



Wisconsin
Resources Protection
Council
Box 263, Tomahawk, WI 54487

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Contacts: Jamie Saul, (608) 628-2420
Laura Gauger, (218) 724-3004
Al Gedicks, Wisconsin Resources Protection Council, (608) 784-4399
Marc Fink, Center for Biological Diversity, (218) 525-3884

Lawsuit Filed to Stop Release of Toxic Metals at Wisconsin's Flambeau Mine

MADISON, Wis.— The Wisconsin Resources Protection Council, the Center for Biological Diversity and Laura Gauger filed a Clean Water Act citizen suit today against Flambeau Mining Company over its partially reclaimed Flambeau Mine near Ladysmith, Wis. According to the **suit**, the mining company is violating federal law by discharging pollutants, including potentially toxic metals like copper, iron and zinc, into the Flambeau River and a tributary known as “Stream C” that flows across the company’s property.

The Flambeau is a popular river for fishing and canoeing and provides habitat for a wide variety of aquatic and wildlife species, including bald eagles and osprey. The Flambeau Mine operated near the river from 1993 to 1997. Since the close of mining operations, Flambeau Mining Company has struggled to address persistent groundwater- and surface-water-quality problems, most notably at a 32-acre industrial park that remains operational.

The mining company channels stormwater runoff from this industrial park into a settling basin that discharges into a tributary of the Flambeau River. Monitoring data from the mining company and the state show that copper levels in the discharge have greatly exceeded Wisconsin’s toxicity standards. The stormwater detention basin once held highly toxic acid mine drainage and runoff from the open-pit mine.

“The Clean Water Act requires that Flambeau Mining Company’s pollution discharges be regulated by a permit that sets clear limits on the amount of pollutants and protects the water quality of Stream C and the Flambeau River,” said Jamie Saul, an attorney for the citizen groups. “Without such a permit, Flambeau Mining Company is in violation of the Act.”

“For too long, Flambeau Mining Company has ignored its obligation to protect the water quality of Stream C and the Flambeau River,” said Laura Gauger, an individual plaintiff in the lawsuit. “This is yet another example of the company’s history of broken promises to the people of Rusk County and the Native American community.”

“There are a number of large copper-mine proposals in this region, and the continuing pollution at this much smaller and short-term mine does not bode well for the larger strip-mine projects,” said Marc Fink, attorney with the Center for Biological Diversity.

The lawsuit was filed in the U.S. District Court for the Western District of Wisconsin, in Madison, under the Clean Water Act’s “citizen suit” provision. Congress authorized citizens to directly enforce Clean Water Act requirements against alleged polluters in federal court.

Flambeau Mining Company is a subsidiary of Utah-based Kennecott Minerals Company, which is owned by the international mining conglomerate Rio Tinto headquartered in Melbourne, Australia.

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The Wisconsin Resources Protection Council (WRPC is a statewide, nonprofit membership organization concerned with the environmental impacts of metallic mining on the state’s precious water supplies, on the tourism and dairy industries, and upon the many Native American communities that are located near potential mine sites. WRPC educates the public about the consequences of allowing international mining corporations to develop a new mining district in the Lake Superior region under the present legal and regulatory framework.

The Center for Biological Diversity is a national, non-profit membership organization with over 40,000 members including hundreds of members in Wisconsin. The Center has an office in Duluth, Minnesota. The Center works through science, law and creative media to secure a future for all species, great or small, hovering on the brink of extinction.

Ms. Laura Gauger is a member of WRPC and the Center for Biological Diversity. Ms. Gauger is formerly a resident of Spooner, Wis., and currently resides in Duluth, Minn.

The citizen groups and Ms. Gauger are represented by James N. Saul, Attorney at Law LLC (Madison, Wis.); Marc Fink, senior attorney, Center for Biological Diversity; and Daniel Mensher, staff attorney, Pacific Environmental Advocacy Center.