

March 29, 2018

Memorandum

To: File

From: S. Daniel Smith, Interim Director
Division of Energy Mineral and Land Resources

Subject: Clarification Memorandum to File
Wake Stone Corporation
Permit No. 92-10
Wake County

The Umstead Coalition, in a letter received dated December 17, 2018, requested the following: "NC DEQ Reverse permit 92-10 modification dated March 28, 2018 and return the Condition 5.B. text to 1981 permit wording which remained correct through the December 2017 Permit."

A DEQ file review confirmed that the 1981 Final Agency Decision from the Mining Commission used the word "later" and did not use the term "sooner" in the final agency decision.

The purpose of this Clarification Memorandum is to identify and correct the term "modification" as it relates to Condition 5. B. This was a ministerial correction made to conform the language of the permit with the 1981 decision of the Mining Commission. This was not a permit "modification" as defined in the Mining Act. What did occur was a ministerial correction to the permit. This ministerial correction to the permit was in response to an email request received by Wake Stone dated February 26, 2018.

Accordingly, a ministerial correction to the permit occurred by removing the word "sooner" and replacing that word with "later" in Reclamation Condition No. 5. B. in Permit 92-10, in keeping with the final agency decision.



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THOMAS F. ADAMS, JR.
WILLIAM C. SARGENT III
CHARLES L. HINTON III

February 4, 1980

Mr. J. K. Sherron, Director
State Property Office
North Carolina Department of
Administration
116 West Jones Street
Raleigh, North Carolina 27611

Dear Mr. Sherron:

The purpose of this letter is to outline the proposal of my client concerning the use and disposition of property located at the northwest corner of the intersection of I-40 and Harrison Avenue.

The total area of the tract of land at this location is approximately 225 acres. On behalf of my client, I hold options on approximately 195 acres. The 195 acre tract has a common boundary with Umstead Park on the east side of approximately 3,000 feet, and on the north side (along the Crabtree Creek) of about 2,800 feet. It lies on the north side of Interstate Hwy. No. 40, having a frontage of about 4,000 feet.

The intended use of the property is the development of the northern area as a rock quarry and the southern portion for other commercial uses. The commencement point of development will be about 2,200 feet north of I-40. Up to this date, no core drilling has been done in order to accurately assess the quantity and quality of the stone. However, based on rock outcrops, my client believes that the rock deposit is extensive and that it is reasonable to expect that quarrying will be feasible.

Let me point out that I have no personal interest in this property. My client is experienced in quarry operations. The method of operation of two existing quarries in which he participates demonstrates his interest and concern for others in the immediate community. Ample proof of this was demonstrated recently when it was sought to have additional land in Wake County rezoned to accommodate the future expansion of this quarry. Not even one neighbor objected to the requested rezoning and there was not even a request from a neighbor for a buffer area. It is also noteworthy that one adjacent property owner



Mr. J. K. Sherron
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The objective in following a contour as opposed to providing a buffer of a designated width is to provide a natural vertical screen which is so high that the quarrying of stone will not be visible to persons on the Park property.

As to the buffer along the creek, we would need to reserve easements to cross for such purposes as connecting to any utility lines which are installed or required by any lawful authority, provide drainage and to withdraw water from the creek in the unlikely event that this should be necessary.

Whenever the quarrying of stone on our property is completed, my client will have no further need for the quarry area. At that time, my client will donate to the State for use as a part of Umstead Park all of those tracts of land shown on the enclosed map which are encompassed by an orange line and which consist of approximately 75 acres. We would provide that this gift would occur at the end of 50 years or 10 years after quarrying operations have ceased without having been resumed, whichever is later.

In order to protect and assure our ability to borrow money to finance the establishment of the quarry and to finance the expansion and upgrading of facilities from time to time, we would need to provide that the obligation to make the gift is subordinate to any bona fide encumbrances to which the property may be subjected from time to time.

The creation of the buffer zones and the obligation to make the gift of the property as above outlined would be provided for in a binding contract between the property owner and the State of North Carolina. This contract would be recorded and would run with the land whereby it would bind all subsequent owners of the property. Conditions for the creation of the buffer zones will be the acquisition of the property by me or my client and the rezoning of the property to an industrial classification. A condition of the gift will be the development of the property as a quarry.

It has been the experience of the quarrying industry that an abandoned quarry fills with pure ground water. The result is a beautiful lake with an abundant supply of clear water. A striking example of this is the lake in Lakestone Subdivision, one of Raleigh's best residential areas. Chapel Hill is now using a quarry lake to boost its overtaxed water supply. I am sure you can think of many more examples.

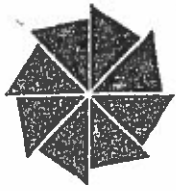
We believe that the lake site resulting from quarrying plus the additional land which we propose to donate will be a valuable addition to Umstead Park. Equally attractive, it will be provided without the substantial cost which the State would incur if it purchases our property.



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North Carolina Department of Natural
Resources & Community Development

James B. Hunt, Jr., Governor

Howard N. Lee, Secretary

DIVISION OF
LAND RESOURCES

Stephen G. Conrad, Director

Box 27687, Raleigh 27611
Telephone 919 733-3833

August 22, 1980

Mr. John Bratton
Wake Stone Corporation
Box 190
Knightdale, North Carolina 27545

Dear Mr. Bratton:

A detailed evaluation has been made of your application for a mining permit for the Cary quarry in accordance with G.S. 74-51.

The evaluation consisted of site inspection, engineering analyses and several discussions between you and members of my staff. Based on this evaluation, I find that the proposed quarry operation would have a significantly adverse effect on the purposes of a publically owned park, forest, or recreation area and your permit application is hereby ~~denied~~. (G.S. 74-51 (5)).

The combined effects of noise, sedimentation, dust, traffic and blasting vibration associated with the proposed quarry operation would produce primary impacts on William B. Umstead State Park in the form of noise intrusion and deterioration of visual resources. Our evaluation of your permit application further indicates there are no feasible modifications that can be made to the application that would make it acceptable.

In accordance with G.S. 74-61 you may appeal this decision to the North Carolina Mining Commission, provided such appeal is made within 60 days after receipt of this notice. Your request for a hearing should be addressed to Dr. Henry B. Smith, Chairman, North Carolina Mining Commission, 3405 Caldwell Drive, Raleigh, North Carolina 27607, with a copy to this office.

Very truly yours,

Stephen G. Conrad

Stephen G. Conrad, Director

SGC/ps



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Wake Stone Corporation

Locations at
U. S. 64 East, Raleigh, N. C.
U. S. 1 at Deep River, Moncure, N. C.

Phone:
919/266-9266 - Knightdale
919/775-7349 - Moncure

Home Office Address:
P. O. Box 190
Knightdale, N. C. 27545

September 16, 1980

Dr. Henry B. Smith, Chairman, N. C. Mining Commission
N. C. State University
225 Riddick Building
Raleigh, N. C. 27607

Dear Dr. Smith:

On behalf of Wake Stone Corporation I hereby request a hearing before the N. C. Mining Commission to appeal a denial for a mining permit dated August 22, 1980 by Mr. Stephen G. Conrad, Director, Division of Land Resources. The date of the application for the permit was May 26, 1980 and additional information was provided on April 9, 1980.

We would appreciate the hearing being held as expeditiously as possible.

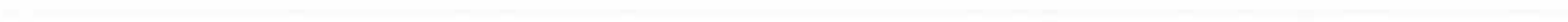
Yours truly,

WAKE STONE CORPORATION


John Bratton, Jr.

JB, JR/pw

cc: Mr. Stephen G. Conrad, Director
N.C.D.N.R.C.D.
Box 27687
Raleigh, N. C. 27611



BEFORE THE MINING COMMISSION

In the Matter of Denial of)
Permit Application of the)
Wake Stone Corporation)

Findings of Fact, Con-
clusions, and Decision

This cause was heard before the Mining Commission on November 6 and 7 and December 16 and 17, 1980, pursuant to NCGS 74-61 and NCGS 150A-23 et seq., to consider the denial by the Division of Land Resources, Department of Natural Resources and Community Development (hereinafter the Department), of Wake Stone Corporation's application for a permit.

Preliminary Statement

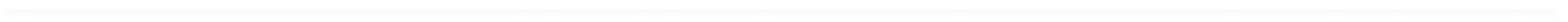
Wake Stone Corporation (hereinafter the Petitioner) has options to purchase various parcels of land, some of which adjoin Umstead State Park (hereinafter the park). It seeks a permit to quarry stone there. The Department denied Petitioner's request for a permit. The Petitioner then appealed this decision to the Mining Commission.

Issue

The issue in this case is whether the proposed quarry would have a significant adverse effect on the purposes of the park.

Statutes

The Department is empowered to issue a permit to quarry stone "conditioned upon compliance with all requirements of the approved reclamation plan for the operation and with such further reasonable and appropriate requirements and safeguards as may be deemed necessary by the Department to assure that the operation will comply fully with the requirements and objective of this Article." NCGS 74-61. The Department may deny a permit if "the operation would



have a significantly adverse effect on the purposes of a publicly owned park, forest, or recreation area." NCGS 74-61(5). An applicant may appeal the Department's action to the Mining Commission, which may "affirm, affirm with modifications, or overrule the decision of the Department and may direct the Department to take such action as may be required to effectuate its decision."

NCGS 74-61.

Background Information

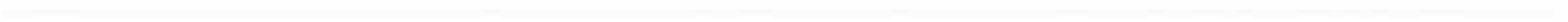
The park consists of 5,217 acres in Wake County, along the eastern edge of the Piedmont Plateau, between Raleigh and Durham. The master plan developed for the park in 1974 sets forth its history:

Until 1934, the land now occupied by Umstead Park was a farm community--houses, mills, and fields in various stages of use and abandonment. Poor agricultural techniques, such as one crop farming, primarily cotton, led to the loss of topsoil and subsequently, a submarginal existence. Second-growth timber was then removed from some upland areas, which expedited the erosion process.

During the great depression, the United States Resettlement Division began a program of purchasing sub-marginal farm land, and in 1935 a proposal to acquire and develop a recreational demonstration project was instigated generally within the area now known as Umstead Park. The development of this area was jointly supervised by the National Park Service and the Department of Conservation and Development and until 1943, all development and land acquisition was financed by Federal money.

In addition to the development of four group camps, a lake, temporary roads and utility systems, the CCC Work Force was responsible for important conservation measures such as tree planting and the construction of check dams, which aided the stabilization of the soil.

World War II forced the abandonment of Federal activities and on April 6, 1943, the United States deeded to the State of North Carolina, for the sum of one dollar, 5,088 acres to serve "public park, recreation, and conservation purposes". This land was officially designated as Crabtree Creek State Park. In 1947 and 1949, public use facilities including picnic areas, tent and trailer campgrounds, and utilities were financed by the General Assembly's first State Parks Division appropriation.



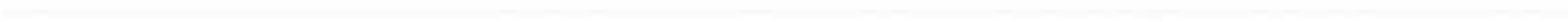
The master plan also describes the present and projected use of the surrounding land:

Umstead Park lies in a highly urbanized area of the State and, as in the past, is currently under pressure from adjacent development. Suburban Raleigh is rapidly moving westward and recent development, in fact, abuts the eastern edge of the Park. With the development of Crabtree Valley Shopping Center and Interstate 40, land values have risen enormously so that a setting for residential and industrial growth in very close proximity to the Park has developed. City and county land use zoning has set the stage for both of these types of uses so that the only inhibiting factor at present is the lack of sanitary sewer and water lines. While it is only a matter of time before these utilities are provided, the exact location of the utility easements has not yet been pinpointed as it relates to the Park. Specifically, the land adjacent to the northeast between the Park and Highway 70 and that land between I-40 and the park boundary is currently under considerable pressure for building In addition, the Raleigh thoroughfare plan indicates the construction of a new road linking I-40 and the Duraleigh Road as an extension of the Southern Belt-line which, without control measures, will most certainly create similar development pressure.

