

APPENDIX B: FACT SHEET ADDENDUM
SAND AND GRAVEL GENERAL PERMIT
DRAFT PERMIT MODIFICATION

National Pollutant Discharge Elimination System and
State Waste Discharge General Permit

For discharges from
For Process Water, Stormwater, and Mine Dewatering Water Discharges
Associated with Sand and Gravel Operations, Rock Quarries, and Similar Mining
Facilities, Including Stockpiles of Mined Materials, Concrete Batch Operations and
Hot Mix Asphalt Operations

September 26, 2017

State of Washington
Department of Ecology
Olympia, Washington 98504-7600

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1.0 Introduction

The Washington State Department of Ecology (Ecology) is modifying the Sand and Gravel General Permit that was issued on February 17, 2016 as a result of an appeal. The Washington Aggregates and Concrete Association appealed the permit on March 21, 2016. This addendum supplements the September 9, 2015 Fact Sheet available at:

<http://www.ecy.wa.gov/programs/wq/sand/index.html>.

The Sand and Gravel General Permit authorizes the discharge of process water, stormwater, and mine dewatering water to waters of the State of Washington from sand and gravel operations, rock quarries, and similar mining facilities, including concrete batch operations and hot mix asphalt operations.

This general permit limits the discharge of pollutants to surface waters under the authority of the Federal Water Pollution Control Act (U.S.C.S. 1251) and limits the discharge of pollutants to surface and ground water under the authority of Chapter 90.48 RCW.

An appeal settlement was reached that included proposed changes to Special Conditions S2, S8, and S12 of the Sand and Gravel General Permit.

You may download copies of the draft modified permit documents at:

<http://www.ecy.wa.gov/programs/wq/sand/index.html>.

2.0 Public Involvement Opportunities

2.1 Public Comment Period

Ecology invites public comment on the draft of the modified permit until **11:59 p.m. on Friday, December 8, 2017**. Ecology welcomes all comments that address the modified requirements within the draft Sand and Gravel General Permit.

In order for Ecology to adequately address comments, please include the following information with each comment:

- The specific permit language used in the requirement subject to your comment. Include the page number(s) and, where indicated, section reference (i.e., S8.F.1).
- A brief, concise comment including the basis for the comment, and in particular the administrative, legal, technical, or other foundation for the concern.
- Suggested permit language or a conceptual alternative to address your concern.

You may submit written comments or oral comments. There is no need to provide your comments both written and orally. The format in which you submit comments does not matter – all comments receive equal consideration.

Send written comments to Ecology by one of the methods below:

- **Preferred method** - Send comments by e-mail to carrie.graul@ecy.wa.gov
- Send comments by mail to:

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

Provide oral comments by attending and testifying at the public hearing.

2.2 Public Workshop and Hearings Schedule

Ecology will host a public workshop and hearing on the draft of the modified permit. The workshop provides Ecology an opportunity to explain the proposed changes to the permit and to answer questions. The public hearing will immediately follow the workshop. The public hearing will provide an opportunity for the public to give formal comments on the draft of the modified permit.

November 30, 2017 Workshop and public hearing

9am Washington State Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

Please direct questions about the workshop, hearing, draft modified permit, or fact sheet to Carrie Graul, carrie.graul@ecy.wa.gov or 360-407-6967.

2.3 Issuance of the Final Permit

Ecology will issue the final modified permit after reviewing and considering all public comments. Ecology expects to issue the final modified permit in January 2018 with an effective date of April 1, 2018. Ecology will send a copy of the Notice of Issuance to all persons who submitted written comment or gave testimony at the public hearing.

During the public comment period, Ecology typically receives comments on the proposed permit and fact sheet. Ecology will append the fact sheet for the permit with a summary of a response to comments (*Appendix C – Response to Comments*). Parties submitting comments will receive a notice on how to obtain copies of the final permit and Ecology’s response to comments. Ecology will only revise this fact sheet for factual errors.

2.4 Requesting Copies of the Draft Permit Modification

You may download copies of the proposed general permit modification, fact sheet addendum, and revised portable operation forms from this website:

<http://www.ecy.wa.gov/programs/wq/sand/index.html>. You may request copies from Dena Jaskar at dena.jaskar@ecy.wa.gov or 360-407-6401.

3.0 Summary and Explanation of Permit Modifications and Revisions

Ecology has modified three special conditions in the Sand and Gravel General Permit – S2, S8, and S12. Each of the modified special conditions are discussed below.

3.1 S2. Effluent Limits

Ecology has modified permit Special Condition S2, Effluent Limits, to reduce pH monitoring for process water discharges associated with asphalt recycling, Ecology Code ECY001, from monthly to quarterly.

This frequency and level of effort is equivalent to that established for NAICS Code 324121, Asphalt Paving Mixture and Block Manufacturing in the 2005 permit for process water discharges. Ecology intended to adjust the monitoring frequency from monthly to quarterly, but the revision was not made to the final 2016 version of the Sand and Gravel General Permit. This modification corrects this error.

