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On behalf of the Associated General Contractors (AGC) of Washington, representing hundreds of contractors and industry partners statewide, we appreciate the opportunity to provide comments on the Draft 2026 Sand & Gravel General Permit (SGGP).

Our members share Ecology's commitment to protecting Washington's water resources, but the draft permit in its current form presents three overarching concerns:

1. Clarity and Workability – Ambiguous definitions and subjective standards create compliance uncertainty and risk inconsistent enforcement.
2. Economic Impacts – The Small Business Economic Impact Analysis fails to reflect the true costs of compliance, particularly for infrastructure upgrades and reporting requirements.
3. Balance and Effectiveness – Prescriptive mandates and duplicative reporting place disproportionate burdens on contractors without delivering clear environmental benefits.

We respectfully urge Ecology to clarify ambiguous terms, revise the SBEIA with realistic cost data and phased implementation options, and place greater emphasis on performance-based standards rather than rigid mandates.

The following detailed comments expand on these concerns and provide section-specific feedback.

1. Ambiguity in Permit Language

Revisions to exclusion criteria (S1.C.1a–c) introduce uncertainty about aquifer interception and 303(d) listings. It is unclear whether these changes are substantive or editorial. Ecology must clarify the intent and provide technical justification to prevent inconsistent interpretation and enforcement.

2. Inadequate Economic Impact Analysis

The Small Business Economic Impact Analysis (SBEIA) does not account for major compliance costs faced by contractors. Infrastructure upgrades—such as truck wash systems, lined impoundments, or closed-loop process water systems—require significant capital investment, permitting, and phased implementation. Characterizing these as minor adjustments is inaccurate. Ecology should revise the SBEIA with realistic figures and incremental cost modeling.

3. Overly Prescriptive Standards

The draft permit introduces mandates that reduce operational flexibility without measurable water quality benefit:

- Blanket prohibitions (S3.D.3, S3.F.2) lack scientific support and contradict BMP-based compliance approaches.
- Chemical restrictions (S3.E) requiring brand names and limiting effective treatments such as vinegar or CO₂ sparging impose unnecessary burden.
- Monitoring locations (S4.A.1 & B.1) may not accurately reflect site discharges, especially for inaccessible or offsite receiving waters.

4. Subjective and Undefined Terms

Use of terms such as "odor," "film," or "reasonable time" (Appendix B) are subjective and unenforceable without measurable criteria. The addition of undefined terms such as "processing" (S3.I.5) and inconsistent use of "permeable/impermeable" versus "pervious/impervious" create compliance uncertainty and risk arbitrary enforcement.

5. Excessive Reporting and Administrative Burden

The draft includes extensive new documentation requirements that do not provide additional water

quality protection:

- Spill documentation (S9.C.4) requiring photographs, staff details, and timing during emergency response is impractical.
- Annual compliance reports (S11.G) add paperwork but no new protective outcomes.
- Production reporting (S10.B) duplicates existing data requirements.

6. Regional and Sector-Specific Impacts

Uniform statewide requirements fail to account for diverse geographic and operational conditions:

- Eastern Washington's drier climate makes uniform BMPs impractical.
- Facilities with mixed-use or auxiliary activities (S1.B) should be evaluated based on primary use, consistent with other regulatory determinations.
- Concrete recycling provisions (S8.F) unfairly penalize operators retroactively despite prior compliance, causing economic harm without clear environmental benefit.

7. Lack of Transparency in Technical Basis

The draft introduces requirements such as hexavalent chromium monitoring (S4.A.4) without data support. Ecology previously committed to publishing a technical memo before permit development, yet key documentation has not been released. Transparency in the technical basis for permit provisions is essential for stakeholder confidence.

Project Delays and Added Costs

The draft permit introduces requirements that could delay projects and significantly increase costs:

- Prescriptive BMP mandates (e.g., truck wash systems, lined impoundments, closed-loop systems) require design, permitting, and construction time, forcing project delays before work can proceed.
- Ambiguous and subjective standards create compliance risk that may halt or slow projects while waiting for clarification.
- Excessive reporting requirements demand additional staff time and administrative oversight, delaying construction activities.
- Monitoring obligations (such as hexavalent chromium testing) could stall work while waiting for lab results or compliance review.
- Retroactive provisions and uniform statewide requirements ignore regional realities, potentially forcing redesign or shutdown of compliant operations.

Collectively, these provisions extend permitting timelines, create uncertainty, and divert resources away from construction, resulting in higher project costs and delayed delivery.

Requested Revisions

AGC of Washington respectfully requests that Ecology:

- 1) Clarify ambiguous definitions and criteria to reduce enforcement uncertainty.
- 2) Revise the SBEIA to include realistic compliance costs and phased implementation options.
- 3) Replace prescriptive mandates with performance-based BMP standards.
- 4) Eliminate duplicative reporting requirements that do not improve environmental outcomes.
- 5) Provide technical memos and supporting data before finalizing permit requirements.

AGC members remain committed to sustainable construction practices and regulatory compliance. However, the Draft 2026 SGGP in its current form imposes significant compliance uncertainty, excessive costs, and administrative burdens without demonstrable improvements to water quality. We urge Ecology to revise the permit to provide clarity, fairness, and flexibility for permittees while achieving shared water quality goals.

Thank you for the opportunity to provide input. AGC of Washington looks forward to continued collaboration with Ecology to achieve balanced solutions that protect water quality while supporting the construction industry.

Sincerely,
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