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July 29, 2016

Wisconsin Natural Resources Board  
c/o Laurie J. Ross, Board Liaison  
Office of the Secretary, Wisconsin DNR  
PO Box 7921  
Madison WI 53707-7921

***Re: August 2016 Natural Resources Board meeting agenda item 4.A.1,  
Industrial Sand Mining Strategic Analysis update***

Dear Natural Resources Board Members:

We appreciate the opportunity to submit comments to the Natural Resources Board (NRB) on agenda item 4.A.1. The Department of Natural Resources (DNR) will provide an update to the NRB on its draft Industrial Sand Strategic Analysis. The NRB directed the DNR to prepare this strategic analysis in response to a petition by over 1,000 Wisconsin residents and Midwest Environmental Advocates (MEA). On behalf of MEA, I submitted comments to DNR on the draft strategic analysis at DNR's public hearing on July 26 in Eau Claire, WI.

Our comments thanked DNR staff for devoting time and resources to preparing the strategic analysis, but also raised concerns about DNR's willingness to dismiss potential impacts without enough data. We asked DNR to follow the precautionary principle in analyzing potential impacts and regulating this industry. The precautionary principle is central to most of our federal and state environmental laws. It requires our environmental protection agencies to err on the side of protecting public health and the environment instead of giving industry free reign until we have irrefutable evidence of harm.

We respectfully request that the NRB ask DNR to answer the following questions about its draft strategic analysis. This information will help the public provide meaningful written comments on this issue. We hope that it will also allow the NRB to ensure a robust final strategic analysis.

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**Why does DNR maintain that industries with primarily mechanical processes, like industrial sand mines, do not emit significant quantities of fine particulate matter (PM2.5) despite U.S. EPA's objections?** DNR's conclusions that industrial sand mines and processing facilities do not pose a threat to air quality are based on insufficient evidence and conflict with the federal Clean Air Act. The U.S. EPA commented in opposition to DNR's recent guidance documents that change how it regulates PM2.5 emissions and presume that industrial sand mines do not emit PM2.5. *See* Attachment A. DNR's insistence that mechanical processes at industrial sand mines do not emit PM2.5 threatens air quality and falsely dismisses this industry's impact on air quality.

**How and when will DNR study the potential impact to water quality from industrial sand mining heavy metal discharges to surface water and groundwater?** DNR did the right thing by acknowledging a potential risk to water quality from industrial sand heavy metal discharges. DNR sampling of industrial sand stormwater and wastewater ponds has shown low pH and high concentrations of metals, which reflects potential acid mine drainage at these facilities. We appreciate DNR's decision to further study the potential harm to surface water and groundwater posed by heavy metal pollution. Because this is such an important public health and environmental concern, MEA requests that NRB ask DNR for more information about its proposal to study this issue.

**Will DNR require facilities to monitor or limit heavy metal discharges in the industrial sand mining stormwater and wastewater general permit?** DNR currently regulates discharges from industrial sand facilities through an industry-specific general permit. That general permit has expired, and DNR is currently revising and updating it before reissuance. Given that DNR has evidence of heavy metals in some facilities' ponds, DNR should require that all facilities monitor for heavy metals. This will provide DNR a better picture of the potential for heavy metal contamination, while also ensuring that harm is not occurring under the radar while DNR conducts further study. MEA requests that DNR explain how the proposed industrial sand general permit will protect water resources from heavy metal pollution.

**Is reclamation planning consistently robust and thorough and is reclamation plan implementation consistently successful?** Many of the public comments at the July 26 public hearing reflected concern about the reclamation process. DNR and the industrial sand industry minimize concerns about large-scale landscape destruction with assurances that the reclamation process will return the land to a productive use after mining is complete. But we already have anecdotal evidence that reclamation planning does not always proceed as planned, either because the company does not have the technical expertise or finances to fully implement successful reclamation. MEA requests that DNR provide additional information to the NRB to support its claims that reclamation planning is generally simple and easy to accomplish. These claims contradict experience on the ground both in Wisconsin and in other states that have dealt with open-pit mining reclamation for decades.

We also want to thank the NRB for responding to Wisconsin residents' concerns about industrial sand mining and approving the request for a strategic analysis. We appreciate

your ongoing attention to this issue and our state's valuable resources. Please contact me if you have any questions.

Respectfully,

/s/

Sarah Geers  
Staff Attorney  
MIDWEST ENVIRONMENTAL ADVOCATES  
612 W. Main St., STE 302  
Madison, WI 53703  
608-251-5047 ext. 5  
[sgeers@midwestadvocates.org](mailto:sgeers@midwestadvocates.org)