July 10, 2026

SUBMITTED ONLINE VIA COMMENT PORTAL

Washington State Department of Ecology
Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600
Attention: Gary Huitsing

RE: Draft Air Quality General Orders for Rock Crushers (26AQ-GO-01), and Concrete Batch Plants (26AQ-GO-03)

Dear Mr. Huitsing,

CalPortland thanks the Washington Department of Ecology for the opportunity to provide formal comments on the Draft Air Quality General Orders for Rock Crushers (26AQ-GO-01) and Concrete Batch Plants (26AQ-GO-03).

CalPortland supports Ecology's objective of updating the General Orders to remain consistent with current air quality standards. However, CalPortland believes that several of the proposed updates contain overly prescriptive restrictions that reduce operational flexibility and mirror conditions of an individual permit rather than a General Order, which could impose significant impacts on industry and downstream stakeholders. Below are expanded comments.

1. **26AQ-GO-01 and 26AQ-GO-03 Condition 2.A.i – Proposed Daily Production Limits Rely on Unreasonable Model Inputs and Reduce Operational Flexibility**

The model control efficiency inputs for rock crushers and concrete batch plants are more conservative than warranted, resulting in proposed daily production limits that are overly restrictive for minor sources in attainment areas and reduce a facility's flexibility to service large-scale, seasonal projects while adhering to annual production limits and visible emissions standards.

The model inputs do not accurately reflect actual site conditions and are inconsistent with the General Order conditions. The Technical Support Documents (TSDs) for rock crushers and concrete batch plants indicate that lower control percentages were used in modeling due to assumed lower application rates for stockpiles and haul roads, yet General Orders 26AQ-GO-01 and 26AQ-GO-03 require compliance with stockpile and haul road watering conditions.

Specifically, General Order 26AQ-GO-01 lists stockpiles as an emission source and Condition 2.b.iv states that any onsite emission source must be controlled by water. Conversely, Appendix C.g of the Technical Support Document (TSD) for rock crushers states not all stockpiles are watered and assumes only a 75% control rather than a 90% control. Similarly, the General Orders require haul roads be wetted at all times, yet the TSD for rock crushers and concrete batch plants exclude haul road controls from air pollutant modeling. A model input that assumes a lower control percentage than the minimum required control in the General Order overrepresents emissions from stockpiles and haul roads and results in an unnecessarily reduced daily throughput limit. Ecology should not assume noncompliance with the General Orders when selecting control percentages for modeling inputs.

Additionally, the proposed daily production limits listed do not accurately reflect actual operating conditions. Rather than remaining constant throughout a calendar year, concrete and aggregate production typically varies depending on project availability, seasonal construction windows, and favorable weather conditions. Large-scale public works and commercial projects require increased production volumes over a short time period that could exceed the proposed daily limits. It is essential for high-capacity plants and crushers to have the flexibility to extend operational hours during peak construction season to accommodate the demands of large-scale jobs while still remaining under the annual production limit. Hindering concrete suppliers' ability to timely deliver concrete and aggregates will cause project delays, decrease contractor efficiency, and raise overall construction costs.

Compliance with the General Order includes operating and maintaining high-efficiency pollution control equipment and controlling fugitive dust such that a facility meets visible emission and annual production limits. CalPortland requests that Ecology reexamine the models and select reasonable inputs consistent with General Order conditions.

2. **26AQ-GO-01 Condition 2.b.i and 26AQ-GO-03 Conditions 2.b.i-ii – Proposed Siting Requirements Rely on Unreasonable Model Inputs and Cause Operational Burden**

Like the proposed daily production limits, the proposed siting restrictions for rock crushers and concrete batch plants rely on modeling results derived from unreasonable inputs. The model inputs used to calculate air pollutant emissions assume lower control percentages for stockpiles and haul roads than what is required in the General Order conditions. These calculations result in a greater distance from key emission units to NAAQS compliance and overly conservative setback requirements and buffer distance limitations. Please see the discussion in Comment No. 1 for additional information regarding model inputs.

Inadequately justified setback requirements will force operators with a long history of compliance with the General Orders to apply for individual permits, significantly increasing costs, permit processing timelines, and overall placing excess burden on permittees and Ecology without a benefit to air quality. Additionally, the proposed setback requirements potentially put previously compliant existing facilities at risk of immediate enforcement if the facility requires new or amended coverage for another reason.

In addition to increasing permitting complexity, excessive setbacks create operational challenges. Existing facilities, particularly portable facilities, are often small footprint areas zoned for industrial use. The proposed setbacks will force operations into an even more limited footprint and restricts space for equipment and vehicle traffic routes and loading zones, creating potential safety and access concerns.

CalPortland requests that Ecology reevaluate the modeling and select inputs consistent with the General Order conditions.

3. 26AQ-GO-01 and 26AQ-GO-03 Condition 7.h – Proposed Odor Condition Creates Compliance Uncertainty

The proposed language prohibiting the generation of any odor that "unreasonably interferes with a property owner's use or enjoyment of their property" is reliant on subjective interpretations with no measurable compliance criteria.

