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Re: Hoffman Construction Mineral Extraction CUP

Thank you for the opportunity for additional time and opportunity to comment on the Hoffman Construction Conditional Use application. While the additional time and opportunity for comment are appreciated, we remain concerned that the time permitted and level of scrutiny to which this proposal should rightly be subjected remains inadequate.

The Hoffmann application proposes a HUGE operation at this site including: (a) a non-metallic mining operation, (b) asphalt plant, (c) concrete plant, (d) crushing operation, and (e) washing operation. Each of these activities has special and unique characteristics and impacts on the Town and surrounding area but will also have cumulative effects requiring careful consideration and scrutiny. Due to the unique nature of each of these activities, all six (6) of the CUP conditions set forth in the Dane County Ordinances (as listed below) must be considered and evaluated for each activity and all six (6) conditions must be met in order for a CUP to be issued for a particular activity on this site.

On behalf of my clients, we request that the Town of Albion:

1. Deny Hoffman's CUP Application because the six (6) conditions in the Dane County Ordinances are not met with regard to any of the activities proposed for this site.
2. If the non-metallic mining portion of the CUP Application is approved by the Town, require that:
  - a. No asphalt plant will be permitted;
  - b. No truck hauling will be permitted on Hillside Road;
  - c. No concrete plant will be permitted; and
  - d. No washing operation will be permitted.

The Town should not be dissuaded from acting in the citizens' best interest by the claim that Hoffman could do some or all of these activities without a CUP. As conceded at the last meeting, all proposed activities require a CUP under the Dane County Zoning Code. Exemption from zoning is possible for borrow and material disposal sites on transportation projects under Wis. Stats. § 85.193. If the land owner consents, a contractor is permitted to remove borrow material from, or place fill material on the landowner's property without obtaining local zoning approval if the work is for the completion of a WisDOT highway project. All conditions under Wis. Stats. §85.193(2), however, must be met, including that:

the transportation project contractor or a transportation project subcontractor does not crush, screen, wash, blast or apply another manufacturing process to

mineral aggregate from the borrow site, on or off the borrow site, to produce finished aggregate products.

Wis. Stats. §85.193(2)(e). Thus, any exemption from zoning is very narrow and would certainly not apply to exempt many, if any of the activities proposed in this CUP. Furthermore, nothing in Wis. Stats. §83.193 prevents the Town from enforcing any non-zoning regulations. In this situation, Hoffman Construction is required to obtain a CUP for non-metallic mining operation and all of the other activities proposed in Hoffman's CUP Application. In addition, Hoffman must also obtain all other federal, state and local permits and approvals necessary for each proposed activity at this project site.

**Dane County Ordinances— CUP Conditions**

Dane County Ordinances require a finding that all of the following conditions are present in order to grant the CUP:

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use;
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

It is Hoffman's burden to demonstrate that each and every one of these factors has been satisfied. Based upon the information submitted by Hoffman thus far, we do not believe Hoffman's burden has been met as to any of these conditions. Below, we provide a discussion of various concerns and areas where more information should be obtained by the



Town before any decision can be made on Hoffman's CUP Application. It should also be noted that the granting of a CUP when all of six (6) of the conditions have not been met could provide the basis for legal action to challenge the issuance of the CUP.

In the event any portion of Hoffman's CUP Application is approved, we are also proposing below a list of conditions to be included with the CUP approval, some of which are based upon Dane County's Standard Conditions of Approval for Mineral Extraction Operations. Naturally, because we believe the application is incomplete, we cannot represent the list of conditions as being a comprehensive list adequate to address all possible issues with the proposal. Also, because the Town has the option of declining to approve any aspect of the proposed operation, certain conditions may need to be modified to better match what was approved.

