

Flambeau Mine may be sued over water runoff

A Wisconsin conservation group and two individuals formally notified the Flambeau Mining Company (FMC) and the Wisconsin Department of Natural Resources (DNR) that they intend to file a lawsuit over water pollution caused by the partially reclaimed Flambeau Mine near Ladysmith unless the pollution and related issues are fully addressed within 30 days.

An attorney for the Wisconsin Resources Protection Council (WRPC), Al Gedicks and Laura Furtman said the potential lawsuit is based on monitoring data that has been collected by FMC and provided to the DNR and WRPC.

"The data shows that runoff from the Flambeau Mine is in violation of applicable surface water quality standards and is illegally polluting a nearby stream and the Flambeau River," attorney Glenn M. Stoddard said. "The data also shows that groundwater at the mine site is polluted and, at a minimum, requires expanded monitoring. However, the DNR has failed to properly regulate FMC and has, instead, allowed the company to violate the law and portray the Flambeau Mine as an environmental success story when it is not."

The Flambeau Mine, located in Rusk County, Wisconsin, was an open pit metallic sulfide mine that produced 181,000 tons of copper, 334,000 ounces of gold and 3.3 million ounces of silver over its four-year life span from 1993-97). The Flambeau River formed the western boundary of the project area, and the pit itself was constructed to within 150 feet of the river. In late 1997, the 32-acre pit was backfilled with original rock material that was separated from the ore, in accordance with the reclamation plan. High-sulfur waste rock was blended with a prescribed amount of limestone buffering material for neutralization of actual acidity and potential acidity in the backfilled pit.

FMC environmental and reclamation manager Jana Murphy said several long-time mine opponents are threatening the lawsuit. She added their claims are similar to past claims and they do not have merit.

"We are disappointed that the same issues by the same individuals are again being raised when we have addressed them very thorough-

ly with facts and science, aimed to work cooperatively with opponents through continued monitoring and communication and, most importantly, have and continue to ensure that the environment is protected, the site is monitored and that long-term care plans are in place for the site," Murphy said in a prepared statement.

The WRPC is a conservation organization that was founded in 1982 to address concerns over mining in northern Wisconsin.

Gedicks, executive secretary for WRPC, said, "It appears that FMC has been glossing over its own data in order to claim that the Flambeau Mine is an environmental success story, when the data actually shows that the mine is causing pollution just as we had predicted before it was permitted by the DNR back in 1991. We are pursuing this case now in order to bring out the truth and hold both FMC and the DNR legally accountable for the damage being done to our environment by the Flambeau Mine."

Furtman said, "I am concerned about the DNR's lax approach to enforcement and FMC's poor science and claims of environmental success, because this sends the wrong message to people in northern Wisconsin and other areas that are faced with new mining proposals. The facts show that the Flambeau Mine is anything but a success and is, instead, a serious environmental problem that neither the DNR nor FMC want to acknowledge publicly."

According to Dr. David Chambers, an expert in geophysics who reviewed FMC's water quality data for WRPC, there are problems with both surface water and groundwater pollution at the Flambeau Mine site. In particular, a major area of concern involves a small tributary of the Flambeau River known as "Stream C." When FMC closed the mine, a drainage ditch and pond were constructed to collect polluted runoff coming from the mine site, and a second ditch was constructed to convey that water to Stream C.

According to Chambers, who is president of the Center for Science in Public Participation in Bozeman, Mont., "Copper levels in Stream C exceed Wisconsin water quality standards both at the discharge point from the pond into Stream

C and from Stream C as it flows into the Flambeau River. The latest round of data I've seen shows copper levels about seven times higher than the Wisconsin standard at the pond's outlet."

