



State of Vermont

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LAND USE PERMIT

ENVIRONMENTAL BOARD

CASE No.
APPLICANT
ADDRESS

2W0551
Vermont Talc Division of
OMYA Inc. - Hamm Property
P.O. Box 117
Chester, Vermont 05143

LAWS/REGULATIONS INVOLVED
10 VSA, Chapter 151
(Act 250)

District Environmental Commission II hereby issues Land Use Permit #2W0551 pursuant to the authority vested in it in 10 VSA, Chapter 151. This permit applies to the lands identified in Book 21, Page 24 of the Land Records of Windham, Vermont as the subject of a deed to Vermont Talc Division of OMYA, Inc. - Hamm Property, P.O. Box 117, Chester, Vermont 05143, the "permittee" as grantee. This permit specifically authorizes the permittee to open a new surface mine for talc. The project is located across TH #9 from the existing talc mine in Windham, Vermont.

The permittee, its assigns and successors in interest, are obligated by this permit to complete and maintain the project only as approved by the District Commission in accordance with the following conditions:

1. The project shall be completed as set forth in Findings of Fact and Conclusions of Law #2W0551, in accordance with the plans and exhibits stamped "Approved" and on file with the District Environmental Commission, and in accordance with the conditions of this permit. No changes shall be made in the project without the written approval of the District Environmental Commission.
2. By acceptance of the conditions of this permit without appeal, the permittee confirms and agrees for itself and all assigns and successors in interest that the conditions of this permit shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the permittee and all assigns and successors in interest.
3. The District Environmental Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holder file an affidavit certifying that the project is being completed in accordance with the terms of the permit.

4. The Commission reserves the right to evaluate and impose additional conditions with respect to traffic over 20 trips per day over 250 days per year and water pumped from the mine if over 40 gpm. The Commission reserves this right for a period of time commencing and expiring with the permit.

5. Erosion Control:

A. All disturbed areas of the site shall be mulched and/or shall have water bars in place immediately after grading. Grading shall be phased so that temporary erosion controls have been placed on all exposed earth at the end of 5 days. All erosion control devices shall be maintained until all roads are permanently paved and all permanent vegetation is established on all slopes and disturbed areas. Notwithstanding all disturbed areas of the site shall be mulched from October 15 to April 15, immediately after exposing raw earth, regardless of whether final grading has been finished.

B. A Professional Engineer shall inspect the site at least once per week and at critical times during construction to ensure that the erosion control plans are being followed.

6. Blasting shall be done only between the hours of 7:30 a.m. to 4:00 p.m. Monday through Friday.

7. Construction of the entrance work shown on Exhibit #2R shall be completed by October 1, 1983.

8. This permit shall expire on October 15, 2002, unless extended by the District Commission.

Dated at North Springfield, Vermont this 20th day of Oct, 1982.

BY

William H. Jewell

William H. Jewell, District Coordinator
For the District Commission II

Members participating
in this decision:
Robert Pu, presiding
John Cook
Verne Howe

FINDINGS OF FAC #2W0551
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Peter J. Stebbins lives on White Road about 2000 feet from the entrance from this project and has had some problems with blasting in the existing mine. Therefore was granged party status under Criterion 1 Air/Noise Pollution and Criterion 5.

GENERAL DESCRIPTION OF THE PROJECT:

This project is an addition to the mine presently in operation but the intention is to take the same total amount of material out of both mines as was previously taken out of one mine. The new mine allows for a greater choice/response to market conditions and differing quality of ore. The trucks leaving the new mine will use TH 9 in the same way the present mine does. The new mine may go underground at some future time and will use one of more of the wall faces applied for in this permit. If conditions warrant a garage and office building will be placed in the new mine. The applicant intends to reapply for an Act 250 permit before they build the new building.

In making the following findings, we have summarized the statutory language of the 10 criteria of 10 VSA, §6086(a)F

1. There will be no undue water or air pollution: Subcriteria D, E, and F are not applicable to this project.

WATER POLLUTION

(A) Headwaters:

- (1) This project is in a headwaters area as defined by this section because it takes place on land over 1500' in elevation.
- (2) The project will meet applicable health and water resources regulations as evidenced by the issuance of a Stormwater Discharge Permit. Exhibit #7.

(B) Waste Disposal:

- (1) Sanitary waste facilities at the present mine will be used for workers on this application. Essentially the same crew will be working in both mines.
- (2) Water from the mine up to 40 gpm will be pumped from a settling basin in the mine to a holding pond. The pond will provide 2 to 3 day holding time to settle out any suspended solids. The pond will be cleaned out as needed taking care to keep the settled solids out of the natural drainage. Exhibit #2R. The applicant has agreed to install a gate valve to reduce potential sedimentation in the natural drainage during clean out periods.

FINDINGS OF FACT #2W0551
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1. (continued)

AIR POLLUTION

- (1) There will be no process emissions or noxious odors from this project.
 - (2) Blasting has created noise problems in the past. For various reasons blasting is being phased out. Blasting was used and maybe used in this project in the process of removing overburden rock. The applicant says that blasting is usually done during the hours of 7:00 a.m. to 3:30 p.m. Monday through Friday.
 - (3) In order to keep the results of blasting in a definite time period the Commission will add a condition to the permit.
 - (4) Other than extraction and hauling there will be no processing of talc at this site.
- 2-3. There is sufficient water available and no existing water supply will be unreasonably burdened: No domestic water use is planned until a building is built on site.
4. There will be no unreasonable soil erosion or effects on the capacity of the land to hold water:
- A. Earth work will be limited to an 8 acre site.
 - B. Construction phase soil erosion controls are depicted on Exhibit #2R. They consist of staked haybales on the downhill side.
 - C. Permanent erosion controls consist of culverts, rip rap, a sedimentation pond and seed and mulch. Exhibit #2.
 - D. To ensure that erosion does not become a problem and that the approved erosion controls are carried out the Commission will add conditions to the permit.
 - E. In response to Mr. Dietrich's concern about runoff onto his property the applicant agreed to come back for an amendment if there is any work that will change the quantity or quality of the runoff in the direction of Mr. Dietrich's property.

