Reserve Silica Permit
GRDE25-0052

PUBLIC COMMENT

September 26, 2025

To: Warren Clauss: wclauss@kingcounty.gov
Project Manager, Permitting Division
King County Department of Local Services (KC DLS)

Re: **Public Comment—*Clearing and Grading Permit GRDE25-0052***

Please accept *Comments* herein on the subject permit application from the Enumclaw Plateau Community Association (EPCA), Greater Maple Valley Unincorporated Area Council (GMVUAC), Green River Coalition (GRC), and Waste Action Project (WAP)—all of which include members from and represent a large portion of southeast King County.

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Permitting Division

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Public Comment

Submitted by

Enumclaw Plateau Community Association (EPCA)
Greater Maple Valley Unincorporated Area Council (GMVUAC), and
Green River Coalition (GRC)
Waste Action Project (WAP)

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Acronyms

A

AFM—American Forest Management

B

BPA—Bonneville Power Administration

C

C&G—Clearing and Grading
cy—Cubic Yards

D

DOE—Department of Ecology (WA)
DNR—Department of Natural Resources (WA)
DNS—Determination of Non-Significance

E

EPCA—Enumclaw Plateau Community Association
EIS—Environmental Impact Statement

F

FPA—Forest Practices Act
FPD— Forest Production District

G

GMVUAC—Greater Maple Valley Unincorporated Area Council
GRC—Green River Coalition
GMA—Growth Management Act

I

IWL—Inert Waste Landfill
IRP—Interim Reclamation Plan
IWP—Inert Waste Permit

K

KC—King County
KCC—King County Code
KCCP—King County Comprehensive Plan
KC DDES—Department of Development and Environmental Services ***
KC DLS—King County Department of Local Services
KC DLS-P—King County Department of Local Services—Permitting Division *
KC DNRP—King County Department of Natural Resources and Parks

M

M—Million (in terms of cubic yard volumes)
MDNS—Mitigated Determination of Non-Significance
MTCA—Model Toxics Control Act

P

PHSKC—Public Health Seattle and King County
PRR—Public Records Request

R

RI—Reserve Industries
RS—Reserve Silica
RCW—Revised Code of Washington

S

SEPA—State Environmental Policy Act

W

WA—Washington (State)
WAC—Washington Administrative Code

*** Note: We have tried to be very cognizant in identifying KC Permitting functions—KC DDES, KC DLS-P, etc.—due to department/division changes over the years. That said, there probably are places where we mixed and matched—sorry.

Introduction

Who are we ?

We are four people-centered organizations—Enumclaw Plateau Community Association (EPCA), Greater Maple Valley Unincorporated Area Council (GMVUAC), Green River Coalition (GRC), and Waste Action Project (WAP)—that include members from and represent a large portion of southeast King County.

Why are we interested in the Permit Application under consideration ?

We have had for decades, and continue to have, a great deal of interest in Reserve Silica (RS) mining and reclamation site. It continues to have a great deal of impact on our local environment, public health, and our County and State road infrastructure. We seek complete reclamation of the site as soon as possible, as required by law, and not expansion of what essentially has become a commercial landfill.

Who is Reserve Silica ?

RS is a wholly-owned subsidiary of the privately-owned Reserve Industries Corporation (RI), headquartered in Albuquerque, New Mexico. RI (originally under the name Reserve Minerals Corporation) was established in 1957, and grew into a large multi-national corporation with global interests in mineral exploration, extraction, processing, and industrial waste processing. As such, it has 58 years of experience in dealing with mining and industrial wastes, so it knows what it is doing; and appears to have been very successful at it.

What materials have we reviewed ?

What we have prepared herein reflects our best understanding from documents and correspondence made available to us. In many cases, it has been extremely challenging to obtain key pieces of information from either King County Department of Local Services-Permitting Division (KC DLS-P) or from RS. Nevertheless, we believe we present a very compelling set of arguments for serious consideration.

What is being proposed ?

RS is requesting the KC DLS-P to:

(1) *Renew* its existing grading permit to accept even more fill at the Inert Waste dumping site (although, as we explain herein, 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 a large unpermitted clearcut area.

It should be noted that the Permit Application under consideration is for <u>expansion only</u> – not the apparently already-renewed existing GRDE15-0011 Clearing and Grading (C&G) permit. However, our comments herein are <u>not</u> limited to the requested *expansion*, because it is *physically, environmentally, and legally* impossible to separate it from the *existing* permit and its many problems that remain—including overfilling, as the permit applicant's new data demonstrates and we discuss herein in depth.

In fact, we believe KC DLS-P should *only* evaluate this application in the context of the *existing*, ongoing GRDE15-0011, and the *existing* Public Health Seattle and King County (PHSKC) Inert Waste Landfill (IWL) permit, <u>and</u> its proposed expansion to include Areas 5 and 6. While we agree with KC DLS-P making this a *separate* C&G permit from the *existing* one, this *new* permit application's impact on the RS site <u>and</u> the local community can only be reasonably assessed in the aggregate of past operations and <u>all</u> the proposed plans for the future.

<u>What is KC DLS-P considering doing ?</u>

Apparently, KC DLS-P already has renewed the *existing* GRDE15-0011 C&G permit and is now considering RS's application for a *new* GRDE25-0052 C&G permit to allow clearing, grading, roading, and dumping of up to 1,000,000 cubic yards (1M cy) of *"clean fill"* on *additional* lands (Areas 5 and 6).

The existing C&G permit only allowed reclamation of sand mining pits that were covered in the filed Reclamation Plan. RS argues this *additional* reclamation is needed to ameliorate previously unknown hazards caused by coal mining from the 1924 – 1948 time period, that potentially pose a risk to public use of these lands post-reclamation. Approval of this new C&G permit also would legitimize the clearcutting, and extensive road building and dumping RS performed on these lands between 2021 and 2025, *without* permits or KC DLS-P approvals.

Clearly, *"coal mine reclamation"* as the stated reason for the GRDE25-0052 permit application is <u>not</u> a credible rationale, except as a *"justification"* to try to obtain approval to continue a scale, for-profit landfilling of *"clean fill"* and inert wastes, to extend the life of the RS site for another 5 – 10 (the application says 5 – 7, could be more or less) years or more. In fact, as we detail herein only two pair of coal-mine adits (i.e., surface shafts/vents to

undergound mine workings) have been identified on Areas 5 and 6. Aerial photography show the pair on Area 5 already have been filled and the RS plan for the pair of adits on Area 6 is to fence or grate these adits to alleviate any risk to the public. So, there is no filling required!

We also discuss herein how the previously approved Reclamation Plan only was for reclamation of the silica sand mining pits, and did not address coal-mine trenches, adits, etc. These most recent reclamation needs claimed by RS never have been publicly vetted or addressed in any Public Forum or Public Comment process.

What's supposed to be reclaimed by law and what has been reclaimed ?

According to State law (**RCW 78.44.111 Segmental reclamation—Primary objective.**), mined areas are to be reclaimed *incrementally* as extraction is completed—a two-year reclamation period following completion of extraction activities. While some of the mined RS lands (Dale Strip Pit and Lower Disposal Area) were reclaimed in 1979 – 1989, the last silica sand extraction was completed in 2007, 18 years ago. Reclamation (backfilling) work still is actively continuing today under the C&G GRDE15-0011 permit, and the PHSKC IWL Permit (pr0082027).

Further, what is being proposed in GRDE25-0052, as is, is *unacceptable*, as there currently is no basis established showing any *need* for *"1M cy"* of *"fill"* to accomplish coal-mine reclamation on Areas 5 and 6. In fact, this proposal clearly is an *industrial disposal* proposal, not *reclamation*. Approval of this application will only further delay *actual* reclamation.

By KC facilitating RS's commercial disposal and derived profits, over its dual obligation to complete reclamation in a timely manner, returning the property to its intended zoning and uses, reclamation has been delayed by many, many years.

The intended zoning and uses, have been stated and documented on numerous occasions and in multiple agency final decisions and policy statements, including the King County Comprehensive Plan (KCCP) as approved by the King County Council, which pointedly rejected a 2016 proposal put forward by RS to *rezone* the property to a residential use, rather than returning the site to a forested condition or open space/recreation use as required by law.

How did KC DLS-P, the Applicant RS, and the Public get to this point ?

When it comes to the RS operation, KC DLS-P is missing a large volume of files which are critical to retain in order to execute its mission of permitting and monitoring including:

1. *Regulatory* — Used to track regulations as they relate to specific permit holders
2. *Process decision documents* — Used to track administrative actions, in particular decisions related to permitting and final determinations.

Unfortunately, RS has repeatedly used this to its advantage, while members of the Public largely have been in the dark and at a decided disadvantage.

To make this perfectly clear, below we provide communications between KC DLS-P and RS that address *"lost"* RS Site *"Operating Plans"* (shown in chronological order, with our highlighting, and our commentary on same immediately thereafter):

June 28, 2024 8:44 AM KC DLS-P's Ty Peterson e-mail to RS's Frank Melfi:

> *"Our concern is that we have not been able to locate any record, plan, engineering analysis, design or TIR that approved land alterations, filling or grading of the area identified as Area 5. Looking to the approved Interim Reclamation plan there is no demonstration of filling, grading and reclamation activity in that specific area. If you have anything – please forward to us for review and incorporation into the record.… Permitting is not authorizing filling or Grading work beyond that which is identified in the Interim Reclamation Plan at this time."*

This all started because of what can only be referred to as *"lost"* records. RS refers to these *"lost"* documents as *Operating Plans* developed in compliance with the *2014 Interim Reclamation Plan (IRP)*, which was approved by KC DLS-P manager in charge for the RS permit, Fred White. *[It should be noted that Operating Plans normally are delivered to PHSKC for review/approval.* These purported *Operating Plans* (of which KC DLS-P has no records, nor even any references to), supposedly included clearing and dumping in what would be clearcut and eventually become Areas 5 and 6. These would be critically important documents, if they truly existed.

July 22, 2024, KC DLS-P's Ty Peterson Memo to RS:

> *"This memo has been prepared to provide direction on the next steps necessary to update the current scope of work related to the Reserve Silica site under the existing clearing-grading permit, record # GRDE15-0011. Based on the inability to locate an approved set of plans for the existing permit and a change to the impacted areas on the site, King County Permitting Division is requiring that Reserve Silica provide a revised plan set and application material for review by King County Permitting Division. To date, Permitting has not been able to identify any approval or even reference to an approval of expanded fill / reclamation into Area 5. This will necessitate an application or revision to the approved plans and review under SEPA. As part of that review, please respond to the following request for information to both ensure that the current operation can be continued under permit record*

> *GRDE15-0011 and to ensure that the existing operations comply with all applicable King County Permitting Division regulations."*

Clearly, any expansion to Areas 5 and 6 should not be a *revision* to the *existing* C&G permit and approved plans, and instead must be a part of a *new* permit, if part of a permit at all. We firmly believe the only permit that should be issued for Areas 5 and 6 is whatever is necessary to enable RS to *repair* past unpermitted actions, at its own expense, and not to create a *new* commercial landfill that the proposed GRDE25-0052 is clearly designed to permit.

> October 8, 2024, 9:12 AM e-mail from Frank Melfi to Warren Clauss:
> *"Regarding Areas 3 and 4, reclamation of those areas is almost complete. We want to confirm that the standards which apply to those areas are the ones from 2014, when the Interim Reclamation Plan was first approved. With respect to Areas 5 and 6, Reserve maintains that these areas were approved by King County for reclamation in 2014, and that the reclamation standards from that time are appropriate for those areas. However, because those areas are not completed, Reserve is able to apply current reclamation standards to those areas."*

Areas 5 and 6 were not approved for reclamation in 2014, nor at any time. And should GRDE25-0052 be approved, the 2014 IRP reclamation standards, with regards to revegetation requirements, should definitely not be applied, as they were predicated on the KC Council approving a *post-reclamation* Rural Residential land use – which the Council flatly denied. Instead, KC Permitting (DDES at the time) concluded these lands should be reclaimed (and revegetated) for a forestry land use. Furthermore, Areas 5 and 6 were illegally clearcut by RS. Had RS obtained the mandatory FPA harvest permits, the obligation would be to replant these clearcut lands to establish a viable forest stand within three years of clearcut. Given these lands are to remain in a forestry land use, RS should be obligated to revegetate these clearcut lands in compliance with FPA standards – not 2014 IRP standards. The following correspondence also should be noted: *October 9, 2017, KC DDES, Randy Sandin, Interim Manager, stated in an e-mail to GMVUAC's Environment Committee Chair, Rhys Sterling: "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."*

The October 8, 2024, 9:12 AM e-mail from Frank Melfi to Warren Clauss, cited above, led in part to the following RS Consultant memo:

> December, 20, 2024, Herrera Tech Memo to KC DLS:
> *"Reserve Silica Corporation (Reserve) operates a reclamation fill site located at 28131 Ravensdale-Black Diamond Road in Ravensdale, Washington (Facility).*

> *Activities at the Facility are covered under King County clearing and grading permit number GRDE15-0011 and Inert Waste Landfill permit number PR0082027."*
> *"In 2022, Areas 5 and 6 were logged, and construction of a haul road began. Topsoil was stockpiled on Area 3/4 for future use in reclamation. Fill placement began in Area 5 after July 2022. Fill placement continued in Areas 2, 3, and 3/4 periodically throughout the year. In 2023, fill placement continued in Areas 2, 3, and 5…In 2024, fill placement continued in Area 3 and 5… A haul road was constructed to Area 6, and limited fill placement began."*

We contend that the filling in Areas 5 and 6, as well as the Haul Road construction to same, were illegal, as no permits were ever issued. KC DLS-P also has claimed that all dumping activity on Areas 5 and 6 was suspended, but this report implies that dumping continued on both Areas at least into 2024. Our own monitoring observations and aerial photo coverage, already provided earlier to KC DLS-P, would tend to confirm this. A final note, to be clear, it cannot be called *"fill,"* as there is nothing to fill, but rather this material was simply dumped/ piled on the ground.

What other government agencies are (were) involved with the RS site ?

PHSKC—

In 2012, PHSKC issued an IWL permit to RS, so that select inert wastes could supplement the imported clean fill in the reclamation work of backfilling the sand mine pits. Our current understanding is that the footprint of this landfill is the boundaries of Parcel 012106-9011, 52.4 ac of what is known as the *"Inert Waste Landfill, Lot 5."* This area encompassed all of the unreclaimed sand mine pits. But by May 2014, when the 2014 IRP was produced and approved, the only pits left to be backfilled were 17 ac of the Upper and Lower (sand) Pits located in the SW corner of this parcel.

Given that these permitted Inert Wastes were to *supplement* the imported clean fill to backfill the sand mine pits, our presumption always has been that all dumping of inert wastes and clean fill after May 2014 within this landfill would be going into the unreclaimed 17 ac of Upper and Lower Pits. But there is extensive evidence that extensive fill (inert wastes and/or clean fill) has been dumped in many locations within this landfill parcel—also confirmed in the *December, 20, 2024, Herrera Tech Memo to KC DLS* referenced above.

So, to be clear, the *existing* PHSKC IWL permit actually covers a smaller area than the *existing* KC DLS-P GRDE permit, as the boundaries of the areas covered by each permit are clearly defined in writing. Additionally, the KC DLS-P GRDE permit does not apply to the entire area of the site, as there is no record of any SEPA process that considered even the *current* total volumes of waste (only a much smaller total volume

was considered under SEPA) in the area of coverage as defined. There are no records that any revisions to the KC DLS-P GRDE permit were considered, let alone approved, by the agency. There is no record of RS ever filing an application for such. In addition, there is no record of a bond ever being issued by DNR, or by KC DLS-P, which would be required in order for any claim by RS that it has a right to do reclamation in Area 5 and 6 to have any validity.

We also just recently learned that this PHSKC Inert Waste Landfill permit allows RS to accept up to 2.75M cy of inert wastes in this landfill! That volume is far above anything needed to backfill the remaining sand pits. If spread over the entire 52.4-ac landfill, the depth of this inert waste fill alone would be 32 ft! If limited to the 17 ac still in need of backfilling just two years after the landfill permit was issued, would be 100 ft deep! It should be noted that this *excludes* any clean fill used as backfill anywhere within this 52 ac.

Finally, we understand that RS has now submitted an application to PHSKC to *expand* its IWL area to include an *additional* 80 ac of RS lands (Parcels 362206-9065 and 012106-9010), which includes all of Areas 5 and 6. RS states that approval of this IWL expansion would allow RS to dump an *additional* 1M cy of inert wastes on this expansion area. [We presume the 1M cy of inert wastes and the 1M cy of clean fill under the proposed new C&G permit are one-and-the-same, but this is unclear.] A PHSKC decision on this IWL expansion is on hold, pending a decision by KC DLS-P on the new C&G application.

WA Department of Ecology (DOE)—

For discussion on the DOE *Agreed Order*, please see the **WA DOE** subsection in the **Technical Discussion** section.

WA Department of Natural Resources (DNR)—

In 2009 the approved reclamation plan (*2009 DNR Reclamation Plan 70-010346 for Ravensdale Quarry*) 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.

In April 2010 DNR granted a request by KC DDES to take over responsibility of the RS site and reclamation *(April 15, 2010, letter from Rian Skov, Surface Mine Reclamation Specialist, WA DNR to Bill Melfi, Reserve Silica Corporation, copying KC DDES)*.

Besides agreeing to transfer responsibilities to KC, DNR also stated it recognizes: *"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."* KC DDES provided DNR assurances that, through RS's C&G Permit, it would administer reclamation activities to completion while meeting and exceeding DNR reclamation plan requirements. With KC DDES's written assurance *(March 31, 2010 letter from Fred White, DDES to Rian Skov, WA DNR) 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, DNR granted the transfer of reclamation responsibility to KC.

There are at least two *applicable* RCWs that *should* have governed the steps DNR took to enact the cancellation of its Reclamation Plan and transfer of its authority in 2010:

RCW 78.44.390 Cancellation of reclamation permit. This was cited to cancel RS' reclamation permit.

RCW 78.44.050 Exclusive authority to regulate reclamation—Department may delegate enforcement authority to counties, cities, towns—Other laws not affected. This delegated enforcement authority to KC.

To make it very clear, below is **WAC 332-18-01001 Delegation of enforcement to counties** that *should* govern the 2010 transfer of *enforcement responsibilities* from DNR to KC (with our highlighting):

"(1) The department may delegate enforcement of surface mine reclamation to a county: Provided, That the county agrees to:

(a) Enforce all provisions of the act, these rules, and the approved reclamation plan;

(b) Continuously employ enough qualified mine regulatory personnel to achieve the purposes of the act and these rules;

(c) Assume full responsibility for all aspects of enforcement that are described in the contract between the department and the county;

(d) Provide the department with copies of all documents related to enforcement; and

(e) Comply with all related written policies of the department.

(2) Such delegation shall be through a contract with the county.

(3) The department shall audit the performance of the county to assure that there is compliance with the enforcement provisions of the act and these rules. If the department determines that the county has failed to adequately and fairly enforce the act and these rules to the department's satisfaction, then the county shall be given written notice describing the deficiencies. If the county is unable to correct the

deficiencies within the following six months, then the department may revoke the delegation.
(4) The department shall maintain sole authority to approve reclamation plans, to issue reclamation permits, to issue declarations of abandonment, to cancel reclamation permits, and to develop reclamation regulations and standards."

The WAC above makes it very clear what DNR requires and what it can do with respect to such delegation of enforcement. What is not clear is why many of the issues with the RS site that we discuss herein have not been addressed since the 2010 transfer of authority.

Why a 21-day Public Comment period is wholly insufficient ?

In a September 1, 2025, letter to KC DLS-P the GMVUAC respectfully request the *official* 21-day Public Comment period for the subject permit application be extended to a 60-day Public Comment period ending on Tuesday, November 4, 2025. Although, we understood the Division has *"a policy of accepting public comments for consideration up until the time a permit decision is made" (August 29, 2025, e-mail from KC DLS-P's Warren Clauss to the GMVUAC's Growth Management Committee Chair, Peter Rimbos, RE: Status of Reserve Silica C&G Reclamation Permit Currently Being Processed ?)*, from a legal standpoint, if the Public Notice states *"21 days,"* that is all we can *officially* expect, regardless of in-house *"policy."*

Although we are submitting our *Comments* herein on Friday, September 26, 2025, the last day of the 21-day comment period, we *again* request the *official* Public Comment period be extended to a full 60 days ending on Tuesday, November 4, 2025.

In summary, herein, we provide detailed information, rationale, and citations as to *why* the RS permit application under consideration by KC DLS-P should not be granted.

Executive Summary

[The topics below are not listed by *priority*, as the depth of each is very complex, so instead they are listed *alphabetically*]

- CLEARCUT—The 60-ac clearcut was unpermitted and unwise, as it removed a healthy stand of timber that was to have been kept intact as the centerpiece of the *post-reclamation* forest on the property. If it was part of reclamation, as claimed by Reserve Silica (RS), the area would have had to have been covered by a valid reclamation plan, it was not. It would have had to been covered by a reclamation bond, it was not. It would have had to been covered by a valid Forest Practices Act (FPA) permit, it was not. And, to dump inert waste as part of their commercial disposal operation, it would have had to been covered by a Solid Waste permit, which it was not.

- COMMERCIAL DUMPING—KC DLS-P, for many years, has allowed RS to do commercial dumping (which *specifically* requires coverage under the solid waste permit) without: (1) Informing PHSKC [note: it only found out about this just ba few years ago when the ASARCO toxic waste disposal occurred and it was contacted as a potentially responsible agency]; (2) Conducting a State Environmental Policy Act (SEPA) review; and (3) Requiring a valid solid waste permit to cover dumping outside of the boundaries set for the *"operating landfill."* KC DLS-P is looking to issue a *new* permit (the subject of these Comments herein) that covers *"new"* disposal Areas 5 and 6. Meanwhile, PHSKC is planning to *expand* its *existing* solid waste permit with RS to incorporate these new areas within the boundary of its solid waste permit. This essentially would create entirely *new* landfills, all while limiting SEPA to just a very small part of the overall site's footprint. Thus, KC DLS-P, essentially is allowing an illegal commercial disposal operation in violation of both State statute, as well as KC code, and has been doing so for years.

- CONFLICT OF INTEREST AND *"LOST"* RECORDS—A conflict of interest existed with KC's past RS Permit Manager for RS, Fred White, *"losing"* records, then leaving KC Permitting, and—almost immediately—going to work for RS, thus virtually dictating to his former agency (i.e., KC Permitting) what was to be included in permits! *[It should be noted that RS blames Joe Barto, Fred White's successor, for these losses.]* This included pushing KC DLS-P to issue a permit to include Areas 5 and 6, where the clearcut occurred. This relates to the somewhat fraught communications between Fred White and KC DLS-P about *reissuing* the GRDE permit to cover the *additional* areas for the direct purpose of allowing RS's Fred White to use it in discussions with DNR to claim the permit —which did not cover the additional parcels/areas at the time of the clearcut— *retroactively exempted* RS from a DNR determination of clearcutting without a permit. KC DLS-P correspondence with RS states it can find no records of final decisions, or even consideration, let alone adoption of the inclusion of Areas 5 and 6.

- DERELICTION OF DUTY—KC has failed in its duty to properly administer, periodically review, and monitor and inspect the RS site and its operations for years, including its failure to limit the amount of material brought to the site to that amount directly related to what is needed for *reclamation purposes*—based on *reclamation goals and outcomes*.

- INERT WASTES—The *existing* PHSKC Inert Waste Landfill (IWL) permit allows up to 2.75M cy of inert wastes. While it is unclear how much of this already has been placed, it is pretty clear clean fill and inert waste dumping at the RS site already has gone far beyond what was approved in the 2014 Reclamation Plan when the IWL permit was issued.

- KING COUNTY ROLE—KC's specific responsibilities related to site reclamation, include its commitment to the State of Washington Department of Natural Resources (WA DNR) as a condition of DNR transferring responsibility for the reclamation of the site to KC per **WAC 332-18-01001** and **RCW 78.44.050**. In addition, KC Code (KCC) **Title 21A22.050** requires Five-Year Periodic Reviews, which it has not been doing. KC DLS-P explained was that such Five-Year Periodic Reviews are required by virtue of the non-permitted, expansion of activities *("April 5, 2024, KC DLS-P letter to RS; RE: GRDE15-0011: "Failure to renew the permit and/or complete a periodic review of permit conditions may result in an order to cease operations at the subject site until a valid permit with revised conditions is issued.").* RS claimed it was not subject to Five-Year Periodic Reviews *(May 2, 2024, RS letter to KC DLS-P; RE: GRDE15-0011 Permit for Reserve Silica Corporation; p. 1)*. This is part of the RS claim that its *existing* GRDE permit covers the entire site and allows it to dispose of material anywhere on the entire site and call it reclamation vs. KC DLS-P pushback that there are no records or agency determinations or final decisions related to the permit that validate such a claim. There has been quite a bit of confusion between KC DLS-P and RS going on for years.

