

PT NE-SE  
PT SW-SE  
PT SE-SE  
74.11.44.082387  
74.11.43.082389  
PT NW-SE  
74.11.42.082389

PT SW-NE  
74.11.13.075989  
PT SE-NE  
74.11.14.030899

11-107-14



Doc No. A- 1460656  
OFFICE OF COUNTY RECORDER  
OLMSTED COUNTY, MINNESOTA

I hereby certify that this document was filed in this office  
for record on --October 26, 2018 3:56 PM

W. MARK KRUPSKI - Co. Recorder  
Well Certificate: \_\_\_\_\_ Abstract: \_\_\_\_\_

by deputy:

Fee: \$46.00

TCPA  
4111 - 11TH AVENUE SW, RM 10  
ROCHESTER, MN 55902

**CASCADE TOWNSHIP  
CONDITIONAL USE RESOLUTION REVISION  
NUMBER CUP-18-01**

**WHEREAS**, an application for a Conditional Use Permit to allow for the extraction of sand and gravel and hard rock mining within an Agricultural/Resource Commercial District – Aggregate Extraction and Reuse (Ag/RC-aer) by Mathy Construction on property owned by Wilmar Investments LLC and described as:

SECT-11 TWP-107 RANGE-014

E37A SE1/4 SE1/4 AND S2A W36A E37A N 1/2 SE 1/4 LESS  
TH PT S1/2 SE1/4 SEC 11 SHOWN AS PARCEL 2 ON OLMSTED COUNTY ROW  
PLAT NO 198 APPROVED  
IN RESOLUTION 15-21 SEC 11-107-14

And

SECT-11 TWP-107 RANGE-014

E23A W43A S1/2 SE1/4 & N1/2 SE1/4 LESS S2A W36A E37A N1/2 SE1/4 LESS TH  
PT NE1/4 SE1/4  
LYING N OF CEN LINE OF RIVER LESS COM AT SECOR SE1/4 TH N1853.27FT  
FOR PT OF BEG TH  
NW100FT TH N300FT TH SE100FT TH S AL E LINE SE1/4 300FT TO BEG LESS  
ROAD ALSO LESS TH PT  
NW1/4 SE1/4 LYING NWLY OF THE OF THE CENTERLINE OF THE SOUTH FORK

TCPA  
10-26-18  
ms

OF THE ZUMBRO RIVER  
LESS TH PT S1/2 SE1/4 SEC 11 SHOWN AS PARCEL 2 ON OLMSTED COUNTY  
ROW PLAT NO 198 APPROVED IN  
RESOLUTION 15-21 SEC 11-107-14

And

SECT-11 TWP-107 RANGE-014

TH PT SW1/4 NE1/4 SEC 11 DES AS FOL BEG SECOR SW1/4 NE1/4 TH N AL W LN  
SD SW1/4 312.21FT  
TH S 84 DEG 09'41"W 202.08FT TH S 33 DEG 28'46"W 256.28FT TH S 52 DEG  
12'04"W 129.85FT  
TO S LN NE1/4 TH E AL SD S LN 451.21FT TO POB SEC 11-107-14

And

SECT-11 TWP-107 RANGE-014

COM AT SWCOR SE1/4 NE1/4 TH N595.3FT TH SE185.33FT TH SE322.81FT TH  
SE217.83FT TH  
SE145.62FT TH SE216.61FT TO S LINE SD 1/4 TH W745.14FT TO PL OF BEG SEC  
11-107-14

**WHEREAS**, extraction of sand, gravel and hard rock mining are allowed within said zoning district upon receiving a conditional use permit. Article IV of the Cascade Township Zoning Ordinance provides guidance as to the conditional use process and . .

**WHEREAS**, the matter has been reviewed by the Zoning Administrator and he has submitted his report to the Cascade Township Planning Commission concerning the Conditional Use, and . . .

**WHEREAS**, a public hearing on the proposed Conditional Use was duly noticed and held by the Cascade Township Planning Commission at the Cascade Town Hall, 2025 75<sup>th</sup> Street NE, Rochester, MN after 7:00 pm on Tuesday, August 21, 2018 at which time all interested persons were given the opportunity to be heard.

**WHEREAS**, the Cascade Township Planning Commission at that hearing voted to grant the CUP with conditions and adopted proposed findings and conclusions, copies of which are attached to this document,

**NOW, THEREFORE**, the CUP is granted subject to the following conditions:

## **Conditions:**

### **1. Hours of Operation**

All work on the section 11 properties will occur only during the following hours:

#### Crushing Operations:

October 1 – March 31: Monday through Friday only, 7 a.m. to 5 p.m.

April 1—September 30: Monday through Friday only, 6:30 a.m. – 6:30 p.m.

#### Hauling and Other Operations:

October 1 – March 31: Monday through Friday only, 7 a.m. to 6 p.m.

April 1—September 30: Monday through Saturday only; Monday through Friday, 6:00 a.m. – 8:00 p.m.; Saturday, 7:00 a.m. — 3:00 p.m.

Crushing Operations includes all blasting, excavating, removal of materials, processing of materials, and rock crushing. Blasting hours are also subject to the separate limitations provided below. Hauling and Other Operations includes all loading and hauling operations associated with sales from the property.

Employees and agents may be present on premises outside of operational hours for security and other non-production tasks. There may be emergency exceptions granted based on a joint agreement between Applicant and Cascade Township.

### **2. Days of Operation**

Monday through Friday, and Saturday as shown above. There shall be no operation on legal holidays, including New Years Day, Memorial Day (observed), Independence Day, Labor Day (observed), Thanksgiving Day, and Christmas Day.

### **3. Noise Limitations and Mitigation Measures**

All activities will fully comply with all applicable state and federal regulations related to noise control.

In accordance with the Applicant's attached Noise Mitigation Plan, the operation will comply with MPCA regulations for Noise Pollution Control (Minnesota Rules 7030) and blasting activities will comply with NFPA 495 guidelines, Minnesota Statutes §§ 299F.72 – 299F.831, Minnesota Administrative Rules Ch. 7500 and common industry practices.

Berms will be constructed to minimize the effects of sound on surrounding properties. The location of these berms is shown on the attached Operations Plan. Hauling from the site shall be configured so as to minimize the backing of trucks and the attending noise due to backup alarms.

Loading vehicles and excavating equipment shall be equipped with back up alarms that use alternatives to the traditional high-frequency beeping that is most commonly used as a backup warning.

Equipment and trucks shall refrain from all jake braking

Trucks and equipment shall have effective mufflers and related technology to lower the noise emissions and mitigate noise.

For noise mitigation, the Applicant will build aggregate stockpiles and maintain natural screening to the extent possible through preservation of trees, scrub, other vegetation and topography.

Applicant has provided the Township with a Noise Mitigation Plan, which contains the noise reduction provisions of this agreement and is designed to minimize noise and impacts on residents. Applicant must comply with the terms of the Noise Mitigation Plan. Applicant agrees to incorporate industry best management practices and incorporate technological improvements in their Noise Mitigation Plan. The Applicant's Noise Mitigation Plan has been reviewed by a qualified engineer agreed to by the parties and the Applicant has implemented and will continue to implement the reasonable recommendations from the engineer. The Township shall pay the cost of the engineer's services.

#### **4. Dust Control**

For dust mitigation, the Applicant will introduce wind barriers, such as earth berm(s) or tree line(s). In addition, dust will be suppressed on site using equipment water suppression systems, water trucks, or other appropriate measures.

Dust abatement methods shall be required and enforced when: working and mining within the site, hauling from the site, on the access driveway and hauling material from the extraction site, to the nearest paved road. Mitigating measures, such as vegetated earth mounds, vehicle speed limits, and maintaining roads, windbreaks, dust suppression, and strategic placement of stockpiles, will be used to minimize fugitive dust emissions. Mining operations cannot create any undue smoke or odors. Best management practices for dust control shall be strictly observed.

Applicant has provided the Township with a Fugitive Dust Control Plan to minimize the effects of dust and airborne particulates on surrounding properties. (See attached Fugitive Dust Control Plan.) Applicant must comply with the terms of the Fugitive Dust Control Plan. Applicant agrees to incorporate industry best management practices and incorporate technological improvements in its Fugitive Dust Control Plan. The Applicant's Fugitive Dust Control Plan has been reviewed by a qualified engineer agreed to by the parties and the Applicant has implemented any reasonable recommendations from that engineer. The Township shall pay the cost of the engineer's services. The Fugitive Dust Control Plan addresses the presence of particulate dust smaller than 10 microns at neighboring property lines.

**5. Berms and Visual Blocking**

The Applicant must preserve the existing perimeter tree canopy (at highest point of elevation) and vegetation must remain to keep the visual appearance, aesthetics, and reduce the amount of dust and noise from leaving the mining area. Additionally, berms will be created and vegetated to assist with this effort. The locations of berms and preserved areas are shown on the Operations Plan.

The operation shall include the construction of berms to block views of the operations from the surrounding properties. The mining and processing facilities should be designed to be as inconspicuous to the immediate public as possible.

**6. Height of Storage Piles**

The top of storage piles shall be no higher than 1,063 feet above sea level.

**7. Light Pollution**

Lighting of the section 11 properties shall be minimized so as to avoid impacts on surrounding properties. Lighting for the operations must be directed away from neighboring properties. Any lighting for the operations used shall be shielded so as to minimize effects on surrounding properties.

**8. Blasting Limitations**

Blasting shall be conducted in accordance with NFPA guidelines, Minnesota Statutes §§299F.72 – 299F.831, Minnesota Administrative Rules Ch. 7500, and industry practices to minimize adverse effects and ensure no damage to neighboring properties.

Blasting shall only occur Monday through Friday.

Any blasting shall take place between the hours of 10 a.m. and 4 p.m., unless a delay occurs due to weather conditions or equipment breakdown. 'Weather conditions' includes only unanticipated conditions that interfere with blasting on any given day, not, for instance, excessive rainfall that delays or interferes with construction projects that rely on the quarry for materials. The Township must be notified if a delay occurs that requires blasting outside of these hours, and the cause of the delay.

The quarry operator shall provide 48 hours advance notice of its intention to conduct blasting by way of a phone call, fax, email notification, or website posting, including the date and approximate hours during which blasting will take place, to individuals residing within ½ mile of the Section 11 property that have requested that they be so notified.

## 9. Groundwater Levels

All water use at the site will be managed in accordance with the requirements of the Water Appropriation Permit to be issued by the Minnesota Department of Natural Resources (MNDNR). Conditions of this permit will be solely governed and determined by the MNDNR and shall address (see attached Groundwater Monitoring Plan):

- Installation of monitoring wells
- Automated monitoring of water levels
- Reporting of the results of water levels monitoring to the MNDNR
- Reporting of water appropriation volumes to MNDNR
- Adherence to Water Use Conflict and Well Interference resolution processes

If the holder of the Water Appropriation Permit (the Applicant) is notified by the MNDNR that a water use conflict is suspected and probably due to the Applicant's water appropriation, based on confirmation of a formal well interference complaint or a preliminary hydrologic assessment, all appropriation authorized by the MNDNR permit must cease immediately until the interference is resolved. The Applicant may be required to obtain additional data to support the technical analysis, such as domestic well information within a radius of one and one-half miles of the production well. The Applicant and the impacted party may engage in a negotiated settlement process and there may be modifications made to the MNDNR permit in support of conflict resolution.