A second issue relates to groundwater pollution at the Flambeau Mine site. Dr. Kendra Zamzow, an environmental chemist who works with Chambers, analyzed contaminant levels in a well drilled in the path of water flowing from the backfilled pit to the Flambeau River. She said, "There have been consistent and statistically significant violations of the 1991 Flambeau Mine permit standards in this well, which is about 125 feet from the river. The heavy metal manganese, for example, is currently registering over four times higher than the permit standard"

WRPC has also taken issue with FMC's monitoring program for tracking the biological effects of metals making their way into the Flambeau River from the mine site. The group enlisted the help of Dr. Ken Parejko, an aquatic biologist and Professor Emeritus at the University of Wisconsin-Stout, to evaluate FMC's biological studies.

Parejko concluded that there were serious flaws in the company's study design, making it "difficult to draw any conclusions regarding the presence or absence of a mining-related effect" on the Flambeau River. Yet, he added, "The combined observation of statistically significant increased copper concentrations in crayfish, walleye and sediment downstream from the mine site raises the possibility of a causal relationship."

Murphy said the reclaimed Flambeau Mine has been held up as an example by many groups in reference to other mining projects because it showed mining could be successfully done while following every rule and regulation, protecting the environment and significantly benefiting the community and local economy.

Opponents may not like that, but it is the truth, and we will again vigorously defend our mining project, its reclamation and the protections the project has provided to the environment," Murphy said. "During mining operations and throughout the reclamation process to today as

a reclaimed site, the Flambeau Mine has adhered to every regulation and Wisconsin's stringent mining laws. The project has a strong environmental record and continues that commitment today with its completely reclaimed site and the industrial area on the site."

Murphy said the mine also has benefited the local community through long-term economic growth started while the mine was in operation.

The conservationists are seeking a number of remedies for the pollution at the mine from the DNR and FMC, including but not limited to more restrictive permitting requirements, fines, remedial action, and increased monitoring at the site and in the Flambeau River.

The DNR granted the Flambeau Mining Company a Certificate of Completion for 149 acres of the site, including the backfilled pit, of the Flambeau Mine site on May 31, 2007.

At that time, FMC agreed to conduct additional environmental sampling of the mine site and the Industrial Outlot area including:

- Additional monitoring the surface water at the biofilter, Stream C, and the Flambeau River immediately below Stream C as well as some monitoring of sediment, soil, and certain biological species.

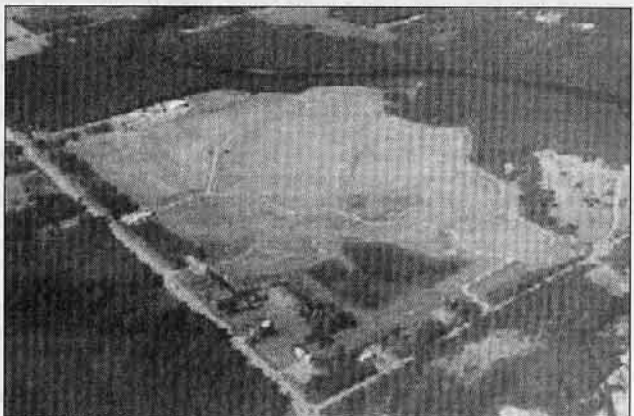
- Continued surface water monitoring for parameters specified in the Stipulation and Order above and below the mine site where "focused runoff leaves the mine site" for an additional five years.

- The specified, post-mining land use for the site was light recreation and wildlife habitat. To achieve that goal, the Reclamation Plan envisioned creation of diverse habitats on the site by re-establishment of forested areas, various native grasslands and wetland. Grassland areas were seeded with a mixture of cover crop, native grasses and wildflowers. In addition, seeding in upland areas was supplemented with transplanting of live plant materials.

- In all, over 170 different species of plants have been seeded or installed on the mining site during the reclamation phase. The Flambeau Mining Company has also installed a trail system through the reclaimed site, which is now available for public use.



OPERATING MINE — The Flambeau Mine during operations, looking toward the southwest.



RECLAIMED — The reclaimed Flambeau Mine in July 2001, roughly three years after the pit was backfilled, looking toward the southwest.