Comments on Draft General Order of Approval No. 26AQ-GO-02
Stationary and Portable Hot Mix Asphalt Plants

Introduction

Central Washington Asphalt, Inc. and Shamrock Paving, Inc. appreciate the opportunity to comment on the Washington State Department of Ecology's proposed revisions to the General Order of Approval for Stationary and Portable Hot Mix Asphalt Plants.

Our companies operate both stationary and portable hot mix asphalt plants throughout Washington State and have decades of experience producing asphalt for highways, county roads, municipal streets, airports, utility infrastructure, commercial developments, residential construction, and emergency repair projects. Because our operations support projects in a wide variety of geographic settings and regulatory jurisdictions, we have a practical understanding of both the environmental responsibilities associated with asphalt production and the operational realities necessary to safely and efficiently deliver transportation infrastructure throughout Washington.

We also recognize the important role General Orders play within Washington's air permitting program. General Orders provide an efficient, predictable, and streamlined permitting pathway for facilities whose emissions and operating characteristics have been evaluated in advance. This framework benefits both regulators and permit holders by reducing unnecessary administrative burdens while maintaining appropriate environmental protections.

Our comments are not intended to oppose environmental protection or the modernization of General Order requirements. Rather, they are intended to ensure that the final General Order is technically supported, practically implementable, and reflective of the operational realities of Washington's asphalt industry.

Environmental protection and responsible infrastructure development are complementary objectives that are best achieved through regulations supported by sound science, transparent decision-making, and practical implementation.

After reviewing the proposed General Order, Technical Support Document, and associated SEPA documentation, we believe several significant revisions warrant additional explanation and evaluation before the proposal is finalized.

In particular, we are concerned that the proposal introduces new production limitations, setback requirements, emission standards, eligibility restrictions, and permitting pathways without fully evaluating or explaining the practical implications these revisions may have on asphalt production, portable operations, public infrastructure delivery, workforce utilization, and future General Order eligibility throughout Washington State.

Throughout the proposal, Ecology frequently relies upon representative modeling assumptions while acknowledging that future facility locations, surrounding land uses, operational configurations, and site-specific conditions are unknown. Nevertheless, the proposal establishes statewide production limits, setback requirements, and emission standards that will apply to future applicants operating under a wide range of conditions.

We respectfully request that Ecology provide additional technical justification, implementation guidance, and impact analyses supporting these revisions so stakeholders can fully understand both the environmental benefits and the practical consequences associated with the proposed General Order.

The following comments identify several areas where additional clarification, technical support, or evaluation would improve the proposal while preserving the intended purpose of the General Order program as an efficient, technically supported, and predictable permitting pathway for qualifying facilities.

1. Proposed Production Limits

The proposed General Order reduces allowable annual production from 300,000 tons per year to 160,000 tons per year and establishes a new daily production limit of 2,800 tons.

These represent substantial changes to the operational flexibility historically provided under the General Order program and will directly influence the ability of future asphalt plants to support transportation infrastructure throughout Washington.

We recognize Ecology's responsibility to evaluate air quality impacts and establish production limits consistent with applicable environmental regulations. However, the proposal provides limited explanation regarding how the selected production thresholds reflect the operational realities of modern asphalt production.

Modern asphalt plants routinely operate at production capacities ranging from approximately 350 to 450 tons per hour. During paving season, ten-hour production shifts are common and are often necessary to support transportation projects operating under seasonal paving windows, traffic restrictions, contract completion dates, liquidated damages provisions, weather delays, and nighttime paving schedules.

A facility capable of producing 400 tons per hour can reasonably produce approximately 4,000 tons during a standard production day. Likewise, a 450-ton-per-hour facility may produce approximately 4,500 tons under normal operating conditions.

Under the proposed General Order, both facilities would exceed the proposed daily production limit during what would otherwise be considered a routine operating day.

These production levels do not represent extraordinary operating conditions. Rather, they reflect the practical realities of supplying asphalt for Washington's transportation infrastructure.

Accordingly, we respectfully request Ecology provide additional information regarding:

• The technical basis supporting both the proposed annual and daily production limits;

• The modeling assumptions used to establish these thresholds;

• Whether actual production data from Washington asphalt plants was evaluated during development of the proposal;

• Whether the proposed limits were evaluated against the production demands of public infrastructure projects;

• Whether Ecology evaluated the impacts of weather delays, equipment failures, emergency repairs, and accelerated construction schedules on production needs;

• Whether 24-hour paving operations and limited seasonal construction windows were considered during development of the proposed limits; and

• Whether alternative production thresholds were evaluated that would continue to achieve applicable air quality objectives while preserving greater operational flexibility.

