



AlaFile E-Notice

44-CV-2024-900436.00

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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LIMESTONE COUNTY, ALABAMA

NEW BEGINNINGS COVENANT MINISTRIES ET AL V. STONED LLC ET AL
44-CV-2024-900436.00

The following complaint was FILED on 12/9/2024 3:24:56 PM

Notice Date: 12/9/2024 3:24:56 PM

BRAD CURNUTT
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LIMESTONE COUNTY, ALABAMA
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ATHENS, AL, 35611

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State of Alabama Unified Judicial System Form AR Civ-93 Rev. 9/18	COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)	Case: 44 Date of Filing: 12/09/2024 Judge Code:
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GENERAL INFORMATION

IN THE CIRCUIT COURT OF LIMESTONE COUNTY, ALABAMA

NEW BEGINNINGS COVENANT MINISTRIES ET AL v. STONED LLC ET AL

First Plaintiff:
 Business
 Individual
 Government
 Other

 First Defendant:
 Business
 Individual
 Government
 Other

NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:

<p>TORTS: PERSONAL INJURY</p> <p><input type="checkbox"/> WDEA - Wrongful Death <input type="checkbox"/> TONG - Negligence: General <input type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wantonness <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other: _____</p> <p>TORTS: PERSONAL INJURY</p> <p><input type="checkbox"/> TOPE - Personal Property <input type="checkbox"/> TORE - Real Property</p> <p>OTHER CIVIL FILINGS</p> <p><input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Service</p>	<p>OTHER CIVIL FILINGS (cont'd)</p> <p><input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/ Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP - Contempt of Court <input type="checkbox"/> CONT - Contract/Ejection/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input checked="" type="checkbox"/> EQND - Equity Non-Damages Actions/Declaratory Judgment/ Injunction Election Contest/Quiet Title/Sale For Division <input type="checkbox"/> CVUD - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ - Foreign Judgment <input type="checkbox"/> FORF - Fruits of Crime Forfeiture <input type="checkbox"/> MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB - Protection From Abuse <input type="checkbox"/> EPFA - Elder Protection From Abuse <input type="checkbox"/> QTLB - Quiet Title Land Bank <input type="checkbox"/> FELA - Railroad/Seaman (FELA) <input type="checkbox"/> RPRO - Real Property <input type="checkbox"/> WTEG - Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP - Workers' Compensation <input type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case</p>
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ORIGIN:
 F **INITIAL FILING**
 A **APPEAL FROM DISTRICT COURT**
 O **OTHER**

 R **REMANDED**
 T **TRANSFERRED FROM OTHER CIRCUIT COURT**

HAS JURY TRIAL BEEN DEMANDED?
 YES
 NO
 Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)

RELIEF REQUESTED:
 MONETARY AWARD REQUESTED
 NO MONETARY AWARD REQUESTED

ATTORNEY CODE:
 STO083
 12/9/2024 3:24:55 PM
 /s/ SARAH MCCARRON STOKES

 Date
 Signature of Attorney/Party filing this form

MEDIATION REQUESTED:
 YES
 NO
 UNDECIDED

Election to Proceed under the Alabama Rules for Expedited Civil Actions:
 YES
 NO

IN THE CIRCUIT COURT OF LIMESTONE COUNTY, ALABAMA

**NEW BEGINNINGS COVENANT)
MINISTRIES; THE BELLE MINA)
METHODIST CHURCH)**

Plaintiffs)

v.)

Case No. _____

**STONED LLC; GRAYSON CARTER &)
SON CONTRACTING, INC.)**

Defendants)

COMPLAINT FOR INJUNCTIVE RELIEF

1. New Beginnings Covenant Ministries and The Belle Mina Methodist Church (“Plaintiffs”) are historic churches and congregations who file this complaint to protect their properties and congregations from the imminent and irreparable harm that will result from the actions of Defendants Stoned LLC and Grayson Carter & Son Contracting, Inc. (“Defendants”) in constructing and operating a limestone quarry and rock crushing facility in Belle Mina, Alabama.

NATURE OF THE CASE

2. Belle Mina is a historic community that was founded by Thomas Bibb, the second governor of Alabama, when he built a plantation on the land. Today, some of the descendants of the enslaved people still live in Belle Mina.
3. Defendants have chosen to construct and operate a limestone quarry within a stone’s throw of homes and four churches in Belle Mina. The southern border of the quarry site is approximately 25 feet from residential properties. The western edge is less than 100 feet

from residential properties and across the street from New Beginnings Covenant Ministries. The Belle Mina Methodist Church is less than 1,800 feet from the southern boundary of the quarry site.

