



218 North Meridian Street  
Belle Plaine, MN 56011  
952 873-5553  
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**Belle Plaine**  
**Orderly Annexation**  
**Board Meeting**  
**March 11, 2020**  
**6:15 PM**

**Belle Plaine City Hall**  
**218 North Meridian Street**  
**Belle Plaine, MN 56011**



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## **BELLE PLAINE ORDERLY ANNEXATION BOARD MEETING**

**Wednesday, March 11, 2020**

**6:15 PM**

### **AGENDA**

- I. ROLL CALL AND INTRODUCTIONS**
- II. APPROVAL OF DECEMBER 4, 2019 MINUTES**
- III. PUBLIC HEARING 6:15 PM VALLEY PAVING INTERIM USE PERMIT**
  - A. Request for Interim Use Permit to operate a portable asphalt mixing plant for up to 240 hours during the 2020 construction season located in Belle Plaine Township (26.5 acres)
    - Location:** Sections 4 & 5
    - Township:** Belle Plaine
    - Current Zoning:** UER
- IV. ELECTION OF OFFICERS FOR 2020**
- V. GENERAL AND ADJOURN**

**CITY OF BELLE PLAINE  
BELLE PLAINE TOWNSHIP  
ORDERLY ANNEXATION MEETING  
December 4, 2019**

**PLEDGE OF ALLEGIANCE.**

Chair Christopher Meyer led those present in the Pledge of Allegiance.

**I. ROLL CALL AND INTRODUCTIONS**

The Orderly Annexation Joint Annexation Board for the City of Belle Plaine and Belle Plaine Township met on Wednesday, December 4, 2019 at City Hall, 218 North Meridian Street, Belle Plaine, MN. Chair Meyer called the meeting to order at 6:15 PM with Commissioner Ashley Cauley, David Entinger, Myron Bratsch and Tom Wolf present.

Also present were Scott County Planner Greg Wagner, Community Development Director Smith Strack and City Administrator Meyer.

**II. APPROVAL OF PREVIOUS MEETING(S) MINUTES FROM MARCH 6, 2019**

No action taken until later in the meeting.

**III. PUBLIC HEARING 6:15 PM CHARD REZONE (PL#2019-087)**

A. Request to Rezone 62.11 Acres From Agricultural Preservation District (A-1) to Urban Expansion Reserve Cluster District (UER-C)

**Location:** Section 13

**Township:** Belle Plaine

**Current Zoning:** A-1

Community Development Director Smith Strack explained the Belle Plaine Orderly Annexation Board was called to hold a public hearing to review a rezoning request from property owners Leroy and Connie Chard owners of the property located at 24951 Meridian Circle. Smith Strack explained staff have reviewed the application to rezone 62.11 acres from agricultural preservation district A-1 to Urban Expansion Reserve Cluster District. Smith Strack noted staff have requested a deed restriction for the property if approved.

Scott County Principal Planner Greg Wagner explained the site location of 24951 Meridian Circle is the site of 62.11 acres on the south of Belle Plaine and within the City's future annexation growth area. Wagner explained a request to go from A-1 to UERC (Urban Expansion Reserve Cluster District). Wagner explained the current zone calls for one dwelling per 40 acres and 70% of the non-hydric land must be preserved on a lot to accommodate two septic drain field locations. Wagner suggested the proposed development would call for one dwelling unit per 62.11 acres leaving 5.99 acres for existing farmstead and the remaining agricultural parcel is 56.12 acres. Wagner noted the existing home and buildings meet the required setbacks. Wagner explained the request to rezone is common when an owner wants to sell the land or the home and rezoning allows the owner to do without platting the land at a greater expense. Wagner explained a compliance inspection was completed on the existing home and found the septic system to be compliant. Wagner noted two alternate septic site locations have been identified in the event the current system needs to be replaced as per the County Septic Ordinance. Wagner explained the staff

recommends approval of the application and noted the City's request to file a deed restriction on the property if approved.

