

APPENDIX D

HISTORIC MATERIALS

JAN 21 1971

Barton Contracting Co.



10300 89TH AVENUE NORTH

OSSEO, MINNESOTA 55369

TELEPHONE (612) 425-4191

January 19, 1971

Mr. George Koonce
Minnesota Pollution Control Agency
Division of Water Quality
717 Delaware Street S.E.
Minneapolis, Minnesota 55440

Re: Barton Contracting gravel pit
operation, New Scandia Township

Dear Mr. Koonce:

In regard to a letter dated January 14, 1971, from Mr. Frank T. Lamm, Environmental Engineer representing the Metropolitan Council, Barton Contracting Company wishes to assure the Minnesota Pollution Control Agency that no further encroachment of the bluff area in the gravel pit in question will be made.

Our intentions are to take whatever precautions we feel necessary to insure no water from our operations overflow the bluff.

Very truly yours,

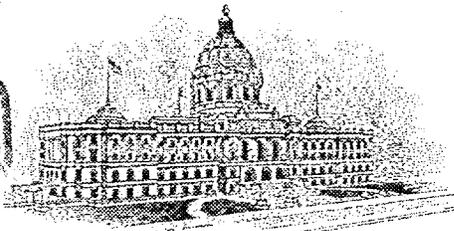
BARTON CONTRACTING COMPANY

Michael S. McGray
Michael McGray
Engineer

MMcG:nd

FRED C. NORTON
DISTRICT 46A
RAMSEY COUNTY
701 FAIRMOUNT AVENUE
ST. PAUL, MINNESOTA 55105

JAN 28 1971



State of Minnesota
HOUSE OF REPRESENTATIVES

L. L. DUXBURY, Speaker

January 25, 1971

COMMITTEES:
APPROPRIATIONS
CITIES OF THE FIRST CLASS
COMMERCE AND ECONOMIC DEVELOPMENT
GOVERNMENTAL OPERATIONS
INSURANCE

JUDICIARY	DIR.
✓	ASST.
✓	WQ
	AQ
	SW
	SAAG
	FILE

Handwritten initials and numbers: 16F, H3, and a signature.

Minnesota Pollution Control Agency
717 Delaware Street, S. E.
Minneapolis, Minnesota 55440

Gentlemen:

In re: Application of Barton Contracting Co. in
New Scandia Township

I have received your notice of application for permit by the above name, and I am responding to your request for comments.

Inasmuch as it has been impossible for me to examine the entire file, I would be especially concerned as to whether the proposed plan involves any discharge of materials into the St. Croix River or into any tributary stream which might reach the St. Croix River, or through which deposits are made in the stream and on property through which the stream runs.

From my experience, although the Barton Contracting Co. has made statements in the past that previous plans would not result in the spillage or seepage of effluent for their operations, this has not proved to be true.

The Barton Contracting Co. has been an especially unpleasant neighbor to the nearby residents in other matters; particularly, it insists upon running its extremely noisy machinery late in the evening and into the early morning hours at a time when most people seek the quiet that ordinarily exists. I would appreciate your Agency imposing qualifications upon this permit which would relate to noise pollution.

It has come to my attention that very few interested people have received notice of this application. I would, therefore, suggest that this be brought to the attention of nearby residents, the Soil Conservation Service (which previously took an interest), the New Scandia Township Board, the Washington County Board, and

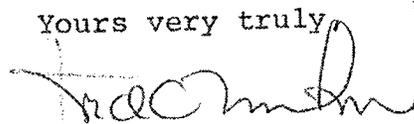


Minn. Pollution Control Agency
January 25, 1971
Page 2

the State Legislators from Washington County.

I appreciate the opportunity of responding to this notice of application.

Yours very truly,



Fred C. Norton
State Representative

FCN:kb

cc: Rep. Richard O'Dea
Rep. H. R. Albertson
Senator R. J. Brown

HAYERSTOCK, GRAY, PLANT, MOOTY & ANDERSON

To ~~file~~
chief

LAW OFFICES

300 ROANOKE BUILDING

MINNEAPOLIS, MINNESOTA 55402

TELEPHONE 339-9501

January 25, 1971

BRUCE D. GROSSING
C. STEVEN WILSON
JOHN M. BROEKER
JOHN S. CROUCH
DAVID T. BENNETT
LORING W. KNOBLAUCH
EDWIN C. CARPENTER
LINDLEY S. BRANSON
JOHN W. THIEL
WOOD R. FOSTER, JR.
ROBERT V. BOLINSKE
JEFFREY R. BROOKE
MARVIN R. ANDERSON

OF COUNSEL
ALF L. BERGERUD
EDWARD J. CALLAHAN, SR.

HAROLD G. CANT
HENRY W. HAVERS
FRANKLIN D. GRAY
FRANK W. PLANT, JR.
JOHN W. MOOTY
KENNETH M. ANDERSON
MELVIN R. MOOTY
RUSSELL M. BENNETT
ROBERT E. BOWEN
CLINTON A. SCHROEDER
EDWARD J. CALLAHAN, JR.
ROBERT A. FORSYTHE
ROBERT L. HELLAND
JAMES S. SIMONSON
LAWRENCE E. NERHEIM
LARRY R. HENNEMAN
RICHARD N. FLINT
MICHAEL P. SULLIVAN
JAMES H. GILLESPIE
CHARLES K. DAYTON
RICHARD A. BOWMAN

RECEIVED
JAN 27 1971

MINN. POLLUTION
CONTROL AGENCY

Minnesota Pollution Control Agency
Division of Water Quality
717 Delaware Street S. E.
Oak Street Station
Minneapolis, Minnesota 55440

Gentlemen:

Last week I happened to see a copy of the Notice of Application for Permit for New Disposal System, dated January 3, 1971, relating to the application for waste disposal system by Barton Contracting Company, to be located in New Scandia Township, Washington County.

I have no doubt that your engineering staff is in a position to evaluate the statements made by the applicant and make a determination as to whether there is a reasonable likelihood that the system will function as the applicant represents. Not being an engineer, I will not presume to comment upon the effectiveness or noneffectiveness of the proposed system.

However, there are some matters which I believe should be called to your attention, and which may indicate to you the desirability of scrutinizing this application with particular care, giving additional notice of the application, and deferring a decision on the application until you have had an opportunity to hear from other sources who may be able to contribute meaningful information.

I am not aware that your notice was mailed to all nearby residents and property owners who will be the most directly affected by the continuation of Barton's operation. I know that I did not receive notice, and I reside in New Scandia Township almost half of the year, within a half mile of the Barton operation. Certainly the citizens who live nearby ought to receive notice of this application, as well as the Board of Supervisors of New Scandia Township, who I trust have been notified.

Other agencies and organizations which have a vital interest in your action upon this application, and which may be in a position to render very material assistance to you in your evaluation, include:

1. The St. Croix River Intergovernmental Planning Conference, a representative organization of all local governments adjoining the St. Croix River in both Minnesota and Wisconsin, from Taylors Falls to Prescott. This organization, which is composed exclusively of delegates representing the elected local governments of both sides of the River, is in a position to reflect for your consideration the collective attitudes of the involved local governments. Clearly, this application should be considered by the Pollution Committee of the Intergovernmental Planning Conference.
2. The St. Croix River Association, a representative body composed of residents living on or near the River in Minnesota and Wisconsin, deserves the courtesy of a notice and an opportunity to be heard.
3. The Washington County Soil and Water Conservation District which is concerned with environmental matters within Washington County and which I believe is presently holding meetings on the subject.
4. The Soil Conservation Service of the United States Department of Agriculture has a legitimate interest in this kind of application.
5. The U. S. Army Corps of Engineers ought to be consulted on this application, particularly in view of the fact that Barton's previous misconducts have necessitated action by the Corps.

