

# SCHEDULE OF CHANGES TO NONMETALLIC MINING OPERATOR'S LICENSE ORDINANCE NO 2012-1

Adopted on April 15, 2014

## SECTION 2

- (2)(a) Production of not more than ~~15,000~~ 20,000 ton of nonmetallic minerals on average in a calendar year using a three-year rolling average ~~when available~~ but no more than 30,000 ton in any single year;
- (b) That generate hauling truck travel over public roads averaging not more than ~~one truck per hour during an eight hour day over the course of a five-day week~~ sixteen trucks per day over the course of a five-day week.;
- (c) That blast not more than four times on average in a calendar year using a three year rolling average ~~when available;~~ and

## SECTION 3

- (2) "Nonmetallic mining" ~~means~~ includes all of the following:

## SECTION 4

- (7)(e) No settling agents, chemical additives, treatment of nonmetallic minerals, or nonmetallic material that has been treated with chemicals, will be employed on-site in the nonmetallic mining operations or stored on-site.

(7)(f) deleted

- (7)(~~f~~ g) No steep slopes (averaging greater than 3:1 when measured horizontally for a distance of not more than fifty (50) feet not less than twenty five feet ) will not be occupied or adversely affected by the nonmetallic mining being proposed for the registration license.

## SECTION 7

- (1)(a) The borders of the entire nonmetallic mining site are visibly marked, ~~and~~ the site is secured by fencing or other secure and appropriate measures as determined by the Town, and a plan is in place to ensure that by the time reclamation activity is complete, all remaining areas that have been mined and that have a sheer vertical drop of 36 inches are fenced in a manner that protects the safety of people, animals, and machines, unless waived by the Town due to other site conditions or alternate measures taken that adequately serve the same purpose in the judgment of the Town.

- (2)(c) The operator shall maintain buffer space in which no nonmetallic mining occurs that is no less than five hundred (500) feet from any existing residence, one hundred (100) feet from all property lines, two hundred (200) feet from public road right-of-way lines and fifty (50) feet from the edge of slopes on the site that are greater than 3:1, ~~when measured horizontally for a distance of not more than fifty (50) nor less than twenty five (25) feet. Berms placed within the buffer space shall locate the bottom outside edge at least thirty (30) feet from the edge of the public road right of way. Berms shall be vegetated to prevent erosion from encroaching into the buffer area.~~
- (2)(d) . Screening berms and/or landscaping are required to mitigate dust, noise and visual disruptions to the neighbors and passers-by. Berms and landscaping may be placed within designated setback buffer space so long as the outer edge of the landscaping or berm is placed no less than 100 feet from a property line or 30 feet from a public right-of-way. Unless a lesser height is acceptable to the Town due to the topography at issue in relationship to the adjoining property being screened, such berms shall be at least 20 feet high, with slopes not to exceed 3:1, shall be planted with ground cover, trees and shrubs and shall be maintained according to a vegetation plan approved in advance by the Town Board and implemented by the operator and successor property owner. If the required berm cannot provide the desired level of visual and or audible screening due to topography, a setback distance from the property line or right-of-way of up to 300 feet may be required instead of and/or in addition to a berm at the discretion of the Town Board. Berms shall be planted with material that will serve to prevent erosion from encroaching into the buffer area. Stockpiling of excavated nonmetallic mining material and nonmetallic mining waste materials shall be limited to a height of 40' measured from the base of the stockpile to avoid the need for higher perimeter berming.
- (2)(e) The operator shall limit hauling routes used by trucks hauling excavated nonmetallic minerals intended to be processed into industrial sand from the mine site and returning industrial sand nonmetallic mining waste material to the mine site when authorized to do so by its reclamation permit to specifically designated routes. The operator shall limit the hours of truck travel presence on public roads in the Town of such trucks, for hauling and all related purposes, to no more than ten consecutive hours daily, Monday through Friday, beginning no earlier than 7:00 a.m. and ending no later than 5:00 p.m. No excavated nonmetallic minerals or nonmetallic mining waste material shall be hauled by trucks from a nonmetallic mining site before or after these hours or on Saturdays, Sundays or federal legal holidays, to minimize off-site impacts on area residents. On-site operations not involving truck hauling may be conducted for up to two (2) additional hours daily, after public road hauling hours have ended, at the discretion of the Town Board. The operator may submit a plan for different days or times of hauling or on-site operation as a special exception if it can show how different hours are necessary for the nonmetallic mining operation and are consistent with the public health, safety and welfare and with minimizing off-site impacts on area residents.
- (2) (g) Absent specific contractual arrangements to mitigate road impacts and adverse effects on affected residents, no more than 80 truck round trips per day, over specified haul route within the

Town of Frankfort, are allowed for trucks hauling excavated nonmetallic minerals and/or nonmetallic mining waste material to and from a nonmetallic mine site. A round trip is defined as one truck, traveling from the mine site to one off-site destination and returning to the mine site.

