

**Reserve Silica**  
Ongoing Discussion KC DLS-P and GMVUAC

Topic	King County DLS-Permitting's (DLS-P's) Statements (10/7/24 GMVUAC Meeting)	GMVUAC's Comments with REQUESTS in ALL CAPS BOLDFACE (10/18/24 e-mail)	[NEW] King County DLS-Permitting's (DLS-P's) Statements (Ty Peterson e-mail, 3/7/25)	[NEW] GMVUAC's Response with REQUESTS in ALL CAPS BOLDFACE (3/xx/25 e-mail)
Clearing & Grading (C&G) Permit	Permits can be issued for up to two years, but can be renewed indefinitely.	We have never seen the renewals. Permitting records indicate this permit has lapsed on several occasions since 2015, but filling operations have continued for long periods <u>without</u> a valid permit.	<i>"In July, KC conditionally extended the Reserve Silica grading Permit (GRDE15-0011) to allow continued reclamation only in accordance with the approved Interim Reclamation Plan – extended until February 28, 2025."</i>	Given February 28, 2025, has passed, the implication is there is <i>not</i> a valid operating permit and, likely, there will not be one for some months to come.  <b>MAY WE PRESUME RESERVE SILICA IS CURRENTLY SHUT-DOWN ?</b>  <b>HOWEVER, BECAUSE THERE REMAINS MUCH TRUCK TRAFFIC IN AND OUT OF THE PROPERTY, IT APPEARS THEY HAVE A TEMPORARY PERMIT TO CONTINUE FILLING OPERATIONS ?</b>
	New permit conditions have recently been instituted.	KC DLS-Permitting previously concluded that <u>NO</u> statement of Permit Conditions for this permit could be found going back to 2015.  <b><u>WE REQUEST T. PETERSON PROVIDE US THESE NEWLY-DEVELOPED PERMIT CONDITIONS.</u></b>	<i>[the above] "was conditioned upon them providing a host of additional materials."</i>  <i>"A letter accompanied the renewal outlining the submittal requirements for continued monitoring, inspections and materials needed for processing a review of both an expanded area and for getting a new reclamation plan."</i>  <i>"I can work on compiling the file information and materials obtained since July of last year and send you out link for those documents...."</i>	<b>THANK YOU. <u>WE REQUEST T. PETERSON PROVIDE US A LINK TO ALL THE FILE INFORMATION AND MATERIALS (I.E., DOCUMENTATION) OBTAINED SINCE JULY 2024.</u></b>

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Reclamation	Oversight controlled by State limiting what KC can/can't do.	Dumping of Cement Kiln Dust was administered by DOE <u>jointly</u> w/KC since '80s.	---	---
	The State shifted responsibility for reclamation.	At KC's request, the Department of Natural Resources (DNR) turned over responsibility for reclamation to KC in 2010. It appears the State poses no restrictions/limitations on KC enforcement of reclamation. DNR retained responsibility for any <i>new</i> mining.	[This was <u>not</u> acknowledged or addressed.]	<b><u>WE REQUEST THAT KC DLS-P ACKNOWLEDGE THAT IT HAS FULL AUTHORITY TO CONDUCT CODE ENFORCEMENT OF ANY RECLAMATION ACTIVITIES AND THAT WA DNR RETAINS RESPONSIBILITY FOR ANY NEW MINING ACTIVITIES.</u></b>
	DLS-P has mandated Reserve Silica submit a <u>new</u> Reclamation Plan. No deadline has been specified. <b>[1] [2]</b>	A 2014 Interim Reclamation Plan was approved by the KC DPER in 2016, but subsequently was invalidated by KC Council in 2016 <b>[3a]</b> (confirmed by DPER in Oct. 2017 email <b>[3b]</b> ). Dumping beyond the Upper & Lower Pits is a violation of KC Code. Dumping, in the name of Reclamation, has been occurring <i>without</i> a valid Reclamation Plan since 2016. <b><u>WE REQUEST ALL DUMPING BE SUSPENDED, AND NO PERMIT UPDATE/RENEWAL OCCUR UNTIL A COMPLETE RECLAMATION PLAN HAS BEEN PUBLICLY VETTED &amp; ENDORSED BY KC.</u></b>	<p><i>"The position of KC is that the area in the north of the site (largely where the contaminated and other fill soil were placed) had not been approved."</i></p> <p><i>"We will be assessing and reviewing those materials in the coming months for completeness and responsiveness in order to process both a extension of their current permit and a revised permit for expansion into those expanded areas that lack any documentation of approval and an approved reclamation plan."</i></p>	<p><b><u>AGAIN, WE REQUEST ALL DUMPING BE SUSPENDED [1a NEW] [1b NEW], &amp; NO PERMIT UPDATE/RENEWAL OCCUR UNTIL A COMPLETE RECLAMATION PLAN IS PUBLICLY VETTED &amp; ENDORSED BY KC.</u></b></p> <p><b><u>WE REQUEST A PUBLIC NOTICE/ COMMENT PERIOD AND SEPA REVIEW ON DLS-PERMITTING'S EVALUATION ("IN THE COMING MONTHS") OF WHETHER TO EXTEND (I.E., RENEW) RESERVE SILICA'S CURRENT OPERATING PERMIT.</u></b></p> <p><b><u>WHY IS KC DLS-P CONSIDERING PROCESSING A "revised permit for expansion into those expanded areas that lack any documentation of approval and an approved reclamation plan" ?</u></b></p>

