

We cannot rely on the State of Minnesota to protect our clean water, clean air, and forested landscape

Minnesota's Legislature weakens Minnesota's environmental laws at the request of the mining industry.

- In 2013, at the instigation of the Iron Range delegation, the Legislature passed a requirement that mandates the Minnesota Pollution Control Agency to ignore certain sources of air emissions, called fugitive particulate emissions, when granting mining companies permits or variances. These are the type of emissions that may be generated by rock piles. These air emissions contribute to respiratory and heart disease among humans.
- In 2011, at the request of mining companies, state lawmakers sought to change the wild-rice sulfate standard. Minnesota's rule of 10 parts per million, adopted in 1973, was based on DNR research that showed that wild rice was seldom found in waters with sulfate levels above that amount. Bills to raise the standard to 50 and even 250 parts per million were passed by legislative committees. The effort was stopped after the U.S. Environmental Protection Agency signaled it would reject any legislatively-imposed standard without science to support the move. Instead, the legislature funded new studies of the sulfate standard. Mining industry lobbyists will likely use the results of this study to try to change the sulfate standard. *Wild Rice Under the Microscope*, by John Myers, *Minnesota Conservation Volunteer*, May-June 2013
- When the Iron Range Resources and Rehabilitation Board (IRRRB) violated the Minnesota Environmental Policy Act (MEPA) by providing millions of dollars of financial support to PolyMet Mining before PolyMet had completed environmental review, and was sued as a result, the Minnesota legislature bailed out the IRRRB and PolyMet by amending MEPA to exclude the IRRRB. The effect of this action, the legislature elevated giving state money to industrial mining companies over protecting public health and Minnesota's land and water. *New Law's Effect: Minnesota Streamlines Pollution*, Elanne Palcich, March 11, 2011

The U.S. and Minnesota do not have strong laws to protect the environment.

- Minnesota is rated as "overall grade fair," for its regulation of sulfide mining, permit review process, enforcement, funding of sulfide mining regulation, and state and industry reporting. *Sulfide Mining Regulation in the Great Lakes Region, a Comparative Analysis of Sulfide Mining Regulation in Michigan, Minnesota, Wisconsin, and Ontario*, National Wildlife Federation and Ecojustice, March 2012



- Financial assurance requirements are derived from expected reclamation costs that are based on water quality predictions; those predictions are wrong 3 out of 4 times. *Predicting Water Quality Problems at Hardrock Mines, a Failure of Science, Oversight, and Good Practice*, Earthworks, December 2006
- It is bad public policy to permit mines that will require water treatment forever. There is no realistic way that financial assurance will cover costs that go on forever. (What are the costs in 100 or 1000 years? Will the company exist in 100 or 1000 years? Will the bonding company be in business?)
- Federal Clean Water Act loopholes (2002) allow industry to dispose of mine waste into pits and tailings basins built over streams, rivers, and wetlands. *Sulfide Mining Regulation in the Great Lakes Region, a Comparative Analysis of Sulfide Mining Regulation in Michigan, Minnesota, Wisconsin, and Ontario*, National Wildlife Federation and Ecojustice, March 2012.

The Minnesota Pollution Control Agency has failed to enforce mercury and water-quality standards (1) for existing mine operations, (2) for expansion of existing mines, and (3) for new mining projects.

- The MPCA is not enforcing mercury, sulfate, and other water quality standards for ferrous (iron and taconite) and peat mining projects. *WaterLegacy.org*
- The MPCA withdrew from a 4-year research project to identify sources of mercury pollution in the St. Louis River; the St. Louis River and estuary are mercury “hot spots.” The other participants in the research project, who were puzzled and disappointed by Minnesota’s withdrawal, are the State of Wisconsin, the EPA, and the Fond du Lac Band of Ojibway. The reasons given by Minnesota for withdrawing—that the computer model was insufficient or inappropriate—are not credible. *Minnesota Drops Out of St. Louis River Mercury Project; The decision to abandon the mercury pollution plan dismays tribe and feds, Star Tribune, April 11, 2013*
- The State determined that an environmental impact statement was not necessary for U.S. Steel’s major expansion of its Minntac mining operation even though the mine is currently violating water quality laws by releasing too much sulfate and other pollutants into nearby lakes. Minntac’s water quality permit contains limits for very few of the many known pollutants that are leaking from its tailings basin. The permit is outdated and ineffective and expired in 1992. In the meantime, the pollution from the tailing basin has severely impacted wild rice in the adjacent Sandy and Little Sandy Lake, two lakes that have historically provided abundant and high quality wild rice harvests. *Minnesota Center for Environmental Advocacy*
- Variances to Mesabi Nugget’s Clean Water Act permit allow it to pollute the St. Louis River and other streams. Heavy metals, sulfides, and other discharges are allowed to discharge into the river. The variance for Mesabi Nugget would permit the facility to discharge pollutants in excess of existing water quality standards for bicarbonates, hardness, total dissolved solids, and specific conductance and to discharge chemicals

that are toxic to the aquatic system and human health. The Minnesota Department of Health advises against more than one meal per month of fish from the St. Louis River because of mercury contamination. *Minnesota Center for Environmental Advocacy*

- Clean Water Act permit variances allow United Taconite (Thunderbird Mine) to discharge pollutants into Manganika Creek. *WaterLegacy.org*
- The air permit proposed for U.S. Steel's Keetac taconite plant would allow the plant to expand and increase toxic mercury air emissions by up to 75.5 additional pounds per year, despite mercury-related fish consumption restrictions on many nearby lakes and a state-wide goal to decrease mercury emissions by 75 percent for the taconite industry. *Minnesota Center for Environmental Advocacy*
- Weaknesses in existing Dunka Mine permits and enforcement allow toxic pollutants from leaking waste rock stockpiles to harm the aquatic ecosystem and impair wild rice upstream from the Boundary Waters Canoe Area Wilderness. The company currently responsible for the Dunka Mine, Cliffs Erie LLC, has entered into a "consent decree" agreement with the MPCA because of its violations of water pollution standards. *Minnesota Center for Environmental Advocacy*

The Minnesota Department of Natural Resources fails to monitor water appropriations permits and prioritizes mining over all other interests

- The State continues to process applications for water appropriation permits while it does little enforcement of existing appropriation permits. *Sobering Looks at Groundwater, a Critical Resource We Take for Granted, Ron Meador, MinnPost, March 21, 2013*
- The State owns subsurface mineral rights under approximately 24% of the land area of Minnesota. The State refuses to undertake environmental assessments before leasing to the mining industry for 50 years and ignores a legislative mandate to preserve natural resources when considering leasing for mining.

Revolving door

- Many high level state employees who worked on regulation of mines while in state government have joined mining companies or companies that work for mining companies, including PolyMet Mining Co., Global Minerals Engineering, and Houston Engineering.