

*Over the past few years, Dane County has applied a standard set of conditions to approvals of mineral extraction operations to assure that they meet CUP standards in S. 10.255(2)(h) of the zoning ordinance. Based on the specifics of the proposal, these conditions can vary slightly and other conditions are sometimes included. The standard conditions are generally as follows:*

### **STANDARD CONDITIONS OF APPROVAL FOR MINERAL EXTRACTION OPERATIONS**

1. The applicant 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.
2. The applicant shall apply for and receive all other required local, state and federal permits.
3. The operator shall develop and operate the site according to the site/operations and phasing plan dated [enter date]
4. Operations shall cease no later than [# of years requested or less as appropriate] years from the date of CUP approval.
5. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances.
6. The driveway accessing the subject site shall be paved. The operator 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, the driveway should be paved for a distance of at least 100 feet from the public road. All other driveways not paved should be graveled.]
7. The operator 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].
8. The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed “no trespassing.”
9. Hours of operation shall be from \_\_\_\_ a.m. to \_\_\_\_ p.m., Monday through Friday, and from \_\_\_\_ a.m. to \_\_\_\_ p.m. on Saturdays. No operations of any kind shall take place on Sundays or legal holidays. [Note: Typical hours of operation are from 6:00 a.m. to 6:00 p.m., Monday through Friday, and 8 a.m. to early afternoon on Saturday. If there are residences nearby, hours may be more limited (e.g., start at 7:00 a.m. with no Saturday hours). Further, hours for crushing, screening, and washing, when permitted, are generally more limited than general operating hours, due to noise impacts.]
10. There shall be no blasting or drilling on the site. [If blasting or drilling are requested and allowed, an additional set of conditions should be required related to frequency, noise and vibration levels, notice to neighbors, pre-inspection of neighboring basements and wells, claims procedures, etc. See memo for summary of issues to review if blasting or drilling are requested.]
11. There shall be a safety fence around the entire extraction area at all times. That safety fence shall be a minimum of 5 feet in height with a single strand of barbed wire on the top. [If the extraction operation does not contain steep slopes, a safety fence surrounding the entire area may not be necessary. Instead, the following condition may be appropriate: “During operations, the edge(s) of the extraction area shall be maintained at a slope of no greater than 1:1.”]
12. The operator 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. The operator shall spray the site with water if and when needed to control dust.
13. No water shall be pumped or otherwise removed from the site.

14. There shall be no bulk fuel stored on site. [In cases where the operator wishes to have bulk fuel stored on site, the operator should indicate why and provide a plan for spill containment that meets state regulations.]
15. [The following condition is advisable only when the extraction operation is at or near groundwater level.] All excavation equipment, plants, and vehicles shall be fueled, stored, serviced, and repaired on lands above \_\_\_ [3 feet above highest water table elevation] feet in elevation to prevent against groundwater contamination from leaks or spills.
16. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.
17. If the Highway Commissioner determines that improvements to the intersection of the access road and CTH \_\_\_ [or fronting local public road and nearest CTH] are necessary as a result of the mineral extraction operation, the operator shall improve such intersection at its expense to the specifications of the Highway Commissioner. [Note: The town may also request this type of guarantee or a letter a credit for repair to local roads. It would generally be appropriate to include such a request as a condition of county approval.]
18. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
19. Dane County and the Town of \_\_\_\_\_ shall be listed as additional named insureds on the [name of operator] liability insurance policy, which shall be for a minimum of \$1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until reclamation is complete.
20. The Zoning Administrator or designee 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. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.