

COMMENTARY: CHIPPEWA SANDS, LLC -TOWN OF COOKS VALLEY-CHIPPEWA COUNTY, WI

JUNE 26, 2018

CHIPPEWA COUNTY COURT HOUSE-7:30 p.m.

Patricia J. Popple

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1. To request that the life of this mine be extended out 60 years is beyond reasonable, and the county should strongly consider reining in on this part of the proposal. Sixty years is a very long time! Within that time frame, employees of the county and of the mining industry will come and go, strategies and best management practices will change, the science of reclamation may be more advanced, and the fossil fuel companies and their use of frac sand could be a practice no longer in used as the market moves up and down, as the nation recognizes that climate change is occurring as the result of burning fossil fuels, and that sustainable energy resources come into extensive use. There should be a far more reasonable time frame that can be worked out between the county and the industry, but 60 years is far too long. What businesses or industries create contracts with government entities that extend out 60 years into an unknown future wrought with extensive change every day?
2. The "science" of reclamation practice should be coming from that framework not from the stance of "professional opinion". While there may be small plots of land being testing as the county goes through its attempts at reclamation with the multitude of frac sand mines here in Chippewa Co. and elsewhere, there doesn't seem to be any given approach that works better than another. A full blown and concentrated study of the science of reclamation must be done to determine what constitutes a successful reclamation of a given property and what actual costs will be to the land and water resources and to the residents living in the county because any "mistakes" in opinion will ultimately come back to current and future taxpayers as well as to the landowner.
3. The reclamation plan does not speak to problems associated with heavy metals found within the sandstone formations that can be leached out with the presence of low pH in the water caused by mining itself but also from sulfides inside the formation and the opening up of the formation which causes oxidation and/or leaching. The DNR recognizes there is a problem with sulfides particularly in the Tunnel City formation. That formation lies just below the overburden and

over the top of the Wonewoc and Eau Claire formations. Is it not feasible that some of that Tunnel City formation will intermingle with the Wonewoc formation?? There is no indicator of concern regarding these issues in any of the narrative. Much more attention must be directed to the issues regarding the leaching out of heavy metals because they will impact intermittent streams, creeks, watersheds, rivers and lakes along with drinking water wells and water provided to animals. Has the Tunnel City formation been tested for sulfide minerals? The industry should be responsible for extensive testing and begin reporting any details about findings of sulfides and particularly in the Tunnel City Formation where sulfides are known to exist.

Exterior drainage of contaminated storm water (even though settled out to 40 ppm) is not a good practice; the long term impact upon humans, animals, and fish downstream has not been determined. Why are we using water bodies as sewers, particularly in light of the information we know already exists about many of the formations having sulfides and therefore leaching of heavy metals into the water supplies?

4. It is noted that processing fines from other mines may be put into the Chippewa Sands Mine. If we worry about heavy metals and sulfides and leaching in the formation at Chippewa Sands we will also have to be concerned about contamination with fines and industrial sludge from other locations. Doesn't the reclamation plan insist that companies must take precautions about testing industrial sludge, fines etc. from other mines being contributed to Chippewa Sands from other mining locations for use in the reclamation plan? And how do reclamation plans change at the contributing mine? It is my finding that what has been taken out of the mine has to be put back in unless the product is saleable.
5. The narrative is filled with inconsistencies from no blasting to blasting, from mineral to no mineral, from no stockpiling to stockpiling; it deserves a very close reading before it is approved because the content is very evasive in terms of what the company is really going to do. Honestly, it appears they do not know their plan from many perspectives. One section indicates that they will evaluate other methods of removing water from the waste; yet there is no explanation of those methods or plans. There are many other examples in the text of the narrative and too little time to take that narrative apart to point out the inconsistencies. Who is the engineering company trying to blindside? The county?
6. There seems to be no mention as to how the reclaimed sites will be hospitable to organisms originally present nor to animal life that once made the property home.
7. The narrative refers to the "spoils" that will be put back into the mine site that will be used for reclamation. "Spoils" must include industrial wastes used in the processing of the sandstone or

