

**PUBLIC HEARING VERBAL TESTIMONY**

**PUBLIC INFORMATION HEARING  
SUPERIOR SILICA SANDS  
August 23, 2017**

Patricia Popple, 561 Summit Avenue, Chippewa Falls, WI 54729 (Received verbal testimony 8/23/17)

Testimony read off from written statement – see in written testimony.

Ken Schmitt, 4988 120<sup>th</sup> Avenue, Colfax, WI 54730 (Received verbal testimony 8/23/17)

Testimony read off from written statement – see in written testimony.

Additional testimony

I realize some of this is already addressed in the plan, - the gauging station stuff, I wasn't aware of that before I wrote this up.

Also, a couple other comments, just sitting here....I am glad to see that this is being planned for the 100 year event in mind. I would also encourage....24 hours is fine but many times we see a week or two in advance of a major rain event, we have a saturated soil condition and there is more runoff than what one would expect to see with any amount of rain in the 24 hour period.

I would expect that the County maintain oversight and not depend on the DNR. It has been my experience – I have seen egregious problems with water and air over the years and reported them.... and know of other people who reported them..... and the DNR simply does not have the staff or sometimes the will to adequately take care of the situations, so I think it is incumbent that the County maintains a vigilant eye on mines.

I guess that's it for today.

Linda Zillmer, 902 Holly Hill Lane, Birchwood, WI 54817 (Received 8/23/17)

What I have submitted to you is a written outline drawn up based on what I knew earlier today, and I don't think that there is anything that I have heard this evening that would affect changing my testimony.

So #1, I would request that you keep the language in Sec. 6.2, as originally approved and not strike it and keep it as an onsite facility, and then also, in #2, is to deny adding the language about the offsite water discharge.

In my testimony, I have provided links to the many documents that I either read or would like you to read, and I am glad that the testimony tonight is, not to say... aboard of people who need to understand the issues.

I have always looked to Chippewa County as being a leader in balancing natural resources, natural resource conservation, as well as recognizing the activities that happen on the land, whether it's agriculture or sand mining, and also being a leader in looking at the impacts.

So...I know you are familiar with many of the things that I'm referencing tonight and I don't have to explain but I would like to remind you that when you are looking at your NR135 reclamation plan, as Mr. Masterpole suggested, there are many levels of law and you can't look at this discharge issue just in light of NR 135, but there are many other plans and ordinances that I would hope to be taken into account.

The importance of local control is that the people most directly affected by a decision should have authority to determine what activities or trade-offs might be allowable and where to draw the line as to what is not allowable, so I appreciate the work that the DNR does. I think there is a local decision making authority and capacity to better determine what is allowed or disallowed.

Chippewa County has developed, over decades of work and stakeholder relationship building, plans and ordinances to balance resource conservation with community and economic development....and as part of my testimony, there was a 2009 listing of plans and ordinances in your Land & Water Resource Management Plan, that I think also generally applies to this decision.

When requests for amendments of a reclamation plan, or exemptions from those plans and ordinances, would negate achieving the very purpose of these plans and ordinances, the County has an obligation to weigh both the current and future impacts, and possibly deny those requests.

When considering the proposed amendments, a primary question would be whether the changes are consistent with the plans and ordinances, which have been developed through public processes and reflect the best available science at the time.

Wisconsin Stats., Chapter 92 require Chippewa County to develop a Land and Water Resource Management Plan, which is like an umbrella, I believe, to the NR 135 ...or your non-metallic mining ordinance. The basis for the state granting counties authority for planning and regulation is primarily to protect public health, safety, and welfare.

In addition, related to the County Land & Water Resource Management Plan, which the State requires, Chippewa County receives financial support from the State of Wisconsin towards the salaries of your Land and Water Conservation staff to maintain and implement that county-developed plan. Again, it's that local planning and control that is so important to assessing what impacts off-site discharge could be.

Chippewa County Land & Water Resource Management Plan clarifies how the county will manage nonpoint water pollution from both agricultural and nonagricultural resources, so I am sure that you are all familiar with the plans I have cited there but for me, it is not just within the scope of NR 135 that I hope you are making a decision.

I also look to all the work that Chippewa County has done in urbanizing areas. The County works with municipalities to control storm water runoff and there's a Chippewa Falls Urban Area Storm Water Management Plan that was adopted in 2007. I guess when I looked at that and looked at the intensity and the concentration of sand mining that has developed in the area, I guess I would think you would almost want to look at those activities, as I mentioned during the introduction, that other mines might be looking at doing this, so it's not just this mine. There's more to come and just as you would look at urban runoff, to look at industrial runoff impacts for offsite as more mines might consider this.

Chippewa County and to that point, Chippewa County should first develop a Storm Water Management Plan for non-metallic mining operations prior to consideration of allowing individual operators this offsite discharge.

I've been here for a few of your public information meetings on what you are looking as far as groundwater withdrawals, and I so appreciate your being cutting edge and leading on that and so just as you are a leader in assessing the impact of the many "straws" withdrawing groundwater on water quantity, and the potential impact to surface waters, I believe that Chippewa County should be assessing the impact of the many "pipes" discharging wastewater and nonpoint source impacts of storm water and contaminated storm water to ground and surface water.

I've been around for a long time. I remember within the Red Cedar Basin, as the State of Wisconsin started to first address point source pollution, I was involved in a plant operations in a facility in Rice Lake, and I have followed as the focus now has changed to nonpoint source, sources of pollution.

And, so within Chippewa County, there are a number of nonmetallic industrial sand mining operations located within that Red Cedar Basin, and over the decades the significant work, that I referenced, and time and resources have been invested to both point and nonpoint source pollution.

From those urban storm water management plans, like I referenced for the Chippewa area, to now we are getting to farmer led councils that are working to reduce runoff of sediments, nutrients, and pollutants. I mean, there is a lot of work that's going on right now that, whether it's a village worrying about discharging from our waste treatment facility or farmers addressing runoff, all this other work is seeming to help address problems and yet, I see now offsite discharge may be opening a door and negating some of that progress that is being made.

A TMDL has been adopted for the Red Cedar Basin and has been approved by the DNR and the EPA. I guess in light of all the work going on around that, I don't... I guess I can't understand why opening the door to offsite discharge from industrial sand mining....

Jumping back a bit, Chippewa County also has a comprehensive plan, which would be an umbrella over both your Land & Water Resource Management Plan and your Non-Metallic Mining Reclamation Plan. In there, there are two chapters, Element 6 and 9, which address agricultural, natural, and cultural resources and land use. Beginning in 2010, land use actions must be consistent with the adopted comprehensive plan and I know the legislature has weakened that but I still think that you have those plans in place, please consider impacts beyond that.

And then, finally, I'm glad to hear...I did learn tonight that you are going to address temperature... as to the thermal impact in the discharge to surface water, and it wasn't clear to me between the notice and the detail whether it's a direct discharge to surface water or its discharging to surface water through infiltration.

But again, without the standard operating procedures, it's difficult to say whether things would be adequately addressed. In here, I have referenced a study that was done in Lodi, Wisconsin, and it was to mitigate the thermal effects of.... you know, runoff of the land into a trout stream and it talks about the different species of fish that can survive so all that is important and I don't think, from the public side, that I've seen enough yet that I would feel comfortable that the request for amending should be approved.

Thank you for taking testimony.

