



THE FREDERICK COUNTY SENTINEL

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WE INFORM — YOU DECIDE

Massive Mining Corridor Proposed Around Middletown

Nearly two years after the Frederick County Planning Commission rejected an application to greatly expand limestone mining near Middletown, the county Board of Supervisors will consider the request at a public hearing April 23.

O-N Minerals Company is seeking to rezone 639 acres from rural agriculture to industrial mining on two parcels adjacent to its existing mining operations. The rezoning would double existing mine operations and create a 1,261-acre industrial mining corridor more than 2.6 miles long and about two-thirds of a mile wide adjacent to the Cedar Creek and Belle Grove National Historical Park and historic Middletown.

The enormous size of the rezoning is little changed since it was filed in June, 2005. O-N Minerals executives last year rejected an alternative plan from Preserve Frederick to reduce the scale of the project, better balance mining expansion with community concerns and lessen the impacts on the southern Frederick community.

Conflicts with Local Plans & Land Uses

The tremendous expansion of limestone mining conflicts with the Frederick County and Middletown Comprehensive Plans and other local economic development efforts. Impacts would include an increase in industrial truck traffic, air pollution, water pollution and changes to the water table, noise and dust from limestone mining, and visual pollution from expanded mine waste piles.

The properties surrounding the current mining operation are zoned rural areas or residential/agricultural.



O-N Minerals seeks to rezone 639 acres to create an industrial mining corridor more than 2.6 miles long and two-thirds mile wide next to historic Middletown and the National Historical Park.

In the past 15 years, new subdivisions, notably Westernview and Chimney Hills, were created near the parcels up for rezoning. But residents in these enclaves and Middletown said they were given no indication the county would permit expanded mining near their homes.

Frederick County planners offered many recommendations to improve the rezoning request. A January 3, 2006 letter from planner Candice E. Perkins sought to reduce the impact on historic resources by calling for a

bridge over Cedar Creek to divert mining trucks from Middletown and an archeological survey of core battlefield areas and the Nieswander Fort site on the property.

Deputy Planning Director Michael T. Ruddy wrote Thomas M. Lawson, O-N Minerals local attorney, a letter on September 8, 2006, to suggest that "limiting the potential acreage of development ... would limit the potential impacts" of expanded mining.

O-N Minerals continues to demand a mammoth expansion with little more than terms to buffer the surrounding community from the impacts.

The Board of Supervisors will consider the mining rezoning on April 23 at 7 pm at the County Government Center, 107 North Kent Street, Winchester.

Mining Request Tied to Water Plan

The Frederick County Sanitation Authority (FCSA) is paying for the O-N Minerals rezoning application for expanded mining near Middletown. The agency agreed to do so when it signed an agreement in 2000 to acquire the company's quarry pits for water storage after mining operations cease. This agreement between the FCSA and O-N Minerals raises a host of troubling questions.

Why does the FCSA need three new quarry pits from the rezoning, when it could simply use the existing quarry pit at Strasburg to store water? At a community meeting in Middletown April 2, O-N Minerals General Manager Spencer C. Stinson said the Strasburg quarry holds "a billion gallons of water."

Must Southern Frederick residents accept a vast new mining corridor to complete a water plan created by a private agency, with no public comment or support? The FCSA water plan, the lease agreement with O-N Minerals and the rezoning for expanded mining were not debated in 2000. Area residents were not given a chance to discuss the wisdom of expanded mining near a national park and historic town in return for public water storage, a need that could be better met by other options.

Has any independent agency studied the dangers and benefits of such reservoirs or were they chosen simply because they already exist? Other communities are rejecting limestone quarries as reservoirs in karst geological areas due to the porous nature of the rock, which permits pollutants to easily enter the water supply. Frederick County already has experienced some water quality problems in limestone quarries used as reservoirs at Stephen's City and Clearbrook.

Company Changes Hands — Again

The mining rezoning was filed in June 2005 by the Chemstone Company, also known as O-N Minerals, a division of Oglebay Norton, based in Cleveland, Ohio.

