

Vote Record

AB586

10

Assembly Committee on Environment

Date: _____ Executive Session Public Hearing

Bill Number: 586

Moved by: Bock Seconded by: Johnsrud

Motion: Recommend bill passage as amended

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Present</u>	<u>Absent</u>
Rep. Marc Duff, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Lorraine Seratti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Peter Bock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Judy Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John La Fave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 10

Motion Carried

Motion Failed

Vote Record

Assembly Committee on Environment

Date: _____ Executive Session Public Hearing

Bill Number: 16586

Moved by: Seratti Seconded by: Duff

Motion: 1009/3 / tech amend / bill rolled into sub. amendment

(Unan. consent for intro.) → Passage of Sub A.
moved by Bock

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Present</u>	<u>Absent</u>
Rep. Marc Duff, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Lorraine Seratti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Peter Bock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Judy Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John La Fave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 10 _____

AB-586



**MARC
DUFF**

STATE REPRESENTATIVE

Chair: Environment & Utilities
Vice Chair: Urban Education
Co-Chair: Joint Legislative Council

TO: Members, Committee on Environment

FROM: Rep Marc Duff, Chair 

DATE: October 23, 1997

RE: Materials for October 28 public hearing

Attached please find a copy of Representative Seratti's LRB 3892/3 and the fiscal estimate. This will be taken up at next Tuesday's hearing.

Also, please note that an executive session **will be** held Assembly Bill 548, in addition to others listed on the hearing notice.

Please feel free to contact my office if you have any questions.



AB 586

**Talking Points for LRB 3892
Mining Environmental Protection Act
(MEPA)**

- Requires DNR to identify mining operations that have caused environmental harm in other states and countries.
- Requires mining applicant to evaluate how plans for the proposed mining site ensure the kinds of environmental harm identified by the DNR will be avoided or mitigated and requires development of a contingency plan to mitigate the effects of those kinds of environmental harm.
- Requires mining permit applicant to collect baseline data regarding natural conditions likely to be affected by the proposed mine.
- Requires mining applicant to include a comprehensive study of weather conditions and geological conditions at the proposed mining site.
- Requires DNR or its agents to inspect all phases of construction and operation at a mine.
- Require mine operator to pay fee to cover costs of inspections of mine construction and operation.
- Requires DNR to inspect installation of any liner for a tailings disposal area.
- Requires individuals installing liners for tailings disposal area to be trained and certified by the manufacturer of the materials used for liner.
- Bill prohibits the use of the net worth method of proof of financial responsibility for a solid or hazardous waste disposal facility that accepts primarily mining waste.



Memo

TO: Assembly Committee on Environment
FROM: Joan Hansen, Director Tax & Corporate Policy
DATE: October 28, 1997
RE: Inspection of Metallic Mining Sites - LRB 3892

Wisconsin Manufacturers & Commerce (WMC) opposes LRB 3892 because it imposes duplicative regulatory oversight to the metallic mining industry, arguably the most regulated industry in the state.

Under current law, the Department of Natural Resources already has the authority to address most of the issues raised in the legislation. Furthermore, the bill is redundant and moves in the opposite direction of current environmental policy-making.

More specifically:

Financial Responsibility:

LRB 3892 repeals (for only the metallic mining industry) one of the standard methods of providing proof of financial responsibility. Under current law, any solid/hazardous waste facility has the option to use a parent company as proof of financial guarantee. LRB 3892 takes this option away from mining operations and requires a bond be posted instead.

Data Collection:

Other sections of the bill require the mining operation to collect baseline data on a number of items, all of which the DNR can already require. For example, in the Environmental Impact Statement, the Crandon Mining Company has already been required to submit information regarding the natural conditions in the environment including weather and catastrophic geological events. Again, this is a redundant requirement.

Oversight:

Another concern WMC has with the legislation pertains to section 7 on inspection fees. On the face of it, it seems as if a mining operation may be required to pay all inspection fees upfront. In other words, if the company would be in operation for thirty years, it could be argued that this bill requires thirty years of inspection fees to be paid in advance.

In addition, to the above mentioned routine inspections, the legislation also requires the DNR to provide an employee on the mining site at all times to inspect all activities.

The mining operation would be required pay for the cost of this activity also. Because the mining operation would be running 24 hours a day, this requirement

means at least four additional people would be necessary when vacation and sick leave is taken into consideration.

