



.....keeping watch on the industry Issue: #42 Date: JANUARY 28, 2015

Strong winds in northern Chippewa County and Southern Barron County were in full force on October 28, 2014. Several of us accompanied Dr. Michelle Bamberger and Dr. Robert Oswald, authors of *The Real Cost of Fracking: How America's Shale Gas Boom is Threatening Our Families, Pets, and Food*, on a tour of the many sand mines and processing plants found in this area of the state! It was obvious that crystalline silica dust was in its full glory as we watched the gusts cause vast movement of particulates than we expected. It did not appear that any of the facilities were watering down the precious cargo into the air.....and there seemed to be no WDNR people witnessing the event, but all of us were in awe of the view! Robert captured a few views as demonstrated in the pictures below.







The views that day were spectacular!

.....but we don't know how far the winds carried the particulates

.....the size of the particulates

.....how these particulates impact the health of plants and human food, animals, or human beings.

There is no standard for respirable crystalline silica in Wisconsin although it is a well known fact that silica dust particulates are carcinogenic and that many people and other forms of life live near the mines and processing plants wherever they might be located in Wisconsin!

According to the report issued by the Civil Society Institute in 2014, the health implications are just not fully understood and the State of Wisconsin does not appear to be making any efforts to study those health implications although potentially thousands of people and their properties are in close proximity to the mines, trans-load facilities and the processing plants and also the railroads transporting the sand to state boundaries and then out of the state for use in the hydraulic fracturing industry.

Dr. Crispin Pierce (UW-EC) and his students are working at a location in the Town of Cooks Valley in Chippewa Co. on a two year project for the purpose of collecting information about

particulates coming off surrounding mines. A scientific report will be released in November, 2015. Crowd sourced funds from people all over American were collected for the purpose of purchasing equipment and doing the scientific tests. Thanks to all of you who donated to make this scientific investigation possible.

State legislators would like to take away local control of sand mining, processing and transload activities. Instead they should undertake the responsibilities of protecting the health, safety and welfare of their constituents first: through funding to study the issues, setting high standards and providing adequate supervision in those areas for which they are responsible including air quality, water quality and those areas related to storm and waste water discharge and reclamation. Intensive studies on the impacts of leaching of metals into local water supplies should be undertaken; adequate funds should be allocated to local town and county boards so more than adequate decisions can occur locally based upon highly unbiased but educated people who are able to supervise and evaluate areas of concern and take action if necessary.

Town and county supervisors should be passing resolutions at their level to support local control. Below is a sample resolution that citizens can provide to their town or county board members for action. Citizens can take the leadership by speaking to their board members and other groups about developing this initiative! The power rests with Local People and the Boards who will make a difference.

Sample Resolution in Support of Local Control of Nonmetallic Mining Operations

WHEREAS, for over 100 years, Wisconsin has empowered town boards, when duly authorized by a vote of the town electors to exercise village powers to regulate various activities for the public health, safety, and welfare of the public (often referred to as police powers); and

WHEREAS, in February of 2012, in the case *Zwiefelhofer v. Town of Cooks Valley*, 338Wis. 2d 488, the Wisconsin Supreme Court ruled 6-0 to uphold the right of towns to adopt regulatory requirements based on their police powers to protect public health, safety, and welfare and thereby rely on town ordinances to regulate locally significant aspects of nonmetallic mining; and

WHEREAS, many towns have enacted regulatory ordinances as an exercise of police powers under the village powers authority in the past two years to regulate nonmetallic mines and processing plants in order to protect the public health and safety of their town; and

WHEREAS, towns have worked side by side with sand mining companies to negotiate mutually beneficial ordinances that address noise, hours of operation, reclamation, and property valuation while at the same time allowing companies to bring jobs to the area and make a profit, which would not be possible without local control; and

WHEREAS, limiting towns who do not have town zoning or towns that are under county zoning would dramatically limit the authority of a town board by taking away their ability to adopt industrial frac sand regulatory ordinances using village powers; and

WHEREAS, towns should maintain the ability to implement and amend conditional use permits, licensing ordinances, road agreements, and other nonmetallic mining regulations in order to adapt to the sand mining industry as it evolves and practices change over time; and

WHEREAS, previous proposals in the Wisconsin State Legislature have attempted but failed to significantly reduce town, village, city, and county authority to protect public health, safety, and welfare through regulating nonmetallic mining operations, including industrial frac sand mining and processing operations; and

WHEREAS, local governments have the flexibility to adapt nonmetallic mining ordinances to fit the unique features of an area including local geology, topography, and infrastructure that statewide regulation lacks; and

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of _____ as follows:

The _____ Town Board supports local control of nonmetallic mining operations, and opposes attempts to limit the ability of local governments to enact ordinances that protect the health, safety, and welfare of the public by crafting regulations to fit the unique circumstances of the local community.

