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Cheryle A. Broom
King County Auditor

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MEMORANDUM

DATE: September 11, 2001

TO: Metropolitan King County Councilmembers

FROM: Cheryle A. Broom, County Auditor

SUBJECT: Performance Audit of Grading Enforcement at Palmer Junction Gravel Pit

Attached for your review is the performance audit report of the grading enforcement at Palmer Junction Gravel Pit. The audit objective was to review and evaluate the Department of Development and Environmental Services (DDES) grading enforcement of permit conditions at the Palmer Junction Gravel Pit.

The general conclusion of the audit was that DDES monitoring and enforcement at the Palmer Junction Gravel Pit have improved substantially since 1997 and become more focused on minimizing environmental impacts specific to the pit operations. The audit also found that DDES is limited in its authority to mitigate some of the impacts of the pit, such as noise and increased truck traffic.

The executive concurs with the findings and recommendations. The executive response indicates that DDES will adopt all recommendations and includes a timetable for implementation. The executive response is contained in the appendix to the report and responses to individual recommendations are incorporated into the audit text.

We would like to express our appreciation to DDES management and staff for their cooperation during the audit process.

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Attachment

PERFORMANCE AUDIT

**GRADING ENFORCEMENT AT
PALMER JUNCTION GRAVEL PIT**



Presented to
the Metropolitan King County Council
by the
County Auditor's Office

Cheryle A. Broom, CGFM, CIG, King County Auditor
Nancy McDaniel, Management Auditor
Jan Lee, Auditor Assistant

Report No. 2001-04

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Abbreviations

DDES	Department of Development and Environmental Services
DNR	King County Department of Natural Resources
DNS	Determination of Non-significance
DOT	King County Department of Transportation
EIS	Environmental Impact Statement
KCC	King County Code
N&O	Notice & Order
SDS	Site Development Services

REPORT SUMMARY

Background

The audit objective was to review and evaluate Development and Environmental Services (DDES) grading enforcement of permit conditions at the Palmer Junction Gravel Pit. The Palmer Pit is in rural King County near the community of Palmer, east of Black Diamond. Pit operations are permitted on 120 acres of a 320-acre site, in an area otherwise zoned rural. Over the years there have been numerous complaints from area residents, including noise, violations of operating hours, and the amount of time for DDES to respond to violations.

General Conclusions

DDES monitoring and enforcement at the Palmer Pit have improved since 1997, and have focused on minimizing impacts specific to the pit activities. However, DDES is limited in its authority to mitigate some of the impacts, such as noise.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Finding 2-1 (Page 5)

Permit conditions since 1997 have been more effective in minimizing adverse impacts of pit operations, although updating the conditions would further increase their effectiveness.

The conditions attached to the grading permit required for a mining operation are the standards for minimizing its impacts, but the permit conditions for the Palmer Pit before 1997 were generic and provided minimal guidance for monitoring. In 1997 an Environmental Impact Statement (EIS) was developed for an expansion of the pit from 40 acres to 120 acres. Based on the EIS, new permit conditions were created that focused on mitigating the impacts specific to the pit operations. The resulting improvements include: installation of a new, quieter

asphalt burner; improvements to the county road accessing the pit; and paving inside the pit to reduce dust.

Refining the permit conditions would further improve their effectiveness. Some are difficult to enforce because they are vague or list possible mitigations without requiring any. Others require one-time actions that have been completed.

The audit recommends that DDES review conditions to clarify vague conditions, eliminate those that are unnecessary, and identify additional requirements to be included as conditions.

Finding 2-2 (Page 9)

Current enforcement is timely and meets DDES guidelines, although enforcement before 1997 led to the perception that DDES was reluctant to act on complaints.

Between 1990 and 1997, the time to resolve violations at the Palmer Pit ranged from six months to seven years. This led area residents to bypass DDES and contact their councilmember to report violations. In 1996, the DDES Grading Section issued the first standards for timeliness, including: inspection or contact within 48 hours for priority complaints and 10 days for non-priority; follow-up within 30 days; and management review of cases open over one year. None of the cases before 1997 would have met these standards. In contrast, every case since 1997 has met the standards.

Some issues are still outstanding, however. For example, the level of noise from the pit depends on what equipment is on site and its location relative to the noise barriers. The amount of dust blowing off the site can change seasonally depending on rainfall and wind. Traffic safety is another outstanding issue. The intersection of SE Hudson Road, the county road to the pit, and

Cumberland-Kanasket Road does not meet county road standards for sight lines or turning radius. Plans to realign the intersection to meet the standards were submitted by the operator in 1999 and are still under review by the county. DDES has final responsibility for approval, with input from the county Department of Transportation.

The audit recommends that DDES, in cooperation with the Department of Transportation, expedite review of the intersection realignment plans. DDES should also develop timeliness standards for reviewing plans that are required of permit holders.

Finding 2-3 (Page 15)

Given the Palmer Pit’s mining designation, DDES is limited in its authority to mitigate some impacts.

The county code allows a higher noise level in rural areas if the sound emanates from an industrial site, so the maximum allowed in the Palmer Junction area is eight decibels higher than without the mine. A ten decibel increase is generally perceived as doubling the loudness of a sound. The code also allows noise levels to be exceeded briefly by as much as 15 decibels.

Neighbors are also unhappy because asphalt production can run 24 hours a day in the summer if needed for a public works road project. These nighttime operations are allowed because they meet the county’s noise standards, which was the EIS criterion for extending operating hours. Increased truck traffic on SE Hudson Road is another major impact for residents, but DDES has little control over the traffic because it is on a public road.

AUDITOR'S MANDATE

The Department of Development and Environmental Services' grading enforcement at Palmer Junction Gravel Pit was reviewed by the County Auditor's Office pursuant to Section 250 of the King County Home Rule Charter and Chapter 2.20 of the King County Code. The audit was performed in accordance with generally accepted government auditing standards, with the exception of an external quality control review.

