

From: [Charles V. Sweeney](#)
To: [Lane, Roger](#)
Cc: [Mitchell R. Olson](#); [Mindy Ochs](#); [Al Reuter \(alreuter@execpc.com\)](mailto:alreuter@execpc.com); [Gault, David](#)
Subject: Oak Park Quarry / ZLR Agenda
Date: Thursday, March 17, 2016 4:06:14 PM

We note that the Oak Park Quarry matter is again on the ZLR agenda for ZLR Work Group Meeting. We provide this e-mail with an update to the Committee.

The Town Board voted 3:0 with Dennis Mandt and Mike Schlobaum abstaining from the vote to issue a non-metallic mining permit and a blasting permit to Oak Park Quarry, LLC. There were what the Town considers to be minor changes and the license will be issued after the amendment with minor changes is published.

With this development we ask that the ZLR consider voting on the matter to eliminate the threat of revocation. It is difficult to operate a business with the CUP issue in limbo.

Buck Sweeney

Attorney Charles V. Sweeney
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Rev 11/1999

The information requested on this form will be used by the Department of Natural Resources (the Department) to determine if discharges of process wastewater and/or stormwater from your nonmetallic mining operation require coverage under the General Wisconsin Pollutant Discharge Elimination System (WPDES) permit for Non Metallic Mining, Permit No. WI-00046315-3. Discharge of industrial wastewater from a nonmetallic mining site which has not obtained coverage under the nonmetallic mining operation general permit or other applicable WPDES permit may result in forfeitures up to \$10,000 per day, pursuant to s. 283.91(2), Stats. The Department may request additional information regarding your nonmetallic mining operation if needed to assess the operation's eligibility for coverage under a WPDES permit.

Section 1: Mailing Address (Parent Company/Owner) Information -- To be completed by all dischargers

Company/Owner Name

B. R. Amon & Sons, Inc.

Contact Name	Last	First	Middle	Title
--------------	------	-------	--------	-------

Amon	Thomas	President
------	--------	-----------

Street Address _____ City _____ State _____ Zip Code _____

W2950 Hwy 11
Elkhorn
WI
53121

Phone Number	Fax Number	E-mail address (if available)
--------------	------------	-------------------------------

262-723-2547
262-723-2666
Plumbers
Preston, Co

Section II: Facility (Site/Property) Information - To be completed for coverage of a stationary individual site

County	City	Facility Identification # (FID) (if available)
Chaffee, Colorado		

Contact Name	Last	First	Middle	Title
	Mercer	Gary		

David Thompson President

Street Address _____ City _____ State _____ Zip Code _____

3527	Oak	Back	Re.	perfield	WT	53531
------	-----	------	-----	----------	----	-------

Property location	County	Township	Range	Section	Quarter - Qtr/Qtr	Lat/Long-GPS Coordinates (if available)
-------------------	--------	----------	-------	---------	-------------------	---

07 N 12 ☒ E ☐ W 29 NW - SE 43° 52' 39" N / 089° 06' 20"

Phone Number	Fax Number	E-mail address (if available)
--------------	------------	-------------------------------

267-723-7547 267-723-7666

Attach a site map, such as a USGS topographic map or street map, showing the location of the facility, its relation to the nearest public roadway, the discharge outfalls to surface and ground waters, receiving waters, and other pertinent features

Section III: Mobile Unit Information – To be completed for coverage of a machinery group or “spread” that operates at a number of sites

Mobile Unit Operator Name/Contact	Last	First	MI	Title
-----------------------------------	------	-------	----	-------

Facility Identifier (FID) # (if available) _____ Primary County (or counties) of Operation (attach additional sheets if necessary and check here ☐) _____

Designated Site(s) to be Visited by Mobile Unit (attach additional sheets if necessary and check here ☐)

Phone Number _____

Mobile Phone Number

E-mail address (if available)

Section IV: Stormwater Information – To be completed by all dischargers

1. What is the Standard Industrial Classification (SIC code) for the facility/machinery (4 digits)? Primary: 2822
Others? _____

For Department
Use Only

2. Is this site supervised by the Department of Transportation (DOT) and used exclusively as a DOT borrow site?
 a. If the borrow site is an excavation for a DOT project and does not include any other commercial activity

☐ Individual Coverage

☒ No ☐ Yes ☐ N/A, because this information summary is for a mobile unit

☐ Spread Coverage

3. For existing facilities, have any leaks, spills or similar instances of storm water contamination occurred at the facility in the last three years?

UNPR

Section IV continued:

4. What is the flow pattern of stormwater run-off at the site? internally drained w/ overflow culvert
externally drained 6/13/02 K.H. + J.B.

☒ Externally Drained (Some or all of the stormwater that contacts materials or disturbed area runs off-site, beyond the property boundary of the site. This includes inactive facilities with dewatering activities that discharge to surface waters)

☐ Internally Drained (No off-site discharge [i.e., all stormwater that contacts materials or disturbed areas at a site is contained on site and does not flow beyond property boundaries and does not flow to surface waters])

☐ This information summary is for a mobile unit. A site plan is not submitted.

5. Describe the industrial activity and land use at your site.

Crushing and Screening Limestone

Section V: Facilities that discharge wastewater generated during the process of mining must provide the following information as to where the wastewater goes. (The mining process wastewaters are to be described in Section VI.)

1. What is the receiving water for the process wastewater discharges? Indicate in the space provided which outfalls go to groundwater and which go to surface waters. Check all that apply (NOTE: an outfall is an individual discharge point, such as a pipe, channel, or seepage point that wastewater enters prior to discharging to surface or ground waters)

☐ Groundwater (this includes infiltration of wastewater through the soil via irrigation, septic systems and associated drain fields, ditches, absorption ponds, etc.)
a. Outfall #(s): _____

☐ Wetland (note whether you believe wetland is ☐ natural or ☐ artificial)

a. Outfall #(s): _____

☒ Surface Water (this includes creeks, streams, rivers, and lakes and any ditches, storm sewers, and pipes that convey wastewater to a creek, stream, river, and lake)

a. Outfall #(s): _____

b. What is the name of the surface water your discharge enters? A Branch of Koshkoneg Creek

c. How far is it from the point where it leaves your plant until it reaches the receiving stream (how far does it travel through storm sewers or drainage ditches)? Check one:

☐ Less than 1000 feet ☒ Between 1000 and 5000 feet ☐ Greater than 5000 feet

d. Is noncontact-cooling water discharged from the facility? ☐ Yes ☒ No
If so, what is the source of the water used for noncontact cooling water? Check one:

☐ 100% from public or private wells
☐ % from public or private wells and % from surface water receiving the discharge (approximate % per year)
☐ 100 % from the surface water receiving the discharge

☐ Municipal or sewage district treatment plant - Outfall #(s): _____

If ALL discharges from your facility (process wastewater and stormwater) go to an off-site treatment plant, you do NOT require regulation under a WPDES discharge permit. Therefore, skip the rest of the checklist and sign page 4. If future operations at your facility result in a direct discharge to waters of Wisconsin, you will need to inform the Department.

2. To the best of your knowledge, does your process wastewater (from material grading, pit dewatering, softener regeneration, boiler blowdown, etc.) contain any of the substances listed below (or other substances that could be harmful to human health or aquatic life)? Check all that apply.

<input type="checkbox"/> 4,4'-DDB	<input type="checkbox"/> 4,4'-DDE	<input type="checkbox"/> 1,1'-DDT
<input type="checkbox"/> alpha - BHC	<input type="checkbox"/> Dieldrin	<input type="checkbox"/> Chlordane
<input type="checkbox"/> Mercury	<input type="checkbox"/> Mirex	<input type="checkbox"/> Octachlorostyrene
<input type="checkbox"/> Polonium	<input type="checkbox"/> PCB	<input type="checkbox"/> Pentachlorobenzene
<input type="checkbox"/> 1,2,3,4-Tetrachlorobenzene	<input type="checkbox"/> 1,2,4,5-Tetrachlorobenzene	<input type="checkbox"/> 2,3,7,8-Tetrachlorodibenzo-p-dioxin
<input type="checkbox"/> Toxaphene	<input type="checkbox"/> gamma - BHC (lindane)	<input type="checkbox"/> tech - BHC
<input type="checkbox"/> Hexachlorobenzene	<input type="checkbox"/> Hexachlorobutadiene	
<input type="checkbox"/> Other (such as solvents or dissolved metals)		

If any of the above substances are checked, you may be required to segregate that wastewater and not discharge it to waters of the state. If you wish to pursue obtaining a permit to discharge wastewater containing these chemicals, indicate that you want Department to send an application for a site specific WPDES discharge permit by checking here ☐.

If none of the above substances are checked, continue to the next question.

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☐ Eligible

☐ Ineligible

☐ ERW

☐ ORW

☐ NR 103

Completed

☐ N/A

Section V continued:

3. Have any other WPDDES permits been issued to your facility that authorize the discharge of other wastewaters to Wisconsin surface or ground waters?

☐ Yes List the number of the separate permit: WPDDES Permit No. Wt-_____

☒ No

4. Are Water Treatment Additives used in waste streams that are discharged to surface waters or groundwater (scale and rust inhibitors, biocides such as chlorine, etc.)?

☒ No Skip the rest of this additive section.

☐ Yes Is the additive considered a biocide (biocides are designed to control biological growth, such as algae, in tanks, cooling towers, and other equipment)?

☐ No ☐ Yes

For each outfall at which additives are used, you must submit the following information for each additive on Appendix A (page 5 of this form):

- Commercial name of the additive to be used.
- Amount or concentration of additive to be used.
- Anticipated discharge concentration of additive.
- Proposed frequency of usage.
- Material Safety Data Sheets (MSDS's) for each additive.

If your discharge enters a surface water, you must enter the following information on Appendix A:

- At least one 48-hour LC₅₀ or EC₅₀ value for *Daphnia magna* and at least one 96-hour LC₅₀ or EC₅₀ value for fathead minnow, rainbow trout, or bluegill.

NOTE: The information requested above should be available from your additive supplier.

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☐ Completed _____
☐ Re-sent: _____

Additive follow-up necessary:

☐ Yes
☐ No

Section VI: Discharge Characterization – Complete this section for process wastewater discharges related to production operations at the facility. Process wastewater types are listed below. Examples of other process wastewater types might be softener regeneration wastewater, scrubber water or wastewater from internal building floor drains. Dust suppression water may be omitted if there is no runoff. Outfalls described below should be located on the site map requested in Section II, page 1.

Type of Wastewater (check all that apply):	Outfall # (#1, #2, etc.)	Average Daily Flow (gallons per day)	Type of Wastewater (check all that apply):	Outfall # (#1, #2, etc.)	Average Daily Flow (gallons per day)
<input type="checkbox"/> Washwater Associated with Material Processing	#		<input checked="" type="checkbox"/> Sanitary wastewater from toilets, sinks, etc. If the sanitary wastewater are not mixed with the mining process water, write the type of sanitary waste treatment system in the daily flow column in place of a flow estimate.	# <i>Rented</i>	
	#			# <i>Portable</i>	
	#			# <i>Toilet</i>	
<input checked="" type="checkbox"/> Pit Dewatering	#	<i>Max. 300,000</i>	<input type="checkbox"/> Other (describe type)	#	
	#			#	
	#			#	
<input type="checkbox"/> Noncontact Cooling Water, Condensate or Boiler Water	#		<input type="checkbox"/> Other (describe type)	#	
	#			#	
	#			#	
<input type="checkbox"/> Vehicle or Equipment Washwater	#		<input type="checkbox"/> Other (describe type)	#	
	#			#	
	#			#	



Name: DEERFIELD
Date: 12/21/96
Scale: 1 inch equals 1000 feet

Location: 043° 02' 28.2" N 089° 06' 20.6" W
Caption: Mandt Quarry

Section VII: Signatory Requirements – This form must be signed by the official representative of the permitted facility who is: the owner, the sole proprietor for a sole proprietorship, a general partner for a partnership, a ranking elected official or other duly authorized representative for a unit of government, a member or manager for a limited liability company, or an executive officer of at least the level of vice president having overall responsibility for the operation of the facility for a corporation or designee of one of the above. If this form is not signed, or is found to be incomplete, it will be returned.