The proposal appears to assume relatively uniform production throughout the year. In practice, asphalt production is highly variable and driven by construction schedules, seasonal weather conditions, project sequencing, owner requirements, equipment availability, and the need to recover from unforeseen delays.

The ability to increase production during favorable construction windows is not simply an operational preference; it is essential to successfully delivering public infrastructure projects throughout Washington State.

2. Rolling 12-Month Production Limits

In addition to establishing revised annual and daily production limits, the proposed General Order introduces a rolling 12-month production limitation. While annual production thresholds have historically provided permit holders with flexibility to respond to seasonal construction demands, weather conditions, and project scheduling, a rolling 12-month limitation may significantly alter how asphalt plants are able to plan and manage production throughout the year.

Unlike many manufacturing industries, asphalt production is inherently seasonal. Production frequently occurs in concentrated periods during favorable weather conditions and may vary

substantially from one construction season to the next depending upon project awards, transportation funding, emergency repairs, and regional demand.

A rolling 12-month production limitation may reduce an operator's ability to recover from weather delays, equipment failures, or other unforeseen circumstances by extending the operational impacts of one construction season well into the next.

Accordingly, we respectfully request Ecology provide additional information regarding:

• The technical basis supporting the use of a rolling 12-month production limitation rather than a calendar-year production limit;

• Whether Ecology evaluated the impacts of rolling production limits on Washington's seasonal paving industry;

• Whether actual production data from Washington asphalt plants was evaluated to determine how frequently facilities experience concentrated production periods;

• Whether Ecology evaluated the impacts of weather delays, emergency infrastructure repairs, accelerated project schedules, or owner-directed production increases on rolling production calculations; and

• Whether alternative approaches were considered that would continue to achieve applicable air quality objectives while providing greater operational flexibility for seasonal industries.

Providing additional information regarding the rationale for the rolling 12-month production limitation would allow stakeholders to better understand how Ecology expects this requirement to function under real-world operating conditions.

3. General Order Eligibility and Setback Requirements

The proposed General Order establishes minimum setback requirements of 150 feet from property boundaries and 325 feet from residences, occupied commercial buildings, schools, hospitals, nursing homes, and other sensitive receptors. Facilities unable to satisfy these criteria would no longer qualify for coverage under the General Order and would instead be required to pursue an individual Notice of Construction (NOC) permit.

We recognize Ecology's responsibility to establish permitting criteria that protect public health and comply with applicable air quality standards. However, these proposed setback requirements represent one of the most significant revisions contained within the proposal because they directly determine whether future asphalt plants qualify for the streamlined General Order permitting process.

General Orders exist to provide an efficient, predictable, and technically supported permitting pathway for facilities with similar operating characteristics and emissions profiles. The value of a General Order lies not only in protecting public health and the environment, but also in providing regulatory certainty for both applicants and the Department.

As proposed, the revised eligibility criteria may substantially reduce the number of future facilities able to utilize that permitting pathway while shifting a greater number of projects toward individual Notice of Construction permits.

Accordingly, we respectfully request Ecology provide additional information regarding the technical basis supporting these revisions, including:

• The pollutant or pollutants that ultimately governed the proposed setback distances;

• The modeling assumptions and technical analyses used to establish the 150-foot and 325-foot setback requirements;

• Whether alternative setback distances or compliance approaches were evaluated during development of the proposal;

• The number of historical General Order facilities that would not have qualified under the revised eligibility criteria;

• The estimated number of future facilities expected to require individual Notice of Construction permits as a result of the revised setbacks;

• Whether Ecology evaluated alternative compliance pathways that would allow applicants to demonstrate compliance through site-specific analysis while preserving General Order eligibility where appropriate; and

• Whether Ecology evaluated the cumulative impacts associated with reduced General Order eligibility on transportation projects, portable asphalt plants, and public infrastructure delivery.

The Technical Support Document acknowledges that future facility locations, surrounding land uses, topography, meteorological conditions, and site-specific operating characteristics are unknown at the time the General Order is developed. Despite this acknowledged uncertainty, the proposal establishes uniform statewide setback requirements that will govern future eligibility for facilities operating under widely varying conditions.

