Memorandum

To:	Stillwater Township Town Board	**Reference:**	M J Raleigh Truckin' Inc. Mining Operation 2022 AOP
Copies To:	Barbara Riehle, Clerk		
	Soren Mattick, Attorney	**Project No.:**	18110.000 – Raleigh Miller AOP
	Mike Raleigh, Applicant		
From:	Evan Monson, Planner	**Routing:**	
Date:	March 17, 2022		

SUBJECT:	M J Raleigh Truckin' Inc. – Application for Annual Operating Permit (AOP) for Mining Operation
MEETING DATE:	March 24, 2022
LOCATION:	Parcel IDs 15.030.20.23.0001, 15.030.20.22.0002
APPLICANT:	Miller Excavating Inc., and MJ Raleigh Truckin', Inc.
REVIEW PERIOD:	60 day period ends March 31, 2022
ZONING:	Agricultural District, Aggregate Mining Overlay District, St Croix River District (portions of PID 15.030.20.23.0001)
ITEMS REVIEWED:	Application and Related Submittals for 2022 Annual Operating Permit

BACKGROUND INFORMATION

In 2020, the Town Board approved an Interim Use Permit (IUP) for mine operations at the MJ Raleigh mine at 15250 100th Street North. The IUP covers a 5-year operating period. Washington County's Planning Commission considered and approved the renewal of the 5-year Conditional Use Permit (CUP) for the mine operation in 2020 as well.

The Township's Mining Ordinance specifies that mining operations must have a valid IUP and Annual Operating Permit (AOP) in order to operate within the Township. This staff report evaluates the 2022 application submittal, operations during 2021, and proposed operations in 2022 based on the requirements of the Township's Mining Ordinance.

The site spans two parcels totaling roughly 148 acres of land in the southeast portion of the Township. The two parcels are within the Mining Overlay zoning district. Most of the parcels have a base zoning designation of Agricultural, while the southern portion of parcel 15.030.20.23.0001 is within the St Croix River zoning district. The 'North Pit' is within parcel 15.030.20.22.0002, and has an entrance/access onto 100th Street North. The 'South Pit' is within parcel 15.030.20.23.0001, and has an entrance/access onto Pawnee Avenue North.

EVALUATION OF THE AOP REQUEST

AOP Application Requirements
The AOP requirements for an aggregate mine are governed by the Township's Mining Ordnance, Ordinance #156. The Ordinance requires that applicants submit the following with an AOP application:

- A summary of the annual activity during the preceding calendar year, including:
  - The amount of material removed from the site
  - The amount of add-rock or other materials brought onto the site
  - The size and location of the area reclaimed and type of reclamation
  - Average and peak numbers of trips hauling material to and from the site per day when hauling occurred during the previous year
  - The number of days that the mine was in operation
  - A description of any change made to the site.
- Identification of the proposed operations for the year for which the permit is requested, including:
  - How the operating conditions for the coming year may vary from the previous year, if any variation is expected
  - The estimated amount of material to be removed from and brought to the site
  - The estimated average and peak number of hauling trips to and from the mine per day when hauling is expected to occur
  - The approximate number of days that the mine is expected to operate
- A site plan and aerial photos that show the active mining area and location of existing and planned stockpiles for the coming year, including any planned reclamation
- Proof that the operation meets the requirements for insurance and bonding required by County Ordinance #140 and its amendments.
- Application fee and escrow

Compliance with 2021 AOP Conditions
The list of conditions included in the 2021 AOP is shown below in *italics*. Comments on the conditions follow.

1. *All site operations shall comply with Washington County's Conditional Use Permit and the Township's 5-year Interim Use Permit for the mine operations between the years 2020 and 2025.*
   Some of the guidelines from the 2021 AOP conditions appear to have been exceeded; more precise trip data should be recorded and turned in with the 2022 AOP application.