Now, a foreign corporation, Carmeuse Lime & Stone of Belgium, has purchased Oglebay Norton Corporation of Ohio, including the Middletown mining operation, in a deal completed earlier this year.

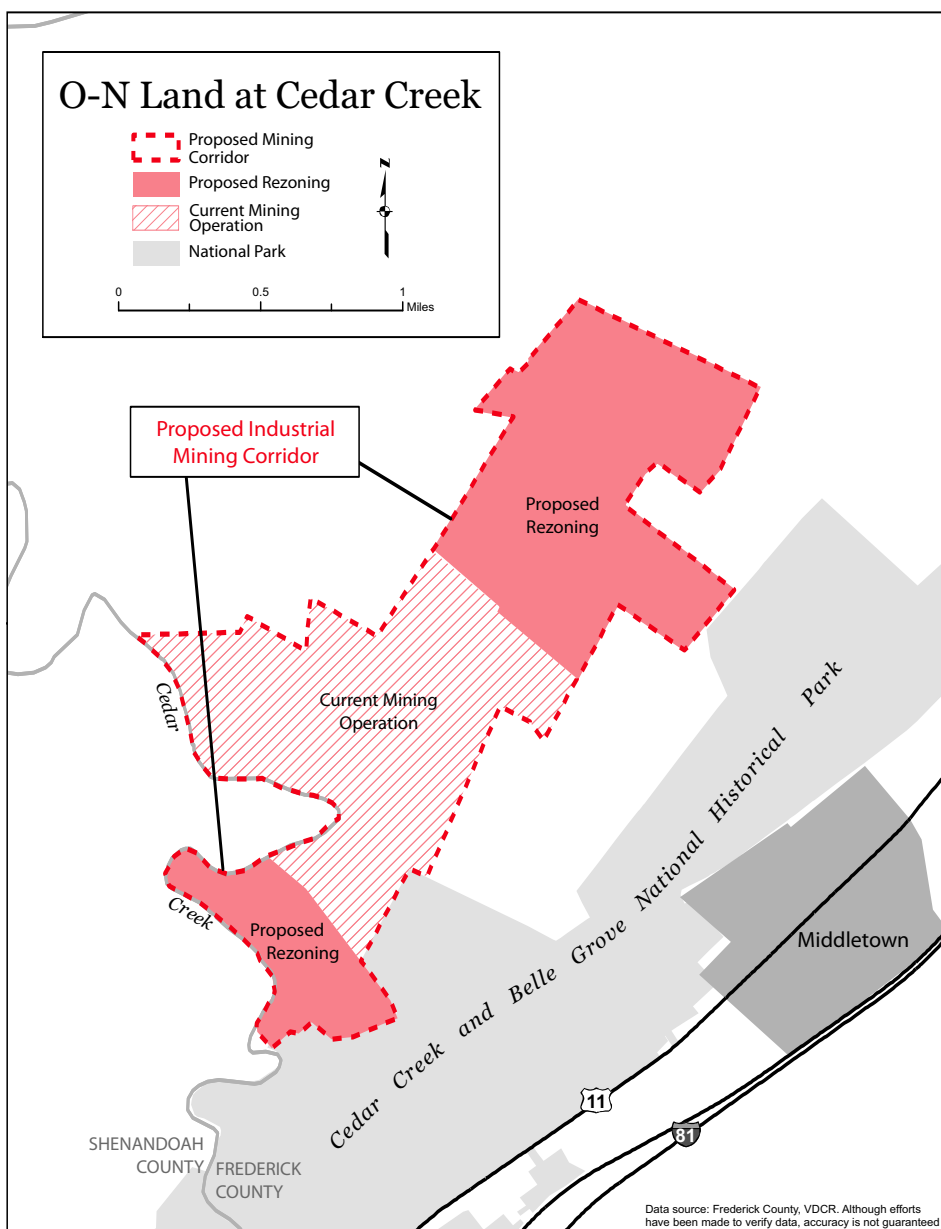
Alternative Plan Rejected

The Frederick County Planning Commission voted 8 to 4 to reject the mining rezoning request in June, 2006. After waiting for action for more than a year, Preserve Frederick sent O-N Minerals an alternative mining plan.

