

Lane, Roger

From: Sarah Ehlinger <sarah@endpointcorporation.com>
Sent: Thursday, January 07, 2016 11:11 AM
To: Lane, Roger
Cc: areuter@rwelaw.net; CSweeney@axley.com; townofdeerfield@yahoo.com; Bollig, Jerome; gusvonheiden@gmail.com; Kolar, Mary; Matano, Alfred; Miles, Patrick; Salov, Robert; willjoseph2019@gmail.com; Jon Halverson - Forever Sandfill & Limestone, Inc. (jhalver@frontier.com); Mindy Ochs; Alex Mentzer
Subject: Re: ZLR review of CUP 2103 - Oak Park Quarry
Attachments: Blasting License Application Cover Letter v0.2.docx; Blasting License Application Form v0.1.docx; Nonmetallic Mining License Application - Forever Sand and Limestone.docx; Insurance.pdf

Dear Mr. Lane,

In response to your email each of your questions has been addressed below. Additionally, please find attached a copy of the completed text portions of the necessary blasting and non-metallic mineral mine operation permit applications. Should you have any questions regarding these applications or their contents please feel free to reach out to Mindy Ochs, the preparer, at Endpoint Solutions at 414-427-1200.

Has additional information been submitted to make the Towns' Blasting License application complete? If not, what efforts were made to make the application complete.

Jon has retained Mindy Ochs, P.E., with Endpoint Solutions. Mindy is assisting with the license applications, ordinance review and interpretation as well as stakeholder outreach activities. The license application is nearly complete and will be finished before the meeting on January 12th. The text portion of the application is attached for your reference.

Has additional information been submitted to make the Towns' Mineral Extraction License application complete? If not, what efforts were made to make the application complete.

Same as above, the text portion of the application is attached for your reference.

Has the Town started to address the issue regarding the frequency of the ground vibration in the Town Ordinance? If so, what progress was made.

We will refer to Mr. Reuter and the Town Board to answer this question. The charts included below this message outline the content of the information presented to the Town.

Has the mineral extraction operator had any conversations with the Church regarding reassurances that the blasting effects will not harm the structure?

Yes, Jon met with the church administrators on Sunday December 13th, 2015 and the meeting went well. The church administrators expressed that they do not intend to shut down the mining operations; rather, they want to ensure that the operations do not damage the two church buildings. They also expressed a desire to work with Jon to find a resolution that both sides can agree to, as long as the church buildings are protected.

Chart 1. State of WI Regulatory Restrictions and USBM Recommendations

* WI Admin. Code SPS307 Explosives and Fireworks, USBM Report of Investigations 8507

** These limits are lower than the lowest level in cases where damage was observed in the USBM study of 76 homes over 219 blast events.

The levels allowed and prohibited by SPS 307 and the USBM recommendations are displayed in Chart 2 below.

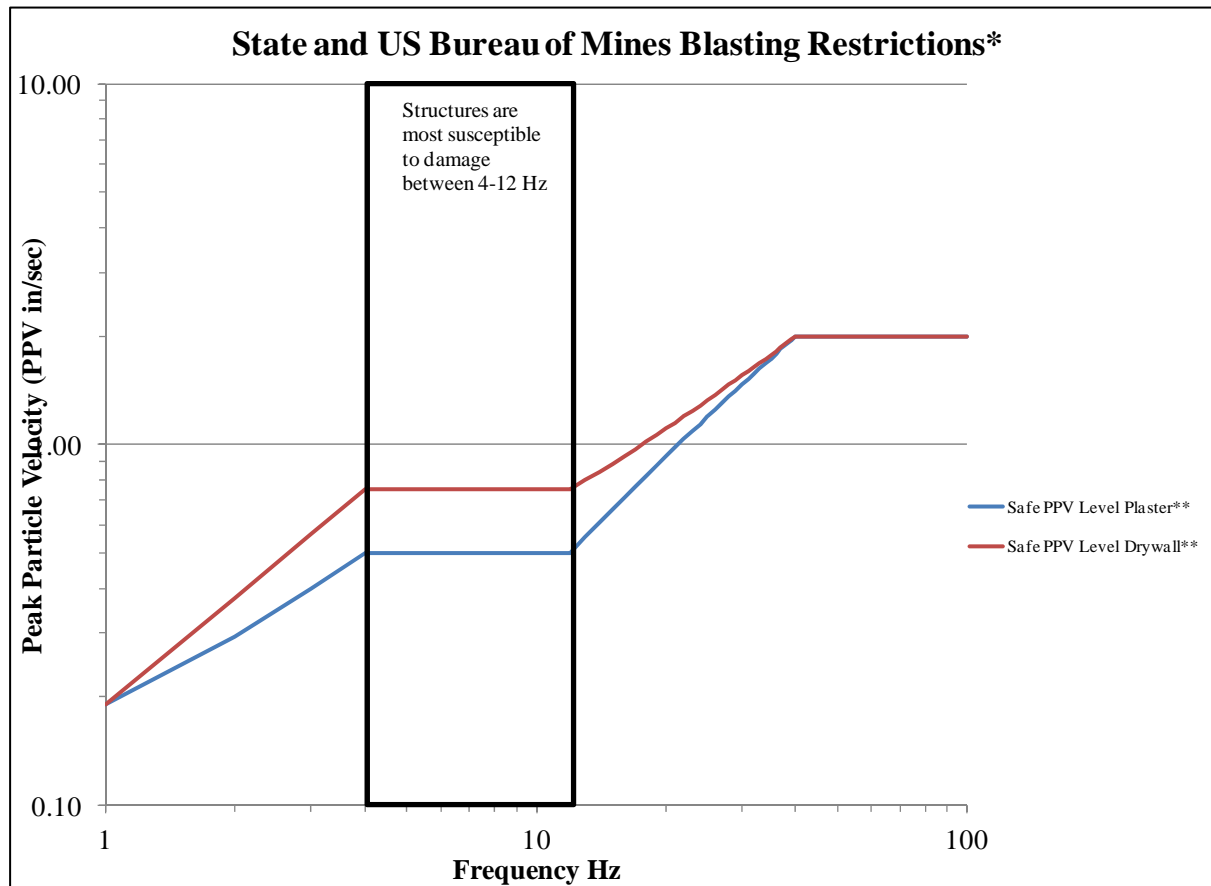
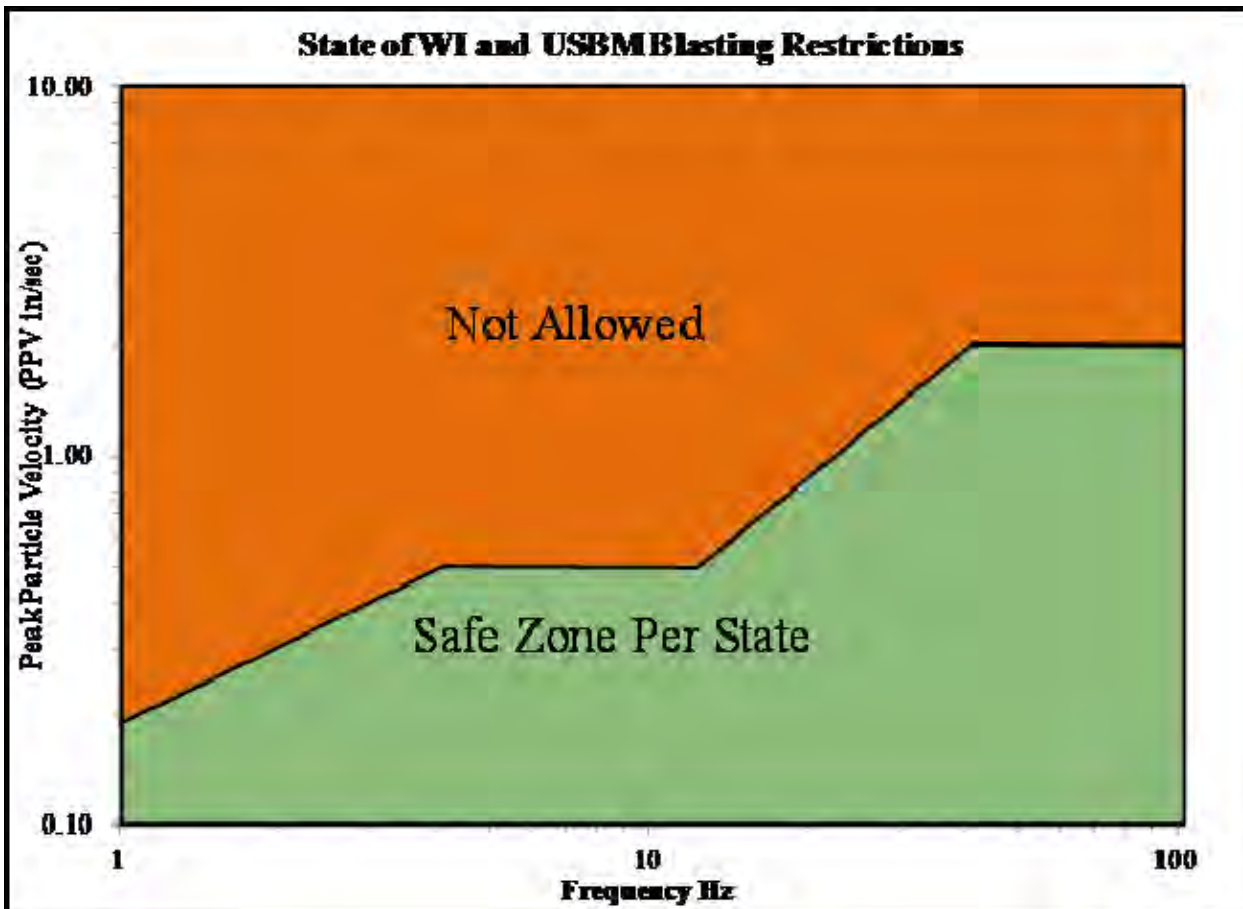


