

Washington Asphalt Pavement Association (Kim Schofield)

Please see the two attached documents - one for asphalt plants and one for rock crushers.

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

Provided by the Washington Asphalt Pavement Association (WAPA)

The Washington Asphalt Pavement Association (WAPA) appreciates the opportunity to comment on the Washington State Department of Ecology's proposed revisions to the General Order (GO) of Approval for Stationary and Portable Hot Mix Asphalt Plants. WAPA represents approximately 98% of all asphalt mixture production in Washington state through our member companies and it is the collective voice of the asphalt industry.

Our member companies have both stationary and portable hot mix asphalt plants throughout Washington State and have decades of experience producing asphalt for highways and local agencies, as well as airports, utility infrastructure, and commercial and residential construction. It is important to note that we support safe and efficient delivery of our product throughout Washington and understand environmental concerns, requirements and regulations.

General Orders provide an efficient, predictable, and streamlined permitting pathways for our industry (both stationary and portable). This dynamic benefits both regulators and permit holders by reducing unnecessary administrative burdens and critical public works project timelines while maintaining appropriate environmental protections.

After reviewing the proposed General Order, Technical Support Document, and associated SEPA documentation, we are providing our comments below. They are not intended to oppose environmental protection or the modernization of General Order requirements, but to ensure the end result reflects ensuring we meet environmental standards and the operational realities of Washington's asphalt industry. The practical implications of the currently proposed revisions have multiple unintended consequences that are of great concern to the industry that we would like the DOE to be fully aware of before it moves forward. WAPA stands ready to engage with the DOE and other stakeholders to work toward a mutually beneficial updated GO.

The following comments identify several areas of concern.

1. Proposed Production Limits

The proposed General Order significantly reduces the allowable annual production to 160,000 tons per year and establishes a new daily production limit of 2,800 tons. In addition, the annual production limits are set to a "rolling 12-month" limit, which effectively makes this limit a two-year restriction when considering how the paving season is limited to seasonal weather windows. The proposed GO production limits represent substantial changes to the existing operational flexibility historically provided under the General Order program and will directly influence the ability of future asphalt plants to support transportation infrastructure construction throughout Washington.

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

A facility producing just 350 tons per hour can reasonably produce approximately 4,200 tons during a 12-hour production run, exceeding the proposed limit. Add to this that in some instances, a two-shift paving schedule may be necessary. Although the same number of tons are produced in the end, the proposed GO daily production levels would make constructing high-production projects impossible. The practical realities of supplying asphalt for Washington's most demanding transportation infrastructure projects during a seasonal paving window require maintaining the current GO daily production limits.

Limiting one location to impractical/restrictive daily (and annual) production limits is counter to the public interest. The reality is that construction projects still need to be completed (the industry does not create the need for asphalt paving). Being artificially required to introduce hot mix from an alternate location increases costs and inefficiencies, almost certainly increases environmental impacts and public inconvenience. In practice, asphalt production is highly variable and driven by owner construction schedules and requirements and seasonal weather conditions. 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. It protects the public interest, decreases public inconvenience and, most importantly, it decreases the time crews spend on the road, decreasing exposure to dangerous traffic in work zones.

2. Proposed 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 and nursing homes. 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. As you know, asphalt plants have long been considered, and are, in fact, minor sources of concern. We believe that the setback limits are overly conservative.

We respectfully request Ecology provide additional information regarding the modeling assumptions and technical analyses used to establish the 150-foot and 325-foot setback

requirements and whether alternative setback distances or compliance approaches were evaluated during development of the proposal. We would also like to review the history of complaints or conflicts related to plants with existing GO permits to understand the need for the additional restrictions proposed. Have GO permitted asphalt plants been a serious source of community concern in the past?

We also request an evaluation of the number of historical General Order facilities that would not have qualified under the revised eligibility criteria and the estimated number of future facilities expected to require individual Notice of Construction permits as a result of the revised setbacks.

