ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
March 16th, 2016 9:00 AM
COUNTY BOARD ROOM

Chairman Brandt called the meeting to order at 9:07 AM.

Roll Call of Committee members took place. Committee members present: George Brandt, Michael Nelson, Jon Schultz (Arrived at 11:10 AM), Curt Skoyen, Jeff Bawek, Kathy Zeglin and Aaron Kidd. Wade Britzius was absent.

Staff/Advisors present: Kevin Lien, Virg Gamroth, Jake Budish. DLM Staff members Kirstie Heidenreich, Carla Doelle and Mark Carlson as well as Ryan Swatek-NRCS (Natural Resource Conservation Service) were present for only part of the meeting.

Others present: Mike Vollrath-DNR, Cindy Koperski-DNR, Mary Anne Bixby, Brad Olson (Eleva-Strum Sewer), Mike Lokken (Eleva Strum Sewer), Gary Bixby, Todd Peterson (Public Works Director-Galesville), Jonathan Roberts-SoCore, Andrew Dahlen- SoCore, Laura Caspari- SoCore , Bill Chang (City of Arcadia Community Developer), Angela Berg (City of Arcadia Clerk), Gary Skroch (City of Arcadia Water & Waste Water Utilities Superintendent), Ashley Slaby (City of Whitehall), Mark Johnson (City of Whitehall), Dennis Pronschinske (City of Independence-Wastewater Dept.), Amos and Rebecca Hochstetler, Tom Forrer, Charlotte Everson, Mary Drangstveit, James Deich (City of Osseo), John Graf (City of Galesville Mayor) Linda Mossman, Tim Zeglin, Attorney Paul Millis (Weld- Riley) , Attorney John Behling, (Weld- Riley), Attorney Aaron Graf (Mallery & Zimmerman, S.C.) and two representative from SEH, Chippewa Falls.

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

Adoption of Agenda - Nelson made a motion to approve the agenda as presented, Skoyen seconded. Motion to approve the agenda carried with no opposition.

Adoption of Minutes
Zeglin made a motion to approve the February 10th, 2016 meeting minutes, Kidd seconded. Motion to approve the meeting minutes carried with no opposition.

NRCS (Natural Resource Conservation Service) Update
Ryan Swatek, NRCS District Conservationist stated they are in the process of ranking applications for the second round of funding for EQIP (Environmental Quality Incentives Program) projects. They have a lot of interest in their programs. They are just hoping that they get the money. Funding decisions will be made the first part of April. They are taking cover crop sign-ups until June 10th. They are also taking applications for the CSP (Conservation Stewardship Program) until March 31st. Swatek is looking forward to the Soil Health Field Day on March 30th. Swatek mentioned that Carla Doelle and others have put in a lot of work into the program for that day. It will take place on the Don Knutson farm and the Herman farm in Pleasantville. Upon Kidd asking about what kind of EQIP projects Swatek was referring to, Swatek stated there are waterway, streambank and pasture, fencing, pipeline and watering system projects. Brandt reminded Swatek that the County has set aside some money for low cost-high impact conservation projects. Swatek stated that they took in over 150 applications during the recent CRP (Conservation Reserve Program) sign-up. Rental rates for CRP land have gone up so it has sparked a lot of interest and not everyone will get approved. Brief discussion took

place on some of NRCS's other programs.

Public Hearing – Land Use Change/Rezone – Exclusive Agriculture 2 (EA2) to Commercial (C) - Amos Hochstetler, Petitioner/Landowner, Blair, WI –Town of Preston

Chairman Brandt opened the public hearing at 9:15 AM. Nelson read the public hearing notice aloud. Lien stated Hochstetler wishes to rezone approximately 1.12 acres from Exclusive Agriculture 2 to Commercial for the purpose of running a retail store. Lien mentioned that he has a letter from the Town of Preston and because this is a rezone it would need to go to full County Board for approval. Upon Brandt asking if Hochstetler had any comments, Hochstetler stated he currently has a mail order catalog business and he is buying out Miller's Store which is currently located on State Road 121 up near Pigeon Falls. He wants to be open to the public and it isn't anything that isn't already in the community. Brandt called for any public testimony. Lien read a letter from the Town of Preston which stated a motion was made by Charlotte Everson to approve the request, seconded by Mike Granlund, all in favor. Brandt called for any other public testimony. Charlotte Everson stated she is a Supervisor on the Town of Preston Board and that Hochstetler was courteous enough to come back to meet with the new board members and the Town of Preston would love to have a new business in the community. Brandt closed the public hearing at 9:21 AM. Kidd stated he rents land from Hochstetler and inquired if that would be considered a conflict of interest. Kidd added if someone feels that is a conflict he would abstain from the vote. Brandt made the call that Kidd abstain from voting. Nelson made a motion to approve the rezone as presented, Skoyen seconded. Zeglin asked if a new building would be built or if one of the current buildings there would be utilized. Hochstetler said the buildings are all there already and that there would be no parking problems. Motion to approve the rezone carried with no opposition. Kidd abstained from the vote. Brandt stated this rezone will go to the County Board on the following Monday night and asked Hochstetler to be present to answer any questions the Board may have.

Public Hearing – Conditional Use Permit – Photovoltaic Energy System (solar farm/energy complex) Riverland Energy Cooperative, Arcadia, WI, Landowner, SoCore 2016 Project Co-W8 LLC, C/o SoCore Energy LLC, Chicago, IL, Operator/Petitioner - Town of Arcadia

Brandt called the public hearing to order at 9:24 AM. Nelson read the public hearing notice aloud. Carlson stated this is one of the first public hearings of this type. Carlson and Lien looked at the Table of Uses in the County Comprehensive Zoning Ordinance and they felt it fell under the "utility facilities" which the definition is "Any structure or equipment, except for communication towers, used or designed for the production, transmission, delivery, or furnishing of heat, light, water, power, sewer services, or telecommunications either directly or indirectly to or for the public". Carlson also asked surrounding county's what they have done and a conditional use is how they proceeded with it also. Carlson noted the land is zoned commercial but it could have been zoned pretty much anything and the conditional use is still required. Carlson received a letter from the Town of Arcadia and he received another correspondence for Testimony in Favor. Other than that Carlson received no other communications. The adjoining landowners were notified and it was published in the newspaper as required. Upon Brandt asking if staff had any recommendations for conditions, Carlson said he had some conditions which Eau Claire County had done for their permit. Laura Caspari introduced herself as the Senior Project Developer for this project. It was noted that the Committee had copies of the project information. Andrew Dahlen stated he is the project developer and he is assisting Caspari with the site. Dahlen explained they are building 11 solar projects for electric cooperatives in Western Wisconsin and those are in about 10 counties. Dahlen explained that SoCore is headquartered in Chicago. They are owned by Edison International which is a Fortune 500 company. They own a big utility in southern California and Dahlen was only bringing that up so that the County would know that they have solid financial backing and a stable financial position. As Dahlen mentioned they are working with electrical cooperatives, including Riverland Energy, in Western Wisconsin. This project is on Riverland Energy's property directly east of their headquarters. It is a little over a megawatt in size. The project itself is a "tracking" technology so the rows run north to south and the panels will slowly track the sun east to west. Just about as fast as the sun moves the panels will slowly move. There will be a 7-foot chain link fence as required by the National Electric Code

surrounding the facility. The construction is very simple – driven piles into the ground which will have a concrete foundation. There will be minimal grading. The site is already zoned commercial and it isn't next to a large residential development so they feel this site is really optimal for this type of system. Most importantly, it is scaled to the size of the electricity demand in that region so this project will not require any transmission lines. They aren't shipping electricity across states lines or long distances. They won't require any pipelines or fuel to be brought into the town. It will really just sit there and produce power designed for that region and all the electricity will be consumed in that region. Dahlen said they had a great meeting with the Town of Arcadia Board, it was unfortunate that Town of Arcadia Chairman, Jon Schultz wasn't present yet. Brandt called for any public testimony twice. Carlson read a letter from the Town of Arcadia which stated the Town of Arcadia was informed by Andrew Dahlen of SoCore that they will be constructing a solar energy complex adjacent to the Riverland Energy building for the purpose of selling energy to the power company. On February 9th, 2016 the Town of Arcadia Board of Supervisors unanimously passed a motion stating they have no objection to this solar project and the Trempealeau County conditional use permit that was presented to the Board. Carlson also received an E-mail from business owners Linda and Travis Mossman and Steven Sendele, Oak Park Inn in the City of Whitehall which stated, "As business owners, advocates for the environment and consumers of energy we are pleased to give our support to the Riverland Energy solar farm project in Arcadia. Unfortunately, we were unable to attend the informational session held by Riverland Energy and SoCore earlier this winter so we cannot speak to the details of this particular farm, however, Linda Mossman after becoming aware of a similar project last summer, spoke to WPPI Focus on Energy Regional Rep. Mike Hodges on several occasions and Mike Noreen, City of River Falls regarding their community solar so we are familiar with the concept and hope one day a similar project may be developed in the City of Whitehall. We believe that alternative energy sources can bridge the gap in our long term energy needs and applaud corporations and individuals who invest in such infrastructure projects. We ask this Committee, after reviewing the plan to issue the necessary permits for this project". Brandt called for any other testimony. There being none, Brandt closed the public hearing at 9:33AM. Upon Skoyen asking if there was going to be a type of substation, Dahlen replied there is a three phase line just to the eastern property boundary that runs along the property boundary to the east. Bawek made a motion to approve the SoCore-Arcadia Energy Project conditional use permit, Nelson seconded. Zeglin stated this is totally new to this County. She knew there were solar projects popping up all over the place lately but this is new ground for us. Zeglin noted there is no ordinance language which pertain particularly to solar farms. Much like when wind energy first came to the County, this is new. Zeglin questioned what the Committee is going to do with it? Zeglin was hoping for a "big splash" presentation so that we would know a little bit more about what they are going to do. In regard to the solar panels themselves, Zeglin asked where they got them from or if they manufactured them. Jonathan Roberts, who is on the project management team answered by saying their banks require Tier 1 equipment for panels, converters and everything that they use, so they need to use top of the line equipment especially on the solar module side. The equipment is manufactured in China. They have third party inspectors in China, in the facilities, monitoring the manufacturing of those panels. They have their SoCore staff that has visited and continues to visit those facilities to personally see the manufacturing process and then once they are shipped, they do flash testing and really just a third and fourth time ensure that they are meeting the quality that the banks require and that our engineers and design team require. Caspari stated the name of the manufacturer is BYD for the modules but there are many components. Roberts explained that after they get the government utility approvals and contracts signed, he is responsible for building the projects. Zeglin inquired about their relationship with Riverland Energy; if Riverland Energy essentially owned the project and SoCore is essentially selling energy to the cooperative. Caspari answered that they own the project and the energy will be sold to Dairyland Power who is the wholesale distributor that provides power to Riverland Energy. A portion of the array will be dedicated to Riverland Energy, as a community solar project, and so that part will be assigned power directly to Riverland Energy for their membership base and the majority will be sold to back to Dairyland Power. Roberts added Dairyland Power will then sell the power back to Riverland Energy but it is part of their broader portfolio that they sell to all coops. It is a little bit of a circular process. Brandt added it is actually a little more complicated than that because Dairyland doesn't sell to cooperatives anymore, it sells to MISO (who decides when and where the power goes to) which raises the

