
Appendix K

Exemption for EOG Resources Sand Wash Fines, Chippewa Falls, WI, March 9, 2011



March 9, 2011

Cyrus W. Ingraham, P.E.
SEH Design/Build, Inc.
421 Frenette Drive
Chippewa Falls, WI 54729-3374

SUBJECT: Exemption for EOG Resources Sand Wash Fines, Chippewa Falls, WI

Dear Mr. Ingraham,

The department has completed its review of correspondence dated March 4, 2011 related to the process description and waste generation at the EOG Resources, Inc. sand processing facility being constructed in Chippewa Falls, Wisconsin. Ch. NR 500.08(2)(b), Wisconsin Administrative Code, exempts facilities for the exclusive disposal of spoils from sand, gravel, or stone and crushed stone quarry operations and similar nonmetallic earth materials provided certain basic location and performance criteria are met.

Based on the information provided along with our phone discussions, it appears the waste sand fines generated will fall under the above exemption. Use of the waste fines in reclamation of the mines sending material to the processing facility would be acceptable as long as their use is consistent with the mine reclamation plans as approved by the County under ch. NR 135 Wis. Adm. Code. Please be aware that the department reserves the right to require testing of the solids if there is any indication that this use is resulting in an adverse environmental impact. We also request that you notify the department if there is any significant change in the sand processing operation from the processes and materials outlined in your letter.

If you have any questions regarding this letter, please feel free to contact me at (608) 267-3538.

Sincerely,

Philip Fauble, P.G.
Beneficial Use Coordinator
Madison, WI

Cc: Ed Lynch – WA/5
Tom Portle – WA/5
Jill Schoen – WCR, Eau Claire S.C.

Appendix L

Reclamation and Construction Inspection Plan Example

Reclamation & Construction Inspection Plan Example

The purpose of this plan is to assure the reclamation plan is followed throughout the mining and reclamation process.

It is the operator's responsibility to notify the Land Conservation Department 2 work days in advance of when these work items will be occurring.

- Clearing & grubbing
- Topsoil stripping
- Berm / stockpile construction (A horizon, B horizon, overburden soils only)
- Storm water pond construction ^{PE}
- Storm water diversion construction ^{PE}
- A & B horizon soils reapplication
- Installation of other BMPs (erosion mat, silt fence...)
- Importing material (Any material brought into the mine to be used as fill or as soil amendments)
- Temporary storm water infiltration basin construction
- Removal of berm / stockpile

It is the operator's responsibility to notify the Land Conservation Department immediately in the event of any of the following.

- Failure of any storm water facility (pond, infiltration basin, diversion...) ^{PE}
- Spills covered in the SPCC plan

^{PE} These items require the assistance of a private sector professional engineer.

Appendix M

Financial Assurance Information

M – 1 – Financial Assurance Bond/Non-Metallic Mining Form for Chippewa County

M – 2 – Proposed Reclamation Cost Estimation Summary

M-1 – Financial Assurance Bond/Non-Metallic Mining Form for Chippewa County

**NON-METALLIC MINING RECLAMATION
FINANCIAL ASSURANCE GUIDELINES**

CHIPPEWA COUNTY
REV 2/2010

1. Language

The Chippewa County Corporation Counsel has provided standardized language for bonds; see “FINANCIAL ASSURANCE BOND/NON-METALLIC MINING”, 5/8/2002, attached. This language is recognized as acceptable to Chippewa County. This document shall be customized for individual permits.

2. Letters of Credit

Letters of credit are to be clearly labeled as “Irrevocable Letter of Credit”.

3. Amount

The default amounts of the financial assurance are:

\$4000.00 per acre for sand and gravel mines

\$10,000.00 per acre for bedrock mines

As an incentive for reclamation, financial assurance need only apply to the maximum number of unreclaimed acres anticipated. Areas that have been reclaimed can be removed from the financial assurance coverage.