Taking these two provisions together emphasizes the over-regulatory nature of the legislation. It moves in the complete opposite direction of the current trend in environmental policy. Federal and state regulations have been moving toward industry self-reporting, environmental audits and alternative compliance flexibility rather than unnecessary command and control regulation.

If one considers the Flambeau Mining Company's perfect environmental track record, it seems outrageous to require a full time person at the site in addition to the routine inspectors. Our strict environmental laws are working.

Identifying Mine Sites:

Finally, the area of greatest concern, is contained in section 6. Section 6 requires the DNR to identify mining operations anywhere in the world that were operating anytime in history that caused environmental harm. This is so incredibly broad that one could argue this will extend the already long permitting process for months or even years. A focus on modern mining practices subject to contemporary environmental regulation would be more relevant.

WMC would recommend this be narrowed to include a date certain to coincide with the implementation of environmental laws and to narrow the scope to include mining operations in the United States.

In summary, WMC is disturbed that the Legislature continues to single out the metallic mining industry again and again. This legislation sets unnecessary and bad precedents for an industry that already bears a greater regulatory burden than any other and that is already heavily scrutinized during every step of the permitting process. Again, we urge the committee to oppose LRB 3892.

TESTIMONY ON ASSEMBLY BILL LRB 3892
Submitted by: Dale Alberts, Crandon Mining Company
October 28, 1997

Good afternoon Mr. Chairman and members of the committee. Thanks for the opportunity to provide you with comments on Assembly Bill LRB 3892.

Crandon Mining Company understands and respects the desire to have adequate environmental safeguards on the mining industry or any other industry.

The concepts embodied in this legislation, such as thorough environmental studies of proposed projects, stringent regulatory oversight, and ensuring that we learn from past practices, are reasonable objectives. However, the devil is always in the details. Let's examine some of the specifics:

Sections 1 and 2: Discriminatory, Singles Out One Industry

Let's begin with page 2, sections 1 and 2. These sections refer to the mechanism by which companies can post financial surety instruments or bonds. This bill proposes to eliminate a mining company's ability to establish proof of financial responsibility by meeting net worth requirements. Meeting bonding requirements in this way is standard industry practice. In fact, operators of solid waste facilities and hazardous waste facilities are currently allowed to meet bonding requirements in this manner. Why should the mining industry be singled out for exclusion?

Section 3: Wisconsin law and the WDNR already requires that a permit applicant collect baseline environmental data and information regarding the natural conditions in the area.

Section 6: Needs To Be More Narrowly Written

Let's move on to section 6, beginning on line 11. This section states that "the department shall identify mining operations that have caused environmental harm in other states and countries." Ensuring that we utilize the best mining techniques and procedures available is a laudable goal. Certainly, mining companies do not want to repeat flawed practices and concepts - it's just plain bad business to do otherwise.

However, we need to be realistic with this approach. First, you'll notice that there is no date mentioned. In other words, we could be examining technologically outdated mining practices from decades or centuries past. Second, the department is mandated to identify substandard mining operations outside of the United States. The applicant would be forced to look at all mines around the world, even though these foreign countries have different laws and regulatory agencies than the United States. For example, if any of you speak Chinese, we may need you to interpret why a technologically outdated "early 1900's mine" in China resulted in environmental harm. We would also need to decipher the mining laws and regulatory framework of the country. A study of failed practices or technologies should be limited to relevant examples of mines that have been permitted and operated in the U.S. under the more recent regulatory regime which is arguably more stringent than any other country.

In addition to this, the phrase "environmental harm", mentioned on line 17, can be interpreted in many ways. That phrase needs to be better defined.

Section 7: Needs Clarification

Let's move on to section 7 and the "inspection fee." This section could be interpreted such that Crandon Mining Company would be required pay inspection fees for the life of the mine up front. It is impossible to determine how many inspections the WDNR will conduct over the life cycle of the proposed project.

The WDNR currently has the right to inspect a mining facility at anytime, but it would be impossible to ascertain how many inspections would be conducted over the 35-year life cycle of the proposed Crandon project.

Further, I can't imagine that there is any other industry that is required to pay – up front – for inspections. Again, singling out the mining industry for punitive legislation or regulation is not fair.

Section 10: Discriminatory, Singles Out One Industry

Let's move on to the last section; section 10 beginning with line 14. Crandon Mining Company does not take exception to the notion that the WDNR will inspect its project site – on a scheduled or unscheduled basis. This is a common regulatory practice and is provided for under current Wisconsin law.

