

May 14, 2021

Dear Members of Congress:

The Orca Salmon Alliance (OSA), a coalition of 17 local, regional and national organizations, is working to save the endangered Southern Resident orcas by recovering the Chinook salmon upon which they depend for their survival. To celebrate this year's virtual series of Puget Sound Days on the Hill events, the undersigned OSA members write to urge you and your colleagues to meaningfully invest in clean water infrastructure that will support healthy watersheds and help advance Puget Sound recovery in Washington and salmon and orca recovery throughout the Pacific Northwest. We also thank Congressman Kilmer and Congresswoman Strickland for reintroducing the PUGET SOS Act, and express our support for this important investment in one of our nation's most iconic estuaries.

As you and your colleagues develop and consider legislation to establish and authorize infrastructure funding programs this year, **we urge you to support funding for clean water systems in at least the following amounts:**

- **\$10 billion per year for the Clean Water State Revolving Fund (CWSRF).**
- **\$400 million per year for the Sewer Overflow and Stormwater Reuse Municipal Grants Program.**
- **\$200 million per year for grants to publicly owned treatment works to implement a pretreatment standard or effluent limitation for per- or polyfluoroalkyl (PFAS) developed by the EPA.**

In addition, please support new funding sources for grants that can be made available to communities to implement stormwater and wastewater pollution controls.

1. Stormwater Management and Combined Sewer Overflow Investments Needed

Stormwater is the number one source of toxic pollution to Puget Sound¹ as well as the Columbia River Basin and other watersheds throughout the State. Wastewater also contributes toxic pollution to waters throughout the state, along with pharmaceuticals, contaminants of emerging concern, and excessive nutrients that are lowering dissolved oxygen in the Sound, resulting in algal blooms and fish kills.² Some jurisdictions in the State are on combined sewer systems that discharge both stormwater and wastewater. Several of these - including Seattle and King County - remain uncontrolled, gushing millions of gallons of raw sewage and untreated

¹ <https://ecology.wa.gov/Water-Shorelines/Puget-Sound/Issues-problems/Toxic-chemicals>

² <https://bit.ly/3dq7F7S>

stormwater annually.³ Federal funding for stormwater and combined sewer overflow controls are needed.

Toxics and Environmental Justice

The burdens of toxic pollution disproportionately impact BIPOC communities and tribal members. For example: a significant number of Seattle and King County's uncontrolled CSOs discharge directly or indirectly to the Duwamish River, the lower five miles of which comprise a Superfund site that is already contaminated by at least 41 toxic chemicals including polychlorinated biphenyls (PCBs), carcinogenic polycyclic aromatic hydrocarbons (PAHs), arsenic, dioxins and furans.⁴ The River is a fishing area for members of the Duwamish Tribe, Muckleshoot Tribe, Suquamish Tribe, and Yakama Tribe, and the entirety of the Duwamish River Valley is ranked as a high environmental health disparities area.⁵ Federal funding sources should prioritize impacted communities and center redressing environmental injustices.

In 2012, the Washington Department of Ecology ("Ecology") estimated that between 1.4 and 3.8 million Washington adults and 290,000 children consume some amount of fish as part of their diet.⁶ However, they also noted that recreational fishers may consume more fish than the general Washington population, and that some population groups consume especially large amounts of finfish and shellfish as part of traditionally influenced diets - including Native Americans and Asian and Pacific Islanders. *Id.* These population groups are more at risk to the detrimental effects of toxics in fish. Sadly, we already have fish consumption advisories for most major waterways in Washington, including Puget Sound and the Columbia River.

Toxics, Biaccumulation and Fish Consumption

Unsurprisingly, toxic pollution in our waters is not just bad for human health and the environment, but it is also one of the top threats to orca⁷ and salmon recovery. Certain toxics - Persistent Organic Pollutants (POPs) - can bioaccumulate in the fatty tissue of salmon and orcas (as with people), and biomagnify up the food chain - essentially, the toxic burden in the animal is passed to the animal that eats it. Orcas, who primarily consume Chinook but also other salmon species, are particularly vulnerable to accumulating POPs such as polychlorinated biphenyls (PCBs) and dichlorodiphenyltrichloroethane (DDT) as a result of their high trophic

³ See, e.g., Annual Combined Sewer Overflow (CSO) Control Reports: <http://www.seattle.gov/Documents/Departments/SPU/EnvironmentConservation/2019AnnualWastewaterCollectionSystemReport.pdf> (Seattle), and https://kingcounty.gov/~media/services/environment/wastewater/cso/docs/annual-reports/2019_CSO-CD-Annual-Report.ashx?la=en (King County)

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<https://www.washington.edu/news/2013/05/13/new-report-released-on-health-impacts-of-duwamish-river-cleanup/>

⁵ <https://fortress.wa.gov/doh/wtn/WTNIBL/>

⁶ <https://apps.ecology.wa.gov/publications/publications/1209058.pdf>

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https://www.governor.wa.gov/sites/default/files/OrcaTaskForce_FinalReportandRecommendations_11.07.19.pdf

level, long life span and relative inability to eliminate many of these compounds.⁸ As a result, orcas are some of the most toxic animals on the planet.

