

Breaking the Rules for Profit

An Analysis of the Frac Sand Industry's Violations of State Regulations & Manipulation of Local Governments in Wisconsin



Photo by Jim Tittle

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This report is available at www.landstewardshipproject.org

About the Land Stewardship Project:

The Land Stewardship Project (LSP) is a membership-based nonprofit organization founded in 1982 to foster an ethic of stewardship for farmland, to promote sustainable agriculture and to develop sustainable communities. LSP is dedicated to creating transformational change in our food and farming system. LSP's work has a broad and deep impact, from new farmer training and local organizing, to federal policy and community based food systems development. At the core of all our work are the values of stewardship, justice and democracy.

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Introduction

The frac sand industry has rapidly proliferated across Wisconsin, with the number of facilities multiplying by more than tenfold within four years, from 10 in 2010 to 135 in 2014.^{1,2} The Land Stewardship Project reviewed readily available public data from the Wisconsin Department of Natural Resources (DNR) and media reports to determine what conclusions can be drawn about this industry and its rapid growth. We found that:

- Of the forty-seven frac sand companies currently operating in Wisconsin, twenty-four or 51% have seriously violated DNR regulations, manipulated local governments, or engaged in influence peddling and conflicts of interest.
- Twenty of forty-seven companies (43%) not only violated DNR regulations, but they required substantial regulatory action to come into compliance — or, even worse, never came into compliance even after court action and fines. (One county-level regulator was quoted as saying “citations are pretty much ineffective for this industry.”³)
- In total, between 2011 and 2014 there were at least nineteen cases of frac sand companies abusing the annexation process to avoid regulations, engaging in influence peddling, and creating conflicts of interest in local governments.

Violations by Frac Sand Companies Operating in WI*

<u>Company</u>	<u>Violation</u>
1. Alpine Sand	Stage 3 Violation
2. Bear Creek Cranberry	Stage 3 Violation
3. Brannet Valley Excavating	Stage 3 Violation
4. Cameron Rail	Stage 3 Violation
5. Canadian Sand and Proppants	Influence Peddling
6. Canadian Silica	Annexation
7. Chieftan Sand	Stage 2 Violation
8. Chippewa Sand	Stage 3 Violation
9. Completion Industrial Minerals	Stage 3 Violation
10. Copper Road Minerals	Stage 3 Violation
11. Great Northern	Stage 2 Violation
12. Hi Crush Proppants	Stage 3 Violation
	Annexation
	Conflict of Interest
13. Interstate Energy Partners	Stage 3 Violation
14. Mississippi Sands	Stage 3 Violation
15. Panther Creek Sand	Stage 3 Violation
16. Pattison Sand	Stage 2 Violation
	Conflict of Interest
17. Preferred Sand	Stage 3 Violation
	Annexation
18. Sand Technology	Stage 2 Violation
19. Sierra Frac	Stage 2 Violations
20. Smart Sand	Stage 2 Violation
21. Superior Sand	Influence peddling
22. Superior Silica	Stage 2 Violation
	Annexation
23. Taylor Frac	Conflict of Interest
24. Tiller Corp	Stage 3 Violation

*Only companies with sites designated “Active” by DNR

¹ Richard Mertens, “Next fracking controversy: In the Midwest, a storm brews over ‘frac sand,’” *Christian Science Monitor*, 9 March 2014, <http://www.csmonitor.com/USA/2014/0309/Next-fracking-controversy-In-the-Midwest-a-storm-brews-over-frac-sand-video>.

² Rich Kremer, “DNR Introduces New Interactive Tool for Tracking Frac Sand Industry,” *Wisconsin Public Radio*, 22 July 2014, <http://www.wpr.org/dnr-introduces-new-interactive-tool-tracking-frac-sand-industry>.

³ Rich Kremer, “Trempealeau County Frac Sand Site Ignores DNR, Sees Massive Runoff,” *Wisconsin Public Radio*, 22 Apr 2013. <http://www.wpr.org/trempealeau-county-frac-sand-site-ignores-dnr-sees-massive-runoff>

The industry in both Wisconsin and Minnesota has claimed that violations of state regulations and abuses of the public trust are isolated incidents by “bad apples” or new, inexperienced companies.^{4,5} However, the data paints a picture of an industry in which violations are the norm, not the exception, and insider dealing, conflicts of interest, and influence peddling are common.

As recently as October 6, for instance, a mine in Trempealeau County was shut down for operating without proper permits, prompting a frustrated local regulator to say “they are just running wild, with no permit at all.”^{6,7} This recent case was not the first time a violation this basic has occurred. In 2011, Unimin Corporation – which has been mining for over 40 years – began constructing a site without a permit and continued with construction even after being notified by the DNR of their violation.^{8,*} As seen in these examples and the many others detailed below, this is an industry that consistently ignores state regulations enacted for the sake of the health of local citizens, rural communities, and the land.

* Unimin received a Notice of Noncompliance (Stage 1) for their violation but did not proceed to Stage 2 in the DNR’s Stepped Enforcement process, so their violation is not included in the list in Section I-B.

⁴ Lee Bergquist, “Sand mines in Wisconsin unearth environmental problems,” *Milwaukee Journal Sentinel*, 4 Aug 2013. <http://www.jsonline.com/news/wisconsin/sand-mines-in-wisconsin-unearth-environmental-problems-b9966691z1-218315291.html>

⁵ Tony Kennedy, “Pollution worries abound in frac sand waste streams,” *Star Tribune*, 13 July 2013. <http://www.startribune.com/local/215335701.html>

⁶ Kremer, Rich, “Trempealeau County Temporarily Shuts Down Frac Sand Mine That Didn’t Have Permit,” *Wisconsin Public Radio*, 8 Oct 2014, <http://www.wpr.org/trempealeau-county-temporarily-shuts-down-frac-sand-mine-didnt-have-permit?qt-popularity=2>.

⁷ Tony Kennedy, “Wisconsin county shuts down frac-sand operation ‘running wild,’” *Star Tribune*, 7 Oct 2014. <http://www.startribune.com/local/278463561.html>

⁸ Steve Rundio, “Unimin Corporation disputing noncompliance charge,” *Jackson County Chronicle*, 4 Jan 2012, http://lacrossetribune.com/jacksoncochronicle/news/local/unimin-corporation-disputing-noncompliance-charge/article_e6b2ceb2-371b-11e1-8fc1-001871e3ce6c.html

Section I: Violations of DNR Regulations by Frac Sand Companies

A. Regulating the Frac Sand Industry

Before launching an operation, frac sand companies must obtain some or all of the following permits from the Wisconsin DNR, depending on size and location: stormwater runoff, high capacity wells, surface water and wetlands, and air quality. In cases where the required permits are not obtained or are violated, the DNR uses the following process:^{9,10}

Stage 1. When a frac sand facility is found to be in violation of regulations, the DNR sends the company a notice identifying the problem and informing them that they must change their practices to comply with the law within a certain period of time.

Stage 2. If the site is still in violation and the DNR has not received evidence from the company that corrective action has been taken within the allotted time period, the DNR sends the site another letter requesting a response by a certain deadline and arranges a conference with the violator(s). Depending on the seriousness of the violation, the DNR may bypass Stage 1 and skip directly to this stage.

Stage 3. If the frac sand company does not remedy the problem, they are fined, given a citation, and/or referred to the Wisconsin Department of Justice (DOJ) for a settlement.

1. Over 40% of frac sand companies operating in Wisconsin have seriously violated DNR regulations. Twenty of the forty-seven companies with active frac sand sites in Wisconsin* have committed a Stage 2 Violation, meaning that they violated a regulation and failed to remedy it, or that the violation was serious enough to merit moving directly to Stage 2 in the Stepped Enforcement process. Of those 20 companies, more than half (13) proceeded to Stage 3— in other words, they continued to violate regulations even after a notice and Enforcement Conference with the DNR. These 13 companies were fined, issued a citation, or taken to court.¹¹

*Based on the DNR's list of frac sand facilities in Wisconsin as of March 25, 2014. See Appendix.

⁹ "Silica Sand Mining in Wisconsin," Wisconsin Department of Natural Resources, Jan 2012.

<http://dnr.wi.gov/topic/Mines/documents/SilicaSandMiningFinal.pdf> (p. 35).

¹⁰ "Environmental Enforcement Handbook," Wisconsin Department of Natural Resources, 24 Sept 2012.

