



Legislative Briefs

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This first issue of *Legislative Briefs* introduces a new LRB publication that provides capsule summaries of major legislation passed by the Wisconsin Legislature. It will be an occasional publication designed to complement the *Budget Briefs* series, which highlights substantive program changes contained in the biennial budget and budget adjustment laws.

THE MINING MORATORIUM

1997 Wisconsin Act 171, passed by the legislature and signed by Governor Tommy Thompson to take effect on May 7, 1998, establishes new environmental standards that mining companies must meet in order to obtain permits for mining sulfide ore in Wisconsin.

BACKGROUND

The importance of metallic mining throughout Wisconsin's history is evidenced by the miner, pick and shovel, and badger depicted on the state seal. The "Badger" nickname was applied to the lead miners who were among the first settlers of the Wisconsin Territory. In the past two decades, sulfide ore deposits in the northern third of the state have promised increased economic returns. Sulfide formations often contain large amounts of valuable metals, such as copper and zinc. For example, the extensive deposit near Crandon (Forest County) which drew the greatest attention during the passage of Act 171, contains large amounts of both these metals.

The refining of metals from sulfide deposits can cause several environmental problems because this type of mining requires large amounts of water and the sulfur contained in the waste can create sulfuric acid that may pollute nearby ground and surface water. These and other environmental concerns united environmentalists, sportsmen, and local residents in support of legislation to require a higher standard for the issuance of permits for mining sulfide ore bodies. Act 171 (1997 Senate Bill 3), passed as amended by an assembly vote of 91-6 and a senate vote of 29-3, extended the mining permit process to require applicants to present evidence that sulfide mines have been operated and closed without causing pollution to ground or surface water.

THE PERMIT PROCESS

The Department of Natural Resources (DNR) issues mining permits in Wisconsin. Prior to the enactment of Act 171, all metallic mining operations, including sulfide mines, were treated alike in the permit process. Section 293.49, Wisconsin Statutes, requires DNR to conduct public hearings on any proposed mine and grant or deny an application within

90 days of the filing of the public hearing record. A permit must be issued if: 1) DNR has approved a mining plan; 2) the operation will comply with all applicable air, water, and waste management laws and rules; 3) the operation will not destroy or irreparably damage unique features of the land or habitat needed for the survival of endangered species; 4) the mine will not endanger public health or safety; 5) the mine will result in a net positive economic impact; and 6) the proposed mine conforms with all applicable zoning ordinances. DNR must deny the permit if the site is found to be unsuitable for mining or the applicant has failed to comply with any provision of state mining laws or rules. A permit must also be denied if, within the 10-year period prior to application, the applicant has forfeited a mining reclamation bond, been convicted of more than one felony for the violation of environmental protection laws, declared bankruptcy resulting in the failure to reclaim a mining site, or had a mining permit revoked.

MORATORIUM FOR SULFIDE ORE MINING

1997 Wisconsin Act 171 creates new requirements for a company seeking a permit to mine a sulfide ore body, which the act defines as “a mineral deposit in which metals are mixed with sulfide minerals”. Under the new law, before granting this type of permit, DNR must determine that: 1) a mining operation in the United States or Canada has operated for at least 10 years in a sulfide ore body that has a net acid generating potential without a formal determination that it has polluted ground or surface water from the release of heavy metals or drainage at the mine site or tailings site and 2) that a similar mining operation has been closed for 10 years without the same type of formal determination regarding ground or surface water pollution. In making its determination, DNR may not use an abandoned mine, a mine that has caused significant environmental pollution, or a mining operation listed on the national priorities list of contaminated sites.

The requirements enacted in Act 171 apply regardless of the date on which the permit application was submitted to DNR. This provision means the Crandon site would be included within the new regulations although the application was in process prior to passage of the law.

FOR MORE INFORMATION

For copies of 1997 Wisconsin Act 171, contact the Legislative Reference Bureau at (608) 266-0342. For more information about the mining moratorium, contact the Department of Natural Resources, Bureau of Waste Management, at (608) 267-7553.