Chair Meyer opened the Public Hearing at 6:23 PM and asked for public comment.

Joel Bahr, 25100 Meridian Circle, requested clarification regarding the split off of 5 acres clarifying no future homes will be built on the 56 acres until it is annexed into the City. Scott County Principal Planner Wagner confirmed only one home per 40 acres is will be allowed on the property. Wagner explained any change would require a change by the Met Council.

MOTION by Commissioner Wolf, second by Commissioner Bratsch to close public hearing at 6:27 PM. ALL VOTED AYE. MOTION CARRIED.

MOTION by Commissioner Wolf, second by Commissioner Bratsch to approve the rezoning of 62.11 acres from A-1, Agricultural Preservation District, to UER-C, Urban Expansion Reserve Cluster District. ALL VOTED AYE. MOTION CARRIED.

Chair Meyer requested review of the previous meeting minutes from March 6, 2019.

Motion by Commissioner Wolf, second by Commissioner Cauley, to approve the Minutes of March 6, 2019. ALL VOTED AYE. MOTION CARRIED.

#### **IV. GENERAL AND ADJOURN**

MOTION by Commissioner Wolf, second by Commissioner Bratsch to adjourn the meeting at 6:28 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully Submitted

Renee Eyrich  
Recording Secretary



# STAFF REPORT PREPARED FOR TOWNSHIPS & ORDERLY 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 for Valley Paving Inc. to Operate a Portable Asphalt Mixing Plant

### Request:

Interim Use Permit (IUP #PL2020-004) 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.

### General Information:

<b>Applicant:</b>	Valley Paving Inc.	<b>Site Location:</b>	9751 Old Hwy 169 Blvd (County Road 66)
<b>Property Owner:</b>	Ted & Mary Kornder	<b>Township:</b>	Sections 4 & 5, Belle Plaine
<b>Public Hearing Date:</b>	March 11, 2020	<b>Action Deadline:</b>	March 21, 2020 (60 Day)

### Zoning/Comprehensive Plan Information:

<b>Zoning District:</b>	UER, Urban Expansion Reserve	<b>Comprehensive Land Use Plan:</b>	Urban Expansion Area
<b>Watershed District:</b>	Scott WMO	<b>Fire District:</b>	Belle Plaine Fire Department
<b>Ordinance Sections:</b>	Chapters 2, 10 & 30	<b>Ambulance:</b>	Ridgeview Ambulance

### Report Attachments:

1. Site Location Map
2. Aerial Photo
3. Interim Use Permit Application including Project Description, Asphalt Plant Operations, and Attachments
4. 2019 Site Plan
5. Belle Plaine Township Recommendation

<b>Request-</b>	Interim Use Permit (IUP #PL2020-004) for Valley Paving Inc. to operate a portable asphalt mixing plant for up to 240 hours during the 2020 construction season. IUP's for portable mixing plant operations are allowed within a gravel pit provided an IUP exists for the mining operation.
<b>Comprehensive Plan-</b>	The 2040 Comprehensive Plan guides this parcel as Urban Expansion. The proposed use is consistent with the land use goals and policies identified in the 2040 Comprehensive Plan for mining operations.
<b>Adjacent Land Use/Zoning-</b>	<p><u>North</u> –large agricultural parcels and a residence zoned UBR &amp; UER</p> <p><u>South</u> – Large agricultural parcels, zoned A-1</p> <p><u>East</u> – Agricultural parcel with a residence, zoned UER</p> <p><u>West</u> –Mathiowetz Construction gravel mine, agricultural land and Highway 169, zoned UER &amp; UBR.</p>
<b>Existing Conditions-</b>	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 in December of 2018. Because the mine site is a new site, the asphalt plant will be established at grade in the same location as it was during the 2019 mining season. In the future the plant will be operated on the mine floor once a large enough area is opened. A DNR protected water way is located approximately 300 feet south of the mine area.
<b>Ordinance Requirements-</b>	<p><u>Front Yard Structure Setback:</u> 100 feet for processing to County Road 66.</p> <p><u>Side Yard Structure Setback:</u> 100 feet for processing to a property line</p> <p><u>Adjacent Residence:</u> 500 feet for processing to adjacent homes</p>
<b>Proposed Development-</b>	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.
<b>Existing Roads-</b>	The site is served by access to County Road 66 (Old Hwy 169 Blvd).
<b>Road Improvements-</b>	No road access improvements have been required as part of this IUP.