Without regard to whether a complainant makes a formal complaint through the MNDNR well complaint process or not, should the availability of water to existing domestic water well be interrupted or cease and it is believed to be a result of the Applicant's dewatering activities, the well owner may submit details of the problems to the Applicant. Within 12 hours of the receipt of the complaint, the Applicant must contact a licensed well contractor who has sufficient credentials (e.g. is familiar with local geology, local wells, well drilling, well repair, and located in the local proximity) to investigate the complaint. The well contractor shall advise the Applicant and the complainant of the timetable for the initial investigative visit. The initial investigative visit by the well contractor must be paid for by the Applicant. Should the initial investigative visit determine that the Applicant's dewatering activities have caused an interruption to the availability of water to the well, the Applicant shall incur the expenses required to remedy the situation. Costs include, but are not limited to, the well investigation by consultants, well repairs, and well construction. The Applicant shall provide a safe and adequate drinking water supply within 12 hours of notification and until either the water supply has been re-established to the homeowner, or the investigation has determined that the lack of water available to the well is not associated with the Applicant's dewatering activities. Within 48 hours of receiving a well complaint, the Applicant shall notify the DNR Area Hydrologist that a complaint was received. If the complaint is unresolved, the complainant may choose to submit a formal well interference complaint to the DNR Area Hydrologist. The DNR will then conduct a technical review, determine the

probable cause of the problem, and take appropriate action under the Water Appropriations Permit Program.

**10. Location of Noisy Equipment (Rock Crushers)**

Rock crushing equipment shall be located so as to minimize impacts on surrounding properties.

**11. Location of Load Out Operations**

Load out operations shall be located so as to minimize impacts on surrounding properties.

**12. Traffic Management Plan**

The Applicant shall present a traffic management plan that defines routes of traffic coming to, operating on, and departing from the section 11 properties. All operations shall be in accordance with the traffic management plan. (See attached Haul Traffic Route display.)

The Applicant will maintain and repair any damage to Access Road to the east of the property access point to its intersection with East River Road to the Township engineer's reasonable satisfaction as long as the quarry is in operation. Once quarrying has ceased, this maintenance will be the responsibility of Cascade Township.

Any access shall be approved by the appropriate road authority. Ingress and egress points shall be clearly marked and only those signed access points shall be used.

"Trucks Hauling" signs with red flags are to be posted in locations to be determined by an engineer identified by the Township when hauling from the site and to be removed when hauling is not taking place.

**13. Limitations on Hauling to the Site from Off-site Locations**

The section 11 properties shall not be used as a stockpiling, storage, or processing site for materials that were not excavated from the section 11 properties.

No crushing of recycled asphalt or concrete will be allowed on the section 11 properties. No off-site materials will be transported to the section 11 properties for crushing purposes.

**14. Use of Non-Standard Backup Alarms on Trucks and Loading Equipment**

Loading vehicles and excavating equipment shall be equipped with back up alarms that use alternatives to the traditional high-frequency beeping that is most commonly used as a back up warning.

**15. Reclamation and Restoration**

Progressive reclamation will occur as extraction of aggregate resources is completed. (See attached Reclamation Plan(s)) Two conceptual Reclamation Plans have been provided. The first plan would create solely a recreational water body with safe slopes created on site. The second plan includes a generalized mixed use development of the property. Both of these plans have been provided due to two factors. First, the unknown community needs for the property many decades into the future. Second, the unknown community needs for aggregate in the future. The marketability of aggregates derived from the proposed quarrying will have a direct effect on the amount of earth material available for completion of reclamation at the site and the final topography of the site. The two plans provided are conceptual and are presented merely for consideration of possible future conditions. Ultimately, the final end use of the property will be determined by Wilmar Investments, LLC.

**16. Bond or Security for Reclamation and Restoration**

The Applicant shall post a reclamation guarantee for the area of disturbance giving financial assurance to Cascade Township and shall post a bond or security sufficient to assure reclamation and restoration in an amount to be agreed upon by the parties, or if the parties cannot agree, an amount determined by a third party agreed upon by the parties. The bond or security shall be for the purpose of assuring reclamation and restoration.

**17. Security of the Site**

The site shall be secured with locking gates and fencing along the east property line near the trailer homes. "No Trespassing" signs will be located on the property so as to deter access to the section 11 properties by children or other unauthorized individuals. If fencing is not present along areas that abut public property, Applicant shall post signs warning of hazards to those that might enter the property from public land.

**18. Fuel Storage**

No fuel shall be permanently stored on the section 11 properties.

**19. Wetland Impacts and Stormwater**

All aggregate extraction and processing operations shall be conducted in a manner that minimizes impacts to wetlands. All aggregate extraction and processing operations shall be set back at least 200 feet from the north branch of the Zumbro River with the exception of the following:



- Stormwater structures and Best Management Practices
- Existing internal roadway
- Existing berm(s)
- Dewatering structures
- Maintenance activities of the aforementioned items

The Applicant will maintain a Stormwater Management Plan for the operation in order to be compliant with the Nonmetallic Mining Storm Water Permit with the Minnesota Pollution Control Agency. That plan will dictate the stormwater management at the site. (See attached Storm Water Pollution Prevention Plan)

For erosion control, the Applicant will employ the use of silt fencing, erosion control nets or mats, mulching, filter fabric barriers, and/or straw bale barriers where appropriate and as Minnesota Pollution Control Agency permits require.

## 20. Utility Impacts

All operations shall be conducted in a manner that does not have adverse impacts on utilities, either existing or proposed.

## 21. Compliance with Laws and Regulations and Representations Made During Environmental Review (Gallons of Water to be Extracted; Material Not Excavated Below 900'; Etc.)

The Applicant shall comply with all rules, regulations, requirements, or standards of the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps of Engineers and other applicable federal, state, or local agencies protecting the public's health, safety, and general welfare. Mining activities must always comply with the most recent Minnesota Department of Natural Resources standards including the Wetlands Conservation Act. These include but are not limited to air emission permitting and storm water permits. All MN DOT permits must be obtained and the Applicant must adhere to all MN DOT regulations.

All facilities and activities shall comply with all applicable land use, health, building, plumbing, mechanical, and electrical codes. All structures erected, built, or installed shall have a building permit. All fuel tanks and flammable materials shall be located above ground, in such locations, with containment, and under such conditions as to conform to the requirements of the national fire codes (NFPA).

Applicant's operations will be consistent with the conditional use permit.

Unit of government	Type of Application
Minnesota Department of Natural Resources	Water Appropriation Permit
Minnesota Pollution Control Agency	General NPDES Storm Water Permit

Minnesota Pollution Control Agency	Air Emissions Permit
Cascade Township	Rezoning and Conditional Use Approval

**22. Odor Control**

Odors at the site shall be controlled in a manner that minimizes impacts on adjoining properties.

**23. Vibration Control**

Operations shall be conducted in such a manner as to minimize impacts on adjacent properties caused by vibration. Blasting vibration shall be allowed up to industry standards and regulations.

**24. Excavation Setbacks from Property Lines**

Beyond any setbacks required by law, all activities related to the operations, including berms, shall be set back at least 100 feet from the property line.

**25. Complaint Process for Complaints Related to Operations**

Applicant shall have a written procedure for receiving and responding to community complaints related to its operations. Applicant shall identify a contact person who will receive complaints and shall promptly respond to complaints. Applicant shall promptly supply all complaint information to the Township.

**26. Spills on Roadways**

Trucks used in hauling materials from the site shall be loaded in a manner to minimize spillage onto public roadways. The clean-up of aggregate as a result of spills or general transportation of aggregate from the Section 11 property to the Section 14 property for further processing, from the property access point on Access Road to the south access point of Rochester Sand & Gravel on East River Road, shall be the responsibility of the mine operator if the truck: (i) is owned and operated by the mine operator or a subsidiary or affiliated company; or (ii) the mine operator has directly contracted with the truck for the purpose of transporting aggregate from the Section 11 property to the Section 14 property.

**27. Critical Habitats and Historical Features**

No critical habitats or historical features will be affected by the mining activity on the property.

**28. Violations**

Violation of the terms of the conditional use permit are subject to the provisions of the CUP and the Township CUP ordinances. Applicant shall have the rights

and remedies provided in the CUP. Violations of the CUP may result in revocation of the conditional use permit and the Township shall have all remedies available to it pursuant to its ordinance or otherwise available to it in law or equity. Notwithstanding the foregoing, in the event that Applicant fails to perform any of the terms and conditions of the CUP, the Township shall provide Applicant, in writing, a notice of default and the parties shall hold an initial meeting within ten (10) days following notice of such default for purposes of attempting to resolve the default on an amicable basis unless the Township determines that threats to health, safety or property require a shorter notice period. If the parties cannot resolve the matter, the Township may issue a notice of violation to Applicant setting forth, in detail, the action(s) that must be taken to remedy the alleged default and a reasonable time period for curing the default.

## **29. Erosion Control & Wetlands**

An Erosion Control Plan signed by a license engineer must be submitted and grading permit applied for prior to beginning operations. The erosion control plan will need to show how the overburden and excavated material will be stockpiled and erosion prevented. The applicant shall maintain the site to meet the soil erosion standards as listed in Section 10.20 C. of the Cascade Township Zoning Ordinance.

A wetland delineation for the site must be completed prior any mining activity. The applicant should meet with the Olmsted County Soil and Water Staff as to location of any wetlands how those wetlands will be mitigated.

## **30. Restroom Facilities**

The Applicant shall install a permitted septic system and rest rooms or provide portable toilets during operations.

## **CONCLUSION:**

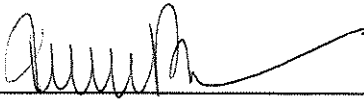
Motion by Dean Hegrenes and second by Dana Duffield to grant Conditional Use Permit # CUP-18-01 with the conditions listed above per Section 4.02 of the Cascade Township Zoning Ordinance.

Motion carried with 4 yes votes, 0 no votes and 0 abstentions.

Passed and adopted by the Cascade Township Planning Commission the 21<sup>st</sup> day of August 2018.

Attached are the Findings of Fact and Conclusions adopted by the Planning Commission and the following attachments, exhibits, and plans, which are incorporated into the CUP:

1. Findings and Conclusions:
2. Operations Plan
3. Noise Mitigation Plan
4. Fugitive Dust Control Plan
5. Groundwater Monitoring Plan
6. Traffic Management Plan
7. Reclamation Plan
8. Stormwater Pollution Prevention Plan

  
Commission Vice - Chair

Attest:   
Clerk



DISTRIBUTION:  
County Recorder  
Township Clerk  
County Planning  
Zoning Administrator  
Applicant  
County Assessor

TCPA  
4111 11<sup>th</sup> Avenue SW  
Rochester, MN 55902

Acknowledged and agreed to by Wilmar Investments LLC on the 19 day of OCTOBER, 2018

President Secretary & Treasurer

State of Minnesota)  
County of Olmsted) SS

The forgoing instrument was acknowledged before me on 19 day of OCTOBER 2018 by BILL FITZGERALD, President of Wilmar Investments LLC, a Minnesota limited liability company, on behalf of the limited liability company.