FINDINGS OF FAC #2W0551
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5. This project will not cause unreasonable safety or congestion conditions with respect to highways or other means of transportation:
- A. Access to the project will be from TH 9 to Route 121 which has the capacity to accommodate the existing traffic.
 - B. Basically the same machinery will be working at the existing mine, as well as the mine in this application; therefore, the traffic will remain at about 20 trips per day. The applicant has already agreed to run trucks during daylight hours for safety reasons.
 - C. The process plant in Chester can handle only 20 truckloads of ore per day.
 - D. The applicant has agreed to work with the town road commissioners if there is a need to improve TH 9. The improvements will be done at the applicant's expense.
 - E. The town states that the town roads are now being reduced in quality due to the applicant's hauling of talc from the old mine. The Commission finds that if the trucks are kept at 20 round trips a day for not more than 250 days per year, there will be no increase in congestion or unsafe conditions with respect to highways or other means of transportation will result.

- 6-7. There will be no unreasonable burdens on educational or other municipal services:

EDUCATION

Impact on educational services does not apply to this project.

MUNICIPAL SERVICES

Municipal services to be provided to the project are police and fire services and road maintenance.

The Selectmen of the Town of Windham have indicated the project will not unreasonably burden the municipal services which will be provided to the project with the exception of the roads.

8. There will be no undue adverse effects on aesthetics, scenic beauty, historic sites or natural areas: Historic sites, necessary wildlife habitat, scenic beauty and rare and irreplaceable natural areas will not be affected by this project. Exhibit #6. Trees will be left between the road and the project and within 250' of McCandless property. The access road enters with a sweep to reduce visual impacts while driving by the entrance. Exhibit #2.

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9. The project is in conformance with the Capability and Development Plan: Subcriteria G, H, K and L are not applicable to this project.
- (A) Impact of Growth:
- (1) The town has no capital improvement program.
- (2) There will be no increase in taxes to the town from this project. In the past and possibly in the future the applicant has made contributions toward fixing town roads. The alteration to TH 9 is the only new expense to the town. The applicant has agreed to make any necessary alterations at its expense..
- (B,C) Primary Agriculture Soils, Forest & Secondary Agriculture Soils: The Worden soils are not considered primary agriculture, secondary or forestry noils according to these sections. Exhibit #9.
- (D,E) Earth Resources and Extraction of Earth Resources:
- (1) Talc has been identified as an earth resource on this site.
- (2) The Applicant will be extracting the talc (Exhibit #2). The plan for opening the mine is the final grade for the closing of the mine. The project is planned to have shallow slopes to the water level of a pond in the open portion of the mine. The resulting pond can be used for recreation or for a fire pond. The project cannot be deeded over to the town under the present circumstances. Exhibit #3.
- (F) Energy Conservation: The applicant is continually looking for ways to mine using less energy. Energy conservation for the possible building will be presented at the time of the amendment. Exhibit #3.
- (J) Public Utility Services:
- (1) The public utility service needed by the completion of this project is electricity.
- (2) The Commission accepts a letter from CVPS as evidence that it can provide utility service to the project. Exhibit #5.

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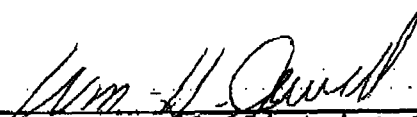
- 10. The project is in conformance with the local or regional plan:
 - A. The project conforms to the local plan. Exhibit #3.
 - B. The Windham Regional Planning Commission has indicated that the project conforms to the Regional Plan in that mining is a preferred use for the area.

CONCLUSION OF LAW

Based upon the foregoing Findings of Fact, it is the conclusion of this District Environmental Commission that the project described in the application referred to above, if completed and maintained in conformance with all of the terms and conditions of that application, and of Land Use Permit #2W0551, will not cause or result in a detriment to public health, safety or general welfare under the criteria described in 10 VSA, §6086(a) and that, pursuant to such section, a permit is therefore issued.

Dated at North Springfield, Vermont this *24* day of *Oct*, 1982.

BY



 William H. Jewell, District Coordinator
 For the District Commission II

Members participating
in this decision:
Robert Pu, presiding
John Cook
Verne Howe

EXHIBIT LIST - #2W0551 - VERMONT TALC DIVISION OF OMYA, INC.

1. Application
2. Site Plan and Details
3. Applicants Response to the Criteria
4. Town Road Access Permit
5. CVPS letter of July 2, 1982 - no substantial change in electrical load
6. Inter-Agency Comments - needs a more detailed rehabilitation plan
7. Storm Water Dishcharge Permit
8. Map of Adjoining Properties
9. SCS Soils Information
10. Towns Projected Cost for Road Upgrading
11. Windham Planning Commission Conditional Use Permit
12. State Geologist letter of September 29, 1982.