Chart 2. State of WI Regulatory Restrictions and USBM Recommendations - Areas

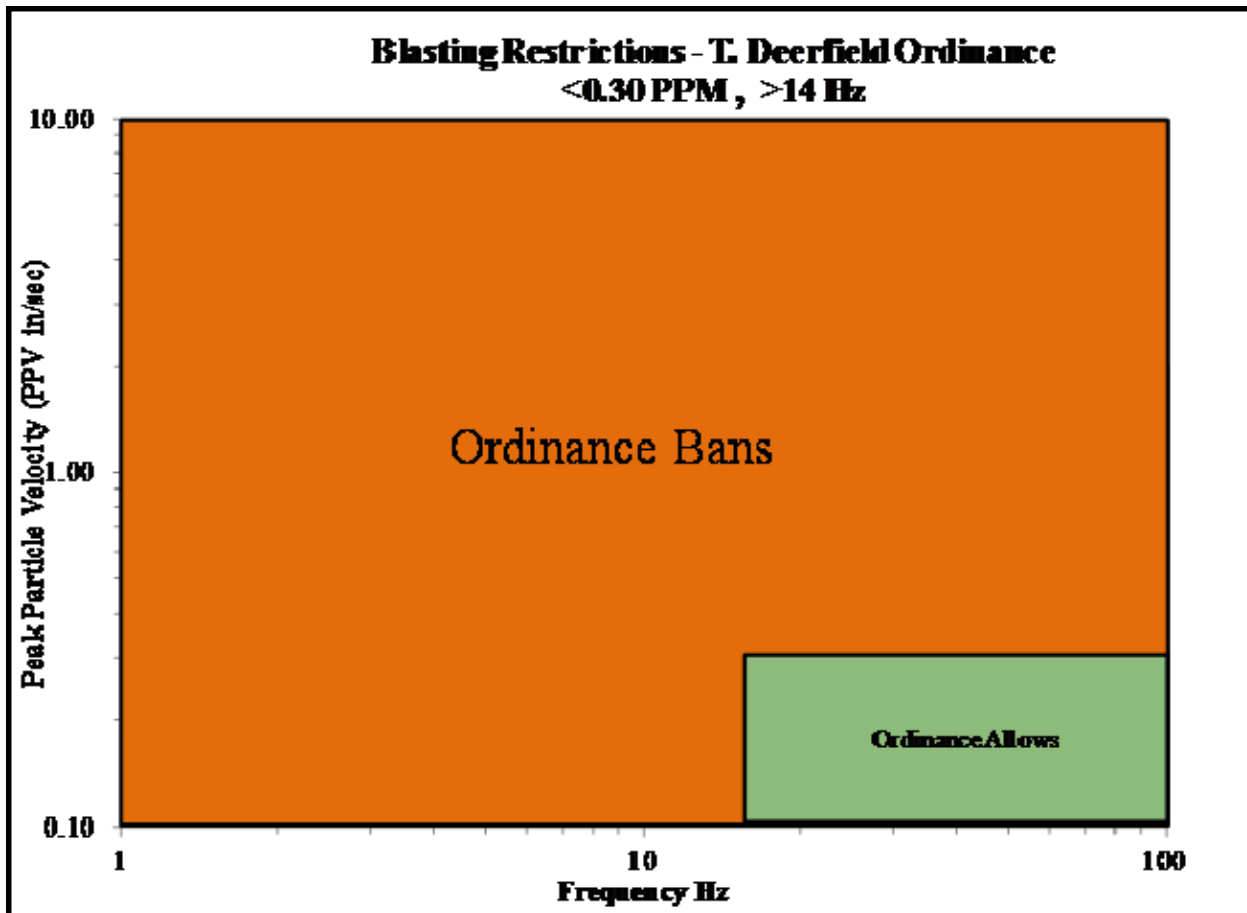


Based on this comparison, the Town blasting ordinance establishes much more stringent limits on Frequency and PPV levels associated with blasting activities, including:

- (a) Ground vibrations shall not exceed a PPV of 0.30 inches per second from more than two (2) individual blasts out of any ten (10) consecutive blasts;
- (b) Ground vibrations shall not exceed a PPV of 0.40 inches per second from any individual blast;
- (c) The frequency of ground vibrations caused by blasting under the license shall not be less than 14Hz from more than one (1) individual blast out of any ten (10) consecutive blasts.;
- (d) Ground vibrations shall not, in any case, exceed any ground vibration limitation imposed by the Wisconsin Department of Safety and Professional Services in Figure 7.44 of §SPS 307, Wis. Admin. Code; and,
- (e) The blasting operation shall not cause an airblast of an intensity greater than 123 dB(A) from more than one (1) individual blast out of any ten (10) consecutive blasts, nor more than 128 dB from any individual blast.

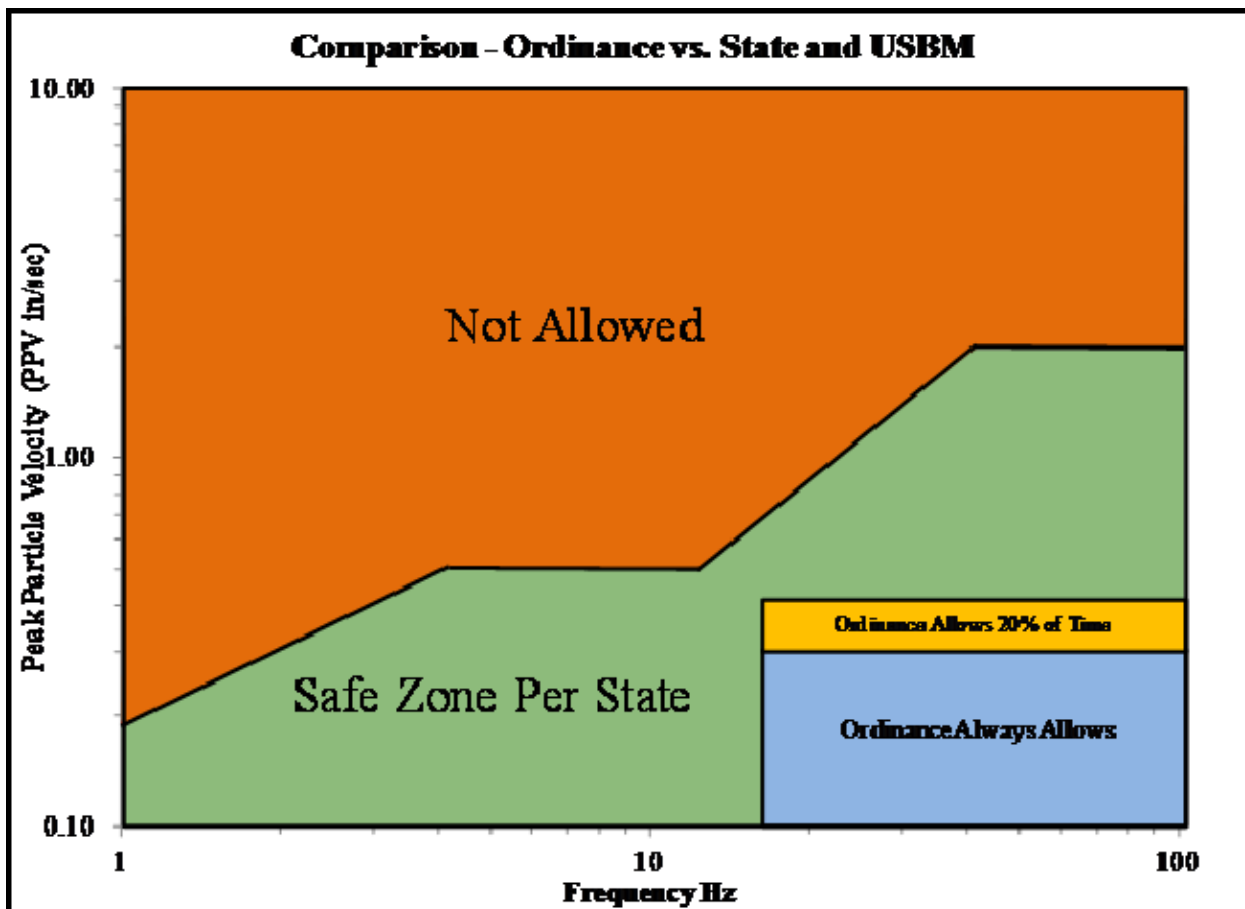
The limits imposed by the Town ordinance are shown in Chart 3 below. The green area represents the allowed results for Frequency and PPV under the current ordinance limits. The orange area represents the results that are banned by the ordinance (a certain number of readings outside the stated limits is allowed by the ordinance).

Chart 3. Town of Deerfield Blasting Ordinance Limits



A comparison overlay of the State and USBM requirements vs. the Town of Deerfield requirements is shown in Chart 4 below. The blue area represents results that are always acceptable under the ordinance, and the yellow represents results allowed only for up to 20% of the blasting events.

Chart 4. Comparison – Town of Deerfield Blasting Ordinance Limits vs. State/USBM



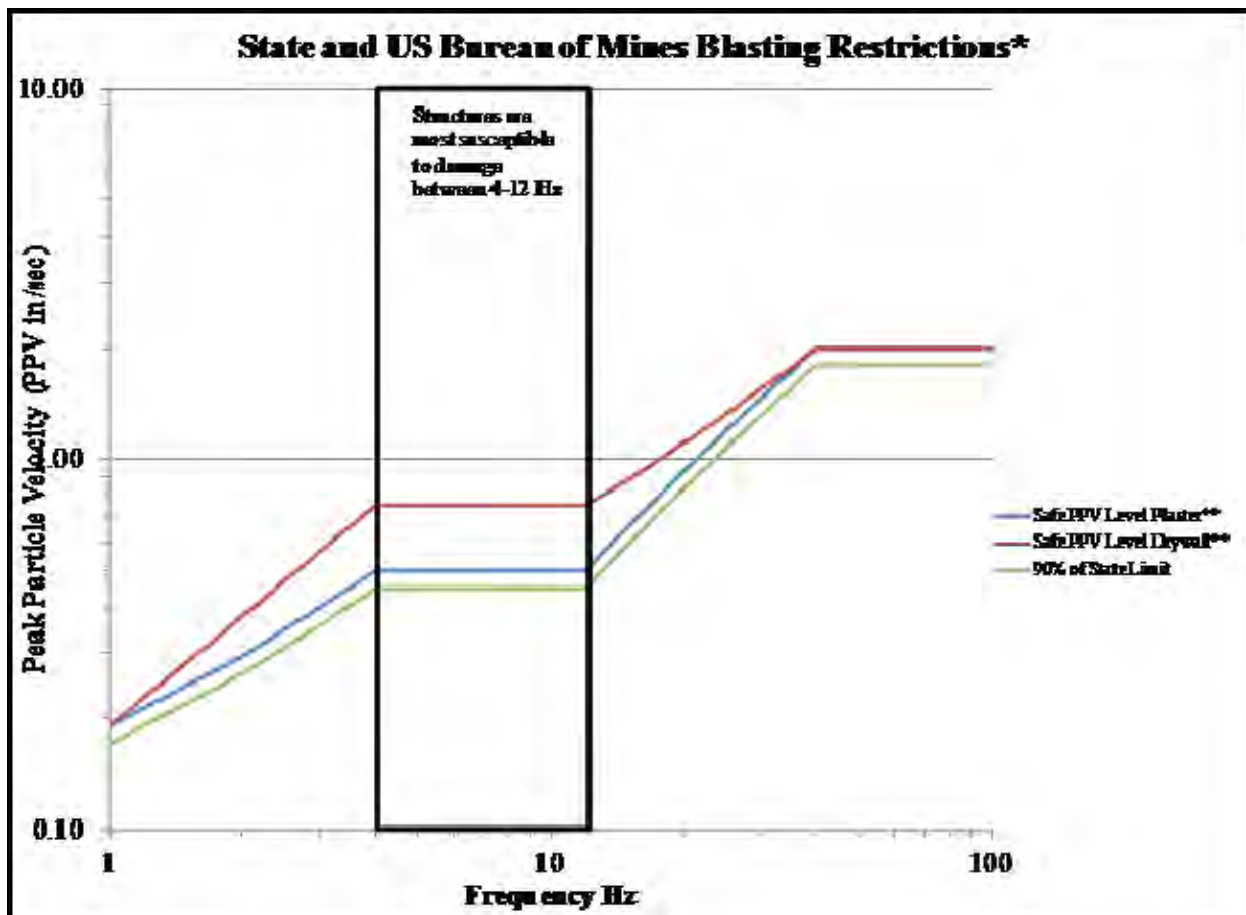
As demonstrated in the charts, the Town ordinance is significantly more restrictive than the safe levels established in SPS 307 and those recommended by the USBM. One could estimate that the scope of acceptable blasting results has been reduced by approximately 70% from the safe levels established by the State. In addition, the amount of blasting material utilized must be reduced by up to 50% in order to adjust from the most conservative State requirement of 0.5 PPV to meet the ordinance requirement of 0.3 PPV. These tight restrictions will likely result in the need for a larger number of blasting events to compensate for the smaller blasts required by the ordinance.

These new requirements have potentially significant impact on mining operations and lead to the following questions which need additional analysis:

1. Does the small window of performance allowed by the ordinance align with real life results? i.e. Are the new limits achievable?
2. Do the current limits allow the type of blasting activities needed to meet the needs of the mining operation?
3. Will the number of blasts significantly increase due to the required smaller blasting size, and if so, will the increase in blasting frequency have a larger negative impact on the neighbors than the less frequent blasts which utilize more blasting material?
4. Is it truly necessary to so significantly limit blasting operations when State law already incorporates conservative limits designed to prevent damage to nearby structures and preserve quality of life for neighboring residents?