Notary Public

Acknowledged and agreed to by Mathy Construction on the \_\_\_\_\_ day of \_\_\_\_\_, 2018

Title: \_\_\_\_\_

State of Minnesota) ) SS  
County of Olmsted)

The forgoing instrument was acknowledged before me on \_\_\_\_ day of \_\_\_\_\_  
2018 by \_\_\_\_\_, \_\_\_\_\_ of Mathy Construction  
Company, on behalf of said company.

Notary Public

**CASCADE TOWNSHIP PLANNING COMMISSION  
FINDINGS OF FACT AND CONCLUSIONS  
GRANTING A CONDITIONAL USE PERMIT**

Name of Applicant **Milestone Materials**      Date: **August 21, 2018**

Tax Parcel Numbers: **74.11.14.030899; 74.11.13.075989; 74.11.43.080430,  
and 74.11.44.030911.**

**FINDINGS OF FACT**

1. On July 30, 2018, Milestone Materials, a division of Mathy Construction Company, submitted an application to allow sand and gravel mining and quarrying on four adjacent parcels, approximately 140 acres, located at 105 55<sup>th</sup> Street NE in section 11 of Cascade Township: parcels 74.11.14.030899; 74.11.13.075989; 74.11.43.080430, and 74.11.44.030911.
2. Two of these parcels, 74.11.43.080430, and 74.11.44.030911 recently have been assigned new parcel i.d. numbers, 74.11.44.082387 and 74.11.43.082389.
3. The parcels at issue are zoned Agricultural Resource Commercial District—Aggregate Extraction.
4. The Conditional Use Permit (“CUP”) application seeks to allow the extraction of sand and gravel and quarrying.
5. The parcels that are the subject of this application have been held in common ownership for many decades. These parcels have historically been used for sand and gravel extraction and crop farming.
6. Wilmar Investments LLC, Rochester Sand and Gravel, Mathy Construction Company, and Milestone Materials have variously owned and operated sand and gravel mining facilities on a site located in section 14 of Cascade Township, adjacent to the location of this CUP application.
7. In April of 2011, Mathy Construction submitted an Environmental Assessment Worksheet (“EAW”) in connection with the expansion of the quarry into section 11. The Minnesota DNR, the Responsible Governmental Unit, prepared the EAW and on April 2, 2014 issued a negative declaration, determining that no Environmental Impact Statement should be required. Though the project was later modified, the Minnesota DNR has determined that this revised mining and quarrying project does not require the submission of a new EAW.
8. On July 1, 2015, Wilmar Investments LLC, the owner of the parcels at issue here, filed a lawsuit in Olmsted County District Court. The lawsuit sought a declaration that the parcels that are at issue in this application were not subject to the requirements of

the Cascade Township Planning and Zoning Ordinance because the use predated the enactment of zoning ordinances applicable to the parcels in question.

9. In an effort to resolve the declaratory judgment action, the parties negotiated a proposed CUP. The terms of the proposed CUP are stated in the CUP Application, a copy of which is attached to this document.

10. The proposed CUP would contain limits on hours of operation. These limits on hours of operation would decrease the impact of the use on neighboring properties.

11. The proposed CUP would preclude operation on Sundays and certain holidays. These limits on days of operation would decrease the impact of the use on neighboring properties.

12. The proposed CUP contains numerous noise mitigation provisions and also contains a noise mitigation plan. The proposed CUP also contains terms related to blasting, location of noisy equipment, the manner of load out operations, a traffic management plan, off-site hauling, and non-standard backup alarms. These terms and this plan would decrease the noise impact of the use on neighboring properties.

13. The proposed CUP contains numerous provisions related to dust control and includes a Fugitive Dust Control Plan. These terms and this plan decrease the impact of the use on neighboring properties.

14. The proposed CUP contains provisions relating to visual blocking, storage pile height, and light pollution. These provisions decrease the impact of the use on neighboring properties.

15. The proposed CUP contains provisions related to groundwater levels, fuel storage, wetlands, and stormwater. A Stormwater Management Plan has been submitted with the CUP application. These provisions and the Stormwater Management plan provide protections to neighboring properties.

16. With respect to uses contemplated by the CUP, the mining and quarrying activity will not be occurring within a Floodway, Flood Fringe, or Flood Plain District. The commission received a submission stating that the use would have no impact on the flood plain, given that flood plain velocities would remain unchanged if the use were allowed.

17. The Minnesota Department of Natural Resources has commented on the CUP application and made comments regarding the application by correspondence dated August 16. The applicant has reasonably responded to these comments in the following manner: agreeing to seek necessary permits related to water appropriation; agreeing to comply with applicable regulations related to obtain necessary permits related to placement of the fill in the public waters adjacent to the project; agreeing to comply with applicable regulations related to wetland delineation and replacement; agreeing to

comply with applicable setback requirements; and otherwise address the concerns expressed by the Department.

18. The proposed use is consistent with the Comprehensive Plan provisions relating to the conservation and use of valuable resources because it allows mineral resources need by the community to be recovered. It is also consistent with the principle of orderly development, because it allows, though over a long period of time, for mineral and aggregate resources to be recovered and for the land to then be converted to potential residential use.

19. The proposed operations are a continuation of previous and current activities at the site and are not injurious to the use or values of other properties. The existing quarry has been in operation since the 1960's and appears to not have had any effect on the property values with the continued growth surrounding the property over the past 50+ years. Although the proposed operations are closer to some of the residences than the existing operations, the mitigation measures proposed were not uniformly in use at the site of the existing operations and will reduce any impacts from the proposed operations.

20. Development in other areas of the township has shown that residential development can coexist with sand and gravel mining activity. There are other developments in the township where hard rock mines are located near residential developments and it has been the experience of the Township that these uses can coexist.

21. There has been mining activity on adjacent parcels for many years. There has also been historic mining activity and recent mining activity, though of a different character, on the parcels at issue. The proposed operations are a continuation of activity that has long existed.

22. A Traffic Impact Study was required by Cascade Township. This study was completed by a qualified third-party contractor. The conclusion of this study was that all intersections to receive forecasted traffic will operate acceptably. Transportation officials from Olmsted County and the City of Rochester have not objected to these conclusions. Proposed Conditional Use Permit condition 12 of the Settlement Agreement addresses the traffic produced by the proposed use. This condition dictates the roadways that will be utilized by the operation's traffic. This condition also addresses the need to acquire approval of all access points by the appropriate road authority, the required signage, and maintenance of the roadways.

23. Parking will not be an issue because the mine will be closed to the public and there will be adequate parking on site for the applicant's employees' vehicles.

24. The site plan contains detailed drainage information that assures that surrounding properties will not be affected by runoff from the subject property.



25. The traffic study information provided by the applicant adequately addresses issues related to traffic safety. While there will be increased traffic coming from the quarry, this increase in traffic will not so overwhelm the existing roads as to create unreasonable traffic hazards. As traffic volumes in the area increase with future development, traffic safety issues should be monitored.
26. The applicant shall submit an erosion control and wetland delineation plan for the subject property.
27. A septic system or portable on-site septic facilities shall be provided for the subject property.

### **CONCLUSIONS**

1. The use, with the proposed conditions, conforms to the terms of the Township's Comprehensive Plan.
2. The use, with the proposed conditions, is compatible with the existing adjacent areas and is site appropriate.
3. The use, with the proposed conditions, will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of such properties.
4. The use, with the proposed conditions, will not impede the normal and orderly development and improvements of the surrounding property.
5. Adequate utilities, parking, drainage and other necessary facilities will be provided.
6. Adequate ingress and egress will be provided to minimize traffic congestion in the public streets.
7. With the proposed conditions, the traffic generated by the proposed use can be safely accommodated on existing or planned street systems; and the existing public roads providing access to the site will not need to be upgraded or improved by the Township or County, except as has already been agreed to by the applicant, in order to handle the additional traffic generated by the use.
8. Adequate measures have been taken or are proposed to prevent or control offensive odor, fumes, dust, noise, vibration, lighting or storm water runoff, which would otherwise disturb the use of neighboring property.
9. The special criteria or requirements indicated in Article X, General Regulations, are complied with.

10. With respect to uses contemplated by the CUP, the mining and quarrying activity will not be occurring within a Floodway, Flood Fringe, or Flood Plain District so that the factors related to flooding as contained in the Cascade Township Planning and Zoning Ordinance, section 4.02(A)(9-20) do not apply to this CUP application. As suggested in the submission of Tara Wetzel, the use should have no impact on floodways and floodplains.

11. Given the nature and type of activity taking place on the parcels included in this CUP application, and the numerous conditions that have been included in the proposed CUP, the Planning Commission determines that the factors included in the Cascade Township Planning and Zoning Ordinance, section 4.02(A)(9-20) do not support denial of the CUP, but support granting the CUP with conditions.

12. The CUP application should be granted, for parcels 74.11.14.030899, 74.11.13.075989, 74.11.43.082389, and 74.11.44.082387.

### **DECISION**

1. The CUP is granted pursuant to the terms and conditions of the proposed cup terms included in the settlement agreement with its exhibits, attachments, and plans.

2. The zoning administrator is authorized to prepare the CUP, with all appropriate attachments, exhibits, and plans, for signature by the applicant and the commission chair or acting chair.

3. The chair or acting chair of the Planning Commission is authorized to sign the final prepared CUP on behalf of the planning commission.

**Dated: August 21, 2018**

**Cascade Township Planning Commission**

By 

Its vice chair

# OPERATIONS PLAN



# **NOISE MITIGATION PLAN**

## **(JANUARY 22, 2018)**

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# **Noise Mitigation Plan**

for

MINING, ROCK CRUSHING and PROCESSING  
OPERATIONS

Crushing Operations and Permitted Aggregate Site in  
Section 11, Cascade Township, Minnesota

**Milestone Materials 920  
10th Avenue North  
Onalaska, WI 54650  
Phone (608) 783-6411**

Facility Contact Personnel  
Phone (608) 783-6411

Tim Jones - Vice President  
Tara Wetzel - Environmental Manager

## **Scope and Purpose**

This noise mitigation plan describes the scope of noise reduction provisions that will be employed at the North Quarry to minimize noise and impacts to residents. The scope of the plan includes noise limitations and mitigation measures, including but not limited to, industry best management practices along with economically and technologically feasible equipment retrofits, site configurations, and engineering and administrative controls.

The purpose of the Noise Monitoring Plan is to comply with the Conditional Use Permit issued by Cascade Township. The Site will operate in full compliance with all applicable state and federal regulations related to noise control, including but not limited to the Minnesota Pollution Control Agency's (MPCA) regulations for Noise Pollution Control (Minnesota Rules 7030).

