

## 10.2 AGGREGATE MINING AND PROCESSING

### 10.2.1 Purpose

The purpose of this section is to control mining, extraction and processing of aggregate so as to minimize conflicts with adjacent land uses and to ensure that the mining area is restored at the completion of the mining operation.

#### A. Permit/Registration Requirements

##### 1. Administratively Issued Land Use Permit/Registration Required:

- a. Current mine sites which are mining 500 cubic yards of gravel or more.
- b. Annual registration is required.

##### 2. Conditional Use Permit Required: New or expanding mine sites mining more than 500 cubic yards of gravel.

#### B. State Environmental Review Requirements

##### 1. Environmental Assessment Worksheet (EAW) Required (*MN Chapter 4410 Part 4410.4300 Subpart 12*):

- a. Mining which will exceed forty (40) acres to a mean depth of ten (10) feet or more.
- b. Mining which will exceed twenty (20) acres of forested or other naturally vegetated land in a sensitive shoreland area.
- c. Mining which will exceed forty (40) acres of forested or other naturally vegetated land in a nonsensitive shoreland area.

##### 2. Environmental Impact Statement (EIS) Required (*MN Chapter 4410 Part 4410.4400 Subpart 9*):

- a. Mining which will exceed one hundred sixty (160) acres to a mean depth of ten (10) feet or more.
- b. Mining which will exceed forty (40) acres of forested or other naturally vegetated land in a sensitive shoreland area.
- c. Mining which will exceed eighty (80) acres of forested or other naturally vegetated land in a nonsensitive shoreland area.

### 10.2.2 Definitions

A. **Administrator:** The Administrator is the Director of the Pope County Land & Resource Management department and unless otherwise indicated, the word “Administrator” as it appears in section 10.30 of the Land Use Controls Ordinance means the Director of the Pope County Land & Resource Management department.

B. **Environmental assessment worksheet (EAW):** a brief document which is designed to set out the basic facts necessary to determine whether an EIS is required for a proposed project or to initiate the scoping process for an EIS (*MN Chapter 4410 Part 4410.0200 Subpart 24*).

- C. **Environmental impact statement (EIS):** a detailed written statement as required by Minnesota Statutes, section 116D.04, subdivision 2a (*MN Chapter 4410 Part 4410.0200 Subpart 26*).
- D. **Extractive use:** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statute, Sections 93.44 to 93.51. (*AS AMENDED 19 June 2018*)
- E. **Gravel mining site:** any site where the ground cover and top soil has been or are proposed to be removed and where any of the following activities are occurring or will occur: removal, crushing, washing, refining, borrowing, or processing. An “active” gravel-mining site is a site where any combination of the above-identified activities resulted in the handling of more than 500 yards of material within the preceding calendar year.
- F. **Sensitive shoreland area:** shoreland designated as a special protection district pursuant to part 6120.3200 or shoreland riparian to any of the following types of public waters:
1. lakes or bays of lakes classified as natural environment pursuant to part 6120.3000;
  2. trout lakes and streams designated pursuant to part 6264.0050;
  3. wildlife lakes designated pursuant to Minnesota Statutes, section 97A.101, subdivision 2;
  4. migratory waterfowl feeding and resting lakes designated pursuant to Minnesota Statutes, section 97A.095, subdivision 2; or
  5. outstanding resource value waters designated pursuant to part 7050.0335.
- G. **Stormwater Pollution Prevention Plan (SWPPP):** a plan that describes the strategies and steps that will be taken to prevent nonpoint source pollution discharging from a site. The development of a proper SWPPP is a requirement of the National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater (CSW) permits.

### 10.2.3 Performance Standards

The following standards shall apply to the removal, crushing, washing, refining, borrowing or processing of gravel within Pope County.

- A. Federal, state, county and township regulations and permitting must be adhered to and obtained prior to operation.
- B. **Annual Registration.** The purpose of the annual registration is to maintain an updated listing of active mineral extraction facilities in the County, to decertify any permits where the activity has ceased, to monitor compliance with the conditions of approval and to review bonding requirements.
- C. **Application Requirements:** The following information shall be provided by the landowner requesting the conditional use permit:
1. Name and address of person or agency requesting the mining permit.
  2. The exact legal property description and acreage of area to be mined.