We recommend further discussion with the Town about the basis for additional regulation, given that the State standards are set at conservative levels to minimize impact to neighboring structures. If the Town decides to adopt more stringent requirements, a simpler, more appropriate way might be to establish limits that are a certain percentage below the State requirements, an example of which is shown below.

Chart 5. Example Limit At 90% of State Limit



Thank you,

Sarah Ehlinger

Sarah Q. Ehlinger, Staff Consultant
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Franklin, WI 53132
Cell: 414-305-1402
Office: 414-427-1200
Email: Sarah@endpointcorporation.com
www.endpointcorporation.com

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Fax: (414) 427-1259
www.endpointcorporation.com

Mr. Jon Halverson
Forever Sandfill and Limestone
170 US-51
Edgerton, WI 53534

December 23, 2015

Subject: Comments on Town Ordinances Related to Nonmetallic Mining
Town of Deerfield, Dane County, Wisconsin

Dear Mr. Halverson:

As requested, we have performed a review of two (2) ordinances passed by the Town of Deerfield (the "Town") that apply to nonmetallic mining operations and blasting operations, specifically:

- Ordinance 2015-01 Nonmetallic Mining Operations; and,
- Ordinance 2015-02 Blasting.

The review was performed to determine the applicable requirements, the proper licensing procedure and to assess the appropriateness of the ordinance, given the nature of nonmetallic mining operations. The following criteria were utilized during the review, based on past experience with writing, enforcing and complying with regulations:

- Ensuring that the regulations are very clear and easy to understand. This prevents confusion and ensures that both regulators and those subject to the regulation have a clear understanding of expectations and what is required to demonstrate compliance with the regulation;
- Ensuring that measures created to preserve quality of life for neighboring residents and businesses most effectively control behaviors which have the greatest likelihood of impact, while still allowing for the creation of a fair and equitable economic scenario for the nonmetallic mining operation to operate under;
- Ensuring that measures implemented with the intent of reducing the impacts of an activity are based on a careful analysis of the root causes of those impacts, and that the measures implemented are properly designed to address the specific root cause of the risk and do so in a most effective manner; and,
- Ensuring that the level of regulation on certain activities corresponds to the level of risk to the public health associated with the respective activity. For example, highly restrictive regulations or requirements should be reserved for those activities with a potentially elevated risk to public health based upon studies or monitoring data while more benign activities with insignificant effects are regulated to a lesser extent.

FINDINGS

The review of these ordinances was conducted in order to ensure that the requirements meet these important criteria which are paramount to the creation of fair, effective, and beneficial regulations.

Experience has shown that ensuring all applicable ordinances are clear and appropriate benefits all the parties involved including the Town (regulators), the neighbors and the regulated party.

Overall, the ordinances contain a number of provisions that are similar to those found in other jurisdictions and are reasonable given the nature of the regulated activities. However, there are a number of provisions that are either significantly more restrictive than in other jurisdictions, are not appropriate given the level of risk associated with these activities, or are applied broadly to all facets of mining operations even if those operations don't represent the risk intended to be addressed. In addition, the fees associated with securing and renewing these licenses is highly excessive, especially when compared to the permitting fees for conditional use permits applied by other jurisdictions and which are intended to cover a similar process. Overall the combined impact of these ordinances imposes significant restrictions on the mining operations and does so at a comparably high cost of doing business to similar ordinances in other municipalities, in some cases doing so without a corresponding improvement in the public health and safety. The end result is a set of ordinances that are significantly more restrictive and expensive than any other ordinances that we have worked with, in particular with Ms. Ochs' many years of experience.

The review identified a number of areas where adjustments are recommended in order to clarify the requirements, limit the scope of the requirements to those sources with the corresponding risk and to more appropriately scale the level of regulation to the level of risk. However, there are a few key areas we would like to bring to your attention for discussion and review. These key areas include:

- The new limits applied to blasting operations;
- The water quantity and quality related requirements; and,
- The cost of licensing.

It is our assessment that these three (3) areas could have a significant impact on mining operations, making it exponentially more difficult to operate and adding significant cost to the operation. Finally, many of the additional requirements will not necessarily generate a corresponding increase in public health and safety.

BLASTING LIMITS – ORDINANCE 2015-02

The State of Wisconsin regulates blasting activities under Wisconsin Administrative Code (WAC) Department of Safety and Professional Services (SPS) 307 Explosives and Fireworks. The regulations set acceptable levels for various criteria associated with blasting activities, referred to as blasting resultants, including:

- Flyrock restrictions;
- Airblast restrictions; and,
- Ground vibration restrictions.

These standards are designed to "reasonably assure that blasting resultants do not cause injury, damage or unreasonable annoyance to persons or property outside any controlled blasting site

area". (SPS 307.40). Specifically, the standards have adopted limits that reflect the findings of a United States Bureau of Mines (USBM) investigation¹ into the potential for ground vibrations caused by mine blasting activities to cause structural damage to nearby buildings. The study entailed live readings and measurements at 76 homes during the course of 219 blast events. Per the study report, these recommended limits on ground vibration, measured as Frequency (Hz) and Peak Particle Velocity or PPV (in/sec) are lower than any of the readings collected during the study that resulted in damage to nearby structures. Therefore, these limits are conservative and include a safety factor. The recommendations from the study have been adopted into SPS 307.

The limits found in SPS 307 and as recommended in the USBM investigation are included below in Chart 1. The USBM study found that structures are most susceptible to damage between 4Hz and 12 Hz, shown in the black box. The red line demonstrates the safe levels for drywall and the blue line demonstrates the safe levels for plaster walls.

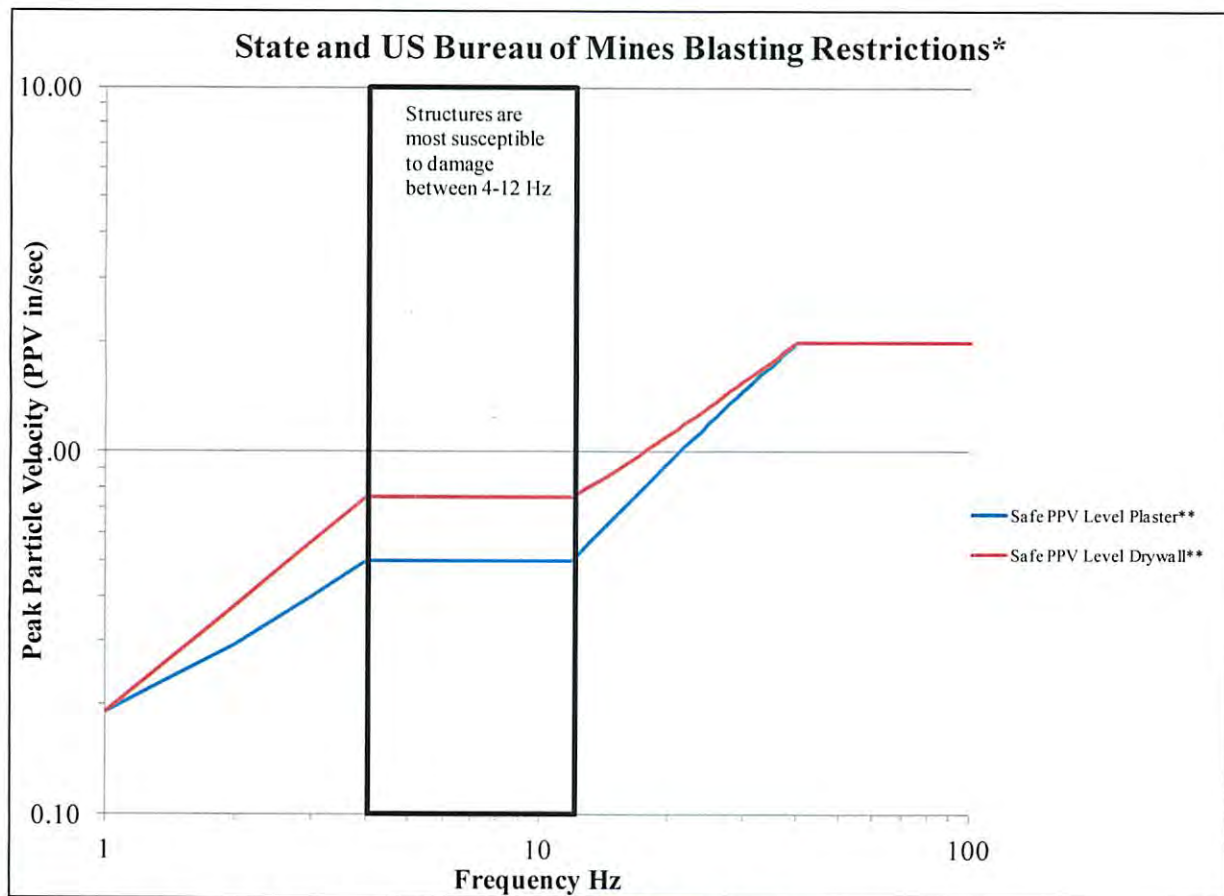


Chart 1. State of WI Regulatory Restrictions and USBM Recommendations

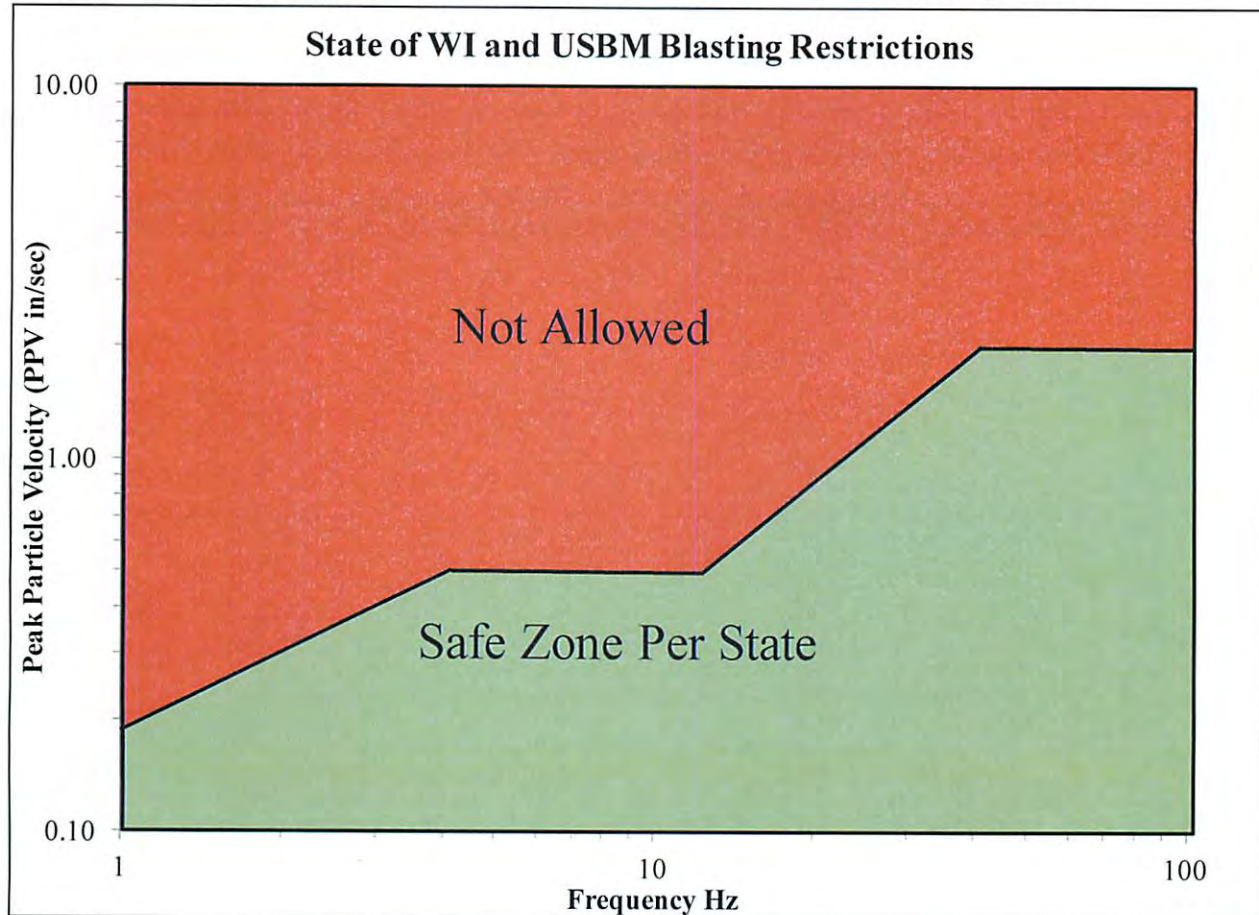
* WI Admin. Code SPS307 Explosives and Fireworks, USBM Report of Investigations 8507

** These limits are lower than the lowest level in cases where damage was observed in the USBM study of 76 homes over 219 blast events.

