

## **In Minnesota, the price of metals is damage to our water**

**By C.A. Arneson | Thursday, March 4, 2010**

ELY, MINN. – PolyMet Mining Corp. told Minnesotans the new Platsol process makes sulfide mining safe.

PolyMet, whose NorthMet Project near Hoyt Lakes is in the development stages, has never volunteered an example of where its "new process" was used on the same scale as is planned for the NorthMet Project, in an environment as water intensive as Minnesota, without resulting in water contamination.

PolyMet told Minnesotans that the NorthMet draft Environmental Impact Statement (DEIS) cost millions and would prove sulfide mining safe. The United States Environmental Protection Agency issued a damning DEIS report that does not prove NorthMet is a safe project. Indeed, my reading of it is that the project is a devastatingly unsafe one.

### **Unprecedented number of public comments**

Minnesota citizens responded to the release of the DEIS with an unprecedented number of public comments, many contributed by disbelieving scientists and experts.

The most resounding issue of all is that of surface and groundwater contamination into perpetuity. Extensive groundwater tests were never done for NorthMet, and the most telling piece of a DEIS is what is not done.

Whenever critical information is left out or brushed over in a DEIS, there is a problem. With its water-intensive nature and fractured bedrock setting, with little or no protective overburden, northern Minnesota is not a feasible place for sulfide mining.

The exhaustive surface and groundwater testing that is still necessary for such a massive project, if done and done correctly, in all probability will show the impossibility of averting sulfide mining contamination of our waters.

The groundwater investigation at the former Finland Air Force Base in Minnesota – performed by the U.S. Army Corps of Engineers, Minnesota Pollution Control, and Harza Engineering – shows the

level of effort that goes into a bona fide study. It also shows that there is not much remediation or cleanup possible, just damage control. Why was the FFAFS study not used as a resource in the NorthMet DEIS?

### **Rated as Environmentally Unsatisfactory (EU-3)**

On Feb. 18, the United States Environmental Protection Agency (EPA) released its report on the NorthMet Project.

"Based on our review of the DEIS, EPA has rated the DEIS as Environmentally Unsatisfactory – Inadequate, or EU-3. Environmentally Unsatisfactory (EU) indicates that our review has identified adverse environmental impacts that are of sufficient magnitude that EPA believes the proposed action must not proceed as proposed ... This rating applies to the Proposed Action, the Mine Site Alternative, and the Tailings Basin Alternative ... EPA has assigned the Inadequate (3) rating to the DEIS because EPA believes that the analyses of the hydrogeological profiles at both the mine and processing sites are inadequate to determine the full extent of impacts ... EPA has determined that the project will result in unacceptable and long-term impacts to water quality ..." (*EPA, NorthMet Project, 25-page report*)

It could be said that PolyMet flunked.

### **Your future is being decided**

Ask yourselves why agencies in Minnesota would pass on such a flawed DEIS.

The agencies were inexorably advancing to the final EIS. Those who wrote comments in response to the NorthMet DEIS received the following email: "The U.S. Army Corps of Engineers and the Minnesota Department of Natural Resources will include your comments and respond to your comments in the Final Environmental Impact Statement."

No mention of rewriting the incredibly flawed DEIS, as many citizens requested in their comments. No attempt to address many concerns raised by the EPA on Aug. 25, 2009, after the release of the Preliminary DEIS.

With its Feb. 18 report, the EPA corroborated citizen concerns and recommended a "revised/supplemental" DEIS be done.

The U.S. Department of the Interior, Fish and Wildlife Service, concurred with the EPA that the DEIS

was seriously incomplete: "The anticipated environmental impacts of the proposed action are not fully and fairly addressed in the DEIS."

### **Not working as intended**

When the EPA released its report, The Duluth News Tribune bizarrely claimed the PolyMet review is "working as intended." Frank Ongaro, director of MiningMinnesota, stated in the Star Tribune that the process "is working exactly the way it is supposed to work."

Irrefutably the EPA report indicates the PolyMet review is not working as intended.

The Preliminary DEIS is the place to work out major problems. By the release of the Draft Environmental Impact Statement it is expected that severe flaws, such as those the EPA identified, would have been both identified and solved. If not, neither the process nor the project is working. A scathing EPA report is not part of a normal EIS process; it is a report of failure. Vital information was unavailable or withheld from the public when the DEIS was released; public comment was compromised.

