



For Immediate Release, December 3, 2018

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Conservation Groups Appeal PolyMet Permits, State Mining Rules

ST. PAUL, MINNESOTA - Conservation and clean water groups today appealed state permits issued for the PolyMet open-pit sulfide mine in northern Minnesota and filed a separate challenge to the state's mining rules. The groups are challenging permits issued by the Minnesota Department of Natural Resources allowing PolyMet to operate the 528-acre copper-nickel mine and appropriate six billion gallons of water per year. In addition to the permit appeals, a separate filing asks the Minnesota Court of Appeals to overturn Minnesota's non-ferrous mining rules, saying they are too vague to be adequately enforced by courts and regulatory agencies.

"The courts must hold the DNR accountable to the law or PolyMet's permits will be a blank check, paid for by the clean water, health, and pocketbooks of Minnesotans," stated **Kathryn Hoffman, chief executive officer of the Minnesota Center for Environmental Advocacy**.

The department ignored tens of thousands of Minnesotans who asked it to protect people and the environment from PolyMet's proposed mine. The permits for PolyMet's proposed mine do not protect people downstream from the pollution the mine would create. The department arbitrarily rejected less risky alternatives for managing mine waste. The permits allow PolyMet to threaten water downstream for hundreds of years after mining ends, fail to address concerns of engineers who fear the mine's proposed waste dam is dangerous, and fail to protect Minnesota taxpayers from being stuck with up to \$1 billion in cleanup costs.

"Taxpayers fund Minnesota DNR believing the agency will responsibly manage our natural resources," said **Chris Knopf, executive director of Friends of the Boundary Waters Wilderness**. "With PolyMet, they put mining interests first and gave judicial review, popular opinion, and environmental considerations the back seat."

The state permits also fail to define how long PolyMet will be allowed to mine or describe PolyMet's exact mining and closure plans. Minnesota rules require final design plans to be submitted before permits are issued, but the state agency's permits allow PolyMet to develop the open-pit mine and submit plans for closure later. The permits do not establish any standards for the approval of these future plans and the public will not be able to comment on them.

"There is a myth in Minnesota that we have tough regulators. It's just the opposite," stated **Paula Maccabee, advocacy director and counsel for WaterLegacy**. "The DNR has granted PolyMet a permit to mine admitting that its 'design and operational details' are not 'firmly in place.' At the very least, with Minnesota's first proposed sulfide mine, we should demand that no permits be issued unless and until

PolyMet shows us – and an unbiased administrative judge - that they know what they're doing.”

The appeals also challenge the state agency's decision to deny requests for a contested case hearing. The hearing would allow the case to be reviewed by a neutral administrative law judge, which is common for large and complex projects. The groups argue that DNR was required to grant a contested case hearing before it issued the permits.

"With over 1,300 signatures and a majority of elected officials, Duluthians openly requested a contested case hearing on this permit," said **JT Haines, an attorney and organizer with Duluth for Clean Water**. "That hearing should have been ordered. The process fails all the time with sulfide mining, and we don't want to be the next example of communities harmed by downstream pollution."

"It's reckless for the state to allow an open-pit copper mine at the precious headwaters of Lake Superior," said **Marc Fink, a Duluth attorney for the Center for Biological Diversity**. "State officials are abdicating their responsibility to protect public health and the environment. They're moving forward with unproven, incomplete mine plans even though they know PolyMet would destroy thousands of acres of wetlands and require water treatment for generations to come."

Today's appeals are in addition to separate requests the groups made in November to the Minnesota Department of Natural Resources and the Minnesota Pollution Control Agency. The groups have asked those agencies to suspend all permits for PolyMet until the Minnesota Court of Appeals rules on whether the DNR should prepare an environmental impact statement for larger versions of the proposed mine that PolyMet has described to their investors.

The groups appealing the permits are Center for Biological Diversity, Duluth for Clean Water, Friends of the Boundary Waters Wilderness, Friends of the Cloquet Valley State Forest, Minnesota Center for Environmental Advocacy, Save Lake Superior Association, Save Our Sky Blue Waters, and WaterLegacy. They are represented by attorneys from Maslon LLP, Minnesota Center for Environmental Advocacy, and WaterLegacy.

VIDEO: High resolution video of the PolyMet mine and plant sites are available for use with proper credit. Go to bit.ly/polymetsitevideo to download.

DOCUMENTS: Copies of the documents filed with the courts today are available upon request.