



## **King County**

### **Department of Permitting and Environmental Review**

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October 17, 2017

Gretchen Pinkham  
Office of Surface Mining Reclamation and Enforcement  
Western Region  
1999 Broadway, Suite 3320  
Denver, CO 80202-3050

Re: Revision Application and Renewal of Permit WA-0007D  
Comments on Environmental Assessment and Finding of No Significant Impact

Dear Ms. Pinkham:

King County appreciates the opportunity to comment on the revised Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the proposed resumption of mining at the Pacific Coast Coal Company's John Henry Mine No.1 in Black Diamond, King County, Washington. This letter builds on our comment letter on the EA issued in 2014 and ongoing communications with the Office of Surface Mining Reclamation and Enforcement (OSMRE) to ensure compliance with our respective policies and regulations applicable to existing mining operations at this site.

In our review of the original EA issued for this application in 2014, we identified a number of key areas, including traffic, water quality/quantity, visual, reclamation and climate change, where the EA lacked the level of detailed analyses necessary to complete a comprehensive assessment of environmental effects of the proposed resumption of mining. Of particular concern was proposed mitigation for expected project impacts using facilities that were constructed when the mine was first opened in the mid-1980s. Many of these facilities, including the storm water control devices, were built to standards that are significantly inadequate compared to current standards. These comments were provided to OSMRE in a letter dated May 13, 2014.

The updated EA issued on September 18, 2017 addresses several of our requests for more comprehensive analysis of impacts and application of specific conditions based on the periodic review of mining operations at this site we initiated in 2014. However, the EA's mitigation requirements and finding of "no significant impact" fall short in several areas and threaten to violate state and local policies for climate change and regulations for stormwater.

The comments that follow correspond with the issues that were identified in our May 13, 2014 letter.

### Transportation

In October 2014, Pacific Coast Coal Company (PCCC) provided supplemental information to the Department of Permitting and Environmental Review that clarified that with the exception of a 0.8 mile segment of the Ravensdale-Black Diamond Road, all of the haul roads proposed to transport coal from the mine site to market were either state highways or were located outside of King County's jurisdiction. In our October 24, 2014 letter to OSMRE, we indicated that the concerns that we had previously expressed over transportation related impacts would be adequately addressed if the following conditions were incorporated into the revised OSMRE permit if it were to be approved:

- Coal hauling trucks are prohibited from using Ravensdale-Black Diamond Road north of the mine entrance.
- No hauling during peak traffic periods; 7 am to 9 am and 4 pm to 6 pm daily.
- All loaded trucks shall be covered.

In December 2014, DPER completed its periodic review of the John Henry Mine. This review is required under King County's zoning regulations and is an opportunity for in-depth review of a mineral resource facility's fulfillment of state and county regulations and implementation of industry-standard best management practices. The scope of this review included the proposed continuation of mining.

During this review, several additional concerns was raised regarding potential tracking onto Ravensdale-Black Diamond Road. To address these concerns, DPER is amending its permit for the John Henry Mine and is requiring the following:

- Once hauling begins, the permitted shall monitor the mine exit onto Ravensdale-Black Diamond Road for possible tracking. If it is determined that tracking is a chronic problem during inclement weather, the permittee shall have sixty (60) days to provide a workable solution that prevents further tracking. This may require moving the wheel wash further into the interior of the site.

This condition and the conditions listed above are all referenced in the EA. The commitments made by PCCC to King County should be specifically included in OSMRE's permit decision as required transportation mitigation measures.

### Water Quality and Quantity

In our May 13, 2014 comment letter to OSMRE on the original EA, DPER noted that the stormwater runoff facilities at the John Henry Mine were constructed in the mid-1980s to standards that have changed significantly over the past twenty-five years. There was no analyses in the original EA that demonstrated the existing facilities were adequate to control quantity and quality of stormwater runoff from this site. We recommended that PCCC provide a detailed evaluation of the on-site facilities to demonstrate that they provide equivalent flow control, water quality and applicable storm water best management practices as required by the Washington State Department of Ecology's

2012 Storm Water Management Manual for Western Washington, as amended and supplemented by King County's 2016 Surface Water Design Manual. (SWDM) The current EA does not address this concern and essentially concludes that water quantity/quality impacts will be mitigated through use of these antiquated and untested facilities and, as a result, impacts would be insignificant.

