LAKESIDE INDUSTRIES

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Submitted Online via Public Comment Form

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

Re: Comments to Draft 2026 Sand & Gravel General Permit

Dear Mr. Daiber:

Thank you for the opportunity to provide comments on the Draft 2026 Sand & Gravel General Permit (Draft Permit). Lakeside Industries, Inc. (Lakeside) operates 15 asphalt mix plant facilities spanning Washington and Oregon and 16 aggregate mine sites in Washington. All Lakeside asphalt mix plant and mine site facilities in Washington operate in accordance with the Sand & Gravel General Permit (SGGP); therefore, we are uniquely informed to provide comments to you based on our experience in implementing the SGGP since its inception.

Lakeside is concerned about some key provisions newly proposed in the Draft Permit. In the interest of brevity, we simply state the condition and reason for concern followed by a suggested revision, if applicable.

We urge Ecology to revise the Draft Permit to address our comments, which are reasonable and necessary to ensure clarity of conditions and eliminate subjective enforcement which is beneficial to all parties committed to the protection of the environment.

Special Conditions - Comments

- ***S1.E.2.a:*** The proposed language explicitly references NAICS code activities but fails to reference the Ecology Codes listed in S1.A, Table 2.

  Suggested Edit: *Include Ecology Codes, "a.) Add, remove, or revise authorized NAICS Code and Ecology Code activities listed on their coverage page."*

- ***S2.A.1.d and S2.B.1.c:*** Clarification on the reporting mechanism would provide more clarity and consistency with associated permit requirements referenced.

  Suggested Edit: *"The presence of a visible sheen at a discharge point is not a violation if there is no discharge of sheen or petroleum products to water of the state and if the Permittee corrects the problem in a timely manner, notes the occurrence in a notification to the regional permit manager in the quarterly DMR submittal, explains in the ~~notification~~ quarterly submittal the cause, describes the solution and preventative measures."*

- **S3.E. Use of Chemical(s) in Waters or Material Treatment:** Draft Permit states:

  "Permittees…must submit a Chemical Use Plan… for review by Ecology…prior to use of a chemical compound or product that enters stormwater, process water, or mine dewatering water that may be discharged to waters of the state."

  "Reasons for submittal of a Chemical Use Plan include, ***but are not limited to****: treatment of wastewater discharged to waters of the state, treatment of soil(s) or materials(s), where stormwater runoff may discharge to waters of the state…"*

  Historically, this section of the SGGP focused on Use of Chemical Treatment Products used in treatment of water discharged to waters of the state, stabilizing soils and suppressing dust.

  The rewrite of this section continues to focus on areas where chemicals are used to treat water, stabilize soils, and suppress dust. Our concern is that the language is too open-ended and subject to inconsistent interpretation. This could lead to the requirement for a Chemical Use Plan to be submitted for endless amounts of chemicals on-site resulting in an impractical number of submittals for Permittees, burdensome backlog in the approval process for Ecology, and delay in Permittees' ability to implement AKART. The open-endedness could lead to the permit being applied and enforced inconsistently across the industry depending upon individual interpretations.

  Furthermore, Ecology has an established mechanism for Permittees to request approval of chemicals to be used for stormwater quality treatment (Request for Chemical Treatment - Form Number ECY 070-258, Revised April 2021).

  Suggested Edit: *Retain existing 2021 permit language. Consider adding language to include the use of Ecology's established mechanism for requesting approval of chemically treated stormwater discharges.*

- **S3.F.2 and S3.G.3:** Draft Permit states:

  "All soap-impacted waters are prohibited from discharge to surface waters of the state" and *"All soap-impacted waters are prohibited from discharge to ground waters of the state."*

  The Fact Sheet for the Draft Permit (Fact Sheet), Section 1.1.6 Proposed Revisions, bullet number five is inconsistent with the revised draft permit language. The Fact Sheet states:

  "Proposed revisions to Special Condition S3 in the draft permit include:...Addition and revision of language in draft permit's Special Condition S3.G;...as well as prohibiting the discharge of soap-impacted waters from discharges to surface waters."

  On page 35 of the Fact Sheet, Ecology provides justification for prohibiting discharge of soap-impacted water to surface water; however, it does not provide rationale for prohibiting discharge of soap-impacted water to ground (page 37) and does not include this prohibition in Section 1.1.6 of the Fact Sheet.

  Furthermore, the blanket discharge prohibition of soap-impacted waters is inconsistent with the definitions of *soap* and s*oap-impacted waters* in Appendix B.