The alternative plan provided for expanded mining on a smaller scale in an area already greatly affected by the existing mine operations. Other measures would have protected natural and historic resources, diverted truck traffic and addressed noise, air and water impacts much more thoroughly than the steps O-N Minerals outlined in its proffers to the county.

In a personal letter sent to the company in September, 2007, Board of Supervisors Chairman Richard C. Shickle asked the company "to review and seriously consider the plan 'Preserve Frederick' has sent to you."

While the company acknowledged receipt of the Preserve Frederick alternative plan, all key elements were left out of the final proffer statement sent to the county



ATTEND THE FREDERICK COUNTY SUPERVISOR'S HEARING APRIL 23

EDITORIALS

Time to Deny Mine Expansion

The O-N Minerals request to double the size of its limestone mining operation at Middletown will have dragged on for nearly three years by the time it arrives before the Frederick County Board of Supervisors on April 23. During that time, the company has never given an inch on the enormous scale of the project.

Last summer, Preserve Frederick offered the company an alternative plan. It called for rezoning 158 acres to the south of the existing quarry, where impacts from current operations already intrude on the landscape. Our plan would have kept mining going for another 30 plus years, while protecting valued historic and natural resources and easing the traffic, noise, dust and water impacts on the local community.

We received some criticism for offering an alternative plan for mining. But we recognized that O-N Minerals has options that could be exercised with fewer impacts on the Middletown community. In return, the company has never offered to scale back, even slightly, the oversized plans it announced in 2005.

O-N Minerals unwillingness to adjust its property interests to address the community's concerns is a compelling reason to end the long drama over mining in Middletown. We ask to supervisors to vote no on April 23.

Vote No on Mining, Not Yes on Water

Future water storage is no justification to create an industrial mining belt around three of Frederick County's most honored resources: Cedar Creek, the Cedar Creek & Belle Grove National Historical Park and Middletown.



The Frederick County Sanitation Authority embraced and agreed to pay for a major industrial rezoning near Middletown simply because one quarry pit was already there and three more could provide additional water storage.

Yet this expansion conflicts with every other community priority in southern Frederick County: the existing land uses around the site, including new residential subdivisions approved in the past 15 years; the county and Middletown's comprehensive plans; and local economic development efforts seeking to capitalize on the area's rural landscape, history and small town charm.

Preserve Frederick has urged the Frederick County Board of Supervisors to separate the mining rezoning decision from the promise of future water storage. Our elected officials should not approve such a destructive mining expansion to further a water plan that has received neither public scrutiny nor debate.

THE FREDERICK COUNTY SENTINEL

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An independent newspaper published by Preserve Frederick



Preserve Frederick

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P.O. Box 562, Middletown, VA 22645

Preserve Frederick promotes compatible development that strengthens our communities, protects our historic and natural resources and preserves the rural character of Frederick County.

Company Can't Keep Facts Straight

There they go again. O-N Minerals can't resist making big claims that, on close examination, just aren't true. Among the whoppers we've been collecting since 2006, consider:

"We aren't expanding the mine operation."

"This land is not part of the core area of the Cedar Creek battlefield."

"The county promised to rezone our land back in 1980."

Mining Operations to Double

"There has been a false impression that this rezoning will somehow 'expand' the Middletown quarry. But we will continue to operate at the same pace, with the same people, the same number of trucks," O-N Minerals' Joe Ferrell told the Winchester Star back in October, 2006.

Maybe we got that "false impression" from the fact that the words "expand" and "expansion" are used in the mining rezoning application no less than six times. Or from the company's own website, which states that its local operations have "a commitment to expand production to meet growing market demands."

