



John Henry Mine Reopening

by Peter Rimbos, GMVUAC Corresponding Secretary

On Monday, August 6, the Area Council held a Special Event at its monthly meeting with ~60 people in attendance. An open discussion was held on the proposed reopening of the John Henry Mine by the Pacific Coast Coal Co. (PCCC). For more background, a variety of documents are available for review on the Area Council's Environment Committee web page: <http://gmvuac.org/environment/>. These include the Federal Environmental Assessment (EA), Finding of No Significant Impact (FONSI), initial Federal Office of Surface Mining Reclamation & Enforcement (OSMRE) comments, and the comments on this proposal submitted by the Area Council, Washington State Department of Natural Resources (DNR), and King County Department of Permitting and Environmental Review (DPER).

Prior to the meeting our guest speakers were provided a set of four overriding questions:

- (1) What role does the Federal OSMRE play in the renewal of coal mining operations?
- (2) What are the permitting responsibilities of the State and King County going forward?
- (3) What reclamation activities are required and planned?
- (4) What statutory discretion does the State possess under **RCW 78.44.055** to assume primary responsibility for the permitting and oversight of surface coal mining?

Introductory Comments

Guest speakers included: the applicant, PCCC; Washington State Department of Ecology (DOE); DPER; and Puget Soundkeepers Alliance. All speaker presentations are posted on the Area Council's Environment Committee page: <http://gmvuac.org/environment/>.

David Morris (President) and Barry Kombol (Director) represented PCCC. Mr. Morris stated the existing mine was first proposed in 1982 and received all its permits by 1986. PCCC proposed a restart in 2009, but OSMRE required an updated EA, which was completed in 2014. OSMRE issued a FONSI in April 2018. Mr. Morris stated the plan will disturb 29.7 acres (~10% of the original mine). There is a total of 3.9M cu yd still to be reclaimed, which will be done in a series of phases concurrent with the new mining. PCCC must post a \$6.3M bond. Mr. Morris stated Phosphorus discharge to nearby ponds/tributaries is within limits. When asked, he stated the ponds are unlined.

Monika Kannadaguli (New Facility Manager for PCCC), Gerald Shervey (Water Quality Industrial Unit Supervisor), and Rachel McCrea (Water Quality Section Manager) represented DOE. Ms. Kannadaguli listed the permits required for the John Henry mine: Federal mining permit no. WA-0007D issued by OSMRE; State National Pollutant Discharge Elimination System (NPDES) permit no. WA0030830 issued by DOE; and County Clearing and Grading permit no. GRDE15-0112 issued by DPER. She stated the Federal Clean Water Act (CWA) authorizes states, which are delegated the authority by Federal Environmental Protection Agency, to regulate point sources that discharge pollutants into waterways through NPDES permits. DOE issues NPDES

Permits to protect surface water (CWA delegates administration and enforcement to DOE) and groundwater quality (to meet State Waste Discharge requirements—RCW 90.48). PCCC has applied for a NPDES, which will set limits for chemicals and contaminants that can be discharged into public waterways. The NPDES permit requires: No discharge of any processed water, Site inspection, Groundwater water quality monitoring, Discharge monitoring and reporting, Spill control plan, Wastewater treatment system, Limits on effluents (including Phosphorus), and Stormwater Pollution Prevention Plan. NPDES permits for the existing mine were issued in 1986, 1992, 2008, and 2013. Ms. Kannadaguli indicated over 7,000 public comments have been received. Once the draft permit is issued there will be a 60-day public comment period followed by a Public Hearing. If members of the public want to be notified about the comment period, e-mail DOE at: nwropccc@ecy.wa.gov. The process will take many months and the public is encouraged to participate.

Jim Chan (Interim Director) represented DPER. Mr. Chan stated DPER has Mineral Extraction Grading permit authority. Annual renewal is required. Every 5 years there are major periodic reviews (last done in 2014, which required stormwater discharge to meet the new KC Water Surface Design Manual). King County requirements could cause PCCC to go back to OSMRE for permit revisions.

Alyssa Barton (Policy Analyst & Executive Coordinator) represented Puget Soundkeepers. Ms. Barton described her organization's mission to protect and preserve the waters of Puget Sound. They monitor Clean Water Act enforcement; appeal permits when violated; conduct cleanups; conduct education events; and work on rule-making processes. Stormwater/wastewater pollution is one of five areas they address. They have many concerns with past permits for the John Henry Mine that Ms. Barton stated have been violated. There are at least three outfalls to Lake Twelve, Mud Lake, and Ginder Creek. The Pollution Plan for Lake Sawyer must be followed and has a limit on Phosphorus. That Plan does not list John Henry Mine as an allowed polluter to the lake. She stated the required Clean Water Act section 401 certification was never issued for this project and that there has been a history of neglect, illegal dumping, and waste disposal legal violations, and water pollution at the mine that has been going on for decades. Ms. Barton stated any mine re-authorization contradicts County and State air quality and climate change laws and policies, as the mine will create GHG emissions equivalent to 51,000 cars.

Although OSMRE did not directly participate in the meeting, Glenn Waugh, OSMRE Senior Regulatory Program Specialist, U.S. Department of the Interior, Greater Seattle Area, in an email dated August 4, provided a response to Question (3) above that the Area Council provided to the speakers: *What reclamation activities are required and planned?* Mr. Waugh's response was:

"On April 18, 2011, PCCC submitted to OSMRE a permit revision application to reinitiate surface coal mining operations at the John Henry No. 1 Mine. As part of that application, PCCC, in Chapter III, titled, Operation and Reclamation Plan, identified it's plans for reclamation at the mine at Section 3.5. Essentially, the reclamation plans are similar to the reclamation plans previously approved by OSMRE. There will be a final pit lake in its current location with a riparian zone sloping at 3-4h:1v down to 8 feet below the water level. Pit 2 will be back filled and graded to the approximate original topography with material from Spoil Piles 2, 3 North and 3 South. The sedimentation ponds will be removed and reclaimed. Material from Spoil Pile 1 will be utilized to complete reclamation of Pit 1. The coal preparation plant and shale crushing facility, along with some of the other infrastructure components are to be removed with the main haul road scheduled for retention. The post-mining land use is forestry."

