

## NONMETALLIC MINING RECLAMATION PERMIT

Permit is issued under the Chippewa County Nonmetallic Mining Reclamation Ordinance and Wisconsin Administrative Code NR135.

**Applicant:** Jim Rooney  
**Owner:** Jim Rooney  
**Permit Number:** 2015-04  
**Date:** April 29, 2016

### Permit Conditions

#### 1. Standards & Implementation

- a. All mining and reclamation shall be conducted in compliance with the reclamation plan that is comprised of the following documents:
  - i. A plan narrative titled "Nonmetallic Mining Permit Application; Rooney Property; Town of Eagle Point, Wisconsin", received January 11, 2016.
  - ii. Eight drawings titled "Site Location", "Location of Site Features", "Surface Water Map and Groundwater Flow Map", "Wetlands", "Operations Site Plan", "Primary Transportation Routes", "Final Site Grading", and "Final Grade Cross Sections," all received January 11, 2016.
- b. All mining and reclamation shall be conducted in compliance with all provisions and standards of the Chippewa County Nonmetallic Mining Reclamation Ordinance and Wisconsin Administrative Code NR135.
- c. All mining and reclamation shall be conducted so that they meet or exceed provisions of Reclamation Standards for Non-Metallic Mines in Chippewa County (July 2007).
- d. Prior to commencing any mining activity, the operator shall obtain all required permits and legal authorizations including, but not limited to, those required to protect public health and safety under all applicable federal, state, or municipal jurisdictions.

#### 2. Financial Assurance

- a. The operator shall provide adequate Financial Assurance in the form of Surety Bond or Irrevocable Letter of Credit meeting the requirements of the Chippewa County Nonmetallic Mining Reclamation Ordinance and NR135.40 to the Chippewa County Department of Land Conservation & Forest Management (hereinafter the "Department") prior to beginning any site excavation activities.
- b. The amount of financial assurance shall equal as closely as possible the cost to the Department of hiring a contractor to complete reclamation according to the approved reclamation plan. The amount of financial assurance shall be initially approved and periodically reviewed by the Department to assure it equals the current estimated reclamation costs.

3. Size & Scope

- a. The total permitted mine site is 8 acres as depicted on the "Location of Site Features" drawing in the reclamation plan. The mine site includes all areas of nonmetallic mineral extraction, haul roads, stormwater ponds, soil berms, and other areas meeting the definition of "nonmetallic mining site" or "site" in the Chippewa County Nonmetallic Mining Reclamation Ordinance.
- b. The excavated floor elevation of the mine shall be no lower than the elevations shown on the "Final Grade Cross Sections" drawing in the reclamation plan (elevation 950 MSL).
- c. Changes to the areal extent or depth of the mine as documented in the Reclamation Plan, or any changes to the operation that may affect the capacity to meet reclamation standards of NR 135 and the Chippewa County Nonmetallic Mining Reclamation Ordinance, shall require a revised Reclamation Plan and permit modification under NR 135.24.

4. Stream & Wetland Protection

- a. A 100 foot buffer shall be established around each mapped wetland. No mining or mining related activities shall be permitted within this buffer. This buffer shall be monumented with permanent markers (such as fence posts) for the life of the mine.

5. Stormwater Management

- a. The operator shall obtain a Wisconsin Department of Natural Resources WPDES Runoff Discharge permit for mining operations. The operator shall provide the Department of Land Conservation & Forest Management with a copy of this permit prior to beginning any site excavation activities.
- b. The operator shall fully comply with the terms of the Wisconsin Department of Natural Resources (DNR) WPDES Runoff Discharge Permit WI-0046515-05 (general permit of nonmetallic mining operations) and any subsequent permit revisions.
- c. A stormwater management system shall be designed, installed and maintained to meet the nonmetallic mine standards established for surface water and groundwater protection in NR135.07 & 135.08. The system shall provide sufficient capacity to store and infiltrate runoff for all rainfall events smaller than the 10 year, 24 hour event (4.1 inches).
- d. All storm water facilities shall be designed and constructed with a stable outlet to accommodate runoff events up to the 100 year, 24 hour rainfall event (5.8 inches).
- e. In the event that stormwater runoff exceeds the capacity of the stormwater management system and stormwater runoff leaves the mine site, the operator shall immediately contact the Department.
- f. All storm water facilities shall be routinely maintained to assure the facilities continue to function as designed.
- g. Sediment shall be removed from the bottom of storm water ponds on an annual basis and as needed after major accumulation events to restore the storage capacity and the function of the facility as designed. Sediment removed from stormwater ponds shall be stockpiled, seeded, stabilized, and used in mine site reclamation.

- h. Whenever changes to the stormwater management system are proposed, or required the operator shall provide documentation including computations to show that the changes to the stormwater management system will meet the design requirements. This information shall be submitted to the Department for review and approval prior to construction of the changes.

6. Site Clearing

- a. All topsoil and subsoil in disturbed areas shall be systematically and individually stripped and stockpiled for future use in reclamation. The location of these stockpiles shall be identified with permanent signage and shall be identified on a map that shows the location of all topsoil and subsoil stockpiles. This map shall be submitted to the Department upon request.
- b. No topsoil, subsoil, or overburden material shall leave the site during the entirety of the site operations.
- c. The burning of stumps, or any other material at the mine site, is prohibited. All residual woody biomass that is the byproduct of timber harvesting, excluding stumps, shall be retained, chipped, and when practical, composted on site, to be used as a soil amendment during final reclamation.
- d. The Department shall be contacted at least 72 hours prior to commencement of any new land clearing or stripping activities at the mine site.

