

**SCOTT COUNTY
STATE OF MINNESOTA**

**INTERIM USE PERMIT
GREAT PLAINS SAND, LLC MINING AND PROCESSING FACILITY**

LOUISVILLE & SAND CREEK TOWNSHIPS

May 1, 2012

CONDITIONS FOR MINING AND PROCESSING FACILITY

Project Name: Great Plains Sand, LLC Mining and Processing Facility

Location: The legal description for the land subject to this Interim Use Permit (IUP) is as legally described on attached Exhibit a which is incorporated herein by reference (hereinafter referred to as the “Subject Property”).

I. GENERAL CONDITIONS

A. Legal Compliance:

1. Prior to the start of each operation and certain construction activities identified on Exhibit d, Great Plains Sand, LLC hereinafter “Operator” shall obtain any required Federal, State, County, Township and other local permits for each operation and/or construction activity, including, but not limited to, from the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, and Scott County and any other applicable government agency, as applicable to each operation and/or construction activity. Operator shall submit evidence of all required permits to Scott County. If the County reasonably determines that work on the Subject Property does not comply with specific permit requirements, the County shall provide written notice to the Operator specifying any asserted non-compliance and the Operator shall have twenty-one (21) days from the date of such notice (unless a longer term is permitted by the County or the Great Plains Sand Mining Review Committee (hereinafter referred to as the “Committee”)) to cure any asserted non-compliance. In the event the County reasonably determines that Operator has not remedied the specified non-compliance upon expiration of such cure period, then the County may, at its option, refuse to allow continued mining activities pursuant to this IUP until the Operator so complies. Upon the County's

demand, the Operator shall cease all work until there is compliance as reasonably determined by the County. All costs associated with any permit review and submission of monitoring reports to the County and the Committee shall be the sole responsibility of the Operator.

2. Operator shall comply with all applicable federal, state, county and township ordinances, rules, regulations and permits including, but not limited to, the standards of the Minnesota Pollution Control Agency “MPCA” and other regulations and standards applicable to the mining operation.
3. The Interim Use Permit for Great Plains Sand, LLC mining and processing operations shall comply with the plans and mining narrative attached to this permit collectively referred to as the “Approved Plans” which are all incorporated herein by reference. The Operator shall have the right to request modifications, as appropriate, to the Approved Plans and mining narrative so long as such modifications continue to substantially comply with the approved plans and narrative. The County staff shall have the authority to determine whether changes requested by the Operator substantially comply with the approved plans and mining narrative. The County shall give notice to the Committee of any modifications granted to the Approved Plans. If the Approved Plans vary for the written terms of this IUP, the terms that are the most conservative shall control. The Approved Plans are as follows:

Exhibit Index

- a. Subject Property Legal Description
- b. Interim Use Permit Application dated March 12, 2012
- c. Interim Use Permit Application Figures 1-11
- d. Certain specified construction activities
- e. Resource Management Plan dated April 19, 2012 Sheets 1 & 6 dated March 21, 2012, Sheets 3-5 dated April 18, 2012 and Sheet 2 dated April 23, 2012 prepared by Sunde Engineering (hereinafter referred to as the “RMP”)
- f. Groundwater and Surface Water Monitoring and Mitigation Plan dated April 24, 2012 prepared by Sunde Engineering, PLLC
- g. Fugitive Dust Control Plan dated February 2012 prepared by Wenck Associates, Inc.

