

Non-Metallic Mining Advisory Committee  
2019 Annual Meeting Minutes  
November 14, 2019 9AM-3:30 PM

Attendees:

Member representatives: Kevin Lien – WCCA, Bryce Richardson – WLWCA, Adam Tegelman – APW, Todd Linblad – WISA, Tony Tomashek – WTBA (Road Builders), Clint Weinger – WTBA (Extractions), Kyle Grahn – WMC, Jay Zambito Science/Academic (Beloit College), Bruce Moore – Environmental/Cultural/Public

Non-Members: Lane Loveland – Marathon Co, Teal Fyksen – Marathon Co, Gerry Kokkonen – Jefferson Co, Scott Konkel – ECWRPC, Kenneth Thiele – Columbia Co, Erin Longmire – APW, Susan Courter – Courter Resource, Bob Bingen – Michels, Kristin Waas – Michels, Jack Peterson – Yahara, Chis Kromm – Yahara, Bob Servais – Milestone

WDNR: Roberta Walls, Maureen Millmann, Phil Fauble, Craig Sparks, Andrew Simek, Ben Callan, Greg Pils

1. Welcome, Agenda repair, Housekeeping  
Meeting opened with introductions, thank you to Kenneth Thiele and Columbia County for providing the meeting venue, delicious snacks and coffee. Agenda repair was made to allow for late arrivals and overflow of topics to afternoon agenda.
2. Committee membership
  - a. Recognition of Susan Courter for her length of service and commitment to the committee
  - b. Kyle Grahn - WMC nomination  
Members received Kyle Grahn of AF Gelhar to the NMAC to replace Susan Courter representing the Wisconsin Manufacturers and Commerce.
  - c. Bruce Moore – Wisconsin Green Fire nomination  
Members received Bruce Moore to the NMAC to fill the vacancy left by Gary Werner representing the Environmental, Cultural, and Public interests.
3. DNR Update
  - a. General – The office of mining has a vacancy of the technical staff, Roberta Walls is the main point of contact.
  - b. Reporting – DNR provided information on the annual reporting from RA's and status of the NRB Fee report.
  - c. Audits – DNR provided a description of the re-design of the audit process to improve consistency and add credibility. A summary of audits and findings conducted in 2019 was also provided.
  - d. Assistance to RA's – DNR provided an overview of assistance to regulatory authorities in 2019. The assistance fell under three categories:

Technical review and mediation, Legal Interpretation, and compliance and cross jurisdictional. Examples of topics under each category was provided and discussed.

#### 4. Regulatory Topics – Part I

- a. General – In addition to assistance to regulatory authorities, many how-to topics arose during the year. Examples of topics and information provided was covered.
- b. Flood Events – Recent flood events have involved non-metallic mines from storage of materials from the clean-up efforts, sand bags handling, and state and federal regulations around those efforts.
- c. Unanticipated Business Factors – discussions regarding dormant sites and business re-organization took place. Topics included financial assurance, forfeiture, and DNR legal consultation.
- d. Resource Considerations – Recent spill events and review of pond reclamation plans have continued the discussion regarding metals at industrial sand sites. Study efforts have stalled due to the vacancy of the office of mining technical position.
- e. Beneficial Use – Phil Fauble provided a presentation on the Beneficial Use program and the status of the NR538 rule revision where NR135 is concerned. The current rule and policy were described along with NR135 applications currently employed. Types of beneficial use materials and applications were presented. Changes to NR538 was designed to incorporate current practices and to clarify limitations to meet protection standards. Finally, the responsibility of the regulatory authority was described in the process which ensures the reclamation plan address the use of beneficial use materials.

