

PROTECTING AMERICA'S WATERS FROM IRRESPONSIBLE MINING: Close the Clean Water Act's Mining Waste Loopholes



MONTANORE MINE, MONTANA

The glaciated landscape of northwest Montana and the Cabinet Mountains features hundreds of pristine mountain lakes prized by anglers willing to hike to remote wilderness areas with their fly rods. The proposed Montanore and Rock Creek mines would be two of the largest underground copper and silver mines in North America, and would target the same fragile wilderness, changing a landscape known for its subalpine scenery, crystalline mountain lakes and streams, and rich wildlife habitat into an industrial mining district.

MINING LOOPHOLES IN THE CLEAN WATER ACT

One of the most important goals of the federal Clean Water Act (CWA) is to prohibit the use of our nation's waters as dump sites for pollution. Unfortunately, public officials have undercut that goal by adopting **two regulatory loopholes that allow hard rock mines to treat the nearest lake or wetland as a waste dump** for massive quantities of toxic, acid-producing tailings.

The mining industry is the single largest source of toxic waste and one of the most environmentally destructive industries in the country. Today's massive mining operations involve blasting, excavating, and crushing many thousands of acres of land and treating the ore with huge quantities of toxic chemicals such as cyanide and sulfuric acid.

The mines that produce our gold, silver, copper, and uranium are notorious for polluting adjacent streams, lakes, and groundwater with toxic by-products. In fact, the Environmental Protection Agency (EPA) estimates that **40% of the headwaters of watersheds in the western United States are contaminated by pollution from hard rock mines**. Toxic spills and acid mine drainage kill wildlife, poison community drinking water, and pose serious health risks.



*Lynx are at risk from the proposed Montanore mine.
Photo: Flickr/mikebaird.*

IMPACTS TO COMMUNITIES AND WILDLIFE



Rock Lake. Photo: Earthworks.

The Montanore mine would have significant impacts upon the watershed and the Cabinet Mountains Wilderness. The current proposal would involve:

- Extensive dewatering due to underground excavation, depleting groundwater in the region and **potentially decimating bull trout populations**. The impacts of dewatering would be particularly severe along the East Fork of Bull River, the most productive bull trout fishery in the Lower Clark Fork River Bull Trout Recovery Area. All trout species in the watershed would be impacted by the introduction of sediment and heavy metals into local spawning streams as a byproduct of the mining process.
- Construction of a tailings reservoir in the Upper Kootenai River watershed capable of containing **120 million tons of mining waste in perpetuity**. The tailings dam would eventually be 10,300 feet long, 360 feet high (110 feet taller than the Fort Peck dam), and have a footprint of over 600 acres. Tailings and other mining waste would be dumped directly into the streams, jurisdictional wetlands, and springs located within the impoundment.
- Habitat loss and degradation harming federally listed **bull trout populations** and vulnerable wildlife species such as **lynx, grizzly bears, wolverines, and mountain goats**. This harm would be compounded by noise and visual impacts from blasting, heavy equipment operation, increased traffic, and helicopter use.

MINE WASTE AND CLEAN WATER DON'T MIX

The Zortman Landusky mine in the Little Rocky Mountains of north central Montana is a tragic illustration of why mining waste and water don't mix. The massive heap leach gold and silver mine, which operated just south of the Fort Belknap Reservation until 1998, was responsible for over a dozen cyanide spills, including one spill of 50,000 gallons that contaminated community tap water and forced the shut-down of the local water system. Zortman Landusky left a legacy of environmental and community destruction.

Even after the mine's closure, acid mine drainage continues to contaminate surface and groundwater and has degraded virtually every drainage flowing through the mine site. The state has determined that the pollution is so severe that expensive water treatment will be required in perpetuity.

In 1998, the mine company filed for bankruptcy, leaving the public with a liability of \$33 million in long-term water treatment and reclamation costs.



Acid mine drainage from the Zortman Landusky mine. Photo: Earthworks.

WE CAN CLOSE THE MINING LOOPHOLES



The dewatering of streams will put bull trout at risk. Photo: USFWS.

Discharging wastes into waters may be cheaper for mining companies, but it is not a necessary way of doing business. In 1975, EPA began adopting "effluent limitations" that require mines to treat their wastes and meet strict water quality standards, in some cases prohibiting discharges into waters altogether. As part of this process, EPA studied the industry and determined that the effluent limitations were not only feasible but already being met by most mines. These limits, if applied consistently today, would prevent hard rock mines from "storing" their wastes in our waters. Unfortunately, the two CWA loopholes have made the effluent limitations largely ineffectual.

The good news for people who care about pure water, community health, and abundant wildlife is that **EPA and the Army Corps of Engineers can close the mining loopholes**

with two simple changes to the Clean Water Act regulations. Closing the loopholes would not prohibit hard rock mining but it would greatly reduce the negative environmental impacts from large mines.

As a nation, we decided that industries should not be able to profit from polluting the waters that sustain America's communities, fish, and wildlife. Help us close the two loopholes in the Clean Water Act that encourage irresponsible mining practices and irresponsible mines such as the Montanore mine in Montana.

TAKE ACTION: Go to www.nwf.org/miningloopholes

For more information, please contact:

Alexis Bonogofsky
Tribal Lands Conservation Program Manager
National Wildlife Federation
2020 Tired Man Road Billings, MT 59101 · (406) 698-4720
bonogofsky@nwf.org

Tony Turrini
Senior Counsel, Pacific Regional Center, Alaska Office
National Wildlife Federation
turrini@nwf.org