

PLANNING AND ZONING ADVISORY COMMISSION AGENDA

Date: Tuesday, September 19, 2023

Time: 6:00 p.m. (doors open at 5:45)

Location: Nicollet County Board Room, 501 S. Minnesota Avenue, St. Peter, MN

Copies of the meeting agenda and packet are available on the Nicollet County website at:
<https://mn-nicolletcounty.civicplus.com/AgendaCenter>

Questions or comments regarding the meeting can be directed to Spencer Crawford, Deputy Zoning Administrator, at 507-934-7071, or spencer.crawford@co.nicollet.mn.us

1. Call to Order
2. Roll Call
3. Review of Cancellations and Additions
4. Approval of Minutes: *August 21, 2023*
5. Public Appearances
6. **PUBLIC HEARING: PLN 23-11**
 - Applicant: Ulland Brothers Inc.
 - Landowner: Ulland Brothers Inc.
 - Request: 3-year Mineral Extraction CUP renewal in the Agricultural Preservation & Conservancy Zoning Districts
 - Location: Northwest ¼ of the Northwest ¼ & Southwest ¼ of the Northwest ¼, Section 09-109-29 in Courtland Township
 - Parcel Number: 04.309.0210
7. **PUBLIC HEARING: PLN 23-12**
 - Applicant: Ulland Brothers Inc.
 - Landowner: Ulland Brothers Inc.
 - Request: 3-year Mineral Extraction CUP renewal in the Agricultural Preservation, Conservancy & Shoreland Zoning Districts
 - Location: Southeast ¼ of the Southwest ¼, Section 10-109-29 & the Northeast ¼ of the Northwest ¼, Section 15-109-29 in Courtland Township
 - Parcel Number: 04.310.0705 & 04.315.0205
8. **PUBLIC HEARING: PLN 23-13**
 - Applicant: Matt & Shari Brostrom
 - Landowner: GP-75 LLC

Mission Statement

Providing efficient services with innovation and accountability.

Vision Statement

Setting the standard for providing superior and efficient county government services through leadership, accountability and innovation to a growing and diverse society.

Core Values

Leadership. Integrity. Accountability. Efficiency. Innovation.

Request: 3-year Mineral Extraction CUP renewal in the Conservancy Zoning District
Location: Northeast ¼ of the Southeast ¼ & the Southeast ¼ of the Southeast ¼, Section 32-111-26 in Lake Prairie Township

Parcel Number: 07.132.1505

9. **PUBLIC HEARING: PLN 23-14**

Applicant: Matt & Shari Brostrom

Landowner: Gulf Shore LLC

Request: 3-year Mineral Extraction CUP renewal in the Conservancy Zoning District

Location: G.L. 6 & the Northeast ¼ of the Northeast ¼, Section 05-110-26 in Traverse Township

Parcel Number: 12.104.0100 & 12.105.0400

10. Review Permits
11. Old Business
12. Other Business
13. Communications
14. Adjourn

PLANNING COMMISSION REGULAR MONTHLY MEETING MINUTES

AUGUST 21, 2023	7:43 PM	NICOLLET COUNTY BOARD ROOM
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ROLL CALL	COMMISSIONERS PRESENT	COMMISSIONERS ABSENT EXCUSED	NICOLLET COUNTY STAFF PRESENT
	☒ Dave Ubel, <i>Chair</i> ☒ Jon Thoreson, <i>Vice Chair</i> ☒ Marie Dranttel, <i>Commissioner</i> ☒ Lloyd Hoffmann ☒ Justin Laven ☒ Randy Schwab	☐ Dave Ubel, <i>Chair</i> ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab	☒ Spencer Crawford, Deputy Zoning Administrator (DZA) ☒ Roxann Klein, Assistant County Attorney (ACA) ☒ Shana Jackson, County Assessor (Assessor) ☒ Crystal Madden, Recording Secretary ☐ Other Staff: ☐ Other Staff:

REVIEW OF CANCELLATIONS & ADDITIONS	DZA Crawford requested the Commission move Agenda Item #9: By-Law Revision approval, to the first order of business before the public hearing. A motion was made by Vice Chair Thoreson, and seconded by Commissioner Laven to adopt the updated Planning Commission By-Laws. The vote passed 6-0.
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APPROVAL OF MAY 15, 2023 MINUTES	MOTION	2 ND
APPROVE	☐ Dave Ubel, <i>Chair</i> ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☒ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab	☐ Dave Ubel, <i>Chair</i> ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☐ Justin Laven ☒ Randy Schwab
VOTE TO APPROVE MINUTES	☒ PASS ☐ FAIL	VOTE: 6 - 0

PUBLIC APPEARANCES	None.
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PUBLIC HEARINGS – Conditional Use

PLN23-07	APPLICANT/LANDOWNER: Chuck Peters/Peters Family LLLP	
DESCRIPTION	Request for conditional use approval to construct and operate a 744 animal unit swine feedlot wean to finishing barn with an underfloor liquid manure storage area within the Agricultural Preservation Zoning District.	
CONFLICT OF INTEREST	Commissioner Laven recused himself from this discussion due to a conflict of interest.	
SITE VISIT & PUBLIC CONTACT	Commissioner Schwab visited the site. There was no contact with Commissioners from members of the public.	
STAFF REPORT PRESENTED BY	DZA Crawford	
APPLICANT TESTIMONY	Present to represent the application was Chuck Peters, 41129 State Highway 99, St. Peter	
PUBLIC TESTIMONY	No one was present to provide public testimony. No other correspondence was received.	
COMMISSION DISCUSSION	Further discussion between the Applicant, Commission, and Staff took place.	
COMMISSION ACTION - CONDITIONS	MOTION	2ND
RECOMMEND APPROVAL WITH CONDITIONS, as recommended	☐ Dave Ubel, <i>Chair</i> ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☐ Justin Laven ☒ Randy Schwab	☐ Dave Ubel, <i>Chair</i> ☐ Jon Thoreson, <i>Vice Chair</i> ☒ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab

VOTE TO RECOMMEND APPROVAL	☒ PASS	☐ FAIL	VOTE: 5 - 0
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COMMISSION ACTION – FINDINGS OF FACT	MOTION	2 ND
Vote to APPROVE THE FINDINGS OF FACT AS STATED	☐ Dave Ubel, <i>Chair</i> ☒ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab	☐ Dave Ubel, <i>Chair</i> ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☐ Justin Laven ☒ Randy Schwab
	☒ PASS	☐ FAIL
		VOTE: 5 - 0

ADDITIONAL ITEMS			
OLD BUSINESS	None.		
OTHER BUSINESS	None.		
COMMUNICATIONS	None.		
MOTION TO ADJOURN MEETING	MOTION	2 ND	
08:18 PM	☐ Dave Ubel, <i>Chair</i> ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☐ Justin Laven ☒ Randy Schwab	☐ Dave Ubel, <i>Chair</i> ☒ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab	
VOTE TO ADJOURN MEETING	☒ PASS	☐ FAIL	VOTE: 6 - 0

CRYSTAL MADDEN, RECORDING SECRETARY		DATE	9/19/2023
DAVE UBEL, CHAIR		DATE	9/19/2023



CONDITIONAL USE PERMIT

MINERAL EXTRACTION PERMIT RENEWAL

Ulland Brothers Inc.

PLN23-11

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	Three year review of a mineral extraction conditional use permit; PLN23-11
APPLICANT:	Ulland Brothers Inc.
LANDOWNER:	Ulland Brothers Inc.
LOCATION:	Northwest ¼ of the Northwest ¼ & the Southwest ¼ of the Northwest ¼, Section 09-109-29 in Courtland Township
PARCEL NO:	04.309.0210
EXISTING ZONING:	Agricultural Preservation & Conservancy Zoning Districts
HEARING DATE:	09/19/2023
COUNTY BOARD DATE:	09/26/2023

REQUEST

The Applicant is requesting a three (3) year review of their mineral extraction permit to mine, crush, and stockpile gravel, and operate a bituminous/concrete batch plant on site.

ORDINANCE

Mineral extraction operations are required to renew their conditional use permit every three (3) years per Nicollet County Zoning Ordinance 724.2 (3).

The renewal seems to meet all the requirements as listed in Nicollet County Zoning Ordinance Section 724 Mineral Extraction.

PROJECT DESCRIPTION

Timeline:



Operations:

The Applicant states they have removed 70,458 tons of material from the sixteen (16) acre aggregate mine over the past three (3) years, and they currently operate a concrete batch plant on site for the Highway 14 project. Concrete rubble is stored in piles for reclamation by mixing it with mined material at the plant. The stored concrete is for mixing purposes only, and will not be buried on site. Equipment used is typical for a gravel pit, including front end loaders, excavators, and trucks.

The pit contains an estimated 600,000 yards, to be extracted in the future, of fine to course gravel extending 25 feet below the current elevation of 890 feet. The property has been mostly mined up to the required setback in all directions, with future operations taking place in a small untouched area in the north and downwards. The rate of extraction is dependent on demand, and varies from year to year.

Access:

The site has direct access to County Road 25 via a gated path leading down to the pit. The entrance is paved to help remove mud and gravel from the tires of departing trucks.

Appearance:

The facility is not visible from the Minnesota River and is shielded from the road and neighboring properties by berms.

Blasting:

No blasting occurs on the site.

Bond Requirements:

The Applicant has submitted an updated bond in the amount of \$45,000 to cover the actively mined, and the not yet reclaimed acres. The bond amount is \$2,500 per acre due to the pit pre-existing the 2014 Mineral Extraction Zoning Ordinance amendment requiring \$5,000 per acre.

Hours of Operation:

The pit operates from 7 a.m. to 7 p.m., with a 30 minute warm up period starting at 6:30 a.m. in which the equipment is idling but not in use. Nicollet County Zoning Ordinance 724.5 (9) limits the hours of operation for mineral extraction from 7 a.m. to 7 p.m.

Stormwater:

Stormwater on the site drains into a sedimentation pond on the southern part of the property, which naturally filters water into the ground. The Applicant has submitted a Stormwater Pollution Prevention Plan (SWPPP).

Dust, Noise, & Odor Control:

When needed, misters are used in the crushing process and water is spread on the access road to control dust. Noise and odor are not expected to be outside of the typical range for a gravel pit and concrete batch plant.

Reclamation Plan:

The Applicant has submitted a restoration plan showing a pond in the middle of the property gradually rising up with 3:1 slopes to the property line. Slopes will be seeded with MNDOT mix 35-541. A description of the mix was submitted by the Applicant.

Waste Disposal:

No hazardous materials are stored on site. When delivered, fuel and oil are put directly into the equipment.

SURROUNDING LAND USE

The surrounding land use is mixed, with the City of Courtland to the west; farmland to the north and south; and other mineral extraction pits to the east.

MINNESOTA POLLUTION CONTROL AGENCY STANDARDS

The Applicant has submitted a National Pollutant Discharge Elimination System (NPDES) Permit from the Minnesota Pollution Control Agency that expires on May 31, 2027.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 505.3 of the Zoning Ordinance and Minnesota State Statute 394.26.

CONDITIONAL USE PERMIT CRITERIA

1. **Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.**
 - Mineral extraction is a conditionally permitted use in the Agricultural Preservation & Conservancy Zoning Districts.
 - The use is similar to other mineral extraction operations within the County.

- The Applicant has a valid NPDES Permit and is not using explosives nor storing hazardous waste.
- 2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.**
- The size and function of the facility is not unreasonable for the location.
 - It appears the burden on public infrastructure will be minimal.
- 3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.**
- The mineral extraction operation is surrounded by a berm, which shields it from surrounding land uses.
 - No unreasonable noise, odor, or glare is expected. The Applicant has a method of controlling dust and preventing debris from entering the road.
 - The Applicant has a procedure in place to handle and resolve complaints.
 - An end use plan is on file, and the Applicant will be required to restore the property when extraction operations cease.
- 4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.**
- The operation appears to be typical for mineral extraction within the County.
 - The proposal meets the required setbacks for the Agricultural Preservation and Conservancy Zoning Districts.
 - The use adheres to the applicable standards of Sections 724.5(3) and 724.5(16) of the Zoning Ordinance for the appearance and screening of mineral extraction facilities.
- 5. The requested use is consistent with the Nicollet County Land Use Ordinances.**
- The request meets the applicable standards and requirements found in Sections 505, 602, 603, and 724 of the Zoning Ordinance for mineral extraction conditional use permits.
- 6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.**
- The Comprehensive Plan states that the aggregate industry provides vital jobs for residents and revenue for local businesses.

- The Comprehensive Plan states that Nicollet County will continue to work with aggregate businesses, such as this one, to ensure that these operations can continue in a sustainable and environmentally friendly manner.
- 7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.**
- The use adheres to the standards of Sections 724.5(7), 724.5(9), and 724.5(13-14) of the Zoning Ordinance for dust control and air quality; hours of operation; noise and vibrations; and road dust and debris.
 - Roads are treated to control dust as needed.
 - No blasting takes place on site.
- 8. The requested use is reasonably related to the existing land use and environment.**
- Mineral extraction is a conditionally permitted use in the Agricultural Preservation & Conservancy Zoning Districts.
 - Gravel has been extracted from this site since 1986, and there are usable deposits to be mined in the future.
 - The mineral extraction operation is similar to the surrounding gravel pits.
- 9. There are no apparent unreasonable health risks posed to neighbors or the public in general.**
- The Applicant has a valid NPDES Permit.
 - The Applicant is not using explosives nor storing hazardous waste.
 - Any changes to the operation will require an amended conditional use permit.
- 10. The requested use will/will not have an adverse effect upon public health, safety and welfare due to the following other factors:**
- The request, as proposed, appears to meet County standards with no apparent adverse effects to public health, safety, and welfare.

RECOMMENDATIONS

1. The Applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
2. The conditional use permit will be periodically reviewed by the County to assure compliance with the permit and permit conditions.
3. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions, and all other applicable statutes, rules, and ordinances.
4. The conditional use permit to mine, crush, and stockpile gravel and operate a bituminous/concrete batch plant on site will be reviewed in September 2026.
5. The bond shall be amended as needed to cover the amount of actively mined acres and not yet reclaimed acres. The bond must be kept in force during the time of operation.
6. A continuation certificate of the bond shall be sent to the Property Services Division with no lapse in time during the course of this permit.
7. The contractor shall take the appropriate action to minimize the dust on the road from hauling.

Applicant/Landowner: Ulland Brothers Inc.

PLN23-11

ATTACHMENT A	Application
ATTACHMENT B	Location Map
ATTACHMENT C	Aerial Map
ATTACHMENT D	Submitted by Applicant
ATTACHMENT E	Site Photographs
ATTACHMENT F	Neighbor Notification List
ATTACHMENT G	Criteria for Conditional Use Permit



PROPERTY SERVICES DIVISION

501 S MINNESOTA AVENUE, SAINT PETER, MN 56082

507-934-7070

PLANNING & ZONING ADVISORY COMMISSION APPLICATION

TOTAL FEES: \$496.00

Map#: 16-09-100-004

Parcel#: 04.309.0210

Permit#: PLN23-11

Date: 8/23/2023

Applicant: Ulland Borthers Inc

Telephone: 507 373 1960

Owner: Ulland Borthers Inc

Property Address: 04.309.0210

Abbreviated Legal Description: SWNW & NWNW 9-109-29 Part

Township: Courtland Township

Zoning District(s): AGRICULTURAL
CONSERVANCY

Record Type: Conditional Use Permit

Subtype: New

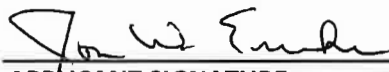
Category: Other

Description: Mineral Extraction CUP Renewal

G.C. Licence#: n/a

Job Cost: n/a

PERMIT EXPIRATION DATE: 8/23/2024



APPLICANT SIGNATURE

8/23/2023

DATE



PROPERTY SERVICES

08/23/23

DATE

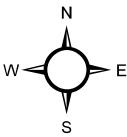
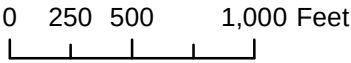
ATTACHMENT A
Application



ATTACHMENT B
Aerial Map



ATTACHMENT C
Location Map



Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. The user accepts the data "as is", and assumes all risks associated with its use. By acceptance of this data, the user agrees not to transmit this data or provide access to it or any part of it to another party.



MINERAL EXTRACTION CHECKLIST

The following information is required to be provided for a conditional use permit application. Additional information may be required, as determined necessary by the Zoning Administrator and per Section 724 of the Zoning Ordinance.

NUMBER OF ACRES AS FOLLOWS:

18.37 Acres being mined or used for mining purposes (stockpiles, equipment storage, haul roads, etc).
0 Acres permitted and remaining to be mined in future phases.
0 Acres where land reclamation has occurred.
0 Acres not permitted to be mined (non-mining related acres).
18.37 Total acreage of property.

TONNAGE OF MATERIAL REMOVED:

70,458.00 Tons of material removed from site over the past three (3) years, or since last permit renewal date.

Include a copy of the renewed **BOND** or **LETTER OF CREDIT** for the site. Continuation letters must to be sent to the Property Services Office on years when the permit is not scheduled for renewal.

PLEASE PRINT:

Property Owner: Ulland Brothers Inc.
 Owner's Address: 1634 Highway 210, Carlton, MN 55718
 Contractor working the site: Ulland Brothers Inc.
 Contractor's address: 2501 East Main, Albert Lea, MN 56007
 Contractor's phone number: 507-373-1960
 Date: 8/22/2023
 Applicant (Landowner or Contractor) Signature: Mitch Froehlich
Mitch Froehlich (Aug 31, 2023 14:05 CDT)
 Parcel No. 04.309.0210 Map No. _____ Revised 11-29-18 JH

ATTACHMENT D
Submitted by Applicant

Mission Statement
Providing efficient services
with innovation and accountability.

Leadership. Efficiency.
Accountability. Innovation.
Integrity.

Vision Statement
Setting the standard for providing superior and
efficient county government services through
leadership, accountability and innovation to a
growing and diverse society.

Mineral Extraction

Final Audit Report

2023-08-31

Created:	2023-08-31
By:	Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAA9XIPUHgxQyDgb_Lti4uhq4MhJNYZD8vW

"Mineral Extraction" History

 Document created by Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
2023-08-31 - 6:15:50 PM GMT

 Document emailed to Mitch Froehlich (mfroehlich@ulland.com) for signature
2023-08-31 - 6:16:21 PM GMT

 Email viewed by Mitch Froehlich (mfroehlich@ulland.com)
2023-08-31 - 7:08:57 PM GMT

 Document e-signed by Mitch Froehlich (mfroehlich@ulland.com)
Signature Date: 2023-08-31 - 7:09:16 PM GMT - Time Source: server

 Agreement completed.
2023-08-31 - 7:09:16 PM GMT

Ulland Brothers Pit 1 Narrative.

4.1 Ulland Brothers believes the aggregate in pit 1 extends at least 25' below the current pit floor elevation of 890 feet with a usable quantity of approx. 600,000 yards. This material ranges from coarse to fine and can be used for various MNDot graded materials.

4.2 If Ulland needs to use water for dust control on the crushers we will use water out of the stormwater pond onsite and reincorporate the slurry that is produced back into the gravel product being produced. The water usage for this process is minimal (15GPM or less).

4.3 Site erosion and sediment control plan- Storm water and the minimal processing water will not leave the site. Instead water is directed to a sediment pond where the water will infiltrate into the ground. If the sediment pond should need to be cleaned out the sediment would be reincorporated with the crushing process. Other BMPs include stabilized perimeter berms and a paved driveway to help with track out.

4.4 Restorative vegetation will be consistent with the type, density and species in the reclamation plan. Most likely this area will become a wetland/ wildlife area.

4.5 Vehicles and equipment onsite will be crushing/screening plants, hot mix plants, concrete batch plants, front end loaders, excavators and personal vehicles.

4.6 Average daily traffic will depend on local workload and demand. Currently average vehicle traffic is about 10/week in the construction season.

4.7 Trucks will be loaded with a front end loader that has a built in scale as to not overload the truck and keep a track of quantities out of the pit.

4.8 Pit 1 has a long paved entrance which provides opportunity for the trucks to leave mud and debris in the pit. Ulland would also sweep the paved pit road and the area near the driveway on CSAH 25 if the need arises.

4.9 Mitigation for Noise and Dust- Ulland Pit 1 sits at a lower elevation than the surrounding area. Berms and trees provide screening barriers. If necessary a mister system may be used on the crushing process.

4.10 Only water will be used for dust control in processing operations.

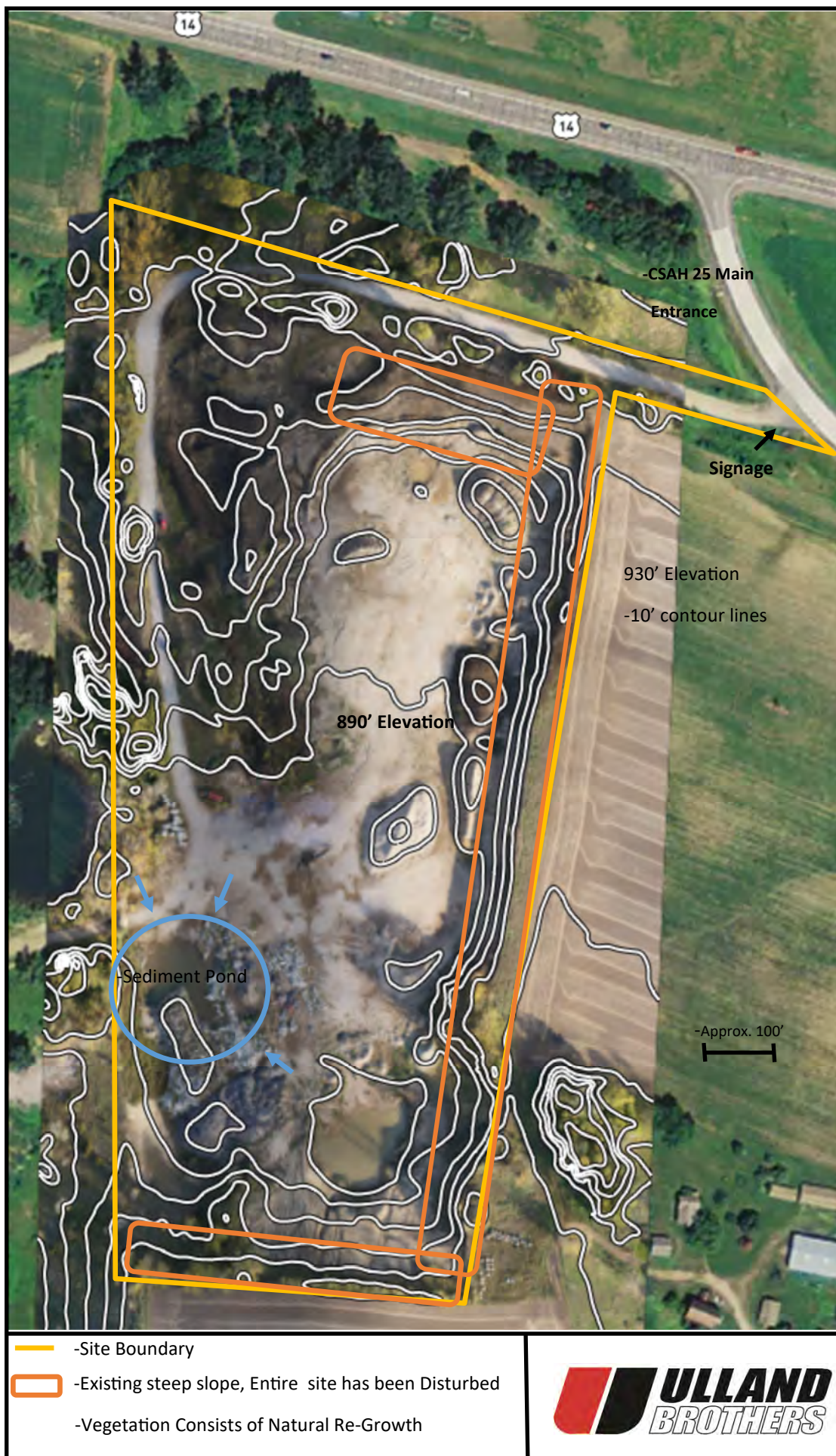
4.11 No hazardous materials will be stored onsite. Fuel and oils will be delivered to the site and directly put into the machine that will be consuming the product.

4.12 Part of Ulland's sustainability program is the use of recycled material in aggregate processing. These materials include concrete rubble and bituminous millings. Materials of this nature will be collected and managed onsite until the quantity allows processing to become economically feasible.

4.13 Ulland Brothers prefers to receive complaints directly and makes every effort to mitigate the nuisance as soon as possible. In the event Nicollet County received a complaint and forwarded it to Ulland Brothers representative it would be handled in safe and timely manner.

4.14 Ulland is proposing operations be between 7am and 7pm with a warm up period of 6:30 am to 7:00 am where mobile equipment may be idling but not moving.

4.15 See attached NDPES Permit.





- -Property Boundary
- -Next Phase. Mined to approx. 890' elevation
- -Stripping and Topsoil Pile





- -Property Boundary
- Next Phase. Mined to approx. 890' elevation
- Most of the site has been mined to 890' elev.
Aggregate exists approx. 25' Deeper.

Site will remain active and not be reclaimed in Phases.



Ulland Pit 1 Reclamation Map W1/2 of the NW1/4 of Section 9-109-29 In Courtland Township



-  -Property Boundary
-  -Finished Slopes 3:1. Stabilized with 35-541 (See Attached)
-  -Conceptual Pond Location

Entire site will be reclaimed when source is exhausted.



Slopes and banks will be seeded with the recommended MNDOT seed mixture 35-541 or equal. This seed mix will be planted at least the minimum recommended rate of 12Lbs/ acre with 70% coverage density.

35-541

Mesic Prairie Southwest

Common Name	Scientific Name	Rate (lb/ac)	Rate (kg/ha)	% of Mix (by weight)	Seeds/ sq ft
little bluestem	<i>Schizachyrium scoparium</i>	1.50	1.68	12.50%	8.27
Indian grass	<i>Sorghastrum nutans</i>	1.50	1.68	12.54%	6.63
big bluestem	<i>Andropogon gerardii</i>	0.90	1.01	7.49%	3.30
side-oats grama	<i>Bouteloua curtipendula</i>	0.90	1.01	7.49%	1.98
nodding wild rye	<i>Elymus canadensis</i>	0.90	1.01	7.46%	1.71
slender wheatgrass	<i>Elymus trachycaulus</i>	0.90	1.01	7.46%	2.27
western wheatgrass	<i>Pascopyrum smithii</i>	0.50	0.56	4.15%	1.30
green needle grass	<i>Nassella viridula</i>	0.44	0.49	3.67%	1.70
switchgrass	<i>Panicum virgatum</i>	0.16	0.18	1.30%	0.80
	Grasses Subtotal	7.70	8.63	64.06%	27.96
golden alexanders	<i>Zizia aurea</i>	0.25	0.28	2.06%	1.00
partridge pea	<i>Chamaecrista fasciculata</i>	0.10	0.11	0.84%	0.10
narrow-leaved purple coneflower	<i>Echinacea angustifolia</i>	0.08	0.09	0.65%	0.20
purple prairie clover	<i>Dalea purpurea</i>	0.07	0.08	0.61%	0.40
gray-headed coneflower	<i>Ratibida pinnata</i>	0.07	0.08	0.61%	0.80
blue vervain	<i>Verbena hastata</i>	0.07	0.08	0.61%	2.50
Canada milk vetch	<i>Astragalus canadensis</i>	0.06	0.07	0.53%	0.40
Early Sunflower	<i>Heliopsis helianthoides</i>	0.06	0.07	0.50%	0.14
black-eyed susan	<i>Rudbeckia hirta</i>	0.06	0.07	0.49%	2.00
Canada tick trefoil	<i>Desmodium canadense</i>	0.05	0.06	0.45%	0.11
hoary vervain	<i>Verbena stricta</i>	0.05	0.06	0.41%	0.50
wild bergamot	<i>Monarda fistulosa</i>	0.04	0.04	0.29%	0.90
white prairie clover	<i>Dalea candida</i>	0.03	0.03	0.24%	0.20
rough blazing star	<i>Liatris aspera</i>	0.03	0.03	0.28%	0.20
stiff goldenrod	<i>Oligoneuron rigidum</i>	0.03	0.03	0.28%	0.50
smooth aster	<i>Symphyotrichum laeve</i>	0.03	0.03	0.25%	0.60
great blazing star	<i>Liatris pycnostachya</i>	0.02	0.02	0.21%	0.10
	Forbs Subtotal	1.10	1.23	9.31%	10.65
Oats	<i>Avena sativa</i>	3.20	3.59	26.63%	1.42
	Cover Crop Subtotal	3.20	3.59	26.63%	1.42
	Total	12.00	13.45	100.00%	40.03
Purpose:	Regional mesic prairie reconstruction for wetland mitigation, ecological restoration, or conservation program plantings.				
Planting Area:	North-Central Glaciated Plains Section. Mn/DOT Districts 3A(southwest) 3B, 4(south), 7 & 8.				

EXTENSION CERTIFICATE**EXTENSION CERTIFICATE TO BE FILED WITH OBLIGEE**

To be attached to and form a part of Bond Number **82522909** executed by **FEDERAL INSURANCE COMPANY** as Surety.

Principal: ULLAND BROTHERS, INC.

Obligee: Nicollet County

Description: Compliance Bond Only - Where the bond runs to a state or municipality only, and guarantees that the principal will comply with the state statute, regulation or municipal ordinance governing the business or activity being conducted

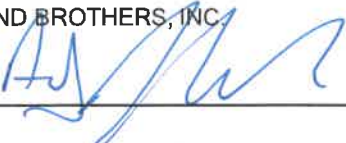
In the sum of: \$45,000.00

Bond dated: 04-19-2019

Said Principal and said Surety hereby agree that the term of said bond is extended from the **04/19/2023** to the **04/19/2024**, subject to all other provisions, conditions and limitations of said bond, upon the express condition that Surety's liability during the original term of said bond and during any extended term shall not be cumulative and shall in no event exceed the sum of **\$45,000.00**.

In witness whereof, the said Principal and said Surety have signed this certificate this **01/01/2023**.

ULLAND BROTHERS, INC.

By 

FEDERAL INSURANCE COMPANY

By 

Dawn M. Chloros

Producer: I00017

NORTH RISK PARTNERS LLC

National Pollutant Discharge Elimination System/State Disposal System**MNG490069**

Permittee: Ulland Brothers Inc
Facility name: Ulland Brothers Inc
City or Township: Cloquet, **County:** Carlton
Issuance date: November 18, 2022
Expiration date: May 31, 2027
Modification date: July 14, 2023

The State of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to operate a disposal system at the facility named above and in accordance with the requirements of this permit.

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations.

This permit is effective on the issuance date identified above. This permit expires at midnight on the expiration date identified above.

Signature: *Elise M. Doucette*

This document has been electronically signed.

for the Minnesota Pollution Control Agency

Elise M. Doucette
Supervisor
Industrial Division

Submit eDMRs

Submit via the MPCA e-Services at

https://rsp.pca.state.mn.us/TEMPO_RSP/Orchestrate.do?initiate=true

Submit WQ reports to:

Electronically: wq.submittals.mPCA@state.mn.us

Include *Water quality submittals form*:

<https://www.pca.state.mn.us/sites/default/files/wq-wwprm7-71.docx>

Questions on this permit?

- For eDMR and other permit reporting issues, use the directory listed at the bottom of the DMR page:
<https://www.pca.state.mn.us/business-with-us/discharge-monitoring-reports>
- For specific permit requirements, contact your compliance staff: <https://www.pca.state.mn.us/business-with-us/wastewater-compliance-and-enforcement-staff>
- Wastewater Permit Program general questions, contact: MPCA, 651-282-6143 or 800-657-3938

Ulland Courtland SWPPP

Permit #: MNG490069

Facility Contacts: Ulland Brothers Inc.

Mitch Froehlich

2501 East Main Street

Albert Lea, MN 56007

Standard Industrial Classification No. and Description: Industrial Group Sector 144,
1442 Construction Sand and Gravel

Applicable Narrative Activities: Pit #1 – This project consists of the construction of an approximately 16 acre aggregate mine. This will include a two phase approach, moving from the south to the north. The access will be from the north east of the site. Once completed, the mine will be restored by topsoil redressing the slopes to a 3:1 ratio with a pond feature in the south portion.

Pit #3 – This project consists of the construction of an approximately 38 acre aggregate mine. This will include a three phase approach, moving from the north to the south and west. The access to the two north phases will be from the north west of the site. Once completed, the mine will be restored by topsoil redressing the slopes to a 3:1 ratio. A 200 foot buffer will be maintained from the base of the nearby stream to ensure no disturbance or groundwater issues arise.

Location Access Description: Pit #1 – The site is located adjacent to the east of Courtland, MN directly south of US Highway 14. The site access will be south off of County Road 25 and east of T-163. A vicinity map is included in the Storm Water Pollution Prevention Plan.

Pit #3 – The site is located approximately 1.5 miles east of Courtland, MN and 0.5 miles south of US Highway 14. The site access will be south off of County Road 25 and east of T-163. A vicinity map is included in the Storm Water Pollution Prevention Plan.

County or Counties: Nicollet, Minnesota 56074

Nicollet County

Latitude/Longitude: Pit #1 – 44.2638° N, -94.3306° W

Pit #3 – 44.2537° N, -94.3041° W

Number of acres of the entire property: Pit #1 – The entire property consists of 20 acres of which 16 acres are used for industrial activity.

Pit #3 – The entire property consists of 80 acres of which 38 acres are used for industrial activity.

Storm Water Discharges Associated With Industrial Activity

There will be no stormwater discharge associated with industrial activity. Stormwater that is discharged will be treated with a series of BMP's

The owner is aware that under the Storm Water Pollution Prevention Plan (SWPPP) they are entirely responsible for meeting SWPPP requirements within the boundaries of the sites where they perform industrial activities.

