

Petition to EPA Seeks End to Illegal Permits Sucking the Oxygen from Puget Sound

On February 13, 2017, Northwest Environmental Advocates (NWEA) petitioned the U.S. Environmental Protection Agency (EPA) seeking an end to the Washington Department of Ecology's illegal pollution discharge permits. NWEA's petition shows how 103 Ecology permits to discharge wastes to Puget Sound are unlawful because they fail to control nitrogen discharges. Ecology's own studies show that nitrogen pollution is sucking the oxygen out of the Sound.

Ecology's Bag of Tricks

How can Ecology keep issuing illegal permits?

Ecology may look like it's doing its job because it keeps issuing permits to polluters. But each of those permits uses a bag of tricks to avoid the pollution limits that are required by law. For example, Ecology:

- Pretends Puget Sound water quality is good.
Despite millions of dollars of its own studies showing that human sources of nitrogen are sucking the dissolved oxygen out of Puget Sound, Ecology claims the water is clean.
- Asserts that it can keep issuing illegal permits until it has a master plan.
The Clean Water Act prohibits states from issuing permits without pollution controls even if the state has not completed clean-up plans for reducing pollution.
- Claims there is no new information.
Approximately 17 percent of permits issued by Ecology are issued without any evaluation of whether permit limits should be changed, an evaluation required by law.
- Pretends nitrogen is no problem because it's diluted.
Ecology claims that nitrogen in sewage discharges is diluted after coming out of pipes even as it admits that nitrogen causes effects "many miles away."
- Ignores its own water quality standards.
Water quality standards are more than just the numbers. Ecology is also charged with protecting the species—salmon, herring, orca—that depend upon a healthy Puget Sound.
- Ignores other nitrogen sources.
The Clean Water Act requires that limits in a permits be based on the effect of all nitrogen sources combined, a fact Ecology ignores.
- Claims that existing pollution control technology is sufficient.
Federal minimum treatment for sewage treatment plants is not intended to remove nitrogen. The Clean Water Act requires analysis of water quality effects of discharges.

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