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Clearcut	DLS-P conceded that the clearcut was allowed per the 2016 Interim Reclamation Plan. [4]	Again, the 2016 Interim Reclamation Plan was <i>invalidated</i> by the KC Council in 2016. Even that plan ONLY called for reclamation of the 17-ac of Upper & Lower Pits, and did NOT permit <i>any</i> reclamation of this now clearcut area (DOE agrees). Documents preceding the rescinded 2016 Demonstration Project proposal and Interim Reclamation plan called for this area to be retained in forestry. With the rescinding, DPER concluded KC Council dictated the reclaimed property should be returned to forestry.	<i>The position of KC is that the area in the north of the site (largely where the contaminated and other fill soil were placed) had not been approved.</i>	This <u>conflicts</u> with what was stated at the 10/7/24 GMVUAC Meeting (see 2nd column). We agree with KC "position" that this was <u>never</u> approved.  <b><u>WE REQUEST ANY DOCUMENTATION THAT THE CLEARCUT WAS ALLOWED PER THE 2016 INTERIM RECLAMATION PLAN. IN FACT, AS WE STATED IN THE 3rd COLUMN: THE 2016 INTERIM RECLAMATION PLAN "did NOT permit any reclamation of this now clearcut area." [7 NEW] [8 NEW]</u></b>
	Clearcut area was previously mined. [Director L. Richardson instructed T. Peterson to send such info to the GMVUAC]	None of our extensive historic mining maps/documents show any surface mining other than the ~2-ac in the extreme NE corner. <b><u>[NEW FOR CLARIFICATION: Further investigation did identify the Dale #7 underground mine lies just inside the SW corner of the clearcut. While there is little subsidence notable, there are about four adits that should be filled.]</u></b>	[This was <u>not</u> acknowledged or addressed.]	<b><u>WE REQUEST ANY DOCUMENTATION THAT THE CLEARCUT AREA WAS PREVIOUSLY MINED THAT DIRECTOR L. RICHARDSON INSTRUCTED DLS-PERMITTING TO PROVIDE TO THE GMVUAC (see the 2nd column).</u></b>

