

# **Addendum to Fact Sheet for NPDES Permit No. WA0029556**

## **Birch Bay Water and Sewer District**

**Modification Effective Date: April 6, 2022**

### **GENERAL INFORMATION**

This is an addendum to National Pollutant Discharge Elimination System (NPDES) permit number WA0029556, issued to Birch Bay Water and Sewer District for its wastewater treatment plant on January 29, 2021. The Department of Ecology (Ecology) modified the permit to remove nutrient related requirements now addressed by the Puget Sound Nutrient General Permit. The modification also updates the mailing address and reporting phone number for Ecology.

### **BACKGROUND**

Ecology issued permit number WA0029556 to the Birch Bay Water and Sewer District on January 29, 2021 with an effective date of March 1, 2021. The permit included conditions related to the regulation of total inorganic nitrogen in the discharges from the Birch Bay wastewater treatment plant (WWTP). At the same time, Ecology continued work to develop the Puget Sound Nutrient General Permit (PSNGP) to regulate the discharge of inorganic nitrogen from publicly-owned sewage treatment plants to Washington State waters of the Salish Sea. Ecology issued the final PSNGP on December 1, 2021 and Birch Bay applied for covered under that permit. This permit modification changes the individual permit to remove requirements that are now included in the general permit.

This permit modification implements commitments Ecology made in response to public comments on the draft Birch Bay permit (see comments O-2-4 and O-4-27 in the fact sheet dated March 1, 2021).

### **PERMIT MODIFICATIONS**

The modification makes the following changes:

- Removes Condition S1.B – Total Inorganic Nitrogen (TIN) Action Level, which includes deletion of Table 3 titled “Action Levels: Outfall 001”.
- Edits Table 8: Effluent Characterization – Final Wastewater Effluent, to remove the following parameters: Total Ammonia, Nitrate plus Nitrite Nitrogen, Total Kjeldahl Nitrogen (TKN), Monthly TIN, and Cumulative TIN (year to date). The edit also removes footnotes c and d.
- Edits Condition S3.B to update Ecology’s Northwest Regional Office mailing address.
- Edits Condition S3.F to update Ecology’s Northwest Regional Office phone number for reporting permit violations.
- Removes condition S11 – Nitrogen Optimization Plan along with references to this condition from Table 1: Summary of Report Submittals.

## **PUBLIC INVOLVEMENT INFORMATION**

Ecology modified a permit to the Birch Bay Water and Sewer District STP. This fact sheet addendum describes Ecology's reasons for permit modifications.

Ecology placed a Public Notice of Modification on February 25, 2022 in the Bellingham Herald to inform the public and to invite comment on the proposed draft modifications of NPDES permit and fact sheet addendum.

The notice:

- Tells where copies of the draft permit and fact sheet addendum are available for public evaluation (a local public library, the closest regional or field office, posted on our website).
- Offers to provide the documents in an alternate format to accommodate special needs.
- Asks people to tell us how well the proposed permit would protect the receiving water.
- Invites people to suggest fairer conditions, limits, and requirements for the permit.
- Invites comments on Ecology's determination of compliance with antidegradation rules.
- Urges people to submit their comments, in writing, before the end of the comment period.
- Tells how to request a public hearing about the proposed NPDES permit.
- Explains the next step(s) in the permitting process.

Ecology has published a document entitled [Frequently Asked Questions about Effective Public Commenting](https://apps.ecology.wa.gov/publications/documents/0307023.pdf), which is available on our website at <https://apps.ecology.wa.gov/publications/documents/0307023.pdf>.

You may obtain further information from Ecology by telephone, 206-594-0167, or by writing to the address listed below.

Water Quality Permit Coordinator  
Department of Ecology  
Northwest Regional Office  
PO Box 330316  
Shoreline, WA 98133-9716

## **Response to Comments**

Ecology received comments on the proposed modification via email sent March 10, 2022 from the Birch Bay Water and Sewer District. The following summarizes the comments and Ecology's responses.

### **Comment 1:**

In table 9, Enterococci sampling is required beginning March 1, 2021. But, it does not show up as a required sample in section 2 Table 6.

[The District] understands that table 9 is in regards to permit renewal application requirements, but if the sampling has been required since last year, and we're required to take a sample each and every month, one would think it'd just be on the list of required samples, period, and would show up in Table 6.

In addition, table 8 lists Phosphorous and Soluble Reactive Phosphorus – Required once/mo. Why not just list those in table 6 such that we know what we need to sample for it on a regular basis, without the need to flip through other sections or tables?

### **Ecology Response:**

The Discharge Monitoring Reports submitted by the District since March 2021 show that they have complied with these monthly monitoring requirements for Enterococci bacteria and phosphorous. Since this permit modification primarily addressed the removal of nutrient-related monitoring from the Birch Bay WWTP permit and the Permittee has demonstrated their ability to comply with the monthly monitoring for other parameters as currently written, Ecology does not believe the suggested changes are necessary.

### **Comment 2:**

Section 2, Table 9 – Just typo's really, but the "b"'s in the minimum sampling frequency should be superscript such that they doesn't look like incomplete words or statements. In other words, instead of "Quarterly in last year b", it should be "Quarterly in last year b<sup>2</sup>", as the "b" refers to a note below that table.

### **Ecology Response:**

Ecology corrected the formatting error that appeared in the draft modified permit. This error did not appear in the original final permit.

### **Comment 3:**

Section 2, Table 9 footnote b: I think we're supposed to start January 1, 2024 (NOT 2025), and THEN submit results by April, 2025? I don't know how we're supposed to get a year of quarterly samples taken by April 2025 if we're supposed to wait until January 2025 to start. If we started in January 2024, we'd be done by Jan 2025, and should thus be able to easily get all results in by April 2025.

### **Ecology Response:**

Thank you for pointing out this typographical error in the final permit issued on January 29, 2021. Ecology's original intent was to require quarterly monitoring in 2024 for submittal with the application in April 2025. This error was corrected.