

## **Reserve Silica Chronological History**

### **Activities**

1924-1944 – Underground mining by Dale Coal Co

1945-1947 – Strip mining of Dale #4 by Dale Coal Co. Then no mining activity until 1967.

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1957 – Reserve Industries (RI) Corporation formed (under name Reserve Oil and Minerals Corporation). **1**

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1967-1968 – Smith Bros Silica Sand Co lease mineral rights from Meridian Minerals, and mines & processes sand.

1968-1986 – Indust. Mineral Prods. (IMP) buys Smith Bros, continues work under lease from Burlington No. Timberlands.

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1970 ? – DNR issues reclamation permit 70-101346 (5/2014 Interim Reclamation Plan [IRP] states this as 70-10346)

1971 – KC Building and Land Development (BALD) Grading Permit L7061122 issued (5/2014 IRP)

1971 – KC BALD begins inspections on Grading Permit 1122-58

1970s – late 1980s – Ideal Basic Industries (IBI) dumps >83K tons of Cement Kiln Dust (CKD) in Dale Strip Pit (DSP).

1977 May – SEPA for mining 20-ac Determination of Non-significance

1979 June – 1982 Oct – IBI dumping CKD in Lower Disposal Area (LDA), ~175K tons (per DOE).

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1981, Mar 20 – SEPA checklist submitted for backfilling with CKD; no threshold decision made.

1981, Aug 28 – KC Public Health issued Special Conforming Use Permit for solid waste disposal of CKD.

1986, Mar – L-Bar Products, subsid. of Reserve Oil & Minerals (later RI) purchases the assets of IMP. **2**

1989 May 17 – Rev. 2 of DNR Reclamation Plan 70-010346.

1989 – LDA and DSP containing CKD capped and monitoring wells in place.

1989, Dec 15 – New operating plans approved by Fred White (only covers mining side-S of road), incl expansion of LDA.

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1990, Jul – RIs creates a wholly-owned subsidiary, Reserve Silica Corporation (RS).

1990 – Mining lease transferred to newly-formed RS subsidiary, prior to L-Bar Products filing for bankruptcy.

1991 Jul 9 – Revision to DNR Surface Mining (Reclamation) Permit 70-010346.

1992 – New tailings ponds constructed without permits.

1993, Apr 20 – Appears new conditions are added to DNR surface Mining (Reclamation) Permit 70-010346.

1997, Dec 18 – RS purchases property from Glacier Park, subsid. of Plum Creek Timber Company. **3**

1999, Feb 9 – Wheel wash approved after numerous mud tracking complaints.

1999, Aug 9 – KC requests updated Operation Plan; submission call for *expansion* of Lower Pit beyond appr'd '89 plans.

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2000, Feb 17 – Adjustment to operating hours approved (case-by-case 24/7 hauling OK if approved by DDES Director).

2003, Apr – Permit 1122-718 (L70G1078/L70G1122) updated annually since 1990; approved to 4/26/2004.

2003, Jun 10 – DDES Periodic Review; operator in process of revising DNR reclamation permit 70-101346. **4**

2006 – RS claims comprehensive review/SEPA analysis of reclamation plan/acceptance by DDES. **5**

2007, Sep-Oct – Cover over LDA upgraded & diversion ditch dug to reduce infiltration/contaminated run-off: Unsuccessful.

2007, Dec – Mining completed; two pits left to fill, Upper and Lower, 17-ac.

2008, Sep – 2013, Feb – Trench system installed to collect seepage from LDA.

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2010, Apr 15 – DNR cancels Reclamation Permit 70-010346 as requested by RS. **6**

2010 – Processing of stockpiled silica sandstone completed (5/2014 IRP).

2010 – RS petitions KC Council to upzone their property to Rural Residential; KC Council denies in late 2010.

2011, Mar 9 – RS submits version 3 of their Land Use Study to KC Council re-arguing its 2010 request to KC Council. **7**

2012 – RS hires team to argue RS reclaimed land is unsuitable for Forestry. **8**

2012, Feb 14 – RS delivers *Response to King County's Proposed Forest Resource Classification* to KC Council. **9**

2012 – DDES SEPA MDNS allow 24/7 ops when authorized by DDES Director for PW projects, subject to conditions.

