

**ENVIRONMENT AND LAND USE COMMITTEE**  
**Department of Land Management**

**SPECIAL MEETING MINUTES**

**March 14, 2013 6:00 PM**

**WHITEHALL HIGH SCHOOL COMMONS AREA**

Chairman Bice called the meeting to order at 6:05 PM. Bice announced this is a public hearing to discuss the proposed revisions to the Trempealeau County Comprehensive Zoning Ordinance – Chapter 13- Nonmetallic Mining and it is important to stick to this subject.

Chairman Bice stated that the Open Meeting Law requirements had been complied with through notifications and posting.

Committee members present: George Brandt, Tom Bice, Michael Nelson, Roland Thompson, Dave Quarne, Ed Patzner and Jay Low. Hensel Vold was absent.

Staff/Advisors present: Kevin Lien, Virginette Gamroth, Jake Budish, Keith VerKuilen and Corporation Counsel Rian Radtke.

Others present: Susan Faber, Mary Lee Hegenaur, Brenda Appleyard, Chris Lejcher, Kari Lejcher, Dan Sobotta, Bobby Gronemus, Nancy Bergman, Scott W. Brown, Ken Slaby, Ronald F. Tuschner, Paul B. Millis, Robert Tenneson, Ron Austin, Cheryl Austin, Scott Morris, Charles C. Van Swol, Carol J. Bawek, Jeff Bawek, Gary D. Monson, Bette Moe, Ken Moe, Fred Nehring, Diane Nehring, Rebecca Larsen, Verle Deetz, Mary Manka, John E. Manka, Paul Owecke, Bradley Hegge, Jeanne Nutter, Val Critzman, Ken Critzman, Tim Zeglin, Kathy Zeglin, Pam Knudsen, Gary Knudsen, Paul Winey, Jami Hanvold, Bev Walek, Eugene Simmons, Mike Poulos, Marilyn Klinkner, Mary Coughlan, Nancy Horton, Chuck Walek, Donna Brogan, Ben Quackenbush, Alan S. Robertson, Deann Anderson, Mike Anderson, Ramon Kohnert, Eric Hudson, Eric Reimer, John Kulig, Judt Haase-Hardie, Dani Johnson, Mark Stenberg, Sarah Squires, Travis Mossman, Tom Waldera, Ann Hempel, Ross Hempel, Kathy Kulig, Frank J. Juresh III, Jack Speerstra, Daryl T. Kramer, John Vehrenkamp, John Woyicki, Linda Mossman, Jean Galasinski, John Berne, Arvid Bryhn, Al Woychik, Keith E. Nichols, Ann Mai, Vic Kastner, Clay Mc Namara, Greg Repinski, Daniel V. Sobotta, Thomas E. Forrer, Bill Sylla, Olin C. Fimreite, David Vind, Beth Killian, Cristeen Custer, Delaine Stendahl, Steve Stendahl, Mary Ann Nichols, Bob Ehlenfeldt, Michelle Maslowski, Leonard Tischleder, Margaret L. Olson, Dean Servais, Deanna Matchey, Paul Boland, Bert Hodous and Ellen Ott.

Committee members and staff introduced themselves for the public present. The Committee decided to limit testimony to three minutes. Bice informed those present that if they would like to speak/testify that they need to fill out a registration form and present it to the Chairman. Bice stated most people present have a rough idea as to what the Ordinance contains. Bice turned the meeting over the Lien to discuss the revisions in the Ordinance. Lien stated there are copies of the revised Ordinance in the back of the room on both of the tables for all present. In giving a short history, Lien stated back in 1996 the County put together a Non-metallic Mining Advisory Committee that was made up of the predominant mine operators in Trempealeau County, real estate investors, bankers and people that live next to mining or mining operations and an Ordinance was drafted which was adopted in 1997. The Ordinance basically was unchanged until around 2006 where a language clarification was made. The original Ordinance stated one could mine during daylight hours of operation. That changed in 2006 to designate specific mining hours. Currently, during Daylight Savings Time hours one can start at 6:00 AM and run until 8:00 PM and standard hours are 6:00 AM to 6:00 PM. Lien continued that was the only change real change to this Ordinance. With the influx of industrial sand mining in the last three or four

years, the Committee was asked to revise this Ordinance/make some modifications. The Nonmetallic Mining Advisory Committee, the Committee that originally drafted it was reconvened and included on the Committee were the major industrial sand operators in the County. The revision took about seven months and predominantly the discussion was on allowing processing 24/7, because that is what the industry was asking for. That is a change from the hours of operation that were in the current ordinance. Lien stated he was just going to touch on the “red” areas of change but anyone that has comments or suggestions can be discussed when one comes up to the podium to speak. Lien referred the audience to Page 90. Lien stated Page 90 shows the original language under 13.02 (which is lined through but can still be read) and it added the proposed changes. Lien summarized the information so that a lot of time wouldn't be wasted and therefore would be more time for public questions. Basically, the Advisory Committee and the industry came to the conclusion that during hours of operation it would be palatable, when talking about industrial uses only allowed in agricultural settings of Trempealeau County, that the mining companies have the opportunity to try to process at a dB (decibel) level of 45 or less, 24/7 with the caveat that if they do a sound survey and find out that there are properties where the noise level might be louder than 45 they could mitigate with those landowners and sign a waiver. 45 dB might be palatable to some, 55 might be to others but that number was the debate of every meeting. 45 dB is typically what you would consider a normal conversation between people which one might think is quiet, but when we are talking about hours after 8:00 PM until 6:00 AM, those are hours that people want quiet. Lien reiterated there was a lot of debate. Lien felt those would be some of the comments tonight. Lien added it gave the industry the tools that if they build berms, plant trees, insulate buildings and ideally look at where they are siting, they can site in locations where you probably are not emitting a 45 dB outside of that area. Lien explained that DLM staff has done some pretty good job of some noise modeling and has a demonstration. Lien added in this room it is going to be hard to do a demonstration because 45 is a typical conversation between people. Lien guaranteed that his voice (if being metered) would read about 67 dB, however if one is trying to sleep at 8:00 PM one wouldn't want to hear Lien talking that loud. Lien asked Budish to start the demonstration and run as close to 45 dB and then the model would be bumped up to 55 dB. Lien stated going from 45 dB to 55 dB would actually be doubling the noise level that is audible to one's ear. Staff will try to represent those two numbers so one gets an idea of the noise level we are talking about. Budish stated this recording was a simulation of exhaust off of a pickup truck. Before the video was started, Bice asked Budish to stand in the room with no noise at all and tell the room what the reading is. Budish stated the room recorded about 47 dB with the static of the speaker nearby but if one goes further away from the speaker (back of room) the level was 43-44 dB. Budish ran his simulation of the truck exhaust. Budish reported a reading of 49 initially and then as Lien turned up the speaker they eventually reached 54 dB. Bice asked Budish to read off every 3 seconds what the reading is. Bice asked Lien to leave the volume of the pickup running where it was at. Budish readings' were 52, 54 51.9. Bice asked Budish to come to the front of the room and stand up in front so the Committee members can also hear what Budish is recording. Budish readings' were 57, 59, and 60. Bice then asked Lien to back the volume back down to 50 dB. Budish reported a reading of 49.5. Bice asked if any Committee members had questions. Budish stated it is going to sound different here because the speaker is from over there – that is the direct source. Bice stated he understood and that it is a very difficult thing to sort out – but it gives everyone a pretty good idea. Budish volunteered to go back behind the speaker to get a reading. Budish reported a reading of 48 dB behind the speaker, also 49. Bice asked Budish to hold the microphone up to the ceiling in that spot. Budish reported a reading of 48.5. Bice was comfortable that was a reasonably good demonstration and that one can get a pretty good idea of what 45 and 55 dB sounds like. Lien stated the idea behind that was basically to give people (not a comparison as far as the kind of noise) but just get the idea of a decibel level, whether it is 45, 50, 55, etc. so that one hears the audible tone difference. Lien reiterated just going up the scale from 45 to 55 is doubling the audible noise one is hearing. Lien continued that was the main discussion point, which took the longest, in the Ordinance revision. It was really a difficult thing to regulate because noise is different to a lot of people. Again, the Advisory Committee kept coming back to the fact that we are talking about an industrial use through the Trempealeau County Ordinance that is allowed only as a conditional use in agricultural settings. Lien referred all to Page 91 of the Ordinance. Lien stated Page 91 basically lays out how we will establish the noise levels. There needs to be a pre-construction noise study done

to establish levels. One can duplicate that 45 dB just like was done with the truck and one can take measurements out at different points so that the applicant will know what their hurdles will be. If they are in a “cone-shaped” valley that has a depression like a megaphone, one probably won’t have any issues with noise on the back side or on the east and west but to the north it might funnel the noise out. Some of the studies DLM staff did contained a berm outside of a mine and just outside of the mine on the back side of the berm the recorded decibel level was 45 dB. When moved 1000 feet away they recorded 47 dB, 2500 feet away, they went up an elevation and the recorded dB was over 50. Staff learned that the distance is not always the factor. If we were a completely flat county, where we didn’t have a lot of topography changes, one could regulate noise by a ring, fairly constant. But because of our county, the hills, valleys, trees and other things that impede noise levels, it is pretty complex. If a mining company knows where they are going to site and they have a good plan, they can duplicate that noise, they know the people that may be adversely affected, and they know the people that will not be affected. Lien added there was a lot of time and effort that went into this draft Ordinance. Lien stated Page 91 lays out the process for the Phase 1 Noise Survey that will be required on all sites, only where they wish to process 24/7. To recap, the extraction which is excavating, blasting, crushing and hauling will still take place during our normal hours of operation that have always been in the ordinance. If a company wishes to process which is the washing, drying and loading out of sand and they feel that they can do it through the noise survey (below 45 dB) they would have that opportunity and it gives the mining industry some tools to meet those requirements. Lien felt it was a good trade-off. Lien referred the audience to Page 92 –Phase-Two Noise Survey. Lien explained after the plant is actually up and operating, within 24 hours after commencement of the operation, we would go out again and do another survey to show that they actually did what the model demonstrated they were going to do. If that is not the case, they would have to make changes. We wouldn’t just allow them to run 24/7 without meeting those requirements. It also discusses the waivers, where the owner/operator of the nonmetallic mine may obtain a waiver from the affected property owners. Lien continued that it discusses noise complaints and how the County would deal with complaints related to noise, because again we are talking about things that would happen after 8:00 PM and prior to 6:00 AM. Lien stated his staff, typically, isn’t in the office during those hours. We had to establish a way that we can deal with those complaints related to that. Lien referred the audience to Page 93 of the Ordinance. Lien explained some of the language existed already. If one looks at #4 about three quarters of the way down the page, when the Ordinance was first drafted in 1996/97, the industry said because of the climate we are in, diesel engines don’t start very well in the winter, we would like to be able to run a small generator or batch plant to keep those motors warm. So way back in 1997, the 45 dB was in there. The Ordinance stated if one could run a small generator to keep that diesel oil warm until the work shift came in that would be palatable. To Lien’s knowledge that was never challenged or never an issue and has worked fine until 1997, with no complaints related to that. Moving on to Page 94, Lien stated the original Ordinance had little to no language about property line setbacks. Typical setbacks in the County were only 10 feet so Nonmetallic Mining activity could actually take place up as close as ten feet from a property line and reclamation after that would have to be reclaimed back at the three to one slope. It was kind of predominant that all the suggested conditions that came from all the towns’ in the County that are dealing with mining wanted to see a fifty foot setback, which is still pretty minimum, but that almost became a condition standard, so that language was added under (6) on Page 94. Again, because these are Conditional Use mining permit applications, conditional use means they are not a permitted use, they are permitted with conditions, so based upon specific site locations, this Committee has the ability to add or delete conditions. Some conditions are standard in this Ordinance and some conditions are standard staff recommendations. This E & LU Committee has the ability to put more stringent conditions, based upon each site specific application. Lien felt there were no two sites that were identical, just because of the topography and infrastructure. Lien continued that on Page 95 there were no modifications or changes. Lien referred the audience to the definitions on Page 99 stating there were a few definitions added for clarification; blasting, construction, crushing, drying, extraction, hauling, processing, rail load out, screening ( screening is something that the aggregate mining industry has done in this County forever whether they are making limestone or gravel), stripping and washing. Lien knows he rushed through that somewhat hastily but he wanted to allow more time for the public comments because he felt a lot of people have questions. Lien turned the meeting over

to Bice to begin public comment. Bice mentioned that this is an open public hearing and this meeting has been properly posted and asked the Committee for action on the agenda.

**Adoption of Agenda** – Low made a motion to adopt the agenda, Thompson seconded, motion carried unopposed.

Bice stated anyone that wants to testify is asked to take the podium, speak directly into the microphone and reiterated that there will be a three minute limit on comments.

