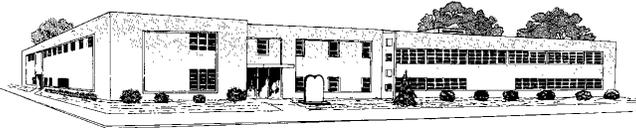


MOWER COUNTY

AUSTIN, MINNESOTA

55912



March 31, 1992

Minutes of the Mower County Planning Commission Regular Meeting

Members Present: Keith Voorhees, Gary Nemitz, Don Olson, Herb Hanson, Greta Kraushaar

Members Absent: Gary Braaten, MeriJo Lonergan, Bob Werner, Oliver Hillier

Others Present: William Buckley, Daryl Franklin, Katie Losness-Larson

Chair Hanson called the meeting to order at 2:09 p.m. on Tuesday, March 31, 1992, in the Commissioner's Conference Room of the Mower County Courthouse in Austin, Minnesota. The minutes of the February 25, 1992, meeting were approved as mailed on a motion by Mr. Nemitz, seconded by Ms. Kraushaar and passed unanimously.

Citizens to Address the Commission on Land Treatment of Petroleum Contaminated Soils: Bob Capelle, Frankford Township, told the Commission that the citizens gathered have questions about land treatment of contaminated soils that need to be resolved. Their concern arose after potentially having a multiple-application facility in their township.

Chair Hanson stated that the property being referred to, the Wheeler property, was proposed to be purchased for the purpose of treatment of petroleum impacted soil, which resulted in a large turnout at a town board informational meeting. There are currently no township or county ordinances regulating this use; only the Minnesota Pollution Control Agency (MPCA) regulations and permitting process. Ultimately, the Wheeler site was deemed unsatisfactory for this use but the concern remains.

Kris Coe, MPCA, stated that the PCA has a review process for determining appropriate sites for land treatment. For single application sites, the soil survey is reviewed. At this time, they do not require soil borings but may in the future. Multiple-application sites, such as that proposed on the Wheeler site, require soil borings.

Howard Douglas, citizen, stated that in Frankford Township the soils and geology (Karst) is so much different than in other parts of the county. They feel the risk of contamination is greater because of this but also in part because there are more livestock farmers than crop farmers. Therefore, they need special attention. He has researched this issue and feels that it would be detrimental to livestock farming. It is not regulated to the

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degree they feel it should be.

Naomi Johnson, citizen, read letters from State Senator Duane Benson, expressing concern about land treatment to MPCA Commissioner Chuck Williams who responded that the MPCA has standards for determining the appropriateness of sites for land treatment.

Ray Capelle, citizen, stated that had this facility been approved it would have affected the groundwater and waters of Bear and Deer Creeks. Howard Douglas again expressed concern about water quality contamination affecting livestock.

Lori Mueller, citizen, questioned why Mr. Franklin had told her that this was not a zoning issue. She reviewed Section 14-48 of the Zoning Ordinance which she feels shows that a study should be done to determine whether this should be a permitted, conditional or prohibited use. She also said there are legitimate questions regarding the testing procedures which are done by consultants hired by the landowner and not the government. She would like to see it become a conditional use so that public hearings would have to be held.

Bill Buckley, Environmental Health Director, told the group that he doesn't think it is necessary for the county or township to regulate it as the MPCA already does. The PCA's safeguards are protection enough and the townships and county are notified by the PCA. He feels those regulations have worked in the past.

Bob Barsch, citizen, expressed concern that since Olmsted County's townships are all starting to regulate land treatment, he fears Mower County will start getting Olmsted's contaminated soils. He doesn't think we should be treating any more than we produce in our county. He also thinks further research needs to be done. Naomi Johnson stated that five years of study is not long enough to really know the effects of land treatment. Mr. Barsch also expressed concern that there may be lead in the contaminated soils from leaded gasoline.

Kris Coe presented a slide show with information as to where contamination can occur (underground storage tanks at gas stations, pipeline breakages, train derailments, truck accidents, above ground storage tanks) and how when land spread, it breaks down into carbon and water. The MPCA requires sites to have nearly level land (below 6% slope), organic soils, a distance of 100 feet from any surface water, four foot separation from groundwater (eight foot separation if soils are sandy) and that contaminated soils be land spread no more than four inches thick.

Ron Skjevland, citizen, questioned whether a potential land spreader applies for a permit to the county, township or MPCA. Ms. Coe stated that they apply directly to the MPCA who in turn

notifies the township and county. She stated that they have not approved an inappropriate site. Ms. Coe proceeded to show figures relating to the breakdown of the contaminated soil - in as little as three months some sites show no detectable level of petroleum. She noted that gasoline breaks down faster than fuel oil.

Chair Hanson pointed out that if land spreading became a conditional use, the Planning Commission and County Board would rely on the PCA staff and Mr. Buckley to recommend and provide information. It is these people who are recommending that the PCA regulations are adequate. Therefore, he isn't sure we need an ordinance at the county level.

There was some discussion as to whether the final say would still remain with the State even if the county passes an ordinance. Mr. Nemitz questioned whether we need or want another layer of government involved. Mr. Olson agreed, stating that the PCA is the entity with the expertise in this matter.

After some discussion, Ms. Kraushaar stated that she feels more information is needed, particularly as to what the townships and County of Olmsted are doing. It was also suggested that the citizens' group submit a list of proposed conditions for land treatment sites for review prior to the next meeting. Therefore, she made a motion to table the discussion until next month's regular meeting, April 28, 1992. The motion was seconded by Mr. Nemitz and passed unanimously.

Discussion of Proposed Soil Erosion Ordinance: Lowell Franzen, Mower County Soil and Water Conservation District was present to review the proposed soil erosion ordinance but felt that it would be better to wait until more Planning Commission members are present. Therefore, Mr. Olson made a motion to table this request until the April 28, 1992, meeting. The motion was seconded by Ms. Kraushaar and passed unanimously.

Mr. Franklin notified the Commission that the City may be initiating a dissolution of the joint city/county planning department. The Commission agreed that April's meeting should be the first meeting back into the summer schedule of evening meetings (8:00 p.m.).

There being no further business to discuss, the meeting adjourned at 4:00 p.m. on a motion made by Ms. Kraushaar, seconded by Mr. Olson and passed unanimously.

Respectfully submitted,


Katie Losness-Larson