Raleigh-Durham Airport lies adjacent to Umstead Park's western boundary and presently has two runways; one for commercial airlines runs parallel to the Park in a northeast/southwest direction and the other, for small craft use, lies perpendicular to the Park in an east-west direction. The Airport Authority is currently in advanced stages of planning a new runway and enlarged facilities. The proposed runway would lie perpendicular to the Park south of the Airport's existing facilities and service commercial flights.

Thus, Highway 70, Interstate 40, and Raleigh-Durham Airport bound the park on three sides. Of these three neighboring land uses, the airport has the most pronounced effect on the day-to-day uses of the park. The map on page 9 of the master plan depicts two broad swaths, covering about one-half of the park, as "airport impact zones." The plan states:

Noise emanating from the airport as well as the major roads, I-40, Highway 70, and proposed roads, is important not only to the location of overnight facilities in the Park but also those areas of daytime use where a greater degree of tranquility is required. Flight zones over the Park from the existing



small craft runway and proposed runway impact the park not only due to noise but also visually so that, in these zones, the location of uses requires considerable scrutiny.

In summary, Umstead Park is not today, nor will it ever again be, a primeval wilderness.

Stipulations

In the Prehearing Order, Wake Stone Exhibit #3, the parties stipulate as follows:

1. The only contested matters are blasting, dust, traffic, noise, and visibility.
2. Blasting will occur eight to twelve times per month and at vibration and air blast levels within the Department's guidelines.
3. The Petitioner's dust control plan has a permit to operate proposed air pollution abatement facilities for controlling dust.
4. The Division of Highways has determined that a coincidence of projected peak traffic for the park and the quarry will not create unsafe conditions.

Findings of Fact

A. Chronology of Events

1. On March 21, 1980, Wake Stone Corporation, operator of several stone quarries in North Carolina, applies for a permit to quarry stone on 195 acres situated north of Interstate 40, south of the airport, at the southwest corner of the park. Wake Stone Exhibit #1.

2. By letter dated August 22, 1980, Mr. Stephen G. Conrad, Director, Division of Land Resources, Department of Natural Resources and Community Development, denies the permit. State Exhibit #18.

3. By letter dated September 16, 1980, the Petitioner requests a hearing before the Mining Commission to appeal the denial. State Exhibit #19.



4. On October 31, 1980, Mr. Daniel C. Oakley, Assistant Attorney General, appearing on behalf of the Department, and Mr. James M. Kimzey, Esquire, appearing on behalf of the Petitioner, hold a prehearing conference and file a Prehearing Order. Wake Stone Exhibit #3.

5. On November 6 and 7 and December 16 and 17, 1980, the Mining Commission hears the appeal.

B. Evidence

1. A summary of the important objective evidence on the matters of blasting, noise, and visibility is as follows:

a. On blasting, the Department puts into evidence documents showing that the southern area of the park is an "airport impact zone." Department Exhibit #20, pp. 8-9.

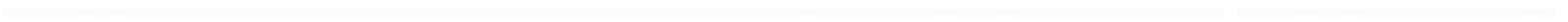
For the Petitioner, Phillip Berger testifies that the sound of an airplane taking off over the southwestern corner of the park would muffle the sound of a blast, Tr. pp. 140, 151, and that projected blasts would be well within the Department's guidelines, Tr. pp. 131-2.

b. The testimony of the noise experts for each party is in substantial accord. Bruce G. Leonard testifies for the Petitioner that the ambient noise level in the pertinent section of the park is about 45 decibels on an A weighted scale (dB(A)), Tr. p. 227, and the projected noise level of equipment and trucks, measured at various points in the park, ranges from 46 to 55 dB(A), Tr. pp. 228-39. He also testifies that the Federal Highway Administration standard for traffic noise in parks is 57 dB Ldn or Leq, Tr. p. 224, and that the Division of Parks and Recreation has proposed a guideline for noise levels in parks of 55 dB Ldn or Leq.

For the Department James D. Simons testifies that the ambient noise level in the southwestern part of the park is about 45 dB(A), Tr. p. 414, and



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the projected noise level of equipment and trucks ranges from 51 to 55 dB(A), Tr. p. 496 (see also pp. 497-516). Documentary evidence introduced by the Department indicates that most of the southern half of the park is a flight zone for aircraft taking off and landing. Department Exhibit #20, pp. 8-9.

c. The testimony on visibility reveals little agreement among the experts. For the Petitioner, Earl Harbison testifies that, due to topography and vegetation, the crushing equipment at the proposed site would generally not be visible from the park. Tr. pp. 158-98.

Richard Hazard testifies for the Department that, during the summer, the equipment could be visible from a few areas in the park, and, during the winter, it would be visible "from a good area within the southern half" of the park. Tr. pp. 776-8.

2. The purposes of the park are to preserve natural resources and to make them available to the public for recreation and wildlife interpretation. Tr. p. 912 (testimony of Stephen G. Conrad for the Department).

Conclusions

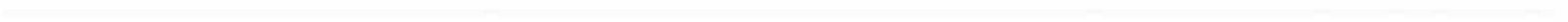
The Mining Commission makes the following conclusions:

1. Blasting - Based on:

a. the stipulation by the parties that vibration and air blast levels generated by proposed blasting are within the Department's guidelines, Wake Stone Exhibit #3, p. 2;

b. documentary evidence that the southern area of the park is an "airport impact zone" (i.e. a flight zone for incoming and outgoing airplanes), Department Exhibit #20, pp. 8-9;

c. Phillip Berger's testimony that



i. the sound of an airplane taking off over the southwestern corner of the park would muffle the sound of a blast, Tr. pp. 140, 151; and

ii. that projected blasts would be well within the Department's guidelines, Tr. pp. 131-2,
the Commission concludes that blasting will not have a significant adverse effect on the purposes of the park.

2. Based on:

a. the stipulation by the parties that the Petitioner's dust control plan is designed to meet Department standards, Wake Stone Exhibit #3, p. 2; and on

b. James D. Simons's testimony that the dust from blasting is not a concern of the Department in this case, Tr. p. 490,
the Commission concludes that dust from the quarry and roads will not have a significant adverse effect on the purposes of the park.

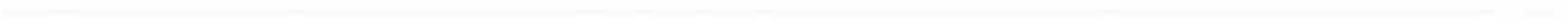
3. Based on the stipulation by the parties that the Division of Highways has determined that, even with a coincidence of projected peak traffic for the park and the quarry, there would be no unsafe traffic conditions, the Commission determines that traffic generated by the quarry would not have a significant adverse effect on the purposes of the park.

4. Based on:

a. testimony of Bruce G. Leonard, Phillip Berger, and James D. Simons about an existing noise level of about 45 dB(A), Tr. pp. 227 and 414, and projected noise levels ranging from 46 to 55 dB(A);

b. the absence of a noise level standard for equipment near parks such as this one; and

c. the analogous, though not dispositive, Federal Highway Administration standard for traffic noise in parks of 57 dB Ldn or Leq, Tr. pp. 224-5; and



d. testimony by Bruce G. Leonard that the Division of Parks and Recreation has proposed a guideline of 55 dB Ldn or Leq, Tr. p. 224, the Commission concludes that the noise from the quarry machinery and traffic will not have a significant adverse effect on the purposes of the park.

5. The Commission concludes from the conflicting testimony of Earl Harbison and Richard Hazard that, while the crusher may be visible from certain places in the park, such visibility will not have a significant adverse effect on the purposes of the park.

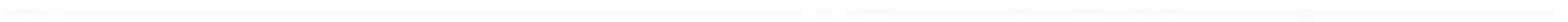
Decision

The Commission feels strongly that the Department has acted in a conscientious and responsible manner, and had a reasonable basis to believe that the denial of the permit was correct. The Department had to reach a conclusion on a major issue--noise--without standards or guidelines applicable to parks. To make matters more complex, the area around the park reflects a checkerboard of land use plans by various state and local government units. Thus, although the Commission reverses the Department's action in this case, it wishes to commend the Department for its diligence and dedication.

In order to protect the park from any possible adverse effects of the quarrying operation, the permit should be issued, subject to the Commission's final approval, with the terms and conditions outlined below.

1. The Division and Wake Stone shall develop a plan to be incorporated in the permit to require utilization of state-of-the-art techniques to minimize noise, dust, and other possible adverse effects on the park.

2. The Division and Wake Stone shall develop a plan for the optimum location of processing and stockpiling facilities and roads to minimize possible effects on the park.

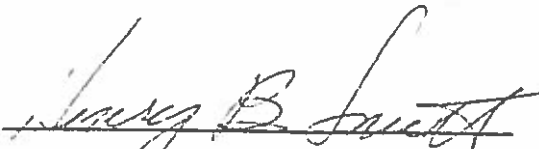


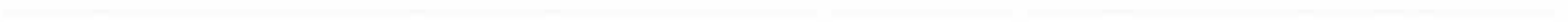
3. The Division and Wake Stone shall develop an adequate buffer zone plan for the area between the quarry and the park.

4. The Division shall require Wake Stone to construct a berm or berms between the quarry and the park.

5. Pursuant to Wake Stone's proposal that, as part of its reclamation plan, it donate the quarry to the State for park use on termination of the operation, the Commission requests that counsel for Wake Stone meet with Mr. Daniel C. Oakley, Assistant Attorney General, and Ms. Becky R. French, Director, Office of Administrative Hearings, to reach an agreement, to be submitted to the Commission, on the best method to transfer the land.

This the 27th day of January 1981.


Dr. Henry B. Smith, Chairman
North Carolina Mining Commission



BEFORE THE MINING COMMISSION

In the Matter of Denial of
Permit Application of
Wake Stone Corporation

FINAL DECISION

In accordance with this Commission's initial Findings of Fact, Conclusions, and Decision of January 27, 1981, as amended and corrected, and with the March 12, 1981 Agreement of Wake Stone Corporation and the Division of Land Resources, Department of Natural Resources and Community Development, concerning the Conditions enumerated below as 1, 2, 4, and 5; and upon consideration of the supplementary arguments of the parties concerning Condition 3, *infra*, the Mining Commission hereby orders that the Division of Land Resources grant to Wake Stone Corporation the permit applied for with the following conditions:

Condition No. 1 - Minimize noise, dust, and other possible adverse effects.

Noise

1. Noise barriers between crushers and screening towers to minimize noise levels at the park shall be provided from the outset of the operation. Noise barriers may be enclosures, walls, bins, structures, stockpiles, or natural terrain. In the event there is disagreement over the required noise control measures, the final design and emplacement of noise barriers shall be determined by qualified noise and engineering consultants mutually agreed upon by both parties.
2. The plant shall be located at a lower elevation as indicated on the required site plan.
3. The plant shall be designed so that the primary crusher can be relocated in the pit at the earliest possible date.
4. The chutes used in processing shall be rubberized.