¹ Siskind, David et al, Structure Response and Damage Produced by the Ground Vibration from Blasting. U.S. Bureau of Mines RI 8507. 1980

The levels allowed and prohibited by SPS 307 and the USBM recommendations are displayed in Chart 2 below.

Chart 2. State of WI Regulatory Restrictions and USBM Recommendations - Areas



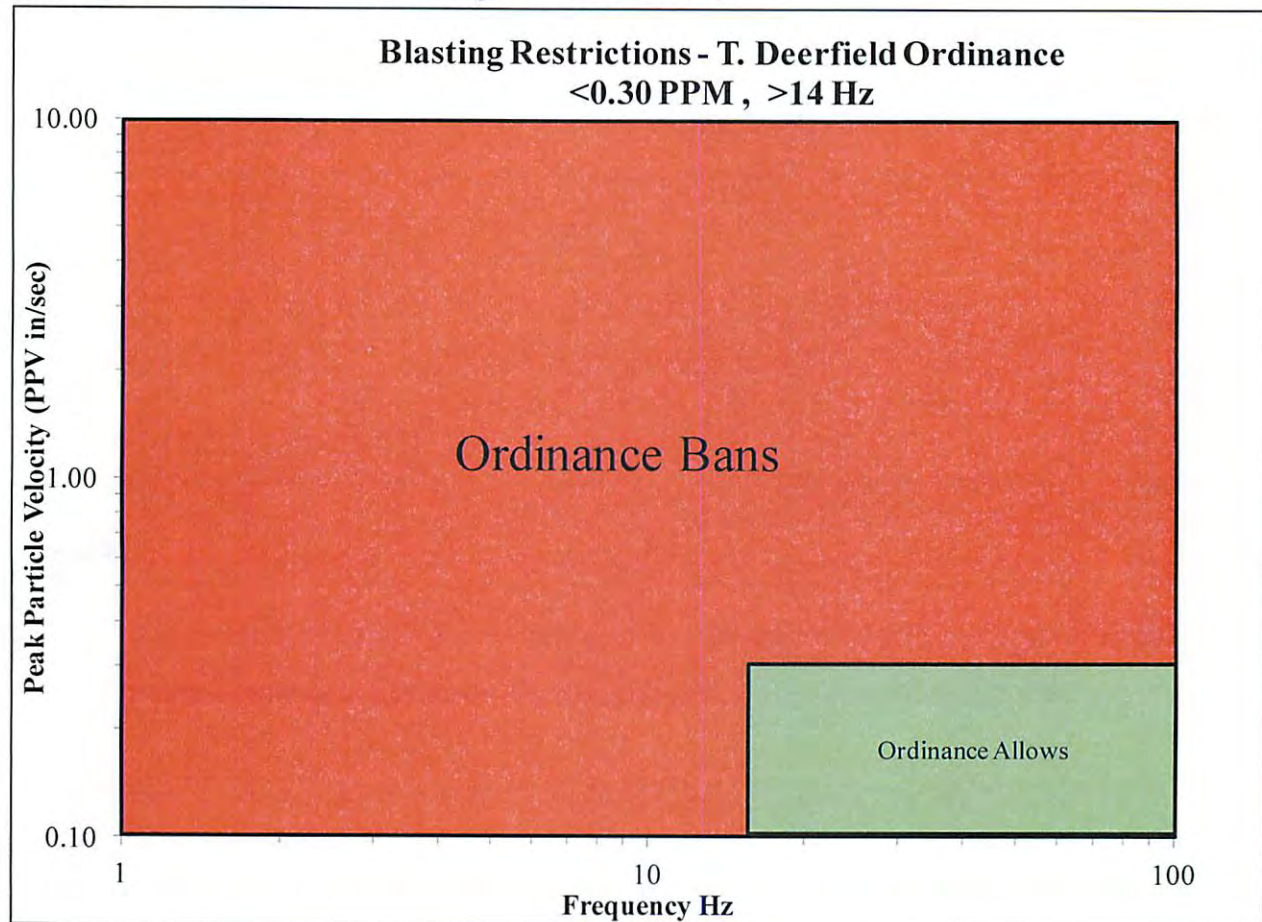
Based on this comparison, the Town blasting ordinance establishes much more stringent limits on Frequency and PPV levels associated with blasting activities, including:

- (a) Ground vibrations shall not exceed a PPV of 0.30 inches per second from more than two (2) individual blasts out of any ten (10) consecutive blasts;
- (b) Ground vibrations shall not exceed a PPV of 0.40 inches per second from any individual blast;
- (c) The frequency of ground vibrations caused by blasting under the license shall not be less than 14Hz from more than one (1) individual blast out of any ten (10) consecutive blasts.;
- (d) Ground vibrations shall not, in any case, exceed any ground vibration limitation imposed by the Wisconsin Department of Safety and Professional Services in Figure 7.44 of §SPS 307, Wis. Admin. Code; and,

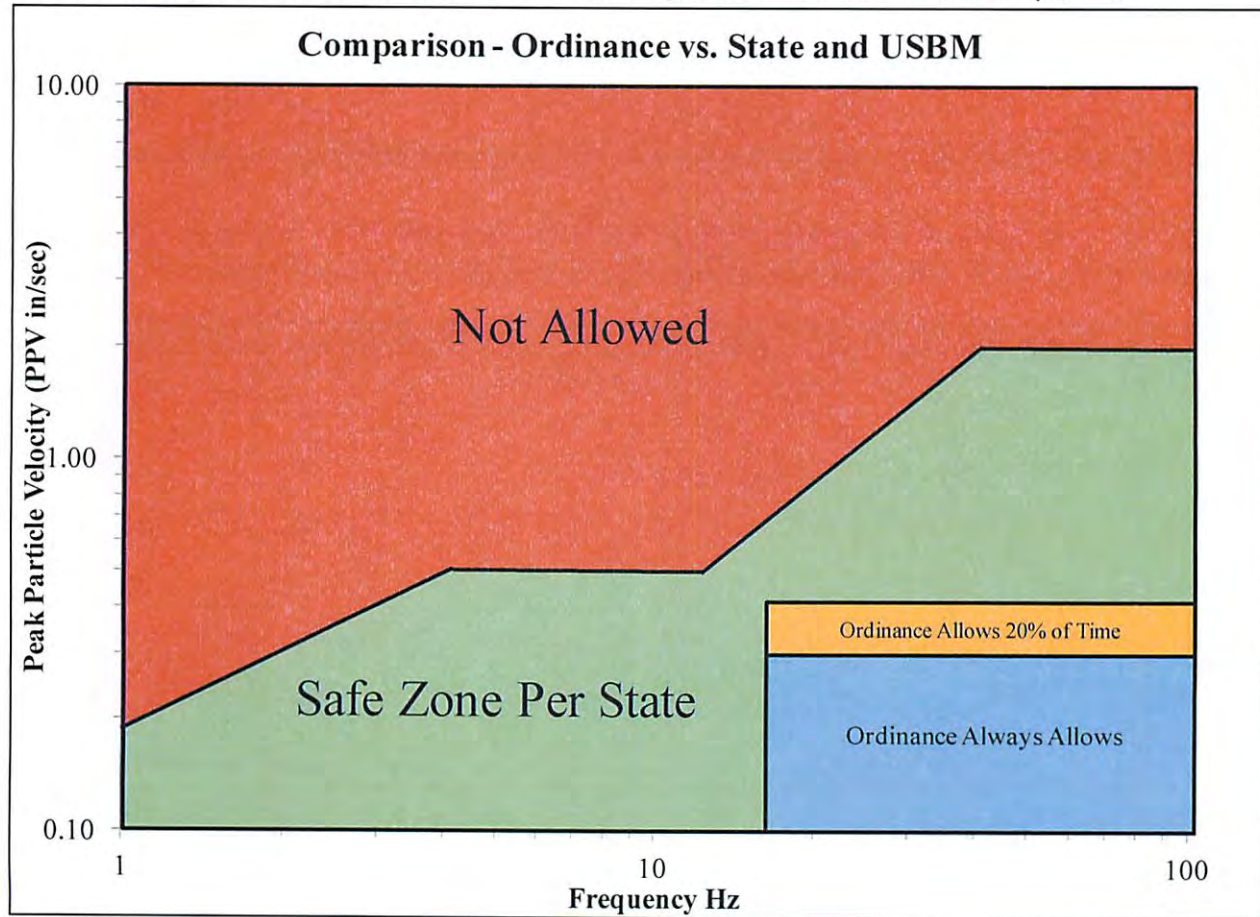
- (e) The blasting operation shall not cause an airblast of an intensity greater than 123 dB(A) from more than one (1) individual blast out of any ten (10) consecutive blasts, nor more than 128 dB from any individual blast.

The limits imposed by the Town ordinance are shown in Chart 3 below. The green area represents the allowed results for Frequency and PPV under the current ordinance limits. The orange area represents the results that are banned by the ordinance (a certain number of readings outside the stated limits is allowed by the ordinance).

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A comparison overlay of the State and USBM requirements vs. the Town of Deerfield requirements is shown in Chart 4 below. The blue area represents results that are always acceptable under the ordinance, and the yellow represents results allowed only for up to 20% of the blasting events.

Chart 4. Comparison – Town of Deerfield Blasting Ordinance Limits vs. State/USBM

As demonstrated in the charts, the Town ordinance is significantly more restrictive than the safe levels established in SPS 307 and those recommended by the USBM. One could estimate that the scope of acceptable blasting results has been reduced by approximately 70% from the safe levels established by the State. In addition, the amount of blasting material utilized must be reduced by up to 50% in order to adjust from the most conservative State requirement of 0.5 PPV to meet the ordinance requirement of 0.3 PPV. These tight restrictions will likely result in the need for a larger number of blasting events to compensate for the smaller blasts required by the ordinance.