I certify that I am familiar with the information contained in this application and that to the best of my knowledge and belief such information is true, complete and accurate.

Thomas Anon

President

Printed or Typed Name of Official Representative

Title

Thomas Anon

12/24/97

Signature of Official Representative

Date

If a consultant has completed this application, provide the following information:

Firm / Company Name

Consultant Name

Last

First

MI

Title

Street Address

City

State

Zip Code

Phone Number

Fax Number

Email Address (if available)

☐ Check here if you should receive Discharge Monitoring Reports (DMR's)

MAIL COMPLETED APPLICATION TO:

Gerald Jarmuz
Wisconsin Department of Natural Resources
Waukesha Service Center
4041 N Richards Street
Milwaukee, WI 53212

For Department

Use Only

Date Application Received: _____

Status: _____

_____ Denied

_____ Approved

_____ Specific permit

Date: _____

Comments: _____

[Refer to question #4, Section V on page 3 for instructions on completing this appendix]

If available from suppliers:

[illegible]

*Additive type refers to the use of the additive as a biocide, pH adjuster, scale inhibitor, rust inhibitor, etc.

ATTACH MATERIAL SAFETY DATA SHEETS (MSDS's) TO BACK OF THIS APPENDIX

Notice: As authorized in NR 216.26, Wi. Adm. Code, the Department of Natural Resources (the Department) will use the information requested on this form to determine if process wastewater and/or stormwater discharges from nonmetallic mining operations are eligible for coverage under the Wisconsin Pollutant Discharge Elimination System (WPDES) generalized permit No. WI-0046515-5. Submittal of a completed form to the Department is mandatory for any owner or operator of a nonmetallic mining operation that must apply for a permit in accordance with 40 CFR Part 122 or Chapter 283, Wi. Statutes. Discharge of wastewater from a nonmetallic mining operation which has not obtained coverage under the nonmetallic mining general permit or other applicable WPDES permit may result in forfeitures up to \$10,000 per day, pursuant to s. 283.91, Stats. Personal identification information requested on this form may be used for other water quality program purposes.

Enter N/A for questions not applicable to your operation.

Section I: Parent Company/Owner Information – To be completed by all dischargers.

Company/Owner Name

Oak Park Quarry, LLC

Contact Name	Last	First	MI	Title
Halverson		Jon		Owner
Address				
1400 Ramsey Road				
Phone Number	Fax Number		City	
(608) 884-9105			Stoughton	
Email Address (if available)			State	ZIP Code
jhalver@frontier.com			WI	53589

1. What are the Standard Industrial Classification (SIC) codes for your company's nonmetallic mining operations?

- ☐ 1410 Dimension Stone ☒ 1420 Crushed and Broken Stone ☐ 1440 Sand and Gravel
☐ 1450 Clay, Ceramic & Refractory ☐ 1470 Chemicals & Fertilizers ☐ 1480 Nonmetallic Mineral Services
☐ Others? -

2. Has your company been issued any other wastewater (WPDES) permits that authorize the discharge of other wastewaters (such as from asphalt or concrete operations) to Wisconsin surface or underground waters?

- ☐ Yes ☒ No List the site names and WPDES permit numbers: _____

3. To the best of your knowledge, do any of your operations have process wastewater (from aggregate washing, pit dewatering, stack scrubbing, boiler blowdown, etc.) that contains any of the substances listed below? ☐ Do any of your sites have stormwater that comes in direct contact with any of the substances listed below? ☐ Check all the substances that apply.

- | | | |
|---|---|--|
| <input type="checkbox"/> 4,4'-DDD | <input type="checkbox"/> 4,4'-DDE | <input type="checkbox"/> 4,4'-DDT |
| <input type="checkbox"/> alpha – BHC | <input type="checkbox"/> Dieldrin | <input type="checkbox"/> Chlordane |
| <input type="checkbox"/> Mercury | <input type="checkbox"/> Mirex | <input type="checkbox"/> Octachlorostyrene |
| <input type="checkbox"/> Photomirex | <input type="checkbox"/> PCB | <input type="checkbox"/> Pentachlorobenzene |
| <input type="checkbox"/> 1,2,3,4-Tetrachlorobenzene | <input type="checkbox"/> 1,2,4,5-Tetrachlorobenzene | <input type="checkbox"/> 2,3,7,8-Tetrachlorodibenzo-p-dioxin |
| <input type="checkbox"/> Toxaphene | <input type="checkbox"/> gamma – BHC (Lindane) | <input type="checkbox"/> tech – BHC |
| <input type="checkbox"/> Hexachlorobenzene | <input type="checkbox"/> Hexachlorobutadiene | |
| <input type="checkbox"/> Other substances that are known to be harmful to human health or aquatic life (such as solvents or dissolved metals) | | |

If you answered yes to either question above, and any of the above substances are checked, you may be required to segregate that wastewater and not discharge it to waters of the state. If you wish to pursue obtaining a permit to discharge wastewater containing these chemicals, indicate that you want the Department to send an application for a site specific WPDES discharge permit by checking here ☐.

Check here ☒ if none of the above substances are expected to be in the discharge

4. To the best of your knowledge, have any leaks, spills, overflows or similar instances resulted in contamination of stormwater runoff from any of your nonmetallic mining operations in the last three years?

- ☐ Yes ☒ No List the site names and actions taken to prevent future problems, (attach additional sheets if necessary).

NOTICE OF INTENT

Information Summary for Nonmetallic Mining Operations

Form 3400-179 (R 6/15)

Section II: Site/Property Information – To be completed for coverage of individual mine sites. Make copies of this section or use a table format to apply for more than one mining site. (Go to Section III to apply for a mobile equipment operation whose sites are not known at this time)

Site/Property Name Oak Park Quarry, LLC										Site/Property Identification # [FID] (if known)									
Contact Name Last Halverson				First Jon		MI		Title Owner		City Stoughton				State WI		ZIP Code 53589			
Address 1400 Ramsey Road																			
Property Location: Qtr/Qtr SW Quarter NE				Section 29		Township 07		Range 12		E / W E		Lat/Long-GPS Coordinates (if known) Latitude -89.10501				Longitude -89.10501			
Phone Number (608) 884-9105				Fax Number		E-mail address (if available) jhalver@frontier.com													

Attach a site map, such as an air photo, USGS topographic map or survey map, showing the mining site location, the nearest public roadway and surface water resources within 1000 feet. Wastewater treatment, seepage and discharge points should also be shown

1. What is the flow pattern of stormwater run-off at the site?

- ☐ Externally Drained – storm water that contacts mining areas, processing areas or stockpiled materials runs beyond the site property boundary. External drainage includes storm water to ponds or drainage channels that overflow to areas outside of the mining site property boundaries.
- ☒ Internally Drained – storm water runoff is captured within the mining site. All storm water that contacts mining areas, processing areas or stockpiled materials runs off to onsite seepage areas or ponds that retain the water within the site property boundaries
- ☐ Internally Drained, but the storm water is discharged to on-site protected wetlands or other on-site natural surface water resources.

2. Briefly describe the industrial activity at this site. What Standard Industrial Classification (SIC) code would the operation be included under? Are there any adjacent mining, concrete or asphalt operations?
The activity on the site consists of drilling, blasting, and crushing rock. The SIC code is 1420.
Concrete and asphalt are recycled at the pit, but no other mining, concrete, or asphalt operations exist adjacent to the site.

3. Is this site to be "permitted" for the discharge of mining wastewater (such as from mine dewatering pumpage, product or equipment washing, cooling, etc.) to surface waters, wetlands or seepage areas?
☐ Yes, and section IV has been used to describe the mining process wastewater discharges
☒ No
4. Check here ☐ if ALL of the site's process wastewater and stormwater goes to a municipal or sewerage district treatment plant that has its own WPDES discharge permit. Such a mining site does not need an additional WPDES permit. If future operations at this site result in a direct discharge to waters of Wisconsin, you will need to inform the Dept.

Section III: Mobile Unit Information – To be completed for coverage of a machinery group or "spread" that operates at a number of sites. This section may be copied for describing multiple machinery groupings. Also, complete property descriptions (using section II, above) for any known or expected operating sites, so that discharge permit eligibility can be established prior to the start of operations.

Mobile Unit Operator Name/Contact				Last		First		MI		Title	
Facility Identifier (FID) # (if known)				Anticipated Sites for Mobile Unit Operation (attach additional sheets if necessary and check here <input type="checkbox"/>)							
Phone Number				Mobile Phone Number				E-mail address (if available)			
Number of Wash plants				Number of Crushing plants							

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- ☐ G. P. Coverage
☐ Individual Permit
☐ NPR

NOTICE OF INTENT
Information Summary for Nonmetallic Mining Operations
 Form 3400-179 (R 6/15) Page 3 of 6

Section IV: Mining Process Wastewater Information - To be completed for sites or equipment that discharge wastewater generated during the process of mining. (This section may be copied for multiple sites or machinery groupings)

1. Indicate the receiving water for the process wastewater discharges. Check all that apply. (NOTE: Part 3, below, describes types of process wastewater. An outfall is an individual discharge point, such as a seepage pond bottom, or a sewer pipe, channel, or ditch that conveys the wastewater to underground water or surface water resources).

☐ **Seepage to Groundwater** (this includes infiltration of wastewater through the soil via drain fields, seepage areas, pond bottoms, ditches, trenches, etc. that do not reach surface water resources).

a. Outfall #(s): _____

☐ **Discharge to Surface Water Resources** (this includes surface water drainage ways that contain aquatic life, tributaries, protected wetlands, creeks, streams, rivers, lakes, etc):

a. Outfall #(s): _____

b. How far is it from the discharge point to a surface water resource (i.e. distance traveled through storm sewers or drainage ditches)?
☐ Less than 1000 feet ☐ Between 1000 and 5000 feet ☐ Greater than 5000 feet

c. What is the first named surface water the discharge enters? _____

d. If the discharge is to a wetland indicate whether it is believed to be ☐ natural or ☐ artificial

☐ **Municipal or Sewage District Treatment Plant** - Outfall #(s): _____

These discharges would travel in a sanitary sewer to an off-site treatment facility that has its own WPDES permit.

2. Are water treatment or conditioning additives used in waste streams that are discharged to surface waters or seeped into groundwater?
☐ No No water treatment additives (such as, separation aids, boiler treatments, scale/rust inhibitors, biocides, chlorine, etc.) are used.
☐ Yes Additives are used and **described in Appendix A**. Are any of the additives considered a biocide? ☐ No ☐ Yes
 (Biocides are designed to control biological growth, such as algae, in tanks, cooling towers, and other equipment)?

3. List the **Process Wastewater Types and Flows**. Common types of mining process wastewaters are listed below. "Other" process wastewater types could be softener regeneration wastewater, scrubber water or wastewater from internal building floor drains. Dust suppression water may be omitted if there is no runoff. Outfalls described below should be located on the site map requested in Section II, page 2.

