appeal, which joins appeals by other wastewater agencies (Alderwood, Tacoma, Pierce County, etc.) and other interest groups, contends that the PSNGP:

- Conflicts with federal law and state regulations
- Conflicts with existing NPDES permits that say WTD’s plants are in compliance with the Clean Water Act, but the PSNGP says they are not

- Does not provide specific requirements on final nutrient limits or guidelines on applying All Known And Reasonable Technology (AKART)
- Includes requirements that are onerous, costly, duplicative, conflicting, are without a sufficient link to improving water quality (dissolved oxygen in Salish Sea), and do not quantify or specify the location of the actual problem

The PSNGP is estimated to cost WTD's ratepayers \$10s of millions in first 2 years due to excessive planning work and monitoring.

WTD has asked agencies to support their appeals by contacting legislators and the Governor's office, and check with their legal counsel about filing legal support documents (e.g., amicus brief or joining as an intervenor).

Discussion topics included:

- WTD will derive only short term benefits for its expenditures because there are not final nitrogen limits and AKART process is uncertain
- MWPAAC members requested an information sheet on the permit for Boards and Councils. WTD soon will provide copies of the Motions and an information summary sheet for agencies' use in their briefings to Boards and Councils and to prepare support letters to the Governor and PCHB. For information about the appeals that have been filed, see the Environmental & Land Use Hearings Office <https://www.eluho.wa.gov/search/case> , and select PCHB and "Active Cases".
- Have Covid shutdowns affected nitrogen levels at the treatment plants? WTD has seen impacts on flows and loadings to plants, but it is difficult to know whether these trends will continue and to what extent.

Questions?

Lisa Tobin, Chair
LTobin@auburnwa.gov
O: (253) 804-5062

John McClellan, Vice-Chair
JMcClellan@awwd.com
O: (425) 743-4605, C: (425) 478-0864