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Dumping	The C&G Permit did not allow any dumping on the clearcut site and no further dumping has been allowed.	<p>We agree neither the C&amp;G Permit, nor the Interim Reclamation Plan allowed <i>any</i> dumping on this site. Pre-mining contours also demonstrate no reclamation filling required. Again, DOE concurred clearcut area was <i>not</i> permitted for dumping. However, there appears there has been new, recent dumping in the north end of the clearcut site.</p> <p><b>WE REQUEST ALL DUMPING, OUTSIDE THE DOE-DESIGNATED AND PUBLIC HEALTH SEATTLE / KC-PERMITTED CKD AND COMMERCIAL DISPOSAL AREA BE DOCUMENTED AND REMOVED.</b></p>	<p>[This was <u>not</u> acknowledged or addressed.]</p>	<p><b>AGAIN, WE REQUEST ALL DUMPING, OUTSIDE THE DOE-DESIGNATED AND PUBLIC HEALTH SEATTLE / KC-PERMITTED CKD AND COMMERCIAL DISPOSAL AREA BE DOCUMENTED AND REMOVED.</b></p>
	DOE & Public Health decided to leave toxic materials in place	<p>We understand. DOE also specified a <i>new</i> run-off monitoring location. But there is a <i>second</i> run-off route that also feeds into off-site fish-bearing waters.</p> <p><b>WE REQUEST THIS SECOND RUN-OFF ROUTE BE MANDATED FOR MONITORING.</b></p>	<p>[This was <u>not</u> acknowledged or addressed.]</p>	<p><b>AGAIN, WE REQUEST THIS SECOND RUN-OFF ROUTE BE MANDATED FOR MONITORING</b></p>

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Dumping (cont'd)	Reserve Silica is to submit a proposal for dumping on the clearcut site by 10/21/24. [5] [1]	<p>The C&amp;G Permit since 2007 has been for <i>reclamation</i> of mine pits. The clearcut area has never been surface mined; and even the rescinded Interim Reclamation Plan did not call for any reclamation on this site. This site should never have been clearcut, or dumped on.</p> <p><b><u>WE REQUEST ABSOLUTELY NO FURTHER DUMPING ON THIS SITE.</u></b></p> <p><b><u>WE REQUEST A COPY OF THE RESERVE SILICA 10/21 SUBMITTAL.</u></b></p> <p><b><u>WE REQUEST DLS-P MANDATE REMOVAL OF ALL PAST DUMPING OUTSIDE THE ~13 AC CONTAINING ASARCO-CONTAMINATED WASTES DOE MANDATED BE LEFT IN PLACE. THE ENTIRE SITE, INCLUDING THOSE 13-AC SHOULD BE RETURNED TO FORESTRY, AS IS REQUIRED.</u></b></p>	<p><i>"We will be assessing and reviewing those materials in the coming months for completeness and responsiveness in order to process both a extension of their current permit and a revised permit for expansion into those expanded areas that lack any documentation of approval and an approved reclamation plan."</i></p>	<p><b>AGAIN, WHY IS KC DLS-P CONSIDERING PROCESSING A "revised permit for expansion into those expanded areas that lack any documentation of approval and an approved reclamation plan" ?</b></p> <p><b>AGAIN, <u>WE REQUEST ABSOLUTELY NO FURTHER DUMPING ON THIS SITE.</u> [1a NEW] [1b NEW]</b></p> <p><b>AGAIN, <u>WE REQUEST A COPY OF THE RESERVE SILICA 10/21 SUBMITTAL.</u></b></p> <p><b>AGAIN, <u>WE REQUEST DLS-P MANDATE REMOVAL OF ALL PAST DUMPING OUTSIDE THE ~13 AC CONTAINING ASARCO-CONTAMINATED WASTES DOE MANDATED BE LEFT IN PLACE. THE ENTIRE SITE, INCLUDING THOSE 13-AC SHOULD BE RETURNED TO FORESTRY, AS IS REQUIRED.</u> [5a NEW]</b></p>

