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May 13, 2014

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

RE: Comments on Environmental Assessment of Proposed Revision of Permit WA0007D for Resumption of Coal Mining at John Henry No. 1 Mine

Dear Mr. Wilcox:

King County appreciates the opportunity to comment on the Environmental Assessment (EA) for the proposed resumption of mining at Pacific Coast Coal Company's (PCCC) John Henry Mine No. 1 in Black Diamond, King County, Washington. We have been engaged in a long-standing collaborative effort with the Office of Surface Mining Reclamation and Enforcement (OSMRE) to ensure compliance with the applicable regulations on this site and look forward to continuing that relationship through the final reclamation of the mine site.

The proposal to reopen mining at this site will result in direct impacts to residents in eastern King County from increased truck traffic, health concerns associated with blasting and mining operations, and potential impacts to water quality. Moreover, federal approval to reopen the mine has significant implications for regional progress in confronting climate change. In some key areas, such as traffic, water quality, and climate change, the EA lacks the detailed information and analyses necessary to complete a comprehensively assess the environmental effects of the proposed resumption of mining. Many of the expected project related impacts, especially in the area of water quality, are proposed to be mitigated through 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.

The original permit was approved after completion of an Environmental Impact Statement (EIS) which expected the mining and reclamation at this site would have been completed over ten years ago. It has been over fifteen years since mining and processing occurred at this site and about thirty years since the original environmental documents were prepared. Since preparation of the EIS, the area around the John Henry Mine has developed, individuals and communities

potentially impacted by resumed operations have changed, and, as noted in the EA, impacts such as climate change were not even issues for consideration. For these and other reasons which are covered in more detail below, a more robust evaluation of project impacts, in the form of an addendum or supplement to the OSMRE's 1985 FEIS, should be completed before a decision is made on this request to resume mining.

Climate Change

The assessment of climate change impacts in the EA does not reflect the latest science on climate change at either a global or regional scale. The EA notes that "Standardized protocols designed to measure factors that may contribute to climate change, and to quantify climatic impacts, are presently unavailable. As a consequence, impact assessment of specific impacts related to anthropogenic activities on global climate change cannot be accurately estimated. The EA states further that "local climate has not changed perceptively since 1986."

In fact, the recently released National Climate Assessment (NCA) highlights a series of already observed and significant changes in climate in the Pacific Northwest, and was released by the White House in partnership with thirteen federal agencies including the Department of Interior. The NCA provides a consensus assessment of current and projected, human-caused climate impacts at national and regional scales.

Across the globe, nation, and in King County, climate change is resulting in serious impacts: sea levels are rising, glaciers are melting, and climate-related natural disasters are causing diverse environmental, public health and economic impacts. Human sources of greenhouse gas emissions are the primary cause of recent climate change. Due to the quick mixing of the atmosphere, greenhouse gas emissions affect both global and local climate.

Moreover, the finding of the EA that the effect on climate change from surface coal mining and coal processing at the level of 84,000 tons per year is "insignificant" is not consistent with Washington State Department of Ecology's guidance for State Environmental Policy Act (SEPA) review of climate impacts.[1]

Burning coal has the highest greenhouse gas emissions per unit of energy of any major fuel source – significantly higher even when compared to other fossil fuel energy sources. While coal use for electricity generation has declined significantly in recent years, in the United States it continues to be the largest energy source for electricity[2]. Coal burning associated with the resumption of mining at the John Henry Mine No. 1 is projected at 181,000 tons of carbon dioxide equivalent per year. This is equivalent to the annual GHG emissions of roughly 35,000 average passenger vehicles.

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[1] http://www.ecy.wa.gov/climatechange/sepa.htm
[2] http://eia.gov/gov/energy in brief/article/role/ coal us.cfm

Washington State Law (RCW 70.235.020) established greenhouse gas reduction requirements for Washington State. By 2020, Washington State is required to return statewide GHG emissions to 1990 levels - on track to a long term target to reduce emissions by 50% by 2050. Additionally, King County is committed to responding to climate change and is focused on reducing operational and community-scale GHG emissions. King County has adopted policy to achieve an at least 80% reduction in community-level GHG emissions by 2050[3].

Guidance from the Washington State Department of Ecology related to Washington's State Environmental Policy Act (SEPA) environmental review process calls for state and local agencies to identify, disclose, and consider the probable environmental impacts that may result from their environmental review related decisions. Ecology's guidance outlines that GHG emissions adversely affect the environment by contributing to global climate change.

