CITY HALL
207 Lafayette Street
P.O. Box 378
Winona, MN 55987-0378
FAX: 507/457-8212

October 10, 2013

Planning Commissioners
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, October 14, 2013, at 4:30 p.m. in the Council Chambers** of the Winona City Hall.

1. **Call to Order**
2. **Minutes – September 23, 2013**
3. **Proposed Code Amendments**
4. **Update: Air Quality Monitoring**
5. **Other Business**
6. **Adjournment**

Sincerely,

Mark Moeller
City Planner

PLANNING COMMISSION MINUTES

DATE:	September 23, 2013
TIME:	4:30 p.m.
PRESENT:	Chairperson Porter, Commissioners Boettcher, Ballard, Davis and English
ABSENT:	Commissioners Buelow, Hahn and Olson
STAFF PRESENT:	City Planner, Mark Moeller and Assistant City Planner, Carlos Espinosa

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The meeting was called to order at 4:30 p.m. by Chairman Porter.

Approval of Minutes – August 26, 2013
The minutes from the meeting of August 26, 2013 were reviewed and, upon motion by Commissioner Boettcher and second by Commissioner Davis, were unanimously approved as submitted.

Update: Air Quality Monitoring
Chairman Porter called on Carlos Espinosa, Assistant City Planner, to provide a summary of this item.

Mr. Espinosa stated that following the Planning Commission's last meeting, staff has been in contact with the MPCA and has requested a representative to attend a Commission meeting to discuss questions about air quality and help provide options for moving forward. He further noted that Citizen's Environmental Quality Committee recommendations had also been forwarded to MPCA representatives for response.

In response to these communications, the MPCA is currently working on responses to the Environmental Quality recommendations. Further, MPCA representatives had stated desire to wait to release information or attend a Commission meeting until after October 1st at which time the Environmental Quality Board was proposing to release draft model standards and criteria for silica sand operations. Mr. Espinosa noted that a copy of draft standards had been included in the Commission's agenda package. As draft, input by various public, local governments, and state agencies would be solicited. Mr. Espinosa explained that the EQB staff report also states that "the model standards and criteria are being developed for use by local governments at their discretion." As such, the standards will serve as a reference for City staff to help determine if additional changes to City Code are appropriate.

On a separate but related topic, Mr. Espinosa noted that the MPCA currently has an open comment period for silica sand rulemaking. Given this agency's notice, included as an attachment to the agenda, comments on this process were being accepted until September 30th.

He concluded by noting that staff will continue to work with the MPCA on securing a staff person from that agency to attend a Commission meeting. He hoped that this could be accomplished during one of the Commission's October meetings.

Commissioner Boettcher stated that although some are a bit anxious that the Commission has not moved forward as quickly as they would like in addressing Environmental Quality Committee recommendations, he felt the Commission was undertaking its due diligence in attempting to completely understand the issue before providing recommendations to Council. He stressed that if this effort is not made at this time, Council may have to struggle with solutions in the future.

Chairman Porter agreed with Commissioner Boettcher's statement by emphasizing that the Commission is simply trying to provide fully thought out recommendations to Council regarding Air Quality. Although the City could certainly do its own thing in this matter, it was apparent that a number of state agencies are attempting to work through the process of defining standards in recommendations relative to the Silica Sand industry. Given that these actions are key to the basis of future Commission discussions, he felt this meeting needed to be held before the Commission can actually move ahead on anything.

Following further discussion, the consensus of those present was to request that staff continue to work with the MPCA on attempting to solicit a future joint meeting. It was also hoped that this meeting could be held as quickly as possible. Again, Mr. Espinosa stated that the effort would be made to pull this meeting in October.

Other Business

Commissioner Davis stated that during recent discussion pertaining to upgrades to the B-2.5 Zoning District, a number of "housekeeping measures" had been proposed by the Commission. Of these, one related to a requirement, pertaining to rooming and lodging houses, that currently permits parking facilities for these uses to be located not more than 300 feet from the building that they are required to serve. Given concerns with this provision, it had been proposed to that lodging and boarding establishments be treated the same as multiple dwellings requiring that required parking be located on the same lot as but not more than 200 feet from the building they are required to serve.

Although certain changes to the B-2.5 District were ultimately made by Council, no changes were made to proposed housekeeping changes, including the off street parking proposal for boarding and lodging houses had. Given the previous, Commissioner Davis asked that the Boarding/Lodging House off street parking proposal be brought back to the Commission's next meeting for discussion. It was noted that this would be done.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned.