Asphalt plants frequently operate within active construction corridors, aggregate sites, industrial properties, temporary project locations, and other environments where natural terrain, existing development, prevailing winds, production rates, and operational configurations vary considerably from one location to another.

Given this variability, we respectfully request Ecology explain how these site-specific factors were evaluated when selecting setback distances intended to apply uniformly throughout Washington State.

We further encourage Ecology to preserve a pathway allowing applicants to demonstrate compliance through site-specific air quality analyses where appropriate rather than automatically requiring individual Notice of Construction permitting solely because standardized setback distances cannot be achieved.

Providing this additional information would allow stakeholders to better understand the technical basis supporting the proposed eligibility criteria and evaluate whether the revised General Order continues to fulfill its intended purpose as a streamlined permitting pathway while maintaining appropriate environmental protections.

4. Practical Implementation of the Individual Notice of Construction (NOC) Permitting Pathway

Throughout the proposed General Order, Technical Support Document, and associated SEPA documentation, Ecology repeatedly identifies an individual Notice of Construction (NOC) permit as the alternative permitting pathway for facilities that cannot satisfy the revised General Order eligibility criteria.

While an individual NOC may be an appropriate permitting option for certain facilities, the proposal provides very little discussion regarding the practical implications of requiring future applicants to pursue that pathway.

The proposed revisions effectively shift a portion of future asphalt plant projects from a streamlined permitting process to an individualized permitting process without evaluating or explaining the associated regulatory, financial, and operational impacts.

Specifically, the proposal does not appear to discuss:

• The anticipated consultant costs associated with preparing an individual Notice of Construction application;

• Air dispersion modeling costs;

• Engineering and technical support costs;

• Additional permitting fees;

• Anticipated agency review timelines;

• Whether Ecology evaluated its own staffing capacity and anticipated permit review workload associated with an increase in individual Notice of Construction applications;

• Potential project delays resulting from longer permitting processes; or

• The cumulative economic impacts associated with requiring a greater number of applicants to pursue individual permits.

These considerations are particularly important for portable asphalt plants supporting state highways, county roads, municipal streets, airports, utility projects, emergency infrastructure repairs, and other transportation improvements where project schedules are often dictated by weather, contract completion dates, traffic restrictions, liquidated damages provisions, funding deadlines, and limited seasonal paving windows.

In many instances, asphalt production cannot simply be postponed until a later date. Public agencies frequently require paving operations to occur during nighttime hours, weekends, or narrowly defined construction windows to minimize impacts to the traveling public. Delays in permitting may therefore affect not only individual contractors, but also project owners, public agencies, and the communities those projects are intended to serve.

General Orders have historically provided a predictable and efficient permitting pathway for qualifying facilities. If future applicants are expected to transition to individual permitting with greater frequency, stakeholders should understand the practical consequences associated with that transition.

Accordingly, we respectfully request Ecology provide additional information regarding:

• The anticipated permitting timeline for individual Notice of Construction applications submitted by facilities that no longer qualify under the revised General Order;

• Typical consultant, engineering, and modeling costs associated with obtaining an individual permit;

• Whether Ecology evaluated the cumulative economic impacts associated with increased reliance on individual permitting;

• Whether Ecology evaluated the effects that longer permitting timelines may have on public infrastructure delivery, emergency response projects, seasonal paving operations, and contract completion schedules;

• Whether Ecology evaluated the impacts of individual permitting on portable asphalt plants that routinely relocate in response to project demands; and

• Whether alternative compliance pathways were considered that would preserve General Order eligibility while continuing to achieve the intended environmental objectives.

Providing this information would allow stakeholders to better understand whether the proposed revisions appropriately balance environmental protection with the General Order program's longstanding purpose of providing an efficient, predictable, and practical permitting process for qualifying facilities.

5. Conversion from Annual Emission Limits to Hourly Stack Emission Limits

During our review of the proposed General Order, we identified a significant policy change that extends well beyond the revised production limits and setback requirements discussed elsewhere in the proposal.

Historically, asphalt facilities operating under Ecology-issued General Orders have demonstrated compliance through annual emission limitations and associated operating restrictions. The proposed General Order instead establishes hourly stack emission limits for key pollutants, including nitrogen oxides (NOx), carbon monoxide (CO), sulfur dioxide (SO_2), and volatile organic compounds (VOCs).

