Stefanie Stockwell

Please see attachment for Community for a Healthy Bay's comments.

Communities for a Healthy Bay

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

October 10, 2025

Via online submission through Ecology's Public Comment Form

Re: **Draft 2026 Sand and Gravel General Permit | Open Comment Period**

Dear Eric Daiber and Staff,

For over 35 years, Communities for a Healthy Bay (CHB) has been working to engage people in the protection of Commencement Bay, the waters of the South Sound, and the diversity of life they sustain. We are a 501(c)3 nonprofit working with residents, businesses, and government to offer practical, solutions-based environmental leadership in the Puget Sound area. We strive to mobilize popular support for decisions that make our communities healthier and more vibrant.

We are writing on behalf of CHB to comment on the draft Sand and Gravel General Permit. Overall, we support the updates and appreciate the data-driven approach Ecology used in shaping this permit. However, we have several concerns regarding the practical implementation of certain provisions and how they may affect on-the-ground compliance and environmental outcomes.

pH Compliance and Scope of BMP Applicability

Communities for a Healthy Bay (CHB) appreciates the Department's emphasis on improving pH compliance within this permit cycle. In Pierce County alone, more than 20 sand and gravel facilities have reported numerical effluent limit exceedances for pH over the past five years, underscoring the need for targeted corrective actions and clear best management practices (BMPs). Some facilities have accumulated over 100 individual violations, illustrating the persistent and widespread nature of this issue.

Section S8.F3 appropriately requires facilities to include source control and/or treatment BMPs within their Stormwater Pollution Prevention Plans (SWPPPs), with a comprehensive list of approved measures. However, we are concerned with the inclusion of the clause allowing "any other functionally equivalent BMP and/or technique." While flexibility is important, this language could create administrative challenges for Ecology, as each alternative approach may require individualized review and approval. Given that hundreds of facilities statewide operate under this general permit, the cumulative workload could slow consistent implementation and oversight of effective pH controls.

Through a sample data review of Pierce County facilities, CHB identified 20 facilities with pH exceedances in the past five years, yet only about half of these are concrete recycling

operations. As currently written, the S8.F3 BMP requirements apply only to concrete recycling facilities. This means that many sand and gravel or aggregate operations with repeated pH violations would not be required to adopt the same pH control measures, leaving a substantial gap in the permit's coverage.

For example, Evergreen Pre-Cast Inc. reported 112 pH exceedances over the past five years but is not a concrete recycling facility. Under the current draft language, Evergreen would not be required to implement the new pH-specific BMPs. This inconsistency is concerning, as non-recycling operations contribute substantially to cumulative pH impacts within the same watershed.

Concrete recycling facilities are not the only contributors to pH non-compliance, and we urge Ecology to expand the applicability of these pH-specific BMP requirements to all sand and gravel facilities covered under this general permit. Doing so would promote consistency, reduce cumulative impacts, and more effectively protect Washington's water resources.

Local Concerns Prompted by DuPont Mine Proposal

More specifically, our concerns about the efficacy of sand and gravel mining regulations stem from some of the alarming predicted impacts outlined in the CalPortland South Parcel Mine Expansion project.

The South Parcel Mine lies within the ancestral lands of the Nisqually Tribe and the Sequalitchew Creek watershed, a landscape recognized as eligible for the National Register of Historic Places. Despite this, the project's environmental review narrowly limited its cultural analysis and did not meaningfully engage the Tribe. This failure to account for cumulative impacts on Tribal cultural resources exemplifies some of the environmental justice gaps that can arise when permitting frameworks lack strong procedural requirements.

Additionally, the hydrologic modeling for the DuPont mine predicts significant groundwater drawdown and loss of wetland hydrology in Edmond Marsh, alongside reduced baseflows in Sequalitchew Creek. These changes risk drying critical habitats, degrading water quality, and undermining long-term ecological function. Proposed mitigation—temporary groundwater pumping into the creek and marsh—offers no permanent safeguard and relies on insufficient methods with no clear enforcement mechanism. Once dewatering ends, both water bodies are projected to decline sharply, an obvious failure that revised permit language should aim to prevent.

This case illustrates why we support stronger, enforceable requirements for hydrology protection, water quality standards, and adaptive management tied to measurable ecological outcomes. It also highlights the need for early Tribal consultation and community engagement whenever mining activity could impact culturally significant or valuable ecological areas.

Conclusion

We believe that the Sand and Gravel General Permit should serve as a proactive tool to prevent impacts like those projected in DuPont. As Ecology finalizes the 2026 permit, we urge it to prioritize clear metrics on any relevant effluents from facilities, robust accountability measures,

and equity-focused provisions to prevent cumulative harm to Washington's water resources and frontline communities.

Thank you for considering these comments and for the opportunity to support communities throughout the South Sound region.

Sincerely,

Stefanie Stockwell, Staff Attorney

sstockwell@healthybay.org

Logan Danzek, Policy Manager

ldanzek@healthybay.org