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Joint statement on Wisconsin Department of Natural Resources' decision to issue Final Certificate of Completion of Reclamation for the Industrial Outlot portion of former Flambeau Mine and Revised Mining Permit to Flambeau Mining Company (FMC)

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The Wisconsin Department of Natural Resources (WDNR) has decided to certify that the former Flambeau Mine site south of Ladysmith in Rusk County has met all mine reclamation requirements at the Industrial Outlot despite continuing copper contamination of Stream C there.

The WDNR failed to require water quality monitoring of Stream C as a condition of a revised mining permit though such monitoring would be necessary to obtain information to confirm ongoing copper concentrations in the stream. This water quality information is the first step in deciding on the need for additional remediation work.

The WDNR's willingness to ignore ongoing copper pollution of Stream C caused by former mine activities at what is currently known as the Industrial Outlot, considered in the context of the agency's failure to require any surface water quality monitoring of the stream going forward, reinforces our view that the Flambeau Mine did not operate safely from opening to closure.

The three statewide organizations issuing this statement are: River Alliance of Wisconsin, Sierra Club – Wisconsin Chapter, and Wisconsin's Green Fire – Voices for Conservation.

Background

The Flambeau Mine was a 181-acre open pit copper, gold and silver mine along the Flambeau River.

FMC actively mined the site from 1993 through 1997.

The Flambeau Mine was not a complete mining operation, in that the company shipped by rail around 1.8 million tons of crushed sulfide ores to Canada for milling and processing.

Though no milling and processing was done on the mine site, which would have required disposal of pulverized and highly acidic tailings on the property, the mine still caused environmental harm.

Consequently, this sulfide ore mining facility is not an example of a mine that did not cause environmental harm.

After the mine closed, the open pit was filled with waste rock in 1998. The company then restored the surface of the property through 2001.

The WDNR in 2007 issued the company a certificate of completion of reclamation for 149 acres of the former mine site, not including the 32-acre Industrial Outlot.

Copper pollution

Metal sulfide ore removed from the pit was stored on and adjacent to what is now known as the Industrial Outlot for loading onto rail cars at a spur line serving the mine. Contaminated soil at this storage and loading zone is contributing to the contamination of Stream C.

WDNR ignores this source in its decision to issue the Final Certificate of Completion of Remediation. In explaining why, the agency simply draws the public's attention to one of its own regulatory failings which predates the mine.

"Since no baseline water quality data was collected on Stream C prior to development of the project, the exact source of the metals cannot be conclusively determined," according to the WDNR.

To the contrary, there is ample evidence in the record showing the connection between the Industrial Outlot and Stream C.

Monitoring from three other streams – two flowing through a fully-reclaimed area of the former mine site, and one nearby creek outside the mine property – showed each of them contained low concentrations of copper and zinc, according to the WDNR's own 2012 assessment of the mine site.

Surface water monitoring done by the company between 2002 and 2009 showed that Stream C contained elevated concentrations of copper and zinc.

The 2012 assessment was considered in deciding to add Stream C to the U.S. Environmental Protection Agency's Impaired Waters List for Wisconsin in 2014. Water quality information submitted by the company in 2018 continued to show elevated levels of copper in Stream C and it stayed on the list.

Even so, the WDNR approved the company's request to halt surface water monitoring of Stream C in 2019.

Recommended WDNR actions

The WDNR should amend the Revised Mining Permit to require the company to resume water monitoring of Stream C. The permit already requires extensive groundwater monitoring at the mine site.

WDNR should not stop there.

WDNR should investigate and require remediation of remaining copper contamination of soil in the Industrial Outlot.

There is evidence showing that stockpiling of metal sulfide ore, loading of ore onto rail cars, and related activities, at the Industrial Outlot resulted in release of the metals, a hazardous substance, to the environment.

This is what we know at this time: soil sampling by the company in 2005 found elevated concentrations of copper throughout the Industrial Outlot, according to the 2012 assessment.

"The southeast corner of the mine site that drains to Stream C was not fully reclaimed and soil sampling by FMC in this area found multiple locations with elevated copper concentrations," the assessment stated.

Where there was more copper in the soil, there was more copper in the stormwater runoff to Stream C during storms.

Where the company did remove or cap soil with high copper concentrations, that resulted in lower copper levels in stormwater runoff to surface streams.

In summary, we are urging WDNR to amend the Revised Final Permit to require the Flambeau Mining Company to resume water quality monitoring of Stream C, as well as investigate past releases of hazardous materials to the environment from ore storage and loading activities at the Industrial Outlot, and order remediation of remaining copper contamination of soil contributing to pollution of Stream C.