## Site Photos-



### 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 2020 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 in the same location as it was 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 is paved with asphalt millings to control dust and tracking onto the roadway. As was the case last year, 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 to vary between 0 and 100 loads. Peak traffic could generate approximately 15-20 trucks per hour. Hauling rates and schedules are dictated by market demand and bids received and are variable.

Valley Paving is requesting daily asphalt plant operating hours to be 6:00 a.m. to 7:00 p.m. Monday through Saturday. These hours are consistent with the hours permitted in 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. Last year's permit limited hours of operation for asphalt plant operations/truck loading/ hauling to 7:00 a.m. to 7:00 p.m. Monday-Friday and Saturday if necessary. Based on last year's operation staff is agreeable to the 6:00 a.m. start time.

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 night time operations would also be provided to the residents immediately adjacent to the mine.

In the attached IUP application Valley Paving provided information on the operation of the asphalt plant including required MPCA Air Permit, odors, noise control, fuel and asphalt cement storage, groundwater protection and spill containment and response. 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.

Valley Paving reported that during last year's plant operations, the plant operated for 237 hours and produced 65,618 tons of asphalt mix. The plant is capable of producing a maximum of 400 tons of asphalt per hour. Valley Paving did provide training for Belle Plaine Fire as required in last year's permit. When staff viewed the plant on February 21, the hour meter read 3,686. Staff did get one complaint during last year's asphalt plant operation that trucks were leaving the mine heading east on CR 66 rather than west as requested in the IUP. When staff made Valley Paving aware of the complaint the problem was quickly resolved.

**Township Recommendation:**

The Belle Plaine Town Board made a recommendation of approval at their February 4, 2020 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 with the same conditions as last year with one exception. Staff is recommending that asphalt plant operation be permitted from 6:00 am to 7:00 pm which is consistent with the permitted hours of the mining IUP. This recommendation is based on the eight criteria for approval listed below and the following 15 conditions:

**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 2040 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 and Exhibits. 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. Asphalt plant operations/truck loading/ hauling, 6:00 a.m. to 7:00 p.m. Monday-Friday and Saturday if necessary
  - b. No work on Sundays
  - c. 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.
  - d. 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. 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.
11. 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.
12. The temporary asphalt plat shall be operated for a maximum of 240 hours unless an extension is approved by the County, City & Township.
13. The plant shall be operated in compliance with Minnesota Noise Standards.
14. 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.
15. The IUP shall terminate on December 1, 2020.

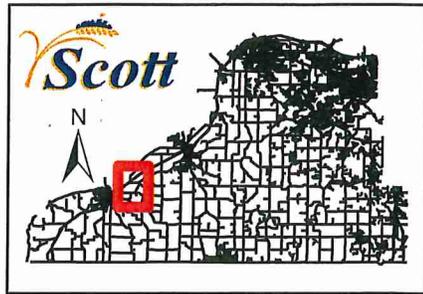
**Orderly Annexation Board Alternatives:**