question who does own the power. In your presentation you made the case that this would be power for the region. If, in fact, only a fraction of it goes directly to Riverland Energy and the rest goes to the Dairyland Power/MISO, are you saying it is regional power or are you saying it is going to be part of the interoperability connections. Caspari replied that the distinction there is because of the size/scale of this project it is small enough that it only feeds the distribution network so the electrons from the project will be used locally at the closest line to this location, but the pat wheel line facility will sell the power to Dairyland Power. It doesn't physically go into the transmission system; it stays in the distribution system. Brandt clarified that it stays within the Riverland distribution system. Zeglin asked about the relationship with Riverland Energy and if SoCore is renting the land. Zeglin wished that someone from Riverland Energy would have been present to chat with the Committee about this. Zeglin asked about the maintenance of the equipment and if they have someone on premise at all times. Roberts stated they will be maintaining the system as well. There isn't someone on the premise at all times but they have an operations and maintenance department within the company. SoCore has about 300 installations across 17 or 18 states nationwide so they are maintaining those on an ongoing basis. They have online monitoring as well as scheduled maintenance inspections on these facilities so this project would be included in that portfolio. Caspari added that solar energy is one of the lowest maintenance energy sources in the country. Caspari explained the main things are washing the panels if one is in an area where that needs to be done, mowing the grass, doing an annual inspection and then if a module breaks down replacing it. Roberts re-emphasized there that is online monitoring so they can see in real time the production of the system so if there are any problems they know immediately and they can dispatch someone for maintenance purposes. For the National Electric Code there are a variety of failsafe spokes to the system so if anything ever happens there are several checks that would prevent any type of failure to the system as it is designed to shut itself down. Upon Zeglin asking where the online monitoring takes place and if it was someplace in Chicago, Roberts responded yes. Upon Brandt asking about whether there was a guy who went around and pulled snow off of these panels, Caspari responded because the system will slowly move throughout and track the sun, for the most part, the snow should fall off. Zeglin clarified that there wouldn't be anybody stationed in Wisconsin, but that they would dispatch someone from somewhere else. Caspari responded that at this point she wasn't sure; they may end up having to base someone in Wisconsin if they build enough projects. Caspari did note that they are doing 11 projects with Dairyland but this is the only one in this County right now. Zeglin stated mowing grass was mentioned and asked if that is going to be the planting under the units. Caspari said they are planning on planting a low growth native vegetation and when she says "mowing" she is just generally speaking about maintenance of the plantings around the array. She further explained that typically they will plant a low growth native vegetation underneath the array and then around the perimeter they may do something that is a little bit higher. They are working on that seed mixture right now. Roberts added that is something that is often subcontracted out to some type of local establishment. Kidd asked, when they do their budgets on a project like this, what the life expectancy was. Caspari responded at least 25 years. Bawek was curious, in regard to the energy being produced, if that will be more or less expensive than the current rates? Caspari responded they are selling the energy wholesale so she couldn't really speak to what retail electric providers charge. Roberts did comment that the cost of solar isn't going change in the next 25 years so Dairyland knows exactly what they'll be paying 25 years from now, so it's not like other fuel sources. Bawek asked if there were extensive grounding requirements with solar. Roberts responded they will follow the National Electric Code to the letter and then usually they work with the local jurisdictions to inspect based on the electrical and building permits. They will go through thorough inspections. Roberts has worked in five states on thirty-four sites and the grounding is a critical part of all of their systems and like Roberts said they follow the National Electric Code explicitly so it is incorporated into their engineering design. Bawek asked if that was typically done through the support stand structures. Roberts responded that is a part of it and that is what they would call the HEGC ground as opposed to an EGC ground. Bawek stated there is a road to the east and their panels will be facing east. Bawek asked if, in the morning, they have considered the glare factor. Roberts responded it has come up in other county meetings and they've considered it and it is not a concern. Dahlen added the panels are made of anti-reflective glass so they are made to absorb all of the sunlight and minimize glare. Also, the Minneapolis airport just built a large array using very similar technology and a lot of

airports around the country are installing solar so they are keenly aware of the glare concern and that is not a concern. Dahlen added there is another technology which is designed to reflect sunlight onto a module but that is different technology than what they are using. A lot of cooperatives in Western Wisconsin have this installed next to their headquarters building and that is not the technology that SoCore is using. Roberts commented there is something call coefficient of glare so if you imagine a mirror being "1" meaning perfectly reflected, these modules typically have a coefficient of glare of .13 to .15. To give a comparison, Roberts stated that a typical field of soybeans has a coefficient glare of .3 or .4 so this is less reflective than current agricultural crops. As was mentioned, with the diffused reflection it is not like a shiny smooth glass surface, Roberts said it is a kind of a rough textured surface that's kind of a diffused reflection of light so it isn't going to shoot a beam of light at the road and that's for sure. Caspari elaborated a little more on the array being different to the array one might see out in California. Bawek stated that, in their literature they talked about substations requiring an enclosed chain link fence 10 feet high and you're requesting to be approved for a 6-foot fence plus 1-foot barbed wire. In the presentation it talked about a 7-foot fence and Bawek asked if we should be talking about the 10-foot fence. Caspari thought the 10-foot reference comes from the County Ordinance as a requirement for substations and stated they are not building a substation. According to Caspari, electrical code requires them to do a 7-foot fence so that is what they are requesting. Zeglin is concerned not only about security but also about wildlife and asked if a 7-foot fence is sufficient for deer management – to keep them out. Zeglin didn't think there would be anything that might attract them but one never knows and we certainly don't want the equipment damaged by wildlife nor vice versa. Caspari noted that 7 foot has been the standard of what they are doing throughout the Midwest and she hasn't seen any concerns of this nature but that is up to the Committee whether they want to make that a condition. Brandt noted that DeWayne Snobl who takes care of the County Wildlife Damage projects creates 6 foot fences to keep the deer out. Lien commented that he would mirror what Brandt said and that the only issue is that sometimes with those instances it has to do with topography (where there is an embankment or something) but this is flat terrain so Lien thought that would be sufficient for wildlife and as long as it is managed it would be fine. Caspari added that the benefit of this site being right by the Riverland facility is that there will someone there most of the time if a deer does get into the array. Zeglin asked if there was any battery storage at all. Caspari said there is no storage. Zeglin stated mowing was mentioned and she asked if the foresaw doing any spraying there at all for i.e. herbicides, insecticides, etc. Caspari answered that they hoped the native vegetation will disprove a need for that but she said they may need to do some from time to time as they want to maintain the site. As far as spraying, Zeglin had a concern because the Wiemer's next door are an organic dairy (Zeglin was unsure about Smith's next door) and she was worried about any sprays that might be used affecting Wiemer's certification or their ability to stay organically certified as we don't want to harm any businesses that are already in the area. Zeglin thought perhaps the Committee could look at a condition at that point that any spraying that might need to be done qualify for organic standards. Bawek thought the buffer requirement was 60 feet. Zeglin asked if there were ever any problems with stray voltage. Caspari said no as everything is grounded, etc. Zeglin asked if anyone has ever complained about noise or do the array's hum. Caspari answered that one of the ways that they design their arrays is that they use string inverters so they are smaller and it doesn't make noise so there is nothing you're going to hear when you're walking down the street. There are some projects that use a different inverter so they do have some type of a hum but Caspari said they are not using those type. Zeglin clarified that the life of the panels would probably be about 25 years and asked what happens after 25 years. Caspari stated at the end of the life of the project they will remove all of the equipment above and below ground and the return the field to its former status. Upon Zeglin asking if they had an agreement with Riverland to do that, consensus of the applicants was that they did. Upon Brandt asking for suggested staff conditions, Carlson stated the only conditions that Eau Claire County put on where some that are going to be met anyway; the site plans that were submitted with the application shall be attached and made part of the permit, any improvements shall meet all setback requirements (covered under zoning), access to the solar facility (in this case it will be off the Highway) shall add no additional traffic/traffic flow and minor modifications of the site layout and the operation of this facility may be approved or denied by the Eau Claire County Supervisor of Land Use Controls (Carlson assumed that would be like the Dept. of Land Management), major modifications will require an additional conditional use permit, applicant