- LANDFILL—The proposed permit under consideration is for the continued commercial, for-profit disposal of wastes, to RS's financial benefit, which threatens to continue KC's current legacy of putting RS's commercial/profit interests ahead of KC's duty to ensure this site is *reclaimed* for forest or open space/recreation use—consistent with KC's obligations and its own determinations, in the most timely manner possible. Importantly, this includes limiting the amount of fill material necessary for such reclamation purposes, not whatever amount of for-profit *overfilling* on the site for profit that RS can get away with.

- PERIODIC REVIEWS—KC DLS-P stopped doing KC Code-mandated Periodic Reviews of mines (KCC **Title 21A22.050 [DEVELOPMENT STANDARDS - MINERAL EXTRACTION] Periodic review.**) a while back (in the fall of 2021 KC DLS-Permitting Division Director, Jim Chan, told us that his division simply doesn't have the money to do them and that they do not apply to the *reclamation phase* of mining sites!). Clearly, KC DLS-P's financial excuse for not doing those 5-yr reviews is not credible, as it can make it a routine part of permitting activities and recover those costs. Its excuse that it doesn't

apply to *"reclamation"* also is not credible, as it is part of most, if not all, mineral extraction mining permits, consequently we don't see any *separation*, rather we see *continuation* to completion (mining, then reclamation) and, as such, we believe both KCCP Policy **R-798** (used to be Policy **R-688** in the 2016 KCCP Major Update) and the underlying KC Code **21A.22.050 Periodic review** do apply. In our exhaustive review of the Public Record, we found a KC DDES 34-p memo *(June 9, 2003. 1122-718 (L70G1122)—Reserve Silica Mine; Reserve Silica Periodic Review, Joe Miles, Manager, Land Use Services Division, KC DDES)* which was a KC Code-mandated *Periodic Review of Reserve Silica*. It calls out many of the same issues we find RS is still doing in 2025, while at the same time is seeking the *new* permit (really to *"paper over"* its past unpermitted actions) on which we comment in depth herein. If KC DLS-P chooses to not do such reviews, which obviously are critical with multi-decade permits like RS's, then it shouldn't issue such permits until it has sufficient personnel and adequate processes in place to *implement and enforce* the permits, rather than just *granting* permits to applicants with little oversight.

- PERMITS—RS has claimed, and continues to claim, that it doesn't need a *new* C&G permit, as its *existing* C&G Permit authorizes it to perform whatever it determines to be *"reclamation"* activities, anywhere on their property. Both correspondence and internal communication from KC DLS-P *confirm that is not the case,* and there is no record of Areas 5 and 6 ever being approved for road building or dumping. At a minimum, KC DLS-P must adhere to KC Code **Title 16.82 CLEARING AND GRADING**, specifically (with our highlighting) **Title 16.82.075 Permit review and final decision, B.** *"…the department shall review and provide a final decision to approve, condition or deny permits based on compliance with this title and any other applicable regulations."* and **Title 16.82.085 Permit duration and renewal, B.** *"If the department determines that operating conditions and performance standards have been met and that the permit conditions are adequate to protect against the impacts resulting from the permitted activity, the permit may be renewed.…"* Clearly, the law provides KC DLS-P the pathway to deny either a *renewal* or *expansion* of the RS C&G permit.

- PERMIT REVIEWS— KC DLS-P explained reviews of permits that are required in an April 5, 2024, letter to RS (RE: GRDE15-0011): *"King County regulates operations at the subject site through permit # GRDE15-0011. This permit, issued most recently in 2015, is subject to renewals (every 1-2 years) …. The renewal and periodic review process requires the permit to be in good standing and may include review of permit conditions with the County to revise permit conditions as necessary to address regulatory issues raised by continuing operations at the site, such as the illegal dumping of contaminated fill material in May 2023 as well as inert waste outside of the inert waste permit area.…"* There is no evidence that such reviews have ever happened!

- PROCESS—KC DLS-P has erected an artificial *"wall"* between the proposed *new* permit under consideration and the *existing/previous* permits, thus *limiting* the scope of the SEPA review applied here only to Areas 5 and 6 and activities proposed for that location;

thus, making it easier to get a SEPA Determination of Non-Significance / Mitigated Determination of Non-Significance (DNS/MDNS) than if the new permit was evaluated *in the context of* the other closely-related permits. It is imperative that KC DLS-P evaluate this permit application *in the context of* the *existing* C&G permit, as well as the *existing* PHSKC Inert Waste Landfill (IWL) permit, and the *pending* major expansion to the IWL. KC DLS-P's evaluation of this C&G permit application should take into account the collective impact of all four of those interrelated permits/applications—not just *each individually*. Similarly, PHSKC must conduct a *separate* evaluation/decision process, still assessed in a collective fashion, once a decision on GRDE25-0052 is made by KC DLS-P. Finally, KC DLS-P should re-assess the *existing* C&G permit (GRDE15-0011) and strengthen it to ensure it is solely focused on the timely completion of the required reclamation in the *existing* Inert Waste Landfill by strictly controlling and limiting all future activity.

- RECLAMATION—This is not a Reclamation Plan-related permit application. It is rather an industrial/commercial disposal-for-profit Plan-related permit with, at best, a tenuous association with reclamation. In fact, what KC DLS-P has been doing instead, going back to the 1970's, is allowing for the large-scale development of, as well as expansion of, a massive commercial disposal landfill on the RS site as the *primary* activity, and reclamation as a *subordinate activity* under that, even when the commercial disposal activities directly conflict and are not compatible with any legitimate reclamation efforts—in the short term and, in a number of cases, even the long term. Clearly, KC DLS-P has *allowed* RS to dispose of waste at its site far in excess of what any *legitimate* reclamation would require. 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—some, actually much earlier, since mining and reclamation was to be accomplished *incrementally* in stages. Additionally, over the past 3+ years, what was to have been the centerpiece of the post-reclamation forest on this property was clearcut without a permit, with a huge expanse of unpermitted fill then dumped on this site, fill that included contaminated-wastes. Again, this project should solely focus on *reclamation activities*, which may include filling (i.e., dumping), and not allow dumping independent of any clearly defined reclamation purpose. Finally, as we have found in the Public Record regarding what RS is doing for this *new* permit, there is no *Reclamation Bond* in place for the site activities. This is important as it is supposed to be a requirement to assure a company does not simply strip the assets, claim bankruptcy, and walk away from a site leaving County taxpayers with the bill to restore the site.

- RESERVE SILICA—We provide a history of both RS and the site in Ravensdale herein. It should be noted there are financial incentives involved with any business enterprise and RS is no exception. With the completion of sand marketing in 2009, the sole source of income for RS has been tipping fees for *imported* clean fill and inert wastes for backfilling sand mine pits under *reclamation* C&G permits, as well as an IWL permit from PHSKC. This process with exhausted mines is well known. However, since tipping fees

have been a very lucrative business in itself for RS for nearly two decades; *"reclamation"* requirements increasingly constrain what essentially has become a very profitable commercial landfilling business. RS has a strong motivation to continue the dumping business in any way possible; ideally transitioning it to a commercial landfilling business independent of any mine reclamation restrictions. It should be noted that without tipping fees, the entire RS business model is strictly a cost-center, with no other source of income, for its parent company, Reserve Industries (RI).

- RESPONSIBILITIES—There are many parties responsible with ensuring the RS site is reclaimed as per the law and activities in pursuit of same are conducted environmentally responsibly. Herein we document, in detail, the many issues related to RS's conduct over the years. We also document parts that WA DNR, WA DOE, and PHSKC have played. However, since this set of Comments herein is directed to KC DLS-P (and its various names over the decades), which has been responsible for overseeing the mining operation since 1971 and the reclamation since 2010, we must express our concern. It is hard to dismiss KC DLS-P's role in the environmental degradation that has occurred on the RS site over the past ~50 years. This is not a legacy any government agency can be proud of, nor has it served the Public good.

- SEPA DNS DECLARATION—The KC DLS-P SEPA Responsible Official has made a *DNS declaration* regarding this permit application. Such a *DNS declaration* clearly is not adequate, and a *MDNS declaration* is not adequate as well. KC DLS-P (by its own admission) has not done: *Any* SEPA review to date of dumping that far, far exceeds what the last SEPA review covered—this is in the same area covered by the *existing* GRDE permit; *Any* SEPA review to date of the related illegal clear-cut/disposal of soil/inert waste in Areas 5 and 6; and has failed to require reports, review same, and enforce the *existing* GRDE permit. This has resulted in KC DLS-P facilitating and allowing the additional disposal activities (and reclamation/commercial disposal) beyond the area of the *existing* permit—all with no permit coverage. Clearly, all of the above are related and, as such, are required to be covered under a *single* SEPA review. In fact, it is of a magnitude and scope that an Environmental Impact Statement (EIS) should be required. This especially is the case considering that, in addition to the already gross exceedance of the allowed volumes in the *existing* permit and the illegal *non-permitted* volumes already dumped outside the existing permitted areas, RS is planning on dumping an additional 1M cy of new wastes.

If RS is found not to be in compliance with its permit conditions and the law, KC must not reissue its permit *or* grant any extension.

Site History

(not meant to be all inclusive)

1924	Coal mining begun.
1967	Sandstone mining begun producing silica sand.
1971	KC Permitting (under various names—BALD, DDES, DPER, DLS-P) has had the responsibility for overseeing the stewardship of this mining operation on this 377-ac property.
1979 - 1989	Cement-kiln dust (CKD) was used as fill in some locations.
1977	Permit *Environmental Checklist* calls for *"15 year life"* of the mine (to 1992 ?) *(Conclusions, SEPA, Land Use Patterns Item 8, p. 22, June 9, 2003. 1122-718 (L70G1122)—Reserve Silica Mine; Reserve Silica Periodic Review, Joe Miles, Manager, Land Use Services Division, KC DDES)*.
June 2003	King County Code-mandated **21A.22.050 Periodic Review** of the site was conducted and documented *(June 9, 2003. 1122-718 (L70G1122) —Reserve Silica Mine; Reserve Silica Periodic Review, Joe Miles, Manager, Land Use Services Division, KC DDES)* finding many permit violations and unpermitted work.
December 2007	Silica sand mining extraction ended.
March 2010	Per a RS request, KC DDES requested WA DNR turn over reclamation responsibility for this property to KC. DNR records showed the total area disturbed by mining operations (including Dale Strip Pit and Lower Disposal Area) was 70 ac. And the DNR-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.
April 2010	WA DNR granted *(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.") the transfer of reclamation responsibility to KC with DDES's written assurance *(March 31, 2010, letter from Fred White, KC 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.)* 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.

May 2014 — RS reported *(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.")* that only 17 ac of the Upper and Lower pits remained to be backfilled.

May 2016 — RS reported *(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.)* it expected reclamation to be complete by the end of 2016.

2024 — However, we have had eight years of aggressive on-site dumping since early 2017 (RS reported up to 300+ trucks/day—*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."*) since early 2017; and we understand these last 17 ac still are not yet final-graded, topsoiled, or reforested *(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.)*. Evidence is that the 8 years of fill imported since early 2017 has been stockpiled and/or spread elsewhere on the property – which would 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 of the property from off-site.

Where we are today, in the Fall of 2025, is summarized below.

As discussed in the *GMVUAC's October 7, 2024, meeting with KC DLS Director Richardson and KC DLS-P Commercial Permitting's Ty Peterson*, RS clearcut ~60 ac of mature timber in 2021. We have received no feedback or clarification from DLS-P over the past four years on the timing of that clearcut, but aerial photography indicates the clearcutting occurred between March 31 and August 18, 2021. Based on historical documents, most all of this timber was growing on never-mined lands. Based on RS studies, Herrera map *C1.01* from February 2025 shows only two pair of adits (surface shafts/vent to undergound mine workings) on Areas 5 and 6. Aerial photography from 2023 show the pair of adits on Area 5 have already been filled; and PHSKC documents indicate marble countertopping debris inert wastes were recently illegally dumped in these adits. The Herrera map also indicates the RS plan for the pair of adits discovered in Area 6 is to fence and grate these adits to alleviate any risk to the public – so no filling required. Again, this timber harvest was done with no permit from either KC 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.

Key Historical Project Milestones

The following provides key history relevant to RS's permit application to *expand* reclamation work to Areas 5 and 6 (GRDE25-0052).

The lands currently owned by RS were primarily utilized for timber production since the very early 1900s. Some coal mining activity occurred in the 1924 – 1948 period. In the 1970s – 1990s, these lands were managed by Plum Creek Timber Company as part of their King County commercial forestry land base. The lands were zoned for Forestry and included within the County's Forest Production District (FPD).

Sand mining (an authorized use within Forestry-zoned lands) occurred through leases on these lands starting in 1967. The lands were assigned a Mining/Minerals zoning/land use, likely in 1973 as part of the adoption of the State Growth Management Act (GMA), and it became apparent that the predominant use of these lands for the foreseeable future would be sand mining. The understanding was that once mining extraction was completed, the lands would be reclaimed to forestry, and returned to a Forestry zoning. RS purchased these lands in 1996. Sand mining permanently ceased in December 2007 – 18 years ago.

State law and County Code requires segmental reclamation of mined lands to return these lands to productive use as quickly as practical (State law specifies within two years of completion of mining extraction). Reclamation of some of the early-mined lands (Dale Strip Pit and Lower Disposal Area) occurred in 1979 – 1989; with cleanup and monitoring of this Closed Landfill continuing under WA DOE and PHSKC oversight. The focus of reclamation efforts since completion of mine extraction activities has been on reclaiming sand mining pits located in what is known as the *"Inert Waste Landfill,"* Parcel 012106-9011.

While regulation of mine reclamation activity in Washington is under the purview of the WA Department of Natural Resources (WA DNR), at RS's urging and KC Permitting's formal request, that authority was *transferred* to KC Permitting in April 2010—with KC Permitting's assurances that, through RS's C&G Permit, it would administer RS reclamation activities to completion, while meeting and exceeding DNR reclamation plan requirements. It cannot be overemphasized that a key part of DNR's transfer of authority to KC Permitting was complete responsibility for enforcement of all permits per State statutes (as DNR had been doing).

With completion of mining extractions, RS's C&G permit was solely for the reclamation of the sand mining pits. The RS reclamation plan was to fill the remaining sand mine pits with mine spoils and imported (for-profit) clean fill. This fill source was augmented in 2012, when PHSKC issued an IWL permit to RS, so that select inert wastes could supplement the clean fill in the reclamation backfilling work.

As reclamation filling continued, RS petitioned the KC Council in 2012 to upzone their property to a Rural Residential zoning to allow a housing development to be constructed on the post-reclamation lands. This was denied by KC Council. RS took another shot at gaining Council's approval to build a housing development on their lands through a Rural Mining Site Conversion Demonstration Project, as part of the 2016 KC Comprehensive Plan. (Note that a major part of this housing development was planned for what is now known as Area 5 and Area 6.) As part of this proposal, in May 2014, RS developed an IRP (2014 IRP). This 2014 IRP clearly states that the only mining pits remaining to be backfilled as part of the reclamation was 17 ac of the Upper and Lower sand Pits. As in the Reclamation Plans from the DNR, the sand mining pits would be backfilled to their pre-mining contours, graded, topsoiled, and planted. But while all previous reclamation plans called for replanting for a forestry post-reclamation land-use, this 2014 IRP based the final revegetation planting on whether Council approved the RS-proposed rural residential Demonstration Project, or not. The KC Council unanimously denied RS's rural residential Demonstration Project in December 2016; and KC Permitting confirmed in 2017 that this denial implied that the *underlying basis* for the 2014 IRP was no longer valid and that these lands should be revegetated for a forestry land-use *(October 9, 2017, e-mail to GMVUAC's Environment Committee Chair, Rhys Sterling: "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.")*.

Lacking an updated Reclamation Plan for the *essentially* invalidated 2014 IRP, KC DLS-P has approved continuing to follow the 2014 IRP (presumably with the understanding that the final revegetation should be for a forestry land use rather than for a rural residential use). Both KC-DLS-P and RS have stated that they are continuing to follow the 2014 IRP. KC DLS-P has asked for an updated Reclamation Plan from RS for the new GRDE25-0052 permit, but it is not clear whether that was provided (no copy of this key document seems to be available for the GRDE25-0052 public comments review).

There is a preponderance of evidence that sufficient imported fill volume was on-site by 2017 to complete the reclamation filling of the last 17-acres. Nonetheless, RS has continued to accept both for-profit clean fill and inert wastes for the past 8 years, and continuing today.

RS purchased ~60 ac of mature Douglas-fir timber growing on RS Parcels 362206-9065 and 012106-9010 from Weyerhaeuser (successor to Plum Creek Timber Company -PCT) on August 3, 2021. This forest was planted and managed by PCT, and the RS Forest Plan called for this forest to be retained as a key part of the post-reclamation forest. RS clearcut this newly-purchased timber sometime between March 31, 2021 and August 18, 2021, without obtaining a FPA harvest permit from the DNR. When confronted by DNR on August 5, 2022, Fred White (then RS Operations Manager, after having served as KC Permitting Inspector overseeing these lands for 30+ years) claimed that RS's harvest contractor had acquired the necessary FPA permit, and that Fred would provide a copy to DNR. KC

Permitting records show that Fred immediately contacted Permitting and asked that they provide him an updated C&G Permit (which had lapsed), demanding that this permit list all RS parcels. When DNR again confronted Fred on December 9, 2022 for not delivering the alleged FPA permit, Fred showed them the new KC C&G Permit, claiming that this permit allowed RS to clearcut this timber without an FPA permit, because RS was changing the land use of this area to a non-forestry use. This excuse was accepted by DNR, and they discontinued their pursuit of RS's failure to obtain an FPA harvest permit.

Unlike the DNR Surface Mine Reclamation division, the timber division of the DNR has retained timber harvest and regeneration responsibility for all these properties - with one exception. In cases where a clearing/harvest activity is considered to be a conversion to a non-forestry use (i.e., a Class IV General activity). King County has assumed jurisdiction over Class IV General activities, so it is not regulated under DNR Forest Practices *[December 28, 2022, e-mail from Amanda Truillo, DNR Forest Practices Forester, South Puget Sound Region, to Michael Brathovde]*. When DNR confronted RS (Fred White) a second time (12/9/22), after failing to deliver the FPA permit he claimed his contractor logger had obtained for the 60-ac clearcut, Fred reportedly flashed the GRDE15-0011 C&G permit, dated 8/19/22 (issued after DNR first confronted Fred on 8/5/22), claiming that this KC C&G permit authorized the clearcut, without obtaining an FPA permit, because RS was converting this property to a non-forestry use. DNR accepted this explanation, and dropped their investigation into RS not obtaining a FPA harvest permit for this 60-acre harvest.

In October 2024, RS adamantly denied they ever planned on converting this acreage to a non-forestry use, and now claim that their C&G Permit, and an associated Operating Plan submitted to KC-DLS-P (in 2022?) that called for this clearing and developing Area 5 and Area 6 for reclamation dumping, allowed them to clearcut this 60-acres, road this area and start reclamation dumping of clean fill. But DLS-P has found no such Operating Plan, nor even any reference to such a plan, nor any indication of KC-DLS-P approving any clearing, roading or dumping on this area. (RS is now claiming that KC-DLS-P lost the copy of the Operating Plan RS submitted, and subsequently lost RS's copy of this plan when they lent their copy to KC-DLS-P.)

RS was constructing fill haul roads on Area 5 in August of 2022, then commenced dumping fill, which continued in 2023 and 2024. The haul road was extended to Area 6 in 2024 and fill dumping started on Area 6.

Dumping of 33 truckloads of ASARCO-contaminated wastes were dumped in Area 5 on May 30, 2023, and KC-DLS-P issues an Emergency Authorization letter on August 22, 2023 after finding out about this contamination. KC-DLS-P shut down RS operations for an extended time while the ASARCO issue was being investigated. DOE then issued a *"no further action required"* decision.

Reserve Silica Permit
GRDE25-0052

PUBLIC COMMENT

KC-DLS-P directed RS to cease activities in Area 5 on May 24, 2024.

KC-DLS-P required RS to submit a series of documents to allow KC-DLS-P to evaluate RS's request to cover past unpermitted clearing, roading and dumping, and proposed future reclamation activity on Areas 5 and 6. RS delivered the final tranche of required documents on February 28, 2025.

KC-DLS-P's field inspection on April 28, 2025, noted extensive dumping on Area 5 (RS reported 50 – 150 trucks/day to the site), and preparation of a work area on Area 6 in preparation for upcoming reclamation activity.

KC-DLS-P sends out notices of SEPA assessment and public comment period for GRDE25-0052 application to expand reclamation operations to Areas 5 and 6 on September 5, 2025.

Applicable Law

Federal

Federal agencies primarily focus on coal mining and reclamation of same.

Surface Mining Control And Reclamation Act (SMCRA) *[Public Law 95–87]*

The SMCRA provides for the cooperation between the Federal government and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes. As such it would only apply to the abandoned coal-mine shafts at the RS site in Ravensdale.

Office of Surface Mining Reclamation and Enforcement (OSMRE)

OSMRE, authorized by the SMCRA, protects populations and the environment during surface coal-mining operations. The Office also works to clean and put to good use abandoned mine sites. These missions are accomplished primarily through regulation and oversight of state programs. As such it would only apply to the abandoned coal-mine shafts at the RS site in Ravensdale.

State

Revised Code of Washington (RCW)

Title 70A ENVIRONMENTAL HEALTH AND SAFETY
- **70A.205 Solid waste management—Reduction and recycling.**
  - **70A.205.015 Definitions**

Title 78 MINES, MINERALS, AND PETROLEUM
- **78.44 Surface mining.**
  - **78.44.050 Exclusive authority to regulate reclamation—Department may delegate enforcement authority to counties, cities, towns—Other laws not affected.**
  - **78.44.055 Surface mining of coal—Preemption of chapter by federal laws, programs.**
  - **78.44.091 Reclamation plans—Approval, process.**
  - **78.44.111 Segmental reclamation—Primary objective.**

78.44.131 Reclamation specifics—Basic objective—Modifications for metals mining and milling operations—Timeline.
78.44.141 Reclamation plans—Minimum standards—Waiver.
78.44.151 Reclamation plans—Modification, when required— SEPA.
78.44.181 Reclamation—Report by permit holder on anniversary date.
78.44.390 Cancellation of reclamation permit.
78.44.910 Previously mined land.

All of the above **RCW Titles** are cited in the Comments herein.

Washington Administrative Code (WAC)

Title 173 Ecology, Department of
173-350 Solid waste handling standards.
173-350-410 Inert waste landfills

Title 197 Ecology, Department of (Environmental Policy, Council on)
197-11 SEPA rules.
197-11-355 Optional DNS process.

Title 332-18-01001 Delegation of enforcement to counties

All of the above **WAC Titles** are cited in the Comments herein.

King County

Code

Title 16 BUILDING AND CONSTRUCTION STANDARDS
16.82 CLEARING AND GRADING (Formerly GRADING)

Title 21A ZONING
21A.22 DEVELOPMENT STANDARDS - MINERAL EXTRACTION
21A.22.081 Reclamation.
21A.22.050 Periodic review.

All of the above **KC Code Titles** are cited in the Comments herein.

Ordinances

1488 § 12, 1973 — KC Code 21A.22.081 Reclamation

10870 § 443, 1993 — KC Code Title 21A.22.050 Periodic review.

11157 § 21, 1993 — KC Code Title 21A.22.050 Periodic review.

15032 § 28, 2004 — KC Code Title 21A.22.050 Periodic review.

19146 § 59, 2020 — KC Code Title 21A.22.050 Periodic review.

19601 § 2, 2023 — KC Code Title 21A.22.050 Periodic review.

All of the above **KC Council Ordinances** are cited in the Comments herein.

KCCP Policies (current policies are cited with old policy numbers provided)

R-798 (…*"periodic review process for mineral extraction and processing operations…"* This used to be Policy **R-688** in the 2016 KCCP Major Update.)

R-799 ("*Conditions and mitigations for significant adverse environmental impacts associated with mineral extraction or mining operations and their associated structures or facilities should be required…."* This used to be Policy **R-689** in the 2016 KCCP Major Update.)

R-800 (*"Where mineral extraction or mining are subject to state or federal regulations, King County should work with the state and federal governments…."* This used to be Policy **R-690** in the 2016 KCCP Major Update.)

