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2/18/2012: Update to press release on sulfides in the proposed Penokee mine

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(2/18/12) A question arose after the February 17, 2012 hearing on AB426 before the Wisconsin Joint Finance Committee as to why it is important to consider the chemistry of the rocks in the area of the proposed mine now, while new law is being drafted, rather than later on, during the permitting process for the Penokee mine. Even as currently written the new “ferrous” mining law does give the DNR the power to deny a permit if the proposed mine will result in the kind of environmental damage this makeup of rock could cause.

The answer is that there are provisions in the proposed law that make it easier for a mining company applying for a permit to hide the extent of potential damage from its operations. These provisions include (but are not limited to) not allowing the DNR to consider the quality of data provided when deciding if a mining application is complete; a strict limit on the length of time the DNR has to make a decision on a permit application; and the elimination of contested case hearings in which representatives of the mining company must answer questions about the quality of their data under oath.

The pyrite content of the Ironwood and Tyler formations varies from place to place. Pyrite concentrations will vary from core to core, and from place to place within a core. Under these conditions, an accurate measure of the average pyrite concentration will require sampling the rocks at many points and averaging *all* of the values. It would be very easy to cherry pick data to make the rock look cleaner than it is. Without contested case hearings, it could be very difficult to detect such cherry picking and to challenge the quality of the data it produces.

That much is a matter of fact. Now for some speculation. It is difficult to avoid the suspicion that a law that makes it easier for a company to hide dirty rocks might have been written with the *intent* of letting a company hide dirty rocks. Through Gogebic, Chris Cline’s company is planning to spend over one billion dollars into recovering iron ore from the Penokees. Yet Gogebic claims that it has not taken any cores in the area, and has not seen any of the cores that previously were taken by US Steel. Is this claim credible? Would Gogebic’s parent company, Foresight Reserves LP, really propose making a major investment in an ore deposit about which it knows no more than what can be gleaned from the scant information in the public record?

It seems likely that Gogebic knows more than it is letting on. If so, it also seems likely that this information has been shared with whatever Republican legislators wrote the AB426. Perhaps that is why the Republicans have refused to tell us who those legislators are.

- Hematite

(2/19/12) A strange provision of AB 426 has come to my attention:

“SECTION 55. 293.50 (1) (b) of the statutes is amended to read:

293.50 (1) (b) Sulfide ore body” means a mineral deposit in which nonferrous metals are mixed with sulfide minerals.”

(See a full text of the bill [here](#))

As defined in the bill, “ferrous” simply means iron. Thus, according to this provision a sulfide ore body is one in which metals other than iron are mixed with sulfides. What, then, is the legal status of pyrite, which is IRON (II) sulfide? Depending on whether the term “mixed with” includes “chemically combined” this provision may actually redefine the principal sulfide mineral in ALL mines as a non-sulfide. This is the equivalent of legislatively redefining the value of pi.

Even if “mixed with” does not include “chemically combined” the provision still means that iron an iron ore body, no matter how much sulfide it contains, cannot legally be considered a sulfide ore body. Taken to its extreme, pure pyrite itself could be mined as a non-sulfide ore body. This also is the equivalent of legislatively redefining the value of pi. It even could be possible under this bill to mine gold and silver under ferrous mining regulations, if one were to call the the target of the mine a pure pyrite deposit, and characterize the gold and silver as incidental byproducts.

To put it another way, this provision of the bill gets rid of the problem of pyrite not by requiring that anything be done about the problems pyrite causes, but by partially or completely redefining pyrite out of existence.

Here’s an analogy. Let’s say that manure running off pig farms had caused so much damage that laws were passed regulating manure runoff. A company comes in with plans to build a giant chicken farm, and drafts a bill that defines “manure” as “what comes out of a pig’s butt.” The chicken company is no longer covered by anti-manure law because what comes out of a chicken’s butt is now, by definition, not manure.

Thus, at its core, AB 246 is an attempt to alter physical reality through legislation. It seems that no one in the Legislature or on legislative staff know enough science to detect this absurdity. The obvious question is whether the authors of the bill (presumably Gogebic) snuck this provision in knowing that legislators could not see it for what it is.

Read the original post [here](#)