2012 – Public Health issues inert waste disposal permit (5/2014 IRP).

2012, Dec – RS aggressively pushing for, approval of upzone request. **10**

2014, Jan 7 – Photo/map showing 17-ac reclamation area of Lower & Upper Pits.

2014, May – Interim Reclamation Plan [IRP] submitted to restore 17-ac of Lower & Upper Pits to pre-mining elev's. **11**

2014, Jun – RS purchases a 141-ac property just south of Black Diamond. (see 2016, Feb 19 entry.)

2015, Jan 23 – GRDE15-0011 clearing & grading permit issued as replacement for L7061122/1122-58.

2015, Jan - May – Complaints about mud tracking onto public roadway, incl Stop Work Order.

2015, May 14 – GRDE15-0011 renewed, apparently through Apr 26, 2016.

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- 2015, Oct 8 – DOE notifies RS it would be doing a Site Hazard Assessment of its property.
- 2016, Jan 25 – DOE notifies RS property determined to be Class I (highest priority) MTCA toxic waste clean-up site. **12**
- 2016, Feb 19 – RI creates wholly-owned subsid., Reserve Properties; transfers 141-ac property [see June 2014] to it. **13**
- 2016, Mar 21 – Fred White approves RS bond & Reclamation Plan [May 2014 IRP]. **14**
- 2016, Mar 30 – Dearborn (RS Attorney) letter to Sandin & White re: New wording of Vegetation reclamation in IRP. **15**
- 2016, early Apr – RS proposes its new Demo Proj to KC Council to allow 72-unit clustered housing development. **16**
- 2016, May 28 – RS submits 273-pg Rural Mining Site Conversion Project (proposed Demo Pros to KC Council. **17**
- 2016, Jul 25 – GRDE15-0011 permit extended [apparently to Apr 26, 2017 - see 2018 Jan 19 entry].
- 2016, Sep 1 – Fred White on-site inspection; “*This site really does look like it will be full and completed in 2017.*”
- 2016, Nov - KC Council denies RS upzone request & requires conversion to Forestry upon completion of reclamation. **18**
- 2017 – Inert Waste Permit issued for 1/1/2017-12/31/2017
- 2017, Jun 5 – RS consultants submit its *internal* view of Remedial Investigation on MTCA toxic clean-up. Lots of issues.
- 2017, Jul - Sep – RS proposal to KC for “*water banking.*” **19**
- 2017, Oct 9 - [P122] Randy Sandin e-m to Rhys Sterling (GMVUAC) w/1988 Reclamation Plan & 2014 IRP. **20**
- 2017, Dec – RS makes yet another run at KC Council to upzone their property. Denied.
- 2018, Jan 19 – Permit extended 1 yr to Apr 26, 2018 (Records show Permitting forgot to record prior update to Apr 2017).
- 2018, Jan 30 – DOE presents Preliminary Data Gaps assessment on MTCA clean-up to RS.
- 2018, Apr 16 – Joe Barto (new inspector, replacing Fred White) inspection. **21**
- 2018, Jun 6 – As part of Barto inspection, he discusses “*plans to shape final slopes*” with RS.
- 2018, Dec 17 – Permit extended one year to April 26, 2019.
- 2019 – Solid Waste/Inert Waste permit for 2019 issued by Public Health.
- 2019, Mar 28 – Barto indicates need to talk with White re: “*final grading of the reclamation.*”
- 2019, May 9 – Barto on-site inspection, concerned about height of fill vs level permitted.
- 2019, Dec 16 – DOE MTCA clean-up Agreed Order signed by RS, Holcim & DOE.
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- 2020 Jun 24 – KC website indicates permit renewed, apparently expires April 26, 2021.
