

Mid-State Materials Conditions

1. The operator shall follow all items of the submitted Development Plan including hours of operation, proposed dust mitigation, proposed noise mitigation, proposed stormwater runoff mitigation (including an approved Stormwater Pollution Prevention Plan), and proposed light mitigation.
2. As part of the Development Plan, the Applicant shall provide a dust control plan which describes the precautions and maintenance activities the Operator will undertake to prevent fugitive dust contamination from the site and on the designated haul route to the site, including spray bars and other dust control best management practices. The Operator will implement the dust control plan. The dust control plan may be modified by County if the existing dust control plan does not adequately address issues of dust control.
3. A pre-excavation seismology study shall be conducted at the property boundaries and at any residence within 1,000 feet that requests it prior to the commencement of quarrying operations. Notice of this study shall be mailed to all property owners within 1,000 feet of the proposed quarry. Further a copy of the study shall be provided to the Office of Planning and Zoning to be maintained in the file and a copy shall also be maintained on site.
4. The operator shall adhere to the following blasting requirements:
 - a. Blasting shall only be set in sequential delays
 - b. No blasting shall occur before 8.00AM or after 4.00PM
 - c. No fly rock shall leave the property
 - d. A signaling system shall be used to alert people in the neighboring vicinity
 - e. No explosives will be set in the ground overnight unguarded
 - f. The Operator shall obtain the timing and locations of bus routes adjacent to the quarry site. Blasting shall not occur fifteen minutes prior to or following the presence of a school bus adjacent to the quarry site
5. The operator shall adhere to the development and reclamation proposals submitted as part of this application and that no more than 40 acres shall be open, mined, and extracted at any one time on the quarry site, exclusive of the proposed staging area in Figure 2 of Mid-State Materials' application. Additionally, no more than ten acres shall be open, mined, and extracted in any subsequent phase until reclamation is completed on the previous phase.
6. The mining area shall be fenced or bermed, and the operator shall maintain the fencing or berms
7. The operator will work with utility companies to ensure the safety and integrity of utility infrastructure located within operator's proposed mining area(s), and any mining operations, including, but not limited to, blasting and driving vehicles

over utility infrastructure, will remain outside of 500 feet from any utility easements and/or infrastructure until written agreement from the utility company(ies) to do so, which shall not be unreasonably withheld, is obtained by the operator.

8. All loads shall be covered when leaving the site, and Operator is responsible for spillage and cleanup of aggregate within one mile of the plant site
9. The following setbacks shall be adhered to:
 - a. 100 feet from non-applicant property lines
 - b. 50 feet from all public rights-of-way
 - c. 1,000 feet from all non-participating dwellings, unless written agreement is obtained by the operator
10. The County and operator enter into a road maintenance agreement that addresses the following:
 - a. Designation of an entrance located on Reves Rd
 - b. Designation of haul routes
 - c. Improvements to Reves Rd that allow for safe access to the quarry entrance, and proposed improvements shall be approved by the County Engineer
 - d. Dust control measures
 - e. The operator repair any fences damaged by the road project
 - f. Future maintenance of Reves Rd and other County roads designated as haul routes. Operator's obligations to the future maintenance of County roads shall be commensurate with their impact.
11. A reclamation bond, letter of credit, surety bond, or other approved financial assurance, shall be provided. The amount of which shall be established based on engineering or contractor estimates for reclamation of the mined area, or area proposed to be mined, as shown on the submitted reclamation proposals as part of this application.
12. Design of all stormwater ponds shall be reviewed and approved by County Engineer prior to construction, and operator shall provide documentation of all sediment removal from said ponds, if necessary. The design of the stormwater detention ponds shall address, at minimum, a 25-year storm event, however, if the County Engineer believes an additional protection from heavier storm events is necessary, Operator shall comply with the County Engineer's requirements.
13. Copies of all KDHE inspection reports shall be submitted to the County by the operator upon receipt.
14. The site shall not be utilized, temporarily or permanently, by the Operator as a landfill or for the disposal of commercial, household, or hazardous waste materials.
15. The conditional use permit shall be subject to review by Planning Commission every five (5) years following the initial issuance of the Conditional Use Permit. The review shall not be considered a new application. The Planning Commission may consider compliance by the Operator with the provisions of the CUP and compliance by the Operator with any local, state, or federal regulations, including

KDHE regulations during their review. Planning Commission may recommend to County Commission that a formal hearing be conducted to rescind the CUP if found to be deficient in any of the areas above.

16. County Staff may enter the site and inspect the premises, as needed. However, an inspection shall occur not less than once every three months. Inspections shall evaluate compliance with the conditions imposed with the permit. If the operation is found to be in violation, the permit may be rescinded according the provisions of Article 10.4 of the Unified Development Regulations. Written notice detailing violations and corrective measures to the Operator shall be provided 60 days in advance of a public hearing.
17. The Operator will comply with all KDHE requirements and recommendations for the operation of a rock quarry. Where CUP conditions are more restrictive than KDHE regulations or requirements, the more restrictive CUP conditions will control
18. Inoperable motor vehicles or construction equipment shall not be openly stored on site, nor shall they be allowed to stand within the mining areas or stockpile areas.