

# MINNESOTA REGULATORS POOR RECORD IN PROTECTING THE ENVIRONMENT

## TWO MINNESOTA AGENCIES INVOLVED IN REGULATION OF MINING ACTIVITIES

- Minnesota Department of Natural Resources (**DNR**)
  - Promulgates / enforces copper-nickel mining rules
  - Oversees the environmental review process for proposed mining operations
  - Grants permits to mine and oversees the reclamation process once mining operations cease.
- The Minnesota Pollution Control Agency (**MPCA**)
  - Participates in the environmental review process and oversees the granting of air and water permits
  - However, the MPCA generally begins its regulatory role after mine plans have been approved. As such, the DNR is the lead agency relative to mining.
- The DNR, based on Minnesota mining laws, has a dual mandate to:
  - Promote copper-nickel mining development and to
  - Regulate the environmental impacts of such mines.
- This dual mandate has creates serious environmental consequences as we cannot assume that the DNR is looking out for the local community and the environment in the mine permitting processes.

***“Minnesota’s mining regulations are less protective than Maine or Montana and aren’t as protective as Chile’s or Costa Rica’s.” (Ann Cohen – MCEA)***

## CASE 1: RESERVE MINING DUMPING TOXIC TAILINGS IN LAKE SUPERIOR

- In the early 70’s, a US District Court determined the Reserve Mining Company was responsible for amphibole asbestos fibers found in the public drinking water of Duluth, Minnesota and other North Shore communities.

***This case was driven by the EPA - The DNR and MPCA seemed just fine with allowing asbestos fibers in our drinking water – failing to protect the people.***

## CASE 2: POLYMET AND MPCA DEBACLE

- Feb 22 - Minnesota Court of Appeals found that the MPCA did not evaluate whether polluted groundwater from the proposed sulfide mine would pollute streams and rivers downstream in the Lake Superior watershed. The court reversed and remanded the permit to the MPCA, and required MPCA to reevaluate groundwater pollution.
- July 21 - Minnesota Court of Appeals for the second time found that the MPCA failed to consider that PolyMet failed to disclose relevant facts and knowingly submitted false information.

***The MPCA and DNR do not seem to be interested in protecting the people or the environment given case law on this topic.***

**Learn more at [www.tamarackwateralliance.org](http://www.tamarackwateralliance.org)**

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## Sources Consulted

<https://www.duluthnewstribune.com/opinion/columns/local-view-lets-be-honest-about-minnesotas-mining-standards>



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# REGULATORS UNDER PRESSURE

## EPA TO REQUIRE TACONITE PLANTS TO SLASH MERCURY EMISSIONS

- **May 12, 2023** - <https://www.mprnews.org/story/2023/05/12/for-the-first-time-epa-to-require-taconite-plants-to-slash-mercury-emissions>
- In 1990, Congress required the EPA to set mercury emission standards for taconite plants by the year 2000 – never happened.
- After two decades of litigation and advocacy from tribes and environmental groups, EPA has finally responded.
- Specifically, the EPA proposed a new rule that would require mining companies to limit mercury emissions from taconite iron ore processing plants
  - The largest source of mercury pollution in the state.
- The rule, would require the six taconite processing plants located in northeastern Minnesota to cut their emissions by 57 percent by the end of 2026.

The Legacy of Mining – ongoing state required funding “forever” to mitigate the aftereffects

## MINNESOTA SPENDS ALMOST \$9 MILLION TO STOP MINE PIT FROM FLOODING IRON RANGE TOWN

- **May 31, 2023** <https://www.startribune.com/canisteo-mine-pit-flood-bovey-drain-dnr-fix-money-funding-project/600279160/>
- After waiting nearly 15 years, Bovey won a lifeline to stave off flooding when State lawmakers approved \$8.87 million to drain a mine pit that has long threatened to overflow
- Water in the Canisteo Mine Pit has been rising 5 to 7 feet each year, according to the DNR.
- Bovey is directly south of the 5-mile-long body of water and near one of the first spots where water could gush out of the pit.

## THERE'S A MASSIVE, HIDDEN LAKE OF MINING RESIDUE ABOVE THE NORTH SHORE. IT MIGHT GROW

- **February 2, 2023** <https://racketmn.com/milepost-7-mn-silver-bay-cliffs-expansion-tailings>
- Milepost 7, a tailings basin that stores polluting runoff from Cleveland-Cliffs Inc, spans 2,150 acres
- The company now wants to expand this toxic “lake” by 650 acres.

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