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Anne Hurlburt

From: grant wheaton [grantw@frontiernet.net]
Sent: Wednesday, February 04, 2009 5:50 PM
To: a.hurlburt@ci.scandia.mn.us
Subject: my comments on the mining
Follow Up Flag: Follow up
Flag Status: Red

i think any mining done at that site will create pollution, it is a matter of how much it creates. i was at the town meeting on feb. 3rd. i was not satisfied with what i heard from the geologist, there seem to be many unanswered questions regarding exactly what tiller will be doing on site, will they be cooking asphalt? how much groundwater will they need, the geologist said all the water they use will be recycled so they will not need to use groundwater, i find that very hard to believe. the corner of hwy 95 and 97 will need to be improved, you can't just add one stop sign to that corner and forget it. the impact this project will have on our community should require an e.i.s. at the very least, property owners should have another town meeting after an e.i.s. is completed to hear the results and voice concerns again. judging from the tone of the meeting on feb. 3rd. i don't think the residents of scandia want this permit issued, i hope we have a voice in this matter.

thank you; grant wheaton, 21399 pomroy av n, scandia

To: Anne Hurlburt, City Administrator
Scandia, Minnesota

From: Phletus and Sally Williams
Concerned Property Owners

Date: February 3, 2009

Re: Proposed Zavoral Property Mining and Reclamation Project



Thank you for bringing our attention to the proposed mining and reclamation project. After carefully studying the Environmental Assessment Worksheet and as a retired Agricultural Research Scientist with personal experience in living in a mining area where reclamation supposedly occurred, I have a number of concerns about the proposed project. The worksheet lacks adequate information on which to make a scientific and reliable judgment about the project. As written, the project could be a human and environmental disaster. We strongly urge a detailed Environmental Impact Study.

How will residents in the area be affected? Mining creates dust and thus air pollution. The wind does blow and there will be times when the air will be affected. The months of the year in which the mining will be in operation are the months when people enjoy the outdoors. The dust and diesel exhaust pollution, as well as, excessive noise, may challenge the health of people and wildlife in the area. Research shows that grit in polluted air can lodge in the lungs and raise health risks. (A. Chang, Jan. 22, 2006, huffingtonpost.com). The tranquility of the residential neighborhoods will be very damaged by the project. One needs to know also how the air pollution will affect the homes near the project. Will siding be damaged? Will the finish on automobiles be affected? Residents in the area should have concerns related to the negative impact this project will have on the value of their properties. In addition, there must be more information related to the impact of the project on the historic properties in the area, especially those in the Otisville area.

The project is in and near areas classified as scenic. The worksheet describes the trees buffering the St. Croix River and hiding the mining area. It does not satisfy the equally scenic byway (Highway 95). The operation will be visible from the road. As one drives north from Stillwater, the area is very beautiful and cherished by many. The view will stop being beautiful when one comes upon the mining project. How will the road be able to retain its scenic classification when the unpleasant scene will last a minimum of 10 years?

The worksheet claims that the water runoff will be redirected. What evidence do the project proposers have that their plan for handling the runoff will work? The direction that water flows naturally is difficult to change. The water may seep downward and go on its way to the river. Eventually there will be detrimental impact on the St. Croix River and its unique (and protected) environment and on the sensitive marine and wildlife

habitat. What would happen if a deluge of rainwater filled the gravel pits? Would this water be pumped out? If so, to where? In a 10-year period such a rainstorm would very likely occur. Having lived in a mining area, I have seen the rivers in which fish no longer lived and the waters were no longer clear and free of contaminants.

The proposal at no point discusses the effects on the O'Brien State Park. Will campers and users of the park stop visiting it during the 10 years of this project? The bike path is mentioned as being relocated near the mining area. As bikers and walkers, we would consider this bike path as no longer a treasure. We have enjoyed camping in the park but with the noise pollution and potential air contaminants, we would no longer be able to enjoy this beautiful resource available to all of us now.

The proposal describes plans for restoration; however, the plans are questionable. It is claimed that the disturbed area will be stabilized as grassland with an option to add trees. Adding trees is a critical "must". It has been my experience that land covered with topsoil and seeded for grassland use is not a suitable recovery process for this scenic byway and would not be adequate for the immediate St. Croix River drainage area.

Another concern relates to the areas near the site that have large old wonderful trees. How will these trees withstand the stress created by the mining operation. The state-listed rare plant communities and endangered or threatened animal species in the area are reason enough to deny this project. No one can predict how they will be affected. Perhaps the project proposers need to think about what they wish to leave their children and grandchildren. We would hope that these species would still exist for them to enjoy.