It seems to me that the foregoing organizations ought to be consulted, because they are obviously in a position to assist you in making your determination as to whether Barton's permit ought or ought not to be granted.

Additional considerations which were not made clear in your notice, and which are of interest to me as well as anyone else, I am sure, who may have been notified of this application, include

information as to where the 700 gallons per minute of gravel-washing water is to be initially obtained. Is it to be drawn from wells, or is it to be taken from the River? Obviously, different considerations arise depending on the source of the water. Similarly, how is the water ultimately returned to the environment? Does it percolate through the ponds, either into the ground or back to the River? Or is it ultimately allowed to drain from the ponds, in a supposedly clean state, back into the River? Obviously, the water has to come from somewhere and ultimately has to go somewhere. Your notice does not enlighten us on either question.

The considerations in the foregoing paragraph are especially important here because Barton has heretofore discharged its washing water directly into the River (of which more will be said below) and has permitted water to leak from existing ponds into the River, all with a substantial deleterious effect on the environment.

Another consideration, which, while not relating directly to the merits of the proposed water disposal system, ought in fairness to be weighed, is Barton's record as a corporate citizen of New Scandia Township. A few years ago Barton took over a small, long-inactive gravel pit and set up a large-scale gravel crushing and washing operation, primarily for the purpose of furnishing aggregate in the construction of Interstate Highway 35, several miles to the east. Without obtaining permission from the Township, without apparently any consideration of the effects of its actions on the environment; and certainly without any consideration for the comfort of the citizens of the community, Barton began its operations on an almost 24-hour basis, and began discharging large quantities of silt into an existing creek, which emptied into the St. Croix River.

The intolerable noise level of the operation soon brought complaints from many residents of the area, and the matter has been before the Board of Supervisors of New Scandia Township on a number of occasions over the past few years. Barton has stated publicly that it had no further plans for gravel crushing and washing following the completion of Interstate 35. Apparently, there has been a change of plans.

The silt and wash water which was discharged during the early days of Barton's operation constituted a trespass on the land of Mr. C. W. Plowman, now deceased, who took it upon himself to visit the person in charge of the operation and lodge a protest. The response which he received was a threat that he would be bodily ejected from Barton's property. Mr. Plowman did not let the matter rest here, but took other action, including ultimately a complaint to the U. S. Army Corps of Engineers, who I understand thereafter compelled Barton to remove all or part of the silt which it dumped into the St. Croix

Minnesota Pollution Control Agency
January 25, 1971
Page Four

River (this removal was accomplished in haphazard fashion, with some damage to private driveways and public roads in the process).

Thereafter, Barton adopted a ponding system similar to the one now proposed. The system has not been entirely effective and there have been instances of reported leakage of silt into the River. In addition, the silting process has, on at least one occasion, blocked a culvert belonging to the Soo Line Railroad, the adjoining landowner to the east of Barton.

In summary, Barton's record as a corporate citizen indicates to me that its application should be given the closest scrutiny possible, all possible interested persons and agencies should be consulted, and you should take plenty of time to deliberate upon whether to grant this application.

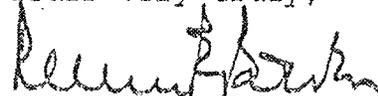
One further matter which I wish to raise is the noise involved in this operation. Barton has habitually operated on a schedule involving crushing operations commencing as early as 4:00 or 5:00 in the morning and continuing until 11:00 in the evening. In the summertime, in the country, this is an intolerable situation. Barton also commenced operations last summer with very little crushing going on, and then toward the end of the summer resumed its almost round-the-clock schedule, allegedly because of the sudden existence of a demand for aggregate. The demand (having to do with the completion of Interstate 35 E) has long been known to Barton, and there was no reason why aggregate could not have been prepared and stockpiled in the early months by operating normal hours, eliminating the necessity of the early morning and late evening operation.

If noise pollution is not within your jurisdiction, at least the above bears on Barton's record as a corporate citizen.

Finally, you should bear in mind that the site of the proposed ponding system lies within the area which will be included in the Federal Scenic River System, which inclusion is presently under consideration by the Federal-State Study Team.

I apologize for the length of these remarks, but I feel strongly that the foregoing matters merit your consideration and that determination of Barton's application should be deferred until notice can be given to the organizations mentioned herein and their recommendations also considered.

Yours very truly,



Robert E. Bowen

REB:skm

April 10, 1971

Mr. Grant J. Merritt
Executive Director
State of Minnesota
Pollution Control Agency
717 Delaware Street S. E.
Minneapolis, Minnesota 55400

Dear Mr. Merritt

Thank you for your reply to my letter of March 10th concerning the manner in which the Barton Construction Company is operating their gravel pit to the considerable damage to the environment of much of New Sweden Township.

I, of course, am very pleased to hear the gravel pit will in the future be operated in such a manner as to limit their dust emissions. However, this is only part of the damaging effects resulting from the way it has been operated. Additionally, there is noise, also recognized as a pollutant, as well as the considerable damage already done to the streams and the river.

I do hope that something can be done about this also so that the area will really be worthy of its inclusion in the Federal Wild River program as at present visualized.

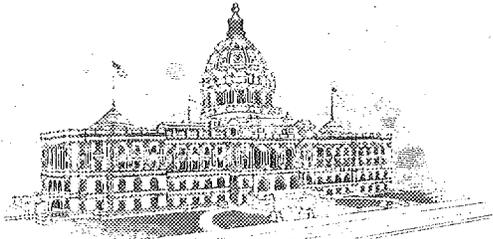
Thank you for whatever help you can give.

Sincerely yours,

(Mrs. R. P.) Barbara T. Schlingerman

Sweden, Minnesota 55075

HOWARD R. ALBERTSON
8TH DISTRICT
WASHINGTON COUNTY
205 W. CHESTNUT ST.
STILLWATER, MINNESOTA 55082



COMMITTEES:
JUDICIARY, CHAIRMAN
ENVIRONMENTAL PRESERVATION
GOVERNMENTAL OPERATIONS
METROPOLITAN AND URBAN AFFAIRS
REGULATED INDUSTRIES
RULES AND LEGISLATIVE ADMINISTRATION

State of Minnesota
HOUSE OF REPRESENTATIVES
AUBREY W. DIRLAM, Speaker

March 18, 1971

Mrs. R.P. Schlengerman
Scandia
Minnesota 55073

Dear Mrs. Schlengerman:

Thank you for your letter with regard to the Barton Company and the St. Croix River and Scandia Township.

I have written letters to the Scandia Town Board and to the Washington County Board of Commissioners and to the Pollution Control Agency with regard to the problem about which you write.

In addition, I am mailing to all of the aforesaid governmental agencies a copy of your letter, reiterating my great concern.

Yours truly,

A handwritten signature in cursive script that reads "Howard R. Albertson".

Howard R. Albertson
State Representative
Washington County

HRA/pl



March 18, 1971

Board of Commissioners
Washington County Office Building
Stillwater, Minnesota 55082

Gentlemen:

Enclosed herewith is a copy of a letter which I received from Mrs. R.P. Schlengerman of Scandia, which is self-explanatory.

By ailing to you a copy of this letter I wish to reiterate my great concern with the problem of the Barton Company gravel pit in Scandia Township.

Thank you for your courtesies and cooperation in this matter.

