

My name is Frank Chitwood. I am a full-time employee of Coosa Riverkeeper, a citizen-based river conservation non-profit with a mission to protect, restore and promote the Coosa River. We patrol the waters, educate the public and advocate on behalf of the river. I stand before you representing the river interests of over 400 dues-paying members, over 100 of whom will have their interests in the river directly or indirectly impacted by this proposed quarry and 30 of whom live in the immediate area. On a personal level I fish this stretch of river and Spring Creek frequently, I have paddled this stretch of river by canoe, and my drinking water at home and at work come from this stretch of river that will be impacted by the proposed Vincent Hills Quarry.

We have read through the proposed permit which the Alabama Department of Environmental Management claims is protective of water quality. While we continue to analyze the permit and conduct our own research, we appreciate this opportunity to discuss the proposed permit publicly. Tonight I will briefly state some of the issues we have detected with this draft permit, which we will elaborate on in great length in our written comment letter in April.

First, let me say that the Department's lack of research and data to justify the issuance of this permit has put an unfair burden on the public to do the Department's job on their behalf to show, with science, that the impacts of this proposed permit are not in the spirit or intent of the Clean Water Act and other applicable environmental laws. As an *individual* with a strong belief in private property rights working for an *organization* with strong beliefs in private property rights in a *state* with strong beliefs in private property rights, I am shocked the Department would propose to issue a permit which will necessarily rob our Vincent neighbors of their rights to their private property for the benefit of a corporation from Florida.

When looking at this permit it appears the Department has merely taken a cursory review of the application and not considered the impacts of the proposed quarry. Please allow me to summarize some issues with this permit.

The two largest pollutants from this mine that will be discharged into our river and creeks are sediment and a continuous, excessive and unnatural flow. Sediment is terrible for our streams. Sediment can cover aquatic habitat, harm fish and mussels, lower dissolved oxygen levels, and reduce the ability of Lay Lake to control flooding and generate hydropower.

The proposed permit will consider sediment only in the context of Total Suspended Solids (or TSS). Based on a mixing analysis the proposed quarry could increase TSS in Spring Creek from 16 mg/l to 24 mg/l, which will degrade the water quality of that important recreational fishery.

An increased TSS concentration of that magnitude will result in 645 pounds of sediment entering either the Coosa River or Spring Creek from Outfall 001 or 002, respectively, every single day of the year. On an annual basis, that represents a discharge to our river of 228,455 pounds of sediment, the equivalent of 6 full dump trucks. Over the five year period the initial permit would be in effect that would equal 1.14 MILLION pounds of sediment and over the estimated 100 year life of the quarry that equates to 22.85 million pounds of sediment, or around 600 dump trucks full of sediment. This increase in TSS *WILL* degrade water quality in the Coosa River and Spring Creek.

Now that's just considering process water, but what about the sediment load of storm water? In a 2-year rainfall event a total of 162 tons of sediment, or 8 dump truck loads, could be discharged from this quarry into the Coosa River. During a 10-year rainfall event a total of 249 tons of sediment equivalent to 12 dump truck loads could be discharged from this quarry into the Coosa River. Lay Lake, which will be 100-years-old in three weeks, will have its water quality degraded by these sediment loads and it will decrease the lake's storage capacity and therefore its ability to control flooding and generate hydropower.

For the third time, I must ask you to provide us with the studies and data the the Department relied upon to substantiate the claim that the draft permit limits for TSS "have been shown to be protective of water quality." We submitted a formal request under Alabama's Open Records Act yesterday, after having requested this information from you a week prior. Please provide us the data which you have used to make this determination soon so we may consider it within the window of the public comment period.

According to the Pollution Abatement Plan Best Management Practices, the sediment ponds at the quarry will be installed and maintained in accordance with the Alabama Erosion Control Manual. That manual requires sediment ponds to be sized with a minimum volume of 3,600 cubic feet per drainage acre. According to this criteria, five of the proposed sediment ponds are undersized - they aren't big enough to hold that minimum volume! How did the Department not detect this when reviewing the permit application?

