

Blue Ridge Environmental Defense League

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February 17, 2017

Michael S. Regan, Secretary
North Carolina Department of Environmental Quality
217 West Jones Street
Raleigh, NC 27603

RE: Mining Permit No. 05-05, Glendale Springs Quarry, Ashe County, New River Basin

Dear Secretary Regan:

On behalf of the Blue Ridge Environmental Defense League and our chapter Protect Our Fresh Air, I write to request that the Department of Environmental Quality investigate an apparent violation of mining and water quality rules in North Carolina; specifically, the discharge of silt and sand into the South Fork of the New River in Ashe County.

Background

North Carolina mining law states that "it is possible to conduct mining in such a way as to minimize its effects on the surrounding environment." NCGS § 74-47. Further, the purpose of this law provides that "the usefulness, productivity, and scenic values of all lands and waters involved in mining within the State will receive the greatest practical degree of protection and restoration" and that "no mining shall be carried on in the State unless plans for such mining include reasonable provisions for protection of the surrounding environment...." NCGS § 74-48. Moreover, the law provides that "Whenever the Department shall have reason to believe that a violation of this Article, any rules adopted under this Article, or the terms and conditions of a permit...has taken place, it shall serve written notice of the apparent violation upon the operator...."

On October 25, 2015, the Department of Environmental Quality issued a Notice of Deficiency to the owner-operator Radford Quarries citing corrective actions for seven permit conditions, including those regarding sediment basins, slope stabilization and road grades.

The New River is designated as a National Scenic River and an American Heritage River. The 26.5 miles section of the New River in North Carolina is also classified by the state as a Natural and Scenic River, as Outstanding Resource Waters and the middle reach of the South Fork is designated as High Quality Waters. High Quality Water Zones are areas within one mile of and drain to High Quality Waters. 15A NCAC 2B .0101(e)(5).

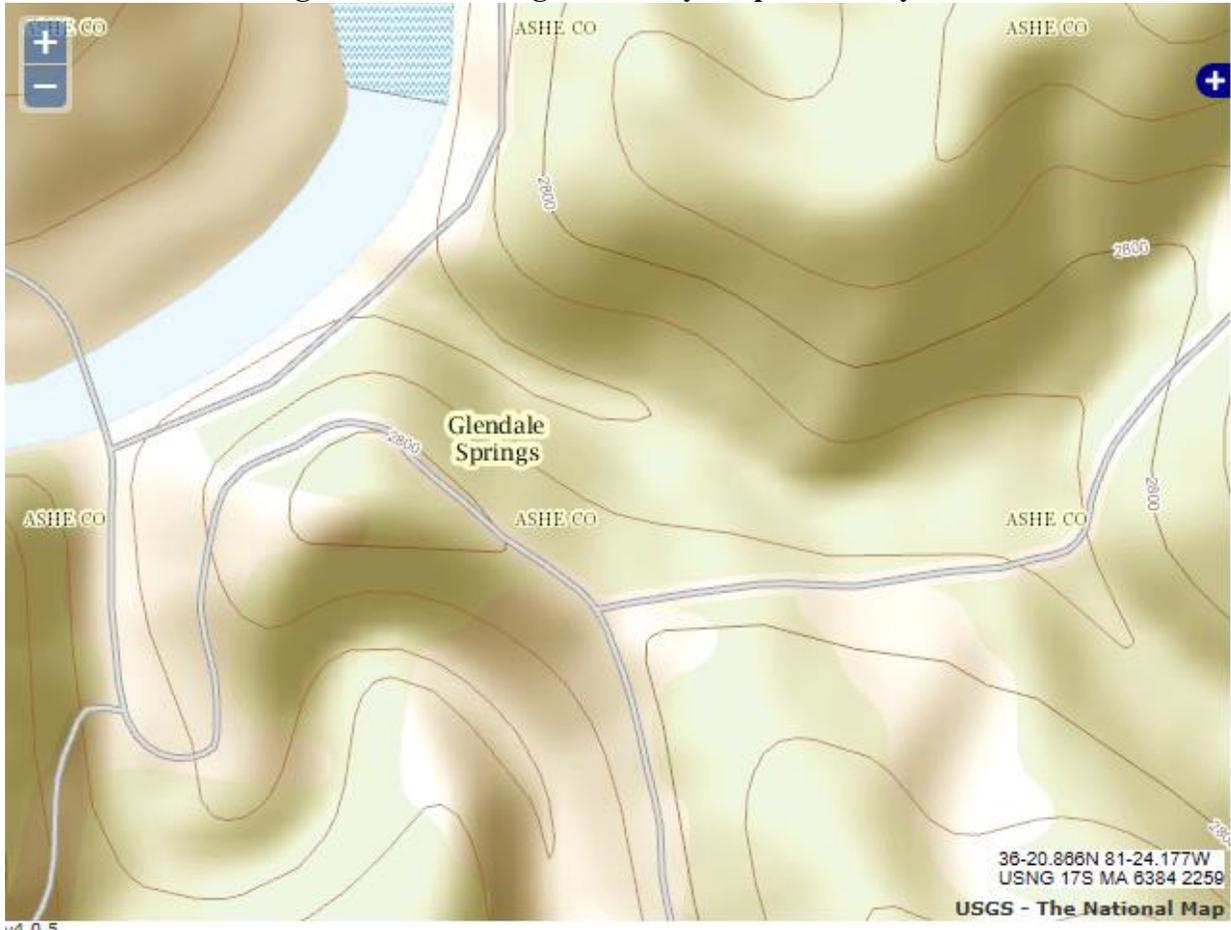
The New River is a protected water supply. The watershed designation for the South Fork of the New River starts 2.8 miles upstream of Obids Creek where the low water bridge crosses the river at Boggs Road just yards away from where the creek that catches all of the run-off from the rock quarry and extends to 0.6 miles upstream of Roan Creek.

