2026 Sand and Gravel General Permit Draft – Comments

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Summary
We submit these comments in good faith to help Ecology improve the Sand and Gravel General Permit. We developed these comments over multiple conversations with Ecology and industry, so a few items appear out of sequence. Our aim is simple and practical: point out where the draft language could be unclear, hard to implement, or unsupported, and offer text changes that protect water quality while keeping the permit workable. We are glad to provide more detail on any point.

Industry performance under prior Sand and Gravel General Permits has been close to perfect. The main challenge we see is uneven interpretation. We ask Ecology to make requirements objective and consistent statewide, reduce reliance on inspector judgment, and focus monitoring at final discharge points in line with NPDES practice. Recent pain points include treating incidental puddles or diffuse infiltration as monitoring points, calling for daily oil sheen checks at permeable areas that are not final discharge, and turning plan definitions into enforceable rules. Clear definitions, bright line triggers, and plain sampling rules will improve consistency without weakening protections.

Several new or expanded requirements appear to rest on internal statewide sampling that has not been published or peer reviewed. Sampling locations and methods were mixed, including pretreatment ponds and commingled process and stormwater, which makes it difficult to tie the findings to enforceable permit conditions. If Ecology needs more information, a time limited study with clear methods and decision points is a better path than standing requirements based on unpublished datasets. New monitoring such as total dissolved solids and dissolved hexavalent chromium should proceed only with a public technical basis, stated methods, and a consistent attainment off ramp.

The economic analysis needs an update and more transparency. Appendix A should show fully loaded labor rates, crew size and productivity, equipment and mobilization, materials, lab and courier fees, operations and maintenance, and downtime. It should also cover the office work to revise the Site Management Plan and Stormwater Pollution Prevention Plan, update site maps and identifiers, train staff, and handle added reporting. Costs that could be large at many sites, such as paving high traffic areas and installing oil water separators if permeable areas are treated like outfalls, do not appear fully captured. Laboratory pricing should be current, not from 2018, and the analysis should either credit driver pre trip inspections or price a separate permit inspection.

We also recommend a practical path to compliance. Chemical Use Plans should include a fourteen day review clock and an emergency pathway so sites can manage risk while paperwork is processed. The ten year twenty four hour design standard should apply to primary conveyances and treatment systems, not every small swale that shifts as mining advances. Where existing impoundments have a clean performance record, the permit should accept them with professional certification rather than require reconstruction. For soaps and wash water, manage through collection and treatment best management practices at monitoring points instead of a blanket ban, and allow non detergent rinsing in controlled areas that do not reach stormwater.

Coordination with other programs should be explicit. The permit should avoid conflicts with the Department of Natural Resources role in mine reclamation and make clear that mined pit ponds are treated as waters of the state only after reclamation is complete and the DNR permit is closed. If Critical Aquifer Recharge Area triggers are kept, they should match local designations and rest on a clear scientific basis. Where this permit diverges from the Industrial Stormwater General Permit, Ecology should either explain the technical reason or harmonize the language.

Finally, consistent implementation requires clear guidance and training. The permit should distinguish compliance assistance visits from compliance inspections, define when assistance changes to enforcement, and provide an easy escalation path with supervisor contacts when there is disagreement in the field. Adding standardized forms in the appendices for common updates will reduce delays and paperwork traps.

Thank you for considering these comments. Our edits are meant to make the permit clearer, predictable, and easier to enforce while keeping the focus on measurable protection at the actual points of discharge.

1. Permit Coverage and NAICS Codes – Section S1, Appendix A

Change
The Draft 2026 SGGP expands permit coverage. Section S1 states:

"This general permit covers discharges from facilities in Washington State that conduct activities designated by one or more of the North American Industry Classification (NAICS) Codes or activities listed in Table 2." (Draft 2026 SGGP, Section S1)

It also adds a new "Coverage for Similar Facilities" clause:

"In addition to the activities listed in Table 2, Ecology may require facilities conducting similar activities to obtain coverage under this general permit when all the following criteria apply: [similar discharge characteristics, ownership/operation, and listed types of discharges]." (Draft 2026 SGGP, Section S1)

By contrast, the 2021 SGGP limited coverage strictly to listed NAICS/Ecology Codes:

"This general permit covers discharges from facilities in Washington State that conduct activities designated by one or more of the North American Industry Classification (NAICS) Codes or activities listed in Table 1." (2021 SGGP, Section S1)

The 2021 SGGP referenced "similar activities" only by tie to Table 1, without detailed criteria.

ISGP comparison
The 2025 Industrial Stormwater General Permit (ISGP) lists covered sectors in Appendix 1 but does not include a catch-all "similar facilities" provision.

Out-of-state comparison

- Oregon 1200-C (2021): Section 1.1 limits coverage to defined construction stormwater activities (clearing, grading, excavation). It contains no "similar facilities" clause.
- California IGP (2018): Coverage is restricted to SIC codes listed in Attachment A, with expansions requiring a formal permit modification.

Comment

- **Policy**: RCW 90.48.260 authorizes Ecology to issue general permits for "categories of discharges." The undefined "similar facilities" provision risks arbitrary expansion beyond clear categories. Washington Supreme Court precedent in *Swinomish Indian Tribal Community v. Ecology*, 178 Wn.2d 571 (2013), underscores that Ecology must act within clear statutory and regulatory boundaries.
- **Technical**: Without defined criteria, the term "similar activities" is open to subjective interpretation by inspectors or permit managers, creating inconsistency across regions.
- **Economic**: Facilities excluded from SGGP coverage because of unclear criteria may be forced into individual NPDES permits, which cost $20,000–$50,000 annually. These costs were not accounted for in the Small Business Economic Impact Analysis (SBEIA).
- **Positive aspect:** If written clearly, the "similar activities" clause could reduce duplicative individual permitting and improve regulatory consistency across facilities with comparable pollutant profiles.

Suggested Change
Retain the ability to include similar facilities but provide objective, measurable criteria in the permit text (Appendix A or a new Appendix). If Ecology cannot include such criteria in the permit, the "similar facilities" clause should be removed.

Proposed Language
"Facilities are eligible for coverage under this permit if they operate under the NAICS/Ecology Codes listed in Appendix A. Facilities not explicitly listed may only be required to obtain coverage if this permit includes objective criteria demonstrating that pollutant sources and discharge pathways are substantially similar to those listed. If criteria are not included in this permit, only the facilities listed in Appendix A are eligible for coverage."

2. Narrative Effluent Standards — Section S2

Change
• **Surface water (effluent):** Draft 2026 Section S2.A continues the prohibition on visible oil/petroleum sheen or grease in the receiving water (Draft 2026 SGGP, S2.A).
• **Groundwater (effluent):** "There must be no visible oil sheen or grease present at any points of discharge to groundwater." (Draft 2026 SGGP, S2.B).
• **Inspections (not effluent limits):** Draft 2026 includes visual checks for "observable change in color or odor in the stormwater discharge(s)" in the inspection/visual monitoring requirements (Draft 2026 SGGP, S7).

• **2021 comparison:** The 2021 permit already prohibited visible sheen for surface water and groundwater, but the groundwater clause did not expressly include "grease" (2021 SGGP, S2.A and S2.B). References to discoloration/turbidity/odor appeared in inspection language, not as effluent limits (2021 SGGP, S7).

ISGP comparison

• "Discharges must not cause or contribute to a violation of water quality standards." (2025 ISGP, S3.A). The ISGP ties appearance to water quality standards and does not elevate inspection terms like "odor" into enforceable effluent limits.

Out-of-state comparison

• **Oregon 1200-C:** Uses numeric benchmarks (for example, turbidity relative to background) and an oil sheen prohibition; it does not set stand-alone "odor" or "color" effluent bans.
• **California IGP:** Relies on Numeric Action Levels/Effluent Limits (for example, pH, TSS, oil & grease) rather than narrative "odor/color" prohibitions.

Comment

• **Policy:** Washington law requires use of all known, available, and reasonable methods (AKART). Importing inspection terms such as "odor" or "color" into enforceable effluent limits would create vague, subjective standards that are difficult to apply uniformly.
• **Technical:** Natural conditions at aggregate sites (iron bacteria films, mineral foams, tannins) can create visible appearance changes without pollutant additions. Without objective test methods or numeric triggers, compliance determinations will be inconsistent.
• **Economic:** Subjective appearance criteria risk inconsistent citations or costly retrofits even when numeric benchmarks and water quality standards are met; these impacts are not addressed in the Small Business Economic Impact Analysis.

Suggested Change

• Retain clear, objective effluent prohibitions (for example, visible oil/petroleum sheen/grease).
• Do not elevate inspection descriptors (odor/color) into effluent limits unless Ecology provides objective methods or numeric triggers in the permit text.
• Keep any appearance observations related to "odor/color" within inspection sections only.

Proposed Language

• Retain 2021 permit language; remove references to vague non-specific standards.

Citations

• Draft 2026 Sand & Gravel General Permit: Sections S2.A, S2.B; Section S7 (inspection/visual monitoring).
• 2021 Sand & Gravel General Permit: Sections S2.A, S2.B; Section S7 (inspection/visual monitoring).
• Industrial Stormwater General Permit 2025: Section S3.A.
• RCW 90.48.010; WAC 173-201A; WAC 173-200.

3. Soap Prohibition — Sections S2 and Appendix B

Change

• Surface water effluent: "All soap-impacted waters are prohibited from discharge to surface waters of the state." (Draft 2026 SGGP, S2.A)

• Groundwater effluent: "All soap-impacted waters are prohibited from discharge to ground waters of the state." (Draft 2026 SGGP, S2.B)

• Definition classification: "Soap-impacted water refers to water affected by any natural or synthetic cleaning agents or foaming agents... Such soap-impacted waters are classified as process waters." (Draft 2026 SGGP, Appendix B, Soap-impacted water)

• Related definition: "Soaps is any type of cleaning agent or foaming agent that contains surfactants capable of reducing the water's surface tension... This definition encompasses soaps, surfactants, synthetic detergents, emulsifiers, and other foaming agents." (Draft 2026 SGGP, Appendix B, Soaps)

• 2021 comparison: The 2021 SGGP did not impose a categorical prohibition on soaps or "soap-impacted waters." It addressed vehicle and equipment cleaning through best management practices, including collection and routing of wash water to proper systems and treatment in lined impoundments. (2021 SGGP, S6, Vehicle and Equipment Cleaning BMPs)

ISGP comparison

The Industrial Stormwater General Permit manages detergents and surfactants via best management practices and non-stormwater controls at outfalls. It does not impose a universal ban on soap-containing wash water and relies on plan-based controls and containment.

Out-of-state comparison

Oregon 1200-C and California's Industrial General Permit manage wash waters under best management practices and, where applicable, numeric action levels; neither uses a categorical ban on "soap-impacted" water when it is collected, contained, treated, or reused.

Comment

• Policy: A universal ban on "soap-impacted" waters departs from an AKART approach under RCW 90.48.010, which emphasizes practical prevention, control, and treatment. Without pollutant-specific justification and objective compliance methods, a categorical prohibition is vulnerable to arbitrary application.

• Technical: The draft definitions sweep in biodegradable, low-toxicity surfactants and then classify any water they contact as process water, but provide no analytical method or decision threshold to determine when water is "soap-impacted." General permits must contain clear, specific, and measurable requirements; narrative-only controls are not sufficient. See Environmental Defense Center v. EPA, 344 F.3d 832, 855–856 (9th Cir. 2003).

• Implementation history: Ecology inspectors have long treated soapy wash waters as process water routed through oil-water separators, with on-site reuse common at concrete operations, including return to concrete batch water. These practices have been openly discussed and implemented; there has been no attempt to conceal them.

• Economic: A universal ban would force closed-loop retrofits or sewer connections where existing best management practices already control risk, imposing substantial capital and operating costs not reflected in the Small Business Economic Impact Analysis.

Suggested Change

• Remove the categorical prohibitions on "soap-impacted waters" in S2.A and S2.B and the corresponding Appendix B classification, unless Ecology establishes pollutant-specific justification and objective, permit-referenced compliance methods.
• If Ecology retains controls on soaps, manage them through best management practices consistent with the 2021 SGGP: collect and contain wash waters, route through oil-water separators or equivalent treatment. Allow ground infiltration when a Chemical Use Plan demonstrates protection of groundwater quality under WAC 173-200.
• Conduct a one-year baseline study to establish sector conditions before adopting any standing monitoring or prohibitions beyond final monitoring points.

Proposed Language

• Remove: "All soap-impacted waters are prohibited from discharge to surface waters of the state." (S2.A)
• Remove: "All soap-impacted waters are prohibited from discharge to ground waters of the state." (S2.B)
• Remove: Appendix B clause classifying "soap-impacted waters" as process waters.
• Add clarification in S6 and S3.D: Vehicle and equipment wash waters must be collected and routed to a proper collection and treatment system, such as an oil-water separator or lined impoundment, and may not enter the stormwater drainage system. Collected wash waters may be reused on site, including return to concrete batch water, provided they are managed to protect surface water quality under WAC 173-201A and groundwater quality under WAC 173-200.
• Add study provision in S4: Ecology may require a one-year, time-limited baseline study for soaps or surfactants, specifying approved analytical methods and decision thresholds, applied only at designated monitoring points that represent final discharge.

Citations

Draft 2026 Sand and Gravel General Permit: Sections S2.A, S2.B; Appendix B (Soaps; Soap-impacted water); S3.D; S6.
2021 Sand and Gravel General Permit: Section S6, Vehicle and Equipment Cleaning BMPs.
RCW 90.48.010 (AKART).
WAC 173-201A (surface water quality standards).
WAC 173-200 (groundwater quality standards).
Environmental Defense Center v. EPA, 344 F.3d 832, 855–856 (9th Cir. 2003).

4. Concrete Recycling and Recycled Concrete Aggregates (RCA) — Section S6; cross-reference S8.B.2; Appendix B

Change

- Draft 2026 requires specific BMPs for ECY002 concrete recycling in Section S6, including routing recycled concrete impacted stormwater to a treatment structure, a lined or unlined impoundment, or other capital BMPs for treatment; placing recycled concrete stockpiles or recycling activities on an impervious surface with a cross-reference to Section S8.B.2; and using

a cover to prevent direct stormwater contact with the recycled concrete stockpile (Draft 2026 SGGP, Section S6; cross-reference S8.B.2).

- Appendix B defines Impermeable Liner and Impermeable Surface and cites examples such as 6 inches of hardened concrete or hardened asphalt (Draft 2026 SGGP, Appendix B, Impermeable Liner; Impermeable Surface).
- By comparison, the 2021 permit set performance-based concrete recycling BMPs, including siting, setbacks, and treatment where needed, but did not impose a blanket requirement that all recycled concrete stockpiles be on impervious pads. It did require impervious surfaces for certain high-risk materials and required treatment of stormwater that contacted those materials (2021 SGGP, Section S6).

ISGP comparison

- The Industrial Stormwater General Permit manages recycled materials with source control BMPs and non-stormwater controls and allows functionally equivalent approaches that meet performance standards. It does not impose a universal impervious-pad requirement for all recycled concrete stockpiles.

Out-of-state comparison

- Oregon 1200-C and California's Industrial General Permit emphasize performance standards and containment or treatment where needed. They do not prescribe a single statewide construction detail such as mandatory impervious pads for all recycled concrete stockpiles.

Comment

- Policy: Making impervious pads the default construction detail for all recycled concrete stockpiles shifts a general, performance-based permit toward a one-size-fits-all design mandate. AKART is best implemented through performance with flexibility for functionally equivalent solutions.
- Technical: Site conditions vary widely. In many locations, grading, berms, covers, and routed conveyance to lined or unlined impoundments or other capital BMPs provide equal protection without full-yard paving. Draft 2026 already lists these options; elevating impervious pads to a de facto requirement is unnecessary in many hydrogeologic settings.
- Economic: Mandatory impervious pads for all ECY002 stockpiles can create substantial capital and maintenance costs, especially at rural or small facilities, and these costs are not fully reflected in the SBEIA.

Suggested Change

- Retain the performance-based list in Section S6 but do not mandate impervious surfaces as a universal condition. Allow any functionally equivalent combination of BMPs that achieves the same protection, including siting, grading, berms, covers, and routed conveyance to lined or unlined impoundments or other capital BMPs.

- If an impervious option is retained, allow certification of an engineered low-permeability surface by a professional engineer, licensed geologist, or other appropriate licensed professional as an acceptable equivalent to 6 inches of hardened concrete or hardened asphalt.

