

# Frac Sand Sentinel

*...keeping watch on the industry*

Issue #23

DATE August 31, 2013

**UNCOVERED TRUCK OF SILICA NEAR CHIPPEWA FALLS, WI? NO, IT JUST CAN'T BE? CAN IT? NOTE THE LICENSE PLATE AND THE PHONE NUMBER AND NAME OF THE COMPANY. SEVERAL PEOPLE HAVE SHARED INFORMATION OF THIS NATURE THIS PAST WEEK! PLEASE CALL THE STATE PATROL TO REPORT UNCOVERED TRUCKS. NOT LEGAL!**



**This past week, I received a special request from Tim. Please help him out by reading his request below and responding if you have information to share! His email is noted below and it would be so helpful if you could share your experience. Thanks, Tim, for working on this project!!!!**

I want to put together a data base that would show degradation of property values for properties sold near mine sites. This is a big undertaking and I need the help of all the people in your readership to collect information.

If anyone knows of a sale of a property within 1-2 miles of an existing sand mine, please relay that information to me. I will need:

--name of buyer or seller, or both;  
--sale date, even approximately;  
--municipality where the property is located (township, village, county, etc.);  
--name of the nearby mine.

I will try to track down previous assessed values and sale prices through the appropriate county records. This could take some time, but I think that having a large body of evidence from right here in Wisconsin, and recently, would carry far more weight in the court of public opinion than all existing research, which are dated or come from remote parts of the U.S. If this “proximity to sand mine=degraded property value” thesis is wrong, then we need to know that, too, and to stop advancing a specious argument. Please post or summarize this message as you deem appropriate.

Thanks in advance,

Tim Zeglin

[tmzeglin@trivest.net](mailto:tmzeglin@trivest.net)

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## **Frac Sand Mines Leave Nearby School Districts With Less State Aid**

With an increase in property values in an area, schools may be left holding the bag with a reduced amount of funds when it comes time to receive state aid. A number of districts are already concerned. Listen to the research report done by Rich Kremer of WPR.

<http://news.wpr.org/post/frac-sand-mines-leave-nearby-school-districts-less-state-aid>

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**BIG CONTROVERSY IN BUFFALO COUNTY! PLEASE READ THE BACKGROUND ARTICLES FROM THAT AREA. SHOULD THE TOWNSHIP BOARDS DECIDE TO LEAVE COUNTY ZONING?**

**Craig Brooks provides us with opportunity to learn more! From the Front Line!**

“I wanted to share this with the full group of interested folks. They haven't yet made the Taylor letter to Town Boards available because it wasn't yet in digital format at the County.

So, [here is a link to the recording of the reading of that letter](#) regarding the issue.

An article about the letter is [here](#) but it does not give the whole picture.

Craig Brooks  
Buffalo City, WI  
[715-318-1272](tel:715-318-1272)

----- Forwarded message -----

From: **Craig Brooks** <[brooksee@mwt.net](mailto:brooksee@mwt.net)>

Date: Sat, Aug 31, 2013 at 8:44 AM

Subject: Re: Info. Request

To: Julie Lindstrom <[julie.lindstrom@buffalocounty.com](mailto:julie.lindstrom@buffalocounty.com)>  
Cc: Del Twidt <[del.twidt@buffalocounty.com](mailto:del.twidt@buffalocounty.com)>

Thanks again Julie for the Board packet.

I want to show you (and Del) just how easy and free it is to make such documents available on-line even though you don't yet have the capacity via the County web site do so. On any web site you can put links to things. You do it now. There are several free storage sites available for documents and they can be made public like I have done via the links below. I pulled out the one page RVS letter as one document, the four page 8/14 LRC minutes and the full 29 page packet you sent me. All of these are available by clicking on the links. The long links can be embedded in the title as I have done in this email and how you do on your web site for things like agendas and minutes. (BTW- posting Zoning minutes on the web site does not seem to have been done since April.)

So, I am again asking Buffalo County to make these things available on the internet and have shown you a way to do so free and easily via free web sites like Google Drive, Drop Box, Cloud Drive, etc. Many government organizations have taken advantage of these free services. Many citizens have offered to volunteer helping Buffalo County do this.