The problems created by the heavy truck traffic needs more attention. During the peak traffic hour between 7:00 a.m. and 8:00 a.m., it is said in the worksheet that it is anticipated that 20 trucks per hour would be on the road. When examined in the time frame of one truck every three minutes on a two-lane highway, that seems excessive and would make travel for residents of the area and tourists very unpleasant and slow. We did not read anything regarding the damage to the roads. What is the anticipated maximum axle weight of loaded trucks traveling on the existing two-lane roads. This is critical information and must be carefully considered. Taxpayers should not be expected to cover the costs of repairing the damage that over a ten-year period would very likely be substantial.

In conclusion, we do not see the need for another mining/gravel operation in this area. There are other sources of gravel in less sensitive areas. These sources may have less adverse impact on health, safety, and the environment and would be located in areas not served by a **Scenic Byway** and a federally designated **Scenic Riverway**.

Sincerely,

Phletus P. Williams

Sally K. Williams

Metropolitan Council

February 4, 2009

Anne Hurlburt, Administrator
City of Scandia
14727 209th Street North
Scandia, MN 55073

RECEIVED
FEB -5 2009
CITY OF SCANDIA

RE: City of Scandia Environmental Assessment Worksheet (EAW)
Zavoral Property Mining and Reclamation
Metropolitan Council District 12 (Sherry Broecker)
Metropolitan Council Review File No. 20475-1

The Metropolitan Council received the City's EAW for Zavoral Property Mining and Reclamation on January 2, 2009. The proposed project involves mining and site restoration of 64 acres located east of State Highway 95.

The mining activity will include aggregate extraction, crushing, washing, stockpiling, and hauling. It will also include concrete and asphalt recycling. Part of the site, 64 acres, was previously mined from the 1960's through the 1980's. The proposed mining will expand the previously mined area by about eight acres, and excavate 15 feet deeper.

The staff review finds the EAW complete and accurate and raises no consistency or conformance issues with Council policies. No EIS is needed for regional purposes. The Council staff offers the following comments.

Item 11 – Fish, Wildlife, and Ecologically Sensitive Resources

Regional groundwater flow is not verified, but assumed to be to the east, directly toward the Saint Croix River. Locally however, shallow groundwater flow would be expected to flow toward Zavoral's Stream from the northern portion of the site. The document does not identify the presence of Zavoral's Stream on the project site. Zavoral's Stream is reported by the Carnelian Marine Saint Croix Watershed District to support naturally-reproducing brook trout. The Stream crosses the northern portion of the site and flows in a southeasterly direction toward the Saint Croix River. Runoff/infiltration on the northern half of the site and ground water appropriation from anywhere on the site would be expected to have potential water quality and quantity impacts, respectively, upon this stream. Council staff recommends that modeling be performed prior to issuance of a mining permit to evaluate existing groundwater flow patterns on the site so that acceptable limits can be established for ground water appropriation (both pumping rate and well location) to avoid negative impacts to Zavoral's Stream. Modeling could also make recommendations as to the citing of asphalt stockpiles and stormwater basins to avoid all impacts to Zavoral's Stream. Council staff further recommends that stormwater basins constructed on the site for aggregate washing should be lined.

The project description indicates that proposed mining activities will include the recycling of asphalt materials. The EAW inadequately addresses the potential for groundwater and down-gradient surface water (Saint Croix River) contamination as a direct result of leaching of volatile and semi-volatile constituents (including polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), and heavy metal compounds) out of the petroleum-derived asphalt/aggregate binders. Leachability of these compounds increases when recycled and milled asphalt is stockpiled, stored, and exposed to precipitation. If stockpiling takes place directly on unlined work areas within the site that are only tens of feet above the regional groundwater table and in close proximity to Zavoral's Stream and the Saint Croix

Anne Hurlburt, Administrator
February 4, 2009
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River, it has the potential to contaminate groundwater due to movement of asphalt leachate through the granular soils present. Council staff recommends recycled asphalt stockpile areas be covered and/or lined.