Proposed Language

- Replace the impervious-surface mandate in Section S6 for ECY002 with: "Manage recycled concrete stockpiles and recycling areas using functionally equivalent BMPs that prevent contact and migration of alkaline leachate to surface water or groundwater. Acceptable options include, individually or in combination, covers, berms, grading, routed conveyance to lined or unlined impoundments, engineered low-permeability surfaces certified by a licensed professional, or other capital BMPs that meet AKART. Where an impervious surface is used, it may consist of 6 inches hardened concrete, 6 inches hardened asphalt, or a professionally engineered equivalent consistent with the 'Impermeable Surface' definition in Appendix B."
- Retain the existing groundwater protection and siting triggers from 2021 where applicable.

Citations

- Draft 2026 Sand and Gravel General Permit: Section S6 (Concrete Recycling BMPs); Section S8.B.2 (industrial areas and impervious references); Appendix B (Impermeable Liner; Impermeable Surface).
- 2021 Sand and Gravel General Permit: Section S6 (Concrete Recycling BMPs, performance-based siting and treatment).
- RCW 90.48.010 (AKART).

5. Groundwater TDS and Surface-Water Hexavalent Chromium Monitoring — Section S4; Section S2.B; CARA applicability; NAICS applicability

Change

• **Groundwater TDS (limit for certain activities):** Draft 2026 sets a 500 mg/L Total Dissolved Solids value for groundwater under S2.B for ECY002 activities and adds related provisions in S4.
• **Groundwater TDS (monitor and report only for mining in CARA):** Draft 2026 S4 applies TDS monitoring to NAICS 212321 only when discharging to Critical Aquifer Recharge Areas and provides a consistent-attainment off-ramp at 500 mg/L.
• **Surface-water hexavalent chromium (monthly):** Draft 2026 S4 requires monthly dissolved hexavalent chromium for surface-water discharges from NAICS 327331, 327332, 327390, 327999, and ECY002.
• **2021 comparison:** The 2021 SGGP did not include these sector-specific TDS and hexavalent chromium requirements or the CARA-only TDS construct.

ISGP comparison

• ISGP uses sector benchmarks with a public technical record and consistent-attainment pathways; it does not impose a mixed "limit vs. report-only" groundwater TDS framework or a sector-limited monthly hexavalent chromium requirement.

Out-of-state comparison

• **Oregon 1200-C:** No blanket groundwater TDS regime; monitoring is primarily surface-water based with numeric benchmarks and off-ramps.
• **California IGP:** Surface-water focused with Numeric Action Levels and Numeric Effluent Limits; no analogous groundwater TDS program or sector-limited monthly hexavalent chromium.

Comment

• **Policy:** Draft 2026 applies two different TDS regimes without publishing the technical basis for treating sectors differently.
• **Technical:** If 500 mg/L is a reporting screen in one context and a limit in another, the permit must provide methods, background adjustments, and rationale; that record is not presented.
• **Economic:** These requirements add recurring laboratory and potential treatment costs that are not fully addressed in the Small Business Economic Impact Analysis.
• **Data transparency:** Ecology has not published the datasets supporting these new parameter additions.

Suggested Change

• Remove the new groundwater TDS and surface-water hexavalent chromium requirements unless and until Ecology publishes a peer-reviewed technical basis demonstrating need and practicability.

Proposed Language

• **Delete** the groundwater TDS monitoring and reporting requirements in Section S4 for NAICS 212321 in Critical Aquifer Recharge Areas.
• **Delete** the groundwater TDS effluent limit and associated monitoring and reporting for ECY002 in Section S2.B and Section S4.
• **Delete** the monthly dissolved hexavalent chromium monitoring and reporting requirement for surface-water discharges from NAICS 327331, 327332, 327390, 327999, and ECY002 in Section S4.
• If Ecology later develops and publishes an adequate technical record, any reintroduced requirements must include objective methods, applicability criteria, and consistent-attainment off-ramps stated in the permit text.

6. Runoff Conveyance and Treatment BMPs; ESCP Clarifications and 10-year/24-hour Design — Sections S3,S6, S7; Water Management; Definitions

Change

• **Water management (conveyance sizing):** Draft 2026 requires "any ditch, channel, or other BMPs" to contain all flows up to the 10-year, 24-hour event, with limited exceptions (Draft 2026 SGGP, Water Management; S3/S6/S7 cross-references).
• **Impoundments:** Draft 2026 sets the 10-year, 24-hour event as the design storm for treatment impoundments (Draft 2026 SGGP, Impoundment Capacity).
• **ESCP content:** Draft 2026 expands required runoff conveyance and treatment BMP details in the ESCP (Draft 2026 SGGP, S6; S7).
• **Definitions:** Draft 2026 defines "Design Storm" as the 10-year, 24-hour precipitation event and references Ecology's stormwater manuals (Draft 2026 SGGP, Appendix B).

ISGP comparison

• ISGP requires BMPs and sizing consistent with the applicable Stormwater Management Manual, but does not mandate that every on-site ditch or routing feature be built to the 10-year, 24-hour event (ISGP 2025, S5).

Out-of-state comparison

• Oregon 1200-C and California IGP emphasize performance standards and local manual criteria; they do not require all internal routing ditches to meet a universal 10-year, 24-hour standard for every feature.

Comment

• **Policy:** A blanket 10-year, 24-hour standard for "any ditch, channel, or other BMPs" turns a general permit into a site-specific design mandate and is inconsistent with practicable, performance-based AKART implementation.
• **Technical:** Not all on-site drainage elements are primary conveyances. Minor swales that simply route water to treatment can be sized per manual guidance with safe overflow to structures designed for larger events.
• **Economic:** Requiring a professional engineer to redesign and re-certify every minor routing change would disrupt daily mine operations where cut/fill and stockpile moves routinely alter local drainage. The engineering cost and production downtime are significant and are not captured in the Small Business Economic Impact Analysis.
• **Data gap:** Ecology has not provided data demonstrating that the 2021 approach to conveyance sizing and BMP management caused water quality harm that necessitates a universal 10-year, 24-hour design for all internal features.

Suggested Change

• **Keep the 2021 sizing approach:** Retain the 2021 SGGP framework in Section S6/S7 that uses performance-based BMP design and does not require every on-site ditch or routing feature to meet the 10-year, 24-hour standard.
• Limit the 10-year, 24-hour design requirement to primary conveyances, discharge structures, and capital treatment or containment systems.
• Continue to allow use of the applicable Ecology Stormwater Management Manual (and NOAA Atlas 2 precipitation where referenced) for establishing design rainfall and methods, with professional-engineer or licensed geologist certification required only for new primary systems.

7. Impermeable Surface and Liner Definitions; Impoundment Use and "Ponding to Ground" — Section S8.B; Appendix B

Change

• New or revised definitions in Appendix B for Impermeable Liner and Impermeable Surface (also "impervious surface"), including examples such as 6 inches of hardened concrete or hardened asphalt.
• Cross-references in S8.B apply these definitions to industrial areas and treat ponding or infiltration to ground as a discharge that must be routed, contained, or otherwise managed.
• 2021 comparison: The 2021 SGGP relied on performance-based BMPs and did not categorically preclude unlined impoundments from serving as secondary containment where protective.

ISGP comparison

• ISGP emphasizes performance standards and allows functionally equivalent engineered solutions rather than prescribing a single construction detail for all sites.

Out-of-state comparison

• Oregon 1200-C and California IGP emphasize source control and performance-based compliance; neither universally requires paved pads nor categorically bans unlined containment where protection is demonstrated.

Comment

• Policy: Elevating broad definitions into de facto construction mandates in S8.B shifts a general permit toward site-specific design without a published technical record.
• Technical: The permit does not distinguish primary handling areas from lower-risk areas. Engineered low-permeability surfaces, berms, covers, and routed conveyance to treatment or lined impoundments can provide equal or better protection than blanket paving.
• Economic: Paving large industrial yards and prohibiting unlined secondary containment imposes high capital and maintenance costs, especially where mining footprints shift. The Small Business Economic Impact Analysis does not capture these cumulative costs.
• Data gap: Ecology has not provided data showing that the 2021 performance-based approach caused water quality harm requiring universal impervious or liner construction or a categorical bar on unlined secondary containment.

Suggested Change

• Keep the 2021 performance-based approach for S8 areas: require effective containment and routing to treatment, and allow functionally equivalent engineered solutions.
• Where impermeable elements are retained, allow certification by a professional engineer, licensed geologist, or other appropriate licensed professional that a surface or liner is effectively impermeable for the intended loading and site conditions.
• Clarify that temporary or permanent impoundments may serve as secondary containment when they meet defined performance (no discharge, adequate freeboard, inspection and maintenance) and are documented in the SMP or SWPPP.
• Treat incidental ponding in managed infiltration areas as compliant when routed to treatment or when demonstrated not to cause groundwater quality exceedances under Chapter 173-200 WAC.

Proposed Language

• Appendix B — Impermeable Surface and Impermeable Liner: "Impermeable Surface (impervious surface) or Impermeable Liner means a surface or system that prevents percolation to soil at a rate protective of water quality for the intended use. A surface or liner shall be deemed impermeable if it consists of 6 inches of hardened concrete, 6 inches of hardened asphalt, a minimum 40-mil synthetic liner, or a professional engineer, licensed geologist, or other appropriate licensed professional certifies an equivalent design meeting the same performance."
• S8.B — Industrial Areas and Containment: "Provide containment and routing to treatment appropriate to risk. Primary handling areas must use impermeable surfaces or liners, or an equivalent engineered system certified by a professional engineer, licensed geologist, or other appropriate licensed professional. Other areas may use functionally equivalent BMPs (berms, covers, engineered low-permeability pads, routed conveyance to lined or unlined impoundments) that prevent discharge to

waters of the state."
• Secondary containment via impoundments: "Impoundments may serve as secondary containment where design and operation prevent discharge and are documented in the SMP or SWPPP."
• Ponding or infiltration: "Ponding in managed infiltration areas is acceptable where flows are routed to approved treatment or containment or where the permittee demonstrates protection of groundwater quality under Chapter 173-200 WAC."

Citations
• Draft 2026 Sand and Gravel General Permit: Section S8.B; Appendix B (Impermeable Liner; Impermeable or Impervious Surface).
• 2021 Sand and Gravel General Permit: Sections S6–S8; Appendix B.
• WAC 173-200 (Groundwater Quality Standards).

8. Application Updates and "Substantial Changes" — Section S12

Change
• **Scope:** The Draft 2026 SGGP requires permittees to notify Ecology of facility changes and submit updated application/plan materials under Section S12. However, "substantial change" is not defined with objective triggers, and the required forms and submittal pathways are not consolidated in the permit.

ISGP comparison
• The ISGP requires timely notice of material modifications and ties certain updates to clear, objective triggers (for example, new outfall, change in discharge type), which improves consistency and predictability.

Out-of-state comparison
• Oregon 1200-C and California IGP identify specific change types (for example, new discharge, change in treatment system, significant expansion) that require notice or reauthorization, reducing discretionary interpretation.

Comment
• **Policy:** A general permit must apply uniformly to a category of dischargers. Without objective triggers for "substantial change," implementation can vary by region and inspector, creating uncertainty and potential unequal treatment.
• **Technical:** Changes at aggregate facilities range from routine operational shifts (stockpile moves, routing swales) to major process additions (ready-mix, asphalt, new outfalls). Treating all modifications the same burdens both permittees and Ecology and can distract from truly material changes affecting water quality.
• **Economic:** Ambiguity around "substantial change" can force unnecessary engineering, re-submittals, and downtime while Ecology decides case-by-case. These costs and delays are not reflected in the Small Business Economic Impact Analysis.

Suggested Change
• Define "substantial change" in Section S12 with clear, objective triggers and timelines.

• Require that all change-related submittals use permit appendices (standardized forms) to ensure consistent information and processing.

Proposed Language

• **Definition (add to Appendix B):** "Substantial change means a the expansion of a facility by more than 5% by total permit area, the addition of a new site use code for Ready Mix concrete or asphalt production, or the addition of a surfacewater discharge."
• **Notification (S12):** "The permittee must submit a Substantial Change Notice within at least 30 days prior to operating the change."
• **Non-substantial changes (S12):** "Relocation or regrading of internal conveyances within existing controlled areas, stockpile moves within established managed areas, and maintenance or in-kind replacement of existing BMPs are not substantial changes."
• **Standardized forms (Appendix):** "All notifications shall use the permit's Substantial Change Notice form or the Site Information Update form (appendices). The Legal Responsible Person update shall use the dedicated Responsible Official Change form (appendix). Ecology shall not require use of the Notice of Intent for routine updates."

9. Oil Sheen Monitoring Limited to Monitoring Points — Sections S2.A, S2.B, S7; Appendix B

Change

• **Draft 2026:** Daily visual checks for oil/petroleum sheen are tied to "discharge points," and the draft definition of "discharge point" includes locations where water infiltrates or may infiltrate to groundwater. This effectively turns many infiltration areas into de facto monitoring points (Draft 2026 SGGP, S2, S7; Appendix B, "Discharge point").
• **2021 comparison:** The 2021 SGGP required visual observations and sampling at designated monitoring points that represent final discharge, not at every potential infiltration location (2021 SGGP, S2, S4, S7).

ISGP and EPA framework comparison

• **ISGP (Washington):** Visual monitoring is performed at outfalls or designated monitoring points representing final discharge to waters of the state, not at diffuse infiltration areas (ISGP 2025, S3–S4).
• **EPA framework:** EPA's NPDES program defines an "outfall" as the point where a discharge enters waters of the United States (40 CFR 122.2), and the 2021 MSGP requires routine visual assessments "at each outfall" that discharges to receiving waters (MSGP 2021, Part 3.2). The Draft 2026 approach—daily sheen checks at all "discharge points," including infiltration areas—diverges from this outfall-based model. While states may be more stringent, Ecology should align terminology and monitoring focus to avoid impracticable obligations.

Out-of-state comparison

• Oregon 1200-C and California's Industrial General Permit apply visual checks at discharge locations/outfalls; neither requires routine sheen monitoring at every potential infiltration area.

Comment

• **Policy:** Expanding "discharge point" beyond outfalls and then requiring daily sheen checks at those locations is inconsistent with EPA's outfall-centric monitoring framework (40 CFR 122.2; MSGP 2021, Part 3.2) and departs from Washington's own ISGP structure without a clear, documented need.

• **Technical:** Large aggregate sites intentionally use infiltration and diffuse drainage. Daily sheen checks at "every permeable surface that allows water to infiltrate" are impracticable and dilute attention from true outfalls and engineered discharge locations where sheen observations are meaningful indicators.
• **Economic:** Treating numerous infiltration areas as daily inspection points drives significant labor and documentation costs for mines and batch plants. These feasibility and cost impacts are not addressed in the Small Business Economic Impact Analysis.

Suggested Change
• Limit visual oil/petroleum sheen monitoring to **designated monitoring points** that represent final discharge (surface-water outfalls and any defined groundwater monitoring points).
• For clarity and consistency with EPA and the ISGP, specify that daily visual sheen checks are not required at diffuse infiltration areas or incidental ponding areas that are not monitoring points.

Proposed Language
• **Keep 2021 approach:** "Conduct daily visual monitoring for oil/petroleum sheen at designated monitoring points that represent final discharge. Daily visual monitoring is not required at locations that are not monitoring points."
• If retaining the broadened "discharge point" definition: "For purposes of visual oil sheen monitoring, 'discharge point' means a monitoring point designated under this permit that represents final discharge."

Citations
• Draft 2026 Sand & Gravel General Permit: Sections S2, S7; Appendix B ("Discharge point").
• 2021 Sand & Gravel General Permit: Sections S2, S4, S7.
• 40 CFR 122.2 (definition of "outfall" under NPDES).
• EPA Multi-Sector General Permit (2021), Part 3.2 (visual assessments at each outfall).
• ISGP (2025), Sections S3–S4 (monitoring at outfalls/monitoring points).

10. Standardized Forms and Administrative Updates — Section S12; Appendices

Change
• Draft 2026 requires submittals for changes and updates under Section S12 but does not include standardized forms in the permit appendices for routine updates such as Site Information Updates or Responsible Official changes (Draft 2026 SGGP, S12).
• 2021 similarly required updates but also did not provide permit-attached forms, leading to inconsistent submittals and use of the Notice of Intent as a catch-all (2021 SGGP, S12).

ISGP comparison
• The ISGP ties common updates to clear submittal types and form-based processes, improving consistency and turnaround for administrative changes.

Out-of-state comparison
• Oregon 1200-C and California IGP include or reference standardized update forms and clear submittal pathways, which reduces confusion and prevents delays for routine administrative changes.

Comment

• **Policy:** Without permit-attached forms, Ecology staff and permittees rely on ad hoc templates or the Notice of Intent for unrelated updates, causing inconsistent implementation and avoidable rework.
• **Technical:** Missing fields and varying formats increase the chance of incomplete submittals and processing delays for time-sensitive changes (for example, monitoring point updates tied to construction milestones).
• **Economic:** Re-submittals and delays add staff time and may postpone field work, with costs not captured in the Small Business Economic Impact Analysis.