4. The Belle Mina Quarry will be an extremely large open-pit mine designed for the removal of limestone. The Defendants plan to remove limestone by blasting with explosives to fracture the rock. The limestone will then be removed, loaded onto large trucks, and taken to a rock crushing facility onsite. The chasm that is formed from the rock removal becomes the pit. Limestone quarry pits typically range from 300 to 1,500 feet wide and 50 to 300 feet deep, although some reach depths of 500 feet or more. At the rock crushing facility, the limestone will be crushed and sorted. Conveyor belts are used throughout the process to move the limestone through different crushers and screens. The limestone will then be stockpiled onsite until it is hauled offsite by trucks.
5. Both rain and groundwater will fill the Belle Mina Quarry pit and need to be pumped out. Defendants intend to store this water in several sediment ponds located on the perimeter of the site before discharging it onto the land and allowing it to flow until it reaches nearby Limestone Creek and its tributary.
6. If Defendants are allowed to build and operate the Belle Mina Quarry, it is reasonably certain that quarry operations will be a nuisance and cause special harm to Plaintiffs New Beginnings Covenant Ministries and The Belle Mina Methodist Church. Specifically, Plaintiffs allege that Defendants' limestone quarry operations will cause flooding; excessive noise, dust, and vibrations; reduced water levels in Limestone Creek; and heavy truck traffic and road damage. Defendants' operations will interfere with Plaintiffs' use and

enjoyment of their property. Additionally, the Defendants will indirectly trespass on Plaintiffs' property by flooding New Beginnings Covenant Ministries.

PARTIES, JURISDICTION, AND VENUE

7. Defendant Stoned LLC (“Stoned”) is a limited liability company registered to do business in Alabama. Stoned may be served with process through its registered agent, James Keith Sharp, at 801 Franklin Street SE, Huntsville, AL 35801. Stoned applied for and received a permit from the Alabama Department of Environmental Management to discharge water from the Belle Mina Quarry operations from five different outfalls on the Belle Mina Quarry site. Stoned also owns the real estate where the quarry would be located.
8. Defendant Grayson Carter & Son Contracting, Inc. (“Grayson”) is a domestic corporation registered to do business in Alabama. Grayson may be served with process through its registered agent, Randy Thomason, at 146 Roy Long Road W, Athens, AL 35611. Grayson applied for and received a permit from the Alabama Department of Environmental Management to emit air pollution from the rock crushing operations on the Belle Mina Quarry site. Grayson negotiated with Stoned to operate the quarry.
9. Both Stoned and Grayson are directly involved with the operation of the Belle Mina Quarry and are collectively responsible for the nuisance and trespass it will create.
10. Plaintiff New Beginnings Covenant Ministries (“New Beginnings”) is an unincorporated nonprofit association located at 7051 Mooresville Road, Belle Mina, AL 35615. New Beginnings brings this action to protect its real property and church building and to preserve the peace and sanctity of its place of worship and fellowship from the complete disruption that the quarry will cause.

11. Plaintiff The Belle Mina Methodist Church, Inc. (“Belle Mina Methodist”) is a domestic nonprofit corporation located at 6684 Mooresville Road, Belle Mina, AL 35615. Belle Mina Methodist brings this action to protect its real property and church building and to preserve the peace and sanctity of its place of worship and fellowship from the complete disruption that the quarry will cause.
12. The Court has subject matter jurisdiction over this lawsuit and personal jurisdiction with respect to the parties pursuant to Ala. Code § 12-11-31(1) and § 12-11-33(1) because a plain and adequate remedy is not provided in other judicial tribunals and because the acts on which this lawsuit is founded have been and will continue to be performed in this state.
13. Venue is proper in this Court pursuant to Ala. Code § 6-3-7 because the causes of action arose in Limestone County and Defendants conduct business in Limestone County.

LEGAL BACKGROUND

A. Nuisance

14. A landowner does not have an unchecked ability to use its land for any use or enterprise that causes a nuisance to neighbors. *See Union Cemetery Co. v. Harrison*, 101 So. 517, 519 (Ala. Ct. App. 1924) (“The whole law of nuisance rests upon the maxim of the common law; ‘Sic utere tuo alienum non lædas’—every man must so use his own property as not to interfere with that of his neighbor.”).
15. Even a lawful activity can be a nuisance “depending on the particular location of the activity and the way it is managed or operated.” *Parker v. Ashford*, 661 So. 2d 213, 218 (Ala. 1995) (holding that a business cannot unreasonably interfere with the rights of its neighbors by conducting a business that “by its nature would cause an unreasonable and continuous or recurring annoyance to the [neighbors], would prevent the enjoyment of their

property, and would disturb the quietude and pleasure otherwise to be found in their homes”).

16. Section 6-5-120 of the Alabama Code states that “[a] ‘nuisance’ is anything that works hurt, inconvenience, or damage to another.” This section “has been liberally interpreted to effect its broadly stated purpose (providing a remedy for ‘anything that works hurt, inconvenience or damage to another’).” *Tipler v. McKenzie Tank Lines*, 547 So. 2d 438, 440 (Ala. 1989). A nuisance “may consist of conduct that is intentional, unintentional, or negligent. Indeed, it may even consist of activities that are conducted in an otherwise lawful and careful manner, as well as conduct that combines with the culpable act of another, so long as it works hurt, inconvenience, or damage to the complaining party.” *Id.*
17. Quarrying activities like blasting have long been recognized in Alabama courts as potential nuisances. *See, e.g. Tennessee Coal, Iron & R. Co. v. Hartline*, 11 So. 2d 833, 836 (Ala. 1943) (“the blasting of rocks may constitute a nuisance, as where it is injurious to neighboring property owners”); *Montgomery Limestone Co. v. Bearden*, 54 So. 2d 571, 574 (Ala. 1951) (same); *Hall v. N. Montgomery Materials, LLC*, 39 So. 3d 159 (Ala. Civ. App. 2008) (holding that quarry would cause dangerous and defective roads which would constitute a nuisance).
18. The nuisance does not have to have already occurred but can be anticipatory in nature. *See Parker*, 661 So. 2d at 217 (affirming a finding of anticipatory nuisance and injunction due to expected noise and dust, and potential pipeline rupture); *Hall*, 39 So. 3d 159 (holding that expected dangerous and defective roads due to proposed quarry operations were an anticipatory nuisance for which the plaintiffs could recover); *see also Martin v. City of*

Linden, 667 So. 2d 732, 736-37 (Ala. 1995) (holding that landowners are not required to wait until their land is permanently damaged before seeking an injunction).

