

Date: Friday October 10<sup>th</sup>, 2025

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To Whom it Concerns,

Thank you for the opportunity to provide comments on the 2026 Sand & Gravel (S&G) Draft Permit. Below is Granite Construction Company's list of comments/concerns that Ecology should consider before executing the proposed draft.

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**Permit Section:** Effluent Limits – S2 Table 3 footnote 1, Page 5 AND Discharge to Groundwater – S2.B.1.f, Page 9

**Specific Permit Language:**

"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, explains in the notification the cause, describes the solution and preventative measures."

**Detailed Concern(s):**

- Reporting every sheen at a groundwater discharge site to the regional manager is time-consuming for both permittees and Ecology, with minimal benefit.
- DMRs already cover this process quarterly, so the new permit will double the reporting work for each incident.
- With all the new reporting requirements in this draft, adding this will take Ecology regional permit managers' time away from more important tasks.

**Proposed Solution/Language:**

- Keep existing permit language that has the occurrence noted in the DMR and remove the requirement to notify the regional permit manager.

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**Permit Section:** Chemical Use Plan Form, S3. E, Page 12-13

**Specific Permit Language:**

"All Permittees must submit a Chemical Use Plan for the use of a chemical(s) discharging to waters of the state, the use of chemicals for the treatment of material(s) with potential to discharge to waters of the state, or significant changes to previously reviewed chemical(s) discharging to waters of the state." "Permittees obtaining permit coverage for the first time must submit a Chemical Use Plan (form ECY 070-7929) for review by Ecology at least 30 days 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.”

**Detailed Concern(s):**

- A Chemical Use Plan is novel in the context of WA general permits and should not be applied across the industry covered under the S&G permit due to questions about implementation and increased workload on Ecology staff for document review and oversight. The language is broad and there are no examples of this being previously implemented, which will create uncertainty about what should be reported.
- Concerns over backlogs in approvals that would significantly impact operations for current/upcoming projects with sensitive project timelines.
- With this language as written, all chemicals stored and used onsite could have the potential to discharge to waters of the state. If this language is intended to address chemicals used for water treatment and dust suppression, this should be clearly stated and defined to reduce confusion.

**Proposed Solution/Language:**

- Removal of proposed condition requiring the Chemical Use Plan
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**Permit Section:** Discharges to Surface Water – Additional Effluent Limitations S3.F.1, Page 13 AND Inspections S4.F.3.a, Page 21

**Specific Permit Language:**

“Discharges must not cause a visible increase in turbidity, objectionable color or discoloration, change in odor, observable film, scum; or cause visible oil sheen or grease in the receiving water.”

“The wet season inspection must be conducted by the Permittee and must include observations for the presence of floating materials, settled or suspended solids, scum, oil (sheen) or grease, discoloration, turbidity, odor, observable film, an observable foam, or substances that produce an observable change in color or odor in the stormwater discharge(s).”

**Detailed Concern(s):**

- The new parameters added such as discoloration, change in odor, and observable film, are arbitrary and are non-measurable which violates WAC 173-216-125.
- Additionally, the new parameters can often be caused by natural processes in surface waters such as algae and vegetation.

**Proposed Solution/Language:**

- Revert to current permit language in these sections regarding pollutants.
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**Permit Section:** Discharges to Groundwater – Additional Effluent Limitations, S3. G.2,  
Page 14

**Specific Permit Language:**

“Any discharge to a pond, lagoon, or other type of impoundment or storage facility that is unlined is considered a discharge to groundwater and is subject to the groundwater quality standards (Chapter 173-200 WAC10). *Ecology may consider water on permeable surfaces and not conveyed to a monitoring point a discharge to groundwater.*”

**Detailed Concern(s):**

- The italicized language is too broad and allows for subjective interpretation by inspectors on what constitutes a monitoring point.
- For sites that are neither perfectly flat nor paved, the location at which water collects is constantly changing and a monitoring point that includes several “puddles” on pervious surface would still be representative of the site’s discharge.
- Are all “permeable surfaces” that have pooled/puddled water going to require a Monitoring Point Update Form submitted to Ecology?
  - Active mine sites are constantly changing which has the potential to require constant updates to monitoring points. This will greatly increase the workload on industry staff and Ecology staff and may create lapses in monitoring and reporting if updates are not made in a timely manner.