silica. If flocculants are used, these become a part of the “spoils”. If heavy metals are present in the fluids, then they, too, become a part of the industrial waste. Without the use of linings which are not mentioned (plastic or clay), how will ground, surface, and drinking water wells be protected? Industrial waste and/or industrial sludge should be supervised under the rules written in state statute or DNR rulings for **landfill management**, but there is no mention of these mine sites being treated like landfills. Reclamation is a serious matter in terms of human and animal life, and it should be accomplished according to stricter and more restrictive laws and ordinances. Putting spoils into a mine and covering them over doesn’t appear to even partially resemble what good reclamation should be. They plan to bring in rejects from other mines but do not plan to bring in topsoil from anywhere.....even though they won’t have the required 8 “ of over burden required by Chippewa Co. This entire operation does not seem to have a good reclamation plan than follows Chippewa County’s basic guidelines. I have said it before and I will say it again: Chippewa Co. should have a moratorium for at least one year on all new frac sand mining industries from moving into Chippewa Co. and giving the County Board Members (from all Committees including Land Conservation, Health Department and Zoning Department people and more) to study the issues related to frac sand mining, processing, and trans-load and to establish needed updates, new ordinances etc. to protect the health, safety and welfare of all county residents and people and investments in other counties from encroachment by these huge operations. Updates on Comprehensive Plans that fit hand in glove with those ordinances are critical!

8. The narrative indicates that the stormwater management system can’t be finalized and that it will be located generally; yet Toy and Daniels in their **Reclamation of Disturbed Lands** recognize that “In conjunction with the stormwater management practices....the physical and chemical properties of all materials to be handled on site are rigorously analyzed before disturbance, and any materials posing short-or long-term water quality risks are identified.” It is critical that Chippewa Sands develop a finalized plan in relationship to their stormwater management system so the public knows what their plan is intended to do. They are remiss in not stating their plans for many of their systems.
9. In attempts to improve ordinances etc. in regard to enforcement, this statement should be included: “In the event the mine output declines to 10% or less of the last 3 year average, the mine must be closed and reclaimed.” The people living throughout this county must be reassured they will be protected via on going reclamation without any cost to them personally. There has to be a means of stopping sand mines from ending their operations and enforcing them to use reclamation strategies that are up to date without pulling from local pockets. I don’t believe there has been any effort on the part of legal counsel to assure the public that all is o.k. and that the public is protected. Somewhere, someone should be publicizing the most up to date assurances if they have done their work and the public does not know.
10. Allowing the company to leave steep embankments and create dangerous cliffs within the acreages just to avoid reclamation is not a solution and there is no good reason why the county

should allow this to happen . Opening the door on this issue only means that others will also be able to apply this strategy.

There are many other comments I could make; my time is limited. At last night's meeting it was clearly evident that attempts by the company and the engineering firm were made to blindside attendees. If one cuts through the narrative and through comments made at previous meetings it appeared obvious that different information at different times was relayed. While there were apologies made by the company manager and the engineer in regard to these exchanges, it is obvious that stories , statistics, and strategies continue to change based upon the audience in attendance. That tactic must be ended with the application of critical reading, critical questioning and problem solving strategies that only the Department can apply.

Patricia J. Popple-sent by email on June 27, 2018.

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JUNE 26, 2018

CHIPPEWA COUNTY COURT HOUSE-7:30 p.m.



Victoria Trinko

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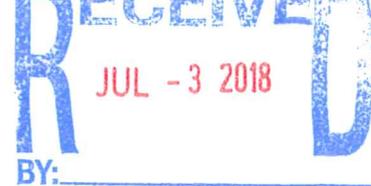
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In regards to the proposed expansion of the Chippewa Sand mine site, I have the following comments and reservations about the reclamation proposal:

- a. There is a lack of definitive descriptions when discussing mining methods in the future as shown on p. 14 (vii) 'Other mining methods may also be used in the future'. Mining methods should be listed or this sentence should be omitted.
- b. On p. 15 (vi) 'The soil may be watered depending on conditions.' The sentence should read 'the soil will be watered when rain has not occurred for a week or dust is blowing. Chippewa Sand has had numerous complaints about non-watering techniques and has not shown improvement since the mine commenced operation. They need more direction and definite language as they ignore environmental conditions.
- c. Chippewa Sand places blame for lack of reclamation, watering, operation and water containment on the engineering design. I suggest they lack engineering skills in the moving of soil and sufficient planning in their mining procedures. As their bottom line is mining and not reclaiming; they have made delayed attempts at reclamation. Again, they need strong language to reinforce their requirements for reclamation.
- d. On p. 1 of the Stormwater Management Plan section 1.2 the south pond has an estimated retention volume of 25 acre-feet. Yet, in section 2.1.4 Phase IV, the approximate run-off volume into South Pond is 25 acre-feet. This is cutting the containment too close. The Town of Cooks Valley has already had a storm water containment crisis. We do not need another incident. This South Pond is not large enough. I do not have confidence in the infiltration and containment of the swales. The farms lying south of the mine site are in jeopardy of overflow and silt destruction. They also do not define the water containment plan, saying it depends on the mining process. If they don't know how they are going to mine; how can they submit this plan? They are doing the minimal amount of work and planning in this plan. The vagueness allows them too much latitude in their mining techniques.

- e. The proposed reclamation of leaving a sheer edge is an esthetically unpleasing and potentially unsafe proposal. Mining companies have to do better in reclaiming our destroyed hills. They are very noncommittal about the low hill reclamation. This is not going to Wisconsin anymore; it will be Kansas. I don't believe tourism is a big revenue source in Kansas but tourism is monumental in Wisconsin revenues. We need to preserve our state for the future of our state.
- f. In the Town of Cooks Valley, we have had mines sit idle for months and also within two days less of the three years termination of the permit. There is always the question of mining companies leaving the mess to the local government. A more practical method of when reclamation should commence would be: In the event the mine output declines to 10% or less of the last three year average, the mine must be closed and reclaimed. Residents should not live with an eyesore with token mining activities being done in the name of an active mine.
- g. Section 3.4 in the Stormwater Management Plan, Chippewa Sand is making the assumption anything will grow the sediment coming from the bottom of the South Pond. What will be in that sediment? All sounds unsanitary and polluted. I don't have confidence in their ability to find native plants to grow in this sediment.

Victoria Trinko -submitted by email on July 1, 2018



Christien - Please submit the following testimony for consideration by the County in the upcoming decision regarding mine permit expansion at Chippewa Sand/Buchner farm.

I was in attendance at the most recent informational meeting presented by Chippewa Sand at the Cooks Valley Town Hall on June 20, 2018 as well as the county hearing presentation on June 26. As a landowner in Cooks Valley, with two parcels abutting land under consideration for permit expansion with Chippewa Sand, I would like to express my thoughts regarding this action.

Chippewa Sand presents a well-orchestrated bid for considering their proposals for reclamation (i.e., a highwall up to 150 ft tall, with slopes of 3:1, 2:1 and 1.5:1) to be a logical plan for leaving the land once they are finished with it. What is the definition of "reclamation" as it relates to the situation that landowners and users, government decision-makers and the mine owners face? Does "reclamation" mean to "put back" or "improve/change for other use"? If it means to "put back," this is certainly not what the mine company is proposing. There are currently rolling hills of agricultural and forest land that will not be "put back." If it means to "change for other use," what is the stated use of a 150 ft highwall that will essentially present as a cliff of rock? It seems that the proposal by Chippewa Sand for reclamation is to do the easiest and least costly option for their company. While I do feel that Chippewa Sand is interested in safety in their operation, that interest does not extend to the safety for a future generation that will exist here long after the company operations have ceased and gone. I don't feel the safety of a 150 ft cliff can even be argued. It is not safe. A 5:1 slope would at least be less severe and more natural-looking. The value of the land after reclamation and its surrounding parcels should also be considered, even if from a tax revenue standpoint.

We are in a position now to be able to have some control over what happens to the beautiful natural resources we have in Cooks Valley. Many of us currently involved will not be alive to see the end of the mining and the reclamation. I hope the decision-makers today will consider the impact that the proposed reclamation plan will have. If there is not specific verbiage in law prohibiting leaving a highwall and considering it "reclaimed," does that mean it is a good decision? Consider if that wall were finished tomorrow. Will you be willing to take responsibility for allowing it to remain? My hope is that we agree that a higher standard for reclamation is necessary and that we provide for usable, productive land for the future.

Carol Paulson, landowner  
Chippewa Falls, WI