

Franklin Ridge Sand and Gravel  
August 8, 2019

consideration by Permitting. Include a proposal for a new deadline in any written request for an extension.

Until the site is brought into compliance with the current permit requirements, Permitting staff recommend that you postpone submittal of permit applications for any further proposals (asphalt plant, expansion of permit scope to add silica extraction, or additional materials processing). If you have any questions about this recommendation, you may contact Ty Peterson at **206-477-0449** or [Ty.Peterson@kingcounty.gov](mailto:Ty.Peterson@kingcounty.gov).

If you have questions regarding these requirements for permit compliance or need general clarification regarding the requested actions, please contact me at **206-263-5783** or [areeck@kingcounty.gov](mailto:areeck@kingcounty.gov).

Sincerely,



Amanda L. Reeck  
Engineer III  
Commercial Product Line

cc: Ty Peterson, Commercial Product Line Manager, Permitting Division  
Joe Barto, Engineer II, Commercial Product Line, Permitting Division  
Jennifer Jessen, Health and Environmental Investigator III, Environmental Health Services  
Robert Eichelsdoerfer, Senior Engineer, Road Services Division  
Leslie Drake, Road Property Program Manager, Road Services Division  
Rey Sugui, Project/Program Manager IV, Road Services Division  
Andrew McDonald, Engineer III, WLRD, DNRP  
Eric Dightman, Engineer, Stormwater Services Section, WLRD, DNRP  
Bill Loeber, Forester, KC Department of Natural Resources and Parks  
Nicole Damer, Surface Mine Reclamation Specialist, WA State DNR, WA Geological Survey  
Rian Skov, Chief Reclamationist, WA State DNR, Geology and Earth Resources Division  
Jerry Shervey, Industrial Unit Supervisor, WA State Department of Ecology, WQP  
Jacob Carnes, Sand and Gravel Permit Manager, WA State Department of Ecology, WQP  
Bill Wheeler, Franklin Ridge Sand and Gravel Operations Manager  
Erik Wheeler, Managing Member, Wheeler Construction  
David Thomas, Co-owner, Wheeler Construction  
Fred White, BranBar Land Resources Division

2015 site plans that were provided for the revision to the Franklin Ridge grading permit, approved by King County on April 26, 2016, indicate maximum backfill elevations that would be lower than pre-mining original contour elevations in many portions of the site and would match pre-development elevations in other locations. These elevations were generally consistent with the plans for the 2016 state DNR reclamation permit.

- Please provide a copy of the most recent NPDES permit, WAG503365, including the Washington State Department of Ecology (Ecology) approved site map, spill control plan, Erosion and Sediment Control Plan (ESCP), Monitoring Plan, and Stormwater Pollution Prevention Plan (SWPP) intended for use with the sand and gravel general permit. Permitting staff will also forward these documents to the City of Black Diamond for comments, consistent with rezone condition #10.
- Please provide a copy of the current Puget Sound Clean Air Agency (PSCAA) permit or registration for the site.
- Provide an explanation regarding the placement of the additional office trailer on the site.
- Franklin Ridge will be required to work with Permitting staff to put together a permitting strategy to address any mineral extraction and geotechnical investigations that occurred in the proposed silica pit area that were outside the scope of the current permit and occurred without proper KC reviews and permits. With 60 days of the date of this letter, submit a site plan and summary of the work that occurred in that portion of the site for initial screening. Following a preliminary screening of that submittal, Permitting staff will inform the GRDE15-0070 permit holder of required next steps to obtain the permits necessary to correct the work that occurred without a permit, which could include a required pre-application meeting, submittal of an ABC permit application via PSS, submittal of an ABC permit application via an intake appointment, or other permitting pathways.
- The change in scope addressed in the most recent DNR-approved revision to state reclamation permit #70-012688 was not included in the April 26, 2016 revision to the King County grading permit reviewed under GRDE15-0070 or in the scope of the SEPA environmental checklist that was reviewed and the MDNS that was issued for the rezone. A SEPA review and threshold determination has not been completed by King County for those activities. The additional extraction discussed under that reclamation permit revision cannot occur without additional reviews and approvals by King County. The inconsistency between the state reclamation permit and the King County grading permit should be addressed.

