



October 17, 2013

Re: LRB-3146/1 and LRB-3408/1 Relating to: Regulatory Certainty Act, preempting local control over Nonmetallic (Sand) Mining Operations.

Dear Legislators:

We respectfully urge you NOT to sign on to LRB-3146/1 and LRB-3408/1 Relating to: Regulatory Certainty Act, preempting local control over Nonmetallic (Sand) Mining Operations.

Wisconsin Farmers Union supports local control of frac sand mining, and does not support state regulation that would preempt the ability of towns and counties to craft their own regulations tailored to their individual circumstances.

The permitting of businesses is and should remain a local issue. The circumstances surrounding sand and other nonmetallic mining operations vary considerably depending on their location, making a one-size-fits-all approach is inappropriate. The current regulatory framework, with the state in charge of overseeing high-capacity wells, air quality permitting, and land reclamation, and local governments retaining their traditional authority over regulating health, safety, and welfare, is reasonable and workable. It would be false to claim that Wisconsin's current regulatory framework is somehow a bar to development of the sand mining industry in the state. The rapid growth of the industry over the past three years clearly proves otherwise.

The changes proposed in LRB-3146/1 and LRB-3408/1 will undoubtedly be an expensive proposition for the state. The bill transfers considerable responsibility to the DNR over functions that are currently being carried out by local governments. It is difficult to see how the provisions of this proposal could be implemented without either a significant expansion of DNR staff, or important oversight simply falling through the cracks due to lack of capacity.

Some local governments have opted to exercise minimal permitting oversight over nonmetallic mines in their jurisdictions. In other jurisdictions, especially where mines were proposed in close proximity to residences, sensitive waterways, or population centers, local governments have exercised greater oversight in order to ensure the health and safety of residents, to maintain local roads, and to balance the needs of other economically significant industries including agriculture and tourism. This type of tailored approach is entirely appropriate. LRB-3146/1 and LRB-3408/1 would preempt a local government's ability to calibrate its response to local conditions, to the detriment of all parties involved.

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