- 2021, Apr 22 – Ty Peterson directs permit extension for 2 yr (presumably extending existing permit to Apr 2022). **22**
- 2021, Aug 3 – Weyerhaeuser sells their timber ownership rights on the property to RS (Recording # 20210817001026).
- 2021, Dec 6 – Fred White claims 80% reclamation to Teddy Taddese new Permitting engineer (replacing Barto?) **23**
- 2022, Jan 20 – Taddese on-site inspection; Fred White says site operations for past 7 yr *is* reclamation. **24**
- 2022, spring? – Clearcut ~40 ac w/o FPA permit (late 2021/early 2022).
- 2022, Aug 5 – DNR Forester Eric Oien confronts Fred White on no FPA permit who claims contractor obtained permit. **25**
- 2022, Aug 5 - White e-m’s Stacy Graves asking for a 2-yr extension of RS’s grading permit. **26**
- 2022, Aug 18 – Taddese on-site inspection, w/White, Shon Throp, & Melfi—backfilling Lower Pit, reclaiming Upper Pit. **27**
- 2022, Aug – Taddese prepares permit extension (sometime 8/15-8/18).
- 2022, Aug 19 – Renewed GRDE15-0011 is dated Aug 19, 2022 (but see following entries).
- 2022, Aug 23 – Taddese authorizes 2-yr permit extension (expires 4/26/2024).
- 2022, Sep 8 – RS pays for, and is issued updated GRDE15-0011 permit (dated 8/19/2022; expires 4/26/2024).
- 2022, ~Sep – DNR Forester, Eric Oien, leaves DNR.
- 2022, Dec 1 – DNR Forester Eric Oien replaced by Amanda Trujillo.
- 2022, ~Dec 8 – Trujillo meets w/White: “*KC GRDE15-0011 authorized clearcut in prep for conversion from Forest use.*”
- 2023, Apr 3 – UACs meet w/ DLS-P’s Mark Rowe & Thomas Campbell/ re: RS 40-ac clearcut.
- 2023, Apr 14 – Concerned citizens note extensive dumping, grading and other activity on clearcut site & notify GMVUAC.
- 2023, Apr 17 – GMVUAC e-m’s Rowe/Campbell about activity on RS clearcut site & requests investigation.
- 2023, Apr 28 – Concerned citizens report continuing extensive operations on clearcut site & notify GMVUAC.
- 2023, Apr 30 – GMVUAC e-m’s Rowe/Campbell with specific questions and photos.
- 2023, May 3-18 – **33 truckloads of lead/arsenic contaminated soil designated hazardous/dangerous from ASARCO site were dumped, graded, and covered with 10-20 ft of soil on RS clearcut site.** **28**
- 2023, May 12 – Campbell meets w/Petersen & Taddese, who is directed to research permits & conditions. **29**
- 2023, Jun – Campbell (Rowe? Tadesse?) meet with White (and RS owner reps?) on-site (specific date unknown)
- 2023, Jun 30 - Concerned citizens report continuing extensive operations on clearcut site & notify GMVUAC.
- 2023, mid(?) Aug – Permitting notified by DOE of the illegal dumping (see May 3 -18 above).
- 2023, Aug 22 – **Permitting sends Emergency Authorization letter to RS for locating and removal of contaminated soils.** **30**
- 2023, Aug 29 – RS attorney Steding ltr/re: Permit Compliance Insp Rpt WAG503029; incl RS-proposed clean-up plan.
- 2023, Sep 1 – DOE response: **Contaminated soil not allowed under DOE Sand & Gravel permit or KC Permitting’s Reclamation permit & contaminated soil not deposited in Inert Waste Landfill as claimed by Steding.**
- 2023, Sep 1 - Concerned citizens notify GMVUAC: no operations on clearcut site; rds appear covered in landscape fabric.
- 2023, Sep 15 (& Jul 21) – DOE RS Site Inspection Reports on contaminated soils. **31**
- 2023, Sep 17 - Campbell e-m’s GMVUAC/re: contaminated soils dumped on RS clearcut site between May 3 and May 18.