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:**

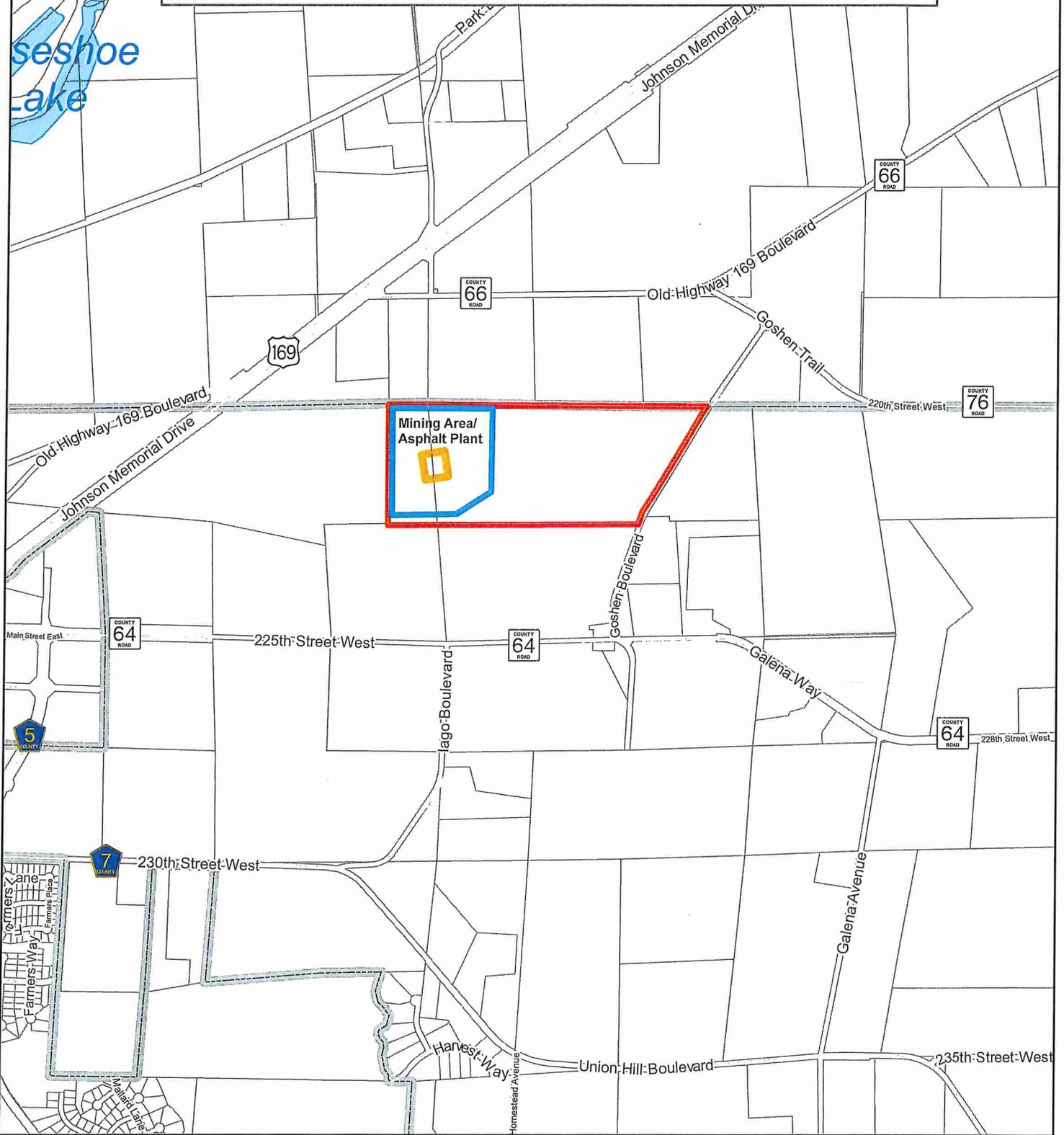
Based on the criteria and conditions of approval listed in the staff report, I recommend approval of the Interim Use Permit for Valley Paving Inc. to operate a portable asphalt mixing plant for up to 240 hours during the 2020 construction season.

