



President's Message

The Importance of Aggregate Suppliers

Aggregate suppliers play a crucial role in various industries, particularly in construction and infrastructure development. They are responsible for providing the primary raw materials used in the production of concrete, asphalt, and other construction materials. Here are some key points highlighting the importance of aggregate suppliers:

- 1. Infrastructure Development:** Aggregate suppliers are essential for the construction of roads, highways, bridges, buildings, and other infrastructure projects. Aggregates, such as crushed stone, sand, gravel, and recycled materials, are used as a foundation material in construction, providing strength and stability to structures.
- 2. Construction Materials:** Aggregates are the main component of concrete, which is the most widely used construction material globally. By supplying high-quality aggregates, suppliers ensure the production of durable and long-lasting concrete that meets the required specifications and standards.
- 3. Versatility:** Aggregates have diverse applications in construction. They can be used as a base material for roads and pavements, in the production of concrete blocks and bricks, for drainage systems, and as a decorative element in landscaping projects. Aggregate suppliers offer a variety of aggregate types and sizes to cater to different construction needs.
- 4. Quality Assurance:** Reliable aggregate suppliers maintain stringent quality control measures to ensure the consistency and reliability of their products. They conduct regular testing and analysis to verify that the aggregates meet the required specifications, such as particle size, strength, cleanliness, and durability. This helps in maintaining the integrity and performance of construction projects.
- 5. Environmental Sustainability:** Many aggregate suppliers are committed to sustainable practices, including responsible sourcing and recycling. They aim to minimize the environmental impact associated with aggregate extraction and processing. For example, recycled aggregates derived from crushed concrete or asphalt can be used as a sustainable alternative to natural aggregates, reducing the demand for virgin materials.

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6. Supply Chain Efficiency: Effective coordination and reliable supply of aggregates are crucial to ensure smooth construction operations. Aggregate suppliers work closely with contractors, builders, and construction companies to understand their specific requirements and deliver the necessary materials in a timely manner. A well-functioning supply chain helps avoid project delays and keeps construction projects on schedule.

7. Economic Impact: The aggregate industry contributes significantly to the economy by creating jobs and generating revenue. Aggregate suppliers employ a diverse workforce, ranging from quarry workers to engineers and logistics professionals. Moreover, the demand for aggregates from the construction sector stimulates economic activity and supports other related industries.

In summary, aggregate suppliers are integral to the construction industry and infrastructure

development. Their reliable supply of high-quality aggregates ensures the construction of durable structures, supports economic growth, and promotes sustainable practices in the field of construction.

None of this information is surprising to any of us in the industry, but you know what is surprising???? I didn't write this article. ChatGPT wrote it, and more of this technology is heading our way. There will be many applications for our industry, some helpful and some maybe not, but it is coming. An example of this is APW working with the WDOT on their e-ticketing initiative. We will keep you posted on these new technologies that will be applied to our industry.

Happy start to summer and best wishes for a fantastic construction season.

Renee

Executive Director's Report



Bob Bingen, APW Vice President and Erin Longmire, APW Executive Director Testify at Shared Revenue Hearing.

Max Weber said that politics is “the slow boring of hard boards.” This couldn't have been truer after eight years of working on passing our language that would remove onerous restrictions local ordinances were placing on our industry. But we have bored through that hard board, when earlier this month, Wisconsin's legislature passed, and Governor Evers signed the shared revenue package into law. The package included:

- Providing regulatory certainty by ensuring a statewide standard for blasting.
- Eliminating confusion and unnecessary regulatory overlap with zoning and non-zoning licensing ordinances.
- Allowing more aggregate sites, and more bidders, to work on public works projects that require nighttime work.

Our language was not done without consultation and input from local government. For months, APW worked with the local government groups – including the Wisconsin Towns Association and the Wisconsin Counties Association – to find the right balance of local control and regulatory certainty for aggregate operators. After all that dedication, our efforts have finally paid off.

Special thanks to our board of directors who have given tireless hours to getting this done, to our lobby team who helped us finally cross the finish line, and to all our members who have given their time, talent, and treasure to our efforts. Our success demonstrates the importance of belonging to an organization like APW. Our strength is in our numbers and has proven to be well worth the wait.

Our convention on December 7 at the Chula Vista in Wisconsin Dells will include a celebration of our win this year. Hope to see you all there to toast to our success!

