

Interest has been expressed in visiting a reclaimed sand mine - is there interest from the larger group?
Heather announced that she will be spending half time at EQB starting next month.

EQB Survey Quick Check In

- Got some of the results this morning
- Plan is to take results and any comments from today and bring back information in July
- Goal of survey was to efficiently use time - look for big areas of agreement or disagreement
 - Also look at what can be done in rule or what can be done in EQB processes
- Remember that there will be several more comment opportunities
- Types of questions did not make clear how we are currently monitoring/tracking number of proposals in an area
 - How does EQB currently know about the projects if they are not filtered through one Agency?
 - Or through the EAW process?
 - What about projects that are below the thresholds?
 - Generally, the EIS preparer has to list the facilities nearby - the RGU is responsible for determining if complete.
 - State should have complete information/listing of all sites
 - EQB is focused on the thresholds.
 - There may need to be an additional kind of threshold - DENSITY - how many mines are in the area? Some thought that that should be a consideration.
 - Density is a key issue and it is separate from phased and connected actions
 - No thresholds for loss of other types of land, like farmland
 - Potentially something like the AUAR process - the overall impact of the changes on the specific area, like a large urban review
 - Rules and SONAR need to go to the Board before the full APA process begins
 - ER is a tool for shining a light on environmental considerations
 - NPDES group is also needed - they like to have a permit app at the same time as ER is ongoing, but can't issue until done with ER. Disconnect between authorities. MPCA cannot ensure monitoring and mitigation stay in place, leaves it on the LGU. Funding for mitigation.
 - An amendment to the EQB rules relative to silica sand projects should be made to require that the technical staff from state agencies who issue permits for silica sand mining projects should be included on the RGU environmental review preparation teams.
 - Scott County has expanded our EAW/EIS preparation team for each project to include state and local permitting authorities. We have had great participation from the local permitting authorities but inconsistent involvement from the state agency permitting staff. Involving the permitting staff in the review process would expedite the entire process for all concerned. The environmental review preparers would obtain a better understanding of the state's permits and issues and it would expedite the state permitting process as well. The rules would need to be amended to establish a mechanism for state agency staff to invoice

- their time and expenses back to the RGU for payment by the project proposers.
- The process would involve designated state agency staff working closely with RGU staff and the RGU's consultants. It might involve some meetings together, but likely more often, just involve state agency staff being included on all drafts, connecting via email and phone. Agency staff would submit their invoices for time and travel to the RGU for reimbursement. Again, these are the technical staff from the permitting divisions of the state agencies, not just those agency's environmental review staff.
 - Justification: There have been several projects, one of which we experienced in Scott County, and another in a neighboring county where subsequent state agency permits resulted in a significant change to the proposed project necessitating the need to revisit the environmental review process. This presents avoidable delays for the developers, redundant time consumed for the RGUs and everyone who reviews these documents. It exemplifies the need for better communication within and between permitting agencies."
- When the rule goes to the ALJ - SONAR
 - Be able to explain what is being done to clearly to explain to public
 - Is there a current list of existing mines, with scale and magnitude?
 - Pretty good handle on industrial scale ones, not those with only local permits.
 - Footprint (acres), depth, throughput, material mining, etc.
 - MSHA might have a list - anything permitted should be on there.
 - An inventory would be a good part of this process.
 - Hard to answer questions without SONAR type information - can't evaluate just on the numbers.
 - Chicken and egg
 - Will bring SONAR from past rules to July meeting
 - All Agencies need to take a holistic look at what's going on and the overall impact on the State - ultimate future effects on water, ag, air quality
 - Hearing a major concern about how many mines, how large, how much land lost.
 - Then further questions - what if the ag land was being turned into something else, like a subdivision, rather than sand
 - Maybe part of EQB forms rather than actual rule language?
 - This becomes a land use discussion - what do LGUs think about state getting involved in what has been a local issue?
 - Try to have SONARS from old rules sent out prior to July - they are currently on the EQB website [Note: done]
 - People issuing permits should be at table for environmental review
- Definitions Discussion
 - Silica Sand
 - Sub angular sand, not well-rounded. Serves lots of other sources. Round sand is also used in lots of industry.
 - Fracking is one type of end use, not only or exclusively. Maybe just regulate sand-sized grains of quartz

