

ORDINANCE NO. 450-D

**AN ORDINANCE AMENDING ORDINANCE NO. 450
THE EMPIRE TOWNSHIP MINERAL EXTRACTION ORDINANCE**

The Board of Supervisors of Empire Township Ordains the Following Amendments to Ordinance No. 450:

SECTION I. Section 8.01B. Termination is amended in its entirety to read:

8.01B. Upon a violation of a condition under which the permit was issued, but only after the Township has first provided written notice to the operator (and the landowner, if different from the operator), describing with particularity the specific violation(s) and the steps necessary to cure the violation(s). Excepting threats to public health, safety and welfare or violations with simple remedy, the operator shall have a period not exceeding thirty (30) consecutive days to cure the specific violation(s). If the 30-day remedy period overlaps with or occurs within a period of seasonal shutdown, and the violation(s) are not easily remedied or do not pose a threat to public health, safety and welfare, the 30-day period may be extended to include the seasonal shutdown period. Upon notice of violation(s) which may threaten the public health, safety and welfare or are easily remedied, the operator shall respond promptly and cure the violation(s) in the shortest reasonable timeframe.

SECTION II. Section 11.03 Fees is amended in its entirety to read:

11.03 The following fee schedule is established for the issuance and renewal of mineral extraction permits:

MINERAL EXTRACTION FACILITY

Mineral extraction facility non-refundable application fee	\$2500.00
Application review escrow fund	\$5000.00
Environmental review escrow (requires development contract)	varies

Annual renewal fees (due before March 31st of each permit year)

Renewal fees are intended to cover the cost of permit administration, inspections, groundwater and surface water mitigation and monitoring requirements. Estimated expenditures for groundwater and surface water monitoring is illustrated on the attached Appendix A.

Sales of less than 25,000 tons	\$500.00
Sales of 25,001 to 50,000 tons	\$1000.00
Sales of 50,001 to 75,000 tons	\$1500.00
Sales of 75,001 to 100,000 tons	\$2,000.00

Sales of 100,001 to 125,000 tons	\$2,500.00
Sales of 125,001 to 150,000 tons	\$3,000.00
Sales of 150,001 to 175,000 tons	\$3,500.00
Sales of 175,001 to 200,000 tons	\$4,000.00
Sales of 200,001 to 250,000 tons	\$5,000.00

Sales of each 50,000 tons over 250,000 Additional \$1,000.00

The calculation of sales tonnage shall be based on the annual aggregate material summary prepared by Dakota County.

SEASONAL MINERAL EXTRACTION FACILITY

Seasonal mineral extraction facility non-refundable application fee	\$1000.00
Application review escrow fund	\$3000.00

Subsequent renewal fees (due before March 31st of subsequent permit year):

Renewal fees are intended to cover the cost of permit administration, inspections, mitigation requirements, and monitoring requirements.

Sales of less than 25,000 tons	\$500.00
Sales of 25,001 to 50,000 tons	\$1000.00
Sales of 50,001 to 75,000 tons	\$1500.00
Sales of 75,001 to 100,000 tons	\$2,000.00
Sales of 100,001 to 125,000 tons	\$2,500.00
Sales of 125,001 to 150,000 tons	\$3,000.00
Sales of 150,001 to 175,000 tons	\$3,500.00
Sales of 175,001 to 200,000 tons	\$4,000.00
Sales of 200,001 to 250,000 tons	\$5,000.00

Sales of each 50,000 tons over 250,000 Additional \$1,000.00

The calculation of sales tonnage shall be based on the annual aggregate material summary prepared by Dakota County.

SECTION III. Section 15 Violations and Penalties is amended in its entirety to read:

15.01 CIVIL REMEDY. In the event of a violation of this Ordinance, the Township may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct or abate such violations or threatened violations, and the Township Attorney may institute such action.

15.02 CRIMINAL REMEDY. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any of the provisions of this Ordinance or who shall make any false statement in any document required to be

submitted under the provisions of this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law. Each day that a violation continues shall constitute a separate offense.

SECTION IV. Effective Date. The effective date of this Ordinance shall be upon its passage and publication according to law.

Ordinance No. 450-D was adopted this _____ day of _____, 2007.

ATTEST:

Terry Holmes, Chair

Kathleen B. Krippner, Clerk-Treasurer

Published in the Farmington Independent on _____, 2007.

EMPIRE TOWNSHIP

**Mineral Extraction Groundwater and Surface Water
Mitigation and Monitoring Plan
Estimated Costs**

March 2007

Initial One-time Monitoring Costs:

Area-wide Monitoring Well Nests (5 nests)	\$70,000.00
Water Level/Temperature Monitoring Devices	\$20,500.00
Flow Gauging/Automated Water Quality Station	\$30,000.00
Rain Gauges	<u>\$3000.00</u>
Total	\$123,500.00
Bid Documents, Contingencies, Administration (15%)	\$18,525.00
WQ Station Upgrade Every 10 Years (50% Original)	<u>\$45,000.00</u>

Total One-time Costs **\$187,025.00**

Average Annual Monitoring Costs:

Contract Monitoring, Sampling, Recording, Reporting	\$40,500.00
Township Review, Analysis, Coordination, Administration	<u>\$6075.00</u>
Total	\$43,500.00

Average Annual Costs: **\$46,575.00**

Estimated 40-year Monitoring Costs (2007 Dollars) **\$2,050,025.00**

Sources: "Groundwater and Surface Water Monitoring Plan," Barr Engineering Company, February 2007; Ray Wuolo, Barr Engineering Company, March 2007