O-N Minerals currently mines limestone in one quarry pit on about 622 acres it leases from Genstar Corp. With the rezoning, O-N plans to create three new quarry pits on land it owns outright; one to the south of existing operations and two to the north, on either side of Chapel Road.

The company goes on to claim that only 12 percent of the land it



owns will be quarried. What it doesn't say is that behind the proposed berms and buffers, 639 acres now zoned for farms, forest and limited homesites will be subject to all the industrial activities associated with mining; earthmoving, blasting and storing piles of "overburden," the soil and rock leftover once limestone is extracted.

O-N is asking to double the size of limestone mining operations at Middletown, to a total of 1,261 acres on a corridor 2.6 miles long. Sure sounds like an expansion to us.

Property Within Battlefield Core Area

O-N Minerals officials deny that the land they want to rezone was ever an important part of the Battle of Cedar Creek. They insist that "little fighting occurred on this land, aside from troop movements" on the 533 acre parcel divided by Chapel Road. Not so.

While the land may not lie within the National Historical Park boundary, the property is shown clearly within the core area of the battle-

field, established in 1992 by the National Park Service Study of the Civil War Sites in the Shenandoah Valley of Virginia. This three-year study of the Valley's battlefields, mandated by Congress, was based on historical records, surveys, maps and other resources.

Indeed, the study refers specifically to the importance of the land threatened by expanded mining: "If



continued north another half mile, this quarrying will eradicate the ruins of 18th-century Nieswander's Fort, site of Merritt's bivouac and George A. Custer's decisive flanking attack against John B. Gordon."

Frederick County officials tried to correct the company. A January 3, 2006 letter from the Department of Planning and Development to the late Chuck Maddox, consultant to O-N Minerals, noted that the map "shows a portion of the property as being located within the core battlefield."

