

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

SPECIAL MEETING MINUTES
February 5th, 2015 6:00 PM
COUNTY BOARD ROOM

Chairman Brandt called the meeting to order at 6:05 PM.

Brandt verified that the Open Meeting Law requirements had been complied with through notifications and posting.

Committee members present: George Brandt, Michael Nelson, Wade Britzius, Jon Schultz, Curt Skoyen, and Jeff Bawek. Kathy Zeglin and Rick Geske were absent.

Staff/Advisors present: Kevin Lien, Virg Gamroth, Jake Budish, Corporation Counsel Rian Radtke, Pat Malone - UW-Extension, County Board District 3 Supervisor Sally Miller, Deb Dix and Roberta Walls – Wisconsin Department of Natural Resources (WIDNR), Peter Fletcher – Mississippi River Regional Planning Commission (MRRPC).

Others present: Tom Forrer and Donna Brogan.

Adoption of Agenda - Nelson made a motion to approve the agenda, Skoyen seconded, motion carried unopposed.

Adoption of Minutes - Britzius made a motion to approve the minutes, Schultz seconded. Britzius and Bawek had a few minor changes to the minutes. Motion to approve the amended minutes passed unopposed.

Discussion and possible action in regard to the Final Report on the Public Health Impacts of Nonmetallic Mining Chairman Brandt introduced Roberta Walls and Deb Dix from the Wisconsin Department of Natural Resources (WIDNR) and Peter Fletcher with the Mississippi River Regional Planning Commission (MRRPC). Brandt commented for the public present that for the most part the Committee would be keeping the conversation within the Committee and focusing on getting something done tonight related to the recommendations from the Health Impact Study Committee. Lien stated at the last meeting, the Committee was going through different proposals from the summary from the Subcommittee recommendations and that is where they stopped. Lien and Budish had discussed how these recommendations fit and whether they should become ordinance revisions or conditional use permit (CUP) modifications. They determined that for the most part they are CUP modifications. Lien and Budish had also talked to Walls and Dix in regard to things that DNR is doing in the County and felt it would be a benefit to the Committee to listen to what they had to say so that we can all “stay on the same page”. Lien turned the meeting over to the DNR representatives. Lien referred the Committee to a copy of the PowerPoint presentation that has been handed out. Dix first presented a brief overview of the different types of programs that the DNR has regulatory authority on including air, storm water, wastewater, high capacity wells and groundwater; exploratory bore hole abandonment, private and public drinking water, nonmetallic mining reclamation (which is actually an oversight of the County’s program), invasive species, endangered and threatened species and archeological review. Dix started out explaining the staffing as she thought it was one of the biggest questions that they hear all the time. Recently, DNR did a survey of the DNR staff that are involved in some manner with the industrial sand

mining and came up with over 100 Dept. staff which in some way or another, within their job, are working within this industry whether it is field staff, that are out doing the inspections, the permit writers, persons doing education and outreach or doing review of data that is submitted and charting all of that, so there are a lot of people that are working on it all the time. From the air management standpoint, DNR has 3 ½ dedicated, full time employees that are working. Dix will show a map a little later that shows where they are at. Within the air program, along with those 3 ½ dedicated employees, there are the permit writers, the supervisors who are making sure that they are getting out there and doing the inspections that they are supposed to be doing. DNR has staff in Madison that receives all of the monitoring data that comes from the facilities. They are going through that data when it comes in, they are validating the data and making sure that the calibrations were done right and that the data is viable and then getting that data out on the website so that it is made available publicly. From the water program, Dix stated DNR currently has one staff person who is dedicated to storm water and water regulations and zoning and is out of the Baldwin office, but along with that position they have multiple other storm water staff throughout the area that also help to do inspections of the mine sites and the follow-up and enforcement and are doing drivebys to make sure that the sites are in compliance and that they don't see anything wrong. DNR has a full time engineer that does review of the submittals. Down in their Madison office they have folks who are looking at the permits; what needs to be done with them, doing updates, working with the legislature, etc. Included in that staff is the waste water staff which deals with sites permitted for discharge of waste waters. Dix announced that Walls will be taking over as the official Statewide Industrial Sand Sector Specialist and will be working with Dan Baumann who is the regional director up in Eau Claire. They will be heading up a newly formed management team in Madison of all the programs and making sure that the coordination is happening and everything is getting covered that needs to be. Along with that they are developing an "operations" team that will take the things that come from the management team and put them into action. That is going to cover every one of those programs that you just saw listed along with environmental enforcement. This team is just getting up and running and Dix thought their first meeting was next Monday, so that is something new coming. MEA (Midwest Environmental Advocates) went to the DNR Board and requested that the Department do a strategic analysis of the environmental and health impacts of industrial sand mining in Wisconsin. This is a similar report to what was done in January 2011. The DNR has agreed to do that analysis and that is also just getting started. It will be an update to the January 2011 report and bring in all of the things that have been found over the past few years, what has been learned about the mines, and there will most likely be some recommendations that come out of that. The County staff knows how much staff time it takes going towards this and the cooperative effort between DNR and the County is not doable without it because your staff is right here and they know the County. DNR staff is located in other areas and working together helps to make it all work better. Dix displayed a map of the air quality program contacts and what areas they cover (it didn't turn out well so Dix said she would e-mail it to County staff). One of the things that is always in question is areas that we do not have authority over and those areas include noise from the facilities, light pollution, employee safety on site, blasting (other than how it associates with dust that is generated during the blasting operations which would be overseen by the air management program), zoning, road maintenance. Dix stated those types of issues DNR has no authorities over at this time. Brandt asked Dix if by saying, "at this time" she was suggesting that these are areas which DNR is looking into. Dix replied "no, that would only be if for some reason the legislature decided DNR should have some type of jurisdiction over that and put it into law". In regard to the new sand mining sector, Bawek inquired what the time line was for the new findings. Bawek had read it might be something like 365 days. Dix responded that she believed that is what they are looking at is having everything put together within a year. Walls added that right now they are planning some "scoping" meetings. They are looking at getting those started in very short order and inviting the public to give some feedback of what they would like to see included in this strategic analysis. Walls added those meetings will take place in both February and March and will give them some basis for some of the things that they will want to take a look at as part of a strategic analysis and

get the ball rolling. Walls stated they plan to take a very aggressive schedule with this. Bawek asked if any of the questions would come from a group like we have here. Walls stated she believed that they are looking to see what type of venues are available as there would probably be at least two locations across the state and the general public would be invited and of course the local authorities would be invited. Dix added that as a Committee you have had a lot of experience over the last few years with the mining operations within the County and if you have things that you would like to see, you can always send a letter to Dan Baumann in Eau Claire and just get it on record that those are things that you have concerns about and he can bring them to that Committee. Britzius stated Dix had talked about working with County staff and inquired how the relationship is with city's that don't have a designated staff person for this type of thing. Dix responded that at this point they haven't had a whole lot of experience with it. Dix raised some questions with them and they have been responsive when she has asked questions. Dix didn't know as though that they have had much interaction with them as far as compliance issues at this time. She knows that everybody is aware of some of the stuff that is going on with facilities in some of the municipalities but when it comes to the issues of annexation that is out of DNR's per view. Britzius commented and when they do annex, they have to have some way of doing the enforcement and you need to have a relationship with that person. Dix expressed that she hoped that would be happening more and more over time. She thought Walls may be doing some more of that outreach. Plus with the nonmetallic mining reclamation, Tom Portle and TJ Maglio do regular meetings and those contact people are always included or invited to them for training sessions, so from that point they are making contact but not necessarily asking who to call if they have issues of compliance. Schultz asked, when speaking with cities with annexed projects, if Dix was seeing public service/city employees doing the monitoring or are they hiring engineering firms/private companies to take on that role of oversight, monitoring and environmental quality. Dix was unsure as it varies. Lien commented that typically each have hired consultants. Dix added that is generally for the nonmetallic mining portion only for those with nonmetallic mining ordinances. There isn't much else that the small municipalities are doing much with. In getting a little bit more in-depth into the air process, Dix stated there are two types of permitting that DNR requires. There is the construction permit, which is, i.e. if they are going to be constructing a dry plant on the site, they need to come in for a construction permit for that facility prior to breaking ground for that operation. That permit is going to be submitted to DNR's Madison office and it is a pretty in-depth review. Permit review time varies depending on how good the submittal is. The operations permit is what they are going to use during operation of the facility, so once they are up and running, then they have to have the operations permit. That is going to tell them that DNR looked at their plans, analysis, and DNR did modeling based on the calculations and data that they have provided which includes even down to stack height, stack diameter. That is going to tell DNR what the emissions potentially are that is going to come out of that stack. The operations permit is going to tell DNR what controls they need to have, what monitoring they have to do and what regulations they have to meet. Dix explained there are a couple of different types of permits because, as you know, our mine sites range from the small little "mom and pop" that we used to see that now instead of doing sand and gravel are just doing more or less a dig and dump and hauling material out and to another site. For those sites, DNR will only be looking at the fugitive dust management plan which means that they have to show DNR that they are able to manage the fugitive dust, to keep the dust down and basically that is going to mean watering. There is going to be monitoring/record keeping required with that. They have to do record keeping that they have been doing the watering and keeping up with the amount of truck traffic throughout the day, etc. DNR has general permits and registration permits along with specific permits. What those do, without getting real specific into the details are; a specific permit is going to be the bigger facilities that are going to have a dry plant, truck traffic, the potential for gas emissions because they are using natural gas or propane for a fuel source and those are all emission points that are going to be taken into account and they are going to have the more in-depth specific permit that applies to that facility. Bawek questioned if Dix was talking about newly permitted mines or mines that are in existence right now also. Dix responded if they fall within the requirements (she couldn't tell the