7. Groundwater

- a. The Operator shall install a lake level and groundwater monitoring network for the purpose of establishing the baseline lake and groundwater elevations at the mine site, and changes to the lake and groundwater elevations that may occur over time.
  - i. The lake level and groundwater monitoring network shall be planned and designed by a Professional Hydrologist, Geologist, or Engineer, in consultation with the Department, to triangulate the elevation of the water table surface and to establish the direction of groundwater flow at the mine site.
  - ii. The network shall consist of a minimum of 2 monitoring wells located near the boundary of the mine and 1 staff gauge located in Hartman Lake all tied to a known vertical datum.
  - iii. The groundwater monitoring network shall be installed prior to the onset of mining operations to document the lake level and groundwater gradient across the site prior to beginning mining and reclamation activities.
  - iv. The well construction reports shall be submitted to the Department within 30 days of the installation of each monitoring well.
- b. The elevations of Hartman Lake and the water table surface in each of the monitoring wells shall be recorded and submitted to the Department on an annual basis for the life of the mine.
- c. In the event that monitoring shows that mining or reclamation activities at this site have caused a decrease in the water level of Hartman Lake and a corresponding increase in the water table elevation of the down gradient monitoring well, an additional hydrogeologic investigation and analysis shall be conducted by the operation. This investigation shall include geotechnical investigations to determine the material composition of the modified earthen dams, an engineering analysis to determine the likelihood and method of geophysical failure, and a site mitigation plan to alleviate this change in water table conditions.

8. Water Quality

In the event that monitoring shows that mining or reclamation activities at this site have caused a degradation of groundwater quality that exceeds the standards of Wisconsin Administrative Code NR140 at a point of standards application, the operator shall seek to mitigate these effects by altering site operations.

9. Solid Waste & Spills

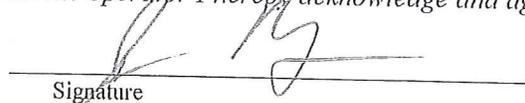
- a. The import, storage, disposal, or use in reclamation of any solid waste, recyclable materials, or nonmetallic mine refuse generated outside the mine site is subject to the registration provisions of Chapter 30-77 of the Chippewa County Nonmetallic Mining Reclamation Ordinance.
- b. The import, storage, disposal, or use in reclamation of any solid waste, recyclable materials, or nonmetallic mine refuse generated outside the mine site shall be limited to the materials and quantities identified in the reclamation plan or administrative plan amendments.
- c. The Department shall be contacted immediately in the event of a hazardous waste spill, fuel spill, or other incident that could in any way negatively affect groundwater or surface water.

10. Post-Mining Land Use

- a. The mine site and permitted area shall be systematically mined and reclaimed using a process of contemporaneous reclamation. The mine site will be reclaimed for the purpose of establishing a conservation/ecological post mining land use with grassland/prairie vegetation and a wildlife pond, as shown on the "Final Site Grading" map in the reclamation plan.
- b. The completion of successful reclamation shall be determined through physical site inspections. In making the determination of successful reclamation, the Department may take into account other supporting including information provided by the operator, and information generated from onsite test plots or from other areas of the mine site that have been previously reclaimed.
- c. The success of areas undergoing reclamation shall be determined by the Department using the performance measures defined in the reclamation plan, and any standardized evaluation criteria adopted by the County. The success and sustainability of the site reclamation and the attainment of the post mining land use will be measured and evaluated over a 10 year performance period commencing upon completion of site grading, soils application, and completion of site seeding or planting.
- d. Upon completion of the 10 year performance period the Department will determine if the reclamation for that portion of the mine is complete and if the planned post mining land use has been successfully achieved. If reclamation is determine not to be complete, the performance period will be extended. Reclamation will not be certified if the Department makes a determination that the post mining land use has not been achieved in compliance with the standards for reclamation as established in NR 135 subchapter II including the general standards, and standards for groundwater, surface water, and wetland protection.
- e. Agricultural lands within the permitted mine boundary shall be managed in accordance with all applicable local, state, and federal laws.
- f. The agricultural producer and mine operator shall, before March 15, 2017 or before an alternative date as mutually agreed upon, develop a nutrient management plan that meets the specifications of WI NRCS Technical Guide Standard 590.

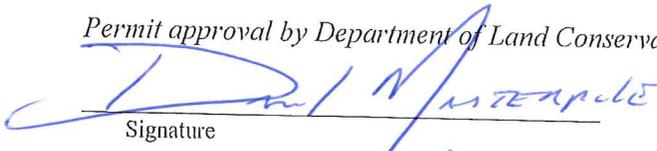
- g. The nutrient management plan shall be implemented by the responsible agricultural producer(s) to assure that agricultural operations meet or exceed state agricultural nonpoint pollution control standards, as specified in WI Admin. Rule NR 151. The agricultural producer(s) and mine operator shall report and certify on an annual basis that the nutrient management plan is being followed and that the agricultural pollution control standards are being met.

As the operator I hereby acknowledge and agree to the above permit conditions.

  
Signature  
Jim Rooney  
Printed Name - Operator

5-09-16  
Date  
Hearthland Contractors  
President  
Title

Permit approval by Department of Land Conservation & Forest Management

  
Signature  
DANIEL J MASTENPILE  
Printed Name - Authorized Staff

5/10/16  
Date  
DEPT DIRECTOR  
Title