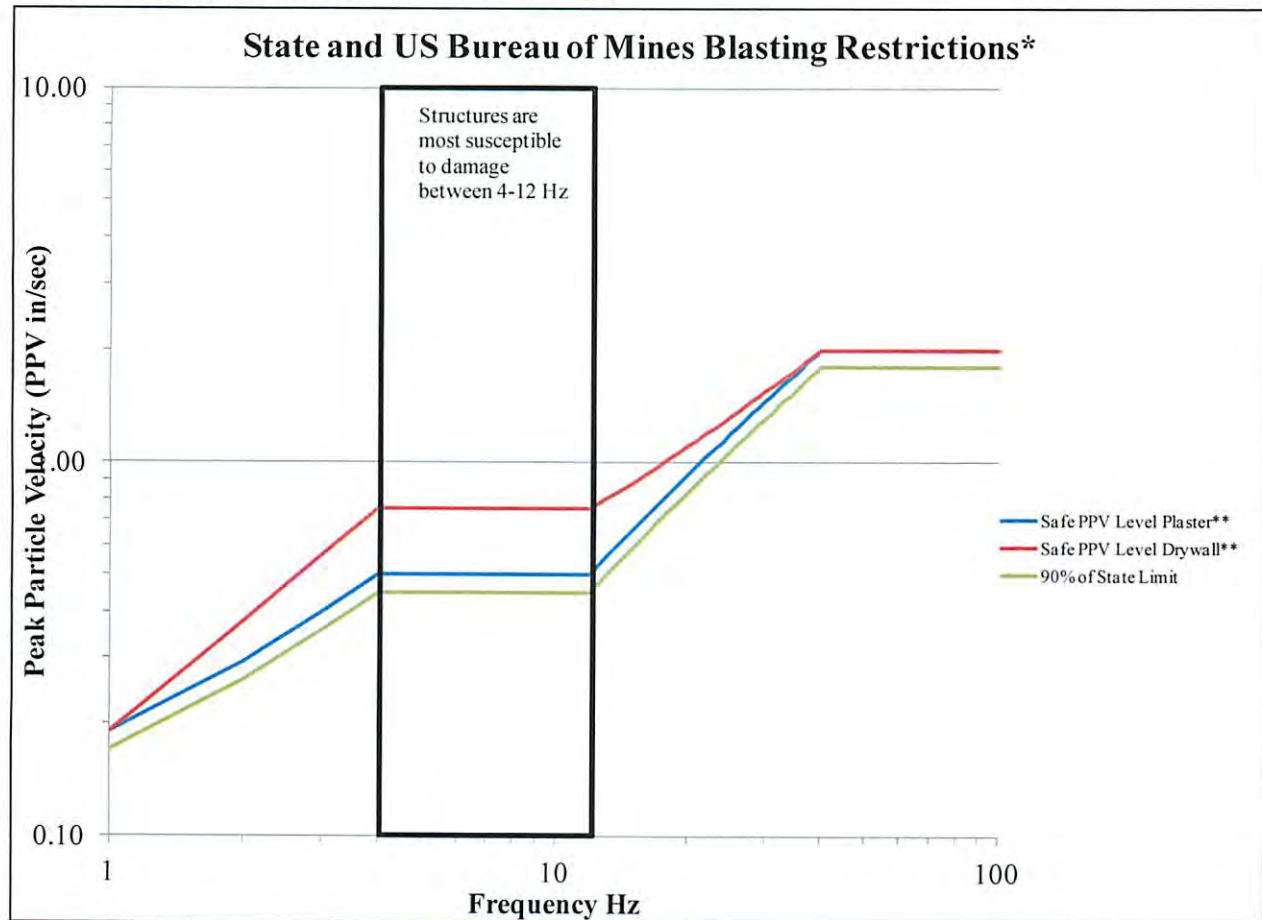
These new requirements have potentially significant impact on mining operations and lead to the following questions which need additional analysis:

1. Does the small window of performance allowed by the ordinance align with real life results?
i.e. Are the new limits achievable?
2. Do the current limits allow the type of blasting activities needed to meet the needs of the mining operation?
3. Will the number of blasts significantly increase due to the required smaller blasting size, and if so, will the increase in blasting frequency have a larger negative impact on the neighbors than the less frequent blasts which utilize more blasting material?

4. Is it truly necessary to so significantly limit blasting operations when State law already incorporates conservative limits designed to prevent damage to nearby structures and preserve quality of life for neighboring residents?

We recommend further discussion with the Town about the basis for additional regulation, given that the State standards are set at conservative levels to minimize impact to neighboring structures. If the Town decides to adopt more stringent requirements, a simpler, more appropriate way might be to establish limits that are a certain percentage below the State requirements, an example of which is shown below.

Chart 4. Example Limit At 90% of State Limit



The ordinance also imposes an airblast limit of 123 dB for nine (9) of every ten (10) blasts, and 128 dB for any individual blast. This is lower than the SPS 307 limit of 133 peak dB. It is unclear why the more stringent limit is needed to protect public health and safety.

There are numerous other items in the blasting ordinance that need additional discussion and clarification once an opportunity arises to discuss these needs with the Town.

NONMETALLIC MINING LIMITS – ORDINANCE 2015-01

As you know, mining operations are regulated in many different ways, including but not limited to:

- Zoning and conditional use permits;
- Storm water permits and plans;
- Spill Prevention and Control plans;
- Mining permits; and,
- Other local, State and Federal regulations as applicable.

The Town Nonmetallic Mining Licensing ordinance provides a number of additional requirements for mining operations. A number of these requirements are similar to requirements in other jurisdictions; however, there are a number of requirements that are significantly more restrictive than those found elsewhere. As with the blasting ordinance, there are a number of areas in the ordinance that need further discussion and clarification. We will focus on the most pressing topic, which is the water quantity and water quality requirements in the ordinance.

Concerns about water quantity and water quality are often raised with respect to mining operations. There are a number of measures that can be put in place to significantly reduce the potential for a mine operation to impact neighboring water sources. Each concern has different root causes and, therefore, requires different measures to reduce the risk of impact. Different mining scenarios present different levels of risk, therefore, the measures should be carefully applied to the scenarios that present the risk of impact.

For example, groundwater quantity impacts are limited to mining operations that extend below the water table. These operations often dewater the mining area using water pumps to move the water to a different area of the site. A portion of the water pumped is rainwater that falls on the mine, and the remainder is typically groundwater that seeps into the mining area. Mines above the water table do not pump groundwater and, therefore, have little to no impact on groundwater quantity.

The ordinance prevents mining below the water table by requiring that extractions be limited to at least 30 feet above the water table. The ordinance also imposes numerous restrictions and requirements designed to address water quantity on all mines located in the Town. Use of both types of restrictions is not necessary since the ordinance completely bans mining below the water table, which is the only activity with the potential to affect groundwater quantity. There are numerous proven approaches to addressing water quantity concerns while allowing mining operations below the water table. These approaches should be considered for inclusion in the ordinance.

The ordinance includes provisions to prevent impacts to surface waters near the mine and requires that information on the base flow of the surface water at the time of the application be gathered and provided to the Town. Using an instantaneous flow reading will not accurately portray the dynamic fluctuations in flow caused by seasonal changes or other causes not related to mine operation and that are common and natural for surface waters. Therefore, the base flow study as described will not provide accurate information for use by the Town, neighbors and mine operator. A true base flow study covering these seasonal changes is very time consuming and expensive, while the odds of the mine impacting surface water are very low. The ordinance should

incorporate requirements that provide reliable information and approaches to reducing these risks.

The ordinance includes provisions designed to protect water quality. There are very limited ways in which these operations as described can impact water quality. Additionally, both State and Federal regulations address these risks. After learning more about the low potential for water quality impacts of nonmetallic mining operations, many jurisdictions have decided not to include additional water quality provisions with respect to nonmetallic mining. The potential for groundwater quality impacts is significantly reduced by ensuring proper handling and spill response for fuels and chemicals stored onsite, as well as implementing best practices and regulatory requirements for storm water management. The ordinance language should be revised to reflect controls already required by these regulations and include provisions for a careful and unbiased analysis of whether or not the mining operations impacted water quality at a neighboring well.

LICENSING FEES

The ordinance imposes licensing costs that far exceed fees charged in other jurisdictions. These are especially onerous to smaller operations. In addition, the language addressing these fees is somewhat confusing and needs to be clarified. These fees should be reassessed and aligned with the fee amounts utilized by other jurisdictions.

CONCLUSION

Based on our review, Endpoint recommends you ask the Town to revisit the language in the ordinances to ensure the requirements included are clear and easy to understand, specifically tailored to regulate the types of activity creating the risk, as well as effective at most efficiently reducing the risk of impact to your neighbors and the Town. These discussions should include all stakeholders such as representatives of the Town, the neighbors and those regulated by these ordinances. We also recommend the Town revisit the fees associated with the licenses as they are excessive, especially for small capacity operations. Endpoint would be happy to work with you, the Town and other stakeholders to clarify and strengthen the ordinances.

Endpoint appreciates the opportunity to provide support for this matter. If you have any questions or concerns regarding this information please feel free to contact Mindy Ochs at 262-305-3321 or mindy@endpointcorporation.com.

Sincerely,

Endpoint Solutions



Mindy Ochs, P.E.
Senior Consultant



Alex Mentzer, E.I.T.
Staff Engineer

cc: Allen Reuter, Reuter, Whitish & Evans, SC.
Jon Halverson, Forever Sandfill and Limestone, Inc.
Charles "Buck" Sweeney, Axley Brynelson, LLP.
Mitchell Olson, Axley Brynelson, LLP.

Endpoint Solutions

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Fax: (414) 427-1259
www.endpointcorporation.com

Elizabeth McCredie
Town Clerk
Town of Deerfield
4 N. Main Street
Deerfield, WI 53531

January 7, 2016

Subject: Town of Deerfield Blasting License Application
Forever Sandfill & Limestone, Inc.
170 US-51
Edgerton, WI 53534

Dear Ms. McCredie:

Endpoint Solutions Corp. (Endpoint) has prepared this application for a Town of Deerfield (Town) issued blasting license (license) on behalf of Forever Sandfill & Limestone, Inc. (the "Facility" or "FS&L") whose headquarters are located at 170 US-51 Edgerton, Wisconsin and who is preparing this application with the intent to perform blasting at 3522 Oak Park Road in Deerfield, Wisconsin (Parcel IDs 071229395005, 071229380002, 071229295319 and 071229190011).

The following sections and attachments serve to meet the requirements for a full and complete application as required by Chapter 2 of the Town of Deerfield Code of Ordinances, promulgated on March 23, 2015 as well as the Town of Deerfield Blasting License Application (**Attachment 1**).

PROPOSED FACILITY DESCRIPTION AND ACTIVITIES

The Facility intends to continue to utilize the 155.6-acre property identified by Dane County Parcel IDs 071229395005, 071229380002, 071229295319 and 071229190011 located in the NE ¼ of the SW ¼ of Section 29, Township 7 North, and Range 12 East in the Town of Deerfield for the extraction of non-metallic minerals; mainly limestone gravel. A map outlining the general Facility location is included in the attached **Figure 1**. Activities at the proposed Facility include blasting, crushing, sizing, stockpiling and loading material for delivery. Other activities may include reclamation activities, maintenance activities, processing recycled asphalt and other tasks as needed to support operations.

No operational end date is in place for the Facility, though the quarry lifespan is expected to continue for several decades. Upon the end of the usable life for the activities listed above, the closure activities at the site outlined in the Reclamation Plan included in **Attachment 2** will be completed to return the Facility to a beneficially usable state.

INTENDED BLASTING ACTIVITY

FS&L intends to conduct controlled blasting under the supervision of a State of Wisconsin licensed blaster (credential information included in **Attachment 1**) to create a working face in the otherwise solid limestone below the ground level at the Facility. These blasting activities along

with all associated pre-application notifications, and pre-blasting application to the necessary property owners and Town Clerk, necessary blasting controls, record keeping, and monitoring will be conducted in accordance with State of Wisconsin and Town of Deerfield regulations.

A map showing the location of proposed blasting activities and other planning elements are required by Town of Deerfield Code of Ordinances Chapter 2; Section 2.06(e) is included in **Figure 2**.

FACILITY PERMITTING REQUIREMENTS

OTHER FACILITY PERMITS

In addition to this blasting license application, the Facility has submitted under separate cover an application for a Nonmetallic Mining Operator's License in accordance with the requirements found in Town of Deerfield Code of Ordinances; Chapter 1.