must control dust at all times during construction and the owner shall allow staff from the Eau Claire County Planning & Development to enter the property at reasonable times to inspect the premises for compliance with the conditions of this permit. Eau Claire County conditions also talked about the abandonment after use and that has already been discussed by the Committee. Another condition was that any proposed lighting shall be shielded and directed down to minimize light problems around the area. Roberts commented there will be no lighting. Carlson added that Riverland and Gold N' Plump already have lighting around their facilities. Carlson noted that even though it wasn't a condition of Eau Claire County, someone from another county had mentioned that the plantings should be prairie plantings or something conducive to the use also. Brandt asked the Committee to consider those conditions as well as the aesthetics, how it fits in with the land use around it, safety, health - related to the project, whether or not the people we're dealing with are able to do what they say they're going to. As was pointed out this is a first for Trempealeau County. If there are solar panels, they are usually owned by individuals in their back yard and are nothing as public and large as this. Zeglin stated she liked the conditions that Carlson has brought forward so far. She questioned when the project is over, as far as financial assurance, did the Committee need to pursue any of that or are we comfortable with their contract with Riverland as far as dismantling. Bawek commented that Riverland Energy owns the property so he was sure they have that covered. Discussion took place on the matter. Caspari commented that what they typically see is something like "within six or twelve months of the end of the operation of the facility we shall reclaim the site to its pre-existing condition". Lien stated the applicant had mentioned the life span of the panels is roughly 25 years and asked if it would be possible that they would just replace panels after 25 years and it would be a viable facility again. Caspari said that was right and that it is at least 25 years but it could quite easily be considered longer than that and that their warranties go out to roughly 20 years but the life of the modules should be at least 25 years and yes, they may just replace equipment at that stage. Lien elaborated on how this fit into the current Ordinance, but suggested that, in the future, if there were more proposed we might want to look at drafting some type of Ordinance language. Zeglin made a motion to add the condition that any chemicals used on the grounds be organic grade friendly or certified for use on organic farms. She wanted to make sure there was no harm done to any neighbors. Carlson asked if they are spraying, i.e. 60 feet away, if Zeglin wanted it for the whole thing or to meet the buffer that Bawek had talked about. Zeglin stated it appears from the schematic that there is only 25 feet to the property line. Swatek mentioned that there is a national organic standard that typically there is a buffer around everybody's field so a lot of organic growers have some kind of buffer on their side of the property already because they can't control what the neighbor's done. Swatek thought it was a 25 or 30- foot buffer that they have already established on their own property. Kidd seconded Zeglin's motion. Motion to attach the recommended condition passed with no opposition. Upon Bawek asking if we are including any of the conditions that Carlson read, Brandt responded that many of those are already taken care of within the plan that exists. Motion to approve the conditional use permit with the one condition passed with no opposition. At this time the Committee took a short recess.

Chairman Brandt called the meeting back to order.

Nutrient/Pollutant Trading Discussion Presentation - WI DNR Representative

Brandt called on DLM staff member Kirstie Heidenreich to explain how we got to this point. Heidenreich stated for those who are here from waste water treatment facilities, she was the one that originally contacted them via letter. Heidenreich thanked them all for coming today and for being patient throughout the morning. Heidenreich stated she thought it was exciting to see how many people are here to learn more about nutrient trading and that one will learn there are a lot of different ways to name what we are doing today. Some call it water quality trading or phosphorus trading. We will probably be referring to it as nutrient reduction trading around the counties. The end goal is to reduce the amount of nutrients or phosphorus in our waterways in the County. This is a brand new initiative to Trempealeau County but it is not something that is new to our State. It really is gaining popularity around Wisconsin so we are very lucky to have two representatives here today from the DNR to give us this presentation. Heidenreich stated our goal for this meeting is to have you educate yourselves a little bit about what this is and, speaking for DLM staff, we've had to hear some of this information several times truly before it kind of starts sinking in because it is a concept that one doesn't

necessarily get right away as there is a lot to it. At this time everyone in the room introduced themselves and what municipality or who they were representing. Heidenreich explained the DNR representatives will give a condensed version of their two-hour presentation and if municipality representatives like what they hear, the next step would be to contact us at the County, let us know that this is something you want to potentially pursue and then we will set up a private meeting with you, DLM staff and DNR staff and then we will get into the specifics of how the program works. Heidenreich turned the meeting over to DNR staff members, Cindy Koperski –Runoff Management Specialist in La Crosse County. Koperski said she works mostly with the DLM staff here regarding agricultural runoff. Koperski handed out a paper copy of the talk they will present today. Mike Vollrath introduced himself stating he is the DNR Waste Water Supervisor for the West Central region which includes from St. Croix County over to Marathon County down south to Adams and Juneau and then back over to the Mississippi in Crawford County – so it is 19 counties that comprise the DNR's West Central region. Vollrath stated the reason they are entertaining nutrient reduction trading is that recently, within the last five years, the State passed some water quality based effluent standards for industrial and municipal dischargers in Wisconsin, that lowered their typical phosphorus discharge limits from one part per million to 1/10th of a part per million or less, so potential significant costs to meet those new limits. The presentation that Koperski has developed will give some background on those limits and how to move forward. At this time Koperski gave her Power Point presentation which is attached and made part of these minutes (A videotape of this meeting/presentation can be obtained by contacting Trempealeau County Community Television (TCCTV). Koperski did emphasize that it is completely up to the cities/municipality to decide what is best for their community and it is up to them to decide whether or not they want to do pollutant trading and then they need to get in touch with the County. Vollrath added that is an intrical step and why we are here today is to determine whether a particular Land Conservation Dept. would be willing to assist. DNR would like to confirm that as that is one of their reasons for being here today. DNR would like to start making some of these contacts between County level government agencies and municipal people responsible for trying to implement these rules. In regard to pollutant trade facilitators, the municipality can go straight to the farmer and ask them to reduce their phosphorus and then the municipality would come up with how they are going to do that but most municipalities don't know how or they can go through a 3rd party broker which DNR is recommending it be the Land Conservation Department. Koperski added it could be a private consultant but most private consultants around, that Vollrath and Koperski know of, are working with the municipalities, they are not working with the farmers, so Koperski stated you will get the best "bang for your buck" with the County Land Conservation Department because they have been doing this, in Trempealeau County especially, since the 70's as Trempealeau County had one of the first watershed projects in the State. Koperski noted that DNR has been sampling the Trempealeau River at Dodge since 1970's once a month and basically the average phosphorus level in the river is .3 milligrams per liter and it has been that way for decades. Koperski guaranteed that there is no way you're going to get enough work on the landscape to reduce that river to .1 at Arcadia. Vollrath added that is only based on pounds offset from the municipality's industrial dischargers. He isn't saying the river can never reach that, he just saying based on offsets from municipalities. Koperski said it would be a huge task and that is why they didn't discuss active management today, they discussed pollutant trading because it is basically this is the chunk (pounds) that the municipality has to reduce in their discharge so we're going to carve away at that by improving things on the landscape and reducing the phosphorus reduction on the different farmers and we're going to carve that away. Trading has already been done in Wisconsin and other states. It has been done in Sparta so if anyone wants to talk to someone there, Koperski suggested to call them. If a municipality is going to participate in the pollutant trading, they declare it to the DNR and they also declare it to the Land Conservation Dept. and say, "Will you help us". Koperski said she is also here to say to the Land Conservation Committee, "We would like you to endorse your staff to be able to do this". There would be dollars coming in. It isn't going to be money coming in all at once, it would be over a period of time. It would help with staffing to go out to actually determine where the problems are and where the phosphorus can be saved and how much it is going to cost. The money would then be there from these communities' and it would have to be segregated (each one of them) to work with the farmers in that watershed. The point source and the County then work to develop an agreement. The point sources give financial resources, over time, to the

County to implement BMP's (Best Management Practices) on the landscape in a specific watershed, upstream of their discharge and the County tracks and enforces agreements with landowners as necessary. Koperski said this is the start of something new that is why they are glad there are a lot of the municipalities present. Koperski said DNR has talked to Whitehall, Ettrick, and Arcadia. It starts with the communities themselves figuring out how they are going to meet their permit limits. If they need assistance from the County, then the County is saying, "We're here to assist you" and then setting up a system to be able to do that. At this point, Heidenreich shared some of the DLM staff opinions on this subject. Heidenreich stated there really are four key players here. DLM staff is excited because it really does benefit all four key players. Wastewater treatment facilities have these standards to meet that, at this point, seem kind of impossible but this provides you with an opportunity to reach those standards at about 50% of the cost of upgrading your facility so, as Koperski had said these BMP's can be done on the land and it costs you approximately $60 an acre versus $110.00 an acre putting that into your facility. These are more permanent fixes of the land that you would be investing in. If you do streambank work and put in riprap that is something that will be in place for a long time and one wouldn't keep having that high level of phosphorus running through the area. This really does help wastewater treatment facilities and municipalities have a sense of ownership in the overall environmental health in the County. Koperski did talk about the problem that the Trempealeau River does have with phosphorus. Heidenreich stated the Trempealeau River also has the highest level of phosphorus in the entire State of Wisconsin. That is a big burden that we have on our shoulders in Trempealeau County so Heidenreich thought we need to realize that people around the State are looking at us and at what we are doing about it. Heidenreich added that if we all work together and we see immediate results, Trempealeau County does have the opportunity to be one of those leaders in the State through example. From a County perspective, we always have this huge "bucket list" of conservation practices and Heidenreich could only imagine how frustrated people like Doelle get when she has all these landowners coming to her saying, "I have all these issues" and the money is gone every year. There is never enough money to do cost sharing with all the landowners that want projects done. We say we have some of the most highly erodible land in the entire State of Wisconsin but we don't have enough money to fix it. Heidenreich suggested putting this program towards that problem. In regard to the third partner, the farmer, all of these conservation practices are going to do things like increase their yields and increase their soil health as well. It will benefit their operations as well. The fourth partner, the State (DNR) will look at Trempealeau County and they will see what we're doing as a whole to improve the Trempealeau River and so it will impact the greater health of the entire state. Heidenreich reiterated those are DLM staff thoughts, it doesn't represent the Committee but DLM staff has really been excited about some of the possibilities of things that can be done through this program. Brandt asked Doelle to "make a pitch" as to why the County would want to be their broker. Doelle stated she felt it is a good opportunity for our Department, the landowners and the municipalities based on the fact that, as a grant writer, and doing this for many years and historically knowing that it is a very competitive system out there trying to get additional money into the County for putting practices on the land if we can work with municipalities, who have goals that they need to meet, that it is a win-win for both of us. Doelle would be excited if this opportunity could become a possibility for our County. We have a long standing history with conservation practices for construction, installation and the success of them and we have a lot of good records on the amount of sediment that can be saved and phosphorus that can be saved by putting in the appropriate practices where they are needed. Brandt commented you have the relationships with the landowners, where you can identify where there are needs. Doelle stated she has a list of people that want to do things, but the money is long gone before we can ever get to all of those people. The only shortfall that Doelle could perhaps see was that we may be short in staff for the field work portion for survey design, construction installation and inspection because we have a lot of existing, current commitments with existing grants and the money that we get on an annual basis from DATCP, even though it is a small amount of money, it can still go to serve many smaller practices. Lien added, as Vollrath and Koperski had stated, we were one of the first to get a watershed in the State. If one looks at all the watersheds we have had in the County and our unique topography, the farming location, the HEL land, Lien stated all those things are constant battles for our landowners and staff, so it isn't a matter of whether the work is out there or if it is needed, but the question would be if we have enough staff to do it. Lien added that we have the relationships with the farmers. Lien stated we would be