<http://dnr.wi.gov/about/nrb/2012/December/12-12-8A1.pdf>

¹¹ Stepped Enforcement Actions for Industrial Sand Mines by Wisconsin Department of Natural Resources between November 2011 and August 2013. <https://www.documentcloud.org/documents/1225161-sand-mine-cases-rev-6-16-2014.html>

2. While these numbers are troublingly high, they still underestimate the number of companies routinely violating DNR regulations. This list of 20 companies only includes those at Stage 2 or 3 of the regulatory process. The other facilities with Stage 1 violations are not kept track of centrally by the DNR. As a result, the proportion of companies that have violated DNR regulations is very likely to be much higher than 20 of 47 or 43%. In fact, DNR air management engineer Marty Sellers estimated that he “sent letters of noncompliance to 80 to 90 percent” of the 12 sites he visited (Stage 1), noting that, in most other industries, the inverse is true: 90% of companies operate *in* compliance.¹² On top of a lack of record-keeping, the number of frac sand companies in violation is very likely to be higher because the DNR often chooses to “work with” companies and keep a problem under wraps while finding a solution, rather than file a violation against them. These cases are not officially reported in DNR data.¹³

3. With limited staff forcing reliance on a primarily complaint-based system, many violations go unreported and unaddressed. The DNR has been unable to keep up with the explosive growth of the frac sand industry. In 2012, when there were 54 active frac sand facilities in Wisconsin, the DNR estimated that 10.2 additional monitoring positions would be needed.¹⁴ However, only 2 new positions have been added since then, and the number of facilities has more than doubled to 135.¹⁵ DNR stormwater specialist Ruth King said that “the industry just came on too fast... I wish we could turn back the clock a couple of years and start over.” Roberta Walls, another stormwater specialist with the DNR, said “I really don’t see the state being able to provide the staffing levels that the workload demands.”¹⁶

See Section B on page 5 for a complete list of frac sand companies with Stage 2 and 3 violations of DNR regulations.

Eighty percent of frac sand facilities have never received a full air quality inspection.

As a result of this understaffing, 80% of frac sand facilities have never received a full air quality inspection.¹⁷ Many violations of any type are only addressed once citizens complain, often after significant environmental damage has already occurred. According to the DNR’s former frac sand expert Tom Woletz, “sand mines are considered

¹² Kate Prengaman, “Frac sand industry faces DNR violations, warnings,” *Wisconsin Watch*, 3 March 2013 <http://wisconsinwatch.org/2013/03/frac-sand-dnr-violations/>.”

¹³ Ron Seely, “Shift in philosophy: DNR writing fewer tickets,” *Wisconsin State Journal*, 30 April 2012, http://host.madison.com/news/local/environment/shift-in-philosophy-dnr-writing-fewer-tickets/article_dbf

¹⁴ “Sand Mine Monitoring (DNR – Environmental Quality),” Legislative Fiscal Bureau, 23 May 2013. <http://legis.wisconsin.gov/lfb/publications/budget/2013-15%20Budget/Documents/Budget%20Papers/478.pdf>

¹⁵ Rich Kremer, “Most Frac Sand Mining Facilities in Wisconsin Have Not Undergone Air Quality Evaluations,” *Wisconsin Public Radio*, 29 Sept 2014. <http://www.wpr.org/most-frac-sand-mining-facilities-wisconsin-have-not-undergone-air-quality-evaluations>

¹⁶ Tony Kennedy, “Pollution Worries Abound.”

¹⁷ Rich Kremer, “Most Frac Sand Mining Facilities.”

minor source emitters, which get little attention unless citizens file complaints.”¹⁸ DNR stormwater specialist Roberta Walls confirmed that, once a company is permitted, the DNR only “performs inspections if someone complains.”¹⁹ The bottom line is that it is likely that many more than the 20 frac sand companies on the DNR’s list have violated state regulations.

4. Minimal consequences for violation allow frac sand companies to continue to pollute. Even when official enforcement action is taken, the consequences for frac sand companies are limited. It is only when a company is still in violation after receiving two notices and participating in a conference that they are penalized (Stage 3). When companies do eventually get fined, cited or taken to court, it is therefore only for the most egregious violations.

Further, the fines are not large enough to deter frac sand companies from violating regulations. The 8 fines resulting from DNR citations or referrals ranged from \$464 to \$200,000, with an average of \$59,516. Even the largest fine — \$200,000 imposed on Preferred Sands — only makes up 0.05% of the \$400 million the company earned in revenue in 2012.²⁰ As journalist and Dunn County resident Pilar Gerasimo said, “for frac-sand mining interests, the risks of being held accountable are low and temporary. The fines are meaningless in relation to both the potential profits and damages in question.”²¹ Kevin Lien, Director of the Department of Land management in Trempealeau County, agrees that “citations are pretty much ineffective for this industry. This industry has very deep pockets and a wealth of resources.”²²

5. Current regulations do not prevent environmental damage. As a result of inadequate regulations, facilities technically in compliance still cause significant environmental damage. The majority of the DNR’s current regulations for non-metallic mining were created before the frac sand boom in Wisconsin and are not sufficient for either the current volume of mining or the specific type of mining.²³ For example, the water filters present at frac sand facilities, while consistent with current standards, are too large to capture frac sand, allowing the sand to pass straight through and contaminate streams. Current stormwater discharge permits also “only

¹⁸ Rich Kremer, “DNR Asks for More Staff to Monitor Frac Sand Air Emissions,” *Wisconsin Public Radio*, 21 May 2013. <http://www.wpr.org/dnr-asks-more-staff-monitor-frac-sand-air-emissions>

¹⁹ Samantha Luhmann, “DNR: Sand mines violated stormwater permits,” *Winona Daily News*, 10 Jul 2013. http://www.winonadailynews.com/news/dnr-sand-mines-violated-stormwater-permits/article_0e59dc64-e911-11e2-9b84-001a4bcf887a.html

²⁰ Peter Key, “From real estate developer to major sand miner for fracking,” *Philadelphia Business Journal*, 27 Jul 2012. <http://www.bizjournals.com/philadelphia/print-edition/2012/07/27/from-real-estate-developer-to-major.html?page=all>

²¹ Kate Prengaman, “Frac sand industry faces DNR violations.”

²² Rich Kremer, “Trempealeau County Frac Sand Site.”

²³ “Petition for a Strategic Analysis of Frac Sand Mining,” Midwest Environmental Advocates, Accessed October 10, 2014. http://midwestadvocates.org/assets/resources/Frac%20Sand%20Mining/2014-9-12_FINAL_frac_sand_stratgic_analysis_petition_PDF_Color.pdf

require that suspended sediment...be removed to the ‘maximum extent practicable,’ which is subjective, with no numeric standard for sediment levels.”²⁴ According to DNR stormwater and frac sand expert Jim Devlin, “pretty much all of these frac sand mines are having problems with colloidal clay in their stormwater...the industry caught us off guard... We have a general permit that doesn't work well.”²⁵ Despite such weak regulations, industry representatives claim that frac sand mining is overregulated and continue to lobby for weaker regulations.²⁶

B. Frac Sand Companies Issued Stage 2 and 3 Violations

The following is a list of violations of state regulations by frac sand companies enforced by the Wisconsin DNR between November 2011 and August 2013, organized alphabetically by company. It only includes companies with a Stage 2 or Stage 3 violation who are currently operating in Wisconsin.* Enforcement actions by state agencies other than the DNR or by local governments are not listed.** The date listed is when the DNR accepted the enforcement case. The county where the violation took place is provided where it is known. Sources other than DNR are listed with each case.

1. Alpine Sands (Trempealeau County)

- June 2013: Stormwater permit violation— sediment leaking into bodies of water. Sent two notices by DNR and required to participate in Enforcement Conference. Still did not take sufficient action and were referred to the Department of Justice.^{27,28,29}

*Based on the DNR's list of frac sand facilities and the DNR's list of Stepped Enforcement Actions taken against frac sand companies (see Appendix for both documents).

** There have been several documented violations of county laws. For instance, a Superior Silica mine was fined \$4192.50 by Chippewa County for spilling wastewater into Trout Creek (Pregaman, “Frac Sand Industry”). However, data on these violations has not been compiled.

²⁴ Joe Knight, “Water coming from sand mines clouding streams,” *Leader-Telegram*, 13 Sept 2014.

http://www.leadertelegram.com/news/front_page/article_75385050-79a6-5d85-bc2c-9a17a267c547.html

²⁵ Ibid.

²⁶ Emma Hughes, “Frac Sands '14: Permitting in Wisconsin and Minnesota,” *Industrial Minerals*, 24 Sept 2014.

<http://www.indmin.com/Article/3383783/Frac-Sands-14-Permitting-in-Wisconsin-and-Minnesota.html>

²⁷ Jerry Gallagher, “Frac sand companies face storm water violations,” *WQOW*, 27 Jun 2013.

<http://www.wqow.com/story/22708447/2013/06/27/frac-sand-companies-face-storm-water-violations>.

²⁸ Rich Kremer, “DNR: Frac sand companies failed to contain runoff during torrential rains,” *Wisconsin Public Radio*, 3 Jul 2013. <http://www.wpr.org/dnr-frac-sand-companies-failed-contain-runoff-during-torrential-rains>

²⁹ Lee Bergquist, “Sand mines in Wisconsin.”

2. Bear Creek Cranberry (Monroe County)

- March 2012: Stormwater and water permit violations and "serious problems with its environmental protection plan."³⁰ Sent two notices by DNR and required to participate in Enforcement Conference. Still did not take sufficient action and were issued a citation and fined \$868.³¹

3. Brannt Valley Excavating (Trempealeau County)

- August 2013: Stormwater permit violation. Received two notices and participated in Enforcement Conference. Still have not remedied the problem and have received three citations and a bench warrant.

4. Cameron Rail (Trempealeau County)

- Cameron Rail was working with Brannt Valley Excavating when the stormwater permit violation occurred in August 2013. See "3. Brannt Valley Excavating."