3. 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. Utilizing RAP in hot mix asphalt is a sustainable solution. There may be alternative operating conditions, emissions controls, burner technologies, or plant configurations that may allow greater RAP utilization while continuing to achieve applicable air quality standards. Indeed, there are multiple plants in Clean Air Agency jurisdictions successfully producing hot mix asphalt at 40% RAP. In addition, the Washington State Department of Transportation (WSDOT) specifications allows RAP mixes up to 40% and the basis of that incentive is lowering overall emissions, increased recycling efforts and supporting Washington state's overall sustainability goals. The interface between approved WSDOT HMA mix designs and the need to modify those designs to comply with a more restrictive GO limiting RAP content is of concern to WAPA members. There is currently no streamlined process to easily modify approved mix designs.

4. Future General Order Eligibility

During the Public Hearing held on July 8th, we heard that if an asphalt plant or rock crusher currently has a General Order, they can continue operating under that General Order. It was mentioned that replacement of certain major pieces of equipment may trigger needing a new GO, but we request an itemized list of what would trigger needing a new GO. What if the equipment being replaced is more modern and energy-efficient and exceeds environmental compliance standards? Would this trigger the need for a new GO? Do permit renewals or reauthorizations require a new GO?

Request Ecology to publish additional implementation guidance identifying the specific events and/or equipment that would trigger compliance with the revised General Order. Providing this

additional guidance would benefit both permit holders and the Department by promoting consistent implementation, reducing uncertainty, and minimizing unnecessary permitting disputes. For example, if an existing GO permitted plant replaces its baghouse with an equal capacity baghouse, would a new GO be required? Updated burners, new drums and new lighting, added storage bins etc. are all incremental changes that can modernize a plant. Would the new GO rules require a new permit for such updates or enhancements?

5. 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. There are significant cost and time considerations with requesting an individual NOC permit that will impact project delivery. We are hoping that Ecology has enough staff to sufficiently provide permit reviews so that limited seasonal paving windows, project timelines from state and local agencies, and liquidated damage timelines are not affected. We request Ecology to establish an expected timeline for individual Notice of Construction applications.

In recent years, timelines of WSDOT projects have been more difficult to meet with state funding concerns (late ad/award, shrinking the time available for a project in light of seasonal weather limitations), so it is especially concerning to add additional timelines for the permitting process. In addition, there are many situations where portable plants are set up near a project to reduce haul times, increase efficiency, lower emissions, etc. 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. The nature of the GO system is ideal for addressing the need for siting asphalt plants where and when the asphalt is needed, especially in remote locations unserved by a local asphalt plant. One of the goals of the new GO should be to maintain the flexibility that these permits currently provide. Substituting an NOC process is not a practical solution in many instances.

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, including critical short/seasonal timelines associated with favorable weather and environmental concerns, 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. They can help to reduce haul distances, 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. It is currently unclear if a SEPA review would be required with every move. Does the SEPA review/approval stay with the site or the plant?

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.

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

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 (NO_x), carbon monoxide (CO), sulfur dioxide (SO₂), and volatile organic compounds (VOCs). Hourly stack emission testing is not feasible at an HMA plant.

This represents a fundamental change in how compliance is evaluated under the General Order program and the change does not alter the final minor emissions loads related to asphalt production.

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. Therefore, we request Ecology provide additional information regarding the establishment of the proposed hourly stack emission limits and the implications of switching to hourly stack testing.

7. Administrative Burden and Cumulative Compliance Requirements

The proposed General Order introduces numerous new and expanded administrative, operational, monitoring, and recordkeeping requirements to support the revised permitting framework. While many of these individual requirements are reasonable and consistent with sound environmental stewardship, collectively they represent a significant increase in the administrative responsibilities associated with operating stationary and portable asphalt plants under the General Order.

The proposal expands requirements related to production tracking, emissions documentation, portable plant notifications, maintenance records, fuel usage, operating records, compliance demonstrations, complaint reporting, and other recordkeeping obligations. Although each requirement may appear

modest on its own, their cumulative effect could substantially increase the administrative workload for permit holders, particularly companies operating multiple facilities or portable plants that relocate throughout the construction season.