Surface Water(s) Receiving Discharge

No protected or impaired waters that require additional construction requirements. The two water bodies within a 1 mile radius include the Minnesota River east of the Little Cottonwood River mouth, and Morgan Creek. Morgan creek is an unprotected water and the Minnesota River is an Impaired Stream that requires no additional construction requirements according to the Minnesota Pollution Control Agency.

There is a drainage way that passes through the middle of the Pit #3 property. This waterway will have a 200 foot buffer on either side of the stream bank. This will keep any disturbance and sediment out of the waterway.

Nature of the Industrial Activity

The industrial activities of this site will produce construction sand and gravel. A typical sequence of events for such a project begins with clearing the site of any existing structures or unnecessary vegetation. This mining project will include a phased approach. During mining, a temporary depression is excavated for temporary storage and treatment of storm water runoff. Construction of this is usually finished upon stabilization of the final reclamation plan for the entire site.

Groundwater & Dewater

Dewatering will not occur at the site therefore a Minnesota Department of Natural Resources (MN DNR) water appropriations permit is not required. Any material removed from below the water table would be completed utilizing dredging methods.

Blasting and Explosives

No blasting or explosives will be used.

Bond

The applicant will submit the required bond at the approximate time in compliance with the County Codes. The applicant shall also furnish proof to the County yearly that the bond has been renewed upon request.

Elements of the SWPPP

The SWPPP has been prepared to address storm water runoff from industrial activities, to identify and address potential sources of pollution that are reasonably expected to affect the quality of the industrial site. The SWPPP has been developed based on a strategy of reducing pollution at the source, as opposed to treatment before discharge.

The SWPPP will be revised or updated as appropriate whenever any of the following occurs: a change of significant effect on the discharge of pollutants that has not been previously addressed in the SWPPP; site conditions change based on updated plans and specifications; new operators conduct industrial activities under the SWPPP; new areas of responsibility are added; changes are made to the type of best management practices used; or results of inspections or investigations indicate the SWPPP is proving ineffective in eliminating or significantly minimizing pollutants.

The SWPPP has been developed to be compliant with applicable local sediment and erosion control plans. The SWPPP may be retained at an on-site location or as noted on the site notice. Hard copies of the SWPPP will be made readily available upon the request of public officials.

Discharges that occur after the site has undergone final stabilization or following the submission of a notice of termination for the industrial activity are outside of the scope of this SWPPP.

Data used to describe the soil will be obtained from the United States Department of Agriculture's web soil survey and will be included in the SWPPP. A map showing the general location of the site will be included in the SWPPP. A copy of the permit will be included in the SWPPP. A series of site maps will collectively indicate the following:

- drainage patterns and approximate slopes anticipated after major grading activities by either topographic lines or by drawn arrows indicating the general direction of flow;
- areas where soil disturbance will occur by either notations or drawn lines;
- locations of support activities located within one (1) mile of the boundary of the site such as equipment staging areas, material storage areas, material borrow areas, and excavated material disposal areas by either graphical icons or drawn lines;
- locations of all in-place structural controls by either graphical icons, drawn lines, or notations;
- locations of any in-place permanent storm water control measures by either graphical icons or notations;
- surface waters including wetlands either at, adjacent, or in close proximity to the site by either drawn lines or notations;
- locations where existing vegetation or stabilization practices are used by either drawn lines or notations;

If future projects within the site are proposed at a later date, the SWPPP will be revised by including the site map of the new project. Site maps will be provided for each area of soil disturbance permitted within the scope of the SWPPP.

Potential Pollutants and Sources

The following potential pollutants can be reasonably expected at industrial sites: industrial debris, litter, chemical wastes, industrial materials, sediment, dust, waste materials, petroleum products, sand, concrete truck wash out water, erosive flow velocity, crushed rock, discarded equipment, acid, sanitary wastes, and other similar pollutants.

Potential pollutants can be reasonably associated with the following typical point sources: fuel tanks, industrial equipment, parked vehicles, waste containers, vehicle traffic, pumps, drainage swales, channels, exposed soil, industrial facility entrances, stored industrial materials, site personnel, concrete trucks, sanitary facilities, and other similar point sources.

Best Management Practices

Best Management Practices (BMPs) have been designed in order to minimize potential sediment and erosion. Erosion and sediment controls have been designed to retain sediment on-site to the maximum extent practicable.

It is the SWPPP Operator's responsibility to ensure that control measures are properly selected, installed, and maintained according to the designer's specifications. Controls will be developed to minimize the off-site transport of litter, industrial debris, and industrial materials. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule will be described in the inspection report and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes will be implemented as soon as practicable.

Sediment Control Practices

Sediment control practices will be used to remove eroded soils from storm water runoff. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls will be utilized for all down slope boundaries of the industrial area, and for those side slope boundaries deemed appropriate. These perimeter controls will be installed as necessary and will be utilized until a common drainage location is established. At that time, a sedimentation basin will be utilized where feasible. If a sedimentation basin is not feasible, then equivalent control measures will be utilized until final stabilization of the site and the reasons why the basin was infeasible will be noted. The following sediment control BMPs can be reasonably expected at industrial sites: silt fences, sand/rock bags, berms, sedimentation basins, rock dams, inlet protection barriers, surge dams, use of existing vegetation, and other similar measures. Any additional or unique sediment control BMPs will be addressed on the project's site map.

Pollution Prevention Practices

Pollution prevention practices will be designed to minimize pollutants from industrial and waste materials which will be stored on-site. Controls will be used to minimize, to the maximum extent practicable, the off-site vehicle tracking of sediments and the generation of dust.

The following pollution prevention BMPs can be reasonably expected at industrial sites: water truck spraying, orderly material storage, orderly equipment storage, proper waste disposal practices, orderly

parking areas, street cleaning, spill prevention practices, use of petroleum sorbents, orderly concrete truck washout areas, use of stabilized construction accesses, use of trash containers, use of portable sanitation facilities, self-contained fuel cells, orderly petroleum product storage, use of dewatering bags, use of temporary velocity dissipation devices, use of flow diversion mechanisms, and other similar measures. Any additional or unique pollution prevention BMPs will be addressed on the project's site map.

Erosion Control and Stabilization Practices

Erosion control and stabilization measures will be initiated as soon as practicable in portions of the site where industrial activities have temporarily ceased. Stabilization measures that provide a protective cover will be initiated as soon as practicable in portions of the site where activities have permanently ceased. These measures will be initiated no more than fourteen (14) days after the industrial activity in that portion of the site that has temporarily or permanently ceased, unless the activity is scheduled to resume within seven (7) days. If soil conditions prohibit the initiation of stabilization measures or vegetative practices, erosion control and stabilization measures will be initiated as soon as practicable.

Where temporary stabilization controls are infeasible, temporary sediment controls will be used along the perimeter of the site to the maximum extent practicable and the reasons why the activity was infeasible will be noted in the inspection report.

The following erosion control and stabilization BMPs can be reasonably expected at industrial sites: establishment of temporary or permanent vegetation, mulching, use of geotextiles, sod stabilization, use of vegetative buffer strips, protection of existing trees and vegetation, slope texturing, and other similar measures. Any additional or unique erosion control and stabilization BMPs will be addressed on the project's site map.

Inspection Procedures

Personnel will inspect disturbed areas of the industrial site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. A site inspection report and annual inspection report will be included in the SWPPP. Sediment and erosion control measures identified in the SWPPP will be inspected to ensure that they are operating correctly. Locations where vehicles enter or exit the site will be inspected for evidence of off-site sediment tracking. The inspections will occur in conformance with standards set by the NPDES permit.

In the event of flooding or other uncontrollable situations which prohibit access to the inspection sites, inspections will be conducted as soon as access is practicable. The dates when major grading activities occur, the dates when industrial activities temporarily or permanently cease on a portion of the site, and the dates when stabilization measures are initiated will be maintained in the inspection report or noted on the site map. The inspection report will summarize the scope of the inspection, the dates of the inspection, major observations relating to the implementation of the SWPPP, actions taken as a result of inspections, and any incidents of non-compliance. If the inspection report does not identify any incidents of non-compliance, the report will be certified by the inspector that the site is in compliance with the SWPPP.

Maintenance Procedures

All protective measures will be maintained in effective operating condition. If it is determined that BMPs are not operating effectively, then maintenance will be performed as necessary to maintain the continued effectiveness of storm water controls, and prior to the next storm event if feasible. If maintenance prior to the next anticipated storm event is impracticable, the reason will be documented in the inspection report and maintenance will be scheduled and accomplished as soon as practicable. The operator will replace or correct erosion and sediment controls that have been intentionally disabled, run-over, removed, or otherwise rendered ineffective immediately upon discovery. If a control has been used incorrectly, is performing inadequately, or is damaged, then the control will be replaced or modified within 24 hours of inspection report. Sediment will be removed from the silt fences (or similar devices) before it reaches 50% of the above-ground height. If sediment escapes the site, accumulations will be removed at a frequency that minimizes off-site impacts, and prior to the next rain event, if feasible.

Spill Response Procedures

Spills of toxic or hazardous substances exceeding reportable quantities (70 gallons or more) need to be reported to the Duty Office of the Minnesota Department of Public Safety at (800) 422-0798. The reportable quantity for oil is five gallons or more on soil or any quantity released to surface waters. The primary and secondary facility contacts will be responsible for notifying appropriate authorities of spill incidents.

Dust and Noise Control Plan

All access roads to the site will continue to be maintained.

Operating procedures will be utilized to the extent possible to control dust and noise to meet the performance standards as regulated in the Ordinance. During any mining operation, water with limited use of chemical binders may be utilized as a last alternative to control any dust problems. Noise levels will not exceed the standards as regulated in MN Rules Chapter 7030.

All mining operations will be conducted in compliance with applicable county, state, and federal regulations. The applicant will consult with the MPCA regarding the Air Emission permitting requirements and the MN DNR and MOH regarding water permitting standards.

Reclamation Plan

A conceptual reclamation plan has been developed in conformance with Nicollet County requirements for the planned after-use of the affected areas and the nature and extent of reclamation. Final reclamation of the site will commence after mining activities cease. Prior to reclamation, all equipment, stockpiles and debris will be removed from the site. The proposed site reclamation will consist of reclaiming the site to a combination of native prairie grassland, future industrial land use, and pond feature. Reclamation will consist of native prairie seeding to open prairie grassland with final grade at a maximum of 3H:1V contours on the side-slopes down to the final excavation depth. Topsoil will be restored to a depth sufficient for plants to become established, which is a minimum of approximately 2-6 inches. The grading will consist of restoring the site with remaining overburden and potentially clean

topsoil from offsite if needed. Grading will be utilized to create a basin that will capture storm water surface runoff from the site and allow stormwater to infiltrate and remain onsite. The undisturbed areas on the site (setback areas) will remain in the current naturally vegetated state. Reclamation areas will be seeded with a native grass mix (MN State Seed Mix 35-221 or a comparable alternative). Preparation, seeding and maintenance should be conducted per BWSR or MnDOT seeding guidelines. Final reclamation will be dependent upon site conditions and the final depths of mining. More information regarding the reclamation plan is listed below.

The applicant wishes to be provided flexibility in the reclaimed elevation with final reclaimed elevation dependent upon the depth of excavation and the amount of material remaining. There is also the possibility of future industrial land use when Pit #1 is reclaimed due to it's adjacency to other operations.

Please note that the reclamation plan developed is conceptual in nature and is subject to changes based on future regional comprehensive planning of this area.







DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
BEECK TIMOTHY L & GLENDA D BEECK	100 HIGHVIEW CT	COURTLAND MN 56021
GITTER EUNICE E REVOCABLE TRUST	100 SHADY OAK DR	COURTLAND MN 56021
DRILL DAVID A & BRENDA F DRILL	100 STONEY POINT RD	COURTLAND MN 56021
MORRISON JAMES M & JESSICA A	101 HIGHVIEW CT	COURTLAND MN 56021
JANOWSKI JAY	103 HIGH VIEW CT	COURTLAND MN 56021
JANNI ROY C & HELEN M	104 HIGH VIEW CT	COURTLAND MN 56021
HOLM JERRY L & JULIE A HOLM	104 SHADY OAK DR	COURTLAND MN 56021
NASH THOMAS E	104 STONY POINT RD	COURTLAND MN 56021
WAIBEL TIMOTHY C & AMBER E WAIBEL	105 HIGH VIEW CT	COURTLAND MN 56021
DRILL BRANT N	105 STONY POINT RD	COURTLAND MN 56021
WILFAHRT DAVID L & BECKY A WILFAHRT	107 HIGH VIEW CT	COURTLAND MN 56021
PIERSON DEBRA A & BRYAN D CLANCY	109 HIGH VIEW CT	COURTLAND MN 56021
DITTRICH LORI J	110 SHADY OAK DR	COURTLAND MN 56021
REINHART PETER J & LINDA REINHART	112 HIGHVIEW CT	COURTLAND MN 56021
BRAUN DALE M & BETTY M BRAUN	113 HIGH VIEW CT	COURTLAND MN 56021
BENTS RALPH W & CAROL A BENTS	116 HIGH VIEW CT	COURTLAND MN 56021
WINDSCHITL KENNETH A & MARY A WINDSCHITL	120 SHADY OAK DR	COURTLAND MN 56021
SCHEID SCOTT & STACY C SCHEID	130 SHADY OAK DR	COURTLAND MN 56021
STOLZ JAMES C	16 FIEMEYER DR	COURTLAND MN 56021
ULLAND BROTHERS INC	1634 HWY 210	CARLTON MN 55718
BERANEK DARLENE J	166 531ST AVE	COURTLAND MN 56021
HANCOCK CONCRETE PRODUCTS LLC	17 ATLANTIC AVE	HANCOCK MN 56244
GIESEKE PAUL & SANDY GIESEKE	20 FIEMEYER DR	COURTLAND MN 56021
GREGG KEVIN	209 SHADY OAK DR	COURTLAND MN 56021
YOST MARK R & LINDA R YOST	212 SHADY OAK DR	COURTLAND MN 56021
DESAER DONALD J & PHYLLIS A DESAER	213 SHADY OAK DR	COURTLAND MN 56021
DOMIER TRAVIS F	24 FIEMEYER DR	COURTLAND MN 56021
DRILL KENNETH A & JANICE E DRILL	28 FIEMEYER DR	COURTLAND MN 56021
RIEGER JOHN J & AMY L RIEGER	32 FIEMEYER DR	COURTLAND MN 56021
COURTLAND (CITY OF)	329 MAIN ST PO BOX 42	COURTLAND MN 56021
GOBLIRSCH DEREK & NATASHA GOBLIRSCH	36 FIEMEYER DR	COURTLAND MN 56021
BODE BONNIE L REVOCABLE TRUST	4 FIEMEYER DR	COURTLAND MN 56021
Tim Harmening- Courtland Township	43370 541st Ave	Courtland, MN 56021
WILLS TAMMY L	45395 STATE HIGHWAY 99	NICOLLET MN 56074
HAVEMEIER BRANDON	50 MAIN ST	COURTLAND MN 56021
TAX FORFEITURE PROPERTY NICOLLET COUNTY AUDITOR	501 S MINNESOTA AVE	SAINT PETER MN 56082-2507
DAVIS DAVID JOHN	51 MAIN ST	COURTLAND MN 56021
DRILL EVELINE - LE	52497 US HIGHWAY 14	COURTLAND MN 56021
DRILL DARIN & KRISTEN DRILL	52605 506TH ST	COURTLAND MN 56021
FOLSOM CAROL	53038 US HIGHWAY 14	COURTLAND MN 56021
DRILL MARVIN R & LISA A	54 ROSYLN RD	NEW ULM MN 56073
RIVER VALLEY ENTERPRISES LLC	54 ROSYLN RD	NEW ULM MN 56073
FIEMEYER DANIEL D	55 MAIN ST	COURTLAND MN 56021
CUNNINGHAM BENJAMIN J & RACHEL D CUNNINGHAM	70 SHADY OAK DR	COURTLAND MN 56021
GROSSMANN LAURA B	8 FIEMEYER DR	COURTLAND MN 56021
ANDERSON WADE & WHITNEY ANDERSON	80 SHADY OAK DR	COURTLAND MN 56021
DUEHN JORDAN	90 SHADY OAK DR	COURTLAND MN 56021
MINNESOTA HARDWOODS LLC	PO BOX 10	COURTLAND MN 56021
MINNESOTA VALLEY FOREST PRODUCTS INC	PO BOX 10	COURTLAND MN 56021



PLANNING COMMISSION

CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

Name of Applicant Ulland Brothers Inc.

Hearing September 19, 2023

Property Owner Ulland Brothers Inc.

Continuation N/A

File PLN23-11

Commission Member

Use Request Three (3) year mineral extraction CUP renewal to mine, crush, and stockpile gravel, and operate a bituminous/concrete batch-plant onsite in the Agricultural Preservation & Conservancy Zoning District

FINDINGS OF FACT

Authority for issuance of conditional use permits is derived from Minnesota State Statute §394.301 and Nicollet County Zoning Ordinance, Section 505. The conditional use must maintain the health, safety, morals, and general welfare of the community.

1. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.

YES ☐ NO ☐ REASON: _____

2. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.

YES ☐ NO ☐ REASON: _____

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

YES ☐ NO ☐ REASON: _____

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

YES ☐ NO ☐ REASON: _____

ATTACHMENT G
Criteria for Conditional Use Permit

5. The requested use is consistent with the County Zoning Ordinance.

YES ☐ NO ☐ REASON: _____

6. The requested use is not in conflict with the County Comprehensive Plan.

YES ☐ NO ☐ REASON: _____

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

YES ☐ NO ☐ REASON: _____

8. The requested use is reasonably related to the existing land use and environment.

YES ☐ NO ☐ REASON: _____

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

YES ☐ NO ☐ REASON: _____

10. The requested use ____ have adverse effect upon public health, safety and welfare due to the following other factors.

WILL ☐ WILL NOT ☐ REASON: _____

THE NICOLLET COUNTY PLANNING COMMISSION

☐ RECOMMENDS APPROVAL OF THE REQUESTED USE

☐ RECOMMENDS DENIAL OF THE REQUESTED USE

THIS DECISION WAS BASED UPON

☐ Application

☐ Site visit

☐ Information received at public hearing

☐ Staff Report

☐ Pictures

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED CONDITIONAL USE AND IN THE RECORD.

FACTS SUPPORTING THE ANSWER TO EACH QUESTION ABOVE ARE HEREBY CERTIFIED AS THE FINDINGS OF THE NICOLLET COUNTY PLANNING COMMISSION.

Date: _____ Commission Member: _____

DRAFT



CONDITIONAL USE PERMIT

MINERAL EXTRACTION PERMIT RENEWAL

Ulland Brothers Inc.

PLN23-12

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	Three year review of a mineral extraction Conditional Use Permit, PLN23-12
APPLICANT:	Ulland Brothers Inc.
LANDOWNER:	Ulland Brothers Inc.
LOCATION:	Southeast ¼ of the Southwest ¼, Section 10-109-29 & the Northeast ¼ of the Northwest ¼, Section 15-109-29 in Courtland Township
PARCEL NO:	04.310.0705 & 04.315.0205
EXISTING ZONING:	Agricultural Preservation, Conservancy & Shoreland Zoning Districts
HEARING DATE:	09/18/23
COUNTY BOARD DATE:	09/26/23

REQUEST

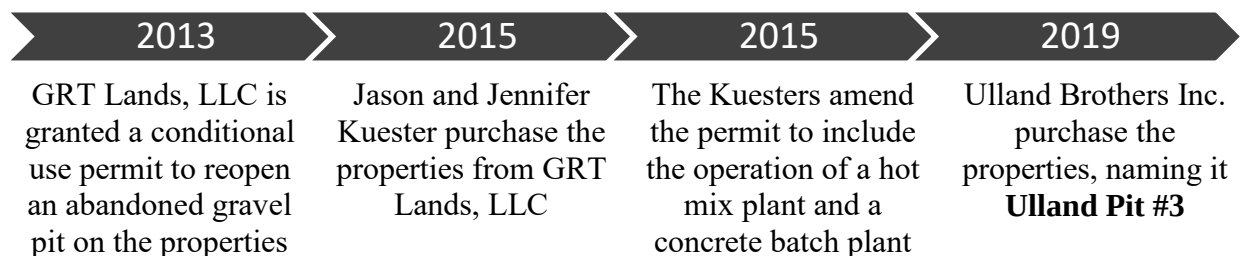
The Applicant is requesting a three (3) year review of their mineral extraction permit to mine, crush, and stockpile gravel, and operate a bituminous/concrete batch plant on site.

ORDINANCE:

Mineral extraction operations are required to renew their conditional use permit every three (3) years per Nicollet County Zoning Ordinance 424.2 (3).

PROJECT DESCRIPTION

Timeline:



Operations:

The Applicant states they have removed 88,841 tons of material from the thirty-eight (38) acre aggregate mine over the past three (3) years. There is a wash plant on site but no hot mix or concrete batch plant, although there may be one placed in the future depending upon need. Equipment used is typical for a gravel pit, including front end loaders, excavators, and trucks. Up to seventy-five (75) trips a day are expected at peak demand, but this will only last for a few weeks during the year.

The pit contains an estimated 6,300,000 yards of fine to course gravel extending twenty-five (25) feet below the current elevation of 890 feet, which will be extracted in the future. Extraction will continue in the current mining area and move northwards. The rate of extraction is dependent on demand, and varies from year to year.

Access:

The site has direct access to 478th Street via a path leading down to the pit. There is a gate, weigh station, and parking area located along the path near the road.

Appearance:

The facility is generally shielded from neighboring properties and the road by a berm in the north and trees in all other directions. Stockpiles that lay outside of the pit area may be visible from the road depending on the time of year and demand for mined materials. The pit is not visible from the Minnesota River.

Setbacks:

The required setbacks appear to have been generally maintained on site, with the exception of the 200 foot Ordinary High Water Mark setback outlined in Nicollet County Zoning Ordinance 724.5 17 (E). Mining activity occurred about one hundred fifty (150) feet away from an unnamed protected tributary in the southwestern part of the pit sometime between 2013-2015. No further mining activity appears to have taken place in this area, and it is currently used to support the road leading down into the pit.

The Applicant has agreed to seed this area with grass to remediate the setback encroachment.

Blasting:

No blasting occurs on the site.

Bond Requirements:

The Applicant has submitted an updated bond in the amount of \$95,000 to cover the actively mined and not yet reclaimed acres. The bond amount is \$2,500 per acre due to the pit pre-existing the 2014 Mineral Extraction Zoning Ordinance amendment requiring \$5,000 per acre.

Hours of Operation:

The pit operates from 7 a.m. to 7 p.m., with a thirty (30) minute warm up period starting at 6:30 a.m. in which the equipment is idled but not used. Nicollet County Zoning Ordinance 724.5 (9) limits the hours of operation for mineral extraction from 7 a.m. to 7 p.m.

Stormwater & Wash Plant Water

Stormwater is controlled through a retention pond in the north, and a combination of berms and rock channels to divert water away from the pit. The rock channels are designed to dissipate energy from the water before it is discharged to prevent erosion. The pit has a valid Stormwater Pollution Prevention Plan.

The site can use up to 57,000 gallons of wash water per day depending on demand, which is deposited into a three (3) pond system for recycling. The water is pumped back to the wash plant after working its way through the ponds to remove sedimentation. Water is pumped from an on-site well to make up for losses during the recycling process.

Dust, Noise, & Odor Control:

When needed, misters are used in the crushing process and water is spread on the access road to control dust. Noise and odor are not expected to be outside of the typical range for a gravel pit and hot mix plant.

Reclamation Plan:

The Applicant has submitted a restoration plan showing a pond in the middle of the northern property with slopes gradually rising up to the property line. Slopes will be seeded with MNDOT mix 35-541. A description of the mix was submitted by the Applicant.

Waste Disposal:

No hazardous materials are stored on site. Fuel and oil is put directly into the equipment when delivered.

EXISTING LAND USE

The eighty (80) acre property consists of two (2) parcels with a pit mine, forest land, and cropland.

SURROUNDING LAND USE

The surrounding land use is mixed, consisting of other gravel pits, farmland, bluff, forest land, and residential homes in all directions.

MINNESOTA POLLUTION CONTROL AGENCY STANDARDS

The Applicant has submitted a National Pollutant Discharge Elimination System (NPDES) Permit from the Minnesota Pollution Control Agency that expires on May 31, 2027.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 505.3 of the Zoning Ordinance and Minnesota State Statute 394.26.

CONDITIONAL USE PERMIT CRITERIA

1. Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.

- Mineral extraction is a conditionally permitted use in the Agricultural Preservation, Conservancy, and Shoreland Zoning Districts.
- The use is similar to other mineral extraction operations within the County.
- The Applicant has a valid NPDES Permit and is not using explosives nor storing hazardous waste.

2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.

- The size and function of the facility is not unreasonable for the location.
- It appears the burden on public infrastructure will be minimal.

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

- The mineral extraction operation is surround by a berm and trees, which mostly shield it from surrounding land uses.
- No unreasonable noise, odor, or glare is expected. The Applicant has a method of controlling dust generated by the wash plant and on the access path.
- The Applicant has a procedure in place to handle and resolve complaints.
- An end use plan is on file, and the Applicant will be required to restore the property when extraction operations cease.

- 4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.**
 - The mineral extraction operation is surround by a berm and trees, which mostly shield it from surrounding land uses.
 - The operation appears to be typical for mineral extraction within the County.
 - The use adheres to the applicable standards of Sections 724.5(3) and 724.5(16) of the Zoning Ordinance for the appearance and screening of mineral extraction facilities.
- 5. The requested use is consistent with the Nicollet County Land Use Ordinances.**
 - The request meets the applicable standards and requirements found in Sections 505, 602, 603, and 724 of the Zoning Ordinance for mineral extraction conditional use permits.
- 6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.**
 - The Comprehensive Plan states that the aggregate industry provides vital jobs for residents and revenue for local businesses.
 - The Comprehensive Plan states that Nicollet County will continue to work with aggregate businesses, such as this one, to ensure that these operations can continue in a sustainable and environmentally friendly manner.
- 7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.**
 - The use adheres to the standards of Sections 724.5(7), 724.5(9), and 724.5(13-14) of the Zoning Ordinance for dust control and air quality; hours of operation; noise and vibrations; and road dust and debris.
 - The Applicant has a method of controlling dust generated by the wash plant and on the access path.
 - No blasting takes place on site.
- 8. The requested use is reasonably related to the existing land use and environment.**
 - Mineral extraction is a conditionally permitted use in the Agricultural Preservation, Conservancy, and Shoreland Zoning Districts.
- 9. There are no apparent unreasonable health risks posed to neighbors or the public in general.**
 - The Applicant has a valid NPDES permit.

- The Applicant is not using explosives nor storing hazardous waste.
- Any changes to the operation will require an amended conditional use permit.

10. The requested use will/will not have an adverse effect upon public health, safety and welfare due to the following other factors:

- The request, as proposed, appears to meet County standards with no apparent adverse effects to public health, safety, and welfare.

RECOMMENDATIONS

1. The Applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
2. The conditional use permit will be periodically reviewed by the County to assure compliance with the permit and permit conditions.
3. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions, and all other applicable statutes, rules, and ordinances.
4. The conditional use permit to mine, crush, and stockpile gravel and operate a bituminous/concrete batch plant on site will be reviewed in September 2026.
5. The bond shall be amended as needed to cover the amount of actively mined acres and not yet reclaimed acres. The bond must be kept in force during the time of operation.
6. A continuation certificate of the bond shall be sent to the Property Services Division with no lapse in time during the course of this permit.
7. The contractor shall take the appropriate action to minimize the dust on the road from hauling and the wash plant.
8. If needed, the Applicant must obtain a water appropriations permit from the Department of Natural Resources.
9. No mineral extraction activity shall take place within two hundred (200) feet from the ordinary high water mark of the public waterway on the property.

Applicant/Landowner: Ulland Brothers Inc.

PLN23-12

ATTACHMENT A	Application
ATTACHMENT B	Location Map
ATTACHMENT C	Aerial Map
ATTACHMENT D	Submitted by Applicant
ATTACHMENT E	Site Photographs
ATTACHMENT F	Neighbor Notification List
ATTACHMENT G	Criteria for Conditional Use Permit



PROPERTY SERVICES DIVISION
501 S MINNESOTA AVENUE, SAINT PETER, MN 56082
507-934-7070

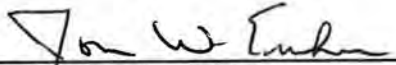
PLANNING & ZONING ADVISORY COMMISSION APPLICATION

TOTAL FEES: \$496.00

Map#: 16-10-300-007 & 16-15-100-006
Parcel#: 04.310.0705 & 04.315.0205
Permit#: PLN23-12
Date: 8/23/2023

Applicant: Ulland Borthers Inc
Telephone: 507 373 1960
Owner: Ulland Borthers Inc
Property Address: 04.310.0705 & 04.315.0205
Abbreviated Legal Description: SESW 10-109-29 & NENW 15-109-29
Township: Courtland Township
Zoning District(s): AGRICULTURAL
CONSERVANCY
SHORELAND
Record Type: Conditional Use Permit
Subtype: New
Category: Other
Description: Mineral Extraction CUP Renewal
G.C. Licence#: n/a
Job Cost: n/a

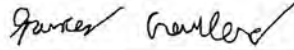
PERMIT EXPIRATION DATE: 8/23/2024



APPLICANT SIGNATURE

8/23/2023

DATE



PROPERTY SERVICES

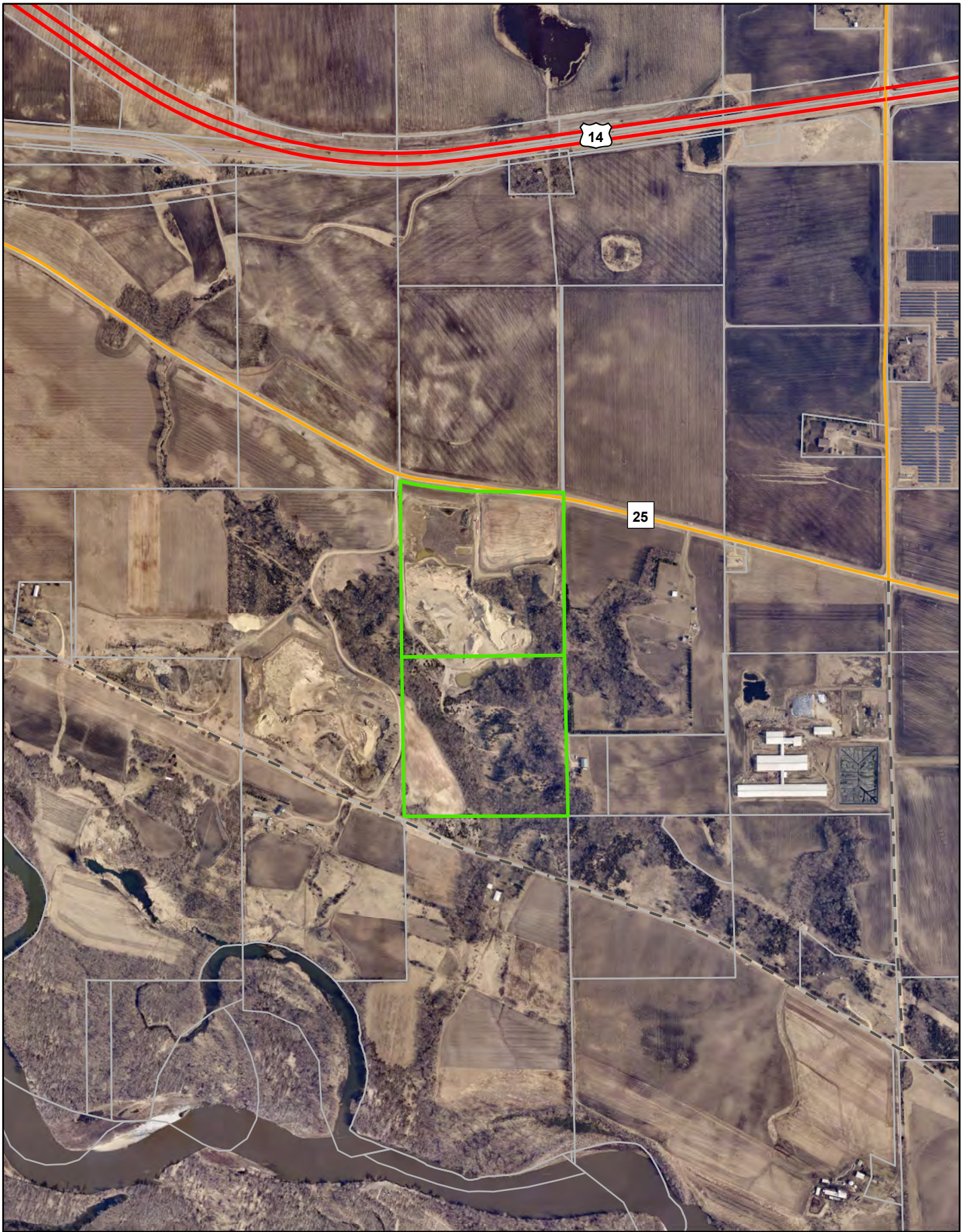
08/23/23

DATE

ATTACHMENT A
Application



ATTACHMENT B
Aerial Map



ATTACHMENT C
Location Map



MINERAL EXTRACTION CHECKLIST

The following information is required to be provided for a conditional use permit application. Additional information may be required, as determined necessary by the Zoning Administrator and per Section 724 of the Zoning Ordinance.

NUMBER OF ACRES AS FOLLOWS:

35 Acres being mined or used for mining purposes (stockpiles, equipment storage, haul roads, etc).
4 Acres permitted and remaining to be mined in future phases.
0 Acres where land reclamation has occurred.
41.42 Acres not permitted to be mined (non-mining related acres).
80.42 Total acreage of property.

TONNAGE OF MATERIAL REMOVED:

88,841.00 Tons of material removed from site over the past three (3) years, or since last permit renewal date.

Include a copy of the renewed **BOND** or **LETTER OF CREDIT** for the site. Continuation letters must to be sent to the Property Services Office on years when the permit is not scheduled for renewal.