Erin Longmire
APW Executive Director

National Industry News

Supreme Court WOTUS Ruling May Herald Faster Transportation Project Approvals

High Court Strikes Down EPA's Efforts to Expand Its Authority; ARTBA and NSSGA Partnered During Legal Battle

WASHINGTON –The U.S. Environmental Protection Agency's (EPA) campaign to regulate all U.S. ditches hit another roadblock May 25. The U.S. Supreme Court today agreed with the American Road & Transportation Builders Association (ARTBA) and the National Stone, Sand & Gravel Association (NSSGA) that the agency exceeded its authority in developing new wetlands regulations.

The decision potentially means EPA will need to rewrite its "Waters of the United States (WOTUS)" rule, which has led to permitting delays for transportation projects.

At issue in Sackett vs. EPA was whether the agency could require a permit for any area with a "significant nexus" to a navigable waterbody, such as a river, lake or stream. The EPA never defined "significant nexus," causing confusion for the entire transportation construction industry.

The Court called the "significant nexus" test "particularly implausible" and held the EPA has "no statutory basis to impose it."

In their brief to the Court, the American Road & Transportation Builders Association (ARTBA) and the National Stone, Sand & Gravel Association (NSSGA) critiqued the "significant nexus" test, noting it has "no inherent limiting principles" and empowers federal agencies to assert federal jurisdiction "well beyond the limits set by Congress."

ARTBA and NSSGA maintained that defining WOTUS in such an expansive way improperly creates permit obligations for

features such as roadside ditches, which serve the necessary safety function of collecting water during and after rain events. This type of overregulation serves only to delay critical infrastructure improvements and increases costs without providing any environmental benefits, the groups say.

"Today's Supreme Court decision removes unnecessary and unsupported impediments to transportation improvements across the country," said ARTBA President & CEO David Bauer. "With Sackett as a guide, we urge the EPA to pursue common sense strategies that complement our nation's infrastructure and environmental goals."

"Today's opinion in Sackett vs. EPA is a victory for our industry and is a major step towards a more reasonable definition of WOTUS, which our members have struggled with for years and was exacerbated by the premature and confusing Biden administration rule. With the end of significant nexus, we hope that the agencies heed this decision and work for a truly durable rule," said NSSGA President and CEO Michael Johnson. "A clearer WOTUS definition is necessary for our industry to provide the materials needed to build and modernize our country's infrastructure in an environmentally friendly manner."

ARTBA and NSSGA have been working together on the issue of CWA jurisdiction since 2005, along with other national association coalition allies. The groups have also been involved in federal district court litigation on the WOTUS rule since 2015. With the clarity provided by Sackett decision in hand, the groups will continue their efforts to repeal the WOTUS rule and work towards a clear definition of the CWA's reach.



Guest Article

Myth and the Permitting of Aggregate Mines

David McCormack, Axley Attorneys

Nothing is more important to the construction industry than rock. Whether sand, gravel, crushed stone or blocks of stone, rock is used in everything from road building and concrete to countless building products, including drywall, insulation and glass.

Rock is heavy and used in enormous quantities, so there is an obvious efficiency in locating sources close to consumers. Doing so means reduced haul distances, cleaner air, less heavy truck congestion, lower cost to consumers and that the money spent to purchase, process and transport this essential resource remains in the local community. But the siting and permitting of gravel pits and quarries is growing ever more difficult.

A Geologist's Point of View

Mark Krumenacher, a professional geologist with GZA GeoEnvironmental in Waukesha, is author of two publications that explore how public sentiment, fueled by misinformation and amplified by social media, can work to defeat permitting applications, even for mines that meet or exceed all regulatory requirements.¹

As a geologist, Krumenacher has attended countless town and county board meetings all over the Midwest on behalf of operators and owners seeking to permit mines. "Too often the debates ... pit genuine concerns against disingenuous concerns, factual information against alternative facts or disinformation, and ethics against intellectual dishonesty," he writes.²

One area in which myth appears to dominate the debate is the presumption that a mine will have a negative effect on property values, according to Krumenacher.

Opponents often claim that construction or expansion of a quarry will reduce property values in the surrounding community. Although individuals and organizations issue statements and use social media networks in an attempt to validate these concerns, they simply make claims without citing research. A common approach of those opposed to quarries is to repeat an unsupported statement often and loudly enough to infer that it is true, an especially effective tactic.³

Krumenacher provides a detailed analysis of published studies showing that no reliable link exists between property value and mine locations. Rather, Krumenacher demonstrates that the question is highly fact-specific. He addresses a study commonly reported by opponents and known as the Erickcek and Hite study.⁴ Although widely cited, Krumenacher notes that the "study" was not a study at all, but a theoretical model based upon a non-peer reviewed and non-published paper.