19. A private nuisance is “one limited in its injurious effects to one or a few individuals . . . A private nuisance gives a right of action to the person injured.” Ala. Code § 6-5-121. “A private nuisance may injure either the person or property, or both, and in either case a right of action accrues.” Ala. Code § 6-5-124.
20. A public nuisance is “one which damages all persons who come within the sphere of its operation, though it may vary in its effects on individuals.” Ala. Code § 6-5-121. A public nuisance gives an individual a cause of action when the public nuisance “causes a special damage to [that] individual in which the public does not participate.” Ala. Code § 6-5-123. The special damage “must be different in kind, as well as degree, from the injury suffered by the public at large” but need not be completely unique. *Hall*, 39 So. 3d at 178 (Ala. Civ. App. 2008) (finding that a proposed quarry would be a public nuisance and that plaintiffs would be specially damaged by dangerous road conditions caused by the quarry).
21. Section 6-5-125 of the Alabama Code states that “[w]here the consequences of a nuisance about to be erected or commenced will be irreparable in damages and such consequences are not merely possible but to a *reasonable* degree certain, a court may interfere to arrest a nuisance before it is completed.” (emphasis added).

B. Indirect Trespass

22. “A trespass may be committed by disturbing the possession of the occupant, though the person committing the trespass does not actually go on the premises, *as by throwing water* or missiles on the land, or removing a partition fence, though the trespasser does not place

his foot on the land.” *Rushing v. Hooper-McDonald, Inc.*, 300 So. 2d 94, 96 (Ala. 1974) (emphasis added).

23. “An indirect trespass occurs where the trespasser releases a ‘foreign polluting matter’ beyond the boundaries of his property, knowing to a ‘substantial certainty’ that it will invade the property.” *Russell Corp. v. Sullivan*, 790 So. 2d 940, 946–47 (Ala. 2001) (citing *Rushing*, 300 So. 2d 94).
24. Indirect trespass is established by showing “1) an invasion affecting an interest in the exclusive possession of his property; 2) an intentional doing of the act which results in the invasion; 3) reasonable foreseeability that the act done could result in an invasion of plaintiff’s possessory interest; and 4) substantial damages to the Res.” *Borland v. Sanders Lead Co.*, 369 So. 2d 523, 529 (Ala. 1979).
25. “The remedy by injunction may be invoked to restrain acts *or threatened acts* of trespass in any instance where such acts are or may be an irreparable damage to the particular species of property involved, for which there is no adequate remedy at law.” *Cullman Prop. Co. v. H.H. Hitt Lumber Co.*, 77 So. 574, 580 (Ala. 1917) (emphasis added).

FACTS

26. New Beginnings was formed in 1999, although many of its former congregants had been meeting since 1909 under a different church name. New Beginnings moved into its current building on Mooresville Road in 2019. It holds a worship service for its 85 members every Sunday morning and a bible study every Wednesday evening. New Beginnings live streams its Sunday morning services on Facebook, with 100–300 viewers each week. New Beginnings hosts a yearly outdoor community picnic and has previously hosted outdoor

fall festivals called Hallelujah Nights. New Beginnings is the owner of its church building, which was constructed in 1924.

27. Belle Mina Methodist was formed in 1894. It has been meeting in its location on Mooresville Road since 1894. Belle Mina Methodist holds a worship service and Sunday school for its 62 members every Sunday morning and a youth group on Sunday afternoons. Belle Mina Methodist hosts yearly picnics, Christmas celebrations, and Easter egg hunts. Since 1820, Belle Mina Methodist has baptized its congregants in nearby Limestone Creek. It also uses its property for both weddings and funerals. Belle Mina Methodist plans to establish a cemetery for its congregants on its property and to renovate its parsonage, but it has put those plans on hold due to the anticipated damage from Defendants' quarry operations. Belle Mina Methodist is the owner of its church building, which was constructed in 1897.
28. Grayson and Stoned are currently developing a 199-acre tract of real property in Limestone County, Alabama into a limestone quarry and associated rock crushing plant (the "Belle Mina Quarry") across the street from New Beginnings and up the street from Belle Mina Methodist. The tract of land, located at 7440 Mooresville Road, Belle Mina, AL 35615, is owned by Stoned. Grayson Carter will engage in various construction and operations activities at the quarry.
29. Under the Clean Water Act and the Alabama Water Pollution Control Act, anyone who discharges pollutants into a navigable waterway or waters of the state of Alabama must obtain a permit. Ala. Code § 22-22-9(i)(3); 33 U.S.C. § 1311(a); *id.* § 1342. This permit is called a National Pollutant Discharge Elimination System Permit ("NPDES Permit").

