Sedlacek, Kate

From: Affeldt, Craig (MPCA) <craig.affeldt@state.mn.us>
Sent: Tuesday, July 08, 2014 8:37 AM
To: Frechette, Al; Sedlacek, Kate
Cc: Udd, Jeff (MPCA); Haugen, Theresa (MPCA); Gawrys, Elizabeth (MPCA); Kromar, Karen (MPCA)
Subject: Jordan Aggregates Final EIS

The Minnesota Pollution Control Agency staff has reviewed the Final Environmental Impact Statement for the Jordan Aggregates project. We believe that the FEIS presents a reasonable analysis and assessment of mitigation measures which are necessary to properly address future impacts associated with the proposed project and that a determination that the FEIS is adequate is justified.

As you are aware, the development of an NPDES permit for the facility is underway. We invite continued participation of Scott County in this process to help ensure that appropriate mitigation measures and monitoring requirements are adequately addressed.

Craig Affeldt, Supervisor
Environmental Review Unit
Minnesota Pollution Control Agency
651-757-2181

Protecting, maintaining and improving the health of all Minnesotans

July 7, 2014

Kate Sedlacek
Environmental Health Department
200 Fourth Avenue West
Shakopee, MN 55379-1220

Dear Ms. Sedlacek,

Thank you for providing the Minnesota Department of Health (MDH) with the opportunity to comment on the Final Environmental Impact Statement (FEIS) for the Jordan Aggregates project. MDH protects public health by ensuring a safe and adequate supply of drinking water at all public water systems and by assuring proper construction and sealing of wells and borings.

As expressed in our comment letter on the Draft EIS (DEIS) dated February 20, 2013 and our comment letter on the FEIS dated December 24, 2013, MDH is concerned about potential water quality impacts to nearby wells, particularly following flooding of Sand Creek, which is expected to overflow into the mine and/or the lake that will remain at the site following mine reclamation. Most of our submitted comments were incorporated into either the FEIS or the Monitoring and Mitigation Plan for the project. However, we continue to recommend that a comprehensive well survey be completed and should include direct contact with each property owner within 500 meters of the mine property boundary. MDH also recommends that any CFIG well installed to replace a quaternary well on properties near the mine be tested for manganese and, if detected at levels above MDH guidelines, appropriate water treatment be provided.

Additionally, please refer to the Environmental Quality Board's (EQB) Tools to Assist Local Governments in Planning and Regulating Silica Sand Projects and MDH's Wellhead Protection Issues Related to Mining Activities for tools that could be implemented to minimize impacts to groundwater quality.

Health starts where we live, learn, work, and play. To create and maintain healthy Minnesota communities, we have to think in terms of health in all policies. Thank you again for the opportunity to provide comments on this FEIS. Please feel free to contact me at (651) 201-4927 or michele.ross@state.mn.us if you have any questions regarding this letter.

Sincerely,

Michele Ross
Environmental Review Director
Minnesota Department of Health
PO Box 64975
Saint Paul, MN 55164-0975

Sedlacek, Kate

From: Haworth, Brooke (DNR) <Brooke.Haworth@state.mn.us>
Sent: Monday, July 07, 2014 4:22 PM
To: Sedlacek, Kate
Cc: Doneen, Randall (DNR); MacDonald, Michael (DNR); Skancke, Jennie (DNR); Harper, Liz (DNR); Yearwood, Terri L (DNR); Daniels, Jeanne M (DNR); Haworth, Brooke (DNR)
Subject: RE: Jordan Aggregates revised FEIS comments due July 7, 2014

Ms. Sedlacek,

The Department of Natural Resources has received the Jordan Aggregates revised FEIS issued by Scott County on June 23, 2014. Hydrology and groundwater staff have reviewed the document and have the following response.

Replacement of the downgradient water supply wells with deeper wells should eliminate possible impacts to the shallow groundwater use. While shallow groundwater contamination is the jurisdiction of the MPCA, we offer the suggestion that, should it be necessary, the pump-and-treat option presented for treating impacted shallow groundwater would be most appropriate for an active mining project. It is correct that a water appropriation permit would be required for this option. Comments were submitted previously regarding potential impacts to physical geomorphology in the floodplain next to Sand Creek, and no further comments on surface hydrology will be made.

Thank you for the opportunity to review this document. Please contact me if you have questions regarding this email.