R-801 (*"King County should work with the Washington State Department of Natural Resources to ensure that mining areas are reclaimed in a timely and appropriate manner…."* This used to be Policy **R-691** in the 2016 KCCP Major Update.)

R-802 (*"King County shall encourage the removal of existing stockpiles of previously mined material to promote and achieve reclamation of land to its highest and best use."* This used to be Policy **R-692** in the 2016 KCCP Major Update.)

Data and Documentation

Public Records Requests

Past

During the past decade, and especially over the last several years, our organizations either individually or collectedly, and members of the Public, have requested specific records for the RS site—permits, reports, decisions, etc., both in wiring and in person. In nearly all cases, those requests have not been fulfilled and often with not explanation. This clearly has been detrimental to our organizations and the general public.

Recent

Recently we submitted a Public Records Request (PRR)which has partially been fulfilled, but has caused us to rapidly have to review and digest a very, very large volume of applicable documents—one of the reasons we asked for a 60-da response period rather than the 21-da offered. That request was denied!

We received three tranches of information to date, but believe there is far, far more that could be of major import to the new permit application discussed herein.

Reserve Silica Permit
GRDE25-0052

PUBLIC COMMENT

Technical Discussion

Permit Application

Record: **GRDE25-0052**

Record Type: Grade Clearing

Record Status: KC DLS-Permitting Division Reviews In Process

Permit Application: **Notice of Application**

Date of Application: June 9, 2025

Project Description:

Applicant Project Description: *"Expansion of fill and reclamation activities into Areas 5 and 6 of Reserve's properties located on parcels 3622069065 and 0121069010."*

KC DLS-P Project Description: *"The project proposes expansion of fill and reclamation activities into Areas 5 and 6 of Reserve Silica Corporation's properties."*

Parcel Numbers: 3622069065, 0121069010 [Note: KC DLS-P, in its records, also includes parcels 3522069018 (the Plant Site under RS clean-up, monitored by WA DOE) and 3622069138 (the Closed Landfill lot that includes the Dale Strip Pit and the Lower Disposal Area and the CKD-associated treatment facilities under WA DOE MTCA clean-up plan). Neither of these parcels should have anything to do with GRDE25-0052.]

Permit Requested: Clearing-Grading subject to State Environmental Policy Act (SEPA)

Date Found Complete: July 7, 2025 and August 5, 2025 (KC DLS-P records show both.)

Date of Public Notice: September 5, 2025

KC DLS-P plans to issue an *Environmental Threshold Determination* pursuant to the *State Environmental Policy Act (SEPA)* on this application following a 21-da public comment period ending on September 26, 2025. The responsible official has a reasonable basis for

expecting to issue a SEPA DNS on this project. As such, the optional DNS/MDNS notice process is being used pursuant to **WAC 197-11-355**. The project review process may incorporate or require mitigation measures regardless of whether an Environmental Impact Statement (EIS) is prepared.

Concerns

We provide here concerns raised about *existing*, *expanding*, and *new* permits.

While this PHSKC expansion application of the IWL permit covers the entire acreage of Parcels 362206-9065 and 012106-9010 (80.0 acres), all the discussion on the C&G permit (GRDE25-0052) is that this permit covers Areas 5 and 6 only, which appears to be ~50 ac. PHSKC has strongly recommended the two applications cover the same area. We believe both permits should be limited to just Areas 5 and 6 (~50 ac). But, as described herein throughout, we strongly believe neither application should be approved, as this proposal does nothing to promote timely reclamation of this property, and, in fact, delays and degrades this property for its target Forestry, or Open Space/Recreational, land use.

It is our understanding that KC DLS-P refers to the *"existing"* (GRDE15-0011) permit as being *"continuing/renewing."* Whereas *"expanding"* refers to expanding the *existing* GRDE15-0011 to include the *new* Areas 5 and 6. As we understand it, GRDE25-0052 will be a *new* C&G permit, applying *only* to Areas 5 and 6 (or the two parcels containing these Areas), while GRDE15-0011 will continue, allowing fill only within portions of the IWL parcel (012106-9011) that still are in need of backfilling (actually, this should be none). Our understanding of the PHSKC IWL permit (pr0082027), is that the RS application calls for *"expanding"* this existing IWL permit to include the two parcels that encompass Areas 5 and 6.

RS consistently has argued that its *existing* permit covers the whole property. When DNR confronted the RS Operations Manager (at the time), Fred White, about not having a FPA harvest permit for clearcutting the 60 ac, he insisted that KC DLS-P update RS's C&G permit, and include *all* seven of the RS ownership parcels on a re-issued permit, claiming KC DLS-P was mistaken when it did not list *all* parcels on the RS C&G permit. While do not know whether KC DLS-P ever bowed to this demand, we do know that part of RS's argument is that some of the Bennett Consulting maps in the 2014 IRP show a *"Permit Boundary"* that encompasses all of RS ownership—except for the Plant Site (Parcel 352206-9018) and the southern Forestry parcel (Parcel 012106-9002), meaning that it includes the two parcels containing Areas 5 and 6. The Forestry parcel was never zoned Mining, remains zoned Forestry, and remains within the FPD. So this certainly should NOT be included in the C&G permit. And the Plant Site was always considered a mine processing site—not a mine extraction/filling site. So Fred White's insistence on KC DLS-P including all seven parcels in the C&G permit was not credible then or now. And RS's

current insistence that its *existing* C&G permit covers the whole property also is not credible.

RS also claims that the 2014 IRP authorizes reclamation operations on Areas 5 and 6, even though it clearly only authorizes reclamation of the sand mining pits (Areas 5 and 6 contain no such pits), and specifically just the 17 ac of the Upper and Lower sand Pits. KC DLS-P confirmed it found nothing in the 2014 IRP that authorizes any reclamation in Areas 5 and 6. So nothing supports RS's view that the existing C&G permit or Reclamation Plan covers Areas 5 and 6 (and certainly not the Plant Site nor the Forestry parcel).

We suspect that Bennett Consulting's *"Permit Boundary,"* which includes the Area 5 and 6 parcels, was the area RS was allowed to mine, as it saw fit. And this likely included the two Area 5 and 6 parcels. But RS ultimately concluded there was no significant sand mining potential on these two parcels, and thus decided to cease all sand mining in December 2007, without mining anything on the Area 5 and 6 parcels.

Once mining ceased, the only activity approved by the C&G permit was reclamation of the sand mine pits. At that point, the (Reclamation) *"Project Boundary"* became only those lands disturbed by the sand mining – which does not include anything in the Area 5 and 6 parcels. Please refer back to our **Introduction's** *"How did KC DLS-P, the Applicant RS, and the Public get to this point ?"* for our discussion of the June 28, 2024, and July 22, 2024, KC DLS-P memos which stated it found no evidence of any clearing/grading/filling being approved in Areas 5 and 6.

When KC DLS-P did not agree, RS asked for a *modification* of the C&G permit to cover additional areas. This request is what led to the **GRDE25-0052** application discussed herein and currently being considered by KC DLS-P.

PHSKC informed RS that it was not going to take any action on a solid waste (landfill) related permit, until such time as KC DLS-P made a decision about modifying the *existing* C&G permit to expand it to cover the entire site (i.e., the two additional Areas 5 and 6), or not. In our search of the available records we could not find any *later* KC DLS-P response to RS where it said it couldn't find any final determinations, applications, or even correspondence that indicates that it ever modified the permit to cover the additional Areas 5 and 6, or parcel numbers.

Reserve Silica Permit
GRDE25-0052

PUBLIC COMMENT

Project Description

Additional Project Information

On December, 20, 2024, Herrera Environmental Consultants, Inc. provided the following to *Technical Memoranda* KC DLS-P:

- *"Project Narrative for Fill Placement at Reserve Silica's Ravensdale Facility"*
- *"Response to Reclamation Criteria in RCW 78.44.141 and King County Code 21A.22.081.C"*
- Topographic Profiles—Cross Sections A-A′ and B-B′

We provide our responses (in black) on key statements (in *blue*) from each of these documents below:

December, 20, 2024
Herrera Tech Memo *"Project Narrative for Fill Placement at Reserve Silica's Ravensdale Facility"* to KC DLS-P

(p. 3): *"Areas 5 and 6 are located east of the haul road and are aimed at reclaiming former coal mining features."*

This directly implies that the whole purpose of the Permit Application under consideration here is to *"reclaim"* old coal mine adits. However, Herrera's own drawing (*TEC4.01*) shows these are limited to two relatively small areas of the 50 ac of Areas 5 and 6. In the Permit Application above, both the Applicant (RS) and the KC DLS-P Project Descriptions, state that it only applies to Areas 5 and 6. By KC iMap, Areas 5 and 6 total just over 50 ac, and exclude ~22.1 ac of lands in the NW end of Parcel -9065, and ~ 6.4 ac of lands under the Bonneville Power Administration (BPA) right-of-way and southward within parcel -9010, and ~1.2 ac of lands in the extreme NW corner of RS's property that Herrera labels *"Fill Site."* Both Parcels -9065 and -9010 are listed on the Application. These two parcels, in total, are 80.0 ac in size. Note that Herrera shows the RS-requested expansion of its IWL permit includes the full 80.0 ac of the two parcels in question. But PHSKC has argued that the area covered by the IWL permit *expansion*, and the *new* C&G permit (GRDE25-0052) should be identical.

(p. 3): *"Reserve has been implementing the Interim Reclamation Plan."*

RS proposed, and Fred White, at KC at the time, approved the *"2014 IRP,"* but it was contingent on the KC Council approving RS's request to upzone the RS property to *Rural Residential*, to allow a large housing development to be constructed on the reclaimed lands. But the KC Council unanimously denied this request in 2016, *essentially* invalidating the 2014 IRP. KC DDES (Randy Sandin) confirmed in 2017 that the 2014 IRP no longer applied, and that the RS lands should be reclaimed to forestry *(October 9, 2017, e-mail to GMVUAC's Environment Committee Chair, Rhys Sterling: "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.")*. By all rights, KC DDES should have required RS to propose a *new* Reclamation Plan based on reclamation to forestry, or it should have reverted back to the pre-2014 DNR Plan, which was based on a post-reclamation zoning and land use of Forestry. But neither happened. KC DLS-P has argued that the 2014 IRP is the only Reclamation Plan it has, so Ty Peterson indicated it approved *continuing* to use this 2014 IRP (presumably with the understanding that the final revegetation had to be to Forestry).

RS's statement above: *"Reserve has been implementing the Interim Reclamation Plan"* (which KC DLS-P also has stated) is not true! First, RS has not done any *Final Revegetation* yet. But its proposed plan for Areas 5 and 6, if GRDE25-0052 is approved, calls for 86% of the total area to be replanted to forest (not just Areas 5 and 6). But the much bigger issue is that the 2014 IRP also clearly specifies that the only reclamation backfilling needed is 17 ac of the Upper and Lower sand Pits. And this is clearly not being followed by either RS or DLS-P.

(p. 3): *"In 2021, Fill placement continued in Areas 2, 3, and 3/4."*

The 17 ac approved for filling are in Areas 1, 2, and 3, but not in 3/4.

(p. 3): *"In 2022, Areas 5 and 6 were logged, and construction of a haul road began. Topsoil was stockpiled on Area 3/4 for future use in reclamation. Fill placement began in Area 5 after July 2022."*

Actually Areas 5 and 6 were logged sometime between March 31 and August 18, 2021, not in 2022, based on aerial photography. Such logging, RS claims was done so it could identify coal-mine hazard areas. However, in reality, it was to strip off the significant timber values from this property. According to RS the haul road was built for it to be able to reclaim the dangerous coal-mine hazard areas.

However, in reality, it was to position it for an aggressive (1M cy) commercial landfilling operation on this area. Note there is also the issue of the asphalt/ concrete processing plant, that KC DLS-P's Teddy Taddese reported RS's Frank Melfi Jr. and Fred White told him they were going to be applying for. Although Frank Melfi Jr. denied this at the October 2024 GMVUAC Monthly Meeting, the details of Teddy Taddese's reporting strongly implies there was some validity to wanting to apply for the asphalt/concrete processing plant, in spite of RS's extreme denials.

Yes, topsoil was stockpiled in Area 3/4, but is that in addition to the 1M cy of imported fill or inert wastes?

Yes, fill placement began in Area 5, but with no permits or permission, probably to establish that this is an *active* fill site. Positioning of virtually all of this fill had nothing to do with coal-mine hazard reduction, nor regrading to pre-mining topography.

(p. 3): *"In 2023, fill placement continued in Areas 2, 3, and 5."*

Such *"fill placement"* in reality is *"dumping,"* again, with no permits for doing so in Area 5.

(p. 3): *"In 2024, fill placement continued in Areas 3, and 5….A haul road was constructed to Area 6, and limited fill placement began."*

Again, such *"fill placement"* was done in Area 5 with no permits. The haul road construction to Area 6 was done with no permits.

(p. 4): *"Fill placement has exceeded the proposed grades by 20 to 25 feet in some locations; …"*

Actually, we estimate from Herrera drawings are up to 33 ft, and the transects used in the 2014 IRP may well not be very representative of Area 3 filling. We repeat that the big concern here is dumping in areas not approved for any reclamation filling. KC DLS-P simply is not enforcing C&G/Reclamation Terms and Conditions. We also are concerned that some of this overfill may well be Inert Wastes under the PHSKC IWL. In fact, it is not clear PHSKC even recognizes the *'backfilling of mine pits to restore contours to pre-mining topography'* limitation. PHSKC may well be just assuming if it is approved inert

waste material, and is dumped in the 5.4-ac IWL permit area, that it is up to KC DLS-P to control the volumes and contours. This must be addressed!

(p. 4): *"A summary of annual fill volumes at the Facility is provided in Table 1, based on Reserve's load ticket records."*

The total shown for the last 3 years (2022 to November 30, 2024) for all areas is ~468,000 cy, but for Areas 5 and 6 the permit application under consideration proposes an additional 1M cy. While we do not have a full record since the IWL permit was issued, nor how much clean fill was dumped in this IWL, RS is reporting the IWL permit allows up to 2.75M cy of inert wastes. This is far in excess of what is required to fill the 17 ac approved for reclamation filling in the 2014 IRP!

December, 20, 2024
Herrera Tech Memo *"Response to Reclamation Criteria in RCW 78.44.141 and King County Code 21A.22.081.C"* to KC DLS-P

(p. 5): *"RCW 78.44.141 (7) (f) The department may refuse to release a reclamation permit or performance security until it deems that effective revegetation has commenced."*

RS Response: *"Requirement (7)(f) is no longer applicable because WDNR has released the original reclamation permit and related performance security."*

DNR did retire the permit, and returned the RS reclamation bond. However, although DNR is done with RS, it *still* be subject to the RCWs. There is a bond requirement on the GRDE25-0052. We can only assume that KC DLS-P has some security bond on RS for GRDE15-0011. We remain concerned that RS faces many obligations here, specifically significant final reclamation costs under KC Code **21A.22.081 Reclamation.**

December, 20, 2024, Herrera Tech Memo *"Topographic Profiles—Cross Sections A-A' and B-B' "* to KC DLS-P

We reviewed the information contained in this memo and want to point out the following. There is comparable information published in the **Site Improvement Plan**. However, the difference is that the topographic profiles in that document are dated February 28, 2025. One would think the two sets of profiles, on the

identical transects, would be the same, but they are not. We used the version in the **Site Improvement Plan**, as it was more current and, presumably, corrected either on the *"existing grade"* side (possibly corrections in the drone photogrammetric aerial survey results), or on the *"proposed grade"* (i.e., the pre-mining grade, as designated in the 2014 IRP). Please note that the 2014 IRP - set, as being the *pre-mining* topography, should definitely not have changed between December and February). Also, the **Site Improvement Plan** (February 2025) version includes transects through the Areas 5 and 6 area—tracking profiles for *"existing grade"* (with previous illegal dumping) vs. *"finished grade"* (i.e., the planned grade under GRDE25-0052.

Our detailed comments on this subject can be found under ***"Overfilling of Existing Reclamation Permit"*** in the **Site improvement Plan** section.

Please also see our Comments on SEPA Checklist, Item 11, Project Description, under our ***Determination of Non-Significance*** section.

Reserve Silica Permit
GRDE25-0052

PUBLIC COMMENT

Determination of Non-Significance

SEPA Checklist
(***SEPA Checklist***)

In this subsection we review and comment in some detail on RS's responses on the *SEPA Checklist*. Note: When we refer to Herrera drawings, please see: Site Improvement Plan.

A. Background

1. Name of proposed project, if applicable:
"Reserve Inert Waste Landfill Project – Areas 5 and 6 Expansion"

Why is this labeled just for the Inert Waste Landfill permit expansion to Areas 5 and 6? Note that RS's response to **A.11** indicates majority will be clean fill, even if inert waste permit is also expanded. And if inert waste permit is not expanded, fill will be all clean fill under C&G permit.

6. Proposed timing of schedule (including phasing, if applicable):
"Filling and reclamation activities are estimated to last 5-7 years (2022-2029) but could be longer or shorter depending on market conditions and local volumes of import. Other activities may be ongoing after the completion of fill placement and reclamation."

But RS's response to **A7** indicates no other activities being proposed.

10. List any government approvals or permits that will be needed for your proposal, if known.

Active

"• King County Clearing and Grading Permit #GRDE15-0011"
"• 2025 Solid Waste "Facility Permit (Reserve Silica Corporation Inert Waste Landfill PR0082027)

"Pursuant to King County's request in February 2024, Reserve will seek to update the Inert Waste Landfill permit to include parcels 3622069065 and 0121069010, which contain Areas 5 and 6. Reserve will submit an Application for Modification of Solid Waste Handling Permit form to Public Health to modify the Solid Waste Facility Permit."

RS is requesting expansion of its Inert Waste permit to cover all of parcels 9065 & 9010 (Areas 5 and 6, plus more). It claims this expansion is pursuant to KC request. Clearly, KC DLS-P did not request RS to expand its dumping operation, but instead required it to submit plans and documents for the expansion it already was pursuing *without* any permits.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

"Reserve Silica Corporation (Reserve) operates a clean fill and inert waste dumpsite located at 28131 Black Diamond-Ravensdale Road, Ravensdale WA (Site) (Figure 1). In 2012, the King County Department of Environmental Services (DDES) compiled a SEPA checklist and issued a Mitigated Determination of Non-Significance (MDNS). This MDNS approved Reserve proposal to extend operating hours to include Saturdays from 9 a.m. to 6 p.m., facilitating reclamation efforts in the lower areas through grading and filling."

"Currently, the King County Permitting Division requires Reserve to undergo SEPA review for the proposed expansion of fill and reclamation activities into Areas 5 and 6 of Reserve's properties (Figure 2). The plan involves importation and placement of fill materials in areas previously affected by surface and underground coal mining activities. Areas 5 and 6 are immediately east of the current inert waste landfill site."

It is <u>not</u> true that proposed expansion of fill and reclamation activities into Areas 5 and 6 *"involves importation and placement of fill materials in areas previously affected by surface and underground coal mining activities."* Facts are that the portions with known coal adits are *minuscule* compared to the total area involved in the permit application—Herrera drawing no. TEC 4.01 shows locations of two coal mine adits.

PUBLIC COMMENT

"A haul road was installed to Area 5 in 2022 and extended to Area 6 in 2024 to allow for delivery of fill. The haul road will remain after reclamation to provide site access."

The installation of the haul road was not permitted. It was established without permits and is of a caliber far exceeding what is needed for filling or even future property management.

"Fill activities began in Area 5 after July 2022 and to a more limited extent in Area 6 in 2024."

These were both unpermitted activities. KC DLS-P informed RS to cease filling operations on this site on May 24, 2024.

"Ongoing fill placement in Areas 5 and 6 consists solely of clean soil fill."

However, KC DLS-P has indicated there is NO ongoing fill placement; but KC DLS-P field inspection on April 28, 2025, noted significant activity continuing on both Areas 5 and 6.

"Previously a limited amount of inert waste, consisting primarily of marble countertop, was placed in Area 5. That practice has ceased pending modification of the inert waste landfill permit to include Areas 5 and 6."

PHSKC indicated RS claimed this dumping was *"inadvertent,"* but RS's response mentions nothing about this dumping being *inadvertent*. And the*"primarily of marble contertopping"* is concerning? What other disallowed/ illegal materials were dumped ?

If approved, fill materials would consist primarily of clean soil fill but also inert wastes, including cured concrete, brick and masonry, ceramic materials, asphaltic materials, glass, stainless steel and aluminum. Concrete and asphaltic materials are accepted only in loads mixed with soil, where they comprise no more than 20 percent of the load by volume. If expansion of the inert waste landfill permit is approved, the additional materials placed under the Inert Waste Landfill will be mitigated through compliance with the requirements for inert waste landfills in Chapter 173-350-410 of the Washington Administrative Code (WAC), including operating in accordance with the Plan of Operation. If the expansion is not approved, Reserve will only place clean soil fill in Areas 5 and 6."

Clearly, it appears RS is counting on PHSKC to provide it with an expanded inert waste permit to allow lots of other materials, such as those RS lists. We find that outrageous and not what PHSKC's Jerome Cruz has told us in meetings.

"Stormwater will be managed through the construction of two new stormwater ponds. Each pond will be a combination large wet pond and detention facility, providing water quality and flow control benefits. A network of ditches and culverts will collect stormwater generated from the fill area and route it to the ponds. Discharge from the ponds will be routed to existing discharge locations."

While possibly necessary, it should be noted that these could be very large facilities.

"Approximately 1,000,000 cubic yards of fill will be imported to accomplish reclamation with 720,000 cubic yards planned for Area 5 and 180,000 cubic yards in Area 6. The area of disturbance in Areas 5 and 6, including stormwater management facilities, totals approximately 39.5 acres."

There is no way or semblance, this can be identified and permitted as *"reclamation."* The stated purposes for this reclamation are to address *"coal-mine hazards"* that pose a public risk, and to restore *"pre-mining topography."* Indications are that the two identified coal-mine adits in Area 5 already have been filled by RS (without permits, and partly with unpermitted inert wastes), and the RS plans for the two identified coal-mine adits in Area 6 are to just fence and/or grate them – so no *"fill"* required. The plan for the placement of the 1M cy of fill doesn't appear to address any identified coal-mine hazard. And this entire area had no mining topographic impact. So, the two large mountains of this 1M cy of fill basically are destroying the *existing* pre-mining contours, posing incremental erosion and run-off risks, and creating considerable impermeable surface that never existed before RS clearcut this area. This plan, for all practical purposes, is the antithesis of *"mine reclamation."*

"Figures 3-5 illustrate the existing land cover and drainage patterns of the overall site, while Figure 6 depicts the proposed changes post-reclamation"

Figure 5 shows all of Areas 5 and 6 and more as *"coalmine area."* Figure 6 shows ~75% (our rough estimate by eye) of Areas 5 and 6 as being

"reclaimed to forest cover." However, using the quoted 39.5 ac of disturbed lands on Areas 5 and 6, we calculate the following:

(1m cu yd) x (27 cu ft/cu yd) / (80 ac) x (43,560 sq ft per ac) x (0.75)
=
~16 ft depth of fill !!!

"Reclamation planting of Areas 5 and 6 aims to restore forest cover to the fill areas."

That forest cover was removed by RS, now to be restored with forests ~50-years younger than what was removed under no permit authorization ! The plan also calls for *"Existing vegetation to remain"* on ~11 ac of Parcel 362206-9065 west of the proposed Area 6 fill and stormwater pond, that were clearcut by RS, not replanted (a violation of WA FPA), and are now in brush. This area absolutely must be regenerated to forest ASAP.

"The Ravensdale area has a long history of natural resource extraction and production. Reserve purchased the property from Meridian Minerals in 1996, continuing sand mining and processing that had been conducted since 1968. Sand mining ceased November of 2008 [NOTE: All other RS documents indicate December 2007.] *and from December of 2006, the property operated as a commercial disposal facility for inert construction materials to backfill mine workings(coal mining was conducted from 1900s to 1950) as part of the mine reclamation process."*

While RS purchased the land in 1996, it took over the lease and sand mining in 1986. From December 2006, 52 ac of the property *"operated as a commercial disposal facility."*

"King County has mapped most of Areas 5 and 6 as a coal mine hazard area (Figure 5), defined as an area directly underlain by or adjacent to or affected by abandoned coal mine workings such as adits, drifts, tunnels, or air shafts."