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Mark Moeller
City Planner

PLANNING COMMISSION

AGENDA ITEM: 3. Proposed Code Amendments

PREPARED BY: Mark Moeller

DATE: October 14, 2013

During its meeting of June 10th, the Commission, following a required hearing recommended a number of code amendments to Council. Of these, some involved proposed changes to the B-2.5 Zoning District, while others focused on clarifying definitions and standards relating to boarding and lodging establishments and other "housekeeping matters".

Following the Commission's action, the City Council, following a July 1st hearing, voted to table the amendment proposal, pending (in part) the notification of B-2.5 District property owners of proposed changes. That notice occurred, and the package was again returned to Council on July 15th, at which time proposed amendments to the B-2.5 District were considered, modified, and adopted. However, action on remaining amendments (reference attached draft ordinance) was again "tabled" pending various concerns raised prior to/during Councils hearing (reference Council July 15th minutes). Of these, the most significant appeared to be a desire to further consider/study amendment impacts before adoption. Given Council's action, no further action of "housekeeping" amendments have been taken.

During the Commission's last meeting, discussion ensued relative to the status of tabled amendments. In part, concern was expressed of the fact that current provisions exempt certain forms of residential housing (i.e.: Lodging and boarding establishments, fraternity and sorority houses) from meeting "on-site" housing requirements. In these cases although required parking needs to be provided within 300 feet of these uses, code makes no reference to the form or permanence of off-site parking arrangements. In part, housekeeping changes were designed to address this perceived loophole. Given Commissions discussion, staff was requested to bring this item back as an agenda item during its next meeting. In part, the purpose of this discussion will be to determine what can be done to move proposed amendments forward.

AN ORDINANCE TO AMEND
THE CODE OF THE CITY OF
WINONA, MINNESOTA
1979

The City of Winona does ordain (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

Section 1. That Section 43.01 of the City Code of Winona, Minnesota, 1979, which section contains the "Definitions" for Chapter 43 which chapter is entitled "Zoning", be amended as follows:

Boarding Establishment. A food and beverage service establishment where food or beverages, or both, are furnished to three or more regular boarders with sleeping accommodations.

Campus, Educational or Medical: A contiguous area of land constituting and making up the grounds of an educational or medical facility/complex, containing the main buildings or with the main enclosure; provided, however, that for the purpose of this definition the contiguity of any land area involved shall not be deemed to be destroyed by the presence of public rights-of-way.

[~~Hotel: Any building or portion thereof containing 5 or more guest rooms or suites where no provision for cooking is made in any individual guest room or suite, except hospitals and jails.~~]

[~~Motel or Motor Hotel: A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guest or occupants.~~]

Hotel or Motel: A hospitality oriented retail use that is licensed by the state, occupied by and used principally as a place where sleeping accommodations are furnished to the public, for periods of less than one week. The term "Hotel or Motel" includes "motor hotel".

Lodging Establishment. A building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers for periods of one week or more, and having three or more beds to let to the public. This term includes lodging houses, rooming houses, and similar uses for any number of sleeping and/or rooming units, provided that such units do not include kitchens. Lodging establishments shall not include hotels or motels or dormitories owned and operated by qualified educational facilities.

[~~Rooming Unit: A unit containing one or more habitable rooms located in an operator-occupied dwelling or dwelling unit and so arranged as to provide a private habitable unit used, or intended to be used, for living and sleeping but not for cooking purposes, along with private or shared sanitation facilities; or a dwelling unit in a rooming house containing more than one dwelling unit and occupied by other than a family.~~]

Rooming Unit: Rooming unit is a room or group of rooms forming a single habitable unit used or intended to be used for living, sleeping, and private or shared sanitation facilities, but not for cooking purposes.

Sleeping Room. See rooming unit.