Sincerely,

Brooke Haworth
Environmental Assessment Ecologist, Central Region
MnDNR Division of Ecological and Water Resources
1200 Warner Road, St. Paul, MN 55106
Phone: 651-259-5755
Email: Brooke.haworth@state.mn.us

From: Sedlacek, Kate [mailto:KSedlacek@co.scott.mn.us]
Sent: Monday, July 07, 2014 9:31 AM
To: Germundson, Travis (BWSR); Depart of Commerce Ray Kirsch; Balk, Becky (MDA); *MDH_Review; Doneen, Randall (DNR); Moynihan, Debra (DOT); EPA Kenneth Westlake; Cerda, Melissa (MIAC); Kromar, Karen (MPCA); MetCouncil Raya Esmaeili; Nelson, Paul; Affeldt, Craig (MPCA); Anfinson, Scott (ADM); Technology and Science Helen Burke; Kuphal, Troy; US Army Corp Engineers; Udd, Jeff (MPCA); Haugen, Theresa (MPCA); Haworth, Brooke (DNR); Skancke, Jennie (DNR)
Subject: Jordan Aggregates revised FEIS comments due July 7, 2014

To Interested Person:

Comments on the Jordan Aggregates revised FEIS are due today, July 7th, 2014. The 10 business day public review period for the revised FEIS began June 23, 2014. The revised Jordan Aggregates FEIS includes a Monitoring and Mitigation Plan prepared by Barr Engineering for the EIS team. The review should focus on the issue of groundwater degradation and the mitigation plan that Barr Engineering prepared for the EIS team.

Please find attached the FEIS and exhibits. The FEIS, exhibits, and other supplemental documents are also available on the Scott County website www.co.scott.mn.us.

Comments can be sent to:
Kate Sedlacek
Scott County Environmental Health Department
200 4th Ave. W.
Shakopee, MN. 55379
ksedlacek@co.scott.mn.us
952-496-8351

July 7, 2014

Ms. Kate Sedlacek
Scott County Environmental Health Department
200 Fourth Avenue West
Shakopee, MN 55379

RE: Jordan Aggregates LLC Proposed Mining Operation
Revised Final Environmental Impact Statement (FEIS)
Sand Creek Township, Scott County Minnesota
Metropolitan Council District 4
Metropolitan Council Review File No. 20822-4

Dear Ms. Sedlacek:

The Metropolitan Council received notice of the Revised Final Environmental Impact Statement (FEIS) for the proposed aggregate mining project on June 20, 2014. The staff review finds that the FEIS is complete and accurate with respect to regional concerns and raises no major issues of consistency with Council policies.

Council staff is in agreement with the County's findings in the document, that the proposed mine pit excavation project would expose the quaternary aquifer in and around the site to increased frequencies and levels of water quality degradation, and that the proposed monitoring and mitigation plan should be adequate to track and manage the modeled impacts.

This concludes the Council's review of the FEIS. The Council will take no formal action on the document. If you have any questions or need further information, please contact Jim Larsen PE, principal reviewer, at 651-602-1159.

Sincerely,

LisaBeth Barajas
Manager, Local Planning Assistance

cc: Crystal Sheppeck, MHFA
Tod Sherman, Development Reviews Coordinator, MnDOT Metro Division
Gary Van Eyll, Metropolitan Council District 4
Angela Torres, Sector Representative
Judy Sventek, Manager – Water Resources Assessment
Raya Esmaeili, Reviews Coordinator

N:\CommDev\LPA\Counties\Scott\Letters\2014\ScottCoFEIS2 (2).docx

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678

REPLY TO ATTENTION

JUL 07 2014

Operations
Regulatory (2013-04688-SEW)

Ms. Kate Sedlacek
Scott County Environmental Health Department
200 Fourth Avenue West
Shakopee, Minnesota 55379-1220

Dear Ms. Sedlacek:

We have reviewed and offer the following comments on the document entitled *Jordan Aggregates LLC Project, Revised Final Environmental Impact Statement* (revised FEIS), dated June 23, 2014, as proposed by Jordan Aggregates, LLC. The project site is located in Sand Creek Township, NW ¼ of Section 17 and the SW ¼ of Section 8, T. 114N., R. 23W., Scott County, Minnesota.

