



Dane County Planning & Development

Mining Regulatory

Date: September 2, 2025

To: Zoning & Land Regulation Committee

From: Daniel Everson, Assistant Zoning Adm.

Re: CUP 2582 – Mineral Extraction
Town of Rutland, Section 28
Property owner/Operator: K & D Stone (Kevin Hahn)

Conditional uses are those land uses which, because of unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review.

The Zoning and Land Regulation Committee conditionally approved CUP 2582 for mineral extraction purposes only on March 14, 2023. On June 22, 2023, the Board of Adjustment heard appeal #3724 which was an appeal by Rutland Citizens United, U.A., Pamela J. Marr-Laundrie and Henry Spelter appealing the decision of the Dane County Zoning and Land Regulation Committee regarding approval of conditional use permit 2582. The BOA approved conditional use permit 2582 with conditions as modified.

- *Amend condition 21 to be subject to State Statute 66.0441(3)(c).*
- *Append condition 38 to read, "Upon 24 hour notice to conditional use permit operator, operations must cease during interment at the Graves Cemetery."*

Numerous complaints have been submitted to the Planning department with regards to the subject CUP. Complaints range from solid waste and garbage material being brought into the site, operating outside of the approved hours, gate not securely closed outside of the approved operational timeframes, erosion control and stormwater issues, debris dropped in the town road, topsoil removed from the site, trucks not being tarped, inadequate landscaping of the berms and fencing.

Several inspections have occurred at the subject property since the approval of the CUP, either to go over various concerns from the public or to follow up with the conditions of the CUP with the operator. Inspections pertain to all 38 conditions.

Violations have been discovered with the conditions of the CUP and the operator, Kevin Hahn has corrected some of the violations. However, unresolved violations have not been corrected which resulted in multiple reports being brought before the ZLR

Committee for discussion and possible action. The following is a summary of the reports brought before the ZLR Committee.

REPORTS TO COMMITTEE

August 27, 2024 Report was a result of inadequate stormwater control, garbage dumped in the site, inadequate topsoil, stabilization and landscaping of berms.

December 17, 2024 Report was a result of solid waste, garbage and construction materials deposited in the site and buried. In addition, a summary of the erosion control and inadequate landscaping of the Center Road berm.

June 24, 2025 Report was a result of operations conducted while a funeral was in process, operating/maintenance of equipment and the gate open outside of approved timeframes and inadequate landscaping of the Center Road berm.

July 22, 2025 Report was a result of the Committee's decision to allow the operator and Planning staff to go over the violations and concerns one last time. All conditions were reviewed with the operator and there were still concerns that had not been corrected. Inadequate topsoil and stabilation of perimeter berms, berms not seeded as per the operations plan, stormwater violation and materials being brought into the site for processing and sold as a commodity. The Committee voted unanimously to schedule a public hearing for September 2, 2025.

The purpose of the public hearing is meant to receive testimony from the public and the operator in regards to the on-going concerns and violations with the conditions of approval. If the zoning committee finds that the conditions stipulated in the conditional use permit are not being complied with, the zoning committee, after a public hearing, may revoke the conditional use permit.

In summary, the operator has corrected some of the violations and concerns, but in general has failed to implement and follow the approved operations plan.

FAILURE TO MAINTAIN BERMS

Condition #31 requires that berms and landscaping shall be established and maintained. A permanent 8-foot minimum berm shall be located along Center Road. The berm shall be planted with an EVERGREEN Tree (min 4' B&B) every 50 feet. Other operational berms shall be 8 feet tall as needed with 3:1 SIDE SLOPES.

Operations Plan

To optimize stabilization and minimize the growth of invasive species, the berm will be seeded. The selected seed cover will be based upon the soil type and temperature at the time of planting. A mulch cover will be spread on the sloped areas to reduce erosion and enhance plant growth. Seeding and mulching will be conducted in alignment with the Wisconsin Department of Transportation (WisDOT) standards #630 (Seeding on Slopes) and #627 (Mulching).

The plantings and seeding of the berms have not been followed and or maintained in the past two years. The stabilization of the berms is very important to prevent erosion onto adjacent properties and the public right-of-way. Multiple inspections and correspondence have been communicated with the operator about the inadequate landscaping of the berms and the absence of topsoil placed on the berms.

August 3, 2023, an inspection report was prepared and shared with the operator and the township that highlights the violation of Condition #31.

August 28, 2023, an inspection report states that the operator will need to monitor the berms over time to ensure stabilization is being met during all aspects of the operation. This means addressing any rill erosion issues with additional grading, seeding and mulching.

February 23, 2024, an inspection report points out which areas of the berms are in compliance and which areas are still in violation. The report specifically states that the construction of all berms surrounding the operations shall be completed and stabilized no later than April 22, 2024.

July 24, 2024, an inspection report points out ongoing violation of the slopes and stabilization of the berms. The report requires that all slopes are to be re-graded to not exceed 3:1 within 30 days and all re-graded slopes are to be covered with topsoil, seeded and stabilized within 30 days.

July 24, 2024, Violation Notice was sent to the operator.

- The overall site is to demonstrate that the operations plan is generally being followed no later than August 19, 2024.
- The dumping of construction debris that is not considered clean fill for recycling or fill must cease immediately.
- All items that are considered to be solid waste are to be removed from the property no later than August 19, 2024. This includes rebar protruding from concrete, plastics, metals, etc.
- All slopes greater than 3:1 are to be re-graded to not exceed a 3:1 slope no later than August 19, 2024.
- All perimeter berms are to be stabilized no later than August 19, 2024.
- The overall site as per the approved operations plan is to demonstrate that the site is internally drained no later than August 19, 2024.
- Further enforcement will commence if the property is not in compliance by the deadline dates.

