

MINNESOTA ENVIRONMENTAL QUALITY BOARD MEETING MINUTES

Wednesday, March 19, 2014
Council Chambers/Boardroom
151 4th Street
Rochester, MN 55904

EQB Members Present: Dave Frederickson, Mike Rothman, John Saxhaug, Charlie Zelle, Kristen Eide-Tollefson, Tom Landwehr, Julie Goehring, Brian Napstad, John Linc Stine,

EQB Members Absent: Kate Knuth, Erik Tomlinson, Katie Clark-Sieben, Spencer Cronk, Dr. Ed Ehlinger, Sandy Rummel (Met Council)

Staff Present: Will Seuffert (EQB), Jeff Smyser (EQB), Kate Frantz (EQB), Megan Eischen (EQB), Caroline Magnuson (EQB), Erik Dahl (EQB), Anna Henderson (EQB), Leah Hedman, Attorney General's Office

Chair Dave Frederickson called the meeting to order.

I. Adoption of Consent Agenda and Minutes

A motion to adopt the Consent Agenda and approve the February 19, 2014, meeting minutes was made and seconded.

II. Introductions

III. Chair's Report

Chair Dave Frederickson shared how the meeting will proceed. The Environmental Quality Board (EQB) will present their findings for the "Tools to Assist Local Governments in Planning for and Regulating Silica Sand Projects", Model Standards and Criteria. This is a requirement put to the Board by the Legislature.

IV. Executive Director's Report

Executive Director, Will Seuffert, informed the audience that there are a limited number of hard copies available, but it is available online at the EQB website: <http://www.eqb.state.mn.us/>. He thanked those who will be participating in the dialogue; your commitment is appreciated. This document does not address all issues brought up; developing this document is just one part.

Note to members: The April meeting has been moved to April 24th.

V. Approving "Tools to Assist Local Governments in Planning for and Regulating Silica Sand Projects", Model Standards and Criteria

Presenter: Jeff Smyser, EQB Policy Programs Lead

Minnesota Statutes §116C.99, Subd. 2 requires that the EQB must develop model standards and criteria for mining, processing, and transporting silica sand. The standards and criteria are intended to be useable by local units of government in developing local ordinances and are to be different for different geographic areas of the state: specifically, southeastern Minnesota and the Minnesota Valley. The statute also includes a list of standards and criteria to be addressed.

The document is organized into sections, or chapters, based on specific topics: air quality, water quantity and quality, transportation, operations, and setback considerations. Staff from the agencies who prepared the document will provide summaries of the topic sections by agency staff:

Introduction:	Jeff Smyser, EQB
Air Quality:	Jeff Hedman, MPCA
Water Quantity/ Water Quality:	Theresa Haugen, MPCA
Transportation:	Dave Christianson, MnDOT
Operations:	Heather Arends, DNR
Setback	
Considerations:	Melissa Doperalski, DNR Bob Patton, MDA

Discussion followed.

The following people provided testimony:

1. Ken Tschumper, LaCrescent, MN
2. Fred Corrigan, Aggregate and Ready Mix Association of Minnesota
3. Amy Nelson, Red Wing, MN
4. Peder Larson, Minnesota Silica Sand Council
5. Kirsten Pauly, Sunde Engineering, Minnesota Sand Council
6. Brett Skilbred, Jordan Sands/MISC
7. Matt Bryan, Bryan Rock and Merriam Junction Sands
8. Keith Fossen, Red Wing, MN
9. Johanna Rupprecht, Land Stewardship Project
10. John Herman, Unimin Corp.
11. Alan Muller
12. Carol Overland
13. John Lenezewski, Minnesota Trout Unlimited
14. Kelley Stanage, Houston, MN

Commissioner Landwehr made a brief comment with respect to what is meant by designated trout streams. Referenced Rule 6264 listing which includes Class 2A and fens and streams if they are tributaries.

Citizen member Kristin Eide Tollefson commented on concerns regarding a ban and suggested that it could be addressed on the website.

Commissioner Stine had concerns regarding enclosed processing equipment, and indicated that best practices are to enclose. He suggested edits to Page 35 under "Processing", in the last paragraph insert "enclosing" after "mined" and before "all", and remove "enclosed" at the end of the sentence replacing it with "evaluated". In the third sentence replace the word "the" with "any", after "from" and before "enclosed". Page 39 under "Temporary Storage", insert "evaluating where" after "rather" and before "these", and insert "is recommended." after "enclosed" and remove "an controlled in the manner described in the 'processing' section above." Commissioner Stine made a motion to amend. Vice-chair Brian Napstad seconded the motion. All in favor, motion carries.

Chair Frederickson asked Executive Director Will Seuffert to take a roll call to vote on the document as amended. All board members present voted aye. The document is approved. Commissioner Stine made a motion to adjourn.

**RESOLUTION OF THE
MINNESOTA ENVIRONMENTAL QUALITY BOARD**

Adopting the Document “Tools to Assist Local Governments in Planning for and Regulating Silica Sand Projects”

BE IT RESOLVED, that the Minnesota Environmental Quality Board approves and adopts the Findings of Fact, Conclusions and Order In the Matter of Adopting the Document “Tools to Assist Local Governments in Planning for and Regulating Silica Sand Projects”; and

BE IT FURTHER RESOLVED, that David J. Frederickson, Chair of the Board, is authorized to sign the adopted Findings of Fact, Conclusions and Order.

**STATE OF MINNESOTA
ENVIRONMENTAL QUALITY BOARD**

In the Matter of Adopting the Document
“Tools to Assist Local Governments in
Planning for and Regulating Silica Sand
Projects”

FINDINGS OF FACT,
CONCLUSIONS
AND ORDER

The above-captioned matter came before the Minnesota Environmental Quality Board (EQB) at a regular meeting on March 19, 2014 pursuant to Minnesota Statutes 116C.991.

Based upon all of the proceedings herein, the Minnesota Environmental Quality Board makes the following:

VI. FINDINGS OF FACT

1. The Minnesota Legislature amended Minnesota Statutes §116C with the adoption of Laws 2013, chapter 114.
2. Minn. Stat. §116C.99, Subd. 2 requires that by October 1, 2013, the Environmental Quality Board (EQB), 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. The standards and criteria shall be different for different geographic areas of the state. The unique karst conditions and landforms of southeastern Minnesota shall be considered unique when compared with the flat scoured river terraces and uniform hydrology of the Minnesota Valley. The standards and criteria developed shall reflect those differences in varying regions of the state. The statute also includes a list of standards and criteria to be included.
3. The EQB heard public testimony on the project at its meeting on September 18, 2013.
4. The EQB opened a 25-day public comment period from October 18 through November 12, 2013.
5. The EQB held public meetings in Mankato on October 25 and in St. Charles and Wabasha on October 29.
6. On October 22, 2013, the EQB sent out a survey to local governments requesting information the ordinance requirements they had adopted for a variety of topics relevant to regulating silica sand activities.
7. The EQB considered the public comments and the survey responses it received from local governments and prepared a draft document. The document was released for a 30-day public review on December 13, 2014.
8. At its meeting on December 18, 2013, the Silica Sand Subcommittee of the EQB recommended that the public comment period be extended to January 27, 2014. Notices of the extension were distributed to the public by electronic mail and by posting on the EQB website.

9. The EQB considered the public comments it received and revised the draft document, dated March 7, 2014.
10. The document includes standards and criteria that are different for different geographic areas of the state. The standards and criteria in the document reflect the differences between the unique karst conditions and landforms of southeastern Minnesota and the hydrology of the Minnesota Valley.
11. The model standards and criteria in the document can be used by local units of government in developing local ordinances.

Based on the foregoing Findings of Fact, the Minnesota Environmental Quality Board makes the following:

CONCLUSIONS

1. Any of the foregoing Findings more properly designated as Conclusions are hereby adopted as such.
2. The revised document, “Tools to Assist Local Governments in Planning for and Regulating Silica Sand Projects”, dated March 7, 2014, fulfills the statutory requirements of Minn. Stat. §116C.99, Subd. 2.

Based on the Findings of Fact, Conclusions and the entire record of this proceeding, the Minnesota Environmental Quality Board hereby makes the following:

ORDER

The EQB hereby approves the document titled “Tools to Assist Local Governments in Planning for and Regulating Silica Sand Projects”, dated March 7, 2014, with amendments to pages 35, 39, and 40 approved by the Board.

Approved and adopted this 19th day of March, 2014.

David J. Frederickson, Chair
Minnesota Environmental Quality Board

VII. Meeting adjourned.