



Save Lake Superior Association Spring 2020

Dedicated to the restoration and preservation of this Great Lake

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A Reset is Needed in Minnesota: A New Ethical Command Of State Agencies

While the citizens of Minnesota--with the exception of declared essential businesses--are all sequestered in our homes, our state agencies continue with their role of promoting the unwise and unsustainable use of our natural resources--including our waters and forests and the biodiversity of plant and wildlife species that they harbor.

Minntac case appealed to the Minnesota Supreme Court

Minntac's ore processing facility near Mt. Iron includes a 13.6 square mile tailings basin (8,000 plus acres) that holds mine waste and wastewater that's recycled for further ore processing. Sulfate levels build up in this basin and water seeps into local ground and surface waters. For years, Minntac has been exceeding the standard of 10 mg. per liter of sulfates.

In 2011, the Minnesota legislature directed the Minnesota Pollution Control Agency (MPCA) to determine whether the sulfate standard regarding wild rice waters could be weakened. In 2015, then Governor Mark Dayton told MPR News that enforcing the existing standard will hurt mine operations in the state. In 2017, the MPCA decided on a lake-by-lake formula for limiting sulfate discharges into wild rice waters. In 2018, an administrative law judge rejected the MPCA's new rule, saying the change isn't justified and is too complicated for people to follow.

At the same time, the MPCA renewed a waste water discharge permit that had been issued to Minntac in 1987. This permit has been administratively renewed since 1992, when it was up for reissuance. The permit was again renewed in 2018 despite the controversy taking place over protecting wild rice waters and whether Minntac had to comply with the existing 10mg/l standard by limiting discharges of sulfates from its tailings basin

In December of 2019, the Minnesota Court of Appeals threw out the wastewater discharge permit issued to Minntac, remanding it back to the MPCA for further proceedings. But on an environmentally negative note, the court also found that polluted groundwater was not subject to regulation under the federal Clean Water Act even though it was "hydrologically-connected" to surface waters. Upon petition by the MPCA, environmentalists and the Fond du Lac Band of Lake Superior Chippewa, the Minnesota Supreme Court has agreed to take up the case. No court date has been set.

In the meantime, based upon Department of Natural Resources (DNR) approval granted in 2014, Minntac is expanding its mine by 483 acres to get access to more taconite iron ore.

Note: On April 16, United States Steel, owner and operator of Minntac, announced that it will be idling its Keewatin Taconite plant by the end of May, due to COVID19 disruption of the market.

Hibbing Taconite Company 404 permit application (loss of wetlands)

A 15 day comment period was noticed by the Army Corps of Engineers (ACE) in January of 2020 regarding the need to modify the Hibbing Taconite Company (HibTac) tailings basin due to lingering concerns about dam safety. As a result of mine expansion, HibTac is developing a four year plan to buttress sections of its tailings dam, due to existing and additional weight load. The end result will be a perimeter of downstream buttresses surrounding the internal upstream tailings basin design.

These buttressing projects follow the discovery of a 300 foot longitudinal crack at the HibTac tailings basin on Feb. 2, 2012 that expanded to 1,000 foot crack by the following day. HibTac began constructing an emergency buttress on February 3, 2012 as a precautionary step to maintain the stability of the tailings dam.

HibTac's proposed modifications follow major tailings dam failures at Mount Polley, B.C. in 2014, Samarco, Brazil in 2015, and Brumadinho, Brazil in 2019. On April 2, 2020, Brazil said it would halt operations at 47 mining dams that failed to certify their stability.

All of Minnesota's taconite dams use the upstream design that is resulting in major failures. In addition, Minnesota has allowed all taconite mines to expand, creating additional accumulation of tailings basin loads. This includes granting PolyMet a permit to dump its proposed tailings onto the already unstable basin that it purchased from the former LTV Steel Mining Company. PolyMet's dam safety permit has been stayed by the Minnesota Court of Appeals, pending further court review.

Note: As of April 20, managing partner Arcelor-Mittal has announced the planned idling of HibTac from May 3-July 6, due to the market impact of COVID19 (coronavirus).

Amended air emission permit for United Taconite

Comments ended in mid-March 2020 for changes to the air emissions permit for the United Taconite (UTac) Fairlane Plant located at Forbes. UTac is already a major source of pollutants --particulate matter, sulfur dioxide, nitrogen oxides, volatile organic compounds, carbon monoxide, and carbon dioxide. Mercury and lead are other concerns. The continuing modification and operation of the facility, related to mine expansion and likely experimentation with upgraded taconite pellets, will result in an increase in emissions-- particularly volatile organic compounds, carbon monoxide and carbon dioxide.