The required documentation listed above shall be submitted to Permitting by **October 7, 2019 (within 60 days of the date of this letter)**, or Permitting will suspend your permit for non-compliance with the permit conditions. In the event you feel extenuating circumstances exist that may justify a request for an extension of this date, you may submit such a request, in writing, for

or 80 conifers per acre would need to be planted, which GS30 planned for early 2014. The Forest Stewardship Plan also indicates that, once the site is “caught up” on reforestation and reclamation, only 14.2 acres will be disturbed at one time, and this is further asserted by GS30 on page 3 in the “Operations Plan” found in the application materials submitted to DPER on April 6, 2015 to modify the grading permit to allow mineral extraction in the expansion areas discussed in the rezone proposal that were beyond the scope of the earlier L03RE015 Interwest permit revision. It is unclear at this time whether or not all these proposed actions related to reclamation, reforestation, and forest management activities have been carried out and whether or not the site is currently in compliance with rezone condition #12. The reforestation-related rezone conditions were intended to address other issues in addition to the state reclamation requirements and Forest Stewardship Plan requirements, such as potential noise impacts and additional screening for adjacent short-platted properties. Therefore:

- Provide documentation that the required reforestation of all previously clear-cut areas in advance of mining has occurred and that reforestation of subsequently mine-out areas has begun and has occurred promptly, consistent with permit conditions and the reclamation plan on file with Washington State Department of Natural Resources and as required by the rezone conditions.
  - Verification of the reforestation requirements may also require coordination with Permitting staff to set up a site inspection. Contact Amanda L. Reeck at 206-263-5783 or [areeck@kingcounty.gov](mailto:areeck@kingcounty.gov) to schedule an inspection with appropriate Permitting staff.
  - If the Forest Stewardship Plan has been updated since 08/14/2013, provide Permitting staff with a copy of the current King County DNRP-approved forest management plan. Provide a copy of the forest map that accompanies the Forest Stewardship Plan.
  - Provide a map of the past, current, and proposed clearing, replanting, reforestation, and other forest management activities that are occurring under this permit (GRDE15-0070) or that previously occurred.
  - Provide an explanation regarding the consistency of the reclamation and reforestation occurring as part of current operations with the reclamation and reforestation requirements that were presented by the applicant for previous King County reviews and approvals.
- During an inspection by Joe Barto on July 18, 2019, backfill placement was observed that appeared higher than the surrounding unmined land. Provide an explanation or documentation that the height of the backfill being deposited on the site has not exceeded the maximum elevations under the approved state reclamation permit and approved county grading permit. Typically, the height of backfill cannot exceed the elevations of the original pre-mining contours. The reclamation pages on the August 28,