PERSISTENCE PAYS OFF!!! From Mary in Illinois!

<http://www.chicagotribune.com/business/ct-fracking-illinois-0125-biz--20150123-story.html#page=1>

This article appeared on the front page of the Chicago Tribune business section Sunday.

No permits issued in Illinois for fracking since the regulations for the industry were passed. Why? Because the environmentalists in Illinois kept the "frack" heat on the Governor, the IDNR, the AG, the Legislature for over two years to make sure the regulations had teeth, and while the laws and regs were being hammered out, stuff happened. For one thing, the Saudi's/OPEC decided to glut the world oil market. And the demand for fracking went south, bypassing southern Illinois.

No demand for fracking, less demand for sand. Keep praying that the Saudi's stay resolute and pump pump pump!

PRAYING FOR A REBOUND?

<http://www.nasdaq.com/article/falling-oil-prices-frac-sand-suppliers-are-praying-for-a-rebound-cm436656>

Great piece by Sandra Steingraber:

How We Banned Fracking in New York <http://ecowatch.com/2015/01/22/banned-fracking-new-york/>

And there are two letter writing campaigns designed to correspond with legislators and others to appeal to them regarding the preservation of local control. Save the Hills Alliance, Inc. and Loyalty to Our Land groups have designed the campaigns. Please go to www.ccc-wis.com for assistance in developing your letters to legislators. Take **ACTION** and **PERSIST!** We have much in this beautiful state of Wisconsin to protect and appreciate.

WATCH FOR THE OPPORTUNITY TO RESPOND:

Since storm and waste water regulations have expired but are still being used to permit, we need to be alert to and comment on changes being made to strengthen the old regulations that

were designed more exclusively for sand and gravel operations rather than for frac sand mining. Watch the address below for new announcements so you can comment by the deadline.

New DNR Proposed Program Guidance Available for Public Comment

For example, draft guidance concerning storm water is now available for review and comment on the [Proposed DNR Program Guidance Web page](#). The one to look for regards NONMETALLIC MINING OPERATIONS, (chapter 283, Wis. Statutes). It expired 3/21/14.

Town of Howard, Chippewa County: spill from the EOG MINE in the Spring of 2014 Public Lab

CARS efforts to sign on Federal/State Legislators on to EIS gets national attention

Working together creates the possibility of creating real change for people's lives. See how the work of CARS and its allies is making its way into the national debate over rail safety. Thanks to our legislators for supporting our efforts for an EIS of the entire Upper Mississippi River Basin. Now we need the help of other federal and state legislators. Consider helping us by calling on the Army Corp of Engineers to do an EIS on all things oil for the entire Upper Mississippi River Basin. http://saferails.org/?page_id=213

[Kind and Baldwin seek Environmental Impact Statement on impact of railroad along the Mississippi area! http://www.progressiverailroading.com/federal_legislation_regulation/news/DeFazio-requests-USDOT-action-on-tankcar-safety-Kind-and-Baldwin-seek-environmental-review-of-BNSF-track-project--43325?](http://www.progressiverailroading.com/federal_legislation_regulation/news/DeFazio-requests-USDOT-action-on-tankcar-safety-Kind-and-Baldwin-seek-environmental-review-of-BNSF-track-project--43325?)



Great new report out today by Environment America. Please share widely:

Report Shows How Fracking Industry's Failure to Follow Regulations Impacts Human Health
<http://ecowatch.com/2015/01/27/fracking-industrys-failure-regulations/>

What is happening in Minnesota? Listen/view the hearing from Jan. 27, 2015 (note the industry emphasis)

[Mining and Outdoor Recreation Policy](#)

Tuesday, January 27, 2015

[Listen Now](#) or [Download MP3](#)

Note:

If you would like to add your name to a list of interested citizens who would like to speak during today's public comment period at the end of this informational hearing, please e-mail CLA Claire Leiter at Claire.Leiter@house.mn.

Television archive available for this meeting [View archive](#) Mining and Outdoor Recreation Policy Description:

Informational hearing for silica sand mining from silica sand producers, and state agency silica sand rule-making update from Department of Natural Resources, Minnesota Pollution Control Agency and Minnesota Environmental Quality Board.

TREMPEALEAU CO. AND THE ANNEXATION ISSUES: a must to hear!!!!

<http://www.wpr.org/programs/archives/the-west-side-with-rich-kremer>

ALSO WATCH: TRIBAL PERSPECTIVES ON MINING IN WISCONSIN

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.

The content of this newsletter is for informational purposes only. The editor of the Frac Sand Times does not accept any responsibility or liability for the use or misuse of the content of this newsletter or reliance by any persons on the newsletters contents.

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