Ashe County has a supportive public health ordinance which states: "No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare." Ashe County Code of Ordinances § 155.50

Apparent Violation

The US Geological Survey map with coordinates illustrated in Figure A indicates the quarry site and the section of the river within the area of concern.

Figure A. US Geological Survey Map of Quarry Site



This is the area where we observe degradation of water quality in the New River. In Figure B one can see a photo taken on Glendale School Road at the lower of two entrances to the quarry with the pavement covered with mud and water. Just on the other side of the metal road barrier (about 4 feet below the paved road) is a small creek, illustrated in Figure C, that meanders for a couple of hundred yards before emptying into the South Fork of the New River.

Figure B. Glendale School Road



Figure C. Unnamed Creek Emptying into the South Fork



The photograph in Figure D shows the place where the unnamed creek in Figure C enters the river after having just gone under Philmore Miller Road. It is easy to identify an ever-growing peninsula being formed in the river caused by the dirt and gravel that has been swept into the river via the creek.

Figure D. Aerial Photo of South Fork with Sediment



Photos available at <http://helpglendalesprings.com/>

These photographs reveal that sediment and sludge on Glendale School Road is washed down to the South Fork via the unnamed creek located just below Glendale School Road. This we believe is an ongoing violation, causing impairment to the river and a threat to all living things near and downstream in the river.

We would add that a recently permitted asphalt plant within the quarry area, if constructed, would add byproducts of that operation to the residue already accumulating in the river. This oil rich mixture would cause a threat to all species in the river, and further impairing the drinking water supply of downstream communities.

With the ongoing use of a drone, we have and will continue to post on our website photographic evidence of the impacts of this operation permitted by the Department of Environmental Quality.

We believe these problems should be addressed by the DEQ. Therefore, we hereby request that the Department 1) conduct inspections, 2) determine whether the deficiencies identified by the Department in October 2015 have been properly addressed and have not reoccurred, and 3) enforce the mining, water quality and public health requirements of state law at this site.

Thank you for your prompt attention to this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Louis A. Zeller", is written over a horizontal line.

Louis A. Zeller, Executive Director
Blue Ridge Environmental Defense League