

REQUEST FOR CITY COUNCIL ACTION

DATE: 6/15/2009

ITEM NO: 12.g

Department Approval



City Manager Approval



Item Description: Request by Bituminous Roadways for **conditional use** approval to allow the outdoor storage of aggregate materials and heavy equipment at 2280 Walnut Street (PF09-010).

1.0 REQUESTED ACTION

Bituminous Roadways seeks approval of outdoor storage of aggregate materials and heavy equipment as a CONDITIONAL USE in support of the operation of an asphalt plant at 2280 Walnut Street.

Project Review History

- Application submitted: March 6, 2009; Determined complete: March 9, 2009
- Sixty-day review deadline: May 5, 2009; **Extended by applicant until July 2, 2009**
- Project report recommendation: May 6, 2009
- Planning Commission action: May 6, 2009
- PWET Commission Meeting: May 26, 2009
- Anticipated City Council action: June 15, 2009

2.0 SUMMARY OF STAFF RECOMMENDATION

The Planning Division, the Planning Commission, and the Public Works, Environment, and Transportation (PWET) Committee recommend approval of the proposed CONDITIONAL USE; see Section 7 of this report for the detailed recommendation.

3.0 SUMMARY OF SUGGESTED ACTION

By motion, **APPROVE** the proposed CONDITIONAL USE, pursuant to §1007 (Industrial Districts) and §1013 (Conditional Uses) of the City Code; see Section 8 of this report for the detailed action.

4.0 BACKGROUND

The property at 2280 Walnut Street has a Comprehensive Plan designation of Industrial (I) and a zoning classification of General Industrial District (I-2). Part of this property is used for semi trailer parking, and the remainder of the site remains vacant.

This request for CONDITIONAL USE approval has been prompted by the need for outdoor stockpiles of the aggregate inputs for asphalt processing, and heavy equipment to move it. Asphalt processing itself is a permitted manufacturing use in the I-2 District.

Such applications were formerly referred to as conditional use *permits*, but the word “permit” is being eliminated in an effort to sharpen the distinction between land use approvals and building permits. Although this represents a change in terminology, the nature of conditional use approvals will remain the same because they never actually involved permits *per se*.

5.0 STAFF COMMENTS

Section 1007.015 (Industrial District Uses) of the City Code allows outdoor storage of materials and equipment as a CONDITIONAL USE in an I-2 district, as long as the items being stored are concealed by screening of at least 8 feet in height as specified in §1007.03B (Storage). Screening of the southern and eastern sides of the storage areas is not shown on the proposed site plan (included with this staff report as Attachment D), but because the screening is required by the City Code there is no need to add a specific condition to an approval of the CONDITIONAL USE request.

Section 407.02M (Unlawful Parking) of the City Code further requires all vehicles, which includes trucks and heavy equipment, to be parked on paved surfaces. As with the screening requirements noted above, Planning Division staff recommends relying on existing regulations in the City Code rather than attaching additional conditions to an approval of the proposed CONDITIONAL USE.

As illustrated the proposed site plan, the stockpiles of aggregate materials would be distributed throughout much of the site; because of this and the large size of the proposed stockpiles, Planning Division staff believes that it would be appropriate to treat them like buildings for setback purposes. Specifically, the piles of aggregate materials should be set back a minimum of 40 feet from property lines adjacent to public streets and a minimum of 20 feet from a rear or side property line (which coincides with the railroad right-of-way in this case). The proposed site plan is consistent with these recommended setbacks.

Asphalt is 100% recyclable, and because asphalt production and road construction relies heavily on recycled materials, the proposed stockpiles would be comprised of asphalt millings, asphalt rubble, and concrete rubble reclaimed from pavement that is being replaced elsewhere as well as raw aggregates and discarded roofing shingles.

Bituminous Roadways’ proposal to stockpile reclaimed rubble asphalt and rubble cement for recycling into new asphalt would involve periodic crushing of the reclaimed asphalt and cement. Similar recycling operations have been approved in the past as *interim* uses, but in those instances the crushing was not integral to the principal, permitted use on the site as it would be in this case. Since the reclaimed materials subject to the proposed crushing are to be stored outdoors, they are necessarily part of the proposed CONDITIONAL USE; therefore the crushing itself can also be reviewed against the conditional use criteria.

6.0 REVIEW OF CONDITIONAL USE CRITERIA

Section 1013.01 (Conditional Uses) of the City Code requires the Planning Commission and City Council to consider the following criteria when reviewing a CONDITIONAL USE application:

- a. Impact on traffic;
- b. Impact on parks, streets, and other public facilities;

- c. Compatibility of the site plan, internal traffic circulation, landscaping, and structures with contiguous properties;
- d. Impact of the use on the market value of contiguous properties;
- e. Impact on the general public health, safety, and welfare; and
- f. Compatibility with the City's Comprehensive Plan.

Impact on traffic: The 7th edition of the Institute of Transportation Engineers manual indicates that land uses like light-industrial parks and laboratories, manufacturing, warehousing, and "heavy industry" (all permitted uses in the I-2 District) generate an average about 43 vehicle trips per acre of land area on the average day, whereas the proposed outdoor storage would only generate up to 8.6 trips per acre per day. For additional reference, a trucking terminal – another conditionally-permitted use in the I-2 District – generates an average of 82 trips per acre on a given day. Even considering traffic from the proposed outdoor storage *and* the asphalt plant, the site would only generate up to 18 trips per acre on its heaviest days. The Planning Division has thus determined that the proposed use would not have any greater impact on traffic than other allowed uses.

Impact on parks, streets and other public facilities: Water and sewer infrastructure should see relatively minor impacts since the outdoor storage use would rely on water primarily as a periodic dust palliative, and the facility as a whole will have to meet all of the pertinent erosion control, pollution prevention, and storm water management requirements of the City and other Federal, State, or regional regulatory agencies in order to receive the required building and operating permits. There are no parks in the vicinity of the subject property and the truck traffic will generally utilize highways as much as possible when approaching and leaving the site.

Compatibility ... with contiguous properties: The proposed outdoor storage will produce stockpiles of materials, traffic, and noise that cannot help but be noticed from the contiguous properties, but this property and much of what surrounds it is described by §1007.03 (General Industrial Districts) as being "designed primarily for [uses] whose external physical effects will be felt by surrounding districts." Reduction of entrances to the site from 5 accesses to 3, adequate internal circulation, paved operational areas, and perimeter landscaping and screening consistent with the zoning requirements, will all help to reduce the inevitable impacts to contiguous properties.

Impact of the use on the market value of contiguous properties: When a property is assigned Zoning and Comprehensive Plan land use designations, careful consideration is given to protecting the value of surrounding properties. In light of this, and because the proposed outdoor storage is among the uses that are allowed (conditionally or otherwise) in the I-2 District and is consistent with the "industrial" designation of the Comprehensive Plan, the Planning Division has determined that the proposed industrial storage use will not have a significant impact on the market value of the contiguous industrial and business properties.

Impact on the general public health, safety, and welfare: Asphalt processing plants, including the necessary stockpiles of aggregate inputs and rubble crushing operations, must operate within the permit requirements of the Minnesota Pollution Control Agency (MPCA) as well as the requirements of other State and Federal agencies pertaining to air emissions, noise, odors, and fugitive dust. During the May 3, 2006 public hearing related to a similar recycling operation to be located in the Twin Lakes area, a contractor specializing in concrete recycling explained that vibrations from crushing operations are typically not felt beyond 150 feet, and the City Planner was able to confirm the limited range of the noticeable vibrations by inspecting another active

crushing operation; the 150-foot radii around the rubble and crushed piles of materials on this site are almost entirely within the property boundaries.

The Planning Division staff has evaluated additional data pertaining dust and noise from concrete crushing operations and believes that the outdoor storage and limited recycling of aggregate materials consistent with the requirements of the applicable regulatory agencies would have no discernable impact on the general public health, safety, and welfare.

Compatibility with the City's Comprehensive Plan: Screened outdoor storage of materials and heavy equipment is a conditionally permitted use in the I-2 General Industrial District and is compatible with the industrial designation of the Comprehensive Plan.

7.0 RECOMMENDATION

On May 6, 2009, the Planning Commission held a public hearing to consider the CONDITIONAL USE. There were no comments from the public. The Planning Commission had questions about the specific request and questions about the operation of the asphalt plant. Specifically, a question was raised regarding the amount of emissions from the asphalt plant. The applicant noted that his industry needs to comply with federal and state regulations regarding emissions. The applicant stated that he could provide additional information regarding what these standards are and how his company would address them at the Roseville plant. (See Attachment H).

On a 4-2 vote, the Planning Commission voted recommend the approval of the CONDITIONAL USE subject to the comments and findings outlined in this report and the following two conditions:

- a. Outdoor stockpiles of aggregate materials shall be located on the property such that they meet or exceed the property line setbacks required for buildings in the same zoning district; and
- b. Rubble asphalt and concrete crushing operations shall be limited to a maximum of two 3-week periods per calendar year and shall be separated by a minimum of 120 days. The hours of crushing shall be limited to 7 am – 7 pm.

At the May 18, 2009 City Council meeting, the City Council referred the application from Bituminous Roadways to the Roseville Public Works, Environment, and Transportation Commission (PWET) for their review and input. Specifically, the City Council requested that PWET take a look at the following issues:

PWET met on May 26, 2009 to review the proposal. After discussion, the commission recommended the following conditions be placed upon the approval of the Bituminous Roadways application for outdoor storage of materials related to operating an asphalt production plant:

- The City be provided Material Data Safety Sheets for all materials used as part of the operation.
- Recommend working with the Watershed District on a storm water plan for the site that doesn't include infiltration.