A. General Concerns.

- (1) Timing. Hoffman's CUP Application is dated February, 23 2017. The Town and residents have not had sufficient time to fully evaluate the implications and effect of proposed operation, especially when the Application is incomplete and missing a number of pertinent and important details. According to Dane County's 2017 Zoning and Land Use Committee Schedule, applications filed after February 16, 2017, but before March 16, 2017 should not be scheduled for a public hearing until May 23, 2017. Hoffman has a contract for which it has bid based upon other sources of asphalt, concrete and aggregate. No reason exists to rush to approve this application. We encourage Town officials to gather all necessary information and thoroughly evaluate and consider all information to determine the impact of this project on the Town and residents of this area. The concerns of all residents should be addressed.
- (2) Town Expert Review. Due to the significance of this proposal we believe it is important that the Town receive input from its own, independent expert consultants including an engineer and attorney. Hoffman should be required to reimburse the Town for engineering fees and attorneys' fees incurred by the Town in this process. Town officials cannot be expected to have the necessary expertise to evaluate the very complex and technical issues associated with a project of the size, scope and broad impact of the project contemplated by Hoffman's proposed project. Without the input of expert consultants, Town officials cannot possibly make an informed decision on the six standards that must be satisfied in order for a CUP to be approved. Nor can it ensure the Town's interests are adequately protected.

- (3) Environmental issues. An environmental impact study looking at all of the various aspects of the proposed operation should be prepared by an environmental consultant paid for at Hoffman's expense or prepared by Hoffman and reviewed by a Town consultant paid for by Hoffman.

B. Traffic Safety and Road conditions.

The Town's primary responsibility and concern with regard to site traffic is not the overall transportation distance or cost Hoffman must bear to perform its obligations under the WisDOT project, but rather local traffic safety and preservation of road conditions in the Town of Albion.

At the March 7, 2017 public hearing, Hoffman represented its proposed operation as creating a net decrease in traffic due to the fact that the Eastman Site 1 is immediately adjacent to the interstate. It is not at all clear, however, that this location will decrease the amount of traffic on local roads. To the contrary it is equally likely that traffic safety and road conditions will be made worse by operations at the proposed site.

- (1) The Application fails to specify expected traffic impacts. The CUP-Mineral Extraction Application Checklist submitted by Hoffman requires the applicant to provide information about the "types, quantities and frequency of use of equipment to extract, process and haul." Hoffman's CUP Application, however, provides no information about the quantities or frequency of use of equipment expected at the site. For example, Hoffman's Application states that 400,000 cu. yds of material will be hauled from Site 2 to Site 1. Hoffman's Application does not disclose that hauling the 400,000 cu. yds will generate approximately 33,000 loaded and 33,000 unloaded truck trips on Hillside Road. The 66,000 trips does not include the numerous additional trucks hauling supplies and material to the project site on Lake Drive and Hillside Road including trucks hauling diesel and fuel oil, fly ash, concrete millings, asphalt millings and other materials. More information is not only required by the Application itself, but is necessary for Town officials to obtain an understanding of the true impact of Hoffman's proposed operation on local roads.

Another important example is the impact of hauling equipment needed for Hoffman's proposed operation onto this site. Major components of a portable asphalt plant can weigh 70 to 100 tons. However, Hoffman's Application does not address the impact on Town roads of hauling such heavy equipment onto this site.



(2) Existing information suggests that the Site will generate substantial truck traffic. Concern that traffic impacts may be greater than suggested is not based upon mere speculation. Rather, known circumstances demonstrate that Site 1's location adjacent to the interstate is not likely to present a lesser burden on local roads than conducting such operations elsewhere.

(a) Asphalt cannot be trucked directly from the site to the interstate. Asphalt for the project is used primarily to construct cross-over lanes and road shoulders. Cross-overs must be constructed before traffic lanes are closed for construction. WisDOT will not allow vehicles to access lanes open for traffic to be accessed directly from the site. Trucks, therefore, will need to haul the asphalt from the site to Lake Drive Road to Highway 73. Hoffman's Application provides no information about the amount of traffic that will be created as a result.

An asphalt plant at this site may or may not result in a shorter overall route to haul asphalt to the job site compared to alternative sites. Total distance, however, does not equate to traffic safety or good road conditions in the Town of Albion. Hoffman has already subcontracted for asphalt which is likely to come from existing operational asphalt plants in the Town of Milton or the Town of Beloit. The truck traffic bringing asphalt from these locations would avoid Town of Albion roads entirely. To the extent local roads elsewhere might be affected (and to the extent other local roads are the Town's concern), the asphalt would come from established plants, not plants placed in areas ill-suited to accommodating the use.