It appears RS is using this Coal Mine Hazard Area designation as the basis for needing to dump 1M cy of fill. This is misleading. The majority of RS's lands fall within a KC Coal Mine Hazard area; and yet only a very small portion of those lands meet the definition quoted. These RS coal-mine hazard lands are part of a Coal Mine Hazard block of 1,863 ac, running from Ravensdale to Black Diamond. Falling within such a hazard area does not

imply *"reclamation"* is needed on these lands. Instead, the implication is that an area falling within this designation should be individually assessed for actual coal-mine hazards *before* a permit for developing such property is approved. RS apparently has done such an evaluation, and, from the submitted maps, concluded there are only four small adits (likely comprising less than 1 ac in aggregate). *So, t*o be absolutely clear, RS is using this potential hazard area to claim dumping 1MM cy of fill is *"reclaiming"* this land. Dumping 1M cy of fill on this site will do nothing to ameliorate the *very limited* coal-mine hazard risks on this site. In fact, there is no conceivable justification for such a great volume of waste being needed to restore those *minuscule* areas that RS has identified as needing to be reclaimed.

"Following the coal mining, the Site operated as a silica sand pit mine from 1967 until 2006. Starting in 1971, the sand and coal surface mines were reclaimed by backfilling with stockpiled mine spoils and imported fill, including Cement Kiln Dust (CKD) in separate areas not discussed in this proposal."

CKD was deposited in the Dale Strip Pit and the Lower Disposal Area between 1979 and 1989. While CKD is not an issue on Areas 5 and 6, it continues to be a major issue on RS's 67-ac Closed Landfill lot. Like CKD, and ASARCO wastes, and marble-countertopping debris, and other material violations RS has been chastised for, the dumping a 1M cy, particularly of *"Inert Wastes"* with the monitoring processes used at RS, will almost assuredly result in areas of contaminated fill on this site that was once pristine forest prior to RS's unpermitted clearcutting. To be clear, the presence of CKD is just another reason to be extremely careful with any future Clearing and Grading permitting on this site.

"The 2025 Solid Waste Facility Permit (Reserve Silica Corporation Inert Waste Landfill PR0082027 allows the inert waste landfill to accept up to 2.75 million cubic yards of inert waste, including cured concrete, brick and masonry, ceramic materials, asphaltic materials, glass, stainless steel and aluminum, and soil meeting chemical criteria. Placement of inert waste is currently only permitted in tax parcel 0121069011."

However, the approved *"reclamation"* was FAR less than 2.75 MM cy! How much inert waste has it already dumped in the 17-ac Upper and Lower Pits ? How much has been dumped in other areas of the Inert Waste Landfill? Further, there appear to be conflicting views between PHSKC and RS on whether some of these listed materials are permitted; and some are only permitted if they are not generated within KC.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.
"…The landfill is informally divided into the "Fill Site" (Areas 1-6), which serves as the primary disposal and mine reclamation area, and the "Plant Site", which includes a processing and wash plant…."

Lots 1, 2, 3 and 4 were NEVER permitted as *"fill sites"* or *"reclamation sites."* Only Lot 6 (the *"Closed Landfill Lot,"* comprised of the Dale Strip Pit, Lower Disposal Area, and associated CKD treatment areas), and Lot 5 (the *"Inert Waste Landfill Lot"*) have ever been permitted *"fill sites"* or *"reclamation sites."*

B. Environmental Elements

1. Earth

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.
"Approximately 1,000,000 cubic yards of fill will be imported to accomplish the planned reclamation of Areas 5 and 6. The total area of disturbance in Areas 5 and 6, including stormwater management facilities, is about 39.5 acres."

The RS Permit Application provides no basis whatsoever showing any *need* for 1M cy of *"fill"* (i.e., combination of soil and wastes) to accomplish site reclamation. In fact, this cannot be called *"filling,"* as there is nothing to *"fill."* Further, there is no rational basis for such importation to meet KC's duty to implement timely (which would have been somewhere between over one and multiple decades ago) and legitimate reclamation of the site and to maximize the return of forested conditions for long-term forest uses, including open space/recreation. In fact, KC has allowed the creation of practices and

disposal activities that have, over time, increased the *unsuitability* or outright eliminated the potential of reclamation of the property to a forested condition.

Finally, Herrera's February 2025 drawings C1.01 and C2.01 indicate the proposed Area 5 fill runs about 50 to 60 ft above *"existing ground,"* while the proposed Area 6 fill runs 15 to 20 ft above *"existing ground."* And in these figures, *"existing ground"* was determined by a photogrammetric survey performed by drone by Herrera in November 2024. As such, *"existing ground"* would include all previously-dumped (unpermitted) fill up to November 2024. It should be noted that, in the case of Area 5, this previously-dumped fill is <u>substantial</u>, visually estimated as 20 to 30 ft high at the southern end. So the Herrera figures should be understood as *incremental* height above ground level after all dumping up to November 2024. Note that the ground level prior to all unpermitted dumping is the pre-mining ground level – as the underground coal mining in this area did <u>not</u> change the ground contours.

So these 60+ ft and 30+ ft fill piles are <u>above</u> pre-mining contours. Clearly, the stated goal of this reclamation project to *re-establish* pre-mining contours only can be achieved by <u>not</u> dumping any more volume on the site, and removing all the volume (except the very small amount used to fill the two Area 5 coal mine adits) that has been dumped since RS clearcut this area. Note that Herrera's assessment of overfilling (i.e., November 2024 drone assessment of current (filled) level vs. the pre-mining topography shown in the 2014 IRP, for Areas 2, 3, 4 and 3/4) tends to run 15 mho 30 ft. So the GRDE25-0052 proposal <u>far</u> exceeds the overfilling already seen over the past eight years of dumping on the Inert Waste Landfill site.

Please note there is much aerial coverage available through *Google Earth* and KC *iMap* for past 10+ years, with some aerial coverage going back into the 1970s, showing the *pre-existing* forested conditions. There also is Plum Creek inventory data available. So, RS's prior claims that very little of the property is suitable for reforestation due to mining damage has been very well refuted and that was never a question with Areas and 6 land.

"Fill will consist of clean soil and inert wastes, including cured concrete, brick and masonry, ceramic materials, asphaltic materials, glass, stainless steel and aluminum. Fill will be sources from unusable soil or construction waste and brought to the site by construction contractors that enter into a fill agreement with Reserve."

"Figure 3 shows the existing land cover and drainage patterns for the Site. Figure 6 shows the proposed land cover and drainage patterns for the Site."

Regarding Herrera Figures 2 thru 6:

- *Figures 2 – 6* — Why is upper end of A-Trenches (NE corner of RS property) not included in Areas 5 or 6, but labeled as *"Fill Site"* ? (And with no regeneration in Figure 6 ?)
- *Figure 3, Existing Land Cover* – Why are clearcut areas around boarders of Area 5 and 6, and northwest of Area 6, not shown as grass ?
- *Figure 6, Proposed Land Cover* – Why are clearcut areas around boarders of Area 5 and 6, and northwest of Area 6, being left in grass, and not replanted to forest ?

f. Could erosion occur because of clearing, construction, or use? If so, generally describe.

"Yes, earthwork of this scale could lead to erosion, but the risk has been minimized through the implementation of erosion and sediment control best management practices (BMPs). The greatest risk of erosion is before reclamation planting has occurred. Site clearing is not expected to pose erosion concerns.

Erosion controls are required under the Site's Sand and Gravel General Permit (SGGP; WAG503029) and are detailed in the Erosion and Sediment Control Plan component of the Site Management Plan. The current clearing and grading permit (GRDE15-0011) will include a Construction Stormwater Pollution Prevention Plan (CSWPPP), the CSWPPP will apply to grading activity for Areas 5 and 6.

The duration of fill might be impacted by wet season rainfall, the CSWPPP will detail the drainage and retention plan of stormwater runoff."

Existing steep slopes from unpermitted dumping do pose an erosion risk, including to fish-bearing waters of Buck Lake and 31-Man Creek. We ask:

Will this risk persist for another 5-7 years, or more, as this filling continues?

Will reforesting occur as filling is completed on a given area?

Or suspended until all reclamation filling/grading is completed?

And what about *"Other Activities"* mentioned in A.6?

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

"The existing main haul road will remain in use for the project and is detailed in the Reclamation Plan (Bennett Consulting 2014). Within Areas 5 and 6, the primary new impervious surface is the haul road that has already been constructed. Additional gravel roads are proposed for maintenance access to the new stormwater management facilities. Impervious cover within the threshold

discharge areas (TDA) that include the proposed fill will be approximately 13 percent for TDA 2 (the southern portion of Area 5) and 8 percent for TDA 1 (Area 6 and the northern portion of Area 5).”

Most all of this impervious surface, and associated stormwater management facilities, are <u>not</u> required if just replanted to forestry without the 1M cy of fill.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.
“Construction equipment will generate emissions typical of the following: bulldozer, loader, haul trucks, dump trucks and excavator. The construction equipment will largely be in use during construction for filling Areas 5 and 6. The haul trucks will be used during operation of the Site primarily for inert waste.”

This is unclear—what about haul trucks hauling clean fill? Is the 1M cy mostly inert wastes ? The emissions due to truck operations should be evaluated under SEPA as a *new* impact arising following the issuance of the permit. See our comments following the next paragraph.

“The annual average number of haul trucks coming into the Site per day is approximately 100, with a peak of approximately 200 trucks per day (per Reserve Operations Manager, Jeff Wright). No anticipated changes in truck volume are expected for filling Areas 5 and 6.”

The statement that *”[n]o anticipated changes in truck volume are expected”* <u>must be corrected</u>. First of all, there is no obvious correlation of past experience at the site to future activities. If they are the same, that is mere coincidence. But the larger question is whether the *existing* operations on the site in Areas 1 through 4 will continue or will not continue. If they continue, then the trucking activity to haul 1M cy of fill to Areas 5 and 6 will be <u>in addition to previous activity</u>. If previous activity will cease, for whatever reason, then trucking to/from the site will soon fall to zero. In that case, the trucking of 1M cy of fill to Areas 5 and 6 must again be evaluated as <u>a *new* activity with *new* impacts</u>. Either way, the additional impacts on traffic operations and deterioration of road pavement in the area must be quantified, evaluated, and mitigated.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
"No emissions or odor are known that will affect the proposal."

Off-site travel by trucks generates air-quality-emissions impacts along the routes traveled. Truck exhaust fumes are bothersome in the immediate vicinity of routes traveled. One of the routes commonly used by trucks is Ravensdale Way which passes within as little as 16 ft of the front doors of 16 private residences.

3. Water

a. Surface

1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
"There are no surface water bodies in Areas 5 and 6 or in the immediate vicinity of Areas 5 and 6. Any waters are pooled from stormwater and remnants from coal mining or constructed ditches. Temporary stormwater ponds receive surface drainage via overland flow and discharge to two locations shown on Figure 3. Wetland A is located offsite of Areas 5 and 6, therefore not relevant to this SEPA (Figure 3). Wetland A flows to Sonia Lake and eventually Lake Sawyer (Figure 7)."

2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
"No work will take place over, in, or adjacent to surface waters."

3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
"No fill or dredge material will be placed in or removed from surface waters or wetlands."

4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.
"No new surface water withdrawals or diversions will be required. Reserve has an existing water right that is used for dust control and an existing wheel wash."

5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
"The proposal does not lie within a 100-year floodplain."

6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.
"The proposal does not involve discharge of waste materials to surface waters."

Our comments on **3. a. 1.** thru **6 above** are as follows. Discharge flows directly into fish-bearing Buck Land and 31-Man Creek. This includes any runoff from the unpermitted ASARCO-contaminated wastes dumped on the site.

4. Plants

b. What kind and amount of vegetation will be removed or altered?
"BPA conducts ongoing vegetation management within the transmission line easement, which includes the removal of shrubs and other vegetation to maintain safe and reliable power transmission. Timber harvesting activities are carried out with respect to maintaining the BPA easement."

BPA doesn't do any timber harvesting. What has been removed from this site, <u>without any permits</u>, is the well-stocked, mature commercial stand of timber that was clearcut by RS. Given that approval of this application would legitimize that unpermitted clearing, and presumably negate the need for any mitigation of this unpermitted clearcut, the for-profit timber removal by RS should be clearly noted in this SEPA Checklist. The proposal under review here is to replant most (but not all) of this clearcut area back to forestry after

"reclamation" filling/grading is complete – i.e., plant 2-year old seedlings 5 to 7+ years from now to replace the 40+ year old trees cut 4 years ago without permits. That clearly represents a major setback to the timing and completeness of reclamation of this property – and definitely warrants mitigation.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

"Habitat of natural vegetation is classified as Lowland-Coniferous/Deciduous-Closed Canopy-No Understory (Aspect 2017)."

Aspect's classification of natural vegetation habitat as *"Lowland-Coniferous/Deciduous-Closed Canopy-No Understory"* is pre-clearcut and clearly out of date. Figure 3 shows this as mostly *"grass"* – actually brush.

"Revegetation plan is outlined in the Interim Reclamation Plan (Bennett Consulting 2014). An updated Reclamation Planting Plan for Areas 5 and 6 is detailed in the Technical Information Report (Herrera 2025). After completion of backfill, reclamation contours, and soil compaction, the area receives application of native soil, and hydro- seeded with deep rooted grass-legume mix and fertilizer."

Revegetation plan outlined in Bennett Consulting 2014 IRP *should* not apply. That revegetation plan was *predicated* on KC Council approving upzoning of the property to allow a 72-unit housing development, which as unanimously denied in 2016. *"Hydro-seeding with deep rooted grass-legume mix and fertilizer"* does not revegetate this clearcut area to forest as shown in Figure 6. The Revegetation plan for Areas 5 and 6 must be for a forestry or open space/recreation land use.

5. Animals

a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

"Known species are highlighted:
• Birds: hawk, heron, eagle, songbirds, other:
• Mammals: deer, bear, elk, beaver, other: squirrels, racoons (sp)
• Fish: bass, salmon, trout, herring, shellfish, other: none"

Birds—Should include: Osprey, woodpecker (hairy, downey, pileated).
Mammals—Should include: black bear, coyote.

Fish—Should include: bass, herring, freshwater clams.

b. List any threatened and endangered species known to be on or near the site.
"U.S. Fish and Wildlife Service (USFWS) maps one threatened amphibian species as possibly occurring in the Site; Northwestern Pond Turtle (Actinemys marmorata). There is no designated critical habitat in the area, and suitable habitat is not present for the species on Reserve property. Elk (Cervus elaphus) are noted to occur in the general locality of the Site."

Elk are prevalent on the site, but are not threatened or endangered.

c. Is the site part of a migration route? If so, explain.
"The Site is within the Pacific flyway, on the four major north-south migration routes in the Americas for migratory birds. Washington State is part of the Pacific flyway."

King County wildlife corridor runs through the southwest portion of property, but not in Areas 5 and 6.

d. Proposed measures to preserve or enhance wildlife, if any.
"No proposed measures are relevant to the project scope."

Reclamation Plans called for retaining, for habitat, the mature timber that was clearcut !

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.
"During operation of the filling of inert waste, construction spills from construction equipment are possible. Details on spill response are under the SGGP. Inadvertent acceptance of hazardousness fill material could occur, the conditions for accepting inert waste material and response to hazardous material are detailed in the Inert Waste Permit (PR0082027)."

RS procedures for accepting both inert wastes and *"clean fill"* have proven to be unreliable, with hazardous wastes being accepted and dumped on site on

multiple occasions in the past. With 1M cy of fill material, including inert wastes, it is inconceivable that will not happen again. Further, any such debris added to roads and ditches is removed by the KC DLS Road Services Division and the costs incurred should be reimbursed by RS, because it is site specific to RS and recorded in a Haul Road Agreement.

1. Describe any known or possible contamination at the site from present or past uses.

"In Area 6, no known contamination is present. In May 2023, Reserve became aware of 33 truckloads of soil contaminated and illegally disposed of without Reserve's knowledge. The soil had inadvertently been incorporated into reclamation fill in Area 5. The disposal was reported to the Washington Department of Ecology (Ecology; ERTS #724381) and Reserve conducted an investigation to locate and characterize the extent of the contaminated soil. Based on the results of that investigation, Ecology concluded there was a release or threatened release of a hazardous substance, but it does not pose a threat to human health or the environment. A February 16, 2024, determination by Ecology concluded no further action related to the release is necessary under the Model Toxics Control Act."

"Remnant grading and pits from coal mining are present in the Site. No contamination is associated with coal or sand mining."

"Starting in 1971, the sand and coal surface mines were reclaimed by backfilling the pits with stockpiled mine spoils and imported fill, including Cement Kiln Dust (CKD) in separate areas not discussed in this proposal. Contamination associated with CKD is discussed in the Interim Reclamation Plan (Bennett Consulting 2014)."

Clearly, the 33 truckloads of ASARCO-contaminated wastes dumped on the unpermitted clearcut area (Area 5) did pose a threat to both human health and the environment. But because RS had blade mixed this 500 cy of contaminated wastes with 50,000 cy of *"clean fill,"* DOE concluded it was impractical to try to remove the contaminated material, and there would be less risk just leaving this material in-place, rather than trying to extract it and dispose of it appropriately. That is why there was the *"No Further Action Required"* determination, not because there wasn't a problem in the first place.

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.
"The current use of the Site is zoned as mineral use by King County. The surrounding properties are zoned as forest and rural residentials by King County. In 2012, Reserve proposed a reclassification to establish post-reclamation land use as rural low density residential, King County did not approve the proposal. Instead, King County adopted an amendment to establish a mining site conversion demonstration project to establish post-reclamation land use."

RS fails to note that the KC Council unanimously denied the RS-proposed demonstration project that would have allowed a low-density rural residential zoning of the property and even rescinded the Code that would allow future mining site Demonstration Projects. KC Permitting reconfirmed that this denial implied the post-reclamation land use would be forestry, which is consistent with the vast majority of the surrounding properties.

b. ***Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?***
"No, Reserve operations within its parcels have primarily been filling with inert waste, historical sand silica and coal mining. Timber harvested was for maintenance of the parcel lands and BPA easement."

While RS has not utilized these lands for forestry, this entire property was a part of Plum Creek Timber Company's operating forestland base, with most of the property actively managed for commercial forestry. These lands were originally zoned Forestry, and were a part of the Forest Production District. When sand mining became the dominant use on the property, zoning (except for the ~80 ac on the south end) were assigned a Mining/Minerals zoning/land use, with the understanding the lands would revert back to forestry once mining and reclamation was completed. Unfortunately, due to filling of the Dale Strip Pit (coal) and the Lower Disposal Area (sand) with Cement Kiln Dust, 67 ac of RS property can never be returned to forestry. Most of the 53-acre Plant Site can also never be reclaimed to forestry. The ~60-ac clearcut by RS in the summer of 2021 (without any permits), including Areas 5 and 6, was actually the third generation of forest on these lands, and was planted and managed by Plum Creek. Plum Creek's successor, Weyerhaeuser Company, actually continued to own the timber (with no intention of

harvesting) until RS purchased the timber from Weyerhaeuser on August 3, 2021 (just prior to RS clearcutting it ?). Coal mining operations, from the very early 1900s, until the late 1940s, only involved a very small portion of the RS property. BOTTOM LINE: the 60-ac clearcut had nothing to do with *"harvest(ing) for maintenance of the parcel lands and BPA easement."*

c. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?

"Adjacent property is zoned for forestry and could be subject to harvest in the future. Access would not be through Reserve's property. No plans of the adjacent property owner for application of pesticides, tilling or harvesting are known. Timber harvesting is permitted on adjacent properties."

"Designated forest lands in Parcel No. 3622069009, owned by Ravensdale LLC, the neighbor directly adjacent to the west of the Site. Fred Wagner owns Parcel No. 0121069001, south of Ravensdale LLC and adjacent to the Site."

RS states that access to the adjacent forestland property owned by Ravensdale, LLC, and Fred Wagner for future timber harvest would not be through RS property. But the previous harvest of portions of this adjacent ownership was accessed through RS property. And we were told by Ravensdale, LLC, that it did allow RS to utilize Ravensdale, LLC, roads to access their 60-ac clearcut in 2022. RS also just mentions the two neighboring parcels on the east. Ravensdale, LLC, and Fred Wagner actually own 1,156 ac immediately east of RS.

i. Has any part of the site been classified as a critical area by the city or county? If so, specify.

"Yes, Areas 5 and 6 are classified as a coal-mine hazard area…. "

Again, it appears RS is using this Coal Mine Hazard Area designation as the basis for needing to dump 1M cy of fill. This is misleading. The majority of RS's lands fall within a KC Coal Mine Hazard area; and yet only a very small portion of those lands meet the definition quoted. These RS coal-mine hazard lands are part of a Coal Mine Hazard block of 1,863 ac, running from Ravensdale to Black Diamond. Falling within such a hazard area does not imply *"reclamation"* is needed on these lands. Instead, the implication is that an area falling within this designation should be individually assessed for actual coal-mine hazards *before* a permit for developing such property is approved. RS apparently has done such an evaluation, and, from the submitted maps, concluded there are only four small adits (likely comprising

less than 1 ac in aggregate). *So, t*o be absolutely clear, RS is using this potential hazard area to claim dumping 1MM cy of fill is *"reclaiming"* this land. Dumping 1M cy of fill on this site will do nothing to ameliorate the *very limited* coal-mine hazard risks on this site. In fact, there is no conceivable justification for such a great volume of waste being needed to restore those *minuscule* areas that RS has identified as needing to be reclaimed.

j. Approximately how many people would reside or work in the completed project?
"Personnel directly hired by Reserve to manage and sort inert waste."

RS does not indicate a specified number of RS employees to continue to manage and sort inert wastes following completion of the [reclamation] project. It should be noted that following completion of reclamation, no sorting of inert wastes, nor continued dumping of any kind, should continue on this Areas 5 and 6 site.

m. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.
"Proposal is projected to continue to be in line with the existing land use (mining and industrial use)."

We cannot over emphasize the following:
The existing land use is reclamation of former mining lands to forestry.
Mining (extraction) has not been allowed since 2007.
The projected/planned future land use is forestry (or open space/ recreation).
"Industrial use" is not a current, nor projected/planned/approved future land use of this property (Areas 5 and 6).

10. Aesthetics

b. What views in the immediate vicinity would be altered or obstructed?
"No views will be altered or obstructed."

Not true. The views from the nearby (< 1 mi by sight) Maple Ridge Highlands housing development will include a substantial mountain of 1M cy of fill on Areas 5 and 6, until such time as revegetated forest reaches sapling size.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

"Black Diamond Open Space is a 1,240-acre forest with streams, peat bogs, wetlands, and 17 miles of trails. The park and natural area border the north and west neighbors of Reserve operations, approximately 230 feet from the northernmost point of the Site to across Black Diamond-Ravensdale Road at the north edge of the park."

Public recreational use of Ravensdale Lake, adjacent to the Plant Site on the north, for fishing is also an informal recreational use in the immediate vicinity. The Ravensdale, LLC, and Fred Wagner properties adjacent to Areas 5 and 6 (and RS's total eastern border) are open to the Public for non-motorized recreational use when active operations are not in progress.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

"No proposed measures to reduce or control impacts on recreation."

RS operations have always been opposed to public recreation – with signage, locked gates, etc. This has been, in part, due to public risks from active mining operations and contamination from reclamation work that represent an extremely high risk to human health (MTCA Class I). However, the post-reclamation use of the majority of this property, including Areas 5 and 6, is forestry or open space/recreation. RS's stated purpose for reclamation of coal-mine hazards on Areas 5 and 6 is purportedly to reduce public risk (presumably associated with public recreation) and to restore pre-mining topography (prior to RS's unpermitted dumping on this site, the entire site was at pre-mining contours). So this plan should include elements to increase public recreation on the post-reclamation site. However, RS in its response above indicates nothing will be done to impact or promote public recreation.

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.
"Reserve operations are navigated through Black Diamond-Ravensdale Road, accessible by SE Ravensdale Way from the east. The site entrance is located on the south side of Black Diamond Ravensdale Road, about two miles northeast of its junction with SR 169. "

The description of routes used is incomplete. A more accurate replacement would account for all of Black Diamond Ravensdale Road both southward to SR169 and northward to Kent-Kangley Rd (and renamed at its north end as Ravensdale Way), then using Kent-Kangley Rd both eastward to various locations and westward to SR 169. After reaching SR 169, trucks follow SR 169 both northward and southward, and SR 516 (Kent-Kangley Rd) westward, to various locations. Also, please clarify whether any new access points to Black Diamond-Ravensdale Rd would be created, or will all access be via the existing site road.

c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).
"No improvements to roads are within the project scope. "

Adverse impacts of heavy truck traffic must be identified and mitigated. Traffic operations and safety are impacted by trucks at the intersection of Ravensdale Way and Kent-Kangley Rd. The recent reconfiguration of this intersection by King County was driven by consideration of truck movements to/from the south - mostly trucks associated with the subject property. Despite that effort, there continue to be hazardous incidents due to trucks turning from Ravensdale Way northbound to Kent-Kangley Rd westbound. The front of the Ravensdale Store has been struck by left-turning trucks swinging too wide, and pedestrians near the store have too little separation from vehicular traffic.

