



SIERRA
CLUB
FOUNDED 1892

NEWS RELEASE

John Muir Chapter

Sierra Club Will Defend Mining Moratorium Law

FOR IMMEDIATE RELEASE:

November 29, 2012

Contacts: Dave Blouin, Mining Committee Chair (608) 220-4040
Shahla Werner, PhD., Chapter Director (608) 256-0565

The Sierra Club announced today that it will vigorously defend Wisconsin's Mining Moratorium Law, passed with overwhelming bi-partisan support and signed by Governor Thompson. The Sierra Club also remains committed to defending and strengthening the current state regulatory program for mining. The Sierra Club was one of dozens of state organizations which energized tens of thousands of Wisconsin citizens to oppose destructive mining proposals and support the Mining Moratorium Law fifteen years ago.

Numerous polls have shown that most Wisconsinites oppose weakening mining safeguards. "Governor Walker and state legislators are seriously over-reaching if they believe that Wisconsin citizens elected them to gut environmental laws for mining companies," said Shahla Werner, John Muir Chapter Director. "Governor Thompson understood that giving special favors to mining companies whose only motive is to profit from our resources and leave us with toxic mining wastes forever and devastated local economies was a mistake in the 1990s, and it still won't work for us today."

Flambeau Mine: Mining proponents are deliberately misleading the public when citing Kennecott's Flambeau Mine as an example for future mining here. Flambeau Mining Company (FMC) was found guilty of violating the Clean Water Act in 2011 by polluting a tributary of the Flambeau River. Under the rules of the Moratorium Law, the Flambeau Mine is disqualified as an example mine to meet the law. "Flambeau Mining Company was sued in federal court by citizens after state officials failed to cite the company for pollution violations from the mine. The lawsuit proved that the Flambeau Mine has been a polluter for many years," said Dave Blouin, John Muir Chapter Mining Chair. "Fifteen years after closing, FMC is on its fourth attempt to remediate contamination at the mine site." The state of Wisconsin is now proposing that the polluted stream (Stream C) at the mine site be listed as a State Impaired Water due to the contamination from the mine.

Contested Case Hearings: The Sierra Club was one of several organizations that challenged FMC's incomplete reclamation in 2007 resulting in additional monitoring and cleanup ordered by the state. That decision proved the importance of contested case hearings, the legal right of citizens to challenge regulatory decisions made by state officials. In the case of the 2007 challenge, the organizations worked with FMC and the state to avoid a formal contested case hearing and reached an agreement that ordered cleanup and monitoring. Despite that agreement, FMC's cleanup efforts after 2007 failed and resulted in the federal lawsuit proving that the mine

continued to pollute. The mining industry, including the Wisconsin Mining Association, has targeted repeal of Contested Case Hearings as a so-called mining law reform. “The Sierra Club will defend the rights of the public to challenge state agency decisions via contested case hearings at all stages of a mining permit. This is a fundamental right that holds our state officials accountable for the decisions they make on our behalf and helps ensure that our natural resources are protected. Taking these rights away for the sake of the mining industry is unconscionable.” said Werner.

Mining Moratorium Law: The Mining Moratorium Law was approved by the state Legislature by overwhelming margins (27-6 in the Senate, 91-6 in the Assembly) and signed by Governor Thompson. More than 60 organizations statewide supported the legislation and over 40,000 citizens signed petitions in favor of the law in 1998.

Prior to passage of the Moratorium Law, the mining industry was challenged to give one example of a metallic sulfide mine that had been safely operated and closed without polluting the environment. The mining industry failed to come up with any examples at that time. Similarly, state regulators searched for examples and were unable to document successful metallic sulfide operations. Wisconsin DNR staff issued a report issued in 1995 that stated: “There are no ideal metallic mineral mining sites which can be pointed to as the model approach in preventing acidic drainage industry-wide.” (citation below)

The law was passed due to overwhelming public support when it became clear that both the mining industry and the state of Wisconsin were unable to document successful mining operations in metallic sulfide ores such as at the Flambeau Mine and the Crandon Mine proposal. The Penokee iron ore deposit and deposits in Taylor and Marathon Counties are subject to the Mining Moratorium Law since each deposit hosts metallic sulfides. Metallic sulfide ores and mining wastes cause acid mine drainage and accompanying heavy metal pollution from the lead, arsenic, mercury, zinc, copper and other toxic metals that leach out when the materials are exposed to air and water.

###

DNR quote is from: *An Overview of Mining Waste Management Issues in Wisconsin*, Report to the Natural Resources Board by Wisconsin Department of Natural Resources Bureau of Solid and Hazardous Waste Management, July 1995, Updated October, 1997

Founded in 1892 by John Muir, the Sierra Club is America's oldest, largest and most influential grassroots environmental organization. The Sierra Club's mission is to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out those objectives. The Sierra Club – John Muir Chapter is made up of 15,000 members and supporters working to promote clean energy and protect water resources in Wisconsin.