

State Shows Few Permit Violations By Company Planning Quarry Here

BY SUSAN USHER

Since 1987 Martin Marietta Aggregates, the company that proposes mining a limestone quarry in Brunswick County, has been fined six times by the state for air or water quality violations at quarries it operates across the state.

Most of the infractions were minor, records of the N.C. Division of Environmental Management show.

Martin Marietta, one of the largest quarry operators in North Carolina, is the third-largest quarry operator in the United States, with 170 mines mainly located in the Midwest and Southeast. These include five limestone quarries similar to the one it proposes to develop off N.C. 211 within a mile of Sunny Point Military Ocean Terminal and Carolina Power & Light Co's Brunswick Nuclear Plant.

Until December 1991, Martin Marietta operated a quarry pit at Castle Hayne in New Hanover County. It has proposed opening a pit near Hampstead, in Pender County, as well as the Brunswick County plant, but hasn't begun applying for permits for the Hampstead site.

Encountering strong opposition from its prospective neighbors and local governments in Brunswick County, Martin Marietta has said it is modifying its proposed mining plan while continuing to seek required state and local permits.

Opponents and several state agencies are concerned about the possible impact of the quarry operation on adjacent properties and on nearby public waters, including Walden Creek, a nursery area for fish and shellfish. While opponents are asking the county to find a way to ban the quarry, state agencies want Martin Marietta to provide more details on how it proposes to address their environmental concerns.

With its other quarry operations across North Carolina, Martin Marietta deals with both the air and water quality sections of the state Division of Environmental Management, and the Office of Mining in the Division of Land Resources.

Between 1987 and 1992, Martin Marietta paid \$4,500 in penalties plus \$1,278 in investigative costs relating to four notices of air quality violations.

Details on three of the notices accounting for \$3,500 in fines were not available, since files for the years 1987-89 have been archived. Those violations occurred, respectively, at company quarries in Lincoln, Johnston and Cabarrus counties.

The fourth notice involved particulate emissions at its Lemon Springs

Quarry in Lee County. Martin Marietta paid two \$500 fines plus costs for operating a crusher and a conveyor without using the wet suppression spray system required by the plant air quality permit to keep dust emissions at a minimum.

In 1990 Martin Marietta paid two civil fines levied by the division. One was \$150 plus costs for late submittal of the November 1989 monthly monitoring report on discharge at the Castle Hayne plant. In seeking remission of the fine, Environmental Services Manager Horace Wilson stated that the sample had been misplaced by either the postal service or the testing lab, then the report was submitted in error with similar reports to the State of South Carolina.

In a more serious violation, Martin Marietta paid a \$900 fine in 1990 for excessive turbidity in wastewater discharged into the Haw River on at least eight occasions between March 1989 and May 1990. The company's discharge permit limited the turbidity level, or density of sediment or particles, acceptable in wastewater going into the river.

In seeking remission, Wilson indicated that at the time of the recurring violation, Martin Marietta was not quarrying, washing or processing stone. Rainwater was being pumped out of the quarry pit into a clarification pond and then discharged.

The pit was "relatively new," he wrote, and so more subject to turbidity increases caused by rainfall.

By the time the DEM formal notice of violation was issued in August 1990, the mining company had addressed the problem, building a

150,000-gallon settling cell and using a flocculant to increase settling of the sediment out of the water column.

When assessed a civil penalty, Martin Marietta routinely seeks remission, or reduction or dropping of the fines.

In one instance, it got what it asked for.

In shutting down the Castle Hayne quarry, Martin Marietta had to reclaim or remediate soil around the shop area that had been contaminated with diesel fuel and motor oil.

Anticipating that the work would be completed by the end of December 1991, when its permit for the project would end, the company didn't seek a renewal from DEM within the allotted time frame. However, nine days into the 180-day notice period it filed a belated request, concerned that record rainfall over a period of several months would delay the project. In August DEM proposed a \$300 civil penalty for failing to meet the deadline.

In mid-September Martin Marietta withdrew the permit extension request, saying it didn't appear to be needed after all, and succeeded in having the proposed fine rescinded in June 1992, after it was determined that the land reclamation project was completed.

Charles Gardner, director of the state Division of Land Resources and state geologist, said mining office experience with Martin Marietta has been good to date.

"They have been good at compliance," he said. "I'm not aware of any problems in general we've had with them."

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