The document does not provide information concerning the proposed groundwater monitoring system, other than proposed annual monitoring as required in the City's Ordinance No. 103. Council staff recommends that in addition to monitoring the groundwater for diesel range organics, that consideration be given to monitoring of PAHs, VOCs, and heavy metals (Ba, Cd, Cr, Cu, Pb, Ni, and Zn) be incorporated into the monitoring plan to track potential off-site movement of asphalt leachate, if asphalt stockpiling takes place as proposed. It is further recommended that monitoring of these parameters occur more frequently than annually through the life of the mining facility of the stockpiles are not covered and/or lined.

The Metropolitan Council will take no formal action on the EAW. If you have any questions or need further information, please contact Tori Dupre, Principal Reviewer, at 651-602-1621.

Sincerely,



Phyllis Hanson, Manager
Local Planning Assistance

cc: Sherry Broecker, Metropolitan Council District 12
Lisa Barajas, Sector Representative
Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Crystal Carlson, Multi-Family Market Analyst, MHFA
Keith Buttleman, Environmental Services
Tori Dupre, Principal Reviewer
Cheryl Olsen, Reviews Coordinator

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February 4, 2009

To: City of Scandia
Attention: Planning Commission

RE: The Zavoral Mining Permit



I would like to submit my thoughts in regard to the Zavoral Mining Permit which was discussed at the Planning Commission meeting on Tuesday, February 3rd, 2009.

1. In listening to the complaints of those opposing the mining permit, I question why they do not feel that the Zavorals are doing all they can to make this a safe and environmentally sound endeavor. My reason for questioning these fears is due to the fact that the Zavorals have their family cabin East of the gravel pit between the pit and the St. Croix River. They are planning to keep this in their family for many years. Do you think they would honestly be contaminating the very soil, drinking water and not to mention the beautiful river that they also enjoy? I don't think so.
2. I also wonder if anyone has ever thought about, when landscaping their nice yards or redoing their driveways, that the gravel, sand, topsoil, asphalt or decorative rock had to come from a gravel pit somewhere. That these gravel pits are also in someone else's backyards/front yards and that yes, the material is in fact delivered by trucks. But in the minds of those who are voicing their complaints, that fact seems to be ok - as long as it is coming from "somewhere else" than it isn't their problem.
3. I live across the street from this proposed gravel pit and lived here when Barton Sand and Gravel mined it in the 1970's and 80's. There was never a time when I thought it was too loud from the crushing or gravel equipment, too dusty from the mining process, or that there were too many trucks coming in and out of the pit.
4. I know from personal experience in purchasing materials from gravel pits in the area that the Tiller Corporation owns and/or leases, that they are a legitimate mining corporation. They are respectful of not only the neighboring areas, but of the environment as well. They are not a 'fly by night' organization and will follow through with restoration commitments unlike past contractors that have worked in the Zavoral pit.
5. A lot of the talk at the open forum regarding this permit was about the money that would be made by the gravel pit owners themselves. I would like to address that there wasn't any mention of how much revenue the City of Scandia would benefit from the gravel tax. Isn't revenue generated by a Scandia mined pit a good thing for the city's financial future? Let's keep the money in the community.

In closing, my wife and I, as direct neighbor's to this proposed pit, have no problem with Zavoral and Tiller Corporation moving forward with their plans to mine the natural resources it produces.

Thank you,

Tom W. Boesel
21060 St. Croix Trail North
Scandia, MN 55073

Anne Hurlburt

From: Lois Srock [lsrock@frontiernet.net]
Sent: Thursday, February 05, 2009 7:38 PM
To: a.hurlburt@ci.scandia.mn.us
Subject: Comments on the Zavoral Mining & Reclamation Project

It is our feeling that this is a natural resource that we could benefit from opening up the Zavoral Pit. The roads around this area are in need of repair and why truck from miles away to receive these material when we have the resource right here. We feel that the DNR will protect the River from any damage to the St. Croix River. As far as the noise and pollution goes we believe the State Patrol will protect us from extra loud noise and exhaust from trucks. We live the closest to the pit area. When they ran the pit 30 years ago it didn't bother us at that time so it shouldn't be any worse now. We also feel that the land will need to be restored like they said.

Walter & Lois Srock
20965 St Croix Tr N
Scandia, MN 55073
651-433-4465

16.

