

OPINION

“CONGRESS SHALL MAKE NO LAW...
ABRIDGING THE FREEDOM
OF SPEECH, OR OF THE PRESS;”

The First Amendment of the United States Constitution

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Editorial

An award for polluting

The story of the Dunka Pit’s “operator award” reveals MPCA’s downfall

If you need an example of how the state’s Pollution Control Agency has lost control of water pollution from our region’s mining operations, you’ll find none better than the revelation that appeared in a June 7 letter-to-the-editor in the *Timberjay*.

I was surprised to read in the letter that Cliffs Erie-Dunka had been among 384 wastewater treatment entities to receive an “Operator Award” for its maintenance of an engineered wetland designed to treat water discharge from the former Dunka Pit. The award, among other things, lauded the facility for consistent compliance with its water discharge (NPDES) permit.

The former Dunka taconite mine included a significant amount of sulfide-bearing overburden that LTV Mining had stripped away beginning in 1964. Over time, the now-defunct corporation had left about 50 million tons of sulfide-bearing rock piled near the pit edge. By the 1970s, state regulators were aware that runoff from that pile was pouring toxic heavy metals at astronomical levels into a nearby stream that drained into Birch Lake’s Bob Bay.

We wrote about this issue back in 2015 and while steps taken by LTV prior to its bankruptcy helped reduce the toxicity of Dunka’s discharges, the facility continues to discharge levels of several pollutants, including sulfate, hardness, nickel, and specific conductance that regularly exceeded applicable standards by huge margins. Sulfate levels at the worst of the discharge points were averaging about 1,800 milligrams per liter, far more than any applicable standard. So how is it that the Dunka wastewater treatment operation is able to receive an award for its compliance with its discharge permit when the operation’s own test results show it is exceeding water quality standards?

I put that question to the MPCA, and I’ll let Darin Broton, the new spokesperson for the agency, explain:

“The current permit does not have effluent limits for sulfate, hardness, and specific conductance and thus there is no permit non-compliance associated with these parameters. The permit does not have an effluent limit

for nickel as an individual parameter for the constructed wetland treatment systems – the permit instead includes an effluent limit for ‘additive toxicity’ of which nickel is a component. All five wetland treatment system discharges routinely meet the permit ‘additive toxicity’ effluent limit.”

There is a lot in this answer, but let’s be clear about the most basic issue—the MPCA’s approach to mining pollution far too often is to eliminate any requirement to comply with a specific effluent standard. As long as the company takes its monthly water samples and sends the results to the MPCA, they are in full compliance with their permit, even if the test results show the facility is polluting Minnesota waters. This approach by the MPCA not only allows mining companies to continue to pollute, it actually indemnifies the company against lawsuits that citizens might otherwise be allowed to file.

It also allows copper-nickel mining supporters to make misleading claims about the environmental impacts of sulfide-based rock, by suggesting that the Dunka pit does not pose an environmental hazard simply because it is in compliance with an unconscionably-weak discharge permit.

It was, therefore, no surprise to learn recently that the professional staff at the Environmental Protection Agency had similar concerns about the PolyMet water discharge permit, in that it contained no water quality-based effluent limits. This is a persistent and troubling pattern for the MPCA. Advocates of copper-nickel mining have maintained that Minnesotans can rely on our state’s regulators to protect our water from mining impacts, but the history of mining pollution regulation has demonstrated exactly the opposite.

Minnesotans may believe that state regulators at the MPCA are minding the store and protecting our water quality. But as we’ve seen with Dunka, and more recently with the revelation that the MPCA took steps to keep the EPA’s comments on the PolyMet permit under wraps, it’s not clear whether the MPCA is part of the solution to pollution, or part of the problem.



Letters from Readers

Concept of freedom is more complicated than you might think

“Free” and “freedom” are popular words in marketing and politics. Both appeal to deeply-rooted values, making them effective tools for economic and political propaganda. Freedom, of and to, are important when we speak of acting without restraint, but a knee-jerk response to “freedom” abandons critical thinking and welcomes mindlessness.

Behavior in a social system occurs in context, not in isolation. Events have consequences, not only from intention in what we do, but also in how it is perceived. Freedom is not a one-way street. Responsibility for our actions does come into play. Your right to hit me in the nose ends where my nose begins.

Only closed minds entertain absolute freedom. A zero-sum game deprives another person’s freedom for personal gain. “You lose, I win,” is a perversion of freedom. Individual, government or market moves do not operate in a void. Actions trigger reactions. Six degrees of freedom in the physics of flight: up or down, left or right, forward or backward, do exist, but speed and gravity impose limits.

