



March 20, 2006

Mr. Eric M. Olson
Snohomish County PDS
3000 Rockefeller Ave. M/S 604\
Everett WA 98201

Re: DNR comments to MXGP proposal 06-102142

Dear Mr. Olson,

Thank you for providing me with the Master Permit 06-102142 Application and drawings from MXGP Inc. regarding their proposal to build a motocross racetrack at the Maltby Pit site. After reviewing these documents, my chief concern is with the "Grading Estimate" and specifically with the significant amount of import fill proposed (900,000 CY's). This volume of material is currently not allowed under the Maltby Pit, Surface Mine Reclamation (SMR) Permit. If you do approve the MXGP proposal, please include a condition that requires an updated Surface Mine Reclamation Permit be in place that reflects this level of import fill.

Per the Surface Mine Reclamation Statute, RCW 78.44, Rinker Materials has a SMR Permit #70-010325 for the Maltby Pit located in a portion of Section 18, Township 27 N, Range 6E in Snohomish County. It is our understanding that the aggregate resources at the Maltby Pit have essentially been mined out. Rinker Materials appears to be out of compliance with the reclamation plan of record, because the volume of import fill at the site likely exceeds the permitted backfill budget needed to achieve reclamation. The SMR program will be issuing an Order to Rectify Deficiencies within the next week or two, and Rinker will be given at least 60 days to reply. One option to achieve compliance is for Rinker to submit a revised Surface Mine Reclamation Plan that incorporates at least the current increase in fill volume with new site contours and elevations (vertical expansion). This option would be pending Snohomish County approval and a favorable SEPA determination. If Snohomish County doesn't approve this vertical expansion proposal, Rinker will be asked to provide the SMR program with a plan of action along with a timeline that will bring the Maltby Pit back into compliance with the current reclamation plan of record.

Finally, the SMR program has been working with the Snohomish Health District and Rinker regarding the potential placement of fill containing heavy metals at the Maltby Pit site, which may have exceeded MTCA Method A Soil Cleanup Standards. We have reviewed the Snohomish Environmental Health Divisions, Health Officer's Order # 06-011 issued on February 3, 2006. The DNR will continue to follow this case closely. The outcome of Health Officer's Order # 06-011 will be a contributing factor in how the SMR program proceeds with Surface Mine Reclamation at the site.

Thank you for the opportunity to comment on the MXGP Inc. proposal at the Maltby Pit, SMR Permit 70-01025. Please feel free to contact me here at the DNR if you have any further questions about Surface Mine Reclamation at the Maltby Pit. I can be reached at (360) 902-1452.

Sincerely,

A handwritten signature in black ink that reads "John Bromley". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John Bromley
Engineering Geologist
Surface Mine Reclamation

c:file 70-010325
Snohomish Health District
Rinker Materials
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