

Riley Helean

Kindly see the attached.



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Washington State Department of Ecology
Via Online Submission

October 7, 2025

REGARDING THE DRAFT SAND & GRAVEL GENERAL PERMIT (2026 REISSUANCE)

The Building Industry Association of Washington (BIAW) is Washington's largest trade association, representing over 8,000 companies involved in home construction. BIAW is committed to supporting attainable housing for all Washington residents. We appreciate the opportunity to provide comments on the draft Sand & Gravel General Permit, which regulates discharges from operations critical to housing construction, including sand and gravel pits, asphalt operations, and concrete batch operations. At the heart of our comments is the shared goal of ensuring that regulatory requirements are clearly articulated and proportional to the demonstrated need, thereby protecting environmental quality without unnecessarily increasing the cost of housing for working families in Washington.

Amidst the persistent statewide housing affordability crisis, it is paramount that essential construction materials, including sand, gravel, concrete, and asphalt, remain readily accessible and reasonably priced. These materials form the backbone of infrastructure and housing development across the construction trades, and any disruption to their supply or affordability directly impacts the ability to build homes that Washington families can afford. Unfortunately, the proposed revisions to the draft Sand & Gravel General Permit introduce unnecessary and potentially harmful regulatory burdens. Rather than supporting streamlined, efficient development, the added complexity further constrains supply chains, undermines project timelines, and exacerbates the challenges downstream from housing insecurity that Ecology should aim to alleviate. Without careful reconsideration, these regulatory revisions will continue to hinder our members' ability to deliver the housing solutions Washington communities urgently need.

BIAW observes that many of the proposed revisions introduce ambiguity, complexity, and increased regulatory burden that appears disproportionate to demonstrated environmental deficiencies within the industry. The draft permit includes numerous additions, deletions, and clarifications of defined terms in Appendix B which will lead to worse compliance outcomes. We urge ecology to further clarify the purpose and provide clear rationale for new requirements, including distinguishing between substantive changes and editorial changes. BIAW also urges ecology to provide phased timelines for implementation to accommodate substantive changes. Without such clarity and consideration, there is a risk that the increased regulatory complexity will lead to confusion and inconsistent enforcement costs — outcomes that ultimately undermine both industry compliance and environmental protection goals.

BIAW finds that the SBEIA has omitted major costs, lacks evaluation of incremental impacts, and is dependent upon outdated and incorrect data sources. Ecology does not provide a source for its "Past industry and DOT estimates." Despite the undercalculation, the Small Business Economic Impact Analysis (SBEIA) itself still acknowledges the disproportionate costs on small businesses compared to the largest ten percent of businesses. BIAW is also concerned that the draft permit may depart from the General Permit standard by introducing requirements that do not uniformly apply or that impose disproportionate burdens on certain facility types. Small businesses will often be required to pass a portion of the compliance costs onto consumers, hurting their economic productivity and pricing out Washingtonians. BIAW believes that Ecology can expand upon the four existing mitigation steps, particularly by expanding tiered monitoring and compliance regulations based on site size or environmental risk, while remaining within the bounds of federal and state permitting regulations.

Ecology notes that the industry as a whole has "excellent compliance rates," requiring that staff concentrate on repeat visits to just a few facilities with compliance problems. Despite acknowledging this, Ecology has opted to impose universal, confusing, and costly restrictions across Industry. BIAW firmly believes that concentrating resources on these regulatory inspections is a more effective means of improving compliance.

Overall, we encourage Ecology to more clearly articulate the rationale behind proposed changes, ensure consistency with the General Permit framework, and adopt a more targeted approach to enforcement that reflects the industry's strong compliance record. BIAW strongly believes Ecology can better achieve both environmental stewardship with economic feasibility by incorporating phased implementation timelines, refining the SBEIA with accurate and current data, and expanding mitigation strategies that account for site-specific risk. We sincerely appreciate the opportunity to comment and urge Ecology to thoughtfully integrate this feedback into the final permit to ensure Washington families have access to both safe communities and affordable housing.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Riley Helean". The signature is written in a cursive, flowing style.

Riley Helean
Building Industry Association of Washington