However, I would like to draw your attention to the other half of this paragraph beginning with line 18. This legislation is mandating a DNR employee to be present at the mining site at all times. This means for 24 hours a day, 365 days a year, someone from the DNR will need to be on site. This would amount to approximately 5 FTE's dedicated from the DNR.

I liken this to the Maytag commercial. The ad shows a Maytag repairman sitting at his desk 24 hours a day – just in case someone calls, but no one ever does. If this legislation were to be adopted it would create five Maytag repairmen. At a mining operation there are many hours of the day and many days of the year where only routine activities are conducted and there would be nothing of consequence to observe or inspect.

The DNR currently has the authority and the discretion to choose when inspections are necessary – it's their job - it's their expertise.

I believe this section is discriminatory and unjustified. To my knowledge, no other industry requires a state regulator on its premises 24 hours a day, 365 days a year.

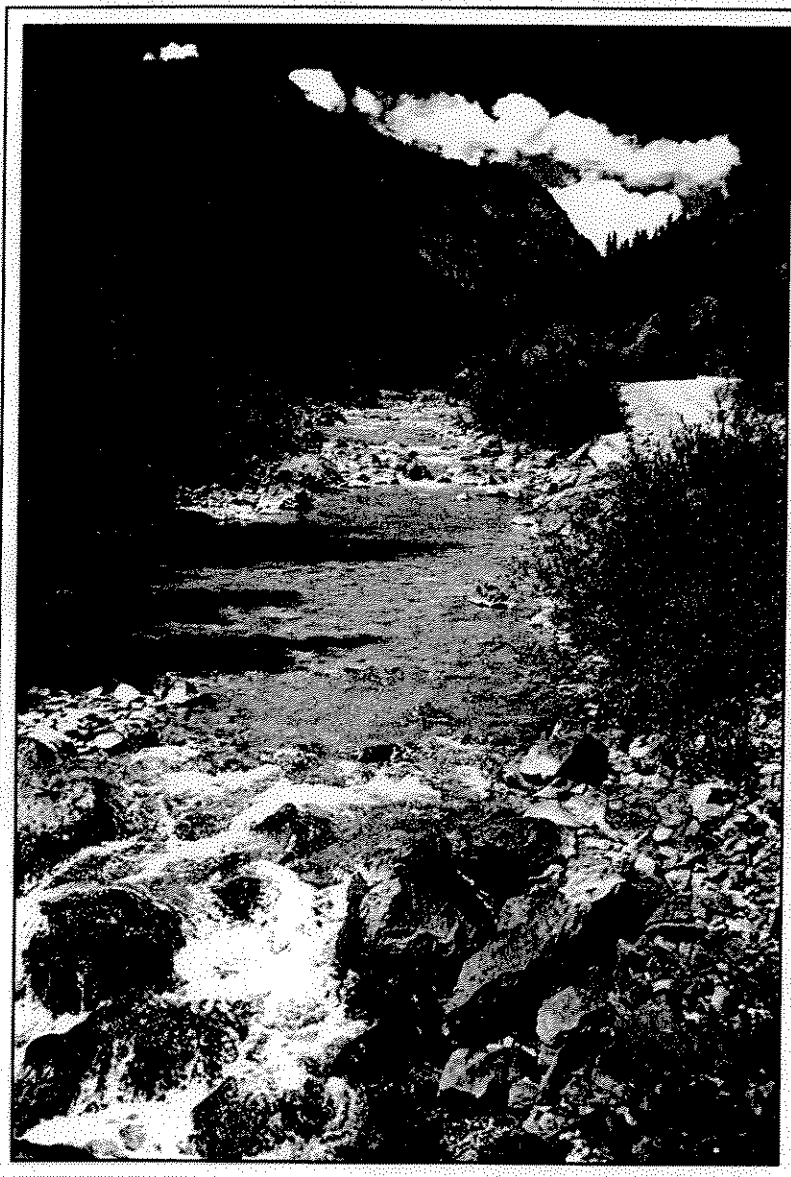
This concept would set a terrible precedent. If this provision were enacted, then would you also mandate a state regulator in every paper mill, or every farm, or every bank?