May 14, 2025, an email was communicated to the operator specifically reminding the operator Condition #31 and requiring the operator to again address the issue with the lack of topsoil on berms and the inadequate seeding and landscaping of the berms with a 3 week time period.

June 12, 2025, an inspection report which was a result of a complaint made by the public concerning the inadequate landscaping of the Center Road berm. The report again references the inadequate stabilization and landscape plantings of the berms.

June 24, 2025, a Public Hearing was held and the report to the ZLR Committee highlighted the concerns and disregard of Condition #31. The report specifically states that as of June 18, 2025, the issue with landscaping/trees had not been completed.

July 10, 2025 a site inspection with the operator exposed inadequate topsoil on the berms.

July 16, 2025 a site inspection with the operator and Zoning Administrator Roger Lane going over all 38 conditions of the CUP revealed additional areas of the berms not seeded or stabilized.

FAILURE TO CONFORM TO OPERATIONS PLAN

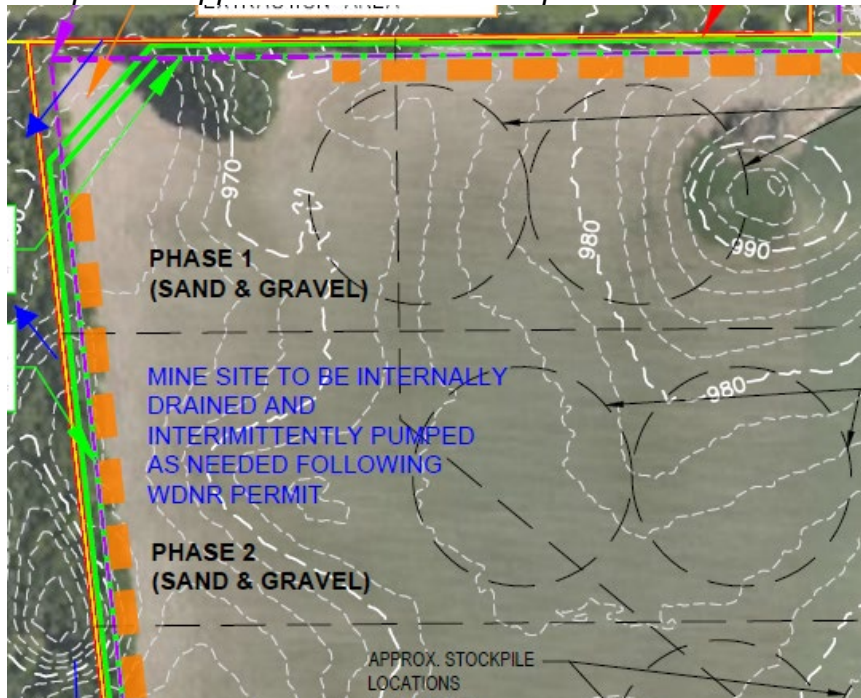
Another component of the approved operations plan that addresses erosion control and stormwater management of the entire site is problematic.

Condition #1 states that the physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan, phasing plan, and following conditions. Specifically the landscaping of the berms, grading of the site, the phasing plan which all directly correlates to erosion control and the stormwater management of the site.

Operation Plan

Erosion controls outlined in the Wisconsin Department of Natural Resources (WDNR) "Construction Site Best Management Practices" handbook will be utilized as needed to prevent sediment loss during the initial construction phase of the project. Such measures include seeding and mulching, the utilization of straw bales, rip rap with filter fabric, rock check dams, or the construction of settling or containment structures. The existing quarry will be utilized for runoff containment support the remainder of the project. Stormwater will be collected in the quarry and discharged, as needed into the Center Road Quarry drainage swale located adjacent to Center Road according to the site's stormwater pollution prevention plan (SWPPP), before discharging to Badfish Creek. A copy of the SWPPP and Wisconsin Department of Natural Resources general permit for the site (No. WI-A046515-06) is included in Appendix E - Existing WDNR Permit and Storm Water Pollution Prevention Plan. The plan will be updated upon approval of the site conditional use permit. Finally, A copy of the site's Erosion Control Plan will be submitted upon approval of the sites conditional use permit.

Excerpt from approved erosion control plan



July 17, 2024, an inspection report communicated to the operator that no stormwater is to leave the site and that the grading of the site is to address the management of stormwater. This report was a result of a complaint to the department by the public with concerns to erosion control and sediment material from the site being washed into the Center Road ditch which drains to the Graves Cemetery.

July 23, 2024, an inspection report stated to the operator that site conditions need to be improved in order to follow the approved operations plan and reminder that the site will be encompassed with berms to maintain an internally drained site, that will be pumped intermittently as needed following WDNR Permit. On July 23, 2024, myself as well as Land & Water Resources staff suggested to the operator a temporary solution is to construct a detention pond along the southerly boundary line to capture sediment and stormwater. Stormwater from the agricultural field will be stored on-site and county staff reiterated to Kevin Hahn that the site is to drain internally and occasional pumping of clean water is allowed pursuant to DNR stormwater discharge permit.

July 24, 2024, Violation Notice was sent to the operator.

