



1 December, 2011

To: Anne Hurlburt, City of Scandia / Leslie Knapp, AECOM  
RE: Tiller-Zavoral Mining and Reclamation Project

In response to the presentation of the Draft EIS on November 16, 2011, I would like to submit the following questions and comments:

1. During the PAC several comments were made regarding noise standards. Earlier this year I spoke with Ann Claflin at the MPCA regarding the noise analysis of the Draft EIS. Among her comments Ann said that the State's standards for noise levels respond to the following criteria: "people need to be able to sleep and have a reasonably peaceful day...". How does the EIS project this measure of tolerance?

• I would like the next presentation of the EIS to include actual sound models for the City Council and others to listen to that demonstrate the volume of, and length of time for the noises created by mining and related activities...from a mile distance in either direction of the mine perimeter, and from all points along the river up to a mile from the mine, including: 1. Back-up monitor beeping 2. 0-15 mph noise made by the trucks, or braking, and gear changes 3. Noise from loading the gravel into the trucks, which could be significant 4. "Jake Breaking" of trucks a mile North and South of the mine on the Scenic Byway, including breaking at intersections. In addition to sound models, language could do a better job of illustrating the relevance and real impacts of L10 vs L50, etc..

• Why is the Scenic River Class 2 (Commercial) for noise tolerances? -It could be classed as Class 1: a special classification for cultural events, and nature exhibits.

2. In my comments on November 16<sup>th</sup>, I requested a better explanation for why Abrahamson's Nursery was asked to not pump from their well for 4 days during the AECOM Pump Test. I spoke with MN Geological Survey who supports the notion that the DNR, the National Scenic River, as well as the Watershed District would need better data concerning this erratum. Citizens whose wells are closer to the mine than Abrahamson's would need to know the reasons as well.

3. The Draft EIS refers to the Zavoral site as a "previously unreclaimed" site.

Included here are several documents that refer to previous reclamation plans, assurances from Jim Zavoral regarding compliance to requests for reclamation, as well as a significant letter from Dennis O'Donnell, Washington County, proposing to the City of Scandia that the site was stabilized by the periods of dormancy, and that "The reclamation we felt needed to be done has been completed." There are also many references to severe erosion along the Scenic Easement bluff; references to reclamation should also refer to the dangers of extracting the berms and overgrowth within 100 yards of the Scenic Easement, per recommendations of Washington County Soil and Water Conservation Districts. The current language in the EIS is challenged by copious documentation located at Scandia City Hall. I would hope that the EIS would refer to the site as Previously Reclaimed. And references to "the Need for the Proposed Project" should EXCLUDE reclamation, given that there is ample evidence that reclamation has been done.

Incl.

1. April 17, 1998: Washington County Department of Health, Environment and Land Management to Washington County Planning Advisory Commission.
2. September 24 1992: Mining Permit # 94-91132: Conditions re: Final Restoration of the Site
3. September 24 1991: Zavoral Mining Permit
- 3.a July 17, 1991 (Revised 1-31-94) Reclamation Plan prepared by Nyhus Engineering. Conditional Use Permit for Mining Operation, Owner James Zavoral.
4. June 28, 1991: Washington County Soil and Water Conservation Districts to Delores Peterson, Town of New Scandia: Requirement that "Any future mining activities should stay well away from the existing pit perimeter to prevent any future failures of this sidewall area."
5. July 10, 1989: Letter from James H. Zavoral, Property Owner to Delores Peterson, New Scandia Township, Including a sketch showing "Erosion Correction Area".
6. August 21, 1987: Minnesota Soil and Water Conservation Districts to Howard Hawkinson, Supervisor, New Scandia Township. "If mining is allowed, a restoration plan should be developed with reassurances provided to the township that restoration will take place immediately upon completion on mining operations."

4. The models showing truck traffic to and from the Zavoral mine do not adequately show the total volumes of truck traffic that will continue from the northern mining operations, nor trucks coming from the south using the Scenic Byway. Nor does the current draft of the EIS adequately show the effects of traffic, including delays at intersections within Scandia, to both resident traffic as well as commuter traffic. I believe that the DOT projections should be challenged, and will be challenged by independent consultants. The experience of residents will show that there have been dozens or more cars/trucks driving off the Scenic Byway at the curve near the home of Liza Srock. And, residents avoid this stretch of highway when it's dark, rainy, and ice covered. The fact of the matter, gravel trucks currently pull over as they accelerate going West on 97 to let cars pass on their left. The DOT has rejected the idea of a passing lane, and disclaimed that there are structural problems with the Scenic Byway; Both ignore the experiences of residents living in Scandia. The EIS should either challenge the validity of resident's experiences, or respond to them with positive data showing the real impacts of truck traffic. Without mitigations proposed in this area, Scandia will suffer the consequences for years and years... my opinion.

5. Crystal Spring should be included in all maps showing "existing depression areas." Currently, it is not.

6. Among the mitigations proposed to abate dust, one involves application of chemicals. The EIS should include the effects of all chemicals on pollinating insects,

including honey bees (*apis mellifera*). There are at least 3 apiaries within 5 miles of the mine, which is the approximate foraging distance for honey bees. Bees drink water on their foraging trips, and prefer puddles and shallow muddy pools. I would be glad to introduce references to data concerning the current research. There are many farms in the area that rely on cross pollinating insects. There is an organic market farm (LLC) located just north of the mine. Any impacts to pollination or propagation would be financially ruinous to this farm, as well as others.

7. Tiller claims that they will stay within 3 feet of the water table, despite the likelihood that heavy machinery meeting highly porous and unstable sand deposits will disturb the uneven surface of the mine area and potentially hit the water tables. The Manning site history reveals that Tiller not only dug into the water table, outside the limits of their CUP, but later requested permission to do so, which was granted to them (Council Minutes 9e) 5): 9/11/2008). The EIS should include the impacts of digging into the water table, as well as mitigations. One potential mitigation, to stay further away from the water table, would require research to show the relationships between machines, their weights, the surface stability of the mine site, and location of water tables... Currently the EIS does not include such foundational data.

Thank you.

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# WASHINGTON COUNTY

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### 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.



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.

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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