## **Noise Limitations**

The Noise Standards are dependent on the noise area classification of the receiver. For residential housing, the allowable  $L_{10}$  daytime and nighttime noises are 65 dBA and 55 dBA, respectively, which can be exceeded ten percent of the time for an hour survey. Subsequently, the allowable  $L_{50}$  daytime and nighttime noises are 60 dBA and 50 dBA, respectively, which can be exceeded fifty percent of the time for an hour survey. Daytime is defined as 7:00 AM to 10:00 PM, and nighttime is defined as 10:00 PM to 7:00 AM. All measurements of sound are made at or within the point of human activity which is nearest the noise source. The standard described above will be applied, as appropriate, depending on the time of day when operations are occurring.

## **Mitigation Measures**

Milestone Materials employs several noise reduction methods to control off-site noise exposures at the property boundaries. Typical noise reduction strategies include berm construction, natural vegetation, trees, natural topography, muffler utilization, power source location, noise deflection and absorption materials, and utilization of white noise back-up alarms. The methods of noise reduction utilized are site dependent and are adapted as needed to ensure noise exposure reductions of the employee and resulting property boundaries.

For the North Quarry site, the following noise reduction techniques will be applied at various locations throughout the property, as appropriate:

- ☐ Earthen berm construction per the Operations Plan, attached hereto. Company will construct the berm between the access road and the mobile home park east of the quarry within the first year of operations under the Conditional Use Permit following consultation with the neighboring residents; other berms will be built as and when affected areas are stripped of overburden and prepared for crushing. Should future changes in quarry operations suggest that changes should be made to the currently contemplated berms, Company will consult with Cascade Township and/or affected residents at that time.
- ☐ Preservation of natural vegetation indicated as "undisturbed" and "undisturbed trees": on the attached Operations Plan,
- ☐ Natural topography and screening,
- ☐ Implementation of internal haul road traffic patterns to attenuate noise from backup alarms, including the use of traffic patterns that minimize backing up of haul trucks during loading operations, where possible,

- ☐ Working mufflers on equipment,
- ☐ Prohibition of Jake brake use, and
- ☐ Utilization of white noise backup alarms on all non-road, company-owned loading and excavating equipment.

Additional noise reduction strategies may be applied as necessary once the site is operational.

## **Noise Monitoring Parameters**

Sound level measuring devices must meet Type O, I, II or S specifications under American National Standards Institute. Prior to noise readings, all sound level measuring devices must, at a minimum, be externally field calibrated before and after monitoring using a calibration device of known frequency and sound pressure level. Measurements must be made at least 3 feet off the ground using the A-weighting and fast response characteristics of the sound measuring device. If possible, all measurements should be at least 30 feet from noise reflecting structures, such as buildings. Measurements may not be made in sustained winds or in precipitation which results in a difference of less than ten decibels between the background noise level and noise source being measured. Additionally, the measurements must be made using a microphone which is protected from ambient conditions which would prevent an accurate measurement. Calibration of the sound level measuring device will be conducted annually by the manufacturer.

Background noise correction factors will be used as necessary to isolate the noise source being monitored from other surrounding noise sources.<sup>1</sup>

## **Blasting Noise**

Blasting will conform to NFPA 495 guidelines and common industry practice. These standards establish a maximum air overpressure of 133 dB(L). Seismographs will be used to monitor each blast. The seismograph records the maximum level of air overpressure at the location of each seismograph. Seismograph results will be made available to the Township for review upon request.

## **Company Contacts for Noise Complaints**

The Milestone Materials contact for noise complaints is the Milestone Materials Area Manager at (507) 288-7447. If unable to reach the local area manager, contact the Milestone Materials Operations Manager at (608) 783-6411. The Company will work with the complainant and local or state authorities, if necessary, to investigate and resolve all legitimate noise complaints.

<sup>1</sup> Minnesota Pollution Control Agency, A Guide to Noise Control in Minnesota (November 2015), describes the process utilized for background noise correction



# FUGITIVE DUST CONTROL PLAN (JANUARY 22, 2018)

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# **FUGITIVE DUST CONTROL PLAN**

for

**MINING, ROCK CRUSHING and PROCESSING  
OPERATIONS**

Crushing Operations and Permitted Aggregate Site in  
Section 11, Cascade Township, Minnesota

**Milestone Materials  
920 10th Avenue North  
Onalaska, WI 54650  
Phone (608) 783-6411**

Facility Contact Personnel  
Phone (608) 783-6411

Tim Jones - Vice President  
Tara Wetzel - Environmental Manager

## **Fugitive Emissions Control Plan**

Milestone Materials (“Company”) recognizes the need for a comprehensive and consistent Company policy that outlines control measures, activities, and management options that contribute to a reduction in fugitive emissions from crushing, processing, and transporting of non-metallic mineral aggregates at aggregate mine locations. This plan specifies potential fugitive emissions sources, appropriate control options, operator responsibilities and responsible persons, and record keeping requirements for maintaining documentation of plan use.

### **I. POTENTIAL FUGITIVE EMISSION SOURCES AND MANAGEMENT CONTROLS**

- A. Transport of Shot Rock to Crusher
- B. Crushing Operations
- C. Screening Operations
- D. Conveying of Aggregate Products
- E. Stockpiling and Stockpile Maintenance
- F. Truck Transport of Final Product
- G. Total Facility

### **II. FUGITIVE EMISSIONS CONTROL OPTIONS**

- A. Water Spray Application
- B. Shrouding
- C. Chemical Dust Suppressant Application
- D. Drop Height Management
- E. Site Traffic Speed Control
- F. Timing Management
- G. Climatic Influence
- H. Paving/Sweeping

### **III. RESPONSIBLE PERSON / RESPONSIBILITIES**

- A. Maintain Control Equipment in Operable Condition
- B. Evaluate Fugitive Emissions and Need for Control Application
- C. Maintain Access to Water Sources as Needed
- D. Enforce Speed Limits on Process Vehicular Traffic
- E. Utilize Management Options
- F. Document Control Activities

### **IV. RECORDKEEPING / ACTIVITY DOCUMENTATION**

### **V. PM10 AT THE FENCE LINE**

### **VI. COMPANY CONTACTS FOR DUST COMPLAINTS**

## **I. Potential Fugitive Emission Sources and Management Controls**

**A. Transport of Shot Rock to Crusher** - Loader traffic to and from the primary crusher from the shot rock or rubble pile may create excess fines in the tire lanes when surface moisture conditions are dry. Loader operators should scrape and replace traffic lane aggregates when necessary to reduce surface fines. Water may be added as necessary to maintain fugitive suppression.

**B. Crushing Operations** - Each reduction phase of the crushing process has the potential to generate fugitive emissions. Primary crushing typically exhibits the least fugitive generation, with each successive reduction having a greater potential for emissions. Each facility or crushing spread has spray equipment on site, including pumps, hose, spray nozzles, and spare parts. Spray nozzle location and water application rate is determined by the operator to provide maximum control under situational circumstances. The nozzle or nozzles may be located on one crusher or all crushers at the facility, depending on the needed control.

**C. Screening Operations** - Screening operations may generate fugitive emissions and are particularly susceptible to wind and low moisture conditions. The initial screen may have adequate material moisture for good emissions control in most circumstances, but as with the reduction phase, each successive screening operation has an increased potential for emissions, with decreased material moisture contents and finer fractions. Water addition during crushing typically exhibits the best control for screening operations. When water applications are ineffective, shrouding may be added to the screen units to minimize wind influence on the under-size fraction. Severe conditions may require that screen units be re-oriented to minimize wind influence on the screen face.

**D. Conveying of Aggregate Products** - Conveyance of rock products during the processing of aggregates exhibits the least potential for fugitive emissions of all the processes at a facility. The drop or transfer points between processes and conveyors provide the most opportunity for emissions, but are typically the easiest to control. Wind and/or low moisture conditions may be abated by water application, shrouding of the transfer point, enclosure hoods and boots, and minimizing the drop height between transfer points. For normal operations, application of a single management tool may be very effective in controlling emissions. Extreme conditions of wind and low aggregate moisture may necessitate the use of two or more of the available control options to provide adequate emissions reduction.

**E. Stockpiling and Stockpile Maintenance** - Stockpiling operations at crushing facilities consist of placing aggregates in storage piles with stackers or front-end loaders. Stackers are typically adjustable; so drop height to the pile can be controlled as with other conveyors. Loader transfer results in fewer emissions from dumping, but greater potential from the loader traffic and tire contact with generated fines. Travel roads may be sprayed with water or chemical dust suppressant for longer lasting control. Scraping and application of new aggregate can also be effective in controlling fugitive emissions from this operation. In quarries where travel distances are greater or material tendencies exhibit greater fugitive potential, traffic lanes may be paved and/or swept as more intensive management practices. Fugitive emissions from stockpiles are highly dependent on aggregate gradation, weather,



location, stockpile age, and amount of loading face activity. Aged stockpiles generally exhibit lower fugitive emissions than freshly crushed aggregate materials.

In order to minimize the potential for fugitive dust emissions, all raw material and finished product stockpiles (all materials other than topsoil and overburden which are shaped into berms and stabilized with vegetation) must be maintained on the floor of the quarry once a workable quarry footprint is established. Stockpile height is governed by the Conditional Use Permit issued by Cascade Township. In areas where emissions are above acceptable levels, water application to the stockpile exterior can provide adequate control. Intermittent applications may be necessary when emission conditions are persistent. Orienting the working face to avoid cross-winds can also be an effective management tool for lowering emissions.

**F. Truck Transport of Final Product** - Truck traffic in the area of crushing operations has the potential to generate excessive surface fines on haul roads. While climatic and situational circumstances can contribute to effective controls on a short-term basis, other more intensive and continuous practices are usually required to maintain control of fugitives from this source. Paving, sweeping, watering, chemical application and speed controls are the most effective options for controlling fugitive emissions from truck traffic. Any one or more of these management options may be incorporated into routine operations to provide continuous benefit.

**G. Total Facility** - Minimizing the emissions from fugitive sources at a crushing and processing facility requires a commitment of resources from top-level management, knowledge of potential contributing factors on the part of operations level personnel, and a common-sense application of available management options to provide significant control of fugitive emissions from crushing operations. The crushing operations foreman is trained to recognize state and federal opacity limits for various processes, continually evaluate operating conditions and resulting opacities, and apply appropriate controls to provide compliant operation. The foreman or other company responsible personnel document production, conditions, and controls to demonstrate compliance with permit conditions.

## **II. Fugitive Emissions Control Options**

**A. Water Spray Application** - Water may be added directly to aggregate product with spray nozzles at any phase of the production cycle. Each facility is equipped with adequate equipment to make multiple-point application of water if needed. The person responsible for plant operations decides where application affords the best control efficiency for current conditions. In addition to material control, the plant foreman is responsible for water application to site roads and stockpiles as necessary to maintain acceptable site opacity.

**B. Shrouding** - Shrouds may be constructed and maintained on any process equipment where it affords fugitive emissions control or may be used only on a site-specific or equipment-specific basis. Shrouds used for emissions control must meet MSHA safety standards.



**C. Chemical Dust Suppressant Application** - For climatic conditions where natural moisture is deficient and traffic volume is a contributing emissions source, the application of persistent controls such as calcium chloride or forest product resins may be necessary to provide longer lasting effective control. Applications may be supplemented with truck applied water as needed.