3. The following maps drawn at an Engineer's scale showing the following information is required:
  - a. **Existing Conditions Map**
    - i. Topography at two (2) foot intervals and source of contour interval.
    - ii. Existing vegetation (list type and percent of coverage; e.g. grassland, pasture, plowed field, wooded areas, etc.).
    - iii. Waterways, watercourses, lakes, public water wetlands and delineated wetlands.
    - iv. Existing structures.
    - v. Existing wells.
  - b. **Proposed Operations Map**
    - i. Structures to be erected.
    - ii. Location of sites to be mined, showing depth of proposed excavation.
    - iii. Location of machinery to be used in the mining operation.
    - iv. Location of tailing/stripping deposits showing maximum height of deposits.
    - v. Location of storage and mined materials, showing the maximum height of storage deposits.
    - vi. Location of vehicle parking, access roads and local routes to truck routes.
    - vii. Location of storage areas for explosives.
    - viii. Erosion and sediment control structures.
    - ix. Cross-section sketch of the proposed mining operation.
    - x. Location of the leak containment structure(s) for servicing trucks and machines in the event of a petrochemical leak or spill.
  - c. **End Use Plan Map**
    - i. Final grade of proposed site showing elevations and contour lines at two (2) foot intervals.
    - ii. Location and species of vegetation to be replanted.
    - iii. Reclamation staging plan.
4. A plan for dust, noise, stormwater runoff (SWPPP) and erosion control.
5. A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation, location and approximate acreage of each stage, and time schedule for completion.
6. A Mining Operations & Reclamation Plan shall be completed and submitted to the Department.
7. Any other information requested by the Planning Commission or County Board.

**D. Operating Standards:**

1. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and prevent the proliferation of noxious or invasive vegetation.
2. All equipment used for mining and extraction operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noise, dust and vibration adversely affecting the surrounding property.
3. Safety fencing may be required around all or portions of the mining operation, at the discretion of the County Board.
4. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier may be required between the mining site and adjacent properties. A screening barrier may also be required between the mining site and any public road located within five hundred (500) feet of any mining or processing operation. The screening barrier shall be planted with a species of fast-growing trees.
5. Processing of minerals shall not be conducted closer than one hundred (100) feet from the property line nor closer than five hundred (500) feet from any residential, commercial or industrial structures without the written consent of all owners and residents of said structures.
6. Mining operations shall not be conducted closer than thirty (30) feet from the boundary of any zoning district where such operations are not permitted.
7. Mining operations shall not be conducted closer than two hundred (200) feet from the ordinary high water level of any public water.
8. All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice so as to assure that such buildings, structures and plants will not become dilapidated.
9. All access roads from mining operations to public highways, roads or streets, or to adjoining property shall be paved or surfaced to minimize dust considerations.
10. Surface mining below the upper limit of the static water table is prohibited **unless otherwise approved by the Pope County Board of Commissioners**. The upper limit of the static water table is the higher of the following:
  - a. the depth at which regular mining operations are so impaired by the presence of standing water not associated with precipitation so as to require continuous drainage or dewatering; or
  - b. the depth established as a static water by a Registered Engineer.

**E. Rehabilitation & Reclamation:**

1. All mining sites shall be rehabilitated immediately after mining operations cease. Rehabilitation shall be complete within one (1) year. The following standards shall apply:
  - a. The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slopes shall exceed twenty-five (25) percent in grade.
  - b. Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least three (3) inches. The topsoil shall be seeded, sodded, or planted with legumes and grasses. Such plantings shall adequately retard soil erosion.
2. The County shall require the applicant or owner of the property on which the mineral extraction is occurring to post a bond, letter of credit or cash escrow in such form and sum as determined by the Board as part of the permit. The security shall be sufficient to reimburse the following costs:
  - a. Costs of bringing the operation into compliance with the Conditional Use Permit requirements, including site monitoring and enforcement costs.
  - b. Costs of repairing County roads due to the special burden resulting from the hauling of materials and traffic associated with the operation. The amount of such cost shall be determined by the County Engineer.
  - c. Site restoration.
  - d. Costs the County may incur in enforcing the terms of the Conditional Use Permit, including attorney's fees.