

Wisconsin Department of Safety and Professional Services  
Division of Legal Services & Compliance  
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**Scott Walker, Governor**  
**Dave Ross, Secretary**

December 2, 2015

Email: [dsps@wi.gov](mailto:dsps@wi.gov)  
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Mr. Roger Lane  
Dane County Zoning Administrator  
Dane County Planning and Development Department  
Room 116, City-County Building  
Madison, Wisconsin 53703

Dear Mr. Lane:

I am in receipt of your letter regarding the blasting conducted by Alhgrimm Explosives at the Oak Park Quarry in the town of Deerfield.

As program supervisor for the Wisconsin Mine Safety Program I have visited this site on two occasions since August 2015. During this period a blasting expert within the Wisconsin Mine Safety Program has also visited this site. In no case were any violations of state code noted during these visits. I have reviewed all local blasting reports from March 16, 2015, through October 13, 2015. The blasting activity at this site demonstrates a clear and sustained pattern of compliance with Wisconsin Administrative Code SPS 307.

I appreciate your interest in this matter and trust this letter is helpful to the members of the Dane County Zoning and Land Regulation Committee.

Sincerely,

Greg DiMiceli  
Supervisor, Wisconsin Mine Safety

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
South Central Region Headquarters  
3911 Fish Hatchery Road  
Fitchburg, WI 53711-5397

Scott Walker, Governor  
Cathy Stepp, Secretary  
Mark Aquino, Regional Director  
Telephone (608) 275-3266  
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March 25, 2013

Jon Halverson  
OAK PARK QUARRY  
170 US Hwy 51 N  
Edgerton, WI 53534

FILE

SUBJECT: Nonmetallic Mining Operations General Permit WI-0046515-5

FACILITY Oak Park Quarry  
LOCATION: 3522 Oak Park Rd, Town of DEERFIELD, Dane County  
FACILITY ID NUMBER (FIN): 17929

Dear Permittee:

The Department of Natural Resources (Department) has evaluated the Notice of Intent you submitted for the above site and has determined that your discharge will be regulated in accordance with the Nonmetallic Mining Operations (NMM) General Wisconsin Pollutant Discharge Elimination System Permit No. WI-0046515-5.

The information you provided states that

- Excavation and aggregate crushing will be occurring at the Oak Park Quarry site.
- Mining process wastewater will be generated from mine dewater pumping and monitoring and submittal of an annual discharge monitoring report (DMR) is required.
- Storm water run-off is **internally drained** - storm water is seeped into the ground within the mining site in areas that are not protected wetlands and is **externally drained** with a discharge of storm water from a culvert.

#### STORM WATER CONTROL REQUIREMENTS

1. Facilities that have Department concurrence that their storm water contains only earthen materials from NMM operations and the storm water is seeped into the ground within the mining site in areas that are not protected wetlands under NR 103, Wis. Adm. Code are required to have the following as detailed in the general permit:
  - Physical Controls;
  - Contaminated Storm Water Treatment Best Management Practices; and
  - Annual Facility Site Compliance Inspections (AFSCI).
2. NMM operations that have storm water contact with overburden, raw material, intermediate product, finished product or waste material and have storm water drainage off the mining site or to a protected wetland under NR 103, Wis. Adm. Code shall be operated in compliance with a Storm Water Pollution Prevention Plan (SWPPP) as detailed in the general permit. Any concrete product operations covered under this permit and any portable NMM groupings specifically requested to be covered under this permit shall also be operated in compliance with a SWPPP.
  - Development of SWPPP and Certification of SWPPP Completion:



- New NMM operations shall comply with the SWPPP requirements of this permit and shall submit a SWPPP certification to the Department prior to initiating NMM activities that result in a discharge of storm water to surface waters or to a protected wetland.
  - Existing NMM operations discharging without a permit must comply with the Department's enforcement action or stipulated schedule for SWPPP development, implementation, and certification within the shortest time practicable.
  - **Quarterly Site Inspection of Storm Water Controls** (*Demonstrations supporting a waiver to an annual frequency or to an alternate schedule for inactive sites with no material stockpiles must be submitted as part of SWPPP certification*).
  - **Quarterly Visual Check of Storm Water Runoff Quality** (*Can be waived in certain instances as specified in permit parts 3.7.2 & 3.7.3. Submit justification as part of SWPPP certification*).
3. An annual check for NMM operation discharges to impaired waters or to Total Maximum Daily Load (TMDL) allocated waters is required by **February 15<sup>th</sup>**, each year. If the discharge is to 303(d) impaired waters or to TMDL allocated waters, an updated SWPPP or TMDL implementation plan is required to be submitted to the Department.