Committee what the emission points were) whether they are existing or new, they have to have that permit. Dix was unsure as to how many have specific permits but she could find that information out. With a general permit, DNR sees them in various programs throughout the agency. Those are permits that are written, that apply to a specific industry or a specific type of emission rate, i.e. they have this much truck traffic, so DNR can calculate that they are going to stay within this range of generation of particulate matter, therefore they would apply for the general permit. That permit is also going to have specific requirements, it is going to have monitoring/recordkeeping that they will have to do as they are going to have to prove to DNR that they fit into that either general permit or registration permit category, so every single one of these depending on the size of the site, will all have some type of air management permit or fugitive dust plan that applies to the facility. Each one of those have different types of requirements that they have to meet and there are places where they can request exemption in this case, but to do that exemption they have to show DNR what their plans are and that they are going to stay under a certain level of particulate matter generation and they have to be able to prove to DNR through record management that they are doing what they are supposed to be doing to meet that, so it is not like we just give them a “bye” and say “yup, you’re good”, they have to be able to prove it too. Bawek questioned if that was on a yearly basis or what the time frame was and wondered as a mine adds on how does DNR know that. Dix replied that is part of the inspections and coming up she will get into what they are doing for those. Schultz stated he drove past Hi Crush today and they have a large stock pile with quite some height and the wind speeds are higher up there and thought that was almost an opportunity to find out or answer the air question. Schultz questioned how the stock piles were being looked at. Dix responded those are part of what they are supposed to be telling us as to whether they are covering them or wetting them or what are they doing to make sure that they don’t have material blowing off those piles and that is part of what the inspectors look at when they go out. In terms of monitoring, Schultz voiced that is where you get the answer from. Dix stated she understood where Schultz was going, but commented she will get into this area in a little bit and everyone will see why it is very hard to answer the question that people are asking. Dix continued by saying they can apply for both construction and operation permits. Generally if they have construction they are going to have operations too. The process can take about three months but again it depends on the size of the facility, what they are proposing and the quality of the submittal. To be quite honest, it doesn’t matter what industry it is, Dix thought most of the time they usually end up sending them back and there is a lot of back and forth before one gets things settled in. It is not typically just in this industry, it is all of them. Brandt stated that one of the general conditions on a Conditional Use Permit (CUP) process is that the operation requesting a permit have all of the requisite permits from the DNR and the staff reviews those and signs off and sometimes, as Brandt recalls, the person who is applying for the permit will just give us a copy of the plan that they sent to DNR and say “see I’ve done this”, so Brandt asked Lien and Budish when we determine that we have to see the DNR stamp on it before we say that they have taken care of that condition. Budish stated he waits until he sees the form filled out and they are in the process of submitting it. That can also change depending on certain conditions and that can influence their submittal of that application to DNR and at our level could also manipulate or change their submittal. Budish just has them fill it out and they go through the process of submitting it. Brandt commented it is clear that there is a back and forth whenever someone submits an application related to one of these permits. We don’t have a real time knowledge of where that process is at, all we know is that an application has been submitted, so here is a point where communication can be improved and possibly make that part of what we do in the future. Dix noted that and added that one of the things that you can do is, DNR’s air permit database is probably one of the best ones that DNR has as far as sharing information with the public, so on that database one can pull up, i.e. Hi-Crush and it will show the date that the permit was submitted or received by DNR, it will show if we have done a preliminary evaluation plus one can pull up that evaluation and review it. It will show if DNR sent a letter of incompleteness, etc. Everything is right there on our website, open to the public, that one can pull up and watch that process along the way. The other thing that Dix mentioned, and she would encourage

folks, if you ever have questions about the air permits (she has been looking at air permits for probably eight years working in the enforcement program and they are very difficult to follow- it is probably one of the most difficult things to figure out what you are looking at) or you look at the preliminary evaluation that was done for the site, that can give one a lot of insight into what is in that permit, the conditions that are in the permit and why they are there at it has some verbiage of the reasoning and how they got to where they are at. Dix voiced that it was really a great document to follow. Dix reiterated that those are all available on the website for anybody to get so that would be a link that we could just share. Dix stated the construction permit must be issued before commencing construction. In most cases that means before they even break ground – they need to have that construction permit in hand. What DNR ran into with the mining industry is that they may start mining before they decide to put in a dryer, so you are already going to have clearing, etc. done, so there is a little bit of “play” in that particular statement just because of the type of industry that this is but they cannot start constructing until they have approval. Britzius questioned if that construction means construction of facilities or buildings as opposed to construction of a mine. Dix responded that was correct. Dix explained there are 74 industrial sand mining sources that have been issued some type of permit or formal exemption and that doesn’t necessarily mean that they are actively operating. This is one of the biggest issues that DNR runs into is trying to explain what is out there, how many sites and how many permits because we have the various permits for air, storm water, it could be a WPDS permit for a wastewater discharge, it could be a Chapter 30 permit, so they could have multiple permits and they can get the permits without opening up the site, so we may have i.e. storm water – we may have 150 permits out there but that doesn’t mean that we have 150 mines out there necessarily, so it is really hard to explain looking at the permits exactly what is going on in the industry. Again this is not just with the industrial sand mining, the sand and gravel operations were the same way, so it is hard to track to be really specific and again Dix thought the County runs into the same thing. Brandt commented that Budish has created a spreadsheet which links to a GIS (Geographical Information Systems) and he is able to illustrate, at the click of a mouse, where any particular site is related to its permit and its activity. Dix commented she uses it all the time. Brandt added that it is time consuming but it is possible to track that stuff. Dix stated DNR actually uses the data that the County has on their website which generates the statewide map of mine sites and whether they are active or inactive. Dix uses the County’s as the better base for getting that information because she thinks the County’s know about it before DNR does usually because generally they have to have a zoning change or a CUP and they are going to be going for those before they come to DNR for permitting. Dix uses the County staff on a regular basis and they are great – you guys have a great staff here. With the air concerns, as far as inspections, the goal of DNR staff is to, as of June, July or August they had visited all of the sites that we had listed at that point in time and found 62 of them to be active, 82 of them to be inactive. They completed 29 full compliance inspections and 47 partial. Dix explained that a full compliance inspection means that they are going to go out to the facility, no matter what size, depending on what is in their permit and they are going to look at that permit before they go out and what requirements they have to meet. If it is a large facility and they have air emission standards that they have to meet, they have to have specific equipment. They have to be able to provide all of the design standards – the final designs of the facility put up. That has to be on site. They have to be able to provide their records for every inspection that they are supposed to be doing whether it be every 8 hours, whether it be every 4 hours, they have to be able to provide all of that information right now for the staff and that will generally take a whole day, depending on the size of the facility. They (DNR) is going to sit down and go through the records and make sure they (the mine site) are doing all of those compliance checks that they are supposed to be doing for their permit. A partial compliance inspection may be, i.e. DNR is going to go out and take a look (as someone mentioned the big piles) and do some visual inspections. We are going to check if we can see emissions. We are going to sit out on the road for an hour on the back side and watch the place and see if we can see visual emissions without them knowing DNR is out there. It may be a drive by. That is something that Dix thought everyone of their inspectors does no matter what the program. They generally have a sense of