- The overall site is to demonstrate that the operations plan is generally being followed no later than August 19, 2024.
- The dumping of construction debris that is not considered clean fill for recycling or fill must cease immediately.
- All items that are considered to be solid waste are to be removed from the property no later than August 19, 2024. This includes rebar protruding from concrete, plastics, metals, etc.
- All slopes greater than 3:1 are to be re-graded to not exceed a 3:1 slope no later than August 19, 2024.

- All perimeter berms are to be stabilized no later than August 19, 2024.
- The overall site as per the approved operations plan is to demonstrate that the site is internally drained no later than August 19, 2024.
- Further enforcement will commence if the property is not in compliance by the deadline dates.

The approved operations plan shows a future 48'x100' storage building and equipment/fuel storage area where a detention pond has been constructed. The pond was constructed summer of 2024 near the southerly property boundary as a provisional solution to resolve the issue of sediment and stormwater leaving the site.

On July 10, 2025, an inspection revealed an unlawful pipe inserted at the base of the detention pond for stormwater and sediment to exit towards the entrance in an uncontrollable manner. Land & Water Resource staff conducted an independent inspection on July 15, 2025 to review the construction of the pond and stated that the pipe as being problematic. The outfall section of pipe was not covered during this time. When Planning staff re-visited the site on July 16, 2025, the outfall of the pipe was covered with rip rap stone. Staff communicated to the operator on-site that the pipe is a violation of the CUP standards. Since that on-site meeting, the pipe has been removed and the pond has been re-constructed, but not as per the approved operations plan.

July 22, 2025, a Public Hearing was held and a report was shared with the committee that summarizes the violations and detailing how the operations plan is not being followed.

The site in its current state is not capturing 100% of stormwater and the operator is trying to resolve the management of stormwater haphazardly. This demonstrates that the approved operations plan is not being implemented.

Other violations that have been brought before the Committee is the dumping of various solid waste materials in the site, brush material transported to the site, topsoil processed and trucked offsite, non-excavated areas not used for agricultural production and the gate open after the approved timeframes.

A memo dated July 29, 2025 was sent to the operator that summarizes the violations and possible solutions.

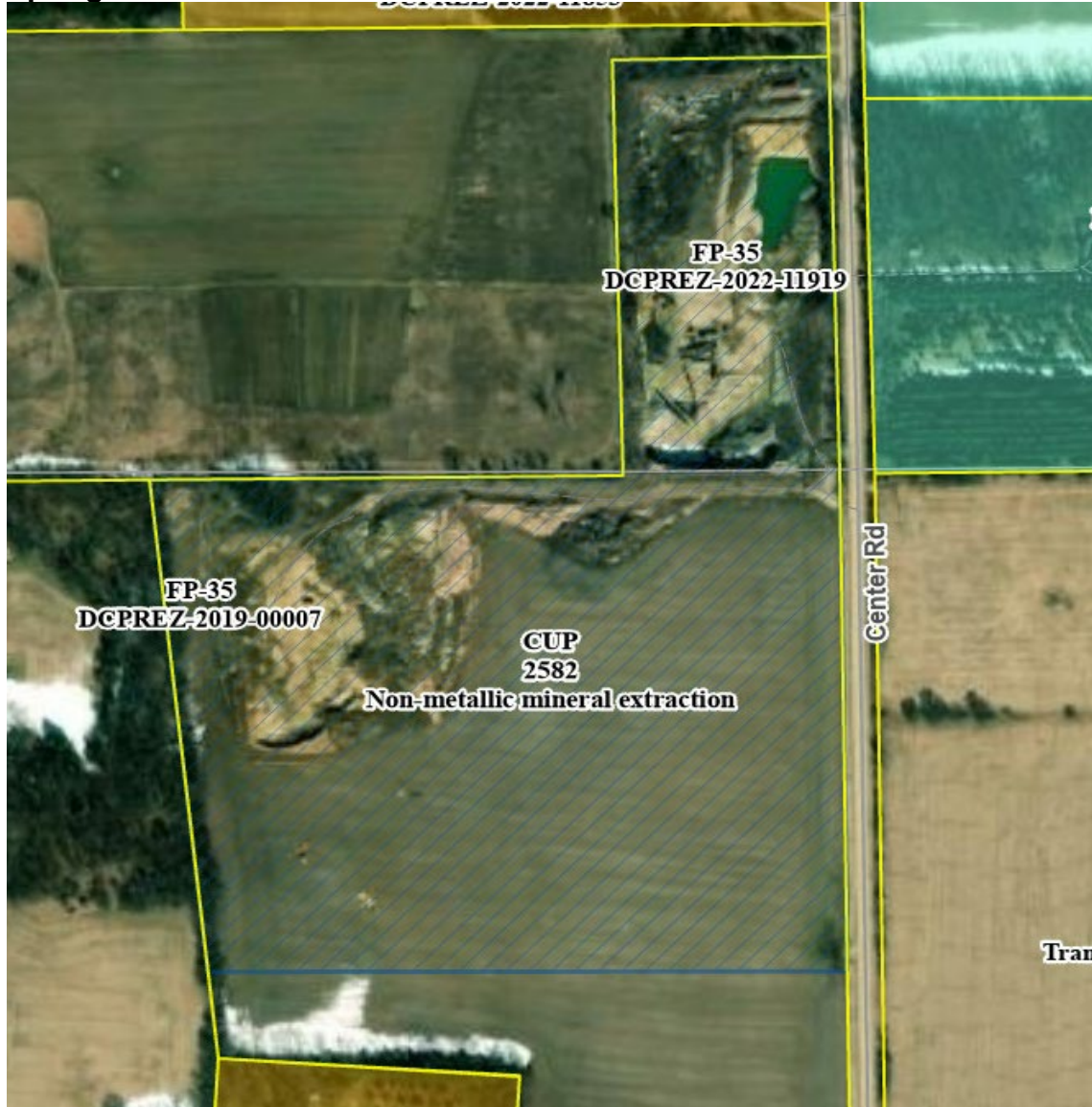
DCCO 10.101(7)(g) Revocation of Conditional Use Permit.

