

MEMORANDUM

Outstanding Items for Review and Discussion

RE: Raging River Quarry PRRD

February 5, 2019

Background

At the time of the Periodic Review Report and Decision (September 15, 2017), we believed that we understood KCDPER's expectations and the Operating Conditions that would apply to our grading permit. The Periodic Review included a comprehensive assessment of the history of the site and an expanded list of Operating Conditions for the RRQ grading permit. We observe that the Periodic Review Decision and Operating Conditions should be seen as guiding principles regarding this permit.

Subsequent to the PPRD issuance, there were discussions between Amanda Reeck and Core Design surrounding guidance regarding the underlying assumptions for the TIR, which had been referenced in our Periodic Review meeting with KCDPER as requiring modification. At the termination of that telephone conference, the Core Design believed they had a good understanding of the requests and requirements for the amendments to the TIR.

All requested exhibits and reports were then submitted according to the agreed schedule in the PPRD in December 2017 and January 2018.

On June 8, 2018 we received a 10 page letter plus exhibits, which indicated we would receive additional feedback on the site plan, drainage plan/TIR, blasting plan and geological review within two weeks.

On Nov 20, 2018, we received a 34 page letter plus exhibit titled "Request for Information KC File GRDE15-0004; Raging River Quarry Permit Revision Application (Existing Operation)".

Issues Requiring Reevaluation by DPER

I. Issues pertaining to "Section A. Geological Review" of the November 20 letter

As part of the Periodic Review Report and Decision (PRRD) letter, delivered on September 15, 2017, there was discussion of an incident at the quarry on July 27, 2017. The PRRD concluded that:

"Prior to commencing any work in the area affected by the July 27, 2017 rock/debris fall, a detailed plan will be required that is prepared or approved by the geotechnical engineer that details how this work will be accomplished with specific recommendations for short and long term stabilization and revegetation, including specific recommendations for avoiding/minimizing vegetation removal below elevation 300."

and

"In the interim, the conditions will be updated to incorporate blast monitoring requirements (air and ground movement), a reporting program with a defined timeline for submittal of the blasting reports, and certain applicable OSMRE best practices and procedures. Compliance with some of these new conditions may not affect operations much, as the licensed blasting contractor used at this site adheres

to current OSMRE procedures. Also, the permit conditions need to be updated to consistently incorporate the rezone conditions related to blasting”

Additionally, ongoing permit conditions were restated/added to include those Blasting items 47 – 51. Since the issuance of the PRRD, the permittee has complied with all requests of the PRRD surrounding that incident including the submission or reports and recommendations by GeoEngineers, all of which were incorporated into subsequent blasting activities. Permittee has also complied with all new ongoing permit conditions established in the PRRD.

However, 16 months after the event, the November 20th letter seems to:

- overlook the conclusions of the PRRD
- re-assess the GeoEngineers letters of August 14 and September 17, 2017
- not take into account the subsequent blasting history, including 10 additional blasts after the July 27, 2017 rock/debris fall event along with accompanying reporting and data for each blast provided to DPER
- re-characterize all areas outside of the mining envelope which previously required “no removal of vegetation” (in the context of no clearing for mining), to areas that are “to remain undisturbed,”. (which appear to be different standards, and created new operating conditions for the quarry)

Section A. Geological Review of the November 20 letter concluded that:

“(A.1) There is potential for adverse impacts to the long-term health of the trees impacted. An Arborist should be retained to evaluate the existing condition of the trees in the vicinity....and make recommendations for remediation as necessary. GeoEngineers should prepare a supplemental report to address any issues raised by the arborist assessment”.

This goes beyond the requirements of the PRRD. **We request that you reevaluate your approach after you see the GeoEngineers report to be submitted on Feb 8, 2019.**

“(A.2) Improperly planned and controlled blasting has caused impacts to landslide and steep slope hazard areas. These areas were to remain undisturbed as a requirement of the permit.”

