

# **Buffalo County**

# Land Conservation and Resource Management Department

Carrie Olson, County Conservationist Thomas Schultz, Conservation Technician Tim Wucherer, Conservation Resource Management Specialist

October 27, 2015

Mr. Deric J. Lindstrom W2184 County Road K Durand, WI 54736

Subject: Non-Metallic Mining Reclamation Permit for Breezy Point Mine

Dear Mr. Lindstrom,

This letter is regarding the reclamation plan for the Breezy Point Properties nonmetallic mining site. The 30 acre mining/reclamation site is located on a 760-acre property between County Highway K, Lindstrom Valley Road, and County Highway V in the Towns of Maxville and Nelson, Buffalo County. Final reclamation to dry prairie, native prairie with oak openings, wet/dry cliff habitat, and agricultural land will occur in phases once mining has been completed.

The reclamation plan submitted was determined to be sufficient to meet the requirements under Buffalo County Nonmetallic Mining Reclamation Ordinance, Chapter 757 and Chapter NR 135, Wisconsin Administrative Code.

The reclamation plan is hereby approved with conditions. Please read all conditions before starting construction to assure compliance with this permit. Note that you are required to sign the Permit Document and return a copy to my office prior to commencing operations.

If you have any questions about the permit, please feel free to contact me at <a href="mailto:carrie.olson@co.buffalo.wi.us">carrie.olson@co.buffalo.wi.us</a> or by calling (608) 685-6264.

Sincerely.

Carrle Olson

**County Conservationist** 

cc: Eric Clement, Wisconsin Proppant Resources, Inc.
John Dustman, Summit Envirosolutions, Inc.
Buffalo County LCRM Committee
Maxville Town
Nelson Town

# NONMETALLIC MINING RECLAMATION PERMIT

Mine Name:

**Breezy Point Mine** 

**Operator:** 

Eric Clement, Wisconsin Proppant Resources, Inc.

Owner:

Deric Lindstrom c/o Breezy Point Farms, Inc.; Breezy Point Acres, LLC; Breezy Point

Forests, LLC; Breezy Point Lands, LLC; Breezy Point Properties, LLC

Date:

October 27, 2015

The reclamation plan is approved upon the condition that mine site is reclaimed contemporaneously, per the reclamation plan, so that no more than 30 unreclaimed acres are open at any time. All mining and reclamation shall be conducted in compliance with all provisions and standards of the Buffalo County Nonmetallic Mining Reclamation Ordinance, Chapter 757 and Wisconsin Admin. Code, NR 135.

### **Permit Conditions**

- 1. <u>Annual Inspection</u> During the process of reclamation, whether full or contemporaneous, the Mine Company and Operator must file a full report documenting compliance with the reclamation plan, along with an aerial map of the site highlighting the current area in reclamation process. The report should include, but is not limited to: a) extent of current mine development; b) seeding rates and mixtures and Pure Live Seed (PLS) percentage; c) measurement of the density and diversity of vegetation in reclaimed areas and listing vegetation maintenance performed, if necessary; d) stormwater discharge monitoring and stormwater facility inspections; and e) others as required by this permit.
- 2. <u>Financial assurance</u> The required amount of financial assurance (\$470,614.00) pursuant to s. 757.15, "Buffalo County Nonmetallic Mining Reclamation Ordinance", must be received in accordance with NR 135.40, Wis. Admin. Code, prior to commencing mining operations. Acceptable forms of assurance as listed in NR 135.40(4), Wis. Admin. Code may be used. The bonds must be made payable exclusively to Buffalo County Land Resources and may be released upon successful completion of the reclamation measures specified in the reclamation plan.
  - a. The financial assurance is \$470,614.00. This total is based on the cost to reclaim 30 acres as specified in the plan. Based on the following info: 12 acres minimum, with each additional acre after at \$17,447. Acreage will only be taken off after deemed "successful reclamation" and a Certificate of Completion is issued for the acreage.
    - i. 50 acres- Agricultural use area also industrial area
    - ii. Vegetation Erosion Control is ongoing, and is needed throughout reclamation process. A cover crop is vital, especially with native seed mixtures.
    - iii. Monitoring of proper vegetation growth and included in the annual report.
    - iv. Amendments to soil and testing as needed
    - v. Typical erosion control throughout site during reclamation
    - vi. Invasive species control and eradication
- 3. <u>Agriculture cropland</u> Must meet the Agriculture Performance Standards set forth in the "Buffalo County Nonmetallic Mine Reclamation Progress and Determination of Completed Reclamation: Measurement Criteria & Methods of Documentation: Updated April 8 2015".

- 4. <u>Stormwater Management</u> Before disturbing the surface of a nonmetallic mining site and removing topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this chapter and with an approved WI-DNR WPDES Runoff Discharge permit.
  - a. A stormwater management system shall be designed, installed, and maintained to meet the nonmetallic mine standards established for surface water and groundwater protection in Wisconsin Administrative Code NR 135.07 & 135.08, and shall provide sufficient capacity to store and infiltrate runoff for all rainfall events smaller than the 100 year, 24 hour event.
  - b. Site specific design documentation for stormwater ponds and conveyances including construction drawings and hydraulic computations shall be submitted to the Department for review and approval prior to development of each mine phase.
  - c. The stormwater management system shall be routinely inspected and maintained by the operator to assure the system continues to function as designed. Site inspections must follow NR 151, Wis. Admin. Code. All weekly and ½" rainfall Inspection reports must be provided to the Department upon request.
  - d. The mine and reclamation site shall implement erosion and sediment control measures that adequately control or prevent erosion, and prevent damage to waterways and wetlands as outlined in NR 151.11 (6m), Wis. Adm. Code.
  - e. Selection of erosion matting must prevent wildlife impacts. Erosion control matting used on this project should be made from natural fiber only, without any synthetic mesh or netting.
  - f. Any storm water pond constructed in-line with a waterway requires WI-DNR Chapter 30 pond permits; please provide documentation to Buffalo County of WI-DNR approval for the proposed storm water ponds.
  - g. Phase four mine and reclamation site drains to a separate watershed than the remaining phases. A storm water retention/infiltration pond must be designed to capture any stormwater runoff from this phase, as required by NR 135 and NR 151, Wis. Adm. Code.
  - h. NR 135, Wis. Admin. Code requires site specific best management practices at sand processing sites. Provide more detailed information on the site specific stormwater management practices that will be implemented at the processing area.