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### Footnotes

- 1 Would grow into a multi-national corporation with global interests in minerals exploration, extraction and processing, and in industrial waste processing.
- 2 But not their extensive liabilities. Continues sand mining & processing with mostly the same management formerly employed by IMP.
- 3 Up to this point, the sand mining operation was just a leasehold, and the property was zoned Forestry.
- 4 *"The mining side of the operation is planned for restoration to forest, consistent with original habitat and vegetation."* Only approved plan set is plans approved 12/15/1989. *"King County has no final restoration/grading plan"*. Owner planning expansion, which will require new permit & SEPA.
- 5 Would have been DNR plan 70-010346, [see 2014 May entry].
- 6 Confirmed with KC site *"will be monitored by the County until final grades are achieved and vegetation is established in accordance to County zoning requirements."* ***"Any further surface mining to occur at this site will require the submittal [to DNR] and approval of a new reclamation plan."***
- 7 To upzone its property to Rural Residential to allow a 30-unit clustered housing development. Denied.
- 8 Team consists of: Attorney Keith Dearborn, International Forestry Consultants, & 3-members from UW College of Environment and Forestry.
- 9 Formally contesting Council's 2010/2011 decisions to deny their upzone proposal. Includes consultants' conclusion that property is unsuitable for long-term commercial forestry because of extensive degradation from the years of mining. New request would allow RS to put in a clustered 40-unit housing development (avg. density 1:10). Also includes two adjacent landowners joining RS's request to upzone their properties. RS estimates reclamation would be completed by 2020 (May 2016 Rural Mining Site Conversion Project document).
- 10 Request opposed by KC Exec, Rural Forest Commission, & numerous community organizations. Denied by KC Council, but passed substitute Policy I-203 to establish a mining site conversion *Demonstration Project*, which would allow RS up to four years to propose same to convert some of their land to clustered housing development.
- 11 RS estimates ~2MM cy fill. Expect filling/contouring to be complete by 2020. Once final grade achieved, 1'-2' topsoil cap and hydro-seeding with grass-legume mix. Final Revegetation section includes: *"additional revegetation, if any is required, will depend upon the ultimate land use classification .... approved by King County. The final revegetation plan will be submitted with any applications submitted to implement the demonstration project."* 24/7 operations allowed when pre-approved by DPER for public works projects. States *"It should be noted that the reclamation plan displayed on Figures 4 through 8 [pits to be filled and fill profiles] underwent extensive SEPA review and approval by King County DDES in 2006."* [inference is that this Interim Reclamation Plan has been SEPA reviewed and approved. Not correct. If DDES approved a Reclamation Plan in 2006, it would have been the DNR Reclamation Plan (70-010346), as this was the plan that was still in place in 2006, as DNR did not release reclamation responsibility to KC until 4/15/2010.
- 12 With high toxicity risks to humans (4.4 rating on a 1-5 scale where 5 is Extreme Risk to human health) and the environment. We would not discover this until 5/26/2016.
- 13 The plan behind this purchase was to use this property as a TDR-sending site to increase the size of the proposed housing development on their Ravensdale property from 40-units, to 72-units. No longer being an asset of RS, it would seem this 141-acres would not be at-risk should RS run into financial troubles or legal liabilities through the reclamation or the DOE MTCA toxic waste clean-up process, leaving open the possibility of RI declaring bankruptcy for RS to attempt to avoid any associated obligations and debts. A similar approach was used by RI with L-Bar Products when that subsidiary ran into liabilities with both WA DOE and US EPA with an operation L-Bar was running in eastern Washington. The required clean-up in that case was estimated to cost \$10 million, and partly through the L-Bar bankruptcy, RI was able to avoid any share of that obligation.
- 14 Appears to be version with Int'l Forestry/UW comments paragraph stricken out; but apparently includes penciled-in Vegetation para #3 – *"Prior to bond release, the permittee and the department shall determine the Final reclamation/revegetation requirements for the site. This may include reforestation."* [Note: this approved plan is still labeled as "Interim"; on 10/9/2017, Randy Sandin would clarify that the reason for the "Interim" qualification is that plan was dependent on outcome of pending Demonstration Project proceedings. When this project was denied, and the I-203 Policy Amendment allowing Demonstration Projects was eliminated, this "Interim" reclamation plan for RS is presumably invalidated, and reclamation plan reverts back either (a) the 1988 DNR reclamation plan, with updates; [5/17/1989 appears to be a revision of the 1988 permit; 7/9/1991 appears to be DNR update of the 1988 plan; also additional conditions added 4/20/1993.], or (b) GRDE15-0011, except to extent GRDE15-0011 incorporates provisions of the May 2014 Interim Reclamation Plan related to the defunct Demonstration Project.
- 15 Regards what is meant by *"reforestation;"* requests revising to: *"3. Prior to the bond release, the permittee and the department shall determine the Final reclamation/Revegetation requirements for the site **to accommodate the approved long term zoning classification. Plantings shall be indigenous to the surrounding area and appropriate for the soil, moisture and exposure conditions.** This may include reforestation."* [changes proposed by Dearborn noted in bold].