3.2 S8. SMP Section 3: Stormwater Pollution Prevention Plan (SWPPP)

Ecology is committed to supporting concrete recycling that is done in a manner that is protective of the environment and water quality.

Ecology has modified S8.F to allow recycling concrete stockpiles, at sites that receive permit coverage on or after April 1, 2016, to be located within a Wellhead Protection Area or within 100 feet of a drinking water or irrigation well, subject to Ecology’s review and approval of a groundwater monitoring program.

This modification allows another option, beyond BMP substitution, for permittees that wish to engage in concrete recycling activities at new Sand and Gravel locations within Wellhead Protection Areas or near drinking water or irrigation wells.

The draft modified permit requires permittees to submit and have Ecology approval of their groundwater monitoring program prior to the placement of new concrete recycling stockpiles within a Wellhead Protection Area or within 100 feet or less from drinking water or irrigation wells. This is to ensure that a proper groundwater monitoring plan is in place prior to the first discharge of type 3 stormwater to groundwater.

The proposed permit language mirrors a similar requirement in S4.B.2 of the permit regarding representative sampling from monitoring wells.

The proposed modified permit requires permittees to document their groundwater monitoring program within their Site Management Plan (SMP). Permittees should include a copy of their groundwater monitoring plan, notice of approval from Ecology, and monitoring data within their SMP.

3.3 S12. Permit Application

Ecology has modified S12.B of the permit to address concerns raised in the appeal regarding site restoration after the completion of portable operations.

In some cases, a portable operator may not hold the mining permit or may have no control or responsibility over the site restoration on property that they do not own. Revisions to S12.E are intended to clarify the language and to prevent permittees from violating the permit for circumstances that are beyond their control.

The new language highlights three scenarios where a portable operation may not have the ability to complete site restoration:

1. At an active construction site
2. When the permittee is prohibited by law from accessing the site
3. When the permittee has no legal responsibility over site restoration

In the scenario of an active construction site, the construction contractor (whom could potentially be the site owner) would be the entity responsible for completing restoration according to construction plans for the site. If this is the case, the permittee should note this on the revised Portable Completion of Operation Notice form and include the estimated timeline for final restoration. Ecology may use the estimated timeline to check on the site to make sure final restoration was completed and there are no lingering water quality issues arising from the site.

The permittee must submit documentation in the scenarios where the permittee is prohibited by law from accessing the site or when the permittee has no legal responsibility over site restoration. Suitable documentation could include a copy of the contract with the site owner, legal notice, formal correspondence from the site owner, etc. Portables that operated at an active construction site, where they have no legal responsibility over site restoration, do not need to submit documentation provided that the operation met the conditions in S12.B.3.c.i.

4.0 Revised Forms

As part of this permit modification, Ecology has updated Form ECY070-36 “Portable Beginning of Operation Notice” and Form ECY070-30 “Portable Completion of Operations Notice”.

The “Portable Beginning of Operation Notice” form was last revised in 2011. The “Portable Completion of Operations Notice” form was last revised in 2000.

These forms have been updated to match the new requirements in S12.B of the permit to provide additional information and documentation related to portable restoration activities.

They have also been updated to match the format necessary to move to an electronic version of these forms. Ecology has purposefully matched the style of the “Portable Beginning of Operation Notice” form to the style of the “Permit Application for Coverage Under the Sand and Gravel General Permit” ECY 070-31. This style is based on the electronic format of the forms through Ecology’s Water Quality’s Permitting Portal (Portal). Ecology hopes to make versions of 070-36 and ECY 070-30 available in the Portal for the next reissuance of the Sand and Gravel Permit in 2021.

For each site that the portable travels to a “Portable Beginning of Operation Notice” form is required. This form serves as the Notice of Intent for the specific site. Thus, it is appropriate that State Environmental Policy Act (SEPA) and Public Notice are met for the portable operations on the specific site.

The revised “Portable Beginning of Operation Notice” form requires additional accuracy for the reporting of groundwater monitoring points. The previous version of the form resulted in Ecology setting the location of the monitoring points for portables in Ecology’s Permitting and Reporting Information System (PARIS) to the middle of sites instead of at specific monitoring locations. Ecology did this based on the idea that monitoring at portable facilities would be done based on representative sampling. This current method of setting monitoring points to the middle of sites is inaccurate. With information becoming easier to access online and with the move by the United States Environmental Protection Agency to require electronic monitoring reporting more accurate assignment of monitoring points is necessary. The revised “Portable Beginning of Operation Notice” form will now require permittees to provide the latitude and longitude of their representative monitoring points.

Appendix C – Response to Comments

Ecology will amend this Fact Sheet with a Response to Comments on the Draft Modified Permit.