According to Bob Meurer, WisDOT's Project Manager for the current project on which work is scheduled to begin this spring, the total quantity of asphalt needed for the project is 10,000 tons. This is a relatively small amount of asphalt. The amount of asphalt needed for the project does not justify a new asphalt plant at this location, especially when alternate sources of asphalt nearby have been identified by Hoffman. Quite simply, there is no need for an asphalt plant at this location unless asphalt has to be used for other projects as well.

(b) Concrete cannot be hauled directly from the site to the interstate for other portions of the project. For the same reason asphalt cannot move directly from the site to the interstate, concrete could only be moved from the site to the interstate for work on the northbound lanes. Once those lanes are complete and open, concrete would travel on local roads to the job site.

- (c) All aggregate needed to make both asphalt and concrete is likely to be trucked into the site. Clearly, all material necessary to make asphalt (including diesel and waste oil and liquid asphalt emulsions) and concrete, aside from the aggregate must necessarily be trucked in from off-site on Town roads. At the public hearing, Hoffman seemed to leave the impression that on-site aggregate would be used in the asphalt and concrete plants. The aggregate needed in order to make asphalt and concrete for the project, however, must meet very exacting specifications subject to testing and approval by WisDOT. Based on information received from WisDOT project manager Bob Meurer, WisDOT has not been asked to test material from either Site 1 or Site 2. Further, Hoffman has indicated that the source of concrete aggregate for Hoffman's current project will be from a supplier in Madison. If that is the case, as far as the asphalt and concrete plants are concerned, the case for locating them at the site as a way to reduce truck traffic on local roads has no merit or, at least, is dramatically weakened.

C. Environmental/Quality of Life Issues.

- (1) Non-metallic mining operation. Aside from the traffic concerns expressed above, noise, dust, erosion control and storm water management from the mining operation itself all have the potential to produce significant impacts on the surrounding neighborhood in terms of dust, noise and traffic. The proposed mining operations are planned to take place very near existing residences. No mining operations should be permitted on the weekends or evenings.
- (2) Asphalt Plant. In terms of on-site activities, the proposed asphalt plant presents some of the greatest concerns regarding the environment and quality of life in the surrounding neighborhood. Not only do asphalt plants present significant air quality concerns, but the waste oil and other materials necessary to produce asphalt and operate the plant present further concerns regarding ground and surface water pollution.

The following is a list of hazardous air pollutant emissions from asphalt production:

arsenic, chromium, cadmium, lead, halogens, benzene, acetaldehyde, acrolein, antimony, barium, cobalt, copper, crotonaldehyde, ethyl-benzene, formaldehyde, hexane, hexavalent, hydrogen chloride, manganese, mercury, memo-chloroform, naphthalene, nickel, phosphorus, poly cyclic organic matter, propionaldehyde, quinione, selenium, thallium, tirmethylpentane, toluene, valeraldehyde, and xylene.



Many of these chemicals that are emitted from the asphalt plant are carcinogens and can cause health effects including skin irritation, pruritus, rashes, nausea, stomach pain, decreased appetite, headaches, and fatigue.

It would be dangerous to assume that Department of Natural Resource permits are sufficient to protect the public health and safety. The EPA and DNR allow a percentage of the above chemicals to be emitted into the air based off a dollar amount you pay for the emissions. Other air quality standards vary from location to location such that higher standards apply if the plant is near residences. The DNR may only look at the airborne hazards and not the environmental impact it could have on wetland area. In other words, the standards applied assume the project is located in an otherwise appropriate place and are designed to assess the impact of the operation on neighboring property. The environmental permitting process, however, can provide much information that could help the Town evaluate the wisdom of locating an asphalt plant in the Town of Albion.

A copy of the asphalt plant air permit should be submitted in order for the Town Board to review the conditions in the air permit. These include but are not limited to: production capacity, amount of waste oil that can be burned daily/monthly, type of waste oil, whether PCB can be burned in the asphalt plant, the amount of sulfur that can be used at the asphalt plant, and the allowable emissions based off capacity requirements.

A stack test is required every 2 years that measures the amount of emissions from the asphalt plant stack. A copy of this stack test is necessary in order for the Town to know how hazardous the asphalt plant may be to the neighboring properties. Many of the air permits allow over 120,000 gallons of waste oil to be burned each month. Asphalt plants also require Malfunction Prevention & Abatement Plans to be approved for the site and plant which should also be examined.

