

Unique ID	Date	Commenter Name	Summary	County Response
BCC-H-1	11/4/2020	Shelley Kneip, League of Women Voters	LWVTC position is that this policy amendment is premature and should not be approved. It is premature because it is taken out of context with the full subarea plan update. The record shows that the science does not support change, and there are issues with the SEPA review that accompanied this application.	Comment recorded and included on the record.
			LWVTC feels this should be rejected and combined with the Nisqually Subarea Plan Update. Processing these separately is contrary to good planning.	The technical memo provided was developed for the mineral lands designation update to the Comprehensive Plan. Although it was not developed for RAP, there are some areas of overlap since asphalt batch plants are also subject to the mineral extraction code, 17.20 TCC. The Mead report attached to the memorandum (p. 11) states "asphalt batch plants present less risk to ground water than concrete plants" and that "the potential risk from asphalt plants is mainly from the effects of stormwater, vehicle fueling, and fuel storage and handling".
			LWVTC feels the science does not support the amendment. The literature review didn't evaluate asphalt recycling near critical areas and salmon habitat. There are critical areas that will be impacted.	Currently, the Subarea Plan allows for concrete recycling, but not asphalt recycling.
			LWVTC has serious concerns with the County's SEPA process for planning in general as well as the DNS issued for the proposal. We didn't appeal solely due to the cost. SEPA requires agencies to consider environmental effects of a proposed action. Thurston County didn't conduct SEPA until after planning commission, which is a violation.	The SEPA process is initiated when a citizen-application for a comp plan amendment is docketed and work begins. The environmental Checklist for this project was first received received Nov. 14, 2016 and a revised checklist on Jun. 19, 2017. Additional studies and review of the checklist occurred during the review of the amendment. The County issued a determination after the Planning Commission recommendation, which is standard process for Thurston County's non-projects.
BCC-H-2	11/10/2020	Marian Bailey	Please do not change policy E.5. The Nisqually is part of a water recharge zone. This particular site is a CARA 1 - that should be enough reason not to allow asphalt recycling. I do not believe the mitigation to prevent water pollution would actually work... over time with enough rain and standing water, it would percolate into the ground.	Comment recorded and included on the record.

LAST UPDATED: December 1, 2020

BCC-H-3	11/11/2020 Jeff Zahir	I'm opposed to amending the policy. The impacts of placing high concentrations of hydrocarbons, sulphur and heavy metals in a river basin cannot be recovered. Fish and wildlife don't measure PPM of pollutants, they either like them or they don't. Please leave the existing language of Policy E.5 and consider bans on all accessory uses that introduce anything that wasn't in the environment before.	Comment recorded and included on the record.
BCC-H-4	11/11/2020 JJ Lindsey	I am against the proposed amendment. Please listen to many important stakeholders that have commented. Lakeside is the only entity that would profit from the change in regulations. There are plenty of other asphalt recyclers in the county. Asphalt recycling is toxic, and covering a pile with a tarp will result in pollution	Comment recorded and included on the record.
BCC-H-5	11/13/2020 Howard Glastetter	<p>I am in agreement with the proposal provided that RAP in the pit is covered and protected from weather. Preferably, covered by an unwallled metal building with an airspace above the stored RAP to ensure it is free from moisture.</p> <p>The RAP request should not be done in a vacuum and should take into consideration an existing 10-yr-old permit request to mine into the aquifer at the same site.</p> <p>The Nisqually Subarea Plan protects rural lands from industrial dominance. There are also on-going flooding issues. If RAP is allowed, there is a way to mitigate its effects. Finally any increase in production output at the Lakeside plant should not exceed the 300,000 annual ton limit.</p>	Comment recorded and included on the record.
BCC-H-6	11/14/2020 Sharon Herting	I support the League of Women Voters position in the 11/4/20 letter, and I am asking you to reject this docket item.	Comment recorded and included on the record.
BCC-H-7	11/15/2020 Maureen Canny	I support the League of Women Voters position in the 11/4/20 letter, and I am asking you to reject this docket item.	Comment recorded and included on the record.
BCC-H-8	11/15/2020 Hilarie Hauptman	I support the League of Women Voters position in the 11/4/20 letter, and I am asking you to reject this docket item.	Comment recorded and included on the record.

Board of County Commissioner Public Hearing: CPA Docket Item CP-11 - Recycled Asphalt Policy Review
Comments Received 11-04-2020 to 12-1-2020

BCC-H-9	11/15/2020 Glen Anderson	I support the League of Women Voters position in the 11/4/20 letter, and I am asking you to reject this docket item.	Comment recorded and included on the record.
BCC-H-10	11/16/2020 Lee Riner	I ask that you reject this docket item, the Nisqually is a fragile exosystem and the aquifer and drinking water is in this area.	Comment recorded and included on the record.
BCC-H-11	11/16/2020 Lisa Ornstein	I support the League of Women Voters position in the 11/4/20 letter, and I am asking you to reject this docket item. I support recycling but it must be done at an appropriate site. This site is two miles upwind and upriver from the Nisqually National Wildlife Refuge, home to wildlife and endangered salmon. The area is extremely porous. The County has spent approximately \$2.4 million purchasing development rights immediately adjacent.	Comment recorded and included on the record.
BCC-H-12	11/16/2020 Diana Moore	I support the League of Women Voters position in the 11/4/20 letter, and I am asking you to reject this docket item.	Comment recorded and included on the record.
BCC-H-13	11/16/2020 Carol Goss	I support the League of Women Voters position in the 11/4/20 letter, and I am asking you to reject this docket item.	Comment recorded and included on the record.
BCC-H-14	11/16/2020 Karol Erickson	I support the League of Women Voters position in the 11/4/20 letter, and I am asking you to reject this docket item.	Comment recorded and included on the record.
BCC-H-15	11/19/2020 Jon Ceazan	I support the League of Women Voters position in the 11/4/20 letter, and I am asking you to reject this docket item.	Comment recorded and included on the record.
BCC-H-16	11/19/2020 Rick Bartholomew	I support the League of Women Voters position in the 11/4/20 letter, and I am asking you to reject this docket item.	Comment recorded and included on the record.
BCC-H-17	11/22/2020 Beck Beswick	I support the League of Women Voters position in the 11/4/20 letter, and I am asking you to reject this docket item.	Comment recorded and included on the record.
BCC-H-18	11/23/2020 Joseph Diaz	RAP would help Lakeside be more competitive and reduce overall cost in raw materials	Comment recorded and included on the record.
BCC-H-19	11/23/2020 Ryan Heathers	Use of RAP decreases the high cost per ton of asphalt and would allow for more competitive pricing with other companies. RAP is environmentally beneficial, reduces stockpiling and disposal of old asphalt,	Comment recorded and included on the record.

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Comments Received 11-04-2020 to 12-1-2020

			I ask that you amend the subarea plan to allow for asphalt recycling. It saves on valuable resources, reduces greenhouse gases, allows increased competition in the pavement marks, and can increase jobs in the industry.	Comment recorded and included on the record.
BCC-H-20	11/23/2020	Laurel Smith		
BCC-H-21	11/24/2020	Dusty Barringer	I support the proposed amendment. Please vote for option 2.	Comment recorded and included on the record.
BCC-H-22	11/24/2020	Dan Wagner	I support use of recycled asphalt in the area. Please vote in favor.	Comment recorded and included on the record.
		Dave Gent, Washington Asphalt and Pavement Association	WAPA strongly supports the amendment to allow asphalt recycling. Asphalt recycling is a standard practice, it is sustainable, it extends precious resources, is local, and science supports RAP use.	Comment recorded and included on the record.
BCC-H-23	11/24/2020			
		Roger Millar WSDOT	This letter supports Lakeside Industries request for a Comprehensive Plan Amendment to allow the use of RAP. The WSDOT strongly supports the use of RAP throughout the state. Use of RAP is key in WSDOTs effort to improve sustainability of highways, with ~20% RAP used on most WSDOT projects.	Comment recorded and included on the record.
BCC-H-24	11/24/2020			
BCC-H-25	11/24/2020	Doug Smith	Allow asphalt recycling	Comment recorded and included on the record.
BCC-H-26	11/24/2020	John Escobedo	I support the proposed amendment. Asphalt recycling is encouraged and is safe and environmentally friendly.	Comment recorded and included on the record.
			I support the proposed amendment. Utilization of recycled asphalt decreases the high cost/ton of asphalt and allows more competitive pricing that would reduce costs to public and private entities in Thurston County.	Comment recorded and included on the record.
BCC-H-27	11/25/2020	Jim Holland		
BCC-H-28	11/25/2020	Gary Kittleman Gary's Bulldozing	I support Lakeside's amendment to allow asphalt recycling in the Nisqually Subarea. This will help conserve existing mineral resources and petroleum products as well as reduce waste.	Comment recorded and included on the record.

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Comments Received 11-04-2020 to 12-1-2020

BCC-H-29	11/25/2020	Chris Keikkila	I support the amendment to recycle asphalt in the Nisqually Subarea because it will increase market competitiveness in the asphalt paving industry.	Comment recorded and included on the record.
BCC-H-30	11/25/2020	Tony Hammett	I support option 2 to amend the Suparea Plan to allow asphalt recycling, and leave specific considerations to permit stage. This option preserves resources and reduces waste. Comment from Planning Commission public hearing included.	Comment recorded and included on the record.
BCC-H-31	11/27/2020	Doug Smith	Support amendment to allow asphalt recycling, which is needed for Lakeside to remain competitive.	Comment recorded and included on the record.
BCC-H-32	11/30/2020	David Peterson	I am asking you to amend the Policy language in the Nisqually Subarea Plan. This reduces costs and keeps old asphalt away from the landfill.	Comment recorded and included on the record.
BCC-H-33	11/30/2020	Jeff Herriford Lakeside Industries Reid Wall Kauman	Environmental preservation is very important to me. Recycling asphalt is a sustainable practice and should be implemented in the area to keep the material from entering landfills or other dump sites. Please vote in favor to allow asphalt recycling	Comment recorded and included on the record.
BCC-H-34	11/30/2020	Construction	I support the proposed amendment to allow asphalt recycling. It is encouraged by local, state, and national agencies.	Comment recorded and included on the record.
BCC-H-35	11/30/2020	Karen Deal Lakeside Industries	I am writing to reaffirm my support for Option 2 to allow asphalt recycling in the Nisqually Subarea without a policy-level requirement for covered storage. Attached is my letter to the Planning Commission from earlier this year.	Comment recorded and included on the record.

BCC-H-36	11/30/2020	David Troutt Nisqually River Council	The Nisqually River Council supports a complete and holistic assessment of this proposal in the context of the full subarea plan. IF the Commission moves forward, we strongly urge the inclusion of mandatory monitoring and best management practices as presented in the revised policy language under option 3. At a minimum, BMPs should require: hard weatherproof coverings for RAP, safe handling and treatment protocols for stormwater, development of regular on-site water quality monitoring, air quality standards not to be exceeded from cumulative impacts of asphalt and recycled asphalt production, no open groundwater connectons and assessment of the 100-year floodplain zone, and rigorous adaptive management protocols.	Comment recorded and included on the record.
BCC-H-37	11/30/2020	Aubrey Collier, City of Lacey Public Works	This letter supports use of RAP and the request of Lakeside to remove the prohibition on asphalt recycling in the subarea. Use of RAP is a standard practice throughout the state. The City of Lacey most recently used a RAP mix on our 2018 overlay project with excellent results, and we plan to use it again in the future. The city does not have concerns over the location of RAP at the Lakeside facility. This site isn't within the City's wellhead protection area.	Comment recorded and included on the record.
BCC-H-38	11/30/2020	Richel Perkins	Please allow asphalt recycling in the subarea. It reduces waste and preserves resources.	Comment recorded and included on the record.
BCC-H-39	11/30/2020	Esther Kronenberg	I support the League of Women Voters letter regarding the proposed change. The Commissioners are face with many difficult decisions. In this case, the cost benefit analysis should make a decision simple. Changing the plan would allow one multimillion dollar company to continue operations. There are other RAP facilities in the County. No one questions that recycling is better for the environment, but the costs of this are that there is a danger of contaminating groundwater. SEPA law states amendments cannot be piecemealed - the county faces litigation in proceeding on this project further. Please put a final stop to this and make the easy decision in the public interest - no!	Comment recorded and included on the record.

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BCC-H-40	11/30/2020	Tami deBellis	I was on the original board that saved the tree bugger for the wildlife at the Nisqually Delta. I support the League of Women Voters and the positions stated in their November 4 letter. I ask that you reject the item that is up for a publit hearing on 12/1	Comment recorded and included on the record.
BCC-H-41	11/30/2020	Christy White	Previously there's been a moratorium on asphalt recycling - times have changed, but not having such a plant has kept our water and aire to the highest standards. It is my understanding that some Planning Commission members took a tour of the site - this seems to present some bias. Was there a public open house? Has there been any public unbiased study done? It seems only data provided by the industry. I hope you consider the decision to include very restrictive language. Everyone defaults to permit, permit equals installation. Leaving to the permit stage is an insurmountable burden to the public and leaves very little chance of impact to mitigate harm.	Comment recorded and included on the record.
BCC-H-42	12/1/2020	Dean Smith	Asphalt recycling is beneficial, people use it every day, and the state solid waste plan supports it. Please allow asphalt recycling in the subarea.	Comment recorded and included on the record.
BCC-H-43	12/1/2020	Kyler Danielson and Karen Deal, Lakeside Industries	(Letter to David Troutt, Nisqually Indian Tribe) Lakeside has publicly committed to working with the Nisqually Indian Tribe, Nisqually River Council, and Thurston County to incorporate adaptive management principals and conduct groundwater monitoring for RAP storage onsite. Upon amendment to the Nisqually Subarea Plan, Lakeside will seek a permit from the County. This letter memorializes our committements to colaborate with the Nisqually Indian Tribe for groundwater monitoring and data collection.	Comment recorded and included on the record.
BCC-H-44	12/1/2020	Doug Mah, Thurston Chamber of Commerce	Thurston Chamber of Commerce supports Option 3 as outlined by staff. This aligns with recycling, reuse, and uses feewer raw materials. It is a reasonable and balanced amendment to the Comprehensive Plan.	Comment recorded and included on the record.

			<p>We support the efforts of manufacturers to recycle asphalt so long as it meets all federal, state, and local regulations and addresses environmental and health concerns.</p> <p>To that end, we encourage Thurston County's support of a site-specific field study as part of evaluating this policy amendment, particularly with respect to reviewing environmental conditions within the Nisqually Subarea and incorporating Best Management Practices.</p> <p>The Nisqually Subarea includes many environmentally sensitive areas: McAllister Geologically Sensitive Areas, Aquifer Recharge Areas, 100-year floodplains, agricultural lands and drinking water wellhead protection areas. The City has the current water supply at the McAllister Wellfield - we understand the risks to groundwater quantity and quality from land use activities in this area. RAP has the potential to leach contaminants at levels exceeding the Washington State Groundwater Quality Standards. In this vein, we value the County's consideration of appropriate locational siting and regulatory oversight of future facilities and the importance of Best Management Practices beyond covered stockpiles, to include stormwater management, pollutant prevention and control, and monitoring.</p>	
BCC-H-45	12/1/2020	Eric Christensen, Water Resources Director City of Olympia		Comment recorded and included on the record.
BCC-H-46	12/1/2020	Pete Irwin	I support the amendment to allow asphalt recycling in the Nisqually Subarea.	Comment recorded and included on the record.
BCC-H-47	12/1/2020	Kate Benkert	I have read the League of Women Voters letter and it raises important points - I am in support of their positions and request you defer the amendment until it can be reviewed with the Nisqually Subarea Plan.	Comment recorded and included on the record.
BCC-H-48	12/1/2020	Gordon Avery	I care about the environment and that's why I support asphalt recycling in the Nisqually Subarea.	Comment recorded and included on the record.
BCC-H-49	12/1/2020	Kristen Hatton	Support asphalt recycling.	Comment recorded and included on the record.
BCC-H-50	12/1/2020	Tim Ames	Asphalt recycling is green and environmentally safe and uses less virgin oil. I support the amendment.	Comment recorded and included on the record.
BCC-H-51	12/1/2020	Kory Sisk	Please allow asphalt recycling - its better to put material back into the roads rather than a landfill	Comment recorded and included on the record.

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Comments Received 11-04-2020 to 12-1-2020

			Black Hills Audubon is a signatory in the Nisqually Delta Association Settlement Agreement. The annual number of visitors to the Nisqually Wildlife Refuge is 200,000. For protection of the refuge's delicate ecosystem, we support the League of Women Voters comment.	
BCC-H-52	12/1/2020	Sue Danver, Black Hills Audubon	Asphalt recycling will likely generate contamination. Due to environmental, wildlife habitat, and wildlife concerns, Black Hills Audubon opposes the removal of the prohibition on manufacture of recycled asphalt.	Comment recorded and included on the record.
BCC-H-53	12/1/2020	Harriet Ammann	I support the League of Women Voters comment, including that this should be deferred to review with the Nisqually Subarea Plan Update. There are concerns about PAH emissions to air, harm to humans and ecosystems.	Comment recorded and included on the record.
BCC-H-54	12/1/2020	Loretta Seppanen	I support the League of Women Voters comment and position - this amendment should be rejected and combined with Nisqually Subarea Plan Update. Chipping away at the plan undermines the planning process. The community at large hasn't asked for this change, only the owner of the existing asphalt plant.	Comment recorded and included on the record.
BCC-H-55	12/1/2020	Mark Segale, Segale Properties	I am writing in support of including recycled asphalt processing as an approved activity within the Nisqually Subarea. Recycling is a major step towards sustainability, and saves use of petroleum products by decreasing need for new materials. It also conserves mineral resources, reduces waste, and keeps old asphalt out of landfills and dumpsites.	Comment recorded and included on the record.
BCC-H-56	12/1/2020	Forma Construction	Reusing asphalt has many benefits and can lower costs. Adopting either option 2 or 3 is a reasonable balanced amendment to the Comprehensive Plan.	Comment recorded and included on the record.

From: [Shelley Kneip](#)
To: [John Hutchings](#); [Gary Edwards](#); [Tye Menser](#)
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Subject: League of Women Voters Comments on #CPA-11
Date: Wednesday, November 4, 2020 2:51:29 PM
Attachments: [ATT00001.htm](#)
[Ltr to BOCC re RAP.docx](#)
[3 - Tech Memo 33 - Hydrogeologic review of Mineral Extraction Code 08152018 \(1\).pdf](#)

Dear Commissioners:

1. Please find attached a letter from the League of Women Voters of Thurston County opposing the consideration and/or approval of #CPA-11, concerning an amendment to the Nisqually Subarea Plan (NSAP).
2. We also have attached a technical memo from the County's hydrogeologist, which we ask to be reviewed and made part of the administrative record for #CPA-11.

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Board of Commissioners
Thurston County
2000 Lakeridge Dr. SW # 269
Olympia, WA 98503

November 4, 2020

RE: Amendment to the Nisqually Subarea Plan, #CPA-11

Dear County Commissioners:

The Thurston County League of Women Voters (LWVTC) has been following the Thurston County planning process over the years. LWVTC's position is that the proposed amendment to the Nisqually Subarea Plan to allow for recycled asphalt plants is premature and should not be approved. It is premature because it is taken out of the context of a full subarea plan update. The record also shows that the science that was reviewed does not support the change, and that there are issues with the SEPA review that accompanied this application.

A. #CPA-11: Asphalt Recycling. Lakeside Industries applied for an amendment to the Nisqually Subarea Plan (NSAP) to allow asphalt recycling at a gravel mine site. The LWVTC supports the recycling of asphalt generally, and acknowledges that there is abundant science to support the concept. However, there is no science that shows asphalt recycling should occur in the fragile Nisqually ecosystem.

1. Reject #CPA-11 and combine it with the Nisqually Subarea Plan Update. The 2020/2021 docket lists updating the NSAP as a docket item (# CPA-6) and a "citizen initiated amendment" to change one small portion of the NSAP (#CPA-11). Lakeside's application has been severed from the update of the Nisqually Subarea Plan update process, which apparently has been deferred. Considering the Lakeside proposal separately from the NSAP runs contrary to good planning. GMA requires that "all proposals shall be considered concurrently . . . so that the cumulative effect of the various proposals shall be maintained." RCW 36.70A.130(2)(a)(v).¹

Chipping away of a plan with small amendments here and there undermines the entire planning process. Here, there is no reason to amend the Nisqually Subarea Plan other than a property owner asked for it. Granting this application would render all the work done, and defended in court, to be cast aside and ignored.

¹ While this provision pertains to annual amendments, it is still applicable here, where both the NSAP update and the RAP proposal were on the docket. Taking RAP in isolation before the update undermines the planning process.

Making amendments to a plan in a piecemeal way will result in inconsistencies and oversights. Should the update to the NSAP show there are more critical areas, including critical aquifer recharge areas (CARAs), the County may have little to no ability to stop a proposal if it an application has vested. We see no justification for considering a property owner's request outside of a major update, other than economic benefit to the property owner. This proposed amendment should be done concurrently with the NSAP update, as good planning dictates.²

2. *Science Does Not Support Amending the NSAP.* The County commissioned a literature review on the potential environmental impacts of RAP ("Herrera Report").³ The literature review examined scientific papers that evaluated the potential of metals and polycyclic aromatic hydrocarbons (PAHs) to be released into the environment when asphalt is recycled. The literature review did not evaluate the propriety of asphalt recycling at a gravel mine near critical areas and salmon habitat.

The staff report summarizes the "key takeaways" from the Herrera Report as follows:

- As a source of contaminants, RAP ***is highly variable***. Factors contributing to variability in leachate from RAP appear to include how the asphalt was originally manufactured (e.g., the sources of crude oil and aggregate or whether coal tar or bitumen was used), how the RAP was used, the duration and degree to which it has weathered and been exposed to traffic or other pollution generating sources, and how long it is stored.
- Laboratory testing indicated that there were typically some contaminants leached from RAP at concentrations that *exceeded state groundwater quality standards*. ***There were some Polycyclic Aromatic Hydrocarbons (PAHs)⁴ that leached above Washington state groundwater quality standards with some frequency.*** Some metals were also leached, 10 primarily in low pH environments.
- Testing indicated that ***there is a distinct initial flush of contaminants*** from RAP that can result in concentrations exceeding Washington State groundwater

² Moreover, since the NSAP is incorporated into the County's comprehensive plan, it should have been part of the comprehensive plan update process, which was also a fragmented review, undermining the purpose of good planning.

³ The County contracted with Herrera Consultants to prepare the report. Lakeside Industries paid for the report. One might question the objectivity of the report, particularly when Herrera frequently cites "Lakeside Industries" as a source for distinguishing conclusions. See, e.g., Literature Review: Contaminant Leaching from Recycled Asphalt Pavement at 17, Herrera Environmental Consultants, May 2019.

⁴ PAHs (carcinogenic)" or "cPAHs" means those polycyclic aromatic hydrocarbons substances, PAHs, identified as A (known human) or B (probable human) carcinogens by the United States Environmental Protection Agency. These include benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene. WAC 173-340-200.

quality standards, but that these peak concentrations decrease quickly to below detection limits.

- Although this literature review specifically did not include an assessment of potential environmental impact from fate and transport of these contaminants, a number of the researchers suggested that the impact to the environment would be negligible if dilution and assimilation were considered.
- Batch and column laboratory tests, while informative, are not necessarily representative of what can be expected under field conditions.

These “takeaways,” on their face, question the wisdom of changing one provision of the NSAP in isolation of a holistic update and without additional environmental review. Bullet 2 explicitly states that “typically” contaminants leached from RAP at concentrations exceeding groundwater standards, and PAHs leached at high levels “with some frequency.” This takeaway alone should give the Commissioners pause about proceeding. Bullet 3 refers to a “distinct initial flush” of contaminants, but implies that those contaminants are diluted. But the RAP process is continuous, so each time RAP is processed there will be an “initial flush.” This summary conclusion brushes over logic in minimizing concerns. Bullet 4 implies, without basis, that there would be negligible impact if dilution and assimilation is considered. Dilution is *not* the solution to pollution.

Thurston County has received a number of comments, several from distinguished individuals, stating that the science supports the proposed amendment. Please read those comments carefully. The “science” they are referring to is that science supports asphalt recycling, which we agree is a good concept. There is no science in the record supporting the change to the NSAP, and in fact, the Herrera Report concludes that there is a potential for pollution. No comments, other than applicant representatives, say science supports asphalt recycling in the Nisqually Subarea. We do not believe there is science supporting this change.

The Board should reject the adoption of #CPA-11, or, at the very least, defer it until science shows that it will not cause environmental impacts.

3. *Reject # CPA-11 because there are Critical Aquifer Recharge Areas and Fragile Ecosystems that will be impacted.* One of the major themes voiced by the applicant and staff is that the proposed amendment deals solely with the NSAP plan and not to a specific site. However, given the history and the applicant, it is abundantly clear that the amendment will open the door for Lakeside to operate a RAP at its site on Durgin Road. In 2004, Lakeside applied for a special use permit to recycle asphalt, despite the prohibition in NSAP. This permit was denied and litigated. The Court of Appeals decision upholding the denial contains abundant evidence regarding the purpose of the prohibition:

The proposed asphalt facility would be approximately two miles upwind and upriver from the Nisqually National Wildlife Refuge, home to numerous wildlife species and endangered salmon. The groundwater around the mine site is between four and fifteen feet below the extremely

porous surface. The site is also located in the County's aquifer protection district. The County has spent approximately \$2.4 million to purchase development rights in the immediate area adjacent to the proposed facility to prevent environmental damage.

Lakeside Industries v. Thurston County, 83 P.3d 433 (2004).

The Court also noted that the NSAP is "a plan the County adopted to preserve the agricultural and pastoral character of the valley." *Id.* The Lakeside site is bordered by long term agricultural lands. The NSAP not only sets goals and policies to enhance agricultural uses, it also seeks to limit large-scale commercial development. The NSAP, and the site, is blanketed with Critical Aquifer Recharge Areas (CARAs), which by definition, are susceptible to pollution. These factors should all be taken into consideration before amending the NSAP.

B. #CPA-11: SEPA Process. We have significant concerns with the County's SEPA process for planning in general as well as the Determination of Nonsignificance (DNS) issued for this proposal. We did not appeal the DNS issued solely due to the high fee required (close to \$2,000).

SEPA, the State Environmental Policy Act, Chapter 43.21C RCW, requires that all governmental agencies consider the environmental effects of a proposed action – "A Full Disclosure Law." It is as applicable to plan amendments as it is to specific project proposals. Thurston County does not conduct a SEPA analysis until *after* the planning commission has reviewed, held public hearings, and made a recommendation on a proposal. That means neither the planning commission nor the public has the benefit of an environmental analysis until it reaches the commissioners. This violates SEPA.

WAC 197-11-055, adopted by reference in Thurston County Code 17.09.020, requires that SEPA this consideration be done at the *earliest* possible point in the planning process

(1) Integrating SEPA and agency activities. **The SEPA process shall be integrated with agency activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems.**

(2) Timing of review of proposals. The lead agency shall prepare its threshold determination and environmental impact statement (EIS), if required, **at the earliest possible point in the planning and decision-making process**, when the principal features of a proposal and its environmental impacts can be reasonably identified.

(a) **A proposal exists when an agency is presented with an application** or has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal *and* the environmental effects can be meaningfully evaluated.

(i) **The fact that proposals may require future agency approvals or environmental review shall not preclude**

current consideration, as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts.

WAC 197-11-055.

(2) The responsible official of the lead agency shall make the threshold determination, **which shall be made as close as possible to the time an agency has developed or is presented with a proposal** (WAC 197-11-784). If the lead agency is a GMA county/city, that agency must meet the timing requirements in subsection (6) of this section.

WAC 197-11-310.

Further, Thurston County Code 17.09.050 specifically states that the SEPA analysis should accompany the staff recommendation to the planning commission. The SEPA review should have happened when the proposals were first submitted

In May of this year, the Central Puget Sound Growth Management Hearings Board found a King County ordinance noncompliant with GMA because the SEPA review was done too late in the process (*FOSV v. King County*, CPSGMHB Case no. 20-3-0004c, Order on Dispositive motions, 5/26/20).⁵ *FOSV* (Friends of Sammamish Valley) involved King County's development regulation regarding the wine and beverage industry in the Sammamish Valley.

In *FOSV*, the County knew there were issues arising from a "burgeoning wine industry" in 2012. In 2016, the County issued a consultant study on the issues, which included a series of policy recommendations. From that, the County executive issued a series of policy changes, which included proposed regulations that went to the County Council for consideration in April 2018. Public comments were considered during this process, but the SEPA determination was not issued until June 2019. The Growth Board found that this violated SEPA. A Board would find the same in Thurston County's process,

In terms of issuing a DNS, the County also made a critical error, concluding it could not determine impacts until a site-specific proposal was submitted. The Growth Management Hearings Boards have rejected this approach:

Non-project actions are not exempt from adequate SEPA review. In fact, jurisdictions may not evade SEPA review by deferring analysis until later stages of actual development. This Board has often considered SEPA requirements in regards to nonproject actions. Thus, when a city amends its comprehensive plan or changes zoning, a detailed and comprehensive SEPA environmental review is required. SEPA is to function "as an environmental full disclosure law," and the City must demonstrate environmental impacts were

⁵ <https://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&id=6904>

considered in a manner sufficient to show “compliance with the procedural requirements of SEPA.”

Olympians for Smart Development & Livable Neighborhoods, et al., v. City of Olympia, Case No. 19-2-0002c, Order Denying Motion to Dismiss, Allowing Supplementation of the Record, Granting Summary Judgment at 6, March 29, 2019. (citing WAC 197-11-055(2)(a)(i), *Alpine Lakes Protection Society v. DNR*, 102 Wn. App 1, 16 (1999); quoting *Association of Citizens Concerned about Chambers Lake Basin et al., v. City of Olympia*, GMHB No. 13-2-0014 (Final Decision and Order, August 7, 2013) at 5 (footnotes omitted).

In sum, for all the reasons set forth above, we urge the Board of Commissioners to defer the proposed amendment #CPA-11 for consideration at least until it can be considered concurrently with the NSAP update. At that time, SEPA should be done early in the process, and most certainly before the planning commission considers it.

Sincerely,

-S-

Shelley Kneip, Boardmember
League of Women Voters of Thurston County
shelleykneip@gmail.com
(360) 972-2269

Cc: Joshua Cummings, Director, CPED
Jennifer Davis, Community Planning Manager, CPED
Maya Teeple, Senior Planner, CPED

Comment also included the County Hydrogeologist's Report, which is available online:

[https://www.thurstoncountywa.gov/planning/
planningdocuments/3%20-%20Tech%20Memo%2033%20-%
20Hydrogeologic%20review%20of%20Mineral%20Extraction%
20Code%2008152018.pdf](https://www.thurstoncountywa.gov/planning/planningdocuments/3%20-%20Tech%20Memo%2033%20-%20Hydrogeologic%20review%20of%20Mineral%20Extraction%20Code%2008152018.pdf)

From: [marian](#)
To: [Maya Teeple](#)
Subject: comment on NSAP Asphalt Recycling
Date: Tuesday, November 10, 2020 6:34:57 PM

I wish the current policy to stay in place with no changes. Please do not allow asphalt reprocessing to occur. Almost all of the Nisqually Subarea is part of water recharge zone. This particular site is part of the Nisqually Critical Aquifer Recharge Area-Category 1. That is more than enough reason to not allow asphalt reprocessing – do not allow pollution of the water source to occur. I do not believe the mitigation to prevent water pollution would actually work... over time, with enough rain, and standing water... it would percolate into the ground and water system.

Please stop this proposal from moving forward....

Marian Bailey, Olympia Resident

Sent from [Mail](#) for Windows 10

From: [Jeff Zahir](#)
To: [Maya Teeple](#)
Subject: Recycled Asphalt Policy
Date: Wednesday, November 11, 2020 12:34:18 AM

Jeff Zahir

806 Avalon Court SE
Olympia, Washington 98513

Speaking in opposition to the proposed amendment of policy E.5 in the Nisqually subarea plan.

While recycling, in general, is laudable and I'm sure many technologies exist to ensure that the facility won't leach or have any short term impacts. But that guarantee has been made in several places (Hanford, Boeing/Duwamish River, Asarco/Hylebos creek) where years later, after the developer left, the permit-granting agency explained "We couldn't have known this would happen" or "the state of the art back then made this standard practice. We know better now."

Logging, like gravel pits, is an extractive industry. Now take that log and treat it with chemonite or creosote. Once it's served its purpose consider whether your first choice for disposal would be to store it in the clear-cut forests the trees originated from.

The impacts of placing high concentrations of hydrocarbons, Sulphur and heavy metals in the middle of a river basin cannot be warranted because it cannot be recovered. Fish and wildlife do not measure parts per million thresholds of VOCs or aromatic hydrocarbons. They either like the smell of it or they don't. Any taint of the basic components of asphalt in this environment will only be known long after its impact. By that time there won't be anything to say but "We couldn't have known this would happen".

Please leave the existing language of Policy E.5 and consider bans on all accessory uses that introduce anything that wasn't in the natural environment before the principal use was permitted.

Thank you,

Jeff Zahir

From: jhawk@gglbbs.com
 To: [Maya Teeple](#)
 Subject: Asphalt Recycling/Comp. Plan Amendment
 Date: Wednesday, November 11, 2020 1:51:53 PM

Dear Commissioners,

I stand strongly against amending the Comprehensive Plan to allow asphalt recycling in and around the Nisqually watershed.

Frankly, this shouldn't take you long to come to agreement about...if~

- 1) You prioritize the water shed's value as a precious and irreplaceable resource...
- 2) You understand why the rules are in place already for this region, and why it's off limits now...and,
- 3) You listen to important stakeholders such as the Nisqually Tribe, local citizens, and many others.

The Nisqually Valley is listed as 'critical' area. Major water wells which service our entire region are found there. The Nisqually River is quite near Lakeside Industries.

Lakeside, the only entity to profit by such a change in regulations, was the 'citizen' which requested the change. (Very dubious use of the word 'citizen' on the County's part...it's a corporation, folks, with ulterior motive.)

As far as an overall plan county-wide, there are already plenty of other asphalt recyclers in the county.

Asphalt recycling is a toxic activity with potential for serious pollution in the water table and surrounding areas.

"Covering" a pile of recycled asphalt with something as flimsy as a tarp (which is what the 'limited' option would allow)....is ridiculous. You're looking at absolute pollution in that scenario.

This is not to even speak of the increased truck traffic and its accompanying problems.

Science has already told us this is an activity which has no belonging in an area such as the Nisqually. There is ZERO reason to challenge that now, and seriously compromise the Comp. Plan and all its careful measurements--simply to serve a company which cares more for a bottom line, than for the community which surrounds it.

You must consider that MANY others have spoken to you much more elegantly and knowledgeably than I, about the science, the dangers, etc.

In cases such as this, we must hold our aquifers as the highest voice, as they speak for us all. Water is a non-negotiable resource.

VOTE NO on any changes to the Comp. plan, regarding this proposal.

Thank you~
JJ Lindsey
Olympia, WA

Howard Glastetter
 11110 Kuhlman Road SE
 Olympia, WA 98513-9605

November 13, 2020

Thurston County Community Planning and Economic Development
 Attn: Maya Teeple, Senior Planner
 Thurston County Courthouse, Building 1
 2000 Lakeridge Dr. SW
 Olympia WA, 98502

Dear Ms. Teeple,

I have sent variations of this email as a public response to Lakeside Industries' docket attempts to remove the "No-RAP" provision from Goal E-5 of the 1992 Nisqually Sub-Area plan. They want to reprocess Recycled Asphalt Pavement (**RAP**) at their Holroyd's Gravel Pit site in lower Nisqually Valley. I have done this over the past several years. **I am now agreeing with the proposal to allow RAP in Holroyd's pit provided it is covered and protected from weather**, preferably with an unwallled metal building (see included photo) with an airspace above the stored RAP to insure it is free from moisture and will not leach into the permeable soil of Holroyd's gravel mine.

However, I am adding to this issue the concern that this RAP request should not be done in a vacuum. Holroyd, itself, has a ten-year-old request into Thurston County to mine 100 feet below the water table in this same pit. The request has become dormant over the years, but I suspect this will not be the case for long. I am concerned that, once this RAP issue is settled, Holroyd's past request will become active again. This issue will rise from the dust. The ecological impact of this possible double hit in this Nisqually Valley "wellhead protection area" would be substantial. It should not happen, and a flag should be raised by the Planning Commission that any possibility of this should require a full Environmental Impact Statement. I understand that Holroyd's current license requires **no** mining **below 20 feet above the mean level of the aquifer under the pit**.

Back to the RAP issue. The overall goal of the November 1992 Nisqually Sub-Area Plan was to "**Maintain the existing rural environment of the Nisqually planning area with the primary emphasis on preserving ... its rural, aesthetic character for future generations.**" (Page17). This overall goal has been in the forefront of the 1992 Plan as well as ongoing public and private efforts to restore and maintain the Nisqually River Valley. The no-RAP provision of Policy E.5, along with the other E goals (Page 20-21, attached) was designed to protect the rural character from industrial dominance.

The county has an obligation to defend this well thought out plan and strengthen it when it comes up for renewal. However, business impacts have increased, rather than be phased out as the plan has required. Examples:

- 1) A mined out pit at Yelm Highway and Reservation Road, in the Nisqually Sub-Area, has been converted to a construction waste site (The Sub-Area Plan (Goal E.1.) and DNR require mined out pits to be reclaimed). Stumps and construction material, including RAP, are hauled in from as far as Mason County. This operation is in the Nisqually Sub-Area, contiguous to the McAllister Springs Sensitive Area - above Lacey and Olympia municipal wells. People in county government are aware of this.
- 2) After the flood of 1996, neighbors could only replace lost homes by putting them on high foundations. No lot filling was allowed. However, the gun factory, in the middle of the neighborhood, was given permission to put 20,000 cubic yards of fill on their 1996 flood inundated property. They have yet to use this filled area. That filled part of the property is now for sale.
- 3) Lakeside got into the valley on a technicality and now wants to add the RAP storage and recycling to their process. This would have an increased truck traffic impact on the valley and, unless they use Best Management Practices (BMPs) it opens the door to possible water and air pollution.

There are ongoing concerns with flooding. In 1996, much of the lower Nisqually Valley was under floodwaters, including portions of the Holroyd gravel mine. Due to past rail line, bridge, and highway construction the Nisqually River has been artificially forced to the higher **east** side of the valley. When the river has major floods, it naturally flows to the **west**, above the rail line, through the Durgin Road Tunnel upstream, from the Holroyd Gravel Mine. If floodwaters enter the pit, aquifer groundwater could be infiltrated by pollutants from RAP storage in the pit, if RAP were allowed. (Flooding in Nisqually Valley will continue to be an issue as long as Tacoma Power continues to top off the Alder Lake Reservoir in the fall/winter seasons.)

Goal E.5 states: "... the reprocessing of asphalt shall not be allowed due to water quality concerns". Note: RAP is recycled pavement. When it is ground up the surface area dramatically increases and allows greater leaching of chemicals in the RAP. Please see next paragraph. **Yellow** highlighting is mine.

<http://www.rmrc.unh.edu/tools/uguidelines/rap131.asp> "For unbound applications, leachability from the RAP may also be a concern. **This same leachability would be a concern if RAP were stockpiled or stored and exposed to precipitation.**" What this URL is saying is that using RAP as one would use raw gravel for a road or driveway would cause more leaching into the soil than, say, a solid road made of bound asphalt. The reason being, that increased surfaces of the unbound RAP particles would have far more surface area to leach from than a hard surface road (much the same as a RAP stockpile exposed to the weather).

If RAP is allowed, there is a way to mitigate its effects. Below is the "Best Practice" to reduce moisture in RAP. It allows RAP to be processed at a lower temperature, reducing the cost of producing asphalt. There are two additional side benefits to this. Less heat means less energy, reducing air pollution. Keeping RAP dry also prevents chemical leaching into the ground water. This is a win for the asphalt company (less cost) and the neighborhood (less water/air pollution).

The **un-walled building** cover technique was also recommended in two different articles in the handout we used when I was on the Thurston County Asphalt Advisory Task Force (AATF) in 2007-8. A Lakeside employee told me they had no intention of doing this.

Note of caution: This still would not solve the problem of having a large **source** RAP pile in the pit. Suppose Lakeside could have RAP at their site. If Lakeside were to maintain a source RAP pile of the size they had when they were at the Hogum Bay Olympia Landfill a few years ago, it likely would create a water pollution problem. They had an irregular pile 60+ feet in height and around 150 feet across at the base. That may have been marginally ecologically acceptable because the water table could be around 100 feet below ground level at the Hogum Bay site. The current permeable gravel floor at Holroyd's is about 4 to 15 feet above an aquifer water table, even less in wintertime. Holroyd's pit is also in the Nisqually 100-year floodplain. I have photos that show they were flooded in 1996.

Below is a comment from an industrial journal showing that covering RAP is a BMP that is a financial advantage to an asphalt plant.

<http://www.morerap.us/files/rap-best-practices.pdf>

Stockpiling to Minimize Moisture

Moisture content of aggregates and RAP is a primary factor affecting an asphalt plant's production rate and drying costs. Some contractors have implemented creative approaches to reducing moisture content in stockpiles. **The best practice to minimize the accumulation of moisture in stockpiles is to cover the stockpile with a shelter or building to prevent precipitation from getting to the RAP.** Second to that, it is a good practice to use conical stockpiles to naturally shed rain or snow, and to place the stockpile on a paved and sloped surface to help water drain from the pile. Irregular-shaped stockpiles with surface depressions that will pond water should be corrected by shaping the pile as it is being built with the front-end loader or a small dozer. However, the use of heavy equipment on the top of RAP stockpiles should be minimized to avoid compaction of the RAP. Likewise, **it is also recommended that RAP stockpiles be limited to 20 feet in height** to reduce the potential for self-consolidation of the stockpile.



Final thoughts:

Lakeside RAP storage at the Hogum Bay site did not meet “**Best**” or even “**Second Best**” practices. Will they do better in Holroyd’s pit? They have agreed to cover the RAP if the Sub-Area plan allows it. Let us hope so. The aquifers below and near the pit are the source of drinking water for some as well as farm / garden irrigation for many in the valley. RAP should not pollute the aquifers, nor should they be mined into.

Lakeside knew RAP was not allowed before they built their new plant at Holroyd's pit. The County Commissioners and two court decisions ruled they could not use RAP in Nisqually Valley. ORCAA reaffirmed they could not, due to Sub-Area Plan rules. They chose to push their way into this rural residential area, anyway. Since then, they have been posturing that they have been treated unfairly.

Holroyd's pit is close to being mined out. DNR and the Sub-Area Plan say they must move out when that happens. Will they? Or will they want increase truck traffic and change infrastructure to haul in **gravel** from another pit **as well as RAP**? This would also be in violation of the Sub-Area Plan. **(Goal E.5 says: "The reprocessing of imported mineral resources shall not be the primary accessory use")** Gravel is a mineral and is supposed to come from inside the pit.

I would like to add a final thought. If RAP is allowed in the pit, Lakeside will be able to bid on projects that require RAP as part of the final product. This could allow industrial activity to increase at this site. Lakeside agreed to not exceed 300,000 Tons of asphalt production per year. Any increase in production output should not exceed the 300,000-ton annual limit.

Thank you for your consideration.

Sincerely,

Howard Glastetter
howard.glastetter@comcast.net
(360)556-1574

Maya Teeple

From: Sharon Herting <seherting@hotmail.com>
Sent: Saturday, November 14, 2020 3:25 PM
To: County_Commissioners; Maya Teeple
Subject: Docket Item CP-11 Recycled Asphalt (RAP)

I support The League of Women Voters of Thurston County's positions stated in their letter to the BoCC on November 4, 2020. I am asking you to reject the Docket Item CP-11 Recycled Asphalt that is up for a public hearing on 12/1/2020. There is no science that shows asphalt recycling should occur in the fragile Nisqually ecosystem.

Sincerely,

Sharon Herting
3200 Capital Mall Dr., SW, H201
Olympia, WA 98502

"The path will open up as you travel it. There will be companions." Jean Shinoda Bolen

Maya Teeple

From: maureen canny <mocanny@comcast.net>
Sent: Sunday, November 15, 2020 4:09 PM
To: County_Commissioners
Cc: Maya Teeple
Subject: Item CP-11-Recycled Asphalt (RAP)

Dear Commissioners Menser, Hutchings and Edwards,

We support The League of Women Voters of Thurston County's positions stated in their [letter to the BoCC on November 4, 2020](#). We asking you to reject the [Docket Item CP-11 Recycled Asphalt](#) that is up for a public hearing on 12/1/2020. There is no science that shows asphalt recycling should occur in the fragile Nisqually ecosystem.

Sincerely,

Kent and Maureen Canny

T.C residents-District 2

Maya Teeple

From: Hilarie Hauptman <hilariehauptman@gmail.com>
Sent: Sunday, November 15, 2020 4:10 PM
To: Maya Teeple
Subject: Fwd: Docket Item CP-11 Recycled Asphalt (RAP)

To Whom it May Concern:

I support The League of Women Voters of Thurston County's positions stated in their [letter to the BoCC on November 4, 2020](#). I am asking you to reject the [Docket Item CP-11 Recycled Asphalt](#) that is up for a public hearing on 12/1/2020. There is no science that shows asphalt recycling should occur in the fragile Nisqually ecosystem. Thank you for your efforts and attention to this critical environmental issue.

Sincerely, Hilarie Hauptman

1247 Irving St. SW, Tumwater, WA 98512

Maya Teeple

From: Glen Anderson <glenanderson@integra.net>
Sent: Sunday, November 15, 2020 5:14 PM
To: County_Commissioners; Maya Teeple
Subject: Protect our local environment!!!! REJECT Docket Item CP-11 Recycled Asphalt!!!

Decent people – VOTERS – demand that you protect our local environment from reckless, stupid, environmentally destructive projects such as the Recycled Asphalt proposal (Docket Item CP-11)!!!

The League of Women Voters of Thurston County does smart research and produced a smart statement. See their [letter to the BoCC on November 4, 2020](#).

VOTERS DEMAND THAT YOU REJECT the [Docket Item CP-11 Recycled Asphalt](#) either before or promptly after the Tues. Dec. 1 public hearing.

Recently I had an e-mail conversation with someone who is always angry that nonviolent people are not angry enough at right-wingers, racists, and other opponents of human rights. He keeps angrily denouncing the nonviolent people for not being angry enough or strong enough in opposing them.

Martin Luther King, Jr., said something relevant to the kind of contentiousness in that e-mail exchange. Contentiousness that fails to practice honest understanding and real compassion is actually a form of violence. MLK wrote:

“The ultimate weakness of violence is that it is a descending spiral, begetting the very thing it seeks to destroy. ... Returning violence for violence multiplies violence, adding deeper darkness to a night already devoid of stars. Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that.”

King’s insight is fully consistent with the point that I make in the workshops I conduct to help people organize nonviolent grassroots movements for social and political change. I explain that conflict has always existed, and conflict always will exist. What nonviolence does is **change the dynamics** of the conflict – **rewrite the script** about how the conflict will play out. **Nonviolence is courageous and proactive and powerful.**

Don’t let anyone mislead you into thinking that Martin Luther King was a wimp, or that he was soft on racism. He was very boldly courageous in fighting racism with the only strategy that can succeed: strategic nonviolence.

The real remedy for right-wing cruelty – and anger of some left-wing people who are “triggered by it – is profound nonviolence, and understanding, and compassion.

Glen Anderson (360) 491-9093 glenanderson@integra.net
 See insights and resources in my blog’s categories for “Nonviolence” and “Organizing” at www.parallaxperspectives.org



Virus-free. www.avast.com

Maya Teeple

From: northbeachcomm@cs.com
Sent: Monday, November 16, 2020 8:11 AM
To: Tye Menser; John Hutchings; Gary Edwards
Subject: Docket Item CP-11 Recycled Asphalt; Thurston County Commissioners

Nov 16, 2020

Subject: Docket Item CP-11 Recycled Asphalt (RAP)

Hello BOCC; Commissioner Tye Menser, Commissioner John Hutchings and Commissioner Edwards;

I am asking you to reject the [Docket Item CP-11 Recycled Asphalt](#) that is up for a public hearing on 12/1/2020. There is no science that shows asphalt recycling should occur in the fragile Nisqually ecosystem. The aquifer for our area, the drinking water, is near this activity; recycled asphalt.

The farms grow local food near this "recycled asphalt" work.

Our beautiful Nisqually River is in the heart of this valley.

This Nisqually Valley is deemed a "critical area". We cannot allow asphalt recycling to be in this valley.

Please reject the docket item CP-11. The Public "Zoom" hearing is on DEC. 1, 4pm; I want to speak.

People say we must have jobs, we must have this activity.

Jobs are important, but this recycled asphalt work can be done elsewhere!

Sincerely,
John and Lisa Newman
2103 Harrison AVE
OLY., WA
98502
360-956-0255

Maya Teeple

From: Lisa Ornstein <lisa.ornstein@hotmail.com>
Sent: Monday, November 16, 2020 9:23 AM
To: Maya Teeple
Subject: Docket Item CP-11 Recycled Asphalt (RAP)

I am asking you to support rejection by the Board of County Commissioners of the [Docket Item CP-11 Recycled Asphalt](#) that is up for a public hearing on 12/1/2020.

While I generally support the recycling of asphalt, such recycling must be done at appropriate site locations, or else not only are the ecological benefits lost, but additional damage to the surrounding environment may result. This is the case with the site request targeted by Lakeside Industries in their request for an amendment to the Nisqually Subarea Plan to allow asphalt recycling at a gravel mine. The proposed asphalt facility would be built approximately two miles upwind and upriver from the Nisqually National Wildlife Refuge, home to numerous wildlife species and endangered salmon. The groundwater around the mine site is between four and fifteen feet below the extremely porous surface. The site is also located in the County's aquifer protection district. The County has spent approximately \$2.4 million to purchase development rights in the immediate area adjacent to the proposed facility to prevent environmental damage.

As a taxpayer and a Thurston County resident, I expect the Planning Commission to prioritize public welfare over the interests of individual property owner. I also expect the Planning Commission to rigorously comply with SEPA and DNS protocols in the interest of citizens, and not expediency or private interests. Process has been flawed in both these matters.

I support The League of Women Voters of Thurston County's positions stated in their [letter to the BoCC on November 4, 2020](#).

I therefore urge you to support the deferment by the Board of County Commissioners of the proposed amendment #CPA-11 for consideration at least until it can be considered concurrently with the NSAP update. At that time, SEPA should be done early in the process, and most certainly before your Planning Commission considers it.

Sincerely,

Lisa Ornstein
3010 28th Ave. SE
Olympia, WA 98501

Maya Teeple

From: dianam1814 <dianamoore1814@gmail.com>
Sent: Monday, November 16, 2020 12:10 PM
To: Maya Teeple
Subject: Docket item CP-11 Recycled Asphalt

Ms. Teeple and the Thurston County Commissioners,

As a county resident, I am writing to advocate for the position that The League of Women Voters of Thurston County stated in their letter to the Board of Commissioners on November 4 of this year. I urge you to reject docket item CP-11 that is scheduled for a hearing on December 1 of this year. It would be unconscionable to allow asphalt recycling to be carried out in the delicate Nisqually River ecosystem.

Sincerely,
Diana Moore

Maya Teeple

From: Carol Goss <cgosslink@gmail.com>
Sent: Monday, November 16, 2020 4:05 PM
To: Maya Teeple
Subject: BoCC Comprehensive Plan

Thank you for the opportunity to comment on the proposed amendment **#CPA-11: Nisqually Subarea Plan** being considered for a Recycling Asphalt Plant. The potential for contaminants polluting such a sensitive area - a wildlife sanctuary, where groundwater and vital aquifer recharge areas can be impacted is unthinkable, let alone being deliberately planned for.

The 11/4/20 letter to BoCC from the Thurston LWV states,

"The proposed asphalt facility would be approximately two miles upwind and upriver from the Nisqually National Wildlife Refuge, home to numerous wildlife species and endangered salmon. The groundwater around the mine site is between four and fifteen feet below the extremely porous surface. The site is also located in the County's aquifer protection district. The County has spent approximately \$2.4 million to purchase development rights in the immediate area adjacent to the proposed facility to prevent environmental damage."

Please push the pause button until a complete, comprehensive SEPA study can ascertain how this plant can function without damaging the area AND to what costs and benefits to the residents of Thurston County. The quality and quantity of our water supply may very well depend on it.

Thank you,
Carol Goss and Glen Simmelink

Maya Teeple

From: karol.erickson@comcast.net
Sent: Monday, November 16, 2020 8:44 PM
To: Maya Teeple
Subject: FW: Docket Item CP-11 Recycled Asphalt (RAP)

I'm writing to say that I agree with the positions stated by the League of Women Voters, Thurston County, in their [letter to the BoCC on November 4, 2020](#). Please reject the [Docket Item CP-11 Recycled Asphalt](#) that is up for a public hearing on 12/1/2020. Asphalt recycling shouldn't occur in the sensitive Nisqually ecosystem.

Thank you,

Karol Erickson
1731 Medallion Loop NW
Olympia, WA 98502

Maya Teeple

From: Jon Ceazan <jdceazan@gmail.com>
Sent: Thursday, November 19, 2020 12:55 PM
To: Maya Teeple
Subject: Docket Item CP-11 Recycled Asphalt (RAP)

I support the League of Women Voters of Thurston County's positions stated in their letter to the BoCC on November 4th, 2020. I am asking you to reject the Docket Item Cp-11 recycled Asphalt that is up for a public hearing on 12/1/2020. There is no science that shows asphalt recycling should occur in the fragile Nisqually ecosystem.

Respectfully,

Jon Ceazan

303 41st Ave NE, Olympia WA 98506

Maya Teeple

From: Jennifer Davis
Sent: Thursday, November 19, 2020 12:46 PM
To: Maya Teeple
Subject: Fwd: Docket item CP-11 Recycled Asphalt (RAP)

Sent from my iPhone

Begin forwarded message:

From: Ramiro Chavez <ramiro.chavez@co.thurston.wa.us>
Date: November 19, 2020 at 12:31:00 PM PST
To: Joshua Cummings <joshua.cummings@co.thurston.wa.us>, Jennifer Davis <jennifer.davis@co.thurston.wa.us>
Subject: FW: Docket item CP-11 Recycled Asphalt (RAP)

FYI

Ramiro Chavez, P.E., PgMP
 County Manager
 Thurston County
Ramiro.Chavez@co.thurston.wa.us
 (360) 754-2960

From: County_Commissioners <county.commissioners@co.thurston.wa.us>
Sent: Thursday, November 19, 2020 11:53 AM
To: Robin Campbell <robin.campbell@co.thurston.wa.us>; Robin Courts <robin.courts@co.thurston.wa.us>; Ramiro Chavez <ramiro.chavez@co.thurston.wa.us>; Kelli Lee <kelli.lee@co.thurston.wa.us>; John Hutchings <john.hutchings@co.thurston.wa.us>; Gary Edwards <gary.edwards@co.thurston.wa.us>; Tye Menser <tye.menser@co.thurston.wa.us>; Thomasina Cooper <thomasina.cooper@co.thurston.wa.us>; Katelyn Johnson <katelyn.johnson@co.thurston.wa.us>
Subject: FW: Docket item CP-11 Recycled Asphalt (RAP)

From: Rick Bartholomew
Sent: Thursday, November 19, 2020 7:52:39 PM (UTC+00:00) Monrovia, Reykjavik
To: County_Commissioners
Subject: Docket item CP-11 Recycled Asphalt (RAP)

I support The League of Women Voters of Thurston County's positions stated in their [letter to the BoCC on November 4, 2020](#). I am asking you to reject the [Docket Item CP-11 Recycled Asphalt](#) that is up for a public hearing on 12/1/2020. There is no science that shows asphalt recycling should occur in the fragile Nisqually ecosystem.

Sincerely,

Rick Bartholomew
7429 Timberlake Dr. SE
Olympia, WA 98503

360-701-5257

Maya Teeple

From: Becky Beswick <bbeswick@gmail.com>
Sent: Sunday, November 22, 2020 9:03 AM
To: Maya Teeple
Subject: Docket Item CP-11 Recycled Asphalt (RAP)

I support The League of Women Voters of Thurston County's positions stated in their [letter to the BoCC on November 4, 2020](#). I am asking you to reject the [Docket Item CP-11 Recycled Asphalt](#) that is up for a public hearing on 12/1/2020. There is no science that shows asphalt recycling should occur in the fragile Nisqually ecosystem.

Sincerely,
Becky Beswick

Maya Teeple

From: Joseph Diaz <flyingracer@comcast.net>
Sent: Monday, November 23, 2020 3:17 PM
To: Maya Teeple
Subject: Lakeside Industries RAP Amendment

To the Commissioners,

My name is Joseph Diaz.

I, like many others have a family and depend on Lakeside Industries to make a living. I have been with Lakeside Industries for 5yrs, and they have been really good to me and my family.

In these very competitive times, if RAP was used, it would help Lakeside Industries bid at a more competitive rate with other companies. Most other companies use RAP in there mix, which reduces the overall cost in raw materials.

Please help Lakeside Industries stay competitive so the families that rely on them can continue to prosper in this economy.

Kind regards,
Joseph Diaz

Maya Teeple

From: Ryan Heathers <ryanh@activeconstruction.com>
Sent: Monday, November 23, 2020 3:11 PM
To: Maya Teeple
Subject: LAKESIDE INDUSTRIES CP11 RECYCLED ASPHALT POLICY

Hello,

I am writing to comment on the upcoming vote regarding the use of Recycled Asphalt in Thurston County and by Lakeside Industries. ACI performs many Public and Private Civil projects in the Puget Sound region and many in the Thurston County area every year. A current Thurston County project ACI has in progress is the Mullen Road Improvement.

The use of Recycled Asphalt decreases the high cost per ton of asphalt and would allow more competitive pricing with asphalt companies/plants in other counties and would help decrease the cost of asphalt in Thurston County. Currently, a number of paving projects in Thurston County are supplied outside of the County resulting in dollars going to non-local companies and higher asphalt prices. The Mullen Road project will be paved by a Subcontractor and Asphalt Plant from Pierce County.

Recycling of Asphalt can be beneficial to the environment as it reduces the stockpiling/disposal of old asphalt by reusing in new roadways. Often times, the old asphalt since it cannot be recycled in new asphalt mix is trucked many miles and sometimes out of Thurston County to be disposed of.


ACI has found Lakeside Industries to be a great company to work with and its integrity, Culture, Reputation, People and Environmental awareness are second to none.

Thanks,

R
H



RYAN HEATHERS | Construction Manager/ Estimator
O: 253 248-1091 | M: 253 606-8638 | F: 253 248-1092 |
"GET ACTIVE"

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Maya Teeple

From: Laurel Smith <laurelswim@mac.com>
Sent: Monday, November 23, 2020 1:17 PM
To: Maya Teeple
Subject: RAP amendment Nisqually sub area plan

Maya:

Thank you for the opportunity to comment on the RAP amendment. My comment to the Commissioners is below.

Dear Commissioners:

As a lifetime resident of Thurston County, I ask that you amend the Nisqually Subarea Plan to allow for asphalt recycling. Thank you for the opportunity comment on this amendment.

Recycling asphalt is the right thing to do. The people of Thurston County drive on asphalt every day. The use of RAP saves on valuable resources, reduces greenhouse gases, allows increased competition in the pavement market, and can increase jobs in the industry.

According to the state's solid waste plan, construction and demolition waste makes up one third of the solid waste generated in the state. This amendment would allow for tons of asphalt pavement to be recycled and avoid the landfill.

The impact of recycling is low and the benefits are immense. Please support asphalt recycling.

Best regards,

Dean Smith

7711 119TH Lane SW

Olympia WA 98512

Thurston County Resident

Maya Teeple

From: Dusty Barringer <Dusty.Barringer@lakesideindustries.com>
Sent: Tuesday, November 24, 2020 9:25 AM
To: Maya Teeple
Subject: CP-11: Allow Asphalt Recycling in the Nisqually Subarea

- Asphalt recycling reduces waste and preserves natural resources. I support Lakeside Industries' amendment to allow asphalt recycling in the Nisqually Subarea. Please vote in favor of asphalt recycling in the Nisqually Subarea.

-Christopher Paige

- Lakeside Industries' asphalt recycling amendment is good for the economy and supports local jobs. They are a wonderful company to work for so please vote for Option 2 and allow asphalt recycling in the Nisqually Subarea!

-Dusty Barringer

Maya Teeple

From: Dan Wagner <Dan.Wagner@lakesideindustries.com>
Sent: Tuesday, November 24, 2020 10:08 AM
To: Maya Teeple
Subject: CP-11: Allow Asphalt Recycling in the Nisqually Subarea

Good Morning!

I support the use of recycled asphalt in the Nisqually Subarea. Asphalt recycling reduces waste and preserves natural resources. Please vote in favor of asphalt recycling in the Nisqually Subarea.

Thank you



Dan Wagner
Project Manager, Lacey Division
Lakeside Industries, Inc.
Office (360) 491-5460
Cell (360) 250-0184



November 24, 2020

Thurston County Community Planning and Economic Development

Attn: Maya Teeple, Senior Planner

Thurston County Courthouse, Building 1

2000 Lakeridge Dr. SW

Olympia WA, 98502

Transmitted via email to: maya.teeple@co.thurston.wa.us

RE: WAPA Comments on CP:11: Comprehensive Plan Amendment to Nisqually Subarea Plan Asphalt Recycling Policy E.5

Dear Commissioners:

The Washington Asphalt Pavement Association (WAPA) strongly supports an amendment to the Thurston County's Comprehensive Plan to allow asphalt recycling in the Nisqually Subarea.

WAPA represents asphalt pavement material producers/paving contractors at the state level and has served this function since its founding in 1954. WAPA promotes improved communication and understanding within the entire hot mix asphalt (HMA) industry. WAPA member companies own and operate 60+ asphalt plants, which produce 98% of the hot mix asphalt (HMA) manufactured statewide. WAPA continuously partners with relevant local, state, and national agencies and industry partners to develop and refine the use of recycled asphalt pavement (RAP) in HMA.

Asphalt Recycling is a Standard Practice:

RAP use has been a broadly accepted standard in Washington for over 25 years and RAP represents more than 20% of the annual HMA volume produced for both the public and private markets for asphalt paving. Across the state and country, we know of no other agency, county, or municipality that restricts the stockpiling RAP and its use in HMA is nearly universal. The Washington State Dept. of Transportation specifications allow for 20% RAP use in every standard HMA formulation, without exception.

RAP stockpiling is well regulated by state sand and gravel general permits and RAP has never been linked, even remotely, to impacting groundwater in any way. The material is widely recognized as environmentally safe and benign. In fact, it is not uncommon for agencies to encourage RAP to be incorporated into their pavement mixes or to use it as a high quality road embankment (generally as inert fill or road base materials) or as a replacement for virgin crushed rock, either in the roadway section or in road shouldering applications.

Asphalt Recycling is Sustainable:

Recycled asphalt is a sustainable material for constructing pavements. About 90 million tons of asphalt pavement is reclaimed each year nationwide and over 95 percent of that total is reused or recycled. In 2019, about 1.1 million tons of RAP was incorporated into new pavement mixtures throughout Washington state.

Washington Asphalt Pavement Association

451 SW 10th Street, Suite 110A

Renton WA 98057

(425) 207-8814 * Fax (425) 970-3178

November 24, 2020 WAPA Comments

Page 2 of 2

A recent study by the University of Washington identified 63 existing RAP stockpiles of significant volume containing approximately 1.4 million tons of RAP distributed across the state, all of which is destined to be incorporated into new pavements or into recycled aggregates.

An Executive Summary of the annual Asphalt Pavement Industry Survey on Recycled Materials and Warm-Mix Asphalt Usage in 2019, as published by the National Asphalt Pavement Association (NAPA) is attached to this transmittal, for your review.

Asphalt Recycling Extends Precious Resources

Mineral resource lands are of primary importance in sustaining the state's economy and its infrastructure. RAP use extends the mineral resources available in any jurisdiction by replacing newly mined aggregates with recycled aggregates from existing roads, streets, and parking lots. As stated above, RAP use in Washington is replacing the need to mine 1.1 million tons of new aggregate each year across the state. By using RAP, existing mining resources are extended and the need for new mine sites is diminished or delayed.

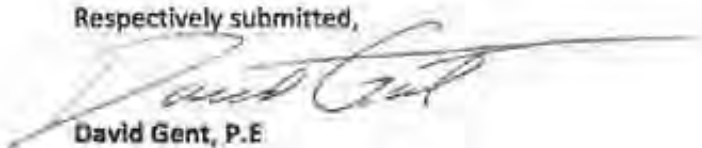
The Science Consistently Supports RAP Usage

Asphalt recycling and RAP stockpiles have been thoroughly studied as a result of its ubiquitous usage throughout the country for over a quarter of a century. Since Thurston County adopted its Nisqually Subarea plan in the early 1990s, independent academic researchers, state transportation agencies, and environmental agencies have investigated the environmental implications of RAP stockpiles. Investigations relevant to Thurston County's current subarea policy have found no reason for concern related to RAP storage. WAPA and NAPA co-wrote a letter to Thurston County on June 13, 2019 with further information about research on RAP leachate.

Asphalt is Local

During this time of economic uncertainty, efforts to support the asphalt pavement community will consequently support the local community. Asphalt pavements are a key component to freedom of movement and efficient transportation for economic vitality, in Thurston County and throughout the nation. Asphalt roads, streets, industrial and shipping hub facilities, parking lots and bike trails are all built by people who live and work in the immediate areas they serve. Asphalt jobs are family wage positions that cannot be outsourced. In Thurston County, we estimate that 98% of the roads and streets are surfaced with asphalt. Supporting a local business that is also a champion of smart and "closed-loop" recycling is a progressive and positive public policy.

Respectively submitted,



David Gent, P.E.

Executive Director

Washington Asphalt Pavement Association



Washington Asphalt Pavement Association

451 SW 10th Street, Suite 110A

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Asphalt Pavement Industry Survey on Recycled Materials and Warm-Mix Asphalt Usage 2019

Information Series 138



10th Annual Survey

Technical Report Documentation Page

1. Report No. Information Series 138 (9th edition)	2. Government Accession No.	3. Recipient's Catalog No.	
4. Title and Subtitle Asphalt Pavement Industry Survey on Recycled Materials and Warm-Mix Asphalt Usage: 2019		5. Report Date September 2020	
		6. Performing Organization Code	
7. Author(s) Brett A. Williams, J. Richard Willis, Ph.D., & Joseph Shacat		8. Performing Organization Report No. IS 138(10e)	
9. Performing Organization Name and Address National Asphalt Pavement Association 6406 Ivy Lane, Suite 350 Greenbelt, MD 20770-1441		10. Work Unit No. (TRAIS)	
		11. Contract or Grant No. HIF180043PR	
12. Sponsoring Organization Name and Address Federal Highway Administration Office of Preconstruction, Construction, and Pavements 1200 New Jersey Ave. SE Washington, DC 20590		13. Type of Report and Period Covered Final Report; January–December 2019	
		14. Sponsoring Agency Code FHWA-HICP-40	
15. Supplementary Notes FHWA Agreement Officer's Representative: Timothy B. Aschenbrener, P.E.			
16. Abstract <p>A shared goal of the Federal Highway Administration (FHWA) and the National Asphalt Pavement Association (NAPA) is to support and promote sustainable practices, such as the use of recycled materials and warm-mix asphalt (WMA). The use of recycled materials, primarily reclaimed asphalt pavement (RAP) and reclaimed asphalt shingles (RAS), in asphalt pavements conserves raw materials and reduces overall asphalt mixture costs, as well as reduces the stream of material going into landfills.</p> <p>WMA technologies have been introduced to reduce production and compaction temperatures for asphalt mixtures, which reduces the energy needed and emissions associated with mixture production. Additional benefits include improved low-temperature compaction of asphalt mixtures leading to improved pavement performance, as well as a longer paving season. WMA was chosen for accelerated deployment in federal-aid highway, state department of transportation, and local road projects as part of FHWA's 2010 Every Day Counts initiative.</p> <p>The objective of this survey, first conducted for the 2009 and 2010 construction seasons, is to quantify recycled materials used and WMA produced annually by the asphalt pavement industry to document the deployment of these technologies to understand where they are being used and where they are underutilized. Results show significant growth in the use of RAP, RAS, and WMA technologies since 2009, although the rate of year-over-year growth has generally slowed since 2013.</p> <p>The asphalt industry remains the country's most diligent recycler with more than 99 percent of reclaimed asphalt pavement being put back to use. The average percentage of RAP used in asphalt mixtures has increased from 15.6 percent in 2009 to 21.1 percent in 2019. In 2019, the estimated RAP tonnage used in asphalt mixtures was 89.2 million tons. This represents 4.5 million tons (24 million barrels) of asphalt binder conserved, along with the replacement of more than 84 million tons of virgin aggregate. The use of RAS in asphalt pavement mixtures has increased from 701,000 tons in 2009 to an estimated 921,000 tons in 2019 with the use of RAS decreasing (12.5 percent) from 2018 to 2019.</p> <p>The combined savings of asphalt binder and aggregate from using RAP and RAS in asphalt mixtures is estimated at more than \$3.3 billion and some 59 million cubic yards of landfill space.</p> <p>More than 1.3 million tons of other recycled materials were reported as being incorporated into nearly 8.3 million tons of asphalt pavement mixtures during the 2019 construction season, including recycled tire rubber, blast furnace slag, steel slag, and cellulose fibers.</p> <p>The estimated total production of asphalt with WMA technologies during the 2019 construction season was 164.5 million tons of which about 48 percent was produced at reduced temperatures. This was a 4 percent increase from the estimated 157.7 million tons of WMA in 2018, with increased utilization reported for the DOT and Commercial and Residential sectors tonnage for the year. Utilization of WMA technologies in 2019 was 879 percent more than the estimated 16.8 million tons in the 2009 construction season.</p> <p>Asphalt produced with WMA technology made up 38.9 percent of the total estimated asphalt mixture market in 2019. Production plant foaming, representing 51 percent of the market, is the most commonly used warm-mix technology; chemical additive technologies accounted for a little more than 48 percent of the market. Relatively minor differences were seen in which WMA technologies were used when production temperatures were or were not reduced.</p>			
17. Key Words reclaimed asphalt pavement, reclaimed asphalt shingles, warm-mix asphalt, recycled tire rubber, ground tire rubber, slag, fly ash, RAP, RAS, WMA, GTR, RTR, recycled materials, economics, engineering		18. Distribution Statement No restrictions.	
19. Security Classification (of this report) Unclassified.	20. Security Classification (of this page) Unclassified.	21. No. of Pages 48	22. Price NA

Asphalt Pavement Industry Survey on Recycled Materials and Warm-Mix Asphalt Usage: 2019

Executive Summary

The results of the asphalt pavement industry survey for the 2019 construction season show that asphalt mixture producers have a strong record of employing sustainable practices and continue to increase their use of recycled materials and warm-mix asphalt (WMA). The use of recycled materials, particularly reclaimed asphalt pavement (RAP) and reclaimed asphalt shingles (RAS), conserves raw materials and reduces overall asphalt mixture costs, allowing road owners to achieve more roadway maintenance and construction activities within limited budgets. WMA technologies can improve compaction at reduced temperatures, ensuring pavement performance and long life; conserve energy; reduce emissions from production and paving operations; and improve conditions for workers.

