

From: [Lew and Kelly Kingsbury](#)
To: [DEP, MiningComments2016](#)
Subject: Public comments concerning the Chapter 200 Metallic Mineral Exploration, Advanced Exploration and Mining Proposed Rules Dated 11/16/16
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Public comments concerning the Chapter 200 Metallic Mineral Exploration, Advanced Exploration and Mining Rules Dated 11/16/16

Comment 1.

Under Subchapter 1. Definitions states under **Tailings**. "Tailings" means those portions of a metallic mineral deposit remaining after extraction of minerals by physical or chemical means.

This is interpreted by the reviewer as those wastes that come out of the beneficiation plant after the targeted minerals have been extracted.

Under Subchapter 3. Prohibitions. Tailings ponds have been prohibited for group A wastes. (wastes that have an acid generating potential or exhibit a characteristic of hazardous waste).

This has been interpreted by the reviewer to mean that all waste coming out of a beneficiation plant will be treated under the requirements of dry waste storage.

Under Subchapter 5. Mining Standards **H. Containment Structures** it states (1) Containment structures include waste containments, tailings impoundments, water impoundments, and other on-site-constructed tanks and containments.

Section H must be modified to clarify that tailings waste must be stored using dry storage containment only.

Under Subchapter 1. Definitions **Wet Mine Waste Unit**. "Wet mine waste unit" means: (1) A mine waste unit that uses water as a cover to minimize oxygen advection and diffusion to Group A waste in a manner that effectively inhibits the formation of acid rock drainage;

Comment 2.

Under **SUBCHAPTER 5: MINING STANDARDS H. Containment Structures**.

The reviewer interprets this section as allowing earthen dam containment structures with a wet cover to contain group A and B wastes. This is unacceptable. The public will not allow "waste ponds" to be used in metallic mining waste storage.

The overview of the proposed rule change states that these wet mine waste units are allowed for active treatment

until 10 years after mine closure. This is unacceptable. The McKay School of Mines at the University of Colorado recognizes that earthen dam wet mine waste units are permanent structures requiring perpetual treatment. It is impossible to remediate these waste ponds. The public will not allow this.

Please revise the proposed rules to mandate that all group A and B waste will be contained and stored using dry waste storage technologies or other acceptable technologies that will not fail under extreme weather events. If this is not feasible then metallic mining should not be allowed in Maine.

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