

## **Availability Session Overview Document Mississippi Sand LLC**

At the Availability Session, the below Agencies as well as Mississippi Sand will have representatives and information available to answer questions about the project. Each Agency will have a separate table and participants are free to circulate from table to table at will. A description about each Agency's authority and process is listed below for help in determining to whom to direct your questions.

### **Mississippi Sand LLC**

**Source** Mississippi Sand, LLC  
12209 Big Bend Road  
St. Louis, MO 63122

### **Location of Project**

Route 71 in LaSalle County, west of Ottawa

### **Description of the Project**

Mississippi Sand, LLC. has proposed an approximately 80 acre sand mine and sand processing plant in LaSalle County. The mine and processing plant would produce sand for use in hydraulic fracturing in natural gas extraction wells. The mine site is contiguous to Starved Rock State Park on the east side of the park and extends east along Route 71. Mississippi Sand must obtain approvals, described in each section below, from the Illinois Environmental Protection Agency's Bureaus of Air and Water, the Illinois Department of Natural Resources' Office of Mines and Minerals and the Illinois Historic Preservation Agency.

Mississippi Sand has applied to the various state Agencies for the requisite authorization before proceeding with the mining and the processing plant on the 80 acre parcel. If the company wants to mine other parcels on the approximately 300 acre site described in zoning proceedings in front of the LaSalle County Board, Mississippi Sand would need to apply for additional authorization from the various state Agencies.

### **Independence of Agencies' Actions**

Mississippi Sand must obtain approvals from several different Agencies listed below. The decisions made by these Agencies and the Offices or Bureaus within the Agencies are independent of one another and are governed by differing laws and regulations.

## **Illinois EPA Bureau of Air**

Mississippi Sand must obtain a construction permit from the Illinois EPA Bureau of Air (BOA) prior to the start of construction on the sand processing plant. The sand processing plant includes crushers, screens, conveyors, a dryer, storage and other operations associated with processing of the sand. A construction permit would not regulate air emissions from the mining operations. The BOA is in the process of reviewing Mississippi Sand's application.

The BOA preliminary review of Mississippi Sand's application indicates that it will be a non-major source of air emissions and the Illinois EPA typically has 90 days to process a state construction permit of this type. A construction permit would allow Mississippi Sand to install the equipment at the sand processing facility, after which Mississippi Sand would need to apply for an operating permit in a timely manner to continue operating the plant. The current decision before the Illinois EPA Bureau of Air is for the construction permit only.

## **Illinois EPA Bureau of Water**

Mississippi Sand must obtain a general stormwater National Pollutant Discharge Elimination System (NPDES) permit for construction site activities. This permit is required for all construction projects throughout the state that disturb more than one (1) acre of land surface. The general NPDES stormwater permit will cover the 80 acre construction site activity phase of the project. This includes stormwater from construction of visual screening berms along Route 71, stormwater control structures including drainage ditches, silt fences, and other stormwater control measures built before construction and operation of the mining activities begin. The BOW is in the process of reviewing Mississippi Sand's application.

Mississippi Sand must obtain a separate Illinois EPA BOW NPDES permit for the discharges related to the mining activities. The additional NPDES permit can include construction and operation of mining activities including the sand processing plant. After completing the review on the additional NPDES permit application, a tentative determination of the permit coverage can be proposed and the Illinois EPA will provide a separate public notification of this draft permit.

## **Illinois Historic Preservation Agency (IHPA)**

Protecting historic, architectural, and archaeological sites as part of the public planning process is one of the IHPA's primary responsibilities. The Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420) requires the Illinois EPA, as part of its permitting process, to consult with the IHPA regarding the identification and treatment of cultural resources affected by Mississippi Sand's project. The IHPA must review the project and comment to the Illinois EPA within 30 days after receiving complete and correct documentation of the project. The documentation required by the IHPA may include retaining an archaeologist to inspect the property for culturally significant resources. If resources are discovered,

the Illinois EPA and the IHPA will consult and consider alternative development plans that avoid harm to those resources.

Sometimes, however, plans cannot avoid harm to cultural resources. If the property is archaeologically significant, a professional excavation is usually conducted to collect information about the people who once lived on or used the site. If historic buildings cannot be saved, an architectural and historical record of the property may be made in accordance with strict state standards.

A common misconception about the state law's consultation process is that the IHPA's review can "stop" a project. The IHPA's role is to ensure that any adverse effects on cultural resources are recognized and that the feasibility of mitigation is considered before a project begins. The process also ensures that the impact on cultural resources is subject to public discussion. IHPA's current review and consultation addresses only the area covered by permits currently being considered by the Illinois EPA.

## **Illinois Department of Natural Resources**

### **Office of Mines and Minerals, Mine Safety and Training Division**

Mississippi Sand must obtain a surface mining/reclamation permit from the Illinois Department of Natural Resources, Office of Mines and Minerals (OMM) prior to the start of stripping of overburden material for the purpose of mineral extraction. The permitted area will include all areas where minerals are to be extracted as well as areas where overburden from the extraction area will be placed.

The OMM preliminary review of Mississippi Sand's application indicates that the proposed permit area is 79.54 acres in size. The OMM has 120 days from the filing of the application with the LaSalle County Clerk's Office to review and take final action (approval or denial) on the reclamation plan. If approved, the Department will issue the permit applied for. A mining/reclamation permit would allow Mississippi Sand to strip overburden from the designated mineral extraction area as well as place this overburden in pre-determined stockpile areas where it will be graded and vegetated as required under 62 Illinois Administrative Code, 300.110.

### **Office of Realty & Environmental Planning**

The Illinois Endangered Species Protection Act (520 ILCS 10) and the Illinois Natural Areas Preservation Act (525 ILCS 30) require local governments and state agencies to consult the Department of Natural Resources prior to authorizing, funding, or performing any action which alters environmental conditions, in order to identify potential adverse effects to the natural resources specifically protected by these statutes, and to recommend measures to avoid or minimize adverse effects. Consultation recommendations are advisory in character; state agencies and local governments may accept, reject, or modify them.

It is the Department's opinion the proposed Mississippi Sands mining operation is unlikely to adversely affect the essential habitat of any State-listed plants or animals known to be present in the vicinity, and is unlikely to adversely modify the Catlin Marsh Illinois Natural Areas Inventory (INAI) Site or the Starved Rock East INAI Site, but is likely to adversely modify the Ernat's Marsh INAI Site unless measures are taken to protect its hydrology. The Department recommended that surface discharges related to the mining operation should be made at a point downstream of Ernat's Marsh, rather than upstream. This measure has been incorporated into the mining plan. It is the Department's opinion Ernat's Marsh is unlikely to be drained due to the proximity of mine excavations.

## Comments

Written comments may be sent to the Illinois EPA contact below and must be postmarked by **June 7, 2012** to be considered. This date is **extended** from the date listed in the newspaper notice. Comments will be made part of file and reviewed by Illinois EPA Bureau staff. Copies of the comments will be forwarded to the Illinois Historic Preservation Agency and the Illinois Department of Natural Resources.

Comment forms with the Illinois EPA's address are available as a courtesy at the registration desk. These forms do not need to be used to submit written comments about the project.

## Contacts

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