Section 2. That Section 43.36 of Article V of said Code, which Article is entitled "Off-Street Parking and Loading Requirements", be amended as follows:

43.36 NUMBER OF OFF-STREET PARKING SPACES REQUIRED. The number of off-street parking spaces required under this article shall be as follows:

Use	Parking Spaces Required
Automobile or machinery floor sales and service garages	1 for each 800 sq. ft. area
Banks, business and floor professional offices	1 for each 400 sq. ft. area
Bowling alleys	5 for each alley
Churches and schools	1 for each 8 seats in an auditorium or one for each 17 classroom seats; whichever is greater
College/University Housing	1 space per resident
Dance halls and assembly halls without fixed seats, exhibition halls except church assembly rooms in conjunction with auditorium	1 for each 100 sq. ft. of floor area used for assembly or dancing
Dwellings	2 for each family or dwelling unit
Funeral homes, mortuaries	4 for each parlor or 1 for each 50 sq. ft. of floor area
Furniture and appliance of stores, household equipment or furniture repair shop over 1,000 sq. ft. floor area	1 for each 400 sq. ft. floor area
Hospitals	1 for each 2 beds
Hotels, motels and motor hotels	1 for each living or sleeping unit
Libraries, museums or art of galleries	1 for each 500 sq. ft. area
[~~Lodging houses, roominghouses,~~] Lodging and boarding establishments, fraternities, and sororities	[~~1~~] .65 space per person certified as established by the [~~Housing Code~~] certifying authority
Manufacturing plants, research or testing laboratories, bottling plants, over 1,000 sq. ft. in area	1 for each 3 employees in the maximum working shift, or 1,200 sq. ft. of floor area, whichever is greater

Medical or dental clinics	1 for each 200 sq. ft. of floor area
Restaurants, beer parlors and night clubs, of over 1,000 sq. ft. in area	1 for each 200 sq. ft. of floor area
Retail stores, shops, etc., of over 2,000 sq, ft, floor area	1 for each 150 sq. ft. floor area
Rooming units accessory to owner occupied dwellings	1 space per certified rooming unit

Section 3. That paragraph (d) of Section 43.37 of Article V of said Code, which Article is entitled "Off-Street Parking and Loading Requirements" be amended as follows:

43.37 LOCATION, DESIGN AND MAINTENANCE OF PARKING AREA.

(d) Location. Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve:

(1) One and two family dwellings. On the same lot with the building they are required to serve.

(2) Multiple dwellings and apartment buildings, lodging and boarding establishments, fraternity houses and sorority houses. On the same lot as, not more than 200 feet from the building they are required to serve.

(3) Commercial [~~and institutional uses~~]. For uses not specified above and located [~~and first permitted in the~~] within B-1, B-2, and B-3 districts [~~and for hospitals, sanitariums, asylums, orphanages, rooming houses, lodging houses, clubrooms, fraternity and sorority houses, theme houses~~], on the same lot as, not more than 300 feet from the building they are required to serve.

(4) Educational campus and medical campus. On campus grounds, not more than 300 feet from the building they are intended to serve.

(5) Other uses. For uses other than those specified [~~heretofore~~] above, on the same lot as, not more than 300 feet from the building they are intended to serve.

Section 4. That subparagraph (2) of paragraph (a) of Section 43.58 of said Code, which paragraph sets forth "Permitted Uses" in an R-3 Multi-Family Residence District, be amended as follows:

43.58 R-3 MULTI-FAMILY RESIDENCE DISTRICT.

(a) Permitted Uses. The following uses shall be permitted in the R-3 district:

(2) Residential. ~~[Multi-family dwelling for any number of families or roominghouse units, including row houses; provided, that the minimum width of each individual dwelling unit in such row house, measured from interior wall to interior wall along the exterior front wall, shall be not less than 18 feet.]~~ Structures containing any number of dwelling units as defined herein.

Section 5. That paragraph (a) of Section 43.59 of said Code, which section sets forth "Permitted Uses in a B-1 Neighborhood Business District", be amended as follows:

43.59 B-1 NEIGHBORHOOD BUSINESS DISTRICT. (a) Permitted Uses. The uses permitted in the B-1 district shall be any local retail business or service establishment supplying commodities or performing services primarily for residents of the neighborhood on a day to day basis, such as:

(11) Lodging and boarding establishments.

Section 6. That this ordinance shall take effect upon its publication.

Dated this _____ day of _____, 2013.

_____
Mayor

Attested By:

_____
City Clerk

3.6 Request from Chula Vista Regarding Liquor License Renewal
The City Clerk reported that at the June 17 City Council meeting, the Council approved the renewal of an on-sale liquor license and Sunday on-sale liquor license for Jason Hubbard, LLC, doing business as Chula Vista of Winona, 1415 West Service Drive with the stipulation that a certificate of liquor liability insurance be submitted to the City Clerk, and payment of a delinquent utility bill, and delinquent 2012 property taxes be made no later than Friday, June 28, 2013.

