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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2800

03/12/2012 Authored by Hausman, Paymar and Moran

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance

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  
1.16 shall not issue a permit under section 93.481 for mining a sulfide ore body until the  
1.17 commissioner determines, based on information provided by an applicant for a permit and  
1.18 verified by the commissioner, that:

1.19 (1) a mining operation has operated in a sulfide ore body, which, together with the  
1.20 host rock, has a net acid generating potential in the United States or Canada, for at least ten  
1.21 years without pollution of groundwater or surface water from acid drainage at the tailings  
1.22 site or mine site or from the release of heavy metals; and

1.23 (2) a mining operation that operated in a sulfide ore body, which, together with the  
1.24 host rock, has a net acid generating potential in the United States or Canada, has been

2.1 closed for at least ten years without pollution of groundwater or surface water from acid  
2.2 drainage at the tailings site or mine site or from the release of heavy metals.

2.3 (b) The commissioner may not base the determination under paragraph (a), clause  
2.4 (1) or (2), on any mining operation that has been listed on the national priorities list under  
2.5 United States Code, title 42, section 9605(a)(8)(B) or any mining operation for which the  
2.6 operator is no longer in business and has no successor that may be liable for contamination  
2.7 from the mining operation and for which there are no other persons that may be liable for  
2.8 contamination from the mining operation.

2.9 (c) The commissioner may not base the determination under paragraph (a), clause  
2.10 (1) or (2), on a mining operation unless the commissioner determines, based on relevant  
2.11 data from groundwater or surface water monitoring, that the mining operation has not  
2.12 caused significant environmental pollution from acid drainage at the tailings site or mine  
2.13 site or from the release of heavy metals.