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Going for the Green

Permitting Greenfields Does Not Have to Be an Impossible Task.

By Christopher Hopkins



This is the first in a two-part series on greenfield permitting.
-Ed

Over the past decade, there has been a significant amount of consolidation in the aggregate industry: larger companies buying up smaller companies in order to increase their reserves as well as mergers of some of the giants in the industry. Over the last 10 years we have seen the Lafarge/Holcim merger who then merged with Aggregate Industries, the Heidelberg and Italcementi merger, the Martin Marietta purchase of Bluegrass Materials just to name a few.

There have been various reasons for these mergers and the acquisitions of regional operators by larger companies: economics, increased reserves and desired territories. But among these, one increasing reason is the difficulty and cost of permitting new greenfield sites. In some areas of the country, it has become more economically feasible to purchase more reserves than it is to bring a new quarry online.

The question is: why? Why has it gotten more difficult to navigate a greenfield through the regulatory process? There are several reasons, such as the increase in environmental

and governmental regulations; the increase in activity of Non-Governmental Organizations (NGOs) willing to provide back up for neighborhood groups who do not want a quarry near them; and not to mention the internet and explosion of social media.

As an industry, we see that “the times they are a-changin’,” and as an industry – as a whole – we have not kept up with the times and the new technologies that the opponents of mining are using. These groups use these new technologies and strategies to block a new greenfield or drag out the process as long as they can, taking up valuable time and significantly increasing the costs of opening a new facility.

We are in a different era and we need to realize and accept that fact. The old ways no longer work. We see people living closer together in more and more subdivisions that were formally rural areas as the population continues to expand.

It is more difficult to find a greenfield site further away from a population center. We have not kept up with modern technology regarding mass communication with the homeowners who are closing in on the prime spots and educating

residents about our industry. We do not have to be the ones reacting to the agenda that is being set by the locals and not in my back yard (NIMBY) groups.

There was an article of mine published in the *Tennessean* in 2009 entitled, "The New Normal" (riverlandingsolutions.com/2018/04/new-normal).

The article discussed how Metro Nashville homeowner associations were combining their groups in order to increase their sphere of political influence on a local level. Some were even forming political action committees in order to donate to their preferred candidates in local elections for the officials who make the majority of the decisions on a new quarry.

It Does Not Have to Be This Way

We have spent too long reacting to what opponents and fear mongers have been preaching to their elected officials. Like it or not, elected officials want to get re-elected more than they want to stick their neck out for a company coming into town, regardless of how many new jobs are created, and how much the company will be paying in new taxes. Not to mention the increased cost of road construction, as the stone has to be brought in from further and further away.

There are numerous steps we can take as an industry and with individual greenfield applications that will result in a more successful permitting process and the saving of precious time and monetary resources for your company.

Do Your Homework

Every time you venture into a greenfield application, hundreds of thousands of dollars are spent on due diligence. Drilling to assess the quality of the rock below the surface, traffic studies and environmental studies, to name a few. But what derails more quarry applications than any of these factors is local politics and an angry public.

You can prevent a lot of headaches and barriers by including in your toolbox a political and community assessment in the community where you want to develop.

This type of assessment is far quicker and far less expensive than any of the other assessments you will undertake. A comprehensive political and community assessment will take three weeks or less, and likely cost less than \$12,000. The information you will receive could be the most essential part of your application process.

A well-done community assessment will provide you with the following information before you spend large sums on the other studies and the cost of land options. A comprehensive assessment should include the following:

- You need to know, every government body and official who will have a say in your application. This includes, the city council, county commission, planning commission, zoning board of appeal, state DEP agents and other significant government officials depending on the nature and size of your application.





