

The comments below were written for submission to the WDNR by Dwight Swenson, Hixton, WI when there was a request for responses to written guidelines for NR135.



*.....keeping watch on
the industry*

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**A postage-stamp of a
picture of the WI
Proppants Mine in
Hixton, WI
It is huge and
intermittently
operating. Go to**



**Lookdownpictures.com for a larger and more
defined picture.**

—“We end, I think at what might be called the standard paradox of the century: our tools are better than we are, and grow faster than we do. They suffice to crack the atom, to command the tides. But they do not suffice for the oldest task in human history: To live on a piece of land without spoiling it.”

Aldo Leopold

May 26, 2021

**Roberta Walls
WDNR Nonmetallic Mine Coordinator**

Ms. Walls,

Thanks for the invitation to provide public commentary regarding the WI Adm. Code NR135.06(5) concerning rulings governing local and county non-metallic mine site reclamation efforts in Wisconsin. This is a critical area of concern for local governments affected by industrial frac sand mine sites. Many of these concerns connect with post-mine site reclamation unknowns associated with surface and groundwater qualities; continued PM 2.5 air quality issues as a consequence of massive, uncovered sand spoil piles; impacts to wetlands currently subject to inadequate setback standards; highwall engineering analysis; control of noxious weeds and pests; plant species and engineering language applied to reclamation efforts. Though far from being a complete list of complex issues, clearly there is a great need to achieve reclamation standards that are clear, consistent, and capable of being evaluated and enforced.

It is also clear that the WDNR has previously taken a “hands-off” approach to regulating the frac sand mine industry. While our local township (Curran, Jackson County) has experienced human fatalities and environmental destruction because of industrial sand mining, there is also ample evidence of fraud and corruption regarding industrial sand mine compliance with reclamation permits. Permit me to offer an example of the WDNR’s failure to regulate this industry.

Serving as Curran Township Chairman, on August 3, 2019, I reported to the WDNR a massive mustard colored spill flowing from the WI Proppants LLC/ Schlumberger frac sand mine site into Curran Coulee Creek and further flowing into nearby Trempealeau River and ultimately into the Mississippi River. The mining operation chose not to report this processing sludge spill until after it was officially in question. The DNR did not send officials to sample affected areas until 4 days later (and following significant rainfall events). These officials (under the directives of WDNR Hydrogeologist, Matt Thompson) chose to conduct minimal surface water sampling (above stream, at, and downstream) on only the Curran Coulee Creek site even though the Trempealeau River was discolored with the mine sludge. The subsequent WDNR surface water lab report (Lab 113133790, dated 8/12/2019) indicated that EPA designated contaminants such as Arsenic, Aluminum, Chromium, Lead, Mercury, and others were scores to over 2,000 times the maximum contamination limits.

The WDNR “Evaluation of metals in surface water samples taken from Curran Coulee Creek” revealed an incomplete/inadequate analysis by all standards. For example, the WDNR reviewed federal water quality guidelines and then proceeded to generate their own “standards” operating under the false assumption that only non-human species would be affected. This was after I had further reported incontrovertible evidence that this event had also impacted our groundwater. There was no follow-up by the WDNR to address this issue. Additional inconsistencies include sampling methodologies, lack of both timely and quantitative sampling, no references to plant tissue testing and plant toxicity levels, the WDNR summative report does not match with the lab results for metals such as Chromium and Nickel, to name a few. More than a year after this reported event, WI Proppants LLC/Schlumberger entities were fined \$440 for this toxic spill (~400,000 gallons estimated by the WDNR).

As this story unfolds, it becomes apparent the WDNR is in the business of protecting the frac sand mine industry while providing lip service to public resources and health safeguards. Our Township currently has ~ 1/3 of its total acreage in industrial frac sand mine control - all with bonds that have a 60–90-day cancellation period. This creates a large loophole which could easily transfer all reclamation liabilities to local and county governments. While long overdue, the overarching question is, “Will the WDNR finally begin to provide oversight on this industry’s responsibilities as they are being phased out of existence?”

Sincerely,

**Dwight and Ruth Swenson
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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.

The content of this newsletter is for informational purposes only. The editor of the Frac Sand Sentinel 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 newsletter contents.

CHECK OUT THE WEBSITE: wisair.wordpress.com and for additional information, [click here](#) for panoramic aerial views of frac sand mines, processing plants, and trans-load facilities. FracTracker.org is also an excellent source of information.