May 14, 2025

To: KC DLS Director Leon Richardson LRichardson@kingcounty.gov
Subject: Reserve Silica — *"Big Picture"*

Director Richardson,

Summary

We provide the following in support of your efforts to address issues relating to KC DLS permitting and enforcement. Reserve Silica's (RS's) sand mining reclamation has been a major ongoing issue since its mining activity was completed ~18 years ago in 2007. KC Permitting was responsible for overseeing the sand mining operation on this property since 1971 [1] ; and also, at its request [2] , for the reclamation work on this property since 2010. The reclamation work approved by both WA DNR [3] and KC Permitting [4] was for RS to finish backfilling the three remaining sand pits to pre-mining contours, then do a final grade, topsoil, and replant for Forestry land use.

Both RS [5] [6] and KC Permitting [7] concluded sufficient fill material was on-site by early 2017 to complete the backfilling, and finish reclamation of the property. But observations indicate RS apparently has continued to accept clean fill and inert wastes under its reclamation grading and inert waste permits, respectively, for the past eight years. And yet after ~18 years of *"reclamation,"* it appears little, if anything, of the area has been reclaimed—despite State law requiring mine reclamation be completed within two years of cessation of mining.

Additionally, over the past 3+ years, the 60-acres that was to have been kept intact as the centerpiece of the *post-reclamation* forest on this property [8] [9] [10] [11] has been clearcut, and an incredibly large volume [see photo] of unpermitted fill, [12] [13] [14] including contaminated-wastes, has been dumped on this unpermitted site. Recent April 2025 imagery on Google Earth Pro clearly shows

Apr 27, 2025 Fill on unpermitted clearcut (from neighboring property). Note darker material along the top of the fill (photo center) and photo right just below center, appears to be recent dumping.

additional dumping on the clearcut area beyond that shown in April 2024 imagery. This confirms what was reported to us in April 2025 from visual observation.[15]

Although the environmental stewardship of this site by multiple property owners can be questioned, the non-reclamation legacy reflects very negatively on KC DLS Permitting (DLS-P). And yet, RS is now petitioning to renew, and extend its reclamation grading (filling) permit, and also to expand its permit to allow dumping (past and future) on the recently clearcut area. Based on past experience, and recent comments made by RS's management to our Council, we request you call for a SEPA Public Review and Comment period before RS's grading permit is either renewed or expanded.

Discussion

Impact on DLS's Reputation

We sincerely appreciate your ongoing efforts to address shortcomings and cultural issues relating to DLS-P. We presume, with less than a year into overseeing this function as Director, you continue to gather pertinent background on the history of some of these issues.

One situation we discussed with you and Ty Peterson at our October 7, 2024, Council meeting (Presentation, Discussion, Comments, Requests), is Reserve Silica (RS) in Ravensdale—specifically issues being dealt with by DLS-P. However, we believe, in your administrative leadership role, you also should be aware of the "*big picture"* on this RS operation – as it could reflect negatively on DLS.

Some History

As you are aware, it has been extremely challenging to get much feedback from DLS-P on RS, with some of our very fundamental questions remaining unanswered for over two years now. Nevertheless, based on information we have gathered over the years, we provide the following:

KC Permitting (BALD, DDES, DPER, DLS-P) has had the responsibility for overseeing the stewardship of this silica sand mining operation on this 377-acre property since 1971. Mining extraction ended in December 2007. In March 2010, DDES requested WA DNR turn over reclamation responsibility for this property to KC. DNR records showed the total area disturbed by mining operations was 70 ac. And the approved reclamation plan (70-010346) was to finish backfilling the last three sand pits (North, Upper & Lower) to their pre-mining contours, topsoil the graded/backfilled pits, and replant to Forestry land use. With DDES's written assurance [16] that RS's Grading Permit would "*achieve a final reclamation in exceedance of that required and approved under the State Reclamation Permit,*" and commitment to enforce that permit, WA DNR granted the transfer of reclamation responsibility to KC,[17] which has held such responsibility since April 2010.

