

Sand Mine Inspectors Needed

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Senator Kathleen Vinehout writes about the need for DNR staff to inspect the growing number of frac sand mine operations. The number of sand mine operations has grown significantly since the summer of 2012 and staff is needed at DNR to monitor them. The Joint Finance committee voted down a motion to fund the needed 10 positions.

MADISON - “We really need concerned citizens to be our eyes and ears,” wrote DNR Storm Water Specialist Ruth King in response to citizen complaints about frac sand mines. “I am only a half-time employee and cannot be everywhere at all times.”

Ms. King’s appeal was reported in an article written by Kate Prengaman of the Wisconsin Center for Investigative Journalism who closely follows the growing sand mine industry.

“Nearly a fifth of Wisconsin’s 70 active frac sand mines and processing plants were cited for environmental violations last year,” wrote Prengaman. She quoted Air Management Specialist Marty Sellers who said he sent letters of noncompliance to “80 to 90 percent” of the sites he visited.

The DNR’s limited resources means some frac sand mines are not inspected or only inspected when citizens complained about the mine.

To address the staff shortage, the state budget includes two positions as dedicated sand mine monitors. However, additional positions were recently considered by the Legislature’s Joint Finance Committee.

Monitors are needed to oversee air quality during mine construction and operation. New inspectors would monitor compliance with storm water rules, high capacity wells, wetlands and endangered resources. Inspectors review permits, blasting and fugitive dust control plans, discuss best management practices with the operator, inspect equipment and review company operation reports.

The Joint Finance Committee was informed about the sand mine industry through a paper written by the nonpartisan Legislative Fiscal Bureau (LFB) which provided detailed information on the industry that has exploded in western Wisconsin.

“Three years ago there were 5 industrial sand mines and 5 industrial sand processing plants in the state,” wrote LFB analyst Kendra Bonderud. “DNR officials recently estimated that as of April 1, 2013, there are 105 industrial sand mines and 65 industrial processing plants in the state, which is two to three times the number the Department was aware of in the summer of 2012.”

The LFB paper noted last summer the DNR reviewed staffing needs for permitting, compliance and monitoring of frac sand operations. At that time, the Department estimated 10.2 full-time positions were needed to oversee the 54 known sites. The fast growing industry now needs two to three times more inspectors.

Joint Finance Committee member Senator Jennifer Shilling offered an amendment to fund at least those 10 positions. Still, the majority of Finance Committee members voted down Shilling’s amendment.

Adequately funding sand mine monitors is important for neighbors, local government and the mine owners and workers. I receive many calls of neighbors concerned about mine operation. Local government officials are stretched thin and are often unable to monitor the mines. Most counties have few staff dedicated to the inspection of mines. Workers need necessary health and safety protections. Owners that do follow the rules are at a competitive disadvantage with those who do not.

Citizens are rightly concerned when the state relies on them to monitor mine safety. It was from citizens that I learned of one of the most serious violations. Last year Preferred Sands' mine in Trempealeau County had a mudslide that affected a neighboring property. The WI Center for Investigative Journalism reported this mine also had "multiple violations of its air quality permit". The violations are now being considered by the Department of Justice.

Trempealeau County is the epicenter of sand mining. With 28 mines there is no higher concentration in the state. Recently, citizens delivered to Trempealeau County Board Supervisors petitions with 821 signatures in favor of a year-long sand mine moratorium. Petitioners were upset when supervisors ignored the stack of signatures and instead failed to pass the moratorium on new county mines.

Citizens should not be charged with the monitoring of mines in their neighborhoods. If Wisconsin allows sand mining, Wisconsin must invest in staff to monitor compliance with the law.

Not all 170 mines and processing plants are up and running. But it is reasonable to expect they will be by June of 2015, the end of the upcoming state budget. The Legislature should act to phase-in the funding for all 32 needed positions before the final passage of the two-year state budget.

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