looking for support from the Committee as to whether it is something they want the Department to pursue knowing that if it does become a workload there would be the need for additional staff to meet that work load. At this time Brandt asked if the municipalities had any questions. Koperski also urged the municipalities that if they had any questions or concerns they should talk to their wastewater engineer department. Vollrath is their supervisor so you could also talk to him after today's meeting. There being no questions from the municipality representatives present, Brandt asked for any Committee questions. Kidd commented he would rather see money spent on preventing a problem rather than money spent on filtering it out. Zeglin stated she and Schultz were able to attend the initial meeting with DNR and DLM staff which contained a longer presentation and it was nice to hear again. Zeglin stated one thing that hasn't been mentioned is that phosphorus is naturally occurring in our soils, it is not only from fertilizer or animal waste and Trempealeau County does seem to have a lot of it naturally occurring. In regard to readings on the Buffalo River, Zeglin asked what we are seeing up there in the northern part of the County. Koperski answered she would need to look into that and get back to Zeglin. Koperski knew there were 30 rivers that were sampled since the early 70's with DNR staff dollars but the Buffalo River wasn't one of them. Koperski wasn't sure why. She knew there has been water quality monitoring done there though and she could get that to Zeglin. Vollrath added that in all honesty he didn't think the river would meet these water quality criteria that we have established in conjunction with the EPA. That means that when the water body does not meet water quality criteria standards that is when these municipalities get these restricted limits. In all likely hood, any discharges from there also would have to meet restricted limits and due to the nature of our watersheds within the area, in all likelihood it would not meet those criteria. Brandt commented it was a pertinent question because three of our nine incorporated municipalities are on the Buffalo River. More discussion took place on obtaining the phosphorus numbers for the different municipalities. Bawek made a motion that we get involved in the pollutant trading in our Committee and/or Department. Bawek added that he was really surprised at this presentation because it is rare that one sees a common sense approach taken to a problem that benefits all levels of involvement – both voluntary and involuntary – there are no losers in this. Bawek questioned why we wouldn't want to be involved? Zeglin seconded the motion. Motion to approve the involvement of DLM and make our DLM staff available on this phosphorus trading project passed with no opposition. Some discussion took place as to what the next step for the municipality would be. Brandt thanked everyone for coming today.

Governmental Responsibility Resolution

Brandt read the resolution aloud. Doelle explained this resolution is passed each year by the Committee. DLM is required by DATCP to submit a new one each year to this Committee, therefore showing we brought it forth, and thus identifying who in the Department will be responsible/authorized to sign the documents submitted to DATCP. Zeglin made a motion to approve the resolution as presented, Skoyen seconded. Brandt asked if this precludes us from giving cost share to any of these projects. Doelle explained that we can't use the TRM funds for the pollutant credits so Doelle stated she is in a dilemma as to how to apply for some things because if a municipality is interested in participating then does she put the effort into a 20-page grant application for something that the municipalities might want to do with that farmer instead for the benefit of pollutant trading versus writing a competitive grant application. Doelle is trying to sort out what is the best route and the best investment of time. Some discussion took place on Doelle's quandary and whether or not the different funding sources can be "piggybacked". Motion to approve the resolution carried with no opposition.

Committee Review/Approval of Farmland Preservation working draft (Highlighting Goals/Objectives Section of FP Report). Heidenreich stated last month she let the Committee know that we have completed our Farmland Preservation report and she had handed out a list to the Committee of goals and objectives to guide Farmland Preservation in the County. That is the part of the report that she was looking for Committee input on. Heidenreich has more copies of the report available today if anyone needs one. Heidenreich had asked the Committee to look it over and let her know if there were any types of goals within the report that the Committee didn't feel comfortable with or that they wanted removed or added. Brandt commented this FLP plan has many of the elements of the strategic plan in terms of environmental health, community health, awareness and

diversity, etc. Zeglin thought it look pretty good to her but she should review it again. Zeglin asked what the time line was on the report. Heidenreich said the goal today is to receive any changes from the Committee and if there are no changes then Peter Fletcher from the MRRPC (Mississippi River Regional Planning Commission) and Heidenreich will work together and submit our FLP plan to DATCP in Madison. DATCP will review both our report/plan and also the maps. DATCP responds and lets the County know if they see any problems and then they would approve our FLP plan. At that point, if it is approved it becomes a "certified" FLP plan. According to Heidenreich, we've had a plan but it has not been certified by DATCP so we want to work towards that goal because it does open the door to other possibilities to things we can do with FLP in our County and it increases the amount of money people can claim on their taxes in the future. Once it is certified then we would ask the full County Board to adopt it into our County plan. Committee consensus was that there were no changes.

Project Initiation Form-ESRI Software License for Spatial Analysis and 3D Analysis for LiDAR
Brandt explained that LIDAR (Light Detection and Ranging) allows us to see our topography in 3-D and to create two foot intervals on the contour and to remove vegetation and buildings from the picture so one just sees what the "bones" of the County look like. To make use of that information requires some pricey software. Brandt referred the Committee to a Project Initiation form. Ann Hempel was asking for permission to spend some grant money to acquire the 3-D and spatial analysis which would give us the ability to create 3-D terrain models and do some analysis on volume and surface area, etc. Hempel emphasized that she does have grant money available. Hempel said, right now, all we can do is look at elevation lines and that really doesn't give anyone a good idea of what could be in the future and what is going on. Brandt commented we are doing a lot of water testing right now and as he understood it, this software would make it possible for the County to look at groundwater in 3-D – depth of wells, where the bedrock is, etc. Hempel agreed and added one could get a cross section of an area as well where one could see the terrain as if they were standing right there. A discussion took place about how much grant money Hempel had available (approximately $50,000 this year) and how much the software ($4,500) would use up. Lien commented that because of the County's purchasing policy and project initiation form, Hempel had to fill that form out, Lien had to approve it and it does need Committee approval to move forward. Lien stated we are not asking for additional money but just going through the approval process in order to be able to spend the money that we have. Hempel added she already has software through this Company and it would be an annual licensing maintenance fee of $4,500. It would be over and beyond our user license. Upon Bawek asking if Hempel would be using grant money on a year-to-year basis, Hempel responded she applies for it each year. It is part of the WLIP (Wisconsin Land Information) state grant program and each year it is a different amount of money. Nelson made a motion to approve the purchase, Schultz seconded, and motion to approve carried with no opposition.

LWRM (Land & Water Resource Management) & TRM (Target Runoff Management) Requests and Payment Approval – No payments were presented. Lien commented that the LWRM Advisory Committee had their first meeting last Wednesday night. We have potential changes that have taken place in the County since the last revision which took place in 2011. It was suggested by the LWRM Advisory Committee that we include someone from the industrial sand activity in Trempealeau County on the Committee. The LWRM Advisory Committee asked Lien to try to contact five people from the industry and have them appoint someone. Lien stated DLM staff made a decision to contact Kramer Company because they are involved in aggregate and industrial sand mining. Kramer Company stated that Dick Marino would serve on the LWRM Advisory Committee as the representative for the mining industry. Lien stated he would keep the Committee posted as they continue to make progress with the LWRM plan.

Surveying Update and Payment Approval – Lien presented County Surveyor Joe Nelsens' report and bill for survey marker maintenance in the Town of Chimney Rock. Mike Nelson made a motion to approve the payment as presented, Schultz seconded. Motion to approve carried with no opposition. At this time the Committee took a short break.

Brandt called the meeting back to order. Brandt announced the Committee was skipping to agenda item #17.