**D. Drop Height Management** - Facility foreman is responsible for minimizing drop height at all material transfer points, including stacker and loading operations.

**E. Site Traffic Speed Control** - Facility foreman or company responsible official enforces appropriate speed limit in the production area. Speed limit determination is influenced by site-specific conditions and may be lowered at the foreman's discretion, to provide greater control influence.

**F. Timing Management** - The supervisor of crushing operations may change scheduling of processing or blasting in a particular location or quarry to take advantage of climatic influence in providing additional emissions suppressive effect. While this option is variable, it can provide significant benefit in problematic geologic formations or urban locations.

**G. Climatic Influence** - Climate variations during the crushing season may have significant impact on emissions depending on precipitation frequency and duration. Mid-western locations provide opportunity for natural suppressive effects during the processing season, either by direct precipitation on process materials, or through retained moisture from those events. Seasonal variations in precipitation amounts, heat degree days, and wind determine the degree to which additional control activities are needed to meet permit terms and opacity limits.

**H. Paving/Sweeping** - Haul and access roads at some locations receive heavy traffic volume and may generate road surface fines in unmanageable quantity. For these extreme conditions, paving with hot-mix asphalt or recycled asphalt pavement and/or sweeping may be helpful in reducing emissions on an ongoing basis. The Company will pave the haul road from its southeast intersection with the access road, north to the end of the preserved woodland area shown on the attached Operations Plan, and will sweep this paved area as necessary to address fugitive dust. More intensive management practices such as these are normally supplemented with water spray or chemical suppressants to provide maximum emissions reduction.

### **III. Responsible Person / Responsibilities**

**A. Maintain Control Equipment in Operable Condition** - The facility foreman is responsible for managing emissions control and is required to maintain all suppressive equipment in operational condition according to the Malfunction Prevention and Abatement Plan. He must maintain adequate spare parts inventory to accommodate changing conditions and equipment replacement. All fugitive dust control equipment for



the crushing operations must be inspected daily. Daily inspection of fugitive dust control equipment is recorded on the daily tracking form.

**B. Evaluate Fugitive Emissions and Need for Control Application** - The facility foreman or other person designated as being responsible for operations management is required to evaluate conditions, process variables, and fugitive emissions on a continuous basis during crushing operations. From this evaluation, the responsible person determines whether opacity and emissions are within allowable levels, and if not, to apply available control options as needed to gain the required level of fugitive control.

**C. Maintain Access to Water Sources as Needed** - The foreman is responsible for locating and maintaining access to water resources to provide adequate fugitive emissions control. The water resource utilized may be truck delivered, well pumped, quarry or pit groundwater, or surface water available at the site.

**D. Enforce Speed Limits on Process Vehicular Traffic** - The facility foreman/responsible person must determine if enforced speed limits are effective in controlling fugitive emissions from that source. He has authority to reduce vehicular speeds as appropriate to gain the needed control. Site speed limits affect all process vehicles, including loaders, trucks, and visitors. The Company will post a 20 mph speed limit on the haul road from the southeast access point to the quarry entrance; all other internal haul roads will have a posted speed limit of 15 mph both as shown on the Operations Plan; and all areas within the active quarry footprint will operate at a 10 mph speed limit.

**E. Utilize Management Options** - The facility foreman has authority to implement any available control option at his discretion. If conditions do not respond favorably to applied controls, the foreman may terminate production until additional resources are available or site conditions change. If available control options are ineffective in maintaining fugitive emissions at acceptable levels, the foreman is required to report that circumstance to company management for further action.

**F. Document Control Activities** - The foreman or other person designated by the Company as responsible for facility compliance must maintain daily records of production throughput, fugitive emissions suppressive control activities, and relative weather conditions, to comply with permit terms while the site is active. Records for current year production are maintained at the facility and at the company headquarters for an additional 4 years.

#### **IV. Recordkeeping / Activity Documentation**

The Company is committed to accurate and complete documentation of crushing process parameters that influence and indicate compliance with applicable state and federal regulations. The facility foreman / responsible party is required to record important process information daily while the site and crushing operations are active, and to deliver the records to the Company office for storage and reference for an additional four years.



## **V. PM10 at the Fence Line**

The state issued air quality permit for aggregate operations requires fugitive dust control measures to comply with ambient air quality standards, such as PM10, at the fence line as well as the source. Therefore, compliance with the state issued air quality permit ensures PM10 compliance at the fence line. Fugitive dust control measures described within this plan as well as Fugitive Dust Control plans for aggregate crushing operations are utilized to comply with both state and federal ambient air standards.

## **VI. Company Contacts for Dust Complaints**

The Milestone Materials contact for dust complaints is the Milestone Materials Area Manager at (507) 288-7447. If unable to reach the local area manager, contact the Milestone Materials Operations Manager at (608) 783-6411.





# GROUNDWATER MONITORING PLAN

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EXAMPLE OF TYPICAL PERMIT CONDITIONS:  
MINNESOTA DEPARTMENT OF NATURAL RESOURCES  
PERMIT NUMBER 1995-5082  
MILESTONE MATERIALS—PANHANDLE QUARRY  
OLMSTED COUNTY , MINNESOTA



## MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Amended  
Water Appropriation PermitPermit Number  
1995-5082

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below. This permit supersedes the original permit and all previous amendments.

<b>Project Name:</b> PANHANDLE	<b>County:</b> Olmsted	<b>Watershed:</b> Root River	<b>Resource:</b> Quarry/Mine	
<b>Purpose of Permit:</b> Quarry Dewatering		<b>Authorized Action:</b> Withdrawal of up to 250.0 million gallons of water per year for quarry dewatering.		
<b>Permittee:</b> MATHY CONSTRUCTION COMPANY CONTACT: STUHR, BETH, (608) 779-6650 920 10TH AVENUE NORTH ONALASKA, WI 54650 (608) 779-6608		<b>Authorized Agent:</b> N/A		
<b>To Appropriate From:</b> Quarry/Mine : by means of a stationary pump at a rate not to exceed 3000 gpm Point(s) of Taking UTM zone 15N, 537568m east, 4854975m north Section 5, T104N, R14W				
<b>Authorized Issuer:</b> Corey Hanson	<b>Title:</b> Area Hydrologist	<b>Issued Date:</b> 12/29/2014	<b>Effective Date:</b> 12/29/2014	<b>Expiration Date:</b> Long-Term Appropriation

This permit is granted **subject to the following CONDITIONS:**

**LIMITATIONS:** (a) Any violation of the terms and provisions of this permit and any appropriation of the waters of the state in excess of that authorized hereon shall constitute a violation of Minnesota Statutes, Chapter 103G. (b) This permit shall not be construed as establishing any priority of appropriation of waters of the state. (c) This permit is permissive only. No liability shall be imposed upon or incurred by the State of Minnesota or any of its employees, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the Permittee relating to any matter hereunder. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the Permittee, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the Permittee, for violation of or failure to comply with the provisions of the permit or applicable provisions of law. (d) In all cases where the doing by the Permittee of anything authorized by this permit shall involve the taking, using, or damaging of any property, rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the Permittee, before proceeding therewith, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests necessary therefore. (e) This permit shall not release the Permittee from any other permit requirements or liability or obligation imposed by Minnesota Statutes, Federal Law, or local ordinances relating thereto and shall remain in force subject to all conditions and limitations now or hereafter imposed by law. (f) Unless explicitly specified, this permit does not authorize any alterations of the beds or banks of any public (protected) waters or wetlands. A separate permit must be obtained from the Department of Natural Resources prior to any such alteration.

**WATER USE REPORTING:** (a) FLOW METER The Permittee shall equip each installation for appropriating or using water with a flow meter, unless another method of measuring the quantity of water appropriated to within ten (10) percent of

## **CONDITIONS** *(Continued from previous page)*

actual amount withdrawn is approved by the Department. (b) **REPORTS** Monthly records of the amount of water appropriated or used shall be recorded for each installation. Such readings and the total amount of water appropriated or used shall be reported annually to the Director of DNR Ecological and Water Resources, on or before February 15 of the following year, via the MNDNR Permitting and Reporting System (MPARS) at [www.mndnr.gov/mpars/signin](http://www.mndnr.gov/mpars/signin). Any processing fee required by law or rule shall be submitted with the records whether or not any water was appropriated during the year. Failure to report shall be sufficient cause for terminating the permit 30 days following written notice. (c) **TRANSFER OR ASSIGNMENT** Any transfer or assignment of rights, or sale of property involved hereunder shall be reported within 90 days thereafter to the Director of DNR Ecological and Water Resources. Such notice shall be made by the transferee (i.e., new owner) and shall state the intention to continue the appropriation as stated in the permit. This permit shall not be transferred or assigned except with the written consent of the Commissioner. (d) **MODIFICATION** The Permittee must notify the Commissioner in writing of any proposed changes to the existing permit. This permit shall not be modified without first obtaining the written permission from the Commissioner.

**COMMISSIONER'S AUTHORITY:** (a) The Commissioner may inspect any installation utilized for the appropriation or use of water. The Permittee shall grant access to the site at all reasonable times and shall supply such information concerning such installation as the Commissioner may require. (b) The Commissioner may, as he/she deems necessary, require the Permittee to install gages and/or observation wells to monitor the impact of the Permittee's appropriation on the water resource and require the Permittee to pay necessary costs of installation and maintenance. (c) The Commissioner may restrict, suspend, amend, or cancel this permit in accordance with applicable laws and rules for any cause for the protection of public interests, or for violation of the provisions of this permit.

**PUBLIC RECORD:** All data, facts, plans, maps, applications, annual water use reports, and any additional information submitted as part of this permit, and this permit itself are part of the public record and are available for public inspection at the offices of DNR Ecological and Water Resources. The information contained therein may be used by the Division as it deems necessary. The submission of false data, statements, reports, or any such additional information, at any time shall be deemed as just grounds for revocation of this permit.

**MONITORING REQUIREMENTS:** Minnesota Statutes 103G.282 authorizes the Department of Natural Resources to require permittees to install and maintain monitoring equipment to evaluate water resource impacts from permitted appropriations. You may be required to modify or install automated measuring devices and keep records for each installation. The frequency of measurements and other requirements will be based on quantity of water appropriated, source of water, potential connections to other water resources, nature of concern, and other relevant factors.

**DROUGHT PLANNING:** In accordance with M.S. 103G.293, all permits must be consistent with the drought response plan detailed in the Statewide Drought Plan at [http://files.dnr.state.mn.us/natural\\_resources/climate/drought/drought\\_plan\\_matrix.pdf](http://files.dnr.state.mn.us/natural_resources/climate/drought/drought_plan_matrix.pdf).

**WATER USE CONFLICT:** If notified by the DNR that a water use conflict is suspected and probable from your appropriation, based on confirmation of a formal well interference complaint or a preliminary hydrologic assessment, all appropriation authorized by this permit must cease immediately until the interference is resolved. The permittee may be required to obtain additional data to support the technical analysis, such as domestic well information within a radius of one and one-half miles of the production well. The permittee and impacted party may engage in a negotiated settlement process and there may be modifications made to this permit in support of conflict resolution.