State law requires that proof of appropriate financial responsibility, generally in the form of a certificate of liquor liability insurance, be submitted by the licensee to the City. In addition, the City Code requires that the all real estate taxes and special assessments due and payable in the previous calendar year, as well as all pending assessments for unpaid municipal charges, and all other unpaid municipal charges, shall be paid in full prior to issuance of any license.

Mr. Hubbard has submitted a certificate of liquor liability insurance, and has paid the delinquent utility bill by the June 28 deadline. However, the 2012 property taxes remain unpaid.

Mr. Hubbard is requesting that the City Council waive the requirement that the property taxes for the prior year be paid for a period of three months, during which time either Mr. Hubbard or the landlord will make full payment of the 2012 property taxes. If the full payment is not received within that timeframe, his liquor licenses would be terminated.

Mr. Hubbard stated that he wasn't aware of the impact this would have on the liquor license until the time that license renewals were due in early June. He also noted that there was a miscommunication between the previous property owner and the new one regarding the payment of the property taxes.

Thereupon Double moved to approve the On-sale Intoxicating Liquor License and the Sunday On-Sale Liquor License with these licenses to expire on either; 1) September 30, 2013 in the event that all delinquent property taxes, assessments and charges for the licensed premises are not paid on or before such date, or 2) June 30, 2014 subject to Licensee's continued compliance with applicable City Code and State law, whichever occurs first. Krage seconded the motion, and it carried with all voting aye.

3.7 Request for Handicap Stall on Chatfield Street
City Engineer Brian DeFrang submitted a request from Robert Ramer to have a handicapped stall in front of the home at 112 Chatfield Street. The area would be as follows: Chatfield Street, easterly side, from 90 feet south of the south line of Second Street to 20 feet southerly thereof.

Thereupon Borzyskowski moved to introduce the ordinance, and the motion was seconded by Eyden. The motion carried with all voting aye.

4.1 Proposed Housekeeping Amendments – Zoning Ordinance
Assistant City Planner Carlos Espinosa presented an ordinance for a number of various "housekeeping" amendments presented for Council consideration. A public hearing on these amendments was included in the hearing on July 1 regarding the B 2.5 Zoning amendment, and adoption of these amendments would serve the following general purposes:

- Define/Refine definitions pertaining to such terms as Boarding and Lodging Establishments, Hotels/Motels, and Rooming Units.
- Amend parking standard for Boarding and Lodging Establishments (fraternities/sororities). Standard would be reduced from 1 to .65 space per certified person as set by "certifying authority". (Note: As related to Boarding and Lodging Establishments, Hotels and Motels containing 5, or more units, the state is the certifying authority).
- For "Rooming Units" that are accessory to owner occupied dwellings, add a parking standard of one space per certified unit.
- Modify off-street parking "location" standards by closing loopholes allowing certain residential, commercial, and institutional uses to provide parking off-site

(Note: If required parking cannot be achieved "on site", a variance could be sought).

- Clarify R-3 "permitted use" standards by eliminating outdated language.
- Amend B-1 (Commercial) Zoning District permitted use standards by adding Lodging and Boarding Establishments as permitted uses to this district.

These amendments were recommended by the Planning Commission following its hearing on June 10th.

Krage felt that the Council needed more time to consider the impact of this ordinance as it affects property throughout the City, not just within the B-2.5 zoning district, and any affected property owner on that ordinance should be notified. He said that while he would be open to voting tonight on the ordinance impacting the McNally condo area, he thought the further discussion should be tabled.

Thereupon Krage moved to table discussion and to direct staff to notify property owners who would be affected by it. Alexander seconded the motion, and it carried with all voting aye.

4.2 Proposed Amendments – B-2.5 Zoning District

Mr. Espinosa reported that the Council held a public hearing on July 1 to consider a number of City Code amendments that would generally serve to modify density and parking standards of the B-2.5 Zoning District, and to clarify various code provisions related to Lodging and Boarding Establishments, Hotels and Motels, and rooming unit concepts. Following the hearing, Council deferred action pending additional consideration of amendments. Along with this action, Council directed staff to:

1. Contact property owners located within the B-2.5 District, with the intent of informing them of proposed amendments,
2. Establish an informational meeting, prior to further formal consideration of amendments,
3. Separate code amendments into two groups, including those relating directly to the B-2.5 District and others pertaining to "housekeeping" matters.