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5. Compressors with noise abatement enclosures (currently called whisperized compressors) shall be used with track drills to open the quarry. Once the quarry is opened, either hydraulic or down-in-the-hole drills shall be used to further reduce noise.
6. Only such blasting techniques as minimize noise shall be employed.
7. Pit haul trucks shall be equipped to exhaust through the beds of the trucks to muffle engine noise.
8. Conveyors rather than trucks shall be used for stockpiling material.
9. The quarry shall be operated only on Monday through Friday and shall not be operated on State-recognized holidays.

Dust

1. The access road to the quarry, from the scale house to SR 1790, shall be paved. Wake Stone Corporation agrees to cooperate with the Department of Transportation in paving SR 1790 from the entrance to the quarry to the intersection with SR 1654.
2. The provisions of the air quality permit No. 4386 shall be followed.
3. A water wagon with sprays shall be used for wetting roads to prevent dust.
4. Sprays shall be used throughout the plant at transfer points to control dust.
5. Drill hole dust shall be controlled by wetting or other means.
6. Dust control shall be maintained by the use of water sprays.
7. A water spray shall be provided for highway haul trucks.
8. Washed stone shall be stockpiled within the part of the designated plant area which is closest to the park.



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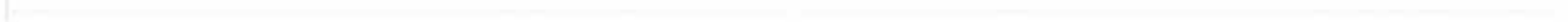


Condition No. 2 - Optimize processing and stockpiling facilities to minimize possible effects on the park.

1. The processing and stockpiling facilities shall be relocated as indicated on the Wake Stone revised site plan submitted February 18, 1981. The purpose of this relocation shall be to screen the park from the sight and sound of the operation, reduce erosion, and shield the operation from public view along Interstate 40.
2. The relocation shall place the processing and stockpiling facilities at a lower elevation to reduce visibility and noise.
3. The stockpiles shall be located close to the quarry entrance roads.
4. The plant and stockpile area shall be close to the intersection of SR.1790 and SR 1654.
5. The initial site disturbance from both quarry excavation and plant site development shall be confined to one drainage system, which is now already protected by ponds which will serve as sediment basins. The purpose of this relocation is to aid erosion and sediment control.
6. The new location of the pit shall be such that, once the overburden is removed, the quarry excavating equipment - i.e. compressor and drill, shovels, and trucks - can be placed below the surrounding land at the initial phases of quarrying.

Condition No. 3 - Buffer Zone Plan

1. The extent of the completely undisturbed buffer zone to be maintained between the park boundary during the 10 year permit shall be as indicated on the revised plan and modified by Exceptions 2, 3, and 4 listed on Page 2 of Wake Stone Corporation's memorandum of March 10, 1981, except all of the area north of the ten-year buffer line shall be left as a natural buffer



The terms and conditions of the option shall be as follows:

A. When all quarryable stone has been removed from all of the land belonging to or under the control of Wake Stone Corporation during the period of its quarrying operations and which lies between the Park and Interstate Highway 40, it shall be the duty of Wake Stone Corporation to notify the State of this fact. Upon receipt of such notice, the State shall have six months within which it may elect to have Wake Stone Corporation convey the quarry site to the State. If the State elects to have Wake Stone Corporation convey the quarry site to the State, it shall notify Wake Stone Corporation of such election within said six month period. All notices shall be by certified mail with return receipt requested. If the State fails to make an election within said six month period or shall elect not to accept a conveyance of the quarry site, the option shall thereupon terminate and Wake Stone Corporation shall have no further obligation to convey the quarry site to the State.

① WARRN
② CHANKYR
B. If all quarryable stone is not removed, the right of the State to acquire the quarry site shall accrue at the end of 50 years from the date quarrying commences or 10 years after quarrying operations have ceased without having been resumed, whichever is sooner, and notices shall be exchanged at that time in the same manner and with the same time limitations as set forth in paragraph A above.

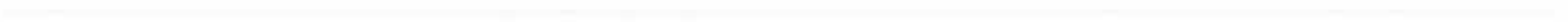
C. Until the option has expired Wake Stone Corporation will not encumber by mortgage or deed of trust any of the area designated "BUFFER AREA" on Wake Stone Corporation's site plan dated February 17, 1981, revised March 10, 1981, except for purchase money security interests.

The terms and conditions relating to the donation are placed herein to prescribe generally the boundaries of the Wake Stone Corporation offer. The acceptance by the State is subject to approval by the Department of Administration and the Council of State and the ascertaining that the offer is in accord with the laws of the State and lawful adopted rules and regulations. Further, the Department's analysis of the condition of the land to be transferred will be in accordance with the criteria identified in the "Principles Governing the Establishment and Development of State Parks, State Recreation Areas and State Natural Areas."

Permit issued this the 13th day of May, 1981.

BY: Stephen G. Conrad

Stephen G. Conrad, Director
Division of Land Resources
By Authority of the Secretary
Of the Department of Natural Resources and Community Development



zone and not be developed or altered for commercial purposes.

Condition No. 4 - Construction of Berms

1. A vegetated earthen berm shall be constructed between the Wake Stone Corporation plant and the western boundary of the park as shown on Wake Stone Corporation's revised site plan.
2. Berm dimensions shall be no less than indicated on Wake Stone Corporation's revised site plan and may be higher and longer than shown, ~~except the berm shall not encroach on the permanent buffer zone.~~
3. ~~The sideslopes of the berm shall be graded to a stable grade of 2 horizontal to 1 vertical grade or flatter and revegetated on the sides and top with grasses and evergreen trees. The toe of the berm shall not encroach on the park property boundary and shall be at least 50 feet from the boundary.~~
4. Other berms may be required as mining progresses to reduce the noise and visual impact upon the quarry.

Condition No. 5 - Donation of Quarry to the State

Pursuant to Wake Stone Corporation's offer to donate the quarry site to the State as part of its reclamation plan, the terms and conditions of the offer and acceptance shall be set forth in the reclamation plan as follows.

The term, "quarry site", shall include the entire pit as it exists after quarrying has been completed, a strip extending at least 50 feet back from the top of the slope of the pit on all sides (see the reclamation plan for the requirements applying to the slope), and a reasonable area to connect the pit and surrounding strip to Umstead Park, constituting a total area of at least 75 acres.



The method by which the quarry site will be donated to the State is as follows: Upon acquisition of the land by Wake Stone (by the exercise of its options to purchase), Wake Stone will grant to the State an option which, if exercised by the State, will require that Wake Stone convey a fee simple title to the quarry site to the State. The State shall have no obligation to exercise its option to accept a conveyance of the quarry site.

The terms and conditions of the option shall be as follows:

1. When all quarryable stone has been removed from all of the land belonging to or under the control of Wake Stone Corporation during the period of its quarrying operations and which lies between Umstead Park and Interstate Highway 40, it shall be the duty of Wake Stone to notify the State of this fact. Upon receipt of such notice, the State shall have six months within which it may elect to have Wake Stone convey the quarry site to the State. If the State elects to have Wake Stone convey the quarry site to the State, it shall notify Wake Stone of such election within said six month period. All notices shall be by certified mail with return receipt requested. If the State fails to make an election within said six month period or shall elect not to accept a conveyance of the quarry site, the option shall thereupon terminate and Wake Stone shall have no further obligation to convey the quarry site to the State.

2. If all quarryable stone is not removed, the right of the State to acquire the quarry site shall accrue at the end of 50 years from the date quarrying commences or 10 years after quarrying operations have ceased without having been resumed, whichever is later, and notices shall be exchanged at that time in the same manner and with the same time limitations as set forth in paragraph 1 above.

3. Until the option has expired Wake Stone will not encumber by mortgage or deed of trust any of the area designated "BUFFER AREA" on Wake Stone's site plan dated February 17, 1981, revised March 10, 1981, except for purchase money security interests.



8

4. During the option period, Wake Stone shall have the right to encumber all of its remaining property from time to time by mortgage, deed of trust or other security agreement then in common use for the purpose of securing one or more bona fide obligations of Wake Stone, such as the payment of money or the providing of any goods or services. The option to the State shall be subordinate to each such encumbrance in the same manner and to the same extent as if such option had been recorded after the recordation of each such encumbrance.

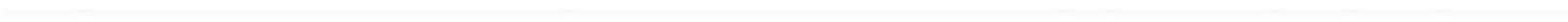
5. The right of the State to exercise its option shall be subject to:

(a) Wake Stone not being prohibited by the U.S. Government, State of North Carolina, Wake County, any municipality having jurisdiction, or by any court from removing from Wake Stone's property all quarryable stone which is outside of the BUFFER AREA referred to in paragraph 3 above. The requirement by the State that Wake Stone comply with laws and rules and regulations generally applicable to stone quarries shall not be deemed a prohibition of quarrying for the purpose of the option agreement.

(b) The operation of a quarry on Wake Stone's property for a minimum period of five years.

6. The conveyance of the quarry site shall be by deed containing the usual covenants of warranty and conveying the quarry site free and clear of all encumbrances except those existing at the time of Wake Stone's purchase, ad valorem taxes at the time of conveyance (which shall be prorated), and such drainage and utility easements as shall have been installed in connection with the development of the property.

7. The option may include such other terms as are mutually acceptable to the State and Wake Stone.



The Mining Commission concludes from the evidence submitted in this case that the operation of the quarry, under the conditions set forth in this decision, will not have a significant adverse effect on the purposes of the park.

For the unanimous Mining Commission, this the ^{APR}_{day} of 3 1981, 1981.

Original signed by

Henry B. Smith, Chairman

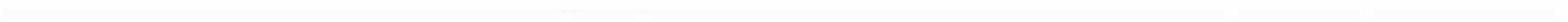
Original signed by

T.W. Tysinger

Original signed by

W.W. Woodhouse

Commissioners Barkalow and Long took no part in the disposition of the case.



Vegetation: Sericea Lespedeza and/or Weeping lovegrass will be established on the site to provide ground cover and erosion control. When using Sericea Lespedeza, scarified seed will be applied when reclamation is conducted during spring months and unscarified seed will be used during the fall.

Application will be in a uniform manner either by machine or hand at the rate of 50 pounds of lovegrass, Lespedeza, or combination per acre. Seed will be covered to a depth of 1/8 to 1/4 inch and the soil then firmed with a cultipacker or similar equipment. Mulch consisting of dry, unchopped small grain straw or similar type material will be spread evenly over the surface at the rate of 1 to 2 tons per acre or until about 75 percent of the soil is hidden. Loblolly pine seedlings will be planted at selected sites to provide a view screen to provide revegetation. Spacing will be about 4' X 4' for revegetation purposes.

Maintenance: Plant replacement and other maintenance that may be required to establish vegetative cover appropriate to the reclamation plan for this site will be carried out until vegetation is properly established.

4. Reclamation Schedule

Some reclamation activities, particularly those relating to control of erosion, will be conducted simultaneously with mining activities. Diversion channels or terraces that may be required to control surface runoff on the property will be established and revegetated as soon as they are constructed. Portions of berms will be revegetated as completed. Final reclamation activities will be initiated at the earliest practicable time after completion or termination of mining on any segment of the permit area, and in all instances reclamation activities will be completed within two years after completion or termination of mining.

5. Donation to State

This provision is pursuant to Wake Stone Corporation's offer to donate the quarry site to the State as part of its reclamation plan.

WHAT
IS BEING
OFFER

The term, "quarry site," shall include the entire pit as it exists after quarrying has been completed, a strip extending at least 50 feet back from the top of the slope of the pit on all sides and a reasonable area to connect the pit and surrounding strip to the Park, constituting a total area of at least 75 acres.



