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AGC of Minnesota

RECEIVED
JAN 30 2014
BY:

January 28, 2014

Minnesota Environmental Quality Board
658 Cedar St., St Paul, MN 55155

Re: Public Comments: Tools to Assist Local Governments in Planning for and Regulating Silica Sand Projects

Dear Sir/Madame:

The Associated General Contractors of Minnesota is the state's oldest and largest trade association representing the building and highway/heavy construction industry. Collectively, our members perform the vast majority of heavy highway and commercial and public building construction in the state. We respectfully offer the following comments in regard to the development of Model Standards and Tools to Assist Local Governments in Planning for and Regulating Silica Sand Mining.

GENERAL COMMENTS:

AGC of Minnesota is genuinely concerned that the model standards and draft criteria for transportation appear to be arbitrary and that these efforts exceed local government authority and would unnecessarily duplicate existing authority to regulate airborne emissions from mobile and fixed diesel engine sources. Specifically, we believe the proposed model standards are problematic and without merit – having the potential to add significant cost to construction projects in and around the region. Mobile and fixed source diesel engine airborne emissions are already substantially monitored and regulated by the USEPA and other federal and state regulatory agencies. Developing model standards that allow, or give the appearance of allowing, local units of government to monitor emissions and subsequently implement mitigation strategies is indeed arbitrary and reckless. We ask that you not proceed down this path and instead rely upon the myriad existing laws and regulations governing these emission sources.

Additionally, we know of no defensible methods to discern the respective impacts between on road diesel trucks and off road diesel equipment – both essential elements of the construction industry. There are currently several large planned construction projects already underway in the SE Minnesota area (I-94 Dresbach Bridge, Winona Mississippi River Crossing, Red Wing Mississippi River Crossing) where implementing these proposed model standards and prospective mitigation requirements would add significant and unforeseen cost to the projects. As mentioned, heavy civil construction involves both on road trucks and off road diesel equipment use (e.g. cranes, barge tugs, pile drivers etc.). Arbitrarily applying mitigation strategies (e.g. prescribing that 50% of off road diesel equipment have Tier-3 or better engines) to help manage diesel emission sources in the silica sand mining industry will no doubt have spill over consequences to other diesel engine dependent industries and related activities in the immediate geographic area. We feel strongly that this pursuance is without merit and would add significant cost to these important regional projects.

For these reasons, we respectfully ask that you discontinue efforts aimed at developing model standards for local governments related to diesel emissions monitoring and mitigation.

Sincerely,

David C Semerad
CEO
AGC of Minnesota