This represents a fundamental change in how compliance is evaluated under the General Order program.

While we recognize Ecology's responsibility to establish emission standards that protect public health and comply with applicable air quality regulations, the proposal provides comparatively little explanation regarding the technical basis for this transition or the practical implications it may have for existing and future asphalt facilities.

Specifically, we respectfully request Ecology provide additional information regarding:

• The technical basis used to establish the proposed hourly stack emission limits;

• Why hourly emission limits were selected in place of the previous annual emission framework;

• Whether existing General Order facilities throughout Washington were evaluated against the proposed hourly emission standards;

• Whether Ecology evaluated the number of existing facilities that may become noncompliant solely because the compliance methodology changed from annual emissions to hourly stack emission limits rather than because actual emissions increased;

• The number of existing facilities that may no longer qualify for future General Order coverage without equipment modifications or alternative permitting;

• Whether Ecology evaluated the anticipated costs associated with burner upgrades, equipment modifications, additional testing, stack testing, or site-specific permitting;

• Whether Ecology evaluated the operational impacts these revised standards may have on older facilities operating under existing General Orders;

• Whether transient operating conditions, including equipment startup, shutdown, and normal operational variability, were considered during development of the proposed hourly emission limits; and

• Whether Ecology evaluated alternative compliance pathways that would allow facilities demonstrating lower emission rates through cleaner technologies, such as ultra-low NOx burners or equivalent emission reduction technologies, to maintain greater operational flexibility while continuing to achieve applicable air quality objectives.

We also respectfully request Ecology identify whether it evaluated the relationship between production rates and emission rates to determine whether lower hourly emissions could reasonably support increased production flexibility while maintaining compliance with applicable air quality standards.

Providing this information would allow stakeholders to better understand both the technical rationale supporting the revised emission standards and the practical consequences associated with transitioning from an annual compliance framework to hourly stack emission limits.

Because this represents a fundamental change in how General Order compliance is demonstrated, additional transparency regarding the supporting analyses, implementation expectations, and anticipated impacts would significantly improve stakeholders' ability to evaluate the proposal and prepare for future compliance obligations.

6. Use of Reclaimed Asphalt Pavement (RAP)

The proposed General Order limits the percentage of Reclaimed Asphalt Pavement (RAP) used in asphalt mixtures to no more than 30 percent under General Order coverage. The Technical Support Document further states that Ecology assumed up to 30 percent RAP as part of its emissions modeling and identifies a 2011 Federal Highway Administration (FHWA) publication as the basis for that assumption.

We recognize that increasing RAP usage may influence certain emissions associated with asphalt production and that Ecology must account for those emissions when developing a General Order. However, the proposal provides comparatively little explanation regarding the technical basis for selecting 30 percent as a statewide operational limit rather than as a modeling assumption used during permit development.

Accordingly, we respectfully request Ecology provide additional information regarding:

- The technical basis supporting the proposed 30 percent RAP limitation;

- Whether higher RAP percentages were evaluated during development of the General Order;
- Whether the proposed limitation represents an air quality threshold identified through emissions modeling or simply reflects the assumptions selected for development of the General Order;
- Which pollutants or emission sources become limiting as RAP percentages increase;
- Whether alternative operating conditions, emissions controls, burner technologies, or plant configurations were evaluated that may allow greater RAP utilization while continuing to achieve applicable air quality standards;
- Whether Ecology coordinated with the Washington State Department of Transportation (WSDOT) regarding the proposed RAP limitation and evaluated its potential impacts on asphalt mixtures that may utilize higher RAP percentages under project-specific mix designs and specifications; and
- Whether the proposed RAP limitation is consistent with Washington's broader goals related to resource conservation, recycling, and sustainable use of construction materials.

The accompanying SEPA documentation identifies the use of RAP as a measure that conserves natural resources by reducing the demand for virgin aggregate and asphalt binder. Given these acknowledged environmental benefits, we respectfully request Ecology explain how the proposed RAP limitation balances air quality objectives with the resource conservation benefits associated with increased recycling.