Yours truly,

/s/ Howard R. Albertson

Howard R. Albertson
State Representative
Washington County

HRA/pl

Enc.

cc: Mrs. R.P. Schlengerman

Same Letter sent to Pollution Control Agency and
New Scandia Town Board



WASHINGTON SOIL AND WATER
CONSERVATION DISTRICT

1825 Curve Crest Blvd., Room 101
Stillwater, MN 55082
(612) 439-6361

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

TO: HOWARD HAWKINSON, SUPERVISOR, NEW SCANDIA TOWNSHIP
FROM: DOUGLAS THOMAS, DISTRICT MANAGER *DT*
DATE: AUGUST 21, 1987
RE: DR. ZAVORAL - Gravel Pit Reclamation

On Saturday August 15, 1987 the site was investigated by myself, Dr. Zavoral owner, Ken Ostlund Township Engineer, and Wally Srock adjacent landowner. The situation that was viewed was gully erosion along the west property line of the pit near the Srock property. Three different areas of significant gully erosion were looked at, the attached photo shows the location of these areas. Area #1 is a gully that has been created due to the failure of an access road culvert, advancement of this gully continues, however it is at a very slow rate. The gully erosion occurring at areas 2 and 3 is caused by uncontrolled surface waters falling over the gravel pit sidewalls. Area 3 is by far the most active of all the sites viewed. Restoration or correction of the erosion is complicated by the intent of Dr. Zavoral to continue mining along this portion of the gravel pit. If mining is allowed, a restoration plan developed from a 2 foot contour map should be developed and assurances provided to the township that restoration will take place immediately upon completion of mining operations. Without additional survey and design work, it would appear that the gully erosion could be controlled through the use of diversions and two water and sediment basins.

A water and sediment basin is an earthen structure with a flexible corrugated plastic outlet. These structures are designed to temporarily store stormwater runoff and release it at a non-erosive rate. If mining is allowed and the time frame is less than 2 to 3 years I would not recommend the use of temporary control measures. Our office is available to provide technical assistance to Dr. Zavoral in developing and implementing the needed erosion control measures.

If you have any questions, please do not hesitate to contact our office.

DT:lma

Encl.

CC: J. H. Zavoral



WASHINGTON COUNTY
DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENT AND LAND USE DIVISION

Mary Luth
Public Health Director

Doug Ryan
Division Manager

Serving the community with programs in Building Inspection, Emergency Services, Food Protection, Land Use Planning,
On-Site Sewage, Public Health Nuisance, Solid and Hazardous Waste, and Water Quality Protection

TO: NEW SCANDIA TOWN BOARD & PLANNING COMMISSION
FROM: DENNIS O'DONNELL, LAND USE SPECIALIST
RE: ZAVORAL MINING APPLICATION
DATE: JULY 31, 1991

James Zavoral has submitted an application for a mining permit on property located in Section 18. Mining has taken place on this property in the past, however, over the past several years, the mine has been closed. Therefore, a new mining permit would be required from both the Township and County.

As I understand the request, the applicant wishes only to remove existing stockpiles on the property. As of this date, no information other than a letter from the Soil Conservation Service has been submitted. It appears very little in the way of restoration of this property has taken place. Before any approvals could be granted, a complete restoration plan must be submitted.

A portion of the property lies within the St. Croix River District. Mining is prohibited within this district. Removal of stockpiles may be allowed and, of course, grading for restoration; however, ~~further excavation would not be allowed.~~

At this time, we would recommend you table this request until such time as a complete mining application has been submitted and reviewed by your engineer, the Soil Conservation Service and myself.

If you have any questions, please feel free to contact me.

DCO/dkr

GOVERNMENT CENTER
14900 61ST STREET NORTH, P.O. BOX 6 • STILLWATER, MINNESOTA 55082-0006
Facsimile Machine (612) 430-6730

(612) 430-6655
Solid Waste, Hazardous Waste
and Emergency Services

(612) 430-6656
Community Sanitation, Building
Inspection and Land Use Planning



EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION

MINING PERMIT
PERMIT #94-91132
SEPTEMBER 24, 1992

OWNER: DR. JAMES ZAVORAL
PARCEL NUMBER: 91018-2700 / 91019-3100
LEGAL DESCRIPTION: PART OF NW 1/4 OF SW 1/4 AND PART OF SW 1/4
OF SW 1/4, SECTION 18, T32N, R19W AND PART
OF THE NW 1/4 OF THE NW 1/4, SECTION 19,
T32N, R19W
NEW SCANDIA TOWNSHIP

SPECIAL CONDITIONS

1. This permit allows for the removal of existing stockpiles on this property only. Additional excavation is prohibited. No processing equipment is allowed on the property. No structures are allowed to be constructed.
2. The existing well on the property must be sealed in accordance with State and County standards, unless the Minnesota Department of Health under their rules, would allow the well to remain.
3. Hours of Operation. Hauling shall only be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, unless other hours or days of operation are specifically authorized by the Town of New Scandia. No hauling is allowed on holidays unless approved by the Town of New Scandia.
4. The owner must comply with any conditions imposed by the Minnesota Department of Transportation.
5. A registered engineer shall size culverts proposed and set proper elevations for these culverts.
6. All applicable provisions of the Town of New Scandia and Washington County Mining Ordinances must be complied with.
7. Final Restoration. Restoration must take place in accordance with the plan submitted and attached as part of this permit. All topsoil is to remain at the site. Future use of the property must be in accordance with zoning requirements in force at that time. Grading of steep slopes shall take place in the first year of operation, unless otherwise approved by the Environment & Land Use Division of the Washington County Department of Public Health. A minimum of four inches of topsoil shall be spread over the disturbed areas, and seeded and mulched in accordance with Soil Conservation Service recommendations. The Soil Conservation Service shall inspect the site in late fall and any further recommendations made by them must be followed.

8. Stockpiling. As overburden is removed, all topsoil must be stockpiled. All topsoil material must remain at the site.
9. Fencing. Existing fencing must remain, as well as a gate that can be locked.
10. Dust and Dirt. The operator shall construct, maintain and operate all equipment in such a manner as to minimize dust conditions. All operations shall meet the standards of the Minnesota Pollution Control Agency. Chloride or other dust control material must be applied by the operator to travel routes and other areas subject to disturbance.
11. Control of Operations. The conditions of this permit shall apply to the land described and shall not in any way, except herein noted, be affected by any subsequent sale, lease or other change from the current ownership.
12. Insurance. The operator shall carry bodily injury and property damage public liability insurance in the amount of \$1,000,000.00.
13. Bond. Dr. James Zavoral shall furnish a surety bond in the amount of \$12,000.00 to run continuously until all operations and final restorations are completed and thereafter for an additional period of eighteen (18) months to assure compliance with all the terms and conditions of this permit. Such bond shall be made by an insurance company or other financial institution acceptable to Washington County, and shall be in a form to be approved by its attorney. Said bond shall be in such terms as may be required to assure full, prompt and faithful performance by Dr. James Zavoral of all closure obligations under this conditional use permit area and the payment of losses, damage and expense incurred or suffered, including attorney fees, as a result of any failure, refusal or inability of Dr. James Zavoral to perform closure obligations or to recover under said bond. The bond shall provide that no waiver or delay or neglect of enforcement of any obligation of Dr. James Zavoral shall affect the right of Washington County or others benefiting thereunder to recover under said bond, and that no claim or demand for payment on the bond shall be made unless written notice of default and reasonable opportunity (not less than 30 days) to cure said alleged default shall first have been given permittee. This permit shall not be effective until the bond is in force and effect. A provision shall be included in the bond to notify Washington County at least 30 days prior to cancellation, or nonrenewable.
14. Annual Report Required. An annual report must be submitted each year specifying the amount of material removed, restoration performed, evidence the required bond and insurance is valid, and that the gravel tax has been paid.
15. Fuel Storage. No fuel storage is allowed on the property.
16. Inspections. Washington County staff has the right to go on the property to inspect the mining operation after providing reasonable notice to the operator.

