

## **Flambeau Mine Update (July 2011)**

### **A New Proposal from Kennecott, but the Old Adage from Roscoe Churchill Still Rings True: "Just Grass Over a Grave"**

Kennecott / Flambeau Mining Company (FMC) is proposing to convert an existing 0.9-acre, lined "detention basin" (pond) at the partially reclaimed Flambeau Mine site to an "infiltration basin" and construct two new infiltration basins at the site to handle contaminated runoff. I recently received notice of a **public hearing** that has been scheduled on the proposal for **Wednesday August 3, 2011 at 5 PM in Ladysmith, Wisconsin.**

Here are a few details: The existing man-made detention basin (also referred to as a biofilter) at the Flambeau Mine site was designed to collect and passively treat contaminated runoff. Since 1998, Kennecott's own data consistently has shown elevated levels of copper in the pond. And the levels are not just a little high. Copper levels in the runoff draining **into** the pond have varied widely over the years, ranging from 15 ppb (Oct 09) to 2000 ppb (Aug 05) - latest reported reading was 22 ppb (Sep 10). Copper levels in the water draining **out** of the pond, into a tributary of the Flambeau River known as Stream C, have ranged from 4 ppb (Aug 07) to 91 ppb (Nov 00) - latest reported reading was 5 ppb (Sep 10). Wisconsin's chronic toxicity standard for copper, set to protect fish and other aquatic species, is 2.7 ppb, so the reported levels are truly significant. Elevated zinc and iron in the discharge to Stream C have also been reported by Kennecott.

The present discharge of this contaminated water into Stream C is the subject of a lawsuit filed in federal court this past January (U.S. District Court for the Western District of Wisconsin; Case No. 11-cv-45). I am one of the plaintiffs in the case, as is the Wisconsin Resources Protection Council and the Center for Biological Diversity. We are alleging violations of the Clean Water Act, since Kennecott does not have, nor has it ever had, a Wisconsin Pollutant Discharge Elimination System (WPDES) permit authorizing the discharge of contaminants to Stream C. See attached "Fact Sheet" for details of the lawsuit (and background information on the detention basin).

**Now Kennecott is proposing that, instead of routing the contaminated water from the (lined) detention basin into Stream C (where levels of contaminants can be measured easily and standards enforced), the liner be removed, the detention basin be converted to an infiltration basin (so the contaminated water can seep down into the earth), and two additional infiltration basins be created at the site.**

**Instead of CLEANING UP the source of the contamination, Kennecott is COVERING UP the problem. The proposed "infiltration basins" will allow the contaminants to move down into the groundwater, hiding the problem from view and making it more difficult to hold the company accountable for the pollution. Like Roscoe said: "Just Grass Over a Grave."**

Attached you will find a "Notice of Complete Application for and Public Informational Hearing for Proposed Grading and Stream Realignment" regarding Kennecott/FMC's proposal to create the infiltration basins. As I mentioned above, the hearing is set for **Wednesday August 3, 2011 at 5 PM in Ladysmith, WI.**

**If anyone cares to attend the public hearing but needs more information, please contact me and I will do my best to help.**

Please note that this action proposed by Kennecott is separate from our lawsuit.

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