**Jean Galasinski – Registered to testify in favor** – Good evening and thank you for this opportunity. My name is Jean Galasinski and I'm the president of the Trempealeau County Tourism Council and I'm also the Trempealeau County Commissioner for the Wisconsin Great River Road National Scenic Byway as well as the Secretary for the Wisconsin Great River Road National Scenic Byway Promotion Committee. I support the proposed Ordinance as written and ask that it be passed as is. Tourism plays a vital role in Trempealeau County and businesses that cater to tourism such as resorts, hotels and motels, bed and breakfasts, campgrounds, cafes, diners, restaurants, as well as retail stores and shops compliment the hundreds of miles of snowmobiling, biking, driving opportunities as well as the events, other parks, golf courses, historical sites, museums and other attractions in our county. Visitor spending in Trempealeau County was \$21.4 million dollars in 2011 that is a change of 3.26 percent of \$20 million in 2010. 371 jobs where total personal income was \$6.9 million were supported by visitors. Those jobs are comprised of small businesses, travel and hospitality jobs that can't be outsourced or exported. I do not have the 2012 economic impact numbers for you yet due to them not being released until May 2013 during National Tourism Week. Trempealeau County is one of eight counties of the Wisconsin Great River Road National Scenic Byway, which in 2012 was voted the prettiest drive in America by the Huffington Post. People come to Trempealeau County and the counties along the Wisconsin Great River Road National Scenic Byway to enjoy the scenery, wildlife, natural resources, peace and quiet and relaxation that they can't get or have where they live. My question to you is, will tourism continue to see growth we've experience over the last several years with the continued increase amounts of permitting mining sites? I respectfully request a moratorium on industrial mining until further studies may be conducted. Thank you for having this meeting and I appreciate your time.

**Donna Brogan – Registered to testify in favor** – I served on the Nonmetallic Mining Citizens Advisory Committee that recommended the changes to the Non-metallic Mining Ordinance. The new Ordinance does the absolute minimum to protect our neighbors at a time when county leaders are approving sand mines indiscriminately. All the new ordinance says to sand mine operators is – if you want to process sand at night, please don't keep the neighbors awake with your noise. We could have done so much more. We could have demanded protection for some of our most scenic areas, we haven't done that. We could have demanded limits on high capacity wells, we haven't done that. We could have demanded an absolute limit on the number of processing plants one county can absorb, we haven't done that. The sand mines will take a lot from us. They'll take tons and tons and tons of the material that form our landscape. They will take the stuff that gives us our look, the contoured farm fields and the hillside woodlots and pastures that say, "You're in Trempealeau County". We have done a thing to protect the land that we love and one small thing to protect our neighbors. Let's pass the Ordinance for the one good thing that it does and then let's pass a moratorium.

**Linda Mossman – Registered to testify in favor** – Mossman presented some photos to the Committee of bicyclists that stayed with them in 2012. It states where they were from and where they bicycled. Thank you Chairman Bice and Committee members for holding this public hearing regarding the Non-metallic Mining Ordinance. My name is Linda Mossman and our family has owned and managed the Oak Park Inn in Whitehall since 1998. We support the proposed Ordinance as written and ask that it be passed as is. My comments refer to Page 95, 13.03 (3)(a)(5). We became involved in the bicycling aspect of tourism in the county near the beginning when the Wisconsin Department of Tourism, the then County Board, Trempealeau County Tourism

Council helped to support the efforts of a bicycle loop system utilizing our paved back roads. Since that time we have helped to advertise, promote and market what is considered to be, by some, the best bicycling in the Midwest. All of those efforts are working, thanks to the dedication of the volunteers, the bike club, tourism related businesses and word of mouth. Articles in the New York Times, Wall Street Journal and bicycling magazine on the loop system have brought guests from across the country. This group favors our county to bike, due amongst other things, to listed car counts of less than three cars per hour. From the map I have provided to you earlier today and the bicycle loop map overlaid with the wildlife areas, you will see that there are two permitted mines on one of the most highly utilized bike loops in our County which includes County Road X, with that great hill. As I understand, there will be a proposal for a mine southwest of Whitehall on County Q soon which is one of the ways that we return the cyclists to Whitehall from the other various loops within the County. As this County continues to review and permit future industrial mining sites in the County, we would ask that you consider the following question – How can tourism, bicycling and mining co-exist? In the number that Mossman referenced above (13.03(3)(a)(5), it states that you may take into account, our scenic beauty and its outstanding quality and uniqueness. That is exactly why people come here. There may be win-win solutions such as dedicating, dedicated and widened bike lanes, turning lanes and bike signage when needed. Mossman would be happy to work with whomever to find these common solutions. Our family has enjoyed working with the mining industry, specifically they have worked with Preferred Sand employees, in the past they have worked with Mathy Construction and Kraemer Companies and we hope that we will do future business with those that are coming into the County. However, bicycling and tourism is an important aspect of our business and we would hate to lose it. If my question regarding tourism, bicycling and mining cannot be answered due to the limited amounts of research on this topic, at this time, I ask that you pass a one year moratorium on industrial mining until further studies may be conducted. Again, thank you for your time.

**Deanna Matchey – Registered in opposition but not testify**

**Bert Hodous – Registered to testify in favor** – My name is Bert Hodous and I am a physician in Arcadia. I want to speak in favor of the revisions of the Ordinance and I would ask the Committee members to endorse the carefully considered revisions as written without change. As a physician in this community I am pleased that the revised Ordinance restricts night time noise levels. We know that disrupted sleep is associated with many serious health problems including hypertension, depression, COPD, daytime inattention. Although the Ordinance does not directly address the uncertain risks of fugitive silica dust, I have concerns about this risk to both the workers at the sites and the neighbors to these mines. I hope that these problems will be carefully monitored. More generally, I, as a landowner and a citizen in this County, believe that the revisions are far too gentle with an industry that threatens both the ecology and the fabric of our community. I appeal to this Committee to consider now what the best use of land here is over the next five years. What industries, what developments are sustainable and ultimately profitable and what do we want this landscape to look like in five years time. Will we be able to continue to enjoy the unique topography of this County with its unusual bluffs, meadows, fragile networks of rivers and wetlands or in five years time will we be scrambling to plant skinny jack pines across depleted sand lands?

**Mary Coughlin – Registered to testify in favor** – Thank you for letting me speak. I just want to say I support no changes to the Ordinance and also want you to consider a moratorium on new sand mines. Since Minnesota is working on having a moratorium on sand mines, I think it is going to increase pressure – they're already talking about that increasing pressure for companies to come over to Wisconsin and it sounds like it could be hurrying up processes where I'm not sure things are really under control right now. We have had a number of mines which have issues, break some of the rules and things aren't really going perfectly as is and so having more mines with limited staff to cover what is happening, I think is a poor choice. We need more time to see what should really happen. That little noise demonstration was very concerning to her. I thought that noise would make someone feel crazy to have that even going up to 50 decibels and to have 55 would just be horrible to be living next to something like that. This summer I was in Boston, I was somewhere where they had some

loud air conditioner outside of where I was staying, and it was nowhere near as loud as some of those even lower levels and it was keeping her up, she couldn't sleep. She couldn't imagine anyone having to live next to that it would just be ruining their whole life.

**Eugene Simmons – Registered in favor but not testify.**

**Val Critzman – Registered in favor but not testify.**

**Ken Critzman – Registered in favor but not testify**

**Nancy Horton – Registered to testify in favor.** I live in the Town of Ettrick. I am testifying in favor of the proposed revisions to Chapter 13. I would like it passed as is and not weakened any more than it already has been. I think it represents a compromise between the citizens and the industry although I think the citizens have given up a little bit more than the industry. Trempealeau County has had regulatory ordinances in place for many years affecting feedlots, construction, zoning, mining and other things to protect public interest. Chapter 13, one chapter of the Comprehensive Zoning Ordinance has been reviewed and revised before. The townships have also adopted and revised Smart Growth Plans to assist in creating a sensible land use plan that is consistent with local goals and objectives. The goal of all these ordinances is to protect the health, safety and welfare of the citizens. The specific goal of Chapter 13 being to analyze mining proposals in light of the County's interest in providing for the wise use of natural resources of the County, aesthetic implications of the siting and the impacts of such a mining operation on the general health, safety and welfare of the public. The policy of granting conditional use permits is also allowed for increased citizen input as well as flexibility for regulated ventures. These types of regulatory options, if followed according to intent, have largely been successful in allowing growth while balancing quality of life issues in this primarily rural county. However, the present attitude and policy concerning permitting of silica sand mines has been very haphazard, resulting in wholesale granting of permits with no sensible long term planning or even serious consideration of the intent of Chapter 13. This industry has plans to be here for many decades. The entire population of the County will be living with environmental, health, safety and cultural impacts for generations to come, therefore, I am asking the E & LU Committee to not only adopt the revised Ordinance as is, but also to stop considering any new non-metallic mining permit applications until there has been sufficient time to determine if the County can sustain more than 25 operations already permitted and that the Department of Land Management has appropriate resources and staff to monitor those mines. We need to take time to look at where the existing mines are located, take note of problem areas and develop some type of long term plan. Thank you for letting me speak.

**Paul Boland – Registered to testify in opposition** – Gentlemen, I didn't write up a speech at all because I was at work all day. I wish we would have left that noise on through the whole meeting so everyone could appreciate what a nuisance it would have been. I noticed Lien wanted to shut it off right a way because it was kind of hard to hear him. If you are going to live with that 24 hours a day it is going to "suck". I was wondering if the noise levels that we have set in place, if those also mean the trucks that are going to be running. I am going to be 100 yards from the turn off point so I'm going to have jake breaks and I'm going to have "on the gas" leaving. If those decibels levels, they can keep them under 45, so be it, but I don't think they can.

**Charles Van Swol – Registered in opposition but not testify.**

**Michelle Maslowski – Registered to testify in favor.** I want to thank the citizens committee members that worked on this whole process as well as the Committee here. I am very concerned about the negative impacts from frac sand mining and processing in Trempealeau County. I understand there are negative impacts from frac sand mining on air quality, noise, traffic, roads, surface and groundwater. Since all of those resources are used by the whole community, I feel strongly that our County needs to proceed very cautiously and be sure it effectively govern these activities in order to protect the safety, health and well being of all county residents. I strongly favor the provisions in the updated draft of Chapter 13 which limit the hours of operation of

nonmetallic mining and processing as stated in the draft. At no time should mining or processing need to begin earlier than 6:00 AM on Mondays. Extraction and processing activities absolutely need to cease at 3:00 PM on Saturdays. As the draft stands I am convinced it grants overly liberal hours of operation already. Similarly, I feel that 45 decibels as the limit for noise from processing activities during non-extraction hours of operations is a generous allowance. My preference would be for a lower dB limit in this Ordinance. As I've observed the expansion of the frac sand mining industry in this County, I believe citizens, county administrators and county elected officials have worked very hard to understand the impacts of it – a type and scale of mining we haven't seen before. They have worked in an environment of ongoing frac sand mining enterprises as well as under pressure to look to the future as more permit applicants are heading your way. It is critical to take a stand, right now, to be sure that we have done all we can to ensure Trempealeau County is a place that we all want to continue to live. Air and water quality are not aesthetic qualities but crucial to having a viable home. Without secure air and water resources, including ground/surface water for all county residents it won't be possible to grow as a county. For these reasons, I encourage the County to place a moratorium on future applications for frac sand mining and processing operations until we can see how this is all going to work out for us. I want to know that the updated Non-metallic Mining Ordinance does in fact provide the regulation we need in order to limit the negative impacts of this industry before more permits are considered.

**Pam Knudsen – Registered in favor but not testify.**

**Marilyn Klinkner – Registered to testify in favor** – I have lived in Trempealeau County since 1972. I feel touched by that – it's much of my life and I am grateful for the attention to detail that all of you have given to the sound aspects of this. I would like to ask one question – where have you ever seen, over all, real prosperity in a place/region dominated by mining? Appalachia, the Iron Range of Minnesota, the Upper Peninsula of Michigan –that is the question I would like to ask and because of that I would also plead really that you consider having a moratorium until we know more. There are some points I would like to make and I've been doing research in the last six years. Dr. Wayne Theranstein, a doctor from the Mayo Clinic in St. Charles, MN found that there was a mine proposed for his area there and so he decided (he could have walked away) he would do research and he found that diesel is a carcinogen, sand causes silicosis and he is giving talks about this so that would be one resource. The other thing, like short range impacts, will the counties have enough money to pay to repair roads and to repair the ridges and if there is a lot of people coming here will we need more schools, more types of protection/ police? I met somebody in Galesville at the post office that had a fight with someone in the police department because of the hassling, etc. Things can happen that we might not foresee with a lot of changes. How much money will we get and how much will we lose in terms of the place where we live? The long range impacts, of course, the sand is needed for shale extraction, but this particular thing with doing the shale, there was a loophole in the Clean Water Act that they didn't catch and it could mean that we could have a lot of sand mines and then in the Clean Water Act there would be some kind of legislation that says this loophole isn't right to protect the clean water. She learned some of this from a film called "Gas Lands" that was made by the son of someone(who pleaded with his Dad not to sell). The other thing that I am worried about is with fossil fuels. Tony Dogweiler at the University in Winona said that what would happen in this area is we would have more droughts in the summer and more moisture in the winter. Klinkner is wondering about the stormwater/floods, etc. and how all the sand might impact that and what if the federal government and insurance companies decide that we shouldn't be burning fossil fuels. The Wisconsin Center for Investigative Journalism, says that the DNR has said that 90% of the countries in a regulated industry comply with rules in their own, but in his visits to a dozen frac sand facilities he encountered the opposite pattern. 90% of the sites were non-complaint. This is a beautiful place to live. I really appeal to you to consider a moratorium and see what other counties are doing before we move forward and allow more companies to come in.