In addition, because RAP utilization is also governed by transportation specifications, we respectfully request Ecology explain how the proposed RAP limitation was coordinated with the Washington State Department of Transportation (WSDOT). WSDOT specifications establish allowable RAP percentages through project-specific mix designs and engineering evaluations that may differ depending upon pavement application and contract requirements. Additional information regarding coordination between Ecology and WSDOT would assist stakeholders in understanding how the proposed General Order is intended to function alongside existing transportation specifications and whether the proposed limitation may affect future use of recycled asphalt materials on public infrastructure projects.

We also respectfully request Ecology evaluate whether the proposed RAP limitation may unintentionally discourage future investment in technologies capable of safely utilizing higher recycled material content while continuing to meet applicable air quality standards. Environmental regulations are often most successful when they encourage innovation that

advances both environmental protection and resource conservation. Greater transparency regarding how this limitation supports those objectives would help stakeholders better understand the long-term policy direction intended by the proposed General Order.

Providing additional information regarding the technical basis for the proposed RAP limitation would allow stakeholders to better understand whether 30 percent represents an appropriate statewide operational standard or whether additional flexibility may be appropriate for facilities capable of demonstrating equivalent environmental performance through modern equipment, cleaner combustion technologies, or site-specific analyses.

7. Grandfathering and Future General Order Eligibility

Throughout the proposed General Order, it remains unclear how existing facilities currently operating under prior versions of Ecology's General Order will be treated over time.

While existing facilities may initially remain authorized to operate under their current approvals, the proposal provides limited guidance regarding the circumstances that may require an existing facility to comply with the revised General Order or pursue alternative permitting.

Regulatory certainty is an important component of any permitting program. Existing permit holders should be able to reasonably understand the circumstances under which future operational changes may affect continued General Order eligibility.

Accordingly, we respectfully request Ecology provide additional clarification regarding:

• Whether permit renewals or reauthorizations will require compliance with the revised General Order;

• Whether replacement of burners, baghouses, control equipment, or other major process equipment would affect continued General Order eligibility;

• Whether equipment modernization projects intended to improve environmental performance could inadvertently require facilities to comply with the revised standards;

• Whether increases or decreases in production capacity would affect grandfathered status;

• Whether relocation of portable asphalt plants to future project locations would require compliance with the revised eligibility criteria;

• Whether modifications to plant configurations, emissions controls, or fuel systems would require reevaluation under the revised General Order;

• Whether changes in ownership, corporate structure, or facility transfers would affect continued General Order coverage; and

• Whether Ecology intends to publish additional implementation guidance identifying the specific events that would trigger compliance with the revised General Order.

These questions are particularly important for portable asphalt plants that routinely relocate in support of transportation projects, municipal improvements, airport paving, utility work, and emergency infrastructure repairs throughout Washington State.

Likewise, stationary facilities routinely undergo equipment replacement, modernization, maintenance, and operational improvements over the course of their service life. Facilities should not be discouraged from investing in newer, cleaner, or more efficient technologies because of uncertainty regarding future permitting consequences.

We respectfully encourage Ecology to provide greater regulatory certainty by clearly identifying the circumstances under which existing facilities may retain General Order coverage and those circumstances that would require compliance with the revised standards.

Providing this additional guidance would benefit both permit holders and the Department by promoting consistent implementation, reducing uncertainty, and minimizing unnecessary permitting disputes.

8. Portable Asphalt Plant Operations

Portable asphalt plants play an essential role in Washington's transportation and public infrastructure system. Unlike permanent facilities, portable plants are specifically designed to relocate in response to changing project demands, allowing asphalt production to occur near the point of placement while supporting projects throughout the state.

These facilities routinely support state highways, county roads, municipal streets, airports, utility installations, commercial developments, emergency repairs, and other infrastructure projects where project schedules, hauling distances, and material quality make temporary on-site production both practical and necessary.

Portable asphalt plants are often established specifically to reduce haul distances, maintain asphalt quality, minimize traffic congestion, reduce fuel consumption, and improve overall project efficiency. Producing asphalt closer to the point of placement not only benefits contractors and project owners, but may also reduce transportation-related emissions compared to hauling asphalt over significantly longer distances.

The proposed General Order introduces additional eligibility criteria, notification requirements, operational restrictions, and permitting considerations that may substantially affect future portable asphalt plant operations.

While we understand Ecology's responsibility to maintain accurate records and ensure compliance with applicable air quality regulations, we respectfully request additional clarification regarding the practical implementation of these requirements and the potential impacts they may have on future transportation projects.