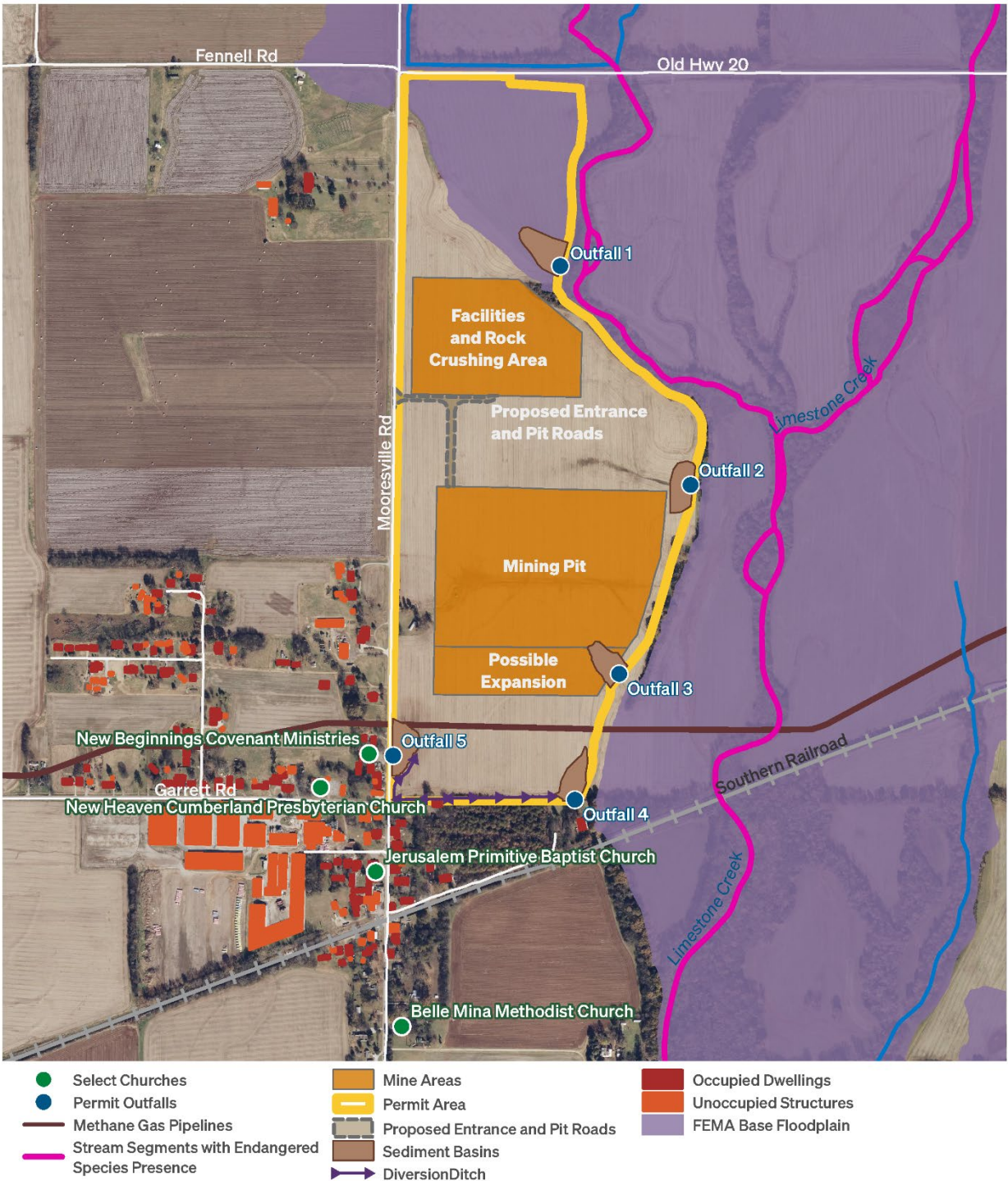
30. In furtherance of its plan to develop the Belle Mina Quarry, Stoned has applied to the Alabama Department of Environmental Management (“ADEM”) for an NPDES Permit, permit AL0084480. Grayson has applied to ADEM for an Air Permit related to the same quarry operations, Permit 708-0036-X001.
31. In its NPDES Permit Application, Stoned states the purpose of the Belle Mina Quarry is to mine and process limestone, dirt, and chert (another type of rock). Specifically, the Belle Mina Quarry will include a limestone, dirt, and chert quarry and processing facility consisting of a mining pit, processing plant, conveyors, storage area, five outfalls/sediment basins, and a sole access road onto Mooresville Road. In its Pollution Abatement Plan, as part of its NPDES Permit Application, Stoned notes that there is also potential to construct and operate an asphalt plant on the Belle Mina Quarry site. Grayson and Stoned plan to operate the Belle Mina Quarry for a period of at least 50 years.
32. As part of these operations, the limestone, dirt, and chert will be mined and processed, loaded on trucks, and transported. In its NPDES Permit Application, Stoned claims that all surface drainage from the quarry operations will be naturally drained into one of five outfalls/sedimentation basins. Water from these basins will then be discharged onto the land surface, from where it will flow through the Belle Mina community before eventually reaching either an unnamed tributary of Limestone Creek or Limestone Creek.
33. On November 6, 2024, ADEM issued a final NPDES Permit to Stoned and a final Air Permit to Grayson. That same day, Defendants began removing vegetation, installing access roads, and excavating on the Belle Mina Quarry site.
34. However, neither permit, required by Alabama and federal statute, preempts the common law and equitable claims being here asserted by Plaintiffs. *Russell Corp.*, 790 So. 2d at 951

(“although [defendants] argue that their actions were in accordance with state and federal regulations and that they were permissible under various permits, the plaintiffs may still maintain an action against [defendants] if they can prove the elements of nuisance.”); *Borland*, 369 So. 2d at 526 (“the trial court was under the mistaken impression that compliance with the Alabama Air Pollution Control Act shielded the Defendant from liability for damages caused by pollution emitting from its smelter. This is not the law in this State.”).