1. Application for a conditional use permit constitutes consent to inspection of the permitted premises by the zoning administrator or designee to assure permit compliance.
2. If a landowner or holder of the conditional use permit is found to be in violation of the permit conditions, the landowner or holder of the permit shall be notified in writing of the said violation(s) and given 10 days to correct the violation.
3. If the violation is not corrected within the assigned correction period, a report shall be filed with the zoning committee documenting the violation.
4. If the zoning committee finds that the conditions stipulated in the conditional use permit are not being complied with, the zoning committee, after a public hearing, may revoke the conditional use permit. Appeals from the action of the zoning committee may be as provided in s. 10.101(7)(d).

10.101(7)(h)(2)(a) xii.

Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit.

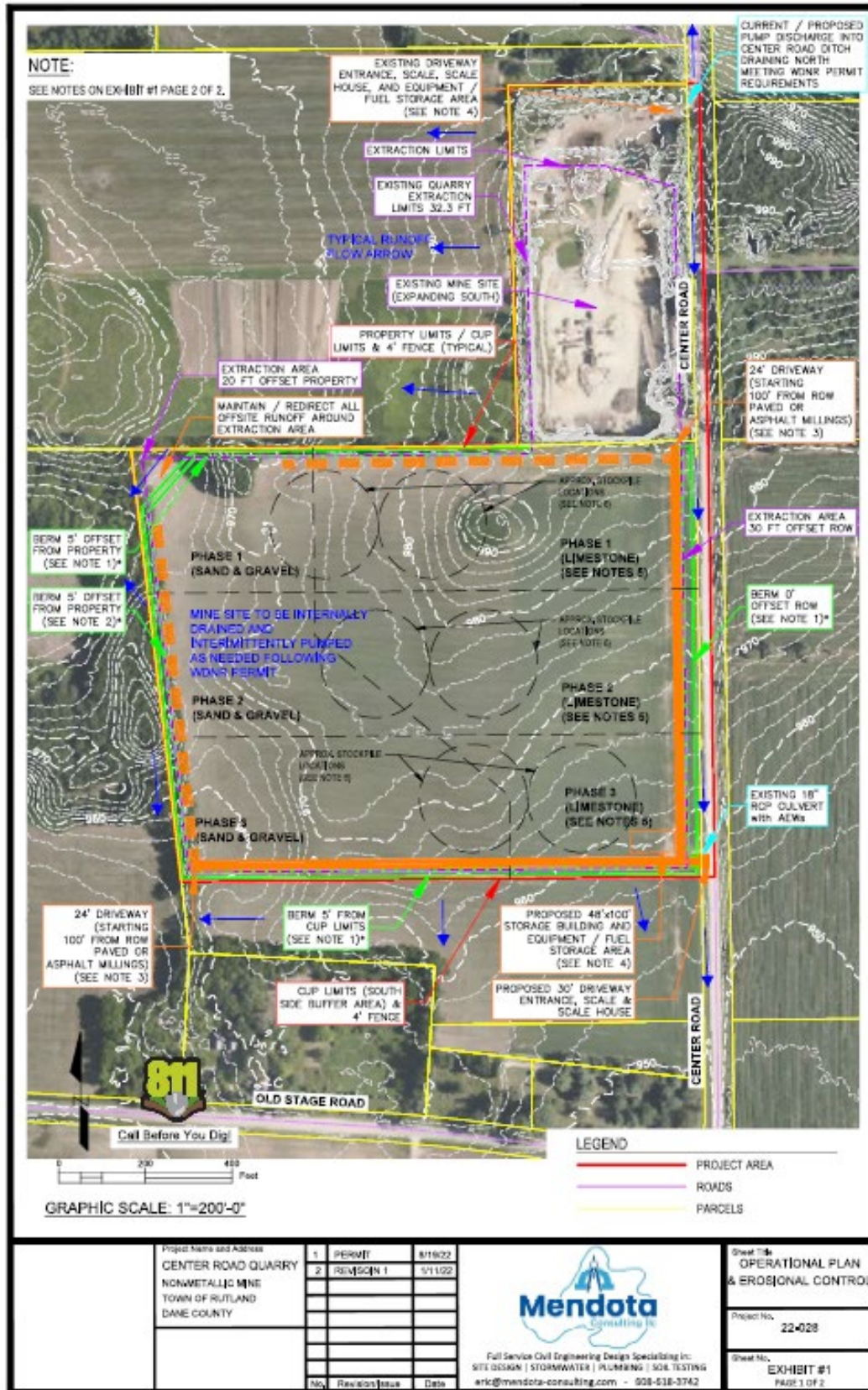
Aerial timeline of CUP 2582
Spring 2022



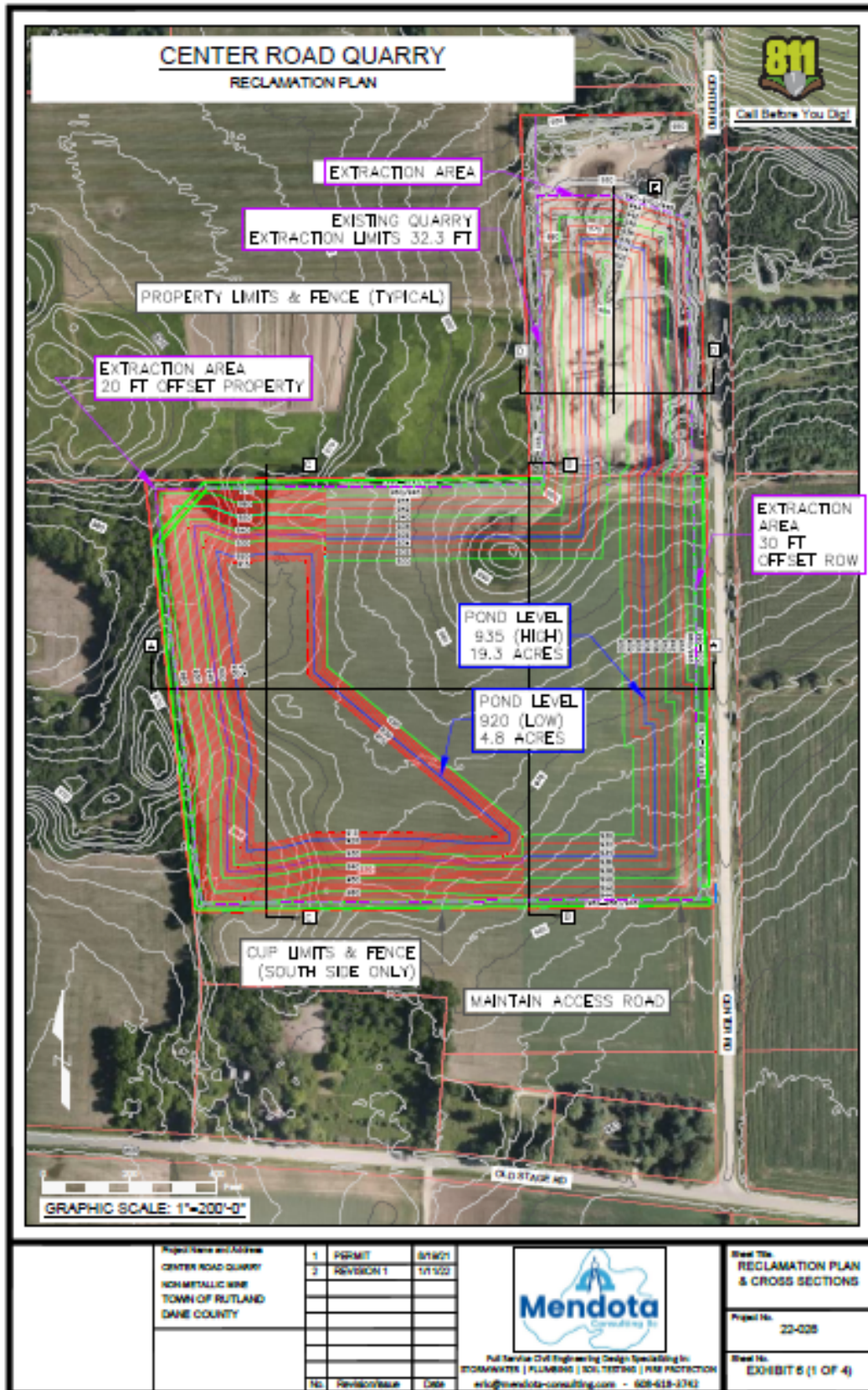
Late summer 2024



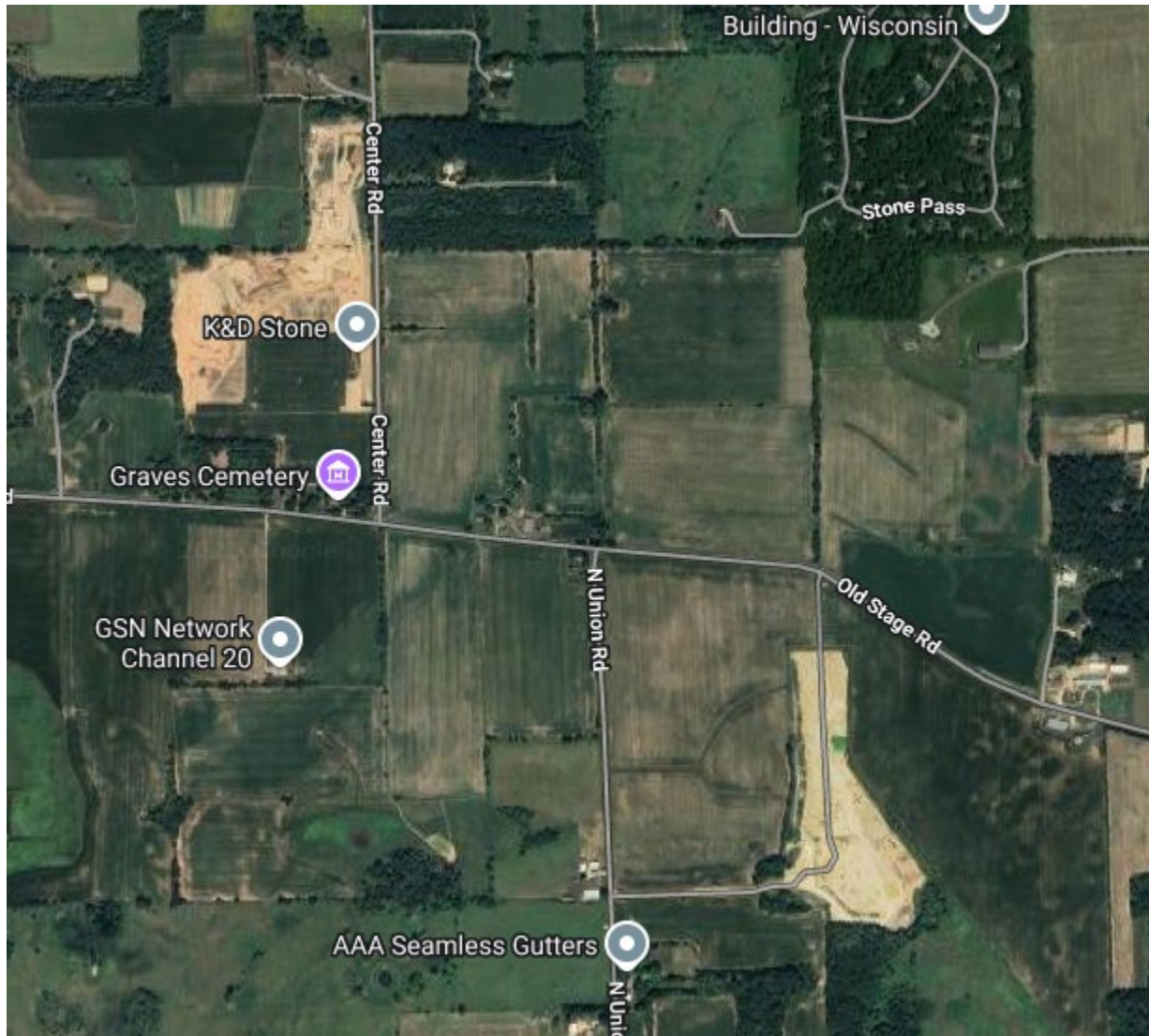
Operations Plan



Reclamation Plan



The two Mineral Extraction sites in the town of Rutland





Dane County Planning & Development

Mining Regulatory

July 29, 2025

K&D Stone
345 Center Rd.
Oregon, WI 53575

Re: CUP 2582 – Mineral Extraction/Summary of violations
Town of Rutland, Section 28

Dear Mr. Hahn,