the bad facilities or the ones that they are going to have problems with or where they get the most complaints. If they (DNR) is in the area, if they have to drive ten miles out of their way to just do a drive by to see what is going on they are going to be doing that. If something is going on they drive in – the same as the County guys do. Dix stated there are a lot more inspections going on than what people think there are it is just that it isn't documented every time DNR drives by a facility or every time they call in and say, "Hey this is what is going on". Dix added this should give you an idea of what the air folks are doing. Their goal is to conduct a full inspection of every active site and at least, two partial inspections at every location in 2015. With that said, DNR continues to add facilities and they continue to have more, but they are doing an awesome job getting out there and getting those inspections and keeping track of stuff and then also the continued follow-up on inactive sites because we all know that inactive sites can turn active at any point in time. Brandt stated that gets to what Bawek's question was that if the plan that was approved is for 50 acres and now the site is 120 acres, when does DNR know about that, how does the plan get updated or what is the process. Dix responded they are supposed to be notifying DNR if their plan expands, so for example, you are going to get a reclamation plan that comes in and it says that the site is 100 acres or 100 acres that they are going to be working on and they are going to do it in these sections. If they get through those sections and they buy additional acreage, they are supposed to be notifying DNR. If DNR has staff go out there and find out that they have now expanded and opened up all this extra acreage which was never part of the mining operation in the first place, they are now in violation. Sometimes it takes until DNR or County staff gets out there, but County staff (no matter what County) has been great and if they find something that doesn't look right, the County is letting DNR know immediately. It is really up to the mine to be notifying DNR and if they don't notify DNR they are out of compliance. Brandt asked what that triggers. Dix asked to hold that question as she would get into enforcement in a little bit. In regard to the particulate matter monitoring (Dix felt this is one of hardest things to understand), as of June 30th, DNR had 1225 sampling days that had been completed at mine facilities. There were 13 PM (particulate matter) monitors that were operating in 11 facilities. Of those, there were no samples that exceeded the PM 10 standard of 150 micrograms per cubic meter and that averaged over 24 hour time period. That is the EPA standard. At this point, DNR has not had any exceedances from the monitoring that has been done. In referring to an overhead display, Dix stated what this display shows you is the size of a human hair and then it gets down into what PM 10 is and PM 2.5. When one is looking for that PM 2.5 granule, it is extremely microscopic, so that gives the Committee an idea of what one would be looking at level wise. If somebody says, "I drove by the site and I see PM 2.5 blowing off that pile", Dix stated there is no way one can see PM 2.5 because it is not big enough to be visual. Generally it is the larger granules that one is seeing blow around. Mechanical processes of sand mines generate the larger particles – the PM 10. PM 2.5 is more of a regional pollutant. If one looks at combustion, i.e. the fires out west, that is a combustion source and that is generating PM 2.5 size particles that can travel from out west into Wisconsin and into Michigan. It can travel long distance. Dix stated that is where one generally sees the PM 2.5 being generated – created primarily through chemical and biological process – not by mechanical process. Bawek asked if that was other than blasting. Dix replied that blasting itself is more of a mechanical process; it still is breaking up but is not down to that combustion size. Dix added there is a group at UW-Eau Claire Geological Department and they have been doing the studies of the cementation – the particles that are around the granules that might break down to that size and they are not even finding it in these geological formations that one is going to get that PM 2.5 coming out of the cementation material that is around the granules that one is trying to mine. Bawek asked if they are testing for that. Dix responded, "Yes" and they have been out at the different mine sites. Walls explained they have been and they do have a database of core samples that they have taken throughout the state and they have been soliciting the mines to be able to go and do core samples at each of the facilities. Walls stated some of the mines have been very cooperative and they have gotten some very good data off of that which is where they have been able to now study the types of material that has been cementing those particles together. They are learning more about that. Dix commented that this is why

this is such a difficult topic to explain because the scientific data to date, is that PM 2.5 is not going to be found in this type of process, even with the blasting. Walls added that when they are blasting coarse particles that need to be further broken down through crushing and screening, they become loose particles but then they have to separate those fine cementation particles from the sand through the wash process, so it has also been discovered and is leading toward the notion that anything of a PM 2.5 nature is going to end up in the water more so than in the air. Bawek commented that you had said you don't regulate blasting and you're not testing for PM 2.5, and questioned how we know that. Dix replied DNR doesn't regulate the blasting operations themselves, but they do have to account for particulate matter for the air program. Upon Bawek inquiring if that was for PM10, Dix responded "yes". Bawek commented that PM 2.5 is the unknown out there. Dix replied that historical data is that it is not found at this type of operation, this type of formation and within the blasting operations. Dix stated this is something that is also going to be addressed and DNR knows that the questions are out there and that is going to be part of the strategic analysis – trying to answer that question further. Dix can only tell the Committee what they have to date. Bawek stated that the biggest link to disease is supposedly the ten hours after a blast because of the biology of the material that is put into the air and then the iron content also has a large bearing factor on that correct? Dix said Bawek was getting out of her realm of knowledge at this point. Dix stated there is a study by Dr. John Richards that is out there that may be helpful. In fact, he is going to be in town (Eau Claire) for the Federation Environmental Technologists meeting in April and he will be doing a report on his findings. He has done monitoring associated with the mine sites here. In regard to the PM 2.5 and the blasting, Bawek asked if that was something, as a Committee, that we can recommend to take place. Dix said she was not the person to ask that question so she would put that to their "air" folks and see what information they have regarding PM 2.5 associated with blasting. Bawek added that is where the concern has been voiced over and over again to the Committee, is those particulate matters that are below 4, so it gets to the PM 2.5. The people with asthma and allergies that live next to the mines have come before the Committee and talked about their health and how they move away and their health improves, so it is out there and we're charged with the health, safety and welfare of our constituents, so we are just trying to do the best that we can do also. Dix agreed. Schultz added there is also OSHA's (Occupational Safety and Health Administration) statement or study on silica exposure and Schultz believed it is related to PM 2.5 where they are fractured or they are doing fracturing. So the workers exposed to the sand at entry point, Schultz questioned where is that 2.5 coming from in the material they are handling. Schultz stated if we are not asking those questions yet, at this point, then thank God we are at the point where DNR is doing this. Dix responded there is a difference in the fracturing process and asked the Committee to keep in mind that is a pressure process where it is actually capable of breaking up the sand particles that are being shipped out of Wisconsin and that is breaking that sand particle down further. From the OSHA standpoint, it is also keeping in mind that what they regulate is the worker safety, so they are looking at a person who is there at the fracture site for an eight or ten hour day with the continuous exposure versus being away from the mine site. Dix wasn't saying that it is not an issue but that is where all of this is a real difficult thing to answer. We can use the science we have now but Dix didn't think that is answering the questions that people have and again that is the strategic analysis that will get into that. Walls stated she was taking notes of the concerns and if she understood it correctly, so she can go back to the folks and pose it to them, Schultz's concern/question is does the mechanical process formed at blasting generate silica dust at the hazardous levels that people are concern with. Walls stated that was something that she can pose to some of the folks in the air program to see if there is any supporting evidence regarding that. Schultz commented they would have to study the material at 2.5 to answer that. We may have assumptions and historical knowledge but we have not studied it. Walls responded we do know that some of the particulate that falls below that PM10 is the cemented particles. As we are learning more about what those particles are, they are not generally silica related, however your question was in regards to the mechanical process of blasting and that is a question that Walls would have to take back to the DNR staff. Bawek added that PM 2.5 has the ability to travel and settle and re-travel so it