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Dumping (cont'd)	New Conditional Permit issued for Aug '24 - Jan '25.	The Public was not provided this, nor afforded opportunity to review/ comment.  <b><u>WE REQUEST A COPY, ALONG WITH ASSOCIATED "CONDITIONS."</u></b>	[No response.]	<b><u>AGAIN, WE REQUEST A COPY OF THE AUGUST 2024 - JANUARY 2025 CONDITIONAL PERMIT. IF THIS WILL BE INCLUDED IN THE DOCUMENTS LINK TO BE PROVIDED BY TY PETERSON, FINE.</u></b>
Clearcut Road	New roads constructed on the clearcut site were not permitted under the C&G permit.	<b><u>WE REQUEST ALL NEW ROADS AND ROAD UPGRADES, BEYOND WHAT IS REQUIRED FOR ONGOING MANDATORY MONITORING AND FORESTRY PURPOSES, BE REMOVED AND RESTORED TO FORESTRY.</u></b>  <b><u>WE REQUEST BEING APPRISED OF SUCH ACTIONS.</u></b>	[No response.]	<b><u>AGAIN, WE REQUEST ALL NEW ROADS AND ROAD UPGRADES, BEYOND WHAT IS REQUIRED FOR ONGOING MANDATORY MONITORING AND FORESTRY PURPOSES, BE REMOVED AND RESTORED TO FORESTRY.</u></b>  <b><u>AGAIN, WE REQUEST BEING APPRISED OF SUCH ACTIONS.</u></b>
Fines	No fines have been assessed.	Clearly fines are in order for the clearcut, dumping, and road building.	<i>"We will be assessing and reviewing those materials in the coming months for completeness and responsiveness in order to process both a extension of their current permit and a revised permit for expansion into those expanded areas that lack any documentation of approval and an approved reclamation plan."</i>	<b><u>AGAIN, WE REQUEST TO ASCERTAIN WHAT CODE ENFORCEMENT STEPS ARE BEING TAKEN TO LEVY SUBSTANTIAL PENALTIES FOR THE CLEARCUT, DUMPING, AND ROAD BUILDING ACTIVITIES THAT NEVER WERE PERMITTED ?</u></b>

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Mitigation	No mitigations have been required.	Clearly the clearcut, dumping, and road building must be mitigated.	"We will be assessing and reviewing those materials in the coming months for completeness and responsiveness in order to process both a extension of their current permit and a revised permit for expansion into those expanded areas that lack any documentation of approval and an approved reclamation plan."	Even if an "expansion" of the existing (currently expired) permit is granted under a newly-drawn up Reclamation Plan to allow future dumping on the clearcut, it in no way excuses the gross violations of the past.  <b>AGAIN, WHAT ACTIONS ARE BEING REQUIRED TO MITIGATE THE CLEARCUT, DUMPING, AND ROAD BUILDING ACTIVITIES THAT NEVER WERE PERMITTED ?</b>
Misc.	There are new owners and are easier to work with. [6]	<b><u>WE REQUEST ANY AVAILABLE INFORMATION ON NEW OWNERSHIP.</u></b>	[No response.]	<b>RESERVE SILICA CONFIRMED IT REMAINS A WHOLLY-OWNED SUBSIDIARY OF RESERVE INDUSTRIES, WHICH THE MELFI FAMILY STILL CONTROLS.</b>
	Planning to conduct 5-yr Periodic Reviews of <u>new</u> mining operations.	We fully support this move. We would like to see such reviews be conducted on <i>ongoing</i> operations.  <b><u>WE REQUEST 5-YR PERIODIC REVIEWS BE APPLIED TO EXISTING PERMITS WHEN THEY COME UP FOR 2-YR RENEWALS.</u></b>	[No response.]	<b>AGAIN, <u>WE REQUEST 5-YR PERIODIC REVIEWS BE APPLIED TO EXISTING PERMITS WHEN THEY COME UP FOR 2-YR RENEWALS.</u></b>
	Inspectors are <u>not</u> part of Code Enforcement head count.	We were not aware of this. How many "Inspectors" are on Staff?	[No response.]	<b>AGAIN, <u>WE REQUEST TO KNOW HOW MANY "INSPECTORS" ARE ON STAFF?</u></b>



