Belle Plaine
Orderly Annexation
Board Meeting
March 6, 2019
6:00PM

Belle Plaine City Hall
218 North Meridian Street
Belle Plaine, MN  56011
Belle Plaine
Orderly Annexation Meeting

Wednesday, March 6, 2019

AGENDA

I. ROLL CALL AND INTRODUCTIONS

II. APPROVAL OF PREVIOUS MEETING(S) MINUTES

III. PUBLIC HEARING 6:00 PM VALLEY PAVING INTERIM USE PERMIT AMENDMENT (PL#2019-007)
   A. Request for Interim Use Permit Amendment to move the mine access driveway
      Location: Section 32
      Township: Belle Plaine
      Current Zoning: UER

IV. PUBLIC HEARING 6:00 PM VALLEY PAVING INTERIM USE PERMIT (PL#2019-004)
   A. Request for Interim Use Permit to operate portable Asphalt Plant located at the mine site in Belle Plaine Township
      Location: Section 32
      Township: Belle Plaine
      Current Zoning: UER

V. GENERAL AND ADJOURN
STAFF REPORT PREPARED FOR TOWNSHIPS &
BELLE PLAINE ORDEREDLY ANNEXATION BOARD

GOVERNMENT CENTER 114 · 200 FOURTH AVENUE WEST · SHAKOPEE, MN 55379-1220
(952)496-8475 · Fax (952)496-8496 · Web www.co.scott.mn.us

Interim Use Permit Amendment for Valley Paving to
Operate a Sand & Gravel Mining Facility

Request:
Interim Use Permit Amendment (IUP #PL2018-0101) for Valley Paving to operate a Sand & Gravel mining facility to relocate the access drive approximately 500 feet to the west.

Marty Schmitz, Zoning Administrator, is the project manager and is available for questions at 952-496-8653.

General Information:

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Valley Paving Inc (John Wakasch)</th>
</tr>
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<tbody>
<tr>
<td>Site Location:</td>
<td>9751 Old Highway 169</td>
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<tr>
<td>Property Owner:</td>
<td>Ted &amp; Mary Kornder</td>
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<tr>
<td>Township:</td>
<td>Sections 4 &amp; 5, Belle Plaine Township</td>
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<td>Public Hearing Date:</td>
<td>March 6, 2019</td>
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<td>Action Deadline:</td>
<td>March 23, 2019 (60-day)</td>
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Zoning/Comprehensive Plan Information:

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<tr>
<th>Zoning District:</th>
<th>UER Urban Expansion Reserve District</th>
<th>Comprehensive Land Use Plan:</th>
<th>Urban Expansion Area</th>
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<tr>
<td>Watershed District:</td>
<td>Scott WMO</td>
<td>Fire District:</td>
<td>Belle Plaine Fire Department</td>
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<tr>
<td>Ordinance Sections:</td>
<td>Chapters 2, 10, 30 &amp; 32</td>
<td>Ambulance:</td>
<td>Ridgeview Ambulance</td>
</tr>
</tbody>
</table>

Report Attachments:
1. Site Location Map
2. Aerial Photo
3. Project Description Memo from Sunde Engineering Dated 1/23/2019 including updated Drawings
4. Belle Plaine Township Recommendation
Amend Interim Use Permit (IUP) for Valley Paving to operate a sand & gravel mining facility to relocate the access drive approximately 500 feet to the west.

The 2030 Comprehensive Plan Update guides this parcel as Urban Expansion Reserve. The proposed use is consistent with the land use goals and policies identified in the 2030 Comprehensive Plan for mining operations.

North - large agricultural parcels and a residence zoned UBR & UER
South - Large agricultural parcels, zoned A-1
East - Agricultural parcel with a residence, zoned UER
West - Recently approved Mathiowitz Construction gravel mine, Agricultural land and Highway 169, zoned UER & UBR.

The area of the site proposed for mining is used for agricultural crop production. The site slopes down from north to south. A DNR protected water way is located approximately 300 feet south of the mine area. At the conclusion of mining, the reclamation of the site will provide for an interim use of agriculture land and will plan for uses compatible with the City of Belle Plaine’s land use guidelines and zoning.

Front Yard Mining Setback: 30 feet from the county right-of-way for mining; 100 feet for processing areas.
Side Yard Setback: 30 feet to all lot lines for mining. 100 feet for any processing area.
Adjacent Residence: 500 feet for processing to adjacent homes.

DNR Protected Stream: 100 feet to the DNR Protected Stream.

Front Yard Setback: The mined area is proposed to be approximately ¼ mile from the county right-of-way. A screening berm will be located between the mine site and County Road 66.
Side Yard Setback: The 30 foot mine setback will be maintained to all property boundaries. As requested by the City, the applicant will propose a common mining agreement with the mine operator to the west. The required setback for processing will be maintained.

DNR Protected Stream: The mine is proposed to be setback over 300 feet from the DNR stream.

The site is served by County Road 66. The request is to relocate the access drive approximately 500 feet west of the original approved location. Valley Paving is making this application because the approved access drive will interfere
with the Korners' irrigation system and agricultural production. The new access drive is proposed to be located directly across from Park Blvd off of County Road 66.

**Road Improvements**

No improvements to County Road 66 are being required at this time based on the applicant's expected average daily traffic at the mine.

**Site Photo**

![Site Photo](image_url)

**Background:**

Valley Paving received an IUP to mine sand and gravel from approximately 26.5 acres in the north half of Sections 4 & 5 of Belle Plaine Township in December 2018. The 26.5 acre mine site is part of three parcels that encompass a total of 152 acres owned by Ted and Mary Korners. Two of the parcels where the mine is located are in Belle Plaine Township. The third parcel which includes the access road is located outside of the mine area in St. Lawrence Township. The 152 acres includes a homestead and agricultural outbuildings located to the east of the mine area.

Valley Paving is now requesting to amend the IUP to move the access drive to the mine. The approved site access to the mine is located off of Old Highway 169 (CR 66) approximately 500 feet east of the intersection of CR 66 and Park Blvd. This location was chose to provide ample truck stacking space and minimal mining operation interference. At the time the access location was proposed it was not realized by the applicant that the location would interfere with the Korners' irrigation system and agricultural production.

Valley Paving the County Highway Department and Ted Korners met and has determined that an agreeable location for the access drive would be directly across from
Park Blvd off of CR 66. This location will not interfere with the Kornder’s irrigation system allowing Mr. Kornder to maximize agricultural production. To avoid relocating a number of utilities, Valley Paving reviewed the option of offsetting the access drive with Park Blvd but that was rejected by the County because it did not meet engineering standards. Another option to utilize Kornder’s driveway was explored but not preferred because in order to widen the driveway a number of utility poles would need to be relocated.

In addition to moving the driveway, Valley Paving and Ted Kornder are also requesting to eliminate the screening berm that was planned on the west side of the access drive to maximize agricultural production. In the applicant’s memorandum they state they have discussed this change with the closest owner/resident, David Jeurissen and he is agreeable to eliminating the berm. Mr. Kornder will provide a buffer of corn between the access drive and the Jeurissen property. The buffer will help to screen both noise and views of the mining and trucking activities. The access road is planned to be paved with asphalt millings to reduce dust and tracking of material onto the county road.

Total average daily traffic generated is estimated to vary between 0 and 100 loads per day. Peak traffic could generate approximately 15-20 trucks per hour. An additional 100 load per day may be generated if/when a hot mix plant is in operation.

**Belle Plaine Township Recommendation:**
Belle Plaine Township Board Recommended approval of the request at their February monthly meeting. The Township recommendation is attached to this report.

**Staff Recommendation:**
Subject to review and comments by the City Staff, the amended Interim Use Permit conforms to the Zoning Ordinance; therefore, staff recommends approval of the Interim Use Permit based on the Criteria for Approval and Conditions of Approval listed below:

**Criteria for IUP Approval (Chapter 2-7-1):**
1. The proposed use does not create an excessive burden on public facilities.
   *The proposed operation utilizes County Road 66 and State Highway 169 as a haul route. County Road 66 is classified as a minor arterial and Hwy 169 is classified as a principal arterial in the County Transportation Plan. Valley Paving is responsible for obtaining required access permits and for any damage they cause to County Road 66.*

2. The proposed use is compatible with uses on adjacent lots.
   *Adjacent land is generally agricultural land. The closest residence is located over 950 feet to the north of the mine.*

3. The proposed improvements will be designed to not hinder orderly and harmonious development in the zoning district.
   *The mine site is temporary; at the conclusion of mining, the site will be reclaimed for an interim use of agricultural land with final end use of the site compatible with the City of Belle Plaine’s Comprehensive Plan.*

4. Adequate measures have been taken to provide ingress and egress so to minimize traffic congestion and access to public roads.
The proposed operation utilizes County Road 66 and State Highway 169 as a haul route. County Road 66 is classified as a minor arterial and Hwy 169 is classified as a principal arterial in the County Transportation Plan. Valley Paving is responsible for obtaining required access permits and for any damage they cause to County Road 66.

5. Adequate water supply, individual sewage treatment facilities, erosion control, and stormwater management are provided in accordance with applicable standards. The applicant has provided a Resource Management Plan to deal with stormwater management as well as a Pollution Prevention Plan that addresses erosion control. Portable restrooms will be provided for employees.