In response to the previous:

1. Letters to B-2.5 property owners were sent on July 3. To date, staff has received no response to these.
2. An informational meeting was held earlier this evening to discuss proposed amendments.
3. Proposed amendments have been broken into two ordinances. Of these, the first pertains to amendments relating specifically to B-2.5 District amendments. The second ordinance pertains to remaining amendments, again, classified as "housekeeping".

Given the previous introduction, the draft ordinance includes amendments that have been proposed to the B-2.5 (Mixed Use Business) District. As summarized during Council's meeting of July 1st, adoption of these amendments would serve the following purposes:

- Require a maximum density requirement of 1000 square feet of lot area for each "new" dwelling, rooming, or sleeping unit located within the B-2.5 District. At present, no density standard exists.
- Require that new residential use (only) of the B-2.5 District meet applicable off-street parking standards of the City Zoning Code. Exemptions would apply to properties containing two, or less, residential units.

The Planning Commission did recommend approval of proposed amendments following its hearing of June 10th.

Thereupon Alexander moved to introduce the ordinance as drafted, except taking out the parking change in the downtown overlay district, and the undeveloped portion of the

B-2.5 district outside of the overlay would be required to have one parking space per unit. The motion was seconded by Borzyskowski.

Assistant City Planner Carlos Espinosa asked if Councilmember Alexander's motion would be to require one parking space per dwelling unit for that area not within the overlay district. Alexander confirmed that was the intent of her motion, and to keep the parking requirements within the overlay district as they are today. Mr. Espinosa stated that that motion would reduce the required number of parking spaces for new dwelling units from two to one for the area outside of the overlay.

City Manager Judith Bodway asked Mr. Espinosa to explain the current parking requirements for the portion of the currently zoned B-2.5 which is outside of the overlay district. Mr. Espinosa replied that currently there would need to be two parking spaces provided for each unit, and the proposed amendment would reduce that to one parking space. He also noted that it would depend upon what type of unit- lodging room versus apartment.

Krage asked what is the current required parking for the McNally development. Mr. Espinosa replied that since this development is within the overlay district, under the current zoning code, no off-street parking is required.

Alexander pointed out that the McNally project has 20 parking spaces for 16 units.

City Attorney Chris Hood pointed out that under the current plan for the McNally condos, there is parking provided; however, if there is a new plan, there is no parking requirement.

Eyden was concerned about parking in the area, and she would prefer to table this discussion as well.

Krage noted that there are multiple parties interested in purchasing this building, and if the Council were to delay again, it needed to put a timeframe on when a final decision would be made.

Alexander stated that she was comfortable with the changes proposed to the B-2.5 zone, but not the housekeeping ordinance. She did not support requiring the condos to come up with more parking, and she wanted to preserve the current requirements on the overlay district.

Mayor Peterson noted that he would be more comfortable acting on this if the city knew that the condo project would go forward as condos and not as a different use.

Alexander noted that plan for this building had included some rentals. She also noted that due to the financing used to construct the condos; potential buyers can't get traditional loans through Fannie Mae or Freddy Mac.

Krage said that due to the size of this project, he felt the Council should take a few more weeks to understand the implications.

Mr. Hood noted that the Council may need to consider an extension to the current development moratorium. He also noted that the proposed ordinance on the B-2.5 zoning has two sections. The first requires any residential uses to have at least 1,000 square feet of lot area; the second section deals with the parking requirement. Mr. Hood asked if the Council had any questions on what the proposed ordinance would do.

Krage asked why the rush to push this amendment through tonight.

Double asked if Council had provided any direction to staff on what additional information is needed.

Krage suggested that Council members let staff know tomorrow what issues they aren't clear on.

Eyden suggested having the informational session a week before the Council meeting.

Borzyskowski asked what the Council is looking for to make a decision.

Double agreed that the Council needed to focus on the impact of the proposed ordinance on this parcel.

Krage said that the City should make clear that we are not playing favorites for one developer over another.

Borzyskowski asked if the parking requirement was the main concern. Mayor Peterson and Eyden replied that it was for them. Double stated that it was a key component, but not the only one.

Krage asked if the new Highway 43 bridge would impact this area. Staff replied that it would not.

Borzyskowski asked if this was the only area in the City zoned as B-2.5. Staff confirmed this.