- h. Blast Monitoring Plan dated April 24, 2012 prepared by Sunde Engineering, PLLC
 - i. PM10 Ambient Air Monitoring Plan dated February 2012, Revised April 2012 prepared by Wenck Associates, Inc.
 - j. Photometric Plan dated March 8, 2012 prepared by Parsons
 - k. Subject Property Maps A-D prepared by Sunde Engineering, PLLC
 - l. Expected Traffic Description prepared by Great Plains Sand, LLC
 - m. Parameters for Annual Report
 - n. Braun Intertec Geotechnical Evaluation dated February 15, 2012, addendum dated February 29, 2012 and letter dated December 15, 2011
 - o. David Braslau Noise Assessment dated August 23, 2011
 - p. Noise Testing and Mitigation Plan to be develop by the Operator and approved by the Mining Review Committee prior to operation of the processing facility.
 - q. Developer's Agreement dated May 1, 2012
 - r. Narrative from the Proposed Mining Operational Overview dated February 24, 2012 prepared by Great Plains Sand, LLC
 - s. Narrative from the Supplement to Proposed Mining Operational Overview dated February 29, 2012 prepared by Great Plains Sand, LLC
 - t. Additional Structures Receiving Pre-Blast Surveys
 - u. Reclamation Plan dated March 12, 2012 prepared by Sunde Engineering, PLLC.
 - v. MNDOT Recommendation
4. Operator shall comply with all obligations contained in the Developer's Agreement dated May 1, 2012 attached hereto as Exhibit Q including, but not limited to, the establishment of the Committee, payment of County and Townships' costs and expenses, the establishment of an escrow fund and security for the project.

B. Permit Review:

1. This IUP shall be reviewed as provided by the Scott County Zoning Ordinance and may be amended at any time in the event that the Scott County Board of Commissioners, through the proper public hearing process as provided for in the Scott County Zoning Ordinance and this IUP, reasonably determines that the actual operations of the mine and/or information gained through studies such as the EIS currently being completed for the Merriam Junction Sands project present a material adverse impact to health and/or human safety that relates specifically to the operations on the Subject Property and is not able to be addressed or mitigated through the Approved Plans identified above or the provisions of this IUP.
2. Operator shall prepare an annual Great Plains Sand Mining Report for the mine for submission to the Committee, the County and the Townships. The Committee upon receipt of the Report, may forward their recommendations, if any, for the review of the Scott County Planning Commission, the Townships and the Scott County Board of Commissioners. See Exhibit m for topics to be covered in the Annual Report.
3. Any proposed modifications to monitoring plans required in this IUP shall be included in the annual report.

C. Great Plains Sand Mining Review Committee:

Operator shall participate as a member of the Committee to review issues and present recommendations to the Scott County Board of Commissioners on issues that may arise as a result of operations on the Subject Property. Section 4 of Exhibit q, the Developer's Agreement, lists the general make-up and powers of the Committee.

D. Incorporation of Environmental Assessment Worksheet:

The Environmental Assessment Worksheet, ("EAW") and comments received were reviewed by the Scott County Board on March 13, 2012. The Board considered the comments and Staff response to comments, the Findings of Fact and Conclusions and determined that the EAW was adequate and an Environmental Impact Statement was not required. Staff Response to Comments and Findings of Fact and Conclusions as presented to the Board on March 13, 2012 are hereby incorporated by reference to be used as a guidance document, including all mitigation measures identified therein.

E. Costs

All costs associated with any permit review and submission of monitoring reports to the County, the Townships and the Committee shall be the sole responsibility of the Operator. All costs associated with remediation activities and development and operation of the site in compliance with the Approved Plans shall also be the sole responsibility of the Operator.

F. Required Notifications

All notifications, reports and other correspondence required herein shall be provided by the Operator to the County, the Townships and the Committee.

G. General Conditions:

1. Operator shall identify a person within the company for the residents, the Louisville and Sand Creek Town Boards or Scott County to contact regarding concerns regarding the IUP.
2. This Interim Use Permit is issued specifically to Great Plains Sand, LLC or its assigns.
3. Mining, for the purposes of this IUP, will be limited to dirt moving, berm construction, pond construction, overburden removal, drilling, stripping, digging, rock breaking, screening, blasting, processing, loading and the on-site movement of materials. Any activity not enumerated shall require prior written approval of the Committee.
4. All signage shall conform to the Scott County Sign Ordinance.
5. The property shall be maintained in a neat and orderly manner.
6. All mobile equipment, vehicles and miscellaneous storage shall be located on site and screened from view. Only equipment used in the mining, processing and loading operations shall be allowed to be stored on site.
7. The stockpiled topsoil must be re-spread on the site and shall not be sold or removed.