In summation, Crandon Mining Company stands ready to comply with stringent and comprehensive environmental safeguards at the state and federal level. However, I believe this legislation, as drafted, is duplicative, discriminatory, and would set a dangerous precedent for business across Wisconsin.

U.S. REGIONAL DEPOSITORY

FEB 17 1995

DO NOT DISCARD



Environmental Considerations of Active and Abandoned Mine Lands

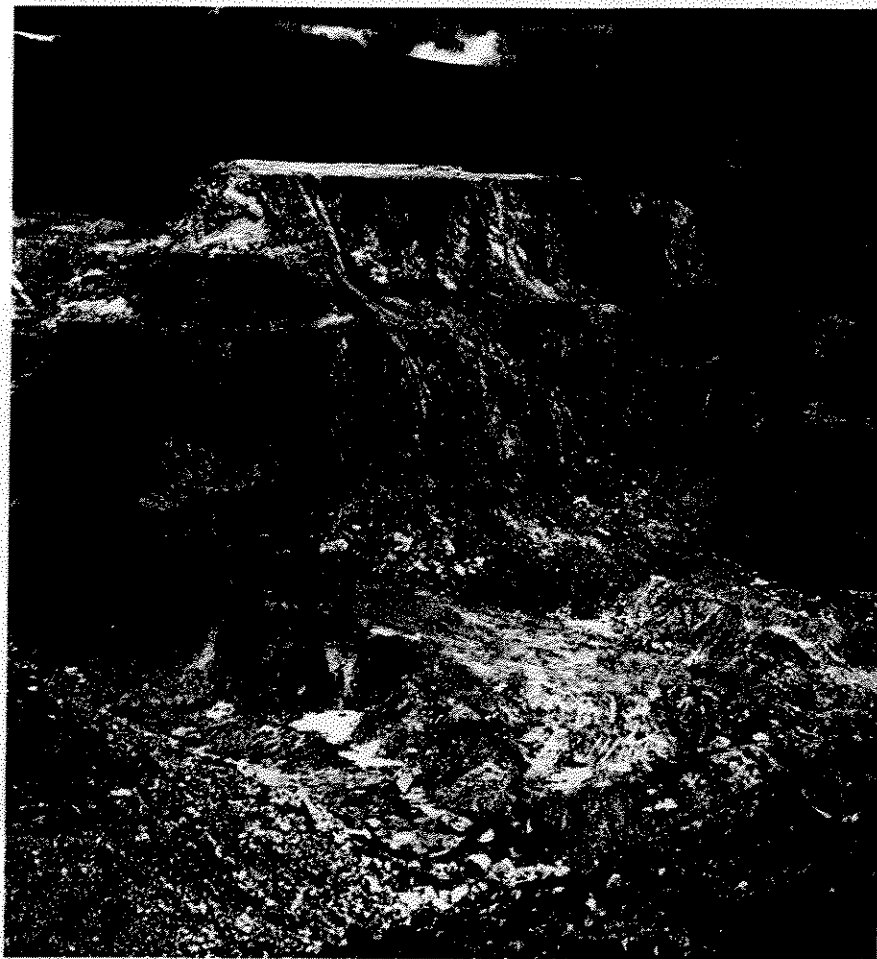
Lessons from
Summitville, Colorado

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MAR 23 1995

University of Wisconsin
Madison

U.S. GEOLOGICAL SURVEY BULLETIN 2220



SUMMARY

Results of USGS research at the Summitville mine site in Colorado underscore the crucial need for sound scientific information in predicting, assessing, and remediating the environmental effects of mining. Although final scientific judgments about Summitville and its downstream environmental effects await the outcome of all of the research, some preliminary conclusions can be drawn.

• Extreme acid-rock drainage is the dominant long-term environmental concern at the Summitville mine and could have been predicted given the geologic characteristics of the deposit. Extensive remedial efforts are required to isolate both unweathered sulfides and soluble metal salts in the open-pit area and mine-waste piles from weathering and dissolution.

• It is likely that natural contamination adversely affected water quality and fish habitat in the Alamosa River long before mining and will continue to have adverse effects even when acid drainage from Summitville is remediated. Thus, reasonable natural conditions for the Alamosa River basin must be established in order to set realistic remediation standards for the Summitville site.

• Results of studies as of late 1993 indicate that mining at Summitville has had no discernible short-term adverse effects on barley or alfalfa crops irrigated with Alamosa River water. Remediation of the site will help to ensure that no adverse effects occur over the longer term.