17. This permit shall be binding on the parties, their heirs, successors and assigns, and shall run with the land
18. All debris, miscellaneous parts, and other unusable machinery must be removed from the property within one (1) year.
19. Revocation. Violation of any conditions of this permit may result in revocation of said permit in conformance with the Washington County Mining ordinance. The operator shall be given written notice of any violation and reasonable time (not less than 30 days) to cure said violation before revocation shall occur.

PROPOSED CONDITIONS

ZAVORAL MINING PERMIT
NEW SCANDIA TOWNSHIP
SEPTEMBER 24, 1991

- 1) This permit allows for the removal of existing stockpiles on this property only. Additional excavation is prohibited. No processing equipment is allowed on the property. No structures are allowed to be constructed.
- 2) The existing well on the property must be sealed in accordance with State and County standards, unless the Minnesota Department of Health under their rules, would allow the well to remain.
- 3) Hours of Operation. Hauling shall only be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, unless other hours or days of operation are specifically authorized by the Town of New Scandia. No hauling is allowed on holidays unless approved by the Town of New Scandia.
- 4) The owner must comply with any conditions imposed by the Minnesota Department of Transportation.
- 5) A registered engineer shall size culverts proposed and set proper elevations for these culverts.
- 6) All applicable provisions of the Town of New Scandia and Washington County Mining Ordinances must be complied with.
- 7) Final Restoration. Restoration must take place in accordance with the plan submitted and attached as part of this permit. All topsoil is to remain at the site. Future use of the property must be in accordance with zoning requirements in force at that time. Grading of steep slopes shall take place in the first year of operation, unless otherwise approved by the Environment & Land Use Division of the Washington County Department of Public Health. A minimum of four inches of topsoil shall be spread over the disturbed areas, and seeded and mulched in accordance with Soil Conservation Service recommendations. The Soil Conservation Service shall inspect the site in late fall and any further recommendations made by them must be followed.
- 8) Stockpiling. As overburden is removed, all topsoil must be stockpiled. All topsoil material must remain at the site.
- 9) Fencing. Existing fencing must remain, as well as a gate that can be locked.
- 10) Dust and Dirt. The operator shall construct, maintain and operate all equipment in such a manner as to minimize dust.

conditions. All operations shall meet the standards of the Minnesota Pollution Control Agency. Chloride or other dust control material must be applied by the operator to travel routes and other areas subject to disturbance.

- 11) Control of Operations. The conditions of this permit shall apply to the land described and shall not in any way, except herein noted, be affected by any subsequent sale, lease or other change from the current ownership.
- 12) Insurance. The operator shall carry bodily injury and property damage public liability insurance in the amount of \$1,000,000.00.
- 13) Bond. Dr. James Zavoral shall furnish a surety bond in the amount of \$7,500.00 to run continuously until all operations and final restorations are completed and thereafter for an additional period of eighteen (18) months to assure compliance with all the terms and conditions of this permit. Such bond shall be made by an insurance company or other financial institution acceptable to Washington County, and shall be in a form to be approved by its attorney. Said bond shall be in such terms as may be required to assure full, prompt and faithful performance by Dr. James Zavoral of all closure obligations under this conditional use permit area and the payment of losses, damage and expense incurred or suffered, including attorney fees, as a result of any failure, refusal or inability of Dr. James Zavoral to perform closure obligations or to recover under said bond. The bond shall provide that no waiver or delay or neglect of enforcement of any obligation of Dr. James Zavoral shall affect the right of Washington County or others benefiting thereunder to recover under said bond, and that no claim or demand for payment on the bond shall be made unless written notice of default and reasonable opportunity (not less than 30 days) to cure said alleged default shall first have been given permittee. This permit shall not be affective until the bond is in force and effect. A provision shall be included in the bond to notify Washington County at least 30 days prior to cancellation, or nonrenewable.
- 14) Annual Report Required. An annual report must be submitted each year specifying the amount of material removed, restoration performed, evidence the required bond and insurance is valid, and that the gravel tax has been paid.
- 15) Fuel Storage. No fuel storage is allowed on the property.
- 16) Inspections. Washington County staff has the right to go on the property to inspect the mining operation after providing reasonable notice to the operator.
- 17) This permit shall be binding on the parties, their heirs, successors and assigns, and shall run with the land.

- 18) All debris, miscellaneous parts, and other unusable machinery must be removed from the property within one (1) year.
- 19) Revocation. Violation of any conditions of this permit may result in revocation of said permit in conformance with the Washington County Mining Ordinance. The operator shall be given written notice of any violation and reasonable time (not less than 30 days) to cure said violation before revocation shall occur.



WASHINGTON COUNTY
DEPARTMENT OF HEALTH, ENVIRONMENT
AND LAND MANAGEMENT
GOVERNMENT CENTER

14900 61ST STREET NORTH, P.O. BOX 3803 • STILLWATER, MN 55082-3803
Office (612) 430-6655 • TDD (612) 439-3220 • Facsimile Machine (612) 430-6730

Mary L. McGlothlin
Director

Rose Green
Office Manager

November 16, 1993

Mr. James Zavoral
5239 Highwood Drive
Edina, Mn. 55436

RE: Mining Permit #94-91132, New Scandia Township

Dear Mr. Zavoral:

In response to your request to reduce the required bond for your mining operation, I reviewed the site with Mr. Roger Rydeen to determine what improvements have been made. Even though some work has been completed, restoration has not occurred according to the approved plan. Therefore, the bond can not be reduced.

The Mining Permit was approved with several conditions attached. Condition Number 7 states, "Restoration must take place in accordance with the plan submitted and attached as part of this permit." The plan submitted is dated July 17, 1991 and was prepared by Nyhus Engineering. This plan shows the property being restored by regrading steep slopes, installing culverts and constructing berms. Instead of implementing this plan, the restoration which has occurred includes the construction of a berm, catch basin, drainage pipe and rip rap. In addition, it is my understanding that the future restoration being planned consists of the construction of a dike to reroute water which has caused erosion problems. These improvements can not be implemented until a new restoration plan is submitted and processed through the Planning Advisory Commission for review and approval.

At this time, two options are available for you. The first is to complete the restoration according to the approved plan. The second is to submit a new restoration plan identifying the completed and proposed improvements. This plan will have to be reviewed and approved by the County's Planning Advisory Commission. If you have any questions regarding this, please call me at 430-6715.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Nordine".

Kathleen Nordine
Land Use Specialist II

cc. Roger Rydeen



Washington County Public Health Department
 14900 61st Street North, P.O. Box 3803, Stillwater, Minnesota 55082-3803 612/430-6708

INSPECTION REPORT

Based on an inspection this day, the items circled below identify violations which must be corrected by the next routine inspection or such shorter period of time as may be specified in writing by the regulatory authority. Failure to comply with any time limits for corrections specified in this notice may result in enforcement action.

