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To: PWI Team

From: City Engineering

Re: Nonmetallic Mine Reclamation Transfer to Dane County

Background: Per NR 135, the WDNR requires counties and/or local zoning authorities to oversee the reclamation of nonmetallic (i.e. sand and gravel) mines within their districts. The intent is to avoid a mine operator abandoning a property once mining becomes uneconomical—leaving a dangerous property that can't be redeveloped. The Engineering Division manages reclamation of three (3) nonmetallic mines, all located on the far east side of the City. Dane County manages reclamation of the other +100 mines in the county. **To avoid redundancy and improve program implementation, Engineering recommends we transfer reclamation responsibility for our three nonmetallic mines back to Dane County.**

Benefits to transferring reclamation responsibility back to Dane County:

- Dane County has several zoning staff dedicated solely to implementation of this program.
- Dane County staff have extensive experience managing problematic mine operators.
- The fees collected by Engineering for administrating nonmetallic mine reclamation do not cover staff time to implement the program on such a part-time basis.

Will the City still retain operational control over our 3 mines? Yes. The City will retain the following control over nonmetallic mine parcels:

- Blasting contractors or mine operators are required to take out an annual blasting permit from the Fire Department.
- Nonmetallic mines will submit an annual stormwater management plan to Engineering and be subject to an annual inspection and enforcement.
- Mines will still be subject to zoning regulations pertaining to certain conditional use approvals held by some operators (e.g. Homburg's permit for asphalt shingle recycling).
- The City will retain zoning ability to control expansion of legal nonconforming use into certain land owned by the operator but not considered, by law, to be land that is part of the legal nonconforming use.
- General city ordinance enforcement, including ordinances relative to dark sky requirements, dirt and dust tracking on roads, and dust migration.

Steps to transferring reclamation to Dane County:

1. Repeal the City's ordinance for nonmetallic mine reclamation, Ch. 21
2. Coordinate with Dane County transfer of files and communication with the mine operators (Homburg and Yahara Materials).