PROOF OF INSURANCE

FS&L has acquired a general liability insurance policy for the previously discussed activities at the Facility. A copy of the Certificate of Insurance meeting the requirements of Chapter 2 of the Town of Deerfield Code of Ordinances, Section 2.15 is included in **Attachment 2**. This policy will not be cancelled without a minimum of 90 days' notice to the Town of Deerfield and not without a qualified replacement Certificate submitted to the Town of Deerfield within 30 days of the presently active certificate's cancellation or expiration.

VARIANCE REQUEST

It is FS&L's request that the Town of Deerfield reconsider and grant exemptions or modifications to the allowable frequency and peak velocity limitations included within the Blasting Ordinance. When compared to available research materials as well as State law; it is observed that these limitations will offer little to no added protection to nearby structures while greatly limiting the ability of the Facility to compete in the local stone market by decreasing efficiency and increasing associated production costs.

CLOSING

FS&L is fully prepared to operate the proposed Deerfield mining Facility in accordance with all State, County, and local requirements including those associated with compliance with this Town of Deerfield Blasting License Application. This application narrative and included attachments serve to outline FS&L's actions at present, and in the future, to meet and continue to meet these requirements. Should any change in the operation of the Facility or alteration to any of the included activities or submitted permits occur the Town Clerk will be notified. Endpoint and FS&L appreciate your time and consideration to this application. Should any questions arise, please feel free to contact Mindy Ochs or Alex Mentzer at 414-858-2107.

Sincerely,

Endpoint Solutions

Mindy Ochs P.E.
Senior Engineer



Alex Mentzer E.I.T.
Associate Engineer

CC: Jon Halverson –President, Forever Sandfill & Limestone Inc.
Buck Sweeney – Axley Brynelson, LLP

FIGURES

FIGURE 1: GENERAL FACILITY LOCATION

FIGURE 2: BLASTING SITE LAYOUT MAP

ATTACHMENT 1

Town of Deerfield Blasting License Application Form

ATTACHMENT 2

CERTIFICATE OF INSURANCE



Town of Deerfield Blasting License Application

Applicant Information:

Full Name: Forever Sandfill & Limestone; Jon Halverson, President

Address: 170 US-51 Edgerton, WI 53534

Telephone: 608-884-9105

Email: jhalver@frontier.com

Licensed Blaster Information:

Full Name: Ahlgrimm Explosives Company; Brett Schmitz

Address: Ahlgrimm Explosives Company, Inc; 102 Fountain Road; Mineral Point, WI 53565

Telephone: Cell: 608-574-8521 / Office 608-987-3034

Email: Brettschmitz1@icloud.com

State Blasting License Number: 842480

Blast Site Information:

Location of Proposed Blasting: 3522 Oak Park Road; Deerfield, WI 53531

Parcel ID's: 071229395005, 071229380002, 071229295319, and 071229190011

Full Name of Person Responsible for Proposed Blast Site: Jon Halverson

Address: 170 US-51 Edgerton, WI 53534

Telephone: 608-884-9105

Email: jhalver@frontier.com

Type of License requested (circle one): Annual (exceeds 14 days) / Short-term (14 days or less)

For short-term licenses, date proposed blasting is to commence: _____

The following information shall be provided in or attached to the application:

1. Applicant's name, including all partners if the applicant is a partnership; all officers if applicant is a corporation; all members if the applicant is a limited liability company: including the contact phone number and email address for each individual.
2. Name, address, license number, contact phone number, and email address of the blaster in charge of the blasting operations to be conducted under the license.
3. Name, address, contact phone number, and email address of any person or persons in charge of the site at which the blasting operations will occur; who will be available at all times to respond to inquiries by and receive notices from the town.
4. A map showing the location of the controlled blasting site area, the location of all buildings located within $\frac{1}{4}$ miles (1320 feet) of the controlled blasting area, and the names, addresses of the owner of those buildings.
5. A description of the general operations conducted at the site.
6. Copies of all required Town, County and State licenses or permits necessary for the operations that will include the proposed blasting.
7. A certificate of insurance certifying a current policy of liability insurance against claims for bodily injury, death, property damage arising out of the blasting operation. Said policy of insurance shall have limits of coverage not less than five million (5,000,000) dollars in aggregate and two and one-half million (2,500,000) dollars per occurrence. The policy shall not be cancelled except after not less than ninety (90) days notice to the Town of Deerfield.
8. Payment of the application fee.

I, Jon Halverson, the undersigned agree that all of the information provided in and with this application is accurate and correct. I accept the responsibility for all blasting activities to be conducted at the location or locations as noted above. I further agree to comply with all the requirements found under the Town of Deerfield Blasting Ordinance, Chapter 2 of the Town's Code of Ordinances.

Signature

Date

Town License Number: _____

Approved/Denied
(circle one)

Date: _____

Signature of Town Clerk if Approved by Town Board

Date License Expires: _____



Town of Deerfield Nonmetallic Mining Operator's License Application

Landowner Information:

Full Name: Forever Sandfill & Limestone; Jon Halverson, President

Address: 170 US-51 Edgerton, WI 53534

Telephone: 608-884-9105

Email: jhalver@frontier.com

Lessor Information, if applicable:

N/A

Proposed Nonmetallic Mine Operator Information:

Full Name: Forever Sandfill & Limestone; Jon Halverson, President

Address: 170 US-51 Edgerton, WI 53534

Telephone: 608-884-9105

Email: jhalver@frontier.com

Location of Proposed Nonmetallic Mining Operation: 3522 Oak Park Road; Deerfield, WI 53534

The following information shall be provided in or attached to the application:

I. Ownership Information. Provide the following:

(a) *The name, address, phone number(s), and e-mail address of the operator of the nonmetallic mining operation.*

See Above

(b) *The name, address, phone number(s), and e-mail address of all owners or lessors of the land on which the mining operation will occur.*

See Above

- (c) *If the operation is subject to a lease, a copy of a fully executed lease and/or agreement between the landowner and the operator who will engage in mining operations on the proposed site.*

N/A

II. *Nonmetallic Mining Site Information and Maps. Provide the following:*

- (a) *A plat of survey or certified survey map(s) and parcel identification number(s) of the property on which the nonmetallic mining operation will be located.*

A survey of the property can be found in **Appendix A**, the parcel numbers are listed below:

- 071229395005;
- 071229380002;
- 071229295319; and
- 071229190011.

- (b) *An aerial photo of the proposed site at a scale of 1 inch equals 660 feet signed by both operator and the landowner.*

See **Appendix A**.

- (c) *A topographic map of the mine site extending ½ mile beyond the site boundaries at contour intervals no wider than 10 feet showing the boundaries of the site, the location and total acreage of the site, and the name of all roads within one mile of the site.*

See **Appendix A**.

- (d) *A scale drawing of the location within the site of all existing buildings and other structures, equipment, stockpiles, storage and parking areas.*

See **Appendix A**.

- (e) *A map on which all residential, agricultural and municipal wells within ½ mile of the boundaries of the site in all directions are marked and given a numerical identification of the location.*

See **Appendix A**. While Forever Sand and Limestone does not object to the requirement to submit this information, they feel it imperative that the Town be notified that the operator can only provide the best information available. The information on the wells in the area may be difficult, if not impossible to accurately compile. There are two databases with well information, however, the databases are not complete and do not provide the level of detail required by the ordinance, for example the specific location of the well.

The following DNR website includes information on private wells constructed since 1987 for private home owners:

[http://prodoasext.dnr.wi.gov/inter1/watr\\$.startup](http://prodoasext.dnr.wi.gov/inter1/watr$.startup)

The following website includes information on private wells constructed prior to 1987:

<https://datcpgis.wi.gov/WellLogs/>

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) website includes the following disclaimer about the accuracy of the information:

“DATCP has created an interactive web map for accessing historic (1936 - 1989) well construction reports (WCRs) that were obtained from the Wisconsin Geological and Natural History Survey (WGNHS). Wells were mapped to the centroid of either a section, quarter section, or quarter-quarter

section as recorded on the original WCR. These locations have not been field verified, and errors are very common. The average success rate for finding a specific WCR for a specific well is only 50%. Electronic copies of the well construction reports were converted to PDF format for easier web viewing. See the WGNHS site for more information regarding Well Records, or contact WGNHS staff at geodata@wgnhs.uwex.edu.

DATCP does not guarantee the accuracy, completeness or legality of data provided by other sources. No warranty, expressed or implied is made regarding the accuracy or utility of this data. See DATCP Legal Notice for more information.”

- (f) *The location and name of all surface waters, including lakes, private or public ponds, streams (including intermittent streams and headwaters), drainage ditches, wetlands, drainage patterns and other water flow features on the site and within ½ mile of the site. If the gradient of groundwater flow is in the direction of a stream, the applicant must supply data establishing the base-line flow of the stream at the time of license application.*

See **Appendix A**. The gradient of groundwater flow appears to be toward the northeast per the Dane County water table map. No streams are located in this area, therefore, stream baseline flow data is not required.

- (g) *A description of the distribution, depth and type of topsoil on the site as well as the geological composition and depth and width of the nonmetallic deposit.*

See **Appendix A**.

- (h) *A map identifying the location of all other non-contiguous sites within the Town and adjacent Towns, if any, that will contribute material to the facility for which the applicant seeks a license.*

N/A

III. *Nonmetallic Mining Operation Plan. Provide the following:*

- (a) *Dates of the planned commencement and cessation of the operation.*

The mine has been in operation for many decades. The life expectancy of the operation is dependent on a number of factors including, but not limited to, market demand, the quality of the deposit, efficient mining practices and other aspects. It is anticipated that the current reserve could provide nonmetallic mineral products for many decades to come.

- (b) *Description of mining methods, machinery and equipment to be used for extraction and processing of the extracted material, and the sequence of operations.*

The mining methods used at this facility include those common to a limestone quarry. The stone is broken apart utilizing blasting activities. The stone is then crushed, sorted by size and quality and either stockpiled or loaded for delivery. Other onsite activities may include reclamation activities, maintenance activities, processing recycled asphalt and other tasks as needed to support the operations. The types of equipment vary but typically include, but are not limited to, loaders, crushers, conveyors, screens, trucks, blasting equipment and other equipment as needed to support the operation.

- (c) *Estimated volume of material to be extracted over the life of the mine and for the next year of operation.*

The volume of material extracted on a yearly basis can vary significantly based on market demand. Transportation costs for nonmetallic mineral products have a significant impact on total cost of the product. Therefore, materials are typically sourced from mines nearest to the project site. During years where local demand is higher, for example due to road construction projects, the output of the mine will be higher. Other years with less demand will result in lower production rates. Given the available reserves at this site, it is difficult to estimate the total volume of material to be extracted.

- (d) *Location of road access points and the proposed location within the site of all buildings and other structures, equipment, stockpiles, storage and parking areas.*

See **Appendix A.**

- (e) *Identification of all proposed off-site trucking routes, together with the frequency of traffic and the common schedule of travel to be used for transporting extracted materials or products to or from the site and the size of truck to be used to transport the nonmetallic materials.*

The entrance on the West side of the mine is currently the main entrance. Trucks travel from the site onto Oak Park Road and travel south approximately ½ mile to State Highway 18/12. A second entrance was recently installed further south of the mine. When this entrance is used, the trucks travel south on Oak Park Road for approximately 500 feet to State Highway 18/12. The frequency of traffic is highly variable depending on the demand for the material and the speed at which a given project is taking place. The size of the truck varies from personal pick-up trucks to dump trucks, semi trucks and specially permitted oversize and overweight trucks.

Most of the traffic from the site happens during the day. However, for certain projects, such as highway road projects, the material must be delivered at night when the construction crews are working. If nighttime loading and hauling is not allowed, the company will be disqualified from bidding on these projects. This will significantly impact Forever Sand and Limestone's business and sustainability, as well as lead to increasing stone prices by reducing the number of project bidders and likely increasing the haul distance for these materials.