Toxics, Salmon, and Prioritizing Green Infrastructure as a Solution

Toxic pollution also contributes to the habitat loss and degradation that is a key threat to salmon recovery.⁹ According to the Puget Sound Chinook Salmon Recovery Plan developed by the state and tribal salmon co-managers and adopted by the National Marine Fisheries Service (NMFS), protecting existing habitat is the most important action needed in the short term to recover salmon.¹⁰ The report “Treaty Rights at Risk,” a 2011 report from the Treaty Indian Tribes of Western Washington, also identifies stopping habitat degradation as the cornerstone of salmon recovery. *Id.*

Exposure to polluted stormwater runoff can kill coho within several hours. A chemical from tires that reacts with ozone to become 6PPD-quinone enters waterways via stormwater and was recently identified as the cause of coho Urban Runoff Mortality Syndrome in Washington.¹¹ Yet, studies out of Washington State University also demonstrate a 100% survival rate in juvenile coho exposed to stormwater runoff when treated by running it through a 3-foot column of soil, containing layers of gravel, sand, compost and bark.¹² This method of stormwater treatment - biofiltration - is implemented as a low impact development technique throughout the Sound, but should be required more ubiquitously.

Another priority green infrastructure strategy involves protection and restoration of forested riparian buffers that filter toxins and numerous other pollutants, while promoting climate resilience for cold-water fisheries thereby also advancing attainment of temperature water quality standards. Forested riparian buffers, and stormwater biofiltration are two water quality practices advocated by the Northwest Treaty Tribes. Federal clean water infrastructure funding should prioritize green infrastructure investments and natural solutions that control stormwater pollution.

2. Wastewater Treatment Investments Needed

Sufficient and technologically sound stormwater and wastewater infrastructure investments can control toxic pollution, but in Washington, the Pacific Northwest, and in many areas throughout the country, our infrastructure is no longer meeting the needs of humans and all species that depend on clean water. The American Society of Civil Engineers (ASCE) gave Washington

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https://www.researchgate.net/publication/237636125_Southern_Resident_Killer_Whales_at_Risk_Toxic_Chemicals_in_the_British_Columbia_and_Washington_Environment

⁹ <https://stateofsalmon.wa.gov/wp-content/uploads/2020/12/StateofSalmonExecSummary2020.pdf>

¹⁰ <https://treatyrightsatrisk.org/>

¹¹ <https://science.sciencemag.org/content/371/6525/185>

¹² <https://www.sciencedaily.com/releases/2015/10/151008152225.htm>

State the grades of “D+” for stormwater and “C-” for wastewater infrastructure.¹³ Washington’s wastewater utilities project an increase of 40% in population served by treatment works by the year 2032, to approximately 8.3 million people. *Id.* Most of the state’s wastewater systems are already beyond their design life, and the conveyance networks as a whole are in poor condition – population growth and the pressures of climate change will exacerbate the existing need for investments.

In 2012, the EPA estimated that our nation needs to invest \$271 billion in maintaining and repairing our wastewater and stormwater infrastructure over the next twenty years just to meet current environmental and human health standards - a figure that is now outdated and is almost certainly an underestimate.¹⁴ EPA’s 2012 Clean Watersheds Needs Survey (CWNS) also estimated Washington State’s total funding needs to be over \$4 billion dollars for wastewater, stormwater, and Combined Sewer Overflow controls at that time.¹⁵ These figures are likely conservative and are outdated.

In 2021, the Washington State Department of Ecology is developing a new Clean Water Act Permit that will ultimately require municipal sewage treatment plants that discharge to Puget Sound to control discharges of nutrients. To meet federal Clean Water Act requirements, plants may need to upgrade to advanced treatment technologies - which could require significant additional investments. Furthermore, as the Municipal General Stormwater Permits strengthen over time, Washington municipalities will need to do more to meet federal Clean Water Act requirements to control polluted stormwater runoff. Funding for wastewater treatment plant upgrades and structural stormwater controls for developed areas, including low impact development and green infrastructure, will be needed. Failure to address wastewater nutrient load risks further water quality impairments (including dissolved oxygen and ocean acidification), and worsening disruption of the ecosystem which supports salmon, shellfish, treaty harvests by tribes, and the health and economy of the Puget Sound region.

