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TO: Town of Rutland
FROM: Dan Everson, Assistant Zoning Adm.
DATE: July 24, 2024
RE: CUP 2582 Mineral extraction summary – Flooding concerns and clean fill

To whom it may concern,

On the morning of July 23, 2024, I met onsite with Jeremy Balousek, Megan Duffy from Land & Water Resources and the operator to look over the concerns about stormwater runoff. It was agreed that a workable solution is for the construction of a berm extending north-south along the westerly side of the driveway to capture stormwater from the agricultural field. Stormwater from the agricultural field will be stored on-site.

Jeremy and I 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 16, 2024

Secondly, I reviewed fill material that was coming into the site and noticed that most of the material was broken concrete debris from a construction site. Under Dane County Zoning Ordinance Section 10.004 (99)(a)2., concrete and asphalt recycling is a permitted ancillary use. 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.





Nonmetallic mining refuse means waste soil (non-hazardous), rock and mineral, as well as other natural site material resulting from nonmetallic mining. All else is to be disposed of per solid waste regulations.

Nonmetallic mining refuse does not include marketable by-products resulting directly from or displaced by the nonmetallic mining. Any solid waste material that does not have department (DNR) approval for placement outside of a landfill would need to be removed.

Lastly, the area where the material was being dumped has slopes greater than 3:1 near the northwest corner of the property. Slopes greater than 3:1 are not allowed due to erosion issues as well as stormwater concerns near adjacent properties. Also, this area is not stabilized, meaning it is not seeded or vegetated.



Looking east near the northwesterly corner



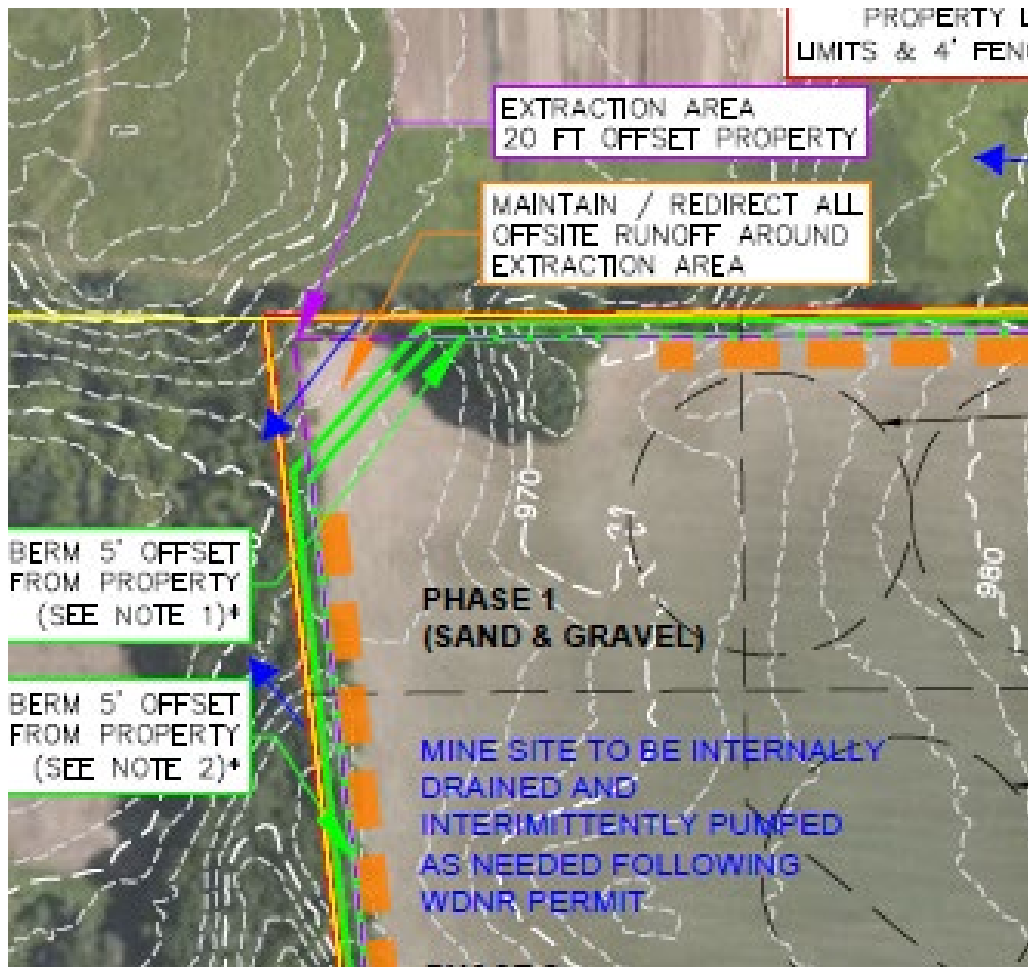
Slopes not stabilized and greater than 3:1



Looking northwest, slope not stabilized

Condition #1 of CUP 2582 states the following:

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.



Northwestern corner of the operations plan

Condition #16 of CUP 2582 states:

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.

