



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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April 3, 2025

The Honorable Matt Miller, Mayor
City of Anacortes
PO Box 547
Anacortes, WA 98221-0547
mattm@cityofanacortes.org

**Re: Pollution Control Hearings Board Remand of the
Puget Sound Nutrient General Permit, WAG994536, Anacortes Wastewater Treatment
Plant**

Dear Mayor Matt Miller:

On February 28, 2025, the Pollution Control Hearings Board (Board) invalidated the Puget Sound Nutrient General Permit (PSNGP) "insofar as it is mandatory for already-permitted dischargers" and remanded the PSNGP to Ecology for further action. Consistent with the Board's ruling, Washington Administrative Code (WAC) 173-226-200(7), and 40 CFR 122.28(b)(3)(iv), your coverage under the PSNGP is terminated.

[Puget Sound Nutrient General Permit Modification](#)

Nitrogen discharges from your facility continue to have a reasonable potential to contribute to dissolved oxygen impairments in Puget Sound. The Department of Ecology (Ecology) continues to consider the PSNGP an appropriate tool for our long-term strategy to reduce nitrogen discharges and improve water quality in the Sound. In light of the Board's ruling, a modification/reissuance of the PSNGP is necessary in order to offer voluntary coverage for all former permittees who desire to be covered under the general permit to address nitrogen reduction requirements. Alternatively, former PSNGP permittees may choose to have nitrogen reduction requirements addressed in their individual permits for domestic wastewater discharges to Puget Sound as described in the section below.

Ecology plans to modify the PSNGP in accordance with WAC 173-226-230 and 40 CFR 122.62, via a public process this Spring. Given our plans for a timely reissuance, we plan (if feasible) to keep submittal of discharge monitoring reports and other deliverables available through existing means in our Permitting and Reporting Information System (PARIS), on an entirely voluntary basis.

We currently anticipate proposing minimal edits to the PSNGP, such as: updated language regarding eligibility for optional coverage and administrative procedures for submittal of a new notice of intent or application, minor clarifications and adjustments to account for what we have learned through implementation, and some revisions in response to the US Supreme Court's March 4, 2025, decision in *City and County of San Francisco, California v. Environmental Protection Agency*. This is Ecology's initial plan and subject to change. You and the public will have the opportunity to review and provide comments during a formal public comment period for the revised PSNGP.

Individual Permits

Ecology plans to use existing regulatory tools for those permittees who choose to have their nitrogen reduction requirements addressed solely in their individual permit. The approach will vary depending on individual permit status.

Administrative Orders – Permittees who do not opt in to the PSNGP may receive near-term administrative orders requiring monitoring consistent with the requirements of the PSNGP. Where applicable, orders will also include requirements to complete the nutrient reduction evaluations (NRE) or all known, available and reasonable treatment (AKART) analyses, as outlined in the PSNGP, with similar due dates for submittal. Ecology is less likely to use this option if reissuance or modification of an individual permit is actively underway and that work can be completed within a few months of the date of this letter.

Individual Permit Modification or Reissuance – For permittees who do not opt in to the PSNGP, Ecology will prioritize modification of recently issued individual permits that currently reference the PSNGP for nutrient reduction requirements and reissuance of individual permits that have been administratively extended. Initially, Ecology will consider several factors, with higher priority given to facilities listed as dominant loaders in the PSNGP and the length of time an individual permit has been administratively extended.

Ecology will also consider other facility-specific drivers for individual permit reissuance, such as a need to update the permit due to facility changes or to address past compliance issues. We anticipate that individual permits may include the following requirements related to nutrients:

- Discharge monitoring – for parameters affecting dissolved oxygen, similar to the PSNGP.
- Action levels for nitrogen discharges – action levels similar to those in the PSNGP may be included for some permittees where calculation of numeric effluent limits remains infeasible.
- Numeric Effluent limits – performance-based and/or limits based on the design criteria included in an approved engineering report (technology-based limits) would be included for permittees where Ecology determines that calculating those limits is feasible. Water quality-based limits may also be included where feasible.
- Completion of NREs or AKART Analyses – individual permits may include requirements for permittees to complete and submit NREs or AKART analyses that were initiated under the PSNGP.
- Compliance schedules – would be included for any permittees who have already initiated a capital project that will improve nitrogen reduction, as documented in an approved engineering report for the project. Compliance schedules are intended to provide permittees with the time needed to construct and optimize the treatment systems.

Like the PSNGP modification/reissuance, all draft individual permits will be made available for a formal public comment period prior to finalization and issuance.

We understand that the Board's February 28, 2025, ruling creates uncertainty. We encourage you to stay the course set under the PSNGP as these administrative processes unfold over the coming months.

If you have questions about the PSNGP process, please reach out to William Weaver, Ph.D., P.E. at william.weaver@ecy.wa.gov or (360) 870-7424.

If you have questions about Administrative Orders or individual permits, or need technical assistance with your nutrient reduction efforts, please contact your individual permit manager.

Sincerely,



Vincent McGowan, PE
Water Quality Program Manager

ecc: Brian Walker, WWTP Manager, brianw@cityofanacortes.org

Dexter Chan, Ecology WQ

William Weaver, Ph.D., P.E., Ecology WQ HQ

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PARIS Permit File: Puget Sound Nutrient General Permit Number WAG994536