1 INTRODUCTION

Background

The performance audit of the Department of Development and Environmental Services (DDES) grading function was included in the 2000 Auditor's Work Program. The audit was prompted by complaints to councilmembers from neighbors of the Palmer Junction Gravel Pit ("Palmer Pit") regarding DDES's lack of enforcement of grading permit¹ violations by the pit operator.

Audit Objective and Scope

The objective of the audit was to review and evaluate DDES grading enforcement of permit conditions at the Palmer Junction Gravel Pit. The scope was limited to operations at the Palmer Pit between 1990 and June 2001, and to Grading Section monitoring and enforcement of conditions and regulations related to hours of operation, air quality, noise, surface water, roadways, and zoning, based on the concerns voiced by neighbors. The audit focused on the Palmer Pit and did not include any other sites.

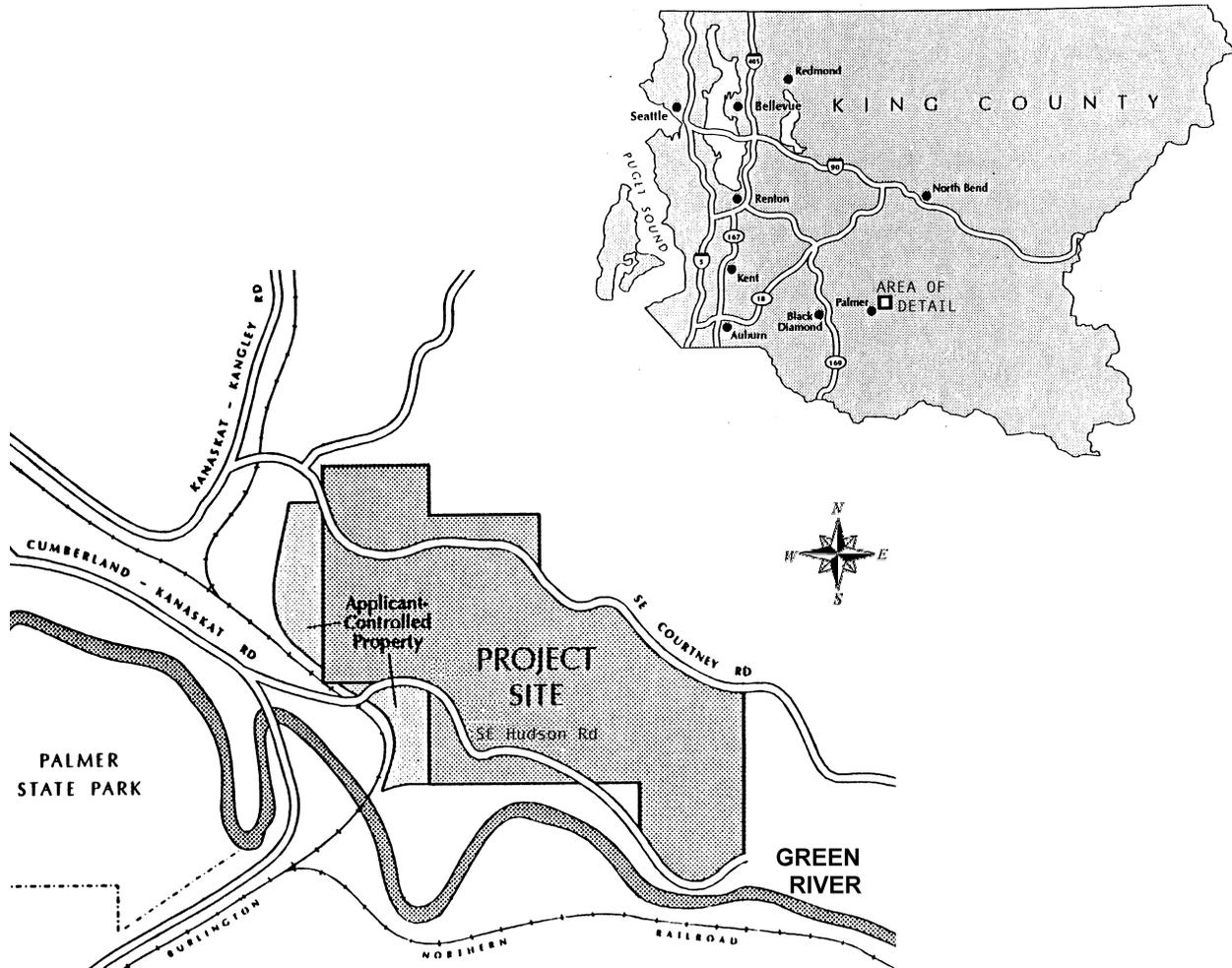
Audit Methodology

Audit staff reviewed DDES Grading Section files for the Palmer Pit for the years 1990 to June 2001, including inspection logs, correspondence, and the Draft and Final Environmental Impact Statements. We interviewed personnel from DDES and other agencies involved in monitoring operations of the Palmer Pit, including the Puget Sound Clean Air Agency and the Seattle-King County Department of Public Health. Audit staff also toured the Palmer Pit with a DDES grading inspector and met with residents of the area.

¹ Grading is defined in the King County Code as "any excavating, filling, removing of the duff layer, or combination thereof." (KCC 16.82.020)

Background

The Palmer Junction Gravel Pit is located in rural King County near the community of Palmer, east of Black Diamond. The pit is on a 320-acre site that has been zoned for mining since 1974, in an area otherwise zoned rural residential. The map below shows the location and general layout of the pit.



SOURCE: Palmer Junction Gravel Pit Expansion, Final Environmental Impact Statement, King County Department of Development and Environmental Services, May, 1997

Schrod-Mar, Inc. leases the mineral rights from the owner and operates the pit. Operations consist of gravel excavation, crushing, washing and processing, and asphalt production. An

asphalt plant is on the site and a mobile rock crusher is brought in periodically.

