



Dane County Planning & Development

Mining Regulatory

Date: October 28, 2025

To: Zoning & Land Regulation Committee

From: Daniel Everson, Assistant Zoning Adm.

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

This report summarizes the new work that has been done on site by the operator and the amended stormwater management plan submitted by Snyder & Associates.

A report was shared with the ZLR Committee at the July 22, 2025 public hearing that went over the ongoing violations. Shortly after this meeting, the operator constructed a large ditch along the southerly boundary of the CUP and adjacent to the berm the last week of July to address the issue with stormwater management on the site, particularly the area near the southerly entrance.

K & D Stone hired Snyder and Associates to prepare a response to the concerns and violations. In addition, an amended stormwater management plan that reviewed and surveyed the new work that was constructed on site. The revised plan was shared with the ZLR Committee at the September 2, 2025 public hearing.

On September 2, 2025 a Public Hearing was conducted on the possible revocation of CUP #2582 with regards to the violations of the approved operations plan. The result of the hearing was to postpone a decision and for planning staff to work with the Land and Water Resources staff to review an amended operations plan that was submitted by Snyder and Associates.

On September 11, 2025 I met with Jeremy Balousek from Land & Water Resources, Scott Anderson from Snyder and Kevin Hahn to go over the new work that was constructed and the revised stormwater plan. The area was reviewed and Jeremy provided additional details that needed to be addressed on site and solutions in the near future to make sure the area of the new ditch is stabilized and not preventing further erosion control issues.

On September 25, 2025 Jeremy Balousek provided the following statement:

With the work that has been completed and the analysis by Snyder & Associates, the K&D Stone site is now in compliance with their stormwater management plan with the following conditions:

- 1. The slopes on the southern constructed channel be flattened to 3:1 in the spring.*
- 2. The bare slopes on the channel are overseeded with winter wheat as temporary cover.*

3. *The side slopes and bottom of the channel are seeded to a perennial mix or stone surface in the spring.*

The purpose of the new ditch is to capture stormwater at the lowest point, which is near the paved entrance and direct the water to the west. Stormwater is then collected within an area that is described as a sand deposit resource within the site. Stormwater naturally infiltrates within this area.

Photos from September 11, 2025 of the new work.

Looking west at the entrance



Looking east towards the entrance



Looking west to where the stormwater drains into the sand portion of the site



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.

What happened?

With how the site was graded and construction of the southerly entrance, driveway, and the area near the scale and scale house revealed that stormwater was not being contained within the site. It wasn't until a large rain event in July of 2024 that revealed the site was not self-contained with regards to runoff. Majority of the stormwater flowed directly to the south, towards the Graves Cemetery.

County staff did provide some suggestions to address the inadequate stormwater control near the entrance in July of 2024, but those suggestions were not going to remedy the entirety situation of managing stormwater. Furthermore, the operator installed a pipe in the face of the berm for stormwater to flow from the detention area directly to the Center Road ditch. Another example of how the operations plan was not being followed. A band-aid approach to dealing with stormwater and a direct violation of the conditions of the CUP.

Documented notices pertaining to stormwater management

July 17, 2024 Notice communicated to the operator than no stormwater is to leave the site and the grading of the site is to address the management of stormwater. A constructed detention pond was not part of the approved operations plans prepared by Mendota Consulting. In addition, the ditch will need to be cleaned out in order to prevent stormwater further backing up. Directed operator to work with Land & Water Resources staff with achieving compliance with stormwater control.

July 23, 2024 Communicated to the operator that the site is to drain internally and site conditions need to be improved to address the issue on stormwater management.

