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Legislation would force rules on copper mines

Minnesota lawmakers on Thursday will introduce legislation setting new rules for how copper mines would operate in the state, including how they would handle environmental issues after the mine closes. File photo: Rock samples taken from different depths by PolyMet Mining Corp. are displayed.

By: [John Myers](#) , Duluth News Tribune

Minnesota lawmakers on Thursday will introduce legislation setting new rules for how copper mines would operate in the state, including how they would handle environmental issues after the mine closes.

The new rules would prohibit the state Department of Natural Resources from issuing permits for mines if long-term plans foresee ongoing water treatment after operations close.

At particular issue is acid runoff caused when high-sulfur rock is exposed to air and water in the mining process.

“Everyone wants jobs, especially these days. And if they can do it right, there will be [copper mining] jobs,” said Rep. Alice Hausman, DFL-St. Paul. “But this is a different kind of mining. When water runs off iron ore mines, you get rust. When water runs off copper mines, you get sulfuric acid.”

The new rules also would require money be set aside before operations begin to cover all possible costs of closing the mine and restoring any environmental damage caused by mining and processing.

The legislation would require the state commissioners of Natural Resources and Finance to approve how that money was set aside — such as bonds — and prohibits corporate guarantees or insurance as collateral.

Supporters, including the Friends of the Boundary Waters and Minnesota center for Environmental Advocacy, say the rules aren't a moratorium on copper mining but require that any mines operate responsibly without leaving a polluted legacy.

“Wisconsin has a law that’s an effective moratorium on this kind of mine. And there are some environmental groups in Minnesota that would like us to do that. But we aren’t going that far,” Hausman told the News Tribune. “We aren’t prohibiting [copper] mining. We’re just saying taxpayers will not be left holding the bag for millions of dollars of cleanup long after the company is gone.”

Hausman, who said he has already met with Iron Range lawmakers on the issue, is the chief sponsor in the House. Sen. Jim Carlson, DFL-Eagan, is chief author in the Senate. Several Republican lawmakers also have signed on to the bill.

Kills copper mine plans?

Frank Ongaro, executive director of Mining Minnesota, a coalition of copper mining ventures, said some of the elements in the legislation, such as requiring financial assurances for mine closure, already exist in rulemaking.

But he said the requirement prohibiting ongoing treatment will kill any copper mine proposal.

“We’re extremely disappointed in this legislation,” Ongaro said. “This effectively kills any non-ferrous mining in Minnesota” by prohibiting treatment after closure.

Ongaro said the Legislature should stay out of the issue and allow state regulatory agencies, such as the Department of Natural Resources, to enforce existing laws and rules.

“No additional restrictions are necessary,” Ongaro said.

While the legislation would affect any future development of copper or so-called non-ferrous mining, its first target is the PolyMet mine and processing plant.

PolyMet proposes to invest \$600 million in the project that would mine near Babbitt and process the copper, nickel and other precious metals at the site of the former LTV Steel Mining Co. taconite plant near Hoyt Lakes. The operation would employ about 400 people for the 30-year life of the mine and hundreds more during construction. It would be Minnesota’s first ever industrial copper mine.

While at least four other ventures are considering copper mining plans, only PolyMet has advanced well into the environmental review process. The company hopes to begin operations next year.

REVIEW STILL DEVELOPING

The Minnesota Department of Natural Resources and U.S. Army Corps of Engineers have conducted a joint draft environmental review of the PolyMet proposal that was due last year but still has not been released.

The draft environmental impact statement has been delayed as regulators seek more detail on how the company will deal with lost wetlands, mine waste and especially acid runoff.

Steve Carroll, information officer for the DNR, said Wednesday that the draft environmental statement has been under review by involved parties for several weeks, including PolyMet. Those parties had until Jan. 26 to submit comments.

The DNR is now responding to those comments, Carroll said, and adjusting the document accordingly. But it's not yet clear when the draft will be opened for public review and comment.

"There is no timetable," he said.

Even after the review is complete, the company still must apply for specific permits to mine and air and water pollution permits.

A PolyMet spokeswoman did not immediately return a reporter's phone call.

SULFUR PROBLEM

While iron ore mining has generally avoided environmental controversy, conservation groups are sounding strong warnings about potential environmental damage from copper mining.

Because copper is locked in rock that is usually high in sulfur, that sulfur often is released when it is exposed to air and water. That acidic runoff can kill living organisms in streams and has been a problem at many of the world's copper mines through history.

That's a concern to Minnesota environmental groups, American Indian tribes and others because PolyMet and other proposed mines are at the headwaters of the St. Louis River and just outside the Boundary Waters Canoe Area Wilderness.

PolyMet officials say that won't be a problem at their mine because sulfur concentrations are so low. Moreover, the company plans to store waste rock on special membranes to capture any runoff. The company also plans to treat water as it leaves the mine and runs to the headwaters of the St. Louis River.

LAND QUESTION UNRESOLVED

While the company holds mineral rights to the land where the mine is proposed, it does not actually own the land. The U.S. Forest Service still has the title to the property.

PolyMet has been negotiating to buy private land in the vicinity and then trade that land to the Forest Service. But that process is slow because it involves dozens of other private landowners and could take many months or to complete, said Jim Sanders, supervisor of the Superior National Forest.

PolyMet also has threatened to take legal action against the Forest Service to gain access to the land for mining but so far has not pursued that option. And legislation in Congress to allow the Forest Service to sell the land directly to PolyMet, which is otherwise prohibited, has not advanced.