Type of Wastewater (check all that apply):	Outfall # (#1, #2, etc.)	Average Daily Flow (gallons per day)	Type of Wastewater (check all that apply):	Outfall # (#1, #2, etc.)	Average Daily Flow (gallons per day)
<input type="checkbox"/> Washwater Associated with Material Processing	#		<input type="checkbox"/> Sanitary wastewater from toilets, sinks, etc. <i>If the sanitary waste-waters are not mixed with the mining process water, write the type of sanitary waste treatment system in the daily flow column in place of a flow estimate.</i>	#	
	#			#	
	#			#	
<input type="checkbox"/> Mine Site Dewatering	#		<input type="checkbox"/> Other (describe type)	#	
	#			#	
	#			#	
<input type="checkbox"/> Noncontact Cooling Water, Condensate or Boiler Water	#		<input type="checkbox"/> Other (describe type)	#	
	#			#	
	#			#	
<input type="checkbox"/> Vehicle or Equipment Washwater	#		<input type="checkbox"/> Other (describe type)	#	
	#			#	
	#			#	

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☐ Eligible

☐ Ineligible

☐ ERW

☐ ORW

☐ NR 103

Completed

☐ NPR

Additive follow-up necessary:
☐ Yes
☐ No

NOTICE OF INTENT
Information Summary for Nonmetallic Mining Operations
 Form 3400-179 (R 6/15) Page 4 of 6

Section V: Signatory Requirements

Information about the person completing this form:

Name, Last	First	MI	Title
Remiker	Robb	J	Engineer
Address	City	State	ZIP Code
4604 Siggelkow Road, Suite A	McFarland	WI	53558
Phone Number	Fax Number	Email Address (if available)	
(608) 838-7750		remiker@quamengineering.com	

☐ Check here if you should receive Discharge Monitoring Reports (DMR's) for annual reporting or discharge test results

Official Representative's Signature. This form must be signed by the official representative of the permitted facility who is: the proprietor for a sole proprietorship, a general partner for a partnership, a principal executive officer, ranking elected official or other duly authorized representative for a unit of government, a member or manager for a limited liability company; or, for a corporation, an executive officer of at least the level of vice president, or by the executive officer's authorized representative having overall responsibility for the operation of the facility. If this form is not signed below, or is found to be incomplete, it will be returned.

I certify that I am familiar with the information contained in this application and that to the best of my knowledge and belief such information is true, complete and accurate.

Printed or Typed Name of Official Representative	Title
Jon Halverson	Owner
Signature of Official Representative	Date
	7-28-15

MAIL COMPLETED APPLICATION TO:

WDNR South Central Regional Headquarters
 3911 Fish Hatchery Road
 Fitchburg WI 53711
 608-275-3266

For Department Use Only			
Date Application Received	Date permit coverage approved:		
Status	<input type="radio"/> Denied <input type="radio"/> Approved <input type="radio"/> Specific Permit	Internally Drained - Yes <input type="radio"/> No <input type="radio"/> SWPPP Required - Yes <input type="radio"/> No <input type="radio"/> Site Number or FIN	AFSCI Frequency - <input type="radio"/> Contaminant Control System Insp Visual Runoff Quality Check
Annual 1 per 3 years 1/4ly 1 per 3 years 1/4ly 1 per 3 years			
Comments			



Oak Park Quarry - Surface Water Data Viewer Map



1: 10,575

Legend

- Wetland Class Points
 - Dimmed pond
 - Excavated pond
 - Filled excavated pond
 - Filled drained wetland
 - Wetland too small to delineate
- Filled Points
 - Wetland Class Areas
 - Wetland
 - Upland
 - Filled Areas
 - Rivers and Streams
 - Open Water
 - 2010 Air Photos (WROC)

Notes

Surface Water Data Viewer Map: This map displays the surface water data for the Oak Park Quarry area. The data was collected from a 2010 aerial photograph and is overlaid on a 2010 aerial photograph. The map shows the location of the quarry and the surrounding area. The map is overlaid with a grid. The map is titled "Oak Park Quarry - Surface Water Data Viewer Map".

0.3 Miles

0.17

0.3

NAD_1983_HARN_Wisconsin_TM
© Lathrop Geographics Group Ltd

State of Wisconsin
Department of Natural Resources
DNR-W-604

Page 1 of 3

please type or clearly print your answers to all questions

It is the Nation's Honor on Parade! An organization

Oak Park Quarry

3522 Oak Park Road

Deerfield

(SMP97)

Jon Halverson

Owner

508-884-9105

ihalver@frontier.com

Section III: Construction & Engineering (Participation in this section) will participate in this section. If this

Consent of Authorized Representative

Type of Panel Material

Positioning Tips

Owner

Date Signed _____

परामर्श:

puer 10 saepe adu 10

**Storm Water Pollution Prevention Plan Summary
Industrial Storm Water Discharges General Permit
Form 3400-167 (R 5/14)**

Page 2 of 5

Section IV: Questions

Answering no to any of questions 3-18 could indicate that a significant part of your SWPPP may be missing.

	Yes	No
1. Have you attended any voluntary training in storm water pollution prevention management?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have you acquired voluntary certification in storm water pollution prevention management?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Does your Storm Water Pollution Prevention Plan (SWPPP) include a facility site description and drainage base map? (A copy or sketch of the facility map with best management practices in place should be included in section VII of this summary.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Does your SWPPP include a summary of existing sampling data or observations that could be useful in identifying pollutant sources and management actions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does your SWPPP include a list of potential sources of storm water contamination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Does your SWPPP identify all known contaminated and uncontaminated sources of non-storm water discharges to the storm sewer system and indicate which are covered by WPDES permits? (These should be included in section VI of this summary.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Does your SWPPP contain the results of the non-storm water discharge monitoring required by Part IV section B of your general permit? (If monitoring was not conducted explain in section VII of this summary.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Does your SWPPP include provisions to comply with the monitoring requirements specified in Part IV section C of your permit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Does your SWPPP include a description of source area Best Management Practices (BMP) and their implementation schedule? (These should be included in section VI and on the site map in section VII of this summary.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Does your SWPPP identify storm water treatment BMPs if there are pollutants from your industrial activity that are likely to contaminate storm water discharges to waters of the state following implementation of source area BMPs? (Include these in sections VI and VII of this summary.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Does your SWPPP contain information on source area BMPs for controlling erosion?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Does your SWPPP identify good housekeeping practices that help in preventing storm water contamination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. Does your SWPPP include a preventative maintenance schedule for storm water management devices and plant equipment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Does your SWPPP include checklists of inspections to be made during the annual facility site inspection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Does your SWPPP include an implementation schedule that is consistent with the compliance schedule in your storm water permit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is your SWPPP periodically updated to include any changes that have occurred at the facility which result in significant increases in exposure of pollutants to storm water?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FOR TIER ONE FACILITIES ONLY:		
17. Does your SWPPP identify which storm water outfalls will be chemically monitored? (Identify in sections VI and VII of this summary.)	<input type="checkbox"/>	<input type="checkbox"/>
18. Does your SWPPP include a list of pollutants to test for when conducting chemical storm water sampling? (These should be included in section VI of this summary.)	<input type="checkbox"/>	<input type="checkbox"/>

Section V: Description of Industrial Activity and Land Use

Relate to sections VI and VII. Give a short summary of the major activities conducted at various locations throughout the facility. Include products manufactured and describe any treatment practices currently in place. Attach additional sheets if necessary.

The activity on the site consists of drilling, blasting, and crushing rock as well as recycling concrete and asphalt.

Section VI: Storm Water Outfall Information (copy and attach additional sheets if necessary)

Outfall Number	Sources of Pollutants	BMPs Implemented	Chemical Monitoring By Outfall *	Monitoring Schedule *	Non-Storm Water Discharges						
					Is Discharge Present?		Were Illicit Discharge Tests Conducted?		Is Discharge Covered By Another WPDES Permit?		
					Yes	No	Yes	No	Yes	No	
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Section VII: Facility Site Diagram (Include the items listed in Part III (B)(2)(b) of your general permit. Attach additional 8 1/2" x 11" sheets if necessary.)

See attachment.

Section VIII: Comments (make reference to section or question number)

Section IV(7): No non-stormwater discharge is expected on site.

Section IX: Mailing Addresses

Unless otherwise directed, mail this completed form to the Wisconsin DNR (WDNR) office associated with the county of the facility site location as follows:

NORTHERN REGION (NOR)		
Ashland	Douglas	Langlade
Barron	Florence	Lincoln
Bayfield	Forest	Oneida
Burnett	Iron	Polk
		Pierce
NORTHEAST REGION (NER)		
Brown	Green Lake	Marquette
Calumet	Kewaunee	Menominee
Door	Manitowish	Oconto
Fond du Lac	Mannette	Oneida Reservation
		Winnebago
		WDNR Northeast Regional Headquarters 2984 Shawano Avenue Green Bay, WI 54313-6727 920-862-5100
WEST CENTRAL REGION (WCR)		
Adams	Crawford	La Crosse
Buffalo	Dunn	Marathon
Chippewa	Eau Claire	Monroe
Clark	Jackson	Pepin
	Juneau	Pierce
		Wood
		WDNR Baldwin Service Center 890 Spruce Street Baldwin, WI 54002 715-684-2914 ext. 109
SOUTH CENTRAL REGION (SCR)		
Columbia	Grant	Jefferson
Crawford	Green	LaFayette
Dane	Iowa	Richland
Dodge		
		WDNR South Central Regional Headquarters 3911 Fish Hatchery Road Fitchburg, WI 53711 608-275-3266
SOUTHEAST REGION (SER)		
Kenosha	Ozaukee	Sheboygan
Milwaukee	Racine	Walworth
		Washington
		Waukesha
		WDNR Waukesha Service Center 141 NW Barstow Street, Room 180 Waukesha, WI 53188



— = DRAINAGE ARROW

NOTES
1) EXISTING SITE INFORMATION, AERIAL PHOTO, AND CONTOURS
OBTAINED FROM DANE COUNTY DCMAP.



OAK PARK QUARRY - TOWN OF DEERFIELD

FACILITY SITE PLAN

EXHIBIT #1
DATED: SEPTEMBER 28, 2015

QUAM ENGINEERING, LLC
Residential and Commercial Site Design Consultants



www.quamengineering.com

4604 Siggelkow Road, Suite A - McFarland, Wisconsin 53558
Phone (608) 838-7750 Fax (608) 838-7752

AGREEMENT FOR MAINTENANCE OF STORMWATER MANAGEMENT MEASURES

RECITALS:

Oak Park Quarry, LLC, is the owner of property in the Town of Deerfield, County of Dane, State of Wisconsin, more particularly described on Exhibit A attached hereto ("Property").

The County requires Owner to record this Agreement regarding maintenance of stormwater management measures to be located on the Property. Owner agrees to maintain the stormwater management measures and to grant to the County the rights set forth below.

NOW, THEREFORE, in consideration of the agreement herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the owner agrees as follows:

Maintenance. Owner and its successors and assigns shall be responsible to repair and maintain the stormwater management measures located on the Property in good condition and in working order and such that the measures comply with approved plans on file with Dane County. Said maintenance shall be at the Owner's sole cost and expense. Owner will conduct such maintenance or repair work in accordance with all applicable laws, codes, regulations, and similar requirements. Specific maintenance tasks are more particularly described on Exhibit A.

Easement to County. If Owner fails to maintain the stormwater management measures as required in Section 1, then County shall have the right, after providing Owner with written notice of the maintenance issue ("Maintenance Notice") and thirty (30) days to comply with the County's maintenance request, to enter the Property in order to conduct the maintenance specified in the Maintenance Notice. County will conduct such maintenance and will not unreasonably interfere with Owner's use of the applicable laws, codes, regulations, and similar requirements and will not incur such maintenance may be charged to the owner of the Property. All costs and expenses incurred by the County in conducting such maintenance may be charged to the owner of the Property by placing the amount on the tax roll for the Property as a special assessment in accordance with Section 66.0703, Wis. Stats. and applicable portions of the Dane County Ordinances.

Term/Termination. The term of this Agreement shall commence on the date that this Agreement is recorded with the Register of Deeds Office for Dane County, Wisconsin, and except as otherwise herein specifically provided, shall continue in perpetuity. Notwithstanding the foregoing, this Agreement may be terminated by recording with the Register of Deeds Office for Dane County, Wisconsin, a written instrument of termination signed by the County and all of the then-owners of the Property.