**Susan Faber – Registered to testify in favor** – Thank you for the opportunity to speak today and thank you for everyone who came out for this very important event. I am a member of Preserve Trempealeau County citizens

group and we gathered our forces and came together because of our concerns for our community. I support these revisions proposed to Chapter 13 as is. Now I have a question for the Committee. Where is our health impact study? The public has a right to know. The public has a right to be warned and informed of the substantial health risk to the community of Trempealeau County from frac sand mining. To my knowledge the Trempealeau County Health Department has not been contacted once by the County Board requesting a health impact study since the mining industry arrived in this County. The excuses I am hearing now are; the health impact study is not necessary, well to that I say, tell that to county residents who already have chronic bronchitis and emphysema, silicosis, lung cancer, asthma or pneumonia. These people with compromised health are going to be impacted. They have a right to know that this industry is going to create high risk for them. The next excuse is the only scientific evidence of a health risk that we have is from studies of long term exposure. We have many sources of people who are doing independent studies on the issue of the health risk associated with non-metallic mining. We have two schools being proposed to be built close to frac sand mining industry operations without a health study done. These children will be exposed to prolonged long term exposure to this industry without anybody taking the time to examine how this is going to impact these kids for maybe up to twelve or so years. That is long term exposure. We are talking about crystalline silica but we are also talking about airborne diesel fuel emissions. It takes too long to complete a health study. I say it should take as long as is needed to secure quality reports on air and water from experts in various applicable fields, especially the medical field. These priorities should be reset. This is more important than anybody making money. This is the health of our community and our kids – who are vulnerable members who have no voice here except the voice that we give them. The next excuse is that it is too expensive; there is no money for it. I am seeing two sources of funding for these impact studies. People that are wishing to mine and also the mining companies themselves should pay for these impact studies for health and environment, so for that reason I would like to ask that we would consider a moratorium. In fact, I insist that we have one so that we can proceed with these tests.

**Paul Winey – Registered to testify in favor** – Thank you for allowing me the opportunity to speak tonight and also to be a part of the Advisory Committee that drafted these proposed changes. I reside in the township of Arcadia nearly midpoint between three permitted mines. One in which is actually a working mine. I will live with these decisions, my neighbors will live with these decisions, my family (my three children and one yet to come) will live with these decisions that we are making. Much time and effort went into these revisions. Decisions not made lightly, a near unanimous decision by members of the mining industry and citizens. Please keep the proposed revisions to Chapter 13, in tact, and without change. The opening paragraph of Chapter 13 requires you to analyze mining proposals in light of the impacts of such operations on the general health, safety and welfare of the public. Gentlemen, you have a responsibility to protect the public – please do that. I have heard it discussed that water/air pollution won't be problems. One need only look at substances such as asbestos, PCB's, CFC's, beryllium, coal mining and thalidomide to know that these items, once thought safe, have eventually been deemed harmful and some deadly. Yet, silica in crystalline form is already a known carcinogen, why do we continue to ignore this? Sleep deprivation is also considered at epidemic proportions by the CDC. This will only worsen with extended hours and noise. Please do not add to these problems. Gentlemen, your responsibility is to protect the public. Property rights have been touted. But when do rights extend beyond property lines. I have shown sound evidence of the impact of topography on the propagation of mining noise. Gentlemen this was not speculation. You have heard for yourselves that it is ten decibels louder at the front of my home than it is on the highway level, nearly half the distance closer to the mine. This from a mine that is still 2500-2700 feet away. My situation is not and will not be unique. The Chapter revision will prevent this from happening again. You have a responsibility to protect the public. The compromise that was reached with these revisions also meets the goals of the mining industry. It allows increased production from 78 hours per week to 128. Nearly a 66% increase in production. Current limit on the hours of operation does not seem to be hindering mining applications so it can't be really viewed as too restrictive. Still some of the mining industry won't be satisfied until they have it all. When they do have it all, what will the rest of us have? You are required to protect the health, safety and welfare of the public. Think cautiously, choose wisely.

Gentlemen you have a responsibility, please protect the public, keep the revisions intact, unchanged. I am also in support of a moratorium for one year to study and investigate the changes to this revision and the impacts on air and water and the quality of life.

**Tim Zeglin – Registered to testify in favor** - My name is Tim Zeglin and I am a resident of the Town of Chimney Rock and have been for 40 years. I support the revisions to the Nonmetallic Mining Ordinance as they have been presented to the Committee and I request that they be adopted without further changes. While I have great reservations about the extension of the mining hours, I will accept these changes as they represent an improvement on the existing Ordinance. The Committee should approve the revisions as they stand and the Committee and the County should also immediately consider a twelve to eighteen month moratorium on the sand and mine and mine related permits. Two years ago, this County was able to look forward to a rosy future. It had a solid infrastructure, good schools, community organizations and roads and an attractive mix of affordable housing, stable jobs and abundant recreational opportunities. The northern part of the County was rapidly emerging as a “bedroom” community for Eau Claire. The southern part of the County growing as a “bedroom” community for LaCrosse. Agriculture built this county and continued to be a mainstay of the county economy. Large employers like Ashley and Gold N’ Plump were happy to bring their managers to live here. Smaller but more numerous firms also found the County a good place to both work and to live. A few people in the County were extremely wealthy and relatively few people lived in substandard housing or depended on welfare. But now, thanks to the Committees’ short sighted policy of granting a mine permit to anyone with a ball point pen and a few hundred dollars, that happy situation is changing all too quickly. We are now the sand mining capital of the world. As Minnesotans very recently considered a moratorium on sand mining, they pointed across the river saying we don’t want to be in the same mess as Wisconsin. We’re fast creating an area where no reasonable, middle class person would ever want to live. Even more serious than the problem of middle class people who may move away from the mines is the problem with those who will never even consider living here, who will say, “I’m not going to live, work or raise my family in a mining district”. We’re abandoning unglamorous, but reliable industries like agriculture and light manufacturing and tying our future to an extractive industry that has always been subject to “boom and bust” cycles. The whole nature of mining is to dig it up and leave and let somebody else clean up the mess. In a few years, the mistakes created by greed and opportunism will be obvious to all. By that time it will be too late to reverse the trend and to correct the errors and this area will suffer the same fate as the coal mining region of Kentucky or the strip mines of Eastern Wyoming or the Iron Range of northeastern Minnesota or the copper mines of Ontario. Mining towns are slum towns filled with miserable wage slaves living in dirt, smoke and pollution. That is the future this Committee is creating for Trempealeau County. You’re making it a rural slum. I wasn’t born here but I own the farm where I now reside for the last 40 years and I have lived here for 30 of those years. Those of you who were born here seem to take the region for granted and think you can retain the wholesome atmosphere of the County while selling out for sand money. I assure you this is false. You don’t really realize how rare this County is and how easily it will be to destroy it. Please pass a moratorium now to assess the damage already done, to plan some way of mitigating future damage and to build a bright future for those of us who value highly a life in this County.

**Becky Larson – Registered in favor but not testify.**

**Jeanne Nutter –Registered to testify in favor.** Thank you for allowing me to speak. I’m sure some of you wished/or thought I had said enough but there is always more to say. I’ve lived in Trempealeau County in the Town of Unity for the last 27 years and in Unity right now we’re fortunate to have a moratorium. The place I live is the only home I’ve ever owned. I love my home; I love my land and life as I know it here is changing. But it is with a heavy heart that I say I support the revisions to Chapter 13 that relates to Nonmetallic Mining and that there are no changes, that it be approved as it is. I know the citizen’s group spent many months working on these changes. I know they tried hard to develop rules that would be fair. In some ways this group was charged with crafting a law of property that relates by enlarge and respects the equal rights of all but it

obviously favors the mining industry. I chose to speak about property rights because that seems to be something that everyone talks about. I did a lot of research. Property rights are mainly through the 5<sup>th</sup> amendment - taking or just compensation clause. I went to the Cato Institute which is one of the most conservative “think tanks” to find some information on property rights. In property rights cases, common law judges have recognized, beyond the rights of acquisition and disposal, are the rights of sole domain. Described as the right to exclude others, the rights against trespass or the right to quiet enjoyment and the right to active use, at least to the point where such use violates the rights of others to quiet enjoyment. According to common law in the Constitution as it relates to property rights, and interpreted by the Cato Institute, the right against environmental degradation is a property right. Under common law, properly applied, people cannot use their properties in ways that damage their neighbor’s property. Properly conceived and applied then, property rights are self limiting. They constitute a judicially crafted and enforced regulatory process in which the rights of active use end when they encroach on the property rights of others. Frac sand mining in rural residential areas encroaches on the rights of others and now is the time for Trempealeau County to step back, evaluate the process for issuing conditional use permits. There is a need to look at where these mines are, there is a need to evaluate the cumulative affects of a mine. Each mine says we have 300 trucks, you multiple 300 X 27, and what do you get, multiply 300 high capacity wells by 30, what do you get? We cannot let our beautiful, unique, topology forever be destroyed and now is the time for a moratorium and now is the time for this Committee to get back to the work it is charged to do which is to look after the health, safety and well being of its’ people and our land, because if we don’t have our land, we got nothing.

**Bradley Hegge – Registered to testify in opposition** – Thank you for allowing me the opportunity. When I heard that they were going to make these changes, I did a little investigation and read it online. The existing Ordinance that is printed there and I’m a little confused about the hours of operation. Right now Trempealeau County doesn’t allow any 24 hour operation – is that correct? Bice responded Trempealeau County, in some situations, we have companies that are in municipalities such as Blair and Arcadia, and they have no restrictions whatsoever. Otherwise the current Ordinance, right now, we do have some restrictions. Hegge continued that they are only able to get by with it because they transferred into the City? Bice responded ok. Hegge added so the County Ordinance itself applies outside of the city limits separately. Bice responded anywhere there is no jurisdiction by a community. Hegge asked that the Ordinance be left the same as it is then, because he is totally against allowing 24/7 for any operation on a mine. Hegge thought all that would do is enhance the productivity of these mines and they will just swoop in here to get more of it. If you want to make improvements then go with the 45 decibel limit but leave that time of operations and removing materials the same.

**Kathy Zeglin – Registered to appear and testify for information only.** I am speaking, mainly to support the proposed revisions to the Nonmetallic Mining Ordinance. The only reservations I do have are in the hours of operation. The revisions represent a long, collaborative effort between both concerned citizens and mining company representatives. The work of the Advisory Committee should be respected and voted on as is. I am also requesting this Committee and the County Board to institute a moratorium of at least one year on new sand mining or mining regulated permits. In the last eighteen months, this Committee has granted some 27 mining permits, representing approximately 3,000 acres, while only denying one and postponing one because of filing errors. This pattern of near total acceptance of permits suggests that the Committee does not carefully consider the cumulative and long term affects of all the permits it grants. I have attended many of the monthly meetings of the Committee of which these permits were granted. Each mine permit application is regarded as if it were the first and only application in the County. Unless some concern citizen raises the point, the Committee never even considers the cumulative effect on air and ground water quality, on traffic congestion and on property values of siting mines as close together as they have been sited in some parts of the County. The Committee also never considers the fact that the claims of mine developers that maintaining air and water quality returning excavated soils to crop production creating a permanent job base avoiding any degradation of property values will take years to prove. I would like to point out to the Committee the published goals of the Land Use Department on the County website. Preserve, protect and enhance the land and water resources of Trempealeau

County. Protect the health, safety, welfare and quality of life of Trempealeau County residents. Provide for the efficient responsible, timely and accountable land management services to County residents and landowners. Provide for the efficient and orderly development of Trempealeau County. Zeglin repeated efficient and orderly development of Trempealeau County. And the fifth one, the Trempealeau County Environment and Land Use Committee will strive to implement the goals of the Trempealeau County Land and Water Plan and Comprehensive Zoning Ordinance. I ask you to abide by your published goals. Pepin County has created a mining overlay district to govern sand mining siting. An idea that we could use as a model. This County needs at least one year to assess the cumulative and long term impacts of all the mines that have already been permitted. A minimum of one year to see if the mines can live up to all the promises they have made. A year to create its' own overlay district to make sure new mines are sited in a responsible place. These are the reasons why I ask the Committee and County Board to immediately institute a moratorium on new sand mining or mining related permits.

