

Table of Contents

Acceptance letter

Commitment outline

Application

Attachment 2

Attachment 3

Attachment 5

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711



August 27, 2014

Robert Kliszka – Vice President Operations
29499 US Highway 12
Tomah, WI 54660

Subject: Welcome to Green Tier – Tier 1

Dear Robert:

Congratulations! We are glad to welcome you into Tier 1 of Green Tier. You join a group of companies who are not only committed to superior environmental performance but also to superior economic performance.

In recognizing your past accomplishments and future commitments we promise to work towards promoting and recognizing your facility for taking the lead in environmental protection while assuring economic stability and growth. We are committed to publicizing Smart Sand – Oakdale Plant as a Green Tier participant on the DNR website. Undoubtedly, there will be other opportunities to bring attention to your accomplishments, and we hope to assist you in doing so as a Green Tier partner.

Dan Helsel has been assigned as your single point of contact. He can be reached at (715) 284-1431 or at Daniel.Helsel@wisconsin.gov. Please contact him with any questions concerning communications, required approvals, or technical assistance you may need. For your convenience the attached Commitment Outline points out your benefits and important dates that affect your participation.

On behalf of the Wisconsin Department of Natural Resources, I am proud to extend this welcome to you. We are committed to working with you to build a customized relationship under the Green Tier program. I am excited to embark on our new relationship and my staff is ready to assist as your business grows.

Sincerely,

/s/ Cathy Stepp

Cathy Stepp
Secretary

Attachments: Green Tier Commitment Outline
 Green Tier Logo Files and Guidance CD
 Green Tier Annual Report Guidance

Green Tier Commitment Outline for Smart Sand – Oakdale Plant

Approval Date – August 27, 2014

Commitment Outline Updated: February 5, 2020

The updates since participation started are:

- Updated general content, format and links
- Change of project coordinator

I. Environmental Management Systems (EMS) & Audit Requirements

Your EMS must either be ISO-certified, or you must demonstrate that it is functionally equivalent. For information on how to demonstrate the functional equivalency of your EMS, please see: <https://dnr.wi.gov/files/PDF/pubs/co/CO503.pdf>

You have demonstrated that your EMS is functionally equivalent, satisfying initial Green Tier EMS requirements.

To maintain good standing with Green Tier EMS requirements:

- A. On or before, **August 27, 2015** and every year after that, you must perform an environmental management system audit. The department recommends that your first audit be completed by a DNR-approved outside EMS auditor.
- B. On or before, **August 27, 2017** and every third year, this audit **must** be completed by a DNR-approved outside EMS auditor. The list of approved auditors can be found at: <https://dnr.wi.gov/topic/GreenTier/Auditors.html>

II. Provide an Annual Report

- A. **Annual Report Due Date** - We have mutually agreed that the deadline for your Green Tier annual report is **August 1, 2015** and annually thereafter. (Please feel free to discuss alternative reporting dates with your Project Coordinator should your needs change.)
- B. **Reporting on Environmental Performance Commitments:** Your first report should follow the annual report instructions provided below and should provide data on your progress toward meeting your environmental performance commitments laid out in your Green Tier application or your previous year's Green Tier annual report..
- C. **Annually**, you will need to report progress on the commitments that you have made. For more details about annual reports and metrics, see the annual report instructions provided on the website; <https://dnr.wi.gov/topic/GreenTier/ReportInstructions.html>
- D. Please provide annual Green Tier Reports to: GreenTier@Wisconsin.gov and your Single Point of Contact.