BUSINESS NAME Zimmer DATE 7/2/93 TIME _____
 LICENSEE _____ BUSINESS HOURS _____
 ADDRESS _____ PHONE 612-533-3333

CITY/TOWNSHIP	PERMIT NUMBER	PARCEL NUMBER	GEO CODE	REINSPECT DATE	PURPOSE
					<input checked="" type="checkbox"/> ROUTINE <input type="checkbox"/> FOLLOW-UP <input type="checkbox"/> NEW <input type="checkbox"/> PRE-INSPECTION <input type="checkbox"/> COMPLAINT <input type="checkbox"/> OTHER _____

MINING OPERATIONS -- COMPLIANCE INSPECTION REPORT

1	ACCESS: <u>OKAY</u>	6	WETLANDS: <u>-</u>	11	SOLID/HAZARDOUS WASTE ON-SITE: <u>NOPE</u>
2	FENCING: <u>hole in GATE</u> <u>WOOD GATE LOCKED -</u>	7	WELL: <u>NOT SEALED</u>	12	NOISE/AIR POLLUTION STANDARDS: <u>NO EQUIPMENT/OPERATIONS ON SITE</u>
3	PROPERTY LINE SETBACK: <u>OKAY -</u>	8	EQUIPMENT: <u>NONE</u>	13	DEPTH OF EXCAVATION: <u>NOT REQUIRED BY PERMIT</u>
4	SCREENING: <u>-</u>	9	SLOPES: <u>Not Rechecked</u>	14	RESTORATION: <u>None</u>
5	TREE REMOVAL: <u>-</u>	10	TOPSOIL: <u>?</u>	15	ADDITIONAL COMMENTS:

COMPLIANCE INSPECTION REPORT KEY: [Y] = YES THEY'RE IN COMPLIANCE [N] = NO THEY'RE NOT IN COMPLIANCE [R] = REINSPECT FOR COMPLIANCE

ITEM # VIOLATIONS TO BE CORRECTED

* HOURS?
 * INSURANCE: NOT ADEQUATE
 * BOND: EXPIRED 6/93
 * STATUS OF REGISTRATION PLAN

RECEIVED BY _____ LAND USE SPECIALIST _____



WASHINGTON COUNTY
DEPARTMENT OF HEALTH, ENVIRONMENT
AND LAND MANAGEMENT
GOVERNMENT CENTER

14900 61ST STREET NORTH, P.O. BOX 3803 • STILLWATER, MN 55082-3803
Office (612) 430-6655 • TDD (612) 439-3220 • Facsimile Machine (612) 430-6730

Mary L. McGlothlin
Director

Rose Green
Office Manager

MEMORANDUM

To: Washington County Planning Advisory Commission

From: Dennis O'Donnell, Senior Land Use Specialist

Re: Zavoral Mining Permit

Date: April 17, 1998

Background

James Zavoral owns approximately 100 acres in Section 18 and 19 in New Scandia Township. The property is directly east and for the most part south of the intersection of Highway 95 and 97. In 1991, Mr. Zavoral obtained a five year mining permit from Washington County for this property. Prior to Mr. Zavoral owning the property, the property had been mined going back to at least the 1960's with little regard for erosion control and restoration. No actual mining has taken place on the property for a long time, however there are six stockpiles of material remaining on the property. The permit issued to Mr. Zavoral in 1991 allowed for removal of these stockpiles and restoration of the site.

The five year permit has expired and the applicant is seeking a new five year permit which would allow for continued removal of the stockpiled material. Mr. Zavoral has an agreement with Scandia Trucking to haul material off of the site on an as needed basis. In 1991, approximately 52,500 cubic yards of material existed on the site. Presently approximately 30,500 cubic yards exist.

Analysis

The property still has a varied and rough terrain. When we reviewed the project in 1991, Washington County agreed to a reclamation plan. We realized at the time that not all of reclamation standards of our mining ordinance would be met, however we felt the site was stabilized and more harm than good would be done to try and further flatten the slopes, etc.



The reclamation we felt needed to be done has been completed. The application submitted talks about restoration, however that is language from their 1991 application and has since been completed. We recently walked the site with a representative of the Soil & Water Conservation District and we did not see any additional reclamation work that needed to be done. There is no drainage or erosion off-site and once again we felt it best not to disturb the vegetation that has been established by nature. If the owner develops the property someday, some of the irregular terrain will be corrected.

In the 1991 permit, the applicant was exempt from the fencing requirement since no additional mining was proposed and this will be a short term operation. Only a portion of the property is fenced and a gate does exist at the entrance off of Highway 95. They were required to keep the fencing they have along with the gate.

We originally had a bond in the amount of \$12,000.00 to cover the cost of the restoration. Since the reclamation has been completed, that bond was released a couple of years ago. The only restoration needed prior to closing the operation entirely would be to topsoil and seed the areas where the stockpiles exist. This should be a relatively minimal cost, however if the Planning Advisory Commission felt it appropriate, a small bond could be required for this work.

Conclusion

Since continued removal of the stockpiles is basically further reclamation of the site and we have had no complaints on this operation over the past several years, we would recommend approval of the permit. The following conditions should be made part of the permit:

1. This permit allows for the removal of existing stockpiles on this property only.
~~Additional~~ Additional excavation is prohibited. No processing equipment is allowed on the property. No structures are allowed to be constructed.
2. Hours of Operation. Hauling shall only be conducted between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, unless other hours or days of operation are specifically authorized by the Town of New Scandia. No hauling is allowed on holidays unless approved by the Town of New Scandia.

3. The owner must comply with any conditions imposed by the Minnesota Department of Transportation.
4. All applicable provisions of the Town of New Scandia and Washington County Mining Ordinances and any future revisions to these ordinances must be complied with.
5. Final Restoration. Restoration must take place in accordance with the plan submitted and attached as part of this permit. All topsoil is to remain at the site. Future use of the property must be in accordance with zoning requirements in force at that time. A minimum of four inches of topsoil shall be spread over the disturbed areas, and seeded and mulched in accordance with Soil and Water Conservation Service recommendations.
6. Fencing. Existing fencing must remain, as well as a gate that can be locked.
7. Dust and Dirt. The operator shall construct, maintain and operate all equipment in such a manner as to minimize dust conditions. All operations shall meet the standards of the State Pollution Control Agency. Dust control material must be applied by the operator to travel routes and other areas subject to disturbance.
8. Control of Operations. The conditions of this permit shall apply to the land described and shall not in any way, except herein noted, be affected by any subsequent sale, lease or other change from the current ownership.
9. Insurance. The operator shall carry bodily injury and property damage public liability insurance in the amount of \$1,000,000.00.
10. Annual Report Required. An annual report must be submitted each year specifying the amount of material removed, restoration performed, evidence the required bond and insurance is valid, and that the gravel tax has been paid.
11. Fuel Storage. No fuel storage is allowed on the property.
12. Inspections. Washington County staff has the right to go on the property to inspect the mining operation after providing reasonable notice to the operator.
13. This permit shall be binding on the parties, their heirs, successors and assigns, and shall run with the land.

Planning Advisory Commission
Zavoral Mining Permit
April 17, 1998
Page 4

14. Revocation. Violation of any conditions of this permit may result in revocation of said permit in conformance with the Washington County Mining Ordinance. The operator shall be given written notice of any violation and reasonable time (not less than 30 days) to cure said violation before revocation shall occur.

If you have any questions, please feel free to contact me.

DCO/mlp



WASHINGTON SOIL AND WATER
CONSERVATION DISTRICT

1825 Curve Crest Blvd., Room 101
Stillwater, MN 55082
(612) 439-6361

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

RECEIVED

JUL 01 1991

PUBLIC HEALTH

June 28, 1991

Dolores Peterson
Town of New Scandia
14727 209th St. N.
P.O. Box 128
Scandia, MN 55073

Re: Zavoral Gravel Pit

Dear Dolores,

The Washington SWCD, along with Mr. LeRoy Nyhus, and Mr. William Plowman of your long range planning committee, field inspected the above referenced property on June 19, 1991. This report is intended to address the existing conditions on site and provide you with comments and recommendations that hopefully will help guide you through your permitting process regarding this proposed operation.

