

CHAPTER 114--H.F. No. 976; Sec. 105. RULES; SILICA SAND.

(d) The Environmental Quality Board shall amend its rules for environmental review, adopted under Minnesota Statutes, chapter 116D, for silica sand mining and processing to take into account the increased activity in the state and concerns over the size of specific operations. The Environmental Quality Board shall consider whether the requirements of Minnesota Statutes, section 116C.991, should remain part of the environmental review requirements for silica sand and whether the requirements should be different for different geographic areas of the state.

116C.991 ENVIRONMENTAL REVIEW; SILICA SAND PROJECTS.

(a) Until July 1, 2015, an environmental assessment worksheet must be prepared for any silica sand project that meets or exceeds the following thresholds, unless the project meets or exceeds the thresholds for an environmental impact statement under rules of the Environmental Quality Board and an environmental impact statement must be prepared:

(1) excavates 20 or more acres of land to a mean depth of ten feet or more during its existence. The local government is the responsible governmental unit; or

(2) is designed to store or is capable of storing more than 7,500 tons of silica sand or has an annual throughput of more than 200,000 tons of silica sand and is not required to receive a permit from the Pollution Control Agency. The Pollution Control Agency is the responsible governmental unit.

b) In addition to the contents required under statute and rule, an environmental assessment worksheet completed according to this section must include:

1. a hydrogeologic investigation assessing potential groundwater and surface water effects and geologic conditions that could create an increased risk of potentially significant effects on groundwater and surface water;
2. for a project with the potential to require a groundwater appropriation permit from the commissioner of natural resources, an assessment of the water resources available for appropriation;
3. an air quality impact assessment that includes an assessment of the potential effects from airborne particulates and dust;
4. a traffic impact analysis, including documentation of existing transportation systems, analysis of the potential effects of the project on transportation, and mitigation measures to eliminate or minimize adverse impacts;
5. an assessment of compatibility of the project with other existing uses; and
6. mitigation measures that could eliminate or minimize any adverse environmental effects for the project.

Red = statutory definition

Green = administrative rule definition

Blue = new silica sand definitions

Underlined = language change

~~Strikethrough~~ = removed language

Preliminary EQB EAW Thresholds:

- A. For development of a **silica sand project** for the extraction or **mining** of **silica-rich sandstones** that will result in 20 or more acres of **mine area** during the **project's** existence, **the local government unit is the RGU.**
- B. For development of a **silica sand facility**, ~~where no mining is present, under subitems (1) and (2), the PCA is the~~ **RGU** for the following:
 - (1) a **silica sand facility** designed to produce an annual **throughput** of 200,000 tons or more of **silica sand** or designed to store 7,500 tons or more of **silica sand**; or
 - (2) an the expansion resulting in a more than 50% increase in throughput of an existing silica sand facility designed to produce an annual **throughput** of 200,000 tons or more of **silica sand** ~~by a 50 percent or more increase in annual throughput.~~
- C. For development of a **silica sand project** for the extraction or **mining** of **silica-rich sandstones**, that requires a DNR trout stream setback permit and will result in fifteen or more acres of **mine area** during the **project's** existence, **the DNR is the RGU.**
- D. For development of a **silica sand project** for the extraction or **mining** of **silica-rich sandstone** that will result in two or more acres of **mine area** in a forested or other naturally vegetated land in a **sensitive shoreland area**, or ten (10) or more acres of **mine area**, during its existence, in a forested or other naturally vegetated land in a non-sensitive **shoreland area**, **the local government unit is the RGU.**

Preliminary EQB EIS Thresholds:

- A. For development of a **silica sand project** for the extraction or **mining** of **silica-rich sandstones** that will result in 80 or more acres of **mine area** during the **project's** existence, **the local government unit is the RGU.**
- B. For development of an **underground silica sand mine**, **the local government unit is the RGU.**