



DANE COUNTY PLANNING & DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703
Phone (608) 266-4266 Fax (608) 267-1540

TO: Zoning and Land Regulation Committee members
FROM: Roger Lane, Dane County Zoning Administrator
SUBJECT: Status Report on the Oak Park Quarry, Section 19, Town of Deerfield
DATE: February 4, 2016

Blasting and Mineral Extraction Applications

The operator submitted a revised application which contained all requested information on January 26, 2016. Specific language is being added to the operator's Certificate of Insurance to comply with the licensing regulations.

Town meetings regarding Blasting and Mineral Extraction Applications

The Town of Deerfield is scheduled to hold a meeting on February 8, 2016 regarding the applications. Staff will provide the Committee an outcome of the meeting on February 9th.

Other meetings regarding blasting and the extraction operation

A meeting was scheduled with the neighborhood for February 2, 2016 to discuss the matter. Due to a pending snow storm, the meeting was cancelled. The landowner is working on rescheduling the meeting.

Revision / Clarification to the Town's blasting limitations

The consultant for the landowner has suggested several changes to the current ordinance. The Town of Deerfield has not made any final decisions on whether or not to change the ordinance.

Other items

Mindy Ochs, Endpoint Solutions, is hopefully that matter will be resolved, however, is concerned with the response time from the Town of Deerfield. An email was also sent by Ms. Ochs, in response to a statement made regarding well contamination. See attached correspondence.

Lane, Roger

From: Mindy Ochs <mindy@endpointcorporation.com>
Sent: Tuesday, February 02, 2016 4:23 PM
To: Lane, Roger
Cc: Jon Halverson; Charles V. Sweeney; Mitchell R. Olson
Subject: RE: Information request on the status of the Oak Park Quarry issue

Hi Roger,

Please see our comments in red below.

Thank You,
Mindy Ochs, P.E.
mindy@endpointcorporation.com

Endpoint Solutions

6871 S. Lover's Lane
Franklin, WI 53132
Direct (414) 858-2105
Cell (262) 305-3321
Office (414) 427-1200
Fax (414) 427-1259
www.endpointcorporation.com

From: Lane, Roger [<mailto:lane.roger@countyofdane.com>]
Sent: Tuesday, February 02, 2016 1:35 PM
To: Allen D. Reuter (areuter@rwelaw.net); Mindy Ochs
Cc: 'Town of Deerfield Deerfield'
Subject: Information request on the status of the Oak Park Quarry issue

I will be preparing a County Staff update report on the Oak Park Quarry matter on Thursday. I would like to acquire any updated information on the progress being made on the licensing and the ordinance clarifications. If you can answer the following questions it would be greatly appreciated.

- 1) Has the appropriate information been submitted to the Town of Deerfield to make the mineral extraction and the blasting license applications complete?
Five (5) signed copies of the updated license applications were submitted to the Town on January 26th. The updated applications address each of the items requested by the Town. Jon's current insurance policy exceeds the amount required by the Town, however, the Town requires specific language be included on the Certificate of Insurance, which required extra time to be approved by underwriting. The updated certificates will be submitted as soon as they are available. Upon submittal of the insurance documentation, we believe the applications to be complete. However, we also believe that review of the licenses can proceed without waiting for the insurance certificate.
- 2) Has the Town scheduled a meeting to review the mineral extraction and blasting license applications? **Defer to Mr. Reuter**

- 3) Have any meetings been set with the neighbors or the church to discuss the matter? This was delayed due to Ms. Ochs dealing with an extended illness. It was then scheduled for February 2, 2016, however, due to the winter storm, the meeting was postponed. We are polling neighbors to find the best date for everyone and will be rescheduling as soon as possible.
- 4) Have any changes been prepared to address the issues with the blasting limits? We have requested a meeting with the Town and Mr. Reuter on numerous occasions through phone calls and emails. We have not yet received a response from the Town or Mr. Reuter. We hope the Town will meet with us to discuss the blasting limits and other information we submitted asking for clarification and potential revisions of the mining ordinance as well.
- 5) Is there any additional inform that you would like to pass on to the ZLR Committee? We are still hoping to work together with the Town to find a solution that works for all the parties involved. However, given the lack of response from the Town it is difficult to make progress on this issue. Time is of the essence and in order for us to accomplish what the ZLR has instructed us to do, we need to start working on a solution as soon as possible.