PLEASE PRINT:

Property Owner: Ulland Brothers Inc.
 Owner's Address: 1634 Highway 210, Carlton, MN 55718
 Contractor working the site: Ulland Brothers Inc.
 Contractor's address: 2501 East Main, Albert Lea, MN 56007
 Contractor's phone number: 507-373-1960
 Date: 8/22/2023
 Applicant (Landowner or Contractor) Signature: Mitch Froehlich
Mitch Froehlich (Aug 31, 2023 14:09 CDT)
 Parcel No. 04.310.0705 & 04.315.0205 Map No. _____ Revised 11-29-18 JH

Mission Statement
 Providing efficient services
 with innovation and accountability.

Leadership. Efficiency.
 Accountability. Innovation.
 Integrity.

Vision Statement
 Setting the standard for providing superior and
 efficient county government services through
 leadership, accountability and innovation to a
 growing and diverse society.

Mineral Extraction

Final Audit Report

2023-08-31

Created:	2023-08-31
By:	Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAA9XIPUHgxQyDgb_Lti4uhq4MhJNYZD8vW

"Mineral Extraction" History

 Document created by Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
2023-08-31 - 6:15:50 PM GMT

 Document emailed to Mitch Froehlich (mfroehlich@ulland.com) for signature
2023-08-31 - 6:16:21 PM GMT

 Email viewed by Mitch Froehlich (mfroehlich@ulland.com)
2023-08-31 - 7:08:57 PM GMT

 Document e-signed by Mitch Froehlich (mfroehlich@ulland.com)
Signature Date: 2023-08-31 - 7:09:16 PM GMT - Time Source: server

 Agreement completed.
2023-08-31 - 7:09:16 PM GMT

Ulland Brothers Pit 3 Narrative.

4.1 Ulland Brothers believes the aggregate in pit 3 extends at least 25' below the current pit floor elevation of 890 feet with a usable quantity of approx. 6,300,000 yards. This material ranges from coarse to fine and can be used for various MNDot graded materials.

4.2 Ulland will use approx. 57,000 gallons a day at peak washing. Ulland utilizes a 3 pond system that allows us to recycle the majority of our water with minimal make up water. Our make-up water is pumped from an on-site well.

4.3 Site erosion and sediment control plan- Stormwater is filtered through a series of BMP's before it is allowed to leave the site. Process water will not leave the site. Instead water is directed to a sediment pond where the water will infiltrate into the ground. If the sediment pond should need to be cleaned out the sediment would be reincorporated with the crushing process. Other BMPs include stabilized perimeter berms and active agricultural land.

4.4 Restorative vegetation will be consistent with the type, density and species in the reclamation plan. Most likely this area will become a wetland/ wildlife area.

4.5 Vehicles and equipment onsite will be crushing/screening/wash plants, front end loaders, excavators and personal vehicles.

4.6 Average daily traffic will depend on local workload and demand. During Peak demand we expect 75 trips per day, this will only be a few weeks a year.

4.7 Trucks will be loaded with a front end loader that has a built in scale as to not overload the truck and keep a track of quantities out of the pit.

4.8 Pit 3 has a long established entrance which provides opportunity for the trucks to leave mud and debris in the pit. Ulland would also sweep the area near the driveway on CSAH 25 if the need arises.

4.9 Mitigation for Noise and Dust- Ulland Pit 3 sits at a lower elevation then the surrounding area. Berms and trees provide screening barriers. If necessary a mister system may be used on the crushing process.

4.10 Only water will be used for dust control in processing operations.

4.11 No hazardous materials will be stored onsite. Fuel and oils will be delivered to the site and directly put into the machine that will be consuming the product.

4.12 Part of Ulland's sustainability program is the use of recycled material in aggregate processing. These materials include concrete rubble and bituminous millings. Materials of this nature will be collected and managed onsite until the quantity allows processing to become economically feasible.

4.13 Ulland Brothers prefers to receive complaints directly and makes every effort to mitigate the nuisance as soon as possible. In the event Nicollet County received a complaint and forwarded it to Ulland Brothers representative it would be handled in safe and timely manner.

4.14 Ulland is proposing operations be between 7am and 7pm with a warm up period of 6:30 am to 7:00 am where mobile equipment may be idling but not moving.

4.15 See attached NDPES Permit.



N   **ULLAND**
BROTHERS



Ulland Pit 3 Soils Map SE 1/4 SW 1/4 of Section 10-109-29 and the NW 1/4 of the NW 1/4 of Section 15-109-29 Map 1



Summary by Map Unit — Nicollet County, Minnesota (MN103)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
27A	Dickinson loam, 0 to 2 percent slopes	Fair	Dickinson (90%)	Thickest layer (0.00)	0.2	0.1%
				Bottom layer (0.06)		
				Thickest layer (0.00)		
				Bottom layer (0.06)		
27B	Dickinson loam, 2 to 6 percent slopes	Fair	Dickinson (90%)	Thickest layer (0.00)	5.0	2.8%
				Bottom layer (0.06)		
				Thickest layer (0.00)		
				Bottom layer (0.16)		
39B	Wadena loam, 2 to 6 percent slopes	Fair	Wadena (85%)	Thickest layer (0.00)	5.8	3.2%
				Bottom layer (0.16)		
				Thickest layer (0.00)		
				Bottom layer (0.16)		
94B	Terrill loam, 2 to 6 percent slopes	Poor	Terrill (80%)	Thickest layer (0.00)	11.5	6.4%
				Bottom layer (0.00)		
				Thickest layer (0.00)		
				Bottom layer (0.00)		
94C	Terrill loam, 6 to 12 percent slopes	Poor	Terrill (85%)	Thickest layer (0.00)	12.8	7.1%
				Bottom layer (0.00)		
				Thickest layer (0.00)		
				Bottom layer (0.00)		
100B	Copaston loam, 1 to 6 percent slopes	Poor	Copaston (85%)	Thickest layer (0.00)	1.6	0.9%
				Bottom layer (0.00)		
				Thickest layer (0.00)		
				Bottom layer (0.00)		
106C2	Lester loam, 6 to 10 percent slopes, moderately eroded	Poor	Lester, moderately eroded (85%)	Thickest layer (0.00)	17.7	9.8%
				Bottom layer (0.00)		
				Thickest layer (0.00)		
				Bottom layer (0.00)		
			Storden, moderately eroded (10%)	Thickest layer (0.00)		
				Bottom layer (0.00)		
				Thickest layer (0.00)		
				Bottom layer (0.00)		
			Le Sueur (3%)	Thickest layer (0.00)		
				Bottom layer (0.00)		
				Thickest layer (0.00)		
				Bottom layer (0.00)		
			Hamel (2%)	Thickest layer (0.00)		
				Bottom layer (0.00)		
				Thickest layer (0.00)		
				Bottom layer (0.00)		
239	Le Sueur loam, 1 to 3 percent slopes	Poor	Le Sueur (80%)	Thickest layer (0.00)	5.7	3.1%
				Bottom layer (0.00)		
				Thickest layer (0.00)		
				Bottom layer (0.00)		
			Cordova (10%)	Thickest layer (0.00)		
				Bottom layer (0.00)		
				Thickest layer (0.00)		
				Bottom layer (0.00)		
			Webster (5%)	Thickest layer (0.00)		
				Bottom layer (0.00)		
				Thickest layer (0.00)		
				Bottom layer (0.00)		
			Lester (5%)	Thickest layer (0.00)		
				Bottom layer (0.00)		
				Thickest layer (0.00)		
				Bottom layer (0.00)		
336	Delft clay loam, 0 to 2 percent slopes	Poor	Delft (85%)	Thickest layer (0.00)	0.8	0.4%
				Bottom layer (0.00)		
				Thickest layer (0.00)		
				Bottom layer (0.00)		
			Glencoe (8%)	Thickest layer (0.00)		
				Bottom layer (0.00)		
				Thickest layer (0.00)		
				Bottom layer (0.00)		
			Nicollet (5%)	Thickest layer (0.00)		
				Bottom layer (0.00)		
				Thickest layer (0.00)		
				Bottom layer (0.00)		
			Canisteo (2%)	Thickest layer (0.00)		
				Bottom layer (0.00)		
				Thickest layer (0.00)		
				Bottom layer (0.00)		

463A	Minneiska sandy loam, 0 to 2 percent slopes	Poor	Minneiska, occasionally flooded (90%)	Bottom layer (0.00) Thickest layer (0.00)	1.6	0.9%
611F	Hawick loamy sand, 20 to 40 percent slopes	Fair	Hawick (90%) Estherville (10%)	Thickest layer (0.20) Bottom layer (0.42) Thickest layer (0.00) Bottom layer (0.16)	25.0	13.9%
920C2	Clanion-Storden-Pilot Grove complex, 6 to 10 percent slopes, moderately eroded	Poor	Clanion, moderately eroded (47%) Storden, moderately eroded (30%) Terri (2%) Delft (1%)	Bottom layer (0.00) Thickest layer (0.00) Bottom layer (0.00) Thickest layer (0.00) Bottom layer (0.00) Thickest layer (0.00) Bottom layer (0.00) Thickest layer (0.00)	4.7	2.6%
944F	Lester-Storden-Estherville complex, 18 to 70 percent slopes	Poor	Lester (45%) Storden (20%)	Bottom layer (0.00) Thickest layer (0.00) Bottom layer (0.00) Thickest layer (0.00)	5.2	2.9%
945F	Lester-Belview complex, 22 to 40 percent slopes	Poor	Lester (55%) Belview (35%) Terri (10%)	Bottom layer (0.00) Thickest layer (0.00) Bottom layer (0.00) Thickest layer (0.00) Bottom layer (0.00) Thickest layer (0.00) Bottom layer (0.00) Thickest layer (0.00)	17.4	9.7%
960F	Belview-Omsrud complex, 22 to 40 percent slopes	Poor	Belview (50%) Omsrud (30%) Terri (10%) Delft (10%)	Bottom layer (0.00) Thickest layer (0.00) Bottom layer (0.00) Thickest layer (0.00) Bottom layer (0.00) Thickest layer (0.00) Bottom layer (0.00) Thickest layer (0.00)	22.5	12.5%
978	Cordova-Rolfe complex, 0 to 2 percent slopes	Poor	Cordova (60%) Rolfe (30%) Glencoe (5%) Le Sueur (5%)	Bottom layer (0.00) Thickest layer (0.00) Bottom layer (0.00) Thickest layer (0.00) Bottom layer (0.00) Thickest layer (0.00) Bottom layer (0.00) Thickest layer (0.00)	2.4	1.3%
1030	Udorthents-Pits, gravel complex	Poor	Udorthents (50%)	Thickest layer (0.00) Bottom layer (0.00)	12.6	7.0%
L113B	Reedslake-Le Sueur complex, 1 to 6 percent slopes	Poor	Reedslake (59%) Le Sueur (30%) Cordova (7%) Swanlake (4%)	Thickest layer (0.00) Bottom layer (0.00) Thickest layer (0.00) Bottom layer (0.00) Thickest layer (0.00) Bottom layer (0.00) Thickest layer (0.00) Bottom layer (0.00)	27.8	15.4%









Slopes and banks will be seeded with the recommended MNDOT seed mixture 35-541 or equal. This seed mix will be planted at least the minimum recommended rate of 12Lbs/ acre with 70% coverage density.

35-541		Mesic Prairie Southwest			
Common Name	Scientific Name	Rate (lb/ac)	Rate (kg/ha)	% of Mix (by weight)	Seeds/ sq ft
little bluestem	<i>Schizachyrium scoparium</i>	1.50	1.68	12.50%	8.27
Indian grass	<i>Sorghastrum nutans</i>	1.50	1.68	12.54%	6.63
big bluestem	<i>Andropogon gerardii</i>	0.90	1.01	7.49%	3.30
side-oats grama	<i>Bouteloua curtipendula</i>	0.90	1.01	7.49%	1.98
nodding wild rye	<i>Elymus canadensis</i>	0.90	1.01	7.46%	1.71
slender wheatgrass	<i>Elymus trachycaulus</i>	0.90	1.01	7.46%	2.27
western wheatgrass	<i>Pascopyrum smithii</i>	0.50	0.56	4.15%	1.30
green needle grass	<i>Nassella viridula</i>	0.44	0.49	3.67%	1.70
switchgrass	<i>Panicum virgatum</i>	0.16	0.18	1.30%	0.80
	Grasses Subtotal	7.70	8.63	64.06%	27.96
golden alexanders	<i>Zizia aurea</i>	0.25	0.28	2.06%	1.00
partridge pea	<i>Chamaecrista fasciculata</i>	0.10	0.11	0.84%	0.10
narrow-leaved purple coneflower	<i>Echinacea angustifolia</i>	0.08	0.09	0.65%	0.20
purple prairie clover	<i>Dalea purpurea</i>	0.07	0.08	0.61%	0.40
gray-headed coneflower	<i>Ratibida pinnata</i>	0.07	0.08	0.61%	0.80
blue vervain	<i>Verbena hastata</i>	0.07	0.08	0.61%	2.50
Canada milk vetch	<i>Astragalus canadensis</i>	0.06	0.07	0.53%	0.40
Early Sunflower	<i>Heliopsis helianthoides</i>	0.06	0.07	0.50%	0.14
black-eyed susan	<i>Rudbeckia hirta</i>	0.06	0.07	0.49%	2.00
Canada tick trefoil	<i>Desmodium canadense</i>	0.05	0.06	0.45%	0.11
hoary vervain	<i>Verbena stricta</i>	0.05	0.06	0.41%	0.50
wild bergamot	<i>Monarda fistulosa</i>	0.04	0.04	0.29%	0.90
white prairie clover	<i>Dalea candida</i>	0.03	0.03	0.24%	0.20
rough blazing star	<i>Liatris aspera</i>	0.03	0.03	0.28%	0.20
stiff goldenrod	<i>Oligoneuron rigidum</i>	0.03	0.03	0.28%	0.50
smooth aster	<i>Symphyotrichum laeve</i>	0.03	0.03	0.25%	0.60
great blazing star	<i>Liatris pycnostachya</i>	0.02	0.02	0.21%	0.10
	Forbs Subtotal	1.10	1.23	9.31%	10.65
Oats	<i>Avena sativa</i>	3.20	3.59	26.63%	1.42
	Cover Crop Subtotal	3.20	3.59	26.63%	1.42
	Total	12.00	13.45	100.00%	40.03
Purpose:	Regional mesic prairie reconstruction for wetland mitigation, ecological restoration, or conservation program plantings.				
Planting Area:	North-Central Glaciated Plains Section. Mn/DOT Districts 3A(southwest) 3B, 4(south), 7 & 8.				



→ Stormwater runoff direction

★ Well Location

★ Pit Road Stormwater Discharge and Sampling Location.

□ Stormwater Collection Ponds

200 feet

↑
N

ULLAND
BROTHERS



West Road & Slope View 8/28/2023.png

EXTENSION CERTIFICATE**EXTENSION CERTIFICATE TO BE FILED WITH OBLIGEE**

To be attached to and form a part of Bond Number **82522910** executed by **FEDERAL INSURANCE COMPANY** as Surety.

Principal: ULLAND BROTHERS, INC.

Obligee: Nicollet County

Description: Section 10 township 109 range 29 in courtland township

In the sum of: \$95,000.00

Bond dated: 04-19-2019

Said Principal and said Surety hereby agree that the term of said bond is extended from the **04/19/2023** to the **04/19/2024**, subject to all other provisions, conditions and limitations of said bond, upon the express condition that Surety's liability during the original term of said bond and during any extended term shall not be cumulative and shall in no event exceed the sum of **\$95,000.00**.

In witness whereof, the said Principal and said Surety have signed this certificate this **01/01/2023**.

ULLAND BROTHERS, INC

By 

FEDERAL INSURANCE COMPANY

By 

Dawn M. Chloros

Producer: 100017

NORTH RISK PARTNERS LLC

National Pollutant Discharge Elimination System/State Disposal System**MNG490069**

Permittee: Ulland Brothers Inc
Facility name: Ulland Brothers Inc
City or Township: Cloquet, **County:** Carlton
Issuance date: November 18, 2022
Expiration date: May 31, 2027
Modification date: July 14, 2023

The State of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to operate a disposal system at the facility named above and in accordance with the requirements of this permit.

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations.

This permit is effective on the issuance date identified above. This permit expires at midnight on the expiration date identified above.

Signature: *Elise M. Doucette*

This document has been electronically signed.

for the Minnesota Pollution Control Agency

Elise M. Doucette
Supervisor
Industrial Division

Submit eDMRs

Submit via the MPCA e-Services at

https://rsp.pca.state.mn.us/TEMPO_RSP/Orchestrate.do?initiate=true

Submit WQ reports to:

Electronically: wq.submittals.mPCA@state.mn.us

Include *Water quality submittals form*:

<https://www.pca.state.mn.us/sites/default/files/wq-wwprm7-71.docx>

Questions on this permit?

- For eDMR and other permit reporting issues, use the directory listed at the bottom of the DMR page:
<https://www.pca.state.mn.us/business-with-us/discharge-monitoring-reports>
- For specific permit requirements, contact your compliance staff: <https://www.pca.state.mn.us/business-with-us/wastewater-compliance-and-enforcement-staff>
- Wastewater Permit Program general questions, contact: MPCA, 651-282-6143 or 800-657-3938

Ulland Courtland SWPPP

Permit #: MNG490069

Facility Contacts: Ulland Brothers Inc.

Mitch Froehlich

2501 East Main Street

Albert Lea, MN 56007

Standard Industrial Classification No. and Description: Industrial Group Sector 144,
1442 Construction Sand and Gravel

Applicable Narrative Activities: Pit #1 – This project consists of the construction of an approximately 16 acre aggregate mine. This will include a two phase approach, moving from the south to the north. The access will be from the north east of the site. Once completed, the mine will be restored by topsoil redressing the slopes to a 3:1 ratio with a pond feature in the south portion.

Pit #3 – This project consists of the construction of an approximately 38 acre aggregate mine. This will include a three phase approach, moving from the north to the south and west. The access to the two north phases will be from the north west of the site. Once completed, the mine will be restored by topsoil redressing the slopes to a 3:1 ratio. A 200 foot buffer will be maintained from the base of the nearby stream to ensure no disturbance or groundwater issues arise.

Location Access Description: Pit #1 – The site is located adjacent to the east of Courtland, MN directly south of US Highway 14. The site access will be south off of County Road 25 and east of T-163. A vicinity map is included in the Storm Water Pollution Prevention Plan.

Pit #3 – The site is located approximately 1.5 miles east of Courtland, MN and 0.5 miles south of US Highway 14. The site access will be south off of County Road 25 and east of T-163. A vicinity map is included in the Storm Water Pollution Prevention Plan.

County or Counties: Nicollet, Minnesota 56074

Nicollet County

Latitude/Longitude: Pit #1 – 44.2638° N, -94.3306° W

Pit #3 – 44.2537° N, -94.3041° W

Number of acres of the entire property: Pit #1 – The entire property consists of 20 acres of which 16 acres are used for industrial activity.

Pit #3 – The entire property consists of 80 acres of which 38 acres are used for industrial activity.

Storm Water Discharges Associated With Industrial Activity

There will be no stormwater discharge associated with industrial activity. Stormwater that is discharged will be treated with a series of BMP's

The owner is aware that under the Storm Water Pollution Prevention Plan (SWPPP) they are entirely responsible for meeting SWPPP requirements within the boundaries of the sites where they perform industrial activities.

Surface Water(s) Receiving Discharge

No protected or impaired waters that require additional construction requirements. The two water bodies within a 1 mile radius include the Minnesota River east of the Little Cottonwood River mouth, and Morgan Creek. Morgan creek is an unprotected water and the Minnesota River is an Impaired Stream that requires no additional construction requirements according to the Minnesota Pollution Control Agency.

There is a drainage way that passes through the middle of the Pit #3 property. This waterway will have a 200 foot buffer on either side of the stream bank. This will keep any disturbance and sediment out of the waterway.

Nature of the Industrial Activity

The industrial activities of this site will produce construction sand and gravel. A typical sequence of events for such a project begins with clearing the site of any existing structures or unnecessary vegetation. This mining project will include a phased approach. During mining, a temporary depression is excavated for temporary storage and treatment of storm water runoff. Construction of this is usually finished upon stabilization of the final reclamation plan for the entire site.

Groundwater & Dewater

Dewatering will not occur at the site therefore a Minnesota Department of Natural Resources (MN DNR) water appropriations permit is not required. Any material removed from below the water table would be completed utilizing dredging methods.

Blasting and Explosives

No blasting or explosives will be used.

Bond

The applicant will submit the required bond at the approximate time in compliance with the County Codes. The applicant shall also furnish proof to the County yearly that the bond has been renewed upon request.

Elements of the SWPPP

The SWPPP has been prepared to address storm water runoff from industrial activities, to identify and address potential sources of pollution that are reasonably expected to affect the quality of the industrial site. The SWPPP has been developed based on a strategy of reducing pollution at the source, as opposed to treatment before discharge.

The SWPPP will be revised or updated as appropriate whenever any of the following occurs: a change of significant effect on the discharge of pollutants that has not been previously addressed in the SWPPP; site conditions change based on updated plans and specifications; new operators conduct industrial activities under the SWPPP; new areas of responsibility are added; changes are made to the type of best management practices used; or results of inspections or investigations indicate the SWPPP is proving ineffective in eliminating or significantly minimizing pollutants.

The SWPPP has been developed to be compliant with applicable local sediment and erosion control plans. The SWPPP may be retained at an on-site location or as noted on the site notice. Hard copies of the SWPPP will be made readily available upon the request of public officials.

Discharges that occur after the site has undergone final stabilization or following the submission of a notice of termination for the industrial activity are outside of the scope of this SWPPP.

Data used to describe the soil will be obtained from the United States Department of Agriculture's web soil survey and will be included in the SWPPP. A map showing the general location of the site will be included in the SWPPP. A copy of the permit will be included in the SWPPP. A series of site maps will collectively indicate the following:

- drainage patterns and approximate slopes anticipated after major grading activities by either topographic lines or by drawn arrows indicating the general direction of flow;
- areas where soil disturbance will occur by either notations or drawn lines;
- locations of support activities located within one (1) mile of the boundary of the site such as equipment staging areas, material storage areas, material borrow areas, and excavated material disposal areas by either graphical icons or drawn lines;
- locations of all in-place structural controls by either graphical icons, drawn lines, or notations;
- locations of any in-place permanent storm water control measures by either graphical icons or notations;
- surface waters including wetlands either at, adjacent, or in close proximity to the site by either drawn lines or notations;
- locations where existing vegetation or stabilization practices are used by either drawn lines or notations;

If future projects within the site are proposed at a later date, the SWPPP will be revised by including the site map of the new project. Site maps will be provided for each area of soil disturbance permitted within the scope of the SWPPP.

Potential Pollutants and Sources

The following potential pollutants can be reasonably expected at industrial sites: industrial debris, litter, chemical wastes, industrial materials, sediment, dust, waste materials, petroleum products, sand, concrete truck wash out water, erosive flow velocity, crushed rock, discarded equipment, acid, sanitary wastes, and other similar pollutants.

Potential pollutants can be reasonably associated with the following typical point sources: fuel tanks, industrial equipment, parked vehicles, waste containers, vehicle traffic, pumps, drainage swales, channels, exposed soil, industrial facility entrances, stored industrial materials, site personnel, concrete trucks, sanitary facilities, and other similar point sources.

Best Management Practices

Best Management Practices (BMPs) have been designed in order to minimize potential sediment and erosion. Erosion and sediment controls have been designed to retain sediment on-site to the maximum extent practicable.

It is the SWPPP Operator's responsibility to ensure that control measures are properly selected, installed, and maintained according to the designer's specifications. Controls will be developed to minimize the off-site transport of litter, industrial debris, and industrial materials. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule will be described in the inspection report and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes will be implemented as soon as practicable.

Sediment Control Practices

Sediment control practices will be used to remove eroded soils from storm water runoff. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls will be utilized for all down slope boundaries of the industrial area, and for those side slope boundaries deemed appropriate. These perimeter controls will be installed as necessary and will be utilized until a common drainage location is established. At that time, a sedimentation basin will be utilized where feasible. If a sedimentation basin is not feasible, then equivalent control measures will be utilized until final stabilization of the site and the reasons why the basin was infeasible will be noted. The following sediment control BMPs can be reasonably expected at industrial sites: silt fences, sand/rock bags, berms, sedimentation basins, rock dams, inlet protection barriers, surge dams, use of existing vegetation, and other similar measures. Any additional or unique sediment control BMPs will be addressed on the project's site map.

Pollution Prevention Practices

Pollution prevention practices will be designed to minimize pollutants from industrial and waste materials which will be stored on-site. Controls will be used to minimize, to the maximum extent practicable, the off-site vehicle tracking of sediments and the generation of dust.

The following pollution prevention BMPs can be reasonably expected at industrial sites: water truck spraying, orderly material storage, orderly equipment storage, proper waste disposal practices, orderly

parking areas, street cleaning, spill prevention practices, use of petroleum sorbents, orderly concrete truck washout areas, use of stabilized construction accesses, use of trash containers, use of portable sanitation facilities, self-contained fuel cells, orderly petroleum product storage, use of dewatering bags, use of temporary velocity dissipation devices, use of flow diversion mechanisms, and other similar measures. Any additional or unique pollution prevention BMPs will be addressed on the project's site map.

Erosion Control and Stabilization Practices

Erosion control and stabilization measures will be initiated as soon as practicable in portions of the site where industrial activities have temporarily ceased. Stabilization measures that provide a protective cover will be initiated as soon as practicable in portions of the site where activities have permanently ceased. These measures will be initiated no more than fourteen (14) days after the industrial activity in that portion of the site that has temporarily or permanently ceased, unless the activity is scheduled to resume within seven (7) days. If soil conditions prohibit the initiation of stabilization measures or vegetative practices, erosion control and stabilization measures will be initiated as soon as practicable.

Where temporary stabilization controls are infeasible, temporary sediment controls will be used along the perimeter of the site to the maximum extent practicable and the reasons why the activity was infeasible will be noted in the inspection report.

The following erosion control and stabilization BMPs can be reasonably expected at industrial sites: establishment of temporary or permanent vegetation, mulching, use of geotextiles, sod stabilization, use of vegetative buffer strips, protection of existing trees and vegetation, slope texturing, and other similar measures. Any additional or unique erosion control and stabilization BMPs will be addressed on the project's site map.

Inspection Procedures

Personnel will inspect disturbed areas of the industrial site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. A site inspection report and annual inspection report will be included in the SWPPP. Sediment and erosion control measures identified in the SWPPP will be inspected to ensure that they are operating correctly. Locations where vehicles enter or exit the site will be inspected for evidence of off-site sediment tracking. The inspections will occur in conformance with standards set by the NPDES permit.

In the event of flooding or other uncontrollable situations which prohibit access to the inspection sites, inspections will be conducted as soon as access is practicable. The dates when major grading activities occur, the dates when industrial activities temporarily or permanently cease on a portion of the site, and the dates when stabilization measures are initiated will be maintained in the inspection report or noted on the site map. The inspection report will summarize the scope of the inspection, the dates of the inspection, major observations relating to the implementation of the SWPPP, actions taken as a result of inspections, and any incidents of non-compliance. If the inspection report does not identify any incidents of non-compliance, the report will be certified by the inspector that the site is in compliance with the SWPPP.

Maintenance Procedures

All protective measures will be maintained in effective operating condition. If it is determined that BMPs are not operating effectively, then maintenance will be performed as necessary to maintain the continued effectiveness of storm water controls, and prior to the next storm event if feasible. If maintenance prior to the next anticipated storm event is impracticable, the reason will be documented in the inspection report and maintenance will be scheduled and accomplished as soon as practicable. The operator will replace or correct erosion and sediment controls that have been intentionally disabled, run-over, removed, or otherwise rendered ineffective immediately upon discovery. If a control has been used incorrectly, is performing inadequately, or is damaged, then the control will be replaced or modified within 24 hours of inspection report. Sediment will be removed from the silt fences (or similar devices) before it reaches 50% of the above-ground height. If sediment escapes the site, accumulations will be removed at a frequency that minimizes off-site impacts, and prior to the next rain event, if feasible.

Spill Response Procedures

Spills of toxic or hazardous substances exceeding reportable quantities (70 gallons or more) need to be reported to the Duty Office of the Minnesota Department of Public Safety at (800) 422-0798. The reportable quantity for oil is five gallons or more on soil or any quantity released to surface waters. The primary and secondary facility contacts will be responsible for notifying appropriate authorities of spill incidents.

Dust and Noise Control Plan

All access roads to the site will continue to be maintained.

Operating procedures will be utilized to the extent possible to control dust and noise to meet the performance standards as regulated in the Ordinance. During any mining operation, water with limited use of chemical binders may be utilized as a last alternative to control any dust problems. Noise levels will not exceed the standards as regulated in MN Rules Chapter 7030.

All mining operations will be conducted in compliance with applicable county, state, and federal regulations. The applicant will consult with the MPCA regarding the Air Emission permitting requirements and the MN DNR and MOH regarding water permitting standards.

Reclamation Plan

A conceptual reclamation plan has been developed in conformance with Nicollet County requirements for the planned after-use of the affected areas and the nature and extent of reclamation. Final reclamation of the site will commence after mining activities cease. Prior to reclamation, all equipment, stockpiles and debris will be removed from the site. The proposed site reclamation will consist of reclaiming the site to a combination of native prairie grassland, future industrial land use, and pond feature. Reclamation will consist of native prairie seeding to open prairie grassland with final grade at a maximum of 3H:1V contours on the side-slopes down to the final excavation depth. Topsoil will be restored to a depth sufficient for plants to become established, which is a minimum of approximately 2-6 inches. The grading will consist of restoring the site with remaining overburden and potentially clean

topsoil from offsite if needed. Grading will be utilized to create a basin that will capture storm water surface runoff from the site and allow stormwater to infiltrate and remain onsite. The undisturbed areas on the site (setback areas) will remain in the current naturally vegetated state. Reclamation areas will be seeded with a native grass mix (MN State Seed Mix 35-221 or a comparable alternative). Preparation, seeding and maintenance should be conducted per BWSR or MnDOT seeding guidelines. Final reclamation will be dependent upon site conditions and the final depths of mining. More information regarding the reclamation plan is listed below.

The applicant wishes to be provided flexibility in the reclaimed elevation with final reclaimed elevation dependent upon the depth of excavation and the amount of material remaining. There is also the possibility of future industrial land use when Pit #1 is reclaimed due to it's adjacency to other operations.

Please note that the reclamation plan developed is conceptual in nature and is subject to changes based on future regional comprehensive planning of this area.











DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
BODE HOWARD R REVOCABLE TRUST	1586 250TH ST E	FARIBAULT MN 55021
ULLAND BROTHERS INC	1634 HWY 210	CARLTON MN 55718
FLUEGEL ROGER L REVOCABLE TRUST	200 E CARTMILL AVE	TULARE CA 93274
DRILL JANICE E	28 FIEMEYER DR	COURTLAND MN 56021
NORTHERN STATES POWER CO	414 NICOLLET MALL	MINNEAPOLIS MN 55401
Tim Harmening- Courtland Township	43370 541st Ave	Courtland, MN 56021
NICOLLET (COUNTY OF)	501 S MINNESOTA AVE	SAINT PETER MN 56082-2507
BODE STANLEY A	50755 478TH ST	COURTLAND MN 56021
STRUSS TIMOTHY & JANE M STRUSS	51154 506TH ST	COURTLAND MN 56021
VOGES DALE H & DONNA K VOGES	51589 478TH ST	COURTLAND MN 56021
FRIEL JESSICA A & TREVOR FRIEL	51699 506TH ST	COURTLAND MN 56021
HULKE SHERI L	51771 COUNTY ROAD 21	COURTLAND MN 56021
N&V GLEASON FAMILY TRUST	51945 506TH ST	COURTLAND MN 56021
OLSON TERESA	912 S MINNESOTA ST	NEW ULM MN 56073



PLANNING COMMISSION

CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

Name of Applicant Ulland Brothers Inc.

Hearing September 19, 2023

Property Owner Ulland Brothers Inc.

Continuation N/A

File PLN23-12

Commission Member

Use Request Three (3) year mineral extraction CUP renewal to mine, crush, and stockpile gravel, and operate a bituminous/concrete batch plant on-site in the Agricultural Preservation, Conservancy & Shoreland Zoning District

FINDINGS OF FACT

Authority for issuance of conditional use permits is derived from Minnesota State Statute §394.301 and Nicollet County Zoning Ordinance, Section 505. The conditional use must maintain the health, safety, morals, and general welfare of the community.

1. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.

YES ☐ NO ☐ REASON: _____

2. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.

YES ☐ NO ☐ REASON: _____

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

YES ☐ NO ☐ REASON: _____

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

YES ☐ NO ☐ REASON: _____

ATTACHMENT G
Criteria for Conditional Use Permit

5. The requested use is consistent with the County Zoning Ordinance.

YES ☐ NO ☐ REASON: _____

6. The requested use is not in conflict with the County Comprehensive Plan.

YES ☐ NO ☐ REASON: _____

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

YES ☐ NO ☐ REASON: _____

8. The requested use is reasonably related to the existing land use and environment.

YES ☐ NO ☐ REASON: _____

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

YES ☐ NO ☐ REASON: _____

10. The requested use ____ have adverse effect upon public health, safety and welfare due to the following other factors.

WILL ☐ WILL NOT ☐ REASON: _____

THE NICOLLET COUNTY PLANNING COMMISSION

☐ RECOMMENDS APPROVAL OF THE REQUESTED USE

☐ RECOMMENDS DENIAL OF THE REQUESTED USE

THIS DECISION WAS BASED UPON

☐ Application

☐ Site visit

☐ Information received at public hearing

☐ Staff Report

☐ Pictures

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED CONDITIONAL USE AND IN THE RECORD.

FACTS SUPPORTING THE ANSWER TO EACH QUESTION ABOVE ARE HEREBY CERTIFIED AS THE FINDINGS OF THE NICOLLET COUNTY PLANNING COMMISSION.