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

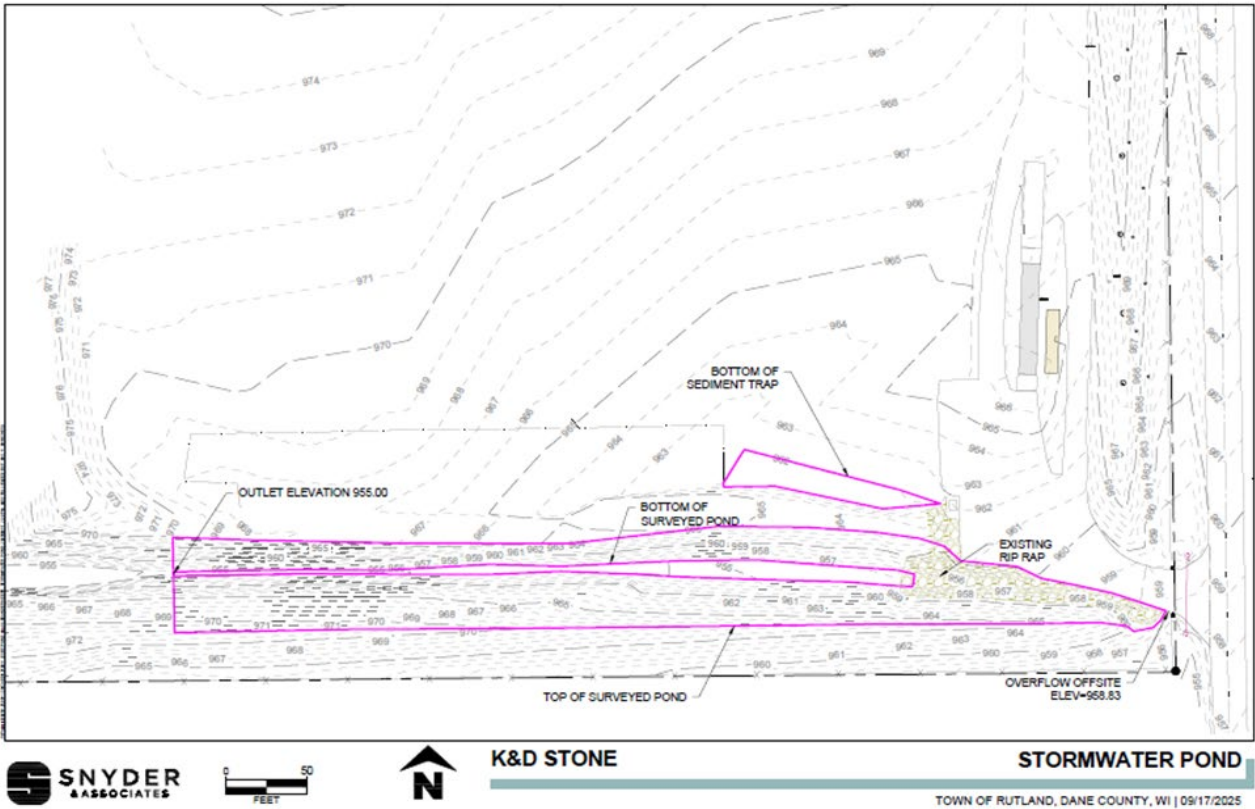
- The overall site is to demonstrate that the operations plan is generally being followed no later than August 19, 2024.

- 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.

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 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 at 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 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 goes over the violations present. One of the outstanding violations is the stormwater management as the site is not capturing 100% of stormwater. There is still sediment near the entrance and washing towards the town road ditch.

Amended Stormwater Management Plan



NOTE:
SEE NOTES ON EXHIBIT #1 PAGE 2 OF 2.