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<p><b>[NEW ROW ADDED]</b></p> <p>Expansion</p>	<p style="text-align: center;">---</p>	<p style="text-align: center;">---</p>	<p><i>"Moving forward, the proposed expansion will necessitate further review under SEPA and a public notice and comment period will follow. At the time public notice goes out, all available related file materials will be accessible publicly associated with the proposed expansion."</i></p>	<p>We look forward to a "SEPA review and a public notice and comment period."</p> <p><b>WHY IS ANY "EXPANSION" BEING CONTEMPLATED TO BE PERMITTED ?</b></p> <p><b>AS THIS IS A MULTI-DECADE RECLAMATION ACTIVITY, WHAT IS BEING "EXPANDED" AND WHY ?</b></p> <p><b>HOW MUCH LONGER IS THE PROPOSED "EXPANSION" EXPECTED TO EXTEND THE COMPLETION OF REQUIRED "RECLAMATION" ?</b></p> <p><b>IS THERE ANY EXPECTATION THE PROPERTY IS BEING RECLAIMED FOR ANYTHING OTHER THAN FORESTRY USE ?</b></p>



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### **Footnotes**

**(Note: NEW—March 17, 2025—Footnotes in purple)**

- [1]** The strong evidence (though we still have not received the external survey results, Code Enforcement Manager, Thomas Campbell, promised us to prove this), is that Reserve Silica already has far surpassed *all* reclamation filling needs that have been identified in any previous documents. It would appear current operations are simply a means to benefit from the financially lucrative system of accepting wastes that are being spread across the ownership, with absolutely no “*reclamation*” benefits (in fact, adversely impacting the overarching reclamation goals). DLS-P needs to dictate what must be done to complete the reclamation and conversion back to forestry, and shut this operation down permanently! Seventeen years is WAY more than enough to fill the 17-ac of mine pits, final grade and cap the fill, and re-establish a viable forest cover. DLS-P also should dictate *real* financial penalties that reflect the substantial unpermitted gains realized, and require mitigation for damages already done on this property with which the Public will ultimately have to live.
- [1a NEW]** The 2014 Interim Reclamation Plan, which Reserve Silica and DLS-P insist is still the guiding document for Reserve Silica reclamation work, clearly states that the ONLY remaining reclamation needs on the property are to fill, topsoil and plant the 17-acres of the Upper and Lower Pits. Reserve Silica estimated this would be completed in 2016, and DPER (Fred White) estimated completion in 2017. The Reserve Silica website reported in Jan 2017 they were “*out of below-grade disposal space,*” and would be moving to above-grade disposals. Fred White’s replacement at DPER, Joe Barto, indicated in 2018 and 2019 that there was enough fill stockpiled on site to do the final grade of the Upper and Lower pits. It is unclear whether this has happened, or not. But aggressive dumping continued on site for the next eight years and continues today. Clearly, this eight-years of dumping is going somewhere other than what was approved in the 2014 Interim Reclamation Plan.
- [1b NEW]** Reserve Silica has been mis-using the 2014 Interim Reclamation Plan to justify dumping—it’s not filling, as there is nothing to fill—in multiple locations within the clearcut area, particularly the ~3,300 truckload (and counting?) mountain in the central part of the clearcut, where the 33 loads of ASARCO contaminated waste were also dumped. It seems totally inappropriate to be using a Reclamation Plan that was unanimously invalidated by the County Council over eight years ago, and confirmed as no longer valid by Permitting (DPER at the time), to approve eight-years of aggressive dumping, in an area never approved for dumping in the first place, with absolutely no public notification nor opportunity to provide comment, no SEPA evaluation, not even any permit revisions to allow this new dumping. Reserve Silica justifies this dumping on the clearcut area as necessary to reclaim old, previously-unknown underground coal mining works, with numerous, dangerous openings to the surface. Our major concern is that Reserve Silica views this entire ~60-ac clearcut area to be a lucrative commercial dumping site, and are mostly using ‘*reclamation of old coal mining works*’ as an excuse to dump most anywhere on the clearcut.
- [2]** DLS-P will expire any Interim Reclamation Plans (note: some were instated many years ago, even without work started) to get these re-issued under current standards/code, in particular drainage handbook requirements. Ty Peterson noted there is a different 40 ac site where DLS-P is reviewing reclamation for whether it needs to be brought up to current drainage standards [we believe this site is PCCC Hyde Gravel Mine Expansion next to Icy Creek].
- [3a]** Given that the KC Executive recommended and the KC Council voted to invalidate the 2014 Interim Reclamation Plan, it appears DLS-P exceeding its authority in resurrecting it. Further, a step of this magnitude, including adopting any related permits, must require full Public process, especially since this is not simply a matter of temporary impacts, but rather a matter of ongoing impacts that will continue for decades with a company that has repeatedly proven it cannot be trusted. Clearly, any SEPA review, or Public process, that took place in or around 2014 now is way out of date and no longer valid for justifying any current actions or permits. The 2014 Interim Reclamation Plan was situation specific, related to a proposed development, and did not create any vested rights. Consequently, both SEPA review, as well as Public review, comment, and opportunity to appeal for a government “*decision*” of this magnitude, are called for here.