can travel outside the boundaries of the mine. Dix acknowledged that and stated one of the other things that has been difficult is keeping in mind exactly that it does travel so even when you are monitoring PM 2.5 what it is that you are picking up. Are you picking up from the fires or combustion from exhaust, or are you picking it up from the mine site. To Dix's knowledge, she didn't think they do what they call a speciation –where they actually go down to the level of identifying the source of each of those pieces of particulate matter in that sample and trying to figure out where it came from. Dix said that was one of the hard parts too is even separating that out and where it came from. Bawek asked if she didn't think the DNR could get involved with the blasting more intimately than they are and start putting their thumb on this. Walls responded there are some limitations with regards to where some of the blasting codes exist which are not under DNR code, so DNR will be limited where that is concerned but we can take a look at the air quality that comes off of the blasting process. Bawek stated especially for the workers that are at the mine site. If there is a health hazard with this being more biologically active in the six to eight hours after the blast, Bawek added that is a large concern for the people who work there. Dix voiced that might be something that has already been looked at by MSHA (Mine Safety and Health Administration) who is the federal agency that covers the worker safety on the site. Dix knows they do monitoring. She wasn't sure if they do schedule it so that they can do monitoring during blasting operations too. Dix understood that they come on site and they will do an eight hour day of monitoring for the personnel on site. They will pick and say today it is going to be this person who is going to be on a loader, this person is going to be in the dry plant and this person is going to be in this location, so what day are you blasting because we want to be on site when you are doing blasting. Dix believed they covered all that but again it is MSHA's requirements so they would need to tell you exactly how they do their monitoring. Upon Bawek asking if DNR can get information from MSHA, Dix responded yes and that MSHA actually does have a website and one can go out and look up every mine site in the County and look up what violations they have had and what the resolution was at each one of them. It is all available out on MSHA's website. What Bawek was speaking to is, if they are monitoring at the blasting, and they are monitoring for PM 2.5, can't DNR take those results and give this Committee recommendations. Dix wasn't sure if MSHA is monitoring for PM 2.5, she thought the best thing to say right here is that she will see what level they monitor at for the workers safety and then go from there because she couldn't answer the question. Britzius commented that he was really appreciating that their agency is doing the strategic review and that the Board or whoever decided to take that up. Britzius wished DNR well in digging into that deeply for the sake of everyone's constituents. Dix commented it was good timing to get it done. Dix continued by saying DNR does have an ambient air monitor in Eau Claire that monitors for PM 2.5. Dix was unsure but believed it was in more of a downtown area and that monitor has not shown any exceedances of a PM 2.5 standard as a wider area. It is more of a larger area pollutant; it is not in the smaller areas because it travels so much. Dix displayed the website where DNR has their monitoring data, so all of the monitoring information that has come in from the mine sites, comes in, it gets validated through DNR Madison staff which makes sure that the way it was collected is valid, that the monitors were calibrated, etc. and then it is placed out on the website so one can pull up graphing of each of the sites of all of the sampling that has been done at that site, the levels that the samples came in at and then in the line up across the top is the PM10 standard so it shows one where it falls within that PM10 standard. Dix stated they get that out there as quickly as possible but generally it is about 2 to 3 months behind just for time to make sure that they get the information validated before it gets put out on the website. All of that information is publicly available all the time. In regard to water quality and permitting, Dix thought that everyone has seen information about this one, it being an issue in the area, the failure to properly abandon the high capacity wells and the exploratory bore holes as DNR has been hitting on this one quite hard trying to get information out there. The items are certainly an issue as far as potential groundwater problems. Dix knows that some of the mine sites think it is a little frustrating that if they are going to be out there within six months, why should we dump a bunch of money down a hole to abandon it. Dix explained it doesn't matter; they still have to be abandoned. Dix stated as far as high capacity wells DNR does permit or approve all of the high capacity

wells. They have requirements as far as water use, potential draw down to streams nearby, they can require monitoring if needed. Dix thought a good example was one of the facilities in Augusta, they have trout streams on either side and they are into different aquifers and they have a couple of different wells, so what they have to do is monitor those wells and the streams to make sure that they are not dropping the level of the streams to the point that they change the water temperature which would change the quality of the stream and that can all be required within the permit for the wells. Brandt asked if Dix was saying that the DNR can require that monitoring and switching back and forth as part of the high capacity well permit. Dix responded yes, if there are streams in the area that they need to make sure that they're not doing drawdown on. Brandt asked if DNR had a standard for that or if that was something that the local permitting agencies have to request? Brandt stated this was the first time he has heard this and this is a concern around here. It was one of the recommendations from the Health Impact Study Committee that there be considerably more monitoring than there has been of ground and surface water, so Brandt questioned how that happened. Dix replied it is part of the review process for the well when it is going in. They have to identify their resources around the area and the potential impacts to it. They have to identify where they are going to be pulling their water from, what aquifer and then based on that, then DNR puts the requirements on to protect quantity and quality based on that. If they are going deep enough and into a deep enough aquifer that they shouldn't be impacting surface waters, then they are not going to have those requirements that they have to do the monitoring. The monitoring that all of them do have to do is; they have to report to DNR on a quarterly basis the volume of water/amount of groundwater that they are removing/using. Dix thought a lot of times what DNR is seeing is that many of these sites are permitted up to "X" million of gallons usage, however the only time that they use a high volume of water at one point is in the spring when they are first getting started and they are filling up their ponds and then after that almost all of them recycle/reuse their water as much as possible, so they are not continuously drawing those large volumes of water all throughout the year. They are required to have gauges on for the usage and that usage has to be reported back to DNR. For Trempealeau County (this is a comparison to agricultural/industrial/municipal) DNR shows 162 wells that meet the requirements to be considered high capacity wells. That means they have a well or wells on a property with cumulative capacity to withdraw more than 100,000 gallons per day or 70 gallons per minute. The total number of active wells that are greater than 70 gallons per minute are 103 of those. Of those 103, 50 are agriculture irrigation, 13 are industrial (those would probably be sand mines, there could be 1 or 2 industries that use a high volume), 19 are municipal public water supply and 12 are for other purposes. DNR has records for about 100 high caps in the County so that means that we are missing about 62 of them. Dix thought they were probably old ones that have been there for a long time or prior to requirement for those records or before we had electronic documentation. They could be in a paper file somewhere or perhaps on microfiche. The depths on those range from 20 feet to 910 feet with the average being 220 feet. 41 of them draw from the sand/rath gravel aquifer and the rest of them are bedrock wells. Some are into shale but mostly at sandstone and the specific capacity's range from .3 to 75 gallons per minute per foot with an average of 15 gallons per minute per foot of drawdown. Dix emphasized that those details are specific to Trempealeau County and that gives the Committee the distribution of those different wells. One can see the different sizes based on the different hole size. Dix believed the map she was displaying is also able to be generated off of the DNR service water data viewer. Dix had put this together based on some comments and questions from the Barron County Board as she will be doing the same presentation for them in a couple of weeks. In addressing the restrictions for Ag and industrial wells, Dix stated they are on a case by case basis because it depends on where they are at. Some have limits but there are not as many limits for agricultural wells as there are for the sand mines. The hydrology of the aquifer replenishment that Dix presented was for Barron County as she wasn't able to get the information updated for Trempealeau County but she displayed it just to give the Committee an idea of what that information was. In Barron County the recharge is estimated to be 3-12 inches per year. As far as violations from the high capacity well standpoint, DNR is not aware of any. Dix thought that also pertained to Trempealeau County as well as she is not aware of