8. The Operator shall provide to the Scott County Auditor's Office appropriate payment due for gravel tax in accordance with State and County regulations. Operator shall provide the Townships with monthly reports of sand tonnage being shipped from the Subject Property.
9. If future actions by the County Board require all gravel mining operations to pay an annual license fee the owner/operator shall pay such fee.
10. Prior to constructing/relocating the office building presently on the Subject Property a septic system must be identified by a licensed septic designer and protected during mine operations.
11. A hazardous waste license shall be obtained if required by Scott County. Best Management Practices shall be implemented limiting onsite maintenance of equipment.
12. Truck traffic shall be limited to the traffic described in the Expected Traffic Description included as Exhibit l.
13. Operator shall secure an access permit from the Minnesota Department of Transportation (MnDOT) and comply with all permit and access requirements imposed by MnDOT. Any improvements required by MnDOT shall be constructed at the sole expense of the Operator unless otherwise paid for by MnDOT or another party. If the improvements required by MnDOT result in the need to have the primary access to the site via Bluff Drive, then the applicant shall apply for and secure an amendment to this IUP prior to transporting product via any method other than rail. The MnDOT permit requirements when received shall be attached hereto as Exhibit v. Nothing in this paragraph shall restrict the Operator's ability to use rail at the subject property.
14. Buildings not used for the mining operations shall be removed.
15. The area shown on Exhibit u (Reclamation Plan) identifying the location of the future septic site for the Subject Property shall not be disturbed and shall be protected during all phases of mining activities.
16. Perimeter fencing shall be maintained at all times along the border of the Subject Property with Bluff Drive and the Bennett homestead and shall be installed and maintained in phases as mining progresses along the border of the Subject Property with TH 169. Upon approval by

the County, Operator shall also install and maintain fencing along the northern boundary of the County's property immediately north of the Subject Property.

II. MINE OPERATIONS

A. Setbacks:

1. Mining Setbacks: Mining activity, including removal of overburden, shall be setback a minimum distance as described below, except for where the adjoining property owner has agreed in writing to a lesser distance, or where Operator is the adjoining property owner.
 - a. Material processing shall not be conducted closer than 100 feet from a property line except for items specifically shown on Exhibit c Figure 4 "Processing Area Site Plan" of the Interim Use Permit Application dated March 12, 2012, nor closer than 500 feet to any residential structure.
 - b. Mining operations shall not be conducted closer than 200 feet to any residence or residential zoning district boundary existing on the approval date of the mining interim use permit.
 - c. Mining operations shall not be conducted closer than 30 feet to any property line, or within 30 feet of the right-of-way line of any existing or proposed street or highway. The recommendations of Braun Intertec contained in their report dated December 15, 2011 shall be followed for any existing or proposed right of way. Side slopes of the mining operation shall be in conformance with the Approved Plans.

B. Hours of Operation

1. The processing of materials shall be permitted on Monday through Saturday 24 hours per day. Processing of materials shall not take place on Sundays or holidays without Committee approval. After processing operations have commenced for at least 6 months (but in no event prior to June 1, 2013), Operator may request that the Committee consider granting its approval to process materials without the Sunday restriction. In determining whether or not to grant Operator's request, the Committee will review Operator's compliance with Minnesota State noise standards as well as the

nuisance level of impulse noises. The Committee shall permit the processing of materials 24 hours per day, seven days a week if the Operator's processing activities meet Minnesota State nighttime noise standards and the Operator establishes and implements a plan to address nuisance impulse noise. Further, Operator shall comply with the restrictions on certain operations in accordance with paragraphs II.B.2–4 below.

2. All blasting shall be conducted between the hours of 10:00 A.M. and 6:00 P.M. Monday through Saturday. Operator shall make every effort possible, to limit the blasts to between the hours of 10:00 A.M. and 3:00 P.M. No blasting is permitted on Sundays or holidays without special Committee approval.
3. All quarry operations including overburden removal shall be conducted between the hours of 7:00 A.M. and 7:00 P.M. No quarry operations are permitted on Sundays and holidays without special Committee approval.
4. Berm construction shall be confined to the hours of 7:00 A.M. to 7:00 P.M. No berm construction is permitted on Sundays and holidays without special Committee approval.
5. Mitigation measures necessary to control fugitive dust and other nuisances maybe conducted at any time including Sundays and Holidays.

