



Environmental Quality Board

520 LAFAYETTE ROAD NORTH
ST. PAUL, MN 55155
PHONE: 651-757-2873
WWW.EQB.STATE.MN.US

October 1, 2013

Dear County, Township, and City Official:

The 2013 Minnesota Legislature directed the Environmental Quality Board (EQB or Board) to complete several silica sand related objectives, some designed specifically to assist local units of government. *See* 2013 Minn. Laws 1653 at 1749-1753. This letter provides an update on the EQB's actions to date to fulfill these responsibilities, as well as other silica sand related initiatives currently being undertaken by the Board.

Technical Assistance Team

The EQB was directed to assemble a Silica Sand Technical Assistance Team (Technical Assistance Team or the Team) to provide local units of government assistance with ordinance development, zoning, environmental review and permitting, monitoring, or other silica sand mining and processing issues. The composition of the Team draws upon the expertise of many state agencies including the Minnesota Department of Natural Resources (MDNR), the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Health (MDH), the Board of Water and Soil Resources (BWSR), and the Department of Transportation (MnDOT). In addition, the Team may also include representatives from the University of Minnesota, Minnesota State Colleges and Universities, and federal agencies.

The Technical Assistance Team meetings are open to the public and notice will be published in accordance with Minn. R. 4405.0600 and .0800. Local units of government may request general assistance from the Team on silica sand related topics. In addition, local units of government may also request an official recommendation including findings from the Team related to a specific project. Please note that official recommendations of the Team must also be submitted to the EQB and are subject to the requirements and additional timeframes found in Minn. R. 4405. In addition, should a local unit of government request a recommendation from the Team, it must consider the findings or recommendations of the Team in approving or denying a silica sand project, and if the local unit of government does not agree with the Team's findings or recommendations, it must detail its reasons for disagreement in its record of decision. Please submit requests for general assistance or for a formal recommendation to Mr. Jeff Smyser of the EQB staff at 651-757-2279.

Library of Local Government Ordinances and Permits

The Legislature also directed the EQB to create and maintain a library on local government ordinances and local government permits that have been approved for regulation of silica sand projects. EQB staff has assembled a number of ordinances and permits with the assistance of local governments. They are currently available on the EQB website (www.eqb.state.mn.us).

Model Standards and Criteria

The Legislature directed the EQB to consult with local units of government and develop model standards and criteria for mining, processing, and transporting silica sand. At the September 18, 2013, EQB Board Meeting, the EQB took public testimony on the creation of these standards and directed staff to create a silica sand subcommittee and schedule several public meetings to gather additional input from interested citizens, local units of government, and industry representatives. The following meetings have been scheduled, but there will be additional opportunities for public input if you are unable to attend these sessions.

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

Tuesday, October 29th
1:00 PM to 3:00 PM
Wabasha-Kellogg High School
Performing Arts Center
2113 Hiawatha Drive East
Wabasha, MN

Rulemaking

The Legislature also directed the EQB to amend the environmental review rules (Minn. R. 4410) for silica sand mining and processing projects. The request for comments regarding the potential rulemaking ended on August 23, 2013. This round of commenting is intended to get general ideas on the types of issues the rules should address, as no draft rule amendments or language has been proposed at this time. Rulemaking in Minnesota follows procedures outlined in the Minnesota Administrative Procedures Act (Minn. Stat. ch. 14) which specifies mechanisms for soliciting public input. As in all rulemaking, public participation is encouraged. Public notices will be distributed according to Minnesota law and public meetings will be planned.

Multi-facility Environmental Impact Statements

EQB is the Responsible Governmental Unit and will prepare an Environmental Impact Statement (EIS) for several silica sand related projects planned for Houston, Fillmore, and Winona Counties. Staff is finalizing a cost agreement for the scoping process of the EIS at this time. Once this initial cost agreement is signed, the scoping process will begin. The scoping process determines the scope of the EIS itself. Once the scope is determined, a second, separate cost agreement will be prepared to cover the cost of preparing the EIS. Once that cost agreement is finalized, the development of the EIS will begin.

EQB Notification Service

Anyone interested in receiving notices about meetings and other topics can subscribe by going to www.eqb.state.mn.us/ and clicking on the "Email notices" link. There is a list of topics to choose from. Once you subscribe, you will receive notices on your selected topics when information is available. Depending on the topic, the notices might include information on meetings and links to sites for additional information.

Central Website

A group of state agencies recently put together a new website for members of the public who want to track state agency activities regarding silica sand. The website, www.silicasand.mn.gov, provides links to each state agency charged with making new rules or managing activities involved with the mining, transportation and processing of silica sand. They include the EQB, MDNR, MPCA, MDH, MnDOT, and the Minnesota Department of Agriculture.

I hope you find this update useful as you address issues related to silica sand mining, processing, and transportation. I encourage you to use the EQB as a resource, and please do not hesitate to contact us at 651-757-2873 if we can be of assistance.

Sincerely,



Will Seuffert
Executive Director

WS:bt

Enclosure: List of recipients to this letter

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