



Maine Conservation Voters

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TESTIMONY OF MAINE CONSERVATION VOTERS
BEFORE THE BOARD OF ENVIRONMENTAL PROTECTION
OPPOSING THE DRAFT CHAPTER 200 RULES FOR METALLIC MINERAL MINING
October 17, 2013

Good Afternoon Chairman Foley and members of the Board of Environmental Protection. My name is Beth Ahearn and I am testifying on behalf of Maine Conservation Voters, a nonpartisan, nonprofit organization that works to make Maine's environment a political priority.

We are testifying today to express concern that the draft chapter 200 rules for metallic mineral mining are not protective enough of water quality or of taxpayers. We respectfully urge you to make them stronger in the following ways.

- 1. The rules should require 100% of closure and remediation costs up front and require a third party assessment of those costs.**

The cost of operating a metallic mineral mine to minimize toxic pollution is extremely high and the cost of cleaning up a site after the minerals have been extracted is even higher: Five copper mines have operated in New England since 1945; three in Vermont and two in Maine. All of the Vermont sites and the Callahan mine in Brooksville, Maine are federal Superfund sites. We are paying for the cleanup costs as federal taxpayers and for the Brooksville site, Mainers are paying an additional 10% of the annual cost. The Kerramerican Mine in Blue Hill has caused extensive pollution and Maine brought suit against the owners of the mine to force them to cover the clean ups costs, which were calculated to be about \$11 million (BDN, 6/27/07, <http://archive.bangordailynews.com/2007/06/27/settlement-reached-in-blue-hill-mine-cleanup/>).

The track record is poor.

Even though mining proponents claim that "this time will be different" the basic chemical reaction of water and oxygen contacting sulfide rock is a toxic one. Sulfides are easily oxidized. So when massive amounts of waste rock are exposed and it rains, a natural chemical reaction produces

sulfuric acid. This sulfuric acid causes Acid Mine Drainage which then leaches out heavy metals from mine waste and the surrounding rocks. These metals can include arsenic, lead, mercury and cadmium. (A picture of acid mine drainage from the Formosa mine in Oregon is attached). The Environmental Protection Agency (EPA) has reported that “the metal mining industry was the largest toxic polluter in 2000, releasing 3.4 billion pounds of toxics, or 47 percent of the total toxic pollution by U.S. industry” (U.S. EPA National Identification of Hardrock Mining Sites- <http://www.epa.gov/oig/reports/2004/20040331-2004-p-00005.pdf>).

The best way to minimize toxic pollution from metallic mining is to “clean as you go;” to cover the waste rock as soon as possible, to cap the areas where extraction has been completed. The financial assurance rule requires that 50% of the closure cost be assured; it is less financially risky to taxpayers to require 100% of the funds for closure and remediation are financially assured before the mining operations commence. Mining companies are notorious for filing bankruptcy and leaving the cost of cleanup with the taxpayers. Requiring a third party to assess the costs of closure and remediation instead of relying on the operators’ estimate is prudent to obtain an accurate assessment.

2. The rules should require mining companies to design mines that will complete wastewater treatment within ten years post closure instead of thirty years.

If a mine is designed to operate as cleanly as possible, using best management practices, and cleanup work is ongoing during the operation, ten years after the mine is closed should be ample time to complete wastewater treatment. Mines that are designed to require wastewater treatment for more than ten years run the risk of requiring perpetual water treatment. The likelihood that funds for treatment will run out after ten years is increased as well.

3. The Rules should require minimal contamination of groundwater and monitoring not more than 100 feet from a particular mining activity.

The rules are unclear as to compliance monitoring and do not set any default distance for it. Requiring testing wells to be located 100 feet from mining activity such as a waste rock pile or a tailings pond is reasonable. This distance is required in the solid waste rules (chapter Chapter 405 - DEP’s solid waste rules) states:

The downgradient monitoring wells must be located as close as practical to the solid waste boundary(s) of landfills, or the waste handling area of solid waste facilities that are not landfills, but in no case greater than 100 feet away, unless placing some of the wells at greater distances enhances the ability to detect a release from the facility. In such a case, placement of wells more than 100 feet distant may be proposed for approval by the Department.

As stated earlier, mining creates toxic waste. Compliance standards should be at least as stringent as they are for non toxic solid waste. We recommend that you use the language from LD 1302, introduced last session: *Minimizing groundwater contamination: A permittee shall minimize the contamination of groundwater to the greatest extent practicable. The department shall require that compliance monitoring wells be located as close as physically practicable to, but not more than 100 feet from, the activity unit being monitored for groundwater contamination. The department may approve an alternative water monitoring location only if the operator demonstrates the location is protective of the environment and public health and safety and a closer location is not feasible or effective.*

In sum, improving the metallic mining rules in these ways will not alleviate the risks associated with mining. They should, however, lessen those risks. We are not opposed to mining, but we are opposed to mining that pollutes our water and leaves us paying for the costs of cleanup. I hope you take time to address these concerns. Maine's waters are too important to our economy, our health and our way of life to do anything less. Maine people share our concern.

I'm including in my testimony the names of over 500 people from across the state who have signed an online petition stating:

We need mining rules that are smart and fair. Maine's mining rules should include strong clean-water protections, and taxpayers should never be left footing the bill for cleanup costs after mining corporations have extracted the profits.

Thank you for the opportunity to address you today.