

AB 426: Iron Mining Bill

This mining bill jeopardizes the health of our families and our environment to support the interests of wealthy, out-of-state mining executives. Here are some of the most egregious provisions in the bill.

Silences the voice of the public

- Removes citizens' right to sue for illegal environmental damage by a mine. (pp. 20-21*)
- Removes all contested case hearings, which provide the only opportunity to challenge data and question mining officials on the record. (pp. 7, 10, 18)
- Only one required public hearing for the entire mining project, current law requires a minimum of three. (p. 10)
- Caps the amount a mining corporation must pay to the state for analyzing its permit, leaving the public to pay the remainder of the bill. (p. 16)
- Directs half of all mining tax revenues to the state, rather than to local governments for their investments in local infrastructure. (pp. 17-18)
- Allows mining corporations to seek an end to their long-term responsibility for the mining site within 20 years rather than 40 years as required by current law. (pp. 24-25)

Rolls back commonsense environmental protections

- Allows mining corporations to dump toxic mine waste into sensitive wetlands and floodplains. (p. 23)
- Allows mining corporations to contaminate the groundwater of neighboring properties. (pp. 33-34)
- Allows mining corporations to draw down water levels from rivers, lakes, streams and groundwater. (pp. 31-33)



The Gogebic Taconite mining project could use as much as 41 million gallons of water each day, more than the daily water use of the entire city of Madison.

- Significantly weakens the current law requirements for mitigation, then requires wetland fill permits to be issued as long as mitigation under those weakened laws is offered. (pp. 28-29)
- This bill allows iron mining law to supersede all other environmental regulations, unlike current law which gives deference to existing environmental laws, and unlike laws all other industry is subject to. (p. 18)
- Allows DNR to provide an exemption for a mining corporation from any requirements it sees fit. (p. 15)

This bill conflicts with the historic Great Lakes Compact by allowing groundwater pumping that will cause environmental harm.



This bill includes a legislative finding that states it is “probable that mining these deposits will result in adverse impacts” to our natural resources, and those impacts are “presumed to be necessary.”

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*Refers to Wisconsin Legislative Council's Dec. 9, 2011 memo on the bill, available online at www.cleanwisconsin.org/mining

Eliminates accountability and scientific decisions for permitting a mine

- Requires DNR to issue a permit for a mine's water withdrawals even if a company can't protect the public, waterfront owners and the environment from damage, as long as the DNR determines that the public benefits of a mine "exceed any injury to public rights." (pp. 31-33)
- Instead of requiring mines to comply with all rules on air, groundwater, surface water, and solid and hazardous waste management; the bill merely requires the company to be "committed" to complying with those laws. (p. 14)
- Changes the standard for protecting public health, safety and welfare from the protective "will not" cause harm to the subjective "is not likely" to cause harm. (p. 7)
- Requires the DNR to allow mining waste to be placed in areas even where it is has determined that there is a "reasonable probability that the waste will result in a violation of surface water or groundwater quality standards." (p. 23)
- Eliminates requirement that water level measurements and groundwater sampling be submitted to DNR (p. 24)
- This bill does **not** allow the DNR to:
 - Monitor the waste site or facility (p. 24)
 - Issue a stop work order if the agency finds permit violations or pollution. The bill also relieves a company of having to pay fines for a violation. (p. 20)
 - Request "other pertinent information" from a mining company during the course of their permit application. (p. 11)

Potential for acid mine drainage

Acid mine drainage occurs when sulfur-containing ore or waste rock is exposed to the environment. The sulfur in this rock reacts with water and oxygen to create sulfuric acid. This acidifies surrounding waters and soils, killing wildlife and damaging ecosystems. The acid can also cause toxic metals such as arsenic or cadmium to leach from mine wastes, contaminating lakes, rivers and groundwater. This bill alters several provisions meant to protect our waterways from this acid mine drainage.

- The DNR and the US Geological Survey agree there is sulfide-containing rock in the area of the proposed Gogebic Taconite mine site, and we only have to look as far as northern Minnesota and the Dunka taconite mine for an example of such waste rock leading to acid mine drainage. (p. 11)
- Specifically, the bill says the mining company no longer needs to provide information to the DNR on the nature and depth of the waste rock when submitting a mining plan.

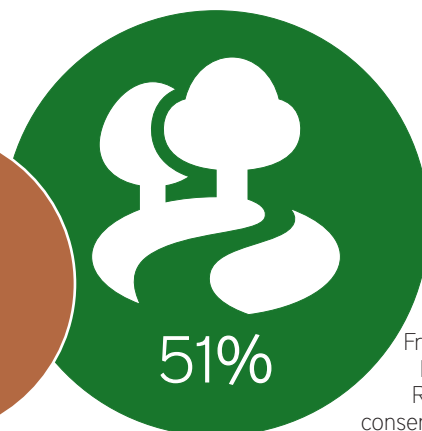
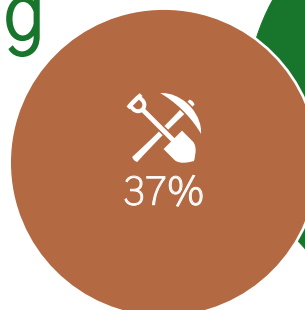


With the iron ore deposit lying 900 feet below ground, the Gogebic Taconite mine will produce massive amounts of waste. This bill allows that waste to be placed directly into waterways and relaxes the information a company must give to DNR for their mining plans.

- The bill changes definitions in the current mining moratorium to make sure that law would not apply to mining even if sulfide-containing materials are found. (pp. 17-18)

What the public thinks:

Keep our mining
laws strong



From an October poll
by Wisconsin Policy
Research Institute, a
conservative organization