Administrative requirements are an important part of environmental compliance, but compliance programs are most effective when reporting obligations are clearly defined, consistently applied, and appropriately balanced with operational realities. We respectfully encourage Ecology to consider not only the benefit of each individual requirement, but also the cumulative compliance burden these obligations create across multiple facilities, project locations, and portable operations throughout Washington State.

Conclusions

WAPA appreciates Ecology's efforts to modernize the Hot Mix Asphalt General Order and shares the Department's commitment to protecting air quality while maintaining a practical, predictable, and technically sound permitting program. We respectfully request that Ecology consider the following before finalizing the proposed General Order:

- **Production Limits:** Restore the proposed annual and daily production limits to match the current GO parameters until the industry has had an opportunity to review Ecology's supporting analyses and work collaboratively to develop limits that recognize the seasonal nature and work zone exposure concerns of paving operations and the production needs of Washington's transportation infrastructure.
- **Technical Basis for Production Limits:** Provide the technical analyses, emissions calculations, and compliance data used to establish the proposed annual and daily production limits, including the basis for the approximately 47 percent reduction in annual production and the impractical, highly restrictive daily limits. We believe that the daily production limits, in particular, are counterproductive with respect to public safety, public convenience and cost to the public with respect to the necessity to complete public works projects in accordance with current practices where plants operate to match the capacity of the paving season and operation and often operate for extended hours.
- **Setback Requirements:** Provide the modeling assumptions, risk analyses, and technical justification supporting the proposed 150-foot and 325-foot setback requirements, identify any alternative setback scenarios that were evaluated, and disclose how many existing and future facilities would no longer qualify for General Order coverage as a result. A history of complaints or conflicts related to asphalt plants operating under GO permitting would also be instructive.
- **Reclaimed Asphalt Pavement (RAP):** Reevaluate the proposed 30 percent RAP limitation and provide the technical basis for this threshold, including consideration of modern plant technologies, emissions controls, the positive environmental and public works cost advantages of using higher RAP, and current WSDOT specifications that allow higher RAP percentages.
- **Future General Order Eligibility:** Publish clear implementation guidance identifying the equipment replacements, plant modifications, permit renewals, or other events that would require compliance with the revised General Order, and provide reasonable grandfathering or transition provisions for existing permit holders.

- **Notice of Construction (NOC) Permitting:** Establish predictable review timelines for individual Notice of Construction permits, clarify when SEPA review would be required, and evaluate the impacts that increased reliance on individual permits may have on seasonal construction schedules, portable plant operations, and public infrastructure delivery. Some expedited method to respond to the realities of the time constraints related to the paving season are needed if the GO's become more restrictive.
- **Emission Standards and Compliance Demonstration:** Provide the technical basis for replacing annual emission limits with hourly stack emission limits, justify the updated emission factors using representative data from modern Washington asphalt plants, and allow flexibility where modeled emissions increase but demonstrated actual emissions remain compliant.
- **Administrative and Recordkeeping Requirements:** Evaluate the cumulative administrative burden created by the expanded monitoring, reporting, notification, and recordkeeping requirements and ensure these obligations are clearly defined, consistently applied, and appropriately balanced with operational realities.
- **Cumulative Impacts:** Evaluate and disclose the cumulative impacts of the proposed revisions to the Hot Mix Asphalt, Concrete Batch Plant, and Rock Crusher General Orders on infrastructure delivery, construction material availability, hauling distances, project costs, permitting workload, workforce utilization, and Washington's construction materials industry.
- **Industry/Other Agency Engagement:** We suggest that the proposed GO changes are so profound that it would serve all parties to engage in discussions to refine/revise the most problematic changes in this process before attempting to institute the changes. It does not serve the public interest to knowingly impose permit conditions that the agency knows will be officially contested. We would welcome an industry/DOE/WSDOT et. al. review and discussion forum or taskforce so as to fully evaluate the unintended consequences of the proposed GO restrictions.