6. The proposed buildings will need to meet all Building Code requirements. All structures associated with the mine will be temporary and removed at the conclusion of mining. All structures constructed or moved onto the site will need to meet the requirements of the Building Code.

Conditions of Approval (Old language Strikethrough and New language in Bold and Underlined)

1. The permit shall be operated in compliance with the applicant’s approved Interim Use Permit Application including Project Description, Site Operation, Resource Management Plan, Performance Standards, Figures 1-5, Plan Sheets C1, C2, C2.1, C3, C3.1, C4 and Attachments 1-3, Dated November, 2018 January 21, 2019 prepared by Sunde Engineering.

2. The permit is issued to and obligatory to Valley Paving and the Fee Owner(s) of the subject property.

3. Mining, for the purposes of this IUP, will be limited to stripping, digging, crushing, screening, washing, trucking and the on-site movement of materials, as well as the processing of recycle asphalt and concrete. Any activity not enumerated will require a revised IUP.

4. The excavation shall not exceed an elevation of approximately 811-816 feet above mean sea level (msl) as shown on the Mining Grade Plan C2.1. This depth equals approximately three feet above the water table which is located at approximately 808-814 feet above msl beneath the mine site.

5. Hours of operation for the mine shall be:
   a. Mining/processing/Truck loading/ hauling, 6:00 a.m. to 7:00 p.m. Monday-Friday and Saturday if necessary
   b. Equipment Maintenance, Permitted during daylight hours
   c. No work on Sundays
   d. Hours may be modified by the Annexation Board, City, Township or County if valid complaints are received regarding noise or other impacts associated with the mine operations or vehicle traffic.

6. Haul roads shall be limited to County Road 66 and State Highway 169.

7. The Operator shall water the haul roads and processing areas of the mine as needed to minimize dust.

8. The Operator shall comply with all requirements of the Scott County Highway Department for site access and obtaining required access permits.

9. The Operator shall post a bond or irrevocable Letter of Credit in an amount sufficient to insure compliance with the conditions of the Interim Use Permit and Restoration/End Use Plan, based upon a reasonable estimate of reclamation
grading costs. The current bond is for $50,000.00. The amount of this bond will be subject to annual review for adequacy. In the event the County Planning Manager determines that an additional surety is needed to assure adequate funds are available for the Reclamation Plan, the operator shall provide such surety within 30 days of the notice. This security shall be provided to the County prior to commencement of site activities.

10. When mining is completed, a registered engineer shall certify to the County that the site has been restored in accordance with the end use plan.

11. The Operator shall be responsible for any damage to County Road 66 caused by haul trucks entering and exiting the mine.

12. The Operator shall monitor for dust and soil tracking onto the County Road. The applicant shall take action to reduce dust and soil tracking onto the roadway. Material tracked on the roadway shall be immediately swept.

13. The operator shall file with the Scott County Planning Office in the spring of each year, a statement stating that they are in compliance with the conditions of the Interim Use Permit (IUP). Failure to do so may be a basis for revocation of the IUP. In the fall of each year following the construction season, a registered engineer will review the site and prepare a written report in accordance with the mining operations plan, as submitted and approved, specifically concerning the status of the Reclamation Plan. The engineer’s report must include the volume of material leaving the pit, how much material is remaining in the pit and how much of the pit was reclaimed. If the pit is being depleted faster than reclamation is occurring additional security will be required.

14. Mining shall be completed in fifteen 15 mining seasons, unless an extension is granted by the Belle Plaine Orderly Annexation Board. Reclamation can continue for one additional mining season. If operations substantially cease for more than one year, the Belle Plaine Orderly Annexation Board may consider termination of the IUP.

15. All equipment and temporary structures shall be removed no later than six months after termination of mining operations or IUP expiration.

16. Stockpile height shall not exceed 30 feet.

17. The active mining site perimeter shall be bermed and vegetated. Berms shall be mowed on a regular basis.

18. The Operator and owner shall retain manifest for all fill material imported to the site. The manifest shall document the source of the fill, soil type, and absence of contamination. Copies of the manifest will be retained by the operator and mine owner and will be available for review by County and City Staff.

19. Oils, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance.

20. The property shall be maintained in a neat and orderly manner. Noxious vegetation shall be controlled in compliance with County Ordinances. Abandoned machinery, non-earth residual wastes, contaminated soil stockpiles, and rubbish shall be removed from the site regularly or, at a minimum, once a year.

21. There shall be no overnight camping of employees of the company on the site.

22. It is anticipated that the operator will recycle asphalt and concrete. Prior to receiving any asphalt or concrete material the Operator will receive a solid waste permit from Scott County. No more than 30,000 cubic yards of recycle material may be on site at one time.

23. The Operator shall identify a person within the company for the residents, the Town Board, City or Scott County to contact regarding their concerns of the IUP.
24. The Operator shall comply with all rules, regulations, requirements, and standards of the Minnesota Pollution Control Agency (MPCA), Department of Natural Resources (DNR) and other regulations and standards applicable to the mining operation.

25. All production equipment will be designed to meet the MPCA noise standards. If deemed appropriate by staff, the County shall contact a private testing firm to determine the ambient noise level on the property and at the closest residences, if problems/complaints are generated. Any violations shall be corrected immediately. All costs for testing as determined by the County will be the responsibility of the operator.

26. The applicant shall provide to the Scott County Auditor's Office appropriate payment due for gravel tax in accordance with State and County regulations.

27. The stockpiled topsoil must be re-spread on the site and shall not be sold or removed.

28. All signage shall conform to the Scott County Sign Ordinance.

29. No part of the reclamation area which is planned for utilization for uses other than open space or agriculture shall be at an elevation lower than the minimum required for gravity connection to sewer and storm sewer.

30. Reclamation, restoration, and rehabilitation shall minimize presence of shallow groundwater, poor foundation conditions, flooding potential and undevelopable areas.

31. Boulders and rocks, organic soils and debris (topsoil, peat, muck, stumps, roots, logs, brush, etc.), demolition debris (broken concrete or bituminous fragments, brick, lumber, metal, etc.) and any other solid or hazardous waste shall not be used as fill in reclamation, restoration, or rehabilitation.

32. The Owners and Operators shall attempt to enter into an agreement with the owner/operator to the west to mutually extract material inside the required setback area and under the shared property boundary.

**Orderly Annexation Board Alternatives:**

1. Approve the request as recommended by Zoning Administration Staff with the specified conditions.

2. Approve the request as recommended by the Zoning Administration Staff with amendments to the conditions.

3. Table the request for a specific reason.

4. Deny the request for a specific reason.

**Suggested Orderly Annexation Board Motion:**

Based on the criteria for approval listed in the staff report, I recommend approval of the Amended Interim Use Permit for Valley Paving to operate a sand and gravel mine to relocate the access drive approximately 500 feet to the west noting that the Belle Plaine Town Board has recommended approval of this request.
BELLE PLAINE TOWNSHIP
SECTIONS 4 & 5
VALLEY PAVING
REQUEST TO AMEND
INTERIM USE PERMIT
BELLE PLAINE TOWNSHIP
SECTIONS 4 & 5
VALLEY PAVING
REQUEST TO AMEND
INTERIM USE PERMIT
MEMORANDUM

To: Belle Plaine OAA Board

From: Kirsten Pauly, Sunde Engineering

Date: 1/23/2019

Reference: Valley Paving Mining IUP – Access Road Location

Members of the OAA Board:

Valley Paving is requesting approval to relocate the proposed access drive approximately 500 feet to the west of the original approved location.

The OAA Board approved the original location of the access road, off of CSAH 66 approximately 500 feet east of the intersection of CSAH 66 and Park Blvd. This location was originally chosen as it provided ample truck stacking space and minimal mining operation interference. But it was not realized at the time that this location would interfere with Ted Kornder’s (property owner) irrigation system and agricultural production.

Valley Paving, the County Highway Department, and Mr. Kornder, together, have discussed an agreeable location for the access road to be located directly across Park Blvd off of CSAH 66. This location will allow Mr. Kornder to maximize agricultural production and will not interfere with the irrigation system. It is also preferred by engineering standards to locate the driveway access directly across from an existing road. While this location requires Valley Paving to relocate a number of existing utilities, it is the preferred location of the County and the land owner. Other access locations off of CSAH 66 would create an off-set from Park Blvd. which is not preferred by the County. Another option to utilize Mr. Kornder's driveway was explored, but is not preferred either because in order to widen his driveway a number of power poles would need to be relocated.

Valley Paving and the Ted Kornder are also requesting to eliminate the screening berm that was originally planned on the west side of the access road, again to maximize agricultural production. Valley Paving and Mr. Kornder have discussed this with the adjacent land owner, David Jeurissen, and he is agreeable to eliminating this berm. Mr. Kornder will provide a buffer of corn between the Jeurissen property and the access road. This buffer will help to screen both noise and views of mining and trucking activity.

Valley Paving is currently waiting for approval from the County Highway Department to locate the access road directly across from Park Blvd. off of CSAH 66.

If you have any questions regarding this request, please don't hesitate to contact me.
Updated Drawings: Valley Paving Mining IUP

Summary of Drawing Revisions (original approved plans dated 12/10/2018):

Figures 1-5
- No changes

C1, Existing Conditions:
- Move access road ±500 feet west,
- Add approximate location of existing Kornder irrigation pivot and crop circle area, and
- Update legend.