No Promise Given for Rezoning

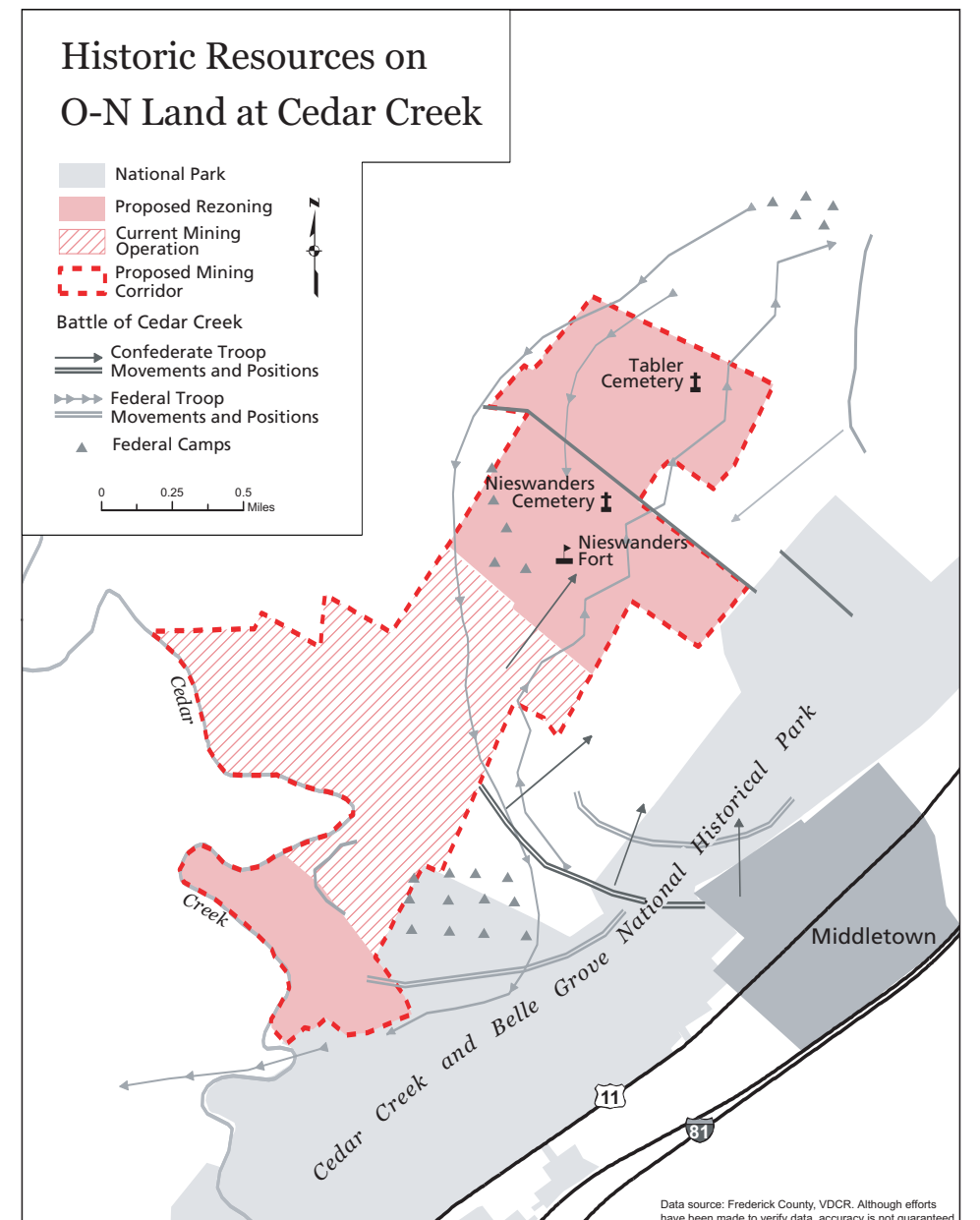
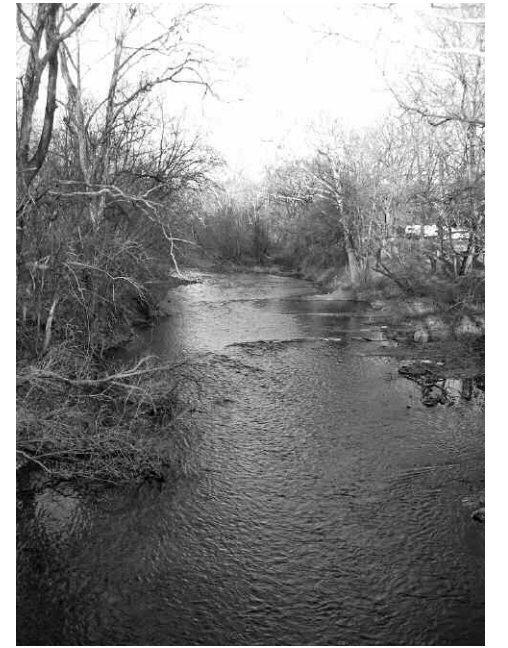
O-N Minerals executives insist they have a decades-old commitment from Frederick County to

rezone the property from agricultural to extractive manufacturing land uses. They point to a letter dated April 7, 1980 and signed by John R. Riley, then Frederick County Director of Planning and now the County Administrator.

At the time, the county was updating its Comprehensive Plan and the property was owned by U.S. Steel Corporation. Riley wrote that "Frederick County will not consider the 542 acres ... during the comprehensive rezoning proposal for Frederick County."

He continued, "The Planning Commission recognizes the intent of U.S. Steel Corporation to eventually mine this property," but "would only consider a rezoning from an agricultural zone to an EM zone on an individual petition basis."

U.S. Steel never filed a mining rezoning in the 1980s. The land has remained zoned for agriculture ever since.



Company Proffers Fall Far Short

O-N Minerals application to rezone 639 acres in two parcels hasn't changed much in nearly three years. Not only has the company failed to reduce the size of the rezoning by a single acre, its final proffer statement, a legally binding list of restrictions, fails to provide the detail on protection and enforcement that county staff have requested again and again.