**Cristeen Custer – Registered to testify in favor** – I live in the Town of Trempealeau and have lived there for about twenty three years. Thank you Mr. Chair and the Committee for agreeing to hold this meeting at a time when more citizens could attend. One of the struggles I have had, as a working person, I have been unable to attend a number of your Committee meetings because I couldn't get there. In the last three months I have taken days off each time so that I could have a voice at the table and I appreciate that you were willing to be flexible on this one so that more people could participate. I have been a member of the Advisory Committee. I was a member of the original committee who wrote the Ordinance and I have been a member of the Committee for each revision process as well so I have had the opportunity to see this Ordinance develop as our County as developed and as this industry has developed. I really only have a couple of points that I want to make tonight and that is to try to bring a little perspective on what is happening in Trempealeau County from my view. My view is that the rapid introduction of sand to Trempealeau County has collided with the established culture based on a rural lifestyle. I think in the last three years we've experienced an "earthquake" and I think the fact that so many people are here tonight is the testament that there's big things going on here. The major cultural shift that has occurred calls for strategic and sophisticated planning, not simple, one off solutions. I truly agree with the woman who spoke ahead of me and that is that we need to be looking with a comprehensive focus not on a mine by mine issue going forward. Changes in 1997 to the Nonmetallic Mining Ordinance were made to both expand hours of operation and limit the noise to 45 decibels in the surrounding areas during non-extraction hours. These changes were, at the time, highly acceptable to both industry and citizens. They were ratified unanimously by that Committee. In recent years we all know sand mining permits have proliferated and mining has grown significantly. The Committee that looked at this revision, over a seven month period, toured mining operations in Jackson and Eau Claire Counties, conducted sound audits at mines and at adjacent homesteads, and after significant debate the Committee agreed, with only one dissenting vote, to recommend (and the Committee by the way included mining interests) a 45 decibel level as the appropriate sound level for operations during non-extraction hours. Industry representatives agreed that this level was achievable. Developing a system to support this standard introduces a level of complexity because it requires the use of sound studies and monitoring equipment. The use of these scientific methods is the best way to ensure that both citizens and business have their rights protected. The establishment of clear, consistent requirements is worth defending because ultimately they will facilitate successful integration of mining into our rural environment. The only other point I want to make is what I see this meeting is about. To date, from my perspective, the adoption of industrial sand mining in Trempealeau County has been largely unregulated because the current Ordinance was not written to address the circumstances specific to this industrial sector. I participated in the writing of these Ordinances and at no time was industrial sand considered in the previous writing of this Ordinance. To date, this Committee and previous Committee's have approved well over two dozen mines and essentially that has been done with no public input, as a whole, to discuss the implications of co-existing with this industry and that is why I think tonight is so critically important. You know, you've lived it, attendance at your meetings, the room is swelling, you can't even find a chair. You're sitting for hours listening to these issues and the reason is because the citizens of this County want to be heard and want a voice at that table.

This proposed Ordinance that we are looking at tonight represents the very first, significant consideration of how we can balance the interests of rural citizens with the industries need for a stable and productive business environment. I urge you to adopt the proposal as written and I have to say that I came here tonight not really considering this but after hearing so many eloquent citizens of this County speak I really ask that you consider a moratorium on future permitted mines until the citizens of this County, as a whole, have a chance to look at this issue very carefully, under your consideration.

**Jeff Bawek - Registered to testify in favor** – Thank you Committee member and staff for your time and efforts, it is appreciated. My name is Jeff Bawek. I am a landowner and concerned citizen in Trempealeau County. After attending three meetings in respect to the review of the Chapter 13 Nonmetallic Mining Ordinance, I feel quite confident that a genuine discussion concerning the Ordinance has taken place. Both the “lamb” and the “lion” were represented. The simple fact that opposing sides sit down and discuss an issue that carries both the emotions and livelihoods is never an easy task. Are all issues solved, probably not, but compromise does carry more weight than disagreement. Therefore, the time and effort put forth by all parties involved is not to be ignored. I support this Ordinance in its’ newly presented form and hope its’ merits are given a chance to come to light.

**Ken Moe – Registered in favor but not testify.**

**Bette Moe – Registered in favor but not testify.**

**Ronald F. Tuschner – Registered in opposition but not testify.**

**Ken Slaby - Registered to appear and testify for information only.** Upon Bice’s inquiry, Slaby withdrew his request to appear and testify.

**Nancy Bergman – Registered to testify in opposition** - Bergman wanted to know if there was anybody else here who is sick of what is going on in this County. This sand mining issue is so divisive. It’s tearing apart neighbors, families, it is tearing apart church congregations and for what? I can understand the money, it is a lure and I can see it, there is the promise of money for retirement, maybe a tuition for a child’s schooling, pay off the debts, the mortgages, but the thing is sand mining doesn’t impact just that little piece of land where the sand mining goes on. It is going to impact everybody in this County. It is going to impact the water, the roads, the wildlife, the air, the noise. It is a huge impact. There are some other things that are going on that seem to be falling beside the road as well – some qualities; integrity, ethics, respect for your neighbor, respect for the land – whatever happened to that? What about stewardship? Let’s think about the concept of nurturing your land, improving it and passing it on to the next generation in, if not better shape, than very good shape. What ever happened to that idea? I guess what it comes down to is, you know, it is always easier to exploit and extract than it is to renew and sustain. So, **I am in support of this decibel level and our mining ordinance.** I think we have got some really hard decisions to make here. They are very important. I live here in a small area because I don’t care for a lot of traffic, noise, and light pollution. I like my clean water. If I didn’t want those things I would move to a big town. That is quality of life and it is pretty hard to put a price on that. Like somebody else said remember for every boom there is a bust. For every action, there is a reaction and right now I’ve got a son in the military in Afghanistan and just hope that when he can come back again there is going to be Trempealeau County here and it is not going to be all hauled away. So before I close I have one more observation and question for the E & LU Committee. Guys, how come there are no women sitting up here? Bice responded this Committee was appointed by our Chairman for Trempealeau County and we have very few women on the County Board, but Bice encouraged them to run. Bergman inquired about some of the people that are on the “ag” Committee, aren’t they hand picked? Bice responded he had no idea what Bergman was talking about. Bergman asked Lien if they had ag advisors. Lien responded we have one ag representative and one representative from the Towns Association that are appointed by the County Board Chair as well and then

by State Statute we have the Farm Service Agency (FSA) Chair that also sits on our Committee. Bergman stated and it is all men. Ok – thank you.

**Barb Gronemus – Registered to testify in opposition** – This is the first time I have been before the County Committee and it has been quite an experience. Nancy, I think sort of expressed some of the concerns that some of the rest of us have had and we do need to have more women involved on Committee's – not which has anything to do with the rules that are before you with Chapter 13. I went through information that I had gotten at the last meeting – February 6<sup>th</sup>. I have more questions than I have anything else for you gentlemen. I was wondering, does the public have assurance that a public hearing will be a public comment period also. When you have meetings that deal with the mine situation. I wondered if this included the NR-415.075 regulation and state requirements related to particular matter emissions. It has been addressed a little bit but not a lot. The matter of emissions is not just necessarily the kind of emissions that come from mining, but from the trucks that are out there too and the noise and the problem that you have with a lot of truck traffic. The other thing is that the transportation of nonmetallic sand to its' final use is by truck and then rail, at this time. Not all of these trucks are covered. Is there any assurance that we have, that these trucks, in the future will be covered or that all trucks will be covered? Are the rail cars going to be covered also? I live very close to the railroad at this time and there are a lot of cars going by that are not covered so who is going to be the compliance officer to make sure that these trucks that are hauling sand and the use of the railroad cars are going to be covered, because they go less than 200 feet from my house, so I want to know if that sand is going to be covered. The other is the reclamation. How and what are the rules, subject to inspection, of the Uniform Reclamation Guidelines that are in NR-135? I know those are DNR rules and regulations but are there rules that you're going to have in Chapter 13 that are going to deal with these issues? Does the operator have a bond to be sure that they comply with the rules and regulations as it relates to reclamation? I don't believe that we have had any sand mine that has been reclaimed at this time, have we? Lien responded, not completely, but there is ongoing reclamation at sites annually. Gronemus asked if they were inspected. Lien responded they were. Gronemus asked how many months does a miner or someone who is operating a mine have to start the reclamation after the mine has closed? Gronemus didn't see that language in any of the rules that are in Chapter 13. Hazardous air pollutant rules that are NR-445, again a DNR rule/regulation, how often are these guidelines reviewed by the Department and does the rule today have tests to check for compliance? Is there compliance check on all of these rules that we have from the DNR that our miners are supposed to be covering? What is the number of gallons of water used to control dust pollution at sites in Trempealeau County? And this relates to NR-812 which is an Administrative Code? Someone from the audience wanted the Committee to answer the questions. Lien responded what the Committee wanted to do in the beginning is, we're writing down and taking notes on all these and then afterwards we are going to go through and answer all the questions. If we miss something we will give someone an opportunity to ask. Lien stated he would answer all these questions.

**Chris Lejcher – Registered to appear and testify for information only.** I am a resident just outside of Blair, between Blair and Arcadia. I do have a question before I go into the questions I am asking you to write down. Can any one of you, up here, tell me the regulations for windmills on property in Trempealeau County? I, as a landowner, can I put up a windmill on my 48 acres that I own? Lien responded yes. Lien interjected saying that his "yes" was a very complex "yes" as there is a series of hurdles and a permit required, but it is yes. Lejcher would venture to say there are probably quite a few hurdles to go through on something like that. Since I am speaking directly to the Environment and Land Use Committee, I would respectfully request that the Zoning Ordinance for industrial nonmetallic mining; a) draft detailed regulations that require constant monitoring of air quality, water quality, noise levels of areas within one mile of sand mines, b) draft detailed regulations that limit the amount of permits for industrial nonmetallic mining in Trempealeau County, c) change the 50 foot setback for site boundary to 5,280 feet and d) adopt conditions that protect the environment and the use of land in Trempealeau County.

**Mary Lee Hegenaur – Registered in favor but not testify.**

**Paul Millis – Registered to testify in opposition** - I am here on behalf of Hi-Crush Proppants regarding your Ordinance. I would like to express on their behalf a thank you to the Committee members as well as those citizens that served on the citizen's committee for the hard work that they have done over the past year in drafting the revisions to Chapter 13. As you know, all good legislation takes a team effort and multiple parties participate to get the final product that is in the best interest of the citizens. With this in mind, we have four or five points that we have expressed to the Committee in the past but we just wanted to make it part of this public record. As Lien referenced, it deals with the noise level, the decibel level. We would encourage the Committee to consider raising the current 45 decibel limitation to an amount that is more workable. We believe that the level at 45 decibels, which is a sound threshold which can be easily broken by having a normal tone conversation at the property line of a mine site is simply too low. Hi-Crush is engaged in a study of noise created at their other plants and the 45 decibel level threshold is simply not workable. We would also ask that you consider what other ordinances throughout the United States have provided for. In our review of noise ordinances from Washington State to New Jersey, we have found that the vast majority of noise ordinances have one thing in common – averaging. As currently drafted, the Ordinance indicates a sound, even if it is for a second above the 45 decibel limitation during select period of times, is in violation. We believe an averaging of sound over a period of one hour would make the Ordinance more enforceable and more consistent with how other jurisdictions across the U.S. manage noise matters. We would also ask that you consider a receptor based monitoring system. Currently the Ordinance calls for the decibel limitation to be at a plants' property line. This is consistent with the concept of "averaging". The vast majority of ordinances throughout the United States have the noise measured by a method called "receptor based". In other words, someone's home or business is the area where the noise is measured and not at the property line. If the Ordinance continues in its' current form, two employees talking at normal tone, at the property line, would be in violation of the Ordinance. We believe the more reasonable approach is to widely adopt the methodology of "receptor based" measuring for noise enforcement. Pre-mining construction is currently included in the Chapter 13 revisions. We think this is the wrong approach as it actually creates a greater impact to the area homes and businesses because a construction project would not be allowed to engage in construction for 24 hours/7 days a week. In any type of commercial or industrial construction there are natural synergies which are created from being allowed to construct during that period of time. We have learned from siting other plants in the State of Wisconsin that our neighbors prefer construction to be completed as quickly as possible. We certainly understand that these noise levels may exceed the 45 decibel level at night time; however there are a number of construction activities that can be accomplished during the night time which would not negatively impact the neighborhood. Finally, I would like to talk about the economics of siting a plant in Trempealeau County. On another project that Hi-Crush has in Augusta, we have retained Dr. Michael Knetter, who is the former Dean of the University of Wisconsin Business School to conduct an economic study and determine what happens when a company like Hi-Crush is sited in an area. Dr. Knetter studied our project in Augusta and provided a report of which Millis would provide a copy to the Committee. In his report he determined that Hi-Crush will spend over \$70 million on improvements and support a \$9 million annual payroll. An operation like Hi-Crush will employ over 70 full time employees at each site. In Augusta, between Hi-Crush and another project that recently developed there, the tax base of the City of Augusta, doubled in a twelve month period. We believe the economic impact that a project like Hi-Crush brings to the area will help rejuvenate the economy that currently exists. Again, I would just like to thank the Committee and the Citizen Advisory group for allowing all parties to participate in this process. It is important that citizens that are concerned about this be involved just as it is to allow us to be involved.

