CPM DEVELOPMENT CORPORATION

October 10, 2025

Department of Ecology
Water Quality Program
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Re: CRH Americas Materials
Comment on the 2026 Draft Sand & Gravel General Permit

After reviewing the draft permit proposed by Ecology, CRH submits these comments and concerns we believe need to be addressed. CRH is a proponent of environmental stewardship and sustainable practices, however the changes proposed in the draft permit are not supported by data, provide minimal environmental benefit and will create unnecessary additional burden on the permittee. These comments are intended to support Ecology in refining the permit to comply with regulations while maintaining workable standards for the Sand & Gravel industry.

Comments:

1. **Vague and Ambiguous Permit Language and Definitions**

Ecology has shown continued use of vague language throughout the draft permit. Using vague and ambiguous language can reduce the effectiveness of this permit by leaving certain requirements up to interpretation. Businesses across the state may interpret requirements differently than each other and different than intended policy. This could potentially lead to violations wherein businesses had acted in good faith to follow permit requirements. There are several areas in the draft that we believe need to be more concise and specific. This list is not intended to be all inclusive, rather as examples:

- List the criteria Ecology will use to determine if a Chemical Use Plan will be accepted (S3.E)
- A clear definition of what Ecology considers to be an unlined impoundment (S5.D.3.a)
- A clear definition of what Ecology considers to be a substantial change that requires being reported (S11.G)
- Clear examples of what stabilization BMPs need to be taken for pausing/stopping reclamation (S6.A.5)
- Clearly state when photos are required for the spill log because in the fact sheet it states they only need to be taken “when necessary” (S9.C.4)

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2. Lack of Scientific Basis for New Monitoring Requirements

The new monitoring requirements proposed by Ecology for Hexavalent Chromium (S4.A.4) and Total Dissolved Solids (TDS) (S4.B.4) are not substantiated by scientific evidence as a problem needing regulatory oversight. This overreach of authority by the Department of Ecology is not what this permit is intended to regulate. Ecology has also not provided substantial peer-reviewed scientific findings that demonstrate that these facilities are major causes of harm to the health of humans or the environment regarding Hexavalent Chromium and TDS. Ecology should refrain from implementing this increased testing until they have a peer-reviewed scientific study that supports the need for increased monitoring requirements.

3. Lack of Required State Infrastructure for Hexavalent Chromium Monitoring

The newly proposed monitoring requirements have multiple problems with overall logistics for collecting and submitting Hexavalent Chromium samples. There are only two laboratories in Washington State with the capability of conducting Hexavalent Chromium testing, both are located in the Western part of the state. Ready-mix concrete facilities in the eastern part of the state will have increased costs, and potential problems with shipping samples to these laboratories. This could lead to a large portion of the state providing samples that no longer meet testing requirements and providing faulty data due to the distance from the testing facilities. As it currently stands, the State of Washington does not have the laboratories to support this requirement. It is suggested that additional testing facilities must be created throughout the Columbia Basin and Eastern Regions of the state before this requirement can be implemented.

4. Increase in Costs and Ambiguous Requirements Related to TDS Sampling

The proposed TDS monitoring requirements for processing water at aggregate facilities will impose increased costs onto companies if implemented. Those additional costs can quickly add up (estimates range between $1800 and $4500 per affected monitoring point). At many facilities the only process water that is discharged is what percolates from stockpiled materials directly to the ground. In these circumstances, the facility would not be able to collect the process water for a sample. There is also ambiguity when it comes to expectations for portable aggregate facilities. This creates an undefined target if the facility meets the requirements for sampling, if they have a proper location that could be sampled and ensuring site personnel are aware of the need of sampling. This will increase business costs and create more confusion about what it requires to adhere to the regulations of this permit.

5. Increase in Costs Related to Implementing Isolation and Collection Measures for Soap-Impacted Waters

The prohibition of discharging soap-impacted waters will significantly increase business operation costs (S3.F.2, S3.G.3, and S8.E.8). The recently renewed Industrial Stormwater General Permit covers

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similar activities and does not prohibit soap-impacted water from discharging. Many facilities covered under this permit are not equipped with the infrastructure to segregate soap-impacted water for processing. Getting approval to discharge to a sanitary sewer (S8.E.8.ii) is not an option for every site, and instead requiring soap-impacted water to transfer to another facility will increase costs for facilities even further. According to section S8.E.8.c, sites will potentially have to create new containment areas specifically for soap-impacted water, potentially create a new impervious, bermed cleaning area, and then also must pay for the transportation for personnel or contractors to take the soap-impacted water to another facility. The capital costs for maintaining these standards are an unnecessary burden to place on businesses that are not set up for the new requirement. Ecology also has not stated if there is a compliance schedule for locations to set up the new source control BMPs they are requiring (S8.E.8.c).

