

Act 250 Revisions , Robin Chesnut-Tangerman
Following Natural Resources Committee testimony by others on 3/19/19
Re: Grandfathered registry of slate quarries

What the grandfather clause actually does:

The grandfathering allows quarry owners to re-open previously active quarries, those registered in 1995, without applying for a new Act 250 permit to do so unless there is a substantial change of use. The effect is to enable quarry operators to hold resources in reserve, but readily available. The demand for different colors and quality of slate varies with the economy, fashion, and building regulations. Pits may be reactivated after delays ranging from 1 year to over 50 years.

What are the problems we are trying to solve?

Problems identified in testimony:

- 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

Would eliminating the grandfather clause solve these problems?

Conclusion: Largely, the proposed change would NOT resolve these issues. It appears that these problems already fall under existing regulation from ANR, ATF, Act 250, local zoning bylaws, professional regulation, and general social behavior. The underlying problem appear to be uneven or nonexistent enforcement of existing regulations.

Recommendation:

Keep the exemption in place. Do what you can to step up enforcement of existing regs.

Comments:

Quarries are extractive industries, and as a general rule extractive industries are not pretty to look at. Most of these businesses were established at a time of minimal regulation and that is both the physical and cultural landscape we inherit.

There is a long anecdotal history of abuses in the past and likely in the present. The industry is a rough one and by and large the operations are family operations, often

spanning 4 or 5 generations. The owners often work in the pits; some are shoestring operations and some produce a generous income for the owners.

The slate industry is different from the marble and granite industries in two principle ways. First, the slate industry is comprised largely of family owned operations which do not have engineers and lawyers on staff. Multiple Act 250 applications will pose a substantial hurdle to these businesses.

Second, slate quarries can be quite small as operators try to find and follow quality stone. Therefore a single ten acre parcel may have 4 quarries on it, rather than the single large pit found in granite and marble operations. If each pit requires a separate Act 250 application each time it is used, the costs can be prohibitive. The alternative would be linking the separate pits into one large one, with the accompanying large scale removal of the overburden material.