Self-regulation may work in a utopian dream, but even with automation, robotics or artificial intelligence, flight safety deregulation left to the industry has failed most tragically

in the Boeing 737 crash in Ethiopia. Freedom from fear for 157 victims was swept aside in a flash by marketplace freedom from state regulatory power. To think, speak and believe as you wish is one thing, to act on your beliefs is another. Beyond speech and religion, Roosevelt’s four freedoms included those from want and fear. Social contract reasoning empowers one for all and all for one through limits on individual freedom. When basic needs are met we experience freedom from want, and life without oppression reduces freedom from fear. Let freedom ring!

**Harold Honkola
Tower**

Why the editing of my letter?

I’m very curious as to why the *Timberjay* cut out three very important items from my editorial last week. You deleted me mentioning my mother, Edna, and two of the most important accomplishments during my dad’s, his council’s and his clerk’s four terms as mayor. They were there for a very good reason.

Number One, my mother Edna. Without her running our dairy, plus taking care of five kids while dad was busy being the Tower-Soudan math teacher and mayor, he would never have had the time and/or energy to be the mayor Tower needed. Even Superintendent Brownell gave him the green light to leave the school whenever the city needed something done

realizing his time constraints. All his meetings, commitments and contacts would not of been possible without her. I’m a firm believer in giving credit where it’s due.

Number Two, the new Tower-Soudan septic system. City officials were able to work with Soudan to bring the new system to fruition. The MPCA was after Tower, and maybe even Soudan, to do something about their poor system. If they weren’t fixed you probably could not legally “flush” a toilet in Tower-Soudan now. Pretty important! Right?

Number Three, cleanup of the two old city dump sites. The MPCA required them to close and be cleaned up. There were actually leaking into the river which leads to Lake Vermilion. Luckily, grants were obtained to cover the costs, estimated at saving the town a million dollars. It had to be done or stiff fines were on the horizon.

I’m very grateful for your editorial section so people can voice their concerns, opinions and ideas in a civilized manner.

**Daryl Lamppa
Tower**

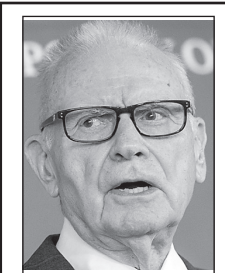
Editor’s Note: As we state regularly on this page, we always reserve the right to edit letters to fit available space, as was the case with Mr. Lamppa’s previous letter. The editing did not affect the meaning of the letter but obviously left out items that were important to Mr. Lamppa.

COMMENTARY

What would make Congress work better?

A couple of weeks ago I was speaking to a group of students and decided to start with a point-blank question: Is Congress doing a good job? There were perhaps 100 people in the room, and not a single one raised his or her hand.

So I asked the



**LEE
HAMILTON**

question a different way: Is Congress nearly or completely dysfunctional? Most hands went up. These were not experts, of course. They were simply reflecting a broad public consensus that things are not working well on

Capitol Hill. But they weren’t wrong, either. Things aren’t working well on Capitol Hill.

I can tick off the problems, and so can you. Congress doesn’t follow good process. It seems to have lost the ability to legislate. It’s too polarized and partisan. It’s dominated by political game-playing, and by the undue influence of money.

See **HAMILTON...pg. 5**

Time to step up and create a clean energy future

The science is clear: carbon emissions sent into the atmosphere from a variety of human sources threaten to upend our economy, our health, our national security, and our very way of life.

At a recent conference at the University of Minnesota’s Institute on the Environment, I joined local and state leaders, as well as energy and environmental experts from Minnesota and around



**SEN. TINA
SMITH**

the world as we shared our ideas for addressing climate change, which I consider the most urgent and existential challenge of our time.

Those ideas - and the action they spur - can’t come soon enough.

We’ve already seen the impact of

warming temperatures, rising sea levels and extreme weather. The growing prevalence of hurricanes, wildfires, flooding and tornadoes has already cost this country billions of dollars as communities are devastated, families are uprooted, and farmers are prevented from even getting into their fields.

The science tells us the clock is ticking and that these worsening extremes will become the new normal unless we get to net-zero carbon emissions by midcentury.

Younger generations get it. In a recent poll, half of Americans age 18 to 29 describe climate change as a “crisis that demands urgent action.” The good news is that they’re already leading on this issue because they understand that they’ll have to live with climate change’s disastrous consequences. We need to listen.

U.S. Ceding Leadership on Climate Change

Unfortunately, at the national level, the United States has

ceded leadership at the very time it’s needed most. As a member of a Special Senate Committee on the Climate Crisis, I’m frustrated that the Trump Administration has taken a deliberate head-in-the-sand approach to this urgent problem. And, I’ve seen how addressing climate change has become more difficult since President Trump pulled our country out of the international Paris Climate Agreement and later reversed policies that

See **ENERGY...pg. 5**