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December 2, 2015

Supervisor Patrick Miles
Chairman
Dane County Zoning & Land Regulation Committee
210 Martin Luther King, Jr. Blvd.
Madison, WI 53703

Re: CUP No. 2103 – Oak Park Quarry

Dear Supervisor Miles:

At your November 10, 2015 meeting, I was asked to provide the Town of Deerfield's position with regard to the applicability of the nonmetallic mining and blasting permit requirements of the Deerfield Town Ordinances to the Oak Park Quarry Operations. I explained at that time that it is the Town's position that the operator of Oak Park Quarry is in violation of the ordinances since no permit application had been submitted, and no permits had been issued by the Town, for the nonmetallic mining operations in general, or the blasting conducted as part of, that operation.

It has since been pointed out to me that my comments might be construed to imply that the failure to obtain permits is the only violation of concern to the Town. I am writing to clarify that my comments were limited to the permitting issue only because that was the focus of the issue under discussion by the Committee.

It is the Town's position that there have, in fact, been numerous violations of the substantive regulations established by its ordinances, particularly with relation to the intensity of blasting as part of that operation. For example, §2.08(1)(a) of the Town Ordinance sets a maximum limit for peak particle velocity (PPV) of 0.30 in/sec. for at least 8 out of every 10 consecutive blasts. Section 2.08(1)(b) establishes a maximum of 0.40 PPV for any individual blast. From July 21 through November 19 of this year, the 0.30 PPV limit has been exceeded by 13 of 28 blasts, and the 0.40 PPV absolute limit was violated in 6 of those blasts, at Oak Park Quarry. The airblast level has exceeded the maximum 123 dB allowed by the ordinance eight separate times, including one blast that violated the state limit of 133 dB set by Wis. Admin. Code §SPS 307.44(3)(a). The frequency of the blasts has been below the ordinance's required minimum of 14 Hz fifteen times during that period.

Consequently, out of the 28 blasts during that 4-month period, 23 have exceeded the limits specified in the ordinance, as shown in the table that follows. Applying the 8/10 compliance standard for the PPV, a total of 11 of the blasts violated the ground vibration regulations of the ordinance. Applying the 9/10 compliance standard for the frequency and the airblast limits, results in another 14 violations for the frequency and 7 violations for the airblast. It should be noted that several blasts violated more than one ordinance requirement.

Blast Date	PPV ≤0.30 in/sec.	Frequency ≥14 Hz	Airblast ≤123 dB
7/21/2015	0.32		
7/24/2015		10	124.6
7/29/2015	0.33		
8/3/2015			126.0
8/4/2015		13	
8/6/2015		12	
8/7/2015	0.36	10	
8/7/2015		13	
8/11/2015	0.41		
8/12/2015	0.32	11	135.3
8/14/2015	0.46	12	
8/18/2015	0.45		
8/24/2015	0.44	12	125.1
9/8/2015	0.63		124.1
9/15/2015	0.37		
9/25/2015	0.37		130.6
10/1/2015	0.41	13	
10/2/2015		10	
10/12/2015		12	
10/13/2015	0.47	12	123.5
11/9/2015		12	125.1
11/11/2015		11	
11/19/2015		11	

In addition to the violations of the Town's blasting ordinance, the blasting conducted at Oak Park Quarry has violated related provisions in the Town's nonmetallic mining ordinance. For example, §1.07(1)(c) of the mining ordinance requires a quarry operator to obtain a blasting permit before conducting any blasting operations. In addition, §1.07(2)(f) of the ordinance limits ambient noise generation at a quarry to 65dBA at the property line, but exempts intermittent

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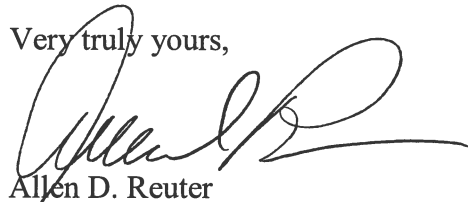
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exceedances cause by blasting conducted under a Town-issued blasting permit. Since no blasting permit has been obtained, each of the 28 blasts at Oak Park Quarry since July violated the noise limitation of the nonmetallic mining ordinance.

In short, the Town of Deerfield's concerns extend well beyond the blasting and operation of a nonmetallic mine without the required permits. The Town continues to believe that the ZLR Committee should enforce the conditions of the CUP, which clearly include the operator's obligation to obtain all required local permits.

Town representatives will be available at your next meeting to address any additional questions you may have. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Allen D. Reuter", with a long horizontal flourish extending to the right.

Allen D. Reuter

Attorney for the Town of Deerfield

Cc: Deerfield Town Board
Dane County Zoning Department
Attorney Andrew Rumpf
Attorney Buck Sweeney