RS reported in early 2014 [18] that only 17 acres of the Upper and Lower pits remained to be backfilled; and reported in May 2016 [19] it expected reclamation to be complete by the end of 2016. The evidence [20] strongly suggests that by sometime in early 2017, RS had sufficient imported fill stockpiled on site to complete reclamation of these last two pits. However, we have had eight years of aggressive on-site dumping (RS reported [21] up to 300+ trucks/day) since early 2017; and we understand [22] these last 17-acres still are not yet final-graded, topsoiled, or reforested. Apparently, the 8-years of fill imported since early 2017 has been stockpiled and/or spread elsewhere on the property – which could be a violation of the Reclamation Plan. However, without the ability to access the property for direct observations, conclusions can only be based on notes of site visits conducted by DLS-P inspectors, publicly available aerial photography, and limited views from off-site.

As we discussed in our October 7, 2024 Council meeting with you and Ty, RS also clearcut ~60 acres of mature timber in late 2021 [23] (most all of which was growing, according to historical documents, on *never-mined* lands [24]). This timber harvest was done with no permit from either DLS-P

or WA DNR. The Reclamation Plan had called for this timber to remain intact to serve as the core of the post-reclamation forest on this property. [25] Based on information provided to, and accepted by WA DOE, [26] by February 2024, RS had dumped ~3,300 truckloads of fill, including 33 truckloads of ASARCO-contaminated fill, onto the clearcut site – all without permits. In addition, aerial photography shows dumping in other areas on the clearcut site that were presumably not included in the ~3,300 truckload estimate.

Conditions Today

State law (RCW 78.44) requires mine reclamation be completed within two years of the cessation of mining—that would have been around 2009 or 2010. Additionally, over the past 3+ years, what was to have been the centerpiece of the post-reclamation forest on this property was clearcut (and it appears replanting has still not yet occurred), with a huge expanse of unpermitted fill then dumped on this unpermitted site, fill that included contaminated-wastes. (Please refer to previous citations 12, 13, 14, and photo above.)

Also, 68 acres of this property [27] can never be used for any purpose other than to contain the highly-toxic Cement Kiln Dust (CKD) dumped in two of the earlier mine pits on this property in the 1970s and 1980s [28], leading to this portion of RS's property being classified as a Class 1 (highest risk to human health) MTCA toxic waste cleanup site by DOE in 2016 [29]; with monitoring and clean-up continuing today. RS entered into an Agreed Order with DOE on December 16, 2019, requiring it to prepare a Remedial Investigation, Feasibility Study, and Draft Cleanup Action Plan for the Reserve Silica Reclamation site contaminated with CKD.

With KC Permitting responsible for overseeing the mining operation since 1971, and the reclamation since 2010, it is hard to dismiss the agency's role in the environmental degradation that has occurred on this property over the past 50 years. This is not a legacy anyone, including DLS-P, can be proud of, nor does it serve the Public.

Application to *Extend* and *Expand* the Permit

Now, RS is requesting DLS-P:

(1) *Renew* its existing grading permit to accept even more fill at the Inert Waste dumping site (though, as explained earlier, the evidence would indicate far more volume is *already* on-site to complete any identified backfilling needs) and

(2) *Expand* its permit to allow *additional* dumping on the now clearcut area.

Ty has indicated RS submitted substantial DLS-P requested documents in October and December of 2024, and on February 28, 2025, with regards to these requests [30]. From comments by Reserve Industries 'CEO and COO, its legal counsel, and RS's Operations Manager at our March 3, 2025, Council meeting, we request these RS documents submitted to DLS-P be carefully reviewed. And we feel very strongly the Public be provided an opportunity to review this material and provide Public Comment prior to DLS-P's decision as to whether to *renew* RS's current grading permit, and whether to *expand* that permit to cover *additional* lands not approved in the Reclamation Plan, and not impacted by the silica sand mining. The previously approved Reclamation Plan only was for reclamation of the silica sand mining pits, and did not address coal mining trenches, adits, or underground workings, so these most recent reclamation needs claimed by RS have never been publicly vetted or addressed.

DLS-Permitting's Lack of Response

The GMVUAC has many *unanswered* questions for DLS-P regarding RS dating back to early 2023 (Clearcut, Questions). We still have seen no response from Ty to your directive at our October 7, 2024, GMVUAC meeting that he provide us with RS's evidence of previously-unknown coal mines

in need of reclamation on the clearcut area. In Ty's March 7, 2025, email, he offered to reply to "*any succinct or specific questions*" we might have; questions which we submitted 10 days later on March 17, 2025 (Cover Letter, Table), but we have yet to receive any response from Ty. Also, in his March 7, 2025, email Ty indicated he would work on compiling the RS information submitted since July 2024 for our access "*as soon as I can, but may take several weeks*." We are anxiously awaiting this information; and renew our offer to come into the office and photocopy these documents ourselves, if that would save personnel time.