******Special Meeting Agenda Items******

Schedule Public Hearing and Discuss Process/Procedure for D95 North & South Mine Sites Appeals – Lapsing Permit/ "Activity". Brandt acknowledged Attorney Paul Millis, Attorney John Behling, and Attorney Aaron Graf who were present. Brandt stated that Graf is here to guide us (the Committee) in discussion in relation to process and procedures for D95 mine site appeals-lapsing permit and the definition of "activity". Brandt said Graf would give us his presentation and then give the Committee their options for discussion. Graf has assured Brandt that if, at a future meeting, the Committee wants to go into closed session to discuss legal options, the Committee can do that at another meeting. Brandt stated the Committee will be constrained to some extent in terms of the questions and answers we will be having related to this issue. Graf stated he was from the law firm of Mallery and Zimmerman, S.C. Graf has been retained by the County insurance company to provide some assistance and guidance to the Committee based on the issue we are about to discuss. Graf asked Lien to give a brief rundown of the D95 site and procedural history and how we ended up at this point. Lien stated that after the initial public hearing there was a set of conditions to be met and D95 North and South went through the process of meeting those conditions. Then, they were sent a letter from staff, right around the time that those conditions were met, that they had to start the "activity" compliance on an annual basis where staff would continually monitor all the sites in the County, not just these two sites, on almost a weekly basis as to activity. Lien stated he believed there was a meeting sometime in September where we met in Corporation Counsel Rian Radtke's office about a discussion on activity where we agreed they would submit an activity plan and we would verify if that met the Ordinance language. Lien said the County received an e-mail around November 17th (Lien thought Budish had the paper copy around the 23rd). We reviewed it and sent a letter back commenting that, as submitted, did not meet the activity requirements. They resubmitted another plan right around the 30th (Lien thought). We commented back saying if they followed through with activity as presented in those plans they would meet the activity requirements on both sites (D95 North and South). So then staff continued to monitor those sites and to date there was no activity at the D95 South site as deemed by staff. The North site did have some forms of activity, not in conjunction with the plan, or not as staff viewed it as meeting the activity requirements set forth in the Ordinance. We had sent them a decision on January 20th saying they did not meet those requirements and permits would be revoked. Graf added that they subsequently filed a request for a hearing with the E & LUC under 13.03(5) (b) (e). To be clear, Brandt stated this is not that hearing. Graf agreed and said this is the meeting where this Committee will hopefully decide the procedures that they are going to use at the hearing along with possibly scheduling a date and about how long the hearing will consume. Graf stated he wasn't here to make any decisions for the Committee but just to present the options and that whatever decision is made is as legally defensible as possible. Graf asked Budish to pull up Chapter 13 of the Ordinance. Zeglin clarified with Brandt that we are not talking any specifics today, we are merely laying down ground rules for the appeal. Graf went through the section of the Ordinance pertinent to the issue. Graf read aloud from the Ordinance "After a conditional use permit has been issued and if no activity has taken place within the first 12 months, (1) The Zoning Administrator shall determine whether activity or non-activity has taken place. If there is not activity, then the permit lapses as a matter of law and there is no conditional use permit anymore at that point". Graf said that is the section of the Ordinance that has been implicated here. Graf knew that this section of the Ordinance hasn't been a central focus of the Committee so far so he wanted to review it quick. Graf then reference subsection (e) Should a permit holder wish to contest the conclusion of the Zoning Administrator that no activity on site has taken place during the 12-month period immediately preceding notice to that effect, the holder may request a public hearing before the County to present evidence of activity at the site. At such hearing the burden shall be upon the permit holder to establish to the satisfaction of the ELUC that allowable activity did take place within that 12-month period. The permit holder shall be responsible for all costs. In the event the County shall conclude that the Zoning Administrator was in error, it shall continue the permit for the period of time remaining under the original permit commencing with the date of notice of its decision. Graf stated that is what the permit holder is invoking here and you as the ELUC have to decide what procedures you

are going to allow, schedule the hearing and how long the Committee will give them to present their evidence. Graf also reference Section 10.08 of the Comprehensive Zoning Ordinance which defined the public hearing. Graf read aloud subsection 10.08(2), "The Zoning Committee may adopt any formal or informal public hearing procedures", so that is what we are deciding. Brandt said this is something we have done in the past, i.e. changing public hearing forms, requiring expert witness to register in advance, etc. Graf explained the different types of hearing procedures and what types of testimony and/or witnesses might be allowed. Graf noted the Committee has to make sure that they give the permit holder their procedural due process; very generally the opportunity to be heard by a fair and impartial decision maker, for them to present their evidence and have that considered before a decision is made. Upon Bawek asking Graf if a "formal" hearing would help or hurt the County, Graf responded he didn't know that it would help or hurt but that it was probably a little bit of overkill. Graf explained that a contested case hearing would be useful as there might be a lot of questions as to what actually happened/disputes about evidence. In that case it is good to have persons sworn in and have cross examination so one can get to the truth, the heart of the matter. Here, Graf stated they are in possession of probably 90% of the information as to what occurred at the site, what operations they engaged in so there shouldn't be a lot of disputes. Graf thought something more akin to a conditional use permit hearing would probably be sufficient and perhaps more appropriate. In regard to the term public hearing as mentioned in Chapter 10, Brandt asked if it was something the public was allowed to speak at or if it was just something the Committee sits and listens to. Graf responded that it would be a hearing open to the public but he didn't foresee any scenario where the public would have any relevant information that the ELUC would consider as to whether activity occurred. Graf thought this hearing would be almost exclusively between the permit holder and the Department of Land Management to the extent they had additional information on the activity. Graf stated there is no requirement that we give the public an opportunity to speak and in Graf's opinion it wouldn't be relative to the Committee's consideration. Graf informed the Committee that there is a certiorari issue as there has been an open records request submitted to the County, and just this morning it was clarified, and it is rather broad and extensive. That is something that is going to take the County awhile to respond to. Upon Brandt asking if it was related to this, Graf responded that one could argue it. Graf said it is certainly related to one seeking information about chapter 13 activity and past determination of activity on other sites, so it is related. Whether that evidence would be related to the decision as to whether activity occurred on this site is another issue. Based on past open records requests, Graf thought it would take at least 120 days to satisfy that open records request as it is that extensive. Graf added that obviously the permit holder would want a chance to review that information. Brandt asked where the permit stands up to that point. Graf stated that right now the permit has lapsed and recently a Stop Work order was issued on the site after the permit lapsed. As far as Graf knew, which Lien confirmed, the Stop Work order is being complied with. Graf emphasized to the Committee that we want to give the permit holder their due process; we wouldn't want to have the hearing, i.e. produce the records 60 days later and then have important information in those records that wasn't considered here. Graf stated the permit holder has requested a four day hearing under the idea of that it would be a contested case hearing. Graf recommended that the Committee schedule a special meeting for one whole day particularly for this hearing and then if needed another day could be added. Graf wasn't sure four days was necessary at this point. Graf stated the Committee has to give the permit holder due process but that doesn't mean you have to let them speak for two weeks on whatever they want, the Committee can set time limits and inform them ahead of time as to what will be allowed. After a lengthy discussion on the different types of hearings and what the Committee is used to or would feel comfortable with, and the length of the open records request, the Committee decided to tentatively schedule July 20th, 2016 from 9:00 AM-4:00 PM. Brandt noted that there would probably be a partially, new Committee in place at that time as there are elections coming up and the reorganization of the County Board however Bawek, Kidd and Zeglin would remain be on the Committee. Upon Tom Forrer mentioning he was confused about Kidd checking his schedule as Forrer thought Kidd would have to recuse himself from this hearing as he is involved in mining, Brandt responded the Committee was discussing that but thanked Forrer for raising the issue. Attorney Behling stated July 20th worked for them. Brandt re-stated a special meeting is tentatively set for July 20th, 2016 from 9:00 AM to 4:00PM with consideration of the open records request. The Committee agreed that DLM staff and the appealing party and their specialists would be the only persons allowed to speak to the Committee. Discussion took place about the format of the hearing. Brandt said the Committee will remain flexible as they would schedule the one day and if, at the end of this day, we have not reached a conclusion, it will be decided if another day is needed. Brandt advised Committee members to try to keep the following day, July 21st, open on their calendars. Zeglin objected as she didn't see why this couldn't be finished in one day. The

Committee agreed the hearing would be as informal (no swearing in of witnesses) as possible, akin to a Conditional Use Permit hearing. Graf said he would put together some guidelines and get those to Radtke. Attorney Millis asked if that would include allowing the permit holders to tell people to attend as a witness so that they can make sure that they can provide the Committee will all the information possible. Millis wasn't saying they were going to have to use that but if they have, i.e. a contractor that is no longer working for them, and they need that person to come in to tell the Committee that he worked on these days and this is how many loads I took, etc., we may need to compel that person to appear. It was clarified that the group was talking about the allowance to subpoena a person to appear. Discussion took place as to if the Committee had that power to make that decision. Graf thought the Committee should consider it. Millis said he did believe that the Committee had that power and also that Millis, to meet their procedural due process, needed to have the ability to compel someone to appear based on that fact that they have a $55 million project out there that is in jeopardy. More discussion took place. Brandt stated if Millis wanted to come with a letter from someone that would be fine. If they ask someone to come and they can't make it perhaps something could be videotaped. Brandt didn't think the Committee wanted to compel anybody to come to the meeting. Brandt stated he suspected you guys (Millis and Behling) are skilled enough in your presentation to get the point across to the Committee in order to make their best case. Brandt thought they (Millis and Behling) understood that the Committee is relying on their best judgement, you're relying on your best ability, as is our staff and their information and when we sit down in a room together the truth will come out and that is what we hope and trust will happen. It was agreed that if the permit holder does run into a situation with a person in regard to presenting information that they keep the Committee abreast of the situation. Lien asked Graf if the Committee had to stay the hearing because of the open records request and if after that was met there was another public records request would that delay the hearing again. Graf stated there is no hard and fast rule that says if there is a pending open records request that pertains to the hearing that you must wait, it is more of a "best practice" as far as getting the permit holder the due process required. As Graf had stated earlier, what the Committee wouldn't want to happen is that you hold the hearing, come to a decision and then provide the records and then have important relevant information in the records request that the permit holder was not in possession of at the time of the hearing. That could cause problems and concern. Graf thought that was their one chance and if they file another request, we wouldn't indefinitely hold this hearing off. Zeglin clarified that it is a hearing open to the public but allowing no public comment scheduled for one day. Brandt confirmed that and added it is scheduled for 7 hours with no sworn testimony but specialists or persons with information related to the issue (if they bring them in or we have our staff with their information) are allowed. Brandt noted that we will clarify Kidd's participation with Mr. Graf after this meeting.