Anne Hurlburt

From: Lois Srock [lsrock@frontiernet.net]
Sent: Thursday, February 05, 2009 7:59 PM
To: a.hurlburt@ci.scandia.mn.us
Subject: Tiller Corporation's Zavoral Mining & Reclamation Project

Walter & Lois Srock
20965 St Croix Tr N
Scandia MN 55073
651-433-4465
lsrock@frontiernet.net

After listening to all the comments the other night we have decided to send in our comments. We feel that the land in question is a great resource and should be made available. We are in need of replacing or repairing our roads and why not truck the materials needed from this area instead of miles away. We also feel that the DNR will make sure that the St. Croix River will not be disturbed in any way. As far as the noise and pollution the State Patrol will see that isn't going to be a problem. We live the closest to the Zavoral Pit and when the pit was working 30 years ago we were not affected by it. We feel it would be a shame not to take advantage of this natural resource.

Anne Hurlburt

From: Bruce & Libby Hutchinson [gybe@jps.net]
Sent: Sunday, February 08, 2009 6:42 PM
To: a.hurlburt@ci.scandia.mn.us
Subject: Comments on Tiller Corp Proposed Gravel Mining

To Scandia City Council & Scandia Planning Commission

My family and I have been property owners and taxpayers on the St Croix River (now in Scandia) since 1915.

We feel strongly that the River Valley must be preserved and protected for future generations. The proposed gravel mining project is in the St Croix River Valley. This project would adversely affect the natural habitat and beauty of the valley. I fear that the environmental effects could not be mitigated. Additionally the project has potential for creating many hazards for pedestrians, cyclists, and drivers in Scandia. I have witnessed these sorts of hazards from the Franconia gravel operation.

I and my family request that an official and complete Environmental Impact Study be done on the proposed Tiller Corp project. This study should meet the standards of and be reviewed by all appropriate and interested agencies, including city, county, state, federal, National Park Service, and environmental organizations. It would be unconscionable not to require an EIR before further action on this project.

Thank you for your consideration.

Bruce W Hutchinson
PO Box 3707
Olympic Valley CA 96146
530-583-5367
email: gybe@jps.net



NO to the Zavoral Gravel Pit!

NO to noisy, polluting gravel trucks roaring up and down Highway 97 at 120 trips a day; Monday through Friday; 7 AM to 7PM; April through November for 10 years. This includes 40 trips a day (20 x 2) between 7 and 8 AM.

These big trucks would put residents and travelers in great danger:

- (1) As they try to exit or enter their driveways and roads along Highway 97. These big trucks would put residents and travelers in great danger for vehicles trying to enter and exit their roads and driveways or local businesses.
- (2) While traveling through the 95/97 intersection.
- (3) Risking lives of children who wait for and ride the school buses and people crossing to get their mail.

What about the impact of air and noise pollution and flying gravel along the route? The EAW (Environmental Assessment Worksheet) does not even address that issue.

Reclamation? By first destroying our rural way of life, endangering lives, destroying endangered species and endangering our precious and protected river? NO – NO – NO. I don't think a blanding turtle or anything or anyone else has a chance against a convoy of big ol' trucks.

Respectfully submitted;
Karen Sogge
21350 Pomroy Av. N.
Scandia, MN 55073



19.

Anne Hurlburt

From: Richard Leider [richardleider@mac.com]
Sent: Monday, February 09, 2009 10:28 AM
To: a.hurlburt@ci.scandia.mn.us
Cc: richardleider@mac.com
Subject: Letter to City Council

To: Scandia City Council
 14727 209th Street north
 Scandia, Mn 55073

From: Richard J. Leider
 Scandia Citizen

Re: Zavoral Property Mining & Reclamation Project

The Request

This letter is intended to voice strong opposition to the Zavoral project. The proposed mining operation at the intersection of Highways 95 & 97 has the potential for significant destructive human & environmental effects. This is an inescapable conclusion. The City should so declare, then order a full scale Environmental Impact Study(EIS) to uncover whether the potential destruction is indeed likely.

The site is sandwiched between The St. Croix National Scenic Riverway and the Minnesota St. Croix Scenic Byway. It abuts each. One would be hard pressed to select a worse site to put a gravel operation.

If we, in Scandia, are true to our city tagline, "Dedicated to Rural Community Values," then, this would assuredly be against those very values.

The City of Scandia has already ruled out the Zavoral site for gravel mining in its new Comprehensive Plan, which awaits only Met Council approval for it to go into effect.

Why is this, then, being hurriedly railroaded through ahead of final approval of our new Plan (which is due for approval early this year)? It appears rather suspect.

