

Summary of February County Board Activities

March 8, 2021

County Board February Summary:

- Health Department – kudos to the OC HD vaccination clinics held at the church on Hwy. 17
- Highway Department:
 - April elections will include a \$500,000 binding referendum for the purpose of road and bridge construction and a \$500,000 (one-time) non-binding referendum cut in county programs & services.
 - Questions on the details of both referendums were discussed.
 - A new highway commissioner will be most likely appointed - Alex Hegeman.
- Corporate Counsel:
 - Mike Fugle will most likely be appointed and take the place of Brian Desmond as Corporate Counsel
 - Brian is moving on to Sauk County as their Corporate Counsel.
- Townline Lake Park Proposed Sale:
 - “Townline Lake Park” was again on the Forestry agenda last week.
 - A ‘Citizen’s Group’ has been formed to study, research and develop an alternate plan for the park.
 - Bob Mott will be the committee representative.
 - Decision on the sale of the park has been delayed until at least May 2021.
- Crescent Lake District Formation Status:
 - Detailed discussion was had at Monday’s Conservation Committee
 - Reviewed the ‘verification of petition’.
 - Reviewed the final report and recommendation to the county board.
 - Resolution to form the lake district will be forthcoming at the next Conservation meeting
 - Tentative Timing:
 - Report to County Board 3-16-2021
 - Vote by OC Board 4-20-2021
- Planning & Zoning:
 - Some staffing issues heading into the ‘busy season’ has the department re-evaluating department priorities., in order to service the high number of building permits which will be issued in coming months.
 - Department has begun to enforce the ordinance of permitting and licensing of Tourist Rooming Houses (short term vacation rentals).
 - A proposed amendment to the OC Shoreland Protection Ordinance has been presented to Planning & Development. The amendment focused primarily on protecting vegetative buffer zone, the access & viewing corridor and vegetation with the access & viewing corridor. The committee has written letter to the WI Legislature requesting clarification and guidance on the WI state & DNR statutes.
 - Committee is evaluating the merits of the proposed amendment.
- Social Services, ADRC and the Human Resource Center all finished 2020 with a surplus. SS & ADRC will return some tax levy back to the OC General Fund
- An updated Oneida County Open Records Policy and Code of Conduct will most likely be put in place shortly, after the Administration Committee makes their recommendations to the CB.

Resolution #01-2021

Sulfide Mining

Whereas, Oneida County is an extremely water rich part of Wisconsin, with over 1,100 lakes, and with nearly 38% of its surface comprised of lakes, rivers, streams, and wetlands, totaling over 463 square miles, and

Whereas, there are three known sulfide deposits in Oneida County that are associated with ancient rock formations of volcanic origin, and

Whereas, sulfide deposits contain minerals that are compounds of metal and sulfur, and the process of mining these deposits creates an enormous amount of waste material, when exposed to air and water, create a condition, known as Acid Mine Drainage, that leaches metals from the surrounding environment, and remain a threat to the water resource for hundreds of years, and

Whereas, in Oneida County, these ancient deposits were buried under thick layers of glacial drift and water when the Glaciers receded, and

Whereas, our lakes, streams, and wetlands are intimately connected to the water contained in this glacial material, and In order to keep a sulfide mining operation reasonably dry, the pumping required would reduce lake and water well levels, reduce stream flows, and impair wetland function, and

Whereas, more than 62% of Oneida County voters opposed a sulfide mine upstream of the Willow Flowage, which is of great County, Tribal, and regional significance, and

Whereas, Badger Minerals is planning to conduct exploratory drillings for sulfide minerals, at the Wolf River Deposit, near the upper Wolf River, which is also of great County, Tribal, and regional significance, and

Whereas, the water resources of Oneida County are of profound importance, providing many people that live and work here with sustenance, for generations, from our incredible fisheries, and many others that benefit economically from the folks that come from far and wide to enjoy the scenic beauty of the Northwoods, and

Whereas, the repeal of the Mining Moratorium Law, known as Act 134, eliminates the "Prove it first" provision from the metallic mining law, and also makes groundwater standards non-applicable in certain areas, weakens wetland protections, streamlines approval of bulk sampling, shortens the timeline for review of mine permits, weakens the criteria for the approval of high capacity wells, weakens the public process for the approval of mine permits, eliminates solid waste disposal fees, limits the timeframe for predictive modeling, and limits the timeframe to maintain an irrevocable trust for preventative and remedial activities, and

Whereas, the future of Oneida County depends on keeping our water clean and protecting our lakes, streams, and wetlands.

Now therefore be it resolved that the Crescent Town Board considers Sulfide Mining to be incompatible with the goals stated above, and ask the Wisconsin State Legislature to repeal Wisconsin 2017 Act 134.

By the Crescent Town Board this 10th day of February, 2021.

Steve Richardson, Chairman

Tracy Hartman, Clerk

Kyla Waksmonski, Supervisor I

Kurt Metz, Supervisor II

I am sending you a copy of a Draft Resolution, on behalf of Oneida County Clean Waters Action. Please check out the website at occwa.org.

Please read this Resolution carefully. If your group, Association, or Town, agrees with this Resolution, and would like endorse it, we would be happy to include the name of your group, Association, or Town at the end of the Resolution, as supporting the Resolution.

If you would like to pass a Resolution on this issue, please feel free to use this Draft, and edit as you see fit.

The intention is to present this Resolution to the State Legislature, the Oneida County Board, and our Federal Representatives.

You can contact me at: Karl A. Fate

6824 Hwy 8 West

Spur Lake, Town of Crescent

(715-282-5895

fatersr@outlook.com



New Report Reveals Inadequate Monitoring and Mitigation Practices at Flambeau Mine

– Raises Awareness of Important Details to Scrutinize in New Mining Proposals

A new report reviewing mining industry practices at the now-closed Flambeau Mine¹ near Ladysmith, Wisconsin exposes how crucial environmental monitoring data have been withheld from the public. The Flambeau Mine, considered state of the art by today's standards, has been promoted by supporters of the **PolyMet** and **Twin Metals** projects in Minnesota as an example of a copper mine that operated "without polluting local waters." Similar claims have been made by proponents of the **Back Forty** project on the Michigan/ Wisconsin border, the **Eagle** and **Copperwood** projects in Michigan, the **GTac**, **Bend** and **Reef** projects in Wisconsin, and the **Pebble** project in Alaska. It's as if the Flambeau Mine has become the industry's calling card.²

The primary author of the report, the late Dr. Robert E. Moran (Michael-Moran Associates, Golden, CO; remwater.org)³, reviewed thousands of pages of historical and modern Flambeau Mining Company (FMC) documents and concluded the following in his 116-page report, *Flambeau Mine: Water Contamination and Selective "Alternative Facts"*⁴ (available online at <https://deertailscientific.wordpress.com/moran-report/>):

"For decades, some of the most relevant data and the most significant water-related impacts at the Flambeau Mine site have been withheld from public view."

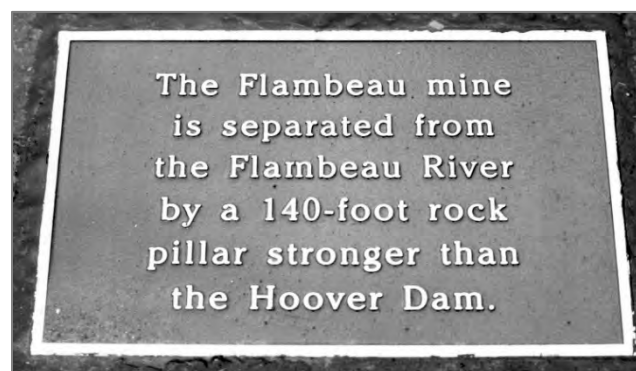
It's unclear if some of the crucial data Dr. Moran sought but found missing in the FMC reports had indeed been collected by the company and simply *not made public*, or if the company, realizing the data might prove problematic for them, *never collected it to begin with (i.e., Don't Ask – Don't Tell)*.

One thing is clear though: Dr. Moran, with his more than 45 years of domestic and international experience in conducting and managing water quality, geochemical and hydrogeologic work for private investors, industrial clients, tribal and citizens groups, NGO's, law firms, and governmental agencies at all levels, identified numerous deficiencies in the environmental monitoring program at Flambeau. He summed it up like this:

"I know of no metal-sulfide mines anywhere in the world that have operated without degrading the original water quality, long-term – even those employing modern technologies. Given this historical reality, FMC's approach has been to ensure that damaging data have not been made public."