Thereupon Alexander moved amend her motion to introduce the ordinance as drafted, except taking out the parking change in the downtown overlay district, and the undeveloped portion of the B-2.5 district outside of the overlay would be required to have two parking spaces per unit. Borzyskowski concurred as the second to the original motion. Alexander noted that new residential developments would then have the same parking requirement as in other zoning districts. Mr. Espinosa stated that the motion would strike Section 3 from the draft ordinance.

Thurley stated that given the discussion at the informational meeting earlier this evening, he was supportive of approving the introduction of the ordinance tonight, and he also noted that he doesn't see much for further development in this area.

The motion carried with all voting aye, except Krage, who voted no.

Thereupon Councilman Krage was excused from the meeting.

4.3 Moratorium Extension – B-2.5 Zoning District
On April 15, 2013, Council enacted an ordinance the general purpose of which was to prohibit new development and redevelopment activity within the B-2.5 (Mixed Use Commercial) Zoning District until use, density, and parking controls of the district had been studied and, if necessary, modified. This ordinance terminates on August 15, 2013.

Given that the Council introduced the ordinance in the previous agenda item, this item was pulled from the agenda.

4.4 Award Contract for Franklin Street Reconstruction
Mr. DeFrang submitted the bid summary from July 8 for the reconstruction of Franklin Street. A tabulation of the proposals received is as follows:

Bidder	Bid
A-1 Excavating, Inc.	$615,471.25
TJ's Trucking & Excavating, Inc.	$670,283.25

Engineer's Estimate: $685,381.00.

This project will be funded from the State Aid and Water Utility Funds. Staff recommends awarding to A-1 Excavating, Inc.

The following resolution was then presented for Council's consideration:

PLANNING COMMISSION

AGENDA ITEM:	**4. Update: Air Quality Monitoring**
PREPARED BY:	**Carlos Espinosa**
DATE:	**October 14, 2013**

Summary

In the air quality agenda item at the previous Planning Commission meeting, staff included a list of questions sent to the MPCA. The MPCA has provided a written response (see attached). As a follow-up, staff has requested an MPCA representative attend a Planning Commission meeting. At the time this agenda item was written, staff was working on a date for a representative to attend a meeting (starting with the next Planning Commission meeting on October 28th). The written response is being provided so there is ample time for Commissioners to review the document before an MPCA representative attends a meeting.

Attachments:

-MPCA response to questions

Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

October 7, 2013

Mr. Carlos Espinosa
Assistant City Planner
City of Winona
207 Lafayette Street, P. O. Box 378
Winona, MN 55987

RE: Air Monitoring Questions from City of Winona Planning Commission

Dear Mr. Espinoza,

The Minnesota Pollution Control Agency (MPCA) is providing responses to questions submitted by the City of Winona's Planning Commission regarding air monitoring for crystalline silica and diesel emissions. With this letter, and through the state silica sand technical team, the MPCA is committed to assisting Winona to understand the air quality questions arising from the transport of silica sand through the city. If desired, the MPCA will also provide a representative to attend a future Planning Commission meeting.

Questions from the Winona Planning Commission:
The MPCA's response to each question is provided in italics.

1. How is the MPCA responding to state legislation in terms of air quality regulation? How does this apply to air quality monitoring?

The MPCA has not decided on the scope of its pending rule effort for silica sand operations in Minnesota. The 2013 legislation requires the MPCA to create rules for particulate matter controls at silica sand operations. The first step of the rulemaking process involves inviting public comment on the scope of a proposed rulemaking. The MPCA recently sought public comments on the potential scope of the rules, with the comment period closing on Monday, September 30 (for further information, see the public notice at http://www.pca.state.mn.us/d6fpakf). At this time, the MPCA has not determined if the rule will include requirements for air quality monitoring at silica sand operations. That decision will be made following consideration of the public comments.

The 2013 legislation also calls for the establishment of a state technical assistance team. The MPCA will make air monitoring technical assistance available through the state team to address questions from local units of government. The MPCA is also prepared to provide technical assistance regarding appropriate air monitoring in cities impacted by the growth of silica sand operations.

2. What other silica sand facilities in Minnesota are conducting air monitoring? What activities are occurring, how large are the facilities, what is being measured, and how was it decided that these facilities should conduct monitoring?

There are 3 silica sand facilities in Minnesota that are conducting, or will conduct, air quality monitoring. The following paragraphs provide details about the monitoring at each facility.

