



CONGRESSIONAL GUIDE: HEARINGS ON THE GOLD KING MINE/ANIMAS RIVER DISASTER

The Gold King mine waste spill into the Animas River in Colorado has focused national [media](#) and political attention on the broader problem of approximately 500,000 abandoned and inactive mines that threaten catastrophe.

What happened?

A gold mine, inactive since 1923, had been leaking 200-300 gallons/minute of sulfuric acid laden water into Colorado's Animas River. A contractor working for EPA looking for rock strong enough to support remediation activities accidentally loosened the bedrock allowing 3 million gallons of mining wastewater to spill into the river.



Animas River before and after the mine waste spill

The Problem

- No dedicated funding source for clean up. Unlike coal, hardrock miners pay no reclamation fee leaving taxpayers with an EPA estimated \$50 billion price tag. Earthworks [estimates](#) there are over 500,000 abandoned and inactive hardrock mines strewn across the country. A 2011 GAO [report](#) says the Federal Government has no accurate inventory of these mines.
- [At least 40%](#) of the streams feeding the headwaters of Western watersheds are polluted from mining. That's because many mines -- like Gold King -- have significant acid mine drainage problems, which can persist for thousands of years if left untreated.
- [The 1872 Mining Law](#) allows corporations, foreign and domestic, to take public minerals, owned by us, the taxpayers, for free. It contains no environmental provisions, requires no cleanup after mining is over, and unlike the law governing coal mining, does not require hardrock mining companies to pay a fee to clean up the legacy of pollution.
- [Loopholes in the Clean Water Act](#) allow mines to dump their toxic wastes directly into our lakes, rivers, and wetlands.

The Solution

1) Congressman Raul Grijalva has introduced [HR 963](#), the Hardrock Mining Reform and Reclamation Act of 2015 and Senator Martin Heinrich has announced that he will introduce a bill in the Senate.

[Modernizing the 1872 Mining Law](#) means:

- Protecting watersheds and taxpayers by creating a dedicated funding source for abandoned mine cleanup- a reclamation fee just like the coal industry;



- Allowing federal land managers some discretion to balance mining with other land uses;
- Establishing strong environmental standards for hardrock mining operations and reclamation;
- Providing a fair return (royalty) to the American taxpayer for the minerals extracted from our public lands.

2) Many inactive mines like Gold King are not abandoned. They have current owners who should be held accountable for their pollution.

- EPA has agreed to a timeline to establish bonding requirements for hardrock mines under the Superfund law ([CERCLA §108b](#))
- BLM and the Forest Service should update their [43 CFR Part 3809](#) and [36 CFR Part 228](#) regulations to [reduce dangers](#) posed by mines with long periods of inactivity.

3) The problem is not limited to old or inactive mines. Modern mining often pollutes water for thousands of years and loopholes in the Clean Water Act allow mines to dump toxic mine waste directly into our nation waterways.

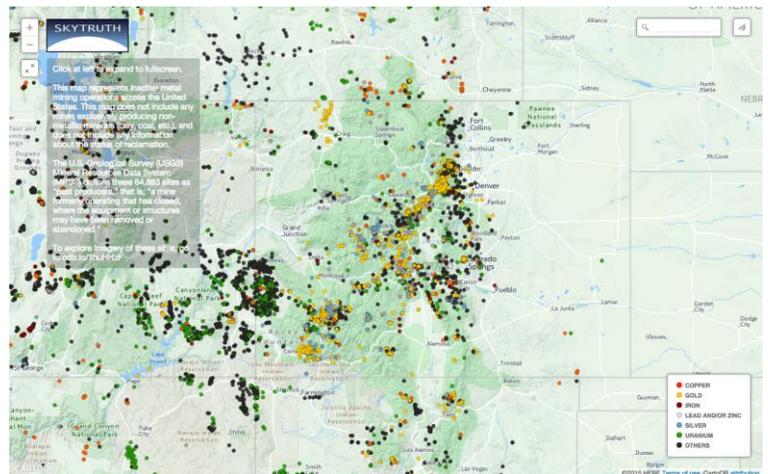
- The EPA can, and should, close the two loopholes in the Clean Water Act that threaten our rivers, lakes and streams with mine waste pollution.

Questions for EPA/BLM

- Have EPA or BLM considered convening an external review panel of diverse stakeholders to make recommendations?
- How many mines have EPA and BLM successfully cleaned up?
- How would updated bonding requirements help prevent future disasters?
- How would updated BLM rules for inactive mines help prevent future disasters?
- How would instituting a dedicated funding source, such as the reclamation fee for the coal mining industry, help defer taxpayer liability?
- Is the EPA concerned that the Clean Water Act loopholes for mining could contribute to future mine disasters?

For more information

- High Country News [Gold King Mine water was headed for the Animas, anyway](#)
- Al Jazeera America Opinion [The Colorado mine spill was predictable and preventable](#)
- Earthworks [Major Colorado mine waste spill highlights urgency for comprehensive mining law reform](#)
- Pew Charitable Trusts [Campaign for Responsible Mining](#)
- Earthworks [Mining 101](#)



A [new map](#) from Earthworks and SkyTruth documents known abandoned mines in the U.S.

