



NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

May 19, 2025

Re: National Pollutant Discharge Elimination System (NPDES) 2026 Issuance of the Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity; EPA-HQ-OW-2024-0481; submitted via regulations.gov

The National Stone, Sand & Gravel Association (NSSGA) appreciates the opportunity to comment on the U.S. Environmental Protection Agency (EPA) proposal for National Pollutant Discharge Elimination System (NPDES) 2026 Issuance of the Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity; in particular, Subpart J. NSSGA believes the permit should be withdrawn and repropose. NSSGA is a member of the Small Business Low Risk Coalition (SBLRC) and adopts these comments by reference.

NSSGA is the leading advocate for the aggregates industry, which produces the stone, sand, and gravel (known as aggregates) needed for infrastructure and environmental improvements like safe drinking water. Our members take the natural materials from the ground, and size them to go into roads and important public works such as water delivery systems, flood control, wastewater treatment and drinking water purification systems. Quarries that have exhausted usable material become useful as reservoirs for community drinking water storage and flood control. An unnecessarily burdensome MSGP, causing excessive costs and permitting issues, could have the paradoxical effect of harming water quality by causing material shortages that result in halting or delaying these important projects and uses.

Regulatory compliance costs can impact operational costs, particularly small businesses. These, in turn, impact the costs of infrastructure projects, which are largely borne by the taxpayer. NSSGA members work diligently to comply with regulations and often go beyond what is required to improve their communities and the environment, such as creating wildlife habitats, wetlands for banking, parks, and other public areas. When members must spend more to comply with cumbersome regulations and red tape, it impacts the resources our members must perform these voluntary and environmentally beneficial projects.

This Proposal Should be Withdrawn and Reproposed

This proposal is inherently flawed and should be repropose for the following reasons:

- 1) Unlike every previous MSGP proposal, this version was not reviewed by the Office of Management and Budget's Office of Information and Regulatory Affairs and did not



receive input from federal agencies. Per [reginfo.gov](https://www.reginfo.gov), this review is vital for good governance, ensuring “actions are coordinated with other agencies to avoid inconsistent, incompatible, or duplicative policies” and that agencies “carefully consider the consequences of rules (including both benefits and costs) before they proceed.”

- 2) The proposal represents an unjustified and significant burden on aggregates producers, without any demonstration of how these changes will improve water quality. These burdens conflict with the February 19 Executive Order 14219 Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Deregulatory Initiative and others. A revision is needed to better balance environmental protection with regulatory costs. Without justification, this proposal adds additional requirements and burdens. The 2015 MSGP struck the best balance between environmental protection and regulatory burden, and the repropose MSGP should be based on this version. The 2015 MSGP is the best model for the next MSGP as it was built on three successive refinements of the original 1995 framework, based on a combination of best management practices, inspections, reporting, and corrective action, like other EPA regimes governing construction and industrial sites. The proposed 2026 MSGP adds complex and expensive provisions without supporting data, undermining informed public review, and increasing compliance costs without clear environmental benefits.

6PPD Sampling Should Not Be Required Due to Incomplete Science and Potentially Major and Environmentally Harmful Impacts to Industry

While NSSGA believes the correct action is for EPA to withdraw the proposed MSGP, the revised MSGP should not require sampling for 6PPD. There is no substitute for this additive that prolongs the life of rubber products such as tires, and a ban would impose significant costs on industry and lead to increased waste. Removing this additive would mean that tires would have shorter lifespans, so more would require disposal, more often. Additionally, the science behind 6PPD is limited, and further study is needed before any testing should be required.

The 30-Day Notification for Transfer of Property is Unreasonable

The requirement (Part 1.3.3 and Table 1-2) for notification of the transfer of a permit to a new owner 30 days prior to ownership transfer is unreasonable and unrealistic. This is impossible since no one acknowledges their purchase of a new site until the closing date, and then the new operator starts operating the site the next day. This should change to 30 days following the transfer in ownership, which is consistent with other types of permits.

Disregarded Industry Input on Fact Sheets Needs to Be Addressed

At the request of EPA, NSSGA provided comment on the MSGP fact sheets in March 2022. NSSGA detailed comments, including a markup of the proposed Fact Sheets Best Management Practices (BMPs) and rationale for these edits. NSSGA’s mark-up resulted in a net increase in BMPs and added clarity for regulators, the public and the regulated community. After 3 years, EPA has not updated these fact sheets and has not provided a reason for not doing so. Specifically seeking comment on, then disregarding, industry input on MSGP Fact Sheets



without any explanation demonstrates a lack of interest by EPA in improving best management practices as well as a lack of regard for industry's efforts to improve their work product. At NSSGA's urging, our members spent many hours reviewing their own company programs, in good faith, utilizing their decades of experience in environmental stewardship to improve these fact sheets. Ignoring the hard work and experience of industry not only impacts this effort but has a chilling effect on industry, potentially limiting vital input on future agency initiatives.

Summary

NSSGA recommends that EPA withdraw this rushed, flawed proposal and repropose a more streamlined version based on the 2015 MSGP, and that EPA work with industry to improve MSGP Fact Sheets and the permit.

Thank you for your consideration of these comments. I can be reached at (703) 526-1064 or at ecoyner@nssga.org.

Sincerely,

A handwritten signature in black ink, reading "Emily W. Coyner". The signature is fluid and cursive, with the first name being the most prominent.

Emily W. Coyner, P.G.
Senior Director, Environmental Policy