This site has quite a storied past regarding environmental impacts to the St. Croix River as a result of some poorly executed mining and reclamation activities. Files in our office indicate extensive erosion problems that severely impacted downstream properties and the St. Croix during the mid to late 1960's. The Washington SWCD provided some erosion control planning assistance at that time.

The site, as it now exists, was left in quite rough condition. It appears that no attempt at reclamation was ever made following the cessation of extraction operations. As a result, there are some existing erosion problems on site. There are three or four small gullies that are somewhat active along the southwest perimeter of the pit. However, the sediment produced by erosion in these gullies is causing no off site damages. Sediment laden runoff is trapped on site in low depressional areas in the pit floor. Since the upstream advance of these small gullies is not close to impacting any adjacent property owners, these gullies need only be addressed if Mr. Zavoral so chooses. Our office would be willing to assist in this effort if requested by Mr. Zavoral.

Currently the only erosion problem on this site that could conceivably cause any off-site damages is that which exists on the Zavoral driveway which winds its way along the east edge of the pit area. This driveway provides the only avenue for two or three acres to drain off the site in the area where the driveway intersects with an access road which heads west into the pit area.

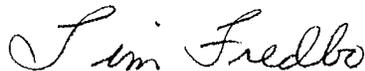
This pit has been mined very close to the steep bluff area adjacent to the St. Croix River. Any future mining activities should stay well away from this existing pit perimeter so as to prevent any future failures of this sidewall area. I would recommend that no additional mining be allowed within 100' of the existing limits of prior excavation.

In conversations with Mr. Nyhus, it was indicated that Mr. Zavoral only plans on removing existing stockpiles in the near future. It may be beneficial for your township to have Mr. Zavoral provide you with some assurance that there is indeed a market for the material in these stockpiles prior to your granting him a permit. This would help alleviate any unnecessary disturbance of the site. In addition, the SWCD recommends that before any additional mining of the site is allowed, beyond removal of existing stockpiles, that a more thorough inspection of the site be performed during the late fall when visibility will be better. The site is quite overgrown and problems on the landscape are difficult to see during the height of the growing season.

Any permit applications associated with this proposed project should be prepared in accordance with the new Washington County Mining Ordinance which was adopted by the Washington County Board of Commissioners on December 18, 1990

If you have any questions with this report, or require any further assistance, please contact me at 439-6361.

Sincerely,



Tim Fredbo

cc: LeRoy Nyhus
Bill Plowman
Dennis O'Donnell, Wash. Co. Public Health

RECEIVED
JUL 01 1991
PUBLIC HEALTH



WASHINGTON COUNTY
 DEPARTMENT OF PUBLIC HEALTH
 ENVIRONMENT AND LAND USE DIVISION

Mary Luth
 Public Health Director
 Doug Ryan
 Division Manager

Serving the community with programs in Building Inspection, Emergency Services, Food Protection, Land Use Planning,
 On-Site Sewage, Public Health Nuisance, Solid and Hazardous Waste, and Water Quality Protection

TO: NEW SCANDIA TOWN BOARD & PLANNING COMMISSION
 FROM: DENNIS O'DONNELL, LAND USE SPECIALIST
 RE: ZAVORAL MINING APPLICATION
 DATE: JULY 31, 1991

James Zavoral has submitted an application for a mining permit on property located in Section 18. Mining has taken place on this property in the past, however, over the past several years, the mine has been closed. Therefore, a new mining permit would be required from both the Township and County.

As I understand the request, the applicant wishes only to remove existing stockpiles on the property. As of this date, no information other than a letter from the Soil Conservation Service has been submitted. It appears very little in the way of restoration of this property has taken place. Before any approvals could be granted, a complete restoration plan must be submitted.

A portion of the property lies within the St. Croix River District. Mining is prohibited within this district. Removal of stockpiles may be allowed and, of course, grading for restoration; however, ~~further excavation would not be allowed.~~

At this time, we would recommend you table this request until such time as a complete mining application has been submitted and reviewed by your engineer, the Soil Conservation Service and myself.

If you have any questions, please feel free to contact me.

DCO/dkr

GOVERNMENT CENTER
 14900 61ST STREET NORTH, P.O. BOX 6 • STILLWATER, MINNESOTA 55082-0006
 Facsimile Machine (612) 430-6730

(612) 430-6655
 Solid Waste, Hazardous Waste
 and Emergency Services

(612) 430-6656
 Community Sanitation, Building
 Inspection and Land Use Planning



MINING PERMIT
PERMIT #94-91132
SEPTEMBER 24, 1992

OWNER: DR. JAMES ZAVORAL
PARCEL NUMBER: 91018-2700 / 91019-3100
LEGAL DESCRIPTION: PART OF NW 1/4 OF SW 1/4 AND PART OF SW 1/4
OF SW 1/4, SECTION 18, T32N, R19W AND PART
OF THE NW 1/4 OF THE NW 1/4, SECTION 19,
T32N, R19W
NEW SCANDIA TOWNSHIP

SPECIAL CONDITIONS

1. This permit allows for the removal of existing stockpiles on this property only. Additional excavation is prohibited. No processing equipment is allowed on the property. No structures are allowed to be constructed.
2. The existing well on the property must be sealed in accordance with State and County standards, unless the Minnesota Department of Health under their rules, would allow the well to remain.
3. Hours of Operation. Hauling shall only be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, unless other hours or days of operation are specifically authorized by the Town of New Scandia. No hauling is allowed on holidays unless approved by the Town of New Scandia.
4. The owner must comply with any conditions imposed by the Minnesota Department of Transportation.
5. A registered engineer shall size culverts proposed and set proper elevations for these culverts.
6. All applicable provisions of the Town of New Scandia and Washington County Mining Ordinances must be complied with.
7. Final Restoration. Restoration must take place in accordance with the plan submitted and attached as part of this permit. All topsoil is to remain at the site. Future use of the property must be in accordance with zoning requirements in force at that time. Grading of steep slopes shall take place in the first year of operation, unless otherwise approved by the Environment & Land Use Division of the Washington County Department of Public Health. A minimum of four inches of topsoil shall be spread over the disturbed areas, and seeded and mulched in accordance with Soil Conservation Service recommendations. The Soil Conservation Service shall inspect the site in late fall and any further recommendations made by them must be followed.

8. Stockpiling. As overburden is removed, all topsoil must be stockpiled. All topsoil material must remain at the site.
9. Fencing. Existing fencing must remain, as well as a gate that can be locked.
10. Dust and Dirt. The operator shall construct, maintain and operate all equipment in such a manner as to minimize dust conditions. All operations shall meet the standards of the Minnesota Pollution Control Agency. Chloride or other dust control material must be applied by the operator to travel routes and other areas subject to disturbance.
11. Control of Operations. The conditions of this permit shall apply to the land described and shall not in any way, except herein noted, be affected by any subsequent sale, lease or other change from the current ownership.
12. Insurance. The operator shall carry bodily injury and property damage public liability insurance in the amount of \$1,000,000.00.
13. Bond. Dr. James Zavoral shall furnish a surety bond in the amount of \$12,000.00 to run continuously until all operations and final restorations are completed and thereafter for an additional period of eighteen (18) months to assure compliance with all the terms and conditions of this permit. Such bond shall be made by an insurance company or other financial institution acceptable to Washington County, and shall be in a form to be approved by its attorney. Said bond shall be in such terms as may be required to assure full, prompt and faithful performance by Dr. James Zavoral of all closure obligations under this conditional use permit area and the payment of losses, damage and expense incurred or suffered, including attorney fees, as a result of any failure, refusal or inability of Dr. James Zavoral to perform closure obligations or to recover under said bond. The bond shall provide that no waiver or delay or neglect of enforcement of any obligation of Dr. James Zavoral shall affect the right of Washington County or others benefiting thereunder to recover under said bond, and that no claim or demand for payment on the bond shall be made unless written notice of default and reasonable opportunity (not less than 30 days) to cure said alleged default shall first have been given permittee. This permit shall not be effective until the bond is in force and effect. A provision shall be included in the bond to notify Washington County at least 30 days prior to cancellation, or nonrenewable.
14. Annual Report Required. An annual report must be submitted each year specifying the amount of material removed, restoration performed, evidence the required bond and insurance is valid, and that the gravel tax has been paid.
15. Fuel Storage. No fuel storage is allowed on the property.
16. Inspections. Washington County staff has the right to go on the property to inspect the mining operation after providing reasonable notice to the operator.