III. Work toward Superior Environmental Performance

Implement environmental improvements that aim to achieve Superior Environmental Performance as defined in Green Tier law. This means environmental performance that results in measurable or discernible improvement in the quality of the air, water, land, or natural resources, or in the protection of the environment, beyond that which is achieved under environmental requirements. More information on Superior Environmental Performance can be found here:

<https://dnr.wi.gov/topic/GreenTier/SuperiorEnvironmentalPerformance.html>

IV. Green Tier - Tier 1 – DNR Commitments

- A. **Single Point of Contact (SPOC):** Your single point of contact or SPOC is your liaison to the department, answering your questions or making connections within DNR or with other experts. Your SPOC is: Dan Helsel, Phone: 715 – 284 – 1431, Daniel.Helsel@wisconsin.gov
- B. **Green Tier Logo:** Green Tier participants may use the Green Tier logo on stationery, promotional and educational materials related to your facility. Logo files as well as the Green Tier Style Guide with additional guidelines and information are available online at: <https://wi-dnr.widencollective.com/portals/nkc57xuv/GreenTierBranding>. Your Project Coordinator can provide you with the current access code.
- C. **Recognition:** Along with the certificate of recognition, the department will host a [participant web page](#) for easy reference. Participants should provide information and pictures on their environmental efforts to populate the webpage. We will also promote your successes throughout your tenure in Green Tier using a variety of DNR communication channels.
- D. **Project Coordinators:** You should also feel free to contact your Project Coordinator for Green Tier specific information. Project Coordinators provide support to SPOCs and participants providing reminders on Green Tier requirement dates and by promoting a participant's successes. Your project coordinator is: Roberta Walls, Phone 608-785-9272, Cell 608-797-8510, Roberta.Walls@Wisconsin.gov
- E. **Minimum Inspection Frequency:** Because you have implemented an EMS, you are entitled to inspections at the lowest frequency permitted by the programs under law. The department will work with you to determine how this will work for you.
- F. **Deferred Civil Action:** You are entitled to Deferred Civil Enforcement as described in statutes (299.83(6m)(d)). If you discover a violation of an existing environmental requirement, you are entitled to protection from any civil penalties that the department might otherwise impose if you:
 - 1. Notify the department
 - 2. Provide a corrective action plan and documentation of your Environmental Management System (EMS) adjustments that ensure the violation will not happen again, and
 - 3. Correct the violations within 90 days

Notice: Collection of this information is authorized under s. 299.83 Wis. Stat. Participation in Green Tier and completion of this form are voluntary. Personal information collected on this form, including such data as your name, address, phone number, etc., will be used in the implementation of Green Tier and will be made broadly available under the Green Tier program. Information will also be made accessible to requesters under Wisconsin's Public Records Law (ss. 19.32 - 19.39, Wis. Stats.). If you need to request confidential treatment of any information in order to protect a trade secret, please contact a DNR representative *prior* to submitting this form. Applications must be considered complete by the DNR in order to be processed. For complete application instructions, see "Green Tier Application Instructions," publication number CO-501.

This application is for... (check one): Tier 1 Tier 2 (attach Letter of Intent to this form)

I. Applicant Information

Contact Name	Title		
Robert Kiszka	Vice President Operations		
Street Address	City	State	ZIP Code
29499 US Highway 12	Tomah	WI	54660
Telephone Number	Fax Number	E-mail Address	
608-732-0987	608-372-4228	rkiszka@smartsand.net	

II. Facility Information

Facility Name	County		
Smart Sand - Oakdale Plant	Monroe		
Street Address	City	State	ZIP Code
29499 US Highway 12	Tomah	WI	54660
Mailing Address	City	State	ZIP Code
29499 US Highway 12	Tomah	WI	54660

Please provide all DNR Facility Identification numbers (FID #) that apply to the covered facility or activity.

WIDNR FID # 642078030

III. Scope of Green Tier Participation (check one)

- This application covers all activities at the facility listed in Section II.
- This application covers all activities at more than one facility. For each facility to be covered under this application provide the information from Section II on a separate page labeled **Attachment 1**.
- This application **does not** cover all activities at every covered facility. Please describe the exact scope of activities and facilities to be covered in the program on a separate page labeled **Attachment 1**.

IV. Environmental Performance

Please provide the following information on a separate page labeled **Attachment 2**. Refer to the *Application Instructions* for definitions of environmental performance and superior environmental performance.