2. *The applicant shall obtain and maintain all required permits for mine operations, including from Washington County, the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and the Carnelian-Marine-St. Croix Watershed District. The applicant shall provide copies of approved permits to the Township.*
   - Watershed District
     - The Carnelian Marine St Croix Watershed District (CMSCWD) issued a permit for the operation in October 2020
   - MPCA
     - General Stormwater permits for the site are valid through May 2022
   - Washington County
     - The five year CUP for the mine was renewed in 2020
     - A Solid Waste Facility permit from the County for rubble recycling is valid through 2022

3. *Corrective action shall be conducted to prevent soil erosion from going off site during heavy rain events. Meteorological data shows a pattern of increasing frequency for heavy rain events. Corrective measures should prevent off-site erosion based on predicted rain events, not on historical data.*
   This will be an ongoing issue to monitor/address.

4. *Mining operations consisting of excavating, stockpiling, processing, or hauling shall occur during hours of operation, which are limited to 7am to 7pm on Monday through Friday, with retail hours of 7am to 4:45pm on Monday through Friday.*
   Application indicated work was conducted from 7am to 7pm. The CUP from Washington County permits operating from 7am to 7pm Monday - Friday, while the IUP permits operations from 7am to 7pm, with retail customers permitted to haul between 7am and 4:45pm Monday – Friday.

5. *As a guideline, the mine operator should seek to operate so that the average number of haul trips during the 2020 mining season shall not exceed 200 one-way trips to and from the mine per weekday during the mining season.*

	Route 1	Route 2	Route 3	Route 4	Route 5
Average trips per day	147	27	10	4	22

   Combined, the above averages total 210 trips a day. This is slightly down from the number of haul trips in 2020. Route 1 uses Stonebridge Trail/CSAH 5, Route 2 uses Otchipwe Avenue/CSAH 11, Route 3 utilizes Fairy Falls Road/CSAH 11, Route 4 uses Stonebridge Trail between Otchipwe Avenue and Partridge Road/CSAH 51, and Route 5 uses Pawnee Avenue North.

6. *As a guideline, the mine operator should seek to operate so that the maximum number of trips to and from the mine shall not exceed 600 one-way trips on any single day.*
   The applicant indicated that there were multiple days where certain routes had 300 or more trips, so it is unclear if the 600 trip guideline was exceeded or not in 2021.

7. *As a guideline, the mine operator should seek to operate so that the applicant shall use all authorized haul routes for hauling on weekdays: Stonebridge Trail, Otchipwe Avenue, Pawnee Avenue, and State Highways 95 and 96.*
   The applicant indicated the routes used in 2021 were limited to authorized routes listed above.

8. *As a guideline, the mine operator should seek to operate so that it shall limit the number of trips on Stonebridge Trail to an average of 120 per day when hauling is occurring, and a maximum number of 300 per day.*
   There were 50 occurrences of trips exceeding 300 per day on Stonebridge Trail, with the average being over 120 trips per day. This is similar to the trip activity for Stonebridge Trail in 2020, and less than the trip activity in 2019.

9. *The use of the east haul road leading to 100th Street North is prohibited. Use of this road may be permitted on rare occasions provided the applicant obtains approval from the County Zoning Administrator and Stillwater Township.*
   This route was not used in 2021.

10. *Mining operations on Saturdays may only occur between the hours of 8am and 2pm. The mine operator shall not use Stonebridge Trail to haul material to or from the mine on Saturday, unless required for a local delivery on Stonebridge.*
    The applicant noted there was activity on the site related to snow removal services on three Saturdays and two Sundays in 2021.

11. *The mine operator shall keep accurate records of hauling that occurs on all hauling days including the number of trips and distribution among haul routes during the 2021 mining season and provide the hauling records to the Town with the 2022 AOP application.*
    Averages per route per day were provided, along with trip totals for Saturday hauling as well as a breakdown of the number of occurrences that each route saw 1-100 trips, 101-200, 201-300, and >300. More detailed records indicating exact route numbers for each day would be ideal in order to confirm guidelines included in the AOP conditions are being met or exceeded.

12. *If the Town Board determines that traffic counts are needed, the Board may order video traffic counts on designed haul routes, at the expense of the mine operator.*
    The Town Board did not issue video traffic counts in 2020.

13. *Processing and storage of street sweepings on the site is prohibited.*
    This condition was met.

14. *The applicant shall pay all fees and escrow associated with the AOP application.*
    This condition was met.

ANNUAL ACTIVITY

Activity in 2021
The existing permits allow for the extraction of sand and gravel, crushing of said materials, and the recycling of asphalt and concrete at the site. Mining is permitted to take place in phases within the mining limits as shown on the plans and approved by Washington County. The applicant reported the following activity at the mine site in 2021, with 2019 and 2020 totals shown for comparison/reference.

	2021	**2020**	**2019**
Material processed and hauled (in tons)	268,278	272,028	335,305
Asphalt and concrete hauled in for recycling (in cubic yards)	18,922	19,946	18,640
Recycled aggregates hauled out (in tons)	21,588	22,756	24,232
Clean fill hauled in for reclamation (in cubic yards)	110,504	157,000	249,930
Add rock hauled in for crushing & recycling	None	None	None

Reclamation
Reclamation of the site takes place so as to return the site to a condition suitable for future activity and use such as agriculture or residential development once mining activity ceases. Reclamation activity in the North Pit in 2021 occurred along the north and east side of the pit to increase the mining site setback to 100 feet. The applicant indicated that reclamation activity in the North Pit will continue along the east boundary and will 'work clockwise' around the North Pit site. 2022 reclamation activity will take place on the east side of the north pit.

Reclamation in the South Pit occurred along the north and east edge of the pit adjacent to Pawnee Avenue; the applicant indicated that reclamation activity in this location will continue until an aesthetically appealing slope with vegetation is established.

Issues/complaints from 2021
There was complaints received from neighbors east of the north pit regarding vibrations caused by mining activity. Dust was also noted as blowing from the site on windy days from residences east of the north pit. The Town Board should discuss strategies with the applicant to address these concerns for the 2022 mining season.

Projected Activity for 2022
The North Pit is planned to operate year-round for approximately 260 days, while the South Pit will be seasonal and operate for approximately 160 days. Operations are dependent on weather and market conditions. Similar to last year, the North Pit is planned to have a net disturbed area of approximately 19 acres, with 3-4 acres excavated, while the South Pit has a planned net disturbed area of approximately 7.5 acres and 1-2 acres excavated for 2022. Mining in the north pit would be in the south side of the pit, while mining in the south pit would be in the northwest area of the pit.

Site Visits
Township staff and Board members visited the site on July 7th, 2021. The County visited the site in November, and reported to Township staff that the site was adhering to requirements.

ACTION REQUESTED

The Town Board can recommend the following:

1. Approve the 2022 AOP
2. Approve the 2022 AOP with conditions
3. Deny the application if it is found that the request is not consistent with the Comprehensive Plan, the Mining Ordinance, and IUP for the mine operation
4. Table the request if the Board identifies a need for additional information

RECOMMENDATION

If the Board approves the 2022 Annual Operating Permit for the M J Raleigh Trucking Inc. aggregate mining operation located at parcel IDs 15.030.20.23.0001 and 15.030.20.22.0002, the following conditions are recommended:

1. All site operations shall comply with Washington County's Conditional Use Permit and the Township's Interim Use Permit for the mine operation, per the revised plans submitted to the County and Township in January 2020.

2. The applicant shall obtain and maintain all required permits for mine operations, including from the Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, and the Carnelian-Marine-St. Croix Watershed District. The applicant shall provide copies of approved permits to the Township.

3. Corrective action shall be conducted to prevent soil erosion from going off site during heavy rain events. Meteorological data shows a pattern of increasing frequency for heavy rain events. Corrective measures should prevent off-site erosion based on predicted rain events, not on historical data.

4. Mining operations consisting of excavating, stockpiling, processing, or hauling shall occur during hours of operation, which are limited to 7am to 7pm on Monday through Friday, with retail hours of 7am to 4:45pm on Monday through Friday.

5. As a guideline, the mine operator should seek to operate so that the average number of haul trips during the 2022 mining season shall not exceed 200 one-way trips to and from the mine per weekday during the mining season.

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9. The use of the east haul road leading to 100th Street North is prohibited. Use of this road may be permitted on rare occasions provided the applicant obtains approval from the County Zoning Administrator and Stillwater Township.

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13. Processing and storage of street sweepings on the site is prohibited.

14. The applicant shall pay all fees and escrow associated with the AOP application.