

LJ Gauger

From: LJ Gauger <kettu2010@gmail.com>
Sent: Monday, November 03, 2014 11:22 AM
To: 'Fauble, Philip N - DNR'
Cc: jon.kleist@wisconsin.gov; Attorney Jamie Saul (MWB)
Subject: RE: Flambeau Mine Reports

Hi Phil,

Thank you for the information you provided. With regard to No. 3 (below), you confirmed that the infiltration basins at the Flambeau Mine site have malfunctioned for the past 3 years. [How much longer is WDNR willing to wait before taking some sort of enforcement action against FMC \(e.g., requiring a Chapter 30 permit, as suggested by Jon Kleist in his Dec 2012 memo to FMC\)?](#)

It seems that whenever a citizen like me is subject to a WDNR timeline (e.g., submitting comments on various proposals), the timeline is strictly enforced by the department. Yet, here we have an acknowledged problem with how FMC is handling polluted runoff at the Flambeau Mine site, and there appears to be no timeline/deadline for fixing it.

Another frustrating aspect to all this is that FMC trotted out their infiltration basin plan during our recent Clean Water Act case against them in federal court, implying they had fixed any and all problems we had raised in our complaint. The court "bought it," and, as you know, ultimately required us to reimburse the company \$61,500 in court costs (my share \$20,500) - quite a heavy burden for me. Now, the company's "fix" has proven inadequate and there appears to be no recourse.

Could you please get back to me on this? Again, what I would like to know is this: [How much longer is WDNR willing to wait before taking some sort of enforcement action against FMC \(e.g., requiring a Chapter 30 permit, as suggested by Jon Kleist in his Dec 2012 memo to FMC\)?](#)

Thank you,
Laura

Laura Gauger
Duluth, MN 55805

From: Fauble, Philip N - DNR [mailto:Philip.Fauble@wisconsin.gov]
Sent: Friday, October 31, 2014 3:16 PM
To: LJ Gauger
Cc: McManama, Zoe C - DNR
Subject: RE: Flambeau Mine Reports

Laura,

I am doing fine and I hope you and yours are doing likewise. I'll share with you what information I have readily available (was submitted electronically) and that should get at most of your request.

1. As requested.
2. As requested.
3. That would require a review of the files. In brief, we have been monitoring the situation with the basins and have noted that the basins were nearly filled to capacity during the Spring 2013/14 melts and exceptionally large rainfall events. When that happens, FMC is required to activate pumps to lower the water level in the basins. We have shared our concerns with FMC that periodic pumping is not a long-term solution to the problem. It is our understanding that FMC is working on a solution and will be submitting something for our review in the near future.
4. Flambeau River sampling data for the previous year is typically submitted with the Annual Reports. I would have to look up the 2013 data and the 2014 data will be submitted in January 2015.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Philip Fauble, P.G.

Mining and Beneficial Use Coordinator
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, WI 53707-7921
Phone: (608) 267-3538
Fax: (608) 267-2768
Philip.Fauble@wisconsin.gov



From: LJ Gauger [<mailto:kettu2010@gmail.com>]
Sent: Thursday, October 23, 2014 11:16 AM
To: Fauble, Philip N - DNR
Cc: Attorney Jamie Saul (MWB)
Subject: Flambeau Mine Reports

Hi Phil,

Hope you are doing well! It's been quite a while since I contacted you for any new data, reports or WDNR/FMC correspondence regarding monitoring programs at the Flambeau Mine site. Could you please send me copies of the following?

1. FMC's first and second quarter 2014 groundwater monitoring reports
2. All 2014 Surface Water data submitted by FMC per the following terms of the approved infiltration basin monitoring plan:

NB-1 and EB-1 will be sampled twice a year for three years, once in the spring and once in the fall during a qualifying storm water runoff event. SW-C5, SW-C9, and SW-C1 will be sampled four times per year for three years, during a qualifying storm water runoff event. Sampling activities will begin the spring 2013 and conclude in the fall of 2015. A qualifying storm water runoff event will be determined by having visible surface water flow from the culvert under Highway 27 at SW-C9 ~~or~~ in the channel of Intermittent Stream C at SW-C1 which will trigger sampling.
and (see WDNR correction, March 21, 2013)