(2)(1 ~~k~~)—Before an operator's license is will be issued by the Town there must be in place fully executed...

(3)(a)(i) When recommended by the Town's retained experts, nonmetallic mining operators shall install groundwater monitoring wells on the site to densities and in the locations recommended after review of the submitted application materials and any independent review deemed necessary. The operator shall provide the required initial well baseline information and regular, periodic test results thereafter, as recommended by the Town's retained experts, of water from all private wells within one-half (1/2) mile of the perimeter of site whose owners will cooperate with the testing process and of any on-site monitoring wells for levels of coliform bacteria, arsenic, total suspended solids, turbidity, chlorides, acrylamides, nitrates and any other toxic ~~metal substance~~ reasonably believed by the Town's retained experts to be present in the area, in the type of deposit from which the extraction will be made, and in the baseflow of water within one-half (1/2) mile of the site. Follow-up testing shall be for substances and at frequencies determined by the Town and its retained experts after review of the baseline testing. All installation and equipment for on-site wells shall be at the operator's sole expense. Testing of on-site or off-site monitoring wells shall be conducted by the Town at the operator's sole expense. At the Town Board's discretion, testing costs may be paid by the Town out of the licensee's Financial Assurance account, as specified in section 10 of this document, or billed directly to the operator.

(3)(a)(iv) Nonmetallic mining waste material ~~containing~~ processed with polyacrylamide flocculants may be returned and used as fill in any area on a mine site only when permitted or required under the mine's Reclamation Plan and Permit, and only after the Town Board, in consultation with the Town's retained experts, has determined that the flocculants contained in the nonmetallic mining waste material being returned to the site meet the same standards for ANSI/NSF Standard 60 certification as flocculants used in public drinking water systems. ~~This determination shall be verified through~~ Before any such material is returned the Town Board, in consultation with the Town's retained experts, shall provide the operator with a Fine Materials Handling Plan for the licensed operation. The Fine Materials Handling Plan shall require periodic third-party testing to determine and monitor the amount presence and levels of flocculants in the nonmetallic mining waste material being returned to the site and that takes into account the manner of application and the designated location(s) in the mine site for deposit of the treated nonmetallic mining waste material being returned, with allowable concentrations, application methods and application locations specified in a manner intended to avoid the introduction of acrylamides into the groundwater. The applicant or operator shall ensure that the monitoring plan required here is

consistent with any related requirement in its Pepin County Reclamation Permit. All expenses related to the creation, execution and administration of the Fine Materials Handling Plan (including but not limited to retained experts' fees, attorney fees, and the costs of sampling, testing, and analysis) shall be born by the applicant or operator. At the Town Board's discretion, these costs may be paid by the Town out of the licensee's Financial Assurance account, as specified in section 10 of this document, or billed directly to the operator.

- (4) When Trucks used in the nonmetallic mining operation will haul nonmetallic minerals (excluding agricultural lime and/or sand, gravel or crushed rock used for construction purposes) or nonmetallic mining waste material over Town roads as a designated haul route, the operator shall first enter into a separate road use agreement....

## **SECTION 10**

- (1)(c)Groundwater Testing: Amounts necessary to pay all costs associated with monitoring water quality through periodic water testing in on-site or off-site monitoring wells.

(d) Fine Materials Handling Plan: amounts necessary to draft and implement a plan intended to avoid contamination of groundwater by acrylamides or other potentially toxic substances found in, or resulting from the degradation of, flocculents used to process industrial sand at the mine site or that are being returned to the mine site. This may include, but is not limited to, sampling, testing and analysis of fine materials at the processing plant or at the mine site, before, during, and after reclamation; and all associated fees of attorneys and retained experts used by the Town to develop or to implement the Plan.