- The updated noise monitoring study required by rezone condition #9 has not been submitted for review and approval by King County: The Environmental Noise Analysis dated April 7, 2009 submitted by Interwest early in the rezone process and included as an attachment with the April 6, 2015 GS30 grading permit application materials stated “the equipment now in use at the mine will continue to be used to the new expansion boundary,” but the narrative included with the April 2015 submittal indicated that GS30 would be using different equipment than Interwest. The April 7, 2009 also does not demonstrate compliance with the King County Noise Ordinance. The King County review of the required noise monitoring study may result in additional permit conditions if necessary to ensure compliance with the code requirements, rezone conditions, or recommendations of the report(s). This required review of the noise monitoring study can occur as part of the same permit revision that is necessary to complete other required reviews by Permitting. . Therefore, submit a report meeting the requirements of rezone condition #9 for review and approval by Permitting staff, which may require review by a specialized outside 3<sup>rd</sup> party consultant.
- Rezone condition #11 requires that the buffer along eastern edge of flooded silica pit extended north all the way to Enumclaw-Franklin Road SE. Any portion of this buffer that was previously clear-cut must also be reforested. The vegetation along applicable portions of the site perimeter must also be consistent with KCC 21A.16.040.A, except using only plantings native to the surrounding area, to satisfy the requirements for landscape screening in accordance with KCC21A.22.060 and permit condition G under “General Requirements.” Provide documentation that any of the required reforestation, revegetation, or landscape planting has been completed. Following submittal of the documentation showing how Franklin Ridge believes these requirements were met, contact Amanda L. Reeck at **206-263-5783** or [areeck@kingcounty.gov](mailto:areeck@kingcounty.gov) to schedule an inspection with appropriate Permitting staff in order to verify compliance with these requirements. The buffers/setbacks shown on the reclamation plan dated February 25, 2016 and dated received by DNR Geology and Earth Resources on March 14, 2016 are also inconsistent with the approved setbacks set forth in the March 17, 2016 GRDE15-0070 permit conditions (see General Requirements E.1 and E.2) and the buffers indicated in the rezone decision, and coordination with WA State DNR may be necessary to verify that the state reclamation permit reflects what is possible under the King County grading permit and rezone conditions.
- On April 6, 2015, GS30 provided Permitting staff with a project narrative, including an attached copy of the County-approved Amended Forest Stewardship Plan that was in effect for the site at that time, as part of the application materials for the permit revision that was necessary prior to resumption of mining and in an effort to demonstrate that the Franklin Ridge site had already complied with rezone condition #12. The provided DNRP Forestry Program-approved Amended Forest Stewardship Plan from 08/14/2013 states that, following approval of the rezone, the plan would be amended to specify the location and time frame for reclamation of “Unit 2,” and that the amended Plan would also incorporate forthcoming recommendations from a professional forester. A September 16, 2013 letter from Dan Bruner indicated that in order to bring the property up to required DNR standards, that Dan Bruner recommended an additional 4000 trees

substituted for the minor floodplain study, as long as the approximate base flood elevation is shown on the site plans.

- Certain required buffers and setbacks are not currently shown or are being shown incorrectly on the site plan and are not reflected in the state DNR reclamation permit. These buffers and setbacks are required by permit conditions, previous MDNS mitigation measures, and the rezone conditions. When the TIR is prepared and submitted to Permitting for review as part of a permit revision application, the site plans should also be revised to show the actual required buffers. If revised site plans are not submitted for review as part of a permit revision application at this time, the required buffers and setbacks will still be in effect, as specified in the applicable permit conditions, previous MDNS mitigation measures, and the rezone conditions.
- The complete King County review of the coal mine hazard area study required by rezone condition #4 has not yet occurred. The more detailed level of critical areas review necessary for a grading permit did not occur under the rezone as GS30 assumed; that's why rezone condition #4 was applied stating that this review would need to be accomplished during the grading permit process. This required critical areas review may result in additional permit conditions if necessary to ensure compliance with the code requirements, rezone conditions, or recommendations of the report(s). This required geological critical areas review can occur as part of the same permit revision that will be required to incorporate the TIR and drainage plan into the current permit; therefore, submit a report meeting the requirements of rezone condition #4 for review and approval by critical areas staff.
- The complete King County review of the wildlife study required by rezone condition #5 has not yet occurred. The more detailed level of critical areas review necessary for a grading permit did not occur under the rezone as GS30 assumed; that's why rezone condition #5 was applied stating that this review would need to be accomplished during the grading permit process. This required critical areas review may result in additional permit conditions if necessary to ensure compliance with the code requirements, rezone conditions, or recommendations of the report(s). This required ecological critical areas review can occur as part of the same permit revision that will be required to incorporate the TIR and drainage plan into the current permit; therefore, submit a wildlife habitat report meeting the requirements of rezone condition #5 for review and approval by critical areas staff.
- The complete King County review of the report providing information about groundwater for the project site required by rezone condition #6 has not yet occurred. This required critical areas and engineering review may result in additional permit conditions if necessary to ensure compliance with the code requirements, rezone conditions, or recommendations of the report(s). This required reviews can occur as part of the same permit revision that will be required to incorporate the TIR and drainage plan into the current permit; therefore, submit a report meeting the requirements of rezone condition #6 for review and approval by Permitting staff.

application for the required clearing/grading permit or ROW Use permit for any required repairs or reconstruction consistent with rezone conditions #3, #7A, and #8.