The objective of this survey, first conducted for the 2009 and 2010 construction seasons, was to quantify the use of recycled materials, primarily RAP and RAS, as well as the use of WMA technologies by the asphalt pavement industry. For the 2019 construction season, the National Asphalt Pavement Association (NAPA) conducted a voluntary survey of asphalt mixture producers across the United States on tons produced, along with a survey of state asphalt pavement associations (SAPAs) regarding total tons of asphalt pavement mixture produced in their state.

Asphalt mixture producers from 48 states, one U.S. territories, and the District of Columbia completed the 2019 construction season survey. A total of 212 companies and a total of 1,101 production plants were represented in the survey.

A degree of fluctuation in year-to-year comparisons of data is influenced by which companies responded to the 2019 construction season survey versus prior year survey respondents. Respondents to the 2019 construction season survey decreased by 60 companies compared to 2018. Of the companies responding to the 2019 survey, 20 did not respond to the 2018 construction season survey.

The following are highlights of the survey of usage during the 2019 construction season:

Reclaimed Asphalt Pavement

- Asphalt mixture producers remain the country's most diligent recyclers, with more than 94 percent of asphalt mixture reclaimed from old asphalt pavements being put back to use in new pavements and the remaining 6 percent being used in other civil engineering applications, such as unbound aggregate bases.
- The total estimated tons of RAP used in asphalt mixtures was 89.2 million tons in 2019. This is a nearly 8.5 percent increase from the 2018 construction season and represents a nearly 59.3 percent increase from the total estimated tons of RAP used in 2009. Since 2009, total asphalt mixture tonnage has increased only 17.7 percent.
- The percentage of producers reporting use of RAP was at 97.7 percent of respondents, up 0.3 percent from 2018. Three producers reported landfilling a minor amount (52,550 tons, or 0.013 percent) of RAP during 2019.
- RAP usage during the 2019 construction season is estimated to have reduced the need for 4.5 million tons (24 million barrels) of asphalt binder and more than 84 million tons of aggregate with a total estimated value of more than \$3.2 billion.
- The total estimated amount of RAP stockpiled nationwide at the end of the 2019 construction season was about 138 million tons.

- Reclaiming 97 million tons of RAP for future use saved about 58.9 million cubic yards of landfill space, and more than \$5.3 billion in gate fees for disposal in landfills.
- The use of RAP in new asphalt mixtures reduced greenhouse gas emissions in 2019 by 2.4 million metric tons of CO_{2e}, which is equivalent to the annual emissions of 520,000 passenger vehicles

Reclaimed Asphalt Shingles

- The total estimated tons of RAS used in asphalt mixtures decreased 12.5 percent to an estimated 921,000 tons in 2019. This reversed the increase in the use of RAS reported during the 2018 construction season, with utilization at about 53 percent below the 2014 peak level of reported usage.
- The total estimated amount of RAS stockpiled nationwide at the end of the 2019 construction season was about 1.14 million tons, a 16.5 percent decrease from 2018.
- RAS usage during the 2019 construction season is estimated to have reduced the need for 184,200 tons (more than 1 million barrels) of asphalt binder and about 460,000 tons of aggregate with a total estimated value of more than \$103 million.
- Reclaiming 611,000 tons of unprocessed RAS for future use saved about 370,000 cubic yards of landfill space, and more than \$33 million in gate fees for disposal in landfills.

Other Findings

- The use of softer binders and recycling agents with mixtures incorporating RAP and RAS was reported nationwide. There was little correlation between the level of RAP and RAS used and the use of softer binders and/or recycling agents.
- Other recycled materials commonly reported as being used in asphalt mixtures during the 2019 construction season were recycled tire rubber, blast furnace slag, steel slag, cellulose fibers, and fly ash.
- Nearly 1.3 million tons of other recycled materials was reported as being used in nearly 8.3 million tons of asphalt mixtures by 52 companies in 24 states during the 2019 construction season.

Warm-Mix Asphalt Technologies

- The estimated total tonnage of asphalt pavement mixtures produced with WMA technologies for the 2019 construction season was 164.5 million tons. This was a 4 percent increase from the estimated 157.7 million tons of WMA in 2018, driven largely by increased WMA tonnage in the commercial and residential sector.
- Mixtures produced with WMA technologies made up 38.9 percent of the total estimated asphalt mixture market in 2019. About 47.9 percent (78.8 million tons) of these mixtures were produced with a temperature reduction of at least 10°F.
- Production plant foaming, representing 51 percent of the market in 2019, remains the most commonly used warm-mix technology, despite decreasing about 12.2 percent since the 2018 construction season.
- Chemical additive technologies accounted for a little more than 48 percent of the market in 2019, an increase of 14 percent from their use in the 2018 construction season.
- A continued increase in the use of chemical additive WMA technologies and a decrease in plant-based foaming technologies has been seen in the survey since 2011.
- About 62 percent of survey respondents produce asphalt with WMA technologies; 130 producers in 44 states reported using WMA technologies.
- The use of WMA technologies to produce asphalt mixture at reduced temperatures reduced greenhouse gas emissions in 2019 by 0.05 – 0.21 million metric tons of CO_{2e}, which is equivalent to the annual emissions of 11,000 to 46,000 passenger vehicles.



Transportation Building
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Olympia, WA 98504-7300
360-705-7000
TTY: 1-800-833-6388
www.wsdot.wa.gov

November 23, 2020

Mr. Joshua Cummings, Director
Resource Stewardship
Thurston County Planning Commission
2000 Lakeridge Drive SW
Olympia, WA 98502

Re: Public Hearing –Comprehensive Plan Docket Item CP-11 Recycled (Reclaimed)
Asphalt Policy

Dear Mr. Cummings:

This letter supports Lakeside Industry's request for a Comprehensive Plan amendment to allow the use of Reclaimed Asphalt Pavement (RAP) at its facility in Thurston County.

The Washington State Department of Transportation (WSDOT) strongly supports the use of RAP throughout the state. Asphalt pavement is the most recycled material in the country today, far exceeding other materials and the asphalt industry remains the country's number one recycler. Based on data from the National Asphalt Pavement Association, of the 97 million tons of RAP reclaimed, contractor's reused 89.2 million tons in new asphalt pavements in 2019. This is a nearly 8.5 percent increase from the 2018 construction season and represents a nearly 59.3 percent increase from the total estimated tons of RAP used in 2009, when this annual survey was first conducted. Also, the survey evaluated greenhouse gas emissions for the first time and found that RAP usage saved 2.4 million metric tons of CO₂e, the equivalent of removing 520,000 passenger vehicles from the road. Use of RAP is safe, efficient, cost effective, and reduces the environmental impact of our State's highways and roadways.

As mentioned above, the use of RAP is a key part of WSDOT's efforts to improve the sustainability of Washington's highways. On most WSDOT projects, approximately 20 percent RAP is used and in certain situations, WSDOT allows more. The use of RAP conserves limited resources and landfill space.

I encourage you to amend the county's Comprehensive Plan to allow use of RAP. My agency relies on RAP to increase the sustainability of highway materials. Please let me know if you have any questions.

Sincerely,

Roger Millar

Roger Millar, PE, FASCE, FAICP
Secretary of Transportation

Maya Teeple

From: Doug Smith <Doug.Smith@lakesideindustries.com>
Sent: Tuesday, November 24, 2020 2:46 PM
To: Maya Teeple
Subject: CP-11: Allow Asphalt Recycling in the Nisqually Subarea

Sent from my iPhone

Maya Teeple

From: John Escobedo <johnescobedo60@icloud.com>
Sent: Tuesday, November 24, 2020 4:07 PM
To: Maya Teeple
Subject: CP-11: Allow Asphalt Recycling in the Nisqually Subarea

- I support Lakeside Industries' amendment to allow asphalt recycling in the Nisqually Subarea because they are a great partner in the community. Asphalt recycling is encouraged by local, state, and national agencies because it is safe and environmentally friendly. Please vote to allow asphalt recycling in the Nisqually Subarea.

- John Escobedo
Johnescobedo@icloud.com

Sent from my iPhone

Maya Teeple

From: Jim Holland <JimH@activeconstruction.com>
Sent: Wednesday, November 25, 2020 9:45 AM
To: Maya Teeple
Subject: LAKESIDE INDUSTRIES CP11 RECYCLED ASPHALT POLICY

Dear County Commissioners,

I am writing to comment and support Thurston County changing the language of Policy E.5 in the Nisqually Subarea Plan to allow for asphalt recycling within the subarea. Active Construction Inc constructs and has constructed many Public and Private Civil projects in the Puget Sound region with many in Thurston County and plans to construct many more in the future in Thurston County.

The utilization of Recycled Asphalt decreases the high cost per ton of asphalt and would allow more competitive pricing with asphalt companies/plants in other counties and would help decrease the cost of asphalt in Thurston County to the owner whether that be Public or Private.

Adopting the use of Recycled Asphalt is beneficial to the environment keeping the recycled asphalt in the area as it lessens wear-n-tear on the roadways with less travel, less fuel emissions and it makes sense to adopt the utilization of Recycled Asphalt as other jurisdictions have in utilizing Recycled Asphalt in our new roadways.

ACI recognizes Lakeside Industries as a superior company to work with as they have great Integrity, great Culture, great Reputation, great People and their Environmental awareness is second to none. We ask that Thurston County change the language of Policy E.5 in the Nisqually Subarea Plan to allow Asphalt Recycling in the subarea.

Best Regards,

-Jim



JIM HOLLAND | Project Manager/ Estimator
 O: 253 248-1091 | M: 253 495-8286 | F: 253 248-1093 |
"GET ACTIVE"

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Gary's Bulldozing

PMB 337
1420 Marvin Rd. NE Suite C
Olympia, WA 98506

Shop: (360) 493-1861
Office: (360) 456-8804
Fax: (360) 923-0434

To Whom it May Concern:

My name is Gary Kittelman and I own Gary's Bulldozing, a family owned business that operates in Thurston County.

I am writing to support Lakeside Industries and the amendment to allow asphalt recycling in the Nisqually sub-area. The use of RAP will help with conserving existing mineral resources and petroleum products as well as reduces waste.

I have worked with Lakeside for many years on many projects and everything they do is done at the highest level. I support them and the amendment.

Thank you for your time and please vote to approve the amendment.

Gary Kittelman
Gary's Bulldozing LLC

Maya Teeple

From: Chris Heikkila <fastmoon15@gmail.com>
Sent: Wednesday, November 25, 2020 2:58 PM
To: Maya Teeple
Subject: CP-11: Allow Asphalt Recycling in the Nisqually Subarea

Lakeside Industries is a great place to work. I support their amendment to allow asphalt recycling in the Nisqually Subarea because it will increase market competitiveness in the asphalt paving industry. Please vote to allow asphalt recycling in the Nisqually Subarea.

Sincerely, Chris Heikkila



P.O. Box 7016 / Issaquah, WA 98027
ph: 425.313.2600 / lakesideindustries.com

November 25, 2020

Via Email to Maya Teeple at maya.teeple@co.thurston.wa.us

Thurston County Board of County Commissioners
c/o: Maya Teeple, Senior Planner
2000 Lakeridge Drive SW
Olympia, WA 98502

Re: Lakeside Industries' Comments on CP:11:
Nisqually Subarea Asphalt Recycling Amendment

Dear Commissioners:

Asphalt recycling is a sustainable process that is encouraged by government agencies nationwide. Recycling is the right thing to do.

Please select Option #2 to amend the Nisqually Subarea and allow asphalt recycling. This is a reasonable policy decision that encourages resource preservation and reduces waste in the county. Once the policy is amended, Lakeside Industries would seek amendment to its permit. At that time, site specific considerations can be considered.

Jeff Herriford and I sent the attached letter to the Planning Commission earlier in this process, and we hope you will consider it in your decision on the asphalt recycling proposal.

Thank you for your time and consideration.

Sincerely,

Tony Hammett
Regional Manager
Lakeside Industries, Inc.



P.O. Box 7016 / Issaquah, WA 98027
ph: 425.313.2600 / lakesideindustries.com

Thurston County Community Planning
2000 Lakeridge Dr. SW
Olympia, WA 98502

RE: Thurston County Comprehensive Plan Docket Item CP-11
Recycled Asphalt Policy Amendment

Dear Thurston County Planning Commission and Board of County Commissioners:

Lakeside Industries is seeking this minor text amendment to the Nisqually Subarea Plan to allow for asphalt recycling within the Subarea. We ask that the Planning Commission and the Board of County Commissioners approve the amendment as written.

Lakeside Industries' Durgin Road asphalt plant is a state-of-the-art facility that employs over 40 employees for its operations. Our employees are members of the community who care about the environment where they live. Our asphalt plant provides road construction materials to residential, commercial, and industrial properties in the community. Thurston County residents drive on roads paved by Lakeside Industries every day. We ask that the County approve the amendment to the Nisqually Subarea Plan to allow for asphalt recycling, so that we can seek a permit amendment to recycle asphalt at our Durgin Road Plant.

Asphalt recycling preserves natural resources. The use of recycled asphalt decreases the need for newly-mined aggregate and reduces the amount of asphalt cement required in manufacturing asphalt. Petroleum and aggregates that would otherwise be needed to produce new asphalt would be directly replaced with recycled asphalt on a 1:1 basis.

Asphalt recycling results in 0% waste. Any recycled asphalt is effectively removed from the waste stream. It should be understood that these are very large amounts of reclaimed asphalt typically measured in the hundreds of thousands of tons. This is RAP that would otherwise go into a landfill.

Asphalt recycling requires no additional energy or materials. Unlike most other recyclables, very little additional energy is required to recycle asphalt. To recycle asphalt, the recycled material is simply ground up and introduced into the already heated mix. No chemicals or additives are used.

Asphalt recycling is encouraged nationwide. National, state, and local governmental agencies support and encourage the use of recycled asphalt. The National Federal Highway Administration (FHWA) "supports and promotes the use of recycled highway materials in pavement construction in an effort to preserve the natural environment, reduce waste, and provide a cost effective material for constructing highways."¹ Additionally, Washington State law

¹ <https://www.fhwa.dot.gov/pavement/recycling/rap/>

specifically requires that the state's preference for recycled content must be a factor in state capital improvement projects.²

Asphalt recycling is an important aspect of an industry essential to economic growth. Economic growth, including growth in housing, retail, and commercial sectors, cannot occur without adequate roads and infrastructure. Roads and infrastructure cannot be built without aggregate and asphalt. Asphalt recycling is a key aspect of everyday operations in road construction because it ensures an adequate supply of natural resources to support growth and development for years to come.

Asphalt recycling is especially critical during economic downturns. The use of recycled asphalt would encourage greater market competition for road construction in Thurston County because it is more cost-effective to recycle asphalt. Particularly in this challenging time of pandemic and reduced local tax income, increased market competition could result in cost savings for the County and its taxpayers.

We appreciate the County's time and efforts in moving this amendment forward, and we ask that you approve of this amendment.

Sincerely,

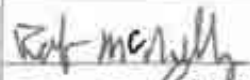



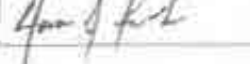


Tony Hammett
Regional Manager



Jeff Herriford
Division Manager

Signing in support and agreement of the comments presented in this letter:

Signature	Name	Address
	Rob McNelly	998 Holly St. Napavine
	Deon LeClerc	134 Camp Creek RD Montesano
	Amy Lovejoy	230 15th LANE TENINO, WA
	Steve Lavar	" "
	Aaron French	167 Pascoe Ave Chehalis, WA

² RCW 39.04.133 (1) ("The state's preferences for the purchase and use of recycled content products shall be included as a factor in the design and development of state capital improvement projects.")

specifically requires that the state's preference for recycled content must be a factor in state capital improvement projects.²

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Sincerely,





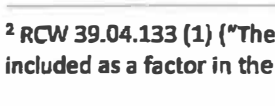


Tony Hammett
Regional Manager



Jeff Herriford
Division Manager

Signing in support and agreement of the comments presented in this letter:

Signature	Name	Address
	Pat Papac	414 Wynoochee Rd. West Montesano WA 98563
	Debra Chapman	1318 N C St Aberdeen WA 98520
	JOHN ROSS	620 HANNA AVE ABERDEEN WA 98520
	Chris Keikila	P.O. Box 879 Cosmopolis, WA 98557
	Stacey Spalbar	59. Rainier Gardens Rd Aberdeen WA. 98520

² RCW 39.04.133 (1) ("The state's preferences for the purchase and use of recycled content products shall be included as a factor in the design and development of state capital improvement projects.")

Signature	Name	Address
	Benjamin Clark	3618 3618 Landan arc ne Olympia
	Jeremy Cherry	3192 central in Hobu Rd outkastu WA
	James Kalkus	P.O. Box 801 Tenino, WA
	John Escobedo	14109 Little rock rd sw
	Julio Garcia	12725 MORRIS RD SE yelm wa.
	DAVID M	40 SE LACORN LN Stan
	ERIC MESIN	6025 18th Ave SW Rochester WA
	Douglas B Smith	4011 Indian Summer DL SE Oly
	Clint Moore	2411 174th AVE SE Tenino
	Sherry Galkinger	658 Wilkie Ln. Montpsano, WA
	Zach Beard	4605 Parkside Dr SE
	Jane S. Jorber	3414 Pear St SE Olympia, WA 98501
	Dusty Barringer	1954 Prospect Ave NE Olympia, WA 98501
	Todd Nelson	16637 SHELTON LN SW Packer WA
	Peter Irwin	1810 Gabbard Rd SW Tenino WA
	Mark Bosler	543 NORTH 10th Elyria WA
	Tyler Mitige	2221 SW Salisbury Ave Chehalis 98532
	Elizabeth Morris	212 156th LN SE, Tenino, WA 98589
	Mike Tennant	1602 ROBEVIA Loop SW Tumwater
	Kim Tennant	1601 Ridgeview Loop SW
	Rob Rueda	51 SE Garfield Ave SE Elberta
	Dawn Sprague	14749 high valley Ln se tenino wa
	Mitchell Szymanski	9802 DONOVAN CISE Yelm WA
	Torus Dillingham	5411 Kenetree Ct SE Lacey

Torus Dillingham


 Anthony Rybak 4343 S 291st ST Auburn WA 98001

[illegible]

[illegible]

Maya Teeple

From: Doug Smith <Doug.Smith@lakesideindustries.com>
Sent: Friday, November 27, 2020 8:09 AM
To: Maya Teeple
Subject: CP-11: Allow Asphalt Recycling in the Nisqually Subarea

Commissioner's, thank you for your time. I have lived in Thurston county for 60 years and have worked at lakeside for 42 years. To continue to be competitive and be good stewards of our land we really need this permit to recycle . Thanks for your time. Douglas Smith

Sent from my iPhone

Maya Teeple

From: David Peterson <davidp@activeconstruction.com>
Sent: Monday, November 30, 2020 7:48 AM
To: Maya Teeple
Subject: LAKESIDE INDUSTRIES CP11 RECYCLED ASPHALT POLICY

Dear County Commissioners,

I am writing to ask you to change the language of Policy E.5 in the Nisqually Subarea Plan to allow for asphalt recycling within the subarea. The cost of asphalt seems to continue to rise. Allowing contractors to incorporate recycled materials into the mix can help reduce these costs and allow for the tax dollar of the residents to stretch further. The environment also benefits from a recycled mix as it keeps less of the old asphalt away from the landfill.


Lakeside Industries is a leader in the asphalt industry for Washington State and has built a culture that helps improve the workforce of this State. This policy change would not only help the good people at Lakeside Industries, but all those that have the opportunity to do business in the County. Thank you for taking the time to consider making this policy change.

Sincerely,

David



DAVID PETERSON | Project Manager/ Estimator
O: 253 248-1091 | M: 253 606-9590 | F: 253 248-1093 |
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Maya Teeple

From: Jeff Herriford <jeff.herriford@lakesideindustries.com>
Sent: Monday, November 30, 2020 7:58 AM
To: Maya Teeple
Subject: CP-11: Allow Asphalt Recycling in the Nisqually Subarea

To whom it may concern,

As someone that has grown up in Southwest Washington and fished most the rivers in the area the last thing that I would do is align myself with a company and a cause that I thought would damage something that I and many other Washingtonians hold so dearly, which is salmon fishing. Being a father now I look forward to showing my kids one day how to fish these rivers. Environmental preservation is something that is very important to me, my family and Lakeside Industries. Recycling asphalt is a sustainable practice and one that should be implemented in the area to keep the material from entering landfills or other dump sites. Let Lakeside Industries reuse the natural resources that have already mined which will extend the life of the mines we already have. Please vote for Lakeside's amendment to allow asphalt recycling. Thank you

Jeff Herriford, Operations Manager | Lakeside Industries, Inc.

t 360.491.5460 | f 360.459.3858 | c 360.562.3320 | jeff.herriford@lakesideindustries.com

Lacey Division | 11125 Durgin Rd SE | Olympia, WA 98513 | www.lakesideindustries.com



Maya Teeple

From: Reid Wall <reid@kaufmancd.com>
Sent: Monday, November 30, 2020 10:09 AM
To: Maya Teeple
Subject: CP-11: Allow Asphalt Recycling in the Nisqually Subarea

- I support Lakeside Industries' amendment to allow asphalt recycling in the Nisqually Subarea because they are a great partner in the community. Asphalt recycling is encouraged by local, state, and national agencies because it is safe and environmentally friendly. Please vote to allow asphalt recycling in the Nisqually Subarea.

Reid Wall

P: 360-491-5230 Ext:115

F: 360-491-5296

C: 360-480-8736

www.kaufmancd.com





P.O. Box 7016 / Issaquah, WA 98027
ph: 425.313.2600 / lakesideindustries.com

November 30, 2020

Via Email to Maya Teeple at maya.teeple@co.thurston.wa.us

Thurston County Board of County Commissioners
c/o: Maya Teeple, Senior Planner
2000 Lakeridge Drive SW
Olympia, WA 98502

Re: Lakeside Industries' Comments on CP:11: Nisqually Subarea Asphalt Recycling
Amendment

Dear Commissioners:

I am writing to reaffirm my support for the Option #2 of the Recycled Asphalt Amendment for the Nisqually Subarea, which would allow asphalt recycling in the Nisqually Subarea without a cover requirement.

Please see my attached letter, which I sent to the Planning Commission earlier this year.

Thank you for your time and consideration of this amendment.

Sincerely,



Karen Deal
Director, Environmental and Land Use
Lakeside Industries, Inc.



P.O. Box 7016 / Issaquah, WA 98027
ph: 425.313.2600 / lakesideindustries.com

VIA EMAIL to shannon.shula@co.thurston.wa.us, maya.teeple@co.thurston.wa.us, and jennifer.davis@co.thurston.wa.us

October 7, 2020

Thurston County Community Planning
2000 Lakeridge Dr. SW
Olympia, WA 98502

RE: Thurston County Comprehensive Plan Docket Item CP-11 - Recycled Asphalt Policy

Dear Thurston County Planning Commission and Board of County Commissioners:

For over ten years, Lakeside Industries, Inc. (Lakeside) has sought this amendment to the Nisqually Subarea Plan to allow for asphalt recycling. We appreciate the County's willingness to consider this amendment and we ask that the Planning Commission vote for Option 2, which allows for asphalt recycling in the Nisqually Subarea and allows the County's permitting staff to determine best management practices for operations based on site-specific factors.

Our Company

Lakeside is a family-owned company of locally managed regional divisions in the Pacific Northwest. We operate fourteen plants which manufacture asphalt mix for construction of paved surfaces and our local union employees provide road paving construction services. In the Nisqually Subarea, Lakeside operates an asphalt plant at Durgin Road and has an office which supports our road paving construction crews. We do not conduct any mineral extraction activity within the Nisqually Subarea and our application is not associated with Holroyd's mine expansion permit process. This amendment for asphalt recycling is a separate review.

Lakeside's Plant on Durgin Road is a state-of-the-art facility. It has a sophisticated, engineered stormwater system that has functioned without issue since the Plant opened in 2008. All stormwater on site stays within the Plant's boundaries and does not enter the nearby Holroyd mine. Lakeside's stormwater is collected, treated, and infiltrated in accordance with Department of Ecology guidelines. In addition to Ecology's monitoring and testing requirements, groundwater has been regularly monitored by a qualified third party since 2007 with no issues. Groundwater monitoring shows that the Plant's stormwater system has operated as designed, without issue, even during flooding events.

Asphalt Recycling is Sustainable

Lakeside is recognized nationally for our progressive safety and environmental programs, sustainable operations, and quality products and services. One key aspect of our environmental sustainability is recycling of Reclaimed Asphalt Pavement (RAP). Asphalt recycling is a common, sustainable practice that is encouraged nationwide. The recycling process is simple: Asphalt roads are removed, resized into smaller more manageable chunks, mixed with some virgin aggregate and asphalt cement (the glue that holds the aggregate and RAP together), and then construction crews pave roads with the new mix.

There are over 3,500 asphalt plants in the United States and, to our knowledge, no other asphalt plant is prohibited from recycling asphalt.

Governmental, educational, and private research entities have thoroughly evaluated the potential impacts associated with RAP. Most of that effort occurred after the Nisqually Subarea Plan was approved in 1992. The research resulted in a body of technical information and scientific evidence supporting the fact that RAP is inert and poses no threat to water quality, particularly when considering dilution, infiltration, and stormwater treatment.

History of the Amendment

Lakeside submitted its first application to remove the prohibition against asphalt recycling from the Nisqually Subarea Plan in 2005. At that time, the County rejected the amendment due to staff resource concerns.¹ Lakeside resubmitted its application five times between 2005 and 2017. The common reason for rejection from the Docket was the same: limited staff resources. While the County repeatedly rejected Lakeside's proposal, it re-approved another contractor's permit application to allow for storage and recycling of RAP within the Nisqually Subarea – where it is currently prohibited.

After over 10 years of continuous proactive communication and outreach, in May of 2017 our proposal was formally listed for serious consideration on the 2017/2018 Official Docket. The following year, Lakeside entered into a Contract with Thurston County to mitigate the Staff resource concerns and help ensure timely review of the project. The County, in order to expedite its review process, found it necessary to hire an external consulting firm. Lakeside formally agreed to provide payment for services provided by the County and the County's consultant. Since 2018, Lakeside has funded over one hundred thousand dollars towards this amendment. Attached is a chronology of key dates and decisions associated with Lakeside's Comprehensive Plan Amendment application.

Throughout this process, Lakeside has provided the County with significant volumes of scientific information and both public and private entity support for our request to allow asphalt recycling in the Nisqually Subarea. We are hopeful that the County will soon finalize approval of our proposal based on the overwhelming scientific evidence that RAP is environmentally beneficial for reuse.

Next steps

We ask that you approve Option 2, which allows recycling of asphalt in the Nisqually Subarea and relies on County permitting staff to determine the appropriate mitigation measures to avoid impacts to water quality. Upon completion of this first step of amending the Nisqually Subarea Plan, Lakeside is committed to working with the County Staff, the Nisqually River Council, the Nisqually Tribe and other interested citizens during the next permitting phase, to incorporate adaptive management principles and conduct groundwater monitoring as it pertains to RAP storage on-site.

Additionally, we recognize that the Nisqually Subarea is a unique, beautiful area. While the scientific evidence and real-world evaluation has shown no groundwater impacts from decades of outdoor storage of RAP across the country, Lakeside is willing to eliminate any lingering water quality concerns by covering RAP stored on our site.

Sincerely,



Karen Deal
Director, Environmental and Land Use
Lakeside Industries, Inc.

¹ In a February 16, 2006 letter, the Director of the County's Development Services Department explained: "Staff resources are not available in the current amendment cycle to address the project."

ATTACHMENT A

Lakeside Industries – Thurston County Comprehensive Plan Amendment Applications Chronology of Key Dates and Decisions	
December 25, 2005	1st Application - Lakeside submits a Comprehensive Plan Amendment seeking a minor text amendment to the Thurston County Comprehensive Plan – Nisqually Sub-Area Plan, Policy E.5. The application was signed on December 25, 2005. An application fee of \$2,500 was paid to the County on January 5, 2006.
February 16, 2006	Thurston County rejects the application on the basis that “Staff resources are not available in the current amendment cycle to address the project.” The County further states “The Board welcomes you to re-submit your application for consideration for the 2007 Docket.” (February 16, 2006 Letter from Michael Welter, Thurston County Planning Director to James Hatch, Lakeside Industries)
November 14, 2008	2nd Application - Lakeside re-submits a Comprehensive Plan Amendment seeking a minor text amendment to the Thurston County Comprehensive Plan – Nisqually Sub-Area Plan, Policy E.5.
May 6, 2009	During a Thurston County Board Briefing held to Finalize the Official Docket of Comprehensive Plan Amendments, Thurston County staff recommends removal of Lakeside’s Comprehensive Plan Amendment from the Docket. The staff recommends the Lakeside’s proposal is a Low-Priority Discretionary Amendment that should be worked on only as staffing allows.
July 13, 2011	Lakeside meets with County Commissioner (Sandra Romero) and the only two members of the public who oppose Lakeside’s Durgin Road facility operations. The meeting was held to facilitate public understanding and acceptance of Lakeside’s proposed Comprehensive Plan Amendment. The meeting was to openly address concerns and how they would be mitigated. It was clear the only concern to the two members of the public was any increase in truck traffic.
November 14, 2011	3rd Application - Lakeside re-submits a Comprehensive Plan Amendment seeking a minor text amendment to the Thurston County Comprehensive Plan – Nisqually Sub-Area Plan, Policy E.5.
November 14, 2011	Lakeside meets with County Commissioner (Sandra Romero) to discuss the application.
November 22, 2011	Lakeside meets with County Commissioner (Karen Valenzuela) to discuss RAP and the application. Provided staff (Thurston County Resource Stewardship Director) with information on RAP as requested.
June 20, 2012	Lakeside holds an open house at the Durgin Road facility for Thurston County Commissioners, staff, and the Nisqually Indian Tribe.

Lakeside Industries – Thurston County Comprehensive Plan Amendment Applications Chronology of Key Dates and Decisions	
February 14, 2013	Thurston County Board Briefing indicates that the Preliminary Docket is proposed to include Lakeside's Comprehensive Plan Amendment. The Board Briefing includes a list of public comments received in support of Lakeside's proposal.
March 12, 2013	Lakeside meets with Thurston County staff (Scott Clark and Jeremy Davis) to discuss the application.
April 3, 2013	Lakeside meets with County Commissioner (Cathy Wolfe) to discuss the application.
April 29, 2013	Lakeside meets with County Commissioner (Sandra Romero) to discuss the application.
May 16, 2013	Lakeside meets with County Commissioner (Karen Valenzuela) to discuss the importance of the application.
June 25, 2013	Thurston County Planning Director informs Lakeside via e-mail that the Docket will be taken before the Board on Tuesday, July 11, 2013. The Director states "Only those projects that are regulatory mandates, grant funded, directed by the Board, or serve the broader public interest such as school districts and fire stations will be on the docket. As indicated at the May 29 th Board briefing, there is not sufficient staff or time to take on any additional issues. The next opportunity to get new topics on the docket will be in 2014. Staff will publish the next opportunity to get on the docket in late 2013. I will ensure you are notified of when the preliminary docket opens for the 2014 process." (June 25, 2013 Email from Scott Clark, Thurston County to Dean Smith, Lakeside Industries Division Manager)
July 11, 2013	Lakeside becomes aware that there may be an error in the date on which the Board will set the final Docket and contact the Planning Director to which Lakeside receives the following email response: "Regarding the date, that was my error, I was probably looking at the June Calendar which shows a Tuesday June 11 th . Yes the docket went to the Board for adoption on Tuesday July 9 th . Please keep in mind the public comment period for the Lakeside element of the docket closed in March. The July 9 th meeting was not a public hearing on the docket, simply the adoption thereof." (July 11, 2013, Email from Scott Clark, Thurston County, to Tim Thompson, Lakeside Representative)
November 14, 2013	4th Application - Lakeside re-submits a Comprehensive Plan Amendment seeking a minor text amendment to the Thurston County Comprehensive Plan – Nisqually Sub-Area Plan, Policy E.5.

<p style="text-align: center;">Lakeside Industries – Thurston County Comprehensive Plan Amendment Applications</p> <p style="text-align: center;">Chronology of Key Dates and Decisions</p>	
August 5, 2014	County Commissioner’s Briefing on the Comprehensive Plan Preliminary Docket. Meeting occurred prior to the opening of the official comment period on the Preliminary Docket. During the meeting, public comments were made in support of placing the Lakeside’s Comprehensive Plan Amendment request on the Final Docket.
October 1, 2014	Letter from Tim Lee, CEO, Lakeside Industries, to Thurston County Board of Commissioners thanking County for including Lakeside’s Comprehensive Plan Amendment request in the Preliminary Docket and further offering to pay for all staff time needed to review the request. “As you know from my letter of September 30, we are willing to deposit funds with the County to pay for the review of our request to the County can, if necessary pay overtime for existing staff, and/or hire new staff, and/or hire a third party planner to process our request. We are ready and willing to work with you and your Staff to help you get the additional staffing resources you need for this process.” (October 1, 2014 Letter from Tim Lee to Thurston County Board of Commissioners, Subject: Lakeside Industries Request for Docket for Comprehensive Plan Amendment)
November 6, 2014	Thurston County Board Briefing – 2015 Preliminary Comprehensive Plan Amendment Docket Briefing – Review of Public Comments – Finalize Official Docket. Staff Recommendation: “Final Docket: Staff recommends Option 1, that the board extend the existing docket without any new projects, including the four citizen initiated amendment items.” Lakeside’s Comprehensive Plan Amendment request was one of the four citizen initiated amendment items. The primary rationale was limited resources and staff time.
February 20, 2015	Lakeside reconfirms willingness to mitigate staff resource issues and pay for staffing needs. “...you have made clear that the County does not have current staff to review the Lakeside request in 2015. Therefore, Lakeside hereby reconfirms its willingness to pay for a new County staff person or a third party consultant to perform all the actions necessary to process the Lakeside request.” (February 20, 2015, Letter from John W. Hempelmann to Scott Clark, Director Department of Resource Stewardship, RE: Processing Lakeside Industries Request to Amend the Nisqually Subarea Plan).
November 14, 2016	5th Application - Lakeside re-submits a Comprehensive Plan Amendment seeking a minor text amendment to the Thurston County Comprehensive Plan – Nisqually Sub-Area Plan, Policy E.5.
May 11, 2017	Lakeside’s Comprehensive Plan Amendment request is listed for consideration on the Thurston County 2017/2018 Official Docket of Comprehensive Plan amendments by the Board of County Commissioners. (May 11, 2017, Letter from Celinda Adair, Associate Planner to Karen Deal, Lakeside Industries, Subject: Project Number 2016105567 Policy Amendment to Nisqually Sub-Area Plan).

Lakeside Industries – Thurston County Comprehensive Plan Amendment Applications Chronology of Key Dates and Decisions	
July 15, 2017	Thurston County holds Public Meeting “Kick-off” to provide general information to the public on the proposed amendment.
March 20, 2018	<p>Lakeside Industries, Inc. enters into Contract for Payment of Services with Thurston County to provide the funding necessary for the County to complete Lakeside’s Comprehensive Plan Amendment proposal review process in a timely manner.</p> <p>Consultant is hired by Thurston County for Literature Review of Potential Environmental and Public Health Implications of Asphalt Recycling.</p>
June 20, 2019	Thurston County holds a Public Meeting where the consultant provided a presentation on the consultant’s literature report and a question-and-answer session was held with public attendees.
July 19, 2019	Thurston County provides a presentation to the Nisqually River Council on the amendment with a high-level summary of the consultant’s report and next steps.
February 6, 2020	Community Planning briefs the Board of County Commissioners on the 2020/2021 Comprehensive Plan Docketing.
April 2, 2020	Community Planning briefs the Board of County Commissioners on the 2020/2021 Comprehensive Plan Docketing.
April 15, 2020	<p>Community Planning briefs the Board of County Commissioners on the 2020/2021 Comprehensive Plan Docketing. The Commissioners hold preliminary votes on each Comprehensive Plan Docket Item.</p> <p>Board of County Commissioners unanimously vote in favor of keeping Lakeside’s Comprehensive Plan Amendment proposal on the Official 2020/2021 Comprehensive Plan Docket.</p> <p>However, the Board of County Commissioners were divided on whether the Nisqually Subarea Plan Update should be included on the Official 2020/2021 Docket. Commissioner Menser voted for it to be on the Official Docket, Commissioner Hutchings supported it on the Preliminary Docket, and Commissioner Edwards voted against its inclusion on the Docket. After some discussion, Commissioner Hutchings changed his vote regarding Nisqually Subarea Plan Update and voted in favor if its inclusion on the 2020/2021 Docket.</p>
April 28, 2020	Board of County Commissioners officially adopts the 2020/2021 Comprehensive Plan Docket, which includes both the Lakeside’s Comprehensive Plan Amendment proposal and the Nisqually Subarea Plan Update.

Lakeside Industries – Thurston County Comprehensive Plan Amendment Applications Chronology of Key Dates and Decisions	
May 7, 2020	<p>Thurston County Board of County Commissioners hold a briefing to discuss prioritization of docket items.</p> <p>Lakeside’s Comprehensive Plan Amendment tied 3rd out of 6 Citizen-Initiated Amendments.</p> <p>The Board of County Commissioners votes separately on prioritization of the six County-Initiated Amendments. The Nisqually Subarea Plan Update is ranked as the last priority of County-Initiated Amendments.</p>
July 15, 2020	Thurston County Planning Commission holds a Work Session on Lakeside’s Comprehensive Plan Amendment.
August 5, 2020	Thurston County Planning Commission holds a Work Session on Lakeside’s Comprehensive Plan Amendment.
September 2, 2020	Thurston County Planning Commission holds a Work Session on Lakeside’s Comprehensive Plan Amendment with guests.
October 2020	To date, Lakeside has funded over \$100,000 towards the review of Lakeside’s Comprehensive Plan Amendment proposal.

Maya Teeple

From: Emily McCartan <emily@nisquallyriver.org>
Sent: Monday, November 30, 2020 12:24 PM
To: Maya Teeple
Cc: David Troutt; Phyllis Farrell; Justin Hall
Subject: NRC Comments on Nisqually Subarea RAP policy change
Attachments: Final NRC 2020 RAP Hearing Letter 10.7.20.pdf

Hi Maya,

The Nisqually River Council is resubmitting our earlier comment letter on the proposed RAP policy change to the attention of the Board of County Commissioners for tomorrow's hearing. Please let me know if you have any questions!

Thanks very much,

Emily

Emily McCartan (*she/hers*)
Nisqually River Council Program Coordinator
Nisqually River Foundation
(360) 438-8715 (o)*
(360) 528-9221 (c)*

emily@nisquallyriver.org

nisquallyriver.org

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**Please note: I am working remotely during the coronavirus pandemic. Cell phone or email are the best ways to contact me. Be safe and stay healthy!*



Nisqually River Council

620 Old Pacific Highway SE • Olympia WA 98513 • (360) 438-8715

Council Membership

Pierce County

Thurston County

Lewis County

Cities of Yelm, Eatonville
& Roy

Tacoma Public Utilities

Puget Sound Partnership

UW Pack Forest

WA Dept. of Natural
Resources

WA Dept. of Fish &
Wildlife

WA Dept. of Ecology

WA Parks & Recreation
Commission

WA Conservation
Commission

WA Dept. of Agriculture

WA Dept. of
Transportation

WA Dept. of Commerce

WA Secretary of State

Nisqually Indian Tribe

Department of Defense,
Joint Base Lewis-McChord

Billy Frank Jr. Nisqually
National Wildlife Refuge

Gifford Pinchot National
Forest

Mount Rainier National
Park

Nisqually River Citizens
Advisory Committee

Thurston County Planning Commission
2000 Lakeridge Dr. SW
Olympia, WA 98502

October 7, 2020

Dear Planning Commissioners,

The Nisqually River Council (NRC) appreciated the opportunity to speak with you on September 4, 2020 at the work session concerning Lakeside Industries' proposal to amend Policy E.5 of the Nisqually Sub-Area Plan to allow recycled asphalt (RAP). As stated in my comments and in the Council's prior letters (dated March 22, 2017 and Oct. 21, 2019), the NRC supports a complete and holistic assessment of this proposal in the context of the full Sub-Area plan. We remain concerned that the separation of the two compromises the transparency and integrity of the community planning process, and urge that the Sub-Area plan review be expedited to ensure that these connections are not lost.

If the Commission moves forward with a recommendation to allow RAP in the Nisqually Subarea, the Nisqually River Council strongly urges the inclusion of mandatory monitoring and best management practices (BMPs) in the revised policy language (Option 3). At a minimum, BMPs should require:

- Hard weatherproof coverings for RAP piles;
- Safe handling and treatment protocols for stormwater to prevent contact with RAP material;
- Development of regular on-site water quality monitoring and reporting in consultation with the Nisqually River Council and Thurston County;
- Air quality standards not to be exceeded from the cumulative impacts of asphalt and recycled asphalt production;
- No open groundwater connections and assessment of the 100-year floodplain zone as updated by FEMA in 2020, to protect the sensitive environmental and water supply resources in the vicinity; and
- Rigorous adaptive management protocols with specified triggers for remedial action.

We expect that the upcoming SEPA review process will include further study to determine the best specific local practices appropriate to this site. If this process moves forward, we request that these initial findings be presented in full to the NRC, as a representative body of community stakeholders, and that the NRC and County receive annual monitoring reports on site-specific conditions and BMP performance.

In their comments to the Commission, Lakeside has already indicated their willingness to implement similar practices at this site. We greatly appreciate their commitment to safeguarding water quality in the Nisqually Valley. These safeguards

should be included in the updated policy, along with regular public reporting to the NRC and community stakeholders, so that these assurances are clear, transparent, and permanent in protecting the sub-area's environment and residents – the reason the Sub-Area Plan was created.

When it was originally developed in 1992, the Nisqually Sub-Area Plan took a balanced and broad-based approach to ensuring fair opportunities for business while affirmatively protecting the rural and environmental values of this unique part of Thurston County. While we understand that staffing constraints have delayed the complete Sub-Area Plan review, separating it from this proposal divorces it from other considerations that could significantly change the risks of storing RAP at the proposed site. As I stated on September 4, the NRC remains concerned about Holroyd's pending proposal to mine below the water table within the sub-area. This proposal would expose municipal and residential water sources and sensitive habitat to a much higher risk of contamination from accident or flooding, particularly in conjunction with recycled asphalt. Policy provisions must be in place to ensure that open groundwater connections will not exist in close proximity to asphalt recycling if RAP is permitted in the Nisqually sub-area.

The Nisqually River Council expects to participate in the development and review of an individual permit for a project proposed under this policy. We are committed to a rigorous approach to adaptive management, monitoring and reporting through the permitting process. Once again, the Nisqually River Council appreciates the opportunity to stay informed and provide input during the review of the recycled asphalt policy and the rest of the Nisqually Sub-Area Plan. We look forward to continuing to work with Thurston County, Lakeside, and our valley community members to protect this unique and important place.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Troutt', with a long horizontal flourish extending to the right.

David A. Troutt
Chair



CITY COUNCIL
ANDY RYDER
Mayor
CYNTHIA PRATT
Deputy Mayor

LENNY GREENSTEIN
MICHAEL STEADMAN
CAROLYN COX
ED KUNKEL
MALCOLM MILLER

CITY MANAGER
SCOTT SPENCE

November 30, 2020

Thurston County Board of County Commissioners
c/o Maya Teeple, Senior Planner
2000 Lakeridge Dr. SW
Olympia WA, 98502

SUBJECT: Asphalt Recycling

To Whom It May Concern,

I'm writing this letter in support of the use of Reclaimed Asphalt Pavement (RAP), and the request by Lakeside to allow stockpiling of recycled asphalt at their Durgin Rd Plant located in Thurston County and remove the prohibition on asphalt recycling in the Nisqually Subarea Plan.

The use of these recycled materials is not only allowed, but encouraged. Recycling of these materials reduces cost, reduces waste, and conserves our natural resources. Use of RAP is standard practice throughout Washington State and is specified in the WSDOT Standard Specifications which are used on all WSDOT projects and in most County and City projects as well. The City of Lacey most recently used a RAP mix on our 2018 Overlay project with excellent results and we plan to use it again on future projects.

The City does not have any concerns over the location of the recycled asphalt stockpile at the Lakeside Durgin Rd plant. The plant location is not within the City's wellhead protection area.

Sincerely,

Aubrey S. Collier, P.E., S.E.
Design and Construction Manager
Department of Public Works

cc: Roger Schoessel, City Engineer, City of Lacey
Jeff Herriford, Operations Manager, Lakeside Industries



Maya Teeple

From: Richel Perkins <Richel.Perkins@lakesideindustries.com>
Sent: Monday, November 30, 2020 1:53 PM
To: Maya Teeple
Subject: CP-11: Allow Asphalt Recycling in the Nisqually Subarea

Lakeside Industries' asphalt recycling amendment is good for the economy and supports local jobs. Moreover, asphalt recycling reduces waste and preserves natural resources. I support Lakeside Industries' amendment to allow asphalt recycling in the Nisqually Subarea. Please vote in favor of asphalt recycling in the Nisqually Subarea.

Thank you,

Richel Perkins,
Employee at Lakeside Industries

Maya Teeple

From: Esther Grace Kronenberg <wekron@gmail.com>
Sent: Monday, November 30, 2020 5:23 PM
To: Tye Menser; Gary Edwards; John Hutchings; Ramiro Chavez; Maya Teeple
Subject: RAP in the Nisqually Valley

Dear Commissioners,

I write in support of the positions of the League of Women Voters of Thurston County and the Sierra Club regarding the proposed change in the Comprehensive Plan that would allow RAP recycling in the Nisqually Valley.

Commissioners are charged with making some very difficult decisions that affect many constituent groups. In this case, your decision should be easy with a simple cost benefit analysis of the proposal.

The benefits of changing the Plan would allow just one multimillion dollar company, Lakeside Industries, which owns 18 other plants in the Pacific Northwest, to continue operations at their Holroyd site. Lakeside employs 55 workers and supplies material for local road projects, so the County might save some money, though there are other RAP facilities operating in the county. No one questions that recycling asphalt is better for the environment, though since the COVID pandemic, it seems clear we won't be needing as many roads since many more of us are telecommuting.

These are the costs of this project - A very clear danger of contaminating the groundwater and critical aquifer recharge areas that people in the valley and beyond rely on for drinking water, poisoning of the Nisqually Wildlife Refuge and its fish stocks and of the prime agricultural lands of the Nisqually Valley, increased truck traffic, destruction of the rural quality of the Valley that was the purpose of the 1992 sub-Area Plan, the possibility for yet more polluting industrial activity at the site, and the failure to reclaim the mine and return it to subsequent uses as required by DNR. I need not delineate the dangers further, as the Sierra Club letter makes them graphically clear.

There are other costs besides the physical. The League's letter makes clear that the SEPA review and the science used to support the change were inadequate. SEPA is a full disclosure law which states amendments cannot be piecemealed by considering them separately from the planning process for the Nisqually Valley, as was done in this case to satisfy a private corporation that had the funds to bankroll the process, unlike the public which would have had to pay \$2000 just to appeal the Determination of Nonsignificance issued for this proposal. The County risks further litigation in proceeding on this project, and worse, exposes the County's handling of this matter to charges of corrupt influence, thereby jeopardizing citizens' faith in a government established to serve them. The League letter also clarifies the inadequacy of the scientific data used and paid for by Lakeside Industries to support their proposal.

Further, Lakeside knew from the beginning that RAP would not be allowed. Nevertheless, they have pushed this project for over a decade and consumed a huge amount of County taxpayer funded staff time researching and litigating, but the prohibition has stood. When the business friendly County Commission was elected in 2016, they brought it up yet again and got it to this point we now confront.

As a member of the League's Water Study team, I know we have serious problems with both water quantity and water quality, and that the projected effects of increased population and climate change will only exacerbate them. We cannot afford to be cavalier with our water supply and our agricultural lands just to satisfy the bottom line of a multimillion dollar company.

The government is supposed to work for the little people like us, not for the corporations, not for the highest bidder who can afford to bring up the same issue over and over again in the hope they can eventually force their plans on a weakened populace and a complacent government.

I find it highly offensive that wealthy businesses continue to defy the will of the people, sap the energy of our county government, and deny the serious and fateful environmental consequences of their actions for which they assume no responsibility. This is shameful. Please put a final stop to this and make the easy decision in the public interest- NO!

Thank you.
 Esther Kronenberg

Maya Teeple

From: Tami deBellis <t4509@icloud.com>
Sent: Monday, November 30, 2020 6:26 PM
To: Maya Teeple
Cc: County_Commissioners
Subject: Say NO Recycled Asphalt Plant (RAP) Near the Nisqually Watershed!

Docket Item CP-11 Recycled Asphalt (RAP)

I was on the original board that saved the tree buffer for the wildlife at the nisqually delta. I grew up on John Luhr road. I support The League of Women Voters of Thurston County's positions stated in their letter to the BoCC on November 4, 2020. I am asking you to reject the Docket Item CP-11 Recycled Asphalt that is up for a public hearing on 12/1/2020. There is no science that shows asphalt recycling should occur in the fragile Nisqually ecosystem.

Sincerely,
Tamara deBellis
Tumwater, Washington

Sent from my iPhone

Maya Teeple

From: Thomasina Cooper
Sent: Tuesday, December 1, 2020 8:38 AM
To: Maya Teeple
Subject: FW: C. White-Asphalt Recycling Comments 12/1/20

Hi Maya,
Please see comment for the record below.

Thank you! Hope you have a good day!
Thomasina

From: Christy White <wc6517@scattercreek.com>
Sent: Monday, November 30, 2020 10:03 PM
To: Tye Menser <tye.menser@co.thurston.wa.us>
Subject: C. White-Asphalt Recycling Comments 12/1/20

Hello Tye,

Unfortunately I will not be able to be at the hearing tomorrow evening, but I wanted to share my thoughts again on this proposal.

Previously there has been a moratorium on Asphalt Recycling in Thurston County. Times have changed yes, but not having such a plant has kept our water and air quality at the highest standards.

The miners(mineral lands) and like industries are hot and heavy for the resources available in our County. Let's look and support industries that are not polluting or destructive in the County first.

It is my understanding that some Planning Commission members may have taken a tour of the proposed site. This seems to me to present some bias. Was there a public open house for the public to come and see? Has there been any public unbiased study done? It seems only to be data provided by the industry.

I hope you will consider in this decision to include very restrictive language. Everyone defaults to the permit. Permit equals installation. At the permit stage the public has an **insurmountable burden** and very little chance of any impact to mitigate harm.

Thank you, Christy White, Delphi Valley

Maya Teeple

From: Dean Smith <deansmith7711@gmail.com>
Sent: Tuesday, December 1, 2020 9:36 AM
To: Maya Teeple
Subject: RAP amendment Nisqually Subarea Plan

Maya:

Thank you for the opportunity to comment on the RAP amendment. My comment to the Commissioners is below.

Dear Commissioners:

As a lifetime resident of Thurston County, I ask that you amend the Nisqually Subarea Plan to allow for asphalt recycling. Thank you for the opportunity comment on this amendment.

Recycling asphalt is the right thing to do. The people of Thurston County drive on asphalt every day. The use of RAP saves on valuable resources, reduces greenhouse gases, allows increased competition in the pavement market, and can increase jobs in the industry.

According to the state's solid waste plan, construction and demolition waste makes up one third of the solid waste generated in the state. This amendment would allow for tons of asphalt pavement to be recycled and avoid the landfill.

The impact of recycling is low and the benefits are immense. Please support asphalt recycling.

Best regards,
Dean Smith
7711 119th Lane SW
Olympia, WA 98512
Thurston County Resident
Former Employee, Lakeside Industries



P.O. Box 7016 / Issaquah, WA 98027
ph: 425.313.2600 / lakesideindustries.com

November 30, 2020

Via email to troutt.david@nisqually-nsn.gov

Nisqually Natural Resources
Nisqually Indian Tribe
c/o David Troutt, Natural Resources Director
620 Old Pacific Highway
Olympia, WA 98513

RE: Lakeside Industries' Commitment to Coordination and Transparency during the Asphalt Recycling Permitting Phase for the Durgin Road Plant

Dear Mr. Troutt:

As you know, for over ten years, Lakeside Industries (Lakeside) has sought an amendment to the Nisqually Subarea Plan to allow for asphalt recycling. More recently, during meetings with the Thurston County Planning Commission and County Commissioners, Lakeside has publicly committed to working with the Nisqually Indian Tribe, the Nisqually River Council, and Thurston County to incorporate adaptive management principals and conduct groundwater monitoring as it pertains to reclaimed asphalt pavement (RAP) stockpile storage on site.¹

Upon completion of the first step to amend the Nisqually Subarea Plan, Lakeside will be seeking a permit from the County to allow asphalt recycling at its Durgin Road Facility. At this time, these adaptive management principles will be formally applied in collaboration with the Nisqually Indian Tribe through coordination with the Nisqually River Council. With this letter, we are memorializing these commitments as follows:

- Lakeside will collaborate with the Nisqually Indian Tribe, Nisqually River Council, and Thurston County to evaluate the facility's existing groundwater monitoring plan and modify as necessary to ensure data collected supports monitoring for RAP impacts;

¹ Please see my letter to Thurston County dated October 7, 2020 and the public record of a Thurston County Planning Commission meeting on September 2, 2020.

- Lakeside will provide an annual groundwater monitoring report to the Nisqually Indian Tribe, Nisqually River Council, and Thurston County for review; and
- Lakeside, Nisqually Indian Tribe, and Nisqually River Council will collectively review the data, discuss results, and define changes to RAP storage best management practices as necessary to mitigate impacts.

We value your partnership and mutual trust.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen Deal".

Karen Deal
Environmental and Land Use Director
Lakeside Industries, Inc.

cc: Thurston County Commissioner Edwards (gary.edwards@co.thurston.wa.us),
Commissioner Hutchings (john.hutchings@co.thurston.wa.us), and Commissioner
Menser (tye.menser@co.thurston.wa.us)



December 1, 2020

Thurston County Commissioners
Thurston County Courthouse
Building One, Room 269
2000 Lakeridge Drive SW
Olympia, WA 98502-1045

Commissioners Hutchings, Edwards, and Menser:

Re: 2020-2021 Comprehensive Plan Amendment regarding Recycled Asphalt Policy

Thank you for the opportunity to address the 2020-2021 Comprehensive Plan Amendment regarding Recycled Asphalt Policy (RAP), Policy E.5 of the Nisqually Subarea Plan.

- The Thurston County Chamber strongly supports the Planning Commission's recommendation and recommends that the Commission approve an amendment to the Nisqually Subarea Plan, Policy E.5, to allow for asphalt recycling within the subarea.

The Thurston Chamber supports Option 3 as outlined by staff. The Chamber believes that quality raw material for infrastructure and building construction is critical to the greater Thurston County community and aligns with values of recycling, reuse and using resources in the most responsible manner. In addition, many public bids require the use of RAP and the ability to have a source close to work sites means less expense for both private and public entities. This also means utilizing fewer raw materials and hauling asphalt less road miles and thus a reduction in carbon footprint, a practice that should be supported.

The adopting Options 3 is a reasonable and balanced amendment to the Comprehensive Plan. The use of RAP is a sustainable practice that, when made operational, will reduce the need for mining for new aggregate and reduces construction time and cost for infrastructure projects. It will enable local industries to be more competitive and help create new, temporary, and permanent jobs.

Again, thank you for the opportunity to provide comments on the Comprehensive Plan Amendment regarding Recycled Asphalt Policy, Policy E.5 of the Nisqually Subarea Plan. Please feel free to contact us by calling (360) 357-3362 or emailing DSchaffert@thurstonchamber.com if you have questions regarding our comments.

Sincerely,

Doug Mah
Director, Public Policy Division

Cc: David Schaffert, President and CEO

**SENT VIA E-MAIL**

December 1, 2020

Thurston County Community Planning and Economic Development
Attn: Maya Teeple, Senior Planner
Thurston County Courthouse, Building 1
2000 Lakeridge Dr. SW
Olympia, WA 98502

Dear Ms. Teeple:

SUBJECT: Recycled Asphalt Policy E.5, Comprehensive Plan Amendment Docket Item CP11
Comments for BoCC December 2020 Public Hearing

The City of Olympia appreciates this opportunity to comment on the non-project policy amendment requested by Lakeside Industries involving gravel mine expansion and associated recycled asphalt facility in the Nisqually Subarea. We have been following the topic of asphalt recycling for several years and maintain support of our 2006 Zero Waste Resolution to increase the use of recycled materials and divert waste from the landfill. We support the efforts of asphalt manufacturers to utilize and offer recycled asphalt materials so long as the remanufacturing process meets all applicable Federal, State, and local regulations, and addresses environmental health concerns.

To that end, we are encouraging Thurston County's support of a site-specific field study as part of evaluating this policy amendment, particularly with respect to reviewing environmental conditions within the Nisqually Subarea and incorporating Best Management Practices.

As you are aware, the Nisqually Subarea includes the environmentally vulnerable McAllister Geologically Sensitive Area, extreme aquifer sensitivity Critical Aquifer Recharge Areas, 100-year floodplains, agricultural lands and drinking water wellhead protection areas. Having transitioned our former primary water supply, the McAllister Springs, to our current primary water supply, the McAllister Wellfield in 2014, we understand the risks to groundwater quantity and quality from land use activities in this area. Although our modeled McAllister Wellfield wellhead protection area is within the policy amendment area, it is hydraulically upgradient of the Lakeside Industries property. However, hydrogeological conditions vary considerably across the Nisqually Subarea and important water resources, such as McAllister Springs and Medicine Creek, and the shallow aquifer system that supplies other public and private water systems and many private well users are at risk from land use activities as well.

We understand the proposed policy amendment would allow for recycled asphalt processing in the area and that a specific project is not proposed at this time. We are aware that recycled asphalt pavement (RAP) has potential to leach contaminants at levels exceeding Washington State groundwater quality standards depending on the source, prior use, condition and storage of the RAP. In this vein, we value the County's thoughtful consideration of appropriate locational siting and regulatory oversight of possible future recycling facilities and

Maya Teeple, Senior Planner

December 1, 2020

Page 2

the importance of Best Management Practices beyond covered stockpiles, to include such protective measures as stormwater management, pollutant prevention and control, and monitoring.

With the right combination of allowed special use, proper facility siting with respect to environmental conditions, best management practices, and compliance with all Federal, State and local requirements, we believe the manufacture and use of recycled asphalt products can extend raw resources and contribute to achieving Zero Waste.

I'll be happy to discuss our position on this proposed policy amendment further. Please contact me at 360.570.3741 or via email at echriste@ci.olympia.wa.us. You may also contact Donna Buxton, City of Olympia Groundwater Protection Program Manager, at 360.753.8793 or dbuxton@ci.olympia.wa.us.

Sincerely,

A handwritten signature in cursive script that reads "Eric Christensen".

Eric Christensen
Water Resources Director
Public Works Department

EC:js

Maya Teeple

From: Pete Irwin <Pete.Irwin@lakesideindustries.com>
Sent: Tuesday, December 1, 2020 2:06 PM
To: Maya Teeple
Subject: CP-11: Allow Asphalt Recycling in the Nisqually Subarea

I support Lakeside Industries' amendment to allow asphalt recycling in the Nisqually Subarea because they are a great partner in the community. Asphalt recycling is encouraged by local, state, and national agencies because it is safe and environmentally friendly. Please vote to allow asphalt recycling in the Nisqually Subarea.

I work at lakeside and am the soul provider for my beautiful family.

Peter Irwin
1810 Goddard Rd SW Tenino Wa

Sent from my Verizon, Samsung Galaxy smartphone

Maya Teeple

From: Kate Benkert <kabenkert@comcast.net>
Sent: Tuesday, December 1, 2020 2:16 PM
To: County_Commissioners
Cc: Maya Teeple
Subject: Docket Item CP-11 Recycled Asphalt (RAP) - Request to Defer

Dear Commissioners:

With great interest I have read today the November 4, 2020 letter to the you from the The League of Women Voters of Thurston County. It raise important points regarding both planning process, the science of PAHs, and the lack of information of potential impacts to the Nisqually ecosystem. I am in support of their positions as presented and request that you defer the proposed amendment #CPA-11 for consideration until it can be considered concurrently with the Nisqually Sub-Area Plan. Granting variances to approved plans defeats the purpose of planning in the first place. Thurston County can do better!

Thank you for considering my comments.

Kate Benkert
333 Sherman St NW
Olympia, WA 98502

Maya Teeple

From: Gordon Avery <gordon.avery.1958@gmail.com>
Sent: Tuesday, December 1, 2020 1:15 PM
To: Maya Teeple
Subject: CP-11: Allow Asphalt Recycling in the Nisqually Subarea

I care about the environment in my community, and that's why I support asphalt recycling in the Nisqually Subarea. Please vote for Lakeside's amendment to allow asphalt recycling.

Maya Teeple

From: Kristen Hatton <Kristen.Hatton@lakesideindustries.com>
Sent: Tuesday, December 1, 2020 2:23 PM
To: Maya Teeple
Subject: CP-11: Allow Asphalt Recycling in the Nisqually Subarea

Save on waste! Recycle asphalt products.
Kristen Hatton

Sent from my Verizon, Samsung Galaxy smartphone

Maya Teeple

From: Tim Ames <timames82@gmail.com>
Sent: Tuesday, December 1, 2020 2:52 PM
To: Maya Teeple
Subject: CP-11: Allow Asphalt Recycling in the Nisqually Subarea

Hello my name is Tim Ames and I work for Lakeside industries in their durgin road asphalt plant. Ive worked for many asphalt producers in this state all of which are able and capable of using recycled asphalt products. I like the idea of using a recycled asphalt product not only because it's green and environmentally safe but also better for the environment and uses less virgin oil. I hope you will give us a chance to not only use these products to lower our foot print on our environment but also to stay competitive and growing in a this very competitive market.

Thanks
Tim Ames

Maya Teeple

From: kory sisk <otrguy2@hotmail.com>
Sent: Tuesday, December 1, 2020 2:35 PM
To: Maya Teeple
Subject: CP-11: Allow Asphalt Recycling in the Nisqually Subarea

I work for lakeside industry and I really believe the the recycling of asphalt would be a great thing to be able to put the material back into the roads instead of it just sitting around in a landfil area or where ever it sits and it being an eyesore. The thing is you have to recycle everything in Thurston County but you can't recycle asphalt makes no sense. Please allow lakeside to recycle the asphalt to make it cheaper on the raw payers to repair the roads

Thank you very much for your time
Kory sisk

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A Washington State Chapter of the National Audubon Society
P.O. Box 2524, Olympia, WA 98507
(360) 352-7299 www.blackhills-audubon.org

Black Hills Audubon Society is a volunteer, non-profit organization of more than 1,300 members in Thurston, Mason, and Lewis Counties whose goals are to promote environmental education and protect our ecosystems for future generations.

December 1, 2020

Thurston County Board of County Commissioners
2000 Lakeridge Dr. SW
Olympia, WA 98503
VIA Email

RE: Public Hearing Comment on the Nisqually Subarea Plan, #CPA-11

Dear County Commissioners:

Protecting ecosystems for future generations is so important to Black Hills Audubon Society (BHAS) that it is on our letterhead above. Becoming a 501(c3) organization in the early 1980s, BHAS currently has 1200 members. Our primary mission is to promote environmental education and protect quality wildlife habitat and lands of abundant and/or diverse birds and other wildlife species.

State Audubon was instrumental in the establishment of the Billy Frank Jr. National Wildlife Refuge (BFNWR) in 1974. In the 1990s, BHAS was a signatory in the Nisqually Delta Association Settlement Agreement which stopped a large pier from being established near the Refuge. This summer, after an extended period of negotiation with a gravel mine, BHAS also co-signed an agreement to restore Sequelitchew Creek, just north of the Nisqually Delta.

The annual number of visitors at the BFNWR is 200,000 (2020). And in this year of Covid-19, NWR has been a welcomed local area for hiking and birding. Additionally, in 2009, a multi-million-dollar effort, including the removal of old farm dikes, enabled restoration of 57 hectares of the original estuary. As part of this effort, much research has occurred. In 2009, monthly bird censuses were conducted. We assume annual bird counts continue. The restoration is likely to improve Nisqually River salmon runs.

For decades BHAS has led and still leads weekly birding walks at the refuge with an average attendance of 20. We are highly invested in maintaining the health and well-being of the BFNWR.

For the protection of the Refuge's delicate ecosystem, we support both the League of Women Voter (LWVTC) and the Sierra Club's comments on the Nisqually Subarea Plan, #CPA-11. The LWVTC conclusion is:

"...the proposed amendment to the Nisqually Subarea Plan to allow for recycled asphalt plants is premature and should not be approved. It is premature because it is taken out of context of a full subarea plan update. The record also shows that the science that was reviewed does not support the change, and that there are issues with the SEPA review that accompanied this application."

Asphalt Recycling

Asphalt recycling will likely generate contamination. Long term low-dose exposures to polycyclic aromatic carbons (PAHs) have been linked to cancers of the lung, stomach, skin and bladder. PAHs can be potent immune suppressants. Any change in exposure needs to be carefully evaluated for its potential health impacts. Increase in human exposure should be avoided. We provide other links to PAHs below.

A statement from the American Asphalt website is rather alarming:

"Asphalt's status as a highly sustainable product is not only on account of the fact that it can be reused over and over, but also because it utilizes many waste products that would typically be sent to the landfill. Tire rubber, slags, foundry sand, glass, and even pig manure are incorporated in the asphalt mixture saving hundreds of acres of landfill space."

The proposal seems to suggest converting the wildlife area to a fee-free landfill for airborne wastes.

We support LWVTC's comments on the "takeaways" of the Herrera Report : the review of potential pollution on site and downstream into the Nisqually Delta and Puget sound. There is an admission, and an apparent dismissal, of pollution, including PAHs. BHAS finds this conclusion problematic.



Conclusion

Due to environmental, wildlife habitat, and wildlife concerns, Black Hills Audubon Society opposes the removal of the prohibition of the manufacture of recycled asphalt from the Sub Area 5 section of the Comprehensive Plan.

