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FRAC SAND MINING AND POLLUTED WATER

WATER QUALITY AND QUANTITY IN THE STATE OF WISCONSIN IS AN ISSUE THAT MATTERS TO CITIZENS!

Midwest Environmental Advocates issued this Petition in November.
Citizen Petition for Corrective Action or Withdrawal
of NPDES Program Delegation from the State of Wisconsin

The Clean Water Act was passed in 1972 in an effort to resolve growing concerns overwater degradation in the United States. The Act effectively gives authority to the Environmental Protection Agency to use National Pollution Discharge Elimination System permits to regulate point source pollutant discharges to the waters of the United States. While a national regulatory scheme is in place, the Clean Water Act also allows the EPA to delegate its authority to states to issue NPDES permits. The EPA may delegate its authority, yet this delegation is neither permanent nor unconditional. If a state's program is not in compliance with the Clean Water Act, federal statute allows the EPA to

rescind delegation of authority and resume issuing water pollution permits for that state.

Wisconsin's delegated NPDES program— WPDES —falls short of federal standards on several grounds. Most glaringly, the DNR has failed to address a host of deficiencies in the WPDES Program despite a July 2011 letter from the EPA to the DNR detailing 75 specific questions and problems with the WPDES Program's compliance with federal law. To date, the DNR has failed to remedy these deficiencies in numerous ways; for example, the DNR continues to issue WPDES permits that do not fully comport with the Clean Water Act. As a result, severe water degradation continues to occur throughout Wisconsin.

On October 20, 2015, 16 residents from across Wisconsin signed a formal Petition to the EPA to take corrective action with respect to Wisconsin's deficient water permitting program. Petitioners have given their time, expertise, and testimonials to demonstrate that the failure of the DNR to operate its water pollution permit according to the Clean Water Act has a real impact on real people, and a significant impact upon the quality and safety of Wisconsin's waters.

Federal law requires at minimum that the EPA respond to this Petition—the right to submit the Petition is given by federal law and the EPA cannot ignore Petitioners' requests. Petitioners asked for a written response from the EPA within 30 days. Furthermore, Petitioners asked that the DNR and EPA work with Petitioners and interested public to start public meetings and other collaborative efforts to bring the DNR's water pollution permitting program into compliance with the Clean Water Act.

Water discharge permitting is complex; involving statutes, rules, and lengthy permits. But beyond the legal and technical complexities, Wisconsin's government must prioritize residents' experiences with declining water quality in our State. The response of regulatory agencies and our Legislature will have a true, long-term impact upon the ability of Wisconsinites to use and enjoy our State's water resources.

For more information and testimonials from petitioners, please visit

midwestadvocates.org/pca

NATIONALLY, WATER QUALITY AND QUANTITY IS ALSO AN ISSUE!!! See the story from the USA TODAY!

<http://www.desertsun.com/story/news/environment/2015/12/10/pumped-beyond-limits-many-us-aquifers-decline/76570380/>

Heat on EPA as National Study on Fracking's Risks to Drinking Water is Challenged

The Environmental Protection Agency's draft national assessment on fracking's potential to pollute drinking water is still under review. If it is to reflect science over policy, some dramatic changes to the wording of the study's conclusions are needed, EPA's review panel was told during a public comment teleconference on Thursday.

Back in 2010, when Congress first tasked EPA with investigating the risks that hydraulic fracturing poses to American drinking water supplies, relatively little was known about the scale and significance of the onshore drilling rush's environmental impacts. [Read more.](#)

From "Wisconsin Environment": Wisconsin Scary Water Fact Sheet-2015

- 1. In 2012, Wisconsin Rapids had the worst reproductive toxin pollution in a single watershed in the entire country. 1**
- 2. Over a million gallons of manure spilled into Wisconsin's waterways in 2013. 2**
- 3. In 2014, Door County was home to a 640,000-gallon manure spill into Sugar Creek, a small local waterway. 3**
- 4. Swimming in many of WI beaches exposes you to E. Coli. In 2015, 15% of water samples from WI's beaches exceeded daily bacterial maximums. 4**
- 5. Green Bay suffers from toxic algal blooms and "dead zones" from phosphorous pollution. 5**

1 Jeff Inglis, Tony Dutzik, and John Rumpler, "Wasting Our Waterways: Toxic Industrial Pollution and Restoring the Promise of the Clean Water Act" (Environment America Research & Policy Center, June 2014).