A. Flooding from the Belle Mina Quarry operations will endanger and inconvenience Plaintiffs’ congregants and damage New Beginnings’ property.

35. Construction and operation of a limestone quarry will result in both soil erosion and water runoff. Defendants have already begun excavating soil and stripping the land.
36. In its NPDES Permit Application, Stoned proposes to construct five sediment basins on the Belle Mina Quarry site for the purpose of collecting stormwater and runoff from the quarry and rock crushing operations. The collected water will then be discharged onto the land, from where it will flow through the Belle Mina community before eventually reaching either an unnamed tributary of Limestone Creek or Limestone Creek, depending on the sediment basin. The primary features of the quarry and the proximity to Plaintiffs’ church properties are illustrated in the map below.

Belle Mina Quarry Community Features



Map created by: Miller Cochran (mcochran@selcnc.org)
 Last updated: December 09, 2024
 Sources: ESRI, ADEM, USGS, FEMA, S&P Global



Image 1: Map showing the Belle Mina Quarry site and surrounding Belle Mina community and features.

37. Stoned's NPDES Permit Application does not explain how the collected water will travel or be routed from the sediment basins to the unnamed tributary of Limestone Creek or Limestone Creek itself. The sediment basins will fill up and drain down-gradient, meaning the collected water and sediment will travel through the surrounding community of Belle Mina before reaching either Limestone Creek or the unnamed tributary.
38. For example, Sediment Basin 5, which will be located in the far southwestern corner of the Belle Mina Quarry site, will collect and store polluted water consisting of both surface runoff and mine/pit dewatering from 19 acres of the Belle Mina Quarry site. Sediment Basin 5 will have a capacity of 1.5 million gallons—or two times the volume of an Olympic-size swimming pool.
39. In its NPDES Permit Application, Stoned admits that the average discharge from Sediment Basin 5 will be a whopping 11,000 gallons per day, which will flow out of Sediment Basin 5 and into the community.
40. However, on information and belief, the average discharge from Sediment Basin 5 will be approximately 66,000 gallons per day, averaged over all days, including both rainy and non-rainy days. The discharge from Sediment Basin 5 would be approximately 206,000 gallons per day, averaged over days with measurable precipitation. Again, the discharge will flow down-gradient through the community of Belle Mina until it reaches the receiving waters of Limestone Creek, which are one-half mile away from Sediment Basin 5.
41. Stoned's NPDES Permit contains no restrictions on flow, meaning Defendants have no restrictions on the total volume of water being discharged from the Belle Mina Quarry site each day.

42. Sediment Basin 5 includes an emergency spillway to release wastewater when the basin overflows. The spillway will be a 12-foot wide, concrete-lined trapezoidal channel. This emergency spillway is directed straight toward New Beginnings, which is located just across Mooresville Road, about 100 feet from Sediment Basin 5, and Plaintiffs allege and believe that discharges from Sediment Basin 5 will regularly flood the New Beginnings property.
43. Stoned stated in its NPDES Permit Application that in the event of a 25-year, 24-hour storm event, Sediment Basin 5 would release approximately 20 cubic feet per second of water out of its emergency spillway. This is equivalent to the flow rate of approximately nine Class A fire hydrants. According to Stoned's NPDES Permit Application, this elevated flow will take about 16 hours to retreat to the bottom of the spillway after the end of the storm.
44. New Beginnings' parking lot already floods during some rainfall events. It is reasonably certain that heavy discharges from the Belle Mina Quarry site, especially from Sediment Basin 5, will exacerbate current problems and will release water and sediment in quantities that will damage New Beginnings' property, including its historic church building, and endanger the safety of its congregants.



Image 2: Large pools of water on the southwestern side of the Belle Mina Quarry site in the location where applicant plans to construct Sediment Basin 5. This photo was taken at approximately 3 p.m. on January 25, 2024, after a 1.98-inch rain event. Photo taken by T.D. Murray looking east from southwestern corner of the proposed site.

45. Mooresville Road, a two-lane road, currently riddled with potholes and crumbled asphalt from age, existing traffic, and regular flooding, adjoins the quarry site and is also the only road that provides access to New Beginnings and Belle Mina Methodist. The section of Mooresville Road that passes by the Belle Mina Quarry site, New Beginnings, and Belle Mina Methodist already floods during some rain events, causing New Beginnings and Belle Mina Methodist's members to take circuitous routes around the flooded road to reach the church buildings. There are already traffic signs along this stretch of Mooresville Road warning of flooding. It is reasonably certain that Defendants' quarrying activities will make this flooding more frequent and more severe. In these first weeks of construction, water carrying sediment has already traveled offsite and onto Mooresville Road, which runs along the western perimeter of the Belle Mina Quarry site, creating muddy road conditions.



Image 3: Sign at the intersection of Mooresville Road and Old Highway 20 just north of the Belle Mina Quarry site. Photo facing north on Mooresville Road.

