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Underground mine arguments set

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ANDERSON TWP. - After dozens of hours of hearings over the past 17 months, the two sides in the fight over a proposed underground limestone mine in Anderson Township will square off for the last time Monday.

Attorneys for Martin Marietta Materials Inc., which wants to establish the mine, and for a citizens' group opposed to the mine will present closing arguments to the Anderson Township Board of Zoning Appeals.

The proposed mine, which would involve blasting 400 to 800 feet underground and would bring 250 trucks per day to the site, has generated opposition not only in Anderson Township, but in neighboring communities.

Opponents say the mine would endanger people's health, safety, air and water.

"The board will have no choice but to flat out say no to Martin Marietta," said Tim Mara, attorney for CABOOM (Citizens Against Blasting On Our Miami.) "They have to prove there's no ground vibration, dust or noise problems beyond the property line. I think they have failed on each of those points."

Martin Material officials say the mine would not violate any of Anderson's nuisance standards.

Richard Brahm, attorney for Martin Marietta, said his company has proven its case through scientific tests and the testimony of experts.

"The other side's case is based on speculation and scare tactics that really don't have anything to do with the reality of this site," he said.

Cathy Burger, who lives near the mining site and is leading CABOOM, sent e-mails this past week encouraging members to attend the meeting. More than 200 people have attended some of the past hearings.

"This has been a very stressful battle," she said. "But I really think we did open the eyes of the board to many things they wouldn't have heard about if they had just talked to Martin Marietta."

The five-member Board of Zoning Appeals will start deliberating immediately after Monday's hearing and will continue deliberating on Wednesday and Thursday.

Even if the board reaches an agreement by Thursday, attorneys for the township will review the decision and the evidence used to support it before it is finalized, board president Kevin Osterfeld said.

He said he hopes a decision would be reached by March.

Martin Marietta is asking the Board of Zoning Appeals to permit the storage of explosive materials on the 480-acre site at Broadwell and Round Bottom roads. The company also has asked for special zoning certificates allowing access to the site from Broadwell Road, a vent on the mine south of Broadwell and a buffer consisting of existing trees and vegetation near the property line.

"If we approve the mine, there would likely be a considerable number of conditions attached to it," Osterfeld said.

Martin Marietta has proposed 36 conditions for the board to adopt if it approves the mine.

Many of the conditions involve establishing on-going tests and controls for noise, ground vibrations and water and air quality.

One of the conditions would restrict blasting operations and surface and underground mine activity to between 7 a.m. and 7 p.m.

But opponents say the mine shouldn't be allowed to operate under any circumstances.

"We don't think it's possible to concoct a list of conditions thorough enough to protect the community," Mara said.

Both sides acknowledge that whatever decision the board makes probably will be challenged in court by one party or the other.