Grading permits, inspections, and enforcement are the responsibility of the Grading Section in the Land Use Services Division of DDES.² The grading permit allows gravel excavation and related operations for the life of the deposit within the permitted area, but must be renewed annually. A new permit is required before the area of excavation moves beyond the permitted area. Each permit has a set of conditions attached to it with operating requirements for the permit holder.

Initially, the Palmer Pit gravel operation was relatively small and it may have seemed to residents of the area that the pit would not be a permanent part of the landscape. Plans from 1979 indicated that reclamation of the site would begin in approximately ten years, after all gravel had been removed from the original 40 acres permitted for mining. Operations even shut down between 1982 and 1984. At that time only about 10 of the 40 acres had been excavated.

In 1991 a new operator applied to DDES for a permit to expand the pit, stating in the application that the limits of the operation would otherwise be reached in 1992. In 1993 DDES issued a determination of non-significance (DNS), allowing the expansion without an Environmental Impact Statement (EIS). The DNS was appealed by residents of the area, and the King County Hearing Examiner upheld the appeal in 1994. An EIS was completed in 1997, and DDES issued a new grading permit expanding operations from 40 acres to 120 acres. Excavation increased from approximately 150,000 cubic yards of material per year to 300,000 cubic yards. None of the mined area has been

² Before a major reorganization in 1993, the grading function was in the Commercial Multi-Family Products Section in the Building and Land Development Division.

reclaimed yet. Future phases could increase the area to 260 acres.

Over the years there have been numerous complaints from neighbors of the pit: noise, violations of operating hours, dust and equipment emissions, road damage, an unsafe intersection, water runoff from the pit onto adjacent property, and storage of pit equipment and debris outside the area zoned for mining. These issues may continue to be areas of complaint.

Complaints, while not always valid, are an important way of monitoring the site in addition to regular inspections by DDES. While the reason for many complaints may be that the neighbors don't want the pit in their area, some of their complaints have been verified by DDES with issuance of a correction notice or Notice & Order (N&O).³ Between 1990 and March 2001, there were nine instances where the Grading Section found violations related to these issues and took corrective action against the operator of the Palmer Pit by issuing a correction letter and/or an N&O. Six of the nine corrective actions were prompted by complaints from neighbors. According to DDES, the number of violations and the types of complaints regarding the Palmer Pit are consistent with other, similar sites.

A more general concern of area residents has been the amount of time for DDES to respond to and correct violations. The time between the initial complaint or inspection and correction of the related violation varied widely among the nine corrective actions, from seven years for a case opened in 1993 to three weeks for one initiated in 1997. Overall, however, the pattern of response has improved in the last ten years.

³ A correction letter is notice of a violation that, if not corrected, may lead to issuance of an N&O. An N&O carries a civil penalty and, if not corrected by the date specified, may lead to abatement action by DDES with the costs of abatement borne by the violator.

2 GRADING PERMITS AND PRACTICES

General Conclusions

The audit found that DDES monitoring and enforcement at the Palmer Junction Gravel Pit have improved substantially since 1997. DDES has increasingly focused on enforcing permit conditions and minimizing adverse impacts specific to the expanded pit activities, while enforcement before 1997 dealt only with general code and zoning violations by the pit operator. Major reasons for the improvement are the issuance of an Environmental Impact Statement (EIS) for expanded pit operations and the development of new permit conditions in 1997 based on the EIS, and development of a procedures manual in 1996 with timeliness standards for grading enforcement. In addition, DDES began more specialized assignments of grading inspectors and assigned the Palmer Pit to an inspector with a background in geology and mining. Finally, we found that DDES is limited in its authority to mitigate some of the impacts of the pit, such as noise and increased truck traffic.

FINDING 2-1

PERMIT CONDITIONS SINCE 1997 HAVE BEEN MORE EFFECTIVE IN MINIMIZING THE ADVERSE IMPACTS OF PIT OPERATIONS, ALTHOUGH UPDATING AND REFINING THEM WOULD FURTHER INCREASE THEIR EFFECTIVENESS.

The conditions attached to the grading permit are the primary standards for minimizing impacts of mining operations, consistent with the intent of the King County Grading Ordinance.⁴ The permit conditions for the Palmer Pit between 1990 and 1997 were vague and generic because they were not based on an

⁴ King County Code 16.82.

assessment of the environmental impacts of the pit. Consequently, they provided minimal guidance for monitoring. The violations cited by DDES before 1997 were general zoning or code violations rather than violations of permit conditions. (See the next finding for further discussion of enforcement.) The issuance of the Environmental Impact Statement in 1997 signaled a major change. New permit conditions, based on the EIS, were developed for the 1997 permit that allowed expanded pit operations. The number of conditions doubled, but more importantly, they were more detailed and focused on mitigating environmental impacts specific to the operations of the Palmer Pit.

Improvements Since 1997 Resulted From EIS and New Permit Conditions

The EIS and the new permit conditions have resulted in many improvements at the pit since 1997:

- Noise has decreased due to a new, quieter asphalt burner and construction of a noise berm that buffers sound from the pit. Residents of the area stated that the new burner was a major improvement in the noise from pit operations. However, installation fell behind the operator's implementation schedule of April 1998, and DDES finally required the new asphalt burner as a condition for allowing the operator to warm up equipment before operating hours. The burner was operational by May 1999.
- The operator has made major improvements to SE Hudson Road, the small county road accessing the pit, to repair damage from truck traffic and reduce dust. Improvements include paving the road and widening the shoulders.
- Part of the area inside the pit was paved to reduce dust stirred up by trucks, which the EIS identified as the major source of dust from the site.

- Drainage measures are being implemented to contain water and stormwater within the site and away from adjacent property.
- Operations and warm-up activities were also defined for the first time, thereby eliminating a source of inconsistent enforcement of operating hours in the past.