- Would be ideal if we all worked off the same definition, but if we are missing something if we don't regulate other sand to protect health and safety then maybe we need to include more
- Seem to agree that end use does not matter.
- Transporting
 - Gap - what about when things are actually moving on train, rails, barges, etc.
 - Need to discuss what we can or can't do in Sonar
 - What about enclosure? Of trucks, etc.
 - Trans loading needs to be included
 - Will we be able to be consistent with definitions of new or existing?
 - How does industry define things? Mandatory versus permissive language? Make sure we cover potential future changes.
- Exemptions
 - Temporary storage - how long is temporary? When does it become permanent? Also, stockpiles waiting for use or process rather than transporting.
 - But then you end up with lots of small mines in one area - doesn't like acreage as a flat thing.
 - Also, what about depth? Tunneling versus surface disturbance.
 - Density becomes an issue.
 - Total amount of material to be removed
 - Unintended consequences
 - What about "cowboys" - always going to have people go right under the limit, and that's a problem
 - Focus on commercially mined materials
 - Parallel with asbestos - risk of health impacts. Health, safety, welfare of neighbors
 - That is there regardless of the use of the material
 - Weathered versus freshly fractured?
 - Length of exposure?
 - Onsite use is kind of vague, what about common ownership but separate parcels
 - May need to give some examples. Ex: 103, exempted borings/excavations that were not intended to extract water, but does not cover holes into aquifers
 - Customer specs - not to break up sand
 - Seems to be comfort with exemptions for activities where the sand is incidental, rather than specific attempts to get at the sand for commercial processes
 - Over regulation is also something we have to guard against. Reasonability.
 - Frequency of disturbance? Possibility of air impacts.
- Chemicals of concern? Are those listed?
- How do you define risk?
 - May need to discuss/define
- What are the exemptions for? Be clear in terms of permits, etc.
- 20 acres may not be unreasonable - but need quantity and total operating time
 - Depth into drinking water
- Commercial use versus not.
- Agencies on same page as much as possible
- What about Agencies on same page with LGUs/RGUs?

- Permit application timing with environmental review timing. Trying to run parallel is resulting in permit apps and then ER changes the project.
 - All players at the table at once
 - Final ER should really reflect final project that gets permits
 - Would we use NAICS or SIC codes? Or not because not using end uses?
- Does de minimis reflect risk?
- Would not want to be a barrier to salvage or reuse of material
- Multiple industries may use same chemicals.
- Silica Sand Air Rules Concepts
 - Want information on Richards method of monitoring
 - Might be interest in applying some standards (like monitoring) to aggregate mines if it makes sense.
 - Baseline for monitoring?
 - Making sure an area isn't contributing to an air quality problem
 - An area might already be high in something like diesel particles; in monitoring for silica, how do we balance the issue that there are already high particles?
 - Cumulative impacts - multiple risks and exposures
 - Standards don't relate to sensitive or at-risk populations; can an RGU establish more stringent standards
 - MDH has recommended Health Risk Assessments within the environmental review process - would be good to have resources to do that.
 - No statutes authorize the requirement to do a HRA - so hard for an RGU to do. But maybe list at-risk or populations with specific exposures
 - Also, how much data are actually available to do an assessment
 - For particles, best you can do is hourly with lab assessment
 - How important is location of monitor?
 - We rely on historical wind patterns
 - Has MPCA used modeling to site monitors?
 - Also, what about local met data?
 - Solved with preconstruction monitoring? Also for baseline data. We could prescribe some pre construction monitoring requirements, like PSD
 - Particle size directly relates to wind speed needed to entrain
 - We might do some modeling on generic facilities?
 - Continuum of information informing rules - like health data
 - Discussion about scientific data and disagreement between experts (Richards/Pierce)
 - We may need to modify the 7005 definition of aggregate or somehow be clear that silica sand is split from construction aggregate
 - Difference between a regulatory requirement and requirement to have a permit
 - Minnesota has a presumption that a permit is needed
 - Right now, the dryer NSPS is the trigger for an individual permit
 - Does enforcement differ by type of permit. What role does LGU have - can they revoke a land use permit if we revoke an air permit?
 - Permanence and ongoing review or reissuance of air permits
 - Monitors - allow collocation so people can show their monitor is a FEM
 - Add

Notes from June 17, 2014, SSRAP Meeting

- Clarification on acronyms and what it all means
 - Enclose during transport
- Change
 - Blasting - include groundwater
 - Composition of piles - washed, not washed, etc.
 - Baghouse waste?
 - Use of water in winter
- Remove
 - New facilities should not have to enclose storage piles - look at other options for control, evaluate what is actually in a pile/characterize, what can be learned from monitors? (facilities)
- Keep
 - Loading/unloading in an enclosure (citizens/LGU)
 - Enclosure requirements (citizens)
- Prescriptive standards versus performance standards
- If monitoring, know what to do with results.
- Develop an acronym list