Miscellaneous

- (a) Notices. Any notice, request or demand required or permitted under this Agreement shall be in writing and shall be deemed given when personally served or three (3) days after the same has been deposited with the United States Post Office, registered or certified mail, return receipt requested, postage prepaid and addressed as follows:

If to Owner: Oak Park Quarry, LLC
ATTN: Jon Halverson
170 Highway 51N
Edgerton, WI 53534

If to County: Dane County Land & Water Resources Department
Water Resource Engineering Division
5201 Fen Oak Drive, Room 208
Madison, WI 53718

Any party may change its address for the receipt of notice by written notice to the other

COPY

This space is reserved for recording data

Return to:

Dane County Land & Water Resources
5201 Fen Oak Dr., Rm. 208
Madison, Wisconsin 53718

Parcel Number(s):

0024/0712-293-8000-2

024/0712-293-9500-5

- (b) Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Wisconsin.
- (c) Amendments or Further Agreements to be in Writing. This Agreement may not be modified in whole or in part unless such agreement is in writing and signed by all parties bound hereby.
- (d) Covenants Running with the Land. All of the easements, restrictions, covenants and agreements set forth in this Agreement are intended to be and shall be construed as covenants running with the land, binding upon, inuring to the benefit of, and enforceable by the parties hereto and their respective successors and assigns.
- (e) Partial Invalidity. If any provisions, or portions thereof, of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such provision, or portion thereof, to any other persons or circumstances shall not be affected thereby and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.


Water Resource Engineering Division Staff Signature

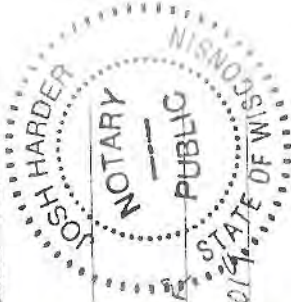
JESSICA A STARAS
Print or type name

State of WI, County of Dane, Subscribed and sworn
before me on June 24th 2015 by
the above named person(s)


Notary Public

Print or type name Josh Harde

My Commission Expires: 1-18-2019 STATE OF WISCONSIN




Owner Signature

Jonathan I Halverson
Print or type name

State of WI, County of Dane, Subscribed and sworn
before me on 24th June 2015 by
the above named person(s)


Notary Public

Print or type name Lynn Kido

My Commission Expires: 6/1/18



DRAFTED BY: Quam Engineering, LLC
Aaron F. Falkosky

EXHIBIT A

Legal Description of Property:

Part of the East Half of the SW ¼ of Section 29, T7N, and R12E, Town of Deerfield,
Dane County, Wisconsin.

PN# 024/0712-293-8000-2 AND 024/0712-293-9500-5

Maintenance Provisions

Detention Pond

- The Owner shall visually inspect the pond perimeters annually.
- The pond perimeter area shall be mowed a minimum of twice per year. Mowing shall maintain a minimum grass height of 6 to 8 inches. All undesirable vegetation and volunteer tree growth shall be removed, including close proximity to the outlet structure. A buffer area shall be maintained at the water's edge to discourage pond usage by migratory fowl. This buffer (15 to 20 feet wide) shall be mowed once per year after December 1st or prior to April 15th of each year.
- No plantings or structures of any kind are permitted within the detention pond area, without prior written approval of the County.
- Siltation in the pond, as identified by visual inspection, shall be dredged and disposed offsite in accordance with NR 347. Dredging shall be required when pond depth is decreased by two (2) feet or more or as required by the County.
- The Owner shall maintain records of inspections all in accordance with Dane County Ordinances.

Riprap

- Riprap should be inspected after all storm events for displaced stones and erosion. All necessary repairs should be made immediately.
- Accumulated sediment should be removed periodically.

Infiltration

- The entire parcels, PN 024/0712-293-8000-2 AND 024/0712-293-9500-5 consisting of approximately 39.3 acres and 35.73 acres, will have a maximum percent impervious area of 10% or 7.5 acres to meet Dane County infiltration standards.

Detention Pond Outlet Structure

- The outlet structures should be inspected at least twice a year and after all storm events for evidence of undercutting and the erosion of adjacent materials.
- Trash and other debris should be removed regularly to prevent clogging of the stand pipe and culverts.

Vegetated Swales

- Vegetated swales should be inspected periodically during the first year of use and after all major storm events in perpetuity for possible erosion.
- Trash and other debris should be removed periodically.
- Vegetation should be maintained with a grass height of 6 to 8 inches.



Water Resource Engineering Division

Dane County Land & Water Resources Department

Jeremy Balousek, P.E., Division Manager

DATE: June 16, 2015

TO: Jon Halverson
Forever Sandfill & Limestone, Inc.

FROM: Jeremy Balousek, P.E.

Jeremy
Balousek, P.E.

Digitally signed by Jeremy Balousek, P.E.
DN: cn=Jeremy Balousek, P.E., ou=Dane
County, ou=Land and Water Resources
Unit,
email=balousek@countyofdane.com,
c=US,
Date: 2015.06.16 15:37:27 -0500

RE: **Oak Park Road Driveway – Stormwater Management Plan, SM2015-0146**
Associated Permit EC2015-0145

The submitted stormwater management plan meets the needs of the site. The plan includes the following requirements:

1. A stormwater basin must be constructed prior to any other grading in the location shown on the plan. As the basin will be utilized for sediment control during construction, sediment must be periodically removed as necessary.
2. Culvert and pipe outfalls must be protected by rock riprap as shown on the plan. The riprap must be installed such that it forms a bowl-shape with a depth of at least 6" to dissipate runoff energy.
3. The areas identified on the plan must be erosion matted during final site stabilization. The erosion matting must meet the WisDOT class and type as specified in the plan.
4. The maintenance agreement for permanent stormwater management practices must be recorded with the Register of Deeds and a financial security document for 110% of the expected cost of erosion control and stormwater management (\$25,795) must be submitted prior to permit issuance.
5. As-built plans and certification, performed by a professional engineer, will be required for all permanent stormwater management practices and facilities.

This permit does not expire. This review is for the stormwater requirements of Chapter 14, Dane County Code of Ordinances only and other approvals may be necessary. The applicant must obtain a permit card from the Water Resource Engineering Division counter and display it on the site.

Cc: Ryan Quam, P.E., Quam Engineering, LLC (email)
Eric Rortvedt, P.E., Wisconsin Department of Natural Resources (email)

TOWN OF DEERFIELD

DRIVEWAY PERMIT

(For access from private property to a town road)

Name and address
of applicant

Forever Sand & Lime Inc

170 Hill St N

Edgerton WI 53534

Phone

889-9105

Location: East side of Orth Park Rd

located 75' miles/feet from Hwy 12 & 18

in Section 29, Town of Deerfield

.....

CONDITIONS

Width of driveway: 20-30 feet.

Center of driveway from property line: 20 feet.

[] No drainage culvert needed.

[] Drainage culvert needed Size: Length 40' feet

Diameter 18" inches.

Other requirements:

Permit granted: John A. Burt Date 7-21-14

Town of: Deerfield

[White copy-Town; Yellow copy-applicant; Pink copy-Dane County Zoning]

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
FAX (608) 275-3338
TDD (608) 275-3231



June 24, 2015

Jon Halverson
Forever Sandfill & Limestone Inc
170 US Hwy 51 N
Edgerton WI 53534

Re: Coverage Under WPDES General Permit No. WI-S067831-04: **Construction Site Storm Water Runoff**

Permittee Name: **Forever Sandfill & Limestone Inc**
Site Name: **Oak Park Road Quarry Driveway**
WDNR FIN: **53273**

Dear Mr. Halvorsen

The Wisconsin Department of Natural Resources received your Water Resources Application for Project Permits or Notice of Intent, on May 26, 2015, for **Oak Park Road Quarry Driveway** and has evaluated the information provided regarding storm water discharges from your construction site. We have determined that your construction site activities will be regulated under ch. 283, Wis. Stats., ch. NR 216, Wis. Adm. Code, and in accordance with Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit No. WI-S067831-04, Construction Site Storm Water Runoff. All erosion control and storm water management activities undertaken at the site must be done in accordance with the terms and conditions of the general permit.

The **Start Date** of permit coverage for this site is **June 24, 2015**. The maximum period of permit coverage for this site is limited to **3 years** from the **Start Date**. Therefore, permit coverage automatically expires and terminates 3 years from the Start Date and storm water discharges are no longer authorized unless another Notice of Intent and application fee to retain coverage under this permit or a reissued version of this permit is submitted to the Department 14 working days prior to expiration.

A copy of the general permit along with extensive storm water information including technical standards, forms, guidance and other documents is accessible on the Department's storm water program Internet site. To obtain a copy of the general permit, please download it and the associated documents listed below from the following Department Internet site:
<http://dnr.wi.gov/topic/stormwater/construction/forms.html>

- Construction Site Storm Water Runoff WPDES general permit No. WI-S067831-04
- Construction site inspection report form
- Notice of Termination form

If, for any reason, you are unable to access these documents over the Internet, please contact me and I will send them to you.

To ensure compliance with the general permit, please read it carefully and be sure you understand its contents. Please take special note of the following requirements (This is not a complete list of the terms and conditions of the general permit.):

1. The Construction Site Erosion Control Plan and Storm Water Management Plan that you completed prior to submitting your permit application must be implemented and maintained throughout construction. Failure to do so may result in enforcement action by the Department.



CERTIFICATE OF PERMIT COVERAGE

UNDER THE
WPDES CONSTRUCTION SITE STORM WATER RUNOFF PERMIT
Permit No. WI-S067831-04

Under s. NR 216.455(2), Wis. Adm. Code, landowners of construction sites with storm water discharges regulated by the Wisconsin Department of Natural Resources (WDNR) Storm Water Permit Program are required to post this certificate in a conspicuous place at the construction site. This certifies that the site has been granted WDNR storm water permit coverage. The landowner must implement and maintain erosion control practices to limit sediment-contaminated runoff to waters of the state in accordance with the permit.

EROSION CONTROL COMPLAINTS

should be reported to the WDNR Tip Line at
1-800-TIP-WDNR (1-800-847-9367)

Please provide the following information to the Tip Line:

WDNR Site No. (FIN): 53273

Site Name: Oak Park Road Quarry Driveway

Address/Location: Oak Park Road Town of DEERFIELD

Additional Information:

Landowner: Forever Sandfill & Limestone Inc

Landowner's Contact Person: Jon Halverson

Contact Telephone Number: (608) 884-9105

Permit Start Date: June 24, 2015

By: _____

WDNR Publication # WT-813 (10/11)

Notice: Pursuant to chs. 30 and 31, Wis. Stats., ch. 281, Wis. Stats., and s. 283.33, Wis. Stats., this form is used to apply for coverage under the state construction site storm water runoff general permit, and to apply for a state or federal permit or certification for waterway and wetland projects or dam projects. This form and any required attachments constitute the permit application. Failure to complete and submit this application form may result in a fine and/or imprisonment or forfeiture under the provisions of applicable laws including s. 283.91, Wis. Stats. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Public Records Laws (ss. 19.31-19.39, Wis. Stats.).

Use this form for (select all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Waterway General Permit | <input checked="" type="checkbox"/> Storm water NOI - New land disturbing construction activity |
| <input type="checkbox"/> Waterway Individual Permit | <input type="checkbox"/> Storm water NOI - Renewal FIN # _____ |
| <input type="checkbox"/> Wetland General Permit | <input type="checkbox"/> Work in waters of the U.S. (Army Corps of Engineers) |
| <input type="checkbox"/> Wetland Individual Permit | <input type="checkbox"/> Dam projects (DNR-ch. 31, Wis. Stats., or Army Corps of Engineers) |

Read all instructions provided before completing. If additional space is needed, attach additional pages.

