

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



MT. EMMONS MINE, COLORADO

U.S. Energy is proposing a large-scale molybdenum mine in central Colorado on the flanks of the iconic Red Lady (Mt. Emmons). The Mt. Emmons mine would be located just a few miles upstream from the ski town of Crested Butte and would transform a landscape renowned for its backcountry skiing, hiking, and fly fishing into a waste land covering hundreds of acres, where the land would be stripped to bed rock and strewn with toxic waste tailings ponds.

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 molybdenum 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 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.



Rocky Mountain Elk are at risk from the proposed Mt. Emmons mine. Photo: USFWS.

IMPACTS TO COMMUNITIES AND WILDLIFE



Crested Butte, Colorado. Photo: Flickr/TrailSource.com.

The Mt. Emmons mine would have major impacts upon the local watershed. The most recent plans indicate that the operation would involve:

- Generating more than **6,000 tons of mined ore per day for 10.5 years**. The mine would produce massive amounts of waste rock, only half of which could be returned underground as backfill even under the best case scenario.
- Building extensive tailings dump sites in the headwaters of Ohio and Carbon Creeks. To contain the toxic mining waste produced by a large molybdenum mine, U.S. Energy would construct one or more tailings impoundments of approximately **200 total acres bounded by earthen dams 200 feet tall**. The proposed location of the dump sites is a critically important water recharge area for both Ohio and Carbon Creeks.
- Construction of a vast industrial complex including mills, slurry pipelines, and roadways; potential surface subsidence and acid mine drainage; and the **destruction of 200 acres of healthy, diverse forest and wetlands** that would be clear-cut and stripped to bedrock in order to construct the mine and tailings ponds.

MINE TAILINGS AND CLEAN WATER DON'T MIX

We don't have to look far to find a graphic example of why mine waste and clean water don't mix. U.S. Energy, the same company pushing to open the Mt. Emmons mine, is already paying close to two million dollars a year to clean up toxic mining waste from the Keystone mine, a heavy metal mine owned by U.S. Energy at the same location as the proposed Mt. Emmons mine. The Keystone mine left a legacy of collapsed tailings dams and acid mine drainage, jeopardizing water quality in Coal Creek and threatening local drinking water supplies. Water flowing from the Keystone mine now requires costly and complex treatment before it can be discharged to Coal Creek and that treatment will be required in perpetuity.

With the same mining company operating in the same fragile watershed--but at a much greater scale--significant impacts to surface and ground waters are virtually inevitable. These impacts might not only affect the local environment and residents of Crested Butte; the area's network of pristine **streams and wetlands could carry pollutants from the Mt. Emmons mine downstream to the town of Gunnison and eventually to Blue Mesa Reservoir, the largest body of water in Colorado.**



Acid mine drainage can have long-term devastating impacts on water, communities, and wildlife. Photo: Earthworks.

There is no single solution to the problems posed by hard rock mining, but one obvious step is to stop mines from dumping their toxic wastes into lakes, rivers, and wetlands. Aquatic ecosystems are among our most valuable community and wildlife resources. They are also natural conduits that can transport pollution for miles if a mining waste impoundment is improperly built, fails, or deteriorates with age.

WE CAN CLOSE THE MINING LOOPHOLES

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 Mt. Emmons mine in Colorado.

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

For more information, please contact:

Dan Morse,
Executive Director
High Country Citizens' Alliance
dan@hccaonline.org

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