

July 18, 2012

To: Town of Cooks Valley

I would like the following to be taken into consideration and/or implemented into the permit agreements for all sand mine operations in the Town of Cooks Valley. I also propose that new permitting (i.e. all permits applied for and considered after permits for current mines are final) be halted for 3 years so that effects can be observed.

Proposals for Permit Agreements:

1. Hour of operation of the mine site (wash plant and heavy equipment):
 - Mon – Fri: 24 Hours a day
 - Sat: 6am – 6pm
 - Sundays and Holidays: Closed
2. Hours for trucking:
 - Mon – Fri: 6am – 8 pm
 - Weekends and Holidays: No Hauling
3. Stock piles of exposed, shippable sand product (processed and non-processed) that is not being actively shipped (2 or more weeks of planned trucking inactivity) should be limited in size (size/height to be defined) or covered.
4. Ground water monitoring and testing:
 - One well identified (to be referred to as the master well) located down gradient of ground water flow.
 - The master well should be tested for the attached list of items and reported to the town board on a scheduled basis.
5. Residential well testing:
 - One base line water test completed before mining starts for residents within a half-mile radius.
 - Residential testing will consist of same list of items as the master well (see attached list). Additional residential testing, after base line test) required only if master well shows reason to test.
6. Noise:
 - Noise not to exceed 60dBA measured at mine site boundaries.
 - Noise from trucks and other large equipment to be INCLUDED in noise limit of 60dBA.
7. Property Value:
 - Property value guarantee (in the event of the sale of property) should be for the life of the mine (i.e. permit issued to reclamation completed) and/or for the original owner of the property when the mining permit was issued.
 - Value of property should not be based only on fair market value but other factors should also be considered in the value formula (such as appraisals).
 - When selling personal land property, the owner should only have to notify mining permit holder if he/she is interested in being considered for compensation from the mining permit holder. Owners should be able to sell property without notifying mining permit holder if he/she wishes.
 - Mining permit holder should not have "Right of First Refusal."
 - Realtor's commission should be included in purchase price if permit holder does purchase personal land property.

8. Setback limit to property lines should be defined as a minimum of 50-feet and a setback distance to building on mine site should be defined.
9. After permit is approved, an annual review of the permit should take place for 5-years then every 3-years thereafter.
10. Termination based on mine site inactivity should be 2 years not 3 years. Mine site inactivity should be defined. For instance, if no sand is being harvested off the land, but the site's wash plant is processing sand – is the site inactive?
11. Sound mitigation options should be open to such things as trees, etc. as discussed between permit holder and adjacent landowner.