The clearest picture of how little has changed is evident in the September 8, 2006 letter from county Deputy Planning Director Michael T. Ruddy to O-N Minerals attorney, Thomas M. Lawson, commenting on a proffer statement dated August 23, 2006. Most of the county's concerns remain unaddressed in the final proffer statement submitted March 18, 2008.

tions will be given to historic resources and that the company specifically name the recipient of an eight acre historic reserve to be donated to a preservation group. The company has only agreed to protect two cemeteries, not the archeological remains of Nieswander Fort or any other structures or battlefield resources. It did not name the recipient of the reserve.

Truck Traffic

Mr. Ruddy requested the company address the potential impacts associated with an increase of mining trucks on streets in Middletown. There is no evidence in the latest proffer statement that the impacts were studied.

Size of project

Mr. Ruddy suggested that "limiting the potential acreage of development ... would limit the potential impacts" of expanded mining on the community. The company never reduced the scale of the rezoning.

Enforcement

Mr. Ruddy expressed concern that the county could end up responsible for enforcing problems with neighbors' wells and structures caused by expanded mining. The company offered to hire independent firms to conduct surveys of wells and structures prior to new mining and after problems are reported. But those firms would be paid by O-N Minerals to assess the company's own damage and liability, a sure source of conflict with neighboring landowners. Such conflicts inevitably end up before county officials.

Historic resources

Mr. Ruddy recommended that the company address what protec-

GroundWater/Dust Control/Blasting Controls

Mr. Ruddy wrote that "An alternative approach for the application and proffer statement may be to seek to better understand the potential impacts associated with the proposed mining operations and seek to avoid them by refining the potential scope of mining operation." There has been no change in the size and scope of the rezoning.

Proffers That Aren't Really Proffers

Mr. Ruddy noted that the company was offering to give up, by proffer, things already required by county rules, other agencies or existing contracts. These include: creating distance buffers to block views of the mining operation, controlling dust on the site, adhering to state limits on mining noise and lighting, maintaining a state air permit and granting water rights to the Frederick County Sanitation Authority. The company did not remove these items from its final proffer statement.

Radical Plan Would Phase Expansion

In the final proffer statement, O-N Minerals offered an untested plan to phase the opening of new limestone quarries over 30 years. It calls for mining to begin immediately after the rezoning on the parcel south of the existing mining operation, to start 10 years after the rezoning on the parcel north of the existing mine and south of Chapel Road and to start 20 years after the rezoning on the parcel north of Chapel Road.

Company officials admitted the concept was "revolutionary" when asked about it at a community meeting in Middletown April 2. In fact, it is unheard of in the Commonwealth of Virginia. O-N Minerals' own attorney admitted that not one other county in the state had ever agreed to an industrial land use rezoning with a timetable for phasing the development.

Local governments traditionally do not want to tie the hands of future decision-makers. When a county designates an area for industrial or commercial land uses in its comprehensive plan, land use map and zoning ordinances, it encourages these land uses in the present or near future. Longer term goals are adapted as community needs change.

In Virginia, phased development has only been applied to large residential and commercial rezoning applications. By setting a timetable for when new houses, offices and shops will be built, both the developers and county officials can coordinate the roads, schools, water, sewer and other services the project will need.

