Darin Janda

Draft PSNRP

Comments

These comments of the draft PSNRP are made for the Mukilteo Water and Wastewater District.

1. Page 11, first paragraph- “with domestic wastewater treatment plants contributing around two-thirds of the human-sourced nitrogen pollution”.

Comment: This statement seems to be a significant stretch. For instance, if you look at the modeling for the Whidbey Basin, there are ten times more nutrients entering the basin from surface water than from all the WWTPs combined.

2. Page 11, third paragraph, third bullet point- “wastewater plans and industrial facilities”.

Comment: Change “plans” in sentence to “plants”.

3. Page 13, Puget Sound- “Puget Sound is a complex marine system”.

Comment: In this paragraph, Vancouver Island and the city of Vancouver, B.C. are mentioned, there is no information as to the nutrient loading that is being added to the Salish Sea. Ecology can not simply discount the additional loading being added of over 1,552,000 persons, along with industries and agriculture simply because they originate in Canada.

4. Page 20, Puget Sound Nutrient General Permit.

Comments: On page 20 of this document, it speaks of the PSNGP but leaves out the fact that there are no proposed nutrient limits that WWTPs can use to evaluate whether they will participate in the voluntary PSNGP.

5. Page 20, Puget Sound Nutrient General Permit, first paragraph- “reasonable potential”.

Comment: I call this statement into question, as the Whidbey Basin has several WWTPs and the water is not impacted. In fact, the waters in the Whidbey Basin are rated as “Extraordinary” (page 27 Table 2. and page 28, Table 3). With the data given, this statement should be deleted.

6. Page 21, Table 1- “Puget Sound Nutrient General Permit requirements”.

Comment: There are no benefits to WWTPs that are in the “Small” category and already below the 10mg/L TIN limit. The wording of the PSNGP requirements is so vague, even if a WWTP is below the limit they will still have to submit an AKART and Nutrient Optimization Plan even though they have been under the limit for years. There is no incentive for the WWTP to continue doing an excellent job and putting out clean effluent.

7. Page 23, Advanced restoration plan approach, bullet point 1.

Comment: Again, I call into question the methodology by which these loadings are being calculated. With the limited data Ecology has for the entire Salish Sea, the data could be off by a large amount and there is no way to discern the error. Before moving forward with the PSNRP I would like a comparison between model 2_8 and the current (latest) model.

8. Page 23, Advanced restoration plan approach, bullet point 3.

Comments: I feel that Ecology has an opportunity for a new revenue source that can directly help nutrient loading for the Puget Sound, state rivers, and lakes. There should be a proposed tax on all non-commercial (no farmers) chemical fertilizers in WA. State. This tax should be based on the nitrogen, ammonia and phosphorus contained in the product and the amount in lbs. purchased. This tax should exclude compost and biosolids as they are not classified as chemical fertilizers and are slow release. The tax should be set aside for Ecology and the PSNRP.

When a person can walk into a hardware store, purchase any amount of fertilizer and have a large effect on Puget Sound or rivers and lakes. A tax would be appropriate.

9. Page 30, first paragraph- “Local and regional sources”.

Comments: In this section Ecology has again failed to consider the contribution of nutrients by roughly 1.6 million Canadians. Although Canada is not in the boundaries of WA. State or the United States the nutrient load they contribute is not small. If Ecology is proposing to require WA. State WWTPs to reduce effluent loadings to compensate for Canadian loadings, this requirement would be in conflict with the recent Supreme Court ruling of 2025.

10. Page 31, Nitrogen Loading Targets, first sentence- “total nitrogen (TN) loading targets”.

Comment: The draft PSNGP only discusses TIN levels and not TN levels. One standard should be decided on, that way useful data can be collected from the start.

11. Page 33, Marine point source targets- “The total basin target for the basin should not be exceeded”.

Comment: Is Ecology suggesting that if a WWTP in a basin goes over its nutrient level, that the other WWTPs in that basin will have to reduce even further to compensate?

12. Page 34, first paragraph- “See Appendix E for the “.

Comment: Why were the appendixes not added to the draft PSNRP when emailed to the 58 WWTPs? Instead, facilities had to hunt them down on the Ecology website and there was confusion with the appendixes for the PSNGP.

13. Page 36, Table 5, Whidbey Basin.

Comments: According to Table 5, the Whidbey Basin already meets the TN annual targets. Why then is Ecology moving forward with regulating the WWTPs instead of concentrating on the surface water loading of the basin that is ten times the total amount of all the WWTPs in the basin?