Suggested Change

• Include standardized forms in permit appendices for: Site Information Update, Responsible Official change, Substantial Change Notice, Monitoring Point change, and Chemical Use Plan submittal.
• Require use of these forms and prohibit the Notice of Intent from being used as a catch-all for routine updates.
• Add acknowledgment timelines: email receipt within 2 business days and completeness review within 10 business days for administrative forms.

Proposed Language

• "Appendix [X] contains standardized forms that must be used for Site Information Updates, Responsible Official changes, Substantial Change Notices, Monitoring Point changes, and Chemical Use Plan submittals. Ecology will acknowledge receipt within 2 business days and complete a completeness review within 10 business days. The Notice of Intent shall not be used for routine administrative updates."

Citations

• Draft 2026 Sand and Gravel General Permit: Section S12.
• 2021 Sand and Gravel General Permit: Section S12.

11. "Significant Process Change" and "Significant Amounts" — Appendix B; Sections S6, S11, S12

Change

- Draft 2026 continues to use the subjective terms "significant amounts" and "significant process change" across inventories, attestations, and update triggers (Draft 2026 SGGP, S6, S11, S12; Appendix B).
- The 2021 permit used similar terms but implementation relied more on objective, performance-based triggers (2021 SGGP, S6, S11, S12; Appendix B).

ISGP comparison

- The ISGP uses clear events to trigger updates (for example, new outfall, new discharge type, added industrial activity) rather than subjective "significant" thresholds.

Out-of-state comparison

- Oregon 1200-C and California IGP rely on specified change events (for example, added treatment, increased exposure) rather than undefined "significant" determinations.

Comment

- Policy: Undefined thresholds invite inconsistent interpretation and uneven enforcement.
- Technical: Operators need bright-line triggers that tie to discharges, monitoring points, or clearly defined changes in operations.
- Economic: Ambiguity drives unnecessary filings and re-engineering to "be safe," with costs not reflected in the Small Business Economic Impact Analysis.

Suggested Change

- Retire the subjective term "significant amounts" in favor of using "Significant Materials" and objective exposure criteria.
- Redefine "Significant Process Change" narrowly to focus on adding a new major site use, (i.e. Ready Mix Concrete Manufacturing to a Mine) that materially changes pollutant sources and discharge pathways.
- Remove "industrial area increase" as a trigger and replace it with a simple, bright-line "permit area" increase threshold.

Proposed Language

- Appendix B — Significant Amounts: "Delete the term 'Significant Amounts.' Use the existing 'Significant Materials' definition and require inventory and controls for materials with a reasonable potential for exposure to stormwater or process water."
- Appendix B — Significant Process Change: "Significant Process Change means the addition of a new major site use that was not previously authorized under this permit coverage, including but not limited to adding ready-mix concrete manufacturing, asphalt manufacturing, or other major industrial production lines that introduce new pollutant sources or new discharge pathways. Accessory uses like ECY001 at an asphalt plant are not significant process changes."
- Section S12 — Application/Updates: "Submit an update when either of the following occurs: (1) a Significant Process Change as defined in Appendix B; or (2) a more than five percent increase in the total permitted site area. Routine operational adjustments that do not add a new major site use and do not increase the total permitted site area by more than five percent do not require an S12 update."
- Section S6 — Inventory: "List all Significant Materials with a reasonable potential for exposure; do not use a 'significant amounts' screen."

Citations

- Draft 2026 Sand and Gravel General Permit: Sections S6, S11, S12; Appendix B (definitions).
- 2021 Sand and Gravel General Permit: Sections S6, S11, S12; Appendix B.
- ISGP 2025: monitoring and update structure based on objective events.

12. Remove Annual Report / Attestation — Section S10 G

Change

- Draft 2026 retains a separate Annual Attestation in Section S10 G that requires a permittee certification in addition to Discharge Monitoring Report certifications and event based updates.

ISGP comparison

- The Industrial Stormwater General Permit relies on Discharge Monitoring Report certifications and event based update notices; it does not require a separate annual attestation.

Out of state comparison

- Oregon 1200 C and the California Industrial General Permit rely on routine monitoring certifications and event based submittals; neither requires a stand alone annual attestation.

Comment

- Policy: A separate annual attestation is duplicative of the federal certification that must accompany each Discharge Monitoring Report under 40 CFR 122.22 and adds paperwork without improving accountability.
- Technical: The annual attestation hinges on ambiguous concepts such as significant amounts and significant process changes, creating compliance risk without clear thresholds; Discharge Monitoring Reports and objective update triggers already provide current, enforceable information.
- Economic: Preparing and reviewing an annual attestation consumes staff time; these costs are not addressed in the Small Business Economic Impact Analysis.

Suggested change

- Remove Section S11 Annual Attestation and rely on existing Discharge Monitoring Report certifications under 40 CFR 122.22 and on clear, objective triggers in Section S12 for update notices.
- Require an internal annual Stormwater Pollution Prevention Plan or Site Management Plan review that is kept on site and provided to Ecology upon request rather than routinely submitted.

Proposed language

- Delete Section S10 G Annual Attestation.

Citations

- Draft 2026 Sand and Gravel General Permit, Section S11.
- 2021 Sand and Gravel General Permit, Section S11.
- 40 CFR 122.22.

- Industrial Stormwater General Permit 2025, Sections S3 to S4.
- Oregon 1200 C, Schedule A and Schedule B.
- California Industrial General Permit, standard certification and reporting provisions.

13. Fact Sheet versus Permit; Guidance and Data Incorporation — WAC 173-226-110; Draft 2026 SGGP Fact Sheet and Permit

Change

• The draft relies on the Fact Sheet to explain technical bases (for example, new parameters, narrative standards, design expectations) and references external guidance not included in the permit. Substantive expectations appear in explanations rather than in enforceable permit text.

ISGP comparison

• The Industrial Stormwater General Permit places enforceable obligations in the permit and uses the fact sheet only to explain the basis. Where Ecology expects specific methods, thresholds, or procedures, they are stated or incorporated by reference in the permit itself.

Out-of-state comparison

• Oregon 1200-C and California's Industrial General Permit treat the fact sheet as explanatory. Substantive requirements, definitions, and procedures appear in the permit or incorporated appendices, not solely in the fact sheet.

Comment

• Policy: Under WAC 173-226-110, a fact sheet explains the basis for a general permit; it is not the enforceable instrument. Relying on the fact sheet for operative standards creates legal ambiguity and inconsistent implementation.
• Technical: If Ecology expects specific design thresholds, monitoring scopes, or definitions (for example, narrative criteria methods, groundwater TDS applicability, hexavalent chromium scope, impermeable surface criteria), those details must be in the permit so permittees can implement them consistently.
• Economic: When key expectations are only described in the fact sheet or external guidance, facilities face uncertainty, redesign risk, and inconsistent inspector expectations. These risks are not addressed in the Small Business Economic Impact Analysis.

Suggested Change

• Move any operative requirement that appears only in the Fact Sheet into the permit body or appendices with edition/date.
• Incorporate by reference any external guidance that Ecology intends to enforce and include the edition/date in an appendix.
• Publish datasets supporting new requirements in the Fact Sheet and summarize the key decision criteria in the permit.
• Add the Fact Sheet to the permit package as an additional appendix for transparency, clearly labeled as explanatory and not enforceable.
• Create a separate "Technical Basis Appendix" that is incorporated by reference and enforceable only for the specific methods, thresholds, and procedures it contains.

Proposed Language

• "The Fact Sheet is explanatory and not enforceable. All enforceable requirements, definitions, procedures, and applicability criteria shall be contained in this permit or incorporated by reference in the appendices with edition/date specified. If there is a conflict between the Fact Sheet and this permit, this permit governs."
• "The Fact Sheet shall be attached as Appendix FS for transparency and public reference. Appendix FS does not create enforceable obligations."
• "Ecology shall create a Technical Basis Appendix (Appendix TB) incorporated by reference into this permit that lists the specific methods, thresholds, and procedures Ecology intends to enforce, including title, version, and date."
• "Ecology shall publish and cite the datasets and technical analyses supporting new monitoring or control requirements in the Fact Sheet and summarize applicability and methods in the permit text."

Citations

• WAC 173-226-110 (fact sheet's explanatory role).
• Draft 2026 Sand and Gravel General Permit and Draft 2026 Fact Sheet.
• Industrial Stormwater General Permit 2025.
• Oregon 1200-C; California Industrial General Permit.

14. Critical Aquifer Recharge Areas and TDS Monitoring — Appendix B; Section S4

Change

- The draft uses Critical Aquifer Recharge Areas to trigger new groundwater requirements, including Total Dissolved Solids monitoring for NAICS 212321 when discharging to CARA (Section S4).
- Appendix B defines CARA by reference to local government designations under the Growth Management Act, citing WAC 365-190-100.

ISGP comparison

- The Industrial Stormwater General Permit does not use CARA-based triggers and focuses monitoring on outfalls to surface water.

Comment

- Policy: CARA is designated by cities and counties under the Growth Management Act using best available science (RCW 36.70A.172; WAC 365-190-100). Ecology should not expand or reinterpret local CARA boundaries through a general permit.
- Technical: It is unclear that the new TDS monitoring for NAICS 212321 in CARA is supported by published, peer-reviewed science or Ecology's own released datasets. TDS is a conservative parameter with natural background variability; the draft does not provide a technical basis showing that CARA-specific monitoring at a 500 mg/L reporting level is needed or that it correlates with water quality risk at sand and gravel mines. Without method details, background adjustment, or sector-specific justification, implementation will be inconsistent.

- Economic: CARA-based monitoring adds recurring sampling and hydrogeologic consulting costs and may spur unnecessary infrastructure changes. These costs are not addressed in the Small Business Economic Impact Analysis.
- Consistency with state standards: Groundwater protection is already governed by Chapter 173-200 WAC. Adding a CARA-only TDS program without a shared technical record risks duplicative or arbitrary regulation.

Suggested Change

- Remove the CARA-based TDS monitoring requirement for NAICS 212321 and any other CARA-driven monitoring or controls unless Ecology publishes a sector-specific, peer-reviewed scientific basis that demonstrates need and practicability.
- If any CARA provisions are retained, tie applicability strictly to the locally adopted CARA map or a written local determination; publish the supporting datasets in the Fact Sheet; and convert any remaining TDS effort to a time-limited study rather than a standing requirement.

Proposed Language

- Delete from Section S4: all TDS monitoring requirements that apply only because a NAICS 212321 facility is located in a Critical Aquifer Recharge Area.
- Revise Appendix B (CARA): "For purposes of this permit, CARA applicability shall be based solely on the locally adopted CARA map or a written determination issued by the local government with jurisdiction. Ecology shall not expand or reinterpret CARA beyond the local designation."
- If a study is desired: "Ecology may request a time-limited TDS study at a NAICS 212321 site located within a locally designated CARA when site-specific information indicates a reasonable potential to affect groundwater quality under Chapter 173-200 WAC. Any such study must identify methods, background corrections, and duration in writing at Ecology's expense."

Citations

- Draft 2026 Sand and Gravel General Permit: Section S4; Appendix B (Critical Aquifer Recharge Area definition).
- 2021 Sand and Gravel General Permit: no CARA-based TDS monitoring requirement in Section S4.
- RCW 36.70A.172 (best available science for critical areas).
- WAC 365-190-100 (critical aquifer recharge areas; local designation).
- WAC 173-200 (groundwater quality standards).

15. Narrative Effluent Standards for Odor, Color, Film, Scum — Sections S2.A and S2.B

Change
Draft 2026 adds narrative prohibitions in S3FA, S43a.A and Appendix B such as no odor, no visible color change, no film, and no scum as discharge standards.

Comment

- These narrative standards are subjective and invite uneven enforcement unless the permit provides objective field methods, observation conditions, and background-adjustment procedures.
- Courts have held that stormwater permits must contain clear, specific, and measurable requirements, not open-ended narratives. See Environmental Defense Center v. EPA, 344 F.3d 832, 855–856 (9th Cir. 2003) (general permits must include "necessary, clear, and measurable requirements").
- Washington's water quality standards already contain narrative criteria (for example, aesthetics and oil/grease). If Ecology wishes to enforce these through the SGGP, the permit must specify where they apply (at monitoring points only), how to determine exceedances, and how to account for natural background and non-facility sources.

Suggested Change
Keep the 2021 approach and remove the new narrative discharge prohibitions unless Ecology adds objective, permit-referenced methods and applies them only at monitoring points that represent final discharge.

Proposed Language
Delete the added narrative odor, color, film, and scum prohibitions.

Citations
Environmental Defense Center v. EPA, 344 F.3d 832 (9th Cir. 2003).
WAC 173-201A (surface water quality standards, narrative provisions).

16. SMP and SWPPP Roles; Approvals and Signatures — Sections S6, S7, S12

Change
Draft 2026 expands Site Management Plan and Stormwater Pollution Prevention Plan content and updates and implies Ecology approval in multiple places.

Comment

- These plans are implementation documents that are owned and executed by the permittee. Routine updates should not require Ecology approval.
- A person identified in the Stormwater Pollution Prevention Plan may review and update the Site Management Plan for minor changes, such as moving an existing monitoring point or adding a new monitoring point, provided the change is documented and mapped.
- A signature by the Legally Responsible Official is required only for major modifications, such as adding a new major site use that introduces new pollutant sources or discharge pathways.

- Discharge Monitoring Reports already carry the 40 CFR 122.22 certification. Duplicative approval signatures for routine edits do not improve water quality and slow field work.

Suggested Change
State clearly that Ecology reviews for conformance but does not "approve" routine plan updates; allow the plan custodian named in the Stormwater Pollution Prevention Plan to make minor updates; require the Legally Responsible Official's signature only for major modifications under S12.

Proposed Language
"Stormwater Pollution Prevention Plan and Site Management Plan are permittee-executed documents. Ecology reviews for conformance but does not approve updates. The plan custodian identified in the Stormwater Pollution Prevention Plan may revise the Site Management Plan for minor changes (for example, moving an existing monitoring point, adding a new monitoring point). A Legally Responsible Official signature is required only for major modifications under Section S12, including adding a new major site use."

Citations
40 CFR 122.22 (signatory and certification).
Draft 2026 SGGP, Sections S6, S7, S12.

17. Inspection and Enforcement Consistency; Industry-Specific Guidance and Training — Sections S2, S4, S6–S8; Appendix B

Change
Draft 2026 introduces provisions that depend on inspector judgment and undefined or new terms (for example, narrative appearance standards, oil-sheen checks beyond monitoring points, "soap-impacted water," "significant amounts," impermeable versus permeable).

Comment

- The industry is seeing inconsistent enforcement on these topics from region to region. Without written, permit-referenced guidance, expectations vary widely, causing rework, appeals, and downtime.
- General permits must contain clear, specific, and measurable requirements. See Environmental Defense Center v. EPA, 344 F.3d 832, 855–856 (9th Cir. 2003).
- Consistent statewide implementation requires plain-language guidance, sector-specific BMPs for sand and gravel, ready-mix, asphalt, and concrete recycling, and training for both inspectors and permittees.

Suggested Change
Remove these provisions or direct Ecology to publish and maintain an SGGP Implementation Guide with industry-specific BMPs and job aids, and to provide statewide training for inspectors and permittees before enforcing the new provisions.

Proposed Language
"Ecology shall publish an SGGP Implementation Guide concurrent with this permit that includes field

procedures for visual monitoring at monitoring points, narrative appearance assessment methods, classification and management of soap-impacted water, application of impermeable versus permeable surfaces, and use of terms such as significant amounts. Ecology shall develop and publish sector-specific BMPs for sand and gravel, ready-mix, asphalt, and concrete recycling, and provide training materials for inspectors and permittees. Enforcement of the new provisions identified above shall begin only after guidance publication and training availability."

Citations
Environmental Defense Center v. EPA, 344 F.3d 832 (9th Cir. 2003).
Draft 2026 SGGP, Sections S2, S4, S6–S8; Appendix B.

18. Oil-Water Separators Required in High-Traffic Areas — Section S2.AD

Change
• Draft 2026 requires oil sheen monitoring for any area that infiltrates to ground effectively requiring paving, grading, and direction to an oil-water separators or equivalent oil control in high-traffic industrial areas.

ISGP comparison
• The ISGP uses risk-based source control best management practices and allows functionally equivalent solutions; separators are one option, not a universal mandate for all high-traffic areas.

Out-of-state comparison
• Oregon 1200-C and California IGP emphasize performance-based controls; neither mandates separators at all high-traffic areas.