Requirements without clear standards for evaluating compliance creates regulatory uncertainty for permittees and neighbors. It is also challenging for Permittees to investigate claims and determine whether corrective actions are warranted with no objective criteria.

CalPortland requests additional clarification regarding what objective criteria will be used to investigate complaints and assess compliance.

4. **26AQ-GO-01 and 26AQ-GO-03 Condition 6.b – Complaint Reporting Requirements Create Unnecessary Administrative Burden**

CalPortland supports the implementation of the complaint investigation, response, and documentation procedures outlined in Conditions 3.c and 4.c of the General Orders, and appreciates the consistency with current regulations in other air quality jurisdictions. However, CalPortland believes the proposed complaint reporting procedure, particularly within one business day, to be an unnecessary administrative burden.

If the Permittee initiates corrective action and response to a complaint within three calendar days of complaint receipt and maintains records on site and available for Ecology review upon request detailing the complaint, actions taken to assess complaint validity, any corrective actions performed and their effectiveness, then reporting complaints to Ecology within one business day adds excessive administrative burden without any benefit to air quality or additional oversight.

Furthermore, Permittees may receive occasional complaints that are unsubstantiated, duplicative, or unrelated to the facility operations and may take more than one business day to confirm validity. To avoid unnecessary workload for both Permittees and Ecology, a more practical approach is to report complaints to Ecology if a release or upset condition is confirmed. This change promotes accountability and transparency while allowing Permittees to focus their efforts on investigations and effective corrective actions rather than administrative reporting burdens.

5. **26AQ-GO-01 Condition 2.b.iv and 26AQ-GO-03 Condition 2.b.xi – Proposed Dust Control Requirements are Overly Prescriptive**

The proposed additional fugitive dust control requirements are overly prescriptive and restrict a facility's ability to adjust control measures as needed based on site-specific conditions.

Fugitive dust generation is dependent on factors such as facility size, traffic rates, production capacity, industrial activities being performed, and weather conditions. Thus, operators should be allowed the flexibility to assess site conditions and implement practices that are appropriate to control the generation of dust to comply with visible emission limits. Requiring all facilities to meet excessively specific dust suppression

conditions places undue operational burden on Permittees and would often result in a waste of water and increased operational costs without adding protections to air quality.

For instance, the proposed language requiring haul roads be wetted at all times may be unnecessary when a facility is operating only for maintenance and haul roads are being minimally used and therefore not generating fugitive dust. More practical language consistent with BACT would be “Haul roads and other surfaces that have the potential to create airborne dust must be controlled with the application of water such that dust is not visible leaving the property boundary.” Similarly, fugitive dust can be controlled through various water application methods including water truck, wet vacuum sweeper truck, spray hose, or other equivalent methods. Requiring a water truck be on site during all operations is overly burdensome, as the target dust control objectives can be readily met by multiple, less costly alternatives. For instance, it is common practice for small operations to share a water truck, contract third-party watering, or manage dust with sprinklers.

CalPortland recommends Ecology maintain a performance-based approach to fugitive dust control that prioritizes maintaining compliance with visible emission limits as opposed to prescribing specific dust suppression practices.

6. **26AQ-GO-01 and 26AQ-GO-03 Condition 7.l – Changes in Operation Triggering New or Updated Coverage is Overly Vague and Creates Compliance Uncertainty**

CalPortland appreciates Ecology's clarification that facilities operating under existing General Orders are not automatically required to obtain coverage under the revised General Orders. However, the General Condition addressing changes in operations is ambiguous. Lacking a clear definition creates a risk for inconsistent permit interpretation and enforcement across facilities and regions. CalPortland requests Ecology more clearly define what constitutes a "change in operation" that would trigger the need for new or amended coverage. Without additional guidance, Permittees may face uncertainty that routine equipment maintenance, like-for-like equipment replacements, operational adjustments, process improvements, or other common business practices that do not increase a facility’s production capacity could require permit modification.

Conclusion

The General Orders have historically provided an efficient permitting pathway for low-risk facilities while maintaining protections to air quality. Several of the proposed provisions are overly prescriptive and go beyond the scope of a General Order. CalPortland recommends

Ecology revert to existing language with minor revisions to reflect current regulatory requirements.

The modeling inputs underrepresent site emission controls and are inconsistent General Order compliance criteria, particularly for stockpiles and haul roads, creating overly conservative daily production and setback limitations that would significantly limit operational flexibility and adversely impact the construction industry. CalPortland strongly urges Ecology reevaluate the models and select more reasonable inputs, as well as give greater consideration for the infrastructure and economic impacts of the proposed changes before final adoption.

Finally, several proposed conditions are overly ambiguous and create uncertainty for inconsistent permit interpretation and enforcement. CalPortland recommends Ecology provide further clarification to ensure transparency and consistent understanding.

Thank you for your consideration of these comments.

Sincerely,

Annie Livengood
Environmental Manager
CalPortland