Conditions Could Use Further Refinement

Although considerable progress has been made, updating and refining the permit conditions and the attendant mitigation plans would further improve their effectiveness as enforcement tools.

- Some permit conditions need to be clarified. For example, one requires that “Withdrawals from stream ‘A’ will be monitored and usage shall be in accordance with water rights granted by [the state Department of Ecology] except that withdrawals shall be reduced between July 1 and October 1.” This condition was based on input from staff in the King County Department of Natural Resources (DNR), who were concerned that increased use of the stream for pit operations could dry it up in summer and eliminate salmonids from the stream. DNR recommended establishing a minimum flow for the stream beyond which additional water could not be withdrawn. Since that part of their recommendation was not included in the condition, it is difficult to enforce as written.
- Similarly, additional requirements would clarify and strengthen permit conditions. The conditions related to noise list possible mitigations but do not require any of them. Other measures that DDES does require are not in the conditions (e.g., a wheel wash, sprinkler systems for stockpiles). Although a hydrology expert recommended that the operator submit an annual report by an engineer that the drainage system is working properly, this is also not included in the conditions.

- Mitigation plans required by the conditions may need to be updated. The current air quality (“fugitive dust”) mitigation plan differs very little from the one submitted in 1989, while the excavated area has greatly expanded. The inspector has already required a new drainage plan because the current one is outdated.
 - Finally, a few conditions are outdated and should be eliminated. These conditions require submittal of a mitigation plan or other one-time action by the pit operator. These actions have been completed.
-

RECOMMENDATIONS

- 2-1-1** The Grading Section should review permit conditions to clarify vague conditions, eliminate those that are unnecessary, and identify additional requirements to be included as conditions, based on the EIS, expert input to DDES, and existing mitigation plans. Conditions listing possible mitigations should be reviewed to determine which should be required.

Executive Response

“The Department agrees with this recommendation to eliminate unnecessary conditions, clarify vague conditions and prescribe additional requirements. DDES will identify needed changes and implement as many improvements as possible in advance of the permit renewal and will complete this effort with the permit renewal scheduled for July, 2002. In addition, the Supervisor of the Site Development Services section recently notified his staff that similar efforts should be undertaken for any clearing or grading permit that is subject to annual renewal. This procedure will be implemented immediately as each such permit comes up for renewal.”

- 2-1-2** The Grading Section should review the fugitive dust mitigation plan to determine if an updated plan is needed.

Executive Response

“The Department agrees with this recommendation and notes that periodically requesting updated plans is an inherent element of the County’s oversight of this facility. DDES is currently reviewing revised drainage plans that were requested because the existing drainage system for this facility was not meeting expected performance standards and was installed prior to adoption of the current King County Surface Water Design Manual. DDES will complete its evaluation of the Fugitive Dust Mitigation Plan and incorporate any additional or amended conditions prior to or with the next renewal, as noted in our response to Recommendation 2-1-1.”

FINDING 2-2

CURRENT ENFORCEMENT AT THE PALMER PIT IS TIMELY AND MEETS GRADING SECTION GUIDELINES, ALTHOUGH LACK OF TIMELY ENFORCEMENT BEFORE 1997 LED TO THE PERCEPTION THAT DDES WAS RELUCTANT TO ACT ON COMPLAINTS.

Enforcement is the process of responding to and resolving violations. This includes the initial response by DDES to the violation, prompted either by a complaint or through regular inspections; issuance of a correction notice or N&O; follow-up to determine compliance; any further enforcement actions, if necessary; and finally, resolution of the violation. Resolution is not always within DDES’s control, however, because if an N&O is appealed, enforcement is typically suspended during the appeal process.

Enforcement Before 1997 Not Timely

Between 1990 and 1997 enforcement of violations at the Palmer Pit was not timely. (See also discussion of timeliness standards on page 11.) Three of the four corrective actions between 1990 and 1997 were for storing material or equipment in the county road right-of-way. The promptest resolution of these cases was six months. In that instance, the correction notice ordering

removal of gravel stockpiles did not give a deadline for compliance. The inspector followed up with a reinspection six months later and noted that the gravel had been removed. In another case, the operator submitted a mining plan to DDES that indicated the mobile asphalt plant was within the county road right-of-way. Seven months later the inspector issued an N&O requiring the operator to survey the property and move the plant. Resolution was prolonged because the operator appealed the N&O and, when the N&O was upheld, obtained a six-month extension for compliance from the Hearing Examiner. Audit staff could not determine when the third case was resolved.

The fourth case between 1990 and 1997 remained open for seven years. This case involved multiple violations, including clearing and grading within a sensitive area (a stream) on land adjoining the mining site and owned by the operator and storage of mining equipment on the adjoining property. DDES issued an N&O in November 1993, after a correction notice failed to bring about remedial action. The operator appealed the N&O, but the case never went before the Hearing Examiner. DDES requested that the Hearing Examiner cancel the scheduled hearing and put the case on hold, pending the results of a conference with the operator to try to resolve the issue. However, audit staff could find no evidence that the conference was held, or that DDES ever requested that the case go back before the Hearing Examiner. Inspectors' logs from 1995 indicate some progress in correcting the violations. However, despite reviews of the case by the Ombudsman's Office in 1994 and 1995, and internal reviews by DDES in 1996 and 1997, the case remained open. DDES records indicate that the case was not closed until 2000. Even then, Grading Section files do not show that the completed stream restoration was inspected and approved.

Inconsistent Enforcement of Operating Hours

In addition, there was inconsistency in enforcement of the operating hours specified in the permit conditions. While DDES policy was to allow warm-up of equipment 20 minutes before the start time in the conditions, there was some confusion regarding this policy because it was not included in the conditions and because warm-up was not defined. Inspection logs from 1994 noted on four different dates that the road had been watered or that trucks were idling at 6:30 a.m., 30 minutes before the start time allowed by the permit.