III. SURFACE WATER QUALITY AND QUANTITY

A. Surface Water Quality:

1. Operator shall comply with all provisions of any required National Pollutant Discharge Elimination System (NPDES) permit for the mine. A copy of the current construction storm water and industrial storm water/NPDES permit(s) shall be provided by Operator to Scott County to be kept on file for review by County officials or the public.
2. A Groundwater and Surface water Monitoring and Mitigation Plan prepared by Sunde Engineering is attached hereto as Exhibit f. The Groundwater and Surface Water Monitoring and Mitigation Plan shall be followed for the duration of the mine unless amended by the Committee. Operator shall provide the County, the Townships and

the Committee with copies of all groundwater and surface water monitoring reports within 30 days of receipt of those reports.

3. Contaminant Management. Operator shall review and reevaluate its Groundwater and Surface Water Monitoring and Mitigation Plan annually.
4. Storm water runoff from the mine to surrounding properties shall not exceed predevelopment runoff rates based on 2, 10, and 100 year storm events. All areas used to convey storm water runoff shall be covered by permanent, dense vegetative cover or other permanent structural controls.
5. Storm water facilities to accommodate drainage from the Scott County owned parcel (PID #70260010) and Scott Land Company Parcel (PID #70290010) as shown in the approved RMP will be constructed at the commencement of the operation. The facilities will provide rate control for the 2, 10, and 100 year events assuming both parcels fully develop to 75% impervious to pre-settlement rates. Volume controls (infiltration) necessary to comply with this requirement will also be provided.
6. The Operator must provide a drainage and utility easement in favor of the public covering the storm water facilities in Section III.A.5. The easement also must include access to the facilities across or through the mine site, as well as allow for future connections to the facilities from the Scott County Owned parcel (PID #70260010).
7. Operator shall implement during all phases of mining, all applicable Best Storm Water Management Practices (BMPs) as may be necessary to protect surface water quality. These BMPs include but are not limited to:
 - a. All berms shall be seeded with vegetation as defined in the approved RMP in a timely manner after completion of berm construction.
 - b. Reclamation shall proceed in a continuous manner consistent with the phasing of mining operations on the Subject Property.
 - c. Stormwater ponds and infiltration areas shall be constructed within the mining area as identified in the RMP.

- d. All oils, solvents and other hazardous waste shall be managed and disposed of in accordance with the Scott County Hazardous Waste Management rules.

IV. GROUNDWATER QUALITY AND QUANTITY

A. Ground Water:

1. Operator shall secure a DNR water appropriations permit(s). Operator shall be in compliance at all times with the conditions or rules of an Appropriation of Waters of the State permit.
2. Dewatering is not allowed, other than as stated in the EAW and as permitted by the DNR water appropriations permit(s).
3. Mining in the water table to a depth of fifty (50) feet is allowed but the lowest five (5) feet of the Jordan Sandstone shall not be excavated.
4. A Groundwater and Surface water Monitoring and Mitigation Plan prepared by Sunde Engineering is attached hereto as Exhibit f. The Groundwater and Surface Water Monitoring and Mitigation Plan shall be followed for the duration of the mine unless amended by the Committee. Operator shall provide the County, the Townships and the Committee with copies of all groundwater and surface water monitoring reports.
5. Monitoring wells.
 - a. Operator shall comply with Groundwater and Surface Water Monitoring and Mitigation Plan for the mine.
 - b. When the advancement of mining necessitates the removal of monitoring wells Operator shall be responsible for sealing all monitoring wells not in use. Further, Operator shall be responsible for sealing all monitoring wells upon the completion of mining and reclamation activities in the area.
 - c. Monitoring results shall be submitted annually and presented within the annual report to the Committee unless a current report is requested by the Committee in which case Operator shall provide the requested report within 14 days of obtaining the analytical results.