Craig

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[RVS Letter](#)

<https://docs.google.com/file/d/0B-w4MqhpI3MSY2EyNkhOd2RhSjg/edit?usp=sharing>

[LRC 8/14/13 Minutes](#)

<https://docs.google.com/file/d/0B-w4MqhpI3MSMEI4TkRTdXlybG8/edit?usp=sharing>

[LRC 8/27/13 Meeting Packet](#)

<https://docs.google.com/file/d/1IgC21JL95fifcNOHex1YhUudMChqAzJ92KIbhNddEZ108oB-yQy13vEMJQIb/edit?usp=sharing>

Craig Brooks

Buffalo City, WI

[715-318-1272](tel:715-318-1272)

These two letters appeared in this weekend's issue of the Winona Post. Both about the recent effort to eliminate county zoning. I think they compliment each other to give a better picture of the whole issue. I urge you to share this with others as so many County residents don't know what is happening.

Craig Brooks

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**Letter to the Editor # 1**

**Significant Zoning Change?**

The Buffalo County zoning committee meeting of Aug 27 contained an item, added the day before the meeting, referring to dropping countywide zoning and letting the towns be responsible for zoning, all zoning. Tom Taylor, the chair, read a letter he wanted to send to all the town chairmen, asking their input on this, ie would their town prefer to have its own zoning? Mr Taylor is doing this, he says, so there will be more public input, never appreciating the irony that he is not allowing the public in front of him to speak. (We each got 60 seconds.) Furthermore there is no direction to the towns on how to solicit public opinion from their residents on this question. So the very significant zoning change could be decided by very few people. This could go either way for the frac sand issue. But where it really hurts is that it no longer allows for the consideration of

cumulative effects in the county.

If as it seemed last night, the real issue is that Mr. Taylor and his colleagues, with the notable exception of Jim Ziegeweid, are feeling frustrated and unappreciated, I would ask the following questions.

1) Under the new zoning ordinance the zoning committee now reviews all mine applications and offers a deny/approve recommendation to the board of adjustment. If you are feeling so overwhelmed by the work and the citizen input, why on earth did you insinuate yourselves as a committee into the application process? Surely you knew that was going to be more work and time for you and was going to involve a lot more contact with the pesky citizens. The application could have gone directly from the towns to the BOA.

2) if you are so unhappy on the committee, instead of trying to change zoning for the whole county, why don't you just resign from the committee and let one of the other county board members serve on it for a while?

3) Why is it not a legitimate question to ask why the county has gone through so many zoning techs? Are we underpaying them? Are most of them more interested in working for DNR or Conservation of Forestry and only do zoning until they can get a job in their preferred field?. Are we a bad place to work for

4) Did you ever consider that part of the reason things take so much of your time is that members come to meetings unprepared. Sometimes this seems due to the members lack of study on the issues, and sometimes it seems that the office or the chairman provides them with the material with only a very short time for them to review it prior to the meeting. Most recent case in point the item to change from countywide zoning added to the agenda 24 hours before the meeting.

That supervisors put in a tremendous amount of time on the county board, much of it unappreciated, and unseen, is certainly true. And we owe them thanks for being willing to serve. But we do not owe them implicit approval and accolades for everything they do. If we have supervisors who are so unhappy with citizen participation and wish to go back to the good old days when no one showed up, they need to know that those days are over.

Joan Schnabel

Jeff Falk

Fountain City

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## **Letter to the Editor #2**