14. Page 37, Watershed targets- “these loads represent all upstream nonpoint and point sources of TN”.

Comment: WA. State must control the level of nutrient loading from surface waters. It is not the responsibility of WWTPs to compensate for the level of nutrients that WA. State has allowed in surface watersheds. To go after WWTPs because they are perceived as easy targets and place punitive restrictions on them is in violation of the recent Supreme Court ruling for 2025.

15. Page 40, Implementation, first sentence.

Comment: Again, the PSNRP speaks of TN levels while the PSNGP speaks of TIN levels. Please decide on one.

16. Page 40, Marine Domestic WWTP and Industrial NPDES Permits- “Facilities that do not opt-in may see”.

Comment: There are no proposed limits in the PSNGP and there are no proposed nutrient limits in the PSNRP, and Ecology uses the term “may”. How are WWTPs supposed to plan for the future when there are no proposed limits? The words “may” and “should” are used and yet Ecology wants facilities to voluntarily join the PSNGP. With all this uncertainty, Ecology expects WWTPs to make a decision within 45 days of the issuance of the PSNGP.

17. Page 41, Compliance schedules, second paragraph, first sentence- “we acknowledge that permittees may need to make large investments”.

Comment: We take great offense to this statement. Our Commissioners and Management, with the backing of the rate payers, have invested for years to make our WWTP what it is today. Our nutrient loading is truly small compared to most facilities and yet Ecology seems to discount this. No mention is made of the facilities that strive and invested to do a better job. Ecology speaks of low-cost loans and grants for facilities to come into future compliance and skip the ones that have already made these investments.

18. Page 42, Nutrient Credit Trading.

Comments: At this point, the mention of nutrient credit trading seems like an attempt to “put sugar on medicine”. There is no specific date that trading would be allowed, no information as to whether it would be allowed only in the same basin or adjacent basins, and no mention of who in Ecology would run the program. This brings to mind the implementation of carbon trading which has done little but bring in money for the state.

19. Page 43, first bullet point at top of page- “Limit initial trading eligibility to facilities covered under the Puget Sound Nutrient General Permit”.

Comment: This is contrary to what was stated in the webinar forum when Ecology stated that only facilities with limits in their General Permits would be allowed to trade.

20. Page 46, Watersheds.

Comment: This section drives home the importance of a tax to help limit the use of non-agriculture chemical fertilizers in the watersheds. With two bags of fertilizer, a person could add more nutrients to the sound than our WWTP does for a whole day.

21. Page 48, Permitted point sources.

Comment: Ecology has been studying this problem since 2017. These steps should have already been taken.

22. Page 53, Wastewater, Ecology’s Puget Sound Nutrient Reduction Grants Program.

Comment: For clarification, does a WWTP have to be part of the voluntary PSNGP or will the General Permit make them eligible by itself? There has been discussion both ways in webinars.

23. Page 65, Marine point source nitrogen loads- “All marine point sources identified in this plan will have TN WQBELS in future phases”.

Comments: Again, it is not possible to plan with no TN or carbon (CBOD5) numbers given. I find it impossible to believe that Ecology doesn’t have initial target numbers yet.

24. Page 72, Adaptive Management, second sentence- “There is always a degree in uncertainty of predicting “

Comment: Sentence should read “There is always a degree of uncertainty in predicting”.

Appendix H: Preliminary Considerations for the Development and Implementation of Water Quality Based Effluent Limitations

1. Page 1, first sentence.

Comment: In this sentence Ecology states that this is a preliminary strategy, yet Ecology is moving forward with the PSNGP with only this preliminary strategy. Adaptive Management does not work well when a utility has to budget millions of dollars, engineer projects and go through years of construction just to hear that Ecology got it wrong with their preliminary strategies and potential approaches.

2. Page 2, EPA Guidance for Developing Nutrient WQBELS, fourth paragraph, first sentence- "EPA issued the Chesapeake Bay Memorandum".

Comment: This memorandum does not apply. What is missed in this comparison is that Chesapeake Bay waters are completely within the waters of the United States. The Salish Sea is comprised of waters of the United States and Canada and WWTPs cannot be held responsible for the nutrient loadings for another country (Supreme Court ruling 2025).

3. Page 5, Selecting Pollutants for Limits.

Comment: Ecology must decide on TN or TIN and stick to it in both the PSNRP and the PSNGP. Bouncing back and forth only adds to confusion and frustration.

4. Page 7, Compliance Schedules, first paragraph, last sentence- "all facilities to meet their final nutrient WQBELs no later than 2050, with measurable progress expected during each permit cycle".

Comment: Ecology has come up with a schedule that has an end date and milestones along the way but doesn't state what the final compliance numbers will be. Just a vague reference to a final nutrient WQBEL.