5. Chieftain Sand (Barron County)

- June 2012: Stormwater permit violation. Sent two notices by DNR and required to participate in Enforcement Conference.³²

6. Chippewa Sand Company (Chippewa County)

- June 2012: Stormwater permit violation: "a pond holding wastewater overflowed into a drainage area, eventually soaking into the soil." Sent two notices by DNR and required to participate in Enforcement Conference. Still did not take sufficient action and were issued a citation and fined \$2,795.³³

7. Completion Industrial Materials (Wood County)

- February 2012: Fined \$80,000 by DOJ for "failing to update their construction permit application to show changes; constructing the facility after the permit expired; failing to prepare a fugitive dust plan and making daily records of dust plan activities; failure to install a continuous emission monitor; [and] failure to provide the DNR with a malfunction prevention and abatement plan."^{34,35}

³⁰ Kate Prengaman, "Frac sand industry faces DNR violations."

³¹ "Monroe County Land Conservation, Forestry, & Parks Committee Minutes," 15 May 2012, Accessed October 10, 2014. http://ftp.co.monroe.wi.us/files/20120516153132.May_minutes.pdf

³² Kate Prengaman, "Frac sand industry faces DNR violations."

³³ Ibid.

³⁴ Chris Conley, "Frac sand processor fined for permit and pollution violations," *WTAQ*, 26 Dec 2013.

<http://wtaq.com/news/articles/2013/dec/26/frac-sand-processor-fined-for-permit-and-pollution-violations/>

³⁵ "State v. Completion Industrial Minerals, LLC," State of Wisconsin Department of Justice, 16 Dec 2013, Accessed October 10, 2014. <http://www.doj.state.wi.us/sites/default/files/2013-news/coc-filing-sc-stip-order-judgment-20131220.pdf>

8. Copper Road Minerals LLC (Fond du Lac County)

- April 2012: Stormwater permit violation. Sent two notices by DNR and required to participate in Enforcement Conference. Still did not take sufficient action and were issued a citation.³⁶

9. Great Northern Sand (Barron County)

- May 2013: Stormwater permit violation. In November of 2012, multiple witnesses reported muddy water in parts of Beaver Creek. The DNR investigated it and incorrectly concluded that the runoff from Great Northern Sand's facility did not flow into Beaver Creek. In December, the DNR was pressed by witnesses to investigate again. Great Northern acknowledged that it was their wastewater but say that it did not run into Beaver Creek. The DNR held a meeting with Great Northern, but decided not to pursue formal enforcement. In January, the DNR sent a letter to Great Northern because wastewater left their plant again. Great Northern stated that the problem had been fixed. A few days later, witnesses took photos of another spill. Two weeks later, another discharge was documented.^{37,38,39} Ultimately, Great Northern was issued a Stage 2 Violation and required to participate in Enforcement Conference.

10. Hi Crush Proppants (Eau Claire County)

- December 2012: Private water supply permit violation for drilling and operating two high-capacity wells without the required permits and operating one well at a 50% higher pumping rate than the permit allowed.⁴⁰ Sent two notices by DNR and required to participate in Enforcement Conference. Ultimately fined \$52,500 in June 2014 by the Wisconsin Department of Justice. Their Well Drilling was also fined \$16,000.^{41,42,43}

11. Interstate Energy Partners (Burnett County)

- May 2012: Two stormwater permit violations: "failure to maintain dikes and berms" and "discharge without a permit and/or outside the condition of a permit." Because of an "inadequate berm," sand and water flowed for five days into the St. Croix National Scenic Riverway, including a creek, a wetland and the River itself until a hiker noticed it. Sent two notices by DNR and required to participate in Enforcement Conference. Interstate Energy

³⁶ Kate Prengaman, "Frac sand industry faces DNR violations."

³⁷ Jerry Gallagher, "DNR's new lead on frac sand shares enforcement strategy," *WQOW*, 8 Oct 2013.

<http://www.wqow.com/story/23642598/2013/10/08/dnrs-new-lead-on-frac-sand-shares-enforcement-strategy>

³⁸ Jim Drost, "The Spoiling of McKeesey Marsh," Concerned Chippewa Citizen, 21 Jan 2013, Accessed October 10, 2014. <http://wisair.files.wordpress.com/2013/02/spoiling-mckeesey-marsh.pdf>

³⁹ Tony Kennedy, "Pollution Worries."

⁴⁰ Lee Bergquist, "Sand mines in Wisconsin."

⁴¹ Joe Knight, "DNR reviews mine's permit violations in Augusta," *Leader Telegram*, 10 Mar 2013.

http://www.leadertelegram.com/news/front_page/article_9e9f4c40-8a03-11e2-96d7-0019bb2963f4.html

⁴² Joe Knight, "Augusta area sand plant fined \$52,500," *Leader Telegram*, 6 Aug 2014.

http://www.leadertelegram.com/news/front_page/article_301cd92e-cb47-53dc-bad6-11998a32b71e.html

⁴³ Rich Kremer, "Frac Sand Company Championed by Walker Gets \$52K Fine from DOJ," *Wisconsin Public Radio*, 5 Aug 2014. <http://www.wpr.org/frac-sand-company-championed-walker-gets-52k-fine-doj>

still did not address the problem and was referred to the DOJ. The company was fined \$80,000 in January 2014.^{44,45,46}

12. Mississippi Sands* (Trempealeau County)

- May 2013: Stormwater permit violation. In October 2012, the mine operators were sent a notice by the DNR letting them know their berm and stockpile storage did not have any vegetation cover and were in violation of permit requirements. The mine operators ignored the problem. Seven months later during a rainstorm, sand and soil washed into a stream because of this neglect. The DNR sent them a second notice and held a conference with them and they still did not take action. Three months passed and two more spills happened before the mine operators fixed the problem in August 2013. They were referred to the DOJ and fined \$60,000.^{47,48,49}

13. Panther Creek Sand (Clark County)

- March 2012: Stormwater permit violation for a leaking holding mine. Sent two notices by the DNR and required to participate in Enforcement Conference. Did not fix the problem and were issued a citation and fined \$464.⁵⁰

14. Pattison Sand (Crawford County)**

- December 2012: Stormwater permit violation. Sent two letters and required to participate in Enforcement Conference. Also sent one letter for violation of fugitive dust control plan. Dust was escaping the system that transports sand from trucks to train cars, and there

*In the DNR's chart of violations committed by frac sand companies (see Appendix), this violation is listed under Arcadia Sands because they were partnering Arcadia Sands no longer has any sites in Wisconsin designated active by the DNR, so they are not included in the list of 47 companies operating in Wisconsin.

** Another spill occurred in April 2014 at Pattison Sand's Bridgeport mine near the Lower Wisconsin State Riverway. A containment breach caused sediment to flow onto a neighbor's property. They were not issued an official Notice of Violation, so this incident is not recorded in publicly accessible DNR records. ([Bluestem Prairie, May 2014](#))

⁴⁴ "State of Wisconsin v. Interstate Energy Partners, LLC and Tiller Corporation," State of Wisconsin Department of Justice, 18 December 2013, Accessed October 10, 2014. <http://www.doj.state.wi.us/sites/default/files/2014-news/stipulation-order-arcadia-sand-20140908.pdf>

⁴⁵ Emily Valerio, "Sandstorm of Business: The DNR's new voice at the top," *WQOW*, 7 Oct 2013.

<http://www.wqow.com/story/23631070/2013/10/07/new-dnr-lead-on-frac-sand-gives-first-tv-interview>

⁴⁶ Josephine Marcotty, "Wis. Sand-mine spills cause call for penalties against Minn. Firms," *Star Tribune*, 12 June 2012. <http://www.startribune.com/local/158518655.html>

⁴⁷ "State of Wisconsin v. Arcadia Sand LLC and Mississippi Sand LLC," State of Wisconsin Department of Justice, 25 Aug 2014, Accessed October 10, 2014. <http://www.doj.state.wi.us/sites/default/files/2014-news/stipulation-order-arcadia-sand-20140908.pdf>.

⁴⁸ "Trempealeau frac sand facility to pay \$60,000," *Winona Daily News*, 8 Sept 2014.

http://www.winonadailynews.com/news/local/trempealeau-frac-sand-facility-to-pay/article_00110219-c6ac-5142-952a-3187114c3f86.html

⁴⁹ Steven Verburg, "Frac sand miners fined \$60,000 for stormwater spill in creek," *Wisconsin State Journal*, 9 Sept 2014. http://host.madison.com/news/local/environment/frac-sand-miners-fined-for-stormwater-spill-in-creek/article_49ceb1e1-87eb-5177-887d-4d03b75b4c88.html

⁵⁰ Ibid.

were problems with a seal in the conveyer going to the railcars. Pattison Sand attempted to fix the seal and failed, but kept mining anyway. The company was not fined.^{51,52,53}

15. Preferred Sand (Trempealeau County)

- November 2011: Stormwater and air quality permit violations. Winn Bay initially owned the facility. There was excessive sediment and runoff from the site because the stormwater detention pond was too small. Winn Bay did not remedy the problem and sold the site to Preferred Sands. At the end of 2011, the DNR met with both companies to plan runoff management for spring. They ignored the DNR's suggestions, leading to much more severe violations: in May 2012, a six-foot high wave of sediment overflowed an Amish farmer's home and farm, a wetland, a road and a neighbor's garage. The DNR referred the incident to the DOJ for prosecution. Preferred Sand still failed to address the problem. The following spring (2013), the detention pond overflowed multiple times into area creeks. By April of that year, Preferred Sand had still not remedied the problem. They also had multiple air quality violations throughout this period, including high particulate matter and carbon monoxide pollution. In December, the DOJ fined Preferred Sands \$200,000 for stormwater and air quality violations.^{54,55,56,57,58,59}

16. Sand Technology (Buffalo County)

- August 2013: Stormwater permit violation.