Conclusions and Recommendations

Where to go from here?

As you can see, issues related to the Reserve Silica site have been before us a very long time, are complex, and involve many interested parties—including the Public. We believe we have submitted a true and accurate summary of the RS situation; however, we welcome any additional information on this matter you are able to provide.

Going forward, how do we proceed so as to ensure the concerns we have enumerated herein are addressed and do not continue to fester – either on these 377-acres, or on other lands? This is the enormous task facing DLS. We truly hope you succeed! For the sake of the County, the public, and our shared environment.

We request a virtual meeting to discuss this further at your convenience.

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Endnotes

[1] May 2014. Interim Reclamation Plan for the Ravensdale Quarry; Grading Permit L7061122.

[2] March 31, 2010. Letter from Fred White, DDES Site Development Specialist II to Rian Skov, Surface Mine Reclamation Specialist, Geology & Earth Resources Division, WA DNR, with cc to Pete Cawlfield, Reserve Silica Corp.

[3] March 15, 2009. 2009 DNR Reclamation Plan 70-010346 for Ravensdale Quarry.

[4] March 31, 2010 letter from Fred White, DDES to Rian Skov, WA DNR- *"... the King County grading permit .... will eventually achieve a final reclamation in exceedance of that required and approved under the State Reclamation Permit* [70-010346]."

[5] May 1, 2016. Reserve Silica Rural Mining Site Conversion Project: "*Approximately 17 acres ... remain to be reclaimed. At current rates of soil placement, reclamation is expected to be completed by the end of 2016.*" p.4.

[6] April 4, 2016. Notice posted on Reserve Silica website. *Subject: Price Increse [sic] Effective 4/4/2016, "Due to the increase in the amount of dumping over the past year, the Reserve Silica dumpsite is nearly out of below grade dump space. While we still have considerable above grade space, it is more expensive to operate."* And, January 26, 2017. Email from Greg Wingard to John Starbard and Randy Sandin re: RS website posting of essentially being out of below-grade space.

[7] August 27, 2016. Fred White (DPER) inspection notes from on-site inspection of Reserve Silica "*This site really does look like it will be full and completed in 2017.*" October 25, 2017. Joe Barto (Fred White's replacement as of February 2017) inspection notes for site visit "*Will follow up with* [Fred White, now RS General Mgr] *review of restoration plan*." June 6, 2018. Barto site visit notes: "*Discussed activity and plans to shape slopes. Need to set up meeting with Fred*." March 27, 2019. Barto site visit notes: "*Lots of fill going in. Need to contact Fred White (Manager) about the plan for control and final grading of the reclamation*." May 7, 2019. Barto site visit notes: "*Quite a few trucks came during my visit… Need to find out what elevation they are allowed to fill to. Currently they are filling to a higher elevation than what is under the transmission lines*."

[8] 2009 Reclamation Plan. "*Preserving mature existing vegetation in the undisturbed areas surrounding the permit boundary will maintain existing wildlife habitat and allow for natural vegetation propagation to occur. A mixture of shrubs and trees, which presently border the mining disturbance area, will remain on-site*."

[9] May 2014. Interim Reclamation Plan for the Ravensdale Quarry: "*Since completion of mining and processing operations, the operation has consisted of ... backfilling of the two remaining disturbed surface areas* [Upper and Lower Pits]". "*… this interim reclamation plan is to restore these two areas to pre-mining elevations*." "*The total acreage remaining to be reclaimed is 17 acres.*"

[10] August 22, 2023. Notice posted by Ty Peterson: Subject - Emergency Authorization: Reserve Silica Fill Site at Ravensdale Sand Pit – "*Reserve Silica Corporation is authorized to place fill at the Ravensdale Sand Pit as part of a reclamation project to restore the retired mining trenches to open space or recreational use. Material extraction operations at the site ceased in 2007 and the site has been undergoing reclamation since that time.*"