Comment
• Policy: A defacto blanket separator mandate converts a general permit into a site-specific design standard and reduces flexibility to use equally protective best management practices such as covers, curbing, drip pans, and rapid response cleanup.
• Technical: Many high-traffic zones do not produce free product when source controls are in place. Hard-routing all such areas to separators can create hydraulic and maintenance burdens without added water quality benefit.
• Economic: Designing, installing, and certifying multiple separators at dynamic mine footprints adds capital and operations and maintenance costs that are not captured in the Small Business Economic Impact Analysis.

Suggested Change
• Keep the 2021 performance approach by requiring effective oil control at high-risk areas while allowing functionally equivalent best management practices.
• Where a separator is used, size only primary drainage to the unit; do not require minor or temporary routing features to be hard-piped.

• Allow certification by a professional engineer, licensed geologist, or other appropriate licensed professional that an alternative system achieves equal or better oil control.

Proposed Language
Revert to 2021 language for monitoring points and oil sheen inspection.

Citations
• Draft 2026 SGGP: S8.B; S3.D; Appendix B.

19. Spill Reporting, De Minimis, and Prompt Cleanup Clarity — Section S9A2

Change
• Draft 2026 requires reporting of spills that reach surface water, ground, or unlined impoundments and mandates prompt cleanup, but it does not define de minimis, reportability thresholds, or what constitutes prompt cleanup.

ISGP comparison
• The ISGP focuses spill reporting on releases that reach or threaten receiving waters and distinguishes minor, contained drips and routine housekeeping from reportable releases.

Out-of-state comparison
• Oregon 1200-C and California IGP focus reporting on spills that reach or threaten waters via a conveyance; minor, fully contained drips handled under housekeeping are not reportable events.

Comment
• Policy: Without thresholds, a single drip could be construed as a reportable spill to ground, creating confusion about when to notify Ecology or federal hotlines.
• Technical: "Prompt cleanup" lacks a measurable timeframe and documentation standard; clarity is needed on when containment and cleanup have successfully mitigated a release.
• Economic: Over-reporting trivial drips adds downtime and administrative burden and can overwhelm agency resources without environmental benefit; these costs are not addressed in the Small Business Economic Impact Analysis.

Suggested Change
• Define de minimis petroleum releases that are fully contained and cleaned up on impervious or engineered low-permeability surfaces as not reportable.
• Tie reportability to reaching a conveyance to surface water, a water of the state, or unlined soil with a reasonable potential to migrate beyond immediate cleanup.
• Define "prompt cleanup" and the required documentation.

Proposed Language
"De minimis petroleum drips or small releases that are immediately contained, absorbent-recovered, and removed from service areas, with no entry to storm conveyances, surface waters, or unlined soil, are not reportable under S9. Report spills that reach waters of the state, surface waters, or monitoring points with a reasonable potential to migrate beyond immediate cleanup. 'Prompt cleanup' means

initiation within one hour of discovery and completion as soon as practicable, with absorbent recovery, proper disposal, and photo and log documentation maintained in the Site Management Plan."

Citations
• Draft 2026 SGGP: S10.F.1.

20. Groundwater Discharge and Incidental Ponding — Section S2.B; Appendix B

Change
• Draft 2026 treats water that ponds or infiltrates within on-site basins or areas not routed to a monitoring point as a discharge to groundwater and applies S2.B narrative standards, with related definitions in Appendix B.

ISGP comparison
• The ISGP is outfall-based and does not regulate internal, managed infiltration features as discharges unless they constitute an actual point source to receiving waters.

Out-of-state comparison
• Oregon 1200-C and California IGP focus on outfalls and receiving waters; incidental on-site ponding managed within best management practice systems is not treated as a regulated discharge absent a pathway to waters.

Comment
• Policy: Labeling all internal ponding or managed infiltration as a groundwater discharge blurs compliance boundaries and can create perpetual monitoring obligations for reclaimed or managed areas.
• Technical: Engineered basins and low-permeability pads can demonstrate protection of groundwater under Chapter 173-200 WAC without treating incidental ponding as a discharge.
• Economic: Expanding "discharge to ground" to incidental ponding drives unnecessary monitoring points and consulting costs that are not addressed in the Small Business Economic Impact Analysis.

Suggested Change
• Clarify that incidental ponding within managed infiltration areas or within engineered basins documented in the Site Management Plan is not a regulated discharge unless site-specific information demonstrates a reasonable potential to exceed Chapter 173-200 WAC.
• Apply groundwater narrative standards only at designated groundwater monitoring points.

Proposed Language
"Incidental ponding within managed infiltration areas or engineered basins documented in the Site Management Plan is not a regulated discharge. Groundwater narrative criteria in S2.B apply only at designated groundwater monitoring points."

Citations
• Draft 2026 SGGP: S2.B; Appendix B.
• WAC 173-200.

21. Chemical Use Plan Scope, Templates, and Approval Timelines — Section S3 S6

Change

• Draft 2026 uses the Chemical Use Plan across multiple permit functions without providing a permit appendix template, objective triggers for when a Chemical Use Plan is required, or review timelines.

ISGP comparison

• The ISGP uses chemical management within the SWPPP with clear applicability and does not require open-ended pre-approvals without timelines.

Out-of-state comparison

• Oregon 1200-C and California IGP rely on SWPPP-based chemical management with defined expectations and do not impose open-ended approvals without schedules.

Comment

• Policy: An undefined Chemical Use Plan requirement functions like a pre-approval gate and can delay routine operations; a general permit should include objective thresholds, a standard form, and predictable review timelines.
• Technical: Only chemicals with a reasonable potential for exposure or discharge should trigger a Chemical Use Plan; internal closed-loop uses with no discharge should not.
• Economic: Lack of a template and timelines leads to rework and downtime; costs and schedule impacts are not addressed in the Small Business Economic Impact Analysis.

Suggested Change

• Add a Chemical Use Plan template as a permit appendix and limit applicability to chemicals with a reasonable potential for exposure to stormwater or process water.
• Establish a 14-day Ecology review window with a deemed-approved default if no comments are issued, and add an emergency 24-hour notification pathway for urgent operational needs.
• Allow the SWPPP custodian to submit Chemical Use Plan updates for minor changes; require Legally Responsible Official signature only when adding a new major site use that changes discharge pathways.

Proposed Language

• "Chemical Use Plan is required only for chemicals with a reasonable potential for exposure or discharge. The plan shall use the Appendix [X] template."
• "Ecology shall complete review within 14 calendar days of receipt; if no comments are issued in that period, the submittal is deemed approved. An emergency notification pathway is available for urgent changes, with a complete plan submitted within 24 hours."
• "Minor Chemical Use Plan updates may be submitted by the SWPPP custodian. Legally Responsible Official signature is required only when adding a new major site use that introduces new pollutant sources or new discharge pathways."

Citations

• Draft 2026 SGGP: Section S6; cross-references S2, S3.D.
• WAC 173-201A; WAC 173-200.
• Chapter 78.44 RCW (Surface Mining Act) for coordination context with reclamation timelines.

22. Discharge Point Definition and Alignment with Monitoring Points — Sections S2, S4, S7; Appendix B

Change

• Draft 2026 defines "discharge point" broadly to include locations where water infiltrates or may infiltrate to groundwater, and then uses that term to anchor visual monitoring and other obligations.
• 2021 focused monitoring at designated monitoring points that represent final discharge.

ISGP and EPA framework comparison

• The ISGP performs visual assessments and monitoring at outfalls or designated monitoring points.
• Under NPDES, an "outfall" is the point of discharge to waters of the United States (40 CFR 122.2). EPA's 2021 MSGP requires routine visual assessments "at each outfall."

Out-of-state comparison

• Oregon 1200-C and California IGP are outfall-focused and do not treat diffuse infiltration areas as routine monitoring locations.

Comment

• Policy: Expanding "discharge point" to include diffuse infiltration areas and then imposing monitoring at those locations departs from the outfall-centric model used in the ISGP and EPA's MSGP and risks impracticable, uneven enforcement.
• Technical: Large aggregate sites intentionally use infiltration and diffuse drainage; monitoring must be focused on designated monitoring points that represent final discharge.
• Economic: Treating many infiltration areas as monitoring points creates significant recurring labor and documentation burdens not reflected in the Small Business Economic Impact Analysis.

Suggested Change

• Align the definition and monitoring language with the 2021 approach and the ISGP/EPA framework by limiting routine monitoring to designated monitoring points representing final discharge.
• Clarify that diffuse infiltration areas and incidental ponding are not "discharge points" for purposes of visual or routine monitoring unless they are designated monitoring points.

Proposed Language

• "Discharge point means a location where stormwater or process water leaves the facility and enters waters of the state. For purposes of monitoring under this permit, obligations apply at designated monitoring points that represent final discharge."
• "Diffuse infiltration areas and incidental ponding that are not designated monitoring points are not subject to routine visual monitoring."

Citations

• Draft 2026 SGGP: Sections S2, S4, S7; Appendix B.
• 2021 SGGP: Sections S2, S4, S7.
• 40 CFR 122.2; EPA MSGP 2021, Part 3.2.

23. Implementation Timeline and Phase-In for New Requirements — Section S12; Sections S2, S4

Change

- The Draft 2026 SGGP states: "No discharge is authorized until the effective date of permit coverage as provided in Special Condition S12.C below." (Draft 2026 SGGP, S12.C)
- Under "Permit Coverage Timeline," coverage "will begin on the later of the following: The thirty-first (31st) day after Ecology receives the completed application. The thirty-first (31st) day after the end of a thirty (30) day public comment period. The effective date of the general permit." (Draft 2026 SGGP, S12.C)
- The draft does not provide a phase-in period for new monitoring or infrastructure (for example, groundwater TDS provisions in S4, surface-water hexavalent chromium in S4, or new containment and routing standards in S8).

ISGP comparison

- The Industrial Stormwater General Permit ties new or escalated requirements to clear effective dates, off-ramps, and event-based triggers; it does not silently require immediate compliance with new monitoring and design obligations mid-cycle.

Out-of-state comparison

- Oregon 1200-C and California's Industrial General Permit typically allow reasonable lead time for new parameters or structural controls through schedules or implementation milestones.

Comment

- Policy: Without a defined phase-in, new monitoring and infrastructure requirements become immediately enforceable upon the permit's effective date, which is impracticable for design, procurement, construction, and laboratory onboarding.
- Technical: Changes such as new monthly dissolved hexavalent chromium sampling (S4) or new conveyance/design standards (S6–S8) require design and supply lead time.
- Economic: Capital projects, procurement, and new lab methods have non-trivial timelines and costs not captured in the Small Business Economic Impact Analysis.

Suggested Change

- Add a phase-in schedule for new requirements: monitoring no sooner than the first full calendar quarter after the permit's effective date; design and capital items no sooner than 12 months after the effective date, unless an imminent water-quality risk is documented in writing.

Proposed Language

- "New or expanded monitoring requirements in this reissuance shall begin on the first day of the first full calendar quarter at least 180 days after the effective date of this permit."

- "New or revised design, containment, or routing requirements shall be implemented within 12 months of the effective date, unless Ecology documents in writing an imminent risk to water quality warranting an earlier date."
- "For any requirement added after issuance, Ecology shall provide a written compliance schedule with milestones."

Citations

- Draft 2026 SGGP, S12.C (effective date; Permit Coverage Timeline).
- Draft 2026 SGGP, S4 (monitoring framework), S6–S8 (design/containment).

24. Responsible Official and Site Information Update Forms — Section S12; General Condition G1

Change

- The draft provides some forms, for example "Change Request Form (ECY 070-32)" for transfer of coverage and an "Activity Status Change Form," but there is no dedicated, permit-attached form to change the Legally Responsible Official or to make routine Site Information Updates unrelated to a transfer. (Draft 2026 SGGP, S12)
- Signatory requirements appear in General Condition G1, including who may sign and how to designate a duly authorized representative. "All applications must be signed and certified. In the case of corporations, by a responsible corporate officer." (Draft 2026 SGGP, G1)

ISGP comparison

- The Industrial Stormwater General Permit uses standardized, permit-referenced forms for common administrative updates, improving consistency and turnaround time.

Out-of-state comparison

- Oregon 1200-C and California's Industrial General Permit provide clear form pathways for responsible official changes and administrative updates.

Comment

- Policy: Without permit-attached forms, permittees and staff resort to ad hoc submittals or the Notice of Intent as a catch-all, leading to inconsistent implementation.
- Technical: Changes to the Legally Responsible Official and routine Site Information Updates should not require a transfer package; they should have their own short forms aligned with G1 signatory rules.
- Economic: Incomplete or mis-routed submittals cause rework and delay.

Suggested Change

- Add two standardized forms as permit appendices: Site Information Update and Responsible Official Change.

- Tie both to G1 signatory rules and set short Ecology acknowledgment timelines.

Proposed Language

- "Appendix [X] includes a Site Information Update Form for routine administrative changes. Appendix [Y] includes a Responsible Official Change Form to update the Legally Responsible Official or duly authorized representative in accordance with General Condition G1. Ecology will acknowledge receipt within two business days and complete a completeness review within ten business days. The Notice of Intent shall not be used for these updates."

Citations

- Draft 2026 SGGP, S12 (administrative updates; forms referenced for other purposes).
- Draft 2026 SGGP, G1 (Signatory requirements).

25. Mined Pit Ponds, Waters of the State, and DNR Reclamation Coordination — Sections S2, S3; Section S12.C; Appendix B

Change

- The draft includes a "Mined Pit Pond" provision: "Discharges to a mined pit pond are not required to comply with … turbidity effluent limits specified in Special Condition S2.A." (Draft 2026 SGGP, S3, Mined Pit Pond)
- The draft defines "Outfall" as "a point where a discharge from a facility enters a receiving water body or receiving waters." (Draft 2026 SGGP, Appendix B, Outfall)
- The draft also addresses groundwater discharges and impoundments, and it specifies termination and coordination points related to mining operations in S12.C (for example, restoration and termination steps; references to Department of Natural Resources coordination appear in S12.C).

ISGP comparison

- The Industrial Stormwater General Permit is outfall-based and does not reclassify internal pits or managed impoundments as surface waters; obligations apply at outfalls to receiving waters.

Out-of-state comparison

- Oregon 1200-C and California's Industrial General Permit focus on outfalls and receiving waters; mine or borrow pits are treated as internal features unless expressly designated as receiving waters.

Comment

- Policy: The permit should clearly state when a mined pit pond is treated as a receiving water versus an internal impoundment. During active mining under an approved Department of Natural Resources reclamation plan, the pond functions as a managed process-water feature. Reclassification as a receiving water, if intended, should occur only after reclamation is

completed and accepted by the Department of Natural Resources and the pond meets "surface waters of the state" conditions.

- Technical: During active mining, pits are typically part of closed or semi-closed process-water systems. Applying surface-water effluent limits or narrative appearance criteria inside a managed pit is inconsistent with outfall-based permitting.
- Economic: Treating active pits as receiving waters forces unnecessary monitoring points, design retrofits, and capital upgrades not addressed in the Small Business Economic Impact Analysis.

Suggested Change

- Clarify that mined pit ponds are internal process-water features during active mining and reclamation and are not treated as receiving waters unless and until reclamation is complete and the pond is accepted as final by the Department of Natural Resources and the reclamation permit is removed from the site.
- Apply surface-water criteria only at outfalls to receiving waters. Where infiltration to ground is proposed from pits, apply groundwater standards under Chapter 173-200 WAC at designated monitoring points.
- Coordinate termination of coverage and any reclassification with Department of Natural Resources milestones to avoid conflicting directives.

Proposed Language

- "For facilities operating under an approved Department of Natural Resources reclamation plan, mined pit ponds are managed process-water features and are not treated as receiving waters. Surface-water effluent limits and narrative criteria apply only at outfalls to receiving waters. Upon completion of reclamation and acceptance along with permit removal by the Department of Natural Resources a pit pond meets the conditions to be treated as a surface water of the state for purposes of this permit."
- "Groundwater protection for pits or basins that infiltrate is demonstrated at designated groundwater monitoring points in accordance with Chapter 173-200 WAC."

Citations

- Draft 2026 SGGP, S3 (Mined Pit Pond provision); S2 (effluent limits), S12.C (termination and coordination steps).
- Draft 2026 SGGP, Appendix B (Outfall; Discharge to Groundwater; Surface Waters of the State).
- Chapter 78.44 RCW (Surface Mining Act) for reclamation authority and milestones.

26. Annual Reporting Scope and Calendar-Year Alignment — Section S10;

Change

• The Draft 2026 includes an "Annual Report" requirement with the heading "Annual Report" and the line "Annually, by January 30" describing the due date and required confirmations for the prior year's activity.