#### PROCESS WASTEWATER REQUIREMENTS

1. Monitoring requirements for mining process water discharges to seepage (to groundwater):
  - Quarterly discharge flow monitoring (estimate typical day seepage into the earth), except
    - *Monthly* monitoring is required for 12 months following a month with a discharge greater than 200,000 gal/day.
  - Annual oil & grease monitoring, except
    - *Quarterly* monitoring for 4 quarters beginning the quarter following a sample result above 15 mg/L, and
    - *Further annual samples waived* if the first year (after June 2009) result is less than 7.5 mg/L.
  - Water Treatment Additives - A record of water treatment chemical additive use (such as polymers, biocides, boiler steam additives, etc) is required on a monthly basis.
2. Monitoring requirements for process water discharges to surface water resources:
  - Quarterly flow monitoring (total gallons per day and number of days of discharge), except
    - *Monthly* monitoring for 12 months following a month with a discharge flow greater than 200,000 gallons per day.
  - Quarterly total suspended solids monitoring, except
    - *Monthly* monitoring using a 3 grab composite sample for 12 months beginning the month following a sample result above 40 mg/L.
  - Quarterly pH monitoring for concrete product operations, except
    - *Annual* monitoring if four consecutive quarterly samples are within the range of 6.7 to 8.3 s.u.
  - Annual pH monitoring for nonmetallic mining operations, except
    - *Further annual samples waived* if the first two annual (after June 2009) samples are within the range of 6.7 to 8.3 std.units.
  - Annual oil & grease monitoring, except
    - *Quarterly* monitoring for 4 quarters beginning the quarter following a sample result above 15 mg/L, and
    - *Further annual samples waived* if the first year (after June 2009) result is less than 7.5 mg/L.
  - Water Treatment Additives - A record of water treatment chemical additive use (such as polymers, biocides, boiler steam additives, etc) is required on a monthly basis.

3. Annual monitoring reports shall be submitted to the Department by February 15<sup>th</sup>, each year reporting sampling result from discharges during the previous calendar year.
4. For portable operations, monitoring may occur at any site where the unit is located during the specified sampling period for samples representative of the process wastewater discharge associated with operation of the portable unit.

You are responsible to notify the Department should conditions at this site change, as your permit requirements will also change.

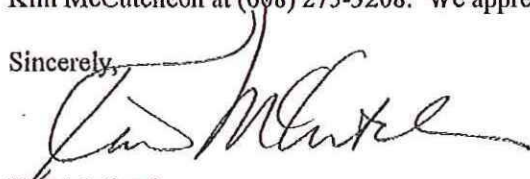
The Nonmetallic Mining general permit documents can be accessed on the Department's internet site at the following address: <http://dnr.wi.gov/org/water/wm/ww/gpindex/gpinfo.htm>

The permit limitations, conditions, and requirements are designed to ensure that mining wastewater and storm water discharges from nonmetallic mining operations does not degrade the quality of Wisconsin's surface waters, wetlands, or groundwater. It is important that you read and understand this permit because it is enforceable under both state and federal law.

Copies of a quarterly visual inspection form, an annual facility site compliance inspection (AFSCI) form, and additional storm water forms including an example NMM storm water pollution prevention plan can be obtained at <http://dnr.wi.gov/runoff/stormwater/industrialforms.htm> or by contacting Department storm water staff.

Additional information regarding the Department's legal authority in this matter and your rights of appeal are shown below. If you have any questions regarding the permit or your coverage under the permit you can contact Kim McCutcheon at (608) 275-3208. We appreciate your help in protecting Wisconsin's water resources.

Sincerely,



Kim McCutcheon  
Storm Water Management Specialist

Ref. General Permit WI-0046515-5, Nonmetallic Mining Operations & Fact Sheet  
DMR form (if needed for process wastewater discharge)  
Quarterly Visual Inspection Form  
AFSCI Form

cc: Jeff Brauer, WT/3 (e-mail copy)



## LEGAL AUTHORITIES AND APPEAL RIGHTS

Section 283.35, Stats., authorizes the Department to issue a general permit for discharges from categories or classes of point sources. The Department may withdraw a facility from coverage under a general permit if it is determined that a discharge is a significant contributor of pollutants to waters of Wisconsin, if the source is not in compliance with the permit terms and conditions, if the permittee requests it, or in certain other cases set out in s. 283.35, Stats. In lieu of general permit withdrawal, the Department may refer any violation of this permit to the Department of Justice for enforcement under s. 283.89, Stats. In order to remain in compliance and avoid any enforcement action, **please read your permit carefully.**

If you believe that you have a right to challenge this decision to cover this facility with the nonmetallic mining operations general permit, you should know that the Wisconsin statutes, administrative rules and case law establish time periods within which requests to review Department decisions must be filed. To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the time period for filing a petition for judicial review.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you must file your petition with the appropriate circuit court and serve the petition on the Department within the prescribed time period. A petition for judicial review must name the Department of Natural Resources as the respondent.