6. Chemical Use Plan is Redundant Requirement with Other Federal Chemical Reporting Standards

The Emergency Planning and Community Right to Know Act already requires chemical reporting to a higher degree than is outlined in section S3.E. Requiring the creation of Chemical Use Plans is a redundant requirement when the information is already reported elsewhere in a publicly available format. It is proposed that this requirement is removed.

7. Clarification on Definition of Permeability and Puddle Sampling

S3.G.2.: …*" Ecology may consider water on permeable surfaces and not conveyed to a monitoring point a discharge to groundwater."* Permeable surfaces are referenced as discharge points throughout the permit and in Appendix B without the clarifying language above. Further, the language does little to address the recurring issue of puddle sampling at facilities with flatly graded yards. Puddles are a natural occurrence due to heavy equipment traffic at unpaved yards and will persist even with intensive effort to grade the surface. CRH suggests that additional language be added to address puddles as a common occurrence and that puddles should not be sampled for effluent limits if a representative monitoring point collects water substantially similar in nature to that found in puddles. For example, puddles near a stockpile may retain water as it sheetflows to the permitted monitoring point, this puddle should not be considered a discharge to groundwater or be sampled.

S10.C.: New language included in *Section 10 C. Additional Monitoring by the Permittee* requires monitoring and reporting of effluent exceedances for pre-treatment conditions in unlined impoundments. This requirement establishes the potential for facilities to be subject to a violation where no specific action by the permittee causes harm to human health or the environment and best management practices related to the monitoring point were in place. This comment intertwines with other concerns about puddles and puddle sampling from S3.G.2. which given the current language of the permit may subject puddles to violations under this section. Treatment of pH in unlined impoundments occurs shortly after a rain event and the intent of the impoundment and treatment is to offset any potential harm to the environment. Adjustments to puddle language would go a long way

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towards assuaging concerns related to this section.

8. Revisions to Unhardened Concrete Storage

The language proposed by the draft permit regarding unhardened concrete solids and concrete truck washout is problematic by being unnecessarily limited in scope. It is proposed that the requirement be expanded to include other containment methods as well. Companies often use onsite reclaimers, for truck washout and other concrete solids, and the ambiguous and prescriptive language in the permit might mean these systems do not meet the requirements of the proposed permit language with the result constraining sustainable recycling. The language should include other impermeable containment methods. (S3.D.3.a&b)

It is also proposed to keep the current standards regarding storage of unhardened concrete solids. Requiring unhardened concrete items like windrowed concrete or ecology blocks to be on a lined impervious surface is an unnecessary requirement because concrete will harden within hours and is not a material source of stormwater contamination. The requirement is also not necessary in every region of the state. The eastern region is typically drier during the warmer months and will not regularly see rainfall. The current standards adequately address how to properly manage unhardened concrete and do not need to be updated. (S8.E.9)

9. Restrictions on the use of impervious lined impoundments for secondary containment.

As a producer primarily located in Eastern WA, S8.E.1.c represents a significant restriction on the operation of facilities. Lined impoundments meet the SPCC requirement for secondary containment consistent with 40 C.F.R. Part 112. Ecology expressed a concern with the potential for discharge to occur unnoticed at locations with impoundments supplying containment. Rather than barring the practice outright, there could be specific conditions under which impoundments could be excluded from use as secondary containment, such as impoundments which automatically treat batches of water for discharge without human involvement.

The majority of CRH's facilities which utilize impoundments do not discharge any water from those facilities. The impoundments act only as secondary containment for material designed to be used in the vicinity of truck washout impoundments. These impoundments provide reliable secondary containment and do not discharge material to the environment.

10. Implementation of spill log requirements S9.C.

CRH does not agree with the expansion of spill log requirements as written. The requirements as written go beyond the policy and regulatory requirements of the state and represent an undue burden on companies which act quickly to respond to spills. Specific concerns include the use of vague language such as "immediately" and "prompt" which make compliance a subjective matter and leave businesses open to unfair violations. The state spill reporting requirements already fulfill the

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requirement of documenting spills and additional regulation does not improve business practices.

Conclusion

The draft of the Sand and Gravel General Permit is too expansive, too expensive, and based on limited scientific rigor. The draft document institutes numerous conditions that come with great cost and little benefit that jeopardize business operations at facilities, especially those in rural communities. CRH has met with Ecology multiple times to address the concerns outlined in this letter. The suggestions given have largely been ignored. Further, CRH supports the comments submitted by the Washington Aggregate and Concrete Association.

CRH requests that the comments in this letter are thoughtfully considered and welcomes opportunities to work with Ecology in drafting a permit that fosters a healthy environment where businesses and communities can thrive.

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