Enforcement Approach Prompted Residents to Contact Councilmembers

This inconsistency and lack of timeliness led residents of the area to doubt DDES's willingness to act on their complaints and enforce permit conditions. Residents started bypassing DDES and contacting their councilmember to complain when they thought there were permit violations.

No Timeliness Standards for Grading Enforcement Until 1996

One reason for the enforcement problems is that the Site Development Services Section (SDS), which includes the Grading Section, did not have written guidelines or standards for enforcement before 1996. In November 1996 the section issued an enforcement procedures manual with guidelines for time frames, including: inspection or contact within 48 hours of priority complaints and 10 days for non-priority complaints; follow-up within 30 days of the initial enforcement action; and management review of all cases open longer than one year.

All Cases Since 1997 Have Met the Timeliness Standards

None of the enforcement cases between 1990 and 1997 would have met the timeliness standards. In contrast, five cases have been initiated from 1997 to the present, and every one has met the standards. All were initiated no more than six days after the complaints, the correction notices were issued within a day of inspection, and follow-up inspections occurred within a month of the correction notice. The recent cases demonstrate persistent

follow-up by the inspectors towards resolution, although, as discussed above, an appeal can slow resolution of a case.

**More Specialized
Approach to Mining
Inspections**

SDS has also moved to a more specialized approach to grading inspections, including treating mining as a grading subspecialty and assigning mines to specific inspectors in 2000. As a result, the current inspector at the Palmer Pit has a background in geology and mining. Previously, mines were part of every inspector's general inspection area.

**Some Compliance
Issues Still
Outstanding**

While enforcement and monitoring at the pit have improved, the current inspector is still working on compliance in a number of areas in a phased approach. He issued a correction notice in January 2001 and another in March, both for drainage violations. Once those are resolved, he will move to monitoring stream withdrawals. In addition, there are still issues with use of the operator's adjacent property for pit-related uses, which has been an ongoing problem for at least ten years. As an illustration of how enforcement has changed in ten years, where these violations were once treated as right-of-way or zoning violations, they are now recognized as environmental problems and enforced more strictly as violations of surface water or drainage conditions.

One reason for these outstanding compliance issues is the injury and extended absence of the inspector assigned to the pit in 2000. According to SDS management, there was not enough staff to fill in for the vacancy for part of the year. Monitoring and enforcement at the pit suffered during that time as a result.

**Lack of Timeliness in
Reviewing Mitigation
Plan**

Traffic safety is another outstanding issue. Permit conditions require the operator to develop plans for realigning the intersection of SE Hudson Road, where the pit is, and Cumberland-Kanasket Road (see map in Chapter 1). The intersection was identified in the EIS as a safety issue for two

reasons: 1) sight lines at the intersection do not meet county roads standards; and 2) the small turning radius at the intersection requires trucks turning onto Cumberland-Kanasket Road to pull out into the oncoming lane of traffic. When the operator submitted the plans in May 1999, DDES forwarded them to the county Department of Transportation (DOT) for their input. According to DOT staff, they have not yet reviewed the plans. Although DDES has final responsibility for approving the plans, they do not have timeliness standards for reviewing the mitigation plans required of grading permit holders.

Finally, compliance with some permit conditions such as noise and dust is not static and will probably arise again as an issue. For example, compliance with conditions related to noise can change depending on what equipment is on site and its placement. The pit equipment, including the asphalt plant and the rock crusher, is mobile and the gravel stockpiles used as noise barriers are not permanent. Compliance with standards for fugitive dust can change seasonally depending on rainfall and wind.

RECOMMENDATIONS

- 2-2-1** The Grading Section, in cooperation with the Department of Transportation, should expedite review of the realignment plans for the intersection of SE Hudson Road and Cumberland-Kanasket Road.

Executive Response *“The Department agrees and will work with the King County Department of Transportation to ensure that an acceptable intersection improvement plan is approved prior to next construction season.”*

- 2-2-2** Site Development Services Section management should develop timeliness standards or guidelines for reviewing and making a decision on plans that are required of grading permit holders.

Executive Response *“The Department agrees with this recommendation to the extent possible given limitations on authority and resources. King County Code (KCC) 20.20 has established timelines for making decisions on new grading permit applications. DDES has been developing performance measures for a variety of other services that it provides, that are not subject to code established timelines. As part of this effort, timelines and standards for review can be developed for plan review decisions that are required of grading permit holders. It should be noted, however, that not all decisions affecting surface mining permits are exclusively the jurisdiction of DDES. The need to update a surface mine reclamation plan may be initiated by DDES but the ultimate approval of this plan rests with the Washington State Department of Natural Resources. To further implement this recommendation, DDES will coordinate more closely with other state or federal agencies or King County departments when these other agencies or departments are involved in reviewing project plans to ensure timely decisions are made.”*

FINDING 2-3

GIVEN THE PALMER PIT'S MINING DESIGNATION, DDES IS LIMITED IN ITS AUTHORITY TO MITIGATE SOME OF THE MINE'S IMPACTS, WHICH ARE LIKELY TO CONTINUE AS AREAS OF COMPLAINT BY RESIDENTS.

The state's Growth Management Act requires counties to conserve mineral lands and assure that adjacent land uses do not interfere with the continued use of mineral lands in accordance with best management practices. Because the Palmer Pit is zoned for mining, DDES is limited in its ability to mitigate some of the mine's impacts: noise (and by extension, operating hours) and truck traffic.