• The Draft also adds a new heading "Fiscal Year Sand & Gravel Production Reporting," yet the accompanying text states "Annually, by January 30 ... for the previous calendar year," creating an internal mismatch between a fiscal-year header and calendar-year reporting content.

ISGP comparison

• The Industrial Stormwater General Permit uses calendar-year-based annual reporting deadlines and relies on Discharge Monitoring Report certifications and event-based updates rather than duplicative attestations.

Out-of-state comparison

• Oregon 1200-C and the California Industrial General Permit tie annual reporting to fixed, calendar-year due dates; neither mixes a "fiscal year" heading with calendar-year reporting text.

Comment

• Policy: Mixing a "fiscal year" label with "previous calendar year" text creates ambiguity and invites inconsistent administration.

• Technical: Operators align training, inspections, and recordkeeping to calendar-year cycles; changing cycle basis midstream complicates datasets and compliance verification.

• Economic: Reconciliation across fiscal and calendar bases adds avoidable administrative cost; these costs are not captured in the Small Business Economic Impact Analysis.

Suggested Change

• Use calendar-year reporting uniformly and consolidate all annual attestations into a single Annual Report deliverable due January 30 that references Discharge Monitoring Report certifications under 40 CFR 122.22.

• Remove the separate Annual Attestation / Report in Section S10 and integrate its confirmations into the Annual Report checklist.

Proposed Language

"Annual Report. Annually, by January 30, Permittees submit one consolidated Annual Report for the previous calendar year that confirms required plan reviews and inspections and cross-references Discharge Monitoring Report certifications under 40 CFR 122.22. The heading 'Fiscal Year Sand & Gravel Production Reporting' is deleted and replaced with 'Calendar Year Production Reporting.'"

Citations

• Draft 2026 SGGP: Section S9 Annual Report heading and text at lines 815–821; heading "Fiscal Year Sand & Gravel Production Reporting" at lines 757–761.

• Draft 2026 SGGP: Section S11 (Annual Attestation).

• 40 CFR 122.22 (signatory and certification).

27. Laboratory Accreditation, Methods, and Data Usability — Section S4; "Laboratory Accreditation" heading; Table of Recommended Methods

Change

• The Draft includes a "Laboratory Accreditation" subsection and a table of "Recommended Analytical Methods and Quantitation Levels," but it does not specify method versioning, holding times, preservation, matrix-specific reporting limits, or how laboratories with limited certification capacity will be accommodated for new parameters.

ISGP comparison

• The Industrial Stormwater General Permit references EPA-approved methods and provides method specificity sufficient for data usability and comparability.

Out-of-state comparison

• Oregon 1200-C and the California Industrial General Permit tie permit parameters to defined, cited methods with holding times and reporting limit expectations to avoid unusable data.

Comment

• Policy: General permits should state clear, enforceable method requirements so that submitted data are defensible and comparable.
• Technical: Parameters like dissolved hexavalent chromium and total dissolved solids require explicit method references, preservation and holding times, method detection limit and quantitation limit expectations, and field filtration requirements to ensure data quality.
• Economic: Absent clarity, resampling due to method or holding-time errors increases costs and can cause unintended noncompliance; lab capacity constraints for specialized methods further elevate risk.

Suggested Change

• In Section S4, explicitly cite EPA method references and editions, field filtration requirements for dissolved parameters, required preservation and maximum holding times, reporting limit targets, and data qualifiers for below-quantitation results.
• Allow temporary method alternatives when certified laboratory capacity is constrained, with Ecology pre-approval and documented comparability.

Proposed Language

"Laboratory Accreditation and Methods. Use EPA-approved methods as listed in 40 CFR Part 136, citing method number and edition in the monitoring plan. For dissolved parameters, field filter to 0.45 µm. Specify preservation and maximum holding times, target reporting limits, and acceptance of qualified results where laboratory method detection does not achieve targets due to matrix interferences. Ecology may approve a temporary alternative method when certified laboratory capacity is limited, provided comparability is demonstrated."

Citations

• Draft 2026 SGGP: Section S4 (Monitoring Requirements); subsection heading "Laboratory Accreditation"; table "Recommended Analytical Methods and Quantitation Levels for Monitoring Parameters."

28. Vehicle and Equipment Leak Inspections — Section S7 Inspections; Vehicle and Equipment Provisions

Change

• The Draft expands inspection text under "Inspections" and includes direction regarding equipment, machinery, and vehicles operating on-site, and monthly site inspection obligations for leaks and housekeeping.

ISGP comparison

• The Industrial Stormwater General Permit requires routine site inspections but does not layer a separate, permit-wide monthly vehicle-by-vehicle inspection mandate when daily pre-trip checks under company safety programs provide equivalent leak screening.

Out-of-state comparison

• Oregon 1200-C and California Industrial General Permit rely on routine facility inspections and housekeeping; neither requires duplicative monthly vehicle leak inspections in addition to standard operational pre-trip checks.

Comment

• Policy: A separate monthly vehicle leak inspection mandate duplicates safety pre-trip programs and inflates paperwork without measurable water quality benefit.
• Technical: Daily pre-trips already check for leaks and remove defective equipment from service; facility-wide monthly inspections should focus on drainage, BMP function, and evidence of exposure at designated industrial areas.
• Economic: Duplicative inspections divert time from maintaining conveyance and treatment systems and add administrative burden not reflected in the Small Business Economic Impact Analysis.

Suggested Change

• Keep monthly facility inspections focused on drainage, BMPs, and evidence of exposure; recognize daily pre-trip checks as the vehicle leak control program.
• Require documentation retention for pre-trips and corrective actions rather than a new, separate monthly vehicle inspection.

Proposed Language

"Inspections. Conduct monthly facility inspections focusing on industrial areas, drainage, conveyance, and BMP performance. Vehicle and equipment leak control is satisfied by documented daily pre-trip inspections and prompt removal of leaking equipment from service, with corrective actions retained for at least one year. No additional permit-wide monthly vehicle leak inspection is required."

Citations

• Draft 2026 SGGP: Section S7 Inspections; equipment and vehicle housekeeping provisions.

29. Groundwater TDS Limit Versus CARA Monitor-and-Report — Sections S2.B and S4

Change

• The draft sets a numeric TDS limit for certain sectors discharging to groundwater: "The total dissolved solid concentration must be less than or equal to 500 mg/L, measured as 'maximum daily,' collected at a minimum of once per month, for Permittees conducting NAICS Code 327320, 327331 327332, 327390, and/or 327999, and/or Ecology Code ECY002." (Draft 2026 SGGP, S2.B, lines 251–253)

• Separately, the draft adds a CARA-specific TDS monitor-and-report program only for NAICS 212321, with an off-ramp at 500 mg/L: "Permittees conducting NAICS Code 212321 activities and discharging to CARA... may request a reduction in monitoring frequency... [and] may discontinue TDS monitoring... Consistent attainment is achieved when eight (8) consecutive samples demonstrate a total dissolved solids concentration equal to or less than 500 mg/L." (Draft 2026 SGGP, S4, lines 396–402)

ISGP comparison

• The ISGP uses surface-water benchmarks with public technical bases and off-ramps; it does not impose a mixed groundwater TDS limit for some sectors and a CARA-only monitor-and-report scheme for another.

Out-of-state comparison

• Oregon 1200-C and California IGP are surface-water focused and do not apply a statewide groundwater TDS limit by sector.

Comment

• Policy: Two different TDS regimes (an enforceable 500 mg/L limit for listed NAICS under S2.B, and monitor-and-report for NAICS 212321 in CARA under S4) lack a published, peer-reviewed technical basis explaining the difference.

• Technical: If 500 mg/L is appropriate as a reporting screen in one context and an enforceable limit in another, the permit should provide method, background, and applicability rationale.

• Economic: New monthly groundwater TDS sampling and potential treatment costs are not fully addressed in the Small Business Economic Impact Analysis.

Suggested Change

• Remove both the S2.B groundwater TDS limit and the S4 CARA-only TDS program unless Ecology publishes a sector-specific, peer-reviewed basis. If data gathering is desired, convert TDS to a time-limited study at designated monitoring points with defined methods and a sunset date.

Proposed Language

• Delete S2.B TDS limit and related text at lines 251–253.

• Delete S4 CARA-only TDS monitoring and off-ramp at lines 396–402.

• Add: "Ecology may conduct a time-limited TDS study with specified methods and duration at designated monitoring points; results will inform any future reissuance."

Citations

• Draft 2026 SGGP: S2.B (lines 251–253); S4 (lines 396–402).

30. Surface-Water Dissolved Hexavalent Chromium Monitoring Scope — Section S4

Change

• For certain activities that discharge process water to surface water, the draft requires monthly dissolved hexavalent chromium: "Permittees discharging process waters to a surface water… NAICS Code 327331, 327332, 327390, and/or 327999, and/or Ecology Code ECY002… must collect, analyze, and report to Ecology the dissolved hexavalent chromium concentration at a minimum frequency of once per month." (Draft 2026 SGGP, S4, lines 388–390)

ISGP comparison

• The ISGP adds sector-specific parameters only with a public technical basis; it does not impose monthly dissolved hexavalent chromium sampling across multiple manufacturing codes without a shared record.

Out-of-state comparison

• Oregon 1200-C and California IGP do not impose a blanket monthly dissolved hexavalent chromium requirement for ready-mix, precast, or aggregate-adjacent sectors.

Comment

• Policy/Technical: The draft does not provide a permit-referenced technical record establishing that these sectors' surface-water discharges contain dissolved hexavalent chromium at levels warranting monthly monitoring. Without methods, holding times, reporting limits, and background considerations in the permit text, data comparability and enforcement will be inconsistent.
• Economic: Monthly Cr(VI) adds recurring laboratory and logistics costs not fully captured in the Small Business Economic Impact Analysis.

Suggested Change

• Remove the monthly dissolved hexavalent chromium requirement unless Ecology publishes a sector-specific technical basis and fully specifies methods and data quality objectives in the permit.

Proposed Language

• Delete S4 dissolved hexavalent chromium requirement at lines 388–390.
• If a study is desired: "Ecology may require a time-limited dissolved hexavalent chromium study at selected sites, specifying EPA-approved methods, preservation, holding times, and reporting limits."

Citations

• Draft 2026 SGGP: S4 (lines 388–390).

31. Impermeable Surface and Liner Criteria; Equivalency Pathway — S8.B; Appendix B; BMP listing

Change

• The draft specifies construction materials for surfaces used to prevent discharge to groundwater, including enumerated materials and a catch-all equivalency clause:
"Hardened concrete (not to include recycled concrete aggregates unless a binder is added)," and "Hardened asphalt (not to include a reclaimed asphalt aggregates unless a binder is added), or "A functionally equivalent material based on standard engineering practices or approved by Ecology to meet the intent of this section." (Draft 2026 SGGP, S8.B BMP list, lines 609, 612–613)

• Appendix B definitions include: "Impermeable Liner is composed of impermeable surfaces used to impede the flow of liquids... Impermeable liners include, but are not limited to 6-inches of hardened concrete or hardened asphalt." (Draft 2026 SGGP, Appendix B, line 1239)
• "Impermeable Surface – also known as impervious surface – is a surface area that either prevents or slows the infiltration of fluids... including... connected, extensive monolithic hardened concrete or hardened asphalt or other surfaces which similarly impedes the natural infiltration of stormwater." (Draft 2026 SGGP, Appendix B, line 1241)

ISGP comparison
• The ISGP emphasizes performance-based BMPs and allows engineered alternatives without prescribing statewide construction details.

Out-of-state comparison
• Oregon 1200-C and California IGP allow functionally equivalent engineered solutions; neither sets a single statewide construction prescription for all facilities.

Comment
• Policy/Technical: The draft elevates examples (6 inches hardened concrete or asphalt) into de facto statewide standards. Sites with different hydrogeology can achieve equal protection using engineered low-permeability systems without paving. The permit should provide a clear, professional-certification pathway for equivalency.
• Economic: Paving or replacing large areas to meet a one-size criterion is costly and inflexible for active mines; the Small Business Economic Impact Analysis does not account for these cumulative costs.

Suggested Change
• Keep performance-based outcomes and add an explicit equivalency pathway that accepts a professionally certified design in lieu of prescriptive paving. Include a non-pavement liner option.

Proposed Language
• "A surface or liner is deemed impermeable if it consists of 6 inches hardened concrete, 6 inches hardened asphalt, a minimum 40-mil synthetic liner, or an equivalent engineered system that prevents percolation at a rate protective of groundwater quality. Equivalency may be certified by a professional engineer, licensed geologist, or other appropriate licensed professional. Ecology approval is not required when a stamped certification is provided."

Citations
• Draft 2026 SGGP: S8.B BMP list (lines 609, 612–613).
• Draft 2026 SGGP: Appendix B, Impermeable Liner (line 1239); Impermeable Surface (line 1241).

32. Disposal of Sediment Trackout Wastewater and Sludge — Section S8.E.1; Related BMP Text

Change
• The draft states: "The Permittee must dispose of sediment track out wastewater or sludge in accordance with the following:" (Draft 2026 SGGP, line 671)
• "No discharge to surface waters of the state, a public storm water system, or a private storm conveyance that ultimately discharges to a surface water of the state." (line 672)

• "Disposal may be to an on-site impoundment that does not discharge to groundwater (Special Condition S8.E.1). Or, discharge to a groundwater monitoring point is required at this disposal location." (line 673)
• If on-site criteria cannot be met, materials "must be stored and disposed of at a permitted solid waste facility," or the permittee "must request approval from Ecology 30 days prior to discharge." (lines 675–676)

ISGP comparison
• The Industrial Stormwater General Permit allows solids management in on-site containment without automatically creating new groundwater monitoring points when containment is demonstrably protective; monitoring attaches at designated monitoring points.

Out-of-state comparison
• Oregon 1200-C and California's Industrial General Permit focus on keeping waste out of surface conveyances and allow on-site containment and decant facilities; they do not automatically require a new groundwater monitoring point for every on-site sludge disposal location.

Comment
• Policy: Requiring a "groundwater monitoring point" at each on-site disposal location is ambiguous and risks proliferating monitoring points without evidence of risk.
• Technical: Properly designed lined or engineered impoundments that do not discharge to ground already meet permit intent; groundwater standards are demonstrated at designated monitoring points, not at every containment feature.
• Economic: Creating and sampling new groundwater points for routine sludge handling adds recurring consulting and lab costs not reflected in the Small Business Economic Impact Analysis.

Suggested Change
• Clarify that disposal to a lined or engineered impoundment that does not discharge to ground is acceptable with no new groundwater monitoring point.
• Require groundwater monitoring only where an engineered analysis shows a reasonable potential to affect groundwater quality under Chapter 173-200 WAC.

Proposed Language
Remove and revert to 2021 SGGP language.

Citations
• Draft 2026 SGGP: lines 671–676; Special Condition S8.E.1.
• WAC 173-200 (groundwater quality standards).

33. Design Storm Basis and Local Precipitation Reference — Appendix B; Sections S6–S8

Change
• "10-year, 24-hour Precipitation Event means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years." (Draft 2026 SGGP, line 1177)
• "Design Storm means the precipitation event that is used to design stormwater facilities," … "10-year, 24-hour precipitation event. Refer to Ecology's Stormwater Management Manual for Western

Washington or the Stormwater Management Manual for Eastern Washington for the selection of the storm event and additional information." (lines 1206–1208)

ISGP comparison
• The Industrial Stormwater General Permit relies on the Ecology stormwater manuals and allows local precipitation frequency sources where documented and consistent.

Out-of-state comparison
• Oregon 1200-C and California's Industrial General Permit allow use of state manuals and NOAA Atlas references to establish local design rainfall.

Comment
• Policy/Technical: The draft references Ecology manuals but does not explicitly recognize NOAA Atlas 2 or local jurisdiction precipitation frequency updates; including them will improve clarity and consistency statewide.
• Economic: Recognizing standard references avoids redesign or rework when local agencies require NOAA Atlas 2 values.

Suggested Change
• Add an explicit allowance for NOAA Atlas 2 (or successor) and documented local precipitation frequency updates to set the 10-year, 24-hour event used in design.

Proposed Language
"Design Storm. The 10-year, 24-hour precipitation event shall be established using Ecology's Stormwater Management Manual for Western or Eastern Washington, NOAA Atlas 2 (or successor), or a local jurisdiction's adopted precipitation frequency resource, provided the chosen source is applied consistently at the facility and documented in the Site Management Plan."

Citations
• Draft 2026 SGGP: Appendix B definitions, lines 1177, 1206–1208; related design references in Sections S6–S8.

