



Silica Sand Update

**MACPZA Annual Conference
October 4, 2013**

**Jeff Smyser, AICP
Principal Planner**



Current EQB personnel:

Will Seuffert

Executive Director

Kate Frantz

Principal Planner

Jeff Smyser

Principal Planner

Silica sand history:

Great increase in demand for sand

Mining in Wisconsin, citizenry in Minnesota alarmed

Citizens requested Generic Environmental Impact Statement (GEIS)

Legislature did not fund a GEIS





Environmental Quality Board

Report on Silica Sand

Final Report

March 20, 2013

This Document can be made available
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **976**

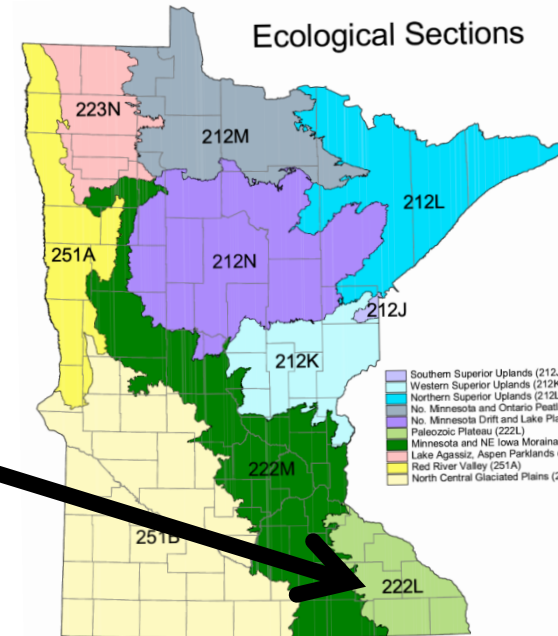
- 02/28/2013 Authored by Wagenius, Atkins, Hansen and Poppe
The bill was read for the first time and referred to the Committee on Rules and Legislative Administration
- 03/06/2013 Adoption of Report: Pass and re-referred to the Committee on Environment, Natural Resources and Agriculture Finance
- 04/11/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Ways and Means
- 04/15/2013 Adoption of Report: Pass as Amended and Read Second Time
- 04/18/2013 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

(a.k.a. Laws of Minnesota for 2013 Chapter 114)



Sec. 66. [103G.217] DRIFTLESS PERMITS.

within “Driftless” area, also called the Paleozoic Plateau Ecological Section



new DNR setback permit required for silica sand mine within one mile of a designated trout stream



Sec. 91. [116C.99] SILICA SAND MINING MODEL STANDARDS AND CRITERIA.

- EQB develop model standards and criteria
- EQB assemble silica sand technical assistance team



Minnesota
STATE COLLEGES
& UNIVERSITIES



Sec. 92. [116C.991] ENVIRONMENTAL REVIEW; SILICA SAND PROJECTS.

for next two years, new mandatory EAW thresholds:

(1) silica sand mine that excavates 20 or more acres

****local government is RGU****

**(2) project designed to store or is capable of storing
more than 7,500 tons or**

annual throughput of more than 200,000 tons

MPCA is RGU



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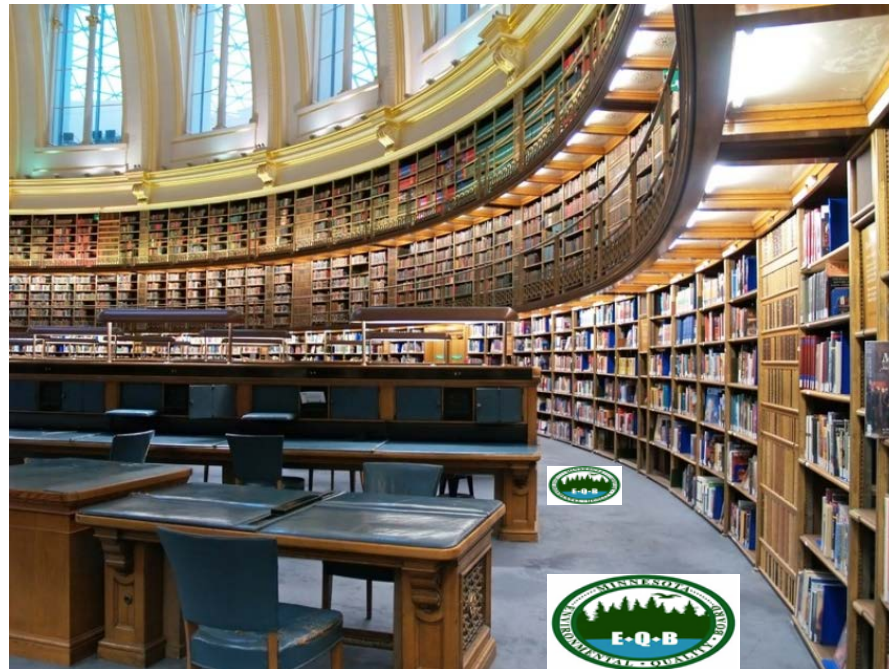
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MPCA is RGU



Sec. 93. [116C.992] TECHNICAL ASSISTANCE, ORDINANCE, AND PERMIT LIBRARY.

EQB create library of local government ordinances and permits for silica sand projects for reference by local governments



(just kidding)



Programs, projects, studies

- Environmental review program
- Water program
- Silica sand library
- All

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LIBRARY OF LOCAL GOVERNMENT ORDINANCES & PERMITS REGULATING SILICA SAND

This is a library of local government ordinances and permits that have been approved for the regulation of silica sand projects. It is created for reference by local governments. The library includes two types of documents. Most are excerpts of larger zoning ordinances, sections of the zoning ordinances that do or could apply to mining, processing, or transporting of silica sand. The second type of document is permits, approvals, or denials of specific projects.

Local ordinances

- [Blue Earth County Zoning Ordinance Excerpts](#): 10-1-2013 version, October 1, 2013. (626.35K, .pdf) | [Publication details](#)
- [Chisago County Mineral Extraction 02-1 Amend Sec. 7.27 of Zoning Ordinance](#): 10-1-2013 version, October 1, 2013. (63.26K, .pdf) | [Publication details](#)
- [Fillmore County Road Impact Agreement](#): 5-10-2013 version, October 1, 2013. (204.24K, .pdf) | [Publication details](#)
- [Goodhue County Interim Ordinance Silica Sand Moratorium Extension](#): 10-1-2013 version, October 1, 2013. (204.86K, .pdf) | [Publication details](#)
- [Hay Creek Twp Ordinance Amending Zoning Ordinance, Signed](#): 10-1-2013 version, October 1, 2013. (31.88K, .pdf) | [Publication details](#)
- [City of North Branch Zoning Ordinance excerpt](#): 10-1-2013 version, October 1, 2013. (399.76K, .pdf) | [Publication details](#)
- [City of Wabasha Interim Ordinance Silica Sand Moratorium](#): 10-1-2013 version, October 1, 2013. (135.49K, .pdf) | [Publication details](#)
- [City of Wabasha Zoning Ordinance excerpt](#): 10-1-2013 version, October 1, 2013. (4.13 M, .pdf) | [Publication details](#)
- [Wabasha County Zoning Ordinance Excerpts](#): 10-1-2013 version, October 1, 2013. (596.29K, .pdf) | [Publication details](#)
- [City of Woodbury Zoning Ord excerpt Ch 27 Div 7 ENVIRONMENTAL REVIEW](#): 10-1-2013 version, October 1, 2013. (220.26K, .pdf) | [Publication details](#)
- [City of Woodbury Zoning Ordinance Ch 18 Sand and Gravel SPECIAL USE PERMIT](#): 10-1-2013 version, October 1, 2013. (297.17K, .pdf) | [Publication details](#)

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Environmental Quality Board, 520 Lafayette Road North, Saint Paul, MN 55155

Sec. 94. Minn. Statutes 116D.04 amended:

EAW for a project that may need DNR groundwater appropriation permit, EAW must include assessment of water resources available for appropriation.



****Applies to all EAWs, not only those triggered by water appropriation category.****



New EAW form requires:

- **assessment of water resources and**
- **hydrogeological analysis required for new mandatory EAW for silica sand projects**

New EAW format for each EAW item -- description of:

- **existing resources**
- **project impacts**
- **mitigation**



New EAW Guidelines document is almost finished.

Sign up for notices on EQB webpage.





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 EQB Monitor


 Events and Meetings


 Genetic Engineering


 Mandatory Categories Rulemaking


 Media Releases


 Meeting Minutes and Agendas


 Minnesota River Study

 Pressing natural resources issues for the LCCMR

 Silica Sand Library

 Silica Sand Model Standards and Criteria

 Silica Sand Rulemaking

 Silica Sand Technical Assistance Team

this advertisement paid for by EQB

Sec. 105. RULES; SILICA SAND. *(rulemaking)*

- (a) MPCA: adopt rules pertaining to the control of particulate emissions from silica sand projects.**



**Minnesota Pollution
Control Agency**



Sec. 105. RULES; SILICA SAND. *(rulemaking)*

- (b) DNR: adopt rules pertaining to the reclamation of silica sand mines.



Sec. 105. RULES; SILICA SAND. *(rulemaking)*

- (c) Dept. of Health: adopt an air quality health-based value for silica sand**



Sec. 105. RULES; SILICA SAND. (*rulemaking*)

- (d) EQB: amend rules for environmental review, consider making new EAW thresholds permanent (see Sec. 92)**



Sec. 66. - trout stream setback permits for mining

Sec. 91. - model standards and criteria

- technical assistance team

Sec. 92. - new mandatory EAW thresholds

Sec. 93. - local govt. ordinance and permit library

Sec. 94. - assessment of water resources in EAWs

Sec. 105. - rules: MPCA, DNR, MDH, EQB



116C.99 SILICA SAND MINING MODEL STANDARDS AND CRITERIA.

...the Environmental Quality Board, in consultation with local units of government, shall develop model standards and criteria for mining, processing, and transporting silica sand. These standards and criteria may be used by local units of government in developing local ordinances.



- (1) recommendations for setbacks or buffers for mining operation and processing, including:**
 - (i) residence or residential zoning district**
 - (ii) property line or right-of-way line of existing or proposed street or highway**
 - (iii) ordinary high water levels of public waters**
 - (iv) bluffs**
 - (v) designated trout streams, Class 2A water as designated in the rules of the PCA, or any perennially flowing tributary of a designated trout stream or Class 2A water**

(1) recommendations for setbacks or buffers (cont.)

(vi) calcareous fens

(vii) wellhead protection areas as defined in section 103I.005

(viii) critical natural habitat acquired by the commissioner of natural resources under section 84.944

(ix) a natural resource easement paid wholly or in part by public funds



- (2) standards for hours of operation**
- (3) groundwater and surface water quality and quantity monitoring and mitigation plan requirements, including:**
 - (i) applicable groundwater and surface water appropriation permit requirements**
 - (ii) well sealing requirements**
 - (iii) annual submission of monitoring well data**
 - (iv) storm water runoff rate limits not to exceed two-, ten-, and 100-year storm events**



- (4) air monitoring and data submission requirements**
- (5) dust control requirements**
- (6) noise testing and mitigation plan requirements**
- (7) blast monitoring plan requirements**
- (8) lighting requirements**
- (9) inspection requirements**
- (10) containment requirements for silica sand in temporary storage to protect air and water quality**



- (11) containment requirements for chemicals used in processing**
- (12) financial assurance requirements**
- (13) road and bridge impacts and requirements**
- (14) reclamation plan requirements as required under the rules adopted by the commissioner of natural resources**



public input meetings on model standards and criteria:

Friday, October 25th

2:00 PM to 4:00 PM

Blue Earth County Library

100 East Main Street

Mankato, MN

Tuesday, October 29th

9:00 AM to 11:00 AM

St. Charles Community Center

830 Whitewater Avenue

St. Charles, MN

1:00 PM to 3:00 PM

Wabasha-Kellogg High School

Performing Arts Center

2113 Hiawatha Drive E.

Wabasha, MN

WANTED

**Local government staff input
on model standards**

contact:

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Thank you!