Specifically, we respectfully request Ecology identify:

• Whether the proposed requirements were evaluated using actual portable asphalt plant operations throughout Washington State;

• Whether Ecology evaluated the cumulative impacts these revisions may have on portable plants supporting transportation infrastructure, airports, utility work, emergency repairs, and municipal projects;

• Whether the proposed notification and administrative requirements were evaluated for their potential impacts on project mobilization and construction schedules;

• Whether Ecology evaluated the practical challenges associated with locating portable asphalt plants within active transportation corridors, construction staging areas, aggregate sites, and temporary project locations;

• Whether Ecology evaluated how reduced General Order eligibility may affect future portable operations; and

• Whether relocation of an existing portable asphalt plant to another project location will require additional SEPA review under the proposed General Order;

• Whether Ecology evaluated the effects that additional SEPA review timelines may have on emergency transportation projects, airport closures, utility work, and other time-sensitive public infrastructure projects; and

• Whether additional flexibility could be incorporated into the General Order while continuing to achieve the intended environmental objectives.

Portable asphalt plants frequently operate under conditions that provide little flexibility for permitting delays. Transportation agencies routinely schedule paving operations during nighttime hours, weekends, or narrowly defined construction windows to minimize impacts to the traveling public. Emergency repair projects likewise require rapid mobilization to restore critical infrastructure following unexpected failures or natural disasters.

The proposal also raises questions regarding the relationship between portable plant relocations and environmental review requirements. Portable asphalt plants are routinely relocated in response to changing project locations, often as part of transportation projects that have already undergone broader environmental review. Additional clarification regarding when

SEPA review would be required for portable relocations would improve regulatory certainty and help prevent unnecessary project delays while maintaining appropriate environmental oversight.

The proposal appears to evaluate individual facility emissions without fully considering the operational role portable asphalt plants serve in delivering transportation infrastructure throughout Washington.

Accordingly, we respectfully request Ecology provide additional information regarding how these practical considerations were evaluated during development of the proposed General Order and whether alternative approaches were considered that would maintain environmental protections while preserving the operational flexibility necessary for portable asphalt plants to continue supporting Washington's transportation system.

Providing this additional information would improve regulatory certainty, reduce implementation challenges, and better achieve the shared objective of protecting public health while maintaining the efficient delivery of essential public infrastructure.

9. Practical Implementation of Toxic Air Pollutant Requirements

The proposed General Order and accompanying Technical Support Document place significant emphasis on Toxic Air Pollutants (TAPs), including emissions associated with asphalt production that were evaluated through Ecology's air dispersion modeling.

We recognize Ecology's responsibility to evaluate Toxic Air Pollutants and ensure compliance with applicable state and federal air quality regulations. We also support the use of sound science and appropriate technical analyses when developing permitting criteria intended to protect public health.

While the proposal and accompanying Technical Support Document explain the pollutants evaluated, the modeling assumptions employed, and the resulting production limits, setback requirements, and emission standards, they provide comparatively little guidance regarding how future applicants are expected to demonstrate compliance under varying site-specific conditions or when actual operating conditions differ from the representative scenarios used during development of the General Order.

In particular, we respectfully request Ecology provide additional clarification regarding:

• The pollutants that ultimately governed the proposed production limits, setback distances, and hourly emission standards;

• The specific modeling assumptions used to establish these requirements;

• How applicants are expected to demonstrate compliance when actual site conditions differ from the representative modeling scenarios;

• The circumstances under which additional site-specific air dispersion modeling may be required;

• The anticipated costs associated with additional modeling, engineering analyses, and permitting;

• Whether Ecology evaluated practical compliance pathways for facilities that cannot satisfy the standardized General Order criteria;

• Whether Ecology intends to develop additional implementation guidance to assist applicants in understanding these requirements; and

• Whether Ecology evaluated alternative compliance pathways that would allow facilities demonstrating equivalent environmental performance through site-specific analyses or cleaner technologies to maintain General Order eligibility.

The proposal also reserves Ecology's authority to require additional material analyses, emissions testing, or other technical evaluations under certain circumstances.

While we understand that such authority may be appropriate where warranted, the proposal provides limited discussion regarding the situations in which additional testing would be required, the criteria that would trigger such requests, or the expectations placed upon permit holders if additional evaluations become necessary.

Additional clarity regarding these issues would improve regulatory certainty and allow applicants to better understand the circumstances under which additional technical analyses may be required.

