WASHINGTON CONSERVATION ACTION EDUCATION FUND

August 22, 2025

William Weaver, P.E.
Department of Ecology
Water Quality Program
300 Desmond Drive SE
Lacey, WA 98503

Dear Dr. Weaver,

Thank you for the opportunity to comment on the *Draft Puget Sound Nutrient General Permit*. Washington Conservation Action Education Fund (WCA) is a 501(c)(3) organization founded in 1967 as Washington Environmental Council. Our mission is to develop, advocate for, and defend policies that ensure environmental progress and justice by centering and amplifying the voices of the most impacted communities. We are committed to reducing sewage and other pollution that impact communities and the environment.

WCA served on the Puget Sound Nutrient General Permit Advisory Committee in advance of the January 1, 2022 permit and represented multiple environmental organizations in that effort. We have also deeply engaged in the Puget Sound Nutrient Forum since its inception. Our members and our partners are concerned about nutrient pollution to Puget Sound and the Salish Sea and impacts to water quality and food webs. We offer the following comments.

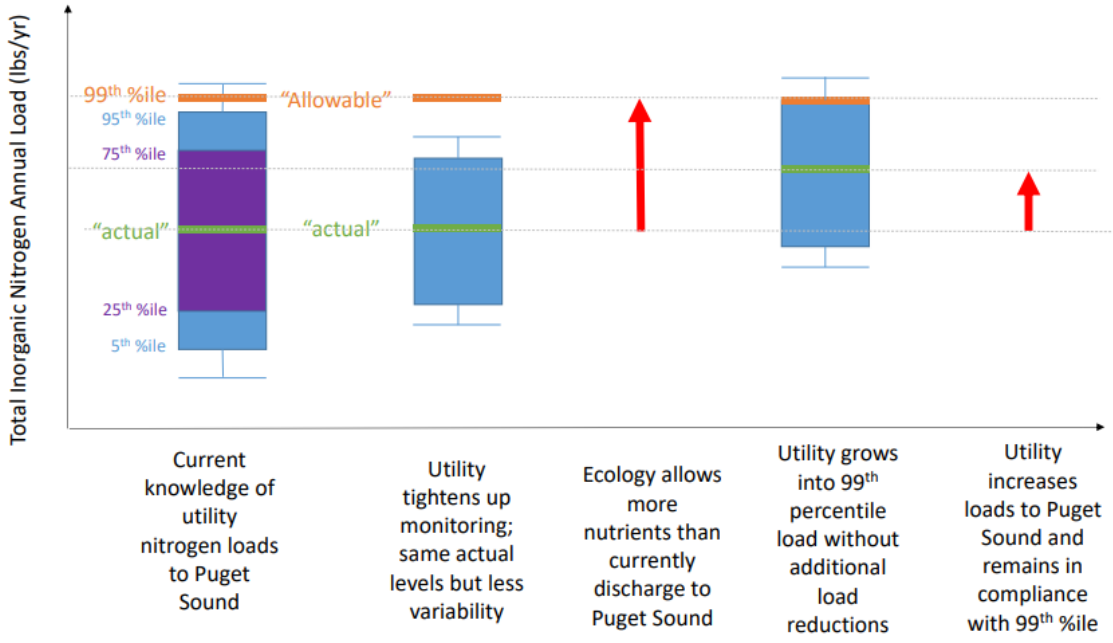
Ecology must act expeditiously to regulate nutrients

Regulating sewage and other nutrient discharges is long overdue, as Ecology has been developing the technical basis for this for over 25 years. The longer Ecology waits, the more sewage treatment plants will push for flow expansions, locking in outdated technologies for decades to come. We urge you forward.

Action levels are too lax

We submitted a comment letter August 16, 2021 on the draft of the January 1, 2022 Puget Sound Nutrient General Permit, under our former name Washington Environmental Council (attached as separate file). We pointed out that the action levels are too lax and will allow loads to increase over time. Ecology continues to use the same action levels in this optional permit. We reiterate our previous points.

The nutrient load action levels remain far too permissive. Ecology set these at the 99th percentile upper confidence limit of current loads, even though no one advocated for this permissive of a statistic during Advisory Committee deliberations. We and others specifically recommended against the 99th percentile. This inadvertently allows tons of nitrogen pollution above safe levels for Puget Sound (see figure below) to protect a number that simply triggers planning activities. **We recommend that action levels be based on 75th or 90th percentiles of nitrogen load estimates by each plant.**



In addition, Ecology now has the benefit of some of the required reporting from the initial Puget Sound Nutrient General Permit. As we suspected, the highly permissive 99th percentile used as the action level means that Tacoma's loads, and those of several other plants, are well below these egregiously high action levels. The table below presents a snapshot of several dischargers' nitrogen loads to illustrate this point.

While we appreciate that Ecology includes a December 2027 expiration date and may intend this option permit as a temporary vehicle, we anticipate that dischargers will continue to tie up Ecology's sewage regulations and that these lax values will become the de facto load limits for far too long, allowing dischargers to continue with status quo approaches. Ecology should use the same computer program and values that produced the 99th percentile values in the January 1, 2022 permit to develop more reasonable statistics, such as the 75th or even the 90th percentile of values for action levels in this optional general permit.