#### 5. Surface and Ground Water Quality

- a. Baseline and ongoing evaluation of surface waters (navigable or non-navigable streams and ponds) within the project site, including the tributary to Little Bear Creek (a tributary to a Class 2 trout stream) must be performed in order to evaluate the impacts of the mining operation on the local environment. Provide locational sample sites to the land conservation office prior to construction.
- b. Define locations of the three groundwater monitoring wells with GPS coordinates locations on a map and submit it to the land conservation office prior to construction.

#### 6. Site Clearing

a. All topsoil must be stockpiled for future use in reclamation. The locations of stockpiles shall be identified on a map and submitted to Buffalo County.

- b. Topsoil stockpiles will be no more than 6 feet tall by 4 feet wide. Topsoil and overburden stockpiles will be seeded within 48 hours of removal.
- 7. <u>Settling & Process Water Ponds</u> In the event that the operator uses flocculants, coagulants, or other chemicals as part of mining or wash plant operations the operator shall perform all of the following requirements:
  - a. Select and employ chemical products that limit the potential for groundwater pollution, such as those products listed as NSF certified drinking water treatment chemicals.
  - b. The type, and volume of flocculent, coagulant, or other chemicals used shall be included as part of the Annual Reclamation Report & Activities Plan.
  - c. Use chemical products in accordance with the product label requirements to limit the potential for water pollution.
  - d. Line any settling and process water ponds and associated conveyances to limit the infiltration and leaching of chemical constituents that may be used in mining processes. Liners shall be designed by a Professional Engineer and constructed under their supervision to meet standards and specifications of Wis. Admin. Code, NR 213.
  - e. Test the process water and associated sediment accumulated in the mine site settling and process water ponds for pH, nitrate-nitrogen, phosphorus, potassium, chloride, fluoride, sulfate, total coliform, aluminum, arsenic, barium, boron, calcium, copper, iron, lead, manganese, magnesium, sodium, strontium, and zinc, and concentrations of residual materials associated with the type of chemicals used. Testing will be performed annually or at any time when there are changes to the type of chemicals used. These test results will be included as part of the Annual Reclamation Report & Activities Plan.
  - f. Implement best management practices that limit the potential for damaging settling and process water pond liners during dredging or excavation of accumulated sediment. The settling and process water pond liners shall be maintained defect free and repairs shall be made as necessary to maintain the integrity of the liner.

#### 8. Stream and Wetland Protection

- a. A wetland delineation must be approved/concurred with by the U.S. Army Corps of Engineers and/or WI-DNR prior to construction. The top soil berm at southern boundary of project site appears to be located within a wetland and must be relocated to avoid impacts to wetlands.
- b. A continuous vegetative buffer shall be established along all streams and wetlands to prevent environmental pollution and meet standards for surface water and wetland protection, as established in NR 135.07, Wis. Admin. Code, prior to construction and must be maintained until final reclamation.
- 9. <u>Site Reclamation</u> Revegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.
  - a. A minimum of 2 tons but no more than 5 tons of mulch shall be applied per acre. Mulch is to be a clean straw with a low risk of weed seeds to be interlaced.
  - b. Any area reclaimed as a highwall must have an independent Professional Geologist perform a detailed engineering slope stability analysis and submit to Buffalo County for approval of the stability of the highwall.

- c. Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless demonstrated based on site-specific engineering analysis performed by a registered professional engineer (licensed in the State of Wisconsin).
- d. Native seed mixture must be 60%:40% ratio of forbs:grass, which will increase reclamation success. The species list must also include Sporobulus heterolepis (Prairie dropseed), Schizachyrium scoparium (little bluestem) and Sorghastrum nutans (Indian grass) to increase diversity and restoration success.
- e. The successful reclamation of restored areas shall be determined by Buffalo County using specific criteria for successful reclamation. Final stabilization means that the total perennial vegetative cover of <u>native</u> perennial vegetation is at least 70%.

## 10. Permit Evaluation and Amendments

- a. Buffalo County shall periodically evaluate the extent of contemporaneous reclamation achieved through mining operations, and the extent of compliance with reclamation standards.
- b. The reclamation permit is a life-of-mine permit, and a substantial modification would cause it to be reopened and may necessitate a public hearing. Modifications to the reclamation plan and permit are required when a substantial change in the mine reclamation plan is necessary (The definition of "change" means any new acquisition of mineable resources; an increase or decrease in area to be mined; modification of mining method, rate of extraction or the time or method of reclamation; or a new/additional post-mining land use is being proposed for approval.)
- c. When an operator has completed successful reclamation of a portion of the mine, he/she must notify Buffalo County Land Resources by filing a notice of completion. Nonmetallic mining personnel will then inspect the mine site to determine the success of the reclamation. If the area in question is reclaimed according to the applicable standards set forth in the reclamation plan, that portion of the financial assurance may be released. This determination shall be made within 60 days of the received request.

As the operator, or authorized representative of the operator, I hereby acknowledge and agree to the above permit conditions.	
Signature	Date
Printed Name- Operator	Title