74.111 GENERAL STANDARDS.

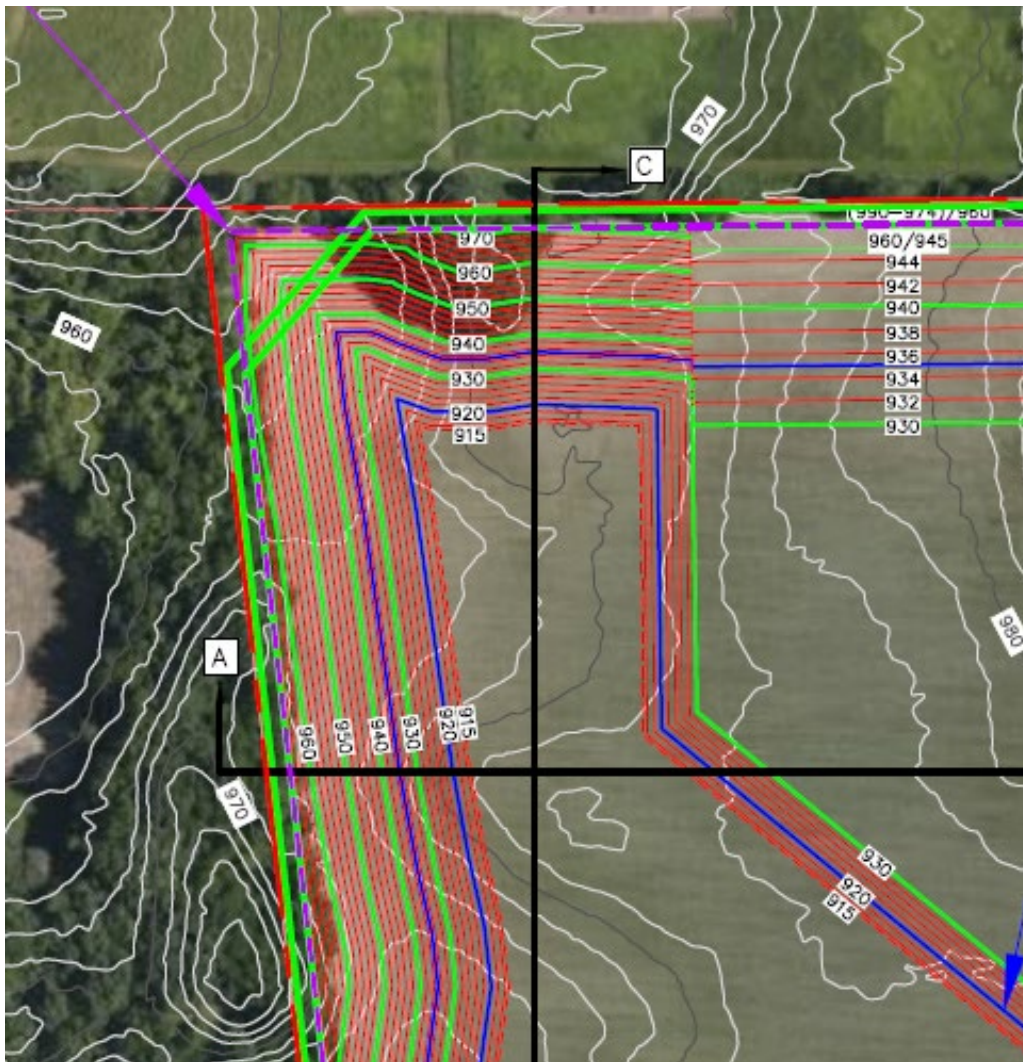
(1) Refuse and other solid wastes. Non-metallic mining refuse shall be reused in accordance with a reclamation plan. Other solid wastes shall be disposed of in accordance with applicable rules of the WDNR adopted pursuant to chs. 289 and 291, Wis. Stats.

- (2) Area disturbed and contemporaneous reclamation. Non-metallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by non-metallic mining and to provide for non-metallic mining reclamation of portions of the non-metallic mining site while non-metallic mining continues on other portions of the non-metallic mining site.
- (3) Public health, safety and welfare. All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.

74.115 STANDARDS; FINAL GRADING AND SLOPES.

(b) Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline.

The reclamation plan does not mention fill material being brought in for reclamation purposes, whether final or interim purposes. Non-metallic mining sites are allowed to bring in clean material for fill such as concrete, black top, stone, clay, etc., but metal, plastic, construction material are not allowed. As per the DNR, rebar attached to concrete should be removed as much as practicable. This means cutting off rebar that is protruding from the concrete.



Reclamation plan

Current operations on-site have deviated from the approved reclamation plan in the northwest corner of the quarry.

My findings are as follows:

- 1. Site conditions need to be improved in order to follow the approved operations plan.**
 - *INTRODUCTION / NARRATIVE - The site will be encompassed with berms to maintain an internally drained site, that will be pumped intermittently as needed following WDNR Permit.*
- 2. All material that is deemed not clean fill must be removed no later than July 30, 2024.**
 - **Recommendation: Concrete and asphalt should be recycled as much as possible.**
- 3. All slopes are to be re-graded to not exceed 3:1 within 30 days.**
- 4. All re-graded slopes are to be covered with topsoil, seeded and stabilized within 30 days.**

Finally, 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. The findings, inspections and reports will be shared with the committee at this meeting.

Dan Everson
Assistant Zoning Administrator
267-1541

CC: Town of Rutland
K & D Stone
Jeremy Balousek – Land & Water