17. Sierra Frac (Trempealeau County)

- May and June 2013: Stormwater permit violation— sediment leaking into bodies of water at two locations (Suchla and Patzner pits). Sent two notices by DNR and required to participate in Enforcement Conference.^{60,61,62,63,64}

⁵¹ Ibid.

⁵² "Notice of Violation and Enforcement Conference Request Rail Load-Out," Wisconsin DNR, 18 December 2012.

<http://www.prairieduchien.info/AGENDAMINUTES/2013-02-27-COUNCILPATTISONPACKET.pdf>

⁵³ Mike Ivey, "Riverway sand mine applicant cited for DNR violations," *The Cap Times*, 13 Feb 2013.

http://host.madison.com/ct/news/local/writers/mike_ivey/riverway-sand-mine-applicant-cited-for-dnr-violations/article_9f502cae-7559-11e2-815b-001a4bcf887a.html,%20%20%20http://www.mwnews.net/html/frac_river_bd.html

⁵⁴ Lee Bergquist, "Sand mines in Wisconsin."

⁵⁵ "State v. Preferred Sands of Wisconsin, LLC," State of Wisconsin Department of Justice, 11 December 2013, Accessed October 10, 2014. <http://www.doj.state.wi.us/sites/default/files/2013-news/coc-filing-sc-stip-order-judgment-20131220.pdf>

⁵⁶ Rich Kremer, "Trempealeau County Frac Sand Site."

⁵⁷ Kate Prengaman, "Frac sand industry faces DNR violations."

⁵⁸ Lee Bergquist, "Sand mines in Wisconsin."

⁵⁹ Tony Kennedy, "Pollution Worries Abound."

⁶⁰ Samantha Luhmann, "DNR."

⁶¹ Jerry Gallagher, "Frac sand companies."

⁶² Rich Kremer, "DNR: Frac sand companies failed."

⁶³ Lee Bergquist, "Sand mines in Wisconsin."

⁶⁴ Jessica VanEgeren, "Smart Sand recognized by Wisconsin DNR program despite environmental missteps," *The Cap Times*, 11 Sept 2014. http://host.madison.com/news/local/writers/jessica_vanegeren/smart-sand-recognized-

18. Smart Sand (Monroe County)

- November 2012: Air pollution permit violation. Found to be violating “seven different compliance standards outlined in its permit.”⁶⁵ Sent two notices and required to participate in an Enforcement Conference.^{66,67}

19. Superior Silica Sands (Barron County)

- May 2013: Stormwater permit violation— sediment leaking into bodies of water. Sent two notices by DNR and required to participate in Enforcement Conference.^{68,69,70,71}

20. Tiller Corporation (Burnett County)

- Tiller Corporation was working with Interstate Energy Partners when the stormwater permit violations occurred in Spring 2012. See “11. Interstate Energy Partners.”

Section II: Manipulation of Local Governments

In addition to violating state laws, the frac sand industry has been willing to ride roughshod over local governments. There have been at least eight cases in the last two years of frac sand companies using the promise of increased property tax income to try and persuade city governments to annex their proposed mine sites. Once the land is annexed by the city, the company is subject to city regulations and is therefore no longer required to follow county or township laws, such as moratoriums, limits on hours of operation, and requirements for air quality monitoring. This effectively allows frac sand companies to circumvent local laws and gain weaker regulations. In some cases, the threat of pursuing annexation forces local governments to relax their regulations. Too often, when there is local opposition, frac sand companies have been ready to use bullying tactics to get what they want rather than address concerns and work with citizens and local governments.

The following is a list of annexation cases between 2012 and 2014 organized alphabetically by company.

[by-wisconsin-dnr-program-despite-environmental-missteps/article_37e468e4-391d-11e4-af71-0019bb2963f4.html](http://www.wisconsin-dnr-program-despite-environmental-missteps/article_37e468e4-391d-11e4-af71-0019bb2963f4.html)

⁶⁵ Ibid.

⁶⁶ “Conservation Voters Call on DNR to Deny Frac Sand Greenwashing; Urges DNR to Reject Smart Sand Green Tier Application,” Wisconsin League of Conservation Voters, 22 July 2014.

http://www.thewheelerreport.com/wheeler_docs/files/0722lcv.pdf

⁶⁷ Kate Prengaman, “Frac sand industry faces DNR violations.”

⁶⁸ Samantha Luhmann, “DNR.”

⁶⁹ Jerry Gallagher, “Frac sand companies.”

⁷⁰ Rich Kremer, “DNR: Frac sand companies failed.”

⁷¹ Lee Bergquist, “Sand mines in Wisconsin.”

1. AllEnergy (Arcadia, Trempealeau County):

- September 2014: AllEnergy, which is proposing a mining, processing, and transport facility in Trempealeau County, is suing the county for "lost business" because of the county's moratorium on frac sand mining, while simultaneously trying to persuade the city of Arcadia to annex the property. They offered the county a \$20 million settlement, but the county unanimously voted against it and will proceed with the trial. Meanwhile, AllEnergy tried to persuade the city government to annex the property in exchange for up to \$1 million in yearly royalties. AllEnergy also offered to build a nursing home for the community, but citizens opposed it, noting that facilities like this run by AllEnergy in other towns have failed.^{72,73} Ultimately, the city not only refused annexation but voted 4-1 for a one-year moratorium.⁷⁴

2. Arcadia Sands (Arcadia, Trempealeau County)

- 2012: Arcadia Sands convinced the city of Arcadia to annex land from the township of Arcadia in exchange for tax revenue.^{75,76}

3. Canadian Silica (Arcadia, Trempealeau County)

- June 2014: Canadian Silica attempted to persuade the City of Arcadia to annex the property where its 145-acre dry rail loading site sits.⁷⁷ The city did not accept the offer and enacted a one-year moratorium.⁷⁸

4. Hi Crush Proppants (Independence and Whitehall, Trempealeau County)

- Fall 2013: Trempealeau County passed a moratorium in September 2013. Hi Crush evaded it by getting the cities of Independence and Whitehall to annex the property where their mine is located.^{79,80}

⁷² Chris Rogers, "A Sandstorm of Wisconsin lawsuits," *Winona Post*, 27 Aug 2014.

http://www.winonapost.com/stock/functions/VDG_Pub/detail.php?choice=59324&home_page=1

⁷³ Chris Rogers, "County spurns, city discusses AllEnergy mine," *Winona Post*, 8 Sept 2014.

http://www.winonapost.com/stock/functions/VDG_Pub/detail.php?choice=59397&home_page=1&archives

⁷⁴ Chris Rogers, "Arcadia imposes one-year moratorium on frac sand," *Winona Post*, 18 Sept 2014.

http://www.winonapost.com/stock/functions/VDG_Pub/detail.php?choice=59509&home_page=1&archives

⁷⁵ Rich Kremer, "Frac Sand Companies Skirt Regulation Through Annexation," *Wisconsin Public Radio*, 2 April 2013.

<http://www.wpr.org/frac-sand-companies-skirt-regulation-through-annexation>

⁷⁶ "City Council Meeting," City of Arcadia, 9 May 2013, Accessed October 12, 2014.

http://www.cityofarcadiawi.com/vertical/sites/%7B755499FD-722A-4046-8441-4D26F8B9F61C%7D/uploads/Council_Minutes_5-9-13.pdf

⁷⁷ Chris Rogers, "Another Arcadia sand annexation request," *Winona Post*, 11 June 2014.

http://www.winonapost.com/stock/functions/VDG_Pub/detail.php?choice=58537&home_page=1&archives

⁷⁸ Chris Rogers, "Arcadia imposes One-Year Moratorium."

⁷⁹ "2013 Annual Report," Trempealeau County Department of Land Management, Accessed 12 Oct 2014.

<http://www.trempealeaucounty.com/landmanagement/2013%20Annual%20Report.pdf>

⁸⁰ Rich Kremer, "Company Skirts Trempealeau County Frac Sand Mining Ban," *Wisconsin Public Radio*, 5 Nov 2013.