3. The Majority of Americans and Washingtonians Support Clean Water and Clean Water Infrastructure Funding.

Americans care deeply about clean water, and here in the Pacific Northwest, people are very concerned about protecting salmon and orca. In a recent poll, 84% of voters across the country support increasing federal investment to rebuild the nation's water infrastructure,¹⁶ and polling by Gallup demonstrates that water pollution has always been at the top of Americans’ environmental concerns.¹⁷ Similarly, 79% of Washington voters support increasing public

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<https://infrastructurereportcard.org/wp-content/uploads/2016/10/2019-WA-Infrastructure-Report-Card.pdf>

¹⁴ <https://www.epa.gov/cwns>

¹⁵ https://www.epa.gov/sites/production/files/2015-10/documents/cwns_fs-wa.pdf

¹⁶

<http://thevalueofwater.org/media/voters-overwhelmingly-favor-investment-water-infrastructure-according-nw-poll>

¹⁷ <https://waterpolls.org/gallup-poll-water-quality/>

funding for water infrastructure according to a March 2020 poll conducted by FM3 Research of Washington Voter Views on Environmental Policy. Furthermore, nearly four in five Washington voters say preventing the extinction of wild salmon in the state is "very important," more than half (52%) call this "extremely important," and only 6 percent say this is "not too important" to them.¹⁸

Americans' dual values of stopping water pollution and ensuring a clean and healthy environment were motivations behind the Clean Water Act, which passed with bipartisan support in 1972. Before passage of the Clean Water Act our waters were literally choked with sewage, and the Cuyahoga River famously caught on fire not once, but 13 times. Almost 50 years later, we still have not attained the Clean Water Act's goals of stopping pollution. We need sufficient levels of funding to ensure the purpose and intent of the Clean Water Act can be realized.

4. **New Grant Sources Are Also Needed**

To protect clean water, and the endangered salmon and orca that depend on it, we encourage you to increase funding for existing clean water infrastructure programs, and support legislation that would create new funding sources to control stormwater and wastewater pollution. While low cost loans are helpful, new sources of grants would also be extremely beneficial.

As federal funding for water infrastructure has decreased, local governments have been left holding the bag. State and local governments now spend 24 times as much as the federal government on water and wastewater infrastructure.¹⁹ This approach has led to a two-tiered system in which wealthy communities can afford to invest in clean water while disadvantaged communities cannot. Many low-income communities cannot afford even low- or no-interest loans, and are shut out of the Clean Water State Revolving Funds (CWSRF), raising environmental justice concerns. Communities that take out loans from the CWSRF have to raise rates to pay them back, which can place a disproportionate burden on low-income ratepayers. Providing more grants would make sure that communities have the resources they need to carry out necessary infrastructure upgrades. Furthermore, the shift from loans to grants can be done within the CWSRF program by setting a minimum requirement for the use of grants (an "additional subsidization"), and raising the current statutory cap, so that grant solutions don't necessitate setting up entirely new programs.

Some ambitious and exciting proposals have been introduced to date, including but not limited to components of:

- The [WATER Act](#)
- The [American Jobs Plan](#)

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<https://www.wildsalmon.org/images/factsheets-and-reports/2018.poll.WA.Voter.Views.Snake-River.Dams.Salmon.Final.pdf>

¹⁹ <https://efc.web.unc.edu/2015/09/09/four-trends-government-spending-water/>

- The [Water Quality and Job Creation Act of 2021](#)
- The [Drinking Water and Infrastructure Act of 2021](#)

At a minimum, funding for clean water systems in at least the amounts listed at the start of this letter would be a meaningful increase from existing funding levels and, if consistently reauthorized at these amounts or greater, would go a long way toward closing the \$271 billion shortfall identified by EPA. We must get to work on stormwater, wastewater, and combined sewer overflow infrastructure now as the region's needs will only increase in time due to climate change, population growth, and regulatory changes. With only 75 individuals remaining in the Southern Resident community, orcas are desperately in need of action to protect and restore salmon and the Pacific Northwest ecosystem that supports them both - especially actions that affect watersheds throughout their range.

You may hear that investing in clean water infrastructure is too expensive, or that it will not make much difference, or that the science is too uncertain. These are the same criticisms used for several decades to resist or delay advancements in stormwater and wastewater requirements. Yet, when we look back to past investments, today's generations benefit. Now is the time to invest for future generations of people and wildlife.

Thank you for considering our views, and for your work advocating to protect and restore Puget Sound. We look forward to working with you to achieve our shared goals of safe, healthy, and clean water for all; healthy salmon and orca populations; and just and equitable Puget Sound recovery.

Sincerely,

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