Special Exemption Request:

Per Section 1.06(5) Special exemptions;

"The Town Board may grant special exemption from one or more of the specific application requirements of this section if the Board finds that the information required is not necessary for an evaluation of the particular mining operation, and that the public health, safety and welfare will not be adversely affected thereby."

Forever Sand and Limestone requests that the Town grant a special exemption to allow night-time loading and hauling activities, so as to allow night time road projects Forever Sand and Limestone would like to further discuss the ways that these operations could take place whilst minimizing impacts to the neighbors. For these types of projects, the public safety determination must consider the risk of performing highway construction work during the day for both the public and construction workers, vs. the risk of night time activities at mining sites. Forever Sand and Limestone believes that the public risk and risk to construction employees is much lower when performing road construction activities at night.

- (f) *A water budget, including an estimate of the amount of daily water use, water sources, and the methods for disposing of water including methods used for infiltration and control of run-off.*

The mine does not currently use water in the mining and processing operations, but may in the future as needed to support operations. Storm water in the quarry is periodically used to water roads for dust control. Water is not disposed of on the site; however, the site does have a State of Wisconsin Department of Natural Resources Storm Water permit that addresses storm water that contacts the site. A copy of this permit can be found in **Appendix B.**

- (g) *A listing of any hazardous materials, including fuel supplies that will be stored on site and a description of measures to be used for securing and storing these materials.*

The site currently has a fuel storage tank used to store off road diesel for the mine equipment. The tank is a portable unit with a fuel capacity of 1,000 gallons equipped with a gauge to prevent overfills and is operated by Facility personnel familiar with the operation of the fueling system. Fuel delivery trucks bring fuel to the site to directly fuel equipment at the site or to fill the fuel storage tank. These fuel transfers are attended at all times by the trained delivery driver. Other materials, such as hydraulic fluid and motor oil are kept onsite in smaller portable containers. Miscellaneous materials such as for solvents or lubricants for use in repairing or maintaining equipment may also be stored onsite in small quantities. Blasting materials are not stored at the Facility, rather they are transferred by the blasting contractor at the time of any blasting activities.

- (h) *A listing of all chemicals used in the manufacturing or processing operations or in controlling dust. The operator shall select products that limit the potential for groundwater or surface water pollution, as may be identified on recognized product lists available from Wisconsin DNR, EPA, or other agencies.*

The operations do not use chemicals in the manufacturing or processing of limestone materials at the Facility. Water is used to control fugitive dust on the roadways. Blasting materials, while not utilized for manufacturing or processing of limestone materials, are otherwise used at the Facility to free material from the rock face.

- (i) *Contiguous properties. For contiguous properties under common ownership or control of the applicant owner or operator, a timetable and plan indicating the anticipated nonmetallic mining operation expected to be undertaken at such properties.*

Due to the inconsistent and often unknown characteristics of the market and mining activities including variable market demand, indeterminate deposit quality, and other external factors that affect the Facility's ability to mine effectively, the anticipated date in which operations will expand to each identified parcel is indeterminate but is expected in coming years in accordance with the originally issued Conditional Use Permit.

IV. Minimum Standards of Operation. Provide the following:

- (a) *All information necessary to demonstrate that the mining operation will comply with the minimum standards of operation in §1.07 of the Town Code (attached).*

Forever Sand and Limestone would appreciate the opportunity to discuss certain requirements in the ordinance in detail with the Town Board and the ordinance committee. This will help to clarify confusion surrounding some of the requirements as well as provide an opportunity to discuss the requirements and whether or not they are achievable, and/or appropriate given the nature of the operations.

- (b) *All information establishing baseline conditions at the site before mining operations commence, including the groundwater elevation across the site, groundwater quality at the site for lead, arsenic, and any other toxic metal that may reasonably be believed to be present in the area or in the type of deposit from which the extraction will be made, and the base flow of surface water within ½ mile of the site.*

The estimated ground water elevation can be found in **Appendix A**. The gradient of groundwater flow appears to be toward the northeast per the Dane County map. No streams are located in this area, therefore, stream baseline flow data is not required. Forever Sand and Limestone is not aware of any groundwater quality issues at the site. The mining operations currently do not use well water. Water quality can vary significantly based on the depth of the well and the formation from which the well draws the water. Forever Sand and Limestone would be happy to discuss these concerns with the Town.

V. Financial Assurance. Provide the following:

- (1) *Financial assurance shall be provided to the Town as a condition of license approval in the amount necessary for the following:*

Per the ordinance and this license, financial assurance shall be provided after the license is approved (as a condition of license approval"). Therefore, appropriate financial assurance will be provided upon further discussions and agreement with the Town.

- (a) *Road repair. An amount necessary for 100% of the cost of repair and extraordinary maintenance of Town roads used for truck traffic transporting materials to or from the site.*
- (b) *Water Supply. An amount necessary to provide an alternative water supply to potentially affected residences or agricultural operations within ½ mile of the site or such other area shown to be impacted by the operator's operations.*

- (2) *Financial assurance shall be provided to the Town in the form of cash deposits, irrevocable letters of credit or other measures agreed upon by the Town Board.*
- (3) *The operator shall also provide to the Town proof that it has provided the financial assurance for reclamation required under Wisconsin law.*

See **Appendix C.**

VI. *Payment of the application and administrative fees.*

A payment for the established fee is attached to this application.

I, _____, the undersigned agree that all of the information provided in and with this application is accurate and correct. I accept the responsibility for all of the mining operations to be conducted at the location or locations as noted above. I further agree to comply with all the requirements found under the Town of Deerfield Nonmetallic Mine Operator's Licenses Ordinance, Chapter 1 of the Town's Code of Ordinances.

Signature of Landowner

Date

FIVE COPIES OF THE COMPLETED APPLICATION, INCLUDING ATTACHMENTS, MUST BE SUBMITTED BY THE APPLICANT

Town License Number: _____ Approved/Denied Date: _____
(circle one)

Signature of Town Clerk if Approved by Town Board

Date License Expires: _____

December 14, 2015

To whom it may concern:

My name is Michael Dernovsek and I live at 1010 Park View Drive in Stoughton Wi. I was an employee of B.R. Amon & Sons from 1982 until the spring of 2013 when they shut down. From 1994 to 2013 I was their crushing superintendent. I was responsible for hiring the drilling and blasting companies for the quarries we ran. We would typically crush once a year at the Mandt site and more if needed due to jobs in the area. Each blast would be approximately about 20,000 tons per shot and we would have 2-3 shots each time we crushed. This worked out to be an average of about 50,000 to 60,000 tons of material in a typical year.

We did not use electronic (computerized) blasting caps at this site. In my 30 plus years of quarry experience I find it highly unlikely that Forever Sand & Limes shots, since using electronic caps, decking and shooting less tons per shot could be felt as strongly as how we blasted at the site before 2010.

Respectfully

A handwritten signature in dark ink, appearing to read 'Michael Dernovsek', with a long, sweeping horizontal stroke extending to the right.

Michael Dernovsek

Subject: Insurance
From: Mark Rostowfske (mark@rs-ins.com)
To: jhalver@frontier.com;
Date: Tuesday, January 5, 2016 4:51 PM

Hi Jon,

To follow up our phone conversation today.

Jon Halverson Trucking, Inc. & your other legal entities have general liability coverage. This coverage provides up to \$1,000,000 of bodily injury & property damage liability coverage for claims you are legally liable to pay (i.e. you hurt or damage someone else's property).

If you hired another subcontractor to do work at one of your locations you should obtain as certificate of insurance to confirm the subcontractor also of liability insurance coverage. As long as the subcontractors has general liability insurance coverage their policy would also provide bodily injury & property damage liability coverage for claims you & they are legally liable to pay n(i.e. you or they hurt someone or damage someone else's property).

I hope the above information is helpful. It is hard to provide anymore than the above information when we are talking in general terms of liability coverage. The above information is not & does not replace any of your policies in place. This is meant to provide general information on how your insurance policy works.

Thanks,

Mark Rostowfske

R & S Insurance

PO Box 608

1520 Vernon Street



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/6/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Texas AGA, Inc. 5950 Sherry Lane, Suite 500 Dallas, TX 75225 www.aga-us.com	CONTACT NAME: (AGA DAL) Debbie Terry PHONE (A/C, No, Ext): 469-759-1751 E-MAIL ADDRESS: dterry@aga-us.com FAX (A/C, No): 972-980-9481														
INSURED Ahlgrimm Explosives Co., Inc. 1829 E. Ravenswood Ct. Appleton WI 54913	<table><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A : Lancer Insurance Company</td><td>26077</td></tr><tr><td>INSURER B : American Mining Insurance Company</td><td>15911</td></tr><tr><td>INSURER C :</td><td></td></tr><tr><td>INSURER D :</td><td></td></tr><tr><td>INSURER E :</td><td></td></tr><tr><td>INSURER F :</td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Lancer Insurance Company	26077	INSURER B : American Mining Insurance Company	15911	INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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INSURER C :															
INSURER D :															
INSURER E :															
INSURER F :															

COVERAGES**CERTIFICATE NUMBER:** 28019883**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Blasting Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:			GL80293513	9/30/2015	9/30/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			BA80293413	9/30/2015	9/30/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED \$ RETENTION \$			XS80293613	9/30/2015	9/30/2016	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input type="checkbox"/> N/A			AMWC185502	9/30/2015	9/30/2016	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDERSt. Paul Liberty Lutheran Church
3494 Oak Park Road
Deerfield WI 53531**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

(AGA DAL) Fred Bangs

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NOBEL INSURANCE SERVICES®

VIA EMAIL ONLY

December 31, 2015

Ahlgrimm Explosives Company, Inc.
Attention: John Ahlgrimm
1829 E. Ravenswood Court
Appleton, WI 54913

Date of Loss: 9/8/15
Claim #: 1601513
Location: Oak Park Quarry
Deerfield, WI

Dear Mr. Ahlgrimm:

Please be advised we are handling the above captioned claim for your company that was reported to Nobel Insurance Services.

We spoke with Brett Schmidt and he confirmed what happened with the shot. He also stated he went over and talked to both Mr. Richard Hauge, the owner and driver of the truck in question and his passenger, Mr. Paul Staples. He was unable to confirm what damage, if any, was done to the truck as it is older model vehicle and has a lot of previous damage. Mr. Schmidt also confirmed he did not see any injury to Mr. Staples.

I called and spoke with Mr. Hauge and he stated his vehicle was damaged but did not want to talk to me about any injury to his passenger. I asked him to forward me a copy of the estimate he received and I would review it. Upon receipt of the estimate I mailed Mr. Hauge a Property Damage Release, please see attached. He has never returned this signed release to me. Therefore, his claim remains open.

I received a letter from an attorney representing Mr. Staples for the injury he claims he sustained. Please see attached. I responded to this attorney, requesting photos of his client's face showing the injury they are claiming. To date, I have not received those photos.

Nobel Insurance Services has put forward all attempts to resolve this matter and is not getting any cooperation from Mr. Hauge or the attorney.

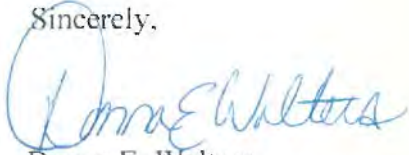
Please feel free to contact the undersigned with any further questions or concerns you may have.

A DIVISION OF LANCER INSURANCE COMPANY

734 ALPHA DRIVE, SUITE L, CLEVELAND, OH 44143-2125 • TEL. (440) 473-1634 • FAX (440) 473-1650 • www.nobelinsurance.com

Page 2

Sincerely,



Donna E. Walters
Claims Technical Specialist
Nobel Insurance Services

cc: Forever Sandfill & Limestone
Jon Halverson
Email – jhalver@frontier.com

GLASSWORKS

OF Wisconsin, Inc.

