Nick Martin

KITSAP COUNTY PUBLIC WORKS
614 DIVISION STREET (MS-26), PORT ORCHARD, WA 98366-4699 | KITSAP1: 360.337.5777 | KITSAP.GOV

August 27, 2025

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Jeremy Reiman, Water Quality Scientist

Washington Department of Ecology

PO Box 47600

Olympia, WA 98504-7600

RE: Kitsap County Comments on Draft Puget Sound Nutrient Reduction Plan

Dear Mr. Reiman:

Kitsap County (County) appreciates the opportunity to comment on the Washington State Department of Ecology (Ecology) Draft Puget Sound Nutrient Reduction Plan, dated June 2025 (Publication 25-10-038) (Draft Plan).

The County supports Ecology's intent to improve water quality in Puget Sound. As part of the County's "water is a resource" policy, in 2012 the County proactively invested in nutrient removal at its Central Kitsap Treatment Plant (CKTP) to improve water quality discharged to Puget Sound, and to set the stage for a potential reclaimed water program partnership with Silverdale. We support preserving and enhancing water quality in Puget Sound and expect to continue making justified investments to that end.

We want to partner with Ecology to ensure that investments in nutrient removal are science-based and will result in meaningful and sustainable positive impacts to the environment. Please consider the following general comments.

- The provided guidance is limited in detail and doesn't provide adequate background and rationale to fully assess the implications to our utility.
- The plan doesn't draw a strong link between the significant investments that would be required and meaningful water quality benefits.
- The projected investments that would be required will result in major affordability concerns for ratepayers within Kitsap County and throughout Puget Sound.
- The analysis should consider the cost/benefit ratio of varying levels of treatment/nutrient reduction to account for the law of diminishing returns.
- The County is concerned that the timeline for implementation may not be achievable considering the schedule required to plan, design, and construct these major facilities during a time when there will be limited consulting and construction resources across the region.

We appreciate the opportunity to comment on the Puget Sound Draft Nutrient Reduction Plan and welcome the opportunity to discuss these comments with Ecology. In the end, we are advocating for justified science-based regulations to guide future investments that will achieve ecologically and socially sustainable solutions.

Sincerely,

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Nick Martin

Nmartin@kitsap.gov

360-217-1427

Central Kitsap Treatment Plant
Comments on the Draft Puget Sound Nutrient General Permit
– August 27, 2025

Kitsap County appreciates the opportunity to comment on the Washington State Department of Ecology (Ecology) draft Puget Sound Nutrient General Permit (PSNGP). As part of the County's "water is a resource" policy, in 2012 the County proactively invested in nutrient removal at its Central Kitsap Treatment Plant (CKTP) to improve water quality discharged to Puget Sound, and to set the stage for a potential reclaimed water program partnership with Silverdale. We support preserving and enhancing water quality in Puget Sound and expect to continue making justified investments to that end.

Kitsap County has gone through an exhaustive rate analysis that has produced large rate increases that did not account for any extra nutrient removal process. Too add more rate increases onto that for nutrient removal that is undefined and largely unproven would be detrimental to our rate payers.

The County has a significant interest in ensuring that nutrient regulations are science-based, and that the result is the highest water quality attainable with rates that support economic sustainability. We want to partner with Ecology to ensure that investments in nutrient removal are science-based and will result in meaningful and sustainable positive impacts to the environment.

To this end, the County offers the following comments on the draft PSNGP, organized into the following categories:

- 1.0 – S5. Narrative Effluent Limits for WWTPs with Moderate TIN Loads
- 3.0 - "Opting in" Implications
- 4.0 - Coordination with the Nitrogen Reduction Plan

1.0 Narrative Effluent Limits for WWTPs with Moderate TIN Loads

Permit Section S5.E – Nutrient Reduction Evaluation

Subsections 2 and 3 of S5.E, Ecology states an all known, available, and reasonable methods of prevention, control, and treatment (AKART) analysis and analysis of treatment technologies and alternatives to meet a 3 mg/L seasonal average TIN limit must be included as part of the NRE.

AKART is a subjective analysis, dependent upon the interpretations of each individual utility completing the analysis and the Ecology permit writer approving the report. It does not define a clear goal for effluent nutrient reductions nor the metrics required for Ecology concurrence.