any that DNR has had recently. Dix stated that there are no specific monitoring efforts at this time other than that they are all required to report the usage annually. The question Barron County asked is who pays when a prior existing well goes dry. Dix responded, unfortunately, when one gets into those things it becomes a civil case. One of the things DNR has seen to help out in this is getting background data of the wells in the area and where they are at prior to the mines starting up, so one has that baseline. If you don't have proof prior, unfortunately it is just like anything else when one gets into civil, it is hard to say that is what caused the loss. Brandt commented he had explained to Dix before this meeting about the County Board putting resources towards filling in the data related to that baseline. There was a "dust up" a while back on the cumulative effect of high capacity wells and Brandt's understanding was that someone in the DNR said don't worry about cumulative effect just take them on a case by case basis. As Brandt recalled there was a judge that said there is nothing that makes any sense about that decision and questioned Dix as to where the DNR was on that. Dix didn't feel she could answer that question at this point as she hasn't followed that recently and she did know that when that decision came out (she believed that was right around October) it was something that DNR's attorneys had to really look into closely to see how that decision was going to impact how DNR does their reviews of high capacity wells. That is one of the things over the last few months that Dix has lost track of. Dix offered to look into that and said she could send an answer back. In regard to storm water and wastewater permits, Dix stated this is a general permit that addresses both. It covers internal versus external drainage. Dix explained that when we first started seeing the mine sites, everybody wanted to be internally drained which means you are keeping all of the storm water that is coming in and it is being handled within the mine site. DNR figured out real quickly that was a nonexistent expectation when mines start up so it got to the point that all of them were being issued as external drainage until they could prove to DNR that they were able to be internally drained, then their permit would be switched over to "no exposure" because it is not exposing off site storm water. They were required to have a pollution prevention plan and deal with co-mingling of storm water/wastewater from washing operations because if that happens it becomes a wastewater. If it co-mingles it is no longer allowed to be discharged off site as a clean water source. DNR has seen excessive runoff and impact of surface waters. Everybody is familiar with the issues that have been seen in the County. Dix thought that in the past year and a half that she filled in as the statewide contact, she has seen big changes in many of the companies in many of the consultant firms that have realized that you cannot just put up standard silt fencing when you have acres and acres of open area and it is hilly because it is not going to hold back that sand. Dix thought we have seen a lot of changes. It has not stopped the problem but it has certainly reduced the problem over the past year and hopefully we will see that continue. Dix didn't think we would probably see it stop, but that is typical of any industry. In regard to water regulation which gets into the wetlands, Dix stated they have to do project identification. They have to identify practicable alternatives and look at wetland mitigation. They have to identify if there is going to be discharges to wetlands or surface waters. They have to review invasive species and deal with that. Brandt stated an issue that has been raised in the Health Impact Study is to be more cautious about activities around wetlands and surface water, in fact, the recommendation was to not allow to expand beyond 300 feet the distance to exceptional water and also to avoid any kind of encroachment on wetlands. Brandt's understanding was that DNR now allows wetland mitigation to be any place, not even necessarily within the watershed. If that is the case, Brandt stated it is going to be a question that comes before this Committee as to whether we should create an Ordinance or put something in the CUP's to require more protection for wetlands distance from exceptional waterways, trout streams, etc. Brandt asked Dix where DNR was on the wetland mitigation issue. Walls responded that it is true that wetland mitigation can take place outside of the watershed but that is an extreme case. They have to show through alternative analysis that they cannot, through any feasible means, make that justification. It is usually a last resort. Walls stated that obviously we want any mitigation that is going to be taking place to be within that watershed which is being impacted. With that said, Walls explained there are many facilities that are looking to either try to avoid having any impacts to wetlands, either direct or secondary impacts, so that means even if they are not going in

and doing a wetland fill that they cannot hydraulically cut off a wetland, so that is first and foremost the priority for any facility be it a mine or a construction project or anything coming in. If they find that they cannot avoid impact, can they minimize it and how are they going to minimize it. Those are all of those things that DNR puts them through before approving a permit. Walls explained there are different levels of waterways and wetland permitting. There are general permits which is a reduced amount to the level which the Department sees that there would be no negative impacts to wetland and fill by doing that. There is an individual wetland fill that is a sizeable or significant impact by which they would have to mitigate and provide alternatives. Walls stated it is a pretty involved process and it can get very confusing but is very thorough and the mines have to go through quite a lot before they would even be given approvals for any that. Brandt commented that the Committee has seen a couple of applications where a wetland would be affected and their (the applicants) note was the DNR has approved us getting a wetland mitigation with, i.e. someone in central Wisconsin and it is all good. Brandt stated that Soggy Bottoms apparently banks wetlands for sale to people who need to do mitigation and the Committee has seen that name come up a couple of times. Upon Brandt commenting that the guests look confused about his own comments, Dix commented that she didn't think there were any banks available right now. Lien added that there aren't any banks available right now as they are exhausted, so we are seeing plans that say, "When a bank becomes available we will purchase it". Dix thought DNR's wetland folks have been dealing with that. Dix made a note to provide more information on what is currently happening with the wetlands program and the mitigation and banking. Dix explained there have been some changes and there has been a lot of discussion on this whole issue and this is another one of those that, unless your right there dealing with it, it is hard to keep up on all those details. Dix stated she would get some more information on what is happening right now and provide that to Lien and Budish and get it back to the Committee. In regard to public and private drinking water, Dix voiced that they don't have a whole lot of input on this other than many of these sites are quite large and if they have "X" number of employees (Dix thought it was over 24 or 25 employees on site) they are considered a public water supply and they have to meet the requirements of a public water supply which means they have to do sampling (Dix thought it was on an annual basis depending on the site) and reporting. Because of the size of some of the sites they are getting into DNR's public water supply program and not able to explain that they are just private water and don't have to monitor. Dix thought the Committee was quite familiar with the nonmetallic mining reclamation program and what goes on there so Dix wasn't going to get into it. Dix stated some county's have no clue, especially at the Board level, what is going on with that program. Upon Brandt inquiring about a 1000 acre notation on Dix's display, Dix responded that it was a question from Barron County about whether we expect to see 1000 plus acre open sites or contemporaneous reclamation. Dix explained they are asking if we are going to see these guys come in and open up 1000 acres and just leave it at 1000 acres or are they going to reclaim as they go. Brandt commented that was an issue that bubbled into his consciousness. Brandt said we see the plans that talk about contemporaneous reclamation and after five years he didn't think we have seen an acre reclaimed in the County with all the mines that are operating and actually open. Budish explained there are currently two industrial sand operations that were operational and they chose to close them up and are in the process of reclamation right now. Brandt was thinking about the largest ones we currently have operating and they just opened all of the acreage at once and continue and as far as Brandt knew they weren't doing any reclaiming. Brandt thought the question is a good one because based on where the mines are there is a potential for thousands of acres open at one time. Dix thought something that needs to be kept in mind is the fact that the mines pay an annual fee on open acreage – Preferred Sands is going more down than they are out so for them open acreage probably continues to stay pretty solid, but if you have a mine that is going across and have up to a thousand acres open they are paying some pretty hefty fees to the County for open acreage, so there is incentives for them to do that reclamation as they go. Dix stated if one looks at Badger Mining – Taylor plant, if you have a chance, just look at their aerial photo and one can actually see the areas that they have reclaimed so it does happen. There are good sites and bad sites, hopefully we are not going to see those huge acreages open but there is

