



October 10, 2025

Washington Department of Ecology
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RE: Comments related to the 2026 Draft Sand and Gravel General Permit

I am writing on behalf of the Washington Asphalt Pavement Association (WAPA), which represents nearly the entire asphalt production industry in Washington state, along with dozens of complementary businesses and vendors that serve the approximate 60 hot mix asphalt production facilities across the state. We appreciate the opportunity to provide comments and critiques related to the 2026 Draft Sand and Gravel General Permit (2026 Draft SGGP), as proposed by the Washington state Department of Ecology (DOE).

As you know from experience, based on the 95% + compliance rate from SGGP holders over the last two decades, our members share the DOE's commitment to protecting our state's water resources. We believe that industry has demonstrated its commitment by its actions and its adherence to the current and previous versions of the SGGP.

Our concern is that the DOE process continues to expand the scope of the SGGP with each new iteration, often without any demonstrated underlying need. This is the nature of the process when the permit is re-evaluated without early partnering with the permittees. We are faced with a process that excludes us from the discussion until preliminary decisions have already been made at the DOE, and, in reviewing the several iterations of the SGGP, there are always areas of confusion and conflict. WAPA believes that the DOE's existing regulations are sufficient to respond to the rare operations that are not following best practices to protect water quality. Adding new and confusing permit changes with each new draft SGGP is disheartening and unnecessary. A few examples are commented on below:

S2.B.a.i. – WAPA would like to have discussed removing Ecology Code ECY001 from this list. With engagement with the DOE, we could have reviewed whether there had ever been a pH measurement of recycled asphalt outside of the 6.5 to 8.5 range. Recycled asphalt is a nearly inert material and, if there has never been an issue with pH reporting, this would be an opportunity to remove ECY001 from the permit monitoring mandates.

S3.D.3.a – Here again, there should be a robust review with the operators of asphalt plants as to why an “asphalt operation” is even included in this new section. This is very likely a “specification creep” where the DOE is forgetting that the original intent was to address wet wash system batch plants that actually create “process water.” These types of facilities are nearly extinct (I only know of one in the state), and this new section causes confusion for the modern asphalt plant operations that create virtually no “process water.”

We believe this entire section is a classic example of specification creep and should simply revert to the existing SGGP standards for handling process water. As the bare minimum, this section should be amended to address only asphalt plants using wet wash dust control systems. This distinction would limit the confusion for my industry.

S3.E – We believe the current permit is more than sufficient to address any concerns the DOE has with chemicals stored/ used at permitted sites. Adding a new layer of reporting that needs to be assembled and submitted, to then be reviewed and approved by the DOE is onerous and just adds to bureaucracy inherent in the permit. If the DOE has observed water quality impacts due to on-site chemical, those observations should be addressed with the industry and specifically addressed in the draft SGGP.

The need for a blanket mandate to list/ review / approve all chemicals has not been demonstrated by the DOE in its public outreach to date. If there are specific chemicals of concern, let's address those concerns, not add complexity and confusion for existing permit holders that have never had an issue with regard to chemicals on-site.

Additionally, if the DOE's specific concerns related to specific chemicals were shared with the industry, we may be able to find and offer alternative chemicals or processes to address the DOE's specific concerns. As it is written, the DOE is using a "everything and the kitchen sink" approach, which has not been justified.

S3.F.2. / S3.G.3 / S8.E.8– The use of soaps at sand and gravel pits has never been a concern in past SGGP permits and, in the public forums provided by the DOE, it was admitted that the DOE "has a feeling" that soapy waters could mobilize contaminants in the soils.

First of all, there is no basis in fact that the DOE's assumption is true. As discussed above, if the DOE has a concern, it should actually study the issue and then properly deal with the concern via best management practices (BMPs) negotiated with the industry.

This prohibition on the discharge of soap is, seemingly, a huge over reaction to purported issues, jumping from zero to 100 mph based on speculation and completely ignoring the potentially huge cost implications for pit owners that use the land they own to run multiple operations. It simple is untenable that the DOE imposes substantial costs on the permittees without extensive evidence of harm and without consideration of the cost.

The mandate included in the draft SGGP to prohibit discharge of soap should be removed until such time as the DOE demonstrates to the industry the actual pathways for potential harm to surface waters that it guesses may happen and until it then engages in exploring alternative approaches to address any valid concerns via BMPs rather than by a blanket, expensive prohibition.

S4.B.5 – The language that allows that the DOE "might" require groundwater monitoring wells is not well placed in a general permit. If there are issues at a specific site, address those issues in the special conditions required to permit the site or negotiate with the site operator for additional monitoring that the DOE demonstrates may be necessary. It would be more constructive to work with industry to develop criteria where groundwater monitoring may be of interest rather than to build uncertainty and confusion into the SGGP.

S4.B.4 – These new total dissolved solids monitoring & reporting special condition will, by the DOE's count, impact 200 of the 500 existing permittees. With this wide of an impact, this entire section should have been discussed and negotiated with the industry to better clarify what the DOE is trying to address with this new regulation. Has there been a widespread issue regarding construction sand and gravel mining in the past? What are the specific constituents the permittees are "collecting and analyzing"?

Without knowing why this special condition has been added, permittees are working within a “black box,” waiting for the DOE to decide what the analysis will show. We believe that this special condition should be thoroughly reviewed, in cooperation with the industry, prior to addition to the SGGP.

S5.D.3 – It is difficult to know what features need to be mapped in the dynamic operations of a sand and gravel source. What is mapped today could be operationally removed tomorrow. The existing language SGGP language, is already challenging, but at least the standards expected by the DOE are known. The draft SGGP language only adds to the impracticality of mapping what often amount to temporary drainage features. The DOE should restrict its mandate to the general discharge sampling locations and not expect documentation of a changing landscape.

S8.E.9 – Returned asphalt should be removed from this section. Returned asphalt will be a solid mass within one hour and it is environmentally inert in any case. It should simply be treated as any recycled asphalt being returned to the permittee operations. The non-returned asphalt will have been used to construct roads and pathways far beyond the boundaries of the sand and gravel pit. Treating returned asphalt as a material of some special concern with respect to surface water quality is simply misinformed.

S8.E.13 – The need for new language in this section is unclear and raises questions as to what the DOE is attempting to “fix” with the new language. An industry forum to understand and validate the need for the proposed permit language changes would be preferable. We are left guessing at what changes the DOE is envisioning with the proposed modifications.

S8.F.3 – It is my understanding that the intent of this section of the permit was largely removed from the last SGGP. The state legislature has made the use of recycled concrete a priority as a high-quality construction material. This section appears to require multiple layers of BMPs that the industry is not convinced provide any justification for requiring.

Recycling should be encouraged and BMPs should be in line with proven concerns. If indeed the language of this section was largely removed from the last SGGP, it is discouraging that the permit update process is being used to reintroduce questionable requirements.

S.10.G – This new reporting requirement is simply an added administrative burden, documenting only that the permittee believes that it is abiding by the conditions of the permit. Let’s strive to decrease unnecessary paperwork instead of adding a report of any real value.

In addition to the list of concerns above, which are non-comprehensive in scope, the draft SGGP uses several subjective words and phrases that are ambiguous, subjective, or vague. It would be proactive to work with the industry to either scrub the draft permit of these items or to better define the need / goal of adding non-precise terms into the proposed permit.

Thank you for the chance to comment on the 2026 Draft SGGP. WAPA would welcome the opportunity, in the future, to re-set this process: to allow for early industry input so that this awkward system of responding to a proposed SGGP that fundamentally impacts the very viability of our operations is vetted and refined in close partnership with the DOE.

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