- d. All costs associated with the groundwater monitoring program are to be paid fully by Operator.
 - e. If requested by the Committee, for a period of two (2) years (or such lesser period terminating upon development of a substantial portion of the Subject Property for an end use), Operator shall keep some monitoring wells active after mining activities have ended to monitor any problems of contaminate entering into the lake to be created according to the Approved Plans.
6. Mitigation of Adverse Effects on Water Wells.
- a. The installed and active monitoring wells within the identified Groundwater and Surface Water Monitoring and Mitigation Plan for the mine will generally be used to determine if mine activities are having a specific impact on static water levels or contamination in domestic drinking water wells.
 - b. Should a domestic water or irrigation well develop problems reasonably believed to be a result of Operator's mining activities, the procedures outlined in the Developer's Agreement attached hereto as Exhibit Q shall be followed.
 - c. Any wells that become unused and/or unsealed as a result of Operator's mining activities shall either be put back into service or be sealed by a licensed well contractor, in accordance to Minnesota Rules, Chapter 4725.
7. Petroleum or chemical storage tanks.
- a. No petroleum based or chemical products shall be stored in the excavation area of the Subject Property. Petroleum fuel tanks on mobile equipment shall be excluded from this restriction.
 - b. Fueling or vehicle maintenance stations shall be located on an impervious or paved surface.
 - c. Above ground petroleum tanks shall be equipped with secondary containment structures or double-walled tanks as

approved by the Minnesota Pollution Control Agency (MPCA). An impervious surface shall be provided for parking of any mobile fuel or chemical tanks. All spills must be reported as required by state law.

- d. Below ground petroleum or chemical storage tanks shall be prohibited. Any existing below ground storage tanks shall be brought up to current leak detection standards as prescribed by the MPCA.
8. All waste oil products shall be properly recycled.
9. All minimum setbacks as prescribed by the MPCA and MDH shall be observed between water wells and petroleum or chemical storage tanks or other potential contaminant sources.

V. OPERATIONAL NOISE

A. Noise

1. A Noise Assessment of the project was prepared by David Braslau dated August 23, 2011 attached hereto as Exhibit o. Sound level mitigation measures identified in this plan shall be implemented to reduce the potential impact from noise on residences and the Minnesota Valley Wildlife Refuge.
2. Prior to operation of the processing facility, a Noise Testing and Mitigation Plan shall be developed for the site. The noise plan shall be reviewed by the Committee and will be incorporated herein by reference as Exhibit p upon approval by the majority of the Committee members.
3. Use of all production equipment will be designed to meet the federal and MPCA noise standards at the nearest receptor. The Operator will be immediately notified in the event County staff or any member of the Committee receives a complaint regarding noise generated by mining operations. If the Committee or County staff reasonably believes the complaint is valid, then the complaint will be addressed using the process set forth in the Noise Testing and Mitigation Plan.

4. Operator shall exercise its best efforts to control noise to minimum practical levels. Backup horns, bells, strobe lights, and other warning devices shall be adjusted to the minimum level required by law. Further, Operator shall use broadband or white noise backup alarms on all of its mobile equipment. This restriction shall not apply for third-party contractor equipment operated on the Subject Property so long as such equipment is utilized only between the hours of 7:00 A.M. and 7:00 P.M.
5. Operator shall construct screening berms as shown on the Approved Plans where such a berm is necessary to screen the mining activities from public view. Construction of the berm shall be completed on a phased basis as set forth in Exhibit c Figure 3 of the Interim Use Permit Application dated March 12, 2012 during overburden removal before each sand mining phase so as to screen mining activities from public view to the extent reasonably possible. The berm shall remain in place until mining ceases and final reclamation begins, at which time the berm shall be removed.

VI. BLASTING

A. Pre-blast Structural surveys

1. Operator shall conduct pre-blast structural surveys of all residences located within one-half mile of the Subject Property for which approval is granted from the property owner, prior to commencing mining operations. Copies of the pre-blast surveys shall be submitted to the Committee and Scott County.
2. Operator shall perform additional pre-blast structural surveys for buildings that are either newly-constructed or are remodels or additions affecting structural components of the building within one-half mile of the Subject Property during the operation of the mine (which survey shall occur immediately prior to issuing the certificate of occupancy for such structures) for which approval is granted from the property owner and for those structures specifically identified on Exhibit t for which approval is granted from the property owner.
3. The Operator shall provide the County prior notice of all proposed surveys, and the Committee shall have the right to accompany the inspector.