We believe these additional analyses and clarifications will strengthen the final General Order by improving technical transparency, regulatory certainty, and practical implementation while continuing to achieve Ecology's environmental objectives. Partnering to better understand all the consequences of the new GO before it is implemented will conserve resources by avoiding future challenges to the implementation of the GO as it is now written. The recent stay of the Sand and Gravel General Permit (dated July 9, 2026) is a good example of the process we hope to avoid.

Thank you for the opportunity to provide these comments. We appreciate Ecology's consideration and look forward to working collaboratively to develop a General Order that protects air quality while supporting the efficient delivery of Washington's transportation infrastructure and public works projects.

Comments on Draft General Order of Approval No. 26AQ-GO-01 Stationary and Portable Rock Crushers

Provided by the Washington Asphalt Pavement Association (WAPA)

The Washington Asphalt Pavement Association (WAPA) appreciates the opportunity to comment on the Washington State Department of Ecology's proposed revisions to the General Order (GO) of Approval for Stationary and Portable Rock Crushers. WAPA represents approximately 98% of all asphalt mixture production in Washington through its member companies and it is the collective voice of the asphalt industry. Our members also produce and/or rely on a dependable supply of locally produced aggregate from stationary and portable rock crushing operations. They have decades of experience in the construction industry and it is important to note that we support safe and efficient delivery of our product throughout Washington and understand environmental concerns, requirements and regulations.

General Orders have historically provided an efficient, predictable permitting pathway while maintaining environmental protection. This dynamic benefits both regulators and permit holders by reducing unnecessary administrative burdens and critical public works project timelines while maintaining appropriate environmental protections.

WAPA supports modernization of the GO but believes several proposed revisions could unintentionally affect aggregate availability, infrastructure delivery, and the asphalt industry's ability to serve Washington's transportation needs. After reviewing the proposed General Order, Technical Support Document, and associated SEPA documentation, we are providing our comments below. They are not intended to oppose environmental protection or the modernization of General Order requirements, but to ensure the end result is that we meet both environmental standards and the operational realities of Washington's asphalt and aggregate industry. The practical implications of the currently proposed revisions have multiple unintended consequences that are of great concern to the industry that we would like the DOE to be fully aware of before it moves forward. WAPA stands ready to engage with the DOE and other stakeholders to work toward a mutually beneficial updated GO.

The following comments identify WAPA's principal concerns and recommendations.

1. Proposed Production Limits

The proposed General Order establishes revised annual production limits for facilities operating under General Order coverage. The proposed production limits substantially reduce operational flexibility for aggregate producers, and consequentially, asphalt producers. Unlike many manufacturing industries, aggregate production is not driven by steady consumer demand or continuous manufacturing schedules. Aggregate demand is driven by seasonal construction, emergency repairs, and infrastructure needs rather than uniform annual production. The ability to increase production during favorable operating conditions is often essential to maintaining project schedules, supplying construction materials, and meeting the demands of public infrastructure throughout Washington State. Consequently, reductions in production at one facility do not necessarily reduce overall demand for aggregate materials. Rather, production may

simply shift to other facilities, potentially increasing hauling distances, transportation costs, fuel consumption, truck traffic, and associated emissions.

Because aggregate is the foundational material used to produce asphalt, concrete, and countless other construction products, revisions affecting aggregate production may also influence multiple downstream industries that depend upon a reliable and predictable supply of construction materials. We respectfully request Ecology identify whether these broader supply chain impacts were evaluated as part of the proposed rulemaking. Understanding these broader system-wide impacts is important because the environmental benefits associated with reduced production at one location may differ from the overall impacts.

We request Ecology provide the technical basis, emissions modeling, production data, and evaluation of seasonal and statewide operations supporting the proposed limits.