Great Plains Sand

The first site, Great Plains Sand, is comprised of a mine, wet and dry processing operations, and a rail loadout. The facility is conducting monitoring for Total Suspended Particulate and PM10. The facility is also performing a subsequent laboratory analysis for silica content of every-other PM10 sample. The facility asserts that they will mine, at maximum, 1.2 million tons per year of sandstone. The facility also asserts that they have 15-20 years of reserves. The facility agreed to conduct monitoring as an outcome of the environmental review process. Scott County imposed the monitoring requirements within the Interim Use Permit, as identified here:
http://www.co.scott.mn.us/ParksLibraryEnv/Environment/EnvReview/Pages/Great-Plains-Sands-Mining-Interim-Permit.aspx.

Tiller – North Branch

The second site, Tiller – North Branch, is comprised of dry processing operations and a rail loadout. The Tiller facility receives sand via truck. The facility is monitoring for PM10, PM2.5, and PM4. The facility is also performing a subsequent laboratory analysis for crystalline silica content of each PM4 sample. The facility's dryer is rated at 360 tons per hour, which is (at most) 3.15 million tons per year. The facility was required to monitor as a result of an enforcement action against the facility. The requirement to monitor is contained with MPCA's air permit.

Jordon Sands – Mankato

Jordan Sands is a proposed site that is expected to start construction in late 2013 / early 2014. The site is composed of a mine, wet and dry processing operations, and a rail loadout. This facility will receive some of its sand from the Jefferson Quarry, which is approximately two miles away from the processing and rail loadout site. Jordan Sands plans to produce approximately 500,000 – 600,000 tons per year of sand. The available reserves suggest the facility can operate for 15-20 years. Jordan Sands will be monitoring for Total Suspended Particulate (TSP), PM10, PM2.5, and PM4 with subsequent analysis of the PM4 samples for crystalline silica. The facility agreed to conduct monitoring as an outcome of the environmental review process. The MPCA imposed monitoring requirements within the air permit.

3. In terms of general air quality issues and monitoring (i.e. non silica sand): When is monitoring required? How often is data analyzed? What are estimated costs and who generally pays for it? Does monitoring occur along truck routes, and if so, how is it useful?

When monitoring is required:

In general, MPCA conducts or requires air monitoring in two situations:

1) *To characterize the air pollution levels at locations throughout the state to develop an understanding of the types and levels of pollution across communities or regions, and*
2) *To follow up on concerns associated with a permitted emission sources, primarily as a result of a compliance issue.*

Determining the best location for an air monitoring site will depend upon the objective of the monitoring study. The most common monitoring objective used by the MPCA is to measure air pollution concentrations that are representative of air quality across a community or region. Community or neighborhood scale monitoring results can be used to characterize air pollution levels across a broad area. These monitors are located in areas that are not directly impacted by distinct emission sources and they are sited to measure the cumulative impact of air pollution in a community or region, to characterize typical exposures to air pollution.

A less common objective of MPCA air monitoring, because of the maturity of modern pollution control rules and permit conditions, is to measure the concentrations of air pollution in an area near air pollution emission sources, which is typically at the property boundary of the emission source. The MPCA typically only monitors at the property boundary of a permitted emission source if there is a demonstrated case of noncompliance. However, in the case of silica sand operations, the MPCA is seeking upwind and downwind monitoring at property boundaries to ensure the operations do not create emissions that would be harmful to humans.

Frequency of Data Analysis
Ambient monitoring results are evaluated quarterly for quality assurance and made available for data analysis. Compliance with ambient air quality standards are assessed upon completion of monitoring for a full calendar year. Annual compliance results for the previous year are typically available by March or April of each year. In the case of analysis of crystalline silica concentrations, the standard calls for a year's worth of data for proper comparison to the health benchmark.

The MPCA does make some data available on hourly basis, through the Air Quality Index (AQI) system. This data is not intensely reviewed for quality assurance prior to posting through the AQI system, and the intent of the system is provide citizens with real-time data to understand the air quality conditions in their area.

Who pays for air monitoring?
For community and neighborhood air monitoring the MPCA pays for the entire cost of equipment, maintenance and operation, sample analysis and staffing. The MPCA receives federal grants to conduct air monitoring to characterize air quality for compliance with federal standards. The MPCA also receives state funding to supplement the air monitoring coverage in Minnesota for locations and air pollutants not covered by federal grants.