Respectfully,

Sue Danver, BHAS Conservation Committee Member
Sam Merrill, BHAS Conservation Committee Chair

References

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1469515/>

<https://www.sciencedirect.com/science/article/pii/S2221169115300034>

<https://www.sciencedirect.com/science/article/pii/S1110062114200237>

Maya Teeple

From: Harriet Ammann <h.ammann@comcast.net>
Sent: Tuesday, December 1, 2020 3:24 PM
To: county.comissioners@co.thurston.wa.us
Cc: Maya Teeple
Subject: Docket Item CP-11 Recycled Asphalt (RAP) -Request to Defer

Dear Commissioners:

Today I read the November 4, 2020 letter to you from The League of Women Voters of Thurston County regarding the proposed amendment #CPA -11. I support their positions as presented and request that you defer until it can be consider together with the Nisqually Sub-Area Plan. The LWV letter raises important concerns regarding the planning process itself, the science regarding PAHs, and the lack of information about the potential impacts to the Nisqually ecosystem. The Restoration of the Nisqually Estuary was a hard-fought battle over many years and was a significant achievement. It involved The Nisqually tribe and Northwest Indian Fisheries plus other agencies on the local state and federal levels.

As a retired Senior Toxicologist for the Department of Ecology Air Quality Program and former Senior Toxicologist for Washington Department of Health Environmental Health Programs, I have particular concerns about potential PAH emissions to the air, and the harm to humans and to the ecosystem of the watershed and the Billy Frank Jr. National Wildlife Refuge, the Nisqually River, and the estuary.

We act too frequently to grant variances without undergoing the needed processes of evaluation, thus defeating the purpose of planning in the first place.

I ask again to defer the proposed amendment #CPA-11 for consideration until it can be considered with the Nisqually Sub-Area plan.

Thank you for considering my comment.

Harriet M. Ammann Ph.D.333 Sherman St NW Olympia, Wa 98502

Maya Teeple

From: Thurston County | Send Email <spout@co.thurston.wa.us>
Sent: Tuesday, December 1, 2020 3:28 PM
To: Maya Teeple
Subject: RAP Item 11

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Maya Teeple**

Subject:

From: **Loretta Seppanen**

Email (if provided): **laurel.lodge@comcast.net**

Phone: (if provided):

Message:

As a member of the Thurston County League of Women Voters I am aware of and support the position of the League on Docket #CPA-11: Reject and combine the proposal with the soon to be commenced community action to update the Nisqually Subarea Plan. That plan was adopted in 1992 following at least five years of community discussion, part of which related to protecting nearly 1,000 acres of farmland sitting right to the west of the major mined area in the Nisqually Subarea.

Chipping away at the many years of work of the community is a good planning, but rather undermines the entire planning process. The community at large has not asked for this change, only the owner of the existing asphalt plant. This is not a minor change as it requires used asphalt to be hauled into the area and crushed rather than using sand and gravel mined at the site for asphalt production.



COMMERCIAL • INDUSTRIAL • AGRICULTURAL • NATURAL RESOURCES

December 1, 2020

Thurston County Board of County Commissioners
c/o Maya Teeple, Senior Planner
Community Planning and Economic Development
Thurston County Courthouse
Building One, Room 269
2000 Lakeridge Drive SW
Olympia, WA 98052

RE: 12/1/20 Nisqually Subarea Plan Asphalt Recycling Policy E.5 Review

Dear Commissioners,

We are writing in support of including recycled asphalt processing (RAP) as an approved activity within the Nisqually Subarea boundaries. Specifically, that the language of Policy E.5 be modified so that recycling of asphalt is an allowed use. We understand that the County has studied and discussed this issue for years, and that it has reached a point of understanding where recycling of asphalt can be safe when done with care, following best practices and in compliance with governmental regulations.

Recycling is a major step toward sustainability, saving on the use of petroleum products by decreasing the need for new materials. It also conserves mineral resources, reduces waste, and keeps old asphalt out of landfills and dumpsites. Considering that asphalt is used by the State, counties, and cities in their road projects, it just makes sense to provide the opportunity for use of recycled asphalt to keep costs down to the government and in turn to taxpayers.

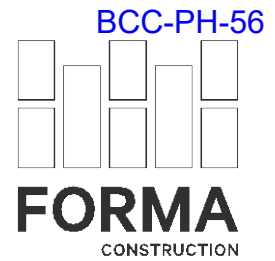
Thank you for your time and consideration of our position in support of RAP as an approved activity.

Very truly yours,

SEGALE PROPERTIES LLC

Mark A. Segale

President



December 1, 2020

Thurston County Planning Commission
Thurston County Courthouse Complex
Building #1, Room 152
2000 Lakeridge Drive SW
Olympia, WA 98502

To: Thurston County Planning Commissioners

Re: Ordinance No 02020-004 – Urban Forestry Management Plan

Thank you for the opportunity to address the 2020-2021 Comprehensive Plan Amendment regarding Recycled Asphalt Policy, Policy E.5 of the Nisqually Subarea Plan.

FORMA Construction and our local clients recommends that the Planning Commission amend the Nisqually Subarea Plan, Policy E.5 to allow for asphalt recycling within the subarea.

The ability to store, reuse or even use recycled asphalt as a local building material option has many benefits. A few are if there's a site that accepts asphalt to be recycled lowers redevelopment costs and adds to a projects reuse goals. Being able to buy and place recycled asphalt for temp construction surfacing helps maintain a clean and safe site and helps with storm water controls. And buying asphalt that has a recycled content lowers the cost of that system.

The adopting Options 2 or 3 is a reasonable and balanced amendment to the Comprehensive Plan. The use of RAP is a sustainable practice and reduces construction time and cost for infrastructure projects. It will enable local industries to keep cost lower and help keep project budget in check.

Again, thank you for the opportunity to provide comments on the Comprehensive Plan Amendment regarding Recycled Asphalt Policy, Policy E.5 of the Nisqually Subarea Plan. Please feel free to contact us by calling (360) 754-5788 or emailing Drew@formacc.com if you have questions regarding our comments.

Sincerely,

Drew Phillips, Principal
FORMA Construction Company

Unique ID	Date	Commenter Name	Type of Comment	Summary	County Response
BCC-Oral-1	12/1/2020	John Petitt	Support	<p>Everyone here drove on an asphalt road. You don't just lay over the road, you rip it up before relaying asphalt. The other day you had a hearing regarding mining. All that's going to happen with this amendment is you tear up the road, recycle, reuse it, and then put it back on the road.</p> <p>This gas can is more likely to pollute the environment than a recycled asphalt plant would. The water doesn't drain down into the aquifer. There's always a reason to delay and kick the can down the road.</p>	Comment recorded.
BCC-Oral-2	12/1/2020	Dean Smith	Support	I ask you to vote to allow asphalt recycling. It can increase jobs in the industry, the benefits are immense.	Comment recorded.
BCC-Oral-3	12/1/2020	William Dempsey, Lakeside Industries	Support	I acknowledge the concerns of the opposition. With these concerns, all RAP piles will be covered with a roof. I would be ashamed if this request resulted in pollution of air or water. If we are found to contribute to pollution we will stop immediately.	Comment recorded.
BCC-Oral-4	12/1/2020	Norm Dicks	Support	As a former congressmen one of our efforts was to protect the Nisqually Delta. I respectfully urge you to approve the proposed amendment to allow asphalt recycling. It reduces greenhouse gases and reduces waste as well as the need for gravel mining. Recycled asphalt is not the total answer, only a partial answer. Prohibiting a greenhouse gas reducing activity isn't acceptable.	Comment recorded.
BCC-Oral-5	12/1/2020	Tom Gaetz	Support	I'm speaking in strong support of the proposed amendment. Recycled materials are strongly used in state projects. Use of RAP has profound impact.	Comment recorded.
BCC-Oral-6	12/1/2020	David Troutt, Nisqually Indian Tribe, Nisqually River Council	Support	Shared goal to protect the rural nature of the Nisqually Valley, and to protect the environment. The prohibition was put in there intentionally to protect the rural aspect of the valley. After the consultant review, we understand that there are actions that can be taken to protect the environment from degradation, and in working with the applicant we better understand the need. We support the modification of the subarea plan with the understanding that Lakeside will be implementing unique BMPs and adaptive management, as well as water quality monitoring. This isn't the perfect solution - we were hopeful that the Subarea Plan would be here first. We would like to see a modification which isn't in the current language that RAP not be allowed near open groundwater connections.	Comment recorded.

BCC-Oral-7	12/1/2020	Lee Riner	Against	The Nisqually Subarea was designated as a critical area. I believe we shouldn't allow this recycled asphalt to go forward. My concern is this is about money. How do we way jobs and water quality for future generations.	Comment recorded.
BCC-Oral-8	12/1/2020	Esther Kronenberg	Against	I am seconding the positions of the League of Women Voters and the Sierra Club, to include dwindling water resources and affecting agriculture lands. The benefits exist solely to Lakeside Industries. The people will pay the price if there is harm. Lakeside knew that RAP wasn't allowed when the sited there. They've brought up this amendment year after year. This is a waste of taxpayer dollars that should have been spent serving the citizens rather than big business. The Nisqually is not the place for RAP.	Comment recorded.
BCC-Oral-9	12/1/2020	John Hempelmann	Support	We've been involved in addressing RAP in the Nisqually Subarea for almost 15 years now. There has never been a comprehensive plan issue that has been more studied than this issue. There has been extraordinary public comment on this item. The review that has been undertaken has been comprehensive, thorough, and based on good science. That's the reason I believe that your planning commission voted unanimously. Early concerns of the Nisqually Tribe and Friends of the Nisqually have changed - RAP should be allowed with the best management practices as recommended by the Planning Commission.	Comment recorded.
BCC-Oral-10	12/1/2020	Phyllis Farrell	Against	We object to the proposal to remove the prohibition on recycled asphalt. Let me be clear, recycling asphalt is the right thing to do. Even though Lakeside is a good neighbor and employer, the Nisqually Subarea is too risky to allow this use in a floodplain, close to the river. Previous attempts to repeal the language have been rejected for good reason.	Comment recorded.
BCC-Oral-11	12/1/2020	Kyler Danielson, Lakeside Industries	Support	This is a policy concern, not a permit. Permit concerns like proximity to river are addressed at permit stage. Some folks have commented that there are facilities that handle RAP and they are right, but not many of them have an asphalt so that they can reprocess it back into asphalt. We hope that you support this amendment.	Comment recorded.
BCC-Oral-12	12/1/2020	Janine Terrano	Support	I urge you to support the proposed amendment. Some folks have cited groundwater concerns, but do not include the data to back it up. Climate change is real and this amendment would help to address that.	Comment recorded.

Board of County Commissioner Public Hearing ORAL comments: CPA Docket Item CP-11 - Recycled Asphalt Policy Review
Comments Received 11-04-2020 to 12-1-2020

BCC-Oral-13	12/1/2020	David Gent	Support	I am a professional engineer and director of the Washington Asphalt Pavement Association. Asphalt recycling is a sustainable activity. It will extend natural resources - every ton reused extends land resources in the County and delays the need to open new mines, and minimizes need for trucking. RAP has multiple benefits. Option 3 allows for asphalt recycling in concert with environmental protection.	Comment recorded.
BCC-Oral-14	12/1/2020	Doug Mah	Support	The proposed amendment aligns with the values of recycling and reuse to meet future needs. Many current bids use future bids - this means lower cost for public and private sector bids. This also reduces the need for mining new aggregate. Adopting the Planning Commission's recommendation is a reasonable change to the plan.	Comment recorded.
BCC-Oral-15	12/1/2020	Tim Thompson, Lakeside Industries	Support	I commend the Board on taking the action to conduct a study on RAP. That led to the letter from Lakeside to the Nisqually Indian Tribe that addresses the remaining environmental concerns. I urge you to approve the amendment.	Comment recorded.
BCC-Oral-16	12/1/2020	Tony Hammett, Lakeside Industries	Support	I am asking you to approve the amendment to allow asphalt recycling. Its an environmentally responsible thing to do. It preserves raw materials. 100% of reclaimed asphalt can be recycled.	Comment recorded.
BCC-Oral-17	12/1/2020	Howard Glastetter	Support	I submitted a written comment that is more than this 3 minute comment can cover. I agree that RAP should be acceptable, provided that it is protected by weather from a metal unwallled building. Lakeside is a local and regional producer. I've been advocating for this BMP for 15 years. Secondly, this should've been decided with the Nisqually Subarea Plan - no more changes should be made outside the plan update. This change could be an easy time to tell the truth if the policy is amended, with monitoring at Lakesides facility.	Comment recorded.
BCC-Oral-18	12/1/2020	Karen Deal, Lakeside Industries	Support	In 2005 we first submitted a RAP amendment. We resubmitted 5 times. In 2017 it was finally docketed. Since then we've paid over 100k for the County to conduct their independent environmental review. I urge you support the proposed amendment.	Comment recorded.
BCC-Oral-19	12/1/2020	Jeff Herriford, Lakeside Industries	Support	I recommend you review the record for comments from the City of Lacey, WSDOT, and other agencies. Use of RAP reduces greenhouse gases, can increase jobs and competitiveness. I urge you to support the amendment.	Comment recorded.

Board of County Commissioner Public Hearing ORAL comments: CPA Docket Item CP-11 - Recycled Asphalt Policy Review
Comments Received 11-04-2020 to 12-1-2020

		Nate Lawver, Labors		We care deeply about our environment. The science is in favor of the proposed amendment. Lakeside would develop sound practices to protect the environment. I urge you to approve the amendment today, not next year.	
BCC-Oral-20	12/1/2020	Local 252	Support		Comment recorded.
BCC-Oral-21	12/1/2020	Richie Myer, Union	Support	I urge you to support the proposed amendment.	Comment recorded.
				I own a small asphalt company in Shelton and we work with Lakeside. Asphalt recycling in the Nisqually Subarea would benefit us by lowering price and increasing competitiveness. We ask that you approve the amendment	
BCC-Oral-22	12/1/2020	Jim Oakes	Support		Comment recorded.
		Kevin Tedrick, International Union of Operating Engineers 212		We support the proposed amendment to allow asphalt recycling in the Nisqually Subarea. It's a sustainable practice used and is environmentally friendly. Science, evident and support are overwhelming.	
BCC-Oral-23	12/1/2020		Support		Comment recorded.
				I support the comments of the League of Women Voters and the Sierra Club, and I am opposed to the proposed amendment. PAHs are harmful to humans and wildlife. I'm also concerned about floods - will the material be high off the ground?	
BCC-Oral-24	12/1/2020	Sue Danver	Against		Comment recorded.
				In the correct site, RAP is a good thing. Tonight we are talking about allowing it in a sensitive area, and that is a bad thing. Changing the plan to allow now is premature - we urge you to include this review with the Nisqually Subarea Plan. Piecemeal approach is not appropriate. Please do not remove the prohibition.	
BCC-Oral-25	12/1/2020	Maureen Canny	Against		Comment recorded.
				We support RAP but not at sensitive sites. This is a blanket amendment that would be applied to the whole subarea. How many others would be allowed? We urge the commissioners to defer this proposal until it can be incorporated into the Subarea Plan process.	
BCC-Oral-26	12/1/2020	Shelley Kneip	Against		Comment recorded.

Maya Teeple

From: Dave Knutzen <Dave.Knutzen@nmt.us>
Sent: Wednesday, December 2, 2020 4:03 PM
To: Maya Teeple
Subject: Lakeside testimony

Hello Maya – I was on the call last night for the lakeside recycled asphalt meeting and was planning on submitting public comment. Near the end of the meeting for some reason I lost connection. I was able to get back on in time for them to announce the last 4 digits of my cell phone (1320) and asked if I had comment however I could not get myself unmuted. I was unable to make my comment. If you could enter this into the record I would appreciate it.

“Thank you Commissioners for hearing my comments which have been highlighted in previous written comments. For the record my name is David Knutzen and I reside in west Olympia. After hearing the comments this evening, I want to take you back to the comments made by David Trout and Tim Thompson. It is apparent that Lakeside has done two critical steps in my professional opinion on how to move a project of this nature forward. First and foremost work with the tribes. Get them involved and work through the details so they are accepting the project and second have independent science involved in evaluating and managing for the associated risks. These two steps are critical in movement forward as these two steps brings us closer to a finished product that policy makers can rely on having honest facts. There are basic facts in relation to Recycled Asphalt. RAP minimize our use of fresh/raw resources, lowers our greenhouse gas emission, protects our ground water and is a true step forward in conservation/resource management. The use of best management practices and data to make adjustments when needed is a critical factor Lakeside has agreed to as well. Being the CEO of a fish tagging company and previously a biologist for WDFW, I have spent a career informing policy makers to follow the science in making decisions. Independent science and data are critical to bringing parties together and not apart. Lakeside has done these necessary steps over this decade long process and I encourage the commission to approve the use of RAP at the Nisqually facility. Thank you for your time.”

Dave Knutzen
Northwest Marine Technology
360-791-1320

Maya Teeple

From: Sherry Gallington <vsgall2@yahoo.com>
Sent: Tuesday, December 1, 2020 5:55 PM
To: Maya Teeple
Subject: CP-11: Allow Asphalt Recycling in the Nisqually Subarea

- Asphalt recycling reduces waste and preserves natural resources. I support Lakeside Industries' amendment to allow asphalt recycling in the Nisqually Subarea. Please vote in favor of asphalt recycling in the Nisqually Subarea.
- Thank you for your time,
- Sherry Gallington

[Sent from Yahoo Mail for iPad](#)

Maya Teeple

From: Mary Watt <maryphoenix@gmail.com>
Sent: Saturday, December 5, 2020 7:17 PM
To: County_Commissioners; Maya Teeple
Subject: NO to Asphalt Recycling Plant

I support The League of Women Voters of Thurston County's positions stated in their letter to the BoCC on November 4, 2020. I am asking you to reject the Docket Item CP-11 Recycled Asphalt that is up for a public hearing on 12/1/2020. There is no science that shows asphalt recycling should occur in the fragile Nisqually ecosystem.

Sincerely,
Mary Watt
5170 SE 30th Ave SE, Apt K8
Lacey, WA 98503

Have a beautiful day.

Mary
maryphoenix@gmail.com

Maya Teeple

From: Kelli Lee
Sent: Thursday, December 10, 2020 4:11 PM
To: Maya Teeple
Subject: Fwd: Asphalt recycling - Nisqually area

Hi Maya!

Please see public comment below.

Thanks!

Kelli Lee
Executive Aide to John Hutchings
Thurston County Commissioner, District #1

From: Thurston County | Send Email <spout@co.thurston.wa.us>
Sent: Thursday, December 10, 2020 4:04:23 PM
To: John Hutchings <john.hutchings@co.thurston.wa.us>
Subject: Asphalt recycling - Nisqually area

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **John Hutchings**

Subject:

From: **Robert Swanson**

Email (if provided): **kswanson007@centurylink.net**

Phone: (if provided): **3609516202**

Message:

Greetings,

As a concerned citizen I totally agree with the concept expressed by former Congressman Norm Dicks; "that asphalt recycling reduces waste at landfills, greenhouse gas emissions and the need for more mining." His words however are completely out of context with the issue of potentially allowing an asphalt recycling facility to locate in a floodplain close to the river with its potential to pollute this pristine areas ecosystems salmon stocks, along with ground and drinking water supplies. Your vote for a policy change would open the door for any if not all of these ecological disasters to happen. Therefore, I would ask the following questions. Why is this area so attractive that Lakeside Industries has gone to great length to petition the board over the years at least five times to amend the existing policy? What is wrong with locating this recycling operation at another of their many statewide asphalt operation sites? Although promising to be good stewards of this critical area by following good

managing practices. Who would be responsible for monitoring compliance by Lakeside regarding any required protection requirements?

In spite of the fact that David Troutt, the natural resource director with the Nisqually tribe now supports this amendment by stating; "Lakeside for many years has done a really good job of producing their materials in a way that is sensitive to the neighborhood, sensitive to the community, and without issue without complaint, without fault." Notwithstanding this interesting testimonial due to the fact that Native Americans have a history of being much better stewards of land than many politicians whose primary land use concerns are for monetary gain. His support has little to offer regarding an operational plan by Lakeside Industries to ensure their proposed operation would not cause unrepairable harm to the environment.

Although Lakeside Industries would seem to have a record of being a good neighbor in this critical area. Unfortunately, by voting for any version of the amendment for policy change on this controversial issue could allow this industry and possibly others a foothold opportunity to construct and operate future industrial sites of even more controversial use.

A thought you might also consider before voting, is the fact that over time business ownerships often change. Even though Lakeside Industries today is not a worldly conglomerate, in the near or distant future this could change: bringing with it new management having none or at best little concern for the natural beauty of this local area of natural wonder.

Bob Swanson

Unique ID	Date	Commenter Name	Summary	County Response
Post-PC-H-1	10/11/2020	Blaine Firch	From the residents perspective, the no recycled asphalt rule was our only win. Consider the Tacoma Asphalt Plan Fire on 10/10/20. I hope the County and associated environmental agencies would want this addressed in full.	Comment recorded
Post PC-H-2	10/7/2020	Carolyn Treadway	Please do not approve the proposed amendment. These Nisqually lands have been Tribal lands - the Tribe takes care of the earth and protects it for future generations. Please do not allow this destruction to happen.	Comment recorded
Post PC-H-3	10/7/2020	Barb Scavezze	Please do not allow the recycling of toxic asphalt in the Nisqually Subarea.	Comment recorded
Post PC-H-4	10/15/2020	Lee Riner	Please consider past comment, the citizens do not want recycled asphalt in the subarea. This area is a critical area with the Nisqually River and farmland. For staff to say this is a determination of non-significance and there is no significant deterioration seems proposterous.	Comment recorded.
			<p>I object to the DNS regarding the Recycled Asphalt Proposal. I have the following questions and comments:</p> <ul style="list-style-type: none"> - Is there science documenting environmental effects that may be applied to sites similar to the proposed RAP facility? Is there clear science proving there will be no adverse effects that would warrant a change? - Based on climate change projections, what are NOAA projects for floods that might impact the site? - If the site was inundated, would the environmental effects to soils, groundwater, marine life and drinking water supplies be insignificant? Does the county have hydrological projections for a flood scenario, or even projections for leaking or runoff from the site? - Laboratory testing cited in the DNS indicated leaching would exceed Washington Water Quality Standards. If this possibility exists, how can that warrant a DNS? - The third party consultant did not look at other best management practices that might impact leachate, but the DNS assumes the risk is insignificant? - Researchers assume minimal environmental effects from contaminants if dilution and assimilation were considered - really? Maybe in an isolated flat plain, but in a floodplain close to a river? - Who assumes responsibility in the event there are significant environmental consequences from the County zoning and permitting at the RAP site? The County for a DNS determination or the applicant? Will the applicant be required to post a bond for damages? - On p. 4 of Env. Checklist form, applicant indicated NA for the amount of impervious surfaces to the site - it is my understanding the management practices being discussed require a hard surface storage area, won't this be an impervious surface? - The applicant indicated there were no environmental health risks from exposure to chemical etc., wasn't there an asphalt plant explosion in Tacoma just last week? - The applicant indicated NA on page 13 for the number of vehicular trips per day associated with the project... How many trucks will be associated with the project? - Recycling asphalt is a prudent thing to do, but Thurston County has other sites that can recycle asphalt - it is too risky to be storing RAP piles in a floodplain close to the river. <p>I urge the County to deny the application for reasons such as the site is in an environmentally fragile area, there are still the same water quality concerns as cited in the 1992 language, and increased truck traffic would adversely affect local traffic.</p>	
Post PC-H-5	10/21/2020	Phyllis Farrell	I request that you support RAP Option 1 (no change), or at the October 29 briefing you recommend postponing a decision pending additional staff work. Bringing in an asphalt recycling facility is inconsistent with the Subarea Plan and Comprehensive Plan. In addition, continuing to use mined area for industrial purpose precludes the opportunity to reclaim the area and use at least a portion for farmland. Finally, the evidence that a recycling facility will have little negative environmental impact is weak. I urge you to ask for more staff work on these issues and to postpone a decision until analysis is complete, or to act now to approve option 1, no change.	Comment recorded.
Post PC-H-6	10/26/2020	Loretta Seppanen	South Sound Sierra Club opposes the proposal to allow the manufacture fo recycled asphalt in the Nisqually Valley. There have been previous attempts to revoke the prohibition and they have failed for good reason. Number of questions recited that were provided in previous SEPA comment (Post-PC-H-5).	Comment recorded
Post-PC-H-7	10/27/2020	Phyllis Farrell, South Sound Sierra Club	I have attached the court case for your record. I urge you to let this proposal wait until another time when an adequately credentialed governmental agency can review ecological significance of the site and the necessary and prudent mitigation required to protect water.	Comment recorded
Post-PC-H-8	10/27/2020	Tony Wilson	Pleeease vote for Option 1 - no change, to protect agricultural lands in the subarea.	Comment recorded
Post-PC-H-9	10/28/2020	Karen Valenzuela		

Post-PC-H-10	10/28/2020	Kyler Danielson, Lakeside: Some comments mention the Tacoma facility fire. The facility where the fire took place operates with many different liquids, some at much higher temperatures than the Lakeside facility. Additionally, RAP is made up of the same content as the roadways we drive on, manageable chunks of pavement are added to the asphalt mix at a later stage. Asphalt recycling does not result in added risk of explosion or fire on site. Comment recorded
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Maya Teeple

From: Thurston County | Send Email <spout@co.thurston.wa.us>
Sent: Sunday, October 11, 2020 6:42 PM
To: Maya Teeple
Subject: CP11, Comments from valley resident

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Maya Teeple**

Subject:

From: **blaine h firch**

Email (if provided): **blainef@comcast.net**

Phone: (if provided): **13606281064**

Message:

Just a few comments from a long time Nisqually resident that was involved when Lakeside finally was allowed to move into Holroyd's site.

I know the "no" recycled asphalt rule has been an issue with Lakeside ever since they were allowed to put in their plant. From the valley residents perspective, that was our only win. I understand Lakesides financial concern but having all the gravel they need right outside their door should mitigate that. The long term big picture needs to be kept in mind as part of being a responsible business in Nisqually valley. The things I am not hearing about are the planned storage conditions of the recycled asphalt while waiting to be used and any containment plans of the leached materials from the rain. CONSIDER TACOMA ASPHALT PLANT FIRE 10/10/2020.

I would hope the county and associated environmental agencies would want this addressed in full to every body's satisfaction to contain the run off and keep it out the McCallister water shed. I feel the bar should be set high for this issue and all provided testing should be scrutinized in fine detail. This comment based on previous air quality testing submitted for initial permits.

Last comment regards this proposal being brought up by citizens seems a bit confusing knowing this is business driven by Lakeside.

Blaine Firch

From: [Carolyn Treadway](#)
To: [Shannon Shula](#)
Subject: 2020/2021 Official Comprehensive Plan Docket Item CP-11
Date: Wednesday, October 07, 2020 5:45:49 PM

Dear Shannon Shula:

We are joining many others in asking that you NOT approve the proposed amendment that would change the language of Policy E.5 in the Nisqually Subarea Plan.

We are very opposed to allowing *any* toxic asphalt recycling in the Nisqually Subarea—let alone recycling hundreds of tons of asphalt in these precious lands.

These Nisqually lands have been Tribal lands since time immemorial. The Tribes have lived in harmony with the Earth, taking care of it to protect it and preserve it for many generations to come. Unfortunately, our larger American society does not have a similar preservation ethic. Nonetheless, we DO need to preserve the Nisqually Valley, which holds the aquifer that provides drinking water for this region and for its large, fertile agricultural area. Both the aquifer and the agricultural lands would be dangerously at risk—or destroyed— by reprocessing asphalt in this Valley.

Please do NOT allow this destruction to happen.

Most sincerely,

Carolyn W. Treadway
Roy C. Treadway
Lacey, WA

From: [Barb Scavezze](#)
To: [Shannon Shula](#)
Subject: opposed to amendment to change language of Policy E.5 in Nisqually Subarea
Date: Wednesday, October 07, 2020 7:26:42 PM

Dear Shannon,

I am opposed to the proposed amendment that would change the language of Policy E.5 in the Nisqually Subarea Plan, which would allow for asphalt recycling within the subarea.

Please do NOT allow the recycling of toxic asphalt in the Nisqually Subarea. This is not an appropriate location for this facility.

The Nisqually Valley has been deemed a "critical area", it has the aquifer for the drinking water for our area, and it is a huge agricultural area. "Re-processing" hundreds of tons of asphalt will destroy the Nisqually aquifer - our drinking water.

Thank you,
Barb Scavezze
Olympia

Maya Teeple

From: Thomasina Cooper
Sent: Thursday, October 15, 2020 10:11 AM
To: Maya Teeple
Cc: Kelli Lee
Subject: FW: : NISQUALLY VALLEY.....Comments.. DNS for Asphalt Recycling

Hi Maya-
Below please find public comment for the record re: RAP.

Thank you so much!
Thomasina

From: northbeachcomm@cs.com <northbeachcomm@cs.com>
Sent: Thursday, October 15, 2020 9:44 AM
To: Tye Menser <tye.menser@co.thurston.wa.us>; John Hutchings <john.hutchings@co.thurston.wa.us>
Subject: : NISQUALLY VALLEY.....Comments.. DNS for Asphalt Recycling

Subject: NISQUALLY VALLEY..... DNS for Asphalt Recycling

Hello Thurston County Commissioners;

Thurston County is taking comments for the "Sub-area Plan" on Asphalt recycling in the Nisqually Valley.

I hope that our county commissioners know how many people have sent in comments regarding

Asphalt and Lakeside Industries in the Nisqually Valley, over the years.

We have hundreds of comments regarding this issue, most of them saying they do not support

changing the language regarding this Asphalt processing procedure.

The Nisqually Valley has been designated a "Critical Area".

This is because of the Nisqually River there,

the agriculture, and the water wells there for our entire county.

The water wells are a major source of water for Olympia, Lacey, etc.

For the Thurston County staff

to say; "There will be "No significant deterioration" (DNS; Determination of Non-significance) from this proposed rule,

allowing asphalt plants forever in the Nisqually valley,

seems ludicrous. Right? The regular flooding of the valley, the asphalt piles sitting out in the rain, it all seems like

a tragedy waiting to happen. The facts show "recycled asphalt is more of a pollutant than processing regular asphalt".

This entire proposal was pushed by Lakeside Industries, the asphalt plant group there. They are pushing this Sub-area Plan change, in the Valley?

Sincerely
Lee Riner
2103 Harrison Ave.
Oly., WA
360-956-0022

Maya Teeple

From: Phyllis Farrell <phyllisfarrell681@hotmail.com>
Sent: Wednesday, October 21, 2020 9:17 PM
To: Maya Teeple
Subject: RAP Determination of Non Significance
Attachments: CP11_RAP_SEPA-Packet_DNS_10092020.pdf

Greetings Maya, Thank you for your assistance in this process.

I object to the DNS regarding the proposal by Lakeside Industries to remove the prohibition on the manufacture of recycled asphalt in the Thurston Comprehensive Plan section of SubArea 5.

I have the following questions and comments:

Is there science documenting environmental effects that may be applied to sites similar to the proposed RAP facility? Since water quality concerns were cited as the reason for the RAP prohibition in the 1992 Plan, is there clear science **proving there will be no adverse effects** that would warrant a change in the Comp Plan language? I think the burden of proof is on the applicant.

Based on Climate Change projections, what are the NOAA projections for floods that might impact the site?

If the site was inundated, would the environmental effects to the soils, groundwater, marine life and drinking water supplies be insignificant? Does the County have hydrological projections for a flood scenario? Or, even projections for leaking or runoff from the site?

Laboratory testing cited in the DNS indicated leaching would exceed Washington Water Quality Standards. If this possibility exists, how can that warrant a DNS?

The third-party consultant literature review (Herrera Environmental Consultants, "Contaminant Leaching from Recycled Asphalt Pavement", May 14, 2019) did not evaluate how best management practices, fate and transport, natural attenuation to soils, or hydrogeological conditions might impact leachate from recycled asphalt pavement. But the DNS assumes this risk is insignificant?

6e. Researchers assume minimal environmental effects from contaminants if dilution and assimilation were considered. Really? Perhaps this might apply to a site in an isolated flat plain, but in a floodplain close to a river?

Who assumes responsibility in the event there are significant environmental consequences from the County zoning and permitting of RAP at the site? The County for a DNS determination or the applicant? Will the applicant be required to post a bond for damages?

On p. 4 of the Applicant's Environmental Elements form ..1 g..the applicant indicated NA for amount of impervious surfaces to the site. It is my understanding the management practices being discussed require a hard surfaced storage area. Won't this be an impervious surface?

The applicant indicated there were no environmental health risks from exposure to toxic chemical, fire or explosions, spill or hazardous waste. Wasn't there an asphalt plant fire and explosion in Tacoma just last week?

The applicant indicated NA on page 13 for the number of vehicular trips per day associated with the completed project and NA for measures to reduce or control transportation impacts. How many trucks per day will be associated with this project?

Recycling asphalt is a prudent thing to do....we all drive on roads and recycling reduces the effects of manufacturing all new asphalt....but Thurston County has other sites that may recycle asphalt. It is too risky to be storing RAP piles and increasing the amount of manufacturing....in a floodplain close to the river, salmon stocks and local drinking water supplies (CARAs).

I urge the County to deny the application due to the reasons the site is in an environmentally fragile area, there are still the same water quality concerns specified in the 1992 language, and increased truck traffic will adversely affect local traffic and the rural environment that was a goal of the 1992 Plan.

Respectfully,

Phyllis Farrell

Sent from [Outlook](#)

From: [Kelli Lee](#)
To: [Maya Teeple](#)
Subject: FW: My request of you on RAP ahead of the Thursday BoCC briefing
Date: Tuesday, October 27, 2020 8:50:16 AM
Attachments: [image001.png](#)

Hi Maya!

Please see public comment below.

Thanks!
Kelli

From: Sandler & Seppanen <Laurel.Lodge@Comcast.Net>
Sent: Monday, October 26, 2020 9:32 PM
To: John Hutchings <john.hutchings@co.thurston.wa.us>
Subject: My request of you on RAP ahead of the Thursday BoCC briefing

Commission Hutchings,

I have been thinking more about the Recycled Asphalt Plant proposal in the Nisqually Sub-area. You will hear a staff briefing on this issue on Thursday morning. I request that you support RAP Option 1 (no change) or at the October 29 briefing you recommend postponing a decision pending additional staff work. In making this request I recognize the public benefit in recycling asphalt in general, but not in the Nisqually Sub-area.

In the Nisqually Sub-area, bringing in asphalt to operate a recycling facility, no matter how carefully that work is done, is inconsistent, as noted below, with the Sub-area Plan and the Thurston County Comprehensive Plan. In addition, continuing to use the mined area for an industrial purpose precludes the opportunity to reclaim the area and use at least a portion of it for farmland to mitigate farmland lost elsewhere. Finally, the evidence that a recycling facility will have little negative environmental impact in this environmentally sensitive area is weak. I urge you to ask for more staff work on these issues and to postpone a decision until that staff analysis is complete or act now to approve Option 1, no change in the Sub-Area Plan.

Inconsistent with the Nisqually Sub-area Plan and the county's Comprehensive Plan

The Nisqually Sub-area Plan expresses a community vision for mining as a temporary activity. The minded land, according to the plan, is to be reclaimed for other uses when a mine is played-out. Policy E5 of the Nisqually Sub-Area plan clearly states: **"The reprocessing of imported mineral resources shall not be the primary accessory use..."** That policy also states that any allowed accessory use at the mines such as concrete pipe and septic tank construction, **"shall be discontinued once reclamation of the pit is completed."** The intent in the sub-area plan is to mine and engage in limited accessory activities until the mine is played-out, then reclaim the land. In seeking a change to the sub-area plan, the mining companies ask for a direction change inconsistent with the community vision as stated in the plan.

The policy of Thurston County Comprehensive Plan requires that reclamation be planned from the start of mining. There should be no unplanned continued and extended mining company use after mining

ends. In chapter 3, Goal 7, Objective A, Policy 4 states: “Restoration of mineral extraction sites should occur as the site is being mined. The site should be restored for appropriate future use and should blend with the adjacent landscape and contours.”

Do Not Lose the Opportunity to Reclaim Mined Land in Support of Agriculture

From a community perspective, farmland would be a higher and better land use in the location of the two Nisqually area mines than using the space to bring in used asphalt to recycle. The map below shows the mined area between two areas that in 1992 that were designated by the county as Long-term Agricultural of Commercial Significance. Nisqually Ag Land is adjacent to the mined area on its northwest side and Long-term Ag land is directly to the east. In the past, despite rocky soil, it is likely that farms were situated on the connecting land between the two agricultural areas.

As the county loses farmland at a rapid pace, nearly 3,000 acres a year, it is important to plan to reclaim land for farming. The two operators of mines in the Nisqually Valley should reclaim land that could serve the nearby farmland. That effort would benefit of the community goal of no net loss of farmland.

Weak Scientific Evidence in Support of Minimal Environmental Harm from RAP in the Nisqually Valley

Only in regard to air pollution is there strong evidence of minimal environmental harm from RAP, and that applies only under normal operating conditions. Evidence submitted supports de minimis harm at this site due to controls in place to handle such pollution (Olympic Region Clean Air Agency, 2013). However, it should be noted there is no mention of air pollution problems due to fire at the plant as experienced October 11 at a RAP in Tacoma. There, neighbors were told to shelter in place due to dangerous chemicals in the air, according to newspaper reports.

In other regards the scientific evidence is weak, a major concern for this environmentally sensitive area. Approximately 81% (7,347 of roughly 9,000 acres) are classified as areas of extreme aquifer sensitivity and rapid recharge. However, the Herrera literature review looked at mostly lab-based studies not relevant to the Nisqually site because they assumed low acid conditions. A single field study in more acidic conditions like those of the Nisqually area showed inconclusive contamination results.

The issue of the impact on water quality of increasing impervious surfaces at the site being considered for RAP needs to be addressed since increasing impervious surfaces in sensitive aquifers can negatively impact water quality. The applicant’s SEPA Environmental Checklist indicates “NA” for impervious surfaces at the site, yet the Best Management Practice discussed by the applicant requires hard surfaced storage of recycled asphalt.

For these reasons, I request that you support RAP Option 1 (no change) or at the October 29 briefing you recommend postponing a decision pending additional staff work.

Loretta Seppanen
Olympia WA

From: [Jennifer Davis](#)
To: [Maya Teeple](#)
Subject: FW: RAP Nisqually Valley
Date: Tuesday, October 27, 2020 12:25:24 PM
Attachments: [ATT00001.htm](#)
[RAP3 ltrBOCC10.27.20.docx](#)
[CP11 RAP SEPA-Packet DNS 10092020.pdf](#)

From: Ramiro Chavez <ramiro.chavez@co.thurston.wa.us>
Sent: Tuesday, October 27, 2020 12:24 PM
To: Joshua Cummings <joshua.cummings@co.thurston.wa.us>; Jennifer Davis <jennifer.davis@co.thurston.wa.us>
Subject: FW: RAP Nisqually Valley

FYI

Ramiro Chavez, PE, PgMP
County Manager
Thurston County
(360) 754-2960
chavezr@co.thurston.wa.us

From: County_Commissioners <county.commissioners@co.thurston.wa.us>
Sent: Tuesday, October 27, 2020 12:09 PM
To: Robin Campbell <robin.campbell@co.thurston.wa.us>; Robin Courts <robin.courts@co.thurston.wa.us>; Ramiro Chavez <ramiro.chavez@co.thurston.wa.us>; Kelli Lee <kelli.lee@co.thurston.wa.us>; John Hutchings <john.hutchings@co.thurston.wa.us>; Gary Edwards <gary.edwards@co.thurston.wa.us>; Tye Menser <tye.menser@co.thurston.wa.us>; Thomasina Cooper <thomasina.cooper@co.thurston.wa.us>; Katelyn Johnson <katelyn.johnson@co.thurston.wa.us>
Subject: FW: RAP Nisqually Valley

From: Phyllis Farrell
Sent: Tuesday, October 27, 2020 7:06:56 PM (UTC+00:00) Monrovia, Reykjavik
To: County_Commissioners
Cc: ramiro.chavez@thurston.wa.us; kevin.hansen@thurston.wa.us
Subject: RAP Nisqually Valley

Greetings Commissioners,

The South Sound Sierra Club Group opposes the proposal to allow the manufacture of recycled asphalt (RAP) in the Nisqually Valley. I have attached the letter which includes questions about the DNS (also attached). I am hoping you can ask these questions of staff at the Oct. 29th 9:00 am briefing.

Thank you for your service.

Respectfully,

Phyllis Farrell, Chair,
South Sound Sierra Club Group

Sent from [Mail](#) for Windows 10



Thurston County Board of County Commissioners
2000 Lakeridge Dr. SW
Olympia, WA 98502

October 27, 2020

Gentlemen:

The South Sound Sierra Club Group, representing over 1400 members and supporters in Thurston County, objects to the proposal by Lakeside Industries to remove the prohibition on the manufacture of recycled asphalt in the Nisqually valley being considered in the Nisqually Subarea Plan review.

The goal of the 1992 Nisqually Sub-Area Plan was to *“Maintain the existing rural environment of the Nisqually planning area with the primary emphasis on preserving its rural, aesthetic character for future generations.”* There was a no-Rap provision of Policy E.5 which states *“the reprocessing of asphalt shall not be allowed due to water quality concerns.”*

There have been previous attempts to amend or revoke the prohibition, but they have failed for good reasons. The Nisqually subarea includes critical aquifer recharge areas (CARAs) and the McAllister Geologically Sensitive Area, which is a CARA. By definition, CARAs are vulnerable to contamination.

Thurston County successfully litigated this provision against Lakeside Industries in 2004.

<https://caselaw.findlaw.com/wa-court-of-appeals/1389372.html> The court noted:

“The proposed asphalt facility would be approximately two miles upwind and upriver from the Nisqually National Wildlife Refuge, home to numerous wildlife species and endangered salmon. The groundwater around the mine site is between four and fifteen feet below the extremely porous surface. The site is also located in the County's aquifer protection district. The County has spent approximately \$2.4 million to purchase development rights in the immediate area adjacent to the proposed facility to prevent environmental damage.”

The site area is close to the Nisqually River, in a 100year floodplain and close to drinking water sources. Recycled asphalt could potentially leach harmful chemicals threatening water quality and Nisqually River fish stocks. Increased truck traffic would impair the rural character of the area.

We have the following questions that relate to the Determination of Non Significance (DNS,attached):

Is there science documenting environmental effects that may be applied to sites similar to the proposed RAP facility? Since water quality concerns were cited as the reason for the RAP prohibition in the 1992 Plan, is there clear science proving there will be no adverse effects that would warrant a change in the Comp Plan language? The burden of proof should be on the applicant.

Based on Climate Change projections, what are the National Oceanic and Atmospheric Administration (NOAA) projections for floods that might impact the site?

If the site was inundated, would the environmental effects to the soils, groundwater, marine life and drinking water supplies be insignificant? Does the County have hydrological projections for a flood scenario?

Laboratory testing cited in the DNS indicated leaching would exceed Washington Water Quality Standards. If this possibility exists, how can that warrant a DNS?

The third-party consultant literature review (Herrera Environmental Consultants, “Contaminant Leaching from Recycled Asphalt Pavement”, May 14, 2019) did not evaluate how best management practices, fate and transport, natural attenuation to soils, or hydrogeological conditions might impact leachate from recycled asphalt pavement. But the DNS assumes this risk is insignificant?

On page two of Maya’s Memorandum (6e): Researchers assume minimal environmental effects from contaminants if dilution and assimilation were considered. Really? Perhaps this might apply to a site in an isolated flat plain, but in a floodplain close to a river?

Who assumes responsibility in the event there are significant environmental consequences from the County zoning and permitting of RAP at the site? The County for a DNS determination or the applicant? Will the applicant be required to post a bond for damages?

On p. 4(1g) of the Applicant’s Environmental Elements form, the applicant indicated NA for the amount of impervious surfaces to the site. It is our understanding the management practices being discussed require a hard-surfaced storage area. Won’t this be an impervious surface?

The applicant indicated there were no environmental health risks from exposure to toxic chemical, fire or explosions, spill or hazardous waste. Wasn’t there an asphalt plant fire and explosion in Tacoma just last week?

The applicant indicated NA on page 13 for the number of vehicular trips per day associated with the completed project and NA for measures to reduce or control transportation impacts. How many trucks per day will be associated with this project?

The Nisqually River Council letter of October 7th indicated qualified approval of the removal of the prohibition contingent upon specified BMPs and the denial of a permit by Holroyd to mine below the water table. We commend the Nisqually Tribe’s efforts to accommodate Lakeside Industries, who has been a good neighbor and a good local employer. However, it is our understanding these are two separate issues...can a Comprehensive Plan amendment approval preclude a separate mining permit before that process is even completed?

Recycling asphalt is a prudent thing to do; we all drive on roads and recycling reduces the effects of manufacturing of all new asphalt. However, Thurston County has other sites that may safely recycle asphalt. It is too risky to be storing RAP piles and increasing the amount of manufacturing asphalt in a floodplain and close to the river, salmon stocks and local drinking water supplies (CARAs).

The South Sound Sierra Club Group opposes the removal of the prohibition of the manufacture of recycled asphalt from the Sub Area 5 section of the Comprehensive Plan due to environmental concerns.

Respectfully,

Phyllis Farrell, Chair
South Sound Sierra Club Group
phyllisfarrell681@hotmail.com

From: [Jennifer Davis](#)
To: [Maya Teeple](#)
Subject: FW: Lakeside asphalt recycling
Date: Tuesday, October 27, 2020 5:03:43 PM
Attachments: [LAKESIDE INDUSTRIES v. THURSTON COUNTY FindLaw.pdf](#)

From: Ramiro Chavez <ramiro.chavez@co.thurston.wa.us>
Sent: Tuesday, October 27, 2020 4:43 PM
To: Joshua Cummings <joshua.cummings@co.thurston.wa.us>; Jennifer Davis <jennifer.davis@co.thurston.wa.us>
Subject: FW: Lakeside asphalt recycling

FYI

Ramiro Chavez, PE, PgMP
 County Manager
 Thurston County
 (360) 754-2960
chavezr@co.thurston.wa.us

From: County_Commissioners <county.commissioners@co.thurston.wa.us>
Sent: Tuesday, October 27, 2020 3:14 PM
To: Robin Campbell <robin.campbell@co.thurston.wa.us>; Robin Courts <robin.courts@co.thurston.wa.us>; Ramiro Chavez <ramiro.chavez@co.thurston.wa.us>; Kelli Lee <kelli.lee@co.thurston.wa.us>; John Hutchings <john.hutchings@co.thurston.wa.us>; Gary Edwards <gary.edwards@co.thurston.wa.us>; Tye Menser <tye.menser@co.thurston.wa.us>; Thomasina Cooper <thomasina.cooper@co.thurston.wa.us>; Katelyn Johnson <katelyn.johnson@co.thurston.wa.us>
Subject: FW: Lakeside asphalt recycling

From: Tony Wilson
Sent: Tuesday, October 27, 2020 10:13:14 PM (UTC+00:00) Monrovia, Reykjavik
To: County_Commissioners
Subject: Lakeside asphalt recycling

Good day Commissioners,
 I spoke briefly this afternoon about the indivisibility of approving of the Lakeside Gravel proposal to rescind the prohibition of asphalt recycling in the Nisqually "sub area". Please note that the representatives of the company then refuted my comments and one stated that

there was no settled litigation regarding the site as an asphalt recycling site.

I wanted to provide the case law from the record at Findlaw. That case was settled in 2004 after Lakeside and others sued the county. There are also other records dating back to 1992, when the prohibition was made part of county code, detailing all the myriad reasons why it was being done in that area and not in any other areas of the county.

Below are some points from the court record, and I have attached a PDF of that court decision for your review.

I, again, urge you to let this proposal wait until another time when an adequately credentialed governmental agency can provide a review of the ecological significance of the site and the necessary and prudent mitigation required to protect the water table and the river from permanent damage.

Tony Wilson

Thurston County successfully litigated this provision against Lakeside Industries in 2004. <https://caselaw.findlaw.com/wa-court-of-appeals/1389372.html> The court noted:

“The proposed asphalt facility would be approximately two miles upwind and upriver from the Nisqually National Wildlife Refuge, home to numerous wildlife species and endangered salmon. The groundwater around the mine site is between four and fifteen feet below the extremely porous surface. The site is also located in the County's aquifer protection district. The County has spent approximately \$2.4 million to purchase development rights in the immediate area adjacent to the proposed facility to prevent environmental damage.”

From: [Thomasina Cooper](#) on behalf of [Tye Menser](#)
To: [Maya Teeple](#)
Subject: FW: RAP
Date: Wednesday, October 28, 2020 8:28:25 AM

Hi Maya,

Please add the comment below to public record.

Thanks bunches!

Thomasina

From: karen valenzuela <karenvalenzuela@hotmail.com>
Sent: Wednesday, October 28, 2020 7:04 AM
To: Tye Menser <tye.menser@co.thurston.wa.us>
Subject: RAP

Commissioner:

Please choose Option 1 -- no change to the Comp Plan. No reason to extend non-conforming heavy industrial use in the beautiful agriculturally zoned Nisqually Valley, and lots of compelling reasons against this request. Please preserve our dwindling ag lands!

Thank you,
Karen Valenzuela

From: [Kyler Danielson](#)
To: [Maya Teeple](#)
Cc: [Karen Deal](#)
Subject: Response to Comments
Date: Wednesday, October 28, 2020 2:03:04 PM

Maya:

I understand that there have been a few comments referencing the October 11, 2020 fire that occurred at the Gardner Fields facility in Tacoma.

To dispel misinformation and inaccurate comparisons between Lakeside's Durgin Road Plant and the Tacoma facility, we want to clarify that Lakeside Industries' asphalt pavement manufacturing facilities are different from the Tacoma asphalt processing facility in both the mechanics of the plant and the products produced. The facility where the fire took place operates with many different liquids, some at much higher temperatures than the asphalt pavement manufacturing facilities we operate. Our facilities produce asphalt pavements, the product used to pave road surfaces. And unlike the Tacoma facility, Lakeside Industries does not manufacture hazardous liquid materials for sale.

Additionally, Recycled Asphalt Pavement (RAP) is made up of the same content as the roadways we drive on. To recycle RAP, manageable chunks of pavement are simply added to the asphalt mix at a later stage of manufacture. Asphalt recycling does not result in any added risk of explosion or fire on site.

Please contact me if the County has any questions about the significant differences between Lakeside's Durgin Road Plant and the Tacoma facility. Additionally, please add this comment to the record.

Best,
Kyler

Kyler M. Danielson (she/her/hers)
Land Use Project Manager
Lakeside Industries, Inc.
T: 425.313.2602 | C: 425.416.0249
PO Box 7016 | Issaquah, Washington 98027
www.Lakesideindustries.com



Maya Teeple

From: Tim Ames <timames82@gmail.com>
Sent: Tuesday, December 1, 2020 2:52 PM
To: Maya Teeple
Subject: CP-11: Allow Asphalt Recycling in the Nisqually Subarea

Hello my name is Tim Ames and I work for Lakeside industries in their durgin road asphalt plant. Ive worked for many asphalt producers in this state all of which are able and capable of using recycled asphalt products. I like the idea of using a recycled asphalt product not only because it's green and environmentally safe but also better for the environment and uses less virgin oil. I hope you will give us a chance to not only use these products to lower our foot print on our environment but also to stay competitive and growing in a this very competitive market.

Thanks
Tim Ames

Planning Commission Public Hearing: CPA Docket Item CP-11 - Recycled Asphalt Policy Review

Comments Received 09-16-2020 through 10-07-2020

Unique ID	Date	Commenter Name	Source	Type of Comment	Summary	County Response	Response Method	Response Date
PC-H-1	9/8/2020	Kathleen O'Connor	Email	Against	Please do not accept any motions to consider or allow recycled asphalt in Nisqually Subarea. Citizens have said no with scientific backing. Please stop.	Received and recorded.	Email	9/24/2020
PC-H-2	9/14/2020	Howard Glastetter	Mail/Post	Against	Sent copy of letter and exhibit sent to DS related to the Special Use Permit for the Holroyd Gravel Pits. Letter outlined concerns and implications of the site related to pollution of foreign materials, affects on ground water, lakes, streams, and other water sources.	Received and recorded.	Email	9/21/2020
PC-H-3	9/20/2020	Marianne Tompkins	Email	Against	Opposed to the new language. Please do not recycle toxic asphalt. "Re-processing" hundreds of tons of asphalt will destroy the Nisqually aquifer/our drinking water.			9/24/2020
PC-H-4	9/26/2020	Glen Anderson	Email	Against	Strongly oppose. Must protect our fragile environment. Prevent the proposed asphalt plant at Nisqually.	Received and recorded.	Email	9/28/2020
PC-H-5	10/1/2020	Bonnie Blessing	Email	Policy Ques	Inquiry if RAP includes copper. What kind of asphalt was used. Impact of repaving on amphibian behavior. Did the County assess copper and PAH content of RAP?	Received, responded and recorded.	Email	10/1/2020
PC-H-6	10/4/2020	Barbara Craven/ TC Storm & Surface Water Citizens' Advisory Board	Email	Against	Oppose changing the language in the zoning to allow it. Any leaching affects our vulnerable Nisqually River and its wildlife. Even a rain cover my not be sufficient. A conservative approach is best.	Received and recorded.	Email	10/5/2020
PC-H-7	10/5/2020	Loretta Seppanen	Email	Against	Nisqually contains some of the best Ag land. Keep the subarea unchanged. Urge the county to transition mines back into Ag land to connect vital farmlands. Farms would be a higher and better land use in this location.	Received and recorded.	Email	10/6/2020

Planning Commission Public Hearing: CPA Docket Item CP-11 - Recycled Asphalt Policy Review

Comments Received 09-16-2020 through 10-07-2020

PC-H-8	10/6/2020	Doug Mah/ Thurston County Chamber	Email	Support	Strongly recommends that the PC amend policy E.5 to allow for asphalt recycling with the subarea. Supports option 2 or option 3. Believes that the quality of raw material for infrastructure and building construction is critical to the greater community and aligns with values of recycling reuse and using resources in responsible manner. Reasonable and balanced amendment to the Comprehensive Plan.	Received and recorded.	Email	10/6/2020
PC-H-9	10/6/2020	Howard Glastetter	Email	Change Rec	If RAP is allowed, production of asphalt will likely increase at the Holroyd site. There should be a clause that limits the production to not exceed 300,000 tons of RAP per year. Statement to include " <u>shall not exceed</u> " their original county agreement production limits.	Received and recorded.	Email	10/6/2020
PC-H-10	10/6/2020	Connie Campbell	Email	Against	Opposed to the proposed amendment to allow asphalt recycling. Please do not recycle toxic asphalt in the Nisqually Subarea. The Nisqually Valley was deemed a critical area with aquifer for drinking water and is a huge agricultural area. Re-processing asphalt will destroy our drinking water.	Received and recorded.	Email	10/7/2020
PC-H-11	10/6/2020	Wayne Olsen	Email	Against	Agree that recycling toxic asphalt is better for the environment, however, the location for the proposed facility couldn't be worse. The site is close to McAllister Springs and another wellhead near the Nisqually River. Proximity to a National Wildlife Refuge and salmon-bearing river are also concerns. Noxious fumes and leakage of toxic materials through soils could ruin these assets. Loss of the salmon run may also constitute a violation of treaty rights with the Nisqually Nation.	Received and recorded.	Email	10/7/2020

Planning Commission Public Hearing: CPA Docket Item CP-11 - Recycled Asphalt Policy Review

Comments Received 09-16-2020 through 10-07-2020

PC-H-12	10/7/2020	Esther Kronenberg	Email	Against	Strong opposition to the proposed rule change that would allow asphalt recycling in some of the County's most valuable farmland. Threats to water quality and the rural nature of the area, and threats of climate change. The mine lies within the Nisqually floodplain. The mine is close to exhausted, therefore its must be reclaimed. The best use for this mined out area is to be reclaimed as agricultural land. The county should deny this request in the interest of the people who will be served by restoration of this land to provide food and environmental protection, rather than to abet the special interests and profits of one mining company.	Received and recorded.	Email	10/7/2020
PC-H-13	10/7/2020	Karen Deal/ Lakeside Industries	Email	Support	Ask the PC to vote for Option 2, to allow asphalt recycling and allows permitting staff to determine best management practices. Lakeside has sought this amendment for over 10 years. They do not conduct any mineral extraction activity and is not associated with Holroyd's mine expansion permit process. RAP is a common, sustainable practice that is encourage nationwide. Committed to working with the County and stakeholders to incorporate adaptive management principles and groundwater monitoring as it pertains to RAP storage on-site.	Received and recorded.	Email	10/7/2020
PC-H-14	10/7/2020	David Hillman	Email	Information	Requested information to send PDF letter. Incorrect email submitted. Returned email.	Received and recorded.	Email	10/7/2020
PC-H-15	10/7/2020	Kyler Danielson/ Lakeside Industries	Email	Support	Ask the PC select Option 2 because asphalt recyling is good policy, is consistent wit the County's plans, this is the right time to approve, it is supported by science, and ensures that BMPs will be site-specific.	Received and recorded.	Email	10/7/2020

Planning Commission Public Hearing: CPA Docket Item CP-11 - Recycled Asphalt Policy Review

Comments Received 09-16-2020 through 10-07-2020

PC-H-16	10/7/2020	Marcie Cleaver	Email	Against	Recycling asphalt has it's benefits, however siting needs to be done in a thoughtful manner. Putting a plant near the Nisqually agricultural are where water infiltrates into aquifers is a mistake. Many petroleum products contain carcinogens. Do not site plants in a water sensitive area. Please look a broader impact of such a location.	Received and recorded.	Email	10/7/2020
PC-H-17	10/7/2020	Collis Hillman	Email	Against	Support Option 1, make no changes. Prohibit reprocessing to help ensure environmental protection for humans, wildlife and the water wells. Corporation push for something that is dangerous for their purpose of making mire money is the antithesis of stewardship for this vibrant area.	Received and recorded.	Email	10/7/2020
PC-H-18	10/7/2020	Eva Lang	Email	Against	Concern for the welfare of the water, people wildlife and environment of Nisqually. Support Option 1 to make no changes to the current policy E.5. Residents are against having there drinking water contaminated by allowing reprocessing of asphalt in a critical area. Research shows that contaminants would leach into the groundwater. The site is in a flood plain and flooding would be devastating for the Wildlife refuge and Nisqually Estuary. Local fishing would suffer. It would be dangerous to allow. Protect the sacred waters of Nisqually for generations to come.	Received and recorded.	Email	10/7/2020
PC-H-19	10/7/2020	Lisa Ceazan	Email	Against	Request Option 1 remain unchanged and that the county urge mining operators to transitions the mines back to agricultural land to reconnect these two vital farmland areas. Would benefit essential goal of no net loss of farmland. Extremely sensitive salmon habitat, as well as safety of local residents from the potential of chemicals leaching into water.	Received and recorded.	Email	10/7/2020

Planning Commission Public Hearing: CPA Docket Item CP-11 - Recycled Asphalt Policy Review

Comments Received 09-16-2020 through 10-07-2020

					NRC supports a complete and holistic assessment of this proposal. NRC strongly urges the inclusion of mandatory monitoring and BMPs in the revised policy language (Option 3). Minimum BMPs should require hard weatherproof coverings for RAP piles, safe handling and treatment protocols for stormwater, regular on-site water quality monitoring, air quality standards, no open groundwater connections and assessment of the 100-year floodplain zone, and rigorous adaptive management protocols. SEPA review process will include further study to determine the best specific local practices for this site. Safeguard for water quality should be included in the updated policy along with regular public reporting to that the assurances are clear and			
PC-H-20	10/7/2020	Emily McCartan/Nisqually River Council	Email	Change Rec	transparent.	Received and recorded.	Email	10/7/2020
					Citizens oppose the proposed change. This sort of industry is not allowed by the land use plan and pollution does not belong in one of the worlds most beautiful places. Deny the badly written and ill thought out proposal by Lakeside Industries. Say "NO!" to corporate special interest who do not care about the safety and quality of the people's water.	Received and recorded.	Email	10/7/2020
PC-H-21	10/7/2020	David Hillman	Email	Against				

From: [tolumpia](#)
To: [Shannon Shula](#)
Subject: Asphalt in Nisqually
Date: Friday, September 18, 2020 10:05:06 PM

Board of County Commissioners,

Please do not accept any motions to consider or allow recycled asphalt in the Nisqually subarea. Citizens have said no, with scientific backing, over and over again. Please stop.

Sincerely,

Kathleen O'Connor

Mr. Howard Glastetter
11110 Kuhlman Rd. SE
Olympia, WA 98513



Maya Teeple
Thurston County Planning
2000 Lake Ridge Dr SW
Olympia, WA 98502

9-14-2020

Maya,

I went thru my old
files & found copies
(with attachments)
of what I sent the
county about 10
years ago.

Howard

Howard Glustetter
11110 Kuhlman Road SE
Olympia, WA 98513-9605

February 22, 2011

Thurston County Development Services
Resource Stewardship Department
Attn: Mr. Tony Kantas
2000 Lakeridge Drive SW
Olympia WA 98502-6045

Dear Mr. Kantas,

The following is a close copy of a letter I sent to Mike Kain on June 16, 2010 after hearing about the following Holroyd Gravel Pit request (Case #: 2010100505, Mine Expansion Special Use Permit #: 10 101562 ZM). In the near future, I will try to review and respond to any other case documents available since my original observations.

The purpose of this letter is to add observations to **Holroyd Co. Inc. & Neilsen Pacific LTD's** February 25, 2010 request for a Special Use Permit. The Holroyd company wants to continue mining part of the valley floor of their pit, converting it to a 120-foot deep, 2,018 feet long, 1,700 feet wide lake. This translates into an 80-acre lake. I've read their request and related exhibits. I'm not trained in geology or hydrology, but I still know there are some implications to this request that have not been addressed.

I have lived in three different locations in the valley over the past 40+ years, including a home on a 5-acre lot, just north of Holroyd's, across Old Pacific Highway. I have been publicly involved with issues affecting the valley during much of that time. So, I have some views that could aid in evaluating the above Special Use Permit request.

I'll summarize some concerns about this request. Water seeks the low point and some issues have not been addressed. Most of the exhibits were written before the 1996 flood, the 2001 earthquake and the 2007 addition of an asphalt plant at the site.

Nothing is said about potential pollution from the new asphalt plant that would be contiguous to the new lake. The plant is in the map of the site, but that's it. The plant currently wants to import recycled asphalt pavement (RAP) to use in its industrial process. This foreign material can contain pollution, beyond asphalt binders and gravel. Page 2 of Holroyd's Exhibit A, written in 1995, says an asphalt plant would be a contamination concern to a pit with open ground water.

Lost Lake lies just south of the pit (Attachment #1, #2 – location 1), just across the railroad tracks. The water level of this lake is 85 feet, roughly 60 feet higher than the current pit floor. Could Lost Lake drain if a 120-foot deep lake were dug **two hundred yards** down stream from it? There are artesian springs north of the pit, just across Old

Pacific Highway (Attachment 2 – location 2). The high-pressure source of these artesian wells, likely runs under the pit and could be intercepted by the new lake. This could have a greater effect on the proposed lake's level than any Holroyd exhibits indicate.

The water sources flowing underground to McAllister springs are southwest of Holroyd's (Attachment 2 location 3). This is the current and future **water supply needed by Olympia and Lacey**. The Nisqually River runs about a half mile east of the pit, before it curves further east along the rail line. Over the years, the river has been forced to the higher side of the valley by rail line and highway construction. Emergency Manager, Andrew Kinney can verify this. The 1996 flood in the valley affected the pit and would have flooded any lake in the pit. I have included a 1996 aerial photo (Attachment 3) of the pit taken, by my son, a few hours after the flood peaked.

The Olympian discussed future municipal wells in the McAllister Springs Sensitive Area, above McAllister Springs, southwest of Holroyd's pit (Attachment 4 – 9/8/2008 News Article). The article pointed out concerns about well extraction affecting local lake levels (e.g., Saint Clair, Pattison, Long). Could an 80-acre / 120-foot deep lake at Holroyd's affect these lakes? Could it affect **future** municipal wells above McAllister Springs?

Native Americans have a small enclave reservation (Attachment 2 – location 5) just east of Durgin Road from the pit. The land level of this small neighborhood is not much higher than the expected level of the proposed lake. Additionally, residential lots owned by Holroyd surround this enclave. The Holroyd lots have been filled with mine overburden and fill from other sources. Would seepage from the new lake affect this neighborhood? The fill, on Holroyd's lots, has prevented enclave drainage (Attachment 5) of prior Nisqually River floodwaters (e.g., February 1996, November 1995).

There are hydraulic effects in the valley now. I lived across from the pit from 1973 to 1990. The well on that property was so full of iron it was unfit for washing or drinking. Fortunately, we were able to hook up to city water and use the well for irrigation only. Currently, I live ¼ mile northeast of the pit. My shallow irrigation well here has less iron, but is still noticeable. However, from season to season, I can see slight indentions in my lawns that indicate significant hydraulic activity. I'm not saying these hydraulics have anything to do with the pit, but there is a lot of water movement under properties in the valley.

Holroyd's Exhibit B, page 3 indicates, "the salt-water estuary is about 3 miles from the proposed lake". My map indicates it's more like 2 miles. Pages 10 and 11 of Exhibit B discount the probability of saline encroachment of local farm wells as a result of the man-made lake. Recently, the nature preserve dikes on the delta were breached to allow salmon enhancement advantages. Salt water now daily flows to within a few dozen feet of I-5 (Attachment 2 – location 6) about a mile away from the proposed lake. Could this, coupled with the proposed 120 feet deep lake, affect farmers' wells just south of I-5? Incidentally, there is visible artesian spring hydraulics coming out of a six-inch pipe in the brackish tidal area just north of the beginning of the new delta boardwalk.

These are questions and issues that I have observed that need addressing as part of the county's evaluation of this Special Use Permit.

Sincerely,

Howard H. Glastetter
Attachments

Attachment #1

Nisqually Topo Map at Lat 47.0429°N Long -122.7018°W Zoom 15 S Size

Find aerial photos, topo maps & topographic data like elevation, lat and long lines, or coordinates and more.

Map Size:

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Center: 47.0429°N 122.7018°W
Elevation at center: 85 feet (26 meters)
Quad: Nisqually
Drg Name: 047122a6
Drg Source Scale: 1:24,000
Projection: NAD83/WGS84
47.0446°N 122.6986°W
Distance to center: 0.2046 miles (0.3292 km)

Display format:
Decimal Degrees
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Lost Lake: 1000' x 500'

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Nike Women's Air Equinox 3 Running Shoe

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Mountain Safety Research Flex 4 Pot Set

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\$124.79 (33% off. Normally \$184.95)
Mountain Hardware WINDSTOPPER Tech Jacket - Men's

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Attachment #2



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Map of Lacey, United States



Nearest transport link

Your notes

Tube:

Railway: King Street Amtrak Station (44.01mi, 70.83km)

- ① Lost Lake
- ② Artesian Wells
- ③ Future Municipal Wells
- ④ McAllister Springs
- ⑤ Dungen Road Native Americans
- ⑥ Salt water @ high tide

CLICK HERE TO SAVE UP TO 75% on reservations in over

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Attachment #3



Attachment #4

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September 8, 2008

Section: News

Lacey to submit its water plan

CHRISTIAN HILL

THE OLYMPIAN

LACEY - The city will submit a plan Friday that's crucial to its effort to receive state approval to pump more drinking water.

The plan represents the anticipated first step by the city to secure approval from the state Department of Ecology to pump more water to serve future growth and potentially lift the de facto moratorium on virtually all development within the city's urban growth area. The restriction has derailed plans for developers and property owners for more than three years.

Pumping from wells can divert, to varying degrees, the groundwater streams and lakes need to maintain flows and levels during the summer months. Ecology has barred or restricted additional pumping that adversely affects major freshwater water bodies in and around Thurston County's urban area unless an applicant can show how they will mitigate - or negate - those effects.

The plan defines for Ecology, the overseer of public waters in the state, how Lacey will mitigate the effect that pumping an additional 4,166 acre-feet of water, or 1.3 billion gallons, each year will have on the Nisqually River, McAllister and Woodland creeks, and Hicks, Long and Pattison lakes. That's enough water to serve 20 years of growth, city projections show.

"This is the plan Ecology has been waiting for," water resources manager Peter Brook said.

The City Council heard a presentation on the plan Thursday.

As an example under the plan, the city proposes to purchase and either retire or put into public trust privately owned water rights along the Deschutes River basin to mitigate the effect in that area; the water will remain in the ground instead of being pumped out.

