

IZARD COUNTY MINING COMPANY VIOLATES WATER PROTECTION LAWS

Melbourne, Ark. – January 25, 2010 – An inspection of the Bluebird Sand, LLC, mining quarry by the Arkansas Department of Environmental Quality (ADEQ) found four violations of state water protection laws. The quarry, located in Mt. Pleasant, IZard County, has been one of the sites of concern to Friends of the North Fork and White Rivers, Inc. (FRIENDS) and Friends of Mill and Piney Creeks, a subgroup focused on protecting local streams.

According to the ADEQ inspection report, Bluebird Sand was operating a 10-acre quarry in Mt. Pleasant, had built a sediment pond there and was illegally discharging silted water into the watershed – all without authorization to do so.

One of the goals of FRIENDS is to help citizens have a voice in public policy that negatively impacts local rivers. Citizens requested a hearing concerning Bluebird Sand's intent to construct a sediment pond. The hearing was attended by about 40 people, including several members of the IZard County Quorum Court. "To our shock and surprise, we learned the plant had already been built and the sediment pond had already been started," said Jerry Weber, president of FRIENDS.

In response to the concerns of many at the hearing, a full inspection took place on December 15 and discovered the violations. "Without citizens' involvement, I doubt the state would have done anything. The agencies charged with assuring compliance don't necessarily pre-inspect or monitor permitted sites. They just read paper submissions, assume they are accurate and issue permits. This is a sad state of affairs and reflects the fact that ADEQ is underfunded and understaffed."

Tammi Trotter, spokesperson for the Mill Creek group says this is the second time that an area sand mining company disregarded and violated state law in IZard County. "B&H Resources, LLC, completely denuded over a mile of Mill Creek in early 2008 without a permit. B&H has been ordered to remediate the damage, but no such remediation has occurred," said Trotter. "The laws and regulations are designed to require good management practices, not to stop mining. Because there is a regulatory vacuum up here, many businesses ignore the regulations or gesture at compliance. They often are only required to get permits they should have gotten in the first place. The consequences need to be real and sufficient to deter potential offenders and inspire compliance on the front end."

Violations of state water protection laws are a misdemeanor punishable by up to one year in jail and a \$25,000 fine. Each day constitutes a separate violation. "Citizens are sick and

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tired of a system that has been broken for years and is destroying our rivers, private property and our economy,” said Weber. “Large, extractive industry and unregulated development now threatens the very way of life in our area and most people have little idea this is happening.”

The group is sounding an alarm and has identified a number of complex risks associated with open quarry sand mining including degradation of underground water aquifers, wells and springs, along with increased sediment in creeks and rivers, changes in water temperature that affect aquatic life, noise and traffic. The group will present their concerns to the IZARD County Quorum Court at its next meeting on February 2. The group also plans to hold in IZARD County a forum with environmental experts on hand to educate the public about potential risks associated with sand mining and safeguards to overcome those risks.

“Our group is not anti-development,” said Trotter. “Development is going to happen. We just want someone to take responsibility for thoughtfully and scientifically assessing the risks and ensuring those risks are addressed on the front end at the expense of the companies who are reaping the profits. That’s all we want and we think that’s fair.”

“Since all of these operations we’re aware of are owned by corporations or limited liability companies,” said Weber, “the stockholders or principles are insulated from liability for any damage that might be done. We don’t want to wait until it’s too late. Ask yourself if you want to live next to an unregulated sand mining quarry operating day and night for 20 years? Would you be interested in buying property where that might happen?”

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More information is available at www.friendsoftherivers.org.