**CONTINGENCY:** If directed by DNR Ecological and Water Resources to cease pumping, the permittee agrees to withstand the results of no appropriation as stated in the contingency statement submitted with the application.

**INTAKE:** All pump intakes must be screened to prevent fish from being drawn into the system.

**INVASIVE SPECIES - EQUIPMENT DECONTAMINATION:** All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at [http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best\\_practices\\_for\\_prevention\\_ais.pdf](http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf). Contact your regional Invasive Species Specialist for assistance at [www.mndnr.gov/invasives/contacts.html](http://www.mndnr.gov/invasives/contacts.html). A list of designated infested waters is available at [http://files.dnr.state.mn.us/eco/invasives/infested\\_waters.pdf](http://files.dnr.state.mn.us/eco/invasives/infested_waters.pdf). A list of prohibited invasive species is available at [www.mndnr.gov/eco/invasives/laws.html#prohibited](http://www.mndnr.gov/eco/invasives/laws.html#prohibited).

**INFESTED WATERS - WATER TREATMENT REQUIREMENTS:** Surface water appropriators from waters listed as

**CONDITIONS** (Continued from previous page)

containing invasive species in [http://files.dnr.state.mn.us/eco/invasives/infested\\_waters.pdf](http://files.dnr.state.mn.us/eco/invasives/infested_waters.pdf) are required to contact 651-259-5100 or 1-888-MINN-DNR to obtain information from the DNR Division of Ecological and Water Resources on specific invasive species water treatment requirements.

**WATER CONSERVATION:** All practical and feasible water conservation methods and practices must be employed to promote sound water management and use the least amount of water necessary, such as reuse and recycling water, water-saving devices, and water storage.

**DISCHARGE AUTHORIZATION:** This permit is valid only in conjunction with all required discharge authorizations from local, state, or federal government units.

**RESPONSE TO FUTURE WELL COMPLAINTS:** Should the availability of water to existing domestic water well be interrupted or cease and it is believed to be a result of the permittee's dewatering activities, the complainant may submit details of the problems to the permittee. Within 12 hours of the receipt of the complaint, the permittee must contact a licensed well contractor who has sufficient credentials (e.g. is familiar with the local geology, local wells, well drilling, well repair and located in the local proximity) to investigate the complaint. The well contractor shall advise the permittee and the complainant of the timetable for the initial investigative visit. The initial investigative visit by the well contractor must be paid for by the permittee. Should the initial investigative visit determine that the permittee's dewatering activities have caused an interruption to the availability of water to the well, the permittee shall incur the expenses required to remedy the situation. Costs include, but are not limited to, the well investigation by consultants, well repairs, and well construction. The permittee shall provide a safe and adequate drinking water supply within 12 hours of notification and until either the water supply has been re-established to the homeowner, or the investigation has determined that the lack of water available to the well is not associated with the permittee's dewatering activities. Within 48 hours of receiving a well complaint, the permittee shall notify the DNR Area Hydrologist that a complaint was received. If the complaint is unresolved, the complainant may choose to submit a formal well interference complaint to the DNR Area Hydrologist. The DNR will then conduct a technical review, determine the probable cause of the problem, and take appropriate action under the Water Appropriations Permit Program.

**ATTACHMENTS:** Attachment A (Monitoring Plan, December 29, 2014) is hereby made a part of this permit.

**ANNUAL UPDATE:** Prior to April 15 of each year, the permittee shall request to meet with the Groundwater Protection Hydrologist concerning the status of mine progression, monitoring data, reporting, adequacy of pumping rates, and total annual volume, etc.

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cc: Jeanne Daniels, EWR District Manager  
Peters, Andrew, Contact; Mathy Construction Company  
Philip George, Conservation Officers, Rochester #2  
Terry Lee, County, Olmsted  
Floyd Whitaker, SWCD, Olmsted SWCD

**Attachment A.**

Mathy Construction Company Panhandle Quarry Expansion  
MONITORING DETAILS – Groundwater Monitoring Plan  
Amended Permit 1995-5082

**Groundwater Level Monitoring**

The GROUNDWATER LEVEL MONITORING WELL REQUIREMENT condition of Amended Permit 1995-5082 requires that groundwater levels in the monitoring wells listed in Table 1 be measured and reported to the DNR as described below. In addition to the monitoring wells the mine sump water level, pumping rates and location must be monitored and reported.

**Table 1. Monitoring Wells**

<u>Well</u>	<u>Unique Number</u>
MW-1	778568
MW-2	778569
MW-3	778570
MW-4	778571

**Measurement Frequency**

Groundwater level measurements must be collected from each of the monitoring wells on a **MONTHLY** basis to correct the data logger measurements for drift. A barologger is also required to correct data logger measurements for barometric pressure changes. The mine sump water level must also be monitored on a **MONTHLY** basis at the same time as the monitoring wells. If the water within a well or the sump is frozen, it should be noted, but no measurement is required.

**Accuracy**

Groundwater levels must be measured from the top of the casing to the nearest hundredth of a foot. Measurements must be reported as depth from the top of the casing and as an elevation in 1988 Datum or equivalent standard datum.

The sump water elevation must be reported to the nearest one foot increment. This level must be correlated to the 1988 Datum or equivalent standard datum for reporting purposes.

**Reporting**

Water level readings must be reported electronically to the Minnesota DNR Groundwater Level Coordinator ([gwlevelcoor.dnr@state.mn.us](mailto:gwlevelcoor.dnr@state.mn.us)) on a **QUARTERLY** basis (January 1, APRIL 1, July 1, and October 1, of each year) or upon request by DNR Ecological & Water Resources. The permittee shall utilize the Excel Spreadsheet DNR template format for reporting purposes. This template is available via the DNR's website at the following address: [http://files.dnr.state.us/waters/watermgmt\\_section/appropriations/gw\\_level\\_measurement\\_reporting\\_template.xls](http://files.dnr.state.us/waters/watermgmt_section/appropriations/gw_level_measurement_reporting_template.xls).

**Monitoring Plan Reassessment**

This monitoring plan can be reviewed and amended at any time by DNR Ecological & Water Resources. After a substantial number of years of additional data collection and analysis, or change in operations, the permittee may recommend the DNR consider a change in the monitoring requirements for this permit.