Over the last two years the Dane County Zoning Division has received numerous complaints regarding the mineral extraction operation located at 345 Center Road in the Town of Rutland. As you are aware, the mineral extraction operation has only been allowed through Conditional Use Permit (CUP) #2582 which contains specific conditions on which the operation is allowed. The holder of the CUP is not only responsible for following the conditions of the CUP, but also following the operations plan as part of the CUP.

Inspections have been conducted on the property over the last two years and the Zoning Division have repeatedly found violations occurring on the property. See notice of violation file. Many of the violations have been corrected in a timely manner, however, violations still exist on the property. Given the past violations, County Staff have expressed concerns to the Zoning and Land Regulation Committee (ZLR) that the operation is failing to meet the conditions of approval. With the number of violations, it appears that the operation is disruptive to the neighborhood and is no longer meeting the 8 standards for obtaining a CUP.

The ZLR Committee has determined that the repeated violations on property warrant the CUP being reviewed for possible revocation. A public hearing has been scheduled for September 2, 2025 at 5:30pm in Room 357 of the City-County Building, 210 Martin Luther King Jr. Boulevard, Madison, WI. If the ZLR Committee finds that the CUP has not been complied with, the CUP will be revoked.

Given the gravity of the situation, County Staff feel that significant changes are necessary to the operation to comply with the 8 standards of obtaining a conditional use permit. Below is a list of ongoing violations with possible solutions.

OPERATIONS PLAN

Condition #1 - The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan, phasing plan, and following conditions.

The operations plan and phasing plan are not being followed. Large quantities of building demolition materials or *solid waste* have been trucked into the site and dumped in the northwest portion of the CUP boundary. This is contrary to the approved reclamation plan and increases truck traffic.

- The Operations Plan states *The site will be developed incrementally to minimize disturbed areas and preserve farmland.*
- The Operations Plan states *The site will also accept general fill from offsite to aid in the reclamation of the site – materials will include but not be limited to topsoil and general fill – no trash or solid waste is accepted but a dumpster will be provided onsite to manage any materials that need to be disposed of.*
- The material brought in and dumped in the northwest area is not classified as general fill, but solid waste. Solid waste dumping is not allowed on this site. As per DCCO Ch. 10.004(98)(b)7. *Mineral extraction does not include solid waste (1) disposal operations.*
- The seeding, stabilization and landscaping of the berms are inadequate. See condition # 31 for details.
- Topsoil/dirt is being brought in from different construction sites and processed as a commodity. This needs to stop immediately. See condition #13.
- Stormwater concerns as the site is not developed to be internally drained.