EXISTING DRIVEWAY ENTRANCE, SCALE, HOUSE, AND EQUIPMENT / FUEL STORAGE AREA (SEE NOTE 4)

EXTRACTION LIMITS

EXISTING QUARRY EXTRACTION LIMITS 32.3 FT

TYPICAL RUNOFF FLOW ARROW

EXISTING MINE SITE (EXPANDING SOUTH)

PROPERTY LIMITS / CUP LIMITS & 4' FENCE (TYPICAL)

EXTRACTION AREA 20 FT OFFSET PROPERTY

MAINTAIN / REDIRECT ALL OFFSITE RUNOFF AROUND EXTRACTION AREA

APPROX. STOCKPILE LOCATIONS (SEE NOTE 6)

PHASE 1 (SAND & GRAVEL)

PHASE 1 (LIMESTONE) (SEE NOTES 5)

PHASE 2 (SAND & GRAVEL)

PHASE 2 (LIMESTONE) (SEE NOTES 5)

PHASE 3 (SAND & GRAVEL)

PHASE 3 (LIMESTONE) (SEE NOTES 5)

APPROX. STOCKPILE LOCATIONS (SEE NOTE 6)

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24' DRIVEWAY (STARTING 100' FROM ROW PAVED OR ASPHALT MILLINGS) (SEE NOTE 3)

EXTRACTION AREA 30 FT OFFSET ROW

BERM 5' OFFSET FROM PROPERTY (SEE NOTE 1)*

BERM 5' OFFSET FROM PROPERTY (SEE NOTE 2)*

BERM 5' FROM CUP LIMITS (SEE NOTE 1)*

CUP LIMITS (SOUTH SIDE BUFFER AREA) & 4' FENCE

PROPOSED 48'x100' STORAGE BUILDING AND EQUIPMENT / FUEL STORAGE AREA (SEE NOTE 4)

PROPOSED 30' DRIVEWAY ENTRANCE, SCALE & SCALE HOUSE

CENTER ROAD

OLD STAGE ROAD

811 Call Before You Dig

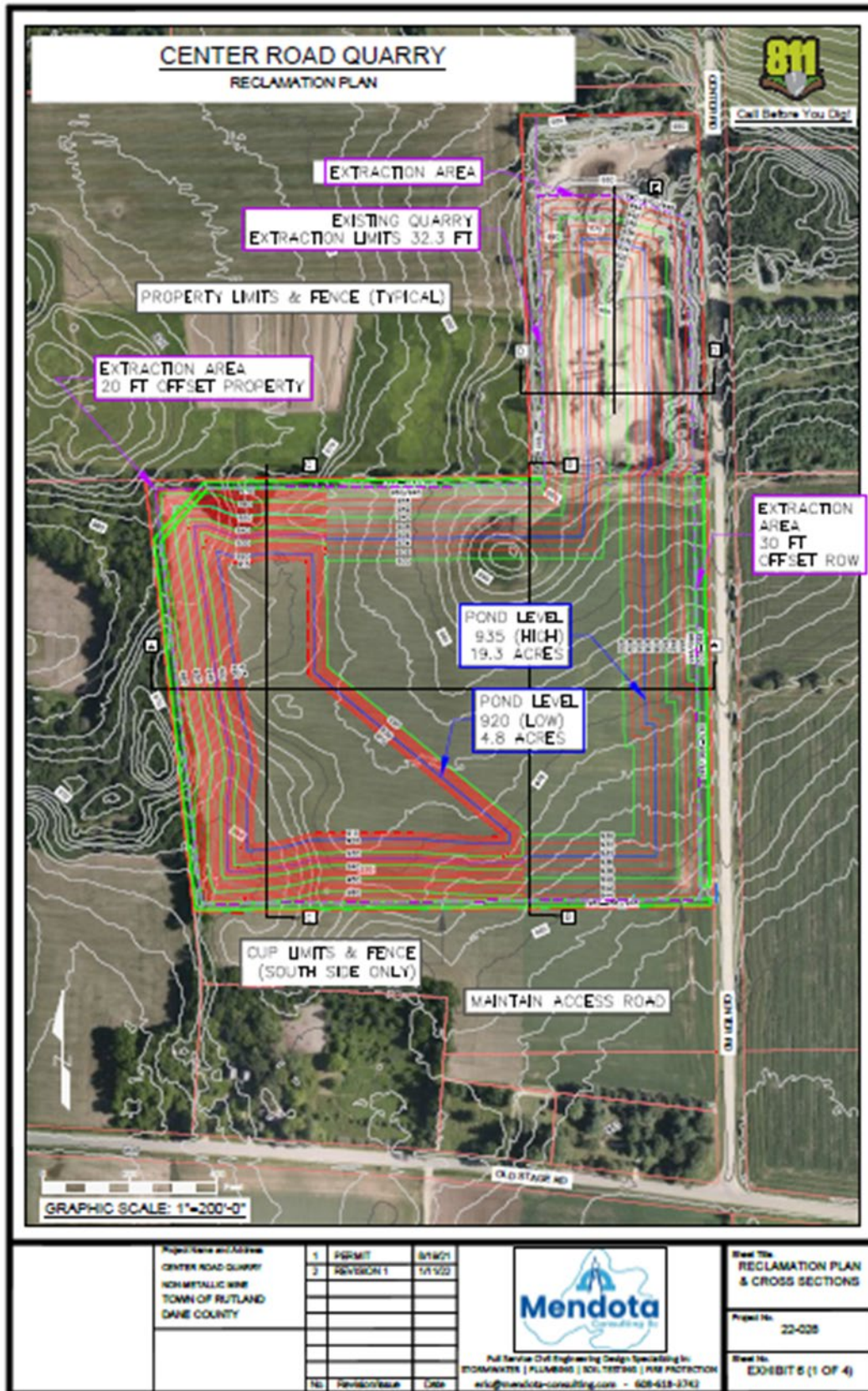
GRAPHIC SCALE: 1"=200'-0"