34. Hardened and Unhardened Concrete; Hardened Asphalt — Appendix B; Related S8.B BMPs

Change
• "Hardened Concrete refers to a concrete that has undergone the chemical hydration process to the point that the setting and hardening reactions between cement and water have substantially completed." (Draft 2026 SGGP, line 1236)
• "Hardened Asphalt means asphalt pavement or material that has fully cooled, set, and is stable chemically." (line 1237)
• "Unhardened Concrete means a freshly mixed, wet concrete that has not set (including slurry) and includes washout materials, wash water, returned concrete, tanks, jersey barriers, and other unset cast concrete products." (line 1346)
• Related construction examples appear in S8.B (for example, "Hardened concrete (not to include recycled concrete aggregates unless a binder is added)," "Hardened asphalt …," lines 611–612) and in Appendix B for impermeable liner/surface (lines 1239, 1241).

ISGP comparison
• The Industrial Stormwater General Permit uses performance-based containment and does not rely on subjective phrases like "substantially completed" or "stable chemically" to trigger obligations.

Out-of-state comparison
• Oregon 1200-C and California's Industrial General Permit rely on functional criteria and engineering certification rather than subjective curing language.

Comment
• Policy/Technical: Phrases such as "substantially completed" and "stable chemically" are subjective and invite inconsistent enforcement. Clear, objective criteria or professional certification will improve predictability.
• Economic: Avoiding subjective calls reduces unnecessary rework and downtime.

Suggested Change
• Replace subjective curing language with objective markers (for example, compressive strength or elapsed curing time) or allow professional certification of functional hardness and chemical stability.

Proposed Language
Remove and revert to 2021 language.

Citations
• Draft 2026 SGGP: Appendix B, lines 1236–1237 and 1346; S8.B examples at lines 611–612; Appendix B liner/surface references at lines 1239 and 1241.

35. Representative Sampling — Sections S4 and S7; Appendix B

Change
• The draft relies on "representative" monitoring at designated monitoring points and defines representative sampling in Appendix B. Notably, Appendix B states: "discharge point that exhibits representative sampling, sampling from that location is likely sufficient." (Draft 2026 SGGP, Appendix B, line 1297)

ISGP comparison
• The Industrial Stormwater General Permit focuses sampling at outfalls or designated monitoring points that represent final discharge; it does not require duplicative sampling when one location is representative.

Out-of-state comparison
• Oregon 1200-C and California's Industrial General Permit apply the same principle: representative outfall sampling satisfies permit obligations when documented in the SWPPP.

Comment
• Policy/Technical: The Appendix B language supports a practical, outfall-based approach. To avoid inconsistent enforcement, the permit should explicitly state that a single, documented representative monitoring point may satisfy sampling for similar discharge points, including internal routing that converges prior to discharge.

• Economic: Clarifying that one representative point can cover like discharges avoids unnecessary duplicate sampling, laboratory expense, and staff time.

Suggested Change

• Affirm in S4/S7 that a single representative monitoring point satisfies sampling for discharge points with substantially similar sources and pathways, when documented on the site map, in the Site Management Plan (SMP), and during wet / dry season inspections.

Proposed Language

"Where multiple discharge points have substantially similar pollutant sources and discharge pathways, the Permittee may designate a single representative monitoring point. Sampling at the representative point satisfies permit sampling for the similar discharge points when documented on the site map and in the Site Management Plan."

Citations

• Draft 2026 SGGP: Appendix B (line 1297, representative sampling sentence); S4 (Monitoring Requirements); S7 (Inspections and monitoring logistics).

36. Records Availability Timelines and Consistency — Section S10 (Records and Reports)

Change

• The draft provides multiple timelines for records availability: "The Permittee may request up to seven (7) days to provide requested records to Ecology." (Draft 2026 SGGP, line 786) and "The Permittee must provide a copy of the SMP (including all appendices) to the public upon request, and Ecology may require the Permittee to do so. The copy must be provided within 10 business days." (lines 787–788) It also references making certain records available "within 7 days of the request." (line 339)

ISGP comparison

• The Industrial Stormwater General Permit uses a single, clear timeline for providing records and a consistent policy for public availability of plan documents.

Out-of-state comparison

• Oregon 1200-C and California's Industrial General Permit similarly use uniform, business-day timelines for producing records and plan documents.

Comment

• Policy/Technical: Three different timelines (immediate, seven days, and ten business days) create confusion and uneven enforcement. A single, business-day standard should apply, with a defined scope of records and a method for acknowledging requests.
• Economic: Avoids rework and follow-up correspondence stemming from mismatched timelines.

Suggested Change

• Consolidate to one standard: ten business days for most records, with a shorter two-business-day acknowledgment and an urgent three-business-day provision for compliance-critical requests (for example, ongoing enforcement actions).

Proposed Language
"Upon request, the Permittee will acknowledge receipt of Ecology or public records requests within two (2) business days and provide requested records within ten (10) business days. For compliance-critical requests identified in writing by Ecology, the Permittee will provide available records within three (3) business days. This timeline supersedes conflicting timelines elsewhere in this permit."

Citations
• Draft 2026 SGGP: lines 339, 786–789 (records availability and SMP copy timing).

37. Definition of "Day" and Consistent Use — Appendix B; Cross-references in S4–S10

Change
• The draft defines "Day" in Appendix B: "Day means a calendar day, including Saturday, Sunday and legal holidays." (Draft 2026 SGGP, Appendix B, line 1205)

ISGP comparison
• The Industrial Stormwater General Permit treats "day" as a calendar day unless otherwise specified (for example, 24-hour composite samples), and it states exceptions expressly in monitoring text.

Out-of-state comparison
• Oregon 1200-C and California's Industrial General Permit follow the same convention and specify any 24-hour composite sampling separately.

Comment
• Policy/Technical: The Appendix B definition is clear. To avoid confusion, the permit should confirm that any reference to "day" means calendar day unless a specific monitoring method (for example, 24-hour composite) is expressly stated. This prevents inadvertent reinterpretation of response or submittal deadlines as rolling 24-hour windows.
• Economic: Consistent use of "calendar day" avoids deadline disputes and administrative rework.

Suggested Change
• Add a cross-reference note in S4 (Monitoring) and S10 (Records/Reports) confirming that "day" is calendar day unless a method explicitly calls for a 24-hour composite period.

Proposed Language
"For this permit, 'day' means calendar day unless a monitoring method expressly specifies a 24-hour composite period. All deadlines and response times that use 'day' are measured in calendar days."

Citations
• Draft 2026 SGGP: Appendix B (line 1205, definition of Day); cross-references in S4–S10.

38. Discharge to Groundwater — Appendix B; interaction with "Discharge Point" in Appendix B

Change

• "Discharge to Groundwater means the discharge of water into ... discharge to land, and discharge to ground all have the same meaning." (Draft 2026 SGGP, Appendix B, line 1210)
• "Discharge Point means the location where a discharge leaves ... surface water discharges, infiltration pond, or permeable surfaces." (Appendix B, line 1214)

ISGP comparison

• The Industrial Stormwater General Permit focuses monitoring at outfalls or designated monitoring points representing final discharge to receiving waters; diffuse infiltration areas are not treated as outfalls.

Out-of-state comparison

• Oregon 1200-C and California's Industrial General Permit focus obligations at outfalls; internal infiltration areas are addressed through BMPs and only monitored where a defined monitoring point is established.

Comment

• The definition equates "discharge to groundwater," "discharge to land," and "discharge to ground," and, coupled with the broad "discharge point" language, could sweep incidental ponding and diffuse infiltration into routine monitoring and sheen-inspection duties. This is overbroad and complicates implementation. Groundwater protection should be demonstrated at designated monitoring points with methods aligned to Chapter 173-200 WAC, not at every permeable surface.

Suggested Change

• Limit "discharge to groundwater" to intentional, engineered infiltration features identified on the site map and in the Site Management Plan; exclude incidental ponding and diffuse percolation that do not present a reasonable potential to affect groundwater quality.

Proposed Language

"Discharge to Groundwater means the intentional discharge of stormwater or process water to an engineered infiltration feature designated on the site map and in the Site Management Plan. Incidental ponding and diffuse percolation from graded industrial areas are not 'discharges to groundwater' unless Ecology determines, based on site-specific information, a reasonable potential to affect groundwater quality under Chapter 173-200 WAC."

Citations

• Draft 2026 SGGP: Appendix B, lines 1210 (Discharge to Groundwater) and 1214 (Discharge Point).
• WAC 173-200 (Groundwater Quality Standards).

39. Electronic Waiver Request — Appendix B; Submittal Process

Change
• "Electronic Waiver Request means permission from Ecology to ... sites that do not have a computer, printer, or internet connection." (Draft 2026 SGGP, Appendix B, line 1217)

ISGP comparison
• The Industrial Stormwater General Permit provides clear electronic submittal expectations and a defined waiver pathway with standard forms and timelines.

Out-of-state comparison
• Oregon 1200-C and California's Industrial General Permit provide standardized waiver processes and forms to ensure consistent administration.

Comment
• The definition signals that a waiver is available but does not provide a permit-attached form, objective criteria, or processing timelines. This can lead to inconsistent acceptance and delays for facilities that qualify.

Suggested Change
• Include a one-page "Electronic Reporting Waiver Request" form in the permit appendices with objective eligibility criteria and defined processing timelines along with published forms for all reporting needs.

Proposed Language
"Appendix [X] contains the Electronic Reporting Waiver Request form and all reporting forms. Ecology will acknowledge receipt within two business days and issue a decision within ten business days, based on the eligibility criteria in this permit."

Citations
• Draft 2026 SGGP: Appendix B, line 1217 (Electronic Waiver Request).

40. Equivalent Stormwater Management Guidance Documents — Appendix B; Incorporation and Version Control

Change
• "Equivalent Stormwater Management Guidance Documents means ... BMPs approved by Ecology and subject to public review and comment." (Draft 2026 SGGP, Appendix B, line 1218)

ISGP comparison
• The Industrial Stormwater General Permit treats guidance as explanatory unless it is expressly incorporated by reference with title/version/date; enforceable requirements appear in the permit or incorporated appendices.

Out-of-state comparison

• Oregon 1200-C and California's Industrial General Permit avoid "moving targets" by citing specific editions of manuals or appendices when making guidance enforceable.

Comment

• As written, the term could allow evolving guidance to function as enforceable standards without clear incorporation (title, version, date). This creates uncertainty and uneven enforcement.

Suggested Change

• If Ecology intends to rely on "equivalent" guidance as enforceable, incorporate each document by reference in an appendix with title, version, and date; otherwise, state that guidance is explanatory only.

Proposed Language

"Equivalent Stormwater Management Guidance Documents are explanatory and not enforceable unless incorporated by reference in Appendix [TB] with title, version, and date. Where incorporated, the cited edition governs until this permit is reissued."

Citations

• Draft 2026 SGGP: Appendix B, line 1218 (Equivalent Stormwater Management Guidance Documents).

41. Discharge Characteristics Definition — Appendix B

Change

• The draft defines "Discharge Characteristics" and embeds an implementation trigger in the definition: "Discharge Characteristics means any physical, chemical, and/or biological properties of the effluent or wastewater… Changes in any of these discharge characteristics due to a significant process change or substantial change may trigger a modification." (Draft 2026 SGGP, Appendix B, line 1213)

ISGP comparison

• The Industrial Stormwater General Permit keeps definitions descriptive. Triggers for modifications reside in permit sections (for example, S12-type provisions), not inside definitions.

Out-of-state comparison

• Oregon 1200-C and California's Industrial General Permit place modification triggers in operational sections and keep definitions free of enforceable directives.

Comment

• Embedding "may trigger a modification" inside a definition creates ambiguity and invites uneven enforcement; modification triggers belong in Section S12 with objective thresholds.

Suggested Change

• Remove the modification-trigger sentence from the definition; place any trigger language in S12 with bright-line, objective events.

Proposed Language

"Discharge Characteristics means the physical, chemical, and biological properties of a discharge. Modification triggers are specified in Section S12 and are not part of this definition."

Citations
• Draft 2026 SGGP: Appendix B, line 1213.

42. pH Adjuster Definition and Chemical Use Plan Cross-Reference — Appendix B; Section S3

Change
• The draft definition states: "pH Adjuster refers to substances (acids or bases) that are used to alter and maintain the pH within a desired range. This permit requires a Chemical Use Plan (ECY 070-792) for the use of pH adjusters, except for capital BMPs." (Draft 2026 SGGP, Appendix B, line 1274)

ISGP comparison
• The Industrial Stormwater General Permit separates definitions from implementation; requirements to prepare plans or obtain approvals appear in the permit body, not in definitions.

Out-of-state comparison
• Oregon 1200-C and California's Industrial General Permit define chemicals simply and place any plan or approval requirements in operational sections.

Comment
• Placing a mandatory plan requirement inside a definition blurs enforceability and complicates updates. Definitions should be descriptive; plan requirements and any exemptions (such as capital BMPs) belong in Section S3.

Suggested Change
• Move the Chemical Use Plan requirement for pH adjusters to Section S3. Keep Appendix B as a plain definition.

Proposed Language
Appendix B: "pH Adjuster means a substance used to alter pH."
Section S3: "Use of pH adjusters requires a Chemical Use Plan, except when used solely within capital BMPs as documented in the Site Management Plan."

Citations
• Draft 2026 SGGP: Appendix B, line 1274; Section S3 (chemical use planning framework).

43. Receiving Water Definition and Conveyance Systems — Appendix B

Change
• The draft defines "Receiving Water" broadly, including certain conveyances: "Receiving Water means the water body, either surface or subsurface, at the point of discharge. If the discharge is to a stormwater conveyance system, either surface or subsurface, the receiving water is the water body that the stormwater conveyance system discharges to. Systems designed primarily for other purposes such as for groundwater drainage, redirecting stream natural flows, or for conveyance of irrigation

water/return flows that coincidentally convey stormwater are considered the receiving water." (Draft 2026 SGGP, Appendix B, line 1288)

ISGP comparison

• The Industrial Stormwater General Permit focuses obligations at outfalls to waters of the state; internal or private conveyances are not treated as "receiving waters" unless they are themselves waters of the state.

Out-of-state comparison

• Oregon 1200-C and California's Industrial General Permit treat engineered conveyances as conduits to a true receiving water unless the conveyance is legally classified as a water of the state.

Comment

• The final sentence risks classifying engineered systems (for example, irrigation canals or groundwater drains) as "receiving waters" in all cases, which can conflict with how "waters of the state" are determined under Washington law. The permit should clarify that a conveyance is a receiving water only when it meets the legal definition of a water of the state.

Suggested Change

• Limit the definition so that engineered conveyances are treated as receiving waters only if they are legally "waters of the state" under RCW 90.48 and WAC 173-201A.

Proposed Language

"Receiving Water means the water body, either surface or subsurface, that receives a discharge. An engineered conveyance (including stormwater, groundwater drainage, irrigation conveyance, or return-flow systems) is a receiving water only if it is legally classified as a water of the state. Otherwise, the receiving water is the water body to which the conveyance ultimately discharges."

Citations

• Draft 2026 SGGP: Appendix B, line 1288.
• RCW 90.48; WAC 173-201A (waters of the state framework).

44. Vehicle Washing and Process Water Classification — Section S3; Appendix B

Change

• The draft classifies vehicle washing as process water: "Process Water means any water that is used for or results from the production, clean-up, or use of any raw material, intermediate product, finished product, byproduct, or waste product. The term also means any wastewater used in or results from the slurry transport of mined material, air emissions control, vehicle washing, or processing exclusive of mining. If stormwater commingles with process water, then the commingled water is considered process wastewater." (Draft 2026 SGGP, Appendix B, line 1286)
• Related prohibitions and routing already exist for concrete truck washout: "Direct discharge of concrete and/or cement truck wash-out, concrete sludge, and/or unhardened concrete solids to ground or surface water is prohibited. These discharges must be to a lined impoundment and treated prior to discharge." (Draft 2026 SGGP, line 312) and "Do not discharge any wastewater from concrete truck

wash-out areas or from concrete trucks to waters of the state prior to treatment. Treat this wastewater in a lined impoundment prior to discharge. See Special Condition S3.D." (Draft 2026 SGGP, line 655)

ISGP comparison

• The Industrial Stormwater General Permit treats detergent wash water as non-stormwater that must be collected and kept out of outfalls; however, it allows non-detergent exterior rinsing when managed so it does not reach an outfall and is controlled by best management practices.

Out-of-state comparison

• Oregon 1200-C and California's Industrial General Permit manage vehicle/equipment washing through best management practices and non-stormwater controls; they do not categorically prohibit all rinsing.

Comment

• The definition properly covers detergent washing as process water, but it sweeps in every form of vehicle rinsing. That is broader than necessary and could conflict with practical housekeeping and safety needs. Clear allowance for non-detergent rinsing managed by best management practices would maintain protection while avoiding overbreadth.

