

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

PUBLIC NOTICE OF INTENT TO MODIFY A WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT No. WI-0033286-10-1

Permittee: Payne and Dolan, Inc. - Capitol Sand & Grave, PO Box 1632, Waukesha, WI, 53187

Facility Where Discharge Occurs: Payne and Dolan, Inc. - Capitol Sand & Grave, 8355 Stagecoach Rd, Cross Plains

Receiving Water And Location: Black Earth Creek in the Black Earth Watershed in the Lower Wisconsin River Basin in Dane County

Brief Facility Description: Payne and Dolan, Inc. operates a gravel and sand processing operation at site #80328, Capitol Sand & Gravel. Payne and Dolan, Inc. purchased the site on July 27, 2018. Mined stone is crushed and washed and sized for various construction projects. The mining activities have formed a gravel pit filled with groundwater and precipitation. The water within the gravel pit is periodically pumped down to maintain the water level and prevent flooding in the crushing operational area. The discharge of untreated gravel pit effluent through Outfall 001 to Black Earth Creek is covered by this permit.

Permit Drafter's Name, Address, Phone and Email: Jennifer Jerich, DNR, N7725 Hwy 28, Horicon, WI, 53032, (920) 450-4078, Jennifer.Jerich@wisconsin.gov

Basin Engineer's Name, Address, Phone and Email: Kenzie Ostien, 3911 Fish Hatchery Road, Fitchburg, WI 53711, (608) 516-6487, kenzie.ostien@wisconsin.gov

Proposed Modification: Modification-1 completed to reduce the sampling frequency for DO, pH, and TSS from quarterly to semiannually (1/6 Months), with at least one sample taken during April – October and at least one sample taken during November – March. The reduction in sampling frequency was requested by the permittee after completion of one year of data collection. The department determined reduced monitoring frequency is appropriate due to the level of data variability and consistent compliance with limitations. The modification also adjusted the compliance schedule for the temperature limits, extended the deadline for compliance and adding additional required actions.

The Department has tentatively decided that the above-specified WPDES permit should be modified.

Limitations and conditions which the Department believes adequately protect the receiving water are included in the proposed permit. Land application of waste shall be done in accordance with permit conditions and applicable codes. All land application sites shall be approved prior to their use. To receive a list of approved sites, or to be notified of potential approvals, contact the above-named basin engineer.

Persons wishing to comment on or object to the proposed permit action, or to request a public hearing, may write to the Department of Natural Resources at the above-named permit drafter's address. All comments or suggestions received no later than 30 days after the publication date of this public notice will be considered along with other information on file in making a final decision regarding the permit. Anyone providing comments in response to this public notice will receive a notification of the Department's final decision when the permit is issued. Where designated as a reviewable surface water discharge permit, the U.S. Environmental Protection Agency is allowed up to 90 days to submit comments or objections regarding this permit determination. If no comments are received on the proposed permit from anyone, including U.S. EPA, the permit will be issued as proposed.

The Department may schedule a public informational hearing if requested by any person and shall schedule a public informational hearing if a petition requesting a hearing is received from 5 or more persons or if response to this notice indicates significant public interest pursuant to s. 283.49, Wis. Stats. Requests for a public informational hearing shall state the following: the name and address of the person(s) requesting the hearing; the interest in the proposed permit of the person(s) requesting the hearing; the reasons for the request; and the issues proposed to be considered at the hearing.

Information on file for this permit action, including the draft permit, fact sheet and permit application, may be inspected and copied at either the above-named permit drafter's office or the above named basin engineer's office, Monday through Friday (except holidays), between 9:00 a.m. and 3:30 p.m. Please call the permit drafter or basin engineer for directions to their office location, if necessary. Information on this permit action may also be obtained by calling the permit drafter at (920) 450-4078 or by writing to the Department. Reasonable costs (15 cents per page for copies and 7 cents per page for scanning) will be charged for information in the file other than the public notice, permit and fact sheet. Permit information is also available on the internet at: <http://dnr.wi.gov/topic/wastewater/PublicNotices.html>. Pursuant to the Americans with Disabilities Act, reasonable accommodation, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.

NAME OF PUBLISHING NEWSPAPER: Star News – Black Earth

ADDRESS OF PUBLISHING NEWSPAPER: PO Box 286, Black Earth, WI, 53515-0286

Date Notice Issued: February 13, 2025