46. Not only is Sediment Basin 5's spillway directed at Mooresville Road, but also Defendants' proposed location for Sediment Basin 1—located near the intersection of Mooresville Road and Old Highway 20—is in a high-risk flood zone as designated by the Federal Emergency Management Agency. This area of the site floods regularly on rainy days. Old Highway 20, which runs along the northern boundary of the Belle Mina Quarry site, also already floods during some rainfall events.



Image 4: Photo of the northern section of the Belle Mina Quarry site taken on February 12, 2024. After approximately 1.5 inches of rain on February 11, 2024, the property is completely covered with water and resembles a lake. This photo illustrates why this location is highly inappropriate for a limestone quarry or Sediment Basin 1. Photo by T.D. Murray facing east.



Image 5: Photo of the northern section of the Belle Mina Quarry site taken on February 12, 2024. After approximately 1.5 inches of rain on February 11, 2024, the property is completely covered with water and resembles a lake. This photo illustrates why this location is highly inappropriate for a limestone quarry or Sediment Basin 1. Photo by T.D. Murray facing southeast.

47. It is reasonably certain that discharges from the sediment basins will greatly exacerbate the flooding issues on Mooresville Road and Old Highway 20, preventing Plaintiffs' congregants from efficiently and safely reaching their places of worship.

B. Blasting vibrations, noise, and dust from the Belle Mina Quarry operations will interfere with Plaintiffs' ability to host worship services and fellowship events.

48. Defendants will use drilling and blasting to mine limestone in the Belle Mina Quarry. Defendants will then use conveyor belts to feed the limestone into rock crushers and screens before storing the crushed rock onsite.

49. The operation of the Belle Mina Quarry will require numerous pieces of industrial equipment, including three crushers, four screens, and 32 associated belt conveyors.

50. Defendants plan to crush, screen, and convey 800 tons of limestone per hour at the Belle Mina Quarry.

51. Vibration damage to surrounding structures from Defendants' blasting is almost certain to occur. Blasting at the Belle Mina Quarry will cause vibrations that are reasonably certain to damage New Beginnings and Belle Mina Methodist's historic church buildings, which were both built over a century ago.

52. Additionally, a natural gas pipeline passes through the Belle Mina Quarry site. According to maps in Stoned's NPDES draft permit, this pipeline runs parallel to the mining pit as shown on Image 1 above. Future mining expansions will be even closer to the pipeline. Defendants' blasting and drilling operations threaten to disrupt the pipeline or cause a rupture. A gas line rupture would be devastating to the Belle Mina community. Ruptured natural gas pipelines can cause fires and explosions which may lead to property damage and even the loss of human life.

53. Prior to the commencement of construction of Belle Mina Quarry, the noise levels at New Beginnings and Belle Mina Methodist were quiet save for intermittent traffic.
54. A quarry causes significant noise pollution. The blasting, rock crushing, and transportation operations at the Belle Mina Quarry will specially harm New Beginnings and Belle Mina Methodist as nearby property owners, overwhelming and completely replacing the current natural ambient sound at both churches. Rock crushers alone emit 72-95 A-weighted decibels (“dB(A)”), a measurement used to express the relative loudness of sounds as perceived by the human ear. Eighty dB(A) is equivalent to the noise level inside an airplane, and 100 dB(A) is equivalent to the noise level of riding a motorcycle. Continuous exposure to noise levels in exceedance of 85 dB(A) can cause long-term hearing damage.
55. In its Air Permit Application, Grayson indicated that it plans to operate the rock crushing facility on the Belle Mina Quarry site for 11 hours a day, 5.5 days a week, for 50 weeks of the year, making it reasonably certain that noise from the quarry operations will interfere with New Beginnings’ and Belle Mina Methodist’s ability to hold worship and fellowship events. According to citizen accounts, in the days after receiving their NPDES and Air Permits, Defendants carried out construction activities on the Belle Mina Quarry site for 72 hours straight, preventing nearby residential neighbors from sleeping.
56. In its Air Permit Application, Grayson states that it plans on emitting fugitive emissions consisting of particulate matter at a rate of 20.26 tons per year.
57. New Beginnings is approximately 0.5 miles from the rock crushing site on the Belle Mina Tract. Belle Mina Methodist is approximately 0.8 miles from the rock crushing site on the Belle Mina Tract.

58. It is reasonably certain that Defendants' mining and rock crushing operations will create large volumes of dust that will travel onto New Beginnings and Belle Mina Methodist's properties, impacting both Plaintiffs' ability to hold outdoor services, events, and baptisms. Dust will adversely affect Plaintiffs' congregants if they gather outdoors at their churches; dust inhalation can trigger allergic reactions, causing symptoms like sneezing, itching, skin rashes, and respiratory distress.

59. It is reasonably certain that the Belle Mina Quarry operations will produce vibrations, noise, and dust which will interfere with New Beginnings and Belle Mina Methodist's use and enjoyment of their property.

C. Mooresville Road will be rendered defective and dangerous due to greatly increased truck traffic.

60. Not only will Mooresville Road be damaged by flooding and sediment build-up, but it will also be damaged and clogged with constant heavy truck traffic coming to and from the Belle Mina Quarry.