Lastly on the issue of sediment, the Department has placed a limit on the concentration of TSS but not on the total volume of sediment. Likewise, there is no total flow limit. As such, the total volume of sediment could be even higher than the numbers I mentioned earlier if the flow exceeds 3 MGD and the concentration limits are still met. The Department is treating sediment with a dilution theory, as though sediment can be diluted by flow. But in reality, all of this sediment

will drop out of the flow into our creeks and Lay Lake where it will stay for as long as the 6 dams between here and the Gulf of Mexico remain. The Department must establish volumetric limitations for total sediment load or flow.

Excessive flow is also a major pollutant from this quarry, especially for Outfall 002 into the tributary to Spring Creek. The estimated discharge from this quarry during normal operations is 3 MGD. Using a drainage area weighted stream flow method and data from a USGS stream gage, we estimate the average flow of the tributary which will receive waste from Outfall 002 to be approximately 0.3 MGD. The flow of the quarry, at 3 MGD, will be TEN TIMES the actual flow of the receiving stream. This will result in flooding of the private property of other landowners, extensive erosion, and widening and deepening of the stream. You CANNOT permit Outfall 002 for this quarry because it will necessarily change the physical and chemical characteristics of the receiving stream and implicitly authorize damage to the private property of others.

Other permit limitations the Department proposes are insufficient. Coagulants containing aluminum will be used in settling ponds and the Water Treatment Area to aid in the settling of sediments. There are no limitations on how much of the coagulant can be used. Therefore, there must be a limit set for aluminum in the discharge, but you have not set such a limit. Why not? Additionally, wash water from trucks will be treated in these ponds and therefore limits for oil & grease as well as antifreeze need to be developed. You haven't even included a "Report Only" parameter for oil & grease and antifreeze. Why not?

Not only are the limits in this permit inadequate, the monitoring requirements are laughable. For a facility that will be permitted to discharge over a quarter of a million pounds of sediment each year, they will only have to test for sediment every other week on a day of their choosing. These lax monitoring requirements leave a huge potential for gaming. Gaming the sampling requirements means on paper the quarry could comply with all permit limitations two days each month when sampling is conducted but deviate from those limitations the rest of the month without facing any enforcement from the Department. And even if the permit limitations were exceeded we know that the Department does not have sufficient resources or political will to enforce permits, which is the subject of an outstanding petition to revoke the Department's permitting authority which the EPA is seriously considering.

Additionally, the reporting requirements are such that the quarry only needs to report their sampling results every 3 months, and will have 28 days after that sampling period ends to submit

the results. It will be an even longer time before citizens have access to the data. Such a long reporting period makes it almost impossible for a citizen to prove that discharge violations are continuous and ongoing if they must proceed to a court of law for injunctive relief, which the Department's lack of enforcement on non-compliers would necessitate. The Department must increase monitoring frequency and change reporting frequency to a monthly schedule.

We are also gravely concerned that this stretch of river, Lay Lake upstream of the paper mill, is one of the best quality big-river stretches on the Coosa that we have left. The habitat is great and a new flow regime is greatly improving aquatic life. There are three threatened and endangered mussels and snails that are found near Buzzard Island of the Coosa River, which is just downstream of Outfall 001 and 002, as well as several of the quarry's storm water discharges. These imperiled species include the tulatoma snail, the southern clubshell and the painted rocksnail. For the painted rocksnail, this is the only big-river population left. We have already lost approximately 40 aquatic species from the Coosa River to extinction due to man-made causes. You cannot allow the quarry to discharge their process water at the proposed locations of Outfall 001 and 002 because the impact of sediment-laden water on these species could lead to a taking of those species and further loss to our biodiversity and natural heritage. These Outfalls must be moved to the south.

Another reason why Outfall 001 and 002 cannot be permitted at their current locations is the potential for impacts to the public water supply. The Shelby-Talladega Water Treatment Plant is located just downstream of here and supplies water to Talladega County and Shelby County into Birmingham as far as Highway 119. It appears the Department has not considered what impacts this discharge could have on the public water supply. If the Department has taken the Public Water Supply into consideration, please explain to us what permit limitations or conditions changed as a result.

In White Rock Quarries' permit application in the Discharge Alternative Analysis, the company claimed that "There are no known benefits of moving the outfall from the proposed location to a different location." This could not be more false. Known benefits include protecting three federally listed threatened and endangered species, protecting a recreational fishery in Spring Creek, and protecting a public water supply. A more suitable location for the discharge would be to the south closer to the paper mill. The water quality in the river near the paper mill is already significantly degraded and does not support good mussel and snail populations due to discharges

by industry which hold permits issued by your Department that, of course, the Department claims are “protective of water quality.”