<http://www.wpr.org/company-skirts-trempealeau-county-frac-sand-mining-ban>

5. Preferred Sands (Blair, Trempealeau County)

- 2013: Preferred Sands did not want to comply with Trempealeau County's rules restricting hours of operation, which would prevent the company from operating its facility 24-hours-a-day. The company attempted to get the city of Blair to annex the land in 2012 and failed. It attempted again and made the city a higher offer of royalties and tax revenue. This time the city relented. Under city regulations, the mine has much lighter noise restrictions, has no requirements for air quality monitoring, and has a permit that does not need to be renewed and can be transferred to new owners without review.^{81,82,83}

6. Superior Silica and Cameron Rail (Independence, Trempealeau County)

- August 2014: The Independence city council agreed to annex the existing Guza Mine so that it could expand without obtaining permits required by the township. Townships that the expansion would affect —Lincoln and Burnside— challenged Independence, but did not succeed in preventing annexation.^{84,85} On October 6, 2014, Trempealeau County temporarily shut down the mine because it was operating without proper permits and “dump[ing] polluted wastewater into an unlined pond” in violation of a county ordinance. Because the city had not granted the mine the required permits for operation, it remained under jurisdiction of the county.⁸⁶ The Wisconsin Department of Administration then ruled that the annexation was invalid because the mine's location, four miles from the city, was not adjacent to city borders.⁸⁷

⁸¹ “Annexation vote fails; Blair City Council to reconsider action July 25,” The Blair Press-Taylor, 19 Jul 2012.

<http://smalltownnews.com/article.php?catname=Local%20Politics&pub=The%20Blair%20Press-Taylor&aid=157523>

⁸² Tony Kennedy, “Sand mine rules melt under pressure,” *Star Tribune*, 4 Feb 2013.

<http://www.startribune.com/local/east/189479651.html>

⁸³ Molly Redden, “Scott Walker's Sand Grab,” *New Republic*, 21 Aug 2013.

<http://www.newrepublic.com/article/114320/frac-sand-mining-wisconsin-rides-fracking-boom>

⁸⁴ Cameron Rail Site LLC to the Town Board of Arcadia Township, 18 Apr 2014.

<http://www.townofarcadia.net/minutes/2014.4.21.Attachment.pdf>

⁸⁵ Chris Rogers, “A Sandstorm.”

⁸⁶ Amelia Wedemeyer, “Independence sand mine halted,” *Winona Post*, 8 Oct 2014.

http://www.winonapost.com/stock/functions/VDG_Pub/detail.php?choice=59740&home_page=1&archives=

⁸⁷ Tony Kennedy, “Wisconsin county.”

7. Vista Sand (Glenwood City, St. Croix County)

- May 2014: Vista Sand applied for a special exception so it could build a 567-acre mine .25 miles from the city public school. When that failed, the company persuaded the city to annex the property of the mine.^{88,89,90,91}

8. Vista Sand (Menomonie, Dunn County)

- 2013: Vista Sand is attempting to persuade the City of Menomonie to annex the site of its mine in Red Cedar Township so that the company can operate despite the township's moratorium on frac sand mining.^{92,93}

Section III: Influence Peddling and Conflicts of Interest

Frac sand companies have actively sought out members of local government, such as zoning officials and township board members, who can use their influence to push mining permits through. They have approached many of these officials with lucrative job offers, supposedly for their “expertise.” This depletes the already limited number of regulators, leaving state agencies and local governments with a high turnover rate— a significant obstacle in a field where training is long-term and experienced employees are difficult to replace. Government officials who are not hired by the frac sand companies are often pursued as business partners and offered leases on their land, clearly causing inappropriate conflicts of interest.

A. Influence Peddling: Local regulatory officials hired by frac sand companies after a mine is approved.

1. 2008: The Mayor of Chippewa Falls, Dan Hedrington, resigned from his position to take a job with an engineering company under contract with **Canadian Sand and Proppants (now Source Energy Services)**, while the company was applying for permits for a processing plant in the city.^{94,95}

⁸⁸ “Inside a Town Meeting on Frac Sand Mining: Glenwood City,” WI Voices, 8 Mar 2013, Accessed 13 Oct 2014.

<http://www.wivoices.org/2013/03/08/inside-a-town-meeting-about-frac-sand-mining-glenwood-city-wi/>

⁸⁹ Andy Rathburn, “Glenwood City, Wis., approves mining operation,” *Pioneer Press*, 13 May 2014.

http://www.twincities.com/localnews/ci_25754473/glenwood-city-wis-approves-mining-operation

⁹⁰ Thomas Pearson, “Does annexation subvert local controls over frac sand mining?”, *Contested Landscapes*, 17 Mar 2013, Accessed 13 Oct 2014. <http://wisconsinfracsand.blogspot.com/2013/03/does-annexation-subvert-local-controls.html>

⁹¹ “Glenwood City,” *St. Croix Watch*, Updated 14 Sept 2014, Accessed 13 Oct 2014.

http://stcroixwatch.com/?page_id=253

⁹² LeAnn R. Ralph, “GC Recommending Approval of Vista Pre-Annex Agreement,” *Colfax Messenger*, Accessed 13 Oct 2014. <http://www.dewittmedia.com/gc-recommending-approval-of-vista-pre-annex-agreement/>

⁹³ Thomas Pearson, “Does annexation subvert.”

⁹⁴ Ibid.

⁹⁵ Kate Pregaman, “Frac sand industry faces DNR violations.”

2. 2011: Trempealeau County “frac sand specialist Kimarie Estenson was hired by Ottawa Sand Co., now **Arcadia Sand**, in June 2011, shortly after it received a permit to operate a mine and processing plant.”⁹⁶
3. 2012: Trempealeau County Environment and Land Use Director Kevin Lien— known for his strictness on frac sand regulations— has received and turned down job offers from four frac sand companies. According to the *Star Tribune*, Lien “considered one [job] but dropped out when the company balked at his demand for a multi-year guarantee. That made him wonder if the suitor had an ulterior motive to ‘pull me out of my county position.’”⁹⁷
4. 2012: A part-time zoning technician in Buffalo County left to work as a consultant for frac sand companies.⁹⁸
5. 2012: Paul Van Eijl, zoning administrator in Buffalo County, resigned from his job and his position as President of the Wisconsin County Code Administrators to work as a Land Acquisitions Manager for **Superior Sand Systems**, right after Superior received its conditional use permit (the first one ever issued by the Board of Adjustment in Buffalo County). He is now working for Northern Sands.^{99,100,101}

B. Conflicts of Interest: Local officials with personal interests in frac sand mining.

1. 2012: David Quarne, member of the Environment and Land Use Committee in Trempealeau County and owner of Q Rail Spur, LLC, has a truck-to-rail frac sand facility on his land operated by **Taylor Frac, LLC**. He does not vote on frac sand issues, but does sit at the table during discussions and expresses his views that regulations are too strict. He has been asked twice by the Director of Land Management to resign and refuses.^{102,103,104}

⁹⁶ Thomas Pearson, “Does annexation subvert.”

⁹⁷ Tony Kennedy, “For regulators, sand mine riches are tough to refuse,” *Star Tribune*, 28 Oct 2012.
<http://www.startribune.com/local/176069041.html>.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ David Brommerich, “Buffalo county zoning administrator land frac sand job,” *Winona Daily News*, 23 Feb 2012.
http://www.winonadailynews.com/news/buffalo-county-zoning-administrator-lands-frac-sand-job/article_48303a8e-5dc4-11e1-b21c-001871e3ce6c.html

¹⁰¹ Rod Stetzer, “Three more companies want sand mines in Chippewa County,” *Chippewa Herald*, 11 Sept 2014.
http://chippewa.com/news/local/three-more-companies-want-sand-mines-in-chippewa-county/article_a3869b30-2838-525d-a5cd-82df7117b049.html

¹⁰² Notice of Public Hearing, Trempealeau County Department of Land Management, 17 Apr 2012, Accessed 13 Oct 2014.
<http://www.trempealeaucounty.com/AM/ENVIRONMENT%20AND%20LAND%20USE/PUBLIC%20HEARING%20NOTICE/2012/20120509/QuarneBoeTaylor%20FracLLC.pdf>

¹⁰³ Tony Kennedy, “Local Officials Dealing Themselves a Piece of Frac Sand Boom,” *Star Tribune*, 26 Dec 2012.
<http://www.startribune.com/local/184771921.html>

¹⁰⁴ “Q Rail Spur LLC,” Bizapedia, Updated 17 April 2014, Accessed 16 Oct 2014, <http://www.bizapedia.com/wi/Q-RAIL-SPUR-LLC.html>.

2. 2012: Chair of the board in Preston Township Robert Tenneson will directly benefit from two frac sand proposals being reviewed. The recommendation from the township—which Tenneson represents—to the county committee on how to vote was fully supportive and included no restrictions. He was a strong supporter of the first mine in the county.¹⁰⁵
3. 2012: Ivan Pronschinske, member of the Arcadia Township Board, publicly advocated against a neighbor’s potential mining contract with **Kaw Valley**, then worked with the same company to get a mine on his own land. He may have also influenced the board to vote favorably for his own proposal. His neighbor is now bankrupt.¹⁰⁶
4. 2012: Dennis Bork, Chairman of the Montana Township Board, worked with **Glacier Sands** on a project called Seven Sands. The project was initially denied a permit because it conflicted with the land-use plan of the township. He and others who submitted the proposal argued for changing the land-use plan while suing the board of adjustment for denying the permit. Not only that, but Bork attempted to block a discussion about his conflict of interest during a township board meeting.^{107,108}
5. 2013: Trempealeau County Board Supervisor and member of the finance committee David Suchla has interests in the frac sand industry and since 2011 has been advocating for sand mines that would benefit his interests.
 - Suchla is a partner in **Sand Tran**, which is working with **Hi-Crush** on a mine nearby. His private address was the return address for a letter from Sand Tran offering neighbors of the site a chance to invest in the operation.
 - In 2011, when the company wanted to lease county land, Suchla appeared before the Environmental and Land Use Committee with company representatives.
 - After the Trempealeau County Health Board approved the county moratorium, Suchla called the county Health Director and put her on speaker phone with “local frac sand investors” who “grilled” her about the moratorium.
 - When Trempealeau Environment and Land Use Director Kevin Lien discovered a document showing Suchla’s “insider status” at Sand Tran, Suchla told Lien to forget what he saw. When Lien asked how he could forget it, Suchla said “nip this in the bud and we’ll forget about it.” Lien perceived this comment as a threat since Suchla could cut his department budget.^{109,110,111}

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Thomas Pearson, “Does annexation subvert.”

