



Jessica Spiegel

Vice President, Northwest Region

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Sent via email to: Jeremy.reiman@ecy.wa.gov

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Jeremy Reiman
CPRG Program Manager
Washington State Department of Ecology
Water Quality Program
P.O. Box 47600
Olympia, WA 98504-7600

Re: Draft Puget Sound Nutrient Reduction Plan

Dear Jeremy Reiman,

On behalf of the Western States Petroleum Association (WSPA) and its member companies operating refineries in the Puget Sound, thank you for the opportunity to comment on Ecology's Draft Puget Sound Nutrient Reduction Plan. We appreciate the agency's commitment to improving dissolved oxygen conditions in Puget Sound and support a strategy that is grounded in science, prioritizes cost-effectiveness, and targets the sources most responsible for the problem.

Use of Outdated and Incomplete Data

The Draft Plan relies heavily on modeling built from data sets that end in 2014. Since then, many municipal wastewater treatment plants (WWTPs) have implemented substantial infrastructure upgrades. These improvements, and the nutrient reductions they likely produced, are not reflected in the current model.

At the same time, refineries have only recently begun collecting the expanded nutrient data now required under NPDES permit renewals. U.S. Oil has about three years of data; Marathon and Phillips 66 have less than one year; and HF Sinclair is just beginning the monitoring process. Drawing conclusions about industrial contributions—much less proposing restoration actions—without these data is premature.

Ecology's adaptive management process should explicitly account for new and ongoing data collection before determining whether regulatory actions are warranted for industrial facilities.

Focus Should Be On Major Contributors

Available information indicates that refinery nutrient discharges are extremely small relative to WWTP contributions. Based on NPDES Form 2c data, refinery discharges of Total Inorganic Nitrogen range from as low as 2 pounds per day to approximately 155 pounds per day across all facilities, which might total around 10,000 lbs per year¹. In contrast, the municipal WWTP sector is managing *millions* of pounds per year.

Regulatory focus should remain on the sources that are clearly driving the problem, not those that happen to have administratively accessible permits.

¹ Data sets are incomplete, as noted in the previous paragraph.

ARP Approach is Premature for Industry

The proposed “Advanced Restoration Plan” framework is not appropriate for the refining sector at this time. Refineries often run phosphorus-limited, and during turnarounds or other maintenance windows may be nitrogen-limited as well. This may require adding essential nutrients to ensure NPDES permit limits are achieved. Imposing advanced treatment requirements—potentially involving major capital investments—without clear evidence of benefit is not justified and risks diverting resources away from more impactful efforts.

Any future development of water quality-based effluent limits must take into account a full suite of factors, including ambient dissolved oxygen concentrations, current discharge characteristics, and regional hydrology. These evaluations should be made in the context of a completed Water Cleanup Plan and not assumed in advance of the technical record.

Cumulative Compliance Burden

Refineries are simultaneously implementing several new programs with compliance costs in the millions of dollars, often for negligible volumes. Any nutrient-related requirements must be considered in this broader context to avoid layering cost-prohibitive mandates for de minimis value.

Conclusion

WSPA supports the state's long-term goal of improving water quality in Puget Sound but urges a careful, phased approach that reflects actual source contributions and up-to-date data. Premature mandates on minor sources risk undermining both environmental and economic outcomes.

We welcome the opportunity to continue this dialogue and to share updated refinery data as it becomes available. If you have any questions regarding our comments, or would like to discuss any topics further, please do not hesitate to contact me directly at (360) 918-2178 or via email at jspiegel@wspa.org.

Sincerely,



Jessica Spiegel
Vice President, Northwest Region

