

October 26, 2017

Mr. J. Leslie Bell
Planning Director
Guilford County Planning Department
Independence Center
400 W Market St
Greensboro, NC 27402

Re: Lehigh Hanson Revised Zoning Conditions

Dear Mr. Bell:


As requested, I enclose Lehigh Hanson's additional zoning conditions, compared against the original conditions presented by staff to the Planning Board. These conditions include:

- 1) A peripheral berm doubled in height and 50% wider;
- 2) A Well Protection Program for all wells three times farther away than the measured "area of influence;"
- 3) New monitoring well requirements;
- 4) New water testing requirements for water discharged from the quarry;
- 5) New provisions for County oversight of water testing;
- 6) New transportation restrictions and requirements; and
- 7) New restriction on places mining may occur.

Please let me know if I can provide additional information.

Sincerely,

Smith Moore Leatherwood LLP



Thomas E. Terrell, Jr.

TET/kwc

Enclosure

Conditional Zoning

Use Conditions:

1. Mining and Quarrying

Development Conditions:

1. A minimum one hundred ~~(100)~~ fifty (150) foot separation shall be maintained between any adjacent property line and the edges of any proposed mining operation.
2. Along the northern and southern property lines, the first fifty (50) feet adjacent to abutting property shall remain natural and undisturbed and the next fifty (50) feet shall consist of a berm no less than ~~twenty (20)~~ twenty (40) feet in height with a double row of evergreens planted on top of the berm. Along the eastern portion of the property, the first fifty (50) feet lying to the west of McClellan Road shall remain natural and undisturbed (except for an entrance to the property) and the next fifty (50) feet shall consist of a berm no less than ~~twenty (20)~~ twenty (40) feet in height with a double row of evergreens planted on top of the berm. No mining shall occur on the portion of the property lying to the east of McClellan Road. If development occurs on the portion of Parcel Number 0132538 lying west of the utility lines on such parcel, the first fifty (50) feet lying adjacent to Parcel No. 0218726 shall remain natural and undisturbed and the next fifty (50) feet shall consist of a berm of no less than twenty (20) feet in height with a double row of evergreens planted on top of the berm, subject to the rights of the utility company owning such utility lines.
3. The mining operation shall be enclosed by a non-climbable fence at least six (6) feet in height.
4. During mining operations, water trucks or other means that may be necessary shall be utilized to prevent dust from leaving the permitted area.
5. Sediment and erosion control measures shall be installed and maintained as indicated on the mining plan to be approved by the North Carolina Department of Environmental Quality.
6. Traffic associated with the mining activities shall only use the access driveways shown on the mining plan to be approved by the ~~NC~~North Carolina Department of Environmental Quality and not the northern-most driveway shared with Parcel Number 0132409.
7. Blasting shall only be conducted between the hours of 7:00 AM to 6:00 PM, Monday through Friday.
8. There shall be no blasting on Saturdays and Sundays.
9. No blasting materials shall be stored ~~on the site~~.
10. Reclamation based on the reclamation plan to be approved by the ~~NC~~North Carolina Department of Environmental Quality shall occur simultaneously with mining operations; or after completion or termination of mining on any phase as

shown on the mining plan to be approved by ~~the~~ the North Carolina Department of Environmental Quality. All reclamation shall be completed and approved within two (2) years after completion or termination of all mining areas shown on the mining plan to be approved by the ~~NC~~ North Carolina Department of Environmental Quality.

11. Within one (1) year of cessation of mining operations, the property shall be rehabilitated as required by Guilford County.
12. There ~~will~~ shall be a minimum 30-foot inside turning radius on southbound NC 22 at its intersection with McClellan Road (SR 3399) to be approved by the North Carolina Department of Transportation.
13. All non-paved storage areas shall be maintained in a manner that limits dust from leaving the storage area.
14. No mining shall occur on the portion of the property lying to the east of McClellan Road.
15. If development occurs on the portion of Parcel Number 0132538 lying west of the utility lines on such parcel, the first fifty (50) feet lying adjacent to Parcel No. 0218726 shall remain natural and undisturbed and the next fifty (50) feet shall consist of a berm of no less than twenty (20) feet in height with a double row of evergreens planted on top of the berm, subject to the rights of the utility company owning such utility lines.
16. Trucks making left turns from McClellan Road onto northbound Appomattox Road shall be directed to use the southern intersection with McClellan Road rather than the northern intersection.
17. A northbound left turn lane into the site with 100 feet of storage and appropriate deceleration length shall be constructed on McClellan Road.
18. Access to the site shall be designed according to North Carolina Department of Transportation standards.
19. The property owner shall institute a Structural Integrity Protection Program at this site to protect nearby neighbors as more specifically described in the company's program.
20. Lehigh Hanson shall establish a Well Protection Program that includes the following provisions:
 - A. Hanson shall hire an independent, licensed, third party to determine the area of groundwater influence around the proposed pit. The Well Protection Program shall include and be applicable to wells that are located three times the distance of the area of groundwater influence ("Covered Well").
 - B. Upon written request by an owner of a Covered Well, Lehigh Hanson shall, at its expense, hire an independent professional hydrogeologist to conduct a study of any Covered Well within six months of the issuance of a Special Use Permit. After such study, Lehigh Hanson shall provide the owner with a report on their well, and that study shall become the basis for evaluating any claim for potential damage to their well in the future.

C. If, after the start of mining and blasting operations, an owner of a Covered Well incurs well failure (defined as ceasing to produce water) for any reason other than mechanical failure, drought, or failure to provide normal maintenance ("Excluded Causes"), the owner shall give Lehigh Hanson written notice outlining their well situation and ask Lehigh Hanson to initiate the provisions of this Well Protection Program.

D. Following written notification as described in paragraph C above, Lehigh Hanson shall, at its sole expense, provide a temporary source of potable water to the owner of the Covered Well within 24 hours of receipt of written notice. Upon verification that the well failure was not caused by one of the Excluded Causes, Lehigh Hanson shall, at its sole expense, provide a new permanent water source which shall be a new drilled well or drilling the existing well to a depth capable of providing adequate water flow. Lehigh Hanson shall continue to provide, at its sole expense, a temporary source of potable water until a new permanent source of water can be found.

E. Upon entering the Well Protection Program, Lehigh Hanson shall provide the owner of the Applicable Property both local and corporate locations where notice can be made.

21. If Lehigh Hanson is required to pump water from the quarry operation into a nearby stream, it shall hire an independent, licensed, third-party professional to conduct all water testing as required by its NPDES permit. Lehigh Hanson shall promptly furnish the County with all water quality test results or, alternatively, allow the County to collect its own samples at the same time the water is tested by Lehigh Hanson's third-party professional. If the County elects to collect its own samples, then Lehigh Hanson shall promptly pay for all laboratory tests upon receipt of testing invoices.
22. Prior to commencement of development, Lehigh Hanson shall drill three permanent groundwater monitoring wells in locations determined by an independent, licensed, third-party hydrology professional as proper locations for monitoring wells. These wells shall be in addition to the four groundwater monitoring wells already drilled on the site. Following installation of the permanent wells, Lehigh Hanson shall provide groundwater monitoring data to the Guilford County Department of Public Department on a quarterly basis.