¹⁰⁹ “County board member could face ethics charges over frac-sand deal,” *WDEZ*, 19 Aug 2013.

<http://wdez.com/news/articles/2013/aug/19/county-board-member-could-face-ethics-charges-over-frac-sand-deal/>

¹¹⁰ Brian B., “Frac Mining Temporarily Halted in Trempealeau County.” *WWIS*, 20 Aug 2013,

<http://wwisradio.com/news/4348-frac-mining-temporarily-halted-in-trempealeau-county>

¹¹¹ Tony Kennedy, “Local Officials.”

6. 2013: Rod Marfilus, Bridgeport Township Supervisor and zoning administrator in Crawford County, agreed to lease his land to **Pattison Sands**. He filed Pattison's application for a conditional use permit without revealing his involvement to the public. Once the public found out, he withdrew from discussions and votes. However, the township did not appoint a new zoning administrator, so he continued to operate in this capacity.¹¹²

Conclusion

Taken together, twenty-four — or more than half — of the forty-seven frac sand companies currently operating in Wisconsin have committed serious ethical breaches or violations of DNR regulations. Whether it be spilling gallons of waste water and sediment into a stream or abusing the annexation process to avoid a moratorium, the frac sand industry has a record of consistently breaking the rules for profit.

¹¹² Jessica VanEgeren, "Conflict of interest allegations surface in lawsuit over Bridgeport frac sand mine," *The Cap Times*. http://host.madison.com/news/local/writers/jessica_vanegeren/conflict-of-interest-allegations-surface-in-lawsuit-over-bridgeport-frac/article_32582b0c-0b76-11e3-bbb0-001a4bcf887a.html

Appendix

Official DNR List of Stepped Enforcement Actions for Industrial Sand Mines between November 2011 and August 2013. Source: Wisconsin DNR

Company	Program Violated	NOV/EC/Citation/Referral	Enforcement Case Accepted	Current Status
Bear Creek Cranberry	Stormwater/Water Regs	NOV/EC/Citation	03/30/2012	Open
Chieftain Sand and Proppant	Stormwater/Water Regs	NOV/EC	06/20/2012	Closed
Chippewa Sand	Stormwater	NOV/EC/Citation	06/19/2012	Closed
Copper Road Minerals	Stormwater/Water Regs	NOV/EC/Citation	04/25/2012	Open
Croell Redi-Mix	Stormwater/Water Regs	NOV/EC	06/29/2012	Closed
Smart Sand	Air	NOV/EC	11/07/2012	Open
Hi-Crush / Their Well Drilling	Private Water Supply – Hi-Cap	NOV/EC/Referral	12/1/2012	Settled 6-4-14, HC=\$52,500, TWD=\$16,000
Interstate Energy Partners/Tiller Corp	Stormwater/Water Regs	NOV/EC/Referral	05/09/2012	Settled 1-6-14, \$80,000
Mid Wisconsin Con Ex	Stormwater/Water Regs	NOV/EC	11/30/2012	Open
Northern Frac Sand LLC	Private Water – Borehole Abandonment	NOV/EC	11/07/2012	Open
Panther Creek Sand	Stormwater/Water Regs	NOV/EC/Citation	03/02/2012	Closed
Pattison Sand	Stormwater (possible Air-fugitive)	NOV/EC (stormwater only)	12/18/2012	Open
Preferred Sands	Stormwater/Air Permit	NOV/EC/Referral	11/30/2011	Settled 12-16-2013, \$200,000
Procure Technologies	Private Water – Borehole Abandonment	NOV/EC	01/09/2012	Closed
Completion Industrial Minerals	Air	NOV/EC/Referral	02/16/2012	Settled 12-26-2013, \$80,000
Arcadia Sand	Stormwater/Water Regs	NOV/EC/Referral	05/23/2013	Settlement
Alpine Sand	Stormwater	NOV/EC/Referral	06/05/2013	Negotiations
Sierra Frac – Patzner Pit	Stormwater	NOV/EC	05/30/2013	Settlement
Sierra Frac – Suchla Pit	Stormwater	NOV/EC	06/03/2013	Negotiations
Superior Silica	Stormwater	NOV/EC	05/30/2013	Open
Great Northern Sand	Stormwater	NOV/EC	05/30/2013	Open
Brant Valley Excavating-Guza	Stormwater	NOV/EC, 3 citations/bench warrant	08/05/2013	Open
Sand Technology	Stormwater	NOV/EC	08/05/2013	Closed

List of Frac Sand Facilities in Wisconsin, March 25, 2014. Source: Wisconsin DNR.

FACILITY_NAME	Operator	Town/City/Village	County	Status	Facility Type	Property size (mine acreage)
10K INTERNATIONAL - WEBER MINE	10K International	Tn of Dover	BUFFALO	Inactive	Mine	40
10K INTERNATIONAL - NON-METALLIC MINE - BORK AND BRAGGER PROPERTIES	10K International	Tn of Burnside	TREMPEALEAU	Inactive	Mine/Processing	76
10K INTERNATIONAL - PROKOP & HUNTS VALLEY ACRES LLC	10K International	Tn of Burnside	TREMPEALEAU	Inactive	Mine/Processing	177
5 STAR TELECOM	5 Star Properties, LLC	Tn of Bridge Creek	EAU CLAIRE	Inactive	Mine	110
MIKL MINE	A&M Mikl Sands	Tn of Auburn	CHIPPEWA	Inactive	Mine/Processing	160
AF GELHAR CO INC - MARKESAN PLANT	AF Gelhar	Tn of Mackford	GREEN LAKE	Active	Mine/Processing	116
AF GELHAR CO INC - MARKESAN PLANT	AF Gelhar	Tn of Mackford	GREEN LAKE	Active	Ship-out	46
ALLEN CRANBERRY LLC	Allen Cranberry LLC	Tn of Bear Bluff	JACKSON	Inactive	Mine	106
ALPINE SAND, LLC - SOPPA PIT MINE	Alpine Materials Corp	Tn of Arcadia	TREMPEALEAU	Active	Mine/Processing	155
KENDALL KLEVGARD	ASP	Tn of Gilmanton	BUFFALO	Inactive	Mine	180
ATLAS RESIN PROPPANTS, LLC	Atlas Resin Proppants, LLC	Tn of Curran	JACKSON	Active	Resin Coating Facility	
ATLAS RESIN PROPPANTS, LLC	Atlas Resin Proppants, LLC	Tn of Alma	JACKSON	Active	Processing/Ship-out	
BADGER BLUFF SANDS	Badger Bluff Sands, LLC	Tn of Waumandee	BUFFALO	Inactive	Mine/Processing	65
BADGER MINING - FAIRWATER	Badger Mining	Tn of Green Lake	GREEN LAKE	Active	Mine/processing/ship-out	1000
BADGER MINING CORP-TAYLOR PLANT	Badger Mining	Tn of Curran	JACKSON	Active	Mine/Processing/Rail Load-out	4000
PRAIRIE SAND & GRAVEL	Blair Dillman	Tn of Marion	GRANT	Inactive	Mine	72
RAY WELTZIEN SAND MINE	Brannt Valley Excavating	Tn of Arcadia	TREMPEALEAU	Inactive	Mine/Processing	43
CALLAWAY MINE	Callaway Cranberry	Tn of Bear Bluff	JACKSON	Inactive	Mine	174
JAMES AND NANCY GUZA PIT	Cameron Rail; Brannt Valley	Tn of Acradia	TREMPEALEAU	Active	Mine/Processing	285
CSP SOURCE ENERGY SERVICES PROPPANTS LP	Canadian Sand & Proppants	Tn of Sumner	BARRON	Active	Mine/Wet/Dry	160
SOURCE ENERGY SERVICES PROPPANTS LP - WEYERHAEUSER SAND PROCESSING	Canadian Sand & Proppants	Vg of Weyerhaeuser	RUSK	Inactive	Dryer and Rail Load-out	
ROSSA PIT SAND MINE	Canadian Silica	Tn of Arcadia	TREMPEALEAU	Active	Mine/Processing	113
CARBO CERAMICS	Carbo Ceramics	Tn of Rock	WOOD	Active	Mine	113
CARBO CERAMICS INC - MARSHFIELD PLANT	Carbo Ceramics	City of Marshfield	WOOD	Active	Processing/Rail Load-out	40
CARBO CERAMICS	Carbo Ceramics (Marawood	Tn of Wood	WOOD	Active	Mine	30
CHIEFTAIN SAND - LUCKEY	Chieftain Sand and Proppant, LLC	Tn of Dovre	BARRON	Active	Dryer (Mine / Wet Plant)	157
CHIEFTAIN SAND AND PROPPANT, LLC	Chieftain Sand and Proppant, LLC	Tn of Dovre	BARRON	Active	Dry Plant/Rail Load-out	85
CHIEFTAIN SAND - ANDERSON	Chieftain Sand and Proppant, LLC	Tn of Dovre	BARRON	Inactive	Mine	40
CHIEFTAIN SAND - POETSCH	Chieftain Sand and Proppant, LLC	Tn of Dovre	BARRON	Inactive	Mine	35
CHIEFTAIN SAND - SCHAAF	Chieftain Sand and Proppant, LLC	Tn of Dovre	BARRON	Inactive	Mine	35
CHIPPEWA SAND COMPANY	Chippewa Sand Company	Tn of Auburn	CHIPPEWA	Active	Processing/Rail Load-out	
CHIPPEWA SAND COMPANY	Chippewa Sand Company	Tn of Cooks Valley	CHIPPEWA	Active	Mine/Processing	176
CHOPPER FARMS	Chopper Farms	Tn of Hansen	WOOD	Inactive	Mine	80
COMPLETION INDUSTRIAL MINERALS (PANKRATZ TRUCKING)	Completion Industrial Minerals	Tn of Rock	WOOD	Active	Mine	160
COMPLETION INDUSTRIAL MINERALS	Completion Industrial Minerals	Tn of Wood	WOOD	Active	Mine	193
COMPLETION INDUSTRIAL MINERALS LLC	Completion Industrial Minerals	City of Marshfield	WOOD	Active	Processing/Rail Load-out	70
COPPER ROAD MINERALS	Copper Road Minerals, LLC	Tn of Byron	MONROE	Active	Mine	60
COULEE FRAC SAND	Coulee Frac Sand LLC	Tn of Alma	JACKSON	Inactive	Mine	50
DIAMOND BLUFF INDUSTRIAL SAND	Diamond Bluff Industrial Sand	Hager City	PIERCE	Inactive	Processing	
DOINE EXCAVATING	Doine Excavating	Tn of Richfield	WOOD	Active	Mine	58
DS MINE	EOG Resources, Inc	Tn of Cooks Valley	CHIPPEWA	Active	Mine	234
S & S MINE	EOG Resources, Inc	Tn of Howard	CHIPPEWA	Active	Mine	185
EOG RESOURCES, INC.	EOG Resources, Inc	Tn of Eagle Point	CHIPPEWA	Active	Processing/Rail Load-out	
EOG RESOURCES INC (DD Mine)	EOG Resources, Inc	Tn of Arland	BARRON	Inactive	Mine	336