17. This permit shall be binding on the parties, their heirs, successors and assigns, and shall run with the land
18. All debris, miscellaneous parts, and other unusable machinery must be removed from the property within one (1) year.
19. Revocation. Violation of any conditions of this permit may result in revocation of said permit in conformance with the Washington County Mining ordinance. The operator shall be given written notice of any violation and reasonable time (not less than 30 days) to cure said violation before revocation shall occur.



WASHINGTON COUNTY
DEPARTMENT OF HEALTH, ENVIRONMENT
AND LAND MANAGEMENT
GOVERNMENT CENTER

14900 61ST STREET NORTH, P.O. BOX 3803 • STILLWATER, MN 55082-3803
Office (612) 430-6655 • TDD (612) 439-3220 • Facsimile Machine (612) 430-6730

Mary L. McGlothlin
Director

Rose Green
Office Manager

November 16, 1993

Mr. James Zavoral
5239 Highwood Drive
Edina, Mn. 55436

RE: Mining Permit #94-91132, New Scandia Township

Dear Mr. Zavoral:

In response to your request to reduce the required bond for your mining operation, I reviewed the site with Mr. Roger Rydeen to determine what improvements have been made. Even though some work has been completed, restoration has not occurred according to the approved plan. Therefore, the bond can not be reduced.

The Mining Permit was approved with several conditions attached. Condition Number 7 states, "Restoration must take place in accordance with the plan submitted and attached as part of this permit." The plan submitted is dated July 17, 1991 and was prepared by Nyhus Engineering. This plan shows the property being restored by regrading steep slopes, installing culverts and constructing berms. Instead of implementing this plan, the restoration which has occurred includes the construction of a berm, catch basin, drainage pipe and rip rap. In addition, it is my understanding that the future restoration being planned consists of the construction of a dike to reroute water which has caused erosion problems. These improvements can not be implemented until a new restoration plan is submitted and processed through the Planning Advisory Commission for review and approval.

At this time, two options are available for you. The first is to complete the restoration according to the approved plan. The second is to submit a new restoration plan identifying the completed and proposed improvements. This plan will have to be reviewed and approved by the County's Planning Advisory Commission. If you have any questions regarding this, please call me at 430-6715.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Nordine".

Kathleen Nordine
Land Use Specialist II

cc. Roger Rydeen



Washington County Public Health Department
 14900 61st Street North, P.O. Box 3803, Stillwater, Minnesota 55082-3803 612/430-6708

INSPECTION REPORT

Based on an inspection this day, the items circled below identify violations which must be corrected by the next routine inspection or such shorter period of time as may be specified in writing by the regulatory authority. Failure to comply with any time limits for corrections specified in this notice may result in enforcement action.

BUSINESS NAME Zimmerman DATE 7/17 TIME 10:00
 LICENSEE _____ BUSINESS HOURS _____
 ADDRESS _____ PHONE 612-523-5233

CITY/TOWNSHIP	PERMIT NUMBER	PARCEL NUMBER	GEO CODE	REINSPECT DATE	PURPOSE
					<input checked="" type="checkbox"/> ROUTINE <input type="checkbox"/> FOLLOW-UP <input type="checkbox"/> NEW <input type="checkbox"/> PRE-INSPECTION <input type="checkbox"/> COMPLAINT <input type="checkbox"/> OTHER _____

MINING OPERATIONS -- COMPLIANCE INSPECTION REPORT

1	ACCESS: <u>OKAY</u>	6	WETLANDS: <u>-</u>	11	SOLID/HAZARDOUS WASTE ON-SITE: <u>NOPE</u>
2	FENCING: <u>HOLE IN GATE GOOD GATE LOCKED -</u>	7	WELL: <u>11:4 SEALED</u>	12	NOISE/AIR POLLUTION STANDARDS: <u>NO EQUIPMENT/OPERATIONS ON SITE</u>
3	PROPERTY LINE SETBACK: <u>OKAY -</u>	8	EQUIPMENT: <u>NONE</u>	13	DEPTH OF EXCAVATION: <u>NOT REQUIRED BY PERMIT</u>
4	SCREENING: <u>-</u>	9	SLOPES: <u>Not needed</u>	14	RESTORATION: <u>None</u>
5	TREE REMOVAL: <u>-</u>	10	TOPSOIL: <u>?</u>	15	ADDITIONAL COMMENTS:

COMPLIANCE INSPECTION REPORT KEY: [Y] = YES THEY'RE IN COMPLIANCE [N] = NO THEY'RE NOT IN COMPLIANCE [R] = REINSPECT FOR COMPLIANCE

ITEM # _____ VIOLATIONS TO BE CORRECTED _____

- * HOURS?
- * INSURANCE - NOT ADEQ VATE
- * BOND: EXPIRED 6/93
- * STATUS OF RESTORATION PLAN

RECEIVED BY _____ LAND USE SPECIALIST



WASHINGTON COUNTY
DEPARTMENT OF HEALTH, ENVIRONMENT
AND LAND MANAGEMENT

GOVERNMENT CENTER

14900 61ST STREET NORTH, P.O. BOX 3803 • STILLWATER, MN 55082-3803
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Mary L. McGlothlin
Director

Rose Green
Office Manager

MEMORANDUM

To: Washington County Planning Advisory Commission

From: Dennis O'Donnell, Senior Land Use Specialist

Re: Zavoral Mining Permit

Date: April 17, 1998

Background

James Zavoral owns approximately 100 acres in Section 18 and 19 in New Scandia Township. The property is directly east and for the most part south of the intersection of Highway 95 and 97. In 1991, Mr. Zavoral obtained a five year mining permit from Washington County for this property. Prior to Mr. Zavoral owning the property, the property had been mined going back to at least the 1960's with little regard for erosion control and restoration. No actual mining has taken place on the property for a long time, however there are six stockpiles of material remaining on the property. The permit issued to Mr. Zavoral in 1991 allowed for removal of these stockpiles and restoration of the site.

The five year permit has expired and the applicant is seeking a new five year permit which would allow for continued removal of the stockpiled material. Mr. Zavoral has an agreement with Scandia Trucking to haul material off of the site on an as needed basis. In 1991, approximately 52,500 cubic yards of material existed on the site. Presently approximately 30,500 cubic yards exist.

Analysis

The property still has a varied and rough terrain. When we reviewed the project in 1991, Washington County agreed to a reclamation plan. We realized at the time that not all of reclamation standards of our mining ordinance would be met, however we felt the site was stabilized and more harm than good would be done to try and further flatten the slopes, etc.



The reclamation we felt needed to be done has been completed. The application submitted talks about restoration, however that is language from their 1991 application and has since been completed. We recently walked the site with a representative of the Soil & Water Conservation District and we did not see any additional reclamation work that needed to be done. There is no drainage or erosion off-site and once again we felt it best not to disturb the vegetation that has been established by nature. If the owner develops the property someday, some of the irregular terrain will be corrected.

