

Notes from January 8, 2015 SSRAP Meeting

- December Notes
 - Looking at them, they don't show the frustration with certain parts of the meeting, especially with not receiving information in advance
 - § Definitions, agencies did not go over them before they started using them in discussing the rules, so that was difficult and frustrating
 - § 15 minutes to read and interpret something and then try to figure out the application statewide was not enough time and that was frustrating
 - Edits by Wednesday next week to Nathan
- Idea from December about putting DNR in charge of reclamation for all silica sand mines - after a month to think about it, is this still a good idea? (Katie)
 - This was the one thing that everyone agreed on
 - Has been discussed at some town meetings
 - No objections voiced
 - Katie needs assurance that reclamation would not be done as it has been done - it would need to be done to a higher level and move more towards ecological restoration
 - § Understand that industry prefers to have consistency
 - § Want to come to a solution that works for everyone
 - Restoration could be for different uses - residential, commercial or industrial use - not just a natural area
 - Need support from all sides to make this work
 - Need to put together a letter from the members of the panel and make a request to a legislator (maybe Sen Schmit) to draft a bill?
 - What would this mean going forward? What authority do we want DNR to have?
 - § Give DNR the authorities that LGUs currently have. DNR would issue permits for reclamation, review reclamation plans, monitor and oversee, and sign off on final reclamation completion. Also research.
 - What is political will?
 - § DNR is interested, but it would be a new program and would need funding
 - Maybe like shoreland standards, could have DNR guidance that LGUs can use (model ordinance)
 - § Happens in WI - model ordinance or DNR must approve a local ordinance. DNR has oversight and can audit. Has an oversight panel.
 - § NR135 is the framework; oversight committee meets annually and discuss things pretty regularly
 - § Some in industry would like to move more towards the WI model
 - § WI has kind of split between state and LGU
 - § WI staff find it to be a well-written rule and although there is concern about permitting, the reclamation piece works well.
 - § Others don't feel like the shoreland ordinance works very well, often because of lack of natural resources expertise. Parts are good, but much that is important isn't working
 - Others did feel that LGUs should maintain authority, and if it is really just about reclamation that should be carefully scoped
 - § Can pull out blasting standards
 - § Industry opinion is that it really needs to focus on the reclamation part, not any kind of operating standards

- LGUs can and do get DNR feedback and review
 - § But some expertise is at Dept of Ag or local SWCD
 - § But there is variability in collaboration/communication between LGUs and DNR
- Need clarity on the interplay between the Agencies
 - § EQB only has review, not permitting; MPCA is not involved in reclamation
 - § Overlaps probably just on erosion control, etc.
- Devil in the details
- Should we try to move forward?
 - § Maybe put together an informal subgroup. Will check back after lunch.
- Blasting Standards
 - Some written comments received - how are you feeling?
 - Most brought in from federal standards and common practice
 - Comments
 - § Industry
 - § OK with standards but does not feel that blasting standards should be in the reclamation rule
 - § Would like to adopt something by reference National Fire Protection Association 495
 - § Concern about Subp 2 - copied incompletely and could be replaced by an IBR
 - § Because the federal standards apply to coal, some DNR staff felt it was better to rewrite them to apply to sand
 - § Has typos
 - § Cobbles together pieces from several sources, which makes them difficult to meet
 - § Heather will send out the Federal standards for surface blasting coal and a word document that people can comment on
 - § Blasting issues are the same regardless of the type of material
 - § Vibration, air over pressure, etc.
 - § Consistency
 - § Subp in pink, page 3
 - § How would sites be managed that are grandfathered and don't have permits?
 - § Some change proposed by DNR, developing definitions for existing and new mines
 - § Existing must have a permit OR be recognized as a legal non conforming use
 - § What about existing legal conformance?
 - § Page 8, Above Ground Sedimentation
 - § Operational requirement
 - § Ponds are covered elsewhere by MPCA, so this should focus on closure of ponds
 - § Falls under DNR for dam safety, but still in development
 - § DNR staff feel that many of the issues in WI are about how these ponds are constructed
 - § Pre-blast surveys or studies
 - § What is the basis for distance between? Federal standard.

