

# 9 WAYS TO STRENGTHEN

# MINNESOTA'S MINING REGULATION



Minnesota has a long history of mining, and it remains important to the state economy. Yet as the issues below show, the current laws governing DNR's mining regulation are not as transparent, safe, or protective as they need to be.

ISSUE	SOLUTION
DNR issues endless mining permits and thus has no way to ensure compliance.	<b>No “forever” permits</b> – Require DNR to reissue mining permits every 10 years, like landfills and other facilities with impacts on the environment. At reissuance, require the permittee to prove its compliance and that the facility meets current environmental and engineering standards.
Tailings basin dams—even high hazard dams—are permitted without public notice.	<b>Public notice for tailings dams</b> – Require the DNR to provide public notice of and accept public comment on high hazard tailings basin dams.
DNR’s dual duty to promote and regulate mining is contradictory.	<b>Eliminate DNR’s conflict of interest</b> – Shift DNR’s mine promotion duties to the Department of Employment and Economic Development.
DNR does not require majority shareholders to be on permits, allowing them to avoid liability.	<b>Majority shareholders on permits</b> – Require DNR to list the majority shareholders of the applicant as permittees to ensure they are financially liable for compliance.
Taxpayers are on the hook for mine cleanup costs.	<b>Taxpayer Protection Act</b> – Require DNR to ensure that a permittee’s financial assurance covers all mine closure costs, including contingency actions in the case of unexpected accidents or system failures. Require DNR to convene and follow the recommendations of an independent panel of financial assurance experts before approving permits to mine.
DNR permits risky upstream dams and does not adequately study high hazard dams.	<b>No to Brumadinho</b> – Ban upstream dams. Before issuing new high hazard dam permits, require DNR to convene and follow the recommendations of an independent panel of dam design experts.
DNR has no enforceable standards for tailings facility construction or performance.	<b>Real rules for tailings facilities</b> – DNR must amend its rules to create enforceable standards for tailings facilities, including filtered tailings storage facilities for reactive waste. These rules should mandate and specify standards for liners, covers, leachate collection systems, stormwater management, and groundwater monitoring.
DNR permits mines in the watersheds of protected natural areas.	<b>No mining in protected areas</b> – DNR must identify protected lands and waters where mining impacts are prohibited based on watersheds—not artificial boundaries.
DNR claims it can issue a permit that does not require reclamation of the tailings basin after mine closure (“wet closure”), which creates a long-term water pollution risk.	<b>Eliminate the oxymoron of wet closure</b> – Clarify existing Minnesota law to require mine reclamation plans to include drainage of all tailings basins and impoundments within 5 years after mining ceases. Require the permittee to address releases at mining facilities in perpetuity.