



October 13, 2017

Assembly Committee on Labor
Attention: Chair Kulp
Room 15 West
State Capitol
PO Box 8952
Madison, WI 53708

Chair Kulp and Assembly Labor Committee Members:

This letter is in regards to Assembly Bill (AB) 499 which proposes changes to Metallic Mining laws in the State of Wisconsin. The Reef Deposit is located in Eastern Marathon County, within the watershed of the Eau Claire River, a tributary to the Wisconsin River. Marathon County is opposed to AB499. There are several major concerns with the current version of the bill. The primary concerns are as follows:

Removal of the Sulphide Ore Moratorium (AKA “Prove it first law”)

Removal of this provision could potentially jeopardize the environment of Marathon County. The most recently permitted and closed non-ferrous metallic mine in the state of Wisconsin is the Flambeau mine. Since the closing, the stream below the mine has been added to the list of impaired waters by the EPA because of “acute aquatic toxicity” caused by copper and zinc contamination. Removal of the “prove it first law” could potentially negatively affect ground and surface water quality. We have found no examples of non-polluting metallic mines.

Bulk Sampling

This section may have several unintended consequences:

- Bulk sampling would only require re-vegetation; there is no mention of stabilization, treatment or removal of overburden which may be Sulphur bearing. There could potentially be hundreds of thousands of tons of this material remaining after sampling. Exposure of these materials to oxygen and water causes the formation of sulphuric acid which leads to highly acidic mine runoff pollution.
- The DNR would not be required to prepare an Environmental Impact Statement related to the bulk sampling application. This reduces over-sight during the permitting process and increases risk to human health and the environment.
- The bill does not specify if more than 1 bulk sample can be obtained or if the bulk sample is per parcel, per land owner, per deposit, or per year. This could lead to multiple bulk samples and potential complete removal of a highly concentrated deposit. No mining permit would be needed and the deposit could be potentially removed during sampling. Additional clarification is needed in the bill.

Application Process-Financial Assurance Requirement

- The bill allows the Financial Assurance (FA) to be posted after the mining is completed. This would be contrary to any current mining laws, including the non-metallic mining law. FA is always posted before any mining commences. Businesses go bankrupt every day. This would increase the risk to the taxpayer, as they would potentially bear any costs if the company goes bankrupt during or upon completion of the mining. Solid waste facilities require substantial FA upfront before any approval of the solid waste site.
- The bill does not specify if the listed forms of FA are guaranteed to be protected from creditors. If a creditor seized the FA, there would not be the assurance that funds would be available to the State to clean up pollution and/or reclaim the site.

Application Process-Hearing and Review Process

The bill would eliminate the DNR master hearing process, which would eliminate the opportunity for testimony under oath or cross-examination. The public, local municipalities or counties would not have the opportunity for input as only an informational hearing is required in the bill. The provisions for a contested case hearing are also removed.

Based upon the above listed concerns, Marathon County opposes AB 499. We ask that this correspondence be added to the official record of the Labor Committee public hearing on AB 499.

Sincerely,



Kurt Gibbs
County Board Chair

cc: Assembly Labor committee members
Marathon County legislators
Wisconsin Counties Association
Wisconsin Towns Association