

FILLMORE COUNTY  
APPROVED COUNTY INDUSTRIAL MINERALS MINING ORDINANCE (SECTION 736)  
Approved by Board of Commissioners  
As of November 27, 2012

The Fillmore County Board of Commissioners approved the following new industrial minerals mining ordinance, at its meeting on November 27, 2012:

1. Separate the regulation of mining “construction minerals” [section 721] from the regulation of mining “industrial minerals” [new section 736]. Industrial minerals includes silica sand. Property owners and mining operators who intend to extract or mine industrial minerals would be required to first obtain an industrial minerals conditional use permit from the board of commissioners. [736.02]
2. Mining operator holding “construction minerals” CUP for an aggregate or common minerals mining site could not extract more than 10 tons of “industrial minerals” from that site before being required to get “industrial minerals” conditional use permit. [721.04 5]
3. Maximum limit of 5 active silica sand mining projects in Fillmore County at any one time. No new silica sand mining projects could be permitted until one or more of the 5 existing mining projects have closed. [736.07 5]
4. Size limit of 50 acres for each silica sand mining project. No more than 25 acres of a mining site could be actively mined before beginning reclamation. [736.07 1]
5. No siting of silica sand mine operations fronting onto gravel roads, unless first approved by board of commissioners based upon more efficient sand hauling access route. [736.11]
6. Prohibit processing or washing of extracted sand at mining site. Mining operators must take extracted sand to out-of-county processing sites. No use of flocculants or chemicals. [736.04 4]
7. Prohibit tunneling, shafting, hydraulic dredging, auguring or any other underground method of mining. [736.04 3]
8. Prohibit importing of any sand into Fillmore County that has been treated with flocculants or toxic chemicals. [736.04 5]

9. Require ongoing, staged reclamation of mining sites, with mining operations at any one time limited to 25 acres. [736.13]
10. Require silica sand mining operators to enter into road maintenance agreements with Fillmore County, and to pay road pavement impact fees of approximately \$0.219 per ton per mile for hauling on local roads. [736.11]
11. Mining site setback of 1,000 feet to neighboring existing residences. [736.07 2)]
12. No mining in shoreland or floodplain districts. [736.07 3)]
13. No mining vertically closer than depth of 10 feet to existing groundwater table. [736.10 1)]
14. Mining operators cannot cause significant reduction in quantity of groundwater available to surrounding users within 2 miles of mining site. [736.10 2)]
15. County board or zoning administrator can require EAW of proposed mining project, even if below mandatory state environmental review thresholds. [736.08]
16. Tougher blasting regulations, including pre-blasting survey, blasting event notification, control of adverse effects, blasting log. [736.12]
17. Require reclamation bonds. [736.15]

Visit the following Fillmore County internet site to read the entire approved ordinance:

[http://www.co.fillmore.mn.us/zoning/documents/Sand\\_Information/736\\_Ord.pdf](http://www.co.fillmore.mn.us/zoning/documents/Sand_Information/736_Ord.pdf)