FACILITY_NAME	Operator	Town/City/Village	County	Status	Facility Type	Property size (mine acreage)
WISCONSIN INDUSTRIAL SAND (BAY CITY MINE - SHIPPING)	Fairmount Minerals	Tn of Trenton	PIERCE	Active	Processing/Ship-out	
WISCONSIN INDUSTRIAL SAND (BAY CITY MINE)	Fairmount Minerals	Tn of Isabelle	PIERCE	Active	Mine	
WISCONSIN INDUSTRIAL SAND LLC	Fairmount Minerals	Tn of Maiden Rock	PIERCE	Active	Mine/processing/ship-out	
FG MINERALS (WISCONSIN INDUSTRIAL SAND)	FG Minerals	Tn of Hay River	DUNN	Active	Rail Load-out	
FG MINERALS LLC	FG Minerals	City of Menomonie	DUNN	Active	Mine	118
JLS SANDS, LLC	Glacier Sands	Tn of Buffalo	BUFFALO	Inactive	Mine/Processing	998
R AND J ROLLING ACRES, LLP	Glacier Sands	Tn of Gilmanton	BUFFALO	Inactive	Mine/Processing	205
SEVEN SANDS, LLC	Glacier Sands	Tn of Montana	TREMPEALEAU	Inactive	Mine/Processing	1390
GLOBAL SAND LINK - JOHNSON MINE	Global Sand Link	Tn of Preston	TREMPEALEAU	Inactive	Mine/Processing	50
GOOSE LANDING SAND COMPANY, LLC	Goose Landing Sand Company, LLC	Tn of Alma	JACKSON	Active	Mine/processing/ship-out	600
GREAT NORTHERN SAND LLC	Great Northern Sand	Tn of Dovre	BARRON	Active	Dryer/Processing/Ship-out	58
GREAT NORTHERN SAND LLC	Great Northern Sand	Tn of Dovre	BARRON	Active	Mine	420
RICHARDSON QUARRY	Greg Bechel Trucking & Excavating LLC	Tn of Frankfort	PEPIN	Active	Mine	43
HI-CRUSH PROPPANTS LLC - WYVILLE	Hi Crush Operating LLC	Tn of Byron	MONROE	Active	Mine/Processing/Rail Load-out	353
HI CRUSH PROPPANTS LLC	Hi Crush Proppants LLC	Tn of Bridge Creek	EAU CLAIRE	Active	Mine/Processing/Rail Load-out	528
HI CRUSH WHITEHALL	Hi-Crush Proppants LLC	Tn of Independence	TREMPEALEAU	Inactive	Mine/Processing	339
MARTINSON MINE AND WASH PLANT	High Country Sand	Tn of Otter Creek	EAU CLAIRE	Inactive	Mine	79.5
HUNGRY RUN CRANBERRY	Hungry Run Cranberry	Tn of Lincoln	MONROE	Active	Mine	9
JACKSON SANDS LLC	Jackson Sand LLC	Tn of Springfield	JACKSON	Inactive	Mine	270
JEFF IGNATOWSKI MINE	Jeff Ignatowski	Tn of Cary	WOOD	Active	Mine	145
JR NEMITZ CRANBERRY	JR Nemitz Cranberry	Tn of Bear Bluff	JACKSON	Inactive	Mine	40
COMPLETION INDUSTRIAL MINERALS LLC	JS Weiler Leasing	Tn of Auburndale	WOOD	Active	Mine	70
KAW VALLEY - SONSALLA MINE	Kaw Valley	Tn of Arcadia	TREMPEALEAU	Inactive	Mine	158
K-FRAC - SWANSON MINE	K-Frac	Tn of Preston	TREMPEALEAU	Inactive	Mine	8
KRAEMER COMPANY (WHISTLER'S PASS QUARRY)	Kramer Company	Tn of Dodge	TREMPEALEAU	Active	Mine	120
TWESME QUARRY WERLIEN/GILBERSON/TKC (KRAEMER COMPANY)	Kramer Company	Tn of Preston	TREMPEALEAU	Active	Mine/Processing	180
LEGACY BOGS - 1	Legacy Bogs - 1	Tn of Bear Bluff	JACKSON	Inactive	Mine	40
LEGACY BOGS - 2	Legacy Bogs - 2	Tn of Bear Bluff	JACKSON	Inactive	Mine	40
LEGACY BOGS - 3	Legacy Bogs - 3	Tn of Bear Bluff	JACKSON	Inactive	Mine/Processing	
PANTHER CREEK SAND, LLC	Manly Brothers	Tn of York	CLARK	Active	Mine	100
MARAWOOD SAND AND GRAVEL	Marawood Construction	Tn of York	CLARK	Active	Mine	160
BLACK CREEK LIMESTONE CO	MCC, Inc	Tn of Hortonia	OUTAGAMIE	Active	Mine	301
BLACK CREEK LIMESTONE CO	MCC, Inc	Tn of Caldonia	WAUPACA	Active	Mine	89
VISTA SAND	Menomonie Vista Sand	Tn of Knapp	DUNN	Inactive	Rail Load-out	150
MIDWEST FRAC AND SANDS	Midwest Frac and Sands	Tn of Arland	BARRON	Active	Mine/processing	80
MIDWEST FRAC AND SANDS	Midwest Frac and Sands	Tn of Arland	BARRON	Inactive	Wet Processing	50
TOWN OF BROCKWAY MINE	Milestone Materials	Tn of Brockway	JACKSON	Active	Mine/Wet Processing	
MILESTONE MATERIALS - DOWNING QUARRY	Milestone Materials (Mathy	Tn of Stanton	DUNN	Active	Mine	39.3
MILESTONE MATERIALS - WILSON QUARRY #384	Milestone Materials (Mathy	Tn of Springfield	ST. CROIX	Active	Mine	114
MILESTONE MATERIALS (DOWNING QUARRY) - SIMONS MINE	Milestone Materials (Mathy	Tn of Springfield	ST. CROIX	Active	Mine	
MILESTONE MATERIALS - CATARACT GREEN PIT #184	Milestone Materials (Mathy	Tn of Little Falls	MONROE	Inactive	Mine/Processing	111
SCHNEIDER NON-METALLIC MINE	Minnesota Frac Sand	Tn of Arcadia	TREMPEALEAU	Inactive	Mine	110
ARCADIA SAND CO	Mississippi Sand LLC	City of Arcadia	TREMPEALEAU	Active	Mine/Processing	231
MUSKIE PROPPANTS	Muskie Proppants LLC	CHIPPEWA FALLS	CHIPPEWA	Active	Rail Load-out	
HIGHWAY 10 SAND PROCESSING PLANT	Muskie Proppants, LLC	Tn of Union	PIERCE	Active	Processing	
VERNON BUE SAND MINE	Nelson Diesel and Dozing	Tn of Ettrick	TREMPEALEAU	Inactive	Mine	10
NIEDERKORN MINE	Nieder Korn	Tn of Ettrick	TREMPEALEAU	Inactive	Mine	36
NORTH CREEK SAND LLC - STH 95 PROJECT	North Creek Sand, LLC	Tn of Arcadia	TREMPEALEAU	Inactive	Mine	10(284,41)
NORTH STAR SAND LLC	North Star Sand LLC	Tn of Hixton	JACKSON	Inactive	Mine/Processing/Rail Load-out	750

