

NOTES — 4TH MULTI-AGENCY SILICA SAND RULEMAKING ADVISORY PANEL MEETING

FRIDAY MAY 16, 2014, 10:00 TO 3:30

PEOPLE'S ELECTRIC COOPERATIVE [1775 Lake Shady Ave S, Oronoco, MN 55960]

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10:00 FACILITATOR: WELCOME, INTRODUCTIONS AND AGENDA

- Welcome members
- Review agenda and different interest process

10:10 FACILITATOR: POSTING MEETING SUMMARY FROM APRIL 7TH

- Approved April meeting summary/WebEx record for posting to the web.
 - Notes: Be sure that information Environmental Review (what it is and isn't) is available
 - § We will do this by ensuring that presentations are posted separately from the recording of the meeting

10:30 FACILITATOR: PANEL PRE-INTERESTS IN DNR RECLAMATION RULES

- Panelists considered the question: "What, for you, are the key interests to consider for silica sand mine land reclamation?"



- Equal value restoration
- Restoration back to prior use
 - § Who gets to decide how much of what kind of land is too much to lose or too quickly?
 - § Local process might result in different answers in different areas.
- Set minimum standards - and consistent ones
- Neighborhood/local decision rather than a state decision/permit
 - § State should respect LGU decisions
- Stage/phase reclamation as you go
- Some kind of sign off on stability/long-term safety
- Funding - cash escrow, letter of credit, bond (to County)
- Reasonable and flexible standards
 - § But standards should reflect the original status and use of the land
 - § Who determines reasonableness? How long is reasonable for return?
 - What is role of the mine plan/environmental review on length of time that mining will continue?
- Reclamation plan in developments agreement
- RGU can exceed state minimum standards if needed
- Post reclamation funding and assurance
- Monitoring and enforcement of reclamation plan - who is responsible and resources for doing it
 - § Enforcement generally, especially as it crosses LGU boundaries
- Rulemaking be relevant to silica sand
- Economics of a change in land use
- Some specifics - real topography, soil restoration, plant diversity
- Financial assurance early in environmental review
- Reclamation plan done in conjunction with local government\stakeholders

11:05 HEATHER ARENDS: GEOLOGY AND RECLAMATION OVERVIEW

- Understand basics of geology and reclamation. See Presentation.

12:25 HEATHER ARENDS: RECLAMATION RULE FRAMEWORK

- Presented reclamation rulemaking legislative direction, analogous rules, and current thoughts on reclamation rule framework. Communicated DNR interest and goals for the rulemaking. See presentation.
 - DNR does not have statutory authority to regulate silica sand - just to write rules
 - § So Wisconsin is far ahead of Minnesota in terms of reclamation
 - § Except for the new trout stream setback permit
 - In some counties, this could be as much as 66% of the county land
 - Which is a permit to mine with reclamation, financial assurance and other requirements
 - § There are a few triggers for state involvement
 - § Might be a need to go back to the Legislature and ask for additional regulatory authority to do more than just make the rules, but also to enforce them
 - This could lead to more consistency and certainty for facilities
 - § Could there be a permit for reclamation?
 - Also need legislative authority to create fees and fines
 - § LGUs have existing authority here, DNR does not
 - § Locals should have conditions about compliance with state standards and permits
 - Counties regulate silica sand, limestone, dimension stone - the nonmetallic mining.
 - § Two methods - permitting and ordinances
 - § Wisconsin does not have such local control or authority, which is why state stepped in with standards

2:00 FACILITATOR: REGROUP, GATHER AND GROUP INTERESTS

- Identify additional interest from panel, compare interests, and identify overlap and gaps. See Final grouped interest table.
 - Counties regulate silica sand, limestone, dimension stone - the nonmetallic mining.
 - § The local variation puts health at risk, because some locals may not set or enforce rules
 - So state should come in with some minimums
 - § Financial/fiscal impacts on LGUs
 - Performance standards and how do you measure compliance or set forth the measures for success?
 - § Outcome based standards?
 - § How much detail would need to be in the CUP issued by the LGU?
 - § Performance standards may call for monitoring and then mitigation if action done does not perform - funding
 - Detailed standards may be easier to measure when work ends/mine closes
 - Pricing how to deal with concerns that may happen far in the future is difficult
 - Could there be a checklist of things that need to be addressed - whether they apply and if they are covered by the plan
 - What is a reasonable amount of time for reclamation? Put requirements in the CUP
 - Anti-degradation/aquifer degradation
 - Performance and outcome based requirements - both
 - § Clear and enforceable
 - Fill material
 - Annual review of compliance with standards and plan
 - Unfunded mandates
 - Greater emphasis on ag land for SE Minnesota
 - Professional qualifications for ecological aspects of reclamation
 - Ecoregions have different risks - are there areas that can't effectively be reclaimed?
 - Ability for DNR to provide feedback to LGUs on reclamation plans
 - Blasting
 - § Source of info - homeowners insurance; ensure homeowners are covered if anything happens; talk to Commerce about requirements
 - § There is precedence from ferrous and nonferrous mining reclamation rules
 - § Likely to be BMPs
 - Reclamation Plans
 - § WI 135
 - Concern about aquifer degradation
 - § W. Jordan sands
 - How LGUs should get financial and expertise to review projects?
 - § Proposer pay
 - § Taxing
 - Overall, essential that within the rules it is clear what the rules apply to
 - § Grandfathering, especially where there are expired permits
 - § Need ways to respond to the newest science

3:00 CATHERINE: MEETING FEEDBACK AND PROCESS UPDATE

- MPCA's AQ Rules Concepts (introduction May 16th for discussion June 17th)
- Roadmap for next few months

3:20 FACILITATOR: NEXT STEPS

- Group check-out on the meeting process and/or content
- Plans for next meeting

3:30 ADJOURN