579 Lake Drive Rd
Edgerton, WI 53534
Mobile (608) 290-6200 Local (608) 884-2300
Fax (608) 884-7700 Toll Free (877) 745-2775

BILL TO

RICHARD HAUGE
218 W NELSON ST
DEERFIELD WI 53531

Correct address

*3305 Spruce St.
Janesville, WI 35
53546*

JOB LOCATION

608-577-9382

INVOICE

DATE	INVOICE #
9/9/2015	39401

VIN	
YEAR	2001
MODEL	RAM
MAKE	DODGE
P.O.#	
R.O./UNIT#	
MILES	
TECHNICIAN	

DESCRIPTION	LIST PRICE	RATE/COST	AMOUNT
DW01473 GBN		150.00	150.00T
WFS 1176-98		24.75	24.75T
LABOR		50.00	50.00T
FAST CURE		25.00	25.00T
Sales Tax		5.50%	13.74
<div>Area of Repair</div>			

We accept payment by cash, personal or cashier checks & major credit cards. Please make checks payable to GlassWorks of Wisconsin, Inc. We add a \$35 charge to the balance for returned checks. For credit card & other billing inquiries please call Kyle at (608)290-6200. Thank you for your business.

TOTAL	\$263.49
PAYMENT/CREDITS	\$0.00
BALANCE DUE	\$263.49

The Clear Choice for Glass Repair & Replacement

CLAIM NO.: 1601513

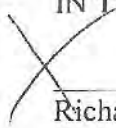
RELEASE FOR PROPERTY DAMAGE ONLY

For damage to a 2001 Ram Dodge

I, Richard Hauge, for ourselves, our heirs, executors, administrators, successors and assigns in consideration of the payment of Two Hundred Sixty Three Dollars 49/100 (\$263.49), do hereby remise, release and forever discharge Ahlgrimm Explosives, and any other person, firm or corporation charged or chargeable with responsibility or liability, and their heirs, executors, administrators, successors and assigns from and against all property damage claims, demands, actions and causes of action for damages whensoever and howsoever, arising on account of damage to property (including loss of use thereof), arising out of an accident which occurred on or about September 8, 2015 at or near Oak Park Road in Deerfield, Wisconsin.

IT IS UNDERSTOOD AND AGREED that neither this Release, nor any payment made pursuant hereto is to be taken as an admission of liability on the part of any person in whose favour this Release is given.

IN THE PRESENCE OF:

 _____
Richard Hauge

Date

 _____
Witness

Address

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO INJURE, DEFRAUD, OR DECEIVE ANY INSURANCE COMPANY OR FILES A STATEMENT OF CLAIM CONTAINING ANY FALSE, INCOMPLETE OR MISLEADING INFORMATION IS GUILTY OF A FELONY.

PD-ONLY.REL

3301 WEST BELTLINE HIGHWAY, SUITE 204
MADISON, WISCONSIN 53713
Tel 608.277.7777
Fax 608.274.1848

Hupy and Abraham S.C.

personal injury lawyers

September 23, 2015

Ahlgrimm Explosives
1829 E Ravenswood Ct.
Appleton, WI 54913

RE: Our Client: Paul Staples
Date of Incident: 9/8/15
Location of Incident: County Highway W north of 12/18

To Whom It May Concern:

Please be advised that we have been retained by Paul Staples to represent him in a claim for personal injuries and/or property damages he sustained in the above-referenced date of incident. All correspondence and communication regarding this matter should be directed to our attention.

This letter is also intended as formal notice that we consider any video, video stills, photographs depicting the incident or vehicles involved and any driver's past incident of alcohol and drug testing results and any event data recorder from the vehicles involved and any other relevant evidence to be essential to my client's claim, thereby creating a duty that you preserve and safely store this evidence keeping it in the same condition it was in as the time of the incident. Failure to take adequate steps to preserve the evidence may include an imposition of sanctions by the court if and when this case proceeds into litigation.

In addition, please be advised that this firm asserts an attorney's lien on this claim pursuant to the Statutes of the State of Wisconsin. Please acknowledge this letter of retainer in writing at your earliest convenience.

PLEASE IMMEDIATELY NOTIFY YOUR INSURANCE COMPANY OF OUR INVOLVEMENT AND FORWARD A COPY OF THIS LETTER OF RETAINER TO THEM.

Very truly yours,
Hupy and Abraham, S.C.

Michael F. Hupy
MFH/mas

WISCONSIN

Appleton Office
Tel 920.882.8382
Fax 920.750.5387

Green Bay Office
Tel 920.593.6050
Fax 920.593.6050

Milwaukee Office
Tel 414.223.4800
Fax 414.271.3374

Wausau Office
Tel 715.298.4400
Fax 715.298.4400

ILLINOIS

Bloomington Office
Tel 309.827.4800
Fax 309.827.8525

Gurnee Office
Tel 847.625.5500
Fax 847.625.5518

Rockford Office
Tel 815.877.3600
Fax 815.282.8174

IOWA

Cedar Rapids Office
Tel 319.731.8009
Fax 515.777.3399

West Des Moines Office
Tel 515.984.0091
Fax 515.777.3399

Quad Cities Office
Tel 563.275.6882
Fax 563.359.0582

*ST MICHAEL F. HUPY
*AT JASON F. ABRAHAM
*VI CLAD A. KREBLIN
*V-BRANDON D. DERRY
*TODD R. KORB

*THOMAS W. KYLE
*S TIMOTHY W. SCHWARTZ
*EVAN N. GLADITS
*JAMES R. SHLOBBE
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NOBEL INSURANCE SERVICES®

October 13, 2015

Hupy & Abraham
Personal Injury Lawyers
3001 West Beltline Highway
Suite 204
Madison, WI 53713

Our Insured: Ahlgrimm Explosives Company, Inc.
Our Claim #: 1601513
Date of Loss: 9/18/15
Your Client: Paul Staples

To Whom It May Concern:

This will acknowledge receipt of your letter of representation.

Please contact the undersigned at your earliest convenience to further discuss this matter. We also would like to request photos of the injury to your client's face.

At your earliest convenience, please provide me with the following information:

- (1) Your client's current home address.
- (2) Your client's date of birth and social security number.
- (3) Name and address of your client's employer and occupation.
- (4) List of hospitals, doctors, and other medical treatment providers.
- (5) Description of your client's injury and anticipated period of disability.

In an effort to expedite the handling of this matter, please have your client sign the enclosed Medical and Wage Authorization Forms. I will obtain information from your client's medical providers, employer and provide you with copies.

Due to Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007, we are required to report all payments made to Medicare recipients to the Center for Medicare and Medicaid Services (CMS) to protect Medicare's current and future interests for all medical payments and settlements.

If your client is eligible for Medicare benefits, beginning October 1, 2011, we are required by Section 111 of the Medicare Medicaid and Schip Extension Act of 2007 to report your client's information to the Centers for Medicare & Medicare Services (CMS) beginning January 2012. This information must be reported whether or not your client receives Medicare benefits for medical bills associated with this incident. Please provide your client's Medicare Health Insurance Claim Number (HICN) or Social Security Number at your earliest opportunity. Failure to disclose this information for a Medicare eligible individual may delay the claim process.

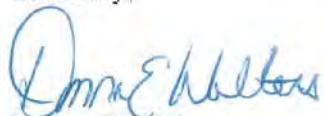
A DIVISION OF LANCER INSURANCE COMPANY

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Page 2

Should you have any questions pertaining to this, please contact the undersigned at your convenience.

Sincerely,



Donna E. Walters
Claims Technical Specialist
LANCER INSURANCE COMPANY

DEW/mkt

Enc.

Winnon 1001513

30AHLGREXP

ACORD™ GENERAL LIABILITY NOTICE OF OCCURRENCE/CLAIM				DATE 09/30/15	
PRODUCER Texas AGA, Inc. 5950 Sherry Lane #500 Dallas, TX 75225		PHONE (A/C, No, Ext): 800 875-9484		NOTICE OF OCCURRENCE DATE OF OCCURRENCE AND TIME 09/08/15	
AGENCY CUSTOMER ID: 79059		SUB CODE:		POLICY TYPE X OCCURRENCE CLAIMS MADE	
CODE:		POLICY NUMBER GL80293512		REFERENCE NUMBER Pending	
EFFECTIVE DATE 09/30/14		EXPIRATION DATE 09/30/15		RETROACTIVE DATE	
COMPANY Lancer Insurance Company		NAIC CODE: 26077		MISCELLANEOUS INFO (Site & location code)	

INSURED NAME AND ADDRESS Ahlgrimm Explosives Co., Inc. 1829 E. Ravenswood Ct. Appleton, WI 54913		CONTACT NAME AND ADDRESS Mary Ellen Ahlgrimm 920-450-9899		CONTACT INSURED WHERE TO CONTACT WHEN TO CONTACT	
RESIDENCE PHONE (A/C, No) 920 733-3535		BUSINESS PHONE (A/C, No, Ext) 920 733-3535		RESIDENCE PHONE (A/C, No) 920 733-3535	
BUSINESS PHONE (A/C, No, Ext) 920 733-3535					

OCCURRENCE LOCATION OF OCCURRENCE (Include city & state) Yamaha Materials-One Park Quarry, One Park Road Deerfield, WI		AUTHORITY CONTACTED	
DESCRIPTION OF OCCURRENCE (Use separate sheet, if necessary) Small flyrock hit windshield of vehicle causing crack across bottom of windshield, driver wants windshield and eye doctor visit paid for and (See attached Description of Occurrence page.)			

POLICY INFORMATION COVERAGE PART OR FORMS (Insert form #s and edition dates)							
GENERAL AGGREGATE 2,000,000	PROD/COMP OP AGG 2,000,000	PERS & ADV INJ 1,000,000	EACH OCCURRENCE 1,000,000	FIRE DAMAGE 100,000	MEDICAL EXPENSE 5,000	DEDUCTIBLE 10,000	X PD X BI
UMBRELLA/ EXCESS	UMBRELLA	EXCESS	CARRIER:	LIMITS:	AGGR	PER CLAIM/OC	SIR/ DED

TYPE OF LIABILITY PREMISES: INSURED IS OWNER TENANT OTHER:				TYPE OF PREMISES	
OWNER'S NAME & ADDRESS (If not insured)				OWNERS PHONE (A/C, No, Ext):	
PRODUCTS: INSURED IS MANUFACTURER VENDOR OTHER				TYPE OF PRODUCT	
MANUFACTURER'S NAME & ADDRESS (If not insured)				MANUFACT PHONE (A/C, No, Ext):	
WHERE CAN PRODUCT BE SEEN?					
OTHER LIABILITY INCLUDING COMPLETED OPERATIONS (Explain)					

INJURED/PROPERTY DAMAGED NAME & ADDRESS (Injured/Owner) Richard Hauge 3305 Spruce St. Janesville, WI 53546				PHONE (A/C, No, Ext) 608 346-7719	
AGE	SEX	OCCUPATION	EMPLOYER'S NAME & ADDRESS	PHONE (A/C, No, Ext)	
DESCRIBE INJURY FATALITY			WHERE TAKEN	WHAT WAS INJURED DOING?	
DESCRIBE PROPERTY (Type, model, etc)		ESTIMATE AMOUNT	WHERE CAN PROPERTY BE SEEN?	WHEN CAN PROPERTY BE SEEN?	

WITNESSES NAME & ADDRESS			BUSINESS PHONE (A/C, No, Ext)		RESIDENCE PHONE (A/C, No)	
REMARKS Passenger: Paul "Pete" Staples - 608-346-7719						
REPORTED BY K. Head/M. Ahl		REPORTED TO Debbie Terry		SIGNATURE OF INSURED		SIGNATURE OF PRODUCER

DESCRIPTION OF OCCURRENCE (Continued from page 1.)

passenger has obtained a personal injury lawyer for alleged abrasion on his right cheek.