The Town should also obtain the approved portable source relocation notification permit for the asphalt plant. This permit allows for the relocation of an asphalt plant to another site. A specific storm water pollution plan is required with this permit to show what impact the asphalt plant will have on the site location. A Tier II submittal is also needed in order to relocate an asphalt plant a copy of which should be obtained.

Hoffman's Application provides precious little information on how the asphalt plant might affect the surrounding areas. Questions include:

- How high will the discharge point of the asphalt plant stack be off the ground and will that be high enough to prevent these pollutants from harming area residents?
- Will the emissions and steam from asphalt plant leave the boundaries of the site?



- Will the asphalt smell be present to neighboring properties including into the Hickory Hills and Highwood Estates Subdivisions? (Prevailing winds are westerly which means discharge from the asphalt plant and concrete plants, dust, and noise will carry to these neighborhoods.)
- Will asphalt emulsifier chemicals be added to the asphalt and if so, can these emulsifiers contaminate the ground water?
- Will recycled asphalt shingles be used onsite, what if asbestos is found the shingle?
- Could neighbors be exposed to asbestos in the shingles?
- Is this a drum mix asphalt plant or a batch mix plant?
- What is the flash point of the fuel oil stored onsite for the asphalt plant? Explosions have occurred because the fuel onsite had a flashpoint below 140 degrees Fahrenheit.

Information from the other permitting requirements or otherwise demanded from Hoffman may help answer these questions.

Finally, numerous studies have shown property values decrease based on an asphalt plant being located in the vicinity. Many people have purchased lots in Hickory Hills and Highwood estates to build homes or to be used for weekend camping. This will have a significant impact on how they enjoy the quiet and rural use of these properties. This area was chosen to get away from industrial, noises, smells and dust.

- (3) Concrete Plant. Concrete plants can present numerous environmental concerns including storm water quality concerns, fuel, waste oil and other chemical storage concerns and air pollution (cement dust contains lead and mercury). A Tier II, Community Right to Know Report should be made available to provide more detailed information about the degree to which such concerns may be present and how they are being handled on the site.

Further, the proposal for a high capacity well is cause for concern. Due to recent statutory changes and opinion from the Attorney General, the DNR will no longer look at the cumulative effects of high capacity wells in the permitting process. In reality, however, no well operates in isolation and one cannot know the impacts of a new high capacity well without understanding all of the current and potential impacts on the hydrology in the area.

- (4) Washing. In addition to the concerns related to the high capacity well which it seems is also necessary for the washing operation, it remains unclear exactly how large and how deep the ponds for washing will be and how close to the groundwater table. The depth should be subject to the same limit as other

operations. Further, the operation plan provides no information as to how the sediment and sludge from the ponds will be deposited or disposed of.

- (5) High Capacity Well. Hoffman should be required to provide a copy of its high capacity well application. A qualified hydrologist should be hired by the Town to determine the number of wells in the area and the volume of water needed for Hoffman's proposed operation. The cost of the hydrologist's services and written report should be paid by Hoffman before said services are commenced. In addition, the environmental expert (see above) should determine the impact on Town residents of the amount of water extracted for Hoffman's proposed operation (estimated to be approximately 1,200 gallons per minute during washing operations which could eventually amount to millions of gallons). The environmental expert or other qualified professional should also analyze and assess whether Hoffman's operation will have a detrimental effect on either other wells in the area or the wetland corridor that has a direct path to Lake Koshkonong.
- (6) Ambient Air Quality. Hoffman has provided no information concerning the impact of Hoffman's proposed operation on the ambient air quality in the area arising from multiple operations (i.e., asphalt plant, concrete plant, washing, crushing and mining) taking place on one site with a small overall footprint. Each type of operation emits toxins and a number of other contaminants. More information is needed to determine how Hoffman's operation will affect the surrounding properties and the residential, recreational and seasonal use and enjoyment of the surrounding properties.