2 Elizabeth Ridlington and Dan Kohler, “Wisconsin’s Lakes at Risk: The Growing Threat of Pollution from Agriculture and Development” (Wisconsin Environment Research & Policy Center, March 2011)

3 “Factory Farm Nation 2015” (Food and Water Watch, 2015)

4 Mark Dorfman and Angela Haren, “Testing the Waters” (Natural Resource Defense Council, 2015.).

5 “Pollutants Likely to Create Green Bay’s Longest Dead Zone,” accessed October 28, 2015,

<http://www.jsonline.com/news/statepolitics/pollutants-likely-to-create-longest-dead-zone-yet-in-green-bayb99473535z1-298367521.html>

6. Statewide, nitrate levels exceed state and federal standards in 10% of the private wells sampled. In the Trempealeau County area, nitrate/nitrogen exceeded the drinking water standard in all thirteen wells sampled. 6

7. Many counties, including Dane County’s waters are threatened by tar sands pipeline spills. 7

8. Wisconsin’s Department of Natural Resources has repeatedly failed to enforce the Clean Water Act, the foundational legislation that protects our lakes and rivers. 8

9. Over half of Wisconsin’s stream miles are once again left vulnerable to pollution due to a federal court of appeal’s ruling to disband the EPA’s new Clean Water Rule.9,10, 11, 12,

10. The same loopholes in the Clean Water Act leave the drinking water for nearly 1 in 14 Wisconsinites vulnerable to pollution. 9, 10, 11, 12, 13

6 “Wisconsin Department of Agriculture, Trade and Consumer Protection: Water Quality,” accessed October 28, 2015,

http://datcp.wi.gov/Environment/Water_Quality/ACM_Annual_Report/2013_Annual_Report/Water_Quality/.

7 “Tar Sands,” *350 MADISON*, accessed October 16, 2015, <https://350madison.wordpress.com/campaigns/tarsands-2/>

8 Midwest Environmental Advocates <http://midwestadvocates.org/news-events/news/petition-to-epa-wisconsinfails-to-comply-with-clean-water-act/>

9 Environment America <http://www.environmentamerica.org/news/ame/court-ruling-puts-thousands-wetlandsand-streams-jeopardy>

10 “Stop the Attack on the Clean Water Rule: Protect Wisconsin’s Drinking Water” protectcleanwater.org

11 U. *Appendix A-1. Total Miles of Rivers and Streams in the Nation* (n.d.): n. pag. US EPA. Web.

<http://water.epa.gov/lawsregs/guidance/cwa/305b/upload/2000_06_28_305b_98report_appenda.pdf>.

12 *Table 1: State-by-State NHD Analyses of Stream Categories and Drinking Water Data* (n.d.): n. pag.

Association of State Wetland Managers. Web. <http://www.aswm.org/pdf_lib/state_data_request.pdf>.

13 *Percentage of Surface Drinking Water from Intermittent, Ephemeral, and Headwater Streams in Wisconsin*. USEPA, n.d. Web.

FAILURE AT THE FAUCET: NITRATE IN WATER WIDESPREAD IN WISCONSIN http://host.madison.com/ct/news/local/environment/failure-at-the-faucet-nitrate-in-water-widespread-current-rules/article_c39e4e30-f577-5f61-b2a6-6e7f4404612e.html

AND IN WISCONSIN, RETIRED DNR EMPLOYEES SHARE THEIR CONCERNS ABOUT WATER

<http://wuwm.com/post/former-employees-raise-concerns-about-wisconsin-dnr#stream/0>

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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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