

Nitrogen/Phosphorus: EarthJustice Administrative Challenge to West Point Wastewater Treatment Plant (Washington) NPDES Permit Limits



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EarthJustice and Puget Soundkeeper (“EarthJustice”) filed a May 28th Notice of Appeal (“Notice”) before the Washington Pollution Control Hearings Board challenging a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) Permit issued to the West Point Wastewater Treatment Plant (“West Point”).

The NPDES Permit was issued by the Washington State Department of Ecology (“Ecology”).

The West Point plant is described as a facility in Seattle, Washington whose treatment types include:

- Secondary.
- Activated sludge with chlorine disinfection.

West Point Wastewater is stated to discharge into Puget Sound.

The West Point plant is stated to be the largest wastewater treatment facility in the state of Washington.

EarthJustice’s Notice challenges the NPDES Permit issued by Ecology on the following alleged bases:

- Failure to impose numerical effluent limits on West Point’s discharge of nutrient pollutants to Puget Sound constitutes a violation of Washington law which requires limits as necessary to ensure dischargers authorized by the permit do not cause or contribute to a violation of a water quality standards.
- Failure to impose numerical limits on West Point’s discharge of nutrient to Puget Sound which violate the Clean Water Act and applicable federal regulations that require inclusions of limits as necessary to ensure discharge authorized by the permit do not cause or contribute to a violation of water quality standards.
- Failure to determine and require All Known, Achievable, and Reasonable Technology (“AKART”) in the NPDES Permit allows impermissible self-regulations contrary to the requirements of the Clean Water Act citing *Env’tl Def. Ctr. Inc. v. EPA*, 344 F.3d 832 (9th Cir. 2003); *Puget Soundkeeper all v. Ecology*, Chb Nos 07-021 et al., (2008 WL 5510413).
- Failure to ensure that the nutrient discharges authorized by it will not further degrade Puget Sound in violation of the Clean Water Act and applicable regulations.
- Failure to impose numerical effluent limits of 3mg/L Nitrogen and 0.3mg/L Phosphorus on West Point’s discharge of nutrient pollutants to Puget Sound violates the requirements to impose AKART under Washington law.

- Failure to require adequate assessment of compliance by requiring less than weekly monitoring for Phosphorus, total Nitrogen, and organic Nitrogen.

EarthJustice requests that the Board remand the NPDES Permit to Ecology and modify it to be consistent with applicable legal requirements, to correct defects, and provide the other requested relief.

A copy of the Notice can be downloaded [here](#).