Section 6.0 of the revised FEIS does not include a Section 404 Clean Water Act (CWA) permit from the U.S. Army Corps of Engineers (Corps permit) as a potential permit requirement for this project. Based on our review of the revised FEIS and available mapping resources, this project has the potential to require a Corps permit. If the Jordan Aggregates project involves a discharge of dredged or fill material into waters of the United States (WOUS), which may include Sand Creek and its adjacent wetlands, a Corps permit would be required. CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. If a Corps permit is required, this project will also require review under Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act, and may also require a Section 401 CWA water quality certification or waiver from the Minnesota Pollution Control Agency. Information about the Corps permitting process can be obtained online at http://www.mvp.usace.army.mil/Missions/Regulatory.aspx.

Though Section 3.5 of the revised FEIS states that wetlands exist north of the project area, it does not state what sources or methods were used to determine if wetlands exist within and adjacent to the project area. There is no mention of a review of the project site for potential wetland impacts. An updated National Wetland Inventory map released by the Minnesota Department of Natural Resources for Minnesota's east-central region (including Scott County) in 2013 shows two forested wetland areas within the south area of the site, another wetland immediately adjacent to the northwest side of the site, and wetlands adjacent to Sand Creek either within or adjacent to the project area. The 2013 NWI map, along with LiDAR topography, USDA-NRCS soils mapping, and recent aerial photography, indicates there may be wetlands on this site that could be directly impacted by the proposed project.

A wetland delineation prepared by a qualified wetland professional in accordance with accepted Corps methodology should be completed for this site so potential direct and indirect wetland

impacts can be identified and quantified. This wetland delineation report should also include the accepted Minnesota mapping conventions to ensure any potential wetlands within the agricultural fields on this site are identified.

If a Corps permit is required, we would evaluate direct impacts to waters of the United States located within the Jordan Aggregates project site, which may include aquatic resources such as Sand Creek, wetlands, and ditches, as well as any other aquatic resources that would be indirectly affected by the proposed direct impacts to waters of the United States, such as wetlands adjacent to the Minnesota River or other waterbodies. The Corps' evaluation of a CWA permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

In Section 1.5 of the revised FEIS, the project purpose is stated as: "to provide another aggregate resource for use in construction. There are ongoing needs for aggregate resources in the Twin Cities Metropolitan Area and surrounding regions." If a Corps permit is required, the overall project purpose is used for evaluating practicable alternatives under the CWA Section 404(b)(1) Guidelines (Guidelines). The alternatives analysis must consider ways to avoid and minimize impacts to WOUS so the least environmentally-damaging practicable alternative (LEDPA) can be identified.

The revised FEIS considers two alternatives: the preferred alternative, which is to mine 84.7 acres of the 87.5-acre site, and the no-build alternative, which assumes the site would continue to be used for agricultural purposes. The revised FEIS does not consider off-site alternatives, modified design or layout alternatives, or modified scale or magnitude alternatives. Again, if a Corps CWA permit is required, additional alternatives that would avoid impacts to wetlands and other waterbodies would need to be considered. If complete avoidance is not practicable, the Proposer would need to evaluate alternatives that would minimize impacts to wetlands and other waterbodies as much as practicable. If the proposal requires a Corps permit, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.

The Guidelines also require that when a project is not "water dependent," that is, it does not need to be located in or near wetlands to serve its basic purpose, it is presumed that there are alternative upland sites available and that the use of the upland sites would be less environmentally-damaging than would be the proposed alteration of the wetland. The proposed Jordan Aggregates project does not require access to, or proximity to, or siting within a wetland to fulfill its basic purpose. Therefore, if a Corps permit is needed, it will be incumbent upon the applicant to clearly rebut the presumption that upland sites are available and would be less environmentally-damaging than the proposal. The fact that the applicant may not own the upland site is not, by itself, sufficient to rebut this presumption as long as upland property is available at a reasonable cost.

Given the potential need for a Corps permit, **we encourage the project proposer to request a pre-application consultation meeting with us** to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process.

Thank you for the opportunity to review this revised FEIS. For further information or to request a pre-application consultation meeting, please contact Chad Konickson, the Southwest Section Chief, at 651-290-5364 or Chad.Konickson@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory number shown above.