**Ellen M. Ott – Registered to testify in favor** - I am a member of the Nonmetallic Mining Advisory Committee. Thanks to everybody for being here and thanks for hearing us out tonight. So many great things have been said here this evening and so I am going to shorten up my comments because they are redundant. I just wanted to talk a little bit about the Committee so people understand who was represented on the Committee. We had eight citizen members, township representation of two members – Town of Caledonia and Town of Gale, City of Osseo had one member, and we had a member from the Tresp. Highway Department

and seven industry member representatives. The meetings were well attended and Lien and his wonderful staff were also there to give us a lot of information and define terms because it is very complex and I think we all learned a lot. One of the industry members that sat beside me for several meetings would fly in from Pennsylvania so I was happy to learn that the County was not reimbursing travel. I thought that could have gotten a little expensive. We were quite limited in what we could regulate. I just wanted to clarify that because a couple people have asked about this. All the environmental monitoring is performed by the Wisconsin DNR so we really couldn't address any issues of air quality, water quality and this was frustrating to a lot of us. We were not able to put in any safeguards regarding truck traffic, that was the charge of the Department of Transportation, nor were we really able to place any recommendations for a moratorium or to regulate the total number of permits. This was also something that many of us felt we wanted to do but we really didn't have the tools to do that when we revised the Ordinance. All of the discussions were quite civil and productive for the most part. I learned a lot about the industry that I didn't know before and that was really instructive. I also recognize that the industry representatives were there to promote the development of their businesses. They protected their own jobs as well as those of their employees and the investments of their shareholders. Essentially, that is their job. We couldn't expect that their priorities would be to protect the quality of life or the environment in the County and I think that was a really important distinction. They were there because that is what they do for a living and that was their job to represent their own interests. Many of these companies are publicly traded. The price of sand and how it has increased over the past few years is public knowledge. It only takes a few moments to access investment trade journals which attest to how much money is being made in sand. I feel that the Ordinance is essentially fair, that we all compromised and it does not place an undue burden on industry. It rather incurs a reasonable cost for a profitable industry operating on conditional use permits and we have to remember these are primarily ag districts in our County, these are not industrial districts. The citizen members did what we could to represent those that were not at the table. Though we all personally came into the process with different values, we tried to speak up for citizens who are affected by all activities of the industry. Truck traffic, processing noise, loss of property values, possible surface water contamination, the flight of farmers, including our Amish neighbors, loss of habitat, hunting area and rights of individual landowners. I would just like to put forward a few recommendations. I would ask that the Committee pass the changes in the Ordinance. I would also ask the Committee to consider placing a cap on the number of permits granted in the county for silica mining.

**Paul Owecke** – Paul had checked “testify in opposition” and “register in opposition but not testify”, so Bice asked for clarification from him. Owecke stated he would testify but it would not be in opposition. Owecke testified the following. Thank you for allowing me to testify, I am Paul Owecke from the Town of Trempealeau and I mismarked my registration paper. **I do support the Ordinance as revised.** I, in fact, do oppose the permitting of any further sand mines in Trempealeau County specifically because of some of the reasons that Ott just outlined. The inability for this Committee to request monitoring of air and water issues, I think is reason enough that a moratorium be granted on any further permits for sand mines in the County.

**Beth Killian – Registered in favor but not testify.**

**Olin Fimreite – Registered to appear and testify for information only.** Fimreite wanted to thank the Committee for the opportunity to express our opinions at this meeting. The Land Use Committee has done an excellent job. They have worked hard and long and this is a tedious job. It is a Committee that no one on the County Board wants to be on because it is hard and difficult. I would like to say I have been a past supporter of sand mines. I support it from two standpoints but I also have some comments that I am going to make. One is that I have been to Williston, North Dakota. Vitus Kampa and I went for a trip out there in September of 2011 and one of the things I wanted to do was go through Williston. We were looking at Indian historical places and we stopped at Williston and we happened to be in the parking lot of the only big grocery store there and we talked to a well driller. He was in a group that drilled wells. He wasn't the one that operated the drilling machine as the drilling machines are \$34 million and require a specialized talent to drill, but there are about 12

to 15 people that work on the well. He pointed out that before this “new technology” (drilling down 10,000 feet, then now they have the ability to make the turn down there, right in the Bakken sand or where the oil shale is and they can make that turn 10,000 feet down and they go out 10,000 feet). They blast that casing through that 10,000 feet so they are drawing oil from almost two miles from one oil well. We saw a lot of oil wells out there that were black and they were not running. I asked the well driller about that – what the reason was for that. He said well they know there is oil down there but the only way they did it before was to drill a well down and just from the suction around the well, they would just suck a little area – not go 10,000 feet out and draw oil. So the area out there is the second largest state contribution of oil, Texas being first. North Dakota wouldn't be up there without the new technology, and sand is a part of that. One of the questions I have is, I have went through (very few of you have) gas rationing in World War II and who is not going to be driving cars if we don't get the oil – it is pretty important for the country. We have something here, the hardest kernel of sand that exists in the United States and we're contributing to the gas that we drive and there are jobs. If you don't believe it look in this weeks Trempealeau County Times as there are 8 or 9 job offers from Preferred Sand. I would just like to say that I do think/believe that (some of you won't agree with me on this) we started motor coach tours 16 years ago and we've had 342 buses, we've had 12,230 people on motor coach tours during those 16 years and we have a beautiful county and most of you haven't ridden as a tour guide on a bus and heard the “oohs and aahs” that come out of a bus. I have heard that quite frequently. The first time I heard it was like what you see when you are watching fireworks – that “ooh and aah” that comes from people. I was looking around because I thought they saw a bear or something really out of the ordinary and then I realized that they saw the scenic beauty of Trempealeau County. So we do have some conflicts with bicyclists (Mossman brought that up) and with motor coach tours and tourism and my opinion, for what its' worth, is the trucking is what bothers Fimreite, the truck traffic. If we, in the mines, located along the trains so that they could load directly onto the train such as they do out at Preferred Sand and Badger Mining, I think that is the way we should consider here in Trempealeau County, rather than just “helter skelter” approval.

**David Vind – Registered to testify in favor.** I live in the Town of Ettrick. I really did appreciate that little demonstration with the noise, 45 dB, out in the middle of the room. I'm sure we can all sleep well in a room full of 100 people at 45 dB. I strongly recommend that the proposed Ordinance pass as unchanged. Everything in this Ordinance has passed this committee after many hours of deliberation on both sides – the citizens and industry. I would like, however, to respond to some of Hi-Crushes proposed changes, specifically some of the current noise standards that we have proposed now and some of the changes he is proposing. Currently it is 45 dBA and it has been suggested to use a different noise standard. A standard called “averaging”. The noise itself is a little difficult to understand, sometimes you're averaging, but you get the drift of it. There are high's and there are low's. However, using averaging is going to be hiding real potential noise problems. For instance, any time you have a high and a low and you average it out (this has been a pretty quiet meeting) but if I bang my paper on the podium, that is called a 13 dB startle, roughly a startle point is a 13 decibels over what the current noise is. I know something a little bit about the “startle effect”. For instance, some of you gentlemen are also aware of it. I am more familiar with a case that meets the changes, not the written proposal. Let's take propane cannon. A propane cannon, roughly 100 to 120 dBA and then at the receptor (house) roughly about 150 feet away, the background noise is 45 dBA. This room is roughly 50 X 80. Now if I put a propane cannon back there at 100 dBa and it reads (45 dBA up here and background of 75 dBA for just an instant) but it averages out to less than 50 dBA over an hour. Is that something that you want to live with? Is that something that you're going to let these people live with. You are going to have to keep that 45 dBA or live with the propane cannon 150 feet from your door. That brings me to one of the other proposed changes, the receptor point. Right now the Ordinance talks about taking the measurements at the property line. Vind recommended keeping it at that. If you change it to the receptor level that means that noise level is at your doorstep, not at your garage, not at your barn, it's at your doorstep. That means that the acreage that you have between your house and your property line is gone, now you can't use it. The normal property lines and the absurd example being used of talking on a property line being over 45 dBA – certainly anybody can holler at a

property line but do you really think that people are going to be so childish as to make a complaint about somebody talking at the property line. Come on Hi-Crush, get with it.

**Thomas Forrer – Registered to testify in favor** - I am proud to say that I live in the Town of Ettrick where our supervisors have opened the door to citizens to eventually compose an ordinance which was passed which gives us the right to regulate, to some degree, to at least some degree, what goes on in our township. I support the proposed changes to Chapter 13 as it is written, but I question the need for a Chapter 13 and for a hearing such as these because without the serious monitoring and enforcement of a Chapter 13, this is just a formality. This Committee and the Department of Land Management have chosen to direct their efforts to the issuance of more and more new nonmetallic mining permits rather than to the monitoring and enforcement of existing permits. Case in point, at the end of this month, 700 acres will be requested to be a mine south of Whitehall. Last spring the Preferred Sands mine in the Town of Preston had a serious sand slide that could have been prevented had anyone been monitoring the site. Recently, the DNR received a complaint about the same Preferred Sands operation now in the City of Blair. For some reason, the Department of Land Management responded to this DNR request and evidently the problem was remedied after the mine was shut down. Why did this offense have to be discovered and reported by a resident and not by the Department of Land Management or the City of Blair or whoever is charged with oversight of this mine. Maybe because no one takes enforcing the rules seriously. Both of these violations were above ground and should have been readily seen if anyone inspected the mine. What violations are taking place underground at Preferred or any of the many mines permitted in Trempealeau County? In fact, who can even say what violations are taking place above ground at these sites. Where is the oversight and the enforcement? Because enforcement is lax, I too support a one year moratorium on the issuance of nonmetallic mining permits in Trempealeau County. This will, I hope, 1) lessen the pressure to issue new permits, 2) free the resources necessary to enforce the existing permits, 3) allow time to evaluate the cumulative effects of the existing mines on our health, groundwater, air quality and overall quality of life. If those of you, who are in charge, are unwilling to enact a moratorium, I propose a county wide referendum, making the moratorium. This will require a petition with a minimum of 2,506 eligible signatures to be presented to the County Clerk and then to the County Board in the fall of 2013. This referendum should then appear on a county wide ballot in either February or April of 2014. If the residents of Minnesota can face these issues directly, I would hope that the residents of Trempealeau County will do likewise.

**Greg Repinski – Register to appear and testify for information only.** I am from Arcadia. I have a couple of things on this Chapter 13 that I would like to question. What are the time frames of these permits? Do they go on for a certain amount of time like 20 years or 30 years or is there something that will make them keep working at it? What is meant by activity or what is considered activity at a mine? If they start mining and then stop and if they take a shovel full out of there in a year is that activity or is there a certain amount of time that has to be put into that mine. I see a couple of mines already where there are weeds growing and there are sand piles there and there is sand blowing out of there. I think it is a pretty good Chapter 13 but I think there are other things that have to be answered, so I would like to see a moratorium for one year on this.

**Daniel V. Sobotta – Registered to appear and testify for information only.** Most of the things were answered by the people here already but I do have a couple of questions. Does the County believe that 50 feet back is far enough to determine where the property line is? Regarding property values, make the mining operators find out how much properties are losing in their value. Regarding the 45 decibels, we moved to the town for peace and quiet and now there is a mine right over the hill from us. If you think that you can't hear that, as the gentlemen had said before regarding raising it, he should talk to my wife. She hears it all the time – beep, beep. If they can stop that fine, I wish we would have a moratorium for one year.

**Travis Mossman – Registered to appear and testify for information only.** I am basically here because I moved into Trempealeau County thirteen years ago and I never really felt like I had much of a home town until

I came here and got to know a lot of you folks and fell in love with the area. Thirteen years ago they started the bicycle tourism project and that was three of the most fun years I have ever had in my life, developing those bicycle tours, getting to know the people around the area and the businesses, school kids, etc. and it was a huge project. So I am concerned that we have advertised three cars per hour traffic on these roads and we've gone through an enormous amount of effort to try and get these people to come from outside the area and that is finally starting to happen. For five years it was 20 people coming a year and then all of sudden we got a couple of lucky breaks with some articles out there and now we are getting calls from California, Hawaii, Canada, France, Washington, Florida, West Virginia, all over the place and I would hate to see those people not want to come here. When I was reading through the Ordinance as it stands, Section 13.03(3)(a) where it talks about other considerations including infrastructure, schools, highways, public facility, water drainage, water quality, air quality, aesthetics, I would like to see that be expanded to actually have a little "more meat on it" as opposed to just kind of mentioned. If there is any way that we can protect these bike trails or just the scenic beauty - when you get up to those big views and look out and you see the bluffs going up into the distance. If all of a sudden one starts seeing these holes, it is going to start disrupting what we have. I also have three children going into school and it would be nice to see that there would be some sort of a limit to how close these sand mines can be towards schools and other places where kids will be present. From the things I have seen about this sand, because it has never been exposed to the environment, it is very sharp like a spear point or arrow head, it is not your nice, round, happy little sand particles you think of at the beach. This stuff is extremely sharp and dangerous and it is also incredibly small. As small as fungal spores, so literally (he made a blowing sound) how long can that stay in the air.