Date: _____ Commission Member: _____

DRAFT



CONDITIONAL USE PERMIT

MINERAL EXTRACTION PERMIT RENEWAL

GP-75 LLC

PLN23-13

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	Three year review of a mineral extraction Conditional Use Permit, PLN23-13
APPLICANTS:	Matt Brostrom & Shari Brostrom
LANDOWNER:	GP-75 LLC
LOCATION:	Northeast ¼ of the Southeast ¼ & the Southeast ¼ of the Southeast ¼, Section 32-111-26 in Lake Prairie Township
PARCEL NO:	07.132.1505
EXISTING ZONING:	Conservancy Zoning District
HEARING DATE:	09/19/23
COUNTY BOARD DATE:	09/26/23

REQUEST

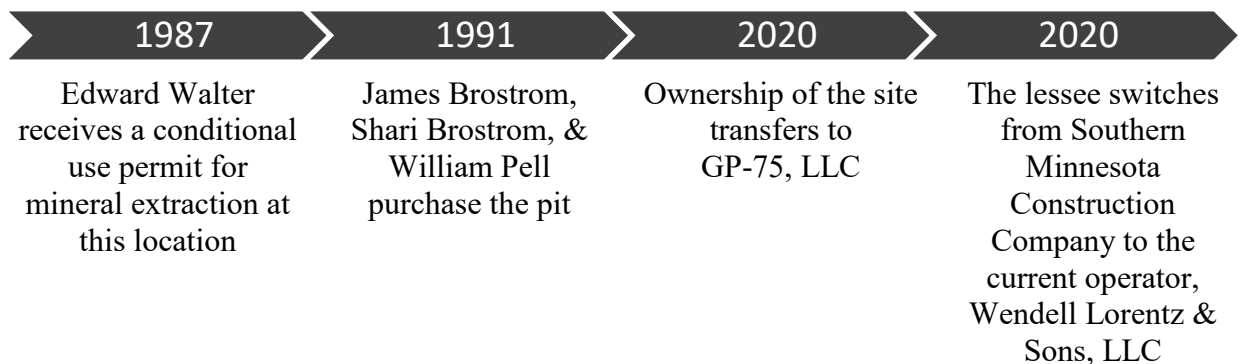
The Applicants are requesting a three year review of their mineral extraction permit to mine, crush, and stockpile gravel, and to operate a hot mix plant on site.

ORDINANCE:

Mineral extraction operations are required to renew their conditional use permit every three (3) years per Nicollet County Zoning Ordinance 424.2 (3).

PROJECT DESCRIPTION

Timeline:



Operations:

The Applicants state they have removed 295,000 tons of material from the roughly eleven (11) acre aggregate mine over the past three (3) years. Gravel is extracted, crushed, and stored using typical equipment such as front end loaders, bulldozers, scrapers, and excavators. The site is also permitted for a hot mix plant, although it is not being used at this time. Sand, gravel, clay, recycled asphalt, concrete, and limestone may be stockpiled or used on site for the hot mix plant.

Equipment is stored in a designated area on the western part of the property, and consists of shipping containers, a small shed, and a fuel tank with a pump. Fuel is delivered from local vendors as needed. Electricity comes from hard wired sources but is also produced with generators.

Area of Operation:

The original conditional use permit from 1987 specified that mining was only to take place in the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 32-111-26, which is about half of the existing property. Subsequent staff reports for renewal hearings from 1995 through 2011 stated the permitted mining area consists of ten (10) acres within this Quarter-Quarter. Moreover, documentation submitted by the Applicants during this time period also supports the maximum permitted area totaling ten (10) acres.

The record, however, is not in agreeance as to the extent of the permitted limits of the pit. The legal description listed on the permit was changed from the Quarter-Quarter to a full description of the property in 1993. The 2014 permit renewal included plans for mining and reclaiming the full property, which was submitted and approved with each subsequent hearing. These plans are undated and may have been created before 2014. It is impossible to compare them to what was originally approved, as the only document retained from 1987 was the permit itself.

In light of the permitted mining area discrepancies within the record, the Applicants have submitted an updated operations plan to clarify existing and future mining areas of the pit. Aggregate is expected to a depth of at least seven hundred fifty (750) feet and will continue north.

Access:

The site does not have direct access to a public road. Access to U.S. Highway 169 is achieved by crossing the Woelpern pit from the southeast of the site. Access to County Road 20 is provided by an easement across the Walter property from the west.

Appearance:

The pit is screened from neighboring properties, the road, and the Minnesota River by berms and trees. The mining area is at a higher elevation than the neighboring Kendall and Geldner Brothers' pits to the east, which also provides some screening.

Setbacks:

The mining area has encroached within the fifty (50) foot setback along the eastern property line towards the Kendall Pit. Nicollet County Zoning Ordinance 724.5 (17) allows mineral extraction operations to encroach within the property line setback provided the permission is secured from the neighboring property owner and recorded. The Applicants have an agreement with the Kendall Pit to mine up to the property line from 2011. It does not appear to have been recorded, but it is on file with the Property Services Department.

The extraction operation seamlessly crosses the property line to the south into the Woelpern pit; both mines are owned by the Applicants and function in tandem. The setback appears to have been generally maintained in all other directions.

Blasting:

No blasting occurs on site.

Bond Requirements:

The Applicants have a bond on file in the amount of \$20,000. The required amount is \$2,500 per acre due to the pit pre-existing the 2014 Mineral Extraction Zoning Ordinance amendment requiring \$5,000 per acre.

The Applicants will need to submit an updated bond in the amount of \$26,250 to cover the current mined area. Staff has recommended an updated bond be provided as a condition before the permit is issued.

Hours of Operation:

The pit operates Monday through Sunday as needed, from 6 a.m. to 7 p.m. In 2014, the Applicants were approved to deviate from Section 724.5(9) of the Zoning Ordinance which requires mining operations to be conducted between 7 a.m. and 7 p.m. The change was requested in order to meet a five (5) year project supply estimate from MNDOT. The additional hour in the morning has been approved as part of their conditional use permit renewals since.

Stormwater & Wash Plant Water

Stormwater on the site drains into a pond on the southern part of the property, which naturally filters water into the ground. Water in the pond is controlled by a berm.

Dust, Noise, & Odor Control:

Water is spread on the road as needed to control dust. Noise and odor are not expected to be outside of the typical range for a gravel pit and hot mix plant. Andrew Lorentz with Wendell Lorentz & Sons Construction is the point of contact for any dust, noise, or odor related complaints.

Reclamation Plan:

The Applicants have a restoration plan on file showing a pond being created in the north and south of the property. The edges of the mine will be smoothed, and vegetation will be allowed to naturally regrow. The anticipated end use is a wildlife habitat.

Waste Disposal:

The Applicants state waste is disposed of offsite as needed.

SURROUNDING LAND USE

The seventy-four (74) acre property is surrounded by other mines to the south and east, rural residences to the west, and farmland to the north. There is forested land and bluff in all directions, with Highway 169 being a short distance to the east.

MINNESOTA POLLUTION CONTROL AGENCY STANDARDS

The Applicants have submitted a National Pollutant Discharge Elimination System (NPDES) Permit from the Minnesota Pollution Control Agency that expires May 31, 2027.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 505.3 of the Zoning Ordinance and Minnesota State Statute 394.26.

CONDITIONAL USE PERMIT CRITERIA**1. Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.**

- Mineral extraction is a conditionally permitted use in the Conservancy Zoning District.
- The use is similar to other mineral extraction operations within the County.
- The Applicants have a valid NPDES Permit and are not using explosives nor storing hazardous waste on site.

2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.

- The size and function of the facility is not unreasonable for the location, as the pit has access to Highway 169 & County Road 20.

- It appears the burden on public infrastructure will be minimal.
3. **The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.**
 - The request is screened from surrounding land uses by berms, trees, and topography.
 - No unreasonable noise, odor, or glare is expected. The Applicants have a method of controlling dust.
 - An end use plan is on file, and the Applicants will be required to restore the property when extraction operations cease.
 4. **The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.**
 - The operation appears to be typical for mineral extraction within the County.
 - The use adheres to the applicable standards of Sections 724.5(3) and 724.5(16) of the Zoning Ordinance for the appearance and screening of mineral extraction facilities.
 5. **The requested use is consistent with the Nicollet County Land Use Ordinances.**
 - The request meets the applicable standards and requirements found in Sections 505, 603, and 724 of the Zoning Ordinance for mineral extraction conditional use permits.
 6. **The requested use is not in conflict with the Nicollet County Comprehensive Plan.**
 - The Comprehensive Plan states that the aggregate industry provides vital jobs for residents and revenue for local businesses.
 - The Comprehensive Plan states that Nicollet County will continue to work with aggregate businesses, such as this one, to ensure that these operations can continue in a sustainable and environmentally friendly manner.
 7. **The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.**
 - No noise, odor, glare or general unsightliness beyond what is reasonable for a gravel pit is expected.
 - The Applicants have a method of controlling dust and handling complaints.
 - The request is screened from surrounding land uses by berms, trees, and topography.

8. The requested use is reasonably related to the existing land use and environment.

- Mineral extraction is a conditionally permitted use in the Conservancy Zoning District.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

- The Applicants have a valid NPDES Permit.
- The Applicants are not using explosives nor storing hazardous waste on site.
- Any changes to the operation will require an amended conditional use permit.

10. The requested use will/will not have an adverse effect upon public health, safety and welfare due to the following other factors:

- The request as proposed appears to meet most County standards, with no apparent adverse effects to public health, safety, and welfare.

RECOMMENDATIONS

1. The Applicants undertake the project according to the plans and specifications submitted to the County with the application.
2. The conditional use permit will be periodically reviewed by the County to ensure compliance with the permit and permit conditions.
3. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
4. Dust control measures shall be implemented if needed.
5. The conditional use permit to mine, crush, wash, and stockpile gravel shall be reviewed in September of 2026.
6. Prior to issuance of this conditional use permit, a bond/letter of credit in the amount of \$2,500 per actively mined or not yet reclaimed acres must be submitted to Property Services and kept in force during the time of operation.
7. A continuation certificate of the bond shall be sent to Nicollet County Property Services with no lapse in time during the course of this permit.
8. The Applicants shall conduct mining operations between 6 a.m. and 7 p.m., except in the event of an emergency.

Applicants: Matt Brostrom & Shari Brostrom
Landowners: GP-75 LLC

PLN23-13

ATTACHMENT A	Application
ATTACHMENT B	Location Map
ATTACHMENT C	Aerial Map
ATTACHMENT D	Submitted by Applicant
ATTACHMENT E	Site Photographs
ATTACHMENT F	Neighbor Notification List
ATTACHMENT G	Criteria for Conditional Use Permit



PROPERTY SERVICES DIVISION

501 S MINNESOTA AVENUE, SAINT PETER, MN 56082

507-934-7070

PLANNING & ZONING ADVISORY COMMISSION APPLICATION

TOTAL FEES: \$496.00

Map#: 832400012

Parcel#: 07.132.1505

Permit#: PLN23-13

Date: 8/23/2023

Applicant: Matt Brostrom & Shari Brostrom

Telephone: 507 317 3641

Owner: GP-75 LLC

Property Address: 07.132.1505

Abbreviated Legal Description: NESE 32-111-26 & SESE 32-111-26

Township: Lake Prairie Township

Zoning District(s): CONSERVANCY

Record Type: Conditional Use Permit

Subtype: New

Category: Other

Description: Mineral Extraction CUP Renewal

G.C. Licence#: n/a

Job Cost: n/a

PERMIT EXPIRATION DATE: 8/23/2024

Matt Brostrom
MATT Brostrom (Aug 23, 2023 15:56 CDT)
APPLICANT SIGNATURE

Aug 23, 2023
DATE

James Crutcher
PROPERTY SERVICES

08/23/23
DATE

ATTACHMENT A
Application

PLN23-13 App

Final Audit Report

2023-08-23

Created:	2023-08-23
By:	Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAHU8WShf947oNPwnvq8Ho2vnyIG6bv_Bi

"PLN23-13 App" History

 Document created by Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
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 Document emailed to mattb@pellinc.com for signature
2023-08-23 - 8:53:12 PM GMT

 Email viewed by mattb@pellinc.com
2023-08-23 - 8:55:59 PM GMT

 Signer mattb@pellinc.com entered name at signing as Matt Brostrom
2023-08-23 - 8:56:40 PM GMT

 Document e-signed by Matt Brostrom (mattb@pellinc.com)
Signature Date: 2023-08-23 - 8:56:42 PM GMT - Time Source: server

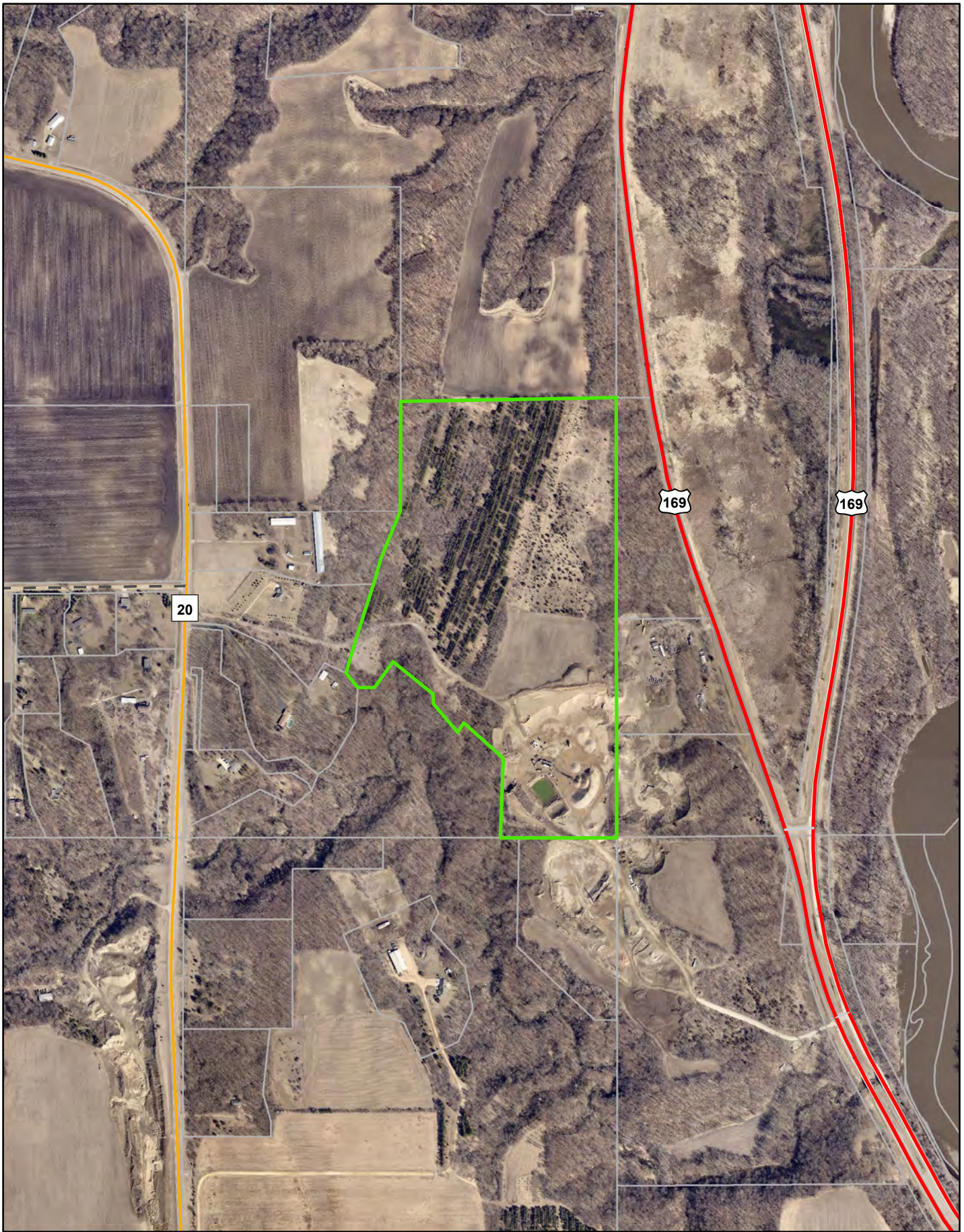
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Adobe Acrobat Sign



ATTACHMENT B
Aerial Map



ATTACHMENT C
Location Map



MINERAL EXTRACTION CHECKLIST

The following information is required to be provided for a conditional use permit application. Additional information may be required, as determined necessary by the Zoning Administrator and per Section 724 of the Zoning Ordinance.

NUMBER OF ACRES AS FOLLOWS:

8 Acres being mined or used for mining purposes (stockpiles, equipment storage, haul roads, etc).
65 Acres permitted and remaining to be mined in future phases.
1.5 Acres where land reclamation has occurred.
0 Acres not permitted to be mined (non-mining related acres).
74.5 Total acreage of property.

TONNAGE OF MATERIAL REMOVED:

295,000 Tons of material removed from site over the past three (3) years, or since last permit renewal date.

Include a copy of the renewed **BOND** or **LETTER OF CREDIT** for the site. Continuation letters must to be sent to the Property Services Office on years when the permit is not scheduled for renewal.

PLEASE PRINT:

Property Owner: GP-75, LLC
 Owner's Address: 47091 333rd Ave, Kasota, MN 56050
 Contractor working the site: Wendell Lorentz & Sons
 Contractor's address: 125 Kingsway Dr., Mankato, MN 56001
 Contractor's phone number: 507-388-4182
 Date: August 18, 2023
 Applicant (Landowner or Contractor) Signature: [Signature]
 Parcel No. 07.132.1505 Map No. _____

Revised 11-29-18 JH

ATTACHMENT D
Submitted by Applicant

Mission Statement
Providing efficient services
with innovation and accountability.

Leadership. Efficiency.
Accountability. Innovation.
Integrity.

Vision Statement
Setting the standard for providing superior and
efficient county government services through
leadership, accountability and innovation to a
growing and diverse society.

OPERATING PLAN FOR GP-75, LLC

The equipment that is operating at these locations is your standard construction vehicles straight trucks, semis, and pickup trucks. The machinery includes but is not limited to loaders, excavators, dozers, screening, crushing, and washing equipment. This is just an example of the equipment that could be onsite and doesn't not necessarily mean that it is operating all at the same time. Currently we are not operating any hot mix plants.

The estimated number of daily trip is approx. around 25, with peak days surpassing that. Control measures are in place such as water to address dust and the pit locations are operating within allowable noise thresholds

Materials stored onsite include fuel and fluids that are commonly associated with heavy machinery

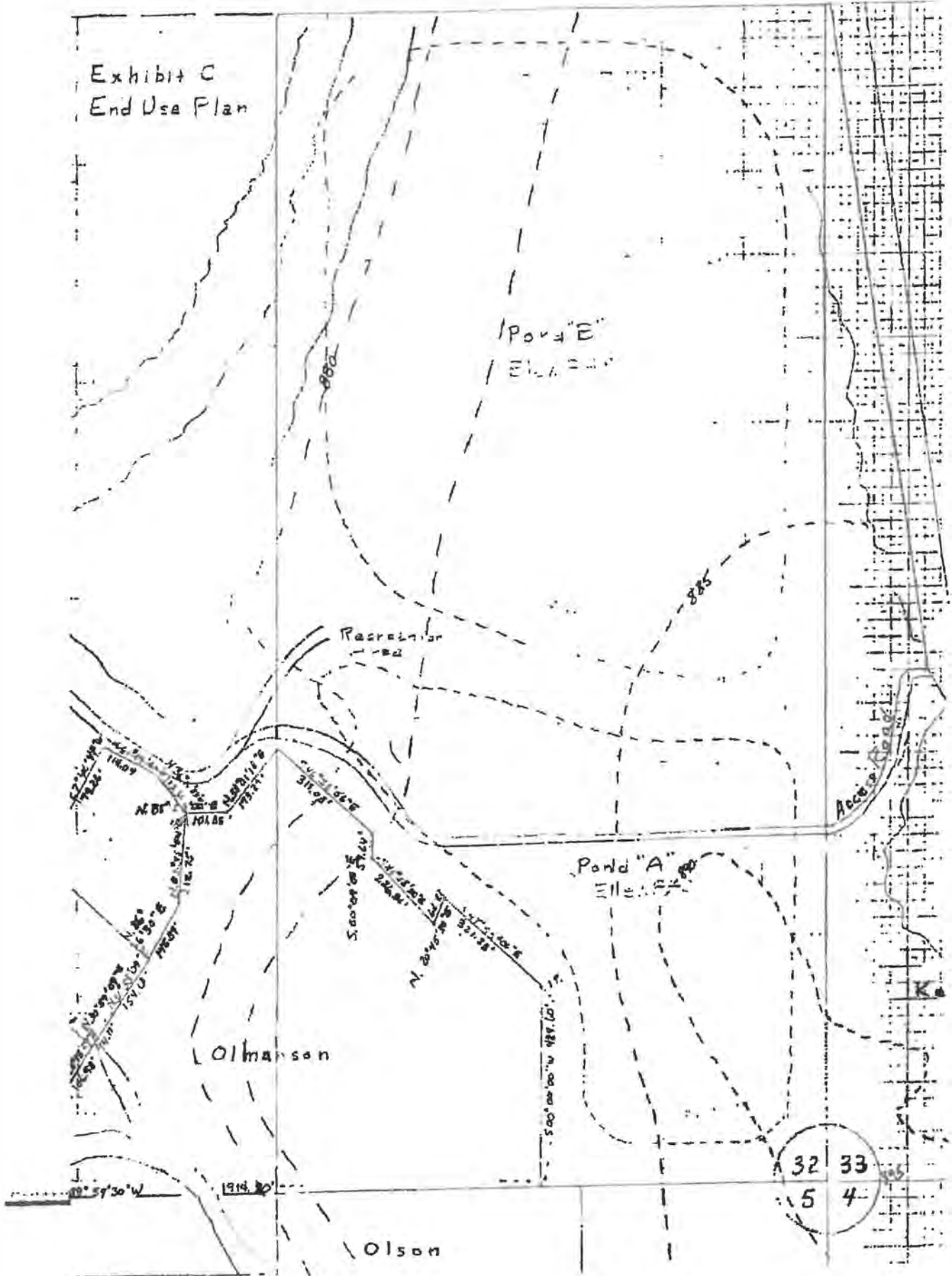
Waste products are disposed of offsite, using the appropriate professional services for disposal when needed

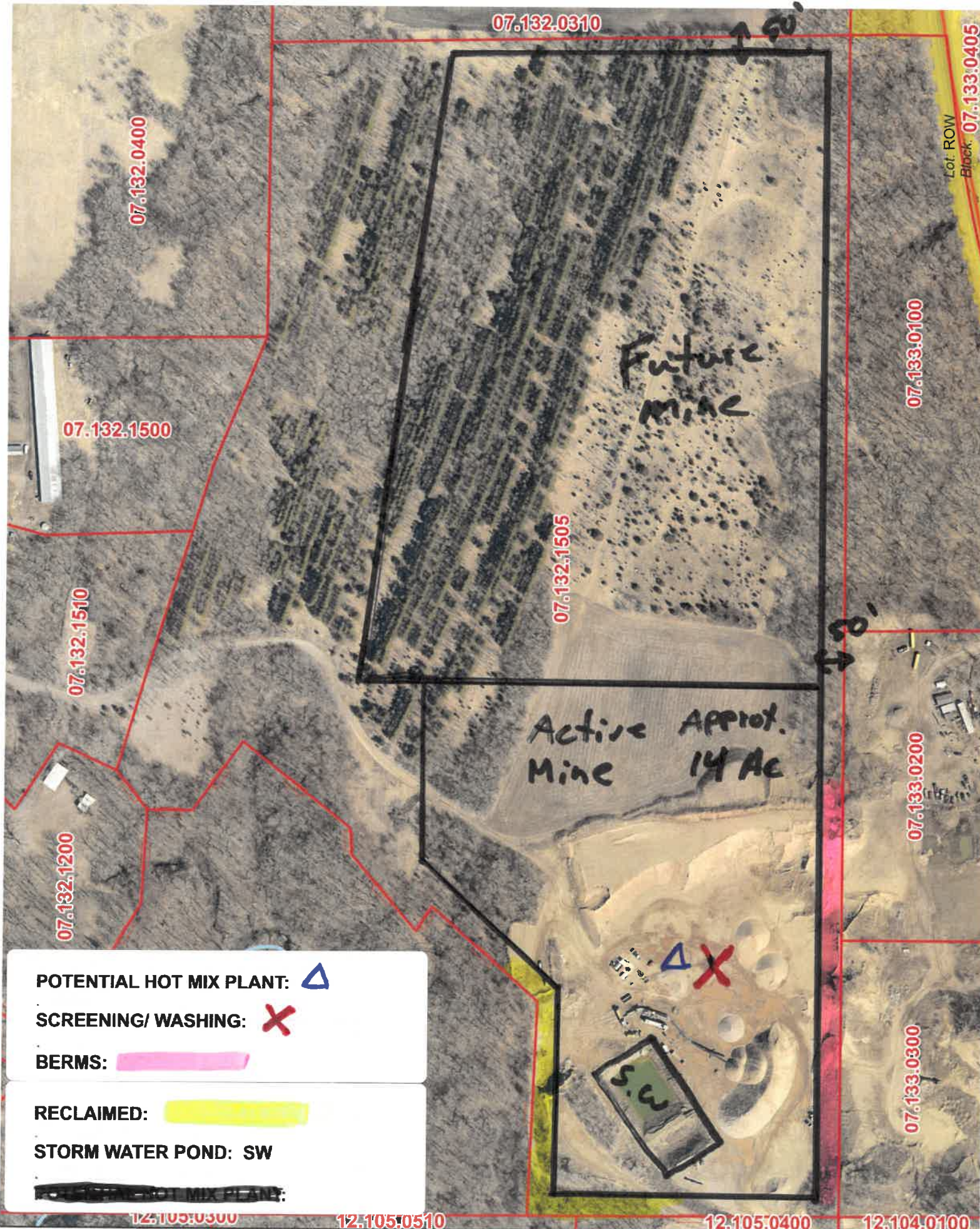
Hours of operation are consistent with county ordinances Monday – Sunday 6:00 am – 7:00pm

Andrew Lorentz is the contact- (507)340-8901 is the complaint management person.

Storm water is diverted to the holding pond in the pit. There are berms around pit to control the water.

Exhibit C
End Use Plan





POTENTIAL HOT MIX PLANT: 

SCREENING/ WASHING: 

BERMS: 

RECLAIMED: 

STORM WATER POND: SW

~~POTENTIAL HOT MIX PLANT:~~

15 April, 2011

WW Blacktopping is hereby authorized to mine up to the ^{East} property line of the Brostrom Pit.

This agreement is acceptable if WW to supplying the same agreement allowing Brostrom to mine to the property line.

Shari Brostrom
Shari Brostrom

James Brostrom
James Brostrom

William B. Pell
William B. Pell



April 21, 2011

Southern Minnesota Construction is hereby authorized to mine up to the property line of the Mark Kendall Pit.

This agreement is acceptable if Southern Minnesota Construction to supplying the same agreement allowing Mark Kendall to mine to the property line.

Mark Kendall *Mark Kendall*



Susan Kendall

Susan Kendall

Doug [Signature]
SMC 5-4-2011



4700 WEST 77TH STREET
EDINA, MN 55435 - 4818
(952) 835-5350 | (800) 862-6070
www.wnins.com

BOND EXECUTION REPORT – RENEWAL - CONTINUOUS

AGENCY:

PELL INSURANCE & REAL ESTATE
221 NASSAU ST
SAINT PETER , MN 56082

PRINCIPAL:

WENDELL LORENTZ & SONS INC
PO Box 847
Mankato, MN 56002-0847

OBLIGEE:

NICOLLET COUNTY
501 S Minnesota Ave
Saint Peter, MN 56082-2507

SURETY:

Western National Mutual Insurance Company
4700 W 77th St
Edina, MN 55435-4818

BOND INFORMATION:

Bond Number:	56567	Type of Bond:	Western National Generic License Bond (Other)
Date of Execution:	01/03/2023	Class Code:	906
Effective Date:	03/30/2023	Expiration Date:	03/30/2024
Penal Sum:	\$20,000.00	State:	Minnesota
Premium:	\$200.00	Billing Method:	B (B= Agency Bill, D = Direct Bill)
Commission:	30.00%		

NOTES: GP-75, LLC

Western National appreciates your business! We are pleased to offer renewal of the above captioned bond. This bond is continuous until cancelled so no additional documentation is required. The premium will be billed according to the billing method listed above:

Direct Bill Payments - Bill Pay: (800) 352-2772 - Payment can be made on-line or by mail to:
Western National Insurance Group - P.O. Box 59184 Minneapolis, MN 55459-0184.

Agency Bill - Statements are mailed monthly to the agency with net amount due for the total statement.

National Pollutant Discharge Elimination System/State Disposal System
MNG490596

Permittee: W Lorentz Construction
Facility name: W Lorentz Construction
City or Township: New Ulm, **County:** Brown
Issuance date: June 23, 2023
Expiration date: May 31, 2027

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to operate a disposal system at the facility named above and in accordance with the requirements of this permit.

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations.

This permit is effective on the issuance date identified above. This permit expires at midnight on the expiration date identified above.

Signature: *Elise M. Doucette*

This document has been electronically signed.

Elise M. Doucette, Supervisor
Water Section
Industrial Division

for the Minnesota Pollution Control Agency

Submit eDMRs

Submit via the MPCA e-Services at

https://rsp.pca.state.mn.us/TEMPO_RSP/Orchestrate.do?initiate=true

Submit WQ reports to:

Electronically: wq.submittals.mPCA@state.mn.us

Include *Water quality submittals form*:

<https://www.pca.state.mn.us/sites/default/files/wq-wwprm7-71.docx>

Questions on this permit?