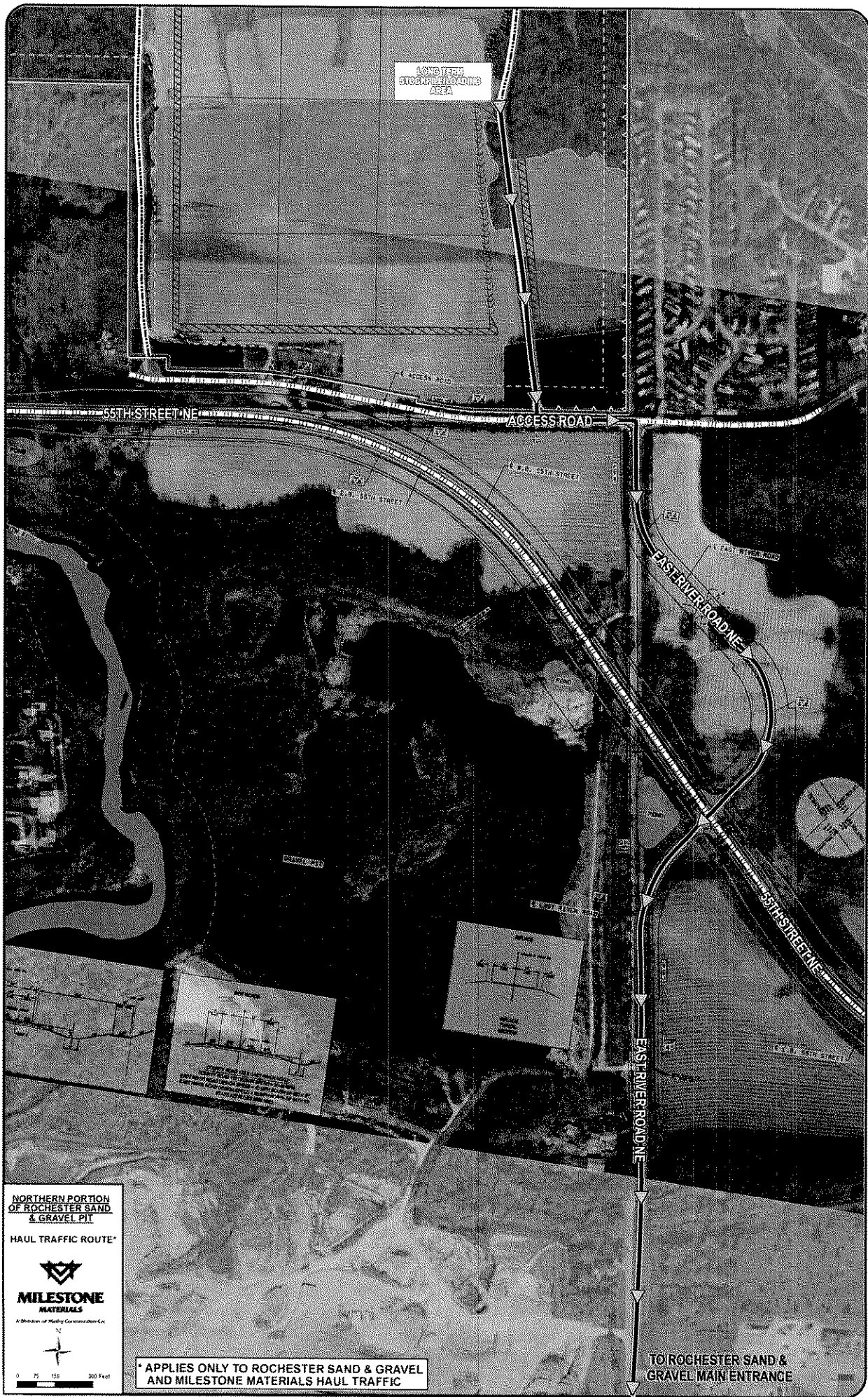
Authorized Signature

Joe Richter  
Groundwater Protection Hydrologist

\_\_\_\_\_  
Date

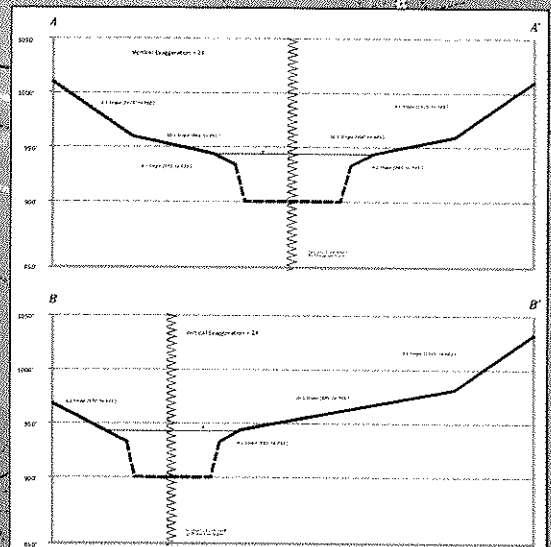
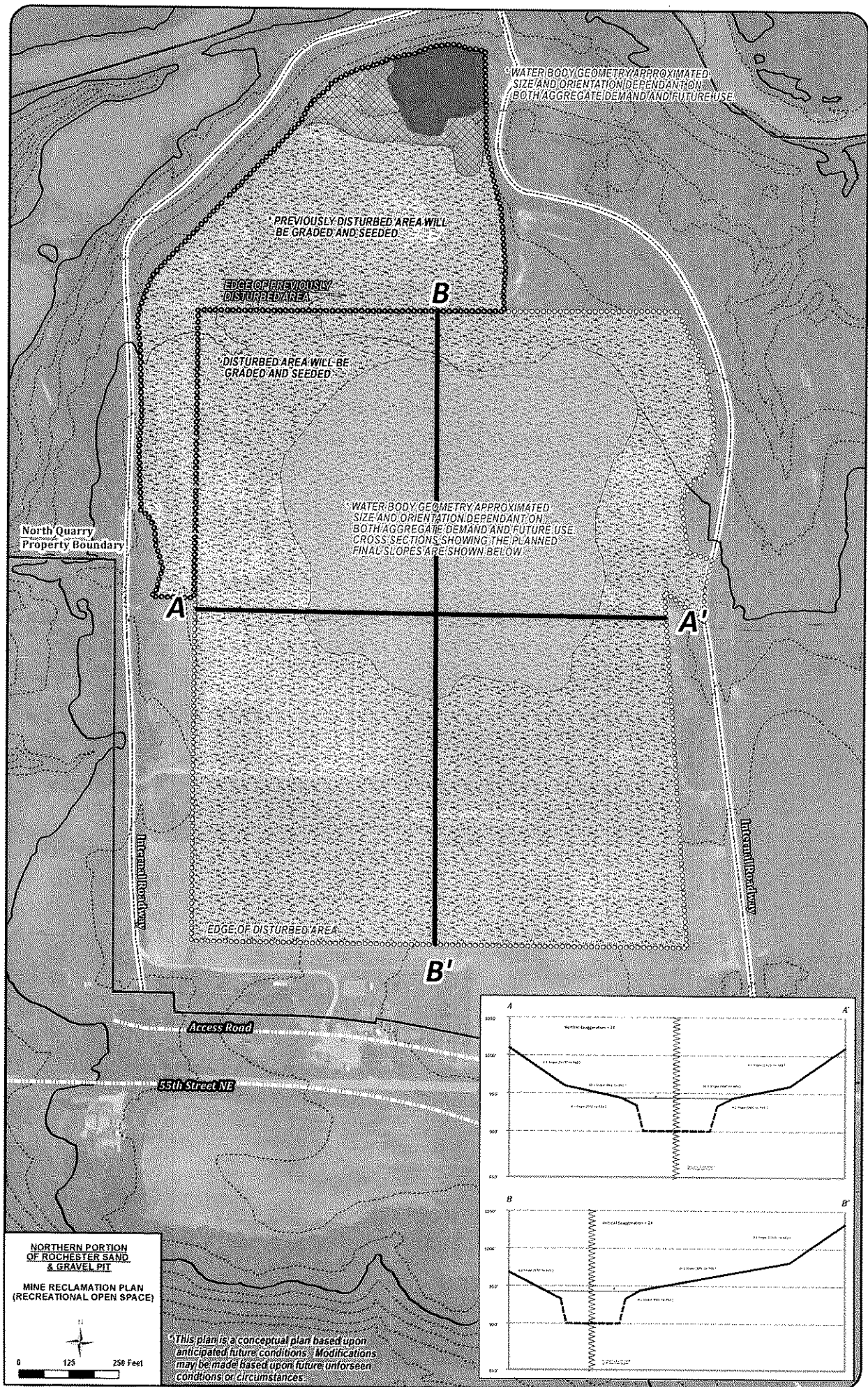
# TRAFFIC MANAGEMENT PLAN

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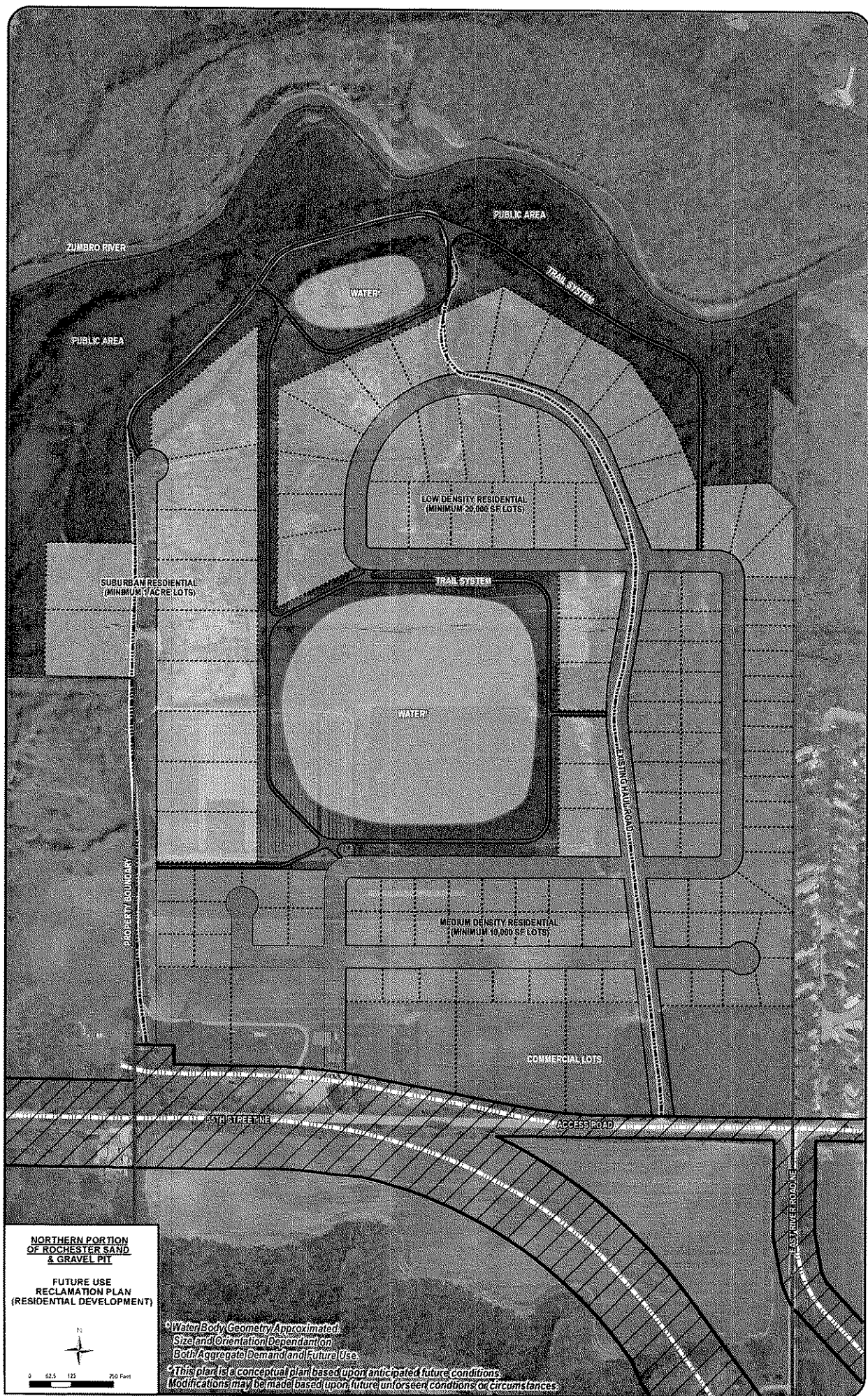




# RECLAMATION PLANS



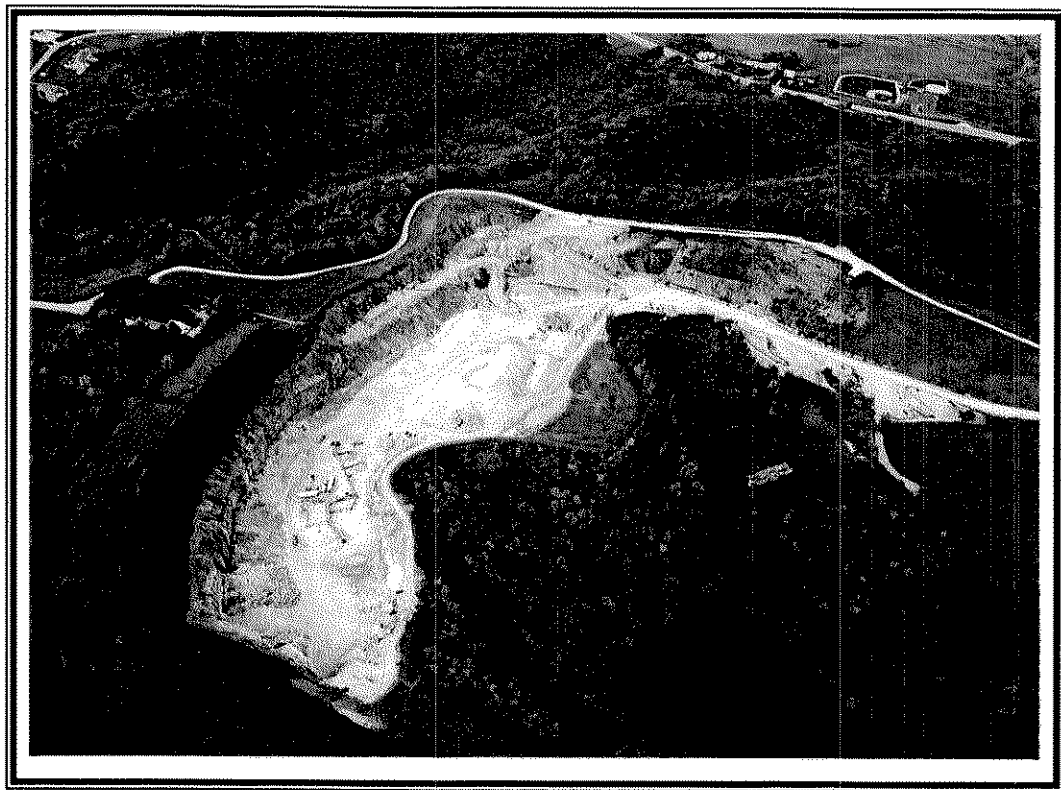




# STORM WATER POLLUTION PREVENTION PLAN

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# Storm Water Pollution Prevention Plan for Nonmetallic Mining



*Milestone Materials*  
*North Quarry*

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# **Storm Water Pollution Prevention Plan Nonmetallic Mining**

## **1.0 Introduction**

### **1.1 Purpose of the Storm Water Pollution Prevention Plan**

The purpose of the Storm Water Pollution Prevention Plan (SWPPP) is to prevent contaminants from polluting waters of the State through discharge in storm water. The SWPPP establishes guidelines necessary to create an effective and functional program for pollution prevention. This will be accomplished in the following three steps:

- Identify possible sources of contamination
- Take actions to eliminate or reduce these sources of contamination
- Treat or contain excessive storm water pollutants that can not be removed from the storm water.