SOLUTION: The operator would need to hire a civil engineer to develop an operations plan and phased grading plan to provide a clear direction of the development of the site. The plan will need to address site regrading for internal draining, seeded buffer areas, and drainage paths. The plan would be reviewed and approved by Dane County.

DNR APPROVALS

Condition #3 - The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.

Condition #4 - Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.

Condition #23 - Any water pumped off-site shall be in accordance with Wisconsin DNR Stormwater Discharge Permit WI-A046515-06. There shall be no dewatering of groundwater from the site for operations below the watertable.

Condition #25 - The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076, Wisconsin Administrative Code.

Response from the DNR - The Wastewater and Storm Water Programs have been in communication with the permittee regarding the compliance monitoring and reporting requirements of the permit and have no active enforcement actions with the facility. It appears the operator has received approval for a second stormwater discharge point near the new access point. This was not shown on the original operations plan and staff does have concerns with the amount of stormwater being pumped off site to the Center Rd. ditch which flows to the Grave's Cemetery.

SOLID WASTE and FILL MATERIAL

Condition #13 - Topsoil, or appropriate topsoil substitute as approved in a reclamation plan under Chapter 74, Dane County Code, from the area of operation shall be saved and stored on site for reclamation of the area. Topsoil or approved topsoil substitute must be returned to the top layer of fill resulting from reclamation.

- The Operations Plan states: *The site will also accept general fill from offsite to aid in the reclamation of the site – materials will include but not be limited to topsoil and general fill – no trash or solid waste is accepted but a dumpster will be provided onsite to manage any materials that need to be disposed of.*
- A large stockpile of topsoil is located within the Phase 2 of the Operations Plan. According to the operator, the topsoil is screened, processed and sold off site. It was agreed upon that topsoil could be brought into the site, but only for reclamation purposes. This is the applicant's response to the concerns from the public that only sand and gravel shall be removed: *Requests that dirt (fill) will also be accepted into the site. The applicant requests this not only for the same environmentally friendly and standard use reason as noted above regarding asphalt and concrete reuse, but also because accepting dirt will be needed to properly reclaim the site, in addition to using the topsoil / berm material placed around the site.*

SOLUTION: The operator will need to discontinue the acceptance of solid waste material (bricks, masonry block, building materials).

EROSION CONTROL/STORMWATER VIOLATIONS

Condition #14 - The applicant shall submit an erosion control plan under Chapter 14, Dane County Code covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.

The Operations Plan states: *The existing quarry will be utilized for runoff containment support the remainder of the project. Stormwater will be collected in the quarry and discharged, as needed into the drainage swale located adjacent to Center Road according to the site's stormwater pollution prevention plan (SWPPP), before discharging to Badfish Creek.*

- Permit SM2023-0037 was issued by Dane County Land & Water. The plan is to demonstrate that the site is internally drained and that pumping stormwater off site is allowed at times as per the DNR. Reference condition #23.

- The southeast portion of the site has been constructed in a manner that deviates from the proposed operations plan. Jeremy Balousek and I reviewed the site last year on July 23, 2024 to review the the issues with erosion and stormwater with Kevin Hahn. A solution was to construct a berm, temporary in nature on the east end of a soybean field and dig a retention pond along the south berm to hold internal stormwater.
- On July 10, 2025, an inspection revealed a pipe had been inserted at the bottom of the easterly portion of the berm, where water can reach a certain elevation and discharge to the driveway and the town road ditch. This is a direct violation of the approved stormwater plan and demonstrates how the approved operations plan is not being followed.

SOLUTION: The operator would need to hire a civil engineer to develop an operations plan and phased grading plan to provide a clear direction of the development of the site. The plan will need to address site regrading for internal draining, seeded buffer areas, and drainage paths. The plan would be reviewed and approved by Dane County.

RECLAMATION PLAN

Condition #16 - Reclamation shall meet all requirements of Chapter 74 of the Dane County Code of Ordinances. In addition, all reclamation plans must meet the following standards:

- a) Final land uses after reclamation must be consistent with any applicable town comprehensive plan, the Dane County Comprehensive Plan and the Dane County Farmland Preservation Plan.
- b) Final slopes shall not be graded more than 3:1 except in a quarry operation.
- c) The area shall be covered with topsoil and seeded to prevent erosion.
- d) The area shall be cleared of all debris and left in a workmanlike condition subject to the approval of Dane County
- e) Highwalls shall be free from falling debris, be benched at the top, and certified by a civil engineer to be stable.

- Response to Dane County Standards and Simplified Responses: *Operations will occur incrementally to preserve farmland.* When the mineral resources at the site have been depleted, the site will be reclaimed to a freshwater lake (~19 acre) surrounded by farm fields (~19 acre) as outlined in a to be approved reclamation plan for the site.
- As per the plan – When the resource is fully depleted, the site will be restored for agricultural use (above water table) and fish farming pond (below water table).

SOLUTION: The operator should return a portion of the site to an agricultural use within 6 months.

BERMS/LANDSCAPING

Condition #31 - Berms and landscaping shall be established and maintained. A permanent 8-foot minimum berm shall be located along Center Road. The berm shall be planted with an EVERGREEN Tree (min 4' B&B) every 50 feet. Other operational berms shall be 8 feet tall as needed with 3:1 SIDE SLOPES.

