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April 19, 2016

Via U.S. Mail and Email: lane.rogier@countyofdane.com

RECEIVED

APR 21 2016

MR ROGER LANE, ZONING ADMINISTRATOR
DANE COUNTY ZONING DIVISION
CITY-COUNTY BUILDING
210 MARTIN LUTHER KING JR BLVD - ROOM 116
MADISON WI 53703

DANE COUNTY PLANNING & DEVELOPMENT

RE: Stanley Lien, Hepta S, Inc., and Dane County Conditional Use Permit #2159

Dear Mr. Lane:

I serve as legal counsel to Stanley Lien and Hepta S, Inc. This letter is being directed to you in response to the stop work order by your agency.

Mr. Lien has taken steps to show progress to bring the gravel extraction site into compliance with the Dane County regulations and Conditional Use Permit #2159.

Mr. Lien has committed a crew and will complete the safety fence around the portion of the extraction area that has high walls and steep slopes in compliance with Section 11.

Mr. Lien has started the reclamation plan so that the open excavation area shall not exceed 8 acres. He anticipates that substantial portions of the reclamation will occur within the next 60 to 90 days. In the Fall, the reclamation will be completed to the open excavation area of 8 acres or less.

The hours of operation of the gravel extraction site have until this time been in compliance with 6:00 a.m., to 9:00 p.m., Monday through Friday, and 7:00 a.m., to 12:00 p.m., on Saturday. Crushing of stone has only occurred between 6:00 a.m., and 9:00 p.m., Monday through Friday. No crushing of stone is permitted on Saturday, Sunday or legal holidays.

Reply to  24 N. Henry Street, PO Box 151, Edgerton, WI 53534, PH: 608-884-3391 FAX: 608-884-7018

508 Campus Street, Ste. 101, Milton, WI 53563, PH: 608-868-4346 FAX: 608-868-4348

Mr. Roger Lane, Zoning Administrator
April 19, 2016
Page Two

This pit is supplying limestone aggregate for the I-39/90 renovation . The only problem is that state and federal highway projects require night work and night hauling. Mr. Lien has contacted the subcontractors, Bjoin Limestone and others, concerning hauling after 9:00 p.m.

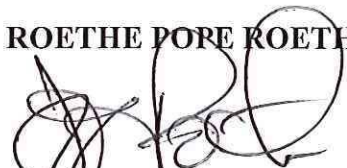
Mr. Lien wants to work with your agency to bring his conditional use permit into compliance so that the stop work order can be lifted. Please advise if an amendment to the permit should be made to allow trucks hauling after 9:00 p.m.

Mr. Lien would welcome Dan Everson's inspection at any time to attempt to eliminate the potential problem.

If you have any questions, I would appreciate your contacting me.

Respectfully submitted,

ROETHE PORE ROETHE LLP



Jeffrey T. Roethe
Email: jtroethe@roethelaw.com

kp
pc Stan Lien

Lane, Roger

From: Lane, Roger
Sent: Wednesday, April 20, 2016 10:29 AM
To: 'Jeffrey T. Roethe'
Cc: Gault, David; Everson, Daniel; Violante, Todd; bob salov (bob@salov.net); Gary Rattmann (Gary Rattmann) (ratniktwo@yahoo.com)
Subject: RE: Stanley Lien, Hepta S, Inc., and CUP #2159
Attachments: roethe@roethelaw.com_20160419_161351.pdf; 20160420093712.pdf

Dear Mr. Roethe,

I would have to seriously disagree with your assessment of the situation. As of today, Mr. Lien has made no efforts to correct the situation. I have been informed that the operator on the site is working on installing the safety fence in order to protect their employees. The lack of safety fencing by the 70-foot cliff, only until ordered for it to be installed, shows an egregious safety hazard for employees at the site.

Mr. Lien has made no efforts to reclaim the open pit area. He has falsified the annual reclamation report by not showing the actual acreage being open on the property. Further, there are approximately 20 acres open when there should be a maximum of 8 acres. Only AFTER being identified by Dane County Zoning, has the landowner started to talk about reclamation.

I would disagree with your assessment that the hours of operation are in compliance. Through investigation, we have learned that the site was being used last year for night DOT operations. After the stop work order was issued on Friday, Mr. Lien removed the stop work order and told the operator to continue trucking. 75 trucks were reported after hours on Friday. I was identified that the trucking operation was in full operation on Monday as well. Please be informed that the site will be monitored in the evening hours by the Dane County Sheriff's Department for violation of the conditions of approval, specifically, hours of operation.

With regards to night work, Mr. Lien has known about the DOT project for two years. He has not mentioned the limitations of the hours of operation to the subcontractors until the stop work order was issued last Friday. This could have been easily corrected if Mr. Lien had amended his conditional use permit a few years ago.

I believe that Mr. Lien has shown a blatant disregard to the conditions of approval of the non-metallic mineral extraction operations, the safety of the employees on the site, lack of respect for residents of Christiana, and State reclamation rules.

The Stop Work Order will stand until such time as the Zoning and Land Regulation Committee has evaluated the disposition of a non-metallic mineral extraction operation given the amount of serious flagrant violations.

Respectfully,

Roger Lane
Dane County Zoning Administrator

-----Original Message-----

From: Jeffrey T. Roethe [<mailto:jtroethe@roethelaw.com>]
Sent: Tuesday, April 19, 2016 3:58 PM
To: Lane, Roger