I also question why the Department is even considering the proposal to authorize Outfall 002. Outfall 002 will discharge all of the quarry's estimated 3 MGD of process waste water to a tributary of Spring Creek until the quarry constructs Outfall 001 to the Coosa River. There is no time limit on how long Outfall 002 can be used before the company even begins to construct Outfall 001. Whose to say they ever will? You CANNOT authorize Outfall 002. White Rock Quarries has not proffered an explanation as to why Outfall 001 cannot be the first thing constructed on site. If the company can afford to contribute \$1.65 million dollars to the City of Vincent to buy the town council's support for the quarry, surely they can afford to begin construction on Outfall 001 in advance of mining operations to eliminate the need for Outfall 002 altogether.

The Department's Antidegradation Rationale was less than impressive. It is remarkable to me that a Department of Environmental Management makes a permit determination without sufficient environmental data yet considers economic and social benefits of the project as important for the local community and thus a rationale for allowing the outfall locations to these streams. Why did your antidegradation degradation analysis not discuss antidegradation? Why did it not discuss relocation of outfalls?

I am intrigued that the proposed fuel farm is located near a known sinkhole and flood zone. I have further questions for you on that matter that I will submit to you in writing later.

I am also interested in the potential implications that groundwater mobilization as a result of quarrying activities will have on known groundwater contamination in and around Spring Creek from the EPA Superfund site at Alabama Plating Company just up the road. Known groundwater contamination in and around Spring Creek includes cyanide, arsenic, cadmium, chromium, copper, lead, nickel and zinc. What information has the Department considered that show quarrying will not exacerbate groundwater contamination issues? Actively used private wells are located between the quarry and the Superfund site, and consideration of these impacts is necessary to protect the environment and public health.

The problem with this permit is that even if all permit limitations are met, extensive damage will occur. The Department states that this permit does not “authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local

laws or regulations.” But the Department is implicitly allowing injury to private property rights, trespass, and the potential infringement of Federal laws including the Endangered Species Act, by authorizing discharges which are likely to cause those illegal activities. This permit is a shield which the quarry can use in court to defend their actions and say “The Alabama Department of Environmental Management allowed us to destroy that creek that flows over that man’s property and this permit is the document that proves that.”

ADEM does not have sufficient data to make the conclusion that this permit is protective of water quality, and even a cursory glance at the available data and the use of best professional judgement show that this permit is NOT protective of water quality. We have requested on three occasions now the data and studies that lead to these conclusions and the Department still has not provided that information. Do studies exist on Spring Creek, Locust Creek and the Coosa River that justify this permit? Or is the Department hiding behind the shield of insufficient information to justify the rationale that this permit is protective. If this permit was protective, I wouldn’t be standing here right now. There are many issues that threaten the 5,000 square miles of the Coosa Valley that I monitor and I do not waste my member’s donations on permit applications unless there is a threat of damaging water quality or river interests, and our comment record shows this. If this permit was protective, you wouldn’t have scheduled a public hearing before it was requested. So, we both know this permit is not protective of water quality. The question now is what will we do to fix that? How will you change this permit to protect the Coosa River and Spring Creek?

Coosa Riverkeeper wants to see new jobs brought to this area of our watershed, but not at the expense of our river’s health. The Department should hold White Rock Quarries to pollution standards that do not impact other’s ability to do business or live here. We are not being forced to choose between jobs and the environment here today. No, that is a false choice. We can, and indeed must, have both. Look at Honda Manufacturing of Alabama just upstream of here. They employ over 4,000 individuals, more than 30 times that of what White Rock Quarries expects to hire, and they do so without degrading the environment. These are the kind of neighbors and good jobs we need here. Our community doesn’t just need jobs, we need a healthy river to sustain us and give us a place to recreate when we clock out.

I will continue to request information from the Department that is necessary to make a sufficiently informed written comment letter and we will communicate our concerns with you throughout this process as we did with you by telephone last week. We look forward to submitting

a written comment letter in April with a more detailed discussion of the issues I presented today as well as other issues which I did not have time to discuss. I look forward to your response to my comments. Thank you for your attention and the opportunity to speak tonight.