Calling for an area to “remain undisturbed” goes beyond the permit conditions established in the PRRD. The conclusions and requirements of the PRRD were to submit a comprehensive blasting plan for the site and “Prior to commencing any work in the area affected by the July 27, 2017 rock/debris fall, a detailed plan will be required that is prepared or approved by the geotechnical engineer that detail how this work will be accomplished with specific recommendations for short and long term stabilization and revegetation, including specific recommendations for avoiding/minimizing vegetation removal below elevation 300.” **These requirements have been met by the permittee and the second amended Blasting Plan will be submitted on Feb 8, 2019, therefore we request you re-evaluate this assessment.**

“(A.2) The county has received complaints that at least one offsite well has experienced turbidity associated with the blasting. Additional oversight of the blasting plan and individual blasts in necessary until it can be demonstrated that additional adverse impacts from blasting will not occur”

We have an existing condition of operation established in the PRRD that specifies the process for complaints. Specifically, par 51 states *“The quarry operator shall be responsible for any damage to nearby properties, including domestic water supply wells, attributable to blasting on the subject property. Claims for any such damage shall be the responsibility of the affected property owner and the quarry operator to handle directly between themselves, but a failure of the quarry operator to respond in good faith to any such claim may be cause for denial of future grading permits, or prohibition or restriction upon future blasting”*.

The quarry owners and the quarry operators take this permit condition very seriously. Neither the quarry owner nor operator has received a complaint either from an affected property owner, or indirectly through DPER, that there is damage of any kind to a well. Additionally, there has been nothing presented which would indicate that blasting at the quarry is the cause of the alleged turbidity. All blasts occurring at the quarry have in fact been documented to comply with OSMRE guidelines for ground vibration, and these reports have all been submitted to DPER. **We would like you to review the requirement that additional oversight of additional blasts should occur as well as the requirement that our consultants investigate, evaluate and address the turbidity complaint, as all of the blast reports (which have already been submitted to DPER) indicate that ground vibration levels from each blast are substantially below any levels which would cause damage to neighboring wells.**

“(A.2) Future blast events should be reviewed and approved by GeoEngineers prior to blasting”.

This also exceeds the permit conditions established in the PRRD. **We request you re-evaluate your assessment, based upon the fact that 10 successful blasts have been accomplished in the ensuing period of time and upon the report to be submitted on Feb 8 2019.**

“The requirement to provide additional oversight of the blasting plan and individual blasts is effective immediately. No further blasting is approved without providing sufficient documentation to DPER of review and approval by the quarry’s geotechnical consultant. Please submit the information requested in item A.2 for review by DPER in advance of the next proposed blast.”

This approach by King County is unreasonable and improperly imposed, given the last 18 months of experience, and we request a re-evaluation of this assessment.

Section A.3 of the Geological Review discusses the functioning of the infiltration ponds and requires either a mounding analysis or a monitoring well installation and additional study. This requirement also goes beyond the requirements of the PRRD. Further RRQ was directed by King County specifically as part of the Periodic Review process that a mounding study was not required. See Email Exhibit attached to this Memo. **We request a reevaluation of this request as this was already determined by DPER as part of the PRRD process to be unnecessary.**

II. Issues pertaining to “Section C. Site Plan” of the November 20 letter

Section C.3 requires:

"clearly indicate on the plans that, under the current grading permit, there should be a 10 foot setback provided between parcel 224079011 and parcel 224079033"

However KCC 21A.22.060(f) establishes that there is not a requirement for a buffer between two mineral zoned properties. **As such, we request that this requirement be removed.**

III. Issues Pertaining to "Section E. TIR" of the November 20th letter

In November 2018, Core Design was told that the quarry was to be considered a "high use industrial development site". Prior to this periodic review, for 40 years, all site and drainage plans had historically been approved as a permitted construction site would be permitted. Mining does not have its own classification for these grading permits, thus all mining stormwater standards being enforced are somewhat unclear. We would like to understand first, why we were not advised in November of 2017 that the site was being considered a "high use industrial development site". More importantly, any characterization of the site as "high use industrial development" was never included in the PRRD, and this classification has been determined and applied outside of the PRRD. **As such, we would like you to reclassify the site appropriately.**

In the November 20th letter, pages 11-31 are devoted to questions surrounding the TIR that was provided as part of the PRRD. Many of these questions pertain to identifying differences between the 2009 and 2016 SWDM. Our permit application is vested in the 2009 SWDM.

