**Comments on Draft General Order of Approval No. 26AQ-GO-03**
**Concrete Batch Plants**

AAA Ready Mix, Inc. and AAA Concrete, Inc. appreciate the opportunity to comment on the Washington State Department of Ecology's proposed revisions to the Concrete Batch Plant General Order of Approval.

Our companies operate both portable and stationary concrete batch plants throughout Washington and have decades of experience supplying concrete for public infrastructure, transportation, utility, commercial, residential, and emergency construction 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 concrete production and the operational realities necessary to safely and efficiently deliver construction materials throughout the state.

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 concrete production industry.

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 eligibility restrictions, setback requirements, administrative obligations, and permitting pathways without fully evaluating or explaining the practical implications these revisions may have on future concrete batch plant operations, portable facilities, project delivery, infrastructure development, and construction material availability throughout Washington State.

Throughout the proposal, Ecology frequently relies upon generalized modeling assumptions and acknowledges that future facility locations, surrounding land uses, and site-specific operating conditions are unknown. Nevertheless, the proposal establishes statewide eligibility criteria and setback requirements that will apply to future applicants across a wide range of operating environments.

We respectfully request that Ecology provide additional technical justification, implementation guidance, and impact analyses supporting these revisions so that 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 and predictable permitting pathway for qualifying facilities.

**1. General Order Eligibility and New Setback Requirements**

The proposed General Order introduces new eligibility criteria requiring concrete batch plants to maintain minimum separation distances from both property boundaries and designated sensitive receptors. Specifically, the proposal establishes minimum setback requirements of 450 feet for Central Mix concrete batch plants and 550 feet for Truck Mix concrete batch plants. 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 facilities 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 environmental protection, but also in providing regulatory certainty for both applicants and the Department. As proposed, the revised eligibility criteria may substantially reduce the number of facilities able to utilize that pathway while shifting additional projects toward individual permitting.

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

• The pollutant or pollutants that ultimately governed the proposed 450-foot and 550-foot setback distances;

• The modeling assumptions and technical analyses used to establish those distances;

• The basis for requiring an additional 100-foot setback for Truck Mix concrete batch plants compared to Central Mix plants;

• 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; and

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

The Technical Support Document acknowledges that future facility locations, surrounding land uses, operating conditions, and site-specific 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.

Given the diversity of Washington's geography, topography, meteorological conditions, existing industrial land uses, and portable construction operations, we respectfully request Ecology explain how these site-specific variables were considered when selecting setback distances intended to apply statewide.

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

**2. 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 concrete batch 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;

• 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 concrete batch plants supporting transportation projects, emergency infrastructure repairs, utility work, and seasonal construction activities where project schedules are often dictated by weather, contract requirements, funding deadlines, and limited construction windows.

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

• 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, and seasonal construction schedules; and

• Whether alternative compliance pathways were considered that would preserve General Order eligibility while still achieving 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.

**3. Portable Concrete Batch Plant Operations**

Portable concrete batch plants play a critical role in Washington's construction industry. They provide temporary concrete production for transportation projects, bridge construction, utility installations, airports, emergency repairs, commercial developments, and other projects where producing concrete near the point of use is essential to maintaining product quality, construction schedules, and overall project efficiency.

Unlike permanent facilities, portable concrete batch plants are intentionally designed to move from project to project as construction demands change throughout the year. Their locations are largely dictated by the needs of individual projects, available staging areas, site constraints, project sequencing, and the availability of suitable land within reasonable proximity to construction activities.

Portable concrete batch plants are often established specifically to reduce haul distances, maintain concrete quality, minimize traffic congestion, and improve overall project efficiency. These operational considerations not only benefit contractors and project owners, but may also reduce fuel consumption and associated emissions compared to transporting ready-mix concrete over significantly longer distances.

The proposed General Order introduces additional notification requirements, administrative obligations, and eligibility criteria that appear to place greater emphasis on portable operations than previous versions of the General Order.

While we understand Ecology's interest in maintaining accurate records regarding portable facilities, we respectfully request additional clarification regarding the practical implementation of these requirements and their potential impacts on future projects.

Specifically, we request Ecology identify:

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

• Whether Ecology evaluated the cumulative administrative burden associated with repeated notifications, site relocations, extensions, and portable plant tracking requirements;

• Whether the proposed requirements were developed using information from actual portable concrete batch plant operations throughout Washington;

• Whether Ecology evaluated the practical challenges associated with locating portable batch plants on transportation projects, emergency response projects, utility work, and other temporary construction sites where available staging areas may be limited;

• Whether Ecology evaluated the number of portable projects that may no longer qualify for General Order coverage under the revised eligibility criteria; and

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

Portable concrete batch plants frequently support projects with fixed contract completion dates, weather-dependent construction windows, emergency response needs, and public infrastructure schedules that allow little flexibility for permitting delays or repeated administrative processes.

Accordingly, any revisions that increase permitting complexity, reduce General Order eligibility, or extend project mobilization timelines may have consequences that extend beyond individual operators and affect contractors, project owners, public agencies, utility providers, and the communities those projects are intended to serve.

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 concrete batch plants to continue supporting Washington's infrastructure needs.

**4. 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 respirable crystalline silica, Chromium VI, manganese, and other pollutants evaluated through Ecology's air dispersion modeling.

