



Date: 10/10/2025

To:

Washington State Department of Ecology
Water Quality Program
Attn: Eric Daiber
P.O. Box 47600
Olympia, WA 98504-7600

Subject: NRMCA Comments on the Draft 2026 Sand & Gravel General Permit

Dear Eric Daiber:

On behalf of the National Ready Mixed Concrete Association (NRMCA) and our Washington-based members, we appreciate the opportunity to comment on the Draft 2026 Sand and Gravel General Permit (SGGP). NRMCA supports Ecology's objective of protecting Washington's waters through clear, science-based permitting, yet the current draft introduces provisions that are impractical, economically unsustainable, and inconsistent with the legal framework for general permits.

NRMCA concurs with the technical and legal issues identified in the Washington Aggregate & Concrete Association (WACA) October 10, 2025, comment letter and offers this national perspective to reinforce and expand upon those concerns.

1. Legal and Procedural Deficiencies

NRMCA supports WACA's position that the draft permit no longer functions as a general permit, but rather as a compilation of site-specific, prescriptive requirements normally reserved for individual permits. This overreach is inconsistent with Washington precedent, including *Copper Development Ass'n v. Ecology* and *Associated General Contractors v. Ecology*, which hold that Ecology must base permit conditions on substantial evidence and avoid vague, unenforceable language. Ecology should clarify its statutory authority for redefining discharges and BMPs so broadly and must ensure all new conditions are supported by data and stakeholder review.

2. Ambiguity and Lack of Clarity

Revisions to definitions and terminology—particularly in Appendix B—introduce uncertainty about the scope of "impervious surface," "soap-impacted water," and "groundwater discharge." The draft provides no technical basis for these changes, and several terms are inconsistent with EPA's 40 CFR 122 industrial stormwater definitions. Ambiguity invites inconsistent enforcement and potential PCHB challenge.



NRMCA recommends aligning definitions with federal standards and publishing an annotated cross-walk explaining each change's intent.

3. Feasibility and Implementation

The new infrastructure, sampling, and reporting mandates—such as lined impoundment retrofits and expanded metals testing—require significant design, permitting, and capital planning.

Without phased implementation or variance pathways, many compliant facilities will be unable to meet deadlines. Prohibiting even trace soap residues from truck-wash water, without available decant facilities, creates a de facto ban on essential maintenance activities and would likely force shutdowns.

NRMCA urges Ecology to restore flexibility, allow site-specific equivalency demonstrations, and establish multi-year phase-in schedules for structural modifications.

4. Monitoring and Technical Basis

WACA's review correctly notes that Ecology introduced new monitoring parameters—such as hexavalent chromium, TDS, and specific conductance—without evidence that these pollutants are present at significant levels or pose measurable risk to water quality.

Ecology references an unpublished "QAPP Study" and a Portland Cement article that have not been peer-reviewed or released for stakeholder evaluation.

NRMCA recommends deferring adoption of any new parameter until supporting studies are complete, transparent, and publicly vetted.

5. Economic Impacts and Small-Business Burden

The Small Business Economic Impact Analysis (SBEIA) accompanying the draft permit is incomplete and materially flawed. As detailed in WACA's Exhibit A Report, the SBEIA underestimates compliance costs by orders of magnitude, omits costs for new infrastructure and monitoring, and fails to evaluate impacts on rural and minority-owned operations. These costs will ultimately raise the price of ready-mixed concrete and aggregates statewide, affecting both public and private construction budgets.

NRMCA requests that Ecology revise the SBEIA using current cost data, contractor input, and facility-scale financial modeling to comply with RCW 19.85.

6. Impacts on Concrete Recycling and Sustainability

The draft introduces barriers to concrete recycling and beneficial reuse, including new restrictions on rubble stockpiles, stormwater handling, and truck washout management. Such measures contradict Washington's Buy Clean, embodied-carbon, and circular-economy goals and risk disincentivizing low-carbon practices adopted nationwide. NRMCA urges Ecology to expressly exempt controlled concrete recycling and wash-water recovery systems from restrictions intended for higher-risk industrial discharges.



7. National Consistency and Precedent

Because Washington's SGGP serves as a policy model for other states, its technical and economic assumptions carry implications well beyond Washington. The prescriptive structure proposed here diverges from EPA's Multi-Sector General Permit framework and could set a precedent that fragments national compliance programs, especially for multi-state producers. NRMCA encourages Ecology to coordinate with EPA's Office of Water and other state agencies to maintain consistency across jurisdictions.

8. Need for Continued Stakeholder Collaboration

NRMCA and its members share Ecology's commitment to clean water and responsible operations. We respectfully request that Ecology:

1. Extend the public-comment period;
2. Convene a joint industry-Ecology working group before finalization; and
3. Publish revised economic and technical analyses for additional review.

In conclusion, NRMCA strongly supports Washington's environmental objectives but cannot support the draft permit in its current form. As written, it exceeds statutory authority, imposes infeasible conditions, and undermines both recycling and economic sustainability. NRMCA joins WACA in urging Ecology to substantially revise the permit to ensure clarity, technical justification, and practical implementation that protects water quality while sustaining critical construction supply chains.

We appreciate your consideration and remain available to collaborate with Ecology and stakeholders on workable, science-based revisions.

Sincerely,

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