While the EA is a federal assessment, Washington State SEPA guidance is the most relevant available guidance for reviewing potential climate impacts within a Washington State context. Under Ecology's SEPA and Climate Change Guidance, a proposal is presumed to be not significant for greenhouse gas emissions and thus no further mitigation for greenhouse gas emissions will be necessary if it is: (1) expected to result in fewer than 25,000 metric tons a year, (2) subject to a legal requirement to reduce or mitigate GHG emissions, or (3) expected to result in emissions of 25,000 metric tons or more a year and has incorporated mitigation measures to reduce its emissions by approximately 11% below what its emissions would have been without those mitigation measures. As proposed, the John Henry Mine No. 1 does not meet any of these presumptions for insignificant impacts.

Under Washington State SEPA guidance, the proposal to resume coal mining at the John Henry Mine No. 1 at the volumes projected in the EA could result in significant environmental impacts and warrants additional environmental review.

Transportation

The EA provides insufficient information on haul routes, potential maximum hourly or daily truck trips, and expected hours of hauling or additional market locations needed to adequately evaluate traffic safety or level of service impacts.

The EA states that the proposed production rate described in the revision application is approximately a third of historic production at the mine site. The original permit provided for removal of 350,000 run-of-mine (ROM) short tons per year while the current proposal is for 130,000 ROM short tons per year. The EA indicates that under the Proposed Action Alternative

[3] King County 2012 Comprehensive Plan and King County Strategic Climate Action Plan

average truck traffic is only ten (10) trucks per day, five days per week and is relatively insignificant. Transportation related impacts are intended to be mitigated through use of an existing on-site wheel wash. The applicant, Pacific Coast Coal Company, (PCCC) indicated in the EA they will also mitigate truck traffic by scheduling coal transport during off or non-peak hours whenever possible.

There is little information provided in the EA on haul routes, potential maximum hourly or daily truck trips, expected hours of hauling or additional market locations. Without this information, it is impossible to adequately evaluate traffic safety or level of service impacts. Based upon a meeting we had with PCCC after publication of the EA, we learned that the coal being shipped to Lehigh Cement will be transported to the Port of Tacoma by truck where it will be loaded onto barges and shipped to British Columbia. With the exception of a very short distance where the trucks will be on the Ravensdale-Black Diamond Road, the truck traffic will likely utilize Washington State highways, utilizing some combination of I-5, SR 169, SR 18, and/or SR 410. Without identification of the specific haul routes, it is impossible to assess the potential safety impacts or impacts to level of service that would result from this renewed coal transport.

During our discussions with PCCC, we were told that the coal would be loaded directly onto the barges and that no stockpiling would occur at the Port of Tacoma load-out facility. They also informed us that they are anticipating approximately three (3) barges every two (2) months. As each barge will transport five-thousand (5,000) tons of coal, PCCC will need to deliver 15,000 tons of coal to the load-out facility every two months. They are proposing to utilize tractor trailers combinations for this haul which will transport 18-20 cubic yards of material on average. Over a two month period, this would result in an average daily truck count that is at least double what is estimated in the EA. There needs to be some clarification on this issue. Will there be a barge constantly tied up for loading or will the operator increase the number of trips per day well beyond the "averages" noted in the assessment. In our discussions with PCCC they have indicated that there may be peaks of up to 80 trucks per day. This is a significantly different impact than the average of 10 per day identified in the EA.

The EA and PCCC have noted that there will be every attempt made to avoid hauling during peak traffic hours. This should be expressly included as a condition of permit approval. Another concern is possible dust emissions from hauling this light material to the Port. The State of Washington requires every load with less than six inches of freeboard be covered. While PCCC has indicated to us that it is their intention to require the hauling contractor to cover each load, a more enforceable requirement would be to include this as a condition of approval in OSMRE's final decision.

The final item under transportation is the wheel wash that is proposed to mitigate traffic related impacts resulting from renewed coal mining. While recent inspections have revealed that the wheel wash is functional and an effective tool at low traffic volumes to reduce tracking of mud and dust onto public roads, we are concerned that it was placed too close to the intersection of the entrance road with the Ravensdale-Black Diamond Road (RBDR). The proximity to the

RBDR is such that there is not a sufficient interval for the excess water and mud to fall from the wheels and undercarriages before exiting onto the county road. This will need to be monitored once hauling begins and if tracking out of the site becomes an issue, the operator should be required to either pave the exit road from the wheel wash to its connection with RBDR or relocate the wheel wash further away from the county roadway.

In summary, PCCC should complete a more detailed analysis of potential traffic impacts including as assessment of haul routes, locations, duration and timing of coal hauling with a more accurate estimate of traffic volumes leaving the site during barge loading operations. There should also be an assessment made of potential traffic impacts from hauling to receiving sites in Seattle and other potential markets which is intimated, but not evaluated, in the EA. Any permit revision should be conditioned to include conditions that require coal hauling during off-peak traffic hours, that all truck-loads of transported coal be covered, and that tracking of mud and debris onto public roads is prohibited.

