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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3946

04/18/2016 Authored by Hausman

The bill was read for the first time and referred to the Committee on Mining and Outdoor Recreation Policy

1.1 A bill for an act
1.2 relating to natural resources; imposing restrictions on permits to mine sulfide ore
1.3 bodies; proposing coding for new law in Minnesota Statutes, chapter 93.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[93.4815] PERMIT TO MINE SULFIDE ORE BODIES.**

1.6 Subdivision 1. **Definitions.** For purposes of this section:

1.7 (1) "pollution" means degradation that results in a violation of an environmental
1.8 law as determined by an administrative proceeding, civil action, criminal action, or other
1.9 legal proceeding. For the purpose of this clause, issuance of an order or acceptance of
1.10 an agreement requiring corrective action or a stipulated fine, forfeiture, or other penalty
1.11 is considered a determination of a violation, regardless of whether there is a finding or
1.12 admission of liability; and

1.13 (2) "sulfide ore body" means a mineral deposit in which metals are mixed with
1.14 sulfide minerals.

1.15 Subd. 2. **Permit considerations.** (a) The commissioner of natural resources shall not
1.16 issue a permit under section 93.481 for mining a sulfide ore body until the commissioner
1.17 determines, based on information provided by an applicant for a permit and verified by the
1.18 commissioner, that a single example mine operated in a sulfide ore body, which, together
1.19 with the host rock, has a net acid generating potential in the United States or Canada:

1.20 (1) operated for at least ten years without pollution of groundwater or surface water
1.21 from acid drainage at the tailings site or mine site or from the release of heavy metals; and

1.22 (2) has been closed for at least ten years without pollution of groundwater or surface
1.23 water from acid drainage at the tailings site or mine site or from the release of heavy metals.

2.1 (b) The commissioner may not base the determination under paragraph (a) on any
2.2 mining operation that has been listed on the national priorities list under United States
2.3 Code, title 42, section 9605(a)(8)(B), or any mining operation for which the operator is
2.4 no longer in business and has no successor that may be liable for contamination from
2.5 the mining operation and for which there are no other persons that may be liable for
2.6 contamination from the mining operation.

2.7 (c) The commissioner may not base the determination under paragraph (a) on a
2.8 mining operation unless the commissioner determines, based on relevant data from
2.9 groundwater or surface water monitoring, that the mining operation has not caused
2.10 significant environmental pollution from acid drainage at the tailings site or mine site or
2.11 from the release of heavy metals.