**Dan Sobotta – Registered in favor but not testify.**

**Clay McNamara – Registered in favor but not testify.**

**Keith Nichols – Registered to testify in favor.** I am a resident of Preston Township. I am asking the E & LU Committee and full County Board to adopt the revised Chapter 13, Nonmetallic Mining Ordinance as is, without further changes or amendments. I have come here tonight to speak for Grandmother Earth and the future generations. We did not inherit this land from our grandparents; we borrow it from our grandchildren. Our debt to them cannot be ignored, for if it is, it is they who will have to pay the price and their burden is already too heavy. Let us not add to it. Mr. Bice will tell you what landowner rights are. I will tell you what they are not. We cannot truly own the land anymore than we can own the sky or the wind or the warmth of the sun. The ownership of all of these belongs to the one who created them. We can only be the caretakers and stewards of this land. It is truly a gift and there is no more honorable use of the land then to grow food and share it. A handful of greedy farmers have lost their way, forgotten their purpose and are now careless takers. We cannot allow these mining companies and the greedy few to risk polluting our water and air. These mines are allowed unrestricted water usage, even in drought conditions. Millions of gallons a week in our county alone. The sand they are moving is a natural filter for our water supply. These mining companies are raping this County and stealing our water. They are professional thieves with decades of experience and there is no honor among thieves. Clean air, water and food are more important than any amount of money. These ignorant landowners have no right to degrade the environment in which we all live. They are stealing your children's' future with complete disregard for the consequences of their actions. Most of the Board members have ignored these facts and have forgotten what their purpose should be, to protect this environment and this residence, not to insure the profitability of mining companies. I am requesting a one year moratorium on nonmetallic mining in order to determine the effects that the current mines are having on the health, safety and welfare of the public. I want to ask this Committee and the people that are involved in these mines – where is your respect for the works of the Creator? Is there no place left in our society any more except for money? Mr. Hi-Crush here will tell you only of the economic benefit that his mining companies will bring to this area, won't even discuss the environmental detriments that are a guarantee because those are for bad business and we wouldn't want hurt that would we. The time has come people, it is a very dire time and if we don't stand our ground, if we don't

make a stand now to protect our children and grandchildren's future, they are going to pay an unbelievable price. There are many here who do not believe what I say today, but it doesn't matter whether you believe it or not, the truth will be known and time will tell.

**Al Woychik – Registered to appear and testify for information only.** I was on the original committee in 1996 and also the one in 2006 and 2012. I live in the Town of Arcadia. I live next to a quarry and a truck route. I know what jake breaks are. I have talked to a lot of people in Trempealeau County. Their concerns are the noise level, truck traffic, home values, water concerns, water quality. I think we owe it all to the citizens of Trempealeau County to do this right, especially for those that live next or close to a mine. I support the Ordinance that we have. We worked hard on this Ordinance. We had to give quite a bit. I think we gave too much, but it's here and we can live with it.

**Eric Reimer – Registered in favor but not testify.**

**Eric Hudson – Registered in opposition but not testify.**

**Mike Poulos – Registered in favor but not testify.**

**Scott Morris – Registered in favor but not testify.**

**Delaine Stendahl – Registered in favor but not testify.**

**Steve Stendahl – Registered in favor but not testify.**

**Daryl T. Kramer – Registered to testify in opposition. (Daryl sent an email after the hearing –which was added to the record that he actually wanted to testify in favor).** I will be honest with you I have been reading the frac sand mining articles in every paper that I can, trying to follow it. Looking at the Trempealeau County Times regarding meeting times, etc. Even despite all that, I still find it confusing. I am for any restrictions you can place on the mining process basically. What we are proposing is not enough as far as I am concerned. I thank you for the opportunity to speak. I think it is a bit late. I think more opportunities like this need to be done up front when something like this comes up. I have lived here my whole life in Trempealeau County and I have always loved it here. I am not a world traveler but I have been up to the mountains, the ocean and lot of places in between. Every time I come home I breathe in a full lung of air and I basically am relieved to be home and see the beautiful country side, so I have lived here my whole life and I have decided to stay here and live my life here. I've paid taxes here for many years and have been long proud to call this home. However, I am truly disappointed with the lack of foresight demonstrated at the County level regarding the frac sand mining process as well as the lack of service to many of the constituents of our county for the sake and benefit of a very select few. Many other venues in both Wisconsin and Minnesota have become much wiser to this industry and are not allowing the mining process to proceed without due diligence, sufficient gathering of pertinent information and developing measures that will protect the local residents health, support the roadways used in the process and hold the sand mining companies accountable for their actions. The frac sand industry has deliberately targeted county's that have little to no appropriate regulation regarding sand mines and that are relatively naïve to the frac sand industry. This county, unfortunately, has become notorious as a rubber stamp for the whims of the sand industry but yet at the same time practically outlawing wind power, perhaps a sustainable, local answer to our energy needs. I think the schedule that I see in the Times is testimony to the lack of resources and preparation that the County has had. If you look at the meetings, the hearings they are scheduled for roughly five to ten minutes a piece across the board from the schedules that Kramer has seen. They are during the day so working people can't get to them to voice their opinions. Along with that as well, I do believe that it is not too late to enact a moratorium in the best interest of the County as a whole. The choice being featured at this time is really not much of a choice at all and I detest the fact that our supposed representatives have not done what is right and best for our County and that County residents have been so quickly backed into this corner. I just have some questions and I don't expect you to answer them now for the sake of time, I would take them in an e-mail or whatever. We have heard promises sand mines have made, how many sand mining violations have occurred in Trempealeau County and what have the consequences been? How many sand mines in Trempealeau County that are currently permitted, are opened so to speak, but not

currently operating and how long will they be allowed to be opened without reclamation occurring? Has a moratorium ever been considered in Trempealeau County actually, for real, and if not, why not? If so, why has it not been pursued? Why have many County residents who must live near and around sand mines or proposed sand mines not been represented by the officials in this County at the County level? I draw attention to Page 90 of Article 1 (C) of the papers that we were given and I find it interesting that it states, "Emergency Extraction – if a nonmetallic mine operator conducts nonmetallic mining extraction outside the stated hours of operation due to the emergency and at the request of the Governor of the State of Wisconsin, etc." – do I need to go any further than that, i.e. the iron mines up North. Kramer had one last question. In your infinite wisdom, Mr. Bice or anyone else on the Board, I want you to explain for me the discrepancy that I think I see between the typically logarithmic decibel scale of ten times for every jump (say 45 to 55 decibels) versus the claimed two times change or double that was cited here tonight. So if you could explain that for me I would appreciate you clearing that up and if not, my question is why we are ruling on this if we can't answer a question like that.

**Danielle M. Johnson – Registered in favor but not testify.** Johnson wanted to testify. I'll be very brief because I wasn't planning to speak tonight. My name is Dani Johnson, I haven't been to a few of these meetings now, since the summer. I live in a residential area in Hale. It is a residential area yet this Board approved an industrial mining purpose/full industrial wash plant, the whole thing. We have nine residents that are all 2500 feet or less than that who will live next to this. I have three young children and we have to live next to this when this gets up and running. I left this summer, disgusted, and in fear of my job because I stood up for myself, we fought for our land, and someone in this industry called my employer and tried to get me fired because I was at one of your meetings. That is the truth. So I stayed out of this because I have been afraid. My husband was in a hit and run accident, lot of things that all just sort of happened all at the same time. People questioning about the siding and can I see a picture of your house, so I don't know what these coincidences are, but this is what this industry is doing to communities. It has made enemies. It has made people fear for their lives and has taken away a lot from the people who are friends. So I left and I stayed out of this, but now I come back a few months later and it is the same thing. Everybody says, "we don't want this". We don't want this. That is my question, how many people have to come here, who live here, say we don't want this, before you start listening? It kills me to say that I want you to approve this revision, but I understand because I haven't been involved, but from what I do understand the people that worked on this have worked very hard to come to a compromise and we're going to have to live with this mess that you gentlemen have all approved so quickly because you're maybe not living next to it or you don't have to deal with it, but we have to live with it and we will be next to it for the next thirty years. So I say fine, if this is the best we can do, then pass it as it is, but I do say that I think there is time for us to really start listening to the people who are here and we are asking for a moratorium. We are asking, before you approve anything else, that you start to really evaluate what you have already approved. Start evaluating, stop adding and start evaluating what you have already approved because we have to live here and we have to live with this industry for a very long time and all that it is going to do to harm us.

Bice called for any other testimony. Bice called for anyone who wanted to turn in a testimony sheet and have a chance to speak. Bice turned the meeting over to Lien to answer a few questions. Bice also mentioned that this issue will be on a future meeting agenda coming up fairly soon for us to evaluate, but at this point we are not going to make a decision on this tonight. Lien started with some of Gronemus's questions. Related to Nr-415 – air emissions, Lien stated that every application that comes into our department has to do an air permit application with the DNR. How it works is that they send that into DNR based upon the hours that they are operating, the type of processing machinery, trucks and everything related to that and they either receive the Air Emission Exemption Permit from the DNR or an Air Emission Permit. Either way they are both regulated and enforced by DNR and not by County staff. Gronemus inquired that if they don't have enough employees to cover the inspection of these places then nothing happens? Lien's understanding, and he stated he couldn't speak on behalf of DNR, but as I understand the rule (and I think I understand it clearly), the air emission test is done annually, once a year. It doesn't matter the size of the mine, they come out and do an air quality check

once a calendar year and that is how the DNR enforces air quality. Our Committee has required several nonmetallic mines that have processing facilities, to put air quality monitors up. What staff has learned is that the initial ones that we put up were not doing a good job. We were getting spikes in air quality monitoring in the middle of the night when there was absolutely no mining going on so we've learned that the only way to really regulate that is to require, which we have done more recently, an air quality monitor that has a removable filter. It can be mobile so that one can move it depending on the time of year, predominant winds, location, depends on where they are mining, what phase, that filter can be removed and sent into a lab so that one can really see what we are testing. Right now in this room, we are all breathing in debris and microscopic particles. We always hear the complaints that you see the farmers in the spring of the year plowing a field and it is dry and dusty – there is all that dust. That is weathered material. It is probably not healthy for us but we can breathe it in repeatedly with probably little or no long term affects, but the crystalline silica that people are talking about are little sharp shards that you breathe in that cause lesions in your lungs and without having a filter where you can measure, we really don't know what we are doing, so we have learned a lot – staff and committee that just to measure air quality is useless unless you really can take apart what you are measuring. We have come a long way and when there are processing facilities, I think this Committee, on every one has required that type of air quality monitor. I can tell you there is not one in place yet because they are not doing them yet. We were working with Preferred Sand. They were going to be the first one in the County to do it but then they annexed to the City of Blair. The reality is that it probably is not going to happen. Gronemus asked if there were any repercussions with plants that are not following the guidelines, is there anything we can do to shut them down? Lien responded when they are under County jurisdiction, we can issue a cease and desist stop work order that shuts the entire mine operation down and the County has exercised that, not only for mining but for other violations in the County, so we do have that ability. The unfortunate thing is that without having regulatory authority over air quality, we can't. I can tell you that DNR has issued citations and fines related to air quality for mines in the County but they are the ones that have jurisdiction over that not the County because we don't regulate it. Mossman inquired if Lien does find that a mine is not in compliance and there are more particles in the air than there should be from this testing, how would you go about informing the people that live around the area? Lien responded that we have a mailing list at the County level. Again, if it is under County jurisdiction, we have some say and authority on that and we can try to regulate it, but it is a difficult process, not easy, just like the noise that we talked about. Lien will be the first to admit through that whole process he has great reservations about how the County will do a good enforcement job to regulate noise. He has been with the County for 21 years. The idea of regulating noise has come up probably a dozen times and in the past he's managed to throw it in a garbage can because it is really hard to regulate it. It has always been done through law enforcement as a nuisance. If there is some nuisance that happens after 10:00 PM, law enforcement takes care of those issues until 5:00 AM. So to regulate that, my staff typically works from 7:00 AM until 4:30 PM, Monday through Friday, it is going to be a difficult task and I've expressed that to the Committee. We are all learning too, trying to do the best job that we can. This will be the first noise ordinance that we have had to enforce during those hours in the County and it will be a difficult task. Mossman asked if the County is prepared to give Lien more staff to do an adequate job of monitoring. Lien responded that has been discussed and if you read in the language, we kind of brushed through it. Upon the second complaint, we require the applicant to put a monitor out that records the noise levels, where staff can review it and we can try to determine what is causing the noise or what is happening. It is not going to be easy, but I think the language we wrote into the Ordinance (Corporation Counsel Radtke has input on it with Lien and the Advisory Committee) although it isn't perfect, will work. This is meant to be a work in progress and this is the third "kick" at this Ordinance. It was originally adopted in 1997, revised in 2006 and hopefully again now it will have some revision. It doesn't mean it can't change again in the future. You have to look at it more as a step forward or a work in progress. We are going to learn a lot more about this industry as we have in the last few years and better ways to try and protect the health, safety and welfare of the public. Lien stated Gronemus had questioned the covering of trucks. Lien explained, to date, this Committee has required trucks to be tarped with every single permit, so if there are trucks that are running through Trempealeau County that are not covered, they are not permitted through the County, they are traveling in and we have no authority. I.e., a mine is working out of Eau Claire