It proposes decommissioning two city-owned wells along the Nisqually River to mitigate the effect in that basin.

A computer model that Olympia completed in 2002 calculated the effects from additional pumping in the region. It shared the model with Lacey and Yelm three years later.

The city of Olympia is a critical partner in this plan.

Olympia plans to retire McAllister Springs as its municipal water source and jointly develop a new wellfield with the Nisqually tribe. It is required under federal law to either treat McAllister Springs with a costly ultraviolet disinfection system or find a replacement water source by October 2012. The springs are exposed and vulnerable to contamination, particularly from spills of railcars running on the nearby line.

Lacey's plan stipulates that the cities of Lacey and Olympia would jointly develop and operate a plant where treated wastewater would seep into the ground to mitigate the effect on Woodland Creek. The cities can't flow the highly treated water directly into the creek. Seeping this water into the ground will lower its temperature and remove remaining contaminants. The cities also would purchase land to further buffer the creek from development. These joint projects would help mitigate the effects for both cities.

Olympia City Manager Steve Hall declined Friday to discuss the negotiations with Lacey. The city will submit to Ecology its plan to mitigate the effects of the new wellfield, he said.

Lacey also will finalize an agreement with the Nisqually tribe that details how it will mitigate the effects on the Nisqually River.

Lacey is scheduled to use the rest of its uncommitted water in either 2009 or 2010.

The city serves about 66,000 residents living in and out of the city limits.

Three years ago, the city halted virtually all development within its urban growth area because it didn't have sufficient water to serve the new homes and businesses; development within the city limits continues. It does agree to provide water to a new home on a parcel of land created prior to the restriction taking effect.

"We're really running close to the ragged edge, which is why we need to move some of these water-right applications sooner rather than later," Brooks said.

Christian Hill covers Lacey and the Port of Olympia for The Olympian. He can be reached at 360-754-5427 or chill@theolympian.com.

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requires JavaScript-enabled

Attachment #5 2 days after Feb 1996 Flood

Gravel Mine



From: [Marianne Tompkins](#)
To: [Shannon Shula](#)
Subject: Re: 2020/2021 Official Comprehensive Plan Docket Item CP-11
Date: Sunday, September 20, 2020 4:37:54 PM

Dear Shannon,

The proposed amendment would change the language of Policy E.5 in the Nisqually Subarea Plan to allow for asphalt recycling within the subarea. I am opposed to this. Please do not recycle toxic asphalt in the Nisqually Subarea. It doesn't seem to matter that the Nisqually Valley was deemed a "critical area", or that it has the aquifer for the drinking water for our area, or that it is a huge agricultural area. "Re-processing" hundreds of tons of asphalt will destroy the Nisqually aquifer/ our drinking water.

I want to attend the public hearing by Zoom. When/ how is the link available? Thank you.

Regards,
Marianne Tompkins
360.545.5229

From: [Maya Teeple](#)
To: [Shannon Shula](#)
Subject: FW: I VERY, VERY STRONGLY OPPOSE the proposed asphalt plant at Nisqually!!!!!!!!!!
Date: Monday, September 28, 2020 10:00:05 AM

Please include on the comment record.

Maya Teeple | Senior Planner
Thurston County Community Planning & Economic Development
Community Planning Division
 2000 Lakeridge Dr SW, Bldg 1, Olympia, Washington 98502
Cell (Primary): (360) 545-2593
Maya.Teeple@co.thurston.wa.us | www.thurstonplanning.org

*Please note, as of September 1, 2020 my primary number has changed to 360-545-2593.

From: Thomasina Cooper <thomasina.cooper@co.thurston.wa.us>
Sent: Monday, September 28, 2020 8:42 AM
To: Maya Teeple <maya.teeple@co.thurston.wa.us>
Cc: Kelli Lee <kelli.lee@co.thurston.wa.us>; Robin Courts <robin.courts@co.thurston.wa.us>
Subject: FW: I VERY, VERY STRONGLY OPPOSE the proposed asphalt plant at Nisqually!!!!!!!!!!

Hi Maya,

I hope you are well! The commissioner's received the below public comment regarding the Nisqually RAP. I'm not sure who is working on this- if it's not you, will you pass it along to the right staff?

Thanks so much!
 Thomasina

From: Glen Anderson <glenanderson@integra.net>
Sent: Saturday, September 26, 2020 9:30 PM
To: Tye Menser <tye.menser@co.thurston.wa.us>; John Hutchings <john.hutchings@co.thurston.wa.us>; Gary Edwards <gary.edwards@co.thurston.wa.us>
Subject: I VERY, VERY STRONGLY OPPOSE the proposed asphalt plant at Nisqually!!!!!!!!!!

Elected officials ABSOLUTELY MUST PROTECT our fragile environment!

I am APPALLED and HORRIFIED that local governments (Port, County, etc.) keep approving STUPID, RECKLESS projects that hurt the environment!

I IMPLORE YOU to PREVENT the proposed asphalt plant at Nisqually!
 I will CAMPAIGN AGAINST any candidate who fails to vigorously oppose it now!

Martin Luther King's famous "Letter from a Birmingham Jail" deserves to be read and re-read every now and then. When some nice Christian ministers expressed concern that King did things that landed him in jail, he re-directed their attention to the underlying problems of severe racial injustice that he had confronted nonviolently. I urge you to read his entire letter. This short quotation provides the flavor:

"You deplore the demonstrations taking place in Birmingham. But your statement, I am sorry to say, fails to express a similar concern for the conditions that brought about the demonstrations. I am sure that none of you would want to rest content with the superficial kind of social analysis that deals merely with effects and does not grapple with underlying causes. It is unfortunate that demonstrations are taking place in Birmingham, but it is even more unfortunate that the city's white power structure left the Negro community with no alternative. In any nonviolent campaign there are four basic steps: collection of the facts to determine whether injustices exist; negotiation; self purification; and direct action."

-- Martin Luther King, Jr.

Glen Anderson (360) 491-9093 glenanderson@integra.net

See the parts of my blog, www.parallaxperspectives.org, dealing with:

- Race
- Nonviolence
- Organizing



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From: [Maya Teeple](#)
To: bonnie.blessing@gmail.com
Cc: [Shannon Shula](#)
Subject: RE: Recycled asphalt plant
Date: Thursday, October 01, 2020 1:27:22 PM

Hi Bonnie,

As of now, the proposed change to Policy E.5 would allow for asphalt pavement to be recycled. It does not specify the chemical composition of RAP beyond that. Chemical composition of RAP will depend on what source it is coming from. The County hired a consultant to look at the potential contaminants (PAHs and metals, including Copper) that come from RAP in a few different studies and how often they exceeded Washington State Groundwater Standards – you can read more about that in the consultant report:

https://www.thurstoncountywa.gov/planning/planningdocuments/LitRev_LeachingfromRAP_20190514_webversion.pdf

CPED would be responsible for the special use permit required to process recycled asphalt. A solid waste permit would also be required from Thurston County Environmental Health, and a stormwater general permit would be required from the Washington State Department of Ecology, who monitors discharge of pollution into waters.

I'm copying Shannon Shula, who will add your comment to the record for the Planning Commission to consider. Thank you for taking the time to comment and raise this point on the proposed amendment.

Maya Teeple | Senior Planner
 Thurston County Community Planning & Economic Development
 Community Planning Division
 2000 Lakeridge Dr SW, Bldg 1, Olympia, Washington 98502
Cell (Primary): (360) 545-2593
Maya.Teeple@co.thurston.wa.us | www.thurstonplanning.org

*Please note, as of September 1, 2020 my primary number has changed to 360-545-2593.

From: Thurston County | Send Email <spout@co.thurston.wa.us>
Sent: Thursday, October 1, 2020 12:56 PM
To: Maya Teeple <maya.teeple@co.thurston.wa.us>
Subject: Recycled asphalt plant

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Maya Teeple**

Subject:

From: **Bonnie Blessing**

Email (if provided): bonnie.blessing@gmail.com

Phone: (if provided): **3609436629**

Message:

Is the RAP plant allowed to include copper in the RAP? Did the prproject proponent or Thurston determine Cu content of RAP? Some RAP has added copper slag. Soil copper influences white blood cell count and survival of Plethodon cinereus a salamander. Copper degrades salmon habitat. Its found in brake linings so I assume its icnorporated into asphalt. OF course this will change soon w/ the brake laws.

I led stream team surveys at Champion Drive for migrating amphibians. After Thurston repaved it in 2012, amphibians were just halted on the road surface. It was surface related. Thurston repaved

a few years later and amphibians would move across surface. Was this surface RAP? It was a high friction surface treatment w/ glossy black surface. . I'd love to find out what type of asphalt was used in 2012 on Champion drive. The repaving with normal asphalt seemed to minimize dangerous amphibian behavior.

Did the county assess copper and PAH content of RAP?

From: [Maya Teeple](#)
To: [Shannon Shula](#)
Subject: FW: Nisqually Sub-area plan review re asphalt
Date: Monday, October 05, 2020 7:48:09 AM

I have responded to citizen confirming receipt. Please include on the record for PC Public Hearing Comments RE: RAP.

Maya Teeple | Senior Planner
 Thurston County Community Planning & Economic Development
 Community Planning Division
 2000 Lakeridge Dr SW, Bldg 1, Olympia, Washington 98502
Cell (Primary): (360) 545-2593
Maya.Teeple@co.thurston.wa.us | www.thurstonplanning.org

*Please note, as of September 1, 2020 my primary number has changed to 360-545-2593.

From: Barbara Craven <cravenbarb@yahoo.com>
Sent: Sunday, October 4, 2020 3:35 PM
To: Maya Teeple <maya.teeple@co.thurston.wa.us>
Subject: Nisqually Sub-area plan review re asphalt

To: Thurston County Community Planning & Economic Development
Date: October 4, 2020

The request by Lakeside to allow asphalt recycling along the Nisqually River is concerning, and ***I oppose changing the language in the zoning to allow it.***

Mr. Herrera's report stated that asphalt piles are variable in their leaching of contaminants, and that some leach hazardous chemicals above Washington State limits. Therefore, I maintain that no piles can be accepted, nor can the testing of one individual pile be relied upon, such as the testing done by Public Health some years ago, and submitted by proponents of allowing an asphalt recycling operation on the Nisqually, to evaluate the potential harm from asphalt recycling piles. Further, proponents of Lakeside's proposal cited Federal guidelines, not Washington State's, in referring to contaminants exceeding limits. They've mis-characterized Herrera's conclusions, and ignored his finding that initial leakage from a pile is more significant than later leakages by pointing to the latter as the most important point, which it's not.

Any leaching affects our vulnerable Nisqually River and its wildlife.

I am sympathetic to industry and its needs, to Thurston County's economic quandaries, and to the needs of the public to have asphalt roads to drive on. However, it is not possible to replace rivers, and once an asphalt recycling plant is allowed, no amount of intention written into the documents will assure me that the plant and its asphalt piles will be inspected and regulated in a way that prevents leaching. Even a rain cover, a good idea, may not be sufficient. When we don't know what will happen, a conservative approach is best.

I wish Lakeside the best in finding a site where contaminated groundwater from asphalt recycling will be well dispersed by the time it reaches rivers and drinking water wells.

Barbara Craven, Past Chair

Thurston County Storm and Surface Water Citizens' Advisory Board

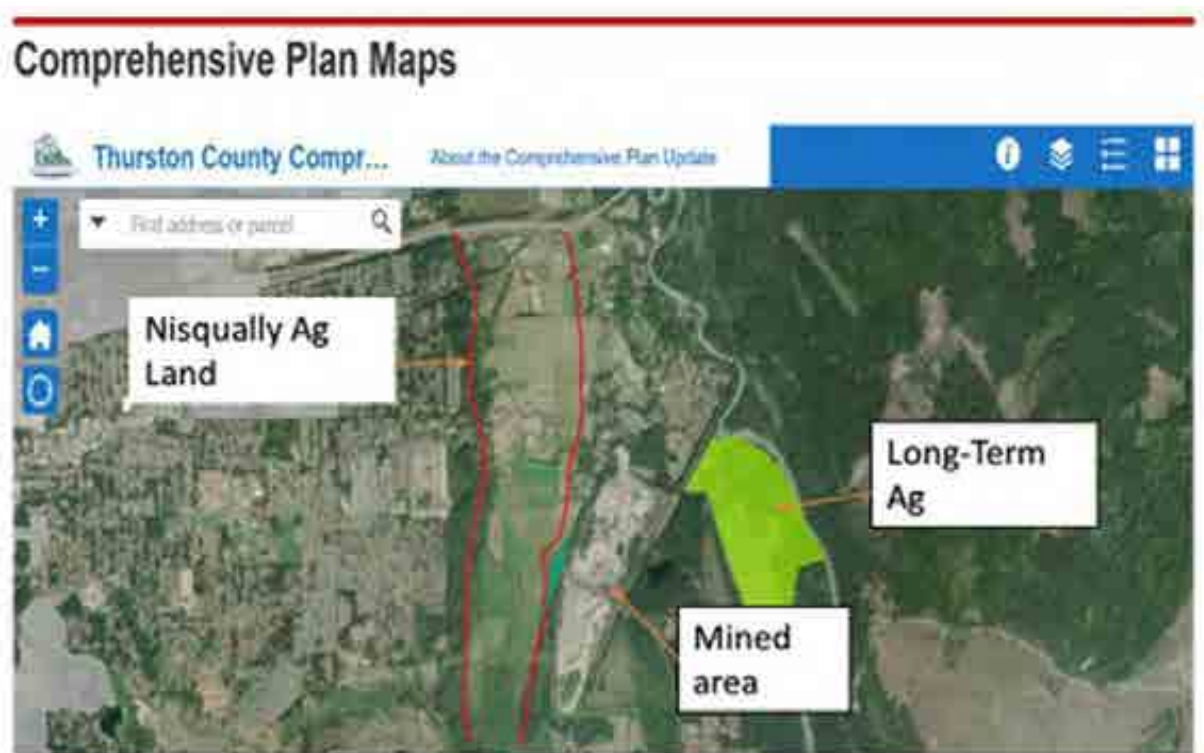
From: [Sandler & Seppanen](#)
To: [Shannon Shula](#)
Subject: FW: Comment on Comp Plan Amendment 2020-2021 Docket Item 11
Date: Monday, October 05, 2020 11:50:00 AM

Shannon Shula,

Please include this comment in the record for the October 7 Hearing.

Now is the time for the county to move mining companies to put their money behind their claim that mined-out sites can be reclaimed for the other uses valued by the community; that mining is a vital, generally temporary, land use. Making a played-out mine into another recycled aggregate facility, turns a temporary mine and its accessory functions permanent. The Nisqually Sub-area contains some of the counties best ag land. Designated Nisqually Ag Land is adjacent to the mined area on its northeast side mines and Long-term Ag land is directly to the west. My guess is that in the past, farms, not a mine, connected those to ag areas.

I ask the county to keep the subarea plan unchanged (Option 1). Further, I ask the county to urge mining operators to transition the mines back into ag land to reconnect these two vital farmland areas. That effort would benefit of the community goal of no net loss of farmland. Another way to word the options are – reclaim the mined land for ag or use it permanently for aggregate recycling with or without the requirement of Best Management Practices. From a community perspective, farms would be a higher and better land use in this location.



Loretta Seppanen

Farmland preservation advocate
2919 Orange Street
Olympia, WA

From: [Maya Teeple](#)
To: [Shannon Shula](#)
Subject: FW: Thurston Chamber - Comments on the 2020-2021 Comprehensive Plan Amendment regarding RAP
Date: Tuesday, October 06, 2020 8:49:09 AM
Attachments: [Thurston Chamber Comments - Planning Commission RAP 10062020.pdf](#)

I have responded to citizen confirming receipt. Please include on the record for PC Public Hearing Comments RE: RAP.

Maya Teeple | Senior Planner
 Thurston County Community Planning & Economic Development
 Community Planning Division
 2000 Lakeridge Dr SW, Bldg 1, Olympia, Washington 98502
Cell (Primary): (360) 545-2593
Maya.Teeple@co.thurston.wa.us | www.thurstonplanning.org

*Please note, as of September 1, 2020 my primary number has changed to 360-545-2593.

From: Doug Mah <Doug@dougmahassociates.com>
Sent: Tuesday, October 6, 2020 8:38 AM
To: Maya Teeple <maya.teeple@co.thurston.wa.us>
Cc: Joshua Cummings <joshua.cummings@co.thurston.wa.us>; David Schaffert <dschaffert@thurstonchamber.com>
Subject: Thurston Chamber - Comments on the 2020-2021 Comprehensive Plan Amendment regarding RAP

Hi Maya –

Please find the attached comments from the Thurston Chamber on the 2020-2021 Comprehensive Plan Amendment regarding Recycled Asphalt Policy (RAP), Policy E.5 of the Nisqually Subarea Plan.

Specifically, the Thurston County Chamber strongly recommends that the Planning Commission amend the Nisqually Subarea Plan, Policy E.5, to allow for asphalt recycling within the subarea.

We plan to provide comment at the Planning Commission's public hearing on Wednesday and hope to include the attached as part of the commission's meeting information. Please let me know if you have any questions regarding our comments. Thank you.

- Doug



October 6, 2020

Thurston County Planning Commission
Thurston County Courthouse Complex
Building #1, Room 152
2000 Lakeridge Drive SW
Olympia, WA 98502

To: Thurston County Planning Commissioners

Re: 2020-2021 Comprehensive Plan Amendment regarding Recycled Asphalt Policy

Thank you for the opportunity to address the 2020-2021 Comprehensive Plan Amendment regarding Recycled Asphalt Policy (RAP), Policy E.5 of the Nisqually Subarea Plan.

- The Thurston County Chamber strongly recommends that the Planning Commission amend the Nisqually Subarea Plan, Policy E.5, to allow for asphalt recycling within the subarea.

The Thurston Chamber supports Option 2 or Option 3 as outlined by staff. The Chamber believes that quality raw material for infrastructure and building construction is critical to the greater Thurston County community and aligns with values of recycling, reuse and using resources in the most responsible manner. In addition, many public bids require the use of RAP and the ability to have a source close to work sites means less expense for both private and public entities. This also means utilizing fewer raw materials and hauling asphalt less road miles and thus a reduction in carbon footprint, a practice that should be supported.

The adopting Options 2 or 3 is a reasonable and balanced amendment to the Comprehensive Plan. The use of RAP is a sustainable practice that, when made operational, will reduce the need for mining for new aggregate and reduces construction time and cost for infrastructure projects. It will enable local industries to be more competitive and help create new, temporary, and permanent jobs.

Again, thank you for the opportunity to provide comments on the Comprehensive Plan Amendment regarding Recycled Asphalt Policy, Policy E.5 of the Nisqually Subarea Plan. Please feel free to contact us by calling (360) 357-3362 or emailing DSchaffert@thurstonchamber.com if you have questions regarding our comments.

Sincerely,

Doug Mah
Director, Public Policy Division

Cc: David Schaffert, President and CEO

THURSTON COUNTY CHAMBER OF COMMERCE

PO Box 1427 • Olympia, WA 98507 • 360.357.3362 • Fax 360.357.3376

www.thurstonchamber.com

From: Howard Glastetter <howard.glastetter@comcast.net>
Sent: Tuesday, October 6, 2020 3:38 PM
To: Maya Teeple <maya.teeple@co.thurston.wa.us>
Subject: RE: October 7 RAP Meeting Comment

Maya,

The point I was making is Lakeside can't now bid on projects that require RAP. If they get E.5 changed, they will be allowed to. Hence, they will be in a position to increase production by also doing these jobs that they are currently locked out of. The county insisted on the annual 300,000 tons per year prior to Lakeside building their plant in the valley. However Lakeside built a plant that can produce 700,000 tons annually (and tried to get ORCAA approval for that amount after they agreed to the county limits of 300,000). The point I was making is they should not exceed their county agreed to limit of 300,000.

-Howard

From: Maya Teeple <maya.teeple@co.thurston.wa.us>
Sent: Tuesday, October 6, 2020 8:55 AM
To: Howard Glastetter <howard.glastetter@comcast.net>
Subject: RE: October 7 RAP Meeting Comment

Hi Howard,

Thank you for this additional comment. I will include it on the record for the Planning Commission's consideration.

You bring up a good point regarding production limits. Allowing a facility to recycle asphalt will not necessarily increase the tonnage of hot-mix asphalt produced at a facility, because permits for individual facilities limit both the hourly and annual production quantities for a given plant. In order to go above whatever the current limit is in their permit, Lakeside would need to amend that special use permit.

Maya Teeple | Senior Planner
Thurston County Community Planning & Economic Development
Community Planning Division
2000 Lakeridge Dr SW, Bldg 1, Olympia, Washington 98502
Cell (Primary): (360) 545-2593
Maya.Teeple@co.thurston.wa.us | www.thurstonplanning.org

*Please note, as of September 1, 2020 my primary number has changed to 360-545-2593.

From: Howard Glastetter <howard.glastetter@comcast.net>

Sent: Tuesday, October 6, 2020 8:41 AM

To: Maya Teeple <maya.teeple@co.thurston.wa.us>

Subject: October 7 RAP Meeting Comment

Maya,

I'm adding one more comment,

If RAP is allowed, Lakeside's Holroyd site will qualify to bid on paving jobs that require RAP as part of their mix. This means production of asphalt there will likely increase. There should be a clause that if RAP is allowed, original agreed to production limits by Lakeside and Thurston County (i.e., 300,000 tons of RAP per year, 300 tons per hour) cannot be exceeded. Best Management Practices (BMPs) also call for onsite storing of RAP to be under an unwall building. Lakeside's Holroyd site is a large plant capable of regional production – and should have the very best BMPs at this sensitive site.

The plant is capable of producing more than twice the asphalt that was originally agreed to, even though these limits were agreed to before the plant was built. There should be a statement that Lakeside shall not exceed their original county agreement production limits.

I would also like the ten year old comments I sent you concerning Holroyd's ten year old request to mine below the water table to be on record for this meeting. I noticed that Lakeside's RAP SEPA statement said they had no knowledge of other major changes in the works at this site. I find that hard to believe. The Holroyd request to mine 100 feet below the water table would be even more ecologically significant than Lakeside's RAP request.

Sincerely,

Howard H Glastetter

Howard.glastetter@comcast.net

Cell (360)556-1574

Everything should be as simple as it can be, but no simpler.

Albert Einstein

From: [Connie Campbell](#)
To: [Shannon Shula](#)
Subject: RE: 2020/2021 Official Comprehensive Plan Docket Item CP-11
Date: Tuesday, October 06, 2020 10:09:24 PM

Dear Shannon,

I am opposed to the proposed amendment that would change the language of Policy E.5 in the Nisqually subarea Plan to allow for asphalt recycling with this subarea. Please do not recycle toxic asphalt in the Nisqually Subarea. The Nisqually Valley was deemed a critical area as it has the aquifer for the drinking water for our area and is a huge agricultural area. Re-processing hundreds of tons of asphalt will destroy the Nisqually aquifer which destroys our drinking water!

Thank you,
~Connie Campbell
Concerned Citizen

From: [Wayne Olsen](#)
To: [Shannon Shula](#)
Subject: 2020/2021 Official Comprehensive Plan Docket Item CP-11
Date: Tuesday, October 06, 2020 10:42:37 PM

Dear Shannon,

The proposed amendment would change the language of Policy E.5 in the Nisqually Subarea Plan to allow for asphalt recycling within the subarea.

I agree that recycling toxic asphalt is better for the environment than making new asphalt for every job. However, the proposed location for this asphalt recycling facility couldn't be much worse. The western end of the northern site is extremely close to McAllister Springs and the northeast end of that site is close to another wellhead near the Nisqually River, both providing drinking water for our area. Survival of a National Wildlife Refuge a mile to the north, and the Nisqually as salmon-bearing river nearby are two additional reasons that approving this change to the subarea plan would be pure folly. Noxious fumes and leakage of toxic materials through the soils could ruin these natural assets forever. Loss of the salmon run as a result of this recycling facility may also constitute a violation of treaty rights with the Nisqually Nation.

I am opposed to this proposed amendment.

Thank you,

Wayne Olsen
2010 Cardinal LN SE
Lacey, WA 98503

From: [Maya Teeple](#)
To: [Esther Grace Kronenberg](#)
Subject: RE: Docket Item CP-11
Date: Wednesday, October 07, 2020 11:19:54 AM

Thank you for your comment. It will be included on the record for the Planning Commissioner's consideration.

Maya Teeple | Senior Planner
 Thurston County Community Planning & Economic Development
 Community Planning Division
 2000 Lakeridge Dr SW, Bldg 1, Olympia, Washington 98502
 Cell (Primary): (360) 545-2593
Maya.Teeple@co.thurston.wa.us | www.thurstonplanning.org

*Please note, as of September 1, 2020 my primary number has changed to 360-545-2593.

-----Original Message-----

From: Esther Grace Kronenberg <wekrone@gmail.com>
 Sent: Wednesday, October 7, 2020 11:06 AM
 To: Maya Teeple <maya.teeple@co.thurston.wa.us>
 Subject: Docket Item CP-11

Hello,

We write in strong opposition to the proposed rule change that would allow the processing of recycled asphalt in the Nisqually Valley, site of some of the County's most valuable farmland.

The original Nisqually sub-area plan specifically forbid this use as a threat to water quality and the rural nature of the area. The intervening decades have only emphasized these threats with increased development and the threats of climate change. The mine lies within the Nisqually floodplain, yet the environmental checklist claims it does not, and does not even consider the risk to water quality. It is a dishonest document.

Further, according to RCW 78, all mines must have reclamation plans in place to return the mined out area to its best use. It is clear this mine is close to exhausted. Therefore, it must be reclaimed. Considering it lies between 2 large swaths of prime agricultural land, that climate change is threatening the quality of our natural resources and that the County has set a goal of no net loss of farmland, the best use for this mined out area is to be reclaimed as agricultural land.

Mining companies need to honor their obligations to mitigate the effects of their operations and return the land they have profited from to previous best uses. It is clear from the Nisqually Sub-area Plan that agriculture is that best use. Lakeside Industries should not be allowed to ignore the purpose of RCW 78 by inventing an ancillary use that was specifically forbidden when it began its operations. RAP can be processed in more appropriate locations. The County should deny this request in the interests of the people of Thurston County who will be better served by restoration of this land to provide food and environmental protections for everyone, rather than to abet the special interests and profits of one mining company.

Respectfully submitted,
 Warren and Esther Kronenberg
 Olympia, WA

Sent from cyberheaven

From: [Karen Deal](#)
To: [Shannon Shula](#)
Cc: [Maya Teeple](#); [Jennifer Davis](#)
Subject: Public Comment - Planning Commission Public Hearing RE Official Comprehensive Plan Amendment Docket Item CP-11
Date: Wednesday, October 07, 2020 12:05:23 PM
Attachments: [ACOR-075-FINAL-Letter from Karen Deal re RAP Amendment w attachment.pdf](#)

Dear Shannon,

Please accept the attached document as public comment on the Official Comprehensive Plan Amendment Docket Item CP-11.

Regards,
Karen

Karen Deal, *Environmental & Land Use Director*

Lakeside Industries, Inc. | 6505 226th Place S.E. - Suite 200 | P.O. Box 7016 | Issaquah, WA, 98027

Phone: (425) 313-2660 | Cell: (425) 864-5081 | karen.deal@lakesideindustries.com





P.O. Box 7016 / Issaquah, WA 98027
ph: 425.313.2600 / lakesideindustries.com

VIA EMAIL to shannon.shula@co.thurston.wa.us, maya.teeple@co.thurston.wa.us, and jennifer.davis@co.thurston.wa.us

October 7, 2020

Thurston County Community Planning
2000 Lakeridge Dr. SW
Olympia, WA 98502

RE: Thurston County Comprehensive Plan Docket Item CP-11 - Recycled Asphalt Policy

Dear Thurston County Planning Commission and Board of County Commissioners:

For over ten years, Lakeside Industries, Inc. (Lakeside) has sought this amendment to the Nisqually Subarea Plan to allow for asphalt recycling. We appreciate the County's willingness to consider this amendment and we ask that the Planning Commission vote for Option 2, which allows for asphalt recycling in the Nisqually Subarea and allows the County's permitting staff to determine best management practices for operations based on site-specific factors.

Our Company

Lakeside is a family-owned company of locally managed regional divisions in the Pacific Northwest. We operate fourteen plants which manufacture asphalt mix for construction of paved surfaces and our local union employees provide road paving construction services. In the Nisqually Subarea, Lakeside operates an asphalt plant at Durgin Road and has an office which supports our road paving construction crews. We do not conduct any mineral extraction activity within the Nisqually Subarea and our application is not associated with Holroyd's mine expansion permit process. This amendment for asphalt recycling is a separate review.

Lakeside's Plant on Durgin Road is a state-of-the-art facility. It has a sophisticated, engineered stormwater system that has functioned without issue since the Plant opened in 2008. All stormwater on site stays within the Plant's boundaries and does not enter the nearby Holroyd mine. Lakeside's stormwater is collected, treated, and infiltrated in accordance with Department of Ecology guidelines. In addition to Ecology's monitoring and testing requirements, groundwater has been regularly monitored by a qualified third party since 2007 with no issues. Groundwater monitoring shows that the Plant's stormwater system has operated as designed, without issue, even during flooding events.

Asphalt Recycling is Sustainable

Lakeside is recognized nationally for our progressive safety and environmental programs, sustainable operations, and quality products and services. One key aspect of our environmental sustainability is recycling of Reclaimed Asphalt Pavement (RAP). Asphalt recycling is a common, sustainable practice that is encouraged nationwide. The recycling process is simple: Asphalt roads are removed, resized into smaller more manageable chunks, mixed with some virgin aggregate and asphalt cement (the glue that holds the aggregate and RAP together), and then construction crews pave roads with the new mix.

There are over 3,500 asphalt plants in the United States and, to our knowledge, no other asphalt plant is prohibited from recycling asphalt.

Governmental, educational, and private research entities have thoroughly evaluated the potential impacts associated with RAP. Most of that effort occurred after the Nisqually Subarea Plan was approved in 1992. The research resulted in a body of technical information and scientific evidence supporting the fact that RAP is inert and poses no threat to water quality, particularly when considering dilution, infiltration, and stormwater treatment.

History of the Amendment

Lakeside submitted its first application to remove the prohibition against asphalt recycling from the Nisqually Subarea Plan in 2005. At that time, the County rejected the amendment due to staff resource concerns.¹ Lakeside resubmitted its application five times between 2005 and 2017. The common reason for rejection from the Docket was the same: limited staff resources. While the County repeatedly rejected Lakeside's proposal, it re-approved another contractor's permit application to allow for storage and recycling of RAP within the Nisqually Subarea – where it is currently prohibited.

After over 10 years of continuous proactive communication and outreach, in May of 2017 our proposal was formally listed for serious consideration on the 2017/2018 Official Docket. The following year, Lakeside entered into a Contract with Thurston County to mitigate the Staff resource concerns and help ensure timely review of the project. The County, in order to expedite its review process, found it necessary to hire an external consulting firm. Lakeside formally agreed to provide payment for services provided by the County and the County's consultant. Since 2018, Lakeside has funded over one hundred thousand dollars towards this amendment. Attached is a chronology of key dates and decisions associated with Lakeside's Comprehensive Plan Amendment application.

Throughout this process, Lakeside has provided the County with significant volumes of scientific information and both public and private entity support for our request to allow asphalt recycling in the Nisqually Subarea. We are hopeful that the County will soon finalize approval of our proposal based on the overwhelming scientific evidence that RAP is environmentally beneficial for reuse.

Next steps

We ask that you approve Option 2, which allows recycling of asphalt in the Nisqually Subarea and relies on County permitting staff to determine the appropriate mitigation measures to avoid impacts to water quality. Upon completion of this first step of amending the Nisqually Subarea Plan, Lakeside is committed to working with the County Staff, the Nisqually River Council, the Nisqually Tribe and other interested citizens during the next permitting phase, to incorporate adaptive management principles and conduct groundwater monitoring as it pertains to RAP storage on-site.

Additionally, we recognize that the Nisqually Subarea is a unique, beautiful area. While the scientific evidence and real-world evaluation has shown no groundwater impacts from decades of outdoor storage of RAP across the country, Lakeside is willing to eliminate any lingering water quality concerns by covering RAP stored on our site.

Sincerely,



Karen Deal
Director, Environmental and Land Use
Lakeside Industries, Inc.

¹ In a February 16, 2006 letter, the Director of the County's Development Services Department explained: "Staff resources are not available in the current amendment cycle to address the project."

ATTACHMENT A

Lakeside Industries – Thurston County Comprehensive Plan Amendment Applications Chronology of Key Dates and Decisions	
December 25, 2005	1st Application - Lakeside submits a Comprehensive Plan Amendment seeking a minor text amendment to the Thurston County Comprehensive Plan – Nisqually Sub-Area Plan, Policy E.5. The application was signed on December 25, 2005. An application fee of \$2,500 was paid to the County on January 5, 2006.
February 16, 2006	Thurston County rejects the application on the basis that “Staff resources are not available in the current amendment cycle to address the project.” The County further states “The Board welcomes you to re-submit your application for consideration for the 2007 Docket.” (February 16, 2006 Letter from Michael Welter, Thurston County Planning Director to James Hatch, Lakeside Industries)
November 14, 2008	2nd Application - Lakeside re-submits a Comprehensive Plan Amendment seeking a minor text amendment to the Thurston County Comprehensive Plan – Nisqually Sub-Area Plan, Policy E.5.
May 6, 2009	During a Thurston County Board Briefing held to Finalize the Official Docket of Comprehensive Plan Amendments, Thurston County staff recommends removal of Lakeside’s Comprehensive Plan Amendment from the Docket. The staff recommends the Lakeside’s proposal is a Low-Priority Discretionary Amendment that should be worked on only as staffing allows.
July 13, 2011	Lakeside meets with County Commissioner (Sandra Romero) and the only two members of the public who oppose Lakeside’s Durgin Road facility operations. The meeting was held to facilitate public understanding and acceptance of Lakeside’s proposed Comprehensive Plan Amendment. The meeting was to openly address concerns and how they would be mitigated. It was clear the only concern to the two members of the public was any increase in truck traffic.
November 14, 2011	3rd Application - Lakeside re-submits a Comprehensive Plan Amendment seeking a minor text amendment to the Thurston County Comprehensive Plan – Nisqually Sub-Area Plan, Policy E.5.
November 14, 2011	Lakeside meets with County Commissioner (Sandra Romero) to discuss the application.
November 22, 2011	Lakeside meets with County Commissioner (Karen Valenzuela) to discuss RAP and the application. Provided staff (Thurston County Resource Stewardship Director) with information on RAP as requested.
June 20, 2012	Lakeside holds an open house at the Durgin Road facility for Thurston County Commissioners, staff, and the Nisqually Indian Tribe.

<p style="text-align: center;">Lakeside Industries – Thurston County Comprehensive Plan Amendment Applications</p> <p style="text-align: center;">Chronology of Key Dates and Decisions</p>	
February 14, 2013	Thurston County Board Briefing indicates that the Preliminary Docket is proposed to include Lakeside’s Comprehensive Plan Amendment. The Board Briefing includes a list of public comments received in support of Lakeside’s proposal.
March 12, 2013	Lakeside meets with Thurston County staff (Scott Clark and Jeremy Davis) to discuss the application.
April 3, 2013	Lakeside meets with County Commissioner (Cathy Wolfe) to discuss the application.
April 29, 2013	Lakeside meets with County Commissioner (Sandra Romero) to discuss the application.
May 16, 2013	Lakeside meets with County Commissioner (Karen Valenzuela) to discuss the importance of the application.
June 25, 2013	Thurston County Planning Director informs Lakeside via e-mail that the Docket will be taken before the Board on Tuesday, July 11, 2013. The Director states “Only those projects that are regulatory mandates, grant funded, directed by the Board, or serve the broader public interest such as school districts and fire stations will be on the docket. As indicated at the May 29 th Board briefing, there is not sufficient staff or time to take on any additional issues. The next opportunity to get new topics on the docket will be in 2014. Staff will publish the next opportunity to get on the docket in late 2013. I will ensure you are notified of when the preliminary docket opens for the 2014 process.” (June 25, 2013 Email from Scott Clark, Thurston County to Dean Smith, Lakeside Industries Division Manager)
July 11, 2013	Lakeside becomes aware that there may be an error in the date on which the Board will set the final Docket and contact the Planning Director to which Lakeside receives the following email response: “Regarding the date, that was my error, I was probably looking at the June Calendar which shows a Tuesday June 11 th . Yes the docket went to the Board for adoption on Tuesday July 9 th . Please keep in mind the public comment period for the Lakeside element of the docket closed in March. The July 9 th meeting was not a public hearing on the docket, simply the adoption thereof.” (July 11, 2013, Email from Scott Clark, Thurston County, to Tim Thompson, Lakeside Representative)
November 14, 2013	4th Application - Lakeside re-submits a Comprehensive Plan Amendment seeking a minor text amendment to the Thurston County Comprehensive Plan – Nisqually Sub-Area Plan, Policy E.5.

<p style="text-align: center;">Lakeside Industries – Thurston County Comprehensive Plan Amendment Applications</p> <p style="text-align: center;">Chronology of Key Dates and Decisions</p>	
August 5, 2014	County Commissioner’s Briefing on the Comprehensive Plan Preliminary Docket. Meeting occurred prior to the opening of the official comment period on the Preliminary Docket. During the meeting, public comments were made in support of placing the Lakeside’s Comprehensive Plan Amendment request on the Final Docket.
October 1, 2014	Letter from Tim Lee, CEO, Lakeside Industries, to Thurston County Board of Commissioners thanking County for including Lakeside’s Comprehensive Plan Amendment request in the Preliminary Docket and further offering to pay for all staff time needed to review the request. “As you know from my letter of September 30, we are willing to deposit funds with the County to pay for the review of our request to the County can, if necessary pay overtime for existing staff, and/or hire new staff, and/or hire a third party planner to process our request. We are ready and willing to work with you and your Staff to help you get the additional staffing resources you need for this process.” (October 1, 2014 Letter from Tim Lee to Thurston County Board of Commissioners, Subject: Lakeside Industries Request for Docket for Comprehensive Plan Amendment)
November 6, 2014	Thurston County Board Briefing – 2015 Preliminary Comprehensive Plan Amendment Docket Briefing – Review of Public Comments – Finalize Official Docket. Staff Recommendation: “Final Docket: Staff recommends Option 1, that the board extend the existing docket without any new projects, including the four citizen initiated amendment items.” Lakeside’s Comprehensive Plan Amendment request was one of the four citizen initiated amendment items. The primary rationale was limited resources and staff time.
February 20, 2015	Lakeside reconfirms willingness to mitigate staff resource issues and pay for staffing needs. “...you have made clear that the County does not have current staff to review the Lakeside request in 2015. Therefore, Lakeside hereby reconfirms its willingness to pay for a new County staff person or a third party consultant to perform all the actions necessary to process the Lakeside request.” (February 20, 2015, Letter from John W. Hempelmann to Scott Clark, Director Department of Resource Stewardship, RE: Processing Lakeside Industries Request to Amend the Nisqually Subarea Plan).
November 14, 2016	5th Application - Lakeside re-submits a Comprehensive Plan Amendment seeking a minor text amendment to the Thurston County Comprehensive Plan – Nisqually Sub-Area Plan, Policy E.5.
May 11, 2017	Lakeside’s Comprehensive Plan Amendment request is listed for consideration on the Thurston County 2017/2018 Official Docket of Comprehensive Plan amendments by the Board of County Commissioners. (May 11, 2017, Letter from Celinda Adair, Associate Planner to Karen Deal, Lakeside Industries, Subject: Project Number 2016105567 Policy Amendment to Nisqually Sub-Area Plan).

Lakeside Industries – Thurston County Comprehensive Plan Amendment Applications Chronology of Key Dates and Decisions	
July 15, 2017	Thurston County holds Public Meeting “Kick-off” to provide general information to the public on the proposed amendment.
March 20, 2018	<p>Lakeside Industries, Inc. enters into Contract for Payment of Services with Thurston County to provide the funding necessary for the County to complete Lakeside’s Comprehensive Plan Amendment proposal review process in a timely manner.</p> <p>Consultant is hired by Thurston County for Literature Review of Potential Environmental and Public Health Implications of Asphalt Recycling.</p>
June 20, 2019	Thurston County holds a Public Meeting where the consultant provided a presentation on the consultant’s literature report and a question-and-answer session was held with public attendees.
July 19, 2019	Thurston County provides a presentation to the Nisqually River Council on the amendment with a high-level summary of the consultant’s report and next steps.
February 6, 2020	Community Planning briefs the Board of County Commissioners on the 2020/2021 Comprehensive Plan Docketing.
April 2, 2020	Community Planning briefs the Board of County Commissioners on the 2020/2021 Comprehensive Plan Docketing.
April 15, 2020	<p>Community Planning briefs the Board of County Commissioners on the 2020/2021 Comprehensive Plan Docketing. The Commissioners hold preliminary votes on each Comprehensive Plan Docket Item.</p> <p>Board of County Commissioners unanimously vote in favor of keeping Lakeside’s Comprehensive Plan Amendment proposal on the Official 2020/2021 Comprehensive Plan Docket.</p> <p>However, the Board of County Commissioners were divided on whether the Nisqually Subarea Plan Update should be included on the Official 2020/2021 Docket. Commissioner Menser voted for it to be on the Official Docket, Commissioner Hutchings supported it on the Preliminary Docket, and Commissioner Edwards voted against its inclusion on the Docket. After some discussion, Commissioner Hutchings changed his vote regarding Nisqually Subarea Plan Update and voted in favor if its inclusion on the 2020/2021 Docket.</p>
April 28, 2020	Board of County Commissioners officially adopts the 2020/2021 Comprehensive Plan Docket, which includes both the Lakeside’s Comprehensive Plan Amendment proposal and the Nisqually Subarea Plan Update.

Lakeside Industries – Thurston County Comprehensive Plan Amendment Applications Chronology of Key Dates and Decisions	
May 7, 2020	<p>Thurston County Board of County Commissioners hold a briefing to discuss prioritization of docket items.</p> <p>Lakeside’s Comprehensive Plan Amendment tied 3rd out of 6 Citizen-Initiated Amendments.</p> <p>The Board of County Commissioners votes separately on prioritization of the six County-Initiated Amendments. The Nisqually Subarea Plan Update is ranked as the last priority of County-Initiated Amendments.</p>
July 15, 2020	Thurston County Planning Commission holds a Work Session on Lakeside’s Comprehensive Plan Amendment.
August 5, 2020	Thurston County Planning Commission holds a Work Session on Lakeside’s Comprehensive Plan Amendment.
September 2, 2020	Thurston County Planning Commission holds a Work Session on Lakeside’s Comprehensive Plan Amendment with guests.
October 2020	To date, Lakeside has funded over \$100,000 towards the review of Lakeside’s Comprehensive Plan Amendment proposal.

From: [Thurston County | Send Email](#)
To: [Shannon Shula](#)
Subject: RAP comment
Date: Wednesday, October 07, 2020 12:06:23 PM

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Shannon Shula**

Subject:

From: **David Hillman**

Email (if provided): **davidhillmanb@hotmail.com**

Phone: (if provided):

Message:

Hi Shannon,

I would like to send a PDF that contains a letter for the RAP comments due later today. How do I do this?

Thanks!

-David

From: [Kyler Danielson](#)
To: [Shannon Shula](#); [Maya Teeple](#); [Jennifer Davis](#)
Subject: Public Comment - CP-11 - RAP
Date: Wednesday, October 07, 2020 1:37:19 PM
Attachments: [ACOR-075-2020-10-07 Letter from KMD re RAP Amendment.pdf](#)

Shannon:

I'm attaching my comment letter for consideration by the Planning Commission in advance of today's public hearing on CP-11 regarding asphalt recycling.

Thank you,
Kyler

Kyler M. Danielson (she/her/hers)

Land Use Project Manager

Lakeside Industries, Inc.

T: 425.313.2602 | C: 425.416.0249

PO Box 7016 | Issaquah, Washington 98027

www.Lakesideindustries.com





P.O. Box 7016 / Issaquah, WA 98027
ph: 425.313.2600 / lakesideindustries.com

October 7, 2020

Thurston County Community Planning
2000 Lakeridge Dr. SW
Olympia, WA 98502

Via email to shannon.shula@co.thurston.wa.us, maya.teeple@co.thurston.wa.us, and jennifer.davis@co.thurston.wa.us.

RE: Thurston County Comprehensive Plan Docket Item CP-11 - Recycled Asphalt Policy

Dear Thurston County Planning Commission:

Lakeside Industries is seeking a minor text amendment to the Nisqually Subarea Plan to allow for asphalt recycling within the Subarea. We ask that the Planning Commission and the Board of County Commissioners select Option 2 to adopt Lakeside's proposed amendment as written because:

- Asphalt recycling is good policy;
- Asphalt recycling is consistent with the County's plans;
- This is the right time to approve the amendment;
- Asphalt recycling is supported by science; and
- Option 2 ensures that best management practices will be site-specific.

Asphalt recycling is good policy.

As County staff has explained, asphalt is one of the most recyclable materials. Nearly all removed asphalt can be recycled or stockpiled for future use. A letter to the County from Tony Hammett and Jeff Herriford explained numerous benefits to asphalt recycling. Specifically, it noted that asphalt recycling preserves natural resources, results in 0% waste, requires no additional energy or materials, is encouraged nationwide, is an important aspect of an industry essential to economic growth, and is especially critical during economic downturns.

The County's prohibition of asphalt recycling was adopted in the 1992 Nisqually Subarea Plan. Based on records from that time period, the County's decision to adopt this prohibition was not based on any scientific study or report. The record does not include any documentation or data to support the claim that asphalt recycling would harm water quality.

Asphalt recycling is consistent with the County's plans.

Asphalt has been called the "ultimate recyclable product" and the use of Recycled Asphalt Pavement (RAP) is a standard practice in Washington and throughout the world. Reprocessing asphalt is consistent with the vision in Thurston County's Comprehensive Plan. It preserves the human environment by encouraging jobs in the community. It preserves the natural environment by encouraging protection of mineral resource lands, limiting the carbon footprint of asphalt

paving, and preventing unnecessary waste in landfills. It promotes economic health by reducing the cost of asphalt manufacturing, which supports local asphalt paving businesses and property owners.

Asphalt recycling is also consistent with Thurston County's Solid Waste Management Plan, which has an overall goal of reducing waste per capita. The plan recommends:

- reducing construction and demolition debris by promoting the availability of existing facilities that accept used building materials for reuse and supporting the expansion of those services countywide,
- promoting the availability of existing construction and demolition recycling facilities in the region and supporting the establishment of new facilities in Thurston County,
- evaluating options to increase the recovery of construction and demolition materials, and
- collaborating with building and planning departments to explore options to increase the recovery of construction and demolition materials.

This is the right time to approve the amendment.

Lakeside first applied for this amendment to be added to the docket over ten years ago and then reapplied numerous times. The County repeatedly rejected this amendment due to staffing concerns. Eventually, the amendment was added to the 2017/2018 Official Docket. Since then, it has undergone significant study and analysis. Lakeside has paid over \$100,000 to mitigate the County's staff resource concerns and support the County's impartial study of this amendment.

The County Commissioners supported a separate review of Lakeside's Amendment and the Nisqually Subarea Plan Update to prevent further delay of a proposal that could benefit the region. In fact, the County Commissioners considered and prioritized items on its 2020/2021 Docket earlier this year. At that time, the County Commissioners unanimously voted in favor of retaining Lakeside's amendment on the Official Docket. Lakeside's Amendment was tied as the third priority out of six Citizen-Initiated Amendments.

The County has also considered whether to update its entire Nisqually Subarea Plan. They were divided on whether the Nisqually Subarea Plan Update should stay on the Official Docket. Although the Nisqually Subarea Plan Update was ultimately included on the Official Docket, the County Commissioners included it as the last priority of County-Initiated Comprehensive Plan Docket Items. To our knowledge, there has been no further action on the Nisqually Subarea Plan in 2020.

Asphalt recycling is supported by science.

Numerous scientists, experts, specialists, educators, and governmental entities have found no concern with asphalt recycling. The County contracted with Herrera Consultants to analyze the available research on contaminant leaching from RAP. The Herrera Literature Review initially assessed over 100 articles regarding leachate from RAP. On this fact alone, it is clear that RAP leachate has been subject to significant study and analysis for decades.¹

¹ Please see my letter from June 12, 2019 on the Herrera Literature Review.

For years, local,² state, and national subject matter experts have analyzed the studies to determine whether concern is warranted. The data and science support asphalt recycling and do not find a concern to water quality. To Lakeside Industries' knowledge, no other jurisdiction prohibits asphalt recycling.

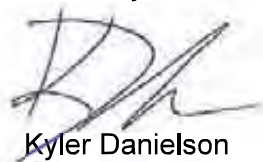
Option 2 ensures that best management practices will be site-specific.

We ask that the Planning Commission approve Option 2 and allow asphalt recycling as Lakeside's amendment proposed. As we mentioned at a previous Planning Commission meeting, Lakeside Industries has committed to covering any RAP stockpile at its Durgin Road Plant. However, covering is not always a feasible option for other sites. To our knowledge, no other jurisdiction prohibits asphalt recycling or requires covering for RAP stockpiles.

County permitting staff is empowered to require certain mitigation measures or safeguards during the permitting process. The County can determine the most appropriate mitigation for the applicable site at the permitting level. For these reasons, we believe that the most prudent amendment would be Option 2.

Thank you for your time and consideration of this important amendment.

Sincerely,

A handwritten signature in blue ink, appearing to read 'KD', is written over a light blue circular stamp.

Kyler Danielson
Land Use Project Manager
Lakeside Industries, Inc.

² In fact, Thurston County's own Public Health Department issued a letter one month after the Nisqually Subarea Plan was adopted explaining that "a waste asphalt recycling operation presents none to very minimal environmental health concerns."

From: [Marcie Cleaver](#)
To: [Shannon Shula](#)
Subject: Comments on Recycled Asphalt Plant
Date: Wednesday, October 07, 2020 2:11:24 PM

Hello Shannon,

I would like to submit my comments about the Recycled Asphalt Plant

In general, recycling asphalt has it's benefits.

However, siting such a facility needs to be done in a thoughtful manner.

Putting such a plant near the Nisqually agriculture land area where water infiltrates into aquifers is a mistake in my opinion.

- First, such a plant has gas emissions that will settle on the soil, plant foliage and onto surrounding food growing lands. Many petroleum products/byproducts contain carcinogens including volatile organic compounds (VOCs) No one wants to eat food or breath air contaminated with these products. Do you want to live near one? There is a known increase risk of various types of cancer in asphalt workers.

<https://www.osha.gov/archive/oshinfo/priorities/asphalt.html>

- Common sense says to not site such a plant in a water sensitive area. Given most of the drinking water in Thurston County Is ground water the potential for contamination is greatly increased. Rain will pick up these chemicals where they can be carried to streams, down into the soil and water table. Do you want to be drinking well water near this site? This water also flows out to Puget Sound via the Nisqually River. The salmon and orca do not need more fat soluble pollutants in their environment/water. Salmon don't do well with such pollutants and the apex predator, the orca, will accumulate more of these pollutants in their bodies. Both of these species have enough challenges to their viable existence.

-

The needed infrastructure, transportation and road impact is not desirable in such an area.

Please look at the broader impact of such a location, I don't perceive it as being well thought out for the long term affects this asphalt Plant will bring with it.

Cordially,

Marcie Cleaver
Thurston County Resident

From: [Thurston County | Send Email](#)
To: [Shannon Shula](#)
Subject: NSAP Policy E.5
Date: Wednesday, October 07, 2020 2:24:36 PM

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Shannon Shula**

Subject:

From: **Collis J Hillman**

Email (if provided): **cj_hillman@hotmail.com**

Phone: (if provided): **206-940-1972**

Message:

I unequivocally support Option 1. Make no changes to the current policy E.5 of the Nisqually Subarea Plan. Continue to prohibit reprocessing of asphalt to help ensure environmental protection for humans and wildlife and specifically the water we drink (wells.) Scientists have already voiced their opinion on this and having a corporation push for something that is dangerous for their purpose of making more money is the antithesis of stewardship for this vibrant area.

From: [Thurston County | Send Email](#)
To: [Shannon Shula](#)
Subject: NSAP Policy E.5
Date: Wednesday, October 07, 2020 3:16:36 PM

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Shannon Shula**

Subject:

From: **Eva Lang**

Email (if provided): **evamlang@hotmail.com**

Phone: (if provided):

Message:

It is with the gravest concern for the welfare of the water, people, wildlife, and environment of Nisqually that I strongly support Option 1 to make no changes to the current policy E.5 of the Nisqually Subarea Plan, and to continue to prohibit reprocessing of asphalt. There is too much at stake if reprocessing of asphalt were allowed. An overwhelming majority of Nisqually residents are against having their drinking water contaminated by allowing reprocessing of asphalt in such a critical area for many major watersheds, medicine creek, and the Nisqually River. There is a strong case as to why the current subplan specifically prohibits reprocessing of asphalt. If Thurston County allows reprocessing of asphalt in the Nisqually Subarea, groundwater would become contaminated and affect residential wells, along with the Nisqually Tribal Reservation, which lies next to the border of the proposed reprocessing site. The research shows that contaminants would leach into the groundwater on a daily basis. The proposed reprocessing site is also in a flood plain, which has been submerged in the past by the river. Regular flooding of this site over time would be devastating for the Nisqually Federal Wildlife Refuge and Nisqually Estuary. The dictionary defines refuge as "a condition of being safe or sheltered from pursuit, danger, or trouble". If the Nisqually River and estuary became exposed to the contaminants that a reprocessing plant would leach, it would endanger the local wildlife and environment during a time when climate change and endangered species are in a dire state. Local fishing would suffer, along with the potential to damage the growing conditions for local businesses such as National Fish and Oyster, which has been family owned and operated at Nisqually Reach since the early 1900's. It would be dangerous to allow reprocessing of asphalt, and most illogical considering all that is at stake. Let's do the right thing and protect the sacred waters of Nisqually for generations to come.

From: [Lisa Ceazan](#)
To: [Shannon Shula](#)
Subject: Comment on RAP (Hearing 10/7/2020)
Date: Wednesday, October 07, 2020 3:29:57 PM

Dear Thurston Planning Commission,

In agreement with the recommendations of the South Sound Community Farmland Trust and the Nisqually River Council, I request that:

- 1) the subarea plan (Option 1) remain unchanged and that the county urge mining operators to transition the mines back into agricultural land to reconnect these two vital farmland areas. This would be of benefit to the essential county goal of no net loss of farmland.
- 2) that in the decision-making process, extremely sensitive salmon habitat, as well as the safety of local residents, be taken into consideration, specifically the potential for chemicals from asphalt recycling to leach into and contaminate waters.

Sincerely,
Lisa Ceazan
303 41st Ave NE
Olympia, 98506

From: [Emily McCartan](#)
To: [Maya Teeple](#)
Cc: [Shannon Shula](#)
Subject: Re: For NRC Review: New and Revised letters regarding Nisqually Community Forest and RAP
Date: Wednesday, October 07, 2020 4:03:24 PM
Attachments: [Final NRC 2020 RAP Hearing Letter 10.7.20.pdf](#)

Literally JUST hit send - sorry to be last minute! Lots of back and forth on this one. :)
Attached again here.

Thanks so much!

Emily

Emily McCartan (*she/hers*)
Nisqually River Council Program Coordinator
Nisqually River Foundation
(360) 438-8715 (o)*
(360) 528-9221 (c)*

emily@nisquallyriver.org

nisquallyriver.org

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**Please note: I am working remotely during the coronavirus pandemic. Cell phone or email are the best ways to contact me. Be safe and stay healthy!*

On Wed, Oct 7, 2020 at 4:01 PM Maya Teeple <maya.teeple@co.thurston.wa.us> wrote:

Hi Emily,

I didn't receive a final comment letter from the NRC. Just checking in to make sure we aren't missing anything!

Maya Teeple | Senior Planner

Thurston County Community Planning & Economic Development

Community Planning Division

2000 Lakeridge Dr SW, Bldg 1, Olympia, Washington 98502

Cell (Primary): (360) 545-2593

Maya.Teeple@co.thurston.wa.us | www.thurstonplanning.org

**Please note, as of September 1, 2020 my primary number has changed to 360-545-2593.*

From: Emily McCartan <emily@nisquallyriver.org>

Sent: Monday, October 5, 2020 4:52 PM

Subject: For NRC Review: New and Revised letters regarding Nisqually Community Forest

and RAP

Dear NRC Members and friends,

Following comments and discussion today between David and CAC members, please see a revised version of the NRC's draft letter to the Thurston Planning Commission on the Recycled Asphalt proposal. If you have further comments to this letter, please let me know as soon as possible or by 12pm on Wednesday, 10/7 at the latest. Comments are due to the County by 4pm and the Planning Commission's public hearing on this proposal begins at 7pm on Wednesday (further information here: <https://www.thurstoncountywa.gov/planning/Pages/comp-plan-cp11-home.aspx>).

Also attached is a new letter for your review, supporting the Nisqually Community Forest's application for a Community Forest Program Acquisition Grant through the State RCO office. Please send comments to me by 5pm on Thursday, 10/8.

Finally, please see below for currently open positions with Puget Sound conservation districts' Regional Forest Stewardship Program, from Rene' Skaggs (please contact Rene' with questions at ReneS@pierced.org).

The Regional Forest Stewardship Program supports hiring three Forest Stewardship Program Coordinators who will work as Area Foresters and deliver forest stewardship services. This includes developing an outreach strategy and marketing program to market services to small and non-industrial private forest landowners, delivering planning and assessment-based technical assistance that identifies forest stewardship priorities, collecting forest mensuration data and creating maps for use in forest stewardship plans, assisting forest landowners on preparing and submitting cost-share applications, and planning and implementing forest stewardship practices in partnership with forest landowners and managers.

Here's some details associated with the hiring process and the positions -

- The position announcement and application materials can be accessed on our Better Ground web site - <https://betterground.org/pscd/partner-resources/>.
- Applications will be received until the positions are filled, but priority consideration will be given to applicants who submit their materials by Sunday 10/4/20.
- The positions are grant funded through March 2022, and the team of Area foresters will work with other PSCD staff to secure additional funding to extend the positions.

- Positions include full benefits.
- This is a unique opportunity to build a programmatic approach to deliver forest stewardship services throughout the central and south Puget Sound region using an Area Forester model.
- This is an opportunity to join the team of Puget Sound conservation districts which are working with private landowners and residents to steward forest resources and improve the health of Puget Sound.

Thanks,

Emily

Emily McCartan (*she/hers*)

Nisqually River Council Program Coordinator

Nisqually River Foundation

(360) 438-8715 (o)*

(360) 528-9221 (c)*

emily@nisquallyriver.org

nisquallyriver.org

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**Please note: I am working remotely during the coronavirus pandemic. Cell phone or email are the best ways to contact me. Be safe and stay healthy!*



Nisqually River Council

620 Old Pacific Highway SE • Olympia WA 98513 • (360) 438-8715

Council Membership

Pierce County

Thurston County

Lewis County

Cities of Yelm, Eatonville
& Roy

Tacoma Public Utilities

Puget Sound Partnership

UW Pack Forest

WA Dept. of Natural
Resources

WA Dept. of Fish &
Wildlife

WA Dept. of Ecology

WA Parks & Recreation
Commission

WA Conservation
Commission

WA Dept. of Agriculture

WA Dept. of
Transportation

WA Dept. of Commerce

WA Secretary of State

Nisqually Indian Tribe

Department of Defense,
Joint Base Lewis-McChord

Billy Frank Jr. Nisqually
National Wildlife Refuge

Gifford Pinchot National
Forest

Mount Rainier National
Park

Nisqually River Citizens
Advisory Committee

Thurston County Planning Commission
2000 Lakeridge Dr. SW
Olympia, WA 98502

October 7, 2020

Dear Planning Commissioners,

The Nisqually River Council (NRC) appreciated the opportunity to speak with you on September 4, 2020 at the work session concerning Lakeside Industries' proposal to amend Policy E.5 of the Nisqually Sub-Area Plan to allow recycled asphalt (RAP). As stated in my comments and in the Council's prior letters (dated March 22, 2017 and Oct. 21, 2019), the NRC supports a complete and holistic assessment of this proposal in the context of the full Sub-Area plan. We remain concerned that the separation of the two compromises the transparency and integrity of the community planning process, and urge that the Sub-Area plan review be expedited to ensure that these connections are not lost.

If the Commission moves forward with a recommendation to allow RAP in the Nisqually Subarea, the Nisqually River Council strongly urges the inclusion of mandatory monitoring and best management practices (BMPs) in the revised policy language (Option 3). At a minimum, BMPs should require:

- Hard weatherproof coverings for RAP piles;
- Safe handling and treatment protocols for stormwater to prevent contact with RAP material;
- Development of regular on-site water quality monitoring and reporting in consultation with the Nisqually River Council and Thurston County;
- Air quality standards not to be exceeded from the cumulative impacts of asphalt and recycled asphalt production;
- No open groundwater connections and assessment of the 100-year floodplain zone as updated by FEMA in 2020, to protect the sensitive environmental and water supply resources in the vicinity; and
- Rigorous adaptive management protocols with specified triggers for remedial action.

We expect that the upcoming SEPA review process will include further study to determine the best specific local practices appropriate to this site. If this process moves forward, we request that these initial findings be presented in full to the NRC, as a representative body of community stakeholders, and that the NRC and County receive annual monitoring reports on site-specific conditions and BMP performance.

In their comments to the Commission, Lakeside has already indicated their willingness to implement similar practices at this site. We greatly appreciate their commitment to safeguarding water quality in the Nisqually Valley. These safeguards

should be included in the updated policy, along with regular public reporting to the NRC and community stakeholders, so that these assurances are clear, transparent, and permanent in protecting the sub-area's environment and residents – the reason the Sub-Area Plan was created.

When it was originally developed in 1992, the Nisqually Sub-Area Plan took a balanced and broad-based approach to ensuring fair opportunities for business while affirmatively protecting the rural and environmental values of this unique part of Thurston County. While we understand that staffing constraints have delayed the complete Sub-Area Plan review, separating it from this proposal divorces it from other considerations that could significantly change the risks of storing RAP at the proposed site. As I stated on September 4, the NRC remains concerned about Holroyd's pending proposal to mine below the water table within the sub-area. This proposal would expose municipal and residential water sources and sensitive habitat to a much higher risk of contamination from accident or flooding, particularly in conjunction with recycled asphalt. Policy provisions must be in place to ensure that open groundwater connections will not exist in close proximity to asphalt recycling if RAP is permitted in the Nisqually sub-area.

The Nisqually River Council expects to participate in the development and review of an individual permit for a project proposed under this policy. We are committed to a rigorous approach to adaptive management, monitoring and reporting through the permitting process. Once again, the Nisqually River Council appreciates the opportunity to stay informed and provide input during the review of the recycled asphalt policy and the rest of the Nisqually Sub-Area Plan. We look forward to continuing to work with Thurston County, Lakeside, and our valley community members to protect this unique and important place.

Sincerely,



David A. Troutt
Chair

From: [David Hillman](#)
To: [Shannon Shula](#)
Subject: Re: RAP comment
Date: Wednesday, October 07, 2020 4:27:59 PM
Attachments: [Nisqually Subarea Plan Policy E.5 Analysis.pdf](#)

An overwhelming number of Nisqually Subarea citizens have declared their opposition to the proposed change to section E.5 of the Nisqually Subarea Plan. Rightfully so. This sort of industry is not allowed by the land use plan and is outlined redundantly all throughout the document. This sort of pollution does not belong in one of the worlds most beautiful places.

Only industry types and their allies/employees are for it and the citizens of the Subarea are unanimously against it.

If the Commissioners truly work for the people then they should listen to them and deny the badly written and ill thought out proposal brought by a "citizen" named Lakeside Industries Inc.

Say "NO!" to corporate special interests who do not care about the safety and quality of the people's water.

Listen to THE PEOPLE!

Stop this idiot plan now.

From: Shannon Shula <shannon.shula@co.thurston.wa.us>
Sent: Wednesday, October 7, 2020 3:52 PM
To: David Hillman <davidhillman@hotmail.com>
Subject: RE: RAP comment

David,
 I have not received an attachment from you.
 Warm regards,
 Shannon

From: David Hillman <davidhillman@hotmail.com>
Sent: Wednesday, October 07, 2020 3:44 PM
To: Shannon Shula <shannon.shula@co.thurston.wa.us>
Subject: Re: RAP comment

Thanks Shannon,

I have sent you an email with the attachment. Can you please confirm that you received it and

also confirm that the email and the letter in the PDF has made it into the comments?

Thanks again,
David

From: Shannon Shula <shannon.shula@co.thurston.wa.us>
Sent: Wednesday, October 7, 2020 2:36 PM
To: davidhillman@hotmail.com <davidhillman@hotmail.com>
Subject: FW: RAP comment

David,

You can email me the PDF. This is my second attempt at responding to your email. The first email bounced back.

Best,

Shannon Shula
Associate Planner

Thurston County Community Planning & Economic Development
2000 Lakeridge Drive SW, Olympia, WA 98502
(360) 786-5474 | shannon.shula@co.thurston.wa.us

Email may be considered a public record subject to public disclosure under RCW 42.56

From: Thurston County | Send Email <spout@co.thurston.wa.us>
Sent: Wednesday, October 07, 2020 12:06 PM
To: Shannon Shula <shannon.shula@co.thurston.wa.us>
Subject: RAP comment

This email was created by the County Internet web server from the email masking system.
Someone from the Public has requested to contact you with the following information:

To: **Shannon Shula**

Subject:

From: **David Hillman**

Email (if provided): davidhillmanb@hotmail.com

Phone: (if provided):

Message:

Hi Shannon,

I would like to send a PDF that contains a letter for the RAP comments due later today. How do I do this?

Thanks!

-David

Official Comprehensive Plan Amendment Docket Item 11 Nisqually Subarea Plan Asphalt Recycling Policy E.5 Review

Proposed Policy E.5 Amendments*

Allow accessory activities to be considered inside the mined out portion of a gravel pit through the site plan review process. Examples of allowable accessory uses would include concrete pipe and/or septic tank construction and the recycling of used concrete and asphalt pavement. The reprocessing of imported mineral resources shall not be the primary accessory use, ~~and the reprocessing of asphalt shall not be allowed due to water quality concerns.~~ These activities shall be discontinued once reclamation of the pit is completed in accordance with the WDNR standards.

*Legend: ~~Strikethrough~~ = text to be deleted. Underline = text to be added.

The above proposed language amendment submitted by Lakeside Industries Inc. is mostly a crude deletion designed to embody the exact polar opposite of the original language. The proposal starkly contradicts not only the remaining original and current policy in the very same section E, it runs contrary to the composition of the entire Nisqually Subarea Plan. The plan's stated purpose throughout the entire document is to preserve the Subarea's rural and agricultural character, and to protect its water, wildlife, and natural resources. This proposed amendment must not be considered as it is nothing more than an ill-fitting redaction designed to benefit a small group of industrialists. This sort of untidy ploy has no place in the stalwart and intelligent document that has served the Subarea very well for nearly 30 years.

Specifically, the proposed language change that attempts to allow asphalt recycling in the Nisqually Subarea Plan policy E.5, imperiously erases important original language concerning groundwater pollution that has long been a valid concern as evidenced by the specific wording of the original language from 1992. These same valid concerns are again highlighted in the recent environmental review prepared for Thurston County by Herrera Environmental Consultants, Inc.

Policy E.1 is the most glaring contradiction to the proposed language change. **Policy E.1. prohibits the activities that the proposed language change attempts to allow:**

"E.1. Minimize the addition of new commercial activities within the planning area by prohibiting commercial expansion of properties not currently zoned beyond the existing lot and use, promote the relocation of existing commercial uses to zoned areas and prohibit the use of mined out gravel pits for commercial or industrial use."

The original Policy E.5. was adopted after Policy E.1. to further clarify that a limited number and distinct types of accessory activities are allowed in existing gravel pits. It then goes on to define very specifically that **"the reprocessing of asphalt shall not be allowed due to water quality concerns."**

The framers of the original document went out of their way to identify the sort of industrial uses prohibited. In a general sense, industry such as asphalt recycling is not allowed per Policy E.1. Then, as if the framers wanted to be absolutely and perfectly clear, Policy E.5. further identifies asphalt recycling specifically and prohibits it. The wording of this policy was worked out by Holroyd, the owner of the gravel pit in question, and the planning committee in 1992. It is **extremely plain** that historically, the consensus is that asphalt recycling is not an industry that belongs in the Nisqually Subarea.

Both Policy E.2 and E.6 are worded in a general way to prohibit large scale industrial land use and the resulting increase in large truck traffic.

"E.2 Adopt guidelines for designated commercial areas and commercial uses which compliment the pastoral character of the Nisqually Valley."