We recognize Ecology's responsibility to evaluate these pollutants and to ensure compliance with applicable state and federal air quality requirements. 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 setback distances, 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 setback distances for both Central Mix and Truck Mix concrete batch plants;

• The specific modeling assumptions that determined compliance distances;

• How applicants are expected to demonstrate compliance when actual site conditions differ from the modeled assumptions;

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

• The anticipated costs associated with additional modeling and technical analyses;

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

• Whether additional implementation guidance will be developed to assist applicants in understanding these requirements.

The proposal also reserves Ecology's authority to require additional material analyses or air emission testing 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 testing becomes necessary.

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

We also note that many concrete batch plant operators have historically demonstrated compliance through production limitations, equipment standards, dust suppression practices, baghouse controls, maintenance requirements, 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 and predictable permitting process.

**5. Administrative Burden and Cumulative Compliance Requirements**

The proposed General Order introduces or expands several administrative, operational, 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 sound operational practices.

However, when considered collectively, these requirements represent a meaningful expansion of the ongoing administrative responsibilities associated with operating a concrete batch plant under the General Order.

Among other things, the proposal requires additional notifications, expanded recordkeeping, production tracking, maintenance documentation, baghouse monitoring, fuel usage records, water application records, complaint reporting, portable plant notifications, and documentation associated with temporary relocations and operational status.

While each 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 batch 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;

• Increased compliance management responsibilities for portable facilities;

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

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

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

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

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

Specifically, we 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 develop additional guidance regarding implementation of these reporting requirements.

Administrative requirements are an important 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 and project locations.

**6. Cumulative Impacts on Washington's Construction Materials Industry**

Concrete batch 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.

They are one component of an interconnected construction materials supply chain that includes aggregate production, rock crushing operations, asphalt production, transportation providers, contractors, utility companies, public agencies, and countless private development projects throughout Washington State.

The materials produced by these industries are fundamental to the construction and maintenance of roads, bridges, airports, schools, hospitals, utilities, housing developments, commercial facilities, emergency infrastructure repairs, and numerous other public and private construction projects.

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

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

While each proposal has been evaluated independently, the practical impacts experienced by industry will be cumulative.

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

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

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

- Construction material availability;
- Public infrastructure delivery;
- Housing development;
- Transportation projects;
- Utility construction and maintenance;
- Emergency response projects;
- Aggregate supply chains;
- Project scheduling and seasonal construction windows;
- 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 cumulative revisions to increase transportation distances between material sources and construction projects if fewer facilities qualify for General Order coverage.

Longer transportation distances may increase fuel consumption, truck traffic, project costs, and associated emissions while reducing many of the operational efficiencies that portable and strategically located concrete batch plants are intended to provide.

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 construction materials industry, public infrastructure programs, and the communities that depend upon them.

**Conclusion**

AAA Ready Mix, Inc. and AAA Concrete, Inc. appreciate Ecology's efforts to update and modernize the Concrete Batch Plant General Order and recognize the importance of protecting air quality and public health throughout Washington State.

We also recognize that environmental regulations must evolve as scientific understanding, regulatory requirements, and available technologies continue to advance.

Our comments are not intended to discourage those efforts. Rather, they are intended to ensure that the final General Order is supported by transparent technical analyses, provides clear implementation guidance, and reflects the practical realities of concrete batch plant operations throughout Washington.

Throughout our review of the proposed General Order, Technical Support Document, and associated SEPA documentation, we identified several areas where additional clarification or analysis would improve both the proposal and stakeholders' understanding of its practical implications.

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

- The technical basis supporting the proposed setback requirements;
- The distinction between Central Mix and Truck Mix setback distances;

• The anticipated impacts on future General Order eligibility;

• The practical implementation of Toxic Air Pollutant compliance requirements;

• The costs, timelines, and operational implications associated with increased reliance on individual Notice of Construction permits;

• The cumulative administrative burden created by the expanded recordkeeping and reporting requirements;

• The impacts of the proposal on portable concrete batch plant operations; and

• The cumulative impacts associated with simultaneously revising the General Orders governing concrete batch plants, rock crushers, and hot mix asphalt plants.

We respectfully believe these additional analyses and explanations would improve the transparency of the rulemaking process while providing applicants with a clearer understanding of Ecology's expectations and the practical implementation of the proposed requirements.

The construction materials industry plays an essential role in building and maintaining the infrastructure upon which Washington's communities depend. Concrete batch plants supply the materials necessary to construct and maintain highways, bridges, airports, schools, hospitals, utilities, commercial developments, residential housing, and emergency infrastructure throughout the state.

For that reason, we respectfully encourage Ecology to continue working collaboratively with industry stakeholders to ensure that environmental regulations remain both scientifically sound and practically implementable.

Environmental protection and responsible resource development are not competing objectives. When supported by sound science, transparent decision-making, and practical implementation, they are complementary objectives that benefit both Washington's natural resources and the communities that depend upon them.

Ultimately, effective environmental regulations should not only establish protective standards, but also provide regulated industries with a clear, predictable, and achievable path toward compliance.

Environmental protection and responsible resource development are not competing objectives; they are mutually dependent objectives. When regulations are supported by sound science, transparent decision-making, and practical implementation, they strengthen both environmental stewardship and Washington's ability to build and maintain 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.**