Krumenacher's dissection of the Erickcek and Hite study is interesting to read, because it illustrates how junk science is created and then through citation and re-citation elevated into scientific certainty. Krumenacher writes that "Local decision makers and residents need to understand the significant limitations of such reports alleging to be scientific studies. Public opinion is too often influenced by unsubstantiated claims or modeling exercise that appear to be sophisticated but produce results that do not match real-world observations."⁵

When Blind Citation Leads to False Information

In a December 2022 paper,⁶ Krumenacher illustrates how a single reference in the back pages of a book, if blindly cited and repeated enough, can grow into conventional wisdom to the point that policy is driven by a false narrative, even if the concept is absurd. The paper tracks the origin of the belief that there is a global "sand shortage." Krumenacher notes

Continued on page 4



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that the Earth has an inexhaustible supply of sand, yet, “As a direct result of the stories and the implications they represent, fiberglass insulation manufacturers have been told they should not be allowed to operate or obtain permits to open new or expand operations at the expense of the Earth’s dwindling supply of sand.”⁷

Krumenacher traced the origin of the myth to a 2013 documentary called [Sand Wars](#), which in turn extrapolated a quote from a 2009 book, [Sand, the Never-Ending Story](#), by Michael Welland. Welland’s book references how a construction boom in China had resulted in the loss of sand beaches due to illegal sand dredging.

Krumenacher follows the extrapolation of this issue from one unsubstantiated media story to another. That many countries both import and export certain grades of sand, in turn was cited as further evidence of the global shortage and the exploitation of a dwindling resource. Krumenacher explains how despite that the origin of these stories was based on a localized beach sand problem, it grew without any scientific basis to include all sand including grades known as industrial sand.⁸

Kruemnacher illustrates the absurdity of the premise that there is a global sand shortage:

Sand can be found across the Earth from the mountains to the sea and is so abundant that resources and reserves cannot be quantified. It is washed out of the mountains by streams and deposited along the way in river valleys, lakes and beaches. Historical beaches and adjacent sand dunes along ancient seas 500 million years ago accumulated hundreds, if not thousands, of feet of sand later compressed into sandstone found around the globe. In the Midwestern United States, such ancient beaches are present beneath more than 50,000 square miles of small portions of Wisconsin, Illinois, Minnesota, Iowa, Missouri and Arkansas, in general order of predominance. This sand is generally pure silica, at least 98 to 99 percent, and is the premier industrial sand in the world. It would be impossible to estimate the volume of sand and beyond comprehension to believe that there is or ever will be a shortage of industrial sand. The only real potential threat to any theoretical industrial sand shortage pertains to the ever-expanding residential encroachment on supplies and challenges associated with permitting new quarries or expansions.⁹

Serious Implications

Krumenacher’s writings point to the problem posed by the ease with which flawed or unsubstantiated information can be propagated and multiplied by social media and if repeated enough, can become widely accepted as true.

This phenomenon has serious implications for the siting of gravel mines and quarries when operations demonstrating compliance with all applicable regulation are vilified by local opposition based on misinformation and as a result are denied permits.

This article was originally published on the State Bar of Wisconsin’s [Construction and Public Contract Law Section Blog](#). Visit the [State Bar sections](#) or the [Construction and Public Contract Law Section](#) webpages to learn more about the benefits of section membership.

Endnotes

- 1 See Mark Krumenacher, Quarry Regulatory Control and Permitting (2021), and “Reality Check on a Purported Global Sand Shortage, Sensationalism Extrapolated From Isolated Occurrences to Global Phenomena,” *Electronic Green Journal* 2022.
- 2 Krumenacher, *Quarry Regulatory Control and Permitting*.
- 3 Krumenacher, *Quarry Regulatory Control and Permitting* 168.
- 4 George A. Erickeck, “An Assessment of the Economic Impact of the Proposed Stoneco Gravel Mine Operation on Richland Township,” Report prepared for the Richland Township Planning Commission, 2006.
- 5 Krumenacher, *Quarry Regulatory Control and Permitting* 179.
- 6 Krumenacher, “Reality Check on a Purported Global Sand Shortage: Sensationalism Extrapolated from Isolated Occurrences to Global Phenomena,” *Electronic Green Journal*, December 2022.
- 7 *Id.*
- 8 *Id.*
- 9 *Id.*





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Assembly Testimony

Thank you, Chairman Novak and members of the Committee. I am Erin Longmire, Executive Director of the Aggregate Producers of Wisconsin.