We also note that asphalt facilities have historically demonstrated compliance through production limitations, emissions controls, burner technology, baghouse systems, maintenance requirements, operating restrictions, and recordkeeping obligations established under existing permits.

As additional Toxic Air Pollutant considerations become incorporated into General Order permitting, we respectfully request Ecology ensure that compliance expectations remain transparent, technically supported, and reasonably implementable by operators throughout Washington.

Providing additional implementation guidance would improve consistency, reduce uncertainty, and better achieve the shared objective of protecting public health while maintaining an efficient, predictable, and practical permitting framework.

10. Administrative Burden and Cumulative Compliance Requirements

The proposed General Order introduces or expands numerous administrative, operational, monitoring, and recordkeeping requirements intended to support compliance with the revised permitting framework. Individually, many of these requirements appear reasonable and are consistent with good environmental stewardship and responsible operational practices.

However, when considered collectively, these revisions represent a meaningful expansion of the ongoing administrative responsibilities associated with operating both stationary and portable asphalt plants under the General Order program.

Among other things, the proposal expands or modifies production tracking, emissions documentation, portable plant notifications, maintenance records, fuel usage documentation, operating records, compliance demonstrations, complaint reporting, and other recordkeeping obligations associated with General Order compliance.

While each individual requirement may appear relatively minor when evaluated independently, the cumulative effect of these obligations may result in a significant increase in administrative workload for permit holders, particularly for companies operating multiple facilities or portable asphalt plants that relocate throughout the construction season.

Accordingly, we respectfully request Ecology clarify whether it evaluated the cumulative administrative impacts associated with the proposed revisions, including:

• Additional labor hours required to maintain compliance;

• Increased administrative staffing requirements;

• Additional training necessary for operations personnel;

• Additional compliance responsibilities for companies operating multiple facilities under a single environmental compliance program;

• Increased compliance management responsibilities associated with portable asphalt plants that routinely relocate between projects;

• The cumulative costs associated with expanded recordkeeping, monitoring, reporting, and documentation requirements; and

• Whether less burdensome alternatives were considered that would achieve the same environmental objectives while reducing unnecessary administrative complexity.

• The resilience of Washington's construction material supply chain during emergency response, disaster recovery, and accelerated public infrastructure projects.

We also respectfully request clarification regarding the proposed complaint reporting requirements.

The proposal appears to require notification to Ecology following receipt of complaints while other portions of the General Order reference complaints specifically related to air quality impacts. Additional clarification regarding the scope of this requirement would promote consistent implementation and reduce uncertainty regarding reporting expectations.

Specifically, we respectfully request Ecology clarify:

• Whether the reporting requirement applies only to complaints alleging air quality impacts;

• Whether complaints must be substantiated prior to reporting;

• Whether anonymous complaints are subject to the reporting requirement;

• Whether complaints unrelated to air quality must also be reported; and

• Whether Ecology intends to publish additional implementation guidance regarding complaint reporting expectations.

Administrative requirements are an essential component of environmental compliance. However, compliance programs are most effective when reporting obligations are clearly defined, consistently applied, and appropriately balanced with the operational realities of the industries they regulate.

We respectfully encourage Ecology to consider not only the value of each individual administrative requirement, but also the cumulative compliance burden created when these obligations are implemented collectively across multiple facilities, multiple project locations, and portable operations throughout Washington State.

Providing this additional analysis would improve transparency, promote consistent implementation, and better support the long-term success of the General Order program.

11. Cumulative Impacts on Washington's Construction Materials Industry

Hot mix asphalt plants do not operate in isolation.

Construction materials are not produced independently, transported independently, consumed independently, or regulated independently. Accordingly, the regulatory framework governing these industries should likewise be evaluated as an interconnected system rather than as three separate permitting programs.

Asphalt production is one component of a construction materials supply chain that includes aggregate production, rock crushing operations, concrete batch plants, transportation providers,

contractors, utility companies, public agencies, and countless public and private construction projects throughout Washington State.

The materials produced by these industries are fundamental to constructing and maintaining highways, county roads, municipal streets, airports, bridges, utilities, commercial developments, residential housing, emergency infrastructure repairs, and numerous other public works projects.

As such, revisions affecting one segment of the construction materials industry inevitably affect the others.

We note that Ecology is simultaneously proposing significant revisions to the General Orders governing hot mix asphalt plants, concrete batch plants, and rock crushers.

