

Laura Bozarth

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Sent: Friday, February 15, 2019 1:45 PM
To: Laura Bozarth
Cc: bshupe@vnrc.org; Annette Smith
Subject: Proposed legislation on Act 250

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Hello,

I was given a link to the proposed revision to Act 250 and read the wording regarding regulating the slate industry beginning on page 27. I would like to offer an interpretation of the language as it affects those of us living in the slate valley.

The URL below is the link I followed to a draft recently posted and the language concerning slate starts on p. 27

<https://legislature.vermont.gov/Documents/2020/WorkGroups/House%20Natural/Bills/19-0040/Drafts,%20Amendments%20and%20Summaries/W~Ellen%20Czajkowski~19-0040,%20Draft%20No.%205.2,%201-23-2019~1-30-2019.pdf>

As I read the document, I don't see how anything has changed:

"On or before July 1, 2020, owners of preexisting pits and quarries shall submit extraction data to the Board in order to establish a baseline against which substantial changes may be determined."

It then goes on to say "activities that are **not** ancillary to slate mining operations may constitute substantial changes, and be subject to permitting requirements." But all the activities listed as ancillary is everything they do.

The pre-existing quarries have already been defined and registered - over 400 of them.

In section 5 it says that: "(5) With respect to a slate quarry located on a particular registered parcel of land, ancillary activities on the parcel related to the extraction and processing of slate into products that are primarily other than crushed stone products shall not be deemed to be substantial changes, as long as the activities do not involve the creation of one or more new slate quarry holes that are not related to an existing slate quarry hole."

That's it in a nutshell. No change at all except for the wording regarding being exempted from Act 250. While not exempted all these quarries are already registered. And the whole concept of submitting extraction data to determine what would constitute a substantial change is impractical and unworkable. They might work one green slate quarry for a year without needing to open a purple quarry. So, while the green quarry could have extracted thousands of tons of slate this year and the purple quarry none, what does that say about "baselines". More importantly, the quarry that extracted thousands of tons of material did not have to

comply with any mining standards currently imposed by Act 250 on other quarrying operations. And who would oversee the accumulation of this data and its accuracy? Never mind the question; it is irrelevant to the guardianship of the environment in slate valley.

There is nothing in the draft document that indicates anything about how their operating procedures should be changed to conform to requirements met if they did go through Act 250. Not even the wetland filling, setbacks, hours of operation, blasting, or anything that might be required in an Act 250 permit hearing will ever be heard.

The language is a circumvention of the purpose of Act 250. The quarriers won't have to change a thing.

I think the key to understanding what this language fails to accomplish is in the use of the word 'ancillary' (i.e. subordinate; subsidiary; auxiliary; assisting). So, if they do something that **IS NOT ANCILLARY TO EXTRACTING SLATE**, they might require an Act 250 hearing. What could they possibly do at a quarry that is **NOT** ancillary to extracting slate?

Please see that people examining the proposed legislation have an opportunity to read these words and give thought to the lack of any change in operations on the Vermont side of slate valley. I know VNRC opposed the exemption; but, while the wording has changed, it will not affect the modus operandi of the industry. That will remain the same until the industry is required to function under the same standards as any quarrying operation that complies with Act 250 standards.

Thanks.....Lou