"E.6. Evaluate all the allowable and special uses within the I/S zone to determine if they would be compatible with the "Agricultural/Pastoral Character" of the Nisqually Valley."

It goes without saying that lines of large heavy asphalt trucks on the two lane roads of Nisqually pose significant safety concerns in a rural and agricultural area. Extra traffic, noise pollution, air pollution from diesel exhaust, and the congestion from the inevitable increased road maintenance are yet more examples of the consequences of industrialization that the excellent foresight of the Nisqually Subarea Plan mandates against.

The proposed language change is also contradictory to the wording of Goal E, which in the original document, is in all capital letters:

GOAL E: "PROHIBIT LARGE SCALE COMMERCIAL DEVELOPMENT WITHIN THE NISQUALLY VALLEY WHILE RECOGNIZING EXISTING COMMERCIAL ACTIVITIES AND DESIGNATED COMMERCIAL AREAS."

The glaring defect of the proposed language change, is the fact that in no way does it reflect the original and current purpose of the entirety of section E of the Nisqually Subarea Plan. Proposing to create such flawed and contrary language mostly by deletion is useless, as the surviving and pertinent policy is diametrically opposed to the proposal and renders the proposal meaningless. From the very beginning, this ill-conceived proposal was destined to be rejected as it makes no sense.

The Nisqually Subarea Plan's Goal B and its policies concern water quality. Again, the stark contradiction that embodies the proposed language change to the contents of the plan's other goals and policies is undeniable:

GOAL B: "PROTECT THE SURFACE WATERS OF MCALLISTER CREEK, MEDICINE CREEK, AND THE NISQUALLY RIVER AND GROUNDWATER RESOURCES OF THE PLANNING AREA FROM POLLUTION, WHILE PLACING SPECIAL EMPHASIS ON THE LANDS ADJACENT TO THE NISQUALLY RIVER."

B.2. "Restrict development by limiting densities and land uses to those which would not adversely impact the regionally significant groundwater resources at McAllister and Abbott Springs or the local groundwater aquifer."

The aforementioned Environmental Review prepared for Thurston County by Herrera Environmental Consultants, Inc. shows that the pollution caused by asphalt recycling is a real and complex danger to surface and groundwater, and that contaminate levels would most likely be in excess of Washington State groundwater quality standards. It also shows that contaminate levels in stockpiled recycled asphalt pavement or "RAP" is also highly variable, and that the exact contents and concentration of the pollutants in any random stockpile is mostly unknown.

The proposed industrial RAP site at Holroyd mine and the resulting proposed corresponding stockpiles would be located very close to the Nisqually River, the Nisqually Wildlife Refuge, and

the surrounding aquifers that supply agricultural irrigation and most importantly, drinking water to residents. The ground water at the mine site is between 4 and 15 feet below the extremely porous surface. The site is also located within the County's Aquifer Protection District.

It is reasonably argued that any sort of "best management practices" or BMPs promised by Lakeside Industries Inc. and any other industrial entities, cannot provide adequate mitigation from RAP contaminates leaching into surface and groundwater from RAP stockpiles and the resulting recycling process.

In addition it appears that there is no plan to guard the Nisqually Subarea's surface and ground water from the effects on RAP stockpiles and processing by the inevitable flooding of the Nisqually River. Aerial photos (provided by Howard Glastetter) of the 1997 flood show flood waters flowing into the Holroyd site and out to the surrounding farmland.

Again, the proposed amendment to policy E.5. does not correspond to the intent of Goal B or to the requirements of policy B.2. to protect local surface and groundwater by any stretch of the imagination.

The proposed language change is also a direct contradiction to Goal C of the Nisqually Sub Area Plan:

GOAL C: "PROMOTE AND ENHANCE THE WILDLIFE HABITAT THROUGHOUT THE PLANNING AREA AND PROTECT THE NISQUALLY WILDLIFE REFUGE FROM ADJACENT DEVELOPMENTS."

The Nisqually Subarea contains federal and state protected wildlife areas, endangered fish habitat, waterfowl habitat, and is considered one of only six "Natural Shoreline Environments" in all of Thurston County as designated by The Shoreline Master Program for the Thurston Region.

Any new introduction of industrial pollution, regardless of the level, neither promotes, enhances, or protects wildlife, and is plainly incongruous with Goal C.

Finally; the proposed language change obviously contradicts Goal A and policy A.1.

GOAL A: "MAINTAIN THE EXISTING RURAL ENVIRONMENT... AND ITS RURAL AESTHETIC CHARACTER FOR FUTURE GENERATIONS."

"A.1. Adopt rural densities and land uses which provide long-term protection of resource lands (e.g. agriculture lands, forest lands and mineral resources) and wildlife habitat"

In conclusion, the proposed language change to policy E.5 that attempts to allow RAP operations cannot be adopted because the Nisqually Subarea Plan contains redundant language throughout in order to prohibit such industrial land use. Any new pollution producing industry within the borders of the Nisqually Subarea is expressly not allowed. **The proposed altering of a single original policy does not conform to the rest of the document, and any consideration of the proposal must be halted.**

Allowing such a blatant disregard for the true meaning of the land use plan by changing a single policy to fit the narrow self-serving interests of a small group of industrialists is as irresponsible as it is wrong. Such a monumental lapse in judgment and common sense would also function as an open invitation for other industrial types to come into the Nisqually Subarea to see what parts of the land use policy can be easily altered to fit their desires as well. Those who think that firmly established environmental policy is merely a nuisance to be casually pushed aside must not be allowed to rashly impact the community and its water supply in such a careless and negative way.

Lakeside's past eagerness for an environmental review seems in reality to have been an eagerness to jump the next hurdle in subverting the Nisqually Subarea Plan for their own gain. In their ongoing clash with the Nisqually Tribe and the citizens of the Nisqually Subarea, it has been obvious that they have no intention of working together with the people of the valley, and rely instead on a relentless barrage of money and attorneys. It is clear in reading the public comments submitted by Lakeside Industries that they are only interested in an environmental review that supports their "citizen submitted" policy amendment (that "citizen's" name being Lakeside Industries Inc.).

The Environmental Literature Review conducted by Herrera Environmental Consultants Inc. as described in its executive summary:

"After an assessment of over 100 articles initially identified, eight highly rated studies were selected for this literature review. They were selected because they were directly applicable to the objectives of this study, and the research was of high quality in terms of the number of tests, quality assurance, and in the detail provided for this review."

In page 2 on Lakeside Industries' public comment concerning the environmental review Kyler Danielson states *"Based on the Herrera Review's conclusions, leachate from RAP is not an environmental concern."* However the next 3 pages attempt to debunk the science included in Herrera's Environmental Literature Review. After several hundred words that attempt to disprove the review's findings, Danielson concludes:

"Relevant studies and data show that RAP leachate is not an environmental concern. Notwithstanding these findings, BMPs can even further ensure that RAP creates zero impact on water quality within the Nisqually Sub-Area."

No "relevant studies" are referenced. It appears that Lakeside Industries believes that RAP will have a "zero" impact on water quality in the Nisqually Subarea whether or not BMPs are used.

In a bizarre twist, in an attempt to support their case, Danielson provides an attached letter dated December 15, 1992 from The Thurston County Solid Waste Program that at first reinforces her claims in the first paragraph, only to later bring up many important environmental concerns including: Assessing the hydrological characteristics of the site, prohibiting material storage in a flood plain or wetlands area, prohibiting material from having direct contact with surface or ground water, knowing the source of the material, and suggesting protocols for testing and/or turning away suspect materials.

It's clear that Lakeside Industries believes that storing RAP with or without BMPs in an extremely porous flood plain that is 4 to 15 feet above the local aquifer presents zero threat to the water quality that affects all aspects of life in the Nisqually Valley and its Estuary. It's clear that Lakeside Industries will cherry pick data to support their position and attempt to debunk data that does not. It's clear that Lakeside Industries will continue to battle the citizens of The Nisqually Subarea by attempting to force their will rather than showing concern by attempting to work with people of the area. It's clear that Lakeside Industries has trouble even providing a coherent argument as to why they should be allowed to tamper with the water quality of the Nisqually Valley. It's clear that Lakeside Industries should not be in charge of any sort of "Best Management Practices" and cannot be trusted to truthfully and adequately perform the necessary daily oversight and testing that such an ill-advised endeavor requires.

It borders on madness to allow a large corporation that clearly does not care about water quality to gamble with the health of citizens, agriculture, livestock, wildlife, and the ecosystem at large in The Nisqually Subarea. This is a place where the preservation and protection of the rural, agricultural, and natural fabric of the Valley is redundantly written directly into the land use plan.

The Nisqually River is the only river in America to have its headwaters in a National Park and its delta in a National Wildlife Refuge. 70% of the Nisqually's length is protected. It is the duty of the Nisqually Subarea's citizens and businesses to protect this unique watershed from harm from those who would seek to damage and exploit it.

The Nisqually Subarea Plan is a rational, logical, well written, and intelligent document. It *also* needs protection from those who would subvert it to suit their shallow-minded intentions.

Why should the health and safety of people, livestock, fish, game, and wildlife be put at risk for the benefit of selfish and short-sighted business goals?

Oral Comments Received Audio is official record

Unique ID	Date	Commenter Name	Type of Comment	Summary	County Response	Response Date
PC-H-Oral-1	10/7/2020	Phyllis Farrell	Against	Option 1 - do not amend the policy. Flood, climate change, aesthetics, truck traffic are all impacted by this. WAC 197-11-055 states that SEPA should be integrated. SEPA should be done before the PC make a recommendation.	Comment recorded. Planning commission requested more information in the meeting regarding SEPA. Staff stated SEPA starts when applicant submitted application in 2017, other consultant studies can be used in that consideration. Determination is not issued until after a recommendation is made - this is the current standard operating procedure for all amendments.	10/7/2020
PC-H-Oral-2	10/7/2020	Jeff Herriford	Support	RAP would be covered. Site has good stormwater management.	Comment recorded.	10/7/2020
PC-H-Oral-3	10/7/2020	Tony Hammond	Support	Approve option 2	Comment recorded.	10/7/2020
PC-H-Oral-4	10/7/2020	Dave Knutzen	Support	Leader of fish...worldwide. The data is overwhelming. RAP reduces greenhouse gases. Just require monitoring and adaptive management.	Comment recorded.	10/7/2020
PC-H-Oral-5	10/7/2020	Doug Mah/ Thurston County Chamber	Support	Strongly support policy amendment (either option 2 or 3) - recycled asphalt is critical to TC community.	Comment recorded.	10/7/2020
PC-H-Oral-6	10/7/2020	Tim Thompson	Support	I was a consultant for LSI and do enviro agreements. Science and data should drive the decision. Three things must happen 1) agree to cover 2) monitoring is a principle component of the operation and it will continue 3) commitment to adaptive management. With these in place the environmental risk has been managed.	Comment recorded.	10/7/2020
PC-H-Oral-7	10/7/2020	Howard Glastetter	Change Requested	This is an opportunity to test below a RAP pile. As the Herrera study stated pollution may be more so under piles than as in laboratory tests	Comment recorded.	10/7/2020
PC-H-Oral-8	10/7/2020	Karen Deal/ Lakeside	Support	We have stated we will continue to monitor if recycling is permitted and are committed to working with the county and community through the permit process.	Comment recorded.	10/7/2020
PC-H-Oral-9	10/7/2020	Kyler Danielson/ Lake	Support	Since the 1992 prohibition there have been numerous changes and new literature. I support option 2 as it leaves BMPs to the site-specific level, there are many other BMPs like stormwater management. Not all facilities can have a cover.	Comment recorded.	10/7/2020

Oral Comments Received
Audio is official record

PC-H-Oral-10	10/7/2020	Bard Scavazze	Against	I'm in opposition to the proposed amendment. Asphalt is toxic. It's not appropriate for this location. I'm not against recycling, this is a sensitive location.	Comment recorded.	10/7/2020
PC-H-Oral-11	10/7/2020	Dean Smith	Support	I've worked for LSI for 42 years. For 25 years we've been working on this proposal. The first 13 years were getting the asphalt plant sited. The last 12 weve been trying to recycle at the facility.	Comment recorded.	10/7/2020

Unique ID	Date	Commenter Name	Source	Summary	County Response	Response Date
1	5/24/2019	Howard Glastetter	Email	Would like to submit a final variation of a comment made over the past several years on the Nisqually Valley issue in an attached comment emailed on March 5, 2017 in response to Goal E-5 of the Nisqually Subarea Plan. The no-RAP provision was designed to protect the rural character from industrial dominance. Three sites were referenced as having business impacts. There are ongoing concerns with flooding and the impact on water quality. The best practice for using RAP in asphalt production is to keep it dry under an un-walled building or a cover that allows air in, but keeps moisture out. Lakeside RAP storage at Hogum Bay does not meet "Best" or even "Second Best" practices.	Confirmed receipt.	5/24/2019
2	5/26/2019	EJ Zita	Email	Would like to be added to the mailing list.	Added to mailing list and confirmed	5/26/2019
3	5/28/2019	Howard Glastetter	Email	<p>Is unable to attend the meeting and would like the comments sent in attached document available at the meeting. Noted that the literature review was even-handed and concluded that RAP leaches chemicals and is an issue of concern, albeit somewhat minor in this area. Prefaced with a comment on the Lakeside operation at Holroyd Gravel Mine and that the operation is state of the art, rarely smells of any hot asphalt; Lakeside is a good neighbor.</p> <p>Commented on Toxicity Testing in New Jersey on page 10, referring to permeable soiled gravel mines; notes that highly acidic mining environment could be interpreted as coal mines, but did research that shows there are no major coal mines in NJ and metal mining is a thing of the past, so the assumption should be toxicity testing as it relates to permeable soiled gravel mines.</p> <p>Notes that he knows of 3 homes in the Valley below Holroyd's mine with red/brown turbidity, which is most commonly iron contamination according to the link provided.</p> <p>Also, page 19 relating to Cu and Zn tests exceeding U.S. EPA WQLs. Notes asphalt roofing shingles are also recycled, and some come with copper to prevent moss buildup, as well as landowner introduced zinc.</p> <p>Nisqually Valley is a wellhead protection area, and a rural area. Residents get their water from wells. Lacey City well is close to Lakeside's asphalt plant, which sits in the permeable soil of Holroyd's gravel mine. RAP deliveries to the pit would also mean increased truck traffic. Mentions "this site is a very sensitive part of the valley and could become a stressed one."</p> <p>If RAP were ever allowed, it should be under cover and out of the weather before and during its use. Please see a past comment on RAP that I resubmitted May 24, 2019. It shows weather protection is an industrial "Best Practice".</p>	Confirmed receipt	5/28/2019

From this point in the document onward, this matrix and the pages behind it are all comments received prior to the Planning Commission public hearing comment period.

			<p>RAP materials have been successfully recycled since the 1970s. Herrera analyzes the potential for leachate and generally concludes that the impact to the environment from RAP is limited or negligible. The review includes several inaccurate statements and excludes important information which may create unnecessary cause for concern. Additionally, Herrera did not consider Best Management Practices (BMPs), available to eliminate concerns regarding leachate. For example, Lakeside would be willing to cover its RAP stockpiles within the Nisqually Subarea to mitigate for concerns of initial flushing.</p> <p>RAP is critical to sustainable use of natural resources, does not harm fisheries, water quality, other habitat or humans. Asphalt, including RAP, is used to line fish hatchery ponds and drinking water reservoirs.</p> <p>Use of RAP is a standard practice in Washington and is consistent with the vision in the Comprehensive Plan. It preserves the human environment by encouraging jobs in the community and preserves the natural environment by encouraging protection of mineral resource lands, limiting the carbon footprint of asphalt paving, and prevents unnecessary waste in landfills.</p> <p>Prohibition of RAP in the NSAP is due to water quality concerns. One month after its adoption, Thurston County Public Health Department to the position that asphalt recycling poses minimal environmental health concerns.</p> <p>Herrera Review found limited or no cause for concern. The three key conclusions are 1) RAP is highly variable, 2) contaminants leached in laboratory tests sometimes exceed state groundwater quality standards, and 3) The initial flush can result in concentrations exceeding groundwater quality standards, but these concentrations decrease quickly. Based on these conclusions, RAP is not an environmental concern. While RAP may leach some contaminants at first flush, they quickly decrease below detection limits creating a negligible overall impact.</p> <p>Other points were raised regarding Herrera Literature Review:</p> <ul style="list-style-type: none">-The review does not accurately reflect local conditions or local RAP impacts.-The review presents information in a manner that exaggerates study results.-The review summarized conclusions that are quite dissimilar from the conclusions in the underlying studies.-The review has a limited scope and does not consider Best Management Practices that would prevent leachate		
4	6/12/2019	Kyler Danielson, Lakeside Industries	Email	Confirmed receipt	6/12/2019

				<p>We strongly question the credibility and validity of the literature review and recommend it be removed from the public record.</p> <p>In 2017, about 1.2 million tons of RAP was used in new pavement mixtures in Washington state alone. A recent study by UW identified 63 existing RAP stockpiles of significant volume containing approximately 1.4 million tons of RAP distributed across the state. Nationwide, 99% of RAP collected is put back to use in pavement, saving more than 48 million cubic yards of landfill space annually. The report mischaracterizes study results and is of questionable relevance to the issue. Issues of the report include:</p> <ul style="list-style-type: none"> -The review contains numerous inconsistencies -The review mischaracterizes findings and conclusions from analyzed studies -Credibility and validity of the revised draft questioned <p>In summary, we emphasize the following:</p> <ol style="list-style-type: none"> 1)In decades of environmental and transportation agency studies, and in decades of independent academic research, including those mischaracterized in the Revised Draft, there appears limited if any concern associated with stormwater runoff or leachate from RAP stockpiles. 2)Across the U.S., we know of no other agency, county, or municipality that restricts the stockpiling of RAP. All recognize the material as environmentally safe. 3)Summaries of the identified studies (in the Literature Review) significantly mischaracterize the original research results to such an extent that it raises real concerns about the validity and credibility of the findings. 		
5	6/13/2019	Howard Marks, David Gent WAPA/NAPA	Email		Confirmed receipt	6/13/2019
6	6/13/2019	Pamela Keeley	Email	No asphalt recycling plant without consultation with Nisqually Tribe. Honor the treaties. No more pollution!	Confirmed receipt	6/13/2019
7	6/13/2019	Benita K. Moore	Email	Asphalt recycling plant off reservation road in Nisqually – Ground water contamination will happen. There has been no meaningful consultation with the Nisqually Tribe and no environmental impact study.	Confirmed receipt	6/13/2019
8	6/13/2019	Beverly Finlay	Email	Please respect Native Americans. Conduct surveys, do research. Clean water is the most precious resource on this planet.	Confirmed receipt	6/13/2019
9	6/14/2019	Karen White	Email	Asphalt plants do not belong near the water. Asphalt is harmful to fish, contains PHA and bitumen which reduces their fat stores, causes their muscles to stiffen and causes kidney damage, reducing their first year of survival at sea.	Confirmed receipt	6/14/2019
10	6/14/2019	Phyllis Farrell	Email	I am opposed to the proposal by Lakeside Industries to remove policy language that prohibits asphalt reprocessing (recycling) within the Subarea. It is prohibited due to water quality concerns. That has not changed. Piles of asphalt are known to leach toxic chemicals affecting groundwater. It is preposterous to consider this proposal given the proximity to the Nisqually River. Environmental effects of increased truck traffic should be considered as well.	Confirmed receipt	6/14/2019
11	6/14/2019	David Hillman	Email	<p>The literature review indicates that chemicals and metals are leached into surface and groundwater from stockpiles. The review also concludes “as a source of contaminants, RAP is highly variable...”</p> <p>What I take from this review is that pollutants can vary widely and significantly in type and concentration. It is impossible to know exactly what types of chemicals and metals are present in any particular RAP stockpile. This RAP review solidly supports the original language in policy E.5. I am strongly against changing the language in section E.5 of the Nisqually Subarea Plan to allow asphalt recycling.</p>	Confirmed receipt	6/14/2019

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				RAP can widely vary in the type of pollutants and concentration. It would be impossible to know.		
12	6/14/2019	Julie Hillman	Email	This RAP review solidly supports the original language in policy E.5. I am strongly against changing the language in section E.5 of the Nisqually Subarea Plan to allow asphalt recycling.	Confirmed receipt	6/14/2019
13	6/14/2019	Daniel Hull	Email	I am not in favor of changing the language in section E.5 of the Nisqually Subarea Plan to allow asphalt recycling. I have read the literature review which clearly states that this can and does have an effect on the environment. The Nisqually watershed is one of the finest in the state, this is not an activity we should change language to allow. Please add me to mailing list. I am alarmed that many of the residents in my area had no idea about this.	Confirmed receipt	6/14/2019
14	6/14/2019	Ryan Ransavage	Email	Asphalt is a key building material in supporting physical and economic growth of the state. Department of Ecology regulates runoff from operations that recycle pavement. The limits of the discharge have been determined through years of study and research. Thurston County should consider the requirements DOE has determined. These limits have been set to ensure minimal degradation to waters of the state and the overall environment. Miles Sand & Gravel supports RAP operations be allowed within all areas of Thurston County when meeting current regulatory standards from solid waste rules and Sand and Gravel permit conditions.	Confirmed receipt	6/14/2019
15	6/14/2019	Numerous	Mail/Post	42 signatures on petition. We the undersigned submit this document as a public comment on the literature review. RAP poses concerns over possible leaching. Leachate can exceed state groundwater quality standards. We urge the Thurston County Commissioners to 1) Hire consultants to do additional study and 2) NOT to rezone this area to permit RAP.		
16	6/15/2019	Faith Morgan	Email	No to asphalt plant.	Confirmed receipt	6/15/2019
17	6/16/2019	Esther Kronenberg	Email	I oppose the processing of recycled asphalt at the Holroyd site for the following reasons: 1)The lower Nisqually Valley is classified by Thurston County as a wellhead protection area. It is protected as a rural environment. 2)The water sources for residents are wells. Lacey City well is less than half a mile from Lakeside's asphalt plant. 3)Lakeside knew RAP was not allowed before they built their plant at Holroyd's pit. Two court decisions reaffirmed they could not use RAP in the Nisqually Valley. Olympia Region Clean Air Agency (ORCAA) reaffirmed they could not, due to Subarea plan rules. 4)If Lakeside is allowed to process recycled asphalt, best practices should be enforced.	Confirmed receipt	6/16/2019

				Please accept this comment from the League of Women Voters.		
				I am writing to express concern about the proposed recycled asphalt plant in the Nisqually. The League believes that concerning water resources is the overriding consideration. The consultants report is laboratory based. They state that laboratory tests are not necessarily representative of field conditions.		
18	6/17/2019	Sandra Herndon	Email	We ask that planning not move forward with this plan.	Confirmed receipt	6/17/2019
19	6/18/2019	Kathy Lawhon	Email	Please do not allow water plant here. We are running out of water.	Confirmed receipt	6/18/2019
20	6/19/2019	Howard Glastetter	Email	Found a 1/3/2000 memo from the 1992 Subarea Plan project Manager that gives a history of how policy E.5 evolved. Will share that memo with me tomorrow.	Confirmed receipt	6/19/2019
21	6/22/2019	Madeline Bishop	Email	Please do NOT remove policy language that prohibits recycled asphalt. We need a phase 2 investigation. 1. The lower Nisqually valley is a wellhead protection area and is also protected as a rural environment. 2) The water sources are from wells, and the Lacey City well is close to Lakeside's asphalt plant. This plant sits on permeable soil and in the 100-year floodplain. 3) Lakeside knew RAP was not allowed before they built their plant at Holroyds. Two court decisions reaffirmed they could not use RAP. DNR requires they must move out when the pit is mined, will they?	Confirmed receipt	6/24/2019
22	6/20/2019	Dave Newborne	Open Hou:	There should be NO approval for asphalt recycling. NO approval to change the comp plan.	Confirmed receipt	6/20/2019
23	6/20/2019		Open Hou:	This proposal makes a mockery of the effort to restore the Nisqually estuary. The millions of dollars invested in the restoration project will be a waste if this proposal is allowed. How can Thurston County guarantee the safety of groundwater if this is allowed to happen? How can the county guarantee that the internal committee and commissioners will not take bribes from Lakeside Industries? I see this as a form of silent genocide against the Nisqually Tribe. It's absolutely appalling that Lakeside Industries is making this proposal.		6/20/2019
24	6/20/2019		Open Hou:	Issues with field studies (in this report tonight). "Swedish study" Conclusion: "underestimating contaminants". We should not allow recycled asphalt in the Nisqually Valley.		6/20/2019
25	6/20/2019		Open Hou:	I am against this proposal. After living in the county for 30 years, I know that the Nisqually Area is special. It is unique. It has our city of only drinking water at the Allison Springs wellhead. We must not put this area with more trucks, recycled asphalt, etc.		6/20/2019
26	2/21/2019	Kyler Danielson, Lakes	Email	Consultant report exaggerates findings, not credible or valid.	Confirmed receipt. Noted that while the County concurs on some of the issues raised in their comment, other items will be treated as a public comment and should be submitted during the written comment period on the report.	2/21/2019
27	2/21/2019	Howard Marks, David Gent WAPA/NAPA	Email	Consultant report exaggerates findings, not credible or valid. Should be removed from the record	Confirmed receipt.	2/21/2019

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28	11/6/2018	Kyler Danielson, Lakeside	Email	The draft Consultant report should include more U.S. studies. Foreign studies are not representative of local asphalt and conditions. The report also does not account for differences in regulatory standards.	Confirmed receipt. Noted the comment about US versus foreign studies and relevant differences that may impact the results of the study. Staff considered, and then revised the SOW for consultant to add 3 additional US-based studies to have a more equal representation in the report.	11/8/2018
29	6/28/2019	David Hillman	Email	<p>100% of the citizens that submitted are against the policy change. Those in favor of the change are employees of the asphalt industry, and I am sure that few of them are citizens of the Nisqually Subarea. Of the four people in favor of the change, one works for the company that submitted the policy request. One is from Maryland, one is from Renton, and one is from Puyallup. All four of their comments were most likely drafted by their lawyers and they were on the clock when they signed their names.</p> <p>The tally for those against is 54 and those in favor is 4 - that is a 14:1 ratio. The Nisqually is one of the cleanest watersheds and estuaries in the United States, land use is held to a high standard. Lakeside must conform to the same stringent policies in this unique place. The people demand this policy be rejected as soon as possible. If it moves forward, then more study and public comment is required (Phase 2). In light of public opposition, it would be off if this policy skipped Phase 2.</p>	Confirmed receipt.	6/27/2019
30	7/6/2019	Madeline Bishop	Email	I am very concerned about the proposed policy change for the Nisqually Subarea that would be the first step towards issuing permits to recycle asphalt. Citizens are put at a disadvantage since Lakeside can hire experts to testify, as seen in the 2000 decision to allow the asphalt plant to move to the Nisqually. What circumstances would make it likely that contamination would occur? Incidents such as regulations not followed, earthquake, flood, acidic rain, excessively dirty asphalt, slow amounts building up over time etc. And are you willing to take the risk? I care about the water quantity, water quality and preservation of farmland.	Confirmed receipt	7/8/2019
31	6/20/2019	Howard Glastetter	Email	Attached is a memorandum by Steve Morrison, the project manager of the original 1992 Subarea Plan. This was used to reject Lakeside's request to put a plant in the Nisqually Valley. Courts allowed Lakeside in due to a county WAC that said an asphalt plant was an accessory use to a gravel mine. That law was changed from accessory use to permitted use to prevent this from happening again. There is more to this issue than: "Is RAP OK or not OK"	Confirmed receipt	
32	7/9/2019	Robert Clark	Email	Add me to the email list.	Added to mailing list and confirmed with sender.	7/9/2019
33	7/10/2019	Phyllis Farrell	Email	Lakeside's recycled asphalt policy E.5 in the Nisqually area should not be considered due to flooding, proximity to the river, wells, etc.	Confirmed receipt	7/10/2019
34	7/11/2019	Vera Spooner	Mail/Postcard	Protect water. Allowing RAP would be a violation of the subarea plan	Comment recorded.	7/11/2019
35	7/11/2019	A. R. Kuischur	Mail/Postcard	No Recycled Asphalt in the Nisqually.	Comment recorded.	7/11/2019
36	7/11/2019	Shelley C	Mail/Postcard	Protect water. Allowing RAP would be a violation of the subarea plan	Comment recorded.	7/11/2019
37	7/11/2019	LWV	Mail/Postcard	Protect water. Don't allow RAP in the Nisqually.	Comment recorded.	7/11/2019
38	7/11/2019	Charlotte Persons - LV	Mail/Postcard	Protect water. Allowing RAP would be a violation of the subarea plan	Comment recorded.	7/11/2019
39	7/11/2019	Barbara Buchan - LWV	Mail/Postcard	Protect water. Allowing RAP would be a violation of the subarea plan	Comment recorded.	7/11/2019

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				<p>The NRC requests the Board to require on-the-ground field studies of RAP leachate behavior in our region prior to moving forward with any change to current policy. Per their March 2017 letter, a narrow review may have unintended consequences that could be avoided through an adaptive management of the entire plan.</p> <p>The Subarea is critical for local water supply and ESI-listed species. Additionally, this study should be considered in pair with other concurrent proposals, such as the potential for sub-aquifer mining. THE NRC continues to support a holistic view of the Plan.</p>	Comment recorded.	10/21/2019
40	10/4/2019	Nisqually River Council Email				
41	11/17/2019	Phyllis Farrell - LWV	Email	<p>List of points for which the League of Women Voters supports or opposes measures based on. Stated that depending on certain policy for Nisqually Subarea Plan or Recycled Asphalt Policy, if there is scientific evidence to support/oppose the LWV measures, they could weigh in. Measures include: "Policies and procedures to preserve a natural estuarine environment for the Nisqually Delta should be supported; Any land or water uses which affect the Delta should be compatible in type and intensity with is ecological balance;; Changes to the ecosystem of the Nisqually River basin, Delta, and Nisqually Reach should be made only after their effect upon the Delta is considered; The state should assume primary responsibility for developing management goals and strategies for this area of statewide concern; priority must be given to implementation of a comprehensive, regionwide plan for the management of the area..."</p>	Comment recorded.	
42	9/10/2018	Howard Glastetter	Email	<p>The recent Thurston County Hydrological report says nothing about reprocessing ground up recycled asphalt pavement (RAP) in the permeable soil of gravel mines. Yet, there is a current study going on with this issue for the Nisqually Sub-Area. There are tests that can be done under the remainder of RAP piles at the old Lakeside Hogum Bay site, that could show whether or not leaching of polycyclic aromatic hydrocarbons are occurring here due to RAP wet weather storage. However, the Sub-Area study is only doing a summary of what has been written in the past.</p> <p>The code should discuss batching and recycling as entirely separate entities. The code should also be specific that accessory uses must be consistent with Subarea Plans.</p>	Comment recorded. The hydro study is specific to the mapping of the mineral lands designation, and does not specifically address recycling of asphalt. This is being considered as a separate policy consideration.	9/11/2018
43	1/15/2020	Howard Glastetter	Email	I strongly believe that there should be a statement that says : "Storage and processing of RAP, if allowed, should meet Best Management Practices that will prevent or strongly mitigate leaching of weather related water into soils or aquifer below the plant".	Code language to be addressed with the RAP review	1/16/2020
44	1/21/2020	David Hillman	Email	Requested update on schedule	Provided schedule	1/21/2020
45	7/6/2020	Howard Glastetter	Email	Resubmitted past comments on the issue regarding the origination of Policy E.5, the consultant report, water quality concerns and best management practices to mitigate impacts.	Comment recorded for the record.	
46	7/14/2020	Esther Kronenberg	Email	Processing RAP at the Holroyd site is extremely risky to our water resources, and these resources can never be replaced once tainted. Extreme weather events are happening more frequently. RAP was a bad idea in 1992 when the original plan was adopted. Since then we've added more people, and in 2020 its a worse idea and even more dangerous now. The only beneficiaries are a few employees and one company. The risks are potentially catastrophic.	Comment recorded.	7/15/2020

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47	7/14/2020	Madeline Bishop	Email	I oppose RAP in the Nisqually Subarea for the following reasons: 1) the lower Nisqually is a wellhead protection area; 2) water sources are from wells mostly and there is the City of Lacey well, Holroyd is on permeable soil and sites in the 100-year floodplain; 3) Lakeside knew RAP was not allowed before they built their new plant at Holroyd; 4) The pit is mined out and DNR should reclaim it; 5) a section of the pit is over the aquifer and dangerous toxins can infect the aquifer.	Comment recorded	7/15/2020
48	7/14/2020	Phyllis Farrell	Email	The goal of the plan is to protect existing rural environment of the Nisqually Planning area for future generations. The subarea has critical aquifer recharge areas and mcAllister geologically sensitive area - these areas are sensitive to contamination. The site is close to the Nisqually River and in the 100 year floodplain. RAP leachate could threaten water quality and Nisqually River fish stocks. There has not been a SEPA process for this proposal; the Planning Commission should have this information before making any recommendations. South Sound Sierra Club Group opposes the removal of the RAP prohibition.	Comment recorded	7/15/2020
49	7/15/2020	Howard Glastetter	Email	I have a comment regarding the Policy E.5. One sentence reads: "The proposed amendment would allow the recycling of asphalt pavement to occur as an accessory use within the mined-out portion of gravel pits within the Nisqually Subarea". I believe the term "accessory use" is currently incorrect and should be changed to "permitted use".	Comment recorded. Responded about the policy and permitted vs. accessory use.	7/15/2020
50	7/15/2020	Howard Marks, NAPA	Email	We ask that Thurston County amend the Nisqually Subarea Plan to allow for recycling in the subarea. We previously expressed concern over the consultant's report and have contracted with a university to conduct a review of existing literature - the result is different than what the County's consultant identified.	Comment recorded.	7/15/2020
51	7/15/2020	Karen Tvedt, League of Women Voters	Email	The LWVTC has concerns about Lakeside Industries' request to allow asphalt recycling in the Nisqually Subarea. This policy protects the subarea. If a change were to be made there would need to be circumstances that warrant the change. There have been no change in circumstances. Making a change to an established plan is not sound land use policy. A mined out gravel pit is likely one of the worst sites for RAP because the ground is very porous. Finally SEPA should be done at the earliest opportunity.	Comment recorded. The Applicant's environmental checklist has been included with the 7-15-2020 Planning Commission memo. A determination will be completed prior to a public hearing with the Board of County Commissioners.	7/15/2020
52	7/30/2020	Howard Glastetter	Email	This comment is supplemental to several other comments I've submitted over the years. Holroyd has a request to mine 80 feet below the water table - this should be considered ecologically unacceptable and there should be an agreement that this will not happen if RAP is allowed in the pit. Furthermore, Goal E.5 states that reprocessing of imported mineral materials shall not be the primary accessory use. This indicates that more than 50% must come from the pit (less than 50% must be imported). Finally, I'd like to comment on option 3, which mentions tarping as an acceptable BMP. This would work if air space were between the tarp and the pile, but without it, the tarp will cause existing water to be held inside the pile. Lakeside's Aberdeen currently uses this tarp/airspace technique and it cuts processing costs while reducing air pollution.	Comment recorded	7/30/2020

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53	7/30/2020	Lee Blankenship	email	I find it appalling that a government body would stand in the way of a proven environmentally friendly practice with far-reaching environmental benefit. As a scientist, the objections to this project are simply not credible. I urge you to follow the science and data. You should require monitoring of potential water runoff and use adaptive management principles to address issues that arise. I ask that you approve this the policy amendment request.	Comment recorded.	7/30/2020
54	7/30/2020	Loren Cohen	Email	I am in support of this request. Lakeside is a trusted employer in the labor and construction industry. Recycling asphalt is a sustainable environmental practice that is needed to support economic recovery, and it is a common practice. It lessens environmental impacts and reduces air emissions.	Comment recorded.	7/30/2020
55	7/30/2020	Kent and Maureen Ca	Email	We ask that you do not allow RAP in the Nisqually Valley. This area has productive farmland, please consider the health of the citizens.	Comment recorded.	7/30/2020
56	7/31/2020	Jana Wiley	Email	Do not allow RAP in the subarea. There is no compelling data that there would be no harm to people that live here, or the land, water and air.	Comment recorded.	7/31/2020
57	8/3/2020	Thurston County Chamber of Commerce	Email	Raw material for infrastructure is critical to the Thurston County Community. This amendment aligns with values of recycling and reuse. This policy contributes to environmental degradation and creates economic disadvantages. Please correct the policy to allow for asphalt recycling.	Comment recorded.	8/3/2020
58	8/3/1930	Dave Knutzen	Email	I urge you to follow the science and amend the Nisqually Subarea Plan to allow for recycled asphalt at Lakeside's facility. Recycling asphalt uses less energy, reduces air emissions, decreases the need for other natural resources, and is a practice that EPA and WA Dept of Ecology endorses. Please end decades of bad environmental policy.	Comment recorded.	8/4/2020
59	8/4/2020	Norm Dicks	Email	Science supports benefits of the use of recycled asphalt, including reduction of greenhouse gas emissions, reduced need to mine aggregate, and reduces need to landfill material. As a former congressman that fought for protection of this area, I urge you to listen to the science and take action to encourage recycled asphalt. The county can require monitoring of any impacts as all other counties do. I urge you to listen to FDOT, WSDOT, DOE, EPA, the Labor Community and the Business community, and to move forward immediately with this proposal.	Comment recorded.	8/4/2020
60	8/4/2020	Curt Smitch	Email	I had the opportunity to appear before the Board in 2014 to put this amendment on the docket. Thurston County has been dragging its feet to embrace a viable environmental practice. As an Olympia resident and former Assistant Regional Director of the U.S. Fish and Wildlife Service, I strongly recommend you take necessary steps to approve Lakeside's application.	Comment recorded.	8/4/2020
61	8/5/2020	Jeff Herriford - Lakeside	Email	We ask that the Planning Commission approve this amendment as written, so that we can seek a permit to recycle asphalt. Asphalt recycling preserves natural resources, results in 0% waste, requires no additional energy or materials, is encouraged nationwide, is an important aspect of an industry essential to economic growth, and is critical during economic downturns. Letter also includes 42 signatures of support.	Comment recorded.	8/5/2020
62	8/5/2020	Rick Hicks, Joint County	Email	We urge you to forward a favorable recommendation to the Thurston County Board of Commissioners. We made the same recommendation in December 2011. This is an environmentally friendly and sustainable practice.	Comment recorded.	8/5/2020
63	8/5/2020	Kevin Tedrick, Local 6	Email	Asphalt recycling is a sustainable practice that results in zero waste and can save landfill space. It is practiced throughout the United States. There is no clear evidence that asphalt recycling poses a real threat to water quality.	Comment recorded.	8/5/2020
64	8/3/2020	Russ Walpole - Teams Mail/Post		I ask that you approve the proposed amendment. This is a sustainable practice that results in zero waste and helps protect resources	Comment recorded.	8/14/2020
65	9/2/2020	Jody Disney	Email	I am concerned about the aquifer and water. I do not support allowing Lakeside to recycle RAP at this location.	Comment recorded.	9/2/2020
66	9/2/2020	Jan Dillon	Email	I support your efforts in the Nisqually.	Comment recorded.	9/2/2020
67	9/2/2020	Annabel Kirschner	Email	I strongly oppose asphalt recycling in the Nisqually. During the 1990s the County prohibited this activity based on water quality concerns. Time has not lessened these concerns.	Comment recorded.	9/2/2020

68	9/2/2020	Shari Silverman	Email	Please do not revoke the prohibition on recycled asphalt in the Nisqually Subarea. Keep the 1992 plan as is.	Comment recorded.	9/2/2020
				<p>The first attachment contains concerns I have had over the years with Lakeside's attempt to reprocess RAP in Holroyd's pit. The second contains observations about serious flaws in Holroyd's almost ten year old original application to mine 100 feet below the water table in their valley pit. I don't have electronic referenced attachments to the second document, but can get to hard copies if needed. The third document contains my observations about the Herrera RAP Study Document that was submitted to the county last year.</p> <p>I think the Planning Commission needs to be aware of both these high impact issues before any decision is made on either one. The Nisqually Sub-Area Plan will be meaningless if both Lakeside's and Holroyd's requests get approved before the rest of the plan gets discussed.</p>		
69	9/12/2020 and 8/21/2020	Howard Glastetter	Email	If the Planning Commission wants to rule on Lakeside's request, they should also make a written judgement that Holroyd's Request shall not be considered separately from reconsidering the rest of the 1992 Sub-Area Plan.	Comment recorded.	9/21/2020

Maya Teeple

From: Howard Glastetter <howard.glastetter@comcast.net>
Sent: Friday, May 24, 2019 3:31 PM
To: Shannon Shula
Subject: Comments on the Herrera Review.
Attachments: Proposed Docket Ammendment 1703.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Shannon,

I will study the review and get my comments to you when I finish. In the meantime, I'd like to submit a final variation of one of my comments that I've made over the past several years on this Nisqually Valley issue. The comments (attached) relate to the Herrera report and are already on record over the years at Thurston County in similar forms. The main point I'd like to emphasize now (as I have in the past) is that best practice for using RAP in asphalt production is to keep it dry under an un-walled building or a cover that allows air in, but keeps moisture out. Lakeside does this now at their Aberdeen, Washington plant. It allows asphalt pavement to be created at a lower temperature (due to not having to evaporate water in the RAP pile). This saves production cost and reduces both air and water pollution. It is a win for all parties.

-Howard

Howard H Glastetter
Howard.glastetter@comcast.net
(360)491-6645

Everything should be as simple as it can be, but no simpler.
Albert Einstein

Emailed to Thurston County March 5, 2017

This email is a public response to Lakeside Industries' latest docket attempt to remove Goal E-5 from the 1992 Nisqually Sub-Area plan. They want to reprocess Recycled Asphalt Pavement (**RAP**) at their Holroyd's Gravel Pit site in lower Nisqually Valley.

The overall goal of the November 1992 Nisqually Sub-Area Plan was to “**Maintain the existing rural environment of the Nisqually planning area with the primary emphasis on preserving ... its rural, aesthetic character for future generations.**” (Page 17). This overall goal has been in the forefront of the 1992 Plan as well as ongoing public and private efforts to restore and maintain the Nisqually River Valley. The no-RAP provision of Policy E.5, along with the other E goals (Page 20-21, attached) was designed to protect the rural character from industrial dominance.

The county has an obligation to defend this well thought out plan and strengthen it when it comes up for renewal. However, business impacts have increased, rather than be phased out as the plan has required. Examples:

- 1) A mined out pit at Yelm Highway and Reservation Road, in the Nisqually Sub-Area, has been converted to a construction waste site (The Sub-Area Plan (Goal E.1.) and DNR require mined out pits to be reclaimed). Stumps and construction material, including RAP, are hauled in from as far as Mason County. This operation is located in the Nisqually Sub-Area, contiguous to the McAllister Springs Sensitive Area - above Lacey and Olympia municipal wells. People in county government are aware of this violation.
- 2) After the flood of 1996, neighbors could only replace lost homes by putting them on high foundations. No lot filling was allowed. However, the gun factory, in the middle of the neighborhood, was given permission to put 20,000 cubic yards of fill on their 1996 flood inundated property. They have yet to use this filled area. That filled part of the property is now for sale.
- 3) Lakeside got into the valley on a technicality and now wants to add the RAP storage and recycling to their process. This would have an increased truck traffic impact on the valley and opens the door to possible water and air pollution.

There are ongoing concerns with flooding. In 1996, much of the lower Nisqually Valley was under floodwaters, including portions of the Holroyd gravel mine. Due to past rail line, bridge and highway construction the Nisqually River has been artificially forced to the higher **east** side of the valley. When the river has major floods, it naturally flows to the **west**, above the rail line, through the Durgin Road Tunnel upstream, from the Holroyd Gravel Mine. If floodwaters enter the pit, aquifer groundwater could be infiltrated by pollutants from RAP storage in the pit, if RAP were ever allowed. (Flooding in Nisqually Valley will continue to be an issue as long as Tacoma Power is allowed to top off the Alder Lake Reservoir in the fall/winter seasons.) **Goal E.5 states: “... the reprocessing of asphalt shall not be allowed due to water quality concerns”.** Note: RAP is recycled pavement. When it is ground up the surface area dramatically

increases and allows greater leaching of chemicals in the RAP. Please see next paragraph. Yellow highlighting is mine.

<http://www.rmrc.unh.edu/tools/uguidelines/rap131.asp> “For unbound applications, leachability from the RAP may also be a concern. This same leachability would be a concern if RAP was stockpiled or stored and exposed to precipitation.” What this URL is saying is that using RAP as one would use raw gravel for a road or driveway would cause more (possibly unacceptable) leaching into the soil than, say, a solid road made of bound asphalt. The reason being, that increased surfaces of the unbound RAP particles would have far more surface area to leach from than a hard surface road (much the same as a RAP stockpile exposed to the weather).

If RAP is allowed, and I’m not recommending it, there is a way to mitigate its effects. Below is the “Best Practice” to reduce moisture in RAP. It allows RAP to be processed at a lower temperature, reducing the cost of producing asphalt. There are two additional side benefits to this. Less heat means less energy, reducing air pollution. Keeping RAP dry also prevents chemical leaching into the ground water. This is a win for the asphalt company (less cost) and the neighborhood (less water/air pollution).

The **un-walled building** cover technique was also recommended in two different articles in the handout we used when I was on the Thurston County Asphalt Advisory Task Force (AATF) in 2007-8. A Lakeside employee told me they had no intention of doing this.

Note of caution: This still would not solve the problem of having a large source RAP pile in the pit. Suppose Lakeside were allowed to have RAP at their site. If Lakeside were to maintain a source RAP pile of the size they had when they were at the Hogum Bay Olympia Landfill a few years ago, it likely would create a water pollution problem. They had an irregular pile 60+ feet in height and around 150 feet across at the base. That may have been marginally ecologically acceptable, because the water table could be around 100 feet below ground level at the Hogum Bay site. The current permeable gravel floor at Holroyd’s is about 15 to 20 feet above an aquifer water table, even less in wintertime. Holroyd’s pit is also in the Nisqually 100-year floodplain. I have photos that show they were flooded in 1996.

<http://www.morerap.us/files/rap-best-practices.pdf>

Stockpiling to Minimize Moisture

Moisture content of aggregates and RAP is a primary factor affecting an asphalt plant’s production rate and drying costs. Some contractors have implemented creative approaches to reducing moisture content in stockpiles. The best practice to minimize the accumulation of moisture in stockpiles is to cover the stockpile with a shelter or building to prevent precipitation from getting to the RAP. Second to that, it is a good practice to use conical stockpiles to naturally shed rain or snow, and to place the stockpile on a paved and sloped surface to help water drain from the pile. Irregular-shaped stockpiles with surface depressions that will pond water should be corrected by shaping the pile as it is being built with the front-end loader or a small dozer. However, the use of heavy

equipment on the top of RAP stockpiles should be minimized to avoid compaction of the RAP. Likewise, it is also recommended that RAP stockpiles be limited to 20 feet in height to reduce the potential for self-consolidation of the stockpile.



Final thoughts:

Lakeside RAP storage at the Hogum Bay site did not meet “**Best**” or even “**Second Best**” practices. Would they do better in Holroyd’s pit? The jury is out on that. The aquifer below the pit is the source of drinking water for some as well as farm / garden irrigation for many in the valley.

Lakeside knew RAP was not allowed before they built their new plant at Holroyd’s pit. The County Commissioners and two court decisions ruled they could not use RAP in Nisqually Valley. ORCAA reaffirmed they could not, due to Sub-Area Plan rules. They chose to push their way into this rural residential area, anyway. Since then, they’ve been posturing that they have been treated unfairly.

Holroyd’s pit is close to being mined out. DNR and the Sub-Area Plan say they have to move out when that happens. Will they? Or, will they want increase truck traffic and change infrastructure to haul in **gravel** from another pit **as well as RAP**? This would also be in violation of the Sub-Area Plan. **(Goal E.5 says: ”The reprocessing of imported mineral resources shall not be the primary accessory use”** Gravel is a mineral and is supposed to come from inside the pit.

Thank you for your consideration.

Sincerely,

Howard Glastetter
howard.glastetter@comcast.net
 (360)491-6645

From: [EJ Zita](#)
To: [Maya Teeple](#)
Cc: [Shannon Shula](#)
Subject: Recycled Asphalt Plant info
Date: Sunday, May 26, 2019 1:40:57 PM

Hi, Shannon and Maya, please do put me on the mailing list for this. Thank you for your work, and for letting us know.

I understand that public comment is due 14 June, and the hearing is 20 June.

Best, Zita

E.J. Zita, Commissioner, Port of Olympia, District 3

ejz@portolympia.com * 360-481-9315 * www.portolympia.com

We're working for sustainable economics, community benefit, and environmental stewardship at the Port of Olympia.

My personal response may not represent all Port perspectives.

If you do not receive a response within a week, please try again. Thank you - Zita

-----Thurston County Community Planning <wwm-webmaster@co.thurston.wa.us> wrote: -----

To: ejz@portolympia.com

From: Thurston County Community Planning <wwm-webmaster@co.thurston.wa.us>

Date: 05/22/2019 10:30AM

Subject: Consultant Literature Review on Recycled Asphalt Now Available Online. Public Info Meeting on the Report on June 20, 2019.

From Thurston County Government

COMMUNITY PLANNING

(Formerly Long Range Planning)

Webmail sent May 22, 2019

Hello from Community Planning

Consultant Literature Review on Recycled Asphalt Now Available Online.

The public is invited to submit written comment on the report, and attend an informational public meeting on June 20, 2019.

Citizens can now review and provide comments on the [literature review](#) conducted by Herrera Environmental Consultants. This literature review was conducted as part of a proposed policy change. The proposal would amend a single policy within the Nisqually Subarea Plan to remove language that currently prohibits asphalt recycling within the subarea.

A public meeting will be held by Community Planning to provide information on the literature review. Herrera Environmental Consultants will give a presentation on the report at this meeting beginning at 6:30 PM.

What: Public Information Meeting on the Consultant Literature Review as part of the Proposed Amendment to the Nisqually Subarea Plan Recycled Asphalt Policy (Policy E.5)

When: Thursday, June 20, 2019

Time: 6:00 p.m. - 7:30 p.m.

A presentation will begin at 6:30 p.m.

Where: Lacey Community Center, Meeting Rooms 1 & 2 at 6729 Pacific Ave. SE in Olympia, 98502

Persons with disabilities requiring reasonable accommodations to participate in the meeting should call the staff contact listed below to request ADA accommodation at least five days prior to the public meeting. Persons with speech or hearing disabilities may call via Washington Relay: 711 or 800-833-6388.

HOW TO SUBMIT WRITTEN COMMENTS & PROVIDE INPUT

The public may submit mailed or emailed comments on Herrera Environmental Consultant's literature review report. Comments can be emailed to Shannon Shula, Associate Planner, at Shannon.Shula@co.thurston.wa.us, hand delivered, or mailed to:

Thurston County Community Planning and Economic Development
Attn: Shannon Shula, Associate Planner
2000 Lakeridge Dr. SW
Olympia WA, 98502

Comments must be received no later than 5:00 p.m. on Friday, June 14, 2019.

LEARN MORE ONLINE

View additional information regarding the meeting, the County's review process, and opportunities for public involvement online at the [2017/2018 Official Comprehensive Plan Amendment Docket - Item 11 \(Recycled Asphalt Policy Consideration\) webpage](#).

HOW TO GET MORE INFORMATION OR TALK TO SOMEONE

If you have questions, please contact Shannon Shula by email at Shannon.Shula@co.thurston.wa.us or call 360-786-5474.

Sincerely,

Thurston County Community Planning Staff

[SUBSCRIBE TO OUR EMAIL LIST](#)

[VISIT OUR WEBSITE](#)

Thurston County Planning Department,
2000 Lakeridge Drive S.W., Olympia, WA 98502

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Comments on Herrera's Contaminant Leaching from RAP document

By Howard Glastetter
 11110 Kuhlman Road SE
 Olympia, WA 98513
Howard.glastetter@comcast.net
 Cell: (360)556-1574

May 28, 2019

The Herrera document was based on available, easily accessed, online studies; most of which have been around for several years. The report was even-handed and concluded that recycled asphalt pavement (RAP) leaches chemicals and is an issue of concern, albeit somewhat minor in this area.

I'd like to preface my comments on the document with an observation of the Lakeside operation at Holroyd Gravel Mine. Their operation is state of the art. It is very rare to smell any odor of hot asphalt from the pit. Nisqually neighbors get a whiff of it when covered trucks drive by, but that's it. Lakeside employees have been respectful ladies and gentlemen. So, Lakeside is a good neighbor.

A couple comments in Herrera's document caught my eye. I knew that New Jersey had very stringent rules about RAP. On page 10 of the document, under **Toxicity Testing** in New Jersey, it states: RAP "... could be used as an unbound material in all environments except those which are highly acidic $\text{PH} < 4$), such as mines ... (Note: the assumption is that the authors are referring to coal- and metal-type mines and not gravel-type ...)" I did a little research, see below.

https://www.sourcewatch.org/index.php/New_Jersey_and_coal#Major_coal_mines

Major coal mines

There are no coal mines in New Jersey.^[18]

<https://www.state.nj.us/dep/njgs/pricelst/gsrreport/gsr25.pdf>

The introduction to the PDF says: Sand and gravel production in New Jersey is a \$100 million annual business with 786 mining operations, around 100 of which are active.

 Metal mining in New Jersey appears to be a thing of the past and was done via tunneling and not open pit. So, a better Herrera assumption would be that the "authors are referring to **permeable soiled gravel mines**". I'm familiar with wells at 3 different homes in Nisqually Valley below Holroyd's mine. They all contain a certain amount of red / brown turbidity, which I believe is caused, to a certain extent, by gravel mining in the pit. See below.

<https://www.reference.com/home-garden/causes-well-water-suddenly-turn-brown-f7f4fce6acfc870>

"The most common cause of brown well water is iron contamination. A sudden change in water-color means that the contaminant is newly introduced to the well, and it may be caused by **industrial contamination**, rusty plumbing fixtures or natural iron leaching from the ground". Nisqually valley soil contains iron.

Back to the Herrera document: A point was made (page 17 - ***Comparison Studies to Expected conditions in Nisqually***) that “European RAP tests may not relate to U.S. tests, because asphalt pavement was made there with tar as an additive until 1975 and emits more polycyclic aromatic hydrocarbons than RAP produced from bitumen which is what has been used in the U.S. since WW 2.”

Page 19 item 1 made me pause. It stated that tests showed: “Cu and Zn (copper and zinc) also exceeded U.S. EPA WQLs”. This reminded me that there is a more modern ingredient that is popular in U.S. asphalt production: recycled asphalt roofing shingles. Some of the more expensive shingles come impregnated with copper flakes to prevent moss buildup. Many home owners put zinc on asphalt roofs, either as metal strips, liquid applications, or solid zinc flake applications to do the same thing. Does reprocessing these used shingles add these metals to asphalt roads that will eventually be ground up, returned and stored to open weather at an asphalt plant site? I’m not seriously suggesting this as the source of Cu and Zn metals found in the above test. I mention it because, most of us are initially pleased to hear about recycling. However, as Einstein said: “Everything should be as simple as it can be, but no simpler”. The reprocess should be safe. Keep RAP dry when storing it over a permeable floored gravel mine.

The Herrera study painted Nisqually Valley with a broad brush. I’d like to add a few details. The lower valley is classified by Thurston County as a Wellhead Protection Area. It is also protected, as a rural environment, by a Thurston County Sub-Area Plan.

The water sources for all residents in the lower valley are from wells. Many residents, but not all, get drinking water from a Lacey City well next to the Nisqually River - less than a half mile from Lakeside’s Asphalt Plant. The plant sits in the permeable soil of Holroyd’s Gravel Mine at the very beginning of the Nisqually Delta in lower Nisqually Valley. The pit was once the end of a glacier. There is a capped-artesian-springs well just across Old Pacific Highway from the pit. These springs obviously run under the pit and likely continue through rural residential land to Puget Sound. (There was, until recently, a capped artesian spring pipe near the board walk in the tide lands at the Nisqually Delta sanctuary.) This mine / industrial activity is up-river from many homes that have private wells because Lacey Water doesn’t serve them. Holroyd’s Pit, itself, has a several-year-old active request at the county to mine the pit from its current permeable floor level to 80 feet below the water table. Delivering RAP to the pit would also mean increased truck traffic on the two-lane roads in the valley. So, this site is a very sensitive part of the valley and could become a stressed one.

If RAP were ever allowed, it should be under cover and out of the weather before and during its use. Please see a past comment on RAP that I resubmitted May 24, 2019. It shows weather protection is an industrial “Best Practice”.

Sincerely,

Howard Glastetter



P.O. Box 7016 / Issaquah, WA 98027
ph: 425.313.2600 / lakesideindustries.com

June 12, 2019

Via email

Thurston County Community Planning & Economic Development
Attn: Shannon Shula, Associate Planner
2000 Lakeridge Drive SW
Olympia, WA 98502

**Re: Lakeside Industries' Comments on Herrera Review Literature Review -
Leaching from Recycled Asphalt Pavement**

Dear Shannon:

Thank you for this opportunity to comment on the Literature Review on Contaminant Leaching from Recycled Asphalt Pavement ("RAP") prepared by Herrera Environmental Consultants, Inc. and dated May 14, 2019 ("Herrera Review").

RAP materials "have been successfully reused and recycled into new asphalt pavements since the 1970s."¹ The Herrera Review analyzes the potential for leachate from RAP and generally concludes that the impact to the environment from RAP stockpiles is limited or negligible. Unfortunately, the Herrera Review includes several inaccurate statements and excludes important information, which may create unnecessary concern. We address those issues below.

Additionally, the Herrera Review did not consider or address the various best management practices ("BMPs") available to eliminate any possible concerns regarding RAP leachate. For example, Lakeside would be willing to cover its RAP stockpiles within the Nisqually Sub-Area to mitigate any possible concerns with the "initial flushing" identified in the Herrera Review.

Background

There is a good reason why no city or county in the United States, other than the Nisqually Subarea in Thurston County, prohibits the use of RAP in new asphalt production. RAP is safe for use in producing new asphalt and it is the most recycled product in the Country. RAP is critical to sustainable use of our natural resources. RAP does not harm fisheries, water quality, other habitat or humans. Asphalt, including asphalt with RAP, is used to line fish hatchery ponds and drinking water reservoirs.

Asphalt has been called the "ultimate recyclable product" and the use of RAP is a standard practice in Washington and throughout the world. Reprocessing asphalt is consistent with the

¹ Mehta et al. (2017), pg. 1.

vision in Thurston County's Comprehensive Plan. It preserves the human environment by encouraging jobs in the community. It preserves the natural environment by encouraging protection of mineral resource lands, limiting the carbon footprint of asphalt paving, and preventing unnecessary waste in landfills. It promotes economic health by reducing the cost of asphalt manufacturing, which supports local asphalt paving businesses and property owners.

Thurston County adopted the Nisqually Sub-Area Plan in November 1992. As adopted, the Nisqually Sub-Area Plan prohibits the use of RAP in the mined-out portion of a gravel pit based on "water quality concerns." One month after its adoption, the Thurston County Public Health Department took the position that "a waste asphalt recycling operation presents none to very minimal environmental health concerns." See *Attachment 1*. Despite the Thurston County Public Health Department's finding, the Nisqually Sub-Area Plan still prohibits the use of RAP in the Nisqually Sub-Area. Lakeside Industries requested an amendment to the Nisqually Sub-Area Plan to remove this prohibition. To further advance the County's understanding of water quality impacts from RAP, the County contracted with Herrera to analyze available leaching research.

The Herrera Review found limited or no cause for concern

The Herrera Review's ultimate conclusions find limited or no cause for concern caused by leaching of RAP. The purpose of the Herrera Review was to "review available research on direct measurements of leachate from RAP."² After an initial assessment of over 100 articles, the Herrera Review analyzed eight "highly rated" studies by Aydilek et al., Legret et al., Mehta et al., Birgisdóttir³ et al., Norin and Strömvall, Kang, et al., Morse et al., and Brantley and Townsend.⁴ Consistent with its purpose, the Herrera Review came to three key conclusions:

- RAP is highly variable;
- Some contaminants leached from RAP in laboratory tests at concentrations exceeding state groundwater quality standards; and
- The initial flush of contaminants from RAP "can result in concentrations exceeding Washington state groundwater quality standards, but these peak concentrations decrease quickly to below detection limits as more water is flushed through the RAP."

The Herrera Review also noted in its conclusions: "a number of the researchers suggested that the impact to the environment would be negligible if dilution and assimilation were considered."⁵

Based on the Herrera Review's conclusions, leachate from RAP is not an environmental concern. While RAP may leach some contaminants at first flush, levels decrease to below detection limits quickly, creating a negligible overall impact. Despite these clear conclusions, the Herrera Review contains inaccurate statements and excludes contextual information.

² Herrera Review, Executive Summary.

³ The Herrera Review repeatedly misspells this author as either "Birgisdottir" or "Birgisdotter." (See e.g. Herrera Review, pg. 19).

⁴ On page 19 of the Herrera Review, Brantley and Townsend is misspelled as "Brently and Townsend."

⁵ Herrera Review, pg. 18.

The Herrera Review does not accurately reflect local conditions or local RAP impacts.

The Herrera Review makes inaccurate statements or excludes crucial information regarding local conditions relevant to the impact of RAP in the Nisqually Sub-Area. First, three of the studies analyzed in the Herrera Review were conducted in Europe, where road usage is quite dissimilar from the U.S. Popular vehicle manufacturers and models in Europe are not as common in the U.S. Diesel fuel is more prevalent in Europe. European road products are also different. For example, in Scandinavia, where the Birgisdóttir and Norin and Strömvall studies were performed, studded tire road wear and winter de-icing solutions are more prevalent than in the Nisqually Sub-Area. These differences likely influenced data in the studies.

Additionally, the Herrera Review incorrectly asserts that rainwater in the Puget Sound region is quite acidic; however, more recent analysis determined that local rainwater is not as acidic as Herrera's Review declared. The Norin and Strömvall study used water with a pH of 4.0 or 4.5 for its batch tests. The Herrera Review relied on a 1977 document to assert that "the acidic test conditions used in the [Norin and Strömvall] batch tests are not too low to represent expected conditions in Nisqually." Fortunately, the Pacific Northwest does not currently experience such acidic rainfall. For the last thirty years, pH in the Puget Sound region has ranged between approximately 5.0-5.3.⁶ The pH scale is logarithmic. Thus, a pH of 4.0 is **ten times** more acidic than a pH of 5.0. For this reason, acidic test conditions used in the Norin and Strömvall study were, in fact, too low to represent expected local conditions.

The Herrera Review presents information in a manner that exaggerates study results.

The Herrera Review presents information in an ineffective manner. For example:

- Tables included in the Herrera Review depict data in ranges. This does not consider that the highest number in the range can be (and often is) an outlier, which consequently highlights the rare exceedances.
- In some instances, a range should be provided in a table but is not. For example, the Legret et al. (2005) study found 0.055 µg/L of dibenzo(a,h)anthracene in column tests on Day 2 of the study; however, that concentration decreased to below detection levels for every additional test. Table 2 shows the exceedance without noting the numerous samples with no dibenzo(a,h)anthracene detected.
- A couple studies used RAP from highly contaminated property, such as a gas station⁷ and a roadway containing lead paint.⁸ Such samples were not representative of RAP that would be accepted for recycle in Thurston County. The Thurston County Code does not allow recycling of asphalt from a gas station⁹ and lead is no longer used in paint.

⁶ See data from the National Atmospheric Deposition Program/National Trends Network.

⁷ The Birgisdóttir study used RAP from a gas station.

⁸ The Mehta study used RAP containing lead paint.

⁹ TCC 20.54.070 (3.1) ("The source of Recycled Asphalt Pavement (RAP) shall only be from highways, roadways, runways, parking lots and shall not be from a contaminated site such as a Superfund site or Model Toxic Control Act (MTCA) site.").

- The Herrera Review Table 1 includes batch test data the Norin and Strömvall column, but the Norin and Strömvall authors did not conduct batch tests – the data was taken from a separate study.¹⁰ Herrera’s decision to incorporate data from a separate study conflicts with its stated goal to use only primary data sources in its literature review.¹¹

The Herrera Review’s summarized conclusions are quite dissimilar from the conclusions in the underlying studies.

The Herrera Review provided two to three sentence summaries of the studies,¹² but those summaries inaccurately reflect the key conclusions of the report. Namely, the following are direct quotes from several of the study conclusions that are not reflected in the Herrera Report:

Aydilek: “[Water Leach Test (WLT)] and [Column Leach Test (CLT)] results could not be compared due to differences in liquid-to-solid ratios (20:1 for WLT versus 0.1:1 for CLT), test durations (18 hours for WLT versus two months for CLT), and test conditions (static for WLT versus dynamic for CLT). Nonetheless, both tests provided an insight into the leaching potential of RAP. **RAP did not release excessive amounts of toxic metals in either case.**”¹³

Legret: “The various extraction methods used during this study, as well as the batch and column experiments, have shown that pollutant leaching is rather weak for most of the studied parameters. Concentrations in the solutions derived from batch leaching tests generally remained below EC limit values for drinking water....In all instances however, assessments were restricted, with leachate concentrations generally falling below detection limits.”¹⁴

Mehta: “RAP may be used as an unbound material in all environments except those which are highly acidic ($\text{pH} \leq 4$) such as, but not limited to, mines with sulfur-containing minerals or landfills where other materials may decompose creating an acidic environment.”¹⁵

Birgisdóttir: “Concentrations of PAHs that are found above the Danish soil quality criteria near roads in Denmark paved with bitumen-based asphalt is very unlikely to be caused by leaching of PAHs from the asphalt.”¹⁶

Unfortunately, the Herrera Report does not adequately present these and other study conclusions.

¹⁰ Herrera Review, Table 1, footnote h. The Herrera Review explains in a footnote that the data attributed to Norin and Strömvall was taken from another study, stating that “[r]esults reported are from batch tests performed during previous research (Larsson 1998) that were performed on finely ground material.”

¹¹ Herrera Review, pg. 2 (“The remaining sources were sorted with the objective of including only those that serve as primary data sources; studies that did not contain data or that summarized data collected by others were excluded.”)

¹² See Herrera Review, pg. 19.

¹³ Aydilek et al. (2017), pg. 70 (emphasis added).

¹⁴ Legret et al. (2005), pg. 3684.

¹⁵ Mehta et al. (2017), pg. 4 and 84.

¹⁶ Birgisdóttir et al. (2007), pg. 1420.

The Herrera Review has a limited scope and does not consider Best Management Practices that would prevent leachate and/or transport of materials.

Best management practices could prevent leachate altogether or could prevent transport of materials to ground or surface water. However, the authors of the Herrera Review note, “[t]he study scope was specifically constrained to summarizing research on direct leaching of pollutants. For example, it does not account for use of best management practices (BMPs) such as covering the material to reduce the amount of precipitation that comes into contact with the RAP, thereby limiting leachate formation. It also does not address fate and transport as leached materials move over or through ground and water.”

While it is clear from the conclusions of the analyzed studies that there is limited or no cause for concern of leaching from RAP, numerous BMPs could address and prevent leaching and transport of materials, including storm water controls and/or installation of a cover (e.g. a tarp or shed) to prevent rainfall on RAP piles. The ultimate decision whether to permit the recycling of asphalt within the Nisqually Sub-Area should be based on all relevant information, including the availability of BMPs.

Asphalt stockpiling is currently allowed throughout Thurston County

Asphalt recycling is allowed throughout Thurston County, with the small exception of the Nisqually Sub-Area. In fact, facilities within the Nisqually Sub-Area are permitted to recycle and stockpile RAP as long as the facility is not located within the “mined-out portion of a gravel pit.” Several facilities in Thurston County have been recycling asphalt for years.

Conclusion

Relevant studies and data show that RAP leachate is not an environmental concern. Notwithstanding these findings, BMPs can even further ensure that RAP creates zero impact on water quality within the Nisqually Sub-Area.

Thank you again for your time and consideration on this important issue.

Sincerely,



Kyler Danielson
Land Use Project Manager
Lakeside Industries

Enclosure

cc: Maya Teeple, Associate Planner, Thurston County

Attachment 1

RECEIVED

DEC 15 1992

THURSTON CO. PLANNING DEPT.

COUNTY COMMISSIONERS

George L. Barner, Jr.

