

HB578 INTRODUCED



1 HB578
2 BYV6G4J-1
3 By Representatives Wood (D), Oliver
4 RFD: State Government
5 First Read: 15-Apr-25

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4 SYNOPSIS:

5 This bill would prohibit the Alabama Department
6 of Environmental Management from processing certain
7 permits for quarries unless approved by the appropriate
8 local government.

9 This bill would provide procedures for a local
10 government to consider approving a quarry, including
11 requiring certain information be submitted to and
12 considered by the local government and that a public
13 hearing be conducted.

14 This bill would also require a local government
15 that has approved a quarry to establish an advisory
16 board to receive reports on the quarry's impact.

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19 A BILL

20 TO BE ENTITLED

21 AN ACT

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23 Relating to quarries; to prohibit the Alabama
24 Department of Environmental Management from processing certain
25 permits for quarries unless approved by a local government; to
26 provide procedures for quarry approval by a local government,
27 including required information to be considered and a public
28 hearing; and to establish a residential advisory board for



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monitoring approved quarries.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Alabama Quarry Safety Act.

Section 2. The Legislature finds and declares all of the following:

(1) Quarries are of high importance to Alabama's economy, as they produce the needed building materials for roads and buildings and help make Alabama's residents' lives better.

(2) Alabama is home to a wide-ranging and diverse amount of high quality and economically valuable construction aggregates.

(3) Quarries and the aggregate industry play an essential role in their respective communities by providing quality jobs.

(4) It is in the best interest of quarry operators to continually work to maintain strong, positive relationships with their local communities and surrounding property owners.

(5) Local governments and their residents, when supplied with all necessary information, are best equipped in determining whether a new quarry would be beneficial to their community.

Section 3. For purposes of this act, the following terms have the following meanings:

(1) AGGREGATE. Any collection of limestone, granite, or sandstone extracted from natural sources through blasting.

(2) DEPARTMENT. The Alabama Department of Environmental



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57 Management.

58 (3) LOCAL GOVERNMENT. The governing body of a county,
59 if a proposed quarry is located in an unincorporated area, or
60 the governing body of a municipality, if a proposed quarry is
61 located within a municipality's corporate limits.

62 (4) OPERATOR. The entity that owns or leases real
63 property for the purposes of permitting a quarry or that will
64 oversee quarry operations, including managing employees on
65 site, controlling the quarry's hours of operation, and
66 exercising day-to-day control and access of the quarry.

67 (5) QUARRY. An open pit mine, excavation site, or any
68 other place containing heavy machinery and equipment where
69 aggregate is mined and processed for sale or to be
70 incorporated as a constituent in a product to be sold. The
71 term does not include the extraction of coal, marble, sand,
72 and silts, either in an underground mine or open pit mine.

73 Section 4. (a) Commencing October 1, 2025, the
74 department may not process any new application for an air or
75 National Pollutant Discharge Elimination System permit for a
76 quarry unless the operator has received siting approval
77 pursuant to this act from the local government.

78 (b) In determining whether to approve the siting of a
79 proposed new quarry, the local government shall consider each
80 of the following submitted by the operator:

81 (1) Comprehensive Quarry Use Plan: A detailed and
82 descriptive plan that outlines the proposed use of the quarry,
83 including its anticipated duration and potential impacts on
84 the surrounding area, and addresses the quarry's effects on



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85 local infrastructure, adjacent properties, businesses within
86 the local government's jurisdiction, or any other direct
87 impacts within the local government's jurisdiction.

88 (2) Traffic Impact Study: An analysis of the quarry's
89 effect on surrounding transportation networks, including
90 local, county, state, and federal roads within a reasonable
91 distance performed by a licensed traffic engineer. The study
92 shall account for increased traffic generated by both
93 employees and truck operations.

94 (3) Infrastructure Impact Report: A written report that
95 provides information outlining the local government's need for
96 construction aggregates to facilitate the development of
97 necessary infrastructure, including roads, residential and
98 commercial development, and other community development needs.

99 (4) Noise Study: An analysis of potential noise
100 disruptions for property owners in the vicinity of the quarry
101 and an overview of any mitigation efforts performed by an
102 acoustical engineer.

103 (5) Reclamation Plan: A plan that outlines how the
104 operator intends to restore the quarry to a post-use state
105 that benefits the local government and community.

106 (6) Community Advisory Plan: A plan that ensures
107 residents have the opportunity to communicate with the
108 operator and provides a framework for managing any disputes
109 that may arise.

110 (c) In addition to subsection (b), a local government
111 shall find both of the following are satisfied before
112 approving a quarry site:



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(1) The quarry site is not less than 250 contiguous acres in size.

(2) The operator, no later than the date on which the quarry is approved, has established setbacks of at least 100 feet from the perimeter of the quarry site.

(d) (1) Within 60 days of receiving all documents and information required by subsections (b) and (c), a local government shall hold a public hearing on the proposed quarry and provide notice of the hearing at least 30 days in advance at the local government's meeting place and on the local government's official website, if one exists. The notice shall contain a description of the quarry's location, size, and other pertinent information and identify an individual from whom additional information may be garnered.

(2) All documents and information required to be submitted to the local government pursuant to subsections (b) and (c) shall be available for public inspection during normal business hours at the local government's meeting place.

(e) Not more than 30 days after the public hearing, the local government shall approve or deny the proposed quarry site and provide the reasons for doing so. The failure of the local government to render a decision on the proposed quarry within the 30 day time frame shall constitute a denial by the local government.

(f) This section shall not apply to either of the following:

(1) Applications made to the department prior to October 1, 2025, including an active or inactive quarry that



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has obtained a Mine Identification Number from the Mine Safety and Health Administration prior to October 1, 2025.

(2) Permits for quarrying operations required for the expansion of mining activity for a quarry that has previously received a permit from the department.

(g) This section does not abrogate an operator from obtaining and complying with all other necessary permits and approvals required in connection with a proposed quarry.

Section 5. (a) Upon approving a quarry site, a local government shall appoint at least five residents of the local government's jurisdiction to an advisory board. The membership of the board shall include each of the following:

(1) An elected official of the local government.

(2) An owner of residential property that is in a reasonably close proximity to the quarry.

(3) A business owner or manager conducting business in a reasonably close proximity to the quarry.

(b) The board shall meet not less than quarterly and shall receive a report from the operator as to the quarry's ongoing impact on the local community.

Section 6. This act shall become effective on October 1, 2025.