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- 16 Including using Transfer Development Credits from other properties. [Note: there was no mention of the 1/25/2016 DOE MTCA toxic waste determination in the presentation, nor the handouts.]
- 17 RS view is that reclamation will be complete by end of 2016. Proposal would result in 72-unit clustered housing development on property. Note, again, there was no mention of the 1/25/2016 DOE MTCA toxic waste determination in this huge, comprehensive document.
- 18 The Demonstration Project Policy I-203 was then stricken from KC Policy as recommended by KC Exec. [This decision invalidates the May 2014 Interim Reclamation Plan – see 10/9/2017 entry.]
- 19 Whereby RS would be allowed to utilize a non-consumptive water right from the early 1900s that allowed for the use of water from Ravensdale Lake for washing coal. They had inherited this water right when they bought the property in 1997, and were proposing they be allowed to sell these water rights to developers in the area whose developments were being limited by the lack of household water supplies. [Never heard resolution to this proposal, but may have gotten disrupted with DOE toxic waste clean-up issues, which are still being worked today.]
- 20 2014 Plan is “interim” because “*the final revegetation may have been contingent upon the demonstration ordinance that would have influenced the final land use designation of the property .... With the repeal of the demonstration ordinance, the prevailing, adjoining land use in the area is forestry so DPERs expectation is that the property will be reclaimed in a manner to allow/support that use [Forestry]*” Given May 2014 Interim Reclamation Plan is no longer in effect with Demonstration Project being rescinded, reclamation plan apparently reverts back to the 1988 plan (with updates), which is the DNR reclamation plan, as DNR did not transmit reclamation responsibility over to KC until 4/15/2010 — or does it revert back to GRDE15-0011, less any provisions contained therein relating to the Demonstration Project ?
- 21 After (apparently suddenly) leaving KC Permitting, Fred White would work for BranBar (consultants hired by Kurt Erickson to manage conflicts with Permitting over Erickson trench filling); and subsequently would accept role as General Mgr for Reserve Silica.
- 22 KC Clearing and Grading Permit GRDE15-0011, but, KC Website does not show any renewal until 8/19/2022.
- 23 Note: RS estimated on May 1, 2016 reclamation would be complete by end of 2016; and Fred White (then Permitting inspector) stated on 9/1/2016: “*This site really does look like it will be full and completed in 2017.*” But, *we’ve had 5+ years of extensive continued dumping since.* Raises serious questions whether site isn’t grossly overfilled already, similar to what we’ve experienced with Erickson property next door.
- 24 Taddese on-site inspection shows: “*According to Fred and the owners the applicant seeks to extract additional area to the east towards the Ravensdale property.*” “*The applicant also indicated that in the future they will be seeking to apply for asphalt/concrete processing facility permit from Ecology and the County.*”
- 25 Fred White committed to sending DNR a copy of the permit on 8/8/22, but did not do so. No permit was delivered until DNR’s Amanda Trujillo met with Fred in early Dec ‘22, at which time Fred showed her (but didn’t provide a copy) of the 8/19/22 Clearing & Grading permit, that was issued in response to requests from White.
- 26 Fred White’s e-m stated: “*Also I want to make sure the system reflects all of the parcels included in the reclamation. As I recall the last extension was missing a couple,*” then lists all 7 parcels of RS ownership.
- 27 “*For the purpose of commencing a new reclamation activity (according to Fred and Shon, within 6 mo), the applicant has cleared the site (Figure 6) and roads are being currently built (Figure 7).*” [photos appear to be recent 40-ac clearcut area.] “*...new roads in being constructed apparently in vicinity of the upper strip pit sites.*”
- 28 DLS-Permitting would be notified of this by DOE sometime in August. Campbell e-m’s GMVUAC on same Sep 17.
- 29 Will be scheduling an on-site meeting with RS in June to determine compliance with permit conditions.
- 30 Notes RS: “*exceeded the authorized area for placing fill under GRDE15-0011*”, and a mandatory mitigation plan will require “*restoration of critical area buffers to compensate for the removal of significant trees and native vegetation.*”
- 31 J. Fennel, Sand & Gravel Permit Mgr, Water Qual. Pgm. Comprehensive eval. incl. ASARCO waste disposal area.