In summary, the Town should reject Hoffman's Application because it fails to meet the six (6) CUP conditions specified in the Dane County Ordinances as to all of the activities Hoffman proposes to conduct on this site. If the Town does not elect to completely reject the Application, any CUP should be subject to the conditions listed in the enclosed list. The list is not intended to be exhaustive but simply provide some important conditions the Town should consider as part of issuance of approval of any portion of the Application.

Sincerely,



Matthew J. Fleming

34060.170448

Enclosure

cc: Jan Pierce (via email)



## PROPOSED CONDITIONS OF CUP APPROVAL

1. No mineral extraction or related activities shall occur unless they are directly connected to the Wisconsin Department of Transportation project to reconstruct the northbound lanes of Interstate 39/90 between the Dane County line to East Church Road.
2. There shall be no truck hauling on Hillside Road from Hoffman's operation.
3. No asphalt plant shall be operated on the project site.
4. Operations shall cease (and the CUP shall expire) no later than one year and three months from the date of issuance with all extraction (include asphalt, concrete, washing and crushing if allowed) operations ending upon providing the last material required for the work on the current road project. All site reclamation and town road repair shall be complete prior to expiration of the CUP.
5. Hoffman shall submit an erosion control plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations. Compliance with the erosion control plan and permit are a condition of this CUP.
6. Before conducting any activities on the project site, Hoffman shall apply for and receive all other required local, state and federal permits.
7. Hoffman shall develop and operate the site according to the site/operations and phasing plan dated [enter date]. Said site/operations and phasing plan must be approved by the Town before operations are commenced on the project site.
8. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances and the approved reclamation plan. Prior to commencement of any work on the site, Hoffman shall provide a detailed Reclamation Plan showing all of the work to be done to reclaim the project site including the depth to which Hoffman will be excavating the site, a drawing showing the condition and appearance of the site after reclamation is completed and other pertinent details as deemed appropriate by the Town of Albion and Dane County. Said Reclamation Plan shall include a bond or similar security provided by Hoffman in an adequate amount as approved by the Town Engineer and Town Attorney assuring that all necessary work to properly and timely carry out the Reclamation Plan will be done.

9. All driveways accessing the subject site shall be paved. Hoffman shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust or mud tracked onto public roads. [Note: At a minimum, said driveways shall be paved for a distance of at least 100 feet from the public road. All other driveways not paved should be graveled.]
10. Hoffman and all haulers shall access the CUP site only through those points designated as entrances on the Site/Operations Plan dated [date of most recent plan].
11. The access to each driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed "no trespassing."
12. Hours of operation shall be from 6 a.m. to 6 p.m., Monday through Friday. Hours for crushing, screening, and washing, if permitted, shall be limited to 8:00 am to 4:00 pm, Monday through Friday, due to noise impacts.
13. There shall be no blasting or drilling on the project site.
14. A safety fence shall be erected around the entire project site no less than 5 feet in height with a single strand of barbed wire on the top.
15. [If crushing is permitted] Hoffman shall use spray bars (water) in the crushing process to reduce dust. Use of spray bars is not required when the temperature is below freezing. Hoffman shall spray the site with water if and when needed to control dust and/or as ordered by the Town to do so.
16. No water shall be pumped or otherwise removed from the site.
17. There shall be no bulk fuel, waste oil or other petroleum products stored on site.
18. If the extraction operation is at or near groundwater level, all excavation equipment, asphalt plant [if allowed], concrete plant [if allowed], and vehicles shall be fueled, stored, serviced, and repaired on lands above \_\_\_ feet in elevation to prevent against groundwater contamination from leaks or spills.
19. Hoffman shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.
20. All Access road/town road intersection improvements necessary for safe operation at the project site (including turn lanes and other improvements) must be completed prior to commencement of operation.