For air monitoring at an emission source, the cost is typically borne by the owner or operator of the facility.

4. Given recommendations of Winona's CEQC in support of air quality monitoring at existing silica sand facilities and along Winona's truck routes, what are the MPCA's suggestions on options moving forward? In particular, what are thoughts on the following:

A) At this time, is air quality monitoring for crystalline silica at Winona's silica sand facilities and PM 2.5 along truck routes recommended?

Until the MPCA better understands the particulate matter and crystalline silica emissions from silica sand operations, the MPCA will require the air monitoring of particulate matter and crystalline silica at the property boundaries of new operations that require an individual air permit. If the City of Winona chooses to require air monitoring at existing silica sand facilities in its jurisdiction, then the MPCA can provide technical assistance to establish a viable air monitoring plan for each facility.

While the MPCA does not believe that there are imminent air quality issues for PM2.5 or crystalline silica along Winona's truck routes, the MPCA is willing to partner with the City of Winona on a pilot project to monitor for PM2.5 and crystalline silica at one site in the city. The pilot would provide information to the MPCA and other cities regarding the potential for elevated levels of PM2.5 and crystalline silica along truck routes.

The MPCA would ask the City of Winona to identify a location for the air monitoring and will work closely with the city to find a site that meets the relevant regulations for air monitoring. The MPCA would also ask the city to provide on-the-ground assistance for the operation of the air monitors; more specifics will be provided if the city agrees to partner with the MPCA on this effort.

The MPCA will provide the air monitoring instruments, oversight of site operation, lab analysis, data reporting, quality assurance review and data analysis for the effort. The monitoring would be planned to run for a year with a decision to continue for a longer period of time dependent upon a review of the monitoring results.

B) If the answer to letter A) is yes, what should the regulations be and how should air quality monitoring be conducted (e.g. standards, locations, type of equipment, duration, etc)? What are estimated costs associated with this type of monitoring and what third party companies do this work? If air monitoring results are higher than regulations, what actions can be taken to reduce particulates?

The MPCA will conduct the air monitoring consistent with our standard air monitoring efforts, which comply with federal rules. Through the proposed monitoring pilot project, the MPCA will provide a generalized air monitoring plan for use the state technical team.

The cost of air monitoring depends greatly upon the type of monitoring being conducted, the frequency of sample collection for crystalline silica and the requirements for site preparation or construction. The MPCA estimates that the equipment and lab analysis costs of the proposal described above is $60,000; this estimate does not include staffing costs or any site preparation costs.

The MPCA is aware of small number of environmental consultants that have conducted air monitoring in Minnesota. If the city chooses to employ a contractor for this type of work, the MPCA recommends the city investigate numerous environmental consultants to consider cost and qualifications. The MPCA can provide technical assistance to the city on reviewing an air monitoring plan proposed by an environmental consultant.

The corrective actions available if air monitoring results are above standards or health benchmarks depend significantly upon the objective of the monitor. If the monitor is on the property boundary of a silica sand operation, then fugitive dust controls and process emission controls should be instituted to minimize emissions. If the monitor is along the truck routes, then a more comprehensive analysis of the data and the potential emission sources, including the site's meteorological data, would be conducted to determine the most effective measures to reduce air pollution levels.

C) If the answer to letter A) is no, what other courses of action are recommended to protect public health?

Regardless of a decision to conduct air quality monitoring, there are actions available to minimize the possibility of exposure to crystalline silica or diesel emissions along truck routes in the city. The city could take actions to ensure that trucks carrying silica sand through the city cover their loads to minimize the potential releases during transport. To minimize diesel emissions, the city can consider adopting an anti-idling ordinance as well consider requirements for the use of Clean Diesel trucks (manufactured after 2007) or trucks with diesel engines retrofitted with pollution controls.

If you have any further questions regarding this letter, or would like to discuss an amenable time for and MPCA representative to meet with the Planning Commission, please contact me at frank.kohlasch@state.mn.us or 651-757-2500.

Sincerely,

Frank L. Kohlasch, Manager
Air Assessment Section
Environmental Analysis and Outcomes Division

FK:flk

cc: David Thornton, MPCA Assistant Commissioner
Will Seuffert, Minnesota Environmental Quality Board Executive Director
Shannon Lotthammer, MPCA
Wendy Turri, MPCA Rochester Regional Office
Rick Strassman, MPCA
Jeff Hedman, MPCA