Section 1: Landowner Information

Landowner Name (first and last name, org. or entity)		Authorized Representative	
Forever Sandfill & Limestone, Inc		ATTN: Jon Halverson	
Mailing Address	City	State	ZIP Code
170 HWY 51N	Edgerton	WI	53534
Email Address	Phone Number (include area code)	Alternate Phone Number	
jhalver@frontier.com	(608) 836-1701		

Section 2: Applicant Information ☒ Select if same as landowner

Applicant Name (first and last name, org. or entity)		Contact Person	
Mailing Address	City	State	ZIP Code
Email Address	Phone Number (include area code)	Alternate Phone Number	

Section 3: Primary Project Contact ☐ Select if same as landowner

☒ Consultant ☐ Contractor ☐ Other — Specify: _____

Name (Ind., Org. or Entity)		Contact Person (first and last name)	
Quam Engineering, LLC		Ryan Quam	
Mailing Address	City	State	ZIP Code
4604 Siggelkow Road, Suite A	McFarland	WI	53558
Email Address	Phone Number (include area code)	Alternate Phone Number	
rquam@quamengineering.com	(608) 838-7750		

Section 4: Project or Site Location

Project Name	County	<input type="radio"/> City <input checked="" type="radio"/> Town <input type="radio"/> Village
Driveway-Oak Park Road-Deerfield	Dane	of Deerfield
Location Address/Description		

Parcel 024/0712-293-8000-2 AND 024/0712-293-9500-5 Town of Deerfield along Oak Park Road

Public Land Survey System (PLSS) – Provide the section, range, township information and latitude and longitude in decimal degrees, if available

NE ¼ of SW ¼ of Section 29, Township 07 N, Range 12 ^E/_W 43.0418050 -89.1042410
Latitude Longitude

If this site is not wholly contained in the quarter-quarter section, more description:
Part of the East Half of Section 29, T7N, R12E

Section 5: Pre-Application Resource Screening

Screening your project site for the presence of sensitive natural or cultural resources before applying for a permit can assist you in planning and designing your project to avoid or minimize impacts to these resources. Please identify any screening you have already completed and attach any supporting documentation to your application. If sensitive resources are identified during the permit review, it may result in delays in processing your application and/or project re-design.

Waterways: Provide the name(s) of closest waterbodies:

Koshkonong Creek (to North)

Wetlands: Has the project site been assessed for the presence of wetlands? ☒ Yes ☐ No

If yes, select all sources of information used and attach supporting report or documentation:

- ☒ Wisconsin Wetland Inventory
- ☐ Wetland Locator Tool - <http://dnr.wi.gov/topic/wetlands/locating.html>
- ☐ Wetland Delineation by consultant
- ☒ NRCS Soils Map
- ☐ DNR Wetland Identification letter - <http://dnr.wi.gov/topic/wetlands/identification.html>
- ☐ DNR Wetland Confirmation letter - <http://dnr.wi.gov/topic/wetlands/identification.html>
- ☐ Army Corps of Engineers Concurrence letter
- ☐ Other: _____

Are wetlands proposed to be filled, excavated or disturbed during construction or as part of this project? ☐ Yes ☒ No

Endangered or Threatened Resources:

Has the presence of endangered or threatened resources been evaluated according to the protocols developed by the DNR Bureau of Natural Heritage Conservation (BNHC)? dnr.wi.gov/topic/ERReview/ ☐ Yes ☒ No

If yes, select how evaluation was completed and attach supporting report or documentation:

- ☐ DNR BNHC ER Review Letter
- ☐ Certified ER Review Letter
- ☐ Broad Incidental Take Permit/Authorization - specify (e.g. No/Low Impact Activities, Grassland and Savanna Management, etc.)
- ☐ Other: _____

Section 6: Project Information (attach additional sheets as necessary)

Duration: 05/28/2015 09/15/2015
Anticipated Project Start Date (mm/dd/yyyy) Anticipated Project End Date (mm/dd/yyyy)

Photos: Provide photographs of the "before" condition. DCiMap Aerial 2014
Date of Photographs

Project Purpose and Need: Provide a one to two paragraph description of the proposed project, including land and water alterations and intended use(s) of the project

This project consists of constructing an approximately 2500 lf aggregate farm road with stormwater management facilities. The stormwater management facilities will control rate runoff and treat total suspended solids.

Section 7: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or imprisonment or forfeiture under the provisions of applicable law.

Permission: I hereby give the Department permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Jon Halverson
Signature of Landowner / Authorized Representative – For Stormwater applications,
signature of landowner is required. Authorized representative is not sufficient.

5-14-15
Date Signed

oak park quarry LLC - Jon Halverson
Printed Name of Landowner / Authorized Representative

member
Title

**WPDES Construction Site Storm Water Runoff
General Permit Notice of Intent Application Checklist**
Form 3500-053C (R 7/14)

Page 1 of 4

A landowner of a construction site where one acre or more of land will be disturbed must submit a Notice of Intent (NOI) application to the Department under s. 283.33, Wis. Stats., and Subchapter III of NR 216, Wis. Adm. Code. In addition to the Water Resources Application for Project Permits form (Form 3500-053), a complete NOI application includes this checklist and all required attachments and the appropriate application fee sent to the appropriate address provided on page 4 of this checklist.

Other Necessary Authorizations – Other local, state or federal permits or approvals may be necessary before work can proceed.

To apply for coverage under the WPDES Construction Site Storm Water Runoff General Permit (Permit No. WI-S067831):

STEP 1: Prepare an NOI application by downloading and completing the Water Resources Application for Project Permits (Form 3500-053) (go to <http://dnr.wi.gov> and use search keywords "Water Resources Application for Project Permits").

STEP 2: Provide all information and NOI application attachments listed in this checklist.

STEP 3: Send completed NOI application materials and applicable fee to the address for the county where the project is located. The DNR office addresses are listed at the end of this checklist. NOI application materials must be submitted at least 14 working days prior to the start of land-disturbing construction activities.

STEP 4: A **Notice of Permit Coverage** will be sent to the applicant/permittee after the Department receives a **complete NOI application**, reviews the information, and determines that the project will be covered under the WPDES Construction Site Storm Water Discharge Runoff General Permit. Please be aware that the Department may request additional information to verify that the erosion control plan and storm water management plan meets the requirements of the WPDES Construction Site Storm Water Discharge Runoff General Permit, Chapter NR 151 and Chapter NR 216.

WPDES Construction Site Storm Water Runoff General Permit Notice of Intent Application Checklist

Form 3500-053C (R 7/14)

Page 2 of 4

Project Name: Driveway-Oak Park Road-Deerfield

County: Dane

INFORMATION AND ATTACHMENTS REQUIRED WITH THE NOI APPLICATION:

Note: To avoid delays, supply all of the information listed below in a complete and organized format.

Type of Development:

☐ Residential ☒ Commercial/Industrial ☐ Transportation ☐ Utility ☒ Agricultural

Total Area of Project Site (acres): 75 Total Estimated Disturbed Area (acres): 7

☐ In-fill ☐ Redevelopment ☒ New Development

Impervious Area (as a percent of total land disturbance): Before Construction: 0 % After Construction: 2 %

☒ Completed and signed Water Resources Application for Project Permits (Form 3500-053) and all required attachments.
See additional attachments on page 3.

Site Screening Questions:

Is the proposed disturbed area greater than 300 feet from a mapped or delineated wetland? ☒ Yes ☐ No

Is the proposed disturbed area greater than 500 feet from a waterbody? ☐ Yes ☒ No

Prior to commencing land disturbing construction activities, is there any area within the project boundaries with a slope length of more than 50 feet at a steepness of greater than 20%? ☐ Yes ☒ No

During land disturbing construction activities, will there be any area within the project boundaries with a slope length of more than 50 feet at a steepness of greater than 20%? ☐ Yes ☒ No

☒ Map of project location: Using the WDNR Surface Water Data Viewer, draw an accurate polygon of the limits of disturbance of the project area on the 7.5 minute USGS topographical map layer. Print and submit the map.

☒ Site-specific erosion control plan which includes:

- Erosion control plan meets all of the applicable performance standards in either s. NR 151.11 or s. NR 151.23, Wis. Adm. Code.
- Description of the construction site and the nature of the land disturbing construction activity.
- Description of the intended sequence of major land disturbing construction activities for major portions of the construction site such as grubbing, excavation or grading.
- Available data describing the surface soil as well as sub-soils.
- Description of appropriate erosion and sediment control best management practices that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state.
- Description of the appropriate erosion and sediment control best management practices for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control best management practices will be implemented.
- Description of any interim and permanent stabilization practices, including a schedule for implementing the practices. The erosion control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the construction site are stabilized.
- Description of any structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the construction site. Unless otherwise specifically approved in writing, structural measures shall be installed on upland soils.
- Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
- Trapping of sediment in channelized flow.
- Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
- Protection of downslope drainage inlets where they occur.
- Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
- Provisions for clean-up of off-site sediment deposits.
- Provisions for proper disposal of building and waste material.
- Description of proposed stabilization of drainage ways.
- Details for the installation of permanent stabilization practices as soon as possible after final grading.
- Provisions for minimization of dust to the maximum extent practicable.

Project Name: Driveway-Oak Park Road-Deerfield

County: Dane

☒ **Erosion control map shall include the following:**

- Existing topography and drainage patterns, roads and surface waters.
- Boundaries of the project site.
- Drainage patterns and approximate slopes anticipated after major grading activities.
- Areas of soil disturbance.
- Location of major structural and non-structural controls identified in the erosion control plan.
- Location of areas where stabilization practices will be employed.
- Areas that will be vegetated following land disturbing construction activities.
- Area and location of wetland acreage on the construction site and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
- Areas used for infiltration of post-construction storm water runoff.
- An alphanumeric or equivalent grid overlying the entire construction site.

☒ **Storm water management plan shall include the following:**

- Storm water management plan meets all of the applicable performance standards in either s. NR 151.121 to 151.128 or s. NR 151.241 to NR 151.249 Wis. Adm. Code.
- An explanation of the technical basis used to select storm water best management practices. A description of the management practices that will be installed during the construction process to control total suspended solids and peak flow, enhance infiltration, maintain or restore protective areas and to reduce petroleum in runoff that will occur after construction operations have been completed.
- Wherever permanent infiltration devices will be employed or were evaluated, the depth to the nearest seasonal high groundwater elevation or top of bedrock shall be identified. Appropriate on-site testing shall be conducted to determine if seasonal high groundwater elevation or top of bedrock is within 5 feet of the bottom of the proposed infiltration system.
- Storm water management practices are adequately separated from wells to prevent contamination of drinking water such that the following minimum separation distances shall be met:
 - Storm water infiltration systems and ponds shall be located at least 400 feet from a well serving a community water system unless the department concurs that a lesser separation distance would provide adequate protection of a well from contamination.
 - Storm water management practices shall be located with a minimum separation distance from any well serving a non-community or private water system as listed within s. NR 812.08.

☒ **Site-specific erosion control plan:** The site specific erosion control plan is attached.

Is the project exempt from the post-construction performance standards in s. NR 151.121(2) or s. NR 151.241(2), Wis. Adm. Code? ☐ Yes ☒ No

Where applicable, include the following:

☒ **Storm water management plan:** The storm water management plan is attached.

☐ **Site evaluation for storm water infiltration:** A summary of the results of the site evaluation, similar to Step D in Technical Standard 1002, is attached.

☒ **Modeling summary:** Modeling was used to estimate compliance with the percent total suspended solids reduction, peak flow, and/or infiltration requirements and a summary of input, output and model version is attached.

☒ **Long-term maintenance agreement:** For any permanent structures, provisions have been made for long-term maintenance with the municipality or other responsible party. The long-term maintenance agreement is attached.

☒ **Non-refundable NOI Application Fee (make checks payable to "Wisconsin DNR")**

<u>Acres of Land Disturbance</u>	<u>Application Fee</u>
Less than 5	\$140
5 or more and less than 25	\$235
25 or greater	\$350

WPDES Construction Site Storm Water Runoff General Permit Notice of Intent Application Checklist

Form 3500-053C (R 7/14)

Page 4 of 4

Mailing

Unless otherwise directed, mail the completed Water Resources Application for Project Permits Form 3500-053, this checklist, and all required attachments with the applicable application fee to "Storm Water Permit Log-in" at the Wisconsin DNR (WDNR) office associated with the county of the construction site location as follows:

associated with the county of the construction site location as indicated.

