



07/10/2026

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

RE: Comments to Proposed General Order Changes

To whom it concerns,

Granite Construction Company (Granite) owns and operates several hot mix asphalt plants & rock crushing operations in the state of Washington overseen by the Washington Dept. Of Ecology. Below is Granite Construction Co.'s list of comments/concerns that Ecology should consider before executing the proposed General Orders for Stationary and portable asphalt plants, Concrete batch plants, and Rock crushers.

Permit Sections: Section 2.a.i – Production/Operation Limits; Section 2.b.i.A–C – Setback Requirements; Section 2.b.x – RAP and Crumb Rubber Restrictions

Specific Permit Language: "160,000 tons per year in any consecutive rolling 12-month period and 2,800 tons per calendar day"; "Must be at least 150 feet from the pit property boundary line"; "Must be at least 325 feet from any residence, occupied commercial building, school, hospital, nursing home or other sensitive receptor"; "If the hot mix asphalt plant cannot meet the 150 feet and 325 feet distance limits ... it cannot use this general order and must apply for a full Notice of Construction (NOC) minor NSR permit"; and "The percentage of Recycled Asphalt Pavement (RAP) used in the asphalt cement mix under this approval order must be no greater than 30% ... no crumb rubber is allowed. Facilities that use crumb rubber cannot use this general order."

Comment #1:

Granite is concerned that the cumulative effect of the proposed General Order revisions may significantly reduce operational flexibility and limit the ability of facilities to efficiently supply materials for transportation projects, public infrastructure, housing, utility work, and emergency repairs throughout Washington. The reduction in production limits, expanded setback requirements, RAP restrictions, and categorical exclusion of crumb rubber may have consequences extending beyond individual facilities.

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These changes could reduce material availability in certain regions, increase project costs, and require materials to be hauled from more distant locations to meet construction demands.

Granite is also concerned that the proposed revisions may lead to unintended environmental consequences. Limiting the use of RAP and crumb rubber reduces opportunities to beneficially reuse recycled materials, while longer haul distances may increase fuel consumption, truck traffic, greenhouse gas emissions, and reliance on newly mined aggregate and asphalt binder. This may also result in additional waste materials being directed to landfills rather than being reused in construction applications. Granite encourages Ecology to evaluate not only the direct air quality benefits of the proposed changes, but also the broader infrastructure, supply-chain, resource-conservation, and environmental impacts associated with these revisions prior to final adoption.

Proposed Solution/Language:

- Conduct and publish an evaluation of the cumulative impacts associated with the proposed production limits, setback requirements, RAP limitations, and crumb rubber prohibition prior to final adoption.
 - Consider modifications that preserve operational flexibility while maintaining compliance with applicable air quality requirements.
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Permit Section: Project Summary / Application Processing

Specific Permit Language: "Within 30 days of receipt of an application for coverage under a General Order, Ecology shall notify the applicant in writing that the application is incomplete, approved, or denied."

Comment #2:

Granite understands that facilities unable to meet the revised General Order requirements may apply for a site-specific Notice of Construction (NOC) permit. However, we are concerned that this option may not provide sufficient flexibility to meet the timelines associated with construction and paving projects. Also, due to NOC permits being more complex and unique to each site, we anticipate a higher cost for each permit application due to higher permitting fees and consultant costs. Ecology should evaluate the potential increase in NOC permit applications resulting from the proposed changes and consider whether the agency has sufficient resources to process those applications in a timely manner.

We request that Ecology provide an estimate of the anticipated increase in permit applications, the expected permit processing timelines, and an assessment of whether those timelines could adversely affect a facility's ability to mobilize and operate in support of public and private construction projects.

Proposed Solution/Language:

- Evaluate and disclose the anticipated increase in NOC permit applications resulting from the proposed General Order revisions.
 - Evaluate and estimate the potential increase cost burden for NOC permit vs. General Order permit
 - Publish estimated NOC permit processing timelines and assess potential impacts to construction and paving project schedules
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Permit Section: 2.b.i.A–C – Equipment/Activity Restrictions

Specific Permit Language: "Must be at least 150 feet from the pit property boundary line" and "Must be at least 325 feet from any residence, occupied commercial building, school, hospital, nursing home or other sensitive receptor." Facilities unable to meet these setbacks "cannot use this general order and must apply for a full Notice of Construction (NOC) minor NSR permit."

