

Silica Sand Mining – Environmental Review Perspective

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Environmental Review Tools

- Nonmetallic mineral mining, EAWs and EISs
- Discretionary EAWs
- Generic EIS

Environmental Review in a Nutshell

- Two basic documents: EIS, EAW
- Comment period(s)
- Written responses to comments
- Purpose:
 1. Inform the public
 2. Inform decision makers
 3. Project planning tool

Thresholds for Nonmetallic Mineral Mining

- Mandatory EAW (4410.4300, Subp. 12)
 - Excavation of 40 acres, 10 ft mean depth “during its existence”
 - Lower for forested or naturally vegetated land in shoreland areas
- Mandatory EIS (4410.4400, Subp. 9)
 - 160 acres, 10 ft mean depth, “during its existence.”
 - Also lower in shoreland areas
- Exempt: site evaluation activities

Recent EAWs and EISs

Active

- Merriam Junction (EIS), Scott Co.
- Griffin Quarry (EAW), Olmsted Co.
- Preferred Sands (EIS), Le Sueur Co.
- Unimin South (EIS), Le Sueur Co.

Completed

- Great Plains Sands (EAW), Scott Co.
- Unimin North (EIS), Le Sueur Co.

MPCA Comments

- Focus on MPCA jurisdiction and permitting
- Range of comments
 - Project description
 - MPCA permits and approvals
 - Air quality- stationary source permits
 - Air quality – dust and noise control plans
 - Water quality & impaired waters – impacts from industrial wastewater & stormwater, wetland loss
 - Demolition & hazardous materials
- Contact information provided

Local Project-Specific Concerns

- Dust
- Noise
- Vibration
- Impacts on wells
- Physical alteration of water resources, flooding
- Closure & reclamation
- Transportation systems
- Air quality monitoring

Discretionary EAW

- A governmental unit with jurisdiction may order the preparation of an EAW
- Petition process (citizens → EQB → RGU)
- EQB may order an EAW
- Proposer may volunteer
- Project not exempt from review (Minn. R. 4410.4600)
- Standard: Project *may* have the potential for significant environmental effects

Generic EIS (4410.3800)

- “... may be ordered by EQB to study types of projects that are not adequately reviewed on a case-by-case basis.”
- EQB may be RGU or designate another agency
- May be requested by a governmental unit or any other person
- Scoping process
- Specific projects are neither exempted from environmental review nor delayed because a GEIS is being prepared.

Factors to Consider in Determining the Need for a GEIS

- The type of action lends itself to generic review
- Effects are uncertain or unique or unknown risks
- Research needed to understand impacts
- Need to inform decision making and planning
- Cumulative impacts of such projects
- Regional or statewide significance
- Need to understand long-term effects on economy, environment and way of life.

Previous Generic EISs

- GEIS on Timber Harvesting and Forest Management Practices
 - Initiated by citizen request in 1989
 - Completed in 1994
 - Sustainable Forest Resources Act (1995) created the Minnesota Forest Resources Council
 - MFRC charged with implementing GEIS recommendations
- GEIS on Animal Agriculture (1999-2002)