This intersection configuration should be re-designed to better accommodate truck movements to/from Ravensdale Way. Alternatively, truck movements between the site and points northward and westward should be prohibited from using Ravensdale Way. The only movements safely using Ravensdale Way through this intersection are to/from the east on Kent-Kangley Way.

Additional alternatives to mitigate hazards from truck movements at this intersection include: (a) complete closure of Ravensdale Way at the

intersection so that all traffic to/from the south uses nearby 268th Ave SE instead, and (b) adding a new connection from Ravensdale Way to Kent-Kangley Rd westward about 400 feet, to the west side of the existing fire station. That would remove all the problematic vehicle movements from the vicinity of the Ravensdale Market and improve pedestrian safety in the area as well.

Truck traffic impacts on state routes 169 and 516 may be of concern to WSDOT as well.

The weight of heavy truck loads causes damage to road pavements at an exponential rate compared to the weight of automobiles. Road engineers have long understood the ratio of relative damage to rise according to the fourth power of the ratio of weights. Pavement damage due to site activities should be quantified and mitigated through a Haul Road Agreement that specifies routes to be used by trucks, mitigation of pavement damage on those routes, whether by direct reconstruction of affected roads or by payment into a fund for such reconstruction, compliance monitoring of truck movements, and penalties for violations.

d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
"No, the project will not use water, rail, or air transportation."

RS correctly states that the project will not use water, rail, or air transportation. But the SEPA question also asks whether the project will *"occur in the immediate vicinity of"* these transportation uses. The Burlington Northern mainline lies adjacent to the north side of the RS Plant Site (and the mandatory wheel wash for this operation). The access road for this project, Black Diamond Ravensdale Road, crosses the BN mainline just 1200 feet east of the property entrance.

e. ***How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?***
"The annual average trucks coming into the Site per day is approximately 100, with a peak of approximately 200 trucks per day. No anticipated changes in truck volume are expected for filling Areas 5 and 6. These estimates are from the Reserve's Operations Manager, Jeff Wright."

This statement also appears in the previous section on **Air Quality**, and the same rebuttal is required. The statement that no change in truck volumes is anticipated must be corrected. First of all, there is no obvious correlation of past experience at the site to future activities. If they are the same, that is mere coincidence. But the larger question is whether the existing operations on the site in Areas 1-4 will continue or will not continue. If they continue, then the trucking activity to haul 1 million yards of fill to Areas 5 and 6 will be in addition to previous activity. If previous activity will cease for whatever reason, then trucking to/from the site will soon fall to zero. In that case, the trucking of 1 million yards of fill to Areas 5 and 6 must again be evaluated as a new activity with new impacts. Either way, the additional impacts on traffic operations and deterioration of road pavement in the area must be quantified, evaluated, and mitigated.

1M cy of fill likely translates to something on the order of 66,000 truck trips, or 132,000 truck-trailer transits of Ravensdale Way. Spread over an average 6-yr life (RS estimate of 5-7 years), this translates to 22,000 truck-trailer transits per year, for the next six years. RS estimates an average of 100 trips/day – 200 truck-trailer transits/day over rural Ravensdale Way. And RS estimate of peak operations is 200 trips (400 transits) per day (past RS experience, per Fred White, is 300 trips – 600 transits/day). At 400 peak season transits/day, this represents a truck-trailer passage almost every minute in an 8-hour operating day. And this is just from RS truck traffic (see **B.14.f** below).

The described volume of trucks at the site (100/day average and a peak rate of 200/day) actually represents twice that many truck trips on the road, because each truck entering also exits. The described peak operating level of 200 trucks at the site actually results in 400 trucks/day on Ravensdale Way and connecting roads. Furthermore, past RS experience, per Fred White, has been as high as 300 truck trips at the site, meaning 600 trips counting both directions.

The impact of truck movements on the adjacent community is substantial. Ravensdale Way passes within 16 ft of the front door of 16 private residences which have little or no screening from road traffic noise, especially truck noise. Decibel readings at those locations with and without trucks should be taken into account. At 400 peak trucks per day, there will be a truck passing those homes every 1-2 minutes all day long. And this rate will be more frequent at peak hours of the day - easily 2 per minute. Most of those houses would be free of such close truck noise if trucks were required to use 268th Avenue SE to reach Kent Kangley Road.

Mitigation for truck activity should be made compatible with long range future needs as well due to growth from developments in Black Diamond, Enumclaw, and beyond. Some such traffic already avoids congestion on SR 169 by using Ravensdale Way to travel north on Landsberg Rd and its continuation north of the Cedar River as 276th Ave SE, in order to reach Issaquah Hobart Road and SR18 for travel into the greater urban area. Long range traffic forecasts are available from the City of Black Diamond concerning the Ten Trails and Lawson Hills Master Planned Developments. Regional travel forecasts are available from Puget Sound Regional Conference for 2040 and 2050 but these unfortunately do not account for the large developments in Black Diamond that impact Ravensdale Way. Those developments are approved by the City of Black Diamond and are moving forward, but they are not compatible with adopted regional growth targets and for that reason not considered in the regional travel forecasting model.

f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
"Designated forest lands in Parcel No. 3622069009, owned by Ravensdale LLC, the neighbor directly adjacent to the west of the Site. Fred Wagner owns Parcel No. 0121069001, south of Ravensdale LLC and adjacent to the Site. Forest products harvested and moved by the parcel owners will likely be through a series of privately owned roads."

While adjacent forestry activities are not part of the proposed action, the scope and impacts of same must be accounted for in the background for purposes of mitigation. The referenced *"privately-owned roads"* all feed onto Ravensdale Way, just 1,000 ft east of RS's entrance. That means these logging trucks will use Ravensdale Way for access, the same as the proposed action, and add to background considerations. Further compounding this traffic issue is the fact that this adjoining property (Ravensdale, LLC/Fred Wagner) also has a very active mine reclamation filling project in operation since 2010 with DLS-P approval that will likely continue at least through the 5-7 year period of the proposed RS project, and very likely beyond.

g. Proposed measures to reduce or control transportation impacts, if any:
"None proposed."

The preceding comments have identified a number of areas where transportation impacts will be substantial and should be evaluated and mitigated. While RS's SEPA assessment tends to downplay the

transportation impacts of its proposal (e.g., simply a continuation of past transportation, with no proposed measures to reduce or control transportation impacts), this continuation for another 5-7 or more years, in an environment of heavy increases in commuter traffic over these same sets of rural roads, present very serious transportation issues that explicitly must be accounted for in this SEPA assessment.

DNS Declaration

The KC DLS-P SEPA Responsible Official has made a *DNS declaration* regarding this permit application. Such a *DNS declaration* clearly is not adequate, and a *MDNS declaration* is not adequate as well. Our rationale is as follows:

1. KC DLS-P (by its own admission) has not done *any* SEPA review to date of dumping that far, far exceeds what the last SEPA review covered. This is in the same area covered by the *existing* GRDE permit.
2. KC DLS-P (by its own admission) has not done *any* SEPA review to date of the related illegal clear-cut/disposal of soil/inert waste in Areas 5 and 6.
3. KC DLS-P (by its own admission) has failed to require reports, review same, and enforce the *existing* GRDE permit.
4. All of the above has resulted in KC DLS-P facilitating and allowing the additional disposal activities (and reclamation/commercial disposal) beyond the area of the *existing* permit—all with no permit coverage.
5. All of the above are related and, as such, should be covered under a *single* SEPA review and, in fact, is of a magnitude and scope that an Environmental Impact Statement (EIS) should be required. This especially is the case considering that, in addition to the already gross exceedance of the allowed volumes in the *existing* permit and the illegal *non-permitted* volumes already dumped outside the existing permitted areas, RS is planning on dumping an additional 1M cy of new wastes.

Reserve Silica Permit
GRDE25-0052

PUBLIC COMMENT

Inert Waste Landfill Expansion

Note: Here we originally expected to discuss the Herrera *Draft TIR* (*Technical Information Report—Reserve Inert Waste Landfill Expansion Project [**Draft Herrera Technical Information Report**]*, dated February 28, 2025). However, the *TIR* we received from KC DLS-P through our Public Records Request (PRR) relates *only* to information and analysis used to develop the *"Stormwater Design for Areas 5 and 6,"* which is not at all what we expect to see in a Permit *TIR*. The SEPA review indicates the *Updated Reclamation Plan* is supposed to be included in the *TIR*, which is not the case in the *TIR* KC DLS-P provided to us. We fully expect there is *another*, more traditional *TIR*, that contains the updated Reclamation Plan. Consequently, we could not review same herein. However, we do discuss the PHSKC IWL permit, et.al. below.

Fill being imported by RS must be clean soil only, unless it is being disposed of, even if called *"reclamation,"* within the specific boundaries of the area covered by the PHSKC IWF permit. The ASARCO-contaminated wastes, marble-countertopping debris, and possibly over materials, are clearly not clean fill, and yet was dumped far outside the IWF boundaries. In other words, the commercial dumping (charging for truck loads to be dumped) *outside* the PHSKC-permitted landfill can only be clean soil, or clean topsoil. If it contains any *"inert waste,"* dumping it outside of the PHSKC-permitted landfill is illegal [Note: PHSKC is holding off on a decision whether to approve RS's application to *expand* the IWF site to include all of the 80 ac of Parcels 362206-9065 and 012106-9010 (which contain all of the clearcut). KC DLS-P does not have the authority to allow inert waste disposal *outside* the PHSKC IWL, permitted KC DLS-P landfills, or to change landfill boundaries (Listed in the **References** section: July 2023 e-mail string—*"RE: Disposition of Contaminated Soil from Asarco Tacoma Smelter Facility"* among Fred White, Kristine Koch, Marian L. Abbett, Derek Rockett, Rich Doenges, Steve Eberl, Dawn Marie Maurer, and Alan L. Noell).

This is clear in *(May 20, 2024, PHSKC Letter to KC DLS-P's Ty Peterson—RE: Reconciling acceptable solid waste materials as fill under reclamation and grading permits with inert waste landfill permit requirements and Readily Recyclable Construction & Demolition (C&D) Ban on Landfilling (King County Ordinance 18166))*, where it in part explains the following (our *highlighting*):

> *"Public Health - Seattle & King County (Public Health) issues solid waste permits that are within reclamation and grading permits that King County Department of Local Services (DLS) manages. Public Health is aware that some imported materials currently deemed as acceptable fill under these DLS permits are subject to the Solid Waste Handling Standards under Chapter 173-350 WAC and in conflict with the materials ban under King County Ordinance 18166. Per statute, RCW 70A.205.015,*

> *landfilling includes waste materials used as a component of fill. The only type of filling allowed without a liner and other landfill controls like groundwater monitoring is an inert waste landfill. Most of the inert waste landfills in the state are mine reclamation sites or large fill projects. For this reason, we will focus on materials that could be used as fill under an inert waste landfill permit." "Currently, using inert material as fill in excess of 250 cubic yards requires an inert waste landfill permit under WAC 173-350-410. In the past, Public Health did not engage and coordinate with DLS when reclamation and fill & grade permits were being issued to evaluate whether the acceptable waste types under their DLS permit would trigger an inert waste landfill permit. As a result, the acceptable solid wastes allowed as fill in the DLS permits are subject to Public Health solid waste landfill permit requirements."*

To make its point very clear, PHSKC goes so far as to include a detailed flowchart in its letter showing the decision-tree for exactly *when* and *how* a PHSKC IWL Permit Application would be triggered.

Previously, KC DLS-P made an attempt to convince PHSKC to either delegate some of its solid waste authority to it or collaborate to make the changes needed to facilitate making RS's *"illegal"* disposal outside the solid waste permit area legal—without addressing the long-term *"illegal"* disposal. That effort failed.

Nevertheless, PHSKC has agreed to *"collaborate,"* to an extent, indicating that its solid waste permits are embedded within C&G permits (and other KC DLS-P permits) for RS and related types of sites. However, PHSKC refused to let KC DLS-P to either jointly issue or take over any of its solid waste-related authority or permitting, and refused to change its RS solid waste permit until after KC DLS-P took care of the long overdue changes in its RS C&G permit. Clearly, this was the right thing for PHSKC to do.

Site Improvement Plan

The Site Improvement Plan consists of 19 pp of drawings from RS contractor, Herrera, submitted in February 2025. For example, grading plans and profiles are given on drawings: *C1.01* (p. 8 of 19); *C2.01* (p. 10 of 19); *C2.02* (p. 11 of 19); and *C2.03* (p. 12 of 19).

Our review and commentary is given below by topic.

Improvement vs. Degradation

The Herrera report is grossly *mis-named*. What is described in these 19 map sheets does nothing toward furthering the overall goal of reclaiming mined lands to an effective forestry or open space/recreation land use, in a reasonably short period of time (now already 18 years and counting, since completion of extraction activities in 2007). Instead, what is described here is the antithesis of an *"Improvement"* plan toward that overriding goal. In fact, this Plan delays completion of reclamation by another 5 – 7 years – or more. Given that the new GRDE25-0052 application that incorporates this *"improvement plan"* also covers the already-completed (but unpermitted/unauthorized) clearcutting, road building, and dumping on Areas 5 and 6, this *"improvement plan"* also authorizes (after the fact) those past unpermitted activities.

By clearcutting the 60 ac of what was a well-stocked stand of mature Douglas-fir, planted and managed by Plum Creek Timber Company as part of their King County commercial timberland base, on what has been determined to be the best area for timber production on all of RS's ownership, was a major set-back toward that overriding goal. And this *"improvement"* plan calls for replanting this clearcut area with (presumably) one- or two-year-old bare root seedlings, 5 – 7 years (or more) from approval of this plan – i.e., nine to eleven years after clearcutting (WA Forest Practices Act calls for having an established crop of forest trees within 3-years of harvest). So this *"improvement"* plan essentially sets back the leading age of forest on this property by about 50-years – basically a whole generation of forest.

Finally, under this *"improvement"* plan:

(1) The post-reclamation topography on Areas 5 and 6 is much less suitable for forestry than what existed prior to RS's intervention and

(2) There will be more impervious surfaces with much higher risk of erosion and surface water runoff, as well as much higher risk for contamination and environmental degradation (e.g., ASARCO-contaminated fill and other similar contamination that will be inevitable with one million cubic-yards of poorly-regulated fill dumped on Areas 5 and 6).

Clearly, this should be more accurately referred to as the RS *"Site Degradation Plan."*

C&G vs Inert Waste Expanded Boundaries

Seemingly all the narrative around this C&G Permit application indicates it represents an expansion of the area permitted for dumping clean fill (for the purposes of reclaiming past mining operations) to include Areas 5 and 6. RS also has submitted an *additional* application to PHSKC (now pending) to expand RS's *existing* Inert Waste Landfill permit to allow inert wastes to also be dumped for mine reclamation purposes on these same Areas 5 and 6. And PHSKC has indicated to KC DLS-P that it is important that these two permit applications (i.e., C&G Reclamation and Inert Waste Landfill expansion) cover the *identical* areas.

However, as shown in *Drawing G1.00*, the *"proposed expansion of inert waste landfill"* is the whole of Parcels 012106-9010 and 362206-9065 – totaling 80.0 ac. While Area 5 and Area 6, in the C&G application, covers ~50 ac—excluding portions of Parcel 012106-9010 lying under and south of the Bonneville Power Administration (BPA) easement, and portions of Parcel 362206-9065 lying to the NW of Area 6, as well as the small area in the extreme NE corner of RS property (labeled "Fill Area" on other maps). So the two applications do NOT appear to be geographically aligned.

We strongly believe that no clearing/grading/dumping of either clean fill or inert wastes should be allowed in these exclusion areas. Furthermore, we see no reason to authorize *expansion* of the PHSKC Inert Waste Landfill permit to cover anything in Areas 5 or 6. The limited fill material required to *"reclaim"* old coal-mine hazards on this site easily can be handled with imported clean fill, without any reliance on more risky inert wastes.

GRDE15-0011 vs GRDE25-0052

All these Herrera drawings (from February 2025) are all subtitled *"Grading Permit No. GRDE15-0011"* – the *existing* C&G Reclamation Permit. Whereas the application we discuss herein (GRDE25-0052) is a totally *new* C&G permit—separate from the existing (and continuing) C&G permit operations.

It is also totally unclear from the available information, what the distinctions are between this new C&G permit to allow dumping of clean-fill on Areas 5 and 6 to reclaim past mining operations, and the already submitted, and pending, RS application to expand its PHSKC Inert Waste Landfill (IWL) permit to cover these same lands.

The C&G application indicates approval will allow the dumping of up to one million cubic yards (1M cy) of clean-fill on Areas 5 and 6. While the IWL application indicates approval of that application will allow the dumping of up to 1M cy of inert wastes on the two parcels containing Areas 5 and 6. Presumably, these are not additive, if both applications are approved.

We want to stress and make it abundantly clear:

> **KC DLS-P's evaluation of the *new* GRDE25-0052 application MUST be done:**
> **WITHIN the context of the *existing and ongoing* GRDE15-0011 C&G operations**
> **AND the *existing and ongoing* PHSKC IWL permit operations**
> **AND the proposed *expansion* of that IWL permit.**

The major impacts to this land base, and this community, must reflect these combined operations – rather than being evaluated as *stand-alone* applications. What's more, this evaluation should also take into account the mine reclamation (for-profit coal-mine trenchfilling with imported clean-fill) on the *adjacent* Ravensdale, LLC, lands. KC DLS-P already has approved filling operations that will last at least a decade on these neighboring lands, which will be going on *concurrently* with any approved clean-fill and inert waste operations on Reserve Silica lands.

Extent of Inert Waste Permit

Drawing *G1.00* shows the entirety of Parcel 012106-9011 to be the "*current extent of inert waste landfill Seattle-King County Dept. of Public Health permit #PR0082027, 52.4 acres.*" This has elsewhere been labeled as *"Inert Waste Landfill Lot 5."* Our understanding is that the PHSKC Inert Waste Landfill permit was approved in 2012 to allow utilizing certain approved inert wastes to supplement imported clean fill for reclaiming (filling) the sand mine pits. But the *2014 IRP* clearly states that the only mine pits still in need of filling were 17 ac of the Upper and Lower (sand) Pits. And KC DLS-P has stated, and RS has confirmed, that it continues to follow the *2014 IRP* (even though this Reclamation Plan was *essentially* invalidated by the full King County Council in 2016, and confirmed by what was KC Permitting in 2017 !!!). As such, our expectation has always been that RS reclamation dumping since May 2014 was limited to placing clean fill and approved inert wastes only in these 17 ac in need of reclamation to return the topography to its pre-mining contours. There is very compelling evidence that RS had sufficient imported fill on-site by 2017 to complete this final remaining reclamation need. However, in spite of all this, RS has continued to import and dump fill (clean fill and inert wastes) on this property for the past eight years.

While we now know that some of this excess fill was dumped on the unpermitted clearcut Areas 5 and 6 in 2022-2024 (without permits); and some apparently went to overfilling the

17 ac approved for reclamation filling; aerial photography also indicates significant volumes were dumped in Areas 1, 2, 3, and 3/4 – outside the 17-ac area approved for reclamation filling. RS's *2025 Plan of Operations*, filed with PHSKC, states that the Inert Waste Landfill permit allows RS to accept up to 2.75 M cy of inert wastes in the existing Inert Waste Landfill. If this 2.75M cy were spread uniformly over the entire 52.4-ac Inert Waste Landfill site, it would be an ~32-ft depth of inert waste fill – across the entire 52 ac! And this excludes any clean fill placed in this landfill, or any fill dumped prior to issuance of the Inert Waste Landfill permit. The approved *2014 IRP* indicated ALL but the 17 ac were fully backfilled by May 2014. If this 2.75M cy of inert wastes were placed solely on the 17 ac still in need of backfilling in 2014, this inert waste fill would be 100-ft deep!

Clearly, the Inert Waste Landfill operations are far beyond any mine reclamation need identified in the *2014 IRP*. And RS's 2025 Plan of Operations for the Inert Waste Landfill indicates its pending application to PHSKC to *expand* its Inert Waste Landfill to include all 80 ac of Parcels 362206-9065 and 012206-9010 (which includes Areas 5 and 6) would add an *additional* 1M cy of inert wastes approved for dumping in their expanded landfill.

Coal-Mine Hazard Area

Drawing *G1.01* shows the eastern portion of RS ownership, including most all of Areas 5 and 6, as well as Areas 3, 3/4, 4, and most of Area 2, all to be within what King County has designated a *"Coal-Mine Hazard Area."* This is part of an 1,863-ac block of Coal-Mine Hazard Area running from Ravensdale all the way down to Black Diamond. It appears that this Coal-Mine Hazard designation possibly is the primary basis RS is using to justify the need for *"reclaiming"* old coal-mine hazards on Areas 5 and 6 (and possibly for the past filling/overfilling of the 52-ac Inert Waste Landfill Site - Parcel 012106-9011). But this Coal-Mine Hazard designation does not imply that all 1,863 ac are actual past coal mine operations, and certainly not that all these acres are in need of *"reclamation."* Instead, the implication of this designation is that an area proposed for development within this hazard area should be studied for potential coal-mine hazards *before* any development permit is approved on these lands. And the permit should mandate appropriate means to mitigate any such hazards identified through such a study.

In the case of Areas 5 and 6, the underground and surface coal mining history from 1900 – 1950 is pretty well documented, and RS has done studies to assess risks to public health and the environment that would require *"reclamation."* It appears, from Drawing *C1.01*, that the only coal-mine hazards RS identified as needing *"reclamation"* in Areas 5 and 6, are two pair of old coal-mine adits (i.e., *"shafts/vents"* to access underground coal mines). Each of these adits are very small in diameter (typically <10'), but vary in depth depending on the depth of the underground mine workings. The southern pair (on the southern slope of the proposed Area 5 fill) are adits into the Dale #7 underground mine from the 1920s – 1940s. These adits are readily visible on KC iMap LIDAR coverage, and have been

documented in the past (including by us). The KC iMap aerial coverage shows that RS has already filled these two adits (and PHSKC information shows that some of this RS filling was with unpermitted marble countertopping inert wastes). The second pair of adits identified by RS are shown in Drawing *C1.01* to the west of the proposed Area 6 fill and Area 6 Stormwater Pond. The Notes on this drawing indicate these two western adits will be "*fenced or grated as described in Aspect Consulting's 2023 Geotechnical Evaluation for Securing Mine Openings.*" [Note: This key document, also referenced in the SEPA checklist, has not been made publicly available by KC DLS-P.]

The upper ends of the two coal-mine trenches in the extreme northeast corner of RS's property are excluded from Area 6, but Herrera maps label these as *"Fill Area."* The Terteling strip trenches are major coal-mine 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 ~1.2 ac 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 monitoring of the adjacent Ravensdale, LLC, property, we have noted the dumping in this area in August 2024 and significantly more fill in April 27, 2025 monitoring—all documented and reported to KC DLS-P.

Risks posed by coal-mine hazards on Areas 5 and 6: At the aforementioned October 7, 2024, GMVUAC meeting with KC DLS Director Leon Richardson and KC DLS-P's Ty Peterson, Ty stated RS was claiming old coal mines in need of reclamation filling were all over the clearcut area. At long-time Ravensdale resident Michael Brathovde's questioning of this, Leon directed Ty to provide Michael with RS's information supporting these allegations. Michael reports not having received anything. At the GMVUAC March 3, 2025, meeting with RS, its legal counsel, Doug Steding, stated 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 RS's proposed new Reclamation Plan and other documents submitted to KC DLS-P in October and December 2024, and February 28, 2025. But we still have not seen the critical *new* Reclamation Plan, and do not see that document, or the TIR that reportedly contains this Plan, listed on KC DLS-P website. As such, we have had no access to these documents to either corroborate, or refute, these claims of needed reclamation.

It is abundantly clear that the massive (1M cy) fill proposed for Areas 5 and 6 in this application do absolutely nothing to ameliorate the identified coal-mine hazards—all sitting on top of the pre-mining topography!