If the issues raised by the EPA are not fully resolved in the EIS, it is time for the EPA to proceed with its statutory obligations under the Clean Water Act and the National Environmental Policy Act (NEPA).

### **Euphoric rhetoric and support**

Prior to the release of the DEIS, based upon their euphoric rhetoric and support, the decision for sulfide mining had already been made by most northern Minnesota legislators, our senators and congressman, Gov. Tim Pawlenty, mining company representatives and proponents, the media, and our state agencies. NorthMet would have been permitted by now if it had been their call, complete with perpetual water contamination and treatment.

The precedent would have been set for proposed development of a sulfide-mining district in the midst of a northern Minnesota lake district that includes the Boundary Waters Canoe Area Wilderness.

Rep. James Oberstar, Sen. Amy Klobuchar and Sen. Al Franken are still considering slipping legislation through to force the Forest Service to sell Superior National Forest land directly to PolyMet, thus circumventing the EIS as well as avoiding language in the deed that prohibits strip mining. It should be noted that this land-sale legislation would also set a precedent for the proposed

mining operations on Superior National Forest lands closer to the Boundary Waters Canoe Area Wilderness – lands that are covered by protective language in the 1978 BWCAW Act as long as those lands remain federal.

### **Financial assurances bill**

Financial assurances should have been an integral part of the NorthMet DEIS, but were not. Minnesota legislators who have had the courage to introduce a financial assurance bill this year are doing so because adequate financial assurances are important. They are just not enough. No amount of financial assurances will clean up what cannot be cleaned up.

Mining interests are vehemently lobbying against the financial assurances bill.

If the mining companies cannot pay the up-front millions, the companies usually must bond or insure for the possibility of clean-up costs. It is expensive. The companies that will insure or bond use actuarial tables to figure out the probability of having to pay for such cleanup, and the probability is almost 100 percent. Factor that probability into the existing surface and groundwater risk.

### **Why not 'prove it first' legislation?**

With such an impossibly high risk factor, why is a financial assurance bill being introduced and not a "prove it first" bill on sulfide mining?

The prevailing belief is that a "prove it first" bill cannot be passed in the Minnesota House or Senate; nor would Oberstar, Klobuchar or Franken support one. Last year's bill, "Safe Mines to Protect Our Water," could not even make it out of committee. The original bill did not say no to sulfide mining, just no to water treatment at closure. It is currently gathering dust at the Capitol.

Mining company lobbying was at a frenzied pitch last year – a huge red flag, considering sulfide mining interests have claimed all along there would be no water contamination. The EPA report on the NorthMet DEIS disproved that claim.

### **Learn from the past**

In 1989 the Dunka Mine located adjacent to Birch Lake was "highly recommended" for inclusion on the EPA's 304(L) most toxic list. The recommendation was never passed on to the EPA by the Minnesota Pollution Control Agency. When compared to the massive proposed sulfide mining projects, Dunka Mine is an anthill.

It is also a powerful warning of what happens when mining occurs in a sulfide bearing ore body in a

wet environment.

Dunka is still polluting. It has been given variances and surrounding wetlands are soaking up heavy metals. Neither practice used to be allowed by the Minnesota Pollution Control Agency to mitigate mining contamination. Are variances and wetlands now being used because there is no other choice?

Minnesota already has a 'sulfide mine' it cannot clean up.

### **Protection of our waters is paramount**

In the years leading up to the release of the DEIS, warnings were ignored. Attempts were made to marginalize individuals and thereby negate the legitimate concerns they raised. Minnesotans must not let the focus be taken away from our waters.

Minnesota's water rich legacy is invaluable. To put it in jeopardy, by not recognizing the inevitability of surface and groundwater contamination is unconscionable. Minnesota deserves "prove it first" legislation similar to Wisconsin's. Minnesotans have the right to know their waters are unequivocally protected.

There is great power in numbers. It is up to all Minnesotans to make the decision for our future.

This is a defining moment and a defining choice for Minnesota. If we do not choose our waters, "Land of 10,000 Lakes" will have a far different connotation.

We are on the edge. The tipping point can go either way. Minnesotans have the ability to decide which way.

*C.A. Arneson lives on a lake in the Ely area.*

[www.sosbluewater.org](http://www.sosbluewater.org)