61. The sole ingress/egress point from the Belle Mina Quarry is an access road in the southwestern portion of the Belle Mina Tract onto Mooresville Road just north of New Beginnings as shown on Image 1.

62. The section of Mooresville Road that passes by Belle Mina Quarry, New Beginnings, and Belle Mina Methodist has narrow shoulders. It is a two-lane road that is already riddled with potholes from frequent flooding. Defendants' construction of the Belle Mina Quarry has already caused a buildup of mud on Mooresville Road. Additionally, due to construction, Defendants have already intentionally shut down one lane of traffic on Mooresville Road for a certain period of time.

63. According to Grayson's Air Permit Application, Defendants plan to crush 800 tons of limestone per hour to sell as aggregate. Defendants' trucks carrying anywhere from 6.5 to 14 tons of aggregate, which are typical loads for quarry operations, would result in an average of 600 to 1,400 round trips of trucks coming to and from the site each day.
64. It is reasonably certain that Defendants' quarry operations will cause a significant and unacceptable increase in heavy truck traffic on Mooresville Road and Mooresville Road will be unable to handle this heavy truck traffic safely. The operation of the quarry and the ingress and egress of heavy trucks will exacerbate the damaged surface of Mooresville Road and drastically increase traffic congestion for Plaintiffs' congregants as they travel from their homes to New Beginnings and Belle Mina Methodist. These road conditions will make it dangerous and difficult for Plaintiffs' congregants to reach their places of worship, interfering with New Beginnings and Belle Mina Methodist's ability to use their properties for worship services and fellowship events.

D. Belle Mina Methodist will be injured by the likely decrease of water levels in Limestone Creek.

65. Limestone quarries often severely disrupt groundwater flow to nearby surface waters. Excavation and operations associated with the quarry pit will require constant dewatering due to inflow of groundwater.
66. When the Belle Mina Quarry pit fills with groundwater, there will be a depletion of groundwater in the surrounding areas. Limestone Creek and its unnamed tributary run alongside the eastern edge of the site. Dewatering the pit will deplete the local water table and alter groundwater flow paths, which is reasonably certain to affect the water levels of Limestone Creek and its unnamed tributary.

67. As the Belle Mina Quarry is deepened, the flow of groundwater can be reversed, resulting in a significant decrease or even elimination of groundwater flow into Limestone Creek, which would impact surface flow in the creek.
68. Operations at Alabama limestone quarries have dewatered creeks in the past. For example, in Lee County, Alabama, a limestone quarry fractured stream bedrock which resulted in dewatering of Chewacla Creek.
69. Belle Mina Methodist has baptized its members in Limestone Creek, which it considers to be a sacred body of water, since the 1800s. Defendants' quarrying activities threaten Belle Mina Methodist's ability to continue this sacred and longstanding tradition.
- E. Defendants cannot construct and operate the Belle Mina Quarry in a manner that would not create a nuisance to Plaintiffs.**
70. Because of the nature of limestone quarrying, it is not feasible for the Belle Mina Quarry to be constructed and operated in this location in a manner that would not create a nuisance to the churches, which are across the street.
71. The harms resulting from the use of the property for a quarry are incapable of being measured in monetary terms. Public benefits, if any, that might be obtained from quarrying will not outweigh the potential harm to New Beginnings, Belle Mina Methodist, and their community. This action for injunctive relief is Plaintiffs' only means of securing adequate relief.

Count I—Nuisance: Flooding

72. Plaintiffs incorporate and reallege the averments of Paragraphs 26-71 as if fully set forth herein.

73. It is reasonably certain that flooding from Defendants' quarrying activities will interfere with Plaintiffs' use and enjoyment of their property, constituting a nuisance pursuant to Ala. Code §§ 6-5-120 *et seq.*, by interfering with Plaintiffs' congregants' ability to efficiently and safely reach Plaintiffs' church buildings and by damaging New Beginnings' property.
74. To the extent that flooding from the Belle Mina Quarry will constitute a public nuisance that damages all persons who come within the sphere of its operation, Plaintiffs will suffer special damage in ways that are distinct in kind and degree from any harm suffered by the public at large, as flooding from Defendants' quarrying activity will damage New Beginnings' property and interfere with both New Beginnings and Belle Mina Methodist's ability to gather their congregants for worship and fellowship.

Count II—Nuisance: Vibrations

75. Plaintiffs incorporate and reallege the averments of Paragraphs 26-71 as if fully set forth herein.
76. It is reasonably certain that vibrations from Defendants' blasting and drilling activities will interfere with Plaintiffs' use and enjoyment of their property, constituting a nuisance pursuant to Ala. Code §§ 6-5-120 *et seq.*, by damaging Plaintiffs' historic church buildings and by placing the Belle Mina community at risk of a natural gas pipeline rupture.
77. To the extent that vibrations from the Belle Mina Quarry will constitute a public nuisance that damages all persons who come within the sphere of its operation, Plaintiffs will suffer special damage in ways that are distinct in kind and degree from any harm suffered by the public at large, as vibrations from Defendants' quarrying activity will damage New Beginnings and Belle Mina Methodist's historic church buildings and interfere with both

New Beginnings and Belle Mina Methodist's ability to gather their congregants for worship and fellowship.