  In Appendix B, the definition for soap is defined but explicitly only prohibits discharge of the following forms of soap:

  "Non-biodegradable, phosphate-containing, or nonylphenol ethoxylates containing soaps are prohibited from discharge to waters of the state."

  Soap-impacted waters are defined yet within the definition as:

  "soap-impacted waters are classified as process waters."

  Process waters *are* permitted to be discharged to waters of the state provided discharge limits are met through implementation of BMPs.

  Suggested Edit: *Revise S3.F.2 as follows: "~~All~~ Soap-impacted waters are prohibited from discharge to surface waters of the state. Non-biodegradable, phosphate-containing, or nonylphenol ethoxylates containing soaps are prohibited from discharge to waters of the state."*

  Strike S3.G.3.

- **S4 – Hexavalent Chromium Monitoring and Reporting Requirement**

  The rationale for requiring monitoring and reporting of Hexavalent Chromium is stated in the Fact Sheet as follows:

  > "This reporting of hexavalent chromium will inform Ecology for the next permit reissuance if hexavalent chromium has reasonable potential to be present in concrete operation discharges."

  The cost and effort of monthly sampling is put on affected Permittees to produce the data despite Ecology providing limited justification for requiring sampling for hexavalent chromium based on inapplicable comparison of dissolved total chromium study results to the hexavalent chromium water quality criteria.

  Furthermore, Ecology acknowledges in the Fact Sheet the following:

  > "The speciation of chromium in the environment is affected primarily by the oxidation-reduction potential and pH…under highly alkaline and moderately oxidizing conditions typical of concrete effluent, hexavalent chromium species predominate. This reinforces the importance of decreasing the pH to below 8.5, where only extreme oxidizing conditions will most likely lead to hexavalent chromium."

  The existing SGGP established pH range limits that directly mitigate the likelihood of hexavalent chromium formation.

  It is unclear why Ecology did not test for hexavalent chromium during their study conducted in 2024 to justify Permittees sampling for hexavalent chromium.

- **S4.B.4**: The addition of TDS monitoring and benchmarking at NAICS 212321 facilities located within a Critical Aquifer Recharge Area (CARA), Wellhead Protection Area, or sole source aquifer is unsupported. Ecology has provided no scientific basis to conclude that TDS impact to groundwater quality has occurred or could occur from NAICS 212321 operations.

  The burden of compliance proof is placed on the Permittee to define if and when the condition of TDS monitoring is required for established NAICS 212321 facilities based on local authority land use actions. CARA mapping and designation is performed by each municipality and county independent of the state and varies among jurisdictions. Local jurisdictions can change critical areas mapping (including CARA maps and CARA designations) and critical areas ordinances independent of state defined update schedules without notification to Permittees.

- **S8.B.2:** The addition of the language defining "impermeable surface" is inappropriate for this section and inconsistent as it is combining the definitions of "impermeable liner" and "impermeable surface" as defined in Appendix B.

  Suggested Edit: *Strike S8.B.2*

- **S9.C.5:** Redundant to S4.F.2.b.

  Suggested Edit: *Strike S9.C.5*.

Appendix B – Definitions - Comments

- **Permeable Surface:** The definition in the Draft Permit includes "gravel roads" as an example of a permeable surface; however, the definition of **Impermeable Surface** is defined in the Draft Permit as follows:

  > "is a surface area that either prevents or slows the infiltration of fluids, particularly water, into the soil mantle…".

  Gravel roads prevent or slow the infiltration of fluids, particularly water, into the soil mantle and by definition are impermeable surfaces. Local jurisdictions assess stormwater management fees based on impermeable surface area and define gravel surfaces as impermeable.

  Suggested Edit*: Strike "gravel roads" from the definition*.

- **Significant Process Change:** The examples included in the definition are broadly defined and outside the regulatory authority of Ecology oversight. The definition should be limited to operational changes at the facility that would change the discharge characteristics or include for coverage of a new activity that was not previously covered.

  Suggested Edit*: Strike "Significant Process Change" from the definitions and keep the definition of "Substantial Change"*.

General Comment

- Form ECY 070-791, referenced in S10.G, includes multiple definitions that appear to be identical to definitions in Appendix B of the Draft Permit and should be reviewed for consistency.

Thank you for the opportunity to submit these comments for your consideration. If you should have any questions, feel free to contact us directly by phone or email.

Respectfully,

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