County and running to LaCrosse, we don't have authority over them and they can't be required to tarp their truck when traveling through the County. The mines that have been permitted, it has pretty much been a standard condition that trucks be tarped. Rail cars are sort of the same way. I think we have the right to require tarping of railcars. Historically it hasn't been an issue because it is a finished product and that finished product cannot get wet so it is in a sealed container, but there are a lot of cars being loaded from other county's and travelling through our county which is in what is called an open gondola which means it is just raw, wet sand dumped into there. It flies off and we don't have any jurisdiction over that either. As far as bonds, we have a different Ordinance in the County, Chapter 20, which is pretty much adopted, verbatim, with DNR – NR-135. What that states is that any new mine that is over one acre in size must have a reclamation bond, so I can guarantee you that every mine in our County that is over that does have a bond amount. Gronemus had asked about inspections. Lien responded DNR requires an annual inspection. We are primarily complaint driven. When we (DLM) gets a complaint, we are out there, but we've noticed more, with the industrial sand mining activity, because it is a very vibrant, active type of mining, our staff is out there a lot more often. The runoff event that happened in the Blair area, that was talked about we weren't aware of. Lien stated that plan, upon the last review which was only a few months prior, had 65 acres open. In a period of a few months it had 160 acres open. This is a very fast moving industry. It was a case of where a lot of washed, wet sand was placed on top of a ridge, we got a really large rain event that was exceeding a 100 year storm and it flowed like lava. One would say that should have been expected and Lien would agree with that. It should have never happened. I think the industry learned a lot from that and we strive as a department and work with the industry that those kinds of things don't happen in the future. A couple of things were unexpected, like the rain. Lien explained how reclamation bonds work. The County has kind of had this caveat, because we have been involved in mining since 1997 (at that time there were probably close to 50 aggregate mines in the County) and if you look at the County as a whole (using Kramer Company for an example) if they had 15 mines in the County, if they had a project down by Gale, that mine was utilized. If they had a mine in Albion, but no road projects took place up there, they didn't want to have to reclaim that mine, so we worked that into this caveat, that they pay the annual, no activity fee (\$75.00) for no activity but to keep the mine open. That was considered to be an activity step so it allowed them not to have to go through the permitting process. We agreed to follow through with that with industrial sand as well, to be fair. The one thing that is different as they do have to pay that annual, open acreage fee, which to date, is about \$170.00 per open acre. So these mining sites that are open, for every acre that is not reclaimed, they have to pay our department \$170.00 fee for our services that we provide them. Historically those were pretty minimal fees. If things keep on moving as they are, we will have money to hire more staff because there are a lot of acres in the County that are opened and not reclaimed. The program incentive that Lien has talked to the Committee about is that maybe at some point in time we might have to up the fee to promote more reclamation. Lien addressed the number of gallons of water used for dust control. Lien stated we require dust control plans on every site. The number of gallons used is really debatable because we don't have a good handle on it because it is really weather dependent. If we have a dry summer like this last year there is a lot of water being used for watering and stabilizing stock piles and haul routes. If it is a wet year or this time of year there is no water being used, it is not so much of an issue even though you drive around and can see in the snow there is dust blowing. Air quality is always an issue. Upon inquiry from Lien, Gronemus agreed that her questions had been answered. She added she would go along with a moratorium until things change. Lien addressed the questions proposed by Tom Forrer regarding monitoring existing mines and enforcement rules. Lien's response, again, is we're a complaint driven county. It is not the charge of my staff or the Committee, that my staff goes out and patrol the County. If we see blatant things, that one can't overlook, absolutely, we deal with those. Otherwise, we are primarily complaint driven no matter what the violation is, whether it is mining or other ordinance violations. If the public calls we follow up every single time. There is never a time something gets brushed under the rug. We are required to do periodic inspections through NR-135 for nonmetallic mining so we do that. With industrial mines they are more often than with aggregate mines. An aggregate mine may change an acre at a time a year. We are noticing with industrial sand mining they can increase one hundred acres at a time. Forrer also mentioned that a moratorium has never been brought up. Lien thought he was 100 % accurate to say that there hasn't been one monthly meeting where a

moratorium hasn't been mentioned to the Committee, so I believe that comes up frequently. In regard to the timeframe for permits, Lien explained when this all started back in 1997, there wasn't a time frame. As long as somebody was compliant and met their annual inspection they could continue to operate. More recently, looking at the Ordinance, a lot of it was administration calls. Looking at the Ordinance when it came to industrial sand, we asked the applicant to put a time line on there. The first few permits that came in were 30 years. We have several permits that were given a thirty year time period. More recently, because of public demand, staff had recommended a five year term so a lot of the more recent ones in the past year have been limited to five years. The Ordinance language that exists in there says if you are compliant, at the end of five years you can come back in (it is not an automatic) and the Committee will review it and one can get a two year renewal after that provided they are in compliance. The reality is, that in any given time when a mine is out of compliance, we can shut them down. It doesn't matter if they have a 30 year or 5 year permit. The County has that ability if they are violating the Ordinance that we can issue a Cease and Desist Order. We have worked with Corporation Counsel so it is all done through the legal process. To answer the question, they started out as 30 year permits, but more recently because of public demand, people have requested that staff recommend the 5 year period. One can drive around and see a lot of industrial sand mines that are inactive. A lot of that is market driven. They are still in compliance but because of the market and because of the time of year you don't see a lot of activity going on. Lien's guess is that it will start up again in the spring; again, depending upon the market, but if it doesn't we still have a bond on that site. Lien explained how bonds work. If a company defaults, Lien thought the County has a minimum of 30 days to use that bond. Trempealeau County has never had to do that but Lien's counterparts in other counties have and it is an effective way of doing it. Lien has been talking with staff and to the Committee that he didn't feel the bond amounts have been accurate in the past and were too low. On an annual review, DLM staff looks at that, based on the amount of acres open or the type of infrastructure on this site and we have been raising those bond amounts accordingly. So far the mining company's have been very willing and diligent to get us the proper bond amount because they understand that it is a state requirement. Just for clarification, Lien stated the state right now does not have a mining bill that requires a county to issue mining permits. What they do have is NR-135 which is the reclamation portion that is not debatable or not arbitrary. One has to do a reclamation bond and permit. That jurisdiction can be given to cities or towns' that want to take that on. They can petition the DNR to do that. In the past it was County wide but now we have two cities, Arcadia and Blair, that have been given that authority from the DNR so they have reclamation authority. They will hold the bond for those permitted areas. Lien addressed questions related to setbacks. Prior, the setbacks in the Ordinance were 10 feet. For typical aggregate mining that was pretty much limestone and some hilltops and small sand mines (considered aggregate and not for industrial sand) and some topsoil mines. The ten foot seemed palatable for a number of years. The outcry from the towns' and the public were fifty feet should be the new minimum so the language reflects that. Lien felt there were lot of site specific cases where 50 feet isn't enough. Lien felt those cases should be brought to this Committee so the Committee has a chance to review them on a case by case basis and make that distance a much larger distance. Regarding property valuation or devaluation, Lien has worked with several assessors in the County and we are really unable at this time, because of all the variables, to get a set distance or ring. Lien would love to see in the Ordinance in the future that if you are this distance from a mine you will be this adversely affected or at this certain distance there are no adverse effects. We don't have that right now and Lien hopes that is something in the future that we can strive for. People have come forward and there has been mitigation between mining companies and property owners for valuation of property. This Committee has stayed out of that. As long as there is an agreement that has been made, this Committee is satisfied and Lien agrees with that. Lien didn't think the County should be involved in those individual agreements. Budish reminded Lien to read the e-mails and letters that he received as public comment. Lien addressed one more question and then went onto the correspondence. In regard to sand mine violations, Lien responded, realistically, probably less than ten violations. The number of mines permitted has been 25 industrial and we have approximately 7 that are operating. To clarify that, when someone comes before this Committee for a public hearing, the Committee gives "preliminary" approval. What that means is that this Committee sets a line of conditions on that permit, the applicant receives that preliminary approval but the Conditional Use Permit is not issued or signed until they

have met all the conditions. Several of those 25 mines are in that process. They are getting their bond, storm water permit, meeting the TIA (Transportation Impact Analysis) requirements through the DOT and Road Use Agreements with the town. The County has the ability to require an applicant to work with the proper town for a road use agreement or work with the Trempealeau County Highway Department on county roads for road use agreements, but nothing at the state level. Every mine that comes in, DLM staff asks for a TIA to be filled out. It is sent into the DOT and the DOT quite frequently will come back with recommendations on road improvements like bypass, turn lanes, etc. The E & LU Committee has required those recommendations, verbatim, as conditions because they are in the best interest of the health, safety and welfare of the public, so Lien felt those things were being addressed. Just because we only have 7 mines operating, the potential is there for 25. We get applications that are proposed but not submitted almost weekly. DLM staff, particularly Budish, VerKuilen and Lien himself, is in contact with new mines on a daily basis that are looking to come into Trempealeau County. Lien can't say that he knows of a limit or what one would be because there are still a lot of inquiries. Regarding the emergency language in the Ordinance, it was actually modified slightly from the original language in the Ordinance and a lot of that was due to, i.e. let's say there was a flood event in the County. If we are bound to these hours of operation, there could be an immediate need for riprap to stabilize roads or bridges, sand bagging, etc. It was felt that there should be more than one authority that would allow for that so that language did say the Governor of the State of Wisconsin. The Committee did try to clarify these proper people because if Lien is the only one stated in the Ordinance, someone may not be able to get in touch with him, so perhaps the Town Chairman, the Committee Chairman or the County Board Chair, etc. should have that authority. It was debated quite a bit as to who could give that authority and there were good reasons why emergency situations shouldn't necessarily need a lot of approval and permission. Lien stated he didn't understand Kramer's question regarding the decibel level. If Kramer restated it, Lien would try to answer the question for him. Kramer responded that most representations about decibels state that it is a logarithmic thing that means if one goes from 45 to 55 decibels, it represents like a ten fold change, yet Kramer has heard tonight that going from 45 to 55 decibels, as to high of a change. Kramer asked for clarification on that being twice. Lien responded he is not a noise professional but as he understands through the learning process and in meeting with some noise consultants, going from 45 dB to 55 dB is doubling the audible noise. The debate was very long and varied on 45 and what was acceptable and where that should be measured at. With 99% support from the Advisory Committee, the 45 decibel level was agreed upon and the reason it was agreed upon and where the measurements were is there are a lot of people that utilize property in the County that might not be their residence. Repeatedly, bow hunters camp up. If Lien sits in his tree stand, he doesn't want to hear industrial noise. What we are really talking about is hours from 8:00 PM until 6:00 AM, so he is going to still hear that. We need to take that into account when looking at siting these mines and how it affects all the uses around and all the properties. The decibel level that we are talking about really only kicks in at 8:00 PM until 6:00 AM. If one is an avid bow hunter or uses their property for other things, there are going to be industrial noises that one will hear. Someone mentioned the back up alarms. Without any doubt, back up alarms are predominantly most of the complaints that we have heard. Industry has come up with some new, low tone alarms that are less intrusive. The gas cannon issue was brought up and that is something that this Committee has dealt with repeatedly. If one takes the weighted average of that gas cannon, and it goes off once an hour all night long, it is far below 45 decibels, but is that really acceptable for anyone in this room. Lien would say it is not for him. Noise is a complex issue and Lien felt the Advisory Committee did a very thorough good job and I think it is going to be very difficult to regulate without question, but Lien felt again this Ordinance proposal is a step in the right direction. We're probably going to find, as we move through it, that it is not perfect and it will probably need to be revised again. It is a trade off between industry and the public saying if we are allowed to operate this, we know we have to make some caveats to the people that live around it. Lien then read some of the e-mails he received from the public.

Upon Lien's inquiry if Paul Millis' testimony covered the correspondence that Hi-Crush had sent, Millis responded that was correct.

**Kay Everson e-mail** – Please count this e-mail as two for am writing for myself, Kay Everson and my husband, Bill Walz. We are unable to make the meeting this evening, but I want to go on record as in favor of the Ordinance for regulating nonmetallic mining as presented by the Advisory Committee. I impressed by the two phase noise survey process which allows waivers of noise limits as well as complaint process. It seems as though the committee has done their work thoroughly and we would be well advised to accept their recommendations.

**Bud Hanson telephone call** – Gamroth took a call from Bud Hanson. Hanson wanted to express his concerns about mining being allowed with 10 feet of the water table. He feels that is too close especially with heavy mining equipment. Also, if silica dust gets into the water it can kill a person and if it gets into ones’ lungs it is irreversible damage. Hanson will have mining all around him and will be on an island and he is concerned about whether he will have any wildlife on his land and if this can’t sustain a living around him without the land to forage. He has hunters that come in and hunt this land for free.

Lien commented this was language that was in the original Ordinance that didn’t change. The Advisory Committee felt that, at a minimum, mining should be limited to 10 feet above the ground water level and that level can fluctuate but it as measured by soil type represented in the ground. To date that hasn’t been an issue; we haven’t had a proposal that has been down in the groundwater although other counties allow it.

**Becky Rongstad e-mail** – I wish to support the revisions proposed by Chapter 13 Nonmetallic Mining Ordinance as is. I request that no further changes or amendments be made. This revision represents a compromise between the mining industry and the public. It does not adversely limit the mining industry and provides some protection to the public from intrusion on their rights. I am also requesting a moratorium on nonmetallic mining in order to determine the effects that current mines are having on health, safety and welfare of the public.

**Mike and Cherie Miller e-mail** - We wish to support the revisions proposed to Chapter 13 Nonmetallic Mining Ordinance as is. I request that no further changes or amendments be made. These revisions represent a compromise between the mining industry and the public. It does not adversely limit the mining industry and provides some protection to the public from intrusion on their rights. I am also requesting a moratorium for nonmetallic mining in order to determine the effects that current mines are having on health, safety and welfare of the public.

**Ed and Mary Dubiel e-mail** – We wish to support the revisions proposed to Chapter 13 Nonmetallic Mining Ordinance as is. I request that no further changes or amendments be made. These revisions represent a compromise between the mining industry and the public. It does not adversely limit the mining industry and provides some protection to the public from intrusion on their rights. I am also requesting a moratorium for nonmetallic mining in order to determine the effects that current mines are having on health, safety and welfare of the public.