The County's website has this explanation about the 2016 SWDM:

Important Notice about Projects Permitted under Earlier Versions of the SWDM

Per requirements in King County's Phase 1 Municipal Stormwater Permit (effective date August 1, 2013), **projects permitted under earlier versions of the SWDM that have not started construction*** by February 3, 2021 **must be revised to comply** with the requirements of the 2016 SWDM, or subsequent versions as directed by state regulations. Revisions will need to be approved by the King County Department of Permitting and Environmental Review (DPER) or its successor agency prior to construction.

*"Started construction" means, at a minimum the site work associated with, and directly related to the approved project has begun. Example: Grading the project site to final grade or utility installation constitutes start of construction, however, simply clearing the project site does not.

(emphasis added).

This clearly states that previously permitted projects that have started construction by August 1, 2013 (including RRQ), are not required to comply with the 2016 SWDM but are vested to, or governed by, the prior 2009 SWDM. In light of that, RRQ should not be required to explain how its operations deviate from the 2016 SWDM because the latter design manual is not applicable. Additionally, RRQ should not need to mitigate to the extent it is not following 2016 SWDM. **It is not disputed that the 2009 SWDM applies, therefore we request that you retract all questions relating to a comparison of the 2009 and the 2016 SWDM, as this comparison is not the responsibility of the permittee.**

Topics Requiring Discussion/Clarification:

I. Ecological Review Pertaining to June 8 Letter

Item 2: The wetland rating as determined by KCDPER is at odds with the findings of other wetland biologists and of our current wetland scientist as well as with the WADOE definitions resulting in a directive to “revise our drawing” to the required buffer width. Our wetland consultant continues to disagree with the findings of KCDPER and is providing a recent letter update to his reports. It appears DOE staff will support his interpretation.

Historic Wetland determinations.

- Mason Bowles, KC Senior Wetland Ecologist, as far back as 1984, that wetlands on the site are Class 2 wetlands, requiring a 50’ buffer
- Adolfsen report - Determined Class 2 wetlands, requiring a 50’ buffer per previous code.
- Tom Demming (Habitat Technologies, 4/14/-09) report determined Category III wetlands, requiring 80’ buffers.
- Gary Shulz report – Category III rating for Wetland A having 18 points for the habitat score, requiring 80’ buffers.

Laura Casey asserts Wetland A is a Category III wetland with 20 habitat points requiring a 150’ buffer. This was based initially on Laura Casey’s assertion that cliffs and the ditch as a regulated stream changed the score; when those issues were shown to be false, then she asserted that because of three wetland (not completely confirmed) located within one-half mile of the subject wetland, having “relatively undisturbed” connections, as defined by DOE documents. According to our wetland consultant and likely the DOE, the connections to other wetlands are disturbed, which would defeat her argument. We have shown, by aerial photography (because no one has permission to enter the subject property) that the third wetland established by Laura Casey and confirmed only by a 9/9/01 dated building permit drawing (unknown whether identified as such by a wetland ecologist) is not to be seen and in its place is a well maintained residential lawn. See Exhibit attached to this Memo.

Item 3: We do not understand the continued demand for studies of the manmade ditch which is part of the permitted mining envelope. We have provided significant survey and topo data which satisfies the explanation to us of the original question, which was whether the ditch could possibly back up into the wetland and disturb the ecology of the wetland. Rather than accepting that data and that answer, there are only more questions and more requests for data and reports, requiring more and more study, when the question was clearly answered. This appears to be an inappropriate moving target. While we are and have been willing to respond to the County’s requests for information, the response of the County on this issue is leading down a path which ensures there will never be any resolution.

Detailed grades for the ditch have been provided indicating that it is impossible for drainage from the wetland to back up and alter the flow from the wetland and thus alter the storage capacity and existing flow characteristics. Discharge from the wetland into the balance of the existing ditch line has infiltrated in total for the past recent

years. The ditch itself is part of near-term active mining and will be excavated to the extent of the buffer or property line.