incentive for it not to happen and if they want to spend all that money to leave it open, Dix would think that is just a loss. Schultz stated when they simply stop mining, the land sort of just becomes rezoned, yet they haven't completed reclaiming. Schultz questioned if that land wouldn't stay zoned commercial/industrial until the reclamation is complete? Schultz supposed that was a tax bonus of these projects. Lien explained that as far as Trempealeau County, we have a reclamation bond on each one and unless they would come back through with the revision to the reclamation plan or to change zoning or change the land use, we wouldn't release the bond until it met what the reclamation plan says. Schultz stated there is a site that has reclamation in process but it has been reclassified for tax purposes already. Lien commented maybe for tax purposes but not for zoning. Schultz asked what the answer was there and if it wouldn't still be commercial until the reclamation is complete. Lien responded Schultz was talking about two different things, those being tax assessment versus zoning. Schultz stated it is assessed as commercial purposes. Lien said the state assessor gets involved and the problem has to be between the local assessor and the state assessor who assesses commercial entities. Lien added there is always confusion as people look at their tax bill and it might say commercial on it. That property is not zoned commercial, it is assessed commercial which are two different things. Schultz questioned if it shouldn't be assessed commercial until reclamation is deemed complete. Lien responded it should until the County deems it complete, but to date Lien has never had one commercial assessor related to mining ever contact him. In regard to endangered and threatened species, Dix stated when one gets into the review for wetlands or for storm water they have to identify if there are any areas of endangered or threatened species on the properties that they are dealing with and it has to be identified in their applications. That has to be reviewed and this can be a hold up for the permitting process because we often find that winter is a slow time for folks so this is a good time to get applications done and submit them and they want DNR to approve them. Dix explained that if one identifies that through the natural heritage inventory that the area might have the Karner Blue butterfly or it might have a protected turtle, etc. they will have to wait until spring until vegetation starts coming up and DNR can actually go out and do an identification of whether or not it is on the site. DNR doesn't just go by the inventory or what they tell us, DNR actually has to, in conjunction with US Fish & Wildlife, go out and take a look at the site and make sure that the resource is or is not there, will it be impacted or does DNR need to keep an area protected so that it is not impacted. That review has to be done along with a couple of different DNR permitting processes. In answering the question at what point DNR enforces, Dix reviewed the stepped enforcement process. Dix gave the example where the DNR staff person drives by and sees that there is an issue, i.e. they don't have best management practices in place and they don't have silt fencing up. At this point in time it isn't causing any problems because it isn't letting anything off the site but they are not there and they are supposed to be. DNR stops on site to make contact and either tells them to get it done and provides information. If that doesn't get done within a certain period of time, DNR can issue a Notice of Noncompliance or they can do that immediately, so that is a less formal action done at the staff level. Notice of Violation comes from the Environmental Enforcement Specialist. It involves a specific listing of the violations and of the forfeitures or citations that could incur from the violations and invites them to an enforcement conference to talk about the violations and corrective actions. Depending on what the situation is DNR may have the opportunity to write a citation. They may be able to refer it to the Department of Justice (DOJ) for prosecution. DNR can do pretty much any of these steps independent of the others, unless they know an issue is serious enough and they are going to refer the matter to the DOJ then they start with the Notice of Violation and enforcement conference to immediately notify that facility that DNR alleges that they are violating these regulations and advise them that these are the corrective actions that they need to do. Along with that DNR can go into the process of referring the issue to the DOJ. Dix knows that can be a frustrating process for folks because it can take a long time to get through the process. Dix would like to report that it is getting better but it depends on the work load for the DOJ, etc., but the process that it goes through from DNR's standpoint is that DNR works directly with the program staff initially. They write up a memo which walks through the alleged violations and the proof that DNR has that those violations

occurred. It becomes a packet of material which shows photographs and all of the proof of the severity, the potential or known impacts, and the history of the facility as all of that information is taken into consideration. That packet then goes through a pretty stringent review process including the local supervisor, the environmental enforcement supervisor and then it goes down to Madison and goes through DNR legal staff, their program management in Madison, then it goes to the Secretary's office for review. At the Secretary's office, it is discussed with the Secretary's office and then a letter is written notifying the facility that DNR has referred them to the DOJ for prosecution and then it gets sent over to the DOJ and assigned to an attorney. Once the attorney gets it, it depends on their workload and the severity and unfortunately it depends on what they get pulled off into for other projects. Dix thought there was a misnomer that once it goes to the DOJ that DNR quits working with the facility and that is not the case. At the same time that is happening, DNR field staff is still working with the facility to make sure that they are taking corrective actions and following through with the assistance of environmental enforcement. If they keep violating during that time, that can continue to add up as violations that go to DOJ. In regard to education versus enforcement, DNR tries to do education. DNR would much prefer to educate people than do the enforcement process. DNR has to allege the violations and then determine to make sure that is what has happened. Dix thought another frustration point for people was that DNR doesn't always say that it is a violation right of way. DNR wants to allege and go out and see what is going on at the site, get the details and make sure that DNR is covering all of the issues at the site, not just that one glimpse of i.e. some sediment in the creek but perhaps there are bigger problems on the back side of that facility, so it is a quite a process that DNR goes through but there is a reason for it. Dix stated the bottom line is, from the beginning all the way through, program staff is always dealing with that facility all along the way. We don't just drop it until DOJ picks it back up. In addressing potential operating ramifications of a violation, Dix commented it really is dependent upon the violation and severity. Dix frankly stated that the County has much more authority than DNR does as far as shutting them down. If it is a violation of the County ordinance, County staff can go out and issue a Cease and Desist order. DNR still has to go through a process of writing up a quick memo to DOJ with the alleged violations, the proof, get it approved and send it over to DOJ for DOJ to go through the process of going to a judge and getting DNR the ability to shut them down. That is just the way the statues and codes are set up and DNR has to follow the process that the system has given them. Dix added it is not very often that facilities "thumb their nose" at DNR when they go in and say, "Hey guys you have some major problems, you need to stop right now and get them corrected". Dix stated it does happen but not real frequently. To date, Dix said DNR has 28 facilities that they have done advanced enforcement with. All have received Notices of Violation and the enforcement conference. Five of them received direct citations which are written by the wardens. There were six referrals and their forfeitures range from \$16,000 to \$200,000 and they have 7 actions that remain open at this point in time. There were some questions that Barron County had sent to DNR; how many new company's are anticipated or is it stabilizing or is their more consolidation of existing company's. Dix answered that question by saying the Committee probably knows that as well as DNR does that there is no good answer to that question. It is a continuously changing industry. Dix does know that there are new companies in as Dix receives calls on a fairly frequent basis from investors and investment firms. Does that mean that there are new ones coming in, Dix said not necessarily. They are buying people out. Big companies are buying out the little ones. It is constantly changing and Dix thought that was probably going to continue. As far as statewide growth patterns, DNR is still seeing folks coming in for the permit process throughout the western side of the State. It still seems to be pretty much limited to the western half of the State. There are a couple of sites on the eastern side that have switched from doing sand and gravel to doing some industrial sand but not too many. DNR sees continued growth of the rail facilities and the washing and drying operations. Dix thought the key has come down to rail. If you have rail ability then they are more likely to start up. Dix had a call last fall from a gentleman out of St. Louis that was interested in figuring out the best place where he could locate a large rail facility to supply a rail site for those who still had to do trucking. Dix suggested that people need to do their own research. Dix stated

the questions are still out there and it is anybody's guess as to where it is going to go especially with the fuel prices and everything that is going on. Dix has talked to DNR wildlife staff and they haven't seen any major changes as far as wildlife. Wildlife still access the mine sites while they're open. It is certainly going to change their habitat, at least for a period of time but it hasn't seemed to cause any major changes that have been noticed by wildlife folks. In regard to unforeseen impacts, (such as the concerns about the PM 2.5), there are still questions in peoples' minds and that is part of the strategic analysis process that is going on and hopefully if there are things out there it is going to be identified through that process. In addressing dollars for enforcement, DNR recently filled two vacancies on this side of the State, one in Spooner and one in Eau Claire so that is going to provide them the ability to help field staff with more formal enforcement actions along with the conservation wardens. Dix thought a lot of people don't realize our conservation wardens are key. They are also very familiar with what is going on with the mine sites as other DNR staff have educated them on what to look for. They also know that if they drive by and they see something suspicious, they are calling and letting other DNR staff know or enforcement program staff know. There are no current initiatives for staffing increases but Dix had talked about the industrial sand mining team that has just been developed and will be working on this more formally. Dix had talked about MSHA and OSHA previously so Dix wasn't going to go through that again. Bawek had a question which had to do with one of the recommendations from the Health Impact Study as Bawek has been approached by some constituents about a concern for water being hauled out of Trempealeau County. Bawek asked if DNR regulates that aspect of water use and is it possible for these mines to all of a sudden decide that instead of sand, we are going to sell the water. Dix responded that is something that is regulated. Dix asked if Bawek was referring to i.e. pumping out of the Trempealeau River. Brandt added or pumping from a high capacity well. Dix replied that a high capacity well is going to go through the same approval process and it is going to be the same review no matter where they are going with it. Schultz asked if that included the well they started with it in place. Dix stated if they are going to increase capacity they would have to redo their approval. Bawek asked for clarification that they have the ability to haul water off site. Schultz too asked if they run at the capacity that they are rated if they could do that. Dix responded they could do that as DNR doesn't regulate where the water goes. As far as coming from the river, Dix stated that also is generally considered to be similar to a high capacity well so they still have to receive approval because the last thing DNR wants is someone to be pumping down the river where they are going to change the quality of the water resource so that is going to be the same thing and it is still considered similar to a high capacity well and requires approval. Bawek asked if the Committee/County can regulate that. Dix was unsure and added that may be a legal question. Lien commented it would potentially depend on the scenario but it could be a change in use to something more commercial that may require a rezone or something else through zoning depending on what was proposed. Lien stated we don't have jurisdiction over the high capacity wells; the DNR does, but if the use of the high capacity well would potentially change that was in conflict with zoning, we might be able to address it. Corporation Counsel Rian Radtke stated he did some research too and one of the concerns he raised last month was with some sort of regulation that would limit the sale of water to inside the County and would that have an affect of implicating the interstate commerce clause not being able to sell water outside of the County or across state line. Radtke thought that was something that would have to be looked into. The question Radtke had was; is this a legitimate concern, is somebody proposing to do this and why would the County have a concern. What is the legitimate concern of the County that water is used in Trempealeau County commercially versus in Jackson County or another county? Dix stated, as Walls just brought it up, that DNR does goes through a pretty intense review process if i.e., there is a bottling plant that is coming in and utilizes resources for bottling water. Dix thought that was something they need to check on and see if it is for sale, if that would make a difference and if that would be regulated similar to a bottled water plant. Some discussion took place on water regulation. Brandt stated he grew up in Milwaukee and Sewer Pact was not only the equivalent of the agency that Fletcher works for but it was considered "god like" in its decisions and so forth and up until just within the last ten years the rule was that water does

