

Conditions of Approval:

1. This Amended Conditional Use Permit replaces all previous Conditional Use Permits and Amended Conditional Use Permits that may have been granted by either the City of Mankato, Lime Township or Blue Earth County that pertain to the Property. All previous Conditional Use Permits and Amended Conditional Use Permits that may have been granted by either the City of Mankato, Lime Township or Blue Earth County that pertain to the Property are hereby revoked.
2. The findings are hereby adopted and incorporated herein.
3. The Lime Township Board shall receive the facility manager's contact information and any changes to the individual or contact information shall be forwarded to the Township Board.
4. Applicant shall obtain all required permits and other approvals from the Minnesota Pollution Control Authority (MPCA), any other state, county or federal agency, and from the Lime Town Board prior to the commencement of operating the demolition landfill facility (Facility). Applicant shall maintain all required permits and approvals for the operation of the Facility during the term of this Amended Conditional Use Permit.
5. Applicant shall provide to the Township copies of any monitoring reports and results that are required as part of its MPCA permits or approvals.
6. Applicant shall receive final approval from Blue Earth County for the stormwater ponds and drainage plans and specifications and provide a copy of the approval to the Lime Township Board. The stormwater ponds and drainage plans and specifications once approved by Blue Earth County, shall become part of the "Approved Plans". Applicant, at its sole expense, shall construct those stormwater improvements as detailed in the plans and specifications approved by Blue Earth County prior to operating the Facility. Applicant and its successor or assigns as fee owner of the Property shall be responsible for maintaining the stormwater improvements and for observing all drainage laws governing the operation and maintenance of the stormwater improvements. Applicant shall complete inspections of the stormwater improvements at least once annually and shall keep record of all inspections and maintenance activities and submit such records to the Township upon request. Maintenance activities may consist of removal of sediment and re-establishment of plantings, noxious weed removal, debris removal, actions stated in the plans and specification approved by Blue Earth County and other documents. The cost of all inspections and maintenance shall be the obligation of the Applicant and its successors or assigns as the fee owner of the Property.
7. Any modifications to Property access will require additional review and prior written approval by the Township Board.
8. Applicant shall seek written approval from Blue Earth County on septic and well compliance prior to applying for a land use development permit. Applicant, at its sole

expense, shall construct those septic and well improvements as detailed in the plans and specifications approved by Blue Earth County prior to operating the Facility. The septic and well plans and specifications once approved by Blue Earth County, shall become part of the “Approved Plans”.

9. Applicant shall file with the Lime Township Clerk by January 15th of each year a statement stating that they are in compliance with the conditions of the Amended Conditional Use Permit. Failure to do so may be a basis for revocation of the Amended Conditional Use Permit.
10. This Amended Conditional Use Permit is specifically issued to construct and operate an existing demolition landfill facility (Facility) with an increased capacity to accommodate a modern landfill design consisting of a synthetic liner, leachate collection system, and synthetic cap as described in the “Lime Township Conditional Use Permit (CUP) Narrative” (Narrative) which is attached hereto as Exhibit A and incorporated herein by reference.
11. The Facility shall be operated according to the approved Narrative, approved MPCA solid waste facility permit, and the following plans:

- [List Plans]

- Narrative
- Solid Waste Management Plan Dem-Con Pilgrim Landfill (SW-254)

all on file with the Township and incorporated herein by reference, collectively the (Approved Plans). Any modifications to the Approved Plans must be reviewed and approved in writing by the Lime Township Board. If the Approved Plans differ from the MPCA permit and approvals, whichever is more restrictive would apply, unless otherwise agreed to in writing by the Lime Township Board.

12. Failure to obtain or maintain any required MPCA permits or approvals shall be grounds for termination of the Amended Conditional Use Permit.
13. The daily hours of operation at the Facility shall be limited to 6 a.m. to 7 p.m. Monday through Friday and 7 a.m. through 5 p.m. on Saturday or as stated in any permits or other approvals issued by the Minnesota Pollution Control Agency, whichever or more restrictive, unless otherwise agreed to in writing by the Lime Township Board. Additional hours may be granted for time sensitive projects with the written consent of the Lime Township Board. No operations are permitted on Sundays and holidays without written approval of the Lime Township Board.
14. Applicant shall comply at all times with the Industrial Solid Waste Management Plan Dem-Con Pilgrim Landfill (SW-254) which is attached hereto as Exhibit B and incorporated herein by reference regarding items that the Facility will be accepting and rejecting unless otherwise agreed to in writing by the Township Board.

15. Noise levels at the Facility shall adhere to Minnesota Rules 7030.
16. No hazardous waste or waste that can combust shall be accepted at the Facility.
17. All employees working at the Facility shall comply with the MPCA's landfill operator training certification program. Employees shall also complete any required MPCA continuing education requirements to maintain the employee's certification.
18. All outside storage shall be located as permitted by the Lime Township Zoning Ordinance and shall be screened, fenced, or landscaped as shown on the Approved Plans. Any dead or dying plants shall be removed and replaced.
19. The Lime Township Board may conduct an annual review of the business to ensure that the Property is in compliance with the Amended Conditional Use Permit conditions.
20. Applicant shall pay an annual inspection fee for the Amended Conditional Use Permit, if and when, the Lime Township Board adopts an inspection fee ordinance.
21. All signage on the Property shall comply with the Lime Township Zoning Ordinance.
22. The Property shall be maintained in a neat and orderly manner.
23. Applicant shall procure, at its own expense, all permits, licenses, or other rights required for the provision of the services and operations contemplated by this Amended Conditional Use Permit.
24. Applicant shall at all times comply with all Federal, State, County and Township statutes, ordinances, rules, regulations and permits regarding the use of the Property.
25. If any provision(s) of this Amended Conditional Use Permit is determined to be unenforceable by a court of competent jurisdiction, the remaining provisions shall remain valid and enforceable.
26. Issuance of this Amended Conditional Use Permit does not release Applicant, its successors and assigns, from any applicable obligation, duty, liability, or penalty imposed by law, statute, ordinance, rule, or regulation, except the obligation to obtain this Amended Conditional Use Permit.
27. The issuance of this Amended Conditional Use Permit does not create, and Lime Township do not assume, any liability for damages to persons, property or the environment caused by the activities of the Applicant, its successors and assigns, on the Property, including any activities or operations undertaken pursuant to this Amended Conditional Use Permit.
28. All production equipment used on the Property will be designed to meet the Federal and MPCA noise standards at the nearest receptor. Applicant will be immediately notified in

the event Lime Township receives a complaint regarding noise generated by operations. Applicant shall address all noise violations within 24 hours and report back to the Lime Township Board.

29. Applicant shall exercise its best efforts to control noise to minimum practical levels. Backup horns, bells, strobe lights, and other warning devices shall be adjusted to the minimum level required by law. Further, Applicant shall use broadband or white noise backup alarms on all of its mobile equipment.
30. Dust control measures shall be applied as necessary to control fugitive dust on the Property.
31. Applicant's, its successors, and assigns, use of the Property shall not create or constitute a public nuisance.
32. Applicant shall inspect 231st Lane and CSAH 5 (3rd Avenue) on a weekly basis and shall conduct a monthly inspection of the Property for scattered waste.
33. Downward lighting shall be used at sunset and during the evening to prevent light pollution to surrounding neighboring properties.
34. Applicant shall provide access to the Property at all reasonable times to the Township or its representatives for purposes of inspection to insure compliance with the terms of this Amended Conditional Use Permit. The Property and operations shall be available for inspections by the authorized Township inspectors within normal business working hours upon reasonable advance notice to the Applicant. Any inspectors must identify themselves to an employee of the Applicant before entering onto the Property and must be escorted by an employee of the Applicant at all times to ensure the safety of the inspectors.
35. Violation of the terms of this Amended Conditional Use Permit shall be subject to all remedies and prosecution available to the Township including, but not limited to, revocation of this Amended Conditional Use Permit.
36. Applicant, its successors, and assigns, shall reimburse the Township for all administrative, legal, and professional costs incurred in the consideration of this Amended Conditional Use Permit Request and any costs of enforcement of this Amended Conditional Use Permit. Applicant agrees to pay all such costs within 30 days of billing by the Township. Bills not paid within 30 days of billing by the Township shall accrue interest at the rate of 6% per year. Further, if Applicant fails to pay said amounts within the time permitted, the Township may specially assess such costs against the Property. Applicant by accepting this Amended Conditional Use Permit knowingly and voluntarily waives any and all rights to appeal any certification/assessment under any applicable statutes, the Constitution, and case law.

37. New or revised Facility operations on the Property, which are consistent with Township ordinances and all required MPCA approvals, may be considered through established review procedures and may be authorized by the Township by amending this Amended Conditional Use Permit.
38. This Amended Conditional Use Permit shall become null and void, and the use shall be deemed abandoned, if the use authorized by this Amended Conditional Use Permit is not commenced within one year of the date of approval by the Township Board, or if the use of the Property ceases or is discontinued for a continuous period of one (1) year (365 days) or more.