C2, Proposed Operations:
- Move access road ±500 feet west,
- Add scale and scale house location,
- Eliminate screening berm west of access road,
- Add approximate location of existing Kornder irrigation pivot and crop circle area,
- Add corn buffer area, and
- Update asphalt plant and wash plant operations locations.

C2.1, Mining Grade Plan
- Move access road ±500 feet west,
- Eliminate screening berm west of access road, and
- Add corn buffer area.

C3, Reclamation Plan
- Move access road ±500 feet west.

C3.1, Future Sanitary Sewer Profile
- No changes

C4, Cross-Section
- No changes
Figure 1
2017 Aerial Photograph
Belle Plaine Township, Scott County, MN
TOWNSHIP RECOMMENDATION FORM

On _____ Feb. 5th, 2019, the Town Board of Belle Plaine discussed with John Wokasch, Valley Paving, the request to approve the asphalt plant & the move of the drive entrance 1000 feet.

After reviewing the Request, the Town Board:

✓ RECOMMENDS APPROVAL
  WITH THE FOLLOWING CONDITIONS: none

☐ RECOMMENDS DISAPPROVAL
  FOR THE FOLLOWING REASONS:

☐ HAS NO RECOMMENDATION, BUT WILL FORWARD THE REQUEST TO THE PLANNING COMMISSION OR BOARD OF ADJUSTMENT.

SIGNED:

CLERK

SUPERVISOR

SUPERVISOR

SUPERVISOR

White - County
Yellow - Township Copy
Pink - Applicant's Copy

06500-2814 (04-00 SC)
Interim Use Permit for Valley Paving Inc. to Operate a Portable Asphalt Mixing Plant

**Request:**

Interim Use Permit (IUP #PL2019-004) for Valley Paving Inc. to Operate a Portable Asphalt Mixing Plant

Marty Schmitz, Zoning Administrator, is the project manager and is available for questions at 952-496-8653.

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**Report Attachments:**

1. Site Location Map
2. Aerial Photo
3. Interim Use Permit Application including Project Description, Asphalt Plant Operations, Performance Standards, figures, Plan Sheets, and Attachments
4. Belle Plaine Township Recommendation
Request-
Interim Use Permit (IUP #PL2019-004) for Valley Paving Inc. to operate a portable asphalt mixing plant for up to 240 hours during the 2019 construction season. IUP's for portable mixing plant operations are allowed within a gravel pit provided an IUP exists for the mining operation.

Comprehensive Plan-
The 2030 Comprehensive Plan guides this parcel as Urban Expansion. The proposed use is consistent with the land use goals and policies identified in the 2030 Comprehensive Plan for mining operations.

Adjacent Land Use/Zoning-North — large agricultural parcels and a residence zoned UBR & UER
South — Large agricultural parcels, zoned A-1
East — Agricultural parcel with a residence, zoned UER
West — Recently approved Mathiowetz Construction gravel mine, agricultural land and Highway 169, zoned UER & UBR.

Existing Conditions-
The property is a sand and gravel mining pit, operated by Valley Paving Inc. The IUP for the mine was approved by the Orderly Annexation Board last December. Because the mine site is a new site, the asphalt plant will be established at grade during the 2019 mining season. In the future the plant will be operated on the mine floor once a large enough area is opened. Plan sheet C3 includes profile views of the asphalt plant from Highway 169 and 255 Street West. Much of the area surrounding the mine is agricultural and slopes down from north to south. A DNR protected water way is located approximately 300 feet south of the mine area.

Ordinance Requirements-
Front Yard Structure Setback: 100 feet for processing to County Road 66.
Side Yard Structure Setback: 100 feet for processing to a property line
Adjacent Residence: 500 feet for processing to adjacent homes

Proposed Development-
The proposed asphalt plant will be setback over 100 feet from existing property lines and will be located over 900 feet from the nearest residence on the property and over ¼ mile from the nearest residence off the property.

Existing Roads-
The site is served by access to County Road 66 (Old Hwy 169 Blvd).

Road Improvements-
No road access improvements have been required as part of this IUP.
Background:
Valley Paving Inc. has requested an Interim Use Permit to operate a portable asphalt mixing plant at their Belle Plaine mine site for up to 240 hours during the 2019 construction season. Portable asphalt plants are allowed for up to a maximum of 240 hours if they are located within an existing gravel pit that has an approved mining IUP. The asphalt plant will provide material primarily for public road projects.

Valley Paving received an IUP to mine sand and gravel from approximately 26.5 acres in the north half of Sections 4 & 5 of Belle Plaine Township in December 2018. The 26.5 acre mine site is part of three parcels that encompass a total of 152 acres owned by Ted and Mary Kornder. Two of the parcels where the mine is located are in Belle Plaine Township. The third parcel which includes the access road is located outside of the mine area is in St. Lawrence Township. The 152 acres includes a homestead and agricultural outbuildings located to the east of the mine area.

Because the mine site is a new site, the asphalt plant will be established at grade during the 2019 mining season. In the future the plant will be operated on the mine floor once a large enough area is opened. Valley Paving is proposing to locate the asphalt plant in the middle of the mine area. The site access to the mine is off of CR 66. The access drive will be paved with asphalt millings to control dust and tracking onto the roadway. It is anticipated the majority of trucks will exit the site by traveling west on CR 66 to US 169. The applicant estimates average daily traffic generated for the asphalt plant at 125 loads per day. Peak traffic could generate 10-12 loads per hour. Hauling rates and schedules are dictated by market demand and bids received and are variable.

Valley Paving is requesting daily plant operation and truck loading hours to be 6:00 a.m. to 7:00 p.m. Monday through Saturday in accordance with the permitted hours of the
mining IUP. Equipment maintenance is requested to be 24 hours a day but would only be utilized in the event repairs are needed to the mixing plant in order to make it operational for the next day's activities.

In rare circumstances there may be a need for 24 hours a day operations of mixing and hauling. This is typically due to a unique project requiring night paving operations. Generally this would be for a significant state project for a road carrying significant daily traffic where closure during daytime hours or for significant lengths of time would drastically disrupt regional traffic flow. Valley Paving will request nighttime hours as may be needed by contacting the County, Township, and City. Special notification of nighttime operations would also be provided to the residents immediately adjacent to the mine.

In the attached IUP application Valley Paving and Sunde Engineering provide detailed information on the operation of the asphalt plant including pollution control equipment and required MPCA Air Permit, odors, noise control, fuel and asphalt cement storage, groundwater protection and spill containment and response, and MPCA NPDES general stormwater permit. Conditions have been placed on the permit requiring the applicant to follow all MPCA requirements for pollution control, fuel and asphalt cement storage, groundwater protection and noise standards. In order to limit truck traffic on roads serving residents Valley Paving has been instructed to direct the majority of their truck traffic to County Road 66 west to Highway 169 unless a project is located south or east of the mine where no good alternative exist.

Township Recommendation:
The Belle Plaine Town Board made a recommendation of approval at their February 7, 2019 monthly meeting. A copy of this recommendation is attached to this report.

Staff Recommendation:
Subject to the conditions of approval, the interim use permit conforms to the Zoning Ordinance; therefore, staff recommends approval of the interim use permit based on the eight criteria for approval listed below:

Criteria for IUP Approval (Chapter 2-6-1):
1. The proposed use does not create an excessive burden on public facilities.
   The proposed operation utilizes State and County Roadways designed for large vehicle traffic.

2. The proposed use is compatible with uses on adjacent lots.
   The mixing plant will be located in an existing gravel mining and will be partly screened by a 5 foot tall screening berm constructed around the mine. Adjacent land is generally undeveloped farmland. The proposed asphalt plant will be setback over 100 feet from existing property lines and will be located over 900 feet from the nearest residence on the property and over ¼ mile from the nearest residence off the property.

3. The proposed structures will be designed of materials that are not unsightly in appearance.
   The mixing plant will be screened as much as possible from public view and therefore will not be unsightly in appearance.
4. The use is consistent with the purpose of the UER Zoning District.  
*The Urban Expansion Reserve district allows gravel mining and temporary asphalt mixing plant through Interim Use Permits.*

5. The use is not in conflict with the Scott County 2030 Comprehensive Plan.  
*The Comprehensive Plan encourages extraction of aggregate resources prior to more intensive land use or development.*

6. Adequate measures have been taken to provide ingress and egress, access to public roads and on-site parking.  
*The access has been reviewed by County Highway staff and is the same access approved for the mining operation.*

7. The proposed buildings will need to meet all Building Code requirements.  
*Building permits are not required for a temporary structure located less than 6 months on site.*

**Conditions of Approval:**

1. The permit shall be operated in compliance with the applicant’s Interim Use Permit Application including Project Description, Asphalt Plant Operations, Performance Standards, Figures, Plan Sheets, and Attachments dated January 2019. To the extent there are any conflicts between either the plans or the narrative and this permit, the conditions of this permit shall control.

2. The portable asphalt mixing plant and operation shall comply with all rules, regulations, requirements, and standards of the Minnesota Pollution Control Agency (MPCA) and other regulations and standards applicable to the asphalt plant operation.

3. Hours of operation for the mine shall be:
   a. Mining/processing/truck loading/ hauling, 6:00 a.m. to 7:00 p.m. Monday-Friday and Saturday if necessary
   b. Equipment Maintenance, Permitted during daylight hours
   c. No work on Sundays
   d. Hours may be modified by the Annexation Board, City, Township or County if valid complaints are received regarding noise or other impacts associated with the mine operations or vehicle traffic.
   e. Service equipment, 24 hours Monday-Saturday

4. Twenty-four hour and night hot mixing operations outside of the specified hours of operation listed in Condition 3 shall be allowed when related to a public road project that requires night hauling/paving. The applicant shall notify Scott County, Belle Plaine Township, the City of Belle Plaine and affected residents within ¼ miles of the mine at least ten days in advance of when the operations will occur.

5. Oils, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance.

6. The property shall be maintained in a neat and orderly manner.

7. The applicant shall comply with the approved Solid Waste Facility License.

8. There shall be no overnight camping of employees of the company on the mine property.

9. The applicant shall water the haul road to minimize dust, as needed.
10. The applicant shall comply with all requirements of the Scott County Highway Department for site access and obtaining required access permits.

11. For awarded jobs Valley Paving will direct truck traffic west on CR 66 to US Hwy 169 unless a project is located south or east where no good alternate route exists.

12. The Operator shall monitor for dust and soil tracking onto the County Road. The applicant shall take action to reduce dust and soil tracking onto the roadway. Material tracked on the roadway shall be immediately swept.

13. The temporary asphalt plant shall be operated for a maximum of 240 hours unless an extension is approved by the County, City & Township.

14. The plant shall be operated in compliance with Minnesota Noise Standards.

15. The Operator shall identify a person within the company for the residents, the Town Board, The City of Belle Plaine or Scott County to contact regarding their concerns of the IUP.

16. The IUP shall terminate on December 1, 2019.

Orderly Annexation Board Alternatives:
1. Approve the request as recommended by Zoning Administration Staff with the specified conditions.

2. Approve the request as recommended by the Zoning Administration Staff with amendments to the conditions.

3. Table the request for a specific reason.

4. Deny the request for a specific reason.

Suggested Orderly Annexation Board Motion:
Based on the criteria for approval listed in the staff report, I recommend approval of the Interim Use Permit for Valley Paving Inc. to operate a portable asphalt mixing plant for up to 240 hours during the 2019 construction season.
BELLE PLAINE TOWNSHIP
SECTIONS 4 & 5
VALLEY PAVING
REQUEST FOR
INTERIM USE PERMIT

Mining Area/
Asphalt Plant
January, 2019

Valley Paving, Inc.
Kornder Property

Interim Use Permit Application
Portable Asphalt Plant Operation

Belle Plaine Township
Scott County, Minnesota
Valley Paving, Inc.
INTERIM USE PERMIT APPLICATION
FOR A PORTABLE ASPHALT PLANT
Belle Plaine Township, Scott County, MN

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1.0 PROJECT DESCRIPTION

1.1 Project Overview:
Valley Paving, Inc. (Valley Paving) is requesting an Interim Use Permit (IUP) to establish and operate a portable asphalt plant at their permitted Belle Plaine Township Mine Site for the 2019 mining/construction season. The asphalt plant will provide bituminous mixes primarily for public projects and will operate for a maximum of 240 hours/year, unless an extension is approved.

Valley Paving obtained an IUP to operate a sand and gravel mining facility located in Belle Plaine Township in Scott County, Minnesota in December of 2018. The mining operation, located on approximately 26.5 acres of property (Site), is situated within three parcels of property that encompass a total of 152-acres. Two of the parcels, including the area where mining is conducted, are located in Belle Plaine Township. The third parcel, located outside of the mining area, is located in St. Lawrence Township. The Site is located to the southeast of the intersection of US 169 and Old Highway 169 Boulevard (CSAH 66). The access road runs from the mining area north to CSAH 66 and extends through the St Lawrence Township parcel. The Site is located within the Orderly Annexation Area (OAA) for the City of Belle Plaine. Figure 1, 2017 Aerial Photograph, illustrates the location of the Site and the surrounding area.

1.2 Name and Address of Person Requesting the Permit:
Name: Valley Paving, Inc.
Contact: John Wokasch
Address: 8800 13th Ave E
Shakopee, MN 55379
Telephone (office): (612) 919-2839
Fax: (952) 445-0355
Email: john@valleypaving.com
ross@valleypaving.com

1.3 Land Ownership:
Name: Ted and Mary Kornder Living Trust
10476 Old Highway 169 Blvd.
Belle Plaine, MN 56011

1.4 Legal Description of the Site:
The asphalt plant will be located within the permitted mine site which is located on the following two parcels located in Belle Plaine Township:
• Parcel ID 019050021: Located within Section 05, Township 113, Range 24 W Scott County, MN: The NE ¼ of the NE ¼ commencing at the NE corner, South along the East Line to the SE corner, West along the South line 592.96 feet, NW 1448.85 feet to a point on the North line 472.05 feet West of the NE corner, East 472.05 feet to POB.

• Parcel ID 019040110: Located within Section 04, Township 113, Range 24 W Scott County, MN: The North ½ of the NW ¼ and the NW ¼ of the NE ¼ with the exception of 0.5 acres of road.

The access road to the mine site is located on the following parcel located in St. Lawrence Township:

• Parcel ID 109330040: Located within Section 33, Township 114, Range 24 W Scott County, MN: The SW ¼ of the SW ¼.

The following parcel, owned by the Kornder Trust and located in St. Lawrence Township, is adjacent to the mining area, but is not part of the IUP application:

• Parcel ID 109320042: Located within Section 32, Township 114, Range 24 W Scott County, MN: The West 472.05 feet of the SE ¼ of the SE ¼ lying South of the CL of Old Hwy 169 Blvd.

1.5 Site Maps:
Sheet C1: Existing Conditions - This map illustrates the existing conditions of the Site and the area within 350 feet of the Site. The plan illustrates topography using two-foot contour intervals from 2011 LiDAR data, groundwater elevations, existing drainage patterns, vegetation, structures, wells, and wetlands.

Sheet C2: Proposed Operations – This map illustrates the location of the proposed asphalt plant, topography and permitted mining activities, including processing equipment locations, stockpile areas, recycled asphalt stockpile locations, screening berms, access road, truck routes, and mine phases. The proposed asphalt plant is located a minimum of 900’ from the nearest residence on the property and over one-quarter mile from the nearest residence off the property.

Sheet C3: Profile Views - This plan shows the cross-section of the proposed mine and the asphalt plant stack height at a minimum of 35 feet above the surrounding grade. Also shown on this plan are three different views of the Site from US 169 and 255th Street depicting stockpile heights, silo, and plant stack height.

2.0 ASPHALT PLANT OPERATIONS

2.1 Asphalt Mix Production:
Valley Paving is proposing to establish and operate the portable asphalt mixing plant in conjunction with their approved Belle Plaine Township Mine Site. Portable asphalt plants are allowed within permitted mine sites subject to the requirements of Chapter 10 of the Scott County Zoning Ordinance No 3. The plant will primarily serve local public road projects and will also
provide bituminous mixes for local commercial and private projects. The plant will operate up to 240 hours per year, unless an extension is approved.

Because the mine site is a new site, the asphalt plant will be established at grade during the 2019 mining season. In the future, the plant will be operated on the mine floor once a large enough area is open.

Asphalt mixes contain approximately 95% aggregate and 5% asphalt cement by weight. Asphalt cement is a binder that is semi solid at ambient temperatures. The aggregate and binder are heated to facilitate mixing and coating the aggregate. The asphalt mixes are produced in batches and then conveyed to a heated storage silo for loading into trucks for delivery.

The asphalt plant consists of a number of components and pollution control equipment. Aggregate is sorted by size and type and placed into cold feed bins. The aggregate is released from the cold feed bins in specific amounts in accordance with the mix design and conveyed to the mixing drum. A propane fueled burner is situated at the end of the drum to produce a flame and heat to dry aggregate as it’s conveyed into the drum. The aggregate material is heated in approximately the first third of the drum length. The remaining two-thirds of the drum is used for mixing purposes. Recycled Asphalt Pavement (RAP) is stored in a second set of cold feed hoppers and is introduced into the drum at in central portion of the drum. Heated asphalt cement is introduced at the end of the drum into the heated and dried aggregates. Dust is collected from the baghouse and augered back into the mixing drum and incorporated into the asphalt mix.

The coated aggregates are discharged from the drum to a slat conveyor that transfers the mix to a silo. The asphalt mix is loaded into trucks from the silo and transported to the job site.

Asphalt Plant Material and Exhaust Flow Diagram

2.2 Pollution Control Equipment:
Exhaust from the drier is pulled to a baghouse and treated before being released through the exhaust stack. The baghouse is an air pollution control technology that is a large filtering device that removes particular matter in the process air from asphalt production. A large exhaust fan at the outlet end of the baghouse pulls air from the drum into the filter unit. The baghouse has hundreds of long cylindrical cloth bags that hang in rows within the filter section. The air is pulled
through the bags and dust and particles collect on the outer surface of the bags. Filtered air is released into the atmosphere through the exhaust stack. Collected dust is frequently removed from the bags and conveyed to the drum mixer to be reintroduced into the mix. A baghouse can filter out more than 99% of the particulate from the airstream and is a proven air pollution control technology accepted by the MPCA and Federal EPA. Vapor emissions from the stack may still be visible, but the emissions are water vapor driven off the heated aggregates.

### 2.3 MPCA Air Permit:

Operation of an asphalt plant is subject to state and federal regulation and the state of Minnesota is the regulating agency for air permits. A Minnesota Pollution Control Agency (MPCA) Air Emissions Option D Registration Permit (Option D Permit) has been obtained for the asphalt plant (Attachment 1). State standards regulating asphalt plants have been established for particulate matter and opacity. In addition to particulate matter and opacity standards, the plant must also operate in compliance with State ambient air quality standards.

The Minn. Rules and the Option D Permit includes a number of operating requirements:

**General Operating Requirements:**
1. Using only the allowed materials used in the mix including types of fuels and additives used to heat the drum;
2. Operating all control equipment in accordance with manufacturers' specifications;
3. Running an accumulating hour meter on the dryer burner to verify throughput and emissions;
4. Recording each day the plant's hours of operation as determined by the hour meter and total tons of asphalt produced;
5. Performance testing of exhaust from stack to verify performance of pollution control equipment under various fuels used at the plant;

**Daily Requirements:**
6. During operation, conduct daily inspections of control equipment monitoring devices, fabric filters, and check exterior cleaning system equipment;
7. Read the fuel pressure gauge of the dryer burner, except when burning natural gas or propane;
8. Record baghouse pressure drop;
9. Check whether there is a negative draft on the dryer burner inlet, except when burning natural gas or propane;

**Monthly Requirements**
10. Inspect control equipment ducts, connections, and housings for leaks;
11. For fabric filters, check the clean-air side of bags for leaks and check interior cleaning equipment;

**Yearly Requirements**
12. Thoroughly inspect all control equipment, including structural components;
13. Calibrate control equipment monitoring devices;
14. Tune dryer burner; and
15. Conduct a performance test on the baghouse.
The MPCA also has established daily and annual record keeping and reporting requirements associated with the Option D Permit.

2.4 Odors:
Odors may be associated with the portable asphalt plant. Odor emissions at asphalt plants are controlled by proper maintenance and calibration of the burner and pollution control equipment, operating at proper temperatures, and ensuring a sufficient stack height so that emissions are released high enough up to allow dispersion. The stack height is proposed to be a minimum of 35 feet above the surrounding grade.

Local wind data indicates that for the months of April-November prevailing winds are predominately to the north, east and southeast, generally away from Belle Plaine City limits. Local wind data is available from a limited number of weather stations in the state with the nearest station located at the Glencoe, MN airport. The University of Iowa has compiled a data base of this wind data and has created wind roses for each month of the year. Wind roses are plots that provide frequencies of wind direction and wind speed. Monthly wind roses for the months of the year correlating to asphalt plant operation are provided in Attachment 3, Local Wind Data.

2.5 Noise Control:
The asphalt plant will operate within the Minnesota state noise standards. The rules establish acceptable sound levels for both the L50, (the sound level that must not be exceeded for more than 50% (30 minutes) of any given hour) and the L10, (the sound level that must not be exceeded for more than 10% (6 minutes) of any given hour). State standards have been established for daytime hours, defined as 7:00 a.m. to 10:00 p.m. and nighttime hours defined as 10:00 p.m. to 7:00 a.m. The standards vary as to the type of receptors and land uses surrounding the site. Residential land uses, including rural residential receptors are subject to the most stringent noise standards.

Table 1, Minnesota Noise Standards, presents the daytime and nighttime state noise standards for residential land uses (NAC1). Sound levels depend upon the distance from the source and the attenuation of the surrounding environment.

<table>
<thead>
<tr>
<th>NAC</th>
<th>Daytime 7 am - 10 pm</th>
<th>Nighttime 10 pm - 7 am</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>L50 (dBA)</td>
<td>L10 (dBA)</td>
</tr>
<tr>
<td>1</td>
<td>60</td>
<td>65</td>
</tr>
</tbody>
</table>

Sound levels are expressed in decibels A-weighted (dBA). This is a measure of the relative loudness of sounds in air that are weighted to account for human perception of sound at various frequencies. To put these levels into perspective, Table 2, Decibel Levels of Common Noise Sources, is from the MPCA publication A Guide to Noise Control in Minnesota\(^1\) provides approximate noise levels associated with common noise sources.

Table 2: Decibel Levels of Common Noise Sources

<table>
<thead>
<tr>
<th>Sound Pressure Level (dBA) Noise Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>140  Jet Engine (at 25 meters)</td>
</tr>
<tr>
<td>130  Jet Aircraft (at 100 meters)</td>
</tr>
<tr>
<td>120  Rock and Roll Concert</td>
</tr>
<tr>
<td>110  Pneumatic Chipper</td>
</tr>
<tr>
<td>100  Jointer/Planer</td>
</tr>
<tr>
<td>90   Chainsaw</td>
</tr>
<tr>
<td>80   Heavy Truck Traffic</td>
</tr>
<tr>
<td>70   Business Office</td>
</tr>
<tr>
<td>60   Conversational Speech</td>
</tr>
<tr>
<td>50   Library</td>
</tr>
<tr>
<td>40   Bedroom</td>
</tr>
<tr>
<td>30   Secluded Woods</td>
</tr>
<tr>
<td>20   Whisper</td>
</tr>
</tbody>
</table>

Noise control measures will be utilized at the Site. Mobile equipment will be fitted with standard noise reduction equipment such as mufflers. Broad band back-up alarms will be used on on-site equipment owned by the operator. Loading operations will be established to load in a circuitious manner to minimize back up maneuvers of haul trucks that are independently owned and may not be equipped with broad band type alarms.

2.6 Fuel and AC Storage:
The asphalt plant burner will be fueled with propane, one of the cleanest burning sources of fuel available. Diesel fuel use will be limited to mobile equipment and to generate electricity. On-site storage of aboveground fuels and liquids will be stored in accordance with MPCA requirements. Fuels and petroleum based products will be stored in aboveground tanks. Diesel fuel, propane, and asphalt cement will be delivered to the Site as needed when the plant is in operation. Fuel tanks to be stored on-site include one 18,000 gallon propane fuel tank and one 6,000 gallon diesel fuel tank. All liquid fuel tanks with a capacity of 1,100 gallons or greater are double walled, or will have secondary containment and will meet the MPCA's requirement for fuel storage and secondary containment.

There will be two 30,000 gallon asphalt cement (AC) tanks at the Site. The secondary containment area for the AC tanks will be an earthen diked area lined with a plastic liner. The AC tanks must be heated to allow transfer of the AC. Asphalt cement is not liquid at ambient temperatures. Small drips or spills quickly solidify and cannot seep or infiltrate into underlying soils. They are easily cleaned up. Asphalt cement tank storage will follow the guidelines of the MPCA guidance document “Asphalt Cement Aboveground Storage Tanks,” included in Attachment 2, MPCA Guidance Documents. All asphalt cement storage on the Site will comply with MPCA regulations which include the following requirements:

1. Secondary Containment
   Tanks requiring secondary containment will be double walled or have secondary containment meeting MPCA secondary containment requirements. AC tanks will have a diked secondary
containment area that will meet the MPCA requirements. The volume of all secondary containment areas must equal 110% of the tank volume to allow for precipitation.

2. Monitoring
Personnel will be present to visually monitor all tanks that are being loaded and unloaded with product. That person must be able to shut off product transfer before an overfill occurs. A daily visual check of the tanks and containment areas for releases on operating days will be conducted. A monthly visual inspection is also required. This inspection includes a walkthrough of the Site to look for cracks or impaired integrity of the secondary containment systems, visual examination of the exterior surfaces of tanks, piping, valves, pumps, and other equipment for cracks, corrosion, releases, and maintenance deficiencies. The monthly inspection must also identify any areas of poor maintenance, operating practices, or malfunctioning equipment.

3. Record Keeping
All tank system design, inspection and maintenance records will comply with MPCA regulations.

4. General Tank Management
In addition to the above requirements for AC storage tanks, all fuel tanks must comply with MPCA regulations. These include the following:
- registered with the MPCA
- labeled
- double walled or secondary containment
- constructed using appropriate industry standards
- facility sign posted
- substance transfer area safeguards
- overfill protection
- monitored for leaks and regularly inspected
- properly maintained
- monitoring and inspection records on site
- assess releases during operation or at tank removal and report them to the State Duty Officer
- properly closed if no longer used
- Employees are trained in spill prevention and spill response.

2.7 Groundwater Protection and Spill Containment and Response:
Valley Paving will operate the Site in a manner to minimize the potential for groundwater contamination. Fuels and AC will be stored in tanks with appropriate double wall construction or secondary containment in accordance with the requirements of the MPCA outlined above. Some equipment will be transported off-site for maintenance and repairs and some equipment will be maintained on-site. Valley Paving will maintain a spill response kit in the asphalt plant area. Earth moving equipment will also be available on-site to immediately excavate soils impacted by spills or build diversion berms as necessary to prevent a spill from discharging off-site or into any ponding areas located on-site.
The elevation of the water table, based on an area well completed in the upper Quaternary Drift Aquifer, the created waterbody in the Jurissey gravel pit to the north, and borings conducted at the Site on October 30th, 2018 by Chosen Valley Testing, is at approximately 808-814 feet above mean sea level. Groundwater flow direction is to the towards the discharge area of the Minnesota River Valley. Plan sheet C1, *Existing Conditions*, illustrates the approximate water table with respect to the Site and surrounding residential wells. There are some residential properties with potable water supply wells located downgradient of the mine. Available well logs for wells in the vicinity of the Site indicate that the vast majority of these wells are finished an underlying bedrock aquifer.

The Site will operate in accordance with operational procedures developed to protect groundwater. These include proper storage and handling of fuels stored and/or handled on-site. Fuel and hazardous materials will be stored in accordance with MPCA storage requirements.

Valley Paving and its employees operate under a formal spill containment and response plan. The objective of this plan is to establish Valley Paving’s procedures for responding to and containing spills, with the result being an immediate and effective response in the event of a spill. Valley Paving’s spill prevention and response policies include employee training on spill prevention, response, clean up, and reporting. At least one spill kit will be maintained on Site within the asphalt plant area when the asphalt plant is active. The spill kit will include absorbent pads and shovels. The Site will also have immediate access to earth moving equipment to allow soil impacted by a spill to be quickly excavated and removed from sensitive areas.

Spills are reported to the site foreman and any spill of 5 gallons or more of petroleum product must be reported to the State Duty Officer including releases contained within a secondary containment area. Valley Paving must immediately investigate and clean up any release, assess the secondary containment area for damage where product release occurred, and make any necessary repairs.

### 2.8 MPCA NPDES General Stormwater Permit:

The Site operates under a MPCA NPDES General Stormwater Permit for Non-Metallic Mineral Mining and Associated Activities (MNG49 General Permit). The MNG49 General Permit authorizes stormwater discharges associated with construction sand and gravel mining areas as well as asphalt production areas including portable asphalt plants. A site-specific Stormwater Pollution Prevention Plan (SWPPP) has been prepared for the Site in accordance with the MNG49 General Permit. The Site will be mined to maximize internal drainage and infiltration of stormwater runoff from the Site. Structural and non-structural best management practices (BMPs) will be implemented as needed to control stormwater flows. These will include perimeter controls, temporary infiltration areas, stabilizing disturbed areas that have reached finished grade in a timely manner and good housekeeping practices. The MNG49 General Permit allows the use of stormwater BMPs such as stormwater ponds, sedimentation basins, and/or infiltration basins to control stormwater flow to meet the MNG49 General Permit requirements.

The operator must monitor stormwater discharged to a surface water by collecting two samples of stormwater at the outfall discharge location in one calendar year. These samples must be analyzed in accordance with the monitoring requirements for the intervention limit parameter of
total suspended solids (TSS) and the results submitted annually to the MPCA. In addition to the general inspection requirements of the MNG49 General Permit, operators of asphalt production facilities must inspect the following areas (the operator must document and ensure that appropriate action is taken in response to the inspection by using appropriate follow-up procedures):

1. Material storage and handling areas;
2. Liquid storage tanks;
3. Hoppers and silos;
4. Vehicle and equipment maintenance, cleaning, and fueling areas; and
5. Material handling vehicles, equipment, and processing areas.

2.9 Asphalt Recycling:
The mining permit allows the recycling of asphalt and concrete materials subject to obtaining a Scott County Solid Waste License. The recycled asphalt pavement (RAP) will be used in the asphalt plant. Asphalt pavement is 100 percent recyclable. Both the aggregates and asphalt binder can be reused in a new asphalt pavement mix. The RAP is mixed with new materials in a specific ratio specified in the mix. Asphalt pavements are one of the most recycled products in the US.

The recycling operation must comply with Scott County Zoning Ordinance 3.10-2.5 which allows recycling of asphalt as an accessory use in an aggregate mine subject to the following standards:

1. A Scott County Solid Waste License is required for the operation of the recycling facility. (Conditions may be placed on the license limiting volumes, stockpile height, stockpile location, crushing hours, or any other conditions the County or Township considers necessary to protect the interest of the surrounding area).
2. A bond or letter of credit must be established to ensure the removal of stockpiled recycle material. The amount of the bond shall be established by the County based on the volume of material stored on-site.
3. Processing of recycle material will be setback at least 100 feet from any property line and 500 feet from any residential structure and will operate in accordance with all other standards of Section 10-4 of the Scott County Zoning Code.
4. Processing hours of the recycling operation will be consistent with the general processing hours of operation granted in the Mining Permit IUP.
5. The maximum volume of recycle material on any one site shall not exceed 30,000 cubic yards.

2.10 Hours of Operation:
Asphalt plant hours will be 6 am to 7 pm Monday through Saturday in accordance with the permitted hours of the mining IUP. Nighttime hours may be requested on a case by case basis to supply mixes during nighttime construction of public roadway projects. The operator will request nighttime hours as may be needed by contacting the County, Township, and City. Nighttime paving operations are becoming mandatory for some projects to minimize impacts to the travelling public. Operational hours will be limited to a maximum of 240 hours per year, unless an extension is approved by the County.
2.11 Solid and Hazardous Waste:
Limited amounts of solid waste will be generated at the Site. All solid waste generated at the Site will be collected in covered dumpsters and disposed of on a regular basis at a licensed facility. No solid waste including asphalt or concrete will be burned or buried. Minimal amounts of used oil and used oil filters may be generated at the Site from on-site servicing of equipment. These wastes will be stored in covered containers within an enclosed trailer until a large enough volume accumulates to transport them off-site. The Site will operate in compliance with the County Solid and Hazardous Waste Management Ordinances.

2.12 Site Access:
The Site access is located off of Old Highway 169 Boulevard (CSAH 66), directly across from Park Boulevard. The access runs south off of CSAH 66, through a parcel of property that is owned by Korner, to the north property boundary of the mine parcel. The majority of trucks will exit the site by travelling west on CSAH 66 to US 169. The access road will be constructed to a commercial access standard and will be surfaced with asphalt millings to reduce dust and tracking onto the public roadway. The operator is required to obtain a new access permit from Scott County prior to the construction of the access road. Plan Sheet C2, Proposed Operations, illustrates the location of the access road with respect to surrounding properties and roadway systems.

2.13 Traffic:
The Site will be accessed from Old Highway 169 Boulevard (CSAH 66), a paved county road. Trucks will exit the Site by either travelling west on CSAH 66 to US 169 or travelling east on CSAH 66 towards County Road 21. Total average daily traffic generated for the asphalt plant is estimated at 125 loads per day (250 trips per day). Peak (maximum) traffic could generate approximately 10-12 loads per hour (20-24 trips per hour). Hauling rates and schedules are dictated by market demand and is variable.

A traffic control program in the interest of safe trucking operations will be employed and includes the following:
- Truck traffic to and from the operation will be limited to one specific entrance/exit.
- A stop sign will be maintained at the exit from the Site.
- Signs will be placed at the truck scale to encourage safe and courteous driving practices in accordance with all traffic rules and regulations.
- Valley Paving will follow-up directly with drivers or customers who are not driving safely.
3.0 PERFORMANCE STANDARDS

3.1 Site Access Road:
The access road is off of CSAH 66 and is centered on Park Boulevard. The location of the access road into the Site was selected so that traffic on the access road will have a sufficient sight distance and truck stacking at the intersection of US 169.

3.2 Screening Berms:
Screening berms will be placed within the 30 feet setback areas along the mining setback. The screening berms will be approximately 5 feet high with 3:1 outer slope and 2:1 inner slope and a five foot wide top.

3.3 Setbacks:
The asphalt plant will be setback from existing property lines a minimum of 100 feet. The proposed asphalt plant will located over 900 feet from the nearest residence on the property and over one-quarter mile from the nearest residence off the property.

3.4 Appearance:
All buildings, structures and equipment will be maintained in such a manner as is practical and according to acceptable industrial practice to assure that such buildings, structures and equipment will not become dilapidated.

3.5 Hours of Operation:
6 am to 7 pm Monday through Saturday.

3.6 Access Roads:
The site entrance will be paved with asphalt millings up to the Site mining limits to control dust and reduce the potential for tracking onto public roads. The paved portion of the access road will be swept as needed to minimize tracking.

4.0 CERTIFICATION

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer and Professional Geologist under the laws of the state of Minnesota.

[Signature]
Kirsten Pauly, P.E., P.G.
Date 1/17/2019 Reg. No. 21842
Notes:
1. Topographic information from Twin Cities Metro Region LIDAR data collected during the Spring and Fall of 2011.
2. 2017 FSA Aerial Photo accessed from the Minnesota Geospatial Image Service.
3. Parcel information from Scott County GIS data.
4. Wetland locations obtained from National Wetland Inventory (NWI) map.
5. Well locations obtained from Minnesota Water Index (MWI) map.
6. The site is not located within a floodplain based on information within the Scott County Preliminary DFRM.
7. There is an on-site watercourse that runs through the parcel, but it is outside of the mining limits.

Legend:
- Existing Building
- NWI Well Location
- Stormwater Flow Direction
- NWI Wetland Location
- Boring Location
- Mining Area Boundary
- Groundwater Contour
ATTACHMENT 1

MPCA Option D Air Permit
AIR EMISSION PERMIT NO. 99000247 - 002

'OPTION D' REGISTRATION PERMIT

FOR A

HOT MIX ASPHALT FACILITY

According to Minnesota Statutes Chapter 115 and 116, Minnesota Rules Chapters 7001 and 7007, and 40 CFR part 52, subp. Y:

Valley Paving Inc
8800 13th Ave E
Shakopee, MN 55379 USA

(hereinafter Permittee) is issued an Air Emission Registration Permit by the Minnesota Pollution Control Agency for its Valley Paving Asphalt 2 facility located at various locations throughout the state of Minnesota.

The permit authorizes modification, construction, reconstruction, and operation of the stationary source under the conditions set forth below.

Issue Date: 11-18-2011

Expiration: Pursuant to Minn. Rules pt. 7007.1050, subp. 3a, the permit shall be considered not to expire until a new permit is issued.

Compliance Requirements: The Permittee shall comply with Minn. Rules pts. 7007.1110 (Registration Permit General Requirements) and 7007.1130 (Option D Requirements) and all applicable requirements.

for Paul Eger
Commissioner
Minnesota Pollution Control Agency
AIR EMISSION PERMIT NO. 13900092- 002
State General Permit

IS ISSUED TO

River City Asphalt Inc

RIVER CITY ASPHALT - NONMETALLIC
8800 13th Avenue East
Shakopee, Scott County, MN 55379

The emission units, control equipment and emission stacks at the stationary source authorized in this general permit are as described in the Permit Applications Table.

This general permit supersedes Air Emission General Permit No. 13900092-001 and authorizes the Permittee to construct, modify, and operate nonmetallic mineral processing stationary sources at multiple locations in Minnesota under the conditions set forth herein as long as all conditions of this general permit are always met at each stationary source covered by the Permittee’s general permit. (Portable crushing spreads or aggregate processing plants in some situations may be stationary sources themselves, or in other situations parts of another stationary source). If the construction, modification, or operation of a nonmetallic mineral processing stationary source by the Permittee would not comply with all conditions of this general permit, the Permittee must apply for and obtain an individual Part 70, state, or registration permit before beginning actual construction of the modification or change. Terms used in this general permit are as defined in the state air quality rules unless the term is explicitly defined in this general permit.

Unless otherwise indicated, all the Minnesota rules cited as the origin of the permit terms are incorporated into the State Implementation Plan under 40 CFR § 52.1220 and as such are enforceable by the U.S. Environmental Protection Agency (EPA) Administrator or citizens under the Clean Air Act.

Permit Type: State General, Limits to Avoid Pt 70/Limits to Avoid NSR
Issue Date: February 8, 2010
Expiration: Nonexpiring
Title I Conditions do not expire

[Signature]
Don Smith, P.E., Manager
Air Quality Permits Section
Industrial Division

for Paul Eger, Commissioner
Minnesota Pollution Control Agency
ATTACHMENT 2

MPCA Guidance Documents
Asphalt Cement Aboveground Storage Tanks

Asphalt cement aboveground storage tanks (ASTs) must be in compliance with specific requirements to prevent leaks and spills as outlined in Minn. R. ch. 7151.

NOTE: If total capacity for all ASTs at the facility, including non-asphalt tanks, is greater than one million gallons, the tanks are covered by different rules and the owner or operator must apply for an AST Major Facility Permit from Minnesota Pollution Control Agency (MPCA). The fact sheet “Major Facility Requirements” has more information.

Definition

Asphalt cement is defined by Minn. R. ch. 7151 as a mixture of bituminous obtained from native deposits or as a petroleum by-product used for roofing or paving that is in a solid state at 100 degrees Fahrenheit or less.

Registration

The MPCA does not require the registration of ASTs storing asphalt cement.

Exemptions

Due to the high viscosity of this substance, some parts of the AST rules do not apply to asphalt cement ASTs. These ASTs do not need:

- corrosion protection and corrosion protection monitoring
- subsance transfer areas
- overfill protection
- leak detection
- internal inspections for field-erected ASTs
- soil or ground water sampling during removal for possible contamination

Labeling

ASTs containing asphalt cement must be clearly labeled indicating the type of substance stored and the tank’s capacity. If there is more than one tank, each tank must be labeled with a unique tank number.

Tank piping used for loading or unloading must be labeled so that the person performing the product transfer can identify which tank line is connected to which tank.

If a person is not on site 24 hours a day, a sign must be posted with the name, address, and telephone number of the facility owner or operator, or a local emergency response contact. The sign must be posted so that it can be seen outside any containment area.
Secondary containment

Asphalt cement ASTs need secondary containment digging with available volume in the amount of 100 percent of the capacity of the largest tank in the containment area. An additional 10 percent volume is required for containment areas exposed to precipitation.

Monitoring

Someone must be present to visually monitor asphalt cement ASTs that are being loaded and unloaded with product. That person must be able to shut off product transfer before an overfill occurs.

A weekly visual check of the tank and containment area for releases must be conducted. A monthly visual inspection is also required. This inspection must include a walk through of the site to identify cracks in the secondary containment area. Visual examination of the exterior surfaces of tanks, piping, valves, pumps, and other equipment for cracks, corrosion, releases, and maintenance deficiencies must also be conducted. The monthly inspection must also identify poor maintenance, operating practices, or malfunctioning equipment.

Field-erected asphalt cement tanks must receive an external inspection by an API-certified inspector according to API Standard 653 every five years. For more information, see the fact sheet “Guidelines for Internal and External Inspections of Field-Erected Tanks.”

Maintenance

Owners and operators must minimize rust on the tank exterior and must dispose of water drawn from the bottom of the tank in accordance with any state and federal regulations.

The secondary containment area must be kept free of cracks, open seams, open drains, siphons, and vegetation other than grass. Grass may be used to reduce erosion.

Precipitation must be removed as often as possible to maintain proper containment area volume. If precipitation exists in the containment area, the tank volume must be reduced to maintain the 100 percent capacity of the largest tank in the containment area.

Stormwater that collects in the containment area must be discharged according to state and federal regulations.

Safeguard systems must be installed and maintained according to the manufacturer’s schedules and standards.

Record keeping

Owners or operators of asphalt cement ASTs must retain all tank system design records, including maintenance and repair documentation, third party certifications, and as built drawings, for the life of the tank system.

Inspection reports for external inspections of field erected tanks must also be retained for the life of the tank system.

Periodic monitoring (weekly and monthly) records must be kept for three years. Documentation for monitoring must include the name of the person conducting the monitoring, the method used, the date of the monitoring, and the monitoring results.

Releases

The owner or operator of an asphalt cement AST must notify the Minnesota Duty Officer immediately of any discharges from the tank or piping at 800-422-0798 or 651-649-5451.

An owner or operator must immediately investigate and clean up any release.

The owner or operator must assess the secondary containment area for damage where product release occurred, and make any necessary repairs.

Out-of-service requirements

When an asphalt cement AST is no longer used for one year or more, it must be taken out of service or removed.

To take the tank system out of service, the tank owner or operator must:

- remove all liquid asphalt cement from the AST, connected piping, and appurtenances
- secure the AST to prevent unauthorized entrance or tampering
- render the tank free of vapors
- label the tank exterior “Out of Service,” and the date the tank was removed from service

If the tank is ever reactivated, it must be thoroughly inspected and tested before being put into use.
**Temporary asphalt cement ASTs**

Asphalt cement ASTs that are on site between 30 days and a year are considered temporary tanks and must meet the temporary tank requirements.

These ASTs must be labeled “Temporary Storage” and show the date the storage began.

If a person is not on site 24 hours a day, a sign must be posted with the name, address, and telephone number of the facility owner or operator, or a local emergency response contact. The sign must be posted so that it can be seen outside any containment area.

Temporary tanks must have secondary containment diking.

**Moving asphalt cement ASTs**

If an asphalt cement AST is moved from one site to another, or is moved within the same site and put back into use, it must be determined to be sound through a thorough internal and external cleaning, degassing, and visual inspection. Portable tanks and double walled tanks containing asphalt cement do not need to perform the procedures listed above.

**Design standards**

An underground storage tank cannot be used as an AST. Also, AST providers must comply with industry tank and piping design and construction standards.

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**Need more information?**

Visit the AST Program at [www.pca.state.mn.us/cleanup/ast.html](http://www.pca.state.mn.us/cleanup/ast.html). The site has forms, fact sheets, and other information about ASTs and AST requirements.

You can also call the MPCA at 651-296-6300 or 1-800-657-3864.
General Requirements for Aboveground Storage Tanks

This fact sheet outlines the requirements for regulated aboveground storage tanks (ASTs) found in Minn. R. chs. 7001 and 7151. These rules apply to all ASTs storing a liquid substance that is not gaseous or solid at ambient temperature and pressure.

The Minnesota Pollution Control Agency (MPCA) must be notified about all ASTs within 30 days of installation or change in tank status (Minn. Stat. § 116.48).

The AST rules and notification statute does not indicate a minimum tank size, but the MPCA considers the smallest AST requiring registration to be a tank that is 500 gallons or greater in capacity. This size is consistent with underground storage tank notification requirements.

Owners and operators must complete and submit the AST Notification Form to the MPCA. To get a copy of this form, call MPCA at 651-296-6300 or toll-free at 1-800-657-3864 or on the MPCA Web site at www.pca.state.mn.us/cleanup/ast.

Exemptions from notification

Tanks not required to be registered include:

- farm or residential tanks 1,100 gallons or less storing motor fuel for noncommercial purposes
- heating oil tanks 1,100 gallons or less
- agricultural chemical tanks
- tanks storing liquids that are a gas at atmospheric temperature and pressure
- tote tanks
- temporary tanks
- tanks that are less than 500 gallons

AST requirements

Owners and operators must comply with AST requirements in Minn. R. 7151, unless exempted as outlined below.

Many ASTs are exempt from Minn. R. ch. 7151. They are:

- tanks containing 500 gallons or less
- farm tanks
- residential tanks 1,100 gallons or less used for noncommercial purposes
- equipment or machinery containing substances for operational purposes like hydraulic lift tanks, heating and cooling equipment, and electrical equipment
- vehicles designed and used to transport substances that don’t remain at the same location for more than 30 consecutive days or refill at the same site after dispensing the tank’s contents
- heating oil tanks 1,100 gallons or less
- wastewater treatment facility equipment
- indoor tanks
- tote tanks
- tanks greater than 500 gallons capacity, but less than or equal to 1,100 gallons capacity that are more than 500 feet from surface water
- septic tanks
- a surface impoundment, pit, pond, or lagoon
- stormwater collection systems
- temporary tanks (tanks at a site less than 30 days
- storage tanks with drinking water, filtered-surface water, demineralized water, noncontact cooling water, or water stored for emergency purposes

Requirements for regulated tanks greater than 1,100 gallons

All regulated tanks with a capacity greater than 1,100 gallons must:

- be registered with the MPCA
- be labeled
- be constructed using appropriate industry standards
- have secondary containment
- have a facility sign posted
- have substance transfer area safeguards
- have internal and/or external corrosion protection
- have overfill protection
- be monitored for leaks and regularly inspected
- be properly maintained
- have monitoring and inspection records on site
- assess releases during operations or at tank removal and report them to the State Duty Officer at 1-800-422-0798
- label lines so connections can be identified during substance transfer
- have underground piping safeguards if utilized
- be properly closed if no longer used
- be sampled for contamination when tank is removed

More information about these requirements and their effective dates can be found in fact sheets listed at the end of this document in the "Need more information" section.

Requirements for AST facilities with a capacity greater than one million gallons

Facilities with greater than one million gallons total capacity for all liquid storage tanks must apply to the MPCA for a major facility permit. Requirements for tanks at these facilities are based on the individual site and tank characteristics (Minn. R. 7001.4200).

Requirements for small tanks near surface water

Regulated tanks with a capacity of greater than 500 gallons, but less than or equal to 1,100 gallons that are within 500 feet of a class 2 surface water (water that can be used for recreational purposes) are required to:

- be registered with the MPCA
- be labeled
- provide secondary containment
- have a sign at the facility
- be constructed using appropriate industry standards

Requirements for temporary tanks

Tanks larger than 1,100 gallons that store product for longer than 30 days, but less than one year are defined as temporary tanks and must:

- be labeled
- have a posted facility sign
- have secondary containment
- be maintained

Temporary tanks with a capacity of greater than 500 gallons within 500 feet of a class 2 surface water must also meet the temporary tank requirements listed above. The MPCA will not require temporary tanks to be registered, however the rule requirements still apply.

Compliance with other regulations

Other regulations that tank owners need to be in compliance with include:
• the federal Spill Prevention, Control and Countermeasures Plan
• the Minnesota “Spill Bill” requirements
• hazardous waste regulations
• state and local fire code
• other state and local regulations

Also, petroleum products that are stored for resale in
AST's greater than 2,000 gallons must comply with the
petroleum product delivery law (see Petroleum Product
Delivery Law fact sheet for more information).

Need more information?
Visit the AST Program at
www.pca.state.mn.us/cleanup/ast.html. The site has
forms, fact sheets, and other information about ASTs
and AST requirements.
You can also call the MPCA at 651-296-6300 or
1-800-657-3864.
Secondary Containment for Aboveground Storage Tanks

Secondary containment helps prevent serious environmental problems from occurring because of tank releases. While the tank itself is vital to minimize the potential for leaks, secondary containment is another important safeguard from potential releases. This fact sheet outlines the requirements and choices available for secondary containment for aboveground storage tanks (ASTs) according to Minn. R. ch. 7151.

Compatibility
If more than one type of substance is stored within a single containment area, the substances must be compatible with each other and the containment material.

Volume
For containment areas which are exposed to precipitation, the containment area capacity (available space) must be at least 110 percent of the size of the largest tank in the containment area.

For containment areas which are not exposed to precipitation, the containment area capacity must be at least 100 percent of the size of the largest tank in the containment area.

A separate containment area is not required for double-walled tanks.

Materials
The acceptable impermeable materials that must be used for construction of the containment area for ASTs installed on November 2, 1998, or later include:

- compacted clay (if clay is used, it must have a minimum of 12 inches compacted clay, be protected with cover material to prevent drying and erosion, be designed, inspected, and certified by a registered professional engineer, and be tested after installation to meet a permeability rate to water equal to or less than 1 x 10^-7 cm/sec)
- a geosynthetic clay liner
- concrete
- a synthetic membrane
- the outer layer of a double-walled tank
- fabricated steel
- fiberglass

Containment areas with tanks that were installed before November 2, 1998, may be constructed using any of the impermeable materials listed above, or may be constructed of native or amended soils that have been tested to meet the following minimum permeability rates for the applicable substance type and hydrology.

Soil testing requirements are explained in the fact sheet “Permeability Testing for Secondary Containment Areas.”
### Permeability rates to water for secondary containment areas made of native or amended soils (pre-November 2, 2008, tanks only)

<table>
<thead>
<tr>
<th>Substance Classification</th>
<th>If ground water or bedrock is &lt; 10 feet from grade or AST is within 100 feet of Class 2 water</th>
<th>If ground water or bedrock is ≥ 10 feet from grade or AST is within 100 feet of Class 2 water</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type A</td>
<td>Minimum of three feet of soil at $1 \times 10^5$ cm/sec</td>
<td>Minimum of three feet of soil at $1 \times 10^3$ cm/sec</td>
</tr>
<tr>
<td>Type B</td>
<td>Minimum of three feet of soil at $1 \times 10^4$ cm/sec</td>
<td>Minimum of three feet of soil at $1 \times 10^3$ cm/sec</td>
</tr>
<tr>
<td>Type C</td>
<td>Minimum of three feet of soil at $1 \times 10^3$ cm/sec</td>
<td>No minimum permeability standard</td>
</tr>
</tbody>
</table>

Type A substances include gasoline, aviation gas, naphtha, denatured ethanol, hazardous materials, and mixtures or blends of these with Types B and C substances. (Antifreeze is considered a Type A substance.)

Type B substances include crude oil, diesel, kerosene, jet fuel, fuel oil types one through four, waste oils, and mixtures or blends of these with Type C substances. (Virgin lube oil is considered a Type B substance.)

Type C substances include asphalt cement, roofing flux, fuel oil types 5 and 6, and other regulated substances which are not petroleum-based and not hazardous materials.

### Temporary tanks

Temporary tanks are ASTs located at a facility for more than 30 days, but less than one year. Secondary containment areas for temporary tanks must meet the volume requirements described above, and be constructed either of the impermeable materials listed above or meet the applicable permeability rate from the table above.

### Drainage

Precipitation that collects within the secondary containment area must be discharged in compliance with all state and federal regulations.

### Containment evaluation

Owners and operators of tanks must retain, for the life of the tank system, the following written records of sampling and testing used to evaluate permeability of soil containment areas:

- classification of soils used in containment area construction
- soil descriptions and logs of each sample location
- a table of individual permeability tests
- permeability of the soil expressed as cm/sec for each sample location and for each containment area

### Need more information?

Visit the AST Program at [www.pca.state.mn.us/cleanup(ast.html)](http://www.pca.state.mn.us/cleanup). The site has forms, fact sheets, and other information about ASTs and AST requirements.

You can also call the MPCA at 651-296-6300 or 1-800-657-3864.
ATTACHMENT 3

Local Wind Data
Attachment 3
Valley Paving - Asphalt Plant IUP
City of Belle Plaine and Plant Location
Belle Plaine Township, Scott County, MN
Wind Roses from Iowa State University
Iowa Environmental Mesonet
[GYL] Glencoe Location

Wind Roses
April - July
Wind Roses from Iowa State University
Iowa Environmental Mesonet
[GYL] Glencoe Location

Wind Roses
August - November
TOWNSHIP RECOMMENDATION FORM

On February 5th, 2019, the Town Board of Belle Plaine discussed with John Wokasch, the request to approve the asphalt plant & the move of the drive entry 1000 feet.

After reviewing the Request, the Town Board:

✓ RECOMMENDS APPROVAL
   WITH THE FOLLOWING CONDITIONS: none

___ RECOMMENDS DISAPPROVAL
   FOR THE FOLLOWING REASONS:

___ HAS NO RECOMMENDATION, BUT WILL FORWARD THE REQUEST TO THE PLANNING COMMISSION OR BOARD OF ADJUSTMENT.

SIGNED:  

CLERK

SUPERVISOR

SUPERVISOR

White - County

Yellow - Township Copy

Pink - Applicant's Copy

06500-2814 (04-00.5C)