21. Hoffman shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
22. Prior to commencement of any work on the site, Hoffman must enter into a Well Agreement with the Town covering the owners of all properties within a specified area that may be affected by Hoffman's operation (as determined by the Town's environmental expert). The Well Agreement shall require that Hoffman be responsible for all repairs, replacements and other work necessary to correct all water problems and damages to the private wells in the designated area arising from Hoffman's operation including, but not limited to, failed wells investigation, inspection costs and well re-drilling or replacement. A list of the parcel numbers of the properties covered by the Well Agreement shall be included in or attached to the Well Agreement.
23. Dane County and the Town of Albion shall be listed as primary additional named insureds on the Hoffman Construction liability insurance policy, which shall provide for a minimum of \$1,000,000 of combined single limit coverage per occurrence. Hoffman shall furnish a copy of a Certificate of Insurance and additional insured endorsement as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until reclamation is complete and approved by the Town of Albion and Dane County.
24. The Dane County Zoning Administrator or designee or any Town officer or employee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. If the operation is not in compliance with the terms and conditions of this CUP, the CUP is subject to amendment or revocation as deemed appropriate by the Town of Albion or Dane County.
25. Prior to commencement of any work on the site, Hoffman shall enter into a Road maintenance agreement for Lake Drive Road (and Hillside Drive, if approved) containing a description of the roadway, town specifications, duties and responsibilities of Hoffman, default penalties, liability insurance, annual inspection protocol, and bond or similar security provided by Hoffman in an adequate amount approved by the Town Engineer and Town Attorney assuring that the necessary repairs and replacements will be completed in a timely manner to the Town's satisfaction.
26. Prior to commencement of any work on the site, Hoffman shall provide a Pollution Incident Prevention Plan for this site to protect the Town in the event of a spill and

contamination is released on the project site, outside of borders of the project site or into the groundwater. Said Plan should include a bond or similar security provided by Hoffman in an adequate amount approved by the Town Engineer and Town Attorney assuring that the necessary investigation and clean-up will be completed in a timely manner to the satisfaction of the Town, Wisconsin DNR and the affected property owners.

27. [If the concrete batch plant or asphalt plant is permitted] Prior to commencement of any work on the site, Hoffman shall provide a Malfunction Prevention and Abatement Plan for the Concrete Batch Plant and all Hot Mix Asphalt Emission Sources on the project site. Said Plan should include a bond or similar security provided by Hoffman in an adequate amount approved by the Town Engineer and Town Attorney assuring that all injuries and damages arising from emissions for all of said sources will be covered and paid for by Hoffman in a timely manner to the satisfaction of the Town, Wisconsin DNR and the affected property owners.
28. Prior to commencement of any work on the site, Hoffman shall provide a Comprehensive Fugitive Dust Plan addressing each operation on the project site and its effect on the other operations associated with Hoffman's operation and activities conducted on adjoining or nearby property. Said Plan should include a bond or similar security provided by Hoffman in an adequate amount approved by the Town Engineer and Town Attorney that all injuries and damages arising from dust from all sources on the project site will be covered and paid for by Hoffman in a timely manner to the satisfaction of the Town, Wisconsin DNR and the affected property owners.
29. Prior to commencement of any work on the site, Hoffman shall provide a Storm Water Pollution Plan which lists all potential pollutants and storm water exposure to potential pollutants and specifies best management practices of pollution control, site map, inspection protocol, communication protocol if an exposure should occur, construction of the containment areas of any onsite fuel basins, and annual sampling protocol to ensure no process water is contaminating the ground water. Said Plan should include a bond or similar security provided by Hoffman in an adequate amount approved by the Town Engineer and Town Attorney assuring that all injuries and damages arising from pollutants from all sources on the project site will be covered and paid for by Hoffman in a timely manner to the satisfaction of the Town, Wisconsin DNR and the affected property owners.



30. Prior to commencement of any work on the site, Hoffman shall provide a Spill Prevention, Control and Counter-Measure Plan that addresses regulatory mandates, shows all DNR and EPA permits for Hot Mix Asphalt [if permitted], Concrete Batch Plant, [if permitted] and Storm Water Management, along with facility information identifying contacts, responsibilities of the emergency coordinator, facility description of all operations, hazardous materials and waste storage locations, emergency response agencies with phone numbers, inspection checklist and a map of the facility.
31. All berms shown in the operations plan submitted by Hoffman and approved by the Town of Albion shall be constructed prior to commencement of extraction operations. The berms shall be no shorter than 10 feet and shall be constructed pursuant to erosion control and storm water plans that will maintain pre-operation storm water runoff volumes, rates and quality.
32. Noise at the property line shall not exceed 5 db above ambient noise levels for extraction operations and shall not exceed ambient noise levels for asphalt plant, concrete plant, crushing or washing operations [if approved].