

Ed Pentaleri comments:

I've taken the time to review the latest draft of the mining ordinance, and want to share some important thoughts. Thank you for incorporating changes based on some of my previous inputs.

I'll try not to reiterate points that I've made previously. After having put the ordinance down for some time, there are a number of high-level concerns that I really think should be addressed. I'll try to keep my comments at a high level.

- Article 5, paragraph 5 indicates that bedrock quarrying operations of up to one acre are exempted from any regulation under this ordinance. Crooker Construction's existing 1-acre bedrock quarrying operation has had an enormous impact upon the community since 2018. It just cannot be that the citizens of Alna adopted the moratorium in order to write a new ordinance that would exempt such operations from regulation. Rather than exempting such operations from regulation under the ordinance, I think we should be *prohibiting* new bedrock quarrying operations altogether. If, however, such operations are permitted in the future, because of the impacts to the community, potential impacts to our water supplies, and other parts of the environment, it's important that they should be *carefully regulated*, regardless of their size, rather than being exempted. (Note that if the draft is revised to prohibit new bedrock quarrying operations, a corresponding change would be needed to paragraph 1 of Article VI, Section 2.)
- Likewise, the current draft of the ordinance would exempt from regulation mining operations smaller than 2 acres, whether they are new or previously existing. While I can see an argument for grandfathering existing mining operations (provided that they that have had continuous active and substantial use since before the adoption of the draft ordinance), the ordinance should be striving to regulate future operations. At the size of a full house lot, 2 acres is really large and potentially impactful. Imagine what it would be like to have a 2-acre pit start next door to your home -- the noise, the dust, the potential effects on water quality. To the extent that new operations are allowed, they should be *carefully regulated*, not exempted from regulation altogether. The Subdivision and Site Plan Review Ordinance has placed requirements on mining operations greater than 1/2 acre for decades. The mining ordinance should be applied at this same threshold.
- Article IX, Section 1, Paragraph D: While it's very good to set a 5-year expiration on permits for new or expanded operations, it would make even more sense to require existing operations to come into compliance with the ordinance by requiring such operations to obtain a new permit at that point. Doing so would effectively give a grace period for such operations to come into compliance with the new ordinance, rather than either (a) shutting them down upon adoption of the ordinance, or (b) preventing the community ever to take steps to regulate community impacts or protect its environment and water resources.
- Definition of "Expansion." I think you got the definition correct, insofar as bedrock quarrying is concerned. I think it's important to apply the same sort of definition for mining. To do otherwise would allow a series of successive 25% enlargements of mining operations without triggering a requirement for a new permit, creating a

needless opportunity for abuse. Please keep it simple by eliminating the distinction. Expansion means expansion.

- Article VII. I strongly recommend that Section 1 be deleted, and that Section 2 (the new Section 1) be revised to apply to all bedrock quarrying and mining operations that are subject to the new ordinance. The state places virtually no requirements on mining operations of between 2 and 5 acres, and yet operations of this size could have enormous and devastating impacts on the quality of life for neighbors, the broader community, and the local environment and water supplies. Please simplify the ordinance and improve protections for the community by deleting Section 1 and revising the current Section 2 as described above.

I think that's about it.

Thanks for your attention,
-Ed