In the Periodic Review Report and Decision that was completed on December 24, 2014, DPER concluded that a new engineering analyses needed to be completed by a licensed engineer that demonstrated that the site's current stormwater facilities met the requirements of King County's current SWDM. . This analyses needed to be prepared sufficiently in advance of the resumption of mining to provide opportunities during the dry season to make any necessary upgrades if the current facilities are found deficient. Since PCCC did not appeal this recommendation and decision, it is an obligation that PCCC is required to meet under its permit with King County. Accordingly, OSMRE should include this as a mitigation measure should the John Henry Mine permit be revised to allow resumption of mining.

#### Climate Change

The draft EA recognizes that greenhouse gas (GHG) emissions are the main cause of recent and projected local and global impacts of climate change, and thoroughly quantifies direct and indirect GHG emissions associated with the proposed alternatives. Estimated annual emissions from the Proposed Action Alternative are 240,410 metric tons of carbon dioxide equivalent (MTCO<sub>2e</sub>) per year for years 1 through 6 of the project. This quantity of annual GHG emissions is significantly more than the 100,000 MTCO<sub>2e</sub> threshold established by the Washington State Department of Ecology for regulated entities under the Washington State Clean Air Rule, demonstrating the size of proposed project. King County's Comprehensive Plan, updated in 2016, includes policy direction for review and mitigation of climate impacts as part of the environmental review of permits for mining operations.

Coal is the dirtiest and most polluting fossil fuel energy source, with as much as twice the GHG emissions per unit of energy even compared to other fossil fuel based sources such as natural gas. According to the Environmental Protection Agency Greenhouse Gas Equivalencies calculator, annual emissions from the project are equivalent to driving approximately 51,500 cars for one year, or the average energy use by 26,000 homes for one year.

The proposed project does not include any mitigation measures for its GHG emissions. Washington State, King County, and cities in King County have all adopted ambitious GHG emissions reduction requirements and targets. The Proposed Action Alternative would result in a significant amount of new coal to be mined, with no guarantee that it is offsetting or replacing coal mined from other sources. This quantify of GHG emissions is substantial, and mitigation of these sources should be required. While coal mining for

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energy use will inherently result in emissions through coal combustion, GHG emissions sources related to mining and transport of the coal could be reduced, for example by reducing or using cleaner energy and fuel to support mine operations and coal transport.

#### Reclamation

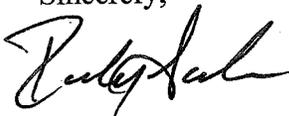
Finally, the EA should incorporate an accountability framework for reclamation of the site. Where reclamation can begin concurrent with mining operations, this should be required to the maximum extent feasible. If the “no action” alternative is chosen, then the EA should include binding requirements and to initiate and complete reclamation within prescribed timeframes.

#### Conclusion

The revised EA, mitigation, and FONSI fails to fully address the concerns that were raised in our May 13, 2014 comment letter in the areas of transportation, surface water quantity and quality, climate change, and reclamation. We recommend the FONSI be revised to specifically incorporate the mitigation measures included above and that are summarized in the December 24, 2014 Periodic Review Report and Decision that is included as a technical appendix to the EA. Further, review and application of current stormwater standards adopted by the county in 2016 should be required as a condition of any federal approval to resume mining. We would also respectfully recommend that you defer any final action on the application to resume mining at this facility until mitigation measures have been identified and incorporated into the EA that would significantly reduce the GHG impacts of the project. Clearer accountability measures for timely reclamation, under both the no action and action alternatives must be established for this site.

Thank you again for the opportunity to comment on the proposed resumption of mining at the John Henry Mine No. 1. If you have any questions regarding these comments, you can contact me at [randy.sandin@kingcounty.gov](mailto:randy.sandin@kingcounty.gov) or by phone at 206-477-0378.

Sincerely,



Randy Sandin, Manager  
Resource Product Line

Cc: Megan Smith, Director of Climate Change and Energy, Executive's Office  
Matt Kuharic, Senior Climate Change Specialist, KC DNRP  
Darren Carnell, Senior Deputy Prosecuting Attorney, Civil Division