Brandt stated a special meeting will be scheduled to deal with Agenda Item #15.-Discussion and possible action in regard to the Final Report on the Public Health Impacts of Nonmetallic Mining. (*Note: All Committee Members should review and bring their copy of Health Impact Study to the Meeting).*

Review and Discuss Amendments to Chapter 13-Comprehensive Zoning Ordinance

Radtke stated what is before the Committee and up on the overhead screen is a draft of language that was discussed at the last meeting related to changing the zoning district in which industrial sand mining would be allowed in and also modifying the zoning district in which nonmetallic mining for construction aggregate would be allowed. Radtke went through the amendments to Chapter 13 with the Committee. Discussion took place and a change was made to the lighting language. Brandt read the change to (i) aloud, "A lighting plan for the proposed site including a preconstruction analysis to establish base line night sky conditions, an assessment of future light impacts from the proposed nonmetallic mine and related activities and a photometric diagram showing lighting levels and locations of proposed fixtures". Radtke referred the Committee to Chapter 13, Subsection 10, Nonmetallic Mining Page 101 where the last revision to the ordinance separated out industrial sand from construction aggregate. Radtke anticipated and predicted that there will be scrutiny applied to the definition of industrial sand versus construction aggregate once it becomes an extra step to require a rezone to an industrial zoning from an Ag district. There may be requests to get a nonmetallic mining permit in for construction aggregate because one wouldn't have the extra hurdle of trying to rezone the land. Radtke has some concerns about the definitions as to whether or not they are going to leave any room for argument. Both of

the definitions don't necessarily look at the size or scope of the operation but rather what is the sand and what it is used for. Radtke's question to the Committee is, when this was separated out, is the real reason to separate them based on the destination of the product or is it based on the scope and size of the operation. It seemed to Radtke that from the legislative purpose section on Page 97 that it looks more to the size, volume and scope of the operation and the different impacts based on that size and scope but when one looks at the definitions, it only talks about where the product is headed to and its uses. Radtke specifically noted that the industrial sand definition talks about a classification system which is used by business establishments and governments to classify business establishments according to a type of economic activity. These codes/classifications are used in an economic census of industries done by the US Government every five years. Radtke didn't think these codes add anything to the definition of industrial sand. Radtke has not found a definition for industrial grade sand. Radtke suggested the Committee look at the size or scope of the operation or having some type of variable and a limit that the DLM or an applicant can look to as to what type of operation this is going to be and which definition it is going to fit under as opposed to the type of sand for the definitions. Discussion took place on the definitions, how they came about and how to further clarify them. Radtke didn't have an answer as to where that line is but he emphasized that the definitions of industrial sand and construction aggregate need to be clear so that staff isn't put in a situation of trying to decide which one it is. More discussion took place on possible ways to further define the two. Budish noted that when it is industrial grade you're sorting for sorting for a specific size of material whereas in construction aggregate sand is all mixed together for different purposes. Mossman commented that the Department of Revenue classifies industrial sand mining as "manufacturing" and she questioned what they classify "aggregate gravel" as – if that was manufacturing or construction. Mossman asked if we could back to the Department of Revenue to establish differences between the two processes. Budish thought limestone is both manufacturing and construction.

A special meeting was scheduled for Tuesday, March 29th, 2016 at 9:00 AM in the County Board Room.
The regular meeting will be held on Wednesday, April 13th, 2016 at 9:00 AM in the County Board Room.

At 1:32 PM, Skoyen made a motion to adjourn the meeting, Nelson seconded, motion carried unopposed.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary

Pollutant Trading of Phosphorus

Cindy Koperski
Wisconsin DNR
March 16, 2016
cindy.koperski@wi.gov

Effects of Excess Phosphorus

Lakes/ Reservoirs

- Excess algae growth
- Fluctuation in pH
- Low DO
- Undesirable films and deposits
- Reduced biodiversity

Rivers/ Streams

- Fluctuations in pH and DO
- Excess benthic chlorophyll growth
- Poor fish and aquatic life habitat
- Reduced biodiversity

Great Lakes

- Cladophora and other algae blooms
- Undesirable films and deposits
- Potential beach closures

Human Health

- Reduced recreational value
- Reduced value of shoreline property

- Skin rashes
- GI problems
- Death of swimming dogs

Potential sources of phosphorus

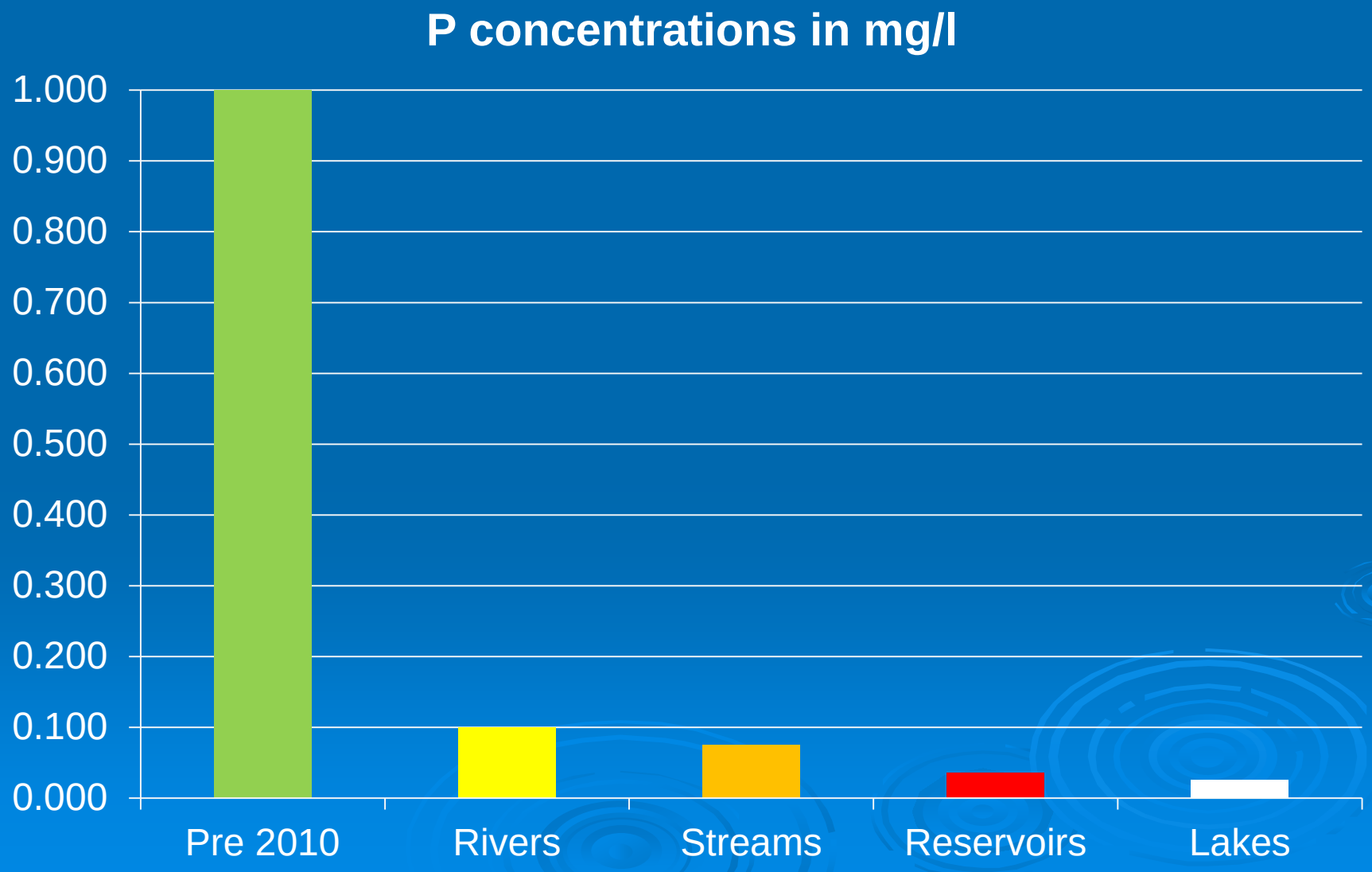
Nonpoint Sources

Point Sources

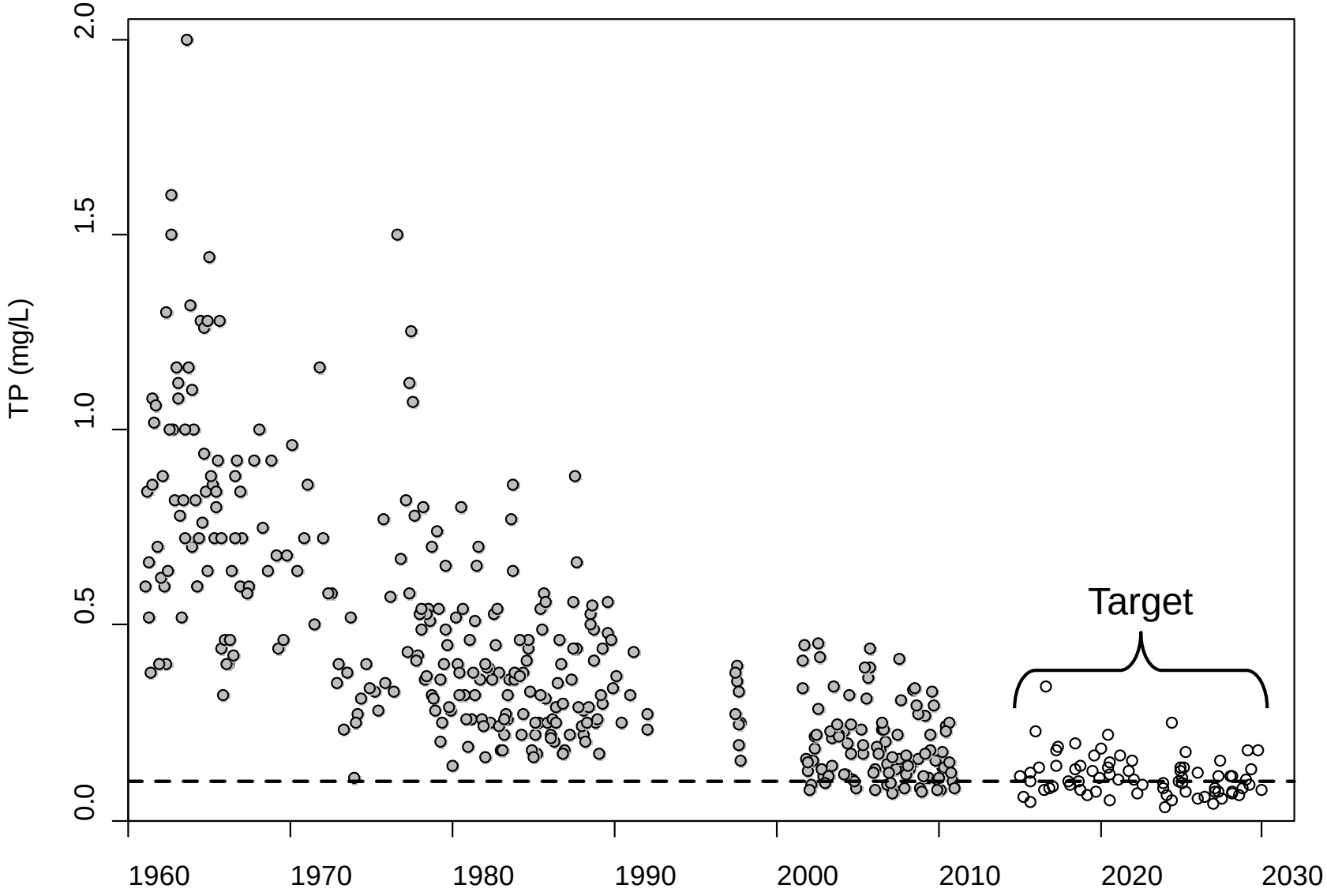
Wisconsin's Phosphorus Rule

- NR 102.06, Wis. Administrative Code
- Approved December 1, 2010
- Water Quality Based Phosphorus Limits
  - Based on what the receiving water body can accommodate and still remain healthy