District One

Diane Oberquell

District Two

Linda Medcalf

District Three

THURSTON COUNTY

WASHINGTON
SINCE 1852

PUBLIC HEALTH AND
SOCIAL SERVICES DEPARTMENT

Patrick M. Libbey, Director
Diana T. Yu, MD, MSPH
Health Officer

December 15, 1992

Michael Kain
Thurston County Planning Department

Re: Policy statement - Asphalt/concrete recycling

Dear Mike,

This is a reply to your recent request for a position response from the health department with regard to site specific use for recycling of waste concrete and asphalt. After review and consultation with DOE and the initial examination of the Jone's Quarry S.U.P. for the on-site recycling of concrete and asphalt, our department has taken the approach that a waste asphalt recycling operation presents none to very minimal environmental health concerns.

Formerly, our department's greatest concern was the possibility of leaching PAH's from the asphalt materials to ground or surface waters. Present research and information suggests that this is not a serious problem as PAH's are basically insoluble in water and adsorb well to organic soils. If future information about asphalt indicates otherwise, then our department will reassess our current approach.

However, as a condition of issuance of a solid waste permit for such a facility, other parameters would need to be addressed:

- 1) the hydrogeological characteristics of the site would need to be assessed, ie., waste material would not be stored in a wetlands or flood plain area, nor should the material have direct contact with surface or groundwater or placed on excessive slopes.
- 2) all waste materials received at the site is to be quantified (by weight or volume) and the source of the material must be known. For instance, if the waste asphalt or concrete came from a known industrial site or petroleum spill, this material would not be suitable for recycling. The operator would be obligated to turn away the material or test the material prior to acceptance.
- 3) Surface water run-off at the site would need to be addressed.

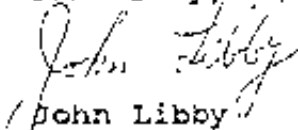


page 2

The recycling of waste materials is also in concert with stated county and Washington State goals to divert waste items from landfilling to a more beneficial use. Asphalt and concrete recycling definitely support these goals and the county should be supportive if site specific proposals can meet the appropriate solid waste permitting criteria.

I hope this will help in future determinations about this issue. If you have further inquiries, please contact me at 786-5461.

Sincerely,



John Libby
Solid Waste Program

cc: Gregg Grunenfelder
Jane Hedges



June 13, 2019

Thurston County Community Planning & Economic Development
 Attn: Shannon Shula, Associate Planner
 2000 Lakeridge Drive SW
 Olympia, WA 98502

Transmitted via email to:
Shannon.Shula@co.thurston.wa.us

NAPA/WAPA comments regarding Literature Review of RAP leachate

The industry appreciates the opportunity to review and comment on Herrera Environmental Consultant's Literature Review entitled "Contaminant Leaching from Recycled Asphalt Pavement" ("Literature Review" or "Report") as its findings could greatly impact asphalt pavement facility operations. Based on our reading of the Report, ***we strongly question the credibility and validity of the Literature Review and recommend it be removed from public record.*** Supporting evidence for this statement is available below

To our knowledge, the Nisqually Sub-Area's prohibition of storage and use of RAP, a valuable recycled material that has been stockpiled and used across the U.S. for at least four decades with no adverse environmental or health impacts, is a first. Because of the importance and implications associated with Thurston County's upcoming decision, and due to the serious mischaracterizations in the Literature Review, we find it necessary to provide our written response as part of the public comment process.

National Asphalt Pavement Association ("NAPA") is a 501(c)(6) trade association representing asphalt pavement material producers and paving contractors at the national level. Last year, the approximately 3,500 asphalt plants across the country produced more than 350 million tons of asphalt pavement mixture and employed some 250,000 individuals in the production and placement of asphalt-based pavements. The continued use of RAP in asphalt pavements is critical to ensure the nation's paved roadway surfaces are economically constructed and smooth, safe, and quiet for the travelling public.

Washington Asphalt Pavement Association ("WAPA") likewise represents asphalt pavement material producers/paving contractors at the state level and has served this function since its founding in 1954. WAPA member companies own and operate 60+ asphalt plants which produce 98% of the hot mix asphalt ("HMA") manufactured statewide. WAPA continuously partners with the Washington State Department of Transportation and the American Public Works Association of WA to develop and refine the use of RAP in HMA. RAP use has been a broadly accepted standard/technology in Washington for over 20 years and represents in excess of 20% of the annual HMA volume produced for both the public and private market.

Introduction

Across the country, as part of everyday maintenance, repair, and construction activity, old asphalt pavement material is removed from roads and parking lots and then reclaimed for future use. In 2017,

about 1.2 million tons of RAP was used in new pavement mixtures in Washington state alone. A recent study by the University of Washington identified 63 existing RAP stockpiles of significant volume containing approximately 1.4 million tons of RAP distributed across the state, all of which is destined to be incorporated into new pavements. Nationwide, more than 99% of RAP collected is put back to use in new asphalt pavements, saving more than 48 million cubic yards of landfill space annually and helping to reduce the cost of new pavement mixtures compared to all-virgin-material mixes.

Because use of RAP is now ubiquitous, many state transportation and environmental agencies have investigated the environmental implications of RAP stockpiles. These agency investigations, along with the majority of independent academic research studies, have not found reason for concern from the storage of, and stormwater runoff from, RAP stockpiles. As of year-end 2017, over 100 million tons of RAP was stockpiled in the U.S., and decades of monitoring runoff from RAP stockpiles has similarly found no reason for concern associated with stormwater runoff from RAP stockpiles. For example, Virginia Department of Transportation (“DOT”) conducted a literature review of RAP leachate, similar to Thurston County’s review, and concluded that although “concern has been expressed that lechate [sic] resulting from flood or rainfall could be contaminated by such recycled asphalt and thus have negative environmental consequences, ... [r]esults of numerous field studies and standardized tests, including the Toxicity Characteristic Leachate Procedure (TCLP) test, suggest that typical RAP can be used as ‘clean fill’ without undue negative environmental consequences.”¹

The Literature Review Report stands in stark contrast to these decades of proven findings. Unfortunately, the Report mischaracterizes study results and is of questionable relevance to the issue of the environmental implications of RAP stockpiles. The Report also fails to address the numerous issues with many of the studies initially raised in comments previously submitted to the County.

Holistic Assessment of RAP Stockpiling

Before we call to your attention a few of the report’s most serious misstatements and mischaracterizations, we think it important to holistically assess the potential for environmental harm from RAP stockpiles.

RAP is no different than typical asphalt pavement surfaces. The primary source of contaminants of concern come not from the asphalt material itself, but instead from emissions associated with continuous vehicular traffic. For this reason, the case can be made that runoff from RAP stockpiles is a less likely source for stormwater contaminant runoff than in situ hardscape (i.e. existing road surfaces) because, beyond an initial flushing, as documented in the Literature Review, no further contaminants would leach from a RAP stockpile. This is intuitive and incontrovertible.

Similar with other state DOTs, the Washington State DOT and the Federal Highway Administration have allowed RAP to be used in a number of different roadway and highway applications for decades, including as a crushed rock supplement and as common fill and side-slope fill (see WSDOT Standard Specification 9-03.21(1)E).

¹ See <http://vtrc.virginiadot.org/rsb/RSB4.pdf>

The Literature Review Contains Numerous Inconsistencies

As mentioned, there are a number of inconsistencies and misstatements in the Literature Review; however, instead of identifying misstatements that should have been revised, we will highlight several mischaracterizations that lead us to question the report's overall credibility and validity.

First, the issue of potential RAP leachate on water quality has already been addressed by many state and federal agencies since the 1990s and most recently in 2017. Although the Literature Review identifies two comprehensive state/federal agency studies (Mehta et al. (2017) and Aydilek et al. (2017)), The Report's summary of these comprehensive reports focuses on a few insignificant, individual factors in certain water quality standards from testing apparatuses purposefully designed to over-estimate potential leachate.

Second, Herrera Environmental Consultants do identify that some foreign studies (e.g., Norin and Stromvall, 2004) may be non-representative of typical U.S. asphalt pavement production practices, specifically because coal tar was historically used in some European countries. Herrera further states that because of "this and other sources of variability, only broad summaries can be drawn from the research." However, it remains unclear why the Literature Review relies heavily on the Norin and Stromvall (2004) study to illustrate excessive PAH leachate, even though it acknowledges coal tar contains thousands of times more PAHs than bitumen.

Last, the Literature Review Report relies on studies without analyzing or considering how differences in pH, RAP characteristics, testing conditions, and storage conditions influence the analysis. The studies cited all analyze differing material under differing circumstances that are not necessarily consistent with the conditions in Thurston County.

The Literature Review Mischaracterizes Findings and Conclusions from the Analyzed Studies

While the Literature Review Report attempts to characterize the impact of RAP leachate, it mischaracterizes the reviewed literature to such an extent that its findings should not be relied upon. Instead, Thurston County should rely on the numerous state and federal agency characterizations of RAP leachate potential in deciding whether to allow RAP stockpiling in the Nisqually Sub-Area.

Although we are concerned with the entirety of the Literature Review, our letter focuses on a few examples to demonstrate how the Report mischaracterizes studies.

Mehta et al. (2017)

The "Mehta et al." study from 2017 was an almost \$500,000, 100-page study, which included extensive toxicity testing conducted by both Columbia University and Rowan University, and sponsored by both the U.S. DOT and the New Jersey DOT. The study "abstract," which describes the purpose and findings of the study, states:

The primary goal of this study was to investigate the environmental impacts of reclaimed asphalt pavement (RAP) while it is freshly processed (i.e., fresh HMA) and after subjecting it to accelerated weathering. ... The results of these experiments showed that high molecular weight polycyclic aromatic hydrocarbons (PAHs) can elute from the weathered RAP materials, but none was above EPA guidelines. These released pollutants were largely attenuated in the soils. ... Based on the results, RAP may be used as an unbound material in all environments except those which are highly acidic (i.e., pH ≤ 4).

In direct contrast to the Mehta et al. study's stated findings, the Literature Review's summary of Mehta et al. (2017) states the following:

Lead was close to or higher than US EPA drinking water standards for a number of the weathered NORTHRAP samples in batch tests ... [and] ... benzo(a)anthracene [sic] was detected at levels of concern based on 1995 US EPA human health advisory levels. In the experiments conducted with a strong solvent, many of the PAHs exceeded US EPA 2016 Clean Water Act criteria.

Further, the Report concludes: "While some portion of the contaminants is generated from components of the asphalt itself, exposure to roadways (and traffic) was identified as a major contributor of contaminants that were available for leaching in three of the studies (Mehta et al. 2017, ...)."

Based on the above-quoted summaries, we do not find evidence from the original study to support the Literature Review's "summary." In fact, it would be likely that strong solvents will certainly dissolve asphalt pavement, releasing PAHs typically bound and unavailable in RAP. How this has relevance to the issue of PAH leachate from RAP is questionable.

Aydilek et al. (2017)

A similar comprehensive 250-page study sponsored by Maryland State Highway Administration (MSHA) and conducted by University of Maryland in 2017 (Aydilek et al. 2017) addressed a similar issue as Mehta et al. (2017), specifically the MSHA "expressed concern over the limited guidance on the use of RAP in highway shoulder applications and the lack of information on ... exposure of pavement to chemicals generated from the 'vehicle exhaust, gasoline, lubricating oils, and metals ...' frequently found in many RAP stockpiles..." Aydilek et al. summarizes their study's purpose and conclusions as:

A research study was undertaken to investigate the environmental impacts associated with RAP on highway base and shoulders in Maryland. A battery of laboratory pH-dependent leaching tests and toxicity characteristics leaching procedure (TCLP) tests were conducted to determine the environmental suitability of RAP. ... The following conclusions can be made: ... The concentrations of all metals, except As, in the pH-dependent leaching tests were below the U.S EPA WQL within the drinking water pH (pH 6.5–9). Based on literature, As is most probably present in its oxidizing form [As(V)] in the leachates of Maryland RAPs and does not present any concern ... The TCLP concentrations of all metals were below the U.S EPA WQL. The TCLP concentrations of most polycyclic aromatic hydrocarbons (PAHs) were below the detection limits. ... In surface waters, the concentrations of metals leached from RAP were below the EPA water quality limits (WQLs) for protection of aquatic life and human health in freshwaters

Other similar conclusions were drawn by the study authors and summarized in the publication abstract as:

The concentrations of all metals released during the water leach tests were below the water quality limits, except for copper. Column leach tests yielded generally low or non-detectable metal concentrations. The deviation from this trend occurred for copper and zinc concentrations, but they fell below the regulatory limits at 4 and 0.5 pore volumes of flow, respectively. ... Concentrations of all metals from RAP conformed to the water quality standards in surface waters after passing through the natural formation.

Compare the directly-quoted findings above to the summary in the Literature Review:

Aydilek et al. (2017) reported that Cu, Al, B, Ba, Co, Mn, Ni, and Zn exceeded Maryland's ATLS in either batch or column tests. Of those, Cu and Zn also exceeded US EPA WQLs.

Again, the original study does not support the Report's selective summary, which fails to comprehensively and accurately reflect the conclusions from the original study.

Birgisdóttir et al. (2007)

In the case of conclusions from the Birgisdóttir et al. (2017) study, we must bring to light significant inaccuracies in the Literature Review. Birgisdóttir et al. (2017) specifically looked at the ability of PAHs to leach or transfer from asphalt pavement to soil adjacent to the road. The study focused on two types of asphalt pavement: one in use for over 20 years at a gas station and one on a typical roadway. In each sample, the study analyzed both the lower courses (base material) and the upper roadway wearing courses. In both cases, regardless of the levels of PAHs in the lower courses, the upper courses showed higher PAH concentration, and as expected, the gas station contaminated surface course had substantially elevated PAH concentrations as compared to the roadway surface material. As the Literature Review correctly points out, only one asphalt sample showed PAH concentrations higher than Danish soil criteria — that sample was from the surface course of the gas station. This is to be expected; the surface of the wearing course pavement at the gas station included decades of potentially spilled gasoline and diesel fuel. These fuels, in contrast to asphalt, include lighter-end, more mobile PAHs that can potentially migrate a short distance from the source (e.g., 1 meter in this study). The key distinction is that asphalt PAHs are **not** mobile and are essentially “locked in” to the RAP. Asphalt, by its chemical nature, simply cannot readily migrate into the environment. Even using the most contaminated asphaltic samples, the study authors found:

Assuming that the PAHs leached are accumulated in the uppermost 5 cm of the soil (or gravel) under and 1 m next to the road ... the concentration of those PAHs ... after 25, 50, and 100 years of leaching ... is far below the Danish soil quality criteria, and it can be expected that leaching of PAHs from bitumen based asphalt will only slightly influence the amount of PAHs in soils near roads.

Compare these direct study findings to the synopsis provided in the Literature Review: “the total content of PAHs in the wear course exceeded Danish soil quality criteria.” The Literature Review Report also surprisingly asserted that: “exposure to roadways was identified as a major contributor of contaminants that were available for leaching.”

Conclusions in the Literature Review are not supported by the plain language of the Birgisdóttir study.

Credibility and Validity of the Revised Draft Questioned

As evidenced above, ***we strongly question the credibility and validity of the Literature Review.*** We encourage both Thurston County and the Report's authors to have direct dialogue with the original research study authors in order to fully understand their original research study results and we implore Thurston County to not rely on summarizations of these studies by Herrera Environmental, a third party. We also urge Thurston County to recognize the plain, overwhelming reality that RAP is stockpiled, processed, and recycled continuously throughout the state and across the country, in thousands of jurisdictions, without incident and to the net benefit of the public.

Summary

Instead of comparing the Literature Review's summary statements for the five other studies to the actual findings of the study authors, we emphasize the following:

- 1) In decades of environmental and transportation agency studies, and in decades of independent academic research, including those mischaracterized in the Revised Draft, there appears limited if any concern associated with stormwater runoff or leachate from RAP stockpiles.
- 2) Across the U.S., we know of no other agency, county, or municipality that restricts the stockpiling of RAP. All recognize the material as environmentally safe.
- 3) Summaries of the identified studies (in the Literature Review) significantly mischaracterize the original research results to such an extent that it raises ***real concerns about the validity and credibility of the findings.***

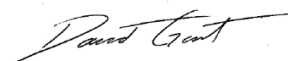
We encourage Thurston County to closely review our comments, to take into account the decades of environmentally safe management of RAP stockpiles in Washington state and across the nation, and to understand the importance of RAP as a sustainable recycled material for roadbuilding, the use of which has significant public benefits.

Over the decades, NAPA has accumulated numerous research articles reviewing RAP leachate and we are happy to provide those references to Thurston County, as well as to have an open discussion of any RAP leachate concerns.

Best Regards,



Howard Marks, Ph.D., JD, MPH
Vice President, Environment, Health & Safety
National Asphalt Pavement Association
5100 Forbes Blvd.
Lanham, MD 20706
(301) 731-4748



David Gent, P.E.
Executive Director
Washington Asphalt Pavement Association
451 SW 10th Street, Suite 110A
Renton WA 98057
(425) 207-8814

Maya Teeple

From: Thurston County | Send Email <spout@co.thurston.wa.us>
Sent: Thursday, June 13, 2019 2:16 PM
To: Shannon Shula
Subject: Asphalt Recycling Plant

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Shannon Shula**

Subject: **Asphalt Recycling Plant**

From: **Pamela Keeley**

Email (if provided): **pamkeeley@mac.com**

Message:

NO asphalt recycling plant without consultation with Nisqually Tribe. Honor the treaties. No more pollution!

Revised 1/22/2017

Maya Teeple

From: Thurston County | Send Email <spout@co.thurston.wa.us>
Sent: Thursday, June 13, 2019 2:16 PM
To: Shannon Shula
Subject: recycling asphalt plant NO

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Shannon Shula**

Subject: **recycling asphalt plant NO**

From: **Benita K. Moore**

Email (if provided): **ebby253@gmail.com**

Message:

**ASPHALT RECYCLING PLANT OFF RESERVATION ROAD IN NISQUALLY... GROUND WATER
CONTAMINATION WILL HAPPEN ! THERE HAS BEEN NO MEANINGFUL CONSULTATION WITH THE
NISQUALLY TRIBE ... NO ENVIRONMENTAL IMPACT STUDY #WATERPROTECTORS #AIRQUALITY**

Revised 1/22/2017

Maya Teeple

From: Thurston County | Send Email <spout@co.thurston.wa.us>
Sent: Thursday, June 13, 2019 2:16 PM
To: Shannon Shula
Subject: Nisqually Nation environmental health!

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Shannon Shula**

Subject: **Nisqually Nation environmental health!**

From: **Beverly Finlay**

Email (if provided): **berafin@yahoo.com**

Message:

PLEASE RESPECT NATIVE AMERICANS! Let's pretend this Tribe were white folk. Treat THESE FOLK with the same respect. Conduct surveys, DO RESEARCH honestly! Clean water is the most precious resource on this Planet - RESPECT THE PLANET AND HER PEOPLE!

Revised 1/22/2017

Maya Teeple

From: Shannon Shula
Sent: Friday, June 14, 2019 11:07 AM
To: Karenlwhite1962@yahoo.com
Cc: Maya Teeple
Subject: Fw: Asphalt plant

Karen,

Thank you for submitting your comment for the recycled asphalt policy review. We have received your email and it will be added to the public comments.

Sincerely,

Shannon Shula
 Associate Planner
 Thurston County Community Planning & Economic Development
 2000 Lakeridge Drive SW, Olympia, WA 98502
 (360) 786-5474 | shannon.shula@co.thurston.wa.us

Email may be considered a public record subject to public disclosure under RCW 42.56

From: Thurston County | Send Email <spout@co.thurston.wa.us>
 Sent: Friday, June 14, 2019 6:19:32 AM
 To: Shannon Shula
 Subject: Asphalt plant

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: Shannon Shula
 Subject: Asphalt plant
 From: Karen white
 Email (if provided): Karenlwhite1962@yahoo.com

Message:

Asphalt plants don't belong near water!,asphalt is harmful to fish,it contains PHA and bitumen reducing their fat stores ,causing their heart muscle to stiffen and causes kidney damage,reducing their chance of survival their first year at sea.
 Revised 1/22/2017

Maya Teeple

From: Thurston County | Send Email <spout@co.thurston.wa.us>
Sent: Friday, June 14, 2019 3:58 PM
To: Shannon Shula
Subject: Nisqually Sub Area Plan Review

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Shannon Shula**

Subject: **Nisqually Sub Area Plan Review**

From: **Phyllis Farrell**

Email (if provided): **7600 Redstart Dr. SE, Olympia, WA 98513**

Message:

I am opposed to the current proposal by Lakeside Industries to amend the Nisqually Subarea Plan Policy E.5 to remove the existing policy language that prohibits asphalt reprocessing (recycling) within the Nisqually Subarea. The current plan prohibits the manufacture of recycled asphalt in the Nisqually area due to water quality concerns. That has not changed. Piles of recycled asphalt are known to leach toxic chemical affecting groundwater. I find it preposterous to consider the proposal given the proximity of the Nisqually River and potential flooding. The environmental effects of increased truck traffic should be considered as well.

I am not opposed to the manufacture of asphalt (we all use roads), but the Nisqually sub area's groundwater should not be jeopardized.

Respectfully,

Phyllis Farrell

Revised 1/22/2017

Maya Teeple

From: David Hillman <davidhillman@hotmail.com>
Sent: Friday, June 14, 2019 2:54 PM
To: Shannon Shula
Subject: Recycled Asphalt Pavement Literature Review

I have read the literature review concerning recycled asphalt pavement (RAP) contaminant leaching that was prepared by Herrera Environmental Consultants, Inc.

It indicates that chemicals and metals are leached into surface and ground water from stockpiles of RAP at levels that exceed Washington State groundwater quality standards. One of the studies reviewed (Norin and Strömwall) concluded that their findings:

"clearly show that the release of organic pollutants from asphalt storage could cause environmental problems."

The literature review also concludes this: "As a source of contaminants, RAP is highly variable. Factors contributing to variability in leachate from RAP appear to include the asphalt manufacturing process, the RAP source, the duration and degree to which it has weathered and been exposed to pollution generating sources, and how long it is stored."

What I take from this and other parts of the review is that the pollutants can vary widely and significantly in type and concentration. The stockpiled RAP can come from sources as varied as a heavily used highway, to a shopping center parking lot, to a roadway or storage area at a toxic industrial site. It would be nearly impossible to know exactly what kinds of chemicals and metals are present in any particular RAP stockpile. Thus the citizens of the Nisqually Sub-Area would have little to no idea exactly what metals and toxic chemicals are entering their creeks, rivers, fisheries, estuary, shellfish farms, farmland irrigation sources, and most importantly, their drinking water. Nor would they know at what concentrations these variably unknown contaminants are leaching into their ecosystem and water supply.

In talking over the RAP literature review with family, neighbors, and friends in the Nisqually Sub-Area, and in reading the Nisqually Sub-Area Plan, I have come to the conclusion that this RAP literature review solidly supports the original language in section E.5 of the Nisqually Sub-Area Plan that prohibits asphalt recycling in the Sub-Area. The fact that the proposed language change in section E.5 is a 180 degree stance to the original language obviously points out that THE RECYCLED ASPHALT PAVEMENT LITERATURE REVIEW DOES NOT SUPPORT THE PROPOSED LANGUAGE CHANGE IN ANY WAY.

I will quote a part of the RAP literature review introduction, as it efficiently and very clearly explains my point:

"Between the time when RAP is removed and when it is reused, it must be stockpiled. When stockpiled, precipitation falling onto the stockpile can result in contaminants leaching from the RAP. These contaminants can then be transported to nearby surface waters or infiltrated to groundwater. The latter is especially a concern in areas where the groundwater is more vulnerable to contamination due to fast-draining soils and where it is used as a drinking water supply, such as in the Nisqually area of Thurston County. Because of concerns about RAP leaching contaminants while it is stockpiled, the Nisqually Sub-Area plan of the Thurston County Comprehensive Plan specifically prohibits the use of mined-out gravel pits for the reprocessing of asphalt due to water quality concerns."

To make myself perfectly clear, after reading the above mentioned materials I have reached this conclusion: As a resident and citizen of the Nisqually Sub-Area, I am strongly against changing the language in section E.5 of the Nisqually Sub-Area Plan to allow asphalt recycling.

Warmest Regards,

David Hillman

Maya Teeple

From: Julie <cj_hillman@hotmail.com>
Sent: Friday, June 14, 2019 2:57 PM
To: Shannon Shula
Subject: Recycled Asphalt Pit (RAP)

I have read the literature review concerning recycled asphalt pavement (RAP) contaminant leaching that was prepared by Herrera Environmental Consultants, Inc.

It indicates that chemicals and metals are leached into surface and ground water from stockpiles of RAP at levels that exceed Washington State groundwater quality standards. One of the studies reviewed (Norin and Strömval) concluded that their findings:

"clearly show that the release of organic pollutants from asphalt storage could cause environmental problems."

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To make myself perfectly clear, after reading the above mentioned materials I have reached this conclusion: As a resident and citizen of the Nisqually Sub-Area, I am strongly against changing the language in section E.5 of the Nisqually Sub-Area Plan to allow asphalt recycling.

Thanks!

Collis J Hillman CJ_Hillman@Hotmail.com

Maya Teeple

From: Thurston County | Send Email <spout@co.thurston.wa.us>
Sent: Friday, June 14, 2019 3:57 PM
To: Shannon Shula
Subject: Nisqually Asphalt Recycling

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Shannon Shula**

Subject: **Nisqually Asphalt Recycling**

From: **Daniel Hull**

Email (if provided): **nrnc@nisquallyestuary.org**

Message:

Comment: Hello planning professionals,
I am writing to let you know that I am not in favor of changing the language in section E.5 of the Nisqually Sub Area plan to allow asphalt recycling. I have read the literature review witch clearly states that this can and does have an effect on the environment. Seeing at Nisqually is one of the finest Watershed where Communities, Non Profits, State, Tribe and Federal entities have worked together over the years to have over 70% of the Nisqually Watershed protected, I truly feel that this is not an activity we should change language to allow. There should be much better places to do an activity like this that will not harm one of the finest Watersheds in Washington State.

I am somewhat alarmed that many of the residents in my area had know idea about this. Please add me to your mailing list as I can help spread the word to the people in my community.

Daniel A. Hull
Chair of the Nisqually Aquatic Reserve Citizen Stewardship committee.
120 citizens Strong.

Revised 1/22/2017

Maya Teeple

From: Ryan Ransavage <Ryan.Ransavage@miles.rocks>
Sent: Friday, June 14, 2019 5:08 PM
To: Shannon Shula
Subject: Comments on the Recycled Asphalt literature Review

Below are comments regarding the Recycled Asphalt Literature Review.

The concern to protect the environment is a concern of all citizens of Washington State. Asphalt is key building material key in supporting the physical and economic growth of the state. Currently, the Department of Ecology (DOE) regulates the runoff from operations that recycle pavement. The limits of the discharge limits have been determined through years of study and research. Limits have been changed for the majority of discharge limits. One of the items that is directly regulated within the DOE Sand & Gravel General Permit is Recycled Asphalt. DOE has determined that water discharged to ground are only limited to pH monitoring and oil sheen monitoring. Discharges to Surfacewater are not currently allowed (S&G General Permit Table 2). RAP also has operational limits put in place regarding material handling practices for RAP and Recycled Concrete aggregate.

It seems appropriate for Thurston County to consider the requirements DOE has determined. These limits have been set to ensure minimal degradation to waters of the state and the overall environment. It seems inappropriate for Thurston County to subvert the standards set by DOE as they have both determined impact level and are responsible for compliance with both the national and state clean water act.

Miles Sand & Gravel supports RAP operations be allowed within all areas of Thurston County when meeting current regulatory standards from solid waste rules and Sand and Gravel General Permit conditions.

Thank you



RYAN RANSAVAGE

Office: 253.833.3705 x 436
 Mobile: 253.377.1760
 400 Valley Ave NE • Puyallup, WA 98372-2516
WWW.MILES.ROCKS

RECYCLED ASPHALT PLANT (RAP) in the NISQUALLY SUBAREA? WE SAY NO!

We the undersigned submit this document as public comment to the Consultant Literature Review Report by Herrera Environmental Consulting. Key summary points from this review include:

"Recycled asphalt pavement (RAP) is typically asphalt that has been removed from roadways or parking lots during repair and replacement of the roadway surface. It is then reused extensively in the creation of new roadway surfaces. Concerns over possible leaching of pollutants from RAP stem from the original composition of the asphalt as well as from the pollutants added during its use, for example, when the RAP has been taken from roadways where it has been exposed to vehicle traffic and the metals and petroleum products that are associated with that use."

"Contaminants [can] leach from RAP at concentrations that exceeded state groundwater quality standards. There were five polycyclic aromatic hydrocarbons (PAHs) that were measured above state groundwater quality standards... Some metals were also leached, primarily in tests run under low pH environments [e.g. in much of Thurston County]." <https://www.thurstoncountywa.gov/planning/Pages/comp-plan-cp11-home.aspx>

Based on Herrera's review, we urge Thurston County Commissioners

- To hire consultants to do additional study
- And NOT to rezone this area to permit RAP

NAME	ADDRESS	EMAIL (optional)
Nancy Armstrong	P.O. Box 1441 Oly WA 98507	Nancy.Armstrong@thurstoncountywa.gov
Cheryl Duryea	3616 Sunset Blvd Oly 98501	cheryl.duryea@thurstoncountywa.gov
Robert C Zeigler	1102A Creek Road SE Oly 98501	Robert.C.Zeigler@thurstoncountywa.gov
Therese Springer	2331th Hood St Lacey	T.Springer@thurstoncountywa.gov
JOHN M. DAVIS	60 SE CURRIE WY SHELTON	John.M.Davis@thurstoncountywa.gov
Frederick Romero	2023 Westlote SE Lacey	Frederick.Romero@thurstoncountywa.gov
Catherine Schwan	3341 Bloomfield Rd Shelton	Catherine.Schwan@thurstoncountywa.gov
Kristin Durlap	1698 Vista Lp SW Tumwater	kristin.durlap@thurstoncountywa.gov
Craig Fortnager	1698 Vista Lp SW Tumwater	Craig.Fortnager@thurstoncountywa.gov
Charles F. Felt	4043 45th AVE SW #37 OLYMPIA WA 98512	Charles.F.Felt@thurstoncountywa.gov
Margaret F. Felt	9017 Meridian Ctr NE Lacey 98516	Margaret.F.Felt@thurstoncountywa.gov
TRAVIS BUTLER	1037 Gailen St NE Oly WA 98516	Travis.Butler@thurstoncountywa.gov
Toni Houghton	1832 LAKEWOOD CIR SE 98501	Toni.Houghton@thurstoncountywa.gov
Dave Mortensen	2080 E Spruce Ln Rdt Shelton WA	Dave.Mortensen@thurstoncountywa.gov
Loren Ryan	1115 San Francisco Ave NE Oly 98506	Loren.Ryan@thurstoncountywa.gov
John Nelson	1741 Parth ME Oly WA 98506	John.Nelson@thurstoncountywa.gov
Mike Egerton	P.O. Box 1205 Shelton	Mike.Egerton@thurstoncountywa.gov
Matthew Moser-Evley	P.O. Box 291 E Lacey	Matthew.Moser-Evley@thurstoncountywa.gov

JUN 14 2019

Return these signatures to Shannon.Shula@co.thurston.wa.us by 5:00 on Friday 14 June (or hand-deliver to the County Courthouse – Planning Division)

“Recycled asphalt pavement (RAP) is typically asphalt that has been removed from roadways or parking lots during repair and replacement of the roadway surface. It is then reused extensively in the creation of new roadway surfaces. Concerns over possible leaching of pollutants from RAP stem from the original composition of the asphalt as well as from the pollutants added during its use, for example, when the RAP has been taken from roadways where it has been exposed to vehicle traffic and the metals and petroleum products that are associated with that use.”

“Contaminants [can] leach from RAP at concentrations that exceeded state groundwater quality standards. There were five polycyclic aromatic hydrocarbons (PAHs) that were measured above state groundwater quality standards... Some metals were also leached, primarily in tests run under low pH environments [e.g. in much of Thurston County].” <https://www.thurstoncountywa.gov/planning/Pages/comp-plan-cp11-home.aspx>

- To hire consultants to do additional study
- And NOT to rezone this area to permit RAP

[illegible]

Return these signatures to Shannon.Shula@co.thurston.wa.us by 5:00 on Friday 14 June (or hand-deliver to the County Courthouse – Planning Division).

Maya Teeple

From: Thurston County | Send Email <spout@co.thurston.wa.us>
Sent: Saturday, June 15, 2019 7:46 PM
To: Shannon Shula
Subject: Asphalt plant

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Shannon Shula**

Subject:

From: **Faith Morgan**

Email (if provided):

Message: **No to the plant!!!**

Revised 6/15/2019

Maya Teeple

From: Esther Grace Kronenberg <wekrone@gmail.com>
Sent: Sunday, June 16, 2019 11:10 PM
To: Shannon Shula
Subject: RAP in Nisqually Valley

Dear Ms. Shula,

Please excuse the lateness of this comment. I only became aware of it this weekend.

I stand opposed to the processing of recycled asphalt at the Holroyd site for the following reasons.

1. The lower Nisqually valley is classified by Thurston County as a Wellhead Protection Area. It is also protected, as a rural environment, by a Thurston County Sub-Area Plan.
2. The water sources for all residents in the lower valley are from wells. Many residents, but not all, get drinking water from a Lacey City well next to the Nisqually River - less than a half mile from Lakeside's Asphalt Plant. The plant sits in the permeable soil of Holroyd's Gravel Mine at the very beginning of the Nisqually Delta in lower Nisqually Valley. The mine sits in the 100 year floodplain of the Nisqually River.
3. Lakeside knew RAP was not allowed before they built their new plant at Holroyd's pit. Two court decisions reaffirmed they could not use RAP in Nisqually Valley. Olympic Region Clean Air Agency (ORCAA) reaffirmed they could not, due to Sub-Area Plan rules. Department of Natural Resources (DNR) and the Sub-Area Plan say they have to move out when the pit is mined out. Will they? Or, will they want increased truck traffic and change infrastructure to haul in gravel from another pit as well as RAP? This would also be in violation of the Sub-Area Plan. Doesn't the County have an obligation to honor its own plans and policies that are made with public input for the public good, or can they be ignored to further private interests? If not, isn't this government for the highest bidder?
4. If Lakeside is allowed to process recycled asphalt pavement (RAP), best practices state that asphalt be processed at a lower temperature to reduce air pollution, and kept under cover and out of the weather before and during its use to prevent chemical leaching into the groundwater. Keeping the RAP stockpile below 20 feet high and covered with a shelter or building to minimize moisture is essential to protecting the ground water, especially as the permeable soil of the Holroyd pit is only 15 feet above an aquifer water table.

Thank you for including these comments.

Esther Kronenberg

Maya Teeple

From: Sandra Herndon <sherndon@hctc.com>
Sent: Monday, June 17, 2019 7:52 AM
To: Shannon Shula
Cc: Karen Fraser; Karen Verrill; EJ Zita; Paula Holroyde; Carol Goss
Subject: recycled asphalt plant

Please accept this comment from the League of Women Voters even though it was due on Friday. Thank you. slh

TO: Thurston County Community Planning

FROM: Thurston League of Women Voters, Sandra Herndon, President

I am writing to express grave concern about the proposed recycled asphalt plant in Nisqually. The League believes that concerning water resources, the overriding consideration should be protecting the quantity and the quality of the water resource. It is critical always to err on the side of safety and caution when it comes to human health.

The consultant's report is based on laboratory tests and specifically states that in order to be definitive, testing under field conditions would be necessary. They state what all researchers know, that "batch and column laboratory tests, while informative, are not necessarily representative of what can be expected under field conditions." The literature review specifically did not include an assessment of potential environmental impact of contaminants.

Given the significance of the issues involved and the consequences of placing this plant in Nisqually, we ask the planning group not to move ahead with this plan.

slh

Maya Teeple

From: Shannon Shula
Sent: Tuesday, June 18, 2019 12:45 PM
To: Maya Teeple
Subject: FW: That freaking water plant

[RAP comments?](#)

From: Thurston County | Send Email [mailto:spout@co.thurston.wa.us]
Sent: Tuesday, June 18, 2019 12:05 PM
To: Shannon Shula <shannon.shula@co.thurston.wa.us>
Subject: That freaking water plant

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: Shannon Shula

Subject:

From: Kathy Lawhon

Email (if provided):

Message: **Please do not allow this water plant here. We are fast running out of water, and the idea of letting them profit off the water they will then sell back to us, is insane. We are already in moderate drought in Seattle and Tacoma, and summer is just getting started. This is crazy.**

Revised 6/15/2019

Maya Teeple

From: Howard Glastetter <howard.glastetter@comcast.net>
Sent: Wednesday, June 19, 2019 1:03 PM
To: Maya Teeple
Subject: Nisqually Sub-Area Goal E-5

Maya,

I dug up a copy of a January 3, 2000 Memo from, 1992 Sub-Area Plan Project Manager, Steve Morrison to Donald Krupp. The memo gives the history of how the (E.5.) No RAP provision evolved. I didn't think of it until I was discussing the Sub-Area at the NRC's Citizens Advisory Committee (CAC) last evening. I found it today and will give you a copy tomorrow. I think it gives significant insight to the thinking that went into the E.5 policy and should be part of the current consideration about changing it. As I recall, the memo was part of Thurston County Planning Department's recommendation to reject Lakeside's move to Holroyd's pit. I think you will find it very interesting.

-Howard

Howard H Glastetter
Howard.glastetter@comcast.net
(360)491-6645

Everything should be as simple as it can be, but no simpler.
Albert Einstein

Maya Teeple

From: Thomasina Cooper
Sent: Monday, June 24, 2019 8:57 AM
To: Christina Chaput; Maya Teeple
Subject: FW: Recycled asphalt processed in Nisqually

Hi Chris and Maya,

Tye received the input below. Are one of you keeping the record of public comment? If not you, who should I send it to?

Thank you!

Thomasina

From: Madeline Bishop <mfbishop.bishop@gmail.com>
Sent: Saturday, June 22, 2019 10:47 AM
To: Gary Edwards <gary.edwards@co.thurston.wa.us>; John Hutchings <john.hutchings@co.thurston.wa.us>; Tye Menser <tye.menser@co.thurston.wa.us>
Cc: Ramiro Chavez <ramiro.chavez@co.thurston.wa.us>
Subject: Recycled asphalt processed in Nisqually

Please do NOT remove the policy language that currently prohibits recycled asphalt from being processed in the Nisqually area. We need a 'Phase 2' investigation of this issue.

The Thurston County League of Women Voters report of this issue:

1. The lower Nisqually valley is classified by Thurston County as a Wellhead Protection Area. It is also protected, as a rural environment, by a Thurston County Sub-Area Plan.
2. The water sources for all residents in the lower valley are from wells. Many residents, but not all, get drinking water from a Lacey City well next to the Nisqually River - less than a half mile from Lakeside's Asphalt Plant. The plant sits in the permeable soil of Holroyd's Gravel Mine at the very beginning of the Nisqually Delta in lower Nisqually Valley. The mine sits in the 100 year floodplain of the Nisqually River.
3. Lakeside knew RAP was not allowed before they built their new plant at Holroyd's pit. Two court decisions reaffirmed they could not use RAP in Nisqually Valley. Olympic Region Clean Air Agency (ORCAA) reaffirmed they could not, due to Sub-Area Plan rules. Department of Natural Resources (DNR) and the Sub-Area Plan say they have to move out when the pit is mined out. Will they? Or, will they want increased truck traffic and change infrastructure to haul in gravel from another pit as well as RAP? This would also be in violation of the Sub-Area Plan. Doesn't the County have an obligation to honor its own plans and policies that are made with public input for the public good, or can they be ignored to further private interests? If not, isn't this government for the highest bidder?

COMMENTS:

There should be NO Approval
~~or~~ for Asphalt Recycling
 No Approval to change the
 Comp Plan.

Dave Newbome
 Olympia

COMMENTS:

This proposal makes a mockery
 of the effort to restore
 the Nisqually estuary. The millions
 of dollars invested in the
 restoration project will be
 a waste if this proposal
 is allowed.

How can Thurston county
 guarantee the safety of
 groundwater if this is allowed
 to happen?

How can the county guarantee that
 the internal committee and commissioners →

COMMENT #23

will not take bribes from
Lakeside Industries.

I see this as a form
of silent genocide against
the Nisqually Tribe.

It's absolutely appalling
that Lakeside Industries is making
this proposal.

COMMENTS:

Issues with "field studies" (in this report tonight).
"Swedish study" Conclusion: "Under-estimating contaminants."

We should not allow re-cycled asphalt
in Nisqually valley.

COMMENTS:

I Am Against this proposal.
After living in this county for 30 yrs,
I know that the Nisqually area is
special. It is unique.

It has our City of Oly drinking
water at the Alluvial Springs well-head
there. We must not pollute this
area with more trucks, re-cycled
asphalt, etc.



P.O. Box 70182, Olympia, WA 98507
 Tel: 425.318.5000 / lakesideindustries.com

February 21, 2019

Via email

Shannon Shula
 Maya Teeple
 Thurston County Community Planning & Economic Development
 2000 Lakeridge Drive SW
 Olympia, WA 98502

**Re: Lakeside Industries' Comments on Revised Draft Literature Review -
 Leaching from Recycled Asphalt Pavement**

Dear Shannon and Maya:

Thank you for this opportunity to provide stakeholder comments on the Revised Draft Literature Review by Herrera Environmental Consultants, Inc. regarding Contaminant Leaching from Recycled Asphalt Pavement ("Revised Draft").

Based on our review of the Revised Draft, Lakeside Industries found numerous misstatements, unreliable interpretations, and inaccurate standards. Whereas the available, reliable data from Thurston County's own Public Health Department, the stated conclusions in relevant reports, and numerous local jurisdictions have found no concerns with water quality from Recycled Asphalt Pavement ("RAP") leachate. Lakeside Industries requests that Thurston County remove the Revised Draft from the record and that Thurston County rely on its own reliable, local data regarding RAP leachate.

Background

Asphalt has been called the "ultimate recyclable product" and the use of RAP is a standard practice in Washington and throughout the world. Reprocessing asphalt is consistent with the vision in Thurston County's Comprehensive Plan. It preserves the human environment by encouraging jobs in the community. It preserves the natural environment by encouraging protection of mineral resource lands, limiting the carbon footprint of asphalt paving, and preventing unnecessary waste in landfills. It promotes economic health by reducing the cost of asphalt manufacturing, which supports local asphalt paving businesses and property owners.

Thurston County adopted the Nisqually Sub-Area Plan in November 1992. As adopted, the Nisqually Sub-Area Plan prohibits the use of RAP based on "water quality concerns." One month after its adoption, the Thurston County Public Health Department took the position that "a waste asphalt recycling operation presents none to very minimal environmental health

concerns.” See *Attachment 1*. Despite the Thurston County Public Health Department’s finding, the Nisqually Sub-Area Plan still prohibits the use of RAP. Lakeside Industries requested an amendment to the Nisqually Sub-Area Plan to remove this prohibition.

In an effort to further advance the County’s understanding of the impact of RAP storage, the County contracted with Herrera to analyze the available research on contaminant leaching from RAP. Herrera completed its first draft of this Literature Review on October 19, 2018 (“Initial Draft”). After receiving comments from stakeholders, including Lakeside Industries, Herrera completed this Revised Draft on January 30, 2019. However, the Revised Draft contains numerous inaccurate standards, unreliable data, and misstatements. Based on the following analysis, we request that Thurston County remove the Revised Draft from the record and instead rely on the reliable data available to it.

The Revised Draft found limited or no cause for concern

The Revised Draft’s ultimate conclusions find limited or no cause for concern caused by leaching of RAP. The purpose of the Revised Draft was to “review available research on direct measurements of leachate from RAP.”¹ After an initial assessment of over 100 articles, the Revised Draft analyzed eight² “highly rated” studies by Aydılek et al., Legret et al., Mehta et al., Birgisdóttir³ et al., Norin and Strömvall, Kang, et al., Morse et al., and Brantley and Townsend.⁴ Consistent with its purpose, the Revised Draft came to three key conclusions, which are noted in its Executive Summary:

- RAP is highly variable;
- Typically some contaminants are leached from RAP in laboratory tests, “but in only a few cases at levels of concern”; and
- The initial flush of contaminants from RAP “can result in concentrations exceeding certain thresholds or standards, but these peak concentrations decrease quickly to below detection limits as more water is added.”

The Revised Draft also noted that “a number of the researchers suggested that the impact to the environment would be negligible if dilution and assimilation were considered.”⁵

Based on the Revised Draft’s conclusions, leachate from RAP is not an environmental concern. While RAP may infrequently leach some contaminants, such leachate would result in negligible impacts to the environment. Even if the County relied entirely on the conclusions within the Revised Draft, it must find little or no concern relating to RAP leachate. Despite these clear conclusions finding no concern, the body of the Revised Draft contains numerous misstatements and unreliable findings. For the reasons noted below, Lakeside Industries

¹ Revised Draft, Executive Summary.

² Note that Page 2 of the Revised Draft incorrectly states that it analyzes five studies.

³ The Revised Draft repeatedly misspells the Birgisdóttir study as either “Birgisdottir” or “Birgisdotter” (See e.g. Revised Draft, pg. 17).

⁴ On page 17 of the Revised Draft, Brantley and Townsend is misspelled as “Brently and Townsend.”

⁵ Revised Draft, pg. 18.

requests that Thurston County remove the Revised Draft from the record and rely on existing local data available to it.

The Revised Draft does not incorporate information required by Herrera's Revised Scope of Work.

The Revised Draft fails to incorporate two of the three required revisions to the Initial Draft, namely the expansion of study summaries to address physical characteristics of test materials and the new section comparing study conditions to likely local conditions. The Revised Scope of Work, dated November 13, 2018, requires the following features to be included in the Revised Draft:

- The study summaries included in the draft literature review report will be expanded to address physical characteristic of the test materials, where it is available and to provide a comparison of these materials.
- A section will be added on comparison of study conditions (e.g., pH, RAP characteristics, testing conditions, storage conditions) to likely local conditions in Nisqually.

The Revised Draft fails to complete above-quoted tasks.

First, the Revised Draft does not expand on the identified studies and contains limited changes to the study summary language, despite the Scope of Review's requirement to further discuss and compare the physical characteristics of test materials. Most of the study summaries in the Revised Draft are virtually unchanged from the Initial Draft. In particular, the Revised Draft neglected to examine in any detail how foreign RAP is unlike RAP in Washington. While the Revised Draft added one sentence admitting that foreign RAP is "less applicable,"⁶ examinations of each of the foreign studies fail to analyze how differences between local and foreign RAP affect the studies' relevance. This omission is particularly clear in the Revised Draft's analysis of the Norin and Strömvall study, where the Revised Draft claims the Swedish study is "the most directly applicable"⁷ to the Review without reconciling its later statement that foreign studies are "less applicable."

Additionally, the Revised Scope of Work states that "[a] section will be added on comparison of study conditions (e.g., pH, RAP characteristics, testing conditions, storage conditions) to likely local conditions in Nisqually." The Revised Draft does not add a new section to compare study conditions to local conditions, nor does it provide a reasonably thorough analysis summarizing study conditions to likely local conditions.

These two essential elements identified in the Revised Scope of Work were not included in the Revised Draft. Conditions reflected in the studies do not reflect the conditions occurring in the

⁶ Revised Draft, page 18 (noting that European studies are "less applicable" on account of differences in "the asphalt manufacturing process (e.g., the presence of coal tar in European pavement), the make and model of vehicles, and other factors (e.g., use of studded tires and winter de-icing solutions)."

⁷ Revised Draft, Page 11.

Nisqually Area, but the Revised Draft fails to analyze those differences. For this reason alone, the Revised Draft is unreliable.

The Revised Draft makes numerous misstatements and exaggerates the study results.

The Revised Draft provides an inaccurate assessment of the leaching potential of RAP. The studies analyze several worst case scenarios – from roadway paint containing lead to pavement containing 20 years of contaminant accumulation at a gas station. The Revised Draft also focuses on individual exceedances of certain water quality standards (outliers), which overestimates potential leachate and provides an inaccurate picture of the impact from RAP leachate.

Tables included in the Revised Draft depict data in ranges. This does not consider that the highest number in the range can be (and often is) an outlier, which consequently highlights the rare exceedances. While in some instances, a range should be provided but is not. For example, the Legret et al. (2005) study found 0.055 µg/L concentrations of dibenzo(a,h)anthracene in column tests on Day 2 of the study; however, that concentration decreased to below detection levels for every additional test. Table 2 shows the exceedance without noting that the range of findings include numerous samples with no dibenzo(a,h)anthracene detected.

The Revised Draft makes an incorrect and misleading statement regarding the Nisqually Sub-Area Plan. It alleges that "the Nisqually Sub-Area plan of the Thurston County Comprehensive Plan specifically prohibits the use of mined-out gravel pits for commercial or industrial use." This language misstates the reason that the County contacted Herrera to write its Revised Draft. As mentioned above, Lakeside Industries is requesting an amendment to the Nisqually Sub-Area Plan to remove the Nisqually Sub-Area Plan's current prohibition of the use of RAP based on alleged "water quality" concerns.

Lakeside Industries consulted with the National Asphalt Paving Association (NAPA) and the Washington Asphalt Paving Association (WAPA) for additional review of the Revised Draft findings and conclusions from the analyzed studies. As a result, NAPA and WAPA found it necessary to provide a written response identifying where the Revised Draft repeatedly mischaracterizes findings and conclusions from the analyzed studies, creating an inaccurate assessment of the impact of RAP and raising real concerns about the validity and credibility of findings within the Revised Draft. Lakeside Industries incorporates the concerns in NAPA and WAPA's February 21, 2019 letter by reference, particularly those concerns relating to the Revised Draft's mischaracterization of each study's findings and conclusions.

Data in the Revised Draft's Tables are not reliable, which creates doubts regarding the Revised Draft's assumptions and conclusions.

Tables in the Revised Draft include numerous errors, including inaccurate standards and misstated findings. These errors call into question the entirety of the Revised Draft and its assumptions, which are based on data cited in its Tables.

The Revised Draft's Tables provide inaccurate criteria

The criteria in the Revised Draft contains several errors throughout Tables 1 and 2. First, several of the listed "standards" are considerably mislabeled. For example, the Revised Draft states that the "Drinking Water Criteria" for arsenic is 50 µg/L; however, the actual criterion is 0.05 µg/L.⁸ Additionally, the Revised Draft states that the "Drinking Water Criteria" for copper is 100 µg/L, but the actual criterion is 1,000 µg/L.⁹

Several of the MCLs listed in the tables are not as stated. For example, the Tables list the MCL for copper as 1,300 and the MCL for lead as 15. However, "the state board of health has not established MCLs for copper, lead and sodium."¹⁰ Instead, EPA established distribution system related levels, called "action levels," for lead and copper. The Revised Draft fails to acknowledge that listed MCLs for copper and lead are not MCLs – they are action levels.

Additionally, headings for the regulatory criteria and environmental standards are misleading. The heading "Drinking Water Criteria" refers to criteria taken from the Washington Administrative Code ("WAC") 173-200-040,¹¹ which is located within the WAC chapter for "Water Quality Standards for Groundwaters of the State of Washington."¹² Use of the heading "Drinking Water Criteria" is misleading because the criteria listed were created for the purpose of "establish[ing] maximum contaminant concentrations for the protection of a variety of beneficial uses of Washington's groundwater."¹³ Whereas, the MCLs are used for Group A Public Water Supplies with the purpose of protecting "the health of consumers using public drinking water supplies."¹⁴

Furthermore, the Revised Draft does not provide any context regarding the varying Model Toxics Control Act ("MTCA") "standards" as listed in the Tables. Under MTCA, three approaches (Methods A, B, and C) are defined for establishing cleanup "levels" and are selected and developed on a site-specific basis. Applying the "default" Method A and B standards in this case is not appropriate. The Department of Ecology cautions against misusing defined Method A cleanup levels¹⁵ and pre-calculated standard Method B and C levels provided by Ecology's Cleanup Levels and Risk Calculation (CLARC) database.¹⁶ The Tables do not

⁸ WAC 173-200-040 Table 1.

⁹ WAC 173-200-040 Table 1 (Please note that 1 mg/L equals 1,000 µg/L).

¹⁰ See WAC 246-290-310(3)(a) Note **.

¹¹ See Revised Draft, Tables 1 & 2, footnote c.

¹² See Chapter 173-200 WAC.

¹³ WAC 173-200-040(1).

¹⁴ WAC 246-290-001.

¹⁵ WAC 173-340-900, Table 720-1, footnote a ("Caution on misusing this table. This table has been developed for specific purposes... This table may not be appropriate for defining cleanup levels at other sites. For these reasons, the values in this table should not automatically be used to define cleanup levels that must be met for financial, real estate, insurance coverage or placement, or similar transactions or purposes. Exceedances of the values in this table do not necessarily mean the groundwater must be restored to those levels at all sites.") (emphasis in original).

¹⁶ <https://fortress.wa.gov/ecy/clarc/CLARCCautions.aspx> ("The formula values pre-calculated under standard Method B and C and provided in CLARC are NOT cleanup levels.")

Indicate which Method is used to define each respective cleanup level or how each level differs. This information is essential for providing context and for understanding the data.

The Revised Draft fails to provide accurate, trustworthy information regarding the regulatory standards applying to RAP leachate in Thurston County. While some examples of these inaccuracies and mischaracterizations are provided above, these examples call the entire Revised Draft into question. As it stands, the Revised Draft's data and conclusions are unreliable.

The Revised Draft's Tables misstate the original study data

Tables in the Revised Draft are entirely unreliable because they contain repeated, significant inaccuracies, which calls into question the entirety of the Revised Draft.

Batch test data in Table 1 under the Norin and Strömvall column is unreliable because the Norin and Strömvall authors did not conduct batch tests – the data was taken from a separate study.¹⁷ Herrera's decision to incorporate data from a separate study conflicts with its stated goal to use only primary data sources in its literature review.¹⁸ The Revised Draft does not analyze the data in the body of the draft, does not interpret the data, and does not explain its decision to incorporate secondary data into its Table 1.

Additionally, the Revised Draft appears to have manipulated data without explanation. The Norin and Strömvall study included one finding for chrysene. In a footnote, the Norin and Strömvall study explained that its chrysene batch test data is actually "the sum of benzo(a)anthracene and chrysene."¹⁹ The study did not, however, provide any insight into how the results should be attributed to each constituent. The Revised Draft attributes half of the result to benzo(a)anthracene and the other half to chrysene,²⁰ but provides no rational basis for dividing the result in half and attributing the constituents in that manner. Due to the unreasoned nature of this decision, this data is unreliable.

Batch data for Birgisdóttir is equally inapplicable. The Revised Draft's summary of Birgisdóttir states that "no batch testing was performed"; however, Table 1 of the Revised Draft contains "batch test" data in a column labeled Birgisdóttir.

The Birgisdóttir column data is also not trustworthy. Table 2 depicts dibenzo(a,h)anthracene concentrations for the Birgisdóttir to be "<0.024 – 43." However, the Birgisdóttir data states that

¹⁷ Revised Draft, Table 1, footnote h. The Revised Draft explains in a footnote that the data attributed to Norin and Strömvall was taken from another study, stating that "[r]esults reported are from batch tests performed during previous research (Larsson 1998) that were performed on finely ground material."

¹⁸ Revised Draft, pg. 2 ("The remaining sources were sorted with the objective of including only those that serve as primary data sources; studies that did not contain data or that summarized data collected by others were excluded.")

¹⁹ See Norin and Strömvall 2004, pg. 327.

²⁰ See Revised Draft, Table 1, footnote h.

the highest concentration found is 43 nanograms/L,²¹ which converts to 0.043 µg/L – one thousand times smaller than the concentration listed in the Revised Draft's Table 2.

Finally, Table 1 states that Kang et al. (2011) found concentrations of 37 µg/L of aluminum. However, in the cited study, Kang et al. found concentrations of .37 mg/L,²² which converts to 370 µg/L. Thus, the Revised Draft provides data for aluminum that is ten times smaller than the study data.

The Revised Draft and its Tables contain numerous instances of misstated criteria and inaccurate data. This letter shares just a few of the repeated defects in the Revised Draft. These select defects (and others) raise serious doubts about the reliability of the Revised Draft as a whole.

Thurston County should remove the Revised Draft from the record and instead rely on data available to it.

As a consequence of the numerous concerning findings above, Lakeside Industries requests that Thurston County remove the Revised Draft from its records. The Revised Draft is unreliable to an extent that cannot be remedied at this stage, as shown by our letter and the letter from the national and state asphalt pavement associations.

There is a wealth of information available to the County to determine whether RAP leachate is a concern. The first-hand studies cited in the Revised Draft repeatedly conclude that RAP is of limited or no concern to water quality. Thurston County's own Public Health Department found "none to very minimal environmental health concerns" only one month after the Nisqually Sub-Area Plan was approved. *See Attachment 1.*

In fact, in 2010 the Thurston County Public Health Department analyzed stormwater runoff from a RAP stockpile situated locally. Based on its own study, the Thurston County Public Health Department found that "it does not appear that the RAP material is contributing pollution via stormwater runoff." *See Attachment 2.*

The Revised Draft has a limited scope and does not consider Best Management Practices that would prevent transport of materials.

The authors of the Revised Draft note, "[t]he study's scope was specifically constrained to summarizing research on direct leaching of pollutants; it does not account for use of best management practices (BMPs) to reduce leachate formation, and it does not address fate and transport as leached materials move over or through ground and water."

While it is clear from the conclusions of the analyzed studies that there is limited or no cause for concern of leaching from RAP, numerous BMPs could address and prevent leaching and transport of materials, including storm water controls and installation of a cover (e.g. a tarp or

²¹ Birgisdóttir et al. 2007, pg. 1416.

²² Kang et al., Table 3.

shed) to prevent rainfall on RAP piles. The ultimate decision whether to permit the recycling of asphalt within the Nisqually Sub-Area should be considered based on all relevant information, including the availability of BMPs. Thurston County should allow for the future consideration of BMPs and transport of contaminants.

Thank you again for your time and consideration on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kyler Danielson', written over a horizontal line.

Kyler Danielson
Land Use Project Manager
Lakeside Industries

Attachment 1



RECEIVED

DEC 15 1992

THURSTON CO. PLANNING DEPT.

COMMENT #26

COUNTY COMMISSIONERS

George L. Eames, Jr.
District One

Diane Oberquell
District Two

Linda Medcalf
District Three

PUBLIC HEALTH AND
SOCIAL SERVICES DEPARTMENT

Patrick M. Libbey, Director
Diana T. Yu, MD, MSPH
Health Officer

December 15, 1992

Michael Kain
Thurston County Planning Department

Re: Policy statement - Asphalt/concrete recycling

Dear Mike,

This is a reply to your recent request for a position response from the health department with regard to site specific use for recycling of waste concrete and asphalt. After review and consultation with DOE and the initial examination of the Jones Quarry S.U.P. for the on-site recycling of concrete and asphalt, our department has taken the approach that a waste asphalt recycling operation presents none to very minimal environmental health concerns.

Formerly, our department's greatest concern was the possibility of leaching PAH's from the asphalt materials to ground or surface waters. Present research and information suggests that this is not a serious problem as PAH's are basically insoluble in water and adsorb well to organic soils. If future information about asphalt indicates otherwise, then our department will reassess our current approach.

However, as a condition of issuance of a solid waste permit for such a facility, other parameters would need to be addressed:

- 1) the hydrogeological characteristics of the site would need to be assessed, i.e., waste material would not be stored in a wetlands or flood plain area, nor should the material have direct contact with surface or groundwater or placed on excessive slopes.
- 2) all waste materials received at the site is to be quantified (by weight or volume) and the source of the material must be known. For instance, if the waste asphalt or concrete came from a known industrial site or petroleum spill, this material would not be suitable for recycling. The operator would be obligated to turn away the material or test the material prior to acceptance.
- 3) Surface water run-off at the site would need to be addressed.

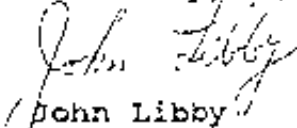


page 2

The recycling of waste materials is also in concert with stated county and Washington State goals to divert waste items from landfilling to a more beneficial use. Asphalt and concrete recycling definitely support these goals and the county should be supportive if site specific proposals can meet the appropriate solid waste permitting criteria.

I hope this will help in future determinations about this issue. If you have further inquiries, please contact me at 786-5461.

Sincerely,



John Libby
Solid Waste Program

cc: Gregg Grunenfelder
Jane Hedges

Attachment 2



COUNTY COMMISSIONERS
COMMENT #26
Cathy Wolfe
District One
Sander Romero
District Two
Karen Valenzuela
District Three

PUBLIC HEALTH AND SOCIAL SERVICES DEPARTMENT

Sherri McDonald, RN, MPA,
Director
Dana T. Yu, MD, MSPH
Health Officer

Scott Schindelfenig-

January 22, 2010

The Hazardous Waste staff was recently asked to help the Public Works Department determine if the recycled asphalt material (RAP) currently stored at the Waste and Recovery Center (WARC) is contributing to pollution. To determine this, I consulted a local laboratory to ensure that any sample collected was analyzed for the chemical contaminants that are most likely to be associated with RAP. The analytes that were selected were: metals (MTCA 5 – arsenic, cadmium, chromium, mercury and lead), total petroleum hydrocarbons (diesel extended range which includes longer petroleum hydrocarbon chains like oils), and polycyclic aromatic hydrocarbons (including the carcinogenic hydrocarbons).

On January 6th, I walked around the area where the RAP is stored (in the rain) and determined that the rain water that comes off the RAP material, and reaches the ground surface, combines with runoff from the upland landfill. To ensure that the sample collected constitutes only runoff from the RAP and no other source, I decided the most appropriate sample would be collected from rainwater dripping off the RAP pile (before it hits the ground).

On January 8 and 9, I collected two sets of samples in glass containers and poured them into appropriate sample bottles and hand delivered one set to an analytical lab and the other sample set was provided to Lakeside Industry personnel.

The attached laboratory data is the results of the analysis. The sample analysis shows that the RAP was not contributing arsenic, cadmium, chromium, mercury or lead into the stormwater runoff. Total petroleum hydrocarbons (oils and diesel) were not detected in the runoff sample and neither were there any detectable polycyclic aromatic hydrocarbons (PAH's).

Although only one sample was collected from the RAP pile, there does not appear to be variability in the material stored, so collecting multiple samples from various points is unlikely to create a different result. At this time it does not appear that the RAP material is contributing pollution via stormwater runoff. If you have any questions or would like further clarification, please contact me.

Patrick Soderberg
Hazardous Waste Specialist
Thurston County Health Department

Attachment: Libby Labs analytical data



February 21, 2019

Thurston County Community Planning & Economic Development
2000 Lakeridge Drive SW
Olympia, WA 98502

Transmitted via email to:

maya.teeple@co.thurston.wa.us
shannon.shula@co.thurston.wa.us

NAPA/WAPA comments regarding RAP leachate report

Recently, Lakeside Industries consulted with their national and state asphalt pavement associations for assistance in reviewing a draft report, issued by Herrera Environmental Consultants, Inc. ("Herrera"), to assess whether contaminants leach from reclaimed asphalt pavement ("RAP"). It is our understanding the County intends to rely on Herrera's review in determining whether to amend the Nisqually Sub-Area Plan's prohibition of the use of RAP. Because of the importance of and implications associated with Thurston County's upcoming decision, and due to the serious mischaracterizations in Herrera's revised draft literature review entitled "Contaminant Leaching from Recycled Asphalt Pavement," ("Revised Draft") we find it necessary to provide our own written response directly to Thurston County.

National Asphalt Pavement Association ("NAPA") is a 501(c)(6) trade association representing asphalt pavement material producers and paving contractors at the national level. Last year, the approximately 3,500 asphalt plants across the country produced more than 350 million tons of asphalt pavement mixture and employed some 250,000 individuals in the production and placement of asphalt-based pavements. The continued use of RAP in asphalt pavements is critical to ensure the nation's paved roadway surfaces are economically constructed and smooth, safe, and quiet for the travelling public.

Washington Asphalt Pavement Association ("WAPA") likewise represents asphalt pavement material producers/paving contractors at the state level and has served this function since its founding in 1954. WAPA member companies own and operate 60+ asphalt plants which produce 98% of the hot mix asphalt ("HMA") manufactured statewide. WAPA continuously partners with the Washington State Department of Transportation and the American Public Works Association of WA to develop and refine the use of RAP in HMA. RAP use has been a broadly accepted standard/technology in Washington for over 20 years and represents in excess of 20% of the annual HMA volume produced for both the public and private market.

Introduction

Across the country, as part of everyday maintenance, repair, and construction activity, old asphalt pavement material is removed from roads and parking lots and then reclaimed for future use. In 2017, about 1.2 million tons of RAP was used in new pavement mixtures in Washington state alone. A recent study by the University of Washington identified 63 existing RAP stockpiles of significant volume containing approximately 1.4 million tons of RAP distributed across the state, all of which is destined to be incorporated into new pavements. Nationwide, more than 99% of RAP collected is put back to use in

new asphalt pavements, saving more than 48 million cubic yards of landfill space annually and helping to reduce the cost of new pavement mixtures compared to all-virgin-material mixes.

Because use of RAP is now ubiquitous, many state transportation and environmental agencies have investigated the environmental implications of RAP stockpiles. These agency investigations, along with the majority of independent academic research studies, have not found reason for concern from the storage of, and stormwater runoff from, RAP stockpiles. As of year-end 2017, over 100 million tons of RAP was stockpiled in the U.S., and decades of monitoring runoff from RAP stockpiles has similarly found no reason for concern associated with stormwater runoff from RAP stockpiles. For example, Virginia Department of Transportation (“DOT”) conducted a literature review of RAP leachate, similar to Thurston County’s review, and concluded that although “concern has been expressed that leachate [sic] resulting from flood or rainfall could be contaminated by such recycled asphalt and thus have negative environmental consequences, ... [r]esults of numerous field studies and standardized tests, including the Toxicity Characteristic Leachate Procedure (TCLP) test, suggest that typical RAP can be used as ‘clean fill’ without undue negative environmental consequences.”¹

The Revised Draft stands in stark contrast to these decades of proven findings. Unfortunately, the Revised Draft mischaracterizes study results and is of questionable relevance to the issue of the environmental implications of RAP stockpiles. The Revised Draft also fails to address the numerous issues with many of the studies initially raised in Lakeside Industries’ written comments, dated November 6, 2018.

To ensure the credibility and validity of the report’s findings, we strongly recommend that Thurston County or their environmental consultant, Herrera, contact the authors of the studies identified and summarized in the Revised Draft to ensure the Revised Draft’s conclusions accurately reflect the studies’ findings.

Holistic Assessment of RAP Stockpiling

Before we call to your attention a few of the report’s most serious misstatements and mischaracterizations, we think it important to holistically assess the potential for environmental harm from RAP stockpiles.

RAP is no different than typical asphalt pavement surfaces. The primary source of contaminants of concern come not from the asphalt material itself, but instead from emissions associated with continuous vehicular traffic. For this reason, the case can be made that runoff from RAP stockpiles is a less likely source for stormwater contaminant runoff than in situ hardscape (i.e. existing road surfaces) because, beyond an initial flushing, as documented in the Revised Draft, no further contaminants would leach from a RAP stockpile. This is intuitive and incontrovertible.

Similar with other state DOTs, the Washington State DOT and the Federal Highway Administration have allowed RAP to be used in a number of different roadway and highway applications for decades, including as a crushed rock supplement and as common fill and side-slope fill (see WSDOT Standard Specification 9-03.21(1)E).

¹ See <http://vtrc.viriniadot.org/rsb/RSB4.pdf>

The Revised Draft Contains Numerous Inconsistencies

As mentioned, there are a number of inconsistencies and misstatements in the partially revised text of the Revised Draft; however, instead of identifying misstatements that should have been revised, we will highlight several mischaracterizations that lead us to question the report's overall credibility and validity.

First, the issue of potential RAP leachate on water quality has already been addressed by many state and federal agencies since the 1990s and most recently in 2017. Although the Revised Draft identifies two comprehensive state/federal agency studies (Mehta et al. (2017) and Aydilek et al. (2017)), The Revised Draft's summary of these comprehensive reports focuses on a few insignificant, individual factors in certain water quality standards from testing apparatuses purposefully designed to over-estimate potential leachate.

Additionally, the Revised Draft notes that the foreign studies are "less applicable" due to differences in manufacturing process, the make and model of vehicles, and other factors. At the same time, it incorrectly asserts that a Swedish study is the "most directly applicable" study in the Report. It is unclear how the Revised Draft can reconcile this inconsistency.

In fact, the Revised Draft relies on studies without analyzing or considering how differences in pH, RAP characteristics, testing conditions, and storage conditions influence the analysis. The studies all analyze differing material under differing circumstances that are not necessarily consistent with the conditions in Thurston County.