Reserve Silica Permit
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PUBLIC COMMENT

Extent of Proposed Fill

Drawing *C1.01* shows the proposed Area 5 fill occupying approximately 25 ac, while the proposed Area 6 fill occupies approximately 14 ac (including stormwater ponds). The top of the Area 5 proposed fill occupies ~10 ac, and appears to be about 60 ft higher than the pre-mining elevation (source: June 21, 2011 maps from Bennett Consulting, PLLC). The top of the Area 6 proposed fill occupies ~4 ac, and appears to be about 15 ft higher than pre-mining topography. The profile sections on Drawing *C.2.01* indicate a fill depth of 50 to 60 ft above *"existing ground"* for Area 5 fill, while fill depth for Area 6 fill runs 15 to 20 ft above *"existing ground." "Existing ground"* was determined by aerial photogrammetric survey performed by drone by Herrera in November of 2024 – so it would reflect the previously-dumped (unpermitted) fill. In the case of Area 5, this previously dumped fill (included in *"existing ground"*) is substantial, visually estimated as 20 to 30 ft high at the southern end. So these transects shown in the drawings do NOT reflect the proposed filling above pre-mining topography, but instead reflect the incremental proposed filling above what has already been dumped on the site (without the benefit of permits). From DOE data, that existing, unpermitted dumping on Area 5 has been estimated to be something in excess of 3,300 truckloads. And being unpermitted, the current C&G application includes not only this proposed incremental dumping, but also the existing, unpermitted dumping – so that that volume will then be considered *"permitted."*

Overfilling of Existing Reclamation Permit

While the application in question (GRDE25-0052) only addresses *expansion* of C&G reclamation dumping into Areas 5 and 6, the submitted *"Site Improvement Plan,"* at KC DLS-P's demand, also portrays information on reclamation filling under the *existing* C&G permit (GRDE15-0011), and Inert Waste Landfill permit (PR0082027). In its 2025 Plan of Operations for the IWL permit, RS claims that current "*Slope gradients are consistent with pre-mining gradients …"* But Drawing *C2.02* demonstrates that compared to the Proposed (i.e., post-reclamation) Grade displayed in the 2014 IRP (which both KC DLS-P and RS claim to be following), the Existing Grade (from the November 2024 Herrera drone survey) commonly *exceeds* the approved post-reclamation grade by 10 to 30 ft, representing significant overfilling. Unfortunately, neither of these transects covers the peak area of the massive fill in Area 3 (~15-ac in size, covering ~10 ac on top); nor do the transects cover ANY of the 17 ac the 2014 IRP indicate is the only area on the property still in need of reclamation filling as of May 2014. However, RS's 2025 Plan of Operations for the PHSKC Inert Waste Landfill permit states that "*backfilling continues within portions of Areas 1, 2, 3, 3/4, 4, 5 and 6.*" The 17 ac lies within portions of Areas 1, 2, and 3 – but not in Areas 3/4 or 4. And no dumping of anything, clean fill nor inert wastes, is permitted in Areas 5 or 6.

Our key conclusion in this regard is that filling under C&G GRDE15-0011 and IWL PR0082027, has greatly exceeded the approved Reclamation Plan (*2014 IRP*) – both in terms of height of fill and the area (footprint) of fill. As such, the conditions today on this Inert Waste Landfill, Lot 5, Parcel 012106-9011, are far beyond their pre-mining contours (filling of mine pits to return them to their pre-mining contours has always been the overriding goal of this reclamation filling). At this point, and likely since 2017, neither the GRDE15-0011 nor the existing Inert Waste Landfill operation have anything to do with mine reclamation. Instead, both these operations effectively are very lucrative commercial landfill operations for RS. In fact, these operations today represent a significant deterrent, and a major delay, to reclamation.

Reclamation Planting Plan

Drawing *L1.01* addresses the revegetation of the disturbed areas. We were pleased to see that most of the areas disturbed by sand mining and associated reclamation dumping will have a final revegetation planting to forest. This was the *original* reclamation intent when sand mining was first approved on this site. However, one major issue we have with this Planting Plan is the *"Existing Vegetation to Remain"* classification for lands between proposed fill areas in Areas 5 and 6, and the eastern and northern property boundary buffers, and the ~10 ac lying northwest of the Area 6 fill site and stormwater pond. These areas all show up as *"grass"* existing vegetation in other Herrera maps. But all of these areas were originally mature Douglas-fir, that was clearcut by RS in 2021 without any required permits. State law would indicate these lands should have been replanted to forest within three years of harvest – which RS never did. As such, the existing vegetation is much more *"brush"* than *"grass."* Nonetheless, these lands should also be replanted to forest, rather than leaving them in brush – particularly where the post-reclamation land use is to be either forestry or open space/recreation.

We also were pleased to see notes that the Forest Reclamation Planting would occur *segmentally*, with planting occurring as final backfilling, grading, compacting and topsoiling of various segments are completed – rather than waiting until all backfilling/grading has been completed before final revegetation is started on anything – as seems to have been the approach used by RS in the past.

Reclamation

Background

Requirements: WA State law (**RCW 78.44–SURFACE MINING**) *mandates* reclamation of exhausted mining sites. In addition, **RCW 78.44.151 Reclamation plans—Modification, when required— SEPA.** calls for the following:

> *"(1) The permit holder may modify the reclamation plan at any time during the term of the permit provided that the modified reclamation plan meets the protections, mitigations, and reclamation goals of RCW 78.44.091, 78.44.131, and 78.44.141.*
> *(2) The department may require a permit holder to modify the reclamation plan if the department determines:*
> *(a) That the previously approved reclamation plan has not been modified during the past ten years; or*
> *(b) That the permit holder has violated or is not substantially following the previously approved reclamation plan.*
> *(3) Modified reclamation plans shall be reviewed by the department as lead agency under SEPA. Such SEPA analyses shall consider only those impacts relating directly to the proposed modifications. Copies of proposed and approved modifications shall be sent to the appropriate county, city, or town. [1997 c 192 s 3; 1993 c 518 s 23.]"*

Clearly, **RCW 78.44.151(2)(b)** should have been triggered long ago with respect to the RS operation in Ravensdale and conducted under SEPA review.

Reporting: We find none of the required *Annual Reclamation Reports* from RS for the past ~18 years that are called for by **RCW 78.44.181 Reclamation—Report by permit holder on anniversary date.**:

> *"On the anniversary date of the reclamation permit and each year thereafter until reclamation is completed and approved, the permit holder shall file a report of activities completed during the preceding year. The report shall be on a form prescribed by the department. [1993 c 518 s 24.]"*

Such *Reclamation Reports* are absolutely necessary, at a minimum, to adequately track and monitor progress towards required reclamation—which already has been going on at the RS site for the past 18+ years.

Standards: The *"standards"* for the RS site are discussed in the following:

October 6, 2017 4:17 PM KC DLS-P (it had a different name, DDES, at the time) Randy Sandin e-mail to GMVUAC's Growth Management Committee Chair, Peter Rimbos (our highlighting below):

> *"I can't find exactly when this occurred but I believe it was in conjunction with the conversion to the new zoning code which occurred in the mid-1990s. The standard for reclamation which goes back to the early 1970's was to "encourage the uses within the underlying zone classification." When the conversion to the new zoning occurred, there were no underlying zones, or at least not any that I am aware of. Subsequently, the standard for reclamation was modified to read, "encourage the uses permitted within the primarily surrounding zone or, if applicable the underlying or potential zone classifications". The reclamation standards originated in Ordinance 1488, 1973 and were codified in KCC 16.82. They were amended, including the change reference above, under Ordinance 15032 and recodified in KCC 21A.22.081 in 2004."*

2014 IRP: Both RS and Herrera continually refer to the *2014 IRP* as if it were the governing plan. However, it was *"interim"* because it was dependent on the KC Council approving RS's *"Demonstration Project"* proposal to upzone its reclaimed lands and put in a housing development, rather than the lands reverting back to forestry as required. **The KC Council unanimously rejected that proposal**. Following that KC Council rejection, the *2014 IRP*, which did not mandate replanting the lands to forest—as the Reclamation Plans prior to this all required a final revegetation planting to forestry—*should* have become null and void. Incredibly both KC DLS-P and RS continued to use the *2014 IRP*, as if it were still in force, instead of reverting back to the *2009 DNR Reclamation Plan*, as they *should* have done!

Responsibilities

KC DLS-P has the responsibility to enforce all of the **KC Code** and **KCCP Policies** we cited in the ***King County*** subsection under the **Applicable Laws** section, which we do not repeat here.

In March 2010, KC DDES (previous organizational name for KC DLS-P) requested DNR turn over reclamation responsibility for the RS property to KC. DNR records showed the total area disturbed by mining operations was 70 ac—this included the Dale Strip Pit (coal) and the Lower Disposal Area (sand), as well as other sand mines now located within the Inert Waste Landfill (Parcel 012106-9011). The approved reclamation plan (*2009 DNR Reclamation Plan 70-010346 for Ravensdale Quarry*) 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 *(March 31, 2010 letter from Fred White, DDES to Rian Skov, WA DNR) 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 in April 2010.

However, as part of their effort in the *2016 KCCP Major Update* process to convince the KC Council to upzone Reserve's property to a rural residential zoning which would allow construction of a housing development on their property once reclamation was complete, RS drafted a new*"May 2014. Interim Reclamation Plan for the Ravensdale Quarry,"* which updated the status of reclamation activities on the site, and suspended the requirement to revegetate the lands to a forestry land use. KC DDES (Fred White) approved this interim plan, with the recognition that the final revegetation would depend on whether the KC Council approved Reserve's upzone/housing development proposal, or not. As part of the 2016 KCCP adoption, the KC Council denied RS's upzone request, and *revoked* the KC Council provision (i.e., Mining Site Conversion Demonstration Project) which enabled Reserve's upzone request. With this decision, KC DDES *should* have confirmed the 2014 IRP no longer applied, and RS's reclaimed lands must be returned to forest, a natural resource use. Consequently, we believe that *could* have resulted in the applicable State **RCW 78.44.181 Reclamation—Report by permit holder on anniversary date.** being enforced by KC DLS-P:

> **RCW 78.44.181 Reclamation—Report by permit holder on anniversary date.** On the anniversary date of the reclamation permit and each year thereafter until reclamation is completed and approved, the permit holder shall file a report of activities completed during the preceding year. The report shall be on a form prescribed by the department. [1993 c 518 s 24.]

Further, a reclamation plan must be revised/updated, if there is a major change in the reclamation provisions. RS's proposal to upzone its property to a non-resource based land use triggered such a revision, which we believe is why RS drafted and submitted the 2014 IRP. When the KC Council denied this proposal, that *should* have triggered the *"major change"* provision in State law, requiring RS and KC DDES to create a *new* Reclamation Plan (or go back to the prior, *pre*-2014 Reclamation Plan). Instead, KC DDES concluded it did not have time/resources to adopt/require a *new* Reclamation Plan and, thus, approved RS to continue using the 2014 IRP (presumably with the understanding that final revegetation to forest would be required, but it is still not clear if KC DLS-P even understands this).

A proposal to change post-reclamation zoning, and submission of a draft Reclamation Plan to accompany this, should not necessarily cause DNR to *re-take* reclamation responsibility. And when the KC Council denied such a change in post-reclamation zoning, KC DDES *should* have mandated an update to the 2014 IRP—but it did not do

so. That said, what *should* have caused DNR to *re-take* responsibility was when it took years to complete the reclamation (which, again, still is not complete 18 years later), and when *"reclamation dumping"* far exceeded the reclamation (17 ac) that was approved. These are both failures of KC Permitting to uphold its promises when DNR agreed to transfer responsibility to KC.

To summarize:

1. The **2014 IRP** *essentially* has been null and void since the KC Council rejected the RS-requested rezone in 2016.
2. The Reclamation Plan at that point *should* have reverted back to the **2009 DNR Reclamation Plan** last in force *prior* to 2014, which was in force prior to the 2010 cancellation letter from DNR (*April 15, 2010, letter from Rian Skov, Surface Mine Reclamation Specialist, WA DNR to Bill Melfi, Reserve Silica Corporation, copying KC DDES*).
3. Consequently, if a *new* reclamation plan is written, it appears it needs to be written by DNR, not KC DLS/P, because it is DNR's Reclamation Plan that is in force.
4. DNR *could*, by contract, again delegate some or all of its authority to KC DLS-P to enforce that plan and conditions per **WAC 332-18-01001 Delegation of enforcement to counties** and **RCW 78.44.050 Exclusive authority to regulate reclamation—Department may delegate enforcement authority to counties, cities, towns—Other laws not affected.**
5. In order to do step 4. above, DNR *would* have to make a finding that KC DLS-P can and will carry out those duties (again per **WAC 332-18-01001** and **RCW 78.44.050**).
6. Based on the past 15+ years of mismanagement of the RS site by KC Permitting (and its various past names), we see DNR would be hard pressed to make the finding enumerated in step 5. above for the many reasons detailed herein.

Clean Fill

As discussed earlier, *May 2014, Interim Reclamation Plan for the Ravensdale Quarry)* that only 17 ac of the Upper and Lower pits remained to be backfilled; and reported in May 2016 *(May 1, 2016, Reserve Silica Rural Mining Site Conversion Project, , Schwabe, Williamson & Wyatt* relate to how much filling is allowed under Reclamation Plan and existing C&G permit – which isn't the topic of the new permit expansion application. In the *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.* KC

Permitting stated it expected reclamation to be complete by the end of 2016. The evidence strongly suggests that by sometime in early 2017 RS had sufficient imported fill stockpiled on site to complete reclamation of these last two pits. That *March 31, 2010, letter* (cited above) also requested WA DNR to transfer reclamation rights over to KC Permitting; and notes that the KC permits now cover filling with inert wastes; and promises that KC enforcement of reclamation will *"eventually achieve a final reclamation in exceedence of that required and approved under the State Reclamation Permit."* The WA DNR Reclamation Plan states *"The site will revert to commercial forest .."*, and *"Backfill material will consist of native soil imported from excavation projects in the surrounding region."*

Overfilling

Below we discuss *overfilling* the sand mine pits approved for filling in the 2014 IRP and in the *existing* GRDE15-0011 C&G Permit.

The profile comparison for the Upper and Lower sand pit area, showing today's (Nov 2024) actual fill contour versus the post-reclamation profile approved in the 2014 IRP demonstrates that substantial portions of the area have been overfilled by as much as 33 ft. Herrera's Dec 20, 2024 letter indicates this overfilling will be addressed in the *Site Improvement and Reclamation* documents (delivered 2/28/25). It's not clear whether these profile sections accurately represent the actual Upper and Lower pit fills. It's also not clear whether fill has been dumped in portions of this area that were not approved for filling (i.e., outside the actual Upper and Lower pit disturbed areas; e.g. Area 3/4).

The map showing proposed fill contours for Areas 3, 5 and 6, appear to be massive mountains. We need to study how much of this is future requested filling (the 1M cy they are requesting), vs. past unpermitted dumping; and how these proposed contours compare to pre-mining topography. This proposal to import 1M cy of waste onto the site under the guise of reclamation has no basis in fact.

RS has been overfilling the site above permitted levels *(May 1, 2016. Reserve Silica Rural Mining Site Conversion Project: "At current rates of soil placement, reclamation is expected to be completed by the end of 2016." p.4. and 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.")* And yet dumping continues eight years after that *"2017"* estimate.

There is no rational basis for importing 1M cy of for-profit wastes, as necessary and beneficial to the County's duty to implement timely (which would have been somewhere between over one and multiple decades ago) and legitimate reclamation at this site, maximizing the return of forested conditions to the property for long term forest uses,

including—as documented by King County, in the 2012 SEPA determination *(February 17, 2012, MDNS for Reserve Silica Corporation (L10RE002) "Reclaim retired mining trenches by grading and filling with clean soil material to restore the site to open space or recreational uses.")*—open space/recreation, rather than allowing the creation of practices and disposal activities that have over time increased the unsuitability, or outright eliminated the potential of reclamation of the property to a forested condition.

Site Elevations

We previously discussed this in the **Site Improvement Plan** section.

Bonding

Our assessment of the RS-submitted *Landscape Bond Quantity Worksheet* and the *Landscape Bond Worksheet* is as follows:

- Planting plan L1.01 calls for planting to forest 97 ac; planting to shrubs 11 ac; reclamation seeding 4 ac; leave existing vegetation 37 ac: total to revegetate 111.8 ac.
- 115,115 cy topsoil over 111.8 ac => 7.6” average topsoil depth; min specified=6” (but someplace they quote 1 - 2 ft topsoil depth).
- Hydroseeding = 24 ac; presume covers 4 ac to be seeded, plus pre-plant seeding of ~20 ac.
- Shrub purchase => 11,500 shrubs; planting over 11 ac => ~1,000 shrubs/ac
- Tree purchase => 847 deciduous trees + 677 evergreen trees = 1,524 trees in 1 gal pots; planted over 97 acres to be planted to forest => 16 trees/ac. Obviously, this is not forest revegetation, which is typically 1 or 2 year old bare root seedlings. Assume this Bonded tree purchase is part of 11 acre *‘planting to shrubs,’* which would imply this 11 acres has ~138 trees/ac (evergreen + deciduous) and ~1,000 shrubs/ac. Sounds reasonable.
- Implies $4,486,720 bond does <u>not</u> cover forest planting of 97 acres. I think they specify ~435 trees/ac => need to plant ~ 42,000 tree seedlings. Why isn’t the cost of these seedlings, and their planting cost included in the bond?
- Is there a bond for reclaiming the existing IWL site?

As stated earlier, it would appear from the Herrera map that the proposed dumping area is on the order of the ~35-ac. One million cubic yards of new fill (plus the 50,000+ cubic yards of already unpermitted dumped fill), over 35 ac translates to an <u>average</u> fill depth (including slopes) of ~19 ft. So, approval of this proposal will produce piles of imported fill likely peaking at 25 – 30 ft <u>above</u> the unmined topography – roughly equivalent to

what RS recent topography scanning indicated the sand pits have been overfilled over the past eight years.

It should be noted that the RS-submitted *Landscape Bond Worksheet* also covers tree and shrub materials to revegetate the apparently 35.7 ac. This slate of materials clearly is not aimed at reclaiming the dumped-on acreage in Areas 5 and 6 to forestry—as required by all Reclamation Plans other than the 2014 IRP, which was wholly predicated on KC Council approving an upzone of the RS property to allow a post-reclamation housing development on the property. The ~60 ac of mature, commercial timber clearcut by RS in 2022 under the guise of needing to clear the timber to identify old coal-mine hazards on the 60 ac, was managed as commercial timberlands by Plum Creek Timber Company and predecessors since the 1940s and before. Under the sand mining permits, this timber was to be retained in forestry, as the centerpiece of the post-reclamation forest on the property. By clearcutting this – without any permits, nor SEPA assessment, public notification, or comment, RS not only destroyed this primary component of the target reclaimed property, but also made virtually all the post-reclamation forest a single-age (very young) forest, rather than a more balanced, multi-age forest. This effectively set back the timing of this post-reclamation target by a good 30 years. And approving this additional 1M cy of fill further delays *"reclamation"* yet another eight years (RS estimate). So reclamation completion does not occur until 26 years after completion of mining! And what you get after that 26-yr wait, is a forest that is virtually all <10 years old.

We must also discuss bonding in general. There is a *2014 bond record* that shows reclamation only covered 17 ac at the time—consistent with the 17 ac of Upper and Lower Sand Pits approved in the 2014 IRP—as the amount of the bond is directly related to the acreage being worked on. In order for RS to support its position that the permit covers and authorized(ses) reclamation activities over the entire site, it would have needed a bond commensurate with the acreage on which it is claiming that dumping is authorized. For that matter, it also would have needed a bond for dumping on the *unpermitted* clearcut acreage. There is no evidence that such bonding was ever secured.

Reserve Silica's View

[Please note in this subsection we did not have the time to ensure its formatting matched previous subsections in which we also provided our rebuttal to correspondence. That said, we do believe, below, it is clear when we paraphrase (or sometimes even quote—in blue lettering) what RS stated to KC DLS-P in the letter cited, then immediately follow that with our rebuttal highlighted in yellow.]

Reserve Silica Permit
GRDE25-0052

PUBLIC COMMENT

May 2, 2024 RS Letter to KC DLS-P *(May 2, 2024, RS letter to KC DLS-P; RE: GRDE15-0011 Permit for Reserve Silica Corporation)*. In it RS claims the following with our rebuttal following immediately thereafter.

1. It is not subject to KC Code (KCC) **Title 21A22.050**-required 5-yr Periodic Reviews.

   The KC DLS-P response to that is in the new documents as well, and periodic review is required by virtue of the attempted and, in part, non-permitted expansion of activities. KC DLS-P explained such Five-Year Periodic Reviews are required by virtue of the non-permitted, expansion of activities: *("April 5, 2024, KC DLS-P letter to RS; RE: GRDE15-0011):*

   "King County regulates operations at the subject site through permit # GRDE15-0011. This permit, issued most recently in 2015, is subject to renewals (every 1-2 years) and a 5-year periodic review process. A 5-year periodic review has not happened, and your permit renewal is coming up towards the end of April. The renewal and periodic review process requires the permit to be in good standing and may include review of permit conditions with the County to revise permit conditions as necessary to address regulatory issues raised by continuing operations at the site, such as the illegal dumping of contaminated fill material in May 2023 as well as inert waste outside of the inert waste permit area. It also requires the application of the most current design and operating standards (KCC 21A.22.050). Failure to renew the permit and/or complete a periodic review of permit conditions may result in an order to cease operations at the subject site until a valid permit with revised conditions is issued." Please note that this quote includes our highlighting*)*.

   This is part of the RS claim that the existing GRDE permit covers the entire site and allows them to dispose of material anywhere on the entire site and call it reclamation vs. DLS-P pushback that there are no records or agency determinations or final decisions related to the permit that validate that.

2. The old coal-mine operations must be reclaimed under *"state and federal law"*.

   The WA DNR Surface Mine Reclamation group has indicated *(email from Kate Tackett, WA DNR Coal Mine Reclamation Specialist for King County, to Michael Brathovde, April 14, 2025)* that based on RCW 78.44.910:

   "In cases where DNR has cancelled a reclamation permit in favor of a local development permit under RCW 78.44.390, DNR no longer holds regulatory authority on the site, and the requirements of RCW 78.44 would no longer apply to the site since it would fall under local jurisdiction regulations. Timing of completion of the work on those sites is under local jurisdiction." "RCW 78.44 granted authority to the

state for reclamation of surface mines in 1971. Mining completed prior to the law taking effect does not fall under the jurisdiction of the law." And based on RCW 78.44.055, *"Miners and permit holders shall not be required to reclaim any segment where all surface mining was completed prior to January 1, 1971."*

The coal mining RS apparently has documented on their property was completed 75+ years ago and 115+ years ago – so clearly, contrary to RS's statement, there is no State law requiring RS to reclaim any of the old coal mine operations on Areas 5 and 6. This also applied to reclamation of the Dale (coal) Strip Pit. RS had no obligation to reclaim this pit, but chose to do so – perhaps as being good stewards of their lands, but in all likelihood, based on their past history, because it was financially very profitable having a location to accept for-profit fill – including CKD. As for Federal regulations regarding reclamation of old coal mine operations, we know the Federal government has done nothing to enforce reclamation of old coal mining hazards from 65 – 115 years ago on the adjacent Ravensdale, LLC, property. We also understood that the Federal government does have some kind of program where they will come in, at no charge to the current landowner, and secure coal mine adits that pose a significant risk to the public.

The four coal mine adits that RS has apparently identified likely total something less than a single acre. And two of these adits have apparently already been filled by RS, while the other two RS is proposing just fencing or grated for safety – requiring no additional fill. Certainly nothing that would warrant the 3,300+ truckloads of fill already dumped on Area 5 [the 3.300 truckloads would be just on Area 5, as this is the amount DOE concluded was likely intermixed with the 33 truckloads of ASARCO-contaminated fill] – almost none of which is on the identified coal mine hazards — let alone the 1M cy of additional dumping RS is proposing in the name of coal mine reclamation.

3. It is not subject to any Reclamation Plan, since WA DNR transferred responsibilities to KC see p. 2 *("Consistent with this concept, when mining and mineral processing activities ceased in 2010, DNR cancelled Reclamation Permit #70-10346 because it had received confirmation that King County had issued a valid grade/fill permit for the reclamation activities and that King County would be monitoring Reserve's reclamation activities until final grade was achieved and vegetation was established.")*

   All the C&G permits since completion of all mining in 2007 are for *"mine reclamation*." The mine reclamation defined by WA DNR in 1970, and committed to by KC Permitting in taking over mine reclamation responsibility from DNR in 2010, called for backfilling the remaining unreclaimed sand pits with clean soil (and approved inert wastes) to the approximate pre-mining contours, grading, topsoiling, and revegetating to forestry. The 2014 IRP,

prepared by RS, essentially retained all these requirements, with the exception of the final revegetation to forestry, which the 2014 IRP indicated may not be required (if KC Council approved the RS-requested upzone to rural residential, rather than forestry) But the KC Council unanimously denied.the up ozone request.