B. Blasting Standards

1. A Blast Monitoring Plan prepared by Sunde Engineering is attached hereto as Exhibit h. The Blast Monitoring Plan shall be followed for the duration of the mine unless amended by the Committee. Operator shall provide the County and the Committee with copies of all blast reports and blast monitoring reports.
2. All blasts shall be designed and conducted so as not to cause damage to private or public property. The Operator will be immediately notified in the event County staff or any member of the Committee receives a complaint regarding damage caused by blasting. If the Committee or County staff reasonably believes the complaint is valid, then the complaint will be addressed using the process set forth in the Blast Monitoring Plan.
3. The County or the Committee shall have the authority to engage an independent blasting consultant as mutually agreed to by all members of the Committee to review the Operator's blasting procedures on an annual basis. All costs associated with such consultant shall be paid by Operator.
4. Seismic data gathered for each blasting event shall be reviewed, analyzed for compliance parameters and signed by Operator's licensed blaster. If analysis of the data suggests a violation, then corrective actions shall be taken as required by the Blast Monitoring Plan attached hereto as Exhibit h.
5. Operator will designate the location of two seismic monitoring sites for each blast to monitor blasts. No more than two additional seismic monitoring sites may be designated within one-half mile of the Subject Property by either Scott County and/or the Committee to address specific complaints from the public.
6. Detailed blasting records shall be kept by Operator. These records are to locate where each blast is taking place, delay pattern, and the identification, direction and distance to structures. GPS coordinates shall be used to identify blast locations, which may then be utilized to determine the distance of blasts to any structure. These blast records are to be made available to Scott County, the Townships and the Committee upon request.

C. Additional Blasting Compliance Measures:

1. Operator will use all industry standard measures to control fly rock with the intent that fly rock not leave the Subject Property.
2. If seismic data analysis indicates an exceedance of the limits set forth in the Blast Monitoring Plan at a structure outside the Subject Property, Operator shall notify both Scott County and the Committee within one week of receiving the analysis and provide a summary of a review of their blast design procedures and a plan to eliminate future exceedances. Any vibration exceedance at a structure outside the Subject Property shall also be noted in the annual report.
3. Operator shall obtain all required permits from the Scott County Sheriff's Office.
4. Committee members and neighbors identified by committee members shall be notified at least 24 hours prior to a blasting event. It is recognized that the exact timing of proposed blasts may not be ascertainable prior to the day blasting occurs due to the influences of weather and other conditions on blast timing.

VII. AIR QUALITY

A. Air Emissions Permit:

1. A Total Facility Operating Permit for operations located within the mine permit area shall be secured from the MPCA and Operator shall comply with all terms and conditions of such permit.
2. Monitoring shall be performed in compliance with the procedures outlined in the Ambient Air Monitoring Plan attached hereto as Exhibit i to establish ambient dust conditions around the mine prior to mining operations beginning. This information must be presented to the County and the Committee to summarize findings for current conditions defining monitoring process and conditions during monitoring. After operations begin, monitoring must be completed to establish post operational dust conditions with data and results being delivered to the County and to the Committee. Data and results will be compared to MPCA standards to verify compliance with the Total Facility Operating Permit.
3. The results of all monitoring activities shall be presented in the Annual Report to Scott County, the Townships and the Committee.

B. Dust Control:

1. Erosion and dust control measures shall be applied as necessary to control fugitive dust. Operator shall follow the Fugitive Dust Control Plan prepared by Wenck, attached hereto as Exhibit g. Operator shall provide the County, the Townships and the Committee with copies of all dust monitoring reports required under VII.A above.
2. In any exposed areas outside of the quarry that have not been covered by permanent vegetation Operator shall water these exposed areas within the permitted area during those periods when weather conditions are generating fugitive dust.
3. Haul roads within mine permit area boundaries shall be sprayed with water or other permitted dust suppressants as needed to control fugitive dust.
4. Operator shall provide environmentally friendly dust control by application of GreenGuard or other approved dust suppressant, as necessary for unpaved township roads if these roads are being used by truck traffic originating from and as a result of the mining operations within the project site.
5. A site-specific PM10 Ambient Air Monitoring Plan prepared by Wenck Associates, Inc. dated February 2012 is attached hereto as Exhibit i. This Air Monitoring Plan shall be followed for the duration of the mine unless amended by the Committee.
6. If the State of Minnesota adopts standards for ambient silica dust, Operator shall be required to comply with those standards.