NORTHERN REGION COUNTIES			WEST CENTRAL REGION COUNTIES		
Ashland	Langlade	WDNR Baldwin Service Center 890 Spruce Street Baldwin, WI 54002 Phone: (715) 684-2914 ext. 109	Adams	Marathon	WDNR Baldwin Service Center 890 Spruce Street Baldwin, WI 54002 Phone: (715) 684-2914 ext. 109
Barron	Lincoln		Buffalo	Monroe	
Bayfield	Oneida		Chippewa	Pepin	
Burnett	Polk		Clark	Pierce	
Douglas	Price		Crawford	Portage	
Florence	Rusk		Dunn	St. Croix	
Forest	Sawyer		Eau Claire	Trempealeau	
Iron	Taylor		Jackson	Vernon	
	Vilas		Juneau	Wood	
	Washburn		La Crosse		

NORTHEAST REGION COUNTIES			SOUTH CENTRAL REGION COUNTIES		
Brown	Marquette	WDNR Northeast Regional Headquarters 2984 Shawano Ave. Green Bay, WI 54313 Phone: (920) 662-5100	Columbia	Jefferson	WDNR South Central Regional Headquarters 3911 Fish Hatchery Rd. Fitchburg, WI 53711 Phone: (608) 275-3266
Calumet	Menominee		Dane	LaFayette	
Door	Oconto		Dodge	Richland	
Fond du Lac	Outagamie		Grant	Rock	
Green Lake	Shawano		Green	Sauk	
Kewaunee	Waupaca		Iowa		
Manitowoc	Waushara				
Marinette	Winnebago				

SOUTHEAST REGION COUNTIES		
Kenosha	Sheboygan	WDNR Waukesha Service Center 141 N.W. Barstow Street, Room 180 Waukesha, WI 53188 (262) 574-2100
Milwaukee	Walworth	
Ozaukee	Washington	
Racine	Waukesha	

AIR POLLUTION CONTROL GENERAL OPERATION PERMIT

EI FACILITY NO: 399040620 PERMIT NO.: 399040620-G20
STACK NOS. S10, S12 SOURCE NOS. P10, P11, P12

This Operation Permit is permanent.

In compliance with the provisions of Chapter 285, Wis. Stats., and Chapters NR 400 to NR 499, Wis. Adm. Code,

Name of Source: Yahara Materials Inc.

Street Address: PO Box 277
Waunakee, WI 53597

Responsible Official, & Title: Paul Buralow, General Manager
608/849-4162

is authorized to operate a non-metallic mineral processing plant, consisting of a Primary Crusher, **Pioneer, Model 3352, Serial Number 405680, 2005, Plant #16**, and associated pool equipment, in conformity with the conditions herein.

This authorization requires compliance by the permit holder with the emission limitations, monitoring requirements and other terms and conditions set forth in Parts I and II hereof.

Dated at Madison, Wisconsin

March 8, 2007

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By /s/ Jeffrey C. Hanson
Jeffrey C. Hanson, Chief
Permits & Stationary Source Modeling Section

Note: Part II contains general requirements for all stationary and portable sources.



Box 100 Menasha, WI 53551

Phone 608-849-4162 Fax 608-849-5062

Forever Sandhill & Associates, Inc.
Attn: Jon Halve
70 US Highway North
Edgerton, WI 53525-7578

October 2, 2015

Dear Jon-

Yahara Materials has been notified of the new ordinance adopted in March 2015. You are aware mineral extraction rates and the slurry installation rate is two-thirds below the State of Wisconsin's standard.

I regret to inform you that Yahara Materials, Inc. will contract for the Fox Park Quarry in the event the enforcement of their blasting orders.

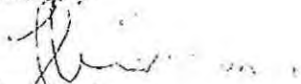
If you have any questions about this we can please call.

Deerfield's intention to enforce their blasting. State of Wisconsin regulates blasting for own of Deerfield in March 2015 for blasting.

be able to fulfill the terms of the crushing of Deerfield does move forward with the

at 608.849.4162.

Sincerely,


Tom Poad
Yahara Materials



October 22, 2015

Jon Halverson
President
Forever Sandfill & Restoration, Inc.
70 US Hwy 51 North
Jegeron, WI 53533
jhalver@frontier.net

Re: Town of Deerfield Ordinance 2015-02

Mr. Jon Halverson,

Thank you very much for giving Quick Supply Company an opportunity to quote your quarry operation in Deerfield, WI. After careful consideration of your proposed zoning ordinance, I regret to inform you that Quick Supply Company respectfully withdraws from your request for quote).

Sincerely,

David Montgomery
Technical Sales
Quick Supply Company
dmontgomery@quicksupply.com



David Montgomery
Technical Sales Representative

1311 North 5th Street, Coloma, WI 54930
Cell: 920-286-0000 Office: 920-286-0004
Fax: 920-286-0005
dmontgomery@quicksupplywi.com

Town Clerk ✓

3

THE JEFF SCOTT OLSON LAW FIRM, S. C.

131 WEST WILSON STREET, SUITE 1200
MADISON, WISCONSIN 53703

Jeff Scott Olson

PHONE: 608 283 6001
FAX: 608 283 0945

Andrea J. Farrell

E-MAIL: JSOLSON@SCOFFLAW.COM
WEBSITE: WWW.SCOFFLAW.COM

October 2, 2015

Deerfield Town Board
838 London Rd.
Deerfield, WI 53531

Re: Quarry on Oak Park Road

Mr. Chairman and Town Board Supervisors:

I represent residents of the Town of Deerfield, Brian and Martha Berninger and Ken and Mallory Frjelic. Current Board members have in recent months received correspondence from an attorney for the quarry on Oak Park Road in Deerfield Township regarding conflicts of interest and possible legal action. This is curious because, as I explain below, these same Board members have profited financially from the existence and operation of this quarry operation.

Your recently-elected Chairman, a long-time Board member, runs a trucking business and is transporting gravel for the quarry. He claims to recuse himself from quarry matters but he does not do so to the extent required by law. Recusing oneself from a topic before a governmental body means not saying anything at Board meetings on the topic in question. Recusing oneself also means physically not being present at the table with other Board members when the topic is discussed. I am surprised that your Town attorney has not advised you of this.

X Another Board member received \$25,000 after his father, a former Town official, sold his home and land for \$1.1 million late in 2010 to the new quarry operation. The father continued living in that home until very recently. In his 90s, he is close to passing on the \$1.1 million to surviving family, including his son on the Town Board. This current Board member also agreed to a gag order in a legal arrangement last year to sell his own home and land to the quarry with a document stipulating he could not say anything about the quarry in his private life nor in his capacity as a sitting Board member.

October 2, 2015

Page 2 of 2

Another one of your current Board members has an inactive quarry on land he owns in your township. He has also previously sold a quarry which is currently being operated by the purchaser. His opposition to strong and effective regulation of quarries in your township could be linked to his own prospective future profits from operating or selling the quarry he still owns.

The current Deerfield Town Board is comprised of four members, with one seat remaining open even though two candidates tied on election night this past April. While your remaining Board member may not have direct financial ties to quarrying in your township, my clients believe that there have been times recently when official actions taken by this Board member could be called into question.

Sincerely yours,

THE JEFF SCOTT OLSON LAW FIRM, S. C.

A handwritten signature in black ink, appearing to read "Jeff Scott Olson", written over a horizontal line.

Jeff Scott Olson

cc: Brian and Martha Berninger
Ken and Mallory Frjelic

enc.

JSO:tim

Subject: Re: Driveway of the Oak Park Quarry in Town of Deerfield

From: brattlien@sdoj.org (brattlien@sdoj.org)

To: jhalver@frontier.com;

Date: Wednesday, October 28, 2015 3:31 PM

4

Jon

I have not heard back from the county in regards with this

Sent from my iPhone

On Oct 28, 2015, at 12:10 PM, Jon Halverson <jhalver@frontier.com> wrote:

nick
did you hear back on this?

-- Jon Halverson

On Wednesday, October 21, 2015 8:40 AM, "Brattlie, Nicholas" <brattlien@sdoj.org> wrote:

Dan,

I have read an email regarding Jon's Driveway not being an access point for the quarry as it is not part of the current CUP. I am curious do all quarries' driveways in Dane County currently have the entire driveway part of their CUP? I can think of some fairly long driveways for some of these quarries and I am just making sure that this is the case for all quarries.

--

Nick Brattlie
Jefferson FFA / Agriculture Instructor



5

Subject: Questions related to activities covered under Non-metallic Mining Operations

From: McCutcheon, Kim M - DNR (Kim.McCutcheon@wisconsin.gov)

To: jhalver@frontier.com;

Date: Friday, November 6, 2015 4:40 PM

1.1. Activities Covered

This permit applies to discharges of wastewater and storm water from nonmetallic mining operations to surface waters or groundwater of Wisconsin directly or indirectly via a storm sewer or other conveyance. Concrete operations contiguous to or located within the mining site can also be covered under this permit when the nonmetallic mine operator has legal responsibility for the concrete plant's wastewater and storm water discharges. Concrete product process wastewater, such as contact cooling water, condensate, material washwater, and equipment washwater, may be discharged along with nonmetallic mining wastewater under this permit. Nonmetallic mining operations include sites and equipment engaged in excavation or processing of sand, gravel, dimension stone, crushed stone, rotten granite, clay, or other similar activities, that result in a discharge of one or more of the following:

- contaminated storm water as defined in s. NR 216.002(3), Wis. Adm. Code,
- washwater associated with cleaning or separating earthen materials,
- mining site dewatering wastewater,
- contact and noncontact cooling water, condensate or boiler water discharged in combination with other wastewater allowed under this permit,
- dust suppression water,
- water from the outside washing of vehicles, equipment, and other objects, or
- other similar wastewaters.

Good Afternoon Jon – Thank you for your earlier call. I hope to clarify for you what your current permit covers. Attached is a section of the general permit WI-0046515-05 that details activities covered by the general permit. Your status under permit coverage is **current** (see coverage letter dated March 25, 2013). You recently submitted (September 30, 2015) an updated Notice of Intent (NOI) clarifying that no mine site dewatering is taking place at this facility. We also acknowledge receipt of the Storm Water Pollution Prevention Plan Summary as required as a condition of your permit coverage.

You specifically asked if any further wastewater permits were required. Based on the information provided, the waste water discharges associated with mining activities are covered under the general permit you currently hold.

Please feel free to contact me with any further questions that you may have.

Kind Regards,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Kim McCutcheon
Storm Water Specialist – Water Division

Wisconsin Department of Natural Resources
3911 Fish Hatchery Road
Phone: (608) 275-3208
kim.mccutcheon@wisconsin.gov



dnr.wi.gov



Attachments

- image003.gif (1.39KB)
- image004.gif (156B)
- image005.gif (578B)
- image006.gif (606B)
- image007.gif (626B)
- image008.gif (636B)
- image002.png (94.38KB)

INFORMATION TO AUGMENT "THE REPORT ON THE OAK PARK QUARRY" DONE BY DANE COUNTY STAFF
FOR THE 11/10/15 ZLR COMMITTEE MEETING

Regarding the "Driveway permit" on pg. 1, the Zoning Department was contacted by concerned Deerfield area residents. They were told the quarry operator had the right to make a new driveway and use it to haul aggregate even though it was outside the CUP because it is his land and he can decide what to do with it. In two taped Town Board meetings when the proposed driveway was discussed, gathered residents strongly opposed it largely because it was too close to the busy Highway 12/18- Oak Park Rd. intersection.