not leave the Lake Michigan Watershed. Dix stated Walls just brought up the Great Lakes Compact. Britzius stated Dix had mentioned a new organizational structure and asked Dix to briefly outline that for him. Walls responded DNR is looking at getting a new management style to handle all of the industrial sand mining. They are developing two teams; one being a leadership team to make the policy decisions and to disseminate the information on authorities. The operations team is going to be comprised of people who are physically active at the site, the “boots on the ground” folks to provide feedback between what the issues are, what needs to be addressed and Walls, as the Industrial Sand Sector Specialist, will serve as liaison between the two teams as well as the local authorities so that DNR can have better communication and better decision making processes. Dix clarified that from the Department structure each of the different areas of regulation that she talked about are different programs under different management. What DNR is trying to do is instead of having all of these separate “silos” (for lack of a better way to describe it) that have their piece of what they are doing with industrial sand mining, this team is to bring all the programs together so that we have better communication between the programs on what they are doing and what they are finding. It will help to have that crossover between the programs where if there is storm water staff out on site and see what looks like an issue with air management/dust suppression (officially they know what to recognize) they are going to go out and bring that information back to the air specialists so that they know to go out and look at it. It is taking current DNR structure and making sure there is better communication and structure of all the programs that are dealing with this industry. Brandt mentioned we have identified a couple of areas where better communication between our staff and your staff are going to be very helpful. It has not been unusual for applicants to play us against each other, i.e. “they said we can do this so why are you telling us we can’t do this now”. Brandt also identified the kind of weakness where putting in an application is not the same as having an application approved yet that gets checked off on the CUP requirement, so we need to be more in communication with them.

At this point Brandt moved on by stating one of the recommendations from the Health Impact Study Committee and something that came up quite a bit in the discussion last month was long range planning. We need to know, what we know, so we can plan for the future. Brandt asked Peter Fletcher, MRRPC, if he could offer the Committee any guidance on that in terms of the tools that we have available to us and how we might go about that. Brandt added that Britzius had also requested a presentation on our Comprehensive Plan and the process and what it looks like at this point. Fletcher looked through the Health Impact Study- Executive Summary and the thing he circled was, “Stable Communities - Modify ordinances to limit the number, expansion and locations of mines. Fletcher stated that if you’re looking at quality of life the things that were talked about are very important but they are pretty much all after the decision has pretty much been made that this mine is going in, so how do we manage it after that. Fletcher explained that the step before that is managing that location, number and density of mines if the Committee wants to do that and then what is your ability to do that. As the Committee may be aware, Fletcher worked in Trempealeau County for seven years as a planner. This whole sand mine issue was addressed 16 or 17 years ago in the Town of Caledonia when they first went through their land use planning process. According to Fletcher, one of the biggest fears of that town board was that the Town of Caledonia would become a sand pit. At that time they had four or five active sand mines between 20 and probably 60 acres in size down on the prairie and that was one of their biggest concerns. One can look in the County Comprehensive Plan and Fletcher did see it referenced in the Health Impact Study, that one of the things they did in the Town of Caledonia (with the backing of essentially the town), Pages 122-129 of the Comprehensive Plan was developed a nonmetallic mining overlay district at which point they made the decision that in the Town of Caledonia they designated and determined an area which made the most sense for mines to be located and they created a mining district and a buffer area around that. What they planned and what they state is that when the applications come in that are for this mining area, they are pretty much accepted as that is where they’re going to go and anything outside that area they are going to say “no”. Fletcher added that as we move through the future, when those

resources in that mining district have been used up, they could then either consider expansion of that district or removing the district. Fletcher stated the interesting thing is that the district has been there 16 or 17 years and he thinks the plan has pretty much been followed. Lien stated it has been. Fletcher added it was simply that the town board made the decision and more importantly, had the political will to stick to that decision. Ultimately when you come to how you manage these things you have to take a look at the Committee and the Trempealeau County Board if you ultimately decide to regulate the location and the number and the density and if they have the political will to stick to those decisions. At this point the Town of Caledonia has not become a sand pit because that town board recognized that as a potential in the future and said, "We don't want that and the people in the town don't want that". Brandt added that in the late 90's rural or ex-urban housing took off and the places around that mining district built up significantly. Their tax base has increased significantly because people chose to build there. There are a lot of advantages to building in the Town of Caledonia with the nearness to the river and the easy commute to La Crosse, so people felt comfortable building homes there because they knew or at least some of them knew that there wasn't going to be a mine there. Fletcher added that was a lot of the towns' justification as it said to the miners, "you're going to be safe to mine here because we are not going to allow or they did not recommend any increased housing in that area" and it also made it clear for people who locate in the Town of Caledonia that here is the mining district and you know where it is at, here is the future. They could locate there and feel comfortable about locating there. Schultz commented it was great that Fletcher had an example right here in Trempealeau County and it was the townships plan. In terms of planning and in creating potential districts, Schultz asked if Fletcher saw this as more feasible to get done at the township levels or the County doing it. Fletcher responded that when he was working here and since he has been in planning and working with county's he has always recommended that it is not one or the other, it is both of you – meaning that it should be generated ideally from the town level – see what they want and then work together with the County. Fletcher reiterated that is why it has been successful because this Committee 16 or 17 years ago looked at that plan and has stuck with the plan along with that town board and that is why it has worked. According to Fletcher, the toughest part of that whole process was drawing those lines in the Town of Caledonia. Fletcher remembers being there at the meetings (Brandt might have been at some of those too) and it being tough to draw those lines. They had the same issues such as noise, dust and groundwater. When one talks about the 10 foot minimum above ground water, that regulation originated from the Town of Caledonia and it is just as relevant today as where it came from. Fletcher explained there is a tool, it is already in the County and in the County Comprehensive Plan, it is there and it has worked, so that is certainly one possibility. Another thing that Fletcher will be working on at the MRRPC is (and this gets into where we are in updating the town plans) the process of updating the Trempealeau County Farmland Preservation Plan. Beginning this spring, throughout this process, Fletcher and Lien will be working with the towns' association (in April) and each town really needs to look at their existing land use map, through the eyes of the Farmland Preservation Program, and make decisions with regard to farmland preservation in those towns. Fletcher also sees it as an opportunity to again address this issue of mining (Fletcher is certain that it will come up) at the same time. This will be the first time some of the towns (Town of Arcadia and Town of Chimney Rock have recently done an update) have really looked at their plans since all the mining has happened in the County. During this Farmland Preservation Plan update, Fletcher sees it as an opportunity to update those Land Use Maps in those communities. Ultimately, as part of the requirement for the County to receive funding from DATCP (Dept. of Ag, Trade and Consumer Protection) to do the Farmland Preservation update, that plan must also be consistent with the County Comprehensive Plan, therefore once that Farmland Preservation Plan is done and updated and we see what the towns have ultimately decided to do with regard to Farmland Preservation and possibly mining, then those updates can then be incorporated into the County Plan. There is a mechanism in place, where again, you can roll in looking at location, density and number of mines if you so choose. The toughest decision, which Fletcher hears from County Board Supervisors and elected officials is whether or not there is the political will to stick to