Noise

The county code allows a higher decibel level in a rural area because of the mine. The maximum sound levels allowed by the code are based on the zoning of both the area that is the sound source and the area receiving the sound, and decrease at night by 10 decibels. (Nighttime is from 10 p.m. to 7 a.m. weekdays and 10 p.m. to 9 a.m. on weekends.) Without the gravel pit, the maximum sound allowed in a rural area would be 49 decibels during the day; with the pit this increases to 57 decibels. At night the maximum level is 39 decibels but 47 decibels with the pit. People generally perceive a 10 decibel increase in a noise source as doubling the loudness of the noise.⁵ The code also allows these levels to be exceeded briefly by as much as 15 decibels, so that very loud activities, such as loading a truck with rock, could still be within the allowable sound level. In addition, back-up alarms are exempt from the noise standards. They were identified by both a noise consultant and area residents as one of the loudest and most annoying sounds from the pit.

⁵ Source: Draft Environmental Impact Statement, Palmer Junction Gravel Pit Expansion, September 1996.

Operating Hours

Neighbors are also unhappy because the new conditions extended the operating hours of the pit beyond those allowed before 1997. However, the EIS criterion for extending operating hours was only that operations had to comply with the county's noise standards. Noise monitoring conducted in 1998 demonstrated that they did meet the standards. Still, DDES negotiated with the operator to limit operating hours beyond the EIS standard. The table below shows the operating hours before 1997 and the hours currently allowed under the permit, as well as the hours proposed by the operator based on the results of the noise monitoring.

EXHIBIT

Operating Hour Conditions, 1990 – Present

	Paving Operations	Full Operations	Warm-up and Maintenance
Hours Until 1997	7 a.m. – 7 p.m. Monday through Saturday	Same	Not defined
Current Hours Allowed by the Permit	6 a.m. – 7 p.m. Monday through Friday 7 a.m. – 7 p.m. Saturdays and legal holidays 7 p.m. – 6 a.m. any day May through September if for a public works project	7 a.m. – 7 p.m. Monday through Saturday	Warm-up ¼ hour before operations; maintenance outside normal hours
Operator-Proposed Hours	6 a.m. – 10 p.m. Monday through Saturday 7 p.m. – 6 a.m. any day May through October if for a public works project	7 a.m. – 10 p.m. Monday through Saturday	Warm-up ½ hour before operations; maintenance outside normal hours

SOURCES: Palmer Pit Grading Permits; DDES grading files

The new conditions differentiate between asphalt operations (i.e., operation of the asphalt plant and loading trucks) and full operations, which also include the noisier operations of excavation and rock crushing. Hours of operation are now based on that differentiation, including allowing asphalt operations 24

hours a day from May through September if necessary for a public works project. The conditions also define maintenance and equipment warm-up, thus eliminating a source of inconsistent enforcement in the past.

In negotiating the current operating hours, DDES was attempting to strike a balance between minimizing the impacts of the pit and meeting the needs of the operator, as well as the general public. Many public road projects are at night to minimize traffic disruptions and may require nighttime asphalt deliveries.

Truck Traffic

Increased truck traffic on the small county road to the pit is a major impact for the residents who live along the road. The EIS predicted that by 2002, the pit would increase traffic on SE Hudson Road by 710 trucks a day, most with trailers, while traffic without pit operations would be 70 vehicles per day. It also found, however, that the increased volume would still be within the road's capacity. Beyond the safety and roadway improvements identified in the EIS as mitigation measures, DDES has no control over truck traffic on a public road. The operator posted a speed limit of 15 MPH on Hudson Road for gravel trucks, but compliance is voluntary because the road's legal speed limit is 25 MPH. Moreover, the county code exempts traffic on public roads from the noise limitations discussed above.

RECOMMENDATIONNone.

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APPENDIX

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APPENDIX
EXECUTIVE RESPONSE



King County Executive
RON SIMS

September 4, 2001

Cheryle A. Broom
King County Auditor
Room W1020
C O U R T H O U S E

Dear Ms. Broom:

Executive branch staff has reviewed the preliminary draft -- Performance Audit of Grading Enforcement at Palmer Junction Gravel Pit. As you will note from the Department of Development and Environmental Services' (DDES) response (enclosed), DDES intends to adopt, in substance, all of the audit's recommendations.

While implementation of some of the audit recommendations will be delayed until the next renewal of the Palmer Junction Grading Permit, they have a much broader application to other facilities permitted by DDES. As a result, DDES has taken steps to implement these same recommendations on all grading permits that are subject to annual renewal as each such permit comes up for renewal.

Thank you for the considerable amount of time and resources your office has devoted to this task. DDES appreciates that the audit findings that measures the department has undertaken over the past four years have led to substantially improved conditions at the Palmer Junction Gravel Pit. These measures, when coupled with the changes recommended by the audit and the development in 1999 of a more stable funding base, are expected to result in continued improvements in the County's regulation of surface mines and other similar long-term development sites.

I commend audit staff for a very thorough and insightful evaluation of this operation and the many factors that can influence effective regulation of a facility of this nature. Thank you for your efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Sims".

Ron Sims
King County Executive

Enclosure

cc: Greg Kipp, Director, Department of Development and Environmental Services

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APPENDIX (Continued)

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES (DDES)
RESPONSE TO RECOMMENDATIONS FROM AUGUST 22, 2001
PRELIMINARY DRAFT -- PERFORMANCE AUDIT OF GRADING ENFORCEMENT
AT PALMER JUNCTION GRAVEL PIT

RECOMMENDATION(S) from page 8:

- 2-1-1. The Grading Section should review permit conditions to clarify vague conditions, eliminate those that are unnecessary, and identify additional requirements to be included as conditions, based on the EIS, expert input to DDES, and existing mitigation plans. Conditions listing possible mitigations should be reviewed to determine which should be required.

DDES RESPONSE:

The Department agrees with this recommendation to eliminate unnecessary conditions, clarify vague conditions and prescribe additional requirements. DDES will identify needed changes and implement as many improvements as possible in advance of the permit renewal and will complete this effort with the permit renewal scheduled for July, 2002. In addition, the Supervisor of the Site Development Services section recently notified his staff that similar efforts should be undertaken for any clearing or grading permit that is subject to annual renewal. This procedure will be implemented immediately as each such permit comes up for renewal.