Protecting Wisconsin's Water



Rock River at Afton, WI



Compliance Options for Treatment Plants

Upgrade Treatment Plant

Adaptive Management

Permit Variance

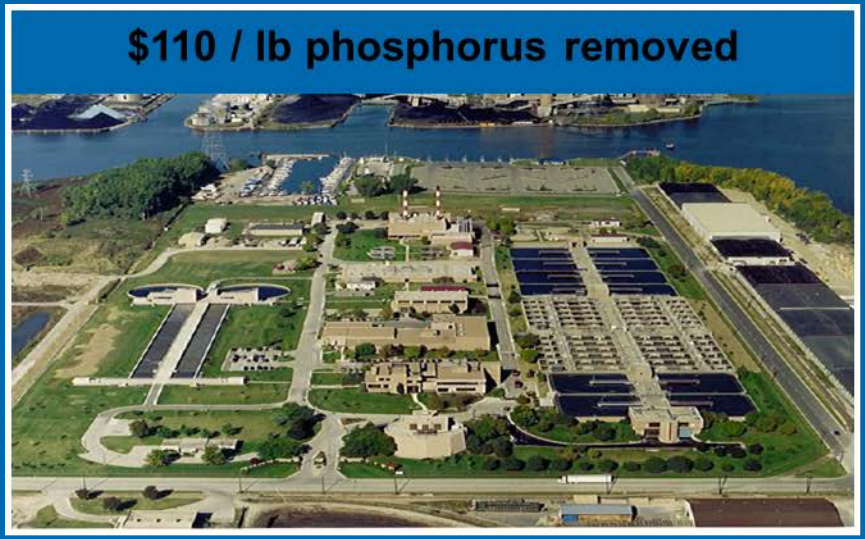
Pollutant Trading

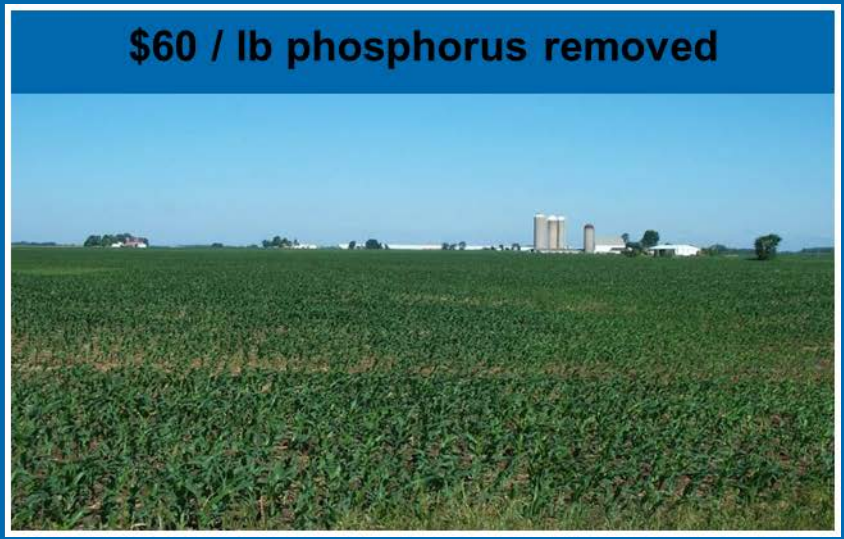
Which one of these options is most cost effective for the WWTP? Municipality explores options with possible help from the county.

Upgrade Wastewater Treatment Plant

- Cost to reach 0.100 mg/l phosphorus in effluent??
- Filtration of wastewater?

Cost of Doing Business





Pollutant Trading

- Focus is on **pounds of P** at WWTP discharge location
- P load (in pounds) is calculated for a WWTP's current discharge rate (flow X concentration of P)
- P load (in pounds) must then be reduced at a WWTP to the equivalent of 0.1 mg/l concentration (or 0.075 mg/l if stream)

Pollutant Trading

- WWTP then looks to reduce P loads (in pounds) from the watershed upstream of WWTP
- Find farmers with potential P load reduction projects (County LCD assists?)
- Municipality pays for farmer to install BMP on landscape to reduce P loads

Pollutant Trading
Trades

- Upstream of outfall - generally
- Details spelled out in permit
  - Terms are contractual with landowner
- Permittee must still meet monthly limits
- Best Management Practices (BMPs) must be in place and functioning ***prior*** to taking the credit and maintained to retain credit

Pollutant Trading
Trade Facilitator

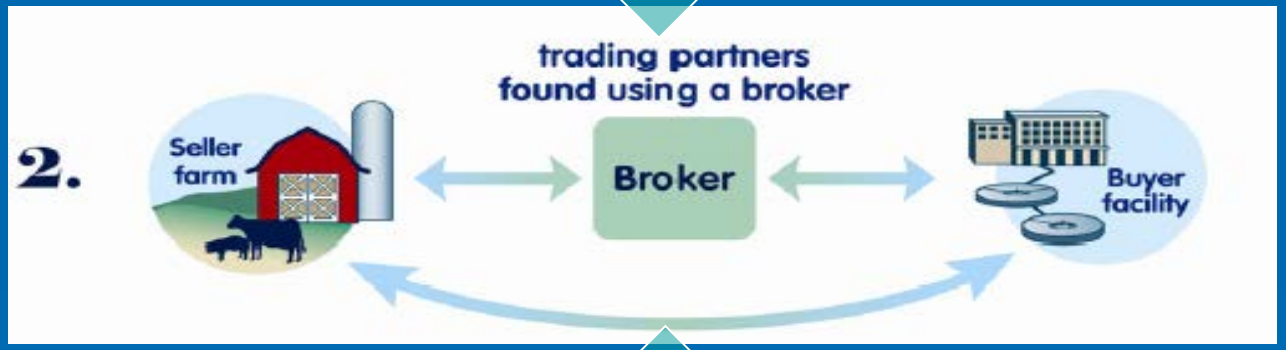
- Direct
  - Municipality to farmer

OR

- 3rd Party Brokers
  - Likely route in regard to agricultural sources
    - County Land Conservation Departments (LCDs)
    - Private Consultants

Water Quality Trading Trade Administration

DNR provides ground rules for brokers and central exchange.

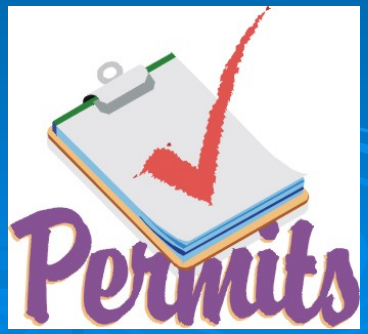


Credit user and generator may use a contract.

Pollutant Trading
Compliance and Enforcement

Credit User's WPDES Permit

- Language Allowing Use of Credits
- Application Submittal Requirement
- Effluent Limit when Trading (e.g. TBEL)
- Reporting Requirements for Credits Used
- BMP Certification
- Annual Inspection of BMP



Pollutant Trading
Likely Best Mgmt. Practices (BMPs)

- Conservation tillage
- Cover crops
- Buffers
- Barnyard controls
- Streambank restoration
- Wetland restoration
- Many others…

Pollutant Trading

Questions?

Whitehall Conditions

Watershed area upstream of WWTP =

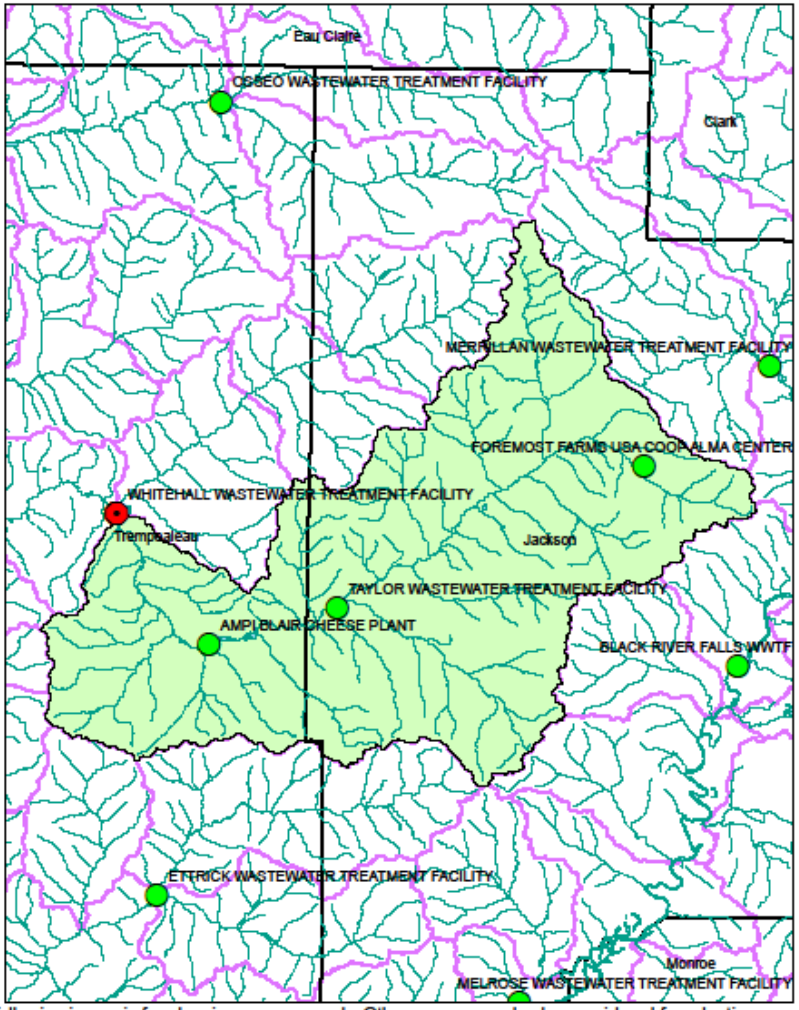
224 square miles

<u>Upstream Point Sources</u>

AMPI – Blair

Taylor

Potential Trading/Adaptive Management Area for Whitehall WWTF



The following image is for planning purposes only. Other areas may also be considered for adaptive management and water quality trading. Regional AM/WQT coordinators should be contacted with specific project proposals or questions.

