

**Environmental Quality Board**

520 LAFAYETTE ROAD NORTH  
ST. PAUL, MN 55155  
PHONE: 651-757-2873  
WWW.EQB.STATE.MN.US

July 19, 2013

Dear Interested and Affected Party:

In accordance with Minn. Stat. 14.14, subd. 1a, the Minnesota Environmental Quality Board (EQB) is required to maintain a list of all persons who have registered with the EQB for the purpose of receiving notice of rule proceedings. At this time, the EQB is initiating an effort to update this information and to transition from providing paper public notices to electronic notices. Changing to an electronic notification system will provide access to information through the EQB's website, provide more timely notices, and save taxpayer dollars.

You are receiving this communication because you are currently either on a mailing list for EQB rulemaking or you have expressed an interest in rulemaking. If the EQB already has your email address, you will continue to receive electronic notice of EQB rulemaking activities. However, if you have not previously provided an email address to the EQB for receiving notices, you must provide it at this time by following the instructions below to continue to receive the notices that were formerly mailed.

To register to receive email notices, please visit: <http://www.eqb.state.mn.us/>. The email notification system allows you to select from several topics of interest and you may unsubscribe at any time from the system through unsubscribe links provided in each message. The email notifications you receive will include links to the notice and related information.

In our efforts to ensure that everyone has the opportunity to register to continue to receive notices, some interested parties may receive multiple notices. One of the benefits of the transition to the electronic notification system will be the elimination of the duplication and waste associated with maintaining multiple mailing lists. Your patience during this transition, expected to end on October 20, 2013, for rule notices, is appreciated.

We hope you find that the new electronic notification system improves the exchange of information and facilitates your continued participation in the EQB's rulemaking activities. If you have questions about this transition to an electronic notice process, or if you are unable to receive electronic notices, please contact Beth Tegdesch at 651-757-2100.

Sincerely,

Kate Frantz  
Planner Principal  
Minnesota Environmental Quality Board

Jeff Smyser, AICP  
Planner Principal  
Minnesota Environmental Quality Board

KF/JS:bt

## Minnesota Environmental Quality Board

### REQUEST FOR COMMENTS on Possible Amendments to Rules Governing the Environmental Review Program, *Minnesota Rules Chapter, 4410*; Revisor's ID Number R-04196

**Subject of Rules.** The Minnesota Environmental Quality Board (EQB or Board) is considering revising the existing rules governing the Environmental Review Program. These are the rules under which Environmental Assessment Worksheets (EAWs), Environmental Impact Statements (EISs), and other environmental review documents are prepared. This possible rulemaking shall amend "*rules for environmental review, adopted under Minnesota Statutes, chapter 116D, for silica sand mining and processing to take into account the increased activity in the state and concerns over the size of specific operations. The EQB shall consider whether the requirements of Minnesota Statutes, section 116C.991, should remain part of the environmental review requirements for silica sand and whether the requirements should be different for different geographic areas of the state.*" Laws 2013, chapter 114, article 4, section 105

This rulemaking may also include revisions that may come up as a result of public comments. This rulemaking can be referred to as the "Silica Sand Rulemaking" since the Board is currently pursuing two separate rulemakings for Chapter 4410.

**Plain English Summary.** This Request for Comments is the Board's legal notice of its intent to begin rulemaking. This is the first of several opportunities for public comment and input on this rulemaking. At this stage, we do not have a draft rule; we want your feedback to inform us about the ideas described under the **Subject of Rules** section above. If you have other ideas related to this rulemaking that we need to consider, please submit them in writing. For example, we recognize that costs to regulated parties can be a concern with rulemaking; if you have cost information or data related to this rulemaking that you wish to share with us to inform our decisions, please submit that information. Submitting your ideas and information to us at this early stage in rulemaking allows us more time to address issues that may come up, and helps to ensure informed decision-making on our part.

**Where to Get More Information.** If you are interested in being notified when a draft of the rule revisions is available and of other activities related to this rulemaking, please register for GovDelivery at: <http://www.eqb.state.mn.us/>. If you are unable to receive electronic notices, please contact Beth Tegdesch at 761-757-2100.

**Persons Affected.** The proposed amendments may affect project developers, local units of government and state agencies, private citizens and citizens groups, and environmental groups. However, changes to the rules governing the Environmental Review Program may directly or indirectly affect all citizens of the state.

**Statutory Authority.** *Minnesota Statutes*, section 116D.04, subd. 2a(a) and 5a and *Minnesota Statutes*, section 116D.045, establish the Environmental Review Program and authorize the EQB to adopt rules governing its operation. Laws 2013, chapter 114, article 4, section 105 provide that EQB amend its rules for environmental review with respect to silica sand mining and processing.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing or orally until 4:30 p.m. on August 23, 2013. The EQB will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Board does not plan to appoint an advisory committee to comment on the possible rules. Interested and affected parties are invited to submit information relative to the cumulative effect of the rule with other federal and state regulations.

**Rules Drafts.** The Board has not yet drafted the possible rules amendments.


**Agency Contact Person.** Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to:

Jeff Smyser  
Environmental Quality Board  
520 Lafayette Road North  
St. Paul, MN 55155  
Phone: 651-757-2279  
Fax: 651-297-2343  
Jeff.Smyser@state.mn.us  
TTY users may call the EQB at 800-627-3529

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**Note:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

7/17/13  
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Date

  
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David Fredrickson, Chair  
Environmental Quality Board