Ten Reasons to Deny the Project

I attended the February 3 joint Planning Commission/City Council meeting and voiced my strong opposition to this project. In the spirit of keeping this written follow-up letter short, and to-the-point, I summarize ten (out of 25) reasons this project should be halted immediately:

1. Noise pollution
2. Light pollution
3. Traffic congestion
4. Intersection safety hazards
5. Emissions(fumes & dust) pollution
6. Groundwater(local wells) contamination
7. Watershed disruption(creeks and springs)
8. Habitat disruption(birds, animals)

- 9. River corridor stewardship/protection impact
- 10. Visual/scenic/economic impact(erosion of community & river character)

There are numerous other oppositional issues that have been brought to you by the National Park Service, the St. Croix River Association, the St. Croix Scenic Coalition and the standing-room-only group of concerned citizens at the February 3d meeting.

The Mood

Personally, I will be shocked and dismayed if you, our elected city officials, do not abide by both the spirit and the guidelines of our new Comprehensive Plan. If this project is pushed through ahead of the new Plan going into effect, or without an EIS, this community will be stepping back in time. Every citizen and visitor alike who passes the pristine Zavoral site will be reminded of our lack of vision and integrity. The City of Scandia should work with landowner Zavoral to find another way to accomplish what he hopes to achieve.

Respectfully Submitted,

Richard J. Leider
23229 St. Croix Trail north
Scandia, Mn 55073

Minnesota Department of Natural Resources

Central Region
1200 Warner Road
Saint Paul, Minnesota 55106
(651) 259-5767



February 9, 2009

Ann Hurlburt, Administrator
City of Scandia
14727 209th Street
Scandia, Minnesota 55073



RE: Zavoral Property Mining and Reclamation
Environmental Assessment Worksheet (EAW)

Dear Ms. Hurlburt:

The Department of Natural Resources (DNR) Central Region has reviewed the EAW for the Zavoral mining and reclamation project in the City of Scandia. We offer the following comments for your consideration.

The EAW states that four acres located within the St. Croix River District will be restored during the final phase of restoration. We strongly recommend that, before the mining company begins the restoration, it meet on-site with DNR and other agency biologists to assess the ecological condition of that area. It is possible that the area has or will have recovered through natural processes and will exhibit desirable attributes that should not be disturbed. It is also possible that invasive species dominate and will need to be cleared.

The document uses the terms "restoration" and "reclamation" somewhat interchangeably to characterize actions to be taken to enable reuse of the site. Typically the desired end use dictates the reclaimed condition of a mining site. The EAW does not clearly indicate what that end use would be. The EAW suggests that the Tiller Corporation will simply stabilize the previously disturbed and re-disturbed areas as grassland to eliminate potential problems with erosion and prepare the site to accommodate some type of development allowed by the City. We assume that this would be residential or commercial development or parkland.

Reclamation work often falls short of restoration in the fullest sense, i.e., a copy of the native ecosystem is not achieved. Strictly speaking, restoration brings a site back to its original state, complete with the structures, functions and processes that existed prior to disturbance. We agree that it would be appropriate and desirable to restore the four acres that are within the St. Croix River District. Considering the high degree of disturbance that results from mining, the wholesale reconstruction of the pre-existing ecosystem may not be feasible and reclamation of the remainder of the site may be all that can be accomplished. We recommend, however, that the Tiller Corporation make every effort to establish a soil profile and vegetation similar to that

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found in the adjacent woodland community. We also recommend that Tiller establish a monitoring schedule to evaluate the success of revegetation efforts in both the reclaimed and restored areas.

Water use (Item No. 13)

Well records show that the old Barton Construction Company well on the site is a multi-aquifer well. This well should be abandoned at the end of the project. We recommend that the mining company contact the DNR area hydrologist before the well is sealed, so we can consider adding the well to the DNR observation well network.

Thank you for the opportunity to review this project and the EAW. From a natural resources perspective, this project does not require the preparation of an Environmental Impact Statement (EIS). We look forward to receiving your record of decision and responses to comments at the conclusion of environmental review. Minnesota Rules part 4410.1700, subparts 4 and 5, require you to send us your Record of Decision within five days of deciding on this action.

If you have any questions about these comments, please call Wayne Barstad, regional environmental assessment ecologist, at 651-259-5738.

Sincerely,



Dirk Peterson
Acting Regional Director

C: Steve Colvin, Lisa Joyal, Bryan Lueth, Liz Harper, Gerald Johnson,
Molly Shodeen, Wayne Barstad, REAT (DNR)
Nick Rowse (USFWS)
Jon Larsen (EQB)
SCN09 Zavoral Mine.doc
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