- 157 • Consider storm water reuse for dust control and tire tracking control with tire
158 wash off system.
159 • Create a noise control contingency plan that would include back up alarm
160 mitigation. Consider alternative's if allowed by OSHA such as camera systems or
161 lights. The plan would include no banging of truck tailgates.
162 • The City of Roseville may require a future study of ways to mitigate dust if initial
163 control plan is not effective.
164

165 The motion to include these conditions of approval passed 5-0.

166 **8.0 SUGGESTED ACTION**

167 **By motion, approve the proposed CONDITIONAL USE** allowing outdoor storage of equipment
168 and materials at 2280 Walnut Street, based on the comments and findings contained in Sections
169 5 & 6 of this report and the following conditions:

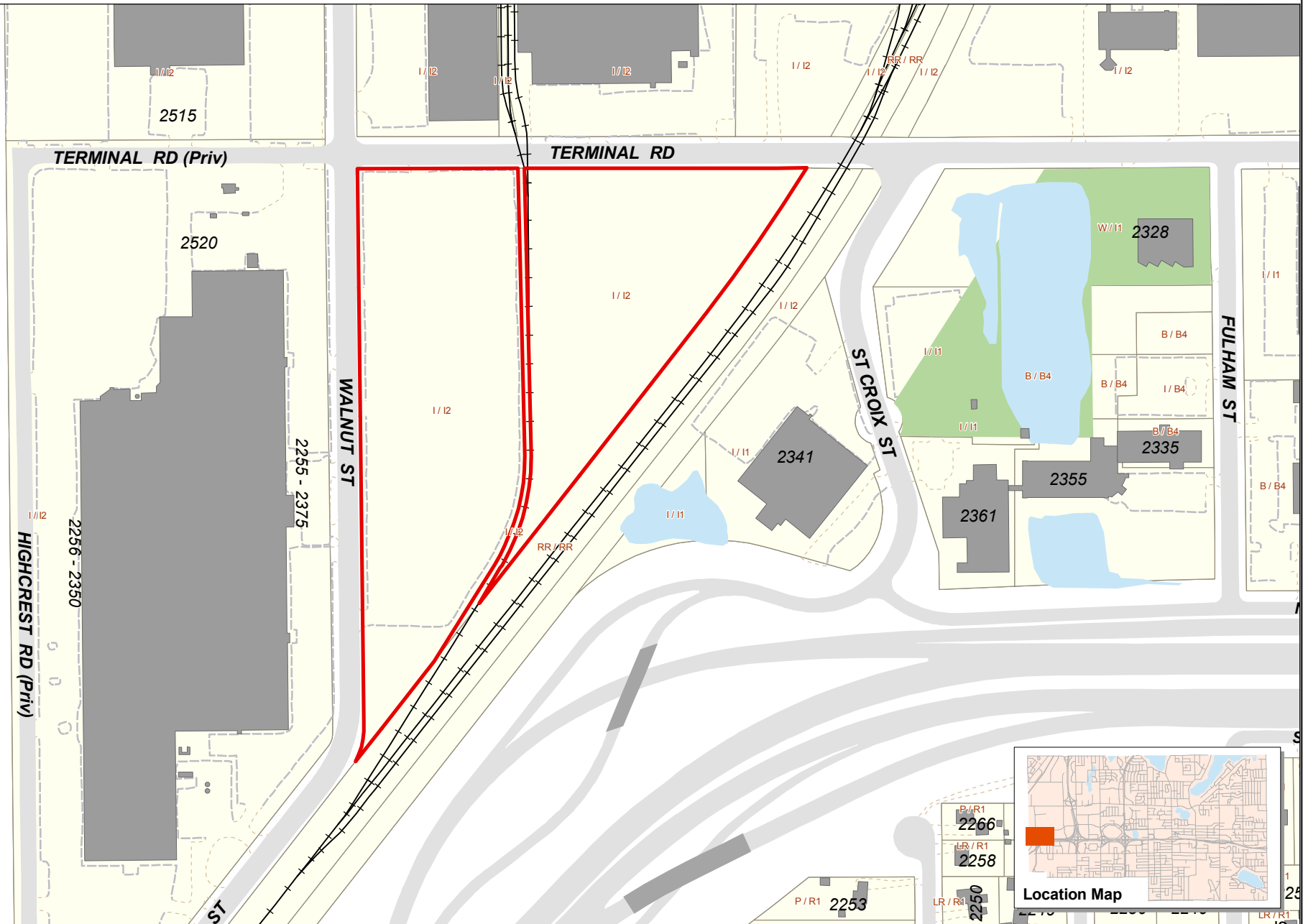
- 170 1) Outdoor stockpiles of aggregate materials shall be located on the property such that they
171 meet or exceed the property line setbacks required for buildings in the same zoning district.
172 2) Rubble asphalt and concrete crushing operations shall be limited to a maximum of two 3-
173 week periods per calendar year and shall be separated by a minimum of 120 days. The hours
174 of crushing shall be limited to 7 am – 7 pm.
175 3) The City shall be provided Material Data Safety Sheets for all materials used as part of the
176 operation.
177 4) The applicant shall work with the Rice Creek Watershed District on a storm water plan for
178 the site that doesn't include infiltration.
179 5) The applicant shall consider storm water reuse for dust control and tire tracking control with
180 tire wash off system.
181 6) The applicant shall create a noise control contingency plan that would include back up alarm
182 mitigation. Consider alternative's if allowed by OSHA such as camera systems or lights. The
183 plan would include no banging of truck tailgates.
184 7) The City of Roseville may require a future study of ways to mitigate dust if initial control
185 plan is not effective.

**Prepared by: Patrick Trudgeon, Community
Development Director (651) 792-7071**

Attachments: A: Area map
 B: Aerial photo
 C: Applicant narrative

D: Proposed site plan
E: Proposed landscape plan
F: Illustrations of proposed screening
G: Planning Commission minutes
H: Letter from applicant dated May 8, 2009
I: Letter from Meritex dated May 13, 2009
J: Letter from Minn. Comm. Railway dated May 13,
 2009
K: Response from Bituminous Roadways regarding
 PWET's conditions.

Attachment A: Location Map for Planning File 09-010



Prepared by:
Community Development Department
Printed: March 13, 2009



Site Location

LR / R1 Comp Plan / Zoning
Designations

Data Sources

* Ramsey County GIS Base Map (3/2/2009)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

Disclaimer

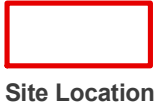
This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.

0 100 200 Feet



mapdoc: planning_commission_location.mxd

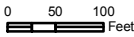
Attachment B: Aerial Map of Planning File 09-010



Site Location

Data Sources
* Ramsey County GIS Base Map (3/30/2009)
* Aerial Data: Pictometry (4/2008)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

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C.U.P. NARRATIVE: PROPOSED BITUMINOUS ROADWAYS, INC. FACILITY – ROSEVILLE

April 3, 2009

Conditional Use Permit (C.U.P.) Criteria

The proposed Bituminous Roadways facility will manufacture and distribute finished construction products from raw materials, both new and recycled. This is consistent with the permitted uses in the I-2 General Industrial District.

A Conditional Use Permit will be required because of the proposed outdoor storage of aggregates and equipment. The CUP criteria as listed in the zoning ordinance are addressed below.

1. Impact on Traffic

Traffic generated will be consistent with surrounding industrial uses, with trucks bringing in raw materials such as aggregate and rubble pavement. The primary season for use will be the 8 month period from April through November. The amount of trucks per day will vary based on area construction activity and subsequent product demand.

A peak day will generate approximately 125 round trip truck visits by trucks bringing in aggregate. We estimate that 65 percent of the traffic will be from the south with 35 percent from the north.

Averaged over the 8 month construction season, the outdoor storage of aggregates will generate approximately 60 truck round trips per day. These trip numbers are based on trucking of all aggregate, and may be reduced through the use of rail aggregate delivery service.

Adequate internal circulation exists within the proposed site plan for incoming trucks to proceed into the site without interrupting the flow of off-site traffic.

2. Impact on Parks, Streets, Other Public Facilities

No impacts to parks or other public facilities are foreseen.

Area streets appear to have been designed adequately for the industrial use of the area. This use will be consistent with its industrial neighbors. In addition, the proposed drainage plan will eliminate most of the direct surface stormwater runoff to surrounding streets exhibited by the current site.

3. Compatibility with Contiguous Properties

The site is separated from contiguous properties on the north and west by existing streets and on the east and south by streets, railroad right-of-way and electric transmission easements.

The existing streets and neighboring properties will be additionally buffered by a 3 foot± high earth berm with an 8 foot high opaque fence and/or landscape screening. All internal pavement is setback a minimum of 40 feet from the right-of-way. Sufficient internal traffic ways have been reserved to prevent the use of city streets other than for ingress and egress to the site. The number of driveway accesses has been reduced from 5 existing to 3 proposed.

4. Impact on Market Value of Contiguous Properties

No impacts to contiguous property values or other property in the near vicinity are expected.

The property is currently being used for outside storage of trailers and equipment with little to no screening. The proposed conditional use permit is for outside storage of aggregates and equipment, and will incorporate a earth berm, an opaque fence and / or landscaping. The proposed use will be an improvement from the current use of the property; as a result, there should be no adverse affect on property values.

5. Impact on Public Health, Safety, and General Welfare

Noise

The site must operate in compliance with State noise standards. Vehicles and equipment will operate with standard noise reduction features such as mufflers. Bituminous Roadways will invest significant resources into perimeter berms and landscaping that will reduce noise emissions from the site.

Fugitive Dust

The entire operational area of the site will be paved. The stock piles and conveyors will be watered on a scheduled basis. The air quality will also be regulated through the Minnesota Pollution Control Agency's (MPCA) air quality permit required for the adjacent asphalt plant.

Crushing

The rubble asphalt and concrete stockpiled on site will be periodically crushed for use as a raw material in production of new asphalt or base material. Crushing will be performed by portable crushing plants brought on site for the approximately 2 to 3 week period needed to complete the crushing. Crushing is expected to occur twice annually.

The portable crushing plants are covered by MPCA air quality permits that require the plant operators to observe state regulations on allowable noise, fugitive particulate (dust) and ambient air quality standards. A web link to the general MPCA permit is as follows:
<http://www.pca.state.mn.us/publications/aggregate-generalpermit2008.pdf>

6. Compatibility with City's Comprehensive Plan

The property is guided Industrial. The comprehensive plan designation states: "Industrial deals with showrooms, warehousing, laboratories, manufacturing uses and related office uses, and truck/transportation terminals (I-2 Zone Only)".

This conditional use is consistent with the above statement.

Bituminous Roadways is committed to being a responsible corporate citizen of Roseville and a good neighbor to surrounding properties. We are excited about this facility and look forward to discussing our plan at upcoming meetings.

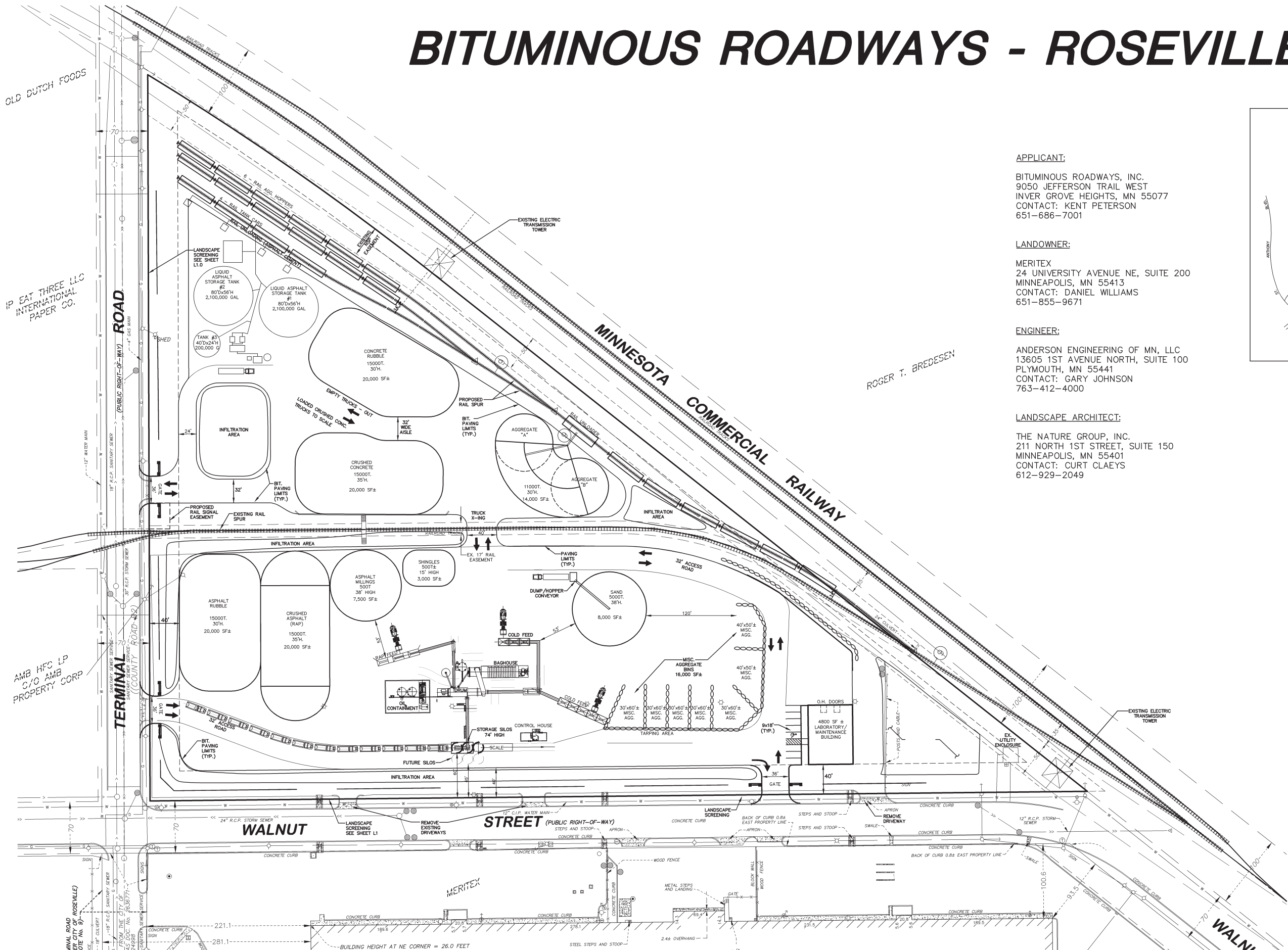
Attachment D

NORTH

0 30 60 120

SCALE IN FEET

BITUMINOUS ROADWAYS - ROSEVILLE

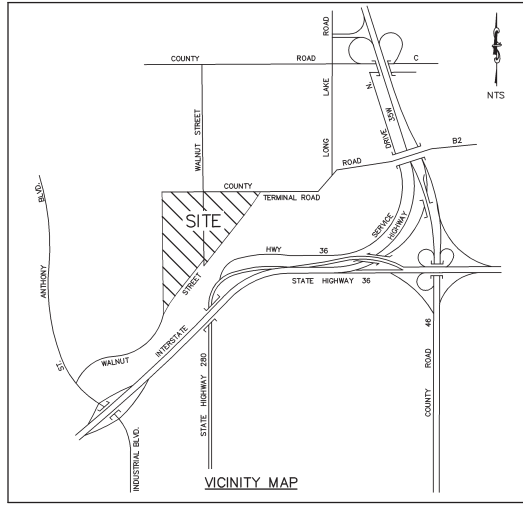


APPLICANT:
BITUMINOUS ROADWAYS, INC.
9050 JEFFERSON TRAIL WEST
INVER GROVE HEIGHTS, MN 55077
CONTACT: KENT PETERSON
651-686-7001

LANDOWNER:
MERITEX
24 UNIVERSITY AVENUE NE, SUITE 200
MINNEAPOLIS, MN 55413
CONTACT: DANIEL WILLIAMS
651-855-9671

ENGINEER:
ANDERSON ENGINEERING OF MN, LLC
13605 1ST AVENUE NORTH, SUITE 100
PLYMOUTH, MN 55441
CONTACT: GARY JOHNSON
763-412-4000

LANDSCAPE ARCHITECT:
THE NATURE GROUP, INC.
211 NORTH 1ST STREET, SUITE 150
MINNEAPOLIS, MN 55401
CONTACT: CURT CLAEYS
612-929-2049



SITE DATA:
ADDRESS: 2280 WALNUT STREET
P.I.D. - 082923320001
LEGAL DESCRIPTION: SEE SURVEY, PARCEL 3
SITE AREA: 14.62 AC.
ZONING I-2 GENERAL INDUSTRIAL
MIN PARCEL SIZE: 43,560 SF

SETBACKS (BUILDING)
FRONT: 40'
SIDE: 40'
REAR: 20'
(PARKING)
FRONT: 40' OR 20' WITH SCREEN/LANDSCAPING
REAR: 5'

MAX. BUILDING HEIGHT: 45' (60' FOR OFFICES)
MAX. BUILDING COVERAGE: 40% ONE STORY BLDG,
60% GREATER THAN ONE STORY BLDG.

SCREENING - 8' MIN. HEIGHT, TANKS SCREENED
FROM EYE LEVEL AT STREET

AREA SUMMARY:
TOTAL SITE AREA = 636,715 SF (14.62 AC.)
PAVED/IMPERVIOUS = 391,222 SF (8.98 AC.)
OUTDOOR STORAGE = 128,500 SF (2.95 AC.)

PARKING
REQUIRED:
GREATER OF: 1 PER 1000 SF (BLDG) = 5 STALLS
OR 2 PER 3 EMPLOYEES = 4 STALLS
PROVIDED:
8 STALLS AT BUILDING

NOTES:
BOUNDARY & SITE FEATURES FROM A SURVEY DATED
JAN 29, 2007 BY EGAN FIELD & NOWAK,
TOPOGRAPHY FROM RAMSEY COUNTY LIDAR.

- PLAN SHEET INDEX (C.U.P. SUBMITTAL)**
- C1 - PRELIMINARY SITE PLAN
 - C2 - PRELIMINARY GRADING, DRAINAGE & EROSION CONTROL PLAN
 - C3 - PRELIMINARY UTILITY PLAN
 - C4 - SCREENING PLAN W/ CROSS SECTION VIEW
 - L1.0 - CONCEPT LANDSCAPE PLAN
 - X1 - EXISTING CONDITIONS MAP

			DESIGNED: GRJ		I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. PRINT NAME: GARY R. JOHNSON, P.E. SIGNATURE: NOT FOR CONSTRUCTION DATE MARCH 6, 2009 LICENSE # 42010		Anderson Engineering of Minnesota, LLC CIVIL ENGINEERING AND LAND SURVEYING 13605 1st AVENUE NORTH, SUITE 100, PLYMOUTH, MN 55441 TEL (763) 412-4000 FAX (763) 412-4090		BITUMINOUS ROADWAYS ROSEVILLE, MINNESOTA BITUMINOUS ROADWAYS, INC.		PRELIMINARY SITE PLAN		COMM. NO. 12345		PLOTTED:	
			DRAWN: PSH										DRAWING NO.			
1 3-6-09 C.U.P. SUBMITTAL			CHECKED BY:										C1			
NO.		DATE		DESCRIPTION OF REVISIONS												

Y:\12300\12345 BITUMINOUS ROADWAYS - ROSEVILLE.dwg 12345SITE.dwg 3/6/2009 11:46:11 AM KPM0001.dwg



the nature group, inc.
landscape architecture and construction

211 North First Street
Suite 150
Minneapolis, Minnesota 55401
tel: 612.929.2049 fax: 612.285.8044

CONCEPT LANDSCAPE PLAN
Bituminous Roadways Inc.
Asphalt Plant
Roseville, Minnesota

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION
OR REPORT WAS PREPARED BY ME OR UNDER MY
DIRECT SUPERVISION AND THAT I AM A DULY
LICENSED PROFESSIONAL LANDSCAPE ARCHITECT
UNDER THE SUPERVISION OF THE STATE OF MINNESOTA.

NOT FOR CONSTRUCTION

CURT H. CLAEYS
DATE: _____ REG. NO. 5613

Construction Drawing: 3-4-09

revisions		comments
date	no.	
3-4-09	1	CITY SUBMITTAL

designed by:CHC
drafted by:JWD

L1.1



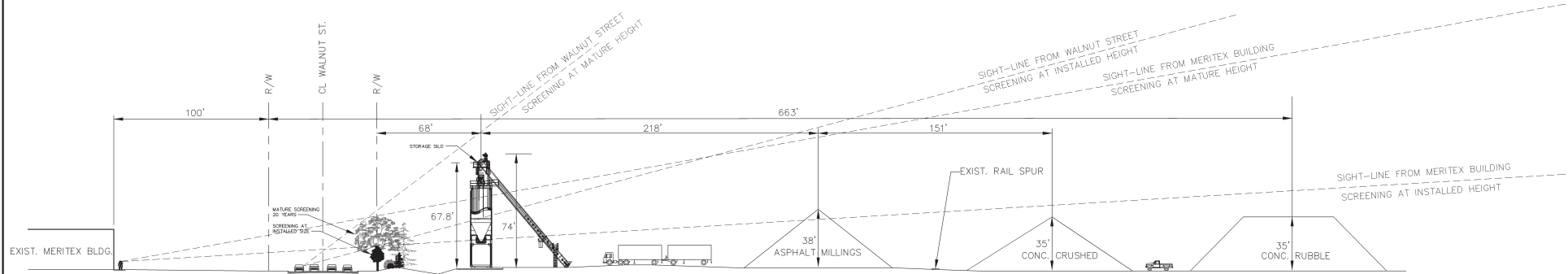
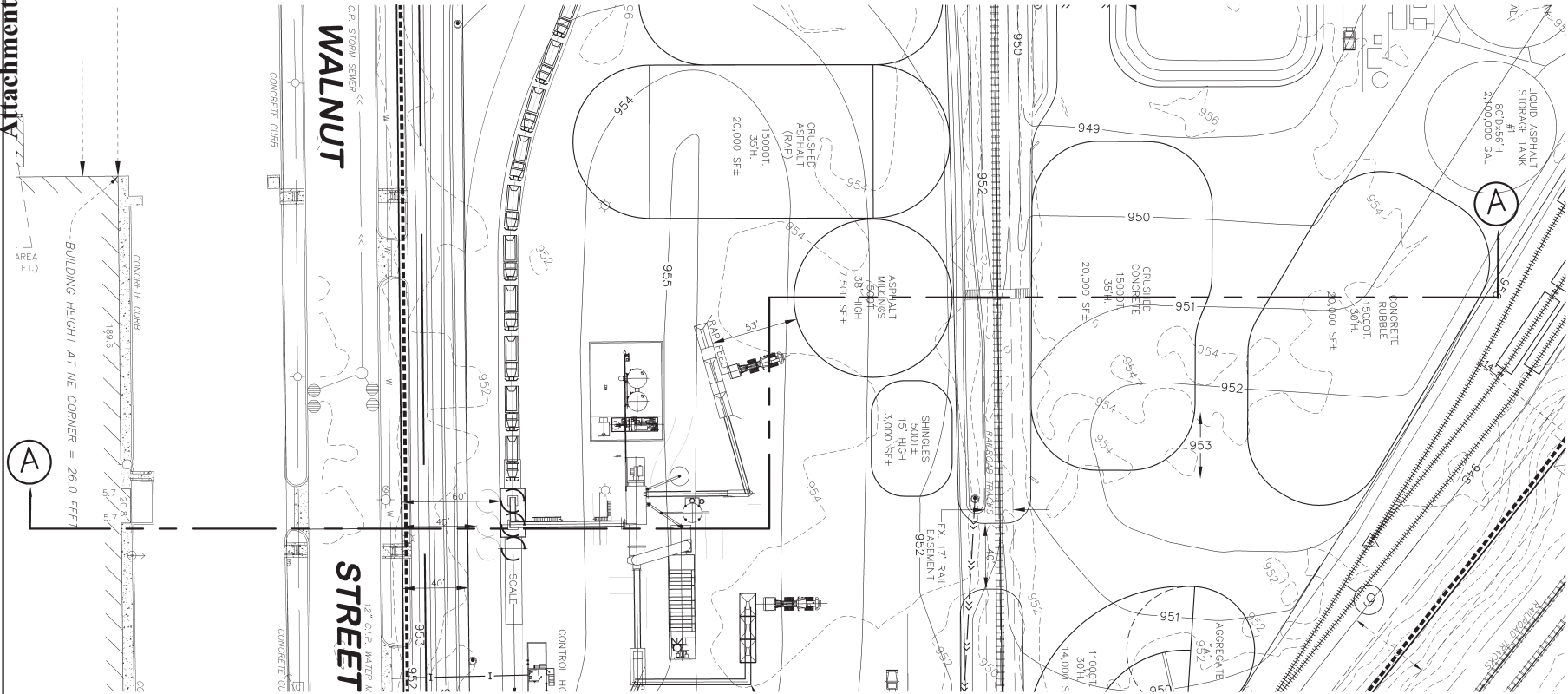
Site Entry, Current View
Wednesday, March 11, 2009



Site Entry, Installation (2010)
Wednesday, March 11, 2009



Site Entry, 20 Years (2030)
Wednesday, March 11, 2009



SECTION A-A
SCALE 1" = 30'

		DESIGNED: GRJ	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. PRINT NAME: GARY B. JOHNSON, P.E. SIGNATURE: NOT FOR CONSTRUCTION DATE: MARCH 5, 2009 LICENSE # 42010	Anderson Engineering of Minnesota, LLC CIVIL ENGINEERING AND LAND SURVEYING 13000 1st AVENUE NORTH, SUITE 100, PLYMOUTH, MN 55441 TEL (763) 412-4000 FAX (763) 412-4090	BITUMINOUS ROADWAYS ROSEVILLE, MINNESOTA BITUMINOUS ROADWAYS, INC.	SCREENING PLAN/ CROSS SECTION VIEW	COMM. NO. 12345 DRAWING NO.	PLOTTED:				
		DRAWN: PSH										
		CHECKED BY:										
NO.	DATE	DESCRIPTION OF REVISIONS										
1	3-6-09	C.U.P. SUBMITTAL										

**EXTRACT OF THE MAY 6, 2009
DRAFT ROSEVILLE PLANNING COMMISSION MEETING**

d. PLANNING FILE 09-010

**Request by Bituminous Roadways (with Meritex Enterprises, Inc.) for
CONDITIONAL USE APPROVAL to allow outdoor storage of aggregate materials
and heavy equipment at 2280 Walnut Street in an I-2 District**

Vice Chair Boerigter opened the Public Hearing for Planning File 09-011.

Community Development Director Patrick Trudgeon provided staff's analysis of the request of the request of Bituminous Roadways for outdoor storage of aggregate materials and heavy equipment as a CONDITIONAL USE in support of the operation of an asphalt plant at 2280 Walnut Street. Mr. Trudgeon advised that staff conditioned approval on the applicant providing additional screening, between Highway 36 and the rail line; and that the maximum height of thirty-eight feet (38') for stock piles was indicated, while recognizing that the stock pile height would fluctuate, but that setbacks of forty feet (40') from the public right-of-way and twenty feet (20') from the rail line was assigned.

Mr. Trudgeon advised that staff had some concern with continual crushing and impacts to the area, and had thus limited it to no more than twice annually, and no longer than 2-3 weeks per event, as well as indicting that it be done during the winter months for less disruption with less outdoor use by adjacent property owners. Mr. Trudgeon noted that the proposed use was located in an industrial area, and that this was a major consideration in staff's review of the use related to the community's general health, safety and welfare due to potential dust and odor issues. Mr. Trudgeon further advised that staff had held extensive discussions with applicants on the need for regulating this principal asphalt use; but also noted that the use was highly regulated and permit-monitored by the Minnesota Pollution Control Agency (MPCA) with federal emission regulations. Staff concluded that, based on that monitoring and regulation, the use should create no adverse affects.

Staff recommended APPROVAL of the request for a CONDITIONAL USE allowing outdoor storage of equipment and materials at 2280 Walnut Street; based on the comments and findings of Sections 5 and 6, and the conditions of Section 7 of the project report dated May 06, 2009.

Commissioner Wozniak expressed concern with the proposed use and storage capacity of the facility, as well as material storage on site. Commissioner Wozniak questioned staff's interpretation of traffic impacts, based on Attachment C to the report and provided by the applicant and calculation of trips/acre and in accordance with ITE manual data. Commissioner Wozniak expressed further concern related to outdoor storage of materials in addition to intermittent crushing operations, and impacts to general health, safety and welfare of the community.

Mr. Trudgeon noted that this use was permitted and anticipated in a heavy industrial zoning district such as this; and noted that the outdoor storage is the only reason for the Conditional Use application. Mr. Trudgeon further noted that, once in operation, if and

when complaints were heard, the use would be required to come into compliance as applicable. Mr. Trudgeon advised that industry standards were broad due to the variety of general industrial uses; and addressed concerns related to potential odors and dust from the site and aggregate materials. Mr. Trudgeon provided an analysis compiled by Associate Planner Bryan Lloyd indicating various noise levels on site, and surrounding decibel rings; opining that the noise from Highway 36 impacted the surrounding area more than the crushing activities.

Further discussion included the eight foot (8') wall above a three foot (3') berm for a total of eleven feet (11') in screening, with a cross-section exhibited to provide visual site lines indicative of that wall; and future mature height of trees on site; existing and proposed parking needs being met; and potential redevelopment of the Meritex site based on continued additions to the building to-date.

Vice Chair Boerigter noted that Meritex was located across from the site and appeared unconcerned that there would be any noise or emission impacts to their building.

Commissioner Wozniak noted previous proposals limiting operations during daytime; and requested that such a condition be included in any approval.

Mr. Trudgeon noted that a condition further clarifying hours for crushing operations may be indicated; and that staff had attempted to provide some general stipulations, but noted that the operations were seasonal and related to road construction projects.

Applicant Representatives:

Kent Peterson, President, Bituminous Roadways, Inc.

John Kittleson, Vice President, Bituminous Roadways, Inc.

Gary Johnson, Anderson Engineering

Lonnie Provencher, North Marq

Mr. Peterson expressed the applicant's enthusiasm to locate in Roseville; and their intent to do their best to be good neighbors. Mr. Peterson addressed specifics of the crushing operations, considerations for their needs, and willingness to limit operations to daytime hours. However, Mr. Peterson noted the need for some periodic paving required at night for Interstate highway work, and accommodating those needs. Mr. Peterson advised that they were open to City dictates for operations; but obviously would like to run as long as possible during peak construction months.

Discussion included City Code requirements for construction activities; need to further define daytime hours; the applicant's intent for crushing periods during the spring and again in late fall based on limited storage areas on site and use of the aggregate materials; and the nature of the drum mix plant and output of 400 tons/hour, with 300,000 ton per year possible.

Mr. Peterson reviewed similar operations they currently have in Shakopee, Inver Grove Heights and Minneapolis; with expectations that this plant would have higher production based on new construction and technologies.

Commissioner Gottfried sought additional emission information from the applicant and typical studies or references for similar asphalt operations.

Mr. Peterson reviewed the Minneapolis plant's location on two (2) acres adjacent to an apartment building, with no complaints related to odor or dust. Mr. Peterson opined that there was no incentive for the firm to create negative impacts related to noise and/or emissions, and further opined that there shouldn't be anything significant, other than smoke from the intense heating of materials. Mr. Peterson advised that this new plan would be producing asphalt with lower temperatures and was considered an innovative move in the industry for "warm mix" asphalt, mixed fifty (50) degrees lower than typical.

Mr. Peterson reviewed Environmental Protection Agency (EPA) regulations for containment, with a concrete containment area for outdoor storage of the aggregate materials proposed by the firm, even though containment with only an earthen berm was required.

Mr. Peterson further reviewed specifics related to stormwater retention on site; with Mr. Johnson providing further specifics. Mr. Johnson advised that stormwater retention was being planned based on Rice Creek Watershed District (RCWD) regulations; however, he noted that formal application to the RCWD was pending until tonight's request was heard by the Planning Commission. Mr. Johnson reviewed the intended perimeter infiltration ditches to the east and west side ponds; reviewed location of proposed infiltration basins and conveyance to wet retention areas.

Further discussion included the intent for the applicant to use natural gas for heating the materials; MPCA regulations for filters for air emissions, a series of filter bags for air to flow through and dust pulled out of the air and augured back into the drum of the asphalt plant for reuse in the aggregate materials again; providing minimal airborne dust emissions and providing an efficient method for waste energy recovery and control of particulates.

Mr. Peterson noted that the warm mix asphalt was a great incentive for the firm as it used less energy, had lower emissions, low smoke and provided more cost-efficient operations.

Additional discussion included the existing rail line spur; right-of way ownership; and proposed additional and separate spur on site for use exclusively by Bituminous Roadways, with the firm negotiating directly with the rail line owners and not involving the City.

Commissioner Wozniak advised that he had done some research on line using EPA tables produced in 2002, and providing estimated emissions for drum plants, based on hot mix, not warm mix; and questioned the volatility and hazardous nature of such pollutants. Commissioner Wozniak recognized that the data was based on 390 asphalt plants around the country and that they may have many variations; however, he opined that while the conditional use approval was for outdoor storage of aggregate materials and heavy equipment, he couldn't separate that from the operations and overall use.

Mr. Peterson recognized Commissioner Wozniak's concerns; however, he noted that the industry was monitored by the MPCA, with an initial stack test done to meet those

requirements as a base line, followed by annual readings for production and calculations of total emissions to ensure compliance.

Public Comment

No one appeared to speak for or against.

Vice Chair Boerigter closed the Public Hearing at this time.

MOTION

Member Boerigter moved, seconded by Member Cook to RECOMMEND TO THE CITY COUNCIL APPROVAL of CONDITIONAL USE allowing outdoor storage of equipment and materials at 2280 Walnut Street; based on the comments and findings of Sections 5 and 6, and the conditions of Section 7 of the project report dated May 06, 2009; amended as follows

- ***Staff was to review past considerations for this type of use from 2006 for guidance on hours for crushing operations before submission to the City Council.***

Vice Chair Boerigter spoke in support of the motion; while recognizing the operations, he expressed confidence that sufficient federal and state controls were in place to monitor pollution and/or hazardous materials issues. Vice Chair Boerigter opined that it wasn't the City's job to impose additional restrictions over and above those regulations and City Code. Vice Chair Boerigter noted that the asphalt plant was a permitted use, even though it wouldn't be very feasible without stockpiles of aggregate materials. Vice Chair Boerigter opined that this was a more productive use for the site, in this highly industrial area, than its current use; and suggested that if the intent was to get rid of all asphalt production plants, that should be considered by lobbying at the state or federal level. Vice Chair Boerigter noted that we need asphalt or concrete for various modes of transportation in today's world; and it seemed unfair to pawn such a use off on another community when this is the most industrial site in Roseville, and conveniently connected to the freeway system for transport. Vice Chair Boerigter noted that lack of public comment at this public hearing; and expressed confidence in adjacent engineering firms and their apparent lack of concern about vibrations and/or noise from the site.

Commissioner Cook spoke in support of the motion; opining that this location seemed logical with its central location to the freeway system and surrounding communities; and suggested that there may be an environmental net gain in not trucking the materials as far. Commissioner Cook expressed some concern regarding noise and odor; and expressed interest in obtaining additional information exhibiting an "odor ring," as well as the noise ring presented, if such data was available from the MPCA or other sources. Commissioner Cook opined that residents on the south side of Highway 36 were more likely to hear more noise from Highway 36 than from this plant; however, noted that this was a very subjective assumption on his part.

Commissioner Gottfried concurred with concerns expressed by Commissioner Wozniak related to air emissions; however, noted that this was a heavy industrial area and this would be the most logical site in Roseville. Commissioner Gottfried concurred with comments of Vice Chair Boerigter related to wishing the plant on another suburb; and

concurred with Commissioner Cook regarding the net carbon footprint with locating the plant in this central location. Commissioner Gottfried noted the lack of public comment regarding this proposed use; and opined that the carbon dioxide impacts from traffic on Highway 36 to residents adjacent on the south would probably have more danger.

Commissioner Gisselquist noted that he resided closest to the proposed plant; and noted the background hum of traffic from Highway 36 on a continual basis. Commissioner Gisselquist also noted the lack of neighbors present to comment; and further noted the benefit of having a large industrial area far-removed from residential properties. Commissioner Gisselquist spoke in support of the motion; opining that this was a good use of the site to generate some revenue.

At the request of Commissioner Gottfried and for the record, Mr. Paschke verified that the typical public hearing notice was provided; and verified that the application had received a full staff review, including that of City Engineer Debra Bloom.

Mr. Trudgeon advised that staff was not as concerned with traffic generation from the site as they were with wear and tear to the roadway; and noted that staff would have a continuing dialogue with the applicant regarding this concern. Mr. Trudgeon advised that, being in an industrial area, the roadway was constructed to higher standards than a standard roadway.

Commissioner Best opined that this was a good use of the property; and spoke in support of the motion and of this industrial use. Commissioner Best further opined that he was not concerned with outdoor storage of materials and equipment, since this was an industrial area. Commissioner Best also expressed his confidence that other monitoring agencies provided sufficient environmental safeguards and regulations.

Commissioner Wozniak opined that this was our City, and what if those other agencies didn't sufficiently monitor the environmental issues.

Commissioner Best opined that, until a zero emission asphalt plant was available, we still needed roads to drive on.

Commissioner Wozniak suggested that cities needed to start saying "no," and provide incentive for these companies to come up with new technologies.

Commissioner Best noted that this plant represented some of those new initiatives, such as warm-mix versus hot-mix asphalt.

Ayes: 4

Nays: 2 (Gottfried; Wozniak)

Motion carried.



9050 JEFFERSON TRAIL WEST/ INVER GROVE HEIGHTS, MN 55077 / PHONE (651) 686-7001 / FAX (651) 687-9857

May 8, 2009

Pat Trudgeon
Community Development Director
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

Dear Mr. Trudgeon:

Last Wednesday when the Roseville Planning Commission was considering the request of Bituminous Roadways for conditional use approval to allow the outside storage of aggregate materials and heavy equipment at 2280 Walnut Street there were some questions that arose regarding the air emissions, noise, and odor that will be generated by the proposed asphalt plant on the site. I would like to address these concerns.

The asphalt plant will be a brand new manufactured plant utilizing the latest emission control technology available which allows the plant to meet and exceed air quality requirements.

Air Emissions

The owner or operator of an asphalt plant must calculate each year the actual emission for the plant and ensure that all emissions remain less than or equal to the thresholds listed in the table below.

HAP	5 tons/year for a single HAP 12.5 tons/year total for all HAPs
PM	50 tons/year
PM ₁₀	50 tons/year for an Attainment A 25 tons/year for a Nonattainment
VOC	50 tons/year
SO ₂	50 tons/year
NO _x	50 tons/year
Pb	0.5 tons/year

Asphalt plants are required to submit an annual air emissions inventory that address each of the criteria air pollutants listed above. This inventory report is required to be submitted to the Minnesota Pollution Control Agency by no later than March 1st of the following year. Emissions calculated are for the

previous calendar 12-month period. A copy of the 2008 inventory report for Bituminous Roadways' Shakopee asphalt plant is attached.

You will notice on the attached report that there is nothing reported for Hazardous Air Pollutants (HAPs). Asphalt plants were originally listed as one of the types of sources for which the U.S. Environmental Protection Agency (USEPA) would be issuing regulations to limit emissions of HAPs. Those standards are called National Emissions Standards for Hazardous Air Pollutants (NESHAPs). The EPA has decided to drop asphalt plants from the categories of sources that need HAP regulations (i.e. asphalt plants are 'de-listed'). There are no NESHAPs standards for asphalt plants.

Odor

The most common odor detected at an asphalt plant comes from the hydrocarbons driven off the liquid asphalt cement. Overheating the materials during the drying process is the primary cause. As fuel has become more and more expensive, most owners and operators have become more aware of the cost of overheating materials and have learned to control temperature with greater precision.

Warm Mix Pavement Technology

The new asphalt plant that Bituminous Roadways proposes for its Roseville facility will utilize technology allowing the production of warm mix asphalt. Warm mix asphalt technology decreases the hot mixed asphalt production temperature by 30 to 100 degrees Fahrenheit. This allows for reduced energy consumption, lowered emissions, and the elimination of visible smoke and odor.

Noise

There are a few common sources of noise emanating from an asphalt production facility. Some are derived directly from the asphalt production components, including the burner and exhaust stack. Others are generated from movement of the product, including trucks and loaders. Recent advancements in asphalt production equipment design have drastically reduced sound levels. It is often possible to participate in conversations using normal speaking tones while adjacent to most facility components at new facilities.

The site must operate in compliance with State noise standards. Vehicles and equipment will operate with standard noise reduction features such as mufflers. Bituminous Roadways will invest significant resources into perimeter berms and landscaping that will reduce noise emissions from the site.

I hope the above information helps answer some of the questions that arose at Wednesday's meeting and alleviates concerns. If there are any other questions or concerns that I can answer or further clarify, please do not hesitate to contact me.

Sincerely,

A handwritten signature in purple ink that reads "Kent Peterson". The signature is fluid and cursive, with the first name "Kent" and last name "Peterson" clearly distinguishable.

Kent Peterson
President



Minnesota Pollution Control Agency
Environmental Analysis and Outcomes Division
Environmental Data Management Unit
Michael Smith
520 Lafayette Road N
St. Paul, MN 55155-4194

2008 Air Emission Inventory For Hot Mix Asphalt Option D Registration Permittees

Facility: Bituminous Roadways Inc - E500R
Facility ID#: 13900106

Please make corrections to the Emission Inventory Contact information below, if necessary:

Inventory Contact Name: Todd Smedhammer
Inventory Contact Title: Plant Manager
Mailing Address: 9050 Jefferson Trl W
Inver Grove Heights, MN 55077

Phone: (651)686-7001
Fax: (651)687-9857
Email: todds@bitroads.com

Total Facility Emissions (all emission for the whole facility):

Carbon monoxide (CO) total: 16.06 tons/year
Nitrogen oxide (NO_x) total: 3.15 tons/year
Lead (Pb) total: .0001 tons/year
Particulate matter smaller than 10 microns (PM₁₀) total: 7.10 tons/year
Particulate matter (PM) total: 10.90 tons/year
Sulfur dioxide (SO₂) total: .41 tons/year
Volatile organic compound (VOC) total: 5.83 tons/year

Please provide the following information used to calculate the Total Facility Emissions:

Hot Mix Asphalt Throughput:

Process Description	Throughput (asphalt mix)	Units	Amount Fuel Burned	Units	Control Type (circle one)
Batch Plant					
Rotary Dryer (natural gas)		tons		cubic (*) feet	fabric filter wet system
Rotary Dryer (No. 2 fuel oil)		tons		gallons	fabric filter wet system
Rotary Dryer (No. 6 fuel oil/waste oil)		tons		gallons	fabric filter wet system
Drum Mix Plant					
Drum Mix (natural gas)	<u>242,407</u>	tons	<u>654,498</u>	cubic (*) feet	<u>fabric filter</u> wet system
Drum Mix (No.2 fuel oil)		tons		gallons	fabric filter wet system
Rotary Dryer (No. 6 fuel oil/waste oil)		tons		gallons	fabric filter wet system



Minnesota Pollution Control Agency
Environmental Analysis and Outcomes Division
Environmental Data Management Unit
Michael Smith
520 Lafayette Road N
St. Paul, MN 55155-4194

Stationary Internal Combustion Engines, Generator(s):

Report either fuel usage or hours of operation, but do not list the same information both ways.

Fuel usage

Fuel Type	Fuel Burned	Units
No. 1 & 2 distillate oil, units less than 600 hp		gallons
No. 1 & 2 distillate oil, units greater than 600 hp		gallons
Natural gas, 4 cycle units		cubic feet (*)
Natural gas, 2 cycle units		cubic feet (*)

Hours of operation

Fuel Type	Hours of Operation	Horse Power Design Capacity	Units
			horsepower
			horsepower
			horsepower

Miscellaneous Fuel Usage, AC Heater:

Fuel Type	Amount Fuel Burned	Units
Natural gas	6400	cubic feet (*)
No. 1 & 2 distillate oil		gallons
No. 5 & 6 residual/waste oil		gallons
Liquefied petroleum gas		gallons

Unpaved Roads:

Round trip miles traveled on unpaved roads (**)	Credit Record Keeping Option (circle one)
61	☒ 0% 50% 75%

(*) Natural gas may be identified in ccf (hundred cubic feet), therms, or cubic feet on gas bill. If natural gas amounts are not in cubic feet, please identify what units you are giving natural gas amounts.

(**) Please do not Report the total vehicle miles traveled. Report the distance of one round-trip only.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervised by qualified personnel. The information submitted is, to the best of my knowledge and belief, true, accurate and complete. I understand that the data provided in this document will be used by the MPCA to calculate a fee, which the facility will be required to pay under Minn. R. 7002.0065, based on the tons of pollution emitted by the facility.

Signature and Title of Company Official:

Todd Smedshammer

Date:

1-14-09

Name and Title of Company Official (please print):

Todd Smedshammer Plant Manager

Forms must be received by April 1, please mail us this form with an original signature. A copied or faxed signature is unacceptable.

Please contact Michael Smith (651) 757-2733 with any questions.

Emission Totals

Sheet 3		Monthly or Yearly Emissions						
Fill in grayed boxes as applicable for the month (for calculating 12 month rolling sum) or year (for calculating emission inventory)								
Dec-05 Annual Estimate								
		SHAKOPEE						
Tons of HMA (Natural gas fired)	242407							
Tons of HMA (Fuel A fired)	0							
Tons of HMA (Fuel B fired)								
Gallons Generator Fuel	0	Gallons of Misc. Fuel for AC Heater (Fuel A)	0	Cubic Feet of Misc. Fuel for AC Heater (Fuel B)	6450			
Emissions (lb)		PM	PM₁₀	SO₂	NO_x	VOC	CO	Pb
HMA plant (NG)		3490.6608	3490.6608	824.1838	6302.582	7757.024	31512.91	0.15029234
HMA plant (Fuel A)		0	0	0	0	0	0	0
HMA plant (Fuel B)		0	0	0	0	0	0	0
Load Out with site specific information		0	0			0	0	
Load Out without site specific information		126.53645	126.536454			947.568963	327.00704	
Silo Filling with site specific information		0	0			0	0	
Silo Filling without site specific information		142.0505	142.050502			2954.214109	286.04026	
Generator		0	0	0	0	0	0	N/A
Misc. Fuel A - Propane, No. 2 or No. 6 fuel oil, or Waste or Used Oil		0	0	0	0	0	0	0.0000
Misc. Fuel B - Natural Gas		0.04902	0.04902	0.00387	0.645	0.035475	0.5418	N/A
Mat'l Handling		4227.5781	4227.57808					
Roads (0% credit)		13817.199	6205.6192					
Roads (50% credit)		0	0					
Roads (75% credit)		0	0					
***SUM (TONS)		10.9020	7.0962	0.4121	3.1516	5.8294	16.0632	0.0001
*** Sum total calculated by adding the values in the column and dividing by 2000 lbs/ton								



MERITEX®

May 13, 2009

Pat Trudgeon
Community Development Director
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

Dear Mr. Trudgeon:

The purpose of this letter is to express our support of the Bituminous Roadways application currently being reviewed by the City of Roseville.

As an adjacent property owner and current owner of the subject property, we have reviewed the proposed use with a considerable amount of scrutiny in efforts to determine if Bituminous Roadways' proposed use represents the 'highest and best use' of the property. After reviewing Bituminous Roadways operations, site plans, noise and odor impacts, environmental standards/regulations, and the zoning ordinance we feel that they are an excellent fit to the Roseville Industrial Park and welcome them as a neighbor.

Please call at (651) 855-9671 should you have any questions.

Sincerely,

Daniel K. Williams
Chief Investment Officer

DKW/bh

Minnesota Commercial Railway

COMMERCIAL TRANSLOAD OF
MINNESOTA

John W. Gohmann, Chairman, President
14047 Petronella Drive, Suite 201
Libertyville, Ill. 60048
p. 847-549-0486, fax 847-549-0485
toll free: 888-489-2326
email: johngohmann@msn.com

May 13, 2009

Pat Trudgeon,
Community Development Director,
City of Roseville,
2600 Civic Center Drive,
Roseville, MN 55113

Via fax and US Mail

RE: Bituminous Roadways Application for Site Approval Near Walnut Street

Dear Pat:

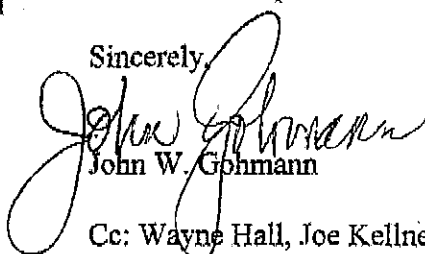
Bituminous Roadways has proven time after time, wherever they have been, to be excellent, community minded neighbors and they operate very professional facilities.

The site they have chosen is an excellent location for not only the City of Roseville's present and future needs for very competitively priced and nearby Roadway surfacing materials, but, also for the general area.

As you know, we have provided competitive and neighbor friendly rail service to support the business community of Roseville going on 23 years now, and we will work with Roseville and Bituminous to continue that tradition. We view this as an important new customer to provide business to us to help us continue that tradition.

We urge the City Council to now approve the Planning Commission's recommendation for this new important business for Roseville on this sight.

Sincerely,


John W. Gohmann

Cc: Wayne Hall, Joe Kellner

CHOICE INDUSTRIAL AND RELOAD SITES

Efficient, On Time Service Connecting Daily with All the Railroads of
the Twin Cities. Intermodal, Reload, and Trucking Provided by our
Subsidiary, Commercial Transload of Minnesota



FAXED

Pat Trudgeon

From: Kent Peterson [petersonk@bitroads.com]
Sent: Tuesday, June 09, 2009 9:57 AM
To: Pat Trudgeon; Duane Schwartz
Subject: Response to Public Works/Environmental Commission
Attachments: Ponding changes 5-29-09.pdf; BR CRUSHED MSDS.doc; emissions.xls

Hi Pat and Duane,

Here is my response to the issues and conditions discussed at the Public Works/Environmental Commission meeting.

1. **MSDS sheets** - Attached is an MSDS for crushed asphalt and concrete.
2. **Expected emissions from Roseville plant utilizing warm mix asphalt technology.** I have attached an emissions table that shows 2008 emissions from our three asphalt plants plus a column for expected emissions from our proposed Roseville plant.
3. **No stormwater infiltration. If infiltration used, install groundwater monitoring wells.** Attached are applicable portions of the Rice Creek Watershed rules. While the rules show a preference to include infiltration as at least a portion of the design, there is some language allowing approval with no infiltration, especially in the case of existing contamination. It appears we can meet the Rice Creek rules without the use of infiltration by slightly modifying the South Wet Pond (increase in normal water elevation) and making the proposed infiltration area within the tanker truck turning circle a wet pond. We have had preliminary discussions with the Watershed and will be meeting with them on Thursday of this week. Our understanding is they will be open to alternative ideas and the lesser use of infiltration given the other constraints of our site and use.
4. **Stormwater Reuse (consider)** - We will further investigate this as construction plans are developed. One idea might be to install a manhole adjacent to the lot behind the maintenance building, with a pipe to draw from a point several feet below the water surface and above the bottom. Installation of an electric pump in this sump could allow us to fill trucks for on-site watering while minimizing issues with floatables and/or sediment that can become an issue in water re-use.
5. **Trackout Control (consider)** - We plan to make provisions on the site to accommodate a wheel wash system sometime in the future. This wash or process water will be kept as a separate system from stormwater. The pavement draining to this system will be minimized to avoid overwhelming the settlement and treatment cells, washing the waste out with stormwater.
6. **Backup alarm/ tail gate noise (contingency plan)** - Tailgate noise can be mitigated by posting signs instructing our trucks not to bang their tailgates. Backup alarms are indeed required by OSHA but the one in the link below emits a sound like a cat scratching against a wall and dissipates quickly with distance.
<http://www.reverseinsafety.co.uk/news-letters/noise-news.html>
7. **Mechanical dust control (contingency plan)** - We will have to investigate this further. Keep in mind that we are proposing fence and landscape screening along the perimeter of the property.

Sincerely,

Kent Peterson
Bituminous Roadways, Inc.

6/10/2009

office or the District web site at <http://ricecreek.org/permit/suretyschedule>.

An applicant may submit a performance bond or an irrevocable letter of credit to the District to secure performance of permit conditions for activities for which the required surety amount as determined above is in excess of \$5,000. The performance bond or letter of credit must be submitted before the permit is issued.

(c) Form and Contents of Performance Bond or Letter of Credit:

(1) The performance bond or irrevocable letter of credit must be in a form acceptable to the District and from a surety licensed to do business in Minnesota.

(2) The performance bond or irrevocable letter of credit must be in favor of the District and conditioned upon the performance of the party obtaining the performance bond or letter of credit of the activities authorized in the permit, and compliance with all applicable laws, including the District's rules, the terms and conditions of the permit and payment when due of any fees or other charges required by law, including the District's rules. The performance bond or irrevocable letter of credit must provide that if the performance bond conditions are not met, the District may make a claim against the performance bond or letter of credit.

(d) Release of Performance Surety. Upon written notification from permittee of completion of the permitted project, the District will inspect the project to determine if it is constructed in accordance with the terms of the permit and District rules. If the project is completed in accordance with the terms of the permit and District rules and the party providing the performance surety does not have an outstanding balance of money owed to the District for the project, including but not limited to unpaid permit fees, the District will release the performance bond or letter of credit, or return the cash surety if applicable. Final inspection compliance includes, but is not limited to, confirmation that all erosion and sediment control BMPs and stormwater management features have been constructed or installed as designed and are functioning properly, and completion of all required monitoring of wetland mitigation areas. The District may return a portion of the surety if it finds that a portion of the surety is no longer warranted to assure compliance with District rules.

RULE C STORMWATER MANAGEMENT PLANS

1. POLICY. It is the policy of the Board of Managers to manage stormwater and snowmelt runoff on a local, regional or subwatershed basis and promote natural infiltration of runoff throughout the District to:

(a) Maximize infiltration on individual sites through Better Site Design practices and advanced stormwater management to control runoff volume increases.

(b) Provide effective water quality treatment before discharge to surface waterbodies and wetlands, while considering the historic use of District water features.

(c) Ensure that future peak rates of runoff are less than or equal to existing rates.

- (d) Minimize land use impacts and improve operational and maintenance efficiency by siting stormwater management basins, when needed, regionally unless local resources would be adversely affected.

2. REGULATION. A permit incorporating an approved stormwater management plan is required under this rule for new development, redevelopment, or additions to an existing site, consistent with the following:

- (a) A permit is required for industrial, commercial, institutional or multi-unit residential development or redevelopment only for a site at least one acre in size.

- (b) A permit is required for single-family residential development or redevelopment only for a site at least five acres in size.

- (c) Notwithstanding paragraph (b), a permit is not required for construction of a single family detached dwelling on an unplatted lot.

- (d) The site size thresholds of paragraphs (a) and (b) and the exception of paragraph (c) do not apply if the site is:

- (1) Within the 100-year floodplain;
- (2) Within 1,000 feet of a public water or protected wetland; or
- (3) Within 300 feet of Rice Creek, Clearwater Creek, Hardwood Creek or a public ditch.

- (e) If redevelopment will (i) disturb fifty percent or more of existing impervious surface or (ii) increase impervious surface by fifty percent or more, the requirement of paragraph 5(b) will account for all impervious surface on the site. For the purpose of this paragraph, the extent of disturbance is the area of exposure of underlying soils. This paragraph does not apply to public linear projects subject to paragraph 5(f).

- (f) A permit is not required for construction on an individual lot within a residential subdivision if it conforms to a development plan approved by the District.

- (g) A permit is required for public linear projects except for mill and overlay of a public roadway, sidewalk or trail that does not create additional impervious surface.

3. STORMWATER MANAGEMENT PLAN MODELING REQUIREMENTS.

- (a) A hydrograph method or computer program based on Natural Resources Conservation Service Technical Release #20 (TR-20) and subsequent guidance must be used to analyze stormwater runoff for the design or analysis of flows and water levels within and off the project site. Composite Curve Numbers shall not include directly connected impervious surfaces.

- (b) In determining Curve Numbers to model runoff in the post-development condition, the Hydrologic Soil Group (HSG) of areas within construction limits is to be shifted down one classification (or ½ classification for HSG A) to account for the impacts of grading on soil structure unless the project specifications incorporate soil amendments in accordance with District Soil Amendment Guidelines.

- (c) The 100-year critical event analysis of flood levels, storage volumes, and flow rates for waterbodies and stormwater management basins must include both the 24-hour rainfall and the 10-day snowmelt events. The 10-day snowmelt event is simulated by a 7.2-inch, 10-day spring runoff event during which it is assumed the ground is frozen solid and no infiltration occurs (CN set to 100 for all areas).
4. STORMWATER MANAGEMENT PLAN FRAMEWORK.
- (a) When a stormwater basin is necessary, regional siting is preferred when regional management would not divert supply away from a local recharge area or groundwater-dependent natural resource. In evaluating the appropriateness of peak flow and water quality management in an existing regional basin, the District will consider whether it previously approved the basin and whether the basin was designed for build-out of the site to the extent proposed.
- (b) A water management plan or ordinances of the local land use authority may contain other or more strict requirements than these rules impose. The stormwater management plan must conform to the District-approved local water management plan.
- (c) The proposed project must not adversely affect water level off the site during or after construction.
- (d) A landlocked basin may be provided an outlet only if it:
- (1) Retains a hydrologic regime that complies with District Wetland Alteration Rule F;
 - (2) Provides sufficient dead storage volume to retain back-to-back 100-year 24-hour rainfalls and runoff; and
 - (3) Does not create adverse downstream flooding or water quality conditions as a result of increased discharge rate or volume, or other factors.
5. WATER QUALITY AND VOLUME CONTROL.
- (a) Activity creating impervious surface shall address the use of Better Site Design (BSD) techniques as outlined in Chapter 4, "Minnesota Stormwater Manual" (MPCA, 2006 and subsequent revisions). Better Site Design involves techniques applied early in the design process to reduce impervious cover, conserve natural areas and use pervious areas to more effectively treat stormwater runoff and promote a treatment train approach to runoff management.
- (b) Water quality and infiltration BMPs must be sized to infiltrate and/or retain the runoff volume generated within the contributing area by a two-year (2.8-inch) storm under the developed condition. BMPs shall be selected on the basis of site-specific conditions, including soil types, depth to water table and the presence of known or suspected contaminated soils. A site with soils classified as Hydrologic Soil Group (HSG) A or B must meet this standard through infiltration for at least that part of the site where HSG A or B soil is present.
- (c) For impervious surface other than net increase required to be treated during

redevelopment pursuant to paragraph 2(e) above, the standard is the 0.8-inch event rather than the 2.8-inch event.

(d) Where infiltration is not feasible, filtration is preferred. Infiltration is considered not feasible where soils do not support infiltration, documented soil contaminants preclude the use of infiltration practices, or there is inadequate separation from the water table.

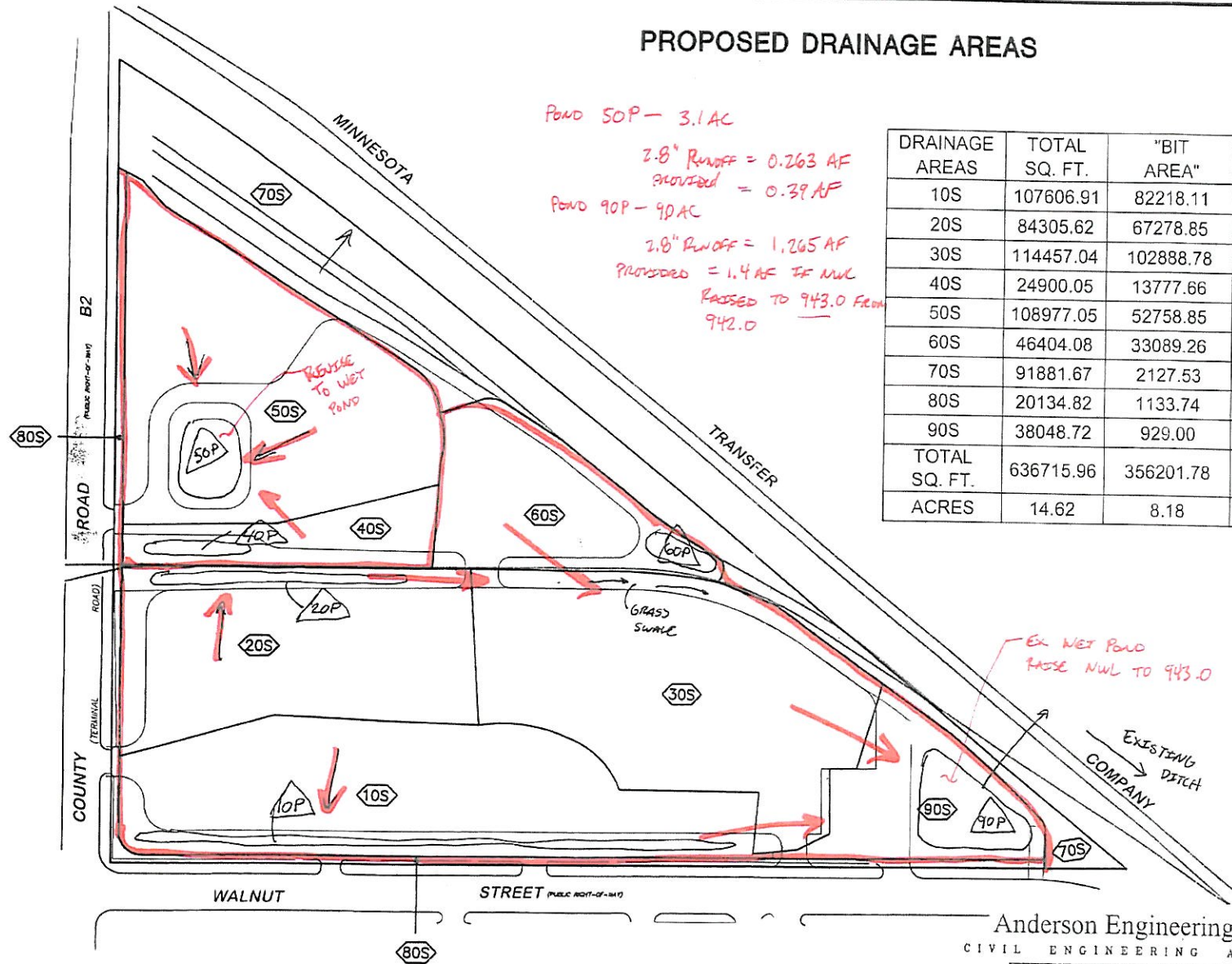
(e) For a site or part of a site characterized by HSG C or D soils, the stormwater management plan shall focus on incorporation of water quality BMPs. The order of preference for BMP's is biofiltration, filtration, wetland treatment system, extended detention basin, NURP ponding.

(f) The runoff volume infiltration/detention standard of paragraph (b) is modified for public linear (roadway, sidewalk and trail) projects not part of an industrial, commercial, institutional or residential development as follows:

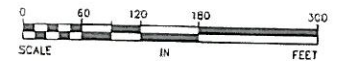
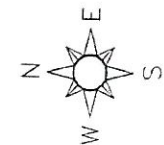
Project Type	Roadway Classification	Standard
New Construction (≥ 1.0 acre impervious)	Arterial, County Road or Highway	Standard for non-linear projects applies to runoff from the new and reconstructed impervious surface
	Collector, Subcollector or Access	Standard for non-linear projects applies to runoff from the new and reconstructed impervious surface and the directly connected impervious surfaces within the project corridor
Reconstruction or New Construction (< 1.0 acre impervious)	Arterial, County Road or Highway	Infiltration of 1.0-inch of runoff from the new and reconstructed impervious surface
	Collector, Subcollector or Access	Infiltration of 0.8-inch of runoff from the new and reconstructed impervious surface and the directly connected impervious surfaces within the project corridor
Rehabilitation	All	No water quality/volume control requirement
Mill & Overlay	All	No Rule C permit required

(1) Specific site conditions may make infiltration difficult, undesirable, or impossible. These conditions may qualify a public linear project applicant for Alternative Compliance Sequencing. The applicant must also submit a request to the District for Alternative Compliance Sequencing. All requests shall indicate the specific site conditions present and document via a grading plan, utility plan, or well location map.

PROPOSED DRAINAGE AREAS



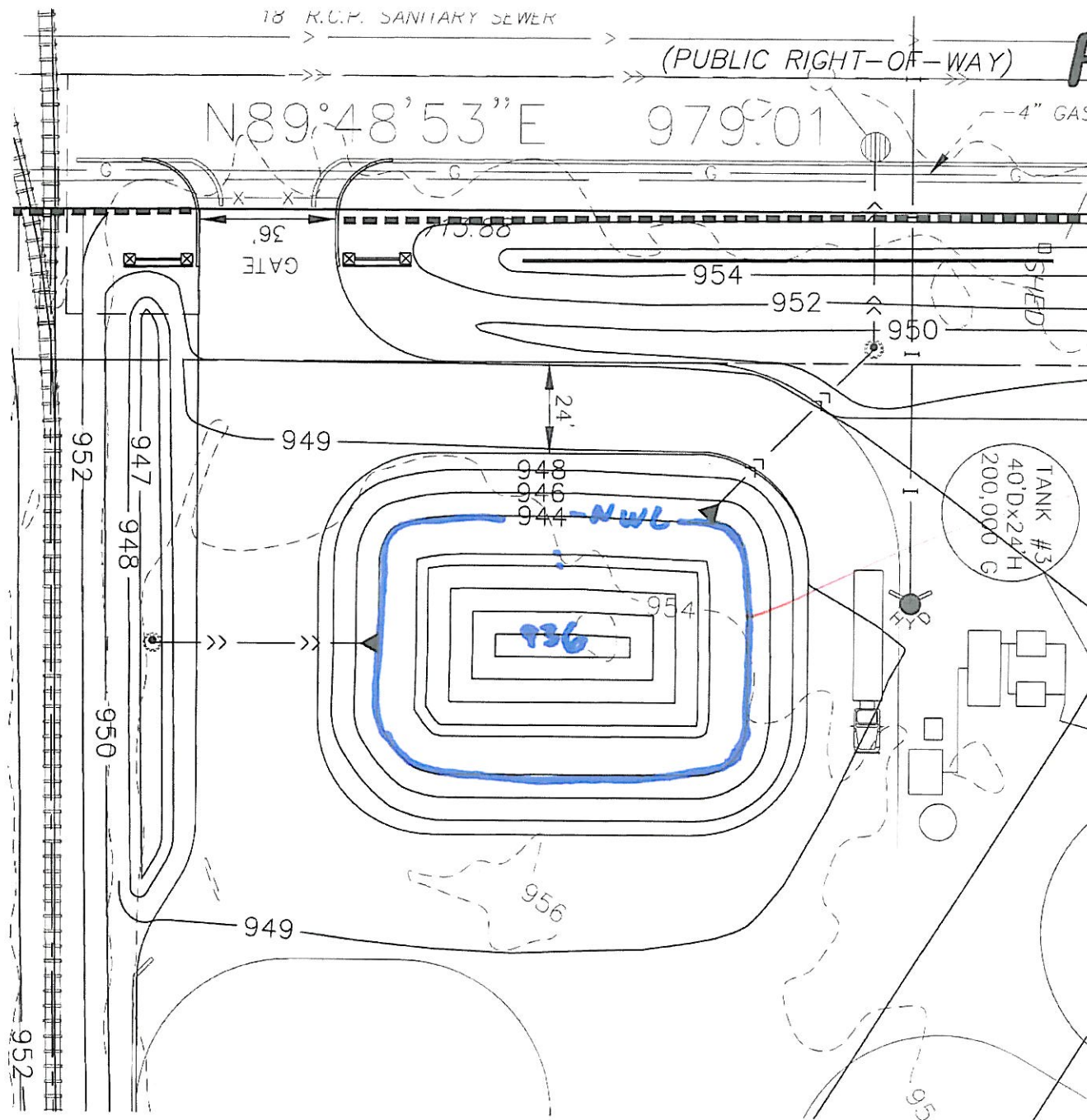
DRAINAGE AREAS	TOTAL SQ. FT.	"BIT AREA"	"GRAVEL AREA"	"GREEN AREA"
10S	107606.91	82218.11	0.00	25388.80
20S	84305.62	67278.85	3554.98	13471.79
30S	114457.04	102888.78	2893.33	8674.93
40S	24900.05	13777.66	4297.16	6825.23
50S	108977.05	52758.85	0.00	56218.20
60S	46404.08	33089.26	7267.30	6047.52
70S	91881.67	2127.53	31600.18	58153.96
80S	20134.82	1133.74	200.00	18801.08
90S	38048.72	929.00	0.00	37119.72
TOTAL SQ. FT.	636715.96	356201.78	49812.95	230701.23
ACRES	14.62	8.18	1.14	5.30



Anderson Engineering of Minnesota, LLC
CIVIL ENGINEERING AND LAND SURVEYING

13605 1ST AVENUE NORTH, SUITE B, PLYMOUTH, MN 55441

TEL (763) 412-4000 FAX (763) 412-4090



↑ NORTH
1" = 40'

12345

5/29/09

"WET"
POND,
SAME FOOT-
PRINT
MORE OR LESS
AS PRIOR
INF. AREA

Material Safety Data Sheet



EFFECTIVE DATE:

June 1, 2009

Page 1 of 3

1. PRODUCT AND COMPANY IDENTIFICATION

Product Identifier: Crushed Asphalt and/or Crushed Concrete

Common Name: Recycled Asphalt and/or Recycled Concrete

Product description: Product is crushed recycled asphalt, concrete and/or similar materials originating as non-contaminated construction debris.

Department of Transportation: Hazard Classification... N/A. Shipping Name... N/A.

MANUFACTURER:

Bituminous Roadways, Inc.
9050 Jefferson Trail
Inver Grove Heights, MN 55077
Prepared by: Kirk Leabo

EMERGENCY TELEPHONE NUMBERS:

651-686-7001 (USA)

612-366-2796 (USA)

2. PHYSICAL PROPERTIES (N/A = not applicable) (N/E = not established)

BOILING POINT: N/A

SPECIFIED GRAVITY (H₂O = 1): 2.3-2.8

VAPOR DENSITY (air = 1): N/E

PERCENT VOLATILES

BY VOLUME: N/E

FREEZING POINT: N/A

APPEARANCE AND ODOR: PIECES OF CRUSED CONCRETE AND/OR ASPHALT MATERIAL, ORDERLESS

VAPOR PRESSURE: N/A

SOLUBILITY IN WATER,

% BY WEIGHT: NEGLIGIBLE

EVAPORATION RATE

(Butyl Acetate = 1): N/E

3. HAZARDOUS INGREDIENTS

MATERIAL	%	PEL	TVL	CAS NUMBER
CRUSHED ASPHALT AND/OR	100	10 mg/m ^{3*}	10 mg/m ³	N/E
CRUSHED CONCRETE (1) (2)		5 mg/m ^{3**}		
CRYSTALLINE SILICA		0.3 mg/m ^{3***}	0.05 mg/m ^{3****}	14808-060-7
		0.1 mg/m ^{3****}		

NOTE: (1) CRUSHED ASPHALT AND/OR CONCRETE CONTAIN ROCK AND SAND. NATUIRAL SAND INCLUDES QUARTZ, A FORM OF CRYSTALLINE SILICA. COMPOSITION VARIES. (2) MATERIAL MAY INCLUDE SMALL PERCENTAGES (LESS THAN 15%) OF GLASS, PORCELAIN, OR OTHER CERAMIC MATERIALS.

* TOTAL DUST, PARTICULATES NOT OTHERWISE REGULATED.

** RESPIRABLE DUST, PNOR.

*** TOTAL SILICA.

**** RESPIRABLE SILICA.

4. FIRE AND EXPLOSION HAZARD DATA

FLASH POINT (Test Method): N/A

FLAMMABLE LIMITS IN AIR, % by volume LOWER: N/A UPPER: N/A

EXTINGUISHING MEDIA: NONE

SPECIAL FIRE FIGHTING PROCEDURES: NONE

UNUSUAL FIRE AND EXPLOSION HAZARDS: NONE

4. EMERGENCY PHONE NUMBER 651-686-7001 (USA)

5. HEALTH HAZARD INFORMATION (EFFECTS OF ACUTE OVEREXPOSURE)

SWALLOWING: NO SIGNIFICANT HAZARD POSED

SKIN CONTACT: SHORT TERM IRRITATION

INHALATION: PRODUCT FRAGMENTS MAY INCLUDE FINE SILICA (QUARTZ) DUST. PROLONGED OR ROUTINE INHALATION OF FINE QUARTZ DUST CAN LEAD TO THE LUNG DISEASE KNOWN AS SILICOSIS.

EYE CONTACT: SHORT TERM IRRITATION

(EFFECTS OF REPEATED OVEREXPOSURE)

ACUTE: AIRBORNE PARTICLES CAN CAUSE EYE IRRITATION. INHALATION OF VERY HIGH LEVELS OF AIRBORNE DUST MAY PRODUCE COUGHING AND IRRITATION.

CHRONIC: PROLONGED AND ROUTINE INHALATION OF RESPIRABLE QUARTZ DUST CAN LEAD TO THE LUNG DISEASE KNOWN AS SILICOSIS. EARLY SYMPTOMS OF SILICOSIS INCLUDE COUGHING, WHEEZING, SHORTNESS OF BREATH, AND INCREASED LIKELIHOOD OF OTHER LUNG PROBLEMS.

(OTHER HEALTH HAZARDS)

MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE: PRIOR SKIN PROBLEMS SUCH AS DERMATITIS. PRIOR RESPIRATORY TRACT CONDITIONS SUCH AS BRONCHITIS.

(EMERGENCY AND FIRST AID PROCEDURES)

SWALLOWING: SEEK MEDICAL ADVICE, BUT INGESTION OF SMALL AMOUNTS OF THE MATERIAL IS NOT EXPECTED TO POSE A SIGNIFICANT HEALTH HAZARD.

SKIN: WASH SKIN WITH WATER AND MILD SOAP.

INHALATION: REMOVE TO FRESH AIR. SEEK MEDICAL ATTENTION IF DISCOMFORT OR IRRITATION PERSISTS.

EYES: FLUSH EYES WITH LARGE AMOUNTS OF WATER. SEEK MEDICAL ATTENTION.

(SUSPECTED CANCER AGENT?)

NO FEDERAL OSHA

NO NTP

YES IARC (INTERNATIONAL AGENCY FOR RESEARCH ON CANCER)

NOTE: IARC LISTS CRYSTALLINE SILICA AS HUMAN CARCINOGEN. CRYSTALLINE SILICA POSES A HEALTH HAZARD WHEN IT IS INHALED AS A DUST.

6. REACTIVITY DATA

STABILITY (Conditions To Avoid – None)		HAZARDOUS POLYMERIZATION (Conditions To Avoid – None)	
Unstable	Stable	May Occur	Will Not Occur
	X		X

INCOMPATIBILITY (Materials To Avoid) – STRONG OXIDIZERS, SUCH AS STRONG ACIDS.

HAZARDOUS COMBUSTION OR DECOMPOSITION PRODUCTS – CARBON DIOXIDE, SULFUR DIOXIDE.

7. SPILL OR LEAK PROCEDURES

STEPS TO BE TAKEN IF MATERIAL IS RELEASED OR SPILLED – MATERIAL DOES NOT POSE HAZARD TO IMMINENT HAZARD TO WORKERS OR THE ENVIRONMENT. TRANSFER SPILLED MATERIAL TO CONTAINERS FOR REUSE OR DISPOSAL WITH NORMAL TRASH. USE NORMAL GOOD HYGIENE PRACTICES TO MINIMIZE EXPOSURE (WEAR SKIN AND EYE PROTECTION, AS NECESSARY).
WASTE DISPOSAL METHOD – PRODUCT IS NOT CLASSIFIED AS HAZARDOUS WASTE.

8. SPECIAL PROTECTION INFORMATION

RESPIRATORY PROTECTION – IF AIRBORNE CONCENTRATIONS EXCEED OSHA PERMISSIBLE EXPOSURE LIMITS, WEAR NIOSH-APPROVED RESPIRATORS TO ACHIEVE EXPOSURES BELOW THE PEL.
VENTILATION – N/A.

PROTECTIVE GLOVES – AVOID PROLONGED OR REPEATED CONTACT WITH PRODUCT.

EYE PROTECTION – AVOID EYE CONTACT; WEAR SAFETY GLASSES OR GOGGLES, AS NEEDED.

OTHER PROTECTIVE EQUIPMENT – COVERALLS OR OTHER WORK CLOTHING THAT MINIMIZES SKIN CONTACT WITH PRODUCT.

9. SPECIAL PRECAUTIONS

PRECAUTIONS TO BE TAKEN IN HANDLING AND STORING: NONE.

10. ADDITIONAL INFORMATION

SKIN EXPOSURE TO ASPHALT CAN CAUSE WORKERS TO EXPERIENCE PHOTSENSITIZATION, A CONDITION WHERE THE EXPOSED AREA OF SKIN BECOMES VERY SENSITIVE TO SUN LIGHT AND OTHER SOURCES OF ULTRAVIOLET (UV) LIGHT. WITHOUT EXPOSURE TO UV, SENSITIVE SKIN MAY APPEAR TO BE SUNBURNED. WITH EXPOSURE TO UV, THE SKIN MAY BLISTER AND DEVELOP SORES.

AS WITH ANY CHEMICAL, SKIN CONTACT WITH THIS PRODUCT, AND THE BREATHING OF DUST SHOULD BE MINIMIZED. WE STRONGLY RECOMMEND THAT THE PRECAUTIONS STATED IN THIS MSDS BE FOLLOWED WHEN HANDLING THE PRODUCT.

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Air Emissions

The owner or operator of an asphalt plant must calculate each year the actual emissions for the plant and ensure that all emissions remain less than or equal to the thresholds listed below

Criteria Air Pollutant	Threshold Limit	Actual Emissions for 2008			New Plant w/ Warm Mix Asphalt
		BR - IGH	BR - Minneapolis	BR - Shakopee	
PM	50 tons/year	15.71	3.39	10.91	13.5
PM10	50 tons/year for attainment A	8.82	1.66	7.1	8.8
	25 tons/year for a Nonattainment				
VOC	50 tons/year	4.61	1.02	5.83	4.2
SO2	50 tons/year	1.03	0.2	0.41	0.4
Nox	50 tons/year	2.87	1.06	3.15	3.4
Pb	0.5 tons/year	0.002	0	0.0001	0.0001
Annual Asphalt Production (tons) =		191,517	85,010	242,407	300,000

PM = Particulate matter

PM10 = Particulate matter less than 10 um in size

VOC = Volatile organic compound

SO2 = Sulfur Dioxide

NOx = Nitrogen Oxide

Pb = Lead