**Proposed Solution/Language:**

- Removal of provision all together
- If Ecology will continue forward with this provision, the removal of “conveying” all water directly to a monitoring point should be removed
- Removal of “permeable surfaces” becoming a discharge location

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**Permit Section:** Discharges to Groundwater – Additional Effluent Limitations, S3. G.3,  
Page 14

**Specific Permit Language:**

“All soap-impacted waters are prohibited from discharge to ground waters of the state.”

**Detailed Concern(s):**

- This condition is contradictory to the definitions of soap and soap-impacted water in Appendix B which defines soap-impacted waters as a process water. Process waters are allowed to be discharged to waters of the state in the permit.
- Language should also include how soaps are used for clarity to permittees on what is considered a soap. If soap-impacted waters are generated from washing equipment, then this should be clearly stated.

- Language should reflect the definition of soap in Appendix B, primarily that “Non-biodegradable, phosphate containing, or nonylphenol ethoxylates containing soaps are prohibited from discharge to waters of the state.”

**Proposed Solution/Language:**

- The prohibition of discharge of soap-impacted waters to waters of the state from S3.F.2 and S3.G.3 should be removed to be consistent with the definitions in Appendix B.
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**Permit Section:** Discharges to Groundwater S4.B.4, Page 16

**Specific Permit Language:**

“Permittees conducting NAICS Code 212321 activities and discharging process water and/or mine dewatering water to groundwater within a Critical Aquifer Recharge Area, Wellhead Protection Area, or sole source aquifer must collect, analyze, and report the total dissolved solids (TDS) concentrations from their discharges at a minimum frequency of once per quarter. Small businesses subject to Special Condition S4.B.4 may request a reduction in monitoring frequency.”

**Detailed Concern(s):**

- The reason for this addition was stated as “TDS serves as a surrogate indicator for the presence of dissolved metals that could threaten the groundwater quality.” Ecology has added this requirement based on a possibility with no studies backing said claim. Most studies tracking metal pollution in mine drainage revolves around acidic mining. It is usually these acidic conditions that cause the metals to dissolve enough to appear in the TDS readings. Acidic conditions are not common at sand and gravel mines which generate high metal absorption in discharge waters.
- A study by the Thurston County Public Health and Social Services Department demonstrated that gravel mining poses a low risk of groundwater contamination stating the “simplest form of gravel mining, excavating above the water table with no associated activities such as vehicle maintenance or asphalt batch plants, causes a relatively low risk to ground water quantity and quality.” In addition, “Significantly increasing the iron content of ground water by physically disturbing the aquifer materials requires a combination of heavily iron-coated aquifer materials, organic material, and bacteria that is very uncommon in Thurston County.”

[THE DIRECT AND CUMULATIVE EFFECTS OF GRAVEL MINING ON GROUND WATER WITHIN THURSTON COUNTY, WASHINGTON](#)

**Proposed Solution/Language:**

- Remove this section from the new permit.
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**Permit Section:** Discharge to Groundwater S4.B.5 Page 17

**Specific Permit Language:**

"The permittee might be required to construct and sample groundwater monitoring wells in accordance with an Ecology-approved groundwater impact study based on Ecology Publication 96-02 (Implementation Guidance for the Groundwater Quality Standards)13."

**Detailed Concern(s):**

- The cost of installing groundwater wells is quite significant and can be financially devastating, especially for smaller businesses

**Proposed Solution/Language:**

- Add language that if Ecology requires the construction of groundwater monitoring wells that they must bring forth evidence to permittee that demonstrates how their operations are causing an impact to the ground water such as multiple notices of corrections or violations.
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**Permit Section:** Inspections S4.F.2 Page 20

**Specific Permit Language:**

"When equipment, machinery, and/or vehicles operate on-site.."

**Detailed Concern(s):**

- If a vehicle briefly drives onto a site on a non-operating day, will an inspection now be required?
  - The proposed change does not align with a general permit focused on stormwater compliance.

**Proposed Solution/Language:**

- Subtract vehicles and keep equipment and machinery.
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**Permit Section:** Runoff Conveyance and Treatment BMPs S8.B.2, Page 27

**Specific Permit Language:**

"For a surface to be considered an impermeable surface with no discharge to groundwater, the surface must be constructed of either:

- a) synthetic or flexible membrane material;
- b) hardened concrete (not to include recycled concrete aggregates unless a binder is added);
- c) hardened asphalt (not to include a recycled asphalt aggregates unless a binder is added), or;

d) a functionally equivalent material based on standard engineering practices or approved by Ecology to meet the intent of this section.”

