



Staff Report

Date of Meeting: February 19, 2013

To: City Council

From: Kristina Handt, Administrator

Re: AOP Resolution for Zavoral Mine

Agenda Item #: 9.c)

The Resolution 02-19-13-05 included in your packet reflects the discussion from the February 12th work session. The City Planner's staff report is also included in your packet.

At the work session on February 12th, there was some discussion about establishing an objective standard (inches of rainfall per 24 hour period) that would trigger a site inspection to evaluate erosion control or water quality issues. The Carnelian-Marine-St. Croix Watershed District will be responsible for issuing the erosion control permit and monitoring related activities. As you heard at the last meeting, inspections for erosion control are determined by the watershed board and/or the administrator. Jim Shaver indicated they typically try to go out when an inch or more has fallen in a 24 hour period.

Following the meeting, staff also contacted WCD about this issue. Typically, they try to capture an event of 0.5 inches per 24 hours for a watershed such as this. They pointed out that there are many variables to consider and automated sampling can be very site-specific when considering the variability in actually capturing a representative sample and getting enough volume to analyze everything that they want. Zavoral's can have very quick rising and falling limbs on the hydrograph, which means maybe the trigger or the flow pacing need to be lowered. Usually after the first few events, some procedures such as setting the trigger, flow pacing, sample size, number of samples, etc. need to be tweaked. In other words, there's a learning curve that comes along with a new automated sampling site. Other variables to consider are:

- How long has it been since the last event?
- How much of a difference will there be in discharge from a 1" event during drought conditions vs. more saturated soil conditions?
- Do triggers need to be changed as the season progresses due to lower base flow?
- How many events have we been able to capture so far?

Given all of the variables, it makes sense to first establish a baseline before the mining operations commence and then tweak the procedures as needed.

Because of all of the variables discussed, I would recommend the Council not establish a standard in the resolution as it may need to be changed after monitoring begins. By establishing a standard at this point, the Council would risk having language that may be too restrictive to allow the other agencies to perform the sampling that is necessary in the future once some of the variables are determined.

The proposed changes in Condition #1 were suggested by Attorney Miller.

The proposed changes in Condition #8 are a result of staff conversation with WCD staff after the last meeting. The first change regarding the grab samples is suggested because while WCD will make at least twice monthly visits to the site they may not be able to perform the grab samples if there are flow issues. However, they will gather any data they can. The second change is just to be consistent with Condition #7.

Options:

- 1) Approve Resolution 02-19-13-05 as proposed
- 2) Amend and then Approve Resolution 02-19-13-05.
- 3) Deny the Applicant's Request for an Annual Operating Permit for the Zavoral Mine and Reclamation Project. This will require the Council to develop a set of findings to support that motion.

*Note if the City does not take action on this at the February 19, 2013 Council meeting and the applicant does not grant an extension in writing, the application will be approved with no conditions as the time allowed for review expires on February 20, 2013.

Recommendation:

Option 1 or 2.