Regarding "Blasting" on pg. 3, Town resident Brian Berninger was in contact with Safety and Professional Services administrator Greg DiMiceli over a several week period starting in mid-August 2015. Mr. DiMiceli said he would obtain the blasting reports for the quarry and review them. But several weeks passed without this being the case. DiMiceli and Berninger talked by phone 8/17, 8/21 (30 min.), 8/31 (30 min.), 9/16 and 10/5. As of 10/5 Mr. DiMiceli still did not have the blasting reports, stating again "they are not in the file" even though he had said since 8/17 that he would get them in a week, look at them and give Berninger a call. Berninger had contacted DiMiceli to express concern over some ongoing violations of state law by the quarry and the blasting company. The concerns he expressed, documented by the seismograph reports and blasting logs, were that reports were missing significant information, seismographs were not always being placed at the closest property to a blast, a seismograph was not being placed at "affected" properties, and a completed pre-blast survey was never given to a property owner. As of 11/6/15 the reports are still missing information required by state law (as outlined in documents given to ZLR Committee members entitled "Violations of the CUP and Law by the Operator At the quarry on Oak Park Rd., Deerfield, WI From August 2014 to late October 2105", and in the document entitled "Deerfield Township Non-metallic Mining Ordinance violations as of 11/6/15"). Additionally, one "affected property" is still not being monitored by a seismograph and a copy of a completed pre-blast survey still has not been provided to the property owner--violations of state law.

Also regarding "Blasting" on pg. 3, the quarry site was not "closed down" for 6 days. Regular mining related activity could still be heard in the quarry during the time Mr. DiMiceli said he had closed down the quarry. In a phone conversation with Berninger 9/16/15, DiMiceli said he had not closed down the site, but that he had closed down the road for blasting from now on as part of "nine safety measures" he had instituted following the 9/8/15 flyrock incident.

Also regarding "Blasting" on pg. 3, a leak was found in the gas pipeline two or three days following a strong blast felt throughout the area in early September 2014. Residents have been told there is no proof the blasting caused it. The distance between the pipeline and a blast as required by the utility company had been explained to residents previously as being a minimum of 200 feet, not 50 feet. Further, blasts 300 feet away can potentially cause damage to the pipeline if they are strong enough. State law requires that the blasting company meet with the utility to determine the "maximum

allowable limit for ground vibration". No document has ever been produced showing that a limit has been set. It is important to have this in writing and available to the public.

Regarding "causing harm to structures", there are more than just "concerns" from the neighborhood regarding damage, there is significant evidence, from among six properties over five years of increasing amounts of blasting, showing that damage has most definitely occurred to private property from the blasting. Residents are also increasingly concerned about their wells and the aquifer(s) serving out area because the quarry blasts very close to the water table, and because through his attorney, the operator recently expressed that they find it burdensome to stay above the water table with the blasting because it is hard for them to know where the water table is since it varies from spot to spot within the quarry.

Finally, regarding the "County" section of the document, the statement "for the most part, the (CUP) conditions are being followed", is not accurate. This is shown by the numerous violations cited in the documents given to ZLR Committee members for their 11/10/15 meeting. A listing of the numbered tenets of the CUP that have been violated or are currently being violated includes: #3, #5, #6, #8, #9, #11, #12, and possibly #13, as well as not continuing to satisfy the "findings of fact" for the ZLR Committee approval of the CUP proposal: #1, #2 and #3.

##

December 5, 2015

Zoning & Land Regulation Committee Members:

Please see the attached documents. I believe these plus the documents I supplied at your November 10th meeting should answer all of the questions you have presented. The Dane County Annual Report shows my compliance with N.R. 135. This is a state rule that is administered by Dane County Zoning. I emailed Assistant Admin. Everson last week asking for a note confirming my compliance with N.R. 135, financial assurances for reclamation and any other items administered by Dane County but as of this writing I have not heard from him. As to N.R. 216 and Wisconsin Stat 283 I have attached another copy of the letter from Kim McCutcheon of the DNR dated November 6th stating this site is current on its permits. I ask you to pay extra attention to the first sentences of 1.1 that I have highlighted. We do not discharge or convey any water from this site. I am not aware of why a previous operator would have obtained a permit for stat 283. They might have conducted operations in previous years that are not being done now at this site.

As far as the town's new ordinances, if this committee CHOOSES to interpret that the conditions on my CUP include obtaining permits that come into play after a CUP is issued, I would like to share a few thoughts.

First off, I encourage the committee to verify any part of this letter with anyone I quote or refer too for being honest and factual. I hope you look into statements from my opponents the same way (example from November 10th meeting that I am breaking the state code for blasting). Supervisor Salov made the comment lately that he wants this process to be handled in a way that is "fair". My comment is why start now? Is it fair (IIF) that the town's ordinance committee was made up of five people with very little to zero experience in this industry, and that we feel four out of the five town supervisors that voted for these ordinances have clear cut conflicts of interest? IIF that according to state blasting Inspector Patrick Murphy the Deerfield ordinance is the only local ordinance in Wisconsin that limits frequency (when you factor in there is no distance from the shot these are to be measured, it is not possible to meet). IIF that this ordinance committee did not talk with any industry professionals in putting these together and when I asked the clerk to notify me by email of when the ordinance committee was meeting, Supervisor Mandt told her not to do it?

The Ordinance Committee simply compared what other municipalities had done; even though the majority of the ordinances they looked at are from frac sand areas. Frac sand sells for \$50-\$100/ton. If you add \$1/ton to the cost of frac sand they still laugh all the way to the bank. Add \$1/ton to my cost and I am out of business, blasting state spec rock is much different than blasting sandstone. I have tried very hard to comply with the specs of the ordinances since they have been adopted. My cost of blasting has more than doubled, and we might comply some of the time but I can't comply with these all the time and be competitive. We supplied the material for the DOT project at 12 & 18 and Hwy 73 this past season, just the savings in freight to the taxpayers by taking this material from my site instead of the next closest site in Christiana was almost \$400,000.00. (\$100.00/hr. for DOT truck rental ÷ 21 ton avg load size=4.76 ton/hr. Next closest quarry is 10 mins farther away from the job = 20 min of .333/hr. per load. 4.76x.333=\$1.59/ton x 240,000 ton on job = \$381,600.00)

Even the Town Chair of Mineral Extraction Issues Nick Brattlie has admitted that he better understands blasting now than when these were adopted and that parts of them are probably not fair. Only the

zealots that have hoped to shut this quarry down all along don't see a problem. The State Department of Safety and Professional Services has the authority to impose stricter limits to protect historic buildings. They have witnessed multiple blasts both inside and outside St. Paul's Church and yet have not seen the need to impose stricter limits. If that I am expected to pay for home and well inspections for people that bought or built next to a quarry that has been here for many years before them? If more new homes are built nearby do I have to pay for these also?

Your committee was given letters at the November 10th meeting showing that my current drilling, blasting and crushing suppliers will not work with me if the town's limits are in place. Another company (Payne & Dolan) with extensive experience in dealing with strict local ordinances has declined also. These companies are not offering inflated quotes to cover the cost of complying, they won't even give me a price! I am a material supplier and trucker. When a load leaves my site, my ability to generate revenue is done. The only other material supplier in Dane County that had to try to operate under these type of rules walked away from the site (it was leased); something unheard of in the industry. A company that supplies material but is primarily a contractor that has a built in market for its material now leases this site in the Town of Dunn. Another contractor that operates under strict local rules is Payne & Dolan. P&D is a fine company but they use their aggregate primarily in their asphalt and sell it for \$50.00 to \$75.00/ton. On big jobs like 12 & 73; I can't get \$5.00/ton.

Even though we had our biggest year ever in tons sold, this site will lose money for the year after the extra expense of trying to comply with the new ordinances and paying all my lawyer bills. My company as a whole (4 sites, one of which is leased) will probably lose money for the year when I factor in the cost of the driveway project at Oak Park. The town and the zoning department staff both not only approved of this project but encouraged me to do it because of the benefits to the neighbors. The same neighbors that now not only don't want me to use the driveway but want the quarry shut down. The way things look right now; I will pay more in lawyer bills this year than I will take home myself. If you shut down this site not only will my business and livelihood get affected there is a real possibility full time employees of mine will be looking for work. Not to mention the dozens of other taxpayers/workers that are not my employees but work at this site some of the time. Everyone from heavy equipment operators that strip the rock and drill and blast and crush the rock to the drivers that haul the rock. It really bothers me when my opponents complain about the trucks they had to follow on their way to work. Imagine how fun it is for the driver that has to deal with this traffic all day, not just 10-20 minutes in the morning. Do these people that complain about the trucks ever stop to think what happens when the source for these materials is farther away? More trucks on the roads for longer trips! To the people that need this sites products like the DOT, City of Madison, Town of Deerfield, farmers, contractors, home owners and yes even Dane County

A few thoughts on my opponents, Dennis Mandt built his home on his father's farm after the quarry was operating under a CUP. The current CUP went into effect in 2009. Dennis Mandt told me he had never even been to a town board meeting until after I bought the farm in 2010. The quarry being next to his house was ok as long as his father was profiting from selling gravel but now it's a very bad thing. Vernon Mandt gave me a statement before we closed saying there had always been a quarry on the farm and confirming the signature on the registration to register his farm as a non-conforming site back in 1969 was his. After learning that my attempt to change the CUP for this site was unsuccessful and was forcing me to pursue this n/c status Dennis Mandt chewed on his 90 year old father incessantly and convinced him to give him and the zoning administrator a second statement saying that there was not a quarry on

his farm. What kind of person, forces their father to publically say (no matter which statement you believe) I am a liar? Vernon and Delores Mandt told me when we were making this deal that Dennis and his wife would not like this. They also told me they felt they needed to do this for the "good of the family". You can read between the lines. Brian and Martha Berninger have been the most vocal critics even though they moved into their home next to the quarry in 2010. The land their home sits on was part of this farm before being split off. The Berninger's have sued the people they bought the home from (forcing the sellers into bankruptcy) as well as many other people. If you look them up on CCAP you can see the lawsuits as well as other interesting issues like restraining orders. Administrator Lane had even admitted sometimes Berninger "struggles with the facts". Berninger came to meeting after meeting screaming bloody murder about the truck traffic at the quarry destroying his life. After one such meeting I went and sat at the property line where my property meet his. You can't see or hear or feel the trucks or quarry from his property except for the 2-3 seconds after a blast. After two town board members confirmed this I pointed it out at the next meeting. He was quiet and I think even a whisker ashamed about being caught in a huge lie for about 15-20 seconds. Then it was right back to his lies and exaggerations. I think Berninger's true feelings were revealed in a comment made to an Ahlgrimm employee who was placing a seismograph for a shot. Berninger came out of his house fuming that "Halverson is making money off of this and your helping him!" Why do any of us go to work if not to earn money to provide for ourselves and our families?

Ken Fruehlich started out trying to be reasonable but now has joined the ranks of the zealots. He likes the berm I have been constructing along the front of the quarry but he does not like the noise the equipment makes when we are working on it. So, I am a good guy for trying to seclude his property but I am a bad guy for not doing it quieter. Even though when I stopped at his home one day when we were working on the berm you could only hear anything if we stood in his back yard and stayed very quiet. My biggest problem with Ken is in the last year he has been very active in sending letters to the editor of the local paper that much like the letter Ken and Berninger had their lawyer send to the town board, are full of misinformation and flat out lies (like that I am a criminal for intimidating an elected official...ask Schlobohm if I intimidated him, because he is a town supervisor that is my competitor, finally is abstaining from voting; after voting to kill my CUP application and for the ordinances). Even Professor Roxane Englestad who when she first got involved in this process was "representing the church" is no longer representing the church because the church council did not agree with her extreme view of how the quarry should be regulated. IIF that the professor sends a letter to Supervisor Salov on U.W. letterhead giving the appearance that the U.W. School of Engineering is against this quarry and that when I talked on the phone with Associate Dean, Jake Blanchard he told me Professor Englestad "should not have done that" and he promised me a letter saying so. A short time later I got an email explaining what a "valued member" of the college of engineering Professor Englestad is. Does that seem fair?