**Detailed Concern(s):**

- This permit draft definition states that an impermeable surface is the same as an impervious surface (Appendix B – Definitions, Page 68). The draft definition also aligns with what an impervious surface is in many jurisdictions in Washington. Section S8.B.2 contradicts this definition that both Ecology and most Washington jurisdictions define as an impervious surface by adding qualifiers.

Impermeable/Impervious Definitions:

[WSDOT Highway Runoff Manual](#)

[Snohomish County Code](#)

[Bellevue City Code](#)

[King County Code](#)

[Whatcom County Code](#)

[Yakima County Code](#)

[Pierce County Code](#)

[Clark County Code](#)

[Spokane Regional Stormwater Manual](#)

**Proposed Solution/Language:**

- Remove the second bullet from S8.B.

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**Permit Section:** Additional Monitoring by the Permittee – S10.C, Page 35

**Specific Permit Language:**

“The Permittee must retain and document the pre- and post-treatment conditions in their DMR. That is, report the initial, untreated value to the DMR and include the posttreatment value in the comments.”

**Detailed Concern(s):**

- Requiring pre-treatment testing and reporting is not necessary since this is not a monitoring point.
- The post-treatment value at the monitoring point is representative of water that is being discharged.

**Proposed Solution/Language:**

- Remove this paragraph from the permit.

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**Permit Section:** Spill Reporting – S10, F., .2, Page 37-38

**Specific Permit Language:**

“Reporting spills to ground (not water)

a) The Permittee must report all spills of oil or hazardous/dangerous materials to ground according to RCW 90.5625 following:"

"If prompt cleanup action was taken prior to any discharge of oil or hazardous/dangerous material off-site, such that human health and/or the environment is not threatened, follow the Report a spill of oil or hazardous materials for reporting timelines, and the Permittee shall record the spill in the spill log, as required by Special Condition S9.C.

(a) Oil or petroleum spills to the ground do not need to be reported to Ecology if prompt cleanup action occurred, human health or the environment was not threatened, and no discharge of the oil or petroleum occurred to waters of the state or off-site; photographs should be collected pre- and post-cleanup."

**Detailed Concern(s):**

- Requiring permittees to report all spills of oil or hazardous/dangerous materials to ground according to RCW 90.56 is confusing because RCW 90.56 is applicable to a facility which is defined as "means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk." RCW 90.56 requires reporting spills to waters of the state by facilities covered under this rule, which would not apply to the majority of S&G permittees. Draft language as written is contradictory regarding how "spills to ground (not water)" should be reported from the referenced RCW 90.56 which speaks to reporting to the Coast Guard when spills are into/reach waters of the state.
- Spill reporting language should be clear and concise for when a spill is required to be reported to the permit manager, to prevent non-reporting due to uncertainty.

**Proposed Solution/Language:**

- Remove the conflicting/confusing information provided in this section as pointed out above.

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**Permit Section: Solid Waste Disposal – S11., B., Page 39**

**Specific Permit Language:**

"The Permittee must not allow leachate from solid waste material *or recycling material* to enter waters of the State without achieving AKART. The Permittee must apply for an individual permit or permit modification as may be required for such discharges to waters of the State."

**Detailed Concern(s):**

- The addition of "recycling material" to this section of the permit will have significant impacts on the asphalt industry that Ecology is not taking into consideration.
- What recycling materials are covered by this? No definition in Appendix B.

- This addition increases uncertainty on a statewide basis for what AKART will be applicable in different areas of the state. Concrete Recycling has specific BMPs outlined in the permit. Is this the only type of recycling contemplated in this section?
- Washington State Legislature encourages and emphasizes recycling efforts, and the proposed addition of "recycling materials" will cause negative impacts on the construction industry. WSDOT project contracts place heavy emphasis on waste reduction and reuse of recycled asphalt and other materials. Recycled asphalt material is one of the most recyclable products, and recycling should be encouraged to bring down costs and the carbon footprint of infrastructure projects. Imposing a new regulation on recycled asphalt product stockpiles will increase costs and deter contractors and operators from recycling. Implementing this change will provide no added benefit to water quality and Ecology will incur an increase material prices for construction projects across the state and impeding the industries' top environmental program.

**Proposed Solution/Language:**

- Keep the original language on the existing permit, removal of "recycling material".

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Thank you for taking into consideration Granite Construction Company's efforts to collaborate on the proposed 2026 Sand and Gravel permit. Granite Construction highly values seamless and consistent compliance. We look forward to working with Ecology on continuing to protect Washington State waters.

Thank you,

A handwritten signature in black ink that reads "Nicci Grimm".

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