VIII. RECLAMATION

A. Reclamation Plan:

1. Reclamation shall be in substantial conformance with Exhibit u of the Interim Use Permit Application dated March 12, 2012.
2. When mining is completed, a registered engineer shall certify to the County and Townships that the site has been restored in accordance with the Reclamation Plan dated March 12, 2012 attached hereto as Exhibit U and the Braun Intertec Geotechnical Evaluation Reports attached hereto as Exhibit n.

3. Operator shall be ultimately responsible for all means and methods utilized in the implementation of all mining, processing and reclamation plans. Operator shall implement a process substantially similar to Braun Intertec's reclamation recommendations as stated in Braun's evaluation attached as Exhibit n to the IUP.
4. The Reclamation Plan shall include a frontage road in the location identified on Exhibit u of the Interim Use Permit Application dated March 12, 2012. The Operator shall dedicate the right-of-way for the frontage road in a location reasonably acceptable to the Townships and shall be responsible for the cost of constructing the frontage road to the Townships' road specifications at the time the property is developed for its end use. It is understood that the frontage road will not be constructed until the mining operation is complete, at the earliest.
5. Buildings not used for the mining operations shall be removed. At the conclusion of the mining operation the processing plant shall be removed from the site unless an acceptable use can be identified for the building in the sole discretion of the County. Security for reclamation shall remain in place until the processing plant is removed or an alternate use is identified for the building.
6. The stockpiled topsoil must be re-spread on the site and shall not be sold or removed.

B. Reclamation Standards:

1. Reclamation shall be conducted in the general sequence and manner as described in the Reclamation Plan included herein as Exhibit u.
2. Reclamation shall be on-going with back filling of areas and establishment of vegetation proceeding as soon as practical after a mining area has been completed.
3. Reclamation shall follow the RMP vegetation requirements.
4. Any revision in content of the above referenced reclamation plans will require Operator to submit the proposed revisions to the plan to Scott County Planning and Zoning and receive approval from the Scott County Board prior to implementation of the revised plan.
5. Operator shall report all reclamation activities in the Annual Report to be submitted to Scott County, the Townships and the Committee.

6. Operator shall engage a geotechnical engineer to design and periodically observe the reclamation backfilling and monitoring processes (including surcharge monitoring) and provide reports on such activities to the County, the Townships and the Committee when received by Operator from the geotechnical engineer.
7. At the conclusion of the reclamation process the Operator's geotechnical engineer must perform a post reclamation evaluation and certify to the County, the Townships and the Committee that the reclaimed areas are suitable for future end use of the Subject Property. In the case of Township road corridors in reclaimed areas, the geotechnical engineer must provide certification to the Operator and the Townships that settlements shall not exceed the maximum projected limits referenced in Section D of in Braun's evaluation attached as Exhibit n to this IUP, specifically limiting anticipated settlements to less than 1 inch for pavements and buildings for the final condition. The settlement must be evenly distributed such that spot settlements or shear settlements shall not occur.

IX. LIGHTING

All lighting at the mine shall comply with the Photometric Plan attached hereto as Exhibit j. Further, prior to installing any new or temporary outdoor lighting not referenced in Exhibit j, other than emergency lighting, Operator shall submit an outdoor lighting plan to both Scott County, the Townships and the Committee and receive approval prior to implementation of the revised plan, which approval shall not be unreasonably withheld.

X. INSPECTIONS

The premises and operations shall be available for inspections by the authorized County inspectors, as specified by the County Board and members of the Committee and Township Officers, within normal company working hours upon reasonable advance notice to the Operator. Any inspectors must identify themselves to an employee of the Operator before entering onto the property and must be escorted by an employee of the Operator at all times to ensure the safety of the inspectors. Inspectors shall receive hardhats, safety glasses and reflective vests from the Operator upon arrival. Inspectors will be required to provide all other safety equipment they may desire are that may be required in compliance with the applicable State and Federal laws and regulations.