



**SIERRA
CLUB**
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Washington State Chapter

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Honorable King County Councilmembers,

The Sierra Club is expressing its major concerns regarding the proposed move of an Asphalt Facility to a site along SR 169 across from the Cedar River. We urge the King County Council to continue the Moratorium it enacted last November under Ordinance 18611 to allow additional time for environmental review without the Asphalt Facility site preparation beginning prior to completion of such needed review.

Background

Lakeside Industries proposes to move its Asphalt facility from the City of Covington within the King County Urban Growth Area to the Rural Area. It has applied to King County Department of Permitting and Environmental Review (KC DPER) for a grading permit on a site it recently purchased.

The site is located at 18825 SE Renton-Maple Valley Rd in the King County Rural Area between the cities of Renton and Maple Valley along the Cedar River adjacent to the Cedar Grove Natural Area and wetlands. King County has spent many years and significant money in restoring the natural habitat along the Cedar River including along the stretch that faces the site.

Existing Contaminants and Remedial Action

Lakeside Industries' application for a grading permit includes *“excavation of petroleum contaminated soils”* on this site. It is notable that a 9/1/16 report: *“Release Notification and Notice of Independent Remedial Action”* for this site prepared by Farallon Consulting states: *“According to Ecology, the Site has confirmed the presence of petroleum in soil and groundwater in concentrations exceeding their regulatory cleanup levels. The Site is listed as awaiting cleanup under an independent cleanup action... Total petroleum hydrocarbons (TPH) as diesel-range organics (DRO), TPH as oil-range organics (ORO), and benzene were detected at concentrations exceeding the Washington State Model Toxics Control Act Cleanup Regulation (MTCA) Method A cleanup levels in soil at the Site during the subsurface investigation [conducted from March through May 2016].”*

However, Lakeside Industries has not provided information on how it will go about such cleanup activities, specifically identification, collection, removal, nor disposal of contaminated soils and waters.

Topography

There are extremely steep slopes above the site as detailed in a 5/23/17 report: *Critical Area Assessment Report* prepared by Associated Earth Sciences, Inc. (AES)—Lakeside Industries' critical areas consultant: "*Steep, undeveloped north-facing slopes up to approximately 320 feet tall with gradients between 20 and 75 percent are located within the southern portion of the property and extend upon beyond the property line to the south.*" In addition, AES found: "*The slopes on the southern portion of the property have a high risk of erosion and classifies as an erosion hazard area.*" and "*...the southern slopes off the property classify as a landslide hazard area due to the steepness, height, continued erosion, and shallow slides as evidenced by the geomorphology.*"

It is clear the location proposed for the move of Lakeside Industries' Asphalt Facility is a *multiple* critical areas site based on erosion, steep slope, and seismic hazards.

Water Impacts

The Lakeside Industries' site is directly across (~150 ft) from the Cedar River. A stream onsite drains into the Cedar River, thus any contamination not properly treated on site presents significant issues.

The Cedar River is a salmon-bearing water body and its banks a Shoreline of statewide Significance. We emphasize that much public money has been spent over the years to preserve this environment to sustain and bolster the healthy return of salmon to the greater watershed. Steelhead Trout essentially have disappeared from the watershed.

The site has three streams and three wetlands which would be adversely affected, directly and indirectly, by the operation of an Asphalt Facility. Proposed mitigation is grossly insufficient to protect these onsite water bodies.

The siting of any industrial activity within Wellhead Protection Area of King County Water District #90 could adversely affect water quality and ultimately cause the District to alter its source of supply for its customers at great cost.

Operational Pollutants

Per the applicant's SEPA checklist the proposed Asphalt Facility will involve the: "*...storage, handling, and processing of petroleum products including diesel fuel, heated asphalt cement, emulsified asphalt, and propane.*" Consequently, there are significant sources for adverse environmental health effects on nearby residents, the Cedar River, and the Cedar Grove Natural Area and wetlands.

Zoning

During the 2008 major update to the King County Comprehensive Plan, **Policy R-513** expressly prohibited construction on, and use of, the Cedar River/SR-169 site for a new Asphalt Facility:

“Rural Public Infrastructure Maintenance Facilities, and agriculture and forestry product processing should be allowed in the Rural Area. Other new industrial uses in the Rural Area shall be permitted only in Rural Towns and in the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston.”

The Lakeside Industries’ proposed Asphalt Facility would be a “*new industrial use*” and thus is not allowed. All that is allowed should the site continue to be zoned Industrial is a continuation of the prior-existing maintenance shop or materials processing facility, which for many years have occupied the site.

Also, during the 2008 major update to the King County Comprehensive Plan the site was rezoned from Rural Residential to Industrial—specifically to accommodate the existing Sunset Materials operation. That operation has now closed and the zoning designation for this site should revert back to Rural Residential.

Further, the King County Council’s Ordinance 18611 states the following with regard to King County Comprehensive Plan **Policy R-515**:

In accordance with KCCP policy R-515, existing industrial uses along SR-169 shall be zoned rural residential but may continue if they qualify as legal, nonconforming uses.

Consequently, the site must be rezoned from Industrial to Rural Residential.

Transportation-Related Impacts

Per the Lakeside Industries’ Traffic-Impact Analyses, its proposed Asphalt Facility is expected to generate 295 new weekday daily trips on SR-169, an already severely congested major route in southeast King County. This would not only add far more congestion, it also would add much more pollutants to the corridor.

Such an additional traffic load, primarily large trucks, would add more greenhouse gas emissions.

Recommendations

It is clear the King County Council must continue the Moratorium it put in place last November under Ordinance 18611. This will allow key County departments to

conduct more studies related to the severe environmental impacts identified herein and by the hundreds of concerned Rural Area citizens who would have to live in very close proximity to the proposed Asphalt Facility. Save for an incomplete SEPA Checklist, a full Environmental Impact Study has not even been done. At the conclusion of all these studies we are confident the Council will reject the Lakeside Industries' application and, further, rezone the site to Rural Residential, as called for by the King County Comprehensive Plan.

Thank you for your consideration of and action to protect our shared environment.

Tim Gould
Chair, Transportation & Land-Use Committee
Sierra Club Washington Chapter