Open Discussion

Area Council questions:

Climate Change impacts? PCCC: Addressed in EA. DOE: No response.

Stormwater runoff impacts to Lake Sawyer? PCCC: During a recordable rain event samples are taken and sent to DOE for testing. KC DPER: King County monitors to ensure the requirements of the King County Stormwater Manual are met and reported annually to DOE.

Reclamation Plans? PCCC: Have reclaimed 75%, will continue to reclaim as mining proceeds.

Cumulative Phosphorus impacts including the planned 6,050 homes in Black Diamond? DOE: Discussing internally how to address the Master-Planned Developments; some development—non-point sources—will be infiltrating stormwater and not diverting to streams; while the mine is a point source that must be monitored.

Traffic impacts? PCCC: Ten trucks per day at off-peak hours traveling to cement plant on the Duwammish and the Port of Tacoma to be loaded on barges for international shipment.

How many employees? PCCC: 35 at peak.

How close are the nearest homes to the blasting? PCCC: Diamond Ridge ~1/4 mi away. Required by law to give public notice before blasting; blast surveys conducted within 1/2 mi radius looking for cracks and damage from vibrations—some nearby homes have been bought out.

Does DOE address the unlined ponds and impacts on groundwater and private wells? PCCC: We monitor groundwater once a month, OSMRE has separate requirements. DOE: No response.

Public questions:

Comprehensive monitoring/testing and cumulative impacts on Lake Sawyer; what limits will be on the permits? No responses.

Has Washington State Department of Transportation (WSDOT) been consulted for impacts on SR-169? PCCC: This was addressed in the EA and WSDOT provided comments. DPER: No response.

Is the area fenced to preclude illegal dumping? PCCC: Yes.

Where will the coal go locally on our roads? PCCC: SR-169, I-405, and SR-599 to Spokane St. Also, route to Tacoma (not stated, but most likely Auburn-Black Diamond Rd, SR-18, and I-5).

Is there an economic business case for more coal to be mined? PCCC: We negotiate annually with our customers, currently \$60/ton for this type of coal, but no market in this area, so will sell internationally.

What about coal dust lost on local roads? No response.

Why is the state not handling permitting of the mine as opposed to the Federal OSMRE? Area Council: State DNR has discretionary authority to take primacy to enforce state laws, but is not willing because it states it would not be cost effective. PCCC: If the State took over primacy Federal OSMRE would review to make sure as stringent, then must sign off on state ability to regulate, state then must comply—it would take period of time for such a review.

What about past violations? Puget Soundkeepers: Based on PCCC's track record DOE has the duty to not issue a permit. People have stated they have no voice in the process. Keep in mind the ability to pollute waters is not a right, its a privilege. There have been years of enforcement actions and records of violations, but the situation does not seem to be getting any better.

Does producing cement need to use coal to power its processes? PCCC: No.

The Area Council proceeded to its regular business:

Committee Reports

King County Comprehensive Plan (KCCP): Major updates proposed to be on an 8-yr cycle rather than 4-yr cycle. All Rural Area Unincorporated Area Councils and Associations are to meet with King County officials on Tuesday, August 14, to discuss.

Growth Management: Quality Aggregates Lake Francis drainage work started; New Business Zoning Code changes in King County Council committee; and the King County Utility Right-of-Way Tax Superior Court hearing.

Transportation: SE 216th Rd traffic signage in place; 196th Ave SE Studies and survey markers; Ravensdale Park through-truck restrictions; and Issaquah-Hobart-Ravensdale-Black Diamond Rd Corridor Strategy.

Environment: John Henry Mine permitting and Hirst Decision solutions.

Economic Development: Local Business Survey initiation.

Upcoming Monthly Meetings (All monthly meetings are from 7 - 9:30 PM and held at the Fire Station located at the SE corner of SE 231st St & SR-169 intersection across from the Police Precinct. All members of the Public are welcome. Each meeting begins with an open Public Comment period.)

Hirst Decision: Monday, September 10. A “*Special Event.*” We will discuss the State Legislature’s response (ESSB 6091) to the State Supreme Court’s decision on evidence of an adequate water supply when seeking a building permit. DOE (Stacy Vynne McKinstry) and King County officials will be our guest speakers (see: <http://gmvuac.org/environment/>).

King County Budget: Monday, October 1. Dwight Dively (Director, King County Office of Management and Budget) will discuss the King County 2019/20 Biennial Budget (see: <https://www.kingcounty.gov/depts/executive/performance-strategy-budget/budget/2019-2020.aspx>)

I-90 / Front St Interchange & Issaquah-Hobart Road Studies: Monday, November 5. A “*Special Event.*” Members from the Washington State Department of Transportation (WSDOT), King County Department of Transportation (KCDOT), and the City of Issaquah will discuss the interchange and impacts on traffic volumes and throughput on the Issaquah-Hobart Rd.

Your Area Council serves as an all-volunteer, locally elected advisory body to King County on behalf of all rural unincorporated area residents living in the Tahoma School District. For more information, please visit: www.gmvuac.org.