APW is a statewide trade association representing pit and quarry operators in Wisconsin. APW's membership consists of hundreds of pits and quarries, their employees, and ancillary businesses supplying products and services to the aggregate industry. Our members are the ones who produce the millions of tons of aggregate each year that is needed across Wisconsin.

We are here to testify in support of the quarry reform provisions contained in the legislation you are discussing today.

These provisions will reduce costs associated with construction projects using aggregate, bring more bidders to state transportation projects, and create greater regulatory certainty for construction-grade quarry operations that produce aggregate materials primarily used for road construction.

The reforms contained in this legislation are limited to only a few areas. These reforms, in short, will:

- Provide regulatory certainty by ensuring a statewide standard for blasting
- Eliminate confusion and unnecessary regulatory overlap with zoning and non-zoning licensing ordinances

- Allow more aggregate sites, and more bidders, to work on public works projects that require nighttime work

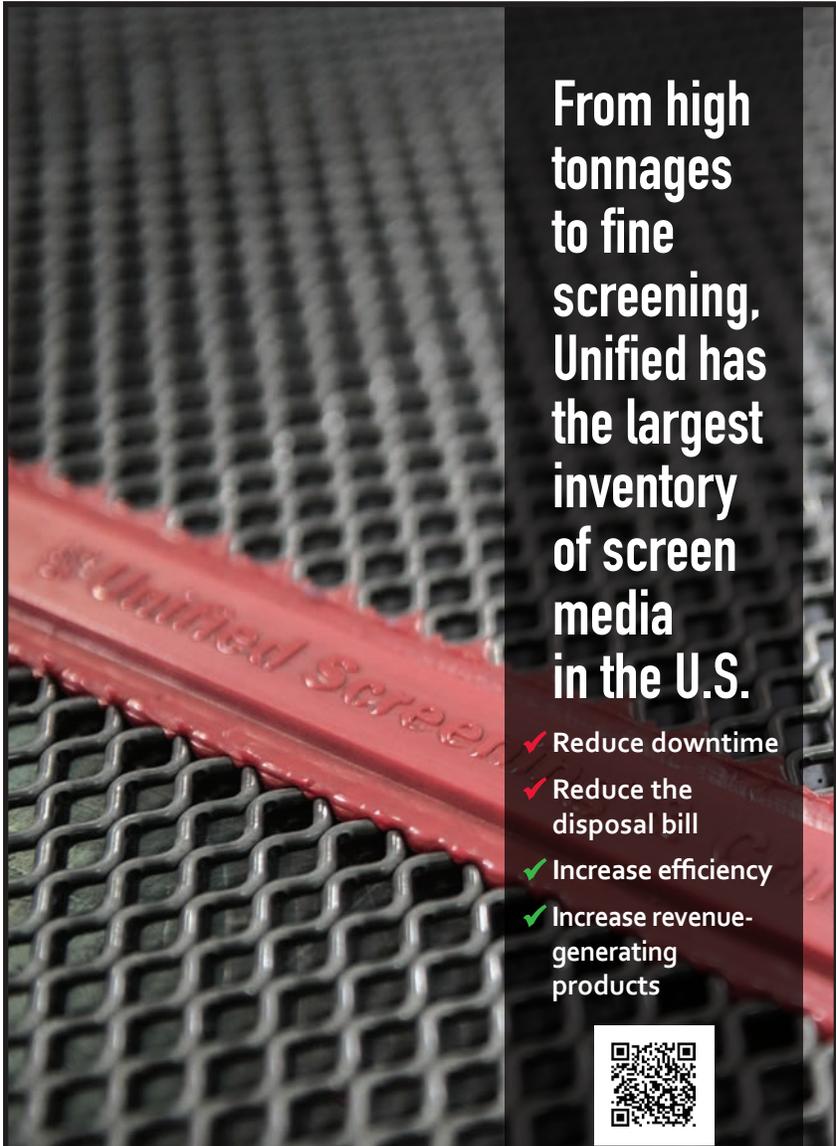
Ensuring that more aggregate sites are available for use in transportation/construction projects that will significantly reduce trucking costs, wear and tear on our roads, and carbon emissions.

The language in this legislation related to quarries was not done without consultation and input from local government. For months, APW worked with the local government groups – including the Wisconsin Towns Association and the Wisconsin Counties Association – to find the right balance of local control and regulatory certainty for aggregate operators. The language in the bill before you today is the result of those discussions and input from the stakeholders.

