



Vermonters for a Clean Environment

Comments to House Natural Resources, Fish & Wildlife Committee
By Annette Smith, Executive Director

Regulation of Slate Quarries

January 27, 2020

Vermonters for a Clean Environment offers the following comments on the subject of slate quarry regulation. In support of these comments see three supporting documents:

1. Review of Town Zoning in Slate Quarry Towns

After my Jan. 14 testimony, NRB Chair Diane Snelling suggested to me that she thought that slate quarry regulation could be handled by zoning.

I reviewed the zoning regulations in the slate quarry towns that have zoning (Wells does not have zoning but has a lot of active and prospective slate quarries, some very close to Lake St. Catherine). The review document contains links to the zoning regulations in the towns that have zoning.

Some towns have zoning requirements for sand and gravel extraction that are more substantive than anything regulating slate quarrying. Those regulations do not apply to slate quarries.

There is nothing in town zoning that provides neighbors with the type of regulation necessary for industrial rock extraction processes that involve blasting and can cause bodily harm and injury to animals, and property.

2. Slate Quarry Town Zoning Comparison Chart

The slate quarry town zoning comparison chart lists the activities regulated by Act 250 for extraction of mineral resources, and the regulations slate quarry towns apply to slate quarrying operations. While some towns have setbacks listed, there is no enforcement if those setbacks are violated. No towns regulate blasting or its impacts in any way.

3. Slate Quarry Plaintiffs Trial Memorandum, Sept. 2000 (Plaintiffs' names redacted by VCE)

The Slate Quarry Plaintiffs Trial Memorandum, Sept. 2000 provides important history of the events leading up to the slate quarry exemption, and details what happened to neighbors once the exemption was secured.

The case, brought by sixteen neighbors in 2000, was vigorously defended by the slate quarriers, who seem to have more than sufficient resources to fight neighbors through

litigation. The case settled, and did not go to trial. Out of respect to the numerous Plaintiff neighbors, we redacted their names. The House Fish, Wildlife & Water Resources Committee heard from one of the Plaintiffs in 2015. She speaks about blasting late at night and other impacts from the slate quarry operation, and additional 2006 litigation she was involved in. Video of the neighbor's 2015 testimony is here (10 minutes): <https://youtu.be/lByUliFJuEw>

The property owned by the neighbor speaking to the committee in 2015 is shown below, with frontage on Blissville Road. The quarry to the east is in a town with 200 foot setbacks in zoning. Note that quarry rubble has been deposited on the neighbor's property in several places and the quarry waste piles are much closer than 200 feet.



Discussion

This committee has heard hours of testimony from representatives of the slate quarry industry. Industry representatives take no responsibility for past problems, and blame a few neighbors for being complainers. Industry representatives talk about “rogue operators” and blame them for the problems, while claiming that the rest of the industry operates responsibly. The litigation in 2000 was brought against numerous slate quarry operations including one that VCE identified in 2015 as filling wetlands without permits.

In 2015 and 2019, I met with half a dozen slate quarriers in an effort to work with the industry in an attempt to come to agreement on regulations the industry would be willing to comply with. Twice, slate quarriers have indicated to me a willingness to draft a set of regulations they would agree to. I have never received anything.

Instead, slate quarriers have testified to this committee about the importance of their industry, while showing absolutely no interest in respecting and protecting the needs and rights of neighbors. The industry’s position is that no regulation is acceptable. The industry claims they are already heavily regulated. Yet no regulations are in place to protect neighbors from the very real potential for harm to their properties, animals, and lives that can be and have been caused by blasting.

"Moreover, U.S. Slate has *never* kept any records of its blasting and mining operations, even during the approximately two year period it was expressly required to do so under the terms of its Act 250 permit. Notwithstanding the commencement of this lawsuit, U.S. Slate has steadfastly refused to keep any records of the date, size, or location of its blasts, nor of the types or amounts of explosives used in such blasts." -- *Plaintiffs’ Trial Memo, 2000*

The slate quarry industry has failed to acknowledge the issues that heavy industry causes for its neighbors. The impacts to neighboring properties and the environment are no different than any other extractive industry operating in Vermont. It is long past time to bring all slate quarry operations into a regulatory structure that exists for neighbors of Vermont’s other mineral extraction industries. Please eliminate the slate quarry exemption from Act 250 and require all registered quarries to obtain an Act 250 permit prior to opening.

Respectfully submitted by,

Annette Smith
Executive Director