The Revised Draft Mischaracterizes Findings and Conclusions from the Analyzed Studies

While the Revised Draft attempts to characterize the impact of RAP leachate, it mischaracterizes the reviewed literature to such an extent that its findings should not be relied upon. Instead, Thurston County should speak directly with the study authors identified in the Revised Draft, or it should rely on the numerous state and federal agency characterizations of RAP leachate potential in deciding whether to allow RAP stockpiling in the Nisqually Sub-Area.

Although we are concerned with the entirety of the Revised Draft, our letter focuses on a few examples to demonstrate how the Revised Draft mischaracterizes studies.

Mehta et al. (2017)

The "Mehta et al." study from 2017 was an almost \$500,000, 100-page study, which included extensive toxicity testing conducted by both Columbia University and Rowan University, and sponsored by both the U.S. DOT and the New Jersey DOT. The study "abstract," which describes the purpose and findings of the study, states:

The primary goal of this study was to investigate the environmental impacts of reclaimed asphalt pavement (RAP) while it is freshly processed (i.e., fresh HMA) and after subjecting it to accelerated weathering. ... The results of these experiments showed that high molecular weight polycyclic aromatic hydrocarbons (PAHs) can elute from the weathered RAP materials, but none was above EPA guidelines. These released pollutants were largely attenuated in the soils. ... Based on the results, RAP may be used as an unbound material in all environments except those which are highly acidic (i.e., $\text{pH} \leq 4$).

In direct contrast to the Mehta et al. study's stated findings, the Revised Draft's summary of Mehta et al. (2017) states the following:

Lead was close to or higher than US EPA drinking water standards for a number of the weathered NORTHRAP samples in batch tests ... [and] ... benzo(a)anthracene [sic] was detected at levels of concern based on 1995 US EPA human health advisory levels. In the experiments conducted with a strong solvent, many of the PAHs exceeded US EPA 2016 Clean Water Act criteria.

Further, the Revised Draft concludes: "While some portion of the contaminants is generated from components of the asphalt itself, exposure to roadways was identified as a major contributor of contaminants that were available for leaching in three of the studies (Mehta et al. 2017, ...)."

Based on the above-quoted summaries, we do not find evidence from the original study to support the Revised Draft's "summary."

Aydilek et al. (2017)

A similar comprehensive 250-page study sponsored by Maryland State Highway Administration (MSHA) and conducted by University of Maryland in 2017 (Aydilek et al. 2017) addressed a similar issue as Mehta et al. (2017), specifically the MSHA "expressed concern over the limited guidance on the use of RAP in highway shoulder applications and the lack of information on ... exposure of pavement to chemicals generated from the 'vehicle exhaust, gasoline, lubricating oils, and metals ...' frequently found in many RAP stockpiles..." Aydilek et al. summarizes their study's purpose and conclusions as:

A research study was undertaken to investigate the environmental impacts associated with RAP on highway base and shoulders in Maryland. A battery of laboratory pH-dependent leaching tests and toxicity characteristics leaching procedure (TCLP) tests were conducted to determine the environmental suitability of RAP. ... The following conclusions can be made: ... The concentrations of all metals, except As, in the pH-dependent leaching tests were below the U.S EPA WQL within the drinking water pH (pH 6.5–9). Based on literature, As is most probably present in its oxidizing form [As(V)] in the leachates of Maryland RAPs and does not present any concern ... The TCLP concentrations of all metals were below the U.S EPA WQL. The TCLP concentrations of most polycyclic aromatic hydrocarbons (PAHs) were below the detection limits. ... In surface waters, the concentrations of metals leached from RAP were below the EPA water quality limits (WQLs) for protection of aquatic life and human health in freshwaters

Other similar conclusions were drawn by the study authors and summarized in the publication abstract as:

The concentrations of all metals released during the water leach tests were below the water quality limits, except for copper. Column leach tests yielded generally low or non-detectable metal concentrations. The deviation from this trend occurred for copper and zinc concentrations, but they fell below the regulatory limits at 4 and 0.5 pore volumes of flow, respectively. ... Concentrations of all metals from RAP conformed to the water quality standards in surface waters after passing through the natural formation.

Compare the directly-quoted findings above to the summary in the Revised Draft:

Aydilek et al. (2017) reported that Cu, Al, B, Ba, Co, Mn, Ni, and Zn exceeded Maryland's ATls in either batch or column tests. Of those, Cu and Zn also exceeded US EPA WQLs.

Again, the original study does not support the Revised Draft's selective summary, which fails to comprehensively and accurately reflect the conclusions from the original study.

Birgisdóttir et al. (2007)

In the case of conclusions from the Birgisdóttir et al. (2017) study, we must bring to light significant inaccuracies in the Revised Draft.

Birgisdóttir et al. (2017) specifically looked at the ability of PAHs to leach or transfer from asphalt pavement to soil adjacent to the road. The study focused on two types of asphalt pavement: one in use for over 20 years at a gas station and one on a typical roadway. In each sample, the study analyzed both the lower courses (base material) and the upper roadway wearing courses. In both cases, regardless of the levels of PAHs in the lower courses, the upper courses showed higher PAH concentration, and as expected, the gas station contaminated surface course had substantially elevated PAH concentrations as compared to the roadway surface material. As the Revised Draft correctly points out, only one asphalt sample showed PAH concentrations higher than Danish soil criteria — that sample was from the surface course of the gas station. This is to be expected; the surface of the wearing course pavement at the gas station included decades of potentially spilled gasoline and diesel fuel. These fuels, in contrast to asphalt, include lighter-end, more mobile PAHs that can potentially migrate a short distance from the source (e.g., 1 meter in this study). The key distinction is that asphalt PAHs are **not** mobile and are essentially “locked in” to the RAP. Asphalt, by its chemical nature, simply cannot readily migrate into the environment. Even using the most contaminated asphaltic samples, the study authors found:

Assuming that the PAHs leached are accumulated in the uppermost 5 cm of the soil (or gravel) under and 1 m next to the road ... the concentration of those PAHs ... after 25, 50, and 100 years of leaching ... is far below the Danish soil quality criteria, and it can be expected that leaching of PAHs from bitumen based asphalt will only slightly influence the amount of PAHs in soils near roads.

Compare these direct study findings to the synopsis provided in the Revised Draft: “the total content of PAHs in the wear course exceeded Danish soil quality criteria.” The Revised Draft also surprisingly asserted that: “exposure to roadways was identified as a major contributor of contaminants that were available for leaching.”

Conclusions in the Revised Draft are not supported by the plain language of the Birgisdóttir study.

Credibility and Validity of the Revised Draft questioned

As evidenced above, *we strongly question the credibility and validity of the Revised Draft and recommend it be removed from public record.* We encourage Thurston County to have direct dialogue with the study authors in order to understand their study results and not rely on summarizations of these studies by a third party. We also urge Thurston County to recognize the plain, overwhelming reality that RAP is stockpiled, processed, and recycled continuously throughout the state and across the country, in thousands of jurisdictions, without incident and to the net benefit of the public.

Summary

Instead of comparing the Revised Draft's summary statements for the five other studies to the actual findings of the study authors, we emphasize the following:

- 1) In decades of environmental and transportation agency studies, and in decades of independent academic research, including those mischaracterized in the Revised Draft, there appears limited if any concern associated with stormwater runoff or leachate from RAP stockpiles.
- 2) Across the U.S., we know of no other agency, county, or municipality that restricts the stockpiling of RAP. All recognize the material as environmentally safe.
- 3) Summaries of the identified studies (in the Revised Draft) significantly mischaracterize the original research results to such an extent that it raises *real concerns about the validity and credibility of the findings*.

We encourage Thurston County to closely review our comments, to take into account the decades of environmentally safe management of RAP stockpiles in Washington state and across the nation, and to understand the importance of RAP as a sustainable recycled material for roadbuilding, the use of which has significant public benefits.

Over the decades, NAPA has accumulated numerous research articles reviewing RAP leachate; some of those relevant articles were provided to Herrera after the initial draft report was released. NAPA is happy to provide those references to Thurston County, as well as to have an open discussion of any RAP leachate concerns.

Best Regards,



Howard Marks, Ph.D., JD, MPH
Vice President, Environment, Health & Safety
National Asphalt Pavement Association
5100 Forbes Blvd.
Lanham, MD 20706
(301) 731-4748



David Gent, P.E.
Executive Director
Washington Asphalt Pavement Association
451 SW 10th Street, Suite 110A
Renton WA 98057
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P.O. Box 7016 / Issaquah, WA 98027
ph: 425.313.2600 / lakesideindustries.com

November 6, 2018

Shannon Shula
Maya Teeple
Thurston County Community Planning & Economic Development
2000 Lakeridge Drive SW
Olympia, WA 98502

**Re: Lakeside Industries Comments on
Draft Literature Review - Contaminant Leaching from Recycled Asphalt Pavement**

Dear Shannon and Maya:

Thank you for this opportunity to provide stakeholder comments on the Draft Literature Review by Herrera Environmental Consultants, Inc. regarding Contaminant Leaching from Recycled Asphalt Pavement ("Herrera Review"). Based on our assessment, Lakeside Industries requests that the final draft of the Herrera Review limit its consideration to applicable U.S. studies in comparable leaching environments.

Background

Asphalt has been called the "ultimate recyclable product" and the use of RAP is a standard practice in Washington and throughout the world. Reprocessing asphalt is consistent with the vision in Thurston County's Comprehensive Plan. It preserves the human environment by encouraging jobs in the community. It preserves the natural environment by encouraging protection of mineral resource lands, limiting the carbon footprint of asphalt paving, and preventing unnecessary waste in landfills. It promotes economic health by reducing the cost of asphalt, which supports local asphalt paving businesses and property owners.

Thurston County's Nisqually Valley Sub-Area Plan currently prohibits the use of RAP due to water quality concerns; therefore, this literature review is an important step in the process of evaluating the potential for contaminant leaching from RAP and associated impacts to water quality. Based on the following analysis, we request the final draft of the Herrera Review focus conclusions based on applicable U.S. studies which better reflect the effects of U.S. manufactured asphalt paving mixtures on water quality.

The most applicable U.S. studies found limited or no cause for concern

The Herrera Review analyzed available research regarding leaching of pollutants from RAP. It started with 101 information sources, then limited the sources based on the date of the study

and whether the study was a primary data source. The remaining 33 studies were rated low, moderate, and high. The Herrera Review then focused on only five studies.

Of the five studies reviewed, only two of the studies were conducted in the U.S. Both U.S. studies found that leaching from RAP in typical local rainfall is not a cause for concern. First, the Maryland study from October 2017 concluded that “RAP from sources in Maryland does not release excessive amounts of toxic elements” and “if any kind of a weighted average were to be applied to the results, the concentrations for all constituents would be well below the most stringent standards.” Herrera Review, pgs. 4-5. Additionally, the New Jersey study from May 2017 concluded: “Leaching of some PAHs and Pb may occur under acidic environments such as landfills, but typical New Jersey rainfall is expected to elute negligible contaminants.” Herrera Report, at 8.

The Herrera Review considers foreign studies that are not representative of local asphalt and conditions

The Herrera Review considered three other studies, which were all conducted in Europe on foreign pavements and applied European standards.¹ U.S. and European pavement and road usage are quite dissimilar. There are vast differences in asphalt pavement design, petroleum binder, material makeup, and conditions of use.

Accumulation of constituents on European RAP is unlike RAP from the U.S. The types of fuel used, the makes and models of vehicles, and the products used on roads can influence the types of constituents found. Popular vehicle manufacturers and models in Europe are not as common in the U.S. In Scandinavia, studded-tire road wear and winter de-icing solutions are more prevalent than in the U.S and certainly more prevalent than in Western Washington and Thurston County. These differences likely influenced the constituents found.

Asphalt mixes in Europe vary from mixes in the United States. The presence of coal tar in European pavement may have contributed to increased PAH levels in the European studies cited in the Herrera Review. Many European pavement mixes have used coal tar as a full or partial replacement to bitumen, whereas coal tar has not been similarly used in U.S. since World War II. According to the Norin/Stromvall study, Sweden used coal tar as “a substitute, an additive or as an adhesive agent in asphalt until 1975” and “tar contains approximately 10^3 to 10^5 times more PAH than the bitumen used today.” See Norin and Stromvall 2004, pgs. 323-4.

Additionally, a typical asphalt paving mix design in Scandinavia incorporates a “cutback” petroleum solvent – a highly volatile and PAH-rich petroleum product – to account for the cold climate. Such a mix has been eliminated from U.S. pavement design for decades, with the rare exception of some winter pothole patching materials.

The Herrera Review does not account for differences in regulatory standards

¹ The Norin/Stromvall study from 2004 was conducted in Sweden, the Legret study from 2005 was conducted in France, and the Birgisdottir study from 2007 was conducted in Denmark.

Regulatory standards cited throughout the Herrera Review are not applicable to Washington State. Review of regulatory standards from other jurisdictions provides an inapplicable view of the impacts from RAP. For example, the Norin/Stromvall study from 2004 compares its findings to “Swedish recommended values for groundwater in polluted soils at gas stations” and the Herrera Review notes exceedances of these Swedish standards. Herrera Review, pg. 12. Swedish standards for groundwater in soils at gas stations are irrelevant to the regulatory framework in Washington.

The Herrera Review analyzes studies from aggressive leaching environments, makes unsupported conclusions, and uses ambiguous language that overstates impacts

Multiple studies cited in the Herrera Review analyze impacts in aggressive environments that are inapplicable to the proposed RAP storage in Washington. The Birgisdottir study from Denmark analyzed a sample of RAP taken from pavement at a gas station, where fuel drips are highly more likely than a roadway or parking lot. Herrera, pg. 9. The Norin/Stromvall study was “performed in southwest Sweden where precipitation is quite acidic; therefore, the concentrations may not reflect what might occur in Washington.” Herrera Review, at 18. The batch test in the New Jersey Metha study used acidified water “to simulate a very aggressive leaching environment, such as would occur in a landfill.” Herrera Review, pg.7. The Herrera Study provides data from a batch test in the Norin/Stromvall study but does not provide any further details about the acidity of the water used. See Herrera Study, pgs.10-11, 13-14.

In its “Summary and Conclusions,” the Herrera Review states that “vehicle traffic definitely was the major contributor of contaminants that were available for leaching.” Herrera Review, pg. 18. Other portions of the Herrera Review do not support this finding.

The Herrera Review confusingly uses the term “fresh” asphalt to refer to asphalt that was taken directly from a road when the road surface was being milled. The Norin/Stromvall study referred to the same asphalt as “not stored” because it was not kept in storage for two years before testing. The use of the term “fresh” carries connotations that the asphalt was new or recently mixed, whereas “not stored” does not carry the same connotations.

The Norin/Stromvall study identified that the top 1-inch or “scarified” RAP had the greatest leaching potential of PAHs. However, there was a real difference in the surface area of the scarified RAP versus the “dug” RAP. It is unclear whether the study’s finding was due to the vehicle surface contamination (as suggested by the authors) or to the difference in surface area.

Thank you again for your time and consideration on this important issue.

Sincerely,

Lakeside Industries

From: [Thomasina Cooper](#)
To: [Maya Teeple](#)
Subject: FW: Nisqually Subarea Plan proposed policy amendment E.5.
Date: Thursday, June 27, 2019 8:14:13 AM

Hi there-

I received the below public comment on the Nisqually Subarea Plan.

Thanks!

Thomasina

From: Thurston County | Send Email <spout@co.thurston.wa.us>
Sent: Thursday, June 27, 2019 6:00 AM
To: Thomasina Cooper <thomasina.cooper@co.thurston.wa.us>
Subject: Nisqually Subarea Plan proposed policy amendment E.5.

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Thomasina Cooper**

Subject:

From: **David Hillman**

Email (if provided): davidhillman@hotmail.com

Message: **Hi Thomasina,**

I sent this to Commissioner Menser and because I wish to be thorough, I am now sending it to you:

I have been following the developments of the proposed amendment to The Nisqually Subarea Plan Policy E.5. After reading all of the public comments concerning the environmental review, I have compiled some noteworthy points that I would like to share.

An overwhelming number of citizens (actually 100% of the citizens that submitted) are against the policy change. I'm not counting the one woman who is against the water plant, but she was surely confused and should not count as either for or against the policy change.

100% of the submissions that are in favor of the change in policy are employees of the asphalt industry. I am certain that few (if not zero) of these people are citizens of the Nisqually Subarea.

Of the four people in favor of the policy change, one works for the company that has submitted the paperwork for the policy change, one is from Maryland, one is from Renton, and one is from Puyallup. All four submitted "their" comments on asphalt industry letterhead that were almost assuredly drafted, not by them, but by their lawyers. All four of them were almost assuredly on the clock when they signed their names.

Despite a very low awareness level of the proposed policy amendment among the citizenry at large, the tally for those against the policy change is 54. As mentioned before, the tally of those that are for the policy change is 4. This is nearly a 14 to 1 ratio. This is not counting the 120 members of Nisqually Aquatic Reserve Citizen Stewardship Committee or the uncounted members of the Thurston League of Women Voters. This count certainly makes a final tally of several hundreds of citizens vs. 4 industrialists. Many of these citizens found out about the situation at a very late date, and much commentary was submitted at the last moment. Very few, if any, had help from lawyers, or were on the clock.

Two main themes stood out to me as I read all of the comments:

Vehement opposition by citizens. Not only did 100% of the citizens say no, most said it loudly and with passion.

Assertions by industrialists that RAP was allowed everywhere else except The Nisqually Subarea. As few (or zero) of these four people actually live in the Nisqually Subarea, I can understand their ignorance as to how special and unique this place is.

Because the Nisqually Subarea is home to one of the cleanest watersheds and estuaries in the United States, we citizens are held to a higher standard concerning land use. My neighbors and I for example, must have our septic tanks inspected every 3 years, and dye tested every 6 years. We are also not allowed to add bedrooms to our existing one-family structures due to the stringent rules surrounding septic systems. No new septic systems are allowed except to replace a failing existing system. These new systems must meet stringent specifications. I knew this when I bought my house.

Despite how inconvenient and unfair they think it is, Lakeside Industries Inc. must conform to the same sort of stringent policies in this unique and special place. Just like me and everyone else in my neighborhood.

When I think about where all of this is headed, using the above comment submission data plus reading the recent environmental review and using The Nisqually Subarea Plan as a guide, I must come to the following conclusions:

The current language across the entirety of The Nisqually Subarea Plan, the findings of the recent environmental review, and THE WILL OF THE PEOPLE OF THE SUBAREA demand that this proposal amendment to policy E.5. be rejected as soon as possible.

If for whatever reason, the proposed policy amendment somehow moves forward, then much more study and additional public comment is required. I believe this is known as phase 2. Increased public outreach on the proposed policy change is in order as well.

In light of the emphatic and overwhelming public opposition, it would be very odd indeed if the proposal to amend policy E.5. moves forward by skipping phase 2, especially given the absolute lack of citizen support for the proposed change, and the non-existent support of businesses other than asphalt industrialists.

Thank you for taking the time to read this.

David Hillman
Nisqually Subarea Citizen

Revised 6/15/2019

From: [Madeline Bishop](#)
To: [Tye Menser](#); [John Hutchings](#)
Cc: [Maya Teeple](#); [Ramiro Chavez](#)
Subject: Recycling Asphalt
Date: Saturday, July 6, 2019 8:19:04 AM

Are you will to take the risk with our water?

I am very concerned about the proposed policy change for the Nisqually Subarea that would be the first step towards issuing permits to recycle asphalt. [County Overview Recycled Asphalt Policy E.5 Amendment](#)

It appears that citizens are put at a disadvantage since Lakeside can afford to hire experts to testify for their side as seen in the 2000 decision to allow the asphalt plant to move to Nisqually : [Special Use Permit allowing Asphalt Production at Holroyd](#)

My question is:

What circumstances would make it likely that contamination would occur? Incidents such as regulations not followed, earthquake, flood, acidic rain, excessively dirty asphalt, slow amounts building up over time etc. And are you willing to take the risk?

I care about the water quantity, water quality and preservation of farmland.

Sincerely,
Madeline Bishop
9529 62nd Ave SE Olympia, WA 98513

From: [Howard Glastetter](#)
To: [Gary Edwards](#)
Cc: [Maya Teeple](#)
Subject: E.5
Date: Sunday, June 30, 2019 9:14:07 AM
Attachments: [IMG_20190622_0002_E5Memo.pdf](#)

Commissioner Edwards,

I thought you might like to review the above attached PDF before you make a decision on this E.5 issue. It was written by Steve Morrison, the project manager of the original 1992 Sub-Area Plan. The memo was used as part of the support for Development Services recommendation to reject Lakeside's request to put a plant in Nisqually Valley. Courts allowed Lakeside to get in due to a county WAC that said an asphalt plant was an accessory use to a gravel mine. That law was changed from accessory use to permitted use to prevent this sort of thing from happening again. There is more to this issue than: "Is RAP OK or not OK".

-Howard

Howard H Glastetter
Howard.glastetter@comcast.net
(360)491-6645
Cell: (360)556-1574

Everything should be as simple as it can be, but no simpler.
Albert Einstein



THURSTON REGIONAL PLANNING COUNCIL

2404 HERITAGE COURT SW #B OLYMPIA, WASHINGTON 98502-6031

ATTACHMENT
COMMENT #31

MEMORANDUM

Members:

City of Lacey
City of Olympia
City of Tenino
City of Tumwater
City of Yelm
Town of Bucoda
Town of Rainier
Thurston County
Intercity Transit
Port of Olympia
Griffin School District
North Thurston School District
Olympia School District
Nisqually Indian Tribe
Timberland Regional Library

Charter Member Emeritus:

The Evergreen State College

Harold Robertson, AICP

Executive Director

(360) 786-5480

FAX 754-4413

TO: Don Krupp

FROM: Steven Morrison *SM*

DATE: January 3, 2000

SUBJECT: History of the Nisqually Valley Sub-Area Planning Process

INTRODUCTION:

Per our telephone conversation of the week of December 13, 1999, I have reviewed the Nisqually Sub-Area Land Use Plan and Zoning (1992) regarding the proposed placement of an asphalt batch plant within the valley. In 1989 I was assigned the Nisqually Sub-Area Planning Process as part of Thurston Regional Planning Council's contract with Thurston County. My work included preparation of the emergency ordinance (O-#9316) up through the adoption of the sub-area plan by the Thurston County Board of Commissioners in November 1992. I will summarize those sections which I believe are relevant to your question.

FINDINGS:

Ordinance No. 9316 started the planning process and established several of the "themes" which were important throughout the planning process. **Water Quality Protection and Maintain the Rural Character** were noted in several findings. Finding 12 identified that land use activities near McAllister Springs (a regional water source) had been recently regulated by the Board of Health. Finding 8 identified the valley as comprised of low density uses such as agriculture forestry, undeveloped land and the Nisqually Wildlife Refuge. Several of the Findings (such as 6, 7, 8, 9, 10 and 11) identified that the Nisqually Valley could be threatened by surrounding development. The purpose of the Sub-Area Plan was to create a development pattern which was consistent with the County Comprehensive Plan and which would not lead to "irreparable damage to sensitive areas along the tributaries, flood plains and bluffs of the Nisqually River and McAllister Creek." [Finding 19]

MEMORANDUM

Page 2

January 3, 2000

These two themes were also very important in the early phases of the sub-area plan. The 1988 Thurston County Comprehensive Plan provided guidance as well and the recently adopted Washington State Growth Management Act. The goals and policies of the sub-area plan are listed on pages 17-27 of the adopted plan. Although the 12 categories are not noted in the sub-area plan as being in priority order, those first few categories were more important than the ones at the end. "1. Rural Character" was the first category because this was of overriding importance to all. This was followed by "2. Water Resources" and then by "5. Commercial Development".

The adopted Nisqually Sub-Area Plan policy which speaks most directly to the proposed batch plant is Policy E.5, which reads:

"E.5. Allow accessory uses to be considered inside mined out portion of a gravel pit through the site plan review process. Examples of allowable uses would include concrete pipe and/or septic tank construction and the recycling of used concrete. The reprocessing of imported mineral resources shall not be the primary accessory use and the reprocessing of asphalt shall not be allowed due to water quality concerns. The activities shall be discontinued once reclamation of the pit is completed in accordance with the WDNR standards."

Like all policies in the sub-area plan, there was an evolution of this policy. The earliest policy statement I could find regarding this topic was from Nisqually Bulletin #8, Draft Vision Statement: September 20, 1990. The policy can be found in section E Commercial Development.

"3. Identify existing mineral extractions, and establish guidelines for the design and locations of any new operations."

It was changed slightly in Nisqually Bulletin #9, Final Vision Statement: December 13, 1990.

"3. Recognize existing mineral extraction operations, require any new operations to be visually buffered from adjacent properties and roads, and prohibit the location of any new facilities north of the Burlington Northern Railroad to protect the visual integrity of the Nisqually valley viewshed."

The policy further evolved into the earliest complete draft of the sub-area plan, Committee Draft - October 1991. The wording changed to a form similar to that which was ultimately adopted. That policy read as follows:

"E.5. Allow accessory uses to be located inside the mined out portion of a gravel pit through the site plan review process. Reprocessing of imported mineral resources shall not be the primary accessory use and these activities shall be discontinued once reclamation of the pit is completed in accordance with the WDNR standards."

MEMORANDUM

Page 3

January 3, 2000

As I recall, this was one of the later policies to be added to the sub-area plan. I believe that discussion regarding this policy was desired by both Holroyd and a planning committee member from the environmental community. This discussion was clearer than most since it occurred on the day I took pictures of the sub-area planning committee at the Nisqually Tribal Center.

The addition of the types of uses came after discussions with what this policy would really mean. [... **"Examples of allowable uses would include concrete pipe and/or septic tank construction and the recycling of used concrete. ..."**] Since the pit already provided concrete products, then the reprocessing of concrete products was not seen as much of a change in use.

I also recall discussion about the reprocessing of broken up highways. Concrete was not a concern, (as noted above) but asphalt was not desired. [... **"the reprocessing of asphalt shall not be allowed due to water quality concerns. ..."**] The rationale for that was clearly the concern over water quality and the fact that asphalt production was not a part of Holroyd's operations.

The last point was the extent of the activity. [... **"The reprocessing of imported mineral resources shall not be the primary accessory use ..."**]. Another policy in the Commercial Development category provided the guidance which limited the need for further explanation. This other policy was E.1, which reads in part: *"Minimize the addition and new commercial activities within the planning area by prohibiting commercial expansion of properties not currently zoned beyond the existing lot and use ... and prohibit the use of mined out gravel pits for commercial and industrial uses."* This parallels the Goal for the Commercial Development section which read: *"Prohibit large scale commercial development within the Nisqually Valley, while recognizing existing commercial activities and designated commercial areas."* I find the operative words in this goal to be "existing commercial activities."

The planning committee redrafted the policy E.5. to its final wording. It was unchanged from August 1992 in the Planning Commission Draft Sub-Area Plan to its adoption by the Board in November. Nisqually Bulletin #14 (August 1992) indicated that there were no public hearing comments about this policy at the Planning Commission level. I do not have any records of the Board of County Commissioner's public hearing.

CONCLUSION

I do not recall any specific planning committee discussion regarding a batch plant in the valley. If this had been raised, I believe it would have been immediately rejected as being inconsistent with the sub-area plan on several accounts.

First, it conflicts with the Commercial Development goal which is "recognizing existing commercial activities." The planning committee added a limited amount of flexibility within the mined out pit to only deal with recycled products. It also clearly prohibited the use of mined out gravel pits for commercial and industrial uses by Policy E.1.

COMMENT #31

MEMORANDUM

Page 4

January 3, 2000

Secondly, a batch plant would appear to far exceed the level of intensity of "accessory activities." Ordinance No. 9316 (the emergency downzone) was issued because of the possible adverse impacts of intense land uses adjacent to and within the Nisqually Valley. Under the proposed batch plant scenario, the gravel mine would appear to be accessory use and the batch plant the primary use.

Lastly, the issue of water quality is a trump card to both previous issues. If the committee had water quality concerns regarding the handling of asphalt with an "accessory" recycling operation, then those concerns would be doubled with a batch plant operation.

I hope this history is useful. Should you have any additional questions, please contact me.

20:3p

Maya Teeple

From: Thurston County | Send Email <spout@co.thurston.wa.us>
Sent: Tuesday, July 9, 2019 7:57 AM
To: Maya Teeple
Subject: Nisqually subarea recycled asphalt policy

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Maya Teeple**

Subject:

From: **Robert Clark**

Email (if provided): **rdclark147@gmail.com**

Message:

Add me to the email list for the Nisqually recycled asphalt policy changes.

Thanks,

June 25

Com Tye Messer

To continue your work to protect water resources, please do not change the Nisqually watershed gravel mine zoning.

Do not allow processing of recycled asphalt - it is a violation of the sub-area plan. Thank you!

PROUD MEMBER
League of Women Voters

Vera Spooner Kelly

Please fully fund the Conservation District for the next 10 years as well

June 25, 2019

Commissioner John Hutchins,

To continue your work to protect water resources, please do not change the Nisqually watershed gravel mine zoning.

Do NOT allow processing of recycled asphalt - it is a violation of the sub-area plan. Thank you!

PROUD MEMBER
League of Women Voters

Vera Spooner Kelly

Please fully fund the Conservation District for the next 10 years

Com Gary Edwards

June 25, 2019

To continue your work to protect water resources, please do not change the Nisqually watershed gravel mine zoning.

Do not allow processing of recycled asphalt - it is a violation of the Sub-Area plan. Thank you!

PROUD MEMBER
League of Women Voters

Vera Spooner Kelly

Please fund fully the Conservation District for the next 10 years

COMMENT #34

Dear Comm Edwards

NO RE-CYCLED
ASPHALT in
Nisqually watershed

PROUD MEMBER
League of Women Voters

C. R. Kuehn

Dear Comm Hutchings

COMMENT #35

NO RE-CYCLED
ASPHALT in the
Nisqually watershed

C. R. Kuehn

PROUD MEMBER
League of Women Voters

Dear Commissioner,

Please stop protect water quality
and quantity in the Nisqually
water shed. No asphalt recycling -
in a well head protection area.

Thank you

Shelley Telen

PROUD MEMBER
League of Women Voters

Dear Commissioner,

PROUD MEMBER
League of Women Voters

Please vote to fund the
Thurston Conservation District
for 10 years. The District has
passed an audit and has a
record of helping citizens &
farmers in the County. Shelley Telen

COMMENT #36

Commissioner Edwards,
The League of Women Voters believes
that concerning water resources, the
overriding consideration should be
protecting the quality and quantity of
the water SOURCE.

Recycled Asphalt in the permeable
soil of the gravel mine in the

Nisqually watershed

thank you

PROUD MEMBER
League of Women Voters

Commissioner Hutchings

The League of Women Voters believes that
concerning water resources, the overriding
consideration should be protecting the quality
and quantity of the water Source.

Please do not allow permits in the
permeable soil of the gravel mine
in the Nisqually watershed

thank you

PROUD MEMBER
League of Women Voters

Commissioner Mense

The League of Women Voters believes
that concerning water resources, the
overriding consideration should be
protecting the quality and quantity of
the water source. Please do not allow

permits of this process in the
permeable soil of the gravel mine in
the Nisqually watershed

thank you

COMMENT #37

Dear Com. Edwards -

The League of Women Voters believes the overwhelming consideration for water resources is to protect its quality. Do NOT change zoning to allow processing of re-cycled asphalt in the Nisqually watershed. This is a violation of the Sub-Area Plan.

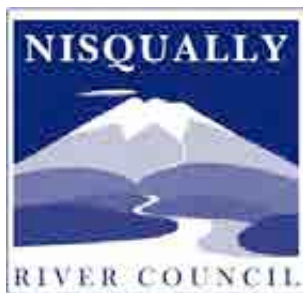
Charlotte Persons
48506

Com Hutchings -

The League of Women Voters believes that the overriding consideration, with regard to Water Resources, should be protecting the quantity & quality of the SOURCE. Recycled Asphalt in the permeable soil ~~and~~ of the gravel mine in the Nisqually watershed would be a Violation of the Sub-Area Plan.

Please act to protect our water.

Thank you Barbara Buehler



Nisqually River Council

12501 Yelm Highway • Olympia WA 98513 • (360) 438-8715

October 21, 2019

Council Membership

Pierce County
Thurston County
Lewis County
Cities of Yelm, Eatonville & Roy
Tacoma Public Utilities
Puget Sound Partnership
UW Pack Forest
WA Dept. of Natural Resources
WA Dept. of Fish & Wildlife
WA Dept. of Ecology
WA Parks & Recreation Commission
WA Conservation Commission
WA Dept. of Agriculture
WA Dept. of Transportation
WA Dept. of Commerce
WA Secretary of State
Nisqually Indian Tribe
Department of Defense, Joint Base Lewis-McChord
Billy Frank Jr. Nisqually National Wildlife Refuge
Gifford Pinchot National Forest
Mount Rainier National Park
Nisqually River Citizens Advisory Committee

Thurston County Board of Commissioners
Thurston County Courthouse
2000 Lakeside Drive SW
Olympia, WA 98502

Dear Board of Commissioners,

The Nisqually River Council (NRC) appreciates the ongoing updates we receive from County staff on the Nisqually Sub-Area Plan review, and the related proposal to change the current policy prohibiting recycled asphalt pavement (RAP) within the Nisqually Sub-Area. As stated in our letter of March 22, 2017, the NRC supports a collaborative and inclusive effort to update the Sub-Area Plan, and we appreciate the County's work to keep us informed and involved in the process.

At the NRC meeting on July 19, 2019, County staff presented the findings from the Phase I RAP study, which reviewed the literature on contaminant and leachate potential from RAP. As noted in that presentation, this Phase I study did not look at local conditions in the Nisqually sub-area or best management practices (BMPs). There remain significant questions about the possible impacts of RAP on water quality in the Nisqually Valley that cannot be answered without further study. The NRC urges the Board of County Commissioners to require on-the-ground field studies of RAP leachate behavior in the Thurston County region prior to moving forward with any change to the current policy.

The NRC's March 2017 letter also noted that "we do not support a narrow review of a proposal to modify the plan relative to recycled asphalt....A narrow consideration may have unintended consequences that can be avoided through a complete adaptive management look at the entire plan." The Nisqually Sub-Area is critical for local water supply and for ESA-listed species, including Chinook salmon, steelhead, and southern resident orcas. Further studies of the proposal to bring RAP into the Nisqually sub-area should be considered alongside other concurrent proposals, particularly the potential for sub-aquifer gravel mining and the potential risks posed to groundwater supplies from these activities happening simultaneously. In addition to field studies, the NRC supports a rigorous comparative review of BMPs related to RAP storage and processing to minimize precipitation contact, runoff, and other risk factors to our groundwater and surface water resources.

Since it was adopted in 1992, the Nisqually Sub-Area Plan has done a good job of balancing economic activities with protections for the sub-area's rural character and natural resources. The NRC continues to support a complete and holistic review of the Plan based on the best available science and consultation with our community stakeholders about their goals and priorities for the sub-area over the coming decades. Once again, we appreciate the continued partnership with Thurston County throughout this process.

Sincerely,

David A. Troutt
Chair

From: [Phyllis Farrell](#)
To: [Howard Glastetter](#)
Cc: [David Troutt](#); [Emily McCartan](#); [Lois Ward](#); [fredndanrc@aol.com](#); [Ed Kenney](#); [Maya Teeple](#)
Subject: Re: LWV state positions on Nisqually Delta
Date: Sunday, November 17, 2019 9:23:52 AM

Thanks! I agree the positions are somewhat dated, but what resonated with me was the priority of natural values over economic interests in order to preserve a natural estuarine environment. If the manufacture of recycled asphalt jeopardizes the estuarine Environment based on scientific evidence/conclusions, the LWV could weigh in.

The LWV is a non profit, non partisan organization that neither supports nor opposes candidates or parties and promotes civic engagement and good governance. It advocates for legislation and policies based on its positions which are developed from research, study and an extensive bipartisan consensus process. The LWV supportS or opposes proposals based on alignment with the positions.

Phyllis

Phyllis

Sent from my iPad

On Nov 17, 2019, at 8:31 AM, Howard Glastetter <howard.glastetter@comcast.net> wrote:

Phyllis,igh In

Those are nice ideas. However, they don't beat a strong, reasonably fair, Subarea Plan – which acts like a neighborhood covenant.

Thurston County's gravel mining regulations have been recently compromised by outside county interests within the state. Other counties, plus industrial interests, want the rich gravel deposits here ewhat moto be viewed as a regional, rather than a county resource. Up until now, Thurston County was only required to designate enough gravel mining land to cover internal needs for the next 50? years. This was the state rule for all counties and maybe still is for those outside Thurston.

So, addressing the sub-area plan upgrade and even expanding it, if possible, is a very necessary high priority that will aid in reaching some of the goals below.

-Howard

From: Phyllis Farrell <phyllisfarrell681@hotmail.com>
Sent: Friday, November 15, 2019 10:00 PM
To: howard.glastetter@comcast.net
Cc: David Troutt <troutt.david@nisqually-nsn.gov>; Emily McCartan <emily@nisquallyriver.org>; Lois Ward <loisward@comcast.net>;

fredndanrc@aol.com; Ed Kenney <baldhillssolar@gmail.com>

Subject: LWV state positions on Nisqually Delta

FYI....just now noticed this piece in the LWV Program in Action publication 2019-2021:

Nisqually Delta (1981)

The League of Women Voters of Washington believes that:

ND-1: Policies and procedures to preserve a natural estuarine environment for the Nisqually Delta should be supported.

ND-2: Any land or water uses which affect the Delta should be compatible in type and intensity with its ecological balance.

ND-3: Changes to the ecosystem of the Nisqually River basin, Delta and Nisqually Reach should be made only after their effect upon the Delta is considered.

ND-4: The state should assume primary responsibility for developing management goals and strategies for this area of statewide concern.

ND-5: Priority must be given to implementation of a comprehensive, region-wide plan for the management of the area. Any mechanism for planning, management and enforcement should recognize natural values over economic interests, long term effects over short term interests and statewide over local interests

The LWV supports or opposes measures based on the alignment with the above positions. As you know, the LWV is a non profit, non partisan organization that neither supports nor opposes candidates or parties. It does advocate on issues based on positions. Positions are determined using studies taking usually 2-3 years. Scientific research is gathered, questions are developed around issues and there is an extensive process to develop positions based on questions on which there is a consensus. Positions are based on science, social justice and good governance principles and a non partisan process... and are therefore considered credible and respected.

The positions are dated 1981, but may still apply to any measures affecting the Nisqually watershed and delta.

Phyllis

Sent from [Outlook](#)

From: [Maya Teeple](#)
To: [Allison Osterberg \(osterba@co.thurston.wa.us\)](mailto:osterba@co.thurston.wa.us)
Subject: FW: Mineral Lands Comment
Date: Tuesday, September 11, 2018 7:45:00 AM

FYI – Received this comment on the hydro report.

Maya Teeple

Associate Planner, M.S.P.

Community Planning & Economic Development | Thurston County

360.786.5578 | www.thurstonplanning.org

From: Thurston County | Send Email [<mailto:spout@co.thurston.wa.us>]

Sent: Monday, September 10, 2018 7:30 PM

To: Maya Teeple <maya.teeple@co.thurston.wa.us>

Subject: Mineral Lands

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Maya Teeple**

Subject: **Mineral Lands**

From: **Howard Glastetter**

Email (if provided): howard.glastetter@comcast.net

Message:

The recent Thurston County Hydrological report says nothing about reprocessing ground up recycled asphalt pavement (RAP) in the permeable soil of gravel mines. Yet, there is a current study going on with this issue for the Nisqually Sub-Area. There are tests that can be done under the remainder of RAP piles at the old Lakeside Hogum Bay site, that could show whether or not leaching of polycyclic aromatic hydrocarbons are occurring here due to RAP wet weather storage. However, the Sub-Area study is only doing a summary of what has been written in the past.

Revised 1/22/2017

From: [Howard Glastetter](#)
To: [Maya Teeple](#)
Cc: phyllisfarrell681@hotmail.com
Subject: RE: Jan 22 Mineral Lands Planning Meeting
Date: Thursday, January 16, 2020 8:57:09 AM

Maya,

The rules below are good (e.g., the plant in the valley attempted to begin running their plant with diesel oil, even though their tests to get in the valley were done with natural gas). I still feel strongly that there should be a statement that says: "Storage and processing of RAP, if allowed, should meet Best Management Practices that will prevent or strongly mitigate leaching of weather related water into soils or aquifer below the plant".

-Howard

From: Maya Teeple <maya.teeple@co.thurston.wa.us>
Sent: Thursday, January 16, 2020 10:04 AM
To: Howard Glastetter <howard.glastetter@comcast.net>
Cc: phyllisfarrell681@hotmail.com
Subject: RE: Jan 22 Mineral Lands Planning Meeting

Hi Howard,

Thanks for that feedback.

I'm working with Development Services on code language regarding asphalt plants and recycling, but it is running separately from the county-wide mineral lands update. Most of the code changes related to the mineral lands update are about interpretation of a county-wide designation map, hydrologic protection measures, noise, and components related to discussions on co-designation with agriculture.

For clarity reasons, I'll be addressing any language surrounding asphalt (specifically asphalt recycling) with the Lakeside initiated 'recycled asphalt policy' review, and not the mineral lands update. Asphalt plant/production requires a special use permit – it has its own section separate from mineral extraction in the Special Use Permit Code, TCC 20.54. Under that section it does state that location needs to be consistent with the Comprehensive Plan and Subarea Plans (see excerpted text below). Asphalt recycling specifically has little mention in the code, so I hear your comment in that some clarifying language may be useful.

3.1 Asphalt Production. Asphalt plants (hot mix or batch plants) are subject to the following provisions:

- a. **Setbacks.** The emissions point source at an asphalt plant shall be separated by a distance of at least five hundred feet from public parks and public preserves, which include parks, regional trails, national wildlife refuges, state conservation areas, wild life areas, and other government owned preserves, or three hundred

feet from the boundary of any residential zoning district with an existing or zoned density of greater than one dwelling unit per five acres, urban growth areas, and any residential lot less than one acre in size.

- b. Asphalt plants are allowed in the rural resource industrial (RRI), light industrial (LI), and rural residential resource one dwelling unit per five acres (RRR1/5) zoning designations or within a permitted gravel mine located within selected zoning designations as reflected in Table 1. Existing asphalt plants located within a permitted mineral extraction use area may apply for a new special use permit when the extraction activity ceases.
- c. **The location of asphalt plants shall be consistent with the Thurston County Comprehensive Plan, which includes, but is not limited to, sub-area plans.**
- d. Prior to commencing operation, the asphalt plant operator shall provide evidence to the county that the facility has received coverage under the state's National Pollution Discharge Elimination Systems (NPDES) general permit applicable to asphalt plants, unless it provides written confirmation of an exemption from the agency with jurisdiction over such permit.
- e. Asphalt plants shall provide necessary space to accommodate delivery trucks on the site.
- f. Asphalt plants shall have County approved haul routes.
- g. The source of Recycled Asphalt Pavement (RAP) shall only be from highways, roadways, runways, parking lots and shall not be from a contaminated site such as a Superfund site or Model Toxic Control Act (MTCA) site. The asphalt plant operator shall provide semiannual reports to the county documenting the source of all recycled asphalt pavement brought to the production site.
- h. Asphalt plants shall comply with the requirements and best management practices of the Thurston County Drainage Design and Erosion Control Manual, as amended.
- i. Asphalt plants shall be fueled by natural gas, propane, or an alternative fuel with the same or less hazardous emissions or waste as natural gas or propane.
- j. The operation shall obtain and maintain a solid waste permit from Thurston County environmental health for operations that recycle asphalt.
- k. Asphalt plants shall meet all applicable requirements of Chapter 17.20 TCC, Mineral Extraction and Asphalt Production.

Maya Teeple
 Senior Planner
 Thurston County | Community Planning Division
 Community Planning & Economic Development Dept.
 2000 Lakeridge Dr. SW, Olympia, WA 98502
www.thurstonplanning.org
 (360) 786-5578

From: Howard Glastetter <howard.glastetter@comcast.net>

Sent: Wednesday, January 15, 2020 7:37 PM

To: Maya Teeple <maya.teeple@co.thurston.wa.us>

Cc: phyllisfarrell681@hotmail.com

Subject: Jan 22 Mineral Lands Planning Meeting

Maya,

I have a couple comments on pages 64 and 65 of the agenda documents.

These pages discuss gravel mine Accessory Uses. There are several mentions of concrete batching and recycling. Most people, reading these pages, would be inclined to visualize cold concrete that goes into a cement truck. There is no mention of asphalt concrete. It would seem to me that both should be mentioned and briefly discussed as separate entities.

I was on the Asphalt Advisory Task Force in 2007. We were all in agreement that an asphalt plant in a gravel mine was a Permitted –not- an Accessory Use. I understand this is how county rules still view it today. So, I suggest a little wording be added to these two pages to show subtle differences of these two products. It should also be mentioned that sub-area plans may also affect what “accessories” are allowed to be permitted in a gravel mine.

Again, If pages 64 and 65 are treating concrete as both hot asphalt and water based cement, it’s a little confusing and even misleading. There should be a brief separate discussion of both processes.

-Howard

From: [Thurston County | Send Email](#)
To: [Maya Teeple](#)
Subject: Nisqually Sub Area Plan section E.5 - asphalt reprocessing
Date: Sunday, January 19, 2020 1:40:24 PM

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Maya Teeple**

Subject:

From: **David Hillman**

Email (if provided): **davidhillman@hotmail.com**

Message:

Hi Maya,

I have not received any emails in a while concerning the proposed amendment. What is the latest news? What is the schedule for any meetings? Where is the process at this point? Thanks!

-David Hillman

From: [Howard Glastetter](#)
To: ["Esther Grace Kronenberg"](#); ["Lisa Riener"](#); ["Maureen Canny"](#)
Cc: [Maya Teeple](#); ["Phyllis Farrell"](#)
Subject: RE: Nisqually Subarea Asphalt Recycling
Date: Monday, July 6, 2020 8:50:47 PM
Attachments: [ATT00001.htm](#)
[RAP Comment 1905.docx](#)
[ATT00002.htm](#)
[Proposed Docket Amendment 1703.doc](#)
[IMG_20190622_0002.pdf](#)

Folks,

Here are my comments (attached) on this issue. The first two (Word) documents are what I have submitted in the past and still should be in the latest County comment record file on this issue. The PDF document is an interesting explanation of how the E.5 wording came about in the first place. It was written by Steve Morrison over 20 years ago. He was the lead in writing the 1992 Sub Area Plan. The short document is well worth a read.

The Planning Commission, back then, recommended not allowing the asphalt plant to come into the valley. The Hearings Examiner over-rode the recommendation. The BoCC at the time reversed the Hearings Examiner. Two later court cases reversed the BoCC. The asphalt plant got into the valley on a technicality. County rules at the time allowed any gravel mine to have an asphalt plant as an "Accessory Use". That rule has been changed. An asphalt plant now is defined as a "Permitted Use", requiring an Environmental Impact Statement. The asphalt plant was not allowed to process recycled asphalt pavement (RAP) because Goal E.5 of the 1992 Sub Area Plan prohibited it.

What I'm writing, including the attachments, should be considered a comment for the meeting, if Maya approves.

-Howard

From: Esther Grace Kronenberg <wekrone@gmail.com>
Sent: Monday, July 6, 2020 7:13 PM
To: Lisa Riener <northbeachcomm@cs.com>; Maureen Canny <mocanny@comcast.net>; Howard Glastetter <howard.glastetter@comcast.net>
Subject: Fwd: Nisqually Subarea Asphalt Recycling

Looks like it's time for this issue coming up. Howard, can you please remind us of salient points to write to Planning? Flood zone, groundwater pollution, original Nisqually plan specifically forbid it.

Please copy us your comment. Thanks,
Esther

Sent from cyberheaven

Begin forwarded message:

From: Madeline Bishop <mfbishop.bishop@gmail.com>

Date: July 6, 2020 at 4:55:00 PM PDT
To: Esther Kronenberg <wekrone@gmail.com>
Subject: Fwd: Nisqually Subarea Asphalt Recycling

FYI
Sent from my iPhone

Begin forwarded message:

From: Madeline Bishop <mfbishop.bishop@gmail.com>
Date: July 6, 2020 at 3:57:44 PM PDT
To: Lisa Ceazan <lisa.lisaceazan@outlook.com>
Subject: Fwd: Nisqually Subarea Asphalt Recycling

FYI
Sent from my iPhone

Begin forwarded message:

From: Maya Teeple <maya.teeple@co.thurston.wa.us>
Date: July 6, 2020 at 3:21:19 PM PDT
To: Madeline Bishop <mfbishop.bishop@gmail.com>
Subject: RE: Nisqually Subarea Asphalt Recycling

Hi Madeline,

The County is getting ready to take this policy review forward to the Planning Commission. I'll be discussing the policy review, and the public comments we've received (including comments requesting additional studies). The first discussion is tentatively next Wednesday, July 15 – if you receive the Community Planning webmailers, you'll get a notice with more information about that meeting.

Planning Commission meetings are open to the public and there is a public comment opportunity to address the Commissioners (limited to 3 minutes) at the beginning of each meeting. Meeting materials will be posted towards the end of the week here:

<https://www.thurstoncountywa.gov/planning/Pages/pc-meetings.aspx>

Maya Teeple
Senior Planner
Thurston County | Community Planning Division
Community Planning & Economic Development Dept.
2000 Lakeridge Dr. SW, Olympia, WA 98502
www.thurstonplanning.org
(360) 786-5578

From: Madeline Bishop <mfbishop.bishop@gmail.com>
Sent: Monday, July 6, 2020 2:57 PM
To: Maya Teeple <maya.teeple@co.thurston.wa.us>
Subject: Nisqually Subarea Asphalt Recycling

Could you update me on the status of Nisqually Subarea Asphalt Recycling? Last I heard we had requested a Phase 2 which will include more detailed research.

Thanks,
Madeline Bishop
Olympia Indivisible

Comments on Herrera's Contaminant Leaching from RAP document

By Howard Glastetter
 11110 Kuhlman Road SE
 Olympia, WA 98513
Howard.glastetter@comcast.net
 Cell: (360)556-1574

May 28, 2019

The Herrera document was based on available, easily accessed, online studies; most of which have been around for several years. The report was even-handed and concluded that recycled asphalt pavement (RAP) leaches chemicals and is an issue of concern, albeit somewhat minor in this area.

I'd like to preface my comments on the document with an observation of the Lakeside operation at Holroyd Gravel Mine. Their operation is state of the art. It is very rare to smell any odor of hot asphalt from the pit. Nisqually neighbors get a whiff of it when covered trucks drive by, but that's it. Lakeside employees have been respectful ladies and gentlemen. So, Lakeside is a good neighbor.

A couple comments in Herrera's document caught my eye. I knew that New Jersey had very stringent rules about RAP. On page 10 of the document, under **Toxicity Testing** in New Jersey, it states: RAP "... could be used as an unbound material in all environments except those which are highly acidic $\text{PH} \leq 4$), such as mines ... (Note: the assumption is that the authors are referring to coal- and metal-type mines and not gravel-type ...)" I did a little research, see below.

https://www.sourcewatch.org/index.php/New_Jersey_and_coal#Major_coal_mines

Major coal mines

There are no coal mines in New Jersey.^[18]

<https://www.state.nj.us/dep/njgs/pricelst/gsrreport/gsr25.pdf>

The introduction to the PDF says: Sand and gravel production in New Jersey is a \$100 million annual business with 786 mining operations, around 100 of which are active.

 Metal mining in New Jersey appears to be a thing of the past and was done via tunneling and not open pit. So, a better Herrera assumption would be that the "authors are referring to **permeable soiled gravel mines**". I'm familiar with wells at 3 different homes in Nisqually Valley below Holroyd's mine. They all contain a certain amount of red / brown turbidity, which I believe is caused, to a certain extent, by gravel mining in the pit. See below.

<https://www.reference.com/home-garden/causes-well-water-suddenly-turn-brown-f7f4fce6acfc870>

"The most common cause of brown well water is iron contamination. A sudden change in water-color means that the contaminant is newly introduced to the well, and it may be caused by **industrial contamination**, rusty plumbing fixtures or natural iron leaching from the ground". Nisqually valley soil contains iron.

Back to the Herrera document: A point was made (page 17 - ***Comparison Studies to Expected conditions in Nisqually***) that “European RAP tests may not relate to U.S. tests, because asphalt pavement was made there with tar as an additive until 1975 and emits more polycyclic aromatic hydrocarbons than RAP produced from bitumen which is what has been used in the U.S. since WW 2.”

Page 19 item 1 made me pause. It stated that tests showed: “Cu and Zn (copper and zinc) also exceeded U.S. EPA WQLs”. This reminded me that there is a more modern ingredient that is popular in U.S. asphalt production: recycled asphalt roofing shingles. Some of the more expensive shingles come impregnated with copper flakes to prevent moss buildup. Many home owners put zinc on asphalt roofs, either as metal strips, liquid applications, or solid zinc flake applications to do the same thing. Does reprocessing these used shingles add these metals to asphalt roads that will eventually be ground up, returned and stored to open weather at an asphalt plant site? I’m not seriously suggesting this as the source of Cu and Zn metals found in the above test. I mention it because, most of us are initially pleased to hear about recycling. However, as Einstein said: “Everything should be as simple as it can be, but no simpler”. The reprocess should be safe. Keep RAP dry when storing it over a permeable floored gravel mine.

The Herrera study painted Nisqually Valley with a broad brush. I’d like to add a few details. The lower valley is classified by Thurston County as a Wellhead Protection Area. It is also protected, as a rural environment, by a Thurston County Sub-Area Plan.

The water sources for all residents in the lower valley are from wells. Many residents, but not all, get drinking water from a Lacey City well next to the Nisqually River - less than a half mile from Lakeside’s Asphalt Plant. The plant sits in the permeable soil of Holroyd’s Gravel Mine at the very beginning of the Nisqually Delta in lower Nisqually Valley. The pit was once the end of a glacier. There is a capped-artesian-springs well just across Old Pacific Highway from the pit. These springs obviously run under the pit and likely continue through rural residential land to Puget Sound. (There was, until recently, a capped artesian spring pipe near the board walk in the tide lands at the Nisqually Delta sanctuary.) This mine / industrial activity is up-river from many homes that have private wells because Lacey Water doesn’t serve them. Holroyd’s Pit, itself, has a several-year-old active request at the county to mine the pit from its current permeable floor level to 80 feet below the water table. Delivering RAP to the pit would also mean increased truck traffic on the two-lane roads in the valley. So, this site is a very sensitive part of the valley and could become a stressed one.

If RAP were ever allowed, it should be under cover and out of the weather before and during its use. Please see a past comment on RAP that I resubmitted May 24, 2019. It shows weather protection is an industrial “Best Practice”.

Sincerely,

Howard Glastetter

Emailed to Thurston County March 5, 2017

This email is a public response to Lakeside Industries' latest docket attempt to remove Goal E-5 from the 1992 Nisqually Sub-Area plan. They want to reprocess Recycled Asphalt Pavement (RAP) at their Holroyd's Gravel Pit site in lower Nisqually Valley.

The overall goal of the November 1992 Nisqually Sub-Area Plan was to “**Maintain the existing rural environment of the Nisqually planning area with the primary emphasis on preserving ... its rural, aesthetic character for future generations.**” (Page 17). This overall goal has been in the forefront of the 1992 Plan as well as ongoing public and private efforts to restore and maintain the Nisqually River Valley. The no-RAP provision of Policy E.5, along with the other E goals (Page 20-21, attached) was designed to protect the rural character from industrial dominance.

The county has an obligation to defend this well thought out plan and strengthen it when it comes up for renewal. However, business impacts have increased, rather than be phased out as the plan has required. Examples:

- 1) A mined out pit at Yelm Highway and Reservation Road, in the Nisqually Sub-Area, has been converted to a construction waste site (The Sub-Area Plan (Goal E.1.) and DNR require mined out pits to be reclaimed). Stumps and construction material, including RAP, are hauled in from as far as Mason County. This operation is located in the Nisqually Sub-Area, contiguous to the McAllister Springs Sensitive Area - above Lacey and Olympia municipal wells. People in county government are aware of this violation.
- 2) After the flood of 1996, neighbors could only replace lost homes by putting them on high foundations. No lot filling was allowed. However, the gun factory, in the middle of the neighborhood, was given permission to put 20,000 cubic yards of fill on their 1996 flood inundated property. They have yet to use this filled area. That filled part of the property is now for sale.
- 3) Lakeside got into the valley on a technicality and now wants to add the RAP storage and recycling to their process. This would have an increased truck traffic impact on the valley and opens the door to possible water and air pollution.

There are ongoing concerns with flooding. In 1996, much of the lower Nisqually Valley was under floodwaters, including portions of the Holroyd gravel mine. Due to past rail line, bridge and highway construction the Nisqually River has been artificially forced to the higher **east** side of the valley. When the river has major floods, it naturally flows to the **west**, above the rail line, through the Durgin Road Tunnel upstream, from the Holroyd Gravel Mine. If floodwaters enter the pit, aquifer groundwater could be infiltrated by pollutants from RAP storage in the pit, if RAP were ever allowed. (Flooding in Nisqually Valley will continue to be an issue as long as Tacoma Power is allowed to top off the Alder Lake Reservoir in the fall/winter seasons.) **Goal E.5 states: “... the reprocessing of asphalt shall not be allowed due to water quality concerns”.** Note: RAP is recycled pavement. When it is ground up the surface area dramatically

increases and allows greater leaching of chemicals in the RAP. Please see next paragraph. Yellow highlighting is mine.

<http://www.rmrc.unh.edu/tools/uguidelines/rap131.asp> “For unbound applications, leachability from the RAP may also be a concern. This same leachability would be a concern if RAP was stockpiled or stored and exposed to precipitation.” What this URL is saying is that using RAP as one would use raw gravel for a road or driveway would cause more (possibly unacceptable) leaching into the soil than, say, a solid road made of bound asphalt. The reason being, that increased surfaces of the unbound RAP particles would have far more surface area to leach from than a hard surface road (much the same as a RAP stockpile exposed to the weather).

If RAP is allowed, and I’m not recommending it, there is a way to mitigate its effects. Below is the “Best Practice” to reduce moisture in RAP. It allows RAP to be processed at a lower temperature, reducing the cost of producing asphalt. There are two additional side benefits to this. Less heat means less energy, reducing air pollution. Keeping RAP dry also prevents chemical leaching into the ground water. This is a win for the asphalt company (less cost) and the neighborhood (less water/air pollution).

The **un-walled building** cover technique was also recommended in two different articles in the handout we used when I was on the Thurston County Asphalt Advisory Task Force (AATF) in 2007-8. A Lakeside employee told me they had no intention of doing this.

Note of caution: This still would not solve the problem of having a large **source** RAP pile in the pit. Suppose Lakeside were allowed to have RAP at their site. If Lakeside were to maintain a source RAP pile of the size they had when they were at the Hogum Bay Olympia Landfill a few years ago, it likely would create a water pollution problem. They had an irregular pile 60+ feet in height and around 150 feet across at the base. That may have been marginally ecologically acceptable, because the water table could be around 100 feet below ground level at the Hogum Bay site. The current permeable gravel floor at Holroyd’s is about 15 to 20 feet above an aquifer water table, even less in wintertime. Holroyd’s pit is also in the Nisqually 100-year floodplain. I have photos that show they were flooded in 1996.

<http://www.morerap.us/files/rap-best-practices.pdf>

Stockpiling to Minimize Moisture

Moisture content of aggregates and RAP is a primary factor affecting an asphalt plant’s production rate and drying costs. Some contractors have implemented creative approaches to reducing moisture content in stockpiles. The best practice to minimize the accumulation of moisture in stockpiles is to cover the stockpile with a shelter or building to prevent precipitation from getting to the RAP. Second to that, it is a good practice to use conical stockpiles to naturally shed rain or snow, and to place the stockpile on a paved and sloped surface to help water drain from the pile. Irregular-shaped stockpiles with surface depressions that will pond water should be corrected by shaping the pile as it is being built with the front-end loader or a small dozer. However, the use of heavy

equipment on the top of RAP stockpiles should be minimized to avoid compaction of the RAP. Likewise, it is also recommended that RAP stockpiles be limited to 20 feet in height to reduce the potential for self-consolidation of the stockpile.



Final thoughts:

Lakeside RAP storage at the Hogum Bay site did not meet “**Best**” or even “**Second Best**” practices. Would they do better in Holroyd’s pit? The jury is out on that. The aquifer below the pit is the source of drinking water for some as well as farm / garden irrigation for many in the valley.

Lakeside knew RAP was not allowed before they built their new plant at Holroyd’s pit. The County Commissioners and two court decisions ruled they could not use RAP in Nisqually Valley. ORCAA reaffirmed they could not, due to Sub-Area Plan rules. They chose to push their way into this rural residential area, anyway. Since then, they’ve been posturing that they have been treated unfairly.

Holroyd’s pit is close to being mined out. DNR and the Sub-Area Plan say they have to move out when that happens. Will they? Or, will they want increase truck traffic and change infrastructure to haul in **gravel** from another pit **as well as RAP**? This would also be in violation of the Sub-Area Plan. **(Goal E.5 says: ”The reprocessing of imported mineral resources shall not be the primary accessory use”** Gravel is a mineral and is supposed to come from inside the pit.

Thank you for your consideration.

Sincerely,

Howard Glastetter
howard.glastetter@comcast.net
(360)491-6645



THURSTON REGIONAL PLANNING COUNCIL

2404 HERITAGE COURT SW #B OLYMPIA, WASHINGTON 98502-6031

MEMORANDUM

Members:

City of Lacey
City of Olympia
City of Tenino
City of Tumwater
City of Yelm
Town of Bucoda
Town of Rainier
Thurston County
Intercity Transit
Port of Olympia
Griffin School District
North Thurston School District
Olympia School District
Nisqually Indian Tribe
Timberland Regional Library

Charter Member Emeritus:

The Evergreen State College

Harold Robertson, AICP

Executive Director

(360) 786-5480

FAX 754-4413

TO: Don Krupp
FROM: Steven Morrison *SM*
DATE: January 3, 2000
SUBJECT: History of the Nisqually Valley Sub-Area Planning Process

INTRODUCTION:

Per our telephone conversation of the week of December 13, 1999, I have reviewed the Nisqually Sub-Area Land Use Plan and Zoning (1992) regarding the proposed placement of an asphalt batch plant within the valley. In 1989 I was assigned the Nisqually Sub-Area Planning Process as part of Thurston Regional Planning Council's contract with Thurston County. My work included preparation of the emergency ordinance (O-#9316) up through the adoption of the sub-area plan by the Thurston County Board of Commissioners in November 1992. I will summarize those sections which I believe are relevant to your question.

FINDINGS:

Ordinance No. 9316 started the planning process and established several of the "themes" which were important throughout the planning process. **Water Quality Protection and Maintain the Rural Character** were noted in several findings. Finding 12 identified that land use activities near McAllister Springs (a regional water source) had been recently regulated by the Board of Health. Finding 8 identified the valley as comprised of low density uses such as agriculture forestry, undeveloped land and the Nisqually Wildlife Refuge. Several of the Findings (such as 6, 7, 8, 9, 10 and 11) identified that the Nisqually Valley could be threatened by surrounding development. The purpose of the Sub-Area Plan was to create a development pattern which was consistent with the County Comprehensive Plan and which would not lead to "irreparable damage to sensitive areas along the tributaries, flood plains and bluffs of the Nisqually River and McAllister Creek." [Finding 19]



THURSTON REGIONAL PLANNING COUNCIL

2404 HERITAGE COURT SW #B OLYMPIA, WASHINGTON 98502-6031

MEMORANDUM

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MEMORANDUM

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January 3, 2000

These two themes were also very important in the early phases of the sub-area plan. The 1988 Thurston County Comprehensive Plan provided guidance as well and the recently adopted Washington State Growth Management Act. The goals and policies of the sub-area plan are listed on pages 17-27 of the adopted plan. Although the 12 categories are not noted in the sub-area plan as being in priority order, those first few categories were more important than the ones at the end. "1. Rural Character" was the first category because this was of overriding importance to all. This was followed by "2. Water Resources" and then by "5. Commercial Development".

The adopted Nisqually Sub-Area Plan policy which speaks most directly to the proposed batch plant is Policy E.5, which reads:

"E.5. Allow accessory uses to be considered inside mined out portion of a gravel pit through the site plan review process. Examples of allowable uses would include concrete pipe and/or septic tank construction and the recycling of used concrete. The reprocessing of imported mineral resources shall not be the primary accessory use and the reprocessing of asphalt shall not be allowed due to water quality concerns. The activities shall be discontinued once reclamation of the pit is completed in accordance with the WDNR standards."

Like all policies in the sub-area plan, there was an evolution of this policy. The earliest policy statement I could find regarding this topic was from Nisqually Bulletin #8, Draft Vision Statement: September 20, 1990. The policy can be found in section E Commercial Development.

"3. Identify existing mineral extractions, and establish guidelines for the design and locations of any new operations."

It was changed slightly in Nisqually Bulletin #9, Final Vision Statement: December 13, 1990.

"3. Recognize existing mineral extraction operations, require any new operations to be visually buffered from adjacent properties and roads, and prohibit the location of any new facilities north of the Burlington Northern Railroad to protect the visual integrity of the Nisqually valley viewshed."

The policy further evolved into the earliest complete draft of the sub-area plan, Committee Draft - October 1991. The wording changed to a form similar to that which was ultimately adopted. That policy read as follows:

"E.5. Allow accessory uses to be located inside the mined out portion of a gravel pit through the site plan review process. Reprocessing of imported mineral resources shall not be the primary accessory use and these activities shall be discontinued once reclamation of the pit is completed in accordance with the WDNR standards."

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As I recall, this was one of the later policies to be added to the sub-area plan. I believe that discussion regarding this policy was desired by both Holroyd and a planning committee member from the environmental community. This discussion was clearer than most since it occurred on the day I took pictures of the sub-area planning committee at the Nisqually Tribal Center.

The addition of the types of uses came after discussions with what this policy would really mean. [... **"Examples of allowable uses would include concrete pipe and/or septic tank construction and the recycling of used concrete. ..."**] Since the pit already provided concrete products, then the reprocessing of concrete products was not seen as much of a change in use.

I also recall discussion about the reprocessing of broken up highways. Concrete was not a concern, (as noted above) but asphalt was not desired. [... **"the reprocessing of asphalt shall not be allowed due to water quality concerns. ..."**] The rationale for that was clearly the concern over water quality and the fact that asphalt production was not a part of Holroyd's operations.

The last point was the extent of the activity. [... **"The reprocessing of imported mineral resources shall not be the primary accessory use ..."**]. Another policy in the Commercial Development category provided the guidance which limited the need for further explanation. This other policy was E.1, which reads in part: *"Minimize the addition and new commercial activities within the planning area by prohibiting commercial expansion of properties not currently zoned beyond the existing lot and use ... and prohibit the use of mined out gravel pits for commercial and industrial uses."* This parallels the Goal for the Commercial Development section which read: *"Prohibit large scale commercial development within the Nisqually Valley, while recognizing existing commercial activities and designated commercial areas."* I find the operative words in this goal to be "existing commercial activities."

The planning committee redrafted the policy E.5. to its final wording. It was unchanged from August 1992 in the Planning Commission Draft Sub-Area Plan to its adoption by the Board in November. Nisqually Bulletin #14 (August 1992) indicated that there were no public hearing comments about this policy at the Planning Commission level. I do not have any records of the Board of County Commissioner's public hearing.

CONCLUSION

I do not recall any specific planning committee discussion regarding a batch plant in the valley. If this had been raised, I believe it would have been immediately rejected as being inconsistent with the sub-area plan on several accounts.

First, it conflicts with the Commercial Development goal which is "recognizing existing commercial activities." The planning committee added a limited amount of flexibility within the mined out pit to only deal with recycled products. It also clearly prohibited the use of mined out gravel pits for commercial and industrial uses by Policy E.1.

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Secondly, a batch plant would appear to far exceed the level of intensity of "accessory activities." Ordinance No. 9316 (the emergency downzone) was issued because of the possible adverse impacts of intense land uses adjacent to and within the Nisqually Valley. Under the proposed batch plant scenario, the gravel mine would appear to be accessory use and the batch plant the primary use.

Lastly, the issue of water quality is a trump card to both previous issues. If the committee had water quality concerns regarding the handling of asphalt with an "accessory" recycling operation, then those concerns would be doubled with a batch plant operation.

I hope this history is useful. Should you have any additional questions, please contact me.

20:3p

Maya Teeple

From: Esther Grace Kronenberg <wekron@gmail.com>
Sent: Tuesday, July 14, 2020 6:15 PM
To: Maya Teeple
Subject: CP-11 Recycled Asphalt Policy

Dear Ms. Teeple,
 Please include this email as part of the public comments on the above matter.

