

Greg & Tom
G.C. Planning



To: Gallatin County Commission
From: Susan Hellier, Kenai Engineering
Date: 11-26-08
Re: Conditional Use Permit for the Storey Pit

I am writing as a friend to the industry, not as the representative of TMC, Inc. My concern is about the next amendment that you will hear and whether these conditions will become the standard for the expansion of existing pits. I hope you will consider the following comments on the Planning Staff's recommended conditions that were made available to the public on 11-21-08. If there are revisions between now and the Commission hearing, the Condition numbers may change. So I have tried to quote the specific conditions.

Condition 3. *"The operation shall be permitted to operate for a period of twenty years."* At the end of the 3-year review, the Commission *"may expand the approval for the remainder of the permitted ten year term."* What happened to the other 10 years?

Condition 4. The Lease Agreement between the landowner and the gravel operator should remain private if for no other reason that it discloses terms that influence competitiveness. If you want to prevent "subdivision by lease" then simply have the landowner and operator sign an affidavit that the operation is not a subdivision. You don't really need all the private financial information between the two parties.

Condition 5. This information (no concrete plant) is in the Plan of Operations and is part of the contract with DEQ. You will find later in Condition 40 that the Opencut Mining conditions of approval are *"incorporated herein and constitute conditions of approval of this CUP."* This condition is redundant. Please remove.

Condition 7. Extended hours of operation *"cannot exceed more than four consecutive weeks."* This would not be enough time to crush a large State Highway job such as the Norris Road. There needs to be more flexibility here.

Condition 12. *"Mining shall at all times maintain a minimum of a ten foot vertical separation between annual high ground water level and the lowest level of mining activity."* There is no evidence in the staff report to support this condition. As a matter of fact the staff has pointed out the contrary, *"groundwater contamination does not appear to be a significant issue"* (pg.10). To my knowledge there has never been a problem with groundwater at this project.

Condition 14. *"Applicant shall install at least two off-site monitoring wells."* There is no justification for water quality monitoring. This operation is not in contact with the water table, and all stormwater is contained within the pit. Water testing on a monthly basis is a huge, unnecessary expense. Not to mention the cost of drilling the wells.

Condition 15. *".. drainage plans for the operation shall be submitted and approved by MDEQ."* This condition is not necessary. If an operation contains all of its stormwater, it is not required to file any paperwork for a Stormwater Discharge permit.

Condition 16. *"No storage of hazardous materials such as unleaded fuel onsite."* Redundant, already in the Plan of Operations. See Condition 40.

Condition 18. *"Road signage."* The appropriate signs are already in place. Please remove this condition.

Condition 19. *"A copy of an executed Memorandum of Agreement (MOA) with the Department of Transportation shall be submitted to the Gallatin County Planning Department."* I am aware that you have the right to require an approach permit onto a County road. Would you please cite your authority to require a landowner to enter into an MOA with the State Highway Department? Wouldn't an approved approach permit suffice?

Condition 20. *"... enclose all pumps."* Not applicable to this pit; no pumps of any type are proposed.

Condition 21. *"Applicant shall employ a polyurethane/ rubber screen fabric for the screening plants associated with the crusher to absorb sound."* Screens are a relatively small part of the total noise produced by a crushing outfit. Polyurethane screens do not have as good a screening capacity as wire screens, and they are much more expensive. In a typical crusher there are five screens per deck and three decks. The Operator has to stock screens in many sizes between ¼" to 6". Converting an entire spread to polyurethane screens is expensive and impractical. Also you cannot mix and match wire and polyurethane screens as they are installed differently.

Condition 23. *"Equipment selection shall be commensurate with geographic location to minimize noise."* This condition is vague.

Condition 25. I think that noise is an important issue, but I also believe that we don't have any good data. The Environmental Assessment provided some "estimates" (Garcia's term) of ambient noise and crushing issues, but no long-term measurements. I have studied the information in the E.A. at length, and I still have questions. Part of my problem is I haven't got enough information on their methodology. The sensible approach would be to get the data first and then make the requirements regarding a specific pit operation. Otherwise, you may be setting up the Operator for failure.

Condition 26. *"The use of jake brakes on hauling trucks shall be prohibited."* This condition is too vague: whose haul trucks, where in relation to the pit, the Operator's trucks or the non-company trucks over whom the Operator has no authority?

Condition 27. What is *"a Permit Determination process with the MDEQ Air Resources Management Bureau"*? As near as I can tell the only air permit required in a gravel pit is for an individual piece of equipment. And all of the crushing facilities in the TMC pits have approved air quality permits.

Condition 30. *"Gravel storage piles shall not exceed 24 feet in height measured from the excavated area grade."* This would preclude using stacking conveyors. The stacker is a very quiet piece of equipment compared to a loader with back-up beepers. A stacker rotates in a ¼

circle or more and is expandable in height. This allows the crushing operator to work with one less person as he does not need a loader operator to remove material from under the conveyor belt. The stacker moves back and forth and creates a stockpile. It would be like asking the Planning Staff to work without computers and to add more staff because of the resulting inefficiencies.

Condition 31. Noxious weed management. This condition is redundant. Please see condition 40.

Condition 33. *“Applicant shall prepare a landscape plan for the frontage along Highway 84.”* No fence or landscaping along Highway 84 will screen these operations because of the topography. The Plan of Operations already has the necessary recommendation for berms to screen the amendment from the highway and neighbors. This condition is redundant. Please see Condition 40.

Condition 35. *“Fuel containment measures shall be utilized as required by the application to MDEQ.”* This condition is redundant. Please see Condition 40.

Condition 40. *“All conditions of approval imposed by MDEQ under the Opencut Mining Act shall be incorporated herein...”* With this condition you can pick up many of the redundant conditions listed above.

I realize that this is a lengthy commentary and I appreciate your patience. I have great hopes that you will institute only reasonable conditions for this existing pit and that you will also be prepared to have your own existing County pits adhere to these very exacting standards to protect the health and welfare of all Gallatin County residents.

Best regards,

