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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 906

02/25/2013 Authored by Hansen

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act
1.2 relating to natural resources; requiring the development of silica sand and other
1.3 nonmetallic minerals mining model standards and criteria; establishing a silica
1.4 sand technical assistance team; proposing coding for new law in Minnesota
1.5 Statutes, chapter 116C.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. [116C.99] SILICA SAND MINING MODEL STANDARDS AND
1.8 CRITERIA.

1.9 Subdivision 1. Definitions. The definitions in this subdivision apply to this section.

1.10 (a) "Local unit of government" means a county, statutory or home rule charter city,
1.11 or town.

1.12 (b) "Mining" means excavating and mining silica sand or other nonmetallic minerals
1.13 by any process, including digging, excavating, mining, drilling, blasting, tunneling,
1.14 dredging, stripping, or shafting.

1.15 (c) "Nonmetallic mineral" means a product, commodity, or material consisting
1.16 principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable
1.17 material, including stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar,
1.18 peat, talc, and topsoil.

1.19 (d) "Processing" means washing, cleaning, screening, crushing, filtering, sorting,
1.20 processing, stockpiling, and storing silica sand or other nonmetallic minerals, either at the
1.21 mining site or at any other site.

1.22 (e) "Silica sand" means naturally existing high quartz level sand with a number of
1.23 uses, including hydraulic fracturing of shale for oil and gas production. Silica sand does
1.24 not include common rock, stone, aggregate, gravel, or sand with a low quartz level.

2.1 (f) "Transporting" means hauling and transporting silica sand or other nonmetallic
2.2 minerals, by any carrier:

2.3 (1) from the mining site to a processing or transfer site; or

2.4 (2) from a processing or storage site to a rail, barge, or transfer site for transporting
2.5 to destinations.

2.6 Subd. 2. **Standards and criteria.** By October 1, 2013, the Environmental Quality
2.7 Board shall develop model standards and criteria for mining, processing, and transporting
2.8 silica sand and other nonmetallic minerals to be used by local units of government in
2.9 developing local ordinances. The standards and criteria must include:

2.10 (1) mining operation and processing setbacks, including:

2.11 (i) setbacks no less than ... feet from any residence or residential zoning district
2.12 boundary;

2.13 (ii) setbacks no less than ... feet from any property line or within ... feet of the
2.14 right-of-way line of any existing or proposed street or highway;

2.15 (iii) setbacks no less than feet from ordinary high water levels of public waters; and

2.16 (iv) setbacks no less than feet from bluffs;

2.17 (2) standards for hours of operation;

2.18 (3) groundwater and surface water monitoring and mitigation plan requirements,
2.19 including:

2.20 (i) well sealing requirements;

2.21 (ii) annual submission of monitoring well data; and

2.22 (iii) storm water runoff rate limits not to exceed two-, ten-, and 100-year storm events;

2.23 (4) air monitoring and data submission requirements;

2.24 (5) dust control requirements;

2.25 (6) noise testing and mitigation plan requirements;

2.26 (7) blast monitoring plan requirements;

2.27 (8) lighting requirements;

2.28 (9) inspection requirements;

2.29 (10) financial assurance requirements; and

2.30 (11) reclamation plan requirements.

2.31 Subd. 3. **Silica sand and nonmetallic minerals technical assistance team.** By
2.32 October 1, 2013, the Environmental Quality Board shall assemble a silica sand technical
2.33 assistance team to provide local units of government with assistance with ordinance
2.34 development, zoning, environmental review and permitting, and other issues arising
2.35 from silica sand and other nonmetallic minerals mining and processing operations. The
2.36 technical assistance team shall be comprised of seven members, including one technical

3.1 representative from the Department of Natural Resources, one technical representative
3.2 from the Pollution Control Agency, one technical expert from the University of Minnesota
3.3 or the Minnesota State Colleges and Universities, and four other representatives with
3.4 expertise in one or more of the following areas: silica sand mining, hydrology, air quality,
3.5 water quality, land use, or other areas related to silica sand mining.

3.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.