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- [3b] The State turned over Reserve Silica reclamation responsibility to the KC Department of Permitting & Environmental Review (DPER) in 2010. Turnover included State-developed Reclamation Plan. In October 2017 KC DPER Product Line Manager-Resource, Randy Sandin, sent the GMVUAC a copy of the 2014 Interim Reclamation Plan, as well as a copy of the State's 1988 Reclamation Plan. Available correspondence indicates the May 2014 Interim Reclamation Plan mostly took the Reclamation Plan in place prior to 2014, and updated it for past and remaining reclamation activities, and added information on the proposed conversion Demonstration Project, which would have allowed much of this post-reclamation land to be converted to a housing development, rather than reverting back to its pre-sand mining Forestry Land Use. It also added a paragraph on Revegetation: *"Final Revegetation ... will depend upon the ultimate land use classification for the Quarry approved by King County."* The proposed conversion Demonstration Project was denied by the KC Council in 2016. In October 2017 KC DPER confirmed this Interim Reclamation Plan was no longer valid (ref.: Sandin e-mail to GMVUAC: *"the 2014 reclamation plan ..... was interim as the final revegetation may have been contingent upon the demonstration ordinance that would have influenced the final land use designation of the property. The regulations governing reclamation at this site are found, in part, in KCC 21A.22.081. Pay particular attention to 081.C.2.a. With the repeal of the demonstration ordinance, the prevailing adjoining land use in the area is forestry so DPER's expectation is that the property will be reclaimed in a manner to allow/support that use," i.e., Forestry*). Note that while the 2014 Interim Reclamation Plan shows the entire property (except the Plant Site and settling ponds to the north of the Ravensdale-Black Diamond Rd) to be within the *"Permit Boundary,"* it clearly defines the Reclamation Area remaining to be reclaimed as **only** the Lower and Upper Pits, totaling 17-ac. NO reclamation is called for on ANY of the ~60-ac clearcut. Interestingly, the 2014 Interim Reclamation Plan also states it *"underwent extensive SEPA review and approval by King County DDES in 2006"* – while still under State control.
- [4] DOE pointed out to Reserve Silica's lawyer the permit limits for disposal did not in any way include the clearcut area. We've discussed this in our meeting with DLS-P, where we pointed out that DLS-P has no control over Commercial Disposal permits, that is the purview of the Public Health Seattle-King County, and DLS-P has no authority to issue or modify those permits—Ty Peterson admitted we were correct on this point in our meeting.
- [5] Ty Peterson indicated that part of DLS-P's problem is that it has no information on the pre-mining topography of this area, so it cannot determine how much fill can be placed on this area to reclaim past mining activity. We pointed out they DID have pre-mining contour information on this area, as it is in the May 2016 Demonstration Project proposal. We also pointed out that other than ~2-ac on the extreme NE corner of the property—nowhere close to recent dumping, this area has never been mined, and thus warrants NO reclamation, or dumping; and that the recent dumping is ALL above pre-mining contours - in some cases much higher, and thus not justified under the overarching reclamation goal of returning mined areas to their pre-mining contours. Note the 2014 Interim Reclamation Plan clearly identifies ONLY the 17-ac of the Upper and Lower Pits in need of reclamation. With no past surface mining, there is no justification for having done the clearcut, dumping, and road building. The site is required and authorized to conduct reclamation per the C&G permit, *not* serve as a general disposal site.
- [5a NEW] The area where the ~3,300 truckloads has been dumped was very gentle slope (~9%) pre-mining/pre-dumping. Now there is a mountain of fill, with a very steep face estimated to be 20' – 40' high [we can provide photos]. Clearly, this is not reclamation to the site's *"pre-mining topography."*
- [6] Ty Peterson stated that, while he doesn't specifically know who the new Reserve Silica owners are, they are no longer local owners. However, Reserve Silica has never been local, in spite of prior owner Frank Melfi's frequent portrayal of its owners (himself and his brothers) as simple, local, country boys. As of 2016 Reserve Silica remained a wholly-owned subsidiary of Reserve Industries (owned by Frank and his brothers). Reserve Industries is headquartered in Albuquerque, NM, and has, through time, had mineral exploration, extraction, processing, and industrial waste processing operations in multiple locations throughout the U.S. and Canada, as well as in the Philippines, Singapore, Japan, Slovakia, Belgium, China (and likely other global locations). We are aware of 19 separate wholly-owned subsidiaries of Reserve Industries, and over a dozen joint ventures and other major equity interests. Reserve Industries, through its various entities, has what might be described as a somewhat checkered past, including