Further, Phase 2 Salish Sea Modeling (SSM) scenarios are based on different effluent concentration limits than that requested in the NRE and potentially different than the limits in the final Puget Sound Nutrient Reduction Plan (PSNRP) currently in development. As described further in Section 4 below, the County seeks to have Ecology provide clear and coordinated planning direction between the NRE requirements and the PSNRP to best achieve the goals of the Puget Sound Nutrient Source Reduction Project. **The**

County requests that the requirements of the NRE be modified to reflect coordinated water quality limits with the PSNRP within the allowable timeframe of the PSNGP.

Subsection 4 of S4.E, the requirements for the NRE appear to be "sufficiently complete that an engineering report may be developed" for the preferred alternatives at each assessed level of removal indicate an engineering report level of effort for two different effluent criteria. This requirement presents a high level of effort; completing this level of effort will likely require specialty services for which only a limited number of consulting firms are qualified. While the County has progressed elements of this effort based on the original deadline the mandatory PSNGP (and associated NRE) was invalidated in February 2025. The County is concerned that advancing the planning effort without an understanding of the NRE requirements will be an inefficient planning process, likely resulting in rework and wasting ratepayer dollars. ***The County requests the timeframe be modified to allow for submission of the NRE no earlier than December 31, 2026.***

2.0 "Opting-In" Implications

Although in February 2025 the Pollution Control Hearings Board (PCHB) invalidated the PSNGP, we understand Ecology proposes that facilities "opt in" for permit coverage under the PSNGP nonetheless (vs. addressing nutrient reduction requirements as part of the facility's individual permit). Ecology described development of this voluntary PSNGP as a collaborative process where the County could have opportunities to understand the implications of "opting-in". ***The County requests that Ecology establish a more structured collaboration process for understanding these implications, including defining risks and benefits of opting in for PNSPG permit coverage vs. individual permit coverage), specifically addressing the following initial questions:***

- What is the opt-in and opt-out process and what is the anticipated timeframe the County would have to decide with Council support? If opting in, could a permittee decide later that they would prefer to be regulated for nutrient via the individual permit instead?
- How would ALs be determined and enforced in the individual permit (vs. the PSNGP)?
- How would timelines or content requirements of required reports (annual report, optimization report, NRE) and permit expiration dates differ between the voluntary PSNGP and a modified individual permit?
- Are there regional opportunities (trading, bubble, etc.) available to the County under the voluntary PSNGP that would not be available under a modified individual permit?
- Would there be benefit (i.e. allowable extension in compliance/construction timelines) regarding final permit nitrogen limit deadlines (currently year 2050 in the Nitrogen Reduction Plan) for those permittees that opt in to the voluntary PSNGP?
- What permitting fees would be incurred in operating under both an unmodified individual permit and voluntary PSNGP vs. operating under an individual permit modified to include nitrogen regulation?

3.0 Coordination with the Nitrogen Reduction Plan

Ecology stated in the July 1, 2025 meeting (draft PSNGP, online Information Presentation) that review of the PSNGP should be done without consideration to the content of the PSNRP. As discussed at the beginning of our comments, the County has many competing priorities driven by regulations, asset renewal and replacement and County improvement needs to support state mandated growth. The County is concerned this significant planning effort we have been undertaking may be undermined due to

shifting effluent targets and goals and could ultimately result in significant wasted resources, re-work of alternatives evaluation, and delayed timelines for decisions made as part of the NRE from the voluntary PSNGP vs. the actual requirements for limits as may be required by the PSNRP. In addition, the lack of clear regulatory requirements regarding nitrogen discharge is a significant obstacle to the County's other planning efforts at CKTP.

Therefore, the County requests Ecology clarify how the conversion between the potential 3 mg/l TIN limit as defined in PSNGP be modified to a TN limit in the future. What is the methodology Ecology would propose to modify a TIN limit to a TN limit and would it include a plant-specific allowance for the organic nitrogen fraction? Given the potential significant cost and site implications of a TIN versus TN limit and the County's limited data supporting our understanding of the organic nitrogen fraction at CKTP, the County requests that Ecology clarify the future effluent limits and the timeline for implementing these limits so that the County will have sufficient time to collect the necessary data.

Thank you for the opportunity to comment on the draft PSNGP. We look forward to continuing our work with you to achieve affordable and ecologically meaningful outcomes.

Sincerely,

Nick Martin, Sewer Utility Division Manager