Suggested Change

• Keep detergent vehicle washing as process water requiring collection and treatment.
• Clarify that non-detergent, non-foaming exterior rinsing performed in a controlled area that does not enter the stormwater system is allowed when managed under best management practices documented in the Site Management Plan.

Proposed Language

"Process Water includes vehicle washing when detergents, soaps, or cleaning agents are used, and such water must be collected and routed to treatment or off-site disposal. Non-detergent exterior rinsing conducted in a designated controlled area that prevents discharge to stormwater conveyances and is managed under best management practices documented in the Site Management Plan is allowed."

Citations

• Draft 2026 SGGP: Appendix B (line 1286, Process Water definition); lines 312 and 655 (truck washout prohibitions and routing).

45. Outfall, Discharge Point, and Monitoring Point — Harmonize Terms — Appendix B; Section S7

Change

• "Outfall means a point where a discharge from a facility enters a receiving water body or receiving waters." (Draft 2026 SGGP, Appendix B, line 1269)
• "Discharge Point means the location where a discharge leaves the Permittee's facility and enters a receiving water or surface water discharges, infiltration pond, or permeable surfaces." (Draft 2026 SGGP, Appendix B, line 1214)
• Section S7 requires site maps to show "Outfalls, monitoring points: Assign a unique identifier up to four characters (e.g., S001) … and use these identifiers on Discharge Monitoring Reports (DMRs)." (Draft 2026 SGGP, lines 540–541)

ISGP comparison

• The ISGP uses an outfall-based monitoring structure; monitoring points represent final discharge. Internal infiltration areas are not treated as outfalls or routine monitoring points unless designated.

Out-of-state comparison

• Oregon 1200-C and California's Industrial General Permit monitor at outfalls; internal routing and infiltration are managed by best management practices, not treated as "discharge points" for daily monitoring.

Comment

• As written, "discharge point" includes infiltration ponds and permeable surfaces, which blurs outfalls, monitoring points, and diffuse infiltration. This creates the risk that routine outfall monitoring requirements and daily visual checks are read to apply at every permeable surface.

Suggested Change

• Align terminology so that: Outfall = entry to a receiving water; Monitoring Point = designated location representing final discharge (surface water or groundwater); Discharge Point = synonymous with Monitoring Point for permit monitoring purposes.

Proposed Language

"Outfall means the point where a discharge enters a receiving water. For monitoring and inspection purposes under this permit, 'discharge point' means a designated Monitoring Point representing final discharge to surface water or groundwater. Diffuse infiltration areas that are not designated Monitoring Points are not outfalls or discharge points."

Citations

• Draft 2026 SGGP: Appendix B (lines 1269 and 1214); Section S7 (lines 540–541).

46. Consistent Attainment Off-Ramp and Scope — Section S4

Change

• The draft provides a TDS off-ramp for NAICS 212321 in CARA: "The Permittee may discontinue TDS monitoring at the monitoring point(s) that have achieved consistent attainment. Consistent attainment is achieved when eight (8) consecutive samples demonstrate a total dissolved solids concentration equal to or less than 500 mg/L." (Draft 2026 SGGP, S4, lines 397–398) with additional rules for counting samples (lines 399–402).

ISGP comparison

• The ISGP uses consistent-attainment pathways broadly for sector benchmarks and clearly states when monitoring can be reduced or discontinued.

Out-of-state comparison

• California's Industrial General Permit and Oregon 1200-C also provide off-ramps once benchmarks are consistently met.

Comment

• The off-ramp is appropriate but is limited to TDS for NAICS 212321 in CARA. If retained, consistent-

attainment should apply uniformly to any added or retained study parameters to avoid perpetual monitoring after risk is demonstrated to be low.

Suggested Change

• Apply the consistent-attainment concept to any parameter introduced in this permit (for example, dissolved hexavalent chromium if retained), using the same eight-consecutive-sample standard and the same counting rules.

Proposed Language

"For any parameter added in this permit, monitoring at a designated monitoring point may be reduced or discontinued upon demonstrating consistent attainment, defined as eight consecutive samples at or below the applicable benchmark or reporting level, using the counting rules in Section S4."

Citations

• Draft 2026 SGGP: Section S4 (lines 397–402).

47. DMR Submittal Mechanics, e-Reporting, and Table Consistency — Section S10; Table 7

Change

• "Permittees must submit a 'Discharge Monitoring Report (DMR)' form on a quarterly basis for all:" (Draft 2026 SGGP, line 735)
• "Permittees must submit DMRs to Ecology on or before the DMR due dates according to the Table 8 below:" (line 741)
• "Table 7: Discharge Monitoring Reporting Due Dates" (line 743)
• "Permittees must submit DMRs electronically using Ecology's WQWebDMR ..." (line 755)

ISGP comparison

• The Industrial Stormwater General Permit uses a single DMR due-date table and requires electronic submittal; headings, table names, and due-date text are internally consistent.

Out-of-state comparison

• Oregon 1200-C and California IGP also use harmonized e-reporting instructions and a single, consistently named due-date table.

Comment

• The draft text references "Table 8" while the heading reads "Table 7," creating an avoidable cross-reference error. The e-reporting instruction mentions WQWebDMR but does not state the waiver or fallback pathway in the same subsection, which risks confusion when electronic submission is not feasible.

Suggested Change

• Correct the table cross-reference so the text and heading match.
• Add a sentence in S10 that cites the electronic reporting requirement and states the waiver/fallback path (paper submittal to the regional office) and the conditions for using it.

Proposed Language

"Permittees must submit DMRs to Ecology on or before the due dates shown in Table 7. DMRs must be

submitted electronically using Ecology's WQWebDMR. If an Electronic Reporting Waiver approved under Appendix B is in effect, the Permittee must submit DMRs to the appropriate regional Ecology office using the approved paper form."

Citations
• Draft 2026 SGGP: lines 735, 741, 743, 755.

48. Spill Reporting Scope and De Minimis Clarity — Section S10.F

Change
• Heading: "Spill Reporting" (Draft 2026 SGGP, line 800)
• "Spill reporting to water (i.e., surface waters, groundwater, and/or an unlined impoundment)" (line 801)
• "The Permittee must report all spills of oil or hazardous/dangerous materials to water to the National Response Center ... and the Washington Emergency Management Division 1-800-258-5990." (line 802)
• "Reporting spills to ground (not water) ..." (line 804)

ISGP comparison
• The Industrial Stormwater General Permit differentiates spills to receiving waters from minor housekeeping drips and requires prompt cleanup but not emergency notifications for trivial, contained releases that do not reach an outfall.

Out-of-state comparison
• Oregon 1200-C and California IGP require immediate response to spills that reach or threaten waters, but allow routine housekeeping for small, contained drips on paved containment where no discharge occurs.

Comment
• As written, "report all spills" to water may be read to include trivial drips captured within paved, bermed areas or within lined impoundments with no discharge, which is impracticable and could overwhelm emergency reporting systems. Clear de minimis language and a containment-first framework are needed to distinguish emergency notifications from routine, fully contained cleanup.

Suggested Change
• Define a de minimis, fully contained spill scenario that does not trigger external emergency calls if the release is promptly cleaned up and there is no discharge to surface water, groundwater, or an unlined impoundment.

Proposed Language
"Spills that are fully contained within bermed or lined areas, promptly cleaned up, and do not reach surface waters, groundwater, or an unlined impoundment do not require external emergency notifications under this section. All other spills to water or that threaten to reach water must be reported as specified in Section S10.F."

Citations
• Draft 2026 SGGP: lines 800–804.

49. Site Map and Monitoring Point Designation — Section S7; Appendix B

Change

• "Outfalls, monitoring points: Assign a unique identifier up to four characters (e.g., S001) ... and use these identifiers on Discharge Monitoring Reports (DMRs)." (Draft 2026 SGGP, lines 540–541)

• Appendix B definitions for "Outfall," "Discharge Point," and "Discharge to Groundwater" include locations beyond classic outfalls (for example, infiltration features and permeable surfaces) (Appendix B, lines 1210, 1214, 1269).

ISGP comparison

• The Industrial Stormwater General Permit requires mapping and unique IDs for outfalls/monitoring points that represent final discharge; representative sampling can cover similar sources and pathways.

Out-of-state comparison

• Oregon 1200-C and California IGP follow an outfall-based mapping and sampling approach and allow representative coverage where appropriate.

Comment

• To prevent diffuse infiltration areas from being treated as outfalls by implication, the permit should clearly require the site map to categorize and distinguish: final-discharge monitoring points; internal routing features; and managed infiltration areas that are not monitoring points. This alignment avoids unintentional daily inspection and sampling burdens at non-discharge features.

Suggested Change

• Require the site map to explicitly classify each location as a monitoring point (final discharge) or a non-monitoring internal feature. Allow representative monitoring points to cover similar discharge points when documented in the map and Site Management Plan.

Proposed Language

"The site map must identify and label all monitoring points that represent final discharge to surface water or groundwater and distinguish them from internal conveyances, infiltration areas, and other non-monitoring features. Where multiple discharge points have substantially similar sources and pathways, a single representative monitoring point may be designated, and sampling at that point satisfies permit sampling for the similar discharge points when documented on the site map and in the Site Management Plan."

Citations

• Draft 2026 SGGP: lines 540–541 (monitoring point IDs); Appendix B lines 1210 (Discharge to Groundwater), 1214 (Discharge Point), 1269 (Outfall).

50. Compliance Assistance Visits vs Compliance Inspections — Section S7; Add new subsection and thresholds

Change
The draft sets out inspection duties but provides no process for technical assistance or compliance assistance visits distinct from enforcement. For example: "Inspections" and "The Permittee must conduct a visual inspection of each point of discharge..." (Draft 2026 SGGP, lines 466–467; 474–483). There is no permit text describing non-enforcement assistance, when it applies, or how it can transition to enforcement.

Comment
Washington's technical assistance framework in RCW 43.05 applies to Ecology's regulatory programs and distinguishes compliance assistance from enforcement. RCW 43.05.100 and RCW 43.05.110 set when agencies should use a notice of correction and when they may proceed directly to enforcement. To avoid inconsistent practice, the permit should name compliance assistance visits, state that they are non-enforcement consultations, and list clear thresholds for when a compliance assistance visit must convert to enforcement. At a minimum, conversion to enforcement should occur if any of the following are present, consistent with RCW 43.05.100–.110:

- An immediate or significant threat of harm to public health or the environment
- Willful, reckless, or criminal conduct
- A failure to make timely corrections by the date specified in a notice of correction or agreed schedule
- A repeat or pattern of the same violation after prior notice
- A federal requirement mandates formal enforcement rather than advisory assistance

Suggested Change
Add a new subsection in Section S7 titled "Compliance Assistance Visits," define their purpose and non-enforcement nature, and codify the conversion thresholds above. Provide supervisor contact information and an escalation path in Section S10 so facilities know how to resolve disagreements about whether a visit is assistance or enforcement.

Proposed Language
"Compliance Assistance Visits. Ecology may provide non-enforcement compliance assistance visits, upon request or as appropriate, to advise Permittees on best management practices, monitoring, and recordkeeping. Findings from a compliance assistance visit are advisory and do not constitute a Notice of Violation or administrative penalty. Ecology may convert a compliance assistance visit to an enforcement inspection only if one or more of the following conditions exist: (1) an immediate or significant threat to public health or the environment; (2) willful, reckless, or criminal conduct; (3) failure to make timely corrections by the date specified in a notice of correction or agreed schedule; (4) repeat or pattern violations of the same requirement; or (5) where federal requirements mandate formal enforcement. Ecology shall publish contact information for inspector supervisors and the organizational escalation path in Section S10."

Citations
RCW 43.05.100; RCW 43.05.110.
Draft 2026 SGGP: Section S7, lines 466–467; 474–483.

51. Asphalt Plants (NAICS 324121): "Even After Treatment" Discharge Prohibition — Sections S3 and S8

Change
The draft states: "Even after treatment, process waters from NAICS Code 324121 are prohibited from discharge to surface waters of the state." (Draft 2026 SGGP, line 311). It also states: "This permit prohibits the direct discharge of process water from ... concrete operations ... and asphalt batch plant (NAICS Code 324121) to waters of the state, these process waters must be stored in a lined impoundment and treated prior to discharge." (line 309).

Comment
A categorical "even after treatment" ban forecloses site-specific engineered solutions that could meet water quality standards at a monitoring point. The draft and fact sheet do not provide a permit-referenced technical record to justify a universal prohibition for 324121. Where treatment can reliably achieve compliance with Chapter 173-201A WAC at the monitoring point, the permit should allow discharge. Issues arise if you have dust control water, which is classified as processwater, discharge from an asphalt plant site. This is not the intent of the permit language as it was originally tied to wet scrubbers.

Suggested Change
Remove the "even after treatment" prohibition for NAICS 324121. Allow treated process water to discharge to surface water at a designated monitoring point when compliance with applicable water quality standards is demonstrated.

Proposed Language
"Delete: 'Even after treatment, process waters from NAICS Code 324121 are prohibited from discharge to surface waters of the state.' Where process waters are collected and treated, the Permittee may discharge to surface water at a designated monitoring point upon demonstrating compliance with Chapter 173-201A WAC."

Citations
Draft 2026 SGGP: lines 309 and 311.

52. Impoundment Capacity and Acceptance of Existing Systems — Section S8.B

Change
The draft requires impoundments to be designed to the 10-year, 24-hour precipitation event and lists liner options, with an equivalency path "approved by Ecology." "Any impoundment must have adequate capacity to provide treatment for the discharge prior to release. The design storm for the impoundment is the 10-year, 24-hour precipitation event." (Draft 2026 SGGP, line 298). "Any other functionally equivalent impoundment, structure, or facility... approved by Ecology to meet the intent of this section." (line 306).

Comment
There is no clear pathway to accept existing, historically compliant impoundments based on documented performance. Without a performance-based acceptance option, facilities may be forced to

reconstruct functioning systems solely to match prescriptive specifications. The Small Business Economic Impact Analysis does not account for these retrofit costs.

Suggested Change
Add a "grandfathered equivalency" option for existing impoundments with clear compliance history.

Proposed Language
"Existing impoundments are functionally equivalent and need not be reconstructed to meet prescriptive specifications."

Citations
Draft 2026 SGGP: lines 298 and 306.

53. Concrete Operations Process Water — Lined Impoundments and Treatment Pathway — Sections S3 and S8

Change
• "This permit prohibits the direct discharge of process water from ... concrete operations ... and asphalt batch plant (NAICS Code 324121) to waters of the state, these process waters must be stored in a lined impoundment and treated prior to discharge." (Draft 2026 SGGP, line 309)
• "After treatment, the Permittee may discharge wastewater subject to and in compliance with the limits set forth in Special Condition S2 and other parts of Special Condition S3." (Draft 2026 SGGP, line 310)

ISGP comparison
• The Industrial Stormwater General Permit uses performance-based controls. It requires collection/containment of non-stormwater and allows discharge where a permittee demonstrates compliance at a monitoring point.

Out-of-state comparison
• Oregon 1200-C and California's Industrial General Permit rely on performance standards and do not mandate a single treatment train if a facility can demonstrate compliance at the outfall.

Comment
• The draft establishes a single, prescriptive path for all concrete operations (collect to lined impoundment, then treat) even where representative data show no treatment is needed to meet water quality standards at the monitoring point. A performance option should be available to avoid unnecessary capital and O&M costs when compliance can be demonstrated without treatment.

Suggested Change
• Keep the protective default (lined impoundment + treatment) but add a performance option: where a permittee submits representative monitoring data and an engineering/hydrogeologic analysis showing discharge meets Chapter 173-201A WAC at the monitoring point without treatment, Ecology may authorize direct discharge with documented BMPs.

Proposed Language
"Direct discharge of process water from concrete operations is prohibited unless the Permittee

demonstrates, through representative monitoring and engineering/hydrogeologic analysis, that discharge will meet all applicable water quality standards at the designated monitoring point."

Citations
• Draft 2026 SGGP: lines 309–310.

54. Notices of Correction and Notices of Violation; Dispute Resolution and Supervisor Contacts — Section S10 (add new subsection); Section S7 cross-reference

Change
• The draft specifies inspection duties and reporting (for example, Section S7 inspections; Section S10 records and reporting), but it does not explain how Ecology will use Notices of Correction versus Notices of Violation, nor how disagreements will be escalated.

ISGP comparison
• The Industrial Stormwater General Permit is implemented with clear administrative pathways outside the permit text (guidance). Adding basic due-process guardrails in the SGGP will improve consistency statewide.

