

Shared Agency Definitions

5th SSRAP Meeting – June 17th, 2014

Discussion

The goal of the three Agencies (MPCA, DNR, and EQB) is to have a **common core** of definitions, ensuring that regulations are clear and efficient. The 2013 Legislature wrote silica sand definitions in EQB Statute [116C.99](https://www.revisor.mn.gov/statutes/?id=116C.99) (<https://www.revisor.mn.gov/statutes/?id=116C.99>). Where applicable, the Agencies will use several of EQB statute definitions as well as potentially define other core definitions, such as shared exemptions for the smallest sources, for the silica sand rules.

As the rules become further developed, there will be more discussion about definitions in the upcoming months. The purpose of today's discussion is to (1) make the panel aware of the legislative definitions and their role in the rulemaking process, and (2) start thinking about these definitions and identify any issues that may need further explanation.

Definitions from Legislation 116.99C

Below is a list of definitions from 116.99C, the shared agencies interpretation of the definitions, and additional agency notes about further language required for a definition.

Silica Sand

"Silica Sand" means well-rounded, sand-sized grains of quartz (silicon dioxide), with very little impurities in terms of other minerals. Specifically, the silica sand for the purposes of this section is commercially valuable for use in the hydraulic fracturing of shale to obtain oil and natural gas. Silica sand does not include common rock, stone, aggregate, gravel, sand with a low quartz level, or silica compounds recovered as a by-product of metallic mining.

Shared Agency Interpretation and Notes

- Silica sand is not defined by end use.
- Silica sand can be used in many capacities including both as aggregate and industrial applications.
- "Sand sized" is a geologically quantifiable term based on the diameter of a grain of rock, which is between 4 mm (< 5 mesh sieve) and 0.0625 mm (>230 mesh sieve). Silica sand contains mostly sand-sized particles.
- The composition of silica sand is at least 95% quartz.
- Silica sand does not include common rock, stone, limestone, aggregate, quartzite, common sand and gravel, navigational dredge sediment, or silica compounds recovered as a by-product of metallic mining.

Silica Sand Project

"Silica sand project" means the excavation and mining and processing of silica sand; the washing, cleaning, screening, crushing, filtering, drying, sorting, stockpiling, and storing of silica sand, either at the mining site or at any other site; the hauling and transporting of silica sand; or a facility for transporting silica sand to destinations by rail, barge, truck, or other means of transportation.

Shared Agency Interpretation and Notes

- A project could be any of excavation/mining, processing, hauling or transport, or storage for transport (in any combination)
- Likely that agencies may also use their own additional language.

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- MPCA often refers to a “Facility” which gets an air permit – in this case, that would be a stationary point source, such as a mine or a processing facility.
- DNR may further define excavation.

Transporting

“Transporting” means hauling and transporting silica sand, by any carrier:

- a) From the mining site to a processing or transfer site; or
- b) From a processing or storage site to a rail, barge, or transfer site for transporting to destinations.

Mining

“Mining” means excavating silica sand by any process including digging, excavating, drilling, blasting, tunneling, dredging, stripping or by shaft.

- As mentioned in “Silica Sand Project”, DNR may further define excavation.

Processing

“Processing” means washing, cleaning, screening, crushing, filtering, sorting, processing, stockpiling, and storing silica sand, either at the mining site or at any other site.

Temporary Storage

“Temporary storage” means the storage of stockpiles of silica sand that have been transported and await further transport.

Proposed Exemptions from Silica Sand Regulation

Agencies are interested in defining a “de minimis” level – the smallest sources to prevent unintended activities from being regulated.

- a. Mines - less than a certain number of total acres of disturbance on a property parcel – proposing 1 to 3 acres
 - i. MPCA NPDES construction stormwater is 1 acre
 - ii. Other facilities/processes?

Agencies are interested in defining exemptions for non-mining excavations and construction activities.

- b. Certain non-mining (or non-commercial mining) excavation
 - i. Excavations or grading by a person solely for on-site use at that person’s property.
 - ii. Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a public highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.
 - iii. Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
 - iv. Excavations for building construction purposes conducted on the building site.
- c. Activities (conducted on site) to prepare, operate or close a solid waste disposal facility
- d. Activities (conducted on site) to prepare, operate or close a hazardous waste disposal facility
- e. Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.