- MDNS condition #4 and rezone condition #7D requires that truck volumes from GS30 records of operation be provided to King County. Submit three copies of documentation of the truck volumes for the time period of April 26, 2016 through the present to Permitting for consideration by RSD in their evaluation of what additional road repair and reconstruction may be necessary either prior to or as part of implementation of the required haul road agreement.
- A Technical Information Report (TIR) has not yet been reviewed and approved by the Permitting Division for the current grading permit. Permit conditions require compliance with KCC 9.04 and rezone condition #3 requires that a grading permit shall be obtained prior to any work, and the grading permit application “shall comply with the applicable provisions of the King County Surface Water Design Manual.” To demonstrate that the site complies with those requirements, submit a TIR for review and approval by Permitting staff, which must demonstrate compliance with all nine core requirements and all five special requirements of the 2016 SWDM. Please note the TIR must address water quality requirements, including the requirement to provide WQ treatment from the Enhanced Basic Menu for due to the “Commercial, industrial, or multifamily land use” at this site. The draft TIR dated 11/6/2018 submitted for pre-screening only via email to Joe Barto on 03/19/2019 would not adequately satisfy these conditions. The draft TIR dated 11/6/2018 also did not accurately characterize the changed land cover and soil types that will be present during mining operations. Permitting staff have determined that the required TIR will need to be submitted as part of an application to revise GRDE15-0070 and, if the analysis in the TIR indicates that upgrades or modifications to the current drainage system are required, then, the site plan will also need to be revised for consistency with the SWDM requirements. Permitting staff will also forward this TIR and associated plans to the City of Black Diamond for comments, consistent with rezone condition #10, and the TIR must address the required BMP elements discussed in rezone condition #10.
- In addition to other SWDM requirements, per King County SWDM definitions, the flooded silica pit (sometimes referred to as Area A) and the smaller wetland to the north (sometimes referred to as Area B) are potentially considered onsite closed depressions or ponding areas. A minor floodplain/floodway study must be completed in accordance with SWDM requirements (see Special Requirement #3 and SWDM Section 4.4.2), and a Flood Hazard Certificate (FHC) must be completed for review and approval by King County. If the floodplain delineation completed as a result of the minor floodplain study shows that any portion of the proposed “project site,” as defined by the SWDM, will fall within the delineated floodplain, then, additional analyses may be required to comply with flood hazard requirements in KCC 21A.24, as indicated on the FHC. If the applicant’s engineer can demonstrate that the project site (areas where activities have occurred or will be occurring under GRDE15-0070) is on land that is at least 10 feet above the ordinary high water mark or 2 feet above the downstream overflow elevation of these water features, then, an approximate floodplain study could potentially be

