

## Refuting Rep. Chesnut-Tangerman's comments on grandfathered Registry of Slate Quarries

Lou Magnani  
4507 Rt. 31, Wells, VT

Rep. Chesnut-Tangerman identified the following problems in a document posted on 3/21/19:

- **Wetland violations**
- **Blasting frequency, timing, power**
- **Water supply and foundation damage**
- **Tailings disposal - creating new very large piles**
- **Safety - open pits, attractive nuisance, etc.**
- **Less than full disclosure by realtors**
- **Some operators being real jerks**

Having identified the problems, he fails to provide a solution and recommends leaving things as they are.

But to say that it "appears that these problems already fall under existing regulation from ANR, ATF, Act 250, local zoning bylaws, professional regulation, and general social behavior" is just a repeat of the slate industry party line.

**These problems exist specifically because they don't fall under the existing regulation that was meant to prevent them from happening.**

Rep. Chesnut-Tangerman may know people that have had their difficulties with the industry settled by their towns using "local zoning bylaws" but I don't. I complained to my town selectmen about 2 quarries shutting down a town road and got little more than shrugged

shoulders and an unanswered letter. Later the 2 quarry owners settled on their boundaries and roughed out a new road on top of a rubble pile between them. The town graveled and graded it. Did the town of Poultney do anything to help the Silvermans or the town of W. Pawlet the Gaschels?

To imply that current Act 250 regulation is involved in solving any of the above problems is misleading because the quarries are exempt from Act 250. The above problems could be solved if the quarries were made to comply with Act 250 standards for mining.

Rep. Chesnut-Tangerman and the industry representatives often bring up the myriad of agencies that allegedly protect us citizens from the industry. Why, I don't know; but I guess it sounds good when said.

The function of MHSa is Mining Health and Safety and exists to protect miners not the neighbors of mines.

ATF, or Alcohol Tobacco and Firearms, may ensure the security of explosives and the safety of workers who use them. They have nothing to do with solving any of the problems he stated. The quarriers prepare the charges and fire them when they want. They have been a lot better about hours of operation since the 2015 hearing. But, if you enshrine the status quo for the next 50 years, they will be free to return to their preferred methods or remain on their good behavior - whatever pleases them. But we neighbors will have no say in what is done. Nor will the ATF.

As for the Agency of Natural Resources, I am unaware of what control they have exercised over the industry. If they are issuing permits to fill in wetlands like the one below, please post it to this site. I would be really surprised to find out that they approved it. The Representative

has seen this wetland filling at the intersection of Hilltop Road and Bullfrog Hollow Road. Did ANR really approve this or the others like it?



VCE's investigation in 2015 found that few ANR permits had been issued to the slate quarry industry, such as the ones listed in the presentation to the committee. Please ask ANR to provide the permits that were in existence in 2015 and what exists now.

Our Representative's recommendation is to: "Keep the exemption in place. Do what you can to step up enforcement of existing regs." This is a very good solution for the industry but a really weak one to offer the Commission. What enforcement should be stepped up? What existing regs. are we talking about? This is pie in the sky.

Under "Comments" Rep. Chesnut-Tangerman re-iterates a few more of the industry "talking points" like the huge differences between slate and marble or granite industries. Firstly, this notion that the slate

industry is comprised of little mom and pop operations is not a rational justification for protecting their interests over that of their neighbor's or the environment's. I don't think Gawet Marble and Proctor Marble were multinationals in 1970. But, even if they were, so what; if they can sell to Omya why can't Hilltop Slate.

And, as for the unique colors of slate, what does that have to do with the issue at all. There are marble pits from Danby to Florence. Ask an artist who uses those materials and they will tell you about the different colors and characteristics of the marble from different areas.

But neither of these supposedly huge differences can possibly justify regulating one industry but not a very similar one. The New York law doesn't distinguish between bluestone, sandstone, slate or any other stone; it pertains to extractive industries. Putting the slate industry on some kind of protective pedestal lacks any justification. If we were talking about some mineral essential to our national security, I could see it. But we're talking about a product that is mostly a luxury item and the bulk of it is being exported.

The Commission is charged with revising Act 250 for the next 50 years. They could revise it in such a way that permits are issued for a parcel of land whether there is one quarry on it or 5. A permit that includes a land reclamation plan can be devised to include all the identified quarries on a parcel of land. The neighbors are the neighbors whether the parcel is 1000 acres with 10 quarries or 10 acres with 1 quarry. But this is just one thought and many ideas exist that attempt to balance the interests of the industry with ours.

The revision to Act 250 is the perfect opportunity to correct the mistake that brought on the problems our Representative has identified. While it is unfortunate that he is not supportive of eliminating the exemption, it is not surprising.