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numerous citations by both WA DOE and US EPA for violations of hazardous/dangerous waste, air quality, and water quality regulations. Both civil and criminal suits, including by a Federal grand jury, have been prosecuted. Reserve Industries also was held responsible for the cleanup of a US Superfund site. There also is one case where it transferred certain assets (Ravensdale Sandworks) from one wholly-owned subsidiary (L-Bar Products) to a newly-formed subsidiary (Reserve Silica), then appear to have intentionally bankrupted L-Bar Products, perhaps, at least in part, to address liability issues associated with L-Bar. For more background on Reserve Silica and Reserve Industries, please refer to [Assessment of Reserve Silica's Proposed Mining Site Conversion Demonstration Project](#), by Michael & Donna Brathovde, August 2016; submitted to the King County Council as part of the 2016 KCCP Major Update.

- [7 NEW]** KC DLS-P admits the 2014 Interim Reclamation Plan does not cover the clearcut site. Reserve Silica has claimed the sole reason it clearcut the ~60-ac was because it was necessary for it to *reclaim* old, previously unknown, and highly-dangerous underground coal mining workings it claims exist on this portion of the property. To clearcut 60-ac of mature timber, that all previous plans called for *retaining* as a key component of the post-reclamation forest on this property, without even having ANY reclamation plan indicating this rash decision was needed or warranted, discredit its argument for doing the clearcut.
- [8 NEW]** Cutting this mature timber also occurred with no public notice/review/comment or SEPA assessment and without the required WA Department of Natural Resources (DNR) Forest Practices Act (FPA) permits. Reserve Silica did not even own these trees until just before it cut them. When Reserve Silica purchased these lands in 1997 (previously, they were just *leasing* the lands), Plum Creek retained the timber rights. When Weyerhaeuser took over Plum Creek, it became the owner of these trees. Reserve Silica purchased the rights to this timber from Weyerhaeuser for \$200,000 on August 3, 2021. While we still have not received any answers from KC DLS-Permitting as to when Reserve Silica clearcut this land, it appears the it occurred in late 2021 or early 2022. So it would seem *much* more likely that the real reason that Reserve Silica clearcut this ~60-ac was to recoup its \$200,000 timber "*investment*" and make an attractive financial return on the harvest—at the expense of the Public, the environment, and the future forest this property was to have been reclaimed to following the mining, which ended 17+ years ago! It appears the ~60 ac remains unplanted, 3+ years after harvest. This represents yet *another* violation of WA FPA requirement to establish a viable forest plantation on the clearcut lands *within three years of harvest*.