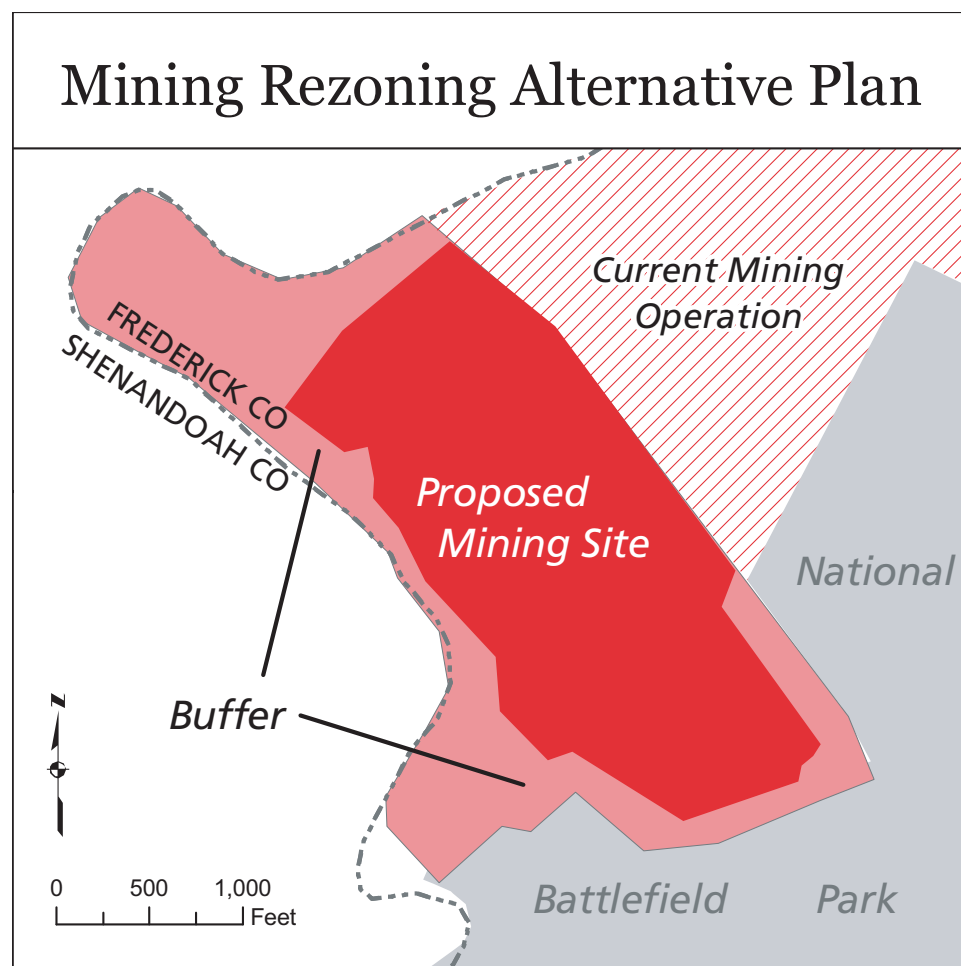
Preserve Frederick Crafted Option for Rezoning

In August 2007, Preserve Frederick sent O-N Minerals a reasonable alternative to the company's massive expansion of limestone mining at Middletown. The alternative would have greatly reduced the impacts of mining on the rural and historic landscape and quality of life in Southern Frederick County.

Preserve Frederick hired land use planner John Hutchinson, principal in the Jennings Gap Partnership in Staunton, to help develop the alternative. He studied the rezoning request, the limestone seam in the area, the natural and historic resources on the property up for rezoning, and recommendations from Frederick County planning staff on ways to reduce the impacts of the rezoning.

The Preserve Frederick plan would have provided for expanded mining on the site for at least 30 years, while preserving nearly all of the historic battlefield resources, protecting the natural resources on Cedar Creek and providing a significant buffer against noise, dust and traffic impacts for the neighbors.

A critical element was to shrink the proposed expansion. Specifically, the Preserve Frederick plan removed a large parcel from the rezoning, 533 acres on the north end of the Cedar Creek battlefield. It



called for rezoning the 158-acre parcel on the southern end, which is adjacent to the existing mining operation and already visually impacted by it.

Preserve Frederick shared its alternative plan with Middletown neighbors and other stakeholders, county planning staff, County Administrator John R. Riley and the

chairman of the county Board of Supervisors, Richard C. Shickle. The chairman subsequently wrote to O-N Minerals, asking it to "review and seriously consider the plan 'Preserve Frederick' sent to you."

Ultimately, O-N Minerals refused to reduce its rezoning request by a single acre.



Truck Traffic: 200? 400? 1300 A Day?