### **Ordinance to Eliminate County Wide Zoning**

At 9:07 AM Monday August 26, 2013 Buffalo County sent out a notice for a Land Resource / Zoning Committee meeting to be held at 5:30 PM Tuesday August 27, 2013. This email with the agenda was sent to the newspaper contacts and the local City Clerks for posting. Townships did not get this notice but in other counties it is sent out to them by the Committee Chair. A few of us saw the email but very few citizens even knew the meeting was taking place. Item number 9 on the agenda was "Ordinance to Eliminate County Wide Zoning". Nothing else was included to tell anyone what this meant. In fact, not even the Committee members knew until a proposed letter was handed out at the meeting. Members of the public are only allowed to comment on the agenda of a Committee meeting for one minute each at the beginning of the meeting. No one present, including the staff and three of the four Committee members had any idea what item # 9 was about. Therefore, the public obviously could not comment on the unknown. Then, even though the comment was made during discussion of this topic that public input was wanted, a request to open the discussion up to the public was denied. By the way, the public input sought by the author of the proposal is not from the general public but only from the Township Boards. Zoning relates to many, many things concerning sanitation, buildings and land use. The only new thing recently on the County's zoning plate is industrial frac sand mining. The proposed Ordinance to Eliminate County Wide Zoning relates to all such functions even though the three Committee members who voted for the motion to support the recommended solicitation of opinions only had concerns related to being

bothered too much by citizens who continue to express concerns about health, safety, property values and general community well being regarding frac sand mining. Much unlimited time is given at County meetings for mining companies to pitch their stories. Citizens are limited to one or two minutes. Supporters of frac sand mining inevitably are those who will make money. Those asking for protections are never in it for the money. Zoning is not about making money at others expense. It is about protecting the health, welfare, safety and well being of the citizens. Three of our County Board members are raising this major issue and ten of the County Board members don't even know they're doing this. These three try to belittle citizen concerns by saying it is only a handful of people. Some even say that a gravel pit is the same as industrial frac sand mining. Several hundred local residents have come out over the last two plus years with concerns about frac sand mining. That is not a small number and we need to keep in mind that the vast majority of mine proposals and testimony have come from people who do not live here – many from as far away as Texas. And, to compare a gravel pit to huge frac sand mining operations that run 24/7 is like comparing a small store in a town of 400 to the Walmart corporation – No comparison.

Please contact your County Supervisor and your Town Board members asking them to support continuation of county wide zoning. To do otherwise will be chaos and be very expensive for tax payers to replicate in so many little Towns that do not have the capacity to perform this function.

Craig Brooks

Buffalo City

**You may want to follow this issue to see what happens in Buffalo County!**

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**Lawmaker calls for eight more DNR employees to monitor Wisconsin frac sand industry**

**[http://host.madison.com/ct/news/local/writers/jessica\\_vanegeren/lawmaker-calls-for-eight-more-dnr-employees-to-monitor-wisconsin/article\\_33aefc78-0f64-11e3-95e6-001a4bcf887a.html](http://host.madison.com/ct/news/local/writers/jessica_vanegeren/lawmaker-calls-for-eight-more-dnr-employees-to-monitor-wisconsin/article_33aefc78-0f64-11e3-95e6-001a4bcf887a.html)**

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**Industry Expert Anthony Ingraffea: Fracking is Frankensteinian**

**<http://ecowatch.com/2013/industry-expert-anthony-ingraffea-on-fracking/>**

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8/28/2013 1:01:00 PM

**Taxes don't offset impact of mining**

**Dale Crisler, Rice Lake**

**<http://www.ricelakeonline.com/main.asp?SectionID=9&SubSectionID=211&ArticleID=26305&TM=80639.73>**

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## **BIOLOGISTS AND OTHERS: YOU MAY BE ABLE TO OFFER YOUR TECHNICAL SUPPORT ON THIS PROPOSAL!**

### **Broad incidental take permit and authorization proposed for activities with no or low impact to endangered resources in Wisconsin**

MADISON -- A number of activities that have no or low impact on endangered or threatened plants and animals would be covered by a broad incidental take permit and authorization the Department of Natural Resources is proposing to issue for the activities. Incidental take <http://dnr.wi.gov/topic/erreview/take.html> refers to the unintentional loss of individual endangered or threatened animals or plants that does not put the overall population of the species at risk.

Activities that are covered under the permit and authorization include things like land acquisitions, wetland delineations, sign installations and utility maintenance activities. The Department has concluded that the take allowed for under this permit and authorization is not likely to jeopardize the continued existence and recovery of the state population of the species or the whole plant-animal community of which they are a part; and has benefit to the public health, safety or welfare that justifies the action. The Department has also concluded that the take allowed for under this permit and authorization is not likely to appreciably reduce the likelihood of the survival or recovery of the species within the state, the whole plant-animal community of which they are a part or the habitat that is critical to their existence.