As far as the report the staff put together for the committee. IIF that one letter from one person can get a review of the main part of my business on your agenda in the matter of a few days? Even though I had had phone conversations with Supervisor Salov and staff members in the days leading up to and the day of this meeting only I learned I was on the agenda after a phone call from a third party. If I want to get on your agenda it takes months not days. Did the staff bother to talk to myself or Ahlgrimm Explosives before putting in their report that the "blasting incident on September 8th" that caused personal injury actually, the "injury" was not brought up until September 9th when the person told Ahlgrimm's office, this incident was traumatic and "what's that worth"? The report also claims the site was "closed down

for six days". In reality the Department of Safety and Professional Services told us not to blast, which we didn't, until a review could be done. The site was still open shipping material. Concerns about the gas line in the report and at the September 29th meeting by Administrator Lane, his comments about his disbelief that Alliant was ok with our agreement with them, maybe I am oversensitive but why is Administrator Lane offering his opinions on a subject he is not an expert on, to me it doesn't seem "fair". The staff report sites "concerns were expressed with blasting by an underground natural gas line." Concerns of who? The same people that don't like anything I do? Who lives near a quarry and says the blasting is great, we like it? The staff finds what they want to find. IIF that this site and other sites of mine are the subject of extra scrutiny and even "new interpretations" by Administrator Lane, while other operators in Dane Co. have CUP's that are expired, not by weeks or few months but by years? IIF town chair Brattlie sends an email to Assistant Admin Everson weeks ago, asking if other CUP mineral extraction sites have the same guidelines for driveways that I am being held to, and still not gotten a response. Shouldn't all CUPS have driveways completely inside the CUP area if I have to? How is a car carrying a customer to a one chair barber shop any different than a dump truck coming to a quarry? IIF for me and my business to expect to have the same rules and treatment as my competitors?

Whatever happened to the staff being impartial? It bothers me how much effort was put into making my company look bad in this report without getting my side.

At the September 29th meeting Supervisor Matano went out of his way to let Supervisor Mandt know that the staff is "here for you and the town". I am a business owner supplying full time jobs with benefits to 12 local people. My business supports dozens of other jobs to drivers, suppliers and other businesses in Dane county all the way down to the guy servicing the port-a-potty at the quarry. Who's there for me?

If your committee revokes this permit, who's next?

Will the Nimby's use police powers to make farming and dairy cows illegal because we are here now and they smell bad?

If you choose to revoke this permit, no CUP will be safe past the next spring election. My opponents have said "we know we need quarries, but we don't need this one". What happens when Christiana, Cottage Grove and other towns say the same thing?

I know that some of the issues raised by my opponents are legitimate, and I am willing to work on them with fair, reasonable people. I am not willing to try to reason with people who simply want to do away with a local business that supplies products ALL of us use every single day and are fine with lying to try to get their way.

I welcome the committee one at a time or as a group to come tour my site and inspect the home at this site, the closest home to the quarry and see first-hand what we do. We are crushing and blasting now and you could see exactly what we do. I welcome this chance for you to see first-hand what goes on at this site. Thank you for reading this and I hope to hear from you.

Regards,

Jon Halverson

Phone: 608-884-9105 Email: jhalver@frontier.com

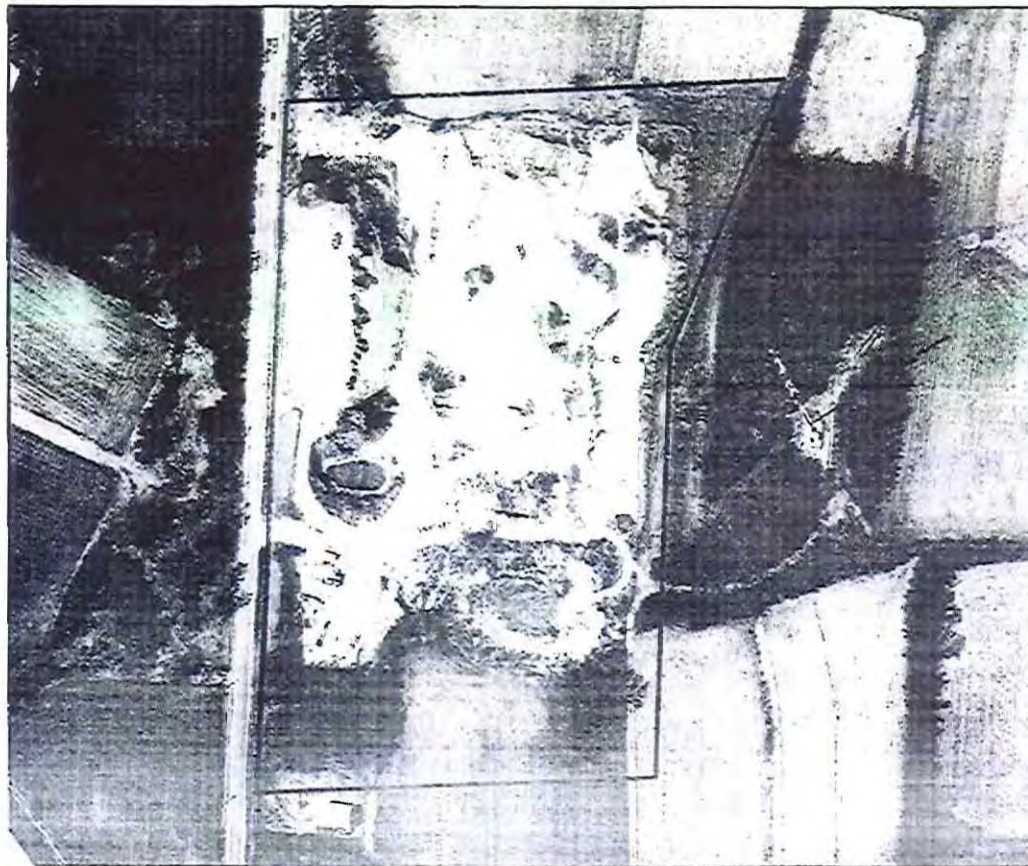


Dane County Mineral Extraction Activity 2014 Annual Operator Report

Reclamation Permit # 2

Type: CUP

CUP#: 2103 Date Expired: 03/24/2019



2014 Orthophotography

Township Deerfield

Section # 29

Operator Forever Sandfill & Limestone

Address 100 Park Rd

Deerfield

Phone 608 884-945

E-mail (optional) _____

- Acreage currently affected by non-metallic mining extraction and not yet reclaimed since August 1, 2001: 14
- Amount of acreage that has been reclaimed to date, permanent or interim basis since August 1, 2001: 2
- Highlight these acreages on the plan map provided.

"I certify that this information is true and accurate, and that the non-metallic mining site described herein complies with all conditions of the applicable non-metallic mining reclamation permit and ch NR 135, WI Admin Code."

[Signature]
Signature

12-12-14
Date

Subject: Questions related to activities covered under Non-metallic Mining Operations

From: McCutcheon, Kim M - DNR (Kim.McCutcheon@wisconsin.gov)

To: jhalver@frontier.com;

Date: Friday, November 6, 2015 4:40 PM

1.1. Activities Covered

This permit applies to discharges of wastewater and storm water from nonmetallic mining operations to surface waters or groundwater of Wisconsin directly or indirectly via a storm sewer or other conveyance. Concrete operations contiguous to or located within the mining site can also be covered under this permit when the nonmetallic mine operator has legal responsibility for the concrete plant's wastewater and storm water discharges. Concrete product process wastewater, such as contact cooling water, condensate, material washwater, and equipment washwater, may be discharged along with nonmetallic mining wastewater under this permit. Nonmetallic mining operations include sites and equipment engaged in excavation or processing of sand, gravel, dimension stone, crushed stone, rotten granite, clay, or other similar activities, that result in a discharge of one or more of the following:

- contaminated storm water as defined in s. NR 216.002(3), Wis. Adm. Code,
- washwater associated with cleaning or separating earthen materials,
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- dust suppression water,
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- other similar wastewaters.

Good Afternoon Jon – Thank you for your earlier call. I hope to clarify for you what your current permit covers. Attached is a section of the general permit WI-0046515-05 that details activities covered by the general permit. Your status under permit coverage is **current** (see coverage letter dated March 25, 2013). You recently submitted (September 30, 2015) an updated Notice of Intent (NOI) clarifying that no mine site dewatering is taking place at this facility. We also acknowledge receipt of the Storm Water Pollution Prevention Plan Summary as required as a condition of your permit coverage.

You specifically asked if any further wastewater permits were required. Based on the information provided, the waste water discharges associated with mining activities are covered under the general permit you currently hold.

Please feel free to contact me with any further questions that you may have.

Kind Regards,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

11/28/2015

Print

Kim McCutcheon
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Attachments

- image003.gif (1.39KB)
- image004.gif (156B)
- image005.gif (578B)
- image006.gif (606B)
- image007.gif (626B)
- image008.gif (636B)
- image002.png (94.38KB)

Spotlight

The Real Cost of Building a Home



Don Tierney, Livable Communities by Don Tierney 2015 Madison Area Builders Association President

It seems like just last week, we were putting away the fences from the 2015 Parade of Homes. And now we're already starting on the 2016 Parade. Where did the summer go?

Here in Dane County, we have an interesting paradox. When I read the paper, I see our local officials quoted about the shortage of shelter in our area, and the need for more affordable housing, yet when those same officials are given the chance to vote to help keep rising costs in check, many times they vote to increase the cost of materials, labor, infrastructure, land, permits, fees, and all of the other things it takes to build and maintain a home.

We need to start looking at the hidden costs of building a home, and how a simple decision by government officials can raise the cost of housing for all. Let's start at the beginning of the project, and look at aggregate (or sand and gravel) for an example.

- The average single family home will have about 400 tons of aggregate used in its construction, not to mention boulders for the retaining walls! Every mile that this material needs to travel adds significantly to its delivered cost.
- Unnecessary truck traffic adds to wear and tear on existing roads, and means increased taxes to fix them.
- Money spent to move this material is not something that the homeowner will find value in, they'd rather save the money, or spend it on other upgrades that they can see, use, and show off.
- One local community (Town of Roxbury) was able to save \$40,000 on a publicly bid culvert and gravel project, because the material could be sourced right in the township from one of our members, rather than hauled in from across the county.
- The aggregate industry has done a remarkable job in protecting the environment and the safety of surrounding neighbors in all phases of production.

Local officials like new homes and other construction in their communities, if you don't believe me, just look at their smiling faces at a photo of a ribbon cutting or groundbreaking. Yet when they get applications for a Conditional Use Permit for a rock quarry, they have been voting to deny them.

How can they do this, time and time again? Are they unaware of what effects their actions have on homebuyers or on their own municipal governments? I think many times, they are unaware. Why? Partly because we in the building industry are not doing a good enough job of informing the local officials how important aggregate is to the building industry.

As an example, a large quad axle truck cost is \$90.00 per hour. If a gravel quarry is close to a building project, one truck can easily deliver two loads of material to a project in one hour. So the delivery cost of the gravel is \$45.00 per load. If there are no quarries nearby it could very easily take an hour and a half to deliver the same load. Now the delivery cost of each load is \$135.00, and a large house could easily take 50 loads of gravel, stone, and landscaping quarry stone. That extra \$90.00 per load times 50 loads would add \$4,500 of costs that doesn't benefit anybody.

We need to work together to help educate our elected officials about the resources involved in our industry. Whether sitting around a camp fire, on social media, out to dinner with people, or on the job, we need to be alert about local decisions that are being made that will harm our industry. And remember, when people vote against a new quarry, it may not be their intention to raise the cost of housing, but regardless of the intention that is the outcome.

We all pay taxes to keep up our local roads, we all drive on the roads, and we are in the shelter industry. We need to understand that when our local aggregate producers are not getting a fair shake, not only are we paying for it in our personal lives through higher taxes, we are also paying for it through a higher cost of constructing housing. Not to mention the many young couples that are deprived of being able to afford their first home.

Sincerely, Don Tierney

Forever Sandfill
F S L I
& Limestone, Inc.

I, Kim Grob have received ^{a partial application} from Jon Halverson
(print name)

at 4:35 a.m. (p.m.) on Tuesday, December 8, 2015 the application
for the Town of Deerfield Mineral Extraction & Blasting Ordinance
Permits and check number 11154 from Forever Sandfill & Limestone,
Inc. in the amount of \$6,000.00 for Oak Park Quarry. Application
documentation is needed to make this application
complete. Kim

Kim Grob
(signature)