[11] May 9, 2016. Forest Management Plan, Reserve Properties, American Forest Management (AFM), "*Landowner primary forest management goals are to restore the mined areas of the property back to productive forestland over time."* Note, the 60-acre now-clearcut area (Type 2) is described by AFM as a well-stocked 35 year-old (40 years at the time of clearcut) Douglas-fir plantation with "fair to good quality timber" implying this area was already productive forestland. *"Short-term goals will focus on the harvesting of low value, low stocked areas and establishing healthy crops of more valuable commercial tree species."* According to the AFM analysis in 2016, the clearcut 60-acres were healthy, high-value, well-stocked premier Douglas-fir. Reserve/AFM further stated, *"Longer term goals will focus on maintaining forest health and vigor, enhancing wildlife habitat, protecting wetland functions and improving recreational opportunities."* Clearcutting this 60-acres was contrary to <u>all</u> of these stated longer-term goals of the 2016 Forest Management Plan. Prior to being clearcut, the 60-acres, plus a small 6-acre patch in the extreme SW corner of the property, were the only portions of this 377-acre property meeting Reserve's long-term goals.

[12] August 22, 2023. Notice posted by Ty Peterson: Subject - Emergency Authorization: Reserve Silica Fill Site at Ravensdale Sand Pit – "*In August of 2023, it came to King County's Permitting Division's attention that Reserve Silica had both exceeded the authorized area for placing fill under GRDE15-0011 and unintentionally added fill contaminated with lead arsenic from the ASARCO Tacoma Smelter soil."*

[13] March 17, 2025. Email from Ty Petersen to Peter Rimbos and Jim Chan: "*2. 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. ... 4. We will be assessing ... in the coming months ... a revised permit for expansion into those expanded areas that lack any documentation of approval and an approved reclamation plan.*"

[14] October 7, 2024. GMVUAC meeting with Leon Richardson and Ty Peterson: Ty stated that in DLS-P's view, they did not authorize the dumping or road construction on the ~60-acre clearcut area.

[15] April 28, 2025. Observations reported by Michael & Donna Brathovde, Land Stewards for Forterra's Conservation Easements on the adjacent Ravensdale, LLC property.

[16] March 31, 2010. Letter from Fred White, DDES Site Development Specialist II to Rian Skov, Surface Mine Reclamation Specialist, Geology & Earth Resources Division, WA DNR, with cc to Pete Cawlfield, Reserve Silica Corp.

[17] April 15, 2010. Letter from Rian Skov, Surface Mine Reclamation Specialist, WA DNR to Bill Melfi, Reserve Silica Corporation, copying KC DDES "*The Department of Natural Resources (DNR) has received you* [sic] *request for cancelation of reclamation permit #70-010346 per RCW 78.44.390. ... DNR has also received confirmation from King County that a valid grade/fill permit covers the site and will be monitored by the County until final grades are achieved and vegetation is established in accordance to*

County zoning requirements. Reclamation permit 70-010346 is hereby canceled; any further surface mining to occur at this site will require the submittal and approval of a new reclamation plan."

[18] May 2014. Interim Reclamation Plan for the Ravensdale Quarry: "*Since completion of mining and processing operations, the operation has consisted of … backfilling of the two remaining disturbed surface areas* [Upper and Lower Pits]". "*.. this interim reclamation plan is to restore these two areas to pre-mining elevations*." "*The total acreage remaining to be reclaimed is 17 acres.*"

[19] May 1, 2016. Reserve Silica Rural Mining Site Conversion Project: "*Approximately 17 acres … remain to be reclaimed. At current rates of soil placement, reclamation is expected to be completed by the end of 2016.*" p.4.

[20] See notes #5, #6, #7 above.

[21] May 21, 2018. Statement made by Fred White, RS General Manager, during meeting requested by Fred White, between Fred White and Michael and Donna Brathovde. And, March 2, 2024. RS website posting: "*The site is set up to efficiently accommodate over 200 trucks per day and is accessible by a paved county road."*

[22] March 3, 2025. GMVUAC meeting: statement by Jeff Wright, RS Operations Manager, that he was beginning to do final grade work on these two remaining pits.

[23] The GMVUAC has received no feedback or clarification from DLS-P over the past two+ years on the timing of the clearcut, but had assumed it was either late 2021 or early 2022. In the May 7, 2025 DOE remote public meeting on the RS CKD clean-up project, Alan Noell (DOE) stated that the clearcut occurred in 2021.