- § Have a local option or consider pounds of blasting materials
 - § Make survey match the area of risk
 - § Pre blast surveys are very intensive, which is why it is opt in
 - § Homeowners are surveyed
 - § Response rate is low, though lots of efforts put forth to get people to participate
 - § Then get requests after operations start
 - § Might be a trespassing issue because it explicitly provides permission
 - § Mines want more participation
 - § Others
 - § Need blasting standards
 - § If it applies to more than reclamation, it should maybe be separate?
 - § WI does have it separately, MN DNR looks more holistically and has blasting standards for ferrous and non ferrous mines
 - § Gets frequent calls for aggregate blasting standards
 - § Maybe should be separate if DNR gets more authority
 - § Do blasting standards have any time of day requirements?
 - § Blasting hours are usually part of CUP, separate noise standards
 - § Pre blast survey
 - § People should opt out, not in
 - § Like at least 1/2 mile, some citizens would like it to be a mile.
- For February, even if just hand out on site, also want a digital copy
- EQB
 - Not going to Board in Jan or Feb because of concerns
 - § Current timeframe unclear
 - Discuss EIS thresholds today
 - § How is cumulative addressed?
 - § Cumulative effects are considered only once a project triggers environmental review
 - § Still struggling with 80 acres
 - § Some don't feel it is appropriate because silica sand is not that different from other mines
 - § Any mining project should stay at 160
 - § Some feel that even smaller projects can have impacts
 - § The EAW does serve as "scoping" - so any project that has to do an EAW may have to do an EIS
 - § An EAW is not a mini EIS
 - § But the EAW requirements have been expanded and there is a substantial amount of additional information required
 - § More details and specifics
 - § Some disagreement about this and how substantial the differences are
 - § Lower numbers seem more comfortable in a karst area
 - § So, should the thresholds be different in different areas?
 - § 80 acres is a mine area? What about how much material is being removed?

- § Karst area is more susceptible to how much material is removed
 - § In Minnesota River going into the aquifer
- § Bluff versus flatland
 - § Very deep can level a bluff
- § Dual threshold looking at cubic yards removed should be considered
 - § This does make it more administratively difficult and can fluctuate based on market conditions
- § What about depth? May want different mean depths for different regions?
- § Q: What does an EIS require that is useful that that isn't in EAW?
 - § More in depth
 - § EIS process is 4 -5 years and multi millions
 - § Remember there are other ways to get into an EIS than the mandatory categories
- § Maybe leave acreage higher but include depth - volume is important
- § Should there be throughput and storage thresholds, like there are for EAWs?
 - § Throughput - cubic feet, yards, tons? How hard to administer?
 - § Throughput is easier to figure when you have integrated processing and mining
 - § Look at size of facility that was studied - what is the impact on expansion?
 - § 100 acres is a small expansion to a 2000 acre facility, but may be big if it is new facility
 - § Some don't like throughput, especially for expansion; may really have already been effectively studied if a big facility is studied
 - § The Jordan sandstone is the most likely to be mined, and it is only 100 feet thick
 - § Note from WebEx participant: This seems unlikely. Houston County has St. Peter, Jordan and Wonewoc.
- § Studies have a life expectancy of about 5 years, so there is new information and science
- § Really every mine removes some groundwater, so pumping of water from a mine is common
 - § And this is a major concern
 - § Not just pumping, but structure - removal of sand
 - § How deep can you go? How much of a physical structure of an aquifer can/will be taken?
 - § This is really a key concern - don't know how much of the aquifer can be removed and still have enough clean water
 - § Water moves faster in karst area
 - § Provides quick opportunity for correction and cleanup
 - § Infiltration system impacts
 - § Why the EAW additions are mostly in groundwater
 - § Volume versus quality
 - § No, lots are on Ridge tops and not in water table
 - § Dewatering /groundwater appropriation permits
- § Sometimes mines were there first and development encroaches
- § New facilities not likely to mine less than 80 acres

- How many standalone facilities?
 - § If processing and a mine are combined, should have a combined threshold
 - § Two categories: facilities with a mine and facilities without
 - § Standalone facilities will attract a mine
- Have to look at volume
 - § Number One concern was water and how much of bluff will be removed
- Although an EAW should trigger an EIS if needed, experience is that it often does not
 - § Perhaps because of available expertise or pressure
- Concern about LGU capacity to do an EIS
 - § But important for LGU to be involved - prefer a partnership
 - § Local community needs to be heard
 - § State Agencies often don't get comments to LGUs in a timely manner and can do a bad job
 - § LGU has to live with it and they are vested
- EAW
 - § Screening for something more serious, so shouldn't be eliminating those that have potential for effects,
 - § Lower threshold, maybe 10 acres
 - § Throughput of (Received + Shipped) / 2 - just use shipped