



CITY OF MONTEVALLO

SHARON ANDERSON – Mayor
CAREY THOMPSON – City Clerk
STEVE SOUTHERLAND – Chief of Police

ADEM
Rick Kelsey, MNPS
P.O. Box 301463
Montgomery, AL 36130-5690

Dear Mr. Kelsey,

The attached list of questions has been brought forth to the city council of Montevallo by members of the community including concerned citizens, city officials, hydrogeologists and university professors. These questions have been compiled in response to concerns over the Middle Tennessee Land Development, LLC's proposal to open a limestone quarry in the Southern Cahaba Valley. *On behalf of the parties listed above, the council members listed below are requesting a response to each of these questions so that the concerns of our community can be addressed **before** the quarry permits are issued.* If you unable to respond to any of the questions listed, please direct us to the appropriate source of information.

This site of the proposed quarry is adjacent to the University of Montevallo's Ebenezer Swamp, the headwater of Spring Creek and is in close proximity to Meadow View Elementary school. The City of Montevallo draws drinking water for its citizens from aquifers within the Spring Creek and adjoining Shoal Creek watershed basins. The cities of Montevallo and Alabaster have passed resolutions opposing this quarry as has the Shelby County Commission. Representatives Mike Hill and Cam Ward are also on record opposing the quarry.

Please note the individuals and groups to whom this letter is copied below. Any parties copied on this letter are invited to respond to the attached questions also. A copy of Montevallo's Resolution Opposing the Quarry which was passed at June 23, 2005 is attached. We thank you for your efforts to protect Alabama's natural resources and abide by the laws of the state of Alabama.

Sincerely,

Hollie C. Cost, District 4
Montevallo City Council Member

Becky Cox, District 5
Montevallo City Council Member

Dana Byrd, District 1
Montevallo City Council Member

Carey Thompson, City Clerk
City of Montevallo

Cc: Nancy Wilstach, Val Walton, Katherine Bouma, Malcolm Daniels, Birmingham News
Fred Guarino, Shelby County Reporter
Thomas V. Scarritt, Editor, Birmingham News
Candy Parker, Editor, Shelby County Reporter
Steve Jenkins, Chief of Field Operations Division, ADEM
Onis (Trey) Glenn, Director, ADEM
Mayor David Frings, City of Alabaster
Mayor Sharon Anderson, City of Montevallo
Mayor Roy George, City of Calera
Edward E. Davis, Acting Director, ADECA
Tom Littlepage, Office of Water Resources, ADECA
J. I. Palmer, EPA, Region 4, Regional Administrator
Mary K. Lynch, EPA Director of the Office of Environmental Accountability
James D. Giattina, EPA Water Management Division Director
Governor Bob Riley
Senator Jeff Sessions
Senator Richard Shelby
Representative Mike Hill
Representative Cam Ward
Representative Jo Bonner
Representative Robert Cramer, JR.
Representative Spencer Bachus
Representative Artur Davis
Dr. Robert McChesney, President, University of Montevallo
Dr. Mike Hardig, University of Montevallo
John Crawford, University of Montevallo
Robert J. Dow, Land Owner

I. Environmental Concerns

Water supply/quality

1. Have calculations been computed to determine how much water volume that the aquifers in the area can take without causing an adverse impact to the water supply?
2. Which is more likely to cause the collapse of sinkholes and underground water systems, repeated blasting and heavy equipment caused vibrations, or the lowering of the water table?
3. Is there any history of wells or springs drying up near any quarries or manufacturing facilities in Shelby County?
4. Is the color of the water in a quarry an indicator of the pH of the water?
5. Can water in a quarry seep into the ground water and cause contamination?
6. Does ADEM monitor ground water around quarries and manufacturing facilities?
7. Would low level aerial observation of the down stream areas at quarry and manufacturing facilities in Shelby County reveal silting?
8. Is silting of streams below a permitted outfall of a quarry or manufacturing facility covered by environmental statutes?
9. What is the record of ADEM inspections of permitted water discharges from quarries and manufacturing facilities in Shelby County?

Flora/Fauna

1. How much more calcium loading of the waters of Spring Creek, Shoal Creek and Dry Creek can be done before irreversible ecological damage occurs to the remaining flora and fauna?
2. What studies have been done of the toxic effects on the flora and fauna from calcium carbonate and other silting in the Little Cahaba River basin?
3. What species habitat could be damaged by increased loading of dissolved and suspended solids in the tributary waters Little Cahaba River?
4. Are there any species at risk in the Little Cahaba River basin?
5. What species have been lost in the Little Cahaba River system?
6. Why are the trees white surrounding Shelby County lime plants?

General

1. Are the effects of repeated vibrations in the bedrock cumulative over time?
2. Is the Little Cahaba River basin on the Federal Environmental watch list?
3. Is it acceptable or common for people living close to, or passing by a manufacturing facility to be sickened by the rotten egg odor of SO₂?
4. Has ADEM examined in depth, quarries and manufacturing facilities in Shelby County for buried waste materials, toxic or otherwise?
5. Why are the automobiles of people who work at the quarries and manufacturing facilities in Shelby County easily identifiable?

II. Economic Concerns

1. What will it cost the average citizen for automobile emissions testing and certification if the ozone threshold is triggered and federal mandates are imposed?
2. Do emissions from limestone quarries chemically alter long term durability and viability of public roads?
3. What decade of the last century were the state levies on minerals extracted from Alabama enacted?
4. What tax contribution do quarries make toward the funding of Alabama State Schools?
5. What is the long term cost to the people of Shelby County from irreversible damage to the underground water system of the Spring Creek and Shoal Creek basin compared to the yearly taxes paid by quarry and manufacturing companies?