Aggregate production is the tip of the spear for construction in Wisconsin. I'm sure you've already heard from other interests talking about our state's need for more housing, our roadbuilding and bridgebuilding needs, and school systems who need new or remodeled schools. None of those things can happen without aggregates. These reforms will help our industry in the production of these essential aggregates to assist in the building of a better Wisconsin.

Thank you for your consideration and thank you for allowing me to testify in support of such an important issue.





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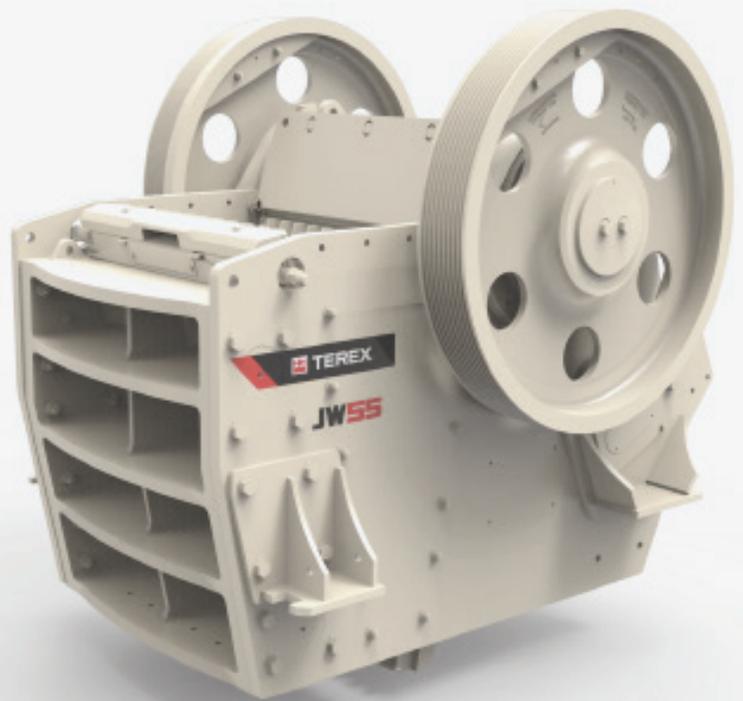
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Focusing Your Political Resources

Aggregate Producers of Wisconsin Political Action Committee (APW PAC)

What is the Aggregate Producers of Wisconsin PAC? (APW PAC)

- ◆ A Political Action Committee (PAC) is a group formed (usually by an industry or an issue-oriented organization) to raise and contribute money to the campaigns of candidates likely to advance the group's interests.
- ◆ APW PAC is dedicated to advancing the issues important to the aggregate industry in Wisconsin. The APW PAC will pool money from owners, employees and partners to make contributions to candidates for elected office.
- ◆ Contributions to the PAC must come from individuals; corporate contributions to the PAC are prohibited.

Protecting Your Industry

- ◆ APW reviews all legislative initiatives affecting your right and ability to conduct your business in Wisconsin.
- ◆ APW supplies you with all the information you need to understand how legislation will affect your business.
- ◆ Contributions are made to state elected officials of any party that supports APW's political initiatives.
- ◆ The APW and APW PAC are not aligned with any political party. We support those who are helpful to our industry.

Questions & Answers

- ◆ Can I make a personal or business contribution? **A:** The APW PAC can only accept and disperse personal contributions.
- ◆ Why should I contribute to the APW PAC? **A:** Laws that negatively affect aggregate producers can be made at anytime. To protect your future, we need legislators in office who support our industry.
- ◆ Why should my contributions go through the APW PAC? Why not give directly to the candidate? **A:** It is more effective to give through the APW PAC. Through the APW PAC the aggregate industry receives credit for the contribution as well as the individual. A contribution through the APW PAC identifies both you and APW to candidates.

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Attendee: _____ Attendee: _____

Attendee: _____ Attendee: _____

Address: _____

City: _____ State: _____ Zip: _____

Event Sponsorship (If Applicable): _____ Gold _____ Platinum

Single Booth Exhibitor: _____ Double Booth Exhibitor: _____

Additional Attendee Registrations (\$100 per attendee): _____

TOTAL PAID: _____

Please send your registration form and check made out to APW to:

APW
PO Box 2157
Madison, WI 53701

A block of rooms have been reserved at the Chula Vista Resort in Wisconsin Dells for \$92 per night. Please mention that you are with the Aggregate Producers of Wisconsin (APW) prior to November 15, 2023 to receive that rate. Please call 855-203-7708.