The conservation measures to minimize the adverse effect on the endangered and threatened species will be incorporated into the proposed Incidental Take Permit and Authorization. Copies of the jeopardy assessment and background information on the species are available by searching the DNR website for incidental take public notice <http://dnr.wi.gov/topic/erreview/take.html#tabx4> or upon request from Rori Paloski at 608-264-6040 or Melissa Tumbleson at 608-267-0862. Public comments will be taken through September 26, 2013 and should be sent to Rori Paloski, WI DNR Conservation Biologist, PO Box 7921, Madison, WI 53707-7921

FOR MORE INFORMATION CONTACT: Rori Paloski at 608-264-6040 or Melissa Tumbleson at 608-267-0862

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**If only these and other OSHA regs applied to the homes of the people in the sand mining areas. People living near the landscape-scale destruction of sand mining in Wisconsin have homes filled with silica dust. The waste product of creating the larger, round sand for fracking is a respirable crystalline silica dust that is well documented as causing cancer and other diseases. These tiny particles are the waste of the process so the material isn't handled with care and is concentrated and dumped back on the ground as "reclamation."**

**Wisconsin issued air permits fall short of Clean Air Act standards. The processing and shipping facilities are indiscriminately placed near homes, schools and elder housing. Public health risks from this wild west industry are great.**

Unions applaud as OSHA releases long-stalled worker safety rule

By Ben Goad - 08/23/13 02:28 PM ET

The Occupational Safety and Health Administration (OSHA) on Friday issued draft regulations aiming to limit workers' exposure to harmful silica dust, delivering a major victory to labor unions and safety advocates.

The proposed rule, which sat under review for more than two years at the White House, has become the poster child of stalled worker protections, with public interest and safety groups relentlessly criticizing the federal government for failing to act.

“This rule is long overdue,” AFL-CIO President Richard Trumka said in a statement moments after the regulations were unveiled. “Meanwhile workers have continued to suffer unnecessary disease and death.”

Silica dust is commonly released at construction sites, shipyards and other workplaces where heavy machinery is used. It has been associated with numerous ailments, including silicosis and lung cancer.

Once implemented, the new regulations would save nearly 700 lives per year and prevent 1,600 new cases of silicosis annually, according to OSHA estimates.

“Exposure to silica can be deadly, and limiting that exposure is essential,” said David Michaels, assistant secretary of labor for occupational safety and health. “Every year, exposed workers not only lose their ability to work, but also to breathe.”

The proposal follows years of analysis, public meetings and an intense lobbying effort.

The debate over tougher silica standards date back to the 1970s, when the National Institute for Occupational Safety and Health (NIOSH) recommended that the limit be significantly reduced. The group determined that crystalline silica is “associated with silicosis, lung cancer, pulmonary tuberculosis and airways diseases.” Industry groups were split on the proposal.

The National Industrial Sand Association, which has opposed efforts to toughen the current standard, said that stronger exposure limits weren’t necessary.

“Because our companies have successfully protected their workers under the current permissible exposure limit (PEL), we do not believe there is a proven need to lower that level and disagree with OSHA’s proposal to cut that limit in half,” said Mark Ellis, the organization’s president, in a statement.

He added that the group supported others aspects of the proposal, including requiring medical surveillance and monitoring of workers’ exposure to the dust.

The National Asphalt Pavement Association, however, said in a statement that the asphalt industry “is positioned to meet the new standard.”

In 2011, a report from a working group created by the American Chemistry Council (ACC) estimated the overall economic impact of new standards at almost \$5.5 billion and said they would cost industry upwards of \$30 million in lost output over 10 years, while eliminating 170,000 jobs.

Public interest groups, who argued that health risks far outweighed the cost, heralded the action as a possible signal of a shift at the White House’s regulatory office.