When the Middletown mining rezoning first came to public attention in April, 2006, O-N Mineral's own traffic impact analysis projected that industrial truck traffic on the area's narrow rural roads would soar to 1,305 dump trucks a day streaming through the heart of Middletown. That equals one dump truck per minute, 24 hours per day.

Only after the Frederick County Planning Commission rejected the mining rezoning in June, 2006, did O-N Minerals repudiate the traffic statement included in the original rezoning application. The company stopped talking about expanding its operations and insisted new quarries would open, but truck traffic would barely grow.

The proffer statement filed March 18, 2008 agrees to restrict truck traffic "to a maximum of 200 truck loads per day averaged over the prior 30 days through the scale house." But the trucks logged through the scale house are full, so this measure only counts the outbound truck trips.

Therefore, if 200 trucks pass through the scale house each day, a total of 400 trucks actually will rumble in and out of Middletown. That is a huge increase over the number of trucks the company currently reports, from 50 to 70 through the scale house, or 100 to 140 a day.

ATTEND THE FREDERICK COUNTY SUPERVISOR'S HEARING APRIL 23

Is this the Future of Southern Frederick County?



MAKE YOUR VOICE HEARD

Contact Your County Supervisor

Chairman:	Richard C. Shickle	(w)540-545-7312 (h)540-667-2264	rshickle@shentel.net
Back Creek:	Gary Lofton	540-869-1972	gary@garylofton.org
Gainesboro:	Gary W. Dove	540-662-2734	garydove4@comcast.net
Opequon:	Bill M. Ewing	540-869-5058	supervisorewing@yahoo.com
Shawnee:	Gene E. Fisher	(h)540-662-5238 (w)540-665-4938	gfisher@visuallink.com
Stonewall:	Charles DeHaven	540-662-7421	cdehaven@crosslink.net
Red Bud:	Philip Lemieux	540-722-3673	plemieux@visuallink.com

Sample Letter: Write or Email Your Supervisor

Dear Supervisor _____,

I am writing to object to the request by O-N Minerals to rezone a huge tract of land near Middletown for an industrial mining corridor.

This project, next to three of the greatest assets our county has to offer – Cedar Creek, the Cedar Creek and Belle Grove National Historical Park and historic Middletown – and nearby homes and farms, is too big. And O-N Minerals has never offered to scale back their plan despite appeals from local groups and county staff for nearly three years.

I understand the Frederick County Sanitation Authority (FCSA) supports the rezoning in order to use the quarry pits to store water after mining has ceased. I don't believe we should sacrifice Middletown's unique quality of life for this rezoning, when the FCSA could store water at the Strasburg quarry next door.

Please vote no on the O-N Minerals mining rezoning request.

Sincerely yours,

Name & Address

Planning Commissioners Speak Out

“Fundamentally, as a land-use issue, the time for the expansion of this quarry and the industrial use of these particular properties is frankly passed.”

— Frederick County Planning Commissioner Christopher Mohn, June 7, 2006

“I know of absolutely nothing - I can conceive of nothing - that can be proffered that would make this an acceptable rezoning for me.”

— Frederick County Planning Commissioner Robert Morris, June 7, 2006

“When you have that many questions, and that many concerns, it would seem to belie that there is something not quite right about this. This is a square peg trying to be jammed into a round hole.”

— Frederick County Planning Commissioner Rick C. Ours, June 7, 2006

YES! I WANT TO PRESERVE FREDERICK

- Enclosed is my \$50 tax-deductible* gift to join Preserve Frederick and support compatible development for Frederick County.
- Enclosed is an additional contribution to support future issues of the *Frederick County Sentinel*.
- Please notify me of urgent local issues that affect my community.

E-mail address: _____

Name: _____

Street Address/PO Box: _____

City/State/Zip: _____

Telephone Number: (Home/Work) _____ (Cell) _____

Please make check payable to: Preserve Frederick, P.O. Box 562, Middletown, VA 22645

Contact us at: preservefrederick@yahoo.com

* Preserve Frederick is recognized by the IRS as a non-profit charitable organization. Gifts are tax deductible as allowed by law.

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