- 2-1-2. The Grading Section should review the fugitive dust mitigation plan to determine if an updated plan is needed. (See also recommendations under Finding 2-2).

DDES RESPONSE:

The Department agrees with this recommendation and notes that periodically requesting updated plans is an inherent element of the County's oversight of this facility. DDES is currently reviewing revised drainage plans that were requested because the existing drainage system for this facility was not meeting expected performance standards and was installed prior to adoption of the current King County Surface Water Design Manual. DDES will complete its evaluation of the Fugitive Dust Mitigation Plan and incorporate any additional or amended conditions prior to or with the next renewal, as noted in our response to Recommendation 2-1-1.

RECOMMENDATIONS from page 13

- 2-2-1. The Grading Section, in cooperation with the Department of Transportation, should expedite review of the realignment plans for the intersection of SE Hudson Road and Cumberland-Kanasket Road.

DDES RESPONSE:

The Department agrees and will work with the King County Department of Transportation to ensure that an acceptable intersection improvement plan is approved prior to next construction season.

APPENDIX (Continued)

Page 2

- 2-2-2. Site Development Services Section management should develop timeliness standards or guidelines for reviewing and making a decision on plans that are required of grading permit holders.

DDES RESPONSE:

The Department agrees with this recommendation to the extent possible given limitations on authority and resources. King County Code (KCC) 20.20 has established timelines for making decisions on new grading permit applications. DDES has been developing performance measures for a variety of other services that it provides, that are not subject to code established timelines. As part of this effort, timelines and standards for review can be developed for plan review decisions that are required of grading permit holders. It should be noted, however, that not all decisions affecting surface mining permits are exclusively the jurisdiction of DDES. The need to update a surface mine reclamation plan may be initiated by DDES but the ultimate approval of this plan rests with the Washington State Department of Natural Resources. To further implement this recommendation, DDES will coordinate more closely with other state or federal agencies or King County departments when these other agencies or departments are involved in reviewing project plans to ensure timely decisions are made.

APPENDIX (Continued)

Audit Recommendation Number	Audit Recommendation Title	IMPLEMENTATION RESPONSES				
		Disagree	Agree: Funding-dependent	Agree: Future (in quarters)		
				2001	2002	2003
2-1-1	Grading Section should review permit conditions to clarify vague conditions, eliminate those that are unnecessary, and identify additional requirements to be included as conditions, based on the EIS, expert input to DDES, and existing mitigation plans. Conditions listing possible mitigations should be reviewed to determine which should be required.			2 nd Quarter		
2-1-2	The Grading Section should review the fugitive dust mitigation plan to determine if an updated plan is needed. (See also recommendations under Finding 2-2).			2 nd Quarter		
2-2-1	The Grading Section, in cooperation with the Department of Transportation, should expedite review of the realignment plans for the intersection of SE Hudson Road and Cumberland-Kanasket Road.			1 st Quarter		
2-2-2	Site Development Services Section management should develop timeliness standards or guidelines for reviewing and making a decision on plans that are required of grading permit holders.			4 th quarter		

Audit Response Document
 August 24, 2001
 Prepared by Randy Sandin

REPORTS BY THE KING COUNTY AUDITOR'S OFFICE

1985 - 1993

- 1985** Alcoholism and Substance Abuse Services Division
Receivables (F)
Test of Real Property Tax Systems Computer Files (F)
Budgetary Staffing Standards (M)
Police Overtime Usage and District Court Scheduling (S)
Roads CIP Budgeting and Staffing Practices Follow-Up (M)
Insurance Fund (F)
King County International Airport (F)
Equipment Management/Utilization, Maintenance, &
Replacement Practices (M)
- 1986** Business License Inspection Practices (M)
County Gasoline Contract (M)
Parks Maintenance (M)
Collective Bargaining Agreements (M)
Finance Office Cashiering (M)
Risk Management (M)
H&CD Housing Loans Administration (F)
Public Defense Program Fund Balance Levels (F)
King County Reporting of State Excise Tax (F)
Department of Public Safety, Financial and Personnel
Administration (S)
- 1987** Harborview Medical Center Master Plan and CIP (M)
Jail Intake, Transfer, and Releases (M)
County Airport Historical Funding (F)
County Airport Operations (M)
Motor Pool Financing (S)
Meat Inspection Program (M)
- 1988** Accounts Payable (F)
Public Health Pooling Fund (S)
DPH Financing Provisions of 1984 Interlocal Agreement (S)
District Courts Time-Pay Collections Clerks (S)
Political Contributions by Charitable Organizations (S)
Surplus Personal Property (F)
Solid Waste Cashiering (F)
Project Management Cost Allocation Procedures (F)
Court Services (M)
Natural Resources and Parks Division Rental Houses (S)
M/WBE Utilization Requirements for Financial Services
Contracts (S)
DPH, County Funded Community-Based Health Clinics
and WIC Program (S)
Court Detail, Operation and Staffing (M)
Jail Classification Services (M)
Restaurant Inspection Program (M)
- 1989** Audit Coverage in King County Government (S)
Real Property Records (M)
Solid Waste Accounts Receivable (F)
Department of Public Health Car Rental (S)
Records Management (S)
Department of Public Health, Computer System
Planning and Development (S)
Performa '87 (F)
Parks Capital Improvement Program (M)
1988 Consultant Selection Processes for Harborview
Capital Projects (S)
- 1990** Jail Intake, Transfer and Release -- Workload, Operations
and Staffing (M)
Arbitrage Rebate Requirements on Tax-Exempt Bonds (F)
Conservation Futures (F)
Real Property Sale, Lease & Exchange Practices (M)
Youth Services (M)
Office of Civil Rights & Compliance (M)
Criminal Investigations & Special Operations (M)
Business and Occupation and Public Utility Taxes (F)
Earthquake Preparedness (M)
District Courts and Warrants Division Revenues (S)
State Auditor Use of County Facilities and Equipment (S)
Department of Youth Services Health Program (M)
Code Enforcement Program Building and Land
Development Division (M)
Assigned Take Home Vehicles and Agency-Paid Parking (S)
- 1991** Carpentry Shop (F)
County Fuel Station Internal Controls (F)
County Agency Performance Monitoring Survey (S)
King County Elections Practices (M)
King County Purchasing Agency (M)
Farmlands and Open Space Preservation Program (M)
King County Detoxification Center (M)
Dept. of Public Safety Field Training Officer Program (S)
- 1992** King County Office of Emergency Management (S)
King County Dept. of Stadium Administration Revenues (F)
Environmental Health Charges to Solid Waste (S)
Sierra PERMITS Automation System (M)
King County Office of Human Resource Management (M)
BALD Financial Guarantee Administration (M)
Northshore Youth and Family Services (F)
Dept. of Youth Services Drug & Alcohol Program (M)
Dept. Adult Detention & Youth Services Overtime (S)
SEPA Revenues and Accounts Receivable (F)
Methodology for Funding Legal Services for Non-Current
Expense Fund Agencies (S)
Accounts Payable (F)
Solid Waste Equipment Replacement Practices (M)
- 1993** Dept. of Development and Environmental Services Assigned
Vehicles (M)
Certificate of Occupancy Process (M)
Collection of Civil Penalties and Recovery of Abatement
Costs (F)
DDES Field Inspection Function (M)
Police Overtime for Court Appearances (M)
Dept. of Youth Services Sex Offender Unit and Special Sex
Offender Dispositional Alternative Program (M)
Office of Open Space Financial Administration (M/F)
Collection Enforcement Section (S)
Cellular Phones (S)
Surface Water Management Service Charges (F)
Acceptance of Special Waste at County Landfills (S)
Solid Waste Division Internal Controls for Handling and
Storage of Parts, Fuel, and Other Operating Supplies (F)