Visual

The original King County Grading Permit required a visual screen (6-foot wooden fence) along the Green River Gorge Road. The purpose of this screen was to obscure mining operations from the public traveling on the Gorge Road. This fence fell into disrepair and with abandonment of mining in the late 1990's, there was no longer a need for this screen so it was allowed to be removed. With the potential resumption of activities at the site, OSMRE should consider requiring some form of vegetative or solid constructed screen. Our concern is with the potential creation of an attractive nuisance that could distract drivers travelling this roadway. Additionally, the City of Black Diamond grading permit includes a condition requiring a wooden fence be constructed along the permit boundary within the City. The fencing required by the City permit has not been installed to date.

Reclamation

The proposed final reclamation calls for backfilling Pit 1 and creating a shallow cut lake. We have some concerns with the methodology proposed by PCCC and approved by OSMRE for reclaiming these pits. The side casting of material into Pit 1 until the floor elevation of the proposed lake is achieved is not the typical bottom up construction fill one normally utilizes in the construction of this type of feature. There is no discussion or analysis in the EA on why the conventional bottom up practice which is currently being used in the reclamation of the Centralia mine by PP&L under the supervision of OSMRE is not being done at this site. While we recognize the difficulty associated with pumping and draining Pit 1 in order to facilitate that type of construction during reclamation, the concerns we have expressed regarding this methodology, for example, slope stability, accurate elevations, safety, etc., have not been addressed in this EA.

Water Quality and Quantity

The drainage facilities and water quality issues on this site are monitored by three agencies: The Washington State Department of Ecology through the National Pollutant Discharge Elimination System (NPDES) permit, the King County Departments of Natural Resources and Parks and Permitting and Environmental Review through its municipal storm water permit, and the Office of Surface Mining Reclamation and Enforce through their mining permit. OSMRE monitors background and water quality at ten monitoring points in and around the mine site. The NPDES permit monitors discharge at five points for ponds A through H2. The proposed revision includes an additional monitoring point at the Pit 1 discharge.

There has been a lot of concern over phosphorous levels in Lake Sawyer where the majority of the runoff from this site is eventually received. As noted in the Cumulative Hydrologic Impact Assessment (CHIA), between 1993 and 1999 when mining was active, the mine's contribution to phosphorus loading at Lake Sawyer generally increased from a low of 4.3 percent in 1993 to a peak of 14.8 percent in 1998. Shortly after mining concluded in 1999, phosphorous loading from the mine dropped significantly, "and a decline in loading can be observed in the years 2000 to 2010.[4] Based on that trend, the CHIA and EA concluded that phosphorous loading can be expected to increase slightly with the resumption of mining but would be able to be mitigated with existing sediment ponds and other best management practices. The monitoring data for 2009 and 2010 show elevated levels of phosphorous that approached 1999 levels even though there has been no activity at the site. Neither the EA nor the CHIA adequately explain how existing on-site water quality treatment facilities or practices will be able to adequately address the additional phosphorous loading that will result from the renewed mining.

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 has been no analysis completed that demonstrates the existing facilities are adequate to control runoff from this site. PCCC should provide a detailed evaluation of the on-site 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' 2012 Storm Water Management Manual for Western Washington.

Conclusion

The EA does not provide the level of detail and analysis needed to complete a comprehensive evaluation of the environmental impacts of this proposal to resume mining at the John Henry Mine. The (OSMRE) should defer making a final decision on this request until a more thorough analysis of environmental impacts has been completed and the concerns raised here and by other commenters have been addressed.

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[4] CHIA, Table 16, page 32.

In addition, the Department of Permitting and Environmental Review will be initiating a comprehensive review of this operation as required by King County Code K.C.C. 21A.22.050. The purpose of this periodic review is to determine whether the site is operating consistent with all existing permit conditions and that the most current site design and operating standards are applied to the site through additional or revised permit conditions as necessary to mitigate identifiable environmental impacts. We will be providing Pacific Coast Coal with our formal Notice of Periodic Review and the proposed scope of that review within the next few weeks.

Thank you again for the opportunity to provide comment on the proposed resumption of mining at the John Henry Coal Mine No. 1. If you have any questions regarding these comments, you can contact me at randy.sandin@kingcounty.gov or by phone at 205-477-0378.

Sincerely,

Randy Sandin
Resource Products Line Manager

Cc: Fred White, Site Development Specialist