RS is using this reclamation responsibility shift, and the subsequent KC C&G permit to argue that DNR has no authority over the clearcut, as it was covered under the KC DLS-P permit. An argument that KC DLS-P backed in meeting with other agencies (e.g., other KC departments, State, and Federal) over the ASARCO waste disposal in 2023. A confusion, however, is that while the DNR Surface Mine Reclamation office agreed to transfer reclamation responsibility over to KC Permitting, the Forestry division of the DNR still retains responsibility for enforcing the FPA and regulating forest harvesting – even if that is in the name of reclaiming prior forestlands that have been mined back to forestry. The one case where the DNR's enforcement of the State's FPA does <u>not</u> apply is if the harvest activity is for the purpose of converting these lands to a non-forestry use (a Class IV General case)—in which case the State FPA regulations do not apply. Fred White stated to DNR that RS <u>was</u> converting this clearcut area (just Areas 5 and 6) to a non-forestry use, and that that conversion was authorized by RS's C&G permit. Based on these statements from Fred White, DNR Forestry division dropped its investigation of RS having no FPA Permit for the clearcut. This is all documented in writing from the DNR Forestry division.

In Teddy Taddese's (KC DLS-P) field notes of his inspection of RS, accompanied by Fred White (RS Operations Mgr) and RS CFO Frank Melfi, Jr., RS reported it would shortly be filing an application with both KC DLS-P and DOE to be allowed to construct an asphalt/concrete processing facility on Area 5. Such a use would clearly constitute a *'conversion to a non-forestry use.'* However, in the October 7, 2024 GMVUAC meeting, CFO Frank Melfi, Jr, and CEO Marissa Floyd *adamantly* denied having ever made such a statement, or even considered construction of such a facility on their lands, and claimed Teddy Taddese was just confused when he wrote those incorrect statements in his field notes. Without such a conversion from a forestry land use, RS's clearcut was clearly subject to WA FPA rules, and thus should have obtained a FPA harvest permit prior to doing the clearcut [KC DLS P's Ty Peterson agreed that RS should have gotten an FPA permit for the clearcut]. And given that both RS and KC DLS-P agree they still are following the 2014 IRP, that plan *clearly* indicates that the *only* backfilling required for reclamation is the 17 ac of the Upper and Lower (sand) Pits. So, as KC DLS-P has concluded, there is nothing in the GRDE15-0011 C&G permit, nor in the 2014 IRP, that authorized clearing, grading, road construction, or dumping on Area 5—contrary to Fred White's statements to DNR in December 2022.

It also appears RS had no valid C&G permit at the time of the clearcut, or when originally confronted by DNR on August 5, 2022. The C&G permit Fred White acquired following this first DNR confrontation reportedly was dated August 19, 2022; and while Fred White was adamant that KC DLS-P should make certain the new C&G permit must list all seven of RS's parcels (particularly the two parcels clearcut), our understanding is that did not happen, and that some or all parcels clearcut were not listed on the C&G permit Fred White showed to DNR in December (but KC DLS-P never provided us with a copy to confirm the parcels listed, in spite of multiple requests!).

4. It claims the 2014 IRP was not approved by KC, because KC does not have that authority, only WA DNR does—see p.3, Note 1.

   This statement is wrong per State law. DNR turned over reclamation responsibility to KC Permitting (at KC Permitting and RS's request). Under State law, KC Permitting henceforth retained full responsibility for the reclamation, including developing and approving such reclamation plans (though Permitting did make some strong promises to DNR as to how they would fulfill and even exceed the reclamation goals established in the DNR Reclamation Plan). The 2014 IRP was approved by KC Permitting (Fred White). A Reclamation Plan is the only relevant plan for the C&G Permit, as the only activity approved by the C&G Permit is reclamation of the sand mines. And KC Permitting has complete authority to approve or disapprove such a plan as part of the C&G Permit Conditions.

5. In 2012 it stated it *"obtained Inert Landfill Permit #PR0082027 because it needed to expand the scope of allowed materials to be used as fill for reclamation purposes."*—see p.3.

   RS stated it secured the Inert Waste permit to allow it to accept borings from the Seattle underground rail work to use as part of its reclamation fill. RS was essentially claiming it can dump whatever it can make money on—also see p.4, Note 4, especially: *"An inert waste landfill permit allows the use of these materials plus cured concrete, asphaltic materials, brick and masonry, ceramic materials, glass, stainless steel, and aluminum. An inert waste permit also allows for larger volumes of such materials to be used as fill."* What RS can dump became more restricted over time as changes to the solid waste rules restricted what could be disposed of as *"inert waste"* that, in fact, could and should be recycled. RS continually states it is its *"right"* under Federal and State law to dispose of a wide range of wastes KC has previously rejected. Interagency emails show those claims were roundly rejected, as triggering solid waste requirements can't be covered under a reclamation permit, and rather require a landfill permit, and specific changes

to the solid waste regulations that tightened up requirements and limited exemptions that rebut these RS claims.

6. The *"2012 Plan of Operation delineates the entirety of Reserve's property as within the 'Permit Boundary.' "*—see p. 4.

The primary argument RS appears to forward in support of this argument is a Map prepared by RS's contractor, Bennett Consulting, PLLC in 2011, as part of the 2014 IRP (and apparently also in the PHSKC Inert Waste permit material). The legend on this Map shows the boundary of RS property, excluding the 52.58-ac Plant Site and the (always) Forestry-zoned 82.44-ac parcels, to be the *"Permit Boundary."* But in spite of this, the detailed writeup of the 2014 IRP *clearly* identifies that the only reclamation authorized by this Plan is the reclamation of the remaining 17 ac of the Upper and Lower Sand Pits. Our belief is that this 242-ac (of the RS total 377.55-ac ownership) *"Permit Boundary"* is the Sand Mining Permit boundary. RS had the right to mine silica sand anywhere it saw fit within this 242-ac area – which included what would come to be called Areas 5 and 6 by RS. But once RS permanently ceased sand mining operations in 2007, the only area authorized for any activity by the C&G permit was that 17 ac of the Upper and Lower Sand Pits. This 17 ac clearly is designated on the Jan 7, 2014, Bennett Consulting, PLCC Map, noted as: *Benett Consulting GBC0609 – Reserve Silica – Ravensdale Quarry/Reserve Silica Disturbed Area 01-07-14.dwg*. This is likely why RS included discussion of the *2012 MDNS*, in spite of the fact it also determines that the purpose of the reclamation is to reclaim the site to a use of open space/recreation, something that RS has fought for years.

In summary, RS essentially is claiming it can dump over its entire property holdings at the site. Yes, they did make that claim, and that is likely why it included the 2012 MDNS, in spite of the fact it also determines that the purpose of the reclamation is to reclaim the site to a use of open space/recreation, something that RS has fought tooth and nail for years.

Recent Reclamation

The following evidence strongly suggests that by sometime in early 2017, RS had sufficient imported fill stockpiled on site to complete reclamation of these last two pits:

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.

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."

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.

August 27, 2016, Fred White (KC 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."

However, we have had eight years of aggressive on-site dumping (RS reported up to 300+ trucks/day *(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.")*) since early 2017; and we understand these last 17 ac still are not yet final-graded, topsoiled, or reforested *(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.)*. 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. This 8 years of overfill is likely: (a) in Area 5/6; (b) overfill in 17 ac approved for backfilling; and (c) in portions of Inert Waste Landfill where fill was not permitted, or overfilling areas that were permitted.

Reclaiming Old Coal Mining Pits

WA DNR Surface Mine Reclamation Office has stated that State mine reclamation law does NOT apply to coal mining works completed prior to 1971

Reclamation of these identified adits (two pair of "*known former coal mine shafts/vents*" on Areas 5 and 6) should only impact a few, VERY small areas—NOTHING that would justify the kinds of dumping RS already has done or are proposing to do

RS claims *(May 2, 2024, RS letter to Ty; RE: GRDE15-0011 Permit for Reserve Silica Corporation; p. 2)* need to be reclaimed under *"state and federal law."* That is misleading, as the Federal government has not had any involvement in the coal mining related to the site as it was all conducted pre-1971. Similar to DNR, which is documented in the files I just got as there are copies of the letter from DNR where they accept the then proposal from RS to turn everything over to the county, cancel the state permit associated with the reclamation, refund RS's reclamation bond(s), and close out their activities related to mine reclamation on the site. So, there is no State requirements that RS is forced to meet, only whatever the county requires consistent with whatever level DNR decides to hold the county to in terms of the requirements that the county represented they were going to meet or exceed as part of getting DNR to turn their authority over to them in the first place. The DNR by every measure washed their hands of anything to do with the site at that point, with the exception of the circumstance where new DNR involvement would be triggered by new mining, or logging triggering state requirements. And as we have seen, even in that circumstance, as we saw with the illegal clear-cut, they simply told DNR to go-fish as their requirements and permits didn't apply as it is specifically exempted by virtue of their KC DLS-P permit. An argument that DNR bought and closed out their Forest Practices investigation as the result of a determination that RS was exempt to DNR authority and state statute by virtue of King County permitting.

2023 KC iMap aerial coverage (latest available) shows no obvious dumping in Areas 5 and 6, 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. At the October 7, 2024, GMVUAC meeting with KC DLS Director Richardson and KC DLS-P's Ty Peterson, the latter stated RS claimed that old coal mines in need of reclamation filling were *"all over the clearcut area."* At local area historian Michael Brathovde's questioning of this, Director Richardson directed Mr. Peterson to provide Michael with RS's information supporting these allegations. However, Michael reports having received nothing. At the GMVUAC

March 3, 2025, meeting with RS, its legal counsel, Doug Steding, stated that they have found unknown coal mines *"scattered all over the clearcut property,"* posing major public safety risks and, thus, are in need of reclamation filling. There is a clear conflict on the facts here.

Actual Reclamation

Restoration is supposed to be incrementally (segmentally) accomplished as extraction is done, as RS's documents refer to moving stockpiled soils/spoils from one location to another as *"mineral"* extraction is completed. If not done incrementally as extraction is completed, then entire mine workings are left in an exposed state, oftentimes for decades, which only serves to maximize environmental harm, while delaying establishment of a forested area or open space/recreation area.

Although the last silica sand extraction was completed in 2007, 18 years ago, for much of the reclamation either done or supposedly planned on the site that date is not the relevant one. This is because the actual completion of reclamation dates much further back, in fact in any number of areas, substantially further back. This is a key point: The proposal, as is, is unacceptable, as there currently is no basis established showing any *need* for 1M cy of *"fill"* (i.e., combination of soil and wastes) to accomplish site reclamation. Approval of this clearly industrial disposal proposal, not reclamation, will only further delay actual reclamation, which in a number of cases should have been completed many decades ago, and, if this proposal is approved, will only, once again, substantially delay actual, real restoration of this site. The delay in reclamation has been assisted by King County through facilitating and prioritizing Reserve Silica's commercial disposal and derived profits, over their dual obligation to complete reclamation in a timely manner returning the property to it's intended zoning and uses as stated on numerous occasions, and in multiple agency final decisions and policy statements, including the King County Comprehensive Plan as approved by the King County Council, which pointedly rejected the 2016 proposal put forward by Reserve Silica to rezone the property to a residential use, rather than returning the site to a forested condition, or open space/recreation use.

Clearcut

Sixty acres of mature Douglas-fir timber, including all of Areas 5 and 6 were clearcut by RS in the summer of 2021 (sometime between March 31 and August 18). This harvest was performed without any public or agency notice, authorization, or permits. This healthy stand of timber was to have been kept intact as the centerpiece of the *post-reclamation* forest on the property. We provide the following references:

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."

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."

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."

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-ac now-clearcut area (Type 2) is described by AFM as a well-stocked 35-yr-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 ac were healthy, high-value, well-stocked premier Douglas-fir —certainly not the *'low-value, low-stocked, unhealthy, non-commercial forest'* the Forest Management Plan calls to harvest and re-establish. RS/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-ac was contrary to all of these stated longer-term goals of the 2016 Forest Management Plan. Prior to being clearcut, the 60 ac, plus a small 6-ac patch in the extreme SW corner of the property, were the only portions of this 377-ac property meeting RS's long-term goals. Clearcutting this oldest

component of forest on the entire RS property, even if it is replanted following the proposed *"reclamation"* on Areas 5 and 6, also effectively sets back the leading edge of forest on this land by about 50 years, and substantially further delays completion of reclamation on RS property.

RS claimed (October 7, 2024, and March 3, 2025, GMVUAC Monthly Public Meetings) it *had* to clearcut this area to be able to determine where the old coal mine hazards were located. We strongly disagree with this assessment. With RS's assertion that it *had* to clearcut this existing forest, in order to develop a credible reclamation plan for the area, and its assertion that its C&G Permit, and the 2014 IRP, both provided for this clearcutting, RS concluded there was no need for any additional permits from KC DLS-P, or a FPA permit from WA DNR. RS thus proceeded to clearcut this 60 ac, marketing the logs, then proceeded to road the clearcut area and began dumping (for-profit) imported fill on this clearcut—all without any permits. And in addition to *"clean-fill"* (the only fill material allowed on this area), unpermitted ASARCO-contaminated wastes, and marble countertopping inert waste debris, were both *"unknowingly"* dumped on this site. Our understanding was that KC DLS-P had shut down this portion of RS operations following the delayed discovery of the ASARCO waste dumping in the summer of 2023; and KC DLS-P directed RS to cease operations on this clearcut area on May 24, 2024. Reports show that dumping on Areas 5 and 6, *continued* in 2023, 2024, and 2025 as well. No replanting of the clearcut forest has yet occurred.

We strongly disagree with RS's position that its C&G permit and the 2014 IRP both authorized them to clearcut the 60 ac without any additional permits. First, the 2014 IRP clearly states that the *only* reclamation required on the property is the backfilling, grading, topsoiling and planting of 17 ac of the Upper and Lower (sand) Pits. This Reclamation Plan *clearly* does not authorize reclamation (clearing, grading, backfilling) of the 60 ac that was clearcut—which had never had any sand mining. Second, the sole use authorized in the C&G permit since completion of sand mining in 2007, is for the reclamation of the remaining unreclaimed sand mines. Clearing 60 ac of lands that had never had any sand mining is not authorized in the C&G permit. Finally, we disagree with RS's assertion that a FPA permit was not needed from the DNR to do the clearcut. RS asserts that DNR has no further authority over RS once it turned over all mine reclamation responsibility to KC Permitting in 2010 (at RS's and KC Permitting's request). However, this authority transfer applied *only* to the DNR's surface mine reclamation responsibility. The Forestry division of DNR still retains responsibility for administering the State's FPA, which RS still is subject to. The DNR tells us that the only case (Class IV General) where it does not retain FPA authority, is if the lands are being converted to a non-Forestry use *(December 28, 2022, e-mail from Amanda Truillo, DNR Forest Practices Forester, South Puget Sound Region, to Michael Brathovde)*. Fred White (as RS Operations Manager) claimed to DNR on December 9, 2022, that RS was converting these lands to a non-forestry use, and the clearcutting to accommodate this change in use was authorized by RS's KC C&G permit. DNR

accepted Fred White's statements; but in October 2024, RS officers would adamantly deny RS had ever even considered changing the land use on this 60 ac to a non-forestry use.

KC DLS-P has agreed that RS should have gotten an FPA permit *before* doing the clearcut; and has found nothing in its records, including the C&G permits and the 2014 ILP, that indicates any permissions for dumping or roading in the clearcut area.

From the Herrera maps (Feb 2025, *C1.01*) it appears, after clearcutting the 60 ac to be able to locate old coal mine hazards on the area, RS only found two pair of shafts/vents, likely covering far less than 1 ac in total, in clearcutting this 60 ac of mature timber (that the Reclamation Plan called for *retaining*). One pair was visually obvious from the publicly available LIDAR coverage of this property long before RS ever decided to clearcut this area, and thus this is pretty strong refutation of its rationale for clearcutting. Further, when asked about its clearcut, road building, and dumping, RS state they all were approved by KC DLS-P. However, KC DLS-P subsequently concluded it could find no records of any such approvals.

An incredibly large volume of unpermitted fill has been dumped on this *unpermitted* site. We refer you to the following:

> 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."*
>
> October 7, 2024. GMVUAC meeting with Leon Richardson and Ty Peterson: Ty stated*: "in DLS-P's view, they did not authorize the dumping or road construction on the ~60-ac clearcut area."*
>
> 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.")*

We also have WA DOE data from the ASARCO dumping event that indicate the equivalent of at least 3,300 truckloads of fill had already been dumped on this unpermitted fill site, including contaminated-wastes.

PUBLIC COMMENT

The GMVUAC has received no feedback or clarification from KC DLS-P over the past two+ years on the timing of the clearcut. RS is now quoting this as 2022. In the May 7, 2025, WA DOE remote public meeting on the RS CKD clean-up project, Alan Noell (WA DOE) stated the clearcut occurred in 2021, and other DOE documents state July 2021 (ref.: *September 1, 2023 email DOE to RS*). But the pair of KC aerial photos covering a large part of Area 6 (see below) show the timber fully intact in the right photo, taken March 31, 2021; while the left photo, taken on August 18, 2021, shows all the timber harvested and removed. So at least for this portion of the clearcut, the timber was conclusively harvested and removed sometime between March 31 and August 18, 2021 – contrary to RS publications of 2022. Interestingly, when RS purchased the land in 1996 (it previously had been operating under a lease), Plum Creek Timber Company, successor to the original owner, Northern Pacific Railway, retained ownership of this timber (they had harvested this area in the 1970s and replanted the current crop). RS did not purchase this timber from Weyerhaeuser (Plum Creek's successor) until August 3, 2021.

Clearcut—Before and After

To summarize, if the clearcut was part of reclamation, as claimed by RS, the area would have had to have been covered by a valid reclamation plan, it was not. It would have had to been covered by a reclamation bond, it was not. It would have had to been covered by a valid FPA permit, it was not. And, to dump inert waste as part of their commercial disposal operation, it would have had to been covered by a Solid Waste permit, which it was not.

Reserve Silica Permit
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PUBLIC COMMENT

Reforestation

Revegetation

The revegetation part of the reclamation plan for RS since the beginning was to replant to forestry once mining, backfilling, grading, and top-soiling had occurred on each successive mining area. The one exception was with the 2014 IRP, drafted by RS and approved by Fred White (as the KC DDES Inspector) in 2014. This interim plan was part of RS's massive effort to convince the KC Council to upzone its property, so it could put in a large housing development (72 houses) on its *post-reclamation* lands. As such, this 2014 IRP did not call for final revegetation to forestry. But with the KC Council's denial of this upzone/housing development petition in 2016, KC Permitting (DDES) confirmed that the RS lands should be reclaimed to forestry—as was always the plan. *(October 9, 2017, KC DLS-P (it had a different name, DDES, at the time) Randy Sandin e-mail to GMVUAC's Environment Committee Chair, Rhys Sterling: "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.")* Even so, KC DLS-P directed RS to continue following the 2014 IRP (*presumably* with the recognition that the final revegetation must be done for forestry).

While the mined lands were to be reclaimed segmentally (i.e., incrementally, as each successive mining area was completed), per the law, it appears little (or none) of the RS sand-mined areas have been final graded, top-soiled, or reforested. So GRDE25-00052 appears to lay out the revegetation plan for the *entire* Areas 5 and 6, as well as the 52-ac Inert Waste Landfill site (Parcel 012206-9011) which contains all the sand mine pits (other than the Lower Disposal Area that is part of the CKD special-purpose Closed Landfill).

The Reclamation Planting Plan presented by Herrera as part of GRDE25-0052, on Drawing *L1.01*, addresses the revegetation (Drawing *L1.02*, which is supposed to contain planting details, was not provided in response to our exhaustive PRR) addresses the revegetation. The plan calls for planting 97 ac in forest, 11 ac to shrubs, 4 ac of seeding, and 37 ac where the *"existing vegetation [is] to be retained."*

The reforested lands will include all the proposed dumping areas in Areas 5 and 6; plus virtually all the IWL site (other than the areas under the BPA powerlines); and, surprisingly, a significant part of the Closed Landfill (excluding the CKD-associated lands—Dale Strip Pit, Lower Disposal Area and CKD treatment areas to west of Lower Disposal Area). The 11 ac to be planted to shrubs is mostly areas under the BPA powerlines, disturbed by the dumping. The seeding of 4 ac appear to be around the two Stormwater Ponds planned for the Areas 5 and 6 piles. The 37 ac, where the existing vegetation is called to be retained, is under the BPA powerlines; over the Dale Strip Pit/

Lower Disposal Area/CKD treatment locations; and ~11 ac that were clearcut primarily west of the Area 6 fill and stormwater pond, but also some around the east and north sides of Area 6. This last ~11 ac is shown as currently grass, but this area is all brush from having clearcut it in 2021, then leaving it abandoned. Contrary to the Planting Plan, this area must be reforested—now. It was a healthy forest until RS clearcut it. But now that RS is no longer planning to dump on this area, it would be unconscionable to leave it in brush as called for by the Planting Plan. The Plan also calls for 24 ac of hydroseeding. Presumably this includes seeding of the 4-ac of the two Stormwater Ponds in Areas 5 and 6, as well as pre-planting hydroseeding on an additional 20 ac, to avoid erosion.

Our concern is that it appears the Landscape Bond worksheet does not cover any bond for the reforestation – 97 ac of forest seedlings and the planting labor. If correct, this aspect of the reclamation must be covered by a bond.

Other than not reforesting the portions of Areas 5 and 6 that are not planned to be dumped on, this Planting Plan *appears* to be reasonable. But RS also must have a bond to cover the cost of reforesting the 97 ac of cleared and mine-disturbed lands.

Old Cement Kiln Dust (CKD) Areas

Government Agencies and Reserve Silica's predecessors excuse for dumping large amounts of CKD at the site from the 1970's to ~ 1990 (other sources indicate 1979 – 1989), was that it was part of completing reclamation on already extracted sections of the mine. Unfortunately, it actually has very little to do with *reclamation* as it is a commercial disposal/landfilling activity whose purpose is to make money. Unfortunately, the disposal of CKD actually made the primary purpose(s) of the site reclamation impossible to meet (i.e., return to forest or open space/recreation—depending on which documents you look at). This is because the areas where CKD was dumped was been rendered unfit, both practically and legally for forest-based reclamation, or for open space/recreation, since public access will need to be restricted from these *"reclaimed"* areas as well as forest never being established. This was handled by both the Government Agencies and Reserve Silica as badly as can be, as they deliberately engaged in actions, including reclamation/disposal, approvals, permits and other actions that made meeting the reclamation plan as they (Reserve Silica and King County) told WA DNR they would meet and exceed, impossible to ever meet for significant sections of the site.

KC DLS-P Periodic Reviews

King County Comprehensive Plan (KCCP—2024 Major Ten-Year Update) has a policy regarding Periodic Reviews of mining sites (our highlighting):

> **R-798 The periodic review process for mineral extraction and processing operations shall include sufficient public notice and comment opportunities. The purpose of the periodic review process is to provide opportunities for public review and comment on the mineral resource facility's fulfillment of state and County regulations and implementation of industry-standard best management practices, and for King County to modify, add or remove conditions to address new circumstances and/or unanticipated project-generated impacts. The periodic review process is not intended to re-examine the appropriateness of the mineral resource use, or to consider expansion of operations beyond the scope of existing permitted operations since that review would be accomplished through the County's permitting process. The periodic review is intended to be a part of King County's ongoing enforcement and inspections of mineral resource sites, and not to be a part of the County's permitting process.**

Periodic Reviews are required every 5 years per KC Code (our highlighting):

> **21A.22.050 Periodic review**
>
> **A. In addition to the review conducted as part of the annual renewal of a mineral extraction or processing operating permit, coal mine permit or materials processing facility permit, the department shall conduct a periodic review of mineral extraction or processing, coal mine, materials processing facility or fossil fuel facility site design, operating standards and financial responsibility at five-year intervals from the date of issuance of the permit.**
>
> **B. The periodic review is a Type 2 land use decision.**
>
> **C. The periodic review shall:**
>
> **1. Determine whether the site is operating consistent with all existing permit conditions and, if not, establish corrective actions; and**
>
> **2. Apply the most current site design and operating standards to the site through additional or revised permit conditions as necessary to mitigate identifiable environmental, public health and public safety impacts. (Ord. 19601 § 2, 2023: Ord. 19146 § 59, 2020: Ord. 15032 § 28, 2004: Ord. 11157 § 21, 1993: Ord. 10870 § 443, 1993).**

Unfortunately, KC DLS-P apparently interprets both the above KCCP Policy and KC Code as only applying to *active* mine sites and not *reclamation* activities. However,

since such *"reclamation"* is a mandated part of most, if not all, mineral extraction mining permits, we don't see any *separation*, rather we see *continuation* to completion to ensure all standards are met, all policies adhered to, all conditions are followed, and all code is enforced. Reclamation is a *mandatory* step in active mining.