REPORTS BY THE KING COUNTY AUDITOR'S OFFICE

1994 - PRESENT

- 1994** Span of Control (S)
Community Diversion Program (M)
Dept. of Development & Environmental Services Reduction-In-Force Process (S)
Cedar Hills Alcohol Treatment Facility (CHAT) Accounting Procedures and Staffing Levels (M)
DDES Fire Marshal's Office Fire Investigation Unit (S)
DDES Accounts Receivable (F)
Travel Expenses and Credit Card Use (M/F)
Services & Treatment Alternatives for Developmentally Disabled Offenders Incarcerated in the King County Correctional Facility (M)
Board of Appeals and Equalization (S)
Surface Water Management Non-Construction CIP Costs (S)
Tracking and Reporting on Lawsuits Involving King County (S)
Jail Overtime Study Follow-Up (S)
- 1995** Dept. of Metropolitan Services Temporary Contract Workers (M)
King County Purchasing Practices & Supply Contract Prices (M)
Sewage Facilities Capacity Charge (F)
Audit Recommendation Implementation (S)
Dept. of Metropolitan Services Professional Services Contract (M)
Human Services Dept. Monitoring of Contract Compliance (F)
Biomedical Waste Regulation Enforcement (S)
Customer Service Motion Survey (S)
County Fair Financial & Contract Management (F/M)
Supported Employment Program (M)
- 1996** Dept. of Metropolitan Services West Point & Renton Wastewater Treatment Facilities (C)
1990 Code Enforcement Audit Follow-Up (M)
Dept. of Metropolitan Services Compensatory Time Policies, Procedures, and Practices (S)
King County Women's Program (M)
Cultural Programs (Hotel/Motel Tax Distribution) (F/M)
Investment Management (F)
King County Road Construction Fund and Capital Improvement Program (M)
Emerging Infectious Diseases and Laboratory Operations (M)
DUI Offender Program (M)
King County Real Property Acquisition Practices (M)
Seattle-King County Dept. of Public Health (SKCDPH) Immunization Program (M)
- 1997** King County Methadone Treatment Programs (M)
Criminal Justice-Funded Department of Public Safety Staffing (S)
Permit Fee Waivers (M)
Animal Control Section Collection Practices and Interlocal Services (F)
King County Contract for Sobering Services (S)
Office of Civil Rights Enforcement Case Management (S)
Neighborhood Drainage Assistance Program (S)
Surface Water Management Program (S)
Motor Pool (S)
Information and Telecommunications Services (M)
- 1998** Automated Telephone Systems (S)
Interlocal Agreements & Public Agency Contracts (S)
Review of Selected Capital Project Funds (S)
Metro Tunnel Rail Installation Process (M)
Road Maintenance Contracts (F)
ITS Infrastructure Operating and Maintenance Costs (F)
- 1999** Information Technology Planning, Development, and Implementation Processes (M)
East Lake Sammamish Trail (S)
Bond Funded Capital Improvement Projects (F)
King County Traffic Volume Forecast Model (S)
Jail Overtime (S)
Transit Management (C)
Disposition of Firearms (S)
Metro Transit Vehicle Maintenance Operations (M)
Employee Benefits (C)
Risk Management (C)
- 2000** Audit Recommendation Implementation (S)
Sheriff's Office Overtime (M)
Office of Human Resources Management Hiring Practices (M)
Columbia Public Interest Policy Institute (M)
King County Permit Processes and Practices (M)
School Impact Fees (S)
Scale Operator Injury Claims (M)
Parks Department Span of Control (S)
- 2001** Take-Home Vehicle Policies and Practices (M)
Vanpool Replacement and Surplus Practices (M)
Pacific Medical Center Interlocal Agreement (S)
Grading Enforcement at Palmer Junction Gravel Pit (P)
Institutional Network (I-Net) Project (F)
- (C) Audit/Study conducted by consultants
(F) Financial Audit
(M) Management Audit
(P) Performance Audit
(S) Special Study

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