

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 3630

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DATE	D-PG	OFFICIAL STATUS
05/19/2016	7210	Introduction and first reading Referred to Environment and Energy

A bill for an act

relating to natural resources; imposing restrictions on permits to mine sulfide ore bodies; proposing coding for new law in Minnesota Statutes, chapter 93.

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

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

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

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

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

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

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

(2) has been closed for at least ten years without pollution of groundwater or surface 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.