As a result of KC DLS-P not conducting such reviews since 2003, there has been relatively little oversight of RS's operations since active mining ceased in 2007. Clearly, KC DLS-P's excuse, at least financially, for not doing those 5-yr reviews is not credible, as it can make it a routine part of permitting activities, inform applicants they are going to be charged for same, and recover its costs—just like it does with the rest of its fee-based reviews. The format and requirements for these 5-yr reviews is both broad and comprehensive, and as we have seen over multiple 5-yr cycles at RS, not doing them allows KC DLS-P to allow RS to run what essentially is a commercial disposal dump, that is only loosely tied to *reclamation*.

Referring back to that 2003 review, Joe Miles (DDES Land-Use Services Division Manager) released a 34-p memo (dated June 9, 2003) on its KC Code-mandated Periodic Review of Reserve Silica. It called out many of the same issues we find RS is still doing in 2025—22 years later—while at the same time is seeking the new permit (really to *"paper over"* its past unpermitted actions) on which we comment throughout herein.

Earlier we discussed the internal KC DLS-P memo where, in response to a letter from RS asserting that such 5-yr review plans only apply to active mines and not to reclamation, staff took a look at KC Code and determined it can require such reviews.

In summary, clearly, although the mineral extraction mining operation phase is complete, the *"reclamation"* phase (which can take many, many years, as we've seen with RS) should continue to be subject to **Periodic Reviews** and **Public Comment**. In fact, if any site calls for such KC Code- and Policy-required Periodic Review, it is the RS site with its long and continuing sordid environmental history.

PHSKC

Inert Waste Permits

With completion of the sand mining in 2007, the overall goal for the RS property was to reclaim the sand mining pits so the property could be returned to a forestry land use. To accomplish this, the mining part of RS's C&G permit was dropped, just leaving the mine reclamation goal. This reclamation involved backfilling the remaining open sand pits, doing a final grade, top-soiling the filled pits, then replanting to forestry. The backfilling was to be accomplished using mine spoils and (for-profit) imported *"clean fill."* Early on, RS concluded it would help in the backfilling if it would be allowed to import (for-profit) diggings from the Seattle underground railway construction works. But this material did not qualify as *"clean fill,"* and thus could not be imported under RS's C&G clean fill reclamation permit. To permit this supplemental source of sand pit backfill, the decision was made for PHSKC to issue RS an Inert Waste Landfill (IWL) permit in 2010 ***[?]***. The boundaries laid out for the IWL would cover an area that encompassed all the remaining sand pits still in need of reclaiming (now known as the Inert Waste Landfill, Lot 5, Parcel 012106-9011). So the mine spoils, the imported clean fill, and the imported inert wastes, all were to be used for returning the lands within this 52-ac IWL to their pre-mining contour. While this Landfill was certainly a (for-profit) commercial operation (as RS notes), the placement of these backfill materials was to be carefully controlled to ensure the 52 ac all were returned to its pre-mining topography.

As mentioned earlier, there is very strong evidence that by about 2017, RS had sufficient imported fill material (clean fill and inert wastes) on-site to complete the backfilling of all the sand pits and surrounding *"disturbed"* areas to return the grade to its pre-mining contours. Nonetheless, RS continued to import both clean fill under its C&G permit, and inert wastes under its IWL permit for the past eight years and continuing today. As part of the information RS provided with this GRDE25-0052 application, it noted that the PHSKC IWL permit allowed RS to import up to 2.75M cy of inert wastes on this landfill! This was *shocking*, as by May 2014 (2014 IRP), there were only 17 ac in the extreme southern portion of the landfill still in need of backfilling to return the tract to its *pre-mining* contour. The information provided by Herrera would indicate some of this past-years' of *"overfill"* were dumped on the landfill area, and some were dumped on the unpermitted clearcut area—particularly Area 5. In spite of this now-documented overfilling, our understanding is that little (or none) of this area has been final graded, topsoiled, and planted—18 years after completion of mining—and in spite of the requirement to *segmentally* complete reclamation, rather than waiting to finish reclamation on the full 52 ac at one time.

The other issue, particularly with inert wastes, is it is challenging to ensure such wastes are *only* placed in a licensed Inert Waste Landfill. The 33 truckloads of ASARCO-

contaminated wastes were dumped in May of 2023, but not discovered until August. And this dumping was on Area 5, an area not permitted for any dumping, and far outside the IWL. Recently (in 2025?), some marble-countertopping debris (inert waste) was dumped down a coal-mine adit in Area 5. RS's reliance on customer/truckers to self-report what they are hauling/dumping is not a reliable process for avoiding contamination—and, it cannot be emphasized enough, that it is almost guaranteed to occur again, should the current expansion applications get approved.

Our understanding from PHSKC on the marble-countertopping issue, is that this material was *"inadvertently"* dumped in a location on Area 5 – not an IWL (and at least part of this debris was dumped down an open coal-mine adit from the 1920s – 1940s). But that doesn't sound very *"inadvertent."* When PHSKC became aware of this, it concluded it would probably be much less disruptive to just go ahead and approve this dump site to be an expansion of RS's *existing* IWL, rather than requiring RS to remove these illegally-dumped wastes. The concern we expressed to PHSKC was that any approval for this dumping should only apply to the already-dumped countertopping – and should not, in any way, authorize any *further* dumping of inert wastes on this site. Unfortunately, what we have discovered, is that RS apparently submitted an application to *expand* its existing Inert Waste Landfill to include all 80 ac of Parcels 362206-9065 and 012106-9010 (the two parcels that contain Areas 5 and 6). Our understanding is that PHSKC is *"holding"* on this application, pending KC DLS-P's decision on the associated GRDE25-0052 C&G application (though the C&G application apparently only covers the ~50 ac of Areas 5 and 6, rather than the full 80 ac in the two parcels considered for permitting by PHSKC). The understanding is that if KC DLS-P does approve GRDE25-0052, then PHSKC likely will approve the *expansion* of RS's existing IWL permit. Thus, both clean fill and inert wastes could be dumped anywhere determined to be in need of *"reclamation"* on the 50 (or 80) ac !

As mentioned elsewhere, we see absolutely no justifiable rationale for dumping ANY additional fill, of any kind, on Areas 5 and 6 (or any part of Parcels -9065 and -9010). Consequently, we strongly recommend *both* applications be flatly denied.

Operations Plans

RS is required to submit *Operations Plans* for its site to PHSKC *at least* every 5 years—or more frequently, as changes in operations or site conditions may require. We have secured copies of such plans for the years 2012, 2020, and 2025.

The RS *2020 Operations Plan* states that RS essentially is finished with filling at the site (we assume that means the IWL site permitted by PHSKC, not the GRDE permitted by KC DLS-P). It also references a Reclamation Plan of 2014 submitted to KC DLS-P, which

provides a description of how it is reclaiming the site, including initial native and non-native grasses to stabilize soils followed by tree planting of bare root stock on a stems per acre. It states that plan was approved in 2014 and remains in force today. As we stated elsewhere herein, that *should* not be the case, as the 2014 Interim Reclamation Plan was predicated on obtaining an upzone from the KC Council, which was denied in 2016, and thus everything *should* have reverted back to the 2009 DNR Reclamation Plan, which was in force at the time when the 2014 plan was approved by KC. It also states that a Bond was supplied based on calculations by KC DLS-P for the amount of $75,000, again indicating that KC DLS-P did not authorize it, as of 2020, to cover the entire site, and there was no bond to cover the entire site, but only a portion of it.

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PUBLIC COMMENT

WA DOE

Agreed Order

Based on information provided to, and accepted by, WA DOE (February 16, 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 WA 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 only 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.

The Reserve Silica Mine Site Model Toxics Control Act (MTCA) Cleanup project includes two areas: *Reclamation Site* and *Plant Site* (NW corner). See **Clean-up Process** for a description of the MTCA process and how the WaDOE employs it.

Agreed Order negotiations were completed on December 16, 2019, with Potentially Liable Parties (PLPs) for the *Reclamation Site*. It requires the PLPs to complete a *Remedial Investigation (RI) Report (https://apps.ecology.wa.gov/cleanupsearch/document/154265)*, *Feasibility Study (FS) Report*, and *Draft Cleanup Action Plan*. Please see *"WaDOE document repository"* link above for all documents, including the December 16, 2019, *Agreed Order*, and the January 29, 2020, *Responsiveness Summary Report*. There is a *RI Work Plan* due in Spring of 2020. The *RI Report* is expected by the end of 2021. *FS Report* is expected by the end of 2022. Finally, the *Draft Cleanup Plan* is expected in 2023. It should be noted the *Plant Site* is part of an Independent Cleanup Process, which abides by the MTCA requirements.

In September 2017, the WA DOE determined that Reserve Silica Corporation (Reserve Silica) and Holcim (US) Inc. (Holcim) were Potentially Liable Persons (PLPs) for the release of hazardous substances at the Reserve Silica Corporation site. Ecology subsequently renamed the Reserve Silica Corporation site as the Reserve Silica Reclamation site (Cleanup Site ID [CSID] 4728). Reserve Silica and Holcim entered into Agreed Order No. DE 16052 (Agreed Order) with Ecology on December 16, 2019, for the Reserve Silica Reclamation site (Preliminary Site). The Agreed Order requires Reserve Silica and Holcim to complete an RI and Feasibility Study (FS) and submit a

preliminary draft Cleanup Action Plan for the Preliminary Site. Burlington Northern Santa Fe (BNSF) Railway was also notified by Ecology of its status as a PLP, but BNSF Railway declined to participate in the Agreed Order. Reserve Silica is independently cleaning up the adjacent Reserve Silica Plant site (CSID 15125), because the sources and types of contamination are distinct and do not overlap with the Preliminary Site.

The Agreed Order identified a Preliminary Site boundary that included the following King County property parcels: Lot 5 – King County Tax Parcel 012106-9011; Lot 6 – King County Tax Parcel 362206-9138; and Baja Property - King County Tax Parcel 352206-9046.

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PUBLIC COMMENT

Conclusions

- No permits of *any* kind have ever been awarded to Reserve Silica by *any* agency for any activities related to Areas 5 and 6.

- The permit application in question to *extend* into additional parcels (i.e., Areas 5 and 6) on the overall site has nothing to do with *existing* permits to *"reclaim"* the portions of the site where silica sand has been extracted as part of the *past* and *existing* mining permits.

- In the two new locations proposed for *"clearing and grading"* to be *extended* into (Areas 5 and 6) there are only two small isolated places where marble countertopping was dumped that is of concern to PHSKC, thus there is no reason whatsoever to *expand "clearing and grading"* into these locations. And actual coal mine hazards in Areas 5 and 6 appear to be very minimal, and could be addressed with little, or even no filling. The 1M cy of fill proposed does not address coal mine reclamation, but is just a continuing commercial landfill operation, which is likely highly desirable financially to Reserve Silica.

- If the permit in question is approved, not only will it allow dumping up to 1 million cubic yards of *additional* fill on Areas 5 and 6, it also would *legitimize* the unpermitted practices of the past four years: (1) *Clearcutting* of the 60 ac of the best forest on the entire property, in direct conflict with the established long-term property goals; (2) *Extensive road construction* on these lands and the associated impermeable surfaces they pose; (3) *Mountains of fill*, including contaminated and disallowed wastes, now piled atop the natural topography; and (4) *Reclamation* delayed another 5 – 11+ yr on what already has stretched to 18 years and counting.

- A substantial aspect of approving this application is truly *"papering over"* Reserve Silica's past unpermitted actions. Instead of being *penalized and held accountable* for those past actions (for which it has greatly benefited financially). Permit approval essentially would *pardon* Reserve Silica of these past actions, and richly reward it with yet another 5 – 7 (likely more) years of commercial dumping—all at the substantial detriment of the environment and the community. In fact, there have been multiple violations of the *existing* Reserve Silica *"clearing and grading"* permit over the years that have never been addressed, either through fines or restoration or mitigation—possibly the worst of these is the unpermitted 60-ac clearcut in Areas 5 and 6.

- What is happening at the Reserve Silica site in Ravensdale can no longer be called *"reclamation,"* if it ever was, rather it is a *"landfill"* project, plain and simple.

- King County has a specific *commitment* to WA DNR to: *"Enforce all provisions of the act, these rules, and the approved reclamation plan"* (**WAC 332-18-01001**) and *"enforce plans approved by the department"* (**RCW 78.44.050**), as a condition of DNR's transfer of its responsibility for reclamation of the Reserve Silica site.

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PUBLIC COMMENT

- Reserve Silica's existing *"clearing and grading"* permit does not cover the entire site and does not allow disposal of materials *anywhere* on the entire site as part of its required *"reclamation."*
- There were no KC DLS-P permits for the clearcut and no KC DLS-P records that authorized roading or dumping on the clearcut area.
- Based on DOE information and aerial photography, an incredibly large volume (well in excess of WA 3,300 truckloads) of unpermitted fill had been dumped on the *unpermitted* site of the 60-ac clearcut by August 2023 [when ASARCO contaminated wastes were investigated]. And unpermitted dumping has continued into 2025.
- It is not at all clear how activities conducted since mining was completed on site in 2007 have prepared the site to be reforested as required by law.
- Approval of this application will put a lot trucks on rural Ravensdale Way (RS estimated 100/day average, 200-300/day during peak periods – each way, for the next 5 – 7 years, – or more). RS claims this will just be offsetting a declining (or suspended) hauling to the existing landfill. However, this will be *combined* with the huge traffic increases over Ravensdale Way with the developing large Ten Trails Master-Planned Development and continuing increases to come from the Lawson Hills Master-Planned Development, both in Black Diamond, as well as with the Erickson coal-trench filling operations that are going on simultaneously [note that KC DLS-P has approved enough filling to last *at least* a decade].

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PUBLIC COMMENT

Recommendations

- Deny outright the GRDE25-0052 Permit Application under consideration ! The *pending* PHSKC Inert Waste Landfill expansion also should be *denied* !
- Ensure reclamation of the *existing* Inert Waste Landfill site, which contains all the former sand mining pits other than the Lower Disposal (CKD) area, is completed as quickly as practical—including final grading, top-soiling and reforesting.
- Levy appropriate fines against Reserve Silica for past and ongoing violations of its permits and for conducting activities *without* any permits, all of which *adversely* have impacted the environment, the County, and the community.
- Restart KC Code-mandated **21A.22.050 Periodic Review** of this site. If KC DLS-P (and all its past nomenclature incarnations) had been doing such reviews at least every 5 years since the last one we found (signed by Joe Miles, Manager, Land Use Services Division, DDES, dated June 9, 2003), e.g., in 2008, 2013, 2018, and 2023—as required by law, KC and the Public would not be in the land-use, environmental damage, and needed restoration predicaments being faced now.
- Study, then mitigate, expected traffic impacts in the immediate area of Reserve Silica and the greater community area in southeast King County.
- Require Reserve Silica to immediately do the following regarding the unpermitted 60-ac clearcut encompassing Areas 5 and 6:
    - (a) Plug / cap / fill / grate / fence, as appropriate any known coal-mine adits that pose a significant Public safety risk for a forestry and/or open space-recreation end use;
    - (b) Grade any areas of fill (with the exception of the ASARCO-contaminated fill) to restore the contours and stormwater flow patterns as closely as practical to what they were prior to the unpermitted dumping;
    - (c) Work collaboratively with WA DOE and KC DLS-P to determine the best approach to return the mountain of fill—into which the ASARCO waste was intermixed—to as close to *pre-dumping* contours and flow patterns as practical—without disturbing the intermixed wastes;
    - (d) Conduct an ongoing monitoring program and ensure facilities are in place to continue long-term monitoring of the ASARCO wastes and any other unknown run-offs;

- (e) Remove all roads not needed for a forestry and/or open space-recreation end use, including scaling back any of the current roads to be retained that have been built beyond specs needed for forestry/open space use;
- (f) Install top soil of all areas where topsoil has been disturbed, either through having had fill placed upon it or having been graded;
- (g) Plan and oversee, with WA DNR concurrence, reforesting/replanting of all lands illegally clearcut, other than roads retained for forestry/open space, management, or monitoring;
- (h) Once #a - #g are completed—Quit-claim deed ownership of the clearcut area to King County, either as working forest under KC DNRP, or as Open Space lands under KC Parks as *partial* compensation for the damage done, causing KC DLS-P to waste both time and money, and the hassles placed on the community.

References

All reference sources in this section are listed in *chronological order* and each is *cited* in the Comments herein.

1977

Permit *Environmental Checklist* calls for *"15 year life"* of the mine (to 1992 ?) cited in *Conclusions, SEPA, Land Use Patterns Item 8, p. 22, June 9, 2003. 1122-718 (L70G1122) —Reserve Silica Mine; Reserve Silica Periodic Review, Joe Miles, Manager, Land Use Services Division, KC DDES.*

2003

June 9, 2003, 1122-718 (L70G1122)—Reserve Silica Mine; Reserve Silica Periodic Review, Joe Miles, Manager, Land Use Services Division, KC DDES (re: code-required Periodic Review: "…finding many permit violations and unpermitted work.")

2009

2009 DNR Reclamation Plan 70-010346 for Ravensdale Quarry ("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.")

2010

March 31, 2010 letter from Fred White, KC DDES Site Development Specialist II, to Rian Skov, Surface Mine Reclamation Specialist, Geology & Earth Resources Division, WA DNR ([Grading Permit would] …"achieve a final reclamation in exceedance of that required and approved under the State Reclamation Permit.")

April 15, 2010, letter from Rian Skov, Surface Mine Reclamation Specialist, WA DNR to Bill Melfi, Reserve Silica Corporation, copying KC DDES ("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.")

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2012

"2012 Plan of Operation—Reserve Silica (…delineates the entirety of Reserve's property as within the 'Permit Boundary.' ")

2014

January 7, 2014, Benett Consulting GBC0609 – Reserve Silica – Ravensdale Quarry/ Reserve Silica Disturbed Area 01-07-14.dwg. (re: 17 ac of the Upper and Lower Sand Pits)

February 17, 2012, MDNS for Reserve Silica Corporation (L10RE002) ("Reclaim retired mining trenches by grading and filling with clean soil material to restore the site to open space or recreational uses.")

May 2014, Interim Reclamation Plan for the Ravensdale Quarry, Reserve Silica ("The total acreage remaining to be reclaimed is 17 acres.")

2016

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.")

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

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.")

May 1, 2016, Reserve Silica Rural Mining Site Conversion Project, Reserve Silica ("At current rates of soil placement, reclamation is expected to be completed by the end of 2016")

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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.")

August 27, 2016, Fred White (KC DPER) inspection notes from on-site inspection of Reserve Silica ("This site really does look like it will be full and completed in 2017.")

2017

January 26, 2017, E-mail from Greg Wingard to John Starbard and Randy Sandin, re: RS website posting of essentially being out of below-grade space.

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. (Paraphrasing: 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.)

October 6, 2017 KC DDES, Randy Sandin, Interim Manager, e-mail to GMVUAC's Growth Management Committee Chair, Peter Rimbos ("…encourage the uses permitted within the primarily surrounding zone or, if applicable the underlying or potential zone classifications".)

October 9, 2017, KC DDES, Randy Sandin, Interim Manager, e-mail to GMVUAC Environment Committee Chair, Rhys Sterling ("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.")

October 25, 2017, KC DDES, 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.")

2018

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 ("…up to 300+ trucks/day.")

June 6, 2018, KC DDES, Barto site visit notes ("Discussed activity and plans to shape slopes. Need to set up meeting with Fred.")

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2019

March 27, 2019, KC DDES, 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, KC DDES, 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.")

2022

December 28, 2022, e-mail from Amanda Truillo, DNR Forest Practices Forester, South Puget Sound Region, to Michael Brathovde ("King County has assumed jurisdiction over Class IV General activities, so it is not regulated under DNR Forest Practices")

2023

2023, Aspect Consulting, Geotechnical Evaluation for Securing Mine Openings (Notes indicate the two western adits will be: "fenced or grated") [This key document is referenced in the SEPA checklist, but has not been made publicly available by KC DLS-P.]

July 2023, E-mail string: "RE: Disposition of Contaminated Soil from Asarco Tacoma Smelter Facility" among Fred White, Kristine Koch, Marian L. Abbett, Derek Rockett, Rich Doenges, Steve Eberl, Dawn Marie Maurer, and Alan L. Noell.

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.")

2024

February 16, 2024, WA DOE Toxic Cleanup Program letter to RS, Determination of No-Further-Action required for ASARCO waste dumping (paraphrasing: Based on studies done by Aspect Consulting LLC on behalf of RS, and submitted to WA 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.)

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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.")

April 5, 2024, KC DLS-P letter to RS; RE: GRDE15-0011: (re: periodic review of permit conditions: "Failure to renew the permit and/or complete a periodic review of permit conditions may result in an order to cease operations at the subject site until a valid permit with revised conditions is issued.")

May 2, 2024, RS letter to KC DLS-P; RE: GRDE15-0011 Permit for Reserve Silica Corporation (paraphrasing: RS claim that its existing GRDE permit covers the entire site and allows it to dispose of material anywhere on the entire site and call it reclamation.)

May 20, 2024, PHSKC Letter to KC DLS-P's Ty Peterson—RE: Reconciling acceptable solid waste materials as fill under reclamation and grading permits with inert waste landfill permit requirements and Readily Recyclable Construction & Demolition (C&D) Ban on Landfilling (King County Ordinance 18166) ("…the acceptable solid wastes allowed as fill in the DLS permits are subject to Public Health solid waste landfill permit requirements.")

June 28, 2024 8:44 AM KC DLS-P's Ty Peterson e-mail to RS's Frank Melfi (Permitting is not authorizing filling or Grading work beyond that which is identified in the Interim Reclamation Plan at this time.")

July 22, 2024, KC DLS-P's Ty Peterson Memo to RS (Permitting has not been able to identify any approval or even reference to an approval of expanded fill / reclamation into Area 5.)

October 7, 2024. GMVUAC Monthly Meeting with Leon Richardson and Ty Peterson ("in DLS-P's view, they did not authorize the dumping or road construction on the ~60-ac clearcut area.")

October 7, 2024, GMVUAC Monthly Meeting (paraphrasing: RS had to clearcut this area to be able to determine where the old coal mine hazards were located.)

October 8, 2024, 9:12 AM e-mail from Frank Melfi to Warren Clauss (With respect to Areas 5 and 6, Reserve maintains that these areas were approved by King County for reclamation in 2014, and that the reclamation standards from that time are appropriate for those areas.")

December, 20, 2024, Herrera Tech Memo "Project Narrative for Fill Placement at Reserve Silica's Ravensdale Facility" to KC DLS ("In 2022, Areas 5 and 6 were logged, and construction of a haul road began.")

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December, 20, 2024, Herrera Tech Memo "Response to Reclamation Criteria in RCW 78.44.141 and King County Code 21A.22.081.C" to KC DLS-P.

December, 20, 2024, Herrera Tech Memo "Topographic Profiles—Cross Sections A-A' and B-B' " to KC DLS-P.

2025

2025 Reserve Silica Plan of Operations [for the IWL permit] ("Slope gradients are consistent with pre-mining gradients …")

February 2025, Herrera, Site Improvement Plan.

February 28, 2025, Herrera Draft Technical Information Report—Reserve Inert Waste Landfill Expansion Project [We did not receive this TIR in our PRR !]

March 3, 2025, GMVUAC Monthly Meeting, Statement by Jeff Wright, RS Operations Manager (paraphrasing: beginning to do final grade work on these two remaining pits)

March 3, 2025, GMVUAC Monthly Meeting (paraphrasing: RS had to clearcut this area to be able to determine where the old coal mine hazards were located.)

March 7, 2025. E-mail from Ty Peterson to Peter Rimbos & Jim Chan, Summary of Discussion & Requests/Re: Reserve Silica at 10/7/24 GMVUAC Mo Mtg.

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.")

March 18, 2025, SEPA Environmental Checklist, Chief Executive Officer, Reserve Silica Corporation, Marissa L. Floyd.

April 14, 2025, Kate Tackett, WA DNR Coal Mine Reclamation Specialist for King County, e-mail to Michael Brathovde ("Mining completed prior to the law taking effect does not fall under the jurisdiction of the law.")

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

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August 29, 2025, e-mail from KC DLS-P's Warren Clauss to the GMVUAC's Growth Management Committee Chair, Peter Rimbos, RE: Status of Reserve Silica C&G Reclamation Permit Currently Being Processed ?