- The Operations Plan states - *To optimize stabilization and minimize the growth of invasive species, the berm will be seeded. The selected seed cover will be based upon the soil type and temperature at the time of planting. A mulch cover will be spread on the sloped areas to reduce erosion and enhance plant growth. Seeding and mulching will be conducted in alignment with the Wisconsin Department of Transportation (WisDOT) standards #630 (Seeding on Slopes) and #627 (Mulching).*
- This condition is simple to achieve, but has become a violation. The evergreen trees planted were not 4 feet in height to start with and now are either dead or not healthy. On June 24, 2025, additional evergreen trees were planted on top of the berm. The berm is inundated with noxious weeds which is a sign the original seeding plan was not followed or monitored.

SOLUTION: The operator would need to hire a landscaping company to address the inadequate landscaping and plantings of the berms and to address on how the berms and landscaping will be monitored. The landscape company would maintain all berms and non-excavated areas with vegetation to prevent erosion and invasive plant species.

VOLUME of TRUCK TRAFFIC

Over the last two years, the Zoning Division have received numerous complaints regarding the amount of truck traffic on the local roads. While there would be normal truck traffic as part of the mineral extraction operation, County Staff feel that the acceptance of solid building waste material, used asphalt, discarded concrete, brush material, and topsoil has generated traffic well past the envisioned truck volume for the operation.

SOLUTION: The operator should discontinue the acceptance of any material to the site in order to reduce truck traffic to a reasonable level.

In summary, the CUP was conditionally approved on July 18, 2023 with 38 conditions and is for mineral extraction uses only. This is not a site for importing and dumping of solid waste. This is not a site that allows for processing and sales of imported materials from other sites or various construction sites other than recycling black top and concrete. The site has to demonstrate the management of stormwater while preserving an agricultural use in areas where there are no mineral extraction operations. The Committee has enough evidence that the conditions of the CUP have not been complied with and warrants the revocation of the CUP. The suggestions or solutions contained within the letter may not be enough to persuade the Committee to suspend revocation.

As per Ch. 10.101(7)(g)4. Of the Dane County Code of Ordinances, if the zoning committee finds that the conditions stipulated in the conditional use permit are not being complied with, the zoning committee, after a public hearing, may revoke the conditional use permit. Appeals from the action of the zoning committee may be as provided in s. 10.101(7)(d).

Sincerely,

Dan Everson
Assistant Zoning Administrator
267-1541
everson.daniel@countyofdane.com

CC: Town of Rutland



DANE COUNTY PLANNING & DEVELOPMENT

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

*Housing &
Economic Development*
(608)266-4270, Rm. 362

Planning
(608)266-4251, Rm. 116

Records & Support
(608)266-4251, Rm. 116

Zoning
(608)266-4266, Rm. 116

July 24, 2024

K&D STONE LLC
439 CENTER RD
OREGON WI 53575

RE: Violations occurring at 345 Center Rd.
Parcel# 051028400110

Dear Kevin Hahn,

On July 22, 2024, the Dane County Zoning Department received a written complaint on your property at 345 Center Road regarding the type of material coming into your mineral extraction site. In addition, the department was contacted on July 16, 2024 to review the flooding impacts and stormwater coming from your property at 345 Center Rd.

A site inspection was conducted on July 23, 2024 to review the operations plan concerning erosion control and stormwater controls. It was also observed that concrete material was being delivered into the site and noticed that most of the material was broken concrete debris from a construction site. However, not all the material that was deposited on the site is acceptable clean fill. I noticed various metals, aluminum, steel, construction debris and plastic garbage mixed within the piles.

This letter serves as notice that your property at 345 Center Rd. is in violation of CUP 2582 and some of the provisions found in Ch. 74 of the Dane County Code of Ordinances.

Condition #1 states that the physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan, phasing plan, and following conditions.

Condition #16 states that reclamation shall meet all requirements of Chapter 74 of the Dane County Code of Ordinances. In addition, all reclamation plans must meet the following standards:

- a) Final land uses after reclamation must be consistent with any applicable town comprehensive plan, the Dane County Comprehensive Plan and the Dane County Farmland Preservation Plan.
- b) Final slopes shall not be graded more than 3:1 except in a quarry operation.
- c) The area shall be covered with topsoil and seeded to prevent erosion.

Under Dane County Code of Ordinance section 74.111(1) Non-metallic mining refuse shall be reused in accordance with a reclamation plan. Other solid wastes shall be disposed of in accordance with applicable rules of the WDNR adopted pursuant to chs. 289 and 291, Wis. Stats.

Under Dane County Code of Ordinance section 74.111(5) Reclamation of non-metallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental

protection, zoning and land use control. Mineral extraction sites shall comply with the erosion control and stormwater provisions of chapter 14.1.

You are hereby instructed within 10 days of this letter to be in compliance with the following items:

- Remove all items that are considered to be solid waste from the property. Items include rebar protruding from concrete, plastics, metals, etc.
- To demonstrate that the operations plan is generally being followed.
- The overall site as per the approved operations plan is to demonstrate that the site is internally drained.
- The dumping of construction debris that is not considered clean fill for recycling or fill must cease immediately.

When corrected, please contact myself at (608) 267-1541 so that the corrections can be verified.

If the violations are not corrected within the 10-day time period, Conditional Use Permit 2582 will be scheduled for the August 27, 2024 Zoning and Land Regulation Committee public hearing meeting for review of the current violation and potential revocation of the conditional use permit.

Your cooperation is appreciated in this matter.

Sincerely,

Daniel Everson
Assistant Zoning Adm.

CC: Town of Rutland