- For eDMR and other permit reporting issues, use the directory listed at the bottom of the DMR page:
<https://www.pca.state.mn.us/business-with-us/discharge-monitoring-reports>
- For specific permit requirements, contact your compliance staff: <https://www.pca.state.mn.us/business-with-us/wastewater-compliance-and-enforcement-staff>
- Wastewater Permit Program general questions, contact: MPCA, 651-282-6143 or 800-657-3938

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Permit issued: June 23, 2023
Permit expires: May 31, 2027

MNG490596
Page 3 of 34

1. Summary of stations and station locations

Station	Type of station	Local name	PLS location
LA 001	MNG49 Dewatering, Non-discharging	Drill Pit (J1-1442)	T109N, R29W, S09, NW Quarter
LA 002	MNG49 Wastewater	Brostrom Pit (J1-1442)	T111N, R26W, S32, SE Quarter
LA 003	MNG49 Wastewater	Nelson Pit (J1-1442)	T107N, R27W, S06, NW Quarter

2. Permit requirements

MNG490596	W Lorentz & Sons Construction, Inc	
		Non-Metallic Mining and Associated Activities General Permit Requirements
	2.1.1	Applicability. [Minn. R. 7001]
	2.1.2	This permit authorizes stormwater discharges associated with the following industrial activities: a. Construction sand and gravel (Standard Industrial Classification [SIC] Code 1442) and industrial sand mining areas (SIC Code 1446) - hereinafter Subsector J1. b. Dimension stone (SIC Code 1411), crushed and broken limestone (SIC Code 1422), crushed and broken granite (SIC Code 1423), crushed and broken stone (not elsewhere classified, SIC Code 1429) mining and quarrying areas - Subsector J2. c. Asphalt production areas, also known as asphalt paving mixtures and blocks (SIC Code 2951), including portable asphalt plants - Subsector D1. d. Concrete block and brick (SIC Code 3271), concrete products other than block and brick (SIC Code 3272), and ready-mix concrete (SIC Code 3273), including portable concrete plants - Subsector E2. e. Recycling and storage of materials approved in Minn. R. 7035.2860 (Beneficial Use of Solid Waste) at sites engaged in facility activities associated with all SIC Codes listed in a. through d. above. f. Activities associated with the above facilities noted, including maintenance activities and facilities, unless otherwise prohibited in this permit. This Permit authorizes stormwater discharges associated with construction activity and small construction activity, as defined in 40 CFR parts 122.26(b)(14)(x) and (b)(15), respectively. The Permittee shall comply with the "Stormwater Discharge Design Requirements" chapter and the "Construction Activity Requirements" chapter of the MPCA Construction Stormwater (CSW) NPDES general permit (https://www.pca.state.mn.us/sites/default/files/wq-strm2-68a.pdf) when conducting construction activity and small construction activity. Earth disturbing activities conducted as a normal part of post-construction use of the permitted facility do not trigger the need for CSW permit coverage. The earth disturbing activity has to be part of a project to build, demolish, or replace a structure (e.g., building, road, pad, pipeline, transmission line) to trigger the need to comply with the CSW permit. Earth disturbance that is a normal part of the long-term use or maintenance of the property is not "active construction" and does not trigger the need for CSW permit coverage. [Minn. R. 7001]
	2.1.3	This permit authorizes non-stormwater discharges to surface waters of the state from dewatering of mine or quarry areas at J1 and J2 Subsectors that meet the effluent limits and requirements in this permit. [Minn. R. 7001]
	2.1.4	This permit authorizes non-stormwater discharges that do not discharge to a surface water of the state provided these discharges are not already authorized in a separate NPDES/SDS permit. Non-stormwater that co-mingles with stormwater is considered a non-stormwater discharge (wastewater) and must be managed compliant with this Permit. To be authorized under this permit, the following discharges must be collected, contained or infiltrate into the ground and Best Management Practices must be implemented to prevent contamination of groundwater: a. Aggregate wash water from Subsector J1 and J2 facilities. b. Dredging operations from Subsector J1 and J2 facilities. c. Installation, construction, and operation of wet scrubbers at asphalt production areas, including portable asphalt plants (Subsector D1). d. Washing trucks, mixers, transport buckets, forms and/or other equipment at concrete block

		and brick, concrete products other than block and brick, and ready-mix concrete facilities (Subsector E2). e. Uncontaminated scale deck wash water that does not use detergents, solvents, or degreasers. f. Stormwater and deck wash water collected in holding tanks under scales. g. Wash water associated with cleaning of mobile equipment that does not use detergents, solvents, or degreasers. h. Waters used for sawing stone or dust control on crushers, conveyors, associated equipment, stockpiles, and site roadways. i. Boiler blowdown and reverse osmosis reject. j. Low or high pressure steam curing. k. Noncontact cooling water used for dryer, pump and air compressor cooling. For wastewater discharges listed above, see the Technology Based Effluent Limits - Non-Stormwater Discharges section of this permit for Wastewater Basin Design and Construction Requirements for newly constructed basins as of the issuance date of this permit. [Minn. R. 7001]
	2.1.5	This permit authorizes non-stormwater discharges provided these discharges are not already authorized in a separate NPDES/SDS permit and that appropriate Best Management Practices are utilized to minimize erosion and the discharges of sediment when necessary: a. Emergency fire-fighting activities. b. Fire hydrant and fire suppression system flushing. c. Potable water line flushing. d. Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids. e. Landscape watering provided all pesticides, herbicides and fertilizers have been applied in accordance with manufacturer's instructions. f. Pavement wash waters where no detergents are used and no spills or leaks of potential pollutants such as fertilizers, salts, or toxic and hazardous materials have occurred unless all spilled material has been removed. g. Routine external building wash down that does not use detergents, solvents, or degreasers. h. Uncontaminated groundwater or spring water. i. Foundation or footing drains where flows are not contaminated. j. Incident windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g. 'piped' cooling tower blowdown or drains). [Minn. R. 7001]
	2.1.6	Not all activities covered by this permit will be conducted at each site covered under this permit. Therefore, only those provisions of this permit that address activities occurring at a particular site are applicable to that site. [Minn. R. 7001]
	2.1.7	Activities Not Covered/Limitations on Coverage. [Minn. R. 7001]
	2.1.8	This permit does not authorize the discharge from the following activities except as authorized in the Applicability Section of this permit: a. Dewatering of mine or quarry areas other than those under Subsector J1 and J2. b. Surface water discharges of scrubber or other air emissions control wastewater, cooling or boiler wastewater, floor drains from process areas, equipment/vehicle washing, cleaning and maintenance wastewaters, and sewage. c. Contaminated groundwater discharges. d. Petroleum refinement. e. Manufacturing of asphalt or asphalt emulsions. f. Industrial sand mines (SIC 1446) that utilize HF flotation. g. Dredging or filling of wetlands or other surface waters of the state. h. Discharges of hazardous substances, lubricants, fuel leaks, or fuel spills.

		i. Sites for which Environmental Assessment Worksheets or Environmental Impact Statements are required by Minn. R. ch. 116D and/or 42 U.S.C. Sec 4321 - 4370f, until that environmental review is completed. [Minn. R. 7001]
	2.1.9	This permit does not authorize new or expanded discharges that may cause or contribute to a violation of water quality standards unless it meets the requirements of 40 CFR 122.4(i). [40 CFR 122.4(i)]
	2.1.10	This permit does not authorize existing discharges that the MPCA determines will cause or contribute to a violation of water quality standards unless it meets the requirements of 40 CFR 122.44. [40 CFR 122.44]
	2.1.11	This permit does not authorize discharges that adversely impact or contribute to adverse impacts on a listed endangered or threatened species or adversely modify a designated critical habitat. This permit does not replace or satisfy any review requirements for endangered or threatened species, from new or expanded discharges that adversely impact or contribute to adverse impacts on a listed endangered or threatened species or adversely modify a designated critical habitat. The owner must conduct any required review and coordinate with appropriate agencies for any project with the potential of affecting endangered or threatened species, or their critical habitat. [Minn. R. 7001]
	2.1.12	This permit does not authorize discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered archeological sites. This permit does not replace or satisfy any review requirements for historic places or archeological sites, from new or expanded discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered archeological sites. The owner must be in compliance with the National Historic Preservation Act and conduct all required review and coordination related to historic preservation, including significant anthropological sites and any burial sites, with the Minnesota Historic Preservation Officer. [Minn. R. 7001]
	2.1.13	This permit does not authorize discharges to calcareous fens listed in Minn. R. 7050.0335. [Minn. R. 7050.0335]
	2.1.14	Mine site dewatering discharges from Subsectors J1 and J2 to the following receiving waters are not authorized by this permit: a. Outstanding Resource Value Waters (ORVWs) as defined by Minnesota Rules 7050.0335 and as listed in Minnesota Rules 7050.0470; b. Department of Natural Resources (DNR)-designated trout waters (trout waters are designated in Minn. R. 6264.0050, subp. 2 and 4); and c. DNR-posted fish-spawning areas. [Minn. R. 6264.0125]
	2.1.15	Authorization. [Minn. R. 7001]
	2.1.16	Permit Application. Owners and operators of a site or sites with covered facility activities identified in this permit, and who provide a complete and approvable application for a permit, are eligible for coverage under this permit for those activities. [Minn. R. 7001]
	2.1.17	Notice of Coverage. [Minn. R. 7001]
	2.1.18	Permittees requesting initial coverage are covered under this permit when the MPCA notifies them in writing of this coverage. [Minn. R. 7001]
	2.1.19	Additional sites may be covered under this permit provided that the new site(s) meet all applicability criteria in of this permit and that all information required by the Site Inventory Report Form is submitted to the MPCA at least 10 days prior to initiation of land-disturbing activities at the new site(s) or initiation of operation at a previously developed site. [Minn. R. 7001]
	2.1.20	Requiring an Individual Permit. [Minn. R. 7001]
	2.1.21	If the MPCA finds that the facility site of a permit applicant or a Permittee covered under this permit would be more appropriately covered under an individual permit, the MPCA may require an individual permit for the applicant or the Permittee, in accordance with

		Minn. R. 7001.0210, subp. 6. In considering whether it is appropriate to issue an individual permit for a site, the MPCA will consider whether the site is contributing, or may contribute, to a water quality standard violation. [Minn. R. 7001]
	2.1.22	This general permit does not cover activities or discharges covered under a pre-existing individual permit unless the MPCA has specifically revoked or terminated that individual permit. [Minn. R. 7001]
	2.1.23	This general permit does not cover industrial sand mining activities (SIC Code 1446) that: a. Meet or exceed the thresholds for mandatory environmental review and the agency determines the operations, emissions, activities, discharges, or facilities of the permit applicant or permittee have characteristics creating the potential for significant environmental effects; or b. The agency determines the need for site-specific permit requirements including, but not limited to, groundwater monitoring, additional surface discharge monitoring, hydrogeological study, etc. which are beyond those contained in this permit in order to protect waters of the state. If the agency determines that a or b apply, a permit applicant or Permittee shall obtain coverage under an individual permit for the facility site. Sites that are required to obtain individual permit coverage, at the Permittee's request, may be reviewed for general permit eligibility following the first full term of individual permit coverage. [Minn. R. 7001]
	2.1.24	Notice of Temporarily Inactive Site(s). [Minn. R. 7001]
	2.1.25	The Permittee(s) must ensure that permanent stormwater BMPs are in place if the site is temporarily inactive. [Minn. R. 7001]
	2.1.26	During the temporarily inactive period, intervention limit monitoring is not required, but the Permittee must indicate on the Comments field of the Discharge Monitoring Report the inactivity. Should the site become active, the Permittee is required to sample in accordance with the Monitoring Requirements section of the permit for the calendar year the site becomes active. [Minn. R. 7001]
	2.1.27	Notice of Inactive Site(s). [Minn. R. 7001]
	2.1.28	The Permittee(s) must ensure stabilization of the site upon cessation of mining activities. Stabilization shall be initiated immediately after the termination of the mining operation and upon completion the area shall be restored to its intended state. [Minn. R. 7001]
	2.1.29	The Permittee(s) must complete the following to achieve final stabilization: a. The drainage ways that leave the site must be stabilized to prevent erosion with riprap or other protective material. b. All soils must be stabilized by a uniform perennial vegetative cover with a density of 70 percent over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions. c. Temporary BMPs for erosion prevention, such as synthetic liners and silt fences, must be removed. BMPs designed to decompose on site (such as some compost logs) may be left in place. d. All sediment must be removed from conveyances and from temporary sedimentation basins that are to be used as permanent water quality management basins in order to sufficiently return the basin to design capacity. Sediment must be stabilized to prevent it from being washed back into the basin, conveyances or drainage-ways discharging off-site or to surface waters. e. Other BMPs as necessary must be implemented so as to prevent erosion from the site excavation areas and stockpiles that have been used by the Permittee. [Minn. R. 7001]
	2.1.30	In order to have permit coverage terminated and have the Permittee released from inspection, recording and reporting requirements, the Permittee shall ensure and certify on the Site Inventory Form for site(s) where the Permittee no longer conducts the activities authorized by this permit that:

		a. The site closure achieves final stabilization requirements, or b. There is no longer a discharge of pollutants to waters of the state, including groundwater, from activities covered by this permit; or c. The Permittee supplies the name and contact information for the new owner or operator that is responsible for the site. [Minn. R. 7001]
	2.1.31	Water Quality Based Effluent Limits. [Minn. R. 7001]
	2.1.32	A wastewater discharge shall not cause or contribute to a violation of water quality standards unless the discharge meets all requirements of 40 CFR 122.44. [40 CFR 122.44]
	2.1.33	The Permittee shall operate and maintain the facility and shall control runoff, including stormwater, from the facility to prevent the exceedance of water quality standards specified in Minnesota Rules, chs. 7050 and 7060. [Minn. R. 7050, Minn. R. 7060]
	2.1.34	The Permittee shall limit and control the use of materials at the facility that may cause exceedances of surface water and groundwater standards specified in Minnesota Rules, chs. 7050 and 7060. These materials include, but are not limited to, detergents and cleaning agents, solvents, chemical dust suppressants, lubricants, fuels, drilling fluids, oils, fertilizers, explosives and blasting agents. [Minn. R. 7050, Minn. R. 7060]
	2.1.35	The MPCA may modify this permit, require corrective actions or take other actions if it determines that a discharge authorized by this permit is causing or contributing to a violation of water quality standards. [Minn. R. 7001]
	2.1.36	Floating solids or visible foam shall not be discharged in other than trace amounts. [Minn. R. 7001]
	2.1.37	Oil or other substances shall not be discharged in amounts that create a visible color film. [Minn. R. 7001]
	2.1.38	Any outlet pipe, culvert or hose outlets for the discharge shall be located on the ground. The Permittee shall install and maintain outlet protection measures, such as properly sized riprap, splash pads or gabions at the discharge stations (outlets) to prevent erosion. [Minn. R. 7001]
	2.1.39	All water from dewatering or basin draining activities must be discharged in a manner that does not cause nuisance conditions, flooding on nearby properties, erosion in receiving channels or on downslope properties, or inundation in a wetland causing adverse impact to the wetland. [Minn. R. 7001]
	2.1.40	Special Requirements. [Minn. R. 7001]
	2.1.41	For stormwater discharges with a discharge location that flows to and is within one mile of Outstanding Resource Value Waters (ORVWs) as defined in Minn. R. 7050.0335, subp. 1, 2, 3, and 4 (not including calcareous fens listed in Minn. R. 7050.0335 & Minn. R. 7050.0470) and trout waters as listed in Minn. R. 6264.0050, subp. 2 and 4: a. the Permittee shall develop and implement stormwater control measures, including BMPs that restrict the facility industrial stormwater discharges to the extent necessary to preserve the existing high quality, or to preserve the wilderness, scientific, recreational, or other special characteristics that make the water an Outstanding Resource Value Water. In addition, a stormwater intervention limit value of 65 mg/L for Solids, Total Suspended (TSS) applies to the discharge at a stormwater monitoring location, instead of 100 mg/L as specified in the 'Stormwater Limits and Monitoring Intervention Limits' section of this Permit. If the Permittee has a waiver from the requirements to conduct benchmark monitoring in accordance with the Technology Based Effluent Limits - Stormwater Discharges section of this permit, the benchmark value does not apply. b. if the discharge is to a trout stream, BMPs shall also be designed and implemented to protect the water quality from excess temperature increases. c. if the discharge is to a trout lake, BMPs shall also be designed and implemented to protect the water quality from excess phosphorus increases. d. if the discharge is to a wetland, the Permittee shall also comply with the requirements of Minn. R. 7050.0186 WETLAND STANDARDS AND MITIGATION. [Minn. R. 7050]

2.1.42	If the site has any stormwater discharges with the potential for significant adverse impacts to a wetland (e.g., conversion of a natural wetland to a stormwater pond), the Permittee must demonstrate that the wetland mitigative sequence has been followed. [Minn. R. 7001]
2.1.43	If the potential adverse impacts to a wetland on a specific site have been addressed by permits or other approvals from an official statewide program (U.S. Army Corps of Engineers 404 program, Minnesota Department of Natural Resources, or the State of Minnesota Wetland Conservation Act) specifically for the site, the Permittee may use that permit or other determination issued by these agencies to show that the potential adverse impacts have been addressed. For the purposes of this permit, de minimis actions are determinations by the permitting agency that address the site impacts, whereas a non-jurisdictional determination does not address site impacts. [Minn. R. 7001]
2.1.44	If there are impacts from the site that are not addressed in one of the permits addressed in the Special Requirements section of this permit or other determinations (e.g., permanent inundation or flooding of the wetland, significant degradation of water quality, excavation, filling, draining), the Permittee must minimize all adverse impacts to wetlands by utilizing appropriate measures. Measures used must be based on the nature of the wetland, its vegetative community types and the established hydrology. These measures include in order of preference: a. Avoid all significant adverse impacts to wetlands from site discharges. b. Minimize any unavoidable impacts to wetlands from site discharges. c. Provide compensatory mitigation when the Permittee determines that there is no reasonable and practicable alternative to having a significant adverse impact on a wetland. For compensatory mitigation, wetland restoration or creation shall be of the same type, size and whenever reasonable and practicable in the same watershed as the impacted wetland. [Minn. R. 7001]
2.1.45	If a site discharges to a water of the state that appears on the current U.S. Environmental Protection Agency (USEPA) approved list of impaired waters under Section 303 (d) of the Clean Water Act (33 U.S.C. Sec 303 (d)), the Permittee must review whether changes may be warranted in the site's Pollution Prevention Plan (Plan) to reduce the impact of the discharge. If an USEPA approved Total Maximum Daily Load (TMDL) has been developed, the Permittee must review the adequacy of the Plan to meet the TMDLs Waste Load Allocation. [Minn. R. 7001]
2.1.46	Technology Based Effluent Limits - Stormwater Discharges. [Minn. R. 7001]
2.1.47	Stormwater Management Devices. [Minn. R. 7001]
2.1.48	The Permittee is authorized to use industrial stormwater ponds, sedimentation basins and/or infiltration devices for stormwater management. [Minn. R. 7001]
2.1.49	Industrial stormwater ponds, sedimentation basins and/or infiltration devices shall not be located in areas that receive direct discharges from permanent or stationary vehicle fueling tanks (aboveground or underground storage tanks) and maintenance activity areas (shops), except where adequate secondary containment is provided as required under the SPCC Rule, and/or the basin is designed specifically to satisfy the federal SPCC Rule. Spill prevention and response BMPs shall be implemented in areas where mobile refuelers transfer product. [Minn. R. 7001]
2.1.50	When wastewater from authorized activities is co-mingled with stormwater, it is considered wastewater, and a surface water discharge is not authorized under this permit. This does not include stormwater co-mingling with mine dewatering from Subsector J1 and J2 facilities, which is approved for a surface water discharge under this permit. [Minn. R. 7001]
2.1.51	If the Permittee provides documentation to MPCA that the stormwater management device was designed by a registered professional engineer to control a 10-year, 24-hour storm event (based on National Oceanic and Atmospheric Administration Atlas 14, Volume 8 (NOAA Atlas 14, Volume 8)), then no sampling of a discharge is required upon MPCA approval. If the stormwater management device is already in place at an existing facility, the sizing of the device shall be confirmed by a registered professional engineer before the sampling

		requirement is waived. This does not include unauthorized non-stormwater discharges to surface waters. This waiver is for monitoring only; effluent limits still apply to the discharge and Permittees must maintain compliance with the limits. This waiver is only effective for the term of the permit. Permittees must reapply for the waiver every permit term. [Minn. R. 7001]
	2.1.52	Erosion and Sediment Control Practices. [Minn. R. 7001]
	2.1.53	Sediment control practices must be established on all down-gradient perimeters and be located up-gradient of any buffer zones. The perimeter sediment control practice must be in place before any up-gradient land disturbing activities begin. Use a range of erosion controls within the broad categories of flow diversion (e.g. swales, berms) and structural controls (e.g. sediment traps, dikes, silt fences). These practices shall remain in place until the site has been stabilized. [Minn. R. 7001]
	2.1.54	The Permittee shall re-install all sediment control practices that have been adjusted or removed to accommodate short-term activities such as clearing or grubbing, or passage of vehicles, immediately after the short-term activity has been completed. Short-term activities shall be completed as quickly as possible. Re-installation of sediment control practices shall be completed no later than the next precipitation event, even if the short-term activity is not complete. [Minn. R. 7001]
	2.1.55	The Permittee(s) shall plan for and implement appropriate BMPs such as construction phasing, vegetative buffer strips, horizontal slope grading, and other construction practices that minimize erosion. The location of areas not to be disturbed shall be delineated (e.g. with flags, stakes, signs, silt fence etc.) on the project site before work begins. [Minn. R. 7001]
	2.1.56	Temporary stockpiles or stripping/overburden stored outside the pit shall have sediment control mechanisms in place until the material is completely removed. Materials shall not be placed in any natural buffers, surface water, or stormwater conveyances such as curb and gutter systems, or conduits and ditches. [Minn. R. 7001]
	2.1.57	Vehicle Tracking. Vehicle tracking of sediment onto paved surfaces from the site or operation must be minimized by BMPs such as stone pads, concrete or steel wash racks, or equivalent systems. Street sweeping must be used if such BMPs are not adequate to prevent sediment from being tracked onto the street. The MPCA Vehicle Tracking factsheet may be used as guidance in BMP development: http://www.pca.state.mn.us/index.php/view-document.html?gid=7419 . [Minn. R. 7001]
	2.1.58	Good Housekeeping. Permittees conducting the industrial activities described in this permit shall keep exposed areas that may contribute pollutants to stormwater sufficiently clean to reduce or eliminate contaminated stormwater runoff. [Minn. R. 7001]
	2.1.59	BMP Maintenance. [Minn. R. 7001]
	2.1.60	The Permittee shall maintain all BMPs identified in the Pollution Prevention Plan (Plan) and implemented at the facility, to ensure BMP effectiveness. [Minn. R. 7001]
	2.1.61	The Permittee shall develop a schedule for preventive maintenance of all BMPs. The schedule shall be stored with the Plan. [Minn. R. 7001]
	2.1.62	If the Permittee identifies BMPs that are not functioning properly, the Permittee shall replace, maintain, or repair the BMPs within seven (7) calendar days of discovery. If BMP replacement, maintenance, or repair cannot be completed within seven (7) calendar days, the Permittee shall implement effective backup BMPs (temporary or permanent) until effectiveness of the original BMPs can be restored. The Permittee shall document the justification for an extended replacement, maintenance, or repair schedule of the failed BMPs, and store it with the Plan. [Minn. R. 7001]
	2.1.63	The Permittee shall record dates of all maintenance and repairs. The Permittee shall store these records with the Plan. [Minn. R. 7001]
	2.1.64	All silt fences must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 1/2 of the height of the device. These repairs must be made within 24 hours of discovery, or as soon as field conditions allow access. [Minn. R. 7001]
	2.1.65	If sediment escapes the facility, off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts

		(e.g., fugitive sediment in streets could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets). [Minn. R. 7001]
	2.1.66	Temporary and permanent sedimentation basins must have the sediment removed once the depth of sediment collected in the basin reaches 1/2 the storage volume. Removal must be completed within 72 hours of discovery, or as soon as field conditions allow access. [Minn. R. 7001]
	2.1.67	Spills and Leaks. [Minn. R. 7001]
	2.1.68	The Permittee shall develop and implement a spill prevention and response procedure. If the site already has a separate plan (e.g. Prevention and Response Plan as required by Minn. Stat. 115E, or Spill Prevention Control and Countermeasure Plan as required by Federal Law), that plan can be incorporated by reference into the Pollution Prevention Plan (Plan). In either case, a minimum of the following components shall be included with the Plan, or in a separate document: a. The Permittee shall report and document spills or leaks (as defined in Minn. Stat. Section 115.061) that occur in exposed areas, or that drain to a monitoring location. b. Material handling procedures, storage requirements, and cleanup equipment/materials and procedures necessary to recover as rapidly and thoroughly as possible spills or leaks pursuant to Minn. Stat. Section 115.061. All methods and procedures must be made available to appropriate site personnel. c. Contact information for individuals and emergency and regulatory agencies that must be notified in the event of a spill. When a spill or discharge of a potentially polluting material occurs, the Permittee shall immediately notify the Minnesota Department of Public Safety Duty Officer at 800-422-0798 (toll free) or 651-649-5451 (metro area) per Minn. Stat. Section 115.061. [Minn. Stat. ch. 115]
	2.1.69	Subsector D1 - Asphalt Production - Additional Spills and Leaks Requirements. [Minn. R. 7001]
	2.1.70	In addition to the requirements in this Section, the Permittee shall use drip pans and splash guards where spills frequently occur at Subsector D1 facilities. [Minn. R. 7001]
	2.1.71	Subsector E2 - Ready-Mix and Other Concrete Operations - Additional Spills and Leaks Requirements. [Minn. R. 7001]
	2.1.72	In addition to the requirements in this Section, the Permittee shall prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, or settled dust from paved portions of the facility that are exposed to stormwater at Subsector E2 facilities. [Minn. R. 7001]
	2.1.73	The Permittee shall determine the frequency of sweeping or equivalent by the amount of industrial activity occurring at Subsector E2 facilities and the frequency of exposure to stormwater, but it shall be performed at least once per week if cement, aggregate, kiln dust, fly ash, or settled dust are being handled or processed and materials are present on paved surfaces. [Minn. R. 7001]
	2.1.74	The Permittee shall also prevent the exposure of fine granular solids (cement, fly ash, kiln dust, etc.) to stormwater, where practicable, by storing these materials in enclosed silos, hoppers, buildings, and under other coverings. [Minn. R. 7001]
	2.1.75	The Permittee shall include measures in the Plan to ensure that process wastewater resulting from washing trucks, mixers, transport buckets, forms, or other equipment are discharged in accordance with applicable parts of this permit for Subsector E2 facilities. [Minn. R. 7001]
	2.1.76	Technology Based Effluent Limits - Non-Stormwater Discharges. [Minn. R. 7001]
	2.1.77	Wastewater Basin Design and Construction Requirements. [Minn. R. 7001]
	2.1.78	When constructing new (as of the issuance date of this permit) containment basins to infiltrate authorized non-stormwater discharges, not including uncontaminated scale deck wash water that does not use detergents, solvents, or degreasers, wash water associated with cleaning of mobile equipment that does not use detergents, solvents, or degreasers and/or waters used for sawing stone or dust control on crushers, conveyors, associated equipment, stockpiles, and site roadways, of this permit from Subsector J1 and J2 activities, it shall:

		a. Have at least sufficient capacity to contain all wastewater discharges so as to prevent overflow. b. Be constructed to contain the bounce from precipitation and stormwater runoff resulting from a 10-year, 24 hour storm event. Any overflow of the basin shall not discharge to surface water or any storm sewer system. c. Not be constructed in areas that receive direct discharges from permanent or stationary vehicle fueling tanks (underground or aboveground storage tanks) and maintenance activity areas (shops). Spill prevention and response BMPs shall be implemented in areas where mobile refuelers transfer product. [Minn. R. 7001]
2.1.79		When constructing new (as of the issuance date of this permit) containment basins to infiltrate authorized non-stormwater discharges from Subsector E2 activities, it shall: a. Be designed consistent with accepted engineering practices. Designs shall be approved by a professional engineer or other licensed professional. b. Be constructed and maintained to allow for infiltration of wastewater. Long term soil infiltration rates for new infiltration devices shall not be greater than 1.63 inches per hour unless pretreatment practices are implemented prior to infiltration. c. Be constructed to allow for maximum separation distance from groundwater with a minimum of 3 feet between the bottom of the impoundment and the seasonal high water table. d. Have at least sufficient capacity to contain all wastewater discharges so as to prevent overflow. e. Be constructed to contain the bounce from precipitation and stormwater runoff resulting from a 10-year, 24 hour storm event. Any overflow of the basin shall not discharge to surface water or any storm sewer system. f. Not be constructed in areas with standing water or areas that receive direct discharges from permanent or stationary vehicle fueling tanks (underground or aboveground storage tanks) and maintenance activity areas (shops). Spill prevention and response BMPs shall be implemented in areas where mobile refuelers transfer product. The Permittee shall maintain design documentation to demonstrate containment basins meet the requirements of a-f. [Minn. R. 7001]
2.1.80		When constructing new (as of the issuance date of this permit) containment basins to infiltrate authorized non-stormwater discharges from Subsector E2 activities, it shall: a. Be designed consistent with accepted engineering practices. Designs shall be approved by a professional engineer or other licensed professional. b. Be constructed and maintained to allow for infiltration of wastewater. Long term soil infiltration rates for new infiltration devices shall not be greater than 1.63 inches per hour unless pretreatment practices are implemented prior to infiltration. c. Be constructed to allow for maximum separation distance from groundwater with a minimum of 3 feet between the bottom of the impoundment and the seasonal high water table. d. Have at least sufficient capacity to contain all wastewater discharges so as to prevent overflow. e. Be constructed to contain the bounce from precipitation and stormwater runoff resulting from a 10-year, 24 hour storm event. Any overflow of the basin shall not discharge to surface water or any storm sewer system. f. Not be constructed in areas with standing water or areas that receive direct discharges from permanent or stationary vehicle fueling tanks (underground or aboveground storage tanks) and maintenance activity areas (shops). Spill prevention and response BMPs shall be implemented in areas where mobile refuelers transfer product.

		The Permittee shall maintain design documentation to demonstrate containment basins meet the requirements of a-f. [Minn. R. 7001]
	2.1.81	Karst Topography. [Minn. R. 7001]
	2.1.82	New Basins. New infiltration devices for authorized non-stormwater discharges are prohibited within 1000 feet up-gradient or 100 feet downgradient of active karst features. [Minn. R. 7001]
	2.1.83	Existing Basins. The design and construction of containment basins shall include additional or different measures as necessary (e.g. impervious liner in pond bottom) to assure compliance with surface and groundwater standards in Minn. R. chs. 7050 and 7060 and to ensure protection of drinking water supply management areas (see Minn. R. 4720.5100, subp. 13). These measures shall be identified in the Pollution Prevention Plan. [Minn. R. 7001]
	2.1.84	Subsector J1 and J2 - Mine Pit Dewatering to Surface Waters. [Minn. R. 7001]
	2.1.85	Permittees are authorized to discharge mine site dewatering flow to surface waters if the following conditions are met: a. Discharges only from Subsector J1 and J2 facilities. b. Discharges meet the effluent limits applied in this permit. c. The dewatering discharges do not co-mingle with other process wastewater. d. The dewatering discharges are not to ORVWs, DNR-designated trout waters, and/or DNR-posted fish-spawning areas. e. The Permittee has documented in their Pollution Prevention Plan location and initial flow estimates for surface discharge stations. [Minn. R. 7001]
	2.1.86	Dewatering or basin draining must be discharged to a control device on the project site whenever possible, such as a temporary or permanent sedimentation basin or infiltration device. Discharge from the control device must be visually checked to ensure adequate treatment is obtained and that nuisance conditions (see Minn. R. 7050.0210, subp. 2) will not result from the discharge. [Minn. R. 7001]
	2.1.87	If the Permittee provides documentation to MPCA that the control device was designed by a registered professional engineer to control a 10-year, 24-hour storm event, then no sampling of a discharge is required upon MPCA approval. If the control device is already in place at an existing facility, the sizing of the control device shall be confirmed by a registered professional engineer before the sampling requirement is waived. This includes overflows caused solely by direct rainfall and groundwater seepage. This does not include unauthorized non-stormwater discharges to surface waters. This waiver is for monitoring only; effluent limits still apply to the discharge and Permittees must maintain compliance with the limits. This waiver is only effective for the term of the permit. Permittees must reapply for the waiver every permit term. [Minn. R. 7001]
	2.1.88	If the water cannot be discharged to a control device prior to entering the surface water, it must be treated with the appropriate BMPs, such that the discharge does not adversely affect the receiving water or downstream landowners. [Minn. R. 7001]
	2.1.89	The Permittee(s) must ensure that discharge points are adequately protected from erosion and scour. The discharge must be dispersed over natural riprap, sand bags, plastic sheeting, or other accepted energy dissipation measures. Adequate sedimentation control measures are required for discharge water that contains suspended solids. [Minn. R. 7001]
	2.1.90	Any inlet pipe, culvert or hose for the discharge shall be raised above the ground so that the discharge flow does not draw in and transport solids from the sump area. [Minn. R. 7001]
	2.1.91	Subsector D1 -Asphalt - BMPs for Wet Scrubber Wastewater. [Minn. R. 7001]
	2.1.92	This permit authorizes stormwater discharges from asphalt production areas (SIC Code 2951) and/or stormwater discharges from the installation, construction, and/or operation of wet scrubbers at asphalt production plants. This permit does not authorize the discharge of asphalt production wet scrubber wastewater to surface waters or to groundwater. Any discharge to surface water will require an individual NPDES permit. [Minn. R. 7001]
	2.1.93	Wastewater from asphalt production wet scrubbers shall be held within pipes, aboveground tanks or lined impoundments.

