



June 27, 2013

Kyle Pattison
PATTISON SAND COMPNAY LLC SITE
720 South Main Street
Clayton, IA 52049

SUBJECT: Nonmetallic Mining Operations General Permit WI-0046515-5

FACILITY Bridgeport Mine
LOCATION: Town of Bridgeport, Crawford County
FACILITY ID NUMBER (FIN): 48298

Dear Permittee:

The Department of Natural Resources (Department) has evaluated the Notice of Intent you submitted for the above site and has determined that your discharge will be regulated in accordance with the Nonmetallic Mining Operations (NMM) General Wisconsin Pollutant Discharge Elimination System Permit No. WI-0046515-5.

The information you provided states that

- Excavation, aggregate crushing, or washing will be occurring at the Bridgeport Mine site.
- Storm water run-off is **externally drained** with a discharge of storm water to the Wisconsin River and Un Named Tributaries to the Wisconsin River.

Please note - Information you provided states that:

For the life of the mine you plan to avoid impacting Threatened and Endangered species as follows:

- To avoid take of the Cerulean Warbler (*Dendrocia cerulean*), Acadian Flycatcher (*Empidonax virescens*), Prothonotary Warbler (*Protonotaria citrea*), no tree cutting and clearing of trees shall take place on any part of the properties from May 1 through August 31st of any given year.
- To avoid take of the Little Brown Bat (*Myotis lucifugus*) or the Eastern Pipistrelle (*Perimyotis subflavus*), no cutting or clearing of dead standing trees or dying trees shall take place on any part of the properties from June 1st through August 15th of any given year.
- Although the Gray Ratsnake (*Pantherophis spiloides*) and Bullsake (*Pituophis catenifer*) are only special concern, caution to not disturb any habitat during the active period of March through October will help preserve these species.

For the life of the mine you plan to avoid impacting known Archeological and Historical artifacts as follows:

- Maintaining a 500 foot setback from the Wisconsin River in which the majority of known sites occur.

- **Site CR-0786 which lies outside the setback from the river will be avoided with a hard boundary (visible stakes, fence, ect.) 250 feet from the site with no activity to occur within 100 feet from known site boundary.**
- **If any human remains or previously unrecorded artifacts are encountered within the survey, OSA, Burial Sites Preservation Office or the Wisconsin Historical Society will be contacted immediately.**

STORM WATER CONTROL REQUIREMENTS

1. NMM operations that have storm water contact with overburden, raw material, intermediate product, finished product or waste material and have **storm water drainage off the mining site or to a protected wetland** under NR 103, Wis. Adm. Code shall be operated in compliance with a Storm Water Pollution Prevention Plan (SWPPP) as detailed in the general permit. Any concrete product operations covered under this permit and any portable NMM groupings specifically requested to be covered under this permit shall also be operated in compliance with a SWPPP.
 - Development of **SWPPP** and Certification of SWPPP Completion:
 - New NMM operations shall comply with the SWPPP requirements of this permit and shall submit a SWPPP certification to the Department prior to initiating NMM activities that result in a discharge of storm water to surface waters or to a protected wetland.
 - Existing NMM operations discharging without a permit must comply with the Department's enforcement action or stipulated schedule for SWPPP development, implementation, and certification within the shortest time practicable.
 - **Quarterly Site Inspection** of Storm Water Controls (*Demonstrations supporting a waiver to an annual frequency or to an alternate schedule for inactive sites with no material stockpiles must be submitted as part of SWPPP certification*).
 - **Quarterly Visual Check** of Storm Water Runoff Quality (*Can be waived in certain instances as specified in permit parts 3.7.2 & 3.7.3. Submit justification as part of SWPPP certification*).
2. An **annual check** for NMM operation discharges to impaired waters or to Total Maximum Daily Load (TMDL) allocated waters is required by **February 15th, each year**. If the discharge is to 303(d) impaired waters or to TMDL allocated waters, an updated SWPPP or TMDL implementation plan is required to be submitted to the Department.

You are responsible to notify the Department should conditions at this site change, as your permit requirements will also change.

The Nonmetallic Mining general permit documents can be accessed on the Department's internet site at the following address: <http://dnr.wi.gov/org/water/wm/ww/gpindex/gpinfo.htm>

The permit limitations, conditions, and requirements are designed to ensure that mining wastewater and storm water discharges from nonmetallic mining operations does not degrade the quality of Wisconsin's surface waters, wetlands, or groundwater. It is important that you read and understand this permit because it is enforceable under both state and federal law.

Copies of a quarterly visual inspection form, an annual facility site compliance inspection (AFSCI) form, and additional storm water forms including an example NMM storm water pollution prevention plan can be obtained at <http://dnr.wi.gov/runoff/stormwater/industrialforms.htm> or by contacting Department storm water staff.

Additional information regarding the Department's legal authority in this matter and your rights of appeal are shown below. If you have any questions regarding the permit or your coverage under the permit you can contact Roberta Walls at (608) 785-9472. We appreciate your help in protecting Wisconsin's water resources.

Sincerely,



Roberta Walls
Storm Water Management Specialist

Ref. General Permit WI-0046515-5, Nonmetallic Mining Operations & Fact Sheet
Quarterly Visual Inspection Form
AFSCI Form

LEGAL AUTHORITIES AND APPEAL RIGHTS

Section 283.35, Stats., authorizes the Department to issue a general permit for discharges from categories or classes of point sources. The Department may withdraw a facility from coverage under a general permit if it is determined that a discharge is a significant contributor of pollutants to waters of Wisconsin, if the source is not in compliance with the permit terms and conditions, if the permittee requests it, or in certain other cases set out in s. 283.35, Stats. In lieu of general permit withdrawal, the Department may refer any violation of this permit to the Department of Justice for enforcement under s. 283.89, Stats. In order to remain in compliance and avoid any enforcement action, **please read your permit carefully.**

If you believe that you have a right to challenge this decision to cover this facility with the nonmetallic mining operations general permit, you should know that the Wisconsin statutes, administrative rules and case law establish time periods within which requests to review Department decisions must be filed. To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the time period for filing a petition for judicial review.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you must file your petition with the appropriate circuit court and serve the petition on the Department within the prescribed time period. A petition for judicial review must name the Department of Natural Resources as the respondent.