While each proposal has been evaluated independently, the practical impacts experienced by Washington's construction materials industry will be cumulative.

Collectively, these proposals introduce additional production restrictions, new eligibility criteria, expanded administrative responsibilities, revised setback requirements, increased reliance on individual Notice of Construction permits, additional modeling considerations, and expanded compliance obligations.

Accordingly, we respectfully request Ecology identify whether it evaluated the cumulative impacts associated with implementing these revisions across multiple General Orders simultaneously.

Specifically, we respectfully request clarification regarding whether Ecology evaluated potential impacts on:

- Transportation infrastructure delivery;
- Public works projects;
- Highway preservation and rehabilitation programs;
- County and municipal paving programs;
- Airport construction and maintenance;
- Utility construction and emergency repairs;
- Housing development;
- Construction material availability;
- Aggregate supply chains;

• Seasonal construction scheduling;

• Workforce utilization and employment;

• Construction costs; and

• Overall permitting demands placed upon both applicants and the Department.

We further request Ecology identify whether it evaluated the potential for these revisions to increase hauling distances between asphalt plants and project sites if fewer facilities qualify for General Order coverage.

Longer transportation distances may increase fuel consumption, truck traffic, construction costs, project durations, and associated emissions while reducing many of the operational efficiencies that portable asphalt plants are specifically intended to provide.

Likewise, reduced production flexibility may limit contractors' ability to recover from weather delays, equipment failures, emergency infrastructure needs, and accelerated construction schedules, all of which are common realities of Washington's transportation program.

Environmental regulations are most effective when they are developed with an understanding of the industries they regulate and the interconnected nature of the activities they affect.

While each individual revision contained within the proposed General Order may appear reasonable when evaluated independently, their cumulative effect may be substantially greater than the sum of their individual parts.

We respectfully encourage Ecology to evaluate these broader impacts before finalizing the proposed revisions to ensure that environmental objectives are achieved without creating unintended consequences for Washington's transportation system, construction materials industry, public infrastructure programs, and the communities that depend upon them.

12. Conclusion

Central Washington Asphalt, Inc. and Shamrock Paving, Inc. appreciate the opportunity to provide comments regarding the proposed revisions to the General Order of Approval for Stationary and Portable Hot Mix Asphalt Plants.

We recognize and support Ecology's responsibility to protect air quality and public health while ensuring compliance with applicable environmental regulations. We also appreciate the significant effort required to modernize a permitting framework that serves a diverse industry operating under a wide range of geographic, operational, and environmental conditions throughout Washington State.

Our comments are not intended to oppose environmental protection or the modernization of the General Order program. Rather, they are intended to encourage additional transparency regarding the technical analyses, assumptions, and implementation strategies supporting the proposed revisions so stakeholders can better understand both the environmental benefits and the practical implications associated with these changes. We also respectfully encourage continued coordination between Ecology, WSDOT, local agencies, and industry stakeholders during development of the final General Order to ensure environmental objectives are achieved while preserving the timely delivery of Washington's transportation infrastructure.

Throughout our review, we identified several areas where additional clarification would strengthen the proposal, including the technical basis supporting the proposed production limits, setback requirements, hourly stack emission standards, RAP limitations, General Order eligibility criteria, Toxic Air Pollutant implementation, portable asphalt plant operations, administrative requirements, and the cumulative impacts associated with simultaneously revising multiple General Orders affecting Washington's construction materials industry.

We respectfully request Ecology provide additional information regarding these issues before finalizing the proposed General Order to ensure that the final permitting framework remains technically supported, practically implementable, and appropriately balanced with the operational realities of Washington's transportation infrastructure.

Environmental regulations are most effective when they provide clear expectations, encourage innovation, promote environmental stewardship, and allow regulated industries to invest confidently in cleaner technologies and operational improvements. Regulatory certainty benefits not only permit holders, but also the Department, public agencies, contractors, and the communities that depend upon reliable infrastructure delivery.

Environmental protection and responsible infrastructure development should not be viewed as competing objectives. When regulations are supported by sound science, transparent decision-making, practical implementation, and opportunities for technological advancement, they strengthen both environmental stewardship and Washington's ability to construct, maintain, and improve the infrastructure upon which its communities depend. Thank you for the opportunity to provide these comments and for your consideration during development of the final General Order.

Good environmental policy should also be practical public policy.