		Pipes and tanks shall be operated and maintained to prevent leaks. Cracks or other failures in pipes or tanks shall be repaired immediately. If pipes are buried, or pipes or tanks are in contact with the land surface, they shall be inspected at least once before each operating year to locate and repair cracks or other failures. [Minn. R. 7001]
	2.1.94	An impoundment for containment of wet scrubber wastewater shall meet the design criteria specified in this section. Impoundments that do not meet the criteria in this part may be authorized if requested in writing by the Permittee, and approved in writing by the MPCA, at least 90 days before construction of the impoundment begins. [Minn. R. 7001]
	2.1.95	Construction of impoundments in close proximity to drinking water supplies and other areas subject to contamination should be avoided. A minimum separation of four feet between the top of the impoundment seal and the seasonal high water table shall be maintained. Drain tile under the impoundment shall not be used to permanently lower the water table. A minimum separation of ten feet between the top of the impoundment seal and bedrock formations shall be maintained. Impoundments shall not be constructed on locations with karst topography. [Minn. R. 7001]
	2.1.96	Impoundments shall be constructed utilizing at least a 30-mil-thick continuous Polyvinyl Chloride (PVC) or High Density Polyethylene (HDPE) liner, or a reinforced Portland cement concrete liner. A PVC or HDPE liner, not replaced on an annual basis, shall be covered with at least one-foot depth of finely textured soil. Liquid depths for impoundments shall be designed for a maximum of six feet. [Minn. R. 7001]
	2.1.97	PVC and HDPE liner systems shall be designed and installed in general accordance with the most recent version of MPCA guidance documents High Density Polyethylene Liner Guidance (June 2011) or Polyvinyl Chloride Liner Guidelines (May 2011). [Minn. R. 7001]
	2.1.98	No PVC or HDPE liner panels shall be used at more than one site without the prior written approval of the MPCA. The Permittee shall remove and properly dispose of used PVC and HDPE liner materials in accordance with applicable solid waste statutes and rules. [Minn. R. 7001]
	2.1.99	The subsoil bed for a PVC or HDPE liner shall be sufficiently prepared to ensure that all holes, rocks, stumps and other debris are eliminated. The subsoil shall be sieved or the area raked after grading to provide a smooth, flat surface free of stones and other sharp objects. The subsoil bed shall be sloped at least 1% upward toward the dike, so as to reduce gas and hydrostatic pressures, and to facilitate pumping of the impoundment. [Minn. R. 7001]
	2.1.100	PVC and HDPE liner panels shall be laid out to minimize seams, with an overlap of four to six inches. The PVC or HDPE liner anchor trench shall have a minimum six inch depth and be placed at least nine to twelve inches beyond the slope break at the dike. PVC and HDPE liners shall be installed under the direct supervision of a person experienced in the proper installation of such liners. This person shall inspect all seams on-site for their acceptability prior to the construction certification. [Minn. R. 7001]
	2.1.101	The design of a reinforced Portland cement concrete liner shall be in accordance with the American Concrete Institute (ACI) Manual of Concrete Practice. [Minn. R. 7001]
	2.1.102	The Permittee shall inspect each impoundment for cracks or other failures, at least once each operating year. This inspection shall be conducted after the spring thaw and before the start of the asphalt plant operating season. In addition: a. PVC and HDPE lined impoundments shall complete a water balance test annually after the spring thaw and before the start of the asphalt plant operating season. The water balance test shall be completed in accordance with the MPCA "Prefill and Water Balance Criteria" (December 2010). b. Concrete lined impoundments shall complete water tightness testing at least once per 5 years (once per permit cycle). Water tightness testing for concrete impoundments shall be completed in accordance with the most recent version of ACI 350.1 "Specification for Tightness Testing of Environmental Engineering Concrete Containment Structures." Impoundments that do not pass the water balance or tightness testing may not be placed into service until a passing result is achieved; this may require identifying and repairing problem

		areas of the impoundment and repeating the testing. The inspector shall prepare a written report of each water balance and inspection. Any cracks or other failures shall be repaired immediately, and certified by an engineer registered in Minnesota. [Minn. R. 7001]
	2.1.103	The Permittee shall keep signed copies of the impoundment design plans and specifications, construction certifications, water balance and inspection reports, and repair certifications with the asphalt plant at all times. [Minn. R. 7001]
	2.1.104	The Permittee shall divert surface water runoff around impoundments, prevent erosion, and protect the structural integrity of exterior embankments from failure. [Minn. R. 7001]
	2.1.105	The Permittee shall maintain impoundments during the winter so that ice layers and frost action do not damage the liner effectiveness and integrity. [Minn. R. 7001]
	2.1.106	Sediments that accumulate in asphalt production wet scrubber wastewater containment structures shall be removed in a manner so as to not damage the integrity and effectiveness of the containment structure. The Permittee may dispose of these sediments at a permitted sanitary landfill, through use as road base or subgrade, or through blending into the paving asphalt mixture. The Permittee may use one of the following options for sediment disposal if the MPCA authorizes this specific in writing: a. Leave in-place, b. Use as clean fill, or c. Land spread. The Permittee shall record in writing the volume of sediments removed from asphalt production scrubber disposal systems, and the method and location of the disposal of such materials. [Minn. R. 7001]
	2.1.107	The Permittee may dispose of asphalt production wet scrubber wastewater for the purposes of roadbed preparation or dust control, and in accordance with the following requirements: a. Wastewater may be applied to the surface of unpaved roads or roadbeds only if the asphalt plant is in the process of relocating, has ceased operation for the remainder of the year, or if alterations to the impoundment are needed. b. Wastewater may be applied to the surface of unpaved roads or roadbeds only if that road or roadbed is dry. c. Application to haul roads shall be conducted in such a manner to prevent runoff or prolonged ponding. d. Only the amount of water needed to control or prevent a dust problem may be applied. e. Wastewater used for dust control shall not enter any road ditch, surface water, or wetland. f. Wastewater shall not be applied at a rate greater than one gallon per square yard per year. [Minn. R. 7001]
	2.1.108	Asphalt Ingredients, Burner Fuels and Chemical Additives. If the Permittee proposes to use asphalt ingredients, burner fuels and/or chemical additives other than those designated below, at an asphalt production plant with a wet scrubber, the Permittee shall apply in writing to the MPCA for such approval, no later than 60 days before the planned date of utilization of the non-designated material. The Permittee may use these non-designated materials only with the written approval of the MPCA. The designated materials are: a. Clay, silt, sand, gravel and crushed stone produced from naturally occurring geologic formations, and without chemical additives. b. Recycled asphalt. c. Recycled asphalt saturated felt materials. d. Natural gas, butane, propane and methane. e. Gasoline, kerosene, diesel fuel, jet fuel and fuel oils (No. 1, No. 2, No. 3, No. 4, No. 5, No. 6). f. Petroleum derived waste oil as defined in Minn. R. 7045.0020. g. On-specification used oil fuel, as defined in Minn. R. pt. 7045.0020, except that total halogens shall not exceed 1,000 parts per million in the used oil fuel.

		h. Asphalt cement (AC). i. Hydrated lime. j. Anti-stripping agents approved by the MPCA under this permit. k. Aluminum chloride flocculants. l. Freemont 8201 and anionic polyacrylamide flocculants of similar chemical composition. m. Any mixture of the materials listed in subitems (a) through (l). n. Portland cement concrete. o. Recycled sediments from asphalt plant scrubber operations. p. Fines from asphalt fabric filter operations. q. Silicone. [Minn. R. 7001]
	2.1.109	Subsector E2 - Ready-Mix and Other Concrete Operations Discharges to Groundwater. [Minn. R. 7001]
	2.1.110	This permit section is intended to cover process wastewater discharges from concrete product operations. Authorized discharges to groundwater specified in the Applicability Section of this permit are covered under this permit. Any discharge to surface water will require an individual NPDES permit. Wastewater discharges from facilities described by the following Standard Industrial Classification (SIC) codes are authorized: a. Concrete Block and Brick (SIC 3271) b. Concrete Products, N.E.C. (Not Elsewhere Covered) (SIC 3272) c. Ready-Mix Concrete (SIC 3273). [Minn. R. 7001]
	2.1.111	Containment basins shall be constructed in compliance with this permit. [Minn. R. 7001]
	2.1.112	Authorized E2 activity discharge to new containment basins (as of the issuance date of this permit) must meet the following conditions: a. be constructed to allow for maximum separation distance from groundwater with a minimum of 3 feet between the bottom of the impoundment and the seasonal high water table. b. If the wastewater pH of authorized discharges from E2 activities is outside the range of 6.0-9.0 Standard Units (SU), the wastewater must also be passed through an extra soil zone, mixed with other authorized process waters or rinse waters, or held in a lined or sealed basin to prevent infiltration in order to bring the pH within the range of 6.0-9.0 SU before the wastewater mixes with groundwater. [Minn. R. 7001]
	2.1.113	Authorized E2 activity discharge to existing containment basins must meet the following conditions: a. If the wastewater pH of authorized discharges from E2 activities is outside the range of 6.0-9.0 Standard Units (SU), the wastewater must also be passed through a soil zone, mixed with other authorized process waters or rinse waters, or held in a lined or sealed basin to prevent infiltration in order to bring the pH within the range of 6.0-9.0 SU before the wastewater mixes with groundwater. [Minn. R. 7001]
	2.1.114	Pollution Prevention Plan (Plan). [Minn. R. 7001]
	2.1.115	The Permittee shall develop and implement a Pollution Prevention Plan (Plan) to address the specific conditions at the site. The goal of the Plan is to eliminate or minimize contact of stormwater with significant materials that may result in pollution of the runoff, as well as identify and correctly manage non-stormwater discharges. [Minn. R. 7001]
	2.1.116	A Plan shall be developed, implemented, and maintained for each site authorized by this permit. A Plan shall be prepared and maintained in an appropriate and functional manner in accordance with relevant manufacturer specifications and accepted engineering practices. [Minn. R. 7001]
	2.1.117	A Plan shall be completed prior to submitting the permit application for authorization of activities by this permit. Permittees authorized under the previous version of this permit shall modify the Plan to comply with the requirements of this permit prior to submitting the permit application. [Minn. R. 7001]

2.1.118	A Plan shall be used by the Permittee to document all BMPs used to comply with all control measures required in the Technology Based Effluent Limits sections of this permit. BMPs shall be designed and implemented to address the potential pollutants associated with the activities and materials identified by the Permittee. The documentation shall include a list of all structural and non-structural BMPs designed and implementation at the site. [Minn. R. 7001]
2.1.119	The Plan shall include documentation of an assessment and inventory/list of materials handled and activities conducted at the site that can potentially be a source of pollutants to stormwater discharges. The assessment shall include but is not limited to the materials and activities identified below: a. Excavation. b. Crushing/Screening. c. Overburden, waste and products stockpiles. d. Raw material and final product storage. e. Waste products. f. Sediment washing. g. Material loading/unloading. h. Areas where spills and leaks may potentially contribute pollutants to stormwater. i. Vehicle and equipment maintenance, washing, and fueling. j. Chemical additives/dust suppressant use. [Minn. R. 7001]
2.1.120	The Plan for each site shall include an inventory of all chemical additives currently used to treat wastewater and/or stormwater including chemical dust suppressants. This inventory shall include: a. The name of the additive. b. The process for which the additive will be used. c. The proposed method of application, application frequency, and daily average and maximum rates of use. d. The date of MPCA approval. MPCA approval is required for any additives that are new, increasing in usage, or not previously approved. See the Total Facilities Requirements section of this permit and go to the chemical additive webpage at http://www.pca.state.mn.us/index.php/water/water-types-and-programs/wastewater/wastewater-technical-assistance/chemical-additive-approvals.html to find the documents necessary to complete the approval process. [Minn. R. 7001]
2.1.121	The Plan for each site shall include a site map, which does not need to be a surveyed map, at least to the level of detail indicated on a 7.5-minute U.S. Geological Survey quadrangle map, which identifies: a. Location of the site in relation to surface waters (including the name of the surface water; if the name is not known, indicate that on the map). b. Location of all impaired waters within one mile. The Permittee shall include the name of the impaired water and the impairment (e.g. impaired for biota fish, turbidity, nutrients, etc.). c. Location of all ORVWs, designated trout waters, and wetlands within one mile of the site (Minn. R. 7050.0335, 6264.0050, and 7050.0420). d. Directions of stormwater flow indicated by arrows (including stormwater that is contained/infiltrated on site). e. Location of all discharge points. f. Location of all overflow points from control devices. g. Topography of the area. h. Location of all activities and materials. i. Location of all structural BMPs. j. Location and description of any non-stormwater discharges. k. Dewatering points.

		l. Water supply wells. m. Surface water supply intakes. Portable sites can meet the requirements of g. through m. above by developing general plant configuration maps. [Minn. R. 7001]
2.1.122		The Plan for each site shall include a site map, which does not need to be a surveyed map, at least to the level of detail indicated on a 7.5-minute U.S. Geological Survey quadrangle map, which identifies: a. Location of the site in relation to surface waters (including the name of the surface water; if the name is not known, indicate that on the map). b. Location of all impaired waters within one mile. The Permittee shall include the name of the impaired water and the impairment (e.g. impaired for biota fish, turbidity, nutrients, etc.). c. Location of all ORVWs, designated trout waters, and wetlands within one mile of the site (Minn. R. 7050.0335, 6264.0050, and 7050.0420). d. Directions of stormwater flow indicated by arrows (including stormwater that is contained/infiltrated on site). e. Location of all discharge points. f. Location of all overflow points from control devices. g. Topography of the area. h. Location of all activities and materials. i. Location of all structural BMPs. j. Location and description of any non-stormwater discharges. k. Dewatering points. l. Water supply wells. m. Surface water supply intakes. Portable sites can meet the requirements of g. through m. above by developing general plant configuration maps. [Minn. R. 7001]
2.1.123		The Permittee shall review the Plan at least annually and modify the Plan, if: a. There is construction or a change in design, operation, or maintenance at the facility that affects stormwater and wastewater management or compliance with this permit. b. The Permittee has identified a monitoring location from which the discharge flows to, and is within one mile of, an impaired water. c. A routine inspection, compliance evaluation, or visual inspection identified deficiencies in the Plan and/or BMP. d. Additional stormwater and/or wastewater control measures and BMPs are necessary to meet applicable water quality standards or to address exceedances of intervention limits. e. There is an unauthorized discharge from the facility. If the Plan modification is based on a release or unauthorized discharge, include in the modified Plan a description and date of the release, the circumstances leading to the release, actions taken in response to the release, and measures to prevent the recurrence of such releases. Unauthorized releases and discharges are subject to the reporting requirements in the Total Facilities Requirements section of this permit. [Minn. R. 7001]
2.1.124		The Plan must be kept at the site when the site is Active. If there is no office located on-site, electronic access of the Plan is acceptable. The Plan must be available to the Agency within 72 hours of a request for review. [Minn. R. 7001]
2.1.125		The Plan shall identify the individual(s) responsible for managing, implementing, maintaining, modifying, and ensuring compliance with the site's Plan, as well as personnel responsible for managing and implementing the Plan. [Minn. R. 7001]
2.1.126		The Permittee must develop and implement an employee training program to inform appropriate personnel of the components and goals of the Plan. The Plan must also identify periodic dates for such training. [Minn. R. 7001]

2.1.127	Records of all inspections conducted in accordance with permit requirements shall be maintained within the Plan. [Minn. R. 7001]
2.1.128	Subsector D1 - Asphalt - Additional Plan Requirements. [Minn. R. 7001]
2.1.129	Asphalt facilities (Subsector D1) must also identify: a. Petroleum storage. b. Fuel Storage. c. Recycled Asphalt Pavement Storage. d. Aggregate Storage. e. Recycled concrete, concrete block and brick crushing and storage. f. Cold Patch Storage. g. Release agent storage and application. [Minn. R. 7001]
2.1.130	Subsector E2 - Ready-Mix Operations - Additional Plan Requirements. [Minn. R. 7001]
2.1.131	Ready-Mix Operations (Subsector E2) must also identify: a. Bag house or other dust control device. b. Recycle/sediment pond, clarifier, or other device used for the treatment of process wastewater. c. The areas that drain to the treatment device. d. Description of multiple locations of ready-mix and other concrete operations, if applicable. [Minn. R. 7001]
2.1.132	Inspection Reports. [Minn. R. 7001]
2.1.133	The Permittee shall develop and implement an inspection schedule that includes a minimum of one site inspection per calendar month that the site is an Active Site and staffed. A minimum of one inspection per calendar year shall be conducted during a runoff event. [Minn. R. 7001]
2.1.134	If the site is Inactive and unstaffed, Temporarily Inactive and unstaffed as defined, or is a site undergoing final stabilization, the Permittee is waived from the requirement to conduct monthly site inspections, but BMPs must be maintained. [Minn. R. 7001]
2.1.135	All inspections and resulting maintenance must be recorded and retained within the Plan. Records of each inspection and maintenance activity shall include: a. Date and time of inspections. b. Name of person(s) conducting inspections. c. An evaluation of the facility to determine that the Plan accurately reflects conditions as described in the Pollution Prevention Plan. At a minimum, the Permittee shall inspect storage tank areas, waste disposal areas, maintenance areas, loading/unloading areas, and raw material, intermediate product, by-product and final product storage areas. d. An evaluation of all structural and non-structural BMPs to determine effectiveness and proper function. e. An evaluation of the facility to determine whether new exposed significant materials or activities have been added to the site since completion of the Plan. f. Findings of inspections, including recommendations for corrective actions. g. Corrective actions taken (including dates, times, and party completing maintenance activities). [Minn. R. 7001]
2.1.136	In addition to the inspection requirements of this Section, separately from the required annual runoff event inspection, the Permittee shall ensure that one of the required monthly inspections occurs during a snow melt event. The inspection shall include a visual assessment of the runoff to identify any visible sheens or films that indicate the presence of oil or grease in the discharge. If sheens are present in surface discharges, corrective actions to prevent sheen shall be implemented and documented in the Plan. [Minn. R. 7001]
2.1.137	Subsector D1 - Asphalt - Additional Inspection Reports Requirements. [Minn. R. 7001]
2.1.138	The operator of an Asphalt Facility shall also inspect the following areas: a. Material storage and handling areas;

		b. Liquid storage tanks; c. Hoppers and silos; d. Vehicle and equipment maintenance, cleaning, and fueling areas; and e. Material handling vehicles, equipment, and processing areas. Ensure that appropriate action is taken in response to the inspection by using follow-up procedures. Document in the Plan the inspections and follow up actions. [Minn. R. 7001]
2.1.139		Subsector E2 - Ready-Mix and Other Concrete Operations - Additional Inspection Reports Requirements. [Minn. R. 7001]
2.1.140		Dust collection and containment systems shall be included in the site inspections. [Minn. R. 7001]
2.1.141		Monitoring Requirements. [Minn. R. 7001]
2.1.142		Stormwater Monitoring. [Minn. R. 7001]
2.1.143		Stormwater Monitoring. [Minn. R. 7001]
2.1.144		The Permittee shall monitor each outfall for all parameters specified in the Limits and Monitoring Section of this permit during stormwater runoff from active site operations. The Permittee shall submit the results of intervention limit monitoring required by this permit on the Discharge Monitoring Report form provided by the Agency. The information must be recorded in the specified areas on the form and in the unit specified. [Minn. R. 7001]
2.1.145		Two samples shall be collected at each monitoring outfall and analyzed for each intervention limit parameter in a calendar year in order to determine an annual average concentration for each intervention limit parameter. The two samples shall be collected on two separate runoff events, one in the spring and one in the fall, if possible, each calendar year the Permittee is authorized to discharge under this permit. At the Permittee's discretion, more than two samples may be taken during separate runoff events and used to determine the annual average intervention limit(s). For averaging purposes, use a value of zero for any individual sample parameter which is determined to be less than the method detection limit. [Minn. R. 7001]
2.1.146		If the Permittee is unable to obtain a minimum of two samples, less than two samples may be used to determine the annual average intervention limit(s) for the discharges during the year. However, for each sample that could not be obtained due to weather conditions and/or soil characteristics, the Permittee shall provide an explanation in the Comments section of the Discharge Monitoring Report and submit it to the Agency. [Minn. R. 7001]
2.1.147		Samples shall be collected during the first 30 minutes of a measurable runoff event at a monitoring outfall and sampling events shall be at least 72 hours apart, to the extent feasible. [Minn. R. 7001]
2.1.148		The intervention limit monitoring location(s) selected by the Permittee shall be in a location that: a. Is below the most down-gradient BMP from the source of industrial activity or significant materials, but prior to discharging from the Permittee's operational control. b. Minimizes or eliminates sampling of stormwater from off-site sources (run-on). c. Yields a sample that best represents the contribution of pollutants the Permittee is required to monitor for in accordance with this permit and that receives discharge from an area of industrial activities, processes, and significant materials exposed to stormwater. [Minn. R. 7001]
2.1.149		If the Permittee has identified multiple, but separate, stormwater discharges and each area of discharge is substantially similar in terms of exposure, BMPs, and pollutants discharged, the Permittee may choose one intervention limit monitoring location that is most representative and best allows for obtaining a sample. This is applicable to a single site only. Multiple sites may only choose a substantially similar outfall at a single site. [Minn. R. 7001]
2.1.150		An exceedance of an applicable annual average intervention limit does not constitute a violation under this permit. However, the Permittee is required to perform any necessary corrective action(s) to address stormwater control measures, including the maintenance or implementation of BMPs, when an exceedance of an applicable intervention limit occurs as

		described below. Failure to respond to an intervention limit exceedance is a violation of the permit. If an exceedance of an intervention limit occurs, modify the Plan and document all corrective actions, including improvements to BMPs, necessary to meet the applicable intervention limits. Modifications and upgrades of the Plan and BMPs shall be initiated immediately, but no later than 14 days beyond discovery of an intervention limit exceedance. The Permittee must install a new or modified control and make it operational as soon as possible. If it is infeasible to complete the installation of a new or modified BMP within 14 calendar days, the Permittee must document why it is infeasible to complete the installation or repair within the 14-day timeframe. The Permittee must also outline a schedule for completing the work, and documentation must be completed as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. If 45 days is infeasible, the Permittee must complete the installation or repair as soon as practicable and document the reason for delay. All documentation shall be contained within or as an attachment to the Plan. [Minn. R. 7001]
	2.1.151	If the site is Temporarily Inactive during a monitoring permit, intervention limit monitoring is not required, but the Permittee shall indicate on their DMR the inactivity and indicate that permanent stormwater BMPs remain in place. Should the site become active, the Permittee is required to sample in accordance with this Section of the permit for the year the site became active. [Minn. R. 7001]
	2.1.152	If stormwater does not discharge to surface waters, no monitoring is required. If there is no discharge during the sampling period, the Permittee shall check the "No Flow" box and note the conditions on the Discharge Monitoring Report Form. [Minn. R. 7001]
	2.1.153	If the Permittee submits documentation in compliance with this permit and receives approval from MPCA, discharges from the mine dewatering control devices are not required to be sampled. This shall include overflows caused solely by direct rainfall and groundwater seepage. [Minn. R. 7001]
	2.1.154	Stormwater Limits and Monitoring Intervention Limits a. Subsectors J1, J2, D1, and E2: Total Suspended Solids, 100 mg/L. b. Subsector E2: Iron, 1.0 mg/L. [Minn. R. 7001]
	2.1.155	Mine Dewatering to Surface Waters - Effluent Limit Monitoring. [Minn. R. 7001]
	2.1.156	If dewatering flows do not discharge to surface waters, no monitoring will be required. If there is no discharge during the sampling period, the Permittee shall check the "No Flow" box and note the conditions on the Discharge Monitoring Report Form. [Minn. R. 7001]
	2.1.157	If the Permittee submits documentation in compliance with this permit and receives approval from MPCA, overflows from the mine pit dewatering control devices are not required to be sampled. This shall include overflows caused solely by direct rainfall and groundwater seepage. [Minn. R. 7001]
	2.1.158	One sample shall be collected quarterly from each monitoring outfall identified and analyzed for each required effluent limit parameters specified in the Limits and Monitoring Section of this permit. The sample(s) shall be collected each calendar quarter the Permittee is authorized to discharge under this permit. [Minn. R. 7001]
	2.1.159	For active mine dewatering, samples shall be representative of the discharge and collected during any measurable event at an outfall. Flow monitoring shall be monitored using a continuous flow monitor or pump-run times. [Minn. R. 7001]
	2.1.160	If the discharge event is an overflow caused by a rainfall event, the sample(s) shall be collected within the first 30 minutes of the measurable runoff event. If it is not possible to collect the sample(s) within the first 30 minutes, the sample(s) shall be collected as soon as practicable after the first 30 minutes and documentation must be included with the Comments field of the Discharge Monitoring Report Form that explains why it was not possible to collect the sample(s) within the first 30 minutes. [Minn. R. 7001]

2.1.161	Mine Dewatering to Surface Waters - Monitoring for Permit Reissuance. The following parameters shall be sampled and analyzed prior to permit expiration and submitted with the application for permit re-issuance. Samples shall be representative of mine dewatering discharge activity, and must comply with the Total Facilities Requirements section of this permit: a. Total Dissolved Solids. b. Hardness. c. Oil & Grease and surfactants. d. Antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, and zinc. e. Aluminum, barium, boron, cobalt, iron, magnesium, manganese, molybdenum, total tin, and total aluminum. [Minn. R. 7001]
2.1.162	Total Facilities Requirements. [Minn. R. 7001]
2.1.163	Definitions. Refer to the 'Permit Users Manual' found on the MPCA website (www.pca.state.mn.us) for standard definitions. [Minn. R. 7001]
2.1.164	Incorporation by Reference. The following applicable federal and state laws are incorporated by reference in this permit, are applicable to the Permittee, and are enforceable parts of this permit: 40 CFR pts. 122.41, 122.42, 136, 403 and 503; Minn. R. pts. 7001, 7041, 7045, 7050, 7052, 7053, 7060, and 7080; and Minn. Stat. ch. 115 and 116. [Minn. R. 7001]
2.1.165	Permittee Responsibility. The Permittee shall perform the actions or conduct the activity authorized by the permit in compliance with the conditions of the permit and, if required, in accordance with the plans and specifications approved by the Agency. [Minn. R. 7001]
2.1.166	Toxic Discharges Prohibited. Whether or not this permit includes effluent limitations for toxic pollutants, the Permittee shall not discharge a toxic pollutant except according to Code of Federal Regulations, Title 40, sections 400 to 460 and Minnesota Rules 7050, 7052, 7053 and any other applicable MPCA rules. [Minn. R. 7001]
2.1.167	Nuisance Conditions Prohibited. The Permittee's discharge shall not cause any nuisance conditions including, but not limited to: floating solids, scum and visible oil film, acutely toxic conditions to aquatic life, or other adverse impact on the receiving water. [Minn. R. 7050.0210, Subp. 2]
2.1.168	Property Rights. This permit does not convey a property right or an exclusive privilege. [Minn. R. 7001]
2.1.169	Liability Exemption. In issuing this permit, the state and the MPCA assume no responsibility for damage to persons, property, or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under this permit. To the extent the state and the MPCA may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act. [Minn. R. 7001]
2.1.170	The MPCA's issuance of this permit does not obligate the MPCA to enforce local laws, rules, or plans beyond what is authorized by Minnesota Statutes. [Minn. R. 7001]
2.1.171	Liabilities. The MPCA's issuance of this permit does not release the Permittee from any liability, penalty or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit. [Minn. R. 7001]
2.1.172	The issuance of this permit does not prevent the future adoption by the MPCA of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the Permittee. [Minn. R. 7001]
2.1.173	Severability. The provisions of this permit are severable and, if any provisions of this permit or the application of any provision of this permit to any circumstance are held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. [Minn. R. 7001]

2.1.174	Compliance with Other Rules and Statutes. The Permittee shall comply with all applicable air quality, solid waste, and hazardous waste statutes and rules in the operation and maintenance of the facility. [Minn. R. 7001]
2.1.175	Inspection and Entry. When authorized by Minn. Stat. ch. 115.04; 115B.17, subd. 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the Permittee to enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit. [Minn. R. 7001]
2.1.176	Control Users. The Permittee shall regulate the users of its wastewater treatment facility so as to prevent the introduction of pollutants or materials that may result in the inhibition or disruption of the conveyance system, treatment facility or processes, or disposal system that would contribute to the violation of the conditions of this permit or any federal, state or local law or regulation. [Minn. R. 7001]
2.1.177	Sampling. [Minn. R. 7001]
2.1.178	Representative Sampling. Samples and measurements required by this permit shall be conducted as specified in this permit and shall be representative of the discharge or monitored activity. [40 CFR 122.41(j)(1)]
2.1.179	Additional Sampling. If the Permittee monitors more frequently than required, the results and the frequency of monitoring shall be reported on the Discharge Monitoring Report (DMR) or another MPCA-approved form for that reporting period. [Minn. R. 7001]
2.1.180	Certified Laboratory. A laboratory certified by the Minnesota Department of Health and/or registered by the MPCA shall conduct analyses required by this permit. Analyses of dissolved oxygen, pH, temperature, specific conductance, and total residual oxidants (chlorine, bromine) do not need to be completed by a certified laboratory but shall comply with manufacturers specifications for equipment calibration and use. [Minn. R. 4740.2010, Minn. R. 4740.2050 through 2120]
2.1.181	Sample Preservation and Procedure. Sample preservation and test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and Minn. R. 7041.3200. [40 CFR 136, Minn. R. 7041.3200]
2.1.182	Equipment Calibration: Flow meters, pumps, flumes, lift stations or other flow monitoring equipment used for purposes of determining compliance with permit shall be checked and/or calibrated for accuracy at least twice annually. [Minn. R. 7001]
2.1.183	Maintain Records. The Permittee shall keep the records required by this permit for at least three years, including any calculations, original recordings from automatic monitoring instruments, and laboratory sheets. The Permittee shall extend these record retention periods upon request of the MPCA. The Permittee shall maintain records for each sample and measurement. The records shall include the following information: a. the exact place, date, and time of the sample or measurement; b. the date of analysis; c. the name of the person who performed the sample collection, measurement, analysis, or calculation; d. the analytical techniques, procedures and methods used; and e. the results of the analysis. [Minn. R. 7001]
2.1.184	Completing Reports. The Permittee shall submit the results of the required sampling and monitoring activities on the forms provided, specified, or approved by the MPCA. The information shall be recorded in the specified areas on those forms and in the units specified. Required forms may include DMR Supplemental/Sample Value Form Individual values for each sample and measurement shall be recorded on the DMR Supplemental/Sample Value Form

		which, if required, will be provided by the MPCA. DMR Supplemental/Sample Value Forms shall be submitted with the appropriate DMRs. You may design and use your own supplemental form; however it shall be approved by the MPCA. Note: Required summary information shall also be recorded on the DMR. Summary information that is submitted ONLY on the DMR Supplemental/Sample Value Form does not comply with the reporting requirements. [Minn. R. 7001]
	2.1.185	Submitting Reports. DMRs, DMR supplemental forms and related attachments must be electronically submitted via the MPCA Online Services Portal after authorization is approved. DMRs and DMR Supplemental Forms shall be electronically submitted by the 21st day of the month following the sampling period or as otherwise specified in this permit. Electronic DMR submittal shall be complete on or before 11:59 PM of the 21st day of the month following the sampling period or as otherwise specified in this permit. A DMR shall be submitted for each required station even if no discharge occurred during the reporting period. Other reports required by this permit shall be postmarked by the date specified in the permit to: MPCA, Attn: WQ Submittals Center, 520 Lafayette Road North, St Paul Minnesota 551554194. [Minn. R. 7001]
	2.1.186	Incomplete or Incorrect Reports. The Permittee shall immediately submit an electronically amended report or DMR to the MPCA upon discovery by the Permittee or notification by the MPCA that it has submitted an incomplete or incorrect report or DMR. The amended report or DMR shall contain the missing or corrected data along with a cover letter explaining the circumstances of the incomplete or incorrect report. If it is impossible to electronically amend the report or DMR, the Permittee shall immediately notify the MPCA and the MPCA will provide direction for the amendment submittals. [Minn. R. 7001]
	2.1.187	Required Signatures. All DMRs, forms, reports, and other documents submitted to the MPCA shall be signed by the Permittee or the duly authorized representative of the Permittee. Minn. R. 7001.0150, subp. 2, item D. The person or persons that sign the DMRs, forms, reports or other documents shall certify that he or she understands and complies with the certification requirements of Minn. R. 7001.0070 and 7001.0540, including the penalties for submitting false information. Technical documents, such as design drawings and specifications and engineering studies required to be submitted as part of a permit application or by permit conditions, shall be certified by a registered professional engineer. [Minn. R. 7001]
	2.1.188	Detection Level. The Permittee shall report monitoring results below the reporting limit (RL) of a particular instrument as "<" the value of the RL. For example, if an instrument has a RL of 0.1 mg/L and a parameter is not detected at a value of 0.1 mg/L or greater, the concentration shall be reported as "<0.1 mg/L." "Non-detected," "undetected," "below detection limit," and "zero" are unacceptable reporting results, and are permit reporting violations. Where sample values are less than the level of detection and the permit requires reporting of an average, the Permittee shall calculate the average as follows: a. If one or more values are greater than the level of detection, substitute zero for all nondetectable values to use in the average calculation. b. If all values are below the level of detection, report the averages as "<" the corresponding level of detection. c. Where one or more sample values are less than the level of detection, and the permit requires reporting of a mass, usually expressed as kg/day, the Permittee shall substitute zero for all nondetectable values. [Minn. R. 7001]
	2.1.189	Records. The Permittee shall, when requested by the Agency, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by the permit or regarding the conduct of the activity covered by the permit. [Minn. R. 7001]

2.1.190	Confidential Information. Except for data determined to be confidential according to Minn. Stat. ch. 116.075, subd. 2, all reports required by this permit shall be available for public inspection. Effluent data shall not be considered confidential. To request the Agency maintain data as confidential, the Permittee shall follow Minn. R. 7000.1300. [Minn. R. 7000.1300]
2.1.191	Noncompliance and Enforcement. [Minn. R. 7001]
2.1.192	Subject to Enforcement Action and Penalties. Noncompliance with a term or condition of this permit subjects the Permittee to penalties provided by federal and state law set forth in section 309 of the Clean Water Act; United States Code, title 33, section 1319, as amended; and in Minn. Stat. ch. 115.071 and 116.072, including monetary penalties, imprisonment, or both. [Minn. R. 7001]
2.1.193	Criminal Activity. The Permittee may not knowingly make a false statement, representation, or certification in a record or other document submitted to the Agency. A person who falsifies a report or document submitted to the Agency, or tampers with, or knowingly renders inaccurate a monitoring device or method required to be maintained under this permit is subject to criminal and civil penalties provided by federal and state law. [Minn. R. 7001.0150, Subp. 3(G), Minn. R. 7001.1090, Subp. 1(G and H), Minn. Stat. ch. 609.671, Subp. 1]
2.1.194	Noncompliance Defense. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [40 CFR 122.41(c)]
2.1.195	Effluent Violations. If sampling by the Permittee indicates a violation of any discharge limitation specified in this permit, the Permittee shall immediately make every effort to verify the violation by collecting additional samples, if appropriate, investigate the cause of the violation, and take action to prevent future violations. If the permittee discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the Permittee shall within 24 hours of the discovery of the noncompliance, orally notify the commissioner and submit a written description of the noncompliance within 5 days of the discovery. The written description shall include items a. through e., as listed below. If the Permittee discovers other non-compliance that does not explicitly endanger human health, public drinking water supplies, or the environment, the non-compliance shall be reported during the next reporting period to the MPCA with its Discharge Monitoring Report (DMR). If no DMR is required within 30 days, the Permittee shall submit a written report within 30 days of the discovery of the noncompliance. This description shall include the following information: a. a description of the event including volume, duration, monitoring results and receiving waters; b. the cause of the event; c. the steps taken to reduce, eliminate and prevent reoccurrence of the event; d. the exact dates and times of the event; and e. steps taken to reduce any adverse impact resulting from the event. [Minn. R. 7001]
2.1.196	Upset Defense. In the event of temporary noncompliance by the Permittee with an applicable effluent limitation resulting from an upset at the Permittee's facility due to factors beyond the control of the Permittee, the Permittee has an affirmative defense to an enforcement action brought by the Agency as a result of the noncompliance if the Permittee demonstrates by a preponderance of competent evidence: a. the specific cause of the upset; b. that the upset was unintentional; c. that the upset resulted from factors beyond the reasonable control of the Permittee and did not result from operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or increases in production which are beyond the design capability of the treatment facilities;

		d. that at the time of the upset the facility was being properly operated; e. that the Permittee properly notified the Commissioner of the upset in accordance with Minn. R. 7001.1090, subp. 1, item I; and f. that the Permittee implemented the remedial measures required by Minn. R. 7001.0150, subp. 3, item J. [Minn. R. 7001]
	2.1.197	Release. [Minn. R. 7001]
	2.1.198	Unauthorized Releases of Wastewater Prohibited. Except for discharges from outfalls specifically authorized by this permit, overflows, discharges, spills, or other releases of wastewater or materials to the environment, whether intentional or not, are prohibited. However, the MPCA will consider the Permittee's compliance with permit requirements, frequency of release, quantity, type, location, and other relevant factors when determining appropriate action. [40 CFR 122.41, Minn. Stat. ch. 115.061]
	2.1.199	Discovery of a release. Upon discovery of a release, the Permittee shall: a. Take all reasonable steps to immediately end the release. b. Notify the Minnesota Department of Public Safety Duty Officer at 800-422-0798 or 651-649-5451 (metro area) immediately upon discovery of the release. You may contact the MPCA during business hours at 800-657-3864 or 651-296-6300 (metro area). c. Recover as rapidly and as thoroughly as possible all substances and materials released or immediately take other action as may be reasonably possible to minimize or abate pollution to waters of the state or potential impacts to human health caused thereby. If the released materials or substances cannot be immediately or completely recovered, the Permittee shall contact the MPCA. If directed by the MPCA, the Permittee shall consult with other local, state or federal agencies (such as the Minnesota Department of Natural Resources and/or the Wetland Conservation Act authority) for implementation of additional clean-up or remediation activities in wetland or other sensitive areas. [Minn. R. 7001]
	2.1.200	Sampling of a release. Upon discovery of a release, the Permittee shall: a. Collect representative samples of the release. The Permittee shall sample the release for parameters of concern immediately following discovery of the release. The Permittee may contact the MPCA during business hours to discuss the sampling parameters and protocol. In addition, Fecal Coliform Bacteria samples shall be collected where it is determined by the Permittee that the release contains or may contain sewage. If the release cannot be immediately stopped, the Permittee shall consult with MPCA regarding additional sampling requirements. Samples shall be collected at least, but not limited to, two times per week for as long as the release continues. b. Submit the sampling results on the Release Sampling Form (http://www.pca.state.mn.us/index.php/view-document.html?gid=18867). The Release Sampling Form shall be submitted to the MPCA with the next DMR or within 30 days whichever is sooner. [Minn. R. 7001]
	2.1.201	Bypass. [Minn. R. 7001]
	2.1.202	Anticipated bypass. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if the bypass is for essential maintenance to assure efficient operation of the facility. The permittee shall submit prior notice, if possible at least ten days before the date of the bypass to the MPCA. The notice of the need for an anticipated bypass shall include the following information: a. the proposed date and estimated duration of the bypass; b. the alternatives to bypassing; and c. a proposal for effluent sampling during the bypass. Any bypass wastewater shall enter waters of the state from outfalls specifically authorized by this permit. Therefore, samples shall be collected at the frequency and location identified in this permit or two times per week for as long as the bypass continues, whichever is more frequent.