2. Proposed Setback Requirements

Rock crushing operations occur in a wide variety of settings, including permanent quarries, temporary construction projects, public infrastructure improvements, reclamation activities, and portable aggregate processing sites. Existing topography, pit site operator screening enhancements, prevailing wind conditions, production rates, natural screening, surrounding land uses, and operational configurations vary considerably among these locations.

Given this variability, we respectfully request Ecology explain how these site-specific factors were evaluated when developing standardized eligibility criteria 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 eligibility criteria cannot be satisfied.

3. Future General Order Eligibility

During the Public Hearing held on July 8th, we heard that if an asphalt plant or rock crusher currently has a General Order, they can continue operating under that General Order. It was mentioned that replacement of certain major pieces of equipment may trigger needing a new GO, but we request an itemized list of what would trigger needing a new GO. What if the equipment being replaced is more modern and energy-efficient and exceeds environmental compliance standards? Would this trigger the need for a new GO? Do permit renewals or reauthorizations require a new GO?

We request that Ecology publish additional implementation guidance identifying the specific events and/or equipment that would trigger compliance with the revised General Order. Ideally, this guidance development would involve discussions with industry representatives. Providing this additional guidance would benefit both permit holders and the Department by promoting consistent implementation, reducing uncertainty, and minimizing unnecessary permitting disputes.

Ecology should clearly identify which equipment replacements, modifications, permit renewals, relocations, or operational changes would trigger compliance with the revised GO and provide reasonable transition provisions.

4. Portable Rock Crushing Operations and Practical Implementation of the 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. There are significant cost and time considerations when requesting an individual NOC. These factors will likely impact project delivery. Permit applicants may be left with uncertainty regarding whether Ecology has enough staff to sufficiently provide timely (rapid) permit reviews so that limited seasonal windows, project timelines from state and local agencies, and liquidated damage timelines are not affected. We request Ecology to establish an expected timeline for individual Notice of Construction applications.

Portable crushing operations routinely support state highways, county roads, municipal infrastructure, airports, bridges, utility installations, commercial developments, residential construction, and emergency repairs. The flexibility to relocate allows contractors and public agencies to efficiently utilize locally available aggregate resources while reducing transportation distances and in order to comply with often stringent project schedules. Producing aggregate closer to the point of use almost certainly reduces haul distances, decreases fuel consumption, minimizes truck traffic over long distances, reduces wear on public roadways, improves construction efficiency, and lowers overall transportation-related emissions compared to hauling aggregate from more distant permanent facilities.

Delays in permitting may therefore affect not only individual contractors, but also project owners, public agencies, and the (often remote) communities those projects are intended to serve. The nature of the GO system is ideal for addressing the need for siting rock crushing equipment where and when the aggregate is needed, especially in remote locations. One of the goals of the new GO should be to maintain the flexibility that these permits currently provide. Substituting an NOC process is not a practical solution in many instances. The proposed General Order introduces revised eligibility criteria, notification requirements, operational restrictions, and permitting considerations that may substantially affect future portable crushing operations.

To reiterate, portable crushers reduce hauling distances, improve efficiency, and support transportation projects throughout Washington. Ecology should preserve flexibility for portable operations and clarify relocation, notification, and SEPA requirements. If more facilities require individual NOC permits, Ecology should establish predictable review timelines, identify anticipated costs, evaluate staffing capacity, and assess impacts on seasonal infrastructure projects and emergency work.

5. Administrative Burden and Cumulative Compliance Requirements

Construction materials are not produced independently, transported independently, consumed independently, or regulated independently. Aggregate production is the foundation of Washington's construction materials industry. It supplies the raw materials necessary for hot mix asphalt, ready-mix concrete, public infrastructure, commercial development, residential construction, utility installations, airport improvements, and countless other public and private projects throughout the state. Accordingly, the regulatory framework governing these industries should likewise be evaluated as an interconnected system rather than as separate permitting programs. We note that Ecology is simultaneously proposing significant revisions to the General Orders governing rock crushers, hot mix asphalt plants, and concrete batch plants. While each proposal has been evaluated independently, the practical impacts experienced by Washington's construction materials industry will be cumulative.