[24] The only information Michael Brathovde (Ravensdale historian) has found through extensive research on prior coal mining on this clearcut site is the underground mining of Dale #7 vein by Dale Coal Co in 1925-1927 and 1930, and by Anderson Coal Mining, Inc in 1947/1948; and the extreme upper ends of the surface-mined Ravensdale No. 5 Seam mined by Terterling & Sons for Northwestern Improvement Company in 1946-1949. The northern end of the underground Dale #7 lies just within the clearcut area, paralleling the road along the extreme SW edge of the clearcut (not close to the huge expanse of fill with the ASARCO-contaminated material). Several adits (surface openings for ventilation and transfer of materials into the underground mine) are visible on KC iMap LIDAR coverage. These adits appear to have already been filled in by RS based on KC iMap 2023 aerial coverage. The Terteling strip trenches are major trenches on the adjacent Ravensdale, LLC property, now known as A-West and A-East. The extreme upper ends of these trenches extend onto the extreme NE corner of the RS property, covering something less than 2-acres of RS ownership. 2023 KC iMap aerial coverage (latest available) shows no obvious dumping in this area, but Google Earth April 2024 coverage shows material dumped on the RS property at the top of these trenches (very possibly preparing a staging area for future dumping into the trenches). Additionally, new Google Earth aerial coverage as of April 2025 shows substantially more dumping at this location than did the April 2024 coverage. In the course of the Brathovdes' monitoring of the adjacent Ravensdale, LLC property, they also noted the dumping in this area in August 2024, and significantly more fill in their April 27, 2025 monitoring. In the October 7, 2024 GMVUAC meeting with Leon and Ty, Ty stated that RS was claiming old coal mines in need of reclamation filling were all over the clearcut area. At Michael Brathovde's questioning of this, Leon directed Ty to provide Michael with RS's information supporting these allegations. Michael reports having still received nothing. At our March 3,2025 Council meeting with RS, their legal counsel, Doug Steding, stated that they have found unknown coal mines scattered all over this clearcut property, posing major public safety risks and thus in need of reclamation filling. These newly-found mines and reclamation needs are presumably covered in their proposed new Reclamation Plan and other documents submitted to DLS-P in October and December 2024, and February 28, 2025. However, we still have no access to these documents to either corroborate, or refute, these claims of needed reclamation.

[25] See notes #8, #9, #10 and #11 above.

[26] February16, 2024. WA DOE Toxic Cleanup Program letter to RS, Determination of No-Further-Action required for ASARCO waste dumping; based on studies done by Aspect Consulting LLC on behalf of RS, and submitted to DOE, Aspect concluded that 33 truckloads of ASARCO-contaminated fill (~500 cy) were dumped on the clearcut site, and essentially mixed with ~49,500 cy of clean soil. 500 cy in 33 truckloads implies an average of 15.15 cy/truckload. If we assume the same average truckload size for the remaining 49,500 cy of clean fill, this implies ~3,300 truckloads of total fill in the clearcut pile as of the date dumping was suspended due to the discovery of the ASARCO-contaminated soil dumping. Note that this JUST reflects the volume in the pile of fill Aspect considered was mixed with the ASARCO-contaminated fill. Aerial photography shows substantial dumping elsewhere on the clearcut site as well, that presumably is NOT included in the 3,300 truckload estimate, as these dispersed dumpings would not have been intermixed with the ASARCO loads.

[27] June 30, 2017. Site Map of RS produced by Aspect Consulting – Closed Landfill, Lot 6 (Parcel 362206-9138) established by RS to encompass the CKD fill sites (LDA & DSP) and associated runoff collection and treatment areas. These are under a permanent Environmental Easement, currently granted to HOLCIM (US) Inc., which encumbers HOCIM to remediation, monitoring and maintenance of the Environmental Activities associated with the LDA & DSP. We understand vegetation coverage on these two

pits cannot ever be allowed to include any trees, as tree roots could penetrate the soil cap and compromise containment of the toxic CKD fill.

[28] February 2016. WA DOE Site Hazard Assessment, Worksheet 1, Summary Score; Property History.

[29] January 25,2016 and February 29, 2016. WA DOE emails to RS re: Site Hazard Assessment; based on January 5, 2016 Site Hazard Assessment, "*The site was determined to be contaminated with arsenic and lead. The site's hazard ranking, an estimation of the potential threat to human health and/or the environment relative to all other Washington state sites assessed at this time, has been determined by Ecology to be 1* [originally stated as 2, but corrected in Feb 29, 2016 email], *where 1 represents the highest relative risk and 5 the lowest.*" The high risk rating assessed by WA DOE was primarily due to human health risk.

[30] March 7, 2025. Email from Ty Peterson to Peter Rimbos & Jim Chan.