those decisions applicable to the process. Lien stated he has been saying the speech over and over since 2010 when this all started about an overlay district because Lien recalled working with Fletcher on the Town of Caledonia issue. Lien stated it was great because then that plan determined where mining is permitted or allowed and expected and where people can live and know they are not going to be affected. Lien added that some of the past Committee members didn't fully grasp that a successful future is a key to planning so it wasn't necessarily supported at the Committee level. Lien thought the towns and perhaps at full County Board they didn't realize the magnitude and speed in which this industry came on. Lien thought it caught everyone by surprise. Lien recalled Donna Brogan, who is here in the room, standing up at the podium at County Board and saying, "let's not relax the Ordinance because by default we are going to have a mining district through annexations and following the railroad". We heard tonight that the rail is pretty much the key. Lien has told this Committee that it is a tough decision because we read monthly in the paper about property rights issues and when one does planning it can infringe on property rights but Lien thought proper planning is needed in this case. We know the rail sort of follows the river in our County. It isn't hard to identify places where mining makes sense and places where it doesn't. Fletcher stated one can simply look at the map online and you begin to see what is happening. One can see where the active mines are and you know where the applications are coming from and where they are trying to locate. Fletcher has always said that Trempealeau County is a big county and there is enough room for all the uses, it is just managing them the proper way. Lien presented a series of maps of where new homes have been located in the County in the last five years. Lien stated we can see, through planning, where people are locating their houses in the County. If one isn't familiar, Lien stated that Hwy 95 corridor, with Ashley and Gold N' Plump being major employers in the County, was a pretty big hot spot for years for construction. One can see that since 2010 that is fading off in those areas. Lien thought this is all about proper planning. Cities, towns and villages need to look at the long term implications. If there is no new home growth you're not having tax increases. New families aren't moving into the area therefore their probably not having increased enrollment in the school districts. These are all long term planning issues that need to be dealt with. Lien thought these maps were great planning tools along with Fletcher's assistance. This is the direction the County should have went back in 2010 but it is not too late to head in that direction now. Britzius thought this issue is critical. Britzius stated we can talk all day about regulating these mines and we want to do that. They are here and we want to regulate them and we need the help of DNR and everybody. We need to manage this. Britzius sees this overlay and management process as being critical. Britzius just had surgery and that is a lot of pain to help him get to a place of less pain later on and that is the way Britzius sees this planning process. It will be very painful to confront these property rights and the battle will ensue about where these lines would fall but in the long run we are going to decrease the pain. People want to build homes and a future and raise a family and invest in a place that they can live. Brandt added they want a quality of life. Britzius echoed that and they don't want to have a mine pop up willy nilly and that is what planning is all about. If I live in the city, I know where the industrial zone is and I know where the residential zone is and I know where the commercial zone is. If you live in the County, Britzius thought it has come to the point where we need those zones clarified. Britzius admitted it is not easy to get from here to there, but it really strikes Britzius as this is what we need to do. Brandt asked if Fletcher had an answer to the question of how to get from here to there. Fletcher responded it is not easy but he thought it starts with talking to towns and seeing what their responses are and they will all be different. Fletcher stated when we put together those original plans in the towns in Trempealeau County, in the southern towns, which is where the planning started back in 1997, the biggest thing that we had to hurdle was that they didn't trust the County. They didn't trust that once the plan left their town board recommendation, they didn't trust that the County Board would follow through. Over those years, Fletcher voiced that we were able to build that trust. When those recommendations/decisions came from the town, your predecessors on the County Board took those seriously and backed them. Because of what has happened with the mining and just how everyone has been hit with the mining, Fletcher was sure some towns out there think you're doing too much and there are some that think

you're not doing enough and there is probably some lack of trust there too. Fletcher thought that what we have to do when meeting with the towns is explain what their districts would look like, find out what their interest is and go from there. That would be the first step and then if there is interest for it, how to then define that area. Fletcher reiterated that the most difficult part is putting those lines on the map. Fletcher stated you take a look at those existing mines, take a look at the rail corridor, etc. There are ways to put those lines in draft form across Trempealeau County and then make modifications based on that. Bawek asked about creating "mine free districts" instead of creating a "mining district". Bawek suggested starting with a survey and see what residents in an area choose to keep their property mine free. Bawek thought when Fletcher had answered that question before, Fletcher has said it was not recognized at the state level for zoning and questioned if that was correct. Fletcher responded that by default or whichever way the County approaches it, you're still ending up with an area where mining would be recommended versus where it wouldn't. Fletcher added that you have the ability through local zoning to develop your districts, based on your plan and you can call it whatever you want. Fletcher explained that the existing zoning districts in your County were developed by a committee made up of the residents of this County. Britzius commented that we received communication in the last few days that the Town of Arcadia has requested some type of a joint meeting in regard to annexations. Britzius requested that issue be put on Wednesday's meeting agenda so that the Committee could discuss a response to that. Some discussion took place. Brandt noted that it was also a recommendation from the Health Impact Study Committee that the communication lines between the municipalities be opened up where they have been closed and they continue to be reinforced where they continue to exist. Fletcher wanted to address Bawek's question and stated that the Town of Caledonia was the first town that he had really prepared a plan for. There was a lot going on in the Town of Caledonia with the sand mines and residential development. The first things that the Planning Committee did was send out a map to each property owner along with a statement which said here is your property, what do you want it designated. They got back a "checkerboard" back and it made no sense because every different person had an opinion on every different thing. They looked at that and at that point decided, you know what we just have to go through a process and make this as open as possible and come up with some recommendations. Let's first of all "blank out" all the landowners and just look at the land and see what makes the best use for it and put those lines down and then bring the property owners in to take a look at it and that was the process. More discussion took place on that first planning meeting in the Town of Caledonia. Fletcher pointed out that as far as property rights people are all over the place but at some point people think that this or that should be controlled. Brandt thought this has been a really helpful meeting as we've received a number of answers and have communicated with the DNR. We are starting to "tick off" those recommendations from the Health Impact Study. Lien thanked Dix, Walls and Fletcher for coming tonight as it was all great information. We all have the same goal and are headed in the right direction we just need a push from the right people to get there. Lien explained a chart that he has Budish working on in regard to the recommendations from the Study Committee and how each of those might be addressed. Budish and Lien will have it ready for the next meeting.

Brandt invited County Board member Sally Miller to speak. Miller just wanted to thank the Committee for taking the Health Impact Study seriously. Miller stated the Health Impact Study Committee met for a year and sometimes several times a month on these recommendations and for hours and hours. It was a lot of work and the effort was over and then it was put into the hands of the Environment and Land Use Committee. Miller thanked this Committee for taking the report seriously because it was a serious endeavor on the Study Committee's part. There were a lot of truly dedicated people with a high level of commitment and intelligence and their passion was visible every time they met. Miller thanked the Committee for referring to the report so that the Study Committee doesn't feel like their time was wasted.

Britzius stated this is a big deal for the County and the County Board and in some ways the State of Wisconsin. Britzius thought that our Committee should make a report perhaps every month or at least every other month to the full County Board to keep them informed and keep it on their radar and keep them thinking about it so we don't surprise them someday with a resolution. Schultz thought it would keep this Committee moving also. Britzius volunteered to do that reporting, therefore with the approval of the rest of the Committee, Brandt appointed Britzius as the reporter to the County Board.

Confirm Next Regular Meeting Date – Brandt reminded Committee members of the next regular E & LU Committee meeting on Wednesday February 11th, 2015 at 9:00 AM which will be held in the Whitehall City Center Community Room.

At 8:10 PM Skoyen made a motion to adjourn the meeting, Nelson seconded, motion carried unopposed.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary