

The Town of Cooks Valley has an enforceable non-metallic mine ordinance and it is the duty of the town board to ensure that any permits granted are consistent with the protection of public health, safety and general welfare of the citizens. As the nonmetallic was adopted December 17, 2008, the mine owners and operators were aware of the ordinance when business plans were developed. The nonmetallic mining permits issued must be consistent and even handed to insure fair competition between the mining companies. The permit must allow for unforeseen issues to be addressed that may adversely affect the public. Additionally, we request the following in any non-metallic mine permits issued by the township:

1. Proof of financial security of mining company for all agreements reached and conditions that apply to mining operations, including but not limited to road maintenance, environmental clean up, well replacement, reclamation, property value guarantees and buffers for residents impacted by mining and hauling operations. Mining company shall reimburse township for professional services necessary to validate financial security.
2. Absolute protection of ground water quality and quantity of properties within ¼ mile of mine, to include well replacement and landscaping if well is contaminated and must be replaced. This will require records of all substances used in mining and processing operations that are known or suspected of damaging health or the environment. The services of an independent, qualified specialist will be required. The qualified specialist must be independent of mine operators and owners. Wells within a ¼ mile of mine shall be tested annually. If well water becomes unavailable for human and/or livestock consumption, property owners may choose well replacement or property value guarantees.
3. Assurance that fugitive dust will be controlled during mining and hauling operations.
4. Assurance that noise and light will be controlled so as not to negatively impact residents.
5. Property value guarantees that include all properties adjacent to mining property and properties that are negatively impacted by mining operations, construction or hauling. Mining companies shall pay the difference between sale price of the property and the appraised value. Mining companies shall reimburse property owner for appraisal completed by appraiser chosen by affected property owners. If property is not sold within 180 days of listing, mining company shall purchase the property for appraised value.
6. Buffers for residents impacted by mining and hauling operations. The buffers could include trees, plants, landscaping and fences, to be determined by the affected property owners.
7. Fees assessed to mine operators that would fund a qualified specialist to assure compliance of all local, county, state and federal regulations and permits. The qualified specialist must be independent of mine operators and owners.
8. Mining and Hauling should be limited to Monday through Friday from 7 am to 8 pm, with no hauling during school bus hours. Hauling should be limited to 200 trucks per day. No mining operations or hauling on weekends and nationally recognized holidays.
9. Mining companies shall repair or replace damaged structures as the result of blasting or mining operations.

Sincerely,
Scott and Donna Johnson