#### 5. Member Updates

- a. Industry Updates
  - i. APW – Interest in being an active part of solutions. Looking forward to growing involvement
  - ii. WTBA, Roads – Still seeing inconsistencies, but have good relationships with counties and regulatory authorities. Appreciates being given a voice.
  - iii. WTBA, Extractions – Appreciates DNR staff time with the regulatory authorities. Recommends spending time focusing on successes
  - iv. WMC – Happy to be a part of the NMAC and looking forward to more interaction
  - v. WISA – No update at this time.
- b. RA Updates
  - i. WLWCA – Seeing more activity with limestone and aggregate and less activity with the sand mines.

- ii. WCCA – Seeing lots of changes over time, still see difficulties in being consistent. DNR staff doing amazing work and as a group we are making good progress.
- c. Research Updates – Several research efforts are being done, areas include bedrock, manure, limestone, dolomite, and polyacrylamide. On going work with groundwater studies to look at leaching of trace metals and contamination in the aquifers. Now is a good time to do more focused studies like groundwater and surface water interactions. (A list of these studies and who is the lead is being provided with these notes). A check with NMAC members regarding commitment to provide technical support to any DNR study efforts moving forward was affirmed.
- d. Environmental Updates – Here to learn how the business is conducted and find it great to see the public and private partnerships and interaction.

## 6. Regulatory Topics – Part II

- a. Training Needs – This section provided a discussion on past regulatory training sessions, and feedback entertained a broader discussion on what training encompasses and considerations going forward.
  - i. Who – All regulatory authorities should continue with training. Making continuing education for RA’s mandatory was suggested. In addition to the counties, it was also recommended to offer training to operators. Small operators would benefit the most.
  - ii. What – In addition to specific training on reclamation plan development and review, counties and operators can benefit from training by local banks on securing financial assurance. Guidance documents need to be updated in order to provide additional resources.
  - iii. Where – Regulatory Authority technical sessions (previously Round Tables) provide a good opportunity for interaction on various topics. Providing up to date guidance along with webinars can provide information at any time.
  - iv. How – DNR may not be the best source of information in some topic areas. DNR open to recommendations for trainers and materials. Would associations and non-profit groups be sponsors for training topics at meetings and seminars and/or provide experts on some subjects? Susan Courter is willing to assist in developing a curriculum. Others in attendance also supported developing a training program.
- b. Model Ordinance – An ordinance review as part of the audit process looks at consistency with NR135, neither more nor less restrictive. DNR offers two model ordinances, a long form and a short form. There are advantages and drawbacks to both but provides a basis for counties to establish their authority. If a county or local authority is establishing or amending a reclamation ordinance, check to see if they are using one of the models. If not, direct them to DNR for assistance. There are two counties that have

pre-existing ordinances that allow them to be more restrictive. Both counties are in the process of re-writing their ordinance to be consistent with NR135. Currently there are 99 regulatory authorities in the state, 71 counties and 28 municipalities

- c. Guidance – All guidance documents developed for the reclamation program need to go through the re-certification process. All will need a minimum update and new publication number with some that will undergo a more extensive update. These were reviewed by NMAC members earlier this year and the first one to undergo updates is the Reclamation Plan guidance. Scoping for comments have been received and a summary of comments were provided. Next step is for DNR to draft an updated version for review by NMAC members. Timeline is not established but expected to be available over the course of the next year.

7. Public Input

- a. ECWRPC – Suggested DNR consider posting reclamations on the website. These could be success stories that could inspire others to do similar projects.
- b. APW – Supports ECWRPC reclamation posting recommendation. APW holds a contest for the best reclamation project.
- c. WMC – Supports highlighting reclamation success stories
- d. Michels – Towns need education on NR135. It has been better recently, but training and partnering needs to happen across jurisdictions.
- e. Yahara – There have been many questions between reclamation and zoning. Feels DNR fields questions well.
- f. Milestone – Supports follow through with Pond research. Supports guidance documents that have been developed.
- g. Marathon County – Agrees with need to educate towns, also operators who felt they had a reclamation permit with a town when the town didn't have the authority.

8. Other

- a. None

9. Meeting adjourn.