During the option period, Wake Stone Corporation shall have the right to encumber all of its remaining property from time to time by mortgage, deed of trust or other security agreement then in common use for the purpose of securing one or more bona fide obligations of Wake Stone Corporation, such as the payment of money or the providing of any goods or services. The option to the State shall be subordinate to each such encumbrance in the same manner and to the same extent as if such option had been recorded after the recordation of each such encumbrance.

The right of the State to exercise its option shall be subject to:

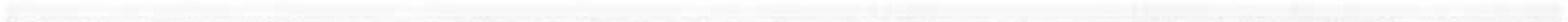
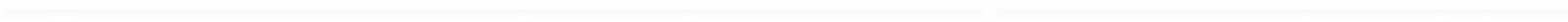
- A. Wake Stone Corporation not being prohibited by the U.S. Government, State of North Carolina, Wake County, any municipality having jurisdiction, or by any court from removing Wake Stone Corporation's property all quarryable stone which is outside the buffer zone referred to in condition 3, page 4. The requirements by the State that Wake Stone Corporation comply with laws and rules and regulations generally applicable to stone quarries shall not be deemed a prohibition of quarrying for the purpose of the option agreement.
- B. The operation of a quarry on Wake Stone Corporation's property for a minimum period of five years.

STATE
OPTION

The conveyance of the quarry site, if approved by the State, shall be by deed containing the usual covenants of warranty and conveying the quarry site free and clear of all encumbrances except those existing at the time of Wake Stone Corporation's purchase, ad valorem taxes at the time of conveyance (which shall be prorated), and such drainage and utility easements as shall have been installed in connection with the development of the property.

The option may include such other terms as are mutually acceptable to the State and Wake Stone Corporation.

The method by which the quarry site may be donated to the State is as follows: Upon acquisition of the land by Wake Stone Corporation (by the exercise of its options to purchase), Wake Stone Corporation will grant to the State an option which, if exercised by the State, will require that Wake Stone Corporation convey a fee simple title to the quarry site to the State. The State shall have no obligation to exercise its option to accept a conveyance of the quarry site.



Wake Stone Quarry and Umstead Park, Wake County.

Wake Stone Quarry Corporation. Wake Stone Quarry Corporation owns a mine known as Triangle Quarry. This mine is active. This quarry is located between Umstead Park on the East and Interstate 40 on the west, at Harrison Avenue exit. This mine was originally permitted by Division of Energy Mineral and Land Resources (DEMLR) on May 13, 2081 Permit was renewed in 1991 and 2001 and 2011.

On February 26, 2018, Wake Stone Quarry requested a permit modification to correct errors in the permit. This modification request included: 1) several corrections to project buffers and site maps to match property boundary footprint, and 2) correction to Reclamation condition no. 5B.

Reclamation condition No. 5B states the following:

*If all quarryable stone is not removed, the right of the State to acquire the quarry site shall accrue at the end of 50 years from the date quarrying commences or 10 year after quarrying operations have ceased without having been resumed, whichever is ***later** and notices shall be exchanged at the that time in the same manner and the with same time limitation as set forth in paragraph A above.*

*Note. In the original mining proposal from 1980 and in the agency decision to issue the permit in 1981 the term “later” was used. However, this permit text that was issued used the term “sooner”. The February 26, 2018 modification requested this to be changed to “later”. This modification was approved on March 28, 2018.

Umstead Coalition. In a letter dated November 14, 2018, The Umstead Coalition requested permit modification be reversed (back to “sooner”). The permit modification changed the above mentioned permit text to “later” from “sooner”.

With respect to this letter, DEMLR staff called Department of NC Parks (Natural and Cultural Resources (DNCR)) to ensure they understood file and the modification to permit. It is the intention to DEMLR to set up a meeting with DNCR to further discuss this matter.

Danny Smith, Interim Director of DEMLR has contact The Umstead Coalition and explained that their request and file is under review and DEMLR will be seeking to seclude a meeting with the Umstead Coalition to discuss this matter.

News Article. The News and Observer reported on November 13, 2018 Wake Stone Corporation has made a new proposal for developing a quarry on 105 acres owned by Raleigh-Durham Internal Airport to the Wake County commissioners. This tract is located between Reedy Creek and Crabtree Creek in is adjacent to the current mine and Umstead Park.

RDU has agreed to lease parcels to wake county for and , but has not decide whether to allow wake stone Corporation to develop a quarry pon parcel which is know the Odd Fellow Tract.

Mining expansion request.

- So far, we have no formal information about an expansion from the Umstead -Wake Stone Cary Quarry facility.

- If permittee chooses to expand their facility/mining footprint notification must be given to any new adjoining land owners and the County Manager. (We route all new and expanding applications that add land to mining footprint to the Department of Natural and Cultural Resources for their review and comment)
- Any project expansion will have to be reviewed and approved through normal mining permitting review processes.





Energy, Mineral &
Land Resources
ENVIRONMENTAL QUALITY

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

WILLIAM E. (TOBY) VINSON, JR.
Interim Director

March 28, 2018

Mr. David F. Lee
Wake Stone Corporation
PO Box 190
Knightdale, North Carolina 27545

RE: Permit No. 92-10
Triangle Mine
Wake County
Neuse River Basin

Dear Mr. Lee:

Your recent request to have the above referenced mining permit modified has been approved. The modification includes the correction of discrepancies on the mine map and in several mining permit conditions. A copy of the modified permit is enclosed.

The conditions in the modified permit were based primarily upon the initial application. Modifications were made as indicated by the modification request and as required to insure compliance with The Mining Act of 1971. The expiration date, mine name and permit number shall remain the same as before the modification. I would like to draw your particular attention to the following conditions where minor additions or changes were made: Operating Condition Nos. 3 (C and D were removed, and E was relabel as C), 4B, 7A, 12B and 15 and Reclamation Condition No. 5B.

The issuance of a mining permit and/or any modification to it does not supersede local zoning regulations. The responsibility of compliance with any applicable zoning regulations lies with you.

As a reminder, your permitted acreage at this site is 223 acres and the amount of land you are approved to disturb is 164.45 acres.

Please review the modified permit and contact Judy Wehner, Assistant Mining Specialist, at (919) 707-9220 should you have any questions concerning this matter.

Sincerely,

David Miller, PE
State Mining Engineer

DM/jw

Enclosures

cc: Mr. Bill Denton, PE
Mr. William Gerring-Mine and Quarry Bureau, w/o enclosures

Nothing Compares

**DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF ENERGY, MINERAL AND LAND
RESOURCES**

P E R M I T

for the operation of a mining activity

In accordance with the provisions of G.S. 74-46 through 68, "The Mining Act of 1971," Mining Permit Rule 15A NCAC 5 B, and other applicable laws, rules and regulations

Permission is hereby granted to:

Wake Stone Corporation

Triangle Quarry

Wake County - Permit No. 92-10

for the operation of a

Crushed Stone Quarry

which shall provide that the usefulness, productivity and scenic values of all lands and waters affected by this mining operation will receive the greatest practical degree of protection and restoration.

In accordance with the application for this mining permit, which is hereby approved by the Department of Environment and Natural Resources hereinafter referred to as the Department, and in conformity with the approved Reclamation Plan attached to and incorporated as part of this permit, provisions must be made for the protection of the surrounding environment and for reclamation of the land and water affected by the permitted mining operation. This permit is expressly conditioned upon compliance with all the requirements of the approved Reclamation Plan. However, completed performance of the approved Reclamation Plan is a separable obligation, secured by the bond or other security on file with the Department, and may survive the revocation or suspension of this permit.

This permit is not transferable by the permittee with the following exception: If another operator succeeds to the interest of the permittee in the permitted mining operation, by virtue of a sale, lease, assignment or otherwise, the Department may release the permittee from the duties imposed upon him by the conditions of his permit and by the Mining Act with reference to the permitted operation, and transfer the permit to the successor operator, provided that both operators have complied with the requirements of the Mining Act and that the successor operator agrees to assume the duties of the permittee with reference to reclamation of the affected land and posts a suitable bond or other security.

In the event that the Department determines that the permittee or permittee's successor is not complying with the Reclamation Plan or other terms and conditions of this permit, or is failing to achieve the purposes and requirements of the Mining Act, the Department may give the operator written notice of its intent to modify, revoke or suspend the permit, or its intent to modify the Reclamation Plan as incorporated in the permit. The operator shall have right to a hearing at a designated time and place on any proposed modification, revocation or suspension by the Department. Alternatively and in addition to the above, the Department may institute other enforcement procedures authorized by law.

Definitions

Wherever used or referred to in this permit, unless the context clearly indicates otherwise, terms shall have the same meaning as supplied by the Mining Act, N.C.G.S. 74-49.

Modifications

April 1, 1991: This permit has been modified to include three pit expansions, the construction of a pit perimeter road, and the construction of the visual barrier berm along the 250 foot permanent buffer zone as indicated on the revised Site Plan and supplemental information dated February 14, 1991.

February 5, 1992: This permit has been modified to include and require compliance with the January 20, 1992 blast and rock slide investigative report prepared by Wake Stone Corporation in its entirety.

October 11, 1996: This permit has been modified to allow the shipping of material after 1:00 PM on Saturdays until such time as the Umstead State Park reopens or the repair of the Raleigh Outer Loop Project near RDU Airport is completed, whichever comes first.

November 24, 2010: This permit has been modified to increase the affected acreage at this site to 156.6 acres as indicated on the Site Plan Maps last revised November 22, 2010. The modification includes the construction of a stockpile area contiguous to the existing plant and stockpile yard and includes the installation and maintenance of all associated erosion and sediment control measures.

December 1, 2017: This permit has been legislatively modified to issue the permit for the life of the site or the duration of the lease term.

March 28, 2018: This permit has been modified to correct discrepancies on the mine map and in several mining permit conditions.

This permit is valid for the life of the site or life of lease, if applicable, as defined by Session Law 2017-209 and has no expiration date. However, all provisions of GS 74-51 and GS 74-52 still apply for new, transferred and modified mining permits.

Conditions

This Permit shall be subject to the provisions of the Mining Act, N.C.G.S. 74-46, et. seq., and to the following conditions and limitations:

OPERATING CONDITIONS:

1. Wastewater and Quarry Dewatering

- A. Any wastewater processing or mine dewatering shall be in accordance with the permitting requirements and rules promulgated by the N.C. Environmental Management Commission.
- B. Any storm water runoff from the affected areas at the site shall be in accordance with any applicable permit requirements and regulations promulgated by the Environmental Protection Agency and enforced by the N.C. Environmental Management Commission. It shall be the permittee's responsibility to contact the Division of Water Quality to secure any necessary storm water permits or other approval documents.

2. Air Quality and Dust Control

- A. Any mining related process producing air contaminant emissions including fugitive dust shall be subject to the requirements and rules promulgated by the N.C. Environmental Management Commission and enforced by the Division of Air Quality.
- B. The provisions of Air Quality Permit No. 4386 shall be followed.

- C. The permanent access (plant entrance) road shall be paved from the scale house to SR 1790. During quarry operation, water trucks or other means that may be necessary shall be utilized to prevent dust from leaving the permitted area.
- D. Dust suppression systems shall be used throughout the plant to control dust.
- E. Drill hole dust shall be controlled by wetting or other means.
- F. Dust control at the crushers and screens shall be maintained by the use of water sprays.
- G. A water spray shall be provided for highway haul trucks.
- H. Washed stone shall be stockpiled within the part of the designated plant area which is closest to the park.

