

Date: 10/9/2025

To: Eric Daiber  
Washington State Department of Ecology  
PO Box 47696  
Olympia, WA 98504-7696

RE: Formal Public Comment Period - Draft 2026 Sand and Gravel General Permit

Dear Sirs,

PELLCO Construction is writing to comment on the Department of Ecology's draft Sand and Gravel General Permit. We are concerned that the current draft lacks clarity regarding permit coverage for process water generated from materials imported for mine reclamation-specifically, hydro excavation spoils from eductor trucks.

PELLCO, along with many other permittees, have disposed of clean hydro excavation material at sand and gravel facilities without prior indication from Ecology that doing so falls outside the scope of the permit. The eductor truck industry is rapidly expanding, in part due to laws mandating hydro excavation in numerous jurisdictions. If it is Ecology's intent to remove this activity from permit coverage, it would leave the industry without a lawful disposal pathway-an outcome with significant operational and environmental consequences.

#### Clean, Non-Contaminated Material

It is essential to distinguish that this material is clean fill dirt-not sewer sludge, catch basin debris, or contaminated waste. It is excavated using water (hydro excavation), and when received by sand and gravel mining operations (NAICS Code 212321), is dewatered and repurposed for reclamation. At many facilities this material is managed under an established materials acceptance program to ensure it originates from uncontaminated sources and qualifies as "clean soils" per WAC 173-350-100, which exempts it from solid waste regulation.

#### Lack of Permit Clarity Creates Inconsistencies

The process of dewatering this material generates process water, which should be managed under the facility's Sand and Gravel General Permit. However, the draft permit does not explicitly confirm that discharges associated with this activity are covered. Instead, coverage is left to interpretation by individual site operators or Ecology inspectors based on the vague connection to "uses related to NAICS codes" under S2.D.

This ambiguity creates the risk of uneven enforcement and regulatory uncertainty across similar facilities, leading to potential:

- Business disruptions;
- Unfair competitive advantages;
- Inconsistent environmental protections;
- Impacts on downstream industries and customers.

If even a single Ecology inspector deems this activity as outside the scope of the permit, it could force compliant facilities to cease accepting clean hydro excavation material, disrupting essential disposal channels. This would exacerbate capacity issues at storm and sanitary decant facilities-most of which are municipally owned and not open to public use--and create an unsustainable burden on local infrastructure. In many cases, gravel pits also lack sewer connections, making any shift to sewer discharge infeasible.

# **PELLCO**

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## **CONSTRUCTION, inc**

### Proposed Language for Permit Clarity

To ensure consistent and fair interpretation of the permit across all facilities, we request that the Department explicitly confirm that receiving, dewatering, and placing clean reclamation fill is a permitted activity.

We propose the following addition (emphasis added) to Table 8 in Appendix A, under NAICS Code 212321 (pg. 59): *Coverage is provided for mining and on-site processing of sand and gravel for construction or fill purposes. Processing means washing, screening, crushing, or otherwise preparing sand and gravel for construction uses. "Mining" includes receiving, processing, dewatering, and placing clean reclamation material or inert material as allowed by a DNR reclamation permit. Discharge of process water from these operations is also covered.* Alternative Approach if Ecology Determines the Activity is Not Covered

If Ecology ultimately determines that discharge of dewatering water from reclamation fill is not covered by the permit, we request that Ecology:

1. Clearly exclude this activity in Section S1.CI of the permit;
2. Phase in any compliance changes over multiple years to allow permittees time to adapt operations, maintain compliance, and ensure continued service to the hydro excavation industry.

Thank you for your consideration of this important issue. Clarifying this aspect of the permit will ensure consistent regulation, environmental protection, and continued support for a growing and increasingly regulated industry.

Regards,



Mike Pellitteri  
President