

Matt Howland

Dear Department of Ecology,

Ryatt Construction strongly supports the comments submitted by Northwest Cascade, Inc. regarding the Draft 2026 Sand and Gravel General Permit. We echo the technical and regulatory concerns they have raised and join in their call for a more practical and balanced approach to this permit.

In addition to the points outlined by Northwest Cascade, we believe it is critical that all permitting decisions be weighed in light of Washington's growing need for affordable housing and essential infrastructure. Proposed changes that substantially increase costs without providing environmental benefits are counterproductive. The added layers of cost and regulation in this draft proposal will directly impact construction budgets, slow project delivery, and ultimately drive up housing prices — outcomes that run counter to public policy goals.

From a practical field perspective, the construction industry has made significant progress in minimizing environmental impact through technology and best practices. For example, the widespread adoption of hydrovac excavation has greatly reduced the risk of damaging existing utilities, improved safety, and enhanced environmental protection by reducing ground disturbance and sediment runoff. This kind of innovation should be recognized and supported — not penalized by new, unnecessary regulatory burdens.

In our view, the draft permit, as written, imposes requirements that add cost without achieving meaningful environmental improvement. These changes, while perhaps well-intended, are misguided and counterproductive, and risk undermining both economic and sustainability goals.

We urge Ecology to reconsider the proposed revisions in light of the real-world implications for essential housing and infrastructure development, and to work collaboratively with industry partners to ensure a balanced, effective, and science-based approach.

Sincerely,
Matt Howland
Founder & Visionary
Ryatt Construction LLC



NORTHWEST CASCADE INC.

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Date: 10/9/2025

To: Eric Daiber

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

From: Clint Myers

RE: Formal Public Comment Period – Draft 2026 Sand and Gravel General Permit

Dear Sirs,

Northwest Cascade, Inc. (NWC) appreciates the opportunity to comment on the Department of Ecology's draft Sand and Gravel General Permit. We are concerned that the current draft lacks clarity regarding permit coverage for **process water generated from materials imported for mine reclamation**—specifically, hydro excavation spoils from eductor trucks.

NWC, along with many other permittees, have **accepted clean hydro excavation material for decades** without prior indication from Ecology that doing so falls outside the scope of the permit. The eductor truck industry is rapidly expanding, in part due to laws mandating hydro excavation in numerous jurisdictions. If it is Ecology's intent to remove this activity from permit coverage, it would **leave the industry without a lawful disposal pathway**—an outcome with significant operational and environmental consequences.

Clean, Non-Contaminated Material

It is essential to distinguish that this material is **clean fill dirt**—not sewer sludge, catch basin debris, or contaminated waste. It is excavated using water (hydro excavation), and when received by sand and gravel mining operations (NAICS Code 212321), is dewatered and repurposed for reclamation. At facilities like NWC's Canyon Pit, this material is managed under an established **materials acceptance program** to ensure it originates from uncontaminated sources and qualifies as **"clean soils" per WAC 173-350-100**, which exempts it from solid waste regulation.

Lack of Permit Clarity Creates Inconsistencies

The process of dewatering this material generates **process water**, which should be managed under the facility's Sand and Gravel General Permit. However, the draft permit does not explicitly confirm that discharges associated with this activity are covered. Instead, coverage is left to interpretation by individual site operators or Ecology inspectors based on the vague connection to "uses related to NAICS codes" under S2.D.

This ambiguity creates the risk of **uneven enforcement and regulatory uncertainty** across similar facilities, leading to potential:

- Business disruptions;

- Unfair competitive advantages;
- Inconsistent environmental protections;
- Impacts on downstream industries and customers.

If even a single Ecology inspector deems this activity as outside the scope of the permit, it could **force compliant facilities to cease accepting clean hydro excavation material**, disrupting essential disposal channels. This would exacerbate capacity issues at storm and sanitary decant facilities—most of which are **municipally owned and not open to public use**—and create an unsustainable burden on local infrastructure. In many cases, gravel pits also **lack sewer connections**, making any shift to sewer discharge infeasible.

Proposed Language for Permit Clarity

To ensure consistent and fair interpretation of the permit across all facilities, we request that the Department explicitly confirm that receiving, dewatering, and placing clean reclamation fill is a permitted activity. We propose the following addition (emphasis added) to **Table 8 in Appendix A**, under NAICS Code 212321 (pg. 59):

Coverage is provided for mining and on-site processing of sand and gravel for construction or fill purposes. Processing means washing, screening, crushing, or otherwise preparing sand and gravel for construction uses. "Mining" includes receiving, processing, dewatering, and placing clean reclamation material or inert material as allowed by a DNR reclamation permit. Discharge of process water from these operations is also covered.

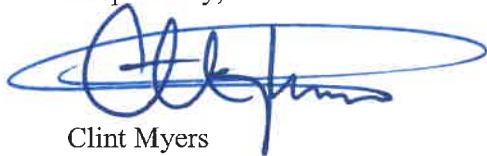
Alternative Approach if Ecology Determines the Activity is Not Covered

If Ecology ultimately determines that **discharge of dewatering water from reclamation fill is not covered** by the permit, we request that Ecology:

1. **Clearly exclude this activity** in Section S1.C1 of the permit;
2. **Phase in any compliance changes** over multiple years to allow permittees time to adapt operations, maintain compliance, and ensure continued service to the hydro excavation industry.

Thank you for your consideration of this important issue. Clarifying this aspect of the permit will ensure consistent regulation, environmental protection, and continued support for a growing and increasingly regulated industry.

Respectfully,



Clint Myers
Vice President
Northwest Cascade, Inc.