This plan applies to discharges of process wastewater (i.e. dewatering and aggregate washing) and storm water (internally and externally drained) from nonmetallic mining operations to surface waters or groundwaters directly or indirectly via a storm sewer or other conveyance.

### **1.2 Pollution Prevention Team**

The pollution prevention team is responsible for developing and implementing the SWPPP. The pollution prevention team includes the following members.

- Area Manager is responsible for implementation of the SWPPP. Duties include facility compliance with the Best Management Practices (BMP) and other source area controls identified in this plan.
- Plant Foreman is responsible for ensuring BMPs remain effective and in place via regular inspections, monitoring and recordkeeping.
- Environmental Department is responsible for developing the plan, preparing and submitting reports, and serving as facility contact with the regulatory agencies.

## **2.0 Site Conditions**

### **2.1 Site Description**

Nonmetallic mining activities generally occur within aggregate quarries or sand and gravel pits. Nonmetallic mining operations include sites and equipment

engaged in excavation or processing of sand, gravel, crushed stone, or other similar activities that result in a discharge of storm water, aggregate wash water, dewatering water or vehicle wash water.

Most quarries and pits are naturally, internally drained and will not discharge storm water off site. For all sites, a site map is attached depicting the site layout along with drainage outfalls and storm water controls (See Attachment #1 for Site Map). However, Best Management Practices will be adapted as appropriate at internally drained sites.

## **2.2 Site Potential Pollutants**

The facility has the following potential pollutants associated with activities at the site.

- #2 Fuel Oil
- Lubricating Oils
- Grease
- Antifreeze
- Aggregate and Soil Fines

## **3.0 Best Management Practices**

### **3.1 Education**

- The SWPPP is reviewed periodically to discuss plan content, implementation and continued compliance activities associated with the permit. Review of the SWPPP may be conducted during the annual safety meeting, weekly toolbox talks or periodic environmental audits.
- Employees are required to take an active role in pollution reduction via awareness of SWPPP responsibilities, appropriate maintenance activities, drip pan and absorbent use, and proper handling of petroleum products.
- Employee training is conducted annually to maintain the components and goals of the SWPPP. Records of training are kept at the office in Onalaska.

### **3.2 Good Housekeeping Practices**

- All fuel tanks and lubricant containers shall utilize drip pans or absorbent material for nozzle storage between fueling. An alternative is to store the nozzle in an upward position so that product cannot drip from the end of the nozzle.
- Absorbents and drip pans are utilized to control drips and leaks.
- All spills are promptly cleaned up to eliminate contact with storm water runoff.
- Used absorbents are regularly replaced to reduce storm water exposure potential.



- Waste disposal receptacles will be used to reduce storm water exposure potential. Waste disposal lids shall be closed whenever possible to eliminate contact with storm water.
- Minimize off-tracking of soil and dust materials onto paved surfaces that have storm water runoff potential. If off-tracking occurs on paved haul roads with runoff potential, sweep as necessary to reduce potential contaminant exposure during runoff events.

### **3.3 Significant Material Handling and Storage**

- Minimize exposure of raw materials to reduce or eliminate potential sources of contamination during runoff events.
- Fuel transfers, including hose connect and disconnect from the receiving tank, will be monitored to insure that spills do not occur.
- Petroleum products are secured after each operating cycle.
- Drip pans and absorbents are utilized to control drips and leaks.
- When possible, all lubricants and grease are stored inside the plant service trailer or other on-site building.
- Placement of aggregate stockpiles shall be located in areas of reduced exposure potential whenever possible.

### **3.4 Repair and Maintenance Procedures**

- Engines, pumps and gearboxes will be inspected and serviced as needed to eliminate leaking seals, fuels lines and gaskets. Drip pans, absorbents, or other acceptable means will be utilized to contain leaks during operation until company maintenance personnel can repair the problem.
- Plant employees are instructed in proper lubrication procedures for plant equipment. Manufacturers specifications are followed to eliminate overfill of gearboxes and crankcases. Greasing of bearings and wear surfaces is carefully monitored to eliminate unnecessary grease contact with the ground. Overflow from bearings is collected and disposed of with contaminated absorbent material.

### **3.5 Construction of Containment or Settling Ponds**

- For sites where natural containment does not occur, the site manager may elect to construct berms or temporary basins for collection and control of storm water. Necessity of construction will be based on slope of site, area drained, soil type, and proximity to receiving waters. Other influences may be considered on a site-specific basis as needed to fulfill the purpose of the plan.
- Storm water collected in the on site basins will be inspected by site personnel for evidence of petroleum sheen or odor. If no evidence of contamination is apparent, the water may be released by gravity flow or by pumping. Release of water must be done in a manner that will not induce erosion or release water with high sediment loading into receiving waters. Water collected in on

site basins that shows evidence of contamination will have the sheen removed before pumping or will be pumped into disposal tanks for transport to approved disposal facilities. Company environmental manager will be notified before removal and disposition of contaminated water. Any water releases will be documented.

- Settling ponds are utilized, when appropriate, to collect storm water and encourage infiltration or evaporation. Additionally, solids are allowed to settle prior to water discharge.

### **3.6 Erosion Control Prevention**

- Bales, silt fences, rip rap channels, erosion mat, rock berms, grassy swales, vegetated buffers, diversionary measures, perimeter berms and settling ponds are utilized to mitigate and eliminate erosion from potential problem areas, including dewatering discharge location.
- Maintenance of structural and non-structural control measures will be conducted as necessary to maintain treatment efficiency.
- Stabilize areas of bare soil with vegetation or through permanent land cover to control soil erosion.
- Temporary seeding will be used to control critical area erosion, as needed, on a site specific basis. Critical areas may include stockpiled top soil and overburden and non-traffic areas that will support vegetation.
- Permanent seeding will be utilized on reclaimed slopes and permanent site berms.

### **3.7 Use of Available Resources**

- Housekeeping supplies, including drip pans and absorbent materials, are kept on site in the plant service trailer or on-site building. Personnel have access to materials and are instructed in their use.

### **3.8 Outside Vehicle or Equipment Washing (for moving equipment on and off site)**

- Wash water must not discharge from the site via surface discharge. Instead, wash water must remain on site and infiltrate into the ground.
- The use of non-biodegradable, cleaning solvents in the wash water is prohibited.

## **4.0 Inspections and Monitoring**

### **4.1 Inspections**

Inspections are conducted monthly for each permitted site in the state of Minnesota when actively mining or processing aggregate. Inspections include, but are not limited to, an erosion control inspection and an evaluation of structural and non-structural BMP effectiveness.

Additionally, site inspections are conducted each operating day and recorded on the Daily Environmental Tracking Log when an aggregate crusher is on-site. Inspections include, but are not limited to, application of Best Management Practices, absorbent and catch pan use, inspection of petroleum product storage, storm water runoff appearance and water quality.

### **4.2 Sampling and Monitoring**

Varied sampling procedures and schedules are needed for a variety of scenarios at nonmetallic mining sites in Minnesota. The specific sampling requirements for each situation are defined in Attachment 2, Minnesota Supplement.

## **5.0 Inclusion of Other Documents by Reference**

### **5.1 Spill Policy for Aggregate Operations**

Aggregate operations are managed by the Spill Prevention Control & Countermeasures (SPCC) plans or Spill Policy for aggregate operations depending on the volume of petroleum stored at a particular site. The purpose of the Spill Policy and SPCC plan is to prevent spills from petroleum products. The policies include provisions for containment requirements, petroleum product handling, training, and emergency response procedures. Nonmetallic Mining spill records are located at the main office in Onalaska, Wisconsin.

### **5.2 Malfunction and Abatement Plan**

A Malfunction and Abatement Plan addresses the control of pollutants at aggregate operations. The purpose of the plan is to reduce and eliminate excessive pollutant emissions from the operations. The plan includes procedures for product handling, inspections, repair and maintenance of the facility.

### 5.3 Fugitive Dust Control Plan

A Fugitive Dust Control plan is in place at each aggregate operation. The purpose of the plan is to reduce emissions from fugitive dust, such as unpaved haul roads. The plan suggests various ways to control fugitive roadway dust, mainly watering of the roads. Water is sprayed evenly on the road surface to minimize water runoff and maximize dust control. Other suggested dust control methods include chemical application, such as calcium chloride or magnesium chloride. Careful consideration to the impact of surrounding waterways is made prior to application of a chemical.

### 6.0 Certification Statement

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for providing false information, including the possibility of fine and imprisonment for knowing violations.

Tara E. Wetzel  
Signature

October 17, 2016  
Date

Tara Wetzel  
Printed Name

Environmental Manager  
Title

## **Attachment 1**

### **Site Map**



## **Attachment 2**

### **Minnesota Supplement**

*The purpose of this supplement is to outline additional requirements for sites located in Minnesota.*

#### **Schedule for Preventative Maintenance of BMPs:**

- Any BMPs which are not functioning properly must be replaced, maintained or repaired within 7 calendar days of discovery. If the BMP cannot be replaced, maintained or repaired within 7 calendar days, effective backup BMP shall be implemented until the original BMP is restored.
- Silt fences must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 1/3 of the height of the fence. These repairs must be made within 24 hours of discovery, or as soon as field conditions allow access.
- Temporary and permanent sediment basins must have the sediment removed once the depth of the sediment collected in the basin reaches 1/2 of the storage volume. The removal of sediment must be completed within 72 hours of discovery or as soon as field conditions allow access.

#### **Recordkeeping and Reporting:**

- Inspections must be completed monthly for active operations. All inspections and resulting maintenance/corrective actions must be recorded and retained with this plan.
- A minimum of one site inspection must be completed during a snow melt event at all active operations each calendar year.
- Additional recordkeeping required for site dewatering. (See site dewatering section.)

#### **Storm water Monitoring Requirements:**

- Two samples shall be collected annually at each stormwater discharge point at an active operation and analyzed for total suspended solids (TSS) in order to determine the annual average concentration.

#### **Site Dewatering Requirements:**

- Dewatering or basin draining must be discharged to a control device on the project site whenever possible, such as a temporary or permanent sedimentation basin or infiltration device. Discharges from control devices must be visually checked to ensure adequate treatment.



- Site dewatering permitted by Minnesota Pollution Control Agency General Permit MNG490000 requires:
  - One sample must be collected quarterly from each actively discharging outfall point.
  - Each sample must be analyzed for the following:
    - Total Suspended Solids (Maximum 30 mg/L)
    - pH (Range of 6.5 to 8.5)
  - Recordkeeping required:
    - Average Monthly Flow, million gallons per day (mgd)
    - Maximum Monthly Flow, mgd
    - Total Monthly Flow, million gallons (MG)
- Dewatering discharge outlet must be protected against scour and erosion with rip rap, sand bags, etc.
- Dewatering inlet pipe must be raised above ground level to minimize drawing in solids from the sump area.