Comment
• Washington's technical assistance statutes distinguish corrective coaching from formal enforcement. RCW 43.05.100 requires agencies to issue a Notice of Correction when appropriate; RCW 43.05.110 allows immediate enforcement only for defined circumstances (for example, willful violations, significant threats, failure to correct). The permit should:

1. state when Ecology will use a Notice of Correction versus a Notice of Violation;
2. provide a simple, written process for resolving disagreements when the inspector and permittee do not concur on a violation; and
3. publish supervisor contact information and the organizational escalation path in Section S10.

Suggested Change
• Add a new "Notices and Escalation" subsection in Section S10 that adopts RCW 43.05.100–.110 criteria, requires a Notice of Correction where appropriate, and provides a named supervisor contact and escalation steps when disagreement exists.

Proposed Language
"Notices and Escalation. Ecology will issue a Notice of Correction where appropriate pursuant to RCW 43.05.100 and will proceed directly to a Notice of Violation only in the circumstances identified in RCW 43.05.110 (for example, willful violations, significant or immediate threats, repeat violations, or failure to correct). When the Permittee disagrees with a cited violation, Ecology shall provide the inspector's supervisor contact and the organizational escalation steps in writing at the time of notice. Ecology shall acknowledge any written dispute within two business days and provide a supervisory review within ten business days."

Citations
• RCW 43.05.100; RCW 43.05.110.
• Draft 2026 SGGP: Sections S7, S10.

55. Extreme Storms Exceeding the 10-year/24-hour Design: Bypass and Upset Clarifications — Sections S8.B, S10.E; General Conditions G4 (Bypass) and G19 (Upset)

Change
• The permit fixes design at the 10-year, 24-hour event for impoundments (line 298) but does not state what happens when a storm exceeds design capacity and discharge occurs despite BMPs.
• The General Conditions include "G4. BYPASS PROCEDURES" (for example, unavoidable bypass to prevent loss of life or severe property damage, with notice; Draft 2026 SGGP, lines 972–985) and "G19. UPSET" (affirmative defense when an exceptional incident causes noncompliance despite proper operation; Draft 2026 SGGP, lines 1090–1100).

ISGP comparison
• The Industrial Stormwater General Permit relies on the federal bypass/upset framework to address extreme events, with clear notice and documentation expectations.

Out-of-state comparison
• Oregon 1200-C and California IGP handle design exceedances under their analogs to bypass/upset and require prompt notice and documentation, not automatic violation findings.

Comment
• The draft's design standard is clear, but facilities need explicit, practical direction for events that exceed design. Without a cross-reference in S8/S10, operators may assume any over-topping constitutes automatic noncompliance, even where the bypass/upset conditions are satisfied. Aligning S8/S10 to G4 and G19 will standardize responses and records.

Suggested Change
• Add explicit cross-references in S8.B and S10.E stating that discharges during storms exceeding design are managed under General Conditions G4 (Bypass) and G19 (Upset).

Proposed Language
"Design Exceedance. When precipitation exceeds the design event and a resulting discharge cannot be prevented despite proper operation and maintenance of BMPs, the Permittee shall manage the event under General Conditions G4 (Bypass) and G19 (Upset)."

Citations
• Draft 2026 SGGP: line 298 (design storm); S10.E (24-hour and written follow-up reporting); G4 BYPASS (lines 972–985); G19 UPSET (lines 1090–1100).

56. Small Business Economic Impact Analysis must be updated for the final permit and re-noticed

Change
The Small Business Economic Impact Analysis (SBEIA) was prepared for the draft permit and the permit package does not state that it will be amended to reflect the final permit's requirements or re-noticed for comment.

Comment
RCW 19.85.040 requires agencies to analyze small-business compliance costs and describe steps to reduce disproportionate impacts. If the final permit changes compliance obligations or clarifies them in ways that increase costs (for example, oil-water separators, pad upgrades, Chemical Use Plans, new monitoring), Ecology should update the SBEIA to reflect the final package and allow additional comment so small businesses can evaluate feasibility.

Suggested Change
Revise and republish the SBEIA contemporaneously with the final permit and open a 30–60 day public comment period limited to the updated cost analysis and feasible small-business alternatives.

Proposed Language
"Before issuance of the final permit, Ecology will update the Small Business Economic Impact Analysis to reflect all final requirements, including changes from the draft that affect compliance costs, and will provide a 30–60 day public comment period on the updated analysis consistent with chapter 19.85 RCW."

Citations
RCW 19.85.040 (content of small business economic impact statements). RCW 19.85.030 (agency duties to reduce disproportionate impacts).

57. Administrative and planning burdens (SMP/SWPPP, mapping, training, reporting) are not costed

Change
The SBEIA does not explicitly include labor and overhead to revise the Site Management Plan and Stormwater Pollution Prevention Plan, update site maps and monitoring point IDs, train staff, adjust record systems, or manage added reporting workflows.

Comment
RCW 19.85.040 requires costing the "cost of compliance," which includes administrative time and professional fees, not just capital equipment. At a minimum, realistic per-site estimates should include hours for engineering/hydrogeology review, drafting and approvals, GIS/CAD updates, staff training, laboratory onboarding, and quarterly Discharge Monitoring Report administration.

Suggested Change
Amend the SBEIA to add line-item, per-site estimates for SMP/SWPPP redlines and approvals, mapping and labeling updates, staff training, lab procurement setup, and ongoing DMR/records administration using fully loaded labor rates.

Proposed Language
"The updated SBEIA will include administrative and professional costs necessary to implement the final permit, including SMP/SWPPP revisions, site map updates, training, recordkeeping, and reporting, with per-site labor hour ranges and fully loaded labor rates as required by RCW 19.85.040."

Citations
RCW 19.85.040 (required elements of SBEIA).

58. Vehicle inspection assumptions and duplication — align permit language and SBEIA costing

Change
The SBEIA appears to assume drivers already complete vehicle checks (for example, pre-trip inspections), but the permit does not explicitly credit those inspections, creating a risk of duplicative monthly inspections and paperwork.

Comment
If Ecology expects to rely on existing driver pre-trip inspections, the permit should say so and the SBEIA should reflect the cost offset. Otherwise, the SBEIA must include the incremental labor for a separate permit-specific inspection routine. Aligning the permit text avoids double-counting burden. Relevant permit inspection framework appears in Section S7 (inspections and visual checks). Federal pre-trip requirements are set out at 49 CFR 396.11 and 49 CFR 396.13.

Suggested Change
Add explicit language crediting documented Department of Transportation pre-trip inspections toward overlapping leak/housekeeping checks, with a short supplemental checklist for any permit-specific items. Update the SBEIA to either include the incremental inspection cost or subtract costs where pre-trip inspections are accepted.

Proposed Language
"Where drivers perform and document legally required pre-trip inspections, those inspections may satisfy the permit's vehicle leak/housekeeping inspection requirements, provided any permit-specific items not covered by the pre-trip are addressed on a supplemental checklist. The SBEIA reflects either the incremental cost of a permit-specific inspection or the cost offset where documented pre-trip inspections are accepted."

Citations
RCW 19.85.040 (costing requirement). 49 CFR 396.11; 49 CFR 396.13 (driver pre-trip inspection duties). Draft 2026 SGGP Section S7 (inspection framework).

59. SBEIA Appendix A cost assumptions (labor, equipment, O&M) are incomplete and may understate true compliance costs

Change

The Small Business Economic Impact Analysis uses Appendix A to outline unit costs for compliance but does not transparently show assumptions for labor burden, crew size, productivity, equipment rates, mobilization/downtime, materials, lab fees, or professional services. Several new Draft 2026 requirements (for example, chemical use plans, oil-water separators in high-traffic areas, site map/monitoring point changes, added monitoring) have recurring costs that are not clearly captured.

Comment

• Labor costs: Appendix A should use fully loaded wages (base pay plus fringe/benefits, payroll taxes, and overhead) and state the assumed crew mix and productivity. Using base wages only will understate costs for small operators who lack economies of scale.
• Professional services: Many items will require a professional engineer, licensed geologist, or other licensed professional (for example, impoundment equivalency, impermeable surface certification, hydraulic sizing, plan updates). Appendix A should include realistic hours and rates for these tasks.
• Equipment and mobilization: Unit rates should reflect owned vs rented equipment, mobilization/demobilization, and fuel. For example, installing or retrofitting oil-water separators and routing conveyances typically requires excavation, lifting equipment, pipe/valve materials, electrical, and commissioning—plus production downtime.
• Materials and construction: Costs for pads (concrete/asphalt), liners (minimum 40-mil or engineered equivalent), berms, covers, and appurtenances (sumps, pumps, controls) must be included with waste disposal of spoils and construction QA/QC testing.
• Monitoring and labs: Recurring analytical costs (for example, dissolved hexavalent chromium, TDS), bottle kits, preservatives, courier/shipping, data validation, and result entry into WQWebDMR should be costed per sampling event and multiplied by frequency.
• Operations and maintenance: Separator cleanouts, sludge/solids handling, pump maintenance, calibration of field meters, training refreshers, and record retention time should be itemized annually.
• Administrative burden: Plan redlines (SMP/SWPPP), site-map edits and new IDs, employee training, internal audits, and annual file organization should be included as labor hours with fully loaded rates.
• Downtime and schedule risk: Construction or retrofit work at active mines and batch plants causes lost production; Appendix A should estimate downtime and provide a reasonable allowance.
• Regional variation and inflation: Costs vary across Washington (east/west, urban/rural). Appendix A should present ranges and identify a price index for annualizing to the final permit year.
• Vehicle inspections: If Appendix A assumes drivers complete vehicle checks (pre-trips), it should either credit those tasks against the permit's inspection burden or, if separate inspections are required, include the incremental time and documentation cost.

Suggested Change

Revise Appendix A to include:

1. A transparent cost table for each major requirement with columns for scope, quantity assumption, unit price, source/date, crew mix/productivity, and total;
2. Fully loaded labor rates for field staff, mechanics/electricians, EHS/admin, and licensed professionals;

3. Equipment rates (owned and rental) with fuel and mobilization;
4. Construction materials and disposal;
5. Monitoring and lab line items per event and per year;
6. O&M and administrative time per year;
7. Downtime allowances;
8. Regional cost ranges and an inflation index reference;
9. A sensitivity table (for example, −25%, base, +25%) and small- vs large-site scenarios;
10. An explicit reconciliation for assumptions the SBEIA makes about existing practices (for example, driver pre-trips) so the permit and SBEIA are internally consistent.

Proposed Language
"Ecology shall revise Appendix A to present transparent, fully loaded compliance costs for each final permit requirement. For each line item, Appendix A will state the scope, quantity assumption, unit price with source and date, crew mix and productivity, equipment and mobilization, materials, analytical fees, O&M, administrative time, and production downtime. Appendix A will present regional cost ranges for Washington and a sensitivity analysis (−25%, base, +25%). Where the analysis assumes existing practices (for example, documented driver pre-trip inspections), Appendix A will show the credited cost offset; where separate tasks are required, it will include the incremental cost. The revised Appendix A will be republished with the final permit and used as the basis for an updated Small Business Economic Impact Analysis."

Citations
RCW 19.85.040 (Small Business Economic Impact Statement content and requirement to analyze compliance costs).

60. SBEIA Appendix A.7 assumes BMPs that the permit would not allow

Change
Appendix A.7 of the Small Business Economic Impact Analysis models costs using best management practices such as "grass-lined swales" for process water from concrete and concrete recycling.

Comment
The Draft 2026 SGGP prohibits direct discharge of concrete process water and requires storage in a lined impoundment and treatment prior to discharge. "This permit prohibits the direct discharge of process water from … concrete operations … to waters of the state, these process waters must be stored in a lined impoundment and treated prior to discharge." (Draft 2026 SGGP, line 309; see also line 310 and Appendix B definition of Process Water at line 1286). A grass-lined swale is not an approved control for concrete process water under this permit framework. Using an impermissible BMP in Appendix A.7 materially understates compliance costs.

Suggested Change
Recalculate Appendix A.7 with permit-consistent controls for concrete and concrete recycling process

waters: lined impoundments, oil-water separators as applicable, and demonstrable treatment to meet water quality standards at a monitoring point.

Proposed Language
"Appendix A.7 shall exclude BMPs that are not authorized for concrete and concrete recycling process waters under the permit. Cost estimates must be recalculated using lined impoundments and approved treatment trains consistent with Special Condition S3 and S8, with unit costs for construction, operations and maintenance, solids handling, and monitoring."

Citations
Draft 2026 SGGP: line 309; line 310; Appendix B Process Water definition at line 1286.

61. No provisions for operational contingencies (large spills, equipment failures) in SBEIA costing

Change
The SBEIA does not include cost allowances for unplanned events during operations such as large spills or critical equipment failures.

Comment
The permit includes spill reporting and emergency response obligations and recognizes bypass and upset conditions. "Spill reporting to water ... The Permittee must report all spills of oil or hazardous/dangerous materials to water to the National Response Center ... and the Washington Emergency Management Division." (Draft 2026 SGGP, lines 800–804). General Conditions G4 Bypass and G19 Upset set process and documentation requirements (lines 972–985; 1090–1100). These provisions carry labor, contractor, disposal, and downtime costs that must be reflected for small businesses.

Suggested Change
Add contingency cost lines in Appendix A for spill response, emergency pumping and disposal, equipment rental and repair, staff overtime, and production downtime associated with events managed under S10.F, G4, and G19.

Proposed Language
"Appendix A shall include contingency allowances for spill response and extreme-event management consistent with Sections S10.F, G4, and G19, including contractor mobilization, disposal fees, equipment rental, staff overtime, and lost-production costs."

Citations
Draft 2026 SGGP: S10.F Spill Reporting, lines 800–804; G4 Bypass, lines 972–985; G19 Upset, lines 1090–1100.

62. No external technical review of SBEIA assumptions

Change
The SBEIA does not document any external peer or stakeholder technical review of its cost assumptions, productivity rates, or selected BMP configurations.

Comment
The Regulatory Fairness Act requires agencies to analyze small-business compliance costs and consider less burdensome alternatives (RCW 19.85.040; RCW 19.85.030). Given the number of prescriptive changes in the Draft 2026 SGGP, external review of the SBEIA's assumptions is necessary to validate labor rates, equipment costs, and constructability for small facilities.

Suggested Change
Commit to an external technical review of Appendix A assumptions with industry, small-entity representatives, and independent practitioners before finalizing costs, and re-notice the updated SBEIA for public comment.

Proposed Language
"Before issuance of the final permit, Ecology will convene an external technical review of Appendix A cost assumptions with small-business representatives and independent practitioners. Ecology will publish the revised assumptions and updated SBEIA and provide a 30–60 day public comment period pursuant to chapter 19.85 RCW."

Citations
RCW 19.85.040; RCW 19.85.030.

63. Laboratory pricing year is outdated

Change
Appendix A uses laboratory prices from 2018.

Comment
Analytical costs have materially changed since 2018 and vary by parameter and accreditation requirements. For parameters added or expanded in the draft (for example, dissolved hexavalent chromium, TDS), using 2018 prices will understate recurring costs for small businesses.

Suggested Change
Update lab unit costs to current quoted prices from Washington-accredited laboratories for the parameters and bottle sets required by the final permit and include courier/shipping, hold-time constraints, data validation, and WQWebDMR data entry time.

Proposed Language
"Appendix A laboratory costs will be updated to current quotes from Washington-accredited laboratories for all required parameters, with line items for bottle kits, preservatives, courier/shipping, QA/QC, and data management. Ecology will identify the quote dates and vendors used for the analysis."

Citations
RCW 19.85.040 (costing the full cost of compliance). Draft 2026 SGGP: S4 Monitoring framework (for parameter scope).

64. Unspecified reliance on Ecology staff professional judgment

Change
The SBEIA states that certain costs or selections are based on "professional judgment," but does not identify where, by whom, or under what criteria that judgment is applied.

Comment
Opaque reliance on professional judgment reduces reproducibility and can mask significant cost drivers. Where Ecology intends to exercise professional judgment in permit implementation (for example, approving equivalency of liners or engineered surfaces), the permit and SBEIA should specify the criteria, documentation, and signatory level.

Suggested Change
Add a brief "Professional Judgment Criteria" appendix to the SBEIA listing each assumption based on professional judgment, the decision criteria, and the staff role responsible. In the permit, tie discretionary approvals to written, citable criteria and require a dated written determination placed in the facility file.

Proposed Language
"Ecology will document each SBEIA assumption based on professional judgment in a 'Professional Judgment Criteria' appendix, including the decision criteria, data sources, and staff role. Discretionary approvals under the permit (for example, equivalency of liners or engineered surfaces) will be supported by a written determination citing the criteria and placed in the facility file."

Citations
RCW 19.85.040 (requirement to describe and, where feasible, quantify compliance costs and mitigation). Draft 2026 SGGP: S8.B liner and equivalency language at line 306 (approval), Appendix B definitions used in equivalency determinations.