III. Legal/Ethical Concerns

1. Does ADEM do unannounced spot inspections of permitted water discharges from quarries and manufacturing facilities in Shelby County?
2. Is the Little Cahaba River basin on the Federal Environmental watch list?
3. Do quarry and manufacturing companies have lobbyist organizations?
4. Are most (by size) quarry, cement and lime companies in Shelby County owned by foreign entities?
5. Is dumping of industrial waste outside a permitted landfill in Shelby County a state or federal offense?
6. Are there any permitted landfills in Shelby County for industrial waste?
7. Is there any exception in the environmental law regarding industrial waste that allows for 'temporary storage' of industrial waste?
8. Has ADEM ever defined the 'temporary' time period for storage of industrial waste?
9. Is the erosion of temporary storage areas of industrial waste by wind and water into the surrounding environment controlled the same as point source discharge?
10. Is the covering and vegetating of industrial waste storage areas obstruction of justice?
11. At what pH value is a substance classified as toxic?
12. What is the pH value of limestone, cement, lime and hydrated lime?
13. Does ADEM do unannounced spot inspections on water and air point source discharges in Shelby County?
14. Does ADEM do unannounced testing of stack emissions at manufacturing facilities in Shelby County?
15. What are the qualifications of ADEM personnel assigned to monitor process controls at unannounced tests of stack emissions to prevent cheating?
16. Who is responsible for representing the best interests of the people of Shelby County regarding this issue?
17. Would low level aerial observation of quarry and manufacturing facilities in Shelby County reveal any dumping of industrial waste?
18. Is there any limit on SO₂ emissions from a manufacturing facility?
19. Are the manufacturing facilities in Shelby County currently meeting their emission requirements for NO_x and Sox?
20. Are NO_x and Sox precursors of ozone?
21. What is the incidence of traffic injuries or fatalities surrounding quarries or manufacturing facilities in Shelby County?
22. Do quarry and manufacturing companies contribute heavily to state and federal elections?

Resolution Number 05S

Council Member B Introduced the Following Resolution

Council Member C Seconded the Resolution

A RESOLUTION OPPOSING A NEW QUARRY

Whereas, a proposal has been made to open and operate a new limestone quarry in Shelby County, North of the Montevallo City Limits; and

Whereas, the proposed limestone quarry lies in the area of the Spring Creek watershed basin that feeds waters into tributaries of the Cahaba River passing through the City of Montevallo, and

Whereas, contained within the Spring Creek watershed basin in close proximity to the proposed limestone quarry, is a unique and ecologically significant natural wetland area named Ebenezer Swamp; and

Whereas, the Newala limestone formation underlying the proposed quarry is not rare in Shelby County or other Counties within the State of Alabama as identified by geological maps; and

Whereas; areas of the Ebenezer Swamp are in the custodianship of the University of Montevallo for preservation and study of the flora and fauna for the benefit of future generations; and

Whereas, some species living within the Ebenezer Swamp are identified as rare with their preservation and study meriting funding by Federal monies; and

Whereas the City of Montevallo draws drinking water for its citizens from aquifers within the Spring Creek and adjoining Shoal Creek watershed basins; and

Whereas, the proposed quarry is located in close proximity to the geological formation named the Elliottsville Fault that runs Southwest under the City of Montevallo; and

Whereas, geological depressions identified as sinkholes can be tracked along geological fault lines; and

Whereas, lowering the water table in an area of underlying limestone bedrock has been identified by the Alabama Geological Survey as a contributing factor of surface collapse into sinkhole formations; and

Whereas, open pit mining activities in an area have been proven to lower historical groundwater levels as evidenced by the Dry Valley area on Alabama Highway 155; and

Whereas no long term independent studies exist of subsurface structures or aquifers within the linear and diffuse topography of the Southwestern area of Shelby County that could predict within a reasonable level of confidence the effects of open pit mining on said subsurface structures or aquifers; and

Whereas development of the proposed quarry would cause heavy truck traffic on already crowded two lane highways; now therefore

The Mayor is hereby directed to provide a copy of this Resolution to the Governor, the Department of Environmental Management, the Department of Fish and Wildlife, the Army Corp of Engineers, the Environmental Protection Agency, the Shelby County Department of Health, the Shelby County Commission, Congressman Spencer Bachus, Senator Richard Shelby, State Senator Hank Erwin, State Representative Mike Hill, and State Representative Jimmy Martin.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MONTEVALLO, ALABAMA AS FOLLOWS:

1. That the City of Montevallo go on record as opposing the opening or operating of the proposed quarry in its watershed.
2. That the City Clerk be directed to post this resolution as required by law.

Approved and adopted this 22 June 2005

Sharon Anderson, Mayor

I certify that the attached Resolution **05S**, opposing the proposed quarry near Ebenezer Swamp, adopted by the Montevallo City Council on 22 June 2005, was pursuant to 11-45-8(b) of the 1975 Alabama Code, on 23 June 2005 and for four weeks following, posted in the following conspicuous places within the community:

1. the mayor's office, City Hall, 545 Main Street, Montevallo
2. the city shop, 445 Selma Road, Montevallo
3. the Park and Recreation Building, Orr Park, 420 Vine Street, Montevallo
4. the Parnell Memorial Library, 845 Valley Street, Montevallo

Accordingly to said 11-45-8(b) of the 1975 Alabama Code, Resolution 05S therefore became immediately effective,

Carey W Thompson, City Clerk