Tier 1 Applicants:

- Describe your past and current environmental performance with respect to each covered facility or activity included in this application. Within this attachment establish a baseline date against which future progress can be measured.
- Describe your future plans for enhancing the environment with respect to the same facilities/activities.

Tier 2 Applicants:

- Provide information demonstrating your record of superior environmental performance. Within this attachment establish a baseline date against which future progress can be measured.
- Describe the measures you propose to take to maintain and improve your superior environmental performance.

V. Environmental Management System (EMS)

- a. Have you implemented an EMS that is certified to the ISO 14001 standard? (circle one) Yes No
- b. Have you implemented an EMS that is functionally equivalent to ISO 14001? (circle one) Yes No

If you circled "No" for both questions, you are not eligible for Tier 2. Please proceed to Section VI only if you are applying for Tier 1.

If you circled "Yes" for either question, please provide a copy of the following documents labeled as **Attachment 3**:

- Proof of ISO 14001 certification OR functional equivalence (refer to *Application Instructions* for details)
- Environmental policy statement and scope statement
- Documented objectives and targets for the covered facilities/activities

VI. Public Notice/Stakeholder Identification

Please provide in a separate document labeled **Attachment 4** a list of stakeholders whom you know or expect will have a strong interest in your Green Tier application, as well as contact information for those stakeholders. This information will help DNR expedite the processing of your application. Tier 2 applicants must provide additional information about stakeholder involvement in a Letter of Intent. Refer to *Application Instructions* for details.

VII. Enforcement Record

Please review the Enforcement Record requirements described in the *Application Instructions* very carefully, and then check the appropriate box:

All enforcement record requirements relevant to this application are satisfied.

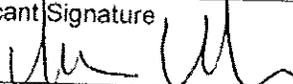
All enforcement record requirements relevant to this application are **not** currently satisfied. A waiver of the enforcement record requirements is requested.

If a waiver is requested, please provide information describing any requirements not met and a justification for the waiver request on a separate page labeled **Attachment 5**. Note that waivers will be granted only in exceptional circumstances.

VIII. Tier 1 Applicant Statement of Commitments

I commit with my signature to the following statements and certify that all information provided in this application is true and correct under penalty of law:

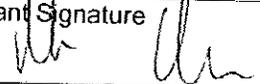
- Implement, within one year of the date of this application, an EMS for each covered facility or activity that is certified to the ISO 14001 standard or is functionally equivalent to ISO 14001 as determined by DNR.
- Conduct annual EMS audits, with every 3rd EMS audit performed by a DNR-approved outside environmental auditor.
- Submit to DNR an annual report on each EMS audit that is in compliance with s. 299.83(6m)(a), Wis. Stats.
- Submit to DNR an annual report on progress towards meeting objectives related to improved environmental performance for aspects regulated under chs. 29 to 31, 160, or 280 to 299, Wis. Stats., unregulated environmental aspects, or voluntary actions to restore, enhance, or preserve natural resources.

Applicant Signature 	Robert Kiszka, VP	Date Signed 7/9/2013
--	-------------------	-------------------------

IX. Tier 2 Applicant Statement of Commitments

I commit with my signature to the following statements and certify that all information provided in this application is true and correct under penalty of law:

- Conduct annual EMS audits performed by a DNR-approved outside environmental auditor.
- Conduct or have another person conduct an annual audit of compliance with environmental requirements that are applicable to the facilities and activities covered under Green Tier.
- Submit to DNR an annual report on each EMS audit that is in compliance with s. 299.83(6m)(a), Wis. Stats.
- Submit to DNR an annual report on each compliance audit that is in compliance with s. 299.83(6m)(a), Wis. Stats.

Applicant Signature 	Robert Kiszka, VP	Date Signed 7/9/2013
--	-------------------	-------------------------

X. For Department Use Only					
Date Received	Initials of Reviewer	Status	Date Returned to Applicant for Additional Information	Date Denied	Date Approved

Attachment 2

Past and Current Environmental Performance

Smart Sand is an industrial sand mining facility located on more than one thousand Acres in the Oakdale Township in Monroe County.

