

Subject: Objection to Conditional Use Permit Application for Surface Mining of Volcanic Pozzolan in Modena Canyon

Thank you for postponing the decision to approve a conditional use permit for Progressive Contracting Inc to surface mine volcanic pozzolan in Modena Canyon.

I am writing to provide additional information and again express my strong opposition to the conditional use permit application under consideration. As a property owner in Hamblin Valley, I am deeply concerned about the potential health, environmental, and economic consequences of allowing such an operation to proceed without stringent oversight and independent air quality monitoring.

The mining operation in question proposes to utilize government land for large-scale dynamiting, excavation, extraction, crushing, loading, and hauling of volcanic pozzolan, which may contain dangerously high levels of respirable crystalline silica. According to MSHA (Mine Safety and Health Administration) regulations under 30 CFR Part 60, exposure to respirable crystalline silica above 50 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) over an 8-hour time-weighted average (TWA) poses serious health risks, including silicosis, lung cancer, and other irreversible respiratory diseases. MSHA also recognizes an action level of 25 $\mu\text{g}/\text{m}^3$, requiring immediate monitoring and mitigation when exceeded. Given the known dangers of silica dust exposure, I urge the Iron County Planning and Zoning Department to consider the following critical concerns:

Public Health Hazards: The excavation and processing of pozzolan will generate large amounts of airborne silica dust, which can travel miles from the source, endangering residents, workers, and visitors in the surrounding area. Without rigorous dust control and continuous independent air quality monitoring, local communities will face unacceptable health risks.

Environmental Impact: The destruction of land through open-pit mining and dynamite-assisted excavation will irreparably damage the natural landscape, disrupt local ecosystems, and contaminate groundwater supplies through dust and runoff infiltration.

Economic Consequences: The adverse health and environmental effects associated with high levels of crystalline silica dust could lead to declining property values, reduced agricultural productivity, and increased healthcare costs for affected individuals in Iron County.

Legal Precedents and Litigation Risks: Nationwide litigation concerning silica exposure has led to multi-million-dollar settlements and verdicts, with industries being held liable for failing to mitigate silica dust hazards. Recent cases, such as the landmark \$52 million verdict in California (2024) involving a stone fabricator diagnosed with silicosis, underscore the litigation risks Iron County may face if this project proceeds without strict oversight and adherence to safety regulations.

Proposed Safeguards & Recommendations

To mitigate these risks, I strongly urge the Planning and Zoning Department to reject the conditional use permit or impose the following stringent conditions:

Independent Third-Party Air Quality Monitoring: Require continuous air quality assessments conducted by an independent agency to ensure silica dust levels remain below OSHA and MSHA exposure limits.

Strict Dust Suppression Measures: Mandate the use of wet suppression systems, sealed conveyor belts, and dust collection technologies throughout excavation, crushing, and transportation activities.

Health & Safety Compliance Audits: Enforce regular MSHA-compliant exposure assessments for all workers and surrounding communities.

Community Impact Review: Conduct a thorough Environmental Impact Assessment (EIA) and public health risk analysis before considering any permit approval.

Conclusion

Approving this permit without comprehensive safeguards will create an imminent threat to public safety, violate established MSHA air quality standards, and expose Iron County to significant legal and financial liabilities. For the protection of residents and the environment, I strongly urge the Planning and Zoning Department to reject the conditional use permit application unless all necessary independent monitoring and regulatory controls are implemented.

Thank you for your time and careful consideration of this matter. I request that my concerns be included in the official record and that I be notified of any hearings or decisions related to this permit application.