3. Buffer Zones

- A. Any mining activity affecting waters of the State, waters of the U. S., or wetlands shall be in accordance with the requirements and regulations promulgated and enforced by the N. C. Environmental Management Commission.
- B. Sufficient buffer shall be maintained between any affected land and any adjoining waterway or wetland to prevent sedimentation of that waterway or wetland from erosion of the affected land and to preserve the integrity of the natural watercourse or wetland.
- C. All buffer zones shown on the Site Plan Map revised February 26, 2018 shall be maintained to protect adjoining property. These buffer zones, with the exception of the installation of required sediment control measures and approved earthen berms, shall remain undisturbed

4. Erosion and Sediment Control

- A. Adequate mechanical barriers including, but not limited to diversions, earthen dikes, check dams, sediment retarding structures, rip rap pits, or ditches shall be provided in the initial stages of any land disturbance and maintained to prevent sediment from discharging onto adjacent surface areas or into any lake, wetland or natural watercourse in proximity to the affected land.
- B. All mining activities, including the installation and maintenance of all erosion and sedimentation control measures, shall be conducted as indicated on the Site Plan Map revised February 26, 2018 and the supplemental information received on February 7, 2011.

- C. An erosion and sediment control plan(s) shall be submitted to the Department for approval prior to any land disturbing activities not indicated on the revised erosion control plan or mine maps submitted with the approved application for a mining permit and any approved revisions to it. Such areas include, but are not limited to, expansion outside of the approved pit area, creek crossings, or expansion of overburden or waste disposal areas.

5. Groundwater Protection

Groundwater monitoring wells shall be installed and monitored as deemed appropriate by the Department.

6. Noise Abatement

All reasonable precautions shall be taken to minimize the impacts of operational noise upon Umstead Park. Said measures shall include, but not be limited to the following:

- A. Noise barriers between the park boundary and the crushers and screening towers to minimize noise levels at the park shall be provided from the onset of the operation. Noise barriers may be enclosures, walls, bins, structures, stockpiles or natural terrain. In the event there is disagreement over the required noise control measure, the final design and placement of noise barriers shall be determined by qualified noise and engineering consultants mutually agreed upon by both parties.
- B. The plant shall be located at the lowest feasible elevation.
- C. The plant shall be designed so that the primary crusher can be relocated in the pit at the earliest possible date.
- D. The chutes used in processing shall be rubberized.
- E. Compressors with noise abatement enclosures (currently called whispered compressors) shall be used with track drills to open the quarry. Once the quarry is opened, either hydraulic or down-in-the-hole drills shall be used to further reduce noise.
- F. Pit haul trucks shall be equipped to exhaust through the beds of the trucks to muffle engine noise.
- G. Conveyors rather than trucks shall be used for stockpiling material.

- H. The quarry and stone process operations shall be operated on Monday through Friday and shall not be operated on the following recognized holidays: New Years Day, Easter Monday, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day. A reasonable amount of hauling of processed stone from the stockpile areas is permitted until 1:00 PM on Saturdays but hauling shall not be done at any other time on weekends or on holidays without prior approval from the Department.

7. Processing Plant Location

- A. The processing and stockpiling facilities shall be located as indicated on the Site Plan Map revised February 26, 2018.
- B. The plant shall be located to place the processing and stockpiling activities at the lowest possible elevation to reduce visibility and noise impacts on Umstead State Park.
- C. The location of the pit shall be such that once the overburden is removed, the quarry excavating equipment (i.e., compressor and drill, shovels, and trucks) can be placed at an elevation lower than the surrounding natural ground in the initial phases of quarrying.

8. Graded Slopes and Fills

- A. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control measure, structure, or device. In any event, exposed slopes or any excavated channels, the erosion of which may cause off-site damage because of siltation, shall be planted or otherwise provided with groundcover, devices or structures sufficient to restrain such erosion.
- B. Overburden cut slopes along the perimeter of the quarry opening shall be graded to a minimum 2 horizontal to 1 vertical or flatter and shall be stabilized within 60 days of completion. Furthermore, a minimum ten (10) foot wide horizontal safety bench shall be provided at the top of the rock and at the toe of any overburden slope.

9. Surface Drainage

The affected land shall be graded so as to prevent collection of pools of water that are, or likely to become, noxious or foul. Necessary structures such as drainage ditches or conduits shall be constructed or installed when required to prevent such conditions.

10. Blasting

The operator shall monitor each blast with a seismograph located at a distance no farther than the closest off site regularly occupied structure not owned or leased by the operator. A seismographic record including peak particle velocity, air overpressure, and vibration frequency levels shall be kept for each blast (except as provided under Operating Condition Nos. 8B and 8D of this permit). The following blasting conditions shall be observed by the mine operator to prevent hazard to persons and adjacent property from surface blasting:

A. Ground Vibration with Monitoring:

In all blasting operations, the maximum peak particle velocity of any component of ground motion shall not exceed Figure 1 (below) at the immediate location of any regularly occupied building outside of the permitted area such as a dwelling house, church, school, or public, commercial or institutional building.

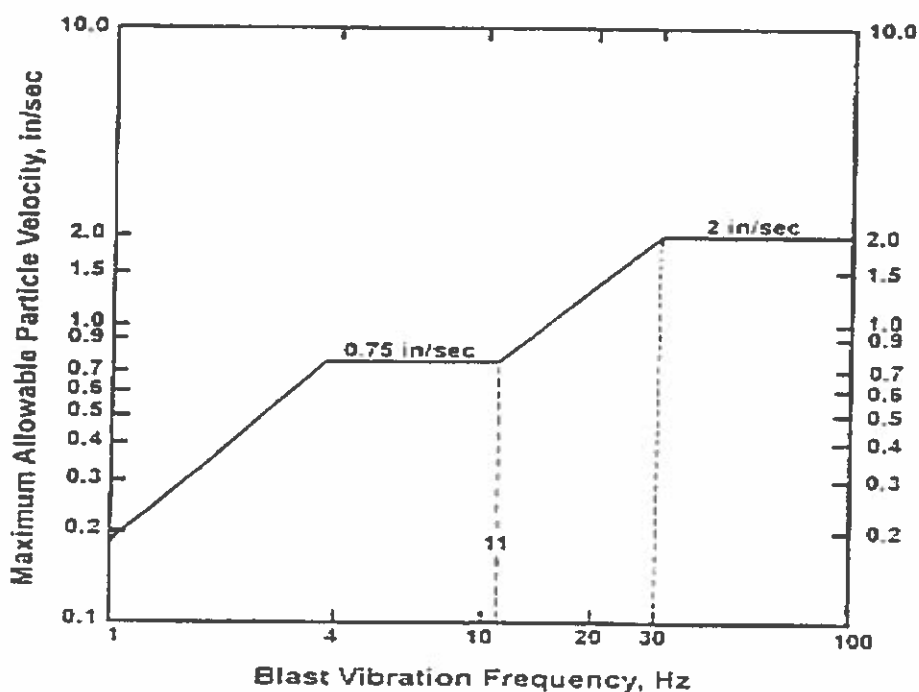


Figure 1 Alternative blasting level criteria
(Source modified from figure B-1. Bureau of Mines R18507)

B. Ground Vibration without Monitoring:

In the event of seismograph malfunction or other condition which prevents monitoring, blasting shall be conducted in accordance with the following formulas:

$$W = (D/D_s)^2 \quad D_s = \frac{D}{W^{1/2}}$$

$$V = 160(D_s)^{-1.6}$$

- W = Maximum charge weight of explosives per delay period of 8.0 milliseconds or more (pounds).
 D = Distance from the blast site to the nearest inhabited building not owned or leased by the mine operator (feet).
 D_s = Scaled distance factor.
 V = Peak Particle Velocity (inches per second).

The peak particle velocity of any component shall not exceed 1.0 inch per second, for the purposes of this Section.

C. Air Blast with Monitoring:

Air blast overpressure resulting from surface blasting shall not exceed 129 decibels linear (dBL) as measured at the immediate location of any regularly occupied building not owned or leased by the operator outside of the permitted area such as a dwelling house, church, school, or public, commercial or institutional building, unless an alternate level based on the sensitivity of the seismograph microphone as specified below is being used:

Lower Frequency Limit of Measuring System, in Hz	Max Level, in dBL
0.1 Hz or lower-flat response	134 peak
2.0 Hz or lower-flat response	133 peak
6.0 Hz or lower-flat response	129 peak

D. Air Blast without Monitoring:

In the event of seismograph malfunction or other condition which prevents monitoring, blasting shall be conducted in accordance with the following formulas:

$$U = 82 (D/W^{0.33})^{-1.2}$$

To convert U (psi) to P (dBL):

$$P = 20 \times \log (U/2.9 \times 10^{-9})$$

Confined Air blast/Overpressure (dBL)
for quarry situation:

$$A = P - 35$$

- U = Unconfined air overpressure (pounds per square inch).
- W = Maximum charge weight of explosives per delay period of 8.0 milliseconds or more (pounds).
- D = Distance from the blast site to the nearest inhabited building not owned or leased by the mine operator (feet).
- P = Unconfined air overpressure (decibels).
- A = Air blast or air overpressure for typical quarry situations (decibels).

The air blast/overpressure shall not exceed 129 decibels, for the purposes of this Section.

E. Record Keeping:

The operator shall maintain records on each individual blast describing: the total number of holes; pattern of holes and delay of intervals; depth and size of holes; type and total pounds of explosives; maximum pounds per delay interval; amount of stemming and burden for each hole; blast location; distance from blast to closest offsite regularly occupied structure; and weather conditions at the time of the blast. Records shall be maintained at the permittee's mine office and copies shall be provided to the Department upon request.

F. Excessive Ground Vibration/Air Blast Reporting:

If ground vibration or Air blast limits are exceeded, the operator will immediately report the event with causes and corrective actions to the Department. Use of explosives at the blast site that produced the excessive reading shall cease until corrective actions approved by the Department are taken. However, blasting may occur in other approved areas within the permitted boundary. Authorization to blast at the blast site may be granted at the time of the verbal reporting of the high ground vibration or high air blast reading if the circumstances justify verbal approval. Failure to report will constitute a permit violation.

G. Flyrock Prevention:

The operator shall take all reasonable precautions to ensure that flyrock is not thrown beyond areas where the access is temporarily or permanently guarded by the operator. Failure to take corrective measures to prevent flyrock and repeated instances of flyrock shall be considered a violation of the Mining Permit.

H. Flyrock Reporting:

Should flyrock occur beyond the permitted and guarded areas, the operator shall immediately report the incident to the Department. Further use of explosives on the mine site shall be suspended until the following actions have been taken:

1. A thorough investigation as to the cause(s) of the incident shall be conducted.
2. A report detailing the investigation shall be provided to the Department within 10 days of the incident. The report shall, at a minimum, document the cause(s) of the incident along with technical and management actions that will be taken to prevent further incidents. The report shall meet with the approval of the Department before blasting may resume at the mine site.

I. Studies:

The operator shall provide to the Department a copy of the findings of any seismic studies conducted at the mine site in response to an exceedence of a level allowed by these blasting conditions. The operator shall make every reasonable effort to incorporate the studies' recommendations into the production blasting program.

