

## State of Vermont

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# LAND USE PERMIT AMENDMENT

**CASE NO: 5W1406-B**

Black Rock Coal, Inc.  
P.O. Box 277  
East Montpelier, VT 05651-0277

**LAWS/REGULATIONS INVOLVED**

10 V.S.A. §§ 6001 - 6093 (Act 250)

The District 5 Environmental Commission hereby issues Land Use Permit Amendment 5W1406-B pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6093. This permit amendment applies to the lands identified in Book 36, Page 456 of the land records of the Town of Calais, Vermont, as the subject of a deed to Black Rock Coal, Inc. This permit specifically authorizes an extension of the construction completion date for the operation of a rock quarry from October 8, 2012 to October 8, 2022. The original permit authorized the extraction of 80,000 cubic yards of stone; thus far, 9,263 cubic yards of stone have been extracted. No changes in the operation of the quarry are proposed. The project is located off County Road in Calais, Vermont.

1. The Permittee, and its assigns and successors in interest, is obligated by this permit to complete, operate and maintain the project as approved by the District Commission in accordance with the following conditions.
2. All conditions of Land Use Permit 5W1406 and amendment are in full force and effect except as further amended herein.
3. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
4. No change shall be made to the design, operation or use of this project without a permit amendment issued by the District Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
5. No further subdivision, alteration, and/or development on the tract of land approved herein shall be permitted without a permit amendment issued by the District Commission or a jurisdictional opinion from the Coordinator that a permit is not required.
6. The project will not utilize explosives and detonators that contain perchlorate. If the Permittee determines that it is necessary to use explosives or detonators that contain perchlorate, the Permittee shall provide an explanation to the Agency of Natural Resources (Agency) for review and approval prior to using the explosives or detonators.
7. The project will utilize the Best Management Practices for Blasting to Avoid Environmental Contamination as recommended by the Agency's Waste Management Division.

8. Pursuant to 10 V.S.A. § 8005(c), the District Commission may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit.
9. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittee and its successors and assigns.
10. This permit amendment shall expire on October 8, 2022 unless extended by the District Environmental Commission.
11. Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A. § 6027(g).

Dated at Barre, Vermont, this 2nd day of June, 2014.

By /s/ Jito Coleman  
Jito Coleman, Chair  
District 5 Environmental Commission

Commissioners participating in this decision:  
Clifford Johnson, Vice Chair  
M. Jerome Diamond

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A).

Any appeal of this decision must be filed with the Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the entry fee required by 32 V.S.A. § 1431 and the 5% surcharge required by 32 V.S.A. § 1434a(a), which is \$262.50 as of January 2011.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Center Building, Montpelier, VT 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

Decisions on minor applications may be appealed only if a hearing was held by the district commission. Please note that there are certain limitations on the right to appeal. See 10 V.S.A. § 8504(k).

For additional information on filing appeals, see the Court's website at:

<http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 828-1660. The Court's mailing address is: Superior Court, Environmental Division, 2418 Airport Road, Suite 1, Barre, Vermont 05641-8701.

## CERTIFICATE OF SERVICE

I hereby certify that I sent a copy of the foregoing **LAND USE PERMIT 5W1406-B (BLACK ROCK COAL, INC.)** by U.S. Mail, postage prepaid, on this 2<sup>nd</sup> day of June, 2014, to the following individuals without email addresses and by electronic mail to the following with email addresses:

**Note: Any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes.**

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East Montpelier VT 05651-0277

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BY /s/ Lori Grenier  
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Nat. Res. Board Tech.

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### **FOR INFORMATION ONLY**

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