LEGEND

- PROJECT AREA
- ROADS
- PARCELS

EXHIBIT #1

Reclamation Plan



Center Road berm and plantings, September 11, 2025 photos



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.

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 Center Road berm has not been re-seeded as stated per the original operations plan, but has been maintained by mowing of the weeds the past two months. New evergreen trees were planted that are 4-feet or higher at the end of June 2025.

Documented Notices pertaining to berms/landscaping

August 3, 2023 - Notice required the operator to address the inadequate seeding of the berms and the plantings of the evergreen trees are required. Compliance was expected with both issues no later than 14 days from notice.

August 28, 2023 Notice - berms in compliance. Plantings of the evergreen trees not in compliance, extension granted to spring 2024.

February 23, 2024 Notice – verified plantings of evergreen trees and some perimeter berms out of compliance again.

July 24, 2024 Notice

- Operations plan and reclamation plan not being followed.
- Berms out of compliance due to fill material being brought into the site.
- Stormwater management violation due to site not graded as per operations plan.
- Illegal solid waste dumping.

May 14, 2025 Notice required the operator to address the inadequate seeding of the berms and the plantings of the evergreen trees. Compliance was expected with both issues no later than 3 weeks from notice.

June 12, 2025 Notice - Evergreen plantings along Center Rd. berm not in compliance with 4-foot requirement. Recommended that dying trees to be replaced or new trees to be added.

June 24, 2025 - 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.

June 24, 2025 – Operator communicated to county staff additional evergreen trees have been planted on top of the Center Rd. berm.

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

Other documented violations

- Inadequate fencing of the entire perimeter. In compliance.
- Gate not securely closed/locked after approved hours. Appears to be in compliance.
- Importing of solid waste material. Not in compliance with respect to the operations plan and the reclamation plan. Appears the operator is continuing to import fill material due the business associated with Nelson Excavating. The pile of landscape material was removed with a control burn.
- Importing and burying garbage. Appears to be in compliance.
- Material/debris tracked onto public road. This requires daily monitoring, but generally, in compliance.
- Reclamation plan. Plan identifies a detailed lake/pond. Not in compliance as the plan is not being followed with the importing of fill material. Complete contrast of what was approved.
- Processing and exporting of imported material. The operator has agreed to suspend exporting of imported materials until revocation of CUP has been decided.

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.

Google Maps 2025

