

10 WAYS TO STRENGTHEN MINNESOTA'S MINING REGULATION



Minnesota has a long history of mining, and it remains important to the state and local economy. Yet, the current laws governing DNR’s mining regulation are out of date, and not as transparent, safe, or protective as they need to be. Here are 10 straightforward ways Minnesota should update its mining regulation:

ISSUE	SOLUTION
<p>1. The DNR issues irrevocable permits and the company may never face public scrutiny again.</p>	<p>Standard permit reissuance – Require DNR to reissue mining permits every 10 years like landfills and other waste facilities. At reissuance, require the permittee to prove it has complied with the permit and meets current/best environmental and engineering standards.</p>
<p>2. DNR permits risky upstream dams. All high hazard dams should be vetted by independent experts.</p>	<p>Ban upstream dams – No to Brumadinho. Join other jurisdictions and ban risky “upstream” design dams. Require DNR to follow the recommendations of an independent panel of dam design experts.</p>
<p>3. Tailings basin dams—even high hazard dams—are permitted without public notice.</p>	<p>Public notice for dams – Require the DNR to provide public notice and comment periods before permitting high hazard tailings basin dams.</p>
<p>4. DNR lacks adequate enforcement penalty authority and DNR has no explicit authority to deny permits to “bad actors.”</p>	<p>Give DNR real enforcement authority – Courts enforcing MPCA laws can assess \$10,000 per day or more. MPCA can itself assess \$20,000. MPCA can refuse to issue or transfer a permit to regulated parties who have bad records and criminal convictions. DNR needs these same authorities to regulate mines.</p>

<p>5. Taxpayers are on the hook for mine cleanup costs.</p>	<p>Taxpayer Protection Act – Financial assurance should cover all mine closure costs, including costs from unexpected accidents or system failures. Require DNR to follow recommendations from independent financial assurance experts before approving permits to mine.</p>
<p>6. DNR standards for tailings facility construction and performance are inadequate and have gaps.</p>	<p>Real rules for tailings facilities – Require DNR to amend its rules to create clearer standards for tailings facilities and to address new technologies that avoid the need for wet tailings basins. DNR’s rules should specify standards for liners, covers, leachate collection systems, stormwater management, and groundwater monitoring.</p>
<p>7. DNR permits mines in protected natural areas’ watersheds.</p>	<p>No mining in protected areas – DNR must identify protected lands and waters where mining impacts are prohibited based on watersheds—not artificial boundaries.</p>
<p>8. DNR’s duty to promote and regulate mining is contradictory.</p>	<p>DNR conflict of interest – Address DNR’s conflicting duties to both promote and regulate mining in Minnesota.</p>
<p>9. DNR does not require majority shareholders to be on permits, allowing them to avoid liability.</p>	<p>Majority shareholders on permits – Require DNR to make majority shareholders of the applicant permittees, ensuring they are financially liable for compliance.</p>
<p>10. DNR claims it can permit “wet closure” of tailings basins, which creates long-term water pollution risk.</p>	<p>Eliminate “wet closure” – Clarify existing Minnesota law to require drainage of all tailings basins and impoundments within 5 years after mining ceases. Require the permittee to address releases at mining facilities in perpetuity.</p>

Much has been learned about the strengths and weaknesses of Minnesota’s mining regulations since our laws have last been updated. Minnesota can be a leader when it comes to mining standards, but only if our laws are updated to reflect current science and trends.



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For legislative inquiries: Andrea Lovoll, Legislative Director, alovoll@mncenter.org

For all other inquiries: JT Haines, Northeastern Minnesota Director, jhaines@mncenter.org