Legend

- Whitehall WWTF
- Other Point Sources
- County Boundary
- Upstream Trade/AM Action Area
- HUC 12 Bounday

N

Cartography by: Amanda Minks
Date: 10/29/2014

Whitehall Conditions

- Whitehall WWTP P load estimate (5 year ave)

1,400 lbs/yr

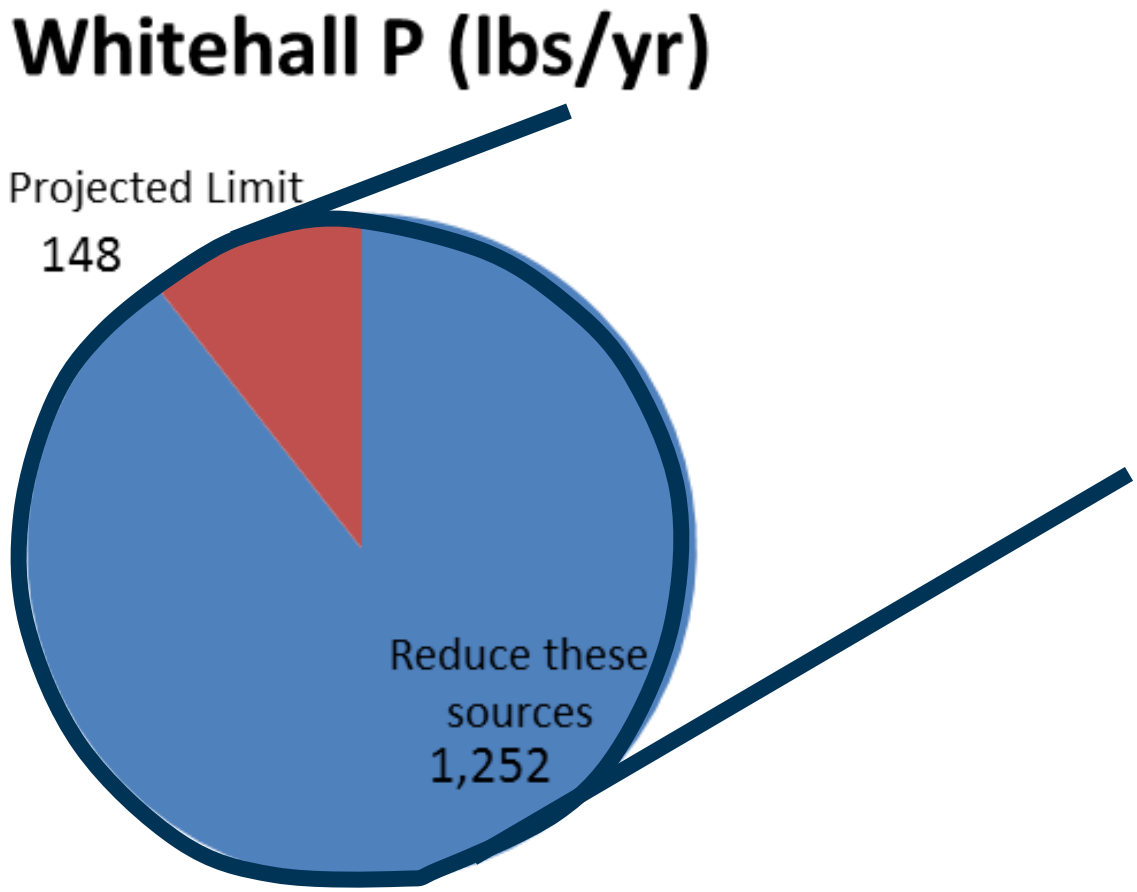
- Theoretical Annual Mass Discharge (lbs) at 0.075 mg/l

148 lbs/yr

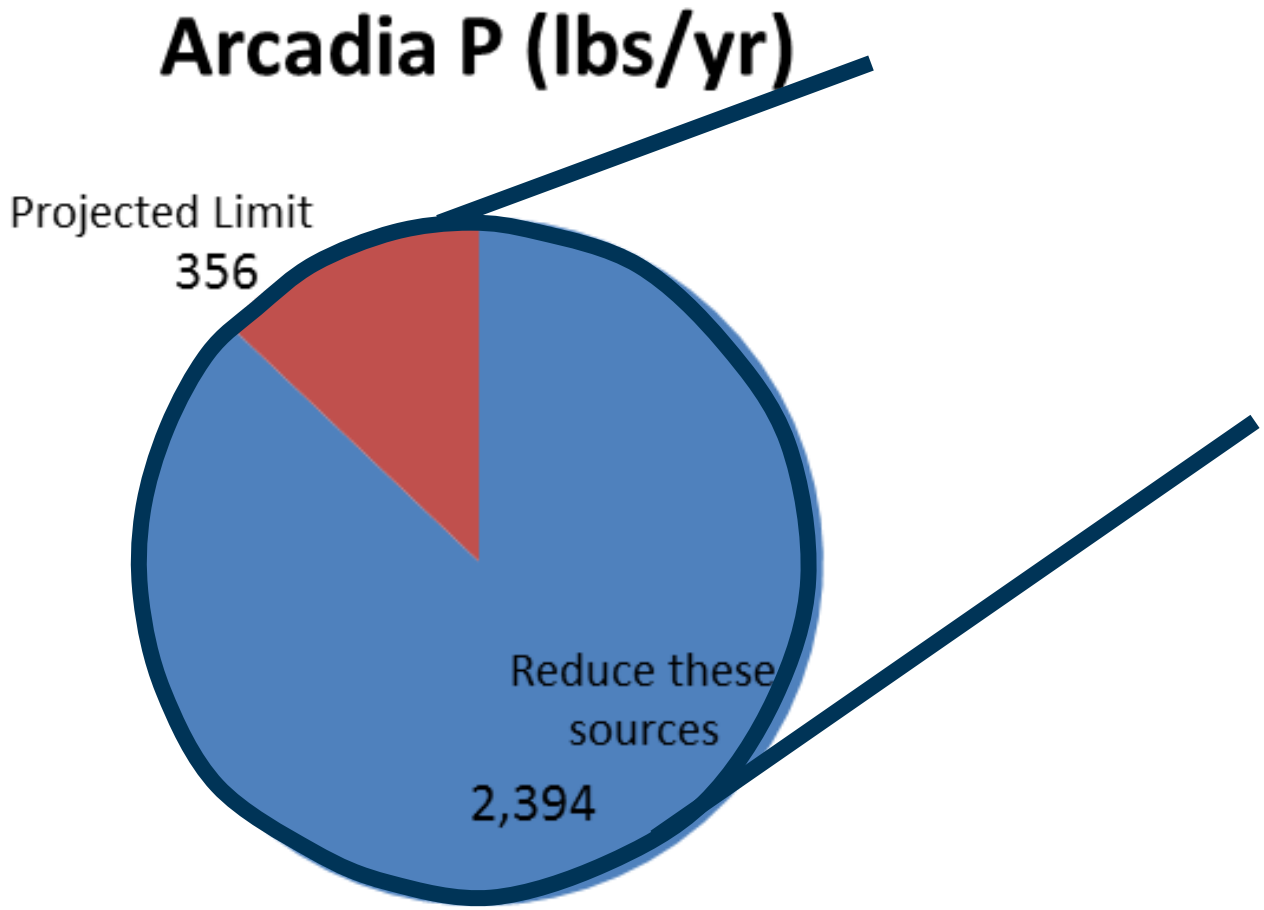
Whitehall P Reductions

1. Optimize WWTP
2. Reduce P inflow to WWTP
   1. Educate the public
   2. Require a P review of new dischargers to WWTP
3. Look outside WWTP to reduce P

Whitehall P Reductions



Arcadia P Reductions



Pollutant Trading

- Is a voluntary compliance options for WPDES permit holders to comply with phosphorus requirements
- This option will be used when it is economically preferable to control nonpoint sources or other point sources of P
- Contractual agreements should be made between the point source community and the broker as well as between the broker and the landowner.
- Need to look in same watershed (HUC 12)
- WDNR will not serve as broker

Pollutant Trading

- Certainty
  - “Easy as 1, 2, 3”- calculate the offset, do the offset, and meet your limit
  - Do not need to meet water quality criteria in effluent
- Experience
  - Trading has already been done in Wisconsin and in other states

The Current Model

- Point source/their consultant works with WDNR to understand options
- Point source contacts the County LWCD to determine their level of interest
  - Potential opportunity for staff funding and cost share dollars
- Point source and County work to develop an agreement
- Point source gives financial resources over time to the County to implement BMPs on the landscape in a specific watershed
- County tracks and enforces agreements with landowners as necessary

Involving Agricultural Producers

Role:

- Be open to participation and willing to share their ideas
- Partner to reduce TP loading from agricultural sources

Advantages of partnership:

- Financial incentive
- Improves water quality within the community

Challenges of partnership:

- Need to maintain practices once installed
- Need to share data
- Trusting new partners