3. Copies of any correspondence or reports regarding: (1) performance of the infiltration basins at the Flambeau Mine site in 2013 and 2014; and (2) any activities taken by FMC to improve performance of the infiltration basins in 2013 or 2014. In particular, I am wondering what the outcome was of the following concern voiced by the Department in a December 2012 memo to FMC:

In addition, we understand that the project remains under construction. However, the infiltration basins did not function as planned in 2012. The basins maintained a more or less permanent pool of water unless mechanically pumped out. You should be aware that ponds within 500 feet of public waters such as Stream C or the Flambeau River require a permit under Chapter 30 WI State Stats. If the basins cannot be constructed to meet infiltration basin standards and continue to maintain a pool of water you will need to obtain a Chapter 30 permit to maintain those basins within 500 feet of public waters.

4. All 2013 and 2014 Flambeau River surface water data submitted by FMC.

Thank you,
Laura

Laura Gauger
Duluth, MN 55805

LJ Gauger

From: Fauble, Philip N - DNR
Sent: Monday, April 15, 2013 10:07 AM
To: 'Kozicki, Sharon V F'; Donohue, Steve
Cc: Kleist, Jon J - DNR; Moore, Bruce A - DNR; Aartila, Tom P - DNR; Jana Murphy (janamurphy@centurylink.net); Dave Cline; Hank Handzel
Subject: RE: Infiltration Basins at the Flambeau Mine Site

Thanks Sharon. I had Terry run down there on Friday to document things and he said the pumping setup was running well. The basins did not overtop, but he verified that they had no more than 1 foot of freeboard (about the same level as last year).

Philip Fauble, P.G.
Mining & Beneficial Reuse Program Coordinator Bureau of Waste & Materials Management Wisconsin Department of Natural Resources
(*) phone: (608) 267-3538
(*) fax: (608) 267-2768
(*) e-mail: Philip.Fauble@Wisconsin.gov

-----Original Message-----

From: Kozicki, Sharon V F [mailto:Sharon.Kozicki@Foth.com]
Sent: Friday, April 12, 2013 5:15 PM
To: Fauble, Philip N - DNR; Donohue, Steve
Cc: Kleist, Jon J - DNR; Moore, Bruce A - DNR; Aartila, Tom P - DNR; Jana Murphy (janamurphy@centurylink.net); Dave Cline; Hank Handzel
Subject: RE: Infiltration Basins at the Flambeau Mine Site

Thanks Phil,

Pumping has been going on since this morning and levels are down 4-inches now in the North and East Basins. The pump will continue to run into tomorrow and I will update everyone when the North and East Basins are pumped down.

Have a good weekend.

Sharon

Sharon V.F. Kozicki, P.G., C.E.M.
Lead Geologist/Project Manager
Foth Infrastructure & Environment, LLC
2737 South Ridge Road, Suite 600, P.O. Box 12326 Green Bay, WI 54307-2326
Ph: (920) 496-6737 / Cell (920) 819-8012 / Fax (920) 496-6902 <http://www.foth.com>

Go Green, keep it on the screen. Please do not print this email unless necessary.

-----Original Message-----

From: Fauble, Philip N - DNR [mailto:Philip.Fauble@Wisconsin.gov]
Sent: Thursday, April 11, 2013 2:42 PM

To: Kozicki, Sharon V F; Donohue, Steve
Cc: Kleist, Jon J - DNR; Moore, Bruce A - DNR; Aartila, Tom P - DNR; Jana Murphy (janamurphy@centurylink.net)
Subject: RE: Infiltration Basins at the Flambeau Mine Site

Thank you very much for your prompt response to this situation. And thanks to Jon for bringing this to our attention and, quite correctly, sounding the alarm.

On a broader issue, we clearly cannot continue responding frantically every spring when the North and East Basins fill up to capacity. That is not a viable management strategy. The basin waters may infiltrate eventually, but they are clearly having difficulty handling the spring melt volumes. With shifting global weather patterns accentuating extreme weather events, I don't see this situation getting much better in the future. I think it is time to discuss the installation of some sort of engineered emergency overflow system. Whether it is a simple rip-rapped apron or some sort of culvert, we need something in place to prevent overtopping of the sidewalls in these intense events.

We'll discuss this some more after things have quieted down this Spring.

Thanks all!

Philip Fauble, P.G.
Mining & Beneficial Reuse Program Coordinator Bureau of Waste & Materials Management Wisconsin Department of Natural Resources
(*) phone: (608) 267-3538
(*) fax: (608) 267-2768
(*) e-mail: Philip.Fauble@Wisconsin.gov

-----Original Message-----

From: Kozicki, Sharon V F [mailto:Sharon.Kozicki@Foth.com]
Sent: Thursday, April 11, 2013 1:35 PM
To: Fauble, Philip N - DNR
Cc: Kleist, Jon J - DNR; jana-murphy@clearwire.net; Moore, Bruce A - DNR; Aartila, Tom P - DNR; Heilman, Cheryl W - DNR; Correll, Megan E - DNR; Larson, Nancy J - DNR; Stephen Donohue; Summers, Keith J; Dave Cline; Parins, Greg; Nimmer, Mike
Subject: Re: Infiltration Basins at the Flambeau Mine Site

Hello,

Our contractor, Olynick, will be out by tomorrow to pump the basins down.

I will notify everyone when this has been completed.

Thanks,
Sharon

Sent from my iPhone

On Apr 11, 2013, at 10:49 AM, "Fauble, Philip N - DNR" <Philip.Fauble@Wisconsin.gov> wrote:

> Sharon,
>

> Yes, the priority is not to let these basins overtop. Pumping out to the mine site for infiltration as approved last year is fine.

>
>

> Philip Fauble, P.G.

> Mining & Beneficial Reuse Program Coordinator Bureau of Waste &
> Materials Management Wisconsin Department of Natural Resources

> (*) phone: (608) 267-3538

> (*) fax: (608) 267-2768

> (*) e-mail: Philip.Fauble@Wisconsin.gov

>
>

> -----Original Message-----

> From: Kozicki, Sharon V F [mailto:Sharon.Kozicki@Foth.com]

> Sent: Thursday, April 11, 2013 10:17 AM

> To: Kleist, Jon J - DNR

> Cc: jana-murphy@clearwire.net; Moore, Bruce A - DNR; Fauble, Philip N

> - DNR; Aartila, Tom P - DNR; Heilman, Cheryl W - DNR; Correll, Megan E

> - DNR; Larson, Nancy J - DNR; Stephen Donohue; Summers, Keith J; Dave

> Cline; Parins, Greg; Nimmer, Mike

> Subject: Re: Infiltration Basins at the Flambeau Mine Site

>

> Thank you for the information, Jon. Are the basins still ice covered? I am in touch with our engineers.

>

> Phil, do we have a green light to handle this the same as last year by pumping them out to the north?

>

> Thanks,

> Sharon

>

> Sent from my iPhone

>

> On Apr 11, 2013, at 9:35 AM, "Kleist, Jon J - DNR" <Jon.Kleist@Wisconsin.gov> wrote:

>

>> Hi Jana and Sharon, I just left voice mail messages for both of you and thought I needed follow up with an email. I was in Ladysmith on the 9th and noticed that east and north infiltration basins were very full of water. I did not stop and read the staff gage, but estimated there was maybe a foot or a little less of freeboard before the basins would overtop. One of the staff at the Ladysmith office called me this morning and noted that there was maybe 6 inches of freeboard left before the basins overtop. There is snow and rain predicted for that area today. I thought you needed to be aware of this and should consider taking the necessary actions.

>>

>> Jon

>>

>> * Jon Kleist

>> Water Quality Biologist

>> Park Falls Service Center

>> 875 South 4th Avenue

>> Park Falls WI 54552

>>

>> (*) phone: (715) 762-1344

>> (*) fax: (715) 762-4348

>> (*) e-mail: jon.kleist@wisconsin.gov

>

> _____

>

> IMPORTANT NOTICE

> This communication including any attachments, (E-mail) is confidential and may be proprietary, privileged or otherwise protected from disclosure. If you are not the intended recipient, please notify the sender, permanently delete this E-Mail from your system and destroy any copies. Any use of this E-Mail, including disclosure, distribution or replication, by someone other than its intended recipient is prohibited.

>

> This E-Mail has the potential to have been altered or corrupted due to transmission or conversion. It may not be appropriate to rely upon this E-Mail in the same manner as hardcopy materials bearing the author's original signature or seal.

>