I write as a private citizen who is also a member of the League of Women Voters of Thurston County's Water Study team. For the past 2 years, we have been learning about and educating the public about water issues in Thurston County through a series of public forums. What has stood out from these meetings is the precariousness of our water resources, both as to the quantity necessary for adequate instream flow to support the aquifers and our salmon, and the water quality, which is deteriorating due to more development, more pollution, more septic systems, more cars, etc.

The 1992 sub-area plan for the Nisqually Valley states as a primary goal to "Maintain the existing rural environment of the Nisqually planning area with the primary emphasis on preserving ... its rural, aesthetic character for future generations." It specifically excludes recycled asphalt processing (RAP) due to water quality concerns for good reasons. The Holroyd site is within 1/2 mile of a Lacey City well, as well as to the Nisqually River, which flooded as recently as 1996. The lower valley is designated a Wellhead Protection Area by the County as well as a rural area that should be protected as such. The bottom of the pit floor is a mere 15-20 feet above the underlying aquifer. RAP is extremely likely to leach chemicals into the aquifer. The Plan's Goal E.5 says: "The reprocessing of imported mineral resources shall not be the primary accessory use," which is what RAP is.

The Holroyd mine has been mined out and needs to be reclaimed under DNR rules and the sub-Area plan. Processing RAP at the site is extremely risky to our water resources that can never be replaced or ameliorated once tainted. It is not a question of if the Nisqually will overflow its banks, but only a matter of when, especially with extreme weather events becoming more frequent.

RAP was a bad idea in 1992 when the Nisqually plan was adopted and the population of Thurston County was about 160,000. Since then, about another 100,000 people live here with all the negative effects that increased development and population inevitably brings - less water for more people, for salmon and wildlife, including threatened species, and **worse water quality, in addition to the uncertainties of the climate crisis.**

If it was a bad idea in 1992, it is an absolutely horrible and crazy idea in 2020. There is nothing that has happened in the last 28 years that makes it safer or more feasible. On the contrary, it's an even more dangerous proposition now. The only beneficiaries are a few employees of one company, which has many other operations around the state that could do the work that is proposed here. The risks and potentially catastrophic consequences of this operation will be inflicted on and borne by all the residents of Thurston County and its wildlife and environment. Why this is even being considered by the County is puzzling and somewhat disconcerting. It should never have been accepted for consideration at all.

The County must stand by the original sub-Area Plan for the Nisqually Area and reject this proposed policy completely and forever.

Thank you for protecting our vital, essential and irreplaceable water resources.

Sincerely,

Esther Kronenberg

Maya Teeple

From: Madeline Bishop <mbishop.bishop@gmail.com>
Sent: Tuesday, July 14, 2020 6:49 PM
To: Maya Teeple
Subject: RAP

Please accept my testimony opposing allowing a Recycle Asphalt Plant in the Nisqually Sub Area.

1. The lower Nisqually valley is classified by Thurston County as a Wellhead Protection Area. It is also protected, as a rural environment, by a Thurston County Sub-Area Plan.
2. The water sources for all residents in the lower valley are from wells. Many residents, but not all, get drinking water from a Lacey City well next to the Nisqually River - less than a half mile from Lakeside's Asphalt Plant. The plant sits in the permeable soil of Holroyd's Gravel Mine at the very beginning of the Nisqually Delta in lower Nisqually Valley. The mine sits in the 100 year floodplain of the Nisqually River.
3. Lakeside knew RAP was not allowed before they built their new plant at Holroyd's pit. Two court decisions reaffirmed they could not use RAP in Nisqually Valley. Olympic Region Clean Air Agency (ORCAA) reaffirmed they could not, due to Sub-Area Plan rules. The Department of Natural Resources (DNR) and the Sub-Area Plan say they have to move out when the pit is mined out.
4. The pit is mined out and DNR should reclaim it.
5. A section of the pit is over the aquifer and dangerous toxins can damage our water supply.

Madeline Bishop
9529 62nd Ave SE
Olympia, WA 98513



July 14, 2020

Thurston County Planning Commission
2000 Lakeridge Dr. SW
Olympia, WA 98502

Re: Recycled Asphalt in Nisqually Valley

Greetings Commissioners,

The South Sound Sierra Club Group, representing over 1400 members and supporters in Thurston County, objects to the proposal by Lakeside Industries to remove the prohibition on the manufacture of recycled asphalt in the Nisqually valley being considered in the Nisqually Subarea Plan review.

The goal of the 1992 Nisqually Sub-Area Plan was to *“Maintain the existing rural environment of the Nisqually planning area with the primary emphasis on preserving its rural, aesthetic character for future generations.”* There was a no-Rap provision of Policy E.5 which states *“the reprocessing of asphalt shall not be allowed due to water quality concerns.”*

There have been previous attempts to amend or revoke the prohibition, but they have failed for good reasons. The Nisqually subarea includes critical aquifer recharge areas (CARAs) and the McAllister Geologically Sensitive Area, which is a CARA. By definition, CARAs are vulnerable to contamination.

Thurston County successfully litigated this provision against Lakeside Industries in 2004.

<https://caselaw.findlaw.com/wa-court-of-appeals/1389372.html> The court noted:

“The proposed asphalt facility would be approximately two miles upwind and upriver from the Nisqually National Wildlife Refuge, home to numerous wildlife species and endangered salmon. The groundwater around the mine site is between four and fifteen feet below the extremely porous surface. The site is also located in the County's aquifer protection district. The County has spent approximately \$2.4 million to purchase development rights in the immediate area adjacent to the proposed facility to prevent environmental damage.”

The site area is close to the Nisqually River, in a 100 year floodplain and close to drinking water sources. Recycled asphalt could potentially leach harmful chemicals threatening water quality and Nisqually River fish stocks. Increased truck traffic would impair the rural character of the area.

To my knowledge there has not been a SEPA determination of this proposal. I understand Lakeside Industries paid for an environmental study, but WAC 197-11-055 states: “the SEPA process shall be integrated with agency activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems.” The Planning Commission should have this information before making any recommendations.

The South Sound Sierra Club Group opposes the removal of the prohibition of the manufacture of recycled asphalt from the Sub Area 5 section of the Comprehensive Plan due to environmental concerns.

Respectfully,

Phyllis Farrell, Chair
South Sound Sierra Club Group

Cc: Maya Teeple

Maya Teeple

From: Howard Glastetter <howard.glastetter@comcast.net>
Sent: Wednesday, July 15, 2020 11:48 AM
To: Maya Teeple
Cc: phyllisfarrell681@hotmail.com
Subject: Memorandum to Recycled Asphalt Policy Amendment

Maya,

I have a comment on the “Applicant Request” paragraph of the above document written for tonight’s meeting. One sentence reads: “The proposed amendment would allow the recycling of asphalt pavement to occur as an accessory use within the mined-out portion of gravel pits within the Nisqually Subarea”.

I believe the term “accessory use” is currently incorrect and should be changed to “permitted use”. When I was on the Asphalt Advisory Task Force in 2007 – 8, we recommended changing the term “accessory use” to “permitted use” in relation to allowing asphalt plants in gravel mines. This would require an Environmental Impact Statement to bring in a plant. The term “accessory use” implies a legal right (e.g. an accessory use to a police uniform is a holster containing a loaded pistol). Prior County Codes described an asphalt plant as an accessory use to a gravel mine. This was the legal technicality that allowed Lakeside build their asphalt plant into the valley in the first place.

I believe, this request should be subject to the latest “permitted use” County Rules, since it is a new request under the updated rules.

-Howard

Howard H Glastetter
Howard.glastetter@comcast.net
Cell (360)556-1574

Everything should be as simple as it can be, but no simpler.
Albert Einstein

July 15, 2020

Ms. Maya Teeple
Thurston County Community Planning & Economic Development
2000 Lakeridge Drive SW
Olympia, WA 98502
(via email maya.teeple@co.thurston.wa.us)



RE: Docket Item CP-11

Ms. Teeple:

The National Asphalt Pavement Association (“NAPA”) urges approval of Thurston County’s 2020-2021 Comprehensive Plan Docket Item CP-11, Recycled Asphalt Policy Amendment. This amendment would allow for asphalt recycling in the Nisqually Subarea.

The stockpiling and processing of reclaimed asphalt pavement (“RAP”) is vital to our nation’s infrastructure needs. Across the country, as part of everyday maintenance, repair, and construction activity, old asphalt pavement material is removed from roads and parking lots and then reclaimed for future use. Nationwide, more than 99% of RAP collected is put back to use in new asphalt pavements, saving more than 48 million cubic yards of landfill space annually, reducing the cost of new asphalt pavement mixtures, and minimizing life-cycle greenhouse gas emissions associated with pavement manufacturing.

A year ago, NAPA sent a comment letter to Thurston County regarding your consultant’s review of RAP leachate potential. At that time, we expressed significant concerns about the validity of that review. In the interim, we have contracted with a nationally-recognized university that is conducting a more thorough review of existing information; their preliminary results are quite different than what your consultant identified. Information from the current study is slated to be published in a peer-reviewed journal. In short, the university’s preliminary findings are similar to the vast majority of existing peer-reviewed literature, indicating the stockpiling of RAP creates no undue environmental burden nor poses environmental risk or hazard.

Because use of RAP is now ubiquitous due to its benefits, many state transportation and environmental agencies have thoroughly investigated the environmental implications of RAP stockpiles. These agency investigations, along with the majority of independent academic research studies, have not found reason for concern from the storage of, and stormwater runoff from, RAP stockpiles. Across the U.S., we know of no other agency, county, or municipality that restricts the stockpiling of RAP. All recognize the material as environmentally safe.

For these reasons, we ask that Thurston County amend the Nisqually Subarea Plan to allow for asphalt recycling within the subarea. We are more than happy to share the breadth of published research on this issue.

Best Regards,

Howard Marks, PhD
Vice President – Environment, Health & Safety

NAPA is a 501(c)(6) trade association representing asphalt pavement material producers and paving contractors at the national level. Last year, the approximately 3,500 asphalt plants across the country produced more than 350 million tons of asphalt pavement mixture and employed some 250,000 individuals in the production and placement of asphalt-based pavements. The continued use of RAP in asphalt pavements is critical to ensure the nation’s paved roadway surfaces are economically constructed and smooth, safe, and quiet for the travelling public.

From: [Karen Tvedt](#)
To: [Maya Teeple](#)
Subject: LWVTC-Comments on CP-11 Recycled Asphalt Policy
Date: Wednesday, July 15, 2020 2:29:27 PM
Attachments: [image.png](#)



Thurston County Planning Commission

Re: Concerns re Comprehensive plan Docket Item CP-11

Dear Commissioners:

The League of Women Voters of Thurston County (LWVTC) is a nonpartisan organization that does not support or oppose any candidate or party. That being said, LWVTC does take positions on issues. LWVTC promotes a healthy and clean environment and sound land use planning.

The LWVTC has concerns about Lakeside Industries' request that Thurston County amend the Nisqually Subarea plan to allow recycling of asphalt pavement (RAP) in mined-out gravel pits. Sound land use planning is planning for the long term. The current plan protects this valuable subarea. If a change is made to a plan, there should be some kind of change in circumstances triggering the need for such a change. As far as we can tell, there has been no change in circumstances regarding this issue. Making a change to an established plan simply because it has been requested is not sound land use planning.

The Applicant's proposal, even if warranted at some places in the Nisqually Subarea, is far too broad and opens up the entire area to RAP uses. A mined-out gravel pit is likely one of the worst sites to place such an activity, since RAP releases a number of harmful chemicals. As the Court of Appeals noted in its 2004 decision, on this very proposal, the soils on the site are very "porous." The Court decision describes the site as approximately two miles upriver from the Nisqually National Wildlife Refuge, home to numerous wildlife species and endangered salmon.

Moreover, the Nisqually subarea includes critical aquifer recharge areas (CARAs) and the McAllister Geologically Sensitive Area, which is a CARA. By definition, CARAs are vulnerable to contamination. We believe the science behind protecting CARAs supports no change in the current plan.

Finally, the County has elected to do a SEPA analysis on proposed changes to the comprehensive plan after the planning commission review. We believe SEPA analysis should be done at the earliest opportunity, and certainly before the planning commission makes its recommendation. The planning commission should know what the environmental repercussions may be while considering this request.

Thank you for considering our comments. Let us know if you have any questions.

Sincerely,

Karen Tvedt, President
League of Women Voters of Thurston County
tvedtkl@msn.com
360-584-4526

Further Comments on Docket Item 11

Howard Glastetter
11110 Kuhlman Road SE
Olympia, WA 98513
Howard.glastetter@comcast.net
Cell: (360)556-1574

July 30, 2020

I would like the following to be included in the record of the Planning Commission meeting on August 5, 2020. I am giving these comments in reaction to the memorandum created for the August 5, 2020 meeting.

I have several comments on record over the years on Goal E.5 of the Thurston County 1992 Nisqually Valley Sub-Area Plan. This is clarifying information I hope will add to what I have already said and help to resolve this issue.

It should be remembered that Holroyd Gravel Mine has (an active?) decade old request with the County to mine the pit that contains Lakeside's plant to eighty 80 feet below the water table. I believe this should be considered ecologically unacceptable. There should be an agreement that this will not happen if RAP is allowed in the pit.

Please note **page 13** of 15 of the August 5, 2020 memorandum. Goal E.5 also states: "The reprocessing of imported mineral materials shall not be the **primary** accessory use". RAP is an "imported mineral". Interestingly so is gravel. The point is the word "primary" means more than 50%. Therefore, this appears to mean that more than 50% of mineral product must come from inside the pit. This is reasonable because the primary use purpose of the pit is mining. Any "accessory" industrial use is secondary and "... shall be discontinued once reclamation of the pit is completed in accordance with WDNR standards" also according to E.5.

Finally, I would like to make a comment on Option 3, also on page 13. It mentions that tarping may be used as a way of keeping RAP piles dry. This would work if there is air space between the tarp and the top of the pile. Otherwise, the tarp will cause any existing water to be held inside the pile and would require more heat (air pollution) to process it. Lakeside's plant in Aberdeen currently uses this tarp / airspace technique. It cuts processing costs while reducing air pollution.

Sincerely,

Howard Glastetter

July 27, 2020

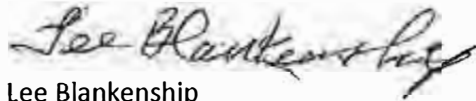
Dear Planning Commission Members,

I am writing to you on behalf of Lakeside Industries and their more than a decade long effort to bring recycled asphalt to Thurston County. As a former Washington Department of Fish and Wildlife employee, fishing scientist, and a resident of Thurston County, I find it appalling that a government body would stand in the way of a proven environmentally friendly practice with far-reaching environmental benefit. Working to find and support processes and products that are the most environmentally friendly, have the lowest carbon impact, and are used for our crumbling infrastructure would seem to be a logical win for the County. Instead, Thurston has blocked every attempt to bring this important advancement to our community.

Over the years I have listened to some of the concerns with Lakeside's application. As a scientist, the objections are simply not credible. I would urge you to follow the science and data. You should require monitoring of potential water runoff and use adaptive management principles to address issues if any arise. Taking these steps will ensure the best environmental outcome.

I would ask that you reverse over a decade of bad environmental policymaking and recommend to the County Commissioners that they approve Lakeside's application to make recycled asphalt.

Respectfully,

A handwritten signature in black ink, appearing to read "Lee Blankenship". The signature is fluid and cursive, with a large, stylized "L" and "B".

Lee Blankenship
Chief Scientist
Northwest Marine Technology

MC CONSTRUCTION
CONSULTANTS, INC.
5319 N. SHIPLEY ST. #100
HUNTON, WA 98007

O:253.752.2185
F:253.752.7083

July 30, 2020

SENT VIA EMAIL ONLY

Thurston County Planning Commission
Maya Teeple, Senior Planner
maya.teeple@co.thurston.wa.us

Dear Planning Commissioners,

I am writing you in support of Lakeside Industries and their request to make recycled asphalt. Lakeside is a trusted employer in the labor and construction industry. I grew up in Thurston County, my family still does business there, and we remain active in the community.

We believe it is time for Thurston County to join in supporting this sustainable environmental practice that is needed to support our economic recovery. I urge you to recommend Lakeside's application. As a commercial builder and developer, using recycled asphalt is a common practice and on most Federal and State contracts it is a requirement. Recycled asphalt reduces air emissions and lessens the environmental impacts of asphalt production that is needed for construction and our roads.

Sincerely,



Loren M. Cohen
Managing Director

Maya Teeple

From: Thurston County | Send Email <spout@co.thurston.wa.us>
Sent: Thursday, July 30, 2020 6:06 PM
To: Maya Teeple
Subject: Nisqually Valley

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Maya Teeple**

Subject:

From: **Kent and Maureen Canny**

Email (if provided): **mocanny@comcast.net**

Phone: (if provided): **360-438-7424**

Message:

**Dear Ms. Teeple,
Below is a letter sent to the BoCC.
Thank you.**

Dear Commissioners Menser, Hutchings and Edwards,

We are submitting these as public comments as you decide on the matter of recycled asphalt processing (RAP) in the Nisqually Valley.

We strongly urge you to NOT allow RAP in the Nisqually Valley. Without enumerating the huge number of concerns that you must have certainly heard by now, RAP would be an environmental disaster for the water-sensitive, shallow-aquifer areas of the Valley. Besides fouling the productive farmland, please consider the health of citizens, from RAP chemicals leeching into water sources and the obvious problems with flooding of the Nisqually River.

Please retain the protective plan over this sensitive area. The health and safety of people and our environment must come before profits.

**Thank you,
Kent and Maureen Canny**

Maya Teeple

From: PlanningCommission
Sent: Friday, July 31, 2020 9:13 AM
To: Maya Teeple
Cc: Polly Stoker
Subject: FW: Asphalt Recycling

Please see below for a written comment

From: Thurston County | Send Email <spout@co.thurston.wa.us>
Sent: Thursday, July 30, 2020 5:40 PM
To: PlanningCommission <PlanningCommission@co.thurston.wa.us>
Subject: Asphalt Recycling

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Planning Commission**

Subject:

From: **Jana Wiley**

Email (if provided): Janalynwiley@aol.com

Phone: (if provided):

Message:

How many times to the citizens of Thurston County need to say NO to Lakeside regarding dirty asphalt recycling in a estuarine/delta environment? NO should mean NO. I would like to see compelling data that there would be NO harm to the people that live around there or the land, air and water.



July 27, 2020

Dear Thurston County Planning Commission,

Thank you for the opportunity to comment on Lakeside Industries application to recycle asphalt at their facility on Durgin Road. While this process has taken over a decade to come to a conclusion, I am encouraged that the process is moving forward.

The Chamber believes that quality raw material for infrastructure and building construction is critical to the greater Thurston County community and aligns with values of recycling, reuse, and using resources in the most responsible manner. Most public bids require the use of recycled asphalt and the ability to have a source close to work sites means less expense for both private and public entities. It also means utilizing less raw materials and hauling asphalt less road miles and thus a reduction in carbon footprint, a practice should be supported.

Recycled asphalt is being used across the nation safely as a best environmental practice. It is both illogical and concerning that after a decade Thurston County still has prohibition against the use of recycled asphalt at Lakeside's Durgin Road facility. This policy actually contributes to environmental degradation and creates economic disadvantages to Lakeside needlessly. The time has truly come to correct the policy and allow Lakeside to recycle asphalt.

The Chamber urges you to recommend Lakeside's application.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David Schaffert', is written over a light blue rectangular background.

David Schaffert
President/CEO



Northwest Marine Technology, Inc.

July 27, 2020

Dear Planning Commission,

I am writing to you today on behalf of Lakeside Industries and their decade long effort to bring Thurston County up to date on best environmental practices by allowing recycled asphalt. As the CEO of Northwest Marine Technology and a Thurston County resident, I would urge you to follow the science and amend the Nisqually subarea plan to allow for recycled asphalt at Lakeside's Durgin Road facility.

My company, Northwest Marine Technology, has been a leader in protecting endangered fish species throughout the world for decades. I have always encouraged leaders in our state to follow the science to determine the best environmental practices in the protection of salmon. Recycling asphalt uses less energy, reduces air emissions, decreases the need for other natural resources, and is a practice that the Environmental Protection Agency and the Washington Department of Ecology endorses. Put simply, it is an environmental practice that should be applauded not punished.

I would urge you to allow Lakeside to recycle asphalt and end decades of bad environmental policy. It is time for Thurston County to join the rest of the State of Washington and the nation and embrace this sustainable environmental practice that is needed to support our fish and economic recovery.

Thank you,

A handwritten signature in dark ink, appearing to read 'Dave Knutzen', with a long horizontal line extending to the right.

Dave Knutzen
CEO,
Northwest Marine Technology

July 27, 2020

Dear Planning Commission Members,

I write to you today concerning Lakeside Industries applications to recycle asphalt at its Durgin Road Facility. Put simply, after more than 10 years of inaction Lakeside should be afforded the opportunity to recycle asphalt.

Thurston County's inaction flies in the face of the science that clearly demonstrates the benefits of the use of recycled asphalt which includes the reduction of greenhouse emissions, reduces the need to mine for new aggregate, and reduces the need to landfill this material. Furthermore, as a former Democratic Congressman who has fought for over 40 years to protect our environment including the protection of the Nisqually Delta, the Nisqually Wildlife Refuge and the Fish and Wildlife in the Nisqually Basin, I would urge you to listen to the science and take action to encourage recycled asphalt. The County can require monitoring of any impacts of recycled asphalt as all other counties do across the State. We invest hundreds of millions of dollars in an attempt to address the decline of Puget Sound, I find it reprehensible that Thurston County is stuck in the past defending a non-environmentally friendly construction practice.

I respect the difficulty of elected and appointed officials in making land-use decisions. However, I have found that there is never a good excuse to not follow what the science tells us about the risks and the benefits of decisions that affect our land, water, and air. I would urge you to listen to FDOT, WSDOT, DOE, EPA, the Labor Community, and the Business Community and move forward immediately to recommend Lakeside's proposal to recycle asphalt.

Respectfully,



Norm Dicks
Former Member of Congress

July 27, 2020


Dear Planning Commission Members,

I had the opportunity in 2014 to appear before the Thurston County Board of Commissioners to urge them to put the Lakeside Industries petition to produce recycled asphalt at their Durgin Road facility on the tier one planning docket. For well over a decade, Thurston County has been dragging its feet to embrace a viable environmental practice that has proven benefits to our air quality.

As an Olympia resident and former Assistant Regional Director of the United States Fish and Wildlife Service, I would strongly recommend you take the necessary step to approve Lakeside's application to recycle asphalt. After over ten years, it is time we objectively evaluate Lakeside's application and the benefits of recycled asphalt. Recycled asphalt uses less energy, reduces air emissions, decreases the need for other natural resources and is a practice that the Environmental Protection Agency and the Washington Department of Ecology endorses. As a scientist, I was astounded and very disappointed that Thurston County would not join the 21st century's best environmental practices and allow Lakeside to recycle asphalt. There is simply no excuse to allow environmental degradation when economically viable best practices like recycling are available.

Thurston County has the opportunity to correct the failure of the previous Commission and restore sound science decision making by approving Lakeside's application. You should require Lakeside to cover the asphalt piles to reduce risk of runoff and have them conduct ongoing monitoring to measure any impacts, if any, to water quality. Thank you for your consideration.

Thank you,

A handwritten signature in black ink that reads "Curt Smith". The signature is written in a cursive, flowing style.

Curt Smith, PhD



P.O. Box 7016 / Issaquah, WA 98027
ph: 425.313.2600 / lakesideindustries.com

Thurston County Community Planning
2000 Lakeridge Dr. SW
Olympia, WA 98502

RE: Thurston County Comprehensive Plan Docket Item CP-11
Recycled Asphalt Policy Amendment

Dear Thurston County Planning Commission and Board of County Commissioners:

Lakeside Industries is seeking this minor text amendment to the Nisqually Subarea Plan to allow for asphalt recycling within the Subarea. We ask that the Planning Commission and the Board of County Commissioners approve the amendment as written.

Lakeside Industries' Durgin Road asphalt plant is a state-of-the-art facility that employs over 40 employees for its operations. Our employees are members of the community who care about the environment where they live. Our asphalt plant provides road construction materials to residential, commercial, and industrial properties in the community. Thurston County residents drive on roads paved by Lakeside Industries every day. We ask that the County approve the amendment to the Nisqually Subarea Plan to allow for asphalt recycling, so that we can seek a permit amendment to recycle asphalt at our Durgin Road Plant.

Asphalt recycling preserves natural resources. The use of recycled asphalt decreases the need for newly-mined aggregate and reduces the amount of asphalt cement required in manufacturing asphalt. Petroleum and aggregates that would otherwise be needed to produce new asphalt would be directly replaced with recycled asphalt on a 1:1 basis.

Asphalt recycling results in 0% waste. Any recycled asphalt is effectively removed from the waste stream. It should be understood that these are very large amounts of reclaimed asphalt typically measured in the hundreds of thousands of tons. This is RAP that would otherwise go into a landfill.

Asphalt recycling requires no additional energy or materials. Unlike most other recyclables, very little additional energy is required to recycle asphalt. To recycle asphalt, the recycled material is simply ground up and introduced into the already heated mix. No chemicals or additives are used.

Asphalt recycling is encouraged nationwide. National, state, and local governmental agencies support and encourage the use of recycled asphalt. The National Federal Highway Administration (FHWA) "supports and promotes the use of recycled highway materials in pavement construction in an effort to preserve the natural environment, reduce waste, and provide a cost effective material for constructing highways."¹ Additionally, Washington State law

¹ <https://www.fhwa.dot.gov/pavement/recycling/rap/>

specifically requires that the state's preference for recycled content must be a factor in state capital improvement projects.²

Asphalt recycling is an important aspect of an industry essential to economic growth. Economic growth, including growth in housing, retail, and commercial sectors, cannot occur without adequate roads and infrastructure. Roads and infrastructure cannot be built without aggregate and asphalt. Asphalt recycling is a key aspect of everyday operations in road construction because it ensures an adequate supply of natural resources to support growth and development for years to come.

Asphalt recycling is especially critical during economic downturns. The use of recycled asphalt would encourage greater market competition for road construction in Thurston County because it is more cost-effective to recycle asphalt. Particularly in this challenging time of pandemic and reduced local tax income, increased market competition could result in cost savings for the County and its taxpayers.

We appreciate the County's time and efforts in moving this amendment forward, and we ask that you approve of this amendment.

Sincerely,

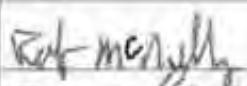
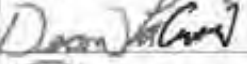
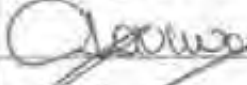

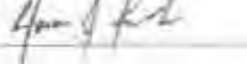


Tony Hammett
Regional Manager



Jeff Herriford
Division Manager

Signing in support and agreement of the comments presented in this letter:

Signature	Name	Address
	Rob McNelly	998 Holly St. Napavine
	Dean LeRoix	134 Camp Creek Rd Montesano
	Amy Lovejoy	23015th LANE TENINO, WA
	Steve Lavar	" "
	Aaron French	167 Pascoe Ave Chehalis, WA

² RCW 39.04.133 (1) ("The state's preferences for the purchase and use of recycled content products shall be included as a factor in the design and development of state capital improvement projects.")

specifically requires that the state's preference for recycled content must be a factor in state capital improvement projects.²

Asphalt recycling is an important aspect of an industry essential to economic growth. Economic growth, including growth in housing, retail, and commercial sectors, cannot occur without adequate roads and infrastructure. Roads and infrastructure cannot be built without aggregate and asphalt. Asphalt recycling is a key aspect of everyday operations in road construction because it ensures an adequate supply of natural resources to support growth and development for years to come.

Asphalt recycling is especially critical during economic downturns. The use of recycled asphalt would encourage greater market competition for road construction in Thurston County because it is more cost-effective to recycle asphalt. Particularly in this challenging time of pandemic and reduced local tax income, increased market competition could result in cost savings for the County and its taxpayers.

We appreciate the County's time and efforts in moving this amendment forward, and we ask that you approve of this amendment.

Sincerely,





Tony Hammett
Regional Manager



Jeff Herriford
Division Manager

Signing in support and agreement of the comments presented in this letter:

Signature	Name	Address
	Pat Papac	414 Wynoochee Rd. West Montesano WA 98563
	John Ross	1318 N C St Aberdeen WA 98520
	Chris Heikila	620 Hanna Ave Aberdeen WA 98520
	Stacey Spalding	P.O. Box 879 Cosmopolis, WA 98557
		59. Rainier Gardens Rd Aberdeen WA 98520

² RCW 39.04.133 (1) ("The state's preferences for the purchase and use of recycled content products shall be included as a factor in the design and development of state capital improvement projects.")

Signature	Name	Address
	Benjamin Clark	3618 3618 Landan arc ne Olympia
	Jeremy Cherry	3192 central in Hobu Rd outakusta WA
	James Kalkus	P.O. Box 801 Tenino, WA
	John Escobedo	14109 Little rock rd sw
	Julio Garcia	12725 MORRIS RD SE yelm wa.
	DAVID M	40 SE LACORN LN Stan
	ERIC MESIN	6025 18th Ave SW Rochester WA
	Douglas B Smith	4011 Indian Summer DL SE Oly
	Clint Moore	2411 174th AVE SE Tenino
	Sherry Galkinger	658 Wilkie Ln. Montpsano, WA
	Zach Beard	4605 Parkside Dr SE
	Jane S. Jorobe	3414 Pear St SE Olympia, WA 98501
	Dusty Barringer	1954 Prospect Ave NE Olympia, WA 98501
	Todd Nelson	16637 SHELTON LN SW Packer WA
	Peter Irwin	1810 Gabbard Rd SW Tenino WA
	Mark Bosler	543 NORTH 10th Elma WA
	Tyler Mitige	2221 SW Salsbury Ave Chehalis 98532
	Elizabeth Morris	212 156th LN SE, Tenino, WA 98589
	Mike Tennant	1602 ROBERTSON Loop SW Tumwater
	Kim Tennant	1601 Ridgeview Loop SW
	Rob Rueda	51 SE Garfield Ave SE Elma
	Dawn Sprague	14749 high valley Ln se tenino wa
	Mitchell Szymanski	9802 DONOVAN CISE Yelm WA
	Torus Dillingham	5411 Kenetree Ct SE Lacey
	Anthony Rybak	4343 S 291st ST Auburn WA 98001

[illegible]

JOINT COUNCIL OF TEAMSTERS NO. 28

Affiliated with the International Brotherhood of Teamsters

14675 Interurban Ave S, Suite 301
Tukwila, Washington 98168
(206) 441-7470 • Fax (206) 441-3157

Rick Hicks, President

August 5, 2020

Ms. Jennifer Davis
Community Planning Manager
Thurston County Courthouse Complex
2000 Lakeridge Dr. SW
Olympia, WA 98502

Re: Lakeside Industries

Dear Thurston County Planning Commission:

On behalf of the more than 55,000 active Teamsters members and their families, Joint Council of Teamsters No. 28 (JC-28) urges you to forward a favorable recommendation of Lakeside Industries application to recycle asphalt to the Thurston County Commissioners. JC-28 made this same recommendation in December of 2011, and we think that after more than 10 years, Thurston County should embrace this sustainable environmental practice.

The Teamsters Union has had a long and positive working relationship with Lakeside Industries. We know them to have genuine concern about the health and welfare of their workers and they are committed to the local communities they operate in. The overwhelming amount of data and science supports recycling asphalt. It reduces air emissions, uses less energy, and is highly recommended by the Washington Department of Ecology and the Environmental Protection Agency.

Once again in 2020, we are asking you to follow the best available science and allow Lakeside Industries to recycle asphalt at their Durgin Road facility. Thank you for your consideration of our request.

Respectfully,

JOINT COUNCIL OF TEAMSTERS NO. 28



RICK HICKS, PRESIDENT

RH:dm

International Union of Operating Engineers

Locals
612 ~ 612A ~ 612B ~ 612C ~ 612RA

Comment #63

1555 South Fawcett Avenue
P O Box 1735
Tacoma WA 98401-1735
BUS: 253.572.9612
FAX: 253.591.9882



Todd J. Mickelson
Business Manager / Financial Secretary
Kevin A. Tedrick
President
Christina L. Hall
Recording~Corresponding Secretary

August 5, 2020

Thurston County Community Planning
2000 Lakeridge Dr. SW
Olympia, WA 98502

RE: Thurston County Comprehensive Plan Docket Item CP-11
Recycled Asphalt Policy Amendment

To Whom it May Concern:

I ask that you approve Lakeside Industries' proposed amendment to allow asphalt recycling in the Nisqually Subarea.

Asphalt recycling is a cost-effective, sustainable practice that results in zero waste. Recycling asphalt can save over 60 million cubic yards of landfill space per year.¹ This well accepted recycling practice throughout the United States and the world conserves our precious natural resources while allowing federal and local agencies to deliver quality pavements to the traveling public in a cost-effective manner.

For years, Lakeside has sought a text amendment to Thurston County's Nisqually Subarea Plan to allow for asphalt recycling. The Subarea's rule has been in place for almost two decades and presumes a potential threat to water quality, yet there is no clear evidence that asphalt recycling poses a real threat to water quality as the rule suggests. In fact, asphalt recycling is a common practice encouraged throughout Thurston County and supported by local, state, and federal agencies. Asphalt recycling is part of normal operations for asphalt plants across the country and world.

Sincerely,

Kevin A. Tedrick
President ~ Business Representative
IUOE Local 612

¹ National Asphalt Pavement Association. "Asphalt for Recycling and Energy Reduction."
https://www.asphaltpavement.org/index.php?option=com_content&view=article&id=201&Itemid=495

Affiliated with the International Brotherhood of Teamsters

217 East Main Street, Centralia, WA 98531 • (360) 736-9979 • Fax (360) 330-0377



THURSTON COUNTY
RECEIVED

AUG 03 2023

DEVELOPMENT SERVICES

To Whom it May Concern:

Asphalt recycling is a cost-effective, sustainable practice that results in zero waste. Recycling asphalt can save over 60 million cubic yards of landfill space per year.¹ This well accepted recycling practice throughout the United States and the world conserves our precious natural resources while allowing federal and local agencies to deliver quality pavements to the traveling public in a cost-effective manner.

For years, Lakeside has sought a text amendment to Thurston County's Nisqually Subarea Plan to allow for asphalt recycling. The Subarea's rule has been in place for almost two decades and presumes a potential threat to water quality, yet there is no clear evidence that asphalt recycling poses a real threat to water quality as the rule suggests. In fact, asphalt recycling is a common practice encouraged throughout Thurston County and supported by local, state, and federal agencies. Asphalt recycling is part of normal operations for asphalt plants across the country and world.

Sincerely,

Sincerely,

Russ Walpole, Secretary Treasurer
Teamsters Union Local #252
217 East Main Street
Centralia, WA 98531
360-736-9979

¹ National Asphalt Pavement Association. "Asphalt for Recycling and Energy Reduction." https://www.asphalt pavement.org/index.php?option=com_content&view=article&id=201&Itemid=495

Maya Teeple

From: Polly Stoker
Sent: Wednesday, September 2, 2020 4:21 PM
To: jodyannette1@gmail.com
Cc: Jennifer Davis; Maya Teeple
Subject: RE: Comment to the Thurston County Planning Commission

Hello Ms. Disney,
Thank you for your comment. I will forward to the Planning Commissioners and upload to the PC website today.
Sincerely,

Polly Stoker

Thurston County Community Planning &
Economic Development (CPED)
360-786-5473
Cell 360-972-6785
stokerp@co.thurston.wa.us
2000 Lakeridge Dr SW
Building One, 2nd Floor
Building Development Center

From: jodyannette1@gmail.com <jodyannette1@gmail.com>
Sent: Wednesday, September 02, 2020 4:13 PM
To: Polly Stoker <polly.stoker@co.thurston.wa.us>
Subject: Comment to the Thurston County Planning Commission

Dear Polly,

As a Thurston County Resident I am deeply concerned about our Aquifer and the quality of our water. I do not support allowing the Lakeside Company to recycle asphalt (RAP) in the Nisqually Valley location. There are existing areas in Thurston County to recycle asphalt which do not include the potential of contaminating water in the Nisqually Valley.

There is an existing ruling and plan from the 1980s to prevent this type of venture. Do not remove it as it protects all of us from illness and exposure to toxins in the water. RCW78.44.010 states "comprehensive regulations of mining and thorough reclamation of mined lands is necessary to prevent or mitigate conditions that would be detrimental to the environment and to protect the general welfare, health, safety, and property rights of the citizens of the state." Lakeside needs to clean up this site after using it as is required by law and to not be able to avoid doing what is required and what they were well informed of when they entered into this mining venture.

Thank you in advance for being good stewards of our natural environment.

Sincerely,

Jody A. Disney RN, PhD
1609 Evergreen Park Lane SW
Oly, WA 98502

Sent from [Mail](#) for Windows 10

Maya Teeple

From: Polly Stoker
Sent: Wednesday, September 2, 2020 4:04 PM
To: Jan Dillon
Cc: Jennifer Davis; Maya Teeple
Subject: RE: Nisqually watershed

Hello Ms. Dillon,
Thank you for your comment. I will forward to the Planning Commission and upload to the PC website today.
Sincerely,
Polly Stoker

Polly Stoker

Thurston County Community Planning &
Economic Development (CPED)
360-786-5473
Cell 360-972-6785
stokerp@co.thurston.wa.us
2000 Lakeridge Dr SW
Building One, 2nd Floor
Building Development Center

From: Jan Dillon <diljr@outlook.com>
Sent: Wednesday, September 02, 2020 3:20 PM
To: Polly Stoker <polly.stoker@co.thurston.wa.us>
Subject: Nisqually watershed

I support your efforts and appreciate what you're doing for the Nisqually watershed.
Jan Dillon

Sent from my Verizon LG Smartphone

Maya Teeple

From: Polly Stoker
Sent: Wednesday, September 2, 2020 3:49 PM
To: Annabel Kirschner
Cc: Jennifer Davis; Maya Teeple
Subject: FW: Lakeside mining request
Attachments: Lakeside mining .pdf

Hello Ms. Kirschner,
Thank you for your comment. I will forward to the Planning Commission and upload to the PC website today.
Sincerely,
Polly Stoker

From: Annabel Kirschner <kirschner01@gmail.com>
Sent: Wednesday, September 02, 2020 3:46 PM
To: Polly Stoker <polly.stoker@co.thurston.wa.us>
Subject: Lakeside mining request

As my attached letter shows, I STRONGLY OPPOSE any consideration of recycling asphalt in the Nisqually aquifer area.

September 2, 2020

Thurston County Planning Commission:

It is my understanding that a mining company, "Lakeside"?, is seeking permission to store recycled asphalt (RAP) at its operation in the Nisqually watershed.

Why are you even considering this request??

During the 1990's, the county prohibited this type of activity in the Nisqually area because of the fragility of the aquifer and water quality concerns. Time has NOT lessened these concerns but made them more pressing.

The company has almost mined out its operation there. It is now time for them to reclaim the land instead of polluting it further. It appears that they are trying to avoid an obligation they knew about all along.

Obviously Lakeside only cares about its profits and not about the quality of the environment. Pulling this kind of stunt should lead the county to ban them from any further operations here.

Once again, I must ask **why are you even considering this?** You should have referred Lakeside to the 1990's decision and sent them on their way. This is a waste of your time and our time. It leads me to wonder if one of the county or planning commissioners have a special interest in Lakeside Mining. I can think of no other reason for this request to be on the table.

Annabel Kirschner
1008 Loete Ct. SE 98501
kirschner01@gmail.com

Maya Teeple

From: Polly Stoker
Sent: Wednesday, September 2, 2020 12:59 PM
To: Shari Silverman
Cc: Maya Teeple; Jennifer Davis
Subject: RE: No to Lakeside request

Hello Ms. Silverman,
Thank you for your comment. I will forward to the Planning Commission and upload to the website today.
Sincerely,
Polly Stoker

Thurston County Community Planning &
Economic Development (CPED)
360-786-5473
Cell 360-972-6785
stokerp@co.thurston.wa.us
2000 Lakeridge Dr SW
Building One, 2nd Floor
Building Development Center

-----Original Message-----

From: Shari Silverman <silverman.shari@gmail.com>
Sent: Wednesday, September 02, 2020 12:20 PM
To: Polly Stoker <polly.stoker@co.thurston.wa.us>
Subject: No to Lakeside request

For inclusion in the public record Thurston County Planning Commission

Commissioners,

Please do not revoke the prohibition on recycled asphalt in the Nisqually Subarea Plan. This prohibition of recycled asphalt was established years ago and has served Thurston County well during all this time.

Lakeside Inc built their plant fully knowing the 1992 Nisqually Subarea Plan was in effect.

To allow recycled asphalt to impact an aquifer and multiple acres of farmland would be harmful to the health and livelihoods of Thurston residents would be a grave injustice to our community.

Please keep the 1992 Nisqually Subarea Plan as is.

Thank you,

Shari Silverman

2775 Tuscany Ln SW
Tumwater

From: [Howard Glastetter](#)
To: [Maya Teeple](#)
Cc: ["Emily McCartan"](#)
Subject: Lakeside's Request
Date: Wednesday, September 23, 2020 8:50:17 AM

Maya,

I misunderstood a comment David Troutt made a couple NRC Zoom meetings ago. He talked about Lakeside's RAP request, then mentioned Holroyd's secondary request. I took that comment to mean that Holroyd's back burner request had become active. Holroyd's pit has had a ten-year-old request to mine 100 feet below the water table at their site. My recent comments to you reflect that I thought this request had moved from passive to active.

I think it is good for the Planning Commission to be aware of the Holroyd request, because I've been told by county employees that it is open / active. However, it is not my intention to exaggerate this secondary issue beyond what is occurring.

-Howard

Howard H Glastetter
Howard.glastetter@comcast.net
Cell (360)556-1574

Everything should be as simple as it can be, but no simpler.
Albert Einstein

From: [Howard Glastetter](#)
To: [Maya Teeple](#)
Cc: ["Emily McCartan"](#)
Subject: Holroyd Aquifer Mining Request
Date: Saturday, September 12, 2020 8:58:46 AM
Attachments: [Holroyd Lake 1102.doc](#)

Maya,

David Trout mentioned, at the last RAP-in-the-Sub-Area meeting, that the Holroyd Pit still wants to mine well below the water table, via a drag shovel. David pointed out and I also commented that this should not happen. Holroyd made this request ten years ago and has evidently kept it active, but has been quietly waiting until Lakeside gets to process RAP before making their move. This is probably a technique to reduce a concern about two pit permitted uses doubling ecological impacts.

When this mine-below-the-water-table issue came up, ten years ago, I submitted a letter (above) to the county. I do not have the attachments in electronic form, but it should all be on record at the county. If needed, I could come up with hard copies. The attached letter, without its attachments, is still easy to visualize and follow.

I think the Planning Commission should be aware of this second issue while evaluating Lakeside's request, which is much larger than RAP (protected from weather) reprocessing. It combines to make a single very large issue that should not be considered as two separate issues. My letter outlines some of the impacts of going below the water table in this very sensitive area.

Thank you,

Howard H Glastetter
Howard.glastetter@comcast.net
Cell (360)556-1574

Everything should be as simple as it can be, but no simpler.
Albert Einstein

From: [Howard Glastetter](#)
To: ["Emily McCartan"](#); troutt.david@nisqually-nsn.gov
Cc: baldhillsolar@gmail.com; [Gary Edwards](#); phyllisfarrell681@hotmail.com; [Maya Teeple](#); [Kevin Hansen](#)
Subject: Follow Up to Today's NRC Meeting
Date: Friday, August 21, 2020 2:26:05 PM
Attachments: [ATT00001.htm](#)
[Proposed Docket Ammendment 1703.doc](#)
[Holroyd Lake 1102.doc](#)
[ATT00002.htm](#)
[RAP Comment 1905.docx](#)

Folks,

The above comments are an attempt to back up some of the concerns I brought up at today's meeting. They are already on record in Thurston County at various locations. The first attachment contains concerns I have had over the years with Lakeside's attempt to reprocess RAP in Holroyd's pit. The second contains observations about serious flaws in Holroyd's almost ten year old original application to mine 100 feet below the water table in their valley pit. I don't have electronic referenced attachments to the second document, but can get to hard copies if needed. The third document contains my observations about the Herrera RAP Study Document that was submitted to the county last year.

As I stated at the meeting: RAP should only be allowed in the pit under an unwallled building protected from rain and snow. This is the asphalt industrial recognized Best Management Practice (BMP). Holroyd should not be allowed to mine below the water table. If these two things happen separate from the upgrade of the well thought out Nisqually Sub-Area Plan, it might as well be tossed into the waste basket.

-Howard

Howard H Glastetter
Howard.glastetter@comcast.net
Cell (360)556-1574

Everything should be as simple as it can be, but no simpler.
Albert Einstein

Emailed to Thurston County March 5, 2017

This email is a public response to Lakeside Industries' latest docket attempt to remove Goal E-5 from the 1992 Nisqually Sub-Area plan. They want to reprocess Recycled Asphalt Pavement (RAP) at their Holroyd's Gravel Pit site in lower Nisqually Valley.

The overall goal of the November 1992 Nisqually Sub-Area Plan was to **"Maintain the existing rural environment of the Nisqually planning area with the primary emphasis on preserving ... its rural, aesthetic character for future generations."** (Page 17). This overall goal has been in the forefront of the 1992 Plan as well as ongoing public and private efforts to restore and maintain the Nisqually River Valley. The no-RAP provision of Policy E.5, along with the other E goals (Page 20-21, attached) was designed to protect the rural character from industrial dominance.

The county has an obligation to defend this well thought out plan and strengthen it when it comes up for renewal. However, business impacts have increased, rather than be phased out as the plan has required. Examples:

- 1) A mined out pit at Yelm Highway and Reservation Road, in the Nisqually Sub-Area, has been converted to a construction waste site (The Sub-Area Plan (Goal E.1.) and DNR require mined out pits to be reclaimed). Stumps and construction material, including RAP, are hauled in from as far as Mason County. This operation is located in the Nisqually Sub-Area, contiguous to the McAllister Springs Sensitive Area - above Lacey and Olympia municipal wells. People in county government are aware of this violation.
- 2) After the flood of 1996, neighbors could only replace lost homes by putting them on high foundations. No lot filling was allowed. However, the gun factory, in the middle of the neighborhood, was given permission to put 20,000 cubic yards of fill on their 1996 flood inundated property. They have yet to use this filled area. That filled part of the property is now for sale.
- 3) Lakeside got into the valley on a technicality and now wants to add the RAP storage and recycling to their process. This would have an increased truck traffic impact on the valley and opens the door to possible water and air pollution.

There are ongoing concerns with flooding. In 1996, much of the lower Nisqually Valley was under floodwaters, including portions of the Holroyd gravel mine. Due to past rail line, bridge and highway construction the Nisqually River has been artificially forced to the higher **east** side of the valley. When the river has major floods, it naturally flows to the **west**, above the rail line, through the Durgin Road Tunnel upstream, from the Holroyd Gravel Mine. If floodwaters enter the pit, aquifer groundwater could be infiltrated by pollutants from RAP storage in the pit, if RAP were ever allowed. (Flooding in Nisqually Valley will continue to be an issue as long as Tacoma Power is allowed to top off the Alder Lake Reservoir in the fall/winter seasons.) **Goal E.5 states: "... the reprocessing of asphalt shall not be allowed due to water quality concerns".** Note: RAP is recycled pavement. When it is ground up the surface area dramatically

increases and allows greater leaching of chemicals in the RAP. Please see next paragraph. Yellow highlighting is mine.

<http://www.rmrc.unh.edu/tools/uguidelines/rap131.asp> “For unbound applications, leachability from the RAP may also be a concern. This same leachability would be a concern if RAP was stockpiled or stored and exposed to precipitation.” What this URL is saying is that using RAP as one would use raw gravel for a road or driveway would cause more (possibly unacceptable) leaching into the soil than, say, a solid road made of bound asphalt. The reason being, that increased surfaces of the unbound RAP particles would have far more surface area to leach from than a hard surface road (much the same as a RAP stockpile exposed to the weather).

If RAP is allowed, and I’m not recommending it, there is a way to mitigate its effects. Below is the “Best Practice” to reduce moisture in RAP. It allows RAP to be processed at a lower temperature, reducing the cost of producing asphalt. There are two additional side benefits to this. Less heat means less energy, reducing air pollution. Keeping RAP dry also prevents chemical leaching into the ground water. This is a win for the asphalt company (less cost) and the neighborhood (less water/air pollution).

The **un-walled building** cover technique was also recommended in two different articles in the handout we used when I was on the Thurston County Asphalt Advisory Task Force (AATF) in 2007-8. A Lakeside employee told me they had no intention of doing this.

Note of caution: This still would not solve the problem of having a large source RAP pile in the pit. Suppose Lakeside were allowed to have RAP at their site. If Lakeside were to maintain a source RAP pile of the size they had when they were at the Hogum Bay Olympia Landfill a few years ago, it likely would create a water pollution problem. They had an irregular pile 60+ feet in height and around 150 feet across at the base. That may have been marginally ecologically acceptable, because the water table could be around 100 feet below ground level at the Hogum Bay site. The current permeable gravel floor at Holroyd’s is about 15 to 20 feet above an aquifer water table, even less in wintertime. Holroyd’s pit is also in the Nisqually 100-year floodplain. I have photos that show they were flooded in 1996.

<http://www.morerap.us/files/rap-best-practices.pdf>

Stockpiling to Minimize Moisture

Moisture content of aggregates and RAP is a primary factor affecting an asphalt plant’s production rate and drying costs. Some contractors have implemented creative approaches to reducing moisture content in stockpiles. The best practice to minimize the accumulation of moisture in stockpiles is to cover the stockpile with a shelter or building to prevent precipitation from getting to the RAP. Second to that, it is a good practice to use conical stockpiles to naturally shed rain or snow, and to place the stockpile on a paved and sloped surface to help water drain from the pile. Irregular-shaped stockpiles with surface depressions that will pond water should be corrected by shaping the pile as it is being built with the front-end loader or a small dozer. However, the use of heavy

equipment on the top of RAP stockpiles should be minimized to avoid compaction of the RAP. Likewise, it is also recommended that RAP stockpiles be limited to 20 feet in height to reduce the potential for self-consolidation of the stockpile.



Final thoughts:

Lakeside RAP storage at the Hogum Bay site did not meet “**Best**” or even “**Second Best**” practices. Would they do better in Holroyd’s pit? The jury is out on that. The aquifer below the pit is the source of drinking water for some as well as farm / garden irrigation for many in the valley.

Lakeside knew RAP was not allowed before they built their new plant at Holroyd’s pit. The County Commissioners and two court decisions ruled they could not use RAP in Nisqually Valley. ORCAA reaffirmed they could not, due to Sub-Area Plan rules. They chose to push their way into this rural residential area, anyway. Since then, they’ve been posturing that they have been treated unfairly.

Holroyd’s pit is close to being mined out. DNR and the Sub-Area Plan say they have to move out when that happens. Will they? Or, will they want increase truck traffic and change infrastructure to haul in **gravel** from another pit **as well as RAP**? This would also be in violation of the Sub-Area Plan. **(Goal E.5 says: ”The reprocessing of imported mineral resources shall not be the primary accessory use”** Gravel is a mineral and is supposed to come from inside the pit.

Thank you for your consideration.

Sincerely,

Howard Glastetter
howard.glastetter@comcast.net
(360)491-6645

Howard Glastetter
11110 Kuhlman Road SE
Olympia, WA 98513-9605

February 22, 2011

Thurston County Development Services
Resource Stewardship Department
Attn: Mr. Tony Kantas
2000 Lakeridge Drive SW
Olympia WA 98502-6045

Dear Mr. Kantas,

The following is a close copy of a letter I sent to Mike Kain on June 16, 2010 after hearing about the following Holroyd Gravel Pit request (Case #: 2010100505, Mine Expansion Special Use Permit #: 10 101562 ZM). In the near future, I will try to review and respond to any other case documents available since my original observations.

The purpose of this letter is to add observations to **Holroyd Co. Inc. & Neilsen Pacific LTD's** February 25, 2010 request for a Special Use Permit. The Holroyd company wants to continue mining part of the valley floor of their pit, converting it to a 120-foot deep, 2,018 feet long, 1,700 feet wide lake. This translates into an 80-acre lake. I've read their request and related exhibits. I'm not trained in geology or hydrology, but I still know there are some implications to this request that have not been addressed.

I have lived in three different locations in the valley over the past 40+ years, including a home on a 5-acre lot, just north of Holroyd's, across Old Pacific Highway. I have been publicly involved with issues affecting the valley during much of that time. So, I have some views that could aid in evaluating the above Special Use Permit request.

I'll summarize some concerns about this request. Water seeks the low point and some issues have not been addressed. Most of the exhibits were written before the 1996 flood, the 2001 earthquake and the 2007 addition of an asphalt plant at the site.

Nothing is said about potential pollution from the new asphalt plant that would be contiguous to the new lake. The plant is in the map of the site, but that's it. The plant currently wants to import recycled asphalt pavement (RAP) to use in its industrial process. This foreign material can contain pollution, beyond asphalt binders and gravel. Page 2 of Holroyd's Exhibit A, written in 1995, says an asphalt plant would be a contamination concern to a pit with open ground water.

Lost Lake lies just south of the pit (Attachment #1, #2 – location 1), just across the railroad tracks. The water level of this lake is 85 feet, roughly 60 feet higher than the current pit floor. Could Lost Lake drain if a 120-foot deep lake were dug **two hundred yards** down stream from it? There are artesian springs north of the pit, just across Old

Pacific Highway (Attachment 2 – location 2). The high-pressure source of these artesian wells, likely runs under the pit and could be intercepted by the new lake. This could have a greater effect on the proposed lake's level than any Holroyd exhibits indicate.

The water sources flowing underground to McAllister springs are southwest of Holroyd's (Attachment 2 location 3). This is the current and future **water supply needed by Olympia and Lacey**. The Nisqually River runs about a half mile east of the pit, before it curves further east along the rail line. Over the years, the river has been forced to the higher side of the valley by rail line and highway construction. Emergency Manager, Andrew Kinney can verify this. The 1996 flood in the valley affected the pit and would have flooded any lake in the pit. I have included a 1996 aerial photo (Attachment 3) of the pit taken, by my son, a few hours after the flood peaked.

The Olympian discussed future municipal wells in the McAllister Springs Sensitive Area, above McAllister Springs, southwest of Holroyd's pit (Attachment 4 – 9/8/2008 News Article). The article pointed out concerns about well extraction affecting local lake levels (e.g., Saint Clair, Pattison, Long). Could an 80-acre / 120-foot deep lake at Holroyd's affect these lakes? Could it affect future municipal wells above McAllister Springs?

Native Americans have a small enclave reservation (Attachment 2 – location 5) just east of Durgin Road from the pit. The land level of this small neighborhood is not much higher than the expected level of the proposed lake. Additionally, residential lots owned by Holroyd surround this enclave. The Holroyd lots have been filled with mine overburden and fill from other sources. Would seepage from the new lake affect this neighborhood? The fill, on Holroyd's lots, has prevented enclave drainage (Attachment 5) of prior Nisqually River floodwaters (e.g., February 1996, November 1995).

There are hydraulic effects in the valley now. I lived across from the pit from 1973 to 1990. The well on that property was so full of iron it was unfit for washing or drinking. Fortunately, we were able to hook up to city water and use the well for irrigation only. Currently, I live ¼ mile northeast of the pit. My shallow irrigation well here has less iron, but is still noticeable. However, from season to season, I can see slight indentions in my lawns that indicate significant hydraulic activity. I'm not saying these hydraulics have anything to do with the pit, but there is a lot of water movement under properties in the valley.

Holroyd's Exhibit B, page 3 indicates, "the salt-water estuary is about 3 miles from the proposed lake". My map indicates it's more like 2 miles. Pages 10 and 11 of Exhibit B discount the probability of saline encroachment of local farm wells as a result of the man-made lake. Recently, the nature preserve dikes on the delta were breached to allow salmon enhancement advantages. Salt water now daily flows to within a few dozen feet of I-5 (Attachment 2 – location 6) about a mile away from the proposed lake. Could this, coupled with the proposed 120 feet deep lake, affect farmers' wells just south of I-5? Incidentally, there is visible artesian spring hydraulics coming out of a six-inch pipe in the brackish tidal area just north of the beginning of the new delta boardwalk.

These are questions and issues that I have observed that need addressing as part of the county's evaluation of this Special Use Permit.

Sincerely,

Howard H. Glastetter
Attachments



Mr. Howard Glastetter
11110 Kuhlman Rd. SE
Olympia, WA 98513



9-14-2020

Maya,

I went thru my old
files & found copies
(with attachments)
of what I sent the
county almost 10
years ago.

Howard

Maya Teeple
Thurston County Planning
2000 Lakemidge Dr SW
Olympia, WA 98502

Howard Glastetter
11110 Kuhlman Road SE
Olympia, WA 98513-9605

February 22, 2011

Thurston County Development Services
Resource Stewardship Department
Attn: Mr. Tony Kantas
2000 Lakeridge Drive SW
Olympia WA 98502-6045

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The purpose of this letter is to add observations to **Holroyd Co. Inc. & Neilsen Pacific LTD's** February 25, 2010 request for a Special Use Permit. The Holroyd company wants to continue mining part of the valley floor of their pit, converting it to a 120-foot deep, 2,018 feet long, 1,700 feet wide lake. This translates into an 80-acre lake. I've read their request and related exhibits. I'm not trained in geology or hydrology, but I still know there are some implications to this request that have not been addressed.

I have lived in three different locations in the valley over the past 40+ years, including a home on a 5-acre lot, just north of Holroyd's, across Old Pacific Highway. I have been publicly involved with issues affecting the valley during much of that time. So, I have some views that could aid in evaluating the above Special Use Permit request.

I'll summarize some concerns about this request. Water seeks the low point and some issues have not been addressed. Most of the exhibits were written before the 1996 flood, the 2001 earthquake and the 2007 addition of an asphalt plant at the site.

Nothing is said about potential pollution from the new asphalt plant that would be contiguous to the new lake. The plant is in the map of the site, but that's it. The plant currently wants to import recycled asphalt pavement (RAP) to use in its industrial process. This foreign material can contain pollution, beyond asphalt binders and gravel. Page 2 of Holroyd's Exhibit A, written in 1995, says an asphalt plant would be a contamination concern to a pit with open ground water.

Lost Lake lies just south of the pit (Attachment #1, #2 – location 1), just across the railroad tracks. The water level of this lake is 85 feet, roughly 60 feet higher than the current pit floor. Could Lost Lake drain if a 120-foot deep lake were dug **two hundred yards** down stream from it? There are artesian springs north of the pit, just across Old

These are questions and issues that I have observed that need addressing as part of the county's evaluation of this Special Use Permit.

Sincerely,

Howard H. Glastetter
Attachments

Attachment #1

Comment #69

Nisqually Topo Map at Lat 47.0429°N Long -122.7018°W Zoom 15 S Size

Find aerial photos, topo maps & topographic data like elevation, lat and long lines, or coordinates and more.

Map Size:

00

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Center: 47.0429°N 122.7018°W
Elevation at center: 85 feet (26 meters)
Quad: Nisqually
Drg Name: o47122a6
Drg Source Scale: 1:24,000
Projection: NAD83/WGS84
47.0448°N 122.6988°W
Distance to center: 0.2046 miles (0.3292 km)

Display format:
Decimal Degrees
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[Mountain Safety Research Flex 4 Pot Set](#)

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\$124.79 (33% off. Normally \$184.95)
[Mountain Hardware WINDSTOPPER Tech Jacket - Men's](#)

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Attachment #2

Comment #69



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Map of Lacey, United States



Nearest transport link

Your notes

Tube:

Railway: King Street Amtrak Station (44.01mi, 70.83km)

- ① Lost Lake
- ② Artesian Wells
- ③ Future Municipal Wells
- ④ McAllister Springs
- ⑤ Duvign Road Native Americans
- ⑥ Salt water @ high tide

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Lacey to submit its water plan

CHRISTIAN HILL

THE OLYMPIAN

LACEY - The city will submit a plan Friday that's crucial to its effort to receive state approval to pump more drinking water.

The plan represents the anticipated first step by the city to secure approval from the state Department of Ecology to pump more water to serve future growth and potentially lift the de facto moratorium on virtually all development within the city's urban growth area. The restriction has derailed plans for developers and property owners for more than three years.

Pumping from wells can divert, to varying degrees, the groundwater streams and lakes need to maintain flows and levels during the summer months. Ecology has barred or restricted additional pumping that adversely affects major freshwater water bodies in and around Thurston County's urban area unless an applicant can show how they will mitigate - or negate - those effects.

The plan defines for Ecology, the overseer of public waters in the state, how Lacey will mitigate the effect that pumping an additional 4,166 acre-feet of water, or 1.3 billion gallons, each year will have on the Nisqually River, McAllister and Woodland creeks, and Hicks, Long and Pattison lakes. That's enough water to serve 20 years of growth, city projections show.

"This is the plan Ecology has been waiting for," water resources manager Peter Brook said.

The City Council heard a presentation on the plan Thursday.

As an example under the plan, the city proposes to purchase and either retire or put into public trust privately owned water rights along the Deschutes River basin to mitigate the effect in that area; the water will remain in the ground instead of being pumped out.

It proposes decommissioning two city-owned wells along the Nisqually River to mitigate the effect in that basin.

A computer model that Olympia completed in 2002 calculated the effects from additional pumping in the region. It shared the model with Lacey and Yelm three years later.

The city of Olympia is a critical partner in this plan.

Olympia plans to retire McAllister Springs as its municipal water source and jointly develop a new wellfield with the Nisqually tribe. It is required under federal law to either treat McAllister Springs with a costly ultraviolet disinfection system or find a replacement water source by October 2012. The springs are exposed and vulnerable to contamination, particularly from spills of railcars running on the nearby line.

Lacey's plan stipulates that the cities of Lacey and Olympia would jointly develop and operate a plant where treated wastewater would seep into the ground to mitigate the effect on Woodland Creek. The cities can't flow the highly treated water directly into the creek. Seeping this water into the ground will lower its temperature and remove remaining contaminants. The cities also would purchase land to further buffer the creek from development. These joint projects would help mitigate the effects for both cities.

Olympia City Manager Steve Hall declined Friday to discuss the negotiations with Lacey. The city will submit to Ecology its plan to mitigate the effects of the new wellfield, he said.

Lacey also will finalize an agreement with the Nisqually tribe that details how it will mitigate the effects on the Nisqually River.

Lacey is scheduled to use the rest of its uncommitted water in either 2009 or 2010. The city serves about 66,000 residents living in and out of the city limits.

Three years ago, the city halted virtually all development within its urban growth area because it didn't have sufficient water to serve the new homes and businesses; development within the city limits continues. It does agree to provide water to a new home on a parcel of land created prior to the restriction taking effect.

"We're really running close to the ragged edge, which is why we need to move some of these water-right applications sooner rather than later," Brooks said.

Christian Hill covers Lacey and the Port of Olympia for The Olympian. He can be reached at 360-754-5427 or chill@theolympian.com.

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Attachment #5

2 days after Feb 1996 Flood

Comment #69

Gravel Mine



Oral Comments Received

Audio is official record

Unique ID	Date	Commenter Name	Summary	County Response
O-1	7/15/2020	Charlotte Persons - BHAS	I'm in opposition of this request. Leachate leaks into ground and contaminates the water. No SEPA has been done. This applies to the whole subarea	Comment recorded.
O-2	7/15/2020	Tony Hamon	I ask you to approve this amendment. It's a standard practice around the world and reduces raw materials	Comment recorded.
O-3	7/15/2020	Phyllis Farrell	I am against this amendment. Leachate is a toxin to groundwater. I remind you of a Nisqually River Council letter that this policy should be reviewed holistically with the entire plan.	Comment recorded.
O-4	7/15/2020	John Adams	Lakeside is a good steward and employer. I support this amendment.	Comment recorded.
O-5	7/15/2020	Christy White	I'm in opposition of this amendment.	Comment recorded.
O-6	7/15/2020	Jeff Herriford	We ask that you approve this policy. It's allowed throughout the County. We are unaware of any other jurisdiction that prohibits RAP. Proper BMPs can mitigate concerns of leachate and this is a sustainable practice.	Comment recorded.
O-7	7/15/2020	Tim Thomson	There is overwhelming data that recycled asphalt is good for the environment. Science and data unites us.	Comment recorded.
O-8	7/15/2020	Bill Dempsey	I'm the production manager of the site. I invite the commission to come out and see technology that's used for recycling and asphalt production. My contact is 425-864-0844.	Comment recorded.
O-9	7/15/2020	Kyler Danielson, Lakeside Industries	I request that you approve this amendment. Over 20 years ago the county prohibited RAP in this area. There is more science available to show that its not as harmful as previously thought. BMPs can mitigate for concern of water quality issues.	Comment recorded.
O-10	7/15/2020	Howard Glastetter	RAP should not be approved in a vacuum. If it is approved, BMPs are a MUST. BMPs mean less pollution.	Comment recorded.
O-11	7/15/2020	Esther Kronenberg	Protecting water quality is critical. Once pollution is in the water you can't get it out. The plan hasn't changed over 20 years and there is no catalyst to change this policy. We need to conserve our natural resources and clean water.	Comment recorded.
O-12	7/15/2020	Emily McCartan	We are mindful of the need for sustainable practices. Significant work has gone into this watershed, moreso than any other watershed. Before this proposal goes any further there needs to be site specific studies to ensure quality is maintained or improved.	Comment recorded.
O-13	8/5/2020	Tony Hammond	Here to ask that you approve Lakeside's request for an amendment. Currently, we have to send asphalt elsewhere, to a landfill or another recycling facility. This would allow use to reuse it on site.	Comment recorded.
O-14	8/5/2020	Loretta Seppanen	Think about the farmland in the Nisqually Subarea. I ask that staff show you this farmland in this area on a map before you make any decisions.	Comment recorded.

Oral Comments Received

Audio is official record

O-15	8/5/2020	Tim Thompson	Data and science should guide decisions. Thurston County is behind by continuing to prohibit this practice in this area.	Comment recorded.
O-16	8/5/2020	Kyler Danielson, Lakeside Industries	The Herrera report repeatedly found there was no cause for concern. You can review a letter I have on file regarding the report. Additionally there are already several BMPs in place at the Lakeside facility. As your staff will present, the code already requires many BMPs. Lakeside supports option 2 and requests that there be no addition requiring BMP for covering. This should be determined at the permit level through the site-review process rather than required outright.	Comment recorded.
O-17	8/5/2020	David Schaffer, Thurston County Chamber of	The Chamber is supportive of this amendment. If there is a decline in economy, RAP can increase opportunity for the industry.	Comment recorded.
O-18	8/5/2020	Jeff Herriford, Lakeside Industries	Here to ask that you support this amendment. It was nice to see some of the Commissioner's the other week.	Comment recorded.
O-19	8/5/2020	Howard Glastetter	I'm a resident of the Nisqually Valley, Lakeside is my neighbor. They are a good neighbor. I was involved on the asphalt task force in the early 2000s. As part of that task force, keeping RAP covered was identified as a BMP at that time. It keeps costs lower for processing, and reduces exposure of leachate. The cheap way is tarping - Lakeside implements this at their Aberdeen plant. The Nisqually Subarea is a sensitive area and warrants the extra protection.	Comment recorded.
O-20	9/2/2020	Howard Glastetter	I've submitted comments over the years. Lakeside's pit is a CARA I, residents get water from nearby wells. Kevin Hansen wrote a hydro report for the mineral lands project that states asphalt plants pose less risk than concrete plants, but stormwater is still a risk. An unwall building will mitigate stormwater concerns.	Comment recorded.
O-21	9/2/2020	Phyllis Farrel	I oppose the removal of prohibition of RAP. Previous attempts to change have failed for good reason. This area has CARA and McAllister Geologically Sensitive Areas. The County successfully litigated in 2004. This site could leach, truck traffic may impact area. Also no SEPA has been done, and the PC should have this before decisions are made.	Comment recorded.
O-22	9/2/2020	Shelley Kneip	Commenting on process tonight - RAP, mineral lands, SMP. Planning Commission should have all of the information before making a decision. County states SEPA is delayed until after PC review and that isn't right, the SEPA must be considered at the earliest time possible.	Comment recorded.
O-23	9/2/2020	Annabel Kirschner	Recycled asphalt - why are we considering this? Nothing has changed since the plan was adopted in 1992, policy should not be changed.	Comment recorded.
O-24	9/2/2020	Christy White	I'd like to echo Shelley's comment about SEPA. The planning commission should continue to look at areas for process improvements, speakers can come in to talk about the issue more and the Planning Commission can see both sides.	Comment recorded.