By converting to a new reporting system based upon 12 month rolling sum emission limits, increased emissions apparently become acceptable, thus allowing UTac to operate under an expired permit (2004). During a time of climate change, UTac's carbon dioxide emissions will be allowed to increase.

Milepost 7 accumulating more waste

In 2014 Northshore Mining's Peter Mitchell mine, near Babbitt, was granted a DNR permit-to-mine amendment for a 108 acre progression. The taconite ore at this site is overlain by the sulfide bearing Type II Virginia Formation (VF), which must be removed in order to reach the taconite ore below. Run-off from the stockpiled VF rock poses the risk of contaminating ground and surface waters with toxic heavy metals and Acid Mine Drainage.

The agency also determined that the Milepost 7 tailings basin could handle the additional tonnage from mine expansion, at the rate of 5.8 MT per year, through the year 2057.

Cleveland Cliffs CEO Lourenco Goncalves has been vocal about the higher iron concentrate pellets now being produced at the Silver Bay plant. The Direct Reduced Iron (DRI) pellets will be shipped to a Cliffs plant in Toledo, Ohio, where they will be compacted into Hot Briquetted Iron (HBI) which can then be used in electric arc steel making furnaces, where nearly 70% of U.S. steel is made today. The DR-grade pellets go through an additional (energy intensive) process that removes more of the silica, resulting in higher iron content. The plant will also continue to produce traditional pellets which service the blast furnace market. Goncalves brags that the Silver Bay plant will keep going for "at least another hundred years," insuring us of another century of legacy mine pollution.

Note: As of April 13, Cleveland Cliffs has stopped construction at its Toledo plant and announced it will idle operations at Babbitt and Silver Bay from mid-April to August, due to the market impacts of COVID 19.

PolyMet's permits put on hold by Minnesota Court of Appeals, to be taken up by the Minnesota Supreme Court

Minnesota's taconite mines have been allowed to operate under expired permits and to pollute our water and air. Yet knowing full well that PolyMet's toxic mine will pollute the headwaters of Lake Superior, the MPCA and DNR bowed to corporate power and political pressure and permitted the first copper-nickel sulfide mine in Minnesota during the final month of former Governor Mark Dayton's administration.

Since then, the Minnesota Court of Appeals has reversed PolyMet's permits regarding dam safety, waste water treatment, and air pollution. These cases, one asking for a contested case hearing, will now be taken up by the state Supreme Court.

The state of Minnesota is granting at least \$6 million toward legal fees to defend its agency decisions to permit PolyMet. This clearly demonstrates that the permitting of PolyMet has been a political, not a scientific, process. The politics behind PolyMet allowed the MPCA to destroy the computer trail of upper level regulators relating to the permitting process. And political leverage gave PolyMet the confidence to announce to its investors, after the air and water permit comment periods had ended but prior to the permits being actually granted, that the 32,000 tons of ore a day that was the basis for the environmental impact statement (EIS) was actually uneconomical, and the company planned to increase operations to 118,000 tons a day. These matters have now become legal issues before the courts.

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Conclusion

All of the existing six taconite tailings basins will require permanent monitoring for safety and stability and will continue releasing pollutants into the watershed long after mine closure. Yet our governmental agencies continue to allow taconite mine expansion while not requiring the companies to meet state regulations. While these issues still remain unsolved, the agencies granted permits to PolyMet, the first proposed sulfide mine in the state. PolyMet's mine site is located in the wetland environment of the headwaters of Lake Superior.

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RETURN SERVICE REQUESTED

Sulfide mining is known for its notorious record of perpetual heavy metal contamination and acid mine drainage pollution. The state's acceptance of sulfide mining is putting our waters, wild rice, fish, and human health at risk. With no real solutions in place, the next generation will bear the burden.

It's time for a major reset of the corporate and political control of the agencies that citizens rely upon to protect our environment. We need a significant increase in the number of people--young and old--who will step into leadership positions from a place of integrity. We need science that sees the whole, rather than the part. We need a major shift in priorities and values if we truly want to create a sustainable and healthy future. The current economic slow-down, the result of an invisible virus that has managed to spread across continents and oceans, should give us pause for thought.

Elanne Palcich, Board Member

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