J. Notice:

The operator shall, when requested by the Department, give 24-hour advanced notice to the Division of Energy, Mineral and Land Resources Regional Office prior to any blast during a period for which notice is requested.

- K. Regarding blasting activities conducted to lower the haul road along the western boundary of the "Pit Expansion Initiated During 1989" area and Crabtree Creek, all of the corrective actions/steps outlined in the blast and rock slide investigation report prepared by Wake Stone Corporation dated January 20, 1992 shall be followed. In addition, any areas disturbed as a result of the previous rock slide and its subsequent removal shall be restored to its natural, pre-disturbed state or an alternative acceptable to the Department.

11. High Wall Barrier

A physical barrier consisting of large boulders placed end-to-end, fencing or other acceptable barrier materials shall be maintained at all times along the perimeter of any highwall to prevent inadvertent public access. In addition, a minimum 10 foot wide horizontal safety bench shall be provided at the junction between the top of rock and the toe of any overburden cut slope.

12. Visual Screening

- A. Existing vegetation shall be maintained between the mine and public thoroughfares to screen the operation from the public. Additional screening methods, such as constructing earthen berms, shall be employed as deemed appropriate by the Department.
- B. Vegetated earthen berms shall be located and constructed as shown on the Site Plan Map revised February 26, 2018. In addition to grasses, long leaf and/or Virginia pines or other acceptable evergreen species shall be planted as deemed appropriate by the Department to improve visual and noise buffering.
- C. Other berms may be required as mining progresses to reduce the noise and visual impact upon Umstead State Park.

13. Plan Modification

The operator shall notify the Department in writing of the desire to delete, modify or otherwise change any part of the mining, reclamation, or erosion/sediment control plan contained in the approved application for a mining permit and any approved revisions to it. Approval to implement such changes must be obtained from the Department prior to on-site implementation of the revisions.

14. Refuse Disposal

- A. No on-site disposal of refuse or other solid waste that is generated outside of the mining permit area shall be allowed within the boundaries of the mining permit area unless authorization to conduct said disposal has first been obtained from both the Division of Waste Management and the Division of Energy, Mineral and Land Resources, Department of Environmental Quality. The method of disposal shall be consistent with the approved reclamation plan.
- B. Mining refuse as defined by G.S. 74-49 (14) of The Mining Act of 1971 generated on-site and directly associated with the mining activity may be disposed of in a designated refuse area. All other waste products must be disposed of in a disposal facility approved by the Division of Waste Management. No petroleum products, acids, solvents or their storage containers or any other material that may be considered hazardous shall be disposed of within the permitted area.
- C. For the purposes of this permit, the Division of Energy, Mineral and Land Resources considers the following materials to be "mining refuse" (in addition to those specifically listed under G.S. 74-49 (14) of the N.C. Mining Act of 1971):
 - 1. on-site generated land clearing debris
 - 2. conveyor belts
 - 3. wire cables

4. v-belts
5. steel reinforced air hoses
6. drill steel

D. If mining refuse is to be permanently disposed within the mining permit boundary, the following information must be provided to and approved by the Division of Energy, Mineral and Land Resources prior to commencement of such disposal:

1. the approximate boundaries and size of the refuse disposal area;
2. a list of refuse items to be disposed;
3. verification that a minimum of 4 feet of cover will be provided over the refuse;
4. verification that the refuse will be disposed at least 4 feet above the seasonally high water table; and
5. verification that a permanent vegetative groundcover will be established

15. Annual Reclamation Report and Annual Operating Fee Submittal

An Annual Reclamation Report and Annual Operating Fee of \$400.00 shall be submitted to the Department by July 1 of each year until reclamation is completed and approved for release by the Department.

16. Bonding

The security, which was posted pursuant to N.C.G.S. 74-54 in the form of a \$1,000,000.00 blanket bond, is sufficient to cover the operation as indicated in the approved application. This security must remain in force for this permit to be valid. The total affected land shall not exceed the bonded acreage.

17. Archaeological Resources

Authorized representatives of the Division of Archives and History shall be granted access to the site to determine the presence of significant archaeological resources.

APPROVED RECLAMATION PLAN

The Mining Permit incorporates this Reclamation Plan, the performance of which is a condition on the continuing validity of that Mining Permit. Additionally, the Reclamation Plan is a separable obligation of the permittee, which continues beyond the terms of the Mining Permit.

The approved plan provides:

Minimum Standards as Provided By G.S. 74-53:

1. The final slopes in all excavations in soil, sand, gravel and other unconsolidated materials shall be at such an angle as to minimize the possibility of slides and be consistent with the future use of the land.
2. Provisions for safety to persons and to adjoining property must be provided in all excavations in rock.
3. All overburden and spoil shall be left in a configuration which is in accordance with accepted conservation practices and which is suitable for the proposed subsequent use of the land.
4. No small pools of water shall be allowed to collect or remain on the mined area that are, or are likely to become noxious, odious or foul.
5. The revegetation plan shall conform to accepted and recommended agronomic and reforestation practices as established by the North Carolina Agricultural Experiment Station and the North Carolina Forest Service.
6. Permittee shall conduct reclamation activities pursuant to the Reclamation Plan herein incorporated. These activities shall be conducted according to the time schedule included in the plan, which shall to the extent feasible provide reclamation simultaneous with mining operations and in any event, provide reclamation at the earliest practicable time after completion or termination of mining on any segment of the permit area and shall be completed within two years after completion or termination of mining.

RECLAMATION CONDITIONS:

1. Provided further, and subject to the Reclamation Schedule, the planned reclamation shall be to allow the quarry excavation to fill with water, provide a permanent barricade (fence) along the top of any high wall, and grade and revegetate any areas in unconsolidated material.
2. The specifications for surface gradient restoration to a surface suitable for the planned future use are as follows:

- A. All areas of unconsolidated material such as overburden or waste piles shall be graded to a 2 horizontal to 1 vertical or flatter slope and terraced as necessary to insure slope stability.
- B. Any settling ponds and sediment control basins shall be backfilled, graded, and stabilized or cleaned out and made into acceptable lake areas.
- C. The processing, stockpile, and other disturbed areas neighboring the mine excavation shall be leveled and smoothed.
- D. Compacted surfaces shall be disced, subsoiled or otherwise prepared before revegetation.
- E. No contaminants shall be permanently disposed of at the mine site. On-site disposal of waste shall be in accordance with Operating Conditions Nos. 14A through D.
- F. The affected land shall be graded to prevent the collection of noxious or foul water.
- G. Any diverted or re-established drainage channels shall be restored to a stable condition.

3. Revegetation Plan:

Disturbed areas shall be permanently revegetated according to the following provisions:

Site Preparation: The land surfaces shall be graded and/or shaped as necessary to create grades applicable to the subsequent use of the site, but in no case will any slope greater than 26 degrees in unconsolidated material be left. Loose rock, woody material and other obstructions that would interfere with the establishment of vegetation planned for the site shall be removed and either buried or properly disposed of off-site in accordance with Operating Condition Nos. 14A through D above. Surface runoff shall be controlled by terraces or diversions to allow discharge through protected outlets.

Lime and Fertilizer: Lime and fertilizer shall be applied in accordance with soil test result or at a rate of 2,000 lbs/acre of lime and 1000 lbs/acre of 10-20-20 fertilizer.

Seedbed Preparation: Lime and fertilizer shall be mixed with the soil to a depth of three to four inches where conventional equipment can be used. On slopes steeper than about 2:1, soils shall be grooved or scarified along the contour to provide for retention of seeds and nutrients on the slope until germination and growth is started. On steep slopes not accessible to seeding equipment, seed, nutrients and mulch, shall be applied by hand.

Revegetation: Typical seed mixtures to be utilized include fescue-rye, fescue-rye-lespedeza, and fescue-lespedeza, where the lespedeza used may be Korean or Kobe or Sericea. All rye species to be utilized shall be rye grain rather than rye grass. In fall or spring plantings, seeding mixtures shall utilize 100 lbs. Fescue and 50 lbs. Rye per acre to be planted. Late spring plantings in certain areas may contain up to 40 lbs. Kobe/Korean per acre where desirable to supplement natural deer browse. Sericea lespedeza shall be utilized at a rate of 20 to 40 lbs. per acre in combination with Fescue when planting excessively droughty soils or steep slopes. When using lespedeza species in fall plantings, non-scarified seed shall be utilized. Scarified seed shall be utilized in spring plantings. Newly seeded areas shall be mulched with unchopped small grain straw applied at a rate of 1.5 to 2 tons per acre, or until approximately 75% of the soil is hidden.

Loblolly pines (or other acceptable evergreen species) and red cedar seedlings shall be planted at selected sites to provide visual screens and revegetation. Evergreen seedling plantings shall be done on a staggered 4 feet by 4 feet pattern.

Maintenance: Plant placement and other maintenance that may be required to establish vegetative cover appropriate to the reclamation plan for this site shall be carried out until vegetation is properly established.

Whenever possible, disturbed areas should be vegetated with native warm season grasses such as switch grass, Indian grass, bluestem and gamma grass.

In addition, the permittee shall consult with a professional wildlife biologist with the N.C. Wildlife Resources Commission to enhance post-project wildlife habitat at the site.

4. Reclamation Plan:

Reclamation shall be conducted simultaneously with mining to the extent feasible. In any event, reclamation shall be initiated as soon as feasible after completion or termination of mining of any mine segment under permit. Final reclamation, including revegetation, shall be completed within two years of completion or termination of mining.

5. Donation to State:

This provision is pursuant to Wake Stone Corporation's offer to donate the quarry site to the State as part of its reclamation plan.

The term "quarry site" shall include the entire pit as it exists after quarrying has been completed, a strip extending at least 50 feet back from the top of the slope of the pit on all sides, and a reasonable area to connect the pit and surrounding strip to the Park, constituting a total area of at least 75 acres.

The method by which the quarry site may be donated to the State is as follows: Wake Stone Corporation will grant to the State an option which, if exercised by the State, will require that Wake Stone Corporation convey a fee simple title to the quarry site to the State. The State shall have no obligations to exercise its option to accept a conveyance of the quarry site. The option may include such other terms as are mutually acceptable to the State and Wake Stone Corporation.

During the option period, Wake Stone Corporation shall have the right to encumber all of its remaining property from time to time by mortgage, deed of trust or other security agreement then in common use for the purpose of securing one or more bona fide obligations of Wake Stone Corporation, such as the payment of money or the providing of any goods or services. The option to the State shall be subordinate to each such encumbrance in the same manner and to the same extent as if such option has been recorded after the restoration of each such encumbrance.

The right of the State to exercise its option shall be subject to:

Wake Stone Corporation not being prohibited by the US Government, State of North Carolina, Wake County, any municipality having jurisdiction, or by any other court from removing from Wake Stone Corporation's property all quarryable stone which is outside of the buffer zones referred to in Operating Condition No.3 of this permit. The requirements by the State that Wake Stone Corporation comply with laws and rules and regulations generally applicable to stone quarrying shall not be deemed a prohibition of quarrying for the purpose of the option agreement.

The conveyance of the quarry site, if approved by the State, shall be by deed containing the usual covenants of warranty and conveying the quarry site free and clear of all encumbrances except those existing at the time of Wake Stone Corporation's purchase, ad valorem taxes at the time of conveyance (which shall be prorated), and such drainage and utility easements as shall have been installed in connection with the development of the property.