Collectively, these General Order proposals introduce revised production limitations, expanded eligibility criteria, additional administrative responsibilities, increased reliance on individual Notice of Construction permits, new operational requirements, expanded recordkeeping obligations, and additional permitting uncertainties. While many of these individual requirements are reasonable and consistent with sound environmental stewardship, collectively they represent a significant increase in the administrative responsibilities associated with rock crushing operations as well as asphalt and concrete production.

Administrative requirements are an important part of environmental compliance, but compliance programs are most effective when reporting obligations are clearly defined, consistently applied, and appropriately balanced with operational realities. We respectfully encourage Ecology to consider not only the benefit of each individual requirement, but also the cumulative compliance burden these obligations create across multiple facilities, project locations, and portable operations throughout Washington State.

Conclusions

WAPA appreciates Ecology's efforts to modernize the Rock Crusher General Order and shares the Department's commitment to protecting air quality while maintaining a practical, predictable, and technically sound permitting program. We respectfully request that Ecology consider the following before finalizing the proposed General Order:

- **Production Limits:** Restore current production limits, most critically the untenable daily limits, until the industry has had an opportunity to review Ecology's supporting analyses and work collaboratively to develop limits that recognize the seasonal nature and the production needs of Washington's transportation infrastructure.
- **Setback Requirements:** Provide the modeling assumptions, risk analyses, and technical justification supporting the proposed setback requirements, identify any alternative setback scenarios that were evaluated, and disclose how many existing and future facilities would no longer qualify for General Order coverage as a result. A history of complaints or conflicts related to rock crushers operating under GO permitting would also be instructive.

- **Future General Order Eligibility:** Publish clear implementation guidance identifying the equipment replacements, plant modifications, permit renewals, or other events that would require compliance with the revised General Order, and provide reasonable grandfathering or transition provisions for existing permit holders.
- **Portable Rock Crushing Operations and Practical Implementation of the NOC Permitting Pathway:** Establish predictable review timelines for individual Notice of Construction permits, clarify when SEPA review would be required, and evaluate the impacts that increased reliance on individual permits may have on seasonal construction schedules, portable crusher operations, and public infrastructure delivery. Some expedited NOC method to respond to the realities of the time constraints related to the construction season are needed if the GO's become more restrictive.
- **Administrative Requirements:** Evaluate the cumulative administrative burden created by the expanded monitoring, reporting, notification, and recordkeeping requirements and ensure these obligations are clearly defined, consistently applied, and appropriately balanced with operational realities.
- **Cumulative Impacts:** Evaluate and disclose the cumulative impacts of the proposed revisions to the Hot Mix Asphalt, Concrete Batch Plant, and Rock Crusher General Orders on infrastructure delivery, construction material availability, hauling distances, project costs, permitting workload, workforce utilization, and Washington's construction materials industry.
- **Industry Engagement:** We suggest that the proposed GO changes are so profound that it would serve all parties to engage in discussions to refine/revise the most problematic changes in this process before attempting to institute the changes. It does not serve the public interest to knowingly impose permit conditions that the agency knows will be officially contested. We would welcome an industry/DOE/WSDOT et. al. review and discussion forum or taskforce so as to fully evaluate the unintended consequences of the proposed GO restrictions.

We believe these additional analyses and clarifications will strengthen the final General Order by improving technical transparency, regulatory certainty, and practical implementation while continuing to achieve Ecology's environmental objectives. Partnering to better understand all the consequences of the new GO before it is implemented will conserve resources by avoiding future challenges to the implementation of the GO as it is now written. The recent stay of the Sand and Gravel General Permit (dated July 9, 2026) is a good example of the process we hope to avoid.

Thank you for the opportunity to provide these comments. We appreciate Ecology's consideration and look forward to working collaboratively to develop a General Order that protects air quality while supporting the efficient delivery of Washington's transportation infrastructure and public works projects.