Following are some of the major problems identified by Dr. Moran in his report:

- All routine Flambeau groundwater monitoring data are from filtered samples, from which some if not most of the chemical components have been removed by the filtering, thereby lowering the original concentrations.
- The number and location of monitoring wells along the mine's so-called "compliance boundary" (where groundwater standards are enforced by the state) are inadequate. There is only one nested well along the entire 3.5-mile boundary encircling the mine site, and it appears to be positioned outside the main groundwater flow path identified by FMC.
- FMC's own data shows that their decision to mix limestone with the backfilled waste rock in the mine pit to help curtail pollution has not prevented significant degradation of groundwater quality – this despite the fact that no tailings are stored at the Flambeau site (all ore was shipped by rail to Canada for processing). As Dr. Moran noted: "The site groundwaters are contaminated, and *these waters would require expensive, active water treatment to be made suitable for most foreseeable uses.*"
- The Wisconsin Department of Natural Resources (DNR) allowed FMC to "inappropriately restrict the list of chemical constituents monitored in waters from wells, waste rock, pit leachates, and the influent waters to the mine's waste water treatment plant." Dr. Moran added: "FMC permit reports and subsequent public documents were based on these inadequate data."
- In a 1989 technical report submitted by FMC to the Wisconsin DNR as part of their *Mine Permit Application*, the company described the narrow 140-foot pillar of bedrock between the soon-to-be constructed mine pit and Flambeau River as "fractured" and predicted that "... all of the groundwater flowing through the [high sulfide] waste rock in the [backfilled] pit will exit the pit through the Precambrian rock in the river pillar and flow directly into the bed of the Flambeau River." This was not disclosed in the 1990 *Environmental Impact Statement* circulated for public review. Instead, this is what FMC told Wisconsin citizens, as memorialized in a plaque posted near the open pit during mine operations:



Plaque displayed by FMC at the Flambeau Mine site (circa 1995).

- FMC’s surface water monitoring program for the Flambeau River has been “totally inadequate,” both in terms of the number and location of sampling sites and the number of constituents reported. No samples have been collected for analysis immediately adjacent to the backfilled pit, even though, as noted above, FMC’s own modeling showed that groundwater flowing through the waste rock in the backfilled pit would “flow directly into the bed of the Flambeau River.”
- FMC discontinued their program of testing Flambeau River walleye for metals accumulation in 2011, despite earlier data showing an increase in walleye liver copper concentrations subsequent to mining, with downstream concentrations being significantly higher than upstream concentrations.
- FMC has conducted no follow-up testing to determine the fate of endangered species found in the Flambeau River near the mine site prior to operations.
- FMC told the public that it was “clearly impossible for any activity at the mine, on one side of the river, to affect any water wells on the other side of the river.” However, as noted by Dr. Moran, technical reports filed by FMC’s own experts indicated that “significant volumes of pit groundwater may be flowing down-gradient below the Flambeau River” via fractures and faults. He added: “Even though a number of private homes are located directly across the river from the mine site, with contaminated groundwater from the backfilled pit possibly headed in that direction,” it appears that “no baseline or recent monitoring of wells on the west side of the river has been conducted by FMC or the State, at least no such data are publicly available.”
- The Wisconsin DNR allowed FMC to severely restrict the constituents determined in effluent from the mine’s waste water treatment plant after only 12 weeks of sampling, when blasting in the pit had commenced only 2 months earlier. These waters would have had insufficient time to evolve chemically and become suitably representative of waters in contact with sulfide-rich rocks.
- Most of the FMC monitoring wells currently in use have an inner diameter of only 2 inches – too narrow to allow adequate development (purging/cleaning) or sampling in such chemically-unstable waters. Thus, much of the FMC groundwater data is not representative of the *in-situ* water quality.
- A Flambeau River tributary that carries contaminated stormwater runoff from the mine site to the river has been added to the EPA’s impaired waters list for exceedances of acute toxicity criteria for copper and zinc, despite passive water treatment (similar to what has been proposed for the PolyMet project).

Dr. Moran also commented on the inaccuracy of some of the predictions made by FMC’s environmental consultant, Foth (Green Bay, WI), regarding the extent of groundwater pollution expected at Flambeau. He stated:

- “The narrative ‘predictions’ made by FMC’s main Wisconsin consultant in the various permit-related and Annual Reports appear to be largely naïve geochemically and hydrogeologically ... most useful for obtaining permits, less so for generating quantitatively-reliable predictions.”

Foth also consults for **PolyMet** and **Twin Metals** in Minnesota and has been involved in drafting permit-related documents for the **Back Forty**, **Copperwood** and **Eagle** projects in Michigan.

After his thorough review of FMC documents, Dr. Moran concluded his report with the following comment:

“In short, the Flambeau Mine is the poster child for a severely-flawed permitting and oversight process that has likely generated long-term public liabilities.”

He added: “Flambeau ground and surface water quality is being and has been degraded—despite years of industry public relations statements touting the success of the FMC operation. Rio Tinto said in a 2013 public relations (PR) release regarding the Flambeau Mine: ‘Testing shows conclusively that groundwater quality surrounding the site is as good as it was before mining.’ In efforts to encourage development of the other metal-sulfide deposits in northern Wisconsin and the Great Lakes region, the industry approach has been to simply repeat this false statement over and over, assuming that repetition will make it believed. Unfortunately, the FMC data show otherwise.”

To read Dr. Moran’s report in its entirety and for a summary of the key findings, go to:

<https://deertailscientific.wordpress.com/moran-report/>

For more information, please contact Deer Tail Scientific⁵ at deertailscientific@gmail.com or visit our website at deertailscientific.wordpress.com/.

1. The Flambeau Mine, a Rio Tinto/Kennecott project, was a small open pit copper-sulfide mine that operated near Ladysmith, Wisconsin in the mid-1990s. The project was controversial, in part due to the close proximity of the 32-acre pit to the Flambeau River (a 140-foot separation). When production ceased in 1997, the Flambeau pit was backfilled with waste rock, some of it amended with limestone. No tailings are stored at the site, since all ore was shipped by rail to Canada for processing. Yet the site groundwaters are contaminated, and “these waters would require expensive, active water treatment to be made suitable for most foreseeable uses” (Moran, 2019). Environmental monitoring, included as part of the owner’s long-term care responsibilities under Wisconsin law, is expected to continue through at least 2047 (40 years following the 2007 certification of the completion of pit reclamation activities), but state regulations also include a provision allowing for potential early termination of the responsibility.

2. To see a letter and “fact sheet” featuring the Flambeau Mine that was sent to Minnesota Governor Mark Dayton and all Minnesota lawmakers by *Mining Minnesota* (a mining trade association) in September 2013, go to: <https://deertailscientific.files.wordpress.com/2019/11/flambeau-promotionals.pdf>. Flambeau-related promotional materials circulated by others (Rio Tinto, Foth, Twin Metals, Aquila Resources, Wisconsin Mining Association, Pebble Partnership, Kennecott Eagle Minerals Company, etc.) are also posted.

3. This project was undertaken by hydrogeologist Robert E. Moran (Michael-Moran Associates, Golden, CO; remwater.org) in February 2017. He published a summary of his initial findings in April 2017 (<https://remwater.org/projects/flambeau-mine-ladysmith-wisconsin-u-s/>) while continuing to work on a more detailed report to be issued later the same year. Upon the premature death of Dr. Moran, the project was completed by Dr. David Chambers (Center for Science in Public Participation, Bozeman, MT; csp2.org) and research assistant Laura Gauger (Deer Tail Scientific, Duluth, MN; deertailscientific.wordpress.com), with funding provided by Deer Tail Scientific.

4. Flambeau Mine: Water Contamination and Selective “Alternative Facts”, Robert E. Moran, Ph.D. (Michael-Moran Associates, Golden, CO; remwater.org), May 2019 (posthumous), 116 pg.; available online at <https://deertailscientific.wordpress.com/moran-report/>.

5. Deer Tail Scientific is a 501(c)3 nonprofit organization founded in 2017. As stated in its bylaws: *The mission of Deer Tail Scientific is to educate the public, government officials and tribal sovereign nations with fact-based information on: (1) the permitting, development, reclamation, environmental performance and economics of Wisconsin’s Flambeau Mine; and (2) how the Flambeau Mine compares to other mines (closed, currently operating or proposed) in the Great Lakes region and beyond.*

**ONEIDA COUNTY
PLANNING & ZONING DEPARTMENT**

Courthouse Building

1 South Oneida Avenue, P.O. Box 400
Rhineland, WI 54501
Phone: (715)369-6130
Fax: (715)369-6268
Email: zoning@co.oneida.wi.us

Minocqua Branch Office

415 Menominee Street, P.O. Box 624
Minocqua, WI 54548
Phone: (715)369-6219
Email: zoning@co.oneida.wi.us

March 3, 2021

Tracy Hartman, Clerk
Town of Crescent
6902 Fire Tower Rd.
Rhineland WI 54501

Re: Conditional Use Permit application by JBM Howard Companies, Inc., applicant/proposed owner, currently owned by Zunker Partnership.

Dear Ms. Hartman:

Enclosed please find a copy of the Conditional Use Permit for the project described below. Please have the Crescent Planning Commission and/or Town Board review and advise what objections they may have. Thank you.

1. Conditional Use Permit application by JBM Howard Companies, Inc. applicant/proposed owner, to develop and operate a waste transfer facility on the following property described as being: Part of the NW-NW, Section 1, and part of the NE-NE, Section 2, T36N, R8E, PIN #CR 6-A, 3611 Highway 47, Town of Crescent.

Respectfully,



Scott Ridderbusch
Land Use Specialist

Enclosure

Complete in black or
blue ink only

CONDITIONAL USE PERMIT

PERMIT NO. _____

Office Use Only:

Photos to be scanned? ☐ Yes ☐ No

File name: _____

Owner's Name Zunker Partnership

Agent's Name JBM Howard Companies Inc

Owner's Address 7121 Lakeland Dr.
Rhinelanders, WI 54501

Agent's Address 3517 Old Oak Trail
Rhinelanders, WI 54501

Daytime Phone No. _____

Daytime Phone No. 715-482-0050

Address of Premises: 3611 Hwy 47, Rhinelanders, WI 54501

Zoning District General Use

PIN CR 6-A

Legal Description: Subdivision Name _____ Block # _____ Lot # _____

pt. NE NE
pt. NW NW 1/4 1/4 or Gov't Lot # — Section 2 Township 36 Range 8

Nearest Road/Street Hwy 47

Name of Lake or Stream N/A

Proposed Project Waste Transfer Facility

RECEIVED

MAR 03 2021

ONEIDA COUNTY
PLANNING & ZONING

DO NOT WRITE BELOW THIS LINE (OFFICE USE ONLY)

Fee: 600.00 Receipt No. 21-125

Conditions: _____

Permit Granted: _____ Date: _____

Title: _____

Section 1-Genreal Project Information

1. Waste transfer building approximately 75' X 100' in size with a scale for weighing loads. This facility (less that 50 ton/day Transfer) is regulated by the WI-DNR under NR 502.07(2r) and shall consist of a fully enclosed building for larger loads and self-contained leak and waterproof containers located along side the building for smaller loads. The facility will be open to general public and contractors for waste and recycling as permitted. As required per NR 502.07(2r), all waste/recycling material will be transferred via transfer trailer to a licensed landfill daily.
2. Approximate cost of project \$150,000-\$200,000
3. We have already built, owned and operated two transfer facilities under the name of Northern Waste Inc. One was located on Hwy 70 W in Lac du Flambeau and the other was located on Hwy 17 S in Rhinelander. We have over 20 years of experience in the industry.
4. None known
5. Heavy equipment during excavation work. Equipment noises, such as back up alarms.

Section 2- Site map requirements

1. See Map "A"
2. See Map "B"
3. Silt fencing and e-matting for erosion. (Also, see Section 3, item #5.)
4. See Map "C"
5. See Map "D"
6. N/A
7. Minimal if any.
8. N/A
9. See Map "E"
10. See Map "E"
11. See Map "A"
12. See Map "D & E"

Section 3-Sit Disturbance Details

1. Silt fencing, erosion blankets (where needed) and proper aggregate needed.
2. See Map "D"
3. Approximate 100'X125' for land disturbance.
4. Natural vegetation.
5. Applying for stormwater plan through DNR. (Preliminary discussion with Matt Jacobson, WI-DNR Stormwater Specialist indicate that this facility will likely quality for a "No Exposure Certification" since all waste of concern will be either inside a building or in self-contained leak and waterproof containers.)
6. Depending on contractor availability.
7. Indefinite.
8. A.) Excavator and Dozer. B.) All spoils incorporated on existing property. C.) Depending on contractor availability, weather & permitting. Project would be estimated to take four weeks once all is in place.
9. See attachments (NR 502.07(2r.) Exempt Transfer Facilities Accepting Less Than 50 Tons Per Day.

10. See maps

Section 4-Business and Land Use

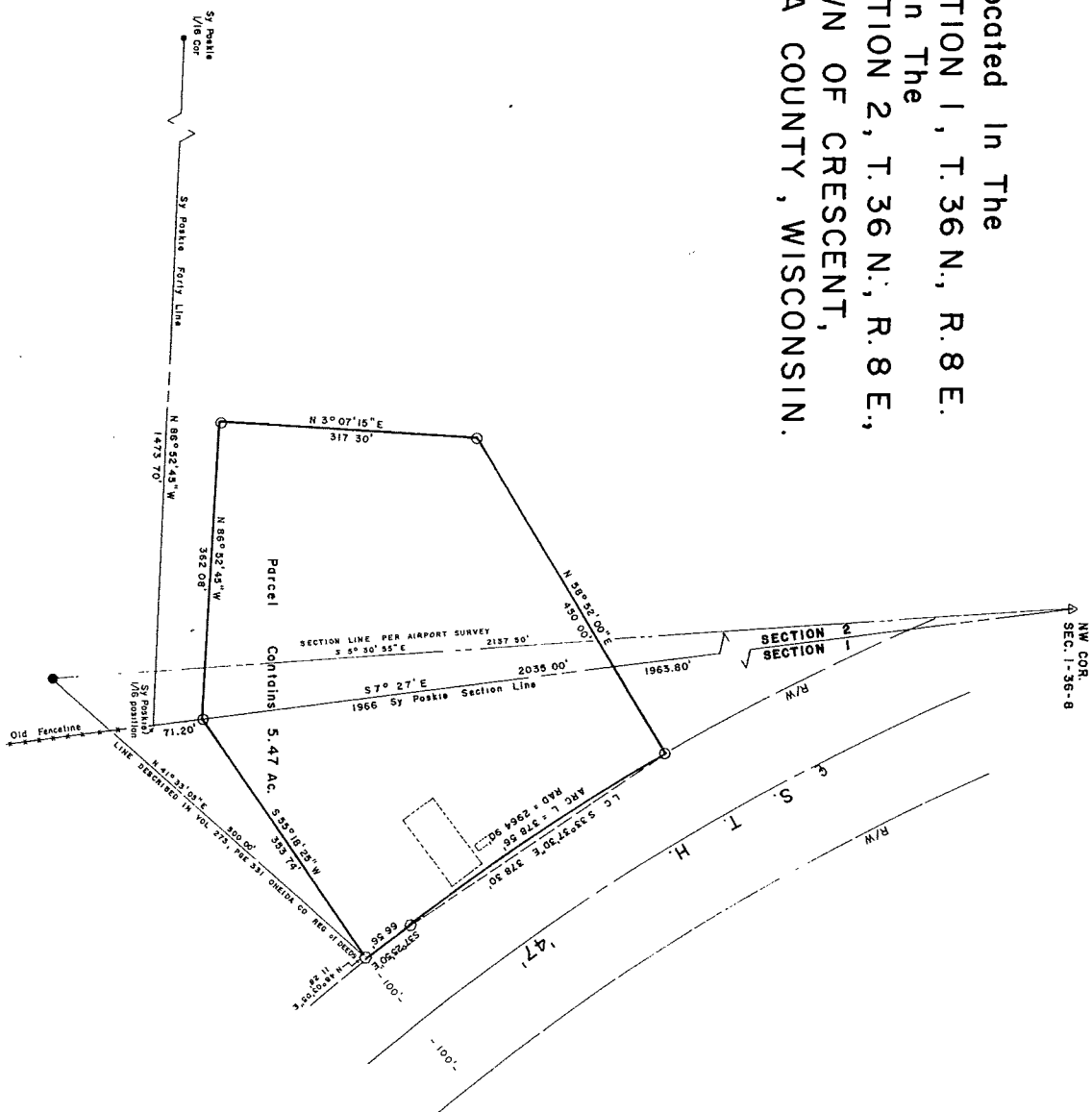
1. The existing building is used as office rental space and the attached garage is used as a shop for Rhinelander Transit.
2. The portion of the existing office space closest to the highway will remain office space, the west portion will be remodeled and converted to dwelling space and the existing garage will be used as a shop and equipment storage. See Map "G"
3. The proposed 75' x 100' transfer building is basically a large pole building with a concrete floor (tipping floor) that waste is dumped onto and with an area along one side with a 6' deep area where the transfer trailer is parked. The waste dumped onto the tipping floor is loaded into the transfer trailer which is then transported to a landfill daily. See Map "G"
4. N/A
5. Trash and recycling drop off. As detailed on attached Map "C", customers will drive into the parking lot off Hwy 47, be weighed on the scale, and depending on the size of their load, either off-load into the containers or into the transfer building and then exit over the scale and pay in the office located in the existing building.
6. Two
7. Already existing See Map "C" & "E"
8. See attached
9. Property line setbacks and natural screening will be used. There will be no outdoor storage of any waste, items such as scrap metal will also be in dumpsters.
10. Monday-Friday 7-5 and Saturday 8-Noon
11. Loads will vary daily, anywhere from 0-40 loads/day from customers dropping off and 1-2 outgoing transfer trailer loads/day to a licensed landfill.
12. Restrooms are in existing building for employees.
13. See above section 3-4
14. See above section 3-1
15. See above section 3-5
16. See above #11
17. See above #11
18. Loader, Roll-off truck and dumpsters. The transfer trailer for waste going to the landfill daily will be inside the proposed building. The loader will be inside the proposed building as well.
19. Existing
20. Existing driveway
21. Office is in existing building
22. DNR regulations attached

Section 5-Water supply, Wastewater & Solid Waste Details

1. N/A
2. N/A
3. Existing building has a well.
4. N/A

Map A 11

Parcel Located In The
NW-NW, SECTION 1, T. 36 N., R. 8 E.
& In The
NE-NE, SECTION 2, T. 36 N., R. 8 E.,
TOWN OF CRESCENT,
ONEIDA COUNTY, WISCONSIN.



I, Michael J. Rompelt, hereby certify that I have surveyed the above parcel of land under the direction of Rhinelander Yamaha, Inc. that the above map is a true and correct representation of the land surveyed to the best of my knowledge and belief, and that I have provided a description of the parcel on a separate sheet.

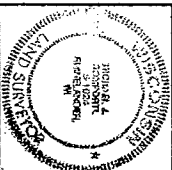
Michael J. Rompelt
Surveyor
Date: 30 1986

RECEIVED & FILED 81.438
Oneida County Surveyor's Office
Date: JUN 19 1988
By: M.J.R.
ONS Area #:

Bearings are referenced to the West Section Line of Section 1-36-8 as determined by S.P. Postle, assumed to bear N 7° 27' W

LEGEND

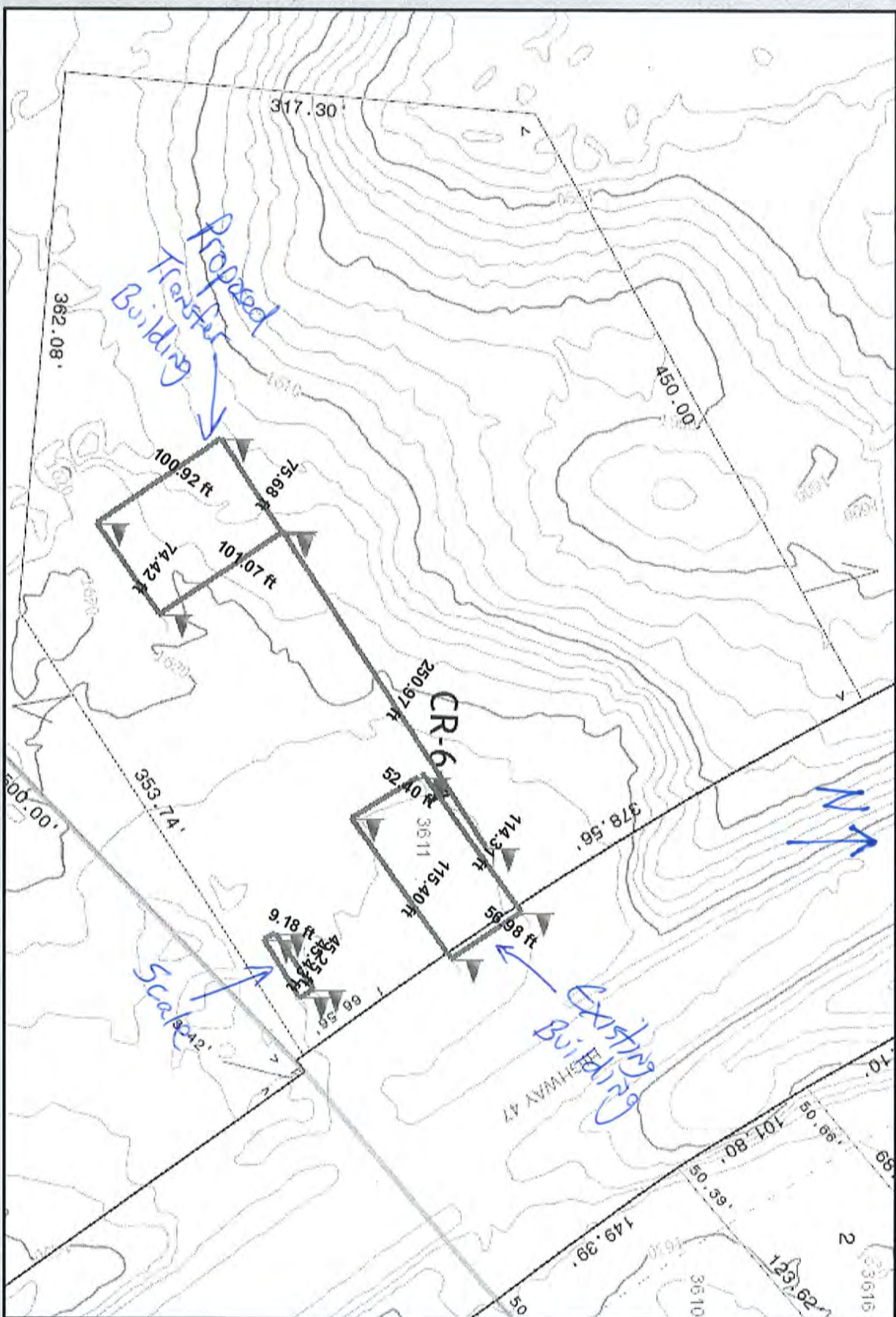
- Set 1" x 24" Iron Pipe
- Found 1" Iron Pipe From Airport Survey
- Found 3/4" Iron Pipe
- △ Found P.K. Nail
- Existing Structure
- Set P.R. Spike



**RHINELANDER
YAMAHA**
HWY 47 NORTH
RHINELANDER, WIS.
GENISOT AND ASSOCIATES, INC.
RHINELANDER, WIS.

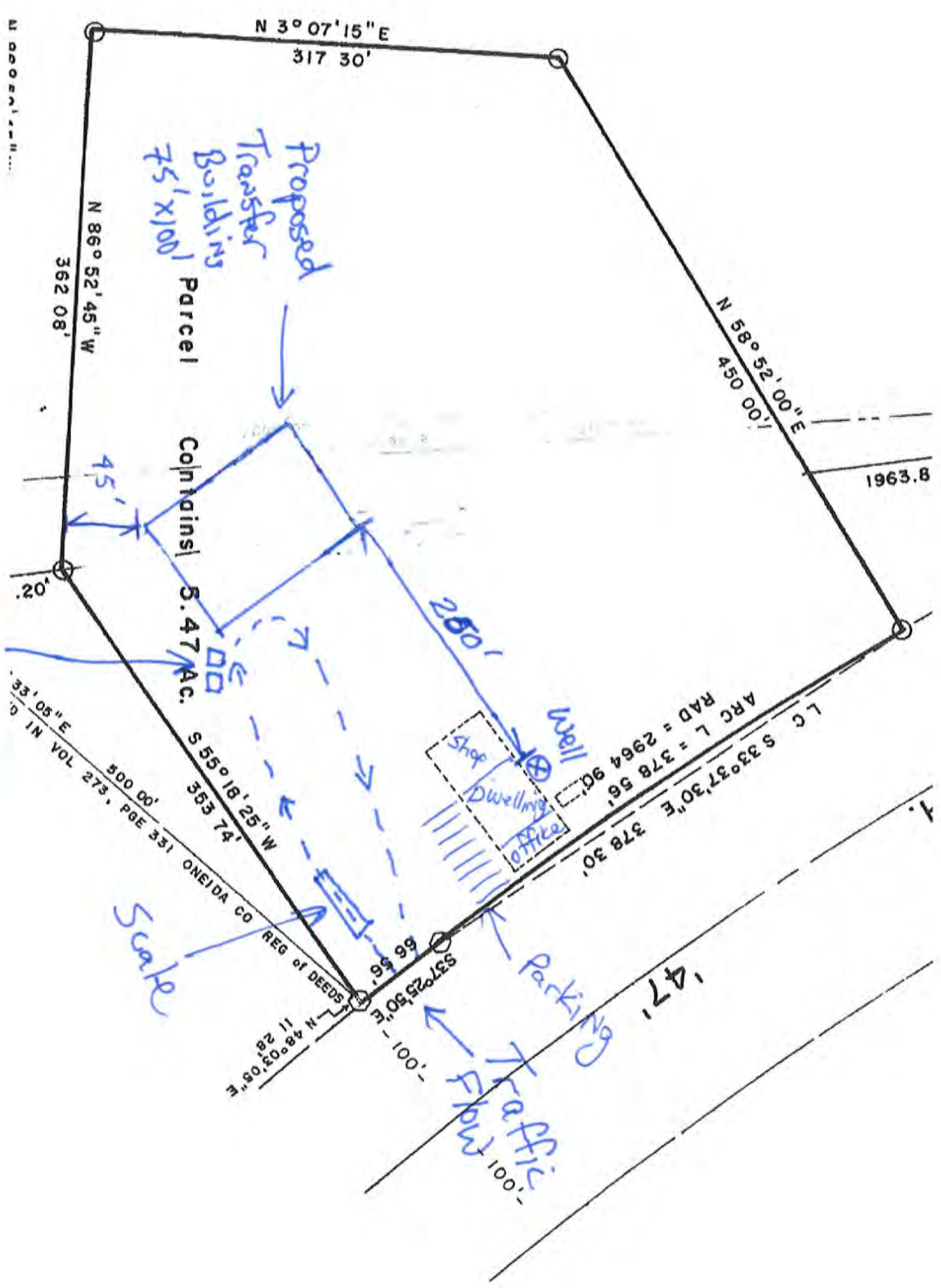
Oneida County, Wisconsin

This map is courtesy of the Oneida County Land Information office and is a general sketch of areas in Oneida County. It should not be used to represent surveys of property. See original source documents for more information.



Map "C"

N ↑



Map "D"

N ↑



Oneida County, Wisconsin

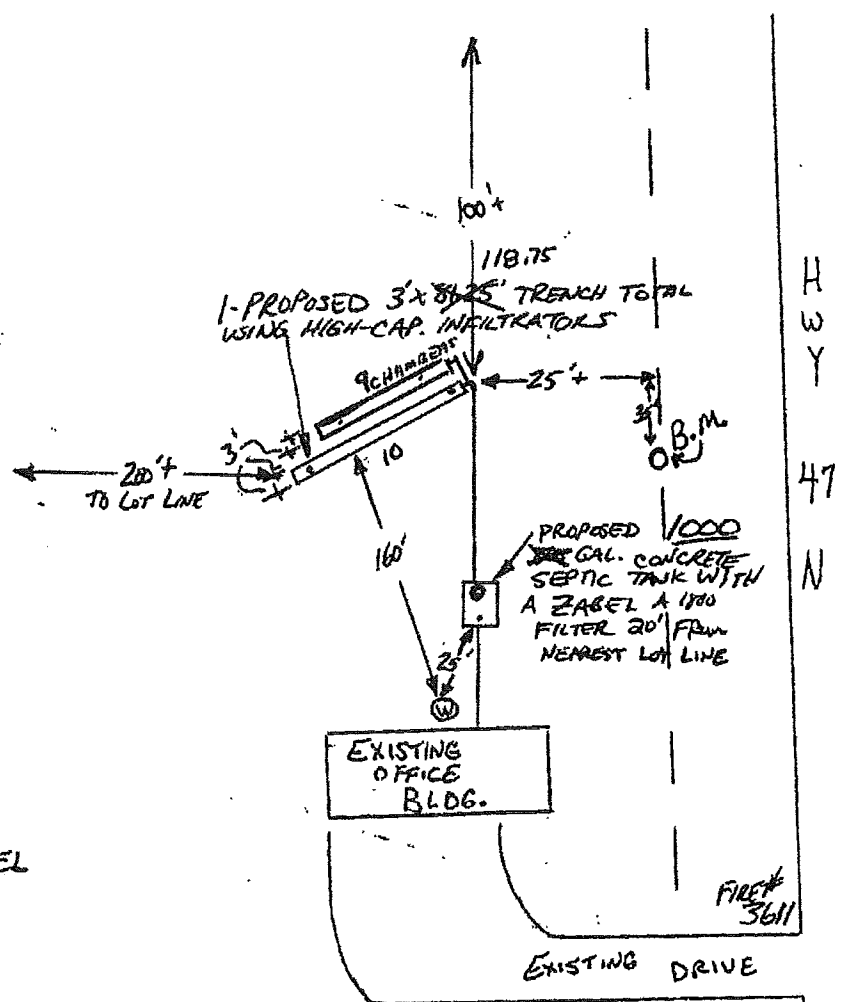
0 0.0225 0.045 0.09 0.135 0.18 Miles

This map is courtesy of the Oneida County Land Information office and is a general sketch of areas in Oneida County. It should not be used to represent surveys of property. See original source documents for more information.

Map "F"

WISCONSIN STAFFING SERVICES Inc. BOB'S PLUMBING & EXCAVATING
 P.O. Box 861 5988 NORTHWESTERN DRIVE
 RHINELANDER, WI. 54501-8906
 (715) 362-5493

NW 1/4, NW 1/4, Sec 1, T36N, R8E
 TOWN OF CRESCENT - ONEIDA COUNTY -
 P.I. N. # - CR-6-A+18-14



5 ACRE PARCEL

NO SCALE
 B.M. = 100.0 = NAIL W/ ORANGE RIBBON
 IN 12" RED PINE

ELEVATIONS:

B-1 94.54

B-2 94.98

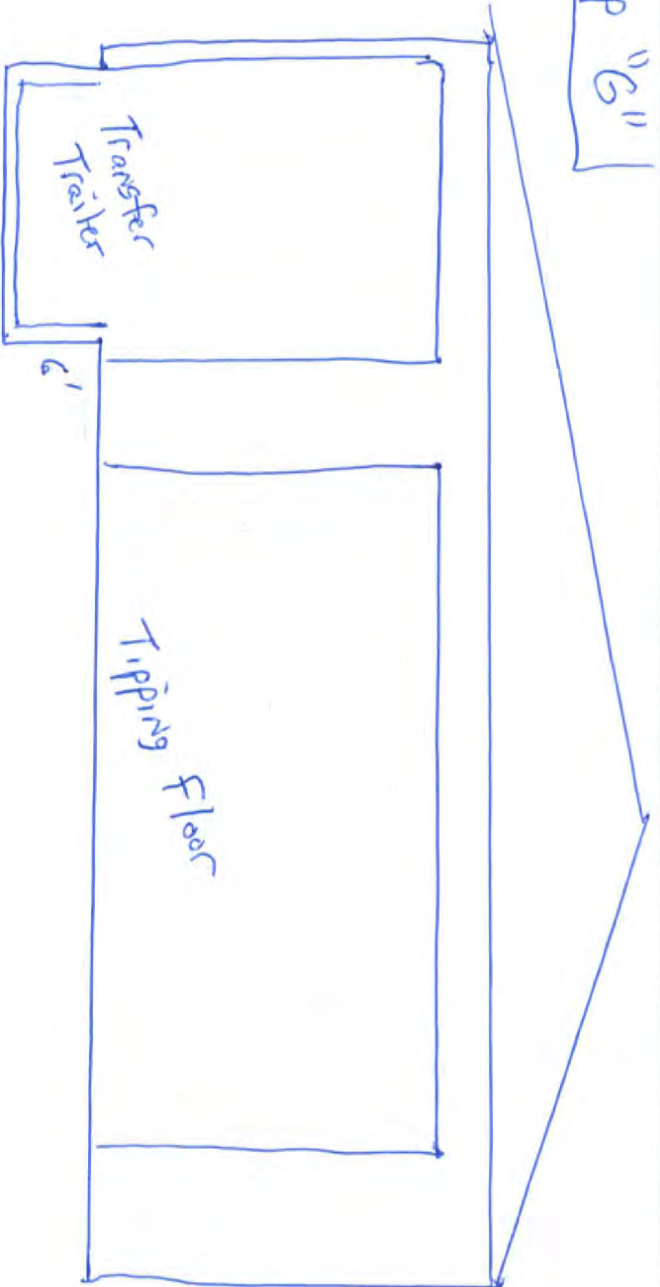
B-3 96.42

SYSTEM ELEVATION: 92.04

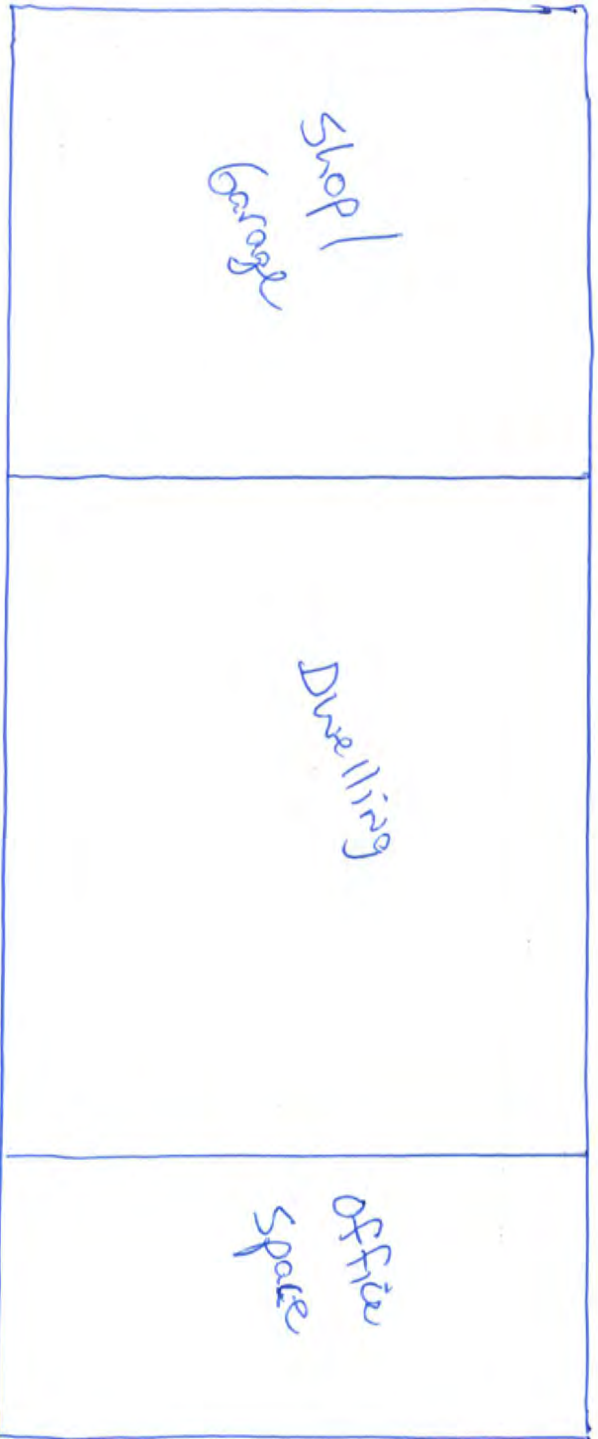
Bob Layton
 226365
 9/2/00

Map "G"

Transfer
Building
"Front view"



Existing
Building
"Top View"



Chapter NR 502 Non-Landfill Solid Waste Facility Initial Site Inspection (ISI) Application

Form 4400-209 (R 10/15)

Page 1 of 2

Notice: Under [NR 502.04\(2\)](#), Wis. Adm. Code, an owner or operator of facilities listed in Section II of this form is required to submit a request for an Initial Site Inspection (ISI) to the Department of Natural Resources before establishing or expanding a solid waste facility. This form contains information needed for an ISI request. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records Law [ss. 19.31-19.39, Wis. Stats.].

Instructions: The applicant should submit, at a minimum, the following to request an Initial Site Inspection:

1. A cover letter requesting the ISI along with a brief description of the proposed solid waste facility design and operation.
2. A completed copy of this form.
3. All pertinent attachments identified in Section V of this form

Send two copies of the application packet (cover letter, completed form and attachments) to the Solid Waste Program Supervisor at the DNR's Regional Office where your facility is located. Submit one electronic copy to the same address.

Section I – Facility Information

Applicant Last Name	First Name	MI	Title
Phone Number (with area code)	Mobile Phone (with area code)	Email Address	
Company/Municipality Name		Facility Location (Street Address, Fire lane #)	
County	<input type="radio"/> City <input type="radio"/> Town <input type="radio"/> Village	Legal Description of Property	
	of	____ ¼ of ____ ¼ of Section ____ , T ____ N, R ____ <input type="radio"/> E <input type="radio"/> W	

Present Land Use on the Property: (select all that apply)

- ☐ Agriculture ☐ Commercial ☐ Manufacturing ☐ Residential ☐ Other (specify): _____

Has the local government for facility been notified of your intentions for development of this Solid Waste facility? ☐ Yes ☐ No

Will the proposed facility design capacity be less than 100 tons per day? ☐ Yes ☐ No

Section II – Proposed Solid Waste Facility (select the appropriate facility)

Group A: ☐ Outside Storage, [NR 502.05](#) ☐ Less than 50 tons/day Storage, [NR 502.05\(3\)\(k\)](#) ☐ Outside Processing, [NR 502.08](#)

Group B: ☐ Transfer, [NR 502.07](#) ☐ Less than 50 ton/day Transfer, [NR 502.07\(2r\)](#)

Group C: ☐ Non-Exempt Compost [NR 502.12](#)

Group D: ☐ Less than 20,000 cy Yard Residuals Composting, [NR 502.12\(6\)](#) ☐ Less than 5,000 cy Source-Separated Compostable Material Composting, [NR 502.12\(7\)](#)

Group E: ☐ Incinerator, [NR 502.09](#) **Group G:** ☐ Woodburning, [NR 502.11](#)

Group F: ☐ Air Curtain Destructor, [NR 502.10](#) **Group H:** ☐ Municipal Solid Waste Combustor, [NR 502.13](#)

No Group: Solid Waste Facilities that cannot be located in a floodplain, but are not subject to other locational criteria. (Go to Section IV)

☐ Inside Storage, [NR 502.05\(4\)\(b\)](#) ☐ Inside Infectious Waste Storage, [NR 526.09](#) ☐ Inside Processing, [NR 502.08\(3\)\(b\)](#)

Solid Waste Facilities that are not subject to specific locational criteria. (Go to Section IV)

☐ Non-Commercial Soil Borrow Site for the construction of a non-landfill solid waste facility, [NR 502.04\(2\)\(a\)9](#)

Section III – Locational Criteria (Circle the appropriate responses corresponding to the facility Group above)

Will the proposed facility be located:	A	B	C	D	E	F	G	H
1. outside a designated floodplain?	1	Y / N	Y / N	Y / N	Y / N	Y / N	Y / N	Y / N
2. at least 250 ft. from any private water supply wells?	2	Y / N	Y / N	Y / N	Y / N	Y / N	Y / N	Y / N
3. at least 1,200 ft. from any public water supply wells?	3	Y / N	Y / N	Y / N	Y / N	Y / N	Y / N	Y / N
4. at least 5 ft. from seasonal high groundwater table?	4	NA	NA	Y / N	Y / N	NA	NA	NA
5. at least 250 ft. from navigable lakes, ponds or flowage?	5	Y / N	Y / N	NA	Y / N	NA	Y / N	NA
6. at least 500 ft. from navigable lakes, ponds or flowage?	6	NA	NA	Y / N	NA	NA	NA	NA
7. at least 250 ft. from navigable rivers and streams?	7	Y / N	Y / N	Y / N	Y / N	NA	Y / N	Y / N
8. at least 100 ft., from property line? If no, describe Screening used:	8	NA	Y / N	NA	Y / N	NA	Y / N	NA
9. at least 250 ft., from property line? If no, describe Screening used:	9	Y / N	NA	Y / N	NA	NA	NA	NA
10. at least ¼ mile from any resident who has not provided written consent to the DNR?	10	NA	NA	NA	NA	NA	Y / N	Y / N
11. at least 1,000 ft. from highway or parks without screening? If no, describe Screening used:	11	Y / N	Y / N	Y / N	Y / N	Y / N	Y / N	NA
12. outside the limits of fill of an existing or abandoned landfill?	12	NA	NA	NA	NA	NA	Y / N	NA
13. Will putrescible waste be accepted? If Yes, will the facility be:	13	Y / N	Y / N	Y / N	Y / N	Y / N	NA	Y / N
14. at least 10,000 ft. from any turbojet airport runways?	14	Y / N	Y / N	Y / N	Y / N	Y / N	NA	Y / N
15. at least 5,000 ft. from any piston airport runways?	15	Y / N	Y / N	Y / N	Y / N	Y / N	NA	Y / N
16. operated in a manner to not create a substantial bird hazard?	16	Y / N	Y / N	Y / N	Y / N	Y / N	NA	Y / N

Chapter NR 502 Non-Landfill Solid Waste Facility Initial Site Inspection (ISI) Application

Form 4400-209 (R 10/15)

Page 2 of 2

Section IV – Performance Standards (ss. NR 502 04(1) and (2)(b)6 Wis. Adm. Code) Select the appropriate response.

Will the proposed solid waste activity cause:

- | | |
|---|-------|
| 1. a detrimental effect on any surface water? | Y / N |
| 2. an impact on any wetlands? (If the facility will impact a wetland, ch. NR 103 applies.) | Y / N |
| 3. a detrimental effect on groundwater quality? | Y / N |
| 4. a detrimental impact on groundwater quality or a ch. NR 140 groundwater quality standard to be exceeded? | Y / N |
| 5. a significant adverse impact on critical habitat areas? | Y / N |
| 6. concentration of explosive gases which exceed 25% of the lower explosive limit for such gases in structures, soils or air beyond the facility property boundary? | Y / N |

Section V – Attachments (s. NR 502 04(2) Wis. Adm. Code)

The following supporting documents are provided with this Initial Site Inspection request:

1. A regional map or aerial image with 1" = 500' minimum scale showing existing land use activities with the image scale and north arrow identified. This document should have markings outlining a ¼ mile radius around the proposed facility. The proposed facility property boundary, surface waters, floodplains, public parks, roadways, water supply wells and residences within that radius should be labeled.

A site plan that shows the layout of the proposed site would also be helpful. A suggested scale would be 1" = 100' maximum. This document would have markings outlining the limits of the proposed activity on the property and could be used to show storm water drainage patterns and control structures within the property.

2. Documentation that you believe supports and justifies the Department issuing an exemption for any "no" response in Section III above or "yes" in Section IV (select the appropriate box):

- a. ☐ Not Applicable ☐ Yes: Section III Locational Criteria (questions #1-15) exemption request(s) attached
- b. ☐ Not Applicable ☐ Yes: Section IV Performance Standards (questions #1-6) exemption request(s) attached

Section VI – Applicant Certification

I certify that, to the best of my knowledge, the information provided herein is accurate and was prepared in compliance with all applicable requirements in ch. NR 502, Wis. Adm. Code:

Authorized Representative (Print)		Title		Telephone Number	
Applicant Mailing Address			City	State	ZIP Code
Signature		Date Signed	Email Address		

For Department Use Only

Assigned Staff Name	Date Received	Response Date	Assigned FID #
<div> <div>Date</div> <div> <input type="radio"/> Yes <input type="radio"/> No </div> </div>	WDNR Bureau of Endangered Resources <i>Natural Heritage Inventory</i> identified no critical habitat areas or State or local natural areas on the proposed facility?		
<div> <div>Date</div> <div> <input type="radio"/> Yes <input type="radio"/> No </div> </div>	WDNR Bureau of Facilities and Lands <i>Historical and Archaeological Site Maps</i> identified no historical, scientific, or archeological areas on the proposed facility?		
<div> <div>ISI Date</div> <div> <input type="checkbox"/> Non-complex facility with office review of submittals and databases only </div> </div>			

Preliminary Opinion based upon department review of submitted information:

- ☐ The facility, as proposed, appears to meet all the applicable performance and location standards.
- ☐ The facility, as proposed, has some conflicts with performance and location standards. Sufficient information has been provided to demonstrate, circumstances which warrant exemptions from those standards.
- ☐ The facility, as proposed, does not appear to meet applicable performance and location standards. Insufficient information has been provided issue exemptions from those standards. If the project is pursued, the applicant will need to address these issues.

Plan of Operation Status for this facility:

- ☐ The facility type identified in Section II does not require department approval of a Plan of Operation Report.
- ☐ A Plan of Operation has been submitted and reviewed. A Plan of Operation Approval is part of the ISI response.
- ☐ A submitted Plan of Operation Report has not provided adequate information for the department to issue a decision at this time. Additional information will need to be submitted prior to the Department issuing a determination.
- ☐ A Plan of Operation Report has not been submitted. To pursue this proposal a plan of operation must be submitted as specified in applicable sections of ch. NR 502, Wis. Adm. Code.

(2r) EXEMPT TRANSFER FACILITIES ACCEPTING LESS THAN 50 TONS PER DAY. Transfer facilities that meet all of the following criteria are exempt from all other requirements of this chapter:

(a) Comply with performance standards and closure requirements in s. NR 502.04 (1) and (3) (a) and (b).
(b) New or expanded facilities shall comply with initial site inspection requirements in s. NR 502.04 (2) and demonstrate compliance with locational criteria in sub. (3).

(c) Obtain an operating license from the department.

(d) Accept a maximum of 50 tons of waste per day and store a maximum of 50 tons of waste at any one time.

(e) Comply with operational requirements for transfer facilities in sub. (7) and all of the following:

1. Limit storage periods to a maximum of 24 hours, except within leak-proof vehicles or containers with impermeable tops used by a licensed collection and transportation service.

2. Do not accept sewage solids, sludge, asbestos or wastes containing free liquids.

3. At the end of each operating day, place all waste in leak-proof vehicles or containers with impermeable tops.

(f) Prior to or with the initial license application, and with each subsequent license application, submit a cover letter containing the following certification:

I, _____ (authorized individual name), _____ (position title), hereby certify that I am the owner or authorized representative of the solid waste transfer facility, _____ (facility name), located at _____ (location address); that I am aware of s. NR 502.07, Wis. Adm. Code applicable to the facility; and that the facility is in compliance with the code.

(signature of authorized individual) (signature date)

(g) If the certification required in par. (f) is not submitted with a license renewal application prior to expiration of any license period, the facility shall pay compliance inspections fees in accordance with s. NR 520.04 (7) for up to 2 inspections completed by the department during the subsequent license period.

Requirements for how a Less Than 50 Ton Per Day Transfer Facility Must Operate

(7) OPERATIONAL REQUIREMENTS FOR TRANSFER FACILITIES. Unless exempt under sub. (2), (2f), (2m) or (2r) no person may operate or maintain a transfer facility except in conformance with an approved plan of operation, if applicable under sub. (4), and the following operational requirements:

(a) A sign shall be prominently posted at the entrance to the facility, which indicates the name, license number, the hours of operation, waste types accepted, necessary safety precautions and any other pertinent information specified by the department.

(b) A building, roofed and enclosed on at least 3 sides or otherwise enclosed to satisfactorily control dust, papers, and other waste materials, shall be provided.

(c) All wastewater shall be collected and treated at a wastewater treatment facility permitted to accept it.

(d) The facility shall be operated under the direct supervision of responsible individuals who are thoroughly familiar with the requirements and the operational procedures of the transfer facility.

(e) Access shall be restricted except when an attendant is on duty.

(f) There may be no storage of solid waste on the premises for a period greater than 24 hours except in conformance with s. NR 502.05 or unless the waste is contained in leak-proof vehicles or containers with impermeable tops used by a licensed collection and transportation service. Longer storage periods may be authorized by the department for certain industrial and commercial waste depending on the design of the facility

(g) Unloading of solid waste may take place only within the enclosed structure and only in approved designated areas.

(h) Solid waste shall be confined to the unloading, loading and handling area.

(i) The transfer facility and adjacent area shall be kept clean and free of litter.

(j) Sewage solids, sludge, asbestos or wastes containing free liquids may not be accepted unless special handling plans for these wastes have been submitted to the department and approved in writing. Infectious or hazardous waste may not be accepted under any circumstances.

(k) Dust and odor generated by the unloading of solid waste and the operation of the transfer facility shall be controlled at all times.

(L) Burning of solid waste may not be conducted.

(m) Solid waste which is burning or is at a temperature likely to cause fire or is flammable or explosive may not be accepted.

(n) Equipment shall be provided to control accidental fires and arrangements shall be made with the local fire protection agency to provide immediate services when needed.

(o) Means shall be provided to control flies, rodents and other insects or vermin.

(p) Provisions shall be made for adequate maintenance of the transfer facility after each day of operation.

(q) Means of communication shall be provided for emergency purposes.

(r) An approved alternative method of waste processing or disposal shall be provided in the event that the transfer facility is rendered inoperable.

(s) Recyclable material may be separated from the incoming waste and stored provided that no fire hazard or nuisance conditions are created.



Revision: 10/05/2020
WASTE & MATERIALS
MANAGEMENT PROGRAM

TRANSFER FACILITY INSPECTION FORM - LESS THAN 50 TONS/DAY SITES

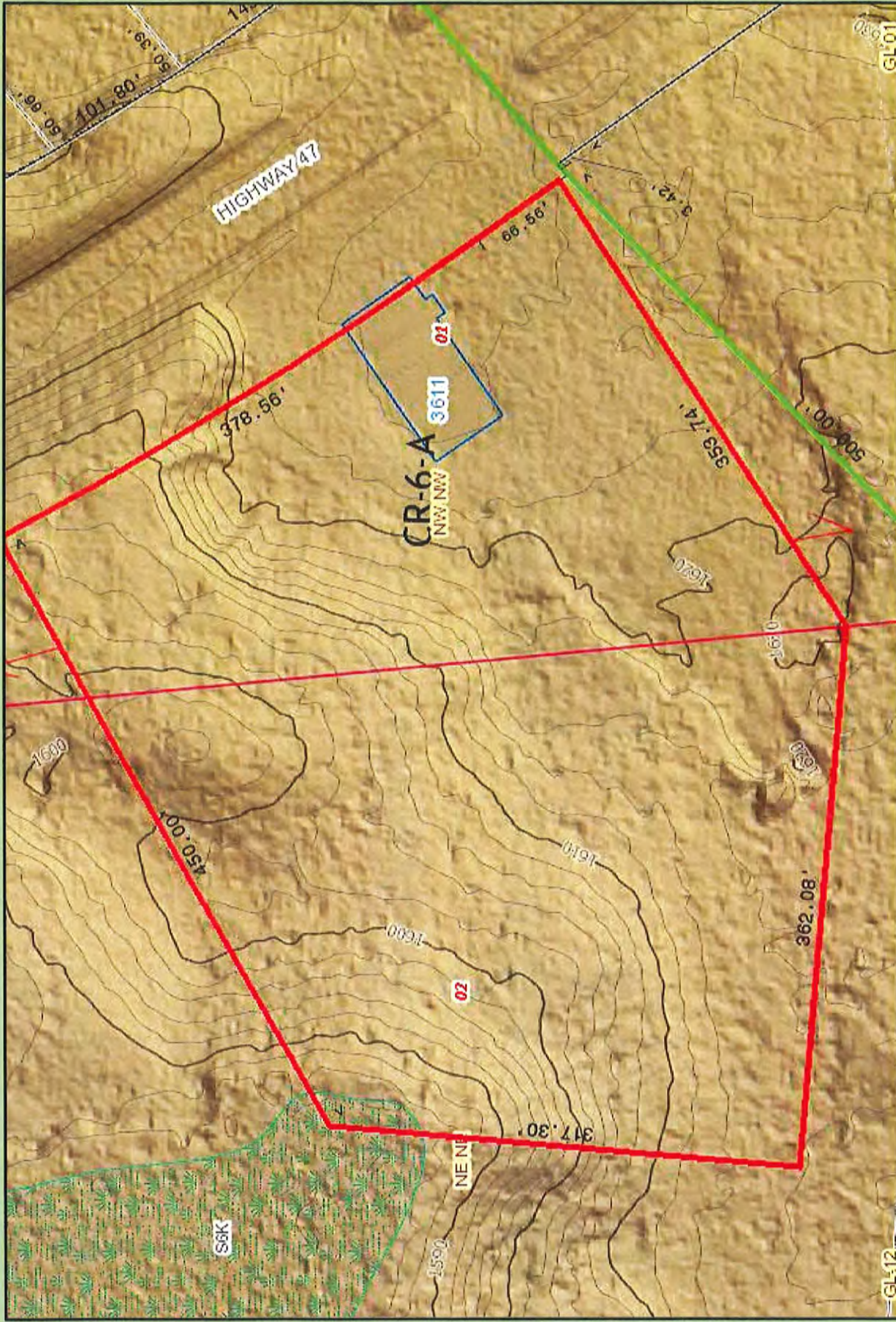
This inspection form, used for NR 502.07(2r) exempt transfer facilities with a capacity of less than 50 tons/day, evaluates specific waste program initiatives as well as compliance with minimum operating and design standards.

Section 1: Transfer Facility General Requirements

A. Maintain an operating license for the facility	<input type="checkbox"/>	502.07(2r)(c)
		<input type="checkbox"/>
B. Accept less than 50 ton/day and store less than 50 tons at any time	<input type="checkbox"/>	502.07(2r)(d)
		<input type="checkbox"/>
C. Do not accept sewerage solids, sludges, asbestos or waste containing free liquids	<input type="checkbox"/>	502.07(2r)(e)2
		<input type="checkbox"/>
D. Provide compliance certification with each relicensing application	<input type="checkbox"/>	502.07(2r)(g)
		<input type="checkbox"/>

Section 2: Transfer Facility Operational Requirements

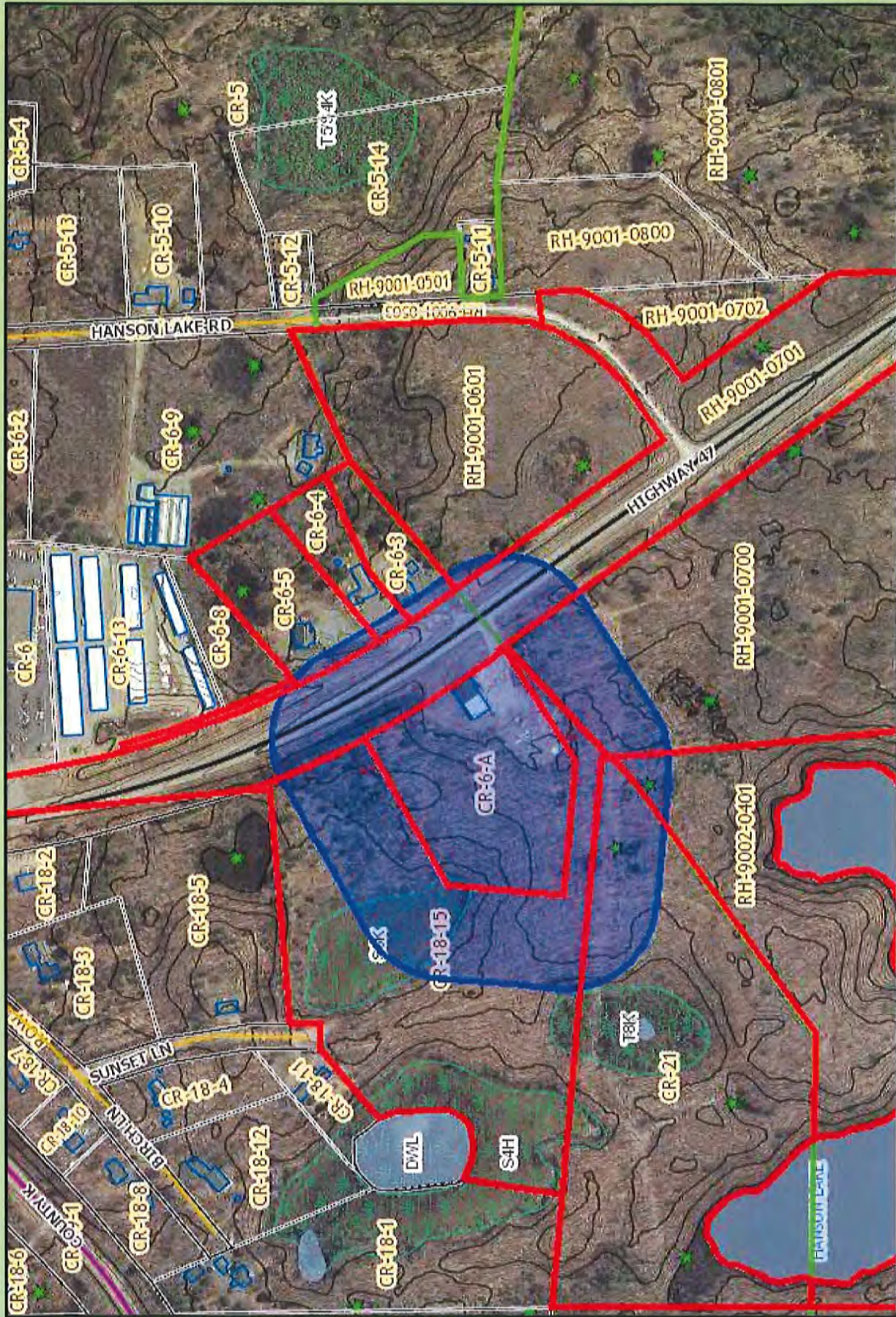
A. Solid waste storage less than 24 hours except in leak-proof containers or vehicles with impermeable tops used by a licensed collection and transportation service. *	<input type="checkbox"/>	502.07(2r)(e)1
		<input type="checkbox"/>
B. Sign posted indicating the name, license number, hours of operation, waste types accepted, and necessary safety precautions. *	<input type="checkbox"/>	502.07(7)(a)
		<input type="checkbox"/>
C. Facility operated under the direct supervision of individuals familiar with approvals.	<input type="checkbox"/>	502.07(7)(d)
		<input type="checkbox"/>
D. Solid waste confined to the unloading, loading and handling areas.	<input type="checkbox"/>	502.07(7)(h)
		<input type="checkbox"/>
E. The transfer facility and adjacent area kept clean and free of litter.	<input type="checkbox"/>	502.07(7)(i)
		<input type="checkbox"/>
F. Burning of solid waste not conducted.	<input type="checkbox"/>	502.07(7)(L)
		<input type="checkbox"/>
G. Recyclable materials stored to prevent fire hazard or nuisance condition.	<input type="checkbox"/>	502.07(7)(s)
		<input type="checkbox"/>



0 0.005 0.01 0.02 0.03 0.04
Miles

This map is courtesy of the Oneida County Land Information office and is a general sketch of areas in Oneida County. It should not be used to represent surveys of property. See original source documents for more information.

Oneida County, Wisconsin



250' setback Oneida County, Wisconsin



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