

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
May 8, 2019 @ 3:00 p.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Rich Marsh, Jim Coleman, Kathy Johnson, Sonny Rivers, Sandra Runde and Gary Drewes.

STAFF PRESENT: PJ Conover, Cassie Bolstad, Brittney Molitor, TJ Doreff, Cody Sack, Jason Theunissen, Michaele Hoffman and Jay Alderman (SAO) and Jeri Ervin.

1. ROLL CALL

2. APPROVAL OF THE AGENDA

Moved by Drewes and seconded by Marsh to approve the Agenda of the May 8, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

3. INTRODUCTION AND STAFF PRESENTATION(S)

No motions or actions were taken at this time.

4. PUBLIC COMMENT PERIOD

No motions or actions were taken at this time.

5. MINING PERMIT / MP 18-02 UNDER PCZO §§ 205(C)(31) and 320 effective on or about March 28, 2018: Croell, Inc. To operate the active Perli Quarry as a rock quarry.

Molitor reviewed the Staff Report indicating the applicant has applied for a Mining Permit, under §§ 205(C)(31) and 320 effective on or about March 28, 2018, to operate the active Perli Quarry as a rock quarry.

Staff recommended approval of Mining Permit / MP 18-02 under §§ 205(C)(31) and 320 effective on or about March 28, 2018, of the PCZO with thirty-five (35) conditions.

Discussion followed.

Commissioner Runde left the meeting at 5:54 p.m.

Commissioner Runde returned to the meeting at 5:56 p.m.

Moved by Coleman and seconded by Marsh to recess. All voting aye, the Motion carried 7 to 0.

Moved by Johnson and seconded by Coleman to reconvene. All voting aye, the Motion carried 7 to 0.

Discussion further continued.

Moved by Marsh and seconded by Drewes to approve of Mining Permit / MP 18-02 under §§ 205(C)(31) and 320 effective on or about March 28, 2018, of the PCZO with the following thirty-eight (38) conditions:

- 1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;**
- 2. That the applicant cooperates with the South Dakota Department of Transportation (SD DOT) to implement the appropriate safety measures as required by the SD DOT, prior to hauling operations;**
- 3. That the applicant submit a copy of the Mine License, issued by the South Dakota Department of Environment and Natural Resources, to the Planning Department and copies of any annual Mine License Reports by December 1st of each year;**
- 4. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit(s) to Operate Under the Air Quality Operating Permit Program and Surface Water Discharge System For Nonmetallic Mineral Processing Plants in South Dakota be continually met;**
- 5. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Industrial Activities be continually met;**
- 6. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources Water Permit be continually met;**
- 7. That the applicant attempts to contact the property owner of Well No. 1450-2 to perform the required baseline static water testing of the well;**
- 8. That any natural drainage ways and paths be continually maintained;**
- 9. The requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;**
- 10. That self-contained toilets be maintained on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations. The method and schedule of disposal of the solid waste must be in compliance with State and local rules and regulations;**
- 11. That Entrance 3 is utilized for all traffic in and out of the site and that Entrance 2 is only used in the event of emergency situations;**

12. That mining operation disturbances and/or equipment are located no closer than 50 feet from the property line;
13. That a cost estimate for reclamation of 10 acres of disturbed mine land is submitted to the Planning Director prior to the hearing in front of the Board of Commissioners;
14. That a bond or surety is submitted in the amount of the reclamation cost estimate approved by the Board of Commissioners within 30 days of approval of this Mining Permit;
15. That a cost estimate for necessary BMPs to mitigate storm water runoff is submitted to the Planning Director in order to determine the surety or bond amount prior to the hearing in front of the Board of Commissioners;
16. That a bond or surety is submitted in the amount of the BMPs cost estimate approved by the Board of Commissioners within 30 days of approval of this Mining Permit;
17. That the site shall be reclaimed in accordance with the Reclamation Plan submitted on September 12, 2018;
18. That if there are any updates to the Reclamation Plan, they are submitted to the Planning Director within 30 days of the change;
19. That the mining operation be in compliance with all federal, state, and local regulations and if any significant enforcement actions are necessary to correct violations relating to the mining operation, the Planning Director shall recommend an inspection of the mining operation in accordance with § 320(J) of the PCZO;
20. That all potential pollutants (as listed in the Storm Water Pollution Prevention Plan) are handled, stored, and cleaned up in accordance with all local, state, and federal guidelines;
21. That a Spill Prevention, Control, and Countermeasure (SPCC) Plan be developed for the site and submitted within 30 days of approval of this Mining Permit;
22. That no junk material, vehicles, or debris is stored on the site at any given time;
23. That berms are constructed in accordance the Drainage and Erosion Control Management Map submitted by the applicant within 180 days of approval of this Mining Permit;

24. That the addresses be properly and continually posted at Entrance 3 so they are visible in both directions of the approach, in accordance with Pennington County's Ordinance #20;
25. That all exterior lights must use hoods and lens that cast light downward;
26. That an Emergency Response Plan be developed for the mining operation and reviewed by the Pennington County Fire Administrator within sixty (60) days;
27. That Emergency Contact information for the mining operation be kept updated with the Pennington County Emergency Services Communications Center;
28. That the location address and related information be updated and maintained in third-party mapping services for the mining operation;
29. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
30. The applicant must make every effort practicable to minimize fugitive dust from leaving the site;
31. That the hours of the mining operation be from 6 a.m. to 5 p.m. Monday through Saturday;
32. That blasting at the site only occur Monday through Friday between 7 a.m. and 5 p.m. and that a reasonable effort is made to notify property owners in occupied dwellings within 1,500 feet of the Permit Limit and the Rockerville Volunteer Fire Department of the scheduled blasts;
33. That the applicant's blasting contractor be issued a blaster certificate by the Office of Surface Mining Reclamation and Enforcement or a reciprocating agency (i.e. Wyoming Department of Environmental Quality) and maintain certification at all times;
34. That blasting logs be submitted to the Planning Director at a minimum, on a yearly basis;
35. That noise testing is performed using a noise dosimeter to verify that the mine is in compliance with all industry recommendations and MSHA regulations and testing information be submitted to the Planning Director at a minimum, on a yearly basis;

36. That the applicant sign a Statement of Understanding within ten (10) business days of Mining Permit approval, which is available at the Planning Office;
37. That Mining Permit / MP 18-02 expires in (5) years from approval date unless an Application for Mining Permit Renewal is submitted within sixty days of the expiration date and at such time a Notice of Renewal will be completed in accordance with § 320(E)(1) of the PCZO; and,
38. That Mining Permit / MP 18-02 may be reviewed in accordance with § 320(J) of the PCZO, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.

All voting, the Motion carried 5 to 2. Roll Call Vote: Commissioners Marsh, Drewes, Coleman, Lasseter, and Johnson voted yes. Commissioners Runde and Rivers voted no.

6. CONSTRUCTION PERMIT / CP 18-11 UNDER PCZO § 205(B)(17) effective April 26, 2017 and § 507(A) effective September 25, 2013: Croell, Inc. To operate the active Perli Quarry as a rock quarry.

Conover stated that, pursuant to Pennington County Zoning Ordinance § 507 (A) effective September 25, 2013, he hereby approves Construction Permit / CP 18-11 with the following seven (7) conditions:

1. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Industrial Activities be continually met;
2. That any natural drainage ways and paths be continually maintained;
3. The requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;
4. That self-contained toilets be maintained on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations. The method and schedule of disposal of the solid waste must be in compliance with State and local rules and regulations;
5. That the site shall be re-vegetated as required under § 507(A)(5)(c) and in accordance with the Reclamation Plan submitted by the applicant on September 12, 2018;
6. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval which is available at the Planning Office; and,

7. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.

7. MINING PERMIT / MP 18-03 UNDER PCZO § 507(B) effective on May 1, 2001:
Croell, Inc. To operate the active Perli Quarry as a rock quarry.

Chairman Lasseter stated the applicant also applied for Mining Permit / MP 18-03 under PCZO § 507(B) effective on May 1, 2001, to operate the active Perli Quarry as a rock quarry.

Staff recommended approval of Mining Permit / MP 18-03 under § 507(B) effective May 1, 2001, and, as written and in effect prior to the adoption § 320 of the PCZO, with fifteen (15) conditions.

Discussion followed.

Moved by Marsh and seconded Rivers to approve of Mining Permit / MP 18-03 under § 507(B) effective May 1, 2001, and, as written and in effect prior to the adoption § 320 of the PCZO, with seventeen (17) conditions:

1. **That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;**
2. **That the applicant cooperates with the South Dakota Department of Transportation (SD DOT) to implement the appropriate safety measures as required by the SD DOT, prior to hauling operations;**
3. **That the applicant submit a copy of the Mine License, issued by the South Dakota Department of Environment and Natural Resources, to the Planning Department and copies of any annual Mine License Reports by December 1st of each year;**
4. **That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit to Operate Under the Air Quality Operating Permit Program and Surface Water Discharge System For Nonmetallic Mineral Processing Plants in South Dakota be continually met;**
5. **That the conditions of the approval of the South Dakota Department of Environment and Natural Resources Water Permit be continually met;**
6. **That the Conditions of Approval of Construction Permit / CP 18-11 are continually met;**

7. That Entrance 3 is utilized for all traffic in and out of the site and that Entrance 2 is only used in emergency situations;
8. That the site be reclaimed in accordance with the applicant's Reclamation Plan submitted on September 12, 2018;
9. That the addresses be properly and continually posted at Entrance 3 so they are visible in both directions of the approach, in accordance with Pennington County's Ordinance #20;
10. That Emergency Contact information for the mining operation be kept updated with the Pennington County Emergency Services Communications Center;
11. That the location address and related information be updated and maintained in third-party mapping services for the mining operation;
12. That an Emergency Response Plan be developed for the mining operation and reviewed by the Pennington County Fire Administrator within sixty (60) days;
13. That the hours of the mining operation be from 6 a.m. to 5 p.m. Monday through Saturday;
14. That the applicant submit surety and/or bond in the amount of the cost estimate submitted to and approved by the Planning Director to reclaim no less than ten (10) acres;
15. That if there is a proposed change in operation from this Mining Permit, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;
16. That the applicant sign a Statement of Understanding within ten (10) business days of Mining Permit approval, which is available at the Planning Office; and,
17. That this Mining Permit be reviewed in five (5) years from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.

All voting, the Motion carried 5 to 2. Roll Call Vote: Commissioners Marsh, Drewes, Coleman, Lasseter, and Johnson voted yes. Commissioners Runde and Rivers voted no.

7. ADJOURNMENT

Moved by Coleman and seconded by Johnson to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 8:10 p.m.

Travis Lasseter, Chairperson