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We originally had a bond in the amount of \$12,000.00 to cover the cost of the restoration. Since the reclamation has been completed, that bond was released a couple of years ago. The only restoration needed prior to closing the operation entirely would be to topsoil and seed the areas where the stockpiles exist. This should be a relatively minimal cost, however if the Planning Advisory Commission felt it appropriate, a small bond could be required for this work.

Conclusion

Since continued removal of the stockpiles is basically further reclamation of the site and we have had no complaints on this operation over the past several years, we would recommend approval of the permit. The following conditions should be made part of the permit:

1. This permit allows for the removal of existing stockpiles on this property only. Additional excavation is prohibited. No processing equipment is allowed on the property. No structures are allowed to be constructed.
2. Hours of Operation. Hauling shall only be conducted between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, unless other hours or days of operation are specifically authorized by the Town of New Scandia. No hauling is allowed on holidays unless approved by the Town of New Scandia.

3. The owner must comply with any conditions imposed by the Minnesota Department of Transportation.
4. All applicable provisions of the Town of New Scandia and Washington County Mining Ordinances and any future revisions to these ordinances must be complied with.
5. Final Restoration. Restoration must take place in accordance with the plan submitted and attached as part of this permit. All topsoil is to remain at the site. Future use of the property must be in accordance with zoning requirements in force at that time. A minimum of four inches of topsoil shall be spread over the disturbed areas, and seeded and mulched in accordance with Soil and Water Conservation Service recommendations.
6. Fencing. Existing fencing must remain, as well as a gate that can be locked.
7. Dust and Dirt. The operator shall construct, maintain and operate all equipment in such a manner as to minimize dust conditions. All operations shall meet the standards of the State Pollution Control Agency. Dust control material must be applied by the operator to travel routes and other areas subject to disturbance.
8. Control of Operations. The conditions of this permit shall apply to the land described and shall not in any way, except herein noted, be affected by any subsequent sale, lease or other change from the current ownership.
9. Insurance. The operator shall carry bodily injury and property damage public liability insurance in the amount of \$1,000,000.00.
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11. Fuel Storage. No fuel storage is allowed on the property.
12. Inspections. Washington County staff has the right to go on the property to inspect the mining operation after providing reasonable notice to the operator.
13. This permit shall be binding on the parties, their heirs, successors and assigns, and shall run with the land.

Planning Advisory Commission

Zavoral Mining Permit

April 17, 1998

Page 4

14. Revocation. Violation of any conditions of this permit may result in revocation of said permit in conformance with the Washington County Mining Ordinance. The operator shall be given written notice of any violation and reasonable time (not less than 30 days) to cure said violation before revocation shall occur.

If you have any questions, please feel free to contact me.

DCO/mlp

One injured in semi rollover

By Phillip Bock Editor | Posted: Wednesday, May 2, 2012 1:29 pm

A semi truck carrying crushed rock or gravel rolled over Tuesday afternoon, closing a section of Highway 97 and sending one person to the hospital.

According to the Sheriff's Department, a semi truck driven by James Logan, 35, of Buffalo, Minn. was traveling southbound on Highway 95, preparing to turn right onto Highway 97 at approximately 7:28 p.m. April 24. As the driver downshifted and made the turn, the truck's contents shifted, causing the truck to topple and the load to spew across the roadway.

Logan sustained moderate injuries in the accident and was transported from the scene by ambulance.

It took crews until approximately 10:44 p.m. to clear the debris from the roadway. A front loader and fire truck were used to pick up the debris and wash the roadway.

The Washington County Sheriff's Department, Minnesota State Patrol, Lakeview Ambulance, North Memorial Ambulance, and Scandia Fire Department responded to the scene.

The crash remains under investigation by the Minnesota State Patrol.

Containment berm at frac mine fails

By Joseph Pruski Contributing Writer | Posted: Tuesday, May 15, 2012 10:51 am

GRANTSBURG—A berm built to contain the sediment of a silica sand (frac sand) washing pond failed at Interstate Energy Partners frac sand mine in Grantsburg, resulting in sediment running off site, and eventually into the St. Croix River.

An unidentified citizen who was hiking in the area on April 22 came across the sediment they described as “creamy coffee colored” in a stream, and alerted the National Park Service and Burnett County. The complaint, which was filed April 23, made its way to the proper authorities on April 25. On April 26, Burnett County Land and Water Conservation officials identified the sediment as “silica fines” and determined that it came from the frac sand mine. Along with the Wisconsin Department of Natural Resources (WDNR), they visited the mine site.

“The containment berm did not do the job it was supposed to do, and it was not a proper berm,” Dave Ferris, Burnett County Conservationist, who was on site the morning of April 26, said. “The fines moved through a wetland and then got into a creek and moved downstream into the river.”

When authorities arrived the mine was shut down temporarily and the line to that particular wash pond was secured. Tiller Corporation, which operates the mine, is currently in the process of building a new permanent berm to replace the failed temporary one. There are a total of five wash ponds on site at the mine, as well as two wash ponds in Sunrise, Minn.

“What we did was stop the

operation immediately, and then pump the water from that pond into ponds that were sealed well,” Mike Caron, Director of Land Use Affairs for Tiller Corporation said. “We’ve since reconstructed the containment area and Burnett County and the DNR have been out to inspect it.”

According to Ferris, Tiller Corporation was unaware that the berm had been failing until authorities visited the mine. Given the time between when the complaint was first made and authorities first contacted the mine, it is possible that sediment had been seeping from the frac sand washing pond for at least three days. No estimate has been made of the amount of sediment that made its way into the river.

Caron said that the containment pond was newly constructed and that it had been in use for only “a couple of days.”

The St. Croix River is designated as a National Scenic Riverway, and therefore subject to federal oversight by the National Park Service (NPS). Jill Medland, who serves as Environmental Coordinator of the St. Croix National Scenic Riverway, said that unnatural quantities of sediment make their way into the river, it is cause for environmental concern.

“We don’t yet know site specific impacts, but in general, sediment has an impact on the river bottom which cumulatively impacts the sediment of the river and could affect fish spawning and mussels, and things like that,” Medland said.

The wetland, which the sediment initially discharged into, is on Interstate Energy Partners land, and according to Ferris, “not a problem” as it is “settling out on its own.” As was the case with the river, the fine silica sediment naturally settles to the river bottom and the water begins to clear. Once the line to the failed washing pond had been shut down, the river and stream water began to clear and sediment began to settle.

Officials from the NPS, WDNR, and Burnett County have continued monitoring the event and will continue to track any environmental concerns that arise. While Ferris acknowledged the mine had not been inspected regularly, he said that collective inspections by the WDNR and county would become a fixture. The most recent inspection of the mine was last fall.

Tiller Corporation has also implemented a stricter inspection schedule effective immediately.

“We’re moving forward with a more vigorous monitoring schedule that includes more frequent visual inspections and water quality monitoring,” Caron said. “When we’re mining a natural resource in close proximity to another important natural resource (St. Croix River), we have duties and responsibilities to protect it, and it’s our intention to do that.”

A joint investigation by Burnett County officials and WDNR has been launched, and should be completed within a couple of weeks. This is the first time the mine has had any violations since opening last July. Ferris was unsure what, if any, penalties would be levied against the mine or mine operator.

“We haven’t decided anything yet,” Ferris said. “Our goal was to get proper containment put in, and when they’re done with that, we’ll get together with the WDNR and talk about that (penalties).”

The National Park Service is also in the process of determining what recourse they have in terms of citing the mine.