FACILITY_NAME	Operator	Town/City/Village	County	Status	Facility Type	Property size (mine acreage)
NORTHERN FRAC SAND LLC	Northern Frac Sand LLC	Tn of Hansen	WOOD	Inactive	Mine	94
OPELT BROTHERS SAND AND GRAVEL	Opelt Brothers Sand and Gravel	Tn of Levis	CLARK	Active	Mine/Processing	70
PANTHER CREEK SAND, INC. - MARSHFIELD SCREENING PLANT	Panther Creek Sand, Inc.	City of Marshfield	WOOD	Active	Processing/Rail Load-out	
PARAMOUNT SAND - SEGERSTROM MINE	Paramount Sand	Tn of Hale	TREMPEALEAU	Inactive	Mine/Processing	89.5
PATTISON PRAIRIE DU CHIEN RAIL LOAD-OUT FACILITY	Pattison Sand	City of Prairie du	CRAWFORD	Active	Rail Load-out	
PATTISON SAND COMPANY - BRIDGEPORT MINE	Pattison Sand Company	Tn of Bridgeport	CRAWFORD	Active	Mine/Processing	191
LAGESSE MINE	Preferred Sands	Tn of Cooks Valley	CHIPPEWA	Active	Mine/Processing	225
HWY 64 MINE	Preferred Sands	Tn of Auburn	CHIPPEWA	Inactive	Mine/Processing	1224
PREFERRED SANDS	Preferred Sands	Tn of Bloomer	CHIPPEWA	Inactive	Process/Rail Load-out	
ROGGE MINE	Preferred Sands	Tn of Cooks Valley	CHIPPEWA	Inactive	Mine	160
PREFERRED SANDS OF WISCONSIN, LLC	Preferred Sands of Wisconsin	Tn of Preston	TREMPEALEAU	Active	Mine/Processing/Rail Load-out	400
PREMIER SANDS (B & B SANDS)	Premier Sands (B & B Sands)	Tn of Dodge	TREMPEALEAU	Inactive	Mine	171
TEA SAND PROP COMPANY	Pro Core	Tn of Arland	BARRON	Inactive	Mine	40
FAIRMONT MINERALS (FML); FTS INTERNATIONAL SERVICES, LLC	Proppant Specialists LLC	Tn of Arcadia	TREMPEALEAU	Inactive	Mine/Processing	300
QUALITY EXCAVATING - RUETH MINE	Quality Excavating - Dallas	Tn of Weston	CLARK	Active	Mine/Processing	35
CHALSMIA MINE	Richard and Gretchen Chalsma	Tn of Springfield	JACKSON	Inactive	Mine	318
RIVER VALLEY SANDS	River Valley Sands (Tim	Tn of Dover	BUFFALO	Inactive	Mine/Processing	300
ROBERT NELSON	Robert Nelson	Tn of Arland	BARRON	Active	Mine	11
SAND PRODUCTS OF WISCONSIN - HWY 53 MINE	Sand Products	Tn of Preston	TREMPEALEAU	Inactive	Mine/Processing/Rail Load-out	716
RYAN BARTH - PLATTE VALLEY	Sand Technologies	Tn of Buffalo	BUFFALO	Active	Mine/Processing	130
SAND TRANS	Sand Trans (Hi Crush Proppants	Vg of Whitehall	TREMPEALEAU	Inactive	Rail Load-out	
SHADOWLAND HOLDINGS	Shadowland	Tn of Orange	JUNEAU	Inactive	Mine	40
PATZNER SAND PIT	Sierra Frac Sand	Tn of Arcadia	TREMPEALEAU	Active	Mine	55
SIERRA FRAC SAND	Sierra Frac Sand	Tn of Arcadia	TREMPEALEAU	Active	Mine	11
SUCHLA FAMILY FARM INC., PIT	Sierra Frac Sand	Tn of Arcadia	TREMPEALEAU	Active	Mine	15
SIOUX CREEK SILICA	Sioux Creek Silica	Tn of Sioux Creek	BARRON	Inactive	Mine/wet processing	981
FAIRVIEW CRANBERRY MINE	Smart Sand, Inc	Tn of Oakdale	MONROE	Active	Mine/processing/ship-out	1118
FAIRVIEW CRANBERRY COMPANY	Smart Sand, Inc	Tn of Curran	JACKSON	Inactive	Mine/Processing	600
D95 NORTH SITE - SPARTAN SAND, LLC (TENNESON)	Spartan Sand, LLC	Tn of Preston	TREMPEALEAU	Inactive	Mine/Processing	330
D95 SOUTH SITE - SPARTAN SAND, LLC (TENNESON)	Spartan Sand, LLC	Tn of Preston	TREMPEALEAU	Inactive	Mine	95
STEPHEN J. DOERR, LLC - KONKEL-LILLA SAND MINE	Stephen Doerr	Tn of Trempealeau	TREMPEALEAU	O	Mine	63
STAMM MINE	Steve Stamm	Tn of Modena	BUFFALO	Inactive	Mine	186
BUFFALO WHITE SANDS, LLC (Segerstrom)	Superior Sand Systems (Buffalo	Tn of Buffalo	BUFFALO	Active	Mine	570
SUPERIOR SILICA SAND - BARRON PLANT	Superior Silica Sands	Tn of Clinton	BARRON	Active	Dry Processing/Rail Load-out	
SUPERIOR SILICA SANDS	Superior Silica Sands	Tn of Arland	BARRON	Active	Mine / Wet Processing	340
SUPERIOR SILICA SANDS	Superior Silica Sands	Tn of Dovre	BARRON	Active	Dryer/Processing/Ship-out	34
GLASER MINE	Superior Silica Sands	Tn of Auburn	CHIPPEWA	Active	Mine/Processing	475
SUPERIOR SILICA SAND - LUNDEQUAM AND PICKNELL	Superior Silica Sands	Tn of Arland	BARRON	Inactive	Mine	45
SUPERIOR SILICA SANDS	Superior Silica Sands	Tn of Arland	BARRON	Inactive	Wet Processing	50
SWINNEY MINE	Swinney	Tn of Cooks Valley	CHIPPEWA	Inactive	Mine/Processing	332
TCT 100 MINE	Taylor Creek Transit	Tn of Auburn	CHIPPEWA	Inactive	Mine	43
TAYLOR FRAC, LLC	Taylor Frac, LLC	Tn of Springfield	JACKSON	Active	Mine/Processing	350
TAYLOR FRAC - SHIP OUT	Taylor Frac, LLC	Tn of Preston	TREMPEALEAU	Active	Rail Load-out	20
BARTON SAND AND GRAVEL CO. - GRANTSBURG (Interstate	Tiller Corporation	Tn of Grantsburg	BURNETT	Active	Mine/Processing	61
BEAR CREEK CRANBERRY	TJ Shaw Investments (Bear	Tn of Oakdale	MONROE	Active	Mine/Processing	413
U.S. SILICA COMPANY	U.S. Silica Company	City of Sparta	MONROE	Active	Mine/processing/ship-out	465
UNIMIN CORPORATION	Unimin Corporation	Tn of Pacific	COLUMBIA	Active	Mine/processing/ship-out	720

FACILITY_NAME	Operator	Town/City/Village	County	Status	Facility Type	Property size (mine acreage)
UNIMIN CORPORATION - TUNNEL CITY PLANT	Unimin Corporation	Tn of Greenfield	MONROE	Active	Mine/processing/ship-out	1039
VISTA SAND	Vista Sand LTD	Tn of Glenwood	ST. CROIX	Inactive	Mine/Processing	
WEICHELT TRUCKING	Weichelt Trucking	Tn of Arpin	WOOD	Active	Mine	117
WESTAR PROPPANTS LLC	Westar Proppants LLC	Tn of Hixton	JACKSON	Inactive	Mine	670
BOESE MINE	Western Wisconsin Sand	Tn of Auburn	CHIPPEWA	Active	Mine	28
FML SAND - OAKDALE	Wisconsin Industrial Sand LLC	Tn of Oakdale	Monroe	Inactive	Processing/Ship-out	
WISCONSIN INDUSTRIAL SAND (DIAMOND BLUFF MINE)	Wisconsin Industrial Sand LLC	Tn of Diamond Bluff	PIERCE	Inactive	Mine	1867
FML SAND - READFIELD	Wisconsin Industrial Sand LLC	Tn of Readfield	WAUPACA			

NOTE: The following columns from the above document are not included: Landowner, Address, Status (Municipal Permitting), Latitude, and Longitude. See the full version on LSP's website here:

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