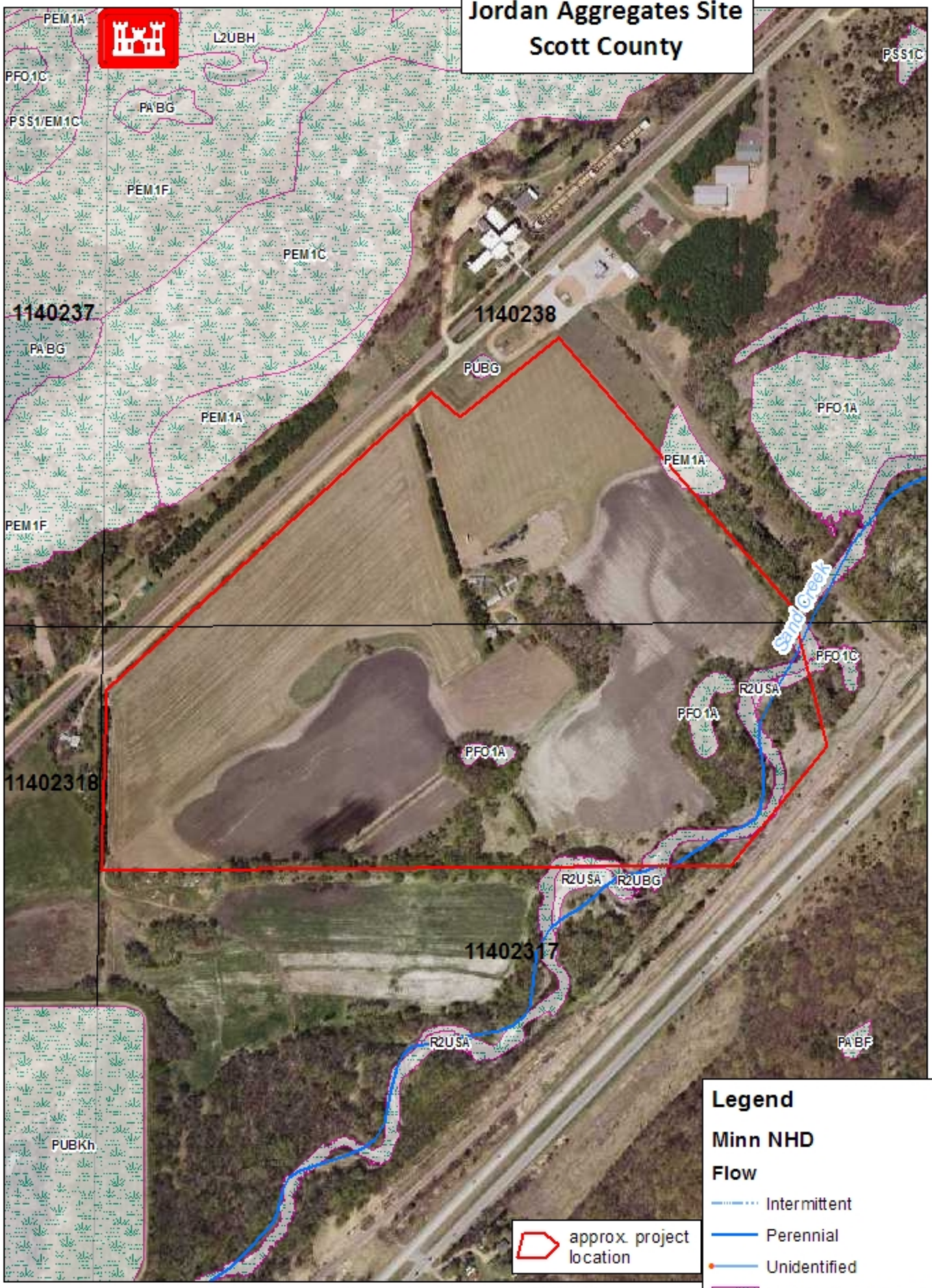
Sincerely,

Tamara E. Cameron
Chief, Regulatory Branch

Copy furnished:
Troy Kuphal – Scott County SWCD

U.S. Army Corps of Engineers
St. Paul District

2013-04688-SEW
Jordan Aggregates Site
Scott County



approx. project location

Legend

Minn NHD

Flow

- Intermittent
- Perennial
- Unidentified
- NWI 2013 Update - Metro

N

0 175 350 700 1,050 1,400 Feet

Base Map Source: FSA 2013 aerial photograph

Sedlacek, Kate

From: Pete Giancola <pete.giancola.cita@statefarm.com>
Sent: Thursday, June 26, 2014 7:51 PM
To: Sedlacek, Kate
Subject: questions

• provide an alternative water supply for private and community wells impacted or potentially impacted by the project;

If other wells are affected what are the mitigation plans other than drilling deeper wells on three properties?
How will we as citizens be able to determine that the contamination of our ground water resource came from the Mining Operations?
What alternative has been developed for any unintended individual wells that may become contaminated?