		[40 CFR 122.41(m)(2 and 3), Minn. R. 7001.1090, 1(J)]
	2.1.203	All other bypasses are prohibited. The MPCA may take enforcement action against the Permittee for a bypass, unless the specific conditions described in Minn. R. Ch. 7001.1090 subp. 1, K and 122.41(m)(4)(i) are met. In the event of an unanticipated bypass, the permittee shall: a. Take all reasonable steps to immediately end the bypass. b. Notify the Minnesota Department of Public Safety Duty Officer at 800-422-0798 or 651-649-5451 (metro area) immediately upon commencement of the bypass. You may contact the MPCA during business hours at 800-657-3864 or 651-296-6300 (metro area). c. Immediately take action as may be reasonably possible to minimize or abate pollution to waters of the state or potential impacts to human health caused thereby. If directed by the MPCA, the Permittee shall consult with other local, state or federal agencies for implementation of abatement, clean-up, or remediation activities. d. Only allow bypass wastewater as specified in this section to enter waters of the state from outfalls specifically authorized by this permit. Samples shall be collected at the frequency and location identified in this permit or two times per week for as long as the bypass continues, whichever is more frequent. The permittee shall also follow the reporting requirements for effluent violations as specified in this permit. [40 CFR 122.41(m)(4)i, Minn. R. 7001.1090, 1(K), Minn. Stat. ch. 115.061]
	2.1.204	Operation and Maintenance. [Minn. R. 7001]
	2.1.205	The Permittee shall at all times properly operate and maintain the facilities and systems of treatment and control, and the appurtenances related to them which are installed or used by the Permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The Permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible Minn. R. 7001.0150. subp. 3, item F. [Minn. R. 7001]
	2.1.206	In the event of a reduction or loss of effective treatment of wastewater at the facility, the Permittee shall control production or curtail its discharges to the extent necessary to maintain compliance with the terms and conditions of this permit. The Permittee shall continue this control or curtailment until the wastewater treatment facility has been restored or until an alternative method of treatment is provided. [Minn. R. 7001]
	2.1.207	Solids Management. The Permittee shall properly store, transport, and dispose of biosolids, septage, sediments, residual solids, filter backwash, screenings, oil, grease, and other substances so that pollutants do not enter surface waters or ground waters of the state. Solids should be disposed of in accordance with local, state and federal requirements. [40 CFR 503, Minn. R. 7041]
	2.1.208	Scheduled Maintenance. The Permittee shall schedule maintenance of the treatment works during non-critical water quality periods to prevent degradation of water quality, except where emergency maintenance is required to prevent a condition that would be detrimental to water quality or human health. [Minn. R. 7001]
	2.1.209	Control Tests. In-plant control tests shall be conducted at a frequency adequate to ensure compliance with the conditions of this permit. [Minn. R. 7001]
	2.1.210	Changes to the Facility or Permit. [Minn. R. 7001]
	2.1.211	Permit Modifications. Except as provided under Minnesota Statutes, section 115.07, subdivisions 1 and 3, no person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted, nor shall a person commence an activity for which a permit is required by statute or rule until the agency has issued a written permit for the facility or activity.

		Permittees that propose to make a change to the facility or discharge that requires a permit modification shall follow Minn. R. 7001.0190. If the Permittee cannot determine whether a permit modification is needed, the Permittee shall contact the MPCA prior to any action. It is recommended that the application for permit modification be submitted to the MPCA at least 180 days prior to the planned change. [Minn. R. 7001]
	2.1.212	Plans, specifications and MPCA approval are not necessary when maintenance dictates the need for installation of new equipment, provided the equipment is the same design size and has the same design intent. For instance, a broken pipe, lift station pump, aerator, or blower can be replaced with the same design-sized equipment without MPCA approval. If the proposed construction is not expressly authorized by this permit, it may require a permit modification. If the construction project requires an Environmental Assessment Worksheet under Minn. R. 4410, no construction shall begin until a negative declaration is issued and all approvals are received or implemented. [Minn. R. 7001]
	2.1.213	Report Changes. The Permittee shall give advance notice as soon as possible to the MPCA of any substantial changes in operational procedures, activities that may alter the nature or frequency of the discharge, and/or material factors that may affect compliance with the conditions of this permit. [Minn. R. 7001]
	2.1.214	Chemical Additives. The Permittee shall receive prior written approval from the MPCA before increasing the use of a chemical additive authorized by this permit, or using a chemical additive not authorized by this permit, in quantities or concentrations that have the potential to change the characteristics, nature and/or quality of the discharge. The Permittee shall request approval for an increased or new use of a chemical additive at least 60 days, or as soon as possible, before the proposed increased or new use. This written request shall include at least the following information for the proposed additive: a. The process for which the additive will be used; b. Safety Data Sheet (SDS) which shall include aquatic toxicity, human health, and environmental fate information for the proposed additive. The aquatic toxicity information shall include at minimum the results of: a) a 48-hour LC50 or EC50 acute study for a North American freshwater planktonic crustacean (either Ceriodaphnia or Daphnia sp.) and b) a 96-hour LC50 acute study for rainbow trout, bluegill or fathead minnow or another North American freshwater aquatic species other than a planktonic crustacean; c. a complete product use and instruction label; d. the commercial and chemical names and Chemical Abstract Survey (CAS) number for all ingredients in the additive (If the MSDS does not include information on chemical composition, including percentages for each ingredient totaling to 100%, the Permittee shall contact the supplier to have this information provided); and e. The proposed method of application, application frequency, concentration, and daily average and maximum rates of use. Upon review of the information submitted regarding the proposed chemical additive, the MPCA may require additional information be submitted for consideration. This permit may be modified to restrict the use or discharge of a chemical additive and include additional influent and effluent monitoring requirements. Approval for the use of an additive shall not justify the exceedance of any effluent limitation nor shall it be used as a defense against pollutant levels in the discharge causing or contributing to the violation of a water quality standard. [Minn. R. 7001]
	2.1.215	MPCA Initiated Permit Modification, Suspension, or Revocation. The MPCA may modify or revoke and reissue this permit pursuant to Minn. R. 7001.0170. The MPCA may revoke without reissuance this permit pursuant to Minn. R. 7001.0180. [Minn. R. 7001]
	2.1.216	TMDL Impacts. Facilities that discharge to an impaired surface water, watershed or drainage basin may be required to comply with additional permits or permit requirements, including

		additional restriction or relaxation of limits and monitoring as authorized by the CWA 303(d)(4)(A) and 40 CFR 122.44.1.2.i., necessary to ensure consistency with the assumptions and requirements of any applicable US EPA approved wasteload allocations resulting from Total Maximum Daily Load (TMDL) studies. [40 CFR 122.44(l)(2)i]
	2.1.217	Permit Transfer. The permit is not transferable to any person without the express written approval of the Agency after compliance with the requirements of Minn. R. 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit. [Minn. R. 7001]
	2.1.218	Facility Closure. The Permittee is responsible for closure and post-closure care of the facility. The Permittee shall notify the MPCA of a significant reduction or cessation of the activities described in this permit at least 180 days before the reduction or cessation. The MPCA may require the Permittee to provide to the MPCA a facility Closure Plan for approval. Facility closure that could result in a potential long-term water quality concern, such as the ongoing discharge of wastewater to surface or ground water, may require a permit modification or reissuance. The MPCA may require the Permittee to establish and maintain financial assurance to ensure performance of certain obligations under this permit, including closure, post-closure care and remedial action at the facility. If financial assurance is required, the amount and type of financial assurance, and proposed modifications to previously MPCA-approved financial assurance, shall be approved by the MPCA. [Minn. Stat. ch. 116.07, Subp. 4]
	2.1.219	Permit Reissuance. If the Permittee desires to continue permit coverage beyond the date of permit expiration, the Permittee shall submit an application for permit reissuance: Due by 180 days prior to permit expiration. If the Permittee does not intend to continue the activities authorized by this permit after the expiration date of this permit, the Permittee shall notify the MPCA in writing at least 180 days before permit expiration. If the Permittee has submitted a timely application for permit reissuance, the Permittee may continue to conduct the activities authorized by this permit, in compliance with the requirements of this permit, until the MPCA takes final action on the application, unless the MPCA determines any of the following (Minn. R. 7001.0040 and 7001.0160): a. The Permittee is not in substantial compliance with the requirements of this permit, or with a stipulation agreement or compliance schedule designed to bring the Permittee into compliance with this permit; b. The MPCA, as a result of an action or failure to act by the Permittee, has been unable to take final action on the application on or before the expiration date of the permit; c. The Permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of deficiencies. [Minn. R. 7001]
	2.1.220	Permit Specific Definitions. [Minn. R. 7001]
	2.1.221	"Active Facility" means a place where work or other activity related to the production of asphalt and ready-mix / concrete products and extraction, removal, or recovery of nonmetallic minerals is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to desired contour and stabilization has begun. This definition is derived from the definition of 'active mining area' found at 40 CFR pt. 440.132(a). [40 CFR 440.132(a), State Definitions]
	2.1.222	"Asphalt cement" means fluxed or unfluxed asphalt specially prepared for direct use in the manufacture of asphalt pavements. [State Definitions]
	2.1.223	"Asphalt Emulsion" means a mixture of asphalt cement, chemical, and water solution. Asphalt emulsions are produced by adding an emulsifying agent to asphalt and water. [State Definitions]
	2.1.224	"Asphalt pavement" means a mixture of asphalt cement (asphalt binder), aggregate, and other additives; may also be referred to as asphalt concrete (AC), bituminous mix (BM), and sometimes asphaltic concrete (HMAC). [State Definitions]
	2.1.225	"Effluent Monitoring Location" for the purposes of this permit means the location(s) within the boundary of the facility where the Permittee will collect mine dewatering and/or authorized

		non-stormwater discharges. The effluent monitoring location(s) selected by the Permittee shall be in a location that: a. Is immediately below the most down-gradient BMP from the specific industrial activity that has a numeric effluent limit, but prior to where the discharge co-mingles with stormwater from other sources. b. Yields a sample that represents the contribution of the pollutants for which the Permittee is required to monitor. [State Definitions]
	2.1.226	"Energy Dissipation" means methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to: concrete aprons, riprap, splash pads, and gabions that are designed to prevent erosion. [State Definitions]
	2.1.227	"Facility" for the purposes of this permit, means land that shares a common border and that has a stormwater discharge associated with industrial activity as defined by 40 CFR Part 122.26(b)(14) with the discharge having a common owner/operator. [40 CFR 122.26(b)(14), State Definitions]
	2.1.228	"Impaired Water" means waters identified as impaired by the Agency, and approved by the USEPA, pursuant to section 303(d) of the Clean Water Act (33 U.S.C. Section 303(d)). [CWA Sect. 303.d, State Definitions]
	2.1.229	"Impoundments" mean topographic depressions designed to hold liquid. [State Definitions]
	2.1.230	"Inactive Facility" means a site or portion of a site where nonmetallic mineral mining and/or milling, asphalt reduction and ready-mix concrete production occurred in the past but is not an Active Facility. The Permittee does not anticipate mining and/or associated activities to occur in the foreseeable future, has requested the permit coverage at this inactive portion be terminated, and the inactive portion is no longer covered by an active mining permit. [State Definitions]
	2.1.231	"Infeasible" means not technologically possible or not economically practicable and achievable in light of the best industry practices. [State Definitions]
	2.1.232	"Infiltration Device" for purposes of this permit, means a device to which industrial stormwater runoff is diverted, collected, or conveyed for the purpose of infiltration. This includes all man-made and natural infiltration areas to which runoff are diverted. An infiltration device does not include the parts of the system that diverts, collects, or conveys stormwater. Incidental infiltration from conveyances such as swales or ditches, including those with erosion prevention devices such as vegetation, silt fence, or fiber bails, is not an infiltration device. However, swales, ditches, or similar devices constructed with stop logs, ditch excavation for storage or other retention devices, which are for the purpose of increased infiltration, are infiltration devices. Wetlands (including types 1 through 8) and other natural surface water bodies are not infiltration devices or parts of infiltration device systems, and cannot be used as infiltration devices, unless mitigated in accordance with applicable state rules. [State Definitions]
	2.1.233	"Karst topography" means an area underlain by fractured carbonate bedrock in which erosion has produced geological characteristics such as: sinkholes; springs, subsurface drainage; caves; sinking streams; dissolutionally enlarged joints (grikes) or bedding planes, and bedrock surface channels (karren). Counties known for karst features include parts of Dakota, Rice, Dodge, and Mower, and most of Goodhue, Olmsted, Winona, Wabasha, Houston and Fillmore. [State Definitions]
	2.1.234	"Mine Pit Dewatering" means any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. Uncontaminated groundwater and stormwater collecting in a low area in which there is already an existing stormwater outlet for stormwater/seepage by gravity overflow shall not be considered mine pit dewatering. However, if a mine is also used for treatment of process generated wastewater, discharges of commingled water from the facilities shall be deemed discharge of process generated wastewater. [State Definitions]

2.1.235	"Non-Stormwater Discharge" means any discharge not comprised entirely of stormwater. [State Definitions]
2.1.236	"Operator" is the person responsible for the overall operation of an industrial facility under Minn. R. pt. 7090.3000. [Minn. R. 7090.3000, State Definitions]
2.1.237	"Owner" is the person who owns an industrial facility or part of an industrial facility under Minn. R. pt. 7090.3000. [Minn. R. 7090.3000, State Definitions]
2.1.238	"Person" means any human being, any municipality or other governmental or political subdivision or public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity, but does not include the MPCA. [State Definitions]
2.1.239	"Pipes" mean hollow cylinders or tubes constructed of non-earthen materials. [State Definitions]
2.1.240	"Pollution Prevention Plan" (Plan) means a plan for stormwater and non-stormwater discharges that include facility-specific activities and actions to, first, identify sources of pollution or contamination at the facility, and second, select and implement BMPs to eliminate or reduce contact of stormwater with significant materials and non-stormwater discharges that may result in polluted runoff from the facility. [State Definitions]
2.1.241	"Primary Standard Industrial Classification (SIC) Code" for the purposes of this permit, is the SIC code associated with the industrial activity that generates the greatest revenue. If revenue data is not available, the owner/operator shall base the determination on the number of employees engaged in the industrial activity. If it is not possible to determine the primary SIC code using either of these two methods, the owner/operator shall base the determination on the SIC code with the greatest production. The industrial activity that generates the greatest revenue, employs the most personnel, or has the greatest production, is the industrial activity assigned the primary SIC code. [State Definitions]
2.1.242	"Reclamation" means activities undertaken in compliance with applicable mined land reclamation requirements following the cessation of activities associated with extraction, removal and recovery of nonmetallic minerals, intended to return the land to an appropriate post-mining land use. [State Definitions]
2.1.243	"Seasonal High Water Table" means the highest level the water table reaches during a given year. Methods of determining the seasonal high water table are given in part 7041.3400, subpart 3. [Minn. R. 7041.0100, Subp. 48]
2.1.244	"Sediment Control" means methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins. [Minn. R. 7041.0100, Subp. 48, Minn. R. 7041.3400, Subp. 3, State Definitions]
2.1.245	"Significant Materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with stormwater discharges. When determining whether a material is significant, the physical and chemical characteristics of the material should be considered (e.g. the material's solubility, transportability, and toxicity characteristics) to determine the material's pollution potential [40 CFR 122.26(b)(12)]
2.1.246	"Small Construction Activity" means small construction activity as defined in 40 C.F.R. part 122.26(b)(15). Small construction activities include clearing, grading and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity includes the disturbance of less than one acre of total land area that is

		part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. [State Definitions]
	2.1.247	"Stormwater Pond" for purposes of this permit means constructed detention or retention facilities for the treatment of stormwater runoff under the requirements of this permit. This includes permanent ponds, dry ponds, flow equalization ponds (followed by other BMPs), and constructed wetlands. However, natural wetlands (including types 1-8) and other natural surface water bodies are not industrial stormwater ponds, parts of ponds or pond systems, and cannot be used as BMPs for stormwater treatment unless mitigated in accordance with applicable state rules. [State Definitions]
	2.1.248	"Structural BMPs" refers to the installation of devices that will reduce or eliminate pollutants to stormwater through installation of permanent structural devices to treat or control runoff. Examples of structural BMPs include but are not limited to installation of stormwater diversion berms or channels; sedimentation basins (retention or detention basins); oil/water separators; grit chambers; roofs, awnings, or buildings to cover significant material. [State Definitions]
	2.1.249	"Tanks" means a container, vessel, or enclosure designed to contain substances and is constructed of materials such as concrete, steel, plastic, or fiberglass reinforced plastic, and provides structural support. [State Definitions]
	2.1.250	"Temporarily Inactive Facility" means a site or portion of a site where nonmetallic mineral mining and/or milling, asphalt production and ready-mix concrete production occurred in the past but currently are not being actively undertaken and permit coverage is being maintained for the possibility of mining and/or associated activities in the foreseeable future. [State Definitions]
	2.1.251	"Treatment Works" means any plant, disposal field, lagoon, dam, pumping station, constructed drainage ditch or surface water intercepting ditch, or other works not specifically mentioned herein, installed for the purpose of treating, stabilizing or disposing of sewage, industrial waste, or other wastes. For the purposes of this permit, this includes stormwater ponds, sedimentation basins and/or infiltration devices for stormwater management. [Minn. Stat. ch. 115.01, Subd. 21, State Definitions]
	2.1.252	"Water Quality Standards" means those provisions contained in Minn. R Chapters 7050 and 7052. [Minn. R. 7050, Minn. R. 7052, State Definitions]
	2.1.253	"Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes: a. a predominance of hydric soils; b. inundated or saturated by surface water or groundwater at a frequency and duration to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and, c. under normal circumstances support a prevalence of such vegetation. [Minn. R. 7050.0186, Subp. 1(a)B, State Definitions]

3. Submittal action summary

MNG490596	W Lorentz & Sons Construction, Inc	
		Non-Metallic Mining and Associated Activities General Permit Requirements
	3.1.1	Permit Reissuance. If the Permittee desires to continue permit coverage beyond the date of permit expiration, the Permittee shall submit an application for permit reissuance: Due by 180 days prior to permit expiration. If the Permittee does not intend to continue the activities authorized by this permit after the expiration date of this permit, the Permittee shall notify the MPCA in writing at least 180 days before permit expiration. If the Permittee has submitted a timely application for permit reissuance, the Permittee may continue to conduct the activities authorized by this permit, in compliance with the requirements of this permit, until the MPCA takes final action on the application, unless the MPCA determines any of the following (Minn. R. 7001.0040 and 7001.0160): a. The Permittee is not in substantial compliance with the requirements of this permit, or with a stipulation agreement or compliance schedule designed to bring the Permittee into compliance with this permit; b. The MPCA, as a result of an action or failure to act by the Permittee, has been unable to take final action on the application on or before the expiration date of the permit; c. The Permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of deficiencies. [Minn. R. 7001]

4. Limits and monitoring

Subject item	Parameter	Discharge limitations							Monitoring requirements			Notes
		Quantity /Loading av#.	Quantity /Loading max.	Quantity /Loading units	Quality /Conc. min.	Quality /Conc. avg.	Quality /Conc. max.	Quality/ Conc. units	Frequency	Sample type	Effective period	



08 21 2023



08 21 2023







DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
KENDALL HARVEY M & DIANN A REVOCABLE TRUST	108 HILLCREST RD	MONTICELLO MN 55362
GELDNER BROTHERS SAND & GRAVEL LLC	1132 RABBIT RD	SAINT PETER MN 56082
MNR 130 LLC	130 DELAWARE ST SE	LONSDALE MN 55046
KAMPS CHARLOTTE V REVOCABLE TRUST	137 S MORNINGSIDE DR	LE SUEUR MN 56058
JACYL PARTNERSHIP LLP	2216 SHALOM AVE	MANKATO MN 56001
HIGH POINT FARMS LLC	2216 SHALOM AVE	MANKATO MN 56001
Karen Brancamp- Lake Prairie Township	33952 348th St	Le Sueur, MN 56058
CARLBLOM TORREY C & JULIE A CARLBLOM	35545 398TH LN	SAINT PETER MN 56082
JASTER LYLE & CAROLINE J JASTER	38949 COUNTY ROAD 20	SAINT PETER MN 56082
PETERSON JUSTIN & MADELEINE WALTER	39757 COUNTY ROAD 20	SAINT PETER MN 56082
WALTER JEREMY A & LISA F WALTER	39761 COUNTY ROAD 20	SAINT PETER MN 56082
DAVIS JAMES S & ANNE L DAVIS	39835 COUNTY ROAD 20	SAINT PETER MN 56082
ANDERSON KIRK H & AMY M ANDERSON	39870 COUNTY ROAD 20	SAINT PETER MN 56082
SOROKA JACEK T & MALGORZATA D SOROKA	39877 COUNTY ROAD 20	SAINT PETER MN 56082
KENDALL MARK & SUSAN KENDALL	39956 US HIGHWAY 169	SAINT PETER MN 56082
MCCABE AMBROSE R & SCHELLI O MCCABE	40497 COUNTY ROAD 20	SAINT PETER MN 56082
MN (STATE OF)	500 LAFAYETTE RD	SAINT PAUL MN 55155-4030
GULF SHORE LLC	805 EVENSON ST	SAINT PETER MN 56082
GP-75 LLC	PO BOX 30	SAINT PETER MN 56082



PLANNING COMMISSION CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

Name of Applicant Matt Brostrom & Shari Brostrom

Hearing September 19, 2023

Property Owner GP-75 LLC

Continuation N/A

File PLN23-13

Commission Member

Use Request Three (3) year mineral extraction CUP renewal to mine, crush, and stockpile gravel, and to operate a hot mix plant on-site in the Conservancy Zoning District

FINDINGS OF FACT

Authority for issuance of conditional use permits is derived from Minnesota State Statute §394.301 and Nicollet County Zoning Ordinance, Section 505. The conditional use must maintain the health, safety, morals, and general welfare of the community.

1. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.

YES ☐ NO ☐ REASON: _____

2. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.

YES ☐ NO ☐ REASON: _____

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

YES ☐ NO ☐ REASON: _____

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

YES ☐ NO ☐ REASON: _____

ATTACHMENT G
Criteria for Conditional Use Permit

5. The requested use is consistent with the County Zoning Ordinance.

YES ☐ NO ☐ REASON: _____

6. The requested use is not in conflict with the County Comprehensive Plan.

YES ☐ NO ☐ REASON: _____

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

YES ☐ NO ☐ REASON: _____

8. The requested use is reasonably related to the existing land use and environment.

YES ☐ NO ☐ REASON: _____

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

YES ☐ NO ☐ REASON: _____

10. The requested use ____ have adverse effect upon public health, safety and welfare due to the following other factors.

WILL ☐ WILL NOT ☐ REASON: _____

THE NICOLLET COUNTY PLANNING COMMISSION

☐ RECOMMENDS APPROVAL OF THE REQUESTED USE

☐ RECOMMENDS DENIAL OF THE REQUESTED USE

THIS DECISION WAS BASED UPON

☐ Application

☐ Site visit

☐ Information received at public hearing

☐ Staff Report

☐ Pictures

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED CONDITIONAL USE AND IN THE RECORD.

FACTS SUPPORTING THE ANSWER TO EACH QUESTION ABOVE ARE HEREBY CERTIFIED AS THE FINDINGS OF THE NICOLLET COUNTY PLANNING COMMISSION.

Date: _____ Commission Member: _____

DRAFT



CONDITIONAL USE PERMIT

MINERAL EXTRACTION PERMIT RENEWAL

Gulf Shore LLC

PLN23-14

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	Three year review of a mineral extraction Conditional Use Permit, PLN23-14
APPLICANT:	Matt Brostrom & Shari Brostrom
LANDOWNER:	Gulf Shore LLC
LOCATION:	G.L. 6 & the Northeast ¼ of the Northeast ¼, Section 05-110-26 in Traverse Township
PARCEL NO:	12.104.0100 & 12.105.0400
EXISTING ZONING:	Conservancy & Shoreland Zoning Districts
HEARING DATE:	09/19/2023
COUNTY BOARD DATE:	09/26/2023

REQUEST

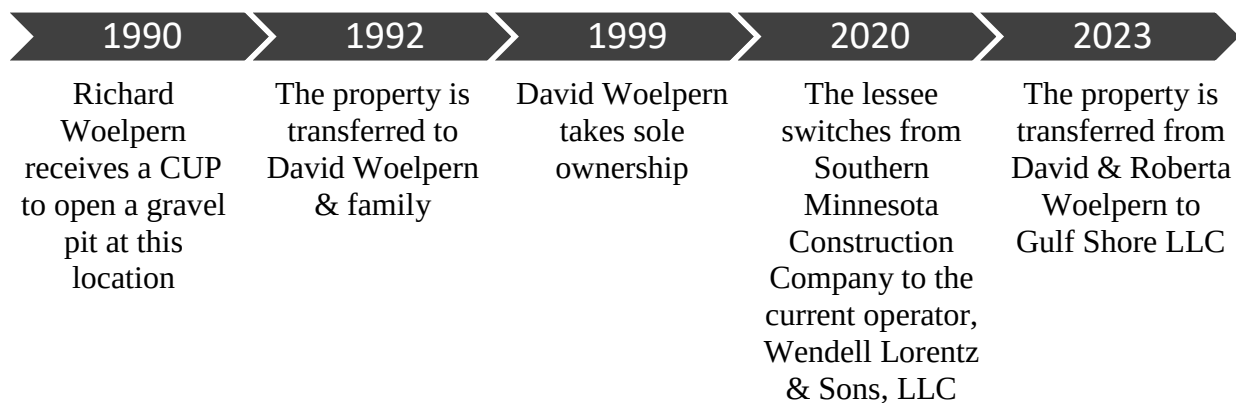
The Applicants are requesting a three (3) year review of their mineral extraction permit to mine, crush, and stockpile gravel, and operate a hot mix plant.

ORDINANCE:

Mineral extraction operations are required to renew their conditional use permit every three (3) years per Nicollet County Zoning Ordinance 424.2 (3).

PROJECT DESCRIPTION

Timeline:



Operations:

The Applicants state they have removed 68,216 tons of material from the roughly ten (10) acre aggregate mine over the past three (3) years. Gravel is extracted, crushed, and stored using typical equipment such as front end loaders, bulldozers, scrapers, and excavators. The site is also permitted for a hot mix plant, although it is not being used at this time. Recycled asphalt and concrete is currently being stored on site in piles for later use in the hot mix plant.

The site equipment is being stored on the property to the north owned by GP-75 LLC, which is also leased out to Wendell Lorentz & Sons Construction. Fuel is delivered from local vendors as needed. Electricity comes from hard wired sources but is also produced with generators.

Access:

The site has direct access to U.S. Highway 169. The site also has access to County Road 20 through the GP-75, Inc. pit to the north and, from there, by easement across the Walter property from the west.

Appearance:

The site is screened from neighboring properties, the road, and the Minnesota River by forest and topography in all directions.

Setbacks:

The mining area appears to have encroached within the fifty (50) foot setback along the northern property line towards the Geldner Brothers Pit. Nicollet County Zoning Ordinance 724.5 (17) allows mineral extraction operations to encroach within the property line setback provided permission is secured from the neighboring property owner and recorded. The encroachment area should be restored or an agreement secured with Geldner Brothers and recorded to comply with the ordinance.

The extraction operation seamlessly crosses the property line to the north onto the GP-75 LLC Property; both mines are owned by the Applicants and are leased by Wendell Lorentz & Sons Construction. The setback appears to have been generally maintained in all other directions.

Blasting:

No blasting occurs on site.

Bond Requirements:

The Applicants have a bond on file in the amount of \$30,000. The required amount is \$2,500 per acre due to the pit pre-existing the 2014 Mineral Extraction Zoning Ordinance amendment requiring \$5,000 per acre.

Hours of Operation:

The pit operates Monday through Sunday as needed, from 6 a.m. to 7 p.m. In 2014, the Applicants were approved to deviate from Section 724.5(9) of the Zoning Ordinance, which requires mining operations to be conducted between 7 a.m. and 7 p.m. The change was requested in order to meet a five (5) year project supply estimate from MNDOT. The additional hour in the morning has been approved as part of their conditional use permit renewals since.

Stormwater:

Stormwater is diverted to a pond at the bottom of the pit, which then naturally filters into the ground.

Dust, Noise, & Odor Control:

Water is spread on the road as needed to control dust. Noise and odor are not expected to be outside of the typical range for a gravel pit and hot mix plant. Andrew Lorentz with Wendell Lorentz & Sons Construction is the point of contact for any dust, noise, or odor related complaints.

Reclamation Plan:

The Applicants have a restoration plan on file showing the edges being smoothed out to the pit bottom, which may form a pond. The proposed end use is a wildlife habitat.

Waste Disposal:

The Applicants state that waste is disposed of offsite as needed.

EXISTING LAND USE

The property consists of two parcels with a mineral extraction operation, farmland, and forested bluff. There is stream running through the southern portion of the property.

SURROUNDING LAND USE

The property is surrounded by other mineral extraction operations to the north, the Minnesota River and Highway 169 to the east, forested bluff to the west, and a farm field with some bluff to the south.

MINNESOTA POLLUTION CONTROL AGENCY STANDARDS (MPCA)

This pit does not currently have a National Pollutant Discharge Elimination System (NPDES) Permit. The MPCA advises that Wendell Lorentz & Sons will be required to add it to their existing permit, MNG490596.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 505.3 of the Zoning Ordinance and Minnesota State Statute 394.26.

CONDITIONAL USE PERMIT CRITERIA

- 1. Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.**
 - Mineral extraction is a conditionally permitted use in the Conservancy and Shoreland Zoning Districts.
 - The use is similar to other mineral extraction operations within the County.
 - The Applicants will be required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit.
- 2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.**
 - The size and function of the facility is not unreasonable for the location.
 - The pit has direct access to Highway 169.
 - It appears the burden on public infrastructure will be minimal.
- 3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.**
 - The mineral extraction operation is surrounded by trees which shield it from neighboring properties.
 - No unreasonable noise, odor, or glare is expected. The Applicants have a method of controlling dust.
 - The Applicants have a procedure in place to handle and resolve complaints.
 - An end use plan is on file, and the Applicants will be required to restore the property when extraction operations cease.

- 4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.**
 - The mineral extraction operation is surrounded by trees which shield it from neighboring properties.
 - The operation appears to be typical for mineral extraction within the County.
 - The use adheres to the applicable standards of Sections 724.5(3) and 724.5(16) of the Zoning Ordinance for the appearance and screening of mineral extraction facilities.
- 5. The requested use is consistent with the Nicollet County Land Use Ordinances.**
 - The request meets the applicable standards and requirements found in Sections 505, 603, and 724 of the Zoning Ordinance for mineral extraction conditional use permits.
 - The request meets the standards of the Shoreland Management Ordinance.
- 6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.**
 - The Comprehensive Plan states that the aggregate industry provides vital jobs for residents and revenue for local businesses.
 - The Comprehensive Plan states that Nicollet County will continue to work with aggregate businesses, such as this one, to ensure that these operations can continue in a sustainable and environmentally friendly manner.
- 7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.**
 - No noise, odor, glare or general unsightliness beyond what is reasonable for a gravel pit is expected.
 - The Applicants have a method of controlling dust.
 - No blasting takes place onsite.
- 8. The requested use is reasonably related to the existing land use and environment.**
 - Mineral extraction is a conditionally permitted use in the Conservancy and Shoreland Zoning Districts.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

- The Applicants will be required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit.
- The Applicants are not using explosives nor storing hazardous waste.
- Any changes to the operation will require an amended conditional use permit.

10. The requested use will/will not have an adverse effect upon public health, safety and welfare due to the following other factors:

- The request as proposed appears to meet County standards, with no apparent adverse effects to public health, safety, and welfare.

RECOMMENDATIONS

1. The Applicants shall undertake the project according to the plans and specifications submitted to the County with the application.
2. The conditional use permit will be periodically reviewed by the County to assure compliance with the permit and permit conditions.
3. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions, and all other applicable statutes, rules, and ordinances.
4. The conditional use permit to mine, crush, and stockpile gravel and operate a bituminous/concrete batch plant onsite will be reviewed in September 2026.
5. The bond shall be amended as needed to cover the amount of actively mined acres and not yet reclaimed acres. The bond must be kept in force during the time of operation.
6. A continuation certificate of the bond shall be sent to the Property Services Division with no lapse in time during the course of this permit.
7. The contractor shall take the appropriate action to minimize the dust on the road from hauling and the wash plant.
8. If needed, the Applicants must obtain a water appropriations permit from the Department of Natural Resources.
9. The Applicants shall conduct mining operations between 6 a.m. and 7 a.m., except in the event of an emergency.
10. If required, the Applicants or the pit operator shall obtain a National Pollutant Discharge Elimination System (NPDES) Permit.
11. The setbacks and procedures outlined in Nicollet County Zoning Ordinance 724.5 (17) shall be adhered to.

