

Additional Testimony in Opposition to

**Chapter 200: METALLIC MINERAL EXPLORATION, ADVANCED EXPLORATION
AND MINING**

By Nick Bennett, Staff Scientist

December 16, 2016

Chairman Parker and Members of the Board of Environmental Protection:

NRCM continues to strongly oppose these draft rules. We oppose them for the reasons we have described in testimony we submitted on September 15 and in additional testimony we submitted on September 26. The additional changes DEP has proposed do not make these rules acceptable. The rules as amended would not protect Maine's clean water or taxpayers from the risks of mining pollution.

NRCM has the following specific comments on DEP's proposed November 16, 2016 changes to the Chapter 200 rules:

Section 1: Definition of Wet Mine Waste Unit

NRCM still does not understand the term "wet mine waste unit." DEP made up this term and its meaning remains unclear. What would a wet mine waste unit for the storage of millions of tons of waste rock look like? How would a mining company create such a unit? Would it dig a vast hole in the ground or impound a river or stream? These are important questions that DEP has still not answered.

Section 3: Prohibitions

The prohibition of tailings impoundments for Group A wastes while still allowing other "wet mine waste units," whatever those are, for Group A wastes makes no sense. Tailings and waste rock are the same thing. If DEP requires dry management for tailings but allows the creation of huge impoundments or lakes to store waste rock underwater, DEP will be courting the same types of disasters that occur with tailings dam failures.

Furthermore, tailings dam failures also occur at mines that generate only Group B or C wastes. These failures can be catastrophic, as at the Mount Polley Mine in British Columbia and the Samarco Mine in Brazil.

DEP should require dry management for all mining waste streams for Group A, B, and C wastes.

Section 17: Financial Assurance and Insurance Requirements

The rules should require a third-party estimate of the cost of a worst-case scenario mine failure, require any applicant to provide financial assurance in that amount as a permit condition, and require the applicant to pay for the third-party estimate. The changes DEP has proposed do not even use the words “worst case scenario,” and they do not require a third-party analysis.

Section 20 Performance Standards

NRCM strongly objects to the removal of the prohibition of mining under great ponds, rivers, brooks, streams, and coastal wetlands. Sub-surface mines have large-scale surface facilities with air and water dischargers associated with them. Such facilities would harm both the environmental quality and character of any Maine waterbody.

Maine lakes alone support about 52,000 jobs with an economic impact of \$3.5 billion annually. Mining in Maine will never come close to that. It makes no sense to threaten our lakes and other waters by allowing subsurface mines underneath them and associated surface facilities next to them.

In conclusion, NRCM continues to oppose the draft Chapter 200 rules and urges the BEP to reject them.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Bennett". The signature is fluid and cursive, with a large initial "N" and "B".

Nick Bennett
Staff Scientist