What other materials may be brought into or introduced to the pit for reclamation purposes? Could the mine operators bring other materials such as petroleum soaked materials into the pit for reclamation purposes? Ex I have an old junk yard with "Overburden" that is contaminated and that must be remediated by stock piling the material and then sending through a burning operation. What is to prevent the mine operator from opening the pit (that is in such an environmentally sensitive area) and that is digging down to within ten feet of bedrock, and directly exposing the Quaternary Aquifer to possible runoff and contamination?

What happens if the operation goes bankrupt? Who will pay for the "remediation/mitigation" of the contamination left behind?

What if the operation is so lucrative they decide to sell are the conditions automatically set to grandfather in to the new owners?

What contingency plans are available for review if god forbid thing don't follow the prescribed or estimated flow pattern that Barr has projected for the contamination? Who do we get to connect to for a water source for potable water and in what time frame?

Is there any method other than years of litigation when contamination is discovered? Or are we to go without a potable water source for ourselves our families and our animals until years of litigation go by? Who will pay for the temporary fixes until the issues of contamination are decided?

Where are the time frames for mitigation responses?

Sincerely
Pete Giancola

Pete Giancola CHFC ®

Pete Giancola's Insurance Agency Inc.
"Providing Insurance and Financial Services"
Phone (952)474-7600
Fax (952)474-7599

Pete.giancola.cita@statefarm.com

18160 Minnetonka Blvd
Deephaven, MN 55391-3349

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Sedlacek, Kate

From: Thom Boncher <thom.boncher@gmail.com>
Sent: Monday, July 07, 2014 11:23 AM
To: Sedlacek, Kate
Subject: Re: Jordan Aggregates revised FEIS comments due July 7, 2014

Put simply, if the proposer cannot assure the integrity of ground water from contamination via the mine pit f**orever** (the length of time the mine pit will exis this project should not go forward.
--
Thom Boncher
City Council Member
Jordan, MN

PS to Al Frechette
Is truck traffic through Jordan not an environmental concern? Does adding noise, dust, fumes and traffic hazards not affect Jordan's environment? Once again, the County has chosen to narrow an environmental impact assessment to disregard significant issues. Why?

TB

On 7/7/14 10:41 AM, "Sedlacek, Kate" <KSedlacek@co.scott.mn.us> wrote:

To Interested Person:

Comments on Jordan Aggregates revised FEIS are due today, July 7, 2014. The 10 business day public review period for the revised FEIS began June 23, 2014. The revised Jordan Aggregates FEIS includes a Monitoring and Mitigation Plan prepared by Barr Engineering for the EIS team. The review should focus on the issue of groundwater degradation and the mitigation plan that Barr Engineering prepared for the EIS team.

The FEIS, exhibits, and other supplemental documents are available on the Scott County website www.co.scott.mn.us <http://www.co.scott.mn.us/ParksLibraryEnv/Environment/EnvReview/JordanAgEIS/Pages/Home.aspx> .

Comments can be sent to:
Kate Sedlacek
Scott County Environmental Health Department
200 4th Ave. W.
Shakopee, MN. 55379
ksedlacek@co.scott.mn.us <mailto:ksedlacek@co.scott.mn.us>
952-496-8351

Sedlacek, Kate

From: Ewals Family <ewals@frontiernet.net>
Sent: Monday, July 07, 2014 2:19 PM
To: Sedlacek, Kate
Subject: Comment regarding Jordan Aggregates revised FEIS

It's obvious that this pit should never be dug because of its close proximity to the water table, and to the high risk it poses to our aquifer. The flooding we had in June proves to me that county and local officials can only react to disasters after they have occurred. Had there been any kind of spill from the railroad, there would have been no time to contain, or even minimize the effect. Mitigating the pollution that would occur is not an adequate solution.

Furthermore, once an aquifer is polluted, we have no way to clean it. Think about this; what's more important: gravel or water? We need to keep the water clean and useable. Gravel can be obtained in other areas without exposing the aquifer to permanent damage. Polluted aquifers will not only damage property values, but cost businesses and families exorbitant amounts to exist. We cannot live, work, or play without water. Water is more important.

Pete and Debra Ewals