4. Expiration

All financial assurance instruments are to be drafted such that they do not expire or lapse.*

*The Department of Land Conservation & Forest Management (LCFM) may consider a lesser period, but no less than three years. Requests are to be submitted to the LCFM for approval prior to consideration of the financial assurance documents.

FINANCIAL ASSURANCE BOND/NON-METALLIC MINING

KNOW ALL MEN BY THESE PRESENTS: that _____
_____ as Principal,
hereinafter called Principal, and, _____
_____ as Surety, hereinafter called Surety, are held and firmly bound
unto the Chippewa County Land Conservation Department, 711 N. Bridge St., Chippewa Falls,
WI 54729 as the Regulatory Authority, hereinafter called Authority, for the use and benefit of
claimants as hereinafter provided in the amount of _____
(\$ _____) for the payment whereof Principal and Surety bind themselves, their heirs,
executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

*The amount of the financial assurance shall be reviewed periodically by the Authority to assure
that it is adequate per Statute. The Authority may require additional financial assurance in the
event the same is not adequate per Statute.

WHEREAS,

Principal has entered into a written agreement with Authority entitled Non Metallic Mining
Reclamation Plan, dated _____, 2002 (hereinafter referred to as Plan) which
agreement is by reference made a part hereof.

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION, per Wisconsin
Administrative Code NR 135.40 and Chippewa County Code of Ordinances Non-Metallic
Mining Section 14.10, is that, if the Principal shall faithfully perform all its duties and
obligations under the above stated Wisconsin Administrative Code and Chippewa County Code
and under said Plan, in the manner and time called for in said Plan, then this obligation shall be
null and void; otherwise it shall remain in full force and effect, subject to the following
conditions:

1) No assignment, modification or change of the Plan, or change in the work covered
thereby, or any extension of time for the completion of the Plan shall release the sureties on this
bond.

2) The Principal shall notify the Authority, by filing a notice of completion, at the time
the Principal determines that reclamation is complete. The Authority shall inspect the site. If the
Authority, in its sole discretion, determines that reclamation is complete it shall issue a
certificate of completion and shall release the financial assurance.

3) In the event that the Principal has its permit removed, ceases mining operations and
fails to reclaim the site or fail to perform any or all of its duties and obligations under the Plan,
in the manner and time called for in the Plan, then the amount of this bond shall be paid over to
the Regulatory Authority to cover the Authority's cost of reclamation.

*This Financial Assurance Bond may not be canceled by the Surety or other holder or issuer except after not less than 90 day notice to the Authority in writing by registered or certified mail. Not less than 30 days prior to the expiration of the above 90 day notice of cancellation, the Principal shall deliver to the Authority a replacement Financial Assurance Bond. In the absence of this replacement Financial Assurance Bond, all mining shall cease until the time it is delivered and in effect.

Signed and sealed this ____ day of _____, 2002.

In the Presence Of:

Witness

By: _____
Principal

Witness

By: _____
Surety

M-2 – Proposed Reclamation Cost Estimation Summary

Appendix N

Annual Reclamation Report and Activities Plan

Annual Reclamation Report and Activities Plan

An annual reclamation report and activities plan will be prepared and submitted by January 31 of each calendar year.

The report will be developed to meet the requirements of NR135 .36 and will include information to document:

1. The extent of current mine development.
2. The dates and results of reclamation and storm water facility site inspections completed during the reporting period.
3. Activities implemented to provide groundwater protection
4. The dates and results of storm water discharge monitoring.
5. The reclamation and storm water management activities planned during the next calendar year.
6. A daily record of the type, volume, and use of material brought to the mine for reclamation.
7. Certify that a lease is in effect for the upcoming year.

This report and activity plan will be used by the mine operator and regulatory authorities to:

1. Systematically record, plan, and schedule construction activities that will be used to meet reclamation performance standards.
2. Schedule operational inspections and maintenance activities.
3. Systematically document for the public, site conditions, and current compliance with permit conditions.