Sewage Discharge	Action level (lbs)	2022 reported load (lbs)	2022 %action level	2023 reported load (lbs)	2023 %action level
King County South King	7,340,000	4,965,000	68%	6,067,000	83%
Tacoma Central No. 1 WWTP	2,410,000	1,552,455	64%	1,865,944	77%
Post Point WWTP (Bellingham STP)	993,000	777,927	78%	786,130	79%
Midway Sewer District WWTP	625,500	341,003	55%	364,040	58%
Bremerton WWTP	602,000	375,036	62%	338,385	56%

City of Tacoma and King County should be removed from general permit

Together, the City of Tacoma and King County facilities represent >60% of the total nitrogen discharges from US plants to the Salish Sea. While "dominant" dischargers are required to do more than "moderate" dischargers, Tacoma and King County must make far more substantial progress toward modern sewage approaches than outlined in the draft permit if the region is to address dissolved oxygen in Puget Sound effectively.

All Tacoma and King County facilities should receive permit limits for nitrogen discharges in their individual NPDES permits by 2027. In comment letters on the West Point and Tacoma Central draft permits, WCA / WEC urged Ecology to include nitrogen limits if the Puget Sound Nutrient General Permit was invalidated given that Tacoma and King County are fighting aggressively through litigation and legislative processes to avoid clean water responsibilities. We requested that Ecology include an explicit reopener clause in those individual permits for just such an occasion as Ecology and we are facing today. While Ecology proposes to give dischargers the choice of opting into this permit or receiving individual limits, Ecology must remove these two "mega" dischargers from the general permit entirely and limit the optional permit

coverage to the moderate dischargers and remaining dominant dischargers. We made this comment in our August 2021 comment letter as well.

WCA expects that the largest population centers in Washington state need to manage their sewage in ways that are at least consistent with, if not better than, sewage management in other parts of the country. However, Washington is far behind places like Chesapeake Bay and Long Island Sound in terms of sewage management. Even within the state, Ecology required Spokane to implement nutrient reduction for phosphorus decades ago. Spokane's phosphorus removal system is online, and phosphorus nutrient load discharges have declined as a result.

As a state-wide organization, we do not believe it is fair to give western Washington, the home of the largest and third-largest population centers of the state, a pass on an environmental regulation yet require upgrades in eastern Washington. The state required Spokane to modernize sewage, and Ecology must hold Tacoma and King County to the same standard. That should be done through individual permit limits and not the flexibility that a general permit may provide. As we also comment in our letter regarding the Nutrient Reduction Plan, because their loads are so large, there are no other entities that Tacoma and King County can trade with – a nutrient credit trading system is simply infeasible for these two large dischargers. The only way for portions of Puget Sound to recover in terms of oxygen is for Tacoma and King County facilities to adapt to modern sewage approaches.

Pace of actual design and construction is too slow

Under this permit, municipalities simply would need to monitor for a year, and if their loads go over the action levels, then they would complete the corrective actions in S4.D and S5.D. Because this permit would expire on December 31, 2027, and likely would not take effect until January 1, 2026, all of the permit conditions involving corrective actions would produce no substantive progress in decreasing nitrogen loads during the permit term. We expect that dischargers could interpret this as a valuable permit shield, but as such does not actually move dischargers to clean water.

Ecology must require that all permittees conduct the activities listed as Corrective Actions in Special Condition S4.D and S5.D of the draft permit before December 31, 2027, regardless of the actual nitrogen discharge levels. This would eliminate Special Condition S4.D.1 and S5.D.1 entirely and require permittees to submit for review a proposed approach to reduce the annual effluent load by at least 10% below the action level. Currently the permit lists those activities as contingent on discharging above the

action levels. However, given that flows and loads are likely to inch up with population growth, dischargers need to start adjustments to both cap and also begin reducing nitrogen loads to Puget Sound.

Ecology cannot approve any increases in flow for any plant discharging to the Salish Sea without concomitant reductions in nitrogen concentrations

Dischargers are already inquiring about what to do as they plan for plant expansions in the next few years. We expect some to seek Ecology's approval before any reductions in nitrogen loads are legally binding. If Ecology were to approve a flow increase for a plant without concomitant requirements to reduce nitrogen concentrations, that action would allow increasing nitrogen loads to Puget Sound and the Salish Sea. While some sewage dischargers will plan ahead for the nutrient reductions they know are coming, like Pierce County's Chambers Creek plant did two decades ago, others could take Tacoma's approach of "make me" through extended legal processes, further straining Ecology's resources and delaying improvements to Puget Sound.

Ecology needs to make crystal clear that Ecology cannot and will not approve any sewage discharge flow increases without simultaneously requiring nitrogen load reductions resulting from decreases in concentrations or other approaches that reduce marine discharges of nitrogen. Given that such treatment plant capital investments occur once 0061 generation, the state cannot afford to lock in what are already antiquated treatment technologies. That would simply make Ecology's work harder over the coming years and continue to violate water quality standards.

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Thank you for considering these comments.

Mindy Roberts, Ph.D., P.E.
Puget Sound Program Director
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