The terms and conditions of the option shall be as follows:

- A. When all quarryable stone has been removed from all of the land and belonging to or under the control of Wake Stone Corporation during the period of its quarrying operations and which lies between Umstead State Park and Interstate Highway 40, it shall be the duty of Wake Stone Corporation to notify the State of this fact. Upon receipt of such notice, the State shall have six months within which it may elect to have Wake Stone Corporation convey the quarry site to the State. If the State elects to have Wake Stone Corporation convey the quarry site to the State, it shall notify Wake Stone Corporation of such election within said six month period. All notices shall be by certified mail and return receipt requested.

If the State fails to make election within said six month period or shall elect not to accept a conveyance of the quarry site, the option shall be thereupon terminate and Wake Stone Corporation shall have no further obligation to convey the quarry site to the State.

- B. If all quarryable stone is not removed, the right of the State to acquire the quarry site shall accure at the end of 50 years from the date quarrying commences or 10 years after quarrying operations have ceased without having been resumed, whichever is later, and notices shall be exchanged at that time in the same manner and with the same time limitations as set forth in Paragraph A above.
- C. Until the option has expired, Wake Stone Corporation shall not encumber by mortgage or deed of trust of any of the area designated "BUFFER AREA" on Wake Stone Corporation's Site Plan last revised February 26, 2018 except for purchase money security interests.

The terms and conditions relating to the donation are placed herein to prescribe generally the boundaries of the Wake Stone Corporation offer. The acceptance by the State is subject to approval by the Department of Administration and the council of State and the ascertaining that the offer is in accord with the laws of the State and lawfully adopted rules and regulations. Further, the Department's analysis of the conditions of the land to be transferred will be in accordance with the criteria identified in the "Principles' Governing the Establishment of Extension and Development of State Parks, State Recreation Areas and State Natural Areas."

This permit, issued May 13, 1981, modified April 15, 1986, renewed and modified April 1, 1991, modified February 5, 1992 and October 11, 1996, renewed April 20, 2001, modified November 24, 2010, renewed March 30, 2011 and modified December 1, 2017, is hereby modified this 28th day of March, 2018 pursuant to G.S. 74-52.

By: _____

William E. Vinson, Jr.
William E. Vinson, Jr., Interim Director
Division of Energy, Mineral and Land Resources
By Authority of the Secretary
Of the Department of Environmental Quality

BEFORE THE MINING COMMISSION

In the Matter of Denial of
Permit Application of
Wake Stone Corporation

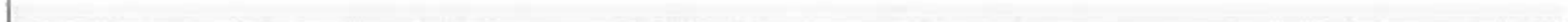
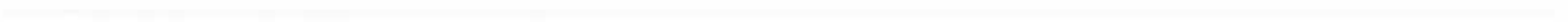
FINAL DECISION

In accordance with this Commission's initial Findings of Fact, Conclusions, and Decision of January 27, 1981, as amended and corrected, and with the March 12, 1981 Agreement of Wake Stone Corporation and the Division of Land Resources, Department of Natural Resources and Community Development, concerning the Conditions enumerated below as 1, 2, 4, and 5; and upon consideration of the supplementary arguments of the parties concerning Condition 3, *infra*, the Mining Commission hereby orders that the Division of Land Resources grant to Wake Stone Corporation the permit applied for with the following conditions:

Condition No. 1 - Minimize noise, dust, and other possible adverse effects.

Noise

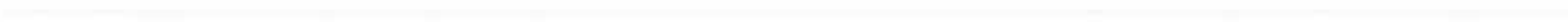
1. Noise barriers between crushers and screening towers to minimize noise levels at the park shall be provided from the outset of the operation. Noise barriers may be enclosures, walls, bins, structures, stockpiles, or natural terrain. In the event there is disagreement over the required noise control measures, the final design and emplacement of noise barriers shall be determined by qualified noise and engineering consultants mutually agreed upon by both parties.
2. The plant shall be located at a lower elevation as indicated on the required site plan.
3. The plant shall be designed so that the primary crusher can be relocated in the pit at the earliest possible date.
4. The chutes used in processing shall be rubberized.



5. Compressors with noise abatement enclosures (currently called whispered compressors) shall be used with track drills to open the quarry. Once the quarry is opened, either hydraulic or down-in-the-hole drills shall be used to further reduce noise.
6. Only such blasting techniques as minimize noise shall be employed.
7. Pit haul trucks shall be equipped to exhaust through the beds of the trucks to muffle engine noise.
8. Conveyors rather than trucks shall be used for stockpiling material.
9. The quarry shall be operated only on Monday through Friday and shall not be operated on State-recognized holidays.

Dust

1. The access road to the quarry, from the scale house to SR 1790, shall be paved. Wake Stone Corporation agrees to cooperate with the Department of Transportation in paving SR 1790 from the entrance to the quarry to the intersection with SR 1654.
2. The provisions of the air quality permit No. 4386 shall be followed.
3. A water wagon with sprays shall be used for wetting roads to prevent dust.
4. Sprays shall be used throughout the plant at transfer points to control dust.
5. Drill hole dust shall be controlled by wetting or other means.
6. Dust control shall be maintained by the use of water sprays.
7. A water spray shall be provided for highway haul trucks.
8. Washed stone shall be stockpiled within the part of the designated plant area which is closest to the park.



Condition No. 2 - Optimize processing and stockpiling facilities to minimize possible effects on the park.

1. The processing and stockpiling facilities shall be relocated as indicated on the Wake Stone revised site plan submitted February 18, 1981. The purpose of this relocation shall be to screen the park from the sight and sound of the operation, reduce erosion, and shield the operation from public view along Interstate 40.
2. The relocation shall place the processing and stockpiling facilities at a lower elevation to reduce visibility and noise.
3. The stockpiles shall be located close to the quarry entrance roads.
4. The plant and stockpile area shall be close to the intersection of SR-1790 and SR 1654.
5. The initial site disturbance from both quarry excavation and plant site development shall be confined to one drainage system, which is now already protected by ponds which will serve as sediment basins. The purpose of this relocation is to aid erosion and sediment control.
6. The new location of the pit shall be such that, once the overburden is removed, the quarry excavating equipment - i.e. compressor and drill, shovels, and trucks - can be placed below the surrounding land at the initial phases of quarrying.

Condition No. 3 - Buffer Zone Plan

1. The extent of the completely undisturbed buffer zone to be maintained between the park boundary during the 10 year permit shall be as indicated on the revised plan and modified by Exceptions 2, 3, and 4 listed on Page 2 of Wake Stone Corporation's memorandum of March 10, 1981, except all of the area north of the ten-year buffer line shall be left as a natural buffer



zone and not be developed or altered for commercial purposes.

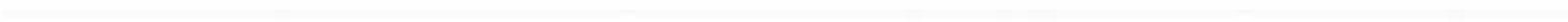
Condition No. 4 - Construction of Berms

1. A vegetated earthen berm shall be constructed between the Wake Stone Corporation plant and the western boundary of the park as shown on Wake Stone Corporation's revised site plan.
2. Berm dimensions shall be no less than indicated on Wake Stone Corporation's revised site plan and may be higher and longer than shown, except the berm shall not encroach on the permanent buffer zone.
3. The side slopes of the berm shall be graded to a stable grade of 2 horizontal to 1 vertical grade or flatter and revegetated on the sides and top with grasses and evergreen trees. The toe of the berm shall not encroach on the park property boundary and shall be at least 50 feet from the boundary.
4. Other berms may be required as mining progresses to reduce the noise and visual impact upon the quarry.

Condition No. 5 - Donation of Quarry to the State

Pursuant to Wake Stone Corporation's offer to donate the quarry site to the State as part of its reclamation plan, the terms and conditions of the offer and acceptance shall be set forth in the reclamation plan as follows.

The term, "quarry site", shall include the entire pit as it exists after quarrying has been completed, a strip extending at least 50 feet back from the top of the slope of the pit on all sides (see the reclamation plan for the requirements applying to the slope), and a reasonable area to connect the pit and surrounding strip to Umstead Park, constituting a total area of at least 75 acres.



The method by which the quarry site will be donated to the State is as follows: Upon acquisition of the land by Wake Stone (by the exercise of its options to purchase), Wake Stone will grant to the State an option which, if exercised by the State, will require that Wake Stone convey a fee simple title to the quarry site to the State. The State shall have no obligation to exercise its option to accept a conveyance of the quarry site.

The terms and conditions of the option shall be as follows:

1. When all quarryable stone has been removed from all of the land belonging to or under the control of Wake Stone Corporation during the period of its quarrying operations and which lies between Umstead Park and Interstate Highway 40, it shall be the duty of Wake Stone to notify the State of this fact. Upon receipt of such notice, the State shall have six months within which it may elect to have Wake Stone convey the quarry site to the State. If the State elects to have Wake Stone convey the quarry site to the State, it shall notify Wake Stone of such election within said six month period. All notices shall be by certified mail with return receipt requested. If the State fails to make an election within said six month period or shall elect not to accept a conveyance of the quarry site, the option shall thereupon terminate and Wake Stone shall have no further obligation to convey the quarry site to the State.

2. If all quarryable stone is not removed, the right of the State to acquire the quarry site shall accrue at the end of 50 years from the date quarrying commences or 10 years after quarrying operations have ceased without having been resumed, whichever is later, and notices shall be exchanged at that time in the same manner and with the same time limitations as set forth in paragraph 1 above.

3. Until the option has expired Wake Stone will not encumber by mortgage or deed of trust any of the area designated "BUFFER AREA" on Wake Stone's site plan dated February 17, 1981, revised March 10, 1981, except for purchase money security interests.



4. During the option period, Wake Stone shall have the right to encumber all of its remaining property from time to time by mortgage, deed of trust or other security agreement then in common use for the purpose of securing one or more bona fide obligations of Wake Stone, such as the payment of money or the providing of any goods or services. The option to the State shall be subordinate to each such encumbrance in the same manner and to the same extent as if such option had been recorded after the recordation of each such encumbrance.

5. The right of the State to exercise its option shall be subject to:

(a) Wake Stone not being prohibited by the U.S. Government, State of North Carolina, Wake County, any municipality having jurisdiction, or by any court from removing from Wake Stone's property all quarryable stone which is outside of the BUFFER AREA referred to in paragraph 3 above. The requirement by the State that Wake Stone comply with laws and rules and regulations generally applicable to stone quarries shall not be deemed a prohibition of quarrying for the purpose of the option agreement.

(b) The operation of a quarry on Wake Stone's property for a minimum period of five years.

6. The conveyance of the quarry site shall be by deed containing the usual covenants of warranty and conveying the quarry site free and clear of all encumbrances except those existing at the time of Wake Stone's purchase, ad valorem taxes at the time of conveyance (which shall be prorated), and such drainage and utility easements as shall have been installed in connection with the development of the property.

7. The option may include such other terms as are mutually acceptable to the State and Wake Stone.



The Mining Commission concludes from the evidence submitted in this case that the operation of the quarry, under the conditions set forth in this decision, will not have a significant adverse effect on the purposes of the park.

For the unanimous Mining Commission, this the ^{APR} day of 3 1981, 1981.

Original signed by

Henry B. Smith, Chairman

Original signed by

T.W. Tysinger

Original signed by

W.W. Woodhouse

Commissioners Barkalow and Long took no part in the disposition of the case.



Wehner, Judy

From: Denton, Bill
Sent: Friday, March 09, 2018 3:24 PM
To: Wehner, Judy
Cc: Dupree, Joe
Subject: 92-10 Wake Stone Triangle Quarry

Judy:

I asked Joe to take a look at the information you routed to our office. Based on his review, the RRO has no additional comments. Thanks.