The Smart Sand Management Team and their employees are committed to running a sustainable and environmentally-responsible facility. The facility is modern and built to minimize impact on the environment. Smart Sand is frequently visited by industrial leaders, local officials and members of state and national office as the site is considered to be on the cutting edge of operations.

On an ongoing basis, as required by the DNR and other regulatory bodies, Smart Sand conducts air monitoring tests, smokestack observations, required and voluntary groundwater tests and ongoing inspections related to stormwater erosion and dust control measurements. Smart Sand is currently conducting an environmental audit. We propose that the reports from these documents establish a baseline and that the year in question be the 12 month period ending June 30, 2013. If the WI DNR prefers, we are also happy to use Calendar 2012 as our baseline.

Improvement Plans

Our first commitment is to maintain and commit to improving on our monitoring and testing. At the end of the test period we will submit a report to the DNR that compares year-on-year measurements and describes improvement or declines (when statistically significant).

We also would like to propose for this application a **voluntary habitat improvement project**. For the coming year, Smart Sand would like to improve one of the streams (Bear Creek) which enters and leaves our property as a trout habitat. This has been discussed with former DNR representative, Mark McDermid. The project involves slowing the water's movement through a select area by dredging some of the bed and creating slow-moving water pools. It is our understanding based on local fishing activities (off-site) that several kinds of trout live in the river. Prior consultation with a biologist suggested this project would improve the aquatic habitat in general, and specifically improve it for trout.

Our second commitment is to plan and implement improvement projects around the facility including the trout habitat improvement project outlined in Attachment 2.

Attachment 3 – Environmental Management System

Proof of ISO 14001 certification OR functional equivalence

Smart Sand self-certifies that its Tomah sand facility is compliant with environmental management components of the ISO 14001 standard (functional equivalence). The plant is a modern facility designed with components sourced from compliant manufacturers. Smart Sand has committed to superior documentation of manufacturing and environmental processes, ongoing monitoring and documentation of deviations and rectifications. Our documentation is located electronically and in hard copy both onsite and in a remote location.

- Our environmental processes (in addition to safety and operations processes) have been documented and the environmental staff is continually trained to remove experimental error from sampling and observations.
- All sand processing equipment is electronically monitored and records maintained, including environmental records.
- Our facility has trained all employees to continually monitor operations for compliance with operational standards.
- Our on-site sand laboratory continually checks actual results against expected values at each stage in the manufacturing process. Unusual results are reviewed in a weekly management meeting and corrective actions are made if required.

Smart Sand is in the process of attaining ISO 14001 certification from select customers.

Environmental Policy Statement and Scope Statement

Smart Sand is committed to exceeding environmental regulatory requirements, to maintaining a responsible and sustainable environment, to fostering an understanding of the environmental components of a sand mine among employees, neighbors, customers and government stakeholders. Smart Sand is committed to continual environmental improvement and ongoing measurement of activities which may impact the environment.

This policy pertains to all industrial activities at the Tomah facility.

Documented Objectives and Targets for the Covered Facilities

Smart Sand self-certifies that its Tomah sand facility is compliant with environmental management components of ISO 14001 standards.

Our first commitment relative to the Green Tier application is to maintain and commit to improving on our monitoring and testing. At the end of the test period we will submit a report that compares year-on-year measurements and describes improvement or declines (when statistically significant).

Attachment 5

Enforcement status

Smart Sand received a Notice of Violation on November 9, 2012. Smart Sand immediately met with DNR staff and provided multiple remediation plans and documents to the Agency for review and consideration. Smart Sand has met all of the conditions set forth in the Notice of Violation correspondence. This response by Smart Sand has alleviated the need for additional enforcement requests or environmental penalties/forfeitures. Smart Sand has an open and transparent operation and DNR staff is welcome to visit and inspect the site at any time.