- You need to know the backgrounds of all these officials:
 - How did they get elected?
 - What were their platforms?
 - What do they do for a living?
 - What does their spouse do for a living?
 - Where do they live in proximity to where you want to open a quarry?
 - Are they members of any “anti-growth” or environmental group?
 - Was there a controversial growth issue five years ago and the opponents got their people elected to the council making the council anti-development?
 - Who appoints the planning commission and who do they owe their allegiance to?
 - What are the political aspirations of the local county commissioners, city councilors or township councilors?
 - Who donated to their campaigns?
 - Have they made any public statements regarding development over the past few years?
 - Who in the city, town or county are likely to oppose your application, and why?
 - Are there organized anti-growth groups that exist in the community, who are their members, and how are they funded?
 - Are there residents who tend to oppose anything new that is coming to their community, they want to leave it as is? The old pulling up the ladder behind them.
 - Are there environmental NGOs who want to provide funding for these groups?
 - Can you find supporters in the community, and if so, where?
 - Will the local business community welcome your application after you explain the multiplier effect?
 - Are there builders and pavers whose costs could be lowered by having the product closer?
 - Will they speak out or are they afraid of angering customers?
 - How is the local media? Local newspapers, online newspapers, popular local bloggers: Are they anti-development or are they typically fair and someone you can sit down with and will listen to the details of what you are proposing?
 - Who have these media outlets endorsed in the last few local elections and why?
- There are numerous other topics that will be covered in an extensive report along with a set of recommendations. After gathering all of this information, you may decide that politically what you are proposing does not have a chance of succeeding, in which case you have saved your-self countless thousands of dollars in wasted resources.
- This should be a key component before you consider moving forward. It should also be done without the community knowing it is being done and who it is being done for.
- If you ever have time, you should google “Mega Quarry,” an application for an 8,000-acre quarry 45 minutes north of Toronto. An investment company bought 8,000 acres of potato farms not expecting opposition, (they told me they were going to sneak it through during the summer, “good luck.”).
- The first protest had 25,000 attendees, it changed the way

STOP THE QUARRY

“Never doubt that a small group of thoughtful, committed citizens can change the world.”

- Margaret Mead

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permitting was done in Ontario and in the end, there are still 8,000 acres of potato farms and the investment company lost \$150 million for their effort. They made other countless fatal mistakes, but they started behind the eight ball because they did not do their homework.

You may find that you can be successful in your efforts if you adapt to the times we are living in and follow a carefully choreographed plan of action after you have done your political and community due diligence.

The Roll Out of Your Application

One of the most important lessons that I have learned over the last 15 years in the aggregate field is that transparency is essential when going through the permitting process. There is really nothing you can hide, someone is eventually going to find out and then accuse you of trying to hide something from the public.

Rather than be reactive when something is found out, why not set the agenda, be out front with the issue, be transparent and be ready with the solutions and education addressing the anticipated complaints?

There is always the chicken and the egg question when you file an application. Do you meet with the county commission first and have the neighbors find out through the county offices or do you meet with your neighbors first and then they call their commissioners to complain?

You need to always assume that once you have filed your application, word is getting out. Someone in the office is calling a friend, a local reporter is checking regularly on new filings, someone is going to find out and begin by creating a panic.

When filing your application, timing is essential. You should

first meet with the county commissioners starting with the district that your project is located in as a matter of courtesy. As you go over your plans with the commissioner, you should be presenting in a subtle manner what complaints they will likely hear from the neighbors and environmental groups, and address each issue. Present solutions to the issues before they become one.

For example, discuss the latest technology for dust control that prevents most of the dust issues the industry has had in the past, discuss the monitors on the trucks coming in and out of the quarry, and the latest technology that tracks their speed as they move along the county roads and the repercussions for the driver if they are in violation.

Be willing to take the officials and neighbors on a tour of another facility so they can actually see for themselves how it is run. In one case, we brought some local elected officials to another quarry that the company ran. This one was so buffered, you could not tell it was even there from the street.

While we were having lunch outside, a state senator asked why he did not hear the crusher operating. We explained that it was at full capacity, but he could not even hear it. That left an excellent impression on the senator and discredited many of the opponents who cite the noise the crusher makes as one of their major issues.

If this is done thoroughly and properly when these fears are expressed to the commissioners by the public, they already have an answer and can provide those answers to their constituents. ▲

Christopher Hopkins is CEO of River Landing Solutions, which has been working in the aggregate industry since 2004, permitting quarries in 31 states and three countries. He can be reached at hopkins@riverlandingsolutions.com.