



CITY OF SAINT PAUL

*Christopher B. Coleman, Mayor*

*Civil Division*

*400 City Hall*

*15 West Kellogg Blvd.*

*Saint Paul, Minnesota 55102*

*Telephone: 651 266-8710*

*Facsimile: 651 298-5619*

September 18, 2017

**NOTICE OF COUNCIL HEARING**

David M. Aafedt  
Winthrop Weinstine  
Capella Tower  
225 South Sixth Street, Suite 3500  
Minneapolis, MN 55402-4629

RE: Recycling Processing Center license held by Strategic Materials, Inc. d/b/a Strategic Materials for the premises located at 195 Minnehaha Avenue East in Saint Paul  
License ID #: 20100003436

Dear Mr. Aafedt:

Please take notice that this matter has been set on the Public Hearing Agenda for the City Council meeting scheduled on **Wednesday, October 4, 2017 at 5:30 p.m.**, in the City Council Chambers, Third Floor, Saint Paul City Hall and Ramsey County Courthouse, 15 West Kellogg Boulevard, St. Paul, MN 55102.

Enclosed are copies of the resolution and settlement agreement which will be presented to City Council for their consideration.

Sincerely,

Therese Skarda  
Assistant City Attorney


Cc: Dan Niziolek, DSI Deputy Director  
Eric Hudak, DSI Licensing Manager  
LauraSue Schlatter, Administrative Law Judge, Office of Administrative Hearings, P.O. Box 64620  
St. Paul, MN 55164-0620  
Joseph Windler (via email)

Enclosures: Settlement Agreement  
Settlement Resolution

## Settlement Agreement

1. SMI shall employ best management practices ("BMP") for control of avoidable dust, odor and noise coming from the plant in accordance with the 8/21/2014 document prepared by Strategic Materials, titled Northeast Operations/St Paul NOV Improvement Strategy and will continue to monitor and evaluate the effectiveness of the BMP's making adjustments as necessary to ensure effectiveness of these controls.
2. SMI shall maintain continued, uninterrupted compliance with all applicable state laws and rules, including, but not limited to, those contained in Chapter 7007 of the Minnesota Administrative Rules and with the corrective action plans submitted in the May 13, 2016 letter from SCS Engineers to the MPCA, specifically corrective actions 1, 4 and 6. The City acknowledges that it does not have the authority to determine that SMI violated applicable state laws and rules, including but not limited to those contained in Chapter 7007 of the Minnesota Administrative Rules, and that the City cannot take action against SMI under this paragraph unless the violation has been established and there is no further right of appeal.
3. SMI shall implement and continually maintain reasonable operating procedures and processes that minimize the migration of avoidable dust, debris, other materials, or odor off the licensed premises. Such reasonable procedures and processes include, but are not limited to, maintenance of properly fitted and functional chute covers on all conveyors that dispense material from the interior of building to any exterior bunker and a sprinkler system that perpetually moistens the exposed layer of any material stored within exterior bunkers. It is expressly understood that the migration of dust, debris, other materials, or odor may occur due to no negligence of SMI. It is further expressly understood that SMI's facility is in an area zoned "12," which section 66.513 of the St. Paul City Code describes "12" as "general industrial district is intended primarily for manufacturing, assembling and fabrication activities, including large scale or specialized industrial operations whose external effects will be felt in surrounding districts. The 12 district is intended to permit the manufacturing, processing and compounding of semi-finish products from raw material and prepared material." Finally, it is expressly understood that even though SMI's facility is located in an area zoned "12", it must fully comply with section 310 of the St. Paul City Code.
4. SMI shall maintain accurate, up-to-date records of required safety and emission controls including, baghouse filter changes, pressure in the baghouse, and baghouse maintenance.
5. SMI shall use its best efforts to operate the onsite building with all doors and windows closed during active processing activity. However, it is expressly understood and agreed that SMI must (and is allowed to) open and close doors as necessary to allow vehicles in and out as part of SMI's operations, as well as to ensure its compliance with workplace safety requirements, including those established by the Minnesota Department of Labor and Industry – Occupational Safety and Health Administration. SMI will implement and maintain reasonable operating procedures to prevent nuisance dust migration off the site due to open doors.
6. SMI shall post and strictly enforce a 5 mile per hour speed limit throughout for all vehicle movement areas on licensed premises.
7. Receiving of unprocessed materials (3 Mix) shall be limited to the hours between 6:00 a.m. and 4:00 p.m. Monday through Friday. No materials shall be received on Saturday or Sunday, except as necessary during holiday weeks, during which it may be necessary to receive materials on Saturday or Sunday, or before 6:00 a.m. and after 4:00 p.m. Monday through Friday.
8. Railcar loading shall take place in a structure that provides a barrier against dust migration from the rail car to the ground.

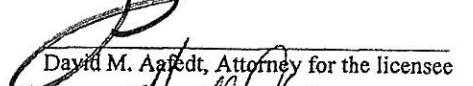
9. SMI shall submit a new site plan to DSI for review and approval by September 18, 2017 and demonstrate continuous, timely progress when implementing the site plan.
10. SMI shall comply with its City approved site plan.
11. SMI shall pay a \$1,000 penalty.

  
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Dan Niziolek, Deputy Director of DSI

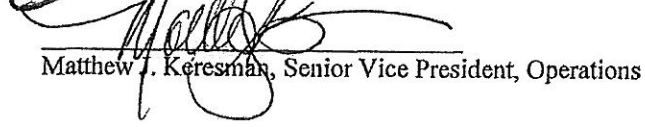
8/29/17  
\_\_\_\_\_  
Date

  
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~~Therese Skarda, Assistant City Attorney~~

8/28/17  
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Date

  
\_\_\_\_\_  
David M. Aafedt, Attorney for the licensee

9/6/17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Matthew J. Keresman, Senior Vice President, Operations

9/6/17  
\_\_\_\_\_  
Date

STATE OF MINNESOTA)  
 ) ss.

**AFFIDAVIT OF SERVICE BY U.S. MAIL**

COUNTY OF RAMSEY )

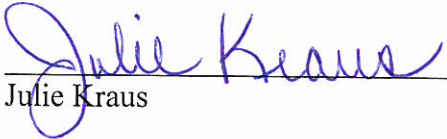
Julie Kraus, being first duly sworn, deposes and says that on the 18<sup>th</sup> day of September she served the attached **NOTICE OF COUNCIL HEARING with SETTLEMENT AGREEMENT** and a correct copy thereof in an envelope addressed as follows:

David M. Aafedt  
Winthrop Weinstine  
Capella Tower  
225 South Sixth Street, Suite 3500  
Minneapolis, MN 55402-4629


LauraSue Schlatter  
Administrative Law Judge  
Office of Administrative Hearings  
P.O. Box 64620  
St. Paul, MN 55164-0620

Joseph Windler (via email)

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

  
\_\_\_\_\_  
Julie Kraus

Subscribed and sworn to before me  
this 18<sup>th</sup> day of September, 2017

  
\_\_\_\_\_  
Notary Public