“I hope that this portends a new approach by the Office of Information and Regulatory Affairs and the Office of Management and Budget, a new approach toward allowing regulations out in an expeditious fashion,” said Tom McGarity, a professor at the University of Texas Law School.

The proposal is one of the first major rules to emerge from the White House’s Office of Information and Regulatory Affairs since new administrator, Howard Shelanski, took over in July.

Once the rule is published in the *Federal Register*, the public and interested parties will have 90 days to submit written comments before a series of public hearings are convened.

Only after those steps will the agency issue a final rule.

*Julian Hattem contributed to this story.*

Read more: <http://thehill.com/blogs/regwatch/labor/318543-osh-releases-long-stalled-worker-safety-rule#ixzz2d5YPzTqt>

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Deborah J. Nardone, Director  
Beyond Natural Gas Campaign  
Sierra Club

## Funds Needed for Crawford Stewardship Project Legal Expenses

Dear Supporter,

After ten months of work by Crawford Stewardship Project and our supporters on August 22, the Lower Wisconsin State River Board voted 6 to 2 to reject the permit application by Pattison Sand for a frac sand mine in the Riverway.

The Riverway Board chose to vote for the intent of the law, rather than a strict definition of the law in order to protect the Riverway. Board chairman Don Greenwood said they received comments from thousands of people in opposition to the mine and, except for individuals directly involved in the mine, only one person in support of the mine. Citizen input swung the vote! One board member said she had to represent her constituents, despite legal opinions of the legality of the Board's authority. **This is what democracy looks like!**

Thank you so much for your comments and your support. You helped make this happen.

This decision sets a precedent to keep frac sand mines out of the 92 miles of the lower Wisconsin Riverway. But it stopped only a portion of the Pattison mine!

Crawford Stewardship Project is continuing to challenge. We have filed a lawsuit with four Bridgeport citizens against the Bridgeport Township for their approval of the frac sand mine with no conditions, without answering citizen questions, and with conflicts of interest. This lawsuit could require the Township to start the permitting process over and put substantial conditions in place. Regardless of the result, this challenge encourages citizens all over the state to hold their elected officials to doing thorough reviews and regulations of frac sand mines.

We need your help. Can you make a donation for this legal effort?

***Please send your checks to:***

*Crawford Stewardship Project*

*PO Box 284*

*Gays Mills, WI 54631*

*On check memo line write "legal fund".*

***Or go to [www.crawfordstewardshipproject.org](http://www.crawfordstewardshipproject.org) and pay by PayPal, (listed at the bottom of the Home page).***

Momentum is gathering in Wisconsin to stop frac sand mining. Please contribute today!

Thank you for your contributions and your efforts.

Eddie Ehlert,

Crawford Stewardship Project Co-coordinator

P.S. Please send this on to a friend.

## **CONTACT ADDRESSES FOR GOVERNMENT INFORMATION**

**U.S. GOVERNMENT CONTACT INFORMATION** can be obtained through Congressional Switchboard 1-866-327-8670 [this is a toll free number]. You can contact your Congressman and Senator through this number without paying long distance charges.

<http://www.house.gov/> for members of the House of Representatives <http://www.senate.gov/> for members of the U.S. Senate

White House 1-202-456-1111

**STATE GOVERNMENT CONTACT INFORMATION** can be obtained through

<http://www.emailyourgovernor.com/> Information available at this site allows contact with governors, members of the state legislature, state supreme court, congressional delegation and state agencies such as the Education Department, Attorney General, Motor Vehicles Department and Voter Registration.

**PLEASE NOTE THAT SOME OF THIS INFORMATION MAY BE OUT OF DATE**

**FIVE CONSTITUENT CONTACTS WILL CAUSE A LEGISLATOR TO PAY SERIOUS ATTENTION TO A GIVEN ISSUE.**

*Welcome to the Frac Sand Sentinel, a newsletter highlighting resource links, news media accounts, blog posts, correspondence, observations and opinions gathered regarding local actions on, and impacts of, the developing frac sand mining and processing industries.*

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*Questions, comments or concerns? Let us know! 715-723-6398*

[www.ccc-wis.com](http://www.ccc-wis.com)