Respectfully,

Roger Lane
Dane County Zoning Administrator

Lane, Roger

From: Mindy Ochs <mindy@endpointcorporation.com>
Sent: Wednesday, February 03, 2016 2:13 PM.
To: Lane, Roger
Cc: Jon Halverson
Subject: Additional Information for ZLR
Attachments: POWTS Letter.pdf

Hi Roger,

At the ZLR meeting on January 12, 2016 one of the neighbors testified that they had their well tested and it came back positive for bacterial contamination and they implied that the quarry was the cause. Having worked with the POWTS program at Fond du Lac County, I learned that septic systems and agricultural practices are a common cause of bacterial contamination in private wells. Bacterial contamination is also more likely in areas with naturally shallow overburden over stone deposits, such as the case surrounding the quarry, which was sited there due to the naturally existing shallow overburden. Given the nature of mining activities, it is not common for these activities to cause bacterial contamination of wells. We ask that the ZLR take into consideration the attached letter concerning the same neighbor's septic system, which shows that the system is not being maintained properly, which increases the potential for the septic system to cause contamination in the well.

Thank You,
Mindy Ochs, P.E.
mindy@endpointcorporation.com

Endpoint Solutions

6871 S. Lover's Lane
Franklin, WI 53132
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May 03 2015

BRIAN L BERNINGER
3680 OAK PARK RD
DEERFIELD, WI 53531

RE: Your Property At: 3680 OAK PARK RD
NE 1/4 of NW1/4 of Section 29, TOWN OF DEERFIELD
Tax Parcel: 0712-292-8080-7

Dear BRIAN L BERNINGER :

On December 03 2014 and again on April 03 2015 you were notified of the private sewage system maintenance requirements of Dane County Code ch 46 for the private sewage system located on your property referenced above. The ordinance requires you to submit a properly completed system maintenance report to Public Health Madison and Dane Co at this office. This report has not been received from you as of this date.

This letter shall serve as an **ORDER** to you from the Department of Public Health Madison and Dane County to immediately proceed to correct this ongoing violation. Correcting the violation shall include:

- having the existing treatment tank(s) inspected
 - having the existing treatment tank(s) pumped, if necessary
 - submitting the properly completed report from no later than June 2, 2015.
- The form is on the back of this letter.

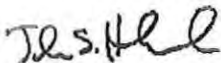
If you do not comply with this order, you will be issued a citation for \$232.

PLEASE NOTE: We no longer collect the septic maintenance fee with the maintenance report. Instead, the annual fee of \$8.67 is collected on your property tax bill. Please do not include payment of the reporting fee with your maintenance report.

This office will proceed with legal actions as set forth in ch 46 without further notice once the response period indicated above has elapsed. Your cooperation in dealing with this matter will be appreciated.

If you have any questions, please feel free to contact me at 242-6515.

Sincerely,



John Hausbeck
Environmental Health Services Supervisor

PRIVATE SEWAGE SYSTEM MAINTENANCE FORM

BRIAN L BERNINGER
3680 OAK PARK RD
DEERFIELD, WI 53531

Office Reference

System due for service on: **March 01 2015**

POWTS #: SAN-4839

Parcel No: 0712-292-8080-7 Subdivision: _____ Lot: 1

Property Address: 3680 OAK PARK RD TOWN OF DEERFIELD

Application/Project Name: _____

Please note: The person that performs the work for you must be properly licensed and must provide the information to complete all the statements in the certification section. Any report that does not include all of that information cannot be accepted.

PRIVATE SEWAGE MAINTENANCE CERTIFICATION

Date serviced: _____ # of tanks serviced _____

Amount of accumulated solids: _____ < 1/3 tank capacity _____ > =1/3 tank capacity

Gallons Pumped _____ Disposal Location: _____

Problems with tank(s)? Yes No

If yes, please check all the issues observed. _____ tank cracking or deteriorating
Report additional problems and corrections in the comment area: _____ baffles need repair/replacement
_____ liquid level above or below inlet baffle

Does the system have a steel tank? Yes No

Was the liquid discharge from the system observed? Yes No

Comments: _____

Licensed Professional: _____ Printed Name _____ Signature _____ License # _____

Business Name: _____

Septic maintenance reports may be returned to the Department by the following means:
· Online Submittal by your septic pumper/maintenance provider
· Email the completed and signed form to privatewellseptic@publichealthmdc.com
· Fax completed and signed form to 608-242-6435
· Mail completed and signed form to: Public Health Madison and Dane County
2701 International Ln, RM 204
Madison, WI 53704



SEPTIC MAINTENANCE 2nd NOTICE

Healthy people and places

Our records show that the septic system at

3680 OAK PARK RD
TOWN OF DEERFIELD
Parcel # 0712-292-8080-7

System ID: SAN-4839

is past due for inspection and maintenance. Your maintenance report was due by March 1, 2015. Dane Co Ordinance Chpt. 46 requires that this inspection and maintenance be reported to our department. This report may be filed by your pumper/inspector online. Also, you may submit this report by having your pumper/inspector complete the form on the back of this card and mail it to our office. No payment is due with this report. Submit your septic maintenance report by May 3, 2015 to avoid further notice.

BRIAN L BERNINGER
3680 OAK PARK RD
DEERFIELD, WI 53531

Please direct questions to: 608-242-6515 or
privatewellseptic@publichealthmdc.com.