Item 4: We need an explanation of this technical response. This item remains confusing as a portion of wetland B falls within the current permit and both wetland A and B buffers (yet to be finally determined) fall within the current permitted mining area. The buffer averaging proposal is designed to recognize a reasonable, appropriate buffer to the wetland that is within regulatory parameters. At resolution of the wetland rating, the buffer averaging proposal, as presented, will address the current mining plan through site reclamation. We believe it is impossible to divorce the wetland and appropriate buffer distance.

We are not proposing mining into the triangular piece; we are proposing an expansion of wetland buffer area on contiguous property as potential mitigation of reduced buffers in the permitted mining area. DPER's position has not been clearly explained and this was to be a topic of the August 2018 meeting.

Item 5: This explanation is not clear; we do not understand this.

Item 6: There is no current proposal nor need to expand storm water facilities in the area of the infiltration ponds, however, our plans have included this notation since the first approved site plan.

II. Traffic and Road Standards

Item 3: We disagree with DPER's interpretation as stated in this paragraph.

The P-suffix condition was addressing the actual mining extraction area of the quarry to help delineate the mining envelope relative to the retention of native slopes adjacent to the river and exposed to properties to the East. The hearing examiner noted relative to this topic that "Those properties which lie east of the Raging River would be protected by a (remaining...my emphasis) *minimum 200 foot wide ridge which would shield those residential properties from the quarry activities.*"

There was no discussion of the ROW or its use but for respecting the required 200' shoreline buffer. The ROW was designated as a single use access to RRQ quarry on an existing County ROW and required to maintain the road and secure access at the bridge. There is no P-suffix condition that restricts the ROW use as it has been since 1934, when the single use access for quarry purposes was established. The "encroachment" and use of this area for support purposes has appeared on submitted plans for decades. The ROW and surrounding owned land have been used for support purposes that preceded our ownership and the lack of any mention in rezone documents and findings are indicative that this use is grandfathered, not that it is forbidden. See Aerial Photo Exhibit attached to this Memo. Subjective interpretation and expansion of the intent of this condition is presumptuous and inaccurate. RRQ has obtained a ROW permit and intends to continue to use the ROW and surrounding areas as historically (some 85 years) and legally grandfathered (some 40 years). The ROW use permit per discussion with Aaron Hally of KC Real Estate Services will serve to clarify legal liability responsibilities within the ROW.

Item 4: Haul Road Agreement. The information requested regarding quarry years of operation remaining, truck trip levels and volumes has been provided in an earlier email. We have requested and still await the receipt of King County's standard Haul Road Agreement and an explanation of how a Haul Road Agreement is applicable to this permit.

EMAIL EXHIBIT

John & Marla

From: White, Fred <Fred.White@kingcounty.gov>
Sent: Tuesday, June 14, 2016 7:25 AM
To: John & Marla; SLB@coredesigninc.com; Kevin Vanderzanden - CORE Design ; John & Marla; SLB@coredesigninc.com; Kevin Vanderzanden - CORE Design
Cc: Barto, Joe; Barto, Joe
Subject: RE: Raging River - TIR

Morning John,

Joe and I discussed this with Randy yesterday and confirmed the review will be under the 2009 manual and that we will be looking for infiltration tests rather than the mounding analysis. I will leave the details regarding the infiltration analysis to Joe. He can coordinate with CORE.

Regards,

Fred M. White
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**** Important Message ****
Customer Service Hours
7:30-11:30 & 1:00-3:00 Mon/Tue/Thur/Fri
CLOSED WEDNESDAY

Our office is closed to customers every Wednesday. However we have expanded our service hours to all day on Mondays, Tuesdays, Thursdays and Fridays providing customer service from 7:30 – 11:30 a.m. and 1:00 – 3:00 p.m. for walk-ins and those who have general questions.

My work hours are Monday through Friday, 7:30 a.m. to 4:00 p.m.. I am typically in the office every morning and I reserve my afternoons for inspections and field meetings. I am in the office every Thursday providing support to the front counter.