- An inert waste permit will need to be obtained from Public Health Seattle-King County, Environmental Health Services Division, for the deposition of inert wastes. Note: The maximum size of inert waste deposited with an inert waste permit is governed by the Clearing and Grading Code, KCC 16.82.
- Submit documentation of a finalized Haul Road agreement with King County DLS – RSD addressing the MDNS requirements and rezone conditions #7A through #7E, which require Reconstruction and Repair to Enumclaw-Franklin Road. In order to initiate the process for a Haul Road Agreement, the permittee must submit additional information necessary for RSD to determine the nature and terms of any such agreement. King County DLS – RSD will be providing the Permitting Division and GS30 with a list of required information to initiate development of the haul road agreement. GS30, as the Franklin Ridge Sand and Gravel GRDE15-0070 permit holder, must submit the requested reports and data within 30 days of being notified of what content the submittal must address. Please copy Permitting staff when submitting the requested information to RSD to allow the documentation to be added to the GRDE15-0070 permit file. Permitting recognizes that a finalized Haul Road agreement is one of the action items that may take longer than 60 days to fully complete. However, Permitting staff will need to see that progress is being made according to any timelines agreed upon with RSD and Permitting staff and that the initial requested information necessary for RSD to begin work to draft the agreement is submitted within the allotted timeframe.
- Provide three copies of the plans for the road repairs previously completed by GS30, which must address the grading, drainage, and roadway improvement work. Provide documentation of how these plans for offsite roadway improvements and work within the ROW were reviewed and approved by King County. Aspects of the road repair work may have been incorporated into the reviews for resumption of mining under GRDE15-0070. If Permitting staff determine, upon review of the submitted documents, that the necessary King County permits and approvals were not obtained at the time the previous roadway repair work was completed, Permitting staff may require that GS30 submit the appropriate permit applications in order to comply with rezone conditions #3 and #8.
- MDNS condition #2 and rezone condition #7B requires that GS30 provide a maintenance fund to the County's satisfaction, to be used for on-going County maintenance of Enumclaw-Franklin Road. RSD will be providing the Permitting Division and GS30 with details of the required amount and form of this maintenance fund. Within 30 days of being notified of the maintenance fund requirements, GS30, as the Franklin Ridge Sand and Gravel GRDE15-0070 permit holder, must submit the required paperwork to Permitting for processing.
- MDNS condition #1, #3, #4, and #5 and rezone condition #7 indicate that King County may identify and require additional repairs and reconstruction needs on Enumclaw-Franklin Road related to Franklin Ridge operations and the adequacy of the initial repairs. RSD will be providing the Permitting Division and GS30 with a list of additional work that they have determined is currently necessary. Within 60 days of being notified of the scope of the additional required road repairs and reconstruction, GS30, as the Franklin Ridge Sand and Gravel GRDE15-0070 permit holder, must submit an



**King County**

**Permitting Division**

Department of Local Services

35030 SE Douglas Street, Suite 210  
Snoqualmie, WA 98065-9266

206-296-6600 | Relay: 711

<https://kingcounty.gov/permits>

August 8, 2019

Franklin Ridge Sand and Gravel  
GREEN SECTION 30 LLC  
ATTN: DAVID MORRIS  
2319 HOBART AVE SE  
SEATTLE, WA 98116

RE: GRDE15-0070 Permit Conditions, Rezone Conditions, and Mitigated Determination of Non-Significance (MDNS) Conditions; Haul Road Agreement; Silica Extraction Activities; Compliance with KCC 9.04 Requirements

Dear Mr. Morris:

This letter is to inform you that your permit for Franklin Ridge Sand and Gravel (GRDE15-0070) was set to expire on April 26, 2017, and it is a requirement (KCC 21A.22.08) that an active grading permit remain in force until the site is appropriately reclaimed. The King County Department of Local Services (DLS) – Permitting Division (Permitting) has not yet processed the annual renewals for the past two years due to a number of permit compliance issues identified in 2017. DLS – Permitting has now begun the process to extend your permit for the 2017-2018 and 2018 -2019 time periods, including billing fees for the associated renewals and annual inspections. However, there are a number of requirements that must be met in order to bring this permit into good standing. Renewals for the April 27, 2019 – April 26, 2020 time period and beyond will not be processed until satisfactory progress, as determined by Permitting staff, has been made in addressing the issues identified below and, if it is not feasible to complete all required items in the timeframes specified below, a proposed schedule to bring the permit into compliance has been agreed upon with Permitting staff.

Due to ongoing impacts related to the condition of Enumclaw-Franklin Road, at this time, DLS – Permitting is requesting that Green Section 30, LLC (GS30), as the permittee, begin the process to enter into a Haul Road Agreement (2016 King County Road Design and Construction Standards, Subsection 9.08.D) with the King County DLS – Road Services Division (RSD) that addresses conditions of the Mitigated Determination of Non-Significance (MDNS), rezone, and permit related to Enumclaw-Franklin Road. Furthermore, the following action items must be completed in order to remain in compliance with these and other King County permit conditions:

- The extraction of silica below the outwash sand and gravel is outside the scope of the current KC DLS – Permitting approved grading permit, GRDE15-0070. All mining of silica shall cease, effective immediately, and any safety issues shall be addressed.