

Draft of July 24, 2014 SSRAP Meeting Notes

1 Went over typical stages of group formation; this group is likely in the storming phase, so some conflict
2 is not unexpected.

3 Asked panel members to be sure everyone makes an effort to express their opinions.

4

5 Notes from June

6 · Need to remove the notes to self from MPCA - personal opinion (this was done)

7 · AI will update his comment on page 1 about ER and permitting and changing projects (done)

8

9 Water Permitting 101

10 · See MPCA Presentation

11 ○ Earlier in this process the MPCA published a placeholder in its request for comments in case
12 it determined it needed to amend existing rules governing water pollution related to silica
13 sand mining.

14 ○ The MPCA has determined that there is adequate existing authority to issue individual
15 permits related to silica sand water discharges without amending the water quality
16 permitting rules.

17 · Comment on Process - the people who are involved in ultimate decisions (the permits) need to be
18 involved in the environmental review process

19 · Question on NPDES permits being for planned discharge, but what happens in the case of an
20 unplanned discharge?

21 · Does the monitoring include flocculent? Yes - if we have determined that it is a pollutant of concern.

22 · Can LGUs request to be on the notice list? Reply: GovDelivery is open to self-subscription by anyone.

23 · Comment – During a permitting process, it should be noted that a petition process for
24 environmental review is available

25 · Notice for NPDES permits - how are we providing notice of pending NPDES permits to local
26 governments (LGUs)? GovDelivery allows people who want information to self-subscribe to lists of
27 interest.

28 · Q - how many people does it take to request a public meeting for a water permit? A - just one

29 · Q - where would we go to get information on who has permits? What happens if a party
30 intentionally or inadvertently operates without a required permit?

31 · Q - what are the requirements for no exposure? The requirements are related to stormwater
32 exposure. If a facility is enclosed, it isn't exposed to storms, so there is no stormwater.

33 · Q – what information is used for analysis and modeling for permitting? What is being done to
34 modify the rating of flood events (e.g., are 500 year floods the new 100 year flood?). Is there a level
35 of risk that they use? We usually use average wet weather flows and certain risk levels.

36 · Goodhue County has banned the use of polyacrylamide, would the MPCA know this as it considers
37 issuing a permit? A – It is unlikely that the MPCA permitting staff would always know local laws

38 · Q - Might acrylamide lead to algae growth, and then to the subsequent use of algaecides in mine
39 pits

40 · Do blasting additives include or impact polyacrylamide or acrylamide?

41 · Nitrate impacts

42 · Running Flip Chart List

43 ○ Financial Assurance

44 ○ Cumulative impacts to water

45 ○ RGU/LGU notification of permits and public notice

46 ○ Environmental review process and relation to permits

Draft of July 24, 2014 SSRAP Meeting Notes

- 1 o Edges - see picture at end of water presentation, relevant to reclamation, perched wetlands
- 2 o Consider trends in climate, rainfall
- 3 o Maybe the answer to an environmental review is something like a formula, some
- 4 combination of factors
- 5 · Concerns about groundwater impacts, seepage from mine pits or creation of other conduits to
- 6 groundwater because of modifications to the landscape

7

8 EQB

- 9 · The intent is to have draft rule language for the advisory panel
- 10 · September EQB meeting is a check-in, will not be a decision item
- 11 · Eventually the Board will need to approve the Notice of Intent

12

13 EQB Survey thoughts

- 14 · Too limited number of multiple choice options
- 15 · A parameter other than area might be useful as a threshold such as depth or amount of material
- 16 removed
- 17 · Fragile lands are important
- 18 · Thanks for allowing this as concrete input.

19

20 Discussion

21

- 22 · Require all mines to conduct environmental review; otherwise provides an incentive to stay just
- 23 under the regulated level to avoid review
- 24 · Wisconsin experience is that there is a high amount of noncompliance.
- 25 · Other parameters might be more important than 20 acre area – impacts by proximity to schools or
- 26 nursing homes, processes, depth, location (e.g., a smaller mine can't dig as deep)
- 27 · Regulate based on NAICS code versus "silica sand" - to get at industrial silica sand
- 28 · What are equivalent combinations of areal extent and depth?
- 29 · Location is more key (is mine into a known aquifer?)
- 30 · Be precautionary
- 31 · Triggers other than size - cumulative impacts beyond common ownership. Rules should control
- 32 expansion in small steps or creating many small mines across an area
- 33 · Who should be the RGU for conducting environmental reviews? Some think MPCA should be default
- 34 · Regulate how much sand is removed, how fast (rate)?
- 35 · Regulate combos of mines that would funnel traffic to a common terminal.
- 36 · Process similar to AUAR for multiple projects on an area – in an AUAR all projects have to be part of
- 37 the same mandatory category
- 38 · Policies about applicability of groundwater non-degradation policies/rules
- 39 · Consider regulating the density of mining operations across an area.
- 40 · Consider regulating differently based on landscape features (karst, trout stream, etc.)
- 41 · Relative size of expansion is important, not just overall (5 - 100 trucks is different than 5 - 500)
- 42 · Really small townships/LGUs do not have resources to adequately take on EAW/EIS; get MPCA to do
- 43 the work consistently
- 44 · State permitting agencies should at least always be involved

Draft of July 24, 2014 SSRAP Meeting Notes

- 1 · Financial assurance; in the sense that a project undergoing environmental review should have
2 enough funds to complete the review and begin the project; otherwise, it wastes a lot of effort to
3 review a proposal that will never become reality.)
- 4 · The proposer should cover the costs incurred by the RGU who put in time studying a project, even if
5 that project fails to move forward.
- 6 · Define size - is it what is open at one time? The final total number of acres mined? This needs to be
7 very clear.
- 8 · Expansion is important to consider in environmental review because of incentive to initially stay just
9 under regulated size. Rules should apply if/when any expansion makes the total facility exceed the
10 original threshold. Then it would have to be monitored. To make sure.

11
12
13 [NOTE: In an earlier email, I relayed that a panel member asked me to remove a phrase about "known violations in
14 Wisconsin," the veracity of which was not substantiated at the meeting. Another panel member subsequently
15 shared a link to a newspaper article titled: "Growing Frac Sand Industry Faces Violations, Warnings" (Prengaman,
16 Kate. *La Crosse Tribune*, March 3, 2013. [http://lacrossetribune.com/news/local/growing-frac-sand-industry-faces-
17 dnr-violations-warnings/article_41a473ce-83ca-11e2-9dbf-0019bb2963f4.html](http://lacrossetribune.com/news/local/growing-frac-sand-industry-faces-dnr-violations-warnings/article_41a473ce-83ca-11e2-9dbf-0019bb2963f4.html)) Without judging, I understand that
18 any article reflects the bias of its author. After some thought, the agencies agreed that we must try to provide
19 notes that reflect what was said at the meeting. I left the challenged comment in the notes. If something said at
20 the meeting troubles you, please express your concern there so it also gets into the notes. Thanks. Nathan Cooley]