Applicant: Matt Brostrom & Shari Brostrom
Landowners: Gulf Shore LLC

PLN23-14

ATTACHMENT A	Application
ATTACHMENT B	Location Map
ATTACHMENT C	Aerial Map
ATTACHMENT D	Submitted by Applicant
ATTACHMENT E	Site Photographs
ATTACHMENT F	Neighbor Notification List
ATTACHMENT G	Criteria for Conditional Use Permit



PROPERTY SERVICES DIVISION

501 S MINNESOTA AVENUE, SAINT PETER, MN 56082

507-934-7070

PLANNING & ZONING ADVISORY COMMISSION APPLICATION

TOTAL FEES: \$496.00

Map#: 14-05-200-003 & 14-04-100-001

Parcel#: 12.105.0400 & 12.104.0100

Permit#: PLN23-14

Date: 8/23/2023

Applicant: Matt Brostrom & Shari Brostrom

Telephone: 507 317 3641

Owner: Gulf Shore LLC

Property Address: 12.105.0400 & 12.104.0100

Abbreviated Legal Description: NENE 5-110-26 PT & GL 6 4-110-26 PT

Township: Lake Prairie Township

Zoning District(s): CONSERVANCY

Record Type: Conditional Use Permit

Subtype: New

Category: Other

Description: Mineral Extraction CUP Renewal

G.C. Licence#: n/a

Job Cost: n/a

PERMIT EXPIRATION DATE: 8/23/2024

Matt Brostrom
Matt Brostrom (Aug 23, 2023 15:57 CDT)
APPLICANT SIGNATURE

Aug 23, 2023
DATE

James Fowler
PROPERTY SERVICES

08/23/23
DATE

ATTACHMENT A
Application

PLN23-14 App

Final Audit Report

2023-08-23

Created:	2023-08-23
By:	Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAT2VllgVBC2wH94HPX3oVWZZYVppbZnNn

"PLN23-14 App" History

 Document created by Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
2023-08-23 - 8:53:56 PM GMT

 Document emailed to mattb@pellinc.com for signature
2023-08-23 - 8:54:15 PM GMT

 Email viewed by mattb@pellinc.com
2023-08-23 - 8:55:40 PM GMT

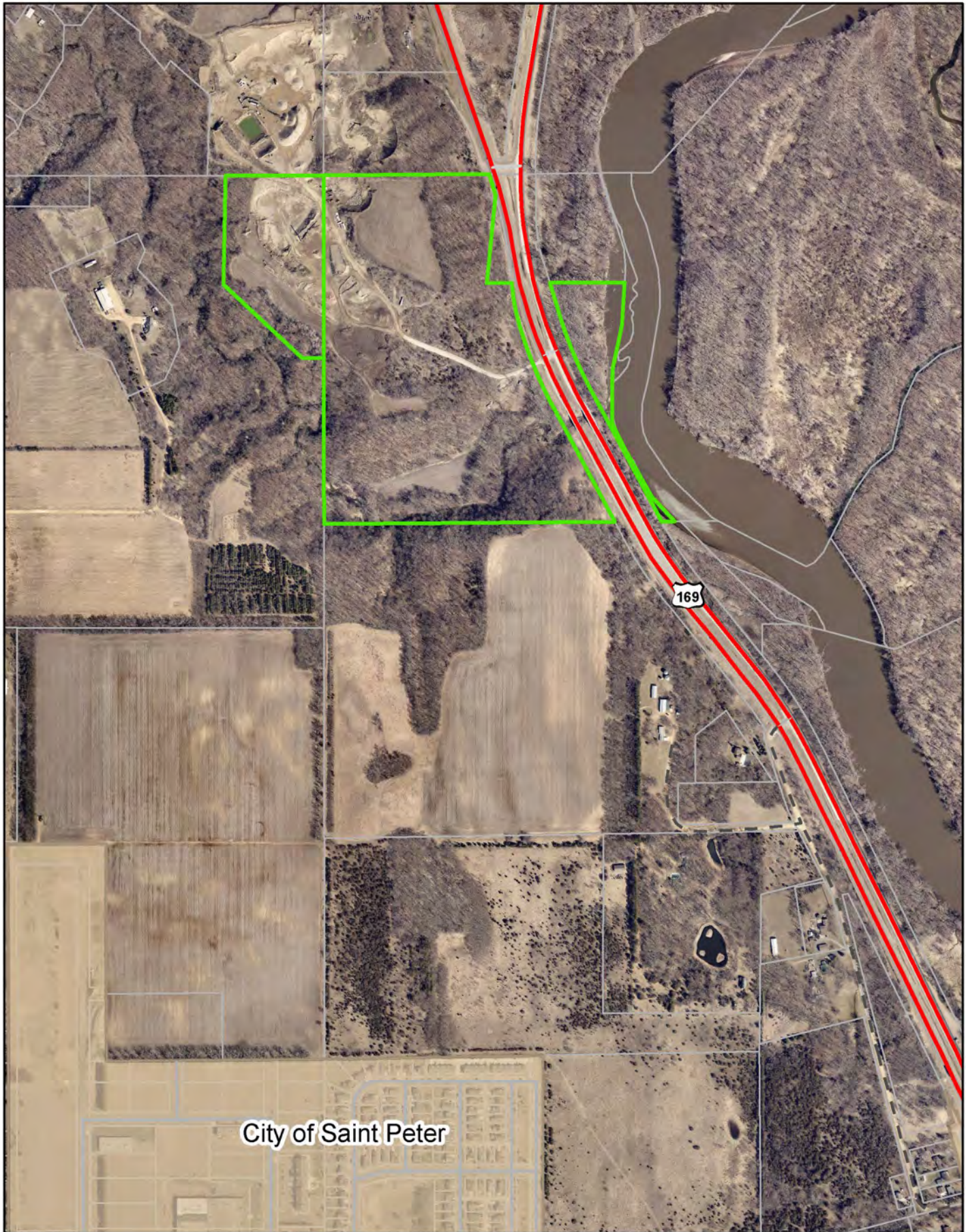
 Signer mattb@pellinc.com entered name at signing as Matt Brostrom
2023-08-23 - 8:57:11 PM GMT

 Document e-signed by Matt Brostrom (mattb@pellinc.com)
Signature Date: 2023-08-23 - 8:57:13 PM GMT - Time Source: server

 Agreement completed.
2023-08-23 - 8:57:13 PM GMT



ATTACHMENT B
Aerial Map



ATTACHMENT C
Location Map



MINERAL EXTRACTION CHECKLIST

The following information is required to be provided for a conditional use permit application. Additional information may be required, as determined necessary by the Zoning Administrator and per Section 724 of the Zoning Ordinance.

NUMBER OF ACRES AS FOLLOWS:

6 Acres being mined or used for mining purposes (stockpiles, equipment storage, haul roads, etc).
30 Acres permitted and remaining to be mined in future phases.
4 Acres where land reclamation has occurred.
46 Acres not permitted to be mined (non-mining related acres).
86 Total acreage of property.

TONNAGE OF MATERIAL REMOVED:

68,216 Tons of material removed from site over the past three (3) years, or since last permit renewal date.

Include a copy of the renewed **BOND** or **LETTER OF CREDIT** for the site. Continuation letters must to be sent to the Property Services Office on years when the permit is not scheduled for renewal.

PLEASE PRINT:

Property Owner: Gulf Shore, LLC
 Owner's Address: 805 W EVERTON ST., ST. PETER, MN 56082
 Contractor working the site: Wendell Lorentz & Sons
 Contractor's address: 125 Kingway Dr, Mankato, MN 56001
 Contractor's phone number: 507-388-4182
 Date: August 7, 2023
 Applicant (Landowner or Contractor) Signature: [Signature]
 Parcel No. 12.105.0400 & 12.104.0100 Map No. 14-05-200-003 & 14-05-200-003 Revised 11-29-18 JH

ATTACHMENT D
Submitted by Applicant

Mission Statement
Providing efficient services
with innovation and accountability.

Leadership. Efficiency.
Accountability. Innovation.
Integrity.

Vision Statement
Setting the standard for providing superior and
efficient county government services through
leadership, accountability and innovation to a
growing and diverse society.

Gulf Shore LLC Operations Plan

The equipment that is operating at these locations is your standard construction vehicles straight trucks, semis, and pickup trucks. The machinery includes but is not limited to loaders, excavators, dozers, screening, crushing, and washing equipment. This is just an example of the equipment that could be onsite and doesn't not necessarily mean that it is operating all at the same time. Currently we are not operating any hot mix plants.

The estimated number of daily trip is approx. around 25, with peak days surpassing that. Control measures are in place such as water to address dust and the pit locations are operating within allowable noise thresholds

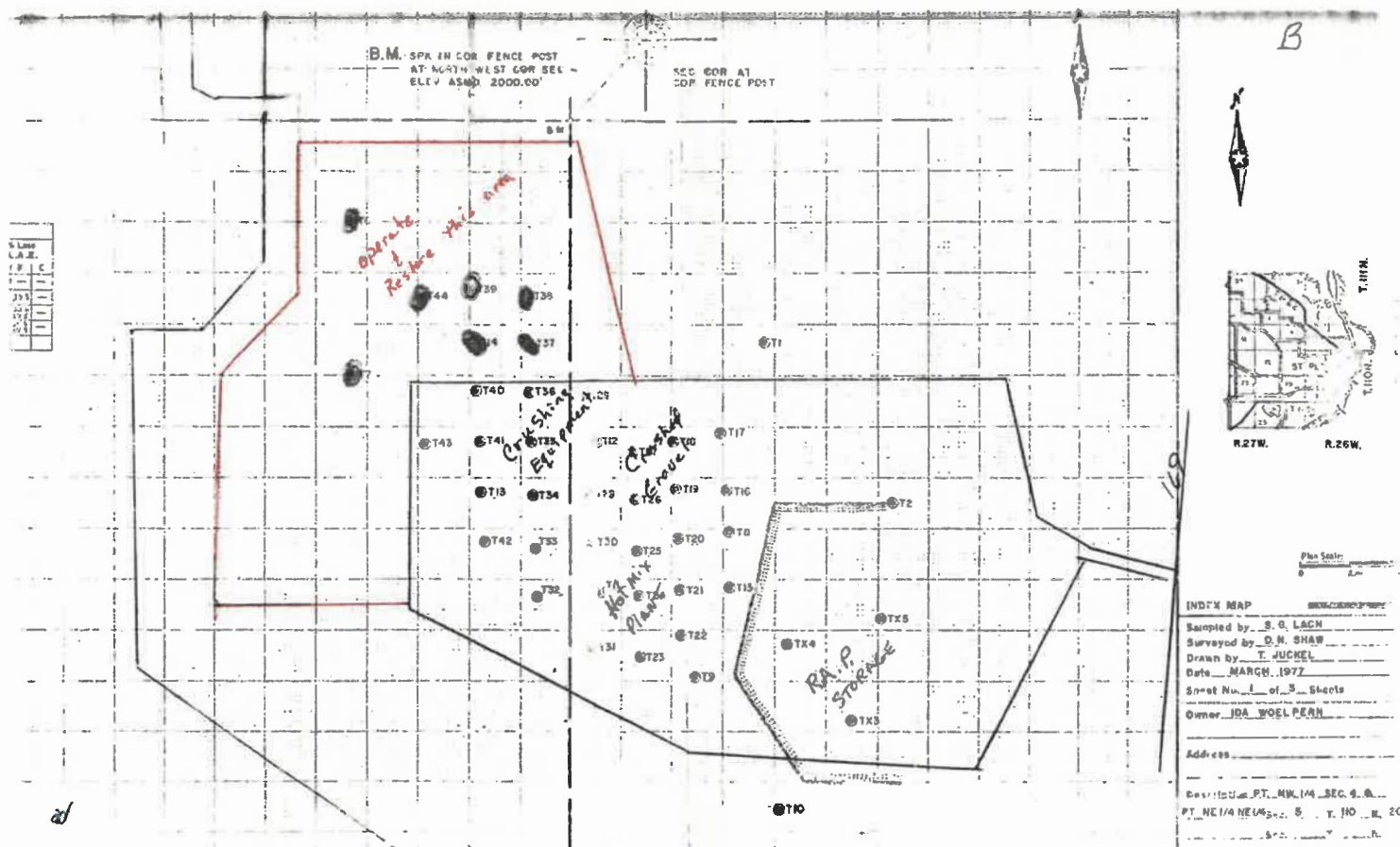
Materials stored onsite include fuel and fluids that are commonly associated with heavy machinery

Waste products are disposed of offsite, using the appropriate professional services for disposal when needed

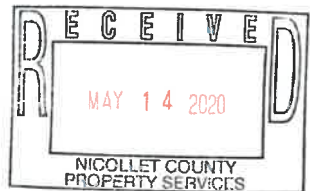
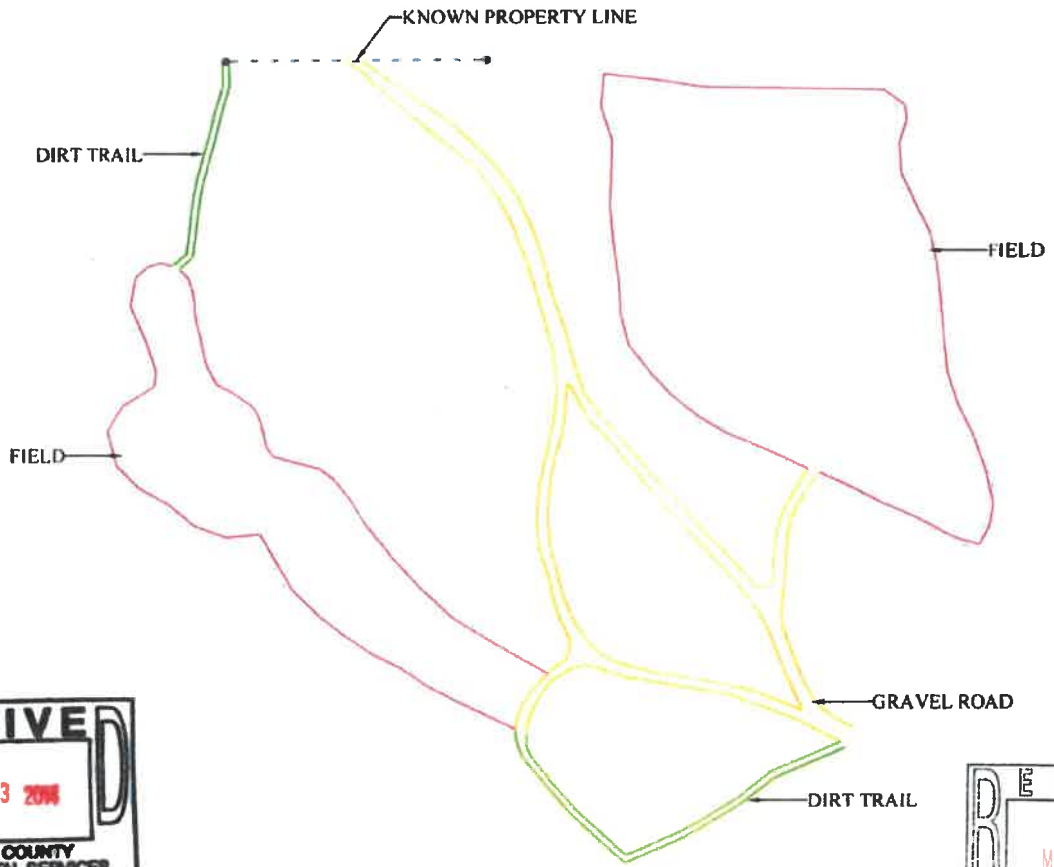
Hours of operation are consistent with county ordinances Monday – Sunday 6:00 am – 7:00pm

Andrew Lorentz is the contact- (507)340-8901 is the complaint management person.

Storm water is diverted to the holding pond in the pit. There are berms around pit to control the water.



XXXXXXXXXXXX
 ATTACHMENT F.4
 XXXXX Proposed Operations XXXXX
 Past Operations Map



Legend

Gulf Shore

Google Earth

Updated Site Plan

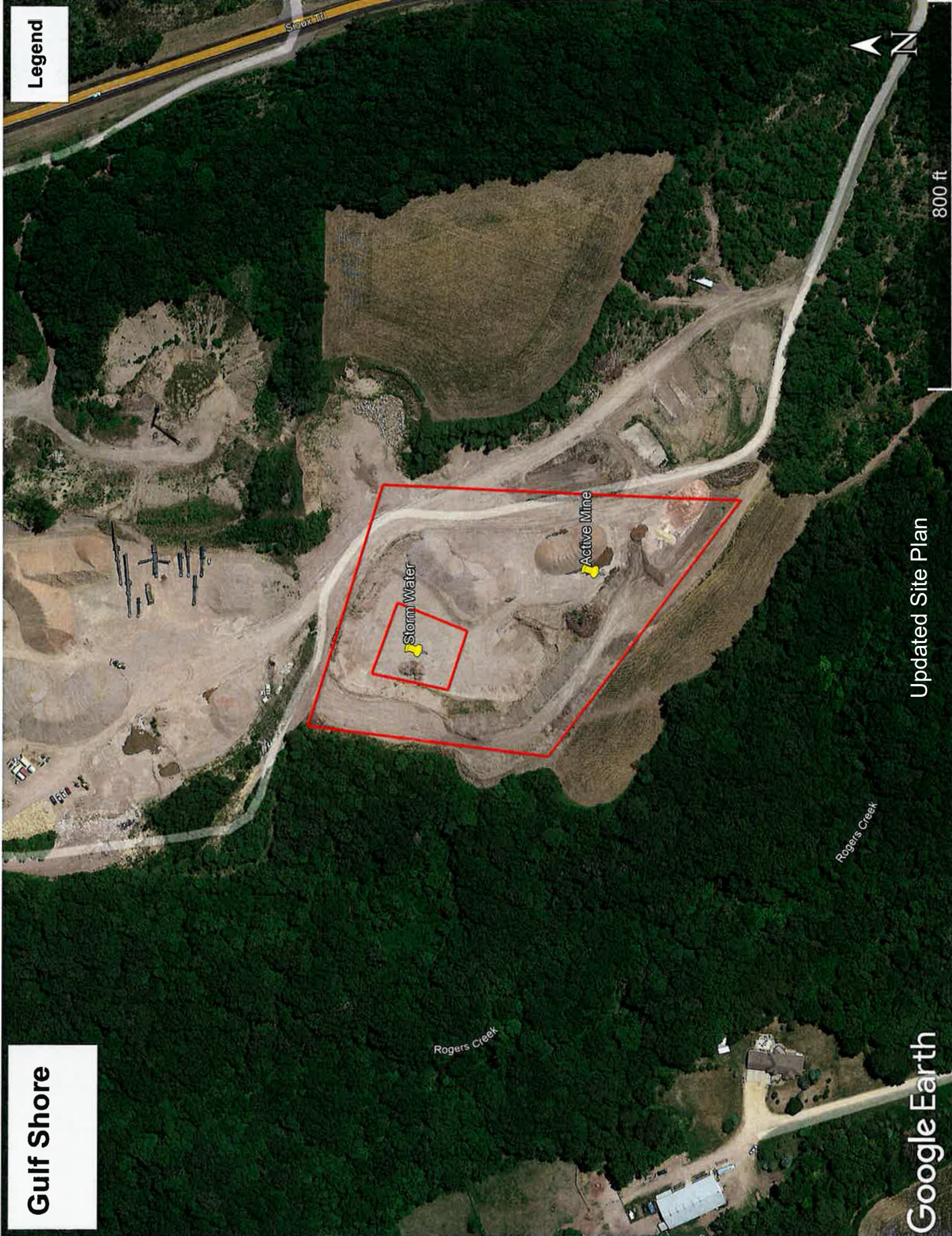
800 ft

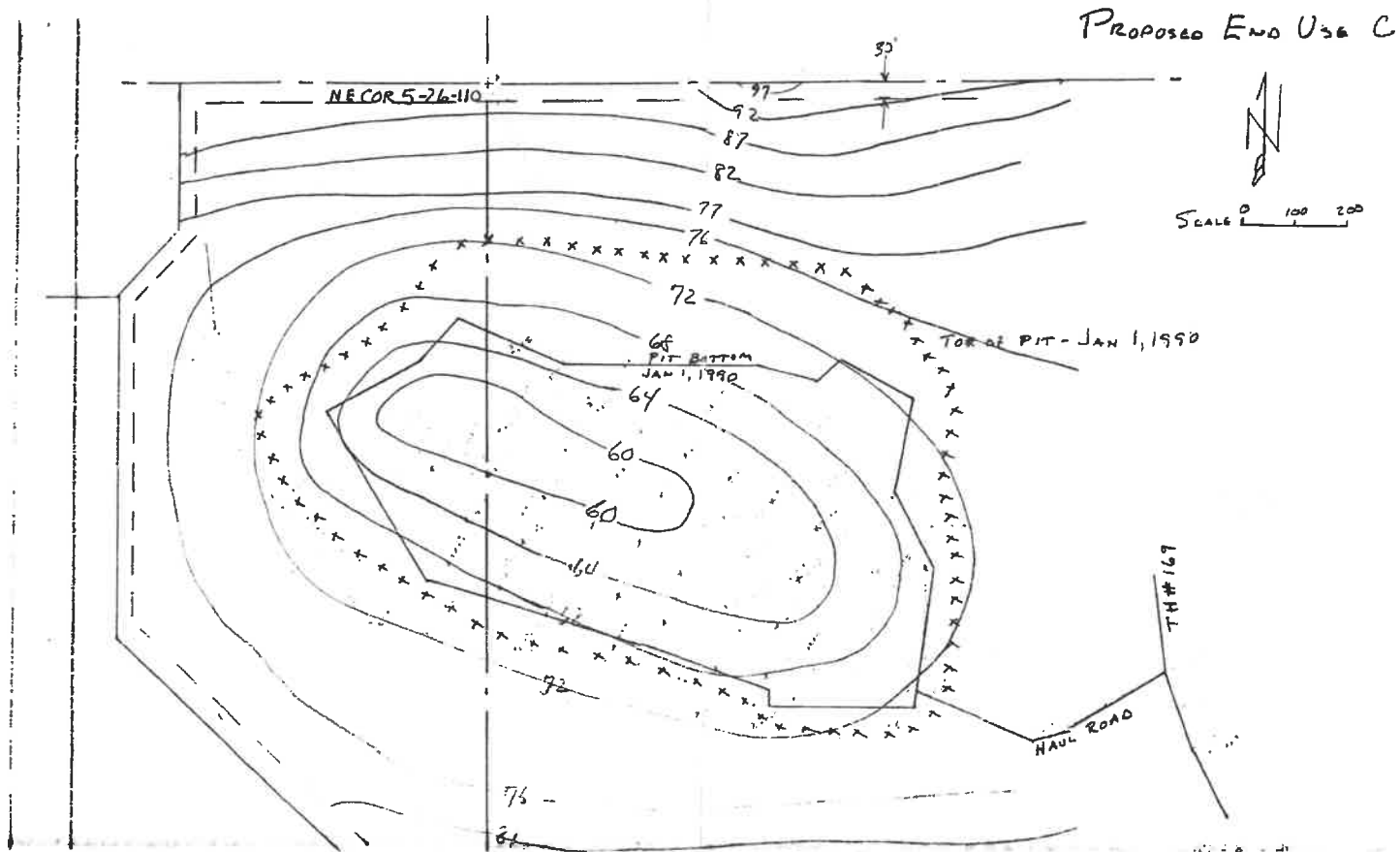
Rogers Creek

Rogers Creek

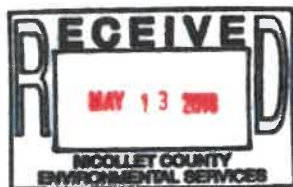
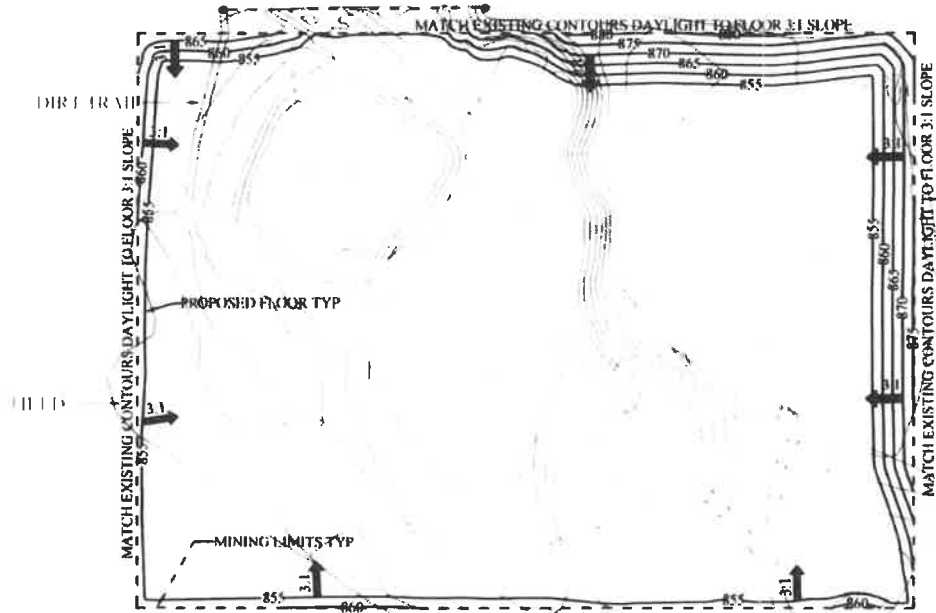
Active Mine

Storm Water





ATTACHMENT F.5
Map C - Reclamation/End Use (Original)



WOELPERN PIT PROPOSED RECLAMATION DRAWING SURVEYED MAY 5TH, 2014

SCALE 1"=200' DRAWN BY JAS



ATTACHMENT F.6
Map C - Reclamation/End Use (2014)



4700 WEST 77TH STREET
EDINA, MN 55435 - 4818
(952) 835-5350 | (800) 862-6070
www.wnins.com

BOND EXECUTION REPORT

AGENCY:

PELL INSURANCE & REAL ESTATE
221 NASSAU ST
SAINT PETER, MN 56082

PRINCIPAL:

WENDELL LORENTZ & SONS INC
PO Box 847
Mankato, MN 56002-0847

OBLIGEE:

NICOLLET COUNTY ENVIRONMENTAL SERVICES
501 S Minnesota Ave
Saint Peter, MN 56082-2507

SURETY:

Western National Mutual Insurance Company
4700 W 77th St
Edina, MN 55435-4818

BOND INFORMATION:

Bond Number:	56859	Type of Bond:	Western National Generic License Bond (Other)
Date of Execution:	02/13/2023	Class Code:	906
Effective Date:	05/11/2023	Expiration Date:	05/11/2024
Penal Sum:	\$30,000.00	State:	Minnesota
Premium:	\$300.00	Billing Method:	B (B= Agency Bill, D = Direct Bill)

NOTES: *Gulf Shore, LLC*

Western National appreciates your business! The first year premium is fully earned on the issuance of this bond. The premium will be billed according to the billing method listed above:

Direct Bill Payments - Bill Pay: (800) 352-2772 - Payment can be made on-line or by mail to:
Western National Insurance Group - P.O. Box 59184 Minneapolis, MN 55459-0184.

Agency Bill - Statements are mailed monthly to the agency with net amount due for the total statement.



ATTACHMENT E
Site Photographs



08 21 2023

DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
KENDALL HARVEY M & DIANN A REVOCABLE TRUST	108 HILLCREST RD	MONTICELLO MN 55362
GELDNER BROTHERS SAND & GRAVEL LLC	1132 RABBIT RD	SAINT PETER MN 56082
DRANTTEL MARIE	117 S 3RD ST	SAINT PETER MN 56082
MNR 130 LLC	130 DELAWARE ST SE	LONSDALE MN 55046
MN HISTORICAL SOCIETY	200 TOWER AVE	SAINT PAUL MN 55111
DRANTTEL MARIE	34697 DAISY LN	SAINT PETER MN 56082
DAVIS JAMES S & ANNE L DAVIS	39835 COUNTY ROAD 20	SAINT PETER MN 56082
SOROKA JACEK T & MALGORZATA D SOROKA	39877 COUNTY ROAD 20	SAINT PETER MN 56082
KENDALL MARK & SUSAN KENDALL	39956 US HIGHWAY 169	SAINT PETER MN 56082
MCCABE AMBROSE R & SCHELLI O MCCABE	40497 COUNTY ROAD 20	SAINT PETER MN 56082
FREY-HAWKINS RANDY B & JOANN P FREY-HAWKINS	40700 CEDAR RIDGE RD	SAINT PETER MN 56082
Helen Wenner- Traverse Township	41416 403rd Ave	St Peter, MN 56082
MN (STATE OF)	500 LAFAYETTE RD	SAINT PAUL MN 55155-4030
GULF SHORE LLC	805 EVENSON ST	SAINT PETER MN 56082
GP-75 LLC	PO BOX 30	SAINT PETER MN 56082



PLANNING COMMISSION CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

Name of Applicant Matt Brostrom & Shari Brostrom

Hearing September 19, 2023

Property Owner Gulf Shore LLC

Continuation N/A

File PLN23-14

Commission Member

Use Request Three (3) year mineral extraction CUP renewal to mine, crush, and stockpile gravel, and to operate a hot mix plant on-site in the Conservancy & Shoreland Zoning Districts

FINDINGS OF FACT

Authority for issuance of conditional use permits is derived from Minnesota State Statute §394.301 and Nicollet County Zoning Ordinance, Section 505. The conditional use must maintain the health, safety, morals, and general welfare of the community.

1. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.

YES ☐ NO ☐ REASON: _____

2. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.

YES ☐ NO ☐ REASON: _____

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

YES ☐ NO ☐ REASON: _____

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

YES ☐ NO ☐ REASON: _____

ATTACHMENT G
Criteria for Conditional Use Permit

5. The requested use is consistent with the County Zoning Ordinance.

YES ☐ NO ☐ REASON: _____

6. The requested use is not in conflict with the County Comprehensive Plan.

YES ☐ NO ☐ REASON: _____

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

YES ☐ NO ☐ REASON: _____

8. The requested use is reasonably related to the existing land use and environment.

YES ☐ NO ☐ REASON: _____

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

YES ☐ NO ☐ REASON: _____

10. The requested use ____ have adverse effect upon public health, safety and welfare due to the following other factors.

WILL ☐ WILL NOT ☐ REASON: _____

THE NICOLLET COUNTY PLANNING COMMISSION

☐ RECOMMENDS APPROVAL OF THE REQUESTED USE

☐ RECOMMENDS DENIAL OF THE REQUESTED USE

THIS DECISION WAS BASED UPON

☐ Application

☐ Site visit

☐ Information received at public hearing

☐ Staff Report

☐ Pictures

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED CONDITIONAL USE AND IN THE RECORD.

FACTS SUPPORTING THE ANSWER TO EACH QUESTION ABOVE ARE HEREBY CERTIFIED AS THE FINDINGS OF THE NICOLLET COUNTY PLANNING COMMISSION.

Date: _____ Commission Member: _____

DRAFT

08/01/2023 - 08/31/2023 Permit Form

RECORD ID	RECORD TYPE	DESCRIPTION	ADDRESS	OWNER NAME
BLD23-125	Structure Permit	8' x 22' home porch	57184 446TH ST, NEW ULM, MN 56073	EDWARD & ETHAINE SCHMIDT
BLD23-126	Structure Permit	3,831 sf new dwelling	TBD	DENNIS KITZBERGER
BLD23-128	Structure Permit	Replacement home	40600 533RD AVE, NEW ULM, MN 56073	PREMIER EXCHANGE SERVICES LLC
BLD23-129	SSTS Permit	new septic system for replacement house	40600 533RD AVE, NEW ULM, MN 56073	PREMIER EXCHANGE SERVICES LLC
BLD23-130	SSTS Permit	replacement system for 4 bedroom house	37952 348TH ST, LE SUEUR, MN 56058	ROLLY DANIELSON & JODI VELDT
BLD23-131	SSTS Permit	replacement system for a 4 bedroom house	51431 CTY RD 21, COURTLAND, MN 56021	KYLE SIEH & KIRA KRANZ
BLD23-132	Structure Permit	Home addition	34085 515TH AVE, LAFAYETTE, MN 56054	RUTH KLOSSNER
BLD22-231	SSTS Permit	Replacement septic system for a 3 bedroom house	42400 541ST AVE, NEW ULM, MN 56073	DUSTIN HULKE
BLD23-134	SSTS Permit	tank replacement for septic system	41206 CEDAR RIDGE RD, ST PETER, MN 56082	ANDREW JANDERT
BLD23-135	SSTS Permit	Replacement septic system for a 3 bedroom house	36981 551ST AVE, LAFAYETTE, MN 56054	ROCHELLE FLUEGGE
BLD23-136	SSTS Permit	replacement system for 4 bedroom house	57421 350TH ST, LAFAYETTE, MN 56054	KRIS & AL HAGBERG
BLD23-137	SSTS Permit	holding tank for salson in shed	45402 JEREMY DRIVE, NEW ULM, MN 56073	NICK & CHELSEY STEVENSEN
PLN23-16	Variance	Reduction of mineral extraction setback	07.007.1100	KEVIN JOHNSON
PLN23-11	Conditional Use Permit	Mineral Extraction CUP Renewal	04.309.0210	ULLAND BROTHERS INC.
PLN23-12	Conditional Use Permit	Mineral Extraction CUP Renewal	04.310.0705 & 04.315.0205	ULLAND BROTHERS INC.
PLN23-13	Conditional Use Permit	Mineral Extraction CUP Renewal	07.132.1505	GP-75 LLC
PLN23-14	Conditional Use Permit	Mineral Extraction CUP Renewal	12.105.0400 & 12.104.0100	GULF SHORE LLC
BLD23-139	Structure Permit	48' x 60' accessory structure	47686 391ST LN, ST PETER, MN 56082	RYAN & LESLIE GROMMERSCH
BLD23-140	SSTS Permit	Replacement SSTS for 4 bedroom residence	41260 581ST AVE, NEW ULM, MN 56073	PETER & SHARON BRANDEL
PLN23-15	Variance	Sign Variance	45638 561ST AVE, NEW ULM, MN 56073	MN VALLEY LUTHERAN HIGH SCHOOL