



## Groups ask EPA to object to DNR approval of frac sand permit Mining operation air pollution permit approved without Clean Air Act compliance

**FOR IMMEDIATE RELEASE:** October 27, 2016

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MADISON, WI – On behalf of the Ho-Chunk Nation and the Sierra Club – John Muir Chapter, Midwest Environmental Advocates filed a petition this week with the U.S. Environmental Protection Agency requesting formal objection by the federal agency to an air pollution permit approved by the Wisconsin Department of Natural Resources for an expanding frac sand mining operation.

The request asks for the EPA's objection to the permit because the DNR would allow the Superior Silica Sands frac sand mine and processing plant to expand production without estimating, monitoring, or controlling fine particulate matter (PM<sub>2.5</sub>) that would impact air quality. As written, the DNR-approved air permit violates the Clean Air Act and may allow the mining operation to violate National Ambient Air Quality Standards.

"The DNR is ignoring the presence and cumulative impacts of fine particulate matter from facilities including frac sand mines under its new policy," said MEA staff attorney Sarah Geers. "Despite repeated objections by the EPA and groups like MEA, the DNR is ignoring its responsibilities to protect our air under federal law. Asking the EPA for a formal objection to this permit will help make it clear that the DNR's policies must be brought in line with the Clean Air Act in order to protect public health and our environment."

Last year the DNR issued "Guidance for PM<sub>2.5</sub> Permit Modeling," a document that outlined how the agency would permit industrial activities that emit fine particulate matter. But [the EPA put the DNR on notice on August 26, 2015](#) that the guidance document didn't follow the Clean Air Act. The EPA said the DNR should evaluate activities that create PM<sub>2.5</sub> air quality impacts on a case-by-case basis and not broadly exempt industrial activity – like frac sand mining – from requirements to assess, monitor and control air quality impacts.

The Ho-Chunk Nation and Sierra Club's request for formal objection is a necessary step after the DNR had ample notice from the EPA through both comments on the DNR's PM<sub>2.5</sub> policies in 2015 and concerns expressed about the particular pollution permit earlier this year. By approving the Superior Silica Sands permit, the DNR is permitting mining activity that will violate the Clean Air Act.

Ho-Chunk Nation Vice President Darren Brinegar said, "The Ho-Chunk Nation is in favor of complying with the EPA standards. We feel it is an important step in keeping the general public, environment and natural habitats safe."

*The Ho Chunk Nation is the largest employer in Sauk County. Ho-Chunk Nation Trust Lands are located in Adams, Clark, Crawford, Dane, Eau Claire, Jackson, Juneau, La Crosse, Marathon, Monroe, Sauk, Shawano, Vernon and Wood Counties in Wisconsin and also in the State of Illinois. Ho-Chunk Nation members live Wisconsin, Iowa, Illinois, Nebraska, South Dakota and Minnesota. [Learn more about the Ho-Chunk Nation online.](#)*

*Midwest Environmental Advocates is a public interest organization that uses the power of the law to support communities fighting for environmental accountability. Learn more about the Midwest Environmental Advocates on the web at [midwestadvocates.org](http://midwestadvocates.org), like MEA on [Facebook](#) or follow @MidwestAdvocate on [Twitter](#).*

*The Sierra Club – John Muir Chapter’s mission is to explore, enjoy and protect the planet; to practice and promote the responsible use of the earth’s ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out those objectives. [Learn more about the Sierra Club – John Muir Chapter online.](#)*

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