- Bill

William H. Denton, IV, PE
Regional Engineer – RRO
Division of Energy, Mineral, and Land Resources – Land Quality Section
Department of Environmental Quality

919 791 4200 office
bill.denton@ncdenr.gov

1628 Mail Service Center, Raleigh, North Carolina 27699



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1000

Wehner, Judy

From: Vinson, Toby
Sent: Monday, March 26, 2018 2:47 PM
To: Wehner, Judy; Miller, David
Subject: RE: [External] Triangle Quarry - Mining Permit 92-10

Please do.

tV

From: Wehner, Judy
Sent: Monday, March 26, 2018 2:34 PM
To: Miller, David <david.miller@ncdenr.gov>; Vinson, Toby <toby.vinson@ncdenr.gov>
Subject: FW: [External] Triangle Quarry - Mining Permit 92-10

Do you want me to make these corrections? I agree with everything but the first one on the buffers.

From: David Lee [<mailto:davidlee@wakestonecorp.com>]
Sent: Monday, March 26, 2018 2:24 PM
To: Wehner, Judy <judy.wehner@ncdenr.gov>
Cc: Sam Bratton <samuelbratton@wakestonecorp.com>; Cole Atkins <coleatkins@wakestonecorp.com>
Subject: [External] Triangle Quarry - Mining Permit 92-10

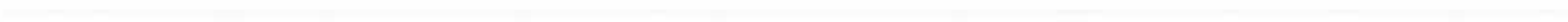
CAUTION: External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to [Report Spam](#).

Judy-

Cole forwarded to me the revised Permit 92-10 for our Triangle Quarry which he received via email earlier today. After reading the revised permit, we have discovered several editorial/typographical errors that should be corrected. I am attaching a PDF of pages 3, 4, 14, and 17 with those needed corrections noted in red pen.

- Under Operating Condition 3. Buffer Zones, conditions C and D are unnecessary, should be deleted, and Condition E re-lettered as "C". Condition E, which references the February 26, 2018 Site Plan Map, adequately addresses all buffers.
- Modification history section: The December 1, 2018 date for life of mine should be December 1, 2017 (Session Law 2017-209).
- Same section: "correction of" should be "correct" under the March 19, 2018 modification reference.
- Operating Condition 2 – formatting - need a space between 2A and 2B.
- Reclamation Condition 2E should reference 14A through D (not 12A through D).
- Reclamation Condition 3 under Site Preparation should also refer to 14A through D, not 12A through D.
- Reclamation Condition 5C should be updated to reference the Site Plan revised February 26, 2018 as this condition relates to "BUFFER AREA" (not the old February 4, 2011 map).
- The Division and Department name under the signature on the last page need to be updated.

If necessary, Cole and/or I can meet with you and David at your convenience to discuss these needed corrections. Please let he or I know if that would be beneficial. The easiest fix may be to simply send corrected pages to be slip-sheeted into our copy of the permit.



Wehner, Judy

From: David Lee <davidlee@wakestonecorp.com>
Sent: Friday, March 16, 2018 1:36 PM
To: Wehner, Judy
Subject: [External] FW: Triangle Quarry Permit Language Revisions
Attachments: Mining Commission Final Decision.pdf

CAUTION: External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to [Report Spam](#).

Judy-

Below is the original email I sent back in March 2011 concerning the Mining Commission's Final decision language. I'm resending this so that you have documentation.

Attached is a PDF of the Commission's final decision. Reclamation Condition 5B on Page 17 of the current permit should simply be changed to read "whichever is later", not "whichever is sooner", a simple one word change. I suggest cutting and pasting the following:

- B. If all quarryable stone is not removed, the right of the State to acquire the quarry site shall accrue at the end of 50 years from the date quarrying commences or 10 years after quarrying operations have ceased without having been resumed, whichever is later, and notices shall be exchanged at that time in the same manner and with the same time limitations as set forth in paragraph A above.

Thanks!

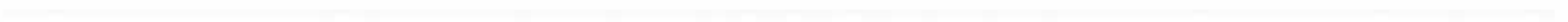
Call Cole or I if you have any questions.

-David

David F. Lee
Geologist/Environmental Supervisor
Wake Stone Corporation
PO Box 190
Knightdale, North Carolina 27545
Office: 919-266-1100, ext. 134
website: www.wakestonecorp.com
Cell: 919-369-3449
Home: 919-553-4666

From: David Lee
Sent: Monday, March 07, 2011 3:21 PM
To: Judy Wehner <judy.wehner@ncmail.net>; Wehner, Judy <judy.wehner@ncdenr.gov>
Subject: Language

Judy-
Thanks for the opportunity to review the Triangle Quarry permit with you this morning by phone. I have spent some more time reviewing the permit since you and I last spoke by phone and believe the section on "Donation to State" would



benefit from some revision. The original permit for Triangle was issued before I joined Wake Stone so I'm not as familiar with offer to "donate to the State" as I probably should be. However, I've located the Mining Commission's FINAL DECISION document of April 3, 1981 (copy attached) and compared the "donation to the state" language there (pages 3-6) with what is in the current version of the permit (pages 18-19). The "donation to the state" language in the permit seems confusing to me - discussion of "option" before its even made know what the "option" is all about. I think it would be beneficial to incorporate the Commission's language more nearly verbatim.

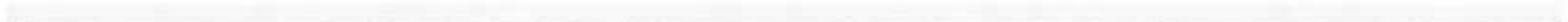
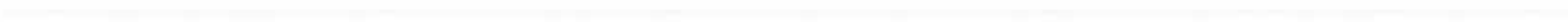
I've taken the liberty of drafting suggested language you might consider in place of existing section 5. beginning on page 17 of the permit. Feel free to run it by Tracy and/or Jim and see what they think.

Let me know if you have any questions or need any additional information. I'm not trying to write my own permit, just trying to be helpful.

Thanks!

-David

David F. Lee
Geologist/Environmental Supervisor
Wake Stone Corporation
PO Box 190
Knightdale, North Carolina 27545
Office: 919-266-1100, ext. 134
Cell: 919-369-3449
Home: 919-553-4666



MINING CHECKLIST FOR ROUTING

Applicant's Name: Walker Stone Corp Project Name: Ironridge Quarry

Applic./ Permit No: 92-10 County: Watauga Date Received: 2/27/19

Reviewer: [Signature] River Basin Name: Neuse

- New
- Modification (inside permit boundaries)
- Modification (outside permit boundaries)
- Transfer
- Release
- Partial Release
- Additional Information
- Fee Needed: \$ _____
- Fee Received: \$ _____

Please route entire application package to :

Raleigh Regional Office (2 complete copies; attach the "LQS Regional Office Mining Application Review Checklist" to one copy and attach both the DAQ and DWR "Mining Application Review Form" to the other copy; send both copies to the Regional Engineer)

- Division of Water Resources Date: Routed 2/28/19 Rec'd _____
 - NC Wildlife Resources Commission Date: Routed _____ Rec'd _____
 - US Fish & Wildlife Service Date: Routed _____ Rec'd _____
- (Only new applications and modification requests that add land to the permit)

Please route first 3 pages of the application and any location maps to:

- Division of Parks & Recreation Date: Routed _____ Rec'd _____
 - NC Geological Survey Section Date: Routed _____ Rec'd _____
 - Division of Marine Fisheries Date: Routed _____ Rec'd _____
 - Division of Soil & Water Conservation (plus LEA) Date: Routed _____ Rec'd _____
- (Only new applications and modifications requests that add land to the permit)

- Division of Archives & History Date: Routed _____ Rec'd _____
(Only new applicants)
- Other: _____ Date: Routed _____ Rec'd _____

** Suspense Date for Comments: ASAP (no later than 25 days from receipt)

Please note the following:

Please review these maps - the approved map is not correct. these will replace them. Let me know if you have any issues with these -





Wake Stone Corporation

www.wakestonecorp.com

Quarry Phone Numbers:

919/266-9266 - Knightdale
919/677-0050 - Triangle
919/775-7349 - Moncure
252/985-4411 - Nash County
843/756-3400 - N. Myrtle Beach

Locations:

6811 Knightdale Blvd., Knightdale, N.C.
222 Star Lane, Cary, N.C.
9725 Stone Quarry Rd., Moncure, N.C.
7379 North Halifax Rd., Battleboro, N.C.
3990 Hwy 9 Business East, Loris, S.C.

Business Office Address:

P.O. Box 190
6821 Knightdale Blvd.
Knightdale, N.C. 27545
919/266-1100
Fax: 919/266-1149

February 26, 2018

Ms. Judith A. Wehner, Assistant State Mining Specialist
NC DEQ Division of Energy, Mineral, and Land Resources
Land Quality Section
1612 Mail Service Center
Raleigh, North Carolina 27699-1612

RE: Wake Stone Corporation Triangle Quarry
Mining Permit 92-10
Wake County

Dear Ms. Wehner:

During a recent review of the referenced Mining Permit and approved Site Plan Map for the Triangle Quarry, we discovered that the current Site Plan Map does not properly delineate the property boundary as the centerline of Crabtree Creek. This is inconsistent with the enclosed copy of the Composite Property Plat recorded at Page 364 in Book of Maps No. 1982 of the Wake County Public Registry. It appears that this discrepancy occurred during our company's transition to digital mapping. This discrepancy is critical in that the permit stipulated buffers are to be measured from the Property Boundary/Mining Permit Boundary (which are one and the same).

By this letter, we request that Operating Condition No. 3 on Page 4 of our mining permit be administratively revised to require that all buffers be maintained as referenced on the enclosed Site Plan Map revised February 26, 2018. The enclosed Site Plan Map graphically illustrates the corrected buffers measured from the centerline of Crabtree Creek which is the Property Boundary/Mining Permit Boundary along the north and west boundaries of the mine site. Please note that there are no changes proposed to the mining operation and that this mapping adjustment does not change the currently approved permitted and affected acreage at this site (the acreage approved in the permit was based upon the mining permit boundary being located at the centerline of the creek).

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Ms. Judith Wehner
February 26, 2018
Page 2

As the requirements specified in Operating Conditions 3.C. and 3.D. are covered by Operating Condition 3.E.'s reference to such buffers on the approved Site Plan Map, we request that Operating Conditions 3.C. and 3.D. be removed from the permit and that Operating Condition 3.E. becomes the new Operating Condition 3.C. that reads as follows:

All buffer zones shown on the Site Plan Map revised February 26, 2018 shall be maintained to protect adjoining property. These buffer zones, with the exception of the installation of required erosion and sedimentation control measures and approved earthen berms, shall remain undisturbed.

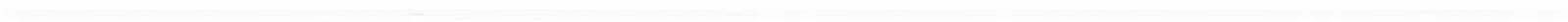
As we are requesting that the mining permit document be updated to reflect these mapping adjustments, we assume that this administrative change to the mining permit is considered a mining permit modification. Please accept this letter ~~and the enclosed \$750 check~~ as our formal request to modify our mining permit. I assume that as there are no changes in the mining operation, this request can be reviewed internally by DEMLR's central and regional offices. DPL

Thank you for your consideration of this request. If you should have any questions or need additional information, please contact me at (919) 266-1100, ext. 134.

Sincerely,
Wake Stone Corporation


David F. Lee, Environmental Supervisor

Enclosures: As noted



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