Comment #3:

Granite is concerned that facilities that have historically operated in compliance with air quality requirements may become ineligible for General Order coverage solely due to fixed setback criteria, regardless of their compliance history or demonstrated environmental performance. If these facilities are forced to pursue individual Notice of Construction (NOC) permits, Ecology may experience a significant increase in permit applications. Increased permitting demand and associated review timelines could affect a facility's ability to mobilize and operate within the short construction seasons and project schedules common to transportation and infrastructure projects.

Granite requests that Ecology allows facilities that cannot meet the setback criteria to remain eligible under the General Order if they can demonstrate compliance through modeling, source testing, or site-specific controls. Granite suggests utilizing a performance-based approach that focuses on actual emissions and impacts rather than fixed distance requirements.

Proposed Solution/Language:

- Reevaluate the proposed 150-foot property boundary and 325-foot sensitive receptor setback requirements.
- Allow facilities to demonstrate compliance through modeling, source testing, or site-specific controls in lieu of fixed setback criteria.

Permit Section: Section 2.b.x – Equipment/Activity Restrictions

Specific Permit Language: "The percentage of Recycled Asphalt Pavement (RAP) used in the asphalt cement mix under this approval order must be no greater than 30%. RAP is limited to Reclaimed or recycled Asphalt Pavement (no crumb rubber is allowed). Facilities that use crumb rubber cannot use this general order."

Comment #4:

Granite appreciates Ecology's proposal to allow the use of reclaimed asphalt pavement (RAP) at levels up to 30% under the General Order. Establishing a flat-rate eligibility threshold at 30% RAP provides a practical and streamlined compliance pathway for many facilities. However, Granite is concerned that limiting General Order eligibility exclusively to facilities using 30% RAP or less, and categorically excluding crumb-rubber-modified asphalt, unnecessarily restricts operational flexibility and may discourage the continued use of recycled materials. RAP and crumb rubber have been successfully incorporated into asphalt production for decades, providing well-established environmental and economic benefits through the beneficial reuse of materials, conservation of natural resources, and reduction of waste streams.

Granite is not aware of a technical basis demonstrating that facilities utilizing RAP percentages greater than 30% or producing crumb-rubber-modified asphalt are inherently unable to comply with applicable air quality requirements. Many facilities have successfully demonstrated compliance through source testing, emissions calculations, and other engineering analyses. As a result, Granite believes facilities should retain the option to qualify for General Order coverage by demonstrating compliance through technically supported methods, even when RAP content exceeds 30% or crumb-rubber-modified asphalt is produced. A performance-based approach would maintain environmental protection while preserving operational flexibility, supporting innovation, and encouraging the continued beneficial reuse of recycled materials.

Proposed Solution/Language:

- Allow facilities utilizing greater than 30% RAP to demonstrate compliance through source testing, emissions calculations, or other technically supported methods.
- Remove the categorical prohibition on crumb-rubber-modified asphalt and allow facilities to demonstrate compliance using the same performance-based approach.
- Maintain General Order eligibility for facilities that can demonstrate compliance with applicable air quality requirements, regardless of RAP percentage or use of crumb-rubber-modified asphalt.

Permit Section: Section 6.b.i – Reporting

Specific Permit Language: "The Permittee must notify Ecology within one business day of any of the following events occurring: The receipt of any complaint."

Comment #5:

Granite believes it has a strong responsibility to operate its facilities in a manner that they do not pose a nuisance to the general public. Our facilities will always ensure compliance with permit conditions and air quality requirements during operation activities.

However, the proposed requirement to report all complaints within one business day may be counterproductive. Facilities need adequate time to investigate complaints, evaluate site conditions, determine whether the complaint is substantiated, and develop appropriate corrective actions. Reporting every complaint before a reasonable review can be completed may result in incomplete or inaccurate information being provided to Ecology while creating additional administrative burden without improving environmental performance.

Proposed Solution/Language:

- Revise the reporting requirement to allow facilities adequate time to investigate and evaluate complaints prior to notifying Ecology.
- Consider modifications that preserve operational flexibility while maintaining compliance with applicable air quality requirements

Thank you for taking into consideration Granite Construction Co.'s efforts to collaborate on the proposed 2026 General Order Permits. Granite Construction highly values seamless and consistent compliance. We look forward to working with Ecology on continuing to protect Washington State air quality.

Sincerely,



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