**Ken Critzman e-mail** - I would like to see the revisions installed as proposed. I would be in favor of a hold on any new permits county wide. Our tourist industry may suffer irreparable harm if the entire county is allowed to be dug up.

**Nancy Ann Winey e-mail** – I wish to support the revisions proposed by Chapter 13 Nonmetallic Mining Ordinance. I request that no further changes or amendments be made specifically in regard to the hours of operation and sound levels. There is no perfect solution for the industry and the public; however these revisions represent a compromise between the mining industry and the public. After months of researching, meeting and discussing, the leg work has been completed the best that it could be to this point. Please vote in favor of the revisions to Chapter 13 Nonmetallic Mining Ordinance as is without any changes. This Ordinance does not

adversely limit the mining industry and provides some protection for your constituents from intrusion of their rights. Especially when considering their residential and environment, thank you for considering your fellow county residents as you make your decision.

**Lisa Schock e-mail** – Basically states the same as above supporting the Ordinance.

**Randall Schock e-mail** – States the same as above supporting the Ordinance.

**Alan Feit and Marilyn Remus e-mail** – I wish to support the revisions of the proposed Chapter 13 Nonmetallic Mining Ordinance as is. I request no further changes or amendments. Basically the same message as above and asking for a moratorium.

**Carrie Lejcher e-mail** – I recently felt that I needed to be more involved and more educated with some of the environment issues around me. I will be attending the meeting tomorrow night at the public hearing for the proposed revisions of Chapter 13 Nonmetallic Mining Ordinance. However, I noticed that at the bottom of the agenda it said that comments could be e-mailed directly to you. It is my hope that the proposed changes to the Ordinance will pass, however it is also my hope that a moratorium on the new nonmetallic mines will be put into place. I feel that there needs to be more time to determine how additional mines in our County will affect the environment as well as the health and safety of my family.

**Ronald Hanson and Mary Olstad Hanson e-mail** – I wish to support the revisions proposed to Chapter 13 Nonmetallic Mining Ordinance. I request that no further changes or amendments be made. The revisions represent a compromise between the industry and the public. It does not adversely limit the industry and provides the same protection from the public from intrusion on their rights. We are also requesting a moratorium.

**Rebecca Larson letter** - I wish to support the revisions of the proposed Chapter 13 Nonmetallic Mining Ordinance as it is. I request that no further changes or amendments be made. The revisions represent a compromise between the industry and the public. I also request a moratorium for nonmetallic mining in order to determine the effects that current mines are having on the health, safety and welfare of the public.

**Chuck and Mary Gamez letter** – Submitted the same letter as above supporting the Ordinance and asking for a moratorium.

**Randy Weaver and Julie Weaver letter** – Submitted the same letter as above supporting the Ordinance and asking for a moratorium.

**Neal Wozney letter** - Submitted the same letter as above supporting the Ordinance and asking for a moratorium.

**Alfred and Karen Hanson letter** - Sent an e-mail stating the same thing as Lien read earlier in a phone conversation from Alfred “Bud” Hanson.

**Janet Butler e-mail** – Wishes to support the Ordinance as stated and asking for a moratorium.

Upon Lien’s inquiry, since Michelle Maslowski testified, if he still needed to read her statement, it was noted that she had already left the meeting.

**Bob and Deb Fraust letter** – Submitted the same letter supporting the proposed revisions and also asking for a moratorium.

Lien stated that is all the letters and emails he has received to date.

Ken Slaby he didn't know if anyone was keeping score, but in all the letters that were read, did anyone keep score as to how many were requesting a moratorium and if there was anyone not requesting a moratorium. Lien responded he had about 36 that requested a moratorium and there were a couple of people that didn't comment on it.

Bill Sylla commented that there is a proposal for a mine south of Whitehall and then Hi-Crush is proposing a mine east of here. Sylla asked if the City is going to be in the middle of a circle. Once a sand mine starts, they just keep buying and there are going to be three right around us and on the sides and we want to put up a brand new school in there? Maybe that is not such a good plan. Why do we want to put all of the little kid's right in the middle of all that? It could be very bad for the future.

**Leonard Tischleider** – Registered in favor but not testify. Tischleider wanted to add that he was in favor of a moratorium.

Bice asked if there were any other questions.

Mary Coughlin stated in most of the towns there are a number of liquor licenses that are given out and they limit them. How come we can have liquor licenses limited but, (in Wisconsin people drink a lot in this state as was stated today in the radio – we have the biggest binge drinking problem in the country) there is no limit on mining licenses. She would just like to understand that and asked if someone could speak to that. Lien has wondered the same thing. Thompson stated anybody can get a new liquor license but it will cost one \$10,000. They changed that law about five years ago.

Linda Mossman asked what the next step is? We have all come here and we have all spoken and given you our ideas. Now what happens? Bice responded we will have a meeting and discuss this as a Committee and we will have that posted on an agenda. Mossman asked if the public can come and listen at that meeting. Bice responded the public is welcome at all meetings.

Donna Brogan inquired when we can get a moratorium on the table, is it at this Committee that we would actually asked for it to be as an agenda item? Bice responded we will discuss that and at some point we will bring forward the idea of a moratorium but we need to do some research and discuss that first.

Daryl Kramer stated Lien did a great job of taking notes and addressing the questions and he appreciated that. When we talked about the mining violations in the County, Lien did answer the question, but Kramer did ask also what the consequences were. He read a number of articles about some pretty minimal fines for violations and thus Kramer is wondering where the “teeth” in it are? Lien responded we have citation authority in Trempealeau County and we can issue fines with a minimum of \$50/day. As one gets that in the mail with court costs it is probably around \$198.00. As staff, Lien has a couple of revisions to the Ordinance (which is always a work in progress – things get overlooked) and language that Lien is proposing to the Committee, tonight, that he would like them to review for our next meeting is, “Violations in this Ordinance will be fined based upon their permit fee schedule based on the time of application. Fines may be doubled based on severity or repetitiveness of violations. To issue a minimum fine of \$55 or a maximum of \$1,000 seems to be pretty minimal for the type of violations that we are dealing with. Lien knows from working with the industry they don't want to violate either so Lien is sure the industry would support a stiffer fine in our Ordinance as well. They want to be the good operators as well. Lien felt that would have a little more “teeth” and hold people a little more accountable. I have had this discussion with my Chairman in the past and violations are not tolerable. The public doesn't want them, the Committee doesn't want them and it looks bad for the industry. Some of the things that have happened in the County (when they violate) it reflects on the entire industry. Lien

felt if the penalties were stiff enough it would put a little more onus on the mining companies to not want to violate either. Lien knows they don't want a bad image either. Lien's proposal is that we incorporate into the Ordinance a violation schedule that would reflect the same as our permit schedule so that if someone violates it is a double fee. That would hold more teeth than our current citation ordinance that we have. Someone from the audience asked about shutting down a mine. Lien stated we also have that ability. We can issue a Cease and Desist Stop Work Order which is probably the most effective way to remedy a situation and we have done that on a couple mine sites in the past and that is very effective. It does get results because it shuts down the entire operation. It is not just the individual violation; it is the entire operation that can be shut down. That is probably the most effective tool but it is also the most drastic. We don't like to exercise that ability either because we want to work with this industry too, but when some blatant violation has happened that needs to be an option for us. Bice reiterated that anyone who wanted to speak to stand up so that we can get a microphone to you.

Paul Winey was grateful for the open question period. Winey wanted to follow up on Ms. Mossman's question as to if one of the agenda items on the March 20<sup>th</sup> meeting is further discussion on the revisions of Chapter 13, is that correct? Bice responded at this time that is correct. Winey inquired if it would be a potential that final action would be taken by this Board and make a decision to forward to the full County Board at that meeting? Bice responded that is possible, he couldn't comment on that, he had no idea at this point. For those interested in further input, they need to come to the March 20<sup>th</sup> meeting at 9:00 AM in the County building, would that be correct? Bice responded he has a big concern that there may not be enough room and that agenda item may have to be rescheduled. At this point though, that is correct.

Becky Larson stated if it is not possible to have the meeting on the 20<sup>th</sup> and a final decision made, there is a big public hearing coming up on a 700 acre proposal for a sand mine, I believe it is March 28<sup>th</sup> on Hwy 53. I have heard there may be a proposal for a conveyor belt of State Highway 53. Can you put a stop or a hold on that hearing until a decision is made or because it has already been published does that have to go forward and be possibly allowed, because these conditions aren't approved yet. Bice responded that, at this point, that has been scheduled and posted and it will move forward. Persons from the audience asked if the decision on the mine could be tabled or postponed. Bice responded it is too complex to discuss at this point.

Bradley Hegge invited all the Board members to come to his home which is east of Pigeon Falls on State Highway 121 when they start hauling sand back and forth there real steady. If you just sit there for an hour or two, it will register what is going on. Hegge's question is what are you going to do about the trucking. Not all these sites are by railroads. They are going to be running these big semi trucks over to where they are going to get rid of it. How are we going to regulate that so it isn't such a nightmare? Bice responded that at this point the mining industry seems to be going in a direction that most of the shipping will end up on rail. Trucking is very expensive and the price of sand is dropping so we think/know that trucking really is tapering off. Hegge stated that recently the E & LU Committee gave this Arcadia mine permission to deviate from their haul route so that they could haul excess sand for big dairy operations, etc and Hegge believed that is where the sand has been going that has been travelling past his house. It just makes it hell living there. Is that what the whole county is going to turn into when we get to that point? Hegge called the County Board Chair and he was told that is a State Highway and there is nothing they could do out there – so tough for me.

Bice requested to take any questions regarding the Ordinance.

Larson didn't know this was going to be just about the Ordinance, but since people are concerned about the moratorium, since you have pressure of permitting requests everyday, every week, what is the balance between the time you feel you need to serve the people between considering a moratorium, considering health issues versus considering new permits. Is there some balance there that one can speak to? Bice responded we do not

have that agenda and this meeting is about the Ordinance. Bice added we will give that some thought and consideration but that is not what we're here to talk about. Bice asked for any quick questions before we finish.

Susan Faber wanted to know when we are going to get our health impact study, at least are these mining companies going to put up air quality monitors on the schools, on the new schools that are being proposed in industrial work sites. They will do it for the people that are working on the site but you won't do it for the kids that are packed into these schools that are being shoved through on referendum. Faber would like to know how we are going to address that as a county. Bice responded we will take that under advisement.

Daryl Kramer appreciated the opportunity to speak. He wished these opportunities would have been more upfront and more publicized perhaps as well too. Kramer stated Trempealeau County has been so inundated with the frac sand mining permits and applications, etc. but yet we are not the first place that has done this. There are other places that this has been happening for awhile. As he said in his comments before, other places have kind of wised up to this and given the scheduling that he mentioned before, that he saw in the paper where these hearing are just one after another, five or six in a half hour, obviously not a whole lot of time for action or comments. To Kramer it was kind a "no brainer" when you are getting flooded that heavily with that stuff why wasn't something like a moratorium put in place right away and said "hey lets get this figured out". Other counties have been working with bonding, load out fees, etc. to cover road repair as well as studying the impacts, etc. Kramer wasn't really looking for an answer right now, but suggested the Committee think about those things as we go forward. Lien responded we post them five minutes apart because we can't ever have a public hearing prior to the posted date or time. Lien reassured Kramer that the meetings start at 9:00 AM and a lot of times we don't leave until 4:00 PM. They go much longer than five minutes. Virg Gamroth introduced herself stating she does the agendas for the meetings. Part of the reason they are scheduled apart is because if we have a rezone or a hearing that perhaps only lasts a couple of minutes because usually don't take very long and there isn't a lot of public testimony, that we can't start the next hearing until that posted time has been reached. Therefore we schedule them five minutes apart. Those of you who have been to those meetings know that they have gone from 9:00 AM until 5:00 PM and you have waited there all day and we appreciate that. To alleviate some of that we have now limited the mining hearings to two mining hearings per month, so that one is not sitting there all day, but that is the reason that they are scheduled five minutes apart. By know means is that the consideration that they have been given. They have been given much more. Lien wanted to answer Faber's questions about the health issues. Lien stated we have been working with the Health Department. Lien has been attending three frac sand summits where he has been a guest speaker in Minnesota, and Minnesota's Health Department is really diving into this issue and doing a lot of research. Lien has the County Health Department in contact with their Health Department so we are working together on it. But you are right we don't have it resolved yet, but they are working on it.

Chris Lejcher asked about the next steps for a moratorium as a large number of people are concerned about it. They weren't sure that was answered but it was stated it would go on the E & LU Committee agenda for discussion – is there an alternative path that the greater population can actually go down rather than coming through this Committee? Bice responded that is a subject that we will discuss, we will put it on an agenda but other than that, that was all Bice could say. Bice reiterated this meeting is about this Ordinance and that is what we are going to discuss.

Mary Lee Hegenaur stated it was her understanding that the State of Wisconsin has issued 100 permits and our County has issued 25 permits, so we are now a quarter of the permits in the State of Wisconsin. Lien stated Hegenaur was correct. Hegenaur added, "Everybody heads up".

Bice thanked everyone for coming. Bice knows this is a very emotional and complex subject but again thanked everyone and stated they will take everyone's comments and thoughts very seriously.

Bice adjourned the meeting at 9:09 PM.

Respectfully submitted,  
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary