

**MINNESOTA ENVIRONMENTAL QUALITY BOARD
MEETING MINUTES**

**Wednesday, May 15, 2013
MPCA Room Board Room, 520 Lafayette Road, St. Paul**

EQB Members Present: Dave Frederickson, Brian Napstad, John Saxhaug, Erik Tomlinson, John Linc Stine, Ed Ehlinger, Kate Knuth, Tom Landwehr, Julie Goehring, Katie Clark-Sieben, Spencer Cronk

EQB Members Absent: Kristin Duncanson, Mike Rothman, Charlie Zelle

Staff Present: Bob Patton, Kate Frantz, Jeff Smyser (EQB), Beth Tegdesch MPCA for EQB

Chair Dave Frederickson called the meeting to order at 1:06 p.m.

I. Adoption of Consent Agenda and Minutes

A motion to adopt the Consent Agenda and approve the April 17, 2013, meeting minutes was made, seconded, and carried unanimously.

II. Introductions

III. Chair's Report

No report

IV. Executive Director's Report

Bob Patton gave a brief legislative update. The Environment and Natural Resources Conference Committee met last night and will be meeting today. The Committee has not completed the budget items so we do not know the answers to budget questions. They did finish up the Silica Sand Policy last night. The EQB development of silica sand standards and criteria, also assembly by EQB of a Silica Sand Technical Assistance Team, the creation of library of local ordinances and permits were approved and all EQB duties need to be completed by October 2013. Additionally, changes have been made to environmental review statutes pertaining to silica sand, (a new category with PCA as the RGU and change from 40 acres to 20 acres for silica sand mining); so what has been adopted is a temporary standard for ER mandatory categories for EAWs. Silica sand mines 20 acres or more, and facilities that conduct storage and processing of silica sand for a certain throughput will need to do an EAW for new projects. This change will be in session law so there will be Legislative standards in place for two years. During that time EQB has a mandate and authority to do permanent, full-fledged rulemaking on those new categories. One of the considerations of the rulemaking is whether the original standards should remain in place and also whether there should be a differentiation of those standards for different parts of the state. Another big part of the effort is the creation of a new permit category for silica sand mining near trout streams in the southeast part of the state. The compromise position that did get adopted was for DNR permitting within that one mile. That was a significant part of the Environmental Policy Bill.

V. Designation of a Different Responsible Governmental Unit for Dredging of the Navigational Channel in Lower Pool 2 of the Mississippi River by the U.S. Army Corps of Engineers
Presenter: Jeff Smyser, EQB Staff

VII. EQB Roles and Authorities under the Environmental Review Program

Presenter: Kate Frantz, EQB staff

A brief overview of the Environmental Review program and the roles and authorities of the EQB within this program was presented to the Board. Minnesota Rules chapter 4410 provides oversight of the Environmental Review program in Minnesota and defines rules and authorities of the EQB and the EQB chair. The original rules can be found at The Office of the Revisor of Statutes webpage at <https://www.revisor.mn.gov/rules/>; search for Rule 4410. Five categories are as follows:

1. Program Oversight
 - a. review and amend Minnesota Rules chapter 4410
 - b. create and update the EAW form
 - c. approve alternative forms of environmental review
2. Determining and assigning a Responsible Government Unit (RGU)
 - a. for petitions
 - b. when the RGU is in question
 - c. RGU re-designation at EQB discretion
3. Ordering a review
 - a. discretionary EAW
 - b. order and preparation of Generic Environmental Impact Statement (GEIS)
4. Determining adequacy of a review
 - a. adequacy of an Environmental Impact Statement (EIS)
 - b. adequacy of Alternative Urban Areawide Review (AUAR)
5. Unique actions
 - a. variance from prohibition on governmental decisions
 - b. emergency action, authorization to proceed
 - c. EIS cost disagreements

More discussion followed.

VIII. Governor's Institute on Community Design Workshop Update

Presenter: Ellen Anderson, Senior Advisor to the Governor

A brief update was shared with the Board. There was good conversation and very good turnout at the May 2nd workshop. The follow-up half day meeting is scheduled for June 20th 11:30-3:30 at the Veterans Service Building. A final report will be written reflecting the agreement that is reached. A final EQB staff report will be written at the end of this process, hopefully June 30th, wrapping up the culmination of the Executive Order and the public engagement process.

IX. Adjourn