Count III—Nuisance: Noise

78. Plaintiffs incorporate and reallege the averments of Paragraphs 26-71 as if fully set forth herein.
79. It is reasonably certain that noise from Defendants' quarrying and rock crushing activities will interfere with Plaintiffs' use and enjoyment of their property, constituting a nuisance pursuant to Ala. Code §§ 6-5-120 *et seq.*, by exposing Plaintiffs' congregants to harmful levels of noise and by preventing Plaintiffs' from conducting uninterrupted and peaceful worship services, weddings, and funerals.
80. To the extent that the noise from the Belle Mina Quarry will constitute a public nuisance that damages all persons who come within the sphere of its operation, Plaintiffs will suffer special damage in ways that are distinct in kind and degree from any harm suffered by the public at large, as prolonged exposure to the Belle Mina Quarry's noise levels will damage Plaintiffs' congregants' hearing and prevent Plaintiffs from holding the kind of spiritual and quiet events that are innate to the purpose of a church.

Count IV—Nuisance: Dust/Particulate Matter

81. Plaintiffs incorporate and reallege the averments of Paragraphs 26-71 as if fully set forth herein.
82. It is reasonably certain that dust and particulate matter from Defendants' quarrying and rock crushing activities will interfere with Plaintiffs' use and enjoyment of their property, constituting a nuisance pursuant to Ala. Code §§ 6-5-120 *et seq.*, by exposing Plaintiffs'

congregants to harmful levels of particulate matter and by interfering with Plaintiffs' ability to hold outdoor services and events.

83. To the extent that dust and particulate matter from the Belle Mina Quarry will constitute a public nuisance that damages all persons who come within the sphere of its operation, Plaintiffs will suffer special damage in ways that are distinct in kind and degree from any harm suffered by the public at large, as both New Beginnings and Belle Mina Methodist host outdoor events for their congregants and for the Belle Mina community on their properties in close proximity to the Belle Mina Quarry site.

Count V—Nuisance: Rendering of Roads Defective, Unsafe, and Dangerous

84. Plaintiffs incorporate and reallege the averments of Paragraphs 26-71 as if fully set forth herein.
85. It is reasonably certain that heavy and frequent truck traffic from Defendants' quarrying activities will interfere with Plaintiffs' use and enjoyment of their property, constituting a nuisance pursuant to Ala. Code §§ 6-5-120 *et seq.*, by creating dangerous and congested conditions on Mooresville Road.
86. To the extent that dangerous road conditions from the Belle Mina Quarry trucking activity will constitute a public nuisance that damages all persons who come within the sphere of its operation, Plaintiffs will suffer special damage in ways that are distinct in kind and degree from any harm suffered by the public at large, as Mooresville Road is the only road from which congregants can access New Beginnings or Belle Mina Methodist.

Count VI—Nuisance: Decreasing the Water Levels in Limestone Creek

87. Plaintiff Belle Mina Methodist incorporates and realleges the averments of Paragraphs 26-71 as if fully set forth herein.
88. It is reasonably certain that the reduction in water level of Limestone Creek resulting from Defendants' quarrying activities will interfere with Belle Mina Methodist's long-standing and sacred tradition of performing baptisms in Limestone Creek, constituting a nuisance pursuant to Ala. Code §§ 6-5-120 *et seq.*, by altering groundwater flows and reducing surface flow in Limestone Creek.
89. To the extent that the reduction of the water level of Limestone Creek from the Belle Mina Quarry activities will constitute a public nuisance that damages all persons who come within the sphere of its operation, Belle Mina Methodist will suffer special damage in ways that are distinct in kind and degree from any harm suffered by the public at large, as Belle Mina Methodist has baptized congregants in Limestone Creek, which Belle Mina Methodist considers to be holy water, since the 1800s.

Count VII—Indirect Trespass

90. Plaintiff New Beginnings incorporates and realleges the averments of Paragraphs 26-71 as if fully set forth herein.
91. By design, water discharges from Sediment Basin 5 are directed at New Beginnings and will result in sediment-laden floodwaters flowing onto the church's property, damaging the historic church property and constituting a trespass.
92. High volume water discharges from the Belle Mina Quarry will constitute an indirect trespass against New Beginnings as (1) there will be an invasion of property interest affecting the exclusive possession of New Beginnings, (2) that the invasion of property

will result from Defendants' intentional actions, (3) that the complained action is reasonably foreseeable, and (4) that the trespass will cause substantial damage to New Beginnings' historic church property.

INJUNCTIVE RELIEF SOUGHT

93. Plaintiffs request the follow relief from the Court:

- a. Temporary, preliminary, and permanent injunctive relief against Defendants, and all persons and/or entities for which they may be acting, or which may be acting in concert or combination with them, regarding quarrying, or which propose to engage in the extraction, processing, transporting, sale, purchase or use of limestone or any other material from the quarry, enjoining and restraining them from proceeding further with the construction or operation of the quarry.
- b. Temporary, preliminary, and permanent injunctive relief against Defendants, and all persons and/or entities for which they may be acting, or which may be acting in concert or combination with them, regarding quarrying, or which propose to engage in the extraction, processing, transporting, sale, purchase or use of limestone or any other material from the quarry, enjoining and restraining them from indirectly trespassing on New Beginnings' property.
- c. Such attorneys' fees, costs, and expenses as may be allowed; and
- d. Such additional relief as the Court deems just, equitable, and proper.

Respectfully submitted, this 9th day of December 2024.

/s/Sarah M. Stokes

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Chris Bertrand (BER086)

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