**BELLE PLAINE TOWNSHIP  
SECTIONS 4 & 5  
VALLEY PAVING  
REQUEST FOR  
INTERIM USE PERMIT**

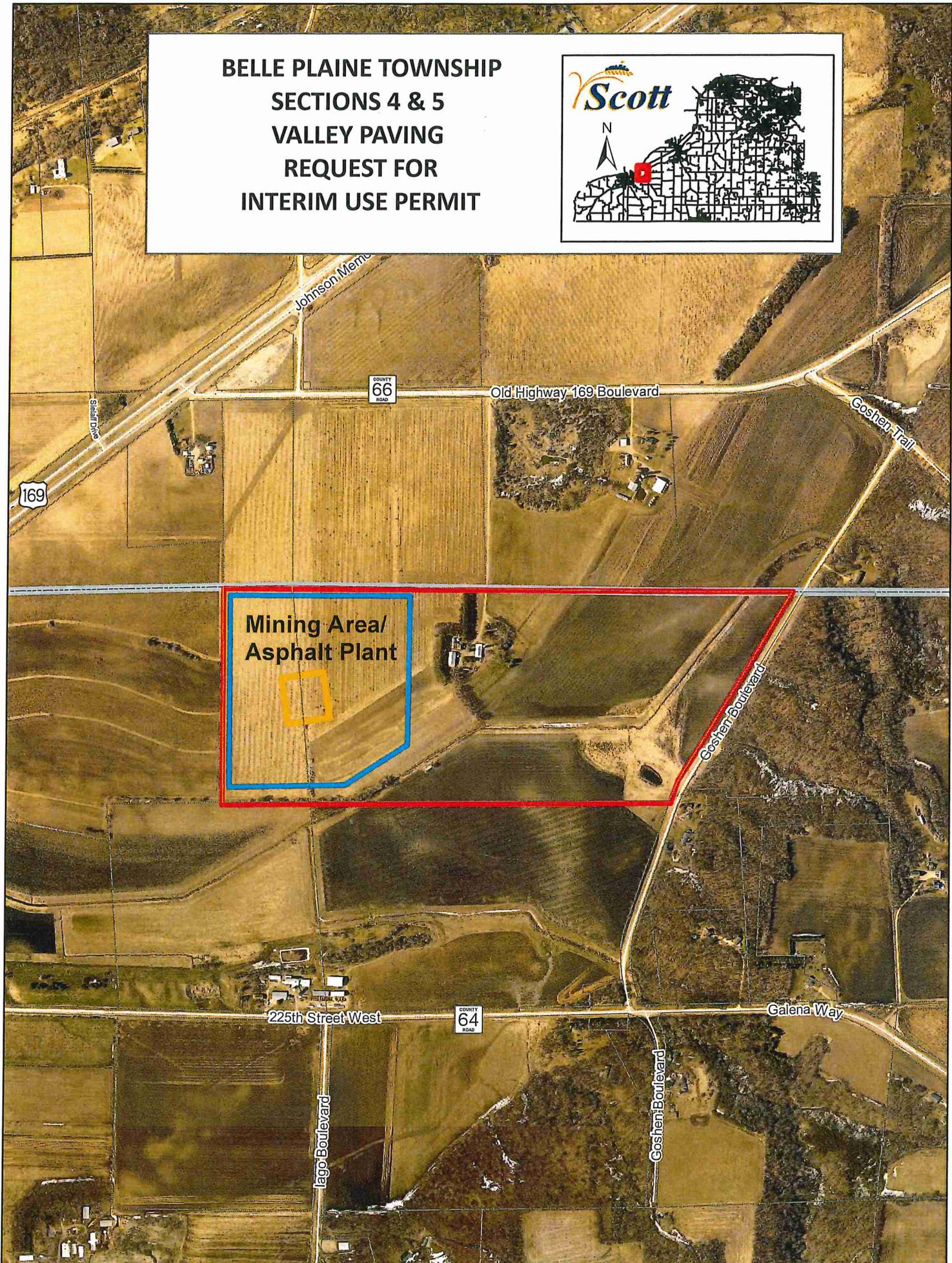


**Shoshone  
Lake**

**Mining Area/  
Asphalt Plant**



**BELLE PLAINE TOWNSHIP  
SECTIONS 4 & 5  
VALLEY PAVING  
REQUEST FOR  
INTERIM USE PERMIT**



## **Attachment #2.**

Valley Paving, Inc., Applicant and

Ted G. Kornder and Mary R. Kornder Living Trust, Property Owners

Interim Use Permit Application

### **Description of Request:**

Valley Paving, Inc. is requesting an Interim Use Permit regarding operation of a temporary portable asphalt plant. The operation of a portable asphalt plant is allowed for up to 240 hours annually, in accordance with Scott County Zoning Ordinance Ch. 10-2.2. The asphalt plant will be in operation for public road projects and local commercial projects. When in operation the asphalt plant hours will be from 6 am to 8 pm Monday through Saturday. If occasional night-time work is required for public road projects, the operator will notify the County, Township, and City with a written notice a minimum of 48 hours in advance. The portable hot-mix asphalt plant that will be operated at the Site operates under an MPCA Air Emission Permit No. 99000247-002 'Option D' Permit.

### **Solid Waste and Hazardous Material Storage:**

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 concrete or asphalt 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 may 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.

The hot-mix plant is run on recycled waste oil and diesel fuel. On-site storage of aboveground fuels and liquids will be stored in accordance with Minnesota Pollution Control Agency (MPCA) requirements. Diesel fuel and asphalt cement will be delivered to the Site daily when the plant is in operation. Fuel tanks to be stored on-site include one 10,000-gallon burner oil tank and one, 6,000-gallon diesel fuel tank. These tanks will be double walled or have secondary containment. All fuel tanks with a capacity of 1,100 gallons or greater are double walled, or have secondary containment, and 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. These 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 Exhibit 1, MPCA Guidance Documents. All hazardous material storage on the Site will comply with MPCA regulations and meets 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.

2. Monitory

Someone is present to visually monitor all tanks that are being loaded and unloaded with product. That person is 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 is conducted. A monthly visual inspection is also required. This inspection includes a walkthrough of the Site. Visual examination of the exterior surfaces of tanks, piping, valves, pumps, and other equipment for cracks, corrosion, releases, and maintenance deficiencies are conducted. The monthly inspection also identifies any areas of poor maintenance, operating practices, or malfunctioning equipment, if applicable.

3. Maintenance

Rust on the tank exterior is minimized and if any water is drawn from the bottom of the tank, it is disposed of in accordance with any state and federal regulations. Safeguard systems are installed and maintained according to the manufacturer's schedules and standards.

4. General Tank Management

- a. Registered with the MPCA
- b. Labeled
- c. Secondary containment
- d. Constructed using appropriate industry standards
- e. Facility sign posted
- f. Substance transfer area safeguards
- g. Overfill protection
- h. Monitored for leaks and regularly inspected
- i. Properly maintained
- j. Monitoring and inspection records on site
- k. Assess releases during operation or at tank removal and report them to State Duty Officer
- l. Properly closed if no longer used
- m. Sample for contamination when tank is removed (not required for AC tanks)
- n. Employees are trained in spill prevention and spill response

Valley Paving will operate the Site in a manner to minimize the potential for groundwater contamination. Fuels will be stored in tanks with appropriate double wall construction or secondary containment in accordance with the requirements of the MPCA. Some equipment will be hauled off-site for maintenance and repairs and some equipment will be maintained on-site, as necessary. Valley Paving will maintain spill response kits in the asphalt plant area. Earth moving equipment is 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.

## Spill Containment and Response

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. A copy of the plan is available upon request.

## Hours of Operation

Proposed mining activities are to operate between 6 am to 8 pm Monday through Saturday. Hours include a 6 am to 7 am equipment warm-up period and a 7 pm to 8 pm shutdown period. Hauling and processing hours will be restricted to 6:30 am to 8 pm Monday through Saturday. Asphalt plant hours will be 6 am to 7 pm Monday through Saturday and will be limited to a maximum of 240 hours per year, unless an extension of hours is granted.

## Site Access

The access road is constructed to a commercial access standard and is paved from asphalt millings to reduce dust and tracking onto the public roadway.

## Traffic:

The Site will be accessed from Old Highway 169 Boulevard (CSAH 66), a paved county road. The majority of trucks will travel west on CSAH 66 to State Highway 169, then either north or south on State Highway 169. When we have a project to the Southeast of the Site, trucks may travel east on CSAH 66 to destination.

Total average daily traffic generated is estimated to vary between 0 and 100 loads per day (200 trips per day) of sand and gravel. Peak (maximum) traffic could generate approximately 15-20 trucks per hour (30-40 trips per hour). An additional 100 loads per day (200 trips per day) may be generated when a hot mix plant is operating, or recycled material is being brought to the site. Hauling rates and schedules are dictated by market demand which tends to vary over the years.

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.

### **Shoreland District and Wetlands**

The Site is not located within a Shoreland District. There are no hydric soils or wetlands located within the proposed mine area. There is a stream and narrow wetland complex located to the east and south of the mine limits. These wetland areas are located within the Kornder property but will not be impacted by current mining operations.

### **Air Quality**

The portable hot-mix asphalt plant that will operate at the Site operates under an MPCA Option D Permit. Air emissions from hot-mix asphalt plants are controlled with pollution control technology which includes a baghouse that treats exhaust from the drum. The baghouse is a large filtering device that removes particulate matter in the process air. 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 pulled through the bags and dust and particles collect on the bags outer surface. Filtered air is released into the atmosphere through the exhaust stack. Collected dust is routinely removed from the bags and conveyed to the drum mixer to be reintroduced into the mix. Vapor emissions from the stack may still be visible, but the emissions are predominantly water vapor driven off the heated aggregates.

The MPCA standards of performance for Hot-mix asphalt plants include standards for particulate matter and opacity. Originally, hot-mix asphalt plants were listed as one of the type of sources for which the US Environmental Protection Agency (USEPA) would be issuing regulations to limit emissions for Hazardous Air Pollutants (HAPs). As part of this process, the USEPA conducted a number of studies and published a number of reports on asphalt plant emissions. One of the papers, titled Hot Mix Asphalt Plant Emission Assessment report, December 2000, was prepared to characterize hot-mix plant operations, establish emission factors specific to hot mix asphalt plants, and present information needed to inventory emissions from hot-mix asphalt plants in order to meet various Federal and State air emission regulations. After studying asphalt plant emissions more carefully and based in part on the information contained in the December 2000 report, the USEPA delisted asphalt plants. Hot-mix asphalt plants were removed from the list because the available data indicates that asphalt plants do not have a potential to emit hazardous air pollutants approaching major source levels.

Although delisted as a source of major air emissions, air emissions are still regulated by Minnesota and the Federal governments. The MPCA monitors and regulates air pollution in Minnesota. 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 State has established primary ambient air quality standards to protect the public health from adverse effects. The adverse effects that the standards have been developed to protect against include acute or chronic subjective symptoms and physiological changes that are likely to interfere with normal activity in healthy or sensitive individuals or to interfere unreasonably with the enjoyment of life or property levels. Ambient air quality standards have been

established for Hydrogen Sulfide, Ozone, Carbon Monoxide, Sulfur Dioxide, Particulate Matter, Nitrogen Dioxide, Lead, PM-10, and PM-2.5.

**Odors**

Odors may be associated with the portable asphalt plant this is periodically operated at the Site. Odeur emissions at hot-mix asphalt plants are controlled by ensuring a sufficient stack height so that emissions are released high enough up to allow dispersion and by proper equipment maintenance. The stack height is proposed to be a minimum of 35 feet above surrounding grade.

**Noise Control**

The Site will operate within the Minnesota state noise standards. Mitigation measures will be implemented to reduce sound levels at the Site and its impact on surrounding receptors. 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 1: Minnesota Noise Standards**

NAC	Daytime 7 am - 10 pm		Nighttime 10 pm - 7 am	
	L50 (dBA)	L10 (dBA)	L50 (dBA)	L10 (dBA)
1	60	65	50	55

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 is from the MPCA publication A Guide to Noise Control in Minnesota<sup>1</sup> provides approximate noise levels associated with common noise sources.

**Table 2: Decibel Levels of Common Noise Sources**

Sound Pressure Level (dBA) Noise Source

- 140 Jet Engine (at 25 meters)
- 130 Jet Aircraft (at 100 meters)

120 Rock and Roll Concert  
110 Pneumatic Chipper  
100 Jointer/Planer  
90 Chainsaw  
80 Heavy Truck Traffic  
70 Business Office  
60 Conversational Speech  
50 Library  
40 Bedroom  
30 Secluded Woods  
20 Whisper

Noise control measures will be utilized at the Site. These include locating processing and loading activities on the floor of the mine. This allows the mine faces to provide topographic shielding and absorption of noise reducing levels that travel off site. Processing equipment and 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 circuitous manner to minimize back up maneuvers of haul trucks that are independently owned and may not be equipped with broad band type alarms. Processing equipment will operate during the MPCA defined daytime hours to facilitate compliance with the noise standards. A screening berm will be constructed along the access road which will help to reduce noise levels at the nearest resident at the intersection of US Hwy 169 and CSAH 66. Mining will be progressing in a southwest to northeast direction so that the active mine face will provide screening and shielding of noise to residences to the north.

EXHIBIT A

MPCA Guidance Documents



# Asphalt Cement Aboveground Storage Tanks

Tanks/Aboveground Storage Tanks #2.08 • December 2008

**A**sphalt 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
- substance 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 diking 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 overflow 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.

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# General Requirements for Aboveground Storage Tanks

Tanks/Aboveground Storage Tanks #1.02 • April 2004

**T**his 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](http://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 ASTs greater than 2,000 gallons must comply with the petroleum product delivery law (see Petroleum Product Delivery Law fact sheet for more information).

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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.

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Minnesota  
Pollution  
Control  
Agency

# Secondary Containment for Aboveground Storage Tanks

Tanks/Aboveground Storage Tanks #4.01 • December 2008

**S**econdary 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  $1 \times 10^{-7}$  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)**

Substance Classification	If ground water or bedrock is < 10 feet from grade or AST is within 100 feet of Class 2 water	If ground water or bedrock is ≥ 10 feet from grade or AST is within 100 feet of Class 2 water
Type A	Minimum of three feet of soil at $1 \times 10^{-5}$ cm/sec	Minimum of three feet of soil at $1 \times 10^{-4}$ cm/sec
Type B	Minimum of three feet of soil at $1 \times 10^{-4}$ cm/sec	Minimum of three feet of soil at $1 \times 10^{-3}$ cm/sec
Type C	Minimum of three feet of soil at $1 \times 10^{-3}$ cm/sec	No minimum permeability standard

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.

**Release detection design**

For ASTs installed on November 2, 1998, or later, and for ASTs installed before that date which are lifted or moved after that date, the area of secondary containment which is directly under the tank must be designed to allow for visual detection of a release of a substance through the tank floor.

Release detection designs that can be used include:

- tank is elevated
- continuous concrete slab under the tank ( in the case of a Type A substance, slab must be treated with material that is impermeable to the substance)
- fiberglass or steel pad under the tank
- synthetic membrane under the tank
- double-walled tank (shop fabricated)
- double bottom tank (field erected)

**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/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.

Diagram of area below:









TOWNSHIP RECOMMENDATION FORM

On Feb. 4, 2020, the Town Board of Belle Plaine discussed with ROSS Lange - Valley Paving Inc. the request to obtain an Interim Use Permit for the operation of a temporary portable asphalt plant located at 9998 Co. Rd. 166, Belle Plaine, MN (PID# 019040110 & # 019050021).

After reviewing the Request, the Town Board:

